



DESIGN GUIDE FOR Turtleback Mountain Resort

The Turtleback Mountain Resort Design Guide has been created to provide Owners with a general guide for the improvement of their properties, to establish thresholds for design quality and the suitable application of materials, and to insure sensitivity to each site's unique environment and its neighbors. These guidelines constitute the standards and requirements to which each owner must adhere.

It is not the purpose of these guidelines to create look-alike residences or improvements, nor to suggest that they should all use the same style, color, or materials. To the contrary, the intent is to stimulate a rich and diverse variety of architecture, drawn from a common palette of materials, and blended together to form a vital residential community, compatible with our striking high desert setting.

The following guide contains:

- **GENERAL ARCHITECTURAL GUIDELINES**
- **INDIVIDUAL NEIGHBORHOOD GUIDELINES**
- **ARCHITECTURAL STYLE GUIDE**
- **LANDSCAPING GUIDELINES**
- **DESIGN REVIEW PROCESS**
- **CONSTRUCTION REGULATIONS**



GENERAL ARCHITECTURAL GUIDELINES

Turtleback Mountain Resort

Located in beautiful Elephant Butte New Mexico, our primary goal for architecture within Turtleback Mountain Resort is to promote a diverse blend of residential dwellings which enhance the overall pedestrian friendly character of the neighborhoods. Architecture should convey the essence of timelessness and permanence through quality design and construction, utilizing a synthesis of indigenous materials and modern construction methods. The architecture will draw inspiration from regional styles developed in response to the environmental and cultural influences of the area. Individual structures should be characterized by simple, understated architectural forms responding to the climatic and topographic features of their surroundings. The hope is for timeless, organic neighborhoods that appear to have evolved through the passage of time.

The following guidelines outline the general vision and character desired for residential construction within the Resort. Individual neighborhoods may have additional guidelines which detail any specific requirements or restrictions for that area.

A Golf Course Note

This is a golf course community. Homesites and residences purchased within this community, as well as persons and property residing in or visiting this community are subject to the hazards commonly associated with proximity to a golf course, including but not limited to errant golf balls and increased pedestrian, bicycle, and golf cart traffic.

General Guidelines

- 1. Permitted Structures.** The neighborhoods shall be used solely for single family residential purposes. Permitted structures include a house or residential dwelling, attached or detached garages, guest house, studio, storage shed and animal enclosures. All structures shall be architecturally aligned with, or similar to, the house and must adhere to these guidelines.
- 2. Architectural Style.** Residential architecture shall draw influence from the indigenous architectural vernacular commonly found throughout New Mexico neighborhoods. Modern expression of traditional forms and materials will also be considered. The goal is to create the harmonious character, identity, and appeal that these neighborhoods convey, and not to provide exact replicas of historic buildings. All homes will be designed using four architectural styles, Pueblo, Tuscan, Spanish Mission and Territorial. These styles are described more fully later in the guide. Although all elements of a particular style do not have to be used on any one home, it is a requirement of all homes to use enough elements to clearly convey the home

owners chosen design style. Individual neighborhoods may be restricted to one architectural style.

3. Massing. The architectural form of a dwelling should strongly reflect its architectural style and be scaled to provide visual interest and depth. Articulation of the form on all four sides of each dwelling shall be employed to mitigate the "shoebox" effect.

4. Dimensional Standards. In feet as follows:

Minimum Front Yard Setback		
Principal Building	15	
Front-loaded Garage	18	Measured from Right-of-Way
Side-Loaded Garage	15	Measured from side of garage
Accessory Buildings	10	
Minimum Side Yard Setback		
Standard Lot	5*	*May be reduced to 0 (Zero) on one side, if opposite side is 10 ft.

On Corner Lots, the side yard with street frontage shall have a setback of 10 (Ten) feet to the public Right-of-Way.

Minimum distance between buildings 10

Minimum Rear Yard Setback	
Principal Building	10
Alley facing Garage	0
Accessory Buildings	5

Minimum floor area per dwelling unit is specified in the individual neighborhood guidelines

Maximum building height 35

5. Roofs. The form and slope of a dwellings roof shall strongly reflect its architectural vernacular. Simple, understated dominant roof forms should be used in combination with complimentary secondary and minor roof forms and elements such as 1½ story habitable roofs, dormers, parapets, terraces, etc. Overhangs, eaves, fascias and soffits shall be detailed appropriately to further reduce the scale and reinforce the architectural vernacular of the dwelling.

6. Covered Entries and Porches. Entrances to dwellings are greatly enhanced by porches, and other types of enclosures. Covered porches are encouraged as they reinforce the overall character of the dwelling. Where provided, a porch shall be at least six (6) feet deep, eight (8) feet wide, and be defined by a railing, columns or similar architectural features that are scaled and detailed to reflect their style.

7. Entrance Doors. Entrance doors shall be designed, detailed and located to be prominent architectural elements, often visible from the street. The door style, scale, and trim shall complement the architectural style of the residence.

8. Windows. The window type, composition, proportions, and trim for all dwellings shall be influenced by the architectural character. Windows may be round, square or vertically proportioned and larger masses of windows shall be achieved through use of mullied groups of windows. The use of mullions and muntin-bars to divide sashes is recommended to further enhance architectural character. Fabric covered awnings and external window shades of any kind are prohibited.

9. Exterior Embellishments. Bays, projections, brackets, trim and material changes that are appropriate for the expression of the architectural style of a building are encouraged.

