

10 CONSTRUCTION RULES

Owners are responsible for ensuring all contractors, subcontractors, suppliers, and other personnel are aware of and comply with these Homesite Construction Rules. No clearing, grubbing, grading, excavation, plant or tree removal, or construction related activities are allowed until an approval has been granted by the ARC for the Final Design Review, all required Compliance Deposits have been paid in full and all building, and related use permits have been obtained from Deschutes County, and lot line ropes and construction fencing are in place.

10.1 CONSTRUCTION HOURS

Construction hours are strictly enforced, subject to fine, and limited to the following:

- Monday thru Friday 7:00AM to 7:00PM
- Saturday 9:00AM to 5:00PM
- Sunday All construction activity is prohibited

Construction activity may not occur on Memorial Day, the 4th of July, Labor Day, Thanksgiving, Christmas, or New Year's Day.

To request an exception to the construction hours, contact the ARC a minimum of 72 hours prior to the date of the proposed exception. All construction hour exceptions must receive ARC written approval before they can be instituted.

10.2 CONSTRUCTION AREA PLAN

The area within a homesite impacted by construction activity, defined as the Construction Area, shall be limited to the immediate area around required excavation and related site improvements, with reasonable allowances made for the practicality of construction, safety requirements, and material storage. The boundary of the Construction Area must be within 50 feet of proposed structures, with exceptions for a driveway and utility improvements. Every effort must be made to limit impacts within lot setbacks and other areas of the site that are to be retained as natural areas.

The Construction Area must be shown on the Construction Area Plan submitted with the Preliminary Design Review submittal and the Final Design Review submittal. The ARC may, at its own discretion, require a reduction in size of the Construction Area in order to lessen impacts to existing vegetation, trees, and site features. The Construction Area Plan shall include the following:

- One vehicular access route, which must coincide with the approved driveway location.
- Fencing defining the boundary of the Construction Area.
- Tree Protection Zone fencing.
- The location and size of the construction material storage areas.
- Parking areas with the maximum number of spaces provided within each area.
- The locations of the chemical toilet, temporary construction trailer/structure, dumpster and debris storage, temporary power, and firefighting equipment.
- Fueling and staging areas.
- Concrete wash pit area.
- Areas of utility trenching.

- Limits of excavation.
- The location and size of stockpiles containing excavated materials, topsoil, and duff.
- Site drainage patterns.
- Erosion control measures for the site.

Prior to commencing any clearing, grubbing, grading, excavation, or other construction related activities on a homesite, a Construction Area fence shall be established on the homesite. The Construction Area fencing shall meet the following guidelines:

- The fence must be 4 feet in height and placed in the location depicted on the approved Construction Area Plan of the Final Design Review.
- The fence must be a continuous barrier of woven material, 1 ½ inches x 1 ½ inches, with posts spaced to prevent sagging or encroachment on the protected zone.
- With the exception of the driveway entry, no gates or means of access will be allowed in the fence.
- No construction trailers, parking, material or equipment storage, dumpsters, portable toilet, or construction traffic will be permitted outside the Construction Area.
- Temporary material storage outside the Construction Area may be considered on a case-by-case basis, but the temporary storage site must be reviewed and approved by the ARC in writing prior to placement of the materials on the site. Strict limitations will be placed on the duration of use of the temporary storage site, and a site Remediation Plan must accompany the request for a temporary storage site.
- The Construction Area fencing shall be maintained in a neat, professional appearance and shall remain in place until all structures and related site improvements have been completed.

10.3 TREE PROTECTION

Before any clearing, grubbing, grading, excavation, or other construction related activities commence on a homesite, Tree Protection Zone fencing shall be installed around all significant trees that are to remain on the site, as established by the Site Plan from the approved ARC Final Design Review. The Tree Protection Zone fencing shall consist of a fence, 4 feet in height, installed at the drip line, which is defined as the outer edge of the leaf canopy formed by a single tree or group of trees. The fence must be a continuous barrier of woven material, 1 ½ inches x 1 ½ inches, with posts spaced to prevent sagging or encroachment on the Tree Protection Zone. No gates or means of access will be allowed in the fence. The Tree Protection Zone fencing shall remain in place until all site improvements and building construction has been completed. See Exhibit 'G' for a Tree Protection Zone fence detail.

