

APPENDIX C: Eagle Ranch Design Review Board Construction

Inspections and Regulations

1. CONSTRUCTION INSPECTIONS

The Town of Eagle is the responsible agency for construction inspections. The Design Review Board will also inspect construction progress at certain milestones as follows:

1.1 Pre-Construction On-Site Meeting

a. Purpose

The purpose of the Pre-Construction Meeting on site is to assure that the builder and owner have installed the elements of the Construction management plan prior to any other construction on the site.

b. Action

Applicant shall notify the Design Review Administrator as soon as the building permit is received and before commencement of any construction activity. At that time, the Owner, Owner's Representative, and/or Builder will schedule the on-site meeting with the DRB Administrator to review the installation of all elements of the Construction Management Plan. Once the Construction Management Plan elements are properly installed, the DRB Administrator will release the site for construction. A copy of the building permit issued by the Town of Eagle must be emailed to EagleRanchDRB@eastwest.com.

1.2 Material and Color Mockup

a. Purpose

The purpose of the Mockup is to ensure that all colors and materials used on a project are in compliance with the Eagle Ranch Design Guidelines. The mockup allows the DRB to verify and approve colors and materials prior to installation.

b. Action

Prior to the application of any materials or colors onto the structure, a Material and Color Mockup must be constructed on site and approved by the DRB. This mockup must contain any and all applicable exterior colors and materials including, but not limited to: roofing, fascia, rake, soffit, corner board, siding, masonry, window details (casing, head, jamb, sill, apron, mullions, grilles, etc), and so on. Please refer to Appendix I or the Material and Color Board Mock Up detail drawing.

1.3 Foundation Location Certificate and Inspection

a. Purpose

The purpose of the Foundation Location Certificate and Inspection is to assure that the foundation is located in accordance with the approved plans and that no encroachment into setbacks or easements occurs.

b. Action

The Owner is responsible to provide the DRB with a copy of the Foundation Location Certificate prepared by a licensed Surveyor. This should be done immediately following the completion of the foundation and prior to commencement of the framing of the house.

1.4 Improvement Location Certificate Inspection

a. Purpose

The purpose of the Improvement Location Certificate – including Framing/Building Height inspection is to assure that the building is being built in accordance with approved plans.

b. Action

The Owner is responsible to notify the Design Review Board at the same time as the Town of Eagle is notified for its framing inspection. If the building height is as provided in the approved drawings, the DRB will issue a Building Height Certificate. If the built height exceeds the approved height, remedial measures shall be required which may include but not be limited to construction stop order pending re-submittal for amended final plan approval, and/or framing demolition and reconstruction to the approved design.

1.5 Design Changes During Construction**a. Purpose**

It is common for the design of new homes to be refined during the construction process. To the extent that such changes differ from the approved design, the Owner is responsible to seek and obtain DRB approval for such changes prior to implementation. The DRB will make reasonable efforts to review such changes promptly. However, if in the sole opinion of the DRB Administrator such changes constitute a substantial change from the approved design, full board action at a regularly scheduled meeting may be required.

b. Action

The Owner is required to present proposed changes to the DRB for approval prior to implementation. The DRB submittal and review process for design changes during construction will be managed to an appropriate level based on the scope of the proposed changes. Minor changes may be addressed administratively, whereas more substantial changes may require full DRB action. The DRB will make every reasonable effort to act on such changes in a timely manner.

1.6 Certificate of Compliance Review**a. Purpose**

The purpose of the Certificate of Compliance Review is to assure that the residence and all site improvements are constructed in accordance with the approved Final Design. The Town of Eagle requires a Certificate of Compliance from the Design Review Board prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.

b. Action

The Owner is responsible to notify the Design Review Board when the residence is ready for the Certificate of Compliance Review. The DRB will conduct a site visit and inspection to confirm that the project is constructed as approved, and that there are no outstanding fines or other sanctions. When confirmed, the DRB will issue a Certificate of Compliance and release the residual of the Construction Compliance Deposit.

1.7 Temporary Certificate of Compliance

A Temporary Certificate of Compliance (TCC) with specific completion date and conditions may be issued before all exterior elements of the project are complete. In the event that a TCC is requested, the Owner may be required to increase Construction Compliance Deposit (CCD) in an amount sufficient to cure the conditions. The increased CCD may be in the form of cash deposit or an Irrevocable Letter of Credit in favor of the Eagle Ranch Association.

As soon as the TCC conditions are cured a final Certificate of Completion will be issued and CCD shall be promptly released to the owner. If the TCC conditions are not cured within the specified time, the DRB may apply the CCD toward completion of TCC conditions. Any residual of the bond and CCD will be returned to the Owner upon completion of TCC conditions.

