

Phase 1E

Hidden Lake Neighbourhood

June 8, 2006

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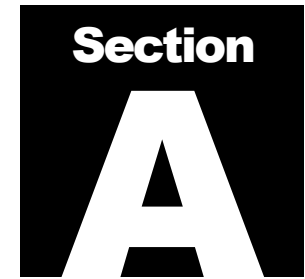
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Design Guidelines

A.1 Introduction

Wilden is the culmination of years of careful thought and planning. Just as you strive to incorporate your dreams into the creation of your new home, the Wilden project was created to be a high quality family community. It is with this goal of quality that these guidelines were developed to establish a controlled neighbourhood character and to protect and enhance every Owner's property values.

The following design guidelines describe the considerations the approving authority, as designated from time to time by Blenk Development Corp. (herein called the Design Review Consultant"), will apply in reviewing your new home plans.

There are a few general points to keep in mind when reading these guidelines. First, it is the responsibility of the Design Review Consultant to accommodate creativity and individuality of home design while maintaining standards of quality and neighbourhood compatibility. The Design Review Consultant shall have final say on what he deems to be compatible with the intent of this document. As such these guidelines are generally goals and objectives combined with some minor prohibitions and requirements.

Secondly, these guidelines are not intended to take the place of any Provincial or Municipal laws or regulations. In addition, there is a Building Scheme registered against the title to each of the lots, which Building Scheme incorporates these initial guidelines. If there is an inconsistency or contradiction between the guidelines as set out in this booklet and the Building Scheme, then the Building Scheme shall govern and take precedence. This booklet of the guidelines is for information purposes only. Finally, these guidelines are subject to change from time to time as determined by Blenk Development Corp.

A.1.1 Individual Home Design

No specific architectural style is required or desired at Wilden. Rather, the goal of architectural compatibility within the natural setting is to be achieved through the use of a controlled range of complimentary forms, materials, and colours.

While the intention is to maintain flexibility in design, several key architectural elements have been identified as desirable and therefore encouraged as part of any home design. These elements include prominent front entries, pitched roofs, non-dominant garages, and selected finish materials.

It is not the intent of these guidelines to limit individual creativity and, recognizing the diversity of lots available, certain aspects of these architectural elements may not be appropriate. Owners are encouraged to clarify any specific guideline concerns as early as possible in the review process. Several meeting opportunities have been incorporated into the design review process to allow Owners the opportunity to review various aspects of these guidelines in specific context to individual lot and home designs.

A.1.2 Select Builder Program

To ensure a consistently high standard of home construction at Wilden, Blenk Development Corp. has instituted a Select Builder Program. This program requires that all homes at Wilden be constructed by a select group of builders designated from time to time by Blenk Development Corp. Accordingly, all lot Owners are required to enter into a contract with one of the Select Builders for the complete construction of their homes. Blenk Development Corp. reserves the right to alter or discontinue the Select Builder Program at any time including changes to the builders designated under the program. A current list of the designated Select Builders is available from Blenk Development Corp. during normal business hours.

A.1.3 Geothermal

Owners are encouraged to consider the economic and environmental benefits of utilizing a geothermal system as the primary source for heating and cooling the home.

A.2 Home Siting Considerations

Blenk Development Corp. has taken care to retain the essence of the property's natural setting by planning each individual lot in a way that retains, where possible, the lot's natural characteristics. The guidelines are focused on retaining the site's natural character, while providing neighbour and neighbourhood specific objectives.

A.2.1 Zoning

Zoning classification has been applied to best meet specific site opportunities and therefore varies from neighbourhood to neighbourhood. All residential areas within Wilden are designated a "hillside" and therefore hillside zoning criteria apply. Lot Owners and their builders are solely responsible for ensuring conformity with the applicable zone, City of Kelowna Zoning Bylaw 8000, and any other relevant municipal requirements

A.2.2 Home Location

To minimize the impact of home construction on the natural characteristics of the lot, homes are to be located as close to the front of the lot as possible while still conforming to the Zoning Bylaw regulations. The Design Review Consultant may give special consideration to this requirement for irregular shaped lots.

A.2.3 Driveway Location

Driveway locations must be approved by the Design Review Consultant taking into consideration the cut and fill situations, retaining walls, service locations, aesthetics and the impact on adjacent lots. In particular, driveway locations have been pre-established for some lots and deviations from the prescribed locations will be at the sole discretion of the Design Review Consultant.

