

Approved December 1, 2015

Pajarito Acres

Architectural Control and Covenants Committee

Guidelines

1. Preface

The Covenants are the final authority on all issues.

These guidelines are intended to provide further explanation and additional understanding of the Protective Covenants for Pajarito Acres. Further, they are intended to contribute to the reduction of misunderstanding and conflict which may arise in a community like ours. Some of the underlying assumptions which were followed in the development of these guidelines include: maintaining a consistent application of the Covenants, treating all residents with a strong sense of fairness in decisions arising from the Covenants, aggressively pursuing the enforcement of the Covenants in order to maintain a community of quality which stresses an attractive semi-rural setting with natural beauty, respect for our neighbors, and the preservation of property values. Please do your part to keep Pajarito Acres beautiful and a great place to live.

Any previously approved building or structure shall not be affected by these guidelines and revisions.

2. Architectural Approval

(Part C, Section C.2) Building any structure on a lot in Pajarito Acres shall not commence until its siting, height and covered area have been approved by the PAHOA Board.

A. Submissions for architectural approval shall accurately represent that which the applicant intends to construct.

B. Drawings and written description of proposed construction shall be in accordance with accepted construction convention and be understood by lay persons.

C. Plans shall be drawn to scale and contain sufficient detail to describe accurately the proposed construction.

D. All submissions shall be accompanied by an accurate site plan/survey which shows all relevant conditions including dimensions and setbacks. PAHOA may also require the submission of samples of materials to be used.

E. Only PAHOA Board owners in good standing have the prerogative to submit permanent property alterations to PAHOA.

F. Submissions that do not meet the above criteria will be required to be resubmitted. A submission will not be considered submitted until all required plans and specifications are submitted.

G. If a submission is approved, owners have 60 days from approval to begin a project and 18 months from start of project to complete the project. If required, an extension may be requested, in writing, to the PAHOA Board, for review by the PAHOA Board or its designees.

Guideline 1. Lot Subdivision

The Pajarito Acres Covenants do not allow any lot to be subdivided (see PART C-1-A(b) of the covenants). The only action allowed with respect to lot size is an adjustment of the boundary between two lots so long as the size of a dwelling lot (as identified in PART C-1-A(b)) is maintained. The number of lots in Pajarito Acres is conserved.

Guideline 2. Garage size

The size of a garage is restricted in PART C-1-B(a) to being “for not more than three cars”. The ACCC interprets this to be approximately 1000 square feet. No larger garage will be allowed, as such garage would be considered in violation of the Covenants.

Guideline 3. Height of Accessory Buildings

The height of an accessory building is restricted (PART C-1-A(f)) to “no higher than 12 feet above the natural ground level at the building site.” The ACCC interprets this height standard as not exceeding 12 feet in height above the lowest natural point of topography on ground level at the site of erection. A waiver with respect to the height restriction may be granted only in special cases of topography. The waiver will not be granted for the convenience of the home owner to build a taller building.

Guideline 4. Confinement of Animals

We interpret the restriction (PART C-1-B(c-3)) on the confinement of animals to mean that the barn and corrals (the area where the animals are confined or housed) must be located at least 165 feet from the front lot line and at least 45 feet from the “Main Dwelling”. We allow the entire lot to be fenced, which means that animals can have access to the fenced area of the lot.

Guideline 5. Guest House

Guest houses (PART C-1-A(d)) may not be a second “Main Dwelling” on the lot. Guest houses are for guests and family members and should not be rented out.

Guideline 6. Businesses

Pajarito Acres is a residential subdivision. The covenants place restrictions (PART C-1-B(b)) on the type of business that can occur within the subdivision. Any questions concerning business activity should be referred to the PAHOA Board.

Guideline 7. Nuisance Animals

The PAHOA Board is not responsible for Animal Control Issues. Any problems with nuisance animals should be reported to Los Alamos County Animal Control (call police dispatch). The County has the resources and the expertise to enforce nuisance animals.

Guideline 8. Height of Main Dwelling

The covenants (PART C-1-A(c)) states that the Main Dwelling "... not to exceed 2-1/2 stories in height above the natural ground level at the site of erection." The ACCC interprets this height standard as not exceeding 24 feet in height above the lowest natural point of topography on ground level at the site of erection.

Guideline 9. Solar Equipment

The Pajarito Acres Architectural Control and Covenants Committee (ACCC) supports emerging technologies that provide 'green' environment opportunities for conservation and reduced demand on traditional infrastructure. In the interest of maintaining property values of all our homes, the ACCC is operating within existing covenants that were agreed to with the purchase of your home. Solar installations will be considered as any construction or addition to the property, much as an out building, room additions or modification to the home, and is subject to ACCC review. Solar installations may NOT be connected to traditional supply systems without agreement of the host provider. All proposed installation of solar equipment must be reviewed by the ACCC in advance and can be approved when the below guidelines are followed. Each request will be evaluated on an individual basis for the proposed solution.

- A. Roof mounted solar panels are part of the building and must fall within the building height restrictions.
- B. Ground based solar arrays will be considered as accessory buildings, in the same way that carports and hay sheds (and other structures without sides) are considered as accessory buildings.
- C. To be consistent with the New Mexico Solar Rights Act, variances from the accessory building location restrictions will be granted if the owner can show that the restrictions impose a

twenty percent cost increase or decrease the efficiency of the array by more than twenty percent, which is consistent with generally accepted practice.

The Pajarito Acres ACCC wants to work with residents towards successful solutions supporting solar options while continuing to help maintain the value of all properties in the neighborhood. When it comes time to sell, all residents should have the opportunity to receive full value for their homes. This can only be achieved by working together to maintain our collective environment and uphold the covenants to which we all agreed when we purchased our homes.

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