

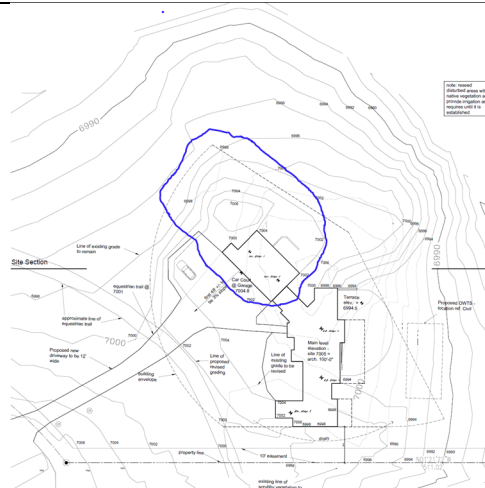
**Stirling Ranch Property Owners Association
Design Review Board Meeting Minutes
Monday, May 19, 2025 at 2:00 p.m.
Zoom**

Call to Order	The meeting was called to order by Angela Loughry at 2:02 p.m.
Attendees:	Present for the entirety of the meeting:
	Tony Enea, DRB, lot 8, 403 Skipper Drive
	John Reohr, DRB, lot 10, 704 Skipper Lane
	Kara Byrne, DRB, lot 22, 248 Skipper Drive
	Angela Loughry, Architect Consultant for DRB, 970-963-9720
	Sandy Rhodes, Lot 6, 407 Skipper Drive, Stirling Ranch POA board chair
	Present for the lot 12 discussion:
	Rick Neiley, attorney for owner of lot 13, 486 Schooner Lande
	Mac McShane, lot 13, 486 Schooner Lane
	Cynthia Clavin, lot 13, 486 Schooner Lane
	Michael Doyle, Architect for lot 12, 970-379-1010
	Susan Oshana, lot 12, 582 Schooner Lane
	Curtis Kaufman, lot 11, 716 Schooner
	Gary Manchester, lot 26, 800 Schooner (not present, sent email comment)
Lot 12, 582 Schooner Schematic design Review	Angela summarized where the DRB was in the process: Home is in the first step of a two-step process – schematic review. Plans received in December. Story poles placed and met April 21, 2025. Changes requested at that meeting. New plans and elevations for this meeting with new story poles. Building corners and tree removal has not been changed on site yet.
	<p>Michael Doyle summarized changes since last meeting</p> <ul style="list-style-type: none"> • Home moved to the property line with lot 11 (down valley) to be right against the 25' set back • Master deck redesigned to allow for this alignment • Bay window removed from garage • Garage roof changed from a simple gable to a gable on hip decreasing length of garage roof as seen from road. • Dormer added on back side of the garage roof for vertical circulation. • Space above the garage (future buildout) decreased in size by 100 sf. • A landscaped berm was added between home and lot 13. The top of the berm is the top of the ridge and trees that are initially 10' tall and will grow 2' a year will be planted on top of the berm. This will have an initial tree top height of 7016'

