

ELK RIVER
PROPERTY OWNERS'
ASSOCIATION

ARC INFORMATION

ELK RIVER

ARCHITECTURAL RULES AND REGULATION STANDARDS

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AMENDED: July 27, 2010

ELK RIVER ARCHITECTURAL DESIGN STANDARDS

I. INTRODUCTION

Elk River has been designed to blend with the beauty of the natural surroundings and create an exciting community for its residents. Elk River Property Owners' Association and the Architectural Review Committee are committed to making Elk River one of the finest residential communities in the mountains.

Architectural Design Standards are an extension and illustration of the Amended Covenants and Restrictions and are intended to aid property owners, architects and contractors in designing, planning or modifying their homes.

Declaration of Covenants and Restrictions, Article III Section 2:

Required Architectural Approval – No improvement or structure of any kind, including, without limitation, any building, fence, wall, swimming pool, screen enclosure, entry, columns, sewer, drain, disposal system, sign, landscaping, recreational structure, external lighting, or other improvement shall be commenced, erected, placed or maintained upon any Lot, Unit, or Condominium common property, nor shall any addition, change or alteration to any of the foregoing be made, unless and until the plans, specifications and location of the same shall have been submitted to, evaluated and approved in writing by the Architectural Review Committee as to harmony of external design and location in relation to surrounding structures and topography and as to conformance with the architectural and landscape standards of the Architectural Review Committee, a copy of which shall be delivered to all Lot Owners, Unit Owners, and Condominium Associations as the same may for time to time be amended.

Committee's goal is to promote a diversity of floor plans and architecture and, at the same time, assure compatibility with the existing architectural direction within the community. Adhering to these guidelines will also help preserve and enhance all property values in Elk River.

- A. This document describes the policies and procedures of the ARC, and specifies design standards, submission requirements and the design review process.
- B. The ARC recommends the applicant review these criteria prior to beginning design drawings, submitting plans for preliminary review or beginning construction drawings.
Construction cannot commence until the drawings are reviewed and approved. Any additional new or post construction, including pools, room additions, new landscaping or changes added to the approved drawings or removal of trees must be reviewed and approved by the ARC.
- C. Disclaimer - These design standards shall be enforced to the extent that they do not violate existing laws or administrative regulations.
- D. General Provisions - These standards have been established pursuant to the Elk River Amended Covenants and Restrictions. Contractors, owners and architects must review all of these documents.
- E. **The ARC reserves the right in its sole discretion to grant individual owners the right to encroach upon easements and setbacks on the plat of the subdivision, or grant variances of its rules and regulations herein where deemed necessary by the ARC to preserve trees, views, maintain the overall aesthetics of the area or such reasons as the ARC deems advisable.**

- F. **Any issue, statement of policy, or guideline not found or mentioned within this document cannot be construed as being approved or permitted without the specific case being brought before the ARC and ruled on accordingly. The fact that something is not mentioned or covered does not constitute authority to act.**
- G. Enforcement - It is the owners and contractor's responsibility to ensure that their employees, subcontractors, agents and assigns adhere to all provisions within these documents and the Amended Covenants and Restrictions. Violations will be the owner/contractor's responsibility to police and correct, and not that of the ARC.
- H. Following plan approval, any change, modification, or alteration to the exterior of building without written approval by the ARC is subject to a fine pursuant to the NC Planned Community Act 47F-3-107.1. In addition, the discrepancy must be brought to compliance with the approved plans. (Refer to Preliminary Design Approval.)
- I. Charge-Back and Invoices - Owners/contractors will be notified by the ARC when a violation or infraction of these standards and/or the Covenants and Restrictions has occurred. The ARC will notify the owner/contractor of said violation and will be given adequate time to correct. In the event that the violation is not corrected, the ARC will advise the POA Board who will decide whatever action is required, and the owner/contractor will be charged for all expenses incurred.

II. DESIGN REVIEW AND APPROVAL PROCEDURES

A. Architectural Review Committee

As established in the Elk River Amended Covenants and Restrictions, the ARC reviews and approves all drawings (including site plans, landscape plans, etc.) for residences or additions to residences in Elk River. Any new construction, building expansion, addition, modification, or new landscape work conducted after the commencement of initial construction is subject to the requirements in this document and the review of the ARC.

B. Intent

The ARC is responsible for ensuring that these guidelines are met while encouraging creativity and diversity. Although there is no specific architectural style which is required in Elk River, each home should be designed to blend in with the natural character and layout of Elk River and should be designed to remove a minimum number of trees.

The Committee also encourages the preservation of natural areas within each lot. Although not specifically covered in the Restrictions, the Committee will not approve: log cabins, standard "A-Frame" style homes, Southwestern, Mediterranean style homes, round houses, prefabricated houses or structures with flat roofs.

C. Function

The primary function of the ARC is to review building applications, drawings, materials and specifications for adherence to these guidelines and the Amended

Covenants and Restrictions. The ARC does not assume responsibility for the following included but not limited to:

1. The structural adequacy, capacity or safety of the proposed improvement or structure.
2. Soil erosion, non-compatible or unstable soil conditions.
3. Compliance with any or all governmental building codes, zoning codes, safety requirements or ordinances.
4. Performance or quality of work of any contractor.
5. Site conditions before, during or after construction, including elevations thereon.

D. Variances

Any variances or deviations from the criteria which could be granted shall be considered unique and will not set any precedent for future decisions. All such variance requests shall be reviewed on an individual case-by-case basis, and any determination shall be governed by the authority of the ARC.

E. New Construction/ Reconstruction

In the event of new construction a certificate of occupancy must be received within thirty six (36) months after construction has commenced, except where such completion is delayed by strikes, fires, national emergencies, or natural calamities. For damage to or destruction of any building on any Lot or any other structures on or comprising owners' Lot, owner shall proceed promptly to repair or to reconstruct in a manner consistent with the original construction or such other plans and specifications that are approved in accordance with Article III of the Amended Declaration. Any such repairs or reconstruction must be commenced within six (6) months from the date of such damage or destruction and must receive a certificate of occupancy within thirty-six (36) months after construction has commenced, except where such completion is delayed by strikes, fires, national emergencies, or natural calamities. Alternatively, the owner shall clear the Lot of all debris and ruins and maintain the Lot in a neat and attractive, condition consistent with the Community-Wide Standard. All such debris and ruins must be removed within six (6) months from the date of damage or destruction.

III. ARCHITECTURAL REVIEW PROCEDURES AND APPROVAL PROCESS

Complete architectural approval at Elk River is a five-stage process:

1. Deposit of \$7,000* for the ARC review, road impact fee and compliance fee.
2. Preliminary design approval
3. Construction documents approval
4. Site inspection/stakeout/clearing and erosion control approval
5. Final compliance approval

There will be intermittent site inspections to ensure compliance.

A. Preliminary Design Approval

The purpose of this meeting is to review and approve submitted drawings. Property owners who are planning to build a home, make exterior renovations to a residence, or add on to an existing residence must submit three copies of preliminary drawings to the ARC for preliminary approval along with a non-refundable plan and **inspection fee of \$500.00* (part of the \$7,000 deposit)**. The plan and inspection fee is kept even if the plans are disapproved. Submission and approval of the preliminary drawings must be done prior to proceeding with the final working drawings or scale models.

The three (3) sets of preliminary drawings submitted should include site plan showing topographic information, finished floor elevations, proposed house driveway and walk locations, and any specific topographic particulars to that site. The preliminary drawings should also include floor plans of each level, elevation views of all four or more sides of proposed house, and color samples of exterior material. * A completed Application for Approval of Construction and the ARC Submittal Checklist for Owner/Contractor must accompany the plan and inspection fee. Refer to and use Exhibits A and B.

As part of the Architectural Review Committee requirement for approval of construction projects and additions, it shall be the policy of Elk River Property Owners Association to require a current survey, **prepared by a licensed North Carolina Professional Land Surveyor or Physical Engineer of the Property to be built upon**. After the foundation has been completed, the property owner's is required to have the survey updated showing the exact location of the foundation on the site. Upon completion of construction, a final "as built" survey is required depicting driveways, turnarounds and walks. The POA shall review these surveys to ensure that projects are being completed as approved and without encroachment. In the event that an encroachment is detected, construction shall be halted until the problem is rectified. The final responsibility for compliance shall, of course, rest with the property owners and his contractors. Certified copies of these surveys shall become a permanent part of the file maintained by the POA.

A **\$5,000* (part of the \$7,000 deposit) compliance deposit**, payable prior to clearing and grading of property, is required to ensure that contractors, property owners and investors comply with the approved plans, Covenants and Restrictions, and any rules and regulations established by the ARC for new construction of individual homes. Upon total completion of each project, the ARC will schedule an inspection of the property to ensure compliance. In the judgment of the ARC, if compliance has been satisfactorily met, a Certificate of Compliance will be issued and the **\$5,000** deposit will be refunded.

If, at the discretion of the ARC, all or a portion of the deposit is not to be refunded, the ARC will advise the Board of Directors of the POA in writing; and the POA Board, at its next meeting, will determine the amount to be refunded. It should be noted, however, that the POA has the authority to charge in excess of the compliance deposit amount as they deem appropriate for damages or non-compliance.

Compliance deposit is refundable in whole when the entire project is approved, i.e.,

* Erosion control procedures are properly maintained

- * No deviation from drawing, in any form, unless approval in writing, has occurred
- * Complete cleanup of site
- * Removal of temporary power lines
- * Removal of Port-o-let, signage, and all rented and related equipment
- * Fine grading, top-soiling and hydro-seeding of POA road right-of-way
- * Driveway installed
- * Landscaping installed
- * Exterior lighting and posts, if any, installed
- * Decorative stone walls or other structures complete

In addition to the application fee and compliance deposit, a non-refundable **road impact fee of \$1,500* (part of the \$7,000 deposit)** must be paid. This amount is due at the same time the compliance deposit is due. This fee is used to help maintain the roads that are worn down by all the vehicles associated with new construction.

- B. Construction Drawing Approval - Three sets of construction drawings must be submitted. The most important provisions of the Declaration specify that your plans must be drawn and sealed by a registered architect, or reviewed and approved by a registered architect. In order for final architectural approval to be given, your submitted construction drawings must include:

1. Topographic Map/Site Plan

This topographic map must be produced by a North Carolina licensed land surveyor and must show his seal. Topographic contour intervals should reflect the degrees of cross slope but not be greater than (10') ten feet not less than (2') two feet. It must show location and type of trees greater than 12" in diameter measured above existing grade, all rock outcroppings or cliffs and any unusual topographic features. It should also show all utilities, including water taps, electrical transformers, telephone and television lines. All spot elevations should be marked so that they can be identified on the ground. In addition, at least one benchmark, with elevation, must be shown.

It is the architect's responsibility to submit the site plan using the topographic survey. The site plan should show:

- * Location and type of trees over 12" diameter measured above existing grade, and also indicate which are to be removed.
- * Property lines, concrete monuments and building setback lines. **Please note: No building shall be located nearer than twenty (20) feet to the street line or any Lot or nearer than twenty (20) feet to each side and rear of Lot line; provided, however, the ARC Committee shall have the authority to adopt reasonable rules and regulations requiring any building to be further from the street and side Lot lines than twenty (20) feet. The ARC reserves unto itself the right to absolutely and solely decide the precise site and location of any structure upon any Lot or building plot consisting of more than one Lot; provided, however, that such location shall be**

determined only after reasonable opportunity is afforded the Owner to recommend a specific site.

- * Outside face of all vertical construction, including, but not limited to, the building, porches, decks, service yards, fences. The features must be dimensioned perpendicular to the property line at the closest point.
- * All proposed horizontal construction, including driveways, paths, walkways, pools, patios, etc.
- * Grading and drainage plan indicating all planned changes from existing grade with 2'0" contour lines, tree protection, culverts and swales with flow direction.

2. Architectural Plans. These plans should include:

- * Fully dimensioned floor plan, including decks, terraces, porches, pools and patios, etc., at a scale of 1/4" = 1'0".
- * Every single dwelling constructed on a Lot shall contain at least 2600 square feet of fully enclosed and heated floor area space. The main living level must contain no less than 2,000 square feet of heated floor space exclusive of roofed or unroofed porches, decks, patios, terraces, attached garages and carports, and accessory buildings.
- * Elevation drawings; showing all sides at a scale of 1/4" = 1'0" (a non-rectangular house may require more than four elevations or a study model), and foundation construction.
- * Indication of treatment of building from finished grade to roof.
- * Indication of existing and finished grade on elevations.
- * Typical construction details, wall section, corner detail, chimney cap detail, entry step and handrail detail and all other details necessary to explain the materials and finishes to be used on the exterior of the building.

3. Landscape Plan

Introduction - Although there is no specific landscape architectural theme in Elk River, it is important that the development of the landscape and site plan be a logical extension of the house and the surrounding natural environment. The design for the lot and landscaping should evolve together and should blend with the natural environment. The feeling of a "natural environment" in the use of plant material is encouraged as opposed to a heavily manicured concept.

Note: It is the responsibility of the owner, contractor and landscape contractor to adhere to and to follow the requirements outlined herein.

Purpose: The purpose of these requirements is to ensure that the individual property and community values are enhanced and maintained through the use of foundation, screen, accent, driveway and street plantings employing mature indigenous shrubs, trees, ground cover, grass, berms, and other elements as may be acceptable to the Architectural Review Committee.

Landscaping Plans must be submitted to the ARC no later than the completion of framing. The ARC has no intention of preventing or discouraging any homeowner from enjoying the best possible view; however, clear-cutting or scalping of any lot is not permitted. No view cut may be done without the written approval of the Association.

4. General

A Amended Declaration of Restrictions, which covers all homesite areas within Elk River, has been recorded in the Deeds Office of Avery County and is available from Elk River POA. It contains important regulations covering land use and architectural control, and all property owners and architects are encouraged to become familiar with it.

After both preliminary and construction drawings are approved, the owner/contractor will be notified within five days of the Committee's decision.

No commercial signs including "contractors", "for sale", "for rent", and any other similar signs, shall be erected or maintained on any Lot or shall be placed in any structure thereon or in any Unit so as to be visible from the Common Areas, any street or from any adjacent Lot or Unit except as may be permitted in writing by Association or except as may be required by legal proceedings.

- * The ARC must approve samples of the exterior color/finish of all materials proposed for the building and site, including siding, band boards, fascia, trim, railings, supports, porches, patios, decks, walkways, driveways, pools and planters, etc. These color samples must be submitted on an actual sample of materials proposed for use. These samples are most important to both the owner and the Committee in evaluating the eventual appearance of the house, as color chips often vary greatly from actual applications. Samples must be submitted prior to the submission of final construction drawings.
- * Paint and stain colors must also be approved whenever an owner wishes to change a house color or even re-paint the same color. No filing fee is required for this review.
- * Wood shake roofs should be used, using 3/4" - 5/4" hand-split wood shakes. Western red cedar is preferred.
- * Wood siding should be used as the primary exterior material. The submitted plans must show the type of wood and the style of siding. All wood siding must be painted or stained with a semi-

transparent or solid stain that has been approved. Brick is not allowed as an exterior material, nor is any type of plywood siding.

