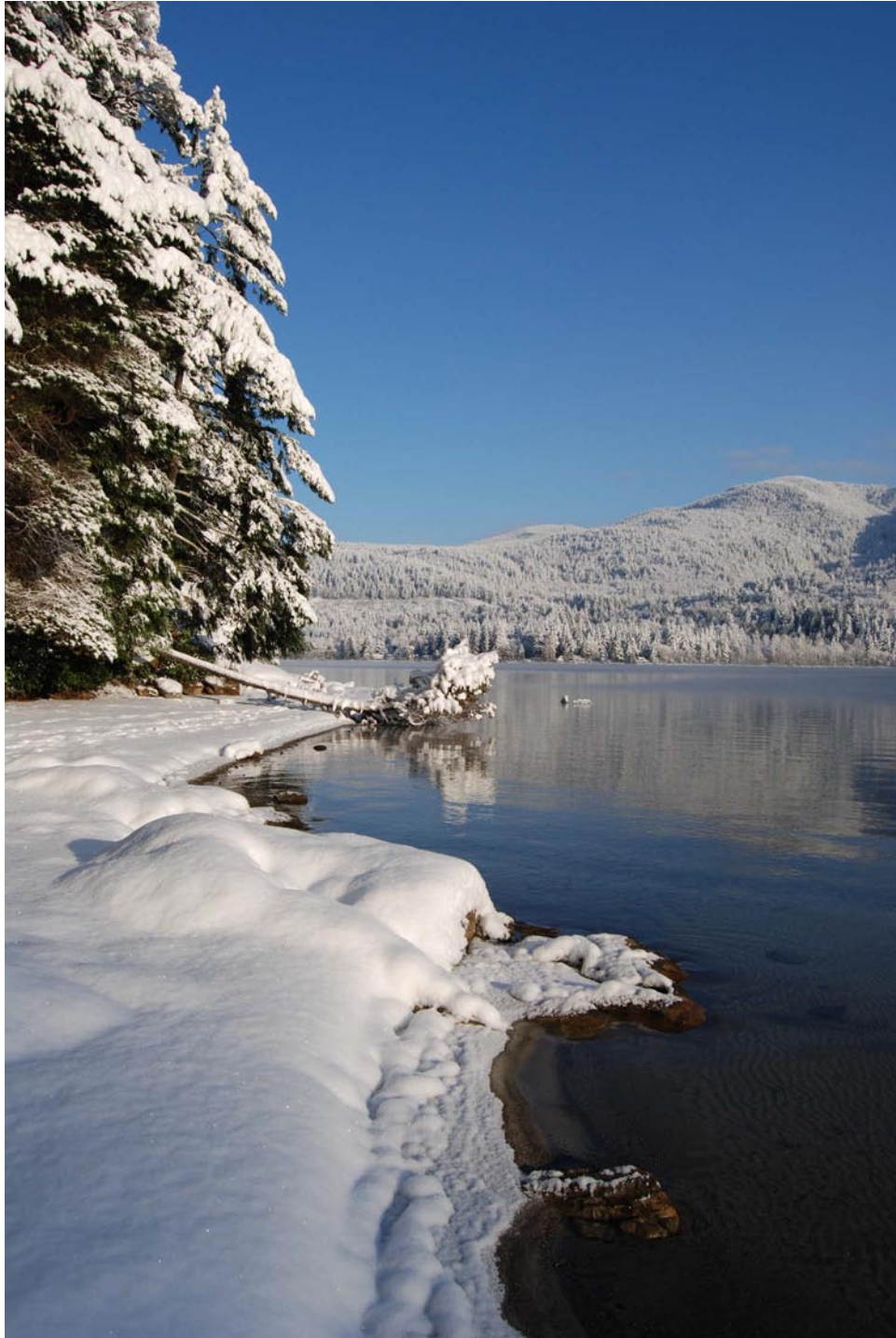


# ACC GUIDELINES



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# **SVCA ARCHITECTURAL CONTROL GUIDELINES FOR DETACHED SINGLE-FAMILY RESIDENCES**

In this section you will find the entire set of Architectural Control Guidelines as revised during 2005 by the SVCA Board of Directors. The SVCA Restrictive Covenants, paragraph 16, along with the Bylaws, authorize the Board to promulgate and amend such rules and regulations, as it deems appropriate.

These guidelines are administered by the Architectural Control Committee and enforced by staff. The committee is comprised of volunteer property owners appointed by the Board of Directors. The ACC Officer is the administration staff member responsible for enforcement of the Restrictive Covenants and ACC Guidelines, but is primarily available to help property owners achieve their individual desires within the constraints of the guidelines.

All property owners are urged to maintain their lots in a neat and clean manner and in accordance with the regulations of Sudden Valley. With voluntary compliance, costs are reduced, property values are maintained and Sudden Valley remains a pleasant community in which to reside.

### **13. ARCHITECTURAL CONTROL COMMITTEE:**

**13.1 - STATEMENT OF PRINCIPLE:** In considering the geographic position of Sudden Valley within the Lake Whatcom Watershed, the program for any development within Sudden Valley should consider the rights and interests of its residents, balanced with legitimate concerns for preservation of environmental and aesthetic resources. In addition, the scale and character of the physical development should be consistent with the natural, forested setting in which the community exists. The following descriptions of the Architectural Control Committee (ACC) and its functions are derived from the Restrictive Covenants (RC), which are binding upon all lots in platted divisions and designated condominium tracts within the boundaries of Sudden Valley.

**13.2 - COMMITTEE STRUCTURE:** The Architectural Control Committee shall be composed of at least five (5) members of the Sudden Valley Community Association appointed for staggered three (3)-year terms by the Community Association Board of Directors. Alternates serve one (1) year terms. Meetings shall be held twice monthly on dates designated by the Committee (RC #4).

**13.3 - POWERS:** The Committee shall have the right to disapprove any plans, specifications or details submitted to it in the event the same are not in accordance with all provisions of these Guidelines; if the design or color scheme of the proposed building(s) or other structure(s) is not in harmony with the general surroundings of such property or with adjacent buildings or structures; if plans and specifications are incomplete; or in the event the Committee deems the plans, specifications, details or any part thereof to be contrary to the interests, welfare or rights of all or any part of the real property subject hereto, or the owners thereof. The decisions of the Committee shall be final (RC #4).

**13.4 - COMMISSION:** Plans and specifications for **any** structure or improvement to be erected on any property within the boundaries of Sudden Valley, the proposed location on the subject property, the materials, roofs, and exterior color schemes, any later changes or additions after initial approval, and any remodeling, rebuilding, alterations or additions thereto shall be subject to and require the written approval of the Committee before such work commences.

**13.5 - AREA OF RESPONSIBILITY:** The Committee shall concern itself with the overall planning, specific sites and building aesthetics. In no way shall the Committee confirm assumed geological condition, structural method proposed nor the general adequacy of safety of any proposed structure(s).

**13.6 - PURPOSE:** The purpose of the Committee shall be to assist in maintaining the "undevelopment" concept of Sudden Valley through application of the Restrictive Covenants - ensuring the highest possible degree of harmony between natural and manmade systems, and that continued development does not unduly diminish the quality and aesthetic integrity of both the natural and built environments.

**13.7 - OBJECTIVES:** The objectives of the Committee shall be:

(a) To create and maintain an aesthetically desirable community by encouraging sensitive architectural design of the individual residences, recreation retreats, condominiums, commercial structures and related facilities.

(b) To encourage maximum creative architectural response to each individual site as well as to the area and region.

(c) To protect individual property owners from the results of indiscriminate construction by others that would adversely affect surrounding property values and the general aesthetic quality of Sudden Valley.

(d) To review plans for any condominium or commercial development planned for Sudden Valley and the setting of each tract considering land use, environment, traffic and amenities, and other elements as delineated in the Restrictive Covenants for Sudden Valley Condominium Tracts and Commercial development regulations. (Information, Covenants, Rules and Regulations pertaining to Condominium and Commercial development are published under separate cover and are available through the ACC office.)

**13.8 - CONDUCT OF MEETINGS:** ACC meetings are held regularly in the morning on the first and third Thursday of each month in the SVCA Adult Center (unless otherwise announced). Meetings are open to all members in good standing whose written and/or oral comments will be accepted and taken into consideration by the Committee during discussion and final decision of a proposal. Notices are posted and agendas are available at the Administration office in the Clubhouse at least 24 hours prior to each regular meeting and are also posted on Channel 10. Owners and residents are encouraged to stay informed about pending development activities through this process. Written notice of Committee decisions normally is available within five (5) working days after the meeting date. Minutes of the meetings normally are available for inspection during regular office hours at the Administration office no later than ten (10) working days following the meeting (15 working days during months in which there are five Thursdays). Decisions of the Committee are final (R.C. #4) and cannot be appealed to the SVCA Board.

#### **14. ACC GUIDELINES FOR DETACHED SINGLE-FAMILY RESIDENCES:**

**14.1 - INTENT:** These guidelines are intended to help property owners design, build and maintain single-family homes that will meet the intent of the Committee's objectives. Implied in these objectives is a desire to avoid a "tract-like" appearance in Sudden Valley and therefore, repeating the same house plan will be discouraged. One important aspect when selecting a design is the lot itself. **Rather than reshaping the lot to fit the house, the size, shape and topography of the lot should dictate design characteristics.** Given the unique nature and variability of each lot, it should be possible to achieve diverse architectural designs while maintaining a high degree of sensitivity to the natural environment. While it may not be economically feasible for every lot owner to employ a professional designer, it is recognized that there are sufficient numbers of "off the shelf" (stock) plans, which, when modified, should satisfy constraints regarding aesthetics, open space and tree preservation.

