



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

ARCHITECTURAL AND LANDSCAPE CONTROLS

The primary function of these Architectural Controls is to provide this community the necessary regulations that will maintain and enhance the natural beauty of the development and simultaneously protect future use and property values. Questions and correspondence pertaining to these Architectural and Landscape Controls should be addressed to the Architectural and Landscape Control Committee (ALCC).

Eagle Bend North Homeowners Association

P.O. Box 9365

Kalispell, Montana 59904

I. USE OF DESIGN PROFESSIONALS

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

II. DESIGN PROCESS AND PARAMETERS

1. Site Analysis

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

2. Architectural and Landscape Requirements

The design of home and landscape should consider climate, function, harmonious integration with adjoining properties in their natural setting, as well as a design approach that considers architecture coming from the site rather than one that brings architecture to the site. When possible prudent use of glass, open living areas, decks and/or balconies are encouraged. Construction materials and exterior colors **MUST** be approved prior to installation. Vinyl or aluminum siding, certain metal roofing systems, and

other exterior materials not commonly found in Eagle Bend North or Eagle Bend will not be approved.

a. Exterior color. It is the intent of this section to preserve the harmony of homes within the community. Exterior materials and finish colors are to be in the color range commonly referred to as “neutral”. This is defined as hues that lack strong chromatic content and do not compete for attention in a color scheme. They are understated, balanced and versatile, serving as backgrounds or base tones in design. Common neutral colors that are acceptable include white, gray, beige, ivory, cream, and brown (light to dark variants).

b. All exterior lighting, including but not limited to wall sconces, flood lights, security, pathways, driveways and landscape are included. Consideration should be given to rural and natural surroundings when designing exterior lighting. Exterior illumination will be in good taste and unobtrusive and shield adjacent properties from direct light.

A. A landscape lighting plan must be included and approved with the requested landscape design.

a. Pathway and driveway lights (110V) must be a minimum of 10’ apart and must be on a timer to turn off no later than midnight.

b. All exterior landscape and pathway lighting are required to be shielded and directed downward to prevent light from casting off your property on to an adjacent property or street.

c. Solar powered pathway lighting will have a maximum of 30 lumens.

d. Outdoor hanging patio lights must be turned off no later than midnight.

e. All exterior lighting, including but not limited to pathway/landscape lighting installed after construction must be approved by the ALCC prior to installation.

3. Design Guidelines

a. Plans and construction will conform with the “Uniform Building Code” and it is the sole responsibility of the owner to ensure compliance.

b. Square Footage Requirements:

1. Single family homes shall contain a minimum footprint at street level of 1800 SF of finished, heated/cooled living area. While the figure is the absolute minimum, each plan and its square footage will be considered on an individual basis with respect to slope, shape, footprint placement and size of the structure in relation to lot size and the homes in the area.
 2. Garages, unfinished storage areas, patios, unenclosed and /or unheated porches or deck, overheads, slabs or walkways of any description are not considered living area.
- c. Design Controls and Recommendations:
1. Structure Set Back: Requirements will be a minimum of 5' from said lot line and 20' from front and rear lot lines. The Committee may alter the minimums should topography or other factors dictate.
 2. Building Height: The principle structure will have a maximum height of 35 feet; accessory buildings will not exceed 15 feet. Garage doors and garage door openings shall not exceed nine (9" fee in height. Additionally, no structure shall be of such height to be discordant with surrounding structures or natural features. Where possible, the structure should not interfere with views from surrounding homes ore homesites. (CAUTION- county rules are subject to change relative to 1. and 2. above. Consult with your architect to verify parameters.)
 3. Construction Period: All construction and landscaping will be completed within 18 months from the start date on the construction application. (Form #3). After giving 30 days' notice, the Committee may impose a penalty of \$100 per day if the 18 month period is exceeded.

In the event of delays in construction, the ALCC may recommend an extension of the allotted time for construction to the EBN Board. Extension will be rolling 90 day periods not to exceed an additional 12 months. If no visible progress is made during any extended period, there will be no further extensions. A "walk through" with at least two (2) ALCC members will be required prior to the recommendation to the EBN Board.

4. External Devices: External devices (HVAC compressors, heat exchangers, service meter boxes, generators etc.) will be located and screened so as not to be a visual or audible nuisance to neighboring residences.

