

## Chapter IX – Site Grading/Construction

Once an area has received the required zoning and site planning approvals, then the site may be eligible to begin construction of the necessary improvements. Construction permits are submitted to the Development Services Department, located at 100 N. Wilcox Street. Staff will review the Construction Documents (CDs) for the proposed infrastructure to support the proposed development, along with the erosion and sediment controls (GESC) that are necessary during construction. Often this review is done in conjunction with a proposed Final Plat that may depend on this infrastructure to create viable lots. If the area has already been platted, then CDs may be needed to provide the site specific infrastructure once a known user has been identified.

Review Timeframes: The Development Services Department has target review timeframes as described below:

- For planned developments, larger site development plans, and infrastructure construction documents, the review process includes: first review of 5 ½ weeks, second review of 3 ½ weeks, and a third and final review typically occurs at the weekly TRC meeting with immediate action. This equates to a total of 10 weeks in staff hands.
- For smaller projects and site development plans, the review process includes: first review of 3 ½ weeks, second review 2 ½ weeks, and a third and final review to occur at the weekly TRC meeting with immediate action. This equates to a total of 7 weeks in staff hands.

Construction Documents (CDs) include the site Construction Plans that are engineering drawings depicting public and private site infrastructure and improvements, including streets, building and parking areas, grading, utilities, storm water facilities, easement exhibit and legal descriptions, landscaping and irrigation systems. CDs also include the Engineer's Cost Estimate for the project, along with necessary technical design reports, such as the Final Utility Reports, Phase III Drainage Reports, and updates to Traffic Impact Analysis when needed. The Construction Plans are the final detailed design of the site, and should match the intent of the Site Development Plan (SDP) or previously approved Final PD Site Plan (FPD). If major elements of the proposed site vary from what was approved in a development plan, the applicant may need to amend the development plan. Generally though, if the major elements meet the intent of the approved development plan, the final designs are approved through the CD level. The CDs will serve as the final approved documents for the site and infrastructure design, until the project is completed and Record Drawings are submitted to the Town.

The detailed design of the project should follow the design criteria listed in the Town Technical Manuals. If any exceptions to the technical criteria (previously called Public Works Variances) are requested, the technical criteria variance should be submitted with the CDs for review. If a technical criteria variance was approved with a prior site planning step, then this approval should be included in the Construction Plan set. See the section earlier in this manual on Technical Criteria Variances for the submittal process and required documentation.

If the applicant is proposing to phase the project's infrastructure construction, the phasing plan will need to demonstrate that each phase is independently sustainable. This may require adequate water main loops, street access, temporary fire apparatus access roads, and turnarounds that meet the Fire Department's requirements for dead-end fire apparatus access roads, and meet other review criteria,

such as not having too many homes on a dead-end road without residential sprinklers being installed. Town Staff will provide phasing comments during the review of the CDs.

In some cases, an applicant may choose to request a Construction Permit for grading activities, ahead of the full site construction permit. The requirements for this scope of work would follow the regular CD process listed below, however the plan set and cost estimate would only address the proposed grading activities. Final Utility Reports and Phase III Drainage studies would not be required until the full site construction plans were submitted. Grading activities also require a regular Grading, Erosion, and Sediment Control (GESC) document review and permit, as listed in following sections.

### **Construction Documents (CDs) Review**

The following items are needed for a complete submittal of the Construction Documents (CDs) and must be prepared by a Colorado licensed Professional Engineer. For details on the required contents of the construction plans or supporting technical reports, please refer to the detailed checklists and the design criteria in the applicable Technical Manual. *(Note: Grading, Erosion, and Sediment Control (GESC) plan review is also required and the GESC permit needs to be applied for with or ahead of the Construction Permit.)* See the following section for the GESC review information.

