

ANNUAL MEETING OF THE  
BURNING TREE RANCH HOMEOWNERS ASSOCIATION

SEPTEMBER 19, 2012, 7:00 PM

**Welcome/Board and Guest Introductions** (Judy Wilson, BTRHOA President): Judy introduced the Board, the various committees and their members. She thanked them all for their service, and thanked those residents who assisted with various association projects and activities that occurred throughout the year. Finally, she thanked previous HOA Board members who provided guidance and assistance during the year.

**Douglas County Update** (Steve Board, County Commissioner): Judy introduced County Commissioner Steve Board. Steve referred attendees to a newsletter that will be presented at a Cherry Valley Community Meeting. Included in it is a reference to an application that has been submitted for an urban development of 106 acres in the heart of Franktown, east of Highway 83 and south of Highway 86. He advised that it includes development of such density that it may need its own waste water treatment plant and water company, and that there are other complexities that may need to be factored in. Steve said that he will not be voting on it as his term in office expires in 3 months and 3 weeks, but that the project is in the beginning stages, and will likely go on for years.

Steve provided a handout for the beginning proposals for oil and gas projects. He advised that counties have been working together to address concerns, but cautioned that there were no provisions to protect water rights, thus he urged residents to protect their own wells. He advised that adjudicating wells was a good line of first defense, but that citizens would have to argue in front of the Board in an attempt to protect their water rights. He said the County is looking at creating a water monitoring program. He advised that the County can control road impacts, but that the county's influence on land use is less certain, and that its influence on water impacts is even less certain, noting that Longmont has been sued over the added restrictions they wrote. Steve does not know if or when oil and gas development will begin happening in Douglas County, and is not aware of leases made in our area, but advised that questions could be directed to the county assessors. Don Wilson said the oil and gas rights in Section 36, which includes Franktown in its boundaries, have been leased by the state of Colorado, and advised that he has a printed copy of that lease agreement.

Steve thanked the Burning Tree subdivision for its participation and interest in Douglas County, appreciating its involvement in the community. He advised that during his service, his primary goal for Franktown was to address and resolve each of the Franktown community's concerns. He noted that there haven't been many issues to address for the last seven years, but that now that the Franktown development application has been submitted, things won't stay quiet for long.

Steve advised that community wells will impact private wells, as it is now known that aquifers feed the aquifers below them, thus reducing water levels of the aquifers above. He advised that a good

community policy would be to limit community wells to the Arapahoe aquifer, but that the law does not currently provide for that, therefore, concerned residents will have to ask for it. Steve said that Douglas County currently has 25% renewable water, but that it's expensive, and that no communities have saved for it, other than Roxborough (who has saved up \$25 million to put towards renewable water). Therefore, he recommended that the Franktown community keep a watch out for what aquifers the community wells are currently in or are proposed to be placed in. He applauded Burning Tree residents for coming together as a community to adjudicate their wells, and said that may help. But, he counseled that to assert our water rights, residents will have to come together to use a loud, common community voice in the water court, advising that a decline in water levels is not deemed to be legally injurious or harmful to the homeowner.

Steve applauded BTR residents for their past fire mitigation efforts, especially during this record dry season, and urged residents to continue those efforts. He added that with insurance companies clamping down, residents living in communities with active fire protection programs in place are generally better off.

In response to a question posed by a meeting attendee, Steve advised that the Stroh Road extension construction project was killed by Parker Water and Sanitation District, so Hess Road was the back-up. The Hess Road project was more expensive, but still more economical than building the two bridges that would have been required on Stroh Road.

**Community Safety Update** (Dave Weaver, DC Sheriff): Dave Weaver began his presentation with a discussion about Amendment 64, a Colorado Constitutional amendment that will be on the ballot for voter approval in November. He expressed his concerns that if passed, the Colorado Constitution would be changed forever to permit the use of marijuana, making it the most liberal state with respect to marijuana availability. He advised that when Colorado's medical marijuana law first came into effect in 2000, people believed marijuana usage would be limited to those in need. However, he said that Law Enforcement has found that marijuana is being used recreationally by many people holding a card. Dave said it is his opinion that passage of this amendment will increase the use of marijuana, make it more difficult for Law Enforcement to control that growth, and increase violence from drug cartels in Colorado, negatively impacting the quality of life currently enjoyed by Colorado residents. He encouraged attendees to educate themselves before voting on this amendment.

With respect to crime, Dave advised that Burning Tree Ranch is located in a safe part of Douglas County. He advised that crime in Douglas County is trending down, with a 10% reduction in the past year. Law Enforcement largely put out of business a primary gang ring, that decided to make burglary and car theft a major source of income. Motor vehicle theft, which had been trending up, is now down 40% in the county.

Douglas County Sheriff's office provides suicide prevention programs in the schools. See [www.dcsheriff.net](http://www.dcsheriff.net) for information on their programs.

## **YEAR IN REVIEW**

### **Projects and Events:**

**Holiday Party:** Judy directed attendees to the handout entitled Year In Review. She thanked Marianne and Tony Reed for hosting 2011's Christmas party. She advised that Reggie and Lutz Vater have volunteered their home for this year's Holiday party, and that the date is still to be determined.

**Trash Bash/Picnic:** The Trash Bash was successful, though the Picnic was not as well attended as in years past, in large part due to the heat.

**Beetle Spraying and Tree Removal:** Judy advised that after soliciting bids for beetle spraying the Board organized tree spraying for the 12-15 residents who participated in having trees on their properties sprayed. She said that several homeowners collaborated to remove trees along Burning Tree Trail that were diseased from beetle attack.

**Culvert Cleaning:** The County has not yet responded to the Board's request to clean/clear out blocked culverts, or the Board's request to thin out trees along the roadside.

**Bridle Trail Maintenance:** Judy advised that the bridle trail was only mowed once this year; a second planned mowing was not necessary due to the low grass growth caused by this year's record dry weather.

**Neighborhood Watch:** Most residents were not interested in pursuing the Neighborhood Watch program, therefore the project was dropped. Judy recommended advising neighbors if you're planning on going out of town, not only to reduce crime, but to reduce the risk of fire.

**Treasurer's Report/Membership (Kirby Ross):** Kirby summarized the 2012 budget, pointing out that this year's expenses included the payment for last year's dumpster for which BTR was never billed. Kirby then summarized the proposed 2013 budget, expressing the hope that residents recognize the value they received from the minimal dues charged for the service provided by the HOA by paying their dues for 2013.

### **Committee Reports**

Judy thanked and named those individuals who participated in the association's various committees, as well as those who assisted in the year's projects.

**Hospitality (Judy Wilson):** Judy advised that new residents were welcomed by the Committee.

**Environmental/Architectural Control (Jo Anna Halda):** No new home plans were submitted for approval during 2012.

**Fire Mitigation Grant (Judy Wilson):** Burning Tree Ranch was approved for an \$88,000 matching fund grant, with \$44,000 available for the subdivision residents. Fourteen residents took advantage of this

grant, using about half of the funds that had been made available; the remainder of the unspent money was returned to the state. New grants may be applied for in the future.

**Community Wildfire Protection Plan** (Judy Wilson): The CWPP will need to be updated by the new board in 2013.

**Well Adjudication** (Judy Wilson): Questions regarding well adjudication should be directed to Curtiss Wonsik. Fifty of the sixty eight properties have adjudicated wells.

**Community Planning/Zoning** (Judy Wilson): County Commissioner and Planning Commission meetings are monitored by the Board, so that items of interest can be communicated to members. Judy attended the water meetings and parks and open space meetings. Thank you to Doug Ostby for alerting the County about the missing stop sign at Burnt Oak Drive and Burning Tree Drive. That sign has now been replaced.

Judy advised attendees about a small acreage seminar being offered on October 20, 2012 at the Events Center in Castle Rock. Topics will include septic systems, dryland grasses, composting with worms, grape-growing and wine-making. There is a \$20 fee, and registration application can be done on-line. She directed attendees to a flyer on the handouts table for more information.

**Website** (Dale Goulette): Dale advised that he posts the monthly HOA Board minutes and treasurer's reports, as well as notices, E-mails, and website postings at the Board's direction.

#### **Old Business:**

**Covenants:** Judy advised that the Board had made further revisions to the proposed covenant amendments presented at the 2010 annual meeting, the primary change being the removal of provisions relating to fire mitigation. These newly revised proposed amendments were distributed to all residents earlier in the month (with the changes highlighted), and Judy advised that the Board is now in the process of obtaining approval from deedholders of 66 2/3 of the properties in Burning Tree Ranch.

With respect to proposed future changes, Judy advised that the Board had received a request from one resident to remove the provision in the existing covenants that expressly restricts poultry, pointing out that Douglas County authorizes 30 chickens per residents (no roosters). In response to this request, the Board placed this item on the 2012 annual meeting agenda.

#### **New Business**

##### **2013 Goals:**

**Nomination and Election of New Board members:** Judy advised that the terms of two Board positions, currently held by Judy Wilson and Debbie Quella are expiring this year, requiring an election to fill these two three-year terms. She advised that Debbie Quella has agreed to serve another term, if elected, and JoAnna Halda thanked Louise Leone for submitting her name as a nominee for voter consideration. Carol Alexander was nominated from the floor. A vote was taken by members, resulting in the election

of the following two individuals to serve these two three-year terms: Carol Alexander and Debbie Quella.

**Open Forum for Member Comments/Questions:** One attendee brought up her submission to the Board earlier in the year in which she requested the Board to consider adding as a change to the proposed amendments now being circulated for approval the removal of the prohibition against poultry, and her concern about the process followed by the Board when considering such requests. Her concern was supported by another resident who several years ago appealed to the Board to consider his request that the covenants be relaxed or excepted to permit residents to raise goats for a 4-H project. He, too, was concerned that the process followed by the Board did not adequately take into consideration the opinions of other residents within the subdivision.

A recommendation was made that the Board consider revising their process for considering/making changes to the covenants by: 1) soliciting resident interest/feedback before preparing and routing the proposed amendments for final approval, 2) enabling residents to express their opinions on an item-by-item basis, so that only those items that have at least a 2/3's interest/approval level are put into the final proposed amendments requiring voter approval, and 3) if possible, providing a pros's/con's statement on each item presented for consideration. Scott Zahorik volunteered to assist with soliciting feedback from residents.

The meeting adjourned 8:56 PM

Minutes submitted by:

Debbie Quella, BTRHOA Secretary

Approved by: