



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

ARCHITECTURAL CONTROLS

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EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

ARCHITECTURAL CONTROLS

The primary function of these Architectural Controls is to provide this community with the necessary tools of regulation that will enhance the natural beauty of the development and simultaneously protect future use and property values. Questions and correspondence pertaining to these Architectural Controls should be addressed to the Architectural Control Committee (ACC), (Committee):

Chairman, Architectural Control Committee
Eagle Bend North Homeowners Association
PO Box 9365
Kalispell, Montana 59904

I. USE OF DESIGN PROFESSIONALS

All design and construction activities will be tailored to enhancing and blending the home and landscaping with the natural amenities of the Eagle Bend North topography. It is highly recommended that each property owner, his or her representative, commission a registered architect and landscape professional prior to the site analysis stage of the construction process. If the owner is to be represented by another party in the approval and construction phases, the **Appendix #1** form must be completed and delivered to the ACC Chairman.

II. DESIGN PROCESS AND PARAMETERS

A. Site Analysis

A detailed site analysis with accompanying scale drawings is required for each lot. The owner or representative will integrate the house and landscape design for maximum compatibility with the uniqueness of the lot with emphasis concerning impingement on adjoining lots. The site analysis will include, but is not restricted to, existing special vegetation or rock formations, or any other element that will impact or enhance the home design and landscaping scheme.

B. Architectural Design Guidelines

The design of home and landscape should consider climate, function, harmonious integration with adjoining properties in their natural setting, as well as a design approach that considers architecture coming from the site rather than one that brings architecture to the site. When possible maximum use of glass, open living areas, decks and/or balconies are encouraged. Consideration should be given to the rural and natural surroundings when

designing exterior lighting. Exterior illumination will be in good taste and as unobtrusive as possible. Construction materials and exterior colors should reflect compatibility with the surroundings and the Montana tradition. Vinyl or aluminum siding, certain metal roofing systems, and other exterior materials not commonly found in Eagle Bend North or Eagle Bend will not be approved.

C. Design Guidelines

1. Plans and construction will conform with the “Uniform Building Code” and it is the sole responsibility of the owner to ensure compliance.
2. Square Footage Requirements:
 - a. Single Family homes shall contain a minimum footprint at street level of 1800 sq. feet of finished, heated/cooled living area. While this figure is the absolute minimum, each plan and its square footage will be considered on an individual basis with respect to slope, shape, footprint placement and size of the structure in relation to lot size and the homes in the area.
 - b. Garages, unfinished storage areas, patios, unenclosed and/or unheated porches or decks, over hangs, slabs or walkways of any description are not considered living area.
3. Design Controls and Recommendations:
 - a. Structure Set Back: Requirements will provide a minimum of 5’ from side lot line and 20’ from front and rear lot lines. The Committee may alter the minimums should topography or other factors dictate.
 - b. Building Height: The principle structure will have a maximum height of 35 feet; accessory buildings will not exceed 15 feet. Garage doors and garage openings shall not exceed nine (9) feet in height. Additionally, no structure shall be of such height to be discordant with surrounding structures or natural features. Where possible, the structure should not interfere with views from surrounding homes or home sites. (CAUTION-county rules are subject to change relative to b. and c. above. Consult your architect to verify parameters.)
 - c. Construction Period: All construction and landscaping will be completed within 12 months from the approval date of the construction application (**Form #3**). The Committee may impose a penalty of \$100 per day if the 12 month period is exceeded, after giving 30 days notice to the owner.
 - d. External Devices: External devices (AC compressors, heat exchangers, service meter boxes etc.) will be located, boxed and/or screened so as not to be a visual or audible nuisance to

neighboring residences. The service box shall contain all electric, cable and telephone service lines.

D. Special Requirements and Considerations

1. Open storage of trailers, boats, campers, RV's, or any other equipment is prohibited.
2. Garbage containers and enclosures will be located in a service area architecturally compatible with the surroundings and home design.
3. Driveway surfaces will be of hard surface (concrete or blacktop is recommended).
4. Off-street parking- a minimum of two permanent (enclosed garage) and two visitor (driveway) spaces will be provided. Town homes require at least 2½ spaces per unit.
5. Exterior CB and TV antennas are not permitted.
6. Small satellite dishes not exceeding 18 inches in diameter are permitted with Committee approval of location.
7. Visible outdoor athletic equipment must receive Architectural Control Committee approval prior to installation.
8. All garage wall and ceiling surfaces must be finished (taped, floated and painted).
9. Pet enclosures must be architecturally compatible with the home and receive Architectural Control Committee approval prior to construction.

