

BEAR VALLEY DESIGN STANDARDS

BEAR VALLEY

ALPINE COUNTY, CALIFORNIA

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by

Bear Valley Residents, Inc. Board of Directors

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BEAR VALLEY DESIGN STANDARDS

OUTLINE OF THE PLANNING AND REVIEW PROCESS

The elements of the planning process are listed below. They are described on the succeeding pages and numbered as shown for easy reference, essentially in the order they should be considered by anyone who plans to build, remodel or otherwise affect property in Bear Valley. Those steps that require review and approval by the Bear Valley Architectural Review Committee (BVARC) are marked with an asterisk. These are tracked on a Building Review Form (see Appendix 1) to be submitted with the initial application.

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I. PURPOSES AND GOALS

The review process exists to assure that development in Bear Valley does as little harm to the environment as possible and to assist the property owner with any special problems he/she may encounter. The criteria discussed on the following pages seek to achieve designs for homes that are compatible with their sites and with their neighbors and that retain the feel of a community which is alpine in character. Preservation of the aesthetic qualities and the beauty of the natural setting must be paramount in the design of any structure constructed in Bear Valley.

Property owners are strongly encouraged to use professional assistance in the planning and engineering of their homes. Professionals familiar with the alpine environment can better provide the owner with an understanding of the site possibilities and assist one in taking advantage of its special qualities.

The applicant should carefully review the CC&Rs and these Design Standards (see Section IV) that govern architectural design in Bear Valley long before settling on a preferred approach to

building. Materials and concepts that are not explicitly addressed should be presented and discussed with the BVARC early in the planning process to avoid possible disappointment later.

The BVARC recognizes that building and owning a home in Bear Valley is a very personal matter. It doesn't intend to intrude on an individual's creative efforts or the expression of one's personality in their own property. At the same time, it does have an obligation to see that proposed designs are compatible with their surroundings and in keeping with the harmony and architectural integrity of Bear Valley.

The search for the best balance between the interests of the individual and those of the community is central to the planning process. It can sometimes be a considerable challenge. However, if all parties enter the discussions with civility and a sense of objectivity, differences can be resolved for the good of all. The beauty of the Bear Valley community is testimony that this goal can be achieved.

II. ORIGIN AND JURISDICTION

Architectural review in Bear Valley is administered through Bear Valley Residents, Inc. (BVRI) by the Bear Valley Architectural Review Committee ("BVARC"). The BVARC approval is required prior to new construction or alterations of any type that effect the exterior appearance of previously approved designs. Examples include, but are

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not limited to: new homes, additions, garages, driveways, decks, stairs, entryways, doors, windows, hot tubs, reroofing, major landscaping, walls, grading, and new exterior colors. Repair or maintenance that does not change the appearance of existing structures does not require BVARC review. However, it is advisable to check with the Board when such work is contemplated, just to be sure that its approval is not required.

The function of the BVARC was established to assure orderly and appropriate development in the Valley. It derives its authority from the recorded Covenants, Conditions and Restrictions (CC&Rs) which are legally binding on the owners of property.

The CC&Rs were updated in 1992 to confirm the Bear Valley Residents, Inc. to administer, interpret and enforce architectural control in Bear Valley. The BVARC is a committee of BV-RI to perform this function.

III. PLANNING AND DESIGN GUIDELINES

A. Site Planning

Site planning shall begin with data collection. Property lines and setbacks shall be plotted.

Easements for utilities, drainage, pedestrian and other access should be noted. Water, sewer, electric, telephone and cable TV lines, as well as the edge of existing pavement or street right-of-way, shall be indicated. Significant views and orientation to the sun should be studied.

A topographic map prepared by a civil engineer or registered land surveyor is essential for good site planning. The degree of slope, orientation to the sun and wind and views, size and types of trees and boulders and drainage swales can significantly affect planning decisions. The location, height, and activity zones (decks, parking, etc.) of neighboring houses shall also be considered.

