

RESTRICTIVE COVENANT - DEVELOPMENT REGULATIONS

THIS AGREEMENT made as of the 1 day of December, 2008,

BETWEEN:

ENCORE PRIME DEVELOPMENTS CORPORATION, an Alberta corporation
(hereinafter referred to as the "Grantor" or "Servient Tenement")

and

ENCORE PRIME DEVELOPMENTS CORPORATION, an Alberta corporation
(hereinafter referred to as the "Grantee" or "Dominant Tenement"))

WHEREAS the Grantor is registered owner of those lands described in Schedule "A" attached hereto (hereinafter referred to individually as a "Parcel" and collectively as the "Parcels");

AND WHEREAS it is desirable that the buildings within or upon the Parcels maintain certain standards of use and observe certain standards of architectural excellence as described in this restrictive covenant and the architectural guidelines attached hereto as Schedule "B" and hereinafter referred to as the "Architectural Guidelines" for the benefit of all present and future owners of the Parcels and in accordance with conditions of development imposed by The Municipal District of Rocky View No. 44;

AND WHEREAS section 68(1) of the Alberta *Land Titles Act* provides that an owner may grant to himself a restrictive covenant for the benefit of land that the owner owns and against land that the owner owns and that such restrictive covenant may be registered under the *Land Titles Act* (Alberta):

NOW, THEREFORE, THIS AGREEMENT WITNESSES that in pursuance of the covenants and for valuable consideration ENCORE PRIME DEVELOPMENTS CORPORATION does hereby, for itself and its successor-in-title to the Parcels, or any one or more of them, covenant as follows:

1. Definitions. The following terms shall have the following meanings in the restrictive covenant and in Schedule "B" attached hereto:

- (a) "Design Committee" means the committee from time to time established by the Homeowners Association pursuant to the provisions of Schedule "B" attached hereto;
- (b) "Development" means the carrying out of any construction or any residential building, structure, improvement, landscaping or premises on or excavation of a Parcel or any material changes or alterations to any such building, structure,

improvement, landscaping or premises constructed on or in a Parcel, excepting the construction of utility lines and related improvements;

- (c) "Developer" means Encore Prime Developments Corporation; and
- (d) "Homeowners Association" means Willow Creek Homeowners Association, an Alberta company;

2. Covenants Running with the Parcels. Each of the Parcels shall be subject to the restrictions and conditions herein set forth which shall be deemed to be covenants running with the land and shall be binding upon and enure to the benefit of the owner or owners of the Parcels from time to time, such restrictions and conditions having been imposed as a scheme with a view to maintaining the general character of the Parcels and controlling the same with respect to the manner of development for residential housing purposes and the use thereof.

3. Approval of Development by Design Committee. No Development shall be commenced or maintained on a Parcel unless:

- (a) the conditions, covenants and approvals set out or referred to in this restrictive covenant and the design criteria set forth in Schedule "B" attached hereto have been satisfied; and
- (b) the building, zoning and municipal bylaws of The Municipal District of Rocky View No. 44 have been complied with.

4. Nature of Development. Development on any Parcel is restricted to one detached single-family residence, together with such ancillary buildings that are clearly consistent with residential use, and provided that such development complies with the design criteria set forth in Schedule "B" and has received written approval from the Design Committee.

5. Restrictions on Operation of a Business on a Parcel. No Parcel shall be used for any trade or business purpose other than those approved by Municipal District of Rocky View No. 44, and provided that such use shall not employ any employees not residing on a permanent basis on such Parcel nor generate any more than five vehicular traffic movements per day. Any such business shall only be open for business during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Without restricting the generality of the foregoing, no residence constructed on a Parcel shall be used for a "bed and breakfast" facility or a boarding or lodging house.

6. Storage of Vehicles and Materials. No Parcel shall be used for the storage of boats, motor homes or commercial vehicles (except within a structure which will conceal their visibility from any other Parcel) or for the stockpiling of any materials or supplies or stock-in-trade unless such storage is temporarily required in connection with the construction, maintenance or repair of dwellings located on such Parcel.

7. Minimum Areas. No dwelling house shall be erected or stand on a Parcel unless such dwelling house occupies the minimum ground area and has the minimum floor area specified below:

- (a) 2000 square feet (186 square meters) if the dwelling house is of a single storey design; or
- (b) 1600 square feet (149 square meters) in ground area and 2500 square feet (232 square meters) in floor area if the dwelling house is of one and one-half storey, split level or two storey design.

The dimension of any attached garage and any carport, porch, veranda, sunroom or other appurtenant structure shall be excluded in computing such ground area occupied by and floor area of such dwelling house.

8. Animal Restrictions. No animals shall be kept or brought on to a Parcel other than dogs, cats and small birds (not including pigeons) that are for the personal use or enjoyment of the occupant of the Parcel, it being conclusively deemed that any more than two adult dogs or two adult cats shall be deemed not to be for the personal use or enjoyment of the occupant.

9. Garbage. No garbage, refuse or non-natural materials may be kept or stored on a Parcel unless kept or stored in a closed container or building, and no such garbage, refuse or non-natural materials shall be allowed to accumulate upon a Parcel.

10. Grades. The drainage system and the grades of a Parcel established by the Developer and The Municipal District of Rocky View No. 44 shall not be altered without the consent in writing of the The Municipal District of Rocky View No. 44 and the owners of each adjoining Parcel.

11. Tree Removal. Without the prior written consent of the Design Committee, no living trees shall be cut down or removed from a Parcel.

