

CANYON DEL RIO
ARCHITECTURAL CONTROL COMMITTEE
MANUAL OF GUIDELINES AND PROCEDURES
ADOPTED ON OCTOBER 29, 1998

TABLE OF CONTENTS

1	Property Included.....	1
2	Property excluded.	1
3	Authority and Purpose.	1
	3-1 Authority to Establish the Architectural Control Committee.	1
	3-2 Design Review.	1
	3-3 Rulemaking authority.....	2
	3-4 Purpose.....	2
	3-5 Reservation of right to amend.....	2
4	Application and review procedures.....	3
	4-1 Application mandatory.....	3
	4-2 Pre-application process.	3
	4-3 Owner's responsibility.....	3
	4-4 Application.....	3
	4-4-1 Application form.	3
	4-4-2 Plot Plan.....	4
	4-4-3 Construction drawings.	5
	4-4-4 Water and liquid waste plan.....	5
	4-4-5 Drainage Plan.....	6
	4-4-6 Application Fee.....	6
	4-5 ACC review.	7
	4-5-1 Certificate that application is complete.	7
	4-5-2 Written approval or disapproval.	7
	4-5-3 Supplemental information.....	7
	4-5-4 ACC decision is final.	7
5	Design Standards for Single Family Dwellings.....	8
	5-1 Restrictive Covenants.	8
	5-2 Building Setbacks.	8
	5-2-1 Front.....	8
	5-2-2 Side.	8
	5-2-3 Rear.	8
	5-2-4 Drainage easements.....	8
	5-2-5 Contiguous lots.	8
	5-2-6 Ingress and egress on corner lots.	9
	5-2-7 Variance.	9
	5-3 Minimum square footage.....	10
	5-3-1 Main Structure.	10
	5-3-2 Minimum Width.	10

	5-3-3	Garage required.....	10
5-4		Exterior design of main dwelling.....	10
	5-4-1	Exterior surface.....	10
	5-4-2	Color of exterior surface material.....	10
	5-4-3	Exterior surface treatment.....	10
	5-4-4	Building heights.....	10
	5-4-5	Roofs.....	10
5-5		Outbuildings.....	11
5-6		Patios, decks and porches.....	11
5-7		Electric, telephone and cable TV lines.....	11
5-8		Drainage.....	12
5-9		Antennas and satellite dishes (Reserved).....	12
5-10		Exterior lighting (Reserved).....	12
5-11		Butane tanks (Reserved).....	12
5-12		Fences and walls (Reserved).....	13
5-13		Landscaping (Reserved).....	14
5-14		Reserved.....	15
5-15		Reserved.....	16
5-16		Manufactured housing design standards.....	17
	5-16-1	Purpose of separate design criteria.....	17
	5-16-2	Definition of manufactured housing.....	17
	5-16-3	Proof of construction standards.....	17
	5-16-4	Year of manufacture.....	17
	5-16-5	Ground level installation.....	17
	5-16-6	No skirting.....	17
	5-16-7	Removal of running gear.....	18
	5-16-8	Permanent foundation.....	18
	5-16-9	Stemwall backfill.....	18
	5-16-10	Garage required.....	18
	5-16-11	Tax assessment as real property.....	18
6		Reserved for design standards for multi-family and commercial.....	19
7		Individual domestic wells.....	21
	7-1	Waiver of right to provide service.....	21
	7-2	Application for waiver.....	21
	7-3	Review criteria.....	21
	7-3-1	Availability of public utilities.....	21
	7-3-2	Depth and supply of potable water.....	21
	7-3-3	Well permit and water rights.....	21
	7-3-4	Minimum lot size.....	21
	7-3-5	Development planning.....	22
	7-3-6	Landscaping plan.....	22
	7-3-7	Obligation to connect.....	22

8	Individual Septic Systems.	22
8-1	State Environment Department Approval.	22
8-2	Obligation to connect.	22
8-3	Restrictive Covenant.....	22

Architectural Control Committee Manual of Guidelines and Procedures

Valley Improvement Association, Inc., as successor to the developer, Horizon Corporation, adopts the following Architectural Control Committee Manual of Guidelines and Procedures for certain units in Canyon del Rio, a subdivision in Valencia County, New Mexico.