Actual location of the proposed structure shall relate to the natural terrain. Grading and tree removal shall be minimized. The natural features of the site shall

be preserved, as well as possible. Building design shall take into account grade changes, locations of trees, boulders, and orientation to sun and views. Privacy and the impact on adjacent neighbors shall be considered both in site planning and in designing the architectural elements of the structure. Trees and natural vegetation shall be incorporated and utilized to enhance the overall appearance.

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Natural materials such-as redwood or cedar siding are particularly appropriate for their appearance and weathering qualities. When properly selected and maintained., these materials have minimum maintenance requirements. Siding and roof colors that harmonize with the natural setting are required.

Site drainage and spring water run-off shall be carefully considered. Natural water courses shall be preserved and existing vegetation shall be left undisturbed except where the building will be located. Construction and storage areas shall be kept minimal.

Trenching must be confined to areas specified on the site plan. Manual digging and moisture blanketing will be necessary to preserve and protect exposed root systems. Backfill material must include loose soil of proper characteristics to promote regrowth in disturbed areas.

Storage areas for soil, lumber, and other building materials must be placed to avoid damage to existing vegetation. Soil and rocks retained from excavations must be kept within the area impacted by the construction. Stockpiles adjacent to existing vegetation shall have protective structures to prevent damage to trees and shrubs.

Garage designs shall be integrated into and in harmony with the house and the surroundings.

Catalogued house plans will be considered on individual merit only. Approval for one site does not imply that the same or a similar plan will be approved for any other sites.

B. Revegetation Guidelines

Every effort must be made to minimize the long term negative effects of construction on the environment. Disturbed areas are not only unsightly, but also susceptible to erosion. In an alpine climate these wounds heal very slowly, if at all. Damaged or disrupted habitats (shrubs, trees, rocks, ground cover, etc.) shall be restored to their original conditions.

To heedlessly destroy and not repair the very elements that attracted us to Bear Valley violates the interests of all property owners. Anyone working in the Valley--homeowner, contractor, builder, architect, sub-contractor, etc.--is charged with a special responsibility to care for and keep this fragile environment in its natural state.

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IV. REGULATIONS AND STANDARDS

Observance of the following objective standards is required for plan approval. Deviations from these in planning will require specific variance approval by the BVARC. Deviations in practice will be grounds for legally enjoining construction already in progress, by means of a court order.

In addition, applicants should understand that the BVARC must, of necessity, make subjective judgements regarding a proposed design. The key word is "harmony"--harmony with

the environment in which the structure is placed and harmony with the surroundings.

In making these decisions, BVARC members will look to such criteria as the building's form and appearance, its location, its orientation, the nature and color of the exterior materials, its effects on the privacy of others and on the outlook from neighboring properties, and its visual impact on the community.

A grant of approval for a particular design on a particular lot does not establish a precedent for that design or any of its features on any other lot. Each design is considered strictly on its own merits in the light of its proposed setting. What is satisfactory for one site is not necessarily satisfactory for another site.

1. Maximum Height. The building height is governed

by the Alpine County Building Code. Check with the Alpine County Building Department prior to commencing any design.

"Building height" means the vertical distance from the average finished contact ground level measured at all major exterior building corners and averaged together to the highest point of the building (roof, chimney, etc.).

The height of the structure shall not exceed thirty-six feet on a lot having a slope, within the building envelope and allowed by setbacks, of ten percent or less, or thirty-eight feet on a lot having a slope of ten percent to twenty percent or forty feet on a lot having a slope exceeding twenty percent.

2 Structure Size. Ground floor square foot area must be a minimum of eight hundred (800) square feet (in Tracts 1 and 2) and nine hundred (900) square feet (in Tracts 3, 4, 5, 6 & 7 see CC&Rs). This is defined as the floor space having at least five-foot (5') height clearance, not including porches, decks, basements, etc. Structures are limited to one single family residence per lot, unless otherwise zoned.

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3. Setbacks. Minimum setbacks from the property lines are set by Alpine County and are as follows:

Front 30 feet from property line

Side/Rear 20 feet from property line

Roof overhangs, decks, railings and stairs should not project over any setback or easement. Living space is not allowed in any setback area.

4. Parking Space. Suitable off-street parking shall be provided for at least two cars (minimum of 10' x 22' per car).

5. Excavation and Fill. Cuts and fills are limited to four (4) vertical feet where visible outside the structure. Retaining walls are required if the cut is sufficiently steep to create a slide or erosion hazard.

Cuts shall be at least twelve feet (12') apart. Cuts and fills shall be revegetated with plants that are native to the area. No excavation is permitted until the BVARC has signed and dated its approval on the Final Plans (see Section vii).

6. Exterior Colors. Colors for exterior siding, trim and roofing shall be chosen to provide for attractive homes that: harmonize and blend in with the natural setting so as to be unobtrusive and have a minimal visual contrast with the surrounding forest and meadows. Colors for exterior materials shall be selected so the house blends in with the predominant background earth and/or forest colors.

Colors will be considered on a site by site basis with a view towards minimal impact. Approval of a particular color or particular material for a particular site does not imply approval for any other site.

All exterior colors must be approved and any proposed change in color by present or new owners must be approved in writing.

7. Exterior Materials. Wood siding and surfacing materials such as redwood or cedar are preferred. Natural rock native to the area may be permitted.

Synthetic, "cultured stone" is acceptable providing it matches local granite, river rock, or stone native to the area.* Manufactured materials such as asphalt or metal siding, concrete block, imitation brick, or glass block are not acceptable. Mortar (cement) based siding such as stucco or its synthetic equivalent is not permitted.* All exposed plywood siding shall be stained with a pigmented color stain.

8. Roof Materials. The BVARC considers two design objectives to be paramount in evaluating proposed roofing materials: (a) compatibility with the natural

*** See Note 1 on page 19.**

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surroundings and with the neighboring properties, and (b) reduced fire risk. Non-combustible (Class A fire rated) composition shingles and metal roofing best

satisfy these criteria.

A. Composition Shingles. The composition shingles shall be a dimensional shingle weighing a minimum of 290 pounds per square.

B. Metal Roofing. Metal roofing must satisfy the following criteria to be considered:

1. Permanent non-glaring flat finish;
2. Closed-fastener, minimum 26 gauge steel roof system with matching fascia and accessories;
3. Factory-applied resin coating in a muted earth or forest tone color;
4. Manufacturer's warranty of twenty (20) years or more for the durability of the coating and hardware;
5. No unreasonable glare to either near or distant properties;
6. Explicit provisions for maintenance and repair.

C. Tar and Gravel. Tar and gravel will be permitted only when a dark, harmonizing aggregate is used in sufficient thickness to assure full covering of the base coats. Concrete or clay tile shingles or mission tile are not approved roofing materials.

9. Metal Components. Other structural components of metal, such as pickets and hand rails, may be incorporated into a predominantly wood design, provided they are not obtrusive, create no glare problems and are consistent with the overall appearance and tone of the structure. Their finish must be kept well maintained.

Aluminum windows and screens shall be color anodized (dark bronze) or factory finished in permanent, flat dark colors. Foundations, vents, chimneys, stacks, flues, flashing or other exposed metal shall be painted in non-reflective earth tone colors. Metal garage doors are unacceptable unless they are compatible with the total design and color scheme of the structure.

10. Skylights and Solar Panels. Flat skylights, solar panels and other solar heat exterior devices must be an integral part of the architectural design. Exposed metal shall have a color anodized or factory applied

earth tone finish. Skylights shall not protrude more than six inches (6") above the adjacent roof surface.

11. Lighting. Exterior lighting fixtures and locations must be approved by the BVARC. No exterior lighting fixtures shall be installed without adequate and proper shielding to provide a primarily downward projection of the light source, so as to prevent creating a nuisance, hazard or glare to neighbors, passing pedestrians or vehicle traffic. Interior lights shall be screened or located to avoid intruding on the view from the outside.

12. Decking Substructure. Dimensions and/or facings of deck posts and beams shall be selected to relate proportionately to the rest of the structure. Cross bracing shall be done with "shear walls" or metal tie rods painted in a muted tone. Exposed undersides of decks should be stained or painted a dark color.

13. Fuel Tank. The location shall be inconspicuous and readily serviceable without damage to the environment. Slope and drainage under the tank shall not be directed toward inhabited buildings. The separation between tank and buildings must be at least ten feet (10'). The tank shall be painted in an earth tone to blend with its surroundings. Landscaping is encouraged and may be required to make the tank less obtrusive.

14. Aerials and Antennas. No radio, television or other aerial, antenna, satellite antenna, tower or support thereof shall be erected, installed, placed or maintained upon any lot or upon any building or structure, except those devices which may be erected, installed, placed or maintained and used under eaves or entirely within the enclosed portion of a dwelling or are otherwise enclosed, camouflaged or concealed.

15. Exposed Facilities. All appliances and any exposed facilities (including but not limited to water heaters, tanks and containers) shall be enclosed or camouflaged.

16. Hot Tubs. These shall be screened and located so as not to intrude upon any neighbor's privacy and solitude. Pump motors and filter systems shall not be audible beyond the property boundaries.

17. Fences. Fences are prohibited.

18. Electrical Fixtures. Electrical, telephone and cable TV wiring shall be enclosed within structural walls. Exterior electrical panels, junction boxes and

meters shall be recessed or enclosed with exterior siding. Electrical equipment, such as air conditioners and generators, shall be housed to avoid disturbance to neighboring properties

from either their sight or their sound.

19. Access. Neighboring lots and common areas cannot be used to gain access to a property or to a building site for construction.

V. VARIANCES

The BVARC is empowered to review requests for variances from these design standards sought to relieve extreme hardship or undue difficulties in the use and enjoyment of one's property. Requests must be in writing and cite the specific reasons for wanting to deviate from the standards and regulations described in this manual or the CC&Rs. Applications must also show prior notification and written responses from all neighbors who may be affected if the variance is granted.

In addition to the above requirements, the applicant must show clearly that the problem cannot be solved in any other way. In evaluating the request, the BVARC will apply a standard of reasonableness, taking into consideration all *relevant factors*, including, but not limited to, the physical characteristics of the particular lot, the relation of the proposed house to its location and the effect of the variance, if granted, on neighboring properties.

A variance granted to one individual shall not be considered a *precedent* for other such requests; nor does it relieve the applicant from satisfying the requirements of the Alpine County Building Department or other agencies, if the requested variance violates their regulations.

VI. REVIEW OF PRELIMINARY PLANS

All new structures, alterations, additions, color changes and site improvements must be reviewed and receive approval from the BVARC before any work can begin. These include,

but are not limited to, exterior hot tubs, patios, decks, steps, retaining walls, major landscaping, grading, parking areas, solar panels, roofs, etc. There are three steps in the process: (1) submittal of Initial Application, (2) approval of Preliminary Plans (see Checklist-Appendix 2 and (3) approval of Final Plans which consist of Construction Plans and Stake: Out (see Appendix 3).

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A. Initial Application

The applicant must complete the following before requesting BVARC review of the Preliminary Plans:

1. Building Review Form (see Appendix 1) to be submitted to the BVARC Secretary together with a \$50 Application Fee (payable to BVARC). Following this, the owner or his agent* may request a conceptual on-site meeting with the BVARC, or its sub-committee, for new construction, major alterations and/or additions, with at least ten (10) days** notice. The fee will be credited to the Plan Fee (Section VI-C) if Preliminary Plans are submitted within ninety (90) days, or waived for very minor alterations.

