

Design Guidelines  
East Meadows Subdivision  
Kirkwood, CA  
July 2006, revised December 2008, revised April 2009

**DESIGN GUIDELINES  
EAST MEADOWS  
SUBDIVISION  
KIRKWOOD, CA**

**July, 2006  
Revised December 2008  
Revised April 2009**

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## **Introduction**

Extensive ecological and environmental planning went into the East Meadows Subdivision design so that you may enjoy this unique residential resort secure in the knowledge that its natural beauty will be protected.

In the planning and development process, the developers of East Meadows Subdivision anticipated that homes would be designed and constructed by individuals from varied backgrounds with different goals and attitudes. Therefore, together with the minimum design and use requirements set forth in the Declaration of Covenants, Conditions and Restrictions (CC&Rs), the developer provided for the creation of a Design Guidelines document and the appointment of an Architectural Control Committee (EMACC). The EMACC's duty and responsibility is to review and either approve or disapprove the design of all homes proposed to be constructed on East Meadows Subdivision home sites based on these Design Guidelines.

The Architectural Control Committee has prepared and adopted, and the Board of Directors of the East Meadows Homeowners Association has approved, these Design Guidelines to communicate acceptable design concepts and to assist you in planning your home. It is our goal to establish a broad framework within which quality of design will be ensured while giving full range to the creative abilities of the architects and designers. We ask your cooperation and assistance in continuing to make East Meadows Subdivision a unique and beautiful community.

These guidelines do not supersede the requirements of the Environmental Impact Report, the Environmental Impact Statement for the Kirkwood Ski Area Development. If there is a direct conflict between these documents, the EIR/EIS shall apply. Phase 3 has special requirements within the EIR/EIS document. In instances where one is stricter than the other, the stricter of the two shall apply.

These Design Guidelines are subject to periodic revision. Please verify that you have the most current set of Guidelines by contacting the East Meadows ACC office (see section titled "Public and Private Agency Contacts").

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## **Purpose and Goals**

The design and review process exists to assist you and your neighbors in creating the best possible environment for enjoying your property while preserving the natural beauty of East Meadows Subdivision. The design criteria on the following pages seek to encourage harmony between the buildings and the sites and to relate to the existing neighborhood. The design guidelines are also intended to maximize safety and practical functionality in the challenging and extremely high snowfall environment of Kirkwood.

All owners are encouraged to seek professional design assistance in the planning and design of their homes, particularly because of the special site conditions at East Meadows Subdivision. Professionals familiar with the mountain environment can provide the owner with an understanding of the site possibilities and assist in realizing the special qualities desirable for this area. In addition, the professional will be able to present the required submissions in a form which is adequate for design review procedures and for permits required by governmental agencies.

Prior to beginning your design, you should contact the Alpine County Building Department to obtain their current design requirements. Each County has specific specifications for snow loads, snow depths and other pertinent design criteria. You should also contact the Kirkwood Meadows Public Utility District (KMPUD) and Mountain Utilities (MU). As the providers of fire fighting and utility services, they have specific criteria with which you may also have to comply.

Preservation of the natural environment while achieving a harmonious relationship with neighboring man-made structures is a main objective of the design review process. Each structure at East Meadows must have a respect for the natural terrain. The minimum possible area should be developed for buildings, decks, paving and other impervious surfaces. Building forms should relate to natural surroundings, but buildings in close proximity to one another must also have compatible design qualities.

Equally important to the design review process is the safety and practical handling of large snow volume. History in this challenging snowfall environment has clearly and repeatedly shown its significance.

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### **Architectural Control Committee**

Members of the East Meadows Architectural Control Committee (EMACC) are appointed by the Board of Directors of the East Meadows Homeowners Association to provide the service of design review and approvals, within the limitations provided in the Declaration of Covenant, Conditions and Restrictions. This process is a key to the successful achievement of quality in design and construction at East Meadows.

The EMACC's primary consideration is to aid you and your architect or designer in maintaining the high quality standards set herein. This will serve to protect your investment in East Meadows property.

Once you have decided to build, the steps, procedures and requirements outlined herein will be valuable in assisting you, from planning through completion of your new home.

The EMACC meets regularly at a place and time to be determined by the EMACC. Contact the EMACC (see section titled "Public and Private Agency Contacts") for the date and location of the meetings.

### **Planning and Design Guidelines**

A topographic map prepared by a civil engineer or registered land surveyor is required for site planning for submittal on your preliminary plans. The degree of slope, the orientation of sun, wind and view, location of trees, boulders and drainages are of great significance. The location, height and activity zones (decks, parking, etc.) of contiguous neighboring houses should be taken into consideration during the planning process. To prevent building delays due to excessive snow years, you may want to complete the process a year ahead of time. To save time at the beginning of the next building season, you can remove any specific trees that were EMACC-approved for removal, but not until you have your building permit, Contractor Constraints document is signed and deposits have been received.

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### The Site

Site planning should begin with data collection. Maps of building envelopes are available at the Alpine County Public Works Department and the Kirkwood Real Estate Office. The purpose of the building envelope is to restrict the building site for each lot. It is not the intent for the entire building envelope to be covered.

Building envelopes and property lines should be shown on your plan. Easements for utilities, drainage, pedestrian and other access should be delineated. Water, sewer, electricity, gas, telephone and TV cable lines as well as edge of pavement should be indicated. Significant views and orientation to the sun should be noted for determining their effect in the site planning process.

The actual site of the proposed structures should relate to the natural terrain. Grading should be minimized and every effort should be made to preserve the natural features of the site. Tree removal should be minimized and must be approved (See Exhibit D). Trees within the building envelope may be removed for the structure only. They still must be identified on your site plan, as do all natural features. Trees and natural elements outside the building envelope cannot be removed. Building design should take into account grade changes, locations of trees, boulders and orientation to sun and views, and, importantly, snow shedding and drifting. Privacy and impact on adjacent neighbors should be considered both in site planning and in the architectural elements of the structure. Trees and natural vegetation should be incorporated and utilized to enhance the overall design.

Site drainage and spring run-off should be carefully considered in the drainage solution. Natural drainage courses must be preserved and existing vegetation (ground cover, shrubs, and trees) must be left undisturbed on the site except where the structures are located and where construction is necessary. The construction and access area should be as limited as possible and temporarily flagged with orange protective fencing as further described under re-vegetation.

The protection of adjacent environs is critical.

### The Structure

Natural materials such as redwood or cedar board siding, cedar shingles and shakes are particularly appropriate for their natural appearance and weathering qualities. Metal roofs in natural tones are very functional and durable as well. When properly selected and applied, these materials have a minimum of maintenance requirements and can enhance the appearance of your home.

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Garages shall be designed as an integral part of the house. Semidetached garages will be considered on their individual merit. No garages shall be completely detached. An attached covered walkway will be the minimum acceptable attachment for a semi-detached garage. Minimum interior garage dimensions need to provide 10 ft width x 20 ft length for each car.

There are some lots in the subdivision which are located within highly sensitive visual areas. The improvements on these lots will be subject to more stringent criteria, especially for roofs and exterior colors. The U.S. Forest Service via the Tri-County Technical Advisory Committee (TC-TAC) agenda considers all homes built on lots north of and including 212, 301, & 409. Specifically, the U.S. Forest Service must approve all exterior colors.

Approval from TC-TAC for all Phase 3 lots (701-713) is necessary. This approval focuses on impact on the "view shed" in the direction of Highway 88 of the individual residence, site design, tree removal, and structural design.

All improvements within East Meadows must comply with Alpine County's requirement that colors shall, from a distance, blend with the natural landscape.

### Re-vegetation Guidelines

Final plans must be accompanied by a re-vegetation plan and erosion control measures. Re-vegetation is required in all areas disturbed by construction. The most destructive impact upon the environment is the disturbance of the existing soil and vegetation during construction. In the mountain environment, the wounds of construction heal very slowly. To destroy and then not repair the very elements that attract us to East Meadows is contrary to the interest of all property owners. Please impress this fact upon your architect, contractor and subcontractors.

It is necessary to scarify the soil after construction in order to loosen the soil to support re-vegetation efforts. The continued existence of native species, and especially of those endemic to special areas, may be threatened by the introduction of non-native species. Therefore, you should use only locally native species in an effort to restore original vegetation. Typical plant materials that are native to East Meadows usually can be found in the local nurseries.

Suggested species and guidelines are included in the Re-vegetation and Landscaping Guidelines located on the EMHOA website at [www.emhoa.org](http://www.emhoa.org)

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A “Short List” of native trees and shrubs are provided in Exhibit G.

To reduce impacts to the site, the area of site disturbance including equipment access shall not exceed twelve feet (12') from the footprint of the structure, driveway, or cut/fill slopes. These construction zone limits shall be shown on the submitted plans and be fenced with orange protective fencing during construction. Exceptions may be granted for utility installation and access, existing disturbed areas, or particular site characteristics that may impact the 12 foot limit (e.g. rock outcropping). These exceptions will be addressed during the on-site Contractor Constraints meeting.

#### Erosion Control

Those areas disturbed by construction are not only unsightly but are also susceptible to erosion, which further destroys the environment. Erosion control plans must be submitted for all construction. This plan should address measures to be utilized during construction, measures to be utilized during the winter months, and permanent re-stabilization and re-vegetation. All construction sites must have the approved measures for winter and/or permanent measures in place prior to November 1st of each year unless the EMACC deems it necessary to have the measures installed earlier. Refer to Exhibit E for Erosion Control Guidelines.

#### **Administrative Procedures**

No Improvements including without limitation residences, buildings, fences, walls, obstructions, balconies, screens, patio covers, awnings or other structures of any kind, shall be commenced, located, erected, painted or maintained within the Development, nor shall any exterior addition to or change or alteration therein or alteration to the finished grade elevation, be made until the plans and specifications showing the nature, kind, shape, color, height, size, materials, and location of the same shall have been submitted to and approved in writing by the EMACC as to (i) conformance to these Design Guidelines, (ii) quality of workmanship and design, (iii) harmony of external design in relation the nature and character of the Development and the Improvements thereon, and (iv) location in relation to surrounding structures, topography, finished grade elevation. This also includes, but is not limited to, exterior hot tubs, patios, decks, steps, retaining walls, parking areas, landscaping, solar panels, etc. Please refer to “Submittal of Plans” below for further requirements.

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Existing Improvements: Repainting or re-staining, re-roofing, window replacement, deck repair, repair of retaining wall, and resurfacing of a driveway, when done with identical colors and/or materials, does not require EMACC approval, but the owner must notify the EMACC in writing prior to the commencement of the work so that any potential issues that may arise after initial construction of the home and issues of material storage or debris can be addressed. This category does not apply to existing non-standard or non-compliant features of a home.

Any proposal for Lots 201, 202, 203, or 204 shall include with the submittal a written statement by the owner of each side of the duplex/condo approving the proposed work.

All lots north of and including #212, 301 & 409 will also have to submit colors to the U.S. Forest Service via the Tri-County Technical Advisory Committee (TC-TAC).

All lots in Phase 3 (701-713) will have to submit complete plans to TC-TAC in addition to EMACC.

Preliminary & Final Plan Submissions: see section titled "Submittal of Plans" for requirements. Plan Review follows the check lists contained in this document in the section titled "Review Checklists."

### Fees and Deposits

Review fee and deposit amounts are as follows. Review Fees are not refundable. Note that the activities covered by the EMACC Review Fees should apply to most situations. Additional review activities and fees should occur only occasionally, if homeowners and designers submit plans that comply with these Design Guidelines. Additional Review Fees shall be charged against an owner's Compliance Deposit when the Deposit is received as part of Final Plan Review. Additional fees for ACC Consultant's time during the construction phase shall be billed directly to the homeowner.

