



AVALON

Mountaintop Living. Endless Possibility.

Haywood County, North Carolina

ARCHITECTURAL DESIGN GUIDELINES

March 2, 2020



DESIGN GUIDELINES

PLANNING YOUR NEW HOME AT AVALON

The Avalon Community is situated in an ecologically significant region within the eastern United States and is characterized by major expanses of healthy forest, diverse ecological communities, high-quality wildlife habitat and unique environmental features. The natural beauty of the surrounding forested slopes, valleys and ridges are what make the Avalon Community a premier Mountain destination.

These guidelines are intended to establish the vital role that the natural environment plays in defining the community by establishing development strategies to protect these features from adverse effects. Maintaining this beauty and integrity of the natural environment at Avalon is of utmost importance to the overall success of the community and to the long-term value of the individual properties within the community. Therefore, it will be the design philosophy at Avalon to emphasize environmental conservation to protect the community's natural resources through thoughtful planning, design, construction and long-term management.

To meet the development objectives of the Subdivision, the developers, owners, and designers must follow a comprehensive design process. This process began with the development of the subdivision concept and continues with development improvements all in accordance with these guidelines and the covenants.

WHAT IS THE ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee (ARC) will conduct the review process of your new home at Avalon and the ARC can provide answers to questions you or your design professional may have regarding the Avalon Design Guidelines. The architectural review process is a mechanism that works to protect and preserve the character and quality of development within the Subdivision. This process is that it also works to protect and preserve the value of an investment in the community.

WHAT ARE THE AVALON DESIGN GUIDELINES

The Avalon Design Guidelines act as a basis to create any new home design for the Avalon Community. No exterior construction, addition, or alteration shall be made until the plans and specifications of such work have been reviewed and approved by the ARC. Any plans and specifications that are submitted to the ARC for approval shall provide enough detailed information to allow the committee to review the nature, kind, shape, height, materials and location of the proposed improvement.



As with any guidelines of this type there will be exceptions to the recommended procedure, but unless approved by the ARC, all submittals should be based on this document. Each house design must be integrated with its building site. The sum of the site and house (the parts) will help to shape the image and character of Avalon.

WHAT IS THE APPROVAL PROCESS AND WHAT IS REQUIRED

ARC meetings will be held the second Friday of each month or as needed to review design submittals. Completed submittal applications and submittal documents should be received by the ARC no later than seven days prior to the review date. Each owner and/or designer must follow the Avalon Design Process.

THE AVALON DESIGN PROCESS

- **Site Analysis:** Following a complete tour and orientation of the Community, each property owner must visit the site and conduct a visual survey of the setting, the immediate surroundings and the broader environment. If an architect or design professional is involved, they must also be a participant in this orientation process. It is imperative that all designers fully understand the specific conditions existing on each site and its context within the community. This is especially important, given the varying terrain and to preserve trees.
- **Plan Review:** Final construction documents shall be submitted to the ARC in accordance with submittal guidelines for review by the ARC. Applicable changes must then be made if requested and resubmitted to the ARC for approval. If no changes are requested, approval will be granted.
- **Final Site Visit:** A representative of the ARC will make a visit to each building site upon substantial completion of each new home to verify that construction has taken place in accordance with the Avalon Design Guidelines.

AVALON DESIGN SUBMITTAL AND CONSTRUCTION INSTRUCTIONS

Applicants shall submit the following items to the ARC for Plan Review.

- A copy of all documents and samples listed on Appendix A
- A \$500.00 review fee made payable to the Avalon Owners Association.



The ARC will not review any incomplete submissions. Plans received after the submittal deadline may be deferred to the next meeting cycle.

After review, the ARC will either issue its approval, or request the applicant to make modifications to the plans. The ARC will issue a letter to the applicant informing of its decision. If the applicant believes that the ARC is making an unreasonable request, the applicant has the option of appealing their case before the board of directors of the Property Owners' Association at its next regularly scheduled meeting. If modifications are required, the applicant should make all agreed revisions to the submission documents and submit a completed final submission to the ARC for final approval.

It is anticipated that most decisions made by the ARC will be made within (30) days after submission of all information and materials reasonably requested. No approval shall be inconsistent with the Design Guidelines unless a variance has been granted in writing by either the ARC or the board of directors of the Property Owners Association.

Changes During Construction

If changes to an approved plan become necessary during construction, Form Two (APPLICATION TO MAKE CONSTRUCTION OR DESIGN CHANGE) should be submitted to the ARC. The applicant will be notified within 10 working days of submittal to the ARC for approval, disapproval, or request for additional information. A major change to construction already in progress will require an additional \$250 review fee made payable to the Avalon Owners Association, prior to commencement of the construction change.

Final Inspection

To confirm plan compliance, a final inspection will be conducted by the ARC following completion of all planned construction and landscaping. The owner or builder shall submit a completed Form Three (REQUEST FOR FINAL INSPECTION). The ARC will make the inspection within 5 working days.

Enforcement

The design and review guidelines contained herein have been developed to encourage good designs, and to preserve community resources to enhance property values. To maintain these goals, any construction that takes place without the ACC's written approval may require removal.

Construction Impact Fee:

A non-refundable construction impact fee in the amount of \$3,000.00 shall be paid by the owner / or builder to the Avalon Owners Association prior to the start of any residential construction.



SITE DESIGN GUIDELINES

Setback Requirements

All buildings and accessory structures (including dog houses, bird houses, recreational and play structures, out buildings, gazebos, patios, decks, terraces, swimming pools, etc.) shall be placed on the lot within the required setback lines. All new construction shall be subject to a setback inspection by the ARC. Failure to comply with setback requirements may result in the requirement for removal, and withholding future permits. The amount of fine for each violation shall be within the discretion of the Board.

The property owner or their representative may request a variance from an existing setback line. Variances may be granted if the ARC determines that the setback presents an undue hardship or is necessary because of the terrain. The ARC will grant or deny all variance requests in writing. Encroachment on an existing setback line without a written variance shall be subject to the proposed structures relocation. The Setback requirements for structures and the minimum square footage for houses shall be:

PLANNING REQUIREMENTS				
Min. House Size (square feet)	Max. Building Height	Rear Setback	Front Setback	Side Setback
1,600 (1,800 if two-story)	35'	25'	20'	10'

Clearing and Grading

The site design shall clearly show all clearing and grading required. If slopes resulting from site grading are at such an angle as not to allow for its quality maintenance in grass, then they must be stabilized with appropriate ground cover (see appropriate landscape material section). Site grading shall be done in a manner that prevents any detrimental drainage of surface water onto adjoining property.

Every effort shall be made to protect trees that are 6" in diameter, or greater. If a tree 6" and greater needs to be removed, the Architectural Review Committee (ARC) may require additional trees be planted to offset the loss. Tree barricades or fencing must be installed prior to any construction to preserve protected trees. Parking and equipment storage must be avoided within the drip line of protected trees.

Grading plans must take into consideration adjoining lots. Lots must be graded so that the drainage will be retained on site, all care must be taken to prevent any run-off from entering the street or toward any structure on adjoining property. Grading must assure that water leaving the site is not concentrated but leaves the lot as "sheet water".

**Utilities:**

All utility services in Avalon have been placed underground. Transformers, junction boxes, HVAC and electric meters must be screened with fencing or plantings as needed. Any use of satellite dishes, solar collectors or other utility structures must be reviewed and approved by the ARC on an individual basis and in all permitted cases must be screened from view. The location of HVAC screening shall be shown on the preliminary landscape plan and site plan (if applicable prior to receiving final approval for construction).

Driveways

No driveway may be closer than 30 feet to a street intersection as measured from the right-of-way line to the edge of the driveway. Driveways less than 5 feet from the property line shall be screened with plantings or an approved fence. Guest parking spaces are allowed. A minimum of 3 feet should be provided between the property line and edge of pavement for plantings or fencing. Owners are encouraged to utilize a permeable driveway system or limited amounts of material in the wheel path may consist of asphalt, concrete, stamped concrete, or stone/ brick pavers. Decorative entry features where the driveway meets the street must be approved by the ARC. Poured concrete drives must have a minimum thickness of 4 inches. The use of welded wire mesh or other similar reinforcing is encouraged. Motor homes, campers, boats, motorcycles, off-road vehicles and other recreational vehicles must be stored in an enclosed garage. They shall not be stored on the streets, driveways, or guest parking areas.

Fences and Walls

Fences and walls must be compatible with the architectural style of the house and should be used primarily for screening and defining outdoor space. Walls, fencing or landscape materials are required to screen HVAC equipment and outdoor trash receptacles (if applicable).

Walls and fences must maintain a scale appropriate to the house and not block desirable views and vistas or negatively impact the aesthetic of adjacent property. Walls must be built of the same material and color as the house exterior. Stained wood or stone are the preferred fence materials, while wrought iron or decorative anodized aluminum are allowable materials. Dark colors shall be used for fences made of metal. Chain link or welded wire fencing are not allowed. Walls may be constructed of brick. If the house is brick, the bricks in the wall should match. Retaining walls may be constructed of brick, stone, interlocking block and pressure treated timber, and must be concealed (screened) with planting of landscape material.

Privacy fences and fencing used for screening may be allowed. Fences located on property lines are discouraged. For front yards the fence must not exceed 3 feet while side and rear fences may not exceed 4 feet. Trellises may not exceed 8 feet. Both sides of fences must be finished.



Pools and Hot Tubs

The ARC will review all pools and hot tubs on an individual basis. Pools, tubs, and equipment enclosures must relate architecturally to the house and other structures around its placement including the materials and detailing. No above-ground pools or inflatable bubble covers will be allowed. Swimming pools must be of moderate size and they must be located within an area that will minimize the disruption of any natural grades. All pools and hot tubs must have appropriate fencing and screening. ARC approval is required for these items prior to beginning construction.

Irrigation

Irrigation systems are recommended for maintaining lawn and landscaped areas and promoting a healthy, green appearance throughout the neighborhood. Irrigation systems should be zoned according to available water pressure. Irrigation heads must be designed to direct water away from houses, walls fences, sidewalks driveways and public roads.

