

West Lochwood Civic Association Community Questionnaire

Summary of Results

April, 2013

The WELCA Homeowners Association is updating its' Protective Covenants Changes are being driven by a need to maintain WELCA's ability to assure compliance with the Covenants as well as a desire to make "WELCA's Covenants more consistent with current practices. One of the changes proposed was to consolidate all of the existing covenants into one uniform set applicable to all subdivision filings within Lochwood. Any changes to covenants require the approval of a majority of all homeowners within each filing. To consolidate all existing covenants into one version required a majority approval of all filings. In October 2012 WELCA issued proposed covenants for approval. The proposed changes did not receive enough support to be adopted.

Following the vote on the October proposal anecdotal information surfaced indicating that WELCA hadn't sufficiently explained why there was a need to revise its' covenants. The Board of Directors ,created a Committee to evaluate the results of the election, as well as participants' comments in the November, 2012 Annual Meeting. The Committee's charge was to determine whether it was appropriate to continue attempting to develop acceptable Covenants. The Committee identified six issues that needed to be explored in greater depth. They included:

- A. Should WELCA revise the current Covenants to be in compliance with current laws and regulations?**
- B. Should the Lochwood Covenants allow for small, home based businesses in any new Covenants?**
- C. Do you support having an Architectural Committee that reviews and approves development plans for exterior private property?**
- D. Should the WELCA Board retain its authority to require property owners to abide by decisions of the Architectural Committee?**
- E. Please tell us which Covenants you'd like to see removed from future consideration:**
- F. Are there any provisions that you'd like to see in your Covenants that are not currently there?**

A questionnaire was developed around these issues. It was sent to all 669 property owners, in Lochwood, in March 2013, asking for input. Issues A through D were cast as "yes/no" questions while Issues E and F were open ended. Given approximately two weeks to respond 232 owners (35% of the sample population) sent back their comments.

In conducting surveys a question rises as to how representative are the results in reflecting the majority opinions of the total population surveyed. A 35% response rate indicates that the responses are representative of overall community feelings, but only marginally so. This questionnaire is the second opportunity the community has had to weigh in its' covenants in the last six months. When the Revised Proposed Protective Covenants were distributed in October 2012 WELCA residents were asked to vote on their adoption. Only 15% of eligible members chose to respond. Couple that with the rate of return on this questionnaire and it

implies that there is a **“Complacency Factor:** in play within the community when it comes to its’ covenants. An assessment of the causes of this factor is beyond the purposes of this report but is something the WELCA Board of Directors must consider in defining its’ path forward.

A copy of the questionnaire is included in Appendix A

While most responders answered all of Questions A – D some chose only to answer a select few. A few others would respond twice to a given question, presumably because they agreed with both of the answers offered. In those few cases both responses were recorded.

Some responders added supplemental comments at the end of the questionnaire or submitted a written response. These comments are shown at the end of this report.

The following is a list of the questions asked and responses received. Included is an accounting of the selections made as well as supplemental comments received on each question. A short analysis appears at the end of tabulated data. Conclusions drawn from the data are identified at the end of the report.

Question A:

The Lochwood Community maintains a system of Covenants designed to protect property values and provide a sense of community. These covenants are recorded with each property owner’s deed and transfer to new ownership at a point of sale. Over the years, Colorado Law has changed and the Covenants need to be revised to be in compliance with changes in the Law. Should WELCA revise the current Covenants to be in compliance with current laws and regulations?

Some members of Lochwood believe that maintaining a system of covenants was outdated and the covenants needed to be decertified. The results of Lochwood members’ selection are shown in Table A-1. The questions posed provide a choice for members. Response 1 asks if members would prefer a state of the art covenant system (similar to the October proposal), while Response 2 represents a more moderate system, similar to the existing system. Response 3 allows responders to maintain the current covenants, recognizing not all segments may be in compliance with Colorado law. Response 4 calls for decertification of covenants.