#### A. New Residence Construction

- EMACC Review Fee: \$2,000.00 to cover the costs of
  - one Preliminary Plan Review
  - one Final Plan Review

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- one Contractor Constraints meeting and agreement
- up to 4 hours of ACC Consultant's time for routine site visits and discussions to monitor compliance with and changes to approved plans and contractor constraints
- one Final Inspection within 60 days of notification that the project construction is complete
- up to two Re-vegetation inspections, each done within 60 days of notification that vegetation has been reestablished in areas disturbed by construction.
- Additional Review Fees: \$400 for each Preliminary Review, Final Review, Contractor Constraints meeting, or Final Inspection beyond that which is covered by the Review Fee described above.
- Additional Construction Phase Fees: to the extent that the ACC Consultant's time for routine site visits and discussions exceeds 4 hours, an additional fee will be calculated by multiplying the additional time by the ACC Consultant's normal billing rate.
- Compliance Deposit (Construction): \$3,500
- Compliance Deposit (Re-vegetation): \$2,500
- Contractor Deposit: \$5,000.00
- Land coverage variances fee: \$100.00

B. Minor Exterior Remodels: This category includes new paint or stain color (USFS and TC-TAC approval may also be necessary depending on lot number), new roof type and/or color (USFS, TC-TAC), new siding, new rock work, new railings, deck expansion, new deck, new walkway or stairs, relocation of windows or doors, new exterior light fixtures, new retaining walls, and modification/upgrade of an existing walkway. Minor driveway modifications may be included in this category of project, at the discretion of the ACC.

EMACC Review Fee: \$250.00 for

- one Plan Review
- one Contractor Constraints meeting and agreement
- one Final Inspection for both compliance and re-vegetation
- Additional Review Fees: \$200.00 for each additional Plan Review or Final Inspection
- Compliance Deposit: \$500.00 (includes re-vegetation deposit)
- Contractor Deposit: \$500.00

C. Major Exterior Remodel/Addition: This category includes a home or garage

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addition or expansion, or a driveway/parking expansion. Submittal procedures are the same as those for a new design. A preliminary and final review of the plans may be required, so adequate planning of your project schedule is advised.

- EMACC Review Fee: \$1,000.00 for
  - one Preliminary Plan Review if requested (not required for this type of project)
  - one Final Plan Review
  - one Contractor Constraints meeting and agreement
  - up to 2 hours of ACC Consultant's time for routine site visits and discussions to monitor compliance with and changes to approved plans and contractor constraint
  - one Final Inspection within 60 days of notification that the project construction is complete
  - one Re-vegetation inspection, done within 60 days of notification that vegetation has been reestablished in areas disturbed by construction.
- Additional Review Fees: \$200 for each Preliminary Review, Final Review, Contractor Constraints meeting, or Final Inspection beyond that which is covered by the Review Fee described above.
- Additional Construction Phase Fees: to the extent that the ACC Consultant's time for routine site visits and discussions exceeds 2 hours, an additional fee will be calculated by multiplying the additional time by the ACC Consultant's normal billing rate.
- Compliance Deposit: \$2,000.00 (for both construction and re-vegetation)
- Contractor Deposit: \$2,000.00

D. Landscaping/Other: This category includes any landscaping or site improvements not included in one of the categories above.

- EMACC Review Fee: \$200.00

#### Compliance Deposits

The Compliance Deposit is non-interest bearing. The deposit must be submitted before the EMACC will give final approval of plans to build.

For New Residence Construction, refund of the first \$3,500 of the deposit, minus any Additional Review Fees, may be requested by notifying the EMACC, in writing, that the construction project, including site clean-up, is complete.

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EMACC will inspect the property within 60 days of this notification (“Final Inspection”). This portion of the deposit will be refunded when the completed project is verified by the EMACC to have been built according to the plans approved by the EMACC. Failure to adhere to the approved plans will result in the forfeiture of the deposit or a portion thereof. In addition, failure to complete the work specified and have a successful Final Inspection by the ACC within one year from the date of the final inspection by the Alpine County Building Department will result in the forfeiture of the deposit or a portion thereof.

The remaining \$2,500 of the deposit, minus any Additional Review Fees, will be refunded when the Homeowner notifies the EMACC, in writing, that re-vegetation of disturbed areas is complete. EMACC will inspect the property within 60 days of this notification. This portion of the deposit will be refunded when re-vegetation is verified to meet the standard described under “Fulfillment of Re-vegetation Guidelines” below. Successful re-vegetation and acceptance by the ACC must occur within five years from the date of receipt of deposit, otherwise re-vegetation deposits will be forfeited.

If owner and contractor have been cited by EMACC for violations to the Contractor Constraints document, and fees for EMACC consultants have been incurred by EMACC to track correction of violations, the cost of the fees may be deducted from the Compliance Deposit.

For projects other than New Residence Construction, owners must, upon completion of the work, notify EMACC in writing. EMACC will inspect the property within 60 days of this notification to determine if the project has been built in accordance with the approved plans. Refund of the compliance deposit for these projects will occur once all criteria have been met, including re-vegetation requirements. Successful Final Inspection by the ACC, including inspection of re-vegetation, must be completed within three years of receipt of deposits, otherwise deposits will be forfeited.

Compliance inspections are done during snow-free months so that the entire building can be seen.

### Contractor Deposit

The Contractor Deposit is non-interest bearing. The deposit is due at the time of the on-site meeting between the Contractor and the EMHOA Primary Consultant.

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The contractor deposit shall be used to offset any fines issued against the contractor during the course of construction in accordance with the fine policy that is part of the Contractor Constraints. The Contractor Deposit (or portion remaining) shall be refunded once an inspection determines that the home has been completed in accordance with the approved plans and any site issues, including final-clean-up, have been completed. This inspection shall occur after EMACC receives the required written notification from the homeowner as indicated above. Under no circumstances will the deposit be refunded if it is impossible to determine if final clean-up of the site has occurred due to site and weather conditions.

### Fulfillment of Re-vegetation Guidelines

The re-vegetation guidelines are considered fulfilled when suitable steps have been taken to re-vegetate the land disturbed during construction with native plant/locally adapted species and when those species are seen to take hold. Re-vegetation efforts involve any land disturbed during construction including median strips and neighboring land that has been used for material storage or parking.

Owners, architects, and contractors must be aware that soil that has been compacted during the building process typically will not support re-vegetation. Scarifying compacted soil with mechanical equipment is necessary to loosen the soil sufficiently to support plant growth.

As re-vegetation can take several years, owners who sell their homes before their deposit has been refunded should consider making arrangements with the new owners to assume the deposit.

At a minimum, the property's re-vegetation should appear as it did prior to the commencement of any clearing, grading, or building. A photograph of the undisturbed property taken during the summer may be submitted to assist in determining whether the property has once again attained a natural vegetated state.

Re-vegetation inspections are done during or at the end of a growing season so that re-vegetation results can be evaluated.

### Plan Review

Plan Reviews are done at regular EMACC meetings, and require that adequate information is submitted in accordance with the section titled "Submittal of Plans."

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Lack of required information on the Preliminary or Final submittal can be the primary reason for rejection of the proposal and delay of the building schedule.

Due to many factors that affect design of a structure at Kirkwood, approval of plans by the EMACC may require more than one meeting. Owners should be aware that revisions might be required to their plans prior to the EMACC's acceptance of the plans.

Changes during construction must be submitted to the EMACC and approval must be received prior to making the changes. Action on changes will be expedited by the EMACC to the extent possible.

### Variances

Variances from standards within the guidelines will be considered by the EMACC upon receipt of a written request from the owner outlining the specific reasons for the requested variance. A variance granted to one individual should not be considered as a precedent for other such requests. All design reviews will be done on an individual basis and takes into consideration the specifics of each site.

Building envelope modifications and/or variances must be reviewed and approved by EMACC and TC-TAC. Approval from both entities is required, and can be processed simultaneously. Please refer to Exhibit A. Variances to exceed the 3,500 sq. ft. land coverage limit must be reviewed and approved by the EMACC. Please refer to Exhibit B.

### Violations

Any violations of the procedures, standards and restrictions, and any construction activity or preparation not in accordance with plans approved by the EMACC are subject to fines in accordance with the fine policy and/or will be referred to the Board of Directors of the East Meadows Homeowners Association. The East Meadows Board of Directors is responsible for taking action if such violations or differences cannot be resolved within the design review or fine process.

### Appeals

In the event that the EMACC disapproves plans and specifications, the project proponent may appeal the decision to the Board of Directors of the East Meadows Homeowners Association by filing a petition in writing within 10 days after being notified in writing of the disapproval, stating reasons for the appeal.

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The Board shall have the right and authority to review the matter and shall either confirm, modify or reverse the decision of the EMACC. The decision of the Board of Directors of the East Meadows Homeowners Association shall be final and conclusive.

#### Disclaimer

The failure of the EMACC, or the Board of Directors of the East Meadow Homeowners Association to enforce any of the Covenants, Conditions and Restrictions, shall in no way be deemed a waiver of the right to enforce such conditions thereafter. Neither the EMACC nor any member or representative thereof shall be responsible for architectural, engineering or other defects of any nature whatsoever in the plans and specifications or in any structure erected. The EMACC is only responsible for checking the plans for their conformance with these guidelines. The EMACC is not responsible for any variances that have not been specifically submitted upon written request by the owner. It is not the responsibility for the EMACC to find differences within the detail of the plans. The EMACC is not responsible for checking the plans for their conformance to local building codes and makes no effort to do so.

#### Home Owner Association Dues

Owners must be current with their Home Owner Association dues before the EMACC will review their preliminary and/or final plans.

#### Revisions to Procedures

Revisions to these procedures, restrictions and standards may be issued from time to time.

### **Restrictions and Requirements**

No work of improvement, grading, excavation, landscaping, tree or shrub planting or removal shall be undertaken upon any lot without the prior approval of the EMACC. All residences and appurtenant improvements shall be subject to the following restrictions and limitations as well as requirements which may be imposed by the EMACC and the other provisions of these Design Guidelines.

All dwellings need to comply with two types of size requirements: Dwelling Size (also referred to as Building Area) and Land Coverage. These are two separate calculations.

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### Dwelling Size

All one-story Dwellings shall have a minimum size of one thousand eight hundred (1,800) square feet (excluding garages, accessory buildings, and covered or uncovered patios and porches). All two-story Dwellings shall have a minimum size of two thousand (2,000) square feet (excluding garages, accessory buildings and covered and uncovered patios and porches). All duplex dwellings shall have a minimum of one thousand eight hundred (1,800) square feet per dwelling unit. No dwelling shall exceed a maximum size of five thousand (5,000) square feet (including garages, but excluding covered and uncovered patios and porches). For the purpose of calculating size of a Dwelling, the following interpretations shall apply:

- a) The size of the dwelling shall include all enclosed building area, whether conditioned (i.e. heated or cooled) or unconditioned, and including garages and accessory buildings, measured from the outside wall surfaces; but shall exclude unenclosed covered or uncovered patios and porches.
- b) Building Area excludes underfloor and attic spaces.
- c) Underfloor means a space at or below grade that has unfinished floor, walls, and ceiling, is unconditioned (neither heated nor cooled), and either (1) has clear headroom of less than seven feet or (2) has a ground slope greater than 5%.
- d) Attic means a space beneath a roof that has unfinished floor, walls and ceiling, is unconditioned, and has an average clear headroom of less than seven feet.
- e) Enclosed means a space enclosed by a roof or ceiling and by walls on more than 2 sides of the space. Walls with greater than 3/4 of their surface areas open (*openings without weatherstripped doors or windows*) are not enclosing walls. Surface area of a wall is measured floor to ceiling and corner to corner.
- f) Porches and patios are excluded from building size calculation only if they are unenclosed.