Landscaping and Plantings

A landscape plan as outlined in Appendix "A" shall be submitted with the application for construction. All landscape construction shall be completed within the allowable construction period. Landscape plans must meet the following minimum criteria to be approved: 1.) The entire foundation of the home (except areas of egress) shall be screened with evergreen plant material. 2.) All plant beds shall be mulched with pine bark, pine straw, hardwood or cypress mulch 3.) The ARC reserves the right to accept or reject any landscape plan based on its sole discretion. Native plants are preferred. Plants for screening should be appropriate and of sufficient size and spacing to ensure an adequate buffer within three to five years. Utility areas must be screened or incorporated into the garden so as not to be visible from adjoining property.

Erosion and Drainage Control

Control Erosion and sediment control, such as straw bales, silt fence, straw matting and seeding or sodding, must be used to prevent the washing of earth into ditches, conservation areas, streams, lakes, and ravines, or onto adjacent lots during and after construction.

Design and implementation of site work must provide for necessary grading, tilling, drainage pipes and drainage-ways, that ensures the stabilization and prevention of soil erosion. Provisions must be made for existing drainage courses and structures. drainage courses and structures.

Owner or builder shall be responsible for drainage control on the lot where construction occurs. The builder shall carefully check conditions during site clearing, grading and foundation work to insure controlled drainage.



ARCHITECTURAL REQUIREMENTS & CHARACTER

Creative and sensitive architectural solutions are encouraged to complement each site, to express the design concept of the individual owner and to contribute to the Subdivision as a whole.

The community shall consist of a harmonious blend of traditional residential architectural styles. Richness, simplicity and rationality shall serve as guiding principles in the design of Avalon residences. The following guidelines both recommend and suggest design elements of a home appropriate to the Avalon community, from the general to the specific. There is not a single architectural character that is required, but the objective is a range of well detailed, correctly proportioned homes that will complement each other and will together create a true community.

Forms

Steeply pitched roofs not less than 8:12 pitch and generous porticos are recommended. Height and profile must be determined by the individual lot setting. Massing should be scaled to the site, again recognizing the surroundings.

Vertical Massing

Vertical massing shall be carefully resolved using the natural tree cover as the primary height determinant. Low profiled structures are generally encouraged for sites presently without tree cover. New trees and other plant materials should be planted on the property as early as possible in these open areas to provide required visual screening within a short period of time.

Space

A Well-developed inside outside special relationships are desirable. Rooms should open onto porticos, terraces, decks and balconies.

Siting

Integration of grounds, drives, parking, and yards is essential. Owners are encouraged to install a permeable paving system where possible. House, courtyards, porticos, greenhouses, service yards and support buildings should create a unified design solution utilizing similar massing materials and detailing of the entire residence. All applicable building codes must be observed.

Detailing

When detailing structures, it is highly recommended to consider the architectural styles that have been previously approved within the community, and to the various construction technologies that are were utilized to create these visually harmonious home sites.



Building Size

Appendix B lists the minimum heated square footage. It is calculated as the total of all interior areas within the roofline of the building, exclusive of open porticos, terraces, attics and similar areas. However, up to 200 square feet of the minimum heated square footage may be provided by covered porches if the roofline forms an integral part of the main building. Houses shall not exceed 35 feet in height, or two stories measured from the main floor to the roof top.

Exterior Elevations and Details

Materials used, and construction techniques employed, shall be primarily those that are typical to a mountain home.

Some of the approved vernaculars of architecture would include:

- Western Vernacular
- Craftsman
- Mountain Park Style (Heavy Timber and Cut Logs)

Inappropriate vernaculars of architecture would include:

- European / French and English Country
- Contemporary / Modern
- Mediterranean
- Art Deco
- Log houses that are obviously “kit homes” that are factory built for site assembly

Low maintenance materials are encouraged. Bright colors are not consistent with the wooded surroundings and are strongly discouraged. Roof colors and textures and exterior wall materials must be compatible with the setting and reflective of traditional mountain architecture. Earth tone colors are strongly recommended.

Foundation / Slope Conditions

All exposed foundations shall be of masonry materials. The design shall introduce break of plane at the main level of finished floor line. Brick shapes, rowlock bands or a stone ledge are all acceptable breaks.

Breaks using Hardie Plank and Shingle

Drip caps at transition or skirt board are acceptable transitions depending upon the character of the architecture.

Exterior Veneers

Mixing of materials is a recommended method for adding character and to break up the mass of the home. Color schemes must blend and compliment the natural surroundings. Any change in materials should occur on an inside corner. No material change shall occur where the thickness of the material is clearly visible.



Approved Siding Materials

Brick: Should consist of wood mold or wood mold textured bricks with varied color and texture. Earth tone brick colors are strongly recommended. Mortar colors shall contrast with the brick, but it must be complementary to the brick color. Recommended color ranges for mortar include buff, Coosa light, ivory buff, grey and sand. No red mortar shall be used.

Siding: Horizontal siding shall be solid wood or concrete solid board such as Hardie Plank or equal. Vinyl materials are not acceptable. Horizontal siding shall have a 6" maximum exposure and a 4" minimum exposure. Corner boards to be 1" or 5/4" x 6" typical.

Shingle: Shingle siding shall be cedar or concrete shingle. Shingle pattern shall be of varied width with straight or saw-tooth pattern. Woven corners are strongly encouraged, but 1" x 6" minimum corner boards are acceptable.

Board and Batten Siding: B & B must consist of wood boards or concrete solid panels with wood or synthetic battens. Vinyl materials are not acceptable. Corner boards must be 1" x 6" minimum.

Stone or Stone Veneer: Natural stone is strongly recommended, and any stone palette intended for use must be submitted to the ARC and approved prior to installation. Stone must not be supported by any other material. For example, stone must not be used directly above a brick or block foundation.

Approved Window Treatments and Trim Materials

Respect must be given to the true tradition of the architectural styles of the windows used. Limit the architectural style of windows to one type when possible. Window openings and heights must relate to other design features of the house. Avoid the unplanned look of smaller bathroom or kitchen windows in visual conflict with windows of major scale. All double hung or casement windows must have a muntin pattern appropriate to the style of the home. Window type, style, casing and mutton pattern must be consistent around all sides of the house. Casing width must be 3 1/2" minimum. Recommended casings include 1" x 4" with backband, WM-3, 1"x4" or equal. Windows that are painted or stained wood are permitted along with aluminum clad wood or vinyl clad Wood windows. Color coated aluminum trim and Hardie Trim ® are acceptable trims along with standard painted or stained wood trim.

Bay Windows: Angled bay windows and box bay windows may be appropriate, depending upon the style of the architecture. Careful attention must be given to the height of the area above the window head. This should be minimal and often requires a lower ceiling inside bay. Bay window projections facing the street should extend to grade. Cantilevered bays may be permitted subject to the final design treatment through the use of corbels, brackets, ledges or trim.



Shutters: If shutters are used then they shall be one half the width of the adjacent window and of the same height. All shutters are to be operable with hinges and shutter dogs. Approved shutter styles include panel, louvered and batten. Twin double hung windows with typical half shutters are discouraged.

Dormers: If dormers are used, they must be appropriately detailed and proportioned to match the historic precedent for the style home chosen. The area above the dormer window must be minimal and in proportion to the rest of the dormer. Dormers do not require gutters and downspouts.

Doors: All exterior doors will be 8'-0" tall. A transom over a 6'-8" door is permitted in lieu of 8'-0" doors. Two-story glass entries are inappropriate. Storm and screen doors are not permitted on the front of the home.

Garages and Garage Doors: Side-loaded or rear loaded attached garages are preferred. However, frontloaded attached garages are allowed, provided their presence on the front facade is minimized. For example, the front plane of the front-loaded garage must be set back a minimum of 5' from the plane of the main house front elevation. Garage doors on frontloaded garages must include panels, trim, etc., to enhance their appearance from the right-of-way. Garage doors must be carriage type doors made from wood or a composite material that emulates wood. Standard sixteen panel garage doors are inappropriate. A flush door without applied molding is inappropriate.

Porticos, Porches, Patios, Terraces, Decks and Front Stoops: All front porches should be a minimum of 8'-0" deep. Round or square columns are appropriate but careful attention must be given to the correct proportions of the width and height to match the homes style and character. Align any columns with the shaft directly below the outside face of the entablature above. Common use of porticos or porches is encouraged. Outdoors, uncovered living areas must be constructed with materials and colors that are compatible with the exterior materials and detailing of the house. Railings must be consistent with the architectural character of the house. Patio and terrace surfacing material must be concrete, stone, slate or pavers. Exposed concrete steps and sides and raised wood platforms on front stoops and front porches will not be permitted. They can be screened or glazed to provide inside / outside transitions.

Roofs, Gutters, Downspouts Cornice and Trim: Roof material must be either cedar shingles, architectural (dimensional) asphalt shingles (25-year or longer), slate, metal or synthetic slate. Metal roofs are encouraged to be used as accent roofs and color usage will require approval of the Declarant or the ARC. Colors that are compatible with the elevations and surroundings must be used. Roof vents and accessories must be located on the part of the roof unseen from the right-of-way and must be painted to match the roof color. Gutters shall match the fascia trim color or shall be copper. Half round or ogee gutters are approved. Downspouts shall match the exterior wall trim or be copper. Flue pipes shall be incased within the chimney enclosure where possible.



Cornice proportions and style must be in keeping with the character of the home. Metal flashing in cornice returns are to be installed at a minimum 3:12 pitch. Traditional closed cornices as well as exposed rafter tail cornices are appropriate but must match the home design. "Birdbox" style cornice returns are inappropriate.

Architectural Diversity

To maintain diversity of architectural designs within neighboring areas, any essential duplication of exterior architectural design will not normally be permitted when both structures are within visual range of each other.

Accessory Structures

Accessory structures (detached guest houses, garages, workshops, storage sheds, greenhouses, refuse facilities, doghouses, gazebos, bird baths, playhouses, etc.) must be limited to two accessory structures per lot. An accessory structure must be located as an integral part of the site plan (architecturally, landscaping, and materially) and must not create a nuisance or breach of privacy. All accessory structures shall be subject to approval on a case by case basis.

Entry

The primary front entrance should be emphasized with a sense of prominence that distinguishes it from other entrances. It must be sheltered on the exterior and have prominent single or double doors and detailing that is consistent with the house style. All entry doors and their color must be approved by the ACC.

Lighting

Every effort must be made to utilize light fixtures that do not permit the light source to be seen from the field of view. Exceptions to this are as follows: exterior post lamps, low voltage landscape lighting, seasonal or holiday lighting, and decorative carriage lights mounted on the house. All exterior light fixtures shall be compatible with the architectural style of the home. All exterior lighting locations must be shown on the site and architectural plans.

All proposed site lighting shall be detailed on the landscape plans. Exterior lighting, including security lighting, will not be permitted when it would create nuisance to the adjoining property owner. Colored lights are prohibited.

Chimneys

Chimneys must be appropriate in size, scale, material and design to the style of the architecture. All chimney structures visible from the exterior, outside wall of the home should extend all the way down to grade so as not to appear unsupported. Pre-fab fireplaces must include a UL approved cowling at the top of the chimney.

**Modular Construction**

All buildings must be built on site. No modular buildings are permitted other than packages for steep sloped sites or pre-cut log packages with prior approval by the ARC.

General Note

Other materials, styles and guidelines may be considered on a case by case basis. The Architectural Review Committee shall determine the appropriateness of exterior materials and colors for all construction.



LANDSCAPE DESIGN REQUIREMENTS

All new landscaping within the Avalon community must consist of native/non-invasive plant species. The following list describes those species.

TREES		
Common Name	Scientific Name	Size, Growing Conditions, Coloration
Striped maple	<i>Acer pensylvanicum</i>	Small to 30 ft.; sun/shade; white striped bark; green fls; light yellow fall leaves
Red maple	<i>Acer rubrum</i>	Tall tree to 80 ft.; sun/shade; early red, sm. flowers; red-yellow fall leaves
Sugar maple	<i>Acer saccharum</i>	Tall tree to 80 ft.; sun/shade; early yel, sm. flowers; red-yellow fall leaves
Serviceberry	<i>Amelanchier arborea</i>	Med. tree to 50 ft.; sun/shade; early white flowers; reddish fall leaves
Alleghany serviceberry	<i>Amelanchier laevis</i>	Med. tree to 50 ft.; sun/shade; early white flowers; reddish fall leaves
Yellow birch	<i>Betula alleghaniensis</i>	Tall tree to 80 ft.; sun only, shiny black bark; yellow fall leaves
Sweet birch	<i>Betula lenta</i>	Tall tree to 80 ft.; sun only, shiny gold bark; yellow fall leaves
Ironwood	<i>Carpinus caroliniana</i>	Small to 30 ft.; sun/shade; sinuous smooth bark; yellowish fall leaves
Chinquapin	<i>Castanea pumila</i>	Small tree/shrub to 20 ft.; sun better; sweet small nuts in late summer
Alternate-leaf dogwood	<i>Cornus alternifolia</i>	Small tree/shrub to 20 ft.; sun/shade; tiered branches; sm. whitish fls; bl/red fruits
Flowering dogwood	<i>Cornus florida</i>	Small tree to 30 ft; sun better; white-bracted fls.; scarlet fruits & leaves
American beech	<i>Fagus grandifolia</i>	Tall tree to 80 ft.; sun/shade; smooth grey bark; yellow/brown fall leaves
White ash	<i>Fraxinus americana</i>	Tall tree to 80 ft.; sun/shade; fine-textured bark; yellow to purple fall lvs.
Carolina silverbell	<i>Halesia tetraptera</i>	Tall tree to 80 ft.; sun best; striped/chocolate bark; white bell fls.; yel. fall lvs.
Witch hazel	<i>Hamamelis virginiana</i>	Small tree/shrub to 20 ft; sun/shade; fall yellow fls.; yellow fall leaves
Mountain holly	<i>Ilex beadlei</i>	Small shrub/tree to 20 ft; sun/shade; pale yellow leaves & red fall fruits
Mountain holly	<i>Ilex montana</i>	Small shrub/tree to 20 ft; sun/shade; pale yellow leaves & red fall fruits
American holly	<i>Ilex opaca</i>	Evergreen tree to 40 ft.; sun/shade; prickly leaves; red fruit in fall
Tulip poplar	<i>Liriodendron tulipifera</i>	Tall tree to 100 ft.; sun only; green/orange tulip flowers; yellow/brown fall leaves
Fraser magnolia	<i>Magnolia fraseri</i>	Tall tree to 80 ft.; sun; robust limbs; chartuse flowers; yellowish fall leaves
Crab apple	<i>Malus cf. angustifolia</i>	Small tree to 20 ft., sun only; thorny; fragrant pink flowers; crab apples
Blackgum	<i>Nyssa sylvatica</i>	Tall tree to 80 ft.; sun better; alligator-like bark; yellow to scarlet fall lvs.
Sourwood	<i>Oxydendron arboreum</i>	Medium tree to 50 ft.; sun/shade; white bell fls. July; scarlet fall leaves
White pine	<i>Pinus strobus</i>	Tall evergreen conifer to 100 ft.; sun better; blue-green foliage
White oak	<i>Quercus alba</i>	Tall tree to 80 ft.; sun/shade; ashy gray bark; maroon fall leaves
Scarlet oak	<i>Quercus coccinea</i>	Tall tree to 80 ft.; sun better; smooth to ridged bark; scarlet fall leaves
Northern red oak	<i>Quercus rubra</i>	Tall tree to 80 ft.; sun better; smooth to ridged bark; scarlet fall leaves
Rosebay rhododendron	<i>Rhododendron maximum</i>	Evergreen shrub/small tree to 20 ft.; sun/shade; white flowers mid summer
Smooth sumac	<i>Rhus glabra</i>	Short shrub/tree to 20 ft.; short lived; scarlet fall leaves
Sassafras	<i>Sassafras albidum</i>	Medium tree to 50 ft.; sun better; yellowish flowers; yellow-red fall leaves
White basswood	<i>Tilia americana</i> var. <i>heterophylla</i>	Large tree to 80 ft.; sun/shade; large sun leaves white below
Canadian hemlock	<i>Tsuga canadensis</i>	Large evergreen conifer to 80 ft.; sun/shade; may be infested with adelgids
SHRUBS and WOODY VINES		
Common Name	Scientific Name	Size, Growing Conditions, Coloration
Pipevine/Dutchman's pipe	<i>Aristolochia macrophylla</i>	Tortuous grey vine; sun/shade; pipe-like yellow-brown flowers; needs support
Sweet shrub	<i>Calycanthus floridus</i>	Fragrant glossy-leaved shrub; sun/shade; fragrant purple fls; harvest mouse food
Trumpet vine	<i>Campsis radicans</i>	Low-climbing vine; sun only; large red funnel flowers; needs pruning
Spotted wintergreen	<i>Chimaphila maculata</i>	Sub-shrub to 6 inches; evergreen lvs.; waxy white flowers in mid summer
Virgin's bower	<i>Clematis virginiana</i>	Semi-woody, rambling vine; sun only; small white clustered fls; silky fruits
Sweet pepper bush	<i>Clethra acuminata</i>	Tall shrub to 15 ft.; sun/shade; flaky cinnamon bark; white spiky fls. in July
Bush honeysuckle	<i>Diervilla sessilifolia</i>	Shrub about 4 ft.; sun only; clusters of yellow flowers at branch tips
Trailing arbutus	<i>Epigaea repens</i>	Sub-shrub, reclining; evergreen leaves with fragrant pink spring flowers
Mountain Fetterbush	<i>Eubotrys recurva</i>	Low shrub to 6 ft.; early spring curved flower clusters
Hearts-a-bustin	<i>Euonymus americanus</i>	Low shrub to 4 ft.; semievergreen leaves; strawberry-like fall fruits



Hearts-a-bustin	Euonymus obovatus	Rambling viny shrub; woods ground cover on rocks
Galax	Galax urceolata	Evergreen sub-shrub; round green to purple winter leaves; ground cover
Black huckleberry	Gaylussacia baccata	Low shrub to 2 ft.; sun only; black fruits for animal food
Bear huckleberry	Gaylussacia ursina	Shrub to 4 ft.; full shade; shiny & juicy edible fruits in August
Wild hydrangea	Hydrangea arborescens	Shrub to 5 ft.; flat-topped white flower clusters mid summer
Winterberry	Ilex verticillata	Shrub to 4 ft.; sun better; red berries into winter
Mountain laurel	Kalmia latifolia	Evergreen shrub to 15 ft.; calico flower clusters in May
Doghobble	Leucothoe fontanesiana	Evergreen, arching shrub to 4 ft.; white flower clusters on stem tips
Spicebush	Lindera benzoin	Tall shrub to 15 ft.; fragrant; early spring yellow flowers; red fall fruits
Yellow honeysuckle	Lonicera flava	Viny native; sunny, rich soils; yellow spring flowers
Partridge berry	Mitchella repens	Creeping sub-shrub; evergreen leaves; twin white fls. in summer > red berries
Virginia creeper	Parthenocissus quinquefolia	Clinging vine; sun/shade; 5 leaflets turn red in sunny sites
Mock orange	Philadelphus coronaria	Naturalized shrub to 8 ft.; rose-like white flowers in sunny areas
Choke cherry	Prunus virginiana	Rare shrub to 4 ft.; spiky white flowers in spring; animal food
Flame azalea	Rhododendron calendulaceum	Shrub to 15 ft.; sun/shade; orange clusters late spring to summer
Bristly locust	Robinia hispida	Low shrub to 6 ft.; sun better; deep pink pea-flowers in spring
Flowering raspberry	Rubus odoratus	Low shrub to 5 ft.; large leaves and pink rose flowers; tangy raspberries
Wineberry	Rubus phoenicolasius	Naturalized arching shrub to 5 ft.; red prickles/spines; sun best; orange berries
Red elderberry	Sambucus pubens	Shrub to 7 ft.; sun/shade; white spring clusters yield red berries in summer
Highbush blueberry	Vaccinium corymbosum	Shrub to 10 ft.; sun better; large edible blueberries in summer
Bearberry	Vaccinium erythocarpum	Low shrub to 5 ft.; turks-cap flowers in spring produce deep red berries in fall
Lowbush blueberry	Vaccinium pallidum	Low shrub to 4 ft.; sunny ridge best; blueberries in mid summer to fall
Maple-leaf viburnum	Viburnum acerifolium	Low shrub to 5 ft.; shade; pink fall leaves
Hobblebush	Viburnum lantanoides	Spralling low shrub to 6 ft.; white rim of sterile flowers; blue fruits
FLOWERING HERBS		
Common Name	Scientific Name	Size, Growing Conditions, Coloration
Monk's hood	Aconitum uncinatum	Lodging tall herb to 5 ft.; sun/shade moist soil; blue monk's hood flowers in fall
Little doll's eyes	Actaea pachypoda	Wide-spreading herb; shade; white fl. cluster > red-stemmed white/black berries
Ramps	Allium tricoccum	Twin-leaved lily in early spring; flower stalks reappear in summer; very odoriferous
Wood anemone	Anemone quinquefolia	Small herb ground cover; 5 white petalled flowers
Windflower/Rue-anemone	Anemone thalictroides	Small early herb; several white flowers
Filmy angelica	Angelica triquinata	Wide-spreading herb; green flowers drunken yellow jackets
Large leaf pussytoes	Antennaria plantaginifolia	Ground cover; clusters of pinkish flowers
Puttyroot	Aplectrum hyemale	Single over-winter, white-streaked leaf dies in late spring; reddish-brown fls.
Eastern columbine	Aquilegia canadensis	Lacy, fern-like leaves; intricate red/yellow flowers sought by hummingbirds
Wild sarsaparilla	Aralia nudicaulis	Spreading low leaflets with green-headed flower cluster > black fruit cluster
Spikenard	Aralia racemosa	Robust branched herb with large leaflets produce dense herbage
Common jack in the pulpit	Arisaema triphyllum ssp triphyllum	Green/purple-hooded flower cluster to 2 ft.; scarlet fruit cluster in fall
Southern jack in the pulpit	Arisaema triphyllum ssp quinatum	Green/purple-hooded flower cluster to 2 ft.; scarlet fruit cluster in fall
Pale Indian plantain	Arnoglossum atriplicifolium	Tall herb with whitened cabbage-like leaves topped with white flower cluster
Giant Indian plantain	Arnoglossum muhlenbergii	Tall herb with green cabbage-like leaves topped with white flower cluster
Goat's beard	Aruncus dioicus	Tall arching herb with spreading leaves topped with misty, creamy flower clusters
Wild ginger	Asarum canadense var. canadense	Ground cover with creeping, ginger-odored rhizomes and kidney-shaped leaves
Poke milkweed	Asclepias exaltata	Tall, robust leaved plant with white clusters of milkweed flowers
Woodland milkweed	Asclepias incarnata	Tall, delicately-leaved plant with white dangling flower clusters
Whorled milkweed	Asclepias quadrifolia	Low, delicately-leaved plant with white clusters in late spring



Heartleaf aster	<i>Aster cordifolius</i>	Perennial to 4 ft.; blue flower clusters in late autumn
White wood aster	<i>Aster divaricatus</i>	Low perennial to 2 ft.; white flower clusters produced in late summer
Smooth aster	<i>Aster laevis</i>	Perennial to 4 ft. with light blue fall flowers
Aster	<i>Aster cf. lateriflorus</i>	Perennial to 4 ft. with light blue fall flowers
Large-leaf aster	<i>Aster macrophylla</i>	Low perennial to 2 ft. with broad leaves and white flower clusters
New England aster	<i>Aster novae-angliae</i>	Tall perennial with bright blue (or pink) rays; full sun
False goatsbeard	<i>Astilbe bitemata</i>	Tall arching herb with spreading leaves topped with misty, creamy flower clusters
False foxglove	<i>Aureolaria laevigata</i>	Scattered, sketchy plants with large yellow tubular flowers
Southern harebell	<i>Campanula divaricata</i>	Delicate rock crevice plant with dainty blue bell-like flowers in late summer
Tall bellflower	<i>Campanulastrum americanum</i>	Perennial to 6 ft.; robust blue-flowered border plant
Cutleaf toothwort	<i>Cardamine concatenata</i>	Early spring perennial; white to pinkish flower clusters
Large toothwort	<i>Cardamine diphylla</i>	Early spring perennial; evergreen winter leaves with white spring flower clusters
Blue cohosh	<i>Caulophyllum thalictroides</i>	Spreading perennial; purple shoot snakes above ground; naked blue clustered seeds
Fairy wand	<i>Chamaelirium luteum</i>	Small rosette with stalk about 2 ft. tall topped by flexing white flower spike
Cuthbert's turtlehead	<i>Chelone cuthbertii</i>	Wetland plant with 4-sided pink flower cluster in late summer
White turtlehead	<i>Chelone glabra</i>	Wetland plant with white turtle-headed flowers in fall
Ox-eye daisy	<i>Chrysanthemum leucanthemum</i>	Naturalized perennial; yellow-centered flower cluster surrounded by white rays
Mountain black cohosh	<i>Cimicifuga americana</i>	Tall spreading leaved plant with candle-labra flower clusters in summer
Common black cohosh	<i>Cimicifuga racemosa</i>	Tall spreading leaved plant with candle-labra flower clusters in summer
Alpine enchanter's nightshade	<i>Circaea alpina</i>	Delicate low perennial; spiky white flower clusters
Enchanters nightshade	<i>Circaea canadensis</i>	Delicate perennial to 2 ft.; spiky white flower clusters
Spring beauty	<i>Claytonia caroliniana</i>	Early spring perennial to 6 in.; 5 white petals streaked with red
Spring beauty	<i>Claytonia virginica</i>	Early spring perennial to 6 in.; 5 white petals streaked with red
Bluebead lily	<i>Clintonia borealis</i>	Rosette, shiny leaves in 2's or 3's; bell-like yellow flower cluster > blue berries
Spotted Clinton lily	<i>Clintonia umbellulata</i>	Rosette, dull leaves in 2's or 3's; bell-like white flower cluster > black berries
Horsebalm	<i>Collinsonia canadensis</i>	Robust, opposite-leaved plant to 3 ft.; delicate yellow flower cluster lemon-like
Autumn coralroot	<i>Corallorhiza odontorhiza</i>	Purplish shoot to 2 ft.; flowers small, brownish-purple clusters at tip
Woodland coreopsis	<i>Coreopsis major</i>	Stems to 3 ft.; apparently with whorled leaves; yellow-rayed flower clusters
Wild comfrey	<i>Cynoglossum virginianum</i>	Robust, rough-leaved perennial to 3 ft.; uncurling blue fls. produce stick-tights
Pink lady's slipper	<i>Cypripedium acaule</i>	Two large, pleated leaves bear a single-stalked pink moccasin flower in spring
Large yellow lady's slipper	<i>Cypripedium parviflorum var. pubescens</i>	Perennial to 3 ft. with pleated leaves; bears 1-2 yellow slipper-like fls in spring
Queen Anne's lace	<i>Daucus carota</i>	Naturalized perennial to 5 ft.; sun only; lacy rounded flower cluster at top
Dwarf larkspur	<i>Delphinium tricorne</i>	Low perennial to 1.5 ft.; rich woods colonies; deep blue-purple flowers
Squirrel corn	<i>Dicentra canadensis</i>	Low colonial perennial; rich woods; divergent spurs of the cream-colored flowers
Dutchman's breeches	<i>Dicentra cucullaria</i>	Low colonial perennial; rich woods; dirty white corn-like flower
Wild yam	<i>Dioscorea quaternata</i>	Herbaceous perennial vine; heart shaped leaves; three-sided fruits dry in fall
Umbrella leaf	<i>Diphylleia cymosa</i>	Robust, 1-2 leaved perennial; damp rich woods; white fls > red-stalked berries
Robin's plantain	<i>Erigeron pulchellus</i>	Ground cover perennial; daisy-like white to pink rayed flowers in spring
Trout lily	<i>Erythronium umbilicatum</i>	Two speckled-leaved perennial; colonizer; yellow flowers early spring
Joe Pye weed	<i>Eupatorium fistulosum</i>	Perennial to 8 ft. tends to lop; full sun; whorled leaves; dense purple flower head
Woodland Joe Pye weed	<i>Eupatorium purpureum</i>	Perennial to 5 ft.; whorled leaves; light purple flower head
Vasey's thoroughwort	<i>Eupatorium cf. vaseyi</i>	
Wild strawberry	<i>Fragaria virginiana</i>	Rosette with 3 leaflets; sun best; white flowers in spring > thimble-sized berries
Showy orchis	<i>Galearis spectabilis</i>	Glassy rosette; shaded rich woods; pink/white flower clusters
Forest bedstraw	<i>Galium circaeans</i>	Short whorl-leaved perennial; dry woods; small red flowers
Wideleaf bedstraw	<i>Galium latifolium</i>	Short-whorl-leaved perennial; moist woods; small red flowers
Closed gentian	<i>Gentiana saponaria</i>	Late blooming perennial to 15 in.; dry woods; white to light blue bottle-shaped fls.