10. Materials. To achieve the overall level of quality desired, all dwellings shall be constructed of sustainable products representing indigenous local materials, capable of enduring the diverse climatic conditions. These include stone or rustic irregular masonry, adobe, rammed earth, cementitious stucco, and timber. Plywood or synthetic sidings such as aluminum, fiberglass or vinyl are prohibited. Alternative composite materials are subject to Review Committee approval. No reflective material should be used where it would affect any other House within the Property. If such reflection does occur, the reflective material shall be painted or some other approved treatment shall be applied. Roofing materials shall include clay or concrete tile, composite surfaces, and non-reflective naturally weathering metals.

11. Color. The skillful use of color variation is especially important. Monotonous color palettes are strongly discouraged. Strong colors should be muted shades or tints of the pure hue to ensure that colors are subdued. High gloss paints are discouraged. Use saturated color hues sparingly as accents. Wall, trim, accent, roof and masonry colors shall be coordinated.

12. Building Projections. All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, mail boxes, porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials.

13. Rooftop and Mechanical Equipment. No evaporative (swamp) coolers are permitted. No roof mounted mechanical equipment is allowed on structures with sloped roofs. No exterior wall or window mounted mechanical equipment will be permitted on any structure. Any ground mounted exterior mechanical equipment must be located adjacent to the residence and must be enclosed by walls or fencing of sufficient height and density to screen the equipment from view and to buffer sound as well. Flat roofed structures, such as Pueblo style residences, may have roof mounted mechanical equipment provided they are properly integrated into the structure and are adequately screened from all sides as well as above.

14. Antennas and Satellite Dishes. No exterior satellite dish or antenna of any sort shall be installed or maintained on any Lot, except those devices which are enclosed within a building or screened from view from other Lots and from common easements. If an owner desires to install such device, the owner shall obtain the smallest device available for that technology, and in no case may a satellite dish be greater than 18" in diameter.

15. Solar Devices. Passive solar design is encouraged. Active solar applications can result in excessive reflective glare, and would only be approved by the Review Committee if the hardware is sufficiently integrated into the structure or landscaping of a lot so as to appear unobtrusive from any other lot or property.

16. Ornamentation. "Ornamentation" is the design element or other improvement that is an embellishment not essential to the function or use of the dwelling or lot. Ornamentation may be affixed to a dwelling or lot and includes, but is not limited to, statuary, lawn decorations, and play equipment. Ornamentation, whether a part of the dwelling or lot, must be shown on all plans submitted to the Review Committee for approval. If ornamentation is to be added to a completed structure or landscaping, the addition shall be reviewed by the Committee. The Review Committee may require removal of ornamentation not approved in accordance with these design guidelines.

17. Basketball Hoops. If approved by the Review Committee for that neighborhood, basketball hoops and nets should be mounted to a structure or on a permanent, in-ground post. Support posts and the back of the backboard of a freestanding basketball goal shall be painted to blend unobtrusively with its visual backdrop surroundings.

18. Flagpoles. No permanent flagpoles, balloons, beacons or banners are permitted on any lot in a Neighborhood; provided, however, such items are permitted to be attached to a house on a temporary, short-term basis during holidays or special functions.

19. Swimming Pools and Spas. Swimming pools and spas, if any, must be designed as a visual extension of the residence through the use of walls or courtyards and must be shielded from view. Temporary wading pools (plastic children's pool) are permitted provided they have adequate privacy screening, do not exceed eight feet in diameter and two feet in depth, and are removed when not in use.

20. Decks. Decks and other above-grade projections shall be well integrated within the overall design of the dwelling and shall avoid the appearance of being "tacked on" or "floating." Vertical elements (columns, beams, railing, stairs, and supports), fascias, and overhead elements of elevated and walkout decks shall be painted or stained to match or compliment the permanent colors of the main structure and not left to weather naturally. Main supporting elements shall be of substantial scale such as brick, stone or adobe, and secondary or intermediate deck posts shall be a minimum of six (6) inches in section. Raw, unfinished structural material shall be enhanced with a built-up wood or masonry wrap or cladding. No deck, balcony or porch shall be greater than 30 inches above grade unless it is attached to the house.

21. Garages & Drives. A garage of sufficient size to accommodate at least two automobiles shall be constructed with each house. Where possible, the principal dwelling and not the garage, shall dominate the streetscape. The intent is that residential streets are pedestrian friendly and are not overpowered by large expanses of garage doors and concrete. Alley-load and front-load garages recessed from the principal dwelling are strongly encouraged. Further techniques to mitigate garage dominance shall also be employed such as: side loading; use of deep-set doors, integration with pergolas, terraces or other screening elements above doors; and individual doors in lieu of double doors. Three car, front-facing garages are not allowed on lots less than sixty (60) feet wide. Any third car garage must be setback a minimum of three feet behind the two-car garage face. Swing-in garages, split garages, and tandem garages are encouraged. Wood panel or wood-faced insulated sectional overhead doors with

fenestration or an applied panel pattern sufficient to provide visual relief, are strongly recommended. Lightweight hollow metal overhead doors are not allowed. Open Carports are prohibited. All driveways shall be surfaced with asphalt, brick, stone or concrete and, where possible, should follow the natural contours of the land. Driveway curb-cuts shall be limited to a maximum width of eighteen (18) feet. Driveway grades shall not exceed fifteen (15) percent without specific approval.

22. Enhancements at Corners. Corner lots shall accommodate side elevation enhancements, such as porches and bay windows. Dwellings should address the side street or open space through the implementation of corner entries or other architectural features distinctive to corner lots. Architectural enhancements may include, but are not limited to: side or wrap-around porch, or a bay window; French windows or doors facing the corner or open space; changes in vertical or horizontal wall plane; significant details such as dormers, bays, window seats, pergolas, etc. For a corner lot, the front of the lot is defined as the side having the shortest street frontage.