1 Property Included. This manual shall govern all units, blocks and lots in Canyon del Rio, a subdivision in Valencia County, New Mexico, unless excluded by VIA (the property which is subject to this manual is called "the property" in this manual). The property governed by this manual is described by plat recording information in Appendix A.

2 Property excluded. VIA may from time to time designate certain units or areas within units as Special Development Areas, in which case some or all of the provisions of this manual may not be appropriate and shall not apply or may be replaced by other criteria as determined by VIA.

3 Authority and Purpose.

3-1 Authority to Establish the Architectural Control Committee. Each of the units in Canyon del Rio described above is governed by this manual are subject to certain restrictive covenants which run with the land and were imposed by Horizon Corporation, which was designated as developer in the covenants, for the benefit of all present and future owners of the property. Each set of covenants authorizes Horizon Corporation or its successor (VIA) to appoint an Architectural Control Committee (referred to as the "ACC" in this manual). Appendix A identifies the covenants that apply to each unit by reference to recording information.

3-2 Design Review. Each set of covenants contains a provision substantially as follows, which empowers the ACC to review all proposed improvements to the property:

In order to assure first class development in harmony with the surrounding areas and commonly known concepts of good land planning and design, no building shall be erected, placed or altered on any lot, until a full set of architectural and construction exhibits shall have been approved in writing by Horizon Corporation, its successors in interest as developer only, or by the Architectural Control Committee, as the case may be. These exhibits shall include, but not be limited to, detailed construction plans and specifications which indicate the quality of workmanship and materials, exterior design and color scheme, as well as a plot or location plan showing the location of all structures on the lot, landscaping, existing topography and finished grade elevations. No fence or wall shall be erected, placed or altered on any lot unless specifically approved as to location, height and materials.

3-3 Rulemaking authority. The covenants authorize the adoption of rules,

regulations and bylaws to assure that the ACC continues and is able to perform its functions under the covenants.

3-4 Purpose. The purpose of this manual is to establish guidelines and procedures for the ACC to regulate, in accordance with the restrictive covenants and all applicable statutes, regulations and ordinances, the design, appearance, and location of improvements and landscaping on the property in such a manner as to promote those qualities in the environment that bring value to the property, foster attractiveness and functional utility of the community as a place to live, and to assure that all buildings, improvements and alterations on the property are in harmony with existing and proposed development and with the natural environment.

3-5 Reservation of right to amend. VIA reserves the right to amend this manual on its own initiative or upon the recommendation of the ACC. This power to amend includes, but is not limited to, the power to change procedures, amend design standards, and to designate and adopt special design criteria for Special Development Areas. Under separate bylaws or statements of policy, VIA may set forth its procedures for considering amendments.

4 Application and review procedures.

4-1 Application mandatory. Any owner of the property who is contemplating an improvement to the property, removal of an existing improvement, or the alteration of a boundary or easement pertaining to the property must file an application with, and obtain the approval of, the ACC before commencing any work on the property. Improvements which are subject to this provision include but are not limited to dwellings, outbuildings, garages, storage sheds, carports, other buildings, porches, sidewalks, fences, walls, major grade changes, wells, septic systems and changes to existing drainage patterns.

4-2 Pre-application process. A representative of the ACC or VIA shall meet with, or otherwise exchange information with, any property owner desiring to complete or place improvements on the property. The representative shall inform the property owner of the procedures and design criteria in this manual, the provisions of the restrictive covenants and other matters that must be addressed to improve the property.