E. Landscape Design and Planning

It is of primary importance to preserve the rural amenities of Eagle Bend North by designing the home to fit the land. Where possible, every effort will be made to preserve existing trees. A comprehensive list of tolerant trees and shrub varieties can be obtained from the ACC. Use of a landscape architect/company is encouraged. Lawn grasses as ground cover in those areas not devoted to plant beds, rock garden, tree rings etc. is highly recommended. Lawn sprinkler systems should be a priority consideration. The removal of trees is discouraged unless absolutely necessary.

1. In those areas of EBN where trees do not exist, new trees must be added during construction using the following guideline:
 - a. One tree with a minimum of 2" caliper will be planted for each 1000 sq. foot of lot surface not covered by the home or hard improvements. Of the new trees added, at least 1/3 must be coniferous of a local variety.
 - b. No existing trees may be removed without approval from the ACC committee.

2. On those lots in EBN that are partially treed, new trees will be added to meet the minimum criteria stated in (1a.) above.
 - a. Should any trees be lost due to weather, disease or other cause, it is the responsibility of the owner to maintain minimum standards.
3. Mail Boxes: Individual mail boxes are permitted in EBN and are to be attractive and blend with the architecture of the home. A newspaper tube may be incorporated in the mail box structure (example – see 210 Bridger Drive). The initial landscape plan will incorporate the design for a stand alone mail box if one is to be included.

III. ADMINISTRATIVE FORM LISTING

The following is a list of administrative forms relating to the approval process for construction in Eagle Bend North.

- a. *Owner Authorization Form (Appendix #1)* - Submitted if the owner is to be represented by a third party during the design and construction.
- b. **Form #1** (*Application for Preliminary Design Review*) - Include two (2) sets of drawings and a deposit for Architectural Review of \$250.00 per lot or unit made payable to “Eagle Bend North Architectural Fund”. The deposit will be refunded if the committee is not required to defray out-of-pocket expense with regard to determining feasibility of the submitted design. Additional funds, over and above the initial deposit amount, will be required if out-of-pocket expense exceeds \$250.00.
- c. **Form #2** (*Application for Construction Document Review*) - Include three (3) sets of drawings and specifications.
- d. **Form #3** (*Construction Application*) - Completion of document accompanied by a \$2500.00 deposit per unit or lot made payable to “Eagle Bend North Architectural Fund”. After submission and approval construction can begin. The \$2500.00 deposit, or portions of it, may be used by the Committee to repair damages to roads or shoulders, damage to trees caused by construction, site clean up, adjacent property clean up, or removal of material from roadways or unauthorized storage areas and any other reason the Committee deems necessary to guarantee correcting damages caused by construction. Additional funds, over and above the initial deposit amount, will be required if out-of-pocket expense exceeds \$2500.00. Any unused portion of the construction deposit shall be returned upon completion of the project.
- e. **Form #4** (*Application for Design Change or Addition*) - Include two (2) sets of drawings and a deposit of \$250.00 to \$2500.00 (to be determined

by the Committee dependant upon specific project) made payable to “Eagle Bend North Architectural Fund.” This form will be required to initiate the approval process for remodeling, or an addition to, an existing structure. The deposit, or portions of it, may be used by the Committee to repair damages to roads or shoulders, damage to trees caused by construction, site clean up, adjacent property clean up, or removal of material from roadways or unauthorized storage areas and any other reason the Committee deems necessary to guarantee correcting damages caused by construction. Additional funds, over and above the initial deposit amount, will be required if out-of-pocket expense exceeds \$2500.00. Any unused portion of the construction change deposit shall be returned upon completion of the project.

