

## Some New Proposed Policies Interpreting The Stagecoach Covenants

As most of you know by now, all of our Lots at Stagecoach are subject to Covenants that govern the terms of our ownership. Article V of the Covenants is where most of the requirements and restrictions are located. Unfortunately, some of the language of Article V is vague. In recent years, as the pace of building has picked up, the Board has been forced to confront some of this vague language in the context of building applications or alleged Covenant violations. As a result, the Board has slowly been formulating policies that help to interpret some of this vague language. Last year, for instance, the Board adopted policies relating to the design and colors of new homes.

The process for adopting a new policy is dictated by the Association Governance Policies, which are required by State law. So, once a policy has been proposed, and the Board has agreed on the language of the proposed policy, it is published in our newsletter and all Members of the Association are invited to submit comments. At the next Board meeting, the comments of Members are considered and the proposed policy is either abandoned or amended or adopted. If it is amended, and the amendments are substantial, it is published again in the newsletter and Members are again invited to submit comments.

At the February Board meeting five new policies were approved for publication to the Association Members. They have been numbered 2020-1, 2, 3, 4 and 5 Please review them and send any comments you wish to make to the Association managing agent, Bryan Ayer. Here is a brief explanation of each of the proposed policies:

1. Proposed policy 2020-1 deals with fences on Lots. In 2018 the Board adopted policy 2018-1 which provides an automatic approval process for 4-foot-high fences with a certain design. However, recently the ACC has been faced with situations in which Owners want to construct fences that don't meet the requirements of 2018-1, either because they are higher, or a different design or because the Owner wants to put a fence on a Lot without a house. Proposed policy 2020-1 provides some guidelines for fences in these different situations. Please note that these guidelines are not hard and fast restrictions. The policy allows for exceptions, but any Owner seeking to build a fence different from the guidelines will have the burden of showing that there is a compelling reason for the exception.
2. Proposed policy 2020-2 deals with an addition to the Governance Policies relating to the operation of the Rules Committee. Under the current language, if an Owner has been accused of a violation of the Covenants, the Association can't impose a fine, or other relief without scheduling a hearing at which the Owner may appear and state their position and present evidence. The proposed policy seeks to change this policy slightly by giving the Owner

- the option of waiving the hearing and submitting any relevant information in writing. In practice, most Owners who have received notice of a Covenant violation choose not to attend a hearing. But they often want to present evidence or make a written statement in their own defense. The proposed policy sets up a procedure for Owners to waive the hearing and submit written statements or other documents that must be considered by the Rules Committee before making a decision.
3. Proposed policy 2020-3 deals with the driving of motorized vehicles, including snowmobiles, on SPOA common areas. In the northern subdivisions of South Shore and Eagles Watch and in the southern subdivisions SPOA owns quite a bit of property which is all designated “common area.” The Covenants give all Association Members the right to enter and enjoy the common areas, but also allow the Board to impose reasonable restrictions on that use. The Board proposes to prohibit the use by Members of motorized vehicles on the common areas. [Non-members are prohibited by law from driving on the common areas without SPOA’s permission.] However, the proposed policy also allows the Board to make exceptions for use of motorized vehicles by Members on a case-by case basis.
  4. Proposed policy 2020-4 applies to the Lots in the south that still have a substantial amount of dead wood resulting from the pine beetle infestation. In the summer of 2018, the massive Silver Creek Fire was close enough to the southern subdivisions that the smoke was clearly visible on a daily basis. That fire was a wake-up call. The dead wood sitting on southern Lots provides an enormous amount of potential forest fire fuel. As such it presents an unnecessary danger to the community, both north and south. Article V, Section p. of the Covenants gives the Association, acting through its legal agents, the right to enter on a Lot to “maintain” and “restore” the Lot, at the Lot Owner’s expense. Clearly, this is a right that should only be exercised in rare circumstances. However, the existing dead wood situation may be that rare circumstance. Proposed policy 2020-4, if adopted, will provide notice to Association members that, going forward, the existence of a “substantial” amount of dead pine trees on a Lot may be treated as a failure to “maintain” under Section p.
  5. Proposed policy 2020-5 is the result of a number of instances over the last several years in which Owners have allowed junk to accumulate on their Lots, which, in some cases, has even resulted in legal action. Article V, Section k. provides that, “No trash, litter or junk shall be permitted to remain exposed upon the premises and visible from public roads or adjoining or nearby premises.” The question, of course, is what constitutes “junk” and how does the existence of “junk” relate to an Owner’s duty to “maintain” their Lot. The

proposed policy attempts to make sense of all this by giving some examples of what would constitute a failure to maintain. The four categories listed are intended to be a starting point for discussion of this important issue. If you disagree with what has been proposed, please make sure your opinion is heard. Alternatively, you may have other ideas about how the issue should be addressed. But the fact of the matter is that the Covenants do prohibit the accumulation of "junk" which can be seen from roads or other houses. And most of us, I would guess, would prefer that our neighbors keep their property clear of things that are not part of the natural environment. The trick is to strike a balance that does not unreasonably interfere with an Owner's use and enjoyment of his or her Lot.

Tom Watts