Any activities that would cause compaction or contamination of soil within the Tree Protection Zone must be avoided. No parking, material or equipment storage, or construction traffic will be permitted within the Tree Protection Zone. To avoid damage to the tree root systems from accidental spills, all liquids and powders must be stored at least 40 feet from any tree that is to remain on the site.

Trees marked for removal within view corridors must remain on the site until a comprehensive analysis can be undertaken to evaluate of the impacts and opportunities associated with the tree removal. To that end, the ARC will conduct an on-site visit once the home has been framed to assess the tree removal request and determine which trees, if any, can be removed. Unauthorized tree removal will result in the immediate forfeiture of the Compliance Deposit and suspension of all construction

activity on the property. At such time as a Remediation Plan has been reviewed and approved by the ARC and a new Compliance Deposit has been received, construction activity will be allowed to resume. In addition to the loss of the Compliance Deposit, fines may be assessed for this unauthorized tree removal and tree replacements may be required as part of the Remediation Plan.

10.4 EXCAVATION AND GRADING

Prior to commencing any clearing, grubbing, grading, excavation, or other construction related activities on a single-family lot, Construction Area fencing and Tree Protection Zone fencing shall be established on the site, as defined on the Site Plan from the approved ARC Final Design Review.

During construction, erosion is to be minimized on exposed cut and/or fill slopes through proper soil stabilization, drainage management, and revegetation. The following procedures and practices are to be employed to reduce any impacts associated with erosion and sedimentation:

- Silt fencing is to be placed around the down-slope perimeter of graded areas taking care to provide adequate space for construction activities. In some areas multiple silt fences may be required.
- Soil may not be placed against the fence, and silt is to be cleared out regularly.
- Grading on the outer slopes of the site is to be completed first and stabilized immediately.
- Modification and/or repairs of storm control measures are to be performed as soon as a need has been identified.
- Erosion control measures should be inspected regularly, paying particular attentions to storm cycles that may require pre- and post-storm inspections.
- Emergency erosion control materials, including rice straw bales and silt fencing, are to be stockpiled on-site. These materials are to be covered with medium to dark earth tone plastic or tarps.
- Disturbed areas are to be watered or otherwise treated, as required, to prevent blowing dust.
- Surplus excavation spoils, not otherwise used on the site in accordance with the Site Plan approved by the ARC, shall be removed from the site as soon as practicable.
- Topsoil is to be properly stockpiled within the Construction Area and covered to minimize blowing dust. This topsoil is to be used for required site remediation.
- Slope roughening or terracing may be utilized to stabilize revegetation on exposed cut bedrock slopes.

10.5 CONSTRUCTION ACCESS

Access into Tetherow and onto a homesite must comply with the following guidelines:

- Contractors, subcontractors, and suppliers may only access Tetherow during approved construction hours Monday - Friday 7:00am to 7:00pm, Saturdays 9:00am to 5:00pm, with no Tetherow access or construction allowed Sundays or Holidays. This is strictly enforced with fine levied to lot owner.
- All construction vehicles are to be identified with the name and contact information of the respective contractor, subcontractor, or supplier.
- Only one construction access route will be permitted into the Construction Area of a homesite, unless otherwise approved by the ARC.

- Entering or otherwise trespassing onto any private property, the golf course, golf course property, or any common areas within Tetherow is not permitted for any reason. To enter a property, other than the homesite under construction, written permission must be granted by the Tetherow HOA and the property owner affected by the entry.
- Material and equipment deliveries are to be consolidated to the greatest extent practicable on building area and not stored on streets. No vehicles, trailers, equipment or supplies may be stored on any street overnight.

10.6 SECURITY GATE CODE

Contractors are provided a security gate code for access to a particular construction site. This code is designated for use by the contractor and their subcontractors and suppliers during construction, and any unauthorized use of this code or any other code is not permitted and subject to fines.

