

April 19, 2024 - V7.2

ACC Policies and Procedures



HOMESTEAD
AT MILLS RIVER



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Revisions to October 26, 2023 Policies and Procedure Document

Section 3 – Final Plan Review

Changed language with regards to Color Board that can now be submitted as a PDF.

Section 10F - Color Board

Changed requirements regarding the Color Board being changed to a PDF.

Section 7A.1

Added language that a pin sheet (staking plan) is required prior to the inspection.

Section 8 – Home/Lot Improvement Project Process

Added language about Improvement Project Application expiration date being changed to 3 months.

1. Definition of Terms

ACC – refers to the Architectural Control Committee.

Approved Plan – refers to a new home construction (or home improvement) architectural and landscape design plan which has been submitted, reviewed and approved by the ACC. This is the plan of record under which a new home construction project is executed.

Association – refers to the Homestead at Mills River Property Owners Association, Inc.

Board – refers to the Board of Directors of the Homestead at Mills River Property Owners Association.

Builder – refers to the home builder, general contractor, or a home remodeler.

Change Request (CR) - any modification or addition to the Approved Plan, requires a review and approval before it can be incorporated into those plans. A change request is the process by which that modification or addition is incorporated into the Approved Plan.

Community - refers to the Homestead at Mills River residential community.

Design Plan - refers to the set of documents that contain the home design elevations and floorplans.

Design Standards – refers to the Homestead at Mills River Architectural and Landscape Design Principles and Standards document.

External Professionals – refers to the building architect(s) and/or landscaping architect(s) under contract to the POA for subject matter expertise, advice, counsel and reviews.

HMR – abbreviation reference to the Homestead at Mills River residential community.

NHC – abbreviation reference for New Home Construction.

Owner – refers to a lot owner or homeowner in the Homestead at Mills River community.

P&P – refers to the Homestead at Mills River ACC Policies and Procedures document.

Plan of Record – refers to the current approved architectural and landscape plans.

POA – abbreviation reference to the Homestead at Mills River Property Owners Association.

Property Management Company – refers to the current property management company under contract to service the POA.

Resident – reference to a homeowner in the Homestead at Mills River community.

Site Plan – refers to the lot schematic inclusive of residence and secondary building footprint, all above-ground structures, placement locations for exterior HVAC units, exterior lighting fixtures, driveways, walkways, patios and other paved surfaces, well and septic locations, and septic drain fields.

Variance – refers to a feature/or element of an architectural or landscape design plan that does not comply with the Architectural and Landscape Design Principles and Standards. Variances are granted by the Board

2. Introduction

Philosophy

Maintaining the beauty and integrity of the natural environment in the *Homestead at Mills River* is of the utmost importance and is the underlying premise on which these guidelines are based. Homes are to be designed to enhance the aesthetic appeal of the mountains and woodlands, fitting into the site without competing with its natural value. Selecting home plans that are inspired by, but not limited to, the Arts and Crafts, Mountain Rustic, Rustic Timber Frame, European Modern and Mountain Modern styles of architecture will ensure the overall design consistency of this community.

Purpose of Document

The purpose of this document is to familiarize owners with the steps involved in a New Home Construction (NHC) or home/lot improvement project. This document explains the processes required for both types of projects. NHC processes are inclusive of builder verifications and rules, approval of plans, fees, construction inspections, etc.

How This Document is Organized

This document enables an owner to quickly find information regarding the processes for NHC and home/lot improvement projects, and the policies related to those projects. Applications, checklists, lists of required documents, affidavits, etc. are available in the Appendices (see Table of Contents).

- Section 4 – Builder verification process
- Section 5 – NHC Design reviews
- Section 6 – Change requests
- Section 7 – NHC inspections
- Section 8 – Home/Lot improvement projects
- Section 9 – Ancillary processes (variances, appeals, unanticipated professional charges, infractions, PERC testing)
- Section 10 – Policies (communications, NHC, home/Lot improvements, enforcement and appeals, conflict of interest)
- Section 11 – Fees
- Section 12 – Builder rules

Updates to the Policies and Procedures and Design Standards

The ACC will periodically review the Policies and Procedures and Architectural and Landscape Design Principles and Standards. Revisions and modifications will be incorporated into the document for review by the Board. Upon approval by the Board, the updated Design Standards will be available to the community on the property management company's website.

3. Overview of Architecture Control Committee (ACC)

Objective of the ACC

The ACC's objective is to assure the orderly development of an environmentally attuned and harmonious community, preserving the natural beauty of the Homestead and thereby enhancing the value of each owner's investment. This will be accomplished by reviewing all proposed projects for compliance with rules for design and construction as described herein. The purpose is to preserve aesthetic qualities, i.e., curb appeal, of the development and the quality of living in the community.

Role of the ACC

The role of the ACC is to establish, maintain and administer processes and procedures in the oversight of all New Home Construction (NHC) and major improvement projects in the community. It is also the ACC's role to determine that new homes are esthetically appealing and harmonious with neighboring homes. The ACC is responsible for managing and directing the work of external professionals to assess, review and provide feedback throughout all stages of the project.

Scope of ACC

Plans for any projects of construction within the Homestead must be submitted to and approved by the ACC. Such projects include any construction, modification, exterior remodeling, tree removal, and landscaping, including but not limited to:

- New home construction
- Additional or accessory building structures, driveways, parking areas, patios, decks, firepits, wells
- Grade modification including cutting, filling, regrading, or any drainage modification work
- Altering the exterior of existing structures in any way, including repainting, re-staining, reroofing, replacing windows or doors, etc.
- Landscape features: water features, additional beds, walls, fences, walkways, outdoor lighting, outdoor living areas
- Tree removal

Role of the Owner/Resident

It is important that the lot owner/resident read and comply with the governing documents for all projects as outlined in this document (new home construction and home/lot improvements). Ultimately, it is the responsibility of the owner to review the New Home Construction Application or Home/Lot Improvement Application for completeness and ensure the timely submission of all required documents (consistent with the current version of the Design Standards) to the ACC, even if it is prepared by an architect or builder on behalf of the lot owner.

Additionally, each owner is responsible for ensuring those individuals acting on their behalf are aware of the requirements contained in the Design Standards relating to the preparation and submittal of the New Home Construction or Home/Lot Improvement Applications as well as being in compliance with the policies and procedures contained in this document.

Composition of the ACC

The ACC is appointed by the Board of Directors and reports directly to the Board. The ACC is composed of three or more competent persons and not less than two external professionals. The external professionals are experts in their respective fields of Architecture and Landscape Design. There are no set term limits for the ACC members. Committee members will self-regulate participation so as changes in membership will be staggered.

Responsibilities of the ACC

- *Communication:* The ACC is responsible for communicating with POA members and the Board about NHC and Home Improvement Projects. Communications with homeowners focuses on clarifying and explaining the Standards as well as the ACC Policies and Procedures. The ACC will keep the Board apprised of the status of on-going projects as well as any variance requests, appeals, or other issues that may arise. The ACC will also coordinate communications with its external professionals and the community's property management firm.
- *Administration:* The ACC is responsible for the administration of the community's new home construction and home improvement procedures. This includes coordination and management of the POA's external professionals. The ACC is also responsible for ensuring that the community's property management firm properly maintains the documentation and records necessary for NHC and home/lot improvement projects.
- *Enforcement:* The ACC is responsible for enforcing the community's Policies and Design Standards and assisting the Board with the evaluation of any appeals.
- *Maintenance:* The ACC is responsible for the on-going maintenance and updating of the community's Architectural and Landscape Design Principles and Standards, and its Policies and Procedures documents.

4. Builder Verification Process

A NHC project can last for more than a year and impacts much of the community. The builder's history should include projects that utilize standards and policies similar to HMR's. This information is to be included in the Preliminary Plan Review package.

Notes

- *New Home Construction projects require the general contractor to be licensed in North Carolina and hold an unlimited or intermediate license classification.*

Inputs

- Builder Verification Form (Appendix A)
- Builder Insurance Requirements (Appendix B)

Process Steps

1. Property owner will submit a completed Builder Verification Form to the ACC.
2. Property owner will submit a completed Builder Insurance Binder to the ACC. All requirements shall be submitted in one binder.
3. These documents will be reviewed for completeness.

Outputs

- Notice of verification completion.

5. Design Review Process for New Home Construction (NHC)

The primary responsibility of the ACC is to ensure that NHC projects adhere to the Architectural Design Standards the community has adopted. The ACC is charged with protecting the integrity of the community by ensuring that each NHC project adds value to the community. The Design Standards have been adopted to provide a framework for this task. The ACC uses external professionals to evaluate home and landscape designs against those Standards before issuing approvals or feedback.

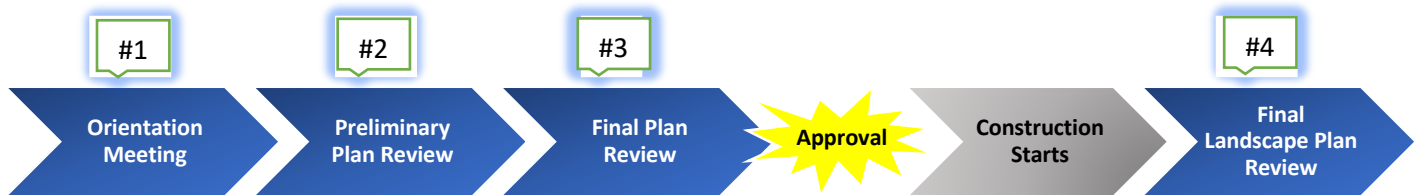
The ACC has a budget for external professionals to review each NHC project. These costs are reflected in the NHC fees (see Section 11.). If a NHC project requires more time than budgeted for reviews and inspections, the additional fees will be deducted from the compliance deposit. Additional time may be required due to incomplete or inadequate plans, numerous changes to plans, etc.