### Location & Building Envelopes

One hundred percent (100%) of the proposed improvements, including all roof overhangs, patios, decks, and walks, must be constructed within the building

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envelope with the exception of driveways and rip-rap required to stabilize graded slopes or drainage channels.

Zoning setback requirements from property lines are superseded by the location of the specific building envelope for each lot.

Structure is required to be located in the building envelope where it least alters the natural terrain and tree cover. Wherever possible, new structures should be separated from existing ones by vegetation. Building envelope modifications are discouraged and must be approved by TC-TAC and the EMACC, according to the procedure in Exhibit A.

### Land Coverage

Total coverage of the land by single-family buildings, driveway within the building envelope, parking, walks, patios or decks shall not exceed 3,500 square feet of the building envelope. This coverage does not include roof overhangs unless the overhang has a support to the ground. Roof overhangs with ground support are included in the coverage.

For the purpose of calculating land coverage, the following shall apply:

a) If a portion of a building is entirely below grade, with no building or other improvement that is included in land coverage calculation directly above it, then the area of the building below grade shall be included in the land coverage calculation, except that if the land above it is restored to its original undisturbed grade and is re-vegetated, then it shall not be included in the land coverage calculation.

b) Patios shall include terraced or graded areas, whether paved or not, that are able to be used for recreational, dining, or similar purposes. Areas that are graded or terraced solely for the purposes of proper site drainage or erosion control shall not be included in the land coverage calculation.

### Height Restriction

The height restriction for every building constructed on all lots except Lots #411-424 & #706 & 707 shall have a height restriction of 35 feet. Lots #411-424 have a height restriction of 40 feet. Lots #706 & 707 have a 30-foot height restriction. This height restriction is the allowable distance above a specific base elevation. The base elevation for a dwelling is taken as the average of the ground elevation (natural grade) at each of the four major house corners. The

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EMACC and Alpine County must approve any variance in the height restriction. Improvements which are located within 10 feet of the front property line shall have a height restriction of 20 feet above the edge of the road.

### Occupancy

Structures are limited to single-family occupancy except on Lots 201-204, which are designated for duplex living. In-law apartments with separate kitchen facilities are not allowed.

### Grading

Excavation or fill shall be limited to 4'-0" vertical outside of the structure where exposed to view. Any deviations beyond 4'-0" will be considered on a case by case basis. Cut and fill shall be replanted with native or locally adapted plant material. Retaining walls are required at vertical cuts. Cut and fill slopes greater than 2' horizontal and 1' vertical need to have some provision such as rip-rap or terrace, as recommended by a soils or geotech engineer. This provision is intended to ensure that cut and fill slopes are stable and can be successfully re-vegetated.

The use of rip-rap should be minimized. Areas of rip-rap should be harmonious with their surroundings in the type, size and color of the rock and should blend with rip-rap on adjacent lots.

No excavation, filling, or removal of trees or vegetation shall be done before the Contractor Constraint document is signed and building permit is in hand. Temporary erosion controls and construction zone fencing are required on all construction sites. Erosion control measures are included in the Design Guidelines as Exhibit E.

### Trees

No trees, alive or dead, shall be cut or removed, nor may trenching or disturbance of any roots occur, without prior approval by EMACC, building permit in hand, and Contractor Constraint document signed. All tree work must be in accordance with Exhibit D, the Kirkwood Tree Ordinance. Any tree removed after the construction of a home also requires the approval of EMACC (CCR4.6). For replanting of trees, please see landscaping guidelines at [www.emhoa.org](http://www.emhoa.org). See also Exhibit G for a short list of native trees and shrubs.

### Roofs

Structures built in open areas should have the majority of their roof surfaces

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pitched at a rise of greater than 4 in 12. In other locations, flatter roofs will be reviewed on their individual merit.

Roofs shall be designed so that the roof does not shed snow or ice onto uphill slopes or entrances. ***It is critical that snow and ice not shed in front of entrances and exits, garage doors, onto driveways, roads, decks, railings or uphill slopes. Snow shed into these areas is a safety hazard and is prohibited.*** Roofs shall also be designed to eliminate the possibility of snow sliding into the driveway or roadway via an adjacent slope of land. Approved snow retention devices may be required to eliminate the driveway safety hazard.

Valleys provide a point of ice damming and pose long-term maintenance problems for the owner and are not recommended. Roofs shall be designed to avoid or minimize the number of roof valleys.

Metal roofs will be considered on individual merit with particular consideration to quality, color and longevity of finish. Highly reflective and brightly colored roofs, specifically blue, bright green and red, are not allowed. Metal roofs may include:

- Copper – with measures taken to establish patina and reducing glare prior to or within one year of installation. (In this environment, untreated copper can take much longer to oxidize.)
- Aluminum or galvanized iron having a factory-applied fluorocarbon resin coating, or an acceptable alternative treatment.
- The natural tone color range warranted by the manufacturer for not less than twenty (20) years, a sample of the proposed metal roof, sample of proposed color and a copy of manufacturer's literature shall be submitted for approval. The finish of this roof must be maintained through its lifetime.

Other alternatives for roofing materials include:

- Asphalt shingles
- Cedar shingles – Class A rated

### Exterior Metal

Exterior metal, aluminum doors, windows and screens shall be anodized or factory-finished baked enamel. Foundation, vents, flashing and other exposed metal shall be painted to conform to overall exterior finish or with a finish approved by the EMACC.

### Exterior Color

Exterior colors shall generally be restricted to those found in the surrounding

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area. Colors found in nature will be favored. Samples must be submitted for approval.

### Antennae/Satellite Dishes

The current 18" size satellite dish must be located in a manner so that it does not visually impair neighboring structures or a negative visual impact to the public right-of-way.

### Screening

Hot tubs shall be screened from neighbors' view and from the view of public areas such as streets and hiking trails and placed in such a location so that the hot tub facility does not intrude upon a neighbor's privacy.

### Solar Panels

Solar panels shall be integrated into the architectural design and all exposed metal shall be anodized a dark color or factory finish that is consistent with the adjacent surfaces.

### Utility Installations

All utility sources shall be adequately screened from view with materials compatible with the structure. All meters must be located in an area protected from snowfall and the roof's snow shed. Mountain Utilities must approve the location of gas and electric meters. This includes all piping, wiring and service connection boxes. All utilities shall be installed underground. Tanks are not permitted. Small generators with a maximum of 5 horsepower will be allowed for use in emergency situations only. These generators cannot be used as the sole source of power for a structure nor can they be used to supply power during construction. The generator must be enclosed by and be an integral part of the structure.

The County requires propane detectors. Minimum requirements are propane detectors with a local alarm. Due to past experience, propane detectors connected to an outside service are strongly recommended to prevent the house from filling up with propane, and potentially exploding, while owners are away.

### Knox Box

EMHOA requires homeowners to install a Knox box at their house. This box is a lock box mounted outside the house that contains a key to the house, instructions on where appliances are located and how the security system (if applicable) is to be disarmed and rearmed. There will be two keys to the Knox

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box – one in the custody of the Kirkwood Volunteer Fire Department Chief and the other in the custody of the Mountain Utilities General Manager.

In the event of gas outages, Mountain Utilities will dispatch a bonded technician, who will enter the house, using the Knox box key, disarm any alarm, conduct the inspection, relight pilots as required, and rearm the alarm system if applicable. Mountain Utilities will notify each homeowner whose home has been entered by mail and by leaving a notice at the house. The cost of this service will be \$25.00 per event and will be billed to individual homeowners directly by Mountain Utilities.

You can pick up an order form for the Knox box at KMPUD or you can order it directly from:

Knox Company ([www.knoxbox.com](http://www.knoxbox.com))  
1601 W. Deer Valley Road  
Phoenix, AZ 85027  
Tel: 800 552-5669

Contact the Kirkwood Volunteer Fire Department Chief at 209-258-4444 for instructions on how to install your Knox box. The Fire Department Chief will have you sign a letter that authorizes a Mountain Utilities employee to enter your house after a service interruption. After you receive the box and have mounted it on your house the Fire Department Chief will come to your house to activate the box.

### Outside Lights

All exterior lighting must have a concealed source. Concealed source refers to the light bulb being concealed from direct view by metal, wood, obscure glass enclosure or lens, or by recess into soffits or decks.

Motion detector lights are required over garage for snow removal purposes. They are to be set to a sensitivity level so they do not come on when someone is walking by or driving by on street.

All exterior lighting must be approved by the EMACC prior to installation. Catalog sheets or photographs must be submitted with final plans. Light bulbs in exterior lights other than snow removal lighting should be no greater than 40w.

### Garbage/Trash Containers

Garbage or trash containers shall be suitably concealed from view by providing storage within the structure in an area that will be secure from bears and other

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animals. The Kirkwood Meadows Public Utility District provides centralized garbage depots within the Valley, available to all residents for a monthly fee that is automatically included in the regular KMPUD bill. During construction, debris of all types should be properly contained and promptly disposed of. Under no circumstances is debris of any type to be placed on burn piles, community collection bins or any other area within East Meadows.

### Decks, Patios and Access Routes

Underpinning for decks more than three feet above grade shall be designed without cross bracing or with a continuous screen wall to conceal structural supports. Deck supports shall be of a dimension not less than 6" x 6".

To decide placement of decks and patios, consider the crucial safety issue of determining where and how snow will slide off the roof. Snow sliding from the roof onto decks may cause damage to life and limb, not to mention recurring property damage. For this reason, roof snow shedding onto decks and patios is prohibited.

On grade patios shall be shown on the plans and must fall within the building envelope, regardless of the materials in which the patio is constructed. Note that for purposes of these Design Guidelines, "patio" means any terraced surface, whether paved or not, intended for recreational, dining, or similar purposes.

Patios which extend outside of the building envelope must be submitted to TC-TAC for an approved envelope revision and require prior approval from the EMACC before construction.

Lot access routes (stairs, stepping stones, etc.) constructed of stones, pavers, railroad ties, gravel, log stumps, and other natural or man-made products are permissible, however generally not allowed outside of the building envelope. Exceptions are granted but require prior approval from the EMACC before construction or placement.

### Recreational Activities

Disturbing natural vegetation and grades on lots is discouraged. However, recreational items such as horseshoe pits and other quiet recreational areas may be proposed, and approval will be based on visual, lighting, and noise impact on neighbors and public areas, and extent of disturbance of natural grade and vegetation proposed. Recreational areas must be entirely contained within building envelopes, and their areas shall not cause total developed area (as

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defined in Land Coverage) to exceed 3,500 sf.

#### Site Drainage and Trenching

Structure shall be planned to minimize conflict with natural surface drainage. Trenches shall be located in such a way that no tree roots will be damaged. Protection of major roots by wrapping with burlap and keeping moist until backfill is completed is required.

#### Parking Spaces and Driveways

A minimum of two covered parking spaces is required for each living unit; e.g., a duplex must have four covered parking spaces. In addition, each living unit must have a minimum of one uncovered parking space on the lot. Adequate driveway space can count as this one uncovered space. All driveways must be paved. (CCR 4.1.3f-vi). Driveway section is to be minimum 2-1/2" asphalt concrete over 4" compacted aggregate base, or, 4" asphalt concrete. Concrete appropriately designed and sealed for the environment is also acceptable.

Garages with zero setbacks to the right of way must be aligned so that the side of the garage is adjacent to the right-of-way. Access roads, driveways and uncovered parking may be no wider than 24 feet at the street with a 5-foot radius at each corner, where practical (note that Alpine County may require a larger radius in some circumstances). Driveways require a minimum width of 12 feet. Where possible, parking areas should be obscured from vision by natural planting.

Any driveway with retaining walls must have some type of marker clearly indicating its location for snow removal purposes.