2. Letter of Intent describing the project.

3. All requests, letters and plans must be received in writing by the Committee at least ten (10) days prior to a scheduled meeting to be included on that meeting's agenda.

*Agent: Anyone acting on behalf of the owner (architect, builder, etc.). Owner bears ultimate responsibility for actions or inactions of agent.

**Days: Calendar days unless otherwise stated.

B. Preliminary Plans

The owner must submit two (2) sets of Preliminary Plans, along with a completed Preliminary Plan Checklist (Appendix 2), to be received at least ten (10) days prior to the BVARC meeting at which they will be considered. These shall include a Plot Plan, Building Plans, and Material and Color Descriptions as noted below. If not already submitted, a letter describing the project and the proposed timing for construction, and a check (payable to BVARC) for the appropriate Plan Fee, less initial application fee, (see Section VI-C) must also be included.

1. Plot Plan

The Plot Plan shall be based upon a topographic map prepared by a registered surveyor or civil engineer, be drawn to scale (1" = 10' or larger), and include the following:

- a) Lot number(s), and street location;
- b) Engineer's or surveyor's name, address, license number and expiration date,

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signature and date of drawing;

- c) Owner's name, address and phone number;
- d) Datum point, source and reference;

- e) Existing and proposed contour lines at
- f) Easements, building setbacks, property lines and dimensions, adjacent pavement, and hydrants;
- g) Location of proposed buildings, decks, and on-site parking areas;
- h) Location of utility lines (water, sewer, drains, electric, cable TV); See Section IX
- i) Location of trees six inches (6") or larger in diameter at four-foot (4') height
- j) Trees proposed for removal;
- k) Rock outcroppings and boulders;
- l) Site sections wherever grade changes are proposed;
- m) Location and height of proposed retaining walls;
- n) Location and finish grades of proposed parking areas;
- o) Locations of LPG or oil tanks, decks, walks, walls, etc.;
- p) Locations of neighboring structures within thirty feet (30') of property lines.

2. Building Plans

Building Plans shall include floor plans, roof plan, sections through the structure, and elevations, all drawn to scale (1/4" to 1'-0"). Floor plans and elevation drawings must include numerical references to datum point as shown on plot plan. Elevations of each floor, deck,

walkway and roof section shall be referenced to the datum point. The architect's name and address shall also be stated.

3. Material and Color Descriptions

These shall identify and describe all materials of construction, including the following:

- a) Roof materials and pitch;
- b) Type and composition of all doors and windows (house, etc.);
- c) Exterior siding;
- d) Exposed foundations;
- e) Chimney composition;
- f) Decks, railings and stairs;
- g) Walls, walks and surfaced areas.

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Samples of colors and materials proposed for any exterior components such as walls, doors, windows, roofs, decks, panels, etc., must also be submitted. Paint or stain samples shall be applied to the same type of surface that will be used in the actual construction.

Photographs are required where the setting or appearance of an existing structure may be

affected by a proposed addition or remodel.

C. Plan Fees

Fees in the following amounts, payable to BVARC, must be submitted with the Preliminary Plans before any review can begin: **(See note 2 on page 19)**

1. New home construction \$400

2. Major Structure Change (change to footprint of home) \$250

3. Structure Change (add-on with no change to footprint of home) \$100

4. Minor Structure Change (modify existing structure—add window, etc.) \$ 50

4. TV satellite receiving "dishes"

Large: (see CC&R Article VI section 17) \$100

Small DSS \$ 0

6. Roofs – change of materials or color \$ 0

7. Exterior painting (change of color) \$ 0

8. Transfer fee - See VII-D \$ 50

9. Variance Request \$250

D. Approval of Preliminary Plans

The BVARC will notify the owner in writing of the action taken on the Preliminary Plans.

Preliminary Approval expires two (2) years after the date of approval. Failure to obtain approval of the Final plans within that time will require reapplication for Preliminary Approval and forfeiture of the fees paid.

