

# **DESIGN GUIDELINES for EAGLE'S VISTA SUBDIVISION**

No Improvement shall be erected, constructed, placed, expanded, or maintained upon any Lot unless the plans and specifications for such Improvement, including landscaping and the proposed location of such Improvement, and any changes after approval thereof, and any remodeling, reconstruction, alteration, or addition to the exterior of any Improvement, is approved in advance by the Design Review Committee ("Committee") in writing. Lot Owners are encouraged to submit general structural design and site plans for the Dwelling and Outbuildings, rather than completed architectural building plans, so that the Owners will not have unduly borne architectural expenses prior to a determination of the approval or disapproval of the anticipated Improvements. IT IS RECOMMENDED THAT A LOT OWNER AND SUCH OWNER'S ARCHITECT MEET AT LEAST A MAJORITY OF MEMBERS OF THE COMMITTEE PRIOR TO COMMENCEMENT OF WORK ON THE PLANS AND SPECIFICATIONS.

No Lot may be graded, cleared, marred, changed, or altered in any way unless in strict compliance with plans for the development of the Lot that have been approved by the Committee as set forth above. No Improvement of any kind shall be erected, constructed, placed, or maintained upon any Lot unless the plans, elevations, and specifications for such Improvement have been prepared in compliance with the foregoing requirements and have been approved in writing by the Committee, and such Improvement shall then be erected, constructed, or placed only in full compliance with such approved plans and specifications. Approval of such plans and specifications shall be evidenced by the written endorsement by the Committee on such plans or by notice in writing to the Owner or Owners of the Lot upon which the Improvement is to be located, prior to the beginning of such construction. No material changes in or deviations from such plans and specifications as approved shall be made without the prior written consent of the Committee.

In passing upon any plans and specifications submitted to it, the Committee may consider any factors it deems relevant, in its sole discretion, including the following (the inclusion of this listing does not preclude the Committee from considering other factors it deems relevant, though not in this listing):

- a. The limitations and provisions of the Declaration, these Design Review Guidelines, and applicable law;
- b. Suitability of the Improvement and the materials of which it is to be constructed to the site upon which it is to be located;
- c. The nature of neighboring improvements and Improvements as compared to the nature and design and materials of the proposed Improvement;

- d. The quality and safety of the materials to be used in any proposed Improvement; the quality of materials and design must be premier and first-class, with discriminating taste, complimenting the natural setting in which the materials are to be used;
- e. The effect of any proposed Improvement on the outlook and views from neighboring property; if practically feasible, each Improvement on a Lot shall be more than 150 feet distance from any Residence on an adjacent Lot;
- f. The health, welfare, and protection of the Owners of Lots;
- g. Whether the Improvement will be so similar or so dissimilar to others in the vicinity that monetary or aesthetic values of an Owner may be impaired; and
- h. Whether the proposed Improvement will maintain, insofar as feasible, the natural character of the land and whether the Improvement will blend into the natural background rather than stand out against it.

The Committee may charge a reasonable uniform fee, to be determined by the Board for the review of plans and specifications, which fee shall be paid in advance.

APPROVAL OR DISAPPROVAL, OR APPROVAL WITH CONDITIONS, OF PLANS AND SPECIFICATIONS BY THE COMMITTEE SHALL BE IN WRITING AND SIGNED OR INITIALED BY A MAJORITY OF THE COMMITTEE. No plans or specifications shall be deemed approved unless such approval has been so made in writing. Any changes or modifications requested by the Committee shall be performed and revised plans and specifications submitted and approved by the Committee in accordance with the Declaration and these Guidelines before commencement of construction. Each set of plans and specifications is deemed unique, and the decisions of the Committee on any such plans and specifications shall not bind the Committee to any course of conduct in the future which is not a part of the plans and specifications and Lot to which the prior decision related.

The Association may from time to time, by the affirmative vote of a majority of the Board, adopt and from time to time amend these Design Guidelines consistent with and supplementing the provisions of the Declaration, and shall deliver a copy of such guidelines or amendments thereto to the Lot Owners at the time of such adoption. Thereafter, the Association and the Committee and all Lot Owners shall comply with such guidelines until and unless they are revoked or amended.

No review or approval by the Committee of plans, specifications or other matters shall constitute an express or implied warranty of any nature as to the plans, specifications or other matter in question, including whether such plans and specifications are complete or correct or whether any Improvement to be built pursuant thereto is properly designed or engineered or satisfies the requirements of applicable law.