

**SECTION VI – VALLE CAY ARCHITECTURAL REVIEW
GUIDELINES**

Approved 6/11/2011

Updated 6/10/2017

VALLE CAY ARCHITECTURAL REVIEW GUIDELINES

General

The Declaration of Covenants, Conditions and Restrictions for Valle Cay sets forth conditions for building in Valle Cay, and contains important restrictions governing land use and architectural control. *All Valle Cay property owners and their architects and builders should have a copy and be familiar with its content.*

The Board of Directors (Board) and the Architectural Review Committee (Committee) are guided by the letter and spirit of the Covenants, Conditions and Restrictions to insure that the existent ambiance of Valle Cay is maintained. In accordance with that document, the Board has the right to approve and disapprove site, building and/or landscaping plans and modifications thereto, based on specified requirements and on aesthetic considerations (Covenants, Conditions and Restrictions Article 2, Section 2.3). The following guidelines will be followed by the Committee in reviewing plans for new homes, modifications to existing homes, and significant changes of any kind to properties in general.

The Committee will concern themselves principally with the exterior of structures and the grounds surrounding them. Interior designs, which meet minimum finished living space requirements, are the sole concern of the homeowner.

These guidelines are intended to promote harmonious compatibility within Valle Cay. The POA and its Architectural Review Committee will continue to be sensitive to the desires of each property owner and, with the cooperation of all, preserve and enhance the natural beauty of our community and our individual property values.

Materials Native or indigenous materials must be used in the construction of homes including but not limited to:

Roofs

- All roofs must be covered with cedar shakes or aesthetically comparable material approved by the Board. Homeowners seeking the approval of a new aesthetically comparable roofing product or a previously approved one must follow the procedures listed below as far in advance of their re-roofing date as possible. This also applies to roof replacements.
 - Letter of request: Submit a written letter to the ARC describing the roofing product you want the Board to consider. This description should include the name of the roofing product, name of the manufacturer, color and installation pattern including the width and mix of the shingles, reveal of the shingles and if the installation will have a straight/uniform edge or staggered/offset edge. Include a manufacturer's color brochure, if possible. It is also helpful to submit the addresses of any homes in the region featuring this roof in the preferred color especially if this material has not been used in Valle Cay. Please note if the re-roofing will result in any changes to the currently existing roof profile.

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- Sample board: With the letter and brochure, the ARC may require that a 4 ft. x 4 ft. sample board of the roofing material be submitted as well. The sample board should consist of the actual shingles in the color you are considering and be applied to the board in the same pattern they would be applied to your roof. These can usually be obtained from the retailer.
- As provided for in our covenants, the Board will render a written decision no later than 30 days from the date that all of the requested material has been received.

Exterior

- Natural materials such as wood or stone must be used for the exterior of the home. *Cultured* stone may be used, but only on up to 20% of each elevation (side) of the exterior of a home. Brick and other similar materials, other than cultured stone, will not be allowed on homes or in landscaping. Logs and siding giving the appearance of logs will not be approved on any tracts purchased or repurchased after July 1, 2001. Owners of tracts purchased prior to that date may request approval of log home plans as an exception to POA policy. Such requests will be considered based upon location and aesthetic compatibility with the surrounding environment but approval is not guaranteed.
- Foundations must be covered with stucco or stone, natural or cultured, used elsewhere on the structure and must cover all exposed concrete or concrete block foundations. When stucco is used, it must be of sufficient depth to conceal mortar joints in the underlying material and must be painted in neutral or earth tone colors compatible with colors on the exterior of the structure. To soften the appearance of stucco foundations, 60% of the exposed surface must be obscured with mature trees and shrubs.
- Notwithstanding the foregoing, if the property owner elects to use stucco and the exposed foundation wall is 5' or less in height, the foundation wall must be obscured with not less than 60% of the face wall area with mature landscaping. If the exposed stucco wall is greater than 5', then stucco will not be permitted, and the property owner may cover the foundation wall with continuation of the house cladding or stone, either natural or cultured, to within 2' of finished grade level. This lower 2' may be stucco provided normal landscaping screening is installed. The height of a foundation wall shall be measured at its highest point to determine the application of this provision and the appropriate finish shall be applied around all adjoining walls irrespective of the height of such adjoining walls.
- All chimneys shall be built of natural stone, stone veneer (stick-on stone) or cultured stone.
- As of 1 January 2010, retaining walls visible from Valle Cay roads must be constructed of approved boulders or covered with natural or cultured stone and softened with landscaping with the following exception. Any retaining walls not visible from any road may be constructed of wood, such as landscape timbers, railroad ties, stone or stucco and softened with landscaping as approved by the

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Board of Directors. Any walls that must be replaced after this date must be in accordance with this paragraph.

