

**DESIGN GUIDELINES
FOR
TESSERA SUBDIVISION**

First Edition June 1, 2008

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DESIGN GUIDELINES FOR TESSERA SUBDIVISION

Purpose and Application

The Design Guidelines (DG) apply to the design and construction of a home and other improvements at Tessera Subdivision. The purpose of the DG is to enhance the aesthetic experience at Tessera, to promote harmonious residential design, and to protect and enhance property values.

The following DG are subject to the Declaration of Covenants, Conditions, and Restrictions for Tessera Subdivision and apply only to residential construction.

Prior to commencing the design of a residence, the Design Committee (DC) recommends that Owners make certain that their architect and builder have both received a copy of the DG, and that they are familiar with this document. Should there be any questions regarding the DG or the design review process, Owners, their architects, and builders are encouraged to contact Michael Hurlocker at (505) 988-3783.

Revisions and Supplements

The DC may periodically revise the DG. These revisions serve as supplements to the DG and are presented to Owners, architects, and builders upon request and at the Pre-Construction Meeting. The current edition number of the DG and its date of issue are printed on the cover sheet of the DG. Any supplements to the DG issued prior to the edition date will have been incorporated in that edition. Supplements issued subsequent to the latest edition should be kept with it for easy reference until such time as they are incorporated into a new edition. Additional copies are available upon request.

Although every effort will be made to update all Owners, it is the responsibility of each Owner and their agent to determine whether any supplements have been adopted since the most recently numbered and dated edition of the DG.

Design Committee and Design Review

The DC oversees the residential development of Tessera in accordance with the DG. The DC evaluates each proposed design for appropriateness to its Lot and compliance with the DG and their objectives. The overall objective of the DC is to ensure that the exterior appearance of all residences and their landscaping at Tessera should harmonize with the natural and man-made environment, rather than dominate or create conflict with it. The DC desires that, within the constraints of the DG, Owners, architects, and builders will create interesting and harmonious buildings and improvements.

In order to assist Owners in the planning and design of their residence and to take full advantage of the unique opportunities of the Lot, a comprehensive design review process has been established. This is a formal process administered by the DC. The DC has the authority and responsibility to issue all formal approvals or disapprovals of Tessera's residential projects and to enforce adherence to the DG. Each residence must meet the criteria of the DG.

Architects, Designers, and Builders Require Pre-Approval

In order to obtain a high level of design and construction, all architects and designers submitting designs for review and builders proposing construction in Tessera require written pre-approval by the DC. Professional design is required but Owners may seek pre-approval to build their own residences. See Section 5.1.2 and Sections 6.1.1 through 6.1.3.

SECTION 1 - INTENT OF THE DESIGN GUIDELINES

1.1 Preservation of and Compatibility with the Environment. The DG incorporate preservation and maintenance of the natural environment with the process of designing and building custom homes. These are minimum standards of design, justified in part by the climate, terrain, and the fragile environment of the area. They provide direction in the planning, design, and construction of residential structures to ensure compatibility with the environment. The DG are intended to encourage creative solutions and variety, to ensure that designs are compatible with each other, the site, and the overall Santa Fe environment, but not mandate homogeneity. Creativity and innovative use of materials and design are encouraged, provided the final result is consistent with the DG and the intent of rooting the design in the regional architectural context. Special attention must be given to the Santa Fe area's unique architectural tradition. The architecture of Tessera Subdivision should reflect the Santa Fe regional architectural heritage, not necessarily repeat it.

1.1.1 Unique Lot Requires Unique Design. Each Lot in Tessera Subdivision is considered unique with respect to its natural topography and views. It is expected that the design of each residence in Tessera will be tailored to these land forms and view corridors and thus will be a unique design tailored to the individual Lot. In addition, each residence must be individually sited to minimize disruption of the existing environment.

SECTION 2 - SITE DEVELOPMENT GUIDELINES

2.1 Overview. The soils and plant life comprise a fragile environment at Tessera; they take a long time to recover from disturbance. The following guidelines are intended to preserve the environment by altering the site as little as possible and reestablishing damaged areas.

Within each Lot is an area designated as the Building Envelope (BE). Other than utility trenches, the driveway and its related features, all construction and improvements must be inside the BE. In determining the placement and size of each BE, the Declarant has attempted to create each Lot with optimal "view corridors" and enough space to ensure flexibility in the design and layout of a residence, courtyards and gardens, etc. However, some BEs are much smaller than others and, thus, will accommodate a smaller house. Prospective Lot purchasers should be aware of this constraint and choose a Lot (and its BE) that accommodates their intended-sized residence. To ensure a minimum disturbance to the Lot, all construction and improvements within the BE must be temporarily contained within a fence during construction located approximately 10 to 15 feet outside of improvements. The part of a Lot that remains outside the immediate environs of the house and courtyard walls is designated as the Natural Area. The Natural Area is to remain undeveloped and in its natural condition. Only trees, shrubs, grasses, and wildflowers that are indigenous and commonly found in the natural terrain of Tessera may be planted in the Natural Area of each Lot (see Exhibit C).

Driveways, to the extent practical, are to be curved, following the natural terrain. Landscaping is to be carefully planned to integrate well with and not intrude into the Natural Area.

2.2 Building Envelope. A BE has been identified for each Lot based on the tree locations, views, relationships to other Lots, the setbacks, and topography.

2.2.1 Definition. The BE is the designated area of the Lot within which all improvements, other than the driveway, must be located. Improvements include, but are not limited to, any buildings, structures, courtyards, yard walls, planting beds, hardscape and paving, parking and driveway turnaround areas. The undeveloped balance of the BE must remain

undisturbed Natural Area. The perimeter of the BE may not be fenced, walled, bermed or otherwise identified by landscaping or any other means whatsoever.

2.2.2 Building Envelope Modification. Modifications to the BE will be considered on a case-by-case basis. A proposed modification must be submitted as a Request for Variance and will be rigorously reviewed by the DC. The applicant must demonstrate that compelling circumstances exist that justify the requested modification and that the modification will not have a material negative impact on any other Lots. The DC shall notify adjoining Lot Owners, and any other Lot Owners it deems prudent, of a request for change to a BE and shall consider all responses from any responding Lot Owners in their decision to grant a modification. The DC will have sole discretion in approving or disapproving changes to the BE.

2.2.3 Building Envelope Restrictions. BEs may also be subject to restrictions that might limit or prohibit buildings or improvements or the height of buildings beyond the usual height restriction in certain areas within the prescribed BE. These may include, but not be limited to, drainage easements and slopes.

2.2.4 Onsite Staking. The BEs have been designated with wood stakes on all Lots. However, over time the stakes may be moved or removed, and the staking of the BE can no longer be regarded as reliably accurate. It is the responsibility of the Owner, or their representative, to ensure the correct location of the BE prior to commencement of the design process.

2.2.5 Building Envelope Plat. A BE Plat has been created for each Lot, a copy of which is available upon request. The purpose of the BE Plat is to graphically define and locate the line which is the bubble-shaped BE.

2.3 Disturbance Area Fenced. The disturbed area must be fenced during construction to enclose all building materials, equipment, and activities and to contain all debris and other construction waste (see Section 5.5). The construction fence shall be installed after the house is staked and prior to commencement of construction. This fence must be removed upon completion of construction, and the formerly enclosed disturbed areas must be re-landscaped to match the surrounding Natural Area.

2.4 Combining Lots. If an Owner owns two contiguous Lots and wants to combine these two Lots into a single homesite, the Owner may do so only with the prior consent of the County, Declarant, and the DC. The Owner is urged to submit a proposed revised plat and BE for the combined Lots as early in the design process as is possible prior to the Preliminary Submittal.

The plat for the newly configured single lot must be recorded and approved by the County.

2.5 General Site Requirements.

2.5.1 Nestled Appearance. Residences should be nestled into the land, remaining low, so as to be part of the site rather than being perched on it, thus avoiding unnecessary height. Wherever possible, step buildings and improvements down slopes so that different finished floor elevations are close to or less than the pre-existing natural contours underneath those different finished floor elevations. Be creative in the design process. Plan to alter the site as little as possible from its original native condition, protecting existing watershed and drainage ways wherever practical.

2.5.2 Balanced, or More Cut than Fill. In order to achieve a nestled appearance, it is generally required that site preparation of the areas within the foundation of the house should achieve an approximate balance of cut and fill, if not more cut than fill, both as measured by area

and volume. Exceptions to this requirement are allowed providing the residence appears to rest naturally within its immediate environment.

2.5.3 No Exposed Cuts or Fills. Cut and fill slopes may not be exposed following completion of construction. When the construction is finished, the earth around the residence and site walls should lie against the walls as near as possible to original grade and original angle of slope.

2.5.4 No Alteration of Drainage. No change in natural or existing drainage patterns of surface water shall be made upon any Lot that could adversely affect another Lot.

2.5.5 No Plant or Tree Removal Outside House Footprint Area. No plants or trees outside the house and improvement footprint area shall be damaged, destroyed, or removed from any Lot. Trees existing or planted immediately adjacent to the building promote a nestled appearance by providing breaks in the building mass and the perception that the new house has existed in that location for a long time. As a result, an unencumbered view may not be possible to achieve. A limited amount of tree relocation and clearing within the Natural Area for view enhancement may be permitted subject to approval by the DC.

2.5.6 Preliminary House Staking. Once a preliminary plan is defined, it is required that the principal corners of the building be staked on the ungraded site and elevations taken at each corner with a transit. With this information it is often possible to determine exactly how to further adjust the design to minimize the structure's height and best conform to the existing contours. A staking map shall be submitted to the DC numbering the principal corners that reflect numbers placed on wood laths on the corners on the building site. The staking and map submittal shall occur as part of the Preliminary Submittal.

2.5.7 Remedies for Violations. In the event of any violation of Sections 2.5.3 or 2.5.4 above, the DC or the Declarant may require the Owner to immediately restore the Lot to its existing state prior to such violation. The DC has the right to require complete or partial restoration of cut and fill areas. In the event of any violation of Section 2.5.5 above, the DC or the Declarant may require the replacement of any protected plants or trees that have been improperly removed or destroyed. Such replacement will be with either a plant or tree of similar type and size or with another variety deemed appropriate by the DC. In the event that the replacement of improperly removed or destroyed plants or trees is undertaken by the Declarant and/or the DC, the Owner of such Lot shall reimburse the DC and/or the Declarant for all expenses incurred by them in performing their obligations. Such reimbursement may be made by a charge against the Owner's Bond. In addition, certain fines might be imposed as provided by the Declaration and specified by the Board or the DC.

2.6 Parking Spaces.

2.6.1 Garage for Two Vehicles. Each residence shall contain parking space within the Lot for at least two automobiles in an enclosed garage either attached to or detached from the residence.

2.6.2 Carpports Prohibited. Open carpports are prohibited.

2.6.3 Guest Parking Screening. Screen walls and/or native tree landscaping must be used whenever guest parking areas and the cars to be parked there are visible from other Lots, streets, or Common Areas. Screen walls shall be no less than 3 feet and nor more than 4 feet in height as measured from the parking side of the wall. If any portion of these walls is retaining, they must, nonetheless, comply with the above-stated height restrictions, as well as the

guidelines pertaining to retaining walls (see Section 3.4). Naturally contoured landscaping berms may also be used to shield the guest parking area.

2.6.4 No Vehicle Storage Outside. No exterior storage of recreational vehicles, boats, campers, trailers, or similar vehicles is permitted on any Lot.

2.6.5 Garage Use: Vehicles Over Storage. The garage shall primarily be used for parking vehicles and not for storage of other items. Storage in garages cannot take precedence over the garage's primary function: to park automobiles.

2.6.6 No Garage Conversion. No garage shall be converted for any use other than parking of vehicles, and no garage shall be used for any use which would preempt parking of two automobiles.

2.7 Site Drainage and Grading.

2.7.1 Minimum Disruption. Site drainage and grading must be done with the goal of minimum disruption to the Lot.

2.7.2 No Offsite Erosion. Surface drainage shall not drain to adjoining Lots or Common Areas except as established by natural drainage patterns, nor cause a condition that could unnaturally lead to offsite soil erosion on Common Areas or other Lots.

2.7.3 No Grading Outside Building Envelope. It is the intent of these DG to discourage excessive fill and practically any exposed cut. Other than the driveway, no grading may be done outside the BE.

2.7.4 Limits of Disturbance. Site disturbance shall be limited to 10 feet from the perimeter wall of a structure or 6 feet from the edge of the driveway, walls, landscaped areas, and utility runs.

