

# OSPREY LANDING DEVELOPMENT CORP.

## STATUTORY BUILDING SCHEME

### Osprey Landing at Kooacanusa Lake Architectural Guidelines

#### 1. Overall Philosophy

Osprey Landing at Kooacanusa Lake – Is a unique opportunity to explore mountain resort living through innovative and traditional architecture that reflects the beauty of the surrounding mountains, lakes and forests lands; utilizes the abundance of local materials such as heavy timber, log and stone. The aim of these Design Guidelines is to ensure that all buildings in Osprey Landing at Kooacanusa Lake community meet a high standard of design and construction. The character of the completed development will be that of a mountain resort village rather than a suburban subdivision.

Homeowners can be assured that every new building at Osprey Landing will require a similar review process to ensure conformance with the guidelines. Protecting the overall appearance of the development will help to preserve the value of new homes and ensure that Osprey Landing remains one of the areas most desirable recreational communities. These guidelines also have a more practical function, protecting properties by ensuring issues such as the environment, storm water, snow melt and fire protection are properly addressed.

We want the process of building your new home to be richly rewarding and look forward to working together with Owners to create a home and a community that inspires pride.

#### 2. Architectural Design Guidelines

The guidelines contained herein are suggestions, and innovative design or other products not mentioned may be accepted at the sole discretion of the Developer.

##### 2.1 Professional Design & Engineering

House plans should be individual and chosen or designed to suit the lot. Owners are strongly advised to retain the services of competent sales and design professionals for the design of their home. The Developer assumes no liability for design. The Developer does have a number of pre-approved designs available for viewing and builders pre-registered to build out these and custom home designs, in the development. Lot purchasers are reminded that all builders must be pre-registered with the developer prior to being allowed to build homes in the development. In order to maintain proper building quality and control, only pre-approved builders will be allowed to build in the development, and the number of pre-approved builders will be kept small in order to ensure an ongoing building program for the builders and developer where a stake in the overall build-out in the development is maintained by all.

##### 2.2 General Dimensions and Site Positioning

Each home shall be designed and sited to take maximum advantage of the natural characteristics of the lot (e.g. tree cover, views, original grade, sun angles, relationship to the street, neighbours, park or conservation area). Site and house layout should promote privacy and avoid overlooking or overshadowing of neighbouring properties. It is recommended that private outdoor spaces, such as patios, be screened from the adjacent private and public views by approved fencing, hedges, planting or trellises.

All houses must be sited appropriately in relationship to the lot slope. Two storey houses with exposed basements at the back will require rear elevation treatment to reduce the visual impact of the three levels. Houses on back to front sloping lots with 3 levels exposed at the front should treat the top floor as a half storey with dormers or other suitable design.

All building siting and dimensions must also conform to any applicable regional bylaws. These regulations will override those set out in these guidelines.

##### (a) Building Set Back

No part of the building (including decks and porches) may be closer than 2m from the lot boundary at the sides and 7.5 meters from the front and rear boundaries. The position of the house on the site will be reviewed by the Developer in relation to neighbouring properties in order to provide appropriate set backs and streetscape. Clearing of trees is not permitted within 1.5 metres of the property line from the front line of the house to the rear property line and will be reviewed on each application, other than as required for fire setback regulations which shall override as required by the Regional District of East Kootenay.

##### (b) Maximum Building Footprint

The building footprint (ground coverage) including garage may be no more than 40% of the total lot area.

##### (c) Building Height

The highest point on the roof (excluding Chimney) may be no more than 10 meters average, above the lots average natural grade. This is a requirement outlined by the regional authorities for single family housing.

#### (d) Minimum living area

The total floor living area shall not be less than 1000 sq. ft. for bungalows and 1250 sq ft for 1 ½ and two storey homes. Minimum footprint of the main floor living area in two storey homes must not be less than 800 sq. ft. Garages must be of a reasonable size for residential use and in proportion to the house. Commercial workshops are not permitted. Wherever possible Garages or Carports should reflect similar architecture to the home, and should be attached directly to the home, or be attached by a covered breezeway. Garages and carports must be sufficient for at least 2 cars.

#### 2.3 Repetition

The same house plan with extremely similar elevations shall not be repeated within 3 lots, or directly across from each other. Similar house plans and forms may occur along a section of the street in response to similar site conditions. Differences such as changing direction of roof slopes, size and location of windows and doors, and or exterior cladding finish will be required.

Striking contrasts between building sizes, shapes, and colours within a small area are not encouraged. The object is to produce enough variety to create interest within a balanced unity of forms, colours, and themes.

#### 2.4 Corner Lots

Designs for corner lots should take maximum advantage of the lot. All street-facing elevations must be treated with the same level of detail.

#### 2.5 Massing

Elements to consider:

- a) Visual character of the design
- b) Variety in massing
- c) Plan and proportion relative to height and layout
- d) Second Storey's to be designed into roof lines wherever possible
- e) Roof pitch
- f) Landscaping enhancing elements, e.g., integration with landscaping and topography
- g) Materials, variety, and proportions.

#### 2.6 Consistency

Elevations of all buildings must demonstrate consistent treatment of exterior materials, window details, and reveals. Details in the roofline must be carried around from the front elevation. Timber and log details in Gables, knee braces, posts, columns railing and landscaping are strongly encouraged wherever possible.

#### 2.7 Finish Materials and Colours

Colours shall be based on natural environment earth tones with consistent body and trim colours. Exterior colour selection will affect the visual impact substantially and a colour selection sheet indicating location to be applied must be submitted to the Developer for approval. Roof materials and colours may be repeated from lot to lot, while metal roofs are strongly encouraged. Stone where applicable, concrete, or heavy wood details are to be consistent with house trim and detail. Stone should be terminated at a wall or window or other architectural detail. Cultured stone may also be used.

Other masonry products may be approved on a house-by-house basis. Vinyl or metal siding will not be permitted under any circumstance. Exposed concrete foundation walls shall not exceed .5 meter high, a variance where stepping occurs may be allowed at the developer's discretion.

#### 2.8 Stucco

Stucco finish will be acrylic or elastomeric finish with a flat, worm or sand surface texture. Earth tone colours are strongly encouraged, or colours ranging in the darker shades. Stucco must be accented with wood or timber elements. Wood must be sealed on all sides before installation. Stucco or concrete window battens may be acceptable and will be reviewed on an individual basis. Stucco metal stop must be painted to match.

#### 2.9 Siding/Shakes/Shingles

In keeping with the Cabin style endorsed by Osprey Landing at Koochanusa Lake, shakes and shingles are acceptable wall cladding materials; these must be sealed or treated prior to installation.

In situations where horizontal siding is used on a two or more story elevation, this element should terminate at gable dormers with a banding board, at the base of the upper windows or as the design dictates. Above this, vertical siding shakes or shingles should be introduced. Full height vertical siding is discouraged and should be broken up as above.

#### 2.10 Roof and Roofing Materials

Acceptable materials include pre-finished standing seam, pre-finished stamped metal and granular coated metal, copper, slate concrete or clay tile and GEM shingles. Wood shake or shingles may be permitted if coated with suitable fire resistant finish. Other roofing products may be permitted upon review by the developer. All flashing is to be pre-finished metal. Pre-finished drip edge is required at the bottom of all roof slopes. Flashing and venting should be similar to roof colour. Ridge venting is encouraged. Where conventional venting is installed in the roof slope, it is to be placed away from highly visual locations (i.e., street side, in the case of corner lots on two elevations). Snow clips, where required, are to match roof colour as closely as possible. Designers are reminded that the area receives considerable snowfall and roof design must consider snow load and the direct shedding of snow to safe areas. Roof water run off must also be considered and incorporated into the lot drainage plan. Rooftop venting and chimneys shall be finished with a chase to match the building style (does not include attic ventilation, plumbing stacks, or bath fan vents). Stone-finished

chimney chases are preferred. Where more than one chase exists, the finished elevations of the chase caps shall be consistent. All flue venting requires a shroud detail above the chase cap. Innovation is encouraged.

#### 2.11 Fireplaces

Direct vent fireplace vents shall be placed in obscure locations where possible, with sight lines blocked by landscaping. Wood burning fireplaces, stoves and other wood burning appliances are permitted at Osprey Landing at Kooacanusa Lake, but must include spark arrestors and follow all other regional codes when installed.

#### 2.12 Fascia

Fascia articulation is encouraged. Fascia should be a minimum height of 8", with the exception of eaves with open trusses, where architecturally, no fascia is required. Fascia material is restricted to rough sawn cedar, cedar, Smart Start, Hardi-plank, or similar manufactured product as approved from time to time by the Developer.

#### 2.13 Soffit

Soffit colour is to be consistent with or complimentary to fascia colour unless a clear finish, stain grade wood is used. Wood finish is encouraged but pre-finished aluminium is acceptable. Minimum roof overhang is 24".

#### 2.14 Eaves Trough and Rain Water Leaders

Eaves trough should match fascia as closely as possible. Eaves trough or fascia gutter should be pre-finished metal (no vinyl permitted) with a minimum dimension of 5". Hidden gutters are encouraged. Rainwater leaders should be compatible in colour to wall material. The use of chains for rainwater leaders is permitted. Splash pads at the bottom of rainwater leaders are encouraged and are to be sloped away from the house.

#### 2.15 Doors and Windows

Garage doors where painted are to be consistent or complimentary in colour to wall or trim material, with the exception of clear stained wood doors. Windows are permitted in garage doors (white muntin bars or trim are not acceptable, unless matching the other trim materials of the home). Main entrance doors are to be painted in dark tones and should accent the front entrance. Minimum door width is 36". Where the door height is increased above 6'8", the door width must also increase. Solid wood doors are encouraged.

Sidelights are permitted. In this instance, the door should be solid, however wood doors with glass may be permitted. Reflective glazing with the exception of Low-E or Bronze is not permitted. White Muntin bars are not permitted unless matching to other trim materials. Window grills or Muntin bars shall be wood or pewter with a minimum width of 3/4" for wood and 1/4" for pewter. Wood grills should match window trim colour. Divided light or simulated divided light is encouraged. Vinyl windows may be acceptable. All windows require a trim detail, with the exception of wood windows with a wood brick mould of at least 3 1/2" wide.

#### 2.16 Form Elements:

- a) Front entries shall be visible from the street. Where design permits, the front entrance should be a prominent element of the home. Flexibility in entry location will be permitted, given other strong architectural features facing the roadways.
- b) Where a three-storey elevation exists on the same plane as the rear elevation, the design requires a step or break with deck(s), shed roofs, trellis, or other appropriate detail (This detail while encouraged, is not required to continue around to the side elevations).
- c) Roof designs where a cottage roof design is the base, must include gables or articulation on all elevations.
- d) In all cases where a roof slopes into a chase, a saddle must be installed and constructed and finished with similar roofing materials.
- e) Roof Pitch minimum is 6/12, except shed roofs or specific design elements. Steeper roof pitches in keeping with Cabin architecture are encouraged, but again flexibility will be allowed where quality architectural design is used.
- f) Where the garage face elevations have 5' or more of solid wall on either side of the garage door, a window with trim typical to the house is to be installed. Wide garages are encouraged to have a garage door set to one side to allow for window(s).
- g) Wall area from above the garage doors to the eave of more than 3' must incorporate detailing such as banding or a second finish.
- h) Side or angled garage entries, away from the street, are encouraged.

#### 2.17 Parking and Driveways

Driveways and pathways should be laid out to reflect natural grades, avoiding lineal driveways where practical. Driveways where more than 10 meters from the house, should not exceed 6 m in width. Sidewalks from driveways to the home's front door are to be a minimum of 3' wide and should be similar material to the driveway. Driveway and front of lot landscaping must consider snow clearing and allow for snow dump areas with adequate drainage.

#### 2.18 Address signs

Location of address numbers should be easily visible from the street. The Developer/Community Association and the Regional Authority must approve additional lot signs.

### 3. Construction Deposits and Design Approval Costs

A deposit of \$5,000.00 must be submitted to the Developer before final Design Approval is granted. \$3,000.00 from this deposit will be returned to the Owner within 30 days of substantial completion and final approval being granted by the Developer. \$1,500.00 will be returned to the Owner within 30 days from completion of landscape works providing landscaping has been constructed according to the approved landscape plan and the Design Guidelines set out above and approved by the Developer. The landscaping must be completed within 18 months of substantial completion of the dwelling. The Developer accepts no responsibility for inspection of the property during construction. Landscaping will be considered complete for the purpose of deposit security once all grading is completed as approved and basic planting and erosion control has been completed.

\$500.00 from the design deposit will be non refundable and used to cover the Developers cost for review by the design committee. The cost of producing designs and any required amendments is the sole responsibility of the Owner. Any change request after the site-grading plan is released is subject to a minimum processing fee of \$250.00. Payment must accompany submission. A preview is advised prior to submission.

#### **4. The Approval Process**

##### **4.1 Concept Design Drawing Approval**

Two sets of scaled design drawings with detail will be submitted and the design review committee will mark up plans with comments. This submission only requires basic floor plan and elevation drawing information. One set of plans will be returned to applicant.

##### **4.2 Final Design Approval**

Application for final Design Approval to the developer is required before submitting plans to the regional planning authority for a Building Permit. Upon approval of Final design, 4 copies of same to be provided to the developer, which will sign and stamp each copy. 3 copies will be returned to applicant of which 2 will be submitted to the regional planning authority for building permit application. The submission shall include the following:

- Drawings of the house (plans, elevations, sections at 1/4" = 1'-0")
- A site plan showing existing lot grades, finished grades, drainage, retaining walls, floor elevations, setbacks, house location, and driveway slope, at 1:100 or 1/8" = 1'-0" showing how the driveway matches with the street.
- A colour and materials schedule and other specific information required in the guidelines
- Completed Osprey Landing at Koocanusa Lake submission form as supplied by the developer.
- Application deposit of \$5,000.00.

The design deposit is to ensure conformity to the design guidelines, completion of work, and to cover the cost of replacing any legal survey markers. Part of the security deposit is also held as insurance against damage to services, adjacent lots and common property.

##### **4.4 Landscape Plans**

Prior to the developer issuing Design Approval the owner (or owner representative) must submit a sketch of the plan with plant list showing areas of modified landscaping from the natural landscaping originally found on the lot. The landscape plan must be submitted to the developer within 45 days of basement backfill. At a suitable time thereafter a meeting will be arranged to review the landscape plan on site. Landscaping is expected to be left in its natural state wherever possible.

##### **4.5 Final Building Approval**

Upon completion of the house and all required landscaping, the Owner shall request a final inspection from the Developer.

The Developer will inspect the building and landscape at his discretion. Inspections are carried out solely for the purpose of monitoring adherence to the Design Guidelines and approved plans. The deposit will be released if everything has been constructed in compliance with the approved drawings and the conditions set out in Sections 6 & 10 have been met. If this is not the case, the Developer shall issue the Owner with a list of deficiencies that must be rectified before the security deposit is released. If the deficiencies are not corrected within 3 months the developer may deduct the costs from the deposit and complete the deficiencies. Any shortfall will be considered a charge against the land.

#### **5. General Construction Issues**

##### **5.1 Zoning – Permitted uses relative to Regional Planning Authority Bylaws**

Single-family lots in Osprey Landing at Koocanusa Lake will be regulated by local regional zoning guidelines. This zoning is residential; commercial uses including tourist accommodation may be restricted. Buyers should check permitted uses with the RDEK Planning Authority if planning to operate a home based business.

##### **5.2 Working with the Regional Authority**

Owners must obtain a Building Permit from the Regional Authority before any construction can begin. This process is separate from the Design Approval process and is a civic matter between the homeowner or their delegate and the Regional Authority. Obtaining design conformance from the Developer does not necessarily mean approval from the Regional Authority, and all designs must also meet the specifications set out in the municipal zoning and bylaws.

The Building Code "the Code", which governs all aspects of construction, also applies to Osprey Landing at Koocanusa Lake. This covers the overall design process in that the design must fulfill the requirements of the Code and the authorities having jurisdiction over the site.

##### **5.3 Environmental Issues and Concerns**

The goal of Osprey Landing at Koocanusa Lake is to minimize environmental impact, landscape plans for new home sites must consider fire prevention, drainage, snow accumulation and rain/melt water run off, and be in accordance the context of the overall development and neighbouring lots. Generally surface flow should be directed to the roadside drainage.

#### 5.4 Soil Conditions relative to Building a Home

Geotechnical reports must be sought out prior to designing foundation and must be strictly adhered to.

### 6. Landscape Design and Site Layout

#### 6.1 General Landscape Design

Lot landscaping layouts will reflect the regional natural patterns and maintain this character through hardy planting materials. While fire prevention is of utmost importance, existing trees and natural vegetation should be preserved wherever possible and large areas of turf are to be minimised. The experience of the community should provide the impression of a natural landscape that has been retained and enhanced, rather than created.

The visual quality of the lot from all sides should be carefully considered. Landscape planting is used to frame and enhance views of the Lake and surrounding area. Plantings should consider the plant in its mature state. Site grading shall be minimised with respect to the existing slopes and drainage conditions. Where possible, existing vegetation is to be retained and protected from damage during the building process. Lot layout and landscape plans must consider drainage for snowmelt and storm water.

Plants, shrubs, trees, and grasses or species native to the region should be used where possible. Osprey Landing is in an area that experiences four distinct seasons. The use of trees in natural groupings, rather than formal layout, is encouraged. Vegetation should be placed in natural groupings and should be used to soften structures, such as fencing and other site furnishings.

Landscape mulch is discouraged for reasons of fire control. Decorative rock is a safe alternative and many colours and sizes are available.

#### 6.2 Wildfire Control

Owners should consider the wildfire risk when developing and maintaining their landscape plan. Combustible debris, deadfall and dry brush shall be removed from the lot at least annually. Trees should not be planted less than 3m from the house. Brush and long grass minimised while adhering to the principles set out in Section 6.1.

#### 6.3 Tree Removal

The Developer intends that Osprey Landing at Kooacanusa Lake will maintain its forested charm and aims to preserve as many trees as possible within the development. Trees outside of the building envelope may only be removed after design approval has been obtained from the Developer; this includes trees removed for fire prevention purposes as described in Section 6.2. It is also understood that the Developer will work with each owner to allow for trees to be reviewed that will enhance the owners views from their lot, as long as it does not adversely effect other owners or substantially change the overall forested look of the development. A fine of \$500 per tree will be payable to the Developer for any trees cut without permission. This levy will be used to plant compensating growth back into the particular site.

#### 6.4 Protect existing Vegetation

Wherever possible during construction, existing trees and landscaping should be protected.

#### 6.5 Lot Grading

Final grading to be engineered and shown on site plan. Lot grading is to follow the natural slope of the landform where possible, and is to be consistent with the subdivision-grading plan. Drywells will be required in most cases for rainwater leaders.

In situations where natural vegetation will remain in side yards, swales and general grading will fall inside of the natural vegetation. No site grading shall be completed that causes water from one lot to drain into neighbouring lots. Where natural undeveloped side yards exist, some drainage across lot lines is anticipated and acceptable.

All cutting and filling must be stabilized by the appropriate slope and /or retaining wall, as approved by the owner's geotechnical engineer.

Retaining walls shall have an exposed aggregate or approved finish, or be faced with stone. Large natural rock retaining walls are preferred. Retaining walls must minimize visual impact and compliment the landscaping plan.

#### 6.6 Road and common property interface

It is the responsibility of the owner to restore the original natural grade and swales on common property between the lot boundary and the curb/edge of road surface after construction is complete. This area should be left free of rocks, brush and debris. The Developer may reseed this common area if necessary after all lots in the Phase are complete. The Developer anticipates that this area will be seeded with a low maintenance grass mix. To avoid damage from snow clearing and sanding, plants and shrubs should not be planted within 2 meters of the curb or road edge.

#### 6.7 Fencing

Fencing is optional and will be restricted to rear yard areas. The fence may run back to the rear yard boundary or where grades exist as is suitable. Fence termination must be consistent with neighbouring property fencing. All fencing will be subject to review and approval from the Developer. Timber and log railing fences will be strongly encouraged wherever desired. Gates should be provided where rear yards back onto green space or walkways. Fences must not start forward of the rear of the house structure. An allowance

may be given to move the fence forward in one side-yard where views from the street are restricted. Fence materials are required to be consistent with other fencing in the development.

## **7. Services & Utilities**

Connection to all services must be underground and are the responsibility of the lot owner.

### **7.1 Water & Sewer**

Water and sanitary sewer services are provided to each lot line as stub-outs, tie-in and on site connections are the responsibility of the owner. Owners will need to connect to these at their own expense and in accordance with municipal and other applicable regulations. The storm sewer is managed by overland drainage

### **7.2 Propane**

Propane and/or other heating gases are the responsibility of the owner, and must be kept in good working order and installed as per the regulations of the regional building authority.

### **7.3 Garbage**

All garbage must be stored within the home or garage with care taken to ensure that wildlife does not have access. Garbage pickup will be responsibility of the owner, or as otherwise arranged by the community association at a later date.

## **8. General Site and Property Restrictions**

### **8.1 Exterior Lighting**

The use of subdued indirect exterior lighting to enhance architectural features is permitted (e.g. soffit lighting). Lighting should be directed towards the home and should be minimal in order to reduce the impact to neighbouring lots. Landscape and driveway lighting should be shaded from above and of minimum intensity to reduce interference with neighbours. Light fixtures should be in keeping with the overall house design.

### **8.2 Parking**

All site plans must allow parking for at least 2 vehicles within the lot. Commercial vehicles or trucks in excess of one ton may not be parked on site. To ensure access for snow clearing and emergency vehicles, street parking will be permitted on a temporary basis only, and not permitted on an overnight basis.

### **8.3 Security Systems**

Many of the homes at Osprey Landing at Kooconusa Lake will be recreation or retirement homes and owners are strongly encouraged to install a basic system to monitor security, flooding and heating system performance.

### **8.4 Restricted objects**

Satellite dishes may only be mini dishes and not be visible from the street. A maximum of two dishes are allowed per lot. Clotheslines, C.B., Radio or T.V. or any other exterior antenna are not permitted. The location of satellite dishes, hot tubs, pools, or permanent play equipment such as slides or swings should be included in landscaping plans and submitted for approval to the Developer.

### **8.5 Wildlife**

Osprey Landing at Kooconusa Lake is in a natural location surrounded by forest, and care should be taken during and after construction to preserve wildlife habitat and avoid disturbance to wildlife. Pets must be kept under control and not allowed to chase wildlife. Food and garbage should never be left outside and barbecues should be kept clean. It is unlawful to feed wildlife.

### **8.6 Other buildings & site structures**

Site structures such as gazebos, patios, decks, retaining walls, and planters should be designed, be appropriate to the scale and aesthetics of the house, and compliment the existing and proposed landscapes. Storage sheds and other auxiliary buildings must be placed at the side or to the rear of the property. Their appearance must be in accordance with the guidelines described herein and the maximum size permitted is 10'X12'.

### **8.7 Recreational Vehicles**

All recreational vehicles, boats, RVs, trailers, etc should be enclosed or hidden from view.

## **9. Construction Timing**

The Owner covenants to obtain design approval from the Developer and commence construction of their property within 5 years from the date title is conveyed from the Developer to the Owner. It is recommended that Owners start their design process at least 6 months before they plan to start construction. Should the owner fail to start construction within the time allowed the Developer reserves the right to purchase the lot from the buyer free from any encumbrances for 90% of the original sale price.

Construction must be completed and a final inspection obtained from the Regional Authority within 24 months of construction start. Landscaping must be completed within 24 months from the start of construction. Should the owner fail to complete construction within the time allowed an amount equal to 2% of the original lot sale price, will be payable to the Developer. A further 1% will be paid to the Developer at the beginning of each following month if construction has not been completed and final inspection has not been obtained.

## **10. Construction Regulations**

### **10.1 Noise & Working Hours**

Construction work may only be carried out between the hours of 7:00 am and 9:00 pm Monday to Saturday and 12:00 Noon to 9:00 pm on Sunday's and holidays. Builders and lot owners must use reasonable efforts to minimise noise and dust during construction.

### **10.2 Contractor Parking & Deliveries**

Where possible all construction vehicles should be parked within the lot boundary. Overnight street parking is not permitted except by approval from the developer.

### **10.3 Damage**

Lot owners will be held responsible and will pay for any damage to common (Community Association) property and other lots. Owners and their contractors should take particular care to avoid damage to the road surface and underground services when parking and unloading heavy equipment such as gravel trucks and excavators. Final inspection of the common property will be completed with the lot inspection, and if any damage exists, the cost of repair will be deducted from the lot damage deposit. The lot owner is liable for any costs of repair over the damage deposit amount.

### **10.4 Construction Debris and Garbage**

Construction debris or garbage may not be burned, buried or dumped anywhere on the Osprey Landing at Koocanusa Lake site. Owner and contractors must clean up garbage and debris on the lot at the end of each day and generally ensure the site is clean and tidy. So as not to attract wildlife, no food or food waste may be left unattended on site under any circumstances. Construction garbage bins are required during construction. Concrete mixer clean out must be contained on site.

### **10.5 Construction Washrooms.**

Builders should ensure that their contractors arrange suitable toilet facilities. An on site porta-potty (chemical toilet) is required on each site, or in a suitable on-site shared location for builder trades.

### **10.6 Excavation Material**

Excavation material must be stored off site or within the lot boundary taking care to preserve vegetations shown in the landscape plan. Excess excavation material may be dumped at a site designated by the Developer assuming a suitable site is available. If no such site is available then the Owner must make suitable arrangements to dump material outside the Osprey Landing at Koocanusa Lake area in a legal and environmentally friendly manner.

## **11. Default**

In the event the Owner is in default of any of the terms and conditions contained in these Design Guidelines, the Developer may (but is not obligated to) perform or cause to be performed each and every obligation of the Owner in relation thereto. All expenses and costs relating from the Owners breach shall be due and owing to the Developer forthwith and shall bear interest at 15% per annum until paid. In the event that the Developer incurs costs or expenses to perform the obligations of the Owner as set out in these guidelines, the Developer shall be a lien holder and shall be entitled to register a Claim of Builder's lien against the Lot for all such costs, charges, expenses, and claims, and the Developer shall have all rights of a lien holder in and to the Lot, including the power to sell the Lot to satisfy the claim of lien. In such event the Owner shall be deemed to have waived all defences to the claim of lien, including any defence based on any doctrine of contract law.

## **12. Future Development**

All other development within the Osprey Landing at Koocanusa Lake community on lots purchased in 2006 and thereafter, will follow similar design guidelines to maintain the integrity and overall appearance of the entire area. It is understood, however, that some phased development is often required to be unique and the Developer reserves the right to review each proposed phase individually on its own merits based on the pre-defined design philosophy.

The Developer reserves the right to amend these guidelines for subsequent Phases at Osprey Landing at Koocanusa Lake in order to maintain interest and variety while upholding the original design objectives and philosophy.

## **13. Developer has final Discretion to approve designs.**

The Developer will act fairly and reasonably in approving designs and where possible designs will be approved in a timely fashion. The Developer has sole final discretion in approving designs assuming the Owner will obtain all other necessary municipal and other applicable permits. The Owner has no recourse and agrees to hold the Developer harmless should the Developer fail to approve a submitted design that does not meet the guideline set herein.

Nothing contained in these guidelines imposes any liability on the Developer in the event that any party, including any owner or contractor, breaches or fails to conform with the provisions set out in these guidelines, and there is no obligation on the Developer to take any action or institute any proceeding to enforce the terms of these guidelines at any time. The Developer shall not be responsible for any loss or damage suffered by any Owner in the event that any party breaches or fails to conform to these guidelines. In the event that any Owner names the Developer as a party in any action or proceeding, or puts the Developer to any cost, charge or expense relating to the enforcement of these guidelines, the Owner will indemnify and hold harmless the Developer against all such costs, charges and expenses and will repay the same to the Developer forthwith on demand.

The Developer or his representatives, are authorized to enter onto the Lot at any time to review and inspect the Lot and any improvement thereon to ensure compliance with these guidelines, and the Owner waives any remedy against the Developer for such entry, whether in trespass or otherwise, and will release and hold harmless the Developer from and against any claims or demands which may be made against the Developer as a result of any such claim.

# APPLICATION FOR HOUSE PLAN APPROVALS (1 of 2)

Legal Description of Lot \_\_\_\_\_

Civic Address \_\_\_\_\_

## APPLICANT

Builder: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Architectural Style: \_\_\_\_\_

Job. No. \_\_\_\_\_

Ground Floor Area: \_\_\_\_\_

Total Developed Floor Area: \_\_\_\_\_

Roof Style: \_\_\_\_\_ Roof Slope: \_\_\_\_\_

## SETBACKS AND GRADE INFORMATION

Front: \_\_\_\_\_ Rear: \_\_\_\_\_

Left Side: \_\_\_\_\_ Right Side: \_\_\_\_\_

Height \_\_\_\_\_

GRADES	FRONT	REAR
Left Side		
Right Side		
Entrance Grades at Driveway		

Finished Landscapes Grades at house Corners (left and right as viewed from street)

Actual Top of Footing \_\_\_\_\_

Lowest Top of Footing \_\_\_\_\_

Top of Main Floor Joist \_\_\_\_\_

Front of Garage \_\_\_\_\_

# APPLICATION FOR HOUSE APPROVALS (2 of 2)

EXTERIOR FINISHES	MATERIALS	MANUFACTURER	COLOUR
Roof			
Walls			
Shutters Shingles			
Brick or Stone			
Trim/Battens			
Fascia			
Soffits			
Downspouts			
Entry Doors			
Garage Door			
Driveway			

Architectural Department

Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Osprey Landing at Koocanusa Lake : \_\_\_\_\_

Date: \_\_\_\_\_

# INSPECTION REQUEST FORM

DATE: \_\_\_\_\_

BUILDER: \_\_\_\_\_

## RE: INITIAL LOT INSPECTION

Initial Inspection of Lot \_\_\_\_\_

Legal Description \_\_\_\_\_

Municipal Address \_\_\_\_\_

Damages to the road, gutter, water frontage or fencing, as well as any excess excavation material and garbage as listed below:

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## RE: FINAL INSPECTION

Final Inspection of Lot \_\_\_\_\_

Legal Description \_\_\_\_\_

Municipal Address \_\_\_\_\_

Compliance with the house approval authorization or any damages to the site as listed below.

Osprey Landing at Koocanusa Lake will invoice the builder for necessary repairs or refund the lot security deposit if applicable.

As of this date \_\_\_\_\_ any known damage is listed below:

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If you have any questions or concerns, please contact Mark Taylor at 403-554-5592 (Osprey Landing at Koocanusa Lake).