

DESIGN GUIDELINES

Pursuant to ARTICLE XI – DESIGN REVIEW COMMITTEE of the DECLARATION OF COVENANTS, CONDITIONS, EASEMENT AND RESTRICTIONS FOR EAGLE BEND WEST; (hereinafter referred to “Eagle Bend West”), the Design Review Committee (hereinafter referred to as “DRC”) has promulgated the following guidelines, processes and rules referred to herein as Design Guidelines. The primary function of these Design Guidelines is to provide this community with the necessary tools of regulation (with specific focus on exterior design, materials, quality, and landscape) that will enhance the natural beauty of the development and simultaneously protect future use and property values. Questions and correspondence pertaining to these Design Guidelines should be addressed to the DRC.

Please refer to ARTICLE IV – LOT AND COMMUNITY AREA LAND USE RESTRICTIONS of the CCR’S for a complete listing of the covenants pertaining to design review.

Contact the DRC Chair as early as possible to discuss a project and how best to submit the required information and deposits.

Phone and e-mail contact information for the Design Review Committee Chair provided on the Eagle Bend West website. <https://eaglebendwestmt.com/directory/>

Or

Chair, Design Review Committee – or the Board Liaison

Eagle Bend West Community Association, Inc.

PO Box 468

Bigfork, MT 59911

(406) 257-1302

COMMITTEE STRUCTURE

The CC&Rs stipulate a minimum of three (3) members on the Design & Review Committee and maximum five (5), and that 1 member should be a Montana licensed architect.

ROLES/MEMBERS

1. Chair/Member – Homeowner, Elected by the DRC Members
2. Member – Homeowner or External Volunteer
3. Architect – Montana Licensed, Familiar with the EBWCA CC&R’s and Design Review Guidelines, Processes, and Rules
4. Committee Member may not be a spouse, family member, or acting member on the HOA Board

I. REQUIREMENTS

Requirements encompass new home construction and improvement / alteration of existing homes or property.

No improvements (whether temporary or permanent), landscaping, alterations, repairs, excavation, grading or other work which in any way alters the exterior appearance of any property shall be made or done without the prior approval of the DRC. No changes or deviations in or from the plans and specifications once approved by the DRC shall be made without prior written approval.

No building, fence, wall dwelling unit or other improvement shall be commenced, erected, maintained, improved, altered or made without prior written approval of the DRC. All subsequent additions to or change changes or alteration in any building, fence, dwelling unit or other improvement, including exterior color scheme, and all changes in the grade of lots, shall be subject to the prior written approval of the DRC.

A. New Home Construction (required forms):

- Form #1 Application for Preliminary Design Review (*requires \$500 non-refundable deposit*)
- Form #2 Application for Construction Documents Review
- Form #3 Construction Application (*requires \$5000 refundable deposit*)
- Form #5 Application for Final Inspection Owner Authorization Form (*when applicable*)

B. Improvement/Alteration of Existing Home or Property (required forms):

- Form #4 Application to Make Construction or Design Change (required \$500-\$5000 refundable deposit)
- Form #5 Application for Final Inspection
- Owner Authorization Form (when applicable)

II. USE OF DESIGN PROFESSIONALS

The protection and preservation of the natural beauty and topography of each building site is a priority. All design and construction activities shall seek to blend with and reinforce the natural amenities of Eagle Bend West. To preserve the beauty and character of the entire development, it is essential each lot be developed with due care and particular attention to each home's integration into the neighborhood.

Owners of lots 1 through 8 of the Resubdivision of Lot 1 as shown on the and/or the Master Development Plan will be permitted to engage a reputable, licensed contractor of their choice to construct a single-family home on their lot in accordance with plans prepared by a licensed architect. The foregoing is subject to approval by the DRC and the final approval shall require submission of "as-built" plans *approved* by a Montana licensed architect.

The attached "Owner Authorization Form" (Appendix #2) is to be completed and submitted by the Owner to the DRC if the owner is to be represented in the approval process of the proposed new home or improvement / alteration of existing home or property.

III. **DESIGN REVIEW REGULATIONS**

1. Eagle Bend West Design Review Committee

1. Duties: The DRC is responsible for administering the Design Guidelines and Protective Covenants and performing the following duties with the oversight of the Board of Directors.
 - a. To form and adopt such reasonable rules and procedures as necessary to carry out its functions.
 - b. To review all of the following it deems *necessary by a licensed Montana architect on the DRC*.
 - i. Site plans and site sections
 - ii. Landscape plans
 - iii. External Building drawings and specifications
 - iv. External Material and color samples
 - v. Other information related to external design, quality, and construction.
 - c. To require all improvements to be reviewed and approved by the DRC before construction commences, including:
 - i. Construction of buildings, auxiliary structures or roads
 - ii. Alterations and Remodeling
 - iii. External Restorations
 - iv. Landscaping, Fences and Walls
 - v. Parking
 - vi. Sign and Exterior Lighting
 - vii. Other External improvements
 - d. To enforce design requirements contained within the Design Guidelines and Protective Covenants through the completion of new home construction or improvements/alternation.
 - e. To reject materials, designs, and colors submitted with proposed plans, and the proposed plans themselves, if they are not compatible or are inappropriate with the overall plan of the subdivision
 - f. To grant variances to the Design Guidelines and Protective Covenants it deems appropriate.
 - g. To interpret Design Guidelines and Protective Covenants as it deems appropriate and make rulings thereon.
 - h. To require the completion of all improvements in substantial compliance with approved plans and specifications.
 - i. To enforce the Design Guidelines and Protective Covenants through reasonable means, including, but not limited to, in a court of law with the majority approval of the Board of Directors.