Some responders chose to supplement their answers to Question A with a narrative statement. Those statements are shown in Table A-2

**Table A -1
Tabulation of Responses to Question A**

Answers	No. Rec'd	Percent
Yes, and the Covenants should be upgraded to be consistent with current practices in real estate management	55	24
Yes, but only change those parts needed to make them in compliance with current laws and regulations.	114	50
No, leave the Covenants as they are even though some sections are not legally enforceable by either myself or the WELCA Board based on Colorado Law.	18	8
No, Covenants are out of date and need to be abolished. Lochwood Community should no longer be a covenant controlled community. Property owners would be held accountable by County and State regulations only.	41	18

**Table A-2
Supplemental Responses Received on Question A**

Supplemental Comments Received
What about Jeffco approving chickens in our area – what's next?
The biggest problem with the covenants is that the board has not enforced them as they are!!
The current covenants are not enforced. Why do we need new stricter covenants that won't be enforced.
Are the new proposed covenants in compliance with current law?
(note on question 2) Which are these?

Analysis:

When the Revised Protective Covenants were rejected there was some thought that the community was saying they didn't want to remain under a system of protective covenants, Question A was designed to answer the question by offering a number of possibilities for covenants. Four possible answers were proposed. The first offered a modernization of our existing covenants to bring them to a level consistent with current thinking. The second answer provided for maintaining the current covenants but revising only those portions needed to bring them into compliance with Colorado law. The third answer essentially left the existing covenants as they are, even though they are not in strict compliance. The fourth answer allowed that covenants were out of date and Lochwood needed to decertify them.

Responders overwhelmingly chose to retain a system of covenants with 74% choosing either answers 1 or 2. Within that group the majority (49% of total votes cast) selected Answer 2. Only 18% of responders elected to end the system of covenants. The remaining votes were for answer 3, retaining the existing covenants without changes.

In supplemental comments, five were receive) two responders called for better enforcement of our covenants, a theme heard repeatedly throughout the questionnaire process. Another .responder expressed concern over recent regulations from Jefferson County regarding expanded agricultural practices In residential areas.

Question B:

Currently a number of businesses exist in Lochwood. These are generally small. Existing Covenants limit the use of property to residential purposes only, thereby precluding small businesses. Should the Lochwood Covenants allow for small, home based businesses in any new Covenants?

Currently, a number of small businesses operate out of their residence In Lochwood. This questions asks if homeowners want businesses, large or small, to continue to be allowed to do business from their residences. Table B-1 shows the results of responders votes

A number of responders chose to provide supplemental comments in their answer to this question. Those comments are shown in Table B-2

**Table B-1
Tabulation of Responses to Question B**

Answers	No. Rec'd	Percent
Yes, any business should be allowed to operate from an owner's home, but must comply with County or State regulations.	51	21
Yes, but businesses should be limited to only those that are minimally invasive on the residential nature of the neighborhood.	125	52
No, any small business should not be allowed to function in Lochwood and the existing Covenants do not need to be changed.	44	18
No, any business, large or small, should not be allowed to function in Lochwood and the existing Covenants should be changed to reflect that.	21	9

**Table B-2
Supplemental Responses Received on Question B**

Response = 2 however, this should be limited to small businesses only, and change the term “minimally invasive” to “non-detectable.”
No auto garages – train cars Next we will have bomb builders like the area south of Hampden had in January
Interior, limited traffic impact
Only home offices/businesses should be allowed. No business that has a need for mobile equipment in yard or street
(proposed revision to Answer 2) with no exterior advertising or traffic which would diminish our residential nature
I would pick No. 2—but what is minimally? That’s relative to whoever is making the decision; definitely not decisive

Analysis:

Question B addressed the issue of whether businesses should be allowed to function out of their residential property. Answer 1 would allow for any business large or small to operate in Lochwood if allowed under State or County regulation. Answer 2 would limit businesses to small business, operating out of the home as long as it didn’t upset the residential nature of the community. Answer three would prohibit small businesses while answer 4 would prohibit all businesses, large or small.

Responders gave approval to businesses by a wide margin. Responses tabulated in answers 1 and 2 were 73% of total votes cast. More than half of all votes (52%) cast approved of small, residential based businesses, provided they were not obtrusive and didn’t impact the residential character of the community. Only 26% of responders were opposed to any form of businesses in Lochwood.

Six responders chose to give supplemental comments on this question which focused on assuring limitations on businesses, i.e. parking, no equipment on property or streets, and on site advertising. One responder questioned what minimally meant.