4-3 Owner's responsibility. The property owner is responsible for becoming informed about the design standards and procedures of the ACC and other requirements such as zoning and building codes, ordinances and standards for completing or placing improvements on the property. The pre-application meeting should be conducted to foster an informal and free exchange of information. No representative of VIA or the ACC has the power to vary or waive the provisions of this manual or the restrictive covenants by oral communications. Neither the ACC nor VIA shall be liable to a property owner based on any claim that information delivered at the pre-application stage from an ACC or VIA representative was in error or incomplete, nor will any matter that occurs at the pre-application process be the basis for a later claim that the design standards in the manual or in the restrictive covenants should be waived or are otherwise unenforceable.

4-4 Application. An owner's application for ACC approval of proposed improvements shall be considered to have been submitted when the owner has provided the ACC with each of the following:

4-4-1 Application form. An application on a form approved by the ACC, which contains:

- A. The names, addresses and phone numbers of the property owner, architect or other designer, and builder.
- B. A legal description of the lot or lots where the improvements are proposed, making reference to unit, block and lot.
- C. A brief narrative description of the proposed improvements.

i.e., "a single-family, one-story, four-bedroom dwelling, with an attached two-car garage."

D. The proposed dates of commencement and completion of the improvements.

E. A checklist where the applicant states whether or not the documents required by this manual or otherwise by the ACC have been submitted with the application.

F. A place for the applicant to identify any other documents tendered with the application.

G. A representation that the applicant intends to obtain all necessary county and other public building and other permits prior to commencing construction.

H. A written statement acknowledging the authority of the ACC to conduct a review under the applicable restrictive covenants and under this manual, and releasing and agreeing to hold VIA, the ACC, and all individuals associated with VIA and the ACC, harmless from all claims of damages arising out of any exercise of judgment, discretion or interpretation in good faith whether or not the act or omission is ultimately upheld as correct.

I. A written statement acknowledging and agreeing that the ACC, VIA and all individuals associated with the ACC, do not, by undertaking this review process, assume, any duty, responsibility, or liability or duty to exercise any independent professional judgment for any matters concerning the engineering, architecture, or construction of any improvement or use of land governed by this manual, and that such duty, responsibility and liability lies exclusively with the applicant and the professionals and contractors engaged by the applicant.

J. Any other information the ACC determines is needed to consider the application.

4-4-2 Plot Plan. A plot plan of the lot showing:

A. The dimensions of the lot.

B. The setback lines as established by the covenants.

C. The square footage of the lot.

D. All existing and proposed easements.

- E. The location of existing or proposed extensions of utilities.
- F. Adjoining roads.
- G. Proposed ingress and egress.
- H. Arroyos and other important or unusual topographic features.
- I. The footprint of and other information necessary to locate all proposed improvements, including improvements not included in the application but contemplated for future development, including the well, septic, drainfield, and all other existing and contemplated structures, relative to property lines and setbacks.
- J. If the applicant owns or is planning the development of other property contiguous to or nearby the lot where the improvements are applied for, a site plan showing how the proposed improvements relate to the entire property and any existing improvements or additional development that is contemplated, and any documents necessary to understand the entire development.

4-4-3 Construction drawings.

A. For site-built homes and other improvements, the applicant shall submit complete construction drawings ready for submittal for public approval and review for compliance with building and zoning codes. The drawings should show, in standard form, construction details, exterior elevations, a materials specification list (including exterior colors where applicable), and the square footage of all heated and unheated areas stated separately. If any innovative, experimental or atypical construction method, technique or material is proposed, the applicant shall submit such additional documents and plans as the ACC may require to understand the proposal.

B. For new manufactured housing which is to be placed on the lot, the applicant shall provide a floor plan, a drawing or photograph of each exterior elevation, a materials specification list, construction drawings of the foundation system, and proof that the dwelling has been constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) or the Uniform Building Code.

4-4-4 Water and liquid waste plan. Every applicant who proposes a water or liquid waste disposal system, other than connection to the Rio Grande Utility Corporation, shall submit a Water and Liquid Waste plan that contains the following:

A. A bid or other statement from a qualified well driller setting forth the specifications for the well, pump, pressure tank and related equipment.