Agueweed	Gentianella quinquefolia	Late blooming annual to 15 in.; deep purple, closed flower clusters
Wild geranium	Geranium maculatum	Spring perennial to 18 in.; rich woods; 5 pink petals with blue anthers
Rattlesnake orchid	Goodyera pubescens	Evergreen rosette with 12-in. stems; leaves white-cross hashed; white flowers
Sunflower	Helianthus angustifolius	Annual to 7 ft.; much branched; narrow leaves; large yellow flowers
Whiteleaf sunflower	Helianthus glaucophyllus	Perennial to 6 ft.; rich sunny borders; leaves white below; yellow flowers
Small headed sunflower	Helianthus microcephalus	Perennial to 4 ft.; sunny borders; small yellow/purple flowers
Common day lily	Hemerocallis fulva	Exotic perennial to 3 ft.; rosette strap leaves; large orange flowers
Liverleaf	Hepatica acutiloba	Evergreen rosette; trilobed leaves; early blooms white, blue, pink
Alum root	Heuchera villosa	Rosette perennial to 8 in.; star-shaped leaves; lacy white flowers in summer
Little brown jug	Hexastylis arifolia	Evergreen rosette; triangular mottled leaves; hidden brown jug-like flowers
Rattlesnake weed	Hieracium venosum	Rosette with stems to 15 in.; sunny borders; red-veined leaves; small yellow fls.
Purple bluet	Houstonia purpurea	Clustered perennial to 8 in.; sun/shade; lavender bell-shaped flowers
Thyme-leaved bluet	Houstonia serpyllifolia	Ground cover perennial; moist soils; sun best; small round leaves; blue flowers
Water leaf	Hydrophyllum canadense	Succulent-stemmed perennial to 18 in.; lobed, pointed leaves; pink-tinted flowers
St. John's wort	Hypericum perforatum or punctatum?	Erect perennial to 18 in.; stems leafy with glands; small yellow flowers
Yellow star-grass	Hypoxis hirsutus	Rosette perennial; strap-like leaves; 6-petaled flowers in small clusters
Jewelweed	Impatiens capensis	Succulent annual to 5 ft.; moist soils; sun/shade; yellow, air-sac-like flowers
Pale touch me not	Impatiens pallida	Succulent annual to 5 ft.; moist soils; sun/shade; orange, air-sac-like flowers
Large whorled pogonia	Isotria verticillata	Colonial per. to 12 in.; open woods; 5-6 whorled lvs.; single brown-yellow fl.
Lovage	Ligusticum canadense	Tall perennial to 5 ft.; spreading clustered leaflets; white lacy flower clusters
Carolina lily	Lilium michauxii	Perennial to 3 ft.; dry woods; whorled leaves; large orange-speckled flower(s)
Turks cap lily	Lilium superbum	Perennial to 10 ft.; sunny borders; whorled leaves; large, orange flowers
Great lobelia	Lobelia siphilitica	Perennial to 5 ft.; rich soil and full sun; spiky blue flower clusters
Whorled loosestrife	Lysimachia quadrifolia	Perennial to 3 ft.; sunny borders; whorled leaves; dangling yellow flowers
Canada mayflower	Maianthemum canadense	Low colonial to 5 in.; few leaves; lacy white flower clusters
Solomon's plume	Maianthemum racemosum	Tall arching perennial to 3 ft.; leaves along each side; terminal white flowers
Indian cucumber root	Medeola virginiana	Perennial to 2 ft.; whorled leaves; yellow flower cluster above bracts
Lanceleaf bunchflower	Melanthium latifolium	Perennial to 5 ft.; rich shaded woods; strap-like leaves; green-spotted white fls.
False hellebore	Melanthium parviflorum	Perennial to 5 ft.; dry woods; broad basal leaves; green loose flowers
Bishop's cap	Mitella diphylla	Perennial to 18 in.; moist soil; two leaves below dainty white fl. spike
Basil balm	Monarda clinopoda	Perennial to 5 ft.; open fields & borders; lemony odor; yellowish flowers
Bee balm	Monarda didyma	Perennial to 5 ft.; borders; moist soils; scarlet ring of flowers; hummingbirds
Wild basil	Monarda fistulosa	Perennial to 5 ft.; open fields & borders; lavender ring of flowers
Purple bee balm	Monarda media	Perennial to 5 ft.; open fields & borders; rosy ring of flowers; hybrid
Pennywort	Obolaria virginica	Small perennial to 6 in.; rich woods; purplish leaves; lavender flowers
Sundrops	Oenothera tetragona	Perennial to 2 ft.; sunny borders; bright yellow flowers
Sweet cicely	Osmorhiza claytonii	Perennial to 4 ft.; rich woods; lacy foliage and white flowers
Sweet cicely	Osmorhiza longistylis	Perennial to 4 ft.; rich woods; lacy foliage and white flowers; licorice odor
Great wood sorrel	Oxalis grandis	Perennial to 12 in.; shady woods; shamrock leaves; yellow flowers
Mountain sorrel	Oxalis montana	Rosette perennial; cool moist soils; shamrock leaves; red-striped white fls.
Violet wood sorrel	Oxalis violacea	Rosette perennial; rich moist soils; reddish shamrock leaves; pinkish flowers
Cowbane	Oxypolis rigidior	Wetland perennial to 3 ft.; narrow, divided leaves; parsley white flowers
Golden ragwort	Packera aurea	Rosette perennial to 2 ft.; borders & streambanks; heart-shaped lvs.; yellow fls.
American ginseng	Panax quinquefolius	Perennial to 2 ft.; rich woods; up to 4 whorled, 5 palmate leaflets; red berries
Wild quinine	Parthenium integrifolium	Perennial to 4 ft.; sunny borders; large basal leaves; puffy white flowers
Lousewort	Pedicularis canadensis	Perennial to 12 in.; sun/shade; fern-like leaves; yellow or purple flowers
Broadleaf phlox	Phlox cf. amplifolia	Perennial to 4 ft.; sun/shade; rich soils; pink flower clusters at top



Purple fringed orchid	<i>Platanthera psycodes</i>	Perennial to 2 ft.; seepages & moist soils; shade; broad basal lvs; purple fls.
Mayapple	<i>Podophyllum peltatum</i>	Colonial per. to 12 in.; partial sun/shade; rich woods; round-lobed lvs.; white fl.
Seneca snakeroot	<i>Polygala senega</i>	Perennial to 8 in.; sunny borders; pinkish flowers
Small Solomon's seal	<i>Polygonatum biflorum</i> var. <i>biflorum</i>	Perennial to 2 ft.; moist, rich soils; leaves two ranked; dangling cream flowers
Large Solomon's seal	<i>Polygonatum biflorum</i> var. <i>commutatum</i>	Perennial to 6 ft.; moist, rich soils; leaves two ranked; dangling cream flowers
Hairy Solomon's seal	<i>Polygonatum pubescens</i>	Perennial to 2 ft.; dry woods soils; leaves two ranked; dangling cream flowers
Indian physic	<i>Porteranthus trifolius</i>	Perennial to 3 ft.; border woods; 5 unequal white petals on branch tips
Old-field cinquefoil	<i>Potentilla simplex</i>	Straggling perennial to 2 ft.; 5 leaflets; 5 yellow petals
Yellow mandarin	<i>Prosartes lanuginosum</i>	Spreading perennial; dangling yellow flowers > orange berries in late summer
Hoary mountain mint	<i>Pycnanthemum incanum</i>	Colonial minty perennial; dusty foliage with bluish flower clusters in summer
Appalachian mountain mint	<i>Pycnanthemum montanum</i>	Colonial minty perennial; green foliage with bluish flower clusters in summer
Hispid buttercup	<i>Ranunculus hispidus</i>	Low, hairy perennial; buttery flowers in early spring
Black eyed Susan	<i>Rudbeckia hirta</i>	Annual to 3 ft.; dark purple centers with golden rays
Blue Ridge coneflower	<i>Rudbeckia laciniata</i> var. <i>humilis</i>	Robust perennial to 8 ft.; greenish center with drooping yellow rays
Giant coneflower	<i>Rudbeckia laciniata</i> var. <i>laciniata</i>	Robust perennial to 8 ft.; greenish center with drooping yellow rays
Bloodroot	<i>Sanguinaria canadensis</i>	Early spring low herb; lobed, kidney-shaped leaf; white petals
Michaux's saxifrage	<i>Saxifraga michauxii</i>	Rock crevice perennial 2-12 in. tall; red, saw-toothed leaves; lacy white flowers
Common skullcap	<i>Scutellaria elliptica</i>	Low, scattered perennial; blue-flowered clusters at top; skull-shaped fruits
White stonecrop	<i>Sedum ternatum</i>	Succulent-leaved perennial; white-flower clusters in X pattern
Starry campion	<i>Silene quadrifolia</i>	Tall, delicate plant to 3 ft.; 4 whorled leaves; white-fringed flowers
Fire pink	<i>Silene virginica</i>	Low, sprawling perennial; 5 scarlet petals pinked on tips
Blue-eyed grass	<i>Sisyrinchium angustifolium</i>	Low, spralling, grass-like plant; 6 blue petals last about one day
Blue-eyed grass	<i>Sisyrinchium</i> cf. <i>montanum</i>	Low, spralling, grass-like plant; 6 blue petals last about one day
Tall goldenrod	<i>Solidago altissima</i>	Tall, robust perennial to 5 ft.; flower heads spreading at top
Vasey's goldenrod	<i>Solidago arguta</i> var. <i>caroliniana</i>	
Bluestem goldenrod	<i>Solidago caesia</i>	Tall, reddish-stemmed perennial; flowering clusters on branches
Curtis goldenrod	<i>Solidago curtisii</i>	Woodland, leafy perennial; flowers in leaf axils mainly
Oak goldenrod	<i>Solidago erecta</i>	
Appalachian goldenrod	<i>Solidago flaccidifolia</i>	
Zigzag goldenrod	<i>Solidago flexicaulis</i>	Rich woods perennial; leaves broad, serrated; flowers at tips of stems
Roadside goldenrod	<i>Solidago nemoralis</i>	
Bog goldenrod	<i>Solidago patula</i>	Rosette with stems to 4 ft.; wetland species
Rugose goldenrod	<i>Solidago rugosa</i>	Leaves with indented veins at top
Bigtooth hedge nettle	<i>Stachys latidens</i>	Opposite-leaved perennial to 3 ft.; pinkish flowers clustered at tips
Core's chickweed	<i>Stellaria corei</i>	Reclining spring perennial; rich, moist woods; sepals as long as split white petals
Giant chickweed	<i>Stellaria pubera</i>	Reclining early-spring perennial; dry woodlands; sepals shorter than split white petals
Eastern twisted stalk	<i>Streptopus lanceolatus</i>	Perennial to 2 ft.; high elevation woods; leaves 2-ranked; reddish bell-like flowers
Mountain meadow rue	<i>Thalictrum clavatum</i>	Delicate wetland perennial to 18 in.; white flowers
Early meadow rue	<i>Thalictrum dioicum</i>	Delicate perennial to 3 ft.; rich, moist woods; stamens dangling; pistils white
Appalachian meadow rue	<i>Thalictrum pubescens</i> var. <i>hepaticum</i>	Robust perennial to 6 ft.; rich, moist woods; stamens dangling; pistils white
Skunk meadow rue	<i>Thalictrum revolutum</i>	Robust perennial to 6 ft.; rich, moist woods; pungent foliage
Woodland parsnip	<i>Thaspium barbinode</i>	Thin-leaved perennial to 4 ft.; rich, moist woods; yellow flat-topped flowers
Three-leaf parsnip	<i>Thaspium trifoliatum</i>	Thick leaved perennial to 2.5 ft.; dry woods; yellow, flat-topped flowers
Foamflower	<i>Tiarella cordifolia</i>	Rosette perennial to 12 in.; rich moist woods; fluffy white floral plumes
Crane fly orchid	<i>Tipularia discolor</i>	Rosette with purple below leaves; dry to moist woods; leafless brown fl. stalk
Spiderwort	<i>Tradescantia subaspera</i> var. <i>montana</i>	Robust perennial to 3 ft.; rich, moist woods; 3-petaled blue flowers in clusters
Starflower	<i>Trientalis borealis</i>	Delicate perennial to 8 in.; high elev. woods; leaves whorled; dangling white fls.