A.2.4 Lot Grading

Lot grading must conform to the approved site grading plan and where possible follow the natural slope of the landform.

Subject to the approved site grading plan, lot recontouring will be permitted to control site-specific drainage problems and will be restricted to within the defined construction envelope. This includes but does not encourage the use of drainage swales or retaining walls.

Drainage flow patterns should be identified on the proposed site plan to show positive drainage patterns away from structures and adjoining lots.

Lot slopes should be integrated within the building massing as much as possible (i.e. stepped foundations and multiple floor levels) to minimize the need for grades steeper than 3:1.

Significantly visible rock outcroppings shall be preserved and incorporated into the site plan to the greatest extent possible.

The proposed grading shall create a naturally sloped or terraced effect resulting in varied footprints that conform to the topography and reduce the need for large visible retaining or skirt walls.

All grading shall present a finished appearance with rounded slope transitions.

A.2.5 Retaining Walls

Where retaining walls are needed every effort is to minimize visual impact of the wall through limiting heights and creating opportunities for “softening” through landscape treatments.

Retaining walls, in general, should not exceed an exposed height of four feet. Higher walls of up to six feet will be allowed in areas not visible from any street. If a higher grade is required to be retained, a stepped form is encouraged to reduce the visual mass of the wall. When walls are stepped, the space between wall faces should be at least four feet wide to provide for a functional planter.

Wall materials should complement the character of the house. Natural dry stacked stone placed walls are desirable. Irregular dumped rock walls, flat, non-articulated cast in place walls, and stucco facing will not be permitted. All retaining wall locations, height and materials selection will be reviewed and approved by the Design Review Consultant.

Any lot Owner wanting to alter the existing grade is solely responsible for any and all retaining walls required. All retaining wall construction must be contained within the lot lines.

A.2.6 Tree Preservation

The existing trees and native growth on the lot should be preserved whenever possible.

Best efforts shall be made to preserve existing trees, which do not interfere with the building envelope and enhance the overall individual site and neighbourhood characteristics.

A.2.7 Drainage Protection

Drainage Protection is the responsibility of the Owner. The design of the drainage system must retain natural drainage patterns and minimize impact on natural forest cover. Drainage must conform to the approved site grading plan.

A.3 Architectural Design

The following architectural standards have been developed in response to the development’s aesthetic goals and neighbourhood character. The purpose of these standards is not to create look-a-like residences, or to suggest that they should all use identical finishes, but rather to create a harmonious architectural approach compatible

with the planned neighbourhood. No one residence or structure should stand apart in its design or construction from its neighbours within Wilden.

A.3.1 Architectural Style

No specific architectural style is required or desired at Wilden. Rather, the goal of architectural harmony is to be achieved through the use of a controlled range of complimentary forms, materials, and colours. Using these materials, a very wide range of architectural designs can be a comfortable part of and enhance the neighbourhood. However, certain architectural styles, while having a beauty of their own, are so closely associated with other times and other places that their use would distract from the harmony of the neighbourhood. Examples of such inappropriate styles are log, and Santa Fe adobe styles. Similarly, experimental or radical building designs, although they may have many merits, are not in keeping with the quiet, more timeless than trendy character upon which the Neighbourhood of Wilden community was conceived, and will not be approved.

A.3.2 Streetscape Compatibility

The height, style, and siting of a proposed house will be compatible with the homes on adjacent lots to ensure a gradual transition from one type of house to another. Coordination of architectural detail may be required to achieve this, particularly where a bungalow may be requested between adjacent two-storey homes. Abrupt changes in heights of eaves and fascias should be avoided from house to house.

A.3.3 Home Design Repetition

Exact replication of the exterior elevation of any approved house within the neighbourhood will not be permitted. The same house plan with “approximately” the same front elevation shall not be repeated within a 4-lot radius on either side of the street. While similar house plans and forms may occur along a section of the street in response to similar site conditions, modifications such as changing the direction of roof slopes, size, and location of windows/doors and colour selection will be required.

A.3.4 Uphill Lot Architecture

Special attention must be given to the architecture of homes on uphill lots, in particular the location and design of the front entry and landing. The “basement entry” style of homes will be discouraged in favour of mid floor or main floor entry style homes. Owners are encouraged to discuss the various design options for homes on uphill lots with the Design Review Consultant as early as possible in the review process.

