

**FIRST AMENDMENT TO
DESIGN STANDARDS FOR
SONOMA RANCH SOUTH SUBDIVISION
CAVE CREEK I, II AND III**

KNOW ALL BY THESE PRESENTS: That Sonoma Ranch Subdivision Ltd., Co., a New Mexico limited liability company, developer of Sonoma Ranch South Subdivision, Cave Creek Phase III subdivision in Doña Ana County, New Mexico, hereby amends the Design Standards for Sonoma Ranch South Subdivision, Cave Creek I, II, and III, which was filed with the County Clerk's office of Doña Ana County, New Mexico, on October 4, 1999, in Miscellaneous Book 196 at Pages 852-864, as follows:

The Design Standards filed with the County Clerk's office of Doña Ana County on October 4, 1999 in Miscellaneous Book 196 at Pages 852-864 shall apply only to Cave Creek Phases I, IIA and IIB subdivisions.

The Design Standards for Cave Creek Phase III subdivision are attached hereto as Exhibit A and are incorporated herein by reference.

This First Amendment shall be effective as of the date of filing with the County Clerk of Doña Ana County, New Mexico.

DATED at Las Cruces, New Mexico, this 14th day of March, 2000.

**DESIGN STANDARDS
FOR
SONOMA RANCH SOUTH SUBDIVISION
CAVE CREEK III**

I. INTRODUCTION

Sonoma Ranch South Subdivision is a 398.448 acre community on the East Mesa within Las Cruces. The excellent location of this property is accentuated through its natural character of gently rolling terrain with panoramic views of both the Organ Mountains and the Mesilla Valley.

In order to ensure that the intent of certain planning concepts is followed throughout the design and construction phase of this community, and that a quality environment is created, these Design Standards have been adopted. The Design Standards are to provide a reference for lot owners, architects and builders in preparing designs for construction. They are also a tool to be used by the Design Review Committee (in conjunction with the Sonoma Ranch South Subdivision Protective Covenants) to guide development in a sensibly managed process, while still allowing for individual freedom of expression. It will be the express purpose of the Design Review Committee to consistently and reasonably interpret these Design Standards.

The role of the Design Review Committee is to review and approve exterior design, appearance, architectural vocabulary and aesthetics. The committee assumes no responsibility with regard to structural, mechanical, electrical or other construction details. In general the priority of compliance is first with governmental codes and regulations and second with the Covenants of the Subdivision, and third with the Design Standards.

II. DESIGN REVIEW PROCESS

The Design Review Committee is defined in the Sonoma Ranch South Subdivision Protective Covenants, Section I, no. 4, for Cave Creek III.

All construction that is to be undertaken in Sonoma Ranch South Subdivisions, whether residential, multi-family, commercial, or offices & professional buildings or subsequent exterior renovations is subject to review under the Design Standards. Any substantial alteration, improvement or addition made on any property within the subdivisions must receive prior written approval from the Design Review Committee.



PROCEDURE

All Owners (hereinafter referred to as "Owners", including all Owners, builders, consultants and any other designated representatives) shall comply with the following process, in order to gain approval from the Design Review Committee for any construction.

A. PRELIMINARY REVIEW

The Owner shall submit one set of plans to the Design Review Committee for preliminary review along with the submittal application form at end of this book. Any multi-family development may submit design elements as the project progresses. All pages shall include the following:

1. Full legal description, including lot and block, address with Owner's and Builder's names listed.
2. Floor plans at a scale of $1/4" = 1'$.
3. A preliminary site plan of all proposed improvements, including building location, fencing, driveway and curb cuts (please show the existing street curb). Include all legal restrictions, rights-of-ways, property lines, setbacks and drainage and other easements the same as submitted to the City of Las Cruces.
4. Elevations, at the scale of $1/8" = 1'$, indicating both existing and proposed grade lines, finish floor elevations, top of slab elevations and building height calculations. These should include exterior design elevations.

The Design Review Committee will review the Preliminary Plans and will provide written response within 10 working days after the submittal. Should the Preliminary Plans be approved, the Owner may begin preparation for Final Plan Review, incorporating any requested changes. In the event the Design Review Committee fails to act on submitted plans within the 10 working day review period, then the plans shall be deemed approved.

