

This draft document is the result of months of hard work by a CMR Board of Directors appointed task force of seven members with diverse views. This draft reflects many compromises and is the majority opinion of the task force and is not prescriptive to the Board. The task force will hand its work over to the Board in the near future; the board will discuss it and likely make changes. Ultimately, after several additional steps, the CMR Covenants must be approved by the membership (the Board does not have the authority to approve new covenants).

Covenants of Cedar Mesa Ranches

Cedar Mesa Ranches (CMR) is a residential community of discrete properties in southwestern Colorado, where owners highly prize its natural landscape – unencumbered views, forests, plants and wildlife, dark skies, and pristine environment. Lot owners strive to be good stewards of the land they live on. The community strongly favors privacy, quiet, an attractive neighborhood, and the protection of property values. CMR consists of 139 separate lots and tracts, ranging from fewer than 10 to more than 35 acres. All are subject to the laws of the state as well as Montezuma County.

These covenants are meant to balance these values for all residents – as well as the development’s close neighbor, Mesa Verde National Park, a world-renowned treasure among many nearby unique archeological sites – while also striving to be sensitive to private property rights. All new and prospective purchasers of property at CMR are to be given copies of these covenants.

Covenants are enforced by the board of the Cedar Mesa Ranches Homeowners Association (CMRHOA), an elected body of residents / volunteers who share these values. Covenants must be approved by at least two-thirds vote of all association members, with one vote cast per lot.

1. Definitions

- a. Campfire. An outdoor open fire or flame not contained in a barbeque or oven.
- b. CMR public access roads. The roads shown on the plat map and used by the community for access to their lots.
- c. Fire mitigation plan. The written or electronic document describing how individual lots and the subdivision will reduce the risk of wildfire, property damage, and injury. Community Wildfire Protection Plans are required by Colorado Senate Bill 09-001, Montezuma County Code 5101.3(G), and many homeowners’ insurance companies.
- d. Guest house. A secondary and separate housing unit or structure, with or without a kitchen, without direct entry into the primary residence. The total number of bedrooms of the primary residence and guest house shall not exceed the design-size of the septic system.
- e. Long-term rental. Rental of any room or structure for a period of greater than 30 days.
- f. Private driveway. The road or driveway belonging to and maintained by the lot owner, used to link the CMR public access roads and the residence.
- g. Primary residence. The largest residential structure on the property meant and designed to be used by the property owner as their residence or vacation home.

- h. Short-term rental. Rental of any room or structure for a period of 30 days or less.

PURPOSE AND USE

2. **Primary Residence**. The primary residence can be used as the owner's primary residence, vacation home, for compassionate care of a friend or relative, or long- or short-term rental of a room or whole house. Customer-facing commercial use and signage is prohibited (in Colorado short-term rental is not considered a commercial business). Use of the home for short-term rental is conditional.
 - a. Open fires and fireworks are prohibited.
 - b. Adequate off-road parking must be provided.
 - c. Quiet time from 10 p.m. to 7 a.m.
 - d. The property owner or a member of the family must live on the premises for a total of 60 days every year or seek a variance from the CMR Board of Directors.
 - e. When the primary residence is rented,
 - i. And the owner is not present, CMRHOA shall be provided with a 24-hour contact phone number of either the owner or the owner's representative.
 - ii. CMR shall be paid \$5 per car used by rental tenant per night with funds dedicated to road maintenance. Self-reporting will be by simple form and payable annually by April 30.
3. **Guest House**. Use of the guest house is for temporary non-paying friends and family of the owners, or for long-term compassionate care of a friend or relative. Rental of the guest house is prohibited.
4. **Ancillary Buildings**. No other structure other than the primary residence or guest house shall be used for guest or rental occupancy. A temporary camp, tent, or camper unit may be used for recreational purposes.
5. **Mining / Excavation**. Commercial wood harvesting, mining, and / or oil or gas production is prohibited.

BUILDING AND DESIGN

6. **Additional Subdivision**. Further subdivision of any lot in Cedar Mesa Ranches is prohibited.
7. **Conform with building code**: All construction must conform to the Colorado adopted International Residential Code, or IRC, as amended at time of construction. Homes built of shipping containers are explicitly prohibited. **BOD See endnote.**
8. **Limitation on Residential Buildings**. There shall be no more than one primary residence and one guest house per property. Two-family and / or multifamily dwellings are prohibited.
9. **Preservation of Natural Terrain and Drainage**. Development of lots shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil and trees (County Code 5103.1).
10. **Setbacks**. All buildings, accessory structures, and sewage disposal systems shall adhere to the following setbacks and design guidelines. (Required covenant)

- a. Buildings and accessory structures shall be at least 30' from the side and rear lot lines of each lot.
- b. Buildings and accessory structures shall be 110' from the edge of any CMR public access road (placement of engineered septic systems are exempt from this setback).
- c. Maximum height of any building or accessory structure shall be no more than 35' including chimneys.
- d. Fences shall be set back 30' from the centerline of all CMR public access roads.

