

EAGLES NEST DESIGN REVIEW

The Eagles Nest Design Guidelines have been updated, please be sure and read through the newly posted Guidelines to be familiar with any changes.

Important change: the materials requirement is now one (1) full set of plans and a PDF version. We no longer require five (5) sets of ½ size plans.

The Design Review Committee meets on the first Tuesday of each month. At this time, we are conducting our meetings via video conferencing. We hope to be meeting in person again soon at the Eagles Nest Community Center, 2700 Golden Eagle Road.

We welcome Adam Savage as our new architect consultant. Please deliver any applications and materials by 5:00 PM Tuesday, **two (2) weeks in advance of the scheduled meeting** to Savage Architecture, Inc., 737 Ten Mile Drive, Suite 201 Frisco, CO 80443. A drop box on site will be available.

adam@savagearchitecture.com , (970)393-2927

Any general questions, please contact a DRC Co-chair:
Paul Camillo (970) 390-9007 or Linda St. John (970) 390-6205

EAGLES NEST

Architectural Design Guidelines

Subject to revision by the Eagles Nest Property Homeowners Association
Board of Directors and Design Review Committee (DRC)

Adopted: October 14, 1999; Revised: August 2000, January 2003
January 2005, April 2005, July 2006, March 2011,
November 2013, May 2014, September 2015, August 2016, March 2021

PREPARED FOR:
EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION – D.R.C.
P. O. Box 24419
Silverthorne, Co 80497

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/her 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 is 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.

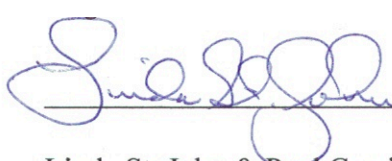
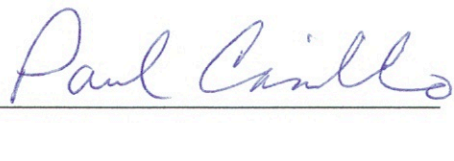
We are confident that the vast majority of Eagles Nest owners will have no difficulty complying with these Guidelines. To the contrary, it is our hope that these Guidelines and the Design Review Committee will prove to be valuable resources during the design process of your home. We look forward to working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

Design Review Committee

Eagles Nest Property Homeowners Association (ENPHA)

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 to obtain and review a copy of the most recently revised Architectural Design Guidelines.

  3/22/2021

Linda St. John & Paul Camillo
Chairpersons, Design Review Committee
Eagles Nest Property Homeowners Association

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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 and its surroundings. This statement is established not through a single building, street or place, but through an entire neighborhood or community, 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 1840s to the 1860s. This early Colorado history of dwellings crafted from natural wood timber and stone shall inspire the architecture. In addition the residences 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 forests and mountain ranges. 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 that 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 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 principal 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. If the architect is unable to attend the meeting, the meeting will be rescheduled for the next regularly-scheduled meeting of the DRC.**

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 among 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 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 members of the DRC 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 exterior 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 DRC 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 DRC the authority to implement design guidelines and a review process that, in some cases, may be more restrictive than the current Town codes.

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. Any deviation allowed by the DRC will be in written form from the DRC.

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. Additional information and the applications for each step can be found in the corresponding appendices. The DRC may, at the request of an owner or at the DRC's 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.

MODIFICATIONS TO EXISTING HOMES

DRC approval is required for any exterior modifications to an existing home. Changes or improvements such as the addition of a hot tub, new windows, solar panels, gutters, radon mitigation, generators, porch, patio, deck or color scheme changes and landscaping, etc., are considered Minor Modifications. Minor modifications which are considered to require a professional review by the DRC Administrator will be assessed a fee of \$250.00. All modification requests must be submitted with a text description and drawings in sufficient detail. Please see Appendix 2 for the Modification Application.

Major Modifications such as a structural addition, exterior remodel or major change requiring a building permit must be submitted to the DRC for approval prior to making such major modifications. The minimum review fee for any major change will be \$500.00 plus 60 cents per square foot for any additional gross enclosed area. Please see Appendix 2 for the Modification Application. The DRC approval of a Major Modification shall remain valid for a period of twelve (12) months. If construction of the modification has not commenced within the twelve months from the approval date, the approval will expire.

A refundable compliance deposit is required (Appendix 7). Submittals are due two (2) weeks prior to the scheduled review meeting.

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 any time 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 must 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 must have copies of the following information available at the site:

1. Eagles Nest Architectural Design Guidelines
2. Plat Notes for the subject Lot and Filing.
3. Site Diagram of subject lot with Site Diagram Notes (available from the Town of Silverthorne)

A professional survey of the lot boundaries, building envelope, topography, easements, and specific site constraints is helpful for this meeting and is required at the Concept Review meeting with the DRC.

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. The owner must have copies of Homeowner Association Documents, Articles of Incorporation, Bylaws, Covenants, Conditions, Restrictions and Easements.

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:

- Conceptual Design Review Application (Appendix 3): 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.
- Conceptual Review Application Fee amount as indicated in Appendix 7. Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C. (ENPHA - DRC).

One full size set of plans and a PDF version of the following are to be submitted:

- Perspective, 3D computer model, and/or other informal sketches of the proposed residence. The DRC reserves the right to require 3D computer model images.
- 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.
- 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.

- 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 1/2 x 11 formats.
- Any other drawings, materials or information requested by the DRC.

Expiration of Approval

Once the Conceptual Review Submittal is approved, with or without conditions, the applicant and his or her architect may proceed with the preparation of their Preliminary Review Submittals. *The Conceptual Design Approval shall remain valid for a period of nine months*; if a Preliminary Review Submittal is not forthcoming within the nine months following the granting of the Conceptual Approval, that Conceptual Approval will expire. A new fee shall be charged for the expired approval. It is important to note that a Conceptual Approval is not an authorization for construction activity of any kind on the site.

Incomplete or Additional 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) will be required at the time the project is re-submitted for additional reviews. A similar fee may be required for additional submittals. Projects that require substantially more review time by the DRC's consulting architect because of ongoing changes in design or other occurrences may require additional fees based on consulting architect's review time.

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.

Preliminary Review submittals will be reviewed for compliance with all applicable design guidelines and with the Conceptual Review submittal. 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:

- Preliminary Design Review Application (Appendix 4): A completed application must accompany the submittal.
- Preliminary Review Application Fee (Appendix 7): Checks shall be made payable to The EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C. (ENPHA - DRC).

One full size set of plans and a PDF version of the following are to be submitted:

- 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.
- 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, utility service lines and meter locations, and roof plan with U.S.G.S ridge height elevations.
- Grading Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating all modifications to existing contours and drainage patterns.
- Roof plan (to be drawn on site plan showing existing contours and U.S.G.S. elevations for ridges).
- 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.

- 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.
- Building section through site.
- 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.
- Exterior lighting design and picture of proposed exterior, dark-sky complaint light fixtures, dark-sky compliant. Examples of code-compliant designs are available from the DRC or the Town of Silverthorne.
- List of building and landscape materials and color/ material boards. **Two color and materials boards are required**, one to be kept on-site and a second one to be kept by the DRC. Boards shall include all siding colors, trim colors, window frame colors, roof colors. All items must be samples of the actual materials to be used. The boards must also include a picture of the actual rock/stone to be used. These two color boards shall be no larger than 24" x24" and show all stains/paints/finishes of the actual building material to be used for construction. If a change in materials takes place (example: pine substituted for cedar) the color/board must be resubmitted with the actual materials used for construction.
- Proposed Construction Management Plan as outlined in Section VII.
- Any other drawings, materials or information requested by the DRC.

