

# **EAGLES NEST**

## **Architectural Design Guidelines**

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Subject to revision by the Eagles Nest Property Homeowners Association Design Review  
Committee

PREPARED FOR:

**EAGLES NEST PROPERTY HOMEOWNERS-D.R.C.**

P. O. Box 23420

Silverthorne, Co 80498-3420

## Eagles Nest Owners:

Eagles Nest is not a new community. However, the vision for Eagles Nest is a new one. Beginning with the acquisition of the property by Blue River Land Company in October, 1997, a new era of homebuilding, as well as participation in community development has begun.

Today, the design goals for Eagles Nest benefit from lessons of the past in anticipation of the future. The Eagles Nest Architectural Design Guidelines were established as a helpful guide for future owners and homebuilders. These Guidelines will ensure that the vision for Eagles Nest as a sensitively designed community is carried forward into the next generation and that the numerous details of designing and constructing a home follow the same vision.

We recognize that all sites are unique and require individual design solutions. Equally unique are the Eagles Nest owners who have different impressions of the Rocky Mountains. These Guidelines and the Design Review Process were developed to allow sufficient freedom and flexibility for each owner to create his own ideal mountain home.

Each site within Eagles Nest has its own attributes and amenities, which will be the guiding parameters for the overall design of a residence. It is the intention of the Eagles Nest Architectural Design Guidelines to define those parameters as much as possible for each lot within Eagles Nest. For each subdivision filing there will be a specific diagram for each lot that defines the property boundaries, building envelope, setback requirements, easements, topography, special site attributes and any access requirements. These parameters will be provided as a design tool, which will foster successful site planning, as well as protect the environment and Eagles Nest property owners. Some lots exist within Eagles Nest Phase 1 that do not have these defined parameters. The Design Review Committee will work with owners of Phase 1 lots to define a building envelope that will preserve the best elements of the site.

We are confident that the vast majority of Eagles Nest owners will have no difficulty complying with these Guidelines. To the contrary, it is our hope that these Guidelines and the Design Review Committee will prove to be valuable resources during the design process of your home. We look forward to working together with you, your design team and the Design Review Committee on the development of your new home.

Design Review Committee  
Eagles Nest Property Homeowners Association (ENPHA)  
March 31, 2011

## THE EAGLES NEST ARCHITECTURAL DESIGN GUIDELINES

These Architectural Design Guidelines have been promulgated pursuant to Articles II and IV of the Declaration and Agreement Creating Covenants, Conditions, Restrictions, and Easements for Eagles Nest Subdivision (hereinafter called the “Covenants”). The Architectural Design Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any improvement upon the Property, or make any change in the natural or existing surface, drainage or plant life thereof. The Architectural Design Guidelines are administered and enforced by the Design Review Committee in accordance with the Covenants and the procedures contained in the Architectural Design Guidelines. The Architectural Design Guidelines may be amended from time to time and it is the responsibility of each owner or other person to obtain and review a copy of the most recently revised Architectural Design Guidelines.

*//s// Cherylee Faux*

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Cherylee Faux  
Chairperson, Design Review Committee  
Eagles Nest Property Homeowners Association

March 31, 2011  
Date

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## **I. INTRODUCTION TO EAGLES NEST**

Eagles Nest presents a rare opportunity to create a mountain community of homes nestled within the uncompromised beauty of the Gore Mountain Range. A walk through Eagles Nest's open meadows gradually gives way to the aspen groves, conifers and tall pines, and finally the incredible panorama of the Rocky Mountains. The sense of being in a most unique and special place is immediate.

Eagles Nest has been planned with a commitment to preserving and enhancing its pristine mountain environment. The natural beauty of the site provides the context for its development; the design of all homes and improvements should take its cue from the land. Our foremost task is to ensure that Eagles Nest's built environment complements the unparalleled splendor of its surroundings.

Each of Eagles Nest's home sites was carefully located after months of planning and analysis. The goal of this effort was to ensure that every site in Eagles Nest offers the utmost quality in its views, terrain, orientation and privacy.

The Eagles Nest Architectural Design Guidelines and related documents are intended to ensure that the same level of planning and design that has gone into creating these unique home sites goes into the planning and design of individual homes.

## **DESIGN PHILOSOPHY OF EAGLES NEST**

There are many wonderful examples around the world where architecture and the built environment make a truly distinctive statement about a place, its culture and its surroundings. This statement is established not through a single building, street or place, but through an entire neighborhood, community or village which has, over time, developed its own distinctive and appealing "sense of place."

The design philosophy of Eagles Nest is to emulate these unique places by creating a built environment with a well defined, yet distinctive presence in the landscape.

Eagles Nest is unique. Great care has gone into the planning and design of the community. Exhaustive site visits have produced a complete analysis of the land and its topography, vegetation, wildlife, geology and hydrology. The picture created by the understanding of these ecologies has fostered the location of lots, roadways and home sites, which has led to the subtle and uniquely different characteristics of each site. The result is a plan designed to establish both a sense of place for Eagles Nest and a vision for its future.

The model for Eagles Nest is not so much that of a resort or golf course community as it is one of the settlements that emerged during the westward expansion of the 1840's to the 1860's. The sturdy ranch houses, barns, sheds and lean-tos of early Colorado shall inspire the architecture. Crafted from natural wood, timber and native stone, these low-slung buildings should be sited to collect both sun and shade.

The greatest attribute of Eagles Nest is the scenic quality of the Blue River Valley and adjacent mountain ranges. To negatively impact this resource would reduce its quality significantly. These Guidelines are directed toward providing a flexible framework within which design and development may occur while ensuring that both the "built" environment and the associated uses have the best and most natural fit with the existing landscape.

There are many design principles which can be employed to achieve design continuity and a connection with the landscape. Some of these are continuity in architectural style, the use of a limited number of building materials, subtle colors, a comfortable human scale, landscaping that is integrated with the natural surroundings of a site, and a simple practicality in approach to design. Through the implementation of these and other design principles, Eagles Nest can quickly establish its own unique sense of place that will set it apart from all other communities.

## **II. PURPOSE OF THE EAGLES NEST ARCHITECTURAL DESIGN GUIDELINES**

The Eagles Nest Architectural Design Guidelines have been written to implement Eagles Nest's design goals and philosophy by providing a guide for the design and development of homes and improvements. These Guidelines include specific site planning, architectural, landscape and construction standards to ensure an aesthetically and environmentally sensitive approach is taken in the development of individual homes. These Guidelines provide the principle tool for maintaining the design continuity of Eagles Nest's built environment.

One of the major objectives of these Guidelines is to encourage a unified design philosophy for Eagles Nest. These Guidelines are not intended, however, to suggest that all homes in Eagles Nest must be designed the same or use identical building materials. (No two homes of identical or substantially the same design may be constructed within Three Peaks, Filings 1, 2, 4 and 5 or Filing 6 Lots 1-18, on lots where both can be seen from any third property. "Substantially the same" includes but is not limited to, left-right reverses, a different entry, or a roof gable change. A maximum of two such homes can be built within each of the previously mentioned filings. No two adjacent properties may have the same building design or building elevation.) These Guidelines are written to encourage architectural harmony in the design of homes and their relationship to the environment. It is the intention of these Guidelines that no single structure or improvement stand apart in its design or construction so as to detract from the overall environment and appearance of Eagles Nest. **To support these objectives, each homeowner is required to employ a Colorado licensed architect in the design of the home. The architect is required to attend the introductory meeting, the concept and preliminary reviews.**

The Eagles Nest Architectural Design Guidelines contain relatively few absolute design standards. Rather, most design concepts are expressed in fairly broad terms. This flexibility has been incorporated in order to allow for individuality and a variety of architectural expression while also ensuring compliance with the Eagles Nest design theme.

### **The five major objectives of the Eagles Nest Architectural Design Guidelines are:**

- To provide owners with standards of what is expected in terms of architectural and landscape design and home construction.
- To foster a unified design philosophy for the community while also allowing for individual architectural expression as defined by the desires of the property owner.
- To ensure that the delicate mountain environment will be preserved during the construction process and enhanced over time.
- To assist owners and their design teams with the design review process and with the many technical factors that must be considered when designing in mountain environments.

- To provide visual and graphic images of the character of the community and how it will look in the future.

The Guidelines have been written with room for self expression by the owners in Eagles Nest. Inherent in this concept, however, is the understanding that all homes must be designed within the parameters outlined in these Guidelines in order to maintain design compatibility throughout the project, preserve economic values and enhance the environmental quality of the community.

As Eagles Nest develops over time, so will these Guidelines. The Eagles Nest Architectural Design Guidelines are a dynamic document that will continue to evolve along with the changing conditions and character of the community. This document contains detailed sections on the design review process and project construction regulations. The actual Architectural Design Guidelines are outlined in four different sections:

- Site Planning Design Guidelines outline standards for the siting and orientation of homes and improvements on a lot.
- Architectural Design Guidelines address the architectural style, materials, form and finish of a home.
- Landscape Architecture Design Guidelines cover all site improvements and the landscaping of a site.
- Construction Regulations define the requirements of the Owner and general contractor preceding and during the construction phase of the project.

Although addressed separately, the design concepts in the following sections are clearly inter-related and must be considered as a whole when designing a home. A successfully designed home will achieve a balance between the various design standards outlined in each of these sections.

While this document provides the primary guide to be used in the design and development of homes in Eagles Nest, over time supplemental information may be prepared by the Design Review Committee to further assist owners and designers with the design process. Prior to initiating any design work, the Design Review Committee should be consulted to obtain any additional information relative to the design process.

### **III. THE DESIGN REVIEW AND APPROVAL PROCESS**

There are two important steps that every owner should take prior to selecting a lot and beginning the design of a new home. The first is to become familiar with the Eagles Nest's environment. Eagles Nest includes many different types of lots characterized by a variety of terrain, orientation and vegetation. These lots present different opportunities and challenges in the design of a home. The second is to spend time reviewing these Architectural Design Guidelines.

One of the fundamental objectives of the Eagles Nest Architectural Design Guidelines is for homes to be designed in response to the natural features of a site. The unique characteristics of each lot will dictate its own unique design solutions. A preconceived design should not be arbitrarily "forced" onto a site. For this reason it is advisable to give some thought to the type of home that is desired before purchasing a lot. If feasible, it may be helpful to retain an architect prior to making a final decision on a home site. Design professionals can help potential owners visualize different styles of homes and how they will "fit" on a particular lot.

Creativity, sensitivity and innovation, and the highest quality of planning, design and construction will be required in order for Eagles Nest to achieve its design goals and truly establish itself as a premier residential community. Therefore, it is required that only Colorado licensed architects, who are familiar with design requirements in a high mountain environment, design homes in Eagle Nest.

- Owners shall use Colorado licensed architects to design homes in Eagles Nest.
- Owners shall work with landscape designers experienced in mountain environments to design landscape and site improvements.

## **THE DESIGN REVIEW COMMITTEE**

The design review process involves a series of meetings between the owner, his/her design team and the Eagles Nest Design Review Committee (DRC). This process begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings, or check points, designed to ensure a smooth and efficient review of the home design. The DRC is committed to assisting owners through the design review process. As opposed to a "regulatory review agency," the DRC should be thought of as a member of the owner's design team.

The DRC is comprised of five members who are selected to represent design professionals and residents familiar with Eagles Nest and with the challenges involved with designing and building in mountain environments. The Committee meets on a monthly or as needed basis and is responsible for reviewing all new construction and modifications to existing homes. The vote or written consent of a majority of the members shall constitute an act of the Committee. As needed, the Design Review Committee may meet in executive session, a closed session consisting of members only and any invited advisors. Meeting minutes will be compiled and centrally maintained.

Eagles Nest is located in the Town of Silverthorne. During the zoning approval for the project, the Town of Silverthorne approved the Covenants and gave the Eagles Nest Design Review Committee the authority to implement design guidelines and a review process that, in some cases, may be more restrictive than the Town code. Homes in Eagles Nest are required to go through the normal Town of Silverthorne design review process following Final Review approval by the DRC.

The DRC evaluates all development proposals on the basis of the Eagles Nest Architectural Design Guidelines. Most of the design guidelines outlined in this document are written as relatively broad standards. The interpretation of these standards is left up to the discretion of the DRC. Other guidelines such as roof height, roof form and exterior wall materials are more clearly stated as definitive, or absolute design parameters. It is the intention of this design review process that all home designs comply with these absolute standards.

It is also recognized that each lot has its own unique characteristics and that each owner has his/her own individual needs and desires. For this reason, the DRC has the authority to approve deviations from any of the design standards in these guidelines. It should be understood, however, that any request to deviate from these guidelines will be evaluated at the sole discretion of the DRC and that the approval of deviations will be limited to only the most creative design solutions to unique situations. Prior to the DRC approving any deviation from a design guideline it must be demonstrated that the proposal is consistent with the overall objectives of these Guidelines, and that the deviation will not adversely affect adjoining lots or Eagles Nest as a whole.

Any deviation to these Architectural Guidelines, for a specific project, is required to have written approval from the DRC. A note located on the plans, specifications or color board is considered insufficient and is therefore unacceptable when it comes to a deviation approval.

## **THE DESIGN REVIEW PROCESS**

The following sections describe the major steps involved in the Eagles Nest design review process. Submittal material required for each step in this process is also listed. The DRC may, at the request of an owner or at his/her own discretion, modify any of these submittal requirements.

## **OTHER DEVELOPMENT REGULATIONS**

While these Architectural Design Guidelines constitute the primary tool for controlling the development of Eagles Nest, other material must also be considered during the design process. In addition to these guidelines, the Eagles Nest P.U.D. included the approval of preliminary and final subdivision plats, and the Covenants. Each of these documents establishes regulations, which control the development of Eagles Nest. In some cases, there will be conflicting provisions within each of these control documents. In the event of such conflict, the most restrictive provision shall apply. Therefore, all owners, architects and builders must review the applicable plats before finalizing their design and construction plans.

Homes in Eagles Nest are required to go through the normal Town of Silverthorne design review process. Prior to initiating construction, the owners are responsible for obtaining a building permit from the Town of Silverthorne.

## **MODIFICATIONS TO EXISTING HOMES**

DRC approval is also required for any exterior modifications to an existing home or lot. This includes improvements such as changes to color, landscaping, or the addition of new windows or an outdoor porch or patio. The review of modifications to existing homes will generally follow the procedures outlined in Step Three (Preliminary Review). Structural modifications (i.e. building additions, building renovations, deck additions, etc.) must be submitted to the DRC for review and approval. A \$500.00 (Five Hundred Dollars) application review fee is required for all structural modifications. As a general rule, this is required if you need to have a Town of Silverthorne building permit. Non-structural modifications (i.e. painting and landscape improvements) must be submitted to the DRC for approval but no application review fee is required. Submittal requirements will generally be limited to plans, written information, material samples or color samples necessary to demonstrate the proposed modification. Prior to beginning the design of any modifications to an existing home, owners are encouraged to contact the DRC to outline a review process and submittal requirements for the modification.

## **STEP ONE: THE INTRODUCTORY MEETING**

The Introductory Meeting provides an opportunity for the Owner, his/her design team and DRC to have an informal discussion of the Eagles Nest Architectural Design Guidelines. Items to be discussed at this meeting are the design theme for Eagles Nest, the design review and construction process, and specific site planning, architectural and landscape guidelines. This meeting also gives the owner and his/her design team an opportunity to share his/her initial design concepts with DRC. This dialogue is an important first step to identify any major issues with the initial design concept prior to the owner expending large amounts of time and money on design. It is important to understand that coming to the committee with completed drawings without the benefit of this initial meeting will likely result in the applicant and the committee starting the process over.

The Introductory meeting may be held anytime after a contract has been accepted on a lot. The meeting may be held with any single member of the DRC and does not have to take place at a regular meeting of the Committee. During the course of this meeting, owners are encouraged to visit the home site with the DRC to discuss site specific issues relative to these Architectural Design Guidelines.

Prior to the Introductory Meeting, the owner and his/her design team should have reviewed the below-listed documents and reviewed the Eagles Nest Architectural Design Guidelines. For the on-site Introductory Meeting, the owner or owner's representative should have copies of the following information available at the site:

1. Homeowner Association Documents:
  - Articles of Incorporation
  - Bylaws
  - Covenants, Conditions, Restrictions and Easements
2. Eagles Nest Architectural Design Guidelines
3. Plat Notes for the subject Lot and Filing.
4. Site Diagram of subject lot with Site Diagram Notes (available from the architect advising the DRC - will be posted on ENPHA web site in future)
5. A professional survey of the lot boundaries, building envelope, topography, easements and specific site constraints is desirable for this meeting.

