



# DESIGN GUIDELINES AND CONSTRUCTION RULES

## 1. DEFINITIONS AND GENERAL REQUIREMENTS

Eagle's View Subdivision is designed as a quality community in the Town of Silt. These guidelines and rules are intended to establish and provide basic and simple requirements and criteria for owners and builders to use in the design and construction of a home in Eagle's View Subdivision. Eagle's View Subdivision's Design Review Committee will use these guidelines during the review of plans. It is important to develop minimum standards that must be followed in order for the overall feeling of unity to be established within Eagle's View Subdivision. The purpose of these guidelines is not to establish the same architectural look throughout this development, but is to see that the architectural intent of the buildings do not become so diverse that the overall enjoyment of living within Eagle's View Subdivision becomes endangered. These guidelines do not abate to any extent the building codes or rules and regulations of Town of Silt. Review by the Design Review Committee is a design review only and no liability for structural integrity, architecture or any other item of design shall be construed to exist against Eagle's View Subdivision Homeowner's Association, the Design Review Committee, or the developer. Changes and revisions to these guidelines may be made from time to time by the Design Review Committee and the Homeowners Association.

When designing a home in Eagle's View Subdivision attempts should be made to take advantage of all new and innovative methods of building, recycling of materials, passive solar (systems without exterior

panels) and other relatively new and innovative concepts and materials. The Design Review Committee will be responsive to new materials and innovation, but will not acquiesce to what it feels is poor design simply because a material is new or innovative. The Design Review Committee will be concerned with the overall intent of a plan, materials, design, height, and all other aspects which are part of building a home, including landscaping. The Design Review Committee will consider all input, both from the applicant and the property owners in making their decision. The Design Review Committee will not become involved in disputes between neighbors unless construction or installation of materials has been done without approval of the Design Review Committee. Neighbors' objections will not necessarily preclude approval of a plan, and decisions of the Design Review Committee are final.

The Design Review Committee, prior to commencement of work on any structure, must approve any and all work, construction, reconstruction, alteration, remodeling, refinishing, or improvement, including painting, where the approved color is to be changed. The Design Review Committee prior to commencement of any work on landscaping or fencing must approve any and all such work, construction, reconstruction, alteration, or improvement, including tree or plant replacement, where the approved plant material is to be changed.

Failure to receive approval for any construction or change will be a violation of both these Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision. Such failure will be considered to be a nuisance and legal action may be commenced as deemed necessary by the Board of Directors of the Association upon recommendation of the Design Review Committee. The Board of Directors is authorized to pursue every public or private remedy allowed by law, or in equity, against the homeowner or builder who is in violation. The Board of Directors may also assess any homeowner who is in violation or homeowner whose builder is in violation of any of these Design Guidelines four times the monthly homeowner's dues, but not less than four hundred dollars (\$400.00) for each month that the violation exists.

An application form must be submitted along with two copies of the plans (all plans must include a plot plan) at the time of request for design review. No plans shall be accepted for review without a complete application packet. The Design Review Committee shall meet to review the plans and any comments by owners not more than twenty (21) days from submission of the plans. All meetings of the Design Review Committee shall be open to owners or their representatives and shall operate under Robert's Rules of Order.

1. If design changes need to be made after the formal design review has been approved, the owner or its agent may submit a request for review to the Design Review Committee and the Design Review Committee shall meet within ten (10) working

days of the request to review changes. No notification of such changes of review need to be given to any other property owner and approval or disapproval by the committee will be final.

All builders must be approved to build in Eagle's View Subdivision. The Eagle's View Subdivision Design Review Committee will approve a builder to build within Eagle's View Subdivision provided that the following criteria are met:

1. The builder has completed at least two homes of comparable size and complexity in the last 18 months. References must be provided.
2. The builder has been building in Garfield County for at least the prior two years. This criterion can be waived if the builder can display a knowledge of local codes, suppliers, and subcontractors that is sufficient to ensure successful completion of the construction.
3. The builder can provide the necessary insurance, general liability and workmen's compensation, and provide Certificates of Insurance with the following:
  - a) Eagle's View Subdivision Homeowner's Association as additional insureds;
  - b) Limits of not less than \$500,000 combined single limit with \$1,000,000 annual aggregate.
5. The builder acknowledges and agrees to abide by these Design Guidelines and Construction Rules (including all assessments for violations of these Design Guidelines and Construction Rules).
6. The builder has satisfied all requirements of the Developer.