A.3.5 Rear Yard Architecture

Special attention to the architectural treatment of the side and rear elevations is to be given where the dwellings back on to another lot or public spaces such as roads, lanes, open spaces, walkways, and parks. Continuation of the architectural style around to and including the rear elevation is essential, especially on homes with walkouts visible from below. This includes the treatment of rooflines, walls, and projections, window placement, and a varied use of materials. Additionally, the following clauses from Bylaw No. 8000 are specific to hillside zones, rear yard building conditions.

- a) “the maximum height of any vertical wall element facing a front, flanking or rear yard (including walkout basements) is the lesser of 6.5m or 2 storeys, above which the building must be stepped back at least 1.2m.”
- b) “all decks, supporting posts or columns shall not exceed the lesser of 4.5m or 1 storey in height, such measurements to include the height of any support structure or retaining wall.”

A.3.6 Size

There is no predetermined appropriate size of home in relation to the lot size in the development. However, homes that are excessively large or small for their sites and the overall context can distract from the setting and will be discouraged. The minimum home size will be 1,400 square feet for one storey homes and 1,700 square feet for two storey homes. This minimum size is to be based on habitable areas not including basements. Homes that are less than the minimum size may be allowed at the sole discretion of the Design Review Consultant.

A.3.7 Corner Lot Sites

Homes on corner lot sites are priority lots and have two distinguishing characteristics.

- 1) They are highly visible with two fully exposed elevations and a rear elevation that is also easily observed from the street or lane.
- 2) Two alternatives exist for front door locations.

Because of the exposure of the elevations and the two-sided locations, the following principles will be considered in siting corner lot homes:

- As priority lots, special attention must be given to the quality of architectural design, visual variety, and consistent material finish on all exposed elevations.

- The front door of the house must be located on the fronting street. Use of porches will be considered to create attractive and interesting elevations appropriate to the exposure and high profile of corner lots.

A.3.8 Height of Structures

The height of any structure is to conform to the height limits allowed under the City of Kelowna bylaws. Basement levels will be allowed to be a maximum of 1.0m exposed between adjacent grade and top of foundation, on the street front home elevation. However, the Design Review Consultant will consider suitability of building height to the site and its surroundings in order to minimize the impact of structures on neighbouring lots.

A.3.9 Roof Slopes

Visually, the roof is fundamental to the overall image of the individual home and neighbourhood. The roof form, height, and material will have the following characteristics.

- a) All roofs must be predominately sloped utilizing forms that contribute to reducing apparent building bulk. Simple forms are favoured over the complex with dormers/windows encouraged in gable ends.
- b) All homes must have pitched roofs with a minimum pitch of 8/12 and the maximum allowed pitch will be 12/12.
- c) Roof overhangs shall generally be a minimum of 24 inches for the main roof structure. Substantial fascia treatments are encouraged and will be a minimum dimension of 9 ½ inch height, 1 ½ inch thickness. Roof overhangs of 18 inches will be considered for roof pitches 9/12 and steeper.

A.3.10 Garages and Driveways

Garages, where possible, should not be the prominent element of the building and should be oriented such that the garage door is not the dominant element of the building facade. Garages are encouraged to be set back from the principal front facade of the home however garages will be allowed to extend to a maximum of 6 feet in front of the plane of the principal front facade of the home (not including porch). This applies regardless of the direction the garage door faces

Consideration should be given to side entry garages such that the doors do not directly face the front street, especially in the case of corner, irregular and wide lots. Detached garages that complement the house will be considered.

All garage doors must be paneled and carriage style doors will be encouraged. The colour of the garage door should be subtle and complimentary to the colour of the home. High contrast colours for garage doors should be avoided.

All houses are to have at least a 2-bay garage. A maximum 3-bay garage shall be permitted on any façade facing a front street. Single width garage doors and staggered setbacks add extra dimension to the street elevations and are preferred. Garage door height should not exceed 8 feet.

Provision is to be made for a minimum of two additional cars to be parked on the lot. Driveway width should not exceed the width of the garage structure at any point.

