

**TAOS PINES RANCH ARCHITECTURAL CONTROL COMMITTEE**

**POLICIES AND PROCEEDURES**

The ACC, established under the provisions of Article XI of the Taos Pines Ranch Protective Covenants, will interpret the Covenants to accomplish the following objectives.

First, the ACC will protect the Covenants as written.

Second, the ACC will protect the individual lot owner's right to use his property as he sees fit as long as it does not infringe on the Covenants or other lot owners' freedom enjoy their lots.

Third, the ACC will enforce the intent of the Covenants as defined in Articles II through XI of the covenants.

Fourth, the ACC will enforce its policy on mobile or manufactured homes. A manufactured home is described as a home which is constructed off-site, in total or in sections, and moved onto the property. Such homes will include, but not be limited to, single-wide, double-wide and so-call "preferred" homes. Homes in Taos Pines Ranch must be constructed on-site and from the home's foundation. A home must be built so that it will not obstruct the view from another owner's home and it may include a basement, if appropriate for the site.

**PROCESS FOR REVIEWING CONSTRUCTION DOCUMENTS**

Lot owners desiring to construct a home will submit to the ACC one (1) complete set of construction documents with a site plan indicating the location of the improvements including structure, well, septic, propane tank, and driveway location.

Since many Taos Pines Ranch lots have difficult terrain to deal with, much thought must be given to the route from the road to the site of the improvement.

It is required that the driveway be designed to minimize crossing of natural drainage channels and be cross-drained by the use of a rolling dip or culvert. It is recommended that the driveway not exceed 12' of disturbed soil in construction and that the drainage of the roadway be maintained where the driveway enters the road.

An appropriate culvert or, if the driveway drains onto the road, a drain grate will be installed in lieu of a culvert. The ditch along the lot owner's property must be opened to insure that water falling on his property will drain toward the culvert that will channel the water under the road.

In designing the driveway, it must meet county requirements for ingress and egress of emergency vehicles, i.e., fire trucks, ambulances, etc. Further, defensible space and turn around

requirements for emergency vehicles must be considered as outlined in the “Resources for Home Owners” page posted on the Firewise Community website (Firewisecommunities/usa.com).

If a lot owner chooses to install his driveway or other infrastructure before building his house, he shall submit plans to the ACC to be sure of compliance with the above.

### **ASSESSMENT FEE FOR NEW HOME BUILDERS**

Because the condition of Taos Pines Roads is of primary importance to all lot owners in Taos Pines Ranch and new home construction traffic has an impact on our roads, the ACC and the Association Board of Directors adopted a \$10,000.00 impact fee to be assessed on new home builders before construction begins. This impact fee is to be placed in an escrow account set aside by TPRPOA for the sole purpose of road improvement and maintenance. When the improvements to the property have been completed, the owner will report to the ACC who will conduct a final inspection. If the home builder complies with all ACC requirements as to driveway design, and all other provisions in the Covenants, ingress and egress, defensible space and other Firewise requirement, he shall be refunded \$5,000.00 from the escrow account. The other \$5,000.00 will remain in the TPRPOA road account to be used specifically for road improvements.

If compliance is not met, the ACC will inform the Association Board of Directors who will pursue compliance as described in Article XIV of the Covenants.

### **PROCESS FOR PETITION FOR VARIANCE**

All petitions for a variance to any portion of the Covenants submitted to the ACC will be in writing. The petition will identify whom the petitioner is, what lot is involved, a description of the variance being sought, a reason why the variance is being sought, and the identification of the adjoining lots and their owners. The following documentation must be attached to the variance request, (a) a copy of the letter written to the adjoining lot owners by the petitioning lot owner explaining the reason for the variance, (b) the original of the written response from each adjoining lot owner indicating that the lot owner is aware of the variance being sought and approves of such variance, and (c) the original of the certification document indicating that the letters of the adjacent lot owners were sent via certified mail. In the event that an adjoining lot owner does not reply, the petitioner must attach a statement of the efforts made to contact the non-responding adjacent lot owner. The ACC may decide to approve a petition for variance even though adjoining lot owner(s) have not responded. A non-response to a petition for variance by an adjoining lot owner is not a sufficient response to preclude approval of requests for variance

as long as the petitioning lot owner has exhausted all effort to contact the non-responding lot owner. The yardstick to be used by the ACC to decide petitions in such cases will be based on what would be expected of a reasonable person.

The ACC will consider such petition in a timely fashion including collecting additional information with which to make an informed decision under the guidelines above. The ACC shall respond to the petitioner in writing with copies of such response sent to the adjoining lot owners.

If a petition is received without proper documentation or explanation, the ACC will directly return it to the petitioner without action. Once the appropriate documentation and information has been included it may be resubmitted.

### **PROCESS FOR ANSWERING QUESTIONS FROM PROSPECTIVE BUYERS**

From time to time, prospective buyers may have a need for interpretation of the Covenants prior to their purchasing a lot in Taos Pines. To the extent possible, such questions should be answered with due deliberation of the ACC. Ideally, such issues should be submitted in writing, but verbal questions may be posed. Any question involving potential petitions for variance to the Covenants should follow the process outlined above for petitions for variance. Upon review of issues involving potential petitions for variance to the Covenants by prospective buyers, the ACC shall render an answer to the posed questions by the prospective buyer, but in no case will the ACC grant a variance to the covenants to prospective buyers or non lot owners. One must own a lot in Taos Pines Ranch to receive a variance to the Taos Pines Ranch

### **ACC COMMITTEE MEMBERS**

The ACC shall consist of four members of TPRPOA who have constructed homes on their lots. The ACC will meet in a timely fashion to review submissions and to visit the site. Upon completion of the review, an approval letter will be sent to the owner. The construction documents will be retained for review at the completions of the project.

The ACC will be available to offer help and advice to prospective home builders.