

BLUE MIST FARMS
ARCHITECTURAL
DESIGN AND DEVELOPMENT
GUIDELINES

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ARTICLE 1: INTRODUCTION

An Architectural Review Committee (ARC), in accordance with the Declaration of Covenants, Conditions, and Restrictions (CCR's) for Blue Mist Farms (BMF), has been established by the Board of Directors (Board) of the BMF Property Owners Association (Association). It is comprised of BMF Lot Owners, and works in conjunction with the Board and our property management company, **Phoenix Properties, P.O. Box 5423, Asheville, NC 28813, (828) 277-8685**. The ARC is tasked with promoting consistent adherence to the implementation of policies, plans, covenants, conditions, restrictions, and other documents pertaining to the physical development of BMF. The preservation of BMF as an attractive private residential community in which we live, depends upon continuous cooperation with each other, thoughtful design excellence, and sensitivity to the environment. Accordingly, the ARC further serves to ensure compliance with protective restrictions, and the compatibility of construction, design, and maintenance of each Lot.

In order to accomplish this, and in accordance with the CCR's, the Board, which has sole discretion, is empowered to create, adopt, add to, or amend Architectural Design and Development Guidelines (Guidelines). Creation of the Guidelines by the Board allows for direction, review, and enforcement procedures, to support those recorded legal documents which serve to bind Lot Owners to the CCR's for BMF.

Set forth in these Guidelines are policies and procedures to assist the Board, ARC, Lot Owners, their Architects, Landscape Architects/Designers, and Contractors through the Architectural Review and Construction Process. With consistent administration and adherence to these Guidelines, the Board, which is the approval/disapproval authority, strongly believes the natural beauty of BMF should be, and can be protected and preserved while developing an attractive and desirable community of homes with a variety of architectural styles to live in. It is not the intent of these Guidelines to inhibit or restrict creativity, but rather to provide general parameters for all to operate under in creating our architecturally harmonious community. When adhered to by responsible Lot Owners, these Guidelines will help to ensure an equitable relationship with all involved. It is imperative that the following Guidelines be thoroughly read and understood prior to the commencement of any design work.

ARTICLE 2: PHILOSOPHY

In order for nature and development to successfully coexist, a balance must be established, preserving the integrity of natural systems within the context of land use changes. The prudent use of natural resources without depleting their overall value is known as Environmental Conservation. In the case of BMF, an appreciative conservation ethic requires thoughtful and responsible attention to the details of site planning, architectural design, and landscaping. It is the philosophy of the ARC and Board that the dwelling be designed and built to compliment the Lot without extreme re-grading or filling to raise the Lot elevation in order to somehow compliment the dwelling design. The Board will not approve any re-grading or filling of Lots that will affect views of other Lot Owners. An example of a positive and desirable development plan would include minimal site disturbance, architectural design that blends, rather than contrasts or changes the surrounding environment, and thoughtful landscaping that incorporates indigenous plant selection without introducing transplanted invasive plants.

ARTICLE 3: DESIGN AND COMPATIBILITY

Thoughtful consideration in a design should be given to home site amenities such as mountain views, as well as proposed home site impact on the natural qualities of the Lot. Lot Owners are encouraged to work with Architects, Landscape Architects/Designers, and Contractors who are knowledgeable and experienced in mountain home construction, and who can develop an appropriate home design that compliments the natural characteristics of the Lot and its indigenous vegetation. The basic appearance of a home can be made more aesthetically pleasing by utilizing design details such as recessed entries, changes in planes, roof geometry, garage placement, and landscape screening; working with the natural contours of the Lot. Proposing natural materials on exterior finishes, such as rough-sawn wood, exposed heavy timbers, textured siding, wooden shingles, native stone and color schemes that blend and compliment the natural mountainous topography is highly recommended as well. Appearances such as exposed bare concrete are discouraged. A positive example would be foundations of poured concrete or concrete block being finished with stone or stucco for a completed appearance. The Board will consider, respect, and value each Lot Owner's plans, specifications, individuality, and vision when reviewing an application for construction. But homes that do substantial damage to the natural qualities of the Lot, or that ignore it, will not be approved.

ARTICLE 4: GENERAL

In accordance with the CCR's, no exterior structure or improvement shall be placed, erected, installed, or made upon any Lot, or adjacent to any Lot, without first obtaining written approval from the Board. With regards to building a new single family home, this is also required prior to lot clearing and staking. Examples include, but are not limited to, the following:

- A. New single family home construction, additions, decks, driveways, exterior lighting, exterior paint/stain color changes, fences, flag poles, fountains, gates, mailboxes, major landscape changes, retaining walls, satellite dishes, solar panels, statuary, swimming pools, etc.
- B. Screening of all mechanical/electrical equipment such as HVAC (heating, ventilation, air conditioning) equipment, swimming pool and/or spa/hot tub equipment, etc.
- C. Removal or topping/trimming of trees greater than six (6) inches in caliper.
- D. Changes to topography including cut, fill, drainage, and other changes.

Any structure or improvement that is placed as stated above without Board approval is considered to be in violation of the CCR's. Failure to obtain the necessary approvals may:

- A. Constitute a violation of your Deed Restrictions.
- B. Result in a Fine or Assessment being levied against the Lot Owner.
- C. Require modification to achieve compliance or removal of unauthorized work at the Lot Owner's expense.

ARTICLE 5: BUILDING CODE COMPLIANCE

All construction must comply with local, state, and federal building, fire, electric, and plumbing codes. The Lot Owner and Contractor are responsible for compliance, and are required to obtain all necessary permits and approvals before commencement of construction. Board reviews and approval are separate and independent of governmental inspections. The basis for Board approval of plans and materials is aesthetics and not engineering design.

ARTICLE 6: DISCLAIMER

No implied warranties of workmanship, quality, design, habitability, fitness for purpose, code compliance, or merchantability shall arise as a result of any plans, specifications, standards, or approvals made by the Board, ARC, Association, or Managing Agent(s). Neither the Board, nor the ARC, nor the Association, nor the Managing Agent(s) shall be liable to a Lot Owner or to any other person on account of any claim, liability damage, or expense suffered or incurred by or threatened against a Lot Owner or such other person arising out of, or in any way relating to the subject matter of any review, acceptances, inspections, permissions, consents or required approvals which must be obtained from the Board of the Association whether given, granted, or denied.

ARTICLE 7: ARCHITECTURAL REVIEW PROCESS

The Architectural Review Process for new single family home construction and/or other prominent structures consists of an optional Preliminary Plan Review, a Final Construction Plan Review, periodic on-site Construction Reviews, and a Final Review. The Architectural Review Process concludes after construction is completed, and the ARC makes the Final Review, followed by Board approval. If the project is in compliance, the Final Review is signed as approved, with written notification of completion and refundable fees given to the Lot Owner. If the project is found to be incomplete, or is not in compliance with the approved Plans, the Board will notify the Lot Owner in writing and/or email, stating deviations from the approved Plan that need to be remedied before the Final Review can be approved. If the project continues to be incomplete or not in compliance, the Board will take whatever action is necessary as stated in Article 4, to ensure completion and/or compliance of the project in accordance with the Guidelines and CCR's.

7.1 Review Process and Fees

Both the optional Preliminary Plan, as well as the Final Construction Plan containing separate checks for each of the two (2) applicable fees, must be submitted to the BMF property management company, Phoenix Properties, for ARC review and Board approval. Phoenix Properties will then direct the Plan and Application to the appropriate party in the review process. Please note that incomplete plan submissions, and/or incorrect fee amounts will cause rejection of plans. All plans for new home construction and/or prominent structures must be designed and drawn by a licensed architect or a professional experienced home designer. The plans must meet the Guidelines and CCR's as well as the building codes of Buncombe County and the State of North Carolina. All construction work must be completed under the direct supervision of a General Contractor, also referred to as the Builder, who holds a license in the State of North Carolina.

In accordance with the CCR's, the following fees are required to be submitted for construction of a new home, addition to an existing home, or any other prominent structure. Based on expenses, the Board reserves the right to change these fees as necessary.

- A. Architectural Review Fee -- \$1500.00. This fee is applied to services of consulting Architects, Landscape Architects, or other professionals, as well as administrative expenses such as postage, photocopying, etc. It is applied for up to one (1) Review and two (2) follow-ups, and is refundable to the extent not used. The check is written to Phoenix Properties--BMF Architectural Reserve Fund. If additional reviews become necessary, a Reapplication Fee of \$250.00 will be required.
- B. Construction Deposit Fee -- \$2000.00. This fee is intended to ensure all contractors understand and follow the Guidelines during the construction process. The fee is the Lot Owner's responsibility, and is refundable with the exception of any fines/costs accrued from Guideline deviations or damage to community property (See section 7.9 Enforcement and Fines). In situations where the cost to correct, repair, or complete work exceeds the initial deposit, the Lot Owner is still responsible for the entire amount. When construction is completed and the Final Review is approved by the Board, the Construction Deposit or remaining amount will be returned. The check is written to Phoenix Properties--BMF Construction Reserve Fund.

7.2 Preliminary Plan Review (optional)

The first possible step in the Architectural Review Process gives the Lot Owner the option to present through the Preliminary Plan Application (form provided with these Guidelines), their conceptual design ideas to the ARC. It is not required, but allows the Lot Owner and ARC to do a general look at the plans to arrive at an approved design that complies with the Guidelines and CCR's before going further to Final Construction Plans. The Lot Owner is to submit two (2) sets of the application and drawings that depict:

- A. Conceptual floor plans at a scale not smaller than ¼ inch = 1 foot, and square footage showing overall house dimensions, room sizes, windows, and doors. Rooms shall be labeled as to function.
- B. Conceptual elevations (all sides) at a scale not smaller than ¼ inch = 1 foot, showing all exterior materials, windows, doors, decks, height above foundation, etc.

The ARC will complete its review of the Preliminary Plan within thirty (30) days of receipt of a complete submission. If approved, the Board informs the Lot Owner via letter or email, indicating that they may proceed with having their Architect compose the Final Construction Plan. If the Plan is not accepted, a letter will be sent to the Lot Owner within that thirty (30) days of receipt, stating the reasons for the non-acceptance. Once each reason for non-acceptance is addressed and all required changes have been made to the Plan, the Lot Owner may resubmit for Preliminary Plan Review. Additionally, based on any potential expenses incurred, an Architectural Review Fee Deposit may be required if deemed appropriate by the ARC.

7.3 Final Construction Plan Review

Lot Owners must submit the Architectural Review Fee, Construction Deposit Fee, Final Construction Plan Review Application (form provided with these Guidelines as well as a checklist to assist Lot Owners in preparing the application), and two (2) sets of Final Construction Plans that include the following:

- A. Proof of Ownership. This can be a copy of deed or current contract.
- B. Lot Owner/Contractor Agreement. The Agreement to be signed is provided with these Guidelines.
- C. General scope depiction of existing Lot and area to be cleared. This is to include:
 - 1. Property lines with dimensions, bearings, and setback lines.
 - 2. Existing ten (10) foot contour lines.
- D. Construction Sediment/Erosion Control Plan. Section 8.3, Erosion Control Standards.
- E. Lot Survey/Site Plan completed by surveyor or engineer. This is to include:
 - 1. Minimum scale 1 inch = 20 feet.
 - 2. Location of house and attachments with distance from two corners of the house to property line on a line parallel with house line, then distance from that point to nearest lot corner.
 - 3. Building setback and easement lines extended to property line. Minimum twenty (20) feet from front or side street, twenty (20) feet from rear lot line, ten (10) feet from side lot lines, and if applicable, fifty (50) feet from the center of the cul-de-sac.
 - 4. Proposed ten (10) foot contour lines.
 - 5. Drainage structure and direction of flow including driveway culverts, manmade or natural, existing or proposed to be approved by the Board and Buncombe County permitting.
 - 6. Finish floor elevation of lowest floor with plumbing.
 - 7. Proposed location of septic tank.
 - 8. Retaining walls, existing or proposed and elevations.
 - 9. Location of all utility “stub-ups” on lot (point of entry to the Lot for utilities).
 - 10. Proposed driveway, patios, walkways, other paved surfaces and parking location, as well as any proposed gates, columns, fences, etc.
 - 11. All proposed grading and approximate areas of existing trees and large understory massings (i.e., Rhododendron, Mountain Laurel) to be preserved.
 - 12. Any proposed locations of ancillary structures, decks, stairways, garages, and other secondary buildings.
 - 13. Total impervious area and percentage of the site area.
 - 14. Certification to be printed on the plot/site plan.

F. Floor Plans to show complete construction details. This is to include:

1. Minimum scale $\frac{1}{4}$ inch = 1 foot.
2. All window and door openings.
3. Roof overhang.
4. Location of exterior HVAC units.
5. Exterior light locations.
6. All utility locations at dwelling (meters, etc).
7. Fuel tank sizes and locations.
8. Total and Heated square footage of structure.

G. All elevations to show the exterior architecture. This is to include:

1. Minimum scale $\frac{1}{4}$ inch = 1 foot.
2. Front, rear, and two side elevations labeled so they correspond with site plan.
3. Finish grade line shown against house.
4. Average roof height as measured from the four corners.
5. All exterior materials and finishes called out on the Material Specifications List. A form is provided with these Guidelines.
6. Fascia, trim, and handrail details.
7. Decks and terraces shown.
8. Service area screen wall, if any, detail.
9. All window and door locations.

H. Samples, or photos and brochures of exterior materials and colors. This is to include:

1. Exterior paint/stain color scheme, i.e., body color, trim color, shutter color.
2. Siding materials.
3. Roofing materials.
4. Garage door type and color, including garage door light selection.
5. Exterior door types and color.
6. Exterior lighting.
7. Window specifications.

I. Landscape Plan. Section 8.12, Landscaping. Under no circumstances may natural flow of water be artificially concentrated so as to create erosion problems or additional flow over neighboring Lots or community roads. Plan is to include:

1. Minimum scale 1 inch = 20 feet.
2. Property lines with dimensions and bearings.
3. Location of all structures including decks, trellises, fences, gazebos, pavement, and utilities.
4. Location of trees six (6) inches and greater in caliper within Landscape Plan.
5. Location of all lawn areas, shrub bed lines, and proposed plant material.
6. Plant list with quantities, botanical names, common names, sizes and specifications. See enclosed PROHIBITED INVASIVE PLANTS LIST and RECOMMENDED PLANTS LIST provided in these Guidelines.
7. Drainage plan showing the proposed path of surface water and points of its discharge.

In addition to the above, all existing trees six (6) inches and greater in caliper (both living and dead) that are to be removed as a result of their location within the proposed area of the dwelling, driveway, septic field, and within 30 feet of the dwelling, are to be flagged with colored tape wrapped around the trunks for identification as part of the Final Construction Plan Review.

Once the ARC receives a complete submission of required items from the Lot Owner, a decision is rendered within forty-five (45) days of receipt. When the Board approves the proposed Final Construction Plan and the color/material samples, the Lot Owner will be sent an approval letter and may then schedule their Contractor to begin grading. If any of the above requirements are absent or incomplete, the ARC will not be able to conduct this phase of the review process and will notify the Lot Owner with a letter detailing the absent required exhibit(s). Likewise, if the proposed Plan is not approved, a letter will be sent to the Lot Owner within that forty-five (45) days of receipt, stating the reasons for disapproval. Once each reason for disapproval is addressed and all required changes have been made to the Plan and color/material samples, the Lot Owner may resubmit for Final Construction Plan Review.

7.4 Plan Changes and Variances

Changes of any kind to the approved Final Construction Plan documents are not allowed without prior approval from the Board. The Board realizes that circumstances arise from time to time during construction that require a change to the originally approved Plan. If such a circumstance arises, submit two (2) copies of a statement giving specifics of the changes and variances. The Board will expedite the request as quickly as possible. If changes are made without prior approval by the Board, the Lot Owner may be assessed a fine and could be required to modify the construction to comply with the originally approved Plan at his/her own expense.

7.5 Construction Reviews

After Lot Owners have received Final Construction Plan approval, ARC members, Board members, and Managing Agent(s) will make random, periodic reviews of the construction site to ensure the work performed is in compliance with the approved Plan and the Guideline Construction And Contractor Rules. If discrepancies are noted, the Board will notify the Lot Owner either by phone, email, or with a letter detailing the discrepancies to be remedied immediately. Fines and/or assessments will be issued accordingly.

7.6 Final Review

After completion of the construction project, the Lot Owner must contact the property management company, Phoenix Properties, to schedule a Final Review. Before doing so, Lot Owners must have copies of the Buncombe County Certificate of Occupancy, the Final As-built Survey, and a signed copy of the BMF Final Review Certificate of Compliance available for Board review and signature. The Lot Owner must also ensure the following requirements have been met:

- A. Completion of all construction and exterior painting/staining.
- B. Removal of dumpster, portable toilet, temporary utility pole, other temporary facilities, and all other construction related materials and/or debris.
- C. Repair of any damage to right-of-ways, roadways (including structural, scarring, pavement stains, concrete spills), common areas, and adjacent areas caused during construction.
- D. Landscape completed, or plans in progress for the extension noted in Section 8.12, Landscaping, Paragraph D.

7.7 Completion Deadline

All construction and clean-up of debris shall be completed and a Final Review approved within one (1) year from commencement of grading unless extended by the Board in its sole discretion. The Board may consider a request in writing by the Lot Owner for an extension to complete the construction project if deemed necessary. Failure to complete the construction project within the Completion Deadline timeframe, including any extensions granted by the Board, constitutes a violation of these Guidelines. The Board will then pursue whatever action necessary to ensure the completion of the construction project in a timely manner. All legal fees and costs reasonably incurred by the Association for such action will be assessed to the Lot Owner.

If no work commences within six (6) months of the Final Construction Plan Review approval letter date, the approval status will be rescinded, the Plan will be considered disapproved, and all fees will be returned less any expenses incurred during review. If the Lot Owner wishes to pursue the project after the approval has been rescinded, a new Final Construction Plan Review Application, along with two (2) sets of Plans must be submitted for review.

If construction does not begin within twelve (12) months after removal of any vegetation, especially if grading has taken place, the Lot Owner will be required to return the Lot to its original condition as much as possible.

7.8 Appeal Process

In the event of any dispute regarding a Board decision during the Architectural Review Process, the Lot Owner has thirty (30) days from the date of the written disapproval notice to request a hearing. The Board will preside over the hearing to hear evidence and discuss the dispute. The Board will render a decision on the appeal, in writing, within ten (10) days of the hearing. All decisions will be final.

7.9 Enforcement and Fines

Failure to adhere to these Guidelines during any portion of the Architectural Review Process and construction projects, could result in action being taken by the Board which may include fines and/or other legal action. Additional funds will be requested by the Board from the Lot Owner when fines exceed the Construction Deposit. In the case of amounts exceeding the deposit, Phoenix Properties must receive the full amount of the fine requested within 10 working days from the date of notification. Fines not received by the deadline shall constitute a lien upon the Lot. The Board will take whatever action is necessary to bring the Lot into compliance and to recuperate all costs involved in taking such action.

The following is a schedule of fines that may be filed against a Lot Owner for failure to comply with these Guidelines. Fines are subject to change at the discretion of the Board and are in addition to the other rights and remedies of the Association. Additional fines and remedies will be imposed for continuous violations.

--Burning	\$500.00
--Damage to Common Areas and other Lots	\$1000.00 minimum**
--Damage to Right-of-way	\$1000.00 minimum**
--Damage to natural area vegetation	\$500.00
--Hunting/Discharge of Firearms	\$1000.00
--Litter on Construction Site/Lot	\$500.00
--No Dumpster on Construction Site	\$500.00
--No or inadequate Erosion Control	\$1000.00*
--No Portable Toilet on Construction Site	\$250.00
--Non-compliance of Guidelines	\$500.00 minimum**
--Parking on Adjacent Property	\$150.00
--Parking on Streets Overnight	\$150.00
--Storage or Dumping in Common Areas/Other Lots	\$1000.00 minimum**
--Storage or Dumping on Right-of-way	\$1000.00 minimum**
--Unauthorized Clearing of Lot	\$1000.00 minimum**
--Unauthorized Finishes	\$500.00**
--Unauthorized Minor Plan Change	\$250.00**
--Unauthorized Major Plan Change	\$500.00 minimum**
--Unauthorized Removal or Destruction of Trees	\$500.00 per tree***

*The Board reserves the right to direct the installation of Erosion Control measures at the Lot Owner’s expense if such measures are not properly installed and maintained.

**The amount of fine to be determined by the extent of damage/violation and/or at the discretion of the Board.

***Refer to Section 8.12, Landscaping, Paragraph A. In addition to the fine, the Lot Owner is required to replace the removed tree with one of at least two (2) inch caliper.

Note: Fines levied against a Lot Owner are secured by a Lien against the Lot, which may be foreclosed.

7.10 Home Improvement/Exterior Alteration Requests

Two (2) sets of the Home Improvement/Exterior Alteration Application (form provided with these Guidelines) and samples are required for Lot Owners proposing added permanent structures, temporary structures, non-structural improvements, and major landscape changes. Examples include, but are not limited to, playhouses, exterior lighting, exterior paint/stain color changes, fountains, walkways, etc. A fee may be required depending on the improvement.

In case of a paint/stain color change request, paint samples must be submitted and identified as to their proposed location (i.e., trim, wood siding, plaster/stucco, front door, shutters, etc.).

The Board has a maximum of thirty (30) days from the date a complete application package is received to render a decision. Lot Owners will be notified in writing of the Board decision. If a complete submittal is received but a decision is not rendered within the thirty (30) day time limit, such request shall be deemed approved. Once approved, Lot Owners must complete the proposed improvement within ninety (90) days from the date of the approval letter from the Board. The Board may consider an extension request, in writing, by the Lot Owner for an additional ninety (90) days if deemed necessary. If the installation has not begun within ninety (90) days from the date of the approval letter and no extension request has been received, or if an extension has been granted and no work had begun within the maximum (180) day period allotted, the approval becomes void and the Lot Owner must re-submit a new Home Improvement/Exterior Alteration Application prior to starting any work. The Board will review the completed improvement for conformance with the approved request, pictures, and/or attachments.

If installation of any kind begins prior to approval in writing by the Board, the Lot Owner is in violation of these Guidelines and may be required to return the Lot to the condition prior to the work and/or be assessed fines.

ARTICLE 8: ARCHITECTURAL DESIGN AND DEVELOPMENT GUIDELINES

In the spirit of community, homes must be designed in conformity with standards and requirements set forth in the CCR's and Guidelines. Lot Owners, Architects, Designers, and Contractors must adhere to the following specific building guidelines:

8.1 Antennas/Satellite Dish Antennas

Antennas with a diameter of one (1) meter (39.37 inches) or less, which include, but are not limited to, satellite dish antennas, may be installed without prior approval from the Board provided the antenna is installed in the least visible location as viewed from the road or other vantage points. All other antennas require approval prior to installation.

If in the opinion of the Board, the antenna location is unacceptable, or if the antenna is in excess of one (1) meter, modification or relocation of the antenna will be required to conform to the above guidelines. Circumstances of this nature will be reviewed on a case-by-case basis, but if approved, will require complete screening from view, including neighboring Lots.

8.2 Driveways

Consideration should be made for guest parking to prevent parking on the street or cul-de-sacs. Parking on streets overnight is prohibited. Building materials and requirements are as follows:

- A. The intersection of the driveway and community roadway must be paved with either concrete or asphalt, and shall extend the full width of the driveway, and extend a minimum of thirty (30) feet into the Lot from the roadway edge. An exception would be allowed if the distance from the road to the front garage is less than (30) feet.
- B. Driveways should be designed to minimize storm water runoff and potential erosion. Properly sized culvert drainpipes to the grade of the drainage ditch, and to North Carolina Department of Transportation specifications, shall be installed as needed along the driveway within the right-of-way. There shall be no diversion of water within the road right-of-way or onto adjoining Lots.

8.3 Erosion Control Standards

Erosion control is a critical protective measure for soil conservation and protection of streams and river systems. Soil and drainage systems are especially fragile in this mountain ecosystem. Erosion control measures should be clearly shown and are mandatory on all home site plans. The following requirements are minimum standards intended as preventive maintenance in order to avoid costly and possibly irreparable environmental damage.

- A. A gravel/mudmat construction entrance must be established after clearing, and prior to grading and construction. It must be maintained throughout the construction process.
- B. Prior to soil disturbance, temporary sediment barriers must be properly installed along Lot lines according to existing and expected drainage patterns.
- C. As site conditions change, revise the planned control measures and install barriers to reduce drainage flow rates and any resulting erosion.
- D. Periodically remove collected sediment to keep the barriers in effective condition.
- E. Install utilities early in the construction process and stabilize slopes quickly.
- G. Finish grade and establish a permanent ground cover as soon as possible.
- H. Once Final Review approval has been granted, barriers may be removed with proper disposal of all materials and accumulated sediments.

8.4 Exterior Colors

Exterior color schemes proposed for all structures must blend or compliment the natural surroundings. Subdued earth or forest tones of brown, warm grays, or greens are preferred. Colors with high reflective characteristics are discouraged.

All structures on a Lot must be painted or stained the same approved color scheme unless otherwise approved by the Board. This includes the house as well as gates and other exterior structures. Roof accessories such as flue caps, vents, vent fans, vent stacks, conduits, gutters, downspouts, etc., must be painted to match or blend with the surrounding materials. Copper drains and gutters are acceptable. Deck band boards, rails, associated pickets and stair risers to decks may be left natural wood.

Approval from the Board is required for any change to an existing color scheme on any structure.

8.5 Exterior Lighting

Traditional light fixtures, such as carriage lights, proposed for installations at entry doors, garage doors, and stairways are acceptable and encouraged. Exterior lighting must be installed so that light is not directed onto or toward adjacent Lots and streets. In accordance with the CCR's, no yard lights shall be placed upon a Lot without prior written consent of the Board.

8.6 Exterior Siding

The following exterior sidings are preferred:

- A. Natural materials such as rough-sawn wood, exposed heavy timbers, wooden shingles, or native stone.
- B. Earth-toned brick, stucco, or cement fiber boards such as HardiPlank.

Brick, stucco, or stone often can be used effectively on wood-sided homes in special areas such as on chimneys. Brick may be used for walkways, patios, etc. Exterior materials must be used consistently on all elevations for a harmonious appearance. Exposed concrete and metal are discouraged and should be kept to a minimum.

8.7 Fences

In accordance with the CCR's, no fence or other outdoor appurtenance shall be erected without the prior approval of the Board as to location, height and materials. No fence shall be closer to the road than the front building setback line. And no fence, hedge, or wall shall be erected on any Lot which shall be unsightly in the opinion of the Board, or which shall in any way interfere with the vision of roads and driveways so as to endanger the safety of pedestrians or drivers of vehicles. Additionally, chainlink fences are not acceptable. Finished sides of fences must face out. And height cannot be excessive and must be compatible with the home design.

8.8 Flags

Flags may be displayed on Lots. However, it is requested that the number of flags be reasonable and not excessive, subject to the discretion of the Board. Flags that become faded, torn, or otherwise deteriorated must be removed or replaced. Flags and flagpoles that meet the following criteria may be displayed without approval of the Board.

- A. Flagpoles attached to the home or garage must not exceed six (6) feet in length and must blend with the existing color scheme of the dwelling or be natural wood. The maximum flag size allowed is three (3) feet by five (5) feet.
- B. Ground installed flagpoles must not exceed twenty (20) feet in height and must blend with the existing color scheme of the dwelling. The maximum flag size allowed is four (4) feet by six (6) feet.

8.9 Fuel Tanks

It is preferred that fuel tanks and/or other similar storage receptacles be proposed as underground installations. In accordance with the CCR's, above ground installations are considered for approval if proposed to be installed on the least visible side of the home, screened from view of any and all roadways and adjoining Lots. They are preferred to be painted in earth or forest tones, and to be screened utilizing landscaping, to match or blend with surroundings. In all cases, location of fuel tanks must meet Buncombe County code requirements.

8.10 Garages

In accordance with the CCR's, the garage, whether attached or detached from the main dwelling, must be located on the Lot in compliance with the minimum yard setbacks. Each residence shall be required to have at least a two-car garage attached to the main dwelling, but may also, with Board approval, have one additional garage detached from the main dwelling. Detached garage accessory buildings shall not exceed fifteen (15) feet in height and seven hundred fifty (750) sq. ft. Additionally, garages must match the design, materials, and color scheme of the home.

8.11 HVAC (Heating Ventilation Air Conditioning) Systems

HVAC units should be installed in the least visible location adjacent to the home. Without inhibiting the function of the unit, it is preferred that it be screened from view whenever possible. Landscaping is a natural solution and softens the appearance. If lattice is used, it must match the color scheme of the home. In accordance with the CCR's, no window type HVAC units shall be installed without approval of the Board, or which shall be visible from the street.

8.12 Landscaping

In the preservation of the community's existing natural features, it is extremely important that elements of the landscape, home, and any other structures upon a lot harmoniously come together to form a single attractive entity. When thoughtfully designed, a landscape plan becomes an extension of a well planned home. It is considered to be the immediate portion of the lot adjacent to, and surrounding the home, but does not necessarily include the entire lot. It is possible, depending on size and location, that a lot would have the portions surrounding the home landscaped, and the remaining lot left in a natural setting.

Careful selection of plants according to type, size, location, growth pattern and climate tolerance is best accomplished by an experienced Horticulturist or Landscape Architect/Designer. The Board looks favorably upon landscape plans that propose the least amount of disturbance to pre-existing plant material while adding indigenous plants to meet screening requirements. At a minimum, the CCR's state that all Lots shall be properly maintained with grass and vegetation kept properly trimmed. Imperative considerations that must be addressed are as follows:

- A. No clear-cut tree removal or excessive topping of trees is allowed. In accordance with the CCR's, no living tree greater than six (6) inches in caliper shall be cut or trimmed without the express written permission of the Board. This covenant shall not apply to the cutting of trees and limbs where such cutting is necessary for the safe installation and maintenance of any dwelling, driveway, or parking areas constructed upon any Lot in conformity with the landscape plans approved by the Board. In the interest of Forest Fire Safety concerns and home protection, this area may also extend out thirty (30) feet from the dwelling. Care should be exercised to protect all other trees from equipment damage and/or filling. Use protective barriers or bulk heading where necessary so as not to cover the roots of remaining trees with soil. Any protected trees removed without Board approval will subject the Lot Owner to a fine of five hundred dollars (\$500.00) per tree as well as the requirement to replace the tree with one that is at least two (2) inch caliper.
- B. A plant list showing all newly installed plant species is to be submitted. Indigenous plant selection is recommended, however, newly introduced species of plants that compliment the natural surroundings, and that are not considered to be invasive or harmful to pre-existing vegetation, may be considered if arranged according to a thoughtful and coherent landscape plan. See enclosed PROHIBITED INVASIVE PLANTS LIST and RECOMMENDED PLANTS LIST provided in these Guidelines.
- C. There is to be reasonable landscape screening as stated throughout these Guidelines around such places as foundation perimeter walls, HVAC units, above ground tanks and utilities, satellite dishes installed at ground level, parking areas, etc..
- D. Due to seasonal weather conditions, Lot Owners have the option of delaying their landscape construction. However, all landscaping is required to be completed within twelve (12) months following the Final Review. Measures must be taken to prevent erosion and to preserve lot integrity during the extension. The Final Review Certificate of Compliance will not be signed, and 50% of the Architectural Review Fee will be retained until the landscape has been installed and approved.

8.13 Mailboxes

In accordance with the CCR's, no mailbox shall be erected without the prior written approval of the Board as to location, height, and materials. The Board reserves the right to set or modify such requirements as to location, height, and materials as deemed appropriate.

Mailboxes, mailbox posts, and paper boxes must match the color scheme of the home or be subdued earth or forest tones (mailboxes may also be black). They are to be installed in the right-of-way along the roadside. The Post Office requires the base of the mailbox to be at a height of between 48 to 52 inches above the ground.

8.14 Modular Homes

The CCR's state that Modular Homes, being prefabricated stick built homes which are constructed off-site and assembled on-site, may be allowed only with Developer approval and subject to architectural control as set forth herein. There shall be no prefabricated buildings placed upon any Lot or other property within the Subdivision, except approved modular homes and prefabricated components such as window and door units, roof tissues, or other such components which shall be permitted and approved by the Board.

For informational purposes, Modular Homes are considered as an "off-frame" home. There is no steel undercarriage supporting the floor system. They are placed on a foundation using a crane. They are subject to the same architectural controls as site-built homes. Therefore, Modular Homes will be considered and are to be built to the Uniform Building Code (UBC), local and state codes.

8.15 Prohibited Structures

The CCR's state specifically, no mobile homes, trailers, or structures of similar construction, shall be placed on, or allowed to remain on, any residential Lot.

For informational purposes, such structures as these, also known as Manufactured Homes, generally are built to HUD standards and are considered "on-frame" (i.e., built with a steel frame under the home with provisions for tie-downs, wheels, and axles).

8.16 Roofs

Roof materials with texture and depth, such as cedar shakes, natural slate, or other architectural grade composite materials, are highly desirable. Metal roofs are acceptable but in no instance will a metal roof be allowed that is bright colored or that has a permanent reflective surface. The following criteria address roof design:

- A. The minimum roof pitch or slope allowable for predominant roof slope is 6:12.
- B. Pitches for porches, breezeways, and other secondary structures may be 4:12 or greater.
- C. Flat roof designs are not allowed.

8.17 Setbacks

All structure footprints and garages must be sited within the setbacks. They should be considered as minimum allowable setback lines unless special circumstances make their application impractical as determined by the Board.

- A. Twenty (20) feet from the front or side street road right-of-way boundary lines which adjoins a Lot.
- B. Ten (10) feet from the side Lot lines.
- C. Twenty (20) feet from the rear Lot line.
- D. Any Lot located on a cul-de-sac shall be measured fifty (50) feet from the center point of the cul-de-sac.

8.18 Size Restrictions

Minimum and maximum square footage and height parameters for new home construction are impacted by location, visibility for the Lot Owner as well as for neighboring Lot Owners, size of homes on neighboring Lots, and other considerations. The following restrictions take these factors, as well as the CCR's into account:

- A. The livable heated floor area provided in each family unit, if one (1) story, shall not be less than 1,800 square feet.
- B. The livable heated floor area provided in each family unit, if two (2) or three (3) stories, shall not be less than 2,200 square feet.
- C. In houses of two (2) or three (3) stories, there shall be a minimum of 1,200 square feet on the first/main floor.
- D. The maximum height of any home, including cupolas or other structures, shall not exceed a height of three (3) stories with a maximum of 40 feet measured from the average grade to the highest point on the roof, excluding the chimney. The average grade is calculated by taking the average of the lowest grade and the highest grade, regardless of the percentage of the grade variance. Chimney height is limited to five (5) feet above the roof ridge or as required by local building codes.

Basements, unfinished attic space, storage space, garages, porches, decks, or any area not enclosed by the main structure, shall not be counted as part of the required floor space.

8.19 Solar Panels/Natural Energy Devices

Solar panels, or other natural energy devices are to be placed in the least visible location and will be considered on a case-by-case basis for Board approval.

8.20 Storage/Accessory Structures

In accordance with the CCR's, only one accessory building may be constructed on a Lot as an accessory and appurtenant structure to the main residential dwelling. Such accessory building is subject to architectural control as set forth herein. Such accessory building must be accessory to residential uses and shall not be rented or occupied. In no event may an accessory building be constructed upon the Lot until construction of the main dwelling has commenced, and until a separate building permit has been issued, and until Board approval. The accessory building shall have the same style and color roof shingle, and the same color, style and material for exterior siding, as the main dwelling on the Lot. Detached garage accessory buildings shall not exceed fifteen (15) feet in height, or as determined by the Guidelines, seven hundred fifty (750) sq. ft.

8.21 Swimming Pools/Hot Tubs/Spas

No swimming pools, hot tubs, or spas may be erected without the prior approval of the Board, or in any event, in front of a residence, or closer than twenty (20) feet of any side or rear Lot line. Any swimming pool, hot tub, or spa placed upon any Lot shall be properly fenced in, enclosed, and secured in such a manner as approved by the Board so as not to be unsightly or constitute a safety hazard. Above ground swimming pools are prohibited.

8.22 Temporary Structures

Temporary structures of any kind, including but not limited to, storage sheds, play structures, treehouses, etc., may be submitted to the Board for consideration. The submittal must include a plot plan showing the proposed location of the temporary structure, a picture, brochure or plans detailing the appearance and dimensions of the proposed structure and its color scheme.

8.23 Wells

Natural and indigenous plantings around wells are encouraged to disguise the site. The area around all wells shall be returned as much as possible to its natural state. If the well is non-functional, per Buncombe County, it shall be filled and capped.

ARTICLE 9: CONSTRUCTION AND CONTRACTOR RULES

The Construction and Contractors Rules will apply to all Contractors, Sub-Contractors, and all Service Personnel while on the premises of the BMF Community. Although it is the Association's desire that each worker take responsibility for their own behavior and adherence to these rules, it is ultimately the responsibility of the Lot Owner. Failure of any of the workers on the project to adhere to any of the following rules could result in fines being assessed to the Lot Owner. It is therefore, strongly recommended that Lot Owners make their Architect, Contractors, Subcontractors, Service Personnel, etc., aware of these rules by providing them a copy. Additionally, refer to Article 7, section 7.9, entitled "Enforcement and Fines" to understand the impact of violations to these rules.

9.1 Cleaning Vehicles/Equipment

Cleaning of vehicles/equipment on the streets or other Lots is prohibited. Concrete delivery trucks must be washed out on the construction site where the delivery is made. Contractors and their employees are responsible for the complete removal and clean-up of spills and/or debris.

9.2 Construction Hours

Construction will be allowed from **7:00a.m. to 7:00p.m. Monday through Friday**, and **8:00a.m. to 5:00p.m. Saturday**. No construction will be allowed on **Sundays, New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas Day**.

9.3 Hunting

Hunting or discharge of firearms is strictly Prohibited.

9.4 Insurance Certificates

Contractors must have Builder's Risk Insurance, as well as a Certificate of Insurance for General Liability, Automobile, Commercial Umbrella, and Workers Compensation. Proof of this is to be submitted as part of the Final Construction Plan Review Application.

9.5 Miscellaneous Damage

Any damage to telephone, electrical, or other lines, the entrance gate, streets, street lights, street markers, curbs, drainage, mail boxes, walls, etc., shall be the responsibility of the Contractor. With regard to utility lines, the Contractor must contact the utility company and notify the Association via Phoenix Properties immediately. If the damage is not repaired within thirty (30) days of the incident, or sooner if deemed necessary, the Association will repair the damage, and the Lot Owner of the project the Contractor is working on will be assessed for all costs incurred.

9.6 Portable Toilets

All construction sites are required to have a portable toilet on the premises. Portable toilets shall be regularly serviced and not allowed to create a nuisance due to neglect or any other reason.

9.7 Radios/Tape Players/CD Players

Radios, Tape Players, CD Players, and any other similar equipment shall not be played loudly so as to create a noise nuisance.

9.8 Site Access/Gravel Culverts/Mudmats

All ingress and egress to the Lot should be made through the driveway where a gravel apron tying back to paved road must be installed prior to land grading and construction to provide access for heavy equipment and trucks, and to prevent heavy tracking of mud onto the roadways. The Lot Owner will also be responsible to re-grade, re-grass and re-curb any areas disturbed during construction. Unrepaired damage to common areas as a result of construction will be charged to the Lot Owner and deducted from the Construction Deposit Fee.

9.9 Site Maintenance

Contractors and Sub-Contractors must maintain the job site in a clean and orderly condition.

- A. No fires are allowed on construction sites.
- B. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any Lot, drainage ditch, or stream.
- C. Discarded construction materials and debris must be removed daily or contained within a dumpster or trash enclosure. Dumping on common areas, right-of-way, or other Lots is prohibited.
- D. All wrapping and packaging materials and food containers must be placed in a covered/enclosed trash receptacle to prevent littering and debris from blowing onto adjacent Lots.
- E. Dumpsters, debris bins, and other trash receptacles, shall not exceed capacity. Schedule prompt pick up when containers exceed 75% of capacity to avoid overflow.
- F. Only usable construction materials, vehicles, trailers, and/or equipment, may be stored on a construction site while needed. None may be stored or placed in the streets, right-of-way, or natural areas.

Should it become necessary for the Association to have a site cleaned, the cost will be deducted from the Construction Deposit Fee.

9.10 Speed Limits

Unless otherwise posted, the **speed limit shall not exceed 25 mph.**

ARTICLE 10: LOT OWNER MAINTENANCE RESPONSIBILITIES

Every Lot Owner shall maintain their Lot including, but not limited to, their home, all structures, walls, fences, landscaping, (including fallen tree removal), etc., in good condition and repair. If in the opinion of the Association, any maintenance is required to be performed, the Lot Owner will receive written notice of such requirement with a timeframe in which to accomplish the maintenance.

In the event a Lot Owner fails to perform properly their maintenance responsibility, the Association may, after proper notice, perform such maintenance responsibilities and assess all costs incurred by the Association against the Lot and the Lot Owner.

BLUE MIST FARMS
PRELIMINARY PLAN REVIEW
APPLICATION

Date: _____ **Date received:** _____

Location:

Lot # _____

Lot Owner:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Description of home:

Style: _____

Number of bedrooms: _____ Number of baths: _____

Heated area (1st floor): _____ sq.ft. Heat area (2nd floor): _____ sq.ft.

Total square footage of home: _____ sq.ft.

Blue Mist Farms Board Member Signature:

Approved / Approved as noted: (circle one)

_____ Date: _____

printed name/signature

Rejected:

_____ Date: _____

printed name/signature

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN REVIEW
APPLICATION

Date: _____ **Date received:** _____

Location:

Lot # _____

Lot Owner:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Contractor:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Contractor's North Carolina License Number: _____

License type: (circle one) Limited Intermediate Unlimited

Attach copy of:

***Builders Risk Insurance policy Declaration page.**

***Contractors Certificate of Insurance for General Liability, Automobile,
Commercial Umbrella, and Worker's Compensation.**

Architect:

Name: _____ Phone: _____

Builder:

Name: _____ Phone: _____

Description of home:

Style: _____

Number of bedrooms: _____ Number of baths: _____

Heated area (1st floor): _____ sq.ft. Heated area (2nd floor): _____ sq.ft.

Garage area: _____ sq.ft. Unheated area: _____ sq.ft.

Deck area: _____ sq.ft. Patio area: _____ sq.ft.

Porch area: _____ sq.ft. Other: _____ sq.ft.

Total square footage of home: _____ sq.ft.

Price:

Structure: _____ Estimated additional value (i.e., landscaping, etc.): _____

Total value of home: _____

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN REVIEW
APPLICATION

(continued)

Certification:

I (We) certify that the above information constitutes a description of the proposed building; items of construction and location, and site will be in accordance with the Blue Mist Farms Architectural Design and Development Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Blue Mist Farms.

I (We) further certify that the work will be completed in a timely, workmanlike manner, and that the building site and adjacent areas will be free of litter/debris during construction.

I (We) hereby submit application for approval to build a single family home, as described above, at Blue Mist Farms, Buncombe County, North Carolina.

Lot Owner: _____ Date: _____
signature

Lot Owner: _____ Date: _____
signature

Contractor: _____ Date: _____
signature

Blue Mist Farms Board Member Signature:

Approved / Approved as noted: (circle one)

_____ Date: _____
printed name/signature

Rejected:

_____ Date: _____
printed name/signature

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN
LOT OWNER/CONTRACTOR AGREEMENT

Location:

Lot # _____

Lot Owner:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email Address: _____

Contractor:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Contractor's North Carolina License Number: _____

Have you built in Blue Mist Farms before? (circle one) Yes No

Lot Owner Agreement:

As Lot Owner for the construction project referred to above, I hereby submit (\$2000.00) in good faith to the Blue Mist Farms (BMF) Property Owners Association (Association) as a Construction Deposit Fee for insurance that the construction will be implemented in accordance with the Final Construction Plans as approved by the BMF Board of Directors (Board).

I understand the Fee submitted will be returned in full after satisfactory Final Review, unless a deduction is necessary for any work efforts required to clean up any untidy construction site, or repairs are necessary to gates, streets, street lights, road shoulders, community landscaping, common areas, etc., or for any changes not approved by the Board. Should the entire amount of the Fee be required to cover the cost of damages or fines, I will be required to immediately pay any additional fees established by the Board. I will notify the Board immediately if any damage occurs.

Lot Owner:

_____ Date: _____

signature

Lot Owner:

_____ Date: _____

signature

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN
LOT OWNER/CONTRACTOR AGREEMENT

(continued)

Lot Owner and Contractor further agree that:

1. I have read the Blue Mist Farms Architectural Design and Development Guidelines and do agree to follow them in full understanding.
2. I agree to construct and fulfill the plans and specifications as approved for this project in the Final Construction Plan Review by the Board. Any changes to these plans will be first approved by the Board prior to implementation.
3. I am responsible for the behavior and actions of all workers contracted to do this job while they are at Blue Mist Farms. I understand that no individuals will be allowed to reside in the structure under construction or on the premises. All workers contracted for construction of this project shall only be onsite from the hours of 7:00 a.m. until 7:00 p.m. on weekdays; 8:00 a.m. until 5:00 p.m. on Saturdays; and no construction will be allowed on Sundays or New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas Day.
4. I will instruct subcontractors and working personnel to maintain a dumpster on the Lot under construction. This dumpster shall not exceed capacity and will be scheduled for pick up when the container exceeds 75% of capacity. All construction sites are to be cleaned daily to eliminate potentially hazardous situations. Additionally, construction materials must be kept out of the street right-of-way at all times to facilitate the access of emergency vehicles onto Blue Mist Farms streets. No adjacent Lots, undeveloped areas, or common areas can be used for dumping debris of any kind. Failure to abide by these Guidelines will result in possible fines at the discretion of the Board. It may also result in the immediate prohibition of a contractor or subcontractor from working in Blue Mist Farms.
5. I understand that open fires are prohibited on any project site. No burning of trash or debris is permitted.
6. At least one (1) portable toilet is required at a site. It is to be serviced regularly and is not to become a nuisance due to neglect or any other reason.
7. I agree that worker parking will not impede ingress or egress of emergency vehicles or residents to and from their homes. Parking will not block mailboxes or in any way prevent delivery to current residents. Parking shall be on paved streets and driveways. Vehicles will be towed if these guidelines are not adhered to. Workers will abide by the speed limit of 25 mph.
8. To avoid injuries to workers and damage to underground utilities, contractors will request locations of all underground utilities. This requirement will relate to any construction, including foundations, fences, landscaping, etc. I realize I will be liable for any damage to underground utilities which may result of a failure to properly locate underground utilities.

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN
LOT OWNER/CONTRACTOR AGREEMENT

(continued)

9. I will provide a sediment containment plan to the Board prior to construction. This plan will be utilized throughout the entire construction phase. Any failure or deviation from this plan will result in the possibility of fines. Any damage to adjacent lots, streets, or common areas will be addressed and fines imposed accordingly. Any failures in containment will be immediately addressed and corrected. I understand the Board may also contact the Buncombe County Erosion Control Board if necessary to correct erosion problems at the site.

10. I understand that no solvents, paints, or other hazardous materials may be dumped onto the site or any adjacent sites, undeveloped areas, or common areas. They must be disposed of in accordance with state and local regulations. Concrete trucks and/or asphalt trucks are prohibited from dumping excess concrete and/or asphalt anywhere in Blue Mist Farms. Workers must immediately clean up accidental spills. Any deviation from this will result in fines, along with complete billing for removal of contaminated soil or debris. State and local authorities will also be notified of any hazardous spills in Blue Mist Farms. Workers responsible for violations of these Guidelines will be banned from further construction in Blue Mist Farms.

11. I understand the members of the BMF Architectural Review Committee, Board of Directors, and Phoenix Properties agents are permitted to enter upon the proposed site for the purpose of inspecting the project, and that such entry does not constitute a trespass.

12. Nothing contained herein shall violate any of the provisions or Building and Zoning Codes of Buncombe County, to which the above property is subject. Further, nothing herein contained shall be construed as a waiver or modification of any said restriction. Any required county permitting will be completed.

13. It is understood that any approval of the project will be automatically revoked if the project has not begun within six (6) months of the approval date. The Blue Mist Farms Declaration of Covenants, Conditions, and Restrictions require completion of the project within one (1) year of start date. An extension may be requested for consideration by the Board if extenuating circumstances warrant.

Lot Owner:

_____ Date: _____
signature

Lot Owner:

_____ Date: _____
signature

Contractor:

_____ Date: _____
signature

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN
MATERIAL SPECIFICATIONS LIST

Location:

Lot # _____

Lot Owner:

Name: _____

Contractor:

Name: _____

_____ **Material** _____ **Color** _____

Foundation* _____

Retaining Wall _____

Siding* _____

Trim* _____

Fascia* _____

Exterior Paint* _____

Roofing* _____

Doors _____

Garage _____

Decks _____

Other _____

*Provide material samples, photos, brochures, and/or color chips.

Additional Items:

BLUE MIST FARMS
FINAL CONSTRUCTION PLAN REVIEW
APPLICATION CHECKLIST

Location:

Lot # _____

Lot Owner:

Name: _____

Phone: _____ Cell: _____

Address: _____

_____ Email address: _____

_____ Architectural Review Fee--\$1500.00. Make check payable to: Phoenix Properties
BMF Architectural Res. Fund.

_____ Construction Deposit Fee--\$2000.00. Make check payable to: Phoenix Properties
BMF Construction Res. Fund.

_____ *Final Construction Plan Review Application. (completed and signed)

_____ Copy of Builders Risk Insurance policy Declaration page.

_____ Copy of Contractors Certificate of Insurance for General Liability, Automobile,
Commercial Umbrella, and Worker's Compensation.

_____ Copy of Deed or current contract.

_____ *Lot Owner/Contractor Agreement. (signed)

_____ General scope depiction of existing Lot and area to be cleared. (Section 7.3, Para. C.)

_____ Construction Sediment/Erosion Control Plan. (Section 8.3)

_____ Lot Survey/Site Plan. (Section 7.3, Para. E., completed by Surveyor/Engineer)

_____ House Plans. (Section 7.3, Para. F. and G.)

_____ *Material Specifications List with samples, photos, brochures, and color chips.

_____ Landscape Plan. (Section 7.3, Para. I.)

*Forms are provided in these Guidelines.

Submit Final Construction Plan Review Application package to: **Phoenix Properties, P.O.Box 5423, Asheville, NC 28813.**

Issued: August 2006

BLUE MIST FARMS
HOME IMPROVEMENT/EXTERIOR ALTERATION
APPLICATION

Date: _____ **Date received:** _____

Location:

Lot # _____

Lot Owner:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Contractor:

Name: _____

Phone: _____ Cell: _____

Address: _____

Email address: _____

Contractor's North Carolina License Number: _____

License type: Circle one Limited Intermediate Unlimited

Attach copy of:

***Builders Risk Insurance policy Declaration page.**

***Contractors Certificate of Insurance for General Liability, Automobile,
Commercial Umbrella, and Workers Compensation.**

Summary/Description:

Describe the improvements/alterations in full detail by providing sketches, drawings, clippings, pictures, brochures, catalog illustrations, and/or other pertinent data. Provide a copy of your site plan, which depicts the dimensions and location of your requested alteration.

BLUE MIST FARMS
HOME IMPROVEMENT/EXTERIOR ALTERATION
APPLICATION

(continued)

Duration:

Estimated Start Date: _____

Estimated Completion Date: _____

Neighbor Awareness: (to be signed by neighbors affected)

As one of the most affected residents of the proposed architectural modifications described above, you are being asked to sign and acknowledge this application. Please note, your signature does not constitute approval or disapproval. It acknowledges that you are aware of the proposed improvements/alterations. If you have any questions, comments, or concerns, please notify the Board of Directors of the Blue Mist Farms Property Owners Association in writing.

Signature: _____ Lot number: _____ Date: _____

Address: _____

Signature: _____ Lot number: _____ Date: _____

Address: _____

Signature: _____ Lot number: _____ Date: _____

Address: _____

Signature: _____ Lot number: _____ Date: _____

Address: _____

BLUE MIST FARMS
HOME IMPROVEMENT/EXTERIOR ALTERATION
APPLICATION

(continued)

Certification:

I (We) certify that the above information constitutes a description of the above proposed improvements/alterations, and the same will be in accordance with the Blue Mist Farms Architectural Design and Development Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Blue Mist Farms, and will not violate any Buncombe County Ordinances.

I (We) further certify that all work will be completed in a workmanlike manner and maintained in a reasonable state of repair.

I (we) hereby submit application for approval to proceed with the improvements/alterations described above at Blue Mist Farms, Buncombe County, North Carolina.

Lot Owner: _____ Date: _____
signature

Lot Owner: _____ Date: _____
signature

Blue Mist Farms Board Member Signature:

Approved / Approved as noted: (circle one)

_____ Date: _____
printed name/signature

Rejected:

_____ Date: _____
printed name/signature

BLUE MIST FARMS
FINAL REVIEW
CERTIFICATE OF COMPLIANCE

Type of application: (check one)

_____ **Final Construction Plan Review Application**
_____ **Home Improvement/Exterior Alteration Application**

In compliance with the Architectural Design and Development Guidelines, the contractor and homeowner listed below hereby certify to the Blue Mist Farms Architectural Review Committee that all permitted work has been completed in accordance with the plans and specifications, and any amendments thereto, approved by the Blue Mist Farms Board of Directors. **Copies of the Buncombe County Certificate of Occupancy and the Final As-built Survey are attached.**

Lot Owner:

_____ Date: _____
printed name/signature

Lot Owner:

_____ Date: _____
printed name/signature

Contractor:

_____ Date: _____
printed name/signature

The Architectural Review Committee concurs that all permitted work has been completed in accordance with the approved plans and specifications. The Architectural Review Fee, less any administrative fees assessed (*), and the Construction Deposit Fee, less any fines/assessments, shall be returned to the applicant.

Blue Mist Farms Board Member:

Approved / Approved as noted / Approved pending Landscape completion: (circle one)

_____ Date: _____
printed name/signature

(*)Landscape completion date extension--50% Architectural Review Fee withheld.

BLUE MIST FARMS

PROHIBITED INVASIVE PLANTS LIST

According to the U.S. Fish & Wildlife Service, plants not native to the Southeastern United States are taking over our landscape. These alien invaders out compete and gradually displace our native plants. This affects native wildlife and the overall health and stability of our environment. These invasive plants spread because the natural controls that keep them in check in their native environments such as disease and insects, do not exist here. They were introduced here by people, either accidentally, or purposely. Therefore, the following plants, which are considered to be some of the worst, are prohibited in Blue Mist Farms:

Trees:

Bishopwood <i>Bischofia jananica</i>	Laurel Fig <i>Ficus microcarpa</i>	Sawtooth Oak <i>Quercus accutissima</i>
Camphor Tree <i>Cinnamomum camphora</i>	Mimosa <i>Albizia julibrissin</i>	Schefflera <i>Schefflera actinophylla</i>
Chinaberry <i>Melia azedarach</i>	Norway Maple <i>Acer platanoides</i>	Tree of Heaven <i>Ailanthus altissima</i>
Chinese Tallow Tree <i>Sapium serbiferum</i>	Princess Tree <i>Paulownia tomentosa</i>	

Shrubs:

Autumn & Russian Olive <i>Elaeagnus umbellate,</i> <i>E. angustifolia</i>	Common, Chinese, & Japanese Privet <i>Ligustrum vulgare, L. sinense,</i> <i>L. japonicum</i>	Japanese Spiraea <i>Spiraea japonica</i>
Burning Bush <i>Euonymus alata</i>	Coral Ardisia <i>Ardisia crenata</i>	Lantana <i>Lantana aculeata</i>
Bush Honeysuckles <i>Lonicera morrowii,</i> <i>L. tartarica, L. Xbella,</i> <i>L.maackii, L. standishii</i>	Heavenly Bamboo <i>Nandina domestica</i>	Multiflora Rose <i>Rosa multiform</i>
Butterfly Bush <i>Buddleia davidii</i>	Japanese Barberry <i>Berberis thunbergii</i>	Periwinkle <i>Vinca major, V. minor</i>
		Wintercreeper <i>Euonymus fortunei</i>

Vines:

Climbing Euonymus <i>Euonymus fortunei</i>	Japanese & Chinese Wisteria <i>Wisteria floribunda, W. sinensis</i>	Kudzu <i>Pueraria Montana</i>
English Ivy <i>Hedera helix</i>	Japanese Honeysuckle <i>Lonicera japonica</i>	Oriental Bittersweet <i>Celastrus orbiculatus</i>
Japanese Climbing Fern <i>Lygodium japonicum</i>		Skunk Vine <i>Paederia foetida</i>

BLUE MIST FARMS
PROHIBITED INVASIVE PLANTS LIST

(continued)

Herbaceous Plants: (no woody stem)

Chinese Silver Grass
Miscanthus sinensis

Garlic Mustard
Alliaria petiolata

Purple Loosetrife
Lythrum salicaria

Cogongrass
Imperata cylindrical

Japanese Grass
Microstegium vimineum

Sericea Lespedeza
Lespedeza cuneata

Coltsfoot
Tussilago farfara

Japanese Knotweed
Fallopia cuspidatum

Taro
Colocasia esculenta

Crownvetch
Coronilla varia

Musk Thistle
Carduus nutans

Aquatic Plants:

Eurasian Water-milfoil
Myriophyllum spicatum

Hydrilla
Hydrilla verticillata

Waterlettuce
Pistia stratiotes

Giant Salvinia
Salvinia molesta

BLUE MIST FARMS

RECOMMENDED PLANTS LIST

*Denotes North American Native Plant

Trees:

American Holly* <i>Ilex opaca</i>	Kousa Dogwood <i>Cornus kousa</i>	Sourwood* <i>Oxydendrum arboreum</i>
Carolina Silverbell* <i>Halesia carolina</i>	Norway Spruce <i>Picea abies</i>	Sugar Maple* <i>Acer saccharum</i>
Eastern Red Cedar* <i>Juniperus virginiana</i>	Red Maple* <i>Acer rubrum</i>	Sweetbay Magnolia* <i>Magnolia virginiana</i>
Flowering Dogwood* <i>Cornus florida</i>	Red Oak* <i>Quercus rubra</i>	White Fringetree* <i>Chionanthus virginicus</i>
Hawthorne* <i>Crataegus</i>	Redbud* <i>Cercis Canadensis</i>	White Oak* <i>Quercus alba</i>
Japanese Stewartia <i>Stewartia pseudocamellia</i>	Serviceberry <i>Amelanchier x grand flora</i> 'Autumn Brilliance'	Willow Oak* <i>Quercus phellos</i>
Japanese Styrax <i>Styrax japonicas</i>		Witchhazel* <i>Hamamelis vernalis, H. Virgin.</i>

Shrubs:

Arrowwood* <i>Viburnum dentatum</i>	Dusty Zenobia* <i>Zenobia pulverulenta</i>	Possumhaw* <i>Viburnum nudum</i>
Beautyberry <i>Callicarpa dichotoma</i>	Dwarf Fothergilla* <i>Fothergilla gardenii</i>	Redosier Dogwood* <i>Cornus sericea</i>
Bluebeard <i>Caryopteris x candidness</i>	Flame Azalea* <i>Rhododendron calendulaceum</i>	Smooth Hydrangea* <i>Hydrangea arborescens</i>
Blueberry* <i>Vaccinium</i>	Fothergilla* <i>Fothergilla major</i>	Summersweet Clethra* <i>Clethra alnifolia</i>
Bottlebrush Buckeye* <i>Aesculus parviflora</i>	New Jersey Tea* <i>Ceanothus americanus</i>	Sweetshrub* <i>Calycanthus floridus</i>
Chokeberry* <i>Aronia arbutifolia</i>	Oakleaf Hydrangea* <i>Hydrangea quercifolia</i>	Virginia Sweetspire* <i>Itea virginica</i>
Doublefile Viburnum <i>Viburnum plicatum var. mom.</i>	Pinkshell Azalea* <i>Rhododendron vaseyi</i>	Winterberry Holly* <i>Ilex verticillata</i>

BLUE MIST FARMS
RECOMMENDED PLANTS LIST

(continued)

Evergreen Shrubs:

Catawba Rhododendron* <i>Rhododendron catawbiense</i>	Doghobble* <i>Leucothoe fontanesiana</i>	Prague Viburnum <i>Ciborium x pragense</i>
Cherry Laurel <i>Prunus laurocerasus</i>	Dwarf Inkberry Holly* <i>Ilex glabra cultivars</i>	Red Holly Hybrids <i>Ilex x 'Oakleaf', 'Cardinal'</i>
Conoy Viburnum <i>Ciborium x 'Conoy'</i>	Mountain Laurel* <i>Kalmia latifolia</i>	Rosebay Rhododendron* <i>Rhododendron maximum</i>

Groundcovers:

Allegheny spurge* <i>Pachysandra procumbent</i>	Japanese Pachysandra <i>Pachysandra terminalis</i>	St Johnswort <i>Hypericum claycinum</i>
Foamflower* <i>Tiarella cord folia</i>	Plumbago <i>Certostigama plumbaginoides</i>	

Vines:

American Wisteria* <i>Wisteria frutescens</i>	Climbing Hydrangea <i>Hydrangea anomala subsp. P.</i>	Trumpet Honeysuckle* <i>Lonicera sempervirens</i>
Clematis <i>Clematis</i>	Crossvine* <i>Bignonia capreolata</i>	Trumpet Vine* <i>Campsis radicans</i>

Ferns:

Christmas Fern* <i>Polystichum acrostichoides</i>	Japanese Painted Fern <i>Athyrium nipponicum</i>	New York Fern* <i>Thelypteris novaboracensis</i>
Cinnamon Fern* <i>Osmunda cinnamomea</i>	LadyFern* <i>Athyrium filix-femina</i>	Northern Maidenhair Fern* <i>Adiantum pedatum</i>
Hay-scented Fern* <i>Dennstaedtia punctilobula</i>		

Grasses & Sedges:

Creeping Red Fescue* <i>Festuca rubra</i>	Pennsylvania Sedge* <i>Carex pennsylvanica</i>	Tall Fescue* <i>Festuca arundinacea</i>
Muhly Grass* <i>Muhlenbergia capillaries</i>	Switch Grass* <i>Panicum virgatum</i>	

BLUE MIST FARMS
RECOMMENDED PLANTS LIST

(continued)

Perennials:

Aster* <i>Aster novi-angliae, A. novi-bel.</i>	Crested Dwarf Iris* <i>Iris cristata</i>	Purple Coneflower* <i>Echinacea purpurea</i>
Bee balm* <i>Monarda didyma</i>	Daylily <i>Hemerocallis</i>	Shasta Daisy <i>Chrysanthemum x superbum</i>
Black-eye Susan* <i>Rudbeckia fulgida</i>	Garden Phlox* <i>Phlox paniculata</i>	Solomon's Seal* <i>Polygonatum biflorum</i>
Blazing Star* <i>Liatrus spicata</i>	Goat's Beard* <i>Aruncus dioicus</i>	Stoke's Aster* <i>Stokesia laevis</i>
Blue Wild Indigo* <i>Baptisia australis</i>	Hellebores <i>Helleborus orientalis, H. foet.</i>	Threadlead Coreopsis* <i>Coreopsis verticillata</i>
Butterflyweed* <i>Asclepias tuberosa</i>	Joe-Pye Weed* <i>Eupatorium maculatum</i>	Trillium* <i>Trillium</i>
Creeping Phlox* <i>Phlox stolonifera</i>	Moss Phlox* <i>Phlox subulata</i>	Turk's Cap Lilly <i>Lilium super bum</i>