

GALISTEO BASIN
PRESERVE



NEW MOON OVERLOOK
SANTA FE, NEW MEXICO



COMMUNITY DEVELOPMENT STANDARDS

JUNE 15, 2005

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I. CONSERVATION DEVELOPMENT VISION

The New Moon Overlook is a conservation community located on the northern rim of the Galisteo Basin in Santa Fe County, New Mexico. It is the second phase of a three-phase community development and open space protection program known as the Galisteo Basin Preserve (the “Preserve”).

The Preserve is a 12,800-acre conservation development initiative sponsored by Commonweal Conservancy, a New Mexico nonprofit public benefit organization. Through its carefully articulated design standards and conscientious development practices, the Preserve will exemplify the principles and practice of “restorative development” – a development practice that leverages the economic and political power of the real estate profession to reclaim and renew the ecological and hydrological health of sensitive landscapes such as the Galisteo Basin.

In combination with its community development goals, the Preserve will facilitate the permanent conservation and restoration of more than 12,000 acres of publicly accessible open space. Drawing on the professional experience and values of its staff and development partners, the Preserve is designed to nurture deep and sustaining connections between land and people.

While acknowledging architecture’s capacity for artistry and transformation, the Preserve is a place where the *land* takes precedence. In this spirit, the design goals and development values of the New Moon Overlook are informed and guided by the following principles:

- Respect for the Galisteo Basin’s rich cultural history and scenic resources
- Stewardship of the region’s animal, plant, soil and water resources
- Compassion for the inherent complexity and dynamism of social organizations

With regard to these core design and development values, Commonweal Conservancy has taken great care in its land planning and site selection work to:

- Limit the deleterious consequences of new development on the quality of community that will evolve in the New Moon Overlook
- Enhance the diversity and vitality of the land’s plant and animal species
- Conserve the region’s fragile archaeological resources
- Protect the public and neighborhood “view sheds” (i.e., limit the visibility of development from nearby homes and public thoroughfares, preserve the skyline of hills and ridges that “define” the Galisteo Basin)
- Minimize the “environmental footprint” of new development (i.e., erosion, energy and water use)

- Promote green building standards and practices (i.e., sensitivity to material sourcing, shipping distances, building material life cycles, energy efficiency, water conservation, “dark skies” lighting design, indoor air quality, waste recycling).

The New Moon Overlook Community Development Standards are intended as a resource for property owners, builders, architects, and designers as they consider the unique opportunities and challenges associated with development and community participation in the New Moon Overlook. The Development Standards are offered as a framework for planning and development. They outline the standards and practices of governance that will support the community. They are, moreover, a workbook to guide community engagement in one of the American West’s most innovative and exciting conservation development initiatives.

II. PROJECT HISTORY

Prior to its founding in March 2005, the New Moon Overlook was owned and managed as part of a cattle ranch known as the “Thornton Ranch.” Painstakingly assembled by four generations of ranchers and farmers, in its heyday, the Thornton Ranch included over 17,000 acres of productive grassland, piñon and juniper forest, and riparian habitat. Despite their deep affection for the land and careful stewardship, the Thornton family recognized that the economic and physical challenges of ranching could not be sustained beyond the end of the 20th Century.

In an effort to conserve the exceptional scenic, archaeological, and habitat resources of the ranch, the Thornton family engaged a diverse community of legal and real estate advisors to guide the property’s disposition. Among the family’s early partners was the Trust for Public Land (TPL), a nonprofit conservation organization. In collaboration with Santa Fe County, TPL coordinated the sale of nearly 1,500 acres to Santa Fe County’s Open Space and Trails Program in 2000 and 2002. Separately, other transactions were accomplished between the Thornton family and private “conservation buyers” who agreed to own property subject to the terms of conservation easements or other restrictive development covenants.

In 2003, Commonweal Conservancy was founded as a nonprofit conservation-based community development organization. As a TPL “spin-off,” the founders of Commonweal Conservancy well understood the strengths and limitations of publicly financed open space protection initiatives. Recognizing the limited prospects for near-term public land financing in the Galisteo Basin, Commonweal Conservancy negotiated a 5-year contract to acquire the Thornton Ranch for a combination of conservation and community development purposes.

To inform its early efforts, Commonweal Conservancy engaged more than one hundred residents and community leaders in small group and “town hall” discussions to explore the conservation and development options that might be available to the Thornton Ranch. Among other findings, these community meetings revealed: (i) a powerful interest in protecting the spectacular scenic/aesthetic values of the Galisteo Basin; (ii) a desire to protect the cultural and ecological resources of the region; (iii) an interest in creating publicly-accessible trails for hiking, biking, and equestrian uses; and (iv) an ambition to promote sustainable models of community development that would serve a broad range of income and age groups.

With these community priorities as a framework for its planning and development work, Commonweal Conservancy forged a three-phase conservation development strategy for the Thornton Ranch. The organization’s initial planning work involved the development of a five-parcel “ranch homestead” that encompassed nearly 1,000 acres immediately west of County Road 42. The “West Basin Preserve” was designed as a stewardship community to oversee the archaeological resources of an area known as “Petroglyph Hill.”

The second phase of the project involved the design and development of the “New Moon Overlook.” In this instance, Commonweal Conservancy engaged Geographic Information System (GIS) consultants, archaeologists, stream morphologists, ecologists, architects, and planners to guide the planning and development of a 1,000-acre property perched on the rim of the “Lamy Crest” – a well-loved geologic feature that defines the northern Galisteo Basin.

In the third and final phase of the project, Commonweal Conservancy is spearheading the master plan development of a 650+ unit mixed-income/mixed use village known as the “Village at the Galisteo Basin Preserve.” As currently envisioned, the Village will fit within a 400+ acre “development envelope,” in a small valley located near State Highway 285. Carefully sited 30 feet below the highway view corridor, the Village is expected to include over 300-units of “workforce housing” and 350-units of market rate housing. The Village may also support a 400-student charter high school, café, village market, post office, chapel, and other facilities. Twelve thousand acres of publicly accessible open space will embrace the Village and the adjoining communities of the West Basin Preserve and the New Moon Overlook.

By concentrating the Village within a relatively small development envelope – outside the view corridors of nearby villages and thoroughfares – Commonweal Conservancy aspires to serve the priority conservation and community development goals of residents and visitors, while simultaneously affording Santa Fe County an opportunity to absorb the region’s growing demand for homes, schools, and businesses.

For the staff of Commonweal Conservancy, the Galisteo Basin Preserve is intended to be gift to the land and people of northern New Mexico – one in which public values of view shed and environmental protection, habitat restoration, and recreational access are fairly and thoughtfully accommodated. At the same time, Commonweal Conservancy is dedicated to creating a high quality investment opportunity and living experience for property owners in the West Basin Preserve, the New Moon Overlook, and the Village at the Galisteo Basin Preserve.

As a member of the New Moon Overlook, your enthusiasm for the project’s conservation and community development values evidences a quality of spirit that will shape the future of the “New West” – a quality of spirit that will be celebrated forever by future generations. We welcome your participation and support as “co-creators” of this exciting endeavor.

III. ROLES AND RESPONSIBILITIES

3.1 COMMONWEAL CONSERVANCY/FOUNDER

Commonweal Conservancy is the *Founder* of the Galisteo Basin Preserve and all of the development, land management, conservation, and restoration activities associated thereto. As Founder, Commonweal will define the values, vision, and development guidelines associated with the Galisteo Basin Preserve. Commonweal Conservancy will also have oversight of the development process to ensure that the Galisteo Basin Preserve respects the design standards and conservation values that it regards as most important.