- f. **Form #5** (*Application for Final Inspection*) - Self-explanatory. Depending on circumstances, all or a portion of the construction application fee will be returned.
- g. **Construction Sign** (*Appendix #2a*) – to be used when the home is being built for the lot owner.
- h. **Construction Sign – For Sale** (*Appendix #2b*) – to be used when home is being built as a speculative residence.
- i. **Lot & Home Resale Sign** (*Appendix #2c*) – to be used when lot or home is up for resale.
- j. **Landscape Plan Example** (*Appendix #3*) – an example preferred by the Committee. **(Revised)**

IV. PRELIMINARY DESIGN REVIEW (ACC Form #1)

This review by the ACC will provide early project support in principle with necessary suggestions from the Architectural Control Committee. The committee will respond quickly to each submittal and is generally supportive of each design approach that emphasizes compatibility with the overall development philosophy. **ACC Form #1** will be completed when requesting the review. The preliminary submissions should contain a minimum of the following:

1. **Site Analysis:** With a minimum scale of 1”=10’ to detail topography, existing tree location, easements, lot lines, setbacks, driveways and other pertinent and prominent features.
2. **Dimensional Site Plan:** With a scale of 1”=10’ to detail house roof plan, walks, driveways, setbacks, utility easements and access, AC units, trees to be removed, and any screening of roads or neighbors.

3. Floor Plan: With a scale of 1/8" or 1/4" depicting layout of spaces and walls for all levels.
4. Elevations: With a scale of 1/8" or 1/4" representing views of all sides of the structure.
5. Building Site Section: With a scale of 1/8" or 1/4" showing relationship of interior and exterior spaces with the natural topography.

After review the committee will either grant preliminary approval using ACC **Form #1**, or state reasons for rejection along with suggested recommendations. If the preliminary drawings are substantially changed for any reason, drawings must be re-submitted for approval before proceeding for Construction Document Review.

V. APPLICATION FOR CONSTRUCTION DOCUMENT REVIEW (ACC Form #2)

ACC **Form #2** (Application for Construction Review) will be prepared after changes are made, if any, from the preliminary review submission. At this time the following will be completed and/or furnished to the committee:

1. Final Stake-out: Must be completed to reflect the location of the house, driveway, amenities and any trees to be removed. All underground utilities will also be staked and adjusted to save tree roots.
2. Color Samples and Exterior Materials: Submit samples of ALL proposed colors for all exterior materials. Samples will be of sufficient size to illustrate the true color and composition of the exterior materials. This is important to the committee in determining the final appearance of the completed project. In an effort to have homes blend with the surroundings the committee strongly recommends the use of earth tone colors for the exterior. In addition, a small color board of at least 12"x12" will be supplied to the Architectural Committee for archive purposes.
3. Landscape Plan: With a scale of 1"=10' to detail the intended landscaping concept. The location of the house, driveway and walks will be shown.
4. Foundation & Framing Plan: A plan with 1/8" or 1/4" scale detailing location and size of foundation and framing elements.
5. Floor Plans: A plan with 1/8" or 1/4" scale showing all floor construction parameters.
6. Elevations: A plan with 1/8" or 1/4" scale depicting the view of all sides of the home and other Structures with emphasis on floor elevations and proposed grade levels. All exterior materials must be labeled.

7. Details: Should illustrate a typical wall section, exterior trim, window and door detail, exterior walls or fences, railings, screen porch areas and any other prominent construction feature.
8. Specifications: A FULL set of specifications MUST be submitted defining the quality of all work and materials.

If the Committee fails to grant final approval, it may suggest items to be corrected, or ask for plan re- submittal. If final approval is granted, the owner will then complete the Construction Application. In all cases the committee will meet as needed to provide timely reviews and decisions, however, it is possible that additional time could be needed due to unusual circumstances. In that event the owner will be notified.

VI. CONSTRUCTION APPLICATION (ACC Form #3)

The owner can now make application for construction using ACC **Form #3**. At the time of application three (3) complete sets of final plans, drawings and specs will be submitted to the Committee for approval. A construction deposit of \$2,500.00 per unit will be required to be used for repair of damages to roads, trees, adjacent property, site clean up or for any other reason the Committee deems necessary to maintain area integrity. Should corrective action be deemed necessary the owner will be notified and be given 2 working days to correct the deficiency. After 2 working days the Committee may take corrective action. In the event the Committee uses part or all of the deposit, the owner will, within 2 weeks of notification, reimburse the Committee for the funds used. Any unused portion of the construction deposit shall be returned upon completion of the project.

The following regulations will apply to owners, contractors and ALL other workmen and service personnel while construction is in progress at Eagle Bend North:

- A. Using ACC **Form #3**, owners are required to obtain permission prior to construction start.
- B. The Committee reserves the right to disapprove of any particular contractor for good cause.
- C. **NO construction activity will start prior to 7:00 AM and must be terminated by 6:00 PM, Monday through Saturday. Sunday work is performed only with written authorization from the Committee.**
- D. At all times the contractor will, on a daily basis, keep the work site clean and neat. No adjacent lot or property will be used for material storage or trash collection. The owner or contractor will provide material dumpsters. Trash not contained or removed may be disposed of by the Committee without notice with the cost being deducted from the construction deposit.
- E. Only the immediate site utilities will be used for construction.

- F. Portable toilet(s) will be located (as per plan) and properly maintained on each construction site.
- G. The contractor is responsible for all damage to roads, adjacent property, signs, utilities etc. Repair must be made in a timely manner or the Committee will initiate repairs and deduct the cost from the construction deposit.
- H. The material delivery vehicle operator responsible for causing a spill will immediately clear the residue from the spill site. The Committee will bill the owner for spill cleanup that requires Committee action. Concrete truck washout will only be done on the delivery site.
- I. Worker on-street parking will be held to a minimum; park off road if possible.
- J. Children of workers are not permitted on site for any reason.
- K. Pets owned by workers are not permitted.
- L. Workers will wear shoes and shirts at all times.
- M. Normal radio volume is acceptable. Loud music is prohibited; do not mount speakers outside of vehicles or the home under construction.
- N. No vehicles (cars, trucks, vans etc.) may be left in the development. Construction equipment may remain if parked directly on the site proper.
- O. The contractor will protect important trees and certain vegetation when directed by the Committee.
- P. Tracked vehicles are not allowed on paved areas unless surface is protected from scarring.
- Q. The only onsite construction sign permitted is illustrated on **Appendix #2** of these Architectural Controls. Signs involving custom building will be erected on the building site at construction start and remain in place until completion. A speculative residence may maintain and display the approved sign for a period of twenty-four (24) months from the start of construction.
- R. 48 hours prior to any excavation the contractor will call U-DIG at 755-8344 or 1-800-551-8344.

VII. CHANGES OR FUTURE IMPROVEMENTS (ACC Form #4)

Changes or future improvements including additions, landscaping or other alterations to the original approved exterior design will require review by the Committee. A construction change deposit of \$250.00 to \$2500.00 (to be determined by the Committee dependant upon specific project) per unit will be required to be used for repair of damages to roads, trees, adjacent property, site clean up or for any other reason the Committee deems necessary to maintain area integrity. Should corrective action be deemed necessary the owner will be notified and be given 2 working days to correct the deficiency. After 2 working days the Committee may take corrective action. In the event the Committee uses part or all of the deposit, the owner will, within 2 weeks of notification, reimburse the Committee for the funds used. Any unused portion of the construction change deposit shall be returned upon completion of the project.

The owner will complete and submit Application to Make Design Change or Addition (ACC Form #4). In addition to the form the owner must furnish the Committee the following:

1. Letter of Intent: states the intent and purpose of the improvement.
2. Color Samples: provide the Committee with samples of materials for color matching of existing construction.
3. Site Plan: a plan with property dimensions showing location of proposed improvements.
4. Drawings: of sufficient nature to show elevations and adequately define the improvements.
5. A construction change deposit made payable to "Eagle Bend North "Architectural Fund".

VIII. FINAL INSPECTION (ACC Form #5)

Upon completion of construction and landscape or changes (item VII. above), the owner MUST submit the Application for Final Inspection. Upon receipt of ACC Form #5, the committee will grant approval or note discrepancies to be rectified. After final approval the Committee will refund any remaining construction deposit.

IX. DISAPPROVAL, FINES AND ASSESSMENTS

The Committee may disapprove or suspend any construction in progress or work proposed on any property if the Owner is in violation of any provision of the Eagle Bend North Declaration of Covenants, Conditions and Restrictions, these Architectural Controls, or any Flathead County ordinances.

