

Proposed Covenant Changes

The Document Committee proposes to remove the following covenants:

2. ARCHITECTURAL CONTROL: No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plot plan showing the location of the structure upon the building site have been approved by the Architectural Control Committee.

10. ARCHITECTURAL CONTROL COMMITTEE: The Architectural Control Committee is composed of John D. Hance, Ella Mae Hance, and Lowell R. Scoggan, and the mailing address is 2400 28th Street, Boulder, Colorado 80302. A majority of the committee may designate a representative to act for it. In the event of the death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor therefore. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. In the event that there are no remaining members of said Architectural Control Committee either as a result of death, resignation, or otherwise, then and in that event a majority of the individual lot owners by number of lots may select successors to said committee in such instance only.

11. Procedure: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove submitted plans, designs and specifications within thirty (30) days after such plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion, then such approval will not be required, and the related covenants shall be deemed to have been fully complied with.

Reasons for recommendation

Covenants #2 (Architectural Control) and #10 (Architectural Control Committee) and #11 (Procedure)

Eliminate these covenants and recognize that Boulder County Land Use Department has adequate regulations governing this topic and that specific people referenced in Covenant 10 are no longer associated with SAHFAHOA. If the need for an Architectural Control Committee arises in the future due to current circumstances, such as wildfire, the Board has the authority to create a committee to represent the interests of the Association.

The Document Committee proposes to change the following covenants:

Replace the existing covenants 7 and 9 with the proposed changes below:

Note: Removing Covenant 2 will result in renumbering Covenants 7 and 9 to become 6 and 8 respectively in the Protective Covenants document.

Old covenant# 7. LIVESTOCK AND POULTRY: No animals, livestock, or poultry shall be raised bred, or kept on any lot, except that dogs, cats, other household pets, and horses may be kept thereon provided they are not kept, bred, or maintained for commercial purposes.

Proposed Replacement

6. Livestock & Poultry – No animals shall be raised, bred, or kept on any lot, except the following are expressly permitted:

Household pets, including cats and dogs; and horses and other equine animals; and not more than 5 small livestock animals, including goats, sheep and llama. Swine, hogs and pigs are not permitted; and not more than 20 poultry, including chickens, turkey and other fowl. Roosters are not permitted.

All state and local regulations must be adhered to while keeping animals within the real property subject to the Covenants. The St. Anton Highlands First Addition Association and its governing board are not responsible for monitoring and/or enforcing governmental laws and/or regulations.

Reasons for recommendation

Updated to acknowledge that association members have historically and currently own poultry (e.g. chickens) and small livestock (e.g. goats and llama). Changes to the covenant to allow modest numbers of these animals consistent with Boulder County and local municipality regulations, such as Boulder, Nederland, Longmont, Louisville and Golden. Animals more likely to create a nuisance to neighbors (e.g. roosters and pigs/swine) are not allowed, which is also consistent with area regulations.

Old covenant# 9. No sign of any kind shall be displayed to the public view on any part of the above-described real property except one sign of not more than 6 square feet advertising a dwelling for sale or rent, and signs used by a builder to advertise dwellings or a dwelling during the construction and sale period. Anything to the contrary notwithstanding, John D. Hance reserves the right for a period of five (5) years from the date hereof to erect any and all signs he deems necessary and/or appropriate to advertise the development of this subdivision and for the purpose of assisting him and the sale, development and construction of improvements on any of the lots above contained or upon any of the grounds adjoining the subject real property at the time then owned by the said John D. Hance.

Proposed Replacement

8. Signs - Up to five (5) total signs may be displayed on a given Lot at a given time. Signs may not exceed six (6) square feet in size and may not be placed in a manner or location that will result in the view of drivers on public roads being obstructed. Signs are governed by Colorado HB21-1310 and by Boulder County Land Use Code-Sign Ordinance- Article 13.

Reasons for recommendation

Updated to align with Colorado HB21-1310, which was signed into law on September 7, 2021. This law prevents HOA's from limiting the content of signs or flags on a member's property. HOA's may only enforce content neutral rules concerning the number, size and placement/location of signs or flags on a property. HOA's retain the ability to prohibit signs or flags containing commercial messages or content.