

Bosque Encantado de C' de Baca New Construction Process

Bosque Encantado Homeowners Association – Architectural Control Committee

Approved by the BEHOA Board of Directors on October 7, 2019

Contents

1.0	Owner and Builder Information:.....	3
2.0	Overview:.....	4
2.1	Architectural Control Committee (ACC) – Role and Responsibility:.....	4
2.2	New Construction Process Flowchart:.....	4
2.3	Procedures:.....	5
2.3.1	Project Initiation:.....	5
2.3.2	Tree Removal:.....	5
2.3.3	Design Review:.....	5
2.3.4	Start Construction:.....	6
2.3.5	Project Completion:.....	6
3.0	Design / Build Requirements:.....	7
3.1	Plan Changes:.....	7
3.2	Building Pad Requirements:.....	7
3.3	Mechanical Concealment:.....	7
3.4	Sewer Hookup and Grinder Pump Requirements:.....	7
3.5	Large Trucks:.....	7
3.6	Trees and Walking Paths:.....	7
3.7	Construction Debris:.....	7
3.8	Damage to Other Facilities:.....	8
3.9	Water Run-off:.....	8
3.10	Lot Entrance / Parking / Toilet:.....	8
3.11	Gates / Speed Limits / Stop Signs:.....	8

3.12 Worker Responsibilities: 8

4.0 Deposits, Fees and Insurance: 9

4.1 Performance Deposit: 9

4.1.1 Violation Process:..... 9

4.2 Fees delivered to the Bosque Encantado HOA: 10

4.3 General Liability Insurance Required:..... 10

5.0 Design Review Request – Submittal Requirements:..... 11

5.1 Site Plan (preliminary): _____ 11

5.2 Building Elevations (preliminary): _____ 11

5.3 Topographical Drawing (preliminary): _____ 11

5.4 Floor Plan (preliminary): _____ 11

5.5 Landscape Plan (preliminary): _____ 11

5.6 Building Material and Colors: _____ 11

5.7 Known Variance Requests (use Appendix A): _____ 11

5.8 Deposits and Fees (see section 4.0): _____ 11

6.0 Design Review Request – Signature Sheet: 12

6.1 Optional Authorization by Owner:..... 12

6.2 ACC Response to Preliminary Design Review: 13

6.3 ACC Response to Final Design Review: 13

Appendix A – New Construction Variance Request..... 14

Appendix B – Formal Violation Notification..... 15

1.0 Owner and Builder Information:

Lot:

Number: _____ Address: _____

Owner:

Name #1: _____

eMail Address: _____

Phone's: Cell #: _____ Work #: _____

Name #2: _____

eMail Address: _____

Phone's: Cell #: _____ Work #: _____

Current Address: _____

City, State, Zip: _____

Home Phone #: _____

Builder or Owner/Builder:

Name: _____

General Contractor's License #: _____

eMail Address: _____

Phone's: Cell #: _____ Work #: _____

Company Name: _____

Address: _____

City, State, Zip: _____

House:

Building Style: _____

Heated Square Footage: Main House: _____ Guest House: _____ Total: _____

Estimated Start Date: _____ Estimated Completion Date: _____

Additional Comments:

2.0 Overview:

2.1 Architectural Control Committee (ACC) – Role and Responsibility:

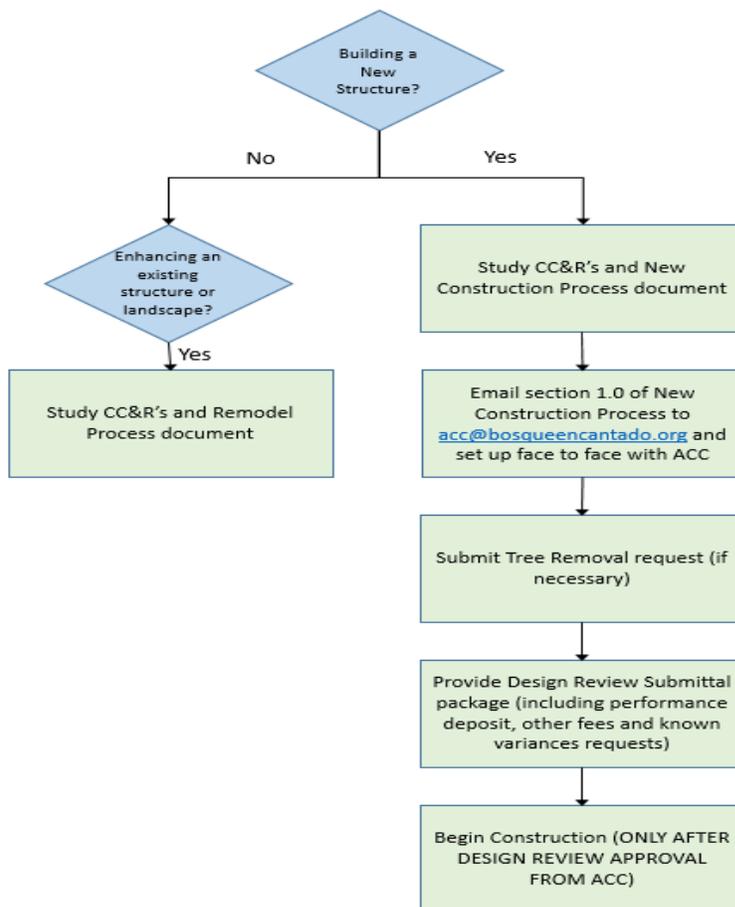
The ACC represents the Bosque Encantado community and is responsible for ensuring that any construction or renovation projects maintain the unique and refined southwestern ambiance of the community as described in the Bosque Encantado CC&R's.

As such, no visible structure or landscaping shall be constructed, installed, placed, remodeled, altered or added to any lot without prior approval of the ACC. This also means that the visible roof or any exterior surface of any existing Structure on any Lot may not be replaced, painted, retextured or otherwise changed without prior approval of the ACC.

The ACC Chair will appoint member(s) of the ACC as the primary focal point to work with the Owner/Builder in managing the HOA aspects of each new construction project. They will use the ACC Project Records Form to document the progress of the project which will then be filed electronically and in the Gatehouse along with the approved plans when the project is complete.

2.2 New Construction Process Flowchart:

Bosque Encantado – New Construction Process



2.3 Procedures:

Following is a list and brief descriptions of the typical sequence of events for new construction and the required interactions with the ACC. Each of these will be reviewed in more detail below.

- Project Initiation – How to get started
- Tree Removal – identify trees and obtain ACC consent
- Design Review – requirements for new construction design approval by the ACC
- Start Construction – Must have written Design Review Request approval from ACC
- Project Completion – Provide Certificate of Completion to ACC

2.3.1 Project Initiation:

If you will be building a new structure in Bosque Encantado, please read and understand all elements of Article VIII (8) in the most recent Bosque Encantado Covenants, Conditions, and Restrictions (CC&R's) document. A copy of the CC&R's, as recorded in Sandoval County, New Mexico, is available on the website: <https://bosqueencantado.org/welcome-to-bosque-encantado/community-documents/>.

You should next read and understand this document, which walks you through the process of working with the ACC during the construction project.

Inform the ACC about your project by filling out section 1.0 (Owner and Builder Information) of this document and emailing it to acc@bosqueencantado.org. We will work with you to schedule a face to face meeting to discuss your project further.

2.3.2 Tree Removal:

If your Lot has trees that require removal, prior to removing any trees, the Owner / Builder will provide the ACC with a diagram showing all existing trees on the lot and identify which trees they desire to remove. The ACC will review and respond within one (1) week. In order to maintain the character of the neighborhood, the ACC recommends retention of as many trees as possible.

2.3.3 Design Review:

The ACC must review and approve key plan elements before construction may begin.