### **Required Submittal Material:**

There are no formal submittal requirements for the Introductory Meeting. A variety of material has been prepared to supplement these Architectural Design Guidelines. It is the responsibility of the owner's architect to obtain all supplemental guidelines and information prior to initiating formal design work.

## **STEP TWO: CONCEPTUAL REVIEW**

After the design team has been introduced to the DRC and the Eagles Nest Design Review Process, the next step is to obtain a topographic survey of the site and begin schematic design of the home. For Conceptual Review, a series of informal sketches (one of which should be a perspective of the proposed residence), and a conceptual site plan are to be submitted to the DRC two (2) weeks prior to the Committee's scheduled meeting or as otherwise arranged with the committee. The architect should also have a general idea of the types of materials that are being considered for the residence.

It is recommended that a three-dimensional (3D) computer-designed drawing of the residence be prepared during the conceptual design phase. This 3D drawing will help the DRC understand the proposed design and provide an important aid to help the owner visualize his/her home.

The DRC will vote on the appropriateness of the conceptual design submittal and within two (2) weeks of this meeting, the DRC will provide the owner's design team with a list of outstanding issues that will have to be addressed and resolved during the next level of design.

### **Required Submittal Material:**

1. Conceptual Design Review Application (Appendix 2): A completed application must accompany the submittal. In particular, the owner and architect must acknowledge, by their signatures, that they have reviewed and understand the Eagles Nest Architectural Design Guidelines. This acknowledgement is incorporated within the application form.
2. Five Hundred Dollar (\$500) Conceptual Review Application Fee. Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C.
3. Owner/Contractor Agreement (Appendix 5)

### **Six copies, one full size set of plans and five sets of half scale, of the following are to be submitted:**

4. Perspective, 3D computer model, and/or other informal sketches of the proposed residence. The DRC reserves the right to require 3D computer model images.
5. Conceptual site plan of the lot, at a scale of 1" = 10'-0" or 1" = 20'-0", indicating the location of the Building Envelope, all proposed structures and major site improvements, access to the residence, and preliminary grading plans.
6. A topographic survey of the lot. The survey is to be prepared by a licensed surveyor drawn at a scale of 1" = 10'-0" or 1" = 20'-0" and shall indicate topographic contours at two foot (2'-0") intervals; easements; significant natural features such as rock outcroppings, existing drainages, mature stands of trees, all deciduous trees with four inch (4") or greater caliper, all evergreen trees with a six feet (6') or greater height;

and the location of any other structures or improvements affecting the design of the home.

7. Photos of the site and surrounding area indicating the relationship of the proposed home to site and adjacent lots. Images of existing conditions are to be affixed or presented in 8 ½ x 11 formats.
8. Any other drawings, materials or information requested by the DRC.

**Incomplete Submittals:**

Submittals that are incomplete or do not comply with the submittal requirements will be returned to the Owner. A re-submittal fee of Five Hundred Dollars (\$500) may be required at the time the project is re-submitted.

### **STEP THREE: PRELIMINARY REVIEW**

This step in the review process is the last formal meeting between the DRC and the design team before the preparation of final construction drawings. As such, a comprehensive submittal including final design drawings is required for the Preliminary Review. All submittal material must be submitted two (2) weeks prior to the DRC's scheduled meeting or as otherwise arranged with the committee.

A key element of this phase of the review process is a visit to the site by the DRC. Prior to this visit, the owner shall have his/her surveyor stake the site in order to provide the DRC with a clear understanding of the location of the proposed development. Staking shall indicate the location of property lines, the Building Envelope, an outline of all building footprints, the driveway, other site improvements such as on-grade decks and patios. All deciduous trees with four inch (4") or greater caliper and all evergreen trees with a six feet (6') or greater height, that are to be retained or removed must be flagged as such. Retained trees shall be marked with blue flagging and trees to be removed shall be marked with red flagging.

Preliminary Review submittals will be reviewed for compliance with all applicable design guidelines and with the Conceptual Review submittal. If the proposed design has not significantly changed from the approved Conceptual Design and the project team has successfully responded to all DRC concerns raised during Conceptual Review, project approval can be anticipated. Proposed designs that have not responded to DRC concerns or are otherwise inconsistent with the Eagles Nest Architectural Design Guidelines will either be denied or tabled to a subsequent meeting. In either case, within two (2) weeks of this meeting the DRC will provide the owner's design team with a written explanation of why the project was not approved.

#### **Required Submittal Material:**

1. Preliminary Design Review Application (Appendix 3): A completed application must accompany the submittal.
2. Five hundred dollar (\$500) Preliminary Review Application Fee. Checks shall be made payable to The EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C.

#### **Six copies, one full size and five sets of half scale, of the following are to be submitted:**

3. A topographic survey of the lot. The survey is to be prepared by a licensed surveyor drawn at a scale of 1" = 10'-0" or 1" = 20'-0" and shall indicate topographic contours at two foot (2'-0") intervals; easements; significant natural features such as rock outcroppings, existing drainages, mature stands of trees and all trees with four inches (4") or greater caliper; and the location of any other structures or improvements affecting the design of the home.

4. Site Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating the Building Envelope, the location of all proposed structures and improvements, site access, and utility service lines and meter locations.
5. Grading Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating all modifications to existing contours and drainage patterns.
6. Floor Plans with dimensions of all proposed buildings drawn at a scale of 1/8" = 1'-0" or 1/4" = 1'-0" showing all heated and non-heated floor area and finished floor elevations.
7. Building elevations of all proposed buildings drawn at a scale of 1/8" = 1'-0" or 1/4" = 1'-0" indicating all exterior wall treatments, fenestration, decks and terraces, heights of all major roof ridges, eave lines and existing and proposed finished grades around the structure.
8. Landscape Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating locations of all existing trees to be removed and all existing trees to be retained, all new plantings to be added, ground covers, site lighting, areas of the site to be left undisturbed in natural condition, construction protection mitigation, areas to be irrigated, and all site improvements such as patios, terraces, driveways, walkways, retaining walls, fences and pools.
9. Exterior lighting design and picture of proposed exterior light fixtures. Examples of code compliant designs are available for the DRC or the Town of Silverthorne.
10. List of building and landscape materials and a color and material board. Images of materials are to be copied and presented in 8 1/2 x 11 formats, Materials to be identified on copy by manufacturer, product line, and specific selection.
11. Proposed Construction Management Plan as outlined in Section VII.
12. Site staking as described above.
13. Any other drawings, materials or information requested by the DRC.

**Incomplete Submittals:**

1. Submittals that are incomplete or do not comply with the submittal requirements will be returned to the Owner. A re-submittal fee of Five Hundred Dollars (\$500) will be required at the time the project is re-submitted.

## **STEP FOUR: FINAL REVIEW**

After Preliminary Review approval, the following material shall be submitted to the DRC for final review of all construction plans. The purpose of this review is to ensure that final construction plans and documents are consistent with the plans approved at Preliminary Review. A formal meeting between the Owner and the DRC is not required. **However, the Owner and/or general contractor shall meet with a representative from the DRC prior to initiating any construction or site preparation. The purpose of this meeting is to ensure that the Owner and general contractor are aware of all construction regulations. The Compliance Deposit is required at this time.**

A written Notice to Proceed will be issued by the DRC for all plans that are consistent with approved Preliminary Review plans. **Construction may not commence until this Notice to Proceed has been issued.** The DRC shall issue the Notice to Proceed within two (2) weeks from the date complete Final Construction Plans are submitted. Prior to initiating construction, owners are responsible for obtaining a building permit from the Town of Silverthorne.

If construction plans deviate from approved Preliminary Plans, the DRC may approve such deviations and issue a Notice to Proceed or may disapprove the construction plans. In the event that construction plans are not approved, the DRC shall provide a written explanation of why the plans were denied within two (2) weeks from the date complete Final Construction Plans are submitted. Construction may not commence if the construction plans are not approved.

### **Required Submittal Material:**

1. Final Design Review Application (Appendix 4): A completed application must accompany the submittal. In particular, the general contractor must acknowledge, by his/her signature, that he/she has reviewed and understands the Eagles Nest Architectural Design Guidelines. This acknowledgement is incorporated within the application form.
2. One Thousand Dollar (\$1000) Final Review Application Fee. Checks shall be made payable to The EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C.
3. Compliance Deposit of Five Thousand Dollars (\$5000). This deposit is to be paid by the Owner to the DRC prior to the issuance of a Notice to Proceed. (See Section VII, pages 52-53 for use and refund of the Compliance Deposit.)

### **One set of the following is to be submitted:**

4. Construction plans including, but not limited to, a grading plan, foundation plan, framing plan, floor plan, roof plan, building elevations, site plan, landscape plan, and all specifications and material schedules.

**Required Submittal Material (cont'd):**

5. Construction Management Plan indicating the limits of construction and protective fencing, stockpile areas, storage area for materials, temporary sanitation facilities, dumpsters, construction trailers, one construction sign, and vehicle access and parking. A schedule indicating construction start and completion dates must also be included as an attachment to the plan.

**NOTE:** The construction fence must be installed at the time of the Final Review Application or prior to the time of the pre-construction meeting with the DRC representative.

**Incomplete Submittals:**

Submittals which are incomplete or do not comply with the submittal requirements will be returned to the Owner. A re-submittal fee of Five Hundred Dollars (\$500) will be required at the time the project is re-submitted.

## **STEP FIVE: CONSTRUCTION AND INSPECTIONS**

Inspections are conducted by the Eagles Nest DRC throughout the construction process. The purpose of DRC inspections is to ensure that the residence is being built according to approved plans and that the construction is being performed in compliance with the approved Construction Management Plan. A schedule for completion is required as part of the Construction Management Plan. Owners shall complete the construction of the foundation and all exterior surfaces of any improvement on his lot within one (1) year after commencing construction. If the Owner fails to complete such construction, DRC approval shall be deemed revoked and Owner must reapply and pay all necessary review fees.

Owners/general contractors are also required to maintain a material board of all approved exterior materials on site at all times.

The DRC has the authority to enter a construction site at any reasonable time during construction.

It is very common for the design of new homes to be refined during the construction process. Any changes to approved plans require review and approval by the DRC. Owners are required to contact the DRC prior to initiating such changes. Submittal requirements and the review process will vary depending upon the nature and extent of proposed changes.

Before occupying a new home, owners must obtain a Conditional or Final Certificate of Compliance from the Eagles Nest DRC. If the home, landscaping and all site improvements are completed in accordance with approved construction plans, the DRC shall issue a final Certificate of Compliance and refund any unused portion of the Compliance Deposit. The owner is also responsible for obtaining a final Certificate of Occupancy from the Town of Silverthorne.

In the event a home is completed prior to the completion of all landscaping and site improvements, an Owner may occupy the home if a Conditional Certificate of Compliance is obtained from the DRC and a temporary Certificate of Occupancy is obtained from the Town of Silverthorne. In order to obtain a Conditional Certificate of Compliance, the Owner must escrow funds or supply a bond in an amount equal to one hundred and fifty percent (150%) of the improvements not yet completed. A Conditional Certificate of Compliance, if issued, will be limited to a maximum of nine (9) months. If, after nine (9) months, the Owner has not completed the remaining improvements, the DRC may use the funds in escrow or redeem the bond in order to complete the improvements. The Compliance Deposit will be held by the DRC until the Final Certificate of Compliance has been issued.

### **Required Submittal Material:**

There are no formal submittal requirements during the construction process.

#### **IV. SITE PLANNING DESIGN GUIDELINES**

Eagles Nest was planned and designed to blend people and structures with a pristine mountain setting. Properly siting a home and other improvements on a lot is a critical first step to a successful design process. Effective site planning involves creatively integrating the design of a home with the natural features of the lot. The characteristics of each lot will vary, and in response to these characteristics, site planning design solutions will also vary. A successful site planning process should find the delicate balance of preserving and enhancing the natural features of a site while at the same time accomplishing the design objectives of the owner.

A number of specific steps have been taken to assist owners with the site planning process. The following sections outline these steps and other design and planning considerations to be addressed during the site planning process. These considerations include where the home and improvements are located, the orientation of the home on a lot, the manner in which access is accomplished, site grading, limits of construction, parking and utilities.

## **LOT-BY-LOT GUIDELINES**

In response to the unique and varied characteristics of lots in Eagles Nest, guidelines specific to each lot have been established to assist owners with the site planning and design process. These guidelines outline specific site planning and design considerations for each lot, and are to be used in addition to other guidelines outlined in this document. These standards are presented with the Site Diagrams in the Appendix of this document. The specific guidelines that are addressed are:

### Sewage Ejection Systems

Unit design and lot characteristics may require the installation of a sewage ejector system to connect a dwelling to the sewer. On those lots where preliminary analysis has determined that a sewage ejector system may be required this has been noted on the Site Diagrams.

### Building Height

Building heights vary from lot to lot with a maximum height of thirty-five feet (35'-0"), The intent of building height limitations is discussed in greater detail in the Building Height, Massing and Scale section of these Guidelines.

### Wetland Restrictions

Certain lots will be required to incorporate permanent Best Management Practices (BMP's) into the site design to protect the wetland areas. These BMP's must comply with the Town of Silverthorne wetland regulations. The lots with such restrictions have been identified on the Site Diagrams.

### Basement Restrictions

Basements shall not be permitted on certain lots due to hydrological conditions and Town of Silverthorne restrictions. Where this restriction occurs it has been noted on the Site Diagrams.

Upon request from an owner, the DRC may approve modifications to these Lot-by-Lot Guidelines. Prior to the DRC granting any modifications; however, the owner and his/her design team shall demonstrate that the proposed design solution is consistent with the overall design objectives for Eagles Nest, compatible with the site and surrounding area and does not block views or adversely affect any surrounding lots. Any modification to these Lot-By-Lot Guidelines must also be approved by the Town of Silverthorne.

## **SITE DIAGRAMS**

Site Diagrams have been prepared for every lot in Eagles Nest. These diagrams graphically indicate physical characteristics and features of each lot. Information provided on the Site Diagrams include the Building Envelope, recommended access to the Building Envelope, major views, site contours, significant stands of trees and other site attributes. Figure 1 indicates a typical Site Diagram. Diagrams for specific lots may be obtained from the DRC and will be posted on the ENPHA web site at a future date.

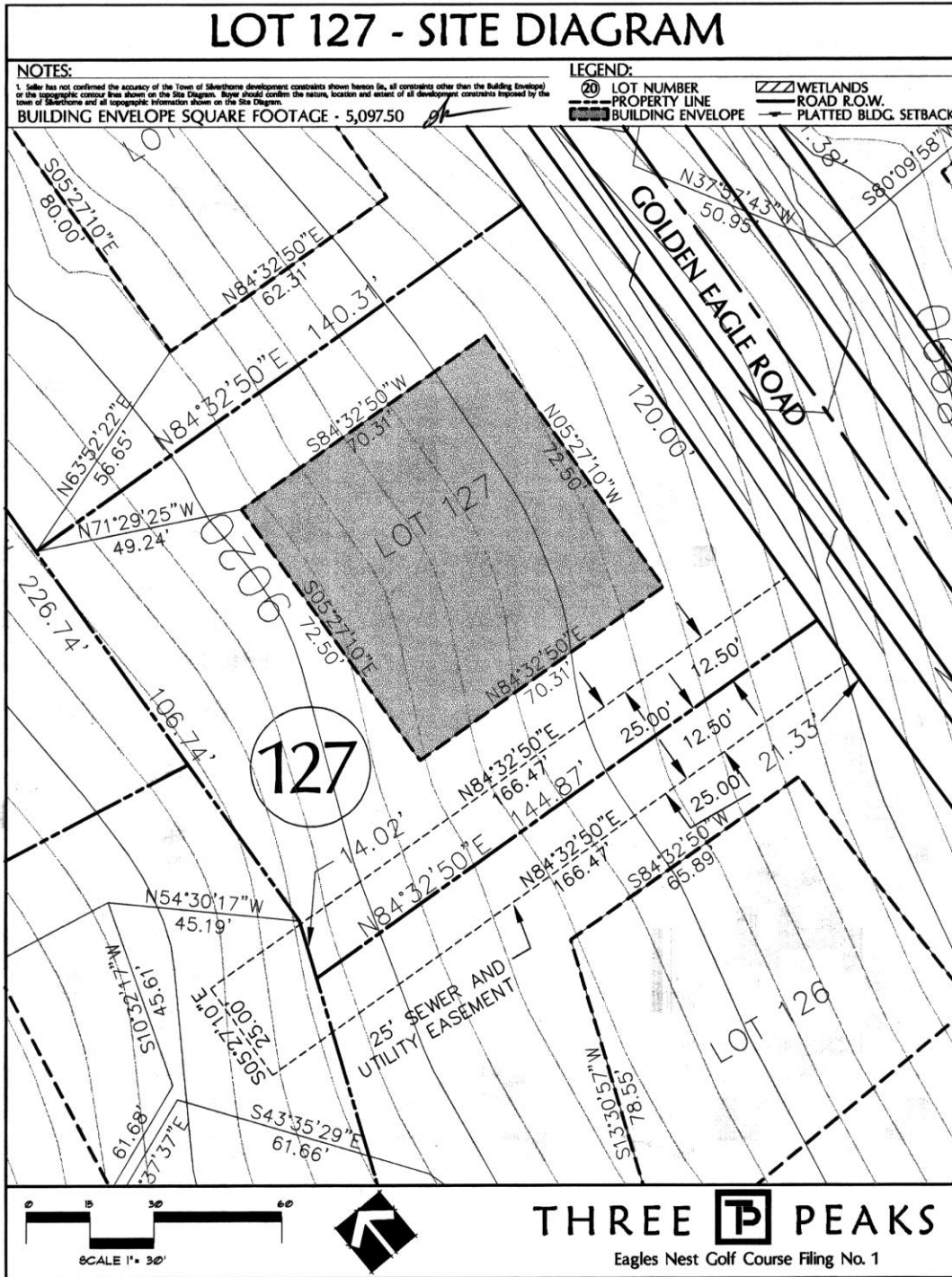


Figure 1 – Site Diagram

Typical Site Diagram indicating the Building Envelope, Easements, Roads, Undisturbed Area, and other site characteristics.