B. FINAL PLAN SUBMISSION

All plans and specifications shall be submitted in duplicate with one copy to be retained by the Design Review Committee and one returned to the applicant. A color specification sheet shall also be attached. It should include:

1. A list of all exterior materials and colors.
 - a) Stucco brand, color name and number
 - b) Roof finish, brand, color name and number
 - c) Exterior paint colors
2. Front elevation detail clearly depicting trim colors (whether paint or stucco color), fascia color, window trim colors and door colors and accent locations.

The Design Review Committee will then review the plans and provide a written response no later than 10 working days after the submittal. Should the Final Plans be approved, the Owner may apply for the appropriate building permits, and when approved, begin construction. In the event of disapproval, the resubmittal of Final Plans shall follow the Final Plan submission procedure. In the event the Design Review Committee fails to act on submitted plans within the 10 working day review period, then the plans shall be deemed approved.

C. REVIEW FEE

There is no fee for the review process.

D. OTHER CONDITIONS

Approval of plans by the Design Review Committee shall not be deemed to assure compliance with the requirements of any local building, zoning, safety, health or fire codes, and it shall be the responsibility of the Owner to assure such compliance. Nor shall approval waive any requirements on the part of the Owner or his representative to comply with setbacks, height restrictions, or requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may lawfully be granted by the Design Review Committee and local jurisdictions, where applicable.

The covenants, conditions and restrictions as established by the applicable Declarations shall remain in force as the legal restrictions governing all construction as long as they are not in violation of law.

The Committee reserves the right to waive or vary any of the procedures or Design Standards set forth herein at its discretion, for good cause shown. Any waiver or variance granted shall be considered unique and will not set any precedent for future decisions.

If any restriction or covenant is not in conformity with any City of Las Cruces ordinance or code, or then code standards and ordinance requirements shall apply.

III. DESIGN STANDARDS

A. INTENT

Over the centuries, the influences of climate and history have combined to produce a unique architectural response in the Las Cruces Area. Sonoma Ranch South Subdivision will be a community where various site developments can be evaluated for their impact and harmony with others. Therefore, these Design Standards, pertaining to all site and building development, have been adopted to provide a basis for consistency of development, while respecting the natural setting and allowing creative expression. They should be used as a tool to assist architects, builders, engineers and future homeowners in design and construction of new buildings and additions or alterations in Sonoma Ranch South Subdivision.

Sonoma Ranch South Subdivision's goal is to create a residential community of unique dimensions. These unique dimensions will derive from the existing qualities of topography, location, orientation, landscape, and architecture. The long-term success of Sonoma Ranch South Subdivision can be assured only by establishing quality design standards at the present time that will allow construction of an exceptional community over the life of the project.

The primary areas of concern addressed by these Design Standards are site development, architectural character and landscape appearance, especially as these relate to harmonious relationships with the existing terrain and among neighboring structures. In general, the goals are to minimize harsh contrast in the landscape, to preserve pleasing and significant natural systems and to encourage architecture appropriate to this unique environment.

These guidelines, together with the Subdivision's Covenants, shall form the basis and criteria for evaluation of plans and specifications submitted for review and approval to Sonoma Ranch South Subdivision Design Review Committee. They are not established to stifle imaginative or creative desires of the future residents, but rather to ensure that disciplines will be in effect which will cause the development of the community to grow in an integrated and consistent manner.

B. PROFESSIONAL ASSISTANCE

It is strongly recommended that all persons proposing any construction subject to review under these Design Standards seek the assistance of qualified design professionals, with skills

appropriate to the task at hand, such as an architect, landscape architect, soils engineer, structural engineer, etc.

IV. SITE DEVELOPMENT STANDARDS

A. SITING

Wherever possible, consideration should be given to privacy and the views of adjacent lots.

B. SETBACKS

General zoning setbacks for the development are as required by the City of Las Cruces building code.

C. GRADING, DRAINAGE AND SOILS

1. City of Las Cruces drainage requirements are shown on the recorded plat and must be strictly adhered to.
2. All excess excavation material that is removed from the lot will be deposited in the subdivision in a location to be designated by the Developer, Sonoma Ranch South Subdivision Ltd. Co. Contractors are not permitted to spread excess debris or material over the remainder of the lot, or onto any other lot.
3. Upon completion of any residence or associated structure the lot shall be graded in a manner so as to ensure positive drainage away from the structure's foundation. Drainage swales shall be designed to have a minimum grade of 1 percent (1%).
4. Some properties contain parcels of land that have been improved by the Developer that must function as drainage facilities for the overall project, and which must be incorporated into the drainage design for the specific lot.