The Committee is granted authority to impose a fine or assessment on an EBN lot owner for failure to comply with Committee rulings, or provisions of the EBN Covenants, Conditions and Restrictions. Prior to the sanctions, the Committee will give the owner sufficient notice of the violation(s). At the discretion of the Committee and based on the severity of the violation(s), the fine may be a maximum of \$100.00 per day. Such fine will accrue interest until paid at the highest interest rate permitted in the State of Montana.

The Committee may secure such indebtedness by filing a Lien against the property. Additional measures deemed necessary may be taken to enforce payment. Any cost incurred by the Committee, legal or otherwise, shall be collected from the owner by any legal means.

- X. "Recent inquiries from homeowners regarding the perceived deviations from the Covenants, Conditions and Restrictions (CC&R's) contained in the deeds and incorporated in the Bylaws of the Homeowners' Association governing the use, design and construction of property so included have prompted (the ARC or the

Board) to reiterate the Associations' position and the owner's responsibility to comply with these obligations.

Specifically, these CC&R's will be actively enforced and any perceived deviations from them are not to be construed as precedent upon which present or future inappropriate actions can be based. Simply stated, the CC&R's will be enforced.

If you have any questions please feel free to direct them to the Board of Directors.



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

OWNERS AUTHORIZATION FORM

This letter Agreement dated this ____ day of _____, 20__, shall authorize the Architectural Control Committee of Eagle Bend North to recognize my “Designated Agent”, to represent me on all matters relating to the construction of the (my) residence on Lot #_____ located at the street address of _____, Bigfork, Montana 59911

“Designated Agent”

Name: _____

Address: _____

Phone: _____

I acknowledge receipt of the Architectural Controls for the property and have read, understood and shall abide by those covenants. It is understood that the Architectural Committee shall enforce said covenants in accordance with the authority vested to ensure and protect the values of the members of the Eagle Bend North Homeowners Association.

I understand and agree that I am responsible for the actions of my Agent and that this authorization shall continue until _____ or my written notice to the Committee to terminate this authorization.

AGREED TO AND ACCEPTED THIS ____ DAY OF _____, 20__.

BY: _____ (Owner of Lot # _____)

BY: _____ (Designated Agent)

ACCEPTED BY THE ARCHITECTURAL CONTROL COMMITTEE

BY: _____ Dated: _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

FORM #1 APPLICATION FOR PRELIMINARY DESIGN REVIEW

Include two (2) sets of drawings and Architectural Review fee in the amount of \$250.00 per unit made payable to “Eagle Bend North Architectural Fund”

Date Prepared _____ Date Received _____

Lot # _____ Street Address _____

If owner is not making submission, complete “Owner Authorization Form” (Appendix #1) to authorize a designee to act as agent on behalf of owner.

Name - Address - Phone Number for:

Owner:

Contractor:

Architect:

Landscape Architect:

Surveyor:

Signed: _____ Date _____
Owner or Authorized Agent

It is understood and agreed that this “Preliminary Design Approval” when granted shall be for a period of twelve (12) months from the approval date hereof. If “Construction Document Approval” is not granted within said twelve (12) month period, this “Preliminary Design Approval” will be forfeited.

PRELIMINARY DESIGN:

Approved _____ Rejected _____

Comments:

Signed: _____ Date _____
Architectural Control Committee

*Note: If the preliminary review process is completed without major plan revisions or negotiations this fee will be refunded.



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

FORM #2 APPLICATION FOR CONSTRUCTION DOCUMENT REVIEW

Please provide three (3) sets of drawings and specifications.

Date of Preliminary Design Approval _____ . (If applicable)

Date Prepared: _____ Date Received: _____

Lot # _____ Street Address: _____

Owner: _____ Phone # _____

Contractor: _____ Phone # _____

Architect: _____

Landscape Architect: _____

Surveyor: _____

Signed: _____ Date: _____

Owner or Authorized Agent

Construction Document: Approved _____ Rejected _____

Comments:

It is understood and agreed that this Construction Document Approval when granted shall be for a period of twelve (12) months from the approval date hereof. If the Construction Application (Form #3) is not submitted and granted within said twelve (12) month period; this Construction Document Approval shall be forfeited.