2.7.5 Cut and Fill Slope Limits. In keeping with the intent that houses should appear to be nestled into the land rather than perched upon it, it is required that cuts and fills not exceed a three horizontal to one vertical (3:1) slope. No fill shall be allowed that is steeper than 3:1 unless the natural grade (as determined by the DC) of the area in question approaches this degree of slope. In circumstances where the DC has allowed the slope to exceed 3:1, any cut or fill steeper than 2.5:1 shall be retained by an appropriate and approved wall or other retaining method (boulders).

2.7.6 Minimize Horizontal Excavation. Structures, driveways, or any improvement should be designed with the objective of fitting the existing contours of the site as nearly as possible, with minimal horizontal excavation (excavation beyond the perimeter of the structure or the edge of the driveway).

2.7.7 Vertical Excavation Encouraged. Where vertical excavation lowers the finish floor elevations below natural grade, backfill against the structure walls to pre-existing natural grade as nearly as possible is required. Doors exiting the structure below natural grade shall do so into a courtyard or excavated patio area enclosed by a wall or other retaining structure.

2.7.8 Culvert Headwalls. All culverts, bridges, or other drainage structures must be finished with headwalls or wing walls so as to prevent the erosion of slopes or soils and/or the exposure of the conduit or any unfinished structure. These structures shall be constructed of mortared approved rock.

2.7.9 Culverts. Culverts must be 18 inches in diameter and, when

placed adjacent and parallel to a street, be located far enough from the pavement edge to allow a minimum 4:1 slope from the edge of the base course shoulder on the street to the bottom of the barrow ditch that enters and leaves the pipe. All culverts shall be long enough to accommodate a minimum 4:1 slope of the earth placed above its ends; culverts placed adjacent to and parallel with the street shall be long enough to accommodate the turning radius of vehicles entering and leaving the driveway. Generally, this means the culvert should be at least 20 to 24 feet long, exclusive of rock wing walls. It is recommended that culverts be placed after driveways have been constructed to finish dimensions but prior to surfacing.

2.7.10 Storm-Water Drainage Plan. In Tessera, the Declarant has undertaken a subdivision-wide surface storm-water drainage and retention plan to meet the requirements of the County and preclude the need for most individual Owners to provide for onsite storm-water retention. For houses and driveways that exceed the assumed average of impervious area for proposed improvements on each Lot used in the subdivision-wide drainage plan, supplemental ponding may be required. The DC has copies of the drainage calculations and the assumptions of impervious area utilized for the study. They are available upon request and should be obtained prior to designing a residence.

2.7.11 Responsibility of Owner. Developing a proper grading and drainage plan is the responsibility of the Owner. When driveways intersect streets, any existing road shoulder drainage patterns shall be maintained. Any drainage damage that may occur from one Lot to other Lots or Common Areas because of a change in natural conditions will be the responsibility of the Owner of the Lot that caused the unnatural drainage flow. Approval of a drainage plan by the DC does not make the DC liable or responsible to the Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these DG. DC approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages arising from changes in natural conditions.

2.7.12 Grading and Drainage Plan Required. A Grading and Drainage Plan is required in the Final Submittal to the DC. This must include all existing and proposed finish contours, ensure adequate drainage flow, show retention ponds, if any, detailed drainage calculations as submitted to the County for building permits, if necessary, as well as placement for all other drainage features such as swales, pipes, and culverts and show how water is conveyed to retention (master) ponds without causing erosion.

2.7.13 Control Surface Runoff. All water running off roofs, driveways and other impervious areas shall be controlled so as to prevent erosion. Slopes over 5% in grade shall have water channeled into a drop-inlet box and piped to a ponding or natural drainage area at the discretion of the DC.

2.7.14 Water Harvesting. Each Owner is encouraged to capture water from roofs and hard surfaces to utilize such water for landscaping and/or to design storm water structures on the Lot which enhance the opportunity to recharge the aquifer.

2.7.15 Drainage Relocation. Upon submission of a detailed drainage and erosion control plan and approval by the DC, a Lot Owner may relocate the natural drainage within his property. Relocation is dependent upon the Owner justifying the need for relocation. In addition, the drainage runoff must enter and leave the property in the same location that it did historically.

2.8 Driveway and Driveway Entrance.

2.8.1 Entry Treatments Allowed. Subject to the sole approval of the DC, freestanding site walls, planters, and entry monuments are allowed at the driveway entrance to the street.

2.8.2 Height Limit. No driveway entrance feature shall exceed 3 feet in height.

2.8.3 Minimize Tree Removal. To the greatest extent possible, driveways and driveway entrances should minimize removal of existing trees.

2.8.4 Minimize Area. Driveways shall be constructed to the minimal visual impact and dimensions necessary to accommodate access, turnaround, and guest parking.

2.8.5 Width. Driveways shall be a maximum of 18 feet wide at the street edge and a maximum of 12 feet wide on the property except as approved for parking and turnaround areas.

2.8.6 One Driveway. Only one driveway entrance is permitted for each Lot.

2.8.7 Embellishments in Building Envelope. All driveway turnarounds, islands, and parking areas shall be located within the BE. Any fork in the driveway shall likewise be contained within the BE.

2.8.8 No Curbing. Driveways may not be lined with curbs, rocks, or other objects.

2.8.9 Designated Access. All Lots shall access from the street they are addressed to, except the following Lots may access from either street they adjoin, not both: 15, 26, 31, 34, 38, 47, 52, 56, 66, and 82.

2.8.10 Surfacing. All driveways shall be surfaced. Specifications shall be submitted and a sample provided if requested by the DC. Subject to approval by the DC, brick, Bomanite concrete, exposed aggregate concrete (utilizing integral coloring), colored concrete, flagstone, brown or tan gravel (not gray) over brown base course, or asphalt are all acceptable driveway paving materials. All concrete shall be integrally colored or acid wash colored. Uncolored concrete is not allowed for any visible exterior use.

2.8.11 Gradient. All driveways shall be graded and sloped for proper drainage. The finished gradient of any proposed driveway shall not exceed 15% for any part of its length.

2.8.12 Cut Plus Fill Maximum. Excavation of an existing hillside that is required for construction of a driveway cannot result in any combined cut or fill slope that exceeds 5 vertical feet unless approved in advance by the DC.

2.8.13 Cut Retaining and Revegetation. In the sole discretion of the DC, any or all driveway cuts exceeding 18 vertical inches may be required to be retained by an appropriate wall or material. All disturbed areas are to be revegetated as per the minimum landscape requirements.

2.9 Utilities.

2.9.1 Place Underneath Driveways. Whenever possible, utilities should be run underneath the driveway to minimize disturbance to the Lot.

2.9.2 Show on Site Plan. The Site Plan of the Final Submittal must clearly indicate the location of all utility meters and hook-up points. If the Site Plan calls for any intended change in location of the utilities, this must be called out.

2.9.3 Electric Meters at House. All electric meters must be located at the residence or structure.

2.9.4 Gas Meter Location. All gas meters must be located at the residence or structure or within 10 feet of the edge of the driveway a sufficient distance from the streets so as not to be seen from them or other Lots. All meters shall be screened from view as may be required by the DC, and their location is subject to DC approval. No gas meter may be located at the existing pre-construction lateral termination location.

2.10 Perimeter Walls. No Lot, or BE may be enclosed by a wall, fence, berm or otherwise identified by landscaping or any other means whatsoever.

2.11 Fences and Pet Enclosures. All fences whether of organic materials, living or dead, or non-organic materials are prohibited. All pet enclosures must be in the nature of courtyard walls (see Section 3.16).

2.12 Swimming Pools, Hot Tubs, and Sundecks. Swimming pools should be designed to be visually connected to the residence through the use of walls or courtyards and must be constructed according to all applicable regulations and be built at or near natural ground level.

All pools must have a cover. The County may require an Owner to obtain additional water rights prior to issuing a building permit for a swimming pool.

Wooden sundecks that are elevated by more than one step above finished grade and hot tubs must be screened from other Lots, streets, and the Common Areas through the use of walls.

2.13 Basketball Hoops. Basketball hoops and backboards may be installed at any residence when approved in advance by the DC. Poles may need to be painted non-reflective black to blend with the surroundings. Backboards must be clear or painted a non-reflective color approved by the DC. The installation of such items may be subject to other stipulations imposed by the DC. Particular attention will be given to the privacy of adjacent Lots, as well as the color and obtrusiveness of its location. The basketball hoop and backboard must be removed when no longer utilized. Portable hoops must be painted as per stationary hoops and stored out of public view when not in regular use.

2.14 Swings and Children's Play Equipment. All swings and play equipment must be screened from view from other Lots, streets, and the Common Areas through the use of walls, courtyards, or adequate tree cover.

2.15 Address Identification. Each constructed residence is allowed an address identification sign showing the address number. Street names, Owner's names, and house names are not permitted on address identification signs. These signs are limited to a maximum of 6 square feet. They may be lighted by one low wattage light fixture, preferably mounted on the sign as a downlight. Such signs or markers must utilize the same materials and colors as the residence and must reflect its design character or be built of natural rock or rusted steel. No "unique" identification devices will be permitted. No additional signage detached from the residence will be permitted, except as allowed by the Declaration. The design for the Lot identification marker should be included in the Final Landscape Plan in the Final Submittal to the DC.

2.16 Lighting.

2.16.1 Intent: Minimal Lighting; Preserve the Night Sky. The intent of Tessera Subdivision is to allow for the minimum lighting necessary to provide for safety and the enjoyment of outdoor living, while not interfering with the natural darkness of the desert sky. To accomplish this goal, the DC has established guidelines for lighting that address the common types and locations of lights and sets limits on the orientation of fixtures, wattage of lamps, etc.

2.16.1.1 No Uplights or Floodlights. No floodlights, spotlights, or uplights are allowed. Visually prominent fixtures, as solely determined by the DC, are disallowed.

2.16.1.2 Indirect Fixtures. All light fixtures shall be indirect, that is, with a concealed light source.

2.16.1.3 Continued Compliance. The orientation of light fixtures may change over time. Replacement lamps are often different from the originals. The operation and use of lighting by means of switches, timer clocks, sensors, etc., is subject to failure and change. Therefore, an installation that may be determined acceptable during its initial approval and operation may later be found to be in non-compliance and will, thus, require being brought into compliance.

2.16.2 Control Light Spill from Interior. Darkly tinted glazing must be used on all skylights and clerestories, and dark tinting of glass areas or the use of window coverings at other doors and windows may be required to reduce light spill from interior spaces that utilize exceptionally high light levels.

2.16.3 Exterior Lighting. “Exterior lighting” as used here shall mean light sources that are located outside the structure. The DC considers exterior lighting as serving one of two general purposes: a) safety, and b) visual enjoyment of outdoor living spaces as characterized below.

2.16.3.1 Safety Lighting. Safety lighting is used to illuminate vehicular and pedestrian circulation and is to be used only when receiving guests or circulating outdoors. Motion-detector-controlled driveway downlighting may be used to provide illumination for access from the street to a garage, providing the lights are either at grade or attached to a wall not more than 18 inches above grade and have a timer-controlled automatic shut off function. If driveway lights are attached to a wall, they must be downlights and the fixtures may not exceed 6 inches in width or height. All driveway, walkway, and pathway lights may have a maximum of 20 watts per fixture.

2.16.3.2 Visual Enjoyment Lighting. Visual enjoyment lighting is intended to illuminate exterior living areas such as patios, decks, under portals, or landscaping behind walls and may be used only during waking hours. All visual enjoyment lighting in Tessera must comply with the following:

2.16.3.2.1 Wattage. The maximum wattage of any light fixture is a total of 60 watts.

2.16.3.3 Mounting. Unless otherwise approved by the DC, all lighting fixtures shall be mounted as follows:

- a) On a post or pedestal not exceeding 18 inches above the ground.
- b) In or upon a screen wall not exceeding 4 feet above the ground.
- c) Fixtures attached to a house are allowed only within 24 inches of a door (including garage doors) or under a roof area where concealed-light-source lantern-type downlights are allowed or as stated in Section 2.16.3.5 below, unless otherwise approved by the DC. Such wall-mounted fixtures may not exceed 80 inches above finish grade.

2.16.3.4 Shielding. Regardless of the function, the light sources (lamps or bulbs) of all lighting must be completely shielded from view to eliminate glare from any normal

standing, sitting, or driving view angles from any other Lot, street, or Common Area. For example, lantern-type fixtures with an exposed bulb are not permitted. Particular care must be taken when lighting homes that are visible when viewed from lower elevations. No glass or glass-like fixtures, whether sandblasted, translucent, frosted, etched, or otherwise, are allowed as they produce glare or appear as direct light sources.

