

WHISPER LAKE ASSOCIATION ENVIRONMENTAL CONTROL COMMITTEE STANDARDS AND REGULATIONS

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Each page of this packet must be initialed, where noted at the bottom of the page, by owner and contractor before returning to the ECC office in its entirety. Please make a copy of this packet for your records before submission to the ECC office.

Revised and filed

Revised August 30, 2023 TRI

I INTRODUCTION

The primary purpose of the Environmental Control Committee is to work collaboratively with builders and homeowners to protect the natural environment by preserving native trees and natural vegetation and to control erosion to prevent sediment from reaching and polluting our streams and lakes. Whisper Lake, far removed from the urban sprawl, is a special place where you are surrounded by natural beauty-lush forest, rushing streams and waterfalls, and beautiful mountains. Join us in preserving these treasures for generations yet to come.

The ECC reviews applications, plans, materials, and specifications, and the construction itself as it progresses, for adherence to these guidelines and the covenants, policies, and restrictions. Whisper Lake has been designed to blend with the beauty of the natural surroundings and to be a premier community, in a park like setting. The guidelines presented in this booklet envision houses that will blend into the wilderness environment and compliment the unique beauty Whisper Lake has to offer. These guidelines are applicable pre, during, and post construction.

GENERAL PROVISIONS: The rules and regulations have been established pursuant to Article V of the Declarations of Protective Covenants, Whisper Lake, recorded in Book 369, Page 417, and Transylvania County Registry (hereinafter known as the Policies). Contractors, owners, and architects should review all of these documents.

DISCLAIMER: If there is any conflict between these criteria and any applicable laws or administrative regulations, the more restrictive interpretation shall apply. These design standards shall be enforceable to the extent that they do not violate applicable laws and regulations.

VARIANCES: The ECC may consider reasonable variances or adjustments from the provisions in this Declaration, where literal applications thereof result in unnecessary hardship. The ECC, pursuant to Article VI, Section E of the Covenants, reserves the right in its sole discretion to grant individual owners the right to encroach upon the easements and setbacks on the plat of the subdivision or consider variances of its rules and regulations herein when deemed necessary by the ECC.

APPEAL OF COMMITTEE DECISIONS: Owners not satisfied with Committee decisions may appeal the case, in writing, to the Whisper Lake Board of Directors within ten 10 days of that decision. Committee will submit to the Whisper Lake Board of Directors the rationale for the denial.

II DESIGN FEE, IMPACT FEE, DEPOSIT of COMPLIANCE

The following amounts are to be submitted by THE OWNER for all new home construction in Four separate checks.

A. **\$2,000 Design Review and Compliance Officer Fee.** Due with Application, \$800 Design Review fee and \$1,200 Compliance Officer fee. Both are nonrefundable after ECC approval of application. If construction exceeds 12 months, there will be an additional \$50 per month for the Compliance Officer Fee.

B. **\$6,000 Compliance Deposit.** Due upon Application Approval and Refundable upon construction completion, provided the Owner/Builder has met all the permit requirements to the satisfaction of the ECC, the final checklist has been completed, Certificate of Occupancy from Jackson/Transylvania County has been issued and all fines and assessments due to Whisper Lake Association have been paid. All fines and/or assessments shall be deducted from the compliance deposit before refunding any remainder to the owner. Should these monies become depleted before construction is complete, the site will be Red Tagged until another deposit is submitted to maintain a \$6,000 balance.

C. **\$6,000 Impact Fee.** Due upon Application Approval. In the unusual circumstance the Owner is unable to build, the Owner can request, in writing, a refund. This request will be considered by the Whisper Lake Board of Directors on an individual basis, at the next regularly scheduled meeting.

D. **\$1,300.00 or \$1,050.00 Infrastructure Upgrade Reimbursement.** Due upon Application Approval. Lots that paid the initial Infrastructure Assessment have a \$250 credit towards this fee. In the event the Owner is unable to build, the request for reimbursement is the same as the impact fee procedure.

AII FINES AND/OR ASSESSMENTS SHALL BE DEDUCTED FROM THE COMPLIANCE DEPOSIT BEFORE REFUNDING ANY REMAINDER TO THE OWNER. SHOULD THESE MONIES BECOME DEPLETED BEFORE CONSTRUCTION IS COMPLETE, THE SITE WILL BE RED TAGGED UNTIL ANOTHER DEPOSIT IS SUBMITTED TO MAINTAIN A \$3,000 BALANCE.

III DESIGN ELEMENTS, REVIEW PROCEDURES, and APPROVAL PROCESS

The ECC prefers that all owners/contractors building homes in Whisper Lake have a valid State of North Carolina contractor's license, however, the ECC will permit a homeowner to act as his own General Contractor, provided that the home will be built for the owner's occupancy/use for at least twelve (12) consecutive months following completion of construction (as per General Statute 87, Article 1, definition of General contractor).

No manufactured homes, modulars, or structures having the appearance of a mobile home or trailer will be permitted.

Architectural design elements – The house should be designed or chosen to be appropriate in character with the mountains, while reflecting the owner's individual style. Care must be taken to avoid inappropriate architectural styles and side-by-side duplications of homes. **SIMPLE BOX-LIKE STRUCTURES WILL NOT BE APPROVED.** Houses of similar design will not be permitted within 300 yards of each other.