**14.2 - SCOPE:** Any changes that affect the exterior appearance of a house or lot including new construction, additions, parking spaces, fences, outdoor play equipment, sculptures, retaining walls, tree removal or planting and any other exterior features shall require prior approval by the Committee. The community places a high value on preservation of healthy native trees and natural features. With respect to the degree to which lot size and structure design affect tree removal, the Committee is empowered to deny approval of plans or require redesign or relocation of the structure on the lot based on tree preservation and/or environmental concerns. Neither "A-frame" houses nor "Manufactured Homes" will be approved (see section 14.12.19). The Committee recognizes that the construction industry is rapidly changing and recommends that property owners or contractors wishing to use new construction technologies first submit for pre-approval prior to making substantial investments in plans or permits (see section 14.8.3)

**14.3 - ACC COMPLIANCE REVIEW:** In order to verify that all proper permits have been obtained, the property owner or his/her designee must provide to the ACC Office the original County stamped and approved planset and building permit **prior** to commencement of construction. Only after such verification and payment of the Completion Deposit will SVCA issue final approval to proceed, and such approval to proceed will include any conditions or reservations imposed by the Committee. Both County AND Sudden Valley approved plansets and permits must be consulted during construction to ensure compliance to all regulations and permit conditions. Note: Failure to obtain SVCA authorization to proceed prior to commencement of construction will result in issuance of a Stop Work Order and Notice of Violation to the owner.

#### **14.4 - CONTRACTOR AND OWNER/BUILDER REQUIREMENTS FOR CONSTRUCTION ACTIVITIES:**

**14.4.1 Licensing Requirements:** Other than direct employees of Sudden Valley, any individual or company performing work or providing contracting services within Sudden Valley shall possess a current and valid State of Washington General or Specialty Contractor's License and Bonding, and when requested, provide to the Association proof of such valid license and bond.

Any individual or company making application for new construction, repair or substantial remodeling within Sudden Valley shall provide to the ACC a current and valid State of Washington General Contractor's license, unless owner-built for owner use in accordance with exceptions to state licensing requirements. A Certificate of Insurance evidencing general liability coverage of at least five hundred thousand dollars (\$500,000) shall also be provided.

(a) Any contractor working in Sudden Valley who violates on three (3) or more occasions the Bylaws, Restrictive Covenants or these Rules and Regulations such that his/her actions may be considered flagrant, or is the subject of any criminal or civil action for license violations, breach of trust, fraud or other illegal or unethical activities, may be subject to official censure by the Association's Board of Directors and thereafter limited or denied access to Sudden Valley property.

(b) Any unlicensed contractor or subcontractor found to be performing work for compensation may be prohibited access to Sudden Valley until evidence of such licensure is verified.

(c) SVCA may report to the proper authorities any known or suspected incidence of illegal contracting activity.

**14.4.2 Portable Toilet:** The owner or contractor shall provide on the building lot one temporary portable toilet facility, equivalent in sanitary effectiveness to a "Port-O-Let," placed no closer than five feet from the roadway and in a location least offensive to people in adjoining homes or on the Golf Course. It shall remain in place until such time as the house toilet facilities are operable.

**14.4.3 Trash Removal:** The owner or contractor shall, if requested by SVCA, provide on the building lot an adequate container for the placement of trash. The contractor shall ensure that his/her workers, as well as those of his sub-contractors, make proper use of the container. The contractor or owner shall be responsible for removal and proper disposal of all unwanted construction and clearing debris from the site, and such removal shall coincide with construction. Littering of the job site and adjacent properties with lot-clearing debris or builder's trash, empty bottles and cans, paper wrappers, plastic, etc., is strictly prohibited and subject to notice of violation. Burying trash or organic debris anywhere on the lot is prohibited.

**14.4.4 Speed Limits:** The posted speed limits and all traffic laws must be observed by the builder and the sub-contractors to preserve their privilege of access to Sudden Valley.

**14.4.5 Track-type Vehicles:** Track-type vehicles (with either growser or "street" tracks), concrete pump or bucket truck metal outrigger pads shall not be permitted in direct contact with paved surfaces. Appropriate protection must be placed under the tracks or pads to prevent direct contact.

**14.4.6 Concrete Trucks:** Concrete trucks and pumps shall only be cleaned or washed out onto the jobsite property or other Sudden Valley specified area. Owners shall provide an appropriate area on their lot, and such material shall not be discharged or permitted to flow into any adjacent property or drainage ditch.

**14.4.7 Fire Prevention:** Contractors shall have a fire extinguisher on site at all times. A spark arrestor must be installed on all relevant pieces of equipment used in construction. A viable water supply with an attached  $\frac{3}{4}$  in hose of adequate length must be available at all construction sites at the time of footing and floor elevation inspection.

**14.4.8 Violations:** It shall be the property owner's responsibility to ensure that any contractor performing work on the owner's behalf complies with these rules. Violations of the Restrictive Covenants, these Rules and Regulations, or the Architectural Control Committee Guidelines will be called to the attention of the contractor and property owner, and a fine may be assessed accordingly. The property owner shall receive a Notice of Violation for infractions and shall be responsible for repair of any property damage resulting from actions of the contractor. Any outstanding violations or fines must be resolved or paid before new permits or change requests will be processed for either the contractor or the property owner. The property owner will ultimately be held responsible for any fines assessed.

## 14.5 - SITE AND LOT REQUIREMENTS:

**14.5.1 Property Coverage and Open Space Requirements:** Measurements for determining these percentages shall be measured on a horizontal plane.

(a) Property Coverage Rule - The principle building and accessory structure footprint, inclusive of eave projections and exclusive of driveways and decks, shall occupy no more than thirty-five percent (35%) of the lot.

(b) Open Space Rule - At least fifty percent (50%) of the lot shall be kept free of all structures, including but not limited to all areas covered by weather-tight roof, decks, steps, driveways, hard surfacing and parking areas.

(c) The minimum 50% open space as required herein shall be a continuing obligation. Such space shall be maintained with porous ground cover, and no parking or storage of materials shall be permitted in the open space.

(d) Special rules apply to Cluster lots see section 14.5.8.

**14.5.2 Minimum Setbacks:** Setbacks will be measured from the structure, **including roof projections and decks**. Minimum setbacks for later platted divisions may be more restrictive. See the covenants for that specific division. The Whatcom County Zoning Ordinance (Title 20) shall apply in the event minimum setbacks are greater (more restrictive). Prospective builders are urged to consult County zoning officials prior to site plan preparation. Minimum Sudden Valley setbacks are as follows:

Front - Twenty (20) feet from right-of-way margin.

Rear - Five (5) feet.

Interior Side - Five (5) feet.

Side Yard on a Flanking Street - Twenty (20) feet from right-of-way margin, where feasible.

Stream Buffers - Twenty-five (25) feet wide vegetated buffers shall be maintained between any structure (other than those considered strictly landscaping) and the ordinary high water mark (limit of vegetation) of adjacent perennial streams.

Cluster Lots - Special rules apply to Cluster lots see section 14.5.8.

**14.5.3 Area and Density Regulations:**

(a) No building or structure, nor the enlargement of any building or structure, shall be permitted or located on any lot unless in conformity with these area regulations.

(b) No platted lot now existing or hereafter established shall be subdivided, reduced or diminished in size such that yards, open space or total area be made smaller than the minimum required by these regulations; nor shall any lot or parcel of land that is now smaller than the minimums required by the regulations be further reduced or diminished in size by any grant or action.

**14.5.4 Vision Clearance:**

(a) All corner properties shall maintain a clear triangle at the intersecting street right-of-way. This area shall contain no planting, fence, wall, vehicles, temporary or permanent obstruction exceeding thirty (30) inches in height, measured from the mean grade of the intersecting streets except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of ten (10) feet above the grade.

(b) One angle of this triangle shall be formed by the intersecting street right-of-way. The sides of the triangle measured along the property lines from said angle shall be twenty (20) feet in length. The third side of such triangle shall be a straight line connecting the ends of the two aforementioned lines.

**14.5.5 Driveways:**

(a) Driveways must not intersect streets or thoroughfares within thirty (30) feet of an intersection.

(b) The first five (5) feet of any driveway connecting with an SVCA road shall be paved and flush with the roadway edge, using either asphalt or concrete to reduce "loose rock" damage to SVCA roads and reduce the hazard to two wheeled vehicles.

(c) All driveways where the slope exceeds 10% (i.e. over 6 degrees uphill) must be paved from the edge of the paved right-of-way to the property line or fifteen (15) feet, whichever distance is greater.

(d) Where there is positive grade (uphill) from the street, driveway approaches should be properly configured to prevent storm or domestic water from flowing onto the roadway below by construction of a swale, 4 inch minimum width strip drain or other approved catch basin (see appendix A).

(e) Driveways and keyways shall be constructed to minimum SVCA standards. Minimum driveway width is twelve (12) feet and maximum width is twenty (20) feet (see appendix A).

(f) The maximum driveway slope shall not exceed 50% (26.5 degrees)(see appendix A).

(g) A driveway turn-around may be required in situations with identified safety concerns.

(h) Treated timbers or other suitable edging shall be placed along crushed rock driveways to define access and parking areas and to contain and minimize the scattering of rock. Timbers treated with creosote are not permitted.

**14.5.6 Parking:** Creating or installing additional parking capacity requires prior ACC approval.

(a) Each single-family dwelling shall have a minimum of two (2) parking spaces, at least one of which shall be enclosed in the form of an attached garage.

(b) All garages shall be constructed to allow a minimum of twenty (20) feet of driveway between the garage door and the property line.

(c) Special rules apply to Cluster lots see section 14.5.8.