Expiration of Approval

Once the Preliminary Review Submittal is approved, with or without conditions, the applicant and his or her architect may proceed with the preparation of their Final Review Submittals. *The DRC's preliminary approval shall remain valid for a period of nine months*; if a Final Review Submittal is not forthcoming within the nine months following the granting of the Preliminary Approval, that preliminary approval will expire. A new fee shall be charged for the expired approval if material changes have been made to the project. It is important to note that a Preliminary Approval is not an authorization for construction activity of any kind on the site.

Incomplete or Additional 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) will be required at the time the project is re-submitted. A similar fee may be required for additional submittals. Projects that require substantially more review time by the DRC's consulting architect because of ongoing changes in design or other occurrences may require additional fees based on consulting architect's review time.

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 Contractor shall meet with a representative from the DRC prior to initiating any construction or site preparation. The purpose of this pre-construction meeting is to ensure that the Owner and general contractor are aware of all construction regulations, including fine assessments. See Pre-Construction Meeting Appendix 6. The Compliance Deposit is required at this time.**

When the project passes the Final Review a written Notice to Proceed will be issued by the DRC. **Construction may not commence until the pre-construction meeting has occurred. Should Contractor begin any site work or construction prior to this meeting a fine will be assessed.** Prior to initiating construction, owners are responsible for obtaining a building permit from the Town of Silverthorne.

Required Submittal Material:

- Final Design Review Application (Appendix 5): 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.
- Owner/Contractor Agreement (Appendix 8). Owner must sign this Agreement at Final Review and Contractor must sign when selected.
- Final Review Application Fee, amount as indicated in Appendix 7. Checks shall be made payable to The EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION- D.R.C.
- Compliance Deposit, amount as indicated in Appendix 7. This deposit is to be paid by the Owner to the DRC prior to the issuance of a Notice to Proceed. (See Section VII for use and refund of the Compliance Deposit.)
- 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 prior to the pre-construction meeting with the DRC representative.

- One set of construction plans plus a PDF version including, but not limited to, a grading plan, foundation plan, framing plan, floor plan, roof plan, building elevations, exterior details of trim, fascia, railings, etc., site plan, landscape plan, and all specifications and material schedules.

Expiration of Approval

The DRC's approval of a Final Review Submittal shall remain valid for a period of twelve months. If construction of the residence has not commenced within the twelve months following the granting, the Final Approval will expire. A new fee shall be charged for the expired approval if material changes have been made to the project. Once a Final Review Submittal is approved, the Contractor must attend a Pre-Construction Conference.

Incomplete or Additional 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. A similar fee may be required for Additional Submittals. Projects that require substantially more review time by the DRC's consulting architect because of ongoing changes in design or other occurrences may require additional fees based on architect's review time.

STEP FIVE: CONSTRUCTION AND INSPECTIONS

Eagles Nest DRC conducts inspections 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/her 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 written approval by the DRC. Owners/contractors 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. Unapproved changes will be subject to fines.

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. The Compliance Deposit will be held by the DRC until the Final Certificate of Compliance has been issued.

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 listed in Appendices 11 & 12 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. Sewage ejection systems must be installed within the building envelope.

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 (BMPs) into the site design to protect the wetland areas. These BMPs 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.

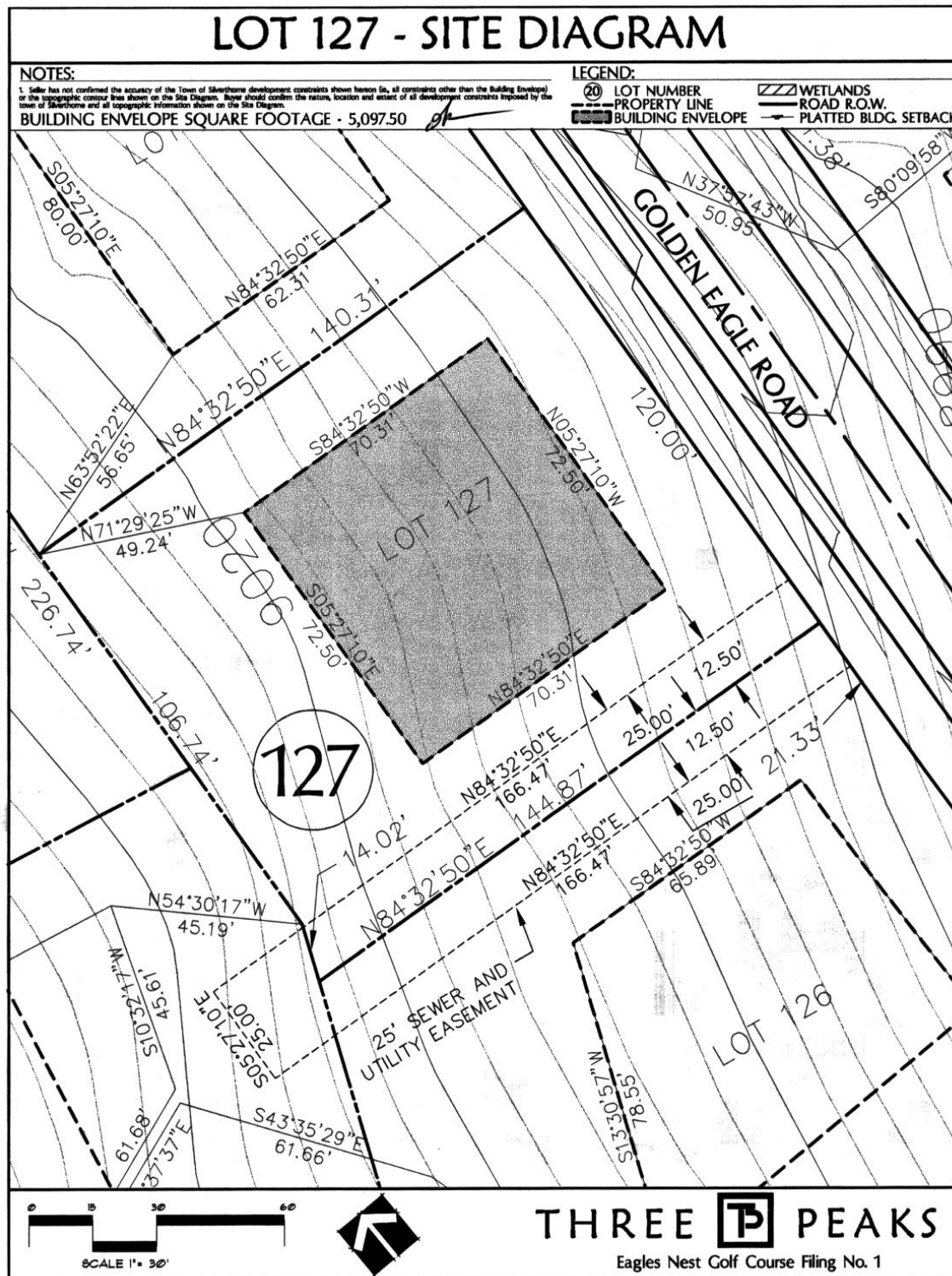


Figure 1 – Site Diagram

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 shall not be closer than 6 feet 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) and the introduction of manicured lawns.

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. Homes located on private drives may require installation of a culvert deemed adequate by the DRC.