11. Septic Systems. All septic systems are required to be designed and approved by an engineer licensed in the State of Colorado.

12. Views and Sunlight. Building and structures constructed in Cedar Mesa Ranches subdivision shall be placed to minimize undue obstruction of views and sunlight to existing primary dwellings on adjacent properties.

13. Roofing. Materials for roofs should be non-combustible and fire-resistant.

14. Construction and Demolition. Once the construction or demolition of any building has been commenced in CMR, such work shall be completed within two years, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergencies, or natural calamities.

15. Construction Trailers and Shipping Containers. A contractor trailer or shed for tool and material storage is permitted while the primary residence and / or guest house is under construction. A shipping container used for temporary storage is permitted *only* while the primary residence is under construction. Shipping containers for long-term storage are prohibited unless out of direct view of the road and /or adjacent neighbors.

16. Non-functional Vehicles. No motorized vehicle which is either non-operational or non-licensed should be kept or stored on any parcel, unless said vehicle is out of direct view of the public access road and / or neighbors or stored in a fully enclosed building.

17. Address Designation. Street address numbers at least four (4) inches in size must be posted and clearly visible at the point the driveway intersects the public road. (County Code 5103.3(B)(10)(c))

FIRE MITIGATION

18. County code and many homeowners' insurance brokers require fire mitigation. Cedar Mesa Ranches strongly encourages homeowners to follow the National Fire Protection Association and Colorado State Forest Service Three-Zone Defensible Space Guidelines for creating and maintaining wildfire defensible space around residences. The Zone requirements are as follows:

- a. Zone 1: 0-5 feet from the home. This zone is designed to prevent flames from coming in direct contact with the structure. Critical steps are:
 - i. Remove all flammable vegetation, including shrubs, mulch and other woody debris.

- ii. Prune tree branches hanging over roofs and remove all fuels within 10 feet of any chimneys.
 - iii. Use non-flammable materials such as rock, gravel, sand, concrete, etc. around structures and as a break between the structure and decks or walkways.
 - iv. Do not connect wood fences directly to the structure. Use a metal gate or other fence material to connect to the structure.
- b. Zone 2: 5-30 feet from the home. This zone is designed to greatly reduce fuel for an approaching wildfire, thereby lessening its intensity as it nears a structure and reducing heat damage. Critical steps are:
- i. Mow grasses to four inches tall or less.
 - ii. Create a minimum of 10 feet of space between individual tree crowns.
 - iii. Prune piñon, cedar, and juniper trees up 3 feet or 1/3 their height, whichever is less, and remove ladder fuels like flammable shrubs and grasses from under them.
 - iv. Remove dead and dying trees and shrubs.
 - v. Do not pile firewood in this zone.
- c. Zone 3: 30-100 feet from the home. This zone focuses on keeping an approaching wildfire on the ground, allowing direct attack by a firefighter hand crew. It also has direct benefits to maintaining good forest health near a home over time.
- i. Remove ladder fuels under individual trees. Clumps of 3-10 trees and shrubs can contain ladder fuels but should be separated from other individuals or clumps by at least 2-1/2 times shrub or tree height.
 - ii. Maintain tree crown separation of at least 10 feet outside clumps.
 - iii. Dead trees can be maintained as wildlife snags, but crowns should be at least 10 feet from other trees.
 - iv. Firewood can be piled in this zone but should be at least 10 feet from piles to trees or shrubs.
- d. Cedar Mesa Ranches is required by County Code 5101.3(G) to have a fire mitigation plan. CMR's Community Wildfire Protection Program (CWPP) and these covenants serve as our required fire mitigation plan. The CWPP found on the CMRHOA's website is highly recommended reading.

19. Fire Prevention Committee. Lot owners should agree to form a forestry and fire prevention committee within the Homeowners Association to promote and encourage fire mitigation measures.

NUISANCE, OUTDOOR LIGHTING, WEEDS, DOGS

20. Noxious Weed Control. Cedar Mesa Ranches provides noxious weed control along the public access roads as required by Colorado Law (CO Code § 35-5.5-112) and the Montezuma County

Weed Plan. Lot owners of developed lots can opt out of noxious weed spraying along their portion of the right-of-way but any owner opting out shall maintain their section free of noxious weeds. Lot owners are strongly encouraged to keep their lot free of noxious weeds. The County has the authority to inspect private lands for noxious weeds.