Signed: _____ Date: _____

Architectural Control Committee



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

FORM #3 CONSTRUCTION APPLICATION

(Provide three (3) sets of revised Plans & Specs)

Date of Construction Document Approval _____.

Date Prepared: _____ Date Received: _____

Lot # _____ Street Address: _____

Owner: _____ Phone # _____

Contractor: _____ License # _____

Address: _____ Phone # _____

Attach a deposit of \$2,500.00 per unit made payable to “Eagle Bend North Architectural Fund.”

Agreement;

I hereby agree that I have read and understand the Eagle Bend North Architectural Control Committee Rules and will abide by said Rules and shall perform the construction approved herein in accordance with the final Construction Document Approval. I will not make any changes without prior written approval by the Architectural Control Committee. I understand that my deposit may be used to make corrections for unauthorized work, site clean up, street or road shoulder damage, and perform any other actions or repairs required to remedy infractions or violations to the Architectural Control Committee Rules.

It is agreed that a conference shall be held between the Owner, Contractor and Architect prior to construction to review all Documents and assure the parties adherence to the Architectural Control Committee’s Rules.

I shall promptly pay any additional fees, fines or assessments for the stated purpose should I be so required by the Architectural Control Committee.

I further agree to submit within fifteen (15) days prior to commencement of construction an insurance certificate naming Eagle Bend North Homeowners Association as an additional insured on the Owners and Contractors Policy.