All driveways must have permanent conduit holes and a steel conduit riser for removable snow stakes in accordance with the specifications of EMHOA. A detail drawing containing the specifications can be obtained from the EMACC.

There are specific maximum driveway centerline grades depending upon the driveway design. Refer to Exhibit C, Driveway Design Alternatives, for these criteria. Owner, the architect, and contractor must comply with driveway grades approved by the EMACC. These grades must be adhered to during construction. On driveways proposed for 7% or greater, a survey is required prior to the foundation pour to insure that excavation has been performed to an adequate depth and that the driveway can be constructed as approved. Special attention

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must be paid to the design of the driveway to make sure it can be built as designed.

Note that Alpine County has driveway requirements that in some circumstances may be stricter than the driveway requirements in these Design Guidelines.

Driveway surface area is a major cause of snow removal costs, and should be minimized. Driveway snow removal costs may be billed on a per square foot basis to each homeowner at some future date.

#### Access

Neighboring properties are not to be used for access to building sites, parking, or for storage of materials without written permission of the owner of the property affected, unless shown on the recorded Final Map for access purposes only. Should such an encroachment onto adjoining property be necessary, it must be approved by the EMACC and the property owner before the fact for their consent and written approval.

If storage of materials on the road is anticipated, it must be shown and approved by the EMACC as part of the application/approval process. Storage and parking of all vehicles connected with the project shall be on the uphill side of the road or nearby parking turnouts from May 15 – October 15.

From October 15 – May 15, all construction parking must be either in the driveway or in a parking turnout. One lane of the road shall always remain open during on-street parking months to provide fire vehicle access. All vehicles are required to stay on the paved roadway. Vehicles are not to be driven or parked on any unpaved area except as is absolutely necessary within the boundaries of the parcel under construction and only within the fenced construction zone area. When this is necessary, the road berms must be adequately protected from damage. Under no circumstances is it permissible to leave a construction vehicle parked on the site overnight.

A speed limit of 25 M.P.H. must be observed at all times throughout East Meadows.

#### Materials

Use of certain types of exterior materials is not permitted and use of others will be allowed with constraints:

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Materials not permitted include, but are not limited to:

- Asphalt or metal siding
- Plywood, including T-111
- Exposed concrete blocks
- Imitation Brick
- Imitation Rock

Materials that will be allowed with constraints include:

- Poured concrete may be used as a totally exposed wall or facade under certain circumstances based on architectural merit.
- Stucco or plaster will be allowed when used with other materials to break up the starkness or monotony associated with "cover-all" applications. Use may not exceed 60% of any totally exposed wall or facade.
- Split-faced masonry block may be used as a foundation surface and/or wall up to 8 feet above grade level only; other cases will be considered on their architectural merit.
- Limited amount of glass block on the exterior of homes. This allows glass block to be used for accent purposes.

### No Fencing

In order to preserve the natural quality and aesthetic appearance of the existing geographic area within the properties, all property lines shall be kept free and open to one another and no fences shall be permitted on any lot or lot lines.

### Appliances

All residences are required to have gas (propane) dryers, gas heat, gas ovens, gas cook tops and ranges, and gas water heaters. Alternative methods of heating such as solar or hydronic are encouraged. Electric heat is NOT permitted.

### Certificate of Temporary Occupancy

No residence shall be occupied until it has been substantially completed in accordance with its plans and specifications and receives the appropriate County's approvals for occupancies. Owner shall provide notification to EMACC upon receipt of Certificate of Temporary Occupancy from the County.

### Additional Requirements

Refer to all the Exhibits found at the end of this document for additional requirements.

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### Conflict

In the event of a conflict between the declaration of CC&Rs and the requirements of the EMACC, the more restrictive standard shall apply.

## **Submittal of Plans**

### Preliminary Plans

Sets of blue line or black line prints are to be submitted showing the names of the owner, the designer and the date. Please contact the EMACC to get onto the agenda and receive instructions for sending plan sets. Plans and the EMACC Review Fee must be submitted at least 14 days in advance of the meeting at which they are to be reviewed. See Exhibit F. For new homes, each set shall include the following:

Site plan based upon topography by a registered land surveyor or civil engineer and drawn to a scale of 1/8" to 1'0", indicating the following.

- The lot, unit number and pre-assigned street address
- Name, address, license number and signature of registered land surveyor or civil engineer and date of drawing
- Name and address of owner
- Existing and proposed contour lines at 1'-0" intervals adjacent to the structure and of 2'-0" intervals elsewhere
- Easements, building envelopes, property lines and dimensions and contiguous roads
- Location of all utility lines (sewer, water, electrical, gas and TV)
- Source of survey data and survey reference datum
- The directions of views
- Location of all trees measuring six inches or greater in diameter 4'6" above grade at the high side of the tree
- Trees the owner proposes to remove
- Location of rock outcroppings and boulders
- Site section wherever grade changes are proposed (perpendicular to contour)
- Location and height of proposed retaining walls
- Location of required parking area with finish grades indicated
- Location of proposed paved areas with grades and materials indicated
- Location of decks, walks, walls, etc.
- Location, if known, of improvements on adjacent lots to a distance of 30 feet from property lines.

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Architectural plans shall include dimensioned floor plans, roof plan, section through the structure and all exterior elevations which may be drawn at a scale of  $1/8" = 1'-0"$  for preliminary plans. Final submission plans are required to be drawn at a scale of  $1/4" = 1'-0"$ . The preliminary plans shall include the following:

- General construction type
- Dwelling size and land coverage totals
- Roof slopes and roof material
- Type of doors, windows and their materials
- Exterior siding materials
- Exposed foundation material
- Chimney material/fireplace type
- Deck, railing and stair materials
- Garden walls and walk materials
- Floor elevations
- Building height above base elevation. Indicate the four building corners to calculate the base elevation.
- Erosion control plan as specified in Exhibit E

Color descriptions shall include description of all colors to be applied to exterior siding, exterior metal, windows, chimney, roof, solar panels, etc. Samples of exterior materials can be included in the preliminary submission to the EMACC and are required for final review and approval. Samples provided to the EMACC shall be substantial in size and must be of the actual material that is proposed to be used. Due to color variation, brochures or color chips will not be accepted.

Preliminary Review submissions should include a Preliminary Review Check List shown later in this section, with design, drawing, and materials information filled in.

### Approval of Preliminary Plans

The EMACC shall notify the owner in writing of the action taken with the preliminary plans. Final Plans need to be submitted within 90 days of Preliminary Plan Approval. Approval of preliminary plans expires after 90 days unless the owner submits final plans before this deadline or the EMACC grants a longer period. (CCR 10.17(b)). After obtaining approval of preliminary plans, the owner is required to submit final plans (as required below) to the EMACC for final approval. No construction, alterations or improvements can take place on the lot without EMACC approval of the final plans, Contractor Constraint

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document signed, deposits received, and building permit in hand.

If a submitted plan does not receive preliminary approval, an inactive period of twelve months is allowed between preliminary reviews of a project. If at the end of twelve months of inactivity, a project submittal is not moving forward, then the application will be deemed withdrawn, and the application fee minus costs incurred by EMACC will be refunded to the owner.

### Final Plans

Within 90 days after approval of preliminary plans, the owner shall submit to the EMACC sets of black line or blue line prints of all the final plans, drawn at a scale of  $\frac{1}{4}'' = 1'-0''$  and a sample board with examples and specifications of exterior materials for the EMACC to keep with our records. Plans must be submitted at least 14 days prior to the review meeting. The final plans shall include the following:

- All drawings listed under Preliminary Plans plus grading, foundation and framing plans, and details of all exterior architectural features.
- A sample board or boards measuring  $8 \frac{1}{2} \times 11$  inches with substantial color samples of actual materials for all exterior finishes, including: siding, garage doors, windows, decks, railing and stairs, foundation surface, chimney material, roof, metal trim and an example of all rock work including rip-rap. Brochures or cut sheets may be submitted for exterior lights and entry doors. The EMACC Consultant or Representative will keep this sample board and refer to it while monitoring construction and when evaluating refund of your deposit for construction compliance.
- Re-vegetation plans drawn to scale. This plan may be a separate landscape plan or may be included on the plot plan. The re-vegetation plan shall include the location, size and kinds of plants to be planted. Planting specifications, soil loosening techniques, and instructions for maintenance shall be included. Refer to Re-vegetation and Landscaping Guidelines located on the EMHOA website at [www.emhoa.org](http://www.emhoa.org). The construction zone fencing shall be shown on the re-vegetation or erosion control plans.
- Proposed location of the storage of building materials with the proposed length of time.
- Proposed location of temporary access to building site by contractors.
- Proposed disposal area for surplus soil.
- Instructions that all trees adjacent to the construction site shall be fenced and protected with substantial wood fencing.

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- Instructions that temporary power shall not be nailed to trees.
- Instructions that trenches shall be located in such a way that trees will not be damaged.
- Location and types of exterior light fixtures.
- All Plans fully dimensioned.
- Location of garbage enclosure/construction trash dumpster.
- The location of a portable toilet, per Section 416 of the California Health and Safety Code.
- Design solutions to items and issues brought up at Preliminary Review must be indicated clearly on Final Plans.

Final Review submissions should include a Final Review Check List shown later in this section, with design, drawing, and materials information filled in.

The EMACC shall notify the owner or their representative of the approval of the Final plans. Approval of the plans shall become effective 31 days after receipt of the EMACC stamp. No building or excavation of any kind is to start prior to: 1) 31 days after receipt of stamp for signed/approved plans from the EMACC, 2) signed Contractor Constraint document, 3) receipt of deposits, and 4) building permit from the Alpine County Building Department.

Final Plan approval shall expire 120 days from the date of approval unless construction has begun or the EMACC has granted an extension of time.

Construction shall commence within 90 days of the effective date of approval unless the EMACC has granted a written extension based upon weather. (CCR 10.14).

### Minor and Major Remodel Project Plans

Plans shall be submitted for each alteration (remodel) project. The plans submitted shall contain all of the information necessary from the lists above to provide EMACC with a clear understanding of the proposed project. Color and material samples shall also be submitted, as necessary, for changes in existing color or materials.

The Owner and Architect should contact the EMACC to initially determine what information the EMACC will need. Major projects may require a preliminary and final review, depending on the nature of the project.

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Final Plan approval shall expire 120 days from the date of approval unless construction has begun or the EMACC has granted a written extension of time. Approval becomes effective 31 days after EMACC stamps and signs the plans. Construction shall commence within 90 days of the effective date of approval unless the EMACC has granted a written extension based upon weather.

### Contractor Meeting

Prior to the start of construction, your contractor will be required to meet on-site with the EMACC Consulting Engineer. This meeting will cover all of the necessary contractor constraints and the EMHOA fine policy for the project.

During the on-site meeting final locations for such things as material storage, soil, storage containers, and access will be identified. At the time of this meeting, temporary erosion control measures shall be installed, construction zone fencing shall be installed, and the contractor deposit must be provided. This meeting must be arranged at least one week before the start of construction.

Your contractor shall contact the EMACC Consultant to arrange this meeting. You can find a copy of the Contractor Constraints document on the EMHOA website [www.emhoa.org](http://www.emhoa.org)

Construction cannot proceed until this meeting has occurred, the EMACC Primary Consultant, Contractor, and Owner have signed the Contractor Constraints, and Contractor's deposit has been received. Owner's signature can be faxed to the EMACC Consultant or representative.

### Final Inspection

All construction is subject to a final inspection by the EMACC Consultant or representative to ensure all such construction is in conformance with the approved plans and that final clean-up has taken place. Owner shall notify EMACC in writing when project is complete.