- * Some stucco is allowed, if not used to excess, and should be tinted to match the siding.
- * All exterior stone structures, including chimneys, must be built of hand-tooled and hand-laid fieldstone, or an equivalent quarried stone. All exterior fieldstone or approved quarried stone must be of 6" minimum thickness. The use of thin stone veneer or synthetic stone will not ordinarily be approved. Stone samples must be submitted for approval by the Committee, or an example such as an existing house or wall may be used.
- * As a general rule, roof eaves must overhang exterior walls.
- * Deck support posts must be of a thickness and proportion commensurate with the size of the house and the height of the deck above ground.
- * The location and material of driveways placed on the Lots shall be approved by the ARC Committee. Owner shall provide space for parking at least two automobiles on Lot prior to the occupancy of the dwelling in accordance with reasonable standards established by the Association. It is the obligation of the Lot Owner to provide, install and maintain adequate culvert and drainage pipe under driveways as it crosses the ditch line at the front or side of the lot in order that the natural flow of surface water will not at any time be blocked along the roadway drainage ditch. The culvert or drainage pipe must be no less than twenty four (24) inches in diameter. The installation of such culvert or drainage line shall be approved by the ARC.
- * Mailbox requirements - see approved design (Exhibit C).
- * Antennas and Power Lines -- No television or radio receiver, transmitter, aerial antenna, satellite dish or other antenna which are visible from any Common Areas, street or adjoining Lot will be permitted without written approval from Association. All telephone, electric and other wires of all kinds or transmission cables located within the utility easements reserved in this Amended Declaration to any dwelling, building or other structure must be installed underground. The Board of Directors, or its designated committee, shall have the power to require such specific forms of screening (fencing, shrubbery, etc.) as it, in its sole discretion, deems appropriate in order to render the installation as inoffensive as possible to other residents of Elk River. In addition, in determining whether or not to permit installation of such antennae or satellite dish, the Board of Directors, or its designated committee, shall have, in its sole discretion, the power to require a specific method or manner of installation in order to protect persons and property within Elk River from harm or annoyance. In all instances, installation must comply with local zoning requirements and building codes.

- * Fuel tanks/ Garbage Containers/ Generators– All fuel tanks, generators and similar storage receptacles must be installed within accessory buildings, underground or screened and approved by the ARC Committee. All outdoor receptacles for ashes, trash, rubbish or garbage shall be installed underground, screened or placed so as not to be visible from street, golf course, or any other Lot, but such receptacles must also be convenient for collection
- * Once final approval has been given, it is effective for a period of six months. If construction is delayed beyond this period, then the plans must be resubmitted to the ARC for approval and a new ARC review filing fee of \$500. paid.

C. Site Inspection/Stakeout/Clearing and Erosion Control

The applicant must have the site surveyed and stakes and strings placed to indicate the location of the proposed vertical and horizontal construction. All corner monuments shall be made visible. The sides and rear property lines shall be strung and shall remain strung until construction has been completed. All trees proposed to be removed shall be flagged in red.

Site clearing may not begin until an ARC representative has met on site with the owner's contractor to approve the staked house location for site clearing and the location of driveways, turnarounds, garages and septic tanks and drain fields. Septic tank location and approval must be obtained from the Toe River Health District before any construction or site preparation commences. Burning is not permitted on Elk River property

Permission for cutting of trees on the site is also regulated, both during the construction process and afterward. Written permission must be obtained to cut any tree; however, owners are allowed to remove trees that are ten feet or less from the house itself. View cutting will only occur after decks are in place and written approval has been issued by the ARC.

Erosion Control - All erosion and sedimentation control measures and procedures must comply with the state and county regulations and the ARC Committee. The property owner or builder is not absolved from installing erosion control measures when disturbing land area less than the minimum required when undertaking any land disturbance activity:

1. Silt fence to prevent offsite sedimentation.
2. Rock check dam(s) at outlets of culverts and ditches where drainage discharges directly into streams.
3. Mud mat (6 3/4" washed crushed stone over filter fabric, 15' width x 25' length) at point of construction access.
4. Rip rap apron at outlets of storm drainage lines.
5. Stabilized ditches with erosion control blanked or rip rap.
6. Temporary vegetation established within 30 working days after land is disturbed.

7. Permanent vegetation established during recommended planting seasons.

D. Final Compliance Approval and Review

When construction is complete, the Elk River Architectural Review Committee must be notified for a final compliance review. A Certificate of Compliance will be sent to the owner and builder indicating satisfactory completion of the house according to approved drawings, exterior colors, proper siting, and the appropriate landscaping requirements. The compliance deposit will be refunded to homeowner or builder when all criteria are met.

SUMMATION: As stated earlier, these guidelines were developed to promote a uniform compatibility within the development. The Architectural Review Committee will continue to be very sensitive to each homeowner's desires and wishes; and with the help of all members of Elk River Club, This community can and will be one of the finest in all of North Carolina and beyond.

Exhibit A

**ELK RIVER PROPERTY OWNERS' ASSOCIATION
APPLICATION FOR ARCHITECTURAL REVIEW COMMITTEE
AND ARC SUBMITTAL CHECKLIST**

Submit to:

Elk River P.O.A.
Architectural Review Committee
643 Banner Elk Highway
Banner Elk, NC 28604

Date: _____

Site Address: _____

Preliminary Drawings: _____

Full Construction Documents: _____

ARCHITECT

Name: _____

Address: _____

Phone Number: _____

OWNER

Name: _____

Address: _____

Phone Number: _____

CONTRACTOR / BUILDER

Name: _____

Address: _____

Phone Number: _____

Contractor License #: _____

Signed Contractor Guidelines
Form on File at POA Office: _____

TYPE OF CONSTRUCTION

New Residence: _____

Heated Sq. Ft.: _____

Exterior Renovations: _____

Addition to Existing: _____

Heated Sq. Ft.: _____

Number of Drawings Submitted: _____

**PRELIMINARY IS NOT A FINAL APPROVAL. FINAL APPROVAL IS BASED ON ALL
INFORMATION SUBMITTED DURING THE FINAL APPROVAL PROCESS.**

**FINAL DESIGN APPROVAL, FEES AND SITE APPROVAL ARE REQUIRED BEFORE ANY
CLEARING OR CONSTRUCTION MAY COMMENCE.**

Exhibit B

ARC SUBMITTAL CHECKLIST AND INFORMATION

Please fill out completely and submit with ARC application
(* Required for Preliminary approval)

- *1. 3 Copies of Drawings _____
- 2. Registered Architects Seal _____
- *3. ARC application completed and filling fee _____
- *4. Floor Plans and Elevation Views from all sides _____
- 5. Decks, Stairs and Pools _____
- 6. Full set of Detailed Construction Documents _____
- *7. Topo / Site Plan including: _____
 - Registered Surveyor Seal _____
 - Trees over 12" diameter _____
 - Setbacks _____
 - Easements _____
 - Adjacent houses _____
 - Utility locations _____
 - Driveway / walkway surface _____
 - Benchmark _____
 - Crown of road _____
 - Contour and Grade lines _____
 - Finished floor elevations _____
 - Site access / Storage _____
 - Drainage _____
 - HVAC, Gas Tanks etc. _____
- *8. Exterior materials and Color Samples _____
 - Exterior Stone / Chimney – Type of Stone or Example Home _____
 - Roof Material _____
 - Siding Style (wood) _____
 - Siding Style (stucco) _____
 - Fascia, Trim, Railings _____
 - Shutters _____
 - Front & External Doors _____
 - Garage Doors _____
 - Windows _____
 - Exterior Lighting _____

I am submitting this application and the house plans for the Elk River ARC approval, and I agree to be bound by all of the rules and regulations of the Elk River POA as they pertain to construction of a dwelling in Elk River. I acknowledge that a final inspection will be performed by the ARC; and, if the contractor and / or owner has met the requirements of the ARC and the Covenants and Restrictions the compliance deposit will be returned.

ACKNOWLEDGED:

OWNER DATE

ELK RIVER PROPERTY OWNERS' ASSOCIATION CONTRACTOR GUIDELINES

Revised September 2010

Elk River is dedicated to achieving the highest quality and construction standards among all private club developments. Elk River cannot achieve these standards without the compliance and cooperation of the contractor community. Accordingly, all contractors and subcontractors working at Elk River are required to read, sign and comply with the following contractor guidelines:

1. Elk River POA reserves the right and requires all contractors to be licensed in the state of North Carolina and provide proof of liability and workers compensation insurance to the POA office. A valid driver license and proof of vehicle insurance must also be provided by all subcontractors and workers to the POA office, upon request of the POA General Manager.
2. Contractor hours are 7:15 A.M. to 5:30 P.M. Monday through Friday. Weekend and holiday work is only permitted with the prior approval of the POA General Manager. Work on Sunday is not permitted.
3. The speed limit on Elk River property is 20 MPH, at all times. Access to Elk River is at the discretion of the Elk River POA. Repetitive violations of the Traffic Policy will result in the suspension of access privileges and/or fines as prescribed by the POA Board of Directors. Contractors are responsible for the driving conduct of their employees and subcontractor while working on Elk River property.
4. All Elk River roads must remain accessible and passable at all times. Contractors must insure that all contractor and subcontractor vehicles are parked on the job site and off the paved road. Contractors must not block the roads, park in front of resident driveways, park in front of resident properties or park to prevent access, ingress and egress for emergency vehicles or members of Elk River.
5. Contractor and subcontractors performing extended services (more than thirty consecutive days) at Elk River will be issued a quarterly pass which must be displayed at all times on the inside, rear view mirror of their vehicle, while working on Elk River property. Contractors and subcontractors working less than thirty days will be issued a daily visitors pass. Lost passes must be reported to Elk River Security as soon as the loss is discovered. Contractors and subcontractors must submit a list of all their employees to Elk River Security.