1.8 Continuity of Construction

As provided in Section 6.11.5 of the Declaration for Eagle Ranch, all improvements and construction commenced on the Residential Lots will proceed diligently and will be completed within fifteen (15) months after commencement, unless an exception is granted in writing by the Design Review Board. If work is commenced and construction is subsequently abandoned or dormant for more than ninety (90) days, or if construction is not completed within the required time frame, then after notice and opportunity for a hearing, the Association may impose fines every other day until construction is completed. Fines may be assessed separately or deducted from the Owner's Compliance Deposit.

Any fines separately assessed and not deducted from the Compliance Deposit will be considered a default Assessment and subject to the Association's lien against the property as provided in the Declaration. In its sole discretion, the Executive Board may grant extensions of time for completion due to circumstances beyond the Owner's or contractor's reasonable control.

Failure to commence or complete construction within the required time frames may result in forfeiture and/or surrender of the Construction Compliance Deposit at the sole and absolute discretion of the Executive Board.

2. CONSTRUCTION REGULATIONS

The purposes of these Construction Regulations include, without limitation:

- i. To promote the orderly development of homesites;
- ii. To avoid unnecessary damage to the site and adjacent properties;
- iii. To minimize construction impacts on the neighborhood;
- iv. To preserve and protect the health, safety and welfare of persons and property in the community; and
- v. To implement agreements between Eagle Ranch, its homeowners, and the Town of Eagle.

Each Owner is responsible to implement these Construction Regulations with his contractors, subcontractors, suppliers, their employees, and all others associated with construction on the homesite.

Any violation of these construction regulations may be considered a nuisance per the Declaration for Eagle Ranch and may result in fines or other sanctions.

In addition, violations of the Eagle Ranch Construction Regulations by any Owner or by the Owner's contractors, subcontractors, material suppliers, or any employees or agents thereof, may be considered Health and Safety violations, subject to separate and/or additional fines.

2.1 Safety -

The Owner is responsible to comply with all governmental safety regulations for construction activities arising from his homesite. The Owner should ensure that agreements with contractors, subcontractors, suppliers, their employees and other agents provide for construction site safety and cleanliness.

2.2 Construction Fence –

A green plastic construction fence not less than 42 inches tall shall be installed around the perimeter of the lot or the established 16,500 square foot Limits of Disturbance prior to commencement of construction. One opening not more than 20 feet in width may be provided for access to the construction site. The construction fence must be maintained in good working order throughout the duration of the construction process.

2.3 Erosion control and drainage -

Erosion control measures (silt fence) shall be installed prior to any other construction activity on the site. The silt fence must be continuous around the Limits of Disturbance with the 20' exception at the site entrance. Such measures shall be maintained in working order throughout the construction period. Should erosion control measures fail, all other construction activity shall cease until erosion controls and any damages are repaired.

2.4 Homesite Access -

Homesite access is restricted to and from the street frontage of the homesite. Access or egress across other properties is prohibited except as prior written permission may authorize.

2.5 Restoration or Repair of Property Damage -

Any damage or scarring of other properties including but not limited to other homesites, driveways, roads, curb, gutter and other public street improvements is not permitted. Should such damage occur, it shall be repaired and/or restored promptly at the expense of the person or entity causing the same; provided however, that the Owner of the site is ultimately responsible to fully repair any damage that occurs as a result of construction on the homesite.

2.6 Construction Trailers/Portable Field Offices -

A single construction field office may be approved for placement on the homesite during the construction period as shown on the approved Construction Management Plan.

2.7 Storage of Materials and Equipment -

At Owner's sole and absolute risk, the Owner and builder are permitted to store construction materials and equipment on the construction site during construction. Such materials and equipment shall be placed, properly covered and secured in a neat and orderly manner. No materials or equipment may be staged or stored on the site more than 3 days prior to the commencement of construction. All material storage must be kept within the Limits of Disturbance.

2.8 Site Cleanliness -

Each construction site shall be kept neat and orderly to prevent visual nuisance for other properties. Owners and contractors shall provide an adequately sized container for debris and shall clean up all trash and debris on the construction site on a daily basis.

Lightweight materials and packaging shall be covered or weighted to prevent scattering by the wind. Wind scattered debris shall be retrieved immediately and disposed of properly.

Trash and debris shall be removed from each construction site on a timely basis to a dumping site located off the project. No dumping, burying or burning of construction debris is permitted on any property in Eagle Ranch. Mud, dirt or debris resulting from construction activities on the site shall be removed promptly from streets or adjacent properties.

Roll-offs and construction dumpsters must be tarped or covered every night. They must also be tarped or covered when they are removed for dumping.

2.9 Sanitary Facilities -

Each builder shall provide adequate sanitary facilities on site during construction.