The design review process typically takes 30 days or more once a completed NHC Application has been accepted. However, the design review process is iterative and may require more time due to changes in plans and multiple consultations. Prompt and complete responses to comments enable the process to continue moving forward.

Notes

- **No pre-construction activity** (site preparation, clearing, etc.) is allowed until the property owner receives written approval of the architectural plans (see *Final Plan Review* in this section).
- **Reviews and Inspections** conducted on behalf of the ACC by external professionals are limited to presenting an opinion to the ACC as to whether or not the architecture and landscape plans conform to the Design Standards. Their work does not include any review or assessment of, but not limited to, the following: constructability, cost of construction, code compliance, laws and regulations, assessment of structural stability, performance criteria associated with materials specified in the plans, contractor's means and methods, compliance by contractor with OSHA or other health/safety issues.

There are four steps in the design review process.



#1 - Orientation Meeting

The HMR has evolved since its beginning in 2007. The Standards have evolved and established homes often vary from the current Standards. Consequently, not all homes that have been built in the past would be approved for construction today.

The purpose of the orientation meeting is to ensure that property owners have a clear understanding of the current Standards and the Policies and Procedures for completing a NHC project.

Process Steps

1. Owners should contact the ACC through the property management company to schedule an orientation meeting.
2. ACC members will meet with interested parties. It is acceptable that the general contractor/builder also participate in the meeting. The current Standards and the ACC Policies and Procedures will be discussed.
3. The ACC will NOT provide any approvals or decisions concerning any proposed project at this meeting. Approvals and variances have specific steps and documentation requirements. This meeting will not supplant any of those processes or their requirements.

#2 - Preliminary Plan Review

The cost of developing a final set of architectural plans is substantial. In order to ensure timely approval of the final plans, there are two review steps – (1) Preliminary and (2) Final. The intent of the Preliminary Plan Review step is to minimize the property owner's time and architectural design costs. These documents are to be submitted at the same time in one complete package. Nothing will be reviewed until all inputs are submitted. Payment of the Review fee is required to initiate this step (see Section 11). The ACC does not do Pre Preliminary Reviews, i.e., Conceptual Reviews. The ACC will conduct a Preliminary Plan Review when all items below have been received.

Inputs

- Builder Verification Form (Appendix A)
- Builder Insurance Requirements (Appendix B)
- New Home Construction Application Form (Appendix C)
- Complete set of drawings per the Preliminary Design Review Documentation Requirements (see Appendix D and Appendix F)
- Exterior materials and color selections (Appendix R)
- Submittal of Review fee (see Section 11)

Process Steps

1. The NHC application and drawings will be reviewed for completeness. If incomplete, the application will be returned to the property owner.
2. Once deemed complete, the application and set of documents will be forwarded to an external professional, initiating the Preliminary review process.
3. The external professional will review and issue a report.
 - The report will identify any aspect of the plan that is incompatible with the Standards.
 - The report may include general recommendations on how to bring the plan into compliance, but it is not the responsibility of the professional to resolve the deficiencies. Identified items must be resolved before the Final Plan Review may begin.
4. Once the Preliminary Review process has been initiated, i.e., the owner has been notified the NHC Application has been accepted, there is typically a two-three week period until the report is issued to the owner. However, scheduling issues or unanticipated events may require additional time.

Outputs

- Notification of acceptance of NHC application
- Preliminary Plan Review report

#3 - Final Plan Review

The Final Plan Review is the most critical part of the design review process, as the plans that are approved will be used to conduct all future reviews and inspections. Consequently, the documents required to conduct this review are extensive (see Appendix E). Payment of the Construction fee (see Section 11) is required to initiate this step, as the external professional time is significant. A Color Board is also to be submitted for review at this time. The Color Board will be comprised of physical colors, finished samples of exterior elements, including but not limited to: roof materials, siding and trim materials including stone and timber. The minimum size of samples will be 6" x 6" (see Section 10.2.F). All issues identified during this step must be addressed, resolved and documented in a new set of plans before final approval will be issued. The approved set of plans will be known as the plan of record.

Inputs

- Duly executed Owner Affidavit (see Appendix L)
- Duly executed Builder Affidavit (see Appendix M)
- Submittal of Construction fee (see Section 11)
- Complete set of drawings (see Appendix E and Appendix F)
- Preliminary Plan Review report (from step #2)
- Color Board (see Section 10.2.F).

Process Steps

1. The final submitted documents and Color Board PDF will be reviewed for completeness.
2. When complete, the plans and Color Board PDF will be forwarded to the external professionals.
3. The external professionals will review and issue a report.
 - The report will identify any aspects of the plan that are incompatible with the Standards.
 - The report may include general recommendations on how the plans might be brought into compliance, but it is not the responsibility of the external professionals to resolve any deficiencies.
4. Any issues identified during this process must be addressed, resolved and documented in a new set of plans before the final approval will be issued.
5. The property owner will be notified that a specific set of plans has been approved.
 - These plans will be archived and used for all future reviews. They will be denoted as the plan of record.
 - Any changes to the plan of record must be requested via a Change Request (see Section 6). If approved, the change will be incorporated into the plan of record.

Outputs

- Notification of approval of plan of record
- Notification of permission to proceed with construction

#4 – Final Landscape Plan Approval Process

The Final Landscape Plan (Appendix G) should be submitted for approval approximately 60 days before construction is completed. This process must be completed before any landscape work, including driveway installation, can begin.

The Final Landscape Plan will be reviewed by the external professional to ensure that it is in compliance with the Standards, and that no aspects of the Landscape Plan will interfere with or infringe on adjoining neighbors or common property.

Inputs

- Final Landscape Plan Documentation Requirements (see Appendix G)

- Plan of record

Process Steps

1. The Final Landscape Plan will be reviewed for completeness and forwarded to an external professional.
2. The external professional will review and issue a report.
 - The report will identify any aspects of the plan that are incompatible with the Standards or infringes on adjoining lot owners or common property.
 - The report may include general recommendations on how the plan might be brought into compliance, but it is not the responsibility of the external professional to resolve any deficiencies.
3. Any issues identified during this process must be addressed, resolved and documented in a new set of plans before final approval will be issued.

Outputs

- Notification of approval of Final Landscape Plan
- Notification of permission to proceed with final landscaping

6. Change Request Process

Changes to the final approved plans (plan of record) during the NHC process are anticipated. However, to keep the professional consulting fees to a minimum, they are expected to be few and minor. Any revisions to the plan of record involving the exterior or the site must be submitted to the ACC for review and approval.

Changes to the exterior or landscape plan that have not been approved may result in fines and require that work be undone/redone.

Approval of change requests is contingent upon adequate documentation, e.g., if a change in shingle color is requested, a sample of the new shingle will need to be supplied; if a change in the exterior design is requested, updated drawings/plans will be required.

Change Request Fees:

A review fee of \$250 (minimum) is required for any change request form submitted. A maximum of four changes per CR form is allowed. Fees are to cover the time required for the external professional to review the request. If additional costs are incurred, they will be charged to the homeowner.

Note

- *Work on exterior and site changes is **prohibited** until the change has been reviewed and approved in writing by the ACC.*

Inputs

- Change Request form (Appendix H), including fee
- Supporting documentation

Process Steps

1. A Change Request form will be reviewed for completeness and forwarded to the ACC's external professionals for review.
2. The external professionals will review and issue a report identifying any aspect of the change that is incompatible with the Standards.
 - The report may include general recommendations on how to bring the change into compliance, but it is not the responsibility of the external professionals to resolve any deficiencies.
 - This process should be completed within two weeks; however, scheduling issues or unanticipated events may require additional time.
3. All issues identified during this process must be addressed, resolved and documented in a new set of plans before the change is incorporated into the plan of record.

Outputs

- Property owner will receive a change request report stating whether the change is approved or disapproved.
 - If approved, the change will be incorporated into the plan of record.
 - If disapproved and the homeowner disagrees, the homeowner may appeal the decision to the Board (see Section 9.2).

7. New Home Construction Inspection Process

Construction can begin only after the final design plan (plan of record) has been approved. Three Primary inspections will be conducted at specific points during the build process. The purpose of these Primary inspections is to ensure compliance with the plan of record. These inspections are requested by the owner or builder (if the owner has given permission for the builder to act on their behalf) when construction has progressed to one of the three specific points. Additional Primary inspections will be scheduled if the ACC deems necessary. Less formal Periodic inspections will also occur throughout the build process.

A. Primary Inspections

NHC Inspection Overview:



1. Pre-Build Site Inspection

The purpose of this inspection is to review setbacks, footprint of house, and trees to be removed.

This inspection must be requested by the owner/builder before any work on the house or its foundation has begun. A numbered pin sheet (staking plan) from the surveyor to match the stakes on site must be provided prior to the inspection. The builder is required to attend. The site must have 4' tall stakes marking property boundaries, as determined by a North Carolina Registered Land Surveyor. The site must have stakes with twine marking the area of disturbance (these must remain in place for the duration of the build process). Nothing outside of this area can be changed or disturbed. The foundation, driveway, and house footprint should be staked per the plan of record. Trees should be tagged appropriately (white or yellow ribbons for trees that will remain, red or pink for trees to be removed) and silt fences installed.

All fees are to be paid before scheduling this inspection. This inspection will typically be completed within two weeks of being requested, but weather or unanticipated events may require additional time. The date of this inspection becomes the **start date** of the NHC time frame (see Section 10.2.C).