Wake robin	Trillium erectum	Small to robust 24 in. perennial; rich woods; erect deep red to white flowers
Large-flowered trillium	Trillium grandiflorum	Robust perennial to 24 in.; rich, moist woods; erect white fls. turning pink
Southern nodding trillium	Trillium rugelii	Perennial to 2 ft.; rich, moist woods; nodding white to pinkish petals
Painted trillium	Trillium undulatum	Perennial to 12 in.; high-elevation woods; erect white flowers with red stripe
Vasey's trillium	Trillium vaseyi	Robust perennial to 2 ft.; rich, moist woods; nodding deep red flowers
Horse coffee	Triosteum perfoliatum	Robust perennial to 2 ft.; rich woods; clasping opposite lvs. with red fls. above
Three birds orchid	Triphora trianthophora	Delicate low perennial to 6 in.; rich, moist woods; pinkish, clustered flowers
Golden bellwort	Uvularia grandiflora	Robust perennial to 2 ft.; rich, moist woods; dangling bright yellow petals
Perfoliate bellwort	Uvularia perfoliata	Perennial to 18 in.; dry rich woods; stems through leaves; pale yellow fls.
Common bellwort	Uvularia puberula	Perennial to 12 in.; branched; shiny, 2-ranked leaves; creamy flowers
Bellwort	Uvularia sessilifolia	Perennial to 12 in.; branched; dull, 2-ranked leaves; creamy flowers
White hellebore	Veratrum viride	Robust perennial to 5 ft.; high elev. seepages; pleated leaves; green flower masses
Mullien	Verbascum thapsus	Robust perennial to 7 ft.; sunny borders; thick, felty leaves; spiky yellow fls.
Ironweed	Vernonia noveboracensis	Robust perennial to 7 ft.; moist to wetlands; purple stalks; purple fl. clusters
Common speedwell	Veronica officinalis	Running, exotic ground cover; sunny to shady borders; small blue, spiky flowers
Carolina vetch	Vicia carolina	Reclining delicate perennial; dry woods; spring white flower clusters
White violet	Viola blanda	Perennial rosette; damp to wet sites; small, fragrant white flowers
Canada violet	Viola canadensis	Erect perennial to 12 in.; rich, moist soils; white flowers turn bluish
Marsh violet	Viola cucullata	Perennial rosette; moist soils; blue flowers stand above leaves
Halberd leaf violet	Viola hastata	Erect 2-leaved perennial to 4 in.; dry woods; early yellow flowers
Blue violet	Viola cf. hirsutula	Perennial rosette; dry sunny soils; blue spring flowers
Macloskey's violet	Viola macloskeyi	Perennial rosette; damp to wet soils; white flowers
Yellow violet	Viola pubescens	Erect perennial to 8 in.; rich woods; yellow flowers
Round-leaved violet	Viola rotundifolia	Large-leaved rosette ground cover; rich woods soils; early spring yellow flowers
Common violet	Viola sororia	Perennial rosette; hairy-stemmed leaves; purple flowers in spring
Heartleaf alexanders	Zizia aptera	Perennial to 2 ft.; dry woods & borders; remote yellow flower clusters
Divided alexanders	Zizia trifoliata	Perennial to 2 ft.; dry woods & borders; remote yellow flower clusters
GRASSES, SEDGES and RUSHES		
Common Name	Scientific Name	Size, Growing Conditions, Coloration
Common shuckhusk	Brachyelytrum erectum	Perennial to 2.5 ft.; rich woods; small clusters; broad, dispersed leaves
White bear sedge	Carex albursina	Rosette evergreen perennial; basic rich woods soil; broad white-base leaves
Brown sedge	Carex brunneascens	Clumped rosette perennial; shady woods; fine, hair-like leaves
Lax-flowered sedge	Carex laxiflora	Rosette evergreen perennial; basic rich woods soil; narrow leaves
Pennsylvania sedge	Carex pensylvanica	Rosette deciduous perennial; upland woods; colonial; narrow leaves
Plantain-leaf sedge	Carex plantaginea	Rosette evergreen perennial; rich woods; pleated, broad leaves; purple spring fls.
Broadleaf sedge	Carex platyphylla	Rosette evergreen perennial; basic rich woods soil; broad, white-base leaves
a sedge	Carex radiata	Clumped rosette perennial; shady woods; fine, hair-like leaves
a sedge	Carex rosea	Clumped rosette perennial; shady woods; fine, hair-like leaves
Ruth's sedge	Carex ruthii	Clumped rosette perennial; shady woods; fine, hair-like leaves
Mountain oat grass	Danthonia cf. compressa	Ground cover to 15 in.; along paths; durable
Poverty oat grass	Danthonia spicata	Ground cover to 15 in.; along paths; durable
Deer-tongue witch grass	Dichanthelium clandestinum	Rank, robust perennial to 2.5 ft.; broad upper, deciduous leaves
Nodding fescue	Festuca subverticillata	Clumped delicate perennial to 2.5 ft.; woods
Bottlebrush grass	Hystrix patula	Tall, slender perennial to 4 ft.; scattered broad leaves; green, bottlebrush-like fls.
Common rush	Juncus effusus	Clumped perennial to 2.5 ft.; open wetlands; pithy stems; brown fl/fr clusters
Seep rush	Juncus gymnocarpus	Clumped perennial to 2.5 ft.; woods wetlands; pithy stems; brown fl/fr clusters



Woodrush	<i>Luzula acuminata</i>	Clumped perennial to 12 in.; moist-wet woods; dark green, broad leaves
Woodrush	<i>Luzula echinata</i>	Clumped perennial to 12 in.; dry woods; narrow leaves
Melic grass	<i>Melica mutica</i>	Scattered clumped perennial to 3 ft.; bladder-like flowers/fruits
Slender muhly grass	<i>Muhlenbergia tenuifolia</i>	Perennial to 2.5 ft.; rich woods; small clusters; broad, dispersed leaves
Spring bluegrass	<i>Poa autumnalis</i>	Clumped perennial to 2 ft.; rich woods; feathery flower/fruits
Canada bluegrass	<i>Poa compressa</i>	Clumped perennial to 2 ft.; rich woods; purple/black forms; feathery fl./fruits
a bluegrass	<i>Poa cuspidata</i>	Clumped perennial to 2 ft.; rich woods; feathery flower/fruits
FERNS and FERN ALLIES		
Common Name	Scientific Name	Size, Growing Conditions, Coloration
Maidenhair fern	<i>Adiantum pedatum</i>	Delicate deciduous perennial; spreading fronds; moist cool shady woods
Ebony spleenwort	<i>Asplenium platyneuron</i>	Slender, erect evergreen; full sun to partial shade
Walking fern	<i>Asplenium rhizophyllum</i>	Evergreen; limy rock crevices; single-leaf fronds rooting at tips; rare here
Maidenhair spleenwort	<i>Asplenium trichomanes</i>	Delicate evergreen; damp rock crevices; pinnate fronds; relatively rare
Southern lady fern	<i>Athyrium asplenoides</i>	Delicate deciduous perennial; rich woodland soils; green/red forms
Common grape fern	<i>Botrychium dissectum</i>	Evergreen; rich woods; broadly triangular green/bronze fronds
Rattlesnake fern	<i>Botrychium virginianum</i>	Deciduous perennial; rich woods; delicate, feathery broad fronds
Spreading bladderfern	<i>Cystopteris protrusa</i>	Deciduous perennial; rich rocky crevices; very delicate, lance fronds
Silvery glade fern	<i>Deparia acrostichoides</i>	Deciduous perennial to 2 ft.; rich loamy woods; delicate, dark green fronds
Running cedar	<i>Diplazium digitatum</i>	Evergreen stoloniferous perennial; full sun to moist woods; spreading low fronds
Glade fern	<i>Diplazium pycnocarpon</i>	Deciduous perennial; rich, moist woods; very delicate, once-dissected fronds
Mountain woodfern	<i>Dryopteris campyloptera</i>	Deciduous perennial; high-elevation rich woods; broad, thrice dissected fronds
Goldies woodfern	<i>Dryopteris goldiana</i>	Deciduous perennial to 3 ft.; rich, moist basic woods soils; twice-divided dark fronds
Fancy woodfern	<i>Dryopteris intermedia</i>	Evergreen to 2 ft.; rich, moist woods; thrice-dissected, delicate fronds
Marginal shield fern	<i>Dryopteris marginalis</i>	Evergreen to 2 ft.; rich woods and rock crevices; twice dissected, dark fronds
Shining clubmoss	<i>Huperzia lucidula</i>	Evergreen to 6 in.; rich, moist woods; circular clumps of bottle-brush shoots
Sensitive fern	<i>Onoclea sensibilis</i>	Deciduous perennial to 18 in.; wet to moist, sunny areas; single-cut broad fronds
Cinnamon fern	<i>Osmunda cinnamomea</i>	Deciduous, clumped perennial to 5 ft.; wet to moist, sun to shade; dissected fronds
Interrupted fern	<i>Osmunda claytoniana</i>	Deciduous, clumped perennial to 4 ft.; moist woodlands; dissected fronds
Royal fern	<i>Osmunda regalis</i>	Deciduous, clumped perennial to 3 ft.; sun/shade moist woodlands; dissected fronds
Broad beech fern	<i>Phegopteris hexagonoptera</i>	Deciduous perennial to 12 in.; dry woods; delicate, triangular fronds
Appalachian polypody	<i>Polypodium appalachianum</i>	Evergreen, colonial perennial to 8 in.; woods rock boulders; singly-dissected fronds
Christmas fern	<i>Polystichum acrostichoides</i>	Evergreen, clumped perennial to 18 in.; moist to dry woods; single-dissected fronds
New York fern	<i>Thelypteris noveboracensis</i>	Deciduous, clumped perennial; dry woods; double-dissected, delicate fronds