4. Special Requirements and Considerations

1. Garbage containers and enclosures will be located in an attached service area architecturally compatible with the surroundings and home design.
2. Driveway surfaces will be constructed of hard surface materials (concrete or blacktop is recommended.)
3. Off street parking will be a minimum of two permanent (enclosed garage) and two visitor (driveway) spaces will be provided.
4. Exterior CB and TV antennas are not permitted.
5. Small satellite dishes not exceeding 18 inches in diameter are permitted with Committee approval of location.
6. Visible outdoor athletic equipment must receive Architectural and Landscape Committee approval prior to installation.
7. All garage wall and ceiling surfaces must be finished (taped, floated and painted).
8. Pet enclosures must be architecturally compatible with the home and receive A.L.C.C. approval prior to construction. The ALCC has absolute discretion.

5. Landscape Design and Planning

It is of primary importance to preserve the rural amenities of Eagle Bend North by designing the home to fit the land. Where possible, every effort will be made to preserve existing trees. Use of a landscape architect/company is encouraged. Lawn grasses as ground cover in those areas not devoted to plant beds, rock garden, tree rings etc. is required. Areas that incorporate the use of rock will be limited to 20% of the total lot area to be landscaped.

In those areas of EBN where trees do not exist, new trees must be added upon completion of the construction using the following requirements. One tree with a minimum of 2" caliper will be planted for each 1000 SF of lot surface not covered by the home or hard improvements. Of the new trees added, at least 1/3 must be coniferous of a local variety.

1. No existing trees may be removed without approval from the A.L.C.C.
2. Mail Boxes: Individual mail boxes are permitted in EBN and are to be attractive and blend with the architecture of the home. A newspaper tube may be incorporated in the mail box structure. The initial landscape plan must incorporate the design for a standalone mail box if one is to be included. Mailboxes must be approved prior to installation.
3. No type of fencing or wall designed for privacy, security, decorative/aesthetic appeal, garden, pets, noise reduction, pool or hot tub is allowed. This includes, but is not limited to trellis, stone, steel/metal, brick, masonry, stucco, wood, vinyl, composite or wire.
 - a. Fencing/screening of not over 4' in height immediately adjacent to HVAC and backup power generators is allowed with prior approval. The material must match the home. This type of fencing/screening must be approved prior to installation and follow the same construction guidelines as all other construction/remodeling.

6. Construction Process

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

1. NO CONSTRUCTION ACTIVITY WILL START PRIOR TO 7:00 A.M. AND MUST BE TERMINATED BY 6:00 P.M., MONDAY THROUGH SATURDAY. SUNDAY WORK IS PERFORMED ONLY WITH WRITTEN AUTHORIZATION FROM THE COMMITTEE. HOMEOWNERS WITHIN 500' OF THE CONSTRUCTION SITE WILL BE ASKED ABOUT NOISE PRIOR TO GRANTING PERMISSION FOR WORK ON SUNDAYS.
2. At all times the contractor will, on a daily basis, keep the work site clean and neat. No adjacent lot or property will be used for material storage or trash collection. The owner or contractor will provide

material dumpsters. Trash not contained or removed may be disposed of by the Committee without notice with the cost being deducted from the construction deposit.

3. Only the immediate site utilities will be used for construction.
4. Portable toilet(s) will be located (as per plan) and properly maintained on each construction site.
5. The contractor is responsible for all damage to roads, adjacent property, signs, utilities, etc. Repair must be made in a timely manner or the committee will initiate repairs and deduct the cost from the construction deposit.
6. Any construction or material delivery vehicle operator responsible for causing a spill will immediately clear the residue from the spill site. The Committee will invoice the owner for spill clean-up that requires Committee action. Concrete truck washout will only be done on the delivery site.
7. Worker on street parking will be held to a minimum, park off road if possible and will not block the street. No overnight street parking of vehicles or trailers will be permitted. The homeowner, contractor and subcontractors are responsible for repairs to any neighboring property due to damage. This can include but is not limited to repairing/replacing landscaping, irrigation/sprinklers, mail boxes etc.
8. Pets owned by workers are not permitted to be loose or allowed to run free.
9. Workers will wear appropriate clothing including shoes and shirts at all times.
10. Normal radio volume is acceptable. Loud music is prohibited. No external speakers are allowed on vehicles, trailers or inside the construction site.
11. No vehicles (cars, trucks, vans, trailers etc.) may be left overnight in the development. Construction equipment may remain if parked directly on the site proper.
12. The contractor will protect all trees and vegetation from damage.
13. Tracked vehicles/equipment are not allowed on paved areas unless surface is protected from scarring. All costs related to repairing any and all damage to streets will be paid for by the contractor/lot owner.
14. The only onsite construction sign permitted is illustrated on Appendix #2 of the Architectural Controls. Signs involving custom building will be erected on the building site at construction start and

remain in place until completion. A speculative residence may maintain and display the approved sign for a period of twenty-four (24) months from the start of construction.

