



RANCHES of BRUSHY TOP
ACC New Home Approval Process,
Builder Guidelines,
&
Design Review Checklist

Effective March 1, 2017

Lot Owner Name	Homesite Lot
Phone	Email
Builder Owner Name	Builder Company
Phone	Email
Architect Name	Architect Firm
Phone	Email
Plan ID #	Date

Important Reference

Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions for Ranches of Brushy Top (the “CCRs”). This document may be accessed by the owner on-line at the landowner’s website www.brushytoploa.com. Owners should familiarize themselves with this document, as well as make it available to their architect and builder.

Owner Initial	Builder Initial
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NOTES:

All builders must be approved by the Architectural Control Committee (the “ACC”) prior to issuance of a building permit.

Builder must read and acknowledge the Brushy Top Custom Builder Guidelines (see pages 5-6 of this document).

After receipt of a building permit by the ACC, but prior to construction start, Builder/Owner will be required to issue a deposit in the amount of \$2,500 to the Brushy Top Landowner Association (the “LOA”) that will be held until a final Certificate of Completion is issued. A refund of \$1,500 will occur within 30 days after issuance of the Certificate of Occupancy, and \$1,000 will be deposited into the Road Maintenance Fund. If it is determined by the ACC that a Builder is in violation of this agreement, as outlined in the guidelines below, and did not cure same within a reasonable timeframe after written notification, or if the Ranches of Brushy Top incurred costs or damages of any kind, the ACC will be given the authority to deny any portion of said refund, whatsoever, and the withheld amount shall be deposited into the Road Maintenance Fund, or such other account of the LOA deemed appropriate.

All installations of septic, plumbing, and electrical services must be installed by contractors that are licensed by the State of Texas.

The ACC requires that each new home comply with the 2006 International Residential Code (the “IRC”) and 2005 National Electrical Code for a single family home. It is the responsibility of the Owner and the Builder to ensure that all construction complies with all applicable local, state and federal regulations. To ensure compliance, the ACC requires that a 3rd party independent inspector inspect the construction of the home at multiple points in the construction process (see Brushy Top ACC Required Inspections, page 7 of this document).

Please note that, once final approval is granted, construction must be completed within 12 months of the issuance of the Building Permit, unless Owner receives a written exception from the ACC for any delays in completion.

The ACC and its members shall have no liability with respect to the approval of any Brushy Top CCR variance and/or Certificate of Occupancy, pursuant to and in accordance with the Brushy Top CCRs.

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Procedure for Approval

The four-step design approval process is detailed in Article III ACC Review, **Section 3.3 Procedure for Approval** of the CCRs. The Owner, Builder and Architect should also become familiar with all of the restrictions found in Article II Use Restrictions and Architectural Controls of the CCRs.

1. **Builder Approval.** In accordance with the CCRs, the ACC must approve any custom homebuilder prior to issuing a building permit. *For most Owners, this step will be completed prior to the steps below. However, it is not necessary to identify a builder prior to having a set of plans approved.* The guidelines for homebuilder approval can be found in **Section 3.5 Required Approval Process for Homebuilder and Contractor** of the CCRs. For the convenience of landowners, the ACC maintains a list of builders currently active in Brushy Top (who have previously been approved for construction in Brushy Top). For new custom builders not currently on the list of active builders, the Builder shall submit a “lender style” package to the ACC for review, including company principals, history, pictures of past and current custom homes, and bank references. The ACC may also interview the requested custom builder and inspect past and/or present custom home construction to determine suitability for building in Brushy Top.
2. **Preliminary Plan Review.** The ACC performs this review so that it can ensure compliance with all applicable CCRs and practical considerations of the site before the Owner makes decisions that would be extraordinarily expensive to change. The Owner shall submit Preliminary Plans for ACC review via email to the ACC (acc@brushytoploa.com). Included in the Preliminary Plans shall be the plot plan (to include identification of impacted trees), home elevations and a description of materials to be used in the construction. The Owner shall also stake the location of improvements on the lot prior to the preliminary review. The ACC shall review the plans within approximately 10 days (but in no event greater than 20 days) following receipt of the Preliminary Plans.
3. **ACC Pending Notice.** If the Owner has requested one or more variances to the CCRs, or if the ACC determines that one or more variances is required, the variance(s) and reason(s) for such will be communicated to all Brushy Top landowners. Interested landowners shall have seven (7) days to provide comments, either in support of or in opposition to any variances under consideration by the ACC. The ACC shall then have seven (7) additional days to render approval or denial for any variance required during Preliminary Plan Review, along with any other concerns raised during the Preliminary Plan Review.

