

SILVERHEELS AMENDED COVENANTS COMMITTEE (SNACC)

Minutes of 9/28/22 Meeting

(7:00 PM via Zoom)

Approved at 10/10/22 Meeting

1. Attendance & Quorum (13 lots)

Members Present: Rich Bainbridge, Susan Barden, Tony Boccio, Luis Canales, Natalie Gorak, Lesley & Ed Hall, Gail & Steve Kloppel, Mary Manka, Lane Mathison, Mike Peterson, Tyler Pontius, Kylie Pontius, Charlie Schultz, Maria Smaldone, Jeff Togie, Lillian Wissel.

Members Absent: Zach Loos, Maria Mitchell.

Quorum: A quorum was satisfied with 17 lots represented. (Mary Manka needed to leave the meeting early, before the votes on Sections 3.7 and 3.8 described below were taken.)

2. Review and Approve Minutes of 9/14/22 Meeting

The Minutes of the 9/14/22 meeting (v4 after modifications from original draft), previously provided to all Members, were unanimously approved.

3. Administrative Items

- Volunteer needed to write the next Newsletter article for SNACC:
Kylie asked for a volunteer to write a short update on SNACC progress for the next SROA Newsletter. It needs to be to her by Oct. 7th. By the end of the meeting no one had volunteered, but Susan said she would write it if no one else contacted Kylie.
- Issues re Board of Directors:
JB identified an apparent issue arising out of the 9/22/22 meeting of the SROA Board of Directors (“**Board**”), in which newly-elected Directors Lesley and Lane (both also being members of this Committee) participated for the first time along with new Alternate Ann Erdle. At the Board meeting, certain comments were made and left unchallenged to the effect that the Board could wait to address the issue of developing Covenant enforcement policies until *this* Committee addressed it. JB said he felt obligated to reiterate on the record that *the SNACC does not and will not develop policies*. Developing policies is the Board’s responsibility, not ours. The SNACC’s responsibility is to *develop Covenants that describe the authority of the Board to develop policies* such as enforcement.

JB suggested the possibility of presenting a letter to the Board to clear any confusion about this matter. The Members, however, felt that since: (i) four of the five members of the Board are also on this Committee, and (ii) those four recognize and agree with this delineation of responsibilities, nothing further was needed at this time. It was suggested, however, that the next SNACC article for the Newsletter might helpfully describe the distinctions between the Covenants, the Bylaws, and the Rules, and also clarify the respective roles of the Board and the SNACC.

In response to another expressed concern, each of the four SNACC Members who also are on the Board restated their ongoing commitment to the work of this Committee to create a complete set of New Amended Covenants.

4. Continue section-by-section review of Article 3, using Draft v18

JB had provided Draft v18 to the Members several days in advance of the meeting, with suggested changes in upcoming Sections for better clarity and brevity.

Section 3.6 - Fences

JB had suggested changing the term “*lawful* regulations” in the first sentence to “*applicable* regulations” because regulations issued by governing authorities must be presumed lawful. After discussion as to which governing authorities address fencing requirements, the consensus was that the suggested change was appropriate. JB also had suggested a grammatical correction in the last sentence. A motion was made and unanimously passed to approve the Section with the suggested changes. The Section will read as follows:

Fencing along BLM land or National Forest land must be in accordance with applicable regulations. Existing boundary fences may not be removed, but may be reset to conform to staked property lines and/or be rebuilt as necessary. Owners of Lots on the outside perimeter of the Community shall be responsible for jointly maintaining fences with adjacent owners of private property as and if necessary. Any Owner of a Lot on the west boundary of the Community who keeps livestock or horses shall fence the Lot and keep the fence in good condition and repair.

Section 3.7 - Residential Use, Permitted Business Activities

JB had supplied the Members with a copy of the Park County Ordinance Section 5-705 (Home Occupations) along with v18. He pointed out that even if the SNACC concluded that this ordinance adequately covered any current concerns of ours, it could be changed by the County in the future. Because of that, our Covenants arguably still need to set out the major principles that we do not want to risk getting changed in the future without our membership’s consent. Charlie asserted that the County’s land use regulations are violated more than any others, but the County does not enforce them, therefore necessitating coverage in our Covenants. JB suggested that the Covenants contain wording that would be general enough so that it will not have to be changed over time. To that end, his proposed redraft of Section 3.7 combined, into one paragraph, the introduction paragraph and the 5 conditions set forth in v1. Discussion took place around what constitutes a “Major Home Occupation” vs a “Minor Home Occupation” under the County ordinances when it comes to parking, nuisances, deliveries, and other issues. Clarification of whether a “Dwelling Unit” would include an outbuilding where a business activity was occurring led to a proposed additional sentence. Finally, a motion was made and seconded to approve the draft with the additional sentence. The motion was unanimously approved. Section 3.7 will therefore read as follows:

All Lots and Dwelling Units shall be used for residential and recreational purposes only, and may be used only for business, commercial, or professional purposes that are incidental to the use and occupancy of the Dwelling Unit as a residence. Any business conducted in a Dwelling Unit must be clearly secondary to the residential use of the Dwelling Unit and must be conducted entirely within the Dwelling Unit. The existence or operation of the business must not be detectable from outside the Dwelling Unit by sight, sound, smell, vibration, or otherwise, or by the existence of signs, additional traffic, and/or deliveries which indicate that a business is being conducted. The business must not result in an undue

volume of traffic or parking within the Community. For the purposes of this paragraph only, the term “Dwelling Unit” includes any accessory building on the Lot.

Section 3.8 - Recreational Vehicles; Abandoned Vehicles; Parking

JB explained that because the County regulations deal only with parking or storage on County roads, the SROA needs to set its own standards for any Restrictions within our community, which is what Section 3.8 apparently was designed to do. He suggested the first sentence regarding the requirement to comply with the County ordinances might be deemed unnecessary in light of already-approved Section 3.3 (Compliance with Laws). But on the other hand, he noted that it might be beneficial to keep the sentence just as a guide to Owners who may not realize the existence of a specific County regulation that they might need to consider. General discussion ensued around this topic, since one goal of the SNACC is to try to shorten the Covenants wherever possible. As to the last two sentences, it was pointed out that nothing would be enforceable by SROA when it comes to County roads anyway, so these sentences could be superfluous. A suggestion was made to eliminate everything in the draft except the sentence related to abandoned or inoperable vehicles and equipment on within the Community property. Finally, a motion was made to approve the new draft with a grammatical change and elimination of the last two sentences related to County roads. It passed by majority vote. Therefore, Section 3.8 will read as follows:

Trailers (including camping trailers, boat trailers, hauling trailers), snowmobiles, jet skis, boats, and accessories thereto, self-contained motorized recreational vehicles, and other types of recreational or commercial vehicles or equipment, must be parked or stored in compliance with County regulations. No abandoned or inoperable vehicles or equipment of any kind shall be stored or parked in the Community except in an enclosed structure.

5. New Business

There was no new business.

6. Next Meeting; Advanced Homework

Because of schedule conflicts, the next meeting will be **Monday, October 10 at 7:00 PM**. The homework will be to review Sections 3.9 and following, using a new v19 that JB will prepare and distribute in advance of that meeting.

7. Adjournment

The meeting was adjourned at 9:10 PM.