Contractor Guidelines

6. Contractors or subcontractors may not clear a lot nor commence construction without an approved set of construction documents. Also, a representative of the Architectural Review Committee (ARC) must approve the house stakes and driveway location.
7. Contractors are responsible for the conduct and behavior of their employees and subcontractors while working on Elk River property. Contractors, their employees and subcontractors are not permitted to:
 - A. Visit other job sites or drive around the property before, during or after their daily work assignments.
 - B. Access the property on weekends or holidays without the prior approval of the POA General Manager
 - C. Receive visitors on Elk River property at any time or bring children under the age of eighteen (18) onto Elk River property or onto a job site.
 - D. Play music at a volume that is disruptive to members or their guest.
 - E. Consume alcoholic beverages or use illegal drugs on Elk River property.
 - F. Burn fires on Elk River property (see 11., F.)
 - G. Bring dogs or other pets on Elk River property.
 - H. Bring firearms or any concealed weapon onto Elk River property.
8. Contractors are required to provide a construction dumpster on the job site for the retention and removal of scrap building material and trash. Temporary restroom facilities should be located in an area not visible from the street and adjacent residences.
9. Contractors and subcontractors are not permitted to park or store construction vehicles and heavy equipment on Elk River property. Vehicles and heavy equipment must be removed immediately after completion of the applicable phase of construction.
10. Contractors and subcontractors must strictly comply with the Elk River Architectural Design Standards. All revisions or variances, to approved plans, must be submitted for approval by the ARC prior to effecting revisions. Failure to comply with this requirement will result in:
 - A. Halt in all construction until the violation is resolved.
 - B. Forfeiture of the property owners' \$5,000 compliance deposit.

Furthermore, the Architectural Review Committee and the POA Board of Directors reserve the right to seek any and all remedies to insure compliance and restoration of the subject property to the condition previously approved by the ARC. Said remedies to

Contractor Guidelines

enforce compliance of standards are specifically stated in the Elk River Declaration of Restrictions, Article II, Section 2. And Section 3. And Article 10, Section 1.

11. Contractors are required to comply with the following control and maintenance measures during the course of construction:
 - A. Furnish and maintain temporary power, phone, water, heat, storage and toilet facilities.
 - B. Insure that all POA (paved) roads, at the construction site, are cleaned and free of mud, dirt and debris by the close of business each day. The POA will clean the road and bill the contractor, if the contractor fails to comply with this requirement. Repeated failure to comply will result in suspension of construction privileges and notification to the property owner.
 - C. Provide soil erosion control measures during construction that comply with state and county regulations. As a minimum, provide the following erosion control measures:
 1. Silt fences to prevent off-site sedimentation.
 2. Rock check dams at outlets or inlets of any culverts or ditches where drainage discharges.
 - D. Maintain clean and debris free work sites. All debris will be picked up weekly and be disposed off Elk River property.
 - E. Remove all brush, stumps, wood, tree refuse, construction material, or trash from the job-site and to an approved disposal area off Elk River property.
 - F. Under no circumstances is burning permitted on Elk River property. Burning on Elk River property will result in a fine of \$500 and a cessation of construction for any further violations.

Elk River Property Owners' Association

Contractor Guidelines Receipt and Acknowledgement

I have received, read, and understand the Elk River Contractor Guidelines. I also understand the Guidelines are subject to change without notice.

Contractor

Date

Print Name of Property Owner

Elk River Address

*** Contractors and subcontractors will be provided with any revisions or modifications to these guidelines.**

Elk River Property Owners' Association

Policy Subject: Guest Passes

Date Issued: 6/97

Last Revision Date: 01/04

Guest Passes

Guest Passes are issued by security to anyone that has been authorized entry to Elk River for the purpose of visiting an Elk River member, staying at a member residence or attending an Elk River function.

Authorization for entry to Elk River is determined as follows:

1. The guest is authorized entry on the permanent key control file at Security.
2. The member has notified Security that the guest has authorized entry
3. The sponsoring department has notified Security that the guest has authorized entry.
4. In the case of a major function, wedding reception, golf tournaments, etc., the sponsoring member or department is required to submit a list of authorized guests to Security. Passes will not be issued for these functions.
5. Employees, vendors or contractors are not permitted to authorize guest or guests without the permission of the POA General Manager. The General Manager of the Elk River Club may authorize visitors for their departments.

Guest passes are issued by Security for the duration of the visit at Elk River. Passes must be returned to Security upon termination of the authorized period. Access to Elk River will be denied if authorization is not granted in accordance with the above stated policy.

Any exceptions to this policy must be approved by the POA General Manager.

Elk River Property Owners' Association

Policy Subject: Key Control

Date Issued: 9/96

Last Revision Date: 4/97

Key Control

Homeowners that wish to provide access to their residence in their absence can leave a key with the Security Department. Security personnel will be guided by instructions from the home owner as described in the attached form which is available at either the Property Owners' Association office or the security gate.