Commonweal Conservancy's development partners and/or affiliates (or an operating manager of the Founder's choosing) will be responsible for carrying out the development activities, implementing the guidelines, and overseeing the management of all community associations or related entities, as appropriate.

As evidenced by these Community Development Standards, the Founder memorializes its commitment to delivering a high quality development with respect to the New Moon Overlook infrastructure (i.e., roads, utilities), common areas, recreational amenities (i.e., trails), and home sites, as well as to promoting and sustaining the conservation values of the New Moon Overlook.

3.2 NEW MOON OVERLOOK, LLC/OPERATING MANAGER

The Founder has chosen New Moon Overlook, LLC ("NMO/LLC" or "Operating Manager") as the operating manager and master developer for New Moon Overlook. NMO/LLC is a New Mexico limited liability corporation. It was founded in 2005 as a single purpose entity to bring forward the development of the New Moon Overlook and other phases of the Galisteo Basin Preserve. Commonweal Conservancy is the managing member of New Moon Overlook, LLC.

Commonweal Conservancy is responsible for all planning and entitlements to date. In its capacity as Founder and master developer, Commonweal Conservancy is responsible for coordinating the terms, conditions and requirements associated with the sale of the Parcel(s) within the New Moon Overlook. With the close oversight of Commonweal Conservancy, NMO/LLC is responsible for implementing (or working with another operating partner selected by the Founder to oversee) the development of core elements of the community, including but not limited to green infrastructure, community amenities, and traditional infrastructure.

3.3 BUILDERS, OWNERS, AND DESIGNERS

Builders and Owners will participate in the creation of the New Moon Overlook in ways that serve their unique needs and interests, while concurrently advancing the overall project goals and purposes.

Owners and designers have the primary role in defining a development program for a Parcel. Owners and designers will be responsible for adhering to the goals and policies of the Community Development Standards, including design standards and building performance standards.

Builders have the primary role of executing the *vertical construction* in ways that contribute to the success of the project. Builders will be responsible for adhering to the goals and policies of the Community Development Standards, including design standards and building performance standards.

3.4 NEW MOON OVERLOOK COMMUNITY ASSOCIATION

The New Moon Overlook Community Association (NMO-CA) will be incorporated as a nonprofit organization to initiate and manage neighborhood functions and events that support the “community-building” goals of the New Moon Overlook.

Once it is created, all residents will have the right to participate in the activities of the Community Association and serve on the Board of Directors of the NMO-CA, in accordance with the organization’s Articles of Incorporation and Bylaws.

The NMO-CA will also play an advisory role to the Design Review Committee, hereafter described, and the community management and stewardship activities of the Founder, as described in the New Moon Overlook Community Operating Agreement.

3.5 DESIGN REVIEW COMMITTEE/COMMUNITY ARCHITECT

All built improvements associated with the New Moon Overlook will be subject to review for compliance with the design and “performance” standards of the New Moon Overlook. All reviews will begin with the Community Architect.

3.5.1 Community Architect

The Community Architect will be responsible for working efficiently and collaboratively with designers, builders, and property owners as they articulate a development program, prepare design concepts, and make plan Submittals. The Community Architect will evaluate all plans and development improvements for compliance with the design and performance standards of the New Moon Overlook.

Design Standards provide guidance on the form, mass, color, materials and detailing of a built improvement.

Performance Standards provide detailed metrics and standards on the energy and resource efficiency of a built improvement.

3.5. 2 Design Review Committee

The Design Review Committee (“DRC”) will work with the Community Architect to review all Submittals determined to be in compliance with the Design Review Process (as described in Section 4.2 of this document). While the Community Architect will have the authority to grant building approvals, the DRC will be actively engaged in the review and approval of Submittals and, most importantly, the DRC will have veto power over any approval or Submittal, if it determines such action is appropriate or necessary.

3.6 RELATED DOCUMENTS

3.6.1 New Moon Overlook Plan

The New Moon Overlook Plan is associated with the “LOT LINE ADJUSTMENT PLAT PREPARED FOR THE OWNERS OF THE THORNBTON RANCH SHOWING BOUNDARY ADJUSTMENTS WITHIN SEC. 1&3, T14N R9E; SEC. 5&6, T14N R10E; SEC. 34,35 & 36, T15N, R9E; SEC. 30 &31, T15N R10E; NMPM, SANTA FE COUNTY, N.M.” filed for record April 28, 2005 in Plat Book 586, Pages 027-029, as Document No. 1377.356, records of Santa Fe, New Mexico, *in combination with* designated Development Envelopes, trails, open space, and/or protected areas, as defined by the Founder or another related entity (See Attachment A).

3.6.2 Community Association Documents

The ongoing management, maintenance, and operation of the New Moon Overlook require a set of detailed development standards and legal documents. These documents, in their entirety, make up the Community Association Documents and will apply to all New Moon Overlook Owners.

The family of documents includes:

a) Community Development Standards – the document that defines the terms and conditions under which a property owner can improve his or her Parcel, including modifications and additions.

b) Community Operating Agreement - the document that supports the Community Development Standards and defines the standards, regulations, and practices associated with the roads, utilities, and common areas. In other master planned communities, the Community Operating Agreement is commonly referred to as the Codes, Covenants and Restrictions, or CC&Rs. The Community Operating Agreement may include specific provisions and conditions that apply to particular areas or land parcels.

IV. DESIGN REVIEW STRUCTURE, PROCEDURES & PROCESS

The Design Review Process guides development in the New Moon Overlook. It is intended to be a collaborative process – one in which an Applicant and the Community Architect engage in a respectful, creative, and productive exchange of ideas, strategies, and design solutions.

The Design Review Process is intended to be a problem-solving opportunity for builders and Owners, rather than a punitive or regulatory process. The Design Review Process offers professionals and practitioners an opportunity to share information about site opportunities and constraints, design options, construction materials, infrastructure systems (i.e., wastewater treatment, water catchment, HVAC), or other matters that may optimize the quality of aesthetic, functionality, safety, and natural resource health of the New Moon Overlook.

4.1. DESIGN REVIEW STRUCTURE

4.1.1 Community Architect

The Founder will appoint a Community Architect to interpret and clarify the Community Design Standards set forth herein. The Community Architect shall be responsible for the review and approval of all development applications associated with the New Moon Overlook, in accordance with the Design Review Process described herein.

The Community Architect will hold a professional degree in architecture or urban design from an accredited university or comparable qualifications. The Community Architect will also have experience with, or a demonstrated understanding of, the practice of conservation development, as well as any other qualification(s) deemed appropriate or necessary by the Founder, or by the NMO-CA, as detailed in Section 4.1.2 (e) *Final Composition of the DRC*. The Community Architect is not required to be an architect or designer licensed in New Mexico.

4.1.2 New Moon Overlook Design Review Committee

- (a) *Composition.* The DRC will include at least three, but no more than five, voting members (including the Founder and Community Architect), as determined by the Founder while the Founder owns any portion of the Galisteo Basin Preserve. All members shall serve two-year renewable terms.
- (b) *Staff Compensation.* The DRC may employ staff or contract with individuals or firms to assist in the review and approval of design and development applications. Professionals and staff may be compensated for their service to the DRC as determined by the Founder or, once the Founder no longer appoints the DRC, then by the Board of the Community Association. All members shall be compensated for reasonable expenses that are directly related to their service.
- (c) *Review Fees.* The Community Architect or DRC may set review fees to cover all or part of the expected cost of their activities. At the discretion of the Community Architect, multiple reviews of a Submittal may involve supplementary review fees.
- (d) *Vacancies.* Vacancies to the DRC shall be filled by the Founder, unless otherwise specified in the Final Composition of the DRC.
- (e) *Final Composition of the DRC.* Within sixty (60) days from the date that construction of primary structures (i.e., main house, guest house) is complete on the twenty (20) New Moon Overlook Parcels, or upon Founder's voluntary assent, a new three or five-person DRC may be elected by the NMO-CA. From this point forward, the NMO-CA shall bear responsibility for the composition of the DRC and the appointment of a Community Architect. At the discretion of the NMO-CA, the Community Architect may be retained or replaced, and the Founder-appointed DRC can be retained or replaced.

4.1.3 Subcommittees to the DRC

The DRC may establish subcommittees or delegate decision-making authority to the Community Architect to review and approve modifications to applications that are submitted more than two (2) years after a Certificate of Substantial Conformance has been issued, as described in Section 4.2.3 (f).

4.1.4 Design Standards

The Design Standards (Section V herein) are architectural protocols and practices that manifest the goals and objectives of the New Moon Overlook Community Development Standards. The DRC may revise the New Moon Overlook Design Standards from time to time for any of the following reasons:

- (a) To correct errors or resolve conflicts with governmental requirements or make changes that the DRC believes will better serve the development and conservation objectives of New Moon Overlook;
- (b) To accommodate new materials, strategies and/or techniques for design, construction, or landscaping that advance the design and development objectives of the New Moon Overlook;
or
- (c) To accommodate substantial changes in local and regional land use patterns or market conditions associated with Santa Fe County and/or the New Moon Overlook.

Specific standards may be set by the DRC or the Founder for a particular Parcel, as described in an addendum to this agreement.

4.2. DESIGN REVIEW PROCESS & PROCEDURES

4.2.1 Standards for Review

The Community Architect will review a Submittal for its conformance and applicability to the project's overall conservation development goals and the Development Standards in effect at the time of a Submittal.

Complete review of a Submittal will include: building placement within the prescribed Development Envelope; overall massing and building form; material choice and detailing, definition of private spaces; and the effect of the proposed built improvement(s) on the surrounding landscape. The Community Architect will consult with the DRC prior to final approval of any Submittals. The DRC may require a formal approval from its own body for any variances from the standards detailed herein.

In addition, the following standards will apply to this review:

- (a) *General.* Submittals must comply with all local, state and federal development standards.

Except as described below, the Community Architect has the authority to review and approve applications. Compliance with the Community Development Standards, however, does not guarantee approval of an application. The Community Architect may require changes to a Submittal or a more formal review by the DRC, even if the design meets the technical requirements of the Community Development Standards and Design Standards.

If the Community Architect rejects an application that is in compliance with the Community Development Standards, the applicant may present its Submittal to the DRC for review and consideration. The DRC may choose to affirm or overrule the decision of the Community Architect. Both the Community Architect and the DRC may make recommendations for enhancing the design for a proposed built improvement.

The approval or denial of a Submittal does not constitute a precedent for other applications.

- (b) *Improvements Requiring Review.* Any improvement proposed for New Moon Overlook will require review and approval. Those improvements that require a building permit from Santa Fe

County must be reviewed and approved by the Community Architect *prior* to submission and review by the County.

- (c) *Variances.* An Owner may seek approval from the Community Architect of a variance from the New Moon Overlook Community Development Standards. Any such variance must be documented in writing. The Community Architect may approve variances to accommodate unique topographical or landscape conditions, accessibility needs, or architectural merit.

If the Community Architect chooses to deny a variance request, an Owner may request a formal hearing before the DRC to appeal the decision of the Community Architect. If the DRC agrees to hear a variance request, the DRC may choose to affirm or overrule the decision(s) of the Community Architect. In all variance appeals, the DRC shall be the definitive decision-making authority.

The approval or denial of a variance does not constitute a precedent for other applications. Other such variance requests may be approved or denied at the discretion of the Community Architect and/or the DRC.

- (d) *Application Response Time.* The Community Architect will review a Submittal for completeness and request additional information as needed to understand the Submittal or to ensure that the Submittal complies with the Design Standards. The Community Architect will evaluate the plans/designs for conformance with the Design Standards with particular attention to the Submittal's conformance with the conservation and community development goals of the New Moon Overlook.

After a Submittal is accepted as complete and in conformance with the submittal requirements, the Community Architect will review and provide comments/ approval/ disapproval in no more than twenty-five (25) business days. If a Submittal is approved for additional review by the DRC, the DRC will schedule a hearing for the Submittal within fifteen (15) business days of the additional review request, and render a decision of approval/disapproval at said hearing.

4.2.2 Submittals

- (a) *Pre-design Conference.* Prior to beginning design or planning work, an Applicant shall contact the Community Architect to schedule a Pre-design conference. The purpose of this conference is to review the goals and principles of New Moon

Overlook, and to ensure that the Applicant has and/or is familiar with all relevant documents and is knowledgeable of the Submittal and review process.

- (b) *Formal Submittals/ Courtesy Reviews.* Prior to any Submittal, the Applicant may request a courtesy review to interpret these documents or provide initial review comments to early planning and design concepts. The Applicant shall contact the Community Architect to schedule such a review.
- (c) *Submittal Requirements.* Where possible, the Founder has made the submittal requirements consistent with Santa Fe County's submittal requirements so that the Applicant may submit to the County the same document(s) submitted to the Community Architect (with required modifications). All submittals must be prepared and delivered in both hard copy format and electronic format. Site plans, parcel plans, infrastructure improvements, Common Area improvements, and final Submittals must be submitted in AutoCADD 2005.

Each Submittal shall include:

- Parcel identification number or letter
 - Site location
 - Legend for symbols
 - Primary contact for questions including phone/fax/ email
 - Name of applicant
 - Name(s) of consultant(s)
 - Plan Preparation
 - Plans shall be prepared by (i) design professionals licensed to practice in the State of New Mexico, (ii) design builders specifically approved by the Community Architect or, (iii) other architects or builders that may be specifically approved by the DRC.
- (d) *Approvals and Re-submittals.* The Community Architect will review all Submittals and will stamp each Submittal's cover sheet as "Approved," "Address Comments and Resubmit," or "Denied." All comments to the Community Architect, or as a case may require, the DRC, must be addressed in narrative and graphic form. Applicants must show all revisions to previously reviewed plan using standard graphic conventions of "clouding." Construction may not begin on any improvements until all Submittals for that improvement have been approved.

4.2.3 Review Procedure

- (a) *Applications.* The Community Architect may establish forms and procedures for the review of applications, including review costs and fees, if any, to be paid by the Applicant. The Community Architect may provide lists of approved materials and may ask for DRC approval of routine or minor matters.
- (b) *Notification; Construction.* The Community Architect and/or the DRC shall use their best efforts to notify the Applicant of their decisions within the time allowed by the Design Review process. A delay in reviewing an application shall not be deemed consent to construction. If approval is given and all necessary governmental permits and approvals are in place, then construction of the improvements may begin.

If construction has not begun within six (6) months following approval of the plans and specifications, and if during that time any changes have been made to the New Moon Overlook Community Development Standards that would affect the approved construction, then the approval will expire and the plans and specifications must be resubmitted.

- (c) *Inspection.* The Community Architect or its agent may inspect the property during construction, but has no obligation to make any such inspection.
- (d) *Governmental Compliance.* Owners are responsible for ensuring that construction conforms to governmental regulations and all local building codes. If the Community Architect notes noncompliance, the Owner may be required to make the necessary changes. However, the Community Architect is not responsible for compliance with governmental requirements.
- (e) *Completion.* When the primary building and landscaping are completed in substantial compliance with the approved plans and specifications, the Community Architect shall issue a Certificate of Substantial Conformance. The Certificate shall describe any areas of deficiency that need to be corrected. All fines and other enforcement measures shall be waived if the deficiencies are corrected within sixty (60) days. Upon correction of all deficiencies, the Community Architect shall issue a Certificate of Completion and Release in recordable form.