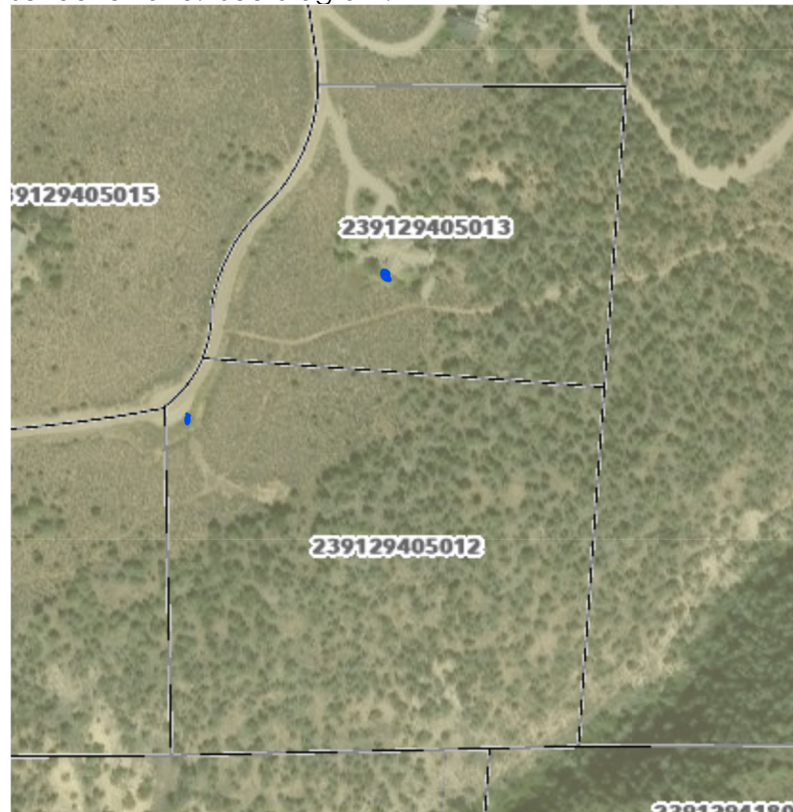
	and will block a significant portion of the garage whose lower roof line is 7015' and ridge is 7027'.
	Tony wanted clarity on marking of corners of building and tree removal. Angela clarified that the story poles have moved but not building corners and flagged trees for removal have not been updated.
	Michael clarified that he is in receipt of the tree removal guidelines and he and the Oshana's will work to minimize tree removal.
	<p>Curtis Kaufman made the following points</p> <ul style="list-style-type: none"> • He appreciates the redesign of the garage so the mass is less when viewed from the road • He did not appreciate the home being on top of the ridge and the removal of all trees from ridge top. This varies from other home designs on Schooner lane that are downhill and low when viewed from the road • Advocated for moving home behind ridge as seen from Schooner Lane • Later in the discussion, trees will be removed, but remove the trees the neighbors can't see. • Later in the discussion noted that the location behind the ridge to be closer to lot 11 (septic area). Some locations behind the ridge are more in the view plane of lot 13.
	Michael rebutted that the building envelop was given to them as part of the property record. Grade increases to the south. He doesn't see flat spot.
	<p>Cythia noted the following (in addition to letter attached)</p> <ul style="list-style-type: none"> • A 3d rendering showing the proposed home with topography and trees would be helpful. • There are 100-year-old trees on the ridge that should be protected. • While she understands that there was an assumption of a building envelope, since that envelope is not recorded there are 10 acres on the lot to build on. When asked if they project should be built closer to her lot the answer was vague. • Does not think lowering the garage would help if the trees are removed. • Wanted to understand what parts of the design guidelines the DRB is looking at. (see response from Tony below) • Asked that the architect walk the site to understand the areas that neighbors believe are more suitable for building.
	<p>Rick noted the following. See full letter attached</p> <ul style="list-style-type: none"> • Building a 25' high garage on top of the highest point on site is completely not within the design guidelines. • The garage should be moved • Or the Second story should go
	<p>Mac noted the following</p> <ul style="list-style-type: none"> • The home is located in the worst location on the site for their view