23. Grading & Drainage. Site grading and drainage should occur with minimum disruption to the lot, without altering natural drainage patterns as runoff leaves the lot, and without causing conditions that could lead to unnecessary soil erosion, slippage, or subsidence. Residential designs for hillside lots, should incorporate slope considerations into the design solution, so that the proposed structure terraces or steps with the natural slope. Surface drainage upon and across any lot must be addressed through the implementation of sound construction and grading practices. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. Any improvement which creates an obstruction to surface flows resulting in a back-up of water onto a neighboring lot or tract is strictly prohibited. Ground floor levels should be established at a vertical elevation such that final placement of backfill, walks, drives, and porches will produce a positive drainage away from the structure in all directions.

24. Foundations. All un-faced visible surfaces of concrete masonry or concrete foundations walls and piers must receive a stucco, mortar or similar finish and shall be painted to blend or compliment the adjacent material. Exposed aggregate concrete, stone, or textured concrete block with an approved integral or applied color, may be considered in lieu of the stucco appliqué.

25. Utilities. Utility Services are stubbed to the property lines of each lot. Water, gas, electric, telephone and cable television service locations are generally clustered in a utility easement located near one of the front corners of each lot. The sewer service extension is generally stubbed to the property line at a location determined by the lowest elevation of the lot and is generally within ten feet of the water service. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. Information regarding current tap and service fees, as well as connection procedures, may be obtained by contacting the respective utilities. No water wells for domestic or irrigation use will be allowed on private lots.

26. Outside Storage. Outdoor areas housing trash containers, maintenance or other service equipment such as lawn care equipment, etc. or any additional storage shall be screened from all adjacent properties by a wall, fence or other technique which conforms to these Design Guidelines. A standard for trash containers (garbage cans) will be established by the Review Committee.

27. Prefabricated Buildings. Unless specifically allowed by the individual Neighborhood Guidelines, no building that is constructed off-site and requires transportation to any lot, whole or in partial assembly will be permitted; this includes mobile homes, stock modular buildings, or any other structure requiring transportation and set up in a partially completed state. However, structures that are assembled off-site and completely disassembled for transportation, including log cabins or custom designed modular buildings, may be permitted. The aesthetic merits of any such structures are subject to review and approval by the Review Committee.

28. Fireplaces and Burning. No wood-burning fireplaces, stoves or firepits are permitted whether indoors or outdoors. No burning of any materials, including, but not limited to, leaves, landscaping debris or firewood, shall be permitted either indoors or outdoors.

29. Exterior Lighting. Turtleback Mountain Resort is expressly intended to comply with the New Mexico Night Sky Protection Act. All exterior lights must be located so as not to be directed toward or radiate into surrounding lots or easements. Bright, glaring lights on rooftops, patio walls or elsewhere are prohibited. Exterior pole-mounted lights greater than three (3) feet in height are not permitted. All exterior wall-mounted and low pole-mounted lights shall have cut-off shields which prevent the spread of light in an upward direction to protect the "dark sky" quality of the area. Lights with motion detectors are encouraged. An exterior lighting plan must be submitted for approval by the Review Committee.

30. Fences and Walls. To ensure that walls and fences are attractive and in character with the neighborhood and community, all such construction shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot and should appear as visual extensions of the residence. Materials should be stone, brick, split faced concrete block, wood, cedar pole, decorative metal and/or wrought iron. Stuccoed and adobe construction is permitted. Hedges or rectangular mesh on wire posts with climbing vines may be used in the same manner and for the same purposes as a fence or wall. Chain link fencing with or without slats, contemporary security fencing such as concertina or razor wire, or electrically-charged fences are prohibited within all residential areas. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Fences or walls shall be:

- a. No more than forty-two (42) inches high between the front yard setback and the front property line. For corner lots, side yard setbacks shall apply to the side street of the lot.
- b. No more than six (6) feet high on a rear property line or on a side property line behind the front yard setback. Fences or walls should be setback a minimum of five (5) feet from the face of the building.
- c. No more than six (6) feet high for a courtyard that is located directly adjacent to and integrated with the house.
- d. No more than thirty (30) inches high when located within a vehicle sight distance triangle.



TURTLEBACK MOUNTAIN RESORT

INDIVIDUAL NEIGHBORHOOD GUIDELINES

Turtleback Mountain Resort

Villa Tuscano

Architectural Style -	Tuscan
Minimum Home Size -	1,400 square feet
Construction Period -	Two Years (24 months)
Completion Period -	Twelve (12) Months
Prefabricated Homes -	None

Tierra Verde

Architectural Style -	Pueblo, Tuscan, Spanish Mission, Territorial
Minimum Home Size -	1,800 square feet
Construction Period -	Three Years (36 months)
Completion Period -	Twelve (12) Months
Prefabricated Homes -	None

Mesa Grande

Architectural Style -	Pueblo, Tuscan, Spanish Mission, Territorial
Minimum Home Size -	2,000 square feet
Construction Period -	Five Years (60 months)
Completion Period -	Eighteen (18) Months
Prefabricated Homes -	None

Sierra Vista

Architectural Style -	Pueblo, Tuscan, Spanish Mission, Territorial
Minimum Home Size -	2,000 square feet
Construction Period -	Five Years (60 months)
Completion Period -	Eighteen (18) Months
Prefabricated Homes -	None

Las Palomas

Architectural Style -	Pueblo
Minimum Home Size -	1,400 square feet
Construction Period -	Three Years (36 months)
Completion Period -	Twelve (12) Months
Prefabricated Homes -	None

Aguila Vista

Architectural Style -	Pueblo, Tuscan, Spanish Mission, Territorial
Minimum Home Size -	2,000 square feet
Construction Period -	Five Years (60 months)
Completion Period -	Eighteen (18) Months
Prefabricated Homes -	None



ARCHITECTURAL STYLE GUIDE

Turtleback Mountain Resort

PUEBLO STYLE ARCHITECTURE

Pueblo Style architecture is predominant throughout New Mexico and much of the Southwestern United States. The Pueblo Style, or Santa Fe Style, has combined Native American adobe structures with Spanish architectural elements to produce a nationally recognized symbol of New Mexican culture.