Notice to Owners

The contract for the construction or modification of a home is negotiated between an Owner and a contractor. Neither the Founder, Operating Manager, DRC, nor the Community Architect is a party to that contract. Owners are ultimately responsible for assuring that the improvements constructed on the Parcel are in accordance with the approved plans and specifications. Because the New Moon Overlook Community Development Standards may change from time to time, it is important that an Owner obtain or confirm that he or she has the current version of these standards before undertaking any change or improvement of its property. For the Owner's benefit, contracts should require the contractor to build or modify the improvements in accordance with plans and specifications approved by the Community Architect. Receipt of the Community Architect's Certificate of Completion indicating compliance with the approved plans and specifications should be a condition of final payment on the contract.

4.2.4 Construction Subject to Review

- (a) *Applicability.* All plans and specifications for construction or modification of any structure or improvement of the property such as driveways, parking lots, fences, walls or walks, or material landscaping elements, such as trees or large shrubbery, must be reviewed and approved prior to construction in accordance with the Community Development Standards. No development activity, including but not limited to construction or clearing of a Parcel, may begin until approved by the Community Architect or the DRC. Once construction begins, all construction must comply with the approved plans and specifications.

Although this document refers to "Parcels" and applies primarily to private property, it also applies to modification of the New Moon Overlook Common Areas that might be initiated by the Founder or NMO-CA. Construction of any structure upon the New Moon Overlook Common Areas (other than the initial construction coordinated by the Founder) or modification of any existing structure, as well as any material alteration of the landscaping or topography of any New Moon Overlook Common Areas, must be approved in advance by the Community Architect or the DRC.

- (b) *Review Scope.* As detailed in Section V of this document, review for both new construction and for modification includes

materials and color selection, and selection and placement of any ornamentation or functional accessories, including but not limited to the following:

- Materials and color selection for the main structure and any outbuilding (including roof, doors, windows, and trim);
- Landscaping, grading, and any removal or substantial pruning of live trees or plants;
- Privacy walls or other fences and gates, driveways, walks, patios, and other ground surface materials;
- Antennas, satellite dishes or receivers, solar panels, or other devices which are visible from outside the Parcel;
- Fountains, swimming pools, whirlpools or other pools, awnings, statues or other outdoor ornamentation;
- Signage of any type; and
- Permanent or semi-permanent play equipment, whether or not secured, such as tree houses, basketball hoops, skateboard ramps, and swing sets.

Inclusion of an item in the list above does not imply that construction or use of said item is permitted. Review is not required to repaint or re-stucco with the originally approved paint or stucco colors for a particular Parcel, or to replace the roof or other components with duplicates of those originally approved.

- (c) The cutting, removal, or intentional damage of existing trees or shrubbery (including excessive pruning or failure to use due care with equipment or when removing other trees permitted to be removed) is strictly regulated under the Community Development Standards. Improper cutting, removal, or intentional damage to existing live trees is subject to fines plus a requirement that the tree be replaced with an approved species of comparable caliper, or, if approved by the Community Architect, a combination of trees totaling the caliper of the removed trees(s). Fines may be set by the DRC. The Community Architect may also request the planting, or transplanting, of trees or shrubbery to meet the development goals of New Moon Overlook.
- (d) In addition to those standards set by Santa Fe County or the State of New Mexico, all plans must comply with applicable drainage, water conservation, erosion control, and storm water detention requirements as detailed herein.

4.2.5 Builders

The Community Architect or the DRC may establish a review and approval process for builders and other contractors. Approval may be based on a builder or contractor's willingness to build in accordance with approved plans and specifications; quality of past work; client satisfaction; and financial history. Builders must agree to comply with construction regulations, to dispose of construction debris properly, and to build in accordance with the approved plans and specifications. Builders may be required to post a deposit for compliance and damages. Failure to comply may result in fines, forfeiture of deposits, and/or revocation of the right to build in New Moon Overlook or in other phases of the Galisteo Basin Preserve.

4.3. LIABILITY

The Founder, Community Architect, DRC, and their representatives are concerned primarily with aesthetic and environmental impact of development, and are not responsible for compliance with governmental requirements, design or construction defects, or use of materials affecting the safety or structural integrity of the building. Approval by the Community Architect or the DRC of an application shall not constitute a basis for any liability of the Founder, the Operating Manager, the Community Architect, or members of the DRC, the NMO-CA, or the Board of Directors of the NMO-CA for failure of the plans to conform to any applicable building codes, or inadequacy or deficiency in the plans resulting in defects in the improvements, or for the performance or quality of work of any contractor or architect approved by it, or for non-compatible or unstable soil conditions or soil erosion, or any other condition of the property.

V. DESIGN STANDARDS

5.1. SITE PLANNING

5.1.1 Development Envelope

Achieving the performance goals of conservation development requires that the deleterious impact of development on a Parcel, or other defined landscape, is minimized. Accordingly, Owners, along with their agents and representatives, will be responsible for ensuring that all built structures are sited within the prescribed Development Envelope of a Parcel, as established by Founder. Cantilevered structures may not extend beyond the Development Envelope. Patios and small outdoor sitting structures may extend outside a Parcel's Development Envelope, as approved by the Community Architect and/or the DRC. Any other use or development outside the Development Envelope will be governed by the New Moon Overlook Community Operating Agreement.

5.1.2 Structural Coverage

While no specific coverage ratio will be applied to a particular Parcel's Development Envelope, the Community Architect will base his/her development plan approvals on the basis of a Submittal's perceived and/or actual deleterious impact on the view shed resources of adjoining Parcels, the Community, and/or the General Public.

5.1.3 Driveway Configuration

In the Development Plan, the Founder has mapped the location of driveways to serve each Parcel. Owners may reconfigure driveways in a manner different from the Founder's alignment if the new configuration takes into consideration the same design values as the original alignment (i.e., drainage flows, habitat corridors, privacy, view shed protection, erosion control).

5.1.4 Building Orientation

Owners are strongly encouraged to orient and design buildings for optimal solar exposure. Optimal solar exposure can be achieved by orienting a building such that primary living areas are exposed to the sun for extended periods during the winter and spring. The south-facing façade of buildings should incorporate glazing on at least 25 percent of the façade's surface. West-facing walls should be designed to minimize heat gain during the summer months (e.g., limiting glazed surfaces, incorporating portals or other shading devices).

5.2. SITE PREPARATION AND DEVELOPMENT

5.2.1 Environmentally Responsible Excavation

Owners are required to minimize the volume of soil transported into or out of a Development Envelope. Environmentally responsible (i.e., less intensive) excavation minimizes damage to native flora and fauna. Less intensive excavation also reduces the "energy cost" associated with transporting materials to or from off-site locations.

5.2.2 Erosion Control / Storm Water Quality Protection

In addition to the requirements of Santa Fe County, Owners shall include erosion control devices to prevent runoff, silt, and other debris from flowing into natural areas, streets, adjacent parcels, or community open space. Runoff is most prevalent along driveway culverts, large patio structures, and drainage from roof structures (see Section 5.6.8 for additional information on rainwater catchment).

5.2.3 Owner Construction Trailer

A single "live-in" construction trailer for the sole use of an Owner is permitted for a period not to exceed 12 months, during a Parcel's initial construction (i.e., the first building improvement associated with a Parcel). Owner Construction Trailers should be screened from Community View Sheds where possible and, in *all* cases, must be screened from any General Public View Sheds. The location of construction trailers should be reviewed with the Community Architect during the preliminary design approval meetings. Other forms of construction trailers are allowed during construction, as approved by the Community Architect.