15. 48 hours prior to any excavation the contractor will call 811 or 800-424-555. Montana 811 requires 2 business days in advance of digging.

III. DISAPPROVAL, FINES AND ASSESSMENTS

Upon recommendation by the Committee to the Board, the Board may disapprove or suspend any construction in progress or work proposed on any property if the Owner is in violation of any provision of the Eagle Bend North Declaration of Covenants, Conditions and Restrictions, these Architectural and Landscape Controls or any Flathead County Ordinances.

The Board is granted authority to impose a fine or assessment on an EBN lot owner for failure to comply with Committee rulings or provisions of the EBN Covenants, Conditions and Restrictions and/or the Architectural Landscape Controls. Prior to the sanctions, the Board will give the owner sufficient notice which complies with all city/county/state requirements of the violation(s). At the discretion of the Board and based on the severity of the violations(s), the fine may be a maximum of \$100 per day until the violation(s) is/are corrected. Such fine will accrue interest until paid at the highest interest rate permitted in the State of Montana. The amount of any and all fines levied will follow all city, county and state laws.

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

The Architectural Landscape Controls will be actively enforced by the Board or designee and any actual or perceived deviations from them are not to be constructed as precedent upon which any past, present or future inappropriate actions can be used. Simply stated, the above controls will be enforced.

If you have any questions please feel free to direct them to the Architectural & Landscape Committee.

Revised 6/9/25

IV. ADMINISTRATIVE FORM LISTING The following is a list of administrative forms relating to the approval process for new construction and exterior remodeling

including exterior repainting or roof replacement and landscape lighting in Eagle Bend North.

- a. **Form #1** (*Owner Authorization Form*) – Submitted if the owner is to be represented by a third party during the design and construction.
- b. **Form #2** (*Application for Preliminary Design Review*) Include two (2) sets of drawings and a deposit for Architectural Review of \$250.00 per lot made payable to “Eagle Bend North Architectural Fund”. The deposit is refunded if the committee is not required to defray out-of-pocket expense with regard to determining feasibility of the submitted design. Additional funds, over and above the initial deposit amount, will be required if out-of-pocket expenses exceeds \$250.

This review by the ALC will provide early project support in principle with necessary suggestions from the Architectural & Landscape Requirements Committee. ALC Form #2 will be completed when requesting the initial review. The preliminary submissions should contain a minimum of the following:

1. Site Analysis: With a minimum scale of 1” = 10’ to detail topography, existing tree locations, easements, lot lines, setbacks, driveways and other pertinent features.
2. Dimensional Site Plan: With a scale of 1” = 10’ to detail house roof plan, walks, driveways, setbacks, utility easements and access, AC units, trees to be removed, and any screening of roads or neighbors.
3. Floor Plan: With a scale of 1/8” or 1/4” depicting layout of spaces and walls for all levels.
4. Building Site Section: With a scale of 1/8” or 1.4” showing relationship of interior and exterior spaces with natural topography.

After review the committee will either grant preliminary approval signing ACL Form #2, or state reasons for rejection along with suggested recommendations. If the preliminary drawings are substantially changed for any reason, drawings must be re-submitted for approval before proceeding for Construction Approval.

- c. **Form #3** (*Application for Construction Approval*) will be prepared after changes are made, if any, from the preliminary review submission. At this time the following will be completed and/or furnished to the committee.
 1. Final Stake-out: Must be completed to reflect the location of the house, driveway, amenities and any trees to be removed. All

underground utilities will also be staked and adjusted to save tree roots.

Color Samples and Exterior Materials: Submit samples of ALL proposed colors on a sample board. Colors must include exterior walls, window trim, eaves, gutters, garage doors, exterior doors, roofing etc. All proposed materials for the exterior siding (stone, wood, stucco etc.) must also be provided on a sample board of sufficient size for the committee to review. Sample colors and materials are to be provided on a board of sufficient size to illustrate the true color and composition of the exterior materials. This is important to the committee in determining the final appearance of the completed project. In an effort to have homes blend with the surroundings, exterior colors are required to be in the color range commonly referred to as “neutral”. This is defined as hues that lack strong chromatic content and do not compete for attention in a color scheme. They are understated, balanced and versatile, serving as backgrounds or base tones in design. Common neutral colors that are acceptable include white, gray, beige, ivory, cream, and brown (light to dark variants).

2. The sample boards provided to the ALCC will be archived for a period of not less than two years.
3. Landscape Plan: With a scale of 1” = 10’ to detail the intended landscaping concept. The location of the house, driveway and walks will be shown.
4. Foundation and Framing Plan: A plan with 1/8” or ¼” scale detailing location and size of foundation and framing elements.
5. Floor Plans: a plan with a 1/8” or ¼” scale showing all floor construction parameters.
6. Elevations: a plan with 1/8” or ¼” scale depicting the view of all sides of the home and other structures with emphasis on floor elevations and proposed grade levels. All exterior materials must be labeled.
7. Details: Should illustrate a typical wall section, exterior trim, window and door detail, exterior walls, railings, screen porch areas and any other prominent construction feature.
8. Specifications: A FULL set of specifications MUST be submitted defining the quality of all work and materials.

If the Committee fails to grant final approval, it may suggest items to be corrected or ask for the plan to be re-submitted. If final approval is granted, the owner will then complete the Construction Application. In all cases the committee will meet as needed to

provide timely reviews and decisions, however, it is possible that additional time could be needed due to unusual circumstances. In that event, the owner will be notified.

Submission of this document must be accompanied by a \$5,000.00 check made payable to “Eagle Bend North Architectural Fund”. Upon approval of the plans by the Committee, construction can begin. The \$5,000.00 deposit, or portions of it, may be used by the Committee to repair damages to roads or shoulders, damage to trees caused by construction, site cleanup, adjacent property clean up, or removal of material from roadways or unauthorized storage areas and any other reason the Committee deems necessary to guarantee correcting damages caused by construction. Additional funds, over and above the initial deposit amount, will be required if out-of-pocket expense exceeds \$5,000.00. Any unused portion of the construction deposit shall be returned within 90 days of completion of the project.

Should the Committee determine that areas in, on or around the subject lot (roads, neighboring lots etc.) have been damaged or require cleanup, the owner will be given notice of corrective action needed. Corrective action must be completed within 6 months of being notified. If the corrective actions have not been completed after 6 months, EBN Homeowners Association will complete the required repairs/cleanup using the owners funds.

In the event the repairs/cleanup exceeds the initial deposit of \$5,000, the owner will, within 2 weeks of notification, reimburse the Committee for the funds used. Any unused portion of the shall be returned upon the completion of the project.

d. **Form #4** (*Application for Design Change, Addition and Exterior Painting*)

Changes including additions, landscaping, painting or other alterations to the original approved exterior design requires review and approval by the Committee. Removal and replacement of diseased, dead or damaged trees, shrubbery, annuals or perennials will not require approval by the ALC.

Two (2) sets of plans/specs and a check in the amount of \$250.00 to \$2,500 (to be determined by the Committee dependent upon specific project) made payable to “Eagle Bend North Architectural Fund” will be required at the time application is made.

The funds may be used to repair or replace damage to roads, trees, adjacent property, site cleanup removal of material from roadways or unauthorized storage areas or for any other reason the Committee deems necessary to maintain the area.

Should corrective action be deemed necessary, the owner will be notified and given 6 months to correct the deficiencies. If the corrective actions have not been completed within 6 months, EBN Homeowners Association will complete the required repairs/cleanup using the owners funds.

In the event the repairs/cleanup exceeds the initial deposit, the owner will, within 2 weeks of notification, reimburse EBN Homeowners Association for the funds used. Any unused portion of the shall be returned upon the completion of the project.

- e. **Form #5** (*Application for Final Inspection*) – Upon completion of construction and landscape or changes (item VII above), the owner MUST submit the Application for Final Inspection. Upon receipt of ALC Form #5, the Committee will grant approval or note discrepancies to be rectified. After final approval, the Committee will refund any remaining construction deposit.
- f. **Form #6** (*Discrepancy Actions*) – *in the event there are items not completed that are noted during the final inspection, this form will delineate what needs to be completed.*
- g. **Landscape Plan Example (Appendix #1)** – an example preferred by the committee (Revised)
- h. ~~Contractor Sign (Appendix #1) – to be used by the contractor.~~
- i. ~~Construction Sign – For Sale (Appendix #2b) – to be used when home is being built as a speculative residence.~~



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Form #1 OWNERS AUTHORIZATION FORM

The Authorization Form dated this _____ day of _____, 20__, shall authorize the Architectural and Landscape Control Committee of Eagle Bend North to recognize my/our “Designated Agent” to represent me/us on all matters relating to the construction of my/our residence on Lot #_____ located at the street address of _____, Bigfork, Montana 59911.

“Designated Agent”

Name: _____

Address: _____

Phone: _____

I/We acknowledge receipt of the Architectural and Landscape Controls document for the property, understand the covenants and shall abide by those covenants. It is understood that the Architectural and Landscape Controls Committee and the EBN Board of Directors have absolute discretion over the approval or denial of the plans submitted. The Board of Directors shall enforce said covenants in accordance with the authority vested in them.