Pueblo Style features include the appearance of flat roofs and stepped-level homes in earthy colors. Walls have rounded edges with raised parapets. Most windows are simple, with exposed wood headers. Doors can be made unique to the home using elaborate engravings, decorative iron work and dark natural colors. Small recesses set into walls, referred to as niches, provide spaces for art, religious icons and other decorative items. Benches can be built into walls for seating. Floors are usually covered with flagstone, wood planking or tiles. Heavy timbers which serve as the main roof support are known as vigas. These vigas, along with dried saplings known as latillas, comprise interior ceilings. Carved wood columns and beams are used throughout most Pueblo homes. Combinations of these elements, along with decorative corbels, add an authentic allure to any porch or patio covering.

Architectural and Decorative Elements

- Earthy stucco colors
- Appearance of flat roofs
- Raised parapets
- Rounded exterior corners
- Exposed wood headers
- Hand-carved wood doors
- Simple wood windows
- Niches
- Benches built into walls
- Tile, wood or flagstone floors
- Vigas and latillas
- Decorative corbels
- Wood columns and beams
- Wooden ladders
- Hanging chilies (ristras)
- Luminarias

TUSCAN STYLE ARCHITECTURE

The Northern Italian region of Tuscany is a place like no other. Within Tuscany there lies a beautiful and unique style of architecture which blends well with the rich landscape of New Mexico.

Turtleback Mountain Resort is a unique location with many beautiful views. To capture these views, homes can incorporate Tuscan towers complete with stone façades and high arched windows. Windows are an important element of the Tuscan Style. A mixture of simple square and arched windows allows daylight to flood elegant interior spaces. Arched stone doorways make for nice transitions between rooms. Tiled roofs are a beautiful feature in the Tuscan landscape and a defining feature of the Tuscan Style home. Other defining elements of this style include fireplaces, balconies, roofed porches, round support columns, brick and marble floors, detailed stone fountains and wrought iron accessories such as wall lamps and railings. Tuscan country villas are made of stone walls, plastered and colored with light browns, faded oranges, off-whites, soft reds and simple tans similar in color to many New Mexico Pueblo Style homes.

Architectural and Decorative Elements

- Stone towers
- Square and arched windows
- Stone arched doorways
- Tiled roofs
- Fireplaces
- Balconies
- Roofed porches
- Round support columns
- Brick and marble floors
- Stone walls
- Stone fountains
- Wrought iron accessories

SPANISH MISSION STYLE ARCHITECTURE

The Spanish Mission Style, or California Mission style, was brought to California by early Hispanic settlers and missionaries. Although the first Spanish Mission Style homes were built in California, the style has since spread eastward across the southwestern United States. Spanish Mission Style houses usually have very large square pillars and round windows. Some resemble old Spanish mission churches, with bell towers and heavy frame pitch roofs.

As the Spanish Mission Style gained popularity in New Mexico, architects integrated architectural elements originally associated with Pueblo Style design. The homogenization of styles allows for a liberal interplay of smooth stucco siding, rectangular recessed windows and rounded exterior corners, with arcade entry porches, red and orange mixed tile roofs, tall chimneys and centered windows. Some homes may include decorative fountains, balconies, wall niches and wrought iron window accessories similar to those of the Tuscan style. Exterior wall color is generally white, though some Spanish Mission Style homes may feature tan, brown or other earth-tone exteriors.

Architectural and Decorative Elements

- Smooth stucco siding
- Recessed windows
- Round exterior corners
- Arcaded entry porch
- Red tile roof
- Tall chimneys
- Large square pillars
- Quatrefoil windows
- Bell towers
- Elaborate arches

TERRITORIAL STYLE ARCHITECTURE

The Territorial Style is a mixture of Pueblo Style architecture and Victorian Style details. Architect John Gaw Meem pushed the development of the Territorial Style in Santa Fe through the 1930s. Distinguishing features of the Territorial Style home include stucco exterior siding with raised parapets and sharp-edged walls. Bricks are also used as ornamental elements on the home's façade. Examples of these elements include brick cornices, brick flooring, brick steps, and brick or wood-framed windows. Roofs generally appear flat like those of the Pueblo Style.

In contrast to the Pueblo Style, Territorial Style homes have elegant windows, milled beams and wood trim. Interior spaces are usually decorative with Victorian Style details, often made of dark wood. Porches may be supported by square columns attached to corbels and balustrade railings. Although the Territorial Style shares a strong resemblance with the Pueblo Style through the use of earth-tone stucco, the Territorial Style is often distinguishable by its use of white painted columns, doors and window trim.

Architectural and Decorative Elements

- Stucco siding
- Corbels
- Sharp-edged walls
- Carved wood columns
- Balustrade railings
- Milled beams
- Wood trim
- Victorian Style detail
- Brick-framed windows
- Raised parapets
- Appearance of flat roofs
- Brick cornices



LANDSCAPING GUIDELINES

Turtleback Mountain Resort

The climate, terrain and existing vegetation at Turtleback Mountain Resort are all important factors which must be considered in the design of any landscaping improvements. The intent should be to preserve and enhance the desert's special character and integrate residences into the landscape by promoting regionally appropriate landscape design. The goal of these guidelines is to ensure environmentally sound and aesthetically pleasing development at Turtleback Mountain Resort for the mutual benefit and enjoyment of all its residents. Professional assistance is suggested.