- j. To revoke or suspend approvals and order the suspension or cessation of any construction in violation of the Design Guidelines and Protective Covenants. *This needs Board approval for any specific action.*
 - k. To require the submission of landscape plans with all requests for review and approval of building plans.
 - l. To create a list of local vendors recommended by the community to assist homeowners.
2. Liability: The DRC and each member thereof shall be indemnified by the Association in connection with any claim or loss by any member in connection with the performance of his or her responsibilities and neither the DRC nor any member thereof shall be liable to the Association or to any owner for any damage, loss or prejudice suffered or claimed on account of the following:
- a. The approval or disapproval of any plans, drawings or specifications, whether or not defective.
 - b. The construction or performance of any work, whether or not pursuant to approved plans, drawings, or specifications.
 - c. The development or manner of development of any property within Eagle Bend West.

B. Zoning Regulations, Codes and Restrictions

1. General Zoning Regulations: Eagle Bend West includes portions of land within the jurisdictional area of Flathead County.

2. Density, Allowable Uses and Not-Allowed Uses:

- a. Density: Not more than one single family residence may be built on each residential lot.
- b. Allowable Designed Uses: Each lot shall be used exclusively for single family residential purposes. No more than one family (including its servants and transient guests) shall occupy a residence, provided, however, that nothing in this subparagraph below shall be deemed to prevent:
 - i. Construction of detached garages in accordance with the Design Guidelines and Protective Covenants.
 - ii. Construction of guest houses in accordance with the Design Guidelines and Protective Covenants, subject to DRC approval.
- c. Not-allowed Deigned Uses:
 - i. For-profit or not-for-profit multi-family and/or group homes;
 - ii. Any use or occupancy that reasonably may constitute a nuisance or interference with the peaceful and quiet enjoyment of the neighborhood.

- iii. Any use or occupancy that requires a license or permit to operate on the premises.

3. Codes: All construction must comply with the provisions of the latest edition of the following design regulations, codes and their amendments and it is the sole responsibility of the owner to ensure compliance:

- Eagle Bend West Design Guidelines
- Protective Covenants of Eagle Bend West
- International Building Code
- National Electrical Code
- Uniform Fire Code
- National Fire Protection Association Code
- State Fire Code Standards
- Montana Energy Code
- All other applicable County, State and Federal Regulation

IV. ENVIRONMENTAL REGULATIONS

Native Vegetation. Many wildlife species live on or migrate through the community at various times of the year. The following limitations on use and development are intended, in addition to all other requirements of this manual, to protect, preserve and maintain the existing wildlife habitat and minimize the adverse effects on the development on wildlife habitat.

1. Non-native plants: Introduction of non-native plant species which might compete with or harm native species, or result in their decline, is prohibited except where it is shown that such introduction can improve or prevent undue damage to the natural environment.
2. Chemicals: The use of chemical herbicides and pesticides is prohibited except for the control of noxious and other appropriate weeds. Non-chemical weed control is strongly encouraged. Only approved herbicides should be used, and a Flathead County Weed Board Representative should be consulted before applying chemicals to sensitive areas.
3. Burning: The open burning of any materials or vegetation is prohibited, except when in accordance with government regulations and in the case where burning is shown to be beneficial.
4. Native Vegetation Transition Zone: All lots adjoining common open space areas are to incorporate and protect native vegetation on the lot edges adjacent to the open space.
5. Artificial Feeding: Artificial feeding of wildlife anywhere on the property is prohibited. Artificial feeding greatly enhances disease infection and transmission potential and tends to lead to accelerated habitat degradation

B, Wetland Protection. The Eagle Bend West site and access roads have been designed to be sensitive to streams, ponds, aquatic sites, and wetlands. Such wetlands have been mapped and delineated. The DRC will review all proposed construction and land use proposals on the properties to assure that wetlands which are mapped in the delineation reports are protected. In addition, some

lots in Eagle Bend West and the greater Harbor Village Community have specific legally enforceable conservation/environmental easements, some with specific 20-foot setback requirements that run with the property. It is essential that property owners be aware of such restrictions, and that federal, state and/or local permit requirements may apply to any projects near a shoreline or wetlands area and that there are significant penalties for non-compliance.

V. SITE DESIGN GUIDELINES & REGULATIONS

The integration of buildings into the landscape is essential to the success and appearance of development. Site design requirements specifically serve to protect and enhance the natural landscape stream shed, view sheds and natural habitat.

- A. Relationship to Open Space. The Master Plan establishes a network of trails and parks. Individual buildings shall be located in a manner that preserves the character of the open space. When an entirely open site is developed, buildings shall be organized in a cluster that diminishes the scale and impact of the building in the landscape. In addition, indigenous landscape materials shall be introduced to minimize the exposure of the building. Manicured lawns shall be separated from the established native Vegetation Transition Zones (as defined in the Master Plan) with landscape materials. These Transitions are necessary to preserve the character of the open meadows.
- B. Foundation studies shall be conducted for all buildings. Owners will be allowed to forego a study if they agree to sign a liability waiver in favor of EBWCA.
- C. Site Drainage. All site plans must indicate surface drainage patterns. All grading within the development must relate to and blend into the surrounding natural landscape. Care should be taken to limit the extent of cuts and fills. All cut and fill areas must feather into the natural topography within the confines of the property boundary.
- D. Driveways & Parking.
 - 1. Site access shall be based on the Master Plan. Every effort shall be made to diminish the impact of the entry to the garage through the consideration of angles of approach and landscaping. Each lot shall be developed with adequate parking for residents and visitors.
 - 2. The construction and maintenance of all driveways shall be the responsibility of the Owner. Driveways and parking areas shall be crowned and sloped for adequate drainage and safety. Driveway and parking surfaces shall be asphalt concrete or any other materials, subject to DRC approval. As per the Flathead County Zoning Regulations, no driveway within the front yard setback shall be wider than 22’.
 - 3. Materials shall restrict weed growth and maintain a clearly defined edge between the landscaped area and the driveway surface. Materials shall withstand deterioration from winter snow plowing and erosion.