Signed: _____ Date: _____
Owner or Authorized Agent

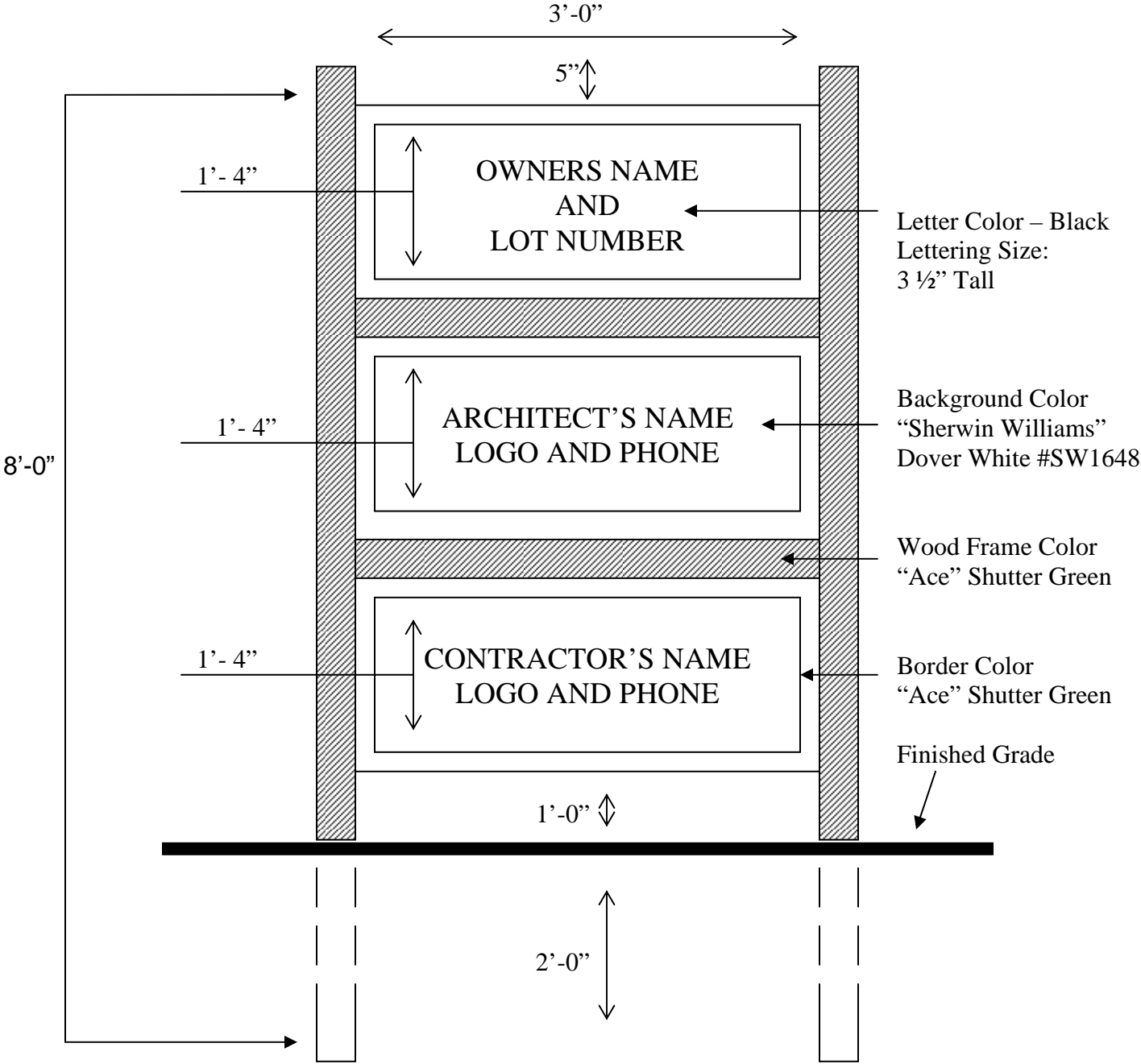
Signed: _____ Date: _____
Contractor

Approved: _____ Date: _____

CONSTRUCTION SIGN

NOTE:

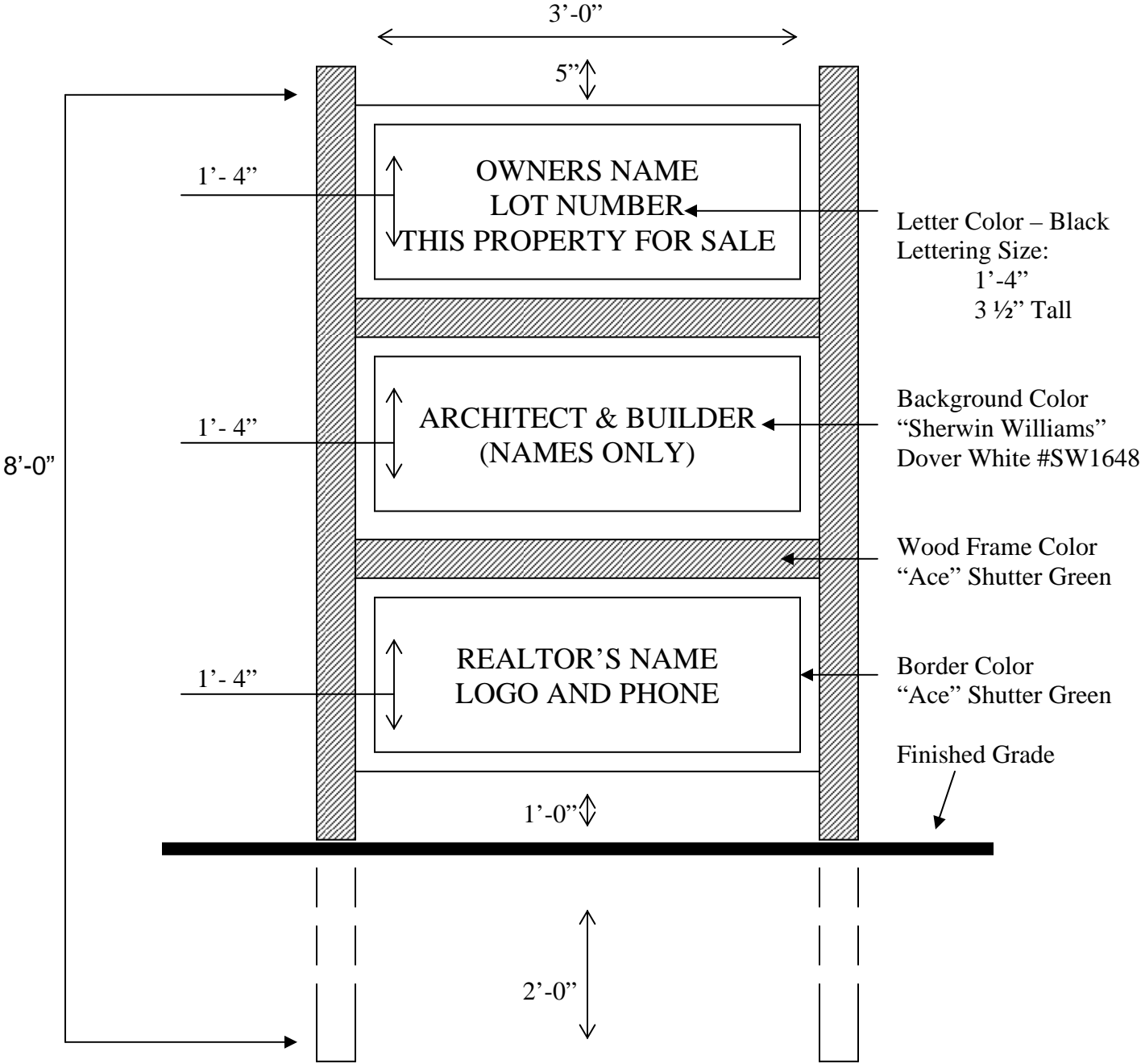
- All panels shall have the same colors as noted
- All colors may be color matched to some other manufacturer