B. A statement indicating whether the well will be shared by more than one dwelling.

C. A statement indicating whether the well permit is to be obtained under a household and domestic use permit under Section 72-12-1, N.M.S.A. 1978, or whether the applicant intends to dedicate or transfer water rights to the proposed well.

D. A copy of the State Engineer's permit or a statement as to the date when the applicant anticipates getting a well permit.

E. A description of the liquid waste system, including the location of well, tank and drainfield.

F. A permit from the New Mexico Environment Department for the proposed liquid waste system or adequate assurances that a permit can be obtained.

G. A copy of the replat or land consolidation plat approved for recording by Valencia County showing a lot size that meets county zoning, county subdivision, and New Mexico Environment Department regulations establishing a minimum lot size for the proposed individual water and liquid waste system.

4-4-5 Drainage Plan. Because of differing topography in various areas governed by this manual, a drainage plan prepared by a licensed engineer may be required by the ACC as part of the review process. The applicant shall make inquiry as to the current practices and policies of the ACC as to whether a drainage plan may be required. If applicant chooses not to submit a drainage plan prepared by a licensed engineer at the initial application stage, the applicant shall state in the application why a drainage plan is not necessary. Regardless of the statement in the application and communications to the applicant about ACC policies on drainage plans, the ACC may, at any time in the review process, require that the applicant submit a drainage plan or other documents relevant to the issue of drainage.

4-4-6 Application Fee. The applicant shall pay a non-refundable review and application fee according to a schedule of fees established from time to time by VIA.

4-5 ACC review.

4-5-1 Certificate that application is complete. After the applicant has delivered to the ACC each of the required documents, the ACC shall mail or otherwise deliver to the applicant a letter certifying that as of a particular date the application was complete and that the ACC has commenced its formal review process.

4-5-2 Written approval or disapproval. Within thirty days after the date when the application is complete, as certified in paragraph 0, the ACC shall either approve or deny the application in writing, and the approval or denial shall be mailed or otherwise delivered to the applicant. The ACC may approve the application subject to specified conditions, or the ACC may deny the application but invite the applicant to submit a revised application addressing areas of concern to the ACC. When the revised application is submitted, the ACC shall issue the certificate and a new thirty-day period shall begin to run as specified in paragraph 0.

4-5-3 Supplemental information. The ACC shall seek to understand the applicant's project and during the review process, shall communicate with the applicant and permit the applicant to clarify points and provide supplemental information to permit the ACC to fairly evaluate the application.

4-5-4 ACC decision is final. The decisions of the ACC with respect to any application for approval of improvements are final.

5 Design Standards for Single Family Dwellings. The following design standards shall apply to improvements related to single family dwellings:

5-1 Restrictive Covenants. The restrictive covenants contain certain prohibitions, design criteria and minimum requirements. Under these same covenants, the ACC is given power and duty to perform design review to assure first class development in harmony with the surrounding areas and commonly known concepts of good land planning and design. In order to administer this duty, the ACC has adopted design standards that are more detailed and in some cases more restrictive than the covenants. If the design standards are more restrictive than the covenants, the design standards shall apply. Except in certain limited instances, the ACC does not have authority to waive or relax the minimum standards set forth in the covenants.

5-2 Building Setbacks.

5-2-1 Front. No building shall be located on any lot line nearer than twenty (20) feet from the front lot line. On corner lots the front lot line is the lot line along the narrower street. If the streets are of equal width, the front lot line is along the street with the greatest number of contiguous lots unbroken by an intersection.

5-2-2 Side. No building shall be located on any lot line nearer than five (5) feet from a side lot line, provided that on corner lots, no building shall be located on any lot line nearer than ten (10) feet from a side lot which is a street right-of-way.

5-2-3 Rear. No building shall be located on any lot line nearer than fifteen (15) feet from the rear lot line.

