

# **Douglass Ranch Property Owners Association**

Special Board Meeting Minutes

May 22, 2002

**Members Present:** Brian Collier, Rusty Thulin, Brent Ballard, Larry Hall and Greg Wambolt.

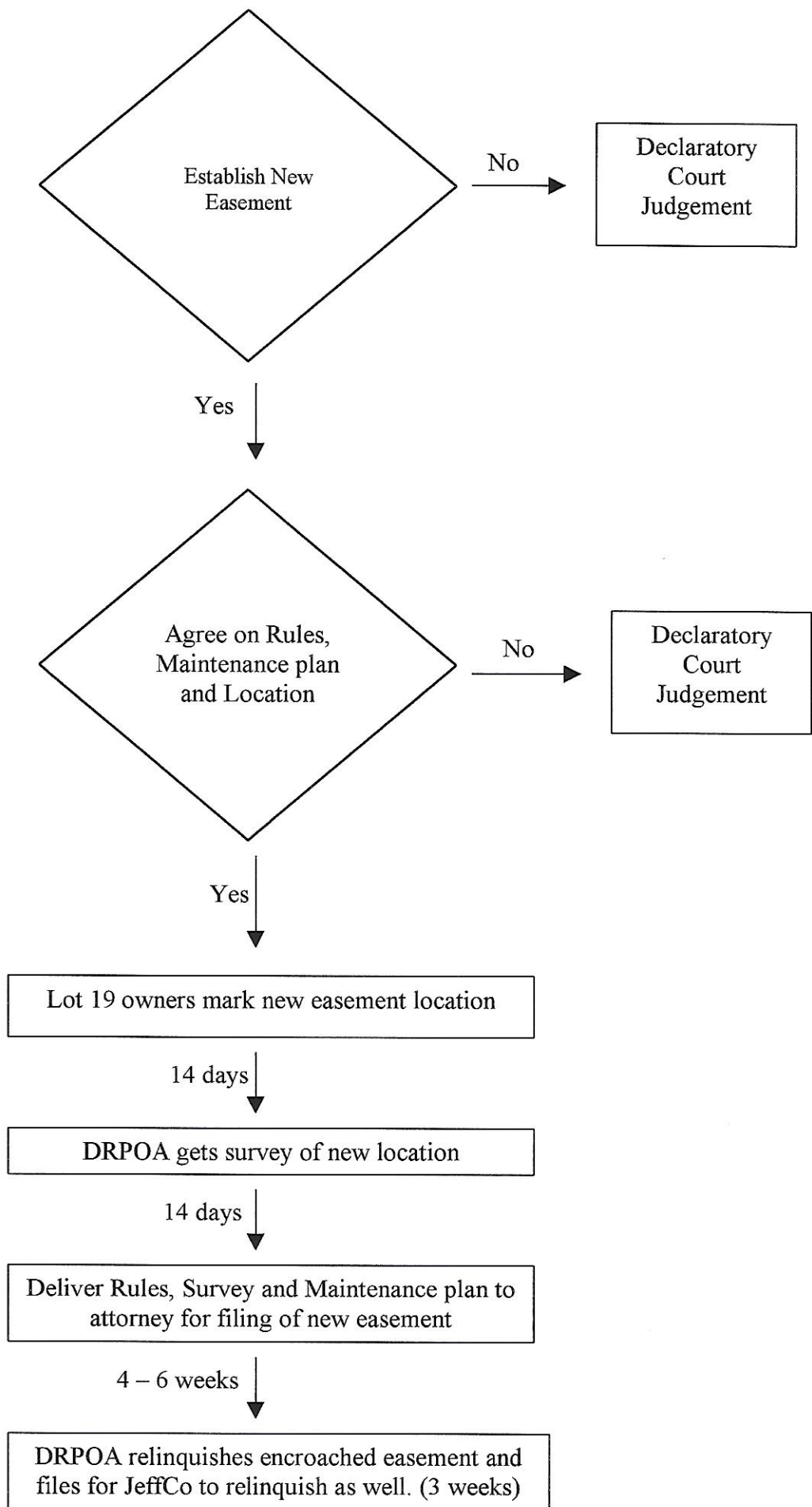
**Guests Present:** Wayne & Jane Spooner, Cathy Reinberger

## **Special Meeting Business:**

Only purpose of special meeting was to decide on how to remedy the easement issue on lot 19. Follow the steps on attached decision tree with agreement on each point between the board and the Spooners.