E. Notice to Neighbors

The BVARC will notify property owners, within 150 feet of the project boundaries, of the nature of the proposed project. Plans will be available for review at the BVARC offices in Bear Valley. Neighbors' comments are welcome, but in no way are the comments binding on the project property owner or the BVARC.

VII. FINAL PLANS

After approval of the Preliminary Plans, the owner shall submit for BVARC review four (4) copies of each of the following: all Construction Plans along with the completed Construction Plan Checklist (Appendix 3), and all schedules, specifications of exterior materials and instructions.

These constitute the "Final Plans". No excavation or improvement of any sort is permitted until the Committee has signed and dated its stamp of approval on the Final Plans.

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Final, signed approval will not be given until the BVARC has also received the following:

A. Architectural Review Standards Compliance

Signed "Acknowledgment of Compliance to the 'Bear Valley Architectural Design Standards'" to certify receipt, understanding, and intent to comply with these provisions (see Appendix 4).

B. Construction Plans

The Construction Plans shall include the following:

1. All drawings listed under Preliminary Plans, including a fully dimensioned site plan; grading plans; and details of all exterior features, including pertinent elements such as roof pitch, building height, structure size, setbacks, etc.;
2. Description of exterior colors, including samples and chips;
3. Identification of fuel type and storage tank location;

- 4._ Storage areas for building materials;
5. Location of contractors' temporary access to building site;
6. Disposal area for surplus soil;
7. Instructions that trees adjacent to the construction site be adequately protected with wood fencing which shall be removed when work is completed;
8. Instructions to prohibit nailing to trees; e.g., temporary power, signs, survey lines, etc.;
9. Instructions that trenches be located to avoid damage to trees and ground cover;
10. Locations heights and types of exterior light fixtures;

C. Stakeout

The proposed building must be staked out on the lot and be approved by a committee of the BVARC prior to commencing any lot clearing, grading, footing excavation, etc. The stakeout shall be done in the following manner and only when the ground is clear of snow:

1. All improvements (buildings, decks, parking areas, etc.) laid out using easily recognizable wooden or metal stakes connected with string; flagged or colored to distinguish house, deck, parking area, etc.;

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2. Property lines defined by strings or ribbons;
3. Main floor elevation marked on a corner stake of the planned building;
4. Trees proposed for removal flagged with red ribbon;
5. Datum point identified by red flag;
6. Utility trenches marked with chalk or ribbon;
7. Construction storage areas must be designated

D. Final Approval of Construction Plans

If Final Approval is denied due to discrepancies or deficiencies and the applicant disputes the BVARC's decision, the matter may be submitted to the BVRI Board of Directors for de novo review (see Section XI: Violations and Appeals). Appeals must be submitted in writing within thirty (30) days of the applicant's receipt of written notification of the reasons for denial. The decision of the BVRI Board is final and binding.

E. Expiration of Approval

Approval of the Final Plans is valid for twenty-four (24) months following the date stamped on the plans along with the BVARC's attesting signature. All construction and site improvements shall be completed within this period, including the request for Final Inspection. If Final Inspection of the project has not yet been granted, the applicant has the following options:

1. Extension: Submit a written request to

continue work per the original approved plans for an additional twelve (12) months. Requests must be received before the end of the originally approved twenty-four (24) month period.

2. Reapplication: If construction was begun and abandoned or not yet started before the end of this time, and no Extension has been requested, a new application must be submitted, together with all applicable Plan Fees.

The BVARC's review on reapplication of final plans will be governed by the procedures and regulations which are then current. An owner who is forced to delay work beyond the twenty-four (24) month period due to circumstances beyond his control is urged to apply for an Extension to avoid the Reapplication process and a repeat review and payment of another Plan Fee.

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Approval of Final Plans for building on a particular lot is transferable to subsequent-owners of that lot if they adhere to the time schedule described above, as measured from the original approval date. The Transfer Fee is \$50.