#### Submittal Requirement for CDs:

- Application
- Review fee (see Development Services Fee Schedule)
- Submittal Checklist, completed by applicant
- If any work is proposed on land not owned by the applicant, a letter of approval from the land owner is required.
- Project narrative/letter
  - Describe compliance or variations from approved Site Development Plan (SDP), or previously approved Final PD Site Plan (FPD).
  - Clearly identify any areas that vary from the approved Site Development Plan, the causes for the variation and how the variations impact surrounding properties,
  - Describe compliance with Technical Manuals and list any proposed technical criteria variances,
- Construction Plans containing the site design details, including the overall site plan; applicable phase plans; roadway plan/profile; utility plan/profiles; stormwater facility plan/profiles; grading plan; signage, striping and lighting plans; final landscape and irrigation plans; and all applicable construction details and notes.
- Updated Traffic Impact Analysis (if needed)
- Phase III Drainage Report
- Final Utility Report
- Engineer's Cost Estimate, using Town standard template
- Technical Criteria Variance requests – If applicant is proposing any deviations from the Technical design criteria in the Technical Manuals. Submit the appropriate supporting information and Technical Criteria Variance form with the submission of your CDs
- Checklists used for Plan preparation and all reports
- Easement legal descriptions and exhibits – if the proposed project requires any new easements that were not addressed on the final plat, please submit the legal descriptions and exhibits as soon as the location of the easement is confirmed with the review of the CDs. Easements are typically needed for utility main lines, drainage features, sight distance lines, and sidewalk that may be on private land.

- If Easements will be needed with this CD set, then submit a current Ownership & Encumbrance report with the Easement exhibit and legal description

#### Review Process for Construction Documents:

1. Pre-Application meeting with staff.
2. Applicant submits Construction Documents and fees
3. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and utilities, if applicable
4. Staff reviews submittal package documents, (Development Agreements and Improvement Agreement obligations if applicable) and issues comments and redlines, including any external comments that may be received
5. Applicant revises and resubmits (typically one or two times).
6. Staff issues approval or denial. If staff denies the Construction Documents, the applicant may appeal the decision to Town Council.

#### Approval:

7. If CDs are approved, then the plan set, cost estimate, and all applicable reports can be prepared, signed by the Professional Engineer and owner, and submitted to the Town for approval signature.
8. Applicant will need to pick up Town Approved documents; scan all items; and return full size originals, two sets of 11x17 sized plan sets, and electronic copies of each item prior to being able to obtain a Construction or GESC Permit.
9. Once CDs are approved, and all required documents are submitted to the Town, the applicant can apply for their Construction Permit. *(Note: Grading, Erosion, and Sediment Control (GESC) plan review is also required and the GESC permit needs to be applied for with or ahead of the Construction Permit.)* See the following section for the GESC review information.

*(Note: Construction Document Approval is valid for 1 year from date of Town Approval, if construction has not commenced. Applicant may request up to two one (1)-year extensions. It is the Applicant's responsibility to track their expiration date and apply for an extension 30 days before they expire. If plans expire before the applicant applies for and obtains their construction permit, the applicant will have to reapply for the Construction Document Review.)*

### **Early Grading**

Early grading permits can be issued at the initial Construction Permit phase, either before or after platting. The Town must accept the Phase II Drainage Report prior to the early grading permit being issued (Stormwater Drainage Design and Technical Criteria Manual). The surety that accompanies the Construction Permit is for the cut or fill (whichever is greater), import or export, mobilization, and any multi-lot retaining walls. A separate GESC permit is also required with a separate surety to guarantee installation and maintenance of temporary Best Management Practices (BMP's), restabilization of disturbed land, and establishment of vegetation cover.

### **Grading, Erosion and Sediment Control (GESC)**

A Grading, Erosion and Sediment Control (GESC) plan review and permit are required to be obtained before any land disturbing activities are allowed on a subject property within the Town of Castle Rock.

The following items are needed for a complete submittal of the Grading, Erosion and Sediment Control (GESC) Document and must be prepared by a Colorado licensed Professional Engineer. For details on

the required contents of the GESC plans, cost estimate and GESC report, please refer to the Town Grading Erosion and Sediment Control (GESC) and Drainage, Erosion and Sediment Control (DESC) Manual.

Submittal Requirement for GESC Documents:

- Application
- If any work is proposed on land not owned by the applicant, a letter of approval from the land owner is required.
- Review fee (see Development Services Fee Schedule)
- Submittal Checklist, completed by applicant
- GESC Plans containing the initial, interim and final GESC plans for the site, including Town GESC Standard Notes and Details. Cut/fill quantities need to be indicated as well.
- GESC Report, including GESC Cost Estimate, GESC Drawing and Report Checklist, and an 11x17 set of the GESC plans bound in the rear of the report.
- GESC Cost Estimate, using Town standard template
- Haul Route – if any material is going to be exported or imported to the site, a Haul Route map needs to be provided for Town Approval. Any import or export sites located within the Town of Castle Rock jurisdiction will require a GESC permit as well, unless the site already has an active permit (this site plan and permit may need to be updated).
- Technical Criteria Variance – If you are proposing any variations from the Technical design criteria in the GESC/DESC Manual, please submit the appropriate supporting information on the Technical Criteria Variance form with the submission of your GESC plans

