

## AGYC Policies & Procedures Revised September 2020

(RED BOLD is new language; ~~red italics-strikethrough~~ is deleted language)

### Appendix F - AGYC Drainage Policy

AGYC is owner of and holds title to all roads (with the exception of Manzanita) within Alderbrook. The roads include 30 feet on each side of the centerline, about 15 feet of which is unpaved which is reserved for road maintenance, and installation, repair and upkeep of utility and drainage facilities. An additional five-foot easement exists on the side and rear of each lot for utilities and drainage.

AGYC has the authority and responsibility to manage, control and make requirements affecting these right-of-ways and easements, for the benefit of all of its members. AGYC **delegated** ~~also has the~~ authority to approve or disapprove development plans for individual lots, including consideration for lot clearing, topography and grading, **to the Building & Architectural Committee (B&A).**

In recognition of the substantial increase in new construction and attendant change to existing drainage facilities, AGYC has adopted the following policy to aid in the management and control of surface and ground water runoff.

The dramatic increase in recent development of the lots at Alderbrook requires that AGYC take immediate and direct action to protect the rights of all Alderbrook members.

#### Standards

Surface water is drainage that is produced by rain, melting snow, springs, or water that has escaped from a stream. When developing a lot, the owner may increase the rapidity or amount of flowage of surface water, and even change its direction of flow, so long as it continues to flow as diffuse surface water. But a member cannot develop his or her lot so as to collect, channel and/or discharge surface waters onto downstream property so that the result is materially different in terms of either the amount, or the manner of discharge when doing so caused damage to the downstream property. And, even if these conditions are met, an upstream owner must use good faith in changing the flow of surface water to the downstream lot, and also use reasonable care to prevent unnecessary damage.

#### Application of Standards

AGYC considers all applications to its Building and Architectural Committee in light of these standards, and approval of any such application is conditioned on compliance of the proposed project with them. In addition, AGYC ~~will~~ considers current conditions of previously approved and developed lots for compliance with these standards, and may require remediation of these lots as set forth below, taking into account both the severity of the damages caused or to be caused by the current conditions, and the expense and difficulty of remediation.

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#### **Responsibilities**

Specific responsibilities relative to drainage-related issues are as follows:

- AGYC has the responsibility to install, maintain and repair facilities located in common areas, easements, right-of-ways and any other property owned by AGYC as may be required to assure that the standards are met, and road surfaces are protected.
- AGYC may install or improve drainage facilities within easements associated with individual lots as may be required to assure the standards are met.
- AGYC may create or impose requirements or rules on individual landowners to collect, control, divert or otherwise manage the flow of surface water, as required to assure the standards are met. In doing so, AGYC take into account both the severity of the damages caused or to be caused by the current conditions, and the expense and difficulty of remediation. These requirements or rules may vary according to the location and topography of individual lots.
- Individual lot owners are responsible for management and control of water coming onto their lot and water generated on their lot through the creation of impervious surfaces, when the result fails to meet the standards.
- This policy will be implemented with consideration for practical considerations and challenges facing an upstream owner, where reasonably possible to do so and meet the standards.

#### **Requirements**

This policy sets forth certain requirements that may be supplemented from time-to-time by AGYC as conditions warrant.

- AGYC will maintain all right-of-ways, unless individual lot owners desire to maintain them in a manner consistent with Alderbrook policy. No structures, **fences, retaining walls, or other hard** landscaping or vegetation is allowed in the right-of-way that may impede the natural flow of water, **use by emergency vehicles, or safety of pedestrians, staff and equipment**. Where such impediments may exist, AGYC retains the right to cause their removal.
- All NEW construction must include a plot plan showing installation of all drainage facilities that collect, manage or control the flow of surface or ground water. This plot plan will require written and documented approval as part of the B&A process.
- Pursuant to this policy, AGYC may require certain sites with unique location or topological features to include specific water collection, routing or retention devices. Such devices could include collection basins, French drains, tight lines or infiltration systems. Costs of installation of any such facilities will be borne by the landowner.

AGYC may require culverts or other drainage facilities to be installed on previously approved and developed properties, as set forth above, to assure that the standards are met. Should such facilities be required, AGYC will notify affected homeowners at least 60 days prior to implementation, unless an emergency exists, in the reasonable discretion of AGYC. If an emergency exists, AGYC will try to work with the affected owners to minimize the impacts of AGYC requirements, while at the same time

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protecting all lots and common properties from damages. Each lot owner will make required improvements on his or her lot and at his or her expense, and to the satisfaction of AGYC specifications within 60 days of written notification. Should an owner be non-responsive, AGYC reserves the right to make improvements as may reasonably be required, considering the nature of the existing and probable future damages, and the burden of the improvements to the upstream owner, and bill the homeowner accordingly. AGYC will make a reasonable effort to return the affected area to a condition similar to that which existed prior to the installation of the improvement; **however, ~~but cannot guarantee~~ macadam, cement or decorative driveways will be replaced with asphalt ~~other than will be returned to "as before" condition.~~**

For additional information on specific drainage issues or requirements, please contact the AGYC GM or a member of the following committees, who serve at the pleasure of the Board of Directors:

- The B&A Committee in regards to new or revised lot construction drainage issues.
- The Green Committee or Golf Course Superintendent for all drainage issues on the golf course.
- The GM for all AGYC common areas.
- The Roads and Drainage Committee for AGYC roads, right-of-ways and easement drainage issues.

### **Latecomer Fees**

Any member who is required to bear the burden of the expense of improvements required pursuant to this policy has the right to be repaid by the owners of any other lots, either individual members, or AGYC as to common properties, who are benefited by the same, in proportion to the relative benefits. AGYC is entitled to repayment for the expense of improvements undertaken pursuant to this policy from each benefited member in proportion to the benefit to each such member. It is also entitled to repayment of any expense made to remediate any development by any member in violation of the standards; provided that the remediation undertaken provides a benefit to any other members with respect to their lots that would have otherwise been their responsibility to pay for. The member violating the standards will be required to pay the entire amount, and then will be repaid upon application for development approval as set forth immediately below.

No owner of an undeveloped lot will be required to contribute to the cost of any such improvements until he or she submits an application for approval of a developmental plan for the lot that includes construction of a residence. Approval of any such plan will be contingent upon payment of the proper proportionate sum, as directed by the B&A Committee.