Driveways are to be constructed using exposed aggregate, stamped concrete and/or brick pavers. Smooth or broom finish concrete will only be considered when used in combination with any of the approved finishes. Asphalt, or gravel is not acceptable. Colour should be compatible with the home's colour scheme or to match any dominant stone/brick elements on the home. Driveway banding should be a minimum 12 inches wide.

A.3.11 Front Entries, Porches and Decks

The front entry is a vital component in establishing a solid first impression of the home. As such, all homes are required to incorporate a front entry landing or porch to provide a transition from yard to house. Front entry landings or porches are to be a minimum of 6 feet by 10 feet. Finishing shall be complimentary with the overall home design.

Front entries will not be allowed to be “flush” with adjacent grade. A minimum elevation change of 12 inches is recommended (exceptions will be considered for “downhill” lots).

Front entry protective barriers and railings will utilize spindles (square or turned according to house style), or pony-walls finished with the same exterior finish material that adorns the majority of the house. No glass panels will be allowed in any railings visible from the front façade of the home.

Front entry surface finishing shall be wood, exposed aggregate, stamped concrete, brick, tile or composite decking. Vinyl deck surfacing will not be allowed on front entries.

Rear decks should be designed to be an integral part of the home. All rear deck and railing materials and colour should be complimentary with the house design finish.

A.3.12 Exterior Stairs

Exterior stairs, when required, shall incorporate a 90° turn to minimize long uninterrupted runs.

A.3.13 Exterior Home Lighting

To ensure a well-lit front yard/street environment, each home shall have a minimum of two exterior mounted lights (mounted on front façade or within soffit). The light fixtures are to be a minimum 60-watt incandescent (or equivalent) light source hardwired to a photocell and without manual switching capability.

A.3.14 Exterior Materials and Finishes

A minimum of three wall treatments are to be used on each home. The use of natural materials and warm colours are encouraged. Exterior building surface materials are to compliment the natural character of the site and as such the following materials will be allowed:

Walls: Cement fiber board (hardiplank or approved equal), cedar, shingles, board and batton, slopdash stucco, stone, brick. Acrylic stucco will be considered but only where it is not the dominant surface material on any wall (front, side or back).

Colour: Predominant exterior colours will be rich tones that compliment the natural setting. Neutral tones including white are to be avoided as the primary exterior colour. Exterior colours must be approved by the Design Review Consultant.

Windows: All windows will be considered except aluminum.

Doors: Special attention should be given to front doors and they should be considered a feature. Transoms and sidelights are encouraged.

Roofs: Concrete tile with butt and flashed fascia. Charcoal colour and profile, consistent throughout entire neighbourhood, as determined by the Design Review Consultant.

or

40 year fiberglass shingles with raised ridges, cut and flashed valleys. Charcoal colour and profile, consistent throughout entire neighbourhood, as determined by the Design Review Consultant.

Trim: The use of heavy trim elements is strongly encouraged. Trim should visually read as a strong element on wall surfaces to provide interest and “layering” of the façade materials. Trim should utilize a combination of different materials, colours, and textures.

Chimneys/vents: Painted to match roof colour.

A.3.15 Accessory Buildings

There shall not be erected, placed or maintained, on any of the lots, any building or structure other than one (1) detached, single-family dwelling house and one (1) approved accessory building of materials consistent with the principal dwelling and suitable for residential purposes only (i.e. garden storage, pool equipment, etc.). No metal storage sheds will be allowed.

A.3.16 Antennas

No exterior radio antenna, C.B. antenna, television antenna or other antenna of any type shall be permitted on any buildings or on any of the lots. No satellite dish above 0.76 metres (2.5 feet) in diameter shall be allowed. Satellite dishes should not be visible from the fronting street.

A.3.17 Kennels

Dog kennels, when authorized and approved in writing by the Design Review Consultant, must be screened and constructed with the long dimension contiguous to the adjacent dwelling and not visible from the street.

A.3.18 Recreation Equipment and Commercial Vehicles

No recreation vehicles (i.e. boats, motor homes, trailers), or commercial vehicles greater than 1 ton or any recreational equipment (including pool equipment) may be stored in the front yard or be visible from the front street (including the flanking street for corner lots).

A.3.19 Screening

Screening by means of appropriate landscape elements is desirable. If built screens are permitted and approved by the Design Review Consultant the design of such screens shall be consistent with the design of the house.