Each lot shall be restricted to a single-family dwelling. Each single-family dwelling shall have a fully enclosed floor area exclusive of roofed or unroofed porches, terraces, garages, carports, or other outbuildings of not less than 1500 square feet with at least 1000 spared feet on the main floor.

The ECC will review final architectural drawings, site layout, and basic design of the house. Construction cannot commence until plans are reviewed and approval is given in writing by the ECC. Plans will be reviewed only when the submitted package is complete. Plans must be submitted one (1) week prior to the ECC meeting. The ECC regularly meets on the first and third Wednesday of each month.

A. The following must be attached to the completed ECC "Application to Construct":

1. One copy of Deed to Property
2. One copy of approval for septic tank system from County Health Department.
3. Whisper Lake dues and/or fines paid
4. ECC Certification of Compliance
5. Architectural Plans; 2 sets by a registered architect or an ECC approved owner/builder. Plans must be in ¼ inch = 1 foot scale and show square footage per floor and the total square footage.
6. Topographical survey: the survey must be rendered by a licensed surveyor showing setbacks, the location and basic dimensions of the proposed house (including overhangs), decks, porches, garages, carports, turnarounds parking spaces, driveway, septic tank, and drain fields. It must show the location of major trees (14" in diameter or larger, measured 12" up from ground level), the

house foundation, topographic elevations, location of all streams/waterways, and the location of silt fences. Structures must be a minimum of 25', measured horizontally, from the high water mark on streams/waterways. Set Backs: Each dwelling must be at least: Thirty (30) feet from the front Lot Line; Twenty-five (25) feet from the rear Lot Line; or 25% of depth of lot whichever is greater, in all lots in Whisper Lake. The side setbacks shall be 10 feet from the side lot lines.

7. Exterior Elevations at 1/4" = 1' scale. Show all four (4) elevations with architectural design as front elevations. Blending a home into the wooded environment requires good architecture, proper landscaping, and properly selected house colors.
 - a. Height Limit: All single family homes shall be limited to thirty-five (35) height above finished grade excluding chimneys when viewing the house from the streets. If the house is not visible from the street, the 35' shall be measured from the front of the house above the finished grade.
 - b. Long Blank Walls, fifteen feet (15') or more, must be broken with windows, decks, shrubbery, and/or breaks in wall plains, etc.
 - c. Roof Pitch: The roofs of all houses must be a minimum of 5-1/2:12 pitch. The Whisper Lake Board of Directors encourages the use of gables and hip roofs to break up the expanse of the roof plane.
 - d. Soffits: There must be a minimum of 16" overhang for all houses with a minimum 2"x8" fascia treatment.
 - e. Porches and Decks are to be designed as an integral part of the main structure and compatible with the overall architectural style.
 - f. Chimneys: All chimneys must be designed to be compatible with the design and color of the house. All chimneys must be topped with an approved spark arrester, installed to meet all applicable codes. The addition of a decorative cover over the spark arrester is encouraged but not required. All chimney metal surfaces must be painted black.
8. Exterior Material: Wood, hardy board and stone are acceptable exterior finishes; samples must be provided. Vinyl siding is not an option for exterior siding on new construction or as a replacement for wood siding on remodels. Homes with vinyl siding will be allowed to repair existing vinyl. Aluminum siding is not permitted in Whisper Lake. Wood trim must be exterior grade, stained or painted with colors approved by the ECC. Type, size, and materials of all openings must be indicated. Cedar Shakes, Metal, Slate, and Shingles (Architectural Grade only) are approved roofing materials.

Foundations: All concrete block and poured concrete walls shall be covered with stucco or material compatible with other exterior materials, and must be painted to match house color. Our steep terrain often results in very tall foundations, which are generally unsightly. While the foundations are to be treated as noted above for new house construction, the rules require much greater consideration of possible architectural measures to mitigate such situations. These mitigating measures may include extending siding material over a portion of the foundation

and other items such as installing windows, installing lower decks and railings, etc. The effect is to have home look like a multi-story house on a one-story foundation rather than a house on a multi story foundation. Some homeowners are choosing the techniques for retrofit and the Committee encourages such action.

9. Color Samples: Use of exterior materials and choice of color are seen as critical elements in achieving a subtle harmony between structures and surroundings – samples must be provided. The Committee will review and approve all colors that blend with the natural environment. The colors should lean toward the darker shades as it is believed they are more suited to our wooded surroundings. Any bare metallic surfaces (vents, pipes, gutters, flashing, etc.) should be painted or covered from view in a manner harmonious with the general exterior architectural treatment of the building and should be located along the rear roof whenever possible.

10. EROSION CONTROL PLAN: The ECC's NUMBER ONE PRIORITY is PREVENTING SILTATION of our STREAMS and LAKES: Our primary water quality problem is erosion and the ensuing sedimentation. Sedimentation destroys wildlife habitat, smothers fish eggs, kills fish, and destroys their food supply. Once our free-flowing clear streams get polluted with dirt, the entire ecosystem begins to change.