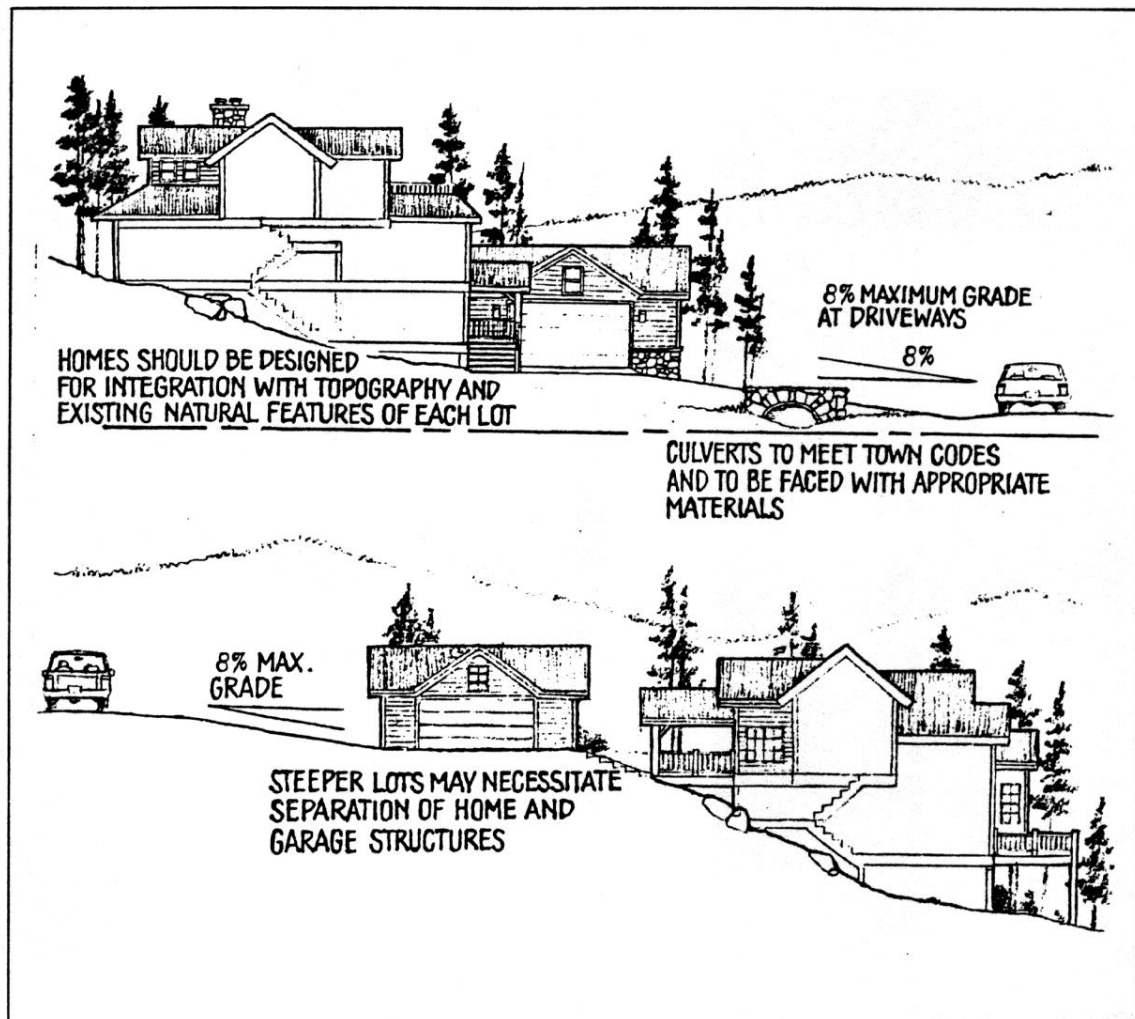


Figure 2 – Building Siting

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 re-vegetation. 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.

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 must 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. If the footprint of a home is fewer than 6 feet from the confines of the building envelope a chain link fence may be required. 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 and utility boxes must be painted to blend into background.

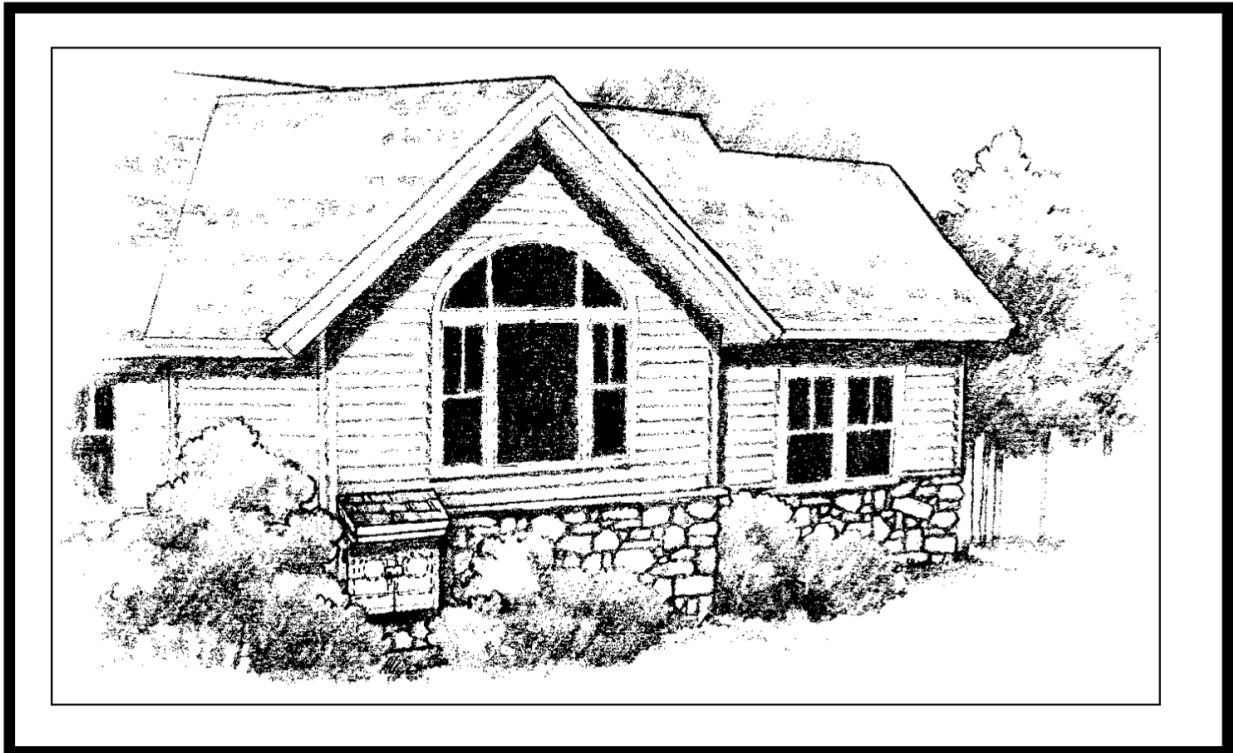


Figure 3 – Utility Meters

All utility meters and connections shall be incorporated into the design of the structure and painted to match adjoining exterior surface.

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 or any utility or snow removal easement located on shared private drives. 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. 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 Home-owners Association Sign Code now in effect or as hereafter amended. No more than one sign is allowed per lot.
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

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 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. 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 located in Appendices 12-13 of these Guidelines. See Town of Silverthorne for further clarification.

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.

