

FALLS CREEK RANCH, ASSN.

Common Property Committee

Rules and Regulations

Purpose

The purpose of the Common Property Committee (CPC) is to lead in the management and care of the approximately 841 acres of FCRA common property; i.e., land not deeded to individual lot owners. CPC areas of responsibility include removal of rocks and boulders, dead and diseased trees, slash burning, mowing meadows, control of thistle and other undesirable or invasive plants, thinning of our forest land for forest health, wildfire mitigation, water quality, recreation, and wildlife. CPC reviews and approves requested projects/events/activities on common property, cleanup day, oversight of household pet rules, and care of Ranch Manager's home, picnic area and mailbox area.

CPC Chair Responsibilities:

- Assist the Board by managing aforementioned CPC responsibilities.
- Coordinate activities with other FCR Committees as needed.
- Regularly report to the Board as required.
- Report to FCRA membership with Annual Report.
- Prepare annual budget requests.
- Recruit committee members.
- Schedule and conduct periodic committee meetings.
- Assign committee members to specific tasks and follow up.
- Oversee and schedule timing of annual or seasonal functions with committee members and other volunteers.
- Post notices to FCRA members of activity and dates planned.
- Assure compliance of County/State laws regarding weed management including obtaining spray material and cost reimbursement to FCRA (see separate documents).
- Oversee maintenance of Ranch Manager's home and mailbox area.
- Promptly review and approve lot owners' plans regarding tree/vegetation removal on common property adjacent to owners' lots as needed. Review and approve proposed driveways and septic fields on common property pertaining to ACC Rules and Regulations for lot improvement.
- Promptly review and approve proposed owners' plans to remove rocks and boulders on common property for personal use on private property.

A. Tree/Vegetation Removal for Forest Health & Wildfire Mitigation

Red Flag Days:

This designation indicates we are experiencing extremely dry weather with high winds that can ignite the smallest spark into a raging fire. In order to lower the risk of fire, chain sawing, mowing, trimming or edging with metal blades **will NOT be allowed during the designated Red Flag Hours**. Any work with tools that can cause sparks shall be done in an enclosed workshop, home, or garage. NO SMOKING outside of a vehicle or building. NO outdoor fires.

- Common Property

Lot owners may apply for approval to remove trees/vegetation to create defensible space on common property adjacent to their lots for forest health or fire mitigation purposes. This may

include trees that are healthy, dead or diseased. Lot owners should contact the CPC Chair who shall review and approve a proposal (Form CPC-1). Written or email approval documentation shall be present at the site and time of cutting. No cutting of trees/vegetation shall occur without such prior approval.

Wood products of whatever nature (including firewood from healthy, dead or diseased trees) may not be cut, sold, given away or otherwise removed from the Ranch without written approval from the CPC Chair (Form CPC-1). No cutting of trees/vegetation shall occur without such approval.

Residents shall notify the CPC Chair of any beetle-infested/killed tree locations.

The CPC may implement major projects to thin vegetation in accordance with an FCRA Community Wildfire Protection Plan (CWPP) and approved by the BOD. Upon making such a designation, the CPC shall:

- a. determine the boundaries of the fire restoration area; mark the boundaries of the site by clearly visible markers.
- b. prepare a summary describing the boundaries of the restoration area by general description and size. The report shall summarize the type and extent of action to be taken within the described area.
- c. prepare a drawing showing the location of the proposed restoration area including roads, nearby lots and other landmarks.
- d. provide notice of the proposed restoration area by e-mail or personal delivery of copies of the summary and drawing to the owners of all lots within six hundred feet (600') and/or physical view of the forest restoration area. (See CPC-2)

Notice shall be deemed received three (3) days after the report and drawing is provided to those required to receive such as described above (d). Pending comments, cutting may begin the 7th day following notification per d).

- **Firewood**

Firewood is generated from deadfall trees, dead standing trees, diseased trees, and healthy trees cut from CPC/BOD-approved forest thinning/fire mitigation projects on the Ranch. Residents may remove dead trees from common property with written approval from the CPC Chair. Firewood from common property maintenance projects is for FCRA residents' personal use only.

- **Individual Owners' lots**

CPC does not manage tree/vegetation issues on individual owners' lots with the exception of beetle-kill trees. Lot owners wishing to remove trees/vegetation from their own lot for improvement projects or wildfire defensible space should contact the Firewise Committee (See CPC-3). As stated above, owners who wish to remove trees from their own lot for firewood are encouraged to use it for their own personal use or offer it to other FCRA residents.

B. Slash Disposal

The Ranch owns equipment for slash disposal. Slash should be placed near the end of the road with largest ends facing out. In most cases, FCR-hired personnel will transport the FCR Vermeer chipper to designated pile(s). Other materials (e.g., lumber and construction debris) are not

allowed in the chipper due to nails and screws which could damage vehicle tires and Ranch equipment. These materials must be disposed of at the Durango Transfer Station in the Tech Center. CPC members may approve locating slash in the burn yard. Only properly trained and authorized personnel shall use the chipper.

The FCR Air Curtain Burner (ACB), will normally only be used to dispose of pine needles and cones in compostable bags. Only properly trained, designated personnel are authorized to operate the ACB located in the lake meadow. FCR members may place their bags (paper) in the vicinity of, but NOT directly adjacent to, the burner. As necessary, the CPC will burn slash in the burn yard. Prior approval of scheduled burns is made daily by the Durango Fire Protection District when contacted by the Ranch, reference our burn Permit.

In some cases, slash may be placed in small piles approved by the CPC Chair and BOD to be burned when snow is on the ground and/or Wildfire Danger is Low as determined by the San Juan National Forest and La Plata County.

C. Firewise Equipment

Some Firewise equipment may be borrowed for work on Common Property and Individual Lots. These items, such as electric chainsaws, leaf blowers, pole saws, brush hogs, and such may be checked out by the CPC Chair and must be returned at the end of the day in good working order. The CPC will set a fee to be charged for items such as gas chainsaws to replace fuel and oils that are consumed during operation.

D. Meadow Mowing

The Ranch hires an independent contractor to mow or hay the FCR meadows around the July timeframe.

E. Control of thistle and other undesirable plants

Generally weed spraying is done in June and October depending on weather conditions. The State of Colorado requires the control of noxious weeds and other undesirable plants. CPC manages this function. The CPC shall report this activity to the County as cost reimbursement funds become available from the County. FCR members may rent backpack sprayers for use on private lots. Only properly trained personnel will assist in chemical mixing.

F. Activity on Common Property

Any proposals for use of common property are to be submitted to the CPC Chair for review and approval by the CPC and the Board. Examples may include (but not be limited to) trail creation, recreation facilities, special events, large group activities and other uses pertinent to other Ranch committees (e.g., septic fields).

No visible weapons are permitted on common property.

G. Picnic Area Use

The Ranch picnic area is located at the corner of Falls Creek Main and Starwood. As part of FCR Common Property, this area is available for day use by any FCR member. Residents are requested to reserve the picnic area by scheduling their events through a CPC member at least one week in advance of the event. Reminder: day guests must be accompanied by the member at all times. Members are responsible for maintaining the picnic area and disposing of all trash after use. Cars should be parked within the designated parking area and may not block Ranch roads. To reduce the number of cars, carpooling, hiking and biking to the picnic area is encouraged. Remember, no campfires are allowed anywhere on common property per Covenant #25.

H. Annual Cleanup Day(s)

The Ranch conducts several Cleanup Days annually. The CPC manages and assigns work teams to assist in a wide variety of tasks to help maintain FCR common property. All residents are encouraged to participate in this activity which is followed by a resident potluck lunch held at the Ranch picnic area.

I. Ranch House Maintenance

FCRA includes a ranch house of over 100 years old which houses the Ranch Manager and his family. The CPC conducts periodic reviews for upgrading and maintenance needs of the house.

J. Household Pets

FCRA members are required to comply with the Covenants regarding the behavior of household pets. Covenant 21 states "...All pets shall be kept within the boundary line of the lot or otherwise under the direct control of the owner, and not be permitted to run at large or otherwise become a nuisance." Covenant 22 states "No owner of any lot may do or permit to be done any act, which is or may become a nuisance to others. These possible nuisances include, but are not limited to...barking or howling dogs..."

La Plata County requires pet owners to comply with their Animal Control Code to keep all household pets under control. According to Chapter 10, Division 1, Section 10-10 and Division 3; Section 10-30, para IV of the Code, "at large" means not under control; "control" means adequately restrained and subject to the pet owner's will. As residents of La Plata County, FCRA members are required to comply with these regulations. For details see website:

<http://online.encodeplus.com/regs/la-plata-co/doc-viewer.aspx?secid=421#secid-421>

The FCRA Board encourages neighborly discussion as a first step to resolve any nuisance pet complaint. If the issue continues and a pet owner does not comply with the above regulations, the following process will be applied:

- The member may fill out a complaint form (Form CPC-5) describing the problem in as much detail as possible and present it to the Common Property Committee.
- The CPC will determine whether or not the described behavior warrants further action. (The grievied party is reminded that under Covenant No. 31 he or she has the right to take independent actions to enforce the Covenants of FCRA, Inc.).

- If it is determined that the nuisance warrants further action, the CPC will contact the offending party and try to reach an agreement that will result in the immediate cessation of the nuisance.

- If the offending party does not correct the problem, the CPC will inform the Board of the situation. The Board may then initiate proper proceedings according to Covenant No. 31 which may include, but not be limited to, calling Animal Control to remove the nuisance animal.

K. Rocks and Boulders

Following the 416 Fire, the Common Property and the Post-Wildfire Recovery Committees have worked together to protect our roads, homes, natural features, and minimize rain and snow melt flows reaching those below Falls Creek Ranch in the Dyke Canyon and north Falls Creek Main crossing drainages.

Since the natural flows cross Falls Creek Main and most side roads, new low water crossings, larger and new culverts, natural diversions, and bar ditches are providing a carefully planned and monitored flow following historic features and utilizing our meadows to absorb runoff.

- No resident is authorized to move or remove any rocks, boulders, gravel, or safety barriers placed on common property without PRIOR review and approval of the Common Property Committee Chair. If approved, such work shall include no harm or damage to the common property. (See CPC-4)
- The owner may be invoiced for the repair of any such damage.

*Approved by the Board of Directors (June 2022)
Effective July 13, 2022*