- Deck support posts shall be of a thickness and proportion commensurate with the size of the home and height of the deck so as not to require cross bracing. Uncovered steel support posts will not be allowed.

Colors

- All exterior wood siding must be painted or stained with a clear, semi-transparent or solid stain or paint. Neutral earth tone and other unobtrusive colors are required for Valle Cay homes and other structures.
- Original exterior paint and/or stain colors (including trim colors) shall be approved when plans are approved.
- Changes to formerly approved colors on new or existing homes also require prior written Board approval. No filing fee is required for approval of paint color changes.
- No approval is required to repaint with previously approved colors.

Landscaping

- Landscaping plans should be designed to blend in with and enhance the beauty of the natural surroundings. All landscaping materials will be specified in the landscaping plan.
- Mature indigenous trees and shrubs are strongly recommended.
- If natural barriers between homes do not exist, it is the mutual responsibility of homeowners to provide landscaping which provides reasonable privacy to both.
- No construction or landscaping modification shall be approved which would result in offsite water runoff that would cause damage to adjoining property, the Valle Cay road system, or common property. Compliance is also required with applicable Federal, State and County ordinances, with particular reference to Watauga County Ordinance 70.13. Any damage caused by offsite water runoff shall be repaired at the property owner's expense.
- All fencing must be natural split rails. Location and design must be approved prior to installation.
- Wellheads visible from any Valle Cay road must be obscured with appropriate landscaping. Landscaping materials must be included on the originally submitted landscape plan.
- Gas tanks and garbage containers, must be entirely concealed by landscaping or buried.

Other

- Roof eaves must overhang exterior walls by a minimum of 12". Eighteen inches or more is recommended.
- Notwithstanding the provisions of Article II, Section 2.10 of the Covenants Conditions & Restrictions, (which prohibits satellite dishes), the Board may approve an application for the installation of one eighteen inch or smaller television satellite dish on the side or rear of a home. This is not considered an exception to the CC&R since mini-dishes did not exist at the time it was written.
- Driveways connecting with paved Valle Cay roads must be paved within one year of completion of a new residence.
- There is to be only one ingress/egress off any Valle Cay road to each Valle Cay tract.
- Well and septic tank with drain field location permits must be obtained from the Appalachian District Health Department before site preparation begins and copies delivered to the Architectural Review Committee. Any deviation from the approved permitted locations requires approval from both the Appalachian District Health Department and the Committee.
- Any alternative energy sources to be used must be submitted to the Board for approval.

Signs

- Home signs must be approved by the Board. Signs must be made of wood, routed or sandblasted and left neutral or painted/stained in subdued colors. Size must not exceed 12 X 24 inches nor be more than 36 inches above the ground. Numbers must be 3 ½ inches high, reflective, and visible from the road in both directions. A 911 address is required by the county as a minimum. Numbers may be located on the house if the 911 criteria are met.

Trees

- The cutting of mature trees is strictly regulated during and after construction. The POA recognizes that each homeowner desires the best possible view from their property. To insure no clear-cutting and that proper consideration is given to adjoining homes and common areas, Board approval is required prior to cutting any tree with a base diameter of ten inches or more.
- Trees located within ten feet of a residence do not require approval to remove.
- Property owners wishing to remove or top trees or create a view window will mark these trees and submit a request in writing to the Board. The Board will examine the area and the property owners will be informed in writing of their decision.

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- Any debris from trees that are cut must be removed in a timely manner.