**14.5.7 Culverts and Ditches:** Grass or rock-lined open ditches shall be preferred over culverts (covered pipe systems), due primarily to the capacity of open ditches to capture runoff from the road surfaces and to provide for the energy dissipation and infiltration of runoff. Culvert installation or extensions require prior ACC approval.

(a) New culvert installations shall be the responsibility of the property owner.

(b) Within SVCA road right of ways, maintenance of properly installed culvert pipes shall be the responsibility of the Association. The abutting property owner is responsible for keeping ditches and ends of culvert pipes clear of debris that could impede water flow. Should replacement or repair of any damaged or improperly installed culvert become necessary, it shall be the responsibility of the abutting property owner to replace or repair said culvert upon notice from the SVCA.

(c) The Drainage System Master Plan for SVCA (Bell-Walker, 1982), together with sound engineering principles, shall be the basis for establishing minimum culvert sizes, specifications, and other requirements for any given application.

(d) In addition, installation of all drainage culverts, culvert extensions and diversions shall be subject to certain minimum standards judged appropriate to the site by SVCA. The culvert pipe shall be corrugated metal, concrete, or double walled ABS pipe. The minimum diameter allowed is 12 inches. Any embankment next to the ends of the pipe shall be sealed or rip rapped to prevent erosion (see appendix A).

(e) A concrete catch basin, type one with cleanout, shall be installed every 40 linear feet of culvert and at any change in the culvert's horizontal or vertical alignment.

**14.5.8 Special Rules for Cluster Lots:** Cluster lots are defined as platted lots that are adjacent to a common platted parking area that usually serves four or more lots.

(a) The thirty-five percent (35%) property coverage limitation shall not apply to cluster lots.

(b) The open space requirement remains at fifty percent (50%); however for purposes of calculating the allowed coverage, the square-foot area corresponding to the undivided interest in the adjacent parking area is included in the calculation to determine the allowed coverage.

(c) However the square-foot area corresponding to the undivided interest in the adjacent parking area used in the calculation can not be greater than  $\frac{1}{2}$  the actual lot size.

(d) Cluster lot, open space calculation method.

Example: For a 3000 sq. ft cluster lot, adjacent to a 4000 sq. ft parking area that serves four cluster lots.

3,000 sq. ft     Cluster lot size

1,000 sq. ft.      $\frac{1}{4}$  undivided interest in 4000 sq. ft. parking area (4000  $\div$  4 but not greater than 3000  $\div$  2)

4,000 sq ft     Total square footage used for calculating 50% rule.

Example: For a 3000 sq. ft cluster lot, adjacent to an 8000 sq. ft parking area that serves four cluster lots. In this example the undivided interest in the parking area calculation is limited by the requirement of subsection (c).

3,000 sq. ft. Cluster lot size  
1,500 sq. ft. ¼ undivided interest in 8000 sq. ft. parking area (8000 ÷ 4 but not greater than 3000 ÷ 2)  
4,500 sq ft Total square footage used for calculating 50% rule.

(e) Cluster lots minimum setbacks – Setbacks will be measured from the structure, **including roof projections and decks**. The setback from the road right of way margin for a cluster lot is twenty (20) feet. When the house is facing the platted parking area and the driveway access is from the platted parking area, a side setback to the road right of way margin of less than 20 feet may be considered. All other setbacks are 5 feet minimum to the eaves. Setbacks for cluster lots not adjacent to the road right of way margin are 5 feet minimum to the eaves on all sides.

(f) Cluster lot parking requirements - Each single-family dwelling shall have a minimum of two (2) parking spaces one (1) of which shall be enclosed in the form of an attached garage. All garages shall be constructed to allow a minimum of twenty (20) feet of driveway between the garage door and the adjacent platted parking area where feasible.

## 14.6 - STRUCTURE REQUIREMENTS:

**14.6.1 Minimum Interior Living Space:** For all new construction, a minimum **finished interior living space** (see definition) of one thousand four hundred (1,400) square feet, exclusive of garages, is required. A minimum footprint, inclusive of garages, of one thousand (1000) square feet is also required. Minimum requirements for later platted divisions may vary according to the covenants for that specific division. Variances to this requirement for special circumstances may be allowed by written request (see section 14.8.12).

**14.6.2 Height Regulations:** Maximum structure height in Divisions one (1) through thirty-four (34) shall be thirty (30) feet under Definition I or twenty (20) feet under Definition II (see appendix B). Height limitations for later platted divisions may vary according to the covenants for that specific division. The owner, upon application, may elect either height definition, but structures shall not exceed the height limits as specified.

**14.6.3 Exterior Finishes:** Exteriors shall be composed of materials compatible to surroundings and in keeping with the Committee purposes and objectives (see sections 13.6 and 13.7).

(a) PAINT COLORS - The use of "subdued" exterior colors that blend into a forested setting is required. Approval of owner selections shall be discretionary with the Committee and shall be limited to specific site applications. Approval of a color in one location does not necessarily mean the color is deemed approved for all locations. Custom colors are approved or disapproved based on other criteria, including possible negative contrast with the streetscape and surrounding areas.

(1) Unless otherwise approved, garage doors and panels are considered part of the body of the house for paint purposes.

(2) Structures found to be in noncompliance with these color guidelines may be required to be repainted immediately following their discovery and notice of noncompliance from the Association.

(b) ROOFING - Roofing materials should be of fire-resistant materials and may consist of asphalt/fiberglass shingles, cement tiles, composites, metal and/or other specialized roofing materials subject to Committee approval. Wood shingles or shakes are not permitted. Type and color choices for all materials shall be submitted to and approved

by the ACC prior to application on any residence, addition or accessory structure. The Committee will not approve a submission for partial re-roofing with a material or color that is different than the existing roof.

(c) SIDING - Siding may consist of wood or wood products, rock and/or brick veneers, vinyl (see appendix C for specifics) and stucco (when combined with other approved siding type). Samples of the proposed material may be requested by the Committee. Approval of any non-conventional material(s) shall be discretionary and may be limited to that specific site.

(1) No asphalt or aluminum materials shall be used or approved for use as siding.

(2) Use of wood and/or composite panel (4x8 or longer sheets) as exterior siding products, i.e. "T-1-11" or equivalent, is subject to the following standards. Panels shall be 5/8-inch minimum thickness for use in "single wall" construction, 3/8-inch minimum thickness for "double wall" (sheathing under) construction.

(3) All horizontal seams shall be covered by minimum 3/4x3-1/2-inch (nominal) tight-knot cedar or equivalent. There shall be no visible "z-metal" flashing at butt seams.

(4) Vertical bats, minimum 3/4-inch x 1-1/2-inch (nominal) size tight-knot cedar or equivalent shall be applied to the exterior on minimum sixteen (16)-inch centers.

(5) Foundation walls shall not exceed and average of 18" of exposed concrete on stepped foundations. No exposed foundation steps shall exceed 24" in height from finish grade to siding. Exposed concrete shall not exceed a maximum of 12" from level finished grades to siding. Foundations that exceed the 18" maximum shall be finished in character consistent with Section 14.9.1(d) of the ACC Guidelines.

(d) MISC. - Metal chimneys, "B-vent" and plumbing stacks that exceed thirty (30) inches in height measured from the lowest point of roof penetration or that extend below the roofline on the exterior sidewall shall be enclosed in an approved box or "chase." That portion that is left exposed shall be painted flat black or brown.

(1) All other exposed metal flashing shall be painted an approved color.

(2) Code-approved spark arrestors MUST be provided on all chimneys connected to wood burning appliances.

**14.6.4 Exterior Lighting:** The purpose of exterior lighting is to make safe movement possible and to enhance aesthetic qualities of the structure and its surroundings. Though there are many needs for exterior lighting in our community, obtrusive aspects of lighting can extend well beyond the boundaries of the area in which the lighting is installed and intended for use. These obtrusive aspects can be effectively controlled or eliminated with carefully considered attention to design, installation and use. General requirements are as follows:

(a) All existing and proposed exterior lighting shall conform to this section. Exterior lighting on new construction must be indicated on submittals to the Committee for approval.

(See Appendix G for some examples of acceptable exterior lighting.)

(b) Exterior accent or safety lighting for residences and commercial development shall be directed downward.

(c) Excessive mounting heights will be discouraged and may be prohibited at the discretion of the Committee.

- (d) Exterior area lighting for residences and commercial development shall not be directed toward neighboring structures.
- (e) Any exterior flood light or spot light type fixtures shall be shielded so that the bulb itself is not directly visible from anywhere other than the owners' property.
- (f) Lights activated by motion detectors shall be adjusted where possible to minimize inadvertent or constant activation by normal adjacent activities.
- (g) Mercury vapor lights will be approved only where deemed appropriate, and they require specific approval by the Committee.
- (h) The number and brightness of exterior lights for use around residences shall not be excessive as determined by the Committee (see subsection i, below).
- (i) Exterior lighting found to be objectionable to neighboring residences or commercial interests may be appealed to the Committee for review. In the event differences cannot be resolved between the parties, the Committee shall act as arbitrator, and its decisions shall be binding.

**14.6.5 Storm Water Drainage:** Storm water drainage resulting from roof, parking and driveway areas shall be diverted into an appropriate drainage system.

- (a) For single-family residences, the storm drainage collected from roofs and driveway areas shall be piped into an on-site drainage retention/detention system which meets the minimum standards established by the SVCA engineer or other applicable public agencies (see appendix D).
- (b) Storm water (including system overflows and sump pumps) shall not be permitted to flow into the sewerage collection system.
- (c) System cleanout sump shall be inspected and cleaned by the owner periodically to ensure proper functioning.
- (d) Those systems found to be faulty or malfunctioning shall be required to be repaired (at the owner's expense) to a level of function applicable to standards in effect at the time of original installation.
- (e) Additions to existing homes, new garages, etc., may require construction, enlargement and/or other modification of a storm water retention system to ensure adequate capacity and function.