	<ul style="list-style-type: none"> • Clearcutting of a the ridgeline is not in keeping with the design guidelines • He completely disagrees with Angela, Tony and John when they stated that the home does not block the Sopris view.
	Michael offered that the home can be lowered 2'. Anything more creates a drainage problem for the home.
	Tony noted that he spoke with Greg Manchester that sent an email to the DRB (attached) and also expressed concern about building on the ridge. He offered that the ridge may be more rocky and expensive to build than behind the ride and would be more windy.
	Michael noted that they have a soils report from the ridge location and did not find significant rocks where test pits were placed.
	<p>Tony stated his comments</p> <ul style="list-style-type: none"> • The aesthetic of the home is pleasing and fits well with the Stirling Ranch community and meets most of the design guidelines. • He appreciates the changes that lot 12 made since the last meeting • He is concerned that not enough trees are being protected by the design and wants to find more tree protection. • If the applicant wants to explore moving the home behind the ridge it would be beneficial for all, but it is unclear the viability of that move. • He states the DRB has taken into account the design guidelines and the project meets many of the guidelines. Some guidelines such as preservation of view corridor, minimizing impact to neighbors, and fitting within the environment require DRB discretion and does not mean that a home is not visible from another home or that no trees are cut or grading is changed. • Are fewer old trees in place further to the south – Angela and John said no. Old trees are all over the site. • The applicant has the opportunity to decide what makes sense for them without completely redesigning the home.
	Angela showed an image from lot 13. The story poles are indicate that home will not affect the Sopris view. The view from lot 13 will be side elevation of the garage. If the home is moved back, the garage will be more in the Sopris view.
	<p>Kara had the following questions</p> <ul style="list-style-type: none"> • Can the home be mirrored • Can the home be shifted to the septic location • She noted that a 3 d rendering would be helpful for her • She wonders if the space above the garage can be located elsewhere in the home.
	<p>Michael noted</p> <ul style="list-style-type: none"> • Flipping the home would only bring the master bedroom onto the high point of the ridge. That roof is lower than the garage roof but not significantly. • The shift to the septic location has many design implications and he cannot say without discussing with his client. • A longer and maybe winding driveway is needed to get to a lower elevation.

	<ul style="list-style-type: none"> Putting area above the garage elsewhere would require an increase in the home footprint. He noted that the septic location is a greater natural slope than the current home location.
	<p>John had the following comments</p> <ul style="list-style-type: none"> He appreciates the current design and thinks it is pleasing The garage is not blocking the view of Sopris. He thinks the current design and location can be further mitigated by retaining existing trees and careful design of a berm. Retaining trees is the main concern He would appreciate the offered 2' lowering of the home He is intrigued by a secondary location (septic site) but it is unclear if it is viable. Cautions requiring a smaller garage or lowering of garage ceiling as 10' garage doors and lots of garage space help homes to store toys and vehicles inside as required in Stirling Ranch The home is using 4286 sf of the allowed 7500 sf plus ADU on the lot. It is modest home size that is well designed.
	<p>Susan asked questions about the trees</p> <ul style="list-style-type: none"> Do existing trees need to be watered the whole time construction is going on – no Are the root invasive to foundation and cause foundation uplift – no Where do roots go – roots go deep rather than wide. Typical practice to not disturb anything within the drip line of tree.
	<p>The following motion was made:</p> <p>Discussion tabled until next meeting pending more information. Applicant to look at saving trees, softening the garage by lessening the height or planting more trees or moving home to another location on the site-preferred septic area.</p> <p>Moved by Tony, Seconded by Kara, Passed unanimously</p>
	<p>The following deliverables are expected at the next regularly schedule DRB meeting:</p> <ul style="list-style-type: none"> Locate trees over 4" diameter breast height on the survey and indicate which to be kept and removed on the site plan. Mark trees to be removed on site If necessary, the trees to be documented can be limited to the blue area on the following diagram



- Strongly recommend that a 3d computer rendering with topography and trees rendered with views from the deck of lot 13 and from where the proposed lot 12 driveway hits schooner lane. See diagram.



- Stake all home corners of the garage
- Move or modify story poles if changed
- Exploration of septic design site

The next meeting will be on June 16, 2025 at 2:00 via zoom.

Lot 6 tree removal	
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Sandy explained he has two dead trees one outside the 30' defensible space line. What does he need to do.

	Dead tree removal is at discretion of the DRB. Tony confirmed after the meeting that the trees are dead. No tree replacement or other action needed. Trees may be removed.
Adjournment	Meeting adjourned at 4:00.