2.16.3.5 Orientation: Uplights and Downlights. No uplights are allowed except those fixtures mounted below a roofed patio area that are aimed upward and, if downlighting is not practicable, one address marker light as stated in Section 2.15. The light source of such fixtures under roofed patio areas must be fully shielded behind the eaves. Uplights from such fixtures that cause light spill into the night sky will not be approved or permitted.

Downlights must be mounted in an approved fashion, must be aimed within 10 degrees of vertical, must be shielded to allow for no light above 45 degrees, and have no visible light source. The DC reserves the right to reject a downward directed light if, in its sole discretion, it appears excessive, inappropriate, or not in conformance with the intent of this Section.

2.16.3.6 No Security Lighting. Security lighting is not permitted. No motion-controlled, infrared, timed, photocell, laser-controlled, or sound-controlled lighting for security purposes may be mounted on garages, walls, or anywhere on the Lots.

2.17 Tennis Courts and Other Sport/Recreational Surfaces. No tennis courts are allowed. Other sport courts may be allowed at the sole discretion of the DC.

SECTION 3 - ARCHITECTURAL DESIGN GUIDELINES

3.1 Building Heights. The building height restrictions promote an architectural style that is well integrated with the natural environment, while avoiding the creation of overbearing structures. The terrain of Tessera is varied and unique, with ridges, hillsides, meadows, and arroyos. These differences in elevation can cause a building to appear excessive in height and out of character with other residences. In such circumstances, the DC may require the Owner of a proposed residence to lower the height of specific parapets and roofs. Residences may be sited partially below grade. Some lots have additional height restrictions more restrictive than those stated in Section 3.1.1 and are indicated on the BE Plat.

3.1.1 Height Limits. The highest point of the house shall not exceed a horizontal plane existing 14 feet above the highest point of natural grade adjacent to the house. The height of any point of a house shall also not exceed 17 feet above any natural grade at that point of measurement on the house. This may be thought of as a tilted plane 17 feet measured vertically above, following and parallel to the contours of the site.

3.1.1.1 Overall Height. In no case shall the overall height of a residence exceed 24 feet measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the residence exclusive of driveway.

3.1.2 Finish Floor Height Limit. No finish floor or finish exterior grade may exceed 3 feet above pre-existing natural grade at the point of measurement.

3.2 Benchmark. To assure compliance with the height restrictions, the following procedure shall be required.

As part of the Site Plan of the Final Submittal and prior to any site work being undertaken, the Owner/builder shall, at their expense, have a licensed surveyor establish a permanent benchmark outside of the building footprint area and establish the elevation of highest and lowest natural grade adjacent to the home. The benchmark shall be used to verify the heights of the slabs, (or finish floors), parapets, and roof deck levels in the required compliance surveys (see Section 6.10).

3.3 Architectural Style and Building Massing. Architectural Style shall be based upon, but need not strictly adhere to, “Pueblo Spanish Revival,” “Old Santa Fe Style,” or “Territorial Style.” Contemporary designs that are compatible with the spirit of the above styles are allowed. Modifications of the foregoing styles in reasonable, innovative, and creative ways are permitted and encouraged.

3.3.1 Thick Walls and Deep Recesses. The characteristic effect of all styles is an architecture dominated by massive, thick walls with deeply recessed doors and windows.

3.3.2 Long Low Massing. Massing is long and low with frequent modulations, but not busy.

3.3.3 Natural Materials. Materials are natural and indigenous and scaled to the thick and predominate walls.

3.3.4 Horizontal Massing. In order to enhance the concept of not dominating the environment while creating parapet lines and silhouettes that flow with the hill and horizon edges, building masses should be predominantly horizontal rather than vertical.

3.3.5 Massing for Pueblo-Style Buildings. The DC may require additional vertical and/or horizontal offsets, as well as other design elements, to help bring further character to the massing of the building, especially for pueblo-style buildings. Vertical offsets and multiple masses are very important when the style is primarily pueblo and the building steps down a hillside.

3.3.6 Offsets. No more than a cumulative of 20 feet of garage door (a single 16- to 20-foot door or two doors 7 to 10 feet long each) may be located in a single wall as distinguished by a minimum offset of two feet to a new and different wall.

3.3.7 Single Floor Level Permitted. While it is anticipated that building masses will follow natural site contours, nothing in these guidelines shall prohibit residences with a single floor level provided the building height and massing, as well as grading, guidelines are met.

3.3.8 Parapets.

3.3.8.1 Parapet Width, Height and Taper. Parapets are often highly visible house elements, both as seen from above from other Lots at higher elevations and from finish floor level or below. Their apparent thickness can be viewed in the cutouts and openings above canales. Therefore, in order to further a perception of thickened walls, all parapets shall have a finished thickness of at least 9 inches as measured at the top of the parapet. All parapets shall be higher than any roof penetration in the same mass. Parapet height shall be the minimum required to screen skylights and other roof penetrations but may, in the sole discretion of the DC, be raised to screen highly visible skylights when the provisions of Section 3.13.1.4 are not sufficient. There shall be no parapet taper on frame construction.

3.3.8.2 Closed Over Canales. When the vertical distance from the top of a canale to the top of the parapet that contains it is more than 16 inches, the wall must be closed above the canale.

3.3.9 Corner Detail for Pueblo-Style Buildings. When the building style is primarily pueblo, all exterior wall corners, parapets, and window and door openings shall have a 3-inch maximum radius. On all pueblo-style buildings, this also means masonry chimneys need to be sheathed in foam insulation held back from edges or the sharp masonry corners need to be cut or chipped off prior to lathing. More contemporary style buildings may utilize squared corners.

3.3.10 Construction Details in Final Submittal. As part of the Final Submittal, the Construction Documents shall include a typical detail for all parapets, elevation details of all window and door installations, typical wall sections, and a plan view detail of a typical corner. It is the responsibility of every builder to ensure that approved details are constructed as specified on the plans.

3.4 Retaining Walls. All retaining walls shall have a minimum finished thickness of 11 inches.

3.5 Building Sizes. Residences must contain at least 1,600 square feet of living area. However, the DC may approve smaller residences if, in its opinion, the design would not result in a residence that would be out of character or value with the other residences in the area.

3.6 Building Colors.

3.6.1 No Pre-Approved Colors. Colors need to be chosen for their compatibility with the natural environment, i.e., their ability to blend in with the predominant color of the piñon-juniper covered hills against which most houses will be viewed. Owners must submit a color design scheme and samples for approval by the DC. The DC may disapprove any color or combination color scheme in its sole discretion.

3.6.2 Darker Colors Required. Generally, darker colors blend in and visually disappear more easily into the dark green hillsides than do lighter colors. Darker colors are required, and the use of darker brown-greens is encouraged.

3.6.3 Low Light Reflective Value. All colors submitted to the DC for consideration must have a low Light Reflective Value.

3.6.4 Painted Trim. All metal, plastic, and other trim shall be painted to match the stucco or background color against which it will be viewed.

3.6.5 Wood Stain. All proposed wood stain colors must be approved by the DC for compatibility with the stucco and trim colors. Generally, light-colored and whitewash stains are not allowed due to their propensity to stand out against both the building stucco color and the dark green of the piñon-juniper hills.

3.7 Accent Colors. Accent colors in entry portals, front doors, window frames and trim, and other incidental elements are allowed subject to approval by the DC.

3.8 Roofs.

3.8.1 Roofs as Visible Elevations. Roofscapes form an important part of the visual environment and their design requires particular care. Roofs are visible from many Lots **and are to be treated as a visible elevation** visually integrating all projections, materials, and colors into the overall design. The color of all roofs shall be compatible with the stucco color of the house.

3.8.2 Flat Roofs with Parapets Required. In keeping with the predominant architectural style of this region, flat roofs with parapets are required for the structure mass. Incidental locations such as portals may not require a parapet but must be trimmed with copper, or rusted metal fascia.

3.8.3 Pitched Roofs Prohibited. Pitched roofs are prohibited except that they may be used at incidental locations such as entry portals if, in the opinion of the DC, the pitched roof areas do not detract from the home's visual integrity.

3.8.4 Conditions Allowing Incidental Pitched Roofs. If incidental pitched roofs are proposed, they must comply with the following:

3.8.4.1 Maximum Slope. Maximum allowable slope is 1:4.

3.8.4.2 No Ridges Against Sky. No ridges or peaks shall be viewed against the skyline (abutting parapet or wall must be higher than the sloped roof).

3.8.4.3 Allowed Materials. Sloped roofs may be constructed of rusted metal, copper, or standing seam or corrugated metal that has been rendered completely non-reflective by sandblasting, acid-washing, or otherwise. Painted, powder coated, or colored metal is not allowed.

3.8.4.4 Disallowed Materials. No asphalt shingles or tile are allowed.

3.8.4.5 No Skylights or Mechanical Equipment. No skylights or mechanical equipment shall be located on incidental pitched roofs.

3.8.5 Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment is prohibited on any roof unless it does not adversely affect views from streets, other Lots, or Common Areas. When permitted, such equipment must be screened from view from streets, other Lots, or Common Areas. The DC must approve all roof materials and screening proposals, which are approvable in the sole discretion of the DC.

3.8.5.1 Painting Required. All vents and miscellaneous roof-mounted metals and plastics shall be painted to match the exterior wall color or roof color, depending against which background the item is viewed.

3.8.5.2 Code Minimum Height for Roof Penetrations. Items emerging from roof penetrations shall extend the applicable code minimum height (and no more) above the roof and be painted to match the wall stucco color or roof color, depending against which background the penetration is viewed. When multiple plumbing vents emerge from the roof in close proximity to each other and the ceiling is joisted or trussed, the vents shall be grouped beneath the deck to minimize the number of roof penetrations.

3.8.5.3 Air Circulation Vents. All roof air circulation vents must be located on the roof-side of parapets or on the roof deck, not on the outward-facing walls.

3.8.5.4 Inconspicuous Flues, False Chimney Chase. All roof penetrations that must by applicable code protrude a minimum distance above any adjacent parapet shall be located the necessary distance away from such parapets so that they do not need to protrude above them.

3.8.5.5 Single Exhaust Flue and Location. If a separate water heater and boiler are utilized, water heater exhaust venting shall be combined with the boiler

exhaust flue inside the boiler room prior to emerging through the roof so that only one exhaust pipe penetrates the roof. The smallest available curved- top mushroom-shaped exhaust and fresh air pipe caps should be used instead of cylinder-shaped caps. It is often preferable to have the fresh-air vents for the boiler room emerge from the exterior boiler-room wall rather than from the roof, where the “high” fresh air vent is often visible.

These vents are typically flat grills and they may be more easily screened by trees and otherwise in a wall location. Every effort should be made in the design process to place the boiler room in such a location that the emerging flue pipe through the roof is inconspicuous. Locate the flue pipe where it will be more than 10 feet away from an adjacent parapet due to the code requirement that all exhaust flue pipes must terminate a minimum of 24 inches higher than such parapets within 10 feet of the pipe. The same principal holds true for all plumbing exhaust vents exiting through the roof. Such planning will help ensure that all exhaust pipes are minimally visible.

3.8.5.6 Exposed Gas Pipes and Wires Prohibited. Roof-mounted mechanical, exposed gas pipes, and all exposed wires and conduits of any kind are prohibited.

3.8.6 Brown or Tan Roof Color. Roof finish color shall be brown or tan, including all gravel and 90 pound roofing paper on parapets.

3.8.7 Plaster Stop Required. Plaster stop shall be provided wherever stucco meets the roofing, and stucco shall extend to within 6 inches of the finished roof.

3.8.8 Roof Decks. Roof decks are allowed. They must not exceed 300 square feet, and the roof deck parapet must not be part of the highest mass of the residence. Access to roof decks must be shielded from adjacent Lots, streets, and Common Areas. Roof deck furniture may not include umbrellas and must not be visible from other Lots, streets, and Common Areas.

Open railings may partially enclose a roof deck provided they are used on only a single side of the roof deck, begin no less than 2 feet from a parapet corner, and have no single span of railing greater than 8 feet in length. The top of the railing must be at least 4 inches below the adjacent top of the parapet. Their design must be attractive and visually appropriate to the design of the house.

3.9 Materials and Exterior Surfaces.

3.9.1. Stucco Required. Stucco is the required exterior surfacing material for all residences and structures. Cementitious and synthetic stuccos are both acceptable.