## **BUILDING ENVELOPE**

**No disturbance is allowed outside the building envelope except as it may relate to driveway access and utilities. Foundation footings may not be further below grade than they are away from the building envelope. Building sections and building elevations must indicate bottom of footing elevations both graphically and in USGS terms. These drawings must also include existing grade and building setback locations.**

The Building Envelope defines the location for all buildings and improvements on a lot. The location of the Building Envelope was determined based on site specific considerations of each lot. The first objective for defining the Building Envelope was to identify the portion of each lot that would allow the design of a home to optimize views, privacy, solar orientation and other attributes of the lot. Secondly, the location of the Building Envelope minimizes the visual impact of development and maximizes the physical separation between home sites. Third, the Building Envelope encompasses a "buildable" portion of the site that also has the potential for convenient access from the Eagles Nest road system. Finally, the Building Envelope directs construction away from environmentally sensitive areas and natural features of a lot such as ridge lines, drainage courses, stands of trees and rock outcroppings.

It is the intention of these Guidelines that all structures and site improvements be located within the Building Envelope. All Requests for building envelope changes must be first approved by the DRC prior to submission to the TOS. Consent by all adjacent property owners must accompany modification request to DRC.

Prior to approval of a project that modifies or relocates the Building Envelope, an owner shall demonstrate that the proposed modification does not adversely impact any surrounding lot. For example, the modification shall not affect view corridors from other lots, appreciably increase the visibility of the proposed home, or substantially reduce the distance between adjacent Building Envelopes. In addition, the proposed modification must be sensitive to the environment and natural features of the lot, provide a sensitive driveway design, and be consistent with the overall design objectives of Eagles Nest.

The development of a single-family residence is permitted within the Building Envelope of each lot in Eagles Nest. The minimum size requirement for each residence is eighteen hundred (1,800) square feet of floor area. Floor area is defined as the sum of all levels of a building as measured from the outside face of exterior walls. Basement space and stairways (including intermediate landings) are included in the calculation of floor area. Garage space is excluded from floor area.

## **UNDISTURBED AREA OF A LOT**

The Undisturbed Area is the portion of a lot located outside of the Building Envelope. The Undisturbed Area provides a physical buffer between homes, protects sensitive environmental or natural features of a lot and provides a natural unifying landscape element throughout Eagles Nest. The Undisturbed Area of a lot is to be maintained in a predominantly natural state and defined with a gradual transition line between other more

formal landscaped areas of the lot. In most cases, some degree of maintenance of the Undisturbed Area will be required by the DRC.

Requirements for maintaining the Undisturbed Area will vary depending upon the unique characteristics of each lot. Generally, maintenance of the Undisturbed Area must include trimming of trees up to six feet from ground level, (removal of all ladder fuel) the clearing and removal of deadfall, dead-standing, and diseased trees, the planting of indigenous landscape material, and the removal of noxious weeds. Activities not permitted in the Undisturbed Area include the removal of any existing vegetation and trees (unless specifically approved by the DRC), the introduction of manicured lawns, and the mowing of native grasses.

### **BUILDING SITING and SITE ACCESS**

Homes should be sited and designed to be integral with the natural characteristics of a lot. Existing terrain, vegetation, rock outcroppings and other natural features should be preserved and when appropriate incorporated into the design of a home. While responding to all of these considerations, a home should also be located and oriented on a lot to take full advantage of the site's attributes. Privacy, short-range and long-range views, sun exposure and orientation should be carefully considered during the site planning process.

Access to a home site is a critical element in the site planning. In some instances Access Easements may have been created on or across a lot. This easement defines the required lot access and may continue across one or more lots. These Access Easements are identified on the Site Diagrams. Access to all buildings shall be consistent with the Access Easement indicated on the Site Diagram unless a modification is approved by the DRC and the Town of Silverthorne. If no access restriction is indicated on the Site Diagram the design shall comply with these Guidelines.

In all cases, access to the Building Envelope shall minimize grading and the modification of existing site contours. Homes shall be stepped to follow the existing topography. On steeper lots, this may necessitate the separation of the home and the garage into two structures.

The maximum grade of driveways shall not exceed eight percent (8%). The maximum width of paved driveway surface, excluding parking areas immediately adjacent to garages, should not exceed twelve (12'-0") feet.

Culverts shall be installed by the owner in accordance with Town of Silverthorne standards and in all cases culverts shall be faced with appropriate materials.

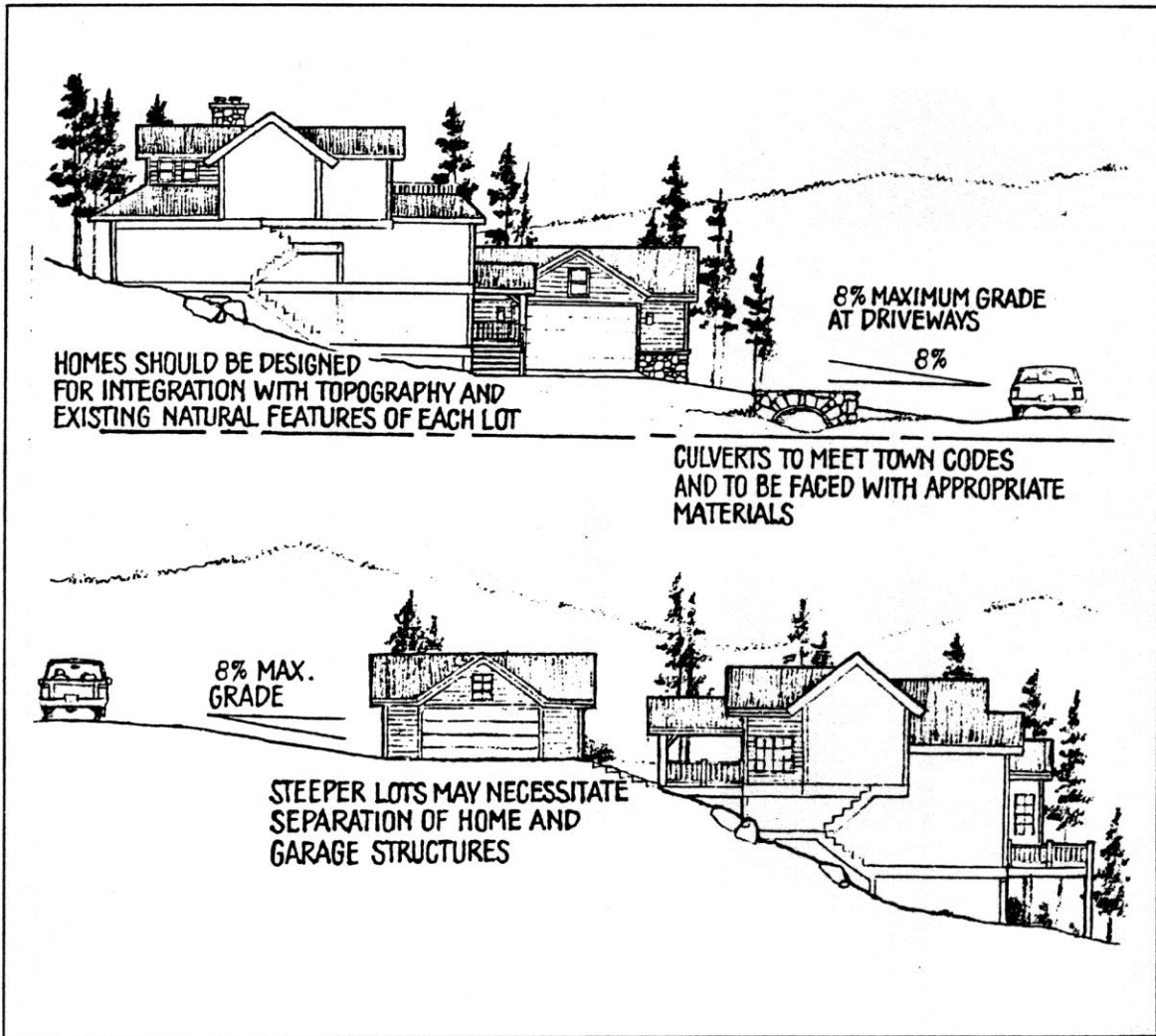


Figure 2 – Building Siting

*Homes shall be stepped to follow the existing topography. On steeper lots, this may necessitate the separation of the home and the garage into two structures.*

## **SITE CONTOURS, GRADING and DRAINAGE**

The grading and modification of existing site contours should be no more than necessary to accommodate the development of a home. Existing natural drainage courses should not be altered. When grading is required, it shall be designed to blend with the natural contours and landscape of the site. This can be accomplished by feathering all cuts and fills into the existing terrain of the site. All grading should be confined to the Building Envelope and must be confined to the Limits of Construction indicated on the Construction Management Plan. In order to preserve existing vegetation, it is important that grading around trees be minimized. Topsoil should be removed from those areas to be excavated. This topsoil shall be stockpiled on-site and reused in areas of the project that will be landscaped.

Cuts and fills should be minimized by proper site planning and design. However, when necessary, the slope of cut and fill banks should be determined by soil characteristics to avoid erosion and promote revegetation. In all cases, cut and fill banks should be limited to a maximum slope of 2:1. When retaining walls are required, such improvements shall be consistent with design standards and materials outlined in the Landscape Architecture Design Guidelines on page 43.

## **LIMITS of CONSTRUCTION**

Also important to the design of a home is the manner in which the home is constructed. This is particularly important for preserving existing vegetation and minimizing the impacts of construction on a site. It is important for the design team to consider how construction will be completed during the design process. The integrity of the area outside the building envelope is to be preserved in its natural state.

In order to minimize site disturbance, contractors will be required to install a temporary fence to delineate the physical limits of site disturbance prior to beginning construction. Protective measures will also be required to safeguard trees during construction. These and other mitigation measures shall be detailed in a comprehensive Construction Management Plan. This Plan is to be submitted as an element of the final development application. Elements to be included in the Construction Management Plan and other construction-related requirements are described in the Construction Regulations section of these Guidelines.

## **PARKING**

Each residence shall contain parking spaces for a minimum of two (2) automobiles within an enclosed garage. Garages may be integrated into the design of a residence or be detached from the residence. Side entrance garages are encouraged.

Overnight parking on Eagles Nest roads is not permitted. While large expanses of paved surfaces are to be avoided, the need for on-site parking in addition to the above requirements should be considered during the design process. Parking is limited to paved areas only.

## UTILITIES

All utility lines and related utility equipment shall be installed underground. Utility connections from main service lines to homes should be designed to minimize disruption of the site and existing vegetation. The precise location of a utility line shall not be based on the shortest distance between the main service line and the home. Rather, the location of utility lines should be determined in order to minimize impacts to the site. All utility boxes should be located to minimize their visual impact from the residence, adjacent lots and roadways. When appropriate, utility boxes should be screened with landscaping or painted to blend into background.



Figure 3 – Utility Meters

*All utility meters and connections shall be enclosed or incorporated into the design of the structure.*

## **SIGNAGE**

The following signage is permissible at Eagles Nest home sites, subject to review and approval by the Design Review Committee:

1. **Entry monuments:** Monuments may be erected at the driveway entrance in order to identify the residence, subject to the review and approval of the DRC. Entry monument locations should be integrated into the landscape design for the residence. Entry monuments shall not be located within any Town of Silverthorne rights-of-way. Low-level down lighting, subject to the review and approval of the DRC, is encouraged at the entry monuments to identify homes.
2. **Construction Signs:** Signs are limited to one sign per lot not to exceed four (4) square feet of total surface area. This limit includes contractor, architect and subcontractors within the single 4 square feet. Architects and contractors can therefore share a single sign. In addition, a single temporary street number sign can be placed instead of the "lot number/owner name" sign installed by Three Peaks. This street number sign shall have black 6 inch numbers on a white or bare wood background not to exceed 1 square foot. The location of construction signage shall be shown on the Construction Management Plan at the Final Review stage. This sign shall not be placed prior to ground breaking and shall be removed upon issuance of the Certificate of Occupancy.
3. **Real Estate Signs:** Real estate signs shall conform to the Eagles Nest Property Homeowners Association Sign Code now in effect or as hereafter amended.
4. **Private Drive Signage:** Owners may place a sign identifying their private drive and house number at the private drive's intersection with the main road to aid others in locating their house. The sign's design, materials, colors, size and location must be approved in advance by the DRC. If the sign would have to be located on another owner's lot in order to be visible from the main road, then that property owner's written consent is required and a copy of that consent must be furnished to the DRC.

**All signs shall be freestanding.** At no time shall signs be placed on or nailed to trees or structures.

## **V. ARCHITECTURAL DESIGN GUIDELINES**

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The essence of the Architectural Design Guidelines is that homes in Eagles Nest should be designed to belong in the Colorado Rocky Mountains. The character of structures in Eagles Nest should be casual and draw inspiration from the traditional design of buildings in the Rocky Mountain region. Rather than attempt to define this style, these Guidelines outline a number of specific architectural concepts that are to be followed during the design process.

Architectural concepts for Eagles Nest involve principles such as designing with the existing characteristics of a lot, incorporating natural materials into the design of a home, designing buildings that express a sense of mass, the use of a limited number of unassuming colors and finishes and the integration of man-made landscaping with the natural landscape. As homes are developed over the years, these fundamental design concepts will define Eagles Nest's architectural style.