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Procedure for Approval (continued)

4. **Final Plan Review.** After addressing any outstanding concerns raised during the Preliminary Plan Review, the Owner shall submit an electronic copy of the final set of plans and specifications for review by the ACC as detailed below:

- a. Complete plot plan
- b. Complete elevation plan
- c. Structural engineering seal by certified engineer, based on site-specific conditions, for the foundation of the residence
- d. Floor plans, in sufficient detail so that a structural engineer can approve the structural integrity of framing, sealed by a certified engineer or architect
- e. Written county approval for water and wastewater plans
- f. A tree management plan in order to follow safe Oak Wilt management practices

Note: No oak tree pruning or removal of other species that may damage oaks may be conducted between February 1 and July 1.

- g. Retainer of a 3rd party, independent inspector

Note: Inspection progress reports are required at specific points during construction (plumbing rough, foundation, framing, dry wall, and final).

- h. Written evidence of completion of TCEQ Stormwater Pollution Prevention Plan (SWPPP) in the form of a TCEQ acknowledgment certificate to be posted at the build site or submitted electronically to the ACC and HOA manager. Detailed instructions for obtaining general permit coverage or an individual permit may be found here:

http://tceq.state.tx.us/permitting/stormwater/construction/TXR15_5_plus_steps.html

Upon receipt of the final plans for review, the ACC will review the final plans as soon as practical, usually within 10 days, but in no event greater than 20 days. The ACC shall either approve the plans in writing or provide explanation for disapproval in writing. The ACC shall use the “Plan Review Checklist” provided below as a guide for approval.

Building Permit. Upon approval of both the custom builder and the final design plans, the ACC shall issue a building permit to the Owner and Builder. As noted above, the building permit shall be valid for 12 months from the date of issue. Construction may not continue past that date without specific written approval from the ACC.

Inspection Process & Certificate of Occupancy. The ACC-required inspections are shown on the attached inspection sheet, and approved municipal inspections must be provided to the ACC before the approved final inspection is conducted. After all the approved inspection reports are submitted to the ACC, the Certificate of Occupancy (the “CO”) shall be considered and provided only after the ACC has ensured compliance with all applicable CCRs, and the builder has supplied a written Notice of Completion to the ACC pursuant to **Section 3.8 Certificate of Occupancy** of the CCRs. The final inspection does not constitute a CO. In accordance with the Section 3.8, the CO is issued by the ACC. Move-in without the ACC-issued CO will result in a daily fine as outlined in the CCRs Section 3.8 (f).

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Brushy Top Custom Builder Guidelines

1. Construction Work Hours

- Monday thru Friday 7 AM to 7 PM
- Saturday 9 AM to 5 PM
- Sunday 12 Noon to 5 PM - inside construction only

Note: Violations shall be subject to fines of \$500 per occurrence.

2. Gate Policy

- a. Builder shall coordinate with Community Manager to receive Builder gate code and separate gate codes for all contractors.
- b. Gate codes will be terminated following completion of construction.
- c. Builder shall be responsible to educate all sub-contractors on proper use of entry gate code; specifically, entry shall only be gained in performance of job responsibilities and shall not be “shared” with anyone for any other reason.

Note: Community Manager will NOT provide access (remote or otherwise) to any contractors who “forget” the code or otherwise need assistance with entry. All such calls will be re-directed to the Builder responsible for the construction process.

3. Advertising

- a. A professional wood or metal sign advertising the Builder’s company may be placed on the building site near the road.
- b. Builder signs may be erected after the building permit is received and must be removed within ninety (90) days of the Certificate of Occupancy being issued.

Note: Violations shall be subject to fines of \$50 per day.

4. Conduct of Contractors within Brushy Top

- a. Builder shall oversee and manage contractors and shall maintain responsibility for their performance and conduct while within boundaries of Brushy Top.
- b. Builder shall ensure all subordinates comply with all applicable laws and regulations, including the **25-
mph speed limit** within Brushy Top.

Note: Violations shall be subject to fines of \$200 per occurrence.

5. Clean Work Sites and Roads

- a. Metal dumpsters must be on each construction site commencing with site work. No temporary trash containers are allowed.
- b. Outside trash shall be picked up daily.
- c. Builders must install a “construction entrance” consisting of 4-inch “bull rock” (aka “rip wrap”) at the entrance to the construction site from the Main Road that spans at least 12 feet in width and 20 feet in depth.
- d. Builders and their sub-contractors are prohibited from using the rock quarry located within Brushy Top for the disposal of any materials. It is solely for the use of individual land owners to dispose of small amounts of foliage or rock from their lot maintenance.

Note: Violations shall be subject to fines of \$200 per day.

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Brushy Top Custom Builder Guidelines

(continued)

6. Fire Prevention

- a. Two (2) fire extinguishers shall be on-site at all times.
- b. Suitable sand-filled receptacle to be used for cigarette butts.
- c. Vehicles driven and parked only paved roads, on the home's gravel driveway. (Except that, after the engine and tailpipe have cooled, a vehicle may be moved into a position necessary for active work).
- d. Water receptacle, such as a tank and hose, near active hot work projects.
- e. Builders shall provide the ACC with their cellphone numbers and of all site supervisors and foremen.

The fire extinguishers need to be at least 5-pound ABC type, and must be fully charged and frequently inspected. The water receptacle needs to be at least 300 gallons, and is required for any hot work, including any power tools or machines that generate sufficient heat, when in use, to start a fire.

Note: Violations shall be subject to fines of \$200 per day.

7. Trophy Tree Preservation

- a. Parking and/or material storage under the dripline of trees is prohibited.
- b. Prior to construction commencement, tree protection barriers shall be installed around the drip lines of every tree that has a 6-inch or greater caliper in the vicinity of construction. The use of plastic "snow fencing" or webbing is prohibited; fencing must be sturdy wire with silt barrier and kept in good maintenance.

Note: Violations shall be subject to fines of \$200 per day.

8. Oak Wilt Prevention

- a. Pruning and tree removal is prohibited from February 1 through July 1.
- b. Identify all oak species with landscaper's ribbon around the tree trunks.
- c. Prune correctly (even, clean cut 1/4 inch from the tree trunk) with sanitized tools. Dip the tool into a bucket of bleach between each cut.
- d. Spray all trunk, root, and limb wounds with pruning paint within 15 minutes of making the cut.
- e. When cutting or removing other species, avoid accidentally injuring oak branches; treat injured branches by removing them correctly and/or spraying the wound with pruning spray.

9. Additional Compliance Reminders

- a. Apply and enforce TCEQ SWPPP process (See Final Plan Review, page 4).
- b. Obtain all applicable and necessary permits.
- c. Coordinate each required inspection with Independent Inspector (see Inspection Scheduling, page 7).
- d. Ensure all required seals of approval are obtained.

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Brushy Top ACC Required Inspections

Plumbing Rough-In *	Plumbing must be under test as per 2006 IPC. Water lines should be tested at rated pressure, DWV at either 5 psi (air) or 10 foot water column.
Foundation **	Plumbing still under previous test; any in slab electrical or mechanical must be installed; steel in place, ready to pour.
Frame Combo **	Plumbing top out complete and under test (DWV tested to 2 feet above highest flood level rim, water at pressure). Electrical rough-in complete, HVAC rough-in complete, fire blocking, fire stop, draft stops in place, roof dried in
Insulation ***	Insulation complete, all penetrations from conditioned to non- conditioned spaces sealed.
Final	All trades complete, fixtures set, weather stripping complete, final grade established, hot water heater operational, HVAC operational.

* Water tested plumbing rough-in will not be inspected in wet weather at either plumbing rough or foundation inspection.

** Approved plans must be onsite during inspection, failure to provide approved plan will result in failed inspection.

*** Roof must be dried in before insulation inspection. Wet insulation will result in a failed inspection.

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Design Review Checklist

PLOT PLAN

1. Well location and structure
2. Waste water location
3. Rainwater collection location, design, color, if applicable
4. Construction entrance or designated driveway
5. TCEQ SWPPP State requirements met
6. Pool & fence location, if applicable
7. Fence plan and style, if applicable

Notes:

- Blanco County and Blanco Pedernales Groundwater District approval required for water and waste water plans
- Pervious materials encouraged for any driveways, walkways or landscaping

ELEVATION PLAN

1. External material and color
2. Roof material, slope and color
3. Window material and color

Note: A sample board of all external materials and colors must be provided on-site for review and approval by the ACC prior to installation on, or application to, the improvements.

FLOOR PLANS

1. Architectural or certified engineer's seal required for structural integrity of framing
2. Structural engineering seal required for foundation plans
3. Living area computation
4. Garage orientation and placement

TREE MANAGEMENT

1. Trophy tree preservation and management plan
2. Tree removal and pruning approved at all times
3. Sturdy wire with silt fencing in place around trees in the construction area
4. No parking or materials placed under tree dripline

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EXECUTIVE SUMMARY for the <i>Preliminary Design Review</i>
1.
2.
3.
4.

Variance Requested / Approved?		
1.	YES	NO
2.	YES	NO
3.	YES	NO
4.	YES	NO
Independent Inspector Approval	YES	NO
Brushy Top Compliance <input type="checkbox"/> Approved without variance <input type="checkbox"/> Approved subject to approved variances above <input type="checkbox"/> Rejected until resubmitted per instructions below	YES	NO
Brushy Top ACC	Printed Name	Date

If not in compliance, required actions to be taken before resubmittal
1.
2.
3.

The ACC and its members shall have no liability with respect to the approval of any CCR variance and/or Certificate of Occupancy, pursuant to and in accordance with the CCRs.

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EXECUTIVE SUMMARY for the <i>Final Design Review</i>
1.
2.
3.
4.

Variance Requested / Approved?		
1.	YES	NO
2.	YES	NO
3.	YES	NO
4.	YES	NO
Independent Inspector Approval	YES	NO
Brushy Top Compliance () Approved without variance () Approved subject to approved variances above () Rejected until resubmitted per instructions below	YES	NO
Brushy Top ACC	Printed Name	Date

If not in compliance, required actions to be taken before resubmittal
1.
2.
3.

The ACC and its members shall have no liability with respect to the approval of any CCR variance and/or Certificate of Occupancy, pursuant to and in accordance with the CCRs.

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RANCHES of BRUSHY TOP

Representations by Homebuilder and Owner to ACC Effective March 1, 2017

Owner Name	Homesite Lot
Phone	Email
Builder Name	Builder Company
Phone	Email

- (a) Both Owner and Builder, including all sub-contractors, shall be bound by and shall comply with all provisions contained in the *Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions*, as recorded in Volume 515, Pages 0636-0687 in the Blanco County, Texas Official Public Records (“Declaration” or “CCRs”), as well as the information contained within these ACC New Home Approval Process, Builder Guidelines & Design Review Checklist (“Builder Guidelines”) dated March 1, 2017.
- (b) All improvements shall comply with all applicable laws, rules, ordinances, statutes, covenants, conditions and restrictions regarding the use and ownership of the Property (as defined in the Declaration) and the design and construction of residences and improvements on the Property, including, without limitation the Texas Residential Construction Commission Act (or its successor).
- (c) Ranches at Brushy Top Partners, LP (the “Declarant”), Ranches of Brushy Top Landowners Association, Inc. (“the Association”) and/or any Owner (as defined in the Declaration) shall have the right to enforce the terms of this Declaration against the Owner and/or homebuilder or contractor pursuant to this Declaration.
- (d) All improvements will be constructed according to the final design plans and specifications approved in writing by the ACC.

Owner Signature	Date
Builder Signature	Date

Owner Initial	Builder Initial
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