3.9.2 Two Base Coats Required. All underlayment cement base coats shall be sufficiently thick to mask stucco netting, metal lath outlines, and ‘stud waffling’ from showing in shape through the stucco coat. This means two full base coats are required. So-called two-coat stucco systems (which utilize a single base coat) are not sufficient or acceptable.

3.9.3 Waterproofing Paper Required on Masonry. All structures, including masonry walls, shall be covered with waterproofing paper prior to lathing and plastering so as to conceal moisture “bleed-through” of masonry joint lines and sheathing joints.

3.9.4 Prohibited Materials. Materials that are specifically prohibited are: reflective metal or wood siding (excluding the garage door wood cladding), vinyls and plastics, reflective materials, highly reflective exterior artwork and sculpture, and other materials whose appearance, in the judgment of the DC, does not convey strength, permanence, or durability. Glass may not be mirrored.

3.9.5 Permitted Steel Accents. Rusted and painted steel accents, beams, trim, railings, and sconces are permitted.

3.9.6 Colored Concrete Required. All visible exterior concrete shall be integrally colored.

3.10 Building Projections. Unless otherwise approved by the DC, all projections from a building including, but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall be visually integrated into the overall design and generally match or be compatible with the color of the building (see Sections 3.6 and 3.7, Building Colors and Accent Colors).

3.11 Flagpoles. Freestanding flagpoles are not allowed on any Lot. The displaying of a flag is permitted, however, it if is hung from a pole bracket mounted on the residence or it if is suspended from a roof overhang.

3.12 Satellite Dish, TV Antennas, and Roof-Mounted Equipment.

3.12.1 Proposed Locations Indicated. All Preliminary Submittals for new construction must show the proposed location of any satellite dish, roof-mounted equipment, air conditioners, evaporative coolers, and any necessary false parapets or other wall screening. This information is required before the DC grants Final Approval.

3.12.2 No Antennas Except Small Satellite Dish Allowed. No radio, television, or other antennas of any kind or nature other than an approved satellite dish is permitted. Owners who wish to install a satellite dish or any roof-mounted equipment into or onto an existing house are also required to submit their plan to the DC for approval. It is recommended that Owners discuss the design, placement, and shielding of these devices with a representative of the DC prior to purchasing any equipment. Satellite dishes must be installed on the ground and shielded from view from streets, common areas, and other Lots by means of walls or landscaping.

3.13 Skylights, Windows and Doors, Glass Block.

3.13.1 Skylights. Skylights and windows can be sources of undesirable reflections and glare, particularly at night.

3.13.1.1 Location. Care must be taken in locating, positioning, and sizing of all windows and skylights. To the greatest extent possible, skylights may not be visible from other Lots, streets, and Common Areas.

3.13.1.2 Skylights Tinted. They must be either tinted bronze or gray (not white or clear) and be the low profile type.

3.13.1.3 Low Profile. No high-domed or other shaped skylights are allowed, unless they are completely screened from view from other Lots, streets, and Common Areas.

3.13.1.4 Screening Required. Skylights are to be completely screened by parapets such that no part of the skylight may extend above the horizontal plane of the top of the lowest adjacent parapet. All skylights must be clearly represented on the Roof Plan of the Preliminary Submittal.

3.13.2 Window and Door Recess. Windows and doors must generally be recessed a minimum of 4 inches into the outside wall to give an appearance of substantial wall thickness, strength, and durability. Unless specifically otherwise approved by the DC, all windows and doors shall be recessed a minimum of 4 inches from the plane of the glass or door to the exterior plane of the wall.

3.13.2.1 Thickened Wall Required. The requirement of window and door recesses as stated in Section 3.13.2 above generally means that frame walls that contain a window or door must be constructed with at least 2" x 8" studs or for houses constructed of other material, an equivalent thickness. Owners shall be responsible for ensuring this requirement is met by allowing a thick enough wall section to accommodate the required 4-inch wall plane to window glass or door distance, plus any interior window sill depth, and any interior plaster bullnose radius or drywall box-out details.

3.13.3 Glass Block. Glass block is permitted. Glass block must be recessed a minimum of 4 inches from the outside wall plane and be generally used in a grouped manner, not as isolated single blocks or figurative arrangements. Contemporary and other designs incorporating large areas of glass block are allowed and will be reviewed on a case-by-case basis.

3.13.4 Garage Door Recess. Garage doors shall be recessed at least 18 inches as measured from the plane of the garage door to the plane of the exterior wall. This recess is intended to deeply shadow the door and inset as well as give a proportional sense of depth in relationship to the size of the door.

3.13.5 Garage Door Wood Cladding. Garage doors with wood sheathing shall be sheathed in a horizontal pattern. It is strongly recommended that exterior waterproof glue and screws be used to adhere the boards to the base door. The wooden clad doors shall be stained an appropriate approved color that exactly matches the adjoining stucco color. Cedar is recommended because it will not turn black as pine tends to do. The garage door represents the single largest area on the house that is not stucco and the most difficult area to be screened by piñon trees, other landscaping, courtyard or screen walls, etc., due to the necessary presence of the back-out area in front of the garage door. For these reasons, garage doors shall be painted a color that "matches" the surrounding stucco color. The goal is to make the garage door as inconspicuous as is achievable.

3.13.5.1 Prohibited Garage Door Materials. No masonite, synthetic wood-like materials, or stamped plywood material is allowed on the exterior. Painted smooth metal or clad rusted steel doors are permitted.

3.14 Fenestration. Fenestration shall be proportional and consistent within the design vocabulary of a particular style of architecture. The DC may exercise considerable discretion in approving fenestration.

3.15 Solar Applications. Passive and active solar design is encouraged. Orienting the residence for maximum winter solar heat gain will reduce the winter heating needs. Insensitively positioned solar collectors can cause excessive glare and reflection and will be approved only if they are integrated into the architecture of the structure or landscaping and are not visible from other Lots, streets, or Common Areas.

3.16 Screen Walls. Screen walls should be a visual extension of the architectural design of the residence. They may be used to distinguish areas such as courtyards and patios and as screening for hot tubs, sun decks, guest parking, and service areas. Screen walls may be attached or detached from the residence. All screen walls shall have a minimum finished thickness of 11 inches and shall not exceed 6 feet on the highest side without DC approval.

3.17 Service Yard. All garbage and trash containers, mechanical equipment, and other outdoor maintenance and service facilities must be screened by walls from other Lots, streets, and Common Areas.

3.18 Guesthouses and Guest Suites. Guesthouses and guest suites are allowed. They may be attached or detached, but should be in the same architectural style as the residence and visually related to the main house by walls, courtyards, or major landscape elements. Any guesthouse must comply with all zoning regulations.

3.19 No Visible Storage Tanks. All fuel tanks, water tanks, and similar storage facilities shall either be shielded from view by walls or structures or shall be located underground with all visible projections screened from view. Use and construction shall comply with all applicable codes and ordinances.

3.20 No Signs. All security, construction, financing, private property, and other similar signs are prohibited within Tessera Subdivision. The only exceptions to this restriction are the address identification sign described in Section 2.15, the temporary construction sign described in Section 5.13, temporary open house signs provided by real estate sales personnel and approved by the DC, and one "For Sale" signs for each Lot that is approved by the DC.

SECTION 4 - LANDSCAPE GUIDELINES

4.1 Introduction. The distinct character of the natural landscape in the area is primarily a function of the type, height, color, density, and distribution of the trees. The piñon pine and juniper are the most prevalent at Tessera, and it is the intent of these guidelines to maintain the height of the present canopy.

4.1.1 Tall Foreign Trees Limited to Low Areas. To preserve the existing tree canopy's texture and color and avoid sporadic "foreign" elements on the horizon, the use of other types of trees (that are typically taller and lighter in color) will be limited to low areas where their maximum mature height is not likely to exceed 30 feet.

4.1.2 Tall Trees in Groups. Any taller trees proposed for approval, with mature heights exceeding 25 feet, are to be planted in groups of at least 3 trees to avoid single tall specimens from breaking the skyline. The planting of any trees whose mature height can be expected to exceed 30 feet requires review and approval by the DC.

4.1.3 Height Maximum. In no case will a tree be approved in a location where its mature height would be 10 feet higher than the highest point of the home.

4.1.4 Cultivated Grasses Restricted. The use of cultivated grasses will only be allowed in the Private Areas (Section 4.4) of a residence where it cannot be viewed from other Lots, streets, or Common Areas.

4.2 Natural Areas. The intent is that the Natural Area on a Lot be free from any improvements and any scars resulting from construction. As long as the vegetation and land surface are not permanently damaged, it is allowed to clean and trim damaged or dead branches in Natural Areas to enhance recuperation; however, systematic pruning of the piñon and juniper trees, especially the lower branches, is not allowed.

4.2.1 Landscaping Restricted. Landscaping the Natural Area is not allowed unless needed to replace vegetation that has been destroyed. Such replacement must be with indigenous materials only.

4.2.2 Selective Transplanting. Selective tree removal or trimming within the Natural Area is allowed with approval by the DC.

4.2.3 Revegetation Required. The landscape plan shall include revegetation proposed for all disturbed areas. If excessive clearing takes place, beyond that approved by the DC, then the DC reserves the right to require the appropriate revegetation at the Owner's expense.

4.2.4 Approved and Disapproved Plants for Natural Areas. See **Exhibit C** Approved and Disapproved Plants list.

4.3 Disturbed Area. Upon completion of construction, all areas of disturbed ground must be landscaped with appropriate plants. All disturbed ground must be replanted to match the adjacent Natural Area in appearance.

4.3.1 Temporary Irrigation. A temporary irrigation system must be installed to promote and maintain the revegetation of the disturbed area until it has become established. This generally means 6 months for grasses, 2 years for native shrubs, and 4 years for native trees.

4.4 Private Areas. The Private Areas are the least restrictive as to what plants, shrubs, and trees may be planted. They include any other plant not included in the Approved and Disapproved Plants list (**Exhibit C**). Private Areas include courtyards, atriums, or other walled areas that are not directly viewed from adjacent Lots, streets, or Common Areas. The Private Area may be designed as a mini-oasis area that may be as lush and varied as desired by the Owner. However, all plants that can be seen from an adjacent Lot, street, or Common Area must be one of the plants listed in Exhibit C or be approved by the DC. Non-native grass lawns located within the Private Areas may not be significantly visible from adjacent Lots, streets, or Common Areas.

4.5 Prohibited Plant List. The plant materials set forth in Exhibit C include species with characteristics that are potentially destructive to the Natural Areas and indigenous plants that may be undesirable by reason of profuse and noxious pollen, excessive height, weed-like characteristics of excessive growth, high water demands, and similar traits. Under no circumstances is it permissible to plant any prohibited plant in Tessera Subdivision.

4.6 Protecting and Preserving Plants. The planting of piñons and junipers should promote the visual screening of the proposed structure as a primary objective. All improvements should be sited to avoid existing trees as much as possible.

4.7 Piñon and Juniper Tree Screening.

4.7.1 Indigenous Character. Piñon and juniper trees, consistent with the character of the trees found in and around Tessera Subdivision, shall be planted to screen the house. Generally, this means the screening trees shall be spherical in shape or at least as wide as they are tall.

4.7.2 Minimum Height and Width. The trees shall be an average of 7 feet in height and 7 feet, minimum, wide and of sufficient fullness to significantly soften the visual impact of the house.

4.7.3 Intent. The intent of the screening trees is to break up the mass of the house, help to restore the pre-construction tree landscape up to the perimeter of the building, and create the appearance of the house being nestled into the tree canopy.

4.7.4 Planting Time. The trees shall be planted at any time after the stucco is applied, final grading is complete, and all hardscape that might affect such trees has been constructed.

4.7.5 Quantity. The quantity required shall be one tree for every 15 feet of house perimeter. Existing evergreens 7 feet or higher within 15 feet of the structure (or as approved by the DC) may be counted towards the screening requirement. The DC has abundant discretion to decide when existing evergreens not meeting the strict criteria of this Section may be counted towards the screening requirement. Sometimes the difference in elevation between the house and the viewer allows trees further away to better screen the house than if those same trees were adjacent to the house. Additionally, long runs of yard walls may require planting screening trees adjacent to the walls rather than the house, and in such cases it may be appropriate to determine the quantity based on yard wall length for that portion of the house rather than house perimeter. The DC shall have sole discretion for such a substitution.

4.7.6 Location. Generally, all screening trees shall be planted within 15 feet of the house, unless approved in other locations by the DC. The locations of the trees shall be mutually agreeable to the Owner and DC at the time of planting.