Because of the impact of uncontrolled storm water runoff from construction sites to surface water, the ECC requires that an Erosion Control plan be submitted with applications for "Permits to Build" in Whisper Lake.

- a. Disturb as little land as possible. Rhododendron, mountain laurel, and dog hobble must be preserved.
- b. Be an Effective Erosion and Sedimentation Control Plan that suits the site's topography, soils, drainage patterns, and natural vegetation.
- c. Install controls that protect your projects disturbed areas from off-site runoff and slow down storm water runoff as the site is being cleared.
- d. Stabilize disturbed areas immediately after grading, with ground cover and mulch.
- e. Rain from a roof must be channeled to undisturbed soil.

B. Other Structures and Improvements: All are subject to ECC review and approval.

1. Concealment of Fuel Storage Tanks. Fuel storage tanks shall be either buried below the surface of the ground or screened to the satisfaction of the Committee. Trash Receptacles and Air Conditioning or Heating units must not be visible from either the road or from adjacent lots.
 2. Fences and Gates: All property lines shall be kept free and open, and no fences, hedges or walls shall be permitted thereon without ECC approval. Limited fencing will be considered on an individual basis. Invisible fencing is acceptable for animal control. Gates are not encouraged but will be considered

on an individual basis. *Gates will be considered based on the style of the house, the location of the gate, and if the gate's design is within keeping with a mountain community.*

3. Stone Columns/Walls- Vertical arrangements will be considered on an individual basis by the ECC. From the middle of the road to an individual's property line is the road easement and therefore nothing should encroach (unless the right is granted by the ECC), i.e. fences, gates, rock walls, etc. If it is an existing or potential safety hazard to the public, the ECC will notify Public Safety Officer and hold owner/builder responsible for immediate elimination and/or resolution of the safety hazard.
4. Mailboxes with plain wooden posts and a black metal box are encouraged and preferred. Any other mailbox must be approved prior to installation.
5. Antennas and Satellite Dishes – TV Antennas and Satellite dishes are permitted but should be out of public view if at all possible, preferably on a roof line and not visible from the road.
6. Landscaping plans must be submitted to the ECC for review and approval.
7. Only pre-approved and properly constructed outdoor fireplaces and fire pits equipped with spark arresters will be allowed.

C. Review Process: The ECC meets bi-monthly to review plans and to approve or disapprove the "Permits to Build". Owners/Builders are encouraged to attend. The ECC will return (1) one set of plans to the owner/builder within (30) days. If approval is contingent upon specific changes, these changes will be made prior to approval.

1. All decisions by the ECC are submitted in writing to the owner/builder. Approval is not considered valid until the owner/builder has received notice of the approval in writing.
2. Any revisions or additions to existing structures or changes in landscape must follow the same procedures as new construction. The request must be submitted in writing to the ECC and accompanied by drawings. Approval is not considered valid until the owner/builder has received notice of the approval in writing.

As a part of the approval/review process for the construction/improvement on a Whisper Lake lot, the ECC reserves the right to recommend to the Whisper Lake Board of Directors to take action to suspend for a reasonable time period, as outlined below, the privileges of ECC construction approval for any contractor who has violated the Declaration of Covenants, the by-laws, or the Association Rules and regulations of the Whisper lake Association multiple times in the past. Such suspension shall take place only after a hearing is conducted as set forth in the N.C. Gen. Stat. #47F-#-107. This hearing will be before the Whisper Lake Board of ECC if a contractor who has been suspended, as set forth above, is involved in said suspension. This suspension shall last until all violations are corrected, as noted in the hearing.

Pre-Construction Site Visit: Members of the committee and compliance officers will conduct a site visit after approval for construction has been given and before any clearing or construction can begin.

Only the driveways, parking area, home, and septic drain field may be under brushed. The perimeters of these same areas should be color coded with ribbon/tape. Ribbon/tape should be tied around trees, never nailed or notched into the trees. Lots that are clear and open might not need to be under brushed, just color coded ribbon. The perimeter of 15' from the foundation of the home to be erected should be marked with green ribbon/tape. This must be clearly visible and pointed out to the excavator. This tape/ribbon must be in place after excavation has been completed since it marks the outside limits of the area that may be cleared.

During the Pre-Site Visit the ECC, compliance officers, and the owner/builder or construction site superintendent will discuss the following:

- Erosion Control Plan: to determine if the proposed Erosion Control Measures will be adequate, add additional measures if necessary.
- Location of the home, parking area and drive, and drain field in relation to property lines and setbacks.
- Location of Porta Toilet – should be out of public view when possible.
- Location of covered container for litter and approved containment area for building debris.
- Location of dirt piles, building materials, and the dug out concrete wash pit. All felled trees must be removed from site as soon as possible prior to construction. The ECC encourages the branches to be mulched and returned to disturbed land.
- Once the Site Visit has been successfully completed, a Whisper Lake Building Permit must be picked up from the management office and installed in a document box which should be visible from the road. Nailing the permit to a tree is not permissible.
- The owner/builder is responsible for obtaining a Jackson/Transylvania County Building permit. This permit must also be installed in the document box.

