

WRHOA Board Meeting Saturday, February 23, 2013
Monument Library
12:00 Noon

Meeting called to order 12:07

Attendance: Brian Freese, Jack Windeler, Ken Nord, Nancy Smith- Board members
Kathleen McCormick- Treasurer
Katherine Froehler, Lisa Gilbert, Jennifer Best, Joshua Gilbert, Pam Ponsetti,
Tim Ponsetti, John Celestre, Eric Doremus, Mike Criscito,
Pat Criscito, Cindy Dilks, Matt Shepherdson- Homeowners

Old Business:

Covenant Violation Hearing: Chickens/Chicken Coop on Roaming Drive See attachment prepared by Brian Freese concerning this hearing for a variance to a covenant which prohibits keeping poultry on any lot in Wissler Ranch.

Prior to the presentation, Brian asked the attending Board members for their views on voting a proxy given to him by Bruce Froehler, a Board member who was unable to attend today's meeting.

Katherine Froehler spoke to the Board about Bruce's position considering a variance.

Jack voted that Brian should not exercise voting Bruce's proxy as it is in his view doing so would violate "due process."

Ken voted that the proxy should be exercised as per Bruce's request. Ken had spoken with Bruce before the meeting and felt Bruce's decision on the variance was firm.

Nancy voted that Bruce's proxy should be exercised as per Bruce's request.

Brian proposed putting off a decision until after we heard Pat's presentation.

Presentation- Pat Criscito- see attached handout prepared by Pat Criscito

Pat presented to the Board her requests for a variance to allow her to keep her chickens and chicken coop. Pat noted she has had chickens on her property for the past 3 years. There was no time limit set for her presentation to the Board.

Brian thanked the Criscitos for their presentation and for being so forthcoming with the Board concerning this situation. He noted the Criscitos are responsible homeowners and per his observances, they have maintained their chickens in a clean and humane manner.

The Criscitos requested to keep 10 chickens on their property. Pat stated she has ten chickens on her property at this time.

Nancy addressed the differences between Colorado Springs ordinances and El Paso County ordinances....Wissler Ranch is not in Colorado Springs city limits...we are in the boundaries of El Paso County. It was noted the City of Colorado Springs permits ownership of ten chickens and El Paso County permits two chickens.

It was noted that our covenants prohibit fenced areas for livestock. Fenced in areas are permitted for pets, such as dogs and cats. Chickens are not defined as pets.

Section 4.7 Barns and Livestock Housing

No barn, shelter, corral, paddock, pen or fenced enclosure for livestock shall be permitted.

The Criscito's stated they regard their chickens as pets, not livestock. They further stated they did not know where their hardcopy of Wissler Ranch covenants was located and they were unaware the covenants were published on the Wissler Ranch website.

Jack noted that a decision by the Colorado Supreme Court pertaining to the right of owning chickens, does not override our well written covenants. Jack had spoken with our lawyer who reviewed our covenants prohibiting keeping chickens on any lot in Wissler Ranch.

Q&A from the Board:

Ken noted that it comes down to whether to grant a variance or not...it is clear that a covenant violation has occurred. If we grant this variance, where do we stop? Do we grant a variance for someone wanting to own a goat for milk? If others want chickens, how do we regulate restrictions and oversee to ensure proper maintenance/cleanliness/allowable number of chickens kept? What about the rights of neighboring homeowners?

Nancy asked Pat if she would consider canvassing the homeowners for a petition to change the covenant which prohibits keeping chickens in Wissler Ranch? It would take a vote of 67% of all homeowners to begin the process of changing this covenant prohibiting poultry being kept in Wissler Ranch. Pat agreed she would be willing, however, it would take time and she does not want to get rid of her chickens now.

It was noted by Nancy, in response to the Criscito's assertion that the "complaining" resident had to have violated their privacy by coming down their driveway to know they had chickens, the homeowner who heard the chickens cackling, did not, step onto their property. When Paul Smith, the Wissler Ranch homeowner, heard the chickens at 6:00 AM on his morning run, he was on the road. He inquired of the Board as to whether chickens were on the property and if so, was this going to be allowable? No formal "complaint" was lodged. A request to investigate was made. It was also noted that the chicken coop can be seen from Roaming Drive...however, the chickens have not been observed from the road.

After that, Ken called the Criscitos to investigate. Pat acknowledged that they had chickens.

Q&A from homeowners:

A homeowner asked about procedure....was this a done deal? Will a variance be granted? What about property values. Some who desire the option of owning chickens feel it would increase property values. Others who do not desire a covenant change allowing chickens, hold the view that chicken coops and chickens in our community would lower our property values.

If a variance were granted, how would the Board ensure standards are maintained (i.e., kept clean, manure disposed of, humane treatment of animals, number of allowable chickens adhered to by owners) ?

A homeowner asked the Criscitos what they do with the "unused" eggs produced by their chickens. Pat replied that she gives them away.

A homeowner noted that we have strict Water Rights Policy regulated by the State. It is specified our well water is to be used for household/landscape use only....not to be used to

water livestock. Pat questioned why watering our pets (e.g., dogs and cats) is then allowable. It was noted dogs and cats are classified as pets, which is allowable under the water policy...chickens are not. This is not an HOA policy, rather a State Water Rights policy. A homeowner argued that owning chickens actually saves water by composting waste.

Arguments FOR and AGAINST from homeowners: Agreed there would be 2 FOR and 2 AGAINST presented. A time limit of 2 minutes per speaker. Kathleen McCormick will keep watch of the time

AGAINST:

A homeowner stated that IF we grant this variance, where do we stop. We will find ourselves on a "slippery slope" when it pertains to granting further requested variances. What if someone has a milk allergy and wants to keep a goat for health reasons? Or what if they just want a goat? Or a different livestock animal which is prohibited by written covenants? It was noted that every homeowner receives a copy of Wissler Ranch Covenants at closing. We all, as homeowners, are aware of the agreed-to covenants at that time. If a homeowner wants to change covenants, there is a process in which to do just that. It was felt the WR Board should not be changing agreed to covenants nor giving variances for the wants of just some homeowners.

A homeowner views the Criscitos as wanting a change for only themselves, believing their position as "The wants and needs of one trumps the wants and needs of all". He felt their "perceived property value" is not the "perceived property value" of all homeowners and that this was a "blockbusting" attempt to change a written covenant for their own interests. There are 133 lots in Wissler Ranch... he felt all should be considered and have a voice if covenant/policy is going to be given a variance.

FOR:

A homeowner stated she would like the option of owning chickens. She stated most lots are at least 3 acres and that should be more than enough land to keep chickens without being a nuisance to neighboring homeowners.

A homeowner stated she felt this community was "afraid of change". She felt change is good and there is nothing to fear. Why not allow chickens in Wissler Ranch?

A homeowner stated she grew up with chickens and she saw nothing wrong with allowing chicken ownership in Wissler Ranch.

Brian voted "NO" to exercising Bruce's proxy, explaining he felt since Bruce would not be hearing Pat's presentation for further consideration of whether or not to grant a variance, "due process" would be violated. Because there was a 2 for and 2 against vote concerning using Bruce's proxy for a vote, the Board vote for consideration of a variance for the Criscitos will be delayed for another 2 or 3 weeks, at which time, the entire Board will meet. Wayne Gardner, Board member and DRC chief, was out of town and could not attend this Board meeting. A notice of the meeting will be posted at the Mailbox Structure informing all homeowners.

End of hearing for a variance concerning the chicken/chicken coop.

Katherine Froehler informed everyone that there had been recent robberies in the Kings Deer community, which is close to Wissler Ranch. The thief is said to approach a home, ring the door bell and is in the possession of a flashlight. If no one answers the door, he proceeds to break out the glass of the front door with the flashlight and robs the home. If someone

answers the door, he tells them he is lost. Please, homeowners, keep vigilant and observant of anything suspicious in our community. If you see strange cars, sitting alongside the road or driving through slowly and you suspect they may be casing out homes or even preparing to rob a home, please do not hesitate to call the sheriff. Mr. Criscito noted there is yet another scam happening. Someone delivers flowers to your door. They then say there is a "delivery charge" and they ask for your credit card. They will scan your card with a hand held credit card machine...they now have your credit card number and commit fraud using your credit. While this has not happened in Wissler Ranch to the best of our knowledge, be aware and cautious.

Ken Nord informed everyone that Wissler Ranch is indeed on El Paso County's list for road repairs this Spring!

At 1:42 Ken motioned for adjournment. Jack seconded the motion. Meeting adjourned.