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**Review Check Lists**

Owner & Lot #: \_\_\_\_\_  
 Homeowner's Dues are Current : Yes \_\_\_\_\_ No \_\_\_\_\_  
 Meeting Date and EMACC Members Present at Meeting:

Preliminary Review

Date Y/N

- \_\_\_\_\_ Site Plan:
- \_\_\_\_\_ Plans 1/8"-1'
- \_\_\_\_\_ Plans have been reviewed by EMACC consulting architect,  
engineer and snow removal contractor
- \_\_\_\_\_ Plans based upon topography by a registered land surveyor or civil  
engineer w/ name, address, license # and signature.
- \_\_\_\_\_ Contour lines 1' intervals adjacent to structure and 2' elsewhere.
- \_\_\_\_\_ Plans indicate easements, building envelope, proposed structure &  
property lines.
- \_\_\_\_\_ Plans indicate site section wherever grade changes are proposed.  
(Perpendicular to contour)
- \_\_\_\_\_ 100% of the improvements are constructed within the building  
envelope with the exception of driveways and rip-rap required to  
stabilize graded slopes or drainage channels.
- \_\_\_\_\_ Height is maximum 35 ft. (40 ft. lots 411-424 only.) If 10 ft. from  
front property line only 20 ft. above edge of road. (30 ft. for lots 706  
& 707).
- \_\_\_\_\_ The 4 corners used to calculate building height are indicated on  
plan.
- \_\_\_\_\_ Dwelling size is a minimum of 1800 sq. ft. if one story or a minimum  
of 2000 sq. ft. if two or more stories (Note size \_\_\_\_\_sq ft)
- \_\_\_\_\_ Dwelling does not exceed 5,000 sq. ft. (calculation of the size of  
the dwelling in accordance with these Guidelines).
- \_\_\_\_\_ Land coverage including building, driveway, parking, walks, decks  
and patios not to exceed 3500 sq. ft. within building envelope (Note  
coverage \_\_\_\_\_sf ft)
- \_\_\_\_\_ Tree removal marked on plans and location of all trees 6" DBH  
marked on plans including trees in path of utility trenches and  
sewer line. (Exhibit D)
- \_\_\_\_\_ Plans indicate erosion control in accordance with guidelines.  
(Exhibit E)

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- \_\_\_\_ \_\_\_\_ Location of utility lines and meters are shown (sewer, water, electrical, gas and TV).
- Date Y/N
- \_\_\_\_ \_\_\_\_ General construction materials are shown
- \_\_\_\_ \_\_\_\_ Floor and top of wall plate elevations are shown
- \_\_\_\_ \_\_\_\_ Driveways:
- \_\_\_\_ \_\_\_\_ Width is at least 12 ft. wide and no wider than 24 ft. at the street w/ 5 ft. radius @ each corner.
- \_\_\_\_ \_\_\_\_ Grades are as specified in Exhibit C in guidelines. Profile is drawn to show slope changes and transitions.
- \_\_\_\_ \_\_\_\_ County driveway requirements for grades and radii are shown.
- \_\_\_\_ \_\_\_\_ Paved section are noted as 2 ½" A.C. over 4" A.C. or 4" compacted A.B. or concrete appropriately designed and sealed for the environment.
- \_\_\_\_ \_\_\_\_ Swale or culvert is shown if needed.
- \_\_\_\_ \_\_\_\_ Driveway design has been reviewed by Snow Removal contractor
- \_\_\_\_ \_\_\_\_ Roofs:
- \_\_\_\_ \_\_\_\_ Roof does not shed onto uphill slopes, entrances, or driveways.
- \_\_\_\_ \_\_\_\_ Roof does not shed in such a manner as to slide from adjacent slope into driveway or road.
- \_\_\_\_ \_\_\_\_ Valleys in roof are designed to mitigate potential problems with the large amounts of snow (valleys are not recommended).
- \_\_\_\_ \_\_\_\_ Design prevents snow from falling on entrances, decks, railings, garage doors or uphill slopes
- \_\_\_\_ \_\_\_\_ Decks, Patios, & Walks:
- \_\_\_\_ \_\_\_\_ Locations of decks, patios, walks, & retaining walls are shown
- \_\_\_\_ \_\_\_\_ Bracing of decks meets guidelines of 6"x6" posts and no cross bracing.
- \_\_\_\_ \_\_\_\_ Foundation and Finish Materials:
- \_\_\_\_ \_\_\_\_ Split face block used as a foundation surface and/or wall does not exceed 8 feet above grade level.
- \_\_\_\_ \_\_\_\_ No imitation rock is proposed as a finish material.
- \_\_\_\_ \_\_\_\_ All finish materials proposed meet the standards of these guidelines (colors and samples will be reviewed as part of Final)
- \_\_\_\_ \_\_\_\_ Approvals:
- \_\_\_\_ \_\_\_\_ \$2,000.00 Preliminary Review Fee received
- \_\_\_\_ \_\_\_\_ Ck# \_\_\_\_\_ from \_\_\_\_\_)

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\_\_\_\_\_ Other applicable Fees (Land coverage variance fee \$100; Minor  
\_\_\_\_\_ Exterior Remodel or Landscape Review Fee \$200; Major Exterior  
Remodel or Addition Review Fee \$500) are paid  
\_\_\_\_\_ Approval of Preliminary Plans; Expiration Date of 90 days: \_\_\_\_\_

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Requirements Prior to Final Review:

Date: Y/N

- \_\_\_\_\_ Approval of colors from U.S. Forest Service and TC-TAC for lots north of and including #212, 301, & 409.
- \_\_\_\_\_ Approval from TC-TAC for all Phase 3 lots in regards to site analysis of view shed of individual residence, site design, tree removal, and structural design.

Final Review:

(This checklist assumes no significant changes to approved Preliminary design)

Date: Y/N

Site Plan:

- \_\_\_\_\_ Site Plan is 1/8" = 1'-0", Other Plans are 1/4" = 1'-0"
- \_\_\_\_\_ Re-vegetation Plan is submitted either separately or on site plan.
- \_\_\_\_\_ Drainage is indicated and adequate.
- \_\_\_\_\_ Location of material storage and garbage enclosure (amount, where, length of time) are indicated.
- \_\_\_\_\_ Construction zone fencing is shown. Areas disturbed during construction are indicated, for example, temporary roads providing access to site, etc., along with notes requiring such areas to be scarified prior to re-vegetation.
- \_\_\_\_\_ Location of portable toilet is indicated.
- \_\_\_\_\_ Location of Knox box is indicated.
- \_\_\_\_\_ Propane detectors are indicated.
- \_\_\_\_\_ Owner has been informed of Contractor Constraints document, including fine policy, and Contractor's meeting and deposit.

Driveways:

- \_\_\_\_\_ Motion detector light over garage for snow removal is shown
- \_\_\_\_\_ Fill is limited to 4' vertical outside of structure.
- \_\_\_\_\_ Railings and/or retaining walls indicate use of snow markers.
- \_\_\_\_\_ Permanent conduit holes and steel conduit for removable snow stakes in accordance with EMHOA specifications are indicated on plans.
- \_\_\_\_\_ Final Plans have been reviewed by EMHOA Snow Removal Contractor (if requested by EMACC)

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- Date: Y/N Materials (Samples provided on an 8 ½ x 11 sample board):
- \_\_\_\_ \_\_\_\_ Types of doors, windows, decks, railing & stair materials have been submitted and approved. Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Exterior lights are concealed and catalog sheets or photos have been submitted and approved. Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Foundation surface is approved. Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Chimney material/fireplace type Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Wall surfaces do not exceed the maximum percentage of stucco (60%)
- \_\_\_\_ \_\_\_\_ Sample of color and material for all siding, including rock is submitted and approved. Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Sample of color and material for exterior metal submitted and approved. Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Sample of color and material for roof submitted and approved Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Sample of garage door color and material approved Type: \_\_\_\_\_
- \_\_\_\_ \_\_\_\_ Sample of rip rap material approved Type: \_\_\_\_\_
- Approvals and Deposit:
- \_\_\_\_ \_\_\_\_ Compliance Deposit (New Residence \$5,000 ; Major Exterior Remodel/Addition \$1,500; Minor Exterior Remodel \$500) paid Ck# \_\_\_\_ from \_\_\_\_\_.
- \_\_\_\_ \_\_\_\_ Approval of Final Plans; Expiration Date of 120 days: \_\_\_\_\_

Owners need 3 copies of plans for approval from EMACC, Mountain Utilities, Snow Removal, KMPUD and Alpine County Building Department. One set will remain with EMACC. Your building permit will not be released until all approvals have been stamped. No tree removal, building or excavation of any kind is to start prior to effective date of approvals, signed Contractor Constraints document, and building permit.

Final Inspection:

- \_\_\_\_ All construction is in conformance with approved plans.
- \_\_\_\_ Partial Refund of deposit and date: \_\_\_\_\_
- \_\_\_\_ All re-vegetation is in conformance with approved plans.
- \_\_\_\_ Balance of Refund of deposit and date: \_\_\_\_\_

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## **Public and Private Agency Contacts**

Before a County building permit is issued, the County will need plans stamped and signed with approval from each and all: EMACC, KMPUD, and Mountain Utilities, then the Alpine County Building Department will require a plan check fee. Also, have a check available to cover fees for a building permit, plumbing, heating and grading permit.

### EMACC

The primary EMACC Consultant is Jean Solberg:  
202 Nadine Court  
Incline Village, NV 89451  
[jssolberg@hotmail.com](mailto:jssolberg@hotmail.com)  
775 833-9337

EMACC Chair and Members and their contact information can be found at the EMHOA website shown below.

The EMACC (and EMHOA) mailing address is:  
East Meadows Homeowners Association  
Box 9341  
South Lake Tahoe, CA 96158  
Website: [www.emhoa.org](http://www.emhoa.org)

### Kirkwood Meadows Public Utility District (KMPUD):

**Water & Sewer Service:** Before the contractor installs the required pipes, the water meter set fee and sewer connection fee must be paid. Contact the KMPUD at:

P.O. Box 247  
Kirkwood, CA 95646  
(209) 258-4444 or on-line: [kmpud@volcano.net](mailto:kmpud@volcano.net)

The KMPUD also provides domestic trash service and the homeowner pays the KMPUD for the availability of all central collection bins. It is the responsibility of the homeowner to deposit his/her garbage in the appropriate collection bins. Individual collection is not provided at present. KMPUD requires that construction dumpsters be provided at all job sites.

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Mountain Utilities (MU)

Electricity & Propane Gas Service: gas and electric meters are placed and owned by Mountain Utilities. Mountain Utilities should be contacted as listed below) so that meters are available prior to the start of construction. Meters can take up to two months to receive.