Question C:

The Lochwood Covenants require that homeowners wanting to make improvements to their exterior properties submit those plans to an Architectural Committee for approval. The primary purpose of this Committee is to maintain a sense of harmony in this residential area. This approval is in addition to any County or State permits that may be required. Do you support having an Architectural Committee that reviews and approves development plans for exterior private property?

An Architectural Committee is currently provided for in the existing Covenants although a separate committee from the Board doesn't exist. The role of the Architectural Committee is to review proposals from homeowners to make structural improvements on their property and recommend to the Board whether such improvements should be allowed.

Reponses to Question C are shown in Table C-1 while supplemental comments submitted under this question are shown in Table C-2

**Table C-1
Tabulation of Responses to Question C**

Answers	No. Rec'd	Percent
Yes, the Committee should continue to have authority over external development in the Lochwood Community	46	20
Yes, but there needs to be a system of appeals that could allow for variances for development	83	36
No, County standards are adequate to properly regulate any development on private property	99	44

**Table C-2
Supplemental Responses Received on Question C**

Supplemental Comments Rec'd
No good now -- We have already thrown the baby out with the bath water allowing train cars, corner lots chopped down to accommodate auto garages.
4. Leave Fling 4the way it is
There should be a low threshold for approval
But who approved building of the monster shed at the corner of Quail and Colorjado Pl.

Analysis:

Question C deals with Lochwood's Architectural Committee and whether it should be included in any future covenants. The Architectural Committee is designed to be separate from the Board of Directors. Its; responsibilities include reviewing plans by WELCA homeowners on exterior improvements and deciding whether they are consistent with and compatible with other neighboring properties. The standards applied against compatibility could be greater than local planning and zoning standards, defined in the covenants. Currently, there isn't an Architectural Committee for lack of people willing to participate. The Board of Directors has assumed that responsibility. That leaves only one level of review with no real opportunity for appeals to Committee decisions.

Three answers were presented. Answer 1 supported the concept of a separate Committee with final authority over homeowner proposals. Answer 2 called for a system of appeals where Committee decisions could be elevated to a higher authority for final determinations. Question

3 was an alternative that removed the Committee and says that County standards for development and construction are all that's needed.

Question D:

Currently the Covenants are enforced by homeowners working with their neighbors. If resolution can't be reached then the WELCA Board can intervene to seek resolution. If a property owner isn't willing to abide by any outcome of negotiations then the WELCA Board has the authority to require compliance and can administer a system of assessments to implement the final outcome. Should the WELCA Board retain its authority to require property owners to abide by decisions of the Architectural Committee?

To administer its' covenants WELCA needs a system of assessments. Though seldom used the idea of assessments is controversial. If WELCA is going to maintain this system then the authority to make assessments must be expressly provided for in the Covenants.

A tabulation of responses is shown in Table D-1 and supplemental responses received are shown in Table D-2.

**Table D-1
Tabulation of Responses to Question D**

Answers	No. Rec'd	Percent
Yes, having a system of assessments is the only way WELCA can enforce its Covenants	47	21
Yes, but there needs to be a system that allows for arbitration to accommodate special circumstances that might lead to a variance	111	51
No, WELCA has no business assessing its members for non-compliance with Covenants	61	28

**Table D-2
Supplemental Responses Received on Question D**

Supplemental Comments Received
Response = 2 ; additionally, legal enforcement procedures should only proceed after obtaining a majority vote of dues paying homeowners
Remove the last sentence of section 5.7. I/we will not agree to Protective Covenants which dictate snow removal /mitigation procedures
Yes or no, depending on the situation
Absolutely no! And no wasteful spending or dues
This is too broad. Not all covenants are equal.
What does this mean? I'm not a lawyer
This is a badly worded question. (add under answer 2) related to decisions of an Architectural Committee.

Analysis:

This question gets to whether WELCA should have a system of assessments against property owners who do not abide by the covenants. A system of covenants typically includes assessments, to be used as a last resort, to correct violations.

Three answers were provided with responders asked to pick the one that most closely reflects their view on this issue. Answer 1 represents a formal system typically seen in communities with covenant protection. Answer 2 was meant as a similar system but with an appeals procedure for those charged with covenant violations. Answer 3 says that WELCA should not have the authority to assess its' members.

Some 72% of responders felt that a system of covenants was necessary with half of all responders indicating that the system that allows for a system of appeals was preferable. Twenty eight percent of responders (a significant number) felt that WELCA shouldn't have a system of assessments at all.

