

SANDIA MOUNTAIN RANCH SUBDIVISION UNIT 2  
ARCHITECTURAL CONTROL COMMITTEE  
PURPOSE, RESPONSIBILITIES AND PROCEDURES  
Revised 3 September 2020

**Purpose of the Architectural Control Committee:**

The purpose of the Architectural Control Committee (ACC) is to perform such duties as provided by the Covenants, Conditions and Restrictions for Phases 1, 2, 4 and 5 of Unit 2 (CC&Rs) of the Sandia Mountain Ranch Subdivision (SMR).

The primary duties of the ACC are to review all contemplated construction activities within SMR, and where appropriate approve such activities. When requested the ACC may review and consider granting variances to the CC&Rs that are not contrary to the interest, welfare and rights of all or any part of SMR.

The CC&Rs are attached to the deed of each lot within SMR and enforcement is done by aggrieved SMR lot owners. It is not the responsibility of the ACC to enforce the CC&Rs.

Please note that construction projects may also require Bernalillo County building permits and inspections. The ACC does not provide or approve building permits, the focus of the ACC is the review and approval of construction to make sure it meets the CC&Rs.

**Duties and Responsibilities:**

The ACC is established under the CC&Rs of Phase 1, 2, 4 and 5.

The CC&Rs state that application for approval should be made to the ACC before commencement of any construction, remodeling, addition to, or alteration of or removal of any building, swimming pool, wall, fence, outbuilding or any other structure whatsoever; and further to include landscaping and landscaping construction including ponds, water walls, statues, retaining walls or other structural components.

A request to the ACC should include, as appropriate based on the type and size of the construction, a complete set of plans, including but not limited to, foundations, floor plans, elevations, details, specifications which identify construction material, exterior color scheme, and a to-scale site plan showing the location of the structure on the lot identifying all construction including but not limited to roof overhang lines, all setbacks at point of minimum distance to each property boundary, dimension of lots, all walks, drives, patios, decks, and walls and/or fences and their construction materials. If deemed necessary by the ACC, the following may be required: colors and samples of exterior materials, wall sections, roof plan, details of exterior furnishings, the owner's proposed construction schedule, and an architect's rendering showing the perspective view of the proposed construction. The more information provided to the ACC the easier and generally quicker the review process. Also adhering to the requirements of the CC&Rs applicable to the particular Phase of SMR will also help expedite the review process.

The CC&Rs require that exterior building construction be completed within a period of 12 months from the start of construction.

No building, structure, or improvements of any kind, including walls and landscaping, shall be erected, altered, placed or maintained upon any lot unless, and until the complete set of final plans and specifications have been approved by the ACC as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. Any resurfacing or painting of the exterior wall areas shall be completed in a color texture as close to the original as possible, unless the approval of the ACC is obtained as to a different color and/or texture. The approval will generally be provided as a secure PDF file sent via e-mail to the requestor. This PDF file will become a permanent ACC record and kept with other ACC electronic files regarding each lot.

The ACC shall have the right to disapprove any plans, specifications or details submitted in the event such plans and specifications are not in accord with all the provisions of the CC&Rs, or if a design or color scheme in the proposed structure is not in harmony with the general surroundings or in harmony with the lot or adjacent structure, or if the ACC deems the plans and specifications to be contrary to the spirit and intent of the CC&Rs, or contrary to the interest and the welfare and rights of all or any part of SMR.

In the event the ACC shall fail to approve or disapprove the plans, specifications and other such information as may be required within thirty (30) days after submission, then such approval shall not be required, provided that no building or structures shall be erected which violate any of the terms of CC&Rs.

A majority of the ACC may, from time to time, grant exceptions or variances not in substantial conflict with the CC&Rs. If a variance is being requested it should be noted on the submittal along with a reason why the variance is requested and why other alternative construction types or locations can't be considered that comply with the CC&Rs. The ACC may require the requester of a variance obtain a written endorsement of the variance request from nearby property owners.

#### **Conflict of Interest:**

No member of the ACC shall have an affiliation with a company or organization that provides any type of work or service or products that might be used on a project submitted for approval.

Any member of the ACC who stands to gain personally, professionally, legally, or financially, through any affiliation with a company or organization, or through partial or total ownership of any asset involved in an ACC decision, may not be involved in any way with competitive procurement procedures, such as cost estimates, line item budgeting, contract review, preparation of bid specifications, evaluation of proposals, contractor selection, and/or assessment of contractor performance. Such member must inform the ACC of such conflict of interest and may not participate in the discussions or voting regarding said procurement or transaction. Decisions made by the ACC will note when an ACC member has abstained from voting, no reason need be given.

