

Silverheels New Amended Covenants Committee (SNACC)

Minutes of 10/26/22 Meeting

(7:00 PM via Zoom)

Approved at 11/09/22 Meeting

1. Attendance & Quorum (13 lots)

Members Present: Rich Bainbridge, Susan Barden, Tony Boccio, Lesley & Ed Hall, Gail & Steve Kloppel, Zach Loos, Mary Manka, Lane Mathison, Maria Mitchell, Mike Peterson, Tyler Pontius, Kylie Pontius, Charlie Schultz, Maria Smaldone, Jeff Togie.

Members Late: Luis Canales

Members Absent: Natalie Gorak, Lillian Wissel

Moderator: JB Burghardt

Quorum: A quorum was satisfied with 16 lots represented at the outset.

2. Review and Approve Minutes of 10/10/22 Meeting

The Minutes of the 10/10/22 meeting, provided beforehand to all Members, were unanimously approved.

3. Continue Section-by-Section Review of Article 3, using Draft v19

Days in advance of this meeting, JB had provided the Members with comments, recommendations, and suggested drafts of Sections 3.9 through 3.17 for review.

Section 3.9 Animals

Based on the discussion and Straw Polls taken at the last meeting, JB had drafted a new proposed version of Section 3.9 for the Committee's consideration. Further discussion ensued. One issue regarded whether electric fences should be permitted for large animal control. Safety considerations for electric fences, and even whether a fence constituted a "structure" and thus was an "Improvement" subject to the requirements of Article 2, were raised. It was pointed out that electric fencing is one of the only ways to deter moose, bears, and mountain lions from entering a property, and thus they are valuable in an area like ours. As a compromise it was suggested that owners could have electric fencing but, taking into consideration the safety issue, signage identifying their use should be required. A motion was made to approve JB's draft of Section 3.9, but with added language to address posting signage for electric fencing – either in this Section or in Section 3.6 regarding fencing. The motion passed by a substantial majority. The approved language (without the additional sentence regarding electric fencing, which JB will draft and provide in v20) is as follows:

Section 3.9 Animals Animals may be kept, but should not be left unattended. For Lots with land on the west side of the Ridge, stables, corrals, or other structures for housing or feeding animals are subject to restrictions on the Plats. For all Lots, no such structures shall be located closer than fifty feet to any Lot line or street. Fences for the containment of grazing animals may be located up to Lot lines, but proper land management of grazed Lots is strongly encouraged. No more than two horses are permitted on a five-acre Lot. For Lots larger than five acres, prior written approval of the Board is required to keep more than two horses, but no Lot may contain more than four horses. Owners of dogs must keep

them under control at all times and must comply with Park County leash laws. The keeping, grazing, and enjoyment of animals must not create a hazard or nuisance to any other person or property within the Community.

Section 3.10 Signs

Although this Section was actually approved at the last meeting, after further review JB recommended addition of language that clarified the scope of the Board's ability to adopt further requirements regarding signage. After discussion, Section 3.10 was unanimously approved as recommended. The revised Section will read as follows:

3.10 Signs Subject to such Rules or Regulations as may be adopted by the Board, no advertising signs shall be erected, placed, permitted, or maintained in the Community. Political signs are permitted only to the extent required by Colorado law.

Section 3.11 Nuisances

Various situations that could be considered a "nuisance" were discussed. The dated nature of the existing language of the 1979 Covenants was also discussed as it related to various vehicles. After considering specific situations, it was suggested that such specifics be addressed instead in the Frequently Asked Questions ("FAQ") section on the SROA website. Kylie explained that, although she manages the website, its content is the responsibility of the Board and therefore this suggestion should be referred to the Board. Finally, after omitting some terms in the proposed new draft, it was unanimously approved to read as follows:

3.11 Nuisances. No activity shall be conducted on any Lot that is a nuisance or obnoxious to residents of other Lots. No light shall be emitted from any Lot which is unreasonably bright or causes unreasonable glare. No sound shall be emitted from any Lot which is unreasonably loud or annoying. No odor shall be permitted from any Lot which is noxious or unreasonably offensive.

Section 3.12 No Hazardous Activities, Materials, or Chemicals

After short discussion of a wording issue, a motion was made, seconded, and unanimously passed to approve the draft of this Section as proposed. The approved Section reads as follows:

3.12 No Hazardous Activities, Materials, or Chemicals. No activities shall be conducted on a Lot, or within any Improvement on a Lot, which are or might be unsafe or hazardous to any person or property. Reasonable precautions shall be taken against fire hazards, and no outdoor burning of any kind is allowed except as permitted by Park County regulations. No hazardous materials or chemicals shall be located in a Dwelling Unit or elsewhere on a Lot except for household products customarily kept in a residence for the use of its occupants, in such limited quantities as to not create a hazard or danger to person or property.

Section 3.13 No Discharge of Firearms

No questions or concerns were raised regarding this proposed draft. The section was approved unanimously to read as follows:

3.13 No Discharge of Explosives. No explosives, firearms, fireworks, or similar devices shall be discharged within the Community except for explosives used in connection with an approved and fully-permitted building project.

Section 3.14 No Annoying Lights, Sounds or Odors

As a result of the enlargement of Section 3.11 to include the material formerly covered in this Section, all Members agreed that there was no longer any need for this separate treatment. It therefore was unanimously agreed to strike this Section as redundant and to renumber the remaining Sections in Article 3 accordingly.

Section 3.15 Rubbish, Trash and Materials

JB had recommended revisions improve clarity and grammatical issues. The practice of composting was discussed, and ultimately the Members agreed that safe and reasonable composting should be permitted. With addition of a sentence to address composting and a revised title, the Section as proposed in v19 was unanimously approved to read as follows (including the numbering change):

3.14 Garbage; Scrap Materials; Junk; Dumping. Garbage or trash shall be kept and disposed of in a sanitary manner. All outside equipment for storage or disposal of garbage or trash shall be kept in a clean and sanitary condition, in bear-proof containers and secured from access by other wildlife. Notwithstanding the foregoing, safe and reasonable composting is permitted. No scrap lumber, metal, bulk materials, or similar items shall be stored or allowed to accumulate outside on a Lot where it is visible from a public road or an adjacent Lot. No junk may be stored on a Lot except in an enclosed structure. No dumping is permitted anywhere in the Community.

Section 3.16 Restrictions on Mining or Drilling

The discussion began with the question of whether this Section is needed at all. JB offered his understanding that under State law, in the absence of other local restrictions, a property owner is permitted to mine his or her property if they have established ownership of the mineral rights; thus, even if there are limitations on mining at other levels of government (such as Park County in a residential zone) it is probably important to make the point directly in these Covenants (as was done in the original 1979 Covenants) that no mining whatsoever is allowed in Silverheels. A suggestion was made to change the term “Lot” to “Community” so that this preclusion applies to all land in Silverheels. With this modification, the v19 proposed draft was unanimously approved to read as follows (including the numbering change):

3.15 Restrictions on Mining or Drilling. No real property within the Community shall be used for the purpose of mining, quarrying, drilling, boring, development, or exploring for or removing oil, gas, or other hydrocarbons, minerals, rocks, stones, gravel, earth, or water.

Former Section 2.16 Damage or Destruction of Structures on Lots

A motion to delete this Section from Article 2 had been unanimously approved on 7/13/22, but we had agreed to look at it again in the context of Article 3. All Members agreed that it was too harsh as written. Some Members felt that if there is a health and safety concern, it should be referred to the County and therefore need not be addressed in our Covenants. Others thought that this kind of situation should be addressed in the Covenants so that if the County failed to address the problem in a reasonably timely manner (if at all), the Board would have authority to deal with it rather than simply letting things languish. Additionally, a concern for such a situation lowering property values was raised. The proposed draft in v19 was approved by a majority. It reads as follows:

Section 3.16 Damage or Destruction of Structures on Lots Any damage to or destruction of any Improvement located on a Lot shall be remedied consistent with applicable State and County regulations and to the reasonable satisfaction of the Board. The cost of such remedy shall be the sole obligation of the Owner(s) of the Lot.

Former Section 2.17 Temporary Structures

A motion to delete this Section from Article 2 had been unanimously approved on 7/13/22, but the Committee had agreed to look at it again in context of Article 3. Discussion began but, because of the late hour, conclusions will need to await the next meeting.

4. New Business

It was requested that JB send the Members a fresh PDF of all work completed to date, beginning with Article 1. He noted that he had done this a month ago showing progress through that date, but will be happy to provide the updated version before the next meeting.

5. Next Meeting; Homework

The next meeting will be on November 9 at 7:00 PM via Zoom.

Members should be prepared to address former Section 2.17 Temporary Structures. Additionally, Members should be prepared to discuss potential restrictions not previously addressed in the Covenants but of concern to the neighborhood, including camping, short-term rentals, B&B's, and any other issues that might potentially fall under the topic of Article 3 - Restrictions. Our goal will be to complete Article 3 at this meeting.

6. Adjournment

The meeting was adjourned at 9:02 PM.