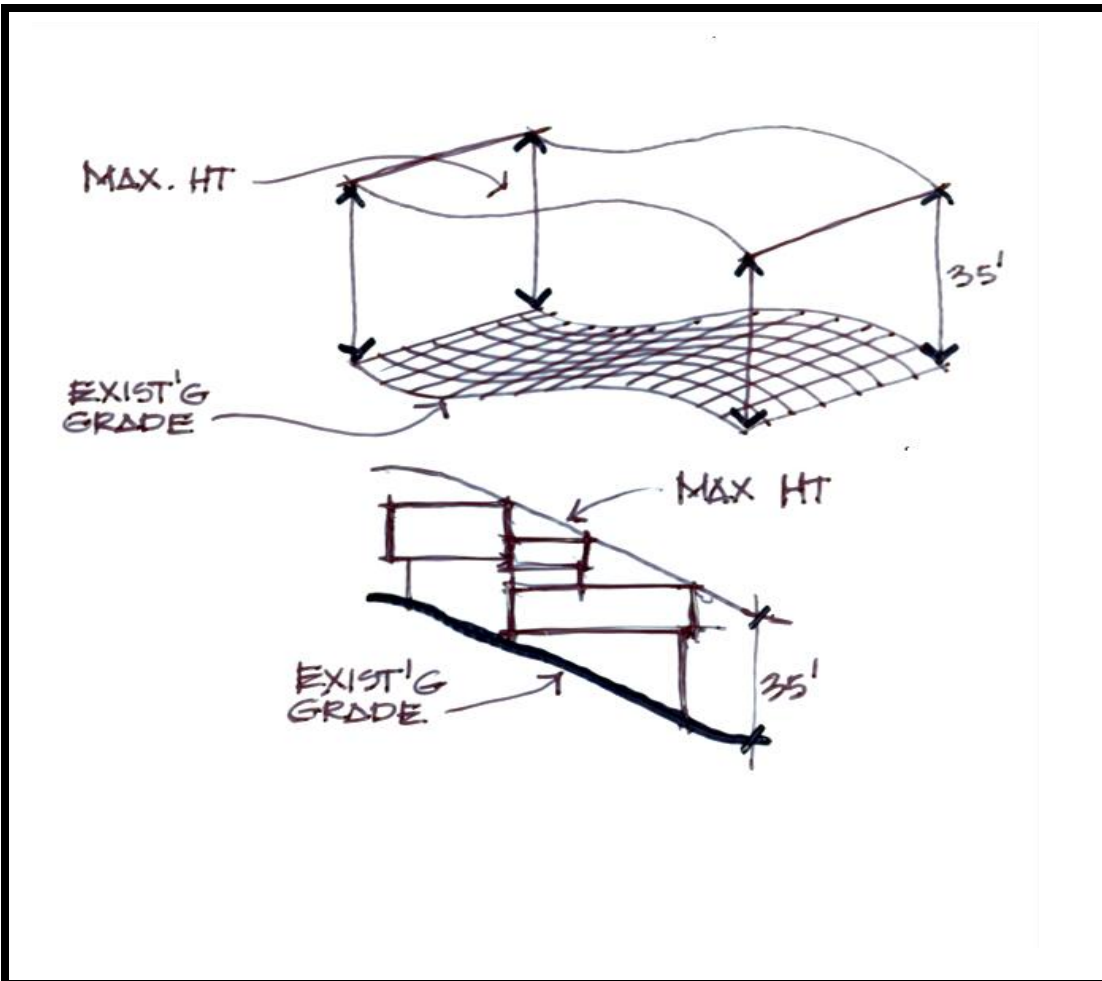
The following sections outline the specific architectural design guidelines used to evaluate proposed development in Eagles Nest.

## BUILDING HEIGHT, MASSING and SCALE

**Building height is limited to a maximum of 35 feet above historic existing grade at any point except for chimneys.** The Committee may overlook minor irregularities in existing grade when determining the height of a structure. Existing pre-construction grade must be shown on all building elevations and sections. Ridge heights must be labeled with USGS elevations on all building elevations and on a roof plan to be placed on a survey showing existing contours. Certain lots may have building height limitations that are more restrictive. Lot specific height restrictions are identified in the Site Diagram Notes and on the Site Diagrams located in Appendices 8-9 of these Guidelines.

In keeping with Eagles Nest's design philosophy of designing with the site, buildings should step with the natural contours of a lot.

While the massing of a home should be designed in relationship to its lot, all homes in Eagles Nest should be designed with an understated human scale. This can be achieved a number of different ways. For example, a composition of smaller structures may have a much more comfortable scale than a single larger structure. The mass of a structure can also be reduced by stepping building heights as described above or by providing offsets in building elevations.



## **ROOFS**

All major roofs of a structure shall have a minimum roof pitch of not less than 4:12. While the recommended range of acceptable roof pitch is 4:12 to 9:12, roof pitches of up to 12:12 may be approved by the DRC.

Roof forms shall be strictly limited to gable and hip roofs, except as noted. Flat roofs may be used only for limited connecting elements linking other roof masses. Shed roofs may be permitted as secondary roof forms provided they are attached to the primary building form and have pitches no less than 3:12. Mansard and A-frame roof forms are not permitted.

Roof overhangs and dormers are encouraged to add interest and variety to roof forms. When used, dormers should be an integral part of the roof form and designed in proportion to the overall scale of the roof. Dormers may be gable, hip or shed forms. Continuous ridges should not exceed an unbroken length of forty feet.

Roof materials allowed include heavy composition shingles, rolled composition roofing, slate, or flat-profiled unglazed concrete tile. A weathered appearance is desired. Color and reflectivity of all roofing material is subject to the review and approval of the DRC. No mirror-like or other highly reflective finishes, other than glass, shall be used on exterior surfaces (other than surfaces of hardware fixtures) including, but without limitation, the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mail boxes and newspaper tubes. Built up roofing of approved finish will be allowed only on small, flat connecting roof elements. Glazed tiles are not permitted in Eagles Nest. Exposed aluminum flashing is not permitted. Treated copper flashing is permitted. Metal roofing is permitted on secondary roof elements. Material, quantity, and finish are to be specifically approved at the Committee's discretion. No lightly reflective metal finishes are permitted. Built up roofing of approved finish will be allowed only on small, flat connecting roof elements. Glazed tiles are not permitted in Eagles Nest. Exposed aluminum flashing is not permitted. Treated copper flashing is permitted. Wood shingle is an approved material, but it must be CLASS A fire rated. Written manufacturer's specifications with installation requirements indicating underwriter laboratory approved CLASS A rating must be included in a materials list submitted at Preliminary Review. Labeling from the bundled roofing material must be provided to the DRC member at an on-site inspection prior to start of installation.

All finished roof surface material is required to be a minimum Class A rating. As of January 1, 2004 the Town of Silverthorne requires roof surface material to be CLASS A rated. The DRC now requires all roof material to be CLASS A rated. The Town building department should be contacted for any additional information on its requirements.

Snow diverters and retainers may be necessary on certain roof forms. If used, they should be designed as a decorative element consistent with the overall design of the residence.

When skylights are used, they should be integrated with the roof form to be as unobtrusive as possible. Roof mounted solar panels shall be installed flush with the roof

line and trimmed to match the main residence. Only flat-glass skylights and solar panels will be allowed.

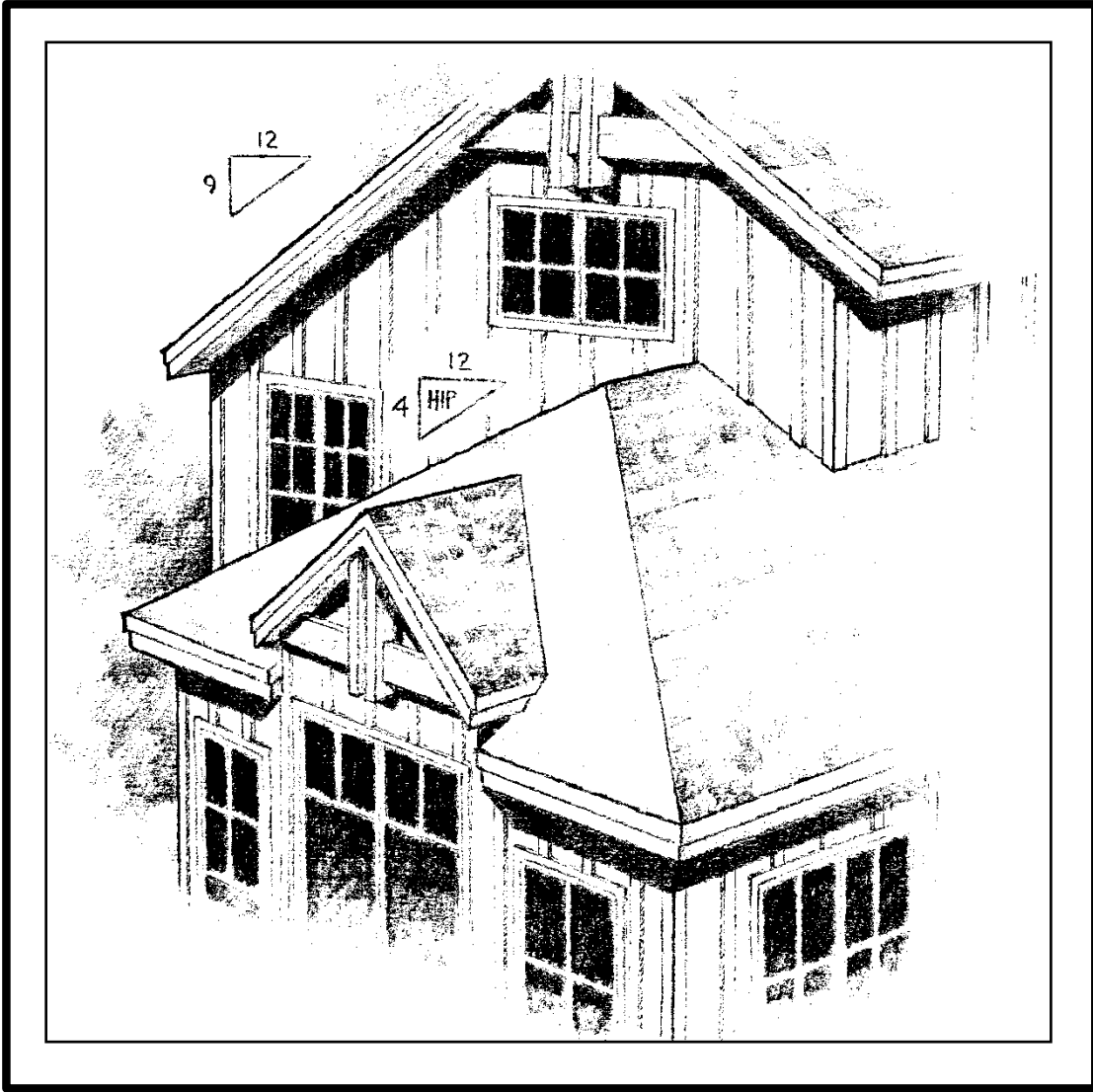


Figure 5 - Roofs

*The recommended range of acceptable roof pitch is 4:12 to 9:12, although roof pitches of up to 12:12 may be approved by the DRC. Roof forms shall be strictly limited to gable and hip roofs as noted. Shed roofs may be permitted as secondary roof forms.*

## **EXTERIOR WALLS AND SURFACES**

As the major supporting element of a structure, exterior walls should lend the feeling of strength and mass. The use of exterior wall materials should therefore be selected and designed with consideration of the "visual weight" the wall must carry. The feeling of strength and mass can be accomplished with the judicious use of "solid" materials such as timber and native stone. At a minimum, such materials should be used around the base of the structure to create a "mass wall." Foundation walls must be concealed to finished grade with one of these materials. Exposed concrete foundation walls are not allowed. Window openings in mass walls should preferably be relatively small in scale and be used in an informal pattern on the wall with deep-set reveals and varied proportions.

In contrast to the mass walls of a structure, wood siding is an appropriate material to be used as a sheathing, especially at gable ends and upper levels of a structure. Appropriate exterior siding includes natural wood such, as western cedar or redwood, with sound tight knot or better. When such materials are used, they may be treated with natural preservatives, semi-transparent stains, pigment stains or paint. When pigment stain or paint is used on siding, heavy trim, beams or other exterior wall materials, colors should be selected in concert with other building materials and natural colors found on the site. The Munsell color chart limitations are to be adhered to in all instances. (Chroma 2 or less, value 6 or less) Glass may also be used to contact directly with the mass walls, but such an application is most appropriate on southern exposures. In all cases, heavier "mass wall" material such as timber and native stone shall be used below the lighter wood-sheathed elements so as to visually support the upper levels of the structure.

Large expanses of continuous vertical wall planes should be avoided.

In order to express continuity and simplicity in the structure, no more than three exterior wall materials should be used on a structure. Stucco shall not be used as an exterior building material within the Three Peaks area of Eagles Nest. However, usage of stucco is permitted within "old" Eagles Nest as a secondary material as approved by the Committee.

Window casing shall be wooden with a stained, painted, or clad finish. Exterior window trim shall relate to other building materials. The use of headers and sills are required, and such elements should be integrally designed with the wall.

The height of a garage door is limited to nine feet (9 ft).



Figure 6 – Exterior Walls and Surfaces

*As the major supporting element of a structure, exterior walls should lend the feeling of strength and mass. In all cases, heavier "mass wall" material such as timber and native stone shall be used below the lighter wood-sheathed elements so as to visually support the upper levels of the structure.*

## FENESTRATION

Openings for windows and doors should be designed in proportion to the structure and form of the residence. Large panes of glass should be detailed with heavy wood or masonry to create recesses from the face of the exterior wall. Large banks of windows are permitted but window mullions shall be used to reduce the area of the glass panes. Openings of unusual shapes and sizes that distract from the overall design of a home should be avoided. Clear, solar gray and solar bronze glass may be used. Other colored, reflective or mirrored glass is not permitted.



Figure 7 - Fenestration

*Openings for windows and doors should be designed in proportion to the structure and form of the residence. Generally, large window panes should be detailed with window mullions and large banks of windows should be designed with intermediate framing or deep recesses to reduce the scale of the glass area.*

## DECKS and BALCONIES

Above-grade decks and balconies can reduce the scale of a home and add interest to the design of a building. These types of features are encouraged and when used, should be incorporated into the structure and detailed with materials and colors consistent with the overall design of the home. When locating decks and balconies, consideration should be given to sun/shade, snow shedding and exposure to the natural elements. Decks shall be designed to avoid unsightly supporting structures.

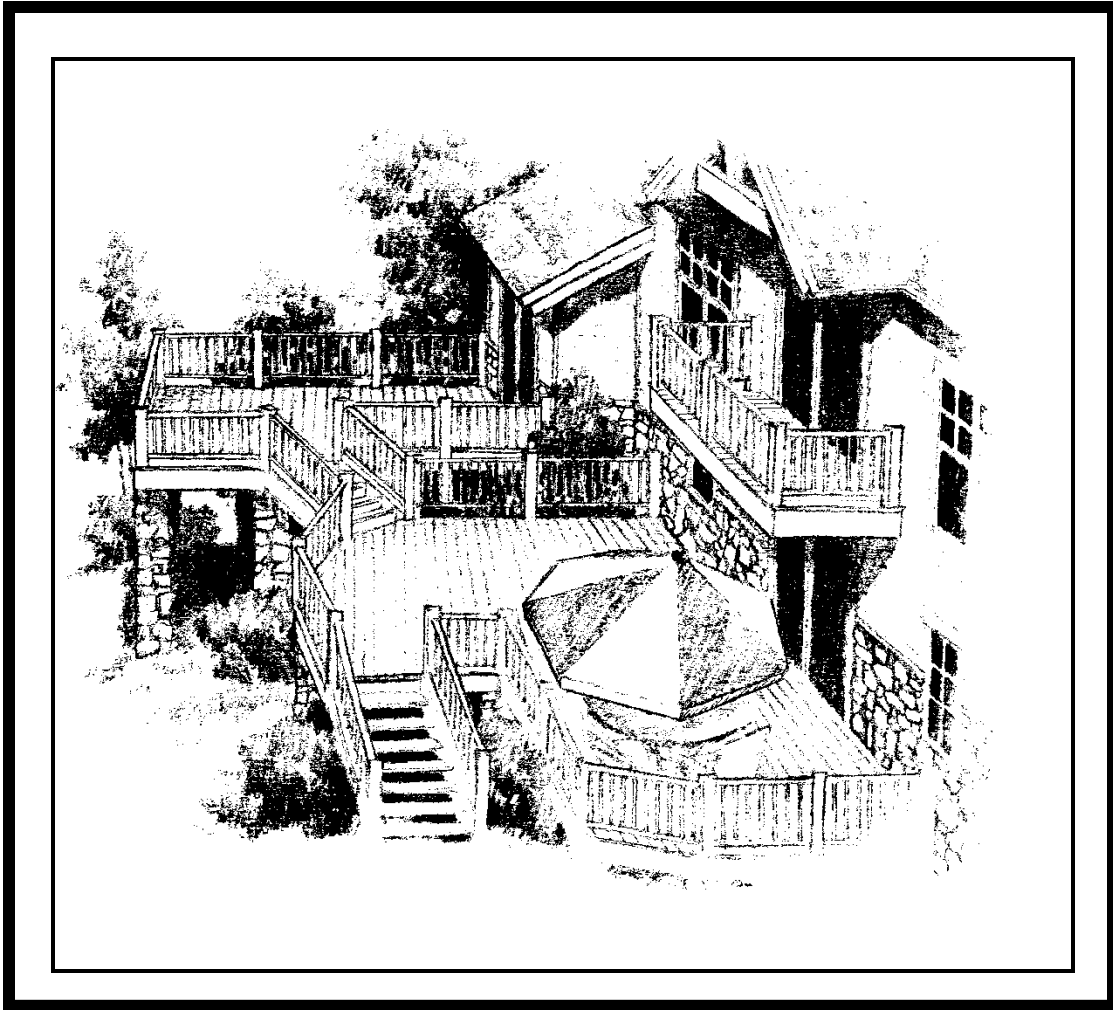


Figure 8 – Decks and Balconies

*Above-grade decks and balconies can reduce the scale of a home and add interest to the design of a building. These types of features are encouraged and, when used, should be incorporated into the structure and detailed with materials and colors consistent with the overall design of the home.*

## **CHIMNEYS, ROOF VENTS, FLUE and ARRESTORS**

Chimneys are often prominent visual and structural elements of a home. They should be designed in proportion to the rest of the structure and be constructed of materials that lend a substantial and stable appearance. Under no circumstances are unpainted flues or chimneys permitted. Building-height limitations do not apply to chimneys and related roof elements

Roof vents and flues should be grouped and concealed from view by enclosing such features in a manner compatible with the design of the residence. A false chimney is one example of how this can be accomplished. Under no circumstances are unpainted flues or vents permitted.