ALL CHANGES, ALTERATIONS, AND/OR MODIFICATIONS TO APPROVED PLANS MUST BE RESUBMITTED TO THE ECC FOR APPROVAL BEFORE CHANGES ARE MADE, INCLUDING DESIGN CHANGED, FOUNDATION LOCATION, DRIVEWAY AND PARKING LOCATIONS, ETC.

IV SITE PREPATION (CLEARING) AND EROSION CONTROL

A. What can be cleared? As a standard rule, the clearing of trees and vegetation will be limited to:

1. Driveway (single lane only with a 15' bed and a 12' tread), Turnarounds and Parking Spaces. Driveways will widen at entries and curves.
2. Homes and Maximum of 15' from the Perimeter of the foundation of home/other structures, or to the setbacks, whichever is the lesser amount.

Must always leave natural vegetation in set backs to maintain our park like settings.

3. Septic Tank and Drain Field (lines can usually be laid between trees).
4. Diseased or dead trees and trees more than 30% from vertical that may impact the house by winds or storms may be removed upon the approval of the ECC Committee.

B. What cannot be cleared?

1. During construction it is recognized that homeowners will want to take advantage of opportunities for views on their property. We would emphasize that no tree or plant may be removed, thinned, or limbed outside the allowable limits without the prior approval of the ECC.
2. All natural vegetation and trees must be left undisturbed along the banks of streams, lakes and other waterways fifteen feet (15) from the waters edge (high water mark). These areas act as a filter to keep sediment out of the streams, and they preserve natural beauty of the waterway.
3. It is imperative that trees be left on the ridges of our mountain tops to maintain the beauty and integrity of our environment. Therefore it is never permitted to build a house on the ridge without a backdrop of trees. The ECC allows limbing up of trees to obtain a view as opposed to removing trees. This rule should in no way completely obliterate the owner's view, but it would ensure that the new homes built on our mountain ridges would blend in with their natural surroundings and be a pleasure to view from below. In the unlikely event that there are no trees on a ridge building site, the owner will be required to plant trees and shrubbery to make the home blend into the environment.
4. Care must be taken to protect the root system of all existing trees that are to be preserved during the construction process. The existing grade must be maintained up to the drip line from the trunk of the tree.
5. Care must be taken to not cover the trees with dirt (from excavation work) and to keep dirt away from the trunks out past the drip line. Traffic must be avoided around the root system.
6. If trees, Rhododendron, mountain laurel, or dog hobble are cut down outside the allowable limits, without prior ECC approval, the owner WILL be fined and be required to replace the removed trees.

C. Erosion Control Devices: As the site is being cleared so must permanent, as well as temporary Erosion Control Measures be installed according to the Erosion Control Plan.

1. It is important to leave land undisturbed. Vegetation will naturally curb erosion, improve the appearance and value of the land, and reduce the cost of landscaping later. The time in which graded surfaces are exposed must be limited. After the site is graded, exposed surfaces must be mulched, planted, or otherwise covered. Mulched branches are acceptable ground cover. The

root system of existing trees must be protected. The existing grade must be maintained out of the drip line from the trunk of the tree, and care must be taken not to cover the tree trunks with fill dirt. All natural Waterways, Lakes, Mountain Ridges, and setbacks must be protected with a buffer of undisturbed forest of trees and natural vegetation.

2. Gravel Driveways should never exceed a sustained grade of 10% (10 feet vertical in 100 feet horizontal). If driveway has a sustained grade over 10% it must be hard surfaced. The preferred method is asphalt since it blends better with the environment.
3. Culverts: Installed in roadway ditch under driveway, where needed, are required to be a minimum of 15" inches in diameter and smooth core.
4. Embankments: All Road cuts and Road fill must have side slopes that are stable for the particular soil and conditions of the site, and the angle for graded slopes and fills must be no greater than an angle which can be retained by vegetative cover or other adequate erosion control devices within 21 days after initial clearing begins.
5. Silt fences: Must be installed immediately on all downhill periphery of any disturbed soil. Fences should be nearly level and at least 10' from the toe slopes to provide a shallow pool. Silt fences must be properly installed prior to disturbing upslope areas. They must be anchored by spreading at least 8" of fabric into a 6" V. trench on the upslope side of the fence and backfilled and compacted. Seed and mulch along the upside of the fence further strengthens its effectiveness. Steep upland slopes or having nearby waterways will require steel reinforced fence and posts. All silt fences must be replaced with living ground cover before the end of construction.

CONSTRUCTION CANNOT COMMENCE UNTIL THE COMPLIANCE OFFICER HAS DETERMINED THAT THE INSTALLED EROSION CONTROL MEASURES ARE SUFFICIENT AND MATCH THE APPROVED EROSION CONTROL PLAN.

FOUNDATION SURVEY REQUIRED: Immediately after footers have been poured, a foundation location survey must be obtained and submitted to the ECC office. Non-compliance will result in a fine and a Red Tag. Construction may not resume unless specific approval is given by the ECC in writing and/or the Red Tag is removed.

