

RESOLUTION 2005-22
OF THE BOARD OF DIRECTORS
PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
Pertaining To Fire Mitigation - Defensible Space for Properties Within The Association
(Vacant Parcels)
(Amending Resolution 2005-05)

Whereas, the Declarations of Restrictions for Pagosa Lakes subdivisions recorded with the Clerk and Recorder of Archuleta County, Colorado, and which are subject to certain provisions as contained in the Colorado Common Interest Ownership Act of 1991 have granted the Association the right to create Rules and Regulations for owners within the Association, and;

Whereas, Colorado Senate Bill 100 was signed into law by the Governor of the State of Colorado on June 6, 2005 and;

Whereas, Section 38-33.3-106.5 of said Bill states:

(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit ... (e) the removal by a unit owner of trees, shrubs, or other vegetation to create defensible space around a **dwelling** for fire mitigation purposes, so long as such removal complies with a written defensible space plan created for the property by the Colorado State Forest Service, an individual or company certified by a local governmental entity to create such a plan, or the Fire Chief, Fire Marshal, or Fire Protection District within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan. The plan shall be registered with the association before the commencement of work. The Association may require changes to the plan if the association obtains the consent of the person, official, or agency that originally created the plan. The work shall comply with applicable association standards regarding slash removal, stump height, revegetation, and contractor regulations, and;

Whereas, Senate Bill 100 notes fire mitigation practices only for areas around dwellings and the Associations wished to establish policies for vacant land parcels, and;

Whereas, the Association has had previous policies dealing with fire mitigation, thinning and tree removal practices.

Now therefore, the Board of Directors of the Pagosa Lakes Property Owners Association hereby affirms that the fire mitigation practices for vacant parcels to be enforced by the Association shall be as stated in Senate Bill 100, to wit:

(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit ... (e) the removal by a unit owner of trees, shrubs, or other vegetation for fire mitigation purposes on vacant land parcels, so long as such removal complies with a written fire mitigation plan created for the property by the Colorado State Forest Service, an individual or company certified by a local governmental entity to create such a plan, or the Fire Chief, Fire Marshal, or Fire Protection District within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan. The plan shall be registered with the association before the commencement of work. The Association may require changes to the plan if the association obtains the consent of the person, an official, or agency that originally created the plan. The work shall comply with applicable association standards regarding slash removal, stump height, revegetation, and contractor regulations.

(2) The fire mitigation plan submitted must contain the name of the agency completing the plan, the date the plan was completed, the name of the individual drafting the plan, phone number or other contact information. The plan should be clear and specific as to which trees, shrubs or vegetation are recommended to be removed and verification that no more will be removed than is necessary to mitigate fire hazards on the property. The plan must state how the trees, shrubs and vegetation are marked for confirmation purposes.

(3) The Association shall review the fire mitigation plan within five (5) business days from its presentation to the Department of Covenant Compliance. The Association will inform the submitting party if the plan is accepted as submitted or if further review with the plan's originating agency is deemed necessary. In the event further review is necessary, the Association will contact the originating plan agency to review the plan. Depending on the availability of the agency, their response time and allowing for a review of any revisions to the original plan, a final determination of the plan submission shall be made no longer than thirty (30) days from the original submission of the fire mitigation plan. In those instances where a fire emergency notice has been announced by Archuleta County officials, the Board of Directors of the Association will issue a waiver of the above stated fire mitigation procedures and permit the property owners within the Pagosa Lakes Property Owners Association to commence with fire mitigation on an immediate basis for their individual property during the duration of such an emergency period.

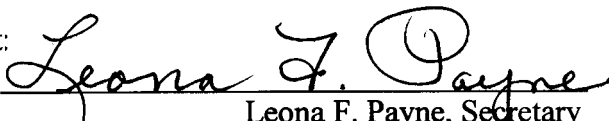
President's And Secretary's Certification: the undersigned, respectively being the President and Secretary of Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution 2005-22 was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 8 December, 2005, and in witness thereof, the undersigned have subscribed their names.

THEREFORE; BE IT RESOLVED Resolution 2005-22 was ADOPTED this 8th day of December, 2005 by the PLPOA Board of Directors.

Pagosa Lakes Property Owners Association, a Colorado nonprofit corporation,

By 

David Bohl, President

Attest:
Bv: 

Leona F. Payne, Secretary