The Town of Silverthorne has adopted specific regulations on fireplaces and stoves. The number and type of such devices must conform with current Town of Silverthorne regulations.

## **TRIM and ACCENT COLORS**

All trim work, mullions, soffits, fascia, flashing and other exterior finishes shall be consistent with the materials and color of the residence. Accent colors should be used to provide visual interest to a residence, but should not call undue attention to any single element of a building. Trim and accent colors should be selected to reflect the natural colors found on the site and should be complimentary to the residence. The use of bright colors should be avoided. In all cases, trim and accent colors are subject to approval by the DRC. The Munsell color chart limitations are to be adhered to in all instances. (Chroma 2 or less, value 6 or less)

## **ACCESSORY USES and STRUCTURES**

All accessory structures such as pool houses, gazebos, and kennels and similar features shall be integrated with the design of the main residence. Integration can be achieved with the use of similar materials, colors, architectural style and form. When feasible, accessory structures should be visually or physically connected with the main structure by landscaping, walls or walkways.

Enclosed or screened areas shall be provided for trash containers, maintenance and recreational equipment, and the storage of seasonal equipment such as patio furniture. These areas shall be screened from view from public roadways and adjacent properties. Trash-storage areas shall not be exposed to free access by wildlife. All utility meters and connections shall be enclosed or incorporated into the design of the structure and painted to blend into the background.

TV or radio antennas and satellite dishes less than 39" in diameter must be architecturally integrated with the exterior roof or walls of the building they serve. All such antenna and satellite dish installations are subject to review by the DRC. Satellite dishes, if provided, must be appropriately located and screened from view from adjacent lots and

roadways as practical by installation requirements. Satellite dishes larger than 39” are not permitted.

### **MODULAR and PRE-MANUFACTURED BUILDINGS**

The placement of pre-fabricated structures and dwellings within Eagles Nest is not preferred or encouraged. Development proposals containing pre-fabricated structures presented to the DRC shall be examined in detail to determine if the design, structure and architectural detailing meet appropriate quality standards. The applicant will be required to demonstrate proof of the pre-fabricated structure performance in other similar terrain and climate locations. The applicant will be required to furnish appropriate references supporting this performance.

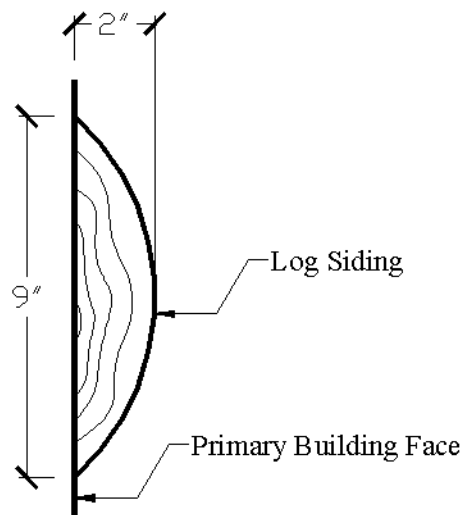
## DESIGN GUIDELINES for LOG HOMES

The following architectural design standards pertain specifically to log structures.

### Log Building Material

Handcrafted logs can be left round or hewn on one or more sides, but in either case the basic timber size and individual characteristics such as grain and dimension should be reflected in the final product. Care should be taken to ensure that logs are of consistent diameter and that adjoining logs are of uniform size. A one to two-inch (1"- 2") difference in the diameter of a log twenty feet (20' 0") in length is an acceptable standard. Logs shall be a minimum of nine inches (9") in diameter.

Handcrafted logs and milled logs are appropriate for use at Eagles Nest, as reviewed and approved by the DRC. Applied log siding is permitted provided the siding has a min. 9" exposed vertical face as well as a min. 2" depth reveal.



### Applied Log Siding Requirements

### Exterior Walls

The overall architectural expression in Eagles Nest includes a sense of mass in exterior walls that is accomplished by using "heavy" materials around the base of structures. Log buildings in Eagles Nest are to respect this overall design direction by including areas of native stone on exterior walls. This expresses mass and can be used effectively to merge the building with its site, to provide an effective transition from slope to structure and to provide a strong visual base or buttressing for log framing or stacked log walls. A minimum height for the stone base is two feet (2' 0") and the first course of logs should rest on the base at one continuous level around the perimeter of the building. In addition to the stone base, the upper portions of exterior walls may include rough-sawn wood siding.

### Roofs

Design guidelines for roofs shall be as outlined on page thirty-three (33).

### Fenestration

Openings should be proportioned and shaped to complement the overall building design while responding to the structural demands of logs. Large expansive openings can be successfully framed with vertical logs to offset the effects of shrinkage and to provide a complementary proportion between opening and frame. Narrow stacks of horizontal logs between windows should be avoided. Large panes of uninterrupted glass can be out of proportion and scale with log dimensions. Multiple windows with varied size of lights are encouraged.

Doors present an opportunity for creativity and innovation. Detailing such as iron straps and hardware on wood planks, glass with sculptured iron and bronze, carved figures in wood panels, lintels or side trim are encouraged. Pegged connections, interlocking joinery and ornamental surrounds will be appreciated as fine log craftsmanship when incorporated into entry doors.

### Detailing and Joinery

Log structures by their very nature portray an expression of craftsmanship and understanding of wood as a building material; structure and architecture are conceived and expressed together. However, the true skill of the log designer and builder is expressed in details and joinery. It is contradictory to the heritage of log building when the finesse of fitted details gives way to large and clumsy steel plates and bolts. Many design objectives can be achieved in the detailing of balcony support systems; rafter, beam and perlin connections; railings and balustrades; post and lintels; door and window frames, and trim; log ends; molded contouring and decorative carving of logs and panels.

### Colors for Log Homes and Structures

Natural color stains should be used for logs and siding. Accent colors may be used on trim material, but in no case should accent colors call undue attention to a single element of a residence.

## VI. LANDSCAPE ARCHITECTURE DESIGN GUIDELINES

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Eagles Nest lies within a unique and sensitive mountain environment. This ecosystem is populated by rich and diverse native wildlife highlighted by migrating herds of deer and elk, and plant communities of mature aspen groves, dense stands of conifers and colorful spring carpets of meadow grass and wildflowers. The site offers unparalleled views of surrounding mountains and valleys.

The challenge of landscape design in Eagles Nest is to integrate the built environment with this spectacular setting. In this regard, the use of landscape materials immediately adjacent to a home is relatively unrestricted. In other areas removed from the home. However, the introduction of plant materials is limited to species currently found in the local plant community. The integration of the man-made and natural landscape is a key aspect of these Landscape Design Guidelines.

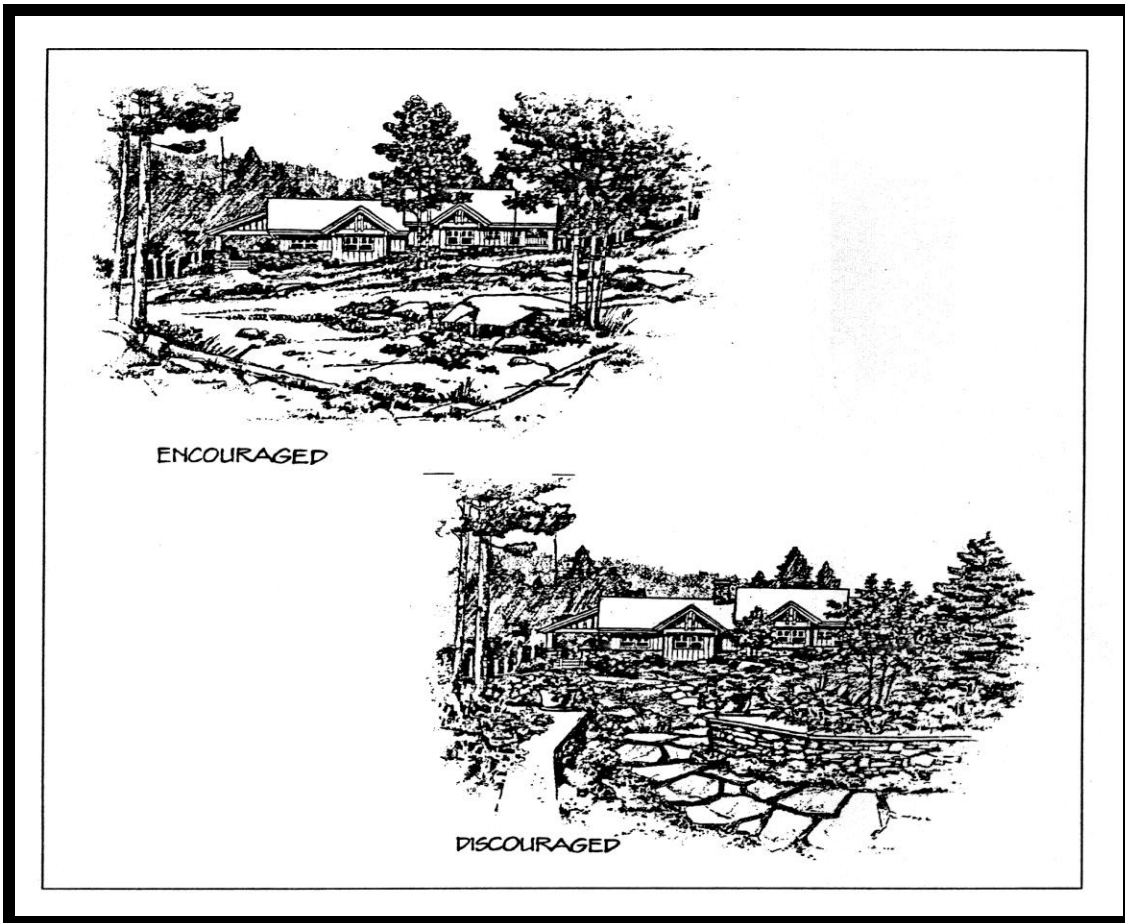


Figure 9 – Landscaping

*The challenge of landscape design within Eagles Nest is to integrate the built environment with our unique and sensitive mountain setting. In this regard, while the use of landscape materials immediately adjacent to the home is relatively unrestricted, in other areas, the introduction of plant materials is limited to and shall be integrated with local plant communities.*

## **TREES**

Improvements shall be located on the lot where they least alter the natural terrain and tree cover. Trees and other existing vegetation are valued and are to be preserved whenever possible. Wherever possible, new improvements shall be separate from existing ones by vegetation. Trees shall not be cut or tree roots disturbed for trenching without specific approval of the DRC. Trees or groups of trees adjacent to the construction area shall be fenced and protected during the construction period. It is suggested that the specifications and the contract agreement between the Owner and contractor clearly define the intent of preserving the plant life. The Owner who damages trees, shrubs or groundcover shall be required to replace such plants or trees by appropriate replanting. The building site may not be cleared of live trees until the Town of Silverthorne issues a building permit.

## **LANDSCAPE DESIGN CONSIDERATIONS**

The scale of landscape materials and the overall landscape design shall be integrated with the natural mountain landscape and local plant communities. New planting shall complement existing plant communities and be located to visually extend existing vegetative edges. The functional uses of plant materials for buffering north winds, providing seasonal shade and screening of undesirable views should be considered. The judicious use of color and texture should also be considered in the selection of landscape materials. The present and mature size of new landscape material should be considered when selecting landscaping materials. Due to the relatively short growing season at Eagles Nest, large-caliper deciduous trees and mature evergreens are strongly recommended. Minimum landscape material sizes shall be as indicated on the Approved Landscape Material Lists found in Appendix 1.

## **LANDSCAPING within the BUILDING ENVELOPE**

Within the Building Envelope or in areas immediately surrounding a home, landscape materials should be used to complement the architecture of the home, define outdoor spaces, frame both on-site and off-site views, establish background and foreground balance and knit the home to the site. The use of plant materials in areas immediately adjacent to a home, which are not visible from neighboring homes, is relatively unrestricted and may include introduced and non-native plants. Manicured or groomed yards shall be confined by buildings, fences, walls or other defined edges so that the visibility of these formal areas is limited to the subject property only.

All landscape material used around the home and within the Building Envelope shall be selected from either Table 1 or Table 2 of the Approved Landscape Material List located in Appendix 1 of these Guidelines.

## **LANDSCAPING COMPLETION**

**For a C.O. issued between January 1 and June 30 of a given year**, the landscaping must be completed by August 31 of that same year. For a C.O. issued between July 1

and December 31 of a given year, the landscaping must be completed by June 30 of the following year.

## **UNDISTURBED AREA**

The Undisturbed Area is the portion of a lot located substantially outside of the Building Envelope. The Undisturbed Area provides a physical buffer between homes, protects sensitive environmental or natural features of a lot and provides a natural unifying landscape element throughout Eagles Nest. The Undisturbed Area of a lot is to be maintained in a predominantly natural state and defined with a gradual transition line between other more formal landscaped areas of the lot. In most cases, some degree of maintenance of the Undisturbed Area will be required by the DRC.



Figure 10 – Undisturbed Area *The undisturbed area is very important to the success of Eagles Nest, providing a buffer between homes and a natural connection throughout the entire community.*

Requirements for maintaining the Undisturbed Area will vary depending upon the unique characteristics of each lot. Generally, maintenance of the Undisturbed Area may include the limited removal of trees to frame and establish views, the trimming of trees up to six feet from ground level, the clearing and removal of deadfall, dead-standing, and diseased trees, the planting of indigenous landscape material, and the removal of noxious weeds. Activities not permitted in the Undisturbed Area include the removal of any existing vegetation and trees (unless specifically approved by the DRC), the introduction of manicured lawns, and the mowing of native grasses.

The Undisturbed Area is very important to the success of Eagles Nest. In addition to providing a buffer between homes, this area also provides a natural connection throughout the entire community. While the specific treatment of the Undisturbed Area will vary depending on the characteristics of the lot, the goal of every landscape plan

should be to establish a natural transition between the Undisturbed Area and other landscaped areas of a lot.

Landscape material used in the Undisturbed Area shall be selected from Table 1 of the Landscape Material List (Appendix 1).

## **DECKS AND PATIOS**

Decks and patios should be designed as an integral element of the design of the home. Materials used for decks, patios and other hard landscape surfaces shall be consistent with the materials and colors of the residence and other site improvements such as retaining walls. When appropriate, the use of native stone is encouraged.

## **DRIVEWAYS**

Driveways shall be paved with a hard surface material. Materials other than asphaltic concrete shall be reviewed by the DRC on a case-by-case basis.

The maximum grade of driveways shall not exceed eight percent (8%). The maximum width of paved driveway surfaces, excluding parking areas immediately adjacent to garages, should not exceed twelve feet (12'-0").

See Section IV Site Planning Design Guidelines for information on entry monuments at the driveway entrances.

## **RETAINING WALLS**

Areas within the Building Envelope that require extensive grading changes shall be addressed with retaining walls. Such walls should be designed as architectural extensions of the residence. Retaining walls shall be subject to the same criteria relating to color and materials and the residence itself. The maximum total vertical exposure of a retaining wall should not exceed eight feet (8'-0").

Retaining walls that are visible from the street shall be constructed of timber, rock, concrete faced with rock, or boulders similar in appearance to those found in Eagles Nest. The maximum total vertical exposure of each wall section should not exceed four feet (4'-0"). Plantings around the base of such retaining walls are encouraged.

