



Reflection Point Lakefront Community Design Guidelines

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OKANAGAN

INFINITY
PROPERTIES



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1.0 PURPOSE AND MAIN OBJECTIVES OF THE DESIGN GUIDELINES

These Design Guidelines will ensure that all homes constructed within the Reflection Point development integrate naturally and seamlessly into the lakefront setting. The geophysical context is one in which lands slope down to the waterfront from a frontage road, at an average gradient of 15 percent on the most southerly lot (lot 1) to approximately 6 percent on the most northerly lot (lot 8). There are unobstructed water views, surrounding orchards, and open views of arid rugged mountains. Accordingly, improvements to all lots shall be designed to appear integral to this context, and shall be consistent with the design principles specified in Section 3.0 "Main Design Objectives" herein.

Further, the future as-built context will be one where all homes are easily recognizable as waterfront-estate quality, high value homes. Accordingly, all improvements shall be of a uniformly high architectural standard, have compatible but unique massing designs, have similarly high quality construction materials, and have similarly high trim and detailing standards. Construction materials shall be contextually consistent with the natural surroundings including stone, wood and high quality wood lookalike components in natural (earth-tone) and neutral colours. Further, landscapes shall contain natural features such as rock and drought-resistant planting materials, some of which are native to the Okanagan.

These guidelines do not supersede Regional District Okanagan-Similkameen Zoning Bylaws, as amended.

2.0 ENFORCEMENT OF THE DESIGN GUIDELINES

There shall not be constructed, placed, erected or maintained on any lot, any dwelling, building or other improvements whatsoever unless and until plans and specifications thereof showing compliance in all respects with these guidelines and showing elevations, siting, size, colour scheme and all materials to be used have been submitted to and approved in writing by the Developer's authorized agent (Design Consultant) who shall have the right and power to approve or reject same in accordance with these Design Guidelines.

The Design Consultant shall be appointed by the registered owner of the lots (the Developer), The Developer has appointed:

Tynan Consulting Ltd.

13659 – 108 Avenue, Surrey, B.C.

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Tel: (604) 921-6912, Fax: (604) 921-6952

Email: mtynan@tynanconsulting.net

In the event the developer wishes to appoint a replacement Design Consultant, then Design Consultant means an architect in good standing with the Architectural Institute of British Columbia or any successor body, or a registered Design Consultant in good standing with the National Home Designers Association or any successor body, or a Registered Building Designer and/or a Certified Residential Designer in good standing with the Applied Science Technologists and Technicians of British Columbia or any successor body, who is appointed by the registered owner for that lot.

To ensure the Design Guidelines are adhered to, a \$10,000 compliance deposit or suitable bond is to be paid to the Developer, by the Builder and/or lot owner, prior to final approval of the house plans. This deposit will be returned after a final inspection is issued by the Regional District Okanagan-Similkameen (RDOS), and the Design Consultant and the Developer are satisfied that the house conforms to these Design Guidelines. The Design Guidelines supplement the Regional District Okanagan-Similkameen's zoning by-laws, and therefore must be used in conjunction with the RDOS by-laws and other regulations.

Before purchasing a lot, or house plans, it is strongly recommended that Builders and/or lot owners first read these Design Guidelines in their entirety. To ensure that the proposed home and lot grading is compatible with the Design Guidelines and with nearby homes, Builders and/or lot owners must provide the Design Consultant with a preliminary sketch of any street facing façade, and a site plan clearly locating proposed structures, existing trees, driveway cut-ins, electrical boxes, and other significant site influences.

Before applying for a building permit from the Regional District Okanagan-Similkameen, Builders and/or lot owners must submit the following items to the Design Consultant for approval:

- Digital copies of house plans in PDF form which include floor plans, cross sections, all four elevations at 1/8" or 1/4" scale (imperial), or 1:50 scale (metric) and a site plan at a 1/8" = 1'-0" (imperial) scale or a 1:100 or 1:250 (metric) scale, clearly showing the location of the house, driveway, sidewalks, retaining walls, swales, existing grades and drainage pattern from the approved lot grading plan, existing and proposed grades at dwelling corners, main floor elevation, basement elevation, minimum basement elevation (MBE), driveway slope, and the location of any trees designated for preservation.
- Samples of colours and materials of the exterior finishes, or a description of the materials including colour codes, common colour name, manufacturer name, and product name. (see "Exhibit A - Design Guideline Checklist" in the Appendix). Is there a template for a checklist?