After this inspection, any additional clearing or tree removal not shown on the site plan requires a Change Request (see Section 6). Failure to adhere to this policy will result in fines and/or tree replacement (see Appendix I).

2. Framing Inspection

The purpose of this inspection is to ensure that the location and overall form of the residence is consistent with the plan of record and that all construction impact mitigation and erosion controls are in place. At this stage the structure is dried in and doors and windows are set. A final color board is available for review.

3. Final Inspection

The purpose of this inspection is to review the home for completeness (including driveway, walkways, landscaping and decking) and compliance with the plan of record.

Inputs for Primary Inspections

- Plan of record
- Site plan (see Appendix F)
- Duly executed Owner Affidavit (see Appendix L)
- Duly executed Builder Affidavit (see Appendix M)
- Payment of all fees (see Section 11)

Process Steps for Primary Inspections

1. Owner/builder requests an inspection.
2. Using the inspection checklist (see Appendix Q), the ACC and its external professionals will inspect the build site comparing it to the plan of record.
3. Inspection report will be communicated to the owner.
4. Within two weeks of receipt of the report, the owner will explain **how** and **when** any non-compliant issues will be resolved.

Outputs

- Inspection report identifying any issues that need to be addressed

Notes for Primary Inspections

- *All fees must be paid prior to the Pre-Build inspection (see Section 11).*
- *The time frame for new home construction is limited (see Section 10.2.C).*
- *Inspections are conducted by the ACC and its external professionals, using the plan of record (see Appendix Q).*
- *Any inspections that are missed can result in fines (see Appendix I) and could result in the need to undo/redo construction.*
- *After the plan of record has been approved, any change to the exterior design, structure, or landscape requires approval of such change (see Section 6).*

B. Periodic Progress Inspections

During the course of construction, the ACC and/or the external professionals may routinely inspect the site to ensure that the project is progressing consistent with the plan of record and that construction site requirements are being met. These inspections are informal in nature. The owner or builder is not required to be present.

Notes for Periodic Inspections

- Using an inspection checklist (see Appendix Q), the ACC and its external professionals will inspect the build site, comparing it to the plan of record.
- Any issues identified during these inspections will be forwarded to the owner.
- Within two weeks of receipt of the report, the owner will explain **how** and **when** each issue will be resolved.
- If infractions are repeatedly identified, warnings / fines may be levied against the project (see Appendix I and Section 9.4). Additional inspections may be required by the ACC at the owner's expense.

8. Home/Lot Improvement Project Process

Per the POA Covenants, home/lot improvement projects meeting certain criteria must be approved by the ACC.

Projects that require ACC approval include those that alter the appearance of a home. Also requiring approval are new landscaping/hardscaping and tree removal/limbing (see Tree Removal/Limbing at end of this section). All projects must be in compliance with the current Standards. The owner is required to submit a Home/Lot Improvement Application (Appendix K) to initiate this process.

Projects that do not require ACC approval include, but are not limited to, landscape maintenance in existing beds, resealing asphalt driveways, exterior painting with original color, roof replacement with original material and color, and other projects which do not change the appearance of the home.

Fees

Fees will be charged based on the ACC's estimation of external professional fees and property management company administrative fees that will be incurred.

Simple Level Improvement – \$0 - \$75 fee

Examples of these types of projects include, but are not limited to, exterior painting or roof replacement if different from original, tree removal/limbing, minor landscape revisions.

Moderate Level Improvement - \$75 - \$500 fee

Examples of these types of projects include, but are not limited to, landscape additions, fencing, skylights, window/door replacement, new hardscaping such as: patios, fire pits, walkways, driveway modifications, water features, retaining walls.

Major Level Improvement - \$500 minimum (fee based on scope of project)

These are projects that affect the house exterior appearance or significantly alter the existing landscaping. Projects must follow the current Standards that have been established for NHC. Examples of these types of projects include, but are not limited to, new garages, decks, porches, solar panels and additional heated square footage. In addition to the fee, a refundable compliance deposit, not to exceed \$2500, will be required. If professional fees exceed the fee, the excess amount will be deducted from the compliance deposit.

Inputs and Process Steps

- Submission of Home/Lot Improvement Application (Appendix K), including required documentation. This application expires three months from date submitted if owner takes no action and/or there is no communication with the property management company
- Payment of fees and (if directed by the ACC) a compliance deposit
- If an application expires, the application process begins anew.

Outputs

- Notice of approval/disapproval of the project will be provided to the property owner
- If approved, inspections of project progress will occur as needed. Notification prior to inspection will be communicated to the owner.

Trees and Shrubs

The protection and preservation of mature trees and native shrubs is a high priority for the HMR community. There will be instances, though, when the removal of certain trees is necessary. Submission of a Home/Lot Improvement application (Appendix K) is required to initiate this process.

ACC approval is required for:

- Removal/topping/limbing of any trees or shrubs.
- Limbing, unless limbs are dead or less than 4 feet from ground.
- Removal of trees/limbs that pose imminent danger to a home; request will be handled expeditiously. Photo documentation must be provided with the application.

Notes:

- *Owners are encouraged to remove dead or diseased trees from their property.*
- *Maintenance of trees and shrubs in existing beds does not require ACC approval.*
- *If a tree falls on adjoining property, common property or the roadway, the property owner is responsible for immediate removal. If the property owner is unable or unwilling to have fallen tree removed, the Board will have it removed and will charge the owner.*
- *If the ACC determines the opinion of an external professional is required, the fee will be charged to the property owner.*
- *Specific circumstances not covered by these general guidelines will continue to arise as the community evolves. The ACC maintains the right to render decisions based on its discretion and objective judgment.*

9. Ancillary Processes - Owners

9.1 Variance Request

Design elements which are inconsistent with the Standards must receive a variance before they can be incorporated into the project. The ACC will forward a variance request with its recommendations to the Board. Only the Board can grant a variance.

Inputs and Process Steps

- Submission of a Variance Request Form (Appendix N) to the ACC, which will review and submit to the Board with its recommendations

Outputs

- Decision by the Board as soon as practical; may take up to 30 days

Notes

- If a review by external professionals is required, costs associated with such a review will be the responsibility of the property owner.

9.2 Appeals

An owner may disagree with a decision made by the ACC. Examples of decisions include a fine or the issuance of a stop construction order. The owner may choose to appeal such decision to the Board. After review, if the Board denies the appeal, the matter is closed.

Inputs and Process Steps

- Submission of information required for appeal (see Appendix J)
 - Must be offered in writing; contacting a Board member is not a valid request
- Any additional documentation or exhibits that owner would like included

Outputs

- Decision by the Board within 30 days of the Appeal submission

9.3 Unanticipated Professional Charges

Every project has a budget for external professionals' charges for inspections and the review of architectural and landscape plans, in addition to property management administrative fees. For most projects, this budget is sufficient. However, if there is a shortfall due to unanticipated or iterative issues, amounts above the budgeted amount will be deducted from the Compliance Deposit.

If these amounts/fees exceed the Compliance Deposit, the owner will be invoiced. If the owner does not pay this invoice within seven days, work will be halted on construction until it is paid.

Any balance remaining in the Compliance Deposit at the end of construction will be refunded to the homeowner.

9.4 Infractions

If a lot/homeowner or contractor/builder pursues a NHC or home improvement project in opposition to the ACC's governing documents (the Standards, ACC Policies & Procedures), the POA Bylaws, POA Covenants or the Board's directives, the owner may be fined or assessed (see Appendix I). Though the contractor may be totally responsible, the ACC's relationship is with the owner and therefore the owner is responsible for payment of the fine. Any such fine will be deducted from the owner's Compliance Deposit. The owner has the right to follow the appeal process (see Section 9.2) if there is disagreement concerning the fine.

Notes

- For amounts of fines, see Infractions - Appendix I. In addition, fines of \$100 per day maximum may be further imposed on the owner at the discretion of the ACC, after notice and opportunity for hearing.
- The period between notice of an infraction and the imposition of the fine is typically ten days.
- If an infraction represents a threat to the community and the owner does not/cannot take action to remedy, the Board may resolve the issue. The costs associated with resolving this issue will be charged to the owner. This will only be done after every reasonable effort has been made to communicate with the owner and the owner has been given an opportunity for a hearing.

9.5 Perc/Soil Testing

Perc/soil testing requires that the property owner submit a Home/Lot Improvement Application Form (Appendix K) to the property management company. ACC approval is not required for this activity.

When executing a Perc test, the following requirements must be met:

- No cutting of trees is allowed without prior approval of the ACC
- Erosion control efforts must be in place
- Test area should be roped off with caution tape
- Upon completion, the tested area is required to be refilled and all flagging removed within 30 days

10. Policies

10.1 Communications

- A. All communications with the ACC must be submitted via email to the property management company.**
- Do not call or email ACC members directly.
 - HMR requires a formal record of all communications.
 - All official communications and approvals will be delivered by email.
 - Do not call the ACC's external professionals directly.
 - A formal record of all communications is required.
 - Questions for the external professional should be directed via email to the property management company.
 - *Special Circumstances:* during inspections or in person meetings ACC members may discuss issues and decisions directly with owners, architects, builders, etc. However, ALL of those conversations MUST be documented.
 - IF AN OWNER DOES NOT RECEIVE AN EMAIL DOCUMENTING AN ACC DECISION / APPROVAL, THE OWNER SHOULD IMMEDIATELY REQUEST ONE.
 - **IF IT IS NOT DOCUMENTED, IT DIDN'T HAPPEN.**
- B. Verbal approval is not an approval.** All ACC approvals and authorizations **MUST** be in writing. Conversations with Board members, ACC members, ACC external professionals, other property owners, etc. **DO NOT** constitute an approval.
- ALL APPROVALS are provided by email from the ACC.
- C. The ACC's relationship is with the owner,** not the builder. Neither the ACC nor its external professionals are here to manage, direct, advise, influence the behavior of or otherwise supervise, the builder, contractor, or sub-contractors that are employed to complete a project. The owner will communicate to the builder and his agents.