5.3. BUILDING DIMENSIONS

5.3.1 Massing

The massing of buildings should respect the scenic values associated with Community and General Public View Sheds. While embracing a wide range of architectural styles and approaches, the New Moon Overlook is designed to be a neighborhood where homes and other structures “sit lightly and unobtrusively on the land.”

In the design review process, the Community Architect will evaluate a Parcel’s ability to “absorb” buildings of larger or smaller mass and scale, and make recommendations where a proposed building mass is perceived to be out of proportion to the Parcel’s “carrying capacity.” To minimize confusion or conflict regarding a building’s proposed mass and scale, a pre-design conference with the Community Architect is strongly encouraged.

5.3.2 Maximum Elevation and Heights

In accordance with the conservation goals of the New Moon Overlook, building heights are tightly constrained to minimize the impact of buildings on the quality and integrity of General Public and Community View Sheds. Accordingly, specific heights and elevations are provided as follows:

a) Maximum Parcel Elevation: The maximum elevation from sea level of any and all structures on a Parcel – including but not limited to unheated space and sculptures, excluding chimneys – will not exceed the Maximum Parcel Elevation as specified in Attachment B.

b) Maximum Height of Structures: The maximum height of any building improvement on a Parcel, including but not limited to unheated space and sculptures (excluding chimneys), shall be the lesser of 20 feet, or the Total Height Limit for a Parcel, as specified in Attachment B. A building improvement’s Total Height Limit is measured from the undisturbed surface grade, as detailed on the New Moon Overlook Plan, to the upper most point of its roof.

5.3.3 Heated Area

The Total Heated Area that may be developed on a Parcel is limited to the total square foot area specified in Attachment B. By this standard, the Founder intends to provide a reasonable development allowance to an Owner, while limiting the overall scale and extent of building improvements within the New Moon Overlook. Total Heated Area includes space for which human habitation is intended as the primary

activity. Examples of space that are not included in the Total Heated Area calculation are garages, storage sheds, barns, or greenhouses. Unfinished basements that can support two or more seasons of habitation will be included in the Total Heated Area calculation.

5.3.3 Basements

Basements are generally allowed, provided that the building design meets the environmentally responsible excavation goals detailed in Section 5.2.1.

5.3.4 Roofs

Roofs may either be of a sloped or flat quality so long as roof heights do not exceed the allowances provided for a particular Parcel in Attachment B. Respecting the regional vernacular, a pitched roof should be a minimum slope of 8:12 (rise to run). Dormer roofs may have shallower slopes. Overhangs may not extend beyond the Development Envelope. Garage roofs must be designed to complement the roof of the house. Roofing materials should be chosen for their conformance to a building's massing, articulation, and roof forms.

5.4. BUILDING AESTHETIC

5.4.1 Generally

To encourage architectural diversity, the Founder will not require that building improvements conform to any particular architectural style. Instead, the Community Architect will evaluate building improvements in terms of a building's proposed massing, development footprint, General Public and Community View Shed impact(s), and building orientation.

5.4.2 Building Color

The Founder will establish an initial Palette of Allowable Colors for buildings, together with a Palette of Allowable Colors for roofs that will guide the color of all building improvements.

A color that is not included in the Palette of Allowable Colors may be presented to the Community Architect or the DRC for approval as a variance. Over time, the Community Architect and/or DRC may approve changes to the Palette of Allowable Colors.

5.4.3 Roof Color

The roof color of all residential dwellings, garages, horse facilities, and other outbuildings shall be of a non-reflective steel or brown/tan/sage green character, as specified by the Palette of Allowable Colors for roofs. For pitched roofs, traditional unpainted non-reflective tin or steel is encouraged. A painted metal roof is permitted if it is non-reflective and painted with a color from the Palette of Allowable Colors for roofs, or if it is approved as an allowable exception by the Community Architect or DRC.

5.4.4 Interior Lighting

Wherever possible, primary living spaces should be designed to accommodate windows on two or three sides to provide balanced day lighting and to facilitate natural cooling and ventilation.

5.4.5 Exterior Lighting

No spotlights, floodlights or other high intensity lighting shall be placed or utilized upon any Parcel which, in any manner, will allow light to be directed or reflected on the Common Areas, or any part thereof, or on any other Parcel. Lighting generally should meet the goals of Dark Skies Development, as outlined in Section VII of this document.

5.4.6 Building Materials

No particular building materials are specified by the Founder as required or restricted. This said, it is strongly suggested that all building materials be highly durable, non-toxic, and to the extent possible, locally produced. See Section VII for suggested building materials. The Community Architect shall determine the appropriateness of design and materials choices through the design review process.

5.4.7 Driveway Materials

Where native material or base-course is not used, permeable materials (e.g., individual pavers, permeable asphalt, "grass-crete," gravel, ribbon-strip treatments) are strongly encouraged for driveways, parking pads, and parking courts.

5.4.8 Landscaping

The improved landscaped area of the property shall not extend beyond the Development Envelope unless explicitly constructed for erosion and runoff control. Landscaping materials shall be principally of local native plant varieties (e.g., fescue, buffalo grass, wildflowers, drought tolerant shrubs and trees). A maximum of 1,000 square feet of non-native plants is permitted only if irrigated with water from roof drains, collection cisterns, or county certified gray water reclamation systems.

5.4.9 Garbage

Notwithstanding the following, the DRC may (but shall not be obligated to) designate one or more locations within the New Moon Overlook to be centralized collection points for recycling of trash, garbage, or similarly reusable materials. No garbage or trash shall otherwise be kept, maintained or contained so as to be visible from another Parcel or the Common Areas except temporarily, in containers approved by the Founder, for pickup. No incinerators shall be kept or maintained on a Parcel. Except for properly constructed manure pits permitted under Section 12 of the Community Operating Agreement, which must be limited to the temporary storage of manure pursuant to the requirements of Section 12, and compost piles of organic materials contained within an area of no greater than 100 square feet, no refuse pile, garbage, or unsightly objects shall be allowed to be placed, accumulated or suffered to remain anywhere on a Parcel.

5.5 PERIPHERAL DEVELOPMENT AND ACCESSORY STRUCTURES

5.5.1 Guest Houses/Casitas

One detached living unit will be allowed on each Parcel provided that the structure meets the design standards set forth in this document for the primary structure. The square footage of a detached unit is included in the Total Heated Area allowance of a Parcel. Guest Houses and Casitas must be located within the Development Envelope.

5.5.2 Parking and Garages

Parking structures and parking areas must be located within the Development Envelope. The Community Architect and DRC will encourage Owners to locate parking garages out of view from New Moon Drive and the primary trails associated with the project. Any garage doors visible from New Moon Drive or the Common Areas or trails must have the same quality of detail and craft as the primary building.

5.5.3 Barns

A limited number of Parcels within the New Moon Overlook allow for development of a barn, stables, and/or other facilities associated with equestrian activities. The design and construction of barns and other outbuildings must meet the design standards set forth in this document for primary structures. If a barn is not designed to accommodate human habitation, the barn square footage will not be included in the Total Heated Area allowance of a given Parcel, as provided for in Attachment B. Barns, stables and other horse and llama-serving structures must be located within the Development Envelope.

5.5.4 Fencing

Fencing and walls beyond a Parcel's Development Envelope are not permitted. Fencing and walls within the Development Envelope are permitted. The maximum height of fencing or walls that face New Moon Drive is six (6) feet from ground level. All walls or fences impermeable to wildlife must be adjacent to the residential dwellings, garages, horse facilities, or other outbuildings.