From: John Reohr <jreohr@comcast.net>
Sent: Monday, May 19, 2025 8:49 AM
To: Kara Byrne; angela confluencearchitecture.com
Subject: Fwd: Lot 12 DRB Review

Begin forwarded message:

From: Gary Manchester <gmanchester@lastridgev.com>
Date: May 19, 2025 at 8:38:55 AM MDT
To: JREOHR@comcast.net
Cc: Tony Enea <tonyenea@gmail.com>
Subject: Lot 12 DRB Review

John and Tony –

As a builder and an owner in Stirling Ranch, I'd like to give my 2 cents on the location and plans to build on Lot 12 in Stirling Ranch.

I walked the site over the weekend and have seen the newly moved story poles for locating the new house. My first impression waswow, that's a lot of trees coming down and a LOT of rock work. From my experience building on my lot, I know how difficult and expensive it is to carve into this basalt rock. I also know how costly it can become to replace the trees and attempt at blending the house into the landscape.

For costs alone, I would be building this house over the top of this ridge and taking advantage of building on a much flatter bench that is located just over the top of the ridge with the story poles. This flatter location would be a lot less expensive as it would not have so much basalt rock removal and result in a much faster build potentially saving a lot of time and money.

Also – it would be much less visible from Schooner roadway. The one thing that may be getting overlooked besides the difficulty building on the rock ridge, is the amount of wind that we get in Missouri Heights. If this house was placed over the top of the ridge, there is a much less windy location with incredible views that I'd be taking advantage of.

This location would save a lot of trees, potentially cost a lot less, would not impact neighbors views, and be located in a less windy location.

Thanks for you consideration and efforts on the DRB.

Gary Manchester
800 Schooner Lane
Last Ridge Development Corp
gmanchester@lastridgev.com

720-670-8129

Stirling Ranch Design Review Board

Stirlingranchdrb@gmail.com

To: Tony Enea, Kara Byrne, John Reohr, Sandy Rhodes (Board President), and Angela Loughry (Architect Consultant)

Date: May 18, 2025

Dear DRB Members, Sandy, and Angela,

We understand that the owners of Lot 12 and their architect originally designed their house to fit within what they thought was their building envelope. Since this initial design was proposed to the DRB, it has been determined that no building envelope exists for Lot 12. This means that the owners and their architect have multiple options, on their 10 acres to design and place their home, providing it complies with the DRB guidelines. This was discussed in an April 22, 2025 meeting, with the DRB, the owner, her architect and ourselves. Our hope was that the architect, Michael Doyle, and Susan, the lot owner would seriously consider their options for relocating the home, while also mitigating the significant negative impact on us and Stirling Ranch community as a whole.

The proposed changes offer little to no improvement in addressing the substantial harm this project would inflict—particularly the clearcutting of century-old trees along the ridgeline and the construction of an oversized three-car garage just four feet below the high point of the lot. This garage alone would require raising the existing grade and replacing mature trees with a highly visible building mass. It is unclear if the architect and owners of Lot 12 do not understand what is required here, with respect to the DRB Guidelines. Or if the DRB has not been adequately explicit.

Given the current circumstances, we requested a legal opinion from our attorney, Rick Neiley. His memorandum (attached with this email) clearly outlines how the current proposal violates multiple provisions of the DRB Guidelines and explains the legal obligations of the DRB and HOA to enforce them.

We believe there are still several practical and reasonable options to explore as has been pointed out by us, several other neighbors, and Rick Neiley in his Memo. As Mr. Neiley noted in his memo, "The proposed location of the building, and in particular the garage, require the removal of numerous large, native trees in direct contravention of the Design Guidelines. It is obvious that those trees could be saved by moving the building further to the south and west even while staying with what the architect described as the building envelope he relied on. Perhaps most importantly the DRB can require, indeed in this case must require, a reduction in the height and mass of the garage and the relocation of the building, even if this requires a redesign of the buildings." Reducing the height and footprint

of the garage, and shifting its location lower on the lot, could dramatically reduce the visual and environmental impact without requiring a complete redesign. These alternatives have not been seriously pursued and deserve more careful consideration before approval.

The true impact of the proposed structure continues to be obscured by the lack of a 3D rendering showing what this house would look like in its current location. A rendering would give the DRB and neighbors a clearer understanding of the design's massing, elevation, and disruption to natural sightlines. Without that, it would be helpful to re-stake the corners of the house, place story poles (especially at the garage corners), and re-mark the trees slated for removal. None of these actions have been taken since the redesign.

Just because there was an early assumption that the house must be located in a specific place on the lot—which we now know is not the case—does not mean a design with this scale and impact must be approved. Nor does it mean the DRB is free to ignore its duty to enforce the community's Guidelines, which explicitly require that all new construction:

- "Protect the ecosystem to the extent possible,"
- "Minimize the visual impact of site development on neighbors,"
- "Preserve the view corridors."

Whether or not affected neighbors speak up, the DRB is still obligated to uphold these standards in order to protect the long-term interests of the community. If built as currently proposed and without meaningful changes, this home will block our view from multiple points in our home, remove mature trees that frame that view, and replace them with the substantial mass of a large garage. The impact on our view corridor and property value will be significant and permanent.

In addition, approving this proposal without significant revision sets a precedent that the DRB Guidelines are not enforceable, which will have long-lasting implications for future development across Stirling Ranch.

We appreciate your time and your commitment to the integrity of our community. Thank you for your thoughtful consideration of this important matter.

Sincerely,

Mac McShane and Cynthia Calvin

486 Schooner Lane

Carbondale, CO 81623



MEMORANDUM

Date: May 16, 2025
To: Mac McShane and Cynthia Calvin
Re: DRB Guidelines – Preliminary Plans for 582 Schooner Lane

In response to your concerns and objections regarding the preliminary plans for a residence on Stirling Ranch PUD Lot 12, to the southwest of your lot and home, I have reviewed the Design Guidelines, the lot owner's submissions to the Design Review Board (the "DRB"), your correspondence to the DRB, and the minutes of the April 21, 2025 DRB meeting. I have also reviewed photographs you provided and observed the story poles erected at the development site.

Based upon the plans as submitted, even with the minor modifications dated May 11, 2025 that move the residence and garage slightly to the south and slightly modify the roof design for the second story of the garage, it is apparent that approval by the DRB would violate the Design Guidelines and the legal responsibilities of the DRB and HOA.

The Design Guidelines.

As you know, there are three overriding purposes and requirements articulated in the Design Guidelines: the preservation of view planes; the minimization of negative impacts on neighboring properties; and the preservation of Stirling Ranch's unique environment, land forms, and existing landscape and vegetation.

The Design Guidelines are specific in identifying these requirements. The Design Guidelines reference preservation of view plains and minimization of negative impacts on neighboring properties at least eight times; preservation of the environment, natural land forms and vegetation are referenced at least another eight times.

The Stirling Ranch Design Guidelines repeatedly emphasize:

"Special attention shall be given to reviewing the site plan and its impact on the neighbors."

"The underlying goals of these Guidelines are to:

1. Protect the natural ecosystem to the extent possible.
2. Minimize the visual impact of site development on roads and other homesites.
3. Preserve the view corridors."

“Structures shall be designed to minimize visual impact... The goal is for each home to blend into the topography and vegetation of the site.”

“The standards set forth below are intended to allow maximum flexibility in design while minimizing each home’s visual and environmental impact on its site and on neighboring homes.”

“Building massing must follow the natural contours of the site, with care given to minimizing impact on neighboring homes. Large, unarticulated masses or masses that appear to “float” above the land are discouraged.”

“Existing vegetation is considered an asset to the Lot and should be preserved to the extent possible.”

“Building forms shall follow the natural topography. Designs shall minimize grading and the removal of existing vegetation and trees.”

“Every Lot at Stirling Ranch has its own unique land form, features, and character. Whenever possible, these features should be preserved and reinforced by any level of construction and design. The objectives are to fit the improvements to the site in a way that leaves the natural features of Stirling Ranch intact, treating buildings and roads as an integral part of the site.”

