

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 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 or wildfire mitigation, review and approval of 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 at Annual Meeting.
- Prepare annual budget requests.
- Recruit committee members.
- Schedule and conduct periodic committee meetings.
- Assign committee members to specific tasks and followup.
- 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 improvements.
- Implement fire mitigation projects as developed by the FCR Firewise Ambassador(s) and approved by the Board.
- Share responsibilities with a Co-Chair, if any; designate a representative in the absence of both Co-Chairs.

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

• 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 approval documentation should be present at the site and time of cutting. No cutting of trees/vegetation shall occur prior to written 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 should notify the CPC Chairs 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 hazard area; mark the boundaries of the site by clearly visible markers.
- b) prepare a written report describing the boundaries of the fire hazard area by general description and size. The report shall fully describe the type and extent of any clearing, pruning, thinning or other action to be taken within the described area.
- c) prepare a drawing showing the location of the proposed fire hazard area including roads, nearby lots and other landmarks.
- d) provide notice of the proposed fire hazard area by U.S. mail, e-mail or personal delivery of copies of the report and drawing to the owners of all lots within six hundred feet (600') and/or physical view of the fire hazard area.
- e) post a dated copy of the report and drawing on the FCR Bulletin Board for a period of at least three weeks.

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), and for all others notice shall be deemed received seven (7) days after the posting of the report on the Ranch Bulletin Board.

• Firewood

Firewood is generated from deadfall trees, dead standing trees, diseased trees, and healthy trees cut from CPC 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. Lot owners wishing to remove trees/vegetation from their own lot for improvement projects or wildfire defensible space should contact the ACC in compliance with ACC Rules and Regulations Section 5. I. 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 provides a community location for slash disposal. Slash includes only tree branches and other vegetation less than 4 inches in diameter. Any vegetation larger than this can smolder for several days after burning. Slash should be placed in the designated pile in the lake meadow. Other materials (e.g., lumber and construction debris) are not allowed in the slash pile due to nails and screws which could damage vehicle tires and Ranch equipment.

Each year the CPC burns the slash pile in winter. Prior notification of the scheduled burn is made to the Durango Fire and Rescue Authority and to the Ranch.

C. Meadow Mowing

Normally the Ranch meadows are mowed during July using Ranch equipment and resident volunteers. Use of the equipment is scheduled through the Ranch liaison and Ranch Manager.

D. 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. This activity is reported to the County and cost reimbursement is made to the Ranch from the County. Further details on this process can be found in the appendices.

E. Activity on Common Property

Any proposals for use of common property are to be submitted to the CPC Co-Chairs 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).

F. 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. Members are requested to reserve the picnic area by scheduling their events on the picnic calendar which will be posted at the Ranch mailbox shed. The calendar will inform other FCR members of planned use and should include member name, number of people and time of use. Members should reserve the picnic area 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 picnic 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.

G. Annual Cleanup Day

The Ranch conducts an annual Cleanup Day typically in May or June. The CPC manages and assigns work teams to assist in a wide variety of tasks to help maintain the common property of the Ranch. All residents are encouraged to participate in this activity which is followed by a resident potluck lunch held at the Ranch picnic area.

H. 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.

I. 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..."

LaPlata County requires pet owners to comply with their Animal Control Code to keep all household pets under control. According to Article II, Division 1; Section 10-31 of the Code, *at large* means not under control; *control* means adequately restrained and subject to the pet owner's will. As residents of LaPlata County, FCRA membership is required to comply with these regulations. For details see website: <http://library2.municode.com/default-test/template.htm?view=toc&mode=site&basenodeid=root> See "Chapter 10; Article II. Dogs".

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-2) 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 grieved 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.

J. Rock Gathering

Since the 416 Fire in 2018, 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 across the Ranch. Since the natural flows cross Falls Creek Main and most side roads, new lower 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, vegetation 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. The owner may be invoiced for the repair of any such damage. If the owner is using a private contractor, the owner shall be present when rocks are removed. Any hardscape landscape projects on private lots are to be reviewed and approved by the Architectural Control Committee per existing ACC rules and application forms.

Use Form CPC-4 for approval for rock gathering.

K. Storage of Residents Personal Property

No resident's personal property or equipment shall be stored on any area of Common Property or in FCR facilities, unless allowed by the Board. Any proposed change in the use of Common Property shall be referred to the Common Property Committee for evaluation and may be recommended to the Board. A change in the use of Common Property shall be in accordance with protective Covenant #26.

Approved by the Board of Directors (November 2019)