REVIEW FEE CONSTRUCTION IMPACT BOND

CONSTRUCTION PHASE

In order to maintain attractive surroundings and to promote a safe environment for residents and guests, the following guidelines shall control contractor activities during the construction phase.

General Requirements:

1. Builder Requirements

Documentation must be supplied to the ARC that establishes the capability and responsibility of all builders that are entrusted with construction in the community. Documentation should include, as a minimum, the resume of the builder and a list of developments and governments for whom work has been performed during the previous three years.

2. Time Limit of the Construction Phase

All construction on a particular property must be completed within an (18) month period. Time will be measured from the date that the ARC approved the construction or from the date when the Building Permit was issued, whichever date is latter.

All additional construction (construction not approved under the initial submittal or submitted as a change to the initial submittal) will be reviewed on a case by case basis with reference to time limits.

A builder may file a written request for a time extension. Request must be filed no later than one month before the construction period is due to end. The extension request must contain a revised date of completion, and a written explanation as to why the construction project was not completed within the afforded time frame.

3. State and Local Code Compliance

Approval permits must be posted on the building site on the construction sign provided by the Builder. A copy of the Building Permit must be submitted to the ARC prior to beginning construction.



4. Construction Entrance

A gravel construction entrance must be provided and maintained in each lot during the construction period. Fabric will be required under the rock if the soil conditions require it or if local code requires it. If need be, drainage culverts must be installed under the construction entrance before the lot clearing begins. Sufficient gravel base must be maintained until the permanent driveway is complete. The Contractor shall be responsible for any construction damage to the roadways that abut the property. Streets shall be kept clear of mud, silt, rock, gravel, and construction debris from construction traffic.

5. Erosion Control

Erosion control, such as straw bales, silt fence, straw, matting and seeding or sodding, must be used to prevent the washing of earth into roadways, adjacent lots, drainage-ways, lakes, and ravines during construction. See Section II.C.9 (Erosion and Drainage Control) for additional requirements. All construction must be in compliance with the Federal Clean Water Act, the North Carolina Water Quality Control Act, the Haywood County Soil Erosion and Sedimentation Control Ordinance and the North Carolina Rules and Regulations for Water Quality Control. (Form Four of this document must be signed and submitted prior to the commencement of construction.)

6. Signage

The contractor may post the standard identification sign and permit sign on lots during the construction phase. Bulkier identification signs shall not be posted until the applicant has ARC approval for construction. Signs posted before applicant has received approval will be subject to a fine and may be removed from the property. Only one sign per lot identifying the general contractor and one sign per lot identifying the architect are permitted. Subcontractor and supplier's signs are not permitted. No individual sign face is to exceed (6) square feet in area. Signs are to be removed from the property after a certificate of occupancy has been received.

7. Working Hours

Working hours for all construction activities shall be restricted to the following hours:

Monday through Friday 7 AM to 9 PM

Saturday 8 AM to 6 PM



8. Conduct of Workers:

The conduct of workers is the ultimate responsibility of the owner and/or general contractor. Loud vehicles, radios, etc., or any other machine that is not directly related to construction activities and can disturb residents, will not be tolerated. County and posted speed limits must be observed by all workers, including subcontractors and vendors.

9. Construction Vehicles

Construction vehicles shall not be parked in any area other than on the building site or on the roadway adjoining the site. Vehicles will not be permitted to obstruct the traffic flow.

10. Additional Requirements

No dogs, pets or animals may be brought onto the site by construction personnel. There will be one warning about animals.

Prior to Construction

1. Plan Approval and Site Inspection

No lot clearing or other construction activities may begin until the county regulations have been met, the ARC has approved all plans, and a signed Form One (APPLICATION FOR RESIDENTIAL CONSTRUCTION) and Form Four (AGREEMENT BETWEEN DEVELOPER AND BUILDER RELATING TO NPDES PERMITS) have been approved.

2. Permits and Fees

Contractors are responsible for obtaining required building permits and paying associated fees prior to commencing construction.

3. Temporary Facilities

Each building site is required to provide at least one toilet for the use of workers. A commercial dumpster or trash enclosure is required for each job site. Temporary power poles must be installed plumb and shall not be used for posting signage. Silt fences and other erosion control devices should be installed before initial grading. Pipes shall be installed in road swales to maintain flow at the construction entrance to the lot as needed. Construction office and storage trailers or buildings must be approved by the ARC.

4. Tree Protection

The existing trees are one of the communities' most valuable assets. Protective barriers must be installed at the drip line of individual trees or tree groupings that are to be preserved to reduce root compaction and other physical damage.



During Construction

1. Site Maintenance

The general contractor must ensure that the job site is maintained in a neat and clean condition at all times. All materials and construction equipment must be stored within the lot boundaries. Adjacent lots or common space may not be used for parking. Vehicles parked on the right-of-way during construction activities shall not obstruct traffic flow. Washing of vehicles, including concrete trucks shall occur on site, not in the street or on any other property in the subdivision. Excess concrete must not be dumped on adjacent lots, common areas, right-of-ways, or any remaining land at the Avalon community.

2. Sedimentation and Erosion Control

Sedimentation and erosion control devices shall be installed, and continuously maintained throughout the construction to ensure its proper function. Upon construction completion all sedimentation and erosion control devices shall be removed.

3. Service Charges

Service charges resulting from DURING CONSTRUCTIONS code violations that the declarant finds necessary to address in order to bring the construction back into compliance shall be levied against the builder and / or homeowner.



APPENDIX A

SITE PLAN: At a scale of 1" = 10' showing:

- Property lines, setback lines, wetland limits and easements with dimensions shown
- Tree survey showing location of existing trees 6" diameter and larger.
- All streets adjacent to lot with street names
- Any existing utility structures on lot.
- Any areas to be graded
- Outline of house foundation walls, decks, terraces, steps, stoops and roof overhand
- Outline of exterior house walls, decks, driveways and walks on adjacent lots that are within ten feet of any property line
- Finish floor elevation of first floor and garage slab
- Drives and walks with dimensions and materials indicated
- Proposed garden walls, retaining walls, fences, screens, etc. with dimensions and materials indicated
- Pools and/or spas
- Location and description of any other accessory use (playground equipment, gazebos, etc.)
- Percent of lot covered by impervious surfaces
- Topographical survey and plan at two foot (2') intervals

BUILDING ELEVATIONS: At a scale of 1/8" = 1' or greater showing:

- Front, rear, right and left elevation with compass orientation indicated
- Terraces, walls, decks, vents (roof and foundation, screens for trash and HVAC compressors if applicable)
- Any hidden elevation not shown in other drawings
- Finish floor elevation on each drawing with proposed finish grade line against elevation
- Fascia, trim and handrail details, window and door types
- Materials and finishes for all exterior surfaces



PRELIMINARY LANDSCAPE PLAN: At a scale of 1" = 10' showing:

- Outline of all structures and site elements shown on the Site Plan.
- Existing trees and vegetation to be preserved.
- Natural or mulched areas and any hardscaped elements (trellis, fences, walls, stepping stones, etc.)
- Locations of any proposed landscape lighting in dictating fixture type, build type and bulb wattage.
- Evergreen foundation screening.
- Evergreen HVAC and Trash Receptacle screening if applicable.
- Driveway screening if applicable

MATERIAL AND FINISH SELECTIONS (*see FORM ONE*)

Provide a maximum 2'x2' Color Board with Samples of the following:

- Siding/ exterior material and finish color
- Trim/ exterior material and finish color
- Roofing material and color
- Window manufacturer and finish color
- Entry door manufacturer and finish color (Provide Photo and Color Only)
- Garage door manufacturer and finish color (Provide Photo and Color Only)
- Driveway and sidewalk material and finish color (Provide Photo and Color Only)
- Deck and terrace material and finish color
- All other exterior selections material and finish color



REQUIRED FORMS

The following forms shall be submitted as they are required through the construction process.

Form One — Application for Residential Construction

Form One shall be submitted prior to any construction activity. In addition to FORM ONE a SUBMITTAL CHECKLIST has been provided to help you understand what submittal data is required in relation with the materials, colors, samples, and drawings that are associated with this project, and that this information must be included as part of the application packet being submitted for approval.

Form Two — Application to Make Construction or Design Change

Shall be submitted for approval only when design changes are necessary. A detailed drawing of the proposed changes must accompany this form.

Form Three — Request for Final Inspection/ Deposit Refund

Shall be submitted be submitted upon completion of the project.

Form Four — Agreement Between Developer and Builder Relating to NPDES

Shall be submitted prior to any construction activity by the contractor.



FORM ONE

APPLICATION FOR RESIDENTIAL CONSTRUCTION

Date Submitted: _____ **Date Received:** _____

Lot	_____
Section	_____
Plat	_____
Preliminary Design	_____
Review Final Design	_____
Review Landscape/ Irrigation Plan Review	_____
New Construction	_____
Improvements	_____
Change	_____

Submit: A copy of this form, and three sets of construction documents
(Including Appendix "A" information)

Submit finished application to Declarant.

Property Owner: _____
Address: _____
City, State, Zip: _____
Telephone: _____

Contractor: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
Contractor's Business License: _____



Architect / Designer: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Contractor's Business License: _____

Square Footage: _____

Heated Living Area: _____

Covered Porches (including screened Total Under Roof Square Footage Decks Impervious
Site Coverage (walks, driveways, etc.)



SUBMITTAL CHECKLISTS

Review Documents

Three sets of preliminary documents are required, as defined on page 23 and 24 in Appendix A.

Site Plan	1" = 10'
Building Elevations	1/8" = 1'
Preliminary Landscape	1" = 10'
Plan Material and Color	
Samples	

APPLICATION FEES

Make checks payable to the **Avalon Owners Association II.**

Review Fee (Preliminary and Final)

Amount \$500.00

By: _____

Date: _____

Check # _____

Non-refundable Construction Impact Fee.

Amount \$3,000.00

Received By: _____

Date: _____

Check # _____



_____ **Foundation** _____

Finishes Color (include sample) _____

_____ **Exterior Walls** _____

Finishes Color (include sample) _____

_____ **Window Types:** _____

Mgf./ No. _____

Color (include sample) _____

_____ **Exterior** _____

Trim Materials _____

Color (include sample) _____

_____ **Garage Doors** _____

Materials _____

Mgf./No. _____

Color (include sample) _____

_____ **Roofing Materials** _____

Mgf./No. _____

Color (include sample) _____

_____ **Decks/Railing** _____

Materials _____

Color (include sample) _____

_____ **Patios/ Terraces** _____

Materials _____

Color (include sample) _____

_____ **Driveway/ Parking Area** _____

Materials _____

Color (include sample) _____

_____ **Fences/ Walls/ Screens** _____

Material _____

Color (include sample) _____

_____ **Front Entry Stairs** _____

Materials _____

Color (include sample) _____



AGREEMENT:

I, _____ as property owner, and I, _____, as contractor of the above described construction project, acknowledge and agree that the improvements will be constructed in accordance with plans and specifications which have been approved by the Declarant or the Architectural Review Committee (ARC) of the Avalon Subdivision. We further acknowledge and agree that:

1. We have read and understand the Declaration of Protective Covenants and all Subdivision Design Guidelines applicable to the property and we will follow and obey said Covenants, Restrictions and Guidelines.
2. We are responsible for completing the project as described by the drawings and specifications approved by the Declarant or the ARC.
3. We will maintain a clean construction site at all times and install a job sign, commercial dumpster and job toilet in conformance with the design guidelines.
4. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while they are engaged by us.
5. I understand and agree that no work on this request shall commence until written approval from the Declarant or the ARC has been received by me.

Neither Avalon Owners Association II, Inc. nor their respective members, Officers, successors, assigns, agents, representatives or employees; nor the Declarant nor the ARC shall be liable for damages or otherwise to anyone requesting approval of an architectural alteration by reason of mistake in judgment, negligence or non-feasance arising out of any action with respect to any submission. The Declarant or the ARC is directed toward review and approvals of site planning, appearance and aesthetics. None of the foregoing assumes any responsibility regarding design or construction, including, without limitation, the structural integrity, mechanical or electrical design, methods of construction, or technical suitability of materials. I hereby release and covenant not to sue all of the foregoing from/for any claims or damages regarding this request or the approval or denial thereof.

This Application and Agreement made this day of _____ by:

Property Owner's Signature _____

Contractor's Signature _____



FOR USE BY DECLARANT/ARC

Plan Review Approval

Comments:

Date: _____

Final Site Visit Approval

Comments:

Date: _____

Signed: _____

Date: _____

Declarant



FORM TWO

APPLICATION TO MAKE CONSTRUCTION OR DESIGN CHANGE

Date Prepared: _____ Date Received: _____

Lot Number: _____ Section: _____

Owner: _____ Phone: _____

Contractor: _____ Phone: _____

Architect/ Designer: _____

Proposed Change: (Attach sketch if necessary.)

Explain the proposed change(s) here.

Reason for Change:

Explain the reason for the proposed change(s) here.

Signed: _____

Declarant

Date: _____

FOR USE BY THE DECLARANT/ACC

Requested Change Approved ☐

Date: _____

Comments:

Signed: _____

ARC

Date: _____



FORM THREE

REQUEST FOR FINAL INSPECTION and DEPOSIT REFUND

Date Prepared: _____

Date Received: _____

Lot Number: _____

Section: _____

Owner: _____

Phone: _____

Requested Date for Inspection: _____

Contractor Certification

I certify that construction has been completed and that all work done conforms to state, county, and local codes, and meets the Subdivision standards as approved.

Signed: _____

Date: _____

Contractor

FOR USE ARC:

Service charges levied against project: \$ _____

Date paid: _____ Check #: _____

Signed: _____ Date: _____

ARC



FORM FOUR

AGREEMENT BETWEEN DEVELOPER AND BUILDER RELATING TO NPDES PERMITS

The undersigned Developer and the undersigned Builder enter into this Agreement in order to clarify their respective obligations as between themselves to comply with the National Pollutant Discharge Elimination System Permit for Storm Water Discharges from Construction Activities, Permit No. _____, or any substitute for, or amendments to that permit (herein after "NPDES Permit.")

i. **Development:** Developer has, is in the process of, or plans to develop a residential development known as Avalon Subdivision (Development"), which is located in the _____ District _____, Section, _____ County, North Carolina, and which is a "Common development" as defined in the Permit.

ii. **Lots:** Developer has or plans to sell the following lots in the Development to Builder:

("Lots")

iii. 1. **Developer Representation and Obligations:** Developer makes the following representations and/or assumes the following obligations to Builder:

- a) Developer is the "Owner" and "Operator" of the Development as those terms are used in the Permit.
- b) Developer has, or within the time required by the Permit and applicable law, will have prepared, at its own expense and in the manner required by Permit and applicable law, an Erosion, Sedimentation and Pollution Control Plan ("Erosion Plan") for the entire Development to include each site or lot within the Development, including but not limited to the Lot(s), and will submit the Erosion Plan as required by the Permit and applicable law.
- c) Developer will retain a copy of the Erosion Plan at a location convenient for review by Builder.
- d) Developer has provided (or will provide a copy) of the Erosion Plan or portions of the Erosion Plan applicable to the Lot(s) to Builder within seven (7) days from the date of this Agreement and will ensure that Builder understands its role in implementation of the Erosion Plan. If there are any revisions to the Erosion Plan, the Developer will provide a copy of those revisions or portions of the revisions applicable to the Lot(s) to Builder in a timely manner or within any lesser period required by law. Developer shall obtain a written acknowledgment by Builder of the receipt by Builder of each of these documents.



- e) Developer has, or within the time required by the Permit and applicable law, will prepare a Comprehensive Monitoring Plan (CMP) for the Development.
- f) Developer will implement and comply with the CPM as required by the Permit and applicable law.
- g) Developer will otherwise comply with all requirements of the Permit, including but not limited to those relating to inspection, reporting and record retention.
- h) Developer will not submit a Notice of Termination to the EPD relating to the Development until such time as permitted by the Permit and without first providing at least a ten (10) day notice to Builder of its intent to do so. Developer will also provide a copy of the Notice of Termination to Builder as required by the Permit.
- i) Developer will require any purchaser of the Development or that portion of the Development including the Lot(s), other than Builder, to assume its obligations under this Agreement and under applicable laws relating to this Agreement and Developer will promptly notify Builder of any such change in ownership.
- j) Developer will indemnify and hold Builder harmless, including for attorney's fees and legal expenses, as to any claim, damage, cost, fine or expense incurred by Builder as a result of any breach of this Agreement by Developer or its employees, subcontractors or agents.

2. Builder Representations and Obligations: Builder makes the following representations and / or assumes the following obligations to Developer.

- a) Builder has or, within the time required by the Permit and applicable law, will submit to the EPD its Notice of Intent for the Lot(s) in the manner required by the Permit and applicable law.
- b) Builder will implement and comply those portions of the Erosion Plan applicable to Builder's activities.
- c) Builder will comply with its inspection, notification, reporting and record retention obligations relating to the CMP as set forth in the Permit and applicable law.
- d) Builder will indemnify and hold Developer harmless, including for attorney's fees and legal expenses, as to any claim, damage, cost, fine or expense incurred by Developer as a result of any breach of this Agreement by Builder or its employees, subcontractors or agents.



3. Miscellaneous:

- a) In the event of any conflict between this Agreement and the terms of any other agreement between Builder and Developer relating to the Development of Lot(s), this Agreement shall control.
- b) This Agreement shall be construed in accordance with applicable local, North Carolina and federal laws except to the extent such a construction would negate an obligation assumed under this Agreement by one party to the other that is not imposed on that party under such laws.

Developer: _____
Full Legal Name

Builder: _____
Full Legal Name

By

By

Print Name

Print Name

Title/Office

Title/Office

Date _____

Date _____

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be duly executed and sealed as of the day and year first above written.

Signed, sealed, and delivered
in the presence of:

AVALON OWNERS ASSOCIATION

Unofficial Witness:

By: Randy Best
(MANAGER / MEMBER)



North Carolina, Haywood County

I, _____, a Notary Public of the County and State aforesaid, certify that Randy Best, personally came before me this day and acknowledged that is Manager/Member of Avalon Owners Association, a North Carolina Limited Liability Company, and that by authority duly given and as the act of the company, the foregoing instrument was signed by him as its Manager / Member.

Witness my hand and official stamp or seal, this _____ .

Notary Public

My Commission Expires: _____

Seal/Stamp