Question E:

WELCA members have expressed concerns about some of the individual Covenants being proposed. Please tell us which Covenants you'd like to see removed from future consideration:

Question E was designed as an open ended question where members could identify which covenants, in either the current version or the recently proposed and rejected version they believe are currently out of date and should be removed from any future consideration. The question was meant to discuss individual covenants.. Comments received are shown in Appendix B

Analysis:

Fifty nine responders chose to provide comments in this section of the questionnaire, The sample represents 26% of those participating in the survey. The results appear consistent with the responses registered in Question A wherein 82% favored that some form of covenants be maintained within Lochwood and were generally satisfied with the current covenants in substance.

That said, the greatest number of responses (16) called for the elimination of all covenants. A look at the response sheets indicate that those calling for elimination of all covenants in Question E had responded to Question A (should there be covenants in Lochwood) by indicating that, in their view that covenant controlled communities are obsolete and Lochwood doesn't need them.

The second largest response (8) pointed to how satisfied they were with either the existing covenants or those that were being proposed in October 2012.. this low response should not be considered representative of community feelings in that this kind of comment wasn't intended when the question was designed. Better indication would be the 74% of responders who chose not to make any comment on eliminating any covenants; an indication that they are satisfied with them as proposed.

The third greatest area of interest again wasn't directly related to the question asked. Five responders commented on their concerns about the lack of meaningful enforcement of the existing covenants. Most of these responders wanted to see greater enforcement.

There were a number of comments made about covenant concerns but they generally were mentioned by two or less responders, They included:

- Concern over how renters don't keep their homes up to standard
- The need for mandatory dues
- The recent decisions by Jefferson County to allow low level agricultural development in residential areas (comments were both for and against)
- Regulation of on street parking (both for and against)
- No need for Architectural Committee or for Assessments on members.
- Remove all restrictions on small businesses
- Opposed to shake shingle roofs
- Maintaining pets on site (both for and against)
- Both for and against clothes lines
- No requirements for perimeter fences, particularly on large lots
- Remove covenants restricting noise, odor, or work on automobiles.

Question F:

Are there any provisions that you'd like to see in your Covenants that are not currently there? Please be as specific as you can:

This question was designed to solicit any other issues where the community wanted to see a covenant introduced that would address their concerns' Sixty three property owners (28% of all responders) responded with many providing more than one issue of concern.

Analysis:

A wide variety of issues were identified under this question. Five issues were mentioned three or more times. Another 20 issues were mentioned by one or two responders.

More stringent enforcement was mentioned by eight commenters. There's a feeling expressed in the comments that lax enforcement has led to a deteriorating property in the Lochwood community. Interestingly others called for a lessening of enforcement without a stringent process requiring compliance.

The second most popular issue addressed perceived lack of care in people's' property. There was a call for a covenant to address that specifically.

- Vehicles parked in the street were also a significant concern. Some of the vehicles weren't in working condition, which some said shouldn't be allowed.
- A number of others chose to use this category to call for abolishing all covenants with one responder questioning the need for a Homeowners Association.
- Other less frequent concerns mentioned included:
- Special consideration for households with someone dealing with ADD
- Concerns about items in backyards that are visible from the street and don't appear to look nice

- A need to grandfather items, currently in violation, should new covenants be adopted
- Don't require landlords to provide personal information on those who are renting
- Minor agriculture, allowed the County should be allowed in Lochwood
- Minor agriculture allowed by the County should not be allowed in Lochwood
- Renters need to be more responsible for property upkeep and landlords need to have that provision in any rental agreement
- Put the covenant compliance rules in the covenants
- A question was raised about if there was a covenant regarding shake roofs
- Pets should be limited in Lochwood
- Pets don't need to be limited in Lochwood
- There needs to be timely snow removal
- Covenants need to address renewable resource development on community properties
- Storage sheds shouldn't be allowed in front of homes
- More speed signs are needed in Lochwood
- Need a covenant regarding barking dogs
- There needs to be mandatory dues in Lochwood
- The covenants need to explain what's meant by assessments

Supplemental Comments:

A few responders provided supplemental comments, of a general nature. These thoughtful comments appeared as wither a postscript to the questionnaire or as a separate letter sent with the questionnaire. Those comments are included in the following Table.