A.3.20 Fencing

All fencing shall be of standard design and shall be nine (9) gauge black vinyl chain link unless otherwise approved. Alternate fencing types may be considered on an individual and site-specific basis with approval at the sole discretion of the Design Review Consultant. In no case will fencing of a solid panel nature be approved.

- a) no fencing of any type is permitted within areas specifically protected by easement or covenant. For greater certainty, this includes but is not necessarily limited to No-Disturbance and Slope Protection covenant areas.
- b) all fencing must be set back a minimum of 6 feet from the front corner(s) of the home;
- c) all fences and gates will be consistent with the standard design to ensure neighbourhood continuity; and
- d) privacy between yards is to be achieved through the use of plant material and landscaping.

A.4 Landscaping Guidelines

To enhance a settled appearance in the neighbourhood, Wilden requires the Owner/builder to complete front yard landscaping within 6 months of completion of house construction unless weather conditions make it impossible to do so.

A.4.1

Lot Owners will be required to submit a landscape plan for approval by the Design Review Consultant. Planting design should consider the following:

Hierarchy: Planting should include a variety of heights; low ground cover, low and medium height shrubs and trees.

Variety: Utilize coniferous, broadleaf and deciduous plants. Consider form, size, flower, fruit and foliage for achieving variety.

Theme: Although variety is desirable, repetitions of elements will set a theme and help to unify the design. Repeat common plants or forms in different locations.

Massing: Groupings of plants are preferable to scattered specimens. The best impact is achieved where masses of the same species are used. As an alternative to typical planting at the building foundation, a planting bed may be introduced away from the house in view of windows.

Ornaments: Prefabricated garden ornaments such as wishing wells, animals, gnomes, etc., are undesirable. Rock or stone is a desirable embellishment when used in masses.

Local Suitability: Plants chosen should reflect specific conditions of topography, soils, light and moisture particular to Wilden. Plant selections should consider local native plant material and drought tolerant plant material.

Mulch: Utilize good quality landscape fabric combined with fine grade shredded bark mulch. White landscape rock and lava stone are not appropriate mulch treatments.

A.4.2

Front yards are to have a minimum of 2 yard trees and 1 street tree. Yard trees are to be either healthy existing trees that have been retained or new trees supplied and planted by the Owner. Planted yard trees are to be a combination of a minimum 2 inch caliper deciduous material and a minimum 7 foot high coniferous material. Street tree(s) are to be supplied and planted by the Owner within the lot and as close to the front lot line as possible. Corner lots are deemed to have two fronting streets and as such are required to supply and plant 2 street trees. The street tree species shall be a Chanticleer Callery Pear (*Pyrus Calleryana Chanticleer*) of a minimum 2 inch caliper.

A.4.3

All yard areas are to be irrigated by a timed underground irrigation system.

A.4.4

All disturbed areas are to be landscaped, with emphasis on the front and visible portions of the side yards. Rear yards are to be landscaped where they are visible from adjacent existing or future roads.

A.4.5

All street fronting yard areas shall be landscaped with trees, lawns, shrubs and flowerbeds.

A.4.6

Lots shall be sodded, not seeded.

A.4.7

The entire front elevation of the home must incorporate dense shrub planting, this planting must also include the front 6 feet of each side elevation. Lawn only is not adequate.

A.4.8

No hedge will be permitted ahead of the front plane of the home.

A.4.9

Landscaping will incorporate, where possible, existing trees and should be considered in conjunction with the design of the site plan and house.

A.4.10

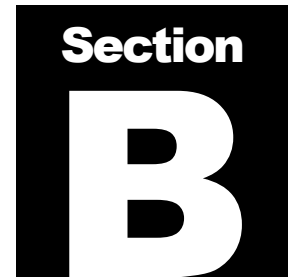
If fencing is installed, all side yard sections will have continuous shrub planting for privacy. Shrubs selected will be suitable to achieve a minimum height of 5 feet at maturity and spaced to provide continuous coverage.

A.4.11

Street boulevards shall also be incorporated as an integral component of the overall landscape plan and irrigated (with a timed underground sprinkler system) by the Owner at the same time as front yard landscaping is carried out.

A.4.12

Integrate hard landscape components like decks, courtyards, patios, storage sheds and privacy fencing with the overall building design. Maintain a low profile for decks, close to the ground to minimize hand or guard railings.