General Provisions

- a. Landscaped areas shall be configured to maximize their interconnectivity within the site to natural areas and to landscaped areas in adjacent properties.
- b. Landscape improvements in each neighborhood should be consistent with the character of the proposed development and the surrounding area to reinforce a coherent neighborhood identity.
- c. Landscape design shall enhance and preserve natural features, arroyos and environmental resources, where feasible.
- d. All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility for cars, bicycles, golf carts, and pedestrians, and shall not impede outdoor illumination, nor interfere with fire hydrant or other emergency operation.
- e. Landscaping shall be no more than thirty (30) inches high when located within a vehicle's sight distance triangle. Street trees, with limbs pruned up to a minimum of six (6) feet are permitted in sight distance triangles.
- f. Landscaping should use the following xeriscape design principles to facilitate water conservation: Well-planned planting schemes, Appropriate plant selection, Use of mulch or other material, where needed, to maintain soil moisture and reduce evaporation, Improve soil with organic matter, Efficient irrigation systems, Zoning of plant materials according to their micro climatic needs, Proper maintenance schedules.
- g. Landscapes should consist of a variety of species to enhance biodiversity.

- h. All landscapes should strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, species that are regionally adapted and noninvasive may be used. The goal should be to use plants, shrubs and trees that are inherently compatible with the natural Turtleback Mountain Resort landscape.
- i. Large areas of lawn using non-native water hungry grasses are strictly prohibited. Any use of grass should be for accent and decorative purposes and should focus on drought tolerant species such as Buffalo Grass, Blue Gramma and other ornamental type grasses which require little to no irrigation to survive.
- j. The minimum planting sizes on all required landscaping shall be two (2) inch caliper deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.
- k. Where possible, plant materials should be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.



DESIGN REVIEW PROCESS

Turtleback Mountain Resort

All neighborhood areas within Turtleback Mountain Resort are governed by the Declaration of Restrictive Covenants. These Covenants are regulated by the Turtleback Owners Association through the Architectural Review Committee, which will utilize the Design Guidelines in order to ensure the quality of the environment.

Enforcement of architectural and landscaping design standards, buffering and screening requirements and overall maintenance requirements are the responsibility of the Association. The City of Elephant Butte has no responsibility for the enforcement of any of the standards or requirements.

Zoning/Building permits for structures to be sited within Turtleback Mountain Resort will require a signature of approval from the Architectural Review Committee. The City will not process a request for a Zoning/Building permit without this signature unless the Review Committee fails to respond within 30 days of a request for review. The City will contact the Review Committee to determine that a request for review was made.

The Design Review Process was developed to provide adequate checkpoints throughout the design and development phases, so that time and money are not wasted on plans and designs which do not adhere to Design Guidelines or to the overall design principles of Turtleback Mountain Resort. This process is a proven and streamlined one and will not result in delays, provided each Owner, architect and builder performs in the spirit with which the Design Guidelines are intended, namely, a site-sensitive approach to the development of each Lot within this unique community.

To that end, plans and specifications shall be submitted to the Review Committee in accordance with the following conference and submittal requirements and review procedures.

1. Pre-Design Conference

Prior to creating detailed plans for any proposed improvement, it is suggested that the Owner and/or his architect meet with a representative of the Review Committee to discuss proposed plans and to resolve any questions regarding building requirements at Turtleback Mountain Resort. This informal review is to offer guidance prior to creating detailed drawings, and should occur on site whenever possible.

2. Design Submittal

When the preliminary design is complete, plans that are submitted must include all of the following exhibits; no review will commence until the submittal is complete:

1. Site plan (scale at 1" = 10' or 1" = 8') showing the entire property, location of the setbacks, the proposed residence, all ancillary buildings, the driveway, all utility sources and connections, and site walls.
2. Survey (scale 1" = 10' or 1" = 8') by a registered land surveyor or licensed civil engineer showing Lot boundaries and dimensions, topography (2 foot contours or less), major terrain features and edge of pavement and utility locations.
3. Floor Plans (scale ¼" or 1/8" = 1') showing proposed finished floor elevations.
4. All exterior elevations (scale ¼" or 1/8" = 1') showing building heights, roof lines, and an indication of all exterior materials and colors.
5. A material and color board with paint chips and literature depicting or describing all exterior materials.
6. A complete landscape plan (scale 1" = 8' or 10') showing size and type of all proposed plants, irrigation system, all decorative materials, borders and ornamentation.
7. Construction staging plan identifying the location of staging areas and identifying construction material storage areas, dumpster, contractor parking and portable toilet location, construction signage location and general construction schedule.
8. On-site staking of all building corners and other improvements, if requested by the Review Committee.
9. A design review fee in the amount of \$250.00. A submittal will not be reviewed unless this fee has been paid.
10. The Construction Compliance Deposit required under the Construction Regulations.
11. A letter from the Association stating that all Association dues, fees and other charges have been paid. The Review Committee shall not take any action on a submittal if any amounts are delinquent.

This submittal shall consist of one set of prints which shall be retained by the Review Committee.

3. Deferral of Material or Color Selection

An applicant may wish to delay the confirmation of final landscaping intentions and final color, stonework or other material selections until some point in time after the start of construction in order to better visualize landscape considerations, or to test an assortment of potential colors with actual materials intended for use. The Review Committee will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color or material applied, until such time as the Review Committee has had the opportunity to review and consent to the final selections. We advise that the re-submittal should occur before the placement of any orders for materials. This deferral in no way eliminates the need

to provide a preliminary indication of the applicant's intentions as required by the preliminary design submittal.

