

SOPRIS VILLAGE HOMEOWNERS ASSOCIATION, INC.

December 14, 2021

Dear Neighbors:

As you know, for quite some time now, the Board of Directors of the Association has been working with legal counsel to draft a proposed Amended and Restated Declaration of Protective Covenants for Sopris Village (“Amended and Restated Declaration”) for your consideration. The primary purpose of this project has been to modernize our current Declaration of Protective Covenants for Sopris Village (“Current Declaration”), to address deficiencies in the Current Declaration, to conform it to current Colorado law and to create a document which addresses the priorities of our community.

We will be holding a Town Hall Meeting of the Owners **via Zoom** on **January 12, 2022 at 6:30 pm** to discuss the draft Amended and Restated Declaration, to hear your comments and to answer any questions you may have. The Association’s attorney will also be present to answer any legal questions you may have relating to the draft document. We will **not** be asking you to approve the draft Amended and Restated Declaration at the Town Hall Meeting. Instead we want to discuss the latest draft with you to determine whether there are any significant concerns you may have and if changes should be made to it prior to the Board finalizing and sending out the Amended and Restated Declaration for your formal consent.

Here are a few significant provisions in the proposed Amended and Restated Declaration that we thought you would be most interested in:

Current Declaration	Amended and Restated Declaration
Subjecting Common Elements to a Mortgage: The Current Declaration does not require a vote of the Members in order to subject the Association’s Common Elements to a mortgage.	Subjecting Common Elements to a Mortgage: Prior to subjecting the Common Elements of the Association to a mortgage, Section 4.3.1 of the Amended and Restated Declaration provides that Members representing at least 51% votes in the Association must vote to approve such an action.
Dedication of Common Elements: The Current Declaration does not address this issue and there is no authority for Members to vote on whether to convey or dedicate Common Elements to any public agency, metropolitan district, special district, quasi-municipal corporation, authority or utility.	Dedication of Common Elements: Section 4.3.2 of the Amended and Restated Declaration provides that Members representing at least 51% of the votes in the Association would have to approve conveying or dedicating any part of the Common Elements to any public agency, metropolitan district, special district, quasi-municipal corporation, authority or utility. In other words, Owners would have to vote to convey Common Elements in order to join a metro district to manage the Association’s water system.

<p>Definition of Water System: The Current Declaration does not define what is included as part of the water system.</p>	<p>Definition of the Water System: Section 2.11 of the Declaration defines the Common Elements of the Association and specifically provides that the water system includes, but is not limited to, the wells, subsurface rights, water storage tanks, fire hydrants, main lines and <i>service lines up to the shut off valve that provides service to each Lot.</i></p>
<p>Budget Ratification: Article IV, Section B of the Current Declaration does not provide Owners with the right to vote on a proposed budget. However, the budget ratification provision of CCIOA is controlling over the Current Declaration and has been included in the Amended and Restated Declaration.</p>	<p>Budget Ratification: Section 8.2 of the Amended and Restated Declaration outlines the budget ratification provision of the Colorado Common Interest Ownership Act (“CCIOA”) which applies to the Association. This provision provides that unless 51% of all Owners vote to reject a proposed budget, it is automatically deemed approved.</p>
<p>Business Use Restrictions: Article III, Section A of the Current Declaration generally deals with home business and provides that “no building site shall be used except for residential purposes.”</p>	<p>Business Use Restrictions: Section 10.2 of the Amended and Restated Declaration, permits the business use of residences as long as:</p> <ul style="list-style-type: none"> (a) No Residence shall be primarily devoted to any business, trade, professional or commercial use; (b) The existence or operation of the business activity is not apparent or detectable by sight, sound, smell or vibration from the exterior of the Residence, and does not materially increase traffic within the Community; (c) The parking of vehicles of any kind by employees shall only be permitted on the designated driveway of the Owner or Permitted User’s Lot and no equipment or other vehicles utilized in such business activity shall be visible from the streets in the Community or other Lots; (d) The business activity conforms to all zoning requirements for the property; (e) The business activity does not increase the insurance obligation or premium of the Association; (f) The business activity is consistent with the residential character of the Lot and does not constitute a nuisance or hazardous or offensive use, determined in the discretion of the Board of Directors; (g) No Lot or Residence shall be used or rented for transient hotel, motel or lodging

	<p>purposes other than for a single-family residence; and</p> <p>(h) The business activity conforms to any Rules adopted by the Board from time to time to protect the peace, tranquility and quality of the Community.</p>
<p>Fire Pits and Outdoor Wood Burning: Article III, Section H of the Current Declaration provides in part as follows: “Reasonable precaution shall be taken against fire hazards and no outdoor burning of any kind shall be permitted upon the premises (except for cooking).</p> <p>This Section of the Current Declaration would prohibit the use of outdoor fireplaces, fire pits and ringed rock circles.</p>	<p>Fire Pits and Outdoor Wood Burning: Section 13.3.3 of the Amended and Restated Declaration provides in part that “Unless otherwise prohibited or regulated by an authorized representative of Eagle County, open fires and outdoor wood burning shall only be permitted on a Lot in a contained barbeque unit, fireplace, contained fire pit or a ringed rock circle while attended by the Owner or resident(s) of the Lot.”</p>
<p>Marijuana: The current Declaration does not specially address marijuana.</p>	<p>Marijuana: Section 10.3.4 of the Amended and Restated Declaration provides in part that “No Lot may be used for the growing, sale or dispensing of marijuana or any controlled substance.”</p>
<p>Work Vehicles and Parking: The First Amendment to the Current Declaration addresses parking of vehicles on Lots, but does not provide an exception for commuter vehicles.</p> <p>Article III, Section O of the Current Declaration provides as follows: “Unless otherwise specified by the Board of Directors in a Rule or unless a variance is granted in writing by the Board to an Owner or resident of a Lot, all vehicles defined in this Section O shall be parked on the designated driveway portion of a Lot, in a garage on a Lot or screened on a Lot from view from the street or adjacent Lots, by a screen which has been approved by the Architectural Control Committee. No commercial vehicles of any kind shall be parked on a Lot for more than three (3) days, unless such commercial vehicle is parked in a garage or screened from view from the street or adjacent Lots. No vehicles more than ten (10) feet in height or more than twenty-eight (28) feet in length shall be parked on a Lot, no trailers more than twenty-four (24) feet in length shall be parked on a Lot and no trailers</p>	<p>Work Vehicles and Parking: Section 10.3.9 of the Amended and Restated Declaration addresses work vehicles and parking as follows: “Unless otherwise specified by the Board in a Rule or unless a variance is granted in writing by the Board to an Owner or Permitted User, all vehicles described in this Section 10.3.9 shall be parked on the designated driveway portion of a Lot, in a garage on a Lot or screened on a Lot from view from the street or adjacent Lots, by a screen that has been approved by the Architectural Control Committee. Except for commercial vehicles that are utilized for commuting to work and are not more ten (10) feet in height or more than twenty-eight (28) feet in length, no other commercial vehicles of any kind shall be parked on a Lot for more than three (3) days, unless such commercial vehicle is parked in a garage or screened from view from the street and adjacent Lots. No vehicles more than ten (10) feet in height or more than twenty-eight (28) feet in length shall be parked on a Lot, no trailers more than twenty-four (24) feet in length shall be parked on a Lot and no trailers designed or used for agricultural purposes shall be parked on a Lot. The Board</p>

<p>designed or used for agricultural purposes shall be parked on a Lot. The Board of Directors shall have rulemaking authority to specify the conditions upon which an Owner or resident of a Lot shall be granted a variance to the restrictions and prohibitions set forth in the Section O.</p> <p>Except for those trucks and trailers prohibited from being parked on a Lot as specified above in this Section O, for purposes of determining what types of vehicles must be parked on the designated driveway portion of a Lot, in a garage or screened from view from the street or adjacent Lots, the term “vehicle” shall include the following: cars, trucks, vans, buses, boats, trailers for boats, self-contained or other motorized recreational vehicles, all-terrain vehicles, campers (including camper shells and motor homes), trailers and any other vehicle clearly designed or designated by the manufacturer or owner thereof (through signage or accessories) to be a recreational vehicle, even though it may be licensed by the State as a passenger vehicle.”</p>	<p>shall have rulemaking authority to specify the conditions upon which an Owner or Permitted User shall be granted a variance to the restrictions and prohibitions set forth in this Section 10.3.9.”</p> <p>This Section of the Amended and Restated Declaration makes allowances for commuter vehicles that are not currently in the First Amendment to the Current Declaration.</p>
<p>Leasing and Short Term Rentals: The Current Declaration doesn’t specifically address leasing and short term rentals.</p>	<p>Leasing and Short Term Rentals: Section 10.4 of the Amended and Restated Declaration creates a minimum 90 day lease term and specifies the restrictions on leasing as follows:</p> <p>“A Lot may not be leased or rented separate from the Residence on the Lot and subleases are prohibited. No Lot or Residence may be leased for a term of less than ninety (90) consecutive days. All leases shall be in writing and include a provision that the lease is subject to the terms of the Association Documents, and that the failure of the tenant to comply with the terms of the Declaration or Bylaws or the Rules shall constitute a default enforceable by either the Association or Owner, or by both of them. Any Owner who leases their Lot shall, within three (3) days after the execution of such lease, provide the Association with the name and contact information (including telephone number and e-mail address, if any) of the tenant, as well as updated contact information</p>

	(including telephone number, e-mail address if any, and address) of the Owner. The tenant will recognize and attorn to the Association as landlord, solely for the purpose of having the power to enforce a violation of the provisions of the Association Documents against the tenant, provided the Association gives the landlord notice of its intent to so enforce and a reasonable opportunity to cure the violation directly prior to the commencement of an enforcement action. As used herein, the term lease shall mean any agreement or arrangement for occupancy of the Lot by persons other than the Owner and the members of his or her immediate family, and tenant shall mean any person occupying the Lot other than the Owner and the members of his or her immediate family. This Section 10.4 shall not be construed in such a manner as to prohibit Owners from having roommates while the Lot and Residence is occupied by the Owner.”
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In addition to the major changes outlined above, we recommend that you take time to review the draft Amended and Restated Declaration prior to the Town Hall Meeting. In particular, we recommend that you thoroughly review Article X for all of the proposed use restrictions. That way, you will have the ability to ask questions and provide any comments or concerns you may have to the Board.

We ask that should you have any questions or comments regarding the draft proposed Amended and Restated Declaration of Protective Covenants for Sopris Village that you would like to have discussed at the Town Hall, **to please submit them electronically before the meeting to sv@aspenreservations.net.**

We look forward to talking with you **via Zoom on January 12th at 6:30 pm.**

Sincerely,

Board of Directors
Sopris Village Homeowners Association, Inc.

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