"The Design Review Board will work with Owners and their design team to assist them in developing the best design solutions... To this end, the DRB may recommend modifications to site plans, architectural design, and landscape proposals to promote and enhance the design goals and objectives of Stirling Ranch." (Section B, page 2)

The Design Guidelines are comprehensive and detailed as to their purpose and requirements, especially as they relate to protecting the aesthetic values of neighboring properties from the negative impacts of new development on view planes and alteration to the natural environment.

The existence or establishment of building envelopes does not in any way alter the mandates of the Design Guidelines. Within a building envelope, the proposed improvements must still fully comply with the protections of the Design Guidelines.

Legal Requirements (Briefly)

The law regarding protective covenants and design guidelines is well established.

It is no secret that housing today is developed by subdividers who, through the use of restrictive covenants, guarantee to the purchaser that his house will be protected against adjacent construction which will impair its value, and that a general plan of construction will be followed. Modern legal authority recognizes this reality and recognizes also that the approval of plans by an architectural control committee is one method by which guarantees of value and a general plan of construction can be accomplished and maintained.

A homeowners' association has a fiduciary duty to homeowners to enforce restrictive covenants.

"This duty has been imposed in recognition of the power held by the homeowners' associations, the quasi-governmental functions they serve, and the impact on value and enjoyment that can result from the failure to enforce covenants." *Colorado Homes, Ltd. v. Loerch-Wilson*, 43 P.3d 718, 722 (Colo.App. 2001). A homeowners' association must use its authority to enforce protective covenants in good faith and in a reasonable manner. *Wilson v. Goldman*, 699 P.2d 420, 424 (Colo.App. 1985).

Restrictive covenants that require property owners to have building plans approved by an architectural control committee have been recognized as "one method by which guarantees of value and general plan of construction can be accomplished and maintained." *Rhue v. Cheyenne Homes, Inc.*, 168 Colo. 6, 449 P.2d 361 (1969). An architectural control committee acts not only to prevent construction of buildings that would violate a general plan of construction but also acts to assure property owners, through approval of building and site plans, that their plans conform to that scheme.

"A refusal by an architectural control committee to approve plans must be reasonable and made in good faith and must not be arbitrary or capricious." *Rhue, supra* (emphasis added). The question of reasonableness and good faith is also the standard applicable in reviewing the approval of plans by an architectural control committee. *Rywalt v. Writer Corp.*, 34 Colo.App. 334, 526 P.2d 316 (1974).

The DRB, thus, cannot ignore or disregard the express provisions of the Design Guidelines, even if the result is a refusal to approve the preliminary plans. The paramount concern is not the lot owners desire to build a specific residence, but the preservation of neighboring properties' view planes and minimization of negative impacts from development.

Conclusion.

There are several features of the proposed development on Lot 12 that unequivocally violate the Design Guidelines. Placing a 25' tall, 2 story garage on the highest point on the lot directly in your view plane of Mt. Sopris is certainly the most egregious. The garage site and "car court" would actually be built up in places with fill to establish a level site. It would be hard to imagine a structure that would appear to "float above the land" to any greater degree. The proposed modification to the roof design does nothing to alter the impairment of views from your property as you see the northeast elevation that is not modified. The proposed landscaping, which is actually not proposed to be installed at the same level as the garage, will be several feet below that level and would barely conceal a third of the massive garage structure. Moving the building slightly to the south does not diminish its impact on your view plane and may actually move the building further into the site line to Mr. Sopris.

The proposed location of the building, and in particular the garage, require the removal of numerous large, native trees in direct contravention of the Design Guidelines. It is obvious those trees could be saved by moving the building further to the south and west, while still staying within what the architect described as the building envelope he relied on.

MEMO

Mac McShane and Cynthia Calvin

May 16, 2025

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Perhaps most importantly the DRB can require, indeed in this case must require, a reduction in the height and mass of the garage and the relocation of the buildings, even if that requires a redesign of the building. The purpose of a preliminary review of the plans is specifically to address and eliminate violations of the Design Guidelines. The DRB clearly has this authority and its fiduciary obligation to you requires the rejection of the plans.