Review Process for GESC Documents:

1. Pre-Application meeting with staff.
2. Applicant submits GESC Documents and fees
3. Staff reviews submittal package documents and issues comments and redlines
4. Applicant revises and resubmits (typically one or two times)
5. Staff issues approval or denial

Approval:

6. If GESC Documents are approved, then the plan set, cost estimate, and GESC report can be prepared, signed by the Professional Engineer and owner, and submitted to the Town for approval signatures.
7. Applicant will need to pick up Town Approved documents; scan all items; and return, one set of 11x17 sized plans, and electronic copies of each item prior to being able to obtain a GESC Permit.
8. Once GESC Documents are approved, and all required documents are submitted to the Town, the applicant can apply for their GESC Permit. A GESC permit is required before any land disturbing activities can begin; this includes non-residential building construction activities.
9. GESC Approval is valid for 1 year from date of Town Approval if construction has not commenced. Applicant may request up to two one (1)-year extensions. It is the Applicant's responsibility to track their expiration date and apply for an extension 30 days before they expire. If plans expire before the applicant applies for and obtains their construction permit, then will have to reapply for the GESC Document Review.

## Extension of Construction and GESC Document Approval

Construction Documents and GESC Documents are valid for 1 year from date of Town Approval, if construction has not commenced. Applicant may request up to two one (1)-year extensions. It is the Applicant's responsibility to track their expiration date and apply for an extension 30 days before they expire. If plans expire before the applicant applies for and obtains their construction permit, then will have to reapply for the Construction Document Review.

### Submittal Requirement for Construction and GESC Document Approval Extensions:

- o Application
- o Extension fee (see Development Services Fee Schedule)

### Review Process for Construction and GESC Document Approval Extension:

1. Determine eligibility; site is eligible for this application if it has:
  - a. An approved set of Construction and GESC Documents that have not yet expired, and have not received 2 previous extensions.
2. Absent special circumstances, extensions will be granted with no review of the construction or GESC plans. However, if it is found that any federal, state or county requirements related to health, safety and welfare in effect at the time of application for a construction plan extension as well as Town provisions related to lot-to-lot drainage and water meter locations have not been incorporated into the plans, the applicant will be required to submit modified plans that incorporate such changes as a condition of obtaining Construction or GESC plan extension.
3. If the extension is granted, the application will be signed with "Town Approval" and the expiration date will be extended out to the new expiration date in the Town's electronic database.

## Expired Construction Documents

Construction Documents and GESC that have expired and were not extended under the extension provisions listed above, will need to be resubmitted to the Town, with all current submittal requirements and fees, to undergo a new review. Applicants should follow the regular submittal processes outlined under the Construction Document Review and GESC Document Review sections listed in this Procedure Manual.

## Minor and Major Field Change Orders

After Construction and GESC Document approvals, sometimes an applicant desires to request a modification to the approved plans. Some of these requested changes may be due to a change in the proposed phase plan for the area or may be due to site conditions or conflicts once the site is under construction. These requests are processed as either a Minor or Major Field Change Order (FCO).

### Inspector Field Approval:

During construction, the following activities do not need a Field Change Order, but can instead be approved in the field by the Town Inspector and can be marked up on the Record Drawings for the site:

- Minor plant species changes that do not affect the overall site design or irrigation design. If specific plant species were approved in a Public Hearing as part of an Interface application, then this change may need a Minor Field Change Order approval and/or a revised Site

Development Plan/Public Hearing review. Staff will need to evaluate the proposed change and determine if it may result in a change to the approved site buffering.

- Minor changes may be made in the field at the inspector's discretion.

#### Minor Field Change Orders:

- Changes to the Phasing plan for construction.
- Any revisions to the approved Construction or GESC plans, except those listed above as approvable in the field, and that do not require any changes to the approved design reports for the site.
- Revised Cost Estimate.

#### Major Field Change Orders:

- Any revisions to the approved Construction or GESC plans, except those listed above as approvable in the field or listed as Minor changes, which affects the functional aspects of the work and requires revisions to the approved design reports for the site. Examples include: changes in street width, sizing of utility mains, sizing of stormwater facilities, etc.