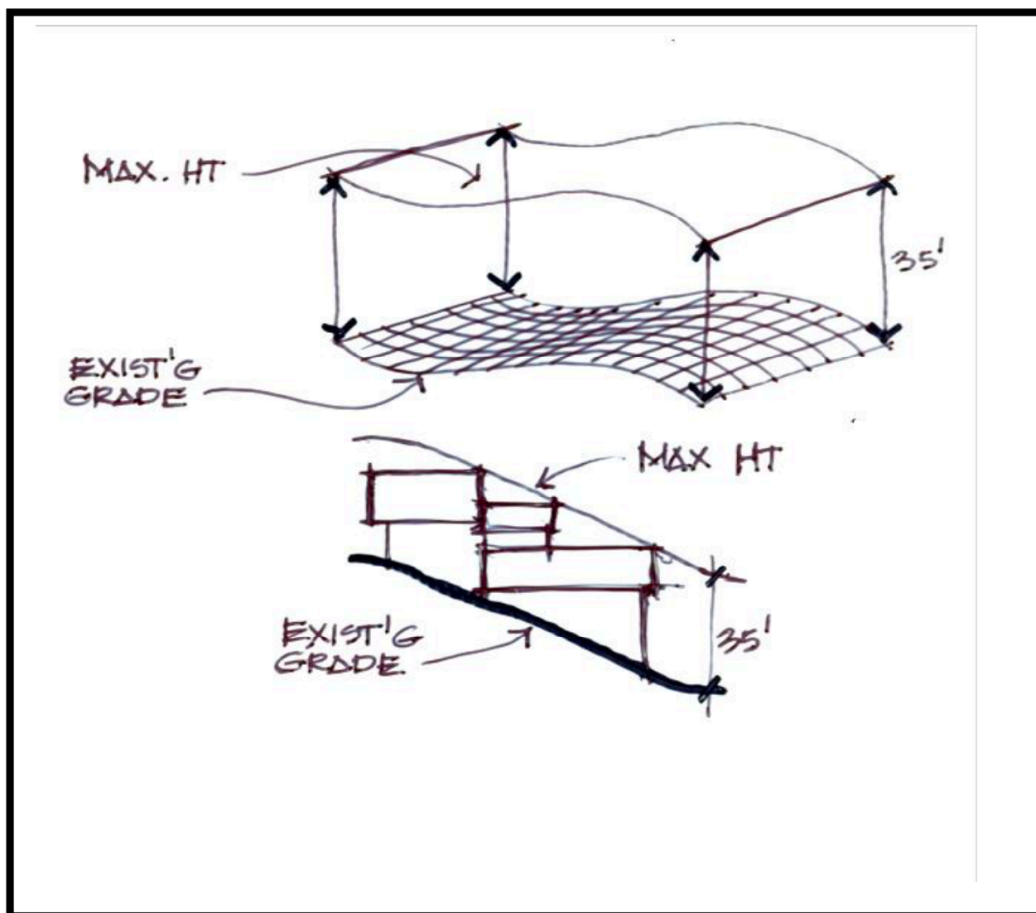


Figure 4 – Building Height

ROOFS

All major roofs of a structure shall have a minimum roof pitch of not less than 4:12. The recommended range of acceptable roof pitch is 4:12 to 9:12.

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 (30% or less) 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 (40) feet.

Roof materials allowed include heavy composition shingles, non-reflective metal, 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 not limited to, the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes and equipment. Glazed tiles are not permitted in Eagles Nest. Exposed aluminum flashing is not permitted. Treated copper flashing is permitted. Material, quantity, and finish are to be specifically approved at the Committee's discretion. No light-reflective metal finishes are permitted. Built-up roofing of approved finish will be allowed only on small, flat connecting roof elements. Wood shingles are not permitted. Metal roofing is permitted as an accent only (30% or less)

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.

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. Mounting struts must be non-reflective or painted to match roofing materials. All visible mechanical equipment must be painted to match roof and/or adjoining exterior surface. When skylights are used, they should be integrated with the roof form to be as unobtrusive as possible.



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.

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.

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). Chroma 4 or less, value 5 or less may be considered by the DRC. 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 is required with a minimum height of 3½ inches.

Garage doors with wood facing are preferred, certain metal doors may be approved. Any accent glass shall not exceed 30% of the individual garage door. All glass below the top panel of the garage door shall be opaque.



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 may 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 glass shall be used. 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.

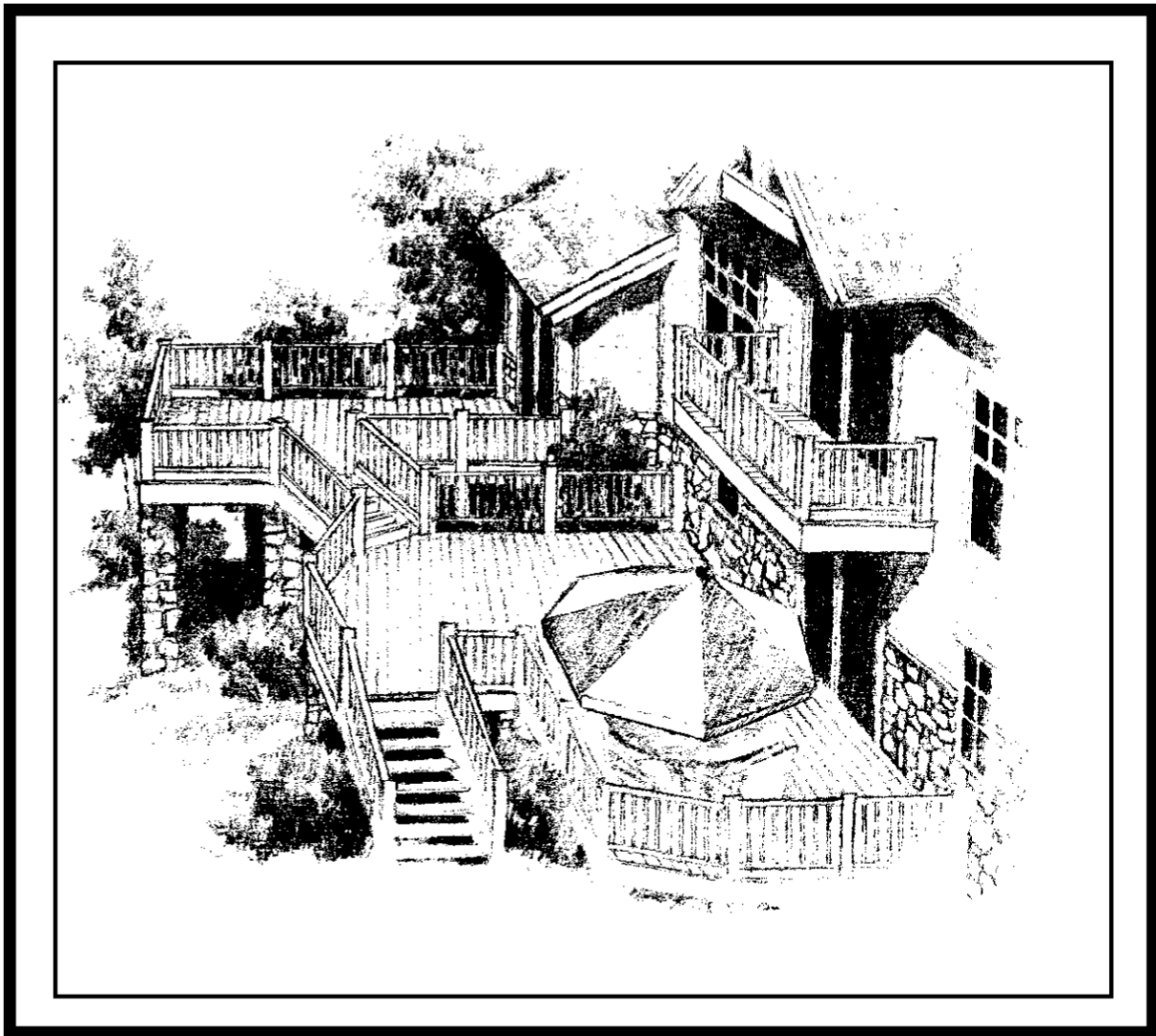


Figure 8 – Decks and Balconies

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, FLUES AND RADON PIPING

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, chimneys or radon venting permitted. Building-height limitations do not apply to chimneys and related roof elements. **Venting location for any radon system must be approved by the DRC.**

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. HVAC compressor locations must be approved.

The Town of Silverthorne has adopted specific regulations on fireplaces and stoves. The number and type of such devices must conform to 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). Chroma 4 or less, value 5 or less may be considered by the DRC.

ACCESSORY STRUCTURES

All accessory structures such as gazebos 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. Prefabricated or portable sheds are not permitted.

