

**PROPOSED AMENDMENTS to RBHOA Policy Resolution P04-05
RUNAWAY BAY HOMEOWNERS ASSOCIATION
Architectural and Community Standards Handbook**

Landscaping Plan Requirements:

Under Section V. RUNAWAY BAY Architectural Standards, pages 6-7
Under Landscaping Plan amend the current paragraph as follows:

“No later than three (3) months prior to planned occupancy, the property owner will develop a landscaping plan denoting foundation plantings and specific areas of the lot that will be cleared and/or graded to permit plantings or installing landscape architectural features. The purpose of this plan is to resolve tree removal issues not incidental to home, septic, well or driveway construction. This plan must be approved by the ARC prior to any additional tree removal, grading or earth removal. The landscape plan should be explained in sufficient detail so that the overall aesthetic context of the proposed improvement may be assessed. *Specification of intended types of plants/trees is not required. Caution is recommended if considering planting maple, elm, ash, sycamore, or willow trees in proximity to septic fields.* The property owner shall have six months to implement the landscape plan following the date of the Certificate of Occupancy is issued. Petitions for extension based on sound justification will be considered by the ARC.”

Member comment: One minor suggestion concerns the line that states that the Landscaping plan must be implemented within 6 months of the date of the certificate of occupancy. If an owner gets a certificate of occupancy in the fall it might not be possible to complete landscaping within 6 months. My understanding is that fall and spring are the two best times for planting. If someone gets a certificate of occupancy in October, the 6 month time frame might be impossible to meet if some significant spring plantings are required.

ARC response: The time requirement was in the standards as originally approved in 2004. Recognizing your point that seasonal timing, both in terms of weather and plant availability, make planting impractical in the middle of February, the ARC has historically taken a "reasonable man" approach to the implementation of the landscaping plan. However, a property owner knows that the requirement is out there for spring action. Additionally, a property owner may wish to carry out their plan in increments. Both situations are acceptable as long as progress gets underway as soon as reasonably practical. The time limitation in the standards gives the ARC a basis for requesting the property owner's attention to the issue, if necessary. It defines a specific deadline rather than using a less defined term such as "spring".

Driveway and culvert installation not associated with immediate construction:

Under Section V. RUNAWAY BAY Architectural Standards, page 7

Part 1. New Home Construction

Under Driveways before the current paragraph

“No driveway or vehicle access way, including the installation of a drain culvert, shall be constructed on any lot without prior written approval by the Architectural Review Committee of a house construction plan. Justified written exceptions for installation absent an approved house construction plan will be considered on a case-by-case basis.”

No member comments received.

Property Maintenance

Under Section VII. RUNAWAY BAY Community Standards, page 20

Under Property Maintenance, revise the second paragraph to insert the words “ground cover” in place of the word “lawns.” This change recognizes that not all members wish to plant and maintain a formal lawn as opposed to more natural growth.

No member comments received.

Vegetation and tree clearing not associated with construction:

Under Section VII. RUNAWAY BAY Community Standards, page 21

Under Tree Removal insert before the current paragraphs:

“Prior to approval of a house construction plan, no living tree of any species in excess of six inches in diameter at ground level is to be removed without the express approval of the Architectural Review Committee. Requests for removal of live trees should be submitted with justification as to trees proposed for removal and those specific trees will be marked.

While property owners are encouraged to maintain the appearance of their lots, clearing should be approached with caution to avoid erosion. General clearing of brush not associated with house construction which will not leave sufficient cover to hold the soil (defined as three or more inches of remaining live vegetation) must be submitted for approval by the Architectural Review Committee, including justification for the clearing, a description of the work to be done, the start and end dates of the effort, and photographs of the area to be cleared. The Architectural Review Committee may require a property owner undertaking such clearing to install silt fencing.”

Add to the existing first paragraph: “With regard to approved house construction plans, ...”

At the end of the Tree Removal section, add the following paragraph: “Property owners should bear in mind that property below the 620 foot elevation is controlled by American Electric Power and AEP monitors the shoreline vegetation closely. No tree or brush removal or tree trimming below the 620 foot line should be undertaken without first seeking approval from AEP.”

Member comment: It is not clear to me that the additional first sentence under tree removal is necessary. The standards currently say: "Except within 20 feet of the main dwelling, no live trees of any kind in excess of 6 inches in diameter at ground level may be removed from any lot without prior approval of the ARC."

Prior to construction plan, there is no dwelling or plan for dwelling, so no trees in excess of 6" may be removed without ARC approval. I don't suppose it hurts anything to put the new sentence in, but I don't think it is necessary.

Tree removal insertion: Add "at the ground level" after "six inches in diameter" to be consistent with existing language.

Paragraph at end of Tree Removal Section: Change "Appalachian Electric Power" to "American Electric Power".

Appalachian Power Company, which operates the project, is a subsidiary of American Electric Power.

ARC response: I understand your point on apparent redundancy. However, the existing language seems to imply that it is addressing only tree removal after a house has been built. Granted that the theme throughout the document is minimizing tree removal, the idea behind the change was to make clear that the requirement for ARC approval also applies to unimproved property prior to any construction. We've already had one case of excessive clearing with no house plan in sight. "...at ground level" has been added as suggested.

Corrections regarding AEP (American Electric Power and control vice ownership) and are noted and have been made above.

Construction plan submission requirement:

Under Attachment A, Runaway Bay New Home Construction Plan Approval Request, page A-1, Checklist, amend paragraph 1.a. to require one vice two Complete Sets of Construction Plans.

No member comments received.