A key control form must be on file at the security gate before access to a residence will be granted.

KEY # _____

NAME _____

ELK RIVER PROPERTY OWNERS' ASSOCIATION

**SECURITY DEPARTMENT
REQUEST FOR KEY CONTROL**

Key control and authorization for access are imperative to the security and control of properties at Elk River. To insure only authorized personnel have access to your residence, the POA uses this form as an integral aspect of the control process. Please initial each item you authorize for access to your residence. If, at any time, you desire to change or amend your authorization, please request and execute a new form, which is available from the POA office or the Security Gate. Each new form will be kept on file at the security office.

A. Police and fire, as required, without my direct consent.

_____ Initials

B. Individuals or service personnel whom I approve, either in writing or by telephone, for a specific situation.

_____ Initials

C. Individuals or service personnel listed below at any time:

_____ Initials

E. Additional instructions. (Please specifically list.)

Elk River Address _____

Security Code _____

Contact Phone # _____

Signature _____

Date _____

ELK RIVER PROPERTY OWNERS, ASSOCIATION

SECURITY DEPARTMENT

HOMEOWNER'S EMERGENCY SERVICE REFERENCE LIST

IN THE EVENT OF AN EMERGENCY AND WE ARE UNABLE TO CONTACT YOU, WE ARE REQUESTING YOU PROVIDE US WITH AN INDIVIDUAL OR SERVICE COMPANY TO CONTACT. PLEASE INDICATE, ADJACENT TO THE APPROPRIATE CATEGORIES BELOW, YOUR PREFERENCES FOR EMERGENCY NOTIFICATION:

CATEGORY	NAME	PHONE NUMBER
A/C- HEATING SYSTEM		
PLUMBING SYSTEM		
ELECTRICAL SYSTEM		
GAS COMPANY		
HOUSEKEEPER		
INTERIOR DECORATOR		
PROPERTY SERVICE COMPANY		
ALARM COMPANY		
OTHER		

Elk River Property Owners' Association

Policy Subject: Tree Removal/Pruning Date Issued: 7/96 Last Revision 12/09

Landscape & Tree Removal/Pruning

Consistent with Article II, Section 11 of the Elk River Declarations and Restrictions.

No trees may be removed at any time from any Lot or Condominium common property without the prior written approval of the Architectural Review Committee.

Landscaping plans need to be submitted to the Architectural Review Committee for approval,

ELK RIVER PROPERTY OWNERS' ASSOCIATION – OPERATING GUIDELINES

SUBJECT	SUPERVISOR	GENERAL MANAGER	COMMITTEE	PRESIDENT	BOARD OF DIRECTORS	MEMBERSHIP
Changes to Declaration of Restrictions	n/a	May recommend.	By Laws Recommendations	Recommendations	Recommendations	Approves – 2/3 vote
Changes to the By-Laws	n/a	May recommend	By Laws Recommendations	Recommendations	Recommendations	Approves – majority vote of those voting
Adopt rules and regulations governing the use of common area, facilities and personal conduct	n/a	Recommendations	Recommendations	Recommendations	Approves	Advised
Action taken for violation of Restrictions, Bylaws, Rules, Regulations.	n/a	Recommendations	Recommendations	Recommendations	Approves w/ possible legal counsel	Advised
Hiring of legal counsel	n/a	Recommendations	n/a	Approves	Advised	n/a
Implementation and Enforcement of Architectural Design Standards	n/a	Responsible	ARC recommendations	Concurs	Advised	Advised
Hiring/Termination of hourly employees	Recommendations	Approves	Personnel Advised	Advised	Advised	n/a
Hiring/Termination of supervisory/salaried employees	n/a	Approves	Personnel concurs	Concurs	Advised	n/a
Changes to Benefit Plans	n/a	Recommendations	Personnel Recommendations	Recommendations	Approved	n/a
Employee Policy & Procedures	Recommendations	Recommendations	Personnel Concurs	Approves	Advised	n/a
Employee Incentives/ Bonuses	Recommendations	Recommendations	Personnel Concurs	Approves	Advised	n/a

ELK RIVER PROPERTY OWNERS' ASSOCIATION – OPERATING GUIDELINES

SUBJECT	SUPERVISOR	GENERAL MANAGER	COMMITTEE	PRESIDENT	BOARD OF DIRECTORS	MEMBERSHIP
Annual Operating & Capital Budgets	Input	Recommendations	Finance Recommendations	Recommendations	Approves	Approves
Revisions to Annual Operating & Budget	Input	Recommendations	Finance Recommendations	Recommendations	Approves	Approves
Monthly financial reports	Prepares	Approves	n/a	Advised	Advised	n/a
Investing excess cash	Recommendations	Recommendations	Recommendations	Approves	Advised	n/a
Selection in suppliers & contractors to the POA	Recommendations	Approves	Advised	Advised	Advised	n/a
Selection in supplier/ coverage of POA insurance.	Recommendations	Approves	Advises	Advises	Advised	n/a

Elk River Property Owners' Association

Policy Subject: Traffic Date Issued: 10/96 Last Revision Date: 12/09

Traffic Policy

Effective December 1, 1996, the Elk River Property Owners' Association, Board of Directors, has established the following policy to ensure the safety and welfare of our members, guests, employees and visitors during their visit to Elk River.