Preliminary Design Review:

When preliminary plans are available, Lot Owner(s) shall:

- 1) Ensure that Section 1 (Owner and Builder Information) of this document has been filled out and submitted to the ACC
- 2) Sign section 6 (Design Review Request – Signature Sheet) of this document indicating an understanding of all requirements herein. Also sign “Optional Authorization by Owner” if you desire to delegate ACC interaction to your builder.
- 3) Submit to the ACC this document and all items described in section 5 (Design Review Request – Submittal Requirements) of this document (including listed plans and required fees/deposits)
- 4) Request an in-person meeting with the ACC. This document and all submittal items shall be reviewed and discussed.

The ACC shall review the Design Review Submittal and provide a written response (accepting, accepting with conditions or rejecting) within thirty (30) days.

Variations

If variance(s) are required, the Lot Owner / Builder shall submit them using the attached Variance Request Form (Appendix A). The ACC will then review each variance request, considering the specific circumstances that apply to your project. Past variances granted to other new construction projects may or may not have an impact on the ACC’s decision. This will be at the sole discretion of the ACC. Each variance request will then be returned within a reasonable period of time as either approved, approved with conditions or rejected.

Final Design Review:

If any changes were made to the Preliminary plans, then the Owner / Builder shall submit a set of Final plans which include these changes and shall identify all changes that alter the appearance, floorplan, location on the site, hardscape and landscaping, and other changes that will be visible to the community. In such case, the ACC shall have an additional two (2) weeks to review the final plans and will respond in writing, either accepting, accepting with conditions or rejecting the final plans. If the ACC fails to issue its formal decision within the allotted time period, the most recent plans shall be deemed approved.

If no changes were made to the Preliminary plans, then they may be considered Final.

No construction, installation, remodeling, addition to, alteration or other change to any structure, exterior surface, roof or landscaping shall be commenced until the final plans have been approved.

2.3.4 Start Construction:

Upon approval of the Final Plans, the ACC will return a copy of section 6 of this document (Design Review Request – Signature Sheet) that has been signed by the ACC chair. At that point, you may break ground and begin construction. The official project start date is the day that dirt movement begins. The builder must inform the ACC of that date. Project Completion must occur within one (1) year of that date.

2.3.5 Project Completion:

A project is considered complete when the Town of Bernalillo provides a “Certificate of Completion”. The Lot Owner must provide a copy of the Certificate of Completion to the ACC within one (1) week of receiving it from the Town of Bernalillo.

In the event construction or landscaping as described in the final plans are expected to be delayed, the ACC, at its discretion and based upon circumstances, may grant the Lot Owner an appropriate revision of the construction schedule. The Lot Owner should request this by using the “Variance Request” form (Appendix A).

If construction and landscaping is not completed within a one year period or within the revised construction schedule approved by the ACC, enforcement will be assessed against the Performance Deposit. See “4.0 Deposits, Fees and Insurance” section for more details.

3.0 Design / Build Requirements:

3.1 Plan Changes:

- No changes may be made to the approved building or landscaping plans unless approved in writing by the Architectural Control Committee in advance.

3.2 Building Pad Requirements:

- Building pad height must be no greater than one (1) foot above the current FEMA Base Flood Elevation

3.3 Mechanical Concealment:

- Any exterior equipment (utility, mechanical, HVAC ...) should not be visible from the street. They may be concealed with an appropriate wall of material, finish and color in harmony with the exterior of the structure. Exceptions must be handled by the variance process.

3.4 Sewer Hookup and Grinder Pump Requirements:

- Lot must have an appropriately sized Grinder Pump per the manufacturers specifications
- The grinder pumps from Environment One (eone.com) have proven successful in Bosque Encantado and are recommended.
- Once installed, it must remain uncovered until inspected by an inspector approved by the ACC within 10 days of the owner/builder notifying the ACC of its installation.

3.5 Large Trucks:

- In order to protect "Round-Abouts", trucks and tractor trailer combinations should be 50 feet or less in length. Exceptions must be handled by the variance process.

3.6 Trees and Walking Paths:

- Any living trees with a 10" diameter or greater may not be removed without prior written approval of the ACC unless removal is indicated in the approved Landscape Plan.
- Lot owners are responsible for protecting any existing walking paths from damage. At your option the path can be removed or buried during construction. It will need to be replaced after completion of your project.

3.7 Construction Debris:

- Dumpsters are required and should be placed as far from neighbor's property line as practical. Only "Roll off" dumpsters are allowed.
- Debris Fences adjacent to the street and developed lots on any side will be erected at the start of construction and must be maintained or replaced if damaged.
- The worksite should be kept clean on a daily basis.
- Builder is responsible for cleanup if debris from the site impacts other private or common properties for any reason.
- The adjacent street(s) must be cleaned when impacted by the project.

3.8 Damage to Other Facilities:

- Any damage to other properties or common areas must be restored to the satisfaction of the property owner and the Bosque Encantado HOA (e.g. Damage to landscaping, irrigation, streetlights, utilities, common area paths and parks, roadways, walls)
- Includes damage by any worker, subcontractor, delivery, etc. during the project.

3.9 Water Run-off:

- Final grade cannot cause ponding on adjacent properties.
- An EPA Storm water Pollution Prevention Plan (SWPPP) may be needed for your project. If so, it may introduce delays in your project. Please check with your inspector for more details. Inspectors Plus (www.inspectionsplus.com) has been helpful with other projects in the neighborhood.

3.10 Lot Entrance / Parking / Toilet:

- Construction access driveway must have large cobbles a minimum of 20 feet into the lot from the concrete curb along the paved road. If the SWPPP requires a greater distance, that will prevail.
- Parking, driving on, or storing materials on nearby vacant lots is strictly prohibited.
- Any overflow construction parking not contained on the lot should park fully on paved streets.
- Builder must provide and maintain a portable toilet at the job site, positioned as far as possible from any adjacent homes.

3.11 Gates / Speed Limits / Stop Signs:

- All construction traffic must use the South gate to enter Bosque Encantado. This is particularly important for large trucks such as concrete or dump trucks.
- The speed limit in Bosque Encantado is 20 MPH. Ensure that employees and subs adhere to this.
- Ensure that your employees are aware of and observe all traffic signs.

3.12 Worker Responsibilities:

- Please respect our neighborhood
- Workers must dispose of litter in trash receptacles
- Workers must keep music volume down
- Standard work hours are 7:00 AM to 6:00 PM Monday – Saturday. Work during any other times should be rare occurrences and only interior work is authorized.
- Work will not be performed on site on the following Federal holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

4.0 Deposits, Fees and Insurance:

4.1 Performance Deposit:

A \$2,000 deposit is required prior to commencing construction on each lot in order to secure performance of the Lot Owner and Builder during construction, as well as to cover damage or violations. In no way shall the deposit be refunded, in whole or in part, prior to the full completion of the entire project, including landscaping.

Violations that may cause forfeiture of all or part of the Performance Deposit include failure to comply with any of the following:

- Covenants, Conditions and Restrictions (CC&R's) of Bosque Encantado DE C' de BACA
- All Requirements defined in this document.
- Any written request from the ACC within ten (10) calendar days

In some cases, a variance may be requested of the ACC in order to accommodate extenuating circumstances and forego a potential violation.

4.1.1 Violation Process:

The ACC desires that new construction projects proceed efficiently in a coordinated fashion with the owner/builder. Early resolution of potential violations will help achieve this end.

If in the course of new construction, the Owner/Builder's activities do not comply with the requirements of this document or directions from the ACC, it will be considered a violation.