**14.6.6 Accessory Structures:** All construction of sheds, storage areas or other accessory structures requires prior ACC approval. Accessory structures shall be attached to the proposed or existing residence, except where attachment is impractical due to topography or other reasons acceptable to the Committee and must meet minimum setback requirements (see section 14.5.2).

- (a) All accessory structures (garage, storage and woodsheds, etc.) shall be consistent with the main structure in terms of architectural character, materials and finishes.
- (b) All outside storage areas must be screened from view of adjacent properties and roads. This includes areas for storage of trash and recycling containers, under decks where such areas are used to store any type of materials, or any area on the lot where materials are being stored.
- (c) Except where otherwise specifically approved, the total area on each lot utilized for such outside storage may not exceed one hundred (100) square feet in area, nor can it reduce in area the required minimum fifty (50) percent open space (see section 14.5.1).

**14.6.7 Propane Tanks:** Installation of propane tanks requires prior ACC approval.

- (a) If intended as fuel for a residence to be constructed, the plans and specifications shall include location of the propane tank on the site plan together with details for tank screening.

(b) Propane tanks will not be allowed in front of the house or on any side of the property facing a street unless they are buried or a variance is given.

(c) Screening may consist of an appropriate enclosure and/or deer resistant vegetation. Solid screening is not recommended. Design and color treatment of the enclosure must have Committee approval. Deer resistant plant materials utilized as screening must be of a perennial, evergreen species of sufficient initial height and fullness to provide complete screening of the tank at the time of final inspection.

(d) Propane tank and screening installations shall meet all federal, state and county regulations.

**14.6.8 Fences:** Construction or installation of fences requires prior ACC approval. The design and concept of Sudden Valley is one that promotes and emphasizes continuity of open space for the benefit of both human and wild animal populations. Unquestionably, anyone's fence will be "shared" by his or her neighbors, even if those neighbors have only to look at the other side of it. An inconsiderately placed fence or hedgerow can box a neighbor in, destroy his view or create (or make worse) any number of other problems in the neighborhood. Applicants are strongly encouraged to notify their neighbors of proposed fences prior to applying to the ACC for approval. In addition to being a neighborly thing to do, this exchange of information may allow for a fence design that can address multiple concerns within a neighborhood. The need for privacy, security, pet enclosures, open space, etc. are concerns of all property owners within Sudden Valley. It is therefore important to keep in mind that the Committee has a variety of needs and concerns to consider when processing an application to construct a fence. Each submittal will be treated on a case by case basis. The decision shall be based on the following criteria:

- Topography of the lot.
- Lot size and shape.
- Intended use, i.e. privacy, protection, animal enclosure.
- Additional considerations specific to the proposal (positive or negative impacts to neighboring properties).
- Aesthetics

**(a) Design Elements and Placement Requirements:** See Appendix E for examples of fence design.

(1) Existing vegetation may not be removed to accommodate any hedge or fence without prior approval; and application for such must be made part of the original request.

(2) No tree shall be used for the attachment or support of any fence of any kind.

(3) Yard perimeter fences are discouraged.

(4) Fences shall not encroach into setback areas (see section 14.5.2) without requesting a variance.

**(b) Living (vegetative) Fences:**

(1) Where there is a desire for privacy between or among adjacent properties, living fences or hedges composed of native evergreens, or a combination of specimen and native plants are encouraged.

(2) Living fences along a property line, whether planted or cultivated using native vegetation, must be approved by the ACC. Such hedges may be planted or cultivated only to the extent that they can be maintained by the applicant property owner and will not encroach onto the neighboring lot nor grow to excessive heights (height limits may be imposed to preserve views enjoyed by adjoining properties).

**(c) Non-vegetative Fences:**

- (1) Solid fencing will be discouraged for most situations within Sudden Valley.
- (2) No non-vegetative residential fence may exceed five (5) feet in height from ground level. Fences on constructed or natural berms shall not exceed five (5) feet, including the height of the berm. Where the lot abuts on a county road, the height limit may be six (6) feet.
- (3) All residential non-vegetative fencing shall be composed of materials and finishes compatible with the principal structure(s) or that would blend with the native background. Approval will depend upon fence style, aesthetic qualities and structural integrity of each individual proposal and with an emphasis on consistency within the local neighborhood area.
- (4) Vegetative screening may be required to break up the outline of the fence from adjacent lots and the street.
- (5) Chain link may be used for pet enclosures (with prior ACC approval) provided it is less than six (6) feet in height and the enclosure is less than one hundred (100) square feet. Vegetative screening **will** be required.
- (6) Underground electric fences are acceptable for pet enclosures and do not require prior ACC approval.
- (7) Fences to protect individual trees or plants from animal damage do not require ACC approval. Green, brown or black wire is encouraged for these fences.

**(d) Privacy Screens:**

- (1) Maximum size of a privacy screen shall be six (6) feet high by eight (8) feet long.
- (2) Solid screens are discouraged.

**(e) Submittal Process:** Fences, hedges, pet enclosures, privacy screens, etc. require prior approval from the ACC. Landscape plans are not to include fencing; separate application must be submitted for fencing requests. **Fence plans are submitted on an individual basis and their approval/disapproval shall not be based on any previous approval or pre-existing fence.** Application forms are available from the SVCA administration office. Applications to the Committee should have the following:

- Name, date, division/lot, street address, mailing address, and phone number.
- Description (including dimensions) of fence or hedge material and design.
- Description of intended use of fence or hedge.
- Submittal of a site plan depicting the location on the lot of the proposed hedge or fence with dimensions of both the fence and the distance from the fence to property line.
- Additional information you would like the Committee to consider.

Written notice of Committee decisions normally is available within five (5) working days after the meeting date.

**14.7 - COURSE OF CONTRUCTION ACTIVITY:**

**14.7.1 Hours of Operation:** Hours designated for construction and construction-related activities on platted lots shall be Monday through Saturday, 8 a.m. to 6 p.m.

- (a) Work crews may begin preparation no earlier than 7:30 a.m. weekdays and 8 a.m. Saturdays.

(b) Sunday, holiday and evening work shall be limited to activities that exclude any and all machinery noise, i.e. chainsaw, excavators, power tools, etc., unless such tool use cannot be detected beyond the boundaries of the lot. Staff shall issue warnings and/or assessments resulting from complaints.

(c) Lawn maintenance equipment may be operated daily, 10:00 a.m. to 7:00 p.m.

**14.7.2 Lot Clearing and Excavation:** It is extremely important that those persons doing the work know in advance what has been agreed upon between the Committee, contractor and property owner, and that all parties are informed of any changes that deviate from the original agreement prior to commencement of excavation.

(a) Approval of final or amended plans by the Committee shall constitute agreement among the parties as to location of the structure on the lot, number and location of trees to be removed/retained, driveway location and other site plan details. Special provisions or conditions made part of the approval shall be specified in the initial or subsequent letter of approval to the owner. **Staff must be contacted beforehand if the excavation/tree removal plan is to be altered in any way.**

(b) Land-defacing and excavating shall be kept to a minimum during and after house construction or addition. Natural growth shall not be disturbed excessively nor unnecessarily. IMPORTANT NOTE -- SEE SECTION 14.9.1(b).

(c) Hauling away and/or shredding branch and stump debris is required.

(d) No outdoor burning is allowed in Sudden Valley except as provided in SVCA Rule and Regulation 1.6 and its sub-regulations found in the Sudden Valley Documents.

(e) Piling of dirt from excavation and rough grading during and after construction shall be done in a manner to avoid damage to trees and other natural foliage, and all such activities must be confined to the lot. **No dirt shall be piled beneath the dripline of any tree.**

(f) Encroachment by machinery or storage of materials on adjoining lots constitutes trespassing and shall not be condoned. Such cases may be subject to Notice of Violation and may be reported to the adjoining lot owner.

(g) Care must be exercised during the clearing of trees and construction to avoid damage to vegetation on adjoining properties. In some cases the ACC may require that the trees be removed in sections to avoid such damage. Broken branches must be properly sawn back to the trunk or main branch.

**14.7.3 Erosion Control: [CRITICAL ENVIRONMENTAL IMPACT ITEM]** An approved and effective silt screening device must be placed in or along any stream, lake, pond, trench, ditch or intermittent channel that drains to a flowing water course.

(a) Such devices shall be composed of materials specifically designed for use in silt retention and shall be properly installed and maintained during construction (see appendix F).

(b) Hay bales may be required as primary filters in addition to or in place of silt fences.

(c) Bales or silt fences shall be in place prior to release of waters from the trench or before excavation commences.

(d) Shredded mulch or hay shall be used to cover areas of exposed soil.

**14.7.4 Inspections:** There are several required inspections by SVCA staff during the construction period. Following 24-hour advance notice by the property owner or his/her designee, Sudden Valley staff will perform on-site inspections prior to the following stages of construction:

(a) SETBACKS AND FLOOR ELEVATIONS - Location of the building on the site and the floor elevations as approved by the ACC will be confirmed by an inspection

when forms have been set but prior to the pouring of concrete foundation footings. Lot boundaries must be clearly marked to allow determination of approved setbacks. Garage and house floor elevations will be evaluated per ACC approved plans. Changes require staff or ACC review.

(b) **STORMWATER SYSTEM** - Design, location and size of the system will be confirmed by inspection after being excavated but prior to filling, covering or enclosing. Systems may be water-tested during final inspection. Consult the ACC office for details of the storm water system inspection process (see appendix D).