4.7.6.1 Views Not Blocked. It is not the intent of this Section to block or obscure any primary view corridor as seen from within the home. However, partial blocking of some views may be unavoidable.

4.7.6.2 Trees Shown on Final Landscape Plan. To that end, the screening trees shall be shown on the Final Landscape Plan in the desired locations with a note stating that all final locations are to be mutually determined onsite between the Owner and/or builder and the DC representative.

4.7.6.3 Onsite Meeting to Locate. Prior to the Final Inspection, the Owner and/or builder shall meet with the DC onsite to determine the quantity of trees required and their locations. The Final Inspection may not take place until this onsite meeting to enumerate and locate trees has occurred.

4.7.8 Irrigation and Maintenance. All transplanted piñons and junipers should be irrigated until established, which generally means 3 to 5 years. Transplanted piñons and junipers require special care and a professional should be consulted for both the transplanting, maintenance, and watering requirements.

SECTION 5 - CONSTRUCTION GUIDELINES

5.1 Construction Regulations.

5.1.1 Included in Construction Contract. The following Construction Regulations (all of Section 5) shall be made a part of the construction contract documents for each residence or other improvements on a Lot.

5.1.2 Builder Pre-Approval Required. All builders, including Owners acting as their own general contractors, building residences and other structures in Tessera shall be pre-approved in writing by the DC prior to the acceptance of the Owner's Bond by the Association and prior to the issuance of the Commencement Notice. No Owner's Bond will be accepted by the Association and no Commencement Notice will be issued to any builder not so pre-approved in writing by the DC. Builders seeking pre-approval shall submit a letter of request to the DC, which shall approve or disapprove in writing such applicant's request within 20 days of receipt of the request. The DC may require résumés, portfolios of previous work, field visits to previous work, pictures, or other such evidence of an applicant's competence and experience. The DC shall use its sole and abundant discretion in approving or disapproving any request for pre-approval. Approval shall not be unreasonably withheld. For purposes of this Section, it would be reasonable

to withhold approval if the DC believes in good faith the builder selected would not preserve the high standards of Tessera Subdivision, the value of the Lots, or promote good construction.

5.1.3 Builders and Owners Bound. All builders and Owners shall be bound by these Construction Regulations and any violation by a builder shall be deemed to be a violation by the Owner of the Lot.

5.1.4 Violations to be Corrected. Policing of building sites during construction will be undertaken by DC members and representatives of the Tessera Owners Association. Violations of the Construction Regulations are regarded as a serious matter and builders will be required, either verbally or by letter, to correct any violation immediately. Copies of all correspondence will be sent to the Owner, as well as the Association and the DC.

5.2 Owner's Bond. To guarantee that the regulations within these DG are adhered to, each Owner, before beginning any construction, shall post a cash bond in the amount of \$5,000.00 with the Association. An Owner's Bond is required for additions to existing structures, as well as for all new construction. Should it become necessary for either the DC or the Board to remedy any violation of these Construction Regulations, DG, or the final approved plans and specifications, the costs of such remedy will be charged against the Owner's Bond.

The Owner's Bond is returned only after the building and landscaping are completed and have passed Final Inspection and an Association Certificate of Occupancy has been issued.

It is required that the grading and drainage plans have been faithfully undertaken and that all required reseeded and revegetation is irrigated according to the regulations within these DG, including placement and irrigation of the screening trees. The portion of the Owner's Bond applicable to reseeded and temporary irrigation will only be returned after successful establishment of the grass and screening trees.

5.3 Pre-Construction Meeting, Commencement Notice. Prior to commencing construction, the builder must meet with a member of the DC to review construction procedures, coordinate construction activities, and review the inspection schedule.

5.3.1 Final Approval Stipulations to be Met. In order to commence construction, compliance with any of the DC's stipulations required for Final Approval must be met.

5.3.2 Owner's Bond Posted and Construction Regulations Received. In addition, the Owner's Bond must be received and the receipt for the Construction Regulations must be signed by the builder and Owner. Once all of the above are accomplished, the builder and Owner will receive a notice from the DC that permits commencement of construction (the "Commencement Notice").

5.3.3 Commencement Notice Required. **Absolutely no construction of any kind may begin without the Commencement Notice.**

5.4 Construction Trailers, Portable Field Offices, and Temporary Facilities. Any Owner or builder who desires to bring a construction trailer, field office, or the like to Tessera shall first apply for and obtain written approval from the DC. To obtain such approval, he shall submit a copy of the architect's site plan with proposed locations of the construction trailer or field office noted. A construction trailer may be denied for any Lot, at the sole discretion of the DC.

5.4.1 Inconspicuous Location. Builders shall place all portable toilets and trash receptacles in locations that are the least conspicuous to adjacent Lots, streets, and Common Areas.

5.4.2 Subject to Relocation. The DC reserves the right to require any construction trailers, portable field offices, and temporary facilities to be moved to a new location on the site but also recognizes that any new location must allow for vehicular access.

5.4.3 Removal upon Completion. All temporary structures and facilities shall be removed upon completion of construction.

5.5 Temporary Construction Fencing. To protect the Natural Area of a Lot from damage due to construction operations, a chain link fence shall be installed to completely enclose the building footprint area as approved on the Final Submittal. In addition, a metal stake fence at least 4 feet high with at least 2 strands of smooth wire shall enclose the driveway from the chain link fence to the street and then along the back of the curb edge at the street at least 20 feet out from the driveway edges. The fence posts along the curb edge should be within inches to prevent vehicles from parking back of the curb.

5.5.1 Placement Timing. The installation of the temporary fence are required prior to commencement of construction. This fencing shall be maintained intact until the completion of construction. The construction trailer (if any), portable toilet, construction material storage, and dumpsters must all be contained within the fence.

5.6 Debris and Trash Removal. Owners and builders shall provide a dumpster and approved trash containers onsite during the entire time of construction.

5.6.1 No Trash Accumulation. Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are prohibited from dumping, burying, or burning trash anywhere at Tessera.

5.6.2 Onsite and Offsite Streets Kept Clean. During the construction period, each construction site and the route to and from the construction site shall be kept neat, clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots, streets, or any Common Areas. Unsightly dirt, mud, or debris from activity on each construction site shall be promptly removed and the general area cleaned up.

5.6.3 Remedy is Owner's Bond. The Owner's Bond may be used to clean up debris, concrete clean-up wash, etc., when the Owner and/or builder fail to do so.

5.6.4 Dead Tree Removal. All trees that have not been transplanted or balled for onsite storage for future planting, but have been cleared from the building site, shall be disposed of offsite within 5 days after removal to prevent insect infestation from spreading to living trees.

5.6.5 Cement and Plaster Washout Pit. All concrete cleanup, excess concrete mix and plaster wash shall take place in a cleanout pit within the fenced area and designated on the Final Site Plan. Builders shall specifically instruct all concrete subcontractors and suppliers to use such pit.

5.7 Toilets. Each builder shall be responsible for providing adequate toilets for his construction workers. Portable toilets shall be located only within the fenced area in an area approved by the DC.

5.8 Vehicles and Parking Areas.

5.8.1 Street Parking. Construction crews shall not park on, or otherwise use, other Lots or Common Areas. All vehicles should be parallel parked on one side of the street, with all wheels on the paving. The cul-de-sacs are to be kept clear of parking as are areas in front of fire hydrants. Builders are responsible for any pavement damage to the streets including leaking diesel or gas. Vehicles and construction equipment shall not be parked in the Natural Area outside the fenced area, and heavy construction equipment should not be parked on the street. No dumpsters shall be temporarily placed on the streets at any time.

5.8.3 Obey Speed Limits. Each builder shall be responsible for its subcontractors and suppliers obeying the speed limits posted on all public and private streets within Tessera and leading to it. Fines will be imposed against the Owner's Bond for repeated violations.

5.8.3.1 Condition Included in Construction Contract. Adhering to the speed limits shall be a condition included in the contract between the builder and its subcontractors/suppliers.

5.9 Restoration or Repair of Other Property Damages. Damage and scarring to any property, Common Areas, or other Lot, including, but not limited to, streets, driveways, utilities, vegetation and/or other improvements, resulting from construction operations will not be permitted.

5.10 Miscellaneous Prohibited Practices. All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors while on the premises of Tessera. The following practices are prohibited:

5.10.1 Careless disposal of cigarettes or any other flammable material.

5.10.2 Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment anywhere but the location specifically designated for that purpose by the builder within the fenced area and approved on the Site Plan of the Final Submittal. No cement, plaster, stucco, paint, or other building material may be released onto adjoining Lots, street, Common Areas, or any properties or streets leading to Tessera during the process of cleaning. Builders shall instruct concrete truck drivers and concrete pumper personnel not to wash out in Tessera or any streets leading to it. If cleanup is required because of a violation of these Construction Regulations, the Owner's Bond may be used for such purpose.

5.10.3 Removing any rocks, plant material, topsoil, or similar items from any property of others within Tessera, including other construction sites.

5.10.4 Carrying any type of firearms within Tessera.

5.10.5 Using disposal methods or equipment other than those approved by the DC.

5.10.6 Changing oil on any vehicle or equipment on the site itself or at any other location within Tessera.

5.10.7 Careless treatment or removal of protected plants, trees, or topsoil not previously approved for removal by the DC.

5.10.8 No pets, particularly dogs, may be brought into Tessera by construction personnel.

5.10.9 The use of radios and other audio equipment is not permitted on construction sites at Tessera.

5.10.10 Littering is not tolerated either offsite or within Tessera.

5.11 Working Hours. All exterior construction activity must take place on Mondays through Fridays from 7:00 a.m. to 7:00 p.m., or Saturdays from 8:00 a.m. to 5:00 p.m. Working on Sundays is prohibited. The DC may make exceptions to these hours provided the nature or location of the work is such as to not disturb any residents.

All Owners will be absolutely responsible for the conduct and behavior of their agents, representative, builders, contractors, and subcontractors while on the premises of Tessera.

5.12 Construction Access. The only approved construction access during the time a residence or other improvement is under construction will be over the approved driveway for the Lot unless the DC approves an alternative access point. In no event shall more than one construction access be permitted onto any Lot.

5.13 Construction Signage. Temporary construction signs shall be limited to one sign per Lot and may not exceed 6 square feet. The sign shall be free standing within the BE, and its design and location shall be subject to the review and approval of the DC.

In an effort to maintain the residential character of Tessera, the DC will require all construction signs to meet the following criteria:

5.13.1 Signs shall be single-faced, panel type, with a maximum area of 6 square feet. No additional signs may be attached to the main sign or be suspended below it.

5.13.2 Only the following information may appear on a construction sign: Builder's name, architect's name, Owner's name, one phone number, Lot number and street address.

5.13.3 Information such as "For Sale," "Available," or similar language, or descriptive phrases such as "3-bedroom" may not appear on any construction sign.

5.13.4 Signs with harsh colors, in the sole determination of the DC, may be required to be removed or altered.

5.13.5 Construction signs may be installed only after the Pre-Construction Meeting has taken place and must be removed at the time the house is substantially complete or when the DC directs the sign to be removed.

SECTION 6 - DESIGN REVIEW AND APPROVAL PROCESS

The DC will review designs only after determining that all necessary information has been provided. After adequate time for professional review, it will take one of the following actions: (a) Approval; (b) Approval with stipulations and/or recommendations; (c) Table pending further information; or (d) Disapproval. The DC will inform the Owner, or Owner's representative, in writing as to their decision.

The DC also monitors the entire construction process through a series of mandatory meetings, submittals, and inspections. These include the Pre-Construction Meeting, Benchmark Certification, Survey of Stem Walls and Slabs, Framing Survey, Skylight Inspection, Onsite Screening Tree Location Meeting, and Final Inspection.

6.1 Design Requirements.

6.1.1 Professional Design Required. It is required that an Owner retain competent, experienced professional services for planning and design. A thorough analysis of a particular Lot, an understanding of the Owner's needs, and the skill to translate this into good building plans and form are critical elements to the design process. In addition, a working knowledge of the Tessera DG and design review process is critical to bringing a project forward.

6.1.2 Architects and Professional Designers Require Pre-Approval. All architects and professional designers submitting plans and designs for work to be performed in Tessera shall be pre-approved by the DC prior to the Preliminary Submittal. No designs will be reviewed for anyone not so pre-approved in writing. Architects and designers seeking pre-approval shall submit a letter of request to the DC, which shall approve or disapprove in writing such applicant's request within 20 days of receipt of the request. The DC may require résumés, portfolios of previous work, field visits to previous work, or other such evidence of an applicant's competence and experience. The DC shall use its sole and abundant discretion in approving or disapproving any request for pre-approval. Approval shall not be unreasonably withheld. For purposes of this Section, it would be reasonable to withhold approval if the DC believes in good faith the architect or designer selected would not preserve the high standards of Tessera Subdivision, the value of the Lots, or promote good design. If a submittal is rejected more than twice, an additional review fee will be charged for further review.