## **FENCES**

Fences, walls and barrier devices may be used for privacy and screening purposes within the Building Envelope. When used, such features must be incorporated into the structural and architectural design of the residence. The Design Review Committee shall review the design, size, materials, color and construction of such structures in relation to the proposed residence and its neighboring sites.

The construction of fences, walls and barrier devices outside the Building Envelope is prohibited. In no cases shall fences, walls or other barriers be permitted for the purpose of

enclosing or delineating property lines. In no case are fences greater than four (4) feet in height permitted.

## **DOG RUNS**

Dog runs, kennels and fenced-in areas for the confinement of permitted animals are allowed in locations not visible from any other lot, the Common Area, or Golf Course. Such areas shall be maintained free of odor and debris that may be offensive to adjacent property. Invisible fences are encouraged.

## **IRRIGATION**

All newly grassed, landscaped, or revegetated areas within the Building Envelope or immediately surrounding a home shall be irrigated. In accordance with Section 2.03.10(k) of the Covenants, lawn irrigation shall be limited to one thousand (1,000) square feet in area. The irrigated area must be indicated on the Landscape Plan.

## **LIGHTING**

The design, location and type of any exterior lighting require approval by the Design Review Committee. Lighting at the end of driveways to identify homes is encouraged. If provided it shall be low level down lighting incorporated into an entry monument, subject to the review and approval of the DRC. Indirect sources and horizontal cutoff fixtures are recommended to reduce glare and provide general ambient light. No exterior lighting in which the direct source is visible from a neighboring property or which produces excessive glare to pedestrian or vehicular traffic shall be permitted. When exterior lighting is used, the use of white exterior lights is encouraged. With the exception of down lighting along a driveway, lighting outside of the Building Envelope is prohibited. Low-level landscape lighting immediately surrounding a home may be permitted, however, up lighting of trees is prohibited.

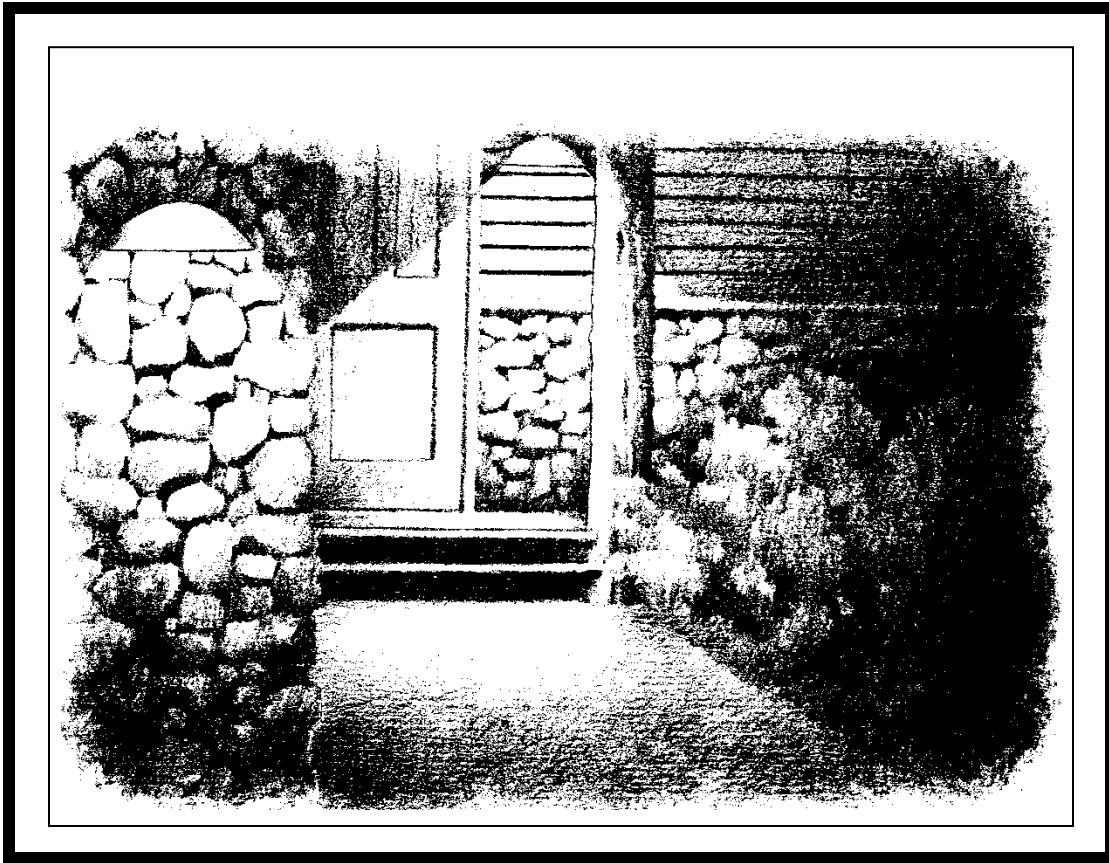


Figure 11 – Exterior Lighting

*No exterior lighting in which the direct source is visible from a neighboring property or which produces excessive glare to pedestrian or vehicular traffic shall be permitted. Indirect sources and horizontal cutoff fixtures are recommended to provide general ambient light.*

## **NOISE**

The quiet mountain environment should be maintained by proper selection and insulation of appliances. HVAC systems and exhaust fans should not be heard from neighboring residences. Outdoor loudspeakers, if installed, shall be placed or affixed to the structure in a manner that will not draw attention or distract from the general appearance of the house. Speaker volume shall be controlled to ensure sound cannot be heard beyond the boundaries of the property and that occupants of the neighboring properties cannot hear any sound and are not disturbed.

## **WATER FEATURES**

Architectural or landscape water features may be approved subject to review by the DRC. No water features shall be permitted within the Undisturbed Area.

No owner or contractor shall interfere with or direct the natural course of any drainage and runoff nor construct any improvement, place any landscaping or allow the existence of any condition whatsoever which shall alter the drainage pattern or runoff from its natural flow to or across the land of another, except to the extent that such alteration in drainage pattern or runoff is approved in writing by the Design Review Committee.

## **SWIMMING POOLS and OTHER AMENITIES**

Swimming pools and related features must be located within the Building Envelope. Such improvements should be designed to complement the residential structure and should be located so as to minimize impacts on adjacent lots and the surrounding natural area. The construction of tennis courts is prohibited in Eagles Nest. Flag poles may be erected; but, their design, location and height must be approved, in advance, by the Design Review Committee.

Children's recreational sets/play areas and their location must be approved by the DRC in advance of construction or erection. They must be constructed of materials and colors which blend with the surrounding environment and will generally conform with the Eagles Nest design philosophy. They may not be located in an area or constructed in such a way that they will obstruct other property owners' views or disturb neighboring homeowners' quiet and peaceful enjoyment of their lots.

## **REVEGETATION PLANS**

All areas of a lot disturbed during construction must be revegetated to blend with the non-disturbed landscape. A minimum of three inches of topsoil is required in those areas to be re-vegetated. Plant materials used for revegetation shall be from Table 1 of the Approved Landscape Material List.

## **EASEMENTS**

Easements are located at various points throughout Eagles Nest for the installation and maintenance of utilities and drainage facilities. No grading, structures, plantings or other materials that may damage or interfere with utilities or drainage shall be permitted within these easements. However, revegetation of all easements disturbed during the installation of utilities shall be required.

Access Easements extending to and across lots shall be preserved. No grading, structures, plantings or other improvement that may damage or interfere with the right of access to a lot shall be permitted within these easements.

## **VII. CONSTRUCTION REGULATIONS**

Careful management and control of construction activity is a critical element in the successful design and development of Eagles Nest. Architecture and site design are only the first steps in successfully integrating a home onto a site. Equally, if not more important, are the methods used to construct the project. The most sensitively planned project can quickly become a disaster if care is not taken to manage the construction process.

There are two significant reasons for regulating construction. The first is to protect the site and adjacent sites from potential damage by construction equipment and activity. The second reason is to protect Eagles Nest property owners. There will always be a certain level of disturbance from construction, but if all owners comply with the same stringent standards, the impact on neighbors can be greatly minimized.

Programs to manage construction in Eagles Nest shall include a Construction Management Plan indicating locations of protective fencing, Limits of Construction etc. and the following regulations:

### **Construction Schedule**

A construction schedule indicating the estimated start and completion date of all major phases of construction must be submitted as an attachment to the Construction Management Plan. Owners shall complete the construction of the foundation and all exterior surfaces of any improvement on his lot within one (1) year after commencing construction. If the Owner fails to complete such construction, DRC approval shall be deemed revoked and Owner must reapply and pay all necessary review fees.

### **Construction Access**

The construction access should be the same as the proposed driveway access to minimize impacts to the lot. The construction access shall be surfaced with 1 1/2" crushed rock or larger for a minimum length of 50 feet to prevent dust and soil from being spread onto public roads and private drives. This rock must be in place prior to beginning excavation and maintained until the driveway is permanently paved. Failure to comply will result in the DRC hiring a street sweeper to clean the public or private road affected. The cost of this, as well as the time of the DRC inspector, will be billed to the site owner.

### **Construction Fencing**

The construction fence, as indicated on the Construction Management Plan, must be in place for Final Design approval to be granted. This fence must be preserved and maintained throughout the construction process and must be placed on or within the building envelope except in the immediate area of the driveway access.

### **Protection of Existing Vegetation**

All trees indicated as to be retained on the Landscape Plan shall be flagged as such. All protective measures such as additional fencing within the Limits of Construction shall be implemented prior to initiating construction.

### Removal of Trees

All dead standing and downed trees, along with any beetle-infested trees are to be removed from the property prior to pouring the foundation.

### Temporary Sanitary Facilities

Job sites shall be equipped with sanitary facilities. Such facilities shall be screened from view from adjacent properties and roadways whenever possible.

### Maintenance of the Job Site

Job sites shall be cleaned up daily to remove construction material and debris. Debris must be kept from blowing away or otherwise spread onto adjacent property or roadways. The Compliance Deposit may be used by the DRC to clean up litter that is allowed to spread. Concrete remaining from the clean up of trucks shall be removed from the site within seven (7) days.

### Excavation Material

All excavation material not used for backfill or final grading shall be removed from the construction site and the development within one month after excavation.

### Dust and Noise Control

Reasonable noise and dust levels shall be maintained at all times. When necessary, mitigating measures may be required by the DRC to reduce noise or dust levels. Approval from the DRC shall be required prior to any blasting in Eagles Nest.

### Construction Signs

Construction signage shall be limited to one sign per lot. Refer to the Signage Regulations in Section IV, Site Planning Design Guidelines.

### Hours of Construction

Hours of construction shall be limited to 7:00 a.m. through 6:00 p.m. Monday through Saturday. Sunday construction may be permitted only with approval from the DRC. **Construction activity is prohibited on the following national holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.**

### Dogs

Dogs are not allowed on the construction site. The Town of Silverthorne regulations regarding control of dogs apply.

## **CONSTRUCTION MANAGEMENT PLAN**

A Construction Management Plan shall be submitted with the final construction plans. The Plan shall be drawn at a scale of 1" = 10'-0" or 1" = 20'-0" in sufficient detail to address the following considerations. Refer to Figure 12 for additional information on the Construction Management Plan.

### Limits of Construction

The physical limits of all construction and all construction-related activity shall be indicated on the Construction Management Plan. Prior to initiating construction, grading

or any modifications to the site, the limits of construction shall be delineated on site with a temporary snow fence or similar barrier. All construction activity, stockpile areas for cut and fill, storage of all construction materials, temporary construction trailer and sanitary facilities, vehicle parking, dumpsters and any other construction equipment or facilities shall be located within the Limits of Construction area. If possible this areas should be within the building envelope, however, specific site conditions may necessitate expanding the area outside the building envelope.

Protection of Existing Vegetation

Methods for protecting existing vegetation, particularly vegetation within the Limits of Construction area, shall be indicated in the Construction Management Plan.

Location of Construction Trailers

No more than one temporary construction trailer shall be permitted on a job site. Trailers should be located within the designated limits of construction.

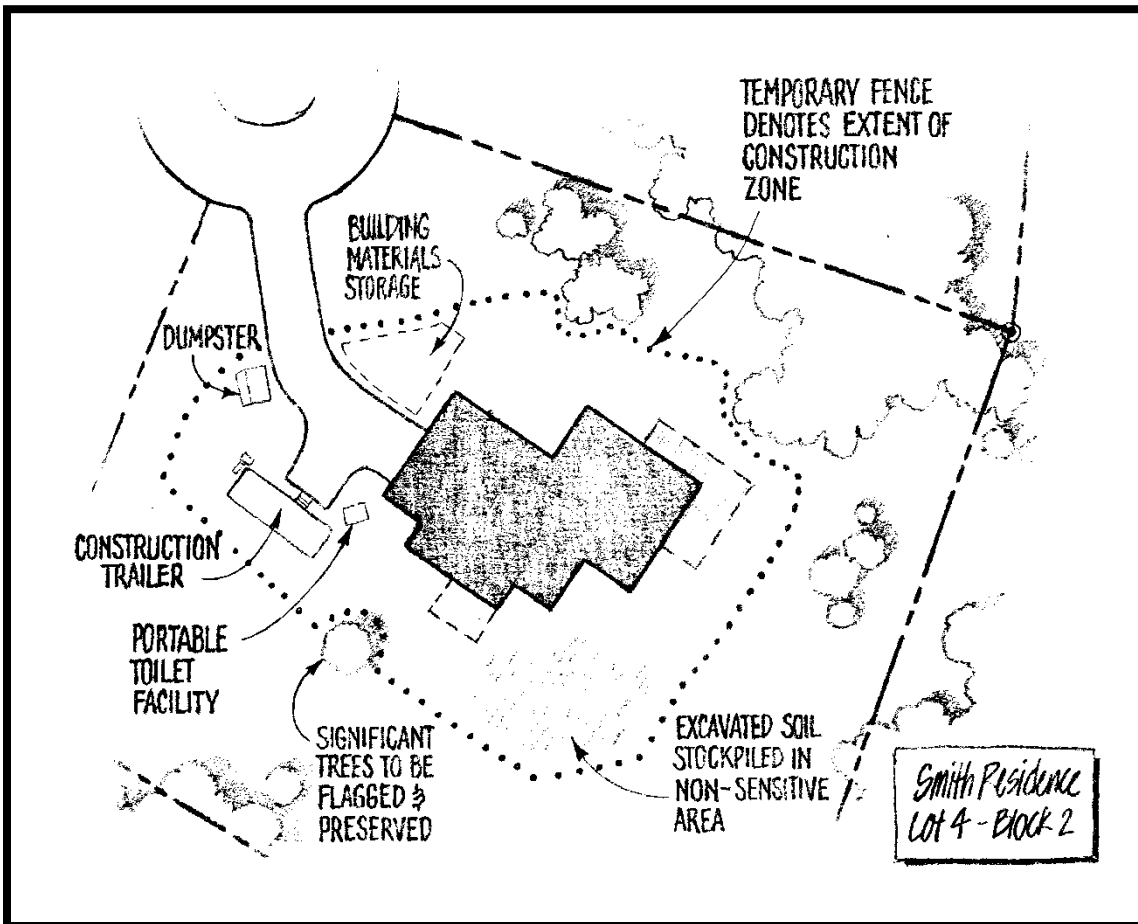


Figure 12 – Construction Management Plan

*The Construction Management Plan should indicate the extent of all construction-related activity.*

## **DRC INSPECTIONS**

Members of the DRC may conduct inspections of the job site at any time throughout the construction process. The purpose of these inspections is to assess whether all site work and construction is consistent with approved plans. The Owner shall provide the DRC access to the job site at any point during construction. Any such inspection by the DRC shall not be construed to impose any responsibility or liability of any nature on the DRC or the Association. In the event that the project is not in compliance with approved plans, the owner, the owner's design team and the general contractor shall resolve any discrepancies. In the case of material deviations from approved plans, as determined at the sole discretion of the DRC, the DRC may issue a "Stop Work Order" <sup>1</sup>, (See Appendix 7) at which time all construction activity on the site is to be suspended. Construction may resume only after all discrepancies have been resolved with the DRC.

In addition to periodic inspections by the DRC, Owners are responsible for obtaining all required building permits from the Town of Silverthorne. The Silverthorne Building Department will also conduct inspections during construction. The Owner and his/her contractor are responsible for requesting all required inspections from the Town of Silverthorne.