All impermeable fences must adhere to the following guidelines:

- (i) un-painted wood and/or 3-5 strand wire fencing is acceptable on all Parcels;
- (ii) chain link metal fencing is not allowed on any Parcel;

- (iii) metal pipe fencing or “open weave mesh horse fencing” are allowed on Parcels that allow equestrian uses
- (iv) gates and/or arbors should be consistent with the style of the fence and house.

Wall construction must adhere to the following guidelines:

- (i) stone or stucco-finished walls are acceptable on all Parcels;
- (ii) gates and/or arbors should be consistent with the style of the wall and house.

5.5.5 Antennae, Satellite Dishes, Communications Devices

Antennae, satellite dishes, and other similar communication devices are permitted on each Parcel. Roof-mounted antennae and satellite dishes should be no larger than four feet tall or four feet in diameter and should not exceed the Total Height Limit or Maximum Parcel Elevation. Antennae and satellite dishes larger than these size dimensions must be mounted on a ground surface. All ground-mounted antennae, satellite dishes, and communication devices must be hidden from view by fencing or vegetation and will be subject to review by the Community Architect or DRC.

5.5.6 Utilities

All electrical power, telephone, and other utility lines that serve the Property shall be buried underground.

5.5.7 Accessory Structures

All other Accessory Structures not detailed herein will adhere to the standards and procedures of the New Moon Overlook Community Development Standards.

5.5.8 Fires

Other than barbecues in properly constructed barbecue pits or grills, and/or fire pits in compliance with the design standards, or as otherwise expressly permitted by the Design Review Committee, no open fires shall be permitted on Parcels nor shall any other similar activity or condition be permitted which would tend to increase the insurance rates for the Common Areas or for other Owners.

5.5.9 Racquet Courts

Tennis courts, and other racquet, paddle and handball courts and the like are not permitted on Parcels, but may be an allowable use within the Common Area, as determined by the Founder.

5.5.10 Swimming Pools and Hot Tubs

Unlighted hot tubs are permitted on all Parcels, subject to applicable requirements of Santa Fe County and the DRC. Unlighted swimming pools are only allowed on specified Parcels (i.e., Lots 13-20) if the subject Parcel is served by an independent well that is *not* connected to the Community Water System of the New Moon Overlook.

As noted in the Water Restriction Covenants recorded concurrently with the Boundary Plat, development of a swimming pool requires a variance from the Santa Fe County Land Use Department. Owners should be aware that applications to Santa Fe County for the development of private swimming pools must demonstrate a very high standard of water well productivity. Neither the Founder, Operating Manager, nor the NMO-CA will be liable for an Owner's inability to secure development approval from Santa Fe County for the construction of a swimming pool.

5.5.11 Flagpoles

Flagpoles and other structures for hanging or displaying flags, banners, or similar items are allowed so long as they conform to the Maximum Parcel Elevation and are not located within 200 feet of New Moon Drive.

5.6 WATER CONSERVATION STANDARDS

The following water conservation requirements shall apply to each Parcel:

5.6.1 Potable Water Use

Owners and designers should ensure that all household appliance, allowable equipment and machinery, and/or outdoor watering devices meet the water use standards set herein. The allowable potable water use for Parcels associated with an *Individual Well* may not exceed 1.0 acre-foot per year. Potable water use for each Parcel shall be individually metered. Potable water use may not exceed 0.25 acre-foot per year for any Parcel associated with a *Shared Well*.

5.6.2 Showers

All showers must be equipped with industry standard flow-restrictive devices or aerators.

5.6.3 Faucets

All faucets for potable water, other than those for dishwashers and clothes washing machines must be equipped with industry standard flow-restrictive devices or aerators.

5.6.4 Toilets

All water closets must be of a type designed to use no more than one and one-half (1-1/2) gallons of potable water per flush.

5.6.5 Washing Machines

All washing machines must be of a front-loading type that uses no more than twelve and one-half (12-1/2) gallons of potable water per wash.

5.6.6 Hot Water Systems

Hot water systems for potable water must have a re-circulating pump or must utilize so-called "instant" hot water heaters near points of use to minimize the waste of water while waiting for it to become hot.

5.6.7 Wastewater Treatment Systems

Wastewater treatment systems shall be of a type that achieves a tertiary quality of water treatment, in accordance with the standards of

the New Mexico State Environment Department and Santa Fe County such that a majority of “grey water” and “black water” waste can be reused for on-site irrigation purposes.

5.6.8 Rain Water Catchment

In addition to those standards set by Santa Fe County, roof systems shall be equipped with canals and gutters such that rain and snow melt can be collected from the roof of homes, guest houses and other approved structures and stored in covered cisterns, rain barrels, and/or other storage devices to supplement the irrigation and/or other non-potable water needs of an Owner.

5.6.9 Landscape Materials

Only drought tolerant indigenous plant materials from the xeriscape zone plant list approved by the DRC may be used outside the Development Envelope. Outside potable water use must be metered.

5.6.10 Irrigation

Irrigation of new plant materials outside of the Development Envelope must be discontinued as soon as the plant materials have become reasonably established in place.

5.6.11 Pool/Hot Tub Covers

Pool and hot tub covers must be installed and used reasonably to reduce evaporation as well as to support adequate pool/hot tub maintenance and water heating.

VI. CONSTRUCTION STANDARDS

6.1 CONSTRUCTION CRITERIA

The builder and his/her subcontractors shall exercise extreme care to protect the public health, safety and welfare during all phases of construction. This includes providing proper warning signage, fencing of dangerous conditions, and security devices when deemed necessary by the Community Architect. Construction operations or activities shall not create any of the following nuisances (to the extent they are permanent or are detectable without the use of instruments) at any location outside a Parcel:

- Dust or other airborne particulate matter
- Noxious odor
- Glare from lighting or reflective materials
- Disruption of television or radio reception
- Excessively loud noise for long periods of time

The Founder or its successor may enact strict procedures, temporary or permanent, at any time to ensure that noise and dust abatement measures are consistently attended to among builders or their contractors.

6.2 EROSION CONTROL / STORMWATER QUALITY PROTECTION

Builders shall provide erosion control devices to prevent silt and other debris from flowing into natural areas, streets, adjacent parcels, or Common Areas during construction. Additionally, "first flush" techniques must be employed to assure that toxins and pollutants captured in the first ½" of rainfall are removed before continuing on to waterways or open spaces.

6.3 CLEANLINESS

All areas shall be kept free of trash, materials, and waste that can be carried by the wind. The site shall be left in a neat and orderly condition at the close of each workday, with scrap material and debris disposed of in covered receptacles, which are collected and emptied at least once per week. Recycling of construction waste is strongly encouraged. Hazardous debris and materials shall be removed from the site each day and in compliance with state and national standards.

6.4 CONSTRUCTION ACCESS

The Community Architect, DRC, or Founder shall approve all construction entries and staging areas for the project, and all contractors must use this entry.

6.5 CONTRACTORS

All contractors shall be properly licensed and bonded with Santa Fe County and the State of New Mexico and shall meet all applicable legal requirements.

6.6 EMPLOYEES

Employees and subcontractors shall maintain professional standards, including but not limited to:

- Construction hours will be established by the Community Architect or DRC, taking into account proximity of construction site to residents;
- No loud radios or stereos will be permitted on work sites that can be heard off the project site;
- No pets will be permitted on construction sites;
- Employee vehicles will be parked in designated areas and away from undeveloped or protected zones;
- No trailers for temporary living quarters by the builder or any of its employees shall be allowed on-site unless the builder or the builder's employee is the owner. Construction trailers are subject to review and approval by the Community Architect or DRC.

6.7 DAMAGE REPAIR, FEES, & DEPOSITS

Each builder shall have responsibility for the control of his contractors and subcontractors. All contractors and their subcontractors may be required to place a deposit prior to any development activities, including but not limited to site preparation and construction, to fund repairs to infrastructure or Common Areas damaged during the development process. The Community Architect will be responsible for setting the deposit amount. Monies not used for repairs will be returned to the contractor or subcontractors. The Community Architect, DRC, or NMO-CA may impose fines necessary to plan, repair, and remedy any damages caused by contractors or subcontractors. All liability for violations of the development standards caused by subcontractors shall rest with the builder.

VII. GREEN DESIGN RECOMMENDATIONS

Green building guidelines are designed to serve three primary objectives: (1) conserve natural resources; (2) increase energy efficiency; and (3) improve indoor air quality.

The following section includes a summary of green building principles and practices. Except as otherwise specified in these Community Development Standards, or by the DRC, green building design is strongly encouraged as a development practice in the New Moon Overlook. Accordingly, the values and principles of green building should be thoughtfully considered in the planning and design process for all phases of site development and construction.

7.1 NATURAL RESOURCE CONSERVATION

Conventional building materials consume vast quantities of wood, plastic, cardboard, paper, water and other natural resources. Recent advances in building material design and manufacturing have produced an array of building materials and technologies that utilize recycled materials, small dimension wood from fast-growing trees, and other innovations.

Resource efficient building materials can reduce the impacts of deforestation, soil erosion, air pollution, water consumption, among other things while at the same time offering superior durability and functionality. Engineered lumber products such as wood fiber laminates and oriented strand board utilize renewable, fast-growing trees, contain 50% less wood fiber, and provide a stronger, straighter, and lighter structural board than solid-sawn lumber.

Water conservation is critical resource protection goal for new development in arid climates such as Santa Fe County. Water saving devices such as faucet flow reducers, high-efficiency appliances, drip irrigation and large-scale water catchment systems can yield dramatic improvements in water consumption rates.

7.2 ENERGY EFFICIENCY

Energy efficient design is a cornerstone of green building practice. Energy efficient appliances, lighting, and heating systems measurably reduce the air pollution and global climate change impact of new development. Energy efficient design can also reduce the monthly operating costs of buildings. To serve this objective, new construction should be designed to meet “Energy Star” requirements (i.e., roof and wall insulation standards, double-glazed/low-E windows, thermal mass standards for sun-exposed floors and walls).

7.3 INDOOR AIR QUALITY

The United States Environmental Protection Agency (EPA) reports that the air in new homes can be ten times more polluted than outdoor air. Poor indoor air quality is primarily caused by chemical “off-gassing” associated with many building materials – formaldehyde and volatile organic compounds (VOCs) – in addition to mold and mildew buildup caused by poorly designed and/or improperly maintained heating and cooling systems.

Three steps can be taken to improve indoor air quality: (1) eliminate materials that release harmful emissions (e.g. use solvent-free adhesives or low-VOC paints); (2) adequate fresh air ventilation to release and/or dilute gases that can build up within a home; and (3) effective filtration to eliminate micro particulates that aggravate respiratory systems.

7.4 GREEN BUILDINGS GUIDELINES CHECKLIST

7.4.1 Land use and site protection

- Erosion protection is a top priority (based on existing site topography)
- Preservation of existing live trees and bushes
- Excavated top soil should be properly stored and preserved for future landscaping

7.4.2 Resource Efficient Design

- Passive solar orientation
- Resource-efficient landscapes and gardens
- High-efficiency irrigation systems that recycle waste water

7.4.3 Waste Management

- Recycle job site waste including all wood, cardboard, and metals, plus any other materials handled by local recycling facilities
- Donate useable post-construction materials to a local nonprofit organization for reuse

7.4.4 Building Envelope and System: Resource Efficient Foundation and Wall Systems

- a) *Foundation Systems:*
 - Use recycled flash (minimum 25% assuming local availability)
 - Reuse form boards or use aluminum forms;
 - Recycled content aggregate
- b) *Wall Framing and Insulation:*
 - Insulation above Energy Star
 - Recycled-content steel studs for interior framing
 - Recycled-content formaldehyde-free fiberglass insulation
 - Advanced infiltration reduction practices (expandable foam and caulk)
 - Cellulose insulation in walls and ceilings
- c) *Attic Framing and Insulation:*
 - Energy trusses (“energy heels”)
 - Insulation above Energy Star
- d) *Floor Framing and Insulation:*
 - Engineered floor trusses or “I” joists
- e) *Shell Resource-Efficient Measures:*
 - FSC KD lumber used for all framing other than engineered material
 - Cellulose or no-added formaldehyde fiberglass insulation
 - Engineered lumber instead of solid sawn lumber

7.4.5 Infiltration/Air Sealing

- 35 min NACH with blower door testing to confirm
- Exhaust fan for attached garages
- Attached garages sealed from house (air tight drywall)

7.4.6 Thermal Efficiency

- a) *Exterior Surfaces*

- Adobe, tromb wall, or other heat conducting materials for south-facing walls; FSC wood, masonry, or cementitious siding
- Sustainable decking materials: recycled content (plastic lumber, composite lumber); FSC-certified decking
- Use treated wood that does not contain chromium or arsenic
- House wrap under siding (protects against moisture, but allows vapor to escape); protects against mold

b) Windows

- Low-E for all windows (in passive solar lots, south glass should be SHGF of .60 or greater)
- Low-conductivity windows (non-aluminum)
- Low-E minimum

c) HVAC

- Energy Star compliant
- Sealed combustion gas units
- Install zoned, hydronic, radiant heating system (replaces forced air heating)
- Incorporate passive solar heating (south-facing windows plus thermal mass materials)
- Plant deciduous trees on the west and south sides of home

d) Ductwork

- All ductwork run within insulated envelope
- All ducts sealed with latex-based mastic (no cloth duct tape)
- Clean all ducts before occupancy

e) Ventilation

- Minimum: Earth Advantage specification
- Heat recovery ventilation if NACH < .35
- Vent range hood to outside (in cooking areas)
- Attic ventilation system

7.4.7 Roofing

- 40-year or greater minimum roofing warranty

7.4.8 Appliances, Lighting, and Water Heating

a) High Efficiency

- Based on Energy Star compliance

b) Appliances

- Energy Star or ODOE minimum
- Front-loading clothes washers; water-efficient dish washers

- c) *Lighting*
 - Compact florescent fixtures above Energy Star compliance
 - Lighting controlled fixtures
- d) *Water Heating*
 - Energy Star minimum
 - Pre-plumb for solar hot water retrofit

7.4.9 VOC Minimization

- a) *Indoor Air Quality*
 - Low VOC water-based adhesives (in all applications <150 g/l)
 - Minimum furnace filter (MERV rating of 10)
- b) *Interior Surface Coatings*
 - Low-VOC finishes and paints on all surface finishes (< 50g/l)
 - Eliminate wood burning fireplaces
 - High-efficiency particulate air (HEPA) filter
 - Whole house vacuum system
 - Recycled content carpet with low-VOCs

7.4.10 Resource Efficient Building Material

- a) *Cabinets*
 - All edges of particleboard cabinets sealed before installation
 - Install kitchen recycling center
- b) *Countertops*
 - Particleboard substrate of countertops sealed before installation
- c) *Casework*
 - Painted casework to be finger-jointed
 - Stain grade to be FSC (assuming availability for design profiles)
- d) *Flooring*
 - No vinyl sheet goods
 - Wood floors to be FSC
 - Carpet to be EPA/CRI Green Label certified

7.4.11 Water Efficiency

- a) *Indoor Water*
 - Showerheads should be 1.5 gpm or less
 - All faucets should be 1.0 gpm or less
 - Toilets should be 1.5 gpm or less

- On demand hot water pump installed at furthest point from heater (no continuous circulation instant hot water systems)
- Hot water pipes insulated at least 6 feet from DHW unit
- Tankless water heater
- Water filtration units in faucets

b) *Outdoor Water*

- Pervious surfaces for all non-regulated hard surfaces (driveways, sidewalks)
- Native or indigenous planting
- Rainwater catchment at 150 percent of County standards

GLOSSARY

Accessory Structures

Any structure not physically attached to a main residence's habitable area. Accessory structures include, but are not limited to, casitas/guest houses, barns, gazebos, greenhouses, detached garages, and patios.

Applicant

An Owner, or representative of the Owner, who makes a formal Submittal to the Community Architect or DRC.

Common Area

Any area or feature defined as being within the New Moon Overlook Plan that is not owned privately by a person or other legal entity.

Community

Refers to the collection of Owners and their co-inhabitants within New Moon Overlook.

Community Operating Agreement

The document that supports New Moon Overlook's Community Development Standards and defines the standards, regulations, and practices associated with the roads, utilities, and common areas.

Community View Sheds

Any view shed that a Community member can reasonably see when engaged in any allowable activity within New Moon Overlook.

Coordinate Base Point

A single point on a property measured by a specific longitude and latitude coordinate, as set by the Founder, for the purpose of measuring the Maximum Parcel Elevation.

Dark Skies Development

Development that supports a dark quality of night sky by limiting direct, refracted, or reflected lighting into the sky.

Development Envelope

The area, as identified by the Founder, where allowable development activities may take place.

Founder

The Founder is Commonwealth Conservancy, or other legal entity, that defines the values, vision, and development guidelines associated with the Galisteo Basin Preserve, and oversees the development process to ensure that the Galisteo Basin Preserve meets the standards and serves the values that have been established.

General Public

Any person(s) who is not an Owner within New Moon Overlook.

General Public View Sheds

Any view shed that the General Public can reasonably see during normal activities including, but not limited to, driving, riding, biking, and hiking on public roads or lands, or private roads or lands located outside New Moon Overlook.

Master Developer

See Founder.

Maximum Parcel Elevation

The highest elevation point that any structure may vertically reach as measured from a Parcel's Coordinate Base Point.

New Moon Overlook Plan

The New Moon Overlook Plan is associated with the "LOT LINE ADJUSTMENT PLAT PREPARED FOR THE OWNERS OF THE THORNBTON RANCH SHOWING BOUNDARY ADJUSTMENTS WITHIN SEC. 1&3, T14N R9E; SEC. 5&6, T14N R10E; SEC. 34,35 & 36, T15N, R9E; SEC. 30 &31, T15N R10E; NMPM, SANTA FE COUNTY, N.M." filed for record April 28, 2005 in Plat Book 586, Pages 027-029, as Document No. 1377.356, records of Santa Fe, New Mexico, *in combination with* designated Development Envelopes, trails, open space, and/or protected areas, as defined by the Founder or another related entity (See Attachment A).

Operating Manager

New Moon Overlook, LLC, is the initial Operating Manager that is responsible for coordinating the terms, conditions, and requirements associated with the development of any Parcel(s) within the New Moon Overlook, as well as all other day-to-day activities of the project. The Operating Manager is also the person, company, or entity responsible for managing the Common Areas and community facilities associated with the New Moon Overlook.

Owner

Any person(s), or other legal entity, holding legal title to a Parcel, along with his/her agents and representatives.

Owner Construction Trailers

Temporary structures or vehicles that may be used for either habitation or managing the development process of a Parcel.

Palette of Allowable Colors

The list of colors approved by the DRC or Community Architect that may be applied to a structure or a structure's roof.

Parcel

The legal plot of land as identified by the New Moon Overlook Plat Map recorded with Santa Fe County.

Residential Use

Premises used primarily for human habitation.

Submittal

Any application for development submitted by an Owner to the Community Architect or the DRC.

Total Heated Area

Any area that is intended for use where heating or cooling is required or installed for the normal habitation of a structure. This will not include heated areas specified solely for the storage of horses or other allowable animals.

Total Height Limit

A structure's maximum allowable height as measured from the undisturbed ground level of the structure's location.

Unheated Area

Any area not intended for normal living use, and where the time or frequency of use would not require heating or cooling for year round weather conditions.

ATTACHMENT B

Lot #	Acreage	Coordinate Base Point (2)		Maximum Pitched Roof Height (3)	Maximum Flat Roof Height (3)	Total Heated Area (4)	Guest House Allowed	Stable Allowed	
		Maximum Parcel Elevation (1)	Latitude						Longitude
1	21.3	TBD	35.48878641N	-105.91727627W	16ft	16ft	5,000	Yes	No
2	21.8	TBD	35.48820466N	-105.91965226W	16ft	14ft	5,000	Yes	No
3	17.1	TBD	35.48838566N	-105.92130584W	16ft	16ft	5,000	Yes	No
4	24.0	TBD	35.48939254N	-105.92381922W	16ft	14ft	5,000	Yes	No
5	15.7	TBD	35.48828219N	-105.92655693W	16ft	16ft	5,000	Yes	No
6	28.7	TBD	35.49222241N	-105.92610956W	16ft	14ft	6,000	Yes	Yes
7	19.0	TBD	35.48634515N	-105.92814705W	16ft	16ft	6,000	Yes	Yes
8	15.0	TBD	35.48717465N	-105.93037345W	16ft	14ft	5,000	Yes	No
9	14.2	TBD	35.48682663N	-105.93223389W	16ft	16ft	5,000	Yes	No
10	13.5	TBD	35.48624309N	-105.93404532W	16ft	14ft	5,000	Yes	No
11	15.0	TBD	35.48495228N	-105.93534500W	16ft	14ft	5,000	Yes	No
12	16.4	TBD	35.48572040N	-105.93663665W	16ft	14ft	5,000	Yes	No
13	24.0	TBD	35.48184324N	-105.93873742W	16ft	14ft	7,500	Yes	Yes
14	24.3	TBD	35.48185228N	-105.94226153W	20ft	16ft	6,000	Yes	Yes
15	53.2	TBD	35.47762279N	-105.94465093W	20ft	16ft	7,500	Yes	Yes
16	27.3	TBD	35.47909763N	-105.94629948W	20ft	16ft	6,000	Yes	Yes
17	43.3	TBD	35.48005780N	-105.95391936W	20ft	16ft	7,500	Yes	Yes
18	42.1	TBD	35.48322877N	-105.95160621W	20ft	16ft	7,500	Yes	Yes
19	20.4	TBD	35.48404807N	-105.94987702W	20ft	16ft	6,000	Yes	Yes
20	15.8	TBD	35.48492580N	-105.94800374W	20ft	16ft	6,000	Yes	Yes

- NOTES:
- (1) Maximum Parcel Elevation is the highest elevation, as measured from sea level, that any structure may reach on a Parcel. There may exist locations on a Parcel where the Maximum Parcel Elevation may be less than the Maximum Pitched Roof Height or Maximum Flat Roof Height as detailed in this exhibit, Attachment B.
 - (2) The Longitude Point of Reference and Latitude Point of Reference make up a coordinate point from where the Maximum Parcel Elevation is measured. In order to protect Public and Community View Sheds, the Coordinate Base Point may not represent the highest point of elevation on a Parcel
 - (3) For some lots, Maximum Pitched Roof Height and Maximum Flat Roof Height may be limited to 14ft for flat roofs, or 16ft for pitched roofs according to Santa Fe County "ridgeline zoning" standards.
 - (4) The calculation for Total Heated Area is to include guest houses and all structures intended for habitation, according to the New Moon Overlook Development Standards.