6.1.3 Design Committee Contact Encouraged. Architects, designers, and builders are encouraged to contact the DC with any questions regarding the DG. Seeking clarity early on in the design process can prevent problems during the submittal process. Early contact with the DC is especially recommended whenever an architect or designer is proposing design features that may not be in obvious compliance with the DG.

6.2 The Review Process in General. The Design Review process was developed to provide adequate checkpoints in an effort to minimize time and money spent on designs that do not comply with the DG or their intent. Each Owner is responsible for complying with the DG and all other applicable provisions of the Declaration, as well as all the rules and regulations of any governmental authority.

6.2.1 Review Upon Complete Submittal. The DC will conduct review of projects at such times that complete submissions have been received.

6.2.2 Design Committee Meetings Private. Owners, architects, and builders shall have no right to attend any DC meeting unless specifically requested to do so.

6.2.3 Time for Review and Response. The DC will review each submittal within 20 working days of the date of the complete submittal and will respond in writing no later than 10 working days after the review is completed.

6.2.4 Reviews and Responses in Writing. Results of reviews will not normally be discussed over the telephone. Any responses to issues contained in the DC's notice following review of submittals should be addressed to the DC in writing.

6.2.5 Design Review and Inspection Steps. In general, the design review and inspection process is comprised of the following steps: (a) the Preliminary Submittal, (b) the Final Submittal, (c) the Pre-Construction Meeting, (d) Survey of Stem Walls and Slabs, (e) Framing Survey, (f) Skylight Inspection, (g) Onsite Screening Tree Location Meeting, and (h) the Final Inspection. A complete checklist is included as Exhibit B.

6.2.6 Approval Stipulations. In reviewing both Preliminary and Final Submittals, the DC may approve a design with stipulations attached. All stipulations must be satisfactorily met before the next phase of the Design Review process can take place.

6.2.7 Approval Recommendations. The DC will also make recommendations when, in the opinion of the Committee, a design could benefit from a modification or addition--even when the design is in full compliance with the DG. Such recommendations are always clearly differentiated from stipulated changes that are required in order to be in compliance with the DG. The decision to adopt any stated recommendations from the DC is entirely that of the Owner and/or their architect.

6.3 Preliminary Submittal. Preliminary drawings, including all of the exhibits outlined below, must be submitted to the DC before Preliminary Review. All drawings must be bound. Incomplete submittals will not be reviewed. Preliminary submittals shall include:

6.3.1 Site Plan. To be at a scale no less than 1" = 10' on a 24" x 36" or 30" x 42" sheet showing the locations and areas of the BE, the fenced area, the residence, and all other buildings or major structures. The Site Plan must also include the driveway, parking areas, patios, pool, yard walls, site grading, including existing and proposed finish contours at one-foot intervals based on information certified by a licensed New Mexico surveyor, topographic features such as arroyos, and elevations of all building floors, all parapets and yard walls, patios, terraces, and satellite dish location, shown in relation to site contour elevations. It should include a north arrow and a view clock. The roof plan of all structures shown on the Site Plan shall show all areas of massing and parapet elevations. The existing surface contours shall be at one-foot intervals on Tessera's datum and the benchmark required under Section 3.2 must relate to the one-foot contours and tie them back to the Tessera datum. The sales information or the topographical survey plat (utilizing 2-foot contours) created by the Declarant in developing Tessera and perhaps received by the Owner prior to or upon closing his Lot purchase is incomplete and not acceptable for submittal purposes. Existing contours should run through the building footprint area in lightened dashed line along with finish floor elevations and areas, and finish grade elevations and areas called out in order to evaluate cut and fill proportions.

6.3.2 Roof and Floor Plans. These are to be no less than 1/8" = 1'0" scale. Roof plans should show areas of massing; water flow and drainage; any incidental sloped roofs; all skylights; all roof-mounted equipment such as air conditioning units and solar collectors; chimneys; all parapets; boiler flue penetrations with distances to adjoining parapets, and canales. The Roof Plan must include spot elevations relative to the contour information (not architectural information) for top of parapet (TOP) and finish roof deck (FRD)--not bearing height--for all building masses, and TOP and FRD for all parapets and adjacent finish roof decks not associated with a separate mass. In addition, spot elevations shall be provided for all elevations at top of walls (TOW) and for all level changes in such walls. The Floor Plan must include elevations relative to the contour information (not architectural information) for finish floor (FF) and finish grade (FG) for all interior finish floor levels and all exterior patios, decks, driveways, and landscaped areas that might show on the floor plan.

6.3.3 Exterior Elevations. These must show all sides of the residence, at the same scale as the Floor Plan, with every side of the house showing existing grade (EG), proposed finish grade lines (FG), finished floor levels (FF), finish roof deck with dashed lines (FRD), top of parapet (TOP), and top of walls with all level changes (TOW) for all building masses on each side. In addition, the high and low spot elevations of all incidental pitched roofs shall be shown. All exterior materials and general colors are to be indicated. All elevations must indicate with dashed lines all skylights, mechanical equipment, related rooflines, and finish roof deck levels that are

located behind parapets. Light sconces, boiler flues, and chimneys, canals, etc., should be shown on all elevations.

6.3.4 Design Review Fee. A fee of \$2,000.00 must accompany the Preliminary Submittal. In the case of an addition to an existing home, the Design Review Fee will be \$1,000.00. The fee for landscaping or other submittals not reviewed with the house or addition submittal shall be \$200.00. Checks should be made out to The Tessera Owners Association. If any submittal is rejected more than twice, an additional full review fee will be charged.

6.3.5 Supplemental Material. Any other drawings, materials, information, or samples requested by the DC.

6.3.5.1 Accessory Improvements. All accessory improvements contemplated on the Lot must be shown on the Preliminary Submittal.

6.3.5.2 Preliminary Staking. To assist the DC in its evaluation of the Preliminary Submittal, the Owner shall provide preliminary staking at the locations of the principal corners of the residence or major improvement and at such other locations as the DC may request. A staking map with the corners numbered shall be included as part of the Preliminary Submittal. The corners shall be staked in the field and marked with numbered wood laths that correspond to the numbered map. Storey poles shall be erected at the highest corners of the structure and at any other corners and locations that the DC shall designate after the Preliminary Submittal.

6.4 Preliminary Review. The DC will review the Preliminary Submittal for conformance to the DG. A written response to the Owner, or their representative, will be issued stating approval of the submittal, disapproval, or tabling pending the receipt of information. If a submittal is not approved, reasons will be included in this letter.

6.4.1 Stipulations. The DC may attach certain stipulations to the approval of the Preliminary Submittal. Such stipulations will be included in the written response to the Owner or their representative and must be satisfactorily addressed in the Final Submittal.

6.4.2 Recommendations. The DC may also attach a list of suggested recommendations to the approval of the Preliminary Submittal. These recommendations are given when the DC feels that certain modifications to a design would enhance its overall aesthetic value--even when the original plan is in full compliance with the DG. Acceptance of the suggested recommendations is at the discretion of the Owner and their representative. Failure to implement the recommendations of the DC will not result in a submittal being denied Final Approval.

6.4.3 Verification Form. This is a form that acknowledges the Owner's understanding that all rooftop elements must be screened, that the tree screening requirement must be met, that all disturbed areas must be revegetated, that occupancy will not occur until a final inspection and either an Association Certificate of Occupancy (ACO) or an Association Conditional Certificate of Occupancy (ACCO) has been issued, that a temporary irrigation system is required to revegetate all disturbed areas, etc, and that the Construction Regulations are to be an incorporated part of the construction contract between the Owner and the builder. This form may be obtained upon request and is to be returned signed by the Owner with the Final Submittal.

6.5 Final Submittal. After Preliminary Approval is obtained and any stipulations have been met, additional documents must be submitted to the DC for final review and approval. Final Submittals shall be bound and include:

6.5.1 Complete Construction Documents. These must be provided for the residence and all auxiliary buildings and must include all data noted in Section 6.3. Additional

requirements on the Site Plan shall include proposed utility service facilities and routes, existing utility stub-outs including the transformer, existing trees to be retained and relocated. Also, all Association-planted trees and shrubs located on the street cut slopes that are proposed for relocation because of proximity to or in the driveway should be called out. If relocation is required, the Association shall transplant such trees and shrubs at the Owner's expense. Additional documentation must include building sections, as required, to illustrate the building, typical wall sections showing the parapet details and wall materials and thickness, typical window section showing how the 4-inch window and door reveal from wall plane to frame will be achieved, all utility locations including the final connection to the existing sewer main, the location of the grinder pump and pit, and electric meter and gas meter locations. The location of all exterior light fixtures must be indicated in both plan and elevation and must be specified as safety lighting or visual enjoyment lighting. The electrical plan must show the separate circuiting for both kinds of exterior lighting. Additionally, manufacturer's catalog cut sheets of all exterior light fixtures are required. Design details for any railings must be included. Any adjustments or changes in the BE, or building design from the approved Preliminary Submittal must be called out.

6.5.2 Grading and Drainage Plan. This must be drawn at 1:10 scale and show both the correct existing and proposed finish contours at one-foot contour lines. Existing contours should be drawn as lightened dashed lines and proposed contours should be drawn as darkened lines. This drawing must include the location of the BE, fenced area and proposed improvements including driveway, parking, and garden walls; drainage flows (indicated with arrows); all retention ponds, swales, and catch basins; benchmark and spot elevations; all pipe drains and culverts; and details for drainage of courtyards, patios, retaining walls, and low areas in close proximity to a building. It shall include the position of all canals and drainage devices on the roof as well as all drainage pipes, drop inlets, and courses leading to drainage swales, retention ponds, and catch basins. Drainage swales and retention ponds are to be detailed with proposed contour lines, drainage direction arrows, and spot elevations as required.

6.5.3 Final Landscape Plan. This must be drawn at the same scale as the Site Plan (1" = 10'), showing the entire Lot, provide a clear representation of the intended landscape design, including one-foot contour lines, all areas to receive either temporary or permanent irrigation, as well as locations, size and species of all trees and other plants to be added. The Final Landscape Plan should show the entire BE and should include the driveway, if applicable. Designs for driveway monuments and address markers must be provided with a detail. All exterior walks, drives, patios, and other decorative features including imported rocks, water features, and landscape lighting must also be shown, as should any landscaping elements that relate to permaculture, land restoration, grading and drainage work. All landscaping zones must be clearly defined and shown on the Final Landscape Plan. The Natural Area, and Private Areas should be identified along with all existing significant trees within the BE. All trees to be saved, removed, or transplanted during the course of construction should be indicated. Guest parking areas that require additional screening trees and all reseeded areas must be indicated, along with a schedule and location of all intended plant species and reseeded mix ratios and intended growing methods. The approximate desired locations of all required screening trees shall be shown along with a note stating that actual locations shall be mutually agreeable to the Owner and the DC. The Owner may estimate the actual number of required trees (perimeter footage of house divided by 15 feet = actual number) and the actual number of existing evergreens crediting that total, but the actual quantity and location will be determined onsite with the DC before the Final Inspection (see Section 6.10.4). Revegetation of all disturbed areas must be indicated. This revegetation must use a mix of grasses that are native to the region. A legend using clear symbols and the nomenclature found in the Approved and Disapproved Plant List

(Exhibit C) must be provided on the Final Landscape Plan. Plans for areas requiring detailed landscape design (such as the courtyard) are best drawn at a scale of 1" = 10'0" or larger.

6.5.4 Material and Color Samples. This must include samples of all exterior materials and colors, window and glass specifications, stain color samples, and accent items on a display board. These should be marked with the Owner's name, submittal date, Lot number and identified with the manufacturer's name, color, and/or number for the item.

6.5.5 Notification of Changes. The DC requires written notification of all changes required by County plan review.

6.5.6 Construction Schedule. The DC requires a schedule indicating approximate dates for starting and completion of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date.

6.6 Final Approval. Upon receipt of the complete Final Submittal, the DC will review the submittal for conformance to these DG and to any Preliminary Approval stipulations. Upon determining that the required submittals have been received and are in a form acceptable to the Committee, the DC will provide a written response to the Owner. Approval of the plans by the DC does not relieve the applicant from responsibility for compliance with the DG and the requirements of all other approval agencies.