Board voted yes on moving easement, and on rules and maintenance plan. Vote was 4 to 1.

Meeting adjourned



KEVIN MOATS

May 17, 2002

Russell Thulin  
13773 Drake Court  
Pine, Colorado 80470

Dear Rusty:

Pursuant to our telephone conversation, I am very concerned about the Douglass Ranch Design Review Committee not executing the rules and regulations as written. As you are aware, there is a \$ 10,000.00 letter of credit that is to be issued to the Homeowners Association in advance of any construction to be done on any given property. In Dan Barth's case, he was given permission to cut down 50 or more trees on lot 33 and drill a well in excess of 1,000 feet with no deposit. This is a gross violation of the Standards set forth in the Douglass Ranch Design Standards and Construction Regulations. The purpose of the deposit in advance is to protect the community financially should the builder violate the agreed upon requirements and the homeowner association having to pick up the costs to correct the problem. Additionally, having the deposit in advance gives the Design Review Committee some leverage in developing cooperation between the developer and the community. There should be no exception to this rule ever.

The trees have been cut and laying on the property in excess of 2 months presenting an extreme fire danger to all surrounding homes. Additionally, this is the worst time to have fresh cut trees laying down with the Pine Beetle problem we have been experiencing.

I spoke with Bud Lewis, assistant to Brian Collier, Chairman of the Design Review Committee, and he told me that there was no leverage that the Design review committee had in requiring a developer, in this case Dan Barth, to follow any of the regulations set forth in the Covenants because they were never duly filed with Jefferson County. Bud Lewis went on further to tell me that if Dan Barth wanted to cut down every single tree off his property, he had every right to do so. The actions of the Design Review Committee and their interpretation of the rules and regulations are diametrically opposed to what was written and desired of by the entire community of homeowners in Douglass Ranch.

In regards to Bud Lewis statement that the builder can do whatever he wants to the trees on his property, the Design Rules say otherwise:

## ARCHITECTURAL AND SITE DESIGN STANDARDS

### 1. Building Location and Setbacks

Each building site has its own specific qualities and characteristics. The Design Review Board will be looking critically at site plans to determine whether existing features are respected. Disruption of existing conditions shall be minimal. Where possible, all existing trees shall be preserved and existing drainage patterns shall be respected.

### 2. Grading and Drainage

All site improvements should be designed to minimize the extent of grading required. Techniques for doing this include "stepping" buildings down slopes, providing access across slopes instead of down them, and using low retaining walls where necessary. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1, with steeper slopes permitted (if permitted by soils engineer) when excessive disturbance of ground would otherwise result. All graded slopes should be "rolled" back into existing slopes, so that, after revegetation, no sharp contrast exists between existing and disturbed slopes. All area which are to be preserved (trees, shrubs, rock outcrops, etc) shall be marked and protected throughout the construction period. No grading shall extend beyond existing lot lines.

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or realignment must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a non-destructive course. If culverts or other drainage facilities are required, these should be detailed such that contrast with the existing environment is minimized.

### 3. Erosion Control

During all site disruptions, approved techniques for controlling erosion within the site and onto other sites shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Proper revegetation shall begin as quickly as possible after soil disruption and should be well established within one year after disturbance.

Clearly, the Design Standards do not allow a builder to clear cut his property if he so wishes. Mr. Lewis stated that the Design Review Committee had no authority over the builder to put time limits on downed trees and slash on the property. Again, this is contrary to the Rules and regulations that state:

#### Debris and Trash Removal

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal area on a weekly basis. All soil and debris flowing into the street(s) or open spaces from the construction site shall be cleaned on a weekly basis.

On behalf of the homeowners and myself, I am requesting that the construction by Dan Barth be immediately suspended until a meeting can be held with the concerned homeowners, the Design Review Committee, and the Board. There needs to be an examination of the Design Review Boards actions and a determination as to whether the Board members have violated their duties and responsibilities. There needs to be clarification of the duties and responsibilities of the Committee as well as determination of the legal authority the Design Review Committee has over a builder. Additionally, there should be some determination as to the accountability the Design Review Committee has to the Board representing the homeowners.

I strongly recommend that you have the Design Review Committee prepare all of the documentation it has regarding the procedures followed on lot 33 and 26. You told me that Mr. Barth was given notice to begin no tree cutting or any construction on lot 26, yet, yesterday, all of the marked trees have been cut. Either your request was ignored by Mr. Barth or your request was never given to him by the representative of the Design Review Committee. Regardless, there is again gross negligence going on here. In addition to the plans and documentation required that I am asking to have at the next meeting, there should also be copies for everyone of the revised Design Review Standards also. There also should be copies of the current Covenants, Bylaws, etc for everyone. The following are the procedures that should have been documented and brought to this meeting:

#### PRELIMINARY PLANS AND FINAL PLANS

These Preliminary Plans shall contain enough information for the Board to accurately assess impacts on the site and adjacent sites, and should give an exact indication of building location(s), building mass and materials, access, grading, limits of disturbance and erosion control methods. They should meet the following requirements:

1. All plans shall be of the same sheet size and shall include the following:
  - a. A professional survey of existing conditions, including topography (at 2' contour intervals), existing trees (2" or greater caliper) and shrubs, drainage ways, and other natural features within the property boundaries. Legal restrictions, including building envelopes, rights-of-way, easements, property lines, and setbacks, shall also be included, at a scale of 1" = 20' or larger.
  - b. A site plan of proposed improvements, indicating items such as building locations, driveway and parking areas, proposed grading, drainage features, location of all adjacent roads, and well and septic field locations, fences, walks, decks and any other proposed improvements, at a scale of 1" = 20' or larger.
  - c. Roof and floor plans at a scale of 1/8"=1' or larger.
  - d. All exterior elevations at the same scale as the floor plans.
  - e. Indication of all exterior materials and colors.

2. In order to assist the Board, the owner shall provide accurate staking of all proposed building corners, driveway centerline, lot corners, easements (if any), and building envelopes. All stakes must extend at least 3' above grade and must be identified.

Following Preliminary Plan approval, the owner/architect may develop final architectural and site plans, suitable for construction. These should meet the following requirements:

1. All plans shall be of the same sheet size and shall include the following:
  - a. Update of the professional survey, as needed.
  - b. Update of the site plan, indicating all site improvements.
  - c. Detailed roof and floor plans.
  - d. All exterior elevations, at the same scale as the floor plans.
    - e. Exterior details, including items such as chimneys, exterior stairs and decks, railings, and supports.
    - f. Samples of all exterior materials and finishes including windows and glass. Samples must be clearly marked with owner's name and lot number, and must be identified with manufacturer's name, color, and/or mixture.
    - g. Complete landscape plan, including:
      1. Areas to be irrigated, if any, and systems to be used.
      2. Seed mixes to be used on revegetated areas.
      3. Any additional plant material identified by common name.
      4. All walks, retaining walls, lighting, signage, and other site amenities.
  2. Any adjustments in site staking shall be made at this time.

Only after completing the aforementioned, the following procedures are required:

#### PROCEDURES

1. After preparing these detailed plans, the owner shall submit these to the Board.
2. Following the on-site review of the plans and staking, the Board shall respond to the owner, in writing, within 30 days of the Final Plans submittal. Should the plans be approved, the owner may apply for the appropriate building permit(s), and when approved, begin construction. In the event of any disapproval, the resubmission of the plans shall follow the same procedure as an initial final Plans submittal.

#### CHANGES AND/OR ADDITIONS TO APPROVED PLANS

Following Final Plan approval, the owner/architect must submit to the Design Review Board for review any changes and/or additions to the approved plans. The appropriate architectural and site plans should meet the same requirements for the final Plan submittals.

#### PROCEDURES

1. After preparing these detailed plans, the owner shall submit these to the Board.
2. Following the on-site review of the plans and staking, the Board shall respond to the owner, in writing, within 30 days of the plans submittal. Should the plans be approved, the owner may apply for the appropriate building permit(s), and when approved, begin construction. In the event of any disapproval, the resubmission of the plans shall follow the same procedure as an initial Changes and/or Additions to Approved Plans submittal.

#### PROCEDURES

1. After preparing the appropriate plans, the owner shall submit these and a non-refundable review fee of \$800.00 to the Board. The review fee will be paid to an outside engineering and architectural firm to review the plans for conformance with Douglass Ranch Design Standards and Construction Regulations, Jefferson County regulations, and standard acceptable design and construction procedures for the applicable local governing jurisdiction. A report will be prepared and plans red-lined summarizing the firms recommendations. The review fee includes one initial review and one review of the owners revised plans. Additional reviews will be billed by the firm per the attached "Schedule of Fees". After the design is approved and before construction begins, the owner and or contractor shall submit a \$10,000.00 transferable letter of credit deposit. If it should become necessary because of deviation of construction from plan and/or non-compliance to Douglass Ranch Design Standards, the homeowner will be required to submit an "As Build" plan. Additionally, the Design Review Board will have its archectural firm visit the site to better comprehend the deviations, compare to the homeowners "As Build" plan, and make appropriate recommendations. All additional costs will be deducted from the \$10,000.00 deposit and immediate replenishment by the homeowner will be required to maintain the \$ 10,000.00 balance. The ten thousand dollar ( \$ 10,000.00) deposit can be used by the Design Review Committee, if necessary, to ensure that the homeowner/builder comply with the "Douglass Ranch Design Standards and Construction Regulations."
2. The Board will then review on-site the plans and staking, and will provide a written response no later than 30 days after the complete submittal giving any recommendations for changes or adjustments deemed necessary, along with formal approval to proceed to the Final Plan submittal, if appropriate. Any other Associations member wishing to review such plans may do so by the presiding Chairman of the Design Review Committee. Any comments, which the member wishes the Design Review Board to consider in its review, shall be submitted to the Board in writing prior to the final submittal.
3. Should the plans be approved, the owner may begin preparing Final Plans. In the event of any disapproval, the resubmission of plans shall follow the same procedure as the original submittal.

#### CONSTRUCTION PERIOD

The Board may inspect all work in progress or at completion and give notice of non-compliance. However, absence of such inspection or notification during the construction period does not constitute either approval of the Board with work in progress or compliance with these Standards.

Upon completion of any residence or other improvements for which final approval was give by the Board, the owner shall give written notice of completion to the Board.

Within such reasonable time as the Board may determine, but in no case exceeding 10 days from receipt of such written notice of completion from the owner, or his duly authorized representative, it may inspect the improvements. If it is found that such work was not done in strict compliance with the approved plans, it shall notify the owner in writing of such noncompliance within such period specifying in reasonable detail the particulars of non-compliance, and shall require the owner to remedy the same.

#### OTHER CONDITIONS

Approval of plans by the Design Review Board shall not be deemed to constitute compliance with the requirements of any local building, zoning, safety, health or fire codes, and shall be the responsibility of the owner or other person submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the owner or his agent to comply with setbacks, height restrictions, or requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the Design Review Board.

The Protective Covenants, Conditions and Restrictions as established by the applicable Declaration shall remain in force as the legal restrictions governing all construction.

Neither the Board nor its assigns shall be liable in damages to anyone submitting plans to them for approval, or to any owner by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications. Every owner or other person who submits plans to the Board for approval agrees, by submission of such plans and specifications, that he will not bring action or suit against the Board to recover damages.

Final approval of plans is valid for eighteen (18) months. Construction must begin within this period. If not, plans must be resubmitted and reviewed again with further submittal fees. A submittal of a different dwelling on the same lot requires another review fee.

The Board reserves the right to waive or vary any of the procedures or Standards set forth herein at its discretion, for good cause shown.

#### ARCHITECTURAL AND SITE DESIGN STANDARDS

##### 4. Building Location and Setbacks

Each building site has its own specific qualities and characteristics. The Design Review Board will be looking critically at site plans to determine whether existing features are respected. Disruption of existing conditions shall be minimal. Where possible, all existing trees shall be preserved and existing drainage patterns shall be respected.



Specific setbacks and building envelopes for each lot have been identified in the Development Guide.

5. Grading and Drainage

All site improvements should be designed to minimize the extent of grading required. Techniques for doing this include "stepping" buildings down slopes, providing access across slopes instead of down them, and using low retaining walls where necessary. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1, with steeper slopes permitted (if permitted by soils engineer) when excessive disturbance of ground would otherwise result. All graded slopes should be "rolled" back into existing slopes, so that, after revegetation, no sharp contrast exists between existing and disturbed slopes. All area which are to be preserved (trees, shrubs, rock outcrops, etc) shall be marked and protected throughout the construction period. No grading shall extend beyond existing lot lines.

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should also be minimal. Where disruption or realignment must occur, reconstruction should occur in a naturalized manner allowing water to percolate instead of concentrate while still allowing water to flow in a non-destructive course. If culverts or other drainage facilities are required, these should be detailed such that contrast with the existing environment is minimized.

6. Erosion Control

During all site disruptions, approved techniques for controlling erosion within the site and onto other sites shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles, and slope stabilization fabrics or tackifiers. Proper revegetation shall begin as quickly as possible after soil disruption and should be well established within one year after disturbance.

7. Access, Driveways and Parking

Access to each residence shall be via private drive or public road. Access to residences on the following lots shall only be taken from the road(s) indicated:

Lot 1	Douglass Drive
Lot 2	Baldwin Court
Lot 3	Baldwin Court
Lot 4	Baldwin Court
Lot 5	Baldwin Court
Lot 6	Baldwin Court
Lot 13	Meadowridge Ln or Gordon Court
Lot 14	Meadowridge Ln
Lot 15	Meadowridge Ln
Lot 16	Meadowridge Ln
Lot 17	Meadowridge Ln
Lot 22	Gordon Court
Lot 39	May Long Court or Drake Court
Lot 42	May Long Court

The drive should be sited to minimize earthwork, without overly emphasizing the parking area or garage. Off street parking shall be incorporated into the drive design and will not be allowed on private or public roads. Any planned use of site for regular parking of more than a total of three vehicles shall be specifically submitted to the Design Review Board for review and approval. Furthermore, all vehicles, RVs, boats, snowmobiles or trailers regularly parked at a residence shall be garaged or out of sight of neighbors.

Drive grades should not exceed 8% slopes, except where use of short pitches up to 12% may lessen site impacts. All driveways shall have a paved, hard surface such as asphalt, concrete or masonry pavers. The driveway shall be paved upon receipt of Certificate of Occupancy or when climate conditions permit.

8. Architectural Design

No mandatory architectural "style" is required for this development. However, it is the intent of these Standards to encourage residences which are harmonious with the existing natural environment, suggesting design solutions which reduce the apparent visual mass, incorporate materials, colors and textures which generally blend with the landscape, and develop proportions and details appropriate to the site.

9. Minimum Floor Area

Each single family dwelling unit constructed on a lot shall contain a minimum of one thousand eight hundred (1,800) square feet of fully enclosed floor area devoted to living purposes exclusive of unroofed or roofed porches, terraces, garages, unfinished basements, carports or other structures.

10. Building Height

No building shall exceed 35 feet in height. Measured structure height shall be the vertical distance measured from the road level to the highest point of the roof surface, if a flat roof; or to the deck line, if a mansard roof; or to the mean height level between eaves and ridges; if a gable, hip or gambrel roof. However, where buildings are set back from the line, heights of buildings shall be measured from average elevation of the finished grade of the building. Chimneys, radio and television antennas, solar collectors, spires or belfries may not extend more than 10 feet above the building height.

It is strongly suggested that the owner consider the qualities of the site, especially the visual and climatic exposure created by the combination of existing slopes, vegetation and orientation. Lower buildings are generally more appropriate on more exposed sites, while taller buildings can be incorporated into those sites which are less visible and/or more protected with vegetation.

11. Roofs

The form of the roof and the materials used on it create a significant part of the visual impact of a building, and will be carefully reviewed by the Board. Gable, hip, and shed roofs with generally be acceptable for residential construction, while gambrel, flat, mansard and A-frame roofs will not be encouraged. However, these roofs and any other unique forms developed will be reviewed on their merits on a case-by-case basis.

Materials selected should be of a texture and color that harmonizes with the environment. Bright, shiny materials such as unfinished metal will be discouraged. Wood shingles and shakes will be prohibited on new construction and re-roofs after September 1994.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc., should be carefully located and finished to complement other elements of the design.

12. Walls and Openings

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Siding and trim materials should be consistently used throughout the building. Location, type, and size of window openings should be carefully considered for effect on proportions, continuity,

and illumination. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element.

13. Exterior Materials

All materials and finishes should be harmonious with the surrounding environment, with natural wood, stone, or stucco generally being acceptable. Use of manufactured siding will require specific Board approval. The use of highly reflective building materials should be avoided.

14. Color

Exterior finishes shall be in subdued earth tones. Use of bold or striking colors is discouraged.

15. Foundation Walls

Foundation walls shall not be exposed, but shall be finished to blend with the other exterior materials.

16. Accessory, utility, and Solar Structures

Accessory buildings or facilities such as detached garages, gazebos, greenhouses, tennis courts, pools, etc., shall adhere to the standards outlined for buildings and site planning and must be located within building envelopes. It is important that the massing and scale, as well as forms, material, and other detailing should be well coordinated with the main structure(s) on the site. Generally, no temporary sheds will be allowed.

All exterior utility equipment shall either be incorporated into the main building or, along with other detached structures, be architecturally compatible with the residence. Well and septic locations shall be carefully coordinated to meet separation requirements and to minimize site disruption.

All solar equipment shall also be incorporated into the structure and be architecturally compatible with the residence.

17. Fences and Screening

The use of fences and screening will be discouraged except when used to define private "outdoor living areas" or to aid in confining pets to selected areas. When approved, such fences and screens shall be complementary in design to the main structure(s). Screens along property lines, in the form of fencing or formal planting, will be discouraged.

18. Trash Receptacles

All areas used for storage of solid waste shall be screened from off site views, using materials and forms complementary to the main structure(s).

19. Mailboxes

A standard mailbox design and detail will be provided for the owners' use. Location will be identified by the developer in conjunction with the U.S. Postal Service. Mailbox itself will be a black color only. The posts shall be made of 6x6 roughsawn cedar post, brace and cross support. Routed grooves where indicated by design sheet. Paint or stain to be Olympic Cape Cod Grey and the paint inside of routed grooves to be Moore paint dark forest green.

20. Signage

No signs whatsoever shall be permitted within any Lot, with the exception of those listed below.

- a. Signs required by legal proceedings.
- b. Directional, informational signs installed by the Developer as allowed in the Official Development Plan.
- c. Residential identifications signs constructed of materials which are compatible with the architecture of the area, and these shall be subject to the approval of the Design Review Board prior to erection. Such signs shall not exceed a total face area of two square feet.
- d. Signs of the type used by architects, contractors, subcontractors and tradesmen may be erected during the authorized time of construction, provided that no more than one sign is erected and that such sign does not exceed a total face area of three square feet unless otherwise approved by the Design Review Board.
- e. For Sale or For Rent signs may be erected upon a Lot, provided that no more than one sign is erected and that such sign does not exceed a total face area of three square feet unless otherwise approved by the Design Review Board.
- f. No sign shall exceed a height of four feet from grade, unless otherwise allowed in the Official Development Plan.

No signs whatsoever shall be attached or fastened to any natural features including existing trees.

Lighting

All exterior lighting shall be of a "sharp cut-off" design, minimizing light spilling onto adjacent properties. Such fixtures, used for illumination of walks, driveways, address signage, etc., shall be compatible with the building. Lighting should be soft and subdued in nature.

1. Antennas

Standard radio and television antennas shall be mounted in such a way as to minimize visual impact to surrounding residences. Low profile equipment, mounted close to the structure and painted a natural color will be required.

Dish antennas shall be of the mesh type, painted black or dark green. Siting shall be done to effectively screen the dish from the surrounding residences and community. To this end additional landscape screening may be required.

2. Landscape

All introduced plant materials shall conserve and complement the existing vegetation. Areas immediately adjacent to buildings may incorporate some ornamental plants but should quickly transition to more naturalized materials, which shall consist of grasses, ground covers, shrubs, and trees that are either similar to those on-site or are analogous in appearance and have low water requirements. Landscaping that requires substantial irrigation, such as blue grass, shall be limited and is discouraged.

The approved landscape plan, at a minimum, will call for revegetation of all areas disturbed by construction.

Irrigation systems, when needed, should efficiently distribute water to those plants, which require it. Temporary, drip or other low-water consumption irrigation systems will be encouraged where appropriate. Water usage shall comply with requirements set forth in the Declaration of Protective Covenants, Conditions and Restrictions.

CONSTRUCTION PERIOD REGULATIONS

In the interest of all owners and contractors, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction contract document specifications for each residence, and all contractors and owners shall abide by these regulations.

OSHA

All applicable OSHA regulations and guidelines will be strictly observed at all times.

Construction Limits

The Design Review Board may require the contractor to provide a detailed plan of construction limits prior to construction, to be implemented with snow fencing, rope barricades, or like material prior to construction. The plan shall include size and location for construction material storage areas, limits of excavation, access areas, parking, chemical toilet location, dumpster, fire extinguisher, utility trenching, and a construction sign.

### Construction Trailers, Sheds, or Temporary Structures

Any construction structures shall be approved by the Board as to their size, configuration, and location. All temporary structures shall be removed upon completion of construction.

### Excavation

Excess excavation material shall be removed from the property and shall not be placed in common areas, roads or other Lots (except as approved on a site specific basis by the Board). Excavation, except for utility trenching, shall be on the owner's site only. Contractors are expressly prohibited, during backfill and final grading operations from spreading excess debris or material over the remainder of the Lot.

### Debris and Trash Removal

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal area on a weekly basis. All soil and debris flowing into the street(s) or open spaces from the construction site shall be cleaned on a weekly basis.

### Vehicles and Parking

All vehicles will be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight.

### Pets

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

### Blasting

If any blasting is to occur, the contractor shall be responsible for informing all residents in the proximity of the blasting site.

### Restoration and Repair

Damage to any property other than the owner's shall be promptly repaired at the expense of the person or entity causing the damage.

### Dust, Noise and Order

Every effort shall be made to control dust, noise, and odor emitted from construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the Lot.

Rusty, thanks for the phone call and I look forward to hearing about a date for this meeting.

May 17, 2002

Sincerely,

Kevin Moats