

Resolution of the Barton Creek Design Review Board

OPEN FIRE GUIDELINES

SUBJECT: A resolution for the Design Review Board (the “DRB”) to confirm its Design Review DRB Governance and Process guidelines for approval of outdoor barbecues, fire pits, and other open fires.

PURPOSE: The purpose of this resolution is to provide notice to the Barton Creek Owners of the DRB proposed adoption of guidelines for approval of open fires to reduce and or eliminate the causes of fire, prevent loss of life, property destruction, and to provide guidance on how these potentially devastating risks are managed within the community.

AUTHORITY: The Colorado Common Interest Ownership Act (“CCIOA”), the Nonprofit Corporation Act, the Declaration, and the DRB Governance and Process.

- CCIOA states that the Association may enact rules and regulations of the Association and exercise any other powers necessary and proper for the governance and operation of the Association. C.R.S. § 38-33.3-302 (a).
- The Declaration at §11.07(b)(i) provides that hazardous activities such as open fires should not be conducted in the community unless contained in a barbecue grill or fire pits approved by the DRB. Owners are entitled to use and enjoyment of their Lots free of nuisance.
- The Barton Creek Reserve Design Review DRB Governance and Process requires the DRB to review proposals for improvements to lots within Barton Creek Reserve and may amend its rules after changes are published for a minimum 2 weeks to the membership before the changes are effective.
- The Owners in Barton Creek Reserve at the annual meeting on June 15, 2022 discussed and generally supported strict regulation of open fires to protect the residents, improvements and forest in the community.

EFFECTIVE: Upon Approval by the DRB following the 2 week period for review and comment by the Owners.

RESOLUTION: The DRB hereby adopts the following policy and procedure subject to:

- Definitions: Unless otherwise defined, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
- Compliance with Law. The provisions of this Resolution comply with the provisions of the Declaration and the law of the State of Colorado governing the Association.
- Deviations. The DRB may deviate or grant variances from any provision of this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- Amendment. The DRB and the Association Board may amend the rules in the future.

ARTICLE I
Revision to Section 7

Section 7 of the Barton Creek Reserve Design Review DRB Governance and Process is amended to add the following new Section 7 g, 7 h, and 7 i.

Section 7. Criteria for Approval. The DRB shall approve any proposed Improvement to Property only if it deems, in its reasonable discretion, that the following Criteria are adhered to:

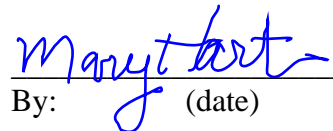
- a. Improvement to Property in the location indicated will not be detrimental to the appearance of the surrounding areas of the Barton Creek Reserve Community Area as a whole;
- b. that the appearance, exterior design, materials and colors of the proposed Improvement to Property will be consistent with the surrounding areas of the Community Area and adjacent lots;
- c. that the Improvement to Property will not detract from the beauty, wholesomeness, and attractiveness of the Community Area or the enjoyment thereof by Owners;
- d. that the proposed construction is appropriate in light of the soils, slopes and other physical aspects or conditions of the site;
- e. that the design and location of the Improvement to Property will minimize the visibility of such Improvement to Property from adjacent roadways and neighboring sites; and
- f. that the proposed changes in topography, if any, do not adversely impact adjacent and surrounding sites and the Community Area as a whole.
- g. *that a proposed barbecue, fire pit, or similar structure for any open fire will;*
 - i. *be of a type where no fire shall exist, unless completely contained in an approved barbecue or pit style device and capable of complete cover to permit containment of the fire;*
 - ii. *such device shall additionally possess a spark arresting lid or cover*
 - iii. *for approval to be granted the applicant agrees that the fire shall be at all times constantly attended by a responsible adult*
 - iv. *the applicant further agrees that a charged garden hose and a portable fire extinguisher with a minimum 2A-10B:C rating and both will be available for immediate utilization*
 - v. *such applicant shall have obtained any required burn permit from the Red, White and Blue Fire Protection District prior to submitting an application to the DRB for consideration;*
 - vi. *use of the approved device shall at no time violate Section 11.07 Nuisances, Hazardous Activities and Unsightliness of the Declaration.*
placement of the approved device shall be located in an area consistent with guidelines for defensible space in Lot Zone 1 of the Forest Management Plan, found in Exhibit C of the Declaration; the location of the shall be at least 50 feet from any property boundary.
 - vii. *Natural gas or propane BBQ grills with covers are permitted.*
 - viii. *use of the approved device is not allowed when the fire danger is VERY HIGH, EXTREME, during a Fire Weather Advisory, during a Red Flag*

- Warning, or when there are fire restrictions in place by the State or County that would prevent the operation of the device.*
- h. the burning of slash piles is strictly prohibited.*

CERTIFICATE

The undersigned Chair of the DRB certifies that the above and foregoing clarification of its Design Review DRB Governance and Process guidelines was duly adopted by the DRB of the Association on March 28, 2023, 2022.

Design Review Board
Barton Creek Reserve Homeowners Association,
a Colorado nonprofit corporation.

 3/28/23
By: _____ (date)
Barton Creek Reserve DRB Administrator