P.O. Box 1  
Kirkwood, CA 95646  
(209) 258-6000 (General Kirkwood Resort phone number)

Volcano Telephone

Call the telephone company to make arrangements for installation. Phone locations must be specific. A piece of paper tacked on the wall to show interior locations desired is recommended. (209) 295-7502

Volcano Vision

Cable Television: Prior to the start of construction, you should contact Volcano Vision for services to pre-wire the structure for cable television. (209) 296-2288

An additional list of agencies from which approvals or services are or may be required in order to construct a home in East Meadows include (names and numbers accurate as of the date of this writing):

Alpine County Building and Planning Department  
Randy Gibson – Building Official  
Brian Peters – Planning Director  
17300 State Route 89  
Markleeville, CA 96120  
(530) 694-2255 – Building  
(530) 694-1878 – Planning

Alpine County Public Works Department (Final Maps located here)  
50 Diamond Valley Road  
Markleeville, CA 96120  
(530) 694-2140

Tri-County Technical Advisory Committee  
Contact Brian Peters at Alpine County Planning Department (see above)

USFS Amador District (for exterior color review required on certain lots)

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Vicki Jowise, Placerville, (530) 642-5134

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## **Exhibit A - Building Envelope Modifications and Variances**

Any modification or variance in the building envelope must be reviewed and approved by the EMACC, and formal approval must be obtained by the Tri-County Technical Advisory Committee (TC-TAC). All modifications or variances must still meet the following minimum setbacks:

- Front – 15 feet from the front property line (not from the edge of the pavement), except lots with extreme slope may have a zero setback from the front property line approved on a case by case basis
- Side – 10 feet
- Rear – 30 feet or 25% of the depth of the lot, whichever is greater, from the rear of the lot

Building envelopes have been established for all lots within the East Meadows. Building envelopes were chosen over traditional zoning setbacks in recognition of the following unique design objectives in the East Meadows area:

- Minimize the visual impact of development when viewed from the Highway 88 corridor, a designated scenic highway, and the Kirkwood Meadows
- Avoid development constraints within the subdivision including avalanche areas and wetlands
- Maintain forest cover and minimize removal of trees
- Minimize site disturbance associated with construction of homes and driveways
- Provide for adequate drainage throughout the subdivision and preserve natural drainage ways as much as possible
- Provide adequate space for snow shedding from roofs and snow removal from roads and driveways
- Provide for a sense of connection to open space throughout the subdivision
- Provide a sense of privacy and separation of individual building sites

Building envelopes were designated during the subdivision approval process using these design objectives as a guide. The Tri County Technical Advisory Committee (TC-TAC) has been granted authority to review variances to building envelopes for the County. Variances should only be granted where the physical conditions on the lot make it difficult to build within the designated building envelope and the variance does not constitute a special privilege which is

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inconsistent with the zoning limitation in place on other properties within the same zoning district.

### Policy for Building Envelope Modifications (Changes of 5% or less)

EMACC and TC-TAC will consider modifications to designated building envelopes where it can be demonstrated that all of the following criteria can be satisfied:

- The new area added to the building envelope should not exceed 5% of the total area of the original envelope.
- The modified building envelope shall not contain more area than the original building envelope.
- The modified envelope location will not increase the visual impact of the building site when viewed from Kirkwood Meadows and the Highway 88 corridor.
- The modified envelope does not result in buildings or driveways being located within any of the following areas:
  - Federally designated Wetlands and Waterways of the United States.
  - Red or Blue avalanche zones
- The modified building envelope preserves separation of buildings on adjoining lots and does not unreasonably impact adjoining lots. In no event shall a modified building envelope be closer than 10 feet to any lot line bordering another residential lot.
- The modified building envelope does not result in a substantial increase in site disturbance, including tree removal, site grading and excavation, when compared to the existing envelope.
- The modified building envelope does not adversely affect any natural drainage way or the overall drainage plan within the subdivision, and provides for adequate drainage within the lot.
- The modified building envelope provides adequate space on the lot for snow shedding, snow removal and off-street uncovered parking.
- The modified building envelope is otherwise compatible with the overall design objectives in the East Meadows area.

It should be recognized that the design objectives of individual homeowners cannot, by themselves, be a reason for modifying a building envelope. Instead, buildings and sites should be designed to fit within the existing building envelopes to the greatest extent possible. Modifications to building envelopes will only be granted where the applicant can clearly demonstrate to the EMACC and TC-TAC that the request meets all of the criteria listed above.

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### Policy for Building Envelope Variances (Changes of greater than 5%)

Changes to the building envelopes that exceed the 5% limitation are discouraged. However, the property owner may pursue a variance request if the change exceeds the 5% limit. The Alpine County Planning Commission makes decisions on variances as set forth in Section 18.80 of the Alpine County Code.

The variance must first be reviewed by TC-TAC and the recommendation of TC-TAC will be forwarded to the Alpine County Planning Commission prior to the Commission's decision. **EMACC approval is also required for this type of variance.**

In order to grant a variance, the project applicant must conclusively demonstrate the following:

- There is a physical condition on the lot that precludes reasonable development within the original envelope. Reasonable development is not defined by the homeowner's or architect's design preferences. Rather, it is defined as the ability to construct a home on the property that is reasonable when compared to other homes within the East Meadows area.
- Granting of the variance will not constitute grant of a special privilege to the lot owner, or be inconsistent with the zoning limitations in place on other properties within the same zoning district in the East Meadows area.
- All of the criteria for a building envelope modification, except for the 5% limit, are satisfied.
- The TC-TAC will only recommend granting the minimum variance necessary to allow reasonable development on the lot.

### TC-TAC Application:

A complete application for a building envelope modification or variance must be submitted to the Alpine County Planning Department at least four weeks prior to the TC-TAC meeting. The application shall contain the following information:

- Three sets of full-sized (24" x 36") plans, professionally drawn to scale showing the following (structural or engineering drawings are not required):
  - Plot plan drawn to a typical engineering scale (1" = 10 feet or 1" = 20 feet) showing the location on the lot of the existing building envelope and proposed modified building envelope, footprint of the

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proposed structure (including projections such as decks and covered porches/entryways), and locations of the driveway and any other site improvements (patio areas, etc.).

- Elevation drawings of the building drawn to typical architectural scale; i.e., 1/4" = 1 foot
- Floor plans
- Location map showing the location of the lot and all lots and building envelopes on all adjoining lots (a copy of the subdivision map that clearly shows building envelopes will be acceptable).
- One set of drawings reduced to 11" x 17".
- A statement of the need/reasons for the proposed modification; applicants should address the criteria for approval.
- Fee, payable to the Alpine County Planning Department.
- Completed application form (form provided by Alpine County).

Once a completed application is received, it will be scheduled for review by the TC-TAC. At least three weeks prior to the TC-TAC meeting, Alpine County will send a notice of the application, including date and time of the TC-TAC meeting, to all property owners of record within 300 feet of the subject lot, Kirkwood Associates, and any homeowners association, design review board and/or architectural review committee with jurisdiction.

Building Envelope Modification or Variance Fees

Contact the Alpine County Planning Department for fee information.

Application for an envelope variance shall be considered by EMACC when the plans are submitted for Preliminary Plan review. The Owner shall be responsible for notifying all neighbors within 300 feet and shall provide proof of such noticing to EMACC.

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### **Exhibit B - 3500 Square Foot Land Coverage Variance**

Variances to the 3500 square foot land coverage limit in these guidelines will be considered on a case-by-case basis. "Land Coverage" is defined in the "Restrictions" section of these Guidelines.

Variances are not a right. They are granted by the EMACC or, on appeal, by the EMHOA Board when, in their opinion, the application is justified by circumstances and consistent with the terms and overall intent of the CC&R's and the Design Guidelines. Such variances are intended to accommodate substantial extenuating circumstances in the design of homes, which involve significant offsetting concessions to mitigate their impact, such as a building substantially below the maximum permissible height. Variances will not be granted simply to permit the building of larger homes than would be possible within the guidelines. No variance shall be considered a precedent for subsequent decisions.

Applications for variances must be in written form, detailing the specific reasons why the variance is required, the existence of any extenuating circumstances, and proposed trade-offs to mitigate the environmental impact of the building. The request should include drawings and information on the square footage of:

- Total proposed land coverage, broken down by living space, garage, decks, overhangs requiring ground support, driveway, and patios; and
- Total dwelling size as defined in these Guidelines
- 

Variances to increase land coverage will generally be considered up to a maximum of 3,850 square feet (10% above the existing 3500 square foot limit). Applications for variances to increase the footprint beyond 3,850 square feet (10%) will be considered only in very exceptional circumstances.

Notice of a variance request will be given to property owners within 300 feet of the proposed building and other more distant neighbors, judged by the EMACC to be visually impacted by the proposed structure. The EMACC will inform applicants of the exact number of copies required.

Consideration will be given by the EMACC (and, in cases of appeal, the EMHOA Board of Directors) to objections received from neighbors. The EMACC will make reasonable efforts to assure that issues are resolved to the satisfaction of the

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concerned parties. A variance will, however, not necessarily be withheld simply because of the objection of one or two property owners.

Applications must be submitted at least 60 days before the date of the EMACC meeting at which the variance request is to be considered. (30 days for processing and 30 days for consideration by affected neighbors).

Applications must be submitted with sufficient copies for distribution to members of the EMACC, the EMACC Review Architect, and affected neighbors.

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### **Exhibit C - Driveway Design Alternatives**

*Note: Alpine County driveway standards may be more strict in some circumstances than the standards shown here. Please consult with the County for requirements applying to your driveway.*

There are two different types of driveway situations in the subdivision, one for uphill lots and one for downhill lots. Since the drainage of a driveway and its impact on the adjoining road are a primary concern for the Homeowners Association as well as the individual homeowner, the following guidelines have been developed for the different situations. It is believed that these guidelines also facilitate homeowner access and snow removal concerns.

During design, the architect should pay particular attention to the sun exposure the driveway will receive. This solar exposure plays an important role in how well a driveway functions.

Maximum centerline grades are shown. Care should be taken to minimize the grade difference between the edges and the centerline as this can cause major problems during snow removal. The architect shall pay close attention to the design grades and be certain that the driveway can be constructed in accordance with the design grade. Driveways must be constructed in accordance with the approved grades. On driveways proposed for 7% or greater, a survey is required prior to the foundation pour to insure that excavation has been completed to an adequate depth and that the driveway can be constructed as approved.

#### Downhill Lots

A maximum slope of 12.5% on driveways onto downhill lots will be allowed if an area large enough to back out, turn around, and drive forward up the driveway is provided. A 2% grade immediately in front of and directed away from the garage door is required for 10 feet in front of the garage.

If a turn around area is not provided, then a maximum slope of 4% is allowed. A 2% grade away from the garage door is required for a minimum of 5 feet in front of garage door, for drainage away from the garage door.

*Note: Alpine County maximum driveway slope may be more strict than described in these Guidelines.*

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### Uphill Lots

Immediately in front of the garage, all driveways shall have an area 10 feet in length which has a grade of 2% away from the garage. A maximum grade of 10% is permitted on uphill lots. A maximum grade of 12% will be considered by the Committee based on excellent solar exposure. Driveways shall be designed so the driveway does not drain directly into the roadway, due to icing concerns.

If the driveway intersects the road at a large cut bank, the driveway and any adjacent structures or banks shall be designed to provide adequate sight distance at the roadway.

*Note: Alpine County maximum driveway slope and slope at intersection with roadway may be more strict than described in these Guidelines.*

## **Exhibit D - Tree Removal Guidelines (incl Defensible Space)**

This Exhibit outlines the regulations governing the cutting down, removal, and trimming of trees on private property within East Meadows. These regulations are based on:

1. The requirements of Alpine County ordinances approving the Kirkwood Specific Plan; and
2. California State requirements and recommendations regarding fire wise landscaping, contained in Section 4291 of the Public Resources Code, and in the California Department of Forestry and Fire Protection (CDF) General Guidelines for Creating Defensible Space.

Superimposed on these requirements are the provisions of the EMHOA's CC&R's and Design Guidelines detailed in this Exhibit<sup>1</sup>.

### Objective

Provisions in this Exhibit seek to protect people and property and retain the natural forest characteristics as closely as possible within a residential subdivision. This goal favors retaining the existing species composition, age classes and developmental structure of the forest. The desire is to continue natural ecological processes to the extent reasonable in a residential setting.

### Definitions

- DBH: Diameter at breast height; diameter of tree measured at four and one-half feet (4 ½) above the ground on the high side of a tree.
- Tree: For purposes of this Exhibit, "tree" means a plant characterized by having a main stem or trunk, or a multi-stemmed trunk system with a more or less definitely formed crown, and is usually over ten feet high at maturity. Trees that are the subject of this Exhibit are standing trees with a DBH of 6 inches or greater or a height of 6 feet or greater<sup>2</sup>; and smaller trees planted pursuant to orders of Tri-TAC or the EMACC.
- Tree Crown: Totality of branches extending from the trunk or main stems.