The Builder and/or lot owner is obligated to follow the recommendations of the Design Consultant. Only plans displaying the Design Consultant's approval stamp and Consultant's signature indicating compliance with all clauses specified herein will be submitted by the builder and/or lot owner to the Regional District Okanagan-Similkameen for a building permit.

In all cases where major revisions or refusal of the home is involved, the Builder and /or lot owner will be given an opportunity to discuss the proposed revisions before a formal request for changes or an outright refusal of the home is issued.

Once a plan is approved and bears the stamp of approval, any subsequent changes to the exterior of the home or significant changes to the interior must be approved in writing by the Design Consultant. A re-approval fee will be charged to the Builder and / or lot owner requesting the changes. After the house and front yard landscaping is completed, it will be inspected by the Design Consultant to ensure that the Design Guidelines have been adhered to. If inspection results are found satisfactory, the compliance deposit will be returned. Exterior changes made to the house without the written approval of the Design Consultant will affect the return of the deposit to the Builder and/or lot owner. There will be a minimum charge of \$150.00 for alterations to the exterior colour of the house, or to the building plans.

3.0 MAIN DESIGN OBJECTIVES

Improvements to all lots shall be consistent with the following principles:

- Each dwelling shall be designed to fit the natural shape of the land, as opposed to altering the shape of the land with retaining and fill to make the land fit a particular design. Natural features and land shape should be reasonably preserved. Where retaining is unavoidable, it should appear as natural as possible, using boulders and / or architecturally treated masonry walls concealed with native landscaping materials. No retaining wall shall be installed without specific written approval from the Design Consultant.
- Preservation of the view amenity is to be considered a primary objective and this objective should be evident in each design. Structure height should be kept as low as practical, as determined by the consultant. Further, roof ridges should be aligned so as to provide more open views to residents on the row of lots behind the waterfront lots. Upper floor roof structures can be limited to common hip forms, or main upper floor trusses can be permitted to have low slopes, or a combination thereof. Consideration can also be given to upper floor offsets or other means to increase the space between homes to achieve greater view preservation.

- The roofs of numerous homes will form part of the view to the lake for residents on lots behind the waterfront lots. Consistency in the view down toward the lake will enhance the focal significance of the lake and mountains and therefore compatibility in roofing materials and roofing colours will be required.
- The homes should meet a high architectural standard. Various projections on the front of the home shall be proportionally consistent with one another, shall be well balanced across the façade, be visually pleasing, and be architecturally interesting.
- Construction materials should be consistent with the natural wood and rock context. Therefore, wood and wood lookalike cladding products, fibre-cement shingles, wood brackets, wood posts, exposed timbers, and stone accent materials in natural and neutral colours only, will be required.
- Native and natural landscaping materials are preferred over man-made materials. Where retaining is necessary, large boulders will be preferred over pre-formed concrete materials. Where the use of retaining materials other than boulders is necessary, the retaining materials should be substantially concealed by landscaping.
- Native plant species that reinforce the existing natural character are preferred over imported exotic species.
- Although architectural style is not specifically restricted, the development overall shall have an obvious, recognizable, consistent natural, waterfront estate home character.

4.0 GUIDELINES FOR THE LOT

4.1 Siting and Setbacks

It is the Builder and/or lot owner's responsibility to identify the location of easements, right-of-ways, restrictive covenants, drainage swales, curb let-downs, significant trees, cable service boxes, electrical boxes, streetlights, and hydro boxes, and to comply with the setback requirements established by the Regional District Okanagan-Similkameen regulations, and the recommendations of the Design Consultant. The Builder and/or lot owner shall not *construct improvements* that conflict with the physical location of driveway and curb let-downs, significant trees, cable service boxes, electrical boxes, and streetlights.

Minimum building setbacks shall be as specified in the most current edition of the Regional District Okanagan-Similkameen's zoning by-law.

The siting of each house shall take into consideration the lot's natural characteristics, including the slope of the lot, the location of any existing trees that are designated for preservation, and the location of neighbouring improvements, as determined by the Design Consultant in relation to the over-view or over-shadowing of neighbouring lots and improvements.

The exterior design of a single family dwelling to be erected on a *lot* shall not be identical or similar to that of an existing or proposed single family on any other lot in this development. A single family dwelling is deemed to have similar exterior design to an existing single family dwelling when:

- the front elevation designs are identical or have insignificant variations in the disposition and articulation of design features, or
- the front elevation designs are a mirror image to each other, with or without any variation in architectural details.

The building height and massing for *improvements* on each *lot* are to be compatible with:

- the lot slope as specified on the *lot* grading plan and/or as determined by the Design Consultant
- the building height and massing of *improvements* on adjacent *lots*, as determined by the *consultant* in relation to roof design and transition in building height, and
- the objective of reasonably preserving view corridors to the lake.

4.2 Lot Grading

Final lot grading shall be in substantial compliance with the *lot* grading plan which has been prepared by Tynan Consulting. Final grading shall also comply with grades indicated on the final building plans accepted by the Consultant,.

Established overland flows and/or underground storm sub-surface systems are maintained only in accordance with completed swales and *lot* grading in accordance with the *lot* grading plan for the *lots*.

Houses are to be designed to respond to natural grading conditions and minimum building elevation requirements. Changes to the natural topography such as raised plateau areas and the introduction of large amounts of fill will be will not be allowed unless approved and authorized by the Design Consultant.



The use of retaining walls shall be discouraged within the neighbourhood. Any retaining wall design requires the specific approval of the Design Consultant. Where retaining walls are not indicated on final building plans the Builder and/or lot owner should discuss with the Design Consultant to establish an acceptable design that minimizes impact on existing drainage flow patterns and minimizes visual impact on neighbours. Where unavoidable, retaining walls shall be constructed of large boulders. Other materials including architecturally treated concrete or architecturally treated interlocking concrete blocks are permitted only where specifically approved by the Design Consultant, and only if the walls are substantially concealed by native landscaping. All retaining walls and their foundations, including drainage pipes, are to be within property lines so as not to cause any encroachment on the neighbouring lot. Retaining wall height shall not exceed 4'-0" (except for retaining walls below the existing grade such as at a basement stairwell).

The Builder and/or lot owner is responsible to ensure that foundation excavations are back-filled and that excess soil is removed from the site to an approved disposal site after construction and that landscaping and other site changes do not interrupt the approved drainage pattern. Soil from the excavation is not to be permanently placed on site unless in compliance with the approved lot grading plan.

4.3 Driveways and Sidewalks

Driveways shall be constructed using only interlocking masonry pavers, or stamped concrete, or exposed aggregate concrete, or a combination of these materials. Driveway colour is restricted to grey and to earth tones approved by the consultant. All areas of the front yard not covered by the driveway and sidewalk are landscaped in accordance with the landscaping plan accepted by the Design Consultant.

Asphalt surfacing materials must not be used anywhere on the lot.

Garage and driveway location must be approved by the Design Consultant to ensure compatibility with adjacent houses. Driveway, sidewalk, and patio areas shall be limited in size in accordance with generally accepted sustainability objectives, as determined by the Design Consultant.

4.4 Landscaping

All areas of the front yard not covered by the driveway and sidewalk are to be landscaped with rock gardens, drought resistant shrubs, trees, and other planting materials specified on the landscaping plan approved by the Design Consultant.

Landscaping of all street fronting yards should be completed within 60 days of the completion of the improvements, except if weather conditions make it impossible to do so, in which case the landscaping is completed as expeditiously as possible, and prior to final inspection.

Side yards and rear yards shall be cleaned and graded within 30 days of completion of house construction, and prior to final inspection.

4.5 Fencing

Chain-linked fences shall not be permitted unless one of the lot lines borders a municipal or strata park. In this event, the chain link will be installed by the developer. All fencing is the responsibility of the home owner and or builder. The location and design of all fencing components must be approved in writing by the Design Consultant. Fence height shall not exceed 5 feet.

Fencing along any lot line shall be offset a minimum of 0.15 metres [6 inches] onto private property.

4.6 Recreational Equipment and Accessory Buildings

A maximum of one accessory building designed to match the style and materials of the principal dwelling is permitted, and the location is restricted to the rear yard. The accessory building must not have a footprint exceeding 150 square feet. The accessory building should be designed for ancillary residential uses only such as pool equipment, and garden and tool storage.

5.0 GUIDELINES FOR THE HOUSE

All homes must comply with the RDOS Zoning By-law.

5.1 House Sizes and Types

Basement Entry homes: Not Permitted.

Two-Storey, 1 ½ Storey, and Split Level homes: Minimum 232 square metres [2500 square feet], including the garage, but excluding any in-ground basement area.

Bungalows: Minimum 186 square metres [2000 square feet], including the garage, but excluding any in-ground basement area.

5.2 Exterior Design

Continuity of theme and character in the community will be maintained by means of a design review by the Design Consultant, that will ensure that the size of architectural elements (such as the front entry or garage) relate proportionally to the size other elements on the same home, and to similar elements on neighbouring homes. Roof forms, roof pitch, building height and massing of the structure should be compatible with

those of adjacent homes.

The design of structures shall be internally style-authentic (the home should not appear to be a mix of different styles). A high degree of compatibility shall be established between the proposed style theme, and the roof forms, volume allocations, and detailing features commonly associated with the intended style, as determined by the Design Consultant.

5.3 Building Height and Massing

The building height and massing for improvements on the lot are to be compatible with the lot grading plan, and with the improvements on adjacent lots in relation to roof design and transition in building height, as determined by the Design Consultant.

The design of the single family dwelling incorporates the following general massing design principles, as determined by the Design Consultant :

- the volume of the wall mass of individual architectural elements, such as the front entrance, the garage, and feature projections, are proportionally consistent and compatible with one another, as determined by the Design Consultant.
- wall mass volumes on any street facing facade are allocated to locations on that facade in a manner that results in the achievement of overall balance in the design, as determined by the Design Consultant.
- Covered front entrance verandas, covered patios and loggias are encouraged.

Large areas of exposed basement wall mass are not permitted. Where the exposed basement wall mass at the front of the home exceeds 0.8 metres, raised masonry planters, other means as determined by the Design Consultant shall be used to minimize the impact of the street facing basement wall mass.

5.4 Dwelling Design

Similar exterior designs are not permitted within this development.

Main design elements and trim and detailing components, that are integral to the design of the dwelling, shall be incorporated on all sides of the structure, as determined by the Design Consultant.

Log homes, A-Frame Chalet homes, and box-like structures are not permitted. Other styles proposed by a home owner must be consistent with all objectives stated herein, and will be subject to approval by the Design Consultant who shall have the right to accept or reject any design.

5.5 Wall Cladding and Detailing

Only the following materials are used, with required accent materials measured as a percentage of the exposed wall face on the front facade, including window and door area:

Main cladding material	Minimum Required Accent materials
Stucco	20 percent brick or stone
Stucco	33 percent cedar, wood shingles, or fibre-cement products
Stucco	20 percent cedar plus 10 percent brick or stone
Cedar	None
Hardiplank*	20 percent brick or stone
Hardiplank*	25 percent cedar , wood shingles, or fibre-cement products
Hardiplank*	15 percent cedar plus 10 percent brick or stone

- Fibre cement board products other than Hardiplank require approval from the Design Consultant.

Note that vinyl siding is not permitted.

Colours: Only the following range of colours are used on exterior cladding materials: colours from neutral and natural (earth tone) colour palettes including cream, greys, browns, clay, sage, and other earth tones. Colours are subject to consultant review and approval.

Where wood, brick or stone features extend to an exterior corner, the accent material shall "turn the corner" and extend to a vertical break in the return wall such as a chimney or a wall projection.

Trim is required around windows and doors on all sides of the home, except where the use of such trim would interfere with the application of other elements such as shutters, or plant ledges.

Fascia boards and barge boards are fully finished on all exposed sides. Where fascia boards are used, the fascia boards are of a minimum dimension of 2x8 nominal. Where barge boards are used, the barge boards are of a minimum dimension of 2x10 nominal, and are accompanied by 1x4 or larger trim applied to the top side of the barge board.

Exposed concrete block is not permitted. Exposed concrete foundation walls are not to exceed 0.60 meters in height. Exposed concrete exceeding 0.30 metres on street facing walls shall be screened with landscaping, as determined by the Consultant.

Consistency in the exterior treatment of each home is required to ensure the authenticity of the intended style, and to ensure that the homes relate to one another, thereby creating consistency in the streetscape.

Fascia board colours and window trim colours must complement the siding colour.

Front doors will have raised panels of solid construction which are painted to match trims or to complement other finishes in the home.

Upper floor balconies (except as an architectural feature specifically approved by the Design Consultant) are not permitted on the front or sides of the home, and will be limited in size at the rear of the home, ensuring reasonable privacy on adjacent lots. Some lots in Phase 2 will be able to gain a better view with balcony's in the front or side of the house. How should we deal with this?

5.6 House Colour

In general, the appearance of the development will be enhanced by coordinating colours along each street to ensure the theme is maintained. The main colours will be natural, and neutral in hue. Secondary colours that apply to trim boards, shutters, doors and other decorative features shall highlight and complement the main colours.

Exterior colours on each home are coordinated to be complementary to one another and that adjacent homes do not have identical colour schemes. A colour selection check list will be completed for each home or accessory building by the Builder and/or lot owner, and will require the Design Consultant's approval.

Environmentally sensitive materials and application processes shall be used in the application of all wall colouration products.

5.7 Roof

The *improvements* have a varied roof form and design as determined by the *consultant* in relation to adjacent *improvements*. The roof design reduces upper floor massing as determined by the Design Consultant.

To ensure that all options are available for view preservation, there is no minimum roof slope. However, the suitability of low slope or flat roof designs shall be at the sole discretion of the Design Consultant.

The roof pitch is constant, except where an increased roof pitch contributes to the

authenticity or aesthetics of a particular design, or where a decreased roof pitch at a covered entry veranda or shed projection contributes to the authenticity of a particular design as determined by the *consultant*.

In the *consultant's* opinion, the roof design is consistent with the intended style objectives and each roof element contributes meaningfully to the overall design.

Only the following roofing materials are permitted: Concrete roof tiles, which are in a “shake profile” only, or Asphalt shingles in a “shake profile” only, with a 40 year or greater warranty which are accompanied by a pre-formed (manufactured) raised ridge cap, or Environmentally sustainable roofing products in a shake profile only, that meet or exceed the thickness of 40 year asphalt shingles, or metal roofing subject to approval of the profile and colour, as determined by the Design Consultant.

The roofs are to be in neutral or earth tones only, and no roof shall have a reflective surface.

All roof stacks, flashing, etc., are to be painted to match the roof colour.

The minimum roof overhang at the upper floor is 0.6m [24 inches], and the minimum roof overhang at the main floor is .76m [30 inches].

The colour of gutters is complementary to or matches the colour of the fascia. The colour of the rain water leaders is complementary to or matches the colour of the dominant wall siding material.

Rainwater leaders are used only if they are discretely placed, preferably on side facing or rear facing wall planes.

5.8 Garages

A two vehicle or three vehicle fully enclosed garage is required on each lot. Garages shall have a minimum clear interior width of 5.7 metres and a minimum interior depth of 6.1 metres and no landings and not more than 2 stairs shall encroach into this minimum parking area. Garages must be of a similar design, style, and colour as that of the principal building.

All garages must have closing doors to ensure that stored household belongings are not visible from the street.

Garage doors shall be of metal, vinyl, or wood construction only and must be painted in colours that complement the colour of the principal dwelling, as determined by the Design Consultant. Garage door height shall not exceed 9 feet.

Windows in garage doors shall be of a rectangular or gently arched shape, as determined by the Design Consultant.

Garages are mandatory, and are to be constructed concurrent with construction of the principal dwelling.

5.9 Accessory Buildings

Accessory buildings shall complement the style and the main cladding, roofing materials, and colours of the principal dwelling.

6.0 CONSTRUCTION AND MARKETING PROTOCOL

6.1 Signage

Signs erected by a Builder and/or lot owner or agent may not be larger than 0.6m x 0.9m (2'x3'). Only the Developer or the Developer's agent may erect larger signs for the purpose of marketing the development; said signs are to be removed once the development is complete. Only one "For Sale" sign may be placed for each residence.

6.2 Protection of Curb, Sidewalk, Utilities, Fencing and Landscape

The Builder and/or lot owner is responsible for repairing any damage to curb, sidewalk, roadways, swales, service connections, and trees, as a result of the house construction. The Builder and/or lot owner should inspect the lot prior to construction and inform the Design Consultant and the Permits & Licenses Department of the RDOS of any existing damage. Once the house is constructed, the lot and adjacent services will be inspected to ensure that any and all damage is repaired. Should the Builder and/or owner fail to make the necessary repairs, then the Developer will do so and deduct the costs from the compliance deposit.

6.3 Appearance During Construction

The Builder and/or lot owner is required to keep the lot, sidewalk, curb, and street clean and orderly during construction. This requirement includes keeping roads clear of soil and debris throughout the entire course of construction. Failure to keep roads clean will result in remedial action being undertaken by the Developer, with costs including an administration charge, to be deducted from the compliance deposit. There shall be no burning of construction waste.



7.0 SPECIAL LOT RESTRICTIONS

7.1 Drainage Easements and Rights-of-Way

Builders and/or lot owners purchasing lots encumbered with drainage easements or rights-of-way must pay special attention to completed swales and lot grading in order to maintain established overland water flows. Special precautions shall be taken during construction regarding ground and surface runoff. Builders and/or lot owners found negligent shall be charged for the cost of any clean-ups carried out by the Developer, and an administrative charge of up to 25% of the cost, as determined by the Developer. Lot grades and swales located on the lots shall be maintained by the owner.

Lawn basins and swales (where applicable) shall be installed in accordance with the final lot grading plan approved by the RDOS Or the design consultant.

8.0 SEVERABILITY AND LIABILITY

8.1 Severability

If any provision herein is determined to be voided or unenforceable in whole or in part, it shall not be deemed to affect or impair the enforceability or validity of any other provision or any part thereof.

8.2 Liability

The Developer, its designated Design Consultant, and the RDOS assume no responsibility for the accuracy of the information provided or from any losses or damages resulting from its use. Nothing contained within these Design Guidelines shall impose any liability on the Developer, the RDOS, or the Design Consultant, for damages of any kind, consequential or otherwise, resulting from these building design guidelines.

9.0 PROCESS AND OBLIGATIONS

9.1 Pathway to Completion

The following steps are recommended to the Builder and/or lot owner to ensure successful completion of the requirements:

1. Visit the lot. Note all characteristics, including lot slope, the location of significant trees



to be retained, the location of rock outcroppings and other natural amenities, the potential for view, the potential for view blockage, the location of streetlights, electrical boxes, service locations, driveway cut-ins, and lot shape.

2. Conduct a title search. Be aware of all encumbrances such as easements, prior charges, etc. Carefully review the text of the registered Design Guidelines.

3. Obtain lot grading information for your property. Ensure that the depth of services is sufficient for any need you may have to accommodate a basement, and be aware of final grading implications including the need for retaining walls.

4. Choose a home plan designer.

5. Prepare a preliminary submission including views of any street facing side of the home, a preliminary floor plan design (which may be from a plan book), a site plan indicating the location of improvements, and send it to the Design Consultant for preliminary approval.

6. If approval is not issued by the Design Consultant, contact the Design Consultant and determine what course of action is necessary to obtain approval. If necessary, discuss with the Design Consultant.

7. If satisfied with the outcome of the preliminary approval process, purchase the lot and pay the \$10,000 Design Guideline compliance deposit to the Developer.

8. Complete final working drawings in accordance with any notes added by the Design Consultant to the preliminary submission, and send digital copies of a complete set of working drawings to the Design Consultant. If the plans are accepted by the Design Consultant, the plans will be stamped as accepted and returned.

9. Apply for a building permit at the RDOS. Submit evidence to the RDOS that the plans have been accepted and stamped by the Design Consultant.

10. Construct forms in accordance with elevations indicated on the final blueprints. If there is any discrepancy between the approved elevations for forms and the as-constructed elevations of the forms, stop work and contact the Design Consultant.

11. Complete construction of the home in accordance with the approved plans including all finishing and painting.

12. Install landscaping in accordance with approved plans.

13. Call for final inspection by the Design Consultant and by the RDOS. Deficiencies identified by either the RDOS or the Design Consultant should be corrected within 10 business days of the inspection.



14. If the completed home meets requirements of the Design Guidelines, an approved inspection form will be completed by the Design Consultant. If not, a list of deficiencies will be issued, which should be corrected, after which a re-inspection should be called.

15. Supply the Design Consultant with proof of final building approval by the RDOS.

16. Presuming the Design Consultant's inspection is complete and that final approval has been obtained from the RDOS, the Design Consultant will send a letter to the Developer recommending return of the compliance deposit.

9.2 Obligations of the Builder and/or Lot owner, and the Developer

The Builder and/or lot owner agrees to complete construction of the home and landscaping in accordance with the provisions of the Design Guidelines within one year following the start of construction on the lot. The Builder and/or lot owner acknowledges that failure to complete the home and landscaping within the said one year period will harm the Developer, and the Developer shall therefore be entitled to retain the \$10,000.00 compliance deposit. In addition, the Developer shall be entitled to commence action against the Builder and/or lot owner to recover any costs or expenses incurred by the Developer in excess of \$10,000.00 per lot.

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