10.7 VEHICLES USE AND PARKING AREAS

Each Contractor is responsible for ensuring subcontractors and suppliers obey the following requirements:

- Adherence to the 25 MPH speed limits is to be a condition of the contract between the Contractors and their subcontractors and suppliers. The Association may deny repeat offenders future access to Tetherow.
- Construction crews are not to park on or otherwise access any off-site property including other lots, the golf course and golf course properties, and common areas.
- When parking on-site, all vehicles, machinery, and equipment must be parked within the Construction Area at all times and not to invade Native Area fencing shown on the construction area plan.
- When parking on the street, care must be taken to park so as to not inhibit or block traffic, park on asphalt only, and **all construction parking must occur on one side of the street.**
- On-street overnight parking of all construction vehicles, trailers, or equipment is prohibited in Tetherow.
- Driving or parking within the drip line of trees is not permitted.

10.8 STORAGE OF MATERIALS, EQUIPMENT, AND MACHINERY

The following guidelines regarding material and equipment storage are to be adhered to:

- All construction materials, equipment, and machinery are to be stored within the Construction Area.
- Tractors, hoists, lifts, and other similar construction equipment and machinery may be parked overnight on the site but only during times when construction activities require their use. Overnight street parking of construction vehicles or equipment is prohibited.
- All flammable products are to be used and stored in a safe manner, as required by the Fire Authority with jurisdiction over Tetherow.
- Equipment cleaning, maintenance, and painting may not occur outside the Construction Area or near any Tree Protection Zone.

10.9 CONSTRUCTION TRAILERS AND TEMPORARY STRUCTURES

The following guidelines must be met with regard to construction trailers and temporary structures:

- The use and siting of any construction trailer or temporary structure must be in compliance with the ARC approved Construction Area Plan.
- The trailer or temporary structure should be sited to minimize impacts on-site and to adjacent properties. No overnight street parking of trailers or equipment is allowed and will be subject to fines or towing.
- All such facilities must be removed from the property upon issuance of a certificate of occupancy or Final Inspection, whichever comes first.
- Construction trailers and temporary structures are to be painted neutral earth tone colors.
- Temporary living quarters for the Owner, contractor, or their employees are not permitted on the homesite.

10.10 CONSTRUCTION SIGNS

Construction signs at Tetherow shall conform to the specifications and requirements established by these Guidelines. Only one construction sign is allowed per lot, and the panel is to be installed parallel to the addressed street at least 10 feet inside all property lines. No other signs of any kind are allowed on the site during construction. Construction signs may be installed upon payment of the Compliance Deposit and must be removed at the issuance of an occupancy permit or prior to the Final Inspection, whichever is first. Additional specifications and requirements for construction signs can be found in Exhibit-B4 in the Appendices.

Note: Only architects licensed in the State of Oregon are allowed to use the title “Architect” on the construction sign.

10.11 SANITARY FACILITIES

Sanitary facilities are to be provided for construction personnel on-site, in a location defined on the ARC approved Construction Area Plan. The facility is to be maintained regularly and if possible screened from view from adjacent properties and roads. The facility may not be located within any protected area or setback.

10.12 FIRE AND SAFETY PRECAUTIONS

The following fire and safety precautions are to be followed at all construction sites:

- No site fires of any kind are allowed on any building site or anywhere in Tetherow.
- All fires are to be reported even if it is assumed the fire has been contained, extinguished, or reported.
- One or more persons are to be appointed as the individual(s) responsible for reporting emergencies and/or phoning 911.
- Emergency vehicle access to the homesite is to be maintained at all times.
- Access to fire hydrants, emergency water tanks, and emergency turnouts are not to be blocked at any time.
- Smoking materials are to be discarded in approved containers.
- A shovel and fire extinguisher rated at least 4A, 20BC, are to be mounted in plain view.
- All equipment, including small tools, is to utilize a working spark arrestor.