(c) **DRIVEWAY** – Driveway configuration will be confirmed by an inspection when forms have been set but prior to pouring the driveway. Refer to driveway design standards section and illustration for more details (see section 14.5.5).

(d) **FINAL** - Inspection for release from Committee jurisdiction will be at the owner or developer's request **prior to occupancy** of the structure and no later than nine (9) months from date of start of construction, unless an extension has been granted. Extensions or variances from this provision must be requested in writing and approved by the ACC. Occupancy prior to final inspection will result in loss of all or part of the construction completion deposit (see section 14.7.6).

**14.7.5 Re-Inspections:** Staff will re-inspect work associated with necessary or recommended changes following initial inspection. Costs for repetition of review, missed appointments or subsequent inspections due to actions of the applicant for foreseeable problems may be reasonably charged to the property owner at a rate of \$35 per hour, including travel time to and from the site (rate subject to change in the future).

**14.7.6 Completion of Construction/Time Limits:** The construction of any single-family detached residence or addition on any platted property in Sudden Valley, the plans for which are approved by the ACC, must begin within ninety (90) days after approval, and the exterior (including exterior finish and minimum landscaping) must be completed no later than nine (9) months after the start date of construction.

(a) Failure to commence construction of any single-family residence within ninety(90) days after ACC approval will require that the plan be re-approved by the ACC.

(b) Consistent progress must be made throughout the construction project. The ACC shall specify to the property owner what constitutes a violation under this section and shall issue a Notice of Violation or Non-Compliance which may result in penalties and/or increased construction deposit requirements.

(c) Failure to complete construction by the nine (9) month deadline can result in penalties up to \$25/day, 6 days a week (see section 14.8.9).

## **14.8 - CONSTRUCTION SUBMITTALS:**

### **14.8.1 Process of Approval for Construction of an Addition or a Detached Single-Family Residence:**

All construction projects undertaken in Sudden Valley are subject to Whatcom County, state and any other applicable permitting requirements. The ACC recommends that property owners contact Whatcom County for information or requirements for their specific project. For all new single-family homes, permit applications may be made with the Association and Whatcom County concurrently; however, ACC approval and verification of a County Building Permit are required prior to construction.

**14.8.2 Construction Application:** The following items must be submitted and/or completed at time of application:

- SVCA Construction Application and Checklist (**must be signed by property owner**).
- Two sets of construction plans.
- Two copies of existing conditions site plan (see 14.8.7 (a)).
- Two copies of proposed construction and landscaping site plan (see 14.8.7 (b)).
- Two copies of cross section elevations drawings see 14.8.7 (c)).
- One copy of specification sheet with paint chips, roof color, siding material and retaining wall materials.
- One copy of the water and sewer availability certificate.
- Copy of licensed survey (see section 14.8.10).
- Written application for variance (see section 14.8.12).
- Application fee (see section 14.8.8).
- Property and building corners must be staked for review.
- Trees to be removed must be flagged (see section 14.10.3c).
- Refundable completion deposit (see section 14.8.9).

**14.8.3 Preliminary Review:** To help property owners and potential property owners in Sudden Valley avoid unnecessary expenses, the ACC will consider partial submittals for unusual or questionable projects (see section 14.8.12). These submittals would be for approval “in concept only” and a complete submittal would be required prior to final approval being granted.

**14.8.4 Submittal Deadline and Completeness:** Plans submitted to the Committee for consideration must be complete as to the content specified below and must be received at least ten (10) working days (excluding holidays) prior to the scheduled meeting of the Committee at which the request is to be considered. Complete submittal can be dropped off at the SVCA administration office or sent to:

SVCA  
4 Clubhouse Circle  
Bellingham, WA 98229  
Attn: ACC

**14.8.5 Other Submittal Requirements:** Any individual or company making application for new construction, repair or substantial remodeling within Sudden Valley shall provide to the ACC:

- (a) A current and valid State of Washington General Contractor's license, unless owner-built for owner use in accordance with exceptions to state licensing requirements (see section 13).
- (b) Certificate of Insurance evidencing general liability coverage of at least five hundred thousand dollars (\$500,000).

**14.8.6 ACC Compliance Review and Disposition:** Whatcom County and SVCA permits are required for all construction activity in Sudden Valley. Both County and Sudden Valley approved plan sets and permits must be consulted during construction to ensure compliance to all regulations and permit conditions. Failure to obtain SVCA authorization to proceed prior to commencement of construction will result in issuance of a Stop Work Order and Notice of Violation to the owner. The Committee shall approve or disapprove accepted plans, specifications and details within thirty (30) days from receipt thereof or shall notify the person submitting them when an additional period of time, not to exceed an additional thirty (30) days, is required for such approval or disapproval. Plans, specifications and details with written Committee approval or disapproval, shall be returned to the person submitting them. At least one (1) copy shall be retained by the Committee for its files.

**14.8.7 Quality and Content of Submittals:** The Committee requires a series of plans and forms to determine if the building project meets all of the Sudden Valley Covenants and Guidelines. All of these plans and forms must be submitted in the detail required for the

building application to be considered. Building documents submitted to the Committee for approval shall be accurate, near as possible to "professional quality" and shall include:

**(a) Existing Conditions Site Plan** using 1/10<sup>th</sup> inch = 1 foot or larger scale depicting:

- The SVCA division, lot and street address;
- Property boundaries including the road right-of way;
- Location of the proposed structure on the lot showing roof line (solid) and wall lines (dashed);
- Proposed setbacks from the property boundaries to eaves;
- Proposed location of walks, decks, patios, and driveway;
- Accurate location of all trees (six inch diameter or larger) on lot indicating species and size.
- Trees that the developer proposes to remove should be so designated;
- Rock outcroppings or other major geological features;
- Abutting wall line of existing homes on adjacent lots;
- Location of water courses, natural drainage areas and standing water;
- Existing lot contour lines shown at two foot vertical intervals;

**(b) Proposed Construction and Landscaping Site Plan:** using 1/10<sup>th</sup> inch = 1 foot or larger scale depicting:

- The SVCA division, lot and street address;
- Property boundaries including the road right-of way;
- Location of the proposed structure on the lot showing roof line (solid) and wall lines (dashed);
- Proposed setbacks from the property boundaries to eaves;
- Proposed finish grade at each wall (expressed as ft. in elevation, consistent with topography);
- Proposed elevation of garage floor (expressed as ft. in elevation, consistent with topography);
- Proposed finished grade contour lines shown at two foot vertical intervals
- Proposed location and composition of walks, decks, patios and driveway;
- Location and details of proposed retaining structures;
- Location of all proposed outdoor lighting;
- Proposed location of utilities;
- Proposed location of accessory structures;
- Proposed location and screening details for propane tanks and trash receptacles;
- Proposed location of storm water retention system, main sump and clean-out (see sec. 14.6.5);
- Locations of water courses and natural drainage areas;
- Proposed placement and description of plant materials, rock, fencing, etc. (see section 14.9);
- Proposed landscaping changes within the road right of-ways shall be included in the plan.

**(c) Cross Section Elevations Drawings** using 1/10<sup>th</sup> inch = 1 foot or larger scale depicting:

- Scaled cross section drawings of the lot and road right-of-way depicting the slope;
- Proposed structure location on the lot, two cross sections may be required on complex slopes;
- Scaled cross section drawings of driveway from the road to the garage with degree of slope indicated;

- Scaled cross section elevations of proposed retaining structures;
- (d) Typical Exterior Building Sections** using 1/4<sup>th</sup> inch = 1 foot or larger scale depicting:
  - All sides of the structure sufficient in detail to show accurate depiction of construction and materials.
  - Proposed finish grade at each wall (expressed as feet in elevation).
- (e) Floor Plans** for all interior living space using 1/4 inch = 1 foot scale.
- (f) Roofing Layout Plan** using 1/4 inch = 1 foot scale.
- (g) Variance Request** as may be applicable, in writing.
- (h) SVCA Application and Checklist Forms** completed with signed statement that documents and site preparation are sufficient to allow adequate review by the Committee.

**14.8.8 Submittal Fees:** A fee based on the total square footage of both finished and unfinished living space shall accompany the submittal of plans for new single-family detached structures and additions. If the additional square footage of an addition project is equal to or greater than the existing structure it will be considered a new home construction project, subject to applicable fee and deposit requirements. Except as stated below, no additional fee shall be required for re-submittal of plans revised in accordance with Committee requirements or recommendations. Any approval for which an extension beyond the 90-day start of construction deadline has been properly obtained, the work on which has not been commenced within one year from the original approval date, shall be considered void. Such plans shall require complete re-application along with the appropriate fees.

Living Space Square Footage	FLAT FEE
1,400-Up (minimum)	\$3500
Additions	\$1.75 per sq. ft of additional living space

Refundable new construction Completion Deposit: \$5000 (see section 14.8.9).  
 Refundable remodel/addition Completion Deposit: \$750 and/or variable deposit based on scope and complexity of project (see section 14.8.9).

Fees paid for plans permanently withdrawn prior to Committee action are refundable up to eighty percent (80%). If prepaid, completion deposit will be totally refunded.

**14.8.9 Completion Deposit:** A completion deposit is required for new home construction projects in an amount to be set by the SVCA Board but not less than \$5000 (cash or cash equivalent). The deposit amount for additions to existing homes is \$750. Deposit is payable by the **property owner** upon plan approval prior to start of construction. In the event the property owner timely completes the improvements and/or landscaping as evidenced by Sudden Valley final inspection and the property owner has complied with all applicable requirements and procedures, the SVCA, upon written request from the property owner, shall promptly return the completion bond or cash deposit and release the project(s) from Committee jurisdiction.

