

Terms and General Guidelines for Request For Modification (RFM) Applications for Landscaping, Irrigation and/or Other Encroachments within Stormwater Easements:

Plant Type & Size: Trees of any type are expressly prohibited within the stormwater easement. Landscape plantings that will be considered as part of a RFM application may include shrubs that do not exceed an unpruned height of 5' (five feet) at maturity, ground covers, turf grass, and/or flowers. Careful consideration should be given to avoiding invasive plantings of any type.

Location & Maintenance: Applicant is wholly responsible for identifying and understanding the boundaries of the stormwater easement as such boundaries pertain to their property. Any approved plantings shall be thoughtfully placed such that they do not encumber requirements for periodic access for routine maintenance, inspection. All manholes should remain accessible with a reasonable route of access. Any spreading shrubs, vines or ground cover plantings shall be maintained by the applicant, clear of access ways and manholes covers. All landscaping within the defined stormwater easement area shall be maintained by the applicant so as to prevent erosion. No structures of any type shall be allowed (fences, walls, arbors, gazebos, etc.) without prior approval from the HOA.

Stormwater Structures Repair and Liability: Applicants understand and acknowledge that repair and replacement may be necessary for the varying components of the stormwater structures within the stormwater easement. Repairs may cause damage to landscape and/or other improvements made by the applicant. The HOA assumes no responsibility and will not repair or replace any plant, structure or object in the stormwater easement, whether approved or unapproved, for ANY damage from whatever cause. Upon completion of repairs to the stormwater device, the HOA will be responsible only to grade the affected areas and re-established in turf grass to stabilize from erosion. Additionally, any re-establishment of the affected areas with new landscape and/or other elements will require a new RFM submittal by the applicant.

Irrigation Systems: Irrigation systems located within the stormwater easement are generally discouraged but may be considered on a case-by-case basis as part of a RFM application to the HOA. A detailed diagram of the irrigation system, piping locations and irrigation head placement must be included with any such RFM. If approved, the HOA assumes no responsibility for repairs or damage to the irrigation system, regardless of cause.

Homeowner Acceptance of Financial Responsibility: The HOA reserves the right to request removal by the applicant, or remove itself, any plant, structure or object, whether approved or not, deemed a conflict with the stormwater easement area. Applicant acknowledges and agrees that they may be held financially responsible for any and all removal costs incurred by HOA due to approved and/or unapproved landscaping and/or other encroachments within the easement that the HOA, at its sole discretion, deems to be conflict with the stormwater easement area. Homeowner may also be held financially responsible for repair costs if it can be determined, based upon the professional opinion of one or more experts retained by the HOA, that unapproved plantings or other unapproved encroachments caused or contributed to damage to the stormwater systems device or related structures.