

Policy of the Wissler Ranch Homeowners Association Regarding Policies and Procedures for Operation of Licensed Family Childcare and Other Daycare Businesses

SUBJECT: Adoption of a policy regulating the operation of childcare businesses within Wissler Ranch HOA and governing HOA accommodation.

PURPOSE: To adopt a uniform standard for operation of childcare businesses within Wissler Ranch and HOA procedures for considering accommodation other than that mandated by Colorado Statute consistent with the intent and provisions of the Declaration and Colorado law

AUTHORITY: The Declaration of Covenants, Conditions and Restrictions for Wissler Ranch ("Declaration"), Bylaws of Wissler Ranch Homeowners Association ("Bylaws,) Articles of Incorporation for Wissler Ranch Homeowners Association and Colorado law including the Colorado Common Interest Ownership Act (CCIOA) and Colorado CRS Title 26.5 Early Childhood Programs and Services.

EFFECTIVE

DATE: October 16, 2021

Rule. The following Rule has been adopted by Wissler Ranch Homeowners Association (the "Association") pursuant to Colorado law at a regular meeting of the Board of Directors.

Colorado Common Interest Ownership Act (CCIOA) 38-33.3-1206.5, C.R.S. states that despite any Covenant prohibiting childcare businesses or other business use, homeowners associations must allow operation of a licensed family childcare home. Therefore, Wissler Ranch HOA will allow family childcare homes to the extent required by law. The HOA will exercise its rights under the law and Covenants to ensure other HOA property owners can continue with quiet enjoyment of their property and to protect all homeowners from potential liability resulting from the operation of a childcare business operated within the neighborhood.

DEFINITIONS:

1. Licensed family childcare home. This has the same meaning as defined by Colorado C.R.S. Title 26.5, Early Childhood Programs and Services.
2. Childcare business as used in this policy shall mean a licensed family

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childcare home as defined by Colorado Revised Statutes. A business, for profit or non-profit; which cares for children other than the property owner's own children or grandchildren.

3. Board of Directors. The Board of Directors of the Wissler Ranch Homeowners Association.

4. HOA. The Wissler Ranch Homeowners Association.

5. Common Area. The real and personal property owned by the Wissler Ranch Homeowners Association to include the subdivision entrances, cistern plots, Mail Box Structure, ball field, walking path, play area, parking lot and all open lands.

6. Design Guidelines shall mean the design guidelines as adopted by the Board of Directors.

PROVISIONS:

WHEREAS, to the extent Article IV, Section 4.8 of the Declaration is unenforceable as to Licensed Childcare Business, the Association hereby adopts such rules to govern the operation of a Childcare Facility.

1. Childcare businesses may be operated on individual properties within the HOA to the extent Colorado state law requires associations to allow them. Childcare businesses not expressly required by Colorado statute are prohibited in accordance with the Covenants. This Policy does not apply to and is not meant to prohibit property owners from caring for their own resident or visiting children or grandchildren.

2. In order to minimize potential liability to all property owners which might result from the operation of a childcare business within the boundaries of the HOA, the HOA requires the property owner with a childcare business in operation on their property to obtain a liability insurance policy which names the HOA as an additional insured prior to commencing childcare business operations. This policy must be in the amount of \$3,000,000 per incident and \$5,000,000 in an aggregate as may be adjusted by the Board from time to time. The Association shall be primary to any other insurance the HOA may have. Minimizing potential liability risk to all other property owners will be the primary consideration in determining the amount of insurance required.

a. The property owner with a childcare business on their property will provide a Certificate of Liability Insurance annually concurrent with the renewal date of the insurance. This certificate must show the amount of insurance as determined by the Board, that the HOA is a named additional insured and that this policy is primary to any other insurance the HOA may have.

b. Failure to obtain and maintain insurance as determined by the Board is a Covenant violation and will be handled in accordance with the HOA's Enforcement

Policy.

3. In order to preserve all other property owners' right to quiet enjoyment of their property, the HOA will not authorize any variance from the Covenants if not expressly required by statute. In evaluating any accommodation or variance from the Design Guidelines or other policies as may be required by statute, potential impact to other property owners will be the primary consideration.

4. Changes, modifications, repairs, improvements, or additions to the exterior of a residence, garage or other structure and to landscape, hardscape, play equipment or play structures require the prior approval of the Design Review Committee (DRC).

a. Prior to authorizing any work on the property, the DRC will verify that there is no negative impact to other property owners from the childcare business and give particular consideration to immediately adjacent property owners. The potential for additional noise, the potential for landscaping to negatively affect the viewshed and the potential of nuisance from the location of parking areas or any other variance requested will all be considered.

b. Variations to the Design Review Guidelines requirements for fencing will be allowed to the extent necessary to obtain a license if it is expressly required by Colorado and El Paso County licensing regulations. No chain link fencing will be allowed unless it is expressly required by State or County statutes or regulation to obtain a license. If so required, chain link fencing must be coated with a non-reflective dark green or brown coating and must be screened from view on the front, back and sides by additional fencing which complies with the Covenants and Design Guidelines.

c. To protect other property owners' viewsheds and quiet enjoyment of their properties, only play equipment or playscapes which meet Design Guidelines and is of a size typically found on single-family residential properties will be considered.

- i. Playscape and play equipment must be located as close as possible to the residence on the property with the childcare business.
- ii. Playscapes and play equipment must be a minimum of 50 feet from the back and side property lines and may not be placed in front of the residence.
- iii. Multiple types of play equipment or playscapes will not be permitted on a single lot. All play equipment must be harmonious with the improvements.
- d. All use of audio-visual and sound equipment must comply with El Paso

County ordinances and the Covenants and must not interfere with other property owners' quiet enjoyment of their properties.

- i. Audio-visual and sound equipment may not be installed except on patios and decks that are attached directly to the residence.
- ii. No equipment that amplifies the human voice may be used except on patios and decks that are attached directly to the residence.

e. Artificial ground cover if desired must meet Design Guidelines and must mimic the natural earth tones of the Wissler Ranch woodlands and be no more than 1,500 square feet in total area. Artificial ground cover must allow for water drainage within the boundaries of the property.

f. Outdoor lighting must comply with Design Guidelines. To prevent light pollution, no variances to lighting requirements will be granted.

5. The Wissler Ranch Water Colorado Water Court Decree, Covenants and property owner's well permits govern use of well water on all properties. All property owner and childcare business needs, including inside domestic use and outside irrigation, must be met within the restrictions and guidelines of these documents.

6. Use of the Wissler Ranch HOA Common Area.

a. Participants/enrollees of a childcare business and their parents, guardians or caregivers, who are not residents of the HOA may use the Common Area when accompanied by the childcare business property owner or an employee included on the license of the childcare business.

b. Parents, guardians and caregivers of participants/enrollees may not park or congregate in the Common Area Parking Lot before or after childcare business hours. The Parking Lot may not be used as a staging area.

c. Portable equipment, such as soccer nets, may be used in the Common Area by the childcare business property owner or an employee included on the license of the childcare business but may not be permanently installed or left unattended or overnight.

d. Audio-visual and voice amplifying equipment may not be used in the Common Area.

7. Signs. The HOA's Flagpole, Flag and Sign Policy applies to childcare businesses. No commercial signs including a sign for a childcare business may be posted on an individual property. All other signs are subject to the Association's policy regarding signs. No signs other than those posted by the HOA may be posted on or in any part of the Common Area.

8. The HOA does not approve, authorize, administer, regulate, manage or endorse any Childcare business. If Wissler Ranch residents have questions about the operation of a Childcare business, they may contact the appropriate agencies: the Colorado Department of Human Services and the El Paso County Department of Public Health. Regulatory agencies may be contacted at:

a. El Paso County Department of Public Health - healthinfo@elpasoco.com

b. Colorado Childcare Licensing and Administration - cdhs_oec_communications@state.co.us

Supplement to Law. The provisions of this Rule shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

Deviations. There will be no deviations to this Rule.

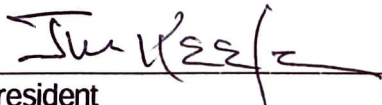
Violations. Operating a licensed family childcare or any other childcare business that does not conform to this policy is a Covenant violation and subject to the HOA's Enforcement Policy.

Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Wissler Ranch Homeowners Association, a Colorado nonprofit corporation, certifies the foregoing Policy 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 Oct XX, 2021 and in witness thereof, the undersigned has subscribed his/her name.

WISSLER RANCH HOMEOWNERS ASSOCIATION, a Colorado nonprofit corporation

By:  _____
President