



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

2023 Annual Meeting via email

Voting: October 27-29, 2023

**Instructions:** Please review all of the documents provided to you in the September 25, 2023, email from the Fox View Secretary email. The following agenda provides background information and what you will be asked to vote on. **This is not the voting ballot.** The voting ballot link will be emailed to eligible voting members on October 27, 2023, and close on October 29, 2023.

**1. QUORUM VERIFICATION:**

When you open the link to the ballot, you will need to include your lot number, address and email. We will need a quorum to verify the results.

The Fox View Land and Estates HOA Board will first establish that we have the required quorum including proxies, if applicable, to proceed with tallying the results of the online voting. If there is a quorum of lots, the votes will be tallied, and the results recorded and posted. If no quorum is determined, then there will be no results to report as a result of the online voting.

**2. APPROVAL OF 2022 ANNUAL MEETING MINUTES:**

Approve \_\_\_\_\_ Reject \_\_\_\_\_

**3. OLD BUSINESS:**

**Administrative Rules for the Declaration of Amended Covenants, Conditions and Restrictions for the Fox View Estates Land and Homeowner's Association:**

Attendees of the October 25, 2022, meeting will recall that a committee chaired by Steve Lewis was formed to explore interest in modifying the definitions and rules in the covenants concerning recreational vehicles.

The formation of this committee was an outgrowth of the spirited discussion and broad consensus that more information/clarification was needed before considering the recreational vehicle sections of the proposed "**Administrative Rules for the Declaration**

**of Amended Covenants, Conditions and Restrictions for the Fox View Estates Land and Homeowner’s Association” (Administrative Rules.**

The “Administrative Rules” document was emailed to homeowners prior to the 2022 annual meeting.

Administrative Rules Sections:

**Section 7 Recreational Vehicles** definition of recreational vehicles

**Section 7 Recreational Vehicles** definition of storage of recreational vehicles

**Section 8 Signs and Billboards** definition of displayed signs and billboards

**Section 10 Chattel Storage** definition of other goods

**Section 12 Maintenance of Improvements** definition of noxious weeds

**First item – Recreational Vehicles:**

**At the October 25, 2022, meeting, a motion was made and seconded regarding the first item of the “Administrative Rules” Section 7 definition of recreational vehicles, however, no vote was taken because we were told the library was closing and we had to vacate the library. We therefore adjourned the meeting.**

That vote would have been to approve or reject the following: “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.”

While we must still vote to approve or reject the above item, it is now outdated. The FVE board is therefore recommending a “No” vote on the above item as further explained below.

Since the October 25, 2022, meeting, the committee chaired by Steve Lewis met several times and sent out a few “straw polls” to gauge homeowners’ interest regarding possible changes of the rules for recreational vehicles. The result of work of this committee was a document submitted to the FVE board that would require a vote by homeowners to clarify definitions, restrictions and storage of recreational vehicles, enforcement and fines.

As of this writing, the recreational vehicle committee’s product requiring votes concerning recreational vehicles is awaiting legal review. When available, hopefully very soon, homeowners will receive the committee’s product for review and consideration. A

scheduled vote specifically for this work will be set once final language is approved by the board per the legal review. Since the proposed language is much more thorough and specific than the vote motioned and seconded at the October 25, 2022, meeting, the FVE board is recommending a “No” vote on this item of old business.

**To conclude this “Old Business” please vote on approving or rejecting the following definition:**

“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.”

**Please vote: Approve\_\_\_\_\_ Reject\_\_\_\_\_ the above definition from the 10/25/2022 meeting.**

**Items 2-4: Signs/Billboards, Chattel Storage, Maintenance:**

Additional “Old Business” includes the other proposed “Administrative Rules” from the October 25, 2022, meeting not concerning recreational vehicles. The 2023 FVE board is therefore also seeking a vote to approve or reject each of the following three items developed by the 2022 FVE board:

**PROPOSED ADMINISTRATIVE RULES/DEFINITIONS FOR THE DECLARATION OF AMENDED COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE FOX VIEW ESTATES LAND AND HOMEOWNER’S ASSOCIATION**

1. 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.

Approve\_\_\_\_\_ Reject\_\_\_\_\_

2. 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.

Approve \_\_\_\_\_ Reject \_\_\_\_\_

3. 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.