The approval of a builder does not give an owner assurances of the builder's experience, financial capability or competency. The homeowner should seek competent outside counsel when selecting any builder.

## 2. SIGNAGE

In order to maintain a high standard of quality and consistency in Eagle's View Subdivision, the Design Review Committee has approved the following guidelines for signage pursuant to the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision.

1. To identify homes for sale, all "For Sale" signs may show the real estate agent's or seller's name and phone numbers to reach the seller or real estate agent. "For Sale" signs must be no larger than 2 feet tall and 3 feet wide, with the top of the sign being no more than 4 feet above the ground. After the sale of any home, the sign must be removed within ten (10) days. The Design Review Committee must approve all riders.
2. Open house signs of a temporary nature will be allowed provided they are not of the type which install into the ground and are only used during the actual open house.

All other signs will be considered violations of the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision and will be removed and placed behind the subject property.

### 3. ITEMS WHICH ARE EXEMPT FROM REVIEW

1. Planting of plants which will not grow above three (3) feet in height and the replacement planting of any plants that have been previously approved.
2. Seasonal exterior decorations provided that they are removed within fifteen (15) days of the seasonal event.
3. Exterior painting, provided that the paint colors are those which were originally approved for the house.
4. Interior remodeling provided no on-site storage is done on the exterior of the home and that the garage space is not encroached upon.

### 4. NECESSARY ITEMS FOR SUBMITTAL

In order for designs to be reviewed, there is a minimum amount of paperwork that must be submitted. It is understood that certain items may not be available for review at the time of submission; however, any item that is not complete must be submitted later for review and is subject to the same review process. The following items are to be included in the submittal:

1. Completed application listing:
  1. Owner, address, home and work phone.
  2. Builder, address, home and work phone, references.
  3. Lender, address, contact name, contact phone.
  4. Insurance Company, agent, agent's address and phone.
  5. Details of the residence (i.e. square footage, number of bedrooms, size of garage, etc.).

2. Application fee of \$50 payable at the time of submission. All checks or money orders should be made payable to Eagle's View Subdivision Homeowners Association, Incorporated.
3. A copy of these Design Guidelines signed by the Owner and the Builder accepting all rules, guidelines and penalties for all violations.
4. Site Plan with a scale of at least 1"=20'. This shall include a north arrow, property lines, grading and elevations, building envelopes, patios, walks, driveways, service locations, site amenities, mechanical equipment, roadways, easements, setback, light fixtures, meter locations, area wells, and any other pertinent information which may be deemed by the builder to be peculiar to the plan.
5. Exterior Building Elevations shall be a minimum scale of 1/8"=1' and shall show an elevation of each side of the residence and shall indicate roof pitch, building materials and proposed grade lines. All building materials must be clearly identified. All roof protrusions must be shown along with a note indicating the type and color of protrusion material.
6. Building Sections which shall be a scale of not less than 1/4"=1' and must show the total roof height as measured in accordance with the Town of Silt standards. The building sections must also show all roof protrusions including but not limited to those for ventilation, plumbing, chimneys, flues, and etceteras. Heights will be restricted based on view encroachments to the other lots. This height must be based on a permanent benchmark established to provide future measurement of the height.
7. Floor Plans for each floor with a minimum scale of 1/4"=1'. All porches, patios, and decks must be included.
8. Color Board showing the brick, stone, stucco, and all exterior colors. This includes but is not limited to door, window, soffit, fascia, gutter, downspout, roof, and vents.
9. Landscape Plan with a scale of at least 1"=10'. It must include specific type of plant materials with their location and size. Both front and rear yards must be shown. The landscape plan must contain a time schedule for completion and should include, in the front yard a minimum of the following types of trees and shrubs from the approved planting list:
  - a) One deciduous tree per every 40 feet of street frontage. Each deciduous tree must at least 1 1/2 inches in

caliper. A minimum of two such trees will be required on every lot.

b) One evergreen tree with a minimum height of 5 feet.

c) Three evergreen bushes or shrubs.

d) Five deciduous bushes or shrubs.