12. Damages for Breach. No action shall lie against the Developer for damages for breach of any one or more of the covenants contained in this restrictive covenant unless the Developer is registered as owner of the Parcel alleged to be in breach of the restrictive covenant. This paragraph shall constitute an absolute defence to any such action and may be pleaded as such.

13. Severability. Should any part, term or provision hereof be declared or decided by any court of competent jurisdiction to be illegal or in conflict with the laws of the jurisdiction where the provisions hereof are to be performed, the validity of the remaining portion, terms or provisions hereof shall not be affected thereby and such illegal part, term or provision shall be deemed not to be a part hereof.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

ENCORE PRIME DEVELOPMENTS
CORPORATION (Grantor)

per: 

ENCORE PRIME DEVELOPMENTS
CORPORATION (Grantee)

per: 

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SCHEDULE "A"

PLAN 08\5746; BLOCK 1; LOTS 1-9

PLAN 08\5746; BLOCK 2; LOTS 1-5, 7-17, and 19-24

PLAN 08\5746; BLOCK 3; LOTS 1-4 and 6-11

PLAN 08\5746; BLOCK 4; LOTS 1-2 and 4-6

PLAN 08\5746; BLOCK 5; LOTS 1-3 and 5-7

Dr
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SCHEDULE "B"

DESIGN COMMITTEE AND DESIGN CRITERIA

A. DESIGN COMMITTEE

1. **Formation and Constitution of the Design Committee.** Until January 10, 2011 a Design Committee consisting of one to three persons shall be designated by the Developer and thereafter the Design Committee shall consist of three individuals selected by the Homeowners Association and designated the "Design Committee". In the event that a member of the Design Committee resigns or otherwise becomes unable or unwilling to continue to act as a member of the Design Committee, the remaining members of the Design Committee may fill the vacancy by the appointment of a new member pending a decision by the Homeowners Association, to appoint a new member of the Design Committee.

2. **Appeal of Design Committee Decision.** If the registered owner of any Parcel is not in agreement with a decision made by the Design Committee relating to design criteria set forth in paragraph 4 below, he may appeal that decision if he obtains support in writing for such appeal from owners of at least five other Parcels. The notice of intention to appeal endorsed by such five other owners shall be delivered to the Design Committee and such notice shall list four independent architectural firms carrying on business in the Province of Alberta, that the registered owner of the Parcel would be prepared to accept as a sole arbiter to review the decision of the Design Committee. The Design Committee shall, within a period of ten (10) days from receipt of such notice of appeal, designate which of the four architectural firms so listed it would be prepared to have act as a sole arbiter and the matter being appealed shall then be referred to such architectural firm for a decision. The decision of such architectural firm made after hearing from both the owner of the Parcel and members of the Design Committee shall be considered for all purposes a decision of the Design Committee. All costs incurred by the independent architectural firm for reviewing the decision of the Design Committee and finalizing a decision shall be paid by the registered owner of the Parcel appealing the initial decision of the Design Committee.

3. **Approval Process.** Construction of any residential building, structure, improvement or premises on or excavation of any portion of a Parcel or any material change or alteration to any buildings, structures, improvements or premises constructed on a Parcel, including landscaping, in compliance with the Design Criteria hereafter appearing, shall not be permitted unless the plans and specifications thereof have been submitted to the Design Committee and approved by such committee in writing. All approvals given by the Design Committee shall be subject to all regulatory approvals by the Municipal District of Rocky View No. 44 being obtained, including a development or building permit issued by such authority.

Approval by the Design Committee will not be given unless an owner of a Parcel complies with the following:

- (a) Such owner shall submit particulars of the person or firm proposed to be retained by the owner to complete the proposed project and the Design Committee shall approve in writing such person or firm to complete such construction.
- (b) Such owner or his design representative shall have met with the Design Committee, or a designated member of the Design Committee, to discuss and review preliminary ideas and plans, which meeting is to be prior to any design



submissions. At this preliminary meeting such items as site specific guidelines, general guidelines and intent will be outlined. Access, utility entry, sewage disposal, grading, character, landscaping, massing and schedules will be discussed.

- (c) Such owner shall have paid to the Design Committee a \$15,000 building deposit and/or a \$10,000 landscaping deposit, such building deposit to be returned to the Owner following completion of the residence constructed on such Parcel owned by such Owner less the cost of repairing any damage to grades, roads, curbs or gutters caused by the Owner, contractors or agents during the course of the construction of a residence on a Parcel by such Owner. Such landscaping deposit shall be returned to the Owner upon completion of the landscaping for the Parcel owned by such Owner in accordance with the plan for such landscaping approved by the Design Committee. The landscaping deposit and/or the building deposit may be delivered to the Homeowners Association by the Developer and in such event the Developer shall be released from any and all liability in connection with such deposit.
- (d) Following the preliminary meeting, the Design Committee shall be supplied with drawings and specifications showing the proposed building or improvement in sufficient detail to illustrate to the satisfaction of the Design Committee the size and design of the building to be constructed, together with such information as materials to be used, colours, appearance, setbacks, siting, access, utility hookups, height and landscaping as may be necessary to enable the Design Committee to provide preliminary approval. Such information shall initially include a surveyed topographical site plan showing the relationship of the proposed building to be constructed to the roadway and showing the utility access and plantings. Such site plan shall also include a sketch plan and elevations showing proposed massing and existing and final contour lines of the proposed building or improvement and all other details reasonably requested by the Design Committee.
- (e) Once preliminary approval has been obtained, the Design Committee shall be given full architectural drawings, which includes a site plan, floor plans, elevations, roof plans, building and site sections showing existing and finished grades, a landscape plan, the location of utility hookups, and full specifications, including materials and colours, which plans and specifications shall have no less scale or detail than that required by the Municipal District of Rocky View No. 44 on applications for development permits. Plans shall be submitted in a format requested by the Design Committee.
- (f) Before final approval is obtained, the Design Committee upon request shall be given letters under seal from both a qualified Geotechnical Engineering Consultant, and a qualified Hydrological Engineering Consultant, confirming that the residential building, structure, improvement or premises on or excavation of any portion of the Parcel or any material change or alteration to any buildings, structures, improvements or premises constructed on the Parcel, meets the



previously approved geotechnical and stormwater management guidelines respectively.

- (g) Agreement to commence construction of residential home within 15 months of purchase of Parcel and in any case no more than 3 months following Design Committee final approval and agreement to complete exterior of residential home within 18 months of commencement of construction. Any approval not acted upon with 12 months of issuance shall lapse.
- (h) To ensure compliance, the Design Committee has the right to inspect any project at any stage for any reason on reasonable notice to the owner. The Design Committee shall also have the power to take any reasonable necessary action at any time to ensure observance and limit any non-compliance, including issuing stop-work orders and seeking injunctive relief.

4. Design Committee. In assessing whether it will approve a proposed building or improvement to be made on any portion of a Parcel, it is anticipated that the Design Committee will, *inter alia*, consider the factors set out in the Design Committee Design Guidelines annexed hereto as Schedule 1.

Notwithstanding anything hereinbefore provided, the Design Committee may, in its sole discretion, refuse to approve any construction, location, alteration or renovation proposed to be made on the Lands on the basis that such construction, location, alteration or renovation does not conform to or is incompatible with the general development of the Parcels, although decisions by the Design Committee may be appealed as above provided.

Neither the Design Committee nor the Developer shall be liable for any loss or damage suffered as a result of the Design Committee's refusal to approve any construction, location, alteration or renovation proposed to be made on the Lands on the basis that such construction, location, alteration or renovation does not conform to or is incompatible with the general development of the Parcels.

The Design Committee's stamp of approval affixed to plans, architectural drawings and specifications denotes the Design Committee's approval and acceptance of the technical information contained in such plans, architectural drawings and specifications, and approval of the visual design that the plans, drawings and specifications appear to represent. The stamp of approval may not be construed to mean that the Design Committee confirmed the dimensions shown on any submission. The owner of a Parcel shall be responsible to ensure that all building codes and regulations and laws of governmental authorities having jurisdiction over the Lands have been complied with notwithstanding the Design Committee's stamp of approval.

5. Departure from Design Committee Approved Plans. It is understood and agreed that if the Homeowners Association or the Developer becomes aware of any departure, in any form or magnitude, from the approved plans, the owner of the Parcel, shall forthwith repair, replace and take all other necessary curative action (as the Homeowners Association or the Developer may require) the same to the satisfaction of the Homeowners Association or the Developer. The Homeowners Association or the Developer shall have the right to examine, inspect or audit any

building or improvement or cause same to be examined, inspected, audited, at the expense of the owner of the Parcel. If the owner of a Parcel does not forthwith repair, replace or take any other necessary curative action required by the Homeowners Association or the Developer, the Homeowners Association or the Developer may take any and all necessary action to complete same at the sole cost, expense and risk of the owner of the Parcel and charge a 15% administrative fee of all costs and expenses incurred.

Schedule 1

DESIGN COMMITTEE DESIGN GUIDELINES

LOTS

The Willow Creek lands are to retain the sense of its original natural prairie setting. The Architectural Controls are focused on providing native and naturalized species in the open space areas as well as on residential lots so that the prairie setting of the Willow Creek lands will be re-established.

Of high importance is the visual effect of landscaping and the siting of homes in relation to maintaining views within the site as well as to the mountains and surrounding areas. Consideration should also be given to determining landscaping and home locations to allow access to direct sunlight should active or passive solar energy be part of the home design.

SETBACKS

Setbacks have been established to provide homes that are in scale with each property. In addition to the setbacks provided by the Municipality, The Design Committee has, in some areas, increased the distance from the property line to the home to enhance the natural area on each lot and throughout the project. Table 1 provides front, rear and side yard setbacks for all lots.

NATURAL AREA

Each lot has a designated natural area along the property line, around the sides and rear of the lot. This area may also extend across the front of the lot subject to architectural review. The minimum depth of the natural area is 7.5 meters, although a larger area is encouraged to help recreate the natural forest, subject to architectural review. The minimum distance of the natural area from the home will be 5 meters. Within this area there may be a range of plantings including native and naturalized grasses, shrubs and trees. A list of approved species may be found in Table 2. Storm water drainage from the roof, driveway and other hard surfaced areas shall be directed to the natural area. This shall be shown on the Landscape Plan for each lot.

MANICURED AREA

A portion of the lot surrounding the home is to include a manicured area, where grass and gardens will be allowed in addition to trees and shrubs. The boundary between the natural and manicured areas should have a generally undulating shape. The area between the road pavement and the front property line shall also be manicured and maintained by the homeowner, to provide a high quality image for Willow Creek.

CONSERVATION LANDSCAPE

This landscape zone is optional. It comprises an area from the edge of the manicured landscape

to the natural area. It is an intermediate zone with a mixture of native/non-native species, ranging from xeriscape beds to native and non-invasive introduced species, "smart irrigation", mulches and water management features (such as rain gardens).

BUILDING FOOTPRINT

The home is to be located in an area designated by the developer within the Manicured Area. The setbacks for this area on each lot can be found in Table 1.

DRIVEWAY AND PARKING

The location of the driveway entrance will be set by the Design Committee. It will be restricted to one car width wide at the entrance to the property. A circular drive to the formal front entrance of the house is encouraged, to reduce the amount of pavement and a parking lot effect at the front of the home. Connected to this will be a mandatory separate drive to a side or rear garage. A second access to the road may be considered subject to lot size, location and landscaping. Outdoor guest parking shall be noted on the landscaping plan and shall be restricted to an area away from the formal entrance to the home. All roads will have ditches on both sides and culverts will be provided at the preset driveway location. Landscaping of this culvert will be required using an approved stone and shall be part of the landscaping plan.

WASTEWATER SYSTEM

All homes will require advanced wastewater treatment systems that meet Alberta Environment (NSF 40) standards and can be monitored remotely. Through the Homeowners Association, all systems will be maintained and monitored by Rocky View Utility Corporation. These computer controlled and monitored systems consist of a wastewater tank, a separate textile membrane and a pumping system to a drain field. The location of this field has more flexibility than a standard septic system as only liquids are released, and the wastewater dispersal pipe has no direct contact with the ground. The location of this field must be shown on the Landscape Plan.

STORM DRAINAGE

All stormwater shall be controlled on each property prior to release to the common areas (road ditches, open space system). This will consist of directing the flow of water from all hard surfaces (roof, driveway, patios, etc.) to specific locations within the natural area. Temporary stormwater retention onsite is preferred for most storm events, with excess flows released in a controlled manner. Rainwater barrels should be the first method of storage at all downspouts. Storage of large amounts of rain water for future irrigation is also possible with tanks located under a garage. Lower areas away from the house can provide further temporary rain water storage, both within the manicured and natural areas, which can also help replenish the natural groundwater. Solid, impervious materials are discouraged as they concentrate runoff. Flagstone, paving stones and grass pavers are encouraged as they allow water to percolate into the soil and reduce runoff.

FENCING/PROPERTY LINES

To maintain the open natural landscape within Willow Creek, no boundary fencing will be allowed on individual lots. Privacy screening / fencing may be allowed in limited areas within the manicured area adjacent to the rear of the home, subject to Architectural Review. Control of pets with an "invisible fence" is mandatory. No pet runs will be allowed in viewable areas. Property lines will be identified with a wood and rock bollard provided by The Design Committee.

ARCHITECTURAL FEATURES, SITE FIXTURES

Landscaping features with stone, wood, and the same or similar materials as on the home are

encouraged, and are subject to Architectural Review. Statuary may be appropriate with the house design but will require approval. Gnomes, etc. are not allowed.

SPORT COURTS, POOLS AND HOT TUBS

Sport courts will be allowed where appropriate setbacks, with minimal visual impact and noise can be achieved. Chain link fence is only allowed for sports courts and all components shall be black. Pools, spas and hot tubs shall be located adjacent to the home and shall be screened by landscaping, wall extensions from the house and appropriate approved fencing.

PETS

Pets are allowed in the yard only if an invisible fence is used. To maintain a tranquil setting and to prevent constant barking from dogs, exterior fenced and screened dog runs will be allowed only for limited daily use (subject to the Regulations of the Home Owners Association) and with architectural approval.

BUILDING DESIGN

Willow Creek at Bearspaw will encourage individual expression in home design within the framework of an Alberta-Prairie-Mountain landscape. Three fundamental components of design should include:

1. Only natural materials are to be used for the exterior of the home.
 - stone is to be a component of every elevation
2. The formal entrance and the front door are to be the focal point of the home.
 - entrances are to be an event, an experience
3. Roof lines are to be aesthetically pleasing and interesting.
 - varying slopes, dormers and gable treatments shall be standard

Overall, homes will be designed and constructed to a higher standard with the finest materials, quality and appearance. They are to complement each other and harmonize with the natural environment. The large lots at Willow Creek will allow creative designs which can take advantage of the sun and the panoramic views. Homes should be energy efficient and meet or exceed the Built Green standards. Homes will be individually evaluated for their quality and appropriate relationships with their neighbours. These guidelines will not prescribe the colors but will encourage a consistency with the site. Each proposed home will be reviewed based on individual merit. The following outlines criteria that are considered fundamental to an attractive home in Willow Creek:

THEME

The overriding objective is to respect the prairie and natural setting of the homes. Home design is to blend with the setting with color, materials and shape. The design is to take into account view sheds. Homes that have potential to block views should be designed with limited upper floor plates and incorporate lower slope roof designs.

CUSTOM HOMES

It is expected that there will be no repeat homes in the subdivision. Allowance will be given to similar plans which have different exterior elevations.

STYLE

Variety in home styles is expected and encouraged. The home should have a sense of being in



western Canada and arise from traditional styles built in this region. Historical styles are welcome in Willow Creek, however they must have a true connection with the past. This means that Spanish and adobe style homes would be out of place as would highly formal designs such as Victorian and colonial styles. The traditional Victorian white farm house would also be inappropriate as it is intended to be an object that draws attention to itself in contrast to the open space around it. Arts and crafts style is at the core of an appropriate expression. A variation of this style is the prairie architectural style of which Frank Lloyd Wright was one of the proponents. The traditional communities which are so appealing are usually composed of a series of quiet, unassuming charming houses with graceful massing, elegant proportion and economy of detail. Modern architecture will generally not be approved nor will Roman Villas, Arizona pueblos, French chateaux or other similar styles.

BUILDING SHAPE AND RATIONALE

Homes should be located within the manicured area to fit as much as possible within the natural or set contours. The home should step down, using multi level floor plates. Lower building forms are encouraged with an emphasis on horizontal lines. Upper floors should generally be located within the roof structure and cover a smaller area than the main floor. All elevations and roof form require careful design.

PROPORTION

Proportion is the most important attribute to a successful design. It comprises the relationship of the sizes of different parts of the building one to another and to elements of the site. The building should not appear too large for its site, with appropriate setbacks. It must fit comfortably without overpowering the property or adjacent homes. All parts of the building elements must carry through to all external walls. All exterior walls must also have the same standard of design and finish. The entire building should be designed with a sense of proportion. The roof should be in proportion with the walls, the front door with the entry (no two storey arches will be allowed). Wall openings should be appropriate to the wall surface in size and location, while allowing for solar access.

MATERIALS AND COLOURS

The use of natural materials for both the home and surrounding landscape can give a strong sense of belonging between the home and its natural environment. Local rock such as rundlestone is appropriate to the site. Man made materials such as brick, concrete and stucco have a similar earthen quality. In most cases man-made stone does not possess a sufficiently realistic look and will only be approved on an individual basis. To be compatible with the natural theme of Willow Creek, colours should be consistent with the site itself, including rock, trees and water, supplemented by the brighter colours of autumn. Homes should have contrasting body and trim colours. Strong colours tempered by the tones of natural materials are preferred. Consideration must also be given to enhancing the architectural details on the home. A variety in colour is required. This will limit the use of standard prefinished products on portions of the homes and requires that custom colours be used to individualize each home. Light colours are to be limited in use and are to be for accent only, otherwise all materials should be rich deep colours and tones.

ROOF

Roof lines are very important to the home. When part of the overall design, dormers, overhangs, chimneys and skylights can increase the visual interest of the roof. It is expected that careful attention will be paid to make the roof line an attractive feature. Low slope roof lines will have to incorporate appropriate detailing and stepping to be acceptable. Steep pitches will have to incorporate habitable attic space within dormers.



BUILDING HEIGHT

The maximum height of the primary building is 10 m for most homes. Certain lots may have a reduction to 9m to reduce the impact on external views (see Table 1). The builder should consult with the MD of Rocky View to confirm the calculations for the overall height of the home during the design stage.

WALLS

Walls three stories high are not acceptable. Two storey walls must be limited and incorporate at least two exterior materials.

BASE / FOUNDATION

An expression of the home as rooted in the ground is required. An example is a masonry base or other such treatment which provides a solid foundation and anchors the home. All homes should have masonry on most elevations. Up to 50% may be required on important elevations. Foundations with substantial and natural materials such as stone are encouraged. Parging is acceptable in limited areas provided it is in conjunction with natural materials. Any projections from the home such as decks, stairs and planters must also incorporate this same treatment.

ACCESSORY BUILDINGS

The same design theme and materials must be used on any accessory building. Siting of any additional buildings must be in the manicured area. No shed, greenhouse, garage or other building packages will be allowed.

LIGHTING

To allow a rural feel to the site and allow night-time viewing of the stars, no streetlights will be provided. Lighting for Willow Creek at Bearspaw will be designed to offer minimal light pollution to surrounding areas. Only downward directed lights will be allowed throughout the yard. No spotlights or direct viewing of any light source externally will be allowed. The light at the entrance to the driveway shall be controlled by a timer or light sensor. Any lighting of the driveway will be controlled by a motion or light sensor. Discreet upward or decorative lighting on the front of the home is allowed as a Winter/Seasonal feature.

UTILITIES

Underground utilities (gas, water, telephone) are provided to the property line at the driveway entrance. A bollard/light with the Street number are provided at a set location at the entrance. Each homeowner must connect power to this light with a sensor or timer to ensure that all lights are operating at night.

UTILITY METERS

All utility meters must be located on the sides of the home and screened from the road and open space areas. This may require coordination with the utility supplier. All utility lines must be underground to the main home and all utility/accessory buildings.

HOME SPRINKLER SYSTEMS

All homes must include a robust interior sprinkler system for fire-fighting purposes.

GARBAGE STORAGE

Garbage must be stored indoors. The Homeowners Association provides weekly pickup. To prevent wildlife from opening garbage, all waste must be stored in garbage bins with an attached lid. No plastic bags are permitted.

ENERGY CONSERVATION, LOW CONSUMPTION FIXTURES AND APPLIANCES

All homes are encouraged to meet or exceed the Built Green standards. To reduce water use, low consumption plumbing fixtures are encouraged. Use of low flow taps should also be considered as an alternative, while all toilets shall be dual flush. Appliances shall be Energy Star certified where available.

SOLAR ACCESS / GEOTHERMAL

Design to enhance solar gain is encouraged. This could include adjusting the roof slope and amount of glass and roof overhangs on south facing exposures. Geothermal heating and cooling is also encouraged using a closed loop system and a vertical well.

OTHER FEATURES

Porches: Covered porches which dominate the front or wrap around the home as a veranda are encouraged with attention given to railing, columns and fascia details. They should have sturdy masonry or timber structures, with areas underneath enclosed with wood or masonry skirts to further reinforce the foundation of the building.

Dormers / Gables: It is expected that most homes would incorporate dormers or gables. Gable ends and the treatments under the gable are highly visible and are to be finished with appropriate trim and detail. Low slope gables will need expression of beams and rafters.

Decks: Decks placed off of upper floors are to be incorporated into the style of the home, taking advantage of stepping of the building and appropriate column and support details. Care should be taken with the railing expression/design, with iron preferred over aluminium. Large multi storey attached decks are discouraged.

Turrets: Turrets and observation towers can be attractive features in the home when they are subordinate in the elevation.

Entry: Appropriate expression on the entry is required. The entry shall be the primary front feature and in proportion to the house. It should provide shelter from the weather and be incorporated with a recessed alcove, bay, roof or veranda. All steps to the entrances are to be exposed aggregate concrete, stone tile or manufactured stone to be consistent with the exterior materials. Consideration should be given to wide and/or flared steps. Wooden steps are generally not permitted unless they are an architectural feature consistent with the design of the home. Tongue and groove pressure treated or other durable wood decking is an appropriate surface for flooring on porches.

Trim: Trim is to be on all windows (front, side and rear elevations) as well as shadow boards, where appropriate. Six (6) inches would be a normal minimum width with headers 8" to 12". Smaller trim could be acceptable based on merit. This trim material should be of wood or wood like material. No aluminium, vinyl or stucco is allowed.

Fascia: The fascia is the most important trim on the home and must be done in a way that enhances the roof. Double or triple fascia should be featured on gable ends. Where eaves trough hide fascia, relaxations will be considered. On low slope roofs the fascia development is essential. Aluminium is generally not acceptable. The minimum dimension for combined fascia (painted board or equivalent) is 10" unless there are exposed rafters.

Soffits, Eaves trough and Downspouts: Aluminium in a colour which blends with the trim is an acceptable material.

Roof Overhang: Variety in overhangs is encouraged rather than defaulting solely to 18 inches. Large overhangs as a feature are encouraged on low slope roofs.

Gables: Gable ends should employ a variety of textures and trim such as exposed trusses, brackets, vertical battens, beam ends, patterns of trim, changes in materials and projecting plains, incorporating decorative and custom shaped windows.

Windows: Window frame color is to blend with the finishes on the exterior. No white vinyl is permitted, except where it matches the approved trim. Care must be taken in the number and placement of doors and windows to provide a balanced and integrated design. Windows should preferably include traditional true divided lites with 1/3 of the glazing area incorporating lites and 2/3 without. Decorative window grilles between the glass are acceptable provided they are 1 1/4" minimum in width. Window frames should match the quality and colour range of the exterior materials, and will require a minimum 6" trim.

Main Entrance and Secondary Entry Doors: The main entrance and door should be a predominant feature of the front elevation. High quality decorative natural wood or wood like doors are encouraged. Painted doors must be in a neutral color. Glazed lites within the door should be compatible with the style of the home. Full height sidelites with a full width transom are encouraged. Secondary doors should have a similar style to the main entrance door. Patio doors shall be double "French" style where possible. Sliding doors may be used at less prominent locations.

Texture: A variety of textures on wall surfaces with different materials adds richness to the home i.e.: Adding shingles to a wall dominated by horizontal siding breaks the monotony of the wall.

Chimney Flues: Flues and vents should be enclosed in appropriate chimney expressions. Fireplaces with massive masonry expressions above the roof are highly encouraged. Chimneys should be designed to be substantial in proportion with the appearance of strength and stability. When on an exterior wall it should extend down to the ground with an appropriately sturdy foundation. All chimneys shall be finished in stone, brick, stucco or wood (if compatible with exterior wall design and materials). Windows over or under chimneys are not appropriate. Anodized aluminium flashing and roof vents are not allowed. All aluminium vents and flashing are to be pre-finished to blend with the dominant roof color. Chimney caps with spark arrestors to compliment the design of the home are required. Where gas fireplaces are used, top vent models are preferred with appropriate full height chimneys. If direct vent units are used, the vents must be located away from the street or common (open space) areas. All vents must be screened and painted to blend with the surrounding wall material. Exposed metal chimneys will not be allowed.

Stone/brick/carpentry: Details must be consistent with the materials being used. Stone walls shall appear to be the foundation coming out of the ground and not appear to be floating. Handcrafted carpentry details and stone carving are encouraged. Exterior brick or stone treatments extending above the grade should be in scale with the surrounding wall and supported by the foundation. The foundation should be either flush to the wall or extend up to 3" out from the wall surface. Natural materials are encouraged, however artificial stone may be used when in appropriate combination with two styles of stone and incorporating full smooth tooled or convex tooled joints (see recommendations of most manufacturers). Some ledge like stones and Tuscan style



stone may be appropriate. No artificial riverstone, block-like stone or flat slabstone will be allowed.

Columns/beams: All columns are to have proportioned widths and should be perceived to hold up beams. The connection details between the two are important. Stone bases are encouraged.

Garages: The garage area must be of equal quality as the home. It may incorporate bonus rooms above. It must incorporate windows and have a maximum of 1 double door with the balance, or all of the doors to be single car widths. In general, garage doors are not to be visible from the front elevation or the main access road. The door style is to be decorative and in a single colour that blends with the home, incorporating materials compatible with those of the house. Carriage wood or wood like doors are encouraged, in one piece or sectional. The minimum garage door height is 8 ft. Windows in the door are encouraged. Care must be taken to design the area above the garage door, with large blank areas not allowed. All garages shall be subordinate to the home. Where the garage is incorporated within the house, it should be designed as a separately articulated form. An alternative location is separate from the house similar to a "Coach House", incorporating the same design and materials as the home. If more than two garage spaces are required, any additional doors must be set at a different plane. Standard metal and wood doors will not be allowed.

Lighting: Light fixtures in the eaves and designs that obscure the source of light are encouraged. Fixtures should direct light to specific areas with direct viewing of the light source not visible. To provide a rural feel to the site and allow night-time viewing of the stars, no streetlights will be provided. A soft and comforting light will be afforded through a bollard located at and identifying the entrance of each lot. Each homeowner must connect power to this light with a sensor or timer to ensure that all lights are operating at night. Lighting for each home at Willow Creek at Bearspaw will be designed to offer minimal light pollution to surrounding areas. Only downward directed lights will be allowed throughout the yard. Light sources must not be directly observed – only the effect of the lights should be noticeable. Low wattage bulbs for seasonal decorations will be acceptable.

Window Wells. Window wells must incorporate the same stone as used on the foundation. Corrugated metal window wells will not be allowed.

Roofing Materials: Asphalt shingles in darker colours may be selected from 30 year plus architectural products. Only pre-finished flashings are allowed. Slate or slate like materials are encouraged, while dark coloured metal or other roofing materials may be considered. No Mexican style clay tiles are allowed.

Masonry: This is to be incorporated on all homes in a meaningful proportion with more than 10% to be on all building faces. Natural stone with its variations in texture and colour is encouraged including Rundlestone, Sandstone and Manitoba limestone. Some artificial stone may be allowed if it is sufficiently realistic (See appendix). Brick may only be used in traditional colours i.e. pressed brick in traditional reds or beige.

Stucco: Off white and light coloured stucco may only be used as an accent, or to a maximum of 20% of the home wall area. Only the very darkest 4 to 5 colors on the standard stucco charts will generally be approved, to a maximum of one third of the wall area. Darker colors are normally required. Acrylic stucco is preferred.

Siding. Prefinished sidings are generally not permitted. Siding that can have a custom color is



allowed. Smart board and hardiboard are acceptable substitutes to real wood, which is preferred. Shingles as well as board and batten patterns are encouraged. No vinyl is allowed.

LANDSCAPING

A major feature of Willow Creek is the extensive landscaping within the open space areas. This is to continue on individual lots. All lots will require generous plantings of trees and shrubs, both within the natural and the manicured areas. The landscape design should emulate and enhance the natural plant growth within the region and have some capability to attract/protect/shelter wildlife.

SUMMARY OF ACCEPTABLE MATERIALS AND DESIGN

Patios / walkways

- Paving stones
- Flagstone, rundlestone
- Concrete, in limited areas, preferably stamped/coloured or aggregate (no concrete blocks)

Driveways

- Concrete, generally for the garage apron. If in other locations, to be limited in area, preferably stamped/coloured or aggregate (permeable where appropriate)
- Paving stones, grass pavers (permeable)
- Limestone
- Asphalt, smooth surface not to cover the entire driveway area, stamped cobble pattern where workable

Lot Grading

- general grading will be as set out in the Grading Plan, noting areas where further adjustment by the homeowner may be made.
- site specific grading related to home construction must be shown on the Landscape Plan

Retaining Walls

- to be kept to a minimum, preferably use natural contouring and gentle slopes instead of retaining walls
- use natural materials such as rundlestone, sandstone

Manicured / Natural Area

- Grass type- see Table 2, Naturalized Plant List
- Vegetable gardens may be planted in the rear of the property, covering no more than 10% of the manicured area, although it may be larger if it is part of an edible decorative garden.

Shrubs and Trees – see Table 2, Naturalized Plant List

TABLE 1



PARCEL	BLOCK	LOT	MANICURED AREA SETBACKS				BUILDING SETBACKS				DRIVEWAY	HEIGHT
			FRONT	REAR	LEFT	RIGHT	FRONT	REAR	LEFT	RIGHT		
25	1	1	5	20 - 16	7.5	20	20	24 - 20	15	30	NE	10
26		2	5	28 - 24	7.5	7.5	20	31 - 27	15	15	NE	10
27		3	5	15	7.5	7.5	20	20	15	15	NW	10
28		4	5	10	7.5	7.5	20	15	15	15	NE	10
29		5	5	10	10	7.5	20	20	15	15	NW	10
30		6	5	10	7.5	10	20	15	15	15	NE	10
31		7	5	10	7.5	7.5	20	15	15	15	NW	10
32		8	5	10	7.5	7.5	20	15	15	15	NE	10
33		9	5	10	7.5	7.5	20	15	15	15	NW	10
34	2	1	5	15	7.5	7.5	15	20	15	15	NW	9
35		2	5	15	15	3	15	20	24	8	SW	9
36		3	5	15	3	15	15	20	8	24	SW	9
37		4	5	10 & 15	7.5	7.5	20	15 & 20	15	15	CENTRE	9
38		5	5	10	7.5	7.5	20	15	15	15	CENTRE	10
39		7	5	10	7.5	7.5	20	15	15	15	CENTRE	10
40		8	5	10	7.5	7.5	15	15	15	15	NE	10
41		9	5	10	7.5	7.5	15	15	15	15	NW	10
42		10	5	10	7.5	7.5	15	15	15	15	NW	10
46		11	5	10	7.5	7.5	15	15	15	15	NE	10
47		12	5	10	7.5	7.5	15	15	15	15	NE	10
48		13	5	15 & 10	7.5	7.5	20	20 & 15	15	15	CENTRE	9
49		14	5	15	7.5	7.5	20	20	15	15	CENTRE	9
50		15	5	10 & 15	7.5	7.5	20	15 & 20	15	15	CENTRE	9
51		16	5	10 & 14	7.5	7.5	15	15 & 18	15	15	SE	10
52		17	5	10	7.5	7.5	15	15	15	15	SE	10
1		19	5	15	7.5	10	20	20	15	15	CENTRE	9
2		20	5	10	7.5	7.5	20	15	15	15	SE	10
3		21	5	10	7.5	7.5	20	15	15	15	SW	10
4		22	5	10	7.5	7.5	20	15	15	15	SW	10
5		23	5	10	7.5	7.5	20	15	15	15	SW	10
6		24	5	10	7.5	7.5	20	15	15	15	NW	10
7	3	1	5	15	7.5	10	20	20	15	20	NE	10
8		2	5	15	10	7.5	20	20	20	15	SW	10
11		3	5	10	7.5	10	20	15	15	15	NW	10
12		4	5	10	20	7.5	20	15	30 to 23	15	SW	10
9		6	5	15	10 to 20	7.5	15	20	15 to 25	15	NE	10
10		7	5	15	7.5	7.5	15	20	15	15	NE	10
13		8	25	10	20	15 to 10	30	15	25	20 to 15	SW	10
14		9	75	10	25	20 to 10	75	15	30	23 to 15	SE	10
15		10	5	25	7.5	7.5	15	30	15	15	NE	10
16		11	5	25	15	7.5	15	30	20	15	NE	10
17	4	1	10	10	7.5	20	20	15	15	30	NE	10
18		2	5	10	20	7.5	15	15	30	15	SE	10
19		4	5	10	7.5	7.5	20	20	15	15	NE	10
20		5	10	15	7.5	7.5	20	20	15	15	NE	10
21		6	10	10	7.5	10	20	15	15	20	SE	10
22	5	1	5	10	10	7.5	15	15	20	15	SW	10
23		2	5	10	7.5	7.5	15	15	15	15	NW	10
24		3	5	10	7.5	10	15	15	20	20	NW	10

43	5	5	10	10	7.5	15	15	20	15	NE	10
44	6	5	10	7.5	10	15	15	15	15	NE	10
45	7	5	10	10	10	15	15	15	15	SE	10

Table 2

NATURALIZED PLANT LIST

1. Grasses

1.1 Willow Creek general area grass mix

34%	Blue Grama Grass	<i>Bouteloua gracilis</i>
18%	Rocky Mountain Fescue	<i>Festuca saximontana</i>
14%	Canada Wild Rye	<i>Elymus canadensis</i>
12%	Sandberg's Blue Grass	<i>Poa sandbergii</i>
8%	Fowl Blue Grass	<i>Poa pratensis</i>
7%	Junegrass	<i>Koeleria cristata</i>
7%	Annual Rye Grass	<i>Lolium multiflorum</i>

Application: Ditches, driveways, berms
This mix can either be mowed or left unattended.

Seed rate: 31 kg/ha (= 310 grams/100 sq.m.)

Apply only with no till or other dryland seed drill.

Do not hydroseed.

1.2 Wetland Additional seed application

Seed with general area grass mix at rate of 31 kg/ha , and
overseed or add the following mix to the seeder at 3.6 kg/ ha (= 36 gr/100 sq m):

50%	Tufted Hairgrass	<i>Deschampsia caespitosa</i>
25%	Slough Graas	<i>Beckmanii syzygachne</i>
25%	Whitetop Grass	<i>Scholochola festucacea</i>

Application: areas of within 1 metre vertical of normal water level of all ponds, channels
and wetlands. This mix is not intended to be mowed.

2. Coniferous Trees

Siberian Larch	<i>Larix siberica</i>
White Spruce	<i>Picea glauca</i>
Colorado Spruce	<i>Picea pungens</i>
Scots Pine	<i>Pinus sylvestris</i>
Lodgepole Pine	<i>Pinus contorta latifolia</i>

3. Deciduous Trees

Paper Birch	<i>Betula papyrifera</i>
Balsam Poplar	<i>Populus balsamifera</i>
Plains Cottonwood	<i>Populus deltoides</i>
Trembling Aspen	<i>Populus tremuloides</i>
Chokecherry	<i>Prunus virginiana melanocarpa</i> – pruned to tree form
Narrow-leaved cottonwood	<i>Populus angustifolia</i>
Laurel Willow	<i>Salix pentandra</i>

4. Coniferous Shrubs

Common Juniper	<i>Juniperus communis</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Mugo Pine	<i>Pinus mugo mugo</i>

5. Deciduous Shrubs

Saskatoon	<i>Amelanchier alnifolia</i>
River Birch	<i>Betula fontinalis</i>
Red Osier Dogwood	<i>Cornus stolonifera</i>
Wolf Willow	<i>Elaeagnus commutata</i>
Twinberry Honeysuckle	<i>Lonicera involucrata</i>
Shrubby cinquefoil	<i>Potentilla fruticosa</i>
Chokecherry	<i>Prunus virginiana melanocarpa</i>
Alpine Currant	<i>Ribes alpinum</i>
Wild Black Currant	<i>Ribes hudsonianum</i>
Wild Gooseberry	<i>Ribes oxycanthoides</i>
Prickly Rose	<i>Rosa acicularis</i>
Common Wild Rose	<i>Rosa woodsii</i>
Wild Red Raspberry	<i>Rubus idaeus</i>
Beaked Willow	<i>Salix bebbiana</i>
Pussy Willow	<i>Salix discolor</i>
Sandbar Willow	<i>Salix exigua</i>
Smooth Willow	<i>Salix glauca</i>
Russet Buffaloberry	<i>Shepherdia canadensis</i>
Snowberry	<i>Symphoricarpos albus</i>
Buckbrush	<i>Symphoricarpos occidentalis</i>
High-bush cranberry	<i>Viburnum opulus</i>



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