CONSTRUCTION – FOR SALE

NOTE:

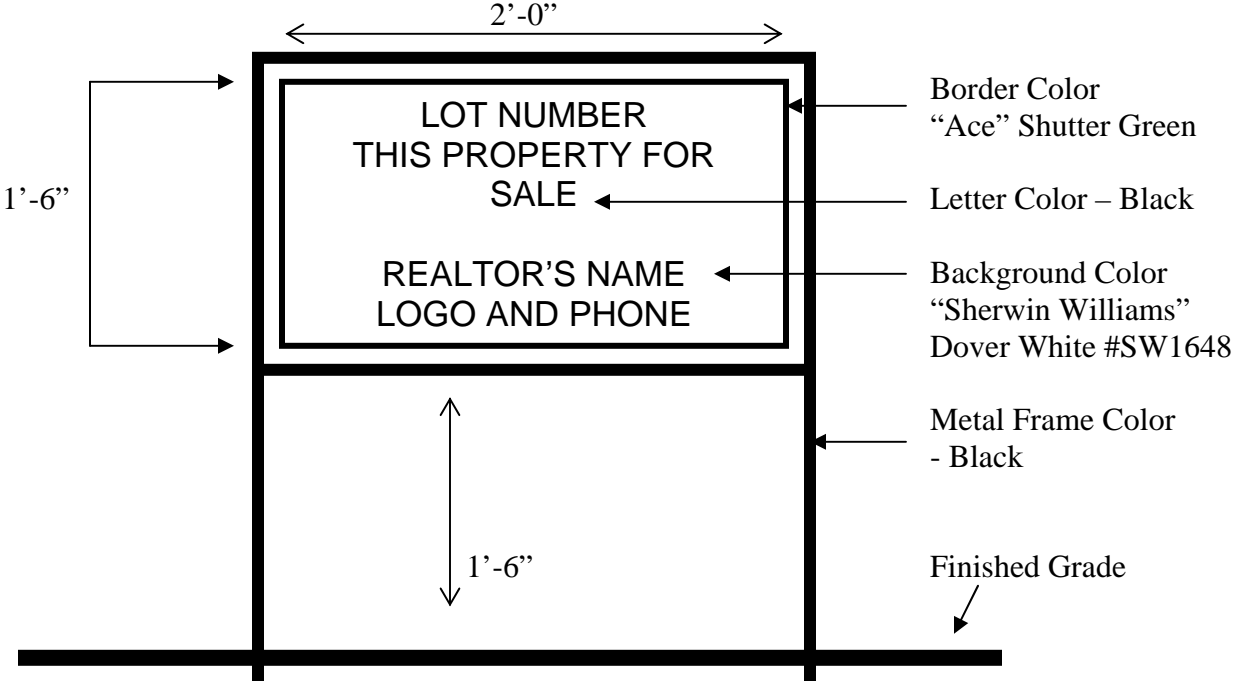
- All panels shall have the same colors as noted
- All colors may be color matched to some other manufacturer



LOT & HOME RESALE SIGN

NOTE:

- All colors may be color matched to some other manufacturer



LANDSCAPE PLAN EXAMPLE

(SHOW CONTOUR INTERVAL @ 2' MINIMUM – BOTH EXISTING AND NEW)