Approve \_\_\_\_\_ Reject \_\_\_\_\_

**Additional Old Business:**

- a. Snowplowing contractor, Silver Tip, was responsive and since our HOA is on “will call”, they get to us once their contracted work is complete. Most of the time within the same day of being called. Great service and we plan to continue with them for the upcoming winter. For the upcoming winter, **please mark any areas where you want the plow driver to avoid or not push snow into.**
- b. Walking path & road edges were sprayed for weeds by Nitrogreen (April and August) and weeds continue to come back. Plan for three applications in 2024.
- c. Reminder to refrain from watering the road & controlling weeds on edges. The reason for this is to keep the road, the HOA’s biggest asset, from breaking down.
- d. Architectural Review Committee (ARC) – FY 2023: The ARC Committee received 4 requests for review, all were approved. (3 landscaping and 1 outbuilding)
- e. CCR Complaints - FY 2023: We received 5 CCR complaints with two concerns involving signage and 3 involving open storage: bathroom fixture, pull camp trailer, and boat on trailer. Boat on trailer yet to be remedied.

**4. New Business:**

**a. Road Maintenance Plan:**

The consulting engineer (Stahly) examined our roadway and made recommendations. In general, they noted that the roads are in very good condition for their age. Also, it appears that the current strategy of annually filling cracks and patching the road has been successful. The 2023 FVE board recommends continuing this practice for two more years and getting another assessment in 2025 unless harsh weather or other factors necessitate sooner action. The full report is available for review if interested and requested. Current estimated cost for a full chip seal is approximately \$55,000 for the chip seal only.

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

Approve \_\_\_\_\_ Reject \_\_\_\_\_

**b. Proposed Amendment to Fox View Estates Land and Homeowners' Association Declaration of Amended Covenants, Conditions, and Restrictions: Section 2. Building Type (see attached proposed language as outlined in the attachments:**

The HOA Board is proposing an amendment to the Covenants, Conditions and Restrictions (CCRs: Section 2, Building Type. The purpose of the proposed amendment and subsequent updated Architectural Review Committee (ARC Application Form and Architectural Review Committee Standards are to bring alignment and remove ambiguity so that the CCRs are the foundation for ARC reviews. We have identified the need to add clarifying language regarding detached garages and outbuildings, specifically size, height, location, etc. to the CCRs; update the ARC application with sections that are relevant to the common ARC reviews; and update the ARC Standards. The revised Standards only include clarifying information for main dwellings. Removed from the Standards are items such as fences and wildlife fences as they clearly outlined in the CCRs, and then removed Garages and Outbuildings to be addressed in the proposed CCR language, Section 2, b. Detached Garage and Outbuilding.

On the ballot you will see **Part 1 and Part 2 for Proposed CCR language Section 2 Dwelling** (language that is removed is with strike mark; proposed changes in red:

Part 1 cleans up a typo and removes the reference to detached garages and outbuildings.

Part 2 is proposed NEW language that specifically addresses Detached Garages and Outbuildings such as sheds and greenhouses.

It is the intent to vote on Part 1 and part 2 as a package. Please cast your vote for both Part 1 and Part 2.

Part 1 reads as follows:

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.

Part 1: Approve \_\_\_\_\_ Reject: \_\_\_\_\_

Part 2 reads as follows:

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.**

Part 2: Approve \_\_\_\_\_ Reject: \_\_\_\_\_

**c. Architectural Review Committee Form** (attached find proposed changes in red)

Approve \_\_\_\_\_ Object \_\_\_\_\_

**d. Architectural Review Committee Standards** (attached find proposed changes in red)

Approve \_\_\_\_\_ Object \_\_\_\_\_

**5. Treasurer's Report:**

A. Approve proposed 2024 budget:

Approve \_\_\_\_\_ Object \_\_\_\_\_

B. The FVE board recommends the 2023 annual assessment at \$300

Approve \_\_\_\_\_ Object \_\_\_\_\_

**6. FVE 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.

A. Retain Trish Bodlovic, HOA Board member

Approve \_\_\_\_\_ Object \_\_\_\_\_

**7. Voting: October 27-29, 2023** – On October 27, 2023, a link to the ballot will be emailed to Fox View Estates and Land HOA members in good standing.

**8. Results from the voting will be posted in early November 2023.**