- E. **Garbage and Refuse Disposal.** All equipment, garbage cans, wood piles, compost piles or storage piles shall be screened or concealed from view of other dwellings and Common Areas.
- F. **Exterior Lighting.** Exterior lighting shall be designed to be subdued, understated and indirect. Area lighting shall have concealed light sources and shall be either all white or all pale yellow. Lighting shall not radiate out from the property.
- G. **Fences, Walls & Privacy Screens.** Installation of fences, walls and privacy screens are discouraged. Open spaces between residences are preferred. Notwithstanding, in the event good cause and enhancement of subject property and adjacent properties and residences can be evidenced, owners may construct fences, walls and screens consistent with the following requirements.
1. **Privacy Screens:** Privacy screens are subject to approval by the DRC. Each privacy screen shall be consistent with the overall design of the site and residence. Any fencing or screening shall not materially restrict views from adjacent properties. Any request for a privacy screen submitted to the DRC must include the written consent of adjacent homeowners, which consent must be provided if the request is reasonably necessary. The DRC may approve a privacy screen over the non-consent of an adjacent homeowner if the DRC concludes that consent should have been provided.
 2. **Retaining Walls:** Retaining walls are subject to approval by the DRC. Each retaining wall shall be an integral part of the overall design of the site and residence. Retaining walls shall be a maximum of 4 feet high. Retaining walls shall be constructed of wood or stone and shall blend into the contour of the existing landscape. Any retaining wall shall not materially restrict views from adjacent properties. Any request for a retaining wall submitted to the DRC must include the written consent of adjacent homeowners, of which consent must be provided if the request is reasonably necessary. The DRC may approve a retaining wall over the non-consent of an adjacent homeowner if the DRC concludes that consent should have been provided.
 3. **Fencing:** Fences are subject to approval by the DRC and the HOA Board. Fences shall not materially impede the view of adjacent owners. The use of vinyl or chain link fencing is prohibited. Fences may not be higher than five (5) feet at its highest point nor any section longer than ten (10) linear feet. Any request for a fence submitted to the DRC must include the written consent of adjacent homeowners, which consent must be provided if the request is reasonably necessary. The DRC may approve a fence over the non-consent of an adjacent homeowner if the DRC concludes the consent should have been provided.
 4. **Deer Protection Fencing:** Fences around individual plants, shrubs or trees for the purpose of protecting the plantings from damage caused by deer is permitted. Acceptable materials for such deer protection are open wire, woven mesh or burlap. Protective fencing is not allowed around the entire property. No approval is required from the DRC for the installation of deer protective fencing for individual trees, shrubs and plants and small cluster of shrubs and plants.

- H. Dog Kennels. Outdoor dog kennels require plan approval and consent of the DRC.
- I. Landscaping. Each Owner of a Residence Lot shall provide landscaping in connection with construction of its improvements and shall maintain the landscaping of the Lot. Prior to installing landscaping, the Owner of a Residence lot shall submit a written landscaping plan to the DRC and secure approval of the plan. Each Residence Lot must contain at least six (6) deciduous trees approved by the DRC which may include blue spruce and scotch pine. No cottonwood trees or poplar trees other than Aspen trees will be permitted in Eagle Bend West. Thereafter, each Owner shall keep all landscaping of every kind located on its Residence Lot neatly trimmed and shall keep all such areas properly cultivated and free of trash, weeds and trimmed, and shall keep all such area properly cultivated and free of trash, weeds and other unsightly material. While lawn seeding may be permitted by the DRC sodding is recommended. All landscaping on Residence Lots must be designed to, and be, properly irrigated. Any Owner who fails to complete the initial landscaping within the eighteen (18) month construction period, unless such time frame is otherwise extended by the DRC to account for weather or seasonality or who fails to maintain its landscaping shall be subject to a Maintenance Charge by the Association to cover the cost of bringing the lot into compliance with the Landscaping standards. The Association is authorized to take reasonable action to cause the landscaping to be installed and maintained. Where formal or groomed plating give way to the natural landscape, the transition shall be defined. This can be accomplished through a natural transition using boulders, perennial wildflowers, or shrub beds, or through elements such as fencing, walls, pathways, or roads.
- J. Irrigation. Automatic and/or programmable irrigation systems are required by all developed lots in Eagle Bend West.
- K. Service Areas and Utilities. Service areas of individual homes should be carefully planned to screen garbage can enclosures, utility hookups and mechanical equipment from view. Service areas must be screened in a design that architecturally blends with the house. Underground utility lines and telephone services will be provided on the primary roads and property owners shall provide underground lines to their respective residences. All such utilities shall enter the house in the service area. Television amateur radio or CB antennas are not permitted in Eagle Bend West. Satellite dishes not exceeding one meter in diameter are permitted in Eagle Bend West. DRC approval is required for location and means of fastening the satellite dish. Approved satellite dishes should not be visible from the roadways.
- L. Flagpoles. Single family home lots are allowed one freestanding, permanent flagpole. Such flagpoles shall be maximum height of 25 feet and shall be constructed of approved commercial material and must be professionally installed to ensure stability. Freestanding, permanent flagpoles and their proposed location must be approved by the Board and DRC and the immediate neighbors consulted prior to installation.
- M. Awnings. Awnings may be permitted with DRC approval.