V. CONSTRUCTION SITE RULES AND REGULATIONS

- A. Trash Containment: All sites must be neatly maintained at all times during construction activity or be subject to an automatic daily fine.
1. A container, (trailer dumpster etc.) must be provided to contain building materials on site. Contractor is also required to provide a covered/locked garbage container for litter at the building site for use of his employees, sub-contractors, and tradesmen. It is to be kept functional and should be emptied on a weekly basis. No other vehicles, trailers, or temporary structures (other

than a port-a-potty) may remain overnight on a building site or a non-building vacant lot.

2. Any debris, concrete, or dirt dropped onto paved streets, easements, adjacent lots, and/or common areas must be removed from the surface the same day. Owner/Builder must provide on the building site and away from all surface water run ways an area for dumping concrete wash. **NO CONCRETE CAN BE DUMPED IN OUR ROAD SIDE DITCHES.**

3. Construction Materials and/or Equipment may not be stored in the road easement; they must be stored on the job site.

B. Temporary Toilet Facilities: Must be placed in an inconspicuous location, if possible. This facility must remain in place until the completion of the project.

C. Existing Utilities: The owner/contractor is responsible for knowing the locations and types of all utilities and must protect existing utilities during construction. The contractor and homeowner are responsible for damage to existing utilities.

D. Construction Parking:

1. Construction must allow for continuous traffic flow on roadways. Parking of all vehicles (construction and employee) must be on one side of the road only.

2. Parking (construction and employee) on roadside is not allowed overnight or after work hours.

3. Any damage to the roads and/or roadside during construction must be repaired by the Contractor at his expense prior to receipt of Compliance Deposit Refund.

4. The Contractor/owner is responsible for ensuring that his sub-contractors do not litter and do not exceed Whisper Lake's 20 and 25MPH speed limits. Any infraction will be reported to Blue Ridge Public Safety.

E. Personal Pets of Contractors, Subcontractors, and Tradesmen are excluded from the job site property without exception. The Whisper Lake Association discourages having children on construction sites. The owner of the lot is responsible for his contractors and/or subcontractors actions which includes bringing their children to the job site. If children are brought to the job site, they must remain within the confines of that lot.

F. Sign Policy: Advertisements on Whisper Lake roads and on any lot or association property is prohibited. Building permits must be placed in a document box on a post or structure, not a tree trunk. Improperly placed signs may be confiscated by the ECC, the Whisper Lake Board of Directors, or the Security Service without notice.

G. Job Site Fires: NO FIRES ALLOWED. Any clearing, underbrushing, lumber, and construction materials must be hauled off and not burned.

H. Work Hours: No field work, including lot clearing, building, or other type of construction work is permitted between dusk and daybreak, specifically the hours of 7:00pm to 7:00am, and all day on Sunday and all day on the following observed holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas.

- I. **Blasting:** No blasting is permitted on-site without six (6) hours notice to Public Safety. Steel mesh blankets or large quantities of dirt must be used to control dynamiting activities. There will be charge to the Deposit of compliance for any “off-limits” damage from blasting.
- J. **Erosion Control:** The ECC requires installation and maintenance of sufficient erosion control devices and practices to retain sediment within the boundaries of the construction site. These erosion control measures must be checked regularly and after any significant rain and must be repaired or replaced as necessary. Periodically collected sediment must be removed to maintain the barriers in an effective condition.
- K. **Post Construction Erosion Control:** Once the home is completed additional erosion control measures will be necessary to control water run off from the roof, such as gutters, flexible drain pipes, culverts, rain barrels, sediment basins, etc. All drain pipes must be underground.

By installing the proper (agreed upon at the site visit) erosion control measures at the beginning of the project and maintaining them during the project, owners/builders will avoid fines and the delay of “Stop Work Orders”. Non compliances may result in damage repair to adjacent properties and waterways, missed deadlines, and additional work and costs to re-grade the site. In severe cases litigation and civil penalties are not unlikely. If done right, the owner/builder can SAVE MONEY and enjoy the personal satisfaction of BEING a GOOD LAND AND WATER STEWARD and being a GOOD NEIGHBOR.

- L. **Transport Vehicles:** Any conveyance or wheeled vehicle ten (10) feet or wider and/or thirty (30) feet or longer requires a transport permit from public safety/security office. Application for a transport permit requires a minimum of forty-eight (48) hours prior to delivery, and the route of delivery must be specified for traffic and safety management. In transporting, no trees will be trimmed or cut along the route to the site.
- M. **Foundation Location Survey:** Contractor/owner must submit a site survey as soon as footers have been dug.
- N. **Owners/Builders** are responsible for the actions of all SUBCONTRACTORS that are employed on their construction site. The clearing of the site is a very important stage of construction in curbing erosion and sedimentation and subsequent violations. All effort must be made to ensure that excavators realize their significant role in preventing erosion and that they know what can and cannot be cleared.
- O. **Noise Pollution:** All job site noise is to be kept to a reasonable (work related) level.
- P. **Light Pollution:** Exterior lighting such as mercury vapor, sodium, quartz-type or any other type of high intensity lights now available, or which may become available in the future, are specifically prohibited. Only low intensity incandescent exterior lighting is permitted. Spotlights and floodlights may not be used in any manner which unreasonably annoys other owners. Spotlighting and floodlighting may not be directed towards any public road nor towards any lot other than that on which it is placed. *No further street lighting will be allowed.*

Q. Streams and Waterways:

1. All natural vegetation and trees must be left undisturbed along the banks of streams, lakes and other waterways fifteen feet (15) from the edge of water (high water mark).
2. Owner/Contractors are strictly prohibited from diverting water from natural flowing streams by means of trenches, pipes or other conveyances in order to construct waterfalls, ponds, additional streams or other water containing areas.