The ACC will take the following steps in order to remedy a violation:

1. **Informal:** If a potential violation is observed or brought to the attention of the ACC, the ACC member overseeing the project, or ACC Chair, will notify the Owner/Builder either verbally or by email of the observed violation and ask that it be remedied in a reasonable time period as determined by the ACC in consultation with the Owner/Builder. It is anticipated that most violations will be readily corrected and the violations process will stop there.
2. **Formal:** If the above informal approach is not successful, the ACC will prepare a "Formal Violation – Notification Form" (Appendix B) and submit it to the Owner/Builder. The form describes the violation, the requested remedy and the deadline. The Owner/Builder must provide a written response on the response portion of that form describing their intended action and the schedule to remedy the violation. If there is no reply or no remedy is performed by the Owner/Builder, fines will be considered.
3. **Fines:** The ACC shall determine if a fine is appropriate and determine the amount of the fine based on the applicable facts and circumstances. The owner/build shall be notified and this amount will be deducted from the Performance Deposit.

The Lot Owner may appeal any decision of the ACC with respect to withheld amounts by requesting, in writing, a review by the Board of Directors of the Bosque Encantado HOA (the Board). The Board shall

consider the appeal at the next regularly scheduled Board meeting and shall inform the Lot owner of its decision relative to the appeal as soon as practicable thereafter. All decisions of the Board shall be final.

4.2 Fees delivered to the Bosque Encantado HOA:

- A check for \$2600 payable to the Bosque Encantado HOA will cover the following fees:
 - Residential plan review (\$300)
 - Sewer Inspection (\$300)
 - Performance Deposit (\$2000)

4.3 General Liability Insurance Required:

- Builder shall provide the ACC proof of liability insurance with a minimum coverage of \$1,000,000
- Builder shall add BEHOA to their liability policy and provide evidence of this to the ACC.
- Builder must notify Bosque Encantado HOA / ACC immediately of any changes.

5.0 Design Review Request – Submittal Requirements:

Your Submittal must include two sets of the following items. All documents will be retained by the HOA. **Incomplete packages will not be processed.**

5.1 Site Plan (preliminary): _____

- Graphic Scale of 1"=20' with a North Arrow and Property Lines
- Easements and Setbacks
- Location and orientation of existing or proposed structures
- Sidewalk and driveway location, finish floor elevation
- Courtyard or other outdoor walls: location and height
- Approximate utility locations (AC compressors, electric boxes, gas meters, satellite dishes, ...)
- Must be performed by a licensed surveyor

5.2 Building Elevations (preliminary): _____

- Elevations for each side of the house with graphic scale of 1/4" = 1' minimum
- Dimensions

5.3 Topographical Drawing (preliminary): _____

- Show lot at final grade
- Show FEMA Base Flood Elevation

5.4 Floor Plan (preliminary): _____

- Graphic Scale of 1/4" = 1' minimum. Include square footages.

5.5 Landscape Plan (preliminary): _____

- Graphic Scale of 1" = 20' with a North Arrow and Property Lines
- Existing Trees and Shrubs (indicate which will stay or be removed)
- Proposed plantings including type and location of trees, shrubs, groundcover (must comply with approved list at <https://bosquecantadoorg.files.wordpress.com/2018/07/approved-plant-palette.pdf>)
- Courtyards and other outdoor walls, driveway, curbs, edgings, other hardscape plans
- Show any drainage necessary to address possible ponding issues on adjacent lots

5.6 Building Material and Colors: _____

- Exterior, Roof, Courtyard/Outdoor Walls, Driveway/Curbs/Edgings – material and color
- Trim, Window Cladding, Garage Door – color

5.7 Known Variance Requests (use Appendix A): _____

5.8 Deposits and Fees (see section 4.0): _____

6.0 Design Review Request – Signature Sheet:

Lot Owner asserts that their structure and landscape plans comply with Bosque Encantado CC&R's and agree to not commence construction until this form is approved in writing by the ACC. Any future improvements or plan changes to dwelling or landscaping plans must be submitted to and approved by the ACC in writing prior to commencement of construction, installation or planting.

All known variances should be requested prior to final design approval.

The Bosque Encantado HOA Board Members and/or ACC Members reserve the right to come on the property at any time if they need to review any aspect of the project. Said person(s) will give reasonable notice if possible should the owner or builder wish to accompany them.

Should the ACC have overlooked or not be aware of any item of non-compliance at any time during the review process, construction process, or final inspection, it in no way relieves the owner or builder from complying with the BEHOA CC&R's, BEHOA Rules and Regulations, this document, and all applicable codes, ordinances, and laws.

Lot Owner's signatures indicating agreement to adhere to all requirements in this document and indicate formal submission of a request for Design Review for lot # _____.

Owner #1: _____

Owner #2: _____

Date Submitted: _____

6.1 Optional Authorization by Owner:

If you, the Lot Owner, wish the ACC and Bosque Encantado HOA to deal directly with your builder as listed above, and agree to accept the builder's decisions, you must authorize this in writing.

I/We _____ and _____, owner(s) of lot # _____, authorize the ACC and/or the Board of Bosque Encantado HOA to deal directly with the Builder listed in the "Owner / Builder Information" section of this document. I understand that I/we are authorizing this party to make permanent and possibly irreversible decisions on my behalf concerning only matters listed in this document. I will not hold any member of the Bosque Encantado HOA or ACC responsible for actions taken or not taken by my Builder once I have authorized them to deal directly with my Builder. This authorization remains in effect until revoked in writing by the Owner or upon receipt of a Certificate of Completion by the ACC for this project from the Owner.

Owner signatures to authorize direct dealings with Builder:

Owner #1: _____ Date: _____

Owner #2: _____ Date: _____

Builder's signature indicating agreement to adhere to all requirements in this document.

Builder: _____ Date: _____

6.2 ACC Response to Preliminary Design Review:

Date: _____

Approved: _____

Declined: _____

Conditions (if applicable): _____

ACC Chair Approval Signature: _____

Printed Name: _____

6.3 ACC Response to Final Design Review:

Date: _____

Approved: _____

Declined: _____

ACC Chair Approval Signature: _____

Printed Name: _____

Bosque Encantado de C' de Baca

Appendix A – New Construction Variance Request

(1 form per request)

Lot #: _____ Requester: _____

Date: _____

Overview: _____

Variance from which Requirement: _____

Reason for Variance Request: _____

ACC Response:

Date: _____

Response (circle one): Approved / Approved with Conditions / Rejected

Detailed Response (if needed):

Bosque Encantado de C' de Baca

Appendix B – Formal Violation Notification

Lot# _____ Owner/Builder _____

Description of Violation: _____

Description of Requested Remedy: _____

Informal Notification History:

Date Architectural Control Committee (ACC) verbal notification given: _____

ACC Verbal completion date to remedy violation: _____

Remarks: _____

Formal Notification by the ACC:

To Owner/Builder,

In accordance with the Violations Process contained in Section 8.0 of the BEHOA New Construction Process, which you agreed to, you are hereby notified that after informal verbal requests by the ACC, the violation described above has not been remedied to the satisfaction of the ACC.

While the ACC tried to work in a cooperative and informal fashion to resolve the violation, it has not been successful.

You are hereby directed to inform the ACC how you intend to remedy the violation by using the bottom section of this form (8.2) and returning it to the ACC within seven days of the date of this notification. You are invited to discuss this matter with the ACC during that period to seek an acceptable solution.

If this violation is not resolved to the ACC's satisfaction, it may result in the loss of a portion or all of your Performance Deposit.

Signed by ACC: _____

Date: _____

Printed Name: _____

Response by Owner/Builder

General Comment (optional): _____

We will apply the following remedy to correct the violation: _____

Date remedy to be completed: _____

Signature of Owner/Builder: _____

Printed Name: _____

Date: _____

Confirmation by ACC:

Date that the violation was resolved: _____ OR

Fine amount imposed by the ACC: \$ _____

Date fine was imposed: _____

Signature of ACC representative: _____