10.13 DEBRIS AND WASTE REMOVAL

The following debris and waste removal procedures are to be followed at all construction sites:

- To the greatest extent practicable, the Contractor is to develop and maintain a waste management program that separates all construction waste on-site for recycling or reuse, diverting this waste from disposal in a landfill. The donation of salvaged materials to charitable organizations should also be considered. Contractors are to check with local waste disposal agencies to determine which recycling services are available for construction waste materials.
- Covered trash and recyclable containers are required and shall remain on the site at all times during construction.
- Contractors are to clean up all trash and debris on the construction site at the end of each day. Trash is to be securely covered to prevent windblown trash and wildlife access.
- Lightweight material, packaging, and other items are to be covered or weighted down to prevent wind from blowing such materials off the construction site.
- Trash, debris, and recyclable materials are to be removed from each construction site at least once a week and transported to an authorized disposal site.
- A temporary concrete wash pit is to be situated in an approved location and remediation measures must be performed by the Contractor upon completion of construction.
- Paints, solvents, and other hazardous materials are not to be disposed of on-site.
- Contractors are not to dump, bury, or burn trash anywhere on the homesite or on any other property within Tetherow.
- During the construction period each construction site is to be kept neat and tidy to prevent it from becoming a public eyesore or affecting adjacent properties.
- Any transfer of dirt from construction site to the road is the responsibility of developer or owner. All dirt transfer to the road must be cleaned by the end of every work week.
- Any cleanup costs incurred by the ARC, the Declarant, or the Association in enforcing these requirements will be billed to the Owner.

10.14 AIR QUALITY CONTROL

The following air quality control measures are to be utilized on the construction site:

- Construction machinery and equipment exhaust emissions cannot exceed local code requirements for air pollution limitations.
- Open burning of any material, trees, or vegetation is not permitted at any time.

10.15 DAMAGE REPAIR AND RESTORATION

- Damage of any kind to off-site property caused by contractors, subcontractors, or suppliers will not be permitted. The following requirements address remediation, repair costs, and fines:
- The offending contractor, subcontractor, or supplier shall pay any fines imposed by Deschutes County or other governmental agencies as a result of any violation related to the incident.
- If a contractor, subcontractor, or supplier ventures beyond the boundaries of the Construction Area, the disturbed area must be revegetated immediately according to an ARC

approved Remediation Plan, and the vegetation must be maintained until the ARC has determined the vegetation is fully established.

- Damage to off-site property including, but not limited to, grades, structures, fencing, paths, driveways, culverts, ditches, drains, fences, trees, landscaping, lighting, signage, and roadways, shall be repaired immediately and at the expense of the Owner whose contractor, subcontractor, or supplier caused the damage.
- Any property repair costs incurred by the ARC, Declarant, or the Association related to damage caused by a contractor, subcontractor, or supplier will be billed to the Owner whose contractor, subcontractor, or supplier caused the damage.

10.16 ATTIRE AND LANGUAGE

All construction workers must present themselves as professionals. Loud, foul language and ripped and tattered clothing will not be tolerated. Shirts must be worn at all times by all contractors, subcontractors, and suppliers while on a homesite.

10.17 ALCOHOL AND CONTROLLED SUBSTANCES

The furnishing or consumption of alcohol or the use of any controlled substance on any construction site or common area within Tetherow is prohibited. Any construction site found with discarded alcoholic containers may be fined by the HOA.

10.18 PETS

Construction personnel are prohibited from bringing all animals or pets of any kind into Tetherow. This includes all animals or pets on the construction site or in any vehicles.

10.19 NOISE CONTROL

Radios, stereos, or similar devices are not allowed to be played outside on the construction site. Earphones are permissible if allowed by OSHA. Interior music volume must be controlled to prevent sound from being heard beyond the perimeter of the interior of the structure.

10.20 SECURITY

Any request for security fencing will be reviewed by the ARC on a case-by-case basis. Security lights, audible alarms, and guard animals are not allowed.

10.21 ENFORCEMENT AND FINES

All fines will be levied against the lot owner. In accordance with Article 12 of the Tetherow CC&R's titled Enforcement, the Tetherow Owners Association Board of Directors has adopted a Resolution for Enforcement of Governing Documents, Exhibit 1 Compliance Process and Schedule and a Board Resolution adopting the policies. Please review these documents as they relate to design and construction at Tetherow. If you have questions about Enforcement and Fines, contact the Association Manager or email toa@tetherow.com.