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<sup>1</sup> **A stop work order is a piece of paper signed by any member of the Design Review Committee or Director of Eagles Nest Property Homeowners Association.**

## COMPLIANCE DEPOSIT

In order to maintain the quality and integrity of Eagles Nest, the Owner shall pay to the DRC a Compliance Deposit of Five Thousand Dollars (\$5,000) (at the discretion of the DRC) prior to beginning new construction or significant exterior remodels and renovations within Eagles Nest. The Compliance Deposit shall be held by the DRC, on behalf of the Association, as security for the Owner's full and faithful performance of its construction, remodel or renovation activities in accordance with: (a) the final construction plans and the Construction Management Plan approved by the DRC, (b) the Eagles Nest Architectural Design Guidelines; and, (c) the Covenants.

The Compliance Deposit shall be made payable to the Eagles Nest Property Homeowners Association -- D.R.C. -- and delivered to the DRC at the time of the Final Review meeting.

The DRC, on behalf of the Association, shall administer each Compliance Deposit as follows:

- The DRC shall hold the Compliance Deposit as security for the Owner's full and faithful performance of its construction, remodel or renovation activities in accordance with (i) the final construction plans and the Construction Management Plan approved by the DRC, (ii) the Eagles Nest Architectural Design Guidelines, and (iii) the Covenants.
- The DRC may use all or any portion of the Compliance Deposit to reimburse the DRC or the Association for any obligations, costs, attorney's fees or other expenses which the DRC or the Association may incur due to an Owner's non-compliance with the final construction plans and the Construction Management Plan approved by the DRC, the Eagles Nest Architectural Design Guidelines, or the Covenants.
- The DRC may use the Compliance Deposit to complete any improvement the Owner is required to complete under the approved final construction plans or the Construction Management Plan or to remove any improvements not in compliance with the final construction plans and the Construction Management Plan. In addition the DRC shall be entitled to a fifteen percent (15%) fee for any costs incurred by the DRC to cure any such noncompliance by an Owner. This fee may be paid from the Compliance Deposit. If the amount of the Compliance Deposit is not sufficient to cure any such noncompliance by an Owner, the DRC may apply the Compliance Deposit in a manner which best mitigates the effect of such noncompliance while not actually curing the noncompliance.
- The DRC's decision to use the Compliance Deposit as permitted hereunder shall be at the sole and absolute discretion of the DRC.
- If the DRC uses part or all of the Compliance Deposit and the use results in the diminution of the Compliance Deposit by twenty five percent (25%) or more of the original amount, then the Owner shall, within ten days of written notice from the DRC, pay the DRC the amount used so as to restore the Compliance Deposit to its

original amount. Neither the Owner nor any other party shall have any rights of any kind or nature against the DRC or the Association or their officers, agents, employees, directors or attorneys arising out of the DRC's or the Association's use of the Compliance Deposit, unless the DRC or the Association is grossly negligent, or intentionally acts in bad faith.

- Neither the DRC nor the Association shall have any obligation to take any action to complete any construction, remodel or renovation, or cure any failure of the Owner to comply with all regulations pertaining thereto.
- Any part of the Compliance Deposit not used by the DRC shall be returned to the Owner within thirty days after the issuance of a Certificate of Compliance for the construction, remodel or renovation activities. No portion of the Compliance Deposit shall be returned to an Owner upon the DRC's issuance of a conditional Certificate of Compliance. The DRC may condition its issuance of a conditional Certificate of Compliance upon its receipt from the Owner of funds sufficient to repay the DRC for any portion of the Compliance Deposit used by the DRC to complete any improvement the Owner is required to complete under the approved final construction plans or the Construction Management Plan or to remove any improvements not in compliance with the final construction plans and the Construction Management Plan, including the 15% fee for the work performed by the DRC or to restore the Compliance deposit to its original amount.
- During periodic inspections, if violations are noted, the Owner and/or General Contractor will be given a written notice. The Owner and/or General Contractor will be given a period of time within which to correct the problem, typically one week, at which time a re-inspection will occur. If, at the re-inspection, the problem(s) have not been corrected, or the homeowner or general contractor has not communicated with the DRC, the homeowner will be fined (\$200) along with any costs, attorney's fees or other expenses that the DRC has incurred as a result of the inspections. Subsequent fines for failure to correct these or new violations will be charged at the rate of \$500. This assessment will be withheld from the \$5000.00 compliance deposit.

The following is a partial list of the potential violations that would incur a fine. The General Contractor and ultimately the homeowner are responsible for the subcontractors that are employed on the site. The DRC may, at the Owner's expense, authorize an outside party to correct situations, which have not been remedied by the General Contractor after two fines (notices) have been issued.

#### BEST MANAGEMENT PRACTICES

Failure to maintain protective fencing  
Failure to stabilize construction entrance

#### CONSTRUCTION VIOLATIONS

Initiating new construction without DRC approval  
Failure to complete project work within the allotted time

CONSTRUCTION VIOLATIONS (cont'd)

Excessive street dirt and debris

#### TREE, BRUSH AND LIMB REMOVAL

Tree removal from a common area or neighboring property

Unauthorized tree removal from one's own property

Unauthorized removal of limbs

Failure to remove dead or infected trees prior to the start of construction

#### TRAILERS AND SIGNAGE

Unauthorized trailer or location

Unauthorized sign or location

#### TRASH RECEPTACLES AND PARKING

Failure to remove excess dirt, mud or debris from roadways or open space

Concrete wash out in roads, setbacks or adjacent properties

Trash not properly handled on the site

#### VEHICLES, ACCESS AND PARKING

Access by means other than the approved drive

Parking location disruptive to residents, traffic or landscape

#### SAFETY

Pets or other domestic animals on site

#### NOISE AND NUISANCE

Construction outside approved hours

Radio audible beyond the property lines

## APPENDIX 1

### APPROVED LANDSCAPE MATERIAL LIST

#### TREES, SHRUBS, GROUND COVERS AND GRASSES

TABLE I

Table I includes native plant materials that are intended for use in the Undisturbed Area which require revegetation, or for augmentation of the existing landscape. Materials from Table I may also be used in any other areas of a lot.

#### BOTANICAL NAME

#### COMMON NAME

##### **Deciduous Trees:**

The minimum size of deciduous trees is 2" caliper.

*Populus tremuloides*

Quaking Aspen

##### **Evergreen Trees:**

The minimum size of evergreen trees is 6'.

*Abies lasiocarpa*

Subalpine Fir

*Picea engelmannii*

Engelmann Spruce

*Picea pungens*

Blue Spruce

*Pinus contorta*

Lodgepole Pine

*Pseudotsuga menziesii*

Douglas Fir

##### **Shrubs:**

The minimum size of shrubs is 5 gallons.

*Acer glabrum*

Rocky Mountain Maple

*Amelanchier alnifolia*

Serviceberry

*Artemisia tridentata vaseyana*

Mountain Big Sagebrush

*Cercocarpus montanus*

Mountain Mahogany

*Chrysothamnus nauseosus*

Rubber Rabbitbrush

*Chrysothamnus viscidiflorus*

Low Rabbitbrush

*Cornus stolonifera*

Redtwig Dogwood

*Juniperus communis*

Juniper

*Pentaphylloides floribunda* (Potentilla)

Shrubby Cinquefoil

*Prunus virginianus*

Chokecherry

*Purshia tridentata*

Antelope Bitterbrush

## APPENDIX 1 (cont'd)

### BOTANICAL NAME

### COMMON NAME

#### **Shrubs (cont'd):**

<i>Rhus glabra</i>	Smooth Sumac
<i>Rhus aromatica</i> ssp. <i>trilobata</i>	Skunkbrush
<i>Ribes cereum</i>	Wax Currant
<i>Rosa</i> 'woodsii'	Wood's Rose
<i>Rubus parviflorus</i>	Thimbleberry
<i>Sambucus racemosa</i>	Red Elderberry
<i>Sheperdia canadensis</i>	Buffaloberry
<i>Symphoricarpos oroepphilus</i>	Mountain Snowberry

#### **Ground Cover:**

<i>Arctostaphylos uva-ursi</i>	Kinnikinnick
<i>Artemisia frigida</i>	Fringed Sage
<i>Mahonia repens</i>	Oregon Grape
<i>Pachystima myrsinites</i>	Mountain Lover
<i>Phlox hoodii</i>	Hoods Phlox
<i>Sedum lanceolatum</i>	Stone Crop

## APPENDIX 1 (cont'd)

### BOTANICAL NAME

### COMMON NAME

#### Wildflowers:

<i>Anaphalis margaritacea</i>	Pearly Everlasting
<i>Aquilegia cacoalea</i>	Blue Columbine
<i>Aquilegia elegonula</i>	Red Columbine
<i>Aster chilensis</i>	Pacific Aster
<i>Aster engelmannii</i>	Englemann Aster
<i>Balsamorhiza sagittata</i>	Arrowleaf Balsamroot
<i>Campanula rotundifolia</i>	Common Haebell
<i>Castilleja chromosa</i>	Early Indian paintbrush
<i>Castilleja linariaefolia</i>	Narrowleaf Indian Paintbrush
<i>Epilobium angustifolium</i>	Shooting Star
<i>Epilobium anquistilfolium</i>	Fireweed
<i>Erigeron simplex</i>	One-headed Daisy
<i>Erigeron speciosus</i>	Aspen Daisy
<i>Erigonum umbellatum</i>	Sulphur Flower
<i>Geranium fremontii</i>	Fremont's Geranium
<i>Geranium viscosissimum</i>	Wild Geranium
<i>Hedysarum boreale</i>	Northern Sweetvetch
<i>Ipomopsis aggregata</i>	Scarlet Gilia
<i>Lesquerella alpina</i>	Bladderpod
<i>Linum lewisii</i>	Blue Flax
<i>Lupinus candatus</i>	Tailcup Lupine
<i>Lupinus sericeus</i>	Silky Lupine
<i>Monarda fistulosa</i>	Beebalm
<i>Oenothera caespitosa</i>	White Tufted Evening Primrosa
<i>Osmorhiza occidentalis</i>	Sweet Anise
<i>Oxtropis lambertii</i>	Colorado Loco
<i>Penstemon caespitosus</i>	Mat Penstemon
<i>Penstemon osterhoutii</i>	Osterhouts Penstemon
<i>Penstemon strictus</i>	Rocky Mountain Penstemon
<i>Solidago rigida</i>	Golden Rod
<i>Sphaeralcea coccinea</i>	Scarlet Globemallow
<i>Thermopsis divaricarpo</i>	Columbine-leaved Meadow-rue
<i>Thermopsis montanus</i>	Golden Banner

## APPENDIX 1 (cont'd)

### BOTANICAL NAME

### COMMON NAME

#### Grasses:

Agropyron dasystachyum	Thickspike Wheatgrass 'Primar'
Agropyron smittii	Western Wheatgrass 'Arriba'
Agropyron spicatum	Bluebunch Wheatgrass 'Secar'
Agropyron trachycalumm	Slender Wheatgrass 'Cristana'
Bromus marginatus	Mountain Brome "Bromer"
Elymus canadensis	Canada Wildrye
Elymus cinereus	Great Basin Wildrye 'Magnar'
Festuca arandinaea	Tall Fescue 'Alta'
Festuca idahoensis	Idaho Fescue 'Joseph'
Festuca ovina	Sheep Fescue 'Covar'
Festuca rubra	Red Fescue
Hillaria jamesii	Galleta 'Viva'
Koeleria cristata	Junegrass
Muhlenbergi wrightii	Spike Muhly 'El Vado'
Oryzopsis hymenoides	Indian Ricegrass 'Paloma'
Poa canbyi	Canby Bluegrass 'Canbar'
Poa compressa	Canada Bluegrass 'Reubens'
Poa sandbergii	Sandberg Bluegrass 'Fults'
Sitanion hystrix	Squirreltail
Stipa comata	Needle and Thread
Stipa lettermani	Lettermans Needlegrass

## APPENDIX 1 (cont'd)

### TABLE 2

Plant materials in Table 2 are intended for use immediately adjacent to the home only. Materials listed in Table 2 may not be used in areas substantially outside the Building Envelope or in the Undisturbed Area.

#### BOTANICAL NAME

#### COMMON NAME

##### **Evergreen Trees:**

The minimum size of evergreen trees is 6'.

*Pinus cristata*

Bristlecone Pine

*Pinus flexilis*

Limber Pine

##### **Deciduous Trees:**

The minimum size of deciduous trees is 2" caliper.

*Sorbus aucuparia*

European Mt. Ash

*Sorbus scopulorum*

Native Mt. Ash

##### **Shrubs and Small Trees:**

The minimum size of shrubs is 5 gallon.

*Abies balsamea* 'nana'

Dwarf Fir

*Acer ginnala* 'red flame'

Amur Maple

*Acer ginnala compacta*

Compact Amur Maple

*Amelanchier canadensis*

Canadian Serviceberry

*Amorpha caescens*

Lead Plant

*Betula* 'dissectis'

Dwarf Dissected Leaf Birch

*Caryopteris x cladensis*

Blue Mist Spirea

*Cercocarpus ledifolius*

Curlyleaf Mountain Mahogany

*Cornus stolonifera* var. *variegata*

Variegated Twig Dogwood

**BOTANICAL NAME****COMMON NAME****Shrubs and Small Trees (cont'd):**

Cornus 'Kelsey's dwarf'	Dwarf Dogwood
Cotoneaster acutifolia	Peking Cotoneaster
Cotoneaster horizontails	Cotoneaster
Cowania mexicana	Cliff Rose
Fallugia paradoxa	Apache Plume
Jamesia americana	Waxflower
Juniperum chinensis 'Pfitzerana'	Pfitzer Juniper
Juniperus Sabina 'Buffalo'	Buffalo Juniper
Juniperus sabina 'Tamarisafolia'	Tarn Juniper
Mahonia aquifolium	Oregon Grape Holly
Mahonia aquifolium var. compactum	Compact Oregon Grape Holly
Perovskia atriplicifolia	Perovskia
Physocarpus opalifolius	Golden Ninebark
Picea glauca 'R.H. Montgomery'	Dwarf Spruce
Picea glauca 'Hoopsii'	Dwarf Spruce
Picea glauca 'Fat Albert'	Dwarf Spruce
Picea pungens 'Pendula'	Blue Spruce
Pinus ponderosa	Character Pine (Natural Bonsai)
Prunus bessii	Western Sand Cherry
Rosa foetida bicolor	Austrian Copper Rose
Sambucus canadensis aureum	Yellow Elderberry
Spiraea bumalda 'Froebeli'	Froebel Spirea
Symphoricarpos oreophilius	Snowberry
Syringa vulgaris	Lilac

**Ground Cover:**

Antennaria rosea	Pussytoes
Arabis alpina	Alpine Rockress
Armeria maritima	Common Thrift
Dianthus plumarius	Cottage Pink or Grass Pink
Dianthus spp.	Maiden Pink
Fragaria vesca	Wild Strawberry
Juniperus horizontalis	Creeping Juniper
Saponaria octmoides 'splenoens'	Rock Soapwort
Sedum spp.	Stonecrop (sedum)
Teucrium canadese	American Germander

## APPENDIX 1 (cont'd)

### BOTANICAL NAME

### COMMON NAME

#### **Wildflowers:**

<i>Aquilegia caerulea</i>	Rocky Mt. Columbine
<i>Aster laevis</i>	Mountain Aster
<i>Echinacea purpurea</i>	Purple Coneflower
<i>Linum lewisii</i>	Bladderpod
<i>Lupinus argenteus</i>	Native Lupine
<i>Machaeranthera origeron speciosa</i>	Sticky Aster
<i>Mertensia ciliata</i>	Colorado Bluebells
<i>Polemonium foliosissimum</i>	Jacob's Ladder
<i>Solidago occidentalis</i>	Golden Rod
<i>Wyethia balsamorhiza</i>	Balsam Root

#### **Grasses:**

<i>Agropyron intermedium</i>	Intermediate wheat grass
<i>Lolium multiflorum</i>	Annual rye grass
<i>Phleum pratense</i>	Timothy
<i>Poa compressa</i>	Canada Bluegrass

## APPENDIX 2

### EAGLES NEST CONCEPTUAL DESIGN REVIEW APPLICATION

#### PROJECT INFORMATION

Project \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Lot # \_\_\_\_\_ Filing # \_\_\_\_\_ DRC Meeting Date: \_\_\_\_\_  
(To be completed by DRC)

Project Address \_\_\_\_\_

#### CONTACT INFORMATION

Owner's Name \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Contractor \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Project Architect / Contact \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

State(s) where Licensed \_\_\_\_\_

#### For landscape-only projects:

Landscape Architect/Contact \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

In order for an application to be considered by the DRC, six (6) copies (one full size and five half size) of the following material shall be submitted to the DRC at least two (2) weeks prior to the scheduled meeting date. Refer to the Architectural Design Guidelines for additional information on these submittal requirements.