6.6.1 Final Stipulations. The DC may attach certain stipulations to the approval of the Final Submittal. Such stipulations will be included in the written response to the Owner or their representative. Demonstration that the stipulations have been met should be given at the Pre-Construction Meeting. **All stipulations must be satisfactorily addressed before construction may commence.**

6.6.2 Construction Commencement Time Period. Construction shall commence within one year of the DC's Final Approval or such approval shall be void. Any voided approval will require a complete resubmittal, including another design review fee.

6.7 Additional Construction and/or Exterior Changes. Any changes to the approved drawings before, during, or after the construction of an improvement must first be submitted for approval by the DC. If such additions or changes affect 25% or more of the floor plan or affect the building massing or affect the siting, the DC will require a complete resubmittal including another design review fee. If such additions or changes do not demand a complete resubmittal, all changes must be clouded or otherwise identified on all affected drawings and all drawings must be accurately drawn and coordinated with each other.

6.7.1 Building Permit. The County occupancy permit is independent of and not associated with the required Tesser Association Certificate of Occupancy (ACO). Construction shall be in accordance with the Final Submittal approved by the DC and in accordance with all applicable governmental rules and regulations.

6.8 Resubmittal of Drawings. In the event of disapproval by the DC of either a Preliminary or a Final Submittal, any resubmission of drawings must follow the same procedure as the original submittal.

6.9 Requests for Variance. It is recognized that any set of guidelines, while appropriate for the majority of situations, cannot anticipate all situations. Individual circumstances vary from Lot to Lot, Owner to Owner, and design to design. On occasions certain rules will be inappropriate. A variance procedure is provided to acknowledge this and the DC will consider a

request for a variance to the DG. However, requests for variances must be based upon compelling design reasons and shall not compromise the integrity of the DG or the community aesthetic.

Variances may be granted from a guideline if, in the DC's opinion, the proposal is in the spirit of the objective of the DG and enhances the project and Tessera Subdivision. The visibility of the proposed variance, the specific topography, or other aspects of the site shall be considered by the DC. The DC may require storey poles to be erected for issues of visibility.

A request for variance is to be addressed to the DC and must be submitted as a separate document from the Preliminary Submittal, the Final Submittal, and all other documentation. The request for variance must be clearly titled as a Request for Variance and the reasons for the request clearly stated. The DC shall make every effort to reply to the Request for Variance in a timely fashion. The Owner, or his designated representative, shall be informed as to the decision of the DC in writing.

6.10 Inspection of Work in Progress. The DC may inspect all work in progress and give notice of non-compliance, if found. Absence of such inspection and notification during the construction period does not constitute either approval by the DC of work in progress or compliance with the DG, the Declaration, or the approved plans.

6.10.1 Survey of Stem Walls and Slabs. The DC requires confirmation that all foundation stem walls and poured pads comply with the elevations and locations provided and approved in the Final Submittal. This confirmation must be conducted by the same licensed surveyor that established the benchmark and must be submitted to the DC for approval within 7 working days of pouring. Raising the walls may not commence until the DC has received and approved the survey report. The DC may require that the ceiling and/or roof and parapet heights be reduced if the slabs and/or stem walls are built too high. The DC will reply to the builder in writing within 7 working days of receipt of the surveyor's report.

6.10.2 Framing Survey. The DC requires confirmation that all walls and roof decks comply with the elevations provided in the Final Submittal. This confirmation must be conducted by an independent licensed surveyor and must be submitted to the DC for approval within 7 business days of substantial completion of all exterior wall framing, roof deck sheeting and skylight box construction but prior to any roof insulation application or roofing. Roofing and roof insulation application may not commence until the DC has received and approved the survey report. The DC will reply to the builder in writing within 3 working days of receipt of the surveyor's report.

6.10.3 Skylight Inspection. The DC shall conduct a skylight inspection to confirm that all skylights being installed, as well as their location and screening, are as shown on the approved plans. The builder shall notify the DC when the framing is complete. The DC shall approve the skylights on their curbs. If it is found that such work was not done in strict compliance with the approved Final Submittal and the DG, it shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

6.10.4 Onsite Screening Tree Location Meeting. The DC shall meet onsite with the Owner prior to Final Inspection for the DC to determine the quantity of screening trees required and for the Owner and the DC to mutually agree as to the locations of the trees. The Owner should stake the proposed physical locations prior to this meeting, and after agreement with the DC as to final locations, the DC shall record them on the Final Landscape Plan.

6.11 Final Inspection: Certificate of Occupancy.

6.11.1 Completion Notice. Upon completion of the improvements constructed on a Lot, for which plans and specifications have been approved, the Owner shall notify the DC in writing that the work is complete (the "Completion Notice").

6.11.2 Inspection Time. The DC shall within 10 working days of receipt of the Completion Notice inspect the completed work and take one of the following actions:

6.11.2.1 Association Certificate of Occupancy (ACO). Issue the Owner an Association Certificate of Occupancy (ACO) if the work is in conformity and compliance with the approved plans and specifications, the DG, and the Declaration; or

6.11.2.2 Punch List Issued. provide the Owner with a list of all items needed to be completed or altered to bring the work into conformity with the approved plans and specifications, the DG, and the Declaration to the extent necessary to comply with the same.

6.11.3 Association Conditional Certificate of Occupancy (ACCO) and 150% Escrow. An Owner shall not occupy a new residence until an ACO has been received for the residence. Upon receipt from the DC of a list of items for completion, correction, or alteration, the Owner may either (a) refrain from occupying the residence until the items are completed and the DC has reinspected and issued an ACO, or (b) obtain an Association Conditional Certificate of Occupancy (ACCO) by depositing with the Association an amount equal to 150% of the DC's estimate of the cost of making the needed corrections, completions, or alterations.

6.11.3.1 Owner's Bond Decrease or Increase. The Owner's Bond shall either be partially refunded or increased to meet the 150% escrow requirement, as required.

6.11.3.2 Release of Bond. Upon the Owner's completion of the needed corrections, alterations, or completions (including the planting and irrigation of the screening trees) by that date fixed by the DC, the deposited monies will be released to the Owner with the exception that the portion of the Bond applicable to reseeding, mulching, and irrigating the grass shall not be returned until the grass is established. If the needed corrections are not completed by that date fixed by the DC, in its discretion, the Association may draw upon the deposited monies itself to complete the needed corrections, completions, or alterations. The DC shall be under no obligation to make partial releases of the Owner's Bond until such time as all corrections, alterations, or completions have been effected.

6.11.3.3 Non-compliance Remedies. If, upon the expiration of the date fixed by the DC for completion, the Owner shall have failed to remedy such non-compliance or the residence is occupied before an ACO or ACCO is obtained, the DC may take such action to remedy this non-compliance as is provided for in these DG or the Declaration including, but without limitation, injunctive relief or the imposition of a fine. The imposition of any such fine may be partially or wholly satisfied by the forfeiture or conversion of the Owner's Bond. Any imposition of a fine, forfeiture or conversion of the Owner's Bond towards any imposed fine (which by this Section is expressly permitted), or applying for injunctive relief in no way relieves the Owner from the requirement to complete, alter, or correct the project to the approved plans and specifications and the standards of the DG.

6.12 Compliance of Other Projects. No Owner or builder shall be permitted to commence construction of a new structure if any other structure or work currently under construction or previously constructed by or for that Owner or builder on any Lot in Tessera Subdivision does not comply with the approved plans and specifications or the DG for that other structure or work. The DC shall not be obligated to initiate design review of the plans and

specifications for the new structure until such time as the Owner and/or builder has remedied the previous non-compliance.

6.13 Non-Waiver. Any approval by the DC of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under these DG or Declaration, including a waiver by the DC, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whatever subsequently or additionally submitted for approval. For example, the DC may disapprove an item shown on the Final Submittal even though it may have been evident and could have been, but wasn't, disapproved at the Preliminary Submittal. Furthermore, should the DC overlook or not be aware of any item of non-compliance at anytime during the review process, construction process, or during its final inspection, the DC in no way relieves the Owner from compliance with these DG, the approved set of plans, and all other applicable codes, ordinances and laws.

EXHIBIT A

RIGHTS AND ORGANIZATION

1. **Amendment of Design Guidelines.** The DC may, from time to time and in its sole discretion, adopt, amend, and repeal by unanimous vote, rules and regulations to be incorporated into the DG. Newly adopted or revised DG go into effect immediately upon adoption and are applicable to every Lot where a Final Approval has not been granted. All such rules, regulations, or amendments, as may from time to time be adopted, amended, or repealed, should be appended to and made a part of the DG and shall have the same force and effect as if they were set forth in, and were part of, the DG. Each Owner is responsible for obtaining from the DC a copy of the most recent edition of the DG and should inquire if any amendments, which are known as supplements, to the DG have been adopted since the date of the most recent edition of the DG.
2. **Non-Liability Of Design Committee and Declarant.** Neither the DC, any member thereof, nor the Declarant, or their respective successors or assigns, shall be liable in damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by reason of mistake in judgment negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any drawings or specifications submitted to the DC. By submission of such drawings and specifications for approval, an Owner agrees that he will not bring any action or suit against the DC, any member thereof, or the Declarant. Approval of a submittal shall not be deemed to be a representation or warranty that the Owner's drawings or specification or the actual construction of a residence or other improvement complies with applicable governmental ordinances or regulations. It shall be the sole responsibility of the Owner or other person submitting drawings or specifications to the DC or performing any construction to comply with such applicable governmental ordinances.
3. **Incorporation.** The provisions of the Declaration applicable to design and landscape control are incorporated herein by reference and control over the provisions herein in case of conflict. Capitalized terms used herein, but not defined herein, shall have the same meaning as in the Declaration.
4. **Enforcement.** These DG may be enforced by the DC, the Association, or Declarant as provided herein or in the Declaration.
5. **Right Of Waiver.** The DC reserves the right to waive or vary any of the procedures or standards set forth at its discretion, for good cause shown.
6. **Estoppel Certificate.** Within 30 days after written demand is delivered to the DC by any Owner, and upon payment to the DC of a reasonable fee from time to time to be fixed by it, the DC shall record an estoppel certificate executed by any two of its members, certifying with respect to any Lot of that Owner, that as of the date of the estoppel certificate either (a) all improvements and other work made or done upon that Lot by the Owner, or others, comply with the DG and the Declaration, or (b) such improvements and/or work do not so comply, in which event the certificate shall also (1) identify the non-complying improvements and/or work and (2) set forth with particularity the cause or causes for such non-compliance. Any purchaser from the Owner or mortgagee or other encumbrancer shall be entitled to rely on said certificate with respect to the matters set forth within it, such matters being conclusive as between the Association, the DC,

Declarant, all Owners and other interested Persons, and such purchaser, mortgagee, or other encumbrance.

7. Completion Of Construction. Upon receipt of approval from the DC, the Owner shall satisfy all conditions of such approval and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved drawings within one year from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the DC prior to the expiration of the one-year period, and upon finding by the DC that there has been no change in circumstances, the time for such completion of construction is extended in writing by the DC. The Owner shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any improvement of his Lot within one year after commencing construction, except when and for so long as, such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fire, national emergency, or natural calamity. If the Owner fails to comply with this paragraph, the DC may notify the Board of such failure, and the Board at its option shall either complete the exterior in accordance with the approved plans or remove the improvement and return the Lot to its natural state prior to construction. The Owner shall reimburse the Association for all expenses incurred in connection with such action.

8. Severability. If any provisions of these DG shall be held to be invalid, the same shall not affect in any respect whatsoever the validity of the remainder of these DG to the extent that they can be reasonably understood without the invalid portion(s).

