



Fox View Estates Homeowners Association  
4360 Fox View Loop  
Helena, MT 59602

### **2023 Amended Fox View Estates Voting Ballot Comments and Results 11/1/2023:**

- Number of votes necessary to determine a quorum: majority of the lots eligible to vote, 50% of 41 = 20.5 - **21**
- Number of votes necessary to determine non-CCR items – simple majority of votes presented (50% of 28 = 14 + 1) - **15**
- Number of votes necessary for CCR amendments (Q9-Q10) – 27 actual/eligible to vote is 27; to pass must have 2/3 of eligible votes of 38 lots with dwellings eligible to vote or **25 to approve** an item.

**Q1** Please insert your email. Only one email per lot for voting. Answered/Verified: 28

**Q2** Insert your lot number and street address Answered/Verified: 28

- **Quorum – 28 Ballots submitted; verified**

#### **Q3 - Approved (28-0)**

APPROVAL OF 2022 ANNUAL MEETING MINUTES

Comments:

- Very thorough. Thank you.

#### **Q4 – Rejected – of 28 votes, 12 approved and 16 rejected**

“Definition of “all other types of Recreations Vehicles” in Section 7 RECREATIONAL VEHICLES. “All other types of Recreations Vehicles” as used in Section 7 RECREATIONAL VEHICLES of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall include camping trailers, fifth wheel trailers, park trailers, travel trailers, camping trailers, truck campers where camper is off the truck, boats and other watercraft that are not considered vessels, Class A, B, or motorhomes, and any oversized vehicles.” This is the definition presented at the 2022 HOA meeting, but a vote was not taken because the library closed, and we had to conclude the meeting. A committee has since worked on this topic and has proposed several CCR language changes. So, this 2022 definition is now outdated. Following legal review, the committee-proposed CCR language changes will be available for consideration by the HOA.

Comments:

- The intent of this section is to prevent riding motorized vehicles off road. The clarification does not meet with the intent of the section.
- This was not discussed enough
- Definition is okay, exception is camping trailers are listed twice, and should read "Class A, B, or C motorhomes...."
- Looking forward to seeing the new language after legal review is complete!
- I still think there needs to be some discussion on this and some time lines set.
- You missed Class C motorhomes.
- A formal working group has been working on this definition and proposed CCR language for homeowner discussion, review and voting. We need to see the results of the working group before voting on this type of item.

**Q5 – Approved – of 28 votes, 20 approved and 8 rejected**

Definition of “displayed” in Section 8 SIGNS AND BILLBOARDS. “Displayed” as used in Section 8 SIGNS AND BILLBOARDS of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall mean mounted on one (1) post or pole of appropriate size for the sign panel and will not block, obstruct, or inhibit the entrance or exit of an easement access.

Comments:

- Would like to have a discussion as to why this was included. Has this been an issue?
- Realty signs usually have two posts...

**Q6 – Approved – of 28 votes, 18 approved and 10 rejected**

Definition of “other goods” in Section 10 CHATTEL STORAGE. “Other goods” as used in Section 10 CHATTEL STORAGE of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall include utility trailers (open or closed), vessels, large storage pods such as U-Haul pods or Rent a Box, and water tanks.

Comments:

- "Vessel" is ambiguous. Does that mean a boat? A large urn?
- to broad a definition
- I think the word 'chattel' needs to be replaced with specific items. Chattel actually means "any moveable object" and would include anything movable; trampoleans; flower pots, outdoor furniture and the list could go on and on.
- As issues occur, it is important to refine definitions from prior covenants, conditions and restrictions as some homeowners appear to deliberately push the boundaries of what constitutes the original intent of the CCR documents.

**Q7 – Approved – of 28 votes, 17 approved and 11 rejected**

Definition of “noxious weeds” in Section 12 MAINTENANCE OF IMPROVEMENTS AND MAINTENANCE AND LANDSCAPING OF LOTS. “Noxious Weeds” as used in Section 12 MAINTENANCE OF IMPROVEMENTS AND MAINTENANCE AND LANDSCAPING OF LOTS of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall include non-native plants that are considered invasive. This includes but is not limited to the Common Dandelion (*Taraxacum officinale*) that can easily spread to a neighboring lot or parcel.

Comments:

- Dandelion is considered a nuisance weed. Lewis and Clark County and the State of Montana noxious weed list do not include dandelion.
- Include Russian Thistle (*Salsola tragus*) please.
- Would approve if not for dandelions. Dandelions are almost impossible to eradicate. My concern is one of the more radical homeowners will use this as an excuse to harass the board and/or neighbors.

**Q8 – Approved (27-1)**

Roads - FVE Board recommends continuing annual crack filling and re-assessment in 2025.

Comments:

- Do not chip seal again a waste of money do your reseach don't go by what you are being told
- Appreciate the board being proactive and having the road inspected by a qualified engineer.