VI. BUILDING DESIGN GUIDELINES & REGULATIONS

- A. Set Backs. No Dwelling Unit or other structure shall be situated or constructed on any of the Lots except in conformity with the “Set Back” requirements as established by the Flathead County Zoning Regulation. Eagle Bend West is zoned RCA which states that all structures shall be normally set back a minimum of 5’ from the side lot lines, 20’ from the side corner lot line, 20’ from the front lot line and 20’ from the rear lot line.
- B. Building Height and Minimum Square Footage. Building heights shall minimize the obstruction of all neighbors’ views and shall be limited to a maximum of 35 feet. Building height shall be measured from the highest ridge to the lowest adjacent grade. The total square footage of each two-level single-family residence on each site shall be no less than 2500 square feet, excluding garages; the lower level of a two-story home shall be no less than 1800 square feet. The total square footage of each single-level single family residence on each site shall be no less than 2200 square feet, excluding garages. For purposes of this section, square footage calculations exclude decks, balconies and porches. Each lot is required to have a single-family residence. Garages, guest houses and other dwellings and structures are not permitted without a single- family home on the same lot. The square footage of a garage may not be more than 50% of the total square footage of the single-family residence. Lots within Eagle Bend West vary in size. Certain lots may not be able to reasonably accommodate the square footage specifications set forth herein. Accordingly, in the event compliance with the single-family home and garage square footage requirements would exceed 75% of the total lot size, the DRC, in its discretion, may grant a conditional variance from the square footage requirements.
- C. Entry Definition, Overhangs & Fascia. Snow in the Flathead Valley often builds up on the roof surfaces and slides at irregular intervals. Such slides can damage property, decks and balconies, and injure people. Caution should be taken in design to minimize shedding of snow and ice toward driveways, sidewalks, porches, decks, balconies, or any other area which may be damaged or cause injury. Entrances should be expressed and protected with adequate overhangs. All sloped roofs shall have overhangs of at least two (2) feet.
- D. Construction & landscaping Period. All construction (interior and exterior) and landscaping, must be completed within a period of eighteen months from the approval of the Construction Application (**Form #3**), unless such timeframe is otherwise extended by the DRC to account for weather or seasonality or other commercially reasonable circumstances.

VII. MATERIAL AND DETAIL GUIDELINES & REGULATIONS

Materials shall be selected for quality, durability and maintenance characteristics. The following are the only allowable materials:

- A. Roof Materials. Permitted roof materials include Class A or B treated wood shakes or shingles, natural and synthetic slate tiles, tiles, Class A asphalt random tab shingles and other similar materials, if approved by the DRC. Metal roofing shall be permitted as an accent and may not be used for more than 25% of the total roof square footage or the entirety of a garage or guest house.

All roof flashing vents, hoods, and roof accessories shall be copper, painted, or a pre-finished metal that is consistent with the colors of the roofing materials selected.

B. Exterior Wall Materials. Subdued and natural colors should pre-dominate the main body of the building. Exterior trim can be more colorful and contrast with the main body, adding visual interest to the pre-dominant neutral tones.

The DRC shall consider materials not listed below that maintain the aesthetic continuity of the Eagle Bend West, including pre-finished composite wood products and synthetic siding materials.

1. Stonework: Natural and/or cultured stone.
2. Unit Masonry: Unit masonry materials shall be limited to brick, as approved. Brick surfaces shall be limited to 40% of the exterior surface area and shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance.
3. Concrete: Exposed concrete foundation walls between ground level and exterior wall siding shall be a maximum of eight (8) inches. Foundation exposure over eight (8) inches shall be finished with synthetic textured stucco (stained a subdued color in harmony with the building) stone or treated wood.
4. Stucco: Synthetic stucco shall be permitted providing that the finished surface is adequately textured to obscure the pattern of insulation panels.
5. Wood Siding/Wood Product Siding: Smooth or rough wood siding shall be an acceptable exterior wood sheathing material.
6. Natural Log: Natural, hand peeled log materials, assembled with irregular diameters and lengths, shall be the only acceptable use of log products. Prefabricated kit homes, including prefabricated homes of any type, shall not be allowed.

Chimney Materials, Composition & Proportion. Chimneys, flues, and vents can be used to create visual contrast. All flues shall be enclosed with a chimney cap and fitted with a spark arrestor.

Exterior Windows and Doors.

1. Scale, Composition & Proportion: Window and door patterns and reveals should be carefully studied to create interest, variety and consistency. Uninterrupted bands of windows and doors shall not be allowed on any building. Window and door locations shall be carefully considered to avoid being obscured by accumulating snow.
2. Solar Orientation and Exposure: The design and location of exterior windows should respond to the solar orientation of the building. The following energy consideration should be addressed in the building design:
 - Double or triple glazing with Low E coating
 - Openings caulked around windows/doors
 - Weather-stripping
 - Entry Vestibules
3. Materials: Windows and doors shall be constructed of natural, stained, or painted-wood, or pre-finished enamel or colored aluminum or steel cladding. Glass curtain walls shall not be approved. Mirrored glass shall not be used.

E. Decks, Balconies & Terraces

1. Design: Decks, balconies and terraces shall be designed to enhance the overall architecture of the building by creating variety and detail on exterior elevation.
2. Materials: Low level decks shall be skirted to grade. Decks which are not practical to skirt shall be designed to ensure that the underside of the deck is integrated with the design of the building.

F. Building Color. Exterior color schemes throughout Eagle Bend West shall emphasize the natural tones of the surrounding natural environment.

G. Solar Panels. The installation and use of solar panels for energy use for the residence is permitted subject to plan and design approval of the DRC. The location of solar panels for each residence is limited to the roof of the residence. The number of solar panels installed should be no more than necessary to meet the needs of the residence. Each owner shall take care to prioritize the use of panels for roof locations least possible to neighboring properties and roads and which causes the least amount of glare or reflection to neighboring properties.