5-2-4 Drainage easements. No building shall be located on any lot line nearer than thirty five (35) feet from any lot line that abuts a drainage easement shown on the subdivision plat.

5-2-5 Contiguous lots. Where a single owner proposes improvements to sit on or be associated with contiguous lots, side and rear setback requirements shall not apply, provided that:

A. Setbacks will apply to side and rear lot lines abutting streets and drainage easements.

B. Setbacks will apply as to side and rear lot lines common with property owned by parties other than the applicant.

C. The improvements on multiple lots must not increase the density greater than the equivalent of one single family dwelling per lot.

D. Any utility easements along lot lines affected by improvements shall be relocated to the satisfaction of the ACC and the utilities and governmental agencies which are affected.

E. The multiple contiguous lots must be replatted into a single lot or other recorded restrictions acceptable to the ACC must be made to ensure that the contiguous lots will not later be divided into separate ownership.

5-2-6 Ingress and egress on corner lots. On lots bounded by more than one public street, no ingress or egress shall be permitted between the lot and the wider of such public streets.

5-2-7 Variance. These setback requirements may be varied by written action of VIA or the ACC upon finding that the topography, shape of, location of the property lines of any lot, or the configuration of the structure, or the combination thereof prevents reasonable construction of structures otherwise permitted.

5-3 Minimum Square footage.

5-3-1 Main Structure. The ground floor of the main structure of the dwelling, exclusive of one-story porches, carports or garages shall not be less than eight hundred (800) square feet.

5-3-2 Minimum Width. To promote harmony of design and style, and visual cohesiveness, the width of the main structure of the dwelling shall not be less than twenty four (24) feet.

5-3-3 Garage required. In order to avoid clutter on the lot and assure each lot owner adequate minimum storage space, every dwelling shall have at least a one-car garage, either attached or detached, containing at least two hundred fifty square feet.

5-4 Exterior design of main dwelling.

5-4-1 Exterior surface. The predominate exterior surface material shall consist of stucco, adobe, brick, natural stone, integrally colored unit masonry, wood siding, or simulated wood siding. Metal siding, glass curtainwall systems, and extensive glass block, are prohibited. Any exterior surface, otherwise meeting these guidelines, shall conform to minimum construction standards under the Uniform Building Code or National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq. and 24 C.F.R. 3280 et seq.).

5-4-2 Color of exterior surface material. The color of the predominate exterior surface material shall be earthtones, creams, pastels of earthtone hues including but not necessarily limited to rose, peach and terra cotta; or pastel colors of non-earthtone hues, whites, grays and grayish greens. High-intensity colors, metallic colors, shiny glass-like finishes and black or near-black colors shall not be used as the color of the predominate exterior surface material.

5-4-3 Exterior surface treatment. Wall surfaces shall appear monolithic with at least seventy-five percent (75%) of the total wall area one (1) material and one (1) color. Different shades of the same general hue shall not be considered different colors. Windows or glazed surfaces having an orientation within thirty degrees (30°) of south used for solar gain shall be exempt from this calculation.

5-4-4 Building heights. No dwelling shall be erected or placed on the property which shall exceed two and one-half (2 ½) stories in height above finished grade level.

5-4-5 Roofs. For purposes of this paragraph, a "roof" shall be any surface covering a building area.

A. Flat roofs. A flat roof is any roof that is horizontal or has a slope less steep than two and one-half (2 ½) feet of vertical rise for every twelve (12) feet of vertical run. Any flat roof on the garage and main structure of the dwelling shall be entirely concealed from public view by parapets which appear to be an extension of walls of the dwelling and are constructed of the predominate exterior surface material. Porches and portals may have exposed flat roofs provided that the visible roofing material is neat and uniform.

B. Sloping roofs. A sloping roof is any roof that has a slope greater than or equal to two and one-half (2 ½) feet of vertical rise for every twelve (12) feet of vertical run. Sloping roofs shall not have a slope of greater than twelve (12) feet of vertical rise for every twelve (12) feet of vertical run. Sloping roofs shall not have more than two differing roof plane slopes. A combination sloping roof conforming to these guidelines and flat roof conforming to these guidelines shall be acceptable. The eaves of a sloping roof must extend beyond the exterior of wall surface at least six (6) inches and must be trimmed.

C. Exposed roofing materials. The following exposed roofing materials on sloping roofs are permitted: rigid batten seam metal roofing; asphalt and gravel; flat tiles of clay, concrete or slate; asphalt shingles, wood shingles or shakes. The following exposed roofing materials are prohibited: Rolled, flimsy or highly reflective metal roofing, plastic and fiberglass roofing, and simulated gravel surface roofing paper.

D. Appliances on roof. Air conditioners, skylights, plumbing and heating vents and other appliances on the roof shall be located or screened to minimize visibility from the ground. Chimneys and fireplace or wood stove flues are permitted if designed according to currently acceptable building codes and architectural practices.

5-5 Outbuildings. Buildings detached from the main structure of the dwelling shall be permitted provided that the intended use, purpose and ordinary function of the building is incidental to the use of the lot as a single family residence, it is a permanent attached improvement to the real property, it conforms to the exterior design of the main dwelling, and it has been approved by the ACC according the procedures and standards in the Manual. If VIA grants a waiver and permits an individual well system as provided in article 0, any pump house shall be governed by this section 0. Regardless of the intent and purpose of structure as stated by the applicant, the ACC shall have the right to deny permission to construct or place an outbuilding if the ordinary function of the proposed structure is incompatible with the residential nature of the lot and neighborhood. For example the ACC should deny an application to build a six-car garage or an industrial shop.

5-6 Patios, decks and porches. Patios, decks and porches should be designed and constructed to be a permanent and integral part of the dwelling.

5-7 Electric, telephone and cable TV lines. All electric, telephone and cable TV

lines shall be buried underground in designated easements according to standards for new construction of underground utilities. The only overhead utilities that shall be permitted are existing major transmission lines.

5-8 Drainage. The ACC shall review the extent to which the lot or other lots affected by the improvements may be susceptible to erosion, flooding or drainage problems, or whether the proposed improvements may alter the existing drainage patterns in the area. The ACC may require the applicant to submit a drainage plan prepared by a professional engineer or other documents and plans necessary to consider drainage issues.

5-9 Antennas and satellite dishes. (Reserved)

5-10 Exterior lighting. (Reserved)

5-11 Butane tanks. (Reserved)

5-12 Fences and walls. (Reserved)

5-13 Landscaping (Reserved)

5-14 Reserved.

5-15 Reserved.

5-16 Manufactured housing design standards.

5-16-1 Purpose of separate design criteria. The restrictive covenants provide that "no structure of a temporary character, trailer, tent, shack, barn or other similar structure shall be permitted on any lot at any time, either temporarily or permanently. No structure on any lot, other than a fully completed residence, shall be used as a residence." Manufactured housing which meets the requirements of the restrictive covenants and the design standards in this manual shall not be considered to be either a trailer or a structure of a temporary character. In order to assure first class development in harmony with the surrounding areas and commonly known concepts of good land planning and design, separate design criteria are necessary to address issues unique to manufactured housing. The criteria in this section 0 are in addition to and in not in lieu of other design criteria in this manual. The intent in setting forth additional design criteria for manufactured housing is to ensure harmony and good planning among different manufactured homes as well as harmony and good planning between manufactured housing and dwellings constructed on site.

5-16-2 Definition of manufactured housing. "Manufactured housing" means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet, constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit's construction.

5-16-3 Proof of construction standards. The ACC shall require the applicant to prove that the manufactured home was constructed according the codes cited in paragraph 0, or successor provisions.

5-16-4 Year of manufacture. In order to promote good design and planning in the subdivision, all dwellings on the property whether site built or placed onto the property should be modern, in good condition, and constructed according to the most up-to-date building codes and techniques. For site-built homes, the review and approval of plans by the ACC and public authorities, and inspection during construction by public authorities, ensures this goal. In order to ensure that manufactured housing placed on the property meets these same standards, the ACC shall require proof that the year of manufacture is not more than three (3) years prior to the date of the application.

5-16-5 Ground level installation. In order to meet the prohibition against "trailers" and the requirement of permanency in the restrictive covenants, Manufactured homes shall be permanently installed as near to ground level as building codes permit.

5-16-6 No skirting. No skirting of any kind used to conceal the foundation

and underpinnings of the home shall be permitted.

5-16-7 Removal of running gear. The home shall have all wheels, axles, transporting lights, tongues and other removable towing apparatus removed from the home and removed from the lot.

5-16-8 Permanent foundation. The home shall be placed on permanent foundation system according to Section 1007 and related sections the New Mexico Manufactured Housing Division (NMMHD) Regulations, provided that the ACC shall require a ribbon footing and pumice block or concrete stemwall around the perimeter of the home, even if a manufacturer's recommendation does not include such specifications. The ACC may require the applicant to provide building permits and inspection reports from the NMMHD or other agencies to demonstrate that the foundation system conforms to NMMHD regulations for permanent foundation systems.

5-16-9 Stemwall backfill. In addition to the requirements of NMMHD Regulations, the perimeter stemwall shall be backfilled to within two (2) inches of the bottom of exterior surface of the home. The backfill shall slope down to the finish grade of the lot at the rate of no more than two feet (2') of vertical drop for every ten feet (10') of horizontal run. The need for stairs at the exterior doors of manufactured homes should be eliminated by the requirements for ground level installation and stemwall backfill.

5-16-10 Garage required. In order to avoid clutter on the lot, and assure each lot owner minimum storage space, every lot on which a manufactured home is placed shall have at least a fully enclosed one-car garage, either attached or detached, containing as least two hundred fifty square feet.

5-16-11 Tax assessment as real property. The home shall be assessed as real property with the dwelling considered a permanent improvement.

6 Design standards for multi-family and commercial (Reserved).

Page Reserved

7 Individual domestic wells.

7-1 Waiver of right to provide service. The restrictive covenants provide that the successors to the developer Horizon Corporation, can waive rights to be the exclusive provider of water distribution services in the subdivision. VIA and Rio Grande Utility Corporation each have an interest in this waiver and each must consent to such a waiver.

7-2 Application for waiver. An applicant who desires to install an individual domestic water system must submit an application as provided in paragraph 0 above.

7-3 Review criteria. In reviewing any such application, VIA and Rio Grande Utility Corporation shall consider the following:

7-3-1 Availability of public utilities. Whether water from a public utility is available, or may be available, in the reasonable future.

7-3-2 Depth and supply of potable water. Whether in the location of the applicant's lot, potable water is available at the depth of the applicant's proposed well. VIA may consider the availability of adequate potable water, not only for applicant but for others in the area who may submit similar applications.

7-3-3 Well permit and water rights. Whether the applicant has obtained or can obtain the required water rights and well permit for the proposed well.

7-3-4 Minimum lot size. Whether the applicant can demonstrate compliance with State and County requirements as to minimum lot size to support an individual well and liquid waste disposal system. Upon approval of an individual well and septic system, the ACC may require the applicant to record a restrictive covenant or other deed restriction, in a form acceptable to the ACC, containing provisions for:

A. Maintaining the configuration and layout of the well, septic tank, drainfield and dwelling or dwellings on one or more lots so as to ensure continuing compliance with State and County criteria.

B. Prohibiting a transfer or mortgage of any one of a group of several lots dedicated to an individual well and septic system apart from the transfer or mortgage of the entire group of lots dedicated to the individual well and septic system.

C. Limiting the size, number and location of dwellings on the lot or lots to conform to the liquid waste design flow limits of State and County permits.