- (a)** The cash deposit shall be for the purpose of ensuring that all improvements, including landscaping, are constructed and completed in accordance with the requirements and procedures set forth in the Architectural Control Guidelines.
- (b)** Deposit may be increased for individuals, either owner or contractor, who have exhibited a record of flagrant and/or consistent rules violation.
- (c)** Non-compliance within the ACC approved time limit, non-approved changes, un-

repaired damage to Sudden Valley property, **occupancy without final inspection** or failure to pay any outstanding fines related to the project may result in the total or partial forfeiture of the deposit.

(d) At the discretion of the SVCA Board, amounts forfeited under the completion deposit provision may be used to rectify problems on the site to the extent allowed by law, but shall not be considered liquidated damages.

**14.8.10 Survey Requirements:** The Committee will require that the site plan as submitted reflects the results of an accurate survey. Therefore, prior to plan submittal, it shall be the responsibility of the developer or his/her designee, to have a licensed surveyor accurately locate the property corners, determine square footage of the lot, map contour lines for the lot at two foot vertical intervals and accurately locate all trees (six inch diameter or larger) on the lot indicating species and size.

(a) Staff shall determine the adequacy of survey information during the pre-meeting site review. Survey stakes shall not be disturbed unnecessarily during construction.

(b) Stakes that are buried or otherwise obliterated shall be reestablished at the owner's expense by a **licensed surveyor** upon completion of the home and prior to final inspection.

**14.8.11 Pre-Meeting Site Preparation:** For staff inspection prior to the Committee meeting at which the project is to be considered, **corners of the proposed structure shall be staked**, house corners in red, decks in blue. Trees designated for removal shall be marked on site using red or yellow surveyors tape and shall be consistent with those noted on the site plan submitted. Such preparation must be completed at time of submittal.

**14.8.12 Variances:** It is realized that, with the passage of time, these guidelines may change in keeping with updated building materials technology, methods of construction and style or architectural concepts.

(a) The Committee may allow reasonable variances and adjustments of these restrictions in order to overcome practical difficulties and to prevent unnecessary hardships in the application of the provisions contained herein; provided that such is done in conformity with the intent and purposes hereof and that in every instance such variances or adjustments will not be materially detrimental nor injurious to other properties or improvements in the neighborhood, the unit or subdivision (see section 14.8.3).

(b) Requests for a variance must be made in writing to the ACC.

**14.9 - LANDSCAPING:** Any landscaping that significantly alters the appearance of a property requires prior ACC approval. Because well designed and maintained landscaping increases both individual and community property values, the Committee requires certain minimum landscaping standards for all developed property in Sudden Valley. These guidelines attempt to integrate the aesthetics of the site with the natural environment, protect native features and provide for adequate soil stability. The SVCA shall specify to the resident what constitutes a violation under this section and shall issue a Notice of Violation or Non-Compliance in accordance with the Covenants, Rules and Regulations and these Guidelines.

**14.9.1 Landscape Guidelines:**

(a) Existing native vegetation shall be utilized to the greatest extent possible when formulating the landscape plan (provided it is healthy and suitable for the site).

Therefore, buildings, driveways and parking areas shall be planned or arranged to

provide for the minimum removal of such vegetation both on the lot and in the road right-of-ways.

(b) Preserved trees on the lot and in the road right-of-ways shall be protected from damaging construction activities by placement of no-entry barriers around the tree at the dripline. Such damage can result from a variety of activities, both physical and environmental. Owners may be assessed for unauthorized tree limbing/removal when trees are damaged or destroyed by such activities and where there is sufficient evidence of negligence in protecting such trees (see section 14.10).

(c) All cuts and fill slopes on developed lots greater than 2:1 (horizontal:vertical) in slope that are judged by staff or the ACC to be unstable, whether they are pre-existing, created by driveway cuts or other general lot excavation, must be corrected by the construction of retaining walls or grading plans meeting the approval of the Committee. Cuts and fill slopes of less than 2:1 (H:V) shall, at the minimum, require planting with suitable plant material or employment of other methods to maintain soils in place and such erosion prevention measures shall be employed throughout construction (see section 14.7.2).

(d) Retaining walls shall be composed of materials that are consistent or harmonious with other site elements and the residence. Cinderblock walls and plain concrete walls (non-exposed aggregate type) will not be approved without the inclusion of wood screening or vegetation. Other structures shall be built using materials that are rated, graded or stamped for use in contact with the ground.

(e) All construction and landscaping debris, slash, removed stumps, brush and trees must be removed from the lot. That which is usable (i.e. firewood) shall be neatly stacked and stored.

(f) All disturbed soils must be graded, smoothed and compacted where necessary to prevent erosion. Bare earth must be seeded, covered with mulch or planted with trees or ground covering plants in order to counteract erosion and provide for aesthetics.

(g) To enhance groundwater infiltration, plastic under landscaped surfaces is prohibited. Only porous landscape fabrics or specialized matting materials may be utilized.

(h) On sites where the majority of mature native trees require removal for even minimum construction, such trees may be required to be replaced by a tree(s) at a suitable location upon the lot, and the replacement of such trees may be required by the Committee as a condition of approval for the home submittal.

(i) Treated timbers or other suitable edging shall be placed along crushed rock driveways to define access and parking areas and to contain and minimize the scattering of rock. Timbers treated with creosote are not permitted.

(j) Any proposed landscaping in the road right of ways shall be done at the abutting property owners' risk and if approved by the Committee, shall be maintained by the abutting property owner. Road right of ways remain SVCA property and use of such right of ways shall remain available for any SVCA member. Improvements may be removed without notice by SVCA for access to utilities, etc. In addition SVCA may require an encroachment agreement.

**14.9.2 Landscape Plan Submittal:** Any proposed landscaping that requires tree removal, significant removal of native vegetation, re-shaping or grading of soil, retaining walls, etc. requires prior ACC approval. Landscape plans are considered on an individual basis and their approval/disapproval shall not be based on any previous approval or pre-existing landscape plan. Submittal should include the following information:

(a) Application with name, date, division/lot, street address, mailing address, phone number.

(b) Submittal of a site plan including:

- Location of all structures, driveway, trees, etc.
- Trees proposed for removal clearly identified (see Section 14.10).
- Location and dimensions of retaining walls.
- Proposed landscaped areas clearly marked.
- Proposed changes within road right-of-ways.

(c) Narrative describing landscape proposal including tree, vegetation and material descriptions, drainage concerns and any additional considerations you would like the Committee to consider.

**14.10 - TREE REMOVAL AND LIMBING:** Other than routine maintenance of lawns and specimen plants, no trees, shrubs, bushes nor other native growth shall be cut or removed from any property without the written approval of the Committee or their designee and all plans for such removal shall be submitted in writing to the Committee (see section 14.10.3).

#### **14.10.1 Tree Removal and Limbing Policies:**

(a) Protection and preservation of property values may be accomplished by appropriate control of growth of trees, shrubs and naturally occurring vegetation; however, such actions shall be weighed against preservation of wildlife, protection of soil stability, water quality and related aspects of drainage, and adherence to the overall concept of Sudden Valley, which includes protection of the natural beauty of the area.

(b) Authorization from the ACC Officer must be received prior to the mechanical clearing of any property in Sudden Valley (see section 14.7.2).

(c) The ACC shall have the authority to approve or disapprove tree removal/limbing requests on commercial and condominium tracts and platted lots. The SVCA Board shall, upon recommendation from the ACC, make final determinations on common areas (parks, nature trails, the recreation corridor, the marina, permanently restricted Sudden Valley Owned lots and the golf course). SVCA staff shall make determinations for trees on the right-of-ways.

(d) Topping of mature evergreen trees is recognized by the National Arborists Association as injurious to the health of the tree. SVCA will therefore require identification of alternative remedies and shall consider topping of trees as the least acceptable of such alternatives.

(e) To allow neighbors notice whenever tree removals or limbing might affect them directly, trees to be limbed or removed must be ribboned at least one week in advance of the meeting (except in cases of hazard trees).

(f) If the tree removal or limbing contemplated is to occur on a lot not belonging to the applicant, written consent of the owner(s) is required. Except in cases where action was taken to mitigate a hazard, removal of debris will be the responsibility of the applicant requesting the limbing/removal.

(g) The ACC may require replacement with an acceptable tree or trees as a condition of approval of tree limbing/removal.

(h) Care must be exercised during clearing of trees to avoid damage to surrounding vegetation. In some cases the ACC may require that the trees be removed in sections to avoid such damage. Broken branches on adjoining trees must be properly sawn back to the trunk or main branch.

(i) A tree request denied by the ACC may be reconsidered if the tree and/or surrounding conditions have significantly changed or the applicant provides the Committee with a written report from a certified Arborist.

(j) It is extremely important that those persons doing the work know in advance what has been agreed upon between the Committee, contractor and property owner, and that all parties are informed of any changes that deviate from the original request and/or agreement prior to commencement of any tree removal.

**14.10.2 Tree Removal and Limbing Criteria:** In addition to the policies outlined in section 14.10.1 many additional criteria are used in evaluating requests for tree removals or limbing. These include, among others:

(a) Immediate safety concerns including trunk and/or branch failure potential.

(b) Fire prevention such as trees overhanging roofs or near chimneys.

(c) Future safety concerns such as retaining a solitary tree in a cleared area (orphan) or retaining a leaning or oddly shaped tree on the edge of a cleared area or next to a roadway.

(d) Encroachments where trunk, branches or roots would be or are in contact with main or accessory structure(s) or where utilities would unavoidably cut through root system.

(e) Health of the tree and/or those adjacent where there are obvious signs of infestation, incurable disease or stress that likely would lead to early or premature death or trunk/root failure.

(f) Maintenance of property values where vegetation has been allowed to grow unchecked and now poses aesthetic concerns for neighbors.