4. Design Review

The Review Committee will meet to review the submittal and will respond in writing within 10 days after their meeting, barring unavoidable delays, but no later than 30 days after the effective date of submittal. Results of reviews will not be discussed over the telephone by members of the Review Committee with an Owner, or his architect or builder, and no Owner, architect or builder shall have the right to attend any meeting of the Review Committee unless specifically permitted by the Review Committee. Any response an Owner may wish to make regarding the results of the design review must be addressed to the Review Committee in writing.

5. Re-Submittal of Plans

In the event of any disapproval by the Review Committee of a submittal, a resubmission of plans must follow the same procedure as an original submittal. The Review Committee may assess an additional design review fee upon subsequent submittals which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied.

6. Pre-Construction Conference

Prior to commencing construction, the builder must meet with a representative of the Review Committee to review construction procedures and coordinate his activities in Turtleback Mountain Resort.

7. Commencement of Construction and Timely Completion

Upon receipt of final approval from the Review Committee, and having satisfied all applicable City of Elephant Butte and State of New Mexico permitting processes, the Owner shall satisfy all conditions of approval and commence the construction of any work pursuant to the approved plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be automatically revoked. The Owner shall complete the construction of any improvement of his Lot within the designated Completion Period for his neighborhood after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities. If the Owner fails to comply with this schedule, or if the diligent and earnest pursuit of the completion of the improvement ceases, or is abandoned for a period of one calendar month, the Review Committee may, upon the passage of sixty days after written notification to the Owner, proceed to have the exterior of the improvement completed in accordance with the approved plans, or remove the improvement and restore the Lot to its pre-construction condition to the greatest degree possible. All costs relating to the completion or removal shall be borne and reimbursed to the Review Committee by the Owner, to be secured by a continuing lien on the Lot.

8. Inspections of Work In Progress

The Review Committee may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the Review Committee of work in progress or compliance with the Design Guidelines.

9. Subsequent Changes, Remodels or Additions

Additional construction or other improvements to a residence or Lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Review Committee for approval prior to making such changes or additions. The review fee for any change, remodel, or addition will be a minimum of \$50.00. A greater fee may be imposed by the Review Committee depending upon the degree the proposed changes vary from previously reviewed applications and the review efforts required. This includes any color modifications to the structure. To receive a review of any change, a submittal must be made outlining the intended improvement. All drawings must be professional quality with sufficient design detail.

10. Final Release

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the Review Committee. Within 30 days of such notification, a representative of the Review Committee may inspect the residence or other improvements for compliance. If all improvements comply with the Design Guidelines, the Review Committee may issue a written approval to the Owner, constituting a final release of the improvements by the Review Committee, which release is to be issued within 30 days of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of the Design Guidelines, the Review Committee may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, which notice is to be issued within 30 days of the final inspection.

The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the non-complying portions of his improvement. If by the end of this time period the Owner has failed to remedy the noncompliance, the Review Committee may take action to remove the non-complying improvements or the imposition of a fine.

The Construction Compliance Deposit will be returned, less any outstanding violation fines, once a final release has been issued indicating all improvements, landscaping and paving are completed in conformance with the approved plans.

If the Review Committee fails to issue a final release, and also fails to issue a notice of noncompliance to the Owner, within three months of the Review Committee's receipt of the Owner's written notice of completion, the completed improvements shall be deemed to be in compliance with plans as approved by the Review Committee, and in compliance with the Design Guidelines.

11. Non-Waiver

The approval by the Review Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of the Design Guidelines shall not constitute a waiver of same.

12. Right of Waiver or Variance

The Review Committee reserves the right to waive or vary any of the procedures or standards set forth in the Design Review Process or the Construction Regulations at its discretion, for good cause shown. Upon submission of a written narrative request for a variance or waiver of one or more provisions of the Architectural or Landscaping Guidelines, the Review Committee may, from time to time, with the approval of the Board, permit Owners to construct, erect, or install improvements which are in variance with said Guidelines. No

member of the Review Committee shall be liable to an Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by an Owner or his agent. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the Review Committee's right to strictly enforce the Design Guidelines against any other Owner. Each such written request must identify and set forth in narrative detail the specific guideline or standard from which a variance is sought, describe in detail the exact nature of the variance sought. Any grant of variance by the Review Committee must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted.

13. Exemptions

Re-painting or re-staining associated with the prudent maintenance of an existing residence does not require subsequent approval by the Review Committee, provided the paint stain colors are substantially identical to those initially approved by the Review Committee for application to the residence.

14. Limitation of Review

Plans and specification shall be approved by the Review Committee as to style, exterior design appearance and location, and are not approved for engineering design or for compliance with zoning and building ordinances. By approving such plans and specifications neither the Review Committee, the members or agents thereof, the Association, the Board of Directors nor the Declarant assumes any liability or responsibility therefore or for any defect in any structure constructed from such plans and specifications. Approval of plans and specifications by the Review Committee is not, and shall not be deemed to be, a representation or warranty that said plans or specifications comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

15. Delegation of Authority

The Review Committee may delegate its design and plan review responsibilities to one or more of its members, acting as a subcommittee of the Review Committee, and/or professional design consultants retained by the Review Committee on behalf of the Association. Upon such delegation, the approval or disapproval of plans and specifications by such member or consultants shall be equivalent to approval or disapproval by the entire Review Committee.