- 21. Lighting.** To protect the dark skies of Cedar Mesa Ranches, all outdoor lighting shall be the minimum amount of light needed and shall be of low intensity aimed downwards, preferably with bulbs not directly visible. Nuisance to adjoining landowners shall be minimized to the greatest extent possible. Overhead lighting is prohibited. Lower level (less than 30 inches), low intensity lighting will be permitted along walkways and the edge of a driveway. Decorative outdoor and “dusk till dawn” lighting is strongly discouraged. Holiday lighting is exempt from this provision.
- 22. Dog Control.** No dogs shall be allowed to roam free within Cedar Mesa Ranches. All dogs must be kept on leash or in immediate voice control when off the owner’s property. (County Resolution 2-2010)
- 23. Drones.** Due to nuisance, noise, livestock, privacy, and safety concerns, drones or any autonomously controlled craft are prohibited within Cedar Mesa Ranches subdivision. Professional uses (i.e., real estate listings, forestry and surveying) can be permitted with the approval of the HOA Board of Directors.
- 24. Nuisance and Hazardous Waste.** The burying or dumping of garbage, junk, trash, oil, petroleum, or other liquid or solid waste or littering of any kind on any lot is strictly prohibited.

ROADS AND EASEMENTS

- 25. Prohibition on Easement Conveyance.** No lot owner shall have the unconditional right to convey easements, partial interests and / or access rights-of-way to public or other private lands adjoining the subdivision. A lot owner may grant easement or right-of-way to adjoining lot owners with notification to the HOA.
- 26. Utility Right-of-Way.** Each lot owner grants to all other lot owners, easement for utilities along boundary lines and access to rights-of-way through the subdivision as shown on the plat survey map.
- 27. Road and Driveway Care.** Maintenance and plowing of the CMR public access roads shall be the responsibility of the Cedar Mesa Ranches Homeowners Association to the extent possible with annual dues. Driveways are solely the responsibility of the lot owner. Lot owners shall not create any obstruction in the CMR public access road (i.e., plow or pile snow in the public access road).

OTHER

- 28. Archaeological Discovery.** In the event an item of potential archaeological and /or historical significance, such as a Native American artifact, is found on a lot within the subdivision, the find should be reported to a non-profit organization that is dedicated to archeological preservation, research, and education. Items of significance should not be disturbed or removed from the site except by a qualified archaeologist.

- 29. Compliance with Covenants.** The Cedar Mesa Ranches Homeowners Association declares that all lots shall be subject to these covenants, restrictions, and easements. These covenants, restrictions, and easements shall inure to the benefit of the lot owners, their heirs, legal representatives, successors, and assignees.
- 30. Mandatory CMRHOA Membership.** Upon purchase, lot owners shall become members of the Cedar Mesa Homeowners Association and are required to pay annual dues. Only one lot owner per lot may vote on any CMR issue.
- 31. Enforcement and Legal Actions.** Violations of these covenants, restrictions, and easements may lead to enforcement and penalty imposed by the CMRHOA, or legal action by the owner(s) of any lot. Failure to enforce any of these covenants shall not be deemed a waiver of compliance. Any lot owner who violates any of these covenants shall be liable for reasonable attorneys' fees and legal expenses of any lot owner who is successful in legal pursuit of enforcement.
- 32. Revision of Covenants.** These covenants may be revised by a vote of at least 66-percent of all voting lot-owners and proper filing with the County Clerk.

Endnote: The task force's intent is that all residential structures "shall" conform to the same standards as stick-built or onsite construction fixed to a permanent foundation. The use of terminology such as factory-built, mobile, and modular is confusing to any reader who dives in. Some of this terminology (mobile home) is essentially obsolete. To the best of our current understanding, very generally, there are two sets of codes: the HUD Code and the International Building Code or IBC, (formerly the UBC). The IBC is further subdivided with the International Residential Code or IRC applying in this context. Colorado has adopted the 2021 IRC (unamended) as a minimum residential standard (<https://up.codes/codes/colorado> and confirmed by Janine Denny, Architect).

The "HUD Code" applies to (some) factory-built construction of a lower overall standard and built on a frame that can be repeatedly moved (previous characterized as "mobile homes") sometimes with axles and sometimes not. HUD Code homes can appear very luxurious but the build is to a lower standard, specifically snow and wind load.

But some factory-built construction conforms to the higher IRC standard (panel, most log homes, and some "modular."). These IRC factory-built homes are moved onsite on flatbed trucks or in containers and are sometimes confused with the pre-1997 "mobile homes" or HUD Code Homes. While it may be true that some IRC factory built homes are less expensive than stick-built homes, that does not mean they are inferior because once they are placed on a permanent foundation, they meet the same standard as a stick-built, on-site constructed home.