10. Irrigation Plan with a scale of at least 1"=10'. The irrigation plan must specify all of the irrigation materials with their respective sizes and locations. The irrigation system must be controlled by an automatic irrigation time clock that controls the operation of all irrigation zone valves. Both front and rear yards must be shown. An irrigation designer that is approved by the Design Review Committee must design all irrigation systems.

## 5. GUIDELINES FOR DESIGN REVIEW

The following are guidelines that all residences built in Eagle's View Subdivision must adhere to:

1. Construction within Eagle's View Subdivision shall be only single-family dwellings except on those lots that are specified in the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision to allow for duplex dwellings. All residences shall be a minimum of 1,300 square feet of living area with at least 1,000 square feet on the main floor.
2. All residences shall include an attached garage that will accommodate a minimum of two full size vehicles. The Design Review Committee must specifically approve any request for detached garages. No carports will be allowed.
3. No home will be allowed to have a single straight ridgeline for the full length of the home. Hip roofs, partial hip roofs, garage roofs that intersect perpendicular to the main roof are three type of construction that can be used to help satisfy this requirement.
4. All homes must have a minimum roof pitch of 4/12, with preference given to 5/12 and steeper roofs.
5. The Design Review Committee must approve all roofing materials.

6. Roof eaves must be a minimum of 12 inches. The majority of the roof overhangs must be greater than 12 inches. No home will be allowed to have a single straight soffit line for the full length of the home. Dormers, covered porches, and covered decks are three types of construction that can be used to help satisfy this requirement.
7. All outbuildings must be of the same architectural style as the residence. They must have the same roofing and exterior finishes as the residence.
8. No portable storage buildings or trailers shall be allowed.
9. Individual height limits will be set for each lot so as to limit view corridor impacts to all other lots. Height limits will be based on the building site within the individual lot.
10. All residences shall have some brick, stone, or stucco on the elevations visible from the front of the house. The front of the house, for purposes of this guideline, is the side of the house that faces the street (for a corner lot, the front side shall be defined as the side where the driveway enters the street). Also included in the definition of elevations that are visible from the front of the house are all sides of the house that are visible from the street in front of the house (transitions in siding details can occur at side yard fencing). All exteriors are recommended to be low maintenance (i.e. brick, stone, or stucco).
11. No metal or vinyl siding will be allowed.
12. The Design Review Committee will review all fence designs. Chain link fencing is not allowed.
13. All landscaping and irrigation must be completed within the timeline specified in the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision.

## 6. ITEMS REQUIRED PRIOR TO APPROVAL

Prior to the Design Review Committee approving any design for construction the owner or builder must fence the building site with a safety fence (3' minimum height) on all sides. One access opening of no more than 20 feet in width will be allowed. This fencing must not encroach upon any adjacent lot or open space unless specific written authorization is obtained to do so (a copy of this written authorization must be submitted to the Design Review Committee with the application). A member of the Design Review Committee prior to any approvals being issued must inspect installation of this fencing.

## 7. CONSTRUCTION RULES AND REGULATIONS

During construction of any type, the following rules must be followed. Failure to follow these rules will be considered a violation of these Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions for Eagle's View Subdivision. Such failure will be considered to be a nuisance and legal action may be commenced as deemed necessary by the Board of Directors of the Association upon recommendation of the Design Review Committee. The Board of Directors is authorized to pursue every public or private remedy allowed by law, or in equity, against the homeowner or builder who is in violation. The Board of Directors may also assess any homeowner who is in violation or homeowner whose builder is in violation of any of these rules four times the monthly homeowner's dues, but not less than four hundred dollars (\$400.00) for each month that the violation exists. Specific assessments for failure to follow the individual rules listed below are noted with each rule.

