

Lake Jeanette Association, Inc.

Why is the BUFFER ZONE around the Perimeter of Lake Jeanette and the BUFFER ZONE POLICY IMPORTANT?

The purpose of this article is to help all Lake Jeanette homeowners understand the importance of the Buffer Zone and the Buffer Zone Policy adopted on April 3, 1995 and amended on October 15, 1996 so we can all work together to protect our City's drinking water and our Association's most precious asset – Lake Jeanette. You may not be aware, but storm water runoff is the number-one cause of water pollution in North Carolina. Proper management of storm water runoff protects property, controls bank erosion, reduces flooding and wetlands degradation, while also protecting water resources and riparian and aquatic ecosystems.

Lake Jeanette empties into Lake Townsend via the spillway and Lake Townsend is part of our City's drinking water supply. The water from Lake Jeanette eventually flows into the Haw River and Jordan Lake and we are also part of the Upper Cape Fear River Basin. Watershed Protection and Storm Water Management are regulated by the City of Greensboro, Guilford County, the NC Department of Environmental Quality, and the US Army Corps of Engineers.

Who owns Lake Jeanette and the 50 foot buffer contiguous to lakeview lots?

Cone Mills constructed Lake Jeanette in 1942 for the purpose of providing water to its Greensboro manufacturing operations directly and through other lakes owned and maintained by Cone. International Textile Group (ITG previously Cone Mills) now owns the Lake, the 50 foot buffer around its perimeter, the dam and the spillway. For some time now, it has been rare that ITG uses any water from Lake Jeanette to operate its facilities.

The Association was incorporated in June 1988 to own, manage, maintain and operate certain common areas and to provide certain services to the owners of Lots in the Lake Jeanette Development as defined in the Master Declarations. In the same year, Cone Mills leased the Lake Tract (Lake and 50 foot buffer) to the Association for recreation and conservation purposes in exchange for the Association assuming certain responsibilities for the maintenance, upkeep and supervision of activities on the Lake and the Lake Tract. Permitted uses of the Lake and Lake Tract are subject to and shall at all times be conducted in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. Rights of access to use the Lake Tract is granted to lake view lot owners under the Lease Agreement and is further defined below under Lake View Lot Owners Responsibilities. The Lease defines the Association's many obligations under the lease and includes some of the following:

- *Operate, manage and maintain the Lake Tract and the waters thereof,*
- *Permit no illegal, immoral, improper or unpermitted use of the Lake Tract,*
- *Enforce all applicable federal, state and local laws, ordinances, rules and regulations relating to the permitted uses,*
- *Cooperate with and assist Cone (ITG) in enforcing applicable zoning, subdivision, water quality and environmental laws, ordinances, rules and regulations,*
- *Enforce the Association's Rules and Regulations and insure the enforcement of any Assignee Rules and Regulations,*

If any part of the Lease is breached, ITG could terminate the Lease and remove all access and rights of use of the Lake Tract, Lake Jeanette and the Buffer Zone.

Purpose of the Buffer Zone Policy:

Lake Jeanette's buffer is a natural vegetated 50 foot area adjacent to Lake Jeanette. It is comprised of two zones – Zone 1 is the first 25 feet from the shoreline and Zone 2 is the second 25 feet extending up toward the homeowner's property line. **This area is to remain natural and unimproved.** The Buffer provides for the infiltration of runoff and the filtering of pollutants (i.e. lawn fertilizers, yard debris, etc.) prior to the water entering the lake. This natural and vegetated area also provides a screen so lake view homes' back yards, swing sets, personal property cannot be viewed by members when boating and fishing on Lake Jeanette. The Buffer Zone policy was adopted to:

- Maintain the fifty foot (50') buffer around the perimeter of Lake Jeanette in as much a natural state as possible for the enjoyment of all 1,165 member homes. This natural buffer provides a screening of back yards, outdoor furniture, grills, patios, etc. when viewing the shoreline from the water.
- Maintain the natural infiltration of water to prevent chemical run off from lawns etc.
- Protect the buffer from erosion, and
- Maintain a natural and safe habitat for the abundant wildlife and fish of Lake Jeanette.

The Policy addresses the following areas of violation and specifies remedy for each:

- Illegal Cutting or Removal of Trees
- Limbing of Trees
- Indiscriminate cutting or killing of undergrowth
- Cutting of material on adjacent properties
- Storage of Personal Property within the Buffer

No cutting or work of any kind may be performed in the 50 Foot Buffer Zone without Written Request to Perform Work and Written Approval granting the request prior to any work/cutting being performed.

This includes the removal or cutting of dead items.

No items or personal property may be placed or stored in the 50 foot Buffer Zone. This includes, but is not limited to, boats, furniture, planters, hammocks, yard waste and other such items. These items impede the natural infiltration of water and kill vegetation and ground cover. Also, the natural look of the lake's edge is changed when these objects can be viewed while on the water.

Responsibilities of Lake View Lot Owners:

Simply stated, lake view lot owners are responsible for complying with the Buffer Zone policy. If they wish to perform any work in the Buffer Zone, written request of such must be submitted to LJHOA Operations, a site visit to discuss the request scheduled, and written approval granted prior to any cutting or work being performed in the 50 foot Buffer.

Lake View Lot Owners, upon the purchase of their home, agree to abide by Lake Jeanette's governing documents including the Restrictive Covenants, Deed, and Buffer Zone Policy. In exchange for this agreement, International Textile Group (previously Cone Mills) grants each lake view lot owner an access easement to cross ITG's property for the purpose of boating and fishing. The access easement does not allow Lake View lot

owners to use ITG's property as if it were part of their back yard. Following is an excerpt from the Buffer Zone Policy and Declaration of Covenants and Conditions in this regard.