Play Areas

- Permanently installed play equipment, including but not limited to swing sets, jungle gyms, and slides, must be located in rear or side yards and must be obscured by landscaping. This area will subsequently be referred to as "play areas".
- Permanently installed play equipment must be made of natural looking products in keeping with the general ambiance of Valle Cay.
- Portable play equipment, including but not limited to swim pools, sand boxes and trampolines, must be located in the play area.
- The Board must approve play areas and permanently installed play equipment prior to construction and/or installation.

Lighting

Use of exterior lighting shall be limited to low impact lights such that the directional line of the light does not create a nuisance to any neighboring property owners.

Matters Not Covered

Matters not covered in this document cannot be construed as authorization to execute by a property owner or to approve by the Board. When in doubt, contact the Architectural Review Committee or the Board for resolution.

Exceptions

Variations and/or deviations from these guidelines may be considered if sufficient justification can be established and the overall effect on Valle Cay will not be detrimental. It is incumbent on the requestor to demonstrate that these conditions will be met. Requests for exception shall be reviewed on an individual, case-by-case basis, and must be approved by the Board. Any exception granted shall be granted in writing and shall be considered unique and will not establish a precedent for future decisions.

**SECTION VII – VALLE CAY ARCHITECTURAL REVIEW
PROCEDURES**

VALLE CAY ARCHITECTURAL REVIEW PROCEDURES

Purpose

The purpose of these procedures is to provide an approval process that facilitates home building and insures that the standards of the community are maintained.

General

The following review procedures provide direction to property owners, their architects, builders and landscapers when planning construction or modification of a residence in Valle Cay. A diversity of floor plans, architectural and landscape designs compatible with the existing characteristics of the community is encouraged.

Approval Procedures

Major building and landscaping projects such as construction of new homes and modification of existing ones require the written approval of the Board of Directors.

Property owners should submit their construction plans with the required supporting materials directly to the Valle Cay Architectural Review Committee. The Committee will evaluate requests relative to the guidelines and make its recommendation for a final decision to the Board within 30 days of receipt of **all** requested information and the filing fee. Any unforeseen construction/site issues that may arise during the review process will extend the 30-day approval period.

Any changes after construction of the original residence including but not limited to repainting, fences, entrance landscaping and similar small projects also require prior approval. Requests for these changes must be made in writing accompanied by necessary information, sketches and material selections, and submitted to the Committee for review and approval by the Board. Property owners are also required to notify the Committee of any exterior changes subsequent to original construction except landscaping maintenance.

1. Projects Requiring ARC Evaluation – Property owners planning to build a new home, add to or make significant exterior changes to an existing residence must have those plans formally approved in writing after a detailed review of those plans by the Committee.

- A. **Step One.** The property owner is required to notify the Board of Directors of their intent to build prior to finalizing building plans. A meeting with the Committee will be arranged for an on-site evaluation and discussion of the Valle Cay Architectural and Construction Guidelines and the responsibilities of all parties involved. The property owner may bring sketches or preliminary plans however; they are cautioned not to incur significant expenses for building plans until this meeting has occurred.

B. **Step Two.** The property owner is required to submit one (1) copy of final drawings (not to exceed 24" X 36") and one (1) electronic copy to the Committee for review with a **non-refundable filing fee of \$1,250** (filing fee amount is subject to change). The 30-day review period will commence upon receipt of all required material including the filing fee. See the checklist on page 12 of this document for required information and material.