16. Duties

It shall be the duty of the Review Committee to perform those duties specified in the Declaration and these Design Guidelines, to consider and act upon such proposals or plans related to the construction of improvements within Turtleback Mountain Resort as are submitted pursuant to the Declaration and these Design Guidelines, to enforce the architectural provisions of the Declaration and these Design Guidelines, and to amend these Design Guidelines whenever, and in a manner, deemed appropriate by the Review Committee.

17. Review Committee Address

The address of the Review Board shall be the address established for giving notice to the Association, unless otherwise specified by the Review Committee. Such address shall be the place for the submittal of plans and specifications and the place where the current Design Guidelines shall be kept.

The present address for Review Committee is:

Turtleback Mountain Resort
Design Review Committee
120 Stagecoach Drive
Post Office Box 990
Elephant Butte NM 87935

18. Meetings

The Review Committee shall convene monthly or as necessary to properly perform its duty. The vote of a majority of the members shall constitute an act by the Committee. The Review Committee shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken.

19. Compensation

Unless authorized by the Board, the members of the Review Committee shall not receive any compensation for services rendered. However, a professional design consultant, retained to advise and assist the Review Committee, and who is also serving as an appointed member of the Review Committee as well, may be paid such compensation as the Board determines. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants or representatives of the Review Committee retained for assistance in the review process shall be paid such compensation as the Review Committee, with Board approval, determines.

20. Amendment of Design Guidelines

The Review Committee may recommend amendments or revisions to any portion of these design guidelines. All such amendments or revisions shall be approved pursuant to paragraph 8.2 of the Declarations. Each Owner is responsible for obtaining from the Review Committee a copy of the most recently revised Design Guidelines.

21. Non-Liability

Plans and specifications shall be approved by the Review Committee as to style, exterior design, appearance and location, and are not approved for engineering design or for compliance with zoning and building ordinances, and by approving such plans and specifications, neither the Review Committee, the members or agents thereof, the Association, the Board of Directors of the Association, nor the Declarant assumes any liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications. Neither the Review Committee, any member or agent thereof, the Association, the Board of Directors of the Association, nor the Declarant shall be liable to any Owner or other person for any damage, loss or prejudice suffered or claimed on account of:

1. The approval or disapproval of any plans, drawings and specifications, whether or not defective;
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;

3. The development or manner of development of any property within Turtleback Mountain Resort; or,
4. The execution and filing of a compliance or non-compliance certificate pursuant to these Design Guidelines, whether or not the facts therein are correct; provided, however, that such action, with the actual knowledge possessed by him, was taken in good faith.

Every Owner or other person, by submission of plans and specifications to the Review Committee for approval, agrees that he will not bring any action or suit against the Review Committee, any of its members or agents, the Association, the Board of Directors of the Association, or the Declarant, regarding any action taken by or on behalf of the Review Committee. Approval by the Review Committee of plans and specifications by or on behalf of the Review Committee, or of the construction of any improvement at Turtleback Mountain Resort, refers only to these Design Guidelines, and in no way implies, and shall not be deemed to be a representation or warranty that the submitted plans or specifications for the improvement comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

22. Enforcement

The Review Committee may, at any time, inspect a Lot or improvement and, upon discovering a violation of the Design Guidelines, provide a written notice of noncompliance to the Owner. This notice shall include a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the Review Committee or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot; said expense to be secured by a lien upon such Lot enforceable in accordance with the Declaration.

In the event of any violation of the Design Guidelines, the Review Committee may, at its sole discretion, impose a punitive fine pursuant to the fine structure approved by the Association.

23. Severability

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause, phrase or work in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid section were never included therein.

24. Owners Maintenance Obligation

The adoption of these Design Guidelines, including the standards and procedures for architectural approval, shall not be construed as changing any rights, obligations or restrictions upon Owners to maintain or repair their Lots as may otherwise be specified in the Declaration or the rules and regulations of the Association.



CONSTRUCTION REGULATIONS

Turtleback Mountain Resort

In order to ensure that the natural landscape and all neighboring properties are respected, and the nuisances inherent to any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements at Turtleback Mountain Resort. Any violation of these regulations by an Owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the Owner.

1. Construction Compliance Deposit

A one thousand dollar (\$1,000.00) Construction Compliance Deposit shall be deposited with the Review Committee to be held in escrow until the end of construction to ensure that all design guidelines and regulations have been met, or violation fines paid. Interest on the escrowed amount, less any construction fines or other charges, shall accrue to the benefit of the Owner.

In the event that all construction has not been completed including landscaping and paved driveway, within the designated "Completion Period" for that neighborhood, this fee will be forfeited. An extension of six (6) months to complete construction may be requested by submitting a written request to the Review Committee prior to the expiration of the designated time period. This extension may or may not be granted by the Review Committee depending on the individual circumstances.

2. Construction Fines

The Review Committee may assess fines for violations of any provision of these Construction Regulations as follows:

First violation, fifty dollars (\$50.00); second violation, one hundred dollars (\$100.00); third violation and subsequent violations, two hundred and fifty dollars (\$250.00), the "Construction Fines". In the event that any person fails to cure (or fails to commence and proceed with diligence to complete the work necessary to cure) any violation of these Construction Regulations, within two (2) days after receipt of written notice from the Review Committee designating the particular violation, the Review Committee shall have the power and authority to impose upon that person a subsequent fine as outlined above. There shall be no limit to the number or the aggregate amount of Construction Fines which may be levied against a person for the same violation if not timely cured. The Construction Fines, together with interest at the highest lawful rate per annum and any costs of collection, including reasonable attorneys' fees, shall be a continuing lien upon the Lot against which such Construction Fine is made. Continued failure to comply may cause the Review Committee to pursue legal remedy in the form of a "stop work" injunction or punitive damages. If payment of fines has not been made by the date of a request for final release and return of the construction compliance deposit, the fines will be deducted from the construction compliance deposit.