10.2 New Home Construction

A. Stock Plans

- Stock plans may be used but must be drawn in accordance with the Design Standards. Some issues to consider when using stock plans:
 - The level of detail required may not be included with purchased plans. Incomplete plans will not be reviewed (see Appendices E, F).
 - Additional time to review stock plans may be required, which will result in additional review fees.
 - All modifications affecting the appearance of the house require that a new set of plans be drafted by a professional and resubmitted to the ACC.

B. Landscape Architect

- The requirements for landscape plans are numerous and exacting (see Appendices E, F, G). The use of a professional landscape architect is **strongly recommended**.
- Incomplete plans will not be reviewed. Work may not begin without an approval.
- A final landscape plan must be submitted for review and approval not less than 60 days from the estimated occupancy inspection date.

C. New Home Construction Time Frame

- NHC must begin within three months from the pre-build site inspection. If delayed more than three months, the owner must contact the ACC.

- o The time frame to complete construction is limited to 18 months, beginning at the date of the pre-build site inspection.
- o Extensions of this timeline must be approved, in advance, as a variance by the Board (Appendix N).
- o Failure to complete home construction within this time frame will be considered an infraction (see Appendix I) and may result in fines.

D. Beginning of Site Work/Construction

- o No site or construction work (e.g., clearing, tree removal, footer installation, well drilling, septic system installation, etc.) may begin until the pre-build inspection has been completed. Violating this policy will result in fines (see Appendix I).

E. Primary and Periodic Inspections - see Section 7

- o There will be a minimum of three Primary inspections and an unspecified number of periodic inspections during the NHC process.
- o A Primary inspection is to be requested by the owner/builder at the following points during the build process:
 1. After the plan of record is approved, before any clearing of the site or any construction work has begun
 2. After the framing is complete and doors and windows are set.
 3. After construction, landscaping and hardscaping are completed.
- o Each inspection will be completed within two weeks of being requested, although unanticipated or scheduling issues may require additional time.
- o A report will typically be issued to the owner within two weeks of the inspection, identifying any issues of non-compliance.
- o Within two weeks of receiving the report, the owner/builder must respond and explain **how** and **when** each issue will be resolved.

F. Color Board – see Section 5, #3

- o Exterior materials and colors are to be finalized in the final plan review. After these materials/colors are incorporated into the plan of record, any changes require the submission of a Change Request (Appendix H).
- o Installation of non-approved materials/colors may result in fines and require that the owner correct the materials/color to match the plan of record or submit a Change Request (Appendix H).
- o The color board is to be submitted to the property management company, as a PDF, at the time of Final Plan Review.
- o Requirements for the color board:
 1. Pictures of all paint colors, including manufacturer and paint numbers.
 2. Pictures of all stained materials, stone and stucco.
 3. Pictures of gutters, roof shingles and exterior siding.
 4. Pictures of front door and garage doors, including paint/stain color (manufacturer and number).

G. Inspection Infractions – see Appendix I

- o The owner will be notified by email of any identified infractions relating to an ACC project.
- o First time infractions will be handled as a warning.
- o Second and subsequent infractions for the same identified issue will result in a fine, after notice and opportunity for hearing.
- o All infractions are considered site-wide, even though they may be identified in different locations. For example, a specific area of a silt fence may be identified as over 50% full, and thus an infraction. All subsequent silt fence issues, regardless of location, will be considered infractions and result in automatic fines.

H. Garage Completion

- o Garages must be completed at the same time as the house. A garage may not be used as a place of residence before the house is complete.

10.3 Home/Lot Improvement Projects – see Section 8

A. ACC Involvement

- o The ACC must review and approve home/lot improvement projects that alter the exterior of the home, add landscaping or hardscaping, or involve tree removal/limbing.

B. Fees

- o Fees will be determined by the ACC during the application approval process. The fees will be based on estimated charges by the external professionals and property management administrative fees.

10.4 Enforcement and Appeals

A. Enforcement

- o Failure to adhere to the policies and processes described herein, by the owner or his/her agents (i.e., builder, sub-contractors, architect, etc.) may result in the withdrawal of permission to build in HMR.
- o The failure of the ACC or the Board to enforce any guideline, right, provision, covenant, condition, rule or regulations shall not constitute a waiver of the Association's right or the owner's obligations.

B. Grandfathering

- o If the Board adopts a new rule or guideline or amends an existing rule or guideline that was previously acceptable, existing construction or improvements in violation of such new rule or guideline will be allowed to remain.
- o Any grandfathered pre-existing design within the community is not to be construed as an approved construction design or element for any future new home construction.

C. Appeals – see Section 9.2

- o Appeals must be brought to the Board within 30 days of an ACC decision.

10.5 Conflict of Interest

- A.** ACC has a working relationship with several external professionals. If one of these professionals has been retained to work for an owner or an owner's agent, that professional:
 - o Must divulge that relationship with the owner before agreeing to do any work for the ACC on that project.
 - o May be excluded from working on the ACC's behalf for that home/lot owner, if the ACC determines that his/her objectivity may be compromised by the existence of that relationship.

11. Fee Schedule

The ACC requires two fees for NHC – a Review Fee of \$3,000 and a Construction Fee of \$8,000. These fees are to pay the external professionals for their reviews of the architectural and landscape plans, and for their periodic inspections during construction. The fees also include a Road Impact fee and a refundable* Compliance Deposit. There is also a fee for any changes requested after the plan of record has been finalized and approved.

The review fee includes a set fee by the property management company to gather all required documentation prior to approval to build. The construction fee/site inspections also cover charges by the property management company for communications with the ACC and the owner during the building process. See the table below.

ITEM		NON-REFUNDABLE	REFUNDABLE(*)
Review Fee	\$3,000		
- Preliminary and final architectural design review		\$2,000	
- Property management services		\$1,000	
Construction Fee	\$8,000		
- Site inspections		\$3,000	
- Road impact fee		\$5,000	
- Compliance deposit			\$10,000
Change Request Fee			
- CR review and approval (for each CR submitted)		\$250	

The Review Fee is due when the New Home application form is submitted to the property management company. This initiates the design review process (see Section 5, Step #2). This fee includes:

- \$2,000 for the preliminary and final review of the architectural and landscape plans by the ACC's contracted design and landscape architects
- \$1,000 for the coordination of the NHC process and project set-up by the property management company

The Construction Fee is due when the final plan is submitted for review (see Section 5, Step #3). This completes the approval process of the plan of record and initiates the construction process. This fee includes:

- \$3,000 for inspections (see Section 7)
- \$5,000 for the road impact fee
- \$10,000(*) for the compliance deposit, which is refundable less any builder fines (see Section 9.4) or budget overages (see Section 9.3)

The Change Request fee is due with the submission of any change request form. There may be up to 4 items per CR form (see Section 6).

Note:

- All fees are to be submitted to the property management company. Checks should be payable to the Homestead at Mills River POA.
- Fees may increase due to iterative issues or the need, as determined by the ACC, for additional inspections.

- There is no cap on the amount of review/inspection fees an owner may be required to pay over the life of the project.
- These fees are not a penalty. They are to pay the external professionals for their services.

(*) – less any budget overages and/or builder fines

12. Builder Rules

This section identifies the site construction rules and requirements for new construction, additions/exterior changes to existing homes and landscape projects. It is the builder's responsibility to provide these rules to ensure compliance by all persons employed, e.g., subcontractors, representatives, delivery drivers, tradesmen, etc.

Owners shall require that any builder hired by them comply with these rules and requirements and shall be responsible for all violations. Failure to comply could result in the issuance of fines, denial of access to the community, and/or a stop work notification until action is taken to correct the deficiency.

A copy of this section, Builder Rules, shall be posted on the construction site.

Builder Responsibilities

12.1 Gate Access

It is the responsibility of the property owner to give the builder the monthly gate code, which the builder will provide to the subs.

12.2 Builder Liabilities and Damages to the Community

Damage caused by Builder, or any representative, to any POA infrastructure, adjacent properties or personal property is the responsibility of the Builder and must be repaired by the Builder to the original condition. Any costs incurred by the POA to restore, and return said property to its original condition must be reimbursed by the Builder.

12.3 Signage

A single sign in neutral colors with the Builder's name and information may be placed at the construction site. It may not be placed until all building permits are granted and must be removed prior to final inspection. The sign shall be no larger than 4' wide and 4 1/2' high. A plastic box housing necessary documents shall be placed on site. No signs advertising subcontractors, material vendors, etc. are allowed.

12.4 Work Hours/Days

Work hours and days are as follows:

Monday – Friday	7:30 am – 6:30 pm
Saturday	8:30 am – 4:30 pm
Sunday	Prohibited
Holidays	Prohibited on the following: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

Exceptions to these must be approved in writing by the ACC.

12.5 Builder Site Compliance Items

A. Primary and Periodic inspections will be conducted during the construction process. In addition to the required inspection items (see Appendix Q), monitoring will include the items below. Any complaints by neighbors concerning alleged violations of these items will be investigated.

1. Construction may not begin until all required permits are issued, Review fees and Compliance Deposit are paid (see Section 11), and the ACC has provided written approval of the final

design/plan of record.

2. Construction at variance with the plan of record must cease until a change request has been approved (see Section 6). Restoration to the plan of record will be required if the change is not approved.
3. Installation of landscaping per the final landscape plan may not begin until signoff on the final grade has been granted. Installation shall be completed no later than 30 days after construction is complete, unless an extension from the ACC is approved in writing. The final inspection cannot take place until landscape installation is complete.
4. The property may be cleared only to the extent shown on the site plan. No additional trees, bushes, or underbrush may be removed from the lot, easements, adjacent lot, or common property without written permission of the ACC. The area of disturbance shall be marked.
5. Prior to any earth-disturbing operations, a stone mud mat must be installed. This entrance should be the same location as the proposed driveway. The mud mat should be maintained during construction.
6. Builder must identify location of utilities prior to conducting any trenching work near the road or any other right-of-way or easement areas.
7. Trash containers (dumpsters) must be on site prior to any construction activity. A dumpster may not be placed on the street.
8. The job site is to be organized and free from litter. Trash containers are to be emptied regularly. A reasonable cleanup shall occur before departure from the site each workday. Trucks hauling trash must be covered.
9. A portable toilet is required on site during construction and must be placed away from the roadway but accessible for service. Portable toilets must be earth-toned in color.
10. All construction activity, materials, equipment, facilities, etc. must be located within property boundaries. Exceptions must be approved in advance by the ACC.
11. Tool trailers may remain on site during construction. Leaving large equipment overnight requires prior written approval by the ACC.
12. Workers must park their vehicles on the property, excluding the shoulder, or on one side of the street near the property. Parking on an adjacent property is prohibited. If this parking area is insufficient or such parking causes a safety risk, arrangements must be made with the ACC prior to beginning construction.
13. Roads or access to private drives or mailboxes may not be blocked at any time.
14. Disposal of paints, chemicals, or other substances harmful to the environment must be in accordance with state and local laws. Disposal may not be on site, on other lots, or on common areas.
15. Trash and “cutoffs” burning on job sites is prohibited.
16. Job sites are to be free from nuisance behavior or noise, such as loud radios, loud and/or objectionable behavior and language, including profanity, and the use of horns.
17. Hunting or the discharge of firearms is prohibited.
18. Alcohol or drug use by construction personnel is prohibited in the HMR. Violators will be required to leave the premises.
19. Compliance with relevant speed limits and stop signs is mandatory.

B. Erosion Control

1. Lot grading shall not alter grading within the street right-of-way, nor shall it obstruct views for motorists within or entering the right-of-way.
2. Owners/Builders shall provide all erosion and sedimentation control measures required to comply with government regulations, as well as any other measures necessary to prevent sediment from leaving a lot.
3. Drainage swales, culverts, etc., will be installed whenever construction adversely affects the drainage of the natural water shed or causes excessive runoff to adjacent properties. Temporary erosion control measures must be in place by the time of the Preliminary Site Inspection. Any damage during construction to the drainage of the natural water shed will be repaired by the Owner. Once the Owner has been notified of the damage to the drainage of the natural water shed, the Owner shall have a maximum of 10 days within which to repair said damage. Failure to repair may

result in a fine (see Appendix I) based on the severity of the issue at the recommendation of the ACC.

4. Prior to any soil disturbance, temporary silt fences must be properly installed along property lines according to existing and expected drainage patterns to prevent run-off debris from entering natural drainage areas, street drainage, or adjoining property. The edge of all silt fencing must be buried a minimum of 6". For slopes greater than fifteen (15) percent, commercial grade silt fencing with wire grid backing and plastic or metal stakes shall be installed and maintained. The ACC may require that double silt fences or multiple silt fences be installed on steeply sloping sites at its discretion.
5. As clearing progresses, temporary diversions must be installed along with, but not limited to, check dams, mulch, etc., to reduce erosion.
6. Soil surfaces must be stabilized as required by applicable government regulations, but in no case may soil be left exposed longer than 30 days following building, driveway, and other hardscape construction completion. Temporary seeding, straw, or mulch must be used to stabilize exposed soil until final landscape improvements are installed.
7. Erosion and sedimentation control measures shall be monitored throughout the various phases of construction. Builders are responsible for ensuring the removal of collected sediment. Builders are also responsible for inspection and maintenance of all erosion and sedimentation control practices on a weekly basis and after appreciable rain events. Repairs directed by the ACC are to be completed within 24 hours. Failure to do so will result in fines and no further construction work can occur until repairs are made.
8. Utilities must be installed early in the construction process and slopes must be stabilized immediately thereafter.
9. Once construction is completed and final approval has been granted, temporary erosion and sedimentation control measures are to be removed with proper disposal of all materials and accumulated sediments, along with final soil/site stabilization as necessary.

12.6 Protecting Designated Trees at Construction Sites

In order to protect trees at construction sites, a Critical Root Zone (CRZ) will be established and marked for trees which are adjacent to a 15-foot buffer region surrounding the foundation footprint, or a 5-foot buffer region adjacent to a paved walkway/driveway footprint. The ACC may also specify that other specimen trees require protection of the CRZ. The CRZ will be established and maintained as follows:

- a. Establish a circular area CRZ surrounding a tree with the center of the tree trunk as the center of the zone and with a radius equal to 1.00 to 1.50 feet per inch of the tree diameter at a height of four feet (48") above ground level. As an example, a protected tree with a trunk diameter of ten (10) inches would have a CRZ radius of 10 to 15 feet.
- b. The CRZ will be defined with temporary fencing.
- c. Construction equipment and building materials shall not be stored within the above defined area.
- d. The ACC may expand or partially retract the CRZ depending on the tree species and site-specific situations to reduce the chances that the tree(s) would be damaged during construction.

12.7 Mailboxes

The Builder is responsible for installing mailboxes, mailbox supports, painting and lettering in accordance with the Mailboxes and Mailbox Post section the Architectural and Landscape Design Standards – Section II-O.

13. Ancillary Processes – ACC

It is the responsibility of the ACC to track and monitor each construction and home/lot improvement project, and to periodically update the Design Standards and Policies and Procedures documents. The processes used to accomplish these tasks are detailed below.

Changes to both documents must be approved by the Board. Once approved, they go into effect immediately. The Standards are not retroactively applied to an existing home. To clarify, if a change to the Design Standards makes some feature of an existing home non-compliant there is no violation, nor any action needed on the part of the homeowner.

13.1 Project Expense Tracking

- The use of external professionals to review NHC plans, conduct inspections and assist the ACC in its work, is critical to the successful and objective implementation of the Design Standards.
- The ACC has an estimated budget for the time, and therefore costs, that will be required for the external professionals to conduct their work. These estimates are reflected in the fees charged for each project.
- The ACC will review each external professional bill before approving it to be paid.
- A running total of project expenses (external professional plus property management charges) will be maintained by project.
- If project expenses exceed the fees paid by the owner, then the deficit will be taken from the compliance deposit or billed directly to the owner if no compliance deposit was made. The ACC will notify the owner of this fact as soon as it is apparent.

13.2 Architectural and Landscape Design Principles and Standards Amendment Process

- The ACC will periodically review and modify the Design Standards document.
- The changes will be presented to the Board for their review and approval. Notice of revised document approval will be included in the Board minutes.
- Approved changes will be updated in the new version of the Design Standards document, which will be available on the HMR and property management company websites accordingly.

13.3 ACC Policies and Procedures Amendment Process

- The ACC will periodically review and modify the ACC Policies and Procedures document.
- The changes will be presented to the Board for their review and approval. Notice of revised document approval will be included in the Board minutes.
- Approved changes will be updated in the new version of the Policies and Procedures document, which will be available on the HMR and property management company websites accordingly.

APPENDIX A – Builder Verification Form

Homestead at Mills River Builder Application

Builder:

Name _____

Address _____

Phone _____

Email _____

Website _____

HMR Client/Lot Owner Name(s) _____

Job Site Address _____

Provide copy of general contractor license

Note:

- *Intermediate License or Unlimited License required for all new home construction, commensurate with scope of project*
- *Limited License acceptable for home improvement projects if commensurate with scope of project*

Provide current Certificate of Insurance (to comply with terms, conditions, and coverage as required; see builder insurance requirements, Appendix B of the ACC Policies and Procedures for New Home Construction or Home Improvement projects)

Provide the following information:

- Number of years in business
- Total number of new starts in the previous 36 months
- Number of projects currently under construction or will be under construction at any given time in the next 12 months.
- Experience with steep slope construction; describe fully
- Complete description and outcome of any past and/or current litigation
- Bankruptcies in past 7 years of company and/or any company principals

Business Organizations / Affiliations

- Names of business, construction industry, and other pertinent organizations of which you are a member

Banking and Lending References

- Minimum of two references
- Name and telephone number of banker / lenders

Provide name, address, telephone number and email address for client references:

- Minimum of three completed projects in past 3 years
- Should be of comparable size, quality, and price commensurate with HMR Standards and expectations

APPENDIX B – Builder Insurance Requirements

Note: Based solely on ACC and Board of Directors discretion, and commensurate with the project size and complexity, insurance requirements may be amended for new home construction. Requirements may be amended or waived for home improvement projects, based on the scope of work. All requirements shall be submitted in one binder. The builder agrees to keep all requirements current and enforced during the entire construction process.

- A. Workers Compensation Insurance in accordance with the applicable NC Statute with Employer Liability limits of at least:
 - Bodily Injury by Accident - \$100,000 Each Accident
 - Bodily Injury by Disease - \$100,000 Each Employee
 - Bodily Injury by Disease - \$500,000 Policy Limit
- B. Commercial General Liability (CGL) Insurance is to be provided on an occurrence basis with the following limits:
 - \$2,000,000 Products / Completed Operations Aggregate
 - \$2,000,000 General Aggregate
 - \$1,000,000 Any One Occurrence
 - \$1,000,000 Personal and Advertising Injury
- C. Commercial Auto Liability Insurance with combined Bodily Injury and Property Damage limit of not less than \$1,000,000 covering the use of all Owned, Non-Owned, and Hired Vehicles.
- D. Umbrella / Excess Liability Insurance with a limit of not less than \$1,000,000 minimum per occurrence. Coverage must be "Following Form" of the Contactor's underlying Commercial General Liability, Auto Liability, and Employers Liability insurance coverage.
- E. Contractor's Commercial General Liability, Auto Liability, and Umbrella Excess Liability insurers agree to waive rights of subrogation against The Homestead at Mills River Property Owners Association, its officers, directors, and representatives.
- F. Contractor agrees to obtain and maintain Certificates of Insurance from all subcontractors prior to job site access.
- G. Builders Risk Insurance - **Coverage shall be obtained by either the Contractor or the lot owner.**
 - The Named Insured shall include the contractor, lot owner, and subcontractors.
 - Limit should be equal to the total cost of the project.
 - Coverage is to be provided on a replacement cost basis.
 - Coverage is to be written on an "All Risk" property form and shall extend to all material, equipment, and supplies intended to become a permanent part of all project structures.

APPENDIX C – New Home Construction Application Form**NEW HOME CONSTRUCTION APPLICATION**

Date of Submission: _____

Lot Owner Name: _____

Lot Owner Mailing Address: _____

Lot Owner Phone: _____ Lot Owner Email: _____

HMR Lot #: _____ HMR Lot Address: _____

Builder-Company Name: _____

Builder Company Primary Contact: _____

Builder Address: _____

Builder Phone: _____ Builder Email: _____

Design Architect Firm Name: _____

Design Architect Primary Contact: _____

Design Architect Address: _____

Design Architect Phone: _____ Design Architect Email: _____

Landscape Architect Firm Name: _____

Landscape Architect Primary Contact: _____

Landscape Architect Address: _____

Landscape Architect Phone: _____ Landscape Architect Email: _____

Other Agents Contact Info: _____

Project Targeted Start Date: _____ Project Targeted End Date: _____

Architectural Style of Home: _____

Fee Required with New Home Construction Application:

- Review fee \$ 3000

Fees Required Prior to Final Plan Review:

- Construction fees \$ 8000
- Compliance Deposit \$ 10,000

Email to: Info@IPMHOA.com

APPENDIX D – Preliminary Plan Review Document Requirements

The following documents are required input for the Preliminary Design Review process:

1. New Home Construction Application Form (Appendix C)
2. Builder Verification Form (Appendix A)
3. Builder Insurance Requirements (Appendix B)
4. Exterior materials and colors selection (Appendix R)
5. Floor Plan Drawings (1/4" = 1'); including square footage as follows:
 - Total Square Footage
 - Total Heated and finished sf
 - Total Unheated sf
 - Total Main Level sf
6. Elevation Drawings (1/4" = 1'):
 - All elevations of building shown
 - Roof line and pitch
 - All exterior materials identified and colors labeled
7. Site Survey (1" = 30'); (Appendix F):
8. Site Plan (1" = 30'); (Appendix F):

APPENDIX E – Final Plan Review Document Requirements

FINAL DESIGN REVIEW REQUIREMENTS:

1. Topographic Survey

- Land contours
- Streams / ponds
- Trees

2. Site Survey

- Setbacks
- Proposed location of buildings
- Proposed location of driveway

3. Final Site Plan

- **Plan Information**
 - Title block
 - Scale and approximate true north point
 - Date of plan
- **Lot Information**
 - Property boundary lines
 - All setback lines – front, side, rear
 - Easements indicated (ROW)
- **Natural features**
 - Major rock outcroppings
 - Location, size and species of existing trees over 6" in diameter
 - Any existing wetlands (ponds, streams, wetlands)
 - Identify all trees to be removed / trees to be retained (over 6" in diameter)
- **Buildings and structures**
 - Building location footprint and distance from all property lines, easements, and streets
 - Location and width of driveway footprint
 - Building envelope
- **Infrastructure / other**
 - Location of septic tank and leaching fields
 - Location of well
 - Location of utilities
 - Location of external HVAC equipment (air conditioning, generator, etc.)
 - Location, size and materials for proposed drainage
- **Miscellaneous**
 - Clearing limits clearly delineated
 - Erosion and sedimentation control plan including silt fences, sediment traps, inlet/outlet pipe protection, check dams, and temporary construction site entrances (mud mats)
 - Revegetation plan
 - Barrier fencing to protect trees and ground cover vegetation
 - Methods of controlling surface water
 - Siltation control
 - Temporary construction entrances (mud mat)
 - Locations for dumpster, porta-potty
 - Staging area for construction materials

4. Final Proposed Floor Plan Drawings (1/4" = 1'), inclusive of:

- **Plan Information**
 - Title block
 - Date of plan / versions
 - Total heated and finished square footage
 - Total unheated square footage (garage, decking, storage, etc.)

- **Floor plan drawings**
 - Fully dimensioned floor plans including decks, terraces, porches, and patios
 - Floor diagrams that identify room function, sizes, total heated and finished square footage, and total unheated square footage on each level (main, upper, lower)
 - Garage square footage
 - Patio / decks square footage

5. Final Proposed Elevation Drawings (1/4" = 1'), inclusive of:

- **Elevation Views**
 - Front, sides and back of house with heights indicated from ground to top of roof
 - Inclusive of decks and balconies
 - Location and dimensions of all doors, windows, and other openings
 - Roof line and pitches
 - Bottom of footing / top of grade
 - Height of foundation (from top of grade)
 - Exterior lighting with fixture type and light source (i.e., lumens)
 - Exterior building materials selection, from finished grade to roof: (see Appendix R)
 - Final roofing material and color selection
 - Final window manufacturer, model, material and color selection
 - Preliminary siding color selection (for all materials)
 - Preliminary trim color selections (for all materials)
- **Detail and Section Views**
 - Roof / wall sections including eave and rake sections
 - Eave and cornice details
 - Chimney details / flue cap
 - Column details
 - Porch and deck details / handrail sections
 - Trim / fascia / rake detail and dimensions
 - Gable venting (if applicable)
 - Door headers / window jamb and sill details
 - Details necessary to explain all architectural features, materials and finishes to be used on the exterior of the buildings

6. Preliminary Landscape Plan

- **Hardscaping:**
 - Retaining walls – location, height (approximate), and materials
 - Patios, terraces – size and location
 - Front Walkway
 - Firepit
 - Fencing – location, type, height and materials (inclusive of gates)
 - Exterior stairs and pathways
- **Landscaping:**
 - General plantings – trees, shrubs, groundcovers, lawns (specifications needed with final landscape plan submission)
 - Screenings (if applicable)
- Location of mailbox (specification needed with final landscape plan submission)

7. Color Board. See 10.2.F for requirements

APPENDIX F – Site Survey and Plan Requirements

SITE AND GRADING PLAN REQUIREMENTS

Lot # and address: _____
 Homeowner Name: _____
 Date of Inspection: _____ Inspector: _____

Site Survey Requirements - Existing Conditions (1" = 30')

<input type="checkbox"/> Property Boundaries shown and labeled <input type="checkbox"/> Right of Way shown and labeled <input type="checkbox"/> Other Easements on or adjacent <input type="checkbox"/> Existing Contour lines (2' interval) <input type="checkbox"/> Adjacent Land ownership <input type="checkbox"/> Existing Drainage Ditches <input type="checkbox"/> Location of all existing trees greater than 6" diameter (measured at a height of 36" above" ground)	<input type="checkbox"/> Existing Roads or Driveways <input type="checkbox"/> Setback lines shown and labeled <input type="checkbox"/> Existing Utility locations <input type="checkbox"/> Existing Culverts or Drainage Structures <input type="checkbox"/> Existing Streams or Wetlands <input type="checkbox"/> Rock Outcrops /Unique Features
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Site Plan Requirements - Proposed Conditions (1" = 30')

<input type="checkbox"/> North Arrow and Graphic Scale <input type="checkbox"/> Primary Building Footprint <input type="checkbox"/> Garage, Carport Footprints <input type="checkbox"/> Proposed Well location <input type="checkbox"/> Identify all trees to be removed (within building envelope) ** <i>red or pink ribbon at job site</i> <input type="checkbox"/> Identify all trees to remain (within building envelope) ** <i>white or yellow ribbon at job site</i> <input type="checkbox"/> Decks and Patios * <input type="checkbox"/> Proposed Driveway* <input type="checkbox"/> Patios and other paved surfaces* <input type="checkbox"/> Fence location, type, and height indicated* <input type="checkbox"/> Gates, Columns, Pillars* <input type="checkbox"/> Firepits* <input type="checkbox"/> Area of disturbance boundary	<input type="checkbox"/> Project Location Map <input type="checkbox"/> Secondary Buildings Footprint <input type="checkbox"/> Limits of Roof Overhangs <input type="checkbox"/> Septic Tank, Drain Fields, and Repair areas <input type="checkbox"/> Exterior Stairs and Pathways* <input type="checkbox"/> Front Walkway* <input type="checkbox"/> Guest Parking / Auto Courts* <input type="checkbox"/> Retaining Walls and approximate heights* <input type="checkbox"/> Outdoor Kitchens* <input type="checkbox"/> Water Features, Fountain, Hot Tubs*
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****Intended materials and colors for each of these elements should be indicated on plans.***

Notes:

APPENDIX G – Final Landscape Plan Document Requirements**FINAL LANDSCAPE PLAN REVIEW REQUIREMENTS**

Lot # and address: _____

Homeowner Name: _____

Date of Inspection: _____ Inspector: _____

Landscape Plan Requirements -

_____ Hardscape improvements with proposed materials and colors indicated for each:

_____ Driveways _____ Walkways _____ Patios _____ Terraces _____ Walls _____ Steps _____ Fencing

_____ Other: _____

_____ Proposed location, style, make and color of mailbox post and mailbox (provide drawing)

_____ Proposed landscaping layout, indicating the locations for all proposed trees, shrubs, groundcovers, perennials, lawns and meadow areas.

_____ A plant list indicating the quantity, botanical name, common name, size and spacing for all proposed plant materials.

_____ Groundcover shown for all areas of the project that is disturbed

_____ The location of all existing trees and preserved natural woodland areas.

_____ Proposed site lighting with fixture type, location, materials and light source (bulb) type.

_____ Proposed cleanup and stabilization measures for disturbed areas along community roadways or common areas disturbed during construction.

Notes:

APPENDIX H – Change Request Form**PROJECT CHANGE REQUEST**

Date of Submission: _____ Project # _____

Lot Owner Name: _____

Lot Owner Phone: _____ Lot Owner Email: _____

HMR Lot #: _____ HMR Lot Address: _____

Prepared by: _____

Change Request Description (include as much detail as possible): _____

Notes:

- *Up to 4 modifications may be included for every Change Request form submitted*
- *Change Request Fee - \$250 minimum; additional charges may apply*

Approved Plans Affected (specify document and page number): _____

Notes:

- *For changes that do not impact design drawings, specify N/A for Approved Plans Affected (e.g., paint color)*
- *All other changes must include a new plan/drawing that reflects the requested change*

Please check any documents/attachments you have included as required:

-
- ☐ Updated elevation drawings
☐ Updated landscape design plans
☐ Updated site plan
☐ Material change samples
☐ Color change info: color name, color #, LRV #
☐ Stain color change info: stain name, stain color
☐ Tree removal (pictures)
☐ Other attachments (please include any documentation you think would speed the approval process)
-

APPENDIX I – Infractions

FINE AND/OR ASSESSMENT SCHEDULE

First Incident: Written Warning

Subsequent Incidents: The ACC can pursue either a per diem fine or the cost of remediation as an assessment

Continued violations or prior history of non-compliance may result in withdrawal of owner's architectural approval on a temporary basis.

CONSTRUCTION INFRACTIONS	
Mud Mat Not Installed or Maintained	
Silt/Erosion Fencing Not Installed or Maintained	
Littered Job Sites / Blown Debris	
All Nuisance Violations (At ACC Discretion)	
Dumping/Washout of Concrete anywhere other than the building site	
Lost loads of any bulk material (gravel, sand, fill material, etc.)	
Sanitary facilities on job site not properly located or maintained	
Working outside of approved hours	
Parking violations on adjacent property	
Materials and/or Equipment on Right-of-Way	
Damage to common natural areas (Plus Cost of Repair to Site)	
Minor Non-Approved Plan Changes	
Non-Approved Exterior Color Palette Changes	
Significant Non-Approved Plan Changes	
Burning on Job Site or Property	
Construction Start without All Required Permits Displayed on Site	
TREE REMOVAL INFRACTIONS	
Cutting of trees without prior ACC approval (for each tree size):	
- Trees between 6" and 11" diameter	\$1000
- Trees between 12" and 23" diameter	\$2500
- Trees 24" or greater diameter	\$5000
Unauthorized tree removals may result in the requirement to replace the removed trees (At ACC Discretion), as follows:	
- Trees between 6" and 11" diameter	2" Caliper Compliant Tree
- Trees between 12" and 23" diameter	4" Caliper Compliant Tree
- Trees 24" or greater diameter	6" Caliper Compliant Tree

APPENDIX J – Appeal Request Document Requirements

An owner may appeal a decision made by the ACC by submitting a written appeal to the Board within thirty (30) days of the ACC's decision (see Section 9.2). Contacting a Board member directly will not be considered a valid request. The written request must contain the following information:

1. Date of Request
2. Lot Owner Name
3. Lot Number/Address
4. Lot Owner Contact email
5. Lot Owner Contact phone number
6. ACC Decision being appealed (brief description)
7. Date of the ACC Decision
8. Rationale for alternate decision
9. Include any documents, exhibits, etc. that you would like the Board to consider
10. Are you requesting a hearing by the board? Y/N

APPENDIX K – Home/Lot Improvement Application Form



HOME/LOT IMPROVEMENT APPLICATION FORM

Owner (Applicant): _____

Property Address: _____

Contractor Information:

Contractor Name: _____

Contractor Phone: _____

Contractor Email: _____

Project Start Date: ____/____/____ Project End Date: ____/____/____

Contact information should the ACC wish to contact you for additional information:

Phone: Home) _____ Work) _____ Cell) _____

Mailing Address (if different than above): _____ Zip: _____

Email Address: _____

Modification or Addition Requesting:

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> Detached Structure/Building | <input type="checkbox"/> Solar Panel(s) | <input type="checkbox"/> Roof |
| <input type="checkbox"/> Fence | <input type="checkbox"/> Exterior Modifications | <input type="checkbox"/> Shed |
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Landscaping/Hardscaping | <input type="checkbox"/> Tree Removal |
| <input type="checkbox"/> Paint | <input type="checkbox"/> Perc Testing | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Retaining Wall | <input type="checkbox"/> Ornamentation | _____ |
| <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Patio / Arbor / Deck | _____ |

Description of and reason for request (**Required**): _____

Is this request in response to a violation letter we sent you? Yes ☐ No ☐

Attach the following information:

- ☐ A completed Submission Form (including signature/date below the Owner Acknowledgement notice on next page)
- ☐ Certificate of insurance from all contractors. If General Contractor is engaged, include copy of GC's NC contractor license.
- ☐ A description of the project, including height, width and depth, roofing materials, colors, etc.
- ☐ A complete materials list of the project, including paint samples and/or stain color
- ☐ A picture or drawing of the intended/existing project (sketches, clippings, catalog illustrations and other data or links to websites)
- ☐ A site plan showing the location of the house along with any other structures on your lot and the proposed structure (including dimensions from the property line or other structures)

Please send your request to: INFO@IPMHOA.com

This application will expire 3 months from date submitted if owner takes no action and/or there is no communication with the property management company.

Owner acknowledges that this email address will be used for all ACC communications, including communications related to fine or damage.

Owners Acknowledgements:

I understand:

- That no work on this request shall commence until I have received approval of the Architectural Control Committee (ACC).
- Any construction or alteration to the subject property prior to approval of the ACC is **prohibited**. If I have commenced or completed any construction or alteration to the subject property and any part of this application is disapproved, I may be required to return the subject property to its original condition at MY OWN EXPENSE. If I refuse to do so and the POA incurs any legal fees related to my construction and/or application, I will reimburse the POA for all such legal expenses incurred.
- That any approval is contingent upon construction or alterations being completed in a neat and orderly manner;
- That there are architectural requirements covered by the Covenants and a board review process as established by the Board of Directors;
- All proposed improvements to the property must comply with city, county, state and local codes. I understand that applications for all required building permits are my responsibility. Nothing herein shall be construed as a waiver of modification of any codes. My signature indicates that these standards are met to the best of my knowledge.
- That any variation from the original application must be resubmitted for approval.
- That if approved, said alteration must be maintained per the governing Covenants for the POA.
- This alteration will not detrimentally affect the proper drainage of any common areas or surrounding lots. I will be responsible at my expense to correct any drainage problems to such areas that may occur as a result of this work or alteration.
- The Builder/Applicant acknowledges and agrees that the POA and ACC assume no liability resulting from the approval or disapproval of any plans submitted. The POA and ACC assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The ACC's review, comments, and/or approvals do not relieve the Builder/Applicant of their responsibility and obligation to comply with the Covenants, Architectural and Landscape Design Principles and Standards and ACC Policies and Procedures. The Builder/Applicant agrees to grant the ACC access to property at any reasonable hour to inspect for compliance issues.
- It is the duty of the owner and the contractor employed by the owner to determine that the proposed improvement is structurally, mechanically and otherwise safe and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations and sound practices. Your association, the ACC and any employee or member thereof, shall not be liable in damages or otherwise because of the approval or non-approval of any improvement.

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is **not to begin** until approval has been received from the ACC. The ACC has permission to enter the property to make inspections, as they deem necessary.

Owner/Applicant Signature: _____ Date: _____

Co-Owner/Applicant Signature: _____ Date: _____

Informational Addendum

REVIEW PROCESS – The ACC Policies and Procedures documents stipulate the amount of time the ACC may take to render a decision. The ACC will make every reasonable effort to expedite the review process. Applications will be reviewed during the time frame for completeness and the ACC may request additional information to help clarify your proposal.

APPLICATION – The application must be accompanied with necessary documents, photos, drawings, brochures, and information necessary to present to the ACC. Property owners must sign the application. Contractor's signatures for property owners **will not be accepted**. Modifications are not permitted to commence until the modification has been reviewed and approved by the ACC.

NOTIFICATION - All owners will be notified in writing once the request has been approved or denied.