- **Site Plan** – This plan shows the location and orientation of the proposed structures on the lot and establishes the setbacks from the property lines. The plan must include the footprint of the house, garage, porches, decks and accessory building (if one is planned). In some cases, topographical information may be required at the direction of the Committee. The location of the well and septic field must be noted. Site plans may not be required for minor modifications to existing dwellings. Setbacks shall be measured from the Lot Boundary or edge of Right of Way as case may be, and shall comply with Watauga County Ordinance 72.017, namely to the furthest protrusion of the structure (i.e. overhangs, bay windows, covered porches).
- **Grading Plan** - The Committee may request the property owner to provide a topographical survey of the lot prior to construction and the proposed final grading after construction. The Committee will be concerned with the slope of the lot and possible impact on adjoining property owners or property with respect to drainage runoff and the increase in the impervious area of the lot.
- **Ground Water** – During construction if any underground water sources are disturbed that result in uncontained runoff onto adjoining property, either common or private, it is the responsibility of the constructing property owner to remedy the situation as approved by the Board of Directors, as well as repair any consequential damage.
- **Color Board** – A board containing exterior materials with proposed finished color treatment shall be submitted. Items to include are materials for exterior façade, trim, window colors, door colors, stone selection or stucco finish with color. The board should be no larger than 2' X 2' and multiple boards may be submitted if necessary.
- **Working Drawings** – This final set of plans must include: (1) floor plans for each level, showing the total finished and unfinished floor space, and dimensions of the structure; (2) elevation views of each side of the proposed structure showing the exterior materials to be used, window and door locations, porches and decks and the foundation heights above the finished ground level to the main floor level at each corner of the structure, and the height of the structure from the ridge to finished grade.
- **Landscape Plan** – The design for the residence and landscaping should evolve together and blend harmoniously with the surrounding environment. Creating the feeling of a natural environment is encouraged as opposed to a heavily

manicured concept. The landscape plan should show the driveway, walkways, retaining walls (if necessary), basic planting areas, large existing trees and stands of trees or shrubs. This plan should show the overall concept intended to soften the exposure of the home and enhance the property.

C. Step Three. The Board will approve the plans in writing and return the hard copy of the plans to the property owner together with a Terms & Conditions approval letter. Plans will either be approved as is or with modification(s). Plan modifications required by the Board will be annotated on the returned copy and clearly explained. At the discretion of the Committee, the property owner may be required to incur additional fees for non-POA consultants to review their construction plans.

D. Step Four. The property owner will sign, both the Terms & Conditions approval letter and Contractor/Owner Agreement and submit them to the Board with the compliance deposit. Construction may not commence until this step is completed.

2. Projects Also Requiring Approval – Owners of existing homes planning significant changes to landscaping, changes to exterior house colors, installation of retaining walls, planters, fences, decks, patios, new roofs, or other obvious outside improvements must submit requests to the Committee for review and Board approval. Yard art or sculptures, signs, and exterior lighting and lampposts near Valle Cay roads also require prior approval. When in doubt, contact the Board to determine if the project requires approval. No filing fee is required for these projects, however, accurate but informal drawings or plans may be required for evaluation purposes.

3. Compliance Deposits – Prior to approval of projects described in paragraph 1 above, property owners are required to post a compliance deposit of **\$3,500** with the Board. The Board will hold the deposit until completion of the construction and landscaping to insure that compliance with all conditions of the approved plans has been met and that any damage to Valle Cay roads and/or common property has been satisfactorily repaired. Upon completion of the project, the Committee will inspect the home site, common property and roads. When the approved plans have been completed and any damages repaired, \$2,500 of the deposit will be returned to the property owner. The remaining \$1,000 will be retained as a nonrefundable deposit to cover general wear and tear on POA property during the construction period. Deposits will not accrue interest. If any damage to Valle Cay roads or common areas remain, the Board will use as much of the refundable portion of the deposit necessary to repair those damages and return the balance with receipts to the Property Owner. If the cost of damages exceeds the refundable portion of the deposit, the Property Owner will be responsible for the remaining cost.

4. Renovations or additions- Renovations or additions to existing homes also require Board approval and a compliance deposit. Projects costing less than \$25,000 and generally not involving major excavation require a compliance deposit of **\$1,500**. Of this renovation deposit, \$1,000 will be refundable and the balance shall be retained by the POA as a nonrefundable deposit to cover general wear and tear on POA property during the construction period. More expensive renovation projects, including an

accessory building, not meeting the limitations noted herein, shall require the full compliance deposit of **\$3,500** as provided in section 3 above. The Board reserves the right to pass along any third party expenses deemed necessary in the plan approval process to the property owner with prior notification before the expenses are incurred.

5. Approval Period – When final construction approval has been given in writing, it remains valid for one year. If commencement of construction is delayed beyond this period, plans must be resubmitted but no additional filing fees are due. If changes to the approved plans have been made, the re-filing fee is \$1,250 and the plans must be approved in writing as though it were a new submission. If changes to the plans after one year are required due to changes in ARC Guidelines, no additional filing fees are due. If the changes are made at the discretion of the property owner, they are.

