

MOUNTAIN SPRINGS RANCH HOMEOWNER'S ASSOCIATION

HOA BOARD WORK SESSION TO REVIEW COVENANTS

August 23rd, 2022

7pm MST via Zoom

In Attendance:

BOT Members: Gary Starr, Louisa Morrissey, Tony Threinen, Matt Graham, Jennifer Tomsen & Cyndie Rippy

Other community members: : Susan Starr (lot 37), John Rippy (lots 38, 43, 44), Jack Metcalf (lot 27 & Jon Zalinski lot 36)

Mary Elizabeth Geiger, as referenced in these minutes as MEG, is the MSR HOA attorney.

Call to Order by the meeting Chair:

Louisa Morrissey, filling in for Gary Starr, called the meeting to order at 7:03pm. She then reviewed the rules of Decorum. Louisa reminded all in attendance that this is a work meeting to review the Document Workgroup's revisions to our HOA Covenants. Non-Board members in attendance will be allowed 3 minutes each to make their comment(s) at the end of the meeting.

Approval of draft meeting minutes from August 16th, 2022

Cyndie Rippy explained that the minutes from August 16th meeting which provided all Board members names, roles and titles was due to our bank requiring this information in order to set up the new account to handle construction deposits. Louisa Morrissey moved to approve the draft minutes and Jennifer Tomsen seconded the motion. Minutes were approved by all BOT members in attendance (6).

Continued review of the Document Workgroup's Covenant revision recommendations.

Article I: Purpose of Covenants

Article II: Definitions

Article III: Mountain Springs Ranch Homeowners Association

Article IV: Architectural Committee

- Article V: Restrictions and Residential Tracts
- Article VI: General Restrictions on all Tracts
- Article VII: Easements Reserved
- Article VIII: Roads and Water Systems
- Article IX: Enforcement
- Article X: General Provisions

Jennifer Tomsen brought up adding language to include an arbitration option in Article IX regarding enforcement of the Covenants. Louisa Morrissey indicated that our attorney (MEG) recently rewrote the enforcement policy to conform with new Colorado state laws. Jennifer suggested that our attorney consider including an arbitration/mediation piece when she writes the enforcement section of the covenants.

1. Article V sections 1 and 2: Number and type of Buildings allowable on each lot
Matt Graham wrote new language regarding storage sheds stating that each lot could have up to 2 storage sheds consisting of up to 200 square feet each.

Gary Starr stated that our Covenants supersede the County's requirements. He also suggested that building permits be required for all projects as that would provide one more set of eyes. Matt Graham proposed that any structure greater than 200 square feet that included utilities would require a building permit from Garfield County.

Louisa Morrissey motioned to accept the language allowing 2 sheds up to 200 square feet. Jennifer Tomson seconded the motion. The motion passed by all Board Members present (6).

Gary Starr motioned to accept the proposed language requiring a Garfield County building permit for any structure over 200 square feet that included utilities. Matt Graham seconded the motion. The motion passed unanimously by all Board members in present (6).

2. Article V section 3: Towers and Antennas

Louisa Morrissey stated we need to comply with the FCC rules for over-the-air reception devices (OTARD) which protects the rights of property owners or tenants to install, maintain or use an antenna to receive video programming from direct broadcast satellites, broadband radio services, and television broadcast stations in areas within the owner's or tenant's exclusive use. Louisa suggested language to that effect to be added to this section.

Comment: Jennifer Tomsen suggested we review all changes and approve all at the end of the meeting.

3. Article V sections 5 and 6: Discussion regarding Personal trails and fire mitigation, propane tanks & vehicle gasoline tanks

Personal trails and fire mitigation

New language proposed by Louisa Morrissey clarified that property Owners are allowed to do fire mitigation and create personal trails on the entirety of their properties. Fire mitigation and the creation of personal trails should be consistent with Article I sections 1 and 3: to preserve the natural beauty of the landscape and to not cause a nuisance.

Propane Tanks

New propane tanks must be buried. Existing tanks already in place at the time of adoption of these covenants are “grandfathered” in.

Vehicle Gasoline Tanks

All above ground Fuel tanks will need to have Board approval.

4. Article V section 9: Parking

Cyndie Rippey asked about the need for parking spaces for four vehicles as she doesn't have that space available during the winter. It was decided to remove the “4 vehicle” parking language from the document and replace with “adequate” parking.

5. Article V section 11: Vehicular use

Affirmed that motorized vehicles may be used on the MSR roads to access properties or the BLM. Motorized recreation is allowed on privately owned tracts.

6. Article VI

The Board agreed with the language suggested by the documents work group for sections 1 thru 4 regarding residential only use, excavation, business use and signs.

7. Article VI section 5: Animals

The survey results showed that about 40 % of respondents favored keeping the current language regarding animals the same, about 40% favored less restrictive language and only 15% favored more restrictive language.

The Board returned to the current Covenants for language and added clarification/modification based upon discussion at the previous work meeting.

Continued discussion of the language included humane conditions for animals, authority of the Board to revoke approval if the conditions of the Covenants were not met and the wide range of opinions regarding keeping of animals.

After discussion and editing by all present, the following language was proposed and accepted:

- A. Common household pets as defined in Article II and animals that are used to assist persons with disabilities are permitted. Pets should remain on the Owner's property unless accompanied and supervised by the responsible person. Pets must be under verbal or physical control of the responsible person.
- B. With the exception of livestock and poultry already resident in Mountain Springs Ranch at the time of adoption of these Covenants, the keeping of livestock and poultry as defined in Article II requires approval by the Board of Directors. Prior to the arrival of the livestock or poultry on the lands of Mountain Springs Ranch, the Owner must present to the Board of Directors plans that demonstrate how the animals will be provided food, water, shelter and reasonable protection from weather and predators in all seasons. Enclosures shall be kept clean, sanitary and reasonably free of refuse, insects and waste at all times. In accordance with Article VI section 3, no livestock or poultry shall be raised for commercial purposes.
- C. If any of these provisions in section B are violated at any time, or for other reasonable cause, the Board of Directors may revoke the approval for the Owner's livestock and/or poultry.

Definitions of common household pets, livestock and poultry will be added to Article II (Definitions) for clarification.

8. Article VI sections 6 and 7: Subdivision of Property and Combining Tracts

Discussion continued from the past meeting. It was decided to check with MEG to see how to state these rules. Jon Zalinski indicated that the wells may not be allowed on parcels under 35 acres.

9. Article VI Sections 8 and 9: Service yards, trash and burning

It was decided to keep the language in the current Covenants. A new section outlining the conditions in which burning is allowed was added per the documents workgroup's suggestion. In addition to the conditions outlined in the proposed new language, a permit to burn must be obtained from the County.

10. Article VI section 10: Rentals

The Board accepted the language proposed by the document's workgroup. Language indicated that a lease must be for 30 days or more and a copy of the lease will be provided to the MSR Board; tenants must obey the Covenants and Policies and property Owners are responsible for the actions of their tenants.

11. Article VII section 1: Easements and Maintenance of roads

Utility easement: Remove the 8-foot easement for the creation of walking and horse-riding paths. However, the 8-foot utility easement must remain. No other changes to this section were proposed except the language added by MEG.

12. Article VIII section 1: Maintenance of Roads

Matt Graham and John Rippe pointed out that a Garfield County “standard” for roads doesn’t exist and this language proposed by the document’s workgroup was removed.

Section C regarding conditions for snowplowing and winter recreational use was removed. The primary purpose of the roads is for ingress and egress. The snowplowing policy can specify these conditions.

13. New Article IX: Variances

After discussion, it was decided to move the subject of variances from Article IV (Architectural Committee) and make a new Article IX (Variances) at the end of the Covenants. Recent interpretation of the clause by MEG is that reasonable variances to any of the Covenants may be petitioned to the Board of Directors.

14. Article X: Enforcement of Covenants

It was decided to ask MEG to write this section to be in compliance with the new Colorado State laws and to be consistent with the new policies on enforcement that she recently wrote. We will ask her to include verbiage regarding arbitration/mediation.

15. Member comments

Jack Metcalf asked if he needs to apply for a variance as he has a situation where the road runs through his property and finding a building envelope in compliance with the Covenants was difficult. He was instructed to apply for a variance. Jack suggested addition of the language “any *reasonable* objection will be reviewed by the Board” to a variance request to the Article regarding variances.

[Jennifer Tomsen](#) asked for clarification regarding the % votes required to pass the Covenants or to get a variance. Gary Starr will research and let the Board know at the next meeting.

16. Documents review completed

Matt Graham made a motion to accept all of the changes, edits and language to the Covenants agreed upon in this meeting. Louisa Morrissey seconded the motion. The motion passed with all Board members present (6) in favor.

Louisa Morrissey will incorporate all of the changes into a draft, along with a list of questions for MEG. All of the documents (Articles of Incorporation, Bylaws and Covenants) will be sent to MEG for final review. After her review, the documents will be sent to the Community for feedback. The Board plans to present the Documents to the membership for approval at the annual meeting in November.

Next Open Meeting of the Board is scheduled for Tuesday September 6th at 7pm.

Louisa Morrissey motioned for the meeting to be adjourned. Cyndie Rippey seconded the motion and all BOT Members present (6) agreed.

Meeting adjourned at 9:07 pm MST