1. At all times, all trash must be confined within a dumpster or an enclosed area and the grounds must be kept neat and orderly with all materials secured to avoid blowing onto adjacent sites. Debris on an adjacent lot or on the adjacent open space will be deemed proof of a violation of this rule. Violations must be rectified immediately, if not, the Developer and or the Board of Directors will have the debris removed. All costs incurred in removing the debris will be assessed against the owner of the offending lot. The lot owner does not need to be notified of a violation prior to cleanup. The second and each subsequent violation of this rule will be assessed one hundred dollars (\$100.00) in addition to the costs of cleanup.
2. No parking of construction vehicles will be allowed in front of completed homes or in playground parking areas.
3. No exterior construction or interior construction that can be heard off the building site will be allowed before 7 A.M. or after 7 P.M. on weekdays or before 8 A.M. or after 4:30 P.M. on weekends.
4. No overnight parking is allowed.
5. There will be no dogs allowed on the job sites. Any complaints against a dog on site will constitute a violation of these guidelines.
6. All mud or debris from which is carried onto the adjacent streets must be removed within 24 hours.

7. No concrete trucks will be allowed to "clean out" or dump surplus material except within the property lines of the lot on which the building is being constructed. Evidence of dumping on any other lot or on the open space will be deemed proof of a violation. Violations must be rectified immediately, if not, the Developer and or the Board of Directors will have the violation cleaned up. All costs incurred in cleanup will be assessed against the owner of the offending lot. The lot owner does not need to be notified of a violation prior to cleanup. All violations of this rule will be assessed seventy-five dollars (\$75.00) in addition to the costs of cleanup. This seventy-five dollar assessment will be assessed no matter who cleans up the violation.
8. No dirt or other construction materials shall be stored or piled on any property other than the property upon which the building is being built. Exceptions to this rule require the written consent of the lot owner where the storage or piling will occur (a copy of the written consent must be provided to the Homeowners Association prior to use). Violations must be rectified immediately, if not, the Developer and or the Board of Directors will have the violation cleaned up. All costs incurred in cleanup will be assessed against the owner of the offending lot. The lot owner does not need to be notified of a violation prior to cleanup. The second and each subsequent violation of this rule will be assessed one hundred dollars (\$100.00) in addition to the costs of cleanup. Any damage to the grading or the vegetation on the lot being used for storage must be repaired to the approval of the Design Review Committee. The Design Review Committee will have the damages repaired if the repairs do not meet their approval or if the repairs are not completed within one week of removal of the stored or piled materials. All costs incurred in this repair will be assessed against the owner of the damaged lot. The lot owner does not need to be notified of a violation prior to repairs being made. The second and each subsequent violation of this rule will be assessed one hundred dollars (\$100.00) in addition to the costs of cleanup.
9. No modular or manufactured home can be stored or parked anywhere within Eagle's view Subdivision (including the public streets) for more than 24 hours prior to their placement on a foundation. Violations must be rectified immediately, if not, the Developer and or the Board of Directors will have the homes moved to an impound lot. All costs incurred in moving the homes and all impound fees will be assessed against the owner of the offending lot. The lot owner does not need to be notified of a violation prior to moving and impounding of the offending home(s). The second and each subsequent violation of this rule will be assessed one hundred dollars (\$100.00) in addition to the costs of moving and impounding the offending home.

10. Nothing shall be attached to neighboring fences.
11. In no case, will vehicles or construction equipment be allowed to drive on neighboring property. Violations of this rule will require the re-grading and re-seeding of the affected lot or open space if required by the Homeowners Association or the Developer. Any damage to the grading or the vegetation on a lot that was driven on must be repaired to the approval of the Design Review Committee. The Design Review Committee will have the damages repaired if the repairs do not meet their approval or if the repairs are not completed within one week of detection of the violation. All costs incurred in this repair will be assessed against the lot owner who allows the damage to occur. The lot owner does not need to be notified of a violation prior to repairs being made. The second and each subsequent violation of this rule will be assessed one hundred dollars (\$100.00) in addition to the costs of repair.
12. No drugs or alcohol shall be consumed on any job site or public right-of-way.
13. The lot owner and builder are both liable for informing everyone who visits their construction site that these rules exist and that they will be enforced.

These rules and guidelines have been read and accepted by:

Owner _____	Lot Number _____	Date _____
Owner _____	Lot Number _____	Date _____
Owner _____	Lot Number _____	Date _____
Builder _____	Lot Number _____	Date _____