APPENDIX L – Owner Affidavit

**Owner Affidavit
New Home and Home Improvement Construction
The Homestead at Mills River**

I (we) hereby certify and acknowledge that I (we):

- Have received copies of ACC Architectural and Landscape Design Principles and Standards, and the ACC Policies & Procedures.
- Have read and understand the ACC Architectural and Landscape Design Principles and Standards, and the ACC Policies & Procedures.
- Will construct the subject home in accordance with all ACC Architectural and Landscape Design Standards, ACC Policies & Procedure, and Homestead at Mills River By-Laws, and Covenants.
- Accept responsibility to specifically identify all elements of plans or designs that are inconsistent with ACC Architectural and Landscape Design Principles and Standards.
- Accept sole responsibility for the timely request of variances.
- Certify that the Owner is ultimately responsible for the Builder being fully compliant with all builder rules.
- Grant ACC members and their external professionals' access to my property during the duration of the project to conduct inspections and follow-up on outstanding issues or infractions.
- Authorize my builder to act on my behalf as my representative.

Owner Name(s):

HMR Property Address:

Owner's Signature and Date:

APPENDIX M – Builder Affidavit

**Builder Affidavit
New Home and Home Improvement Construction
The Homestead at Mills River**

I hereby certify and acknowledge that I:

- Have received copies of ACC Architectural and Landscape Design Principles and Standards, and the ACC Policies & Procedures.
- Have read and understand the ACC Architectural and Landscape Design Principles and Standards, and the ACC Policies & Procedures.
- Have reviewed and understand the Infractions and Violations Schedule of Fines detailed in the ACC Policies & Procedures document – Appendix I.
- Will construct the subject home in compliance with the ACC Architectural and Landscape Design Principles and Standards, and the ACC Policies & Procedures.
- Am solely responsible for ensuring all builder representatives (employees, subcontractors, vendors of all kinds) are aware of all applicable Builder Rules and will comply with all Builder Rules.
- Will be compliant with all applicable governmental and regulatory agency laws, ordinances, and rules.

Owner Name(s):

HMR Property Address:

Builder / Company Name:

Builder's Signature and Date:

APPENDIX N – Variance Request Form

Complete the following information and submit to the ACC:

1. Date of Request:
2. Owner Name:
3. Owner Lot Number/Address:
4. Owner Mailing Address:
5. Owner Contact Information:
 - Email:
 - Phone Number:
6. Section(s) of the Policies and Procedures or Design Standards for which a variance is being requested.
7. Description of exception requested.
8. Reason for exception.

Signature: _____ Date of Submission: _____

APPENDIX O – Inspection Checklists

PRE-BUILD INSPECTION CHECKLIST

Lot # and address: _____

Homeowner Name: _____

Date of Inspection: _____ Inspector: _____

Weather Conditions: _____

Attendees: _____

Pre-Build Requirements - -

- ___ Architecture, Site and Grading Plans have been approved by ACC
- ___ Property Boundaries clearly staked
- ___ Proposed Area of Disturbance staked and twined
- ___ Proposed Building Location flagged in field Changes Required _____
- ___ Proposed Clearing limits flagged in field Changes Required _____
- ___ Driveway and lot access flagged in field Changes Required _____
- ___ Approximate location of well and septic flagged in field
- ___ Approved Henderson County permits for well and septic location
- ___ Grading and drainage appear to be adequate Changes Required _____
- ___ Proposed erosion control appears to be adequate Changes Required _____
- ___ List any specific areas with erosion potential
- ___ Landscape intent and proposed character is suitable for property.

Notes:

FINAL INSPECTION CHECKLIST

Lot # and address: _____
Homeowner Name: _____
Date of Inspection: _____ Inspector: _____
Weather Conditions: _____
Attendees: _____

Final Inspection Requirements -

- ___ There are no signs of current or future erosion or runoff on or from the property
- ___ All disturbed areas are covered with no visible dirt or mud
- ___ All proposed drainage is installed and maintained
- ___ Tags, flags, and temporary erosion control measures have been removed
- ___ There are no significant changes from the site and grading approved plans
- ___ The landscape is installed per approved plan with no significant deviations
- ___ Lighting is installed per approved plans
- _____ The project and all improvements follow the approved plans with no significant deviations.
- _____ The project and all improvements meet the requirements of the Design Standards.

Notes:

PERIODIC INSPECTION CHECKLIST

Lot # and address: _____
Homeowner Name: _____
Date of Inspection: _____ Inspector: _____
Weather Conditions: _____
Attendees: _____

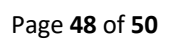
Drive by inspection requirements -

___ The job site is clean. There are no signs of erosion or runoff problems.

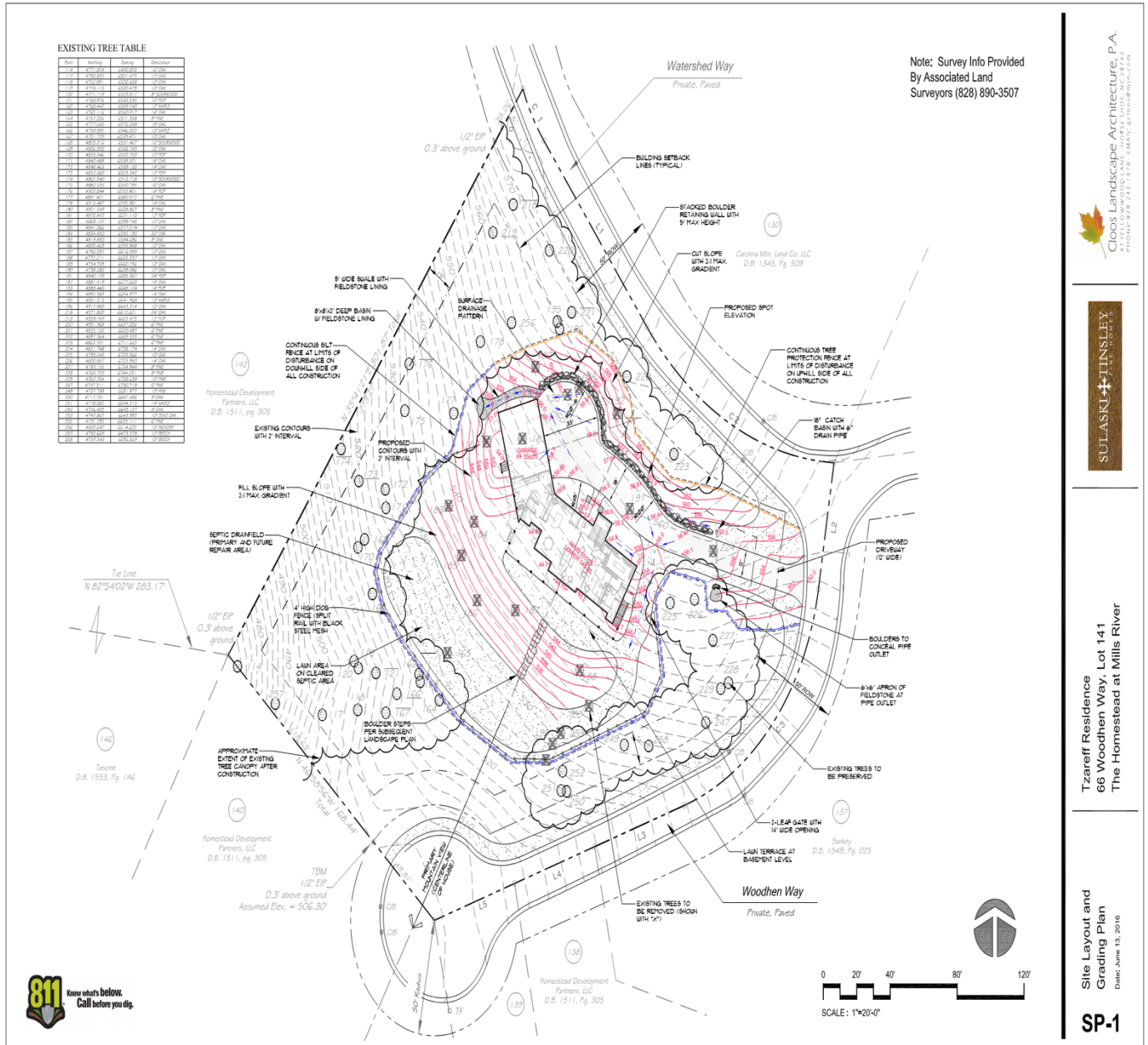
Please fix the following immediately:

- ___ Mud Mat /Gravel entrance needs maintenance
- ___ Driveway culverts and drainage needs maintenance
- ___ Silt fences need to be installed or maintenance
- ___ Grading needs to be stabilized from erosion
- ___ Control mud. Mulch, straw, or seed and straw all disturbed areas
- ___ Natural areas outside limits of disturbance need further protection
- ___ There is a significant deviation from the approved plans

Notes:



APPENDIX Q – Sample Document – Site Plan



APPENDIX R – Exterior Materials and Colors**EXTERIOR MATERIALS AND COLOR SELECTION**

Lot Owner: _____ Submittal Date: _____

Vertical Surfaces (Siding, trim, timber, railings, stucco, stone, etc.) Include LRV#

Element	Material	Manufacturer	Color/Finish

Roofing (Roofing, sheet metal, gutters, etc.)

Element	Material	Manufacturer	Color/Finish

Horizontal Surfaces (Steps, driveway, floor of porch, patio, decking, hardscape, etc.)

Element	Material	Manufacturer	Color/Finish

Other (Windows, doors, garage doors, exterior lighting, landscape lighting, mailbox, etc.)

Element	Material	Manufacturer	Color/Finish