(g) Creation or maintenance of view corridors where new vegetation has grown unchecked and now obstructs views once enjoyed by the lot owner or neighboring lot owners.

(h) Consideration of privacy concerns where a request is made to remove or limb a tree that might substantially reduce existing and highly valued screening between neighboring properties.

(i) Prevailing wind direction.

(j) Specific characteristics of different tree species.

**14.10.3 Tree Removal and Limbing Submittal:** All proposed tree removal or limbing requires prior ACC approval. Proposed tree removal and limbing requests are considered on an individual basis and their approval/disapproval shall not be based on any previous approval. Application forms are available from the SVCA administration office. Applications will be considered by the Committee subject to the following:

(a) Application to include name, date, division/lot, street address, mailing address, phone number.

(b) Submittal of a site plan depicting the following:

- Location of all existing structures, driveway, trees, etc.

- Trees proposed for removal clearly identified on the site plan.

(c) Trees proposed for removal are flagged on property (**IMPORTANT: Do not use paint!**) [see section 14.10.1(e)].

(d) Narrative describing request, reasons for the removal or limbing and any additional considerations you would like the Committee to consider.

Written notice of Committee decisions normally is available within five (5) working days after the meeting date.

**14.11 - PROPERTY MAINTENANCE:** The SVCA shall specify to the resident what constitutes a violation under this section and shall issue a Notice of Violation or Non-Compliance in accordance with the Covenants, Rules and Regulations and these Guidelines.

**14.11.1 Developed Property:** All developed property, whether occupied or unoccupied, and all improvements (buildings, accessory structures, fences, etc.) and landscaping shall at all times be maintained in such a manner as to prevent their becoming unsightly due, but not limited to: deteriorating exterior materials and finish(es) (siding, roofing, decks, paint, etc.), unchecked growth of common or invasive weeds, accumulation of rubbish or improper outside storage.

**14.11.2 Tree and Brush Maintenance:** All property owners shall be responsible for the removal and clean up of dead or hazardous trees, limbs and dead brush on their property (see section 14.10). Spread of fire, especially on undeveloped lots, is a significant danger.

**14.11.3 Storm Water Control:** Gutters, downspouts and the storm water retention system shall be maintained so as to function correctly. The storm water retention system clean out should be emptied of debris at least annually (see section 14.6.5).

**14.11.4 Street Address:** The street address shall be kept clearly visible for all developed property within Sudden Valley (see section 15.2).

**14.11.5 Exterior Storage:** All outside storage areas must be screened from view of adjacent properties and roads. This includes areas for storage of trash and recycling containers, under decks where such areas are used to store any type of materials, or any area on the lot where materials are being stored.

**14.11.6 Replacement of Damaged Structures:** No improvement which has been partially or totally destroyed by fire, earthquake or other means shall be allowed to remain in such state beyond the minimum time period necessary to secure inspections and permits allowing removal of the debris or to begin repair of the structure. In no event shall this period exceed four (4) months from the date of such destruction or loss unless it can be shown that such delay is beyond the control of the owner. If a damaged structure is to be rebuilt or replaced, all requirements for approval of plans by the Committee, time limits for completion and other rules as specified elsewhere in these Guidelines shall apply.

**14.12 - DEFINITIONS:** The following definitions shall apply for reference in Sudden Valley guidelines, rules and regulations:

**14.12.1 Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

**14.12.2 Adult:** Any individual 18 years of age or older unless otherwise specified.

**14.12.3 A-Frame:** A structure whose roof members bear on the ground and carry most or all of the structure's vertical loads to the footings OR whose shape resembles a capital A.

**14.12.4 Attached:** A structure having all or part of one or more walls common to the dwelling, or a method of attachment approved by the Committee.

**14.12.5 Back Fill:** To place earth or selected material in any excavated void.

**14.12.6 Buffer Area:** An undisturbed, vegetated zone that separates manmade structures or activities from natural areas with functional value, usually creeks and wetlands.

**14.12.7 Building Area:** The total ground area occupied by each building and accessory buildings but not including uncovered entrance platforms, terraces, steps and decks.

**14.12.8 Building Site:** The area surrounding the exterior of any structure extending a distance of ten (10) feet from such structure, except when the structure is less than ten (10) feet from the lot line, in which event the lot line shall define the edge of the building site.

**14.12.9 Detached:** A structure not having all or part of one or more walls common to the dwelling or to a covered porch attached to the dwelling. A structure that is surrounded by open space.

**14.12.10 Easement:** A vested or acquired right to use land other than as a tenant, for specific purpose, such right being held by someone other than the owner who holds title to the land.

**14.12.11 Established Datum Point (elevation):** Point of vertical elevation expressed in feet, which is used to calculate building height, driveway grade and floor elevations. Information provided can be actual (e.g. feet above mean sea level) or relative to a fixed point, conventionally shown as 100 feet (such that downgrade points are not negative numbers).

**14.12.12 Finished Grade:** The lowest point of the finished surface of the ground, paving or sidewalk within the area between the wall of the building and property line or, when the property line is more than five (5) feet from the wall of the building, between the wall of the building and a line five (5) feet out from the wall of the building.

**14.12.13 Floor Area:** The total area of all stories or floors finished as living accommodations.

**14.12.14 Height, Building - Either:** (see appendix B)

- (a) The vertical distance from the finished grade (see definition) to the highest point of the coping of a flat roof or the peak of the highest gable of the pitch or hip roof; or
- (b) The vertical distance measured from the highest point on the building site (see definition) to the highest point of the coping of a flat roof or the peak of the highest gable of a pitch or hip roof.

**14.12.15 Improved Lot:** A platted lot on which presently exists a detached single-family home or upon which construction of such a detached single-family home has commenced (see section 14.12.24).

**14.12.16 Interior Living Space:** The total area of all finished rooms within a structure (measured according to typical building trade conventions).

**14.12.17 Lot Line:** A boundary line of a lot or parcel.

- (a) Front: The property line separating any interior lot from a street right-of-way. In case of a corner or through lot, the owner may elect any lot line abutting on a street as the front lot line, provided such choice in the opinion of the Committee, will not be detrimental to existing or future development of adjacent properties.
- (b) Rear: All lot lines that do not qualify as either front or side lot lines.
- (c) Side: The two (2) lot lines marking the side limits of the lot and that intersect the front and rear lot lines. The side lot line may intersect the front lot line at any angle and may be of any length.

**14.12.18 Lots**

- (a) Corner Lot: A lot that abuts on two (2) or more intersecting streets.
- (b) Interior Lot: A lot that fronts on one (1) street.
- (c) Through Lot: A lot, other than a corner lot, that abuts on more than one (1) street.

**14.12.19 Maintenance and Repair:** General upkeep, necessary removal, replacement or repair of any existing structural component, surface finish, non-native landscape element, etc., by methods considered conventional in the terms of the trade. Replacement with the same or nearly identical materials, colors and textures.

**14.12.20 Manufactured Home:** A structure built off-site that has a welded steel underframe and is transported wholly or in sections to the site on its own axles or by trailer.

**14.12.21 Open Space:** Unoccupied land that is open to the sky and that may include certain landscaping structures, i.e. retaining walls, planters, etc.

**14.12.22 Parking Space:** An area measuring ten (10) feet by twenty (20) feet, exclusive of all area used for maneuvering, which is used exclusively for motor vehicle parking.

**14.12.23 Start Date of Construction:** The date on which vegetation, trees, ground cover, etc., are removed and/or excavation is commenced for construction of or addition to a commercial building, single-family home or condominium, or a structure accessory thereto.

**14.12.24 Topography:** The increase or decrease in elevation above or below the Established Datum Point expressed by lines of contour on a site plan. Slope is depicted by contour interval lines at each point where grade changes up or down by two (2) vertical feet of elevation.

**14.12.25 Variance:** A modification of the terms of these regulations that may be granted because of the unusual shape, excessive slope or other extraordinary situations or conditions in connection with a specific piece of property when the literal enforcement of these requirements would involve practical difficulties and cause undue hardships unnecessary to carry out the spirit and intent of these requirements.

## **15. ACC GUIDELINES FOR SIGNS ON PLATTED LOTS:**

**15.1 - GENERAL:** One permanent identification sign shall be permitted on each lot, not more than one (1) square foot in size, stained a natural color with wooden or metal letters or numbers that may depict the name of the owner and the street address. **Signs may NOT be attached to trees.**

**15.2 - ADDRESS:** All homes shall have a street address number posted on the structure or adjacent to the access, and such street address number must be visible from the main street.

**15.3 - FOR SALE AND FOR RENT SIGNS:** Sudden Valley owners wishing to display their lots for sale or for rent may do so provided that only one such sign as described below (see section 15.3.1) may be posted on each lot. No other information materials shall be placed outside the residence other than that which can be contained within an approximate 9-by-12-inch plastic box equivalent to the IDC Inc. "Info Center." **Signs may NOT be attached to trees.**

**15.3.1 --** Signs may be purchased from the SVCA Administration Office that display the Sudden Valley logo, list the Division and Lot number, the name of the property owner or contact person (if desired), and a telephone number. These signs may be posted no closer than five (5) feet from the edge of the asphalt of an adjoining SVCA road.

**15.3.2 --** Owners of multiple lots for sale may contract for the manufacture of such signs, rather than ordering them from the SVCA, provided such signs are made of wood and are accurate facsimiles in terms of size, coloring, logo and lettering. Owners or agents may re-use signs by changing the information, provided that the lettering is consistent in style, color and size with those produced by SVCA.

**15.4 - OPEN HOUSE SIGNS:** Portable open house signs may be placed that direct people to a particular home for sale. Only one such sign for each open house shall be permitted at any one street intersection. The owner(s) or qualified sales agent must be present at the open house during any period when such signs are in place.