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<sup>1</sup> This Exhibit in no way relieves the property owner, tree removal contractor, and/or Licensed Timber Operator from adhering to the requirements of the California Department of Forestry and Fire Protection (CDF) for tree harvesting activities on private lands within the State of California.

<sup>2</sup> Although seedlings and "volunteer" trees are not regulated by this Exhibit, homeowners are encouraged to allow such trees to grow, consistent with "natural ecological processes."

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- **Dead Tree:** A tree that has not evidenced green branches, leaves, or growth for a period of 12 months.
- **Measurements:** See section at the end of this Exhibit for definitions of measurements.

### Approval Authorities

For provisions in this Exhibit, the Approving Bodies are the Tri-County Technical Advisory Committee (Tri-TAC) and the EMACC. Tri-TAC in general will not grant approvals without prior approval of EMACC.

First line administration of CDF regulations is the responsibility of the Kirkwood Fire Chief.

### General Rules

The patchwork of requirements, regulations, and recommendations can best be understood by two general rules and a set of exceptions to these rules:

1. No tree (dead or alive) on East Meadows private property may be felled, trimmed, pruned, topped, damaged, or removed, except under the conditions specified below<sup>3</sup>; and
2. The felling, trimming, pruning, topping, damaging, or removal of any tree covered by such exceptions requires the prior approval of both Tri-TAC and the EMACC except as specified below.

### Exceptions to General Rules

Trees may be felled, trimmed, pruned, topped, or removed under the following circumstances and with approvals noted:

1. No approvals (except as noted) are required to:
  - Remove dead branches from trees that are within 30 feet of a house and the branches are within 5-6 feet of the ground.
  - Remove live branches from trees that are within 30 feet of a house and the branches are within 5-6 feet of the ground, as long as this action is part of a fuel reduction program and the branches to be removed constitute less than 1/3 of all branches of a tree.
  - Remove dead branches that overhang (at any height) a house, walk, or driveway.
  - Remove dead and live branches from a tree when such branches are within 10 feet of a chimney top.

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<sup>3</sup> This prohibition also applies to any public agency or utility provider

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- Remove trees or limbs in an emergency, to address an immediate threat to people, public safety, or property, but such removal requires prior approval of the Kirkwood Fire Chief.
2. EMACC approval is required to:
- Remove trees within a building envelope to permit construction according to a design approved by the EMACC (approval to remove trees is given at the time of design approval).
  - Remove trees that have been identified by a licensed arborist or forester as dying or unhealthy and present a danger to people or property.
  - Trees that are dead. Note that:
    - EMACC approval is limited to confirming that the tree is dead.
    - Removing dead trees within 30 feet of a building is an important fire management practice.
    - Homeowners are encouraged to allow dead trees that are more than 30 feet from homes to stand and decompose naturally. However, such trees may be removed (completely or partially) at homeowners' discretion, following EMACC approval. The following information is provided to help homeowners decide whether to remove a dead tree that is more than 30 feet from a home:
      - Firs usually decompose and are likely to fall within the shortest period of time after death. Lodgepole pine take moderate time and Sierra juniper the longest (10 or more years). Small trees decompose and weaken more quickly than large stemmed trees.
3. Tri-TAC and EMACC approval is required to:
- Fell, trim, prune, top, or remove any tree under circumstances or for purposes other than those described above.

### Permit Procedures

The following permit procedure is required to gain approval from Tri-TAC and/or EMACC.

An application for a tree permit shall be submitted by the lot owner and shall include the following:

- Name, address and phone number of applicant and owner of record of the land on which the activity is to occur.

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- Written consent of the owner of record of the land, if other than the applicant.
- The location of the land on which the removal/trimming is to occur.
- A plot plan drawn to scale showing accurate location, number, species, size (DBH) and approximate age of the trees to be removed/trimmed. The plan should also show the general location, characteristics and densities of the trees to be left on the site and any improvements on the property.
- A brief statement of the reasons for removal. For EMACC purposes, please attach letters from licensed arborist, CDF, etc.
- An application fee of \$10 plus the cost to notify adjacent lot owners or owners of lots within a 300 foot radius (not just developed lots) is required by Tri-TAC. In addition, a fee of \$10 per tree proposed to be removed or limbed, to defray the cost of EMACC review, plus the cost of an independent licensed Forester's review if the EMACC determines that such services are needed. Tri-TAC will determine which lot owners must receive notification. Notification must be done either in person, by registered mail or witnessed affidavit.
- Any additional information that may be requested by Tri-TAC or the EMACC.

Upon issuance of the permit, the lot owner shall be required to place a cash deposit with Tri-TAC. This deposit shall be a minimum of \$100 and a maximum of \$500 as determined by Tri-TAC and shall be refunded when all items under the Tree Removal Provisions (see below) have been completed. In addition to the cash deposit, the lot owner shall provide the permitting agency with proof of homeowner's liability insurance. If a contractor is hired to perform the work, he shall provide insurance in lieu of the lot owner.

#### Appeal Procedures

To appeal conditions or denial of a permit, the lot owner shall make an appeal to the Alpine Planning Commission. The County shall levy appropriate fees. To appeal the decision of EMACC, the lot owner shall make a written appeal to the Board of Directors of the East Meadows Homeowners Association. A fee shall be paid to the EMHOA based on time spent, if any, by EMHOA's consultants.

If a permit is denied, written notification shall be provided to the applicant including the reasons for denial.

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A permit is valid for a period of 90 days unless otherwise specified. An extension of the permit time may be granted upon written request prior to the permit's expiration.

The approving body may revoke the permit whenever there has been a false statement or misrepresentation in the application upon which the permit was based.

### Decision Criteria

Prior to the issuance of a tree permit, the approving bodies shall ascertain whether or not the tree (or limbs) cannot or should not be retained. The determination of the approving bodies in granting or denying a permit shall be based upon, but not limited to, the following:

- Whether or not the preservation of the tree or limbs would unreasonably compromise the owner's development of the land.
- Whether removal of the tree contributes to creation of "defensible space" to prevent spread of fire, in accord with the following criteria:
  - Trees within 30 feet of a house should be individual specimens with crowns no closer than 10 feet apart if on a slope of 20 percent or less; and no closer than 20 feet apart if on a slope of 20 to 40 percent; and
  - The proposed removal of a tree or trees is part of a property owner's overall plan to create defensible space, in accordance with the California Department of Forestry and Fire Protection (CDF) General Guidelines for Creating Defensible Space, paragraph 4a (some of the provisions important to East Meadows are shown under "Management of Defensible Space" shown later in this Exhibit).
  - Note that if the desired distance between tree crowns can be achieved through minor trimming of tree branches, that approach is preferred to tree removal.
- The condition of the tree with respect to disease, general health, danger of falling, and potential risk to people and property. Specifically, the following conditions warrant removal of a tree or tree limbs:
  - Hanging broken limbs (widowmakers) over a deck, driveway, lawn area or roof. (The danger can be removed without felling the tree by removing the limb).
  - Leaning trees where the lean is substantial or the lean is noted to be increasing and there is a target that could be harmed in the direction of the lean. Targets would be play or activity areas,

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homes, driveways, and roads that if blocked have no alternative routes for ingress or egress.

- Dead trees (snags) within 30 feet of a building.
- Dying trees within 30 feet of a building that are expected to live less than a year; dying trees greater than 30 feet from a building and expected to live less than a year, which could, if they fall, hit the building or other target.
- Snag topped trees, where the dead top is obviously unsound or very large, if there is a target that could be harmed within the probable direction and area of fall. (Snag tops can be stabilized by removing the top rather than by falling the entire tree).
- Trees with signs of root weakness, such as lifted or cracked soil, and where there is a target within the likely direction of fall.
- Trees with substantial evidence of interior trunk rot that would make them likely candidates for failure and are within range of a target.
- Trees with open cankers over ½ the circumference of the trunk with a target within range of the likely direction of fall.
- The approximate age of the tree compared to its life span.
- The number of existing trees in the area and the effect of the removal upon public health, safety, visual beauty and general welfare of the area.
- The effect of the removal on soil erosion and stability, particularly near streams or steep slopes.
- The desire to remove trees to enhance performance of roof mounted solar panels. For this type of request, the EMACC will use decision criteria such as the following: a) is tree within building envelope? b) what percent solar improvement will tree removal accomplish? c) do trees provide visual screening from adjacent homes? d) what percent of trees on the site do those proposed to be removed represent? e) what is the health and projected lifespan of the trees proposed to be removed?
- The potential for the tree to be a public nuisance or interfere with utility service.
- Future visual screening potential.
- Any other information Tri-TAC and EMACC find pertinent to the decision.

The following conditions will in general not warrant removal of trees or tree limbs:

- Dying trees that are sound and may survive two or more years from identification, have no defects that would make them likely to fall and are not within range of a target.
- Snag topped trees where the dead portion appears sound (common for juniper) or are not within range of a target if failure occurs.

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- Large dead hanging limbs in trees that are not near a target (these dead limbs may still be removed if desired).
- Lightning struck trees whether recently struck or with healed scars.
- Trees with healed catfaces or other open wounds.
- Trees with cankers on the trunk that have currently solid wood and are not in danger of falling on a target.
- Trees with recent bark scarring from construction and maintenance equipment.
- Large living sound limbs on trees above a target.
- Tree thinning, whether through removal of trees from the understory or from the overstory, except if a tree removal is for defensible space as described above; or if there is an outbreak of insects or disease that appears to be beyond natural endemic levels.

### Tree Removal Provisions

It shall be the responsibility of the person removing or trimming any tree to maintain a copy of the approved tree permit, building permit, or other permit of which the tree removal is a part, at the tree removal site.

Existing healthy trees and native vegetation on the site shall be preserved and protected by adequate means during any construction. Damage to trees not to be cut and to residual vegetation shall be avoided. Damaged trees shall be repaired with tree sealer and any necessary surgery.

No tree shall be intentionally felled into a perennial or seasonal stream.

Any stump left in the ground shall be treated with approved chemicals or methods to prevent the spread of forest tree diseases. In addition, all stumps left in the ground shall be left at a height not more than 12 inches on the high side (uphill) of the stump. Slash, debris and non-merchantable timber generated by the removal shall be disposed of in a manner approved by the approving body. All tree removal sites shall be winterized before the end of the construction season to prevent erosion and loss of soil from the site (see Exhibit E).

### Public Nuisance

The approving body may determine, on the advice of a competent authority, that a tree on private land is diseased, insect infested or hazardous to the public, and may declare the tree to constitute a public nuisance. Upon making such a determination, the approving body shall, by written notice, notify the owner of the land on which the tree or trees are located of the condition and his duty to

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remove it within a specified period of time. If the owner refuses or fails to do so, the approving body shall take the necessary steps to remove the nuisance and charge the owner the cost, which shall be a lien on the property.

- All diseased and bug-infested trees shall be treated prior to removal by approved methods to prevent the spread of such disease or infestation.
- For each damaged or hazardous tree removed, it may be required that five seedlings of the same species be planted on the property. These seedlings shall be planted in locations specified by the licensed arborist or forester who determined the trees to be damaged or hazardous. The arborist or forester shall be particularly aware of the visual impact the removed trees will have on the property and surrounding properties, and shall locate the seedlings accordingly.

### Penalties

In the event that a tree is removed without required approvals, a permit shall be applied for after the fact.