**Q9 – Rejected – of 28 votes, 18 approved and 9 rejected: 1 invalid vote**

Part 1 - Adds clarifying language and removes reference to detached garages and outbuildings, which are covered in Part 2, Question 10. Proposed language to change Section 2 of the CCRs to read as follows: Section 2. Building Type: a. Dwelling. The dwelling shall have not less than thirteen hundred (1300) square feet, including the walls of the house proper, ~~by be exclusive of~~ but not including the footage of any open porches, pergolas, attached garages, car ports, basement and balconies. No dwelling shall exceed twenty-four (24) feet in height above finished ground contour, to the mid-point of the gable and excluding daylight basements. ~~If there are detached garages or outbuildings with more than one story excluding the basement, the ground floor shall have an area of at least 1050 square feet. Roof lines and external building materials must be similar materials and walls may not exceed ten (10) feet.~~ No dwellings which are commonly known as “mobile homes” or “trailers” whether “single-wide” or “double-wide” or any other nature, or which are defined as “manufactured housing” by Federal law or regulation, and regardless of whether the same are on wheels or permanent foundations shall be allowed. No factory fabricated or “modular” homes shall be allowed. All dwellings and/or improvements to be erected on any parcel or lot, regardless of the type or nature of the dwelling or structure being designed or erected, shall be fully completed within (1) year from the date of commencement of construction, and all building materials and other equipment normally used in the construction of said structure shall be completely removed from the premises within said period of time provided. However, the interior finishing may extend beyond this period so long as there are not building materials and other equipment used for the purpose of construction and erection stored on the premises beyond the one (1) year period of time herein designated. No structures of temporary nature, and no trailers, mobile homes, motor homes, set together or expanding trailer houses, basements, camper trailers, pickup campers, tents, shacks, barns, garages, or outbuildings shall be used upon the property or any parcel or lot at any time as a residence or for the purpose of human habitation or for camping, either temporarily or permanently. No old buildings, whether intended for use in whole or in part as a residential dwelling, garage, or other outbuilding, shall be moved upon the property or any parcel or lot thereof. Please vote on Part 1 then proceed to Part 2.

Comments:

- No 14 foot walls this is in for the hertzog's who are in violation
- CCR for this section as it currently exists is ambiguous. Proposed language is much clearer.

### **Q10 - Rejected – of 27 votes, 15 approved and 12 rejected**

Part 2 - Adding Detached Garage and Outbuilding language. Proposed language to change Section 2 of the CCRs to read as follows: b. Detached Garage and Outbuilding. Two (2) detached outbuildings are allowed per lot. One larger garage or outbuilding and one smaller shed or greenhouse structure. Care shall be used in the location of these buildings to consider neighbor and street views. 1. Detached Garage. A detached garage is characterized as a building with up to 1200 sq feet on the ground floor that has matching architectural design, roof lines, color scheme, roofing and building material types as the dwelling. The building shall not exceed twenty-four (24) feet in height above finished ground contour, to the midpoint of the gable. Exterior wall height may not exceed fourteen (14) feet. 2. Shed or greenhouse. A small building not to exceed 150 square feet in floor space that has matching color and roofing as the main dwelling. A greenhouse shall be constructed with glass, metal, aluminum, or wood (no fiberglass, plastic, or tarp-type vinyl sheeting or other salvaged material), anchored, and built to withstand the elements. Exterior wall height for sheds or greenhouses may not exceed ten (10) feet.

#### Comments:

- Increasing wall height from 10' to 14' without discussion is not acceptable.
- No need for change
- Has this already been violated?
- Detached garage exterior wall height shall not exceed 12 feet.
- Thanks for addressing the wall height and square footage of the detached garage tall enough to fit a motorhome in!
- Any existing structure previously approved by the architectural committee should be grandfathered in. Moving forward, any new builds need to be approved by the committee consistent with the height restrictions in items 1 and 2 above .
- CCR for this section as it currently exists is ambiguous. Proposed language is much clearer.

### **Q11 – Approve (22-6)**

Amendment to Architectural Committee Form: A line for the words "Wall Height" to be added to Sections on Dwelling and Detached Garage/Outbuilding between line number 3, Setbacks, and line number 4, Roof Pitch, creating a new number 4 called Wall Height, and changing subsequent numbering on the form.

### **Q12 – Approve (23-5)**

Amendment to Architectural Committee Form: Add to the sentence: The applicant will ensure contractors will not park any roll-off dumpsters on Melkat Lane, or Fox View Loop or the walking path.

### **Q13 – Approve (21-7)**

Architectural Committee Application Form Updated 9/23.

#### Comments:

- not sure how it was updated
- This change provides continuity between the ARC form and the CCRs. The CCRs need to be the basis for all ARC reviews. As per our bylaws, this voting item appears to be one the board is authorized to make. I appreciate the opportunity to review and vote on this updated form.

**Q14 – Approve (20-8)**

Architectural Committee Standards Updated 9/23.

Comments:

- I resent fact that I am required to vote on each item. Some items I did not feel I have enough knowledge to make a decision. Therefore I voted reject.

**Q15 – Approve (28-0)**

Treasurer's Report - Proposed 2024 budget

Comments:

- Do not chip seal again a waste of money do your reseach don't go by what you are being told
- Appreciate the note on error and full transparency in correction.

**Q16 – Approve (27-1)**

2023 Annual Assessment to remain at \$300

Comments:

- It seems there is an extra \$12k in reserves and that the annual assessment should be reevaluated.
- The HOA does not need to carry a 85,000 dollar surplus
- I have not liked this process - - we really need to meet in person and illuminate the nasty emails and complaining
- Knowing what other HOA fees in the Helena area assess their homeowners, ours is very reasonable.

**Q17 – Approve (28-0)**

FVE HOA Board Nominations. The Board has appointed Jacqui Sedivy to continue as Treasurer and she is willing to do so. Trish Bodlovic is willing to continue serving as an HOA Board member and thus requires a vote. Retain Trish Bodlovic, HOA Board member