6. Failure to Comply - Owners who bypass the approval procedures are at risk of having to remove or modify unapproved changes and will be subject to liens against their property and/or stop work orders. To prevent misunderstanding, property owners should assume that prior approval of any change is required and should contact a Board member if in doubt.

Checklist of Information and Materials Required with Building Plan Submission

- Site Plan
- Topographical Information
- Septic and Well Permits
- Elevations (all sides)
- Structure Height (ridge to finished grade)
- Height to all Corners (grade to first/main floor)
- Landscape Plan
- Materials and Colors for Exterior Facade and Trim
- Window Style and Color
- Stone Type and style of lay
- Square Footage of Heated and Unheated Space
- Roofing Materials
- Retaining Walls Material and Height
- Driveway Path

SECTION VIII – VALLE CAY CONSTRUCTION POLICIES

VALLE CAY CONSTRUCTION POLICIES

General The following policies are established to insure that Valle Cay requirements are understood and met by builders and other contractors working in Valle Cay. They are designed to facilitate efficient work while minimizing disruption to the community and safeguarding the environment.

1. **Construction** No construction will begin until the Valle Cay Property Owners Association (POA) Board of Directors has approved final plans in writing.
 - A. The property owner and general contractor will meet with the designated Committee and Board representatives prior to starting construction in an effort to provide the communication needed to minimize misunderstandings and potential problems.
 - B. The Board-approved construction plans are the only plans authorized for construction, grading, clearing, drainage, etc.
 - C. There will be no deviation from approved plans affecting the exterior of the building without prior written approval by the Board.
2. **Conduct of Subcontractors, Employees, Suppliers, etc.**
 - A. The property owner and general contractor are responsible for the conduct of their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property.
 - B. Access into Valle Cay by any worker, subcontractor or supplier is permitted during regular work hours and only for access directly to and from the specific job site.
 - C. Work hours are 7:00 AM – 6:30 PM Monday through Friday and 8:00 AM – 5:00 PM on Saturdays. **Work is not permitted on Sunday nor Christmas, Memorial, Labor, New Years Days and July 4th.**
 - D. Use of common grounds, trails and lakes by the general contractor, their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property is not permitted unless accompanied by property owners. Trespassing on other properties is never permitted.
 - E. The general contractor, their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property **may not bring pets** into Valle Cay.

3. **Gate Access Privileges**

The property owner shall be provided a unique gate access code for use by the general contractor, their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property during the construction period only.

4. **Conformity**

All work must conform to both North Carolina State and Watauga County Building and Soil Erosion Regulations and building codes.

5. **Work Site**

A. The construction site must be kept orderly and free of litter. Workers and others involved in building will not litter in the community. Violators may be prohibited from entering Valle Cay.

B. **No burning of any kind or material is allowed within Valle Cay.** No dumpsite is available within Valle Cay. All debris and trash must be trucked out. A contained trash point on the building site is permitted and encouraged.

C. A Port-A-John must be located on site for workers prior to beginning construction.

D. Materials such as concrete, stone, dirt, etc spilled on roads are the responsibility of the general contractor/property owner and must be removed immediately. Concrete trucks and others shall clean up on the site itself, not along Valle Cay roads.

6. **Parking and Storage of Material**

A. Vehicle parking must not interfere with adjoining property owners and the normal flow of traffic. Parking for construction vehicles shall be provided on the tract itself and is not permitted on grass shoulders along the roads. A property owner may apply to Board for consideration of alternate parking arrangements because of unique or extenuating lot conditions.

B. Access onto the construction site will be graveled prior to commencement of construction and re-graveled as necessary to prevent mud and dirt from being carried onto roads. Silt fences will be installed on sites where excavation may cause dirt to move onto Valle Cay roads, common grounds or adjacent properties.

C. All building materials will be stored on site. Contractors shall provide ample, graveled areas on site for material storage and turnarounds.

- D. Security of tools, equipment and materials is the responsibility of the contractor.