VIII. INSPECTION PROCEDURES

The signed and approved Final Plans will be distributed to the following:

Owner/Agent (1 copy)

BVARC files (2 copies)

Alpine County Building Department (1 copy)

Inspections and approvals are required at particular stages of construction before work can continue. Batter board location inspection can be made by a subcommittee of the BVARC. Requests for such inspections must be made by the owner/agent to the BVARC or subcommittee chairman, at least seven (7) working days before an inspection is desired. Requests for a final inspection must be received at least ten (10) days prior to a scheduled meeting, so that all members of the Committee (if available) can make its assessment of the completion of the project at that time.

A. Batter Board

Batter boards are to be placed at all corners of the proposed structure and connected with string lines to establish locations for foundation trenching and for final siting of the building on the lot. Inspection is required to confirm that the actual siting agrees with the location shown on the approved plans. The approval of the batter board inspection must be signed off on the BVARC Review Record form (see Appendix 1) before construction can begin.

B. Final Inspection

A final inspection will be made when the property is free of snow to assure compliance with the approved construction plans, specifications and any conditions of the BVARC approval and to check the status of repairs of any damage that may have resulted from contractor access, material storage, trenching, etc.

If the Final Inspection reveals that the project has not been completed in full compliance with the plans, specifications and conditions of the BVARC approval, then the property owner will be subject to sanctions set forth in Section XI.

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IX. OTHER AGENCIES

It is the responsibility of the owner or the owner's agent to obtain any other inspections and approvals that may be required; e.g., utilities, drainage, sewer, fuel, telephone, cable TV, etc. The standards in this booklet are in addition to the codes and requirements of other governing

agencies which the owner must also consult such as:

Alpine County Building Department

Sewer - Bear Valley Water District

Water - Lake Alpine Water Co.

Electrical - Pacific Gas & Electric

Telephone - Pacific Bell

Cable TV - Marks Cablevision

Bear Valley Fire Department

X. CONSTRUCTION AND/OR MATERIAL CHANGES

Changes during construction present a special problem, both for the builder and the BVARC. Unapproved changes

jeopardize final approval and may subject property owner to the sanctions set forth in Section XI. However, the BVARC recognizes that changes may be desired in good faith and will make every effort to expedite such requests, while assuring compliance with building standards mandated by the CC&Rs.

Any change that affects the exterior design or appearance must be approved by the BVARC before work on the revision can begin. Examples include, but are not limited to, the following:

- a) External dimensions of the structure or its parts -heights, lengths, widths, etc.;
- b) Changes that also require a variance from the BVARC or county standards;
- c) Roof pitch or components;
- d) Exterior materials and/or colors;
- e) Locations or extensions of house, deck, walkways, etc., that differ from those approved.

If work has been halted to await a decision on a proposed change, the BVARC or its subcommittee will endeavor to resolve the matter within five (5) working days. Otherwise, the

Committee will consider the proposal for changes at its next scheduled meeting. Requests for changes must be received in writing and be accompanied by the appropriate documentation: revised drawings, specifications, material

or color samples, etc. Clearly, it is in everyone's best interest that changes be anticipated and submitted in writing for review long before they create a "crisis" and force a shutdown of construction.

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XI. VIOLATIONS AND APPEALS

Violations or non-compliance with any of the procedures, regulations, or standards described in "The Bear Valley Design Standards" for building in the Valley or any deviations from the plans approved by the BVARC, may result in the recording of a "Notice of Non-Compliance" or a court directed "Stop Work" order. The alleged infraction will be reviewed with the owner/agent at a meeting of the BVARC. If the problem cannot be resolved, it will be referred to the BVRI Board of Directors for whatever action it decides is necessary and proper.

The BVRI Board also serves to hear appeals on decisions made by the BVARC. Membership on the BVRI Board is drawn from property owners in the Valley to obtain broad and continuing participation in the architectural review process by all property owners in the area, and to secure compliance with the standards and procedures provided for in our deed restrictions.