Any party that is in violation of the provisions of this exhibit shall be subject to conditions of restoration of the site or monetary penalties as follows:

- For each tree removed without authorization, the replacement of the tree shall be based on the following replacement value: \$30.00/inch at DBH for each illegally removed tree. The replacement shall consist of trees the same or similar species. Tri-TAC shall determine the actual replacement size.
- If a project site is not capable of supporting all the replacement trees, the violator shall pay the sum equivalent to \$30.00/inch at DBH for each illegally removed tree. All funds collected for violations shall be put into a Kirkwood Reforestation Fund. Tri-TAC shall approve distribution of the funds.
- In addition to the above monetary penalty paid to Tri-TAC, a penalty of \$60.00/inch at DBH shall be paid to the EMHOA.
  - If a tree is totally removed and DBH cannot be measured, the measurement will be made at the remaining trunk/stump
- Any tree damaged during the removal process shall be repaired with tree sealer and any necessary tree surgery.

### Management of Defensible Space

The risk of forest fire in Kirkwood and East Meadows is rated by the California Department of Forestry and Fire Protection (CDF) as "Moderate." The East

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Meadow forest is isolated from outside fire sources by the meadow below and barren slopes above. Absence of overhead power lines and presence of a community fire protection force help to decrease the risk and spread of fire in East Meadows.

The EMHOA recommends that all homeowners follow the CDF's General Guidelines for Creating Defensible Space, available through the Kirkwood Fire Department and on-line at: <http://www.fire.ca.gov>.

In accord with these Guidelines, homeowners should take the following actions to create defensible space that will help prevent the spread of fire, should it occur. This space should extend 30 feet from a building (or to the property line if the building is less than 30 feet from the property line):

- Within the 30 foot space, recommended actions that do not require EMACC review and approval include:
  - Remove down trees.
  - Remove dead tree branches from trees to a height of 5-6 feet above the ground.
  - Remove green tree branches on mature trees to a height of 5-6 feet above the ground (branches removed should not exceed 1/3 of all branches on the tree).
  - Remove dead tree branches that overhang a roof (at any height).
  - Remove all branches within 10 feet of a chimney top.
  - Thin dense stands of shrubs so that space between the shrubs is 2 times the shrub height.
  - Be sure that shrubs beneath the tree canopy have vertical clearance to nearest tree branches of 3 times the height of the shrub.
  - Avoid build-up of needles and leaves on roofs and gutters.
  - Install a fine-screen spark arrestor on chimneys.
- Recommended actions that do require EMACC review and approval:
  - Remove dead trees.
  - Remove live trees to achieve tree separation described under "Decision Criteria," above. This action also requires Tri-TAC approval.

In addition, up to 100 feet from buildings, examples of where fuel management are recommended are:

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- Large quantities of dead standing or downed woody debris from new or past tree mortality (removal of dead standing trees requires EMACC approval).
- Thick understory of shrubs and small trees that are exposed to sun drying for long periods of time.

### Measurement Definitions

- Vertical Distance: measured from the average of the low and high ground points adjacent to a tree trunk.
- Horizontal Distance between Trees: measured from outside edges of tree crowns.
- Distance between Tree and Building: measured from outside surface of building wall to edge of tree crown. If the tree is dead, with few or no remaining branches, the measurement is to the surface of the trunk.

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## **Exhibit E - Erosion Control Guidelines**

### Introduction

These requirements are intended to avoid pollution of watercourses with nutrients, sediments or other earthen materials generated on or caused by surface runoff on or across the development area. Development at East Meadows must comply with applicable regulations of Alpine County, regarding grading permits and grading requirements of the Uniform Building Code, and the Kirkwood Erosion Control Plan.

### Erosion Control Guideline Intent

It is the intent of this section that erosion control shall be properly designed, constructed, inspected, and maintained so as to minimize adverse environmental effects. Erosion control plans shall accompany building permit requests and shall be approved by Alpine County.

### Minimum Requirements

Temporary erosion control is effective in controlling run-off and finer grades of sediment. Temporary erosion control to protect adjacent lots, the meadow, roadways, and drainages shall be implemented. Each project shall be evaluated for its erosion control needs, and temporary erosion control shall be determined accordingly. During this determination, one should consider the length of time the erosion control measures will be needed as certain measures, such as straw bales, can have a longer life and fare much better through the winter. The use of filter fence for wintertime use should be avoided as it has been found to not withstand the snow conditions.

Typically, temporary erosion control will require the use of straw bales or filter fence along the front or back of the foundation excavation depending on site conditions. Utility trenches may also need temporary erosion control if the trench is to be open for a long period of time or is not stabilized prior to winter. Depending on the driveway layout and grade, the use of gravel filter beds may be needed. Depending on the location of street drainage, catch basins, culverts, etc. in relation to the project, temporary erosion control may be needed around these facilities to protect them from siltation.

Temporary erosion control measures shall be in place prior to any grading or excavation.

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For a more comprehensive description and discussion of the erosion control methods mentioned above, consult the Water Quality Management Plan for the Lake Tahoe Region: Volume II, Handbook of BMP's, Tahoe Regional Planning Agency and Alpine County's 2003 Kirkwood Specific Plan Ordinance Appendix 1.

Phases of development shall be planned so that only those areas of immediate concern are exposed for the shortest possible time. Erosion and sediment control shall be coordinated with the sequence of grading, development and construction operations.

- Topsoil shall be removed and stockpiled for later reuse as a re-vegetative media on disturbed areas. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving waters.
- Sediment basins, retention structures and/or traps shall be used when there are no other suitable measures to control sediment.
- Floodplains and other areas immediately adjacent to natural drainage ways and streams shall be preserved in their natural state unless specifically addressed at the time of subdivision approval.
- Drainage and storm water runoff control systems and their components shall be designed to fit the hydrology of the area and have adequate capacity to transport the up and down slope drainage through the project area.
- Whenever possible, natural features, including vegetation, terrain, watercourses, wetlands and similar resources shall be preserved. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment. Wetlands and Waterways of the U.S. shall be protected to comply with requirements of the U.S. Army Corps of Engineers and the California Department of Fish and Game.
- While temporary erosion control is of utmost importance, the use of erosion control measures to address long-term site issues must be considered and should not be overlooked. The measures required are dependent upon each site's conditions, project design, and the reestablishment of vegetation on the site. Rip-rap swales and sediment basins are examples of measures that may be necessary.

### Erosion Control Plan Contents

The two main components of Erosion Control Plans shall be Drainage Plans and Re-vegetation Plans. Drainage plans shall include the following:

- Hydrology of all areas draining through the site.

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- Existing contours and existing drainage patterns.
- Proposed contours and/or slope lines.
- Proposed drainage paths and slope of all interceptor (cut-off) ditches - top of cut and toe of slope.
- Erosion control devices and energy dissipaters. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities with designs specifically approved by the Building Department or other appropriate County agency.
- Size and location of sediment traps and basins and their spillway dimensions, if required.
- Drain inlet and outlet locations and grate sizes (net area), if required.

Re-vegetation Plan Content

- Location of re-vegetation project.
- Seed mixture and rate of application to be used.
- Mulch and/or straw application rate, method of application and method of holding in place.
- Method and timing of irrigation if irrigation is to be used for revegetation.
- Notes specifying that all cut and fill slopes, as well as other disturbed areas, shall be seeded, fertilized, and mulched after the first fall rains, but no later than October 31st.
- Methods to be used for scarifying soil compacted during construction.
- Construction Zone fencing delineation.
- Notes specifying that where grading has been completed between April 1 and October 31, re-vegetation shall occur by October 31. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area during any part of the winter season, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.
- Special attention shall be paid to the type of erosion control measures used for the winter as straw bales have been found to be more effective than others in controlling runoff during winter conditions.

Timing

No earthwork is to be performed during periods of wet weather (November 1 to April 1). Weather and site conditions may not allow earthwork to begin by April 1. Failure to implement the Erosion Control Plan by the specified date may subject the contractor to a Stop Work Order by the Building Official or designee of Alpine County. In the event of a Stop Work Order, either the

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contractor or County forces will fit the site with the appropriate erosion control features.

Emergency construction during wet weather shall be allowed only by written request to the Building Department of Alpine County. Repair and maintenance of the Erosion Control Plan items shall be required during the wet season and shall be the responsibility of the contractor.

### Costs

All costs for erosion control shall be borne by the owner, including but not limited to, the cost of the work, engineering, inspection, clerical, materials, labor and legal costs.

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## **Exhibit F - Administrative Process & Information**

### Preliminary Plan Review

Contact the EMACC to get onto an agenda for review and to receive instructions, reviewers' addresses and deadline for mailing Preliminary Plan sets.

The owner or owner's architect should mail plan sets at least 14 days prior to the review meeting. Eight sets of Final Plans are needed, and they go to 1) the EMACC Review Architect, 2) each of the EMACC Members, 3) the EMACC Consulting Engineer, and 4) the EMACC Snow Removal Contractor. Make sure requirements for Preliminary Plan Review have been met; insufficient documentation can delay your project.

Prior to Preliminary Plan review, payment of the Review Fees must be submitted. A check payable to the East Meadows Homeowners Association should be mailed to the EMACC 14 days prior to the Preliminary Review.

Please be prompt with your mailings in order to get onto the agenda. The EMACC will not review preliminary plans if the EMACC Review Architect has not reviewed them first. The EMACC has the right to limit the number of reviews at one meeting.

### Final Plan Review

Contact EMACC Coordinator to get onto an agenda for review and to receive instructions, addresses and deadline for mailing Final Plan sets.

The owner or owner's architect will be mailing plan sets at least 14 days prior to the review meeting. Eight sets of Final Plans are needed, and they go to 1) the EMACC Review Architect, 2) each of the EMACC Members, 3) the EMACC Consulting Engineer, and 4) the EMACC Snow Removal Contractor. These plans will receive review, comment and possible approval. Make sure requirements for Final Plan Review have been met; insufficient documentation can delay your project.

Prior to Final Plan approval, payment of the Owner's Compliance Deposit must be submitted. A check payable to the East Meadows Homeowners Association can be mailed to the EMACC prior to the Final Review, or submitted at the Final Review meeting.

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Please make sure you are prompt in your mailings in order to get on the agenda.  
The EMACC has the right to limit the number of reviews at one meeting.

Tree Removal After Construction

Contact EMACC to determine the best method to handle your request.

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### **Exhibit G – Native/Locally Adapted Tree and Shrub Short List**

This list is provided as a quick reference to trees and shrubs acceptable to the EMHOA for planting within East Meadows. A more complete list is provided on the EMHOA website.

#### **TREES**

Incense cedar - *Calocedrus decurrens*  
Jeffrey pine - *Pinus jeffreyi*  
Red fir - *Abies magnifica*  
White fir - *Abies concolor*  
Mtn Ash - *Sorbus scopulina*  
Mtn Alder - *Alnus tenuifolia*  
Lodgepole pine - *Pinus contorta*  
Quaking aspen - *Populus tremuloides*

#### **SHRUBS**

Buckwheat – *Eriogonum wrightii*  
Current - *Ribes* species  
Dogwood - *cornus stolonifera*, *cornus alba*  
Elderberry - *Sambucus* species  
Manzanita - *Arcostaphylos* species  
Mtn Pride penstemon  
Mtn Spiraea - *densiflora*  
Red leaved chokecherry  
Sagebrush - *Artemisa tridentata*  
Sierra gooseberry - *Ribes roezlii*  
Snowberry - *Symphoricarpos*  
Squawcarpet - *ceanothus prostratus*  
Thimbleberry – *Rubus parviflorus*  
Tobaccobrush - *ceanothus velutinus*  
Whitethorn - *ceanothus cordulatus*  
Willor - *Salix* species  
Woods rose - *Woodsii*

It is important to purchase stock that is acclimated to the Kirkwood area, i.e., purchased from a nursery located at a similar elevation and climate.