D. The right of the ACC and adjoining lot owners to enforce the

covenant.

E. Other limits on land use deemed appropriate by the ACC to assure environmental protection and continuing compliance with State and County requirements.

7-3-5 Development planning. Whether the lot lies within a unit or area of a unit which VIA has designated in its development and management plans, as may from time to time exist, as an area suitable for individual well systems. Under the scheme of the restrictive covenants, the delivery of water by a utility is the norm, and individual wells are prohibited. VIA and Rio Grande Utility Corporation reserve every right to enforce this provision, and any grant of a waiver is entirely discretionary on the part of VIA and Rio Grande Utility Corporation, and such waiver may be withheld at any time for any reason.

7-3-6 Landscaping plan. Whether the applicant has a landscaping plan that includes retention of native vegetation and is consistent with the size of the property, taking into account any consolidation or replat of lots, and the availability of water. VIA and Rio Grande Utility Corporation may request that the applicant impose restrictive covenants related to landscaping and water use.

7-3-7 Obligation to connect. As a condition of granting a waiver, VIA and Rio Grande Utility Corporation may require that the applicant enter into an agreement, binding on the applicant and his successors to the lot, to connect the dwelling to the Rio Grande Utility Corporation water system if the public utility ever extends service to the lot.

8 Individual Septic Systems. Where no central sewage collection system is available, individual septic systems are permitted, subject to the following:

8-1 State Environment Department Approval. Before approving an individual septic system, the ACC shall verify that the applicant has all required approvals from the Environment Department of the State of New Mexico.

8-2 Obligation to connect. As a condition of approving an application for an individual septic system, the ACC may require that the applicant enter into an agreement, binding on the applicant and his successors to the lot, to connect the dwelling to the Rio Grande Utility Corporation liquid waste system if the public utility ever extends service to the lot.

8-3 Restrictive Covenant. The ACC may require the recording of a restrictive covenant or other deed restriction according to the criteria of paragraph 0 above.

CANYON DEL RIO
RECORDING INFORMATION

As of 12/11/95

UNIT(S)	BOOK	PAGES	DATE	DESCRIPTION
1,2	30	339-343	07/29/71	Single Family
1,2,3,4,9,10, 11,12,13,14	262	9297-9304	02/25/82	Amend/Grant of Easement & ROW
1,4,6	276	4678-4679	04/24/87	Amend/Asses ChngMFto SF
1-6	30	339-343	07/29/71	Single Family
1-6	30	351-355	07/29/71	Multi Family
1-6	30	344-350	07/29/71	Single Family
1-6	30	930-932	10/28/71	Amend/Sewer
2,3,4,6	30	356-359	07/29/71	Commercial
2,3,4,6	30	943	10/28/71	Amend/Sewer
2,3,4,6	276	4692-4693	04/24/87	Amend/Asses Chng C toSF
3	276	4682-4683	04/24/87	Amend/Asses ChngMF to SF
3	271	4098	04/30/85	Amend/Levin/SF
3	271	4097	04/30/85	Amend/Otero Lot Use, SF blks 24-27
6	276	3453-3455	02/25/85	Amend/Eaton Lot Use, Blk 20, Lots 2-10 SF
6	276	1199-1200	09/02/86	Amend/Eaton Lot use, Blk Blk 20, Lots 1-11 SF
7,8	31	340-344	11/30/71	Single Family
7,9	31	362-366	11/30/71	Single Family
9	276	4674-4675	04/24/87	Amend/Asses Chng M&CtoSF
9	31	345-348	11/30/71	Multi Family
9	31	349-352	11/30/71	Commercial
10,11,13	238	759-763	02/23/78	Single Family
10-12	238	764-769	02/23/78	Single Family
1-14	271	1931	10/01/84	Amend/Vantress
10-13	276	414	06/30/86	Amend/Utilities
14	244	2498-2502	05/07/74	Single Family