H. Energy Conservation. All residential buildings shall meet the following minimum standards for roof and exterior wall insulation.

- Roof: R-42 (R-50) recommended)
- Walls: R-21
- Foundation Walls: R-19

VIII. SIGN REGULATIONS

A. Residence Identification. Standard signs identifying residences shall be placed by each owner in an approved location on the property, no greater than 20 feet from the street and no less than 3 feet from the drive. The address marker should be made of materials consistent with the construction of the home and may include stone, wood, and metal. Number shall be at least three (3) inches high and 2” wide in stroke. The identification shall be clearly visible to emergency vehicles from the adjacent street at all times.

B. Contractor, Builder, and Developer. A construction sign with appropriate contact information shall be placed on a lot only during the construction period. The sign must be removed immediately upon approval of Final Inspection (**Form #5**) or no longer than 18 months, whichever occurs first. Appropriateness of signs will be at the discretion of the DRC.

C. Real Estate for Sale/Resale. A standard broker/realtor sign may be placed on property that is for sale or resale, such signs may be no more than 18 inches high and 24 inches wide, with a total height from the ground of no more than three feet. Signs must be removed

immediately upon closing of the sale or listing expiration. Appropriateness of signs will be at the discretion of the DRC.

- D. Temporary. Signs of a temporary nature such as “Open House” need not be approved by the DRC but must be removed when not in use. Such signs may be no more than 18 inches high and 24 inches wide, with a total height from the ground of no more than three (3) feet.

IX. CONSTRUCTION PROCEDURES

A. Approvals Required Before Construction Starts.

1. Permits: Construction shall not commence until Final Plan Approval (Forms #1, #2, and #3 for new home construction and Form #4 for improvement/alteration of existing home or property) has been received from the DRC. Building construction and landscaping must strictly conform to the approved final plan and must be diligently prosecuted to completion within 18 months after obtaining the Final Plan Approval for new home construction and six (6) months for improvement/alteration of existing home or property, unless specific written extension is granted by the DRC.
2. Erosion Control: All disturbed areas of the site shall be protected from erosion during and after the construction period. Erosion control measures must be taken during construction to ensure soil stabilization, sediment control, and timely re-vegetation.

- B. Building Inspection: The DRC will not inspect projects for building code conformance; this is the responsibility of the owner and architect. The DRC will however, from time to time review the construction sites for conformance to these design standards. It is also the responsibility of the Applicant or the Applicant’s builder to contact the state and other authorities regarding electrical, plumbing and other required inspections.

X. CONSTRUCTION PHASE

A. Construction Regulation. All of the property owners, as well as Eagle Bend West Community Association, Inc., will be concerned that the natural beauty always be protected as much as possible, including times when Contractors are working at Eagle Bend West. Therefore, the following regulations apply to all Contractors and their employees as well as service personnel while at Eagle Bend West:

1. Owners are required to apply for permission and receive approval prior to any development of a lot using **Form #3**.
2. No construction activity will commence prior to 7:00 a.m. and must halt no later than 6:00 p.m., Monday – Saturday. No work shall be performed on Sunday.
3. Contractors are required to keep their job sites as neat and clean as possible at all times. Trash and discarded materials will be removed daily. All Trash stockpiled for removal shall be located in the rear of the residence until removed. There will be no stockpiling of materials or trash on adjacent roads or property. Dumpsters must be provided by the Owner. Trash not removed may be removed by the Eagle Bend West

Community Association, Inc. and all costs thereof shall be deducted from the construction deposit.

4. Contractors will use only the utilities provided on the immediate site on which they are working.
5. Any damage to roads, drainage inlets, street signs, utilities, etc., will be repaired by the Contractor. If not repaired on a timely basis by the Contractor, the Eagle Bend West Community Association, Inc. will do so and will deduct such costs from the construction deposit.
6. The established speed limit within Eagle Bend West is 20 miles per hour for all vehicles including construction vehicles, light trucks and autos.
7. There will be no washing of any concrete truck or chutes on the roads or common property. Any concrete truck washed out must be on the construction site, and debris promptly removed by the Contractor.
8. Operators of vehicles are required to see that they do not spill any materials while within Eagle Bend West and if spillage of a load occurs, operators are responsible for clean-up. Clean-ups done by the Eagle Bend West Community Association will be billed to the responsible party. Please report any spills as soon as possible.
9. On-street parking must be kept to a minimum and workers should be prepared to off load tools or materials from their vehicles and park them off roadways whenever possible.
10. All personnel working in the development are to ensure that they will keep all areas in which they work or travel free of discarded materials such as lunch bags, wrappers and beverage containers. Objects should not be thrown out of cars or trucks.
11. Loud radios and noise will not be allowed within the development. This is distracting and discomforting to property owners and wildlife alike. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside of homes under construction.
12. No vehicles (trucks, trailers, cars, vans, etc.) may be left on the development. Construction equipment may be left on the site while needed but may not be kept on the roads or adjacent property.
13. Dogs or other pet owners by construction personnel are discouraged, but if present must be restrained.
14. Fires and flash burning of any kind is absolutely prohibited by Eagle Bend West.
15. Only bona fide workers are allowed at Eagle Bend West. Spouses may drive workers to the construction site and pick them up but must not remain on the property unless they are actual employees of the Contractor or Subcontractor. Children of workers are not allowed at the construction site.
16. Contractors shall install portable toilet facilities in the location approved by the DRC as approved in Construction Documents.
17. Construction personnel shall wear shoes and shirts when on the construction site, personal vehicles used by workers shall be parked out of view of the greatest extent possible.
18. The Contractor shall protect important trees and existing vegetation by fencing when directed by the DRC.