R. Trees, Natural Vegetation and Topsoil:

1. No trees or natural vegetation shall be removed beyond the allowable limits without prior permission for the ECC. Clearing of trees, natural vegetation and topsoil is limited to : driveway- fifteen feet (15') wide bed and a twelve foot (12') tread, Parking and Turnaround, House/other structures, fifteen feet (15') around the perimeter of the foundation (the ECC encourages builders to clear less if possible), and septic tank and drain fields (it is usually possible to put drain lines between trees.).
2. Cutting down trees and underbrush in our greenbelts (common areas) is strictly forbidden. No tree or bush, whether dead or alive, in any Whisper Lake greenbelts may be removed, trimmed, limbed, or disturbed in any way without the written permission of the Whisper Lake BOD.
3. Our valuable topsoil must be protected from erosion; it takes 500 years to develop one inch of topsoil. ECC encourages saving removed topsoil as well as mulched branches and returning them to disturbed areas, and planting native plants that are removed in the building process.
4. Trees and Natural Vegetation must be left in the set-backs, along our mountain ridges, and the lake in order to maintain our park like setting and help our home sites to blend into our beautiful forest.
5. Post construction landscaping is in order to obtain a final inspection from the ECC. This landscaping must include a high percentage of native plants, such as rhododendron and Mountain Laurel. Owners must also replace any trees removed outside of the foundation, drive, and septic area with two trees no less that 8' from the ground.

S. Inspections: Periodic unannounced inspections will be made by ECC Members, Property Management Members, and ECC Compliance Officers throughout any construction or other activity involving the ECC Rules and Regulations, Protective Covenants, and Policies. Access to owner's property for these inspections must be permitted at all times. Violations will be brought to the attention of the owner.

VI BUILDING POLICIES and RESTRICTIONS:

A. Time Frame for Building in Whisper Lake: An application approval to construct or an application for changes or renovations existing structures will remain in effect for twelve

(12) months following the effective date of ECC permit approval or building permit from Jackson/Transylvania- whichever is later.

Construction and all other improvements must be completed and a Jackson/Transylvania County Certificate of Occupancy issued within Twelve (12) Months and unless a variance has been obtained prior to the expiration of the deadline, owner/builder must reapply to the ECC and pay a fee of \$500 for a 6 months extension or be charged \$100 a month for every month after 12 months. A copy of the Jackson/Transylvania County Certificate of Occupancy must be delivered to the ECC office within 30 days after receipt. Failure to submit the CO within the 30 days will result in a \$100 monthly fee until the CO is received by the ECC office.

- B. ECC Compliance Refund will be issued after the house and landscaping are completed and the ECC has completed the Final Inspection. If seasonal weather prohibits planting, \$6,000 of the compliance refund will be held back until the landscaping is completed. The compliance deposit paid at the time of plan submission, less any fines not collected and less any actual costs to the ECC for repair of damages, will be refunded at the time of the issuance of the final inspection along with the certificate of occupancy

Should construction activity cease for ninety (90) consecutive days, or should the structure be partially or totally destroyed and not rebuilt within twelve (12) months, the structure shall be deemed a nuisance. The Association may remove any such nuisance or repair or complete the same at the cost of the Owner.

- C. Changes made after the initial home construction that change or alter the exterior of a home must be reviewed and approved by the ECC in advance of the commencement of such changes as:

1. Exterior Changes and Additions to existing structures including adding decks, porches, gazebos, and/or enlarging the floor plan, exterior painting (color samples must be submitted for all exterior painting), replacing existing roof etc., are required to meet all criteria established by these guidelines. All exterior changes or additions must be completed within 6 months. All additions 500 square feet or more must include a \$500.00-\$1500.00 non-refundable compliance fee, depending on the scope of the project, made payable to the Whisper Lake Association. All additions 12x12 foot or larger (separate from the existing home) and any size structure attached to the footer of the existing house must also have a Jackson/Transylvania County Building Permit.

- D. Accessory Structures: Accessory Structures, whether built during initial construction or later are subject to ECC review and approval.

1. Workshops, Storage Sheds, Carports, Gazebos, Patios, or Woodsheds, etc may not contain a bathroom and must be reviewed and approved by the ECC. These structures and Garages should be designed to be compatible with the house.
2. Detailed drawings must be submitted to the ECC showing the design dimensions, materials used, and the exact location of any structure and the location of any trees to be removed.

3. Driveways, Parking Areas, and Walkways. A detailed drawing must be submitted showing design and materials, and the exact location of any trees that must be removed.

E. Landscaping Changes: All major landscape projects, whether built during initial construction or later, must be approved by the ECC.

1. Landscaping projects where land will be disturbed with the possible need for silt fencing and monitoring of the land will be subject to a non-refundable deposit of \$500.00 made payable to the Whisper Lake Association at the time of ECC approval. If heavy equipment is needed for the project there will be an additional road impact fee.
2. Fire/Controlled Burns. Property Owners may clear and burn only branches and stems 3 inches or less in diameter and must obtain a burning permit from the county prior to doing so. Fires must be 100' from any occupied structure. Property owner shall be responsible for safe containment of any such fires.

F. Removal of Trees and Under-brushing:

1. Removal of trees and underbrush for safety reasons, or to obtain a view, aesthetic considerations, dead or dying trees, etc., require a permit from the ECC. An ECC member will meet the Owner/Contractor on site to verify what trees will be removed, or what will be under brushed. After the request is approved the permit may be picked up at the ECC office, and the permit should be displayed in public view while tree cutting and under brushing is in progress.
2. Removing a tree in sections is desirable in areas where space is limited or in areas where the remaining trees and shrubs are to be protected. It will cost more than dropping an entire tree at one time, but the vegetation saved using this method makes the increased cost worthwhile.
3. The ECC is committed to helping owners obtain a view of our mountains while ensuring that the impact to the environment is limited. Trimming up trees rather than removing them to obtain a view is encouraged whenever possible. Clear cutting and tree topping is never permitted.

G. Private Docks: Lake front lot owners who reside in a house on the property may build a private dock.

1. A building permit for the dock must be received from the County and an application to build the dock must be submitted for approval to the ECC.
2. Only stationary (non-floating) docks are allowed. Docks must be 4x8 feet, two (2) of which must be secured on the lot allowing only six (6) feet to extend into the lake.
3. Dock framing must be constructed of 2x6 pressure treated Southern Yellow Pine. Pylons must be constructed of sharpened 4x4 pressure treated

Southern Yellow Pine. The deck band must be constructed of 1x8 iron wood or Trex. All materials must be left natural in color.

4. No visible ladders or other attachments will be allowed on the dock. No removable items (cooler, raft, chair) may be left on the dock.
5. The homeowner must obtain liability insurance for the dock. Final building approval will not be given until proof of insurance is submitted to the ECC.

VII VIOLATIONS:

1. Trees and natural vegetation removed or destroyed beyond allowable limits without ECC prior approval

Clearing beyond the allowable limits without ECC approval Up to \$1,000

Each tree removed or destroyed beyond the allowed limits Up to \$1,000

Owner will be responsible for replacing any vegetation removed with equal amounts of vegetations as determined by the ECC.

2. All changes, alterations and/or modifications to approved plans not resubmitted to the ECC for approval before changes were made. Including, but not limited to, changes in the location of foundation, driveway, parking area or house plans.

For changing approved plans without ECC approval Up to \$1,000

For each change made without ECC approval Up to \$1,000

Stop work order (red tag) and resubmitting modified plans Up to \$1,000
Owner is responsible for any corrective measures.

3. Failure of Builder/Owner to install and maintain sufficient erosion control devices and practices to retain sediment.

Failure of the erosion control methods to stop siltation from occurring within the construction site. Up to \$1,000

Visible off-site siltation or silt having made its way into drainage ditches or streams. Up to \$1,000

Stop work order (red tag) Up to \$1,000
Owner is responsible for corrective measures.

Failure to submit the Jackson/Transylvania county Certificate of Occupancy within 30 days of receiving it from the county will result in a fine of \$100 per day after the 30 days until the CO is submitted to the ECC office.

Where erosion control or other environmental violations exist, the corrective action must be taken immediately (within 24 hours of verbal or written notice). The above fines will automatically go into effect the day the owner/Contractor is notified of being in violation and will be deducted from the compliance deposit. It

is Owner/Contractors responsibility to notify the ECC office when the violation has been corrected. All violations will be inspected daily and if they are not corrected a new violation will be written up each day until corrected. Each violation will incur a separate fine.

The ECC will set the fine amount on a case by case basis for all other violations to the rules and regulations.

* Appeal of Committee Decisions: Owners not satisfied with committee decisions may appeal the case in writing to the Whisper Lake Board of Directors within 10 days of such a decision. The ECC Committee will submit to the Whisper Lake Board of Directors the rationale for denial.

VIII RENOVATIONS, ADDITIONS, AND LANDSCAPING

ALL RENOVATIONS, ADDITIONS, AND LANDSCAPING PROJECTS, WHETHER BUILT DURING CONSTRUCTION OR LATER, ARE SUBJECT TO ECC REVIEW AND APPROVAL.

This section provides specific instructions for the execution of home improvement/maintenance projects done after the initial house construction is completed. It is imperative that owners and contractors stay within these rules or apply for a variance prior to making changes to approved plans or be faced with fines which are outlined in this document.

The owner must present a written outline of the planned project along with a survey in which the proposed changes have been drawn. The plans must be to scale. "Before" pictures (4x6) must be included along with color and material samples. A copy of the Standards and Regulations signed by both the homeowner and contractor must be included. These documents must be presented to the ECC office one week prior to the regular scheduled ECC meetings. The ECC meets on the first and third Wednesday of the month. The project must be completed within six (6) months. If the owner is unable to complete the project in this time period, an extension must be applied for one month prior to the expiration date of the permit. These instructions apply to the following:

GENERAL MAINTENANCE AND UPKEEP

This includes roof replacement using the same color of architectural shingles, repairing siding, replacing one or two windows of equal size, and repainting with ECC approved colors. A road impact fee will be required if a dumpster is used. Whisper Lake owners are expected to maintain their property and structures. The Environmental Control Committee will periodically inspect Whisper Lake homes and note any properties that require upkeep. Owners will be notified of specific concerns and given reasonable time to correct the necessary issues. If the owners do not comply within a reasonable time period, the Association may provide the necessary services and the cost will be passed along to the homeowner as per the Whisper Lake Declaration of Covenants, Article IV Lot Restrictions, D. Maintenance of Lots.

REMODELING/ADDITIONS-(MODIFYING THE EXISTING STRUCTURE)

This includes replacing siding, changing the roof line, adding decks, room additions, garages/carports that are attached to the main structure. Siding and colors must be

approved. Vinyl siding is not an option for exterior siding on new construction or as a replacement for wood siding on remodels. Homes with vinyl siding will be allowed to repair existing vinyl.

FREESTANDING ACCESSORY STRUCTURES

This includes gazebos, garages, carports, workshops, storage sheds, woodsheds, and guest houses. These structures may not contain a bathroom and should be designed to be compatible with the house.

LANDSCAPING

This includes all work where land will be disturbed and heavy equipment will be used, such as hardscape, fences, water features, columns, walls, fire pits with fire arrestors, etc. REMEMBER: The State of NC and Jackson County require that the land not be disturbed within the 15' high water mark of streams or lakes. NO diversion of streams or lake are permitted.

TREE/VEGETATION REMOVAL PERMITS

A Home Owner requesting to remove trees on his/her property must contact the ECC office. An ECC member will visit the site and either give permission or deny permission to remove the tree(s) in question. A request for the removal of five (5) or more live trees requires the approval of two ECC members.

Generally the committee permits the limbing up of trees or the removal of a limited number of trees to obtain a view. Trees that are close to the house and that are at risk of falling on the structure are usually permitted to be removed. There is no question that diseased or dead trees may be removed with the permission of the ECC.

A tree permit is valid for 30 days and must be signed by an ECC member. Pre and post-cutting pictures will be taken by an ECC member.

The committee does not allow removal of Rhododendron or mountain laurels along streams, lakes, and setbacks. Under no circumstances is root matter to be removed within stream and lake setbacks. Under brushing requires the approval of the ECC.

FIRES/CONTROLLED BURNS Property owners may clear and burn only branches and stems 3 inches or less in diameter and must obtain a burning permit from the county prior to doing so. Fires must be 100' from any occupied structure. Property owners shall be responsible for safe containment of such fires.

WORK HOURS

No field work, including lot clearing, building, or other type of construction work is permitted between the hours of 7:00pm and 7:00am, and all day on Sunday and the following observed holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas.

FEES

Fees are determined by the ECC at the time of the review of the project. The fees listed below may or may not apply to the project.

Design Review \$500 maximum depending on the size of the project.

Compliance Fees \$1,000 refundable if no violations occur. If the deposit is exhausted, work will stop until an additional \$1,000 is deposited.

Compliance Officer Fee \$600 if the project exceeds 6 months. \$50 per month will be charged for every month the project exceeds the time period.

Road Impact Fee \$200-\$6,000 depending on the scope of the project. Whisper Lake Roads were not constructed to withstand the effects of heavy equipment traffic. Heavy trucks, trailers, and other equipment are major contributors to the need for road maintenance and repair. The following road impact fee guidelines have been established for Renovations, Additions, and Landscaping projects. The fees are intended to help offset community road resurfacing and repair costs.

There shall be no fee for the use of two axle trucks and trailers rated to carry a load of 2000lbs or les. Small shuttle trucks to move furniture are also exempt from an impact fee.

An impact fee of \$150.00 will be assessed for the use of trucks and trailers with more than two axles and those rated to carry a load greater than 2000 lbs. this would include trucks used to haul rock, dirt, mulch, tree cuttings, brush, and other materials.

An impact fee of \$200.00 will be assessed to cover the cost of setting and removing constructions dumpsters.

An impact fee of \$250.00 will be assessed for the use of cranes and other types of heavy lifting equipment.

FINES

All violations will be documented. All violations will be fined up to \$1,000 per violation. If upon re-inspection the violation is not corrected a daily fine will be charged. The unauthorized felling of trees is fined \$100 per tree. Said trees must be replaced with a 10' tree measuring from within 30 days or a daily fine of up to \$1,000 will be issued upon re-inspection.

Fines can be levied for the deviation from plans, unauthorized trees or shrubbery removal, silt fences not dug in properly, erosion, unauthorized color or material changes to name a few. If in doubt the owner/contractor is advised to contact the Management office.

IN WITNESS WHEREOF, these ECC Rules were duly adopted by the Board of Directors for the Whisper Lake Property Owners Association, Inc., on this the _____day of _____, 20____.

President:_____

Witness:_____