<p>20 March 2013 WELCA It hardly seems worthwhile discussing covenants if given the present covenants, WELCA can do nothing or has done nothing concerning the blatant disregard the owners of the property on the NW corner of Colorado and Quail can erect a noxious storage building almost in the street with impunity. My God, this thing is standing on a stack of brick parts. A good push would probably topple it. Further, the mobile home in the driveway has been their unmoved for at least 25 years. Is that not concerning to the neighbors, the community, home values and WELCA? Take a good look at this property. The first thing one sees entering Lochwood from Jewell is the ugliness of a tall storage shed almost in the street,, reeking with a pille of stone, pieces of fence and other debris laying everywhere. I was the second president of WELCA back in 1970 something. We would have sued anyone even thinking of disregarding the covenants. Ah! Those were the days. I have refrained from paying membership dues because WELCA has done little to preserve the area of ugliness. Anyone can do anything they want Show me some balls or go away. (name not published)</p>
<p>We do not want to be heavy handed nor do we want to act like a branch of law enforcement</p>
<p>Question – How can covenants be enforced when dues to the association are voluntary?</p>
<p>20 March 2013 WELCA It hardly seems worthwhile discussing covenants if given the present covenants, WELCA can</p>

do nothing or has done nothing concerning the blatant disregard the owners of the property on the NW corner of Colorado and Quail can erect a noxious storage building almost in the street with impunity. My God, this thing is standing on a stack of brick parts. A good push would probably topple it. Further, the mobile home in the driveway has been their unmoved for at least 25 years. Is that not concerning to the neighbors, the community, home values and WELCA? Take a good look at this property. The first thing one sees entering Lochwood from Jewell is the ugliness of a tall storage shed almost in the street,, reeking with a pille of stone, pieces of fence and other debris laying everywhere.

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Anyone can do anything they want

Show me some balls or go away.

(name not published)

Too many HOA's in newer developments have gone to ridiculous extremes with their covenant. We've always had a good set of covenants without going overboard.

Suggestions:

Any lawyer that is employed by the HOA must not have any connection at all with Lochwood, any Lochwood resident, or have any self-interest other monetary in working with Lochwood Association This is the only way to assure that any actions would be unbiased.

We choose to live here because it was residential. We did not choose to live in a recreational vehicle parks. No RV's should be allowed in this neighborhood, no exceptions. This will probably not pass because several people on the HOA Committee happen to have recreational vehicles and do not want to incur extra storage expense.. This smacks of total self interest and is not in the good of the neighborhood.

The Architectural Committee has to go. We like the flavor of the neighborhood, and any changes to a particular house should be at the discretion of the owner and his neighbors. Any major changes would have to be filed with Jefferson County regardless, and that would take care of illegal changes.

Small independent business should be allowed if and only if it does not bring any additional auto or foot traffic into the neighborhood and does not interfere with any other Jefferson County laws.

There were so many covenants that were disregarded such as "RV Covenant and the more than one outbuilding covenant that it will almost be impossible to enforce these covenants/ There have been legal precedents in other States regarding this issue. How can we go back and start enforcing covenants that never enforced? It would seem like people were being singled out. As far as we are concerned most covenants that are on our books right now are basically unenforceable for this very reason. That essentially makes the majority of Lochwood's HOA covenants unenforceable and I think this whole situation is an exercise I futility

To whom it may concern

I bought my home on S. Queen Ct in 1977 and until I read this letter I had no idea I had to go to an architectural committee for anything. I planted trees, put siding on, rocked, put an addition on added a swamp cooler, put in three bay windows, etc. and never asked anyone for permission. That home has been a rental for 15 years and is one of the nicest looking, well kept houses on Queen Ct.. I demand that of my tenants. Some of the actual home owners on that street live like slob and they are allowed to do that because the rules of this HOA are so weak and not enforced. If there isn't a monthly fee charged per household it has no power to enforce anything.