**15.5 - CONSTRUCTION SIGNS:** During construction or landscaping, a sign not to exceed four (4) square feet in size may be placed on the property where the work is being done. The sign shall contain the name; address and telephone number of the contractor and shall be of a style and character that

does not diminish the aesthetics of the surrounding area as determined by the Committee. The sign must be removed from the site within ten (10) days following completion of the work and/or final inspection of the structure by ACC staff. The property owner may be subject to fines for failure to remove any sign following the ten (10)-day period.

**15.6 - OTHER SIGNS:** Permission must be obtained from SVCA Security prior to posting any type of temporary flyer, including garage sale or directional signs. Where specifically permitted, such signs may not be affixed to trees or to traffic signs and may not be posted prior to the day of the sale or event, and must be removed promptly (the same day) after the sale or event concludes.

## **16. ENFORCEMENT:**

**16.1 - GENERAL:** Management and staff designated by management of SVCA shall enforce the provisions of the Articles of Incorporation, Covenants, By-laws and Rules and Regulations of SVCA. A staff member shall be empowered to issue written warnings and Notices of Violation to SVCA members, their family, guests, tenants, invitees and agents.

**16.2 - APPEALS:** The issuance of a Notice of Violation, fine or any other provision of the notice may be appealed to the SVCA Board of Directors for redress per the following guidelines:

**16.2.1** A written request for appeal must be received by SVCA within thirty (30) calendar days following the date of the Notice of Violation. Notice of SVCA's receipt of such appeal request shall be mailed to the appellant along with information regarding the Appeals Committee schedule. SVCA shall allow twenty (20) days notice to the appellant prior to the scheduled hearing.

**16.2.2** An Appeals Committee of the Board will convene monthly before the regular Board meeting in order to hear appeals. The appellant may attend and offer verbal testimony, written explanation and any other pertinent evidence for consideration. The decision of the Committee will be mailed or otherwise made known to the appellant within thirty (30) calendar days following the hearing.

**16.2.3** The Appeals Committee rulings may be overturned or modified only by resolution of the SVCA Board of Directors.

**16.3 - COURT RELIEF:** The rights and privileges of any person to resort to State or Federal courts for relief from the appeals decision shall not be abridged by any provisions of the SVCA Articles of Incorporation, Covenants, By-laws or the Rules and Regulations.

**16.3.1** All proceedings under these Rules and Regulations are administrative and in accord with protection of property rights of SVCA members and shall not be considered res judicata if the matter is later tried in a State or Federal court.

**16.3.2** Invalidation of any one of these Rules or Regulations by judgment or court order shall in no way affect any of the other Rules or Regulations, which shall remain in full force and effect.

## **17. SCHEDULE OF FINES FOR NOTICES OF VIOLATIONS –**

*Note: All fees and/or fines are subject to change. Please contact SVCA staff for updates.*

### **17.1 Traffic and Vehicles -**

**17.1.1 A \$40 fine shall be assessed for the first time violation of the following:**

- (a) Improper turn.
- (b) Parking in a restricted zone.

- (c) No flag/Excess length or width.
- (d) Failure to obey stop sign.
- (e) Improper passing.
- (f) Failure to yield right of way.
- (g) Failure to yield to pedestrians.
- (h) Driving without proper lights.
- (i) Improper backing.
- (j) Failure to signal for a turn.
- (k) Obstructing traffic.
- (l) Wrong way on one-way street.
- (m) Loose truckloads.
- (n) Driving to the left of center.
- (o) Failure to yield to lights and/or siren.

**17.1.2 A \$100 fine shall be assessed for the following:**

- (a) Overloaded truck.
- (b) Endangering life or safety of work crews.
- (c) Track Vehicle on Roadway, per 14.5.5 ACC Guidelines: \$100 fine, plus the cost of repairing the roadway.

**17.1.3 Fines for speeding -**

- (a) 1 to 10 mph over posted limit, first offense: \$40
- (b) 11 to 15 mph over posted limit, first offense: \$75
- (c) 16 to 25 mph over posted limit, first offense: \$125
- (d) 26 mph and over posted limit, first offense: \$200
- (e) Failure to stop for lights and/or siren: Applicable fines plus \$200
- (f) Speeding near a school bus stop when children are present: Double speeding fine.
- (g) Reckless driving: \$200
- (h) Driving too fast for conditions: \$40

**17.1.4 Repeat offenses of Section 17.1.1 - 17.1.3:**

- (a) Second violation: Double the initial fine.
- (b) Third violation: Triple the initial fine, possible loss of Sudden Valley driving privileges.

**17.1.5 Trespassing on the Golf Course, Marina Moorage Area, and other off-limits areas:**

Fines per Section 17.11.

**17.1.6 Improper storage of recreational vehicles - Fines per section 17.11.**

**17.2. Vandalism-**

**17.2.1 Fines for vandalism to Sudden Valley property:**

- (a) Up to \$500 for the first offense, plus reimbursement of costs for repairing damaged property, and possible criminal prosecution.
- (b) Up to \$2,000 for the second or any subsequent offense, plus reimbursement of costs of repairing damaged property, and possible criminal prosecution.

**17.2.2 Violation of open burning regulations -**

- (a) Commercial or Contractor/Land clearing:

- (1) First violation: \$250\*
- (2) Second violation: \$1,000\*
- (b) Residential/Burning other than approved recreational fire:
  - (1) First violation: \$100\*
  - (2) Second violation: \$200\*
  - (3) Third violation: \$1,000\*

\*Plus referral to North West Clean Air Agency and County Fire Marshal.

### **17.3 Firearms Violations -**

**17.3.1. Any use or display of firearms within Sudden Valley** intended to threaten or intimidate a resident, guest, worker, or other person who is lawfully on any property shall immediately be reported to the County Sheriff.

**17.3.2 Improper use of firearms** (See 1.3.1 for definition):

- (a) Up to \$1,000 for the first offense.
- (b) Subsequent violations will be referred to the County Sheriff.

### **17.4 Pet Regulations (Section 6) -**

**17.4.1 Fines for violation of pet regulations (per animal):**

- (a) First violation: written warning or \$50
- (b) Second violation: \$75
- (c) Third violation: \$100
- (d) Subsequent violations: \$200
- (e) Fail to pick up after pet: \$40

### **17.5 Boat Launching -**

**17.5.1 Launching a trailered boat anywhere in Sudden Valley outside of approved launch Facility:** \$100

**17.5.2 Launching a boat anywhere in Sudden Valley without having paid the required SVCA Use Fee:** \$100

### **17.6 ACC Tree/Vegetation Violations (Section 14) -**

**17.6.1 Cutting/limbing trees on owner's property without prior ACC approval:**

A fine not to exceed \$2,000 per tree.

**17.6.2 Cutting/limbing trees on another owner's property without prior ACC and the owner's approval:** A fine not to exceed \$5,000 per tree.

**17.6.3 Cutting/limbing trees after a request for such has been denied by the ACC:** A fine not to exceed \$7,500 per tree.

**17.6.4** Following disposition of a Notice of Violation for unauthorized limbing/tree removal, further violations by the property owner or his/her agent shall be subject to double the fine amounts as listed above.

**17.6.5 Damage to unapproved trees during approved construction project:** Up to \$1,000 per tree and possible replanting of additional conifers.

**17.7 Stop Work Orders (AC Guidelines):** \$200 for issuance.

**17.7.1 Disregard ACC Stop Work Order:** Up to \$200 per day.

**17.7.2 Failure to notify SVCA for required ACC inspections -**

- (a) First Violation of this section: \$200

- (b) Subsequent violations of this section: \$500
- (c) Occupancy prior to final inspection: \$300, plus possible forfeiture of the completion deposit.
- (d) Starting New Construction project without obtaining authorization to proceed and required tree removal permit: \$1,000

**17.8 Exceeding the nine month construction time limit:** \$500 and \$50 per day, excluding Sundays and holidays.

**17.9 Violation of Rules and Regulations - Section 2.1, Bylaws Article VI Section 7 (leasing):**

- (a) Duplex or excessive occupancy: \$25 per day
- (b) Failure to provide tenant information: \$10 per day

**17.10 Violation of Hours of Operations – See Section 17.11.**

**17.11 Fines for violation of Covenants, Bylaws, Rules and Regulations, or ACC guidelines not specifically stated in this document -**

- (a) First violation: \$100
- (b) Second violation: \$200
- (c) Third violation: \$500

**17.12 Erosion Control: Failure to implement proper Best Management Practices (BMPs) -**

- (a) First violation: \$200 and clean up of affected areas.
- (b) Second Violation: \$500 and clean up of affected areas.
- (c) Additional Violations: \$1,000 per day until corrected and clean up of affected areas.

**17.13 Cleaning/Emptying of Concrete Trucks or Pump Trucks on SVCA Property, per ACC Guideline 14.4.6 -**

- (a) First Violation: \$1,000
- (b) Second Violation: \$2,000
- (c) Third Violation: \$2,000 and possible expulsion from Sudden Valley for one year.
- (d) Accidental dumping of concrete on roadway: \$200 and costs of removal, clean up, and resurfacing of affected roadway(s).

**17.14 Obstructing an officer or representative of Sudden Valley -**

- (a) Obstructing an officer or representative: \$100
- (b) Refusal to furnish accurate information and/or lying to avoid penalty or responsibility: \$100
- (c) Threatening an officer or representative of Sudden Valley: \$1,000
- (d) Physical aggression toward an officer or representative of Sudden Valley: \$5,000 plus criminal charges.

**Please see Appendix L for Security Fines and Fee Schedule**

**Please see Appendix M for Architectural Control Fines and Fee Schedule**