EXHIBIT B

DESIGN REVIEW AND INSPECTION CHECKLIST

1. **Items Needed by Owner or Owner's Agent Prior to Submittals**
 - a. Tessera Subdivision DG - signed receipt
 - b. Tessera Subdivision Covenants, Conditions, and Restrictions (CCR's) - signed receipt
 - c. BE Plat - signed receipt
 - d. Master surface drainage plan - signed receipt
 - e. Topographical plat (for purchase, if available)
 - f. Blank Verification Form - signed receipt
 - g. Preliminary Submittal/Review Checklist - signed receipt
 - h. Final Submittal/Review Checklist - signed receipt
 - i. DC approval letter for architect or designer

2. **Preliminary Submittal (Bound)**
 - a. Site Plan/Roof Plan with Certified Topographical Plat
 - b. Roof Plan (complete)
 - c. Floor Plan
 - d. Exterior Elevations
 - e. Preliminary Staking and Staking Map
 - f. Any supplemental material requested by DC
 - g. Design review fee
 - h. Request for Variance (if any)
 - i. Preliminary Submittal/Review Checklist completed
 - j. Storey poles placed after Preliminary Review and request by DC

3. **Final Submittal**
 - a. Preliminary Approval from DC with stipulations (if any) addressed.
 - b. Complete construction documents bound
 - c. Final Site Plan with benchmark established on Lot
 - d. Grading and Drainage Plan
 - e. Final Landscape Plan including Exterior Lighting Plan with fixture cut sheets
 - f. Construction Schedule
 - g. Samples of all exterior materials, colors, and glass specifications on display board
 - h. Tagging of any piñon trees proposed for transplanting
 - i. Final Approval by DC
 - j. Verification Form returned signed
 - k. Final Submittal/Review Checklist completed

4. **Building Permit**
 - a. DC approval letter for builder
 - b. Owner's Bond posted with Association
 - c. Pre-Construction Meeting with house corners and driveway edges staked in field, and tagged trees with proposed new locations inspected
 - d. Builder and/or Owner must address all Final Approval stipulations (if any) and review Construction Regulations

- e. Commencement Notice - builder signed receipt
- f. Construction Regulations - builder and Owner signed receipts
- g. Approval from DC for construction trailer (if any)

5. Surveys and Inspections

- a. Survey of Stem Walls and Slabs
- b. Framing Survey
- c. Skylight Inspection
- d. Onsite Screening Tree Location Meeting
- e. Final Inspection
- f. Association Certificate of Occupancy (ACO) issued with return of Owner's Bond, or Association Conditional Certificate of Occupancy (ACCO) issued with posting of 150% escrow

EXHIBIT C

APPROVED AND DISAPPROVED PLANTS

General Objectives

The overall objective of the landscape guidelines is to preserve the overall character of the existing piñon-juniper woodland as much as possible. Toward that end, in order to maintain the general low scale of the existing tree cover, large trees such as cottonwood and columnar trees such as Lombardy poplars are not allowed.

1. Private Area (Courtyard). The intention of a limited area for high-water-demand planting around the house and inside of courtyard walls is to limit water use. This zone allows for the most intensive landscape and the widest variety of plants with high water requirements. Due to the protection from wind provided by building and courtyard walls, these areas present microclimates allowing for a greater variety of plants. Shade trees within this zone are still intended to be of a small to mid-size, up to 30 feet in height. Any plant not included in the Prohibited Plants list (Exhibit D) may be planted in Private Areas.

The following special criteria will apply to the planting of *Populus Tremuloides* (Quaking Aspen):

a. Aspen trees shall only be located adjacent to the residence within 10 feet of the residence's exterior walls.

b. Aspens are typically found in clusters and the Landscape Plan should provide for the trees located in this manner. The minimum number of aspen trees allowed on any individual Lot will be 6 trees and clusters shall have a minimum of 3 trees.

2. Access Zone of the Residence. Plantings in the Access Zone of the residence should be drought- and wind-tolerant native plants and plants which have proven to be adaptable to local conditions with a minimum of additional water and care. Many of the plants on this list will require additional watering for the first two years and then will survive with natural rainfall alone. Many of the plants will require a minimum of additional watering during their lifetime in order to thrive and present the best appearance. Grasses in this zone should be a mixture of native grasses such as blue grama, buffalo grass, etc., which will also require additional watering for the first few years to establish a solid cover. After establishment, only sufficient additional watering as is desired to maintain the best appearance (approximately half that required for bluegrass) will be required. It is possible to create a colorful landscape within this zone with a wide variety of native or drought-tolerant perennials which will require minimal care and water.

In all disturbed areas the land is to be revegetated with native grasses which meet or exceed the "typical" grass cover for the entire development. The following standards will be considered as minimum requirements for landscaping disturbed areas:

a. All disturbed areas are to be seeded and mulched with a native seed mix having the same proportions of native grasses, wild flowers, etc., as the surrounding upland desert at Tessera.

b. A plan for a temporary irrigation system is required to establish reseeded areas within one year.

ACCESS ZONE OF THE RESIDENCE: APPROVED PLANT LIST

Common Name

Botanical Name

SHADE TREES

Thornless Cockspur
Imperial Honey Locust
Golden Rain Tree
Purple Robe Locust
European Mountain Ash

Crataegus crus-galli > Inermis =
Gleditsia triacanthos > Imperial =
Koelreuteria paniculata
Robinia ambigua
Sorbus aucuparia

SMALL TREES

Amur Maple
Rocky Mountain Maple
Western Red Birch
Smoke Tree
Paul's Secret Hawthorn
Carriere Hawthorn
Washington Hawthorn
Russian Olive
New Mexico Privet
Flowering Crabapple
Amur Chokecherry
Scrub Oak
New Mexico Locust
Japanese Tree Lilac

Acer ginnala
Acer glabrum
Betula occidentalis frontinalis
Cotinus coggygria purpureus
Crataegus laevigata 'Paulii'
Crataegus lavalleyi 'Carrierei'
Crataegus phaenopyrum 'Washington'
Elaeagnus angustifolia
Forestiera neomexicana
Malus spp.
Prunus maackii
Quercus gambelii
Robinia neomexicana
Syringa reticulata

EVERGREENS

One-seed Juniper
Rocky Mountain Juniper
Bristlecone Pine
Pinon Pine

Juniperus monosperma
Juniperus scopulorum
Pinus aristata
Pinus edulis

SHRUBS

False Indigo
Sand Sage
Silver Sage
Big Sagebrush
Four-wing Salt Bush
Barberry
Fountain Butterfly Bush
Common Butterfly Bush
Siberian Pea Shrub
Pygmy Pea Shrub
Blue Mist Spiraea

Amorpha fruticosa
Artemisia filifolia
Artemisia cana
Artemisia tridentata
Atriplex canescens
Berberis thunbergii
Buddleia alternifolia
Buddleia davidii
Caragana arborescens
Caragana pygmaea
Caryopteris x clandonensis 'Blue Mist'

Winterfat
Curleaf Mountain Mahogany
Mountain Mahogany
Fernbush
Shrubs and ground covers
Cliffrose
Moonlight Broom
Dwarf Burning Bush
Apache Plume
Fendlerbush
Forsythia
Weeping Forsythia
Rock Spiraea
Numerous varieties juniper
English Lavender
Lodense Privet
Honeysuckle
Cholla Cactus
Wild Mock Orange
Mock Orange
Dwarf Mugho Pine
Shrubby Cinquefoil
Western Sand Cherry
Cistena Plum
Dwarf Flowering Almond
Chokecherry
Antelope Bitterbrush
Fragrant Sumac
Smooth Sumac
Three-leaf Sumac
Staghorn Sumac
Golden Current
New Mexico Locust
Austrian Copper Rose
Woods Rose
Garden Sage
Lavender Cotton
Green Santolina
Buffaloberry
Spiraea
Snowmound Spiraea
Lilac
Weigela
Banana Yucca
Narrowleaf Yucca

Ceratoides lanata
Cercocarpus ledifolius
Cercocarpus montanus
Chamaebatiaria millefolium
Cotoneaster spp.
Cowania mexicana
Cytisus scoparius 'Moonlight'
Euonymus alata 'Compacta'
Fallugia paradoxa
Fendlera rupicola
Forsythia intermedia
Forsythia suspense
Holodiscus dumosus
Juniperus spp.
Lavadula angustifolia
Ligustrum vulgare 'Lodense'
Lonicera spp.
Opuntia imbricata
Philadelphus lewisii
Philadelphus purpureomaculatus
Pinus mugo mugo
Potentilla fruticosa
Prunus besseyi
Prunus cistena
Prunus glandulosa
Prunus virginiana
Purshia tridentata
Rhus aromatica
Rhus glabra
Rhus trilobata
Rhus typhina
Ribes aureum
Robinia neomexicana
Rosa foetida bicolor
Rosa woodsii
Salvia officinalis
Santolina chamaecyparissus
Santolina virens
Shepherdia argentea
Spiraea bumalda
Spiraea nipponica 'Snowmound'
Syringa spp.
Weigela florida
Yucca baccata
Yucca glauca

ANNUALS, PERENNIALS, AND GROUND COVERS

Sand Verbena
Yarrow

Abronia spp.
Achillea millefolium

Rocky Mountain Columbine
Silver Mound
Butterfly Weed
Desert Marigold
Chocolate Flower
Trumpet Creeper
Indian Paintbrush
Snow-in-Summer
Lanceleaf Coreopsis
Plains Coreopsis
Cosmos
Purple Coneflower
Claret Cup Cactus
Western Wallflower
Blanketflower
Scarlet Gaura
Whirling Butterflies
Annual Sunflower
Maximilian Sunflower
Hairy Golden Aster
Coral Bells
Perky Sue
Scarlet Gilia
Rocky Mountain Iris
Gayfeather
Blue Flax
Purple Aster
Blackfoot Daisy
Wild Four O'clock
Yellow Evening Primrose
White Evening Primrose
Missouri Primrose
Pale Evening Primrose
Mexican Evening Primrose
Prickly Pear
Prickly Pear
Virginia Creeper
Penstemon
Purple Prairie Clover
Santa Fe Phlox
Paperflower
Mexican Hat
Black-eyed Susan
Fern Verbena
Woody Aster
Prairie Zinnia

Aquilegia caerulea
Artemesia shmidtiana
Asclepias tuberosa
Baileya multiradiata
Berlandiera lyrata
Campsis radicans
Castilleja spp.
Cerastium tomentosum
Coreopsis lanceolata
Coreopsis tinctoria
Cosmos bipinnatus
Echinacea purpurea
Echinocerus triglochidiatus
Erysimum asperum
Gaillardia spp.
Gaura coccinea
Gaura lindheimeri
Helianthus annuus
Helianthus maximiliani
Heterotheca villosa
Heuchera sanguinea
Hymenoxys argenta
Ipomopsis aggregata
Iris missouriensis
Liatris punctata
Linum lewisii
Machaeranthera biglovii
Melampodium leucanthum
Mirabilis multiflora
Oenothera hookeri
Oenothera caespitosa
Oenothera missouriensis
Oenothera pallida
Oenothera speciosa
Opuntia compressa
Opuntia polyacantha
Parthenocissus quinquifolia
Penstemon spp.
Petalostemum purpureum
Phlox nana
Psilostrophe tagetina
Ratibida columnifera
Rudbeckia hirta
Verbena bipinnatifida
Xylorhiza glabriuscula
Zinnia grandiflora

GRASSES

Silver Beardgrass
Sideoats grama

Andropogon saccharoides
Bouteloua curtipendula

Blue grama
 Buffalograss
 Galleta grass
 Indian ricegrass
 Little bluestem
 Alkali Secaton
 Needle-and-Thread grass
 New Mexico Feathergrass

Bouteloua gracilis
Buchloe dactyloides
Hilaria jamesii
Oryzopsis hymenoides
Schizachyrium scoparium
Sporobolus airoides
Stipa comata
Stipa neomexicana

DISAPPROVED PLANTS

Common Name

Botanical Name

DECIDUOUS TREES

Bigleaf Maple
 Box Elder
 Norway Maple
 Red Maple
 Silver Maple
 Sugar Maple
 Common Hackberry
 Autumn Purple Ash
 Green Ash, Marshall's Seedless
 London Plane Tree
 American Sycamore
 Arizona Sycamore
 Lanceleaf Cottonwood
 Bolleana Poplar
 Narrowleaf Cottonwood
 Lombardy Poplar
 Rio Grande Cottonwood
 California White Oak
 Bur Oak
 Pin Oak
 Northern Red Oak
 Weeping Willow
 Globe Willow
 Pagoda Tree
 Salt Cedar
 Greenspire Linden
 Redmond Linden
 American Elm
 Siberian Elm

Acer macrophyllum
Acer negundo
Acer platanoides
Acer rubrum
Acer saccharinum
Acer saccharum
Celtis occidentalis
Fraxinus americana
Fraxinus pennsylvanica varieties
Platanus acerifolia
Platanus occidentalis
Platanus wrightii
Populus acuminata
Populus alba 'Pyramidalis'
Populus angustifolia
Populus nigra 'Italica'
Populus wislizeni
Quercus lobata
Quercus macrocarpa
Quercus palustris
Quercus rubra
Salix babylonica
Salix matsudana
Sophora japonica
Tamarix chinensis
Tilia cordata 'Greenspire'
Tilia euchlora 'Redmond'
Ulmus americana
Ulmus pumila

SHRUBS

Chamisa (Rubber Rabbitbrush)

Chrysothamus nauseous