19. The only sign allowed to be posted on the site shall be in accordance with Section VIII of these Design Guidelines. The sign shall be removed from the site at the earlier of, (1) completion of the construction of the home or, (2) 18 months from the construction application approval (Form #3)
20. Tracked vehicles will not be allowed on pavement unless pavement is protected by tires, planks or other approved means.
21. 48 hours prior to any excavation on the site, the Contractor must call U-DIG at 406-755-8344 or 1-800-551-8344 to locate all existing utilities.

APPENDIX #1

I. SUBMITTAL, REVIEW, & APPROVAL PROCESS

The DRC will respond promptly to each submittal and will generally be supportive and constructive with positive encouragement of each design approach to emphasize compatibility with overall development appearance. The design review process must be followed for any of the following:

- Construction of any building.
- Renovation, expansion, or refinishing of the exterior of any building
- Interior changes which affect the exterior design of a building
- Major landscape, road or parking changes.
- Exterior lighting changes.

In addition to meeting the requirements of this manual, an owner must comply with the requirements of all governing agencies.

Contact the DRC Chair as early as possible to discuss the project and how best to submit required information and deposits. Electronic submittal of items may be accepted when appropriate. The DRC Chair will determine what items are appropriate for electronic submittal.

II. NEW HOME CONSTRUCTION

A. Form #1 Application for Preliminary Design Review:

Application for Preliminary Design Review is the first form to be submitted as part of the approval process which provides information to the DRC for consideration as to the viability of the proposed project and to allow the DRC to provide feedback.

Prior to the start of the design process and submission of Form #1, the Architect and Landscape designer should visit the site. If the Owner desires, the DRC will conduct an early “sketch review” of preliminary concepts prior to the preparation of design solutions. This review will provide early project support in principle with suggestions, if necessary, to keep the design process moving along without delay. Information which could be presented would include a Sketch Plan showing the general function layout and massing of everything to go on the lot including, but not limited to, the home, other buildings, drives, parking, service area, walks, and all major amenities such as pools, terraces, decks, gardens, etc.

Construction Documents Review (Form #2) approval when granted shall be for a period of 18 months from the approval date thereof. If Construction Application (Form #3) approval is not granted within said 18-month period, approval of the preliminary Design Review shall be forfeited.

All construction (interior & exterior) and landscaping must be completed within a period of 18 months from the approval of the Construction Application (Form #3).

Approval of Form #1 grants continuation of the design review process, it **DOES NOT** authorize construction.

Submission to the DRC of **Form #1 Preliminary Design Review** must be accompanied with the non-refundable Design Review fee of \$500.00 for each residence as well as three copies of the preliminary design in conceptual drawing form to describe the items below. All below are required.

1. Completed Form #1 – Application for Preliminary Design Review: The DRC will either grant preliminary approval or state reasons for the rejection of the project and normally will offer suggestions for improvement. If the preliminary drawings are substantially changed, either by request of the DRC or desire of the Owner, they must be re-submitted and receive Preliminary Design approval before proceeding for Construction Documents Review.
2. Non-refundable Design Review Fee: Non-refundable Design Review fee of \$500.00 for each residence must be provided
3. Montana Architect License: Plans shall be approved by a Montana licensed architect. The Licensed Architect is to be identified, and the license number is to be provided.
4. Contractor License: Owners shall be permitted to engage a reputable, licensed contractor of their choice. The Contractor is to be identified. License type (s) and license number (s) are to be provided.

5. Site Analysis: A site analysis shall be presented at a minimum scale of 1" = 20' depicting the site area gathered. The analysis shall include a site plan indicating the building envelope, property lines, easements, setbacks, contour lines, tree masses and stream corridors. This site analysis shall include but not be limited to drainage, views, adjacent homes and driveways, site access and areas providing minimal or maximal privacy in addition, sections through the proposed building and adjoining buildings are required when the site's topography dictates a design that may impact neighboring views and/or structural soundness.
6. Schematic Landscape Plan: A site plan at a scale of 1" = 20' showing the location of the house, orientation of garage, driveway and walks with materials and widths, retaining walls, site drainage and amenities. Also to be included are proposed landscaping concepts specifying irrigation and plant materials and sizes to be utilized intended to help integrate the building with its environment and to provide for positive drainage.
7. Dimensional Site Plan: The site plan drawn at a scale of 1" = 20' must show the roof plan of the house and contain dimensions demonstrating conformity with all required easements and setbacks. Driveways and walks must be located along with the proposed service area. HVAC units, trees to be removed, screening of roads and neighbors. A written statement summarizing setbacks, building height and square footage of proposed construction and whether any variance requests will be made.
8. Floor Plans: Floor plans at 1/8" or 1/4" scale must be presented depicting the layout of spaces for all levels of the proposed building including square footage.
9. Elevations: Drawings presented at 1/8" or 1/4" scale representing the view of all exterior sides of the proposed structure.
10. Preliminary Stake-out: The house and driveway must be staked out on the lot with stakes at least two (2) feet tall marking the corners. Utility ditches, pools and amenities shall also be staked. It is highly recommended and suggested that lot owners ensure they have the correct lot lines by utilizing a survey. The DRC is not responsible for the lot line location.
11. Foundation Studies: Foundation studies shall be conducted for all buildings.
12. Property Survey: Property corners and lot line to be identified by surveyor. Surveyor to be identified.

B. Form #2 Application for Construction Documents Review:

Once the Preliminary Design Review (Form #1) is approved and all appropriate updates are made, if any, Construction Documents are finalized and are to be provided with Form #2. Two (2) sets of complete working drawings, specifications and all necessary materials must be submitted to the DRC for review. All below are required.