- 3D computer model, perspective and/or other informal sketches of the proposed residence
- Conceptual site plan of the lot
- A topographic survey of the proposed building area.
- Photos of the site and surrounding area. [Images of existing conditions to be affixed or presented in 8 ½ x 11 format]

**APPENDIX 2 (cont'd)**

- Any other drawings or information requested by the DRC
- DRC Conceptual Review Application Fee of Five Hundred Dollars (\$500).  
Checks shall be made payable to the EAGLES NEST PROPERTY  
HOMEOWNERS ASSOCIATION (ENPHA)

**By our signatures below, we affirm that we have read and understand the Eagles Nest Architectural Design Guidelines and will comply therewith.**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Architect(s)

\_\_\_\_\_  
Architect

\_\_\_\_\_  
Date

## APPENDIX 3

### EAGLES NEST PRELIMINARY DESIGN REVIEW APPLICATION

#### PROJECT INFORMATION

Project \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Lot # \_\_\_\_\_ Filing # \_\_\_\_\_ DRC Meeting Date: \_\_\_\_\_  
(To be completed by DRC)

Project Address \_\_\_\_\_

#### CONTACT INFORMATION

Owner's Name \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_  
Mailing  
Address \_\_\_\_\_

Contractor \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_  
Mailing  
Address \_\_\_\_\_

Project Architect / Contact \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_  
Mailing  
Address \_\_\_\_\_

Landscape Architect/ Contact \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_  
Mailing  
Address \_\_\_\_\_

In order for an application to be considered by the DRC, six (6) copies (one full size and five half size) of the following material shall be submitted to the DRC at least two (2) weeks prior to the scheduled meeting date. Refer to the Architectural Design Guidelines for additional information on these submittal requirements.

- Topographic survey at a scale of 1"=10'-0" or 1"=20'-0"
- Site Plan at a scale of 1"=10'-0" or 1"=20'-0"
- Grading Plan at a scale of 1"=10'-0" or 1"=20'-0"
- Floor Plans at a scale of 1/8"=1'-0" or 1/4"=1'-0" with dimensions of all proposed buildings.
- Roof plan (to be drawn on site plan showing existing contours and USGS elevations for ridges)
- Building elevations of all proposed buildings at a scale of 1/8"=1'-0" or 1/4"=1'-0"

### **APPENDIX 3 (cont'd)**

- Building section through site
- Landscape Plan at a scale of 1"=10'-0" or 1"=20'-0".
- Exterior lighting design with pictures of proposed fixtures.
- List of building materials and colors and all landscape materials. [Images of materials to be copied and presented in 8 ½ x 11 formats, Materials to be identified on copy by manufacturer, product line, and specific selection]
- Proposed Construction Management Plan as outlined in Section VII
- Site staking and identification of trees to be retained and removed.
- Any other drawings, materials, or information requested by the DRC.
- DRC Preliminary Review application fee of Five Hundred Dollars (\$500). Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION (ENPHA)

## APPENDIX 4

### EAGLES NEST FINAL DESIGN REVIEW APPLICATION

#### PROJECT INFORMATION

Project \_\_\_\_\_ Submittal \Date: \_\_\_\_\_  
Lot # \_\_\_\_\_ Filing # \_\_\_\_\_ DRC Meeting Date: \_\_\_\_\_

*(To be completed by DRC)*

Project Address \_\_\_\_\_

#### CONTACT INFORMATION

Owner's Name \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Contractor \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Project Architect / Contact \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Landscape Architect/ Contact \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

After Preliminary Review approval, the following material shall be submitted to the DRC. The purpose of this review is to ensure that final construction plans and documents are consistent with the plans approved at Preliminary Review.

A written Notice to Proceed will be issued by the DRC for all plans that are consistent with approved Preliminary Review plans. The DRC shall issue the Notice to Proceed within two (2) weeks from the date complete Final Construction Plans are submitted. Prior to initiating construction, owners are responsible for obtaining a building permit from the Town of Silverthorne. A Notice to Proceed from the DRC indicating the project has received design approval will be required by the Town of Silverthorne in order to receive a building permit. Refer to the Architectural Design Guidelines for additional information on these submittal requirements.

## APPENDIX 4 (cont'd)

- Two full-sized sets of construction drawings
- Two copies of the final Construction Management Plan
- Installation of construction fence (may be delayed until pre-construction meeting w/ DRC representative)
- DRC Final Review application fee of One Thousand dollars (\$1000). Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION (ENPHA)
- Compliance Deposit of Five Thousand Dollars (\$5000)
- Performance Bond (if required) in amount of \$\_\_\_\_\_

After final approval, but prior to any construction, the Owner and Contractor shall meet with the representative of the DRC. The purpose of this meeting is to ensure that the Owner and Contractor are aware of all Eagles Nest construction regulations.

**By my signature below, I (we) affirm that I have read and understand the Eagles Nest Architectural Design Guidelines and will comply therewith.**

**Contractor(s) signature(s):**

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPENDIX 5**

**EAGLES NEST  
DESIGN REVIEW COMMITTEE  
OWNER/ARCHITECT/CONTRACTOR AGREEMENT**

Eagles Nest Design Review Committee  
Eagles Nest Property Homeowners Association  
PO Box 23240  
Silverthorne CO 80498

By this letter I hereby certify that I have read and understand the Architectural Design Guidelines and the construction guidelines contained therein. I agree that I, my employees, workers, subcontractors and their employees will abide by the Guidelines and that I will take prompt corrective action on any items not complying with the Guidelines and with any items noted on DRC inspection reports or otherwise identified.

\_\_\_\_\_

Homeowner

\_\_\_\_\_

Date

\_\_\_\_\_

Contractor

\_\_\_\_\_

Date

\_\_\_\_\_

Company name

\_\_\_\_\_

Company phone number and mobile phone contact

\_\_\_\_\_

Company address

\_\_\_\_\_

Company e-mail address

## APPENDIX 6

### FINAL INSPECTION CHECKLIST

Owner:

Lot #/Address:

Date of Inspection:

DRC member:

General Contractor:

1. Exterior structure:
  - Colors, window, stone, siding, and roofing materials as approved
  - Nothing protrudes beyond limits of building envelope except as approved in advance
  
2. Exterior utility meters, pipes etc
  - Affixed to walls – painted to blend with exterior colors of background material
  - Free standing utility boxes etc - landscaped so as to obscure/hide
  - All extruding pipes, roof vents, dryer vents plumbing pipe vents, boiler piping vents, etc. painted to match the surrounding exterior color
  
3. Decks/patios
  - Within building envelope
  - Materials/colors consistent with house
  
4. Driveway
  - Snow storage areas provided for
  - Does not extend beyond lot boundary/encroach on prohibited area
  
5. Retaining walls
  - Do not exceed 4 feet where visible from street, unless approved otherwise
  - Do not exceed 8 feet within building envelope, unless approved otherwise
  - No fences or privacy walls/structures except as approved
  
6. Exterior lighting
  - Dark sky compliant: source of lighting not visible to neighboring lots /no excessive glare to vehicular or pedestrian traffic
  - Landscape lighting: low-level, immediately around home; no up-lit trees
  - Driveway lighting: down lighting
  - Monument/end of drive address lighting: low level down lighting
  
7. Landscaping
  - Completed satisfactorily/ in accordance with approved plan
  - Deferred until \_\_\_\_\_ (retain compliance deposit)
    - Until June 30 (for homes finishing July 1 thru Dec 31)
    - Until August 31 (for homes finishing Jan 1 thru Jun 30)
  - 3 inches topsoil
  - All dead, diseased trees removed

- Utility easement areas re-vegetated
- Damaged trees/plants replaced
- Planned trees/shrubs planted
- All disturbed areas re-seeded
- Undisturbed area: restored as needed/re-seeded; retains natural look/vegetation
- Notes:

8. Miscellaneous:

- Dog runs/kennels not visible from other lots/common areas/golf course
- Flagpole as approved
- Water feature as approved
- Portable toilet removed
- Area cleaned up/trash removed, fence removed etc.
- Public/private drive access cleared/cleaned of debris/mud/loose rock/excessive dust or dirt etc deposited on it from construction traffic
- Other:

9. Comments/notes:

This property has been inspected for compliance with the Eagles Nest Architectural Design Guidelines.

*(Check one of the blocks below/line out inapplicable blocks)*

\_\_\_ All work has been completed in full compliance with approved plans and DRC Guidelines and a Certificate of Compliance is hereby issued. (sign off the ToS Outside Agency CO sheet)

\_\_\_ Work has not been fully completed or is not in compliance as noted below, but a Conditional Certificate of Compliance is hereby issued. The compliance deposit will be retained until the required work has been completed. (sign off ToS Outside Agency sheet and note exceptions)

- Work remaining:

\_\_\_ This property fails to comply with the approved plans and/or Architectural Design Guidelines.

- Work not completed or not in compliance:

---

**Signature of DRC representative**

APPENDIX 7

Eagles Nest Property Homeowners Association  
(ENPHA)

**STOP WORK  
ORDER**

Lot \_\_, Filing \_\_

\_\_\_\_\_ (*street address*) \_\_\_\_\_

By order of the Design Review Committee, Eagles Nest Property Homeowners Association, and pursuant to ENPHA Declaration and Covenants and Section VII, Architectural Design Guidelines

**ALL CONSTRUCTION WORK, OF ANY KIND, ON  
LOT \_\_, FILING \_\_, MUST CEASE UNTIL  
FURTHER NOTICE**

**EFFECTIVE** \_\_\_\_ (*date*) \_\_\_\_

Failure to comply with this order may subject the Owner(s) and/or General Contractor to fines, compliance deposit forfeiture, and liability for all attorneys' fees and other costs associated with any actions or proceedings which may be undertaken to enforce this Order and secure compliance with Eagles Nest Architectural Design Guidelines. For further information, contact the ENPHA Design Review Committee.

\_\_\_\_\_  
(*DRC Rep name & signature*)

## APPENDIX 8

### SITE DIAGRAM NOTES - EAGLES NEST GOLF COURSE FILING NO. 1

1. For lots 10, 16, 28, 32, 47, 48, 60-64, 84, 86, 87, 90-93, 100-103, 106 and 107, Buyers may need to install, at their cost, a sewer ejector pump. Buyers should consult with an architect or other qualified professional to determine whether a sewer ejector pump is necessary. Additionally, other lots may need a sewer ejector pump depending on the location and type of improvements to be constructed on the lot.
2. For lots 1-11, no dwelling or other building may be constructed with more than one floor of living space above the street elevation of that portion of Golden Eagle Road immediately adjacent to such lots without the Town of Silverthorne's approval.
3. All lots are subject to the Eagles Nest Golf Course Filing No. 1 Disturbance Permit dated July 1, 1999. Lots 10, 16, 18, 19, 23, 28, 29, 35, 36, and 108 are subject to special conditions set forth in the Eagles Nest Golf Course Filing No. 1 Disturbance Permit. As and when Buyers of these lots desire to construct a dwelling or other building or improvement on such lots, Buyers will be required to comply with all "Best Management Practices" applicable to their lots as set forth in the Eagles Nest Golf Course Filing No. 1 Disturbance Permit, or with other Best Management Practices approved by the Town of Silverthorne. Copies of this permit are available at the Town of Silverthorne Town Hall.
4. The Building Envelopes and required driveway locations (if any) shown on the Site Diagrams have been created by the Blue River Land Company, LLC and may be modified from time to time by the Eagles Nest Design Review Committee with the approval of the Town of Silverthorne. The Building Envelopes and required driveway locations (if any) have been designed to account for various development constraints, including without limitation, physical and natural features to be preserved, steep slopes and the location of easements. Buyers shall not construct improvements (other than driveways, sidewalks, utilities and retaining walls) outside of the Building Envelope on their lot. Additionally, if a required driveway location is shown on a Site Diagram for a lot, the driveway for that lot shall be constructed only within such area.
5. The Site Diagrams show certain development constraints imposed by the Town of Silverthorne with which Buyer must comply in connection with development of its lot, including without limitation, platted setbacks, wetlands and wetland buffer zones. Buyer must strictly comply with the development constraints imposed by the Town, but Seller has not confirmed the accuracy of the depiction of those development constraints on the Site Diagram and takes no responsibility therefor. As such, Buyer must confirm the nature, location and extent of the development constraints imposed by the Town of Silverthorne before commencing any grading, excavation, or construction on the lot. The Site Diagrams also show topographic contour lines. Seller has not confirmed the accuracy of such topographic information and Buyer should retain its own surveyor or other qualified professional to confirm the accuracy of such topographic information.

## APPENDIX 9

### SITE DIAGRAM NOTES - EAGLES NEST GOLF COURSE FILING NO. 4

1. For lots 1-4, 12-16, 34, 35, and 37, Buyers may need to install, at their cost, a sewer ejector pump. Buyers should consult with an architect or other qualified professional to determine whether a sewer ejector pump is necessary. Additionally, other lots may need a sewer ejector pump depending on the location and type of improvements to be constructed on the lot.
2. All lots are subject to the Eagles Nest Golf Course Filing No. 4 Disturbance Permit dated April 2000. Lots 1, 2, 26, 27, 30, 31, and 35 are subject to special conditions set forth in the Eagles Nest Golf Course Filing No. 4 Disturbance Permit. As and when Buyers of these lots desire to construct a dwelling or other building or improvement on such lots, Buyers will be required to comply with all "Best Management Practices" applicable to their lots as set forth in the Eagles Nest Golf Course Filing No. 4 Disturbance Permit, or with other Best Management Practices approved by the Town of Silverthorne. Copies of this permit are available at the Town of Silverthorne Town Hall.
3. The Building Envelopes and required driveway locations (if any) shown on the Site Diagrams have been created by the Blue River Land Company, LLC. The Building Envelopes and required driveway locations (if any) have been designed to account for various development constraints, including without limitation, physical and natural features to be preserved, steep slopes and the location of easements. Buyers shall not construct improvements (other than driveways, sidewalks, utilities and retaining walls) outside of the Building Envelope on their lot. Additionally, if a required driveway location is shown on a Site Diagram for a lot, the driveway for that lot shall be constructed only within such area.
4. The common driveways that provide access to Lots 2 & 3, 10 & 11, 12 & 13, 14-16, 28 & 29, and 31 & 34 are private driveways, not public roads. As such the Town will not maintain or repair these common driveways. The owners of the lots served by each such common driveway shall arrange for such maintenance and repair of such common driveways, including snowplowing and removal, as they deem necessary and shall share all costs incurred in connection therewith equally.
5. No lot shall be served by more than one access point. Accordingly, each of lots 2 & 3, 10 & 11, 12 & 13, 14-16, 28 & 29, and 31 & 34, which are served by common driveways shall obtain access by such common driveways and may not obtain access from any additional access point.
6. Proper care must be exercised to investigate and carefully design the grading and drainage on each site to account for the existing geologic conditions. In order to reduce the potential for instability as a result of site development, it is recommended the provisions of the Engineering Geology Investigation (on file with the Town of Silverthorne) be adhered to on each building site. Of particular importance are the following: A geotechnical engineering stability evaluation should be conducted for site grading. Subsurface drain systems should be included at the base of all cut slopes and around all building levels cut into the hillside. The surface drainage patterns should not be changed by proposed construction unless alternate surface design is developed. A foundation investigation should be conducted to determine the foundation type and allowable bearing pressures for each residence. A qualified registered engineer should conduct these geotechnical, grading and drainage studies.
7. The Site Diagrams show certain development constraints imposed by the Town of Silverthorne with which Buyer must comply in connection with development of its lot, including without limitation, platted setbacks, wetlands and wetland buffer zones. Buyer must strictly comply with the development constraints imposed by the Town, but Seller has not confirmed the accuracy of the depiction of those development constraints on the Site Diagram and takes no responsibility therefor. As such, Buyer must confirm the nature, location and extent of the development constraints imposed by the Town of Silverthorne before commencing any grading, excavation, or construction on the lot. The Site Diagrams also show topographic contour lines. Seller has not confirmed the accuracy of such topographic information and Buyer should retain its own surveyor or other qualified professional to confirm the accuracy of such topographic information.