I understand and agree that I am responsible for the actions of my Agent and that this authorization shall continue until the final approval at completion of construction by the Architectural and Landscape Control Committee or my written notice to the Committee to terminate this Authorization.

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

BY: _____ (Owner of Lot# _____)

BY: _____ (Designated Agent)

Date Received by Committee: _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Form #2 APPLICATION FOR PRELIMINARY DESIGN REVIEW

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

Lot # _____ Street Address _____

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

Lot Owner: _____

Contractor: _____

Architect: _____

Landscape Architect: _____

Signed: _____ Date: _____
Owner or Authorized Agent

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

PRELIMINARY DESIGN:

Approved: _____ Rejected: _____

Comments:

Signed: _____ Date: _____
Architectural and Landscape Committee

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

Date Received by Committee _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Form #3 CONSTRUCTION APPLICATION
(Provide three (3) sets of Plan & Specs if revised)

Lot _____ Street Address: _____

Owner: _____ Phone: _____

Contractor: _____ License # _____

Contractor's Address: _____ Phone _____

Attach a check in the amount of \$5,000 made payable to "Eagle Bend North Architectural Fund".

I/We hereby acknowledge that I/We have read and understand the Eagle Bend North Architectural & Landscape Requirements and will abide by said requirements and shall perform the construction approved herein in accordance with the final Construction Application approval. I will not make any changes without prior written approval by the Architectural & Landscape Requirements Committee. I understand that my deposit may be used to make corrections for unauthorized work, site cleanup, street or road damage, and perform any other actions or repairs required to remedy infractions or violations to the Architectural & Landscape Requirements.

It is agreed that a conference shall be held between the Owners, Contractor, Architect and a member of the Architectural & Landscape Requirements committee prior to construction to review all documents and assure the parties adherence to the Architectural & Landscape Requirements.

I/We shall promptly pay any additional fees, fines or assessments for the state purpose should I be so required by the Architectural & Landscape Requirements Committee.

I/We further agree to submit within fifteen (15) days prior to commencement of construction a Course of Construction insurance certificate naming Eagle Bend North Homeowners Association as an Additional Insured on the Owners and Contractors policies.

Owner: _____ / _____ Date: _____

Owner: _____ Date: _____

A&L Committee _____ Date: _____

Date Received by Committee _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

FORM #4 APPLICATION FOR DESIGN CHANGE, ADDTION & EXTERIOR PAINTING
Please include two sets of drawings and a check for the Construction Change Application fee. The amount may vary between \$250.00 and \$500.00, which will be determined by the committee based on the complexity and extent of change requested. Make check payable to Eagle Bend North Architectural Fund.

Lot: _____ Street Address: _____

Owner: _____ Phone # _____

Architect: _____

Proposed Changes (attach drawings if construction is involved): _____

(if this request is to repaint, a sample board at least 12”X12” is required with all paint color samples for walls, trim, garage doors, gutters etc. If requested design change includes a change in exterior wall materials, a sample board including the materials is required).

Owner(s) _____ / _____ Date _____

Contractor _____ Date _____

Requested Change: Approved _____ Rejected: _____ Date: _____

Comments: _____

It is understood and agreed that this Design Change, Addition & Exterior Painting approval is granted for a period of six (6) months from the date of approval. If construction has not commenced within said six (6) months, this approval shall be forfeited.

_____ Date _____

Architectural & Landscape Committee

Date Received: _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Form #5 APPLICATION FOR FINAL INSPECTION

Lot#: _____ Street Address: _____

Owner(s): _____ Phone: _____

Requested Date for Final Inspection: _____

I certify that construction has been completed and that all work done conforms to local, county and state building codes and is in accordance with the Approved Plans provided to the Committee and meets Eagle Bend North Homeowners Association requirements as approved.

Owner(s) _____ / _____ Date: _____

Amount of Deposit Returned: _____

Amount of Deposit Withheld: _____

Stated Reasons for with holding funds: _____

Actions required to return funds: _____

Signed: _____ Date: _____

Architectural & Landscape Committee

Date Received by Committee: _____



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Form 6 DISCREPANCY ACTIONS

Lot#: _____ Street Address: _____

Owner(s): _____ Phone: _____

Upon completion of the final inspection, the Committee determined the following items need to be finished/completed before Form 5 (Final Inspection) can be approved.

1. _____

2. _____

3. _____

Please complete and submit a new Form 5 once these items are completed.

_____ Date Sent: _____

Architectural & Landscape Committee



EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

Appendix #1 LANDSCAPE PLAN EXAMPLE