My renters have to look out on the backyard of 1537 S. Queen Ct. and it is despicable. Two huge dogs that have been allowed to completely destroy the yard, bark ALL the time, and are a pain in the ass. People have turned them in about their dogs, but it continues. I live in a very strict HOA community now and there is no way may current ho HOA would allow for the horrible yards I see over there. The house across the street on th corner (1516 S. Queen Ct., I think)had grass 4: high last spring and nothing was done about it until I wrote to them telling them I was going to report them to the city. Again this year, it is ALL weeds. There isn't a blade of grass anywhere. The woman across the street (1526, believe) was allowed to let the hyard go completely "natural." It looks like hell. She had branches po\\piled on the front side yard for years. Nothing has been done about it. Most neighbors water verdy little, weeds all over the place, etc. I used to live on the other side of the gully (S. Robb Way) and even some of those places don't look good.

I would love to work with you guys in some way to enforce whqat3ever the HOA rules are. If people want t live like pigs on the inside, fine. But I wish this HOA had some teeth to bite these people in the butt and make them keep up the outside of homes, mostly the yards

The neighborhood has gone so far down hill it's pathetic. How can I help to enforce and regain what was once a nice place to live? I'm retire, organized. And I wouldn't allow people to keep their places as they currently do. In my current neighborhood you are given one warning to clean up, pull weeds, water or you are fined and in if that doesn't work there is lien put on the house. They don't mess around here but we have a beautiful neighborhood..

(Name provided but withheld)

WELCA Board members are gossipy, nosey neighbors that I do not wish to know my address or name. I am a Lochwood resident for more than 19 years

Conclusions:

The Community Questionnaire represents a significant effort on the part of WELCA to gain an understanding of what homeowners want in their Protective Property Covenants. The Questionnaire cover six area of concern:

- Should WELCA maintain a system of Covenants?
- Should the Community allow businesses to operate out of members' homes?
- Should WELCA retain is Architectural Committee with authority to ex3ercise approval over external development on residences in Lochwood?
- Should WELCA retain its' authority to require property owners abide by decision of the Board of Directors involving Covenants?

- What existing Covenants should be removed?
- What additional Covenants need to be added?

The following are conclusions reached from the Questionnaire:

Do the results of the questionnaire accurately reflect the feelings of the whole community?

The questionnaire was sent to 669 members of the Lochwood community. Seven of the questionnaires were returned as undeliverable. Two hundred and thirty two questionnaires were returned leading to a 35% response rate. If we had received a 100% return rate there would be no question that the results represent the feelings of the community but such return rates are extremely rare. To be representative a return rate between 30% and 40% is normally required. As a result it can be concluded that the returns seen in this questionnaire are representative of the community as a whole; because the response rate is as low as it is then the likelihood of it not being representative is higher.

It should be noted that the questionnaire is the second opportunity for the Lochwood community to address their covenants. A proposed revised edition was circulated for approval. The response rate for that effort was in the order of 15%. When these two activities are taken as a whole it demonstrates a lack of interest in the overall. This complacency factor is important with respect to how the Board of Directors should proceed. Given the unusual requirement for approving new covenants (50% of the eligible voters + 1) it's hard to see how that could be achieved without a significant educational and marketing effort..

Another concern with regard to the results of the questionnaire being representative is the relatively small size of the sample. Only 663 questionnaires were mailed out, representing the number of homes in Lochwood. Smaller samples can be a little more variable in their results..

Should WELCA maintain a system of Covenants?

The results of the survey show that WELCA residents overwhelmingly support the idea of WELCA retaining some form of Protective Covenants in the community. Eighty two percent of responders want to see either covenants that are consistent with current practices in real estate management; are essentially the existing covenants revised to be compliant with new laws and regulations in Colorado; or are the old covenants without any revisions,

The greater majority of responders (50%) preferred retaining the existing covenants but making those changes that would put the covenants in compliance with Colorado law. Consistent with that conclusion a few members were concerned that the Board didn't clearly identify exactly what the changes are that need to be made to come into compliance.

Eighteen percent of responders wanted to abolish all covenants in Lochwood, with a few directly calling for the WELCA association to disband and cease doing business. It wasn't clear whether those individual families were aware that, regardless of the outcome of any attempt to

change covenants the existing covenants will remain in place until either changed or de-certified.

Should the Community allow businesses to operate out of members' homes?

The responders to the questionnaire strongly supported the issue of allowing businesses to operate out of residences in Lochwood. Seventy three percent selected either allowing all types of businesses or only small business. The preference appeared to be allowing small business only, with 52% responding in favor of that.

Comments provided in support of a pro-business position expressed concern that businesