89 SP 29 10 54 2 GC125596

LAND TITLE ACT
Form 17
(Sections 151, 152(1), 220)

APPLICATION

NATURE OF CHARGE:
Section 215 Covenant

Parcel Identifier No.:

True Value: Nominal

Herewith Fees of: $

Full Name, Address, Telephone Number of person presenting application:

McCarthy & McCarthy
Barristers & Solicitors
#1300-999 West Hastings Street,
Vancouver, British Columbia
V6C 2W5

Address of Person entitled to be registered as owner, if different than shown in instrument: N/A

Legal Description, if not shown in instrument being submitted with this application: same.

Signature of Solicitor or Agent

THIS AGREEMENT made as of August 16, 1989

09/29/89 A4860h CHG NOM 38.00

BETWEEN:

W.L.C. DEVELOPMENTS LTD.
(Incorporation No. [illegible]741)
2100-700 West Georgia Street
Vancouver, British Columbia
V7Y 1A8

("Developer")

OF THE FIRST PART

AND:

RESORT MUNICIPALITY OF WHISTLER
Box 35, General Delivery
Whistler, British Columbia,
VON 1B0

(the "Municipality")

OF THE SECOND PART

WHEREAS:

A. Developer is the registered owner of those lands and premises situated in the Resort Municipality of Whistler, British Columbia, and legally described as:

0125596

Strata Lots 1 - 33
District Lots 3903 and 4214
Strata Plan Vr. 2482
together with an interest in the common property in proportion to the unit entitlement of the strata lots as shown on Form 1

(the "Lands");

B. A portion of the Lands, inter alia, are subject to a Land Use Contract (the "Land Use Contract") registered in the Vancouver Land Title Office under No. G2520, as amended by instrument No. GB77455; the Land Use Contract provides that Developer may at any time submit to the Municipality for approval an application for development approval containing the information as set out in subsection 7(f) of the Land Use Contract, and further provides that Developer will grant to the Municipality, a covenant restricting the use and development of the Lands to the use and development as set out in any development approval issued by the Municipality; and

C. Developer has, pursuant to the Land Use Contract, submitted to the Municipality an application for an approval of the proposed use and development of the Lands by Developer and its successors and has agreed to grant this Covenant in favour of the Municipality.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 215 of the Land Title Act, and in consideration of the premises and the sum of One Dollar ($1.00), now paid by the Municipality to Developer (the receipt and sufficiency whereof is hereby acknowledged), Developer covenants and agrees with the Municipality as follows:

1. No buildings or structures (other than ski lifts or other lifts) may be constructed on the Lands other than in accordance with each of:

(a) the design guidelines attached hereto as Schedule A; and

(b) the terms and conditions of this Covenant.

2. Without in any way limiting, or deviating from, the provisions of section 1 hereof, the Lands may not be used other than for ski lifts and other lifts and for the purpose of constructing a single family bare land strata lot project containing not more than 33 bare land strata lots substantially as shown on the plan attached hereto as Schedule B (each of which is called a "strata lot") and utilizing not more than 198 BU's (bed units - as defined in the Land Use Contract) and shall be subject to the following restrictions:

(a) no buildings or structures (other than ski lifts or other lifts) may be constructed on the Lands other than within the footprint envelopes identified in the plan attached hereto as Schedule B (the "footprint envelopes") unless otherwise permitted by the Coordinating Architect (as defined in Schedule A) and the Municipality;

(b) the density of buildings or structures constructed within the footprint envelopes shall not exceed the maximum density for each strata lot set out in Schedule C;

0125596

(c) the provision for parking made with respect to each strata lot to be created within the Lands shall be in compliance with the Land Use Contract, except as otherwise permitted by the Municipality; and

(d) the height of buildings or structures constructed within the footprint envelopes shall not exceed the maximum height for each strata lot set out in Schedule C.

3. Within one year after the issuance by the Municipality of an occupancy permit for a building on a strata lot created within the Lands, Developer (or its successor in title with respect to such strata lot) will have completed landscaping the area contained within the first six metres of such strata lot to a standard at least equivalent to the sample landscaping plan attached hereto as Schedule D.

4. On or before October 31, 1990, Developer shall have completed landscaping the common area buffer zones substantially in accordance with the landscaping plan attached hereto as Schedule E.

5. No clearance of natural vegetation from any portion of the Lands which is not contained within a footprint envelope shall be permitted unless expressly approved in advance by the Coordinating Architect (as defined in Schedule A) or failing him, by the Municipality.

6. If at any time there are propane storage tanks located on the Lands, then Developer will remove such propane storage tanks and hook up to a central distribution system for propane upon such a central distribution system serving the Blackcomb Benchlands becoming available.

7. Nothing contained or implied herein shall prejudice or affect the Municipality's rights and powers in the exercise of its functions pursuant to the Municipal Act or the Resort Municipality of Whistler Act or its rights and powers under all of its public and private statutes, bylaws, orders and regulations to the extent the same are applicable to the Lands, or the rights of the Municipality under the Land Use Contract, all of which may be fully and effectively exercised in relation to the Lands as if this Covenant had not been executed and delivered by Developer. In addition, nothing herein shall limit or in any manner relieve Developer from full compliance with all its obligations under the Land Use Contract.

8. The covenants set forth herein shall charge the Lands pursuant to Section 215 of the Land Title Act and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or parts thereof and shall attach to and run with the Lands and each and every part to which the Lands may be divided or subdivided whether by subdivision plan, strata plan or otherwise howsoever. The covenants set forth herein shall not terminate if and when a purchaser, becomes the owner in fee-simple of the Lands but shall charge the whole of the interest of such purchaser and shall continue to run with the Lands and bind the Lands and all future owners of the Lands or any portion thereof.

9. This Covenant shall not be released, discharged or amended without the written consent of Blackcomb Skiing Enterprises Ltd. and W.L.C.

0125596

Developments Ltd. provided such consent shall not be necessary or required after the earlier of the lands charged by the Land Use Contract being fully developed as contemplated by the Land Use Contract or December 31, 2009.

10. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

11. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Covenant.

12. This Covenant and each and every provision hereof shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF this Covenant was executed by the parties hereto as of the day and year first above written.

The Common Seal of W.L.C. DEVELOPMENTS LTD. was hereunto affixed in the presence of:

Title: PRESIDENT
(Authorized Signatory)

C/S

The Common Seal of RESORT MUNICIPALITY OF WHISTLER was hereunto affixed in the presence of:

Title: Mayor

Title: Clerk

C/S

Reviewed as to content
on behalf of the R.M.O.W.

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0125596

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the 20th day of September, 1989, at Vancouver, British Columbia, James Switzer, who is personally known to me, appeared before me and acknowledged to me that he is the authorized signatory of W.L.C. DEVELOPMENTS LTD. and that he is the person who subscribed his name and affixed the seal of the corporation to the instrument, that he was authorized to subscribe his name and affix the seal to it and that the corporation existed at the date the instrument was executed by the corporation.

IN TESTIMONY of which I set my hand at Vancouver, British Columbia this 20 day of September, 1989.

A Commissioner for taking
Affidavits for British Columbia

MARY JO E. CAMPBELL
BARRISTER & SOLICITOR
2100-700 W. Georgia St.
VANCOUVER, B.C. V7Y 1A8

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0125596

LAND TITLE ACT

Form 6

(Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the 27 day of September, 1989 at Whistler in British Columbia, Barbara Elliott (*whose identify has been proved by the evidence of oath of) who is personally known to me, appeared before me and acknowledged to me that he/she is the authorized signatory of Resort Municipality of Whistler and that he/ she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, **(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Whistler , this 27 day of September 1989.

***
A Commissioner for Taking Affidavits in British Columbia Deputy Clerk, RMOW

* Where the person making the acknowledgement is personally known to the officer taking it, strike out these words in brackets.

** These words in brackets may be added if the applicant wishes the registrar to exercise his discretion under section 162(5) not to call for further evidence of the existence of the corporation.

*** Write name and qualifications under section 48 e.g. A Commissioner for Taking of Affidavits for British Columbia.

*** Write name and qualifications under section 48 e.g. A Commissioner for Taking of Affidavits for British Columbia.

SCHEDULE A

D E S I G N 0125596

ON BLACKCOMB MOUNTAIN HORSTMAN ESTATES

G U I D E L I N E S

I. INTRODUCTION

The Resort on Blackcomb Mountain consists of 254 acres of prime real estate across the base of Blackcomb Mountain on the east side of Fitzsimmons Creek stretching from Whistler Village to Lost Lake. The ultimate development potential translates to approximately 3,000 dwelling units and up to approximately 75,000 square feet of commercial development. The time frame for total development of the Resort is expected to take up to 10 years.

The Phase 3 development plan for the Resort on Blackcomb Mountain identifies Parcel 32 as a single family bare land strata subdivision to be called Horstman Estates. A total of 33 strata lots ranging in size from 8,000 to 45,000 sq. ft. will be situated on 14 acres of land along the lower reaches of Blackcomb Mountain. Access to the strata lots is provided by a private curbed road. Two access trails will allow residents to ski in to the subdivision from trails off Blackcomb Mountain.

0125596

II. OBJECTIVES

Horstman Estates will, in every way, be among the finest single family communities to be developed at Whistler. Access to the subdivision will be limited to one entrance, with the intention of providing a sense of both community and exclusivity. The ambiance will be reinforced with an entrance feature and extensive native planting along the length of Horstman Lane and Horstman Place.

The natural setting is further enhanced by the Horstman Estates Zoning Regulations and Design Guidelines. The guidelines have been assembled to ensure the establishment of building forms which respect surrounding buildings, use techniques to reduce the visual impact of building mass, site buildings to take maximum advantage of views and solar exposure, and to ensure a building technology which is correct for the area.

A Coordinating Architect and Landscape Architect will review each proposed development to ensure conformance to the guidelines and approvals will be required prior to the lot owner applying for a building permit from the Municipality. After construction is complete, the Coordinating Architects will inspect the development to ensure compliance with the approved plans prior to occupancy.

0125596

III. PLAN REVIEW AND APPROVAL PROCESS

Once a strata lot has been purchased, the owner will require the following information:

1. Site Information Plan (1:200)

   The site information plan will be supplied by Blackcomb and include the following:

   - strata lot boundaries
   - allowable footprint envelope
   - allowable gross floor area
   - allowable building height
   - site contours at 1 metre intervals
   - tree preservation zones
   - Rights of Way
   - 6 metre buffer zone along the front of each lot to be re landscaped by Blackcomb after construction on the site has been completed.
   - servicing locations - preferred driveway locations

2. Horstman Estate Zoning Regulations and Design Guidelines

   All strata lot purchasers in Horstman Estates will be required by way of a registered development covenant to conform to defined zoning regulations and design guidelines when constructing on the strata lots. Accordingly, Coordinating Architects and the Resort Municipality of Whistler Planning department will review each proposed development for compliance with these requirements and provide the necessary approvals.

3. Development Approval Checklist

   The checklist details the development information to be submitted for review and approval by the Coordinating Architects.

   Owners are encouraged to retain competent professional service for the design of their home. After reviewing the information and following a site inspection the owner and/or the home designer should consult with the Coordinating Architect. This initial assessment will pin point any particular concerns at an early stage and help to streamline the final review and approval process.

Prior to the submission for Building Permit, the Resort Municipality of Whistler (R.M.O.W.) will require an approved checklist prepared by the Coordinating Architects certifying compliance with the Horstman Estate Zoning Regulations and Design Guidelines. Furthermore, the signature of the Director of Planning for the R.M.O.W. will be required on each individual development application prior to a Building Permit being issued. Accordingly, the owner shall provide three complete sets of development plans for review and approval by the Coordinating Architects. The cost of all plans and drawings required for the submission will be to

the account of the owner. The cost of the review by the Coordinating Architects will be to the account of Blackcomb for the first review and one subsequent modification. Should further reviews be required, they will be to the account of the owner.

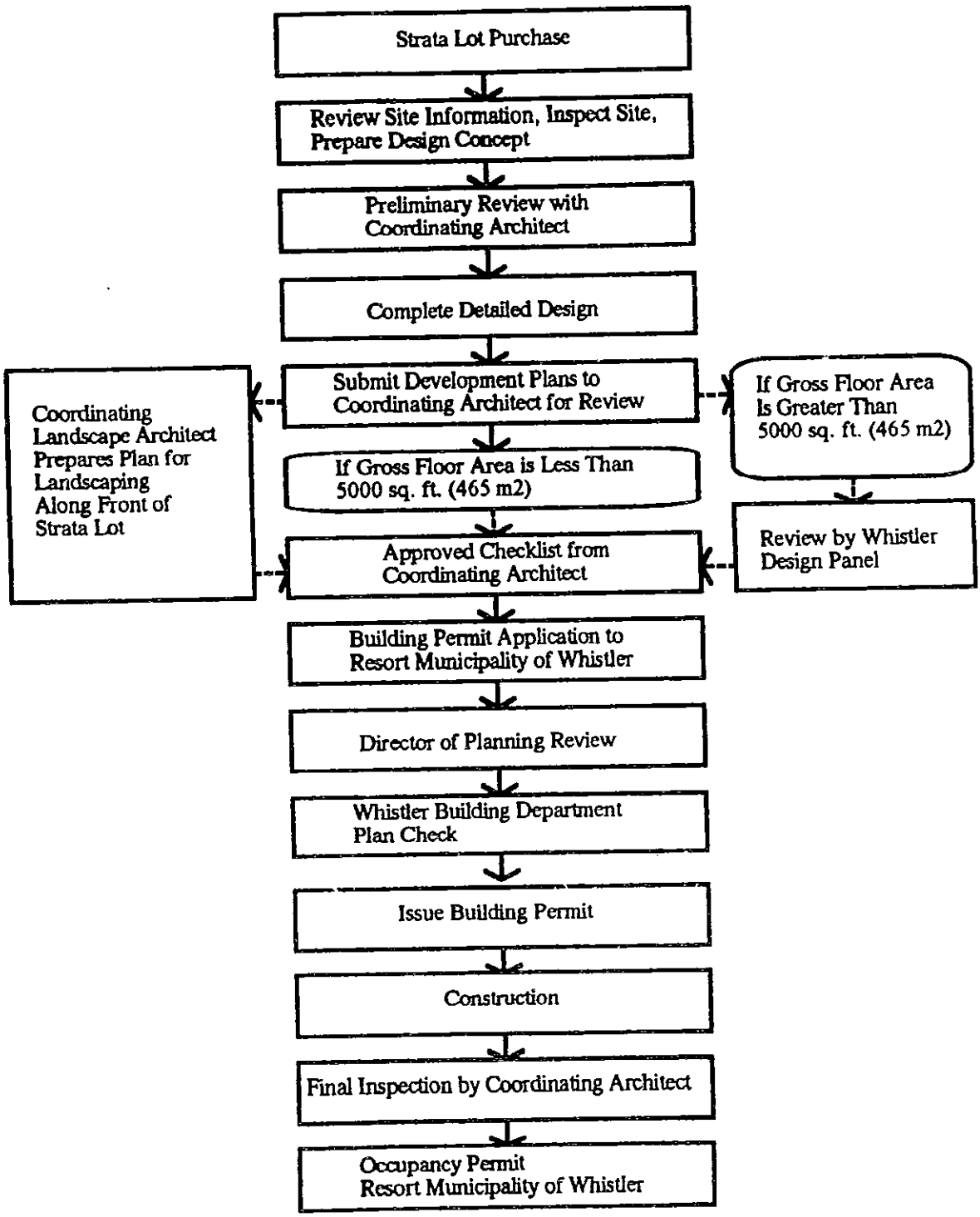
If the gross floor area of the proposed home exceeds 5000 square feet then the development plans will also be required to be reviewed for comment by the Whistler Design Panel.

Upon completion, there will be a final inspection by the Coordinating Architects ensuring compliance with the approved plans prior to application for occupancy permit from the Resort Municipality of Whistler.

The flow chart on the following page illustrates the design review and approval process.

0125596

HORSTMAN ESTATES PLAN REVIEW AND APPROVAL PROCESS



IV. ZONING REGULATIONS

The following zoning regulations are part of the Development Approval specific to Parcel 32 (Horstman Estates) at Blackcomb Mountain. Review of plans for conformance and approvals for these items will be done by the Coordinating Architect and verified by the Resort Municipality of Whistler. Definitions and General Regulations to comply with the current Zoning and Parking Bylaw 303, 1983. In addition, all construction to conform with the British Columbia Building Code as adopted and amended by the Whistler Building Department. Construction on the lot may only begin on receipt of a Building Permit from the Municipality.

A. PERMITTED USE

Permitted Use on each strata lot is restricted to single family dwellings only. No accessory buildings will be permitted. A single self contained suite may be allowed within a dwelling provided that the additional parking stalls required conform to the requirements set out in the zoning regulations and, in the opinion of the coordinating architect, do not compromise integrity of the site plan and the character of the subdivision.

B. FOOTPRINT ENVELOPE

To ensure the preservation of the natural habitat for the enjoyment of all residents at Horstman Estates, the concept of a "Footprint Envelope" has been developed. Each strata lot incorporates a footprint envelope which respects slope, drainage, setback and access constraints. All improvements on each strata lot must be designed to be within this Footprint Envelope, including the main structure, outside patios, decks and terraces. Consideration may be given to encroachments into backyards and sideyards not abutting adjacent yards however, approval will have to be given by both the Coordinating Architect and the Municipality. Some tree removal may be allowed beyond the footprint envelope. Lot clearing restrictions are specified in Section V of the Design Guidelines.

C. DENSITY

The maximum permitted floor area for each strata lot is detailed in Schedule C. Buildings over 5,000 square feet in gross floor area will require review and comment by the Whistler Design Panel in addition to approval by the Coordinating Architects.

D. BUILDING HEIGHT

Buildings on each lot are restricted to a maximum height as set out in Schedule C. See Appendix A for the method to calculate height.

E. PARKING

A minimum of 2 parking spaces are required for each site provided the floor area is less than 2500 sq. ft., otherwise a minimum of 3 parking spaces are required. Two spaces must be covered within the building. If a suite is built within the building, then an additional parking space is required.

F. DRIVEWAYS

The maximum width of drive way that is permitted into each strata lot is 3.6 metres (12 feet) and entrances should be oriented at an angle to the roadway. This will allow landscaping or retained vegetation to be maintained along the residual lot frontage, therefore preserving the natural streetscape.

Driveways must be paved with asphalt, concrete or unit pavers. Driveways and parking areas should slope a minimum of 2% for drainage.

Driveway design must consider the following requirements:

1. The maximum gradient of a driveway shall not exceed 6 percent within a distance of 3 metres from the edge of the roadway.

2. For driveways that slope downwards from the road, the following regulations apply:

   a) The maximum average gradient shall not exceed ten percent.
   b) A maximum gradient of fifteen percent is permitted over one portion of a driveway not exceeding 3 metres in length.

3. For driveways that slope upwards from the road, the maximum gradient shall not exceed:

   a) 21 percent over one portion of a driveway not exceeding 6 metres in length where the obtuse angle of entry from the roadway is 130 degrees or greater.
   b) 18 percent over one portion of a driveway not exceeding 7 metres in length where the obtuse angle of entry from the roadway is 120 degrees or greater.
   c) 15 percent over one portion of a driveway not exceeding 8 metres in length where the obtuse angle of entry from the roadway is 110 degrees or greater.
   d) 12 percent where the obtuse angle of entry from the roadway is 90 degrees or greater.

4. The maximum permitted gradient for all uncovered parking areas is 5 percent.

0125596

V. DESIGN GUIDELINES

The following design guidelines are design criteria that have been established for this subdivision to maintain the highest standard of quality, and a sensitive approach to siting, building form, finishes and landscape. These guidelines are correlated with the appended checklist (see Appendix C) and approval will be required by the Co-ordinating Architect and the Director of Planning for the Resort Municipality of Whistler prior to application for Building Permit.

The guidelines outline a number of issues that are to be addressed by homeowners & designers. Creativity is encouraged and although not totally prescriptive the guidelines are to reinforce the image of prestigious, private, alpine country estates.

A. BUILDING SITING

Before proceeding with design, the owner and/or design architect should inspect the site to determine if there are features or vegetation that should be preserved and to determine how to best site the building form within the building envelope. It is expected that the building form should be tailored to the physical character of the lot. In addition, it is not intended that an Owner design the building form so as to completely fill the Footprint Envelope.

Building siting should be responsive to a complex series of interacting natural constraints to include:

1. Topography and slope
2. Geologic/soils conditions
3. Hydrology and drainage considerations
4. Vegetation
5. Views
6. Solar considerations
7. Access and circulation: vehicular, pedestrian and skier
8. Seasonal response
9. Parking

B. LOT CLEARING

The existing natural vegetation represents a significant amenity to Horstman Estates. Owners may be permitted to clear beyond the Footprint Envelope with written approval by the Coordinating Architect, however to the extent possible and practical, 50% of the existing vegetation on each lot should be retained. The following site clearing procedure is to be strictly applied in order to preserve the natural vegetation.

1. No clearing or tree cutting will be permitted on a strata lot prior to receipt of a Building Permit from the Municipality. The site plan must define the extent of clearing and provide an indication of the relandscaping and revegetation. Owners are required to inspect the lot to determine if there are features or vegetation that should be preserved.

2. After lot clearing and construction has been completed, the Co-ordinating Landscape Architect shall inspect the lot for conformance to the approved zone of clearing.
3. Any vegetation removed or destroyed beyond the approved zone of clearing will be replaced by the strata lot owner to the satisfaction of the Co-ordinating Landscape Architect.
4. Blackcomb will be responsible for revegetating a zone on each strata lot, 6 m ± back from the roadway. Owners should contact the Co-ordinating Landscape Architect if they wish to discuss the landscape plan for the zone at the front of a particular lot.
5. Absolutely no tree cutting will be permitted in the areas designated as tree preservation zones.

C. DRIVEWAYS & PARKING

Driveway slopes & parking to conform to the technical requirements of the zoning bylaw and regulations as set out in Section IV. Driveway siting should take advantage of street grades so that driveways begin at the high side of the site on uphill lots and the low side on downhill lots and traverse across the site to the parking area. The maximum driveway width on the street should be kept to 3.6 metres (12 ft.) in order to leave the maximum frontage of landscaping at the street. Parking areas to maintain minimum 5 metres from front property line and 1.5 metres from side property lines.

D. NEIGHBOUR RELATIONSHIP

Building siting should respect privacy and views of neighbours. Siting to take into consideration existing or proposed development on adjacent sites so as to minimize overshadowing and obstruction of views. Location of windows, balconies and decks to be located away from side property lines that would impact on adjacent sites.

E. GRADING & DRAINAGE

Grading requirements resulting from development on each lot shall be designed to blend into the natural landscape. Regrading to be indicated on the site plan. Outside of the building envelope it will be permissible to regrade portions of the strata lot provided that any alterations to the natural terrain are shown on the site plan and such changes are approved by the Co-ordinating Architects. Cuts and fills should be minimized and feathered into the existing terrain, and must be within the property boundary. Retaining walls shall be provided on each site as required to maintain the existing site topography and trees on adjacent properties. Where appropriate, terraced retaining walls are encouraged. Retaining wall materials shall be rock or concrete with rock veneer. No retaining walls should be higher than 1.8 metres (6'-0"). Slope of cut and fill banks should be determined by soil characteristics for the specific site to avoid erosion and promote revegetation opportunities, but in any case should be limited to a maximum of 2.5:1 slope.

Drainage patterns within the site may be modified, but the modification must be consistent with the drainage plan for the subdivision. Storm drainage shall not connect into the sanitary sewer systems. Runoff from impervious surfaces such as roofs and pavement areas shall be collected and directed to natural or improved drainage channels.

F. LANDSCAPING AND PLANT MATERIALS

Blackcomb will be responsible for revegetating a 6 metre ± buffer zone, (to suit each lot), along the front of each strata lot against the road. This will be designed by the Co-ordinating Landscape Architect and Blackcomb will construct and maintain the zone for a 1 year period after construction. Each strata lot owner will be responsible for maintenance in the zone after 1 year.

Landscaping on each site shall be developed so that new vegetation appears to be integral with the existing mountain landscape. New planting should use plants that are indigenous to the area and should be located to extend existing canopy edges or planted in natural groupings. Ornamental plants are recommended only for locations directly adjacent to buildings or in courtyards.

Fences or "wall-like" planting along the lot lines are not permitted.

Plant materials used for erosion control shall establish immediate surface stabilization to prevent soil erosion. Diverse, self-sustaining plant species will be used to provide 80% surface cover within one growing season. Plant material in snow dump areas must be sufficiently durable to survive the effects of snow dump.

Plant materials that are indigenous to the Blackcomb area and suitable for micro-climate conditions should be used. A one-to-one ratio of planting between coniferous and deciduous material is encouraged. A recommended list is included as Appendix B.

All trees must be a minimum of 2" (50 mm) caliper and 6' (1.8 m) high.

G. SIGNS

Blackcomb will be providing a standard lighted entrance feature to be installed by the Owner at an approved location along each driveway. The Owner is responsible for the electrical hook-up, installation of a photo cell switch and provision of power at all times. No other signs will be permitted.

H. EXTERIOR LIGHTING

Exterior lighting should be kept to a minimum, no high intensity lighting, or undiffused light source will be permitted.

I. BUILDING MASSING

Buildings to relate to the landscape & topography.

Design strategies to reduce height are important. Building ends should be sloped to an eave height of one to two storeys. Exposed gables of substantial height will be discouraged. Building forms should step to follow the slope of the site. "Stilted" slope development is discouraged.

J. WALL TREATMENT

1. Lower Wall Design

The lower portions of exterior walls should be protected from extreme weathering and staining resulting from snow accumulation. In general, the lower one to two metres of exterior walls should be surfaced in materials such as textured concrete, heavy timber or stone. Under no circumstances should those lower walls be surfaced with plywood, aluminum or plastic siding.

2. Upper Wall Materials

The upper wall materials should convey a sense of human scale, warmth and well crafted construction. Material choices should reflect the rural setting rather than urban or industrial values. The upper wall may differ from the lower wall or be of the same material. The following materials may be used for upper walls: stone, stucco, wood shingles or wood siding and logs. Wall finishes incorporating a rough texture are preferred.

Walls should be heavily articulated including recesses, balconies, bay windows, window openings and other features. Large areas of unbroken wall are unacceptable.

3. Number of Wall Materials

Use of multiple wall materials can lend visual interest to a building. Too many materials can create a garish appearance which allows buildings to compete with and visually overpower their surroundings. Only three types of wall materials will be permitted unless approval is obtained from the Co-ordinating Architect.

K. FENESTRATION

1. Wall Openings

Window, door and porch openings are an important part of a building's appearance and character. While rich ornamentation of openings is not required or recommended, windows and doors should be logically situated in the building form. Generally speaking, windows and doors should function as individual openings rather than continuous horizontal or vertical bands. Windows should be at least 2'0" above grade because of snow depth in winter.

2. Wood sectional garage doors must be used to enclose covered parking stalls.

3. Door openings and balconies should be protected from wind and accumulating snow or drifting snow. Protected entry ways communicate a strong sense of shelter from the often harsh mountain climate. Generally, recessed balconies with roof overhangs are more successful in snow climates.

4. Windows must be constructed of wood, vinyl or metal coated with a coloured finish. Reflective glass is not permitted. Bay windows are encouraged.

L. ROOF DESIGN

1. Architectural Form

Roof design is important for snow management and is a major contributor to building character. The silhouette of building forms is conceived as a unified composition of steeply sloped roofs.

2. Roof Slope

Roof slopes shall be a minimum of 7:12. Large areas of flat roofs are not acceptable. A composition of sloped roofs is required with small areas of flat roofs acceptable. Mansard roofs attached to an unarticulated building form, gambril, joint shed, conical, circular and dome roofs are discouraged.

3. Roof Construction

Roof construction should consider incorporation of the cold roof concept with air space, vented to the outside, on the underside of the roof cladding.

4. Roof Overhangs

Roof overhangs should be minimized to emphasize alpine character.

5. Roofing Materials

The following roof materials are permitted:

a) Wood shakes
b) Wood shingles

M. ROOF PENETRATIONS

Roof penetrations including dormers, clerestories and skylights create interesting, attractive interior spaces and are strongly encouraged. Their location on the roof is critical to avoiding an over-decorated, visually confusing appearance.

1. Dormers can be of a shed, gable or hip form. Dormers can be placed at the roof eave or within the field of the roof.
2. Snow diverters or snow retainers should be designed as an integral part of the roofscape.
3. Rooftop access stairways, vent shafts and mechanical equipment areas shall be confined within the roof. Antennae and satellite dishes on roof ridges will not be permitted and should be unnecessary due to centralized cable TV service.
4. Skylights can be placed flush against the roof.
5. Chimneys with wood, stucco, concrete, stone and masonry finish will be permitted. Flat tops are preferred and side venting of the flue (with a flat cap and spark arrestor) is recommended. Exposed metal chimneys are not permitted.
6. Clerestories should be placed within the field of the roof and should not extend to the eave line.
7. Solar collectors shall lie flat. Roof design should include the best pitch within the permitted range to achieve appropriate solar exposure. Collectors which are angles with supports will not be permitted.
8. Projections through sloped roofs must be durable. Consider the effect of snow shedding and the climate on roof materials, configurations and attachment of projections such as chimneys, plumbing vents and mechanical system projections.
9. Deep roof fascias reflecting the importance of the roof as a design element are preferred.

N. COLOURS

Exterior colours should harmonize with the landscape of the site and surrounding buildings. Warm earth tones in paint or stain will be encouraged. Bright or dramatic colours may be used to accent or highlight building features in a subtle way but may not be applied to the majority of the building surface.

Colour boards and samples are required for review prior to approval.

O. SNOW MANAGEMENT

The effects of snow and ice build-up, if improperly handled, can be destructive to buildings and pose risks to pedestrians and vehicles. The heavy snow and extreme freeze/thaw cycle of Whistler combine to make snow management an important design consideration. Designers not thoroughly familiar with snow country design should retain an expert consultant early in the design process.

The basic building form must be conducive to snow management. Consider snow management from the earliest building concepts through to the detailed design stage.

1. Snow must be positively shed or positively retained. Consider the effect of snow retainers, roof pitch and roof materials on snow retention.
2. Entrances and pedestrian routes must be fully protected. Shedding snow must be deflected from pedestrian areas by dormers, hipped roofs, angled roofs, canopies or other means. The potential hazard of icicles in these areas should be addressed. Double doors or vestibules are strongly recommended.
3. The buildings should be planned so that balconies are covered or recessed in the building face.
4. Roofs draining onto a series of lower roofs or onto a lower roof from great height can cause extreme snow loads or impact loads, respectively.
5. Generally, conventional eaves troughs or built-in eaves troughs should be avoided as they are subject to damage from snowshed.
6. Snowsplitters or roof crickets must be substantial and fitted to all projections or sloped roofs which are not located close to the roof ridge, (i.e. vents, skylights, eaves, etc.).
7. Adequate roof ventilation is key to the 'cold roof' concept. Convective ventilation, consisting of continuous vents at the eaves and 'exhaust' vents at gable ends or the ridge line is preferred. These vents present decorative opportunities as part of the building form.
8. Areas must be allowed for storage of snow plowed from driveways & parking areas.

P. STORAGE

Housing at Whistler is generally used for recreation requiring an area for storage space at grade. It is suggested that storage space for firewood, bicycles, skis and equipment be accommodated within the building design. No accessory storage buildings will be permitted and outdoor storage is not encouraged.

Q. TRASH CONTAINERS

Trash containers shall be stored within each home.

0125596

R. UTILITIES

Blackcomb will provide normal underground Municipal services as required by subdivision to the strata lot line of each site. Connections to these utilities must be underground and will be the responsibility of each owner and any connection, inspection or other fees shall be the owner's responsibility.

No individual septic tanks, propane tanks, leachfield systems or wells are permitted. No exterior antenna or satellite dishes will be permitted without approval. Any exposed mechanical equipment must be fully screened. Rooftop mechanical units are not permitted.

S. FENCES

Fences along property lines will not be permitted. Small screens as enclosures are permitted to enclose hot tubs and are to be indicated on the design drawings for approval.

0125596

APPENDIX A

CALCULATION OF BUILDING HEIGHT

Excerpt from Whistler "Zoning Bylaw No. 303, 1986", Section 5.5 "Calculation of heights for Principal Buildings":

> "The height of a principal building shall be calculated by measuring the vertical distance from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a building without a roof, to the highest point of the building; except where the elevation of the highway servicing the parcel is above the average elevation of the finished grade of the subject parcel, in which case the maximum permissible building height may be increased by the difference in ground elevation between the highway and grade for that portion of the building directly fronting onto the highway to a maximum allowance of 3 metres."

HEIGHT - means the vertical distance from the grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, to the highest point of the structure.

GRADE - means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that the localized depression such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

EXAMPLE (See illustration on next page) -

1. Calculate total roof area on plan view.

Roof #1 = 24'-0" x 8'-0" =	192 sq. ft.
Roof #2 = 38'-0" x 40'-0" =	1520 sq. ft.
Roof #3 = 28'-0" x 10'-0" =	280 sq. ft.
TOTAL	1992 sq. ft.

2. Find percentage of each roof area based on total roof area.

Roof #1 =	$\frac{192}{1992}$	=	10%
Roof #2 =	$\frac{1520}{1992}$	=	76% (rounded)
Roof #3 =	$\frac{280}{1992}$	=	14%

3. Find the height of each roof area from the mean level (between eaves and ridge) and the grade and multiply by percentage of each roof area to find average height of each roof.

Roof #1 = 14'-0" x .10 =	1.4'
Roof #2 = 27'-0" x .76 =	20.52'
Roof #3 = 14.5' x .14 =	2.03'

OVERALL AVERAGE HEIGHT = 23.95'

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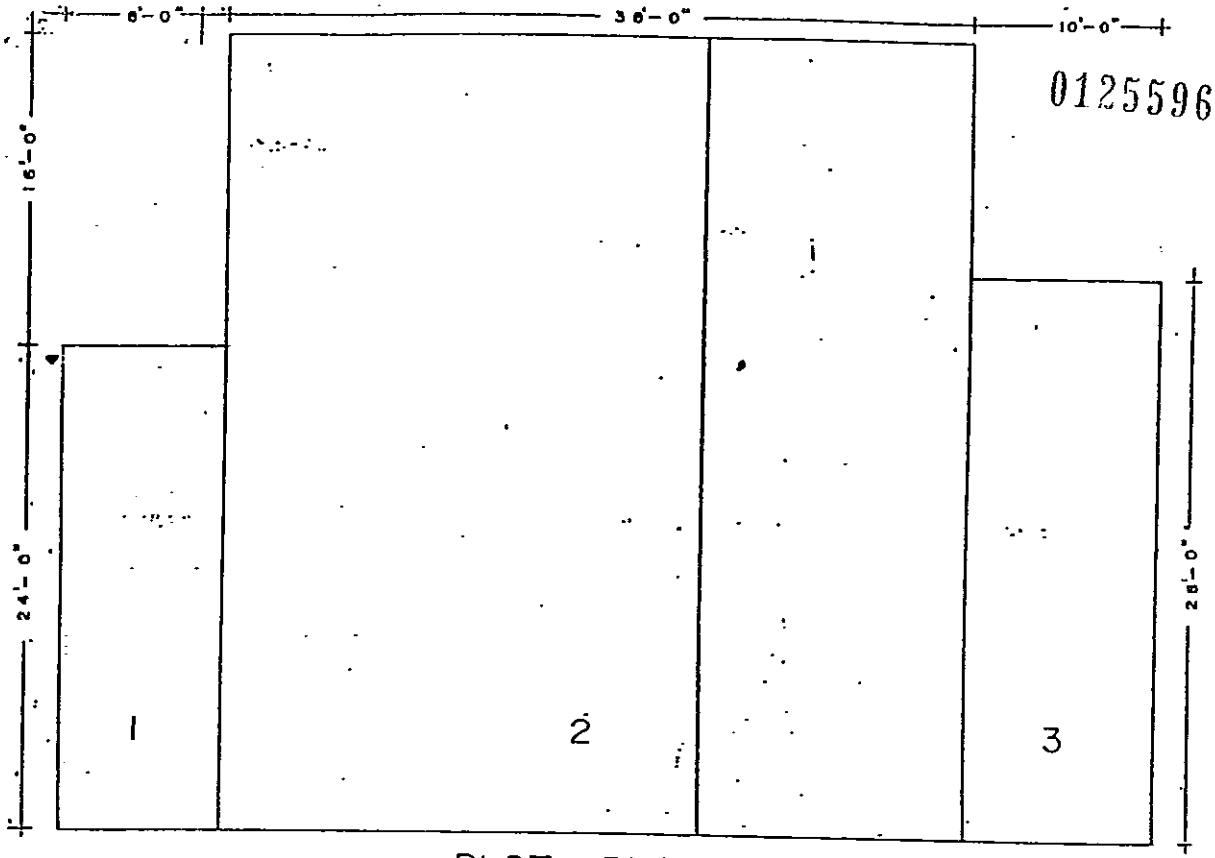
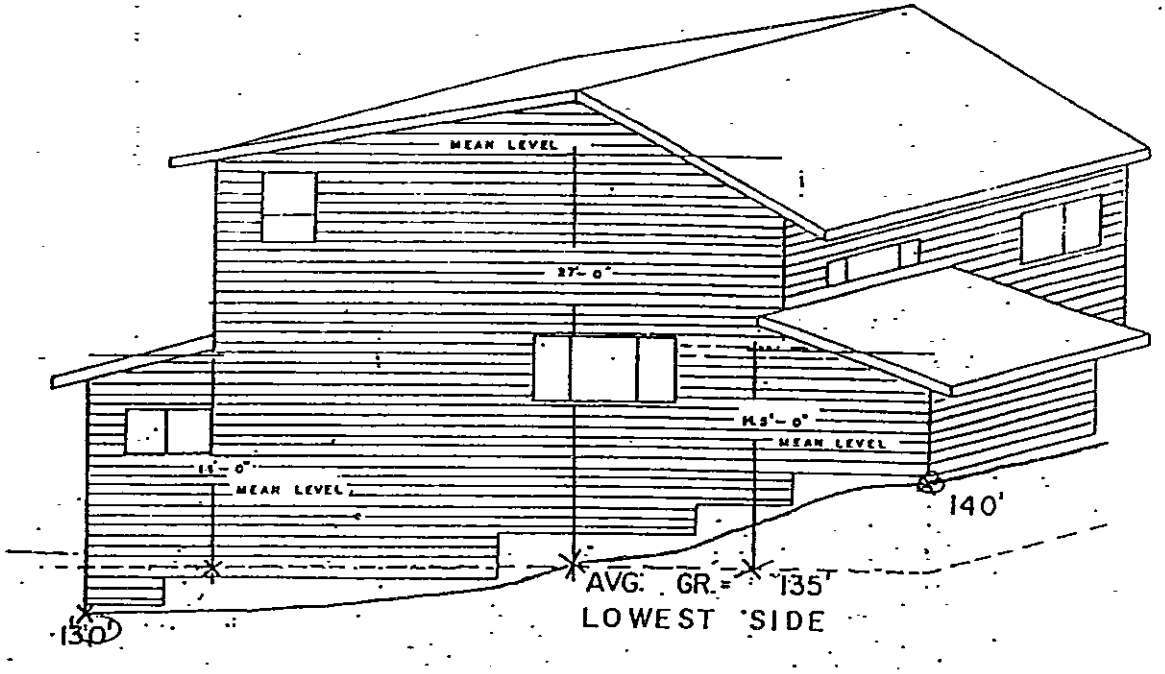


PLOT PLAN (SCALE = 3/16" - 1'-0")



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APPENDIX B

Plant Material Suitable for Whistler Area
Representative List

The following is a list of plants which typically do well in the Whistler climate (zone 4 - tolerant of minus 30° C.) and have been available from nursery suppliers. The list is of native or native-like plants meant to blend with the natural landscape of the Whistler area. The list is indicative and does not cover all plants available or suitable.

Native Shrubs & Ground Cover

Botanical Name	Common Name
(Shrubs)	
Acer glabrum	Douglas Maple
Amelanchier alnifolia	Saskatoon Berry
Cornus stolonifera	Redtwig Dogwood
Ledum groenlandicum	Labrador Tea
Pachistima myrsinites	Oregon Box
Rosa woodsii	Wild Rose
Rubus parviflorus	Thimbleberry
Vaccinium parvifolium	Red Huckleberry
(Groundcover)	
Arctostaphylos uva ursi	Kinnickinnick
Cornus canadensis	Bunchberry
Fragaria virginiana	Wild Strawberry
Linnaea borealis	Twinflower

Native Like Shrubs & Groundcover

(Shrubs)	
Acer ginnala	Amur Maple
Deciduous Azaleas	
Cornus alba elegantissima	Variegated Dogwood
Pinus mugo mughus	Mugo Pine
Rhododendron PJM	Rhododendron (purple)
Ribes alpinum	Alpine Currant
Rosa meidiland sp.	
Rosa rugesa grootendorst	Rose
Sambucus racemosa	Elderberry
Spirea douglasii	Hardhack spiraea
Synphocarpus alba	Snowberry
(Groundcover & Vines)	
Ajuga reptans	Carpet Bugle
Lonicera dropmore scarlet	Dropmore Lonicera
Parthenosis quinquefolia	Virginia Creeper
Vaccinium vitis ideae	Lingonberry
Vinca minor	Periwinkle

0125596

Native Trees

Note: While Red Cedar, Hemlock and Douglas Fir grow in abundance in Whistler, this same species originating from Lower Mainland nurseries will be stressed in the colder Whistler climate. Whistler is a transition zone to the colder interior climate and represents the limit to coast plants survivability.

Abies amabalis	Amabalis Fir
Abies lasiocarpa	Alpine Fir
Chamaecyparis nootkatensis	Yellow Cedar
Picea englemanni	Engelman Spruce
Pinus contorta	Lodgepole Pine
Pseudotsuga menziesii	Douglas Fir
Thuja plicata	Red Cedar
Tsuga heterophylla	Western Hemlock
Tsuga mertensiana	Mountain Hemlock
Betula papyrifera	Birch
Populus tremuloides	Trembling Aspen

APPENDIX C

0125596

Horstman Estates Subdivision

DESIGN GUIDELINES CONFORMANCE CHECKLIST

B. Gordon Hlynsky • Architect
15 - 636 Clyde Avenue
West Vancouver, B.C. phone (604) 925 - 3631
V7T 1E1 FAX (604) 925 - 3671

Lot No: _____ Legal Description: _____ _____ _____ Street Address: _____ Lot Area: _____ Gross Building Area: _____ Applicant: _____ Applicant Address: _____ _____ _____ Phone Nº: _____	The undersigned applicant and design consultant confirm that the design shown in the appended drawings is in conformance with the Horstman Estates zoning regulations & design guidelines. _____ *applicant* _____ *consultant*

(Above to be completed by Applicant)

SUBMISSION REQUIREMENTS	date submitted	reviewed
4 copies SITE PLAN		
3 copies complete WORKING DRAWINGS		
2 copies of SITE CLEARING PLAN		
1 COLOUR SCHEME BOARD		

ZONING CHECKLIST

ITEM	REGULATION	PROPOSED *this column completed by applicant*	approved subject to Whistler review	resubmit
A. USE	single family with max. 800 sq. ft. suite			
B. FOOTPRINT ENVELOPE	building to be sited in "footprint envelope"			
C. DENSITY	As per Schedule C			
D. HEIGHT	As per Schedule C			
E. PARKING	per Zoning Regulation			
F. DRIVEWAYS	Zoning Regulation Slope			

HORSTMAN ESTATES SUBDIVISION
Design Guidelines Conformance Checklist

DESIGN GUIDELINES CHECKLIST

GUIDELINE	REMARKS	Resubmit	Approved As Noted	Approved
A. BUILDING SITING				
B. LOT CLEARING				
C. DRIVEWAYS & PARKING				
D. NEIGHBOUR RELATIONSHIP				
E. GRADING & DRAINAGE				
F. LANDSCAPING & PLANTS				
G. SIGNS				
H. EXTERIOR LIGHTING				
I. BUILDING MASSING				
J. WALL TREATMENT				
K. FENESTRATION				
L. ROOF DESIGN				
M. ROOF PENETRATIONS				
N. COLOURS				
O. SNOW MANAGEMENT				
P. STORAGE				
Q. GARBAGE				
R. UTILITIES				
S. FENCES				

GENERAL COMMENTS _____

_____

_____

_____

_____

The appended drawings prepared by _____
are approved for compliance with the Horstman Estates Design Guidelines.

_____ dated _____
B. Gordon Hlynsky, Architect

_____ dated _____
Director of Planning, Resort Municipality of Whistler

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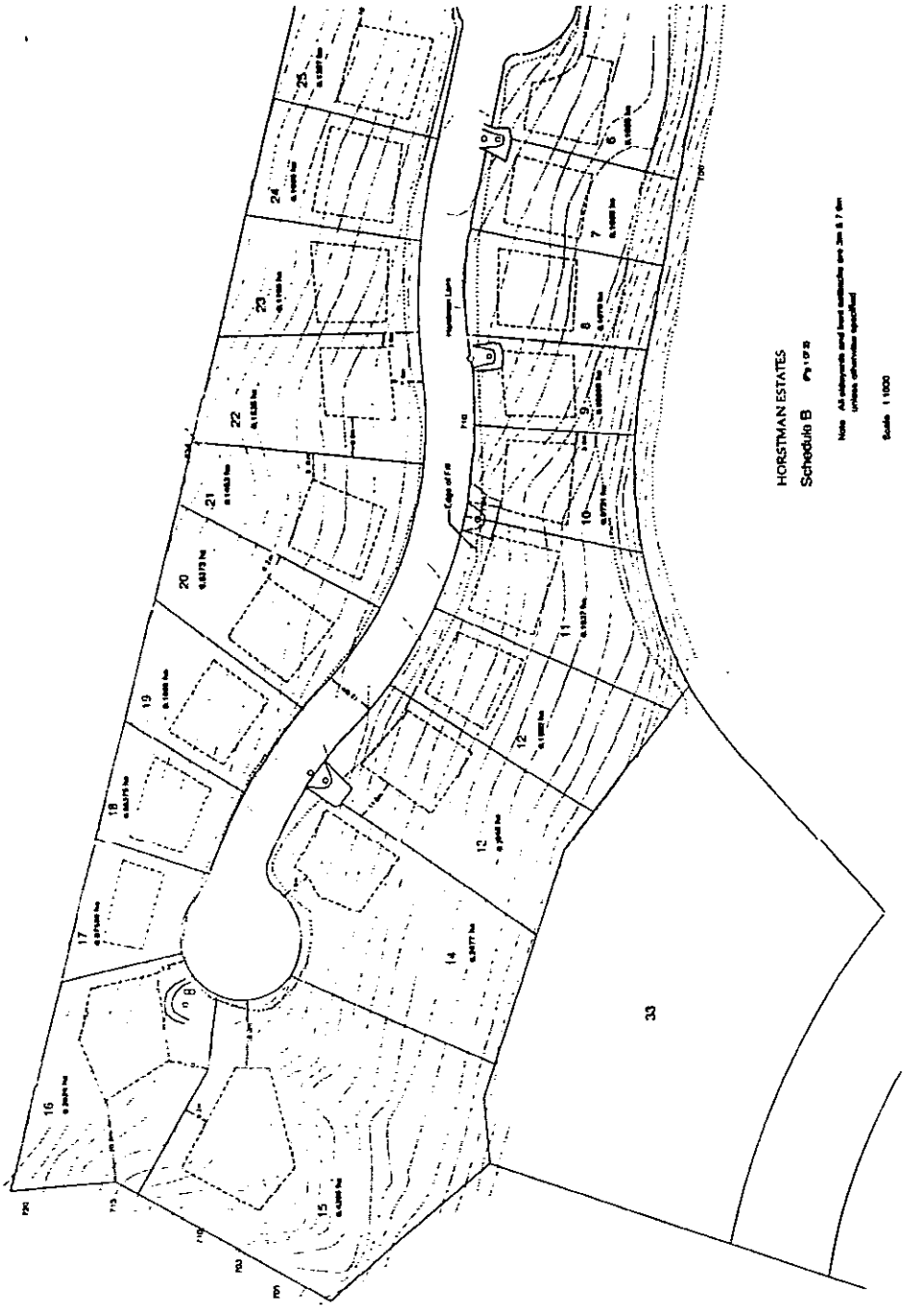

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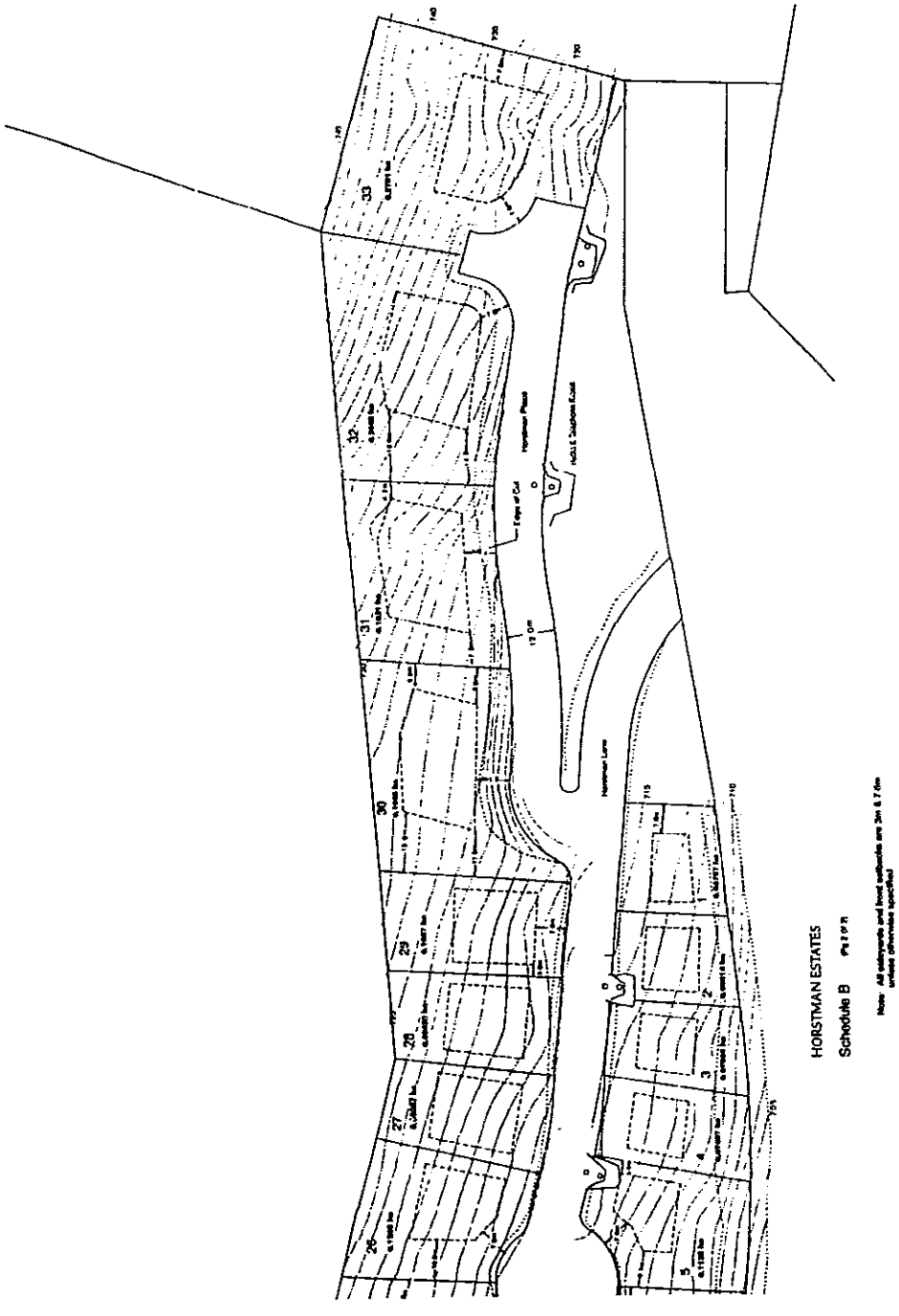

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SCHEDULE C

Horstman Estates - Blackcomb Mountain July 27, 1989

Parcel Area: 633,119 sqft

Lot	Lot Area (sqft)	Lot Frontage (ft)	Allowable Gross Floor Area (sqft)	Allowable Height (ft)
1	7,270	88	2,545	30
2	7,011	71	2,454	30
3	7,625	66	2,669	30
4	8,050	62	2,818	30
5	12,216	118	4,276	30
6	17,814	145	4,500	30
7	11,506	77	4,027	30
8	11,614	81	4,065	30
9	9,481	75	3,318	30
10	10,474	70	3,666	30
11	17,620	80	4,500	30
12	17,136	71	6,000	35
13	22,044	106	6,500	35
14	26,662	178	6,500	35
15	46,230	68	10,000	35
16	21,786	46	6,500	35
17	8,127	68	2,844	30
18	9,015	77	3,155	30
19	11,463	82	4,012	30
20	14,951	105	5,000	30
21	15,640	120	4,000	30
22	16,415	104	4,000	30
23	12,895	74	4,513	30
24	11,819	76	4,137	30
25	14,715	127	4,000	30
26	13,654	97	4,779	30
27	9,755	82	3,414	30
28	10,177	78	3,562	30
29	11,480	77	4,018	30
30	20,959	194	6,465	35
31	17,548	147	6,142	35
32	26,339	212	9,219	35
33	29,922	129	10,000	35
Total	509,413		157,597	

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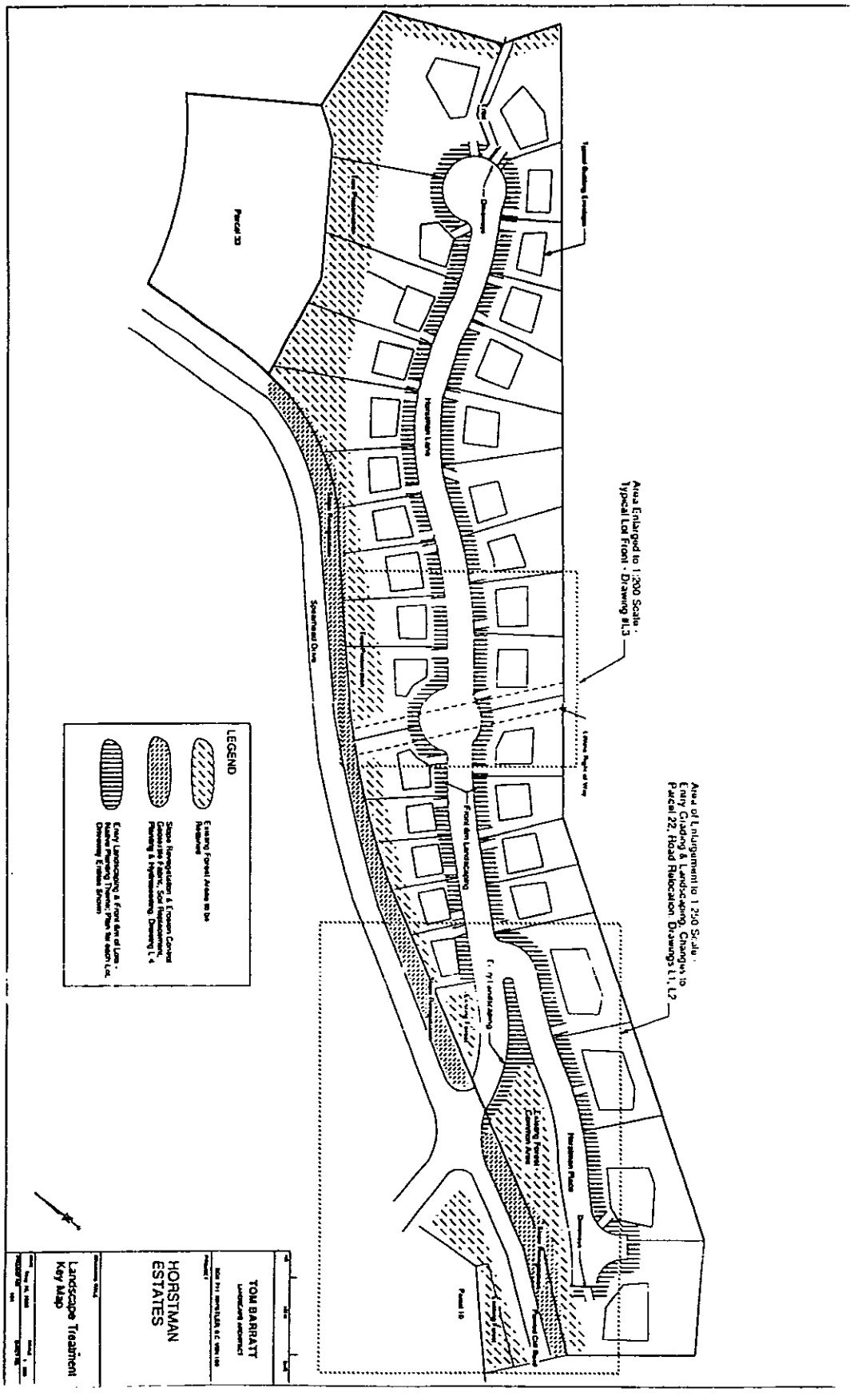
SCHEDULE D