Approval of Form #2 shall be a period of 18 months from the approval date. If Construction Application (Form #3) is not approved within the 18-month period, from the Construction Design Review approval shall be forfeited.

All construction (interior & exterior) and landscaping must be completed within a period of 18 months from the approval of the Construction Application (Form #3).

Approval of Form #2 grants continuation of the design review process, it **DOES NOT** authorize construction.

1. Completed Form #2 – Construction Documents Review: If the DRC does not grant approval of the Construction Documents, it may suggest items to be corrected or resubmitted. If it grants final approval, the Owner may make application for construction approval using Form #3.
 2. Dimensional Site and Landscape Plan: Site and landscape plans must be drawn at a minimum scale of 1" = 20' or 1/8" = 1' and must convey a scale representative of all property boundaries, easements, setback, existing and proposed contours at 2' intervals and the building footprint. Proposed roads, walks, driveway, parking, decks, pools, patios, accessory building, trash enclosures and all site improvements as well as proposed materials to be utilized for such. Mechanical equipment, utility meters, transformers, surface drainage and planting materials, Adequate plant screening or fencing must be provided for HVAC units, service areas, trash enclosures, electric, gas and water meters. All underground utilities including, but not limited to, water lines, sewage lines, telephone lines, cable lines, irrigation lines, gas lines, lighting lines, etc., will be located on the plans.
 - Setbacks and location of buildings on lot to be identified
 - Building height to be identified
 - Square footage of home compared to lot size to be identified
 - Entry Definition, Overhangs and Facias details to be identified
 3. Temporary Facilities: Note also proposed location of portable toilet, dumpster, material storage areas, and Contractor employee parking.
 4. Foundation and Framing Plan: Plans at 1/4" scale and showing locations and sizes of foundation and framing elements and how they relate to nearby trees.
 5. Floor Plans: Floor plans must be drawn at 1/4" scale containing all information necessary for construction as well as include square footage.
 6. Elevations: Drawn at 1/4" scale, elevations shall accurately represent the view of all sides of the house and other structures. Floor elevation must be delineated, and existing and proposed grade levels must be shown. All exterior material must be labeled. Building height must be indicated.
 7. Building Sections: Drawn at 1/4" scale as necessary for clarification of construction.
8. Details:
- Typical wall section
 - Sample of exterior light fixtures (May be catalog photo)
 - Exterior trim
 - Window and door details
 - Sample of proposed exterior doors & windows (May be Photo)
 - Exterior stone
 - Roofing materials and flashing

- Exterior finish colors
- Exterior walls, fences or screens
- Screen porch section
- Rails
- Privacy walls as appropriate
- Identification of roof and exterior wall insulation ratings
- Identification of roof pitch
- Location for garbage can storage
- Other

9. Landscape and Irrigation Plans: Extent and location of all plant materials and landscape features and ground materials. Plant schedule identifying material by scientific nomenclature, quantity and size. Extent of turf areas to be mowed and irrigation (transition zone maintained, irrigation method indicated.) Landscape lighting location type and wattage, details of fencing.
10. Specifications: A full set of specifications must be submitted to further define the material, quality and scope of project.
11. Material: A full-scale material board indicating exterior siding, trim, fascia, soffit, timber, batten board, gables and shingles, exterior stone, samples, window colors, roof materials and flashing, exterior paving materials, exterior finish colors and exterior lighting fixture cut sheets must be submitted. Refer to Appendix #3 for an example of a design required by the DRC.
12. Final Stake-out: Final stake-out, reflecting any changes made during the design review process, must be completed before submitting for final approval from the Design Review Committee.

C. Form #3 Construction Application:

Once the Construction Documents Review (Form #2) is approved, the Construction Application (Form #3) can be submitted for DRC review. All below are required.

All construction (interior & exterior) and landscaping must be completed within a period of eighteen (18) months from the approval of the Construction Application (Form #3)

Approval of Form #3 grants authorization for construction.

1. Completed Form #3 – Construction Application: Completed and signed Form #3.
2. Refundable Construction Deposit: At the time the owner makes this application then they must submit a construction deposit in the amount of \$5000. This deposit, or portions of it, may be used by the DRC to repair damage to roads or shoulders, damage

to trees caused by construction, site clean-up, adjacent property clean up, or removal of material from roadways of unauthorized storage areas and any other reason the DRC deems necessary to guarantee correcting damages caused by construction. In the event the DRC utilizes said construction deposit, or a portion thereof for any reason, the Owner within two (2) weeks of notification must reimburse all monies spent by the DRC. Two (2) working days will be considered sufficient notice by the DRC for correction of such deficiencies. After two (2) working days, the DRC may take corrective action. Any unused portion of the construction deposit shall be returned upon completion of the project.

3. Insurance: The General Contractor must provide the DRC with ACORD certificates of commercial general liability and automobile insurance 15 days prior to commencement of construction. The minimum limits required are as follows: Respects commercial general liability insurance, \$1,000,000 each occurrence / \$2,000,000 general aggregate; respect automobile insurance, \$1,000,000 limits of automobile liability for vehicles owned by general contractor and hired and non-owned vehicles. The General Contractor is also required to furnish the DRC with a certificate of workers compensation insurance* with \$1,00,000 limits on employer liability insurance. Any and all subcontractors hired by the General Contractor need to provide the General Contractor with certificates of general liability, automobile liability and workers compensation insurance* prior to working at the construction site. All General Contractors and Subcontractors must comply with all OSHA and Montana Safety Culture Act requirements. The DRC requires that all of these policies be written with reputable companies authorized to do business in Montana, and the insurer must have a current AM Best rating of A or better. The certificate must have a 30 -day cancellation notice and certificate holder needs to read; Eagle Bend West Community Association, Inc. PO Box 468 Bigfork, MT 59911. The certificate holder needs to show on the ACORD certificate as an additional insured respects commercial general liability.