The ingress/egress easement agreement granted by Cone (now ITG) to lakeview lot owners requires that Zones 1 and 2 of the Lake Jeanette easement area must be left in a natural and un-improved state. This easement grants movement across the property for permitted purposes of boating and fishing, but does not allow the storage of property of any kind in the zones. This includes, but is not limited to, boats, furniture, planters, hammocks, yard waste and other such items. These items impede the natural infiltration of water and kill vegetation and ground cover. Also, the natural look of the lake's edge is changed when these objects can be viewed while on the water.

Article II, Section 1(d) of the Lake Jeanette Development Declaration of Covenants Conditions and Restrictions grants the Association the right to impose regulations for the use of the common area which includes Zone 1 and 2 of the easement area. Upon discovering of any offending object within the buffer, the Association will notify the lot owner by certified mail that, upon the receipt of this letter, he/she has forty eight (48) hours to remove the property.

Page 2 of the Buffer Zone Policy states:

This is a very tough policy for a very serious issue. The way to avoid the hassle and expense related to violations of this zoning condition is to comply with Exhibit A of the lakeview lots deed. It simply states, "Grantee (homeowner) shall give written notice to ITG (Cone) (or its designee)...prior to the cutting of dead trees in Zone 1 and 2 and prior to cutting and removing understory vegetation and small saplings (as defined above) in Zone 2." If you wish to do any work within this buffer, contact a Lake Jeanette representative to set up a meeting on site to discuss this policy and to get approval prior to beginning any work.

What happens when a Violation is reported to LJHOA Operations?

The Buffer is inspected and cutting violations are assessed by LJHOA Operations and Marina contractor in accordance with the Buffer Zone Policy. Cuts are numbered, measured, and photographed and the number of trees to plant in the buffer to remedy the violation are calculated in accordance with the number of inches removed as defined in the planting grid on page 1 of the policy. For example, if a 7" diameter tree is removed in Zone 1, twenty eight inches will have to be planted as replacement. Using 3" caliper trees, it would take 9.3 trees to remedy the removal of one 7" caliper tree.

Once the violation is assessed and the costs to replant the buffer determined, representatives from ITG usually visit the buffer to make an inspection and review the calculations. The City and County may also inspect the buffer specific to the violation. A letter is sent to the homeowner outlining the violation, number of trees that must be planted to remedy the violation, and costs involved. An estimated costs pre-payment is required from the homeowner and is placed in escrow until the funds are used. After installation, an invoice showing either a credit or additional payment needed is forwarded to the homeowner for prompt payment or reimbursement.

ITG has the final say on the landscaper to install the necessary trees to meet the size ratios outlined for planting. Thirty percent of the trees must be evergreens.

How do violations affect LJHOA?

They change the natural and unimproved appearance of Lake Jeanette from the water and members'

enjoyment of the lake which in turn may affect overall property values in the Lake Jeanette Master HOA villages.

- They promote soil erosion and jeopardize the buffer's ability to protect the watershed
- They jeopardize the natural habitat for fish and wildlife and deter conservation practices as required by the Lease Agreement
- They are costly to our Association...
 - Mailing – certified letters – copying – photographing – printing
 - Labor intensive to inspect and assess – additional fees incurred
 - Legal fees if the violator is not cooperative
- Jeopardize the Association's Lease Agreement with ITG, and have the potential to
- Increase insurance premiums

Who pays for the above costs?

The homeowner violating the buffer is responsible for costs involved in replanting the buffer. In situations where the violating homeowner does not cooperate in replanting the buffer in accordance with the policy, the Association may incur legal fees, replanting costs, and may have to pursue legal action against the violator to recover the costs of replanting the buffer. If the latter is required, and depending on the severity of the violation, an increase in Association dues may be necessary and/or a special assessment to cover these costs.

Please read the Buffer Zone Policy in its entirety so we can all work together to protect our drinking water, our Lake, our property values, and everyone's wallet!

- The policy is addressed in the Welcome Letter Packet mailed to new homeowners after closing.
- The policy is posted on the Association's website <http://ljvillages.com/buffer-policy.html> for easy reference.
- The *Homeowners Request to Work in the Buffer Zone* form is also posted on the website <http://ljvillages.com/downloads/RequestTo-Work-in-Buffer.pdf>.
- HOA monthly email newsletters often address aspects of the Buffer Zone Policy.
- In 2008, signs were installed in the buffer contiguous to each lake view lot that advises, ***No Cutting in the Buffer without Permission from LJHOA.***

**Lake Jeanette Operations
336-382-3663**

By: Deborah Roskelly, Roskelly Management Associates LLC: Sources:

- Declaration of Covenants, Conditions and Restrictions for Lake Jeanette Development <http://ljvillages.com/downloads/Covenants-Conditions-Regulation.pdf>
- Deed <http://ljvillages.com/downloads/Northern-Shores-Sample-Deed.pdf>
- Lease Agreement between Cone Mills Corporation (now International Textile Group – ITG) and Lake Jeanette Association, Inc. <http://ljvillages.com/downloads/Lease-Agreement.pdf>
- Lake Jeanette Association Buffer Zone Policy April 3, 1995 Third Addendum – October 15, 1996 <http://ljvillages.com/downloads/Buffer-Zone-Policy.pdf>
- Cone Mills – International Textile Group
- City of Greensboro Storm Water Resources
- Guilford County Watershed Protection as shared by GC Storm Water Administration
- Guilford County Environmental Bulletins