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

All 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

Modular and pre-manufactured buildings are not permitted.

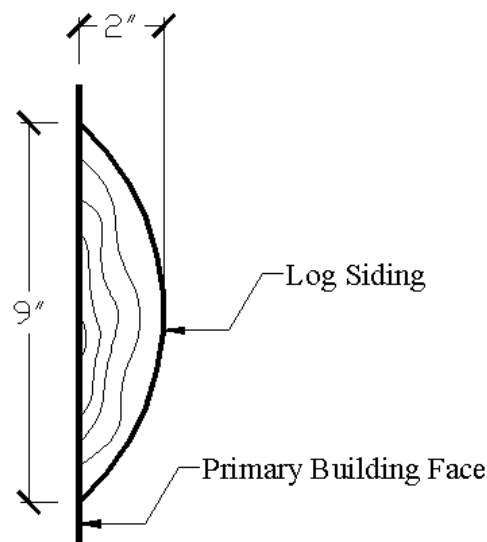
DESIGN GUIDELINES FOR LOG HOMES

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.

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 purlin 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

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.

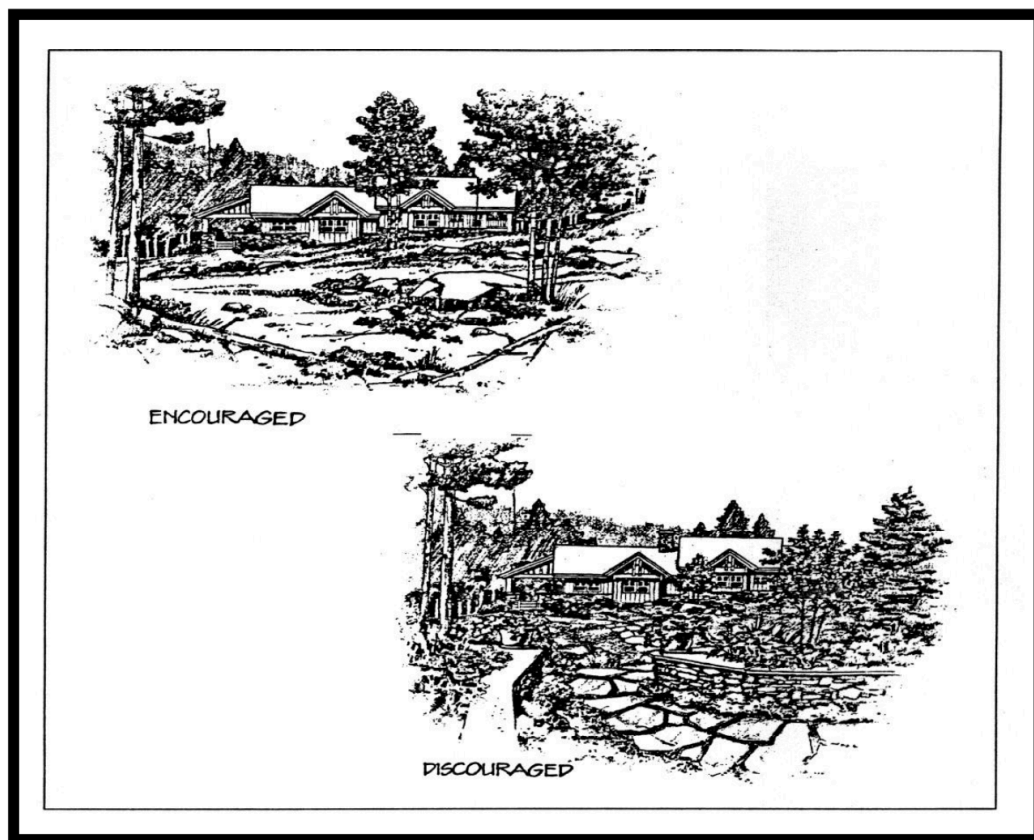


Figure 9 – Landscaping

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. 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 and a pre-construction meeting is held.

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 are discouraged.

All landscape material used around the home and within the Building Envelope shall be selected from 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 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.



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, the mowing of native grasses and any hardscaping.

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 the Approved 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 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

It is essential that our delicate mountain environment be respected and preserved. With this in mind, **fenced yards and gated private drives/roads are prohibited in Eagles Nest.**

Fences, walls and railings may be used for deck or patio enclosures not greater than four hundred (400) sq. ft., 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. In no case are fences, walls or railings greater than four (4) feet in height permitted.

DOG RUNS

Dog runs and fenced-in areas not greater than four hundred (400) sq. ft., for the confinement of permitted animals, are allowed only within the Building Envelope and 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 re-vegetated areas within the Building Envelope or immediately surrounding a home shall be irrigated. All newly planted trees and shrubs shall be on drip irrigation. 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. All exterior lighting is required to be “Dark Sky” compliant according to the Town of Silverthorne code. 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. 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.

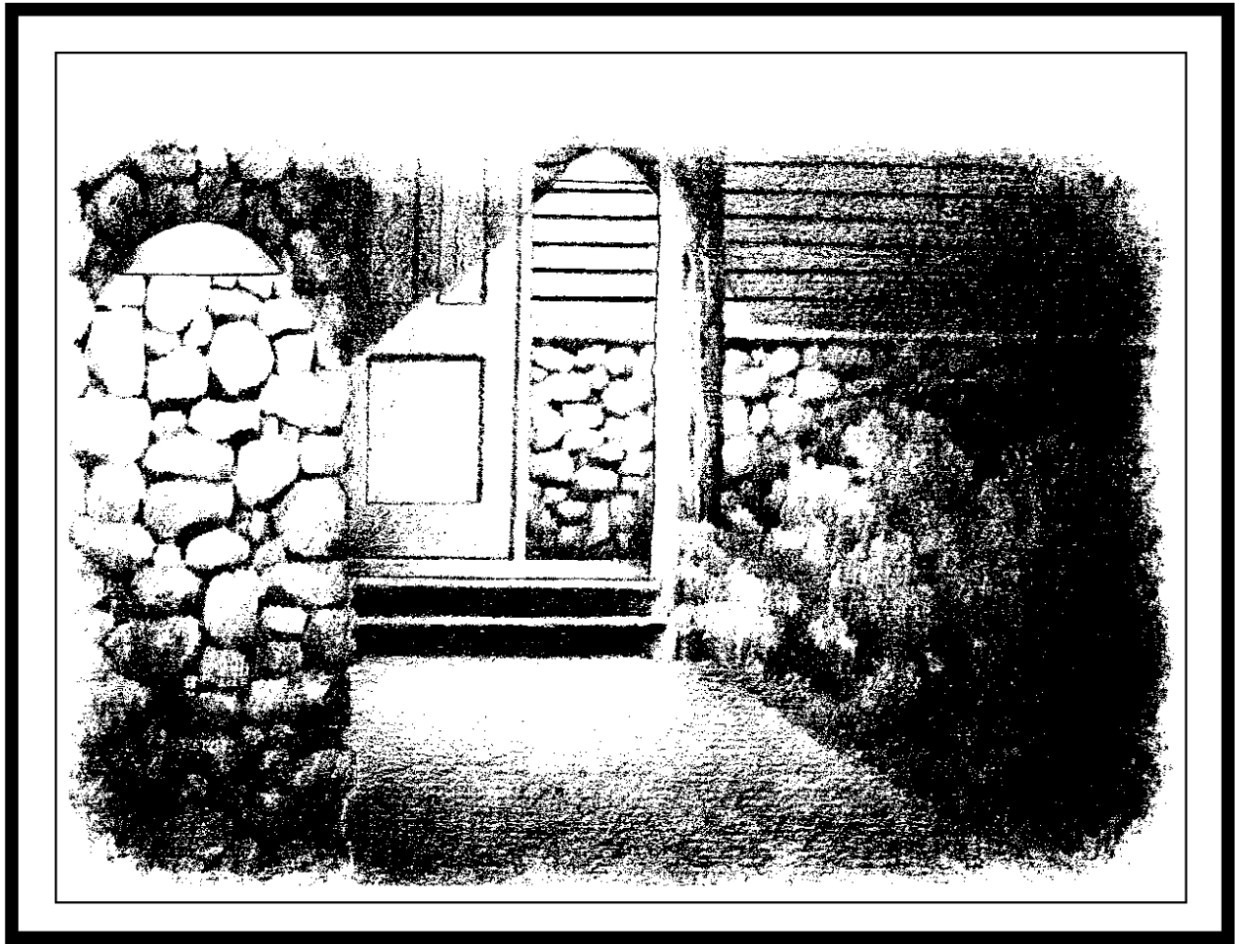


Figure 11 – Exterior Lighting

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, exhaust fans and radon 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 Town of Silverthorne.