The continued or habitual violation of these Construction Regulations by a general contractor, sub-contractor, or materials supplier may result in the withdrawal by the Review Committee of his/their approval to perform work in Turtleback Mountain Resort.

3. Erosion Control

It is required that all areas disturbed by construction be permanently stabilized by seed, mulch, plants or other landscaping material. Silt fences shall be installed at all lots where construction activities may result in negative impacts to the Golf Course or to neighboring downhill properties.

4. Final Inspection

Prior to Certificate of Occupancy by the agency in charge, the owner or contractor must request an inspection by the Review Committee. This inspection will determine that the completed Structure or Improvement follows the approved plans and will identify any deficiencies required to be completed in order to receive a final release.

5. Health and Safety Compliance

All applicable statutes, ordinances, or rules pertaining to safety and health, hazardous materials, toxic substances or wastes, including all relevant Occupational Safety and Health Act (OSHA) regulations and guidelines must be observed at all times.

6. Trash Receptacles and Debris Removal

Owners and builders shall clean up all trash at the end of each day. An approved trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse. Disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in Turtleback Mountain Resort. Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site immediately upon completion of the work of each trade that has generated the debris. All concrete washout from both trucks and mixers, must occur within the Lot in a location where it will ultimately conceal by structure or covered by backfill. Washout in road rights-of-way, setbacks or on adjacent properties is strictly prohibited. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. Any clean-up costs incurred by the Review Committee or the Association in enforcing these requirements shall be payable by the Owner. Dirt, mud or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces and driveways or other portions of Turtleback Mountain Resort.

7. Sanitary Facilities

Each Owner or builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets must be located within the Lot.

8. Construction Access

The approved access drive will be the only construction access to any Lot. Contractors and material deliveries will avoid using Turtleback Mountain Parkway.

9. Vehicles and Parking Areas

Construction crews will not park on, or otherwise use undeveloped portions of adjacent lots, nearby driveways or open space. All vehicles shall be parked on the Lot. During very busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the site proper, the overflow vehicles may be temporarily parked along the

shoulder of the roadway. During these limited occurrences, vehicles must be off the paved surface of the roadway or cul-de-sac to allow continual unconstrained access for normal traffic and emergency vehicles, including fire trucks. Changing oil or other vehicle maintenance is prohibited.

10. Dust and Noise Control

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site. The sound of radios or of other audio equipment must not be audible beyond the property perimeter of any Lot. Repeated violations of this provision will result in the total prohibition of any on-site use of radios or audio equipment during construction.

11. Material Deliveries

All building materials, equipment and machinery required to construct a residence must be delivered to and remain within the confines of each Lot. This includes all building materials, earth-moving equipment, trailers, generators, mixers, crane, and any other equipment or machinery that will remain at Turtleback Mountain Resort overnight. Material delivery vehicles may not drive across adjacent Lots or tracts to access a construction site.

12. Firearms

The possession or discharge of any type of firearm by construction personnel on any construction site, Lot, or Common Easements is prohibited.

13. Alcohol and Controlled Substances

The consumption of alcohol or use of any controlled substance by construction personnel on any construction site, Lot, or Common Easements is prohibited.

14. Fires and Flammable Materials

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard are prohibited. At least one 20-pound ABC- Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times. No on-site fires are allowed, except small, confined, attended fires for the purpose of heating masonry water or other required building material.

15. Pets

No pets, particularly dogs, may be brought onto the property by a member of any construction crew.

16. Restoration of Property

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades, replanting shrubs and trees as required, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. In addition, the Owner and general contractor shall be held financially responsible for the cost of site restoration and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or sub-contracted agents.

17. Construction Signage

Temporary construction signs shall be limited to two signs per site not to exceed six (6) square feet of total surface area. This sign is intended primarily for job site identification and

must be located facing the street frontage of the Lot. It may identify the general contractor and architect by name with address, license number and telephone numbers and it may identify the job site by Lot number or Owner's name. The sign shall be free standing, not to exceed four (4) feet in height above natural grade. The sign's design, color, style, text, duration of display and location upon the Lot must be approved in advance by the Review Committee. The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed within two weeks of the issuance of a certificate of occupancy by the Town or immediately upon the passage of 30 calendar days without significant construction activity. The general contractor of a completed home may apply to the Review Committee for continuation of his construction sign for advertising and sales purpose after construction has been completed, until such time that a contract for sale has been executed. Individual signs or construction sign attachments identifying individual sub-contractors, tradesmen, or suppliers shall be confined to the posting location of the building permit. Identification of licensed contractors and tradesmen, when required by state or city statutes, shall be confined to the posting location of the building permit. Attachment of signs or similar material to trees is strictly prohibited.

18. Daily Operation

Daily working hours for each construction site shall be 30 minutes before sunrise to 30 minutes after sunset. Construction activity which generates excessive noise such as hammering, sawing, excavator work and concrete delivery must be confined to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. Noisy activity should be curtailed on Sunday, particularly during the periods of high Owner/visitor occupancy.

19. Site Visitations

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel and the Owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

20. Construction Insurance Requirements

All contractors and sub-contractors must post evidence of insurance with their Owner, prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Certificate of Insurance naming both the Owner, and Turtleback Mountain Resort and its designees as the certificate holders. The required insurance must provide coverage not less than the applicable limits of coverage relating to comprehensive general liability, automobile liability and workmen's compensation. The minimum limits of liability shall not be less than \$500,000 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability and broad form property damage. The certificate shall provide for 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.