Design Review Process

The design review process has been structured to assist home Owners and their builders with successfully interpreting the requirements of the guidelines and forwarding approval of plans as quickly as possible. All home plans for this subdivision must be submitted to the Design Review Consultant for review and approval.

B.1 Review Fee and Compliance Deposit

A refundable compliance deposit and a non-refundable review fee are due prior to the commencement of the review process. The review fee and compliance deposit will be established from time to time by Blenk Development Corp. Owners or their agents are required to notify Blenk Development Corp. in writing, of any existing damage to surface improvements and utilities immediately upon execution of the Offer to Purchase and Agreement for Sale. Blenk Development Corp. will retain the compliance deposit, or portion of it, for any of the following infractions:

- a) Violation of design guidelines and approvals;
- b) Changes to the approved design plans made without approval of the Design Review Consultant
- c) Damages to surface improvements and utilities;
- d) Failure to clean up site;
- e) Unauthorized dumping; and
- f) Failure to remove excavation material spilled on roads, sidewalks, or neighbouring lots.

Application in writing to Wilden for return of the compliance deposit may only be requested upon completion of all home construction as approved through this Design Review Process. A completed home will include:

- a) Exterior elevations, driveways, final exterior paint and walks;
- b) Site cleanup; and

- c) Approved final inspection as described in these guidelines.

There will be no interest paid on this compliance deposit.

B.2 Pre-Design Meeting

A pre-design meeting between the Design Review Consultant and the Owner or his agent is strongly recommended and should precede the commencement and submission of design plans. This requirement may be waived at the discretion of the Design Review Consultant. The pre-design meeting is intended to cover the scope of the guidelines as applicable to the lot in question. Additionally, relevant architectural character and general development opportunities and constraints will be discussed.

B.3 Preliminary Review Submission

Upon the completion of the pre-design meeting the Owner or his agent shall submit the following plans, drawings, and other information as required to the Design Review Consultant for approval:

- 1) One copy of a site plan (at 1/16" = 1'-0") with the following information indicated:
 - a) Existing topography and the location of the exterior wall at each floor;
 - b) Proposed floor levels;
 - c) The driveway location with slope calculations; and
 - d) A typical cross-section indicating the setting of the house on the lot and its relation to the facing street.
- 2) A front elevation or perspective sketch(es) indicating the architectural character of the house.
- 3) Such other information and material as the Design Review Consultant may deem required to address the specific conditions of the lot in question.

Upon receipt of a preliminary approval application, a meeting with the Design Review Consultant will be arranged to review the proposal and identify deficiencies to be addressed at formal submission.

B.4 Formal Submission

Once the Design Review Consultant has granted preliminary approval, the Owner or his agent shall prepare a full design submission for the Design Review Consultant's

review and approval prior to making an application for a building permit. The submission will include the following:

- 1) Two sets of 11 x 17 drawings containing the following:
 - a) position of the house on the lot;
 - b) a typical cross section indicating the final setting of the house on the lot and its relationship to the facing street;
 - c) position of statutory rights of way, easements and covenants (such as no disturb areas), etc;
 - d) position of accessory buildings, fences, pools, retaining walls, etc.;
 - e) driveways and walkways;
 - f) grades and slopes;
 - g) floor plans showing all levels;
 - h) elevations illustrating all sides of the house;
 - i) garage floor and first floor finished elevation to the site datum;
 - j) elevations of roof peaks;
 - k) exterior materials; and
 - l) confirmation of guideline specified roof material.
- 2) Building heat loss and gain calculations as per “Quality First Standards”.
- 3) A set of photos of the site and adjacent lots/homes may be requested at the discretion of the Design Review Consultant.

B.5 Colour Samples

A colour sample sheet of all exterior wall materials, trim and roof material must be submitted for approval to the Design Review Consultant. The colour sample panel may be submitted at time of full design submission or up to 30 days after receiving approval. Approvals granted without the colour sample panel will be contingent on the subsequent approval of the colour panel.

B.6 Landscape Plan

A detailed landscape plan (at 1/16” = 1’-0” scale) showing the position of all buildings on the lot and detailing the location and materials of all fences and retaining walls, a planting plan with a list showing quantities and sizes of proposed plant materials is

required. The plan must also show the location and materials of all landscape elements including driveway, patios, paths, swimming pools, accessory structures, etc. The landscape plan may be submitted at time of full design submission or prior to commencement of landscape construction. Approvals granted without the detailed landscape plan will be contingent on the subsequent approval of the detailed landscape plan.

B.7 Resubmitting Fees

The Design Review Consultant will charge a resubmission fee to the Owner if they are required to resubmit their application due to significant changes in the design.

B.8 Approval

The Design Review Consultant shall, within fifteen (15) working days of receipt of the full design submission, make a decision at its absolute discretion to approve or disapprove the plans submitted.

The Design Review Consultant may before making a final decision, communicate any changes desired by the Design Review Consultant to the Owner or his agent, and if the Owner or his agent does not consent thereto and submit new plans within fifteen (15) working days there from, the Design Review Consultant shall make a decision on the basis of the plans and drawing submitted. The Design Review Consultant shall, within five (5) working days of making a decision, give notice in writing to the Owner or his agent of that decision. In the event the Owner or his agent does not receive notice within fifteen (15) working days of the receipt by the Design Review Consultant of the plans or drawings, the Design Review Consultant shall be deemed not to have approved of such plans and drawings.

And it is hereby expressly declared that:

- (i) the Design Review Consultant may arbitrarily withhold approval in the event that said plans and specifications are not drawn and stated in strict accordance with these mandatory Design Guidelines; and
- (ii) the Design Review Consultant, acting reasonably, may withhold approval in the event that said plans and specifications are not drawn and stated in accordance with such other controls as Blenk Development Corp. or the Design Review Consultant may, from time to time, impose.

And the refusal or failure of the Design Review Consultant acting in accordance with the terms of this declaration shall not be actionable by any person under any circumstances, it being the sole discretion of Blenk Development Corp. or the Design

Review Consultant to grant or withhold said approval subject only to the provisions herein stated.

**B.9 Construction
Completion
Requirements**

Owners will have two years from date of lot sale completion to begin house construction. The Owner or his agent will have a period of nine months (from start of home construction) to request final inspection of the completed home. The Owner or his agent will have a period of six months from date of approval of completed home construction to request inspection of the completed landscape works.

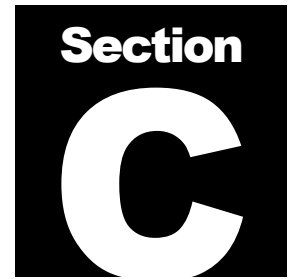
**B.10 Inspection and
Release of
Compliance
Deposit**

Requests for inspections are to be made, in writing to the Design Review Consultant immediately upon completion of home construction, and upon completion of landscaping. Failure to comply with the plans and other information as submitted and approved will result in the loss of the compliance deposit, without prejudice to any other remedies which may be available to Blenk Development Corp. Upon inspection and approval by the Design Review Consultant the approved inspection report will be forwarded to Blenk Development Corp. for release of the compliance deposit.

Blenk Development Corp. will conduct an inspection of the civil works adjacent to the lot (sidewalks, curbs, streetlights, service boxes, parking pads, etc) after home construction. If damage to the civil works is identified and, in the opinion of Blenk Development Corp., the damage is a result of home or landscaping construction, Blenk Development Corp. will holdback the compliance deposit until such time as the damage is corrected by the Owner. The Owner is required to correct the damage in a timely manner and to the satisfaction of Blenk Development Corp. Should the Owner fail to correct the damage in a timely manner, Blenk Development Corp. reserves the right to proceed with correcting the damage and deducting the actual cost of this work from the compliance deposit.

The compliance deposit will be released upon completion of the home and landscaping construction and successful inspection by the Design Review Consultant and successful inspection of the civil works by Blenk Development Corp.

No inspection performed by the Design Review Consultant is in any way a structural inspection nor is it in lieu of inspections required by the City of Kelowna. Furthermore, failure by the Design Review Consultant to identify infractions of these Guidelines does not, in any way, relieve the Owner or his agent from its obligation to abide by the Guidelines and the restrictions herein contained.



Construction Regulations

To provide a well-planned and attractive neighbourhood that minimizes disruptions and nuisances to existing home Owners and the surrounding neighbours will require the cooperation of every Owner, builder and subtrade.

C.1 Legal Survey

Lots may have been optioned for a specific Owner prior to the registration of the legal survey. The Owner or his contractors should compare the approved tentative plan with the registered plan to ensure that any variations do not affect their site plan.

The Owner should first visit the site to note unusual siting or grading problems that vary with grading plans. The site inspection should also reference legal, grade, easement and other engineering plans to ensure that there are no conflicts between driveway/sidewalk locations, hydrants, water-valves, signs, street lighting, electrical, telephone pedestals, etc.

C.2 Site Grading Plan

Site grading must conform to approved site grading plan.

C.3 Driveway Pads on Building Lots

Prior to pouring concrete driveways in the front of the building lot, the Owner or his agent must be careful to ensure the correct grade for the driveway has been established. The Owner or his agent should examine the curb, gutter and sidewalk to make sure it does not settle in front of the driveway.

As well, the Owner or his agent should ensure that all work by the shallow utility companies is complete prior to placing driveways. For example, streetlights should be in prior to driveway construction. Driveways should be designed to ensure they do not settle.

C.4 Damage to Utilities

The cooperation of all contractors and subtrades is requested to minimize damage to curb boxes, water valves, pedestals (power and phone), street light terminals, natural gas lines, hydrants, streets, sidewalks, manholes, curbs and other structures. Should damage occur to services adjacent to any specific lot, charges for repair may be deducted from the compliance deposit.

To protect utilities on and around the site, the Owner or his agent is recommended to undertake the following precautions, thereby saving time and money:

- a) When excavating basements, the Owner or his agent should have excavators place a minimum of 400mm of excavation material on curb and sidewalk to create a ramp for material deliveries;
- b) Brief subtrades, deliverymen and all others on the importance of being careful around utility installations. If damage occurs, it should be understood that repair costs will be borne by the Owner; and
- c) Master plumbers should be instructed to replace water valve markers when house connections are complete. The Owner will be responsible for expenses to locate or to repair water valves.

C.5 Garbage Pick-up

Contractors shall ensure that appropriate containers are provided on the building site to adequately contain waste material during construction. Containers shall not be permitted on the street or adjoining property unless with written authorization from Blenk Development Corp.

C.6 Waste Material and Litter on Building Sites

Contractors are requested to maintain daily a clean work site and control waste materials and litter on each site to avoid dispersal by wind. If proper clean up does not occur Blenk Development Corp. will remove the debris and charge the Owner.

C.7 Foundations

It is the responsibility of the Owner or his agents to determine the bearing capacity of soil on which he intends to build and design the foundations. Foundation design should minimize excavation and take advantage of natural grades wherever possible. Owners are advised to secure professional soil investigations and foundation design recommendations as necessary for proposed buildings.

C.8 Hours of Construction

Hours of construction for all exterior work shall be as allowed under the City of Kelowna bylaws.

C.9 Truck Routes

Construction vehicles are to respect the use and regulations of the City of Kelowna regarding truck routes and times.

C.10 Miscellaneous and General Practices

On site activity shall be free of all obscenities or indecent behaviour. All Owners will be responsible and liable for the conduct and behaviour of their agents, representatives, builders, contractors and subcontractors while on the premises of the development. Furthermore, the following practices are prohibited:

- a) Changing oil on any vehicle or equipment on site or at any other location within the development.
- b) Careless treatment or removal of any plant material not previously approved for removal by Blenk Development Corp.
- c) Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment other than at locations specifically designated for that purpose by Blenk Development Corp.
- d) Utilizing or removing any rocks, plant material, topsoil, or similar items from any property of others within the development including other construction sites.
- e) Pets, particularly dogs, are discouraged; if brought into the development by construction personnel, they shall be bound by leash at all times. In the event of any violation hereof, Blenk Development Corp. shall have the right to contact City authorities to impound the pets, to refuse to permit the builder or subcontractor involved to continue to work on the project, or to take such action as may be permitted by law.
- f) Construction access during the time a residence or other improvement is under construction will be over an approved driveway for the lot unless Blenk Development Corp. approves an alternative access. In no event shall more than one construction access be permitted onto any lot.
- g) Dust and noise control shall be the Owner or his agent's responsibility, including loud music from the construction site.

- h) Construction signage (temporary) shall be limited to one sign of no greater than six square feet of surface area. Signs shall be located within the construction envelope.