#### Submittal Requirement for Field Change Orders (FCO):

- Application
- Review fee for either Major or Minor FCO (see Development Services Fee Schedule)
- If any work is proposed on land not owned by the applicant, a letter of approval from the land owner is required.
- Affected Construction Plans sheets – with bubbles around all proposed changes. The Revision block of each affected plan sheet should include the Revision number and reference to the FCO number and approval date. For first submittal it may be "1 - FCOXX-XXXX Approved XX/XX/XXX". Submit all sheets that are affected. For example, if grading is changed, and it appears on multiple sheets, then all sheets showing the revised grading will be resubmitted for review, with bubbles around the changed area.
- Revised Engineer's Cost Estimate, if needed
- Revised Phase III Drainage Report, if needed
- Revised Final Utility Report, if needed
- Technical Criteria Variance – If you are proposing any variations from the Technical design criteria in the Technical Manuals, please submit the appropriate supporting information on the Technical Criteria Variance form with the submission of your Field Change Order
- If new Easements are needed due to the proposed Field Change Order, submit Easement legal descriptions and exhibits, along with a current Ownership & Encumbrance report

#### Review Process for Field Change Order:

1. Applicant submits Field Change Order Documents and fees.
2. Town sends out external referrals to appropriate jurisdictions, districts, agencies, and utilities, if applicable.
3. Staff reviews submittal package documents and issues comments and redlines, including any external comments that may be received.
4. Applicant revises and resubmits (typically one or two times).
5. Staff issues approval or denial.

#### Approval Process:

6. If Field Change Order is approved, then the affected plan sheets and any revised cost estimate or reports can be prepared, signed by the Professional Engineer and submitted to the Town for approval signature.

7. Applicant will need to pick up Town Approved documents; scan all items; and return full size originals, two sets of 11x17 sized plan sets, and electronic copies of each item prior to being able to obtain a Construction or GESC Permit. If the applicant already has an applicable Construction or GESC Permit, then they will need to provide all of these items prior to beginning the construction on the areas affected by the Field Change Order.

### Financial Sureties

Various financial sureties are required for Construction and GESC permits, and for the warranty phase of public infrastructure acceptance. These various types of sureties, their required amounts, and the timing of their submittal are listed in detail in Chapter 15.58 of the Municipal Code and in Section 4.10 of the GESC Manual.

#### Construction Performance Surety:

Construction of public infrastructure requires the submittal of Performance Surety prior to being issued a construction permit, and then the submittal of a Warranty Surety after construction is completed and the project enters the warranty period.

Unless otherwise specified by a Franchise Agreement with the Town or superseded by the site’s Development Agreement or Improvement Agreement with the Town, a Performance Surety typically securing the completion of all Public Improvements shall be provided to the Town prior to a Construction Permit being issued. The amount of the required Performance Surety is determined based on the Town Approved Engineer’s Cost Estimate for the subject work, along with the type of security that is provided, per the table listed below:

<b>Performance Surety Type (Construction Permits Only)</b>	<b>Performance Surety Amount, based on Percentage of the Public Improvements listed on the Engineer’s Cost Estimate</b>
Bond	100%
Irrevocable Letter of Credit	75%
Cash or Escrow Account	65%

The Developer shall have the option of providing one construction Performance Surety for all the Public Improvements, or they can provide two separate Performance Sureties for Below-ground work and Above-ground work.

Below-ground work includes, but is not limited to, over lot grading or earth excavation processes, storm drain facilities, culverts, channels, water distribution or transmission facilities, sanitary sewer collection facilities, water and wastewater treatment facilities or any other related facilities located below ground.

Above-ground work includes, but is not limited to, pavement, curb and gutter, sidewalk, pedestrian/bike/equestrian paths, street lighting, bridges, pavement markings/signage/stripping, traffic signals, stormwater ponds, or any other facilities located above ground.

Upon request, the Performance Surety(s) may be reduced incrementally as general phases of the Project are completed in conformance with the Plans and to the satisfaction of the Town. The Developer must provide a revised cost estimate to the Town, showing separate sub-totals for the above ground and



below ground work, along with other appropriate documentation and a review fee for each incremental Performance Surety reduction. The Performance Surety(s) shall not be reduced to less than 15% of the total estimated cost of work for the Public Improvements, regardless of how the security is provided to the Town.

Format of Surety:

The draft bond or letter of credit language needs to be submitted to the Project Manager with the Town so it can be reviewed by the legal department prior to being issued. The following items need to be included in the surety language:

- The beneficiary needs to be listed as the Town of Castle Rock,
- The expiration date needs to be for the length of the construction, warranty or GESC period,
- Reference to the Improvement Agreement, if applicable, and the specific permit number the work is being done under,
- Reasons the Town may draw upon the surety may include:
  - Failure of the developer to Perform under permit No. xx-xxxx,
  - If the surety has an expiration date, then include language that the surety may be drawn upon if the developer fails to provide a 1-year renewal of the surety within 30 days of its expiration and has failed to receive permit closeout at that time.

The Town may take up to 1 week to review/markup the surety language; therefore, submit the draft language to the Project Manager as early as possible so it does not hold up the permit being issued.

Release of Construction Performance Surety:

The construction permit Performance Surety shall be released when the following requirements have been met:

- All improvements proposed in the Construction Permit are complete, including all punch list items;
- Record Drawings have been submitted to and approved by the Town;
- All required Engineering letters/certifications have been submitted to the Town;
- The Public Improvements Conveyance and Initial Acceptance form has been executed by the Developer and the Town; and
- The Warranty Surety (discussed below) has been submitted to the Town.

Once the above items have been submitted to the satisfaction of the Town, the Performance Surety will be returned to the Developer. If the Performance Surety was provided to the Town with a Bond or Letter of Credit, this original document will typically be mailed back to the Developer's address of record within one week via US Mail. If the Performance Surety was paid with a check, the refund request will be sent to the Town Finance department within 3 days. Typical processing time of a refund check is 1-2 weeks and this will be mailed to the Developer's address of record via US Mail. If the Developer would prefer, they can request to be notified when the Performance Surety is ready, and they can pick it up.

Construction Warranty Surety:

Prior to the release of the construction Performance Surety, the Developer shall provide a Warranty Surety to the Town in an amount not less than 15% of the construction costs identified in the Public Improvements Conveyance and Initial Acceptance form. The Warranty Surety must be provided to the



Town in the form of an irrevocable letter of credit, cash, or placed in a Town approved escrow account. Bonds are not accepted for a Warranty Surety. If the Developer fails to complete the required warranty work within a timely manner after being notified by the Town, then the Town has the right to use the warranty funds to complete the warranty work in accordance with Section 15.56.030 of the Municipal Code.

The Construction Warranty Surety may be reduced to 10% if the following conditions are met:

- Developer requests an inspection of the project no earlier than ten (10) months into the warranty period;
- This inspection results in a written Punch List of defective items where the cost of the defective work identified is equal to 5% or less of the actual construction costs identified in the Public Improvements Conveyance and Initial Acceptance form

The Warranty surety may not be reduced to less than 10% of the actual construction costs identified in the Public Improvements Conveyance and Initial Acceptance form. The Warranty Surety will be held for a minimum of the 2 year warranty period, and will not be released until all of the Warranty work has been completed.

#### GESC Surety:

Land disturbing activity that requires a GESC permit and involves seeding and mulching will require that a GESC Surety be provided to the Town prior to issuance of the GESC Permit. As part of the GESC Document review, the project will have a Town Approved GESC Cost Estimate. The GESC Surety amount due is equal to 115% of this Town Approved Cost Estimate. This GESC surety can be provided to the Town as a Bond, Irrevocable Letter of Credit, cash/check or placed in a Town approved escrow account. The GESC Surety amount does not change from the 115%, and will be in place until the GESC permit is closed out. Typically it takes two growing seasons for vegetation to establish, and this is normally the earliest a GESC surety can be released. If the seed does not establish, then the GESC surety expiration date will need to be extended until the area has been vegetated in accordance with the Town's GESC requirements.

Low Impact GESC Permits that do not require native seeding or re-vegetation will not require a GESC surety.

### **Construction and GESC Permit**

Construction and GESC Permits are often issued at the same time for a site construction project. There is rarely a case that a Construction Permit can be issued without a GESC permit also being issued, or already being in place. The Construction Permit covers the permanent changes that are proposed to be built, such as the utility and roadway infrastructure; while the GESC permit covers the erosion and sediment control work that is needed while the site is under active construction, such as vehicle tracking control, silt fence, inlet protection, and seeding of disturbed areas. Each permit has a separate permit form, a different inspector, and different permit fees, use taxes, and surety requirements. However, the two permits are almost always issued at the same time, so they are both discussed in this section.

The Construction Permit and GESC Permits can be applied for once the project site has Approved Construction and GESC Documents on file with the Town, which have not expired. The Developer and their contractor will fill out and sign the construction permit and GESC permit forms and submit them to the Project Manager at the Town. The Project Manager will use the Town Approved Engineer's Cost Estimates for the Project, or Phase of the Project that is being permitted, to calculate the Permit Fees, Use Taxes, construction Performance Surety and GESC Surety that is due. The Construction Permit and GESC Permit will be issued at the same time, unless the site already has an active GESC permit in place. In some situations, the Developer can request to have the GESC permit issued in advance of the Construction Permit. However, the Construction Permit cannot be issued ahead of the GESC permit.

Use Taxes are required to be paid in accordance with Title 3, Article III of the Municipal Code. For a site construction permit, Use tax is calculated as one-half of the total site valuation (except for earthwork) and multiplied by 5%. Use Tax is not applied to the GESC permit, as these items are temporary in nature and not considered "building materials".

If the Developer wants to only construct a portion of the project area in the Approved Construction Documents and does not have a current phase plan and phased Cost Estimate, then they will need to apply for a Field Change Order to create or revise the Phasing Plan and Engineer's Cost Estimate. Once this Field Change Order is approved, then they can apply for the Construction and GESC permits specific to the phase they would like to construct.

The Developer is responsible to obtain all permits that may be necessary to conduct the work, including any other Local, State or Federal permits, licenses, etc. and shall be responsible to follow any State or Federal regulation, which may not otherwise be designated on the Plans or mentioned in Town Regulations. It is the Developer's responsibility to obtain any necessary surveys, easements, and permits, related to the project, including any survey work to establish property lines or to resolve a property line dispute. The Developer shall give all notices, pay all fees, and comply with all Federal, State and Municipal laws, ordinances, rules, and regulations, and building and construction codes to applicable to the permitted work. In addition, they are responsible for obtaining all utility locates.

#### Submittal Requirement for Construction Permit:

- Permit Form, completed and signed by Developer and Contractor
- If any work is proposed on land not owned by the applicant, a letter of approval or construction easement from the land owner is required
- Permit fee (inspection fee and use tax) (see Development Services Fee Schedule)
- Approved Haul Route (if needed)
- Street Lane Closure Application and Traffic Control Plan (if needed). A Traffic Control Plan (TCP) shall meet the requirements of Manual of Uniform Traffic Control Devices (MUTCD), latest revision, and shall be prepared by a certified ATSSA Traffic technician or a licensed Professional Engineer qualified in Traffic/Transportation Engineering. The Town may waive this requirement if the Project is deemed minor or does not require a traffic control plan.
- If the project proposes new public roadways, a Pavement Design report and review fee is required prior to approval of paving activities.
- Performance Surety with Town Approved language
- Two sets of 11 x 17 size of the Town Approved Construction Drawings, if not already provided

#### Submittal Requirement for GESC Permit:

- GESC Permit Form, completed and signed by Owner and Contractor
- If any work is proposed on land not owned by the applicant, a letter of approval or construction easement from the land owner is required
- Permit fee (inspection fee) (see Development Services Fee Schedule)
- Approved Haul Route (if needed)
- Street Lane Closure Application (if needed)
- GESC Surety with Town Approved language
- One set of 11 x 17 size of the Town Approved GESC Plans, if not already provided

Once the Developer has paid the Permit fees and applicable use tax provided the Town with the construction Performance Surety, and has done the same for the project's GESC permit, the Construction Permit can be issued. The Town will assign a Public Works (PW) inspector to the project, and the Developer will be given the inspectors name and number to schedule a Pre-construction meeting with the developer and the developer's contractors. This pre-construction meeting is typically held at a Town facility, as various Town personnel will attend this meeting, depending on the scope of the construction work. The PW Inspector will need a week or so to schedule the right personnel from the Town to attend this meeting. At the Pre-construction meeting, the PW Inspector will provide the Developer with the Approved Construction Permit and will review the construction inspection process, main points of contact, allowed construction work timeframes, how to schedule an inspection outside of normal working days, and various other construction related information. The GESC inspector will also attend, and will provide the Approved GESC permit at this meeting.

#### **Extension of Construction and GESC Permits**

Construction Permits are valid for 1 year from the date of issue. If construction will last longer than one-year, the construction permit will need to be extended. The contractor or developer will notify the Public Works Inspector, fill out the appropriate form with the justification, and pay the applicable extension fees to cover additional inspection time.

GESC Permits are valid for 3 years, one year of active construction (in line with the Construction Permit above) and a two year growing period for revegetation. In the event that active construction exceeds one year, the GESC Permit must be renewed. A residential subdivision project will require an active GESC permit until all lots of a project are transferred to the Town's DESC program for residential construction or until final GESC permit close-out (after vegetation has established).

#### **Minor Construction (ROW and Paving) Permit**

Projects that just include paving an existing dirt/gravel parking lot, or a project that may have a small scope of work within the Town's Right-of-Way (ROW) will require a Minor Construction/ROW Permit. Examples of a minor scope of work include, but are not limited to, repair/replacing curb returns, boring for irrigation sleeve or other utilities, parking lot paving, installing a small section of sidewalk, or landscape or irrigation work in the ROW.

GESC Permits are valid for 3 years, one year of active construction (in line with the Construction Permit above) and a two year growing period for revegetation. In the event that active construction exceeds one year, the GESC Permit must be renewed. A residential subdivision project will require an active GESC permit until all lots of a project are transferred to the Town's DESC program for residential construction or until final GESC permit close-out (after vegetation has established).

Submittal Requirement for Minor Construction (ROW and Paving) Permit:

- Permit Form, completed and signed by Developer and Contractor
- If any work is proposed on land not owned by the applicant, a letter of approval or construction easement from the land owner is required
- Permit fee (inspection fee and use tax) (see Development Services Fee Schedule)
- Approved Haul Route (if needed)
- Street Lane Closure Application (if needed)
- Performance Surety with Town Approved language
- Two sets of 11 x 17 size of the Town Approved Construction Drawings, if not already provided

### **Low Impact GESC Permit**

A Low Impact GESC Permit (see GESC Manual) is issued when the scope of work and disturbance is very minor. Example projects include repair and replacing existing concrete or asphalt areas, such as a curb ramp, non-residential driveway or sidewalk section. A low impact GESC Permit may also cover items such as utility boring, where no new seeding is required or removal and replacement of landscaping. Low Impact GESC Permits are reviewed on a case-by-case basis by the Town's Project Manager. If there is no seeding required for a project, then a Low impact GESC permit may be used. An example of this would be a project where utility lines are bored, and the bore pits are repaired with sod in an irrigated area. If there is concern that revegetation of disturbed areas will not occur without a 2-year growing season, or if the contractor disturbs areas outside of their scope of work, a Standard GESC Permit and a financial surety will be required.

### **Infrastructure Inspections**

Public and/or necessary private improvements are required to have inspections by the Town in order to assure that uniformity, proper construction techniques and acceptable materials are implemented during the construction process. Construction Work shall be in accordance with the Town approved Construction Documents and may only occur with the appropriate inspections and testing. The Developer shall contact the Inspector for all required field inspections of Public and private Improvements, and submit any third party testing as may be required. Material testing shall be done in accordance with the Construction Methodology and Materials Manual.

The inspector shall have access to all work and materials for a Project at all times. The Developer shall provide proper facilities for such access and for inspection. The Inspector shall have the right to reject materials, workmanship or methods of construction not in compliance with the Town's criteria. Rejected workmanship or construction methods shall be satisfactorily corrected by the Developer, and rejected materials shall be removed from the premises. If the Developer does not correct or remove such rejected items within a reasonable time, the Town may either remove materials from the Project and

charge this expense to the Developer or may issue a Stop Work Order, as specified in Section 15.54.070 of the Municipal Code.

If work has been completed without proper Inspections and approval by Town Inspector, the Developer shall supply all labor, equipment and materials to complete the required inspections, including removal of completed Work to allow for necessary inspection. If such Work is found to be defective in any material or workmanship, the Developer shall remedy the Work to be in compliance with the approved Construction Documents and the Town's criteria at the developer's expense.

If the Inspector identifies any neglects or disregard of the approved Construction Documents or the Town Criteria, such neglect or disregard shall be immediately remedied and any defective Work shall be discontinued at once. If Developer does not proceed with corrective work in the timeframe specified by the inspector a Stop Work Order may be issued.

The observation of the work by the Inspector is intended to aid the Developer in applying labor, materials, and workmanship in compliance with the approved Construction Documents and the Town Criteria. Such inspection and observations, however, shall not relieve the Developer from any obligations related to the requirements of the approved Construction Documents or any Town Criteria. Responsibility for damage from or replacement of work not in compliance with the terms of the Improvement Agreement, approved Construction Documents or Town Criteria, shall rest entirely with the Developer for the full period of construction or Warranty Period, regardless of whether or not the Developer had been previously advised of any said non-compliance.

If changes to the approved Construction Plans are required during construction, a Field Change Order shall be submitted for Town Approval prior to construction of the proposed modification.

### **Work Schedule**

Public Improvement and site Construction Work related to permitted Projects is allowed Monday through Friday, 7 a.m. to 6 p.m. and on Saturdays, 8:00 a.m. to 5:00 p.m., with specific approval by the Town, irrespective of Chapter 9.16, CRMC. Normal workday inspection hours are 8 a.m. to 5 p.m., Monday through Friday, and shall be scheduled through the Inspector. All required inspections that are scheduled on Saturdays shall be billed at a rate of 1.5 times the normal assigned rate for an Inspector. No work shall be permitted on Sundays or holidays without written approval from the Town Manager.

Work or inspection requests beyond normal working hours or on holidays must be submitted to the Town a minimum five (5) working days prior to the requested date. If an emergency situation occurs on a Project, the Public Works Department shall be notified immediately. The Developer may be required to pay for Town staff time for emergencies, if they occur outside of normal work hours.

### **Enforcement/Stop Work Order**

A Stop Work Order may be issued by an Inspector or other designated Town Official in accordance with Section 15.54.070 or the GESC Manual for items such as failure to obtain a permit, failure to remedy or correct improper work, or if the project is deemed an obvious public health or safety problem. Work may not commence until the issues have been resolved and the Developer/Contractor is notified that they may proceed.

*Updated: May 21, 2015*

## Infrastructure Initial Acceptance-Record Drawings

The Developer shall obtain Public Improvements Conveyance and Initial Acceptance from the Town, in accordance with Section 15.56.020, prior to entering the Warranty period.

The Developer shall request an inspection when it has Substantially Completed construction of all Public Improvements associated with the Project. Any improvements constructed which are not in conformance with the approved Construction Documents, Town Criteria and other related Town Codes will be identified in a written notification (initial punch list) to the Developer. The Town will not accept any Public Improvement related to the Project until such time as the Developer satisfactorily brings all non-conformance items into conformance with these Regulations, the approved Construction Documents and other related Town Codes.

After the Developer has satisfactorily addressed all items not in conformance listed in the initial punch list, the Developer shall receive written notice from the Town requesting preparation of Project Record Drawings by the Consultant Engineer.

Record drawings, in conformance with the Record Drawing checklist, shall be submitted and reviewed by the Inspector. Once Record Drawings are approved by the Town, the Developer shall be asked to execute the Town's Public Improvements Conveyance and Initial Acceptance document. Once executed, the Developer shall remit the document back to the Inspector, along with the required warranty instrument (as specified in Section 15.58.060) and any remaining testing or certifications, as may be identified by the Inspector.

The Town will sign the executed Public Improvements Conveyance and Initial Acceptance document and file with the Department of Public Works. The date that the Developer executes the Public Improvements Conveyance and Initial Acceptance document shall be the date that the Warranty Period begins.

## Infrastructure Warranty Period

The Warranty Period for all Public Improvements shall be two years, commencing on the date that the Public Improvements Conveyance and Initial Acceptance document is executed by the Developer. Upon issuance of the Construction Permit, the Developer expressly warrants and guarantees (the "Warranty"):

- All Work shall be performed in strict compliance with these all regulations, codes and ordinance of the Town; and
- All defective or non-conforming Work (Defective Work) identified during the Warranty Period shall be repaired or replaced during the Warranty Period. Defective Work includes, but is not limited to:
  - Defects in workmanship or materials.
  - Settling of fill or other excavated areas.
  - Any unauthorized deviations from the approved Construction Documents or Town Criteria.
  - Failure to barricade or provide necessary traffic control devices.
  - Failure to clean up after performance of the Work.
  - Any other violation of Town Criteria or other related Town Codes.

The Developer shall correct the Defective Work to the satisfaction of the Town within 24-hours if the Defective Work is determined by the Town to create an imminent danger to the public health, safety and welfare. Non-emergency correction shall be completed within sixty calendar days after notice by Town, unless otherwise approved by the Town. If the Developer fails to remedy required Work in a timely manner, then the Developer shall be in default of the Warranty Period and in default of any applicable Improvement Agreement and entitle the Town to call the Warranty Surety (see Section 15.58.060) and/or enforce any contractual remedies under the Improvement Agreement.

Work performed under Warranty need only be warranted until the end of the Warranty Period.

### **Infrastructure Final Acceptance**

When the Developer has completed the Warranty Period and any required Warranty remedy work to the satisfaction of the Town, the Project is eligible to receive Final acceptance in writing for the Public Improvements from the Town.

Acceptance by the Town will be final. This Final Public Improvements Acceptance represents the completion of the Developer's maintenance responsibility for the accepted Public Improvements and the start of the Town's responsibility. After the project has received Final Public Improvements Acceptance, the Town will return any remaining Warranty Surety.