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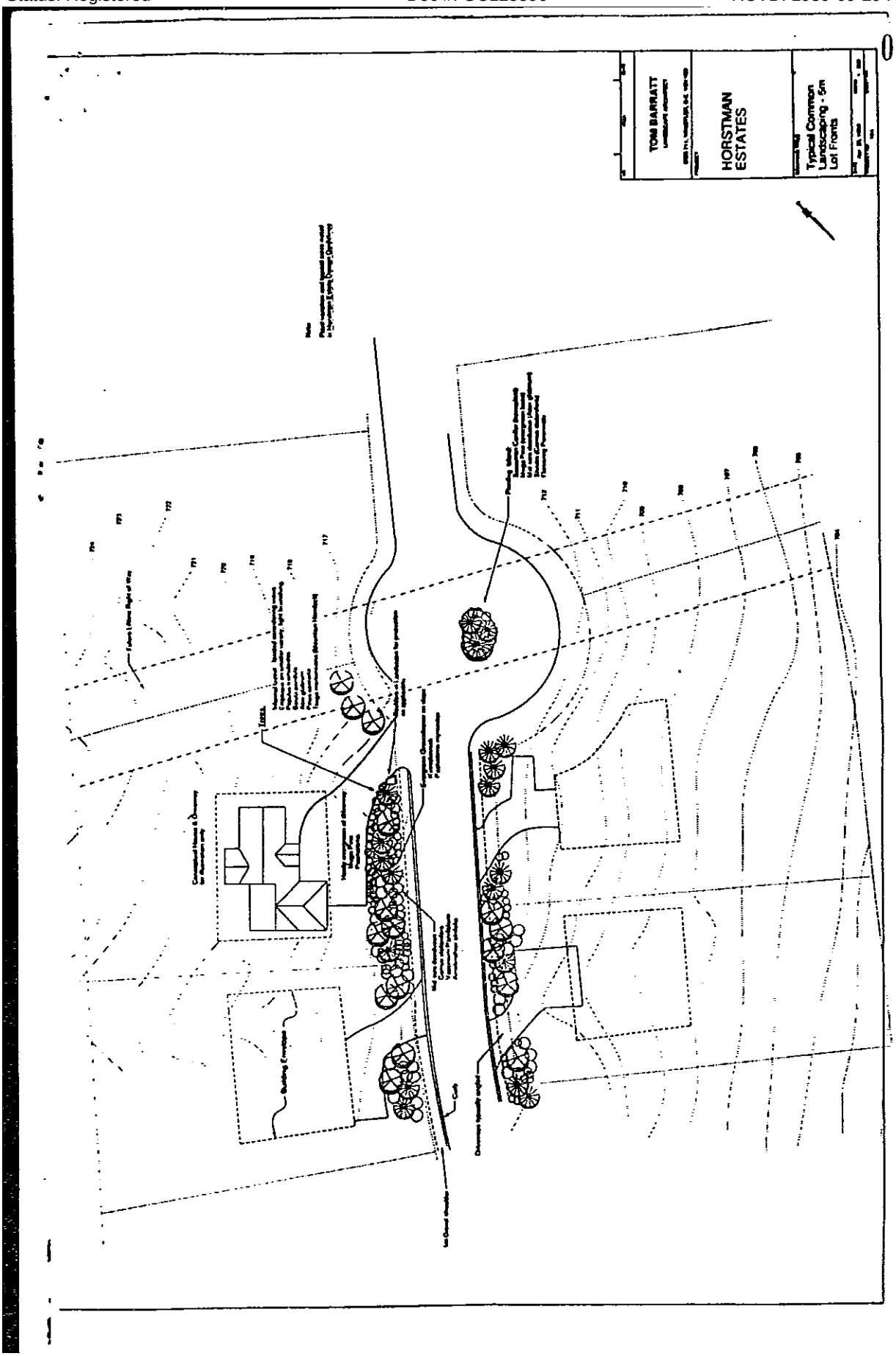
TOM BARRATT
HORSTMAN ESTATES
Typical Common Landscaping - 5m Lot Fronts

SCHEDULE E

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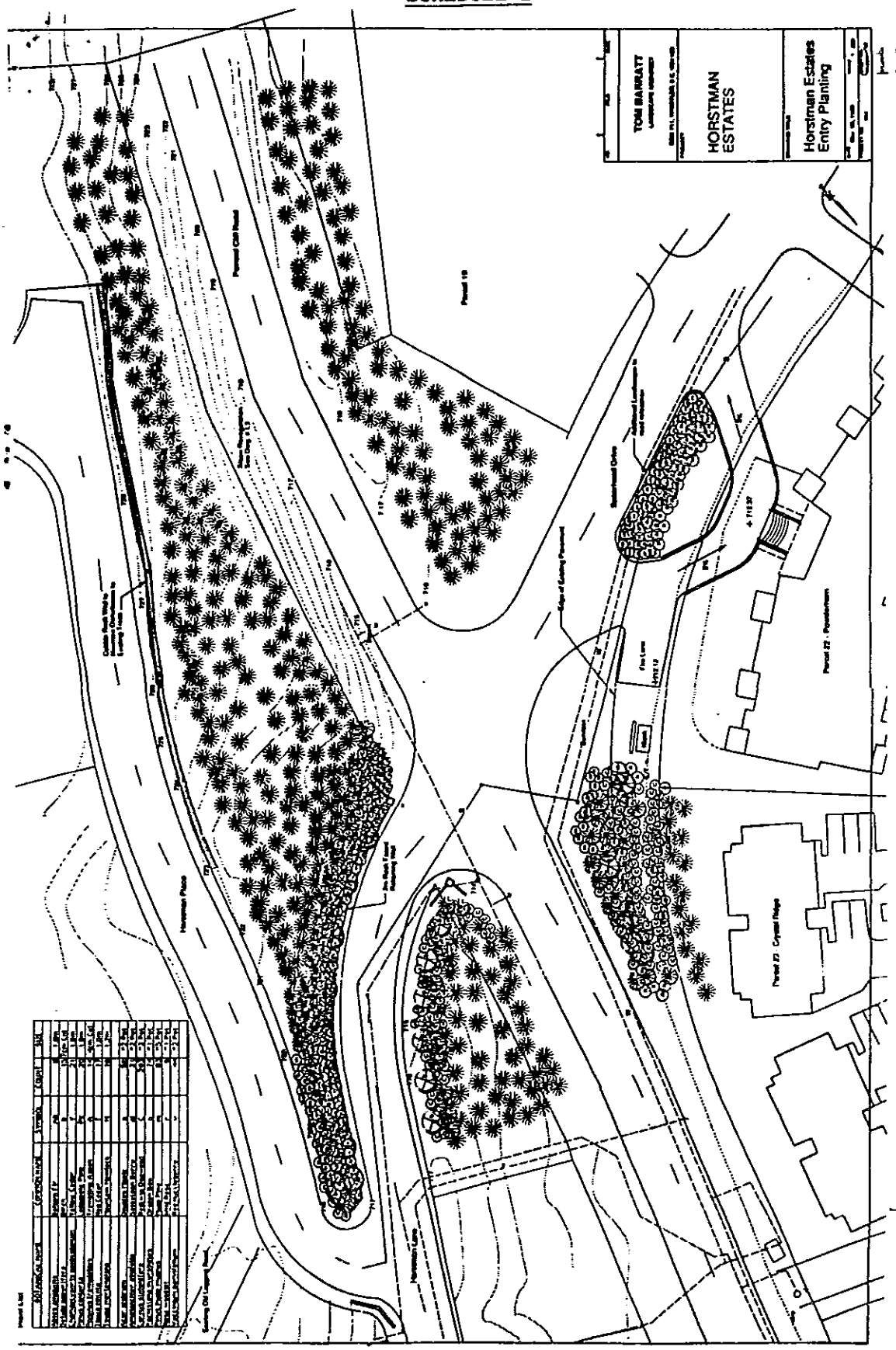

E-10

0125596

Road Cut Planting
1:100
Entry Wall
1:25
Road Cut Erosion Control
1:25
TOM BARRATT
HORSTMAN ESTATES
Slope Revegetation Rock Walls