OTHER AMENITIES

Any other allowed amenities 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 swimming pools and tennis courts is prohibited in Eagles Nest. Flagpoles may be erected within the building envelope, 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 to 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.

ORNAMENTATION

Ornamentation (including statues, yard art, etc.) must be shown on the site plan and landscape plans submitted for approval. If ornamentation is to be added to an approved plan or to an existing home, a new site plan and landscape plan showing the position of the new ornamentation must be submitted to the DRC for approval. (Refer to the section entitled Modifications to Existing Homes.)

The submittal should also include drawings or pictures, as well as measurements, of the proposed ornamentation sufficient to enable the review.

Such additions will generally be considered a “minor modification” and fees will be charged accordingly.

Ornamentation should blend in with the environment and be integrated with other elements of the landscaping plan. However, freestanding statues, sculptures and/or yard art, that the DRC deems appropriate for Eagles Nest, such as Colorado wildlife, are allowable with DRC approval. Colors and construction of ornamentation should be limited to natural colors that fall within existing home exterior color guidelines. Primary colors, such as red, blue and yellow, are not acceptable.

If approval is not obtained in advance, the DRC may require removal of the ornamentation at the homeowner’s expense, or owner may be subject to fines.

REVEGETATION PLANS

All areas of a lot disturbed during construction must be re-vegetated 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 re-vegetation shall be from Appendix 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, re-vegetation 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.

No site disturbance or tree removal may occur before obtaining the Building Permit (a soils test is allowed).

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/her lot within one (1) year after commencing construction.

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 may result in the assessment of fines.

Construction Fencing

The construction fence, as indicated on the Construction Management Plan, must be in place for the pre-construction meeting. 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. Chain link or hog wire is required.

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.

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.

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. **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 or in vehicles associated with the project at any time.

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.

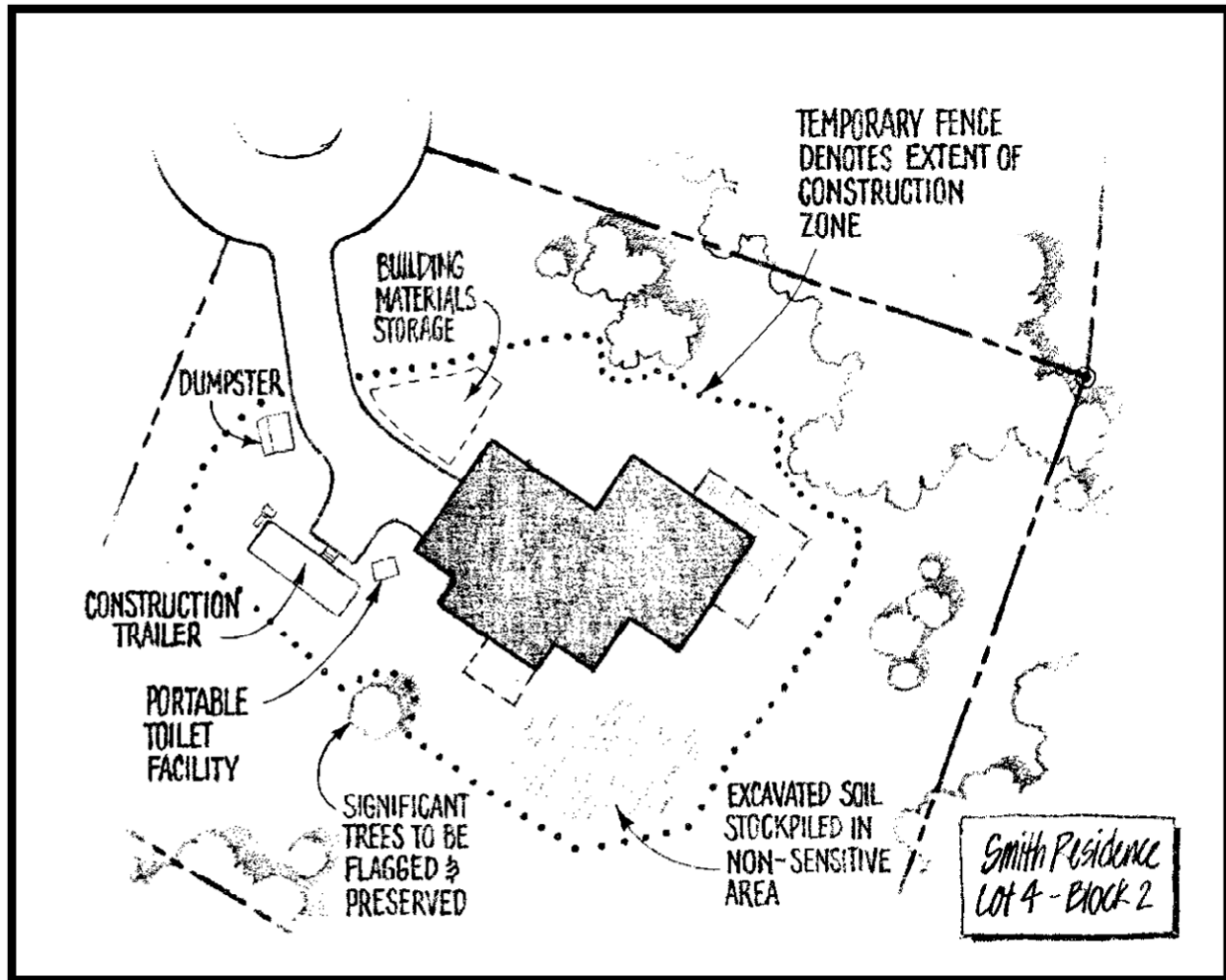


Figure 12 – Construction Management Plan

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

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.

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.

DRC INSPECTIONS

Members of the DRC and DRC Compliance Manager 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 and/or contractor 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 assess a fine and/or issue a "stop work order" (Appendix 10), which is a formal written notice signed by any member of the DRC or Director of the Eagles Nest Property Homeowners Association.

Any exterior changes, however minor, to approved final plans require prior written permission from the DRC before implementation. Fines will be assessed for non-compliance.

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 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.

COMPLIANCE DEPOSIT

In order to maintain the quality and integrity of Eagles Nest, prior to beginning new construction or exterior remodels and renovations within Eagles Nest, the Owner shall pay to the DRC a Compliance Deposit. See Appendix 7 for compliance deposit requirements.

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 also use the Compliance Deposit for payment of any fine or fines assessed against the Owner by the DRC which fine or fines shall have not been paid for 30 days after of a Notice of Fine (as set forth below) has been communicated to the Owner. **Failure to comply immediately with a Stop Work order may result in forfeiture of the compliance deposit.**
- 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.

FINES

The DRC may assess fines for violations of any provision of these guidelines as follows: First violation, two hundred dollars (\$200); second violation four hundred dollars (\$400); third violation six hundred dollars (\$600).