**Workers compensation insurance is required by Montana Department of Labor and Industry when the construction contractor is part of a business entity with employees – identified as “Employer” on the Contractor Registration (CR). CRs with identification of “No Employees”, “Leased Employees”, or “Bid Only” (Can only bid construction work and cannot perform actual work) are not subject to workers compensation coverage requirements on employees. Independent contractors must either secure an Independent Contractor Exemption Certificate (ICEC) or self-elected workers compensation insurance.*

D. Form #5 – Application for Final Inspection:

1. Completed Form #5-Application for Final Inspection: Upon the completion of the new construction, the Owner will need to file a completed **Form #5 - Application for Final Inspection** with the DRC.
2. Upon Receipt of Form #5, the DRC will either note discrepancies yet to be completed or grant final approval. Upon final approval, the DRC will refund any remaining deposit due to the Owner.

3. Form #5 includes signatory requirements for the Owner, Contractor, Montana Licensed Architect and Landscape Architect to certify the completed project's approved construction/landscaping plans and specifications represent the "as built" condition, including any approved modifications.

III. IMPROVEMENT / ALTERATION OF EXISTING HOME OR PROPERTY

Improvement / alteration of existing home or property, including addition, landscape elements and any alterations to the exterior will require review by the DRC. To facilitate this process, the Owner should submit a completed Eagle Bend West **Form #4 – Application to Make Construction or Design Change** and required items.

Application to Make Construction or Design Change (form #4) approval shall be for a period of six (6) months from the approval date. If construction has not commenced and completed within the said six (6) month period, the approval shall be forfeited.

A. **Form #4 Application to Make Construction or Design Change:** When submitting for review of proposed improvements, the submittal must include but are not limited to the items below. Approval of **Form #4** grants commencement of project.

1. **Completed Form #4 – Application to Make Construction or Design Change:** The DRC will either grant approval or state reasons for the rejection of the project and normally will offer suggestions for improvement. Approval of **Form #4** grants approval to proceed with project.
2. **Refundable Construction Deposit:** A refundable construction deposit of \$500.00 - \$5000.00 (to be determined by the DRC dependent upon specific project) must accompany the completed **Form #4 – Application to Make Construction or Design Change**.
3. **Letter of Intent:** The Owner should inform the DRC as to the intent and purpose of the proposed improvements.
4. **Color Samples:** Samples are most important when applying for improvements approval because of the necessity of matching existing materials. Provide a Construction Materials Sample Board if appropriate (*Appendix #3*).
5. **Site Plan:** A plan with dimensions of the property must be submitted showing the location of the proposed improvements.
6. **Drawings:** Sufficient plans and elevations shall be submitted to adequately define and explain the improvements.
7. **Montana Architect License:** Required when the substance of project warrants use of an architect. Plans shall be prepared by a Montana licensed architect. The Montana Licensed Architect is to be identified, and the license number is to be provided.
8. **Contractor License:** Required when General Contractor is being used for the project. The Contractor is to be identified. License type (s) and license number (s) are to be provided.

9. Insurance: Required when General Contractor is being used for project. The General Contractor must provide the DRC with ACORD certificates of commercial general liability and automobile insurance 15 days prior to commencement of construction. The minimum limits required are as follows: respects commercial general liability insurance, \$1,000,000 each occurrence / \$2,000,000 general aggregate; respects automobile insurance, \$1,000,000 limits of automobile liability for vehicles owned by general contractor and hired and non-owned vehicles. The General Contractor is also required to furnish the DRC with a certificate of workers compensation insurance* with \$1,000,000 limits of employer liability insurance. Any and all sub-contractors hired by the General Contractor need to provide the General Contractor with certificates of general liability, automobile liability and workers compensation insurance* prior to working at the construction site. All General Contractors and Subcontractors must comply with all OSHA and Montana Safety Culture Act requirements. The DRC requires that all of these policies be written with reputable companies authorized to do business in Montana, and the insurer must have a current AM Best rating of A or better. The certificate must be a 30-day cancellation notice, and certificate holder needs to read; Eagle Bend West Community Association, Inc. PO Box 468 Bigfork, MT 59911. The certificate holder needs to show on the ACORD certificate as an additional insured respects commercial general liability.

**Workers compensation insurance is required by Montana Department of Labor and Industry when the construction contractor is part of a business entity with employees – identified as “Employer” on the Contractor Registration (CR). CRs with identification of “No Employees”. “Leased Employees” or “Bid Only” (can only bid construction work and cannot perform actual work) are not subject to workers' compensation coverage requirements on employees. Independent contractors must either secure an Independent Contractor Exemption Certificate (ICEC) or self-elected workers compensation insurance.*

B. Form #5 – Application for Final Inspection:

1. Completed Form #5 – Application for Final Inspection: Upon receipt of Form#5, the DRC will either note discrepancies yet to be completed or grant final approval. Upon final approval, the DRC will refund any remaining deposit due to the Owner.

Form#5 includes signatory requirement for the Owner, Contractor, Montana Licensed Architect and Landscape Architect (*as applicable*) to certify the completed project’s approved construction / landscaping plans and specification represent the “as built” condition, including any approved modifications.

IV. DISAPPROVAL AND ASSESSMENTS

The DRC may reject and disapprove of any work or construction proposed to be performed, or suspend any construction in progress on any Owner’s property if the Owner is in violation any of the Declaration of Covenants, Conditions, Easements and Restrictions or these Design Guidelines of the Eagle Bend West Community Association, Inc.