Construction or alteration done without prior approval shall subject the property owner to one or more of the following:

- 1) The BVRI Board will obtain an injunction from the Alpine County Superior Court requiring the correction and/or removal of any work that requires the BVARC review but is done without its approval.
- 2) The Plan Fee will be doubled before review and approval can be granted.
- 3) A minor alteration or change in roof or exterior color done without prior approval will be subject to a \$100 Plan Fee and removal and/or correction if the alteration does not meet these standards for approval.

XII. DISCLAIMER

The failure of the BVARC or the BVRI Board to enforce any of the Conditions, Covenants or Restrictions shall in no way be deemed a waiver of the right to enforce such conditions thereafter. Neither the BVARC nor the BVRI Board nor any member nor appointed

subcommittee nor representative thereof shall be responsible for any architectural or engineering or other defects of any nature whatsoever in the plans or in the specifications or in any structure erected.

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XIII. REVISIONS TO PROCEDURES

Revisions, changes, and addendum to the "Bear Valley Architectural Design Standards" may be issued from time to time as the BVRI Board deems necessary. Major changes will only be made after open discussion and approval by the BVRI membership at a general meeting.

XIV. ATTORNEYS' FEES

In the event that it is necessary for the BVRI Board to initiate litigation to enforce the provisions of these Design Standards, then the BVRI Board shall be entitled to recover its reasonable attorneys' fees and costs.

XV. POSTSCRIPT

The owner who has shepherded the building of a home in Bear Valley through to completion should feel justifiably proud and pleased.

Having successfully survived the gamut of rules and regulations, plan reviews, permit applications, and inspections, one deserves a moment to sit back and relish this unique alpine environment.

In the transition from builder to homeowner, one needs time to reflect on the beauty of the new surroundings: to sense its moods; to watch the change in patterns from dawn to dusk, from season to season; to walk the trails or linger in the meadows; to dabble in the creek or ramble in the forest; to perch on a high ridge and savor the views and sounds and the feelings.

In such a moment one might ask: "How can I continue to preserve the qualities of this special place? How can I minimize the impact of my machines and my structures? How can I avoid injury to the aesthetic values that drew me here? "What can I do to improve/enhance the qualities of the environment that brought me here."

The response to these questions has been at the heart of the architectural review process since its inception. It underlies the work of the BVARC which is charted to guide this

development wisely, and sometimes sternly.

However, the BVARC does not operate in a vacuum. It owes its success to its grounding in the Bear Valley community from which it draws its support and its membership. The community is both the wellspring and the beneficiary of the BVARC's work. Its residents are charged with the responsibility for sustaining what the BVARC has launched.

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The community must be its own guardian.

Clearly, the resident homeowner, whether full time or part time, needs little prodding to care for his/her property and grounds. Personal pride and mutual concern should be stimulus enough to assure that the property is kept neat and tidy, in good repair and restored or repainted as needed. The Valley is too small a place to hide from the ire of one's neighbors.

However, absent landlords may be less responsive. Their lack of concern is compounded by the problems of a growing community. Bear Valley, though small, is not immune. There is more of everything: people, cars, traffic, dogs, noise, trash.

Landlords should urge their renters to minimize the impact of their cars and their dogs and their stereos on the neighborhood. They should be reminded that their property diminishes in value as it becomes more shabby.

Residents, new or old, share a common bond borne in the qualities they sense, but cannot always articulate, whenever they return to Bear Valley. It is a rare and special place. The blending of human works with the wonders of nature has been guided with great sensitivity by a caring community.

It is vital that the residents never relax their vigilance in its protection. If it is spoiled, they have only themselves to blame.

Note 1. Requirements added or modified by BVRI Board of Directors on 15 April 2000. (See page 6)

Note 2. Plan fees changed to those shown by BVRI Board of Directors on 1 March 1995. (See page 12)

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