If an instance of non-compliance with the approved plans or a violation of a Construction Regulation (collectively an "Instance of Non-Compliance") is noted during any periodic inspection, the Owner will be given written notice of the Instance of Non-Compliance. The Owner/Contractor will be given a period of time to correct the Instance of Non-Compliance determined by the DRC, at which time a re-inspection will occur. If, at the re-inspection, the Instance of Non-Compliance has not been corrected to the satisfaction of the DRC, the DRC shall impose upon the Owner a subsequent fine as outlined above. In the case of a continuing violation, meaning a violation that occurred and/or continues for more than one day, the DRC may levy a fine of up to one hundred dollars (\$100) per day for each day that the violation continues. If more than one Instance of Non-Compliance is noted multiple fines will be assessed.

Starting construction or tree removal prior to the pre-construction meeting, or any modification to the approved plans without prior approval of the DRC will result in fines up to one thousand dollars (\$1,000).

An immediate fine may be assessed by the DRC without written notice for violations witnessed by the DRC in areas which are immediate in nature, are repetitive, or cause damage. Instances of these violations include, but are not limited to, pets on-site, noise violations, damage beyond construction fencing or on neighboring property, mud in the street, or violation of approved hours or approved days of construction. A written notice will be provided to the Owner and Contractor of an immediate fine assessment.

The DRC, at its sole and absolute discretion, may withdraw approval to perform work within Eagles Nest for a contractor or sub-contractor who continues or habitually violates the Design Guidelines. Or, the DRC may require an additional construction compliance deposit for work in Eagles Nest.

Collection Provisions. Except as otherwise provided, all costs, including: any attorney fees and costs, any fees and costs of any appeal by the DRC to enforce the governing documents, and all imposed fines shall be an assessment subject to all collection powers of the Eagles Nest Property Homeowners Association.

See Appendix 7 for fees and fine requirements.

The following is a partial list of the potential violations that would incur a fine. **The General Contractor and, ultimately, the Owner are responsible for the subcontractors working 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 throughout the construction process

Failure to stabilize construction entrance and surface with 1-1/2" or larger crushed rock

CONSTRUCTION VIOLATIONS

Initiating new construction without DRC approval

Modifications without prior DRC approval

TREE, BRUSH AND LIMB REMOVAL

Tree removal from a common area or neighboring property

Unauthorized tree removal from Owner's 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 daily

Concrete wash-out in roads, setbacks or adjacent properties

Failure to remove residual concrete from clean-up of concrete delivery trucks within 7 days

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

Minors on site

Alcohol or controlled substances on site

Firearms on site

NOISE AND NUISANCE

Construction outside approved hours and on Sundays or holidays

Radio audible beyond the property lines

APPENDIX 1: Approved Plant List

EAGLES NEST

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Some requiring supplemental irrigation

TREES

<u>Botanical Name</u>	<u>Common Name</u>
Populus tremeloides	Aspen
Populus angustifolia	Narrowleaf Cottonwood
Populus Balsamifera	Balsam Poplar
Picea engelmannii	Engelmann Spruce
Picea pungens	Colorado Spruce
Pinus aristata	Bristlecone Pine
Pinus contorta latifolia	Lodgepole Pine
Abies lasiocarpa	Alpine Fir
Cornus Sericea	Red Osier Dogwood
Pinus Flexilis	Limber Pine
Acer glabrum	Rocky Mountain Clump Maple
Crataegus crus-galli	Cockspur Hawthorne
Crataegus phaenopyrum	Washington Hawthorne
Malus bechtel	Bechtel Crab
Malus radiant	Radiant Crab
Pinus cembroides edulis	Pinyon Pine
Prunus cerasifera Thundercloud	Thundercloud Plum
Prunus virginiana	Canadian Red Cherry
Schubert Pinus calleryana Bradford	Bradford Pear
Quercus gambelii	Gambel Oak

GROUNDCOVERS & VINES

<u>Botanical Name</u>	<u>Common Name</u>
Cerastium tomentosum	Snow in Summer
Mahonia repens	Creeping Mahonia
Potentilla anserina	Silverweed Creeping
Ranunculus repens	Buttercup
Polygonum affine	Border Jewel
Humulus lup. neomexicanus	Native Hop Vine
Cotoneaster horizontalis	Rock Cotoneaster
Clematis ligusticifolia	Virgins Bower
Clematis orientalis	Yellow Clematis
Galium odoratum	Sweet Woodruff
Juniperus horizontalis	Horizontal Juniper
Lonicera japonica Halliana	Hall's Honeysuckle
Parthenocissus quinquefolia	Virginia Creeper
Polygonum aubertii	Silver Lace Vine
Sempervivum tectorum	Hen and Chicks

APPENDIX 1
EAGLES NEST
(Page 2 of 3)

SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Alnus tenuifolia	Thin leaf Alder
Betula glandulosa	Bog Birch
Ribes inerme	Gooseberry
Ribes alpinum	Alpine Currant
Ribes aureum	Golden Currant
Ribes cereum	Squaw Currant
Juniperus communis	Common Juniper
Mahonia repens	Creeping Mahonia
Lonicera involucrata	Twinberry Honeysuckle
Artcostaphyllus uva-ursi	Kinnikinnick
Salix spp.	Willows
Artemesia tridentata	Bigleaf Sage
Rosa woodsii	Wood's Rose
Rubus idaeus v. strigosus	Wild Raspberry
Potentilla species	Native Potentilla
Sambucus pubens	Red-berried Elder
Chrysothamnus nauseosus	Rabbitbrush
Lonicera tatarica A.R.	Arnold's Red Honeysuckle
Syringa x. prestoniae	Canadian Lilac
Syringa s. swegiflexa	Miss Canada & James McFarland
Cotoneaster acutifolius	Peking Cotoneaster
Caragana arborescens	Siberean Peashrub
Acer ginnala	Amur Maple
Berberis atropurpurea	Redleaf Barberry
Berberis thunbergii	Greenleaf Japanese Barberry
Chamaebatiaria millefolium C	Fernbush
otoneaster actuifolia	Peking Cotoneaster
Cotoneaster apiculate	Cranberry Cotoneaster
Hibiscus syriacus	Rose of Sharon
Juniperus sabina	Buffalo Juniper
Buffalo Lonicera	Honeysuckle
Potentilla fruticose Abbotswood	Abbotswood Potentilla
Potentilla fruticose Gold Drop	Gold Drop Potentilla
Potentilla fruticose Jackman	Jackman Potentilla
Prunus cisterna	Purple Leaf Plum
Rhus trilobata	Three Leaf Sumac
Rosa foetida bicolor	Austrian Copper Rose
Salix irrorata	Blue Stem Willow
Salix purpurea Nana	Dwarf Artic Willow
Sambucus cerulean	Blue Elderberry
Sambucus pubens	Native Red Berried Elder
Shepherdia argentea	Silver Buffalo Berry
Spireae Vanhouttei	Vanhoutte Spirea
Syringa Vulgaris	Common Lilac

APPENDIX 1
EAGLES NEST
(Page 3 of 3)

GRASSES

Summit County Grass Seed Mix

FIELD OR MEADOW GRASSES

Aliums	Lovage
Anthemis	Maltese Cross
Beebalm	Marsh Marigold
Blue Bells (Mertensia)	Meadow Rue
Blue Flax	Mints
Campanula	Monkeyflower
Chamomile	Monkshood
Chives	Native Lupine
Cinquefoil	Native Sedum
Common Yarrow	Old Man on the Mountain
Costmary	Pasque Flower
Creeping Phlox	Penstemons
Delphinium	Pink Plumes (Geum)
Dianthus	Pussytoes
Domestic Strawberry	Rocky Mountain Columbine
Fernleaf Fleabane	Rocky Mountain Locoweed
Fireweed	Rocky Mountain Penstemon
Gaillardia	Russell's Hybrid Lupine
Garden Sage	Shooting Star
Gentian	Showy Fleabane
Hen's Chicks	Sticky Geranium
Horseradish	Sulphur Flower
Hybrid Columbine	Tansy
Hybrid Geranium	Thyme
Hybrid Geum	Veronica, Creeping
Hybrid Sedums	Western Native Columbine
Iceland Poppy	Wild Strawberry
Indian Paintbrush	Wolf's Alyssum
Jacob's Ladder	Wormwood

APPENDIX 2: Modification Design Review Application

EAGLES NEST
(Page 1 of 2)

DESIGN REVIEW MODIFICATIONS TO EXISTING HOME and DESIGN REVIEW MODIFICATIONS TO PROJECTS IN PLANNING AND/OR CONSTRUCTION PHASES

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 _____

For landscape-only projects:

Landscape Architect/ Contact _____

Phone _____ Fax _____ E-mail _____

Mailing Address _____

APPENDIX 2
EAGLES NEST
(Page 2 of 2)

In order for an application to be considered by the DRC, one full size set of plans and a PDF version of the following are to 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.