2.10 Construction Hours

Construction hours are limited to the following:

Day of week	Construction Hours
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Monday - Friday:	07:00 to 19:00 (7 a.m. to 7 p.m.)
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Saturday:	09:00 to 18:00 (9 a.m. to 6 p.m.)
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Sunday/Holiday:	No outside construction or construction support is permitted at any time on Sundays and the following Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Finish work and its support activities that occur within a fully enclosed structure are permitted between the hours of 09:00 and 18:00 (9a.m. to 6 p.m.) on Sundays and the above listed Holidays.
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2.11 Construction Noise -

Use of radios, tape players, CD players etc. shall be restrained so as not to be a nuisance on any adjoining property or public street. Machinery shall not be operated before or after construction hours. Concrete pours shall be scheduled with customarily adequate time to complete the pour within authorized construction hours.

2.12 Vehicles and Parking -

Use of other homesites for construction parking is not permitted except as prior written permission may authorize. Construction vehicles and equipment may be parked in areas as shown on the approved Grading/Construction Management Plan.

2.13 No Dogs Allowed –

The Town of Eagle required Eagle Ranch to adopt policies prohibiting dogs at construction sites. Contractors and subcontractors are prohibited from bringing any dog into Eagle Ranch, including dogs kept inside motor vehicles. Violations of this policy shall result in the immediate eviction of the dog and the dog's owner or owner's representative from Eagle Ranch. Repeated violations of the dog prohibition are considered continuing violations with no cure period and fines levied immediately.

2.14 Miscellaneous Construction Policies –

The following miscellaneous construction policies apply to all owners, contractors, sub-contractors, suppliers and their employees on site during construction:

- a. Changing oil on any vehicle or equipment, or discharge of oil or other petroleum products onto the ground, into utility structures, or into waters of the site is prohibited.
- b. Concrete truck or equipment wash-out or disposal of excess concrete is prohibited except as shown on Grading/Construction Management Plan.
- c. Removal of plant materials, or topsoil from any property other than the subject homesite is prohibited.
- d. Carrying any type of firearm is prohibited.
- e. Only one construction sign (no larger than 4'x4') as approved by the DRB is permitted on each homesite.
- f. A minimum of one 1016 ABC rated dry chemical fire extinguisher shall be conspicuously located and immediately available on each construction site.

ENFORCEMENT

3.1 Authority to Fine

3.1.1 Section 4.12.18 (as amended) of the Bylaws of the Eagle Ranch Association (Association) provides the power, duty and procedures to impose fines and other sanctions for violations of rules and regulations of the Association. The Design Guidelines, including but not limited to the Construction Regulations are rules and regulations of the Association.

3.1.2 Section 6.11 Enforcement of the Declaration for Eagle Ranch empowers the Design Review Board (DRB) to adopt a schedule of fines for failure to abide by DRB rules and the Design Guidelines.

3.2 Health and Safety Violations

3.2.1 Violations of the Eagle Ranch Construction Regulations may be considered Health and Safety violations in the Association's sole and absolute discretion. The DRB is required to provide a cure period of at least 72 hours after transmission of notice. Once the cure period has expired, the DRB may impose fines (as outlined in Section 3.3 Fine Schedule) as often as every other day until the violation is cured.

3.3 Fine Schedule

The following Schedule of Fines is established for violations of these Construction Regulations.

- 3.3.1** First Violation - A courtesy verbal and/or written notice of the violation, as well as the required action and time within which to cure the violation.
- 3.3.2** Second Violation – Verbal and/or written demand, plus a fine of \$100.00;
- 3.3.3** Third Violation - Verbal and/or written demand, plus a fine of \$200.00;
- 3.3.4** Succeeding Violations - Verbal and/or written demand, plus a fine of \$400.00.
- 3.3.5** Any fines incurred as a result of violation of the Construction Regulations may be deducted from the Construction Compliance Deposit.
- 3.3.6** Health and Safety violations may be subject to fines of \$100 every other day until the violation is cured.

3.3 Notice

- a. Written and/or verbal notice will be given to the Owner and Builder as soon as practicable.
- b. Written notice will be delivered via e-mail.

3.4 Violation Abatement

- a. Once notified, the owner or violator must cure the violation within the reasonable time and in the manner as directed by the DRB or its designee. Immediate abatement may be required when the violation poses a health or life safety risk or when the effects of the violation are deemed to be progressive.
- b. Proposed fines may be waived if the violation is cured as directed and within the specified cure time.

3.5 Hearing

- a. The DRB will hear the matter of fines at its first regular meeting not less than 10 days after notice has been given.
- b. The Owner is invited to present any statement, evidence and witness on the Owner's behalf.
- c. The DRB acting as Hearing Committee appointed by the Eagle Ranch Association Board will consider the matter. The DRB may waive, reduce or impose the proposed fine in full.
- d. Fines are Default Assessments of the Eagle Ranch Association that are due and payable within 30 days.

3.6 Appeal

Fines imposed by the DRB may be appealed to the Eagle Ranch Association Executive Committee.