7. **Traffic and Road Use Policies**

A. Speed Limit

The speed limit within the Valle Cay development is 15 miles per hour. On sharp curves, slower speeds should be observed. The general contractor must inform all of their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property of this speed limit and instruct them to obey it.

B. Vehicle Type and Weight Restrictions

Tractor-trailer and/or tri-axle vehicles are not permitted on Valle Cay roads. Vehicles using these roads shall not exceed a weight limit of 30,000 pounds of gross weight and a total length of 35 feet.

C. Restrictions on Use of Dam Road

Lake Victoria has an earthen dam and Valle Cay Drive crosses it. Heavy vehicle traffic can severely damage the dam. Therefore, all heavy vehicles will turn left at the “planter intersection”, (0.8 miles from the gate) and will return over the same route upon exiting Valle Cay. Only deliveries to Abaco Road are exempt from this routing.

D. Proper Use of Roads

Construction vehicles must remain on paved or gravel surfaces at all times. They must avoid cutting corners or driving on road shoulders. Damage to other vehicles caused by a failure to observe this policy is the responsibility of the property owner. Damage to road shoulders or other community property is the responsibility of the property owner. Motorized vehicles are not allowed on POA walking trails.

E. Caution: Pedestrians, Pets and Wildlife

Please observe pedestrian, pet and wildlife traffic; proceed slowly and safely.

F. Map of Valle Cay

Owner/Contractor shall distribute a road map of Valle Cay giving directions to all workers, subcontractors or suppliers and to ensure that vehicles visiting the job site comply with the traffic limitations within Valle Cay.

G. Temporary Suspension of Construction Traffic

To protect the integrity of the paved roads in Valle Cay, use of the roads by construction traffic may be suspended following heavy rains, or intermittent thaws that sometimes occur between January and March of the year. The Board, or its delegate, shall make such a determination and so advise all property owners and their Contractors that the paved roads of Valle Cay shall not be used for construction traffic, for a period of up to three days following the heavy rainfall or thaw. Property owner acknowledges that any hardship

that may result is not compensable by POA. Those failing to adhere to this policy may be subject to fines and/or penalties including the cost of repair to any damage done to a paved road in Valle Cay, or have construction approval suspended.

8. **Hunting and Fishing**

Hunting in Valle Cay is strictly prohibited. Anyone who intentionally kills or harms wildlife in Valle Cay will be barred from entry thereafter. Fishing is only allowed with the permission of the property owner who must accompany any person he/she invites to fish.

9. **Trees**

Only trees within 10 feet of the home site or those measuring less than 10" in diameter at the base may be removed without specific prior permission.

10. **Certification of Understanding**

Prior to commencement of work, the general contractor responsible for the work site will indicate their acceptance of these policies by signing the Contractor/Owner Agreement form in Appendix A to this document.

APPENDIX A TO SECTION VIII – CONTRACTOR/OWNER AGREEMENT

The undersigned property owner and general contractor acknowledge that they have read and will comply with the policies and procedures articulated in the Valle Cay Architectural Review Guidelines. In particular, Contractor acknowledges the traffic and road use policies wherein use of the paved roads in Valle Cay may be suspended following heavy rains or intermittent thaws, and construction schedules will be adjusted accordingly.

In the event of violations, the Architectural Review Committee will notify the owner and contractor in writing, electronically, by telephone or in person to rectify violations. In the event of a disagreement, the property owner and/or contractor will work with the Architectural Review Committee or Board of Directors as necessary to resolve differences in a timely manner.

It is understood that in the event these policies are not observed by the general contractor and their employees, subcontractors, suppliers, agents and others providing services for their project while on Valle Cay property the Board will consider failure to comply as a violation of the Restrictive Covenants and will, if necessary, take court action to insure compliance through a stop-work order until the violations are corrected. Court and legal costs will be at the property owner's expense. If the general contractor refuses to cooperate with the Board, he/she will not be allowed to build in Valle Cay in the future.

The property owner and general contractor hereby acknowledge the receipt and understanding of the Valle Cay Architectural Review Guidelines, and indicate their intent to comply.

Signature of Property Owner

Date

Signature of Contractor

Date