- Pictures, drawings, photographs, details as required to explain the nature of the request.
- Site plan or landscape plan as required to show where all improvements are proposed relative to the Building Envelope and Property Boundary.
- Photos of the site and surrounding area. (Images of existing conditions to be affixed or presented in 8 1/2 x 11 format).
- Any other drawings or information requested by the DRC.
- DRC Modifications fee of \$500.00 (Five Hundred Dollars) plus 60 cents per square foot for any additional gross enclosed area for major modifications or \$250 (Two Hundred Fifty Dollars) for minor modifications, as applicable. 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: Conceptual Design Review Application

EAGLES NEST
(Page 1 of 2)

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 _____

For landscape-only projects:

Landscape Architect/ Contact _____
Phone _____ Fax _____ E-mail _____
Mailing Address _____

APPENDIX 3
EAGLES NEST
(Page 2 of 2)

In order for an application to be considered by the DRC, one full size set of plans and a PDF version of the following are to 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 1/2 x 11 format].
- Any other drawings or information requested by the DRC.
- DRC Conceptual Review Application Fee. 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 4: Preliminary Design Review Application

EAGLES NEST

(Page 1 of 2)

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 _____

APPENDIX 4
EAGLES NEST
(Page 2 of 2)

In order for an application to be considered by the DRC, one full size set of plans and a PDF version of the following are to 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".
- 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 1/2 x 11 formats. Materials to be identified on copy by manufacturer, product line, and specific selection]. Two color and materials boards required.
- Proposed Construction Management Plan as outlined in Section VII.
- Any other drawings, materials, or information requested by the DRC.
- DRC Preliminary Review application fee. Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION (ENPHA).

APPENDIX 5: Final Design Review Application

EAGLES NEST

(Page 1 of 2)

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 _____

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 after the Final Review approval is granted.

APPENDIX 5
EAGLES NEST
(Page 2 of 2)

Prior to initiating construction, owners are responsible for obtaining a building permit from the Town of Silverthorne. Refer to these Architectural Design Guidelines for full information on these submittal requirements.

The following material shall be submitted to the DRC for the Final Review Application.

- Signed Owner/Contractor Agreement (Appendix 8).
- One full-sized set of construction drawings plus a PDF digital version.
- One copy of the final Construction Management Plan and Construction Schedule.
- Installation of construction fence (may be delayed until pre-construction meeting w/ DRC representative).
- DRC Final Review application fee. Checks shall be made payable to the EAGLES NEST PROPERTY HOMEOWNERS ASSOCIATION (ENPHA).
- Compliance Deposit of Ten Thousand Dollars (\$10,000) Additional Compliance Deposit (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 including, but not limited to, DRC inspections, compliance deposit requirements, construction fines, Stop Work orders, and final inspection.

Any exterior changes, however minor, to approved final plans require written permission from the DRC before implementation.

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(s)

Date

APPENDIX 6: Pre-Construction Meeting Checklist

EAGLES NEST

(Page 1 of 2)

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 _____

Reviewed Items

Construction Staging Plan

Construction fencing (chain link or hog wire) _____

Limits of construction fences _____

Trees to be removed marked _____

Fencing in place where required _____

6' high chain link if required _____

Building footprint staked and labeled _____

Utility trenching location staked and labeled _____

APPENDIX 6
EAGLES NEST
(Page 2 of 2)

Construction trailer or office location, details reviewed	_____
Construction access area indicated	_____
Staging area(s) indicated	_____
Topsoil storage area(s), if allowed	_____
Equipment access identified	_____
Parking identified	_____
Portalet location indicated	_____
Dumpster location indicated	_____
Signage Location on-site indicated	_____
Size and content reviewed	_____
Construction schedule reviewed	_____
Contractor has read and has copy of Design Guidelines	_____
Review of Construction regulations	_____
Review of Modifications process	_____
Construction fines reviewed	_____

Contractor acknowledges by signature of this form that he has reviewed the checked items above with the DRC representative assigned to this project and agrees to comply with all DRC Guidelines regulations.

Any exterior changes, however minor, to approved final plans require written permission from the DRC before implementation.

Contractor(s) signature(s):

Printed Name(s)

Signature(s)

Date

APPENDIX 7: Summary of Fees and Assessments

EAGLES NEST DESIGN REVIEW COMMITTEE

The following is a summary of fees and assessments included in the various sections of the Architectural Design Guidelines.

Description		Refer to Page:	Amount
Modifications to existing homes			
	Major modifications (e.g., building additions, building renovations, deck additions, etc.)	13	\$500 + 60¢ per square foot
	Minor modifications (e.g., color changes or landscape improvements)	13	\$250
Application Fees			
	Conceptual Review	15	\$1,000
	Preliminary Review	17	\$1,750
	Final Review	20	\$1,000
Compliance Deposits			
	New construction	55 & 56	\$10,000
	Major modification	55 & 56	\$1,000 - \$5,000
	Minor modification	55 & 56	\$500
Construction start before pre-construction meeting.		20	\$1,000
Unapproved modifications		54	\$1,000
Incomplete or Additional Submittals		16, 19 & 21	\$500
Costs incurred by DRC in connection with remediation of noncompliance		55 & 56	Costs incurred plus 15% assessment
Instances of Noncompliance		55 & 56	\$200 & higher
Continuing Instance of Noncompliance		56	\$100 per day or portion thereof

APPENDIX 8: Owner/Contractor Agreement

Eagles Nest Design Review Committee
Eagles Nest Property Homeowners Association
PO Box 24419
Silverthorne CO 80498

By this letter I hereby certify that I have read and understand the Architectural Design Guidelines and all construction requirements and construction regulations contained therein including, but not limited to, DRC inspections, compliance deposit requirements, construction fines, Stop Work orders, and final inspection. 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.

Any exterior changes, however minor, to approved final plans require written permission from the DRC before implementation.

Homeowner

Date

Contractor

Date

Company name

Company phone number and mobile phone contact

Company address

Company e-mail address

APPENDIX 9: Final Inspection Checklist

FINAL INSPECTION CHECKLIST (Page 1 of 3)

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

FINAL INSPECTION CHECKLIST (Page 2 of 3)

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 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:

FINAL INSPECTION CHECKLIST (Page 3 of 3)

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 10: Sample Stop Work Order

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
Architectural Design Guidelines

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

EFFECTIVE (date) _____

Failure to comply immediately 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 11: Site Diagram Notes - ENGC 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 12: Site Diagram Notes - ENGC Filing No 4

(Page 1 of 2)

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 drive- ways shall obtain access by such common driveways and may not obtain access from any additional access point.

APPENDIX 12

(Page 2 of 2)

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.