1. The maximum speed limit is 20 miles per hour with the confines of Elk River.
2. Extreme caution must be exercised at all times, particularly around the golf course and clubhouse where pedestrian and cart traffic is very high.
3. All member, guest, employee and visitor vehicles must be in a safe working condition. Loud mufflers and excessive radio volumes are not permitted.
4. Except for bicycles and battery operated golf carts, no recreational vehicles of any kind, including but not limited to, motors homes, boats, dirt bikes, motorcycles, trailers, dune buggies, four-wheeler's or mopeds are permitted upon the Properties. No permanent basketball goals shall be permitted upon the Properties; only portable basketball goals are allowed and must be stored when not in use.
5. Club parking is only authorized in designated Club parking spaces. The Club porte cochere should only be utilized for drop-off and pick-up of members, guests and visitors.
6. Parking is not permitted at anytime on the right of way or road shoulders except in an emergency. In the event of an emergency or breakdown, notify Security for assistance.
7. The Property Owners' Association will issue Elk River decals to members for every registered vehicle. Member decals must be displayed in the lower left corner of the front windshield. Security will issue temporary passes to non-registered member vehicle.

8. The Property Owners' Association will issue employees one employee decal. Employee decals must be removed and returned to their direct supervisors upon resignation or termination of employment.

9. Guests, visitors and service vehicles must obtain a temporary pass from Security, located at the main entrance to the property. Passes must be returned to Security upon departure or on the authorized departure date.

10. Contractors are responsible for employee transportation to and from job sites. Relatives or friends are not permitted to pick-up or drop-off contractor employees at job sites. All contractors and subcontractors must have a valid driver's license to be allowed entry into Elk River.

11. Strict compliance with this traffic policy is mandatory on Elk River property. Repeated violations by members and guests will be reviewed by the General Manager and presented to the Board of Directors for appropriate action. Employees and visitors in violation of the policy will be subject to revocation of driving privileges on Elk River property.

12. Amendments and exceptions to this policy are at the discretion of the Board of Directors.

Elk River Property Owners' Association

Policy Subject: Vehicle Registration Date issued: 12/96 Last Revision Date: 12/09

Vehicle Registration

Decals for Property owners will be controlled and distributed by the Property Owners' Association.

All Employees of the Elk River Club and Elk River Realty will be issued new decals to be picked up at the Elk River POA Office.

Except for bicycles and battery operated golf carts, no recreational vehicles of any kind, including but not limited to motors homes, boats, dirt bikes, motorcycles, trailers, dune buggies, four-wheeler's or mopeds are permitted upon the Properties. No permanent basketball goals shall be permitted upon the Properties; only portable basketball goals are allowed and must be stored when not in use.

Elk River Property Owners' Association

Policy subject: Burning Date Issued: 8/97 Last Revision Date: 12/09

Burning

Burning on Elk River property is banned effective August 15, 1997. Burning will not be permitted on Elk River property and will result in a fine of \$500.00 and cessation of construction for any violation.

This policy is also contained in Contractor guidelines effective August 15, 1997.

The only exception to this policy is the Club and the Association which can burn during the winter months only and under strict supervision.

Elk Rivers Property Owners' Association

Policy Subject : Work Schedule Date Issues 12/02 Last Revision Date 3/10

WORK SCHEDULE

The intent of the work schedule policy is to allow property owners the ability to have workers or contractors at their disposal when needed while having few disruptions as possible. Weekends and Holidays are times that few disruptions are desired but are also the only times that some property owners are available to see that the work gets completed.

The following schedule and rules for working in Elk River.

Monday through Friday workers are allowed in at 7:15AM and all workers must be out by 5:30PM

Any exceptions will have to be approved by the the General Manager. Worker and contractor schedules are not reasons for exceptions.

Saturday work is restricted to inside work and low noise work outside. Heavy equipment and chainsaws will not be allowed. If at any time Saturday work becomes a nuisance the work will be required to stop at the request of Elk River Security. Saturday work times are 9:00AM through 5:00.

**ALL SATURDAY WORK MUST BE APPROVED THROUGH THE POA OFFICE - 828-898-9791
PLEASE CALL BEFORE 4:00PM FOR APPROVAL TO WORK ON SATURDAY
THERE WILL BE NO WORK ALLOWED ON SUNDAY.**

There will be no work allowed on the following holidays: July 4th, Thanksgiving Day, Christmas Day, and New Years Day.

There will be no work on Saturday of Easter, Memorial Day and Labor Day weekends but work will be allowed on Monday the holiday is observed from 9:00AM to 5:00PM.

If holiday falls on Saturday or Sunday check with security to see work schedule.

Any exceptions will have to be approved by the the General Manager. Worker and contractor schedules are not reasons for exceptions.