#### **ACC Member Selection, Term and Qualifications:**

Members of the ACC will be selected by nomination and election using a majority vote of the SMR lot owners who participate in a special meeting on a one vote per lot basis. Requests for nominations and elections may be called by any member of the ACC at any time as needed. Twenty percent of the SMR lots owners may petition for nominations and elections at any time or request a vote to recall any current ACC member(s).



The ACC will be made up of a minimum of three members. At least three members must be in attendance for a quorum. However, if, for whatever reason, there are fewer than three members of the ACC, then the ACC may continue to operate even though there are insufficient members, but the remaining members will endeavor to request nominations and hold elections as soon as practical to bring the number of members to at least three.

Each member of the ACC must be a lot owner in SMR and must reside in SMR.

No more than one member of a particular lot may serve on the ACC.

Any member of the ACC may continue to serve indefinitely as long as they are reelected at least every three years as provided for in the first paragraph of this section.

### **Meeting and Decisions:**

Meetings of the ACC can be held in any format approved by the ACC members. This includes, but is not limited to in-person, via e-mail, or other such forms acceptable to the ACC members. The meeting will be held primarily via e-mail to provide a record of items discussed and approved. Meetings may be called by any member of the ACC. Since most meetings will be to discuss issues regarding a particular property these meetings will be held between the lot owner (or potential lot owner) and the ACC and unless approved by both the lot owner (or potential lot owner) and the ACC others will not be allowed to participate.

Records, including members present, topics discussed, and recommendations will be kept and archived in the electronic files of the ACC. This detailed information will not be made available to the general public or owners within SMR.

It is important for all owners of SMR to know what construction and variances have been approved. Without notification the lot owners of SMR have no way of knowing if the construction has been approved or if a variance has been granted. Therefore, all construction approvals and granted variances issued by the ACC will be listed as soon as practical on the SMRNA.org website along with a general description of the construction approval or variance granted. The details of the deliberations of the ACC will not be published or released. Construction and variance requests not approved will not be published. Details of the approved construction and variances for a particular lot may be granted by the ACC to current and future owners of a particular property, but the internal ACC deliberations will not be released outside the ACC.

### **Leadership:**

The ACC shall elect at least a Secretary to keep the records of the ACC. The ACC may establish other officers as appropriate and approved by a majority of the ACC.

The officers elected shall serve until a majority of the ACC members elect another officer.

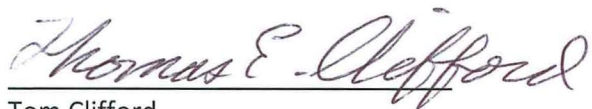
Members of the ACC shall endeavor to attend all regularly scheduled SMR Neighborhood Association (SMRNA) meetings and functions and attend SMRNA Board Meetings as requested by the Directors of SMRNA.

**Document Approvals and Revisions:**

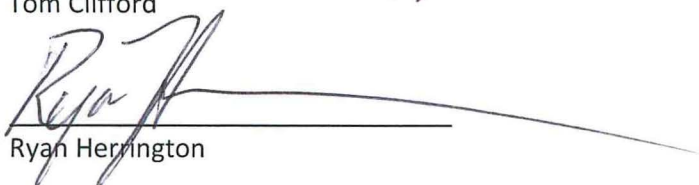
After being adopted by a majority vote of all ACC members, revisions to this document may be made at any time by the ACC.

When approved, revisions are to be signed by at least the ACC Secretary and made available to all property owners by posting on the SMRNA.org website.

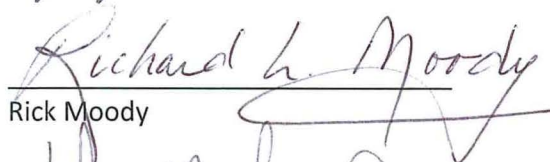
**APPROVED AS OF REVISION DATE FIRST SHOWN ABOVE:**



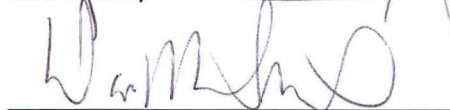
Tom Clifford



Ryan Herrington



Rick Moody



David Smith, Secretary