The design objective for drainage is to provide safe and efficient drainage which blends into the overall design.

Builders shall:

Conform with the requirements of the Sonoma Ranch South Subdivision approved drainage plan, without altering existing drainage easements in any way.

D. RETAINING WALLS

Retaining walls should be as low as possible and integrated into the entire landscape plan. Walls should complement the natural surroundings and materials must be of rock or stone in conformance with what is known as "Las Cruces Rock Walls" standards and shall be of a yellow, reddish or tan color rather than gray in color.

E. FENCING ADJACENT TO GOLF COURSE PROPERTY

Yard fencing on lots that adjoin golf course property must have a design that conforms to one of the designs as shown in attached Exhibit A. Yard fencing may not allow direct access to golf course property by use of gates or direct openings. Walls may be full rock or dry stack rock or rock to grade with iron grill work in any configuration that is vertical or horizontal, with any design, but wrought iron must comply with Uniform Building Code spacing/width requirements.

V. ARCHITECTURAL STYLES

Designs in Sonoma Ranch South Subdivision may be contemporary or traditional interpretations of the recommended styles, as long as they are comprised of a consistent and appropriate architectural vocabulary that is as true to the principles of the styles as possible, within the constraints of location and budget. The architectural styles that best reflect the character of Sonoma Ranch South Subdivision are:

New Mexico Traditional
New Mexico Contemporary
Spanish Colonial/ Mission
Las Cruces Traditional
California Mediterranean

Illustrations of some of these are found in the attached exhibit B.

It is the intention of the guidelines to foster a community of unique architectural solutions that are appropriate for the project.

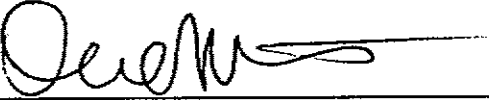
VI. SUMMARY

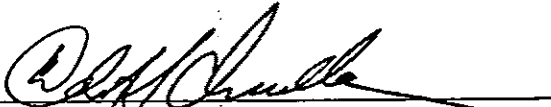
As expressed earlier, the intent of these Design Standards is to provide a basis for harmonious treatment of visible development within this unique environment, so that all who live here can expect to continue enjoying their surroundings.


Owners should thoroughly review all portions of the following documents applicable to their property:

- Protective Covenants for the appropriate subdivision
- Sonoma Ranch South Subdivision Owners Association By-Laws
- Design Standards for Cave Creek III

SONOMA RANCH SOUTH SUBDIVISION LTD. CO.

By 
 David M. Steinborn, Member


 Dale Schueller, Member


 George Rawson, Member

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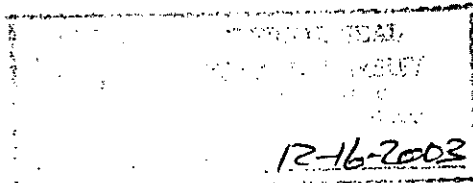
STATE OF NEW MEXICO)
) SS.
COUNTY OF DOÑA ANA)

The foregoing instrument was acknowledged before me this 1st day of March, 2000,
by David M. Steinborn, George B. Rawson and Dale A. Schueller, Members of Sonoma Ranch
Subdivision Ltd., Co., a New Mexico limited liability company

[Handwritten Signature]

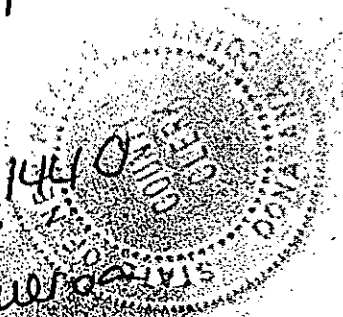
Notary Public

My Commission Expires:



State of New Mexico
County of Dona Ana, ss 4849
RECEPTION NO. _____
I hereby certify that this
instrument was filed for
recording and duly recorded on

at 3:42 ^{PM} o'clock
Book 213 Page 431 - 1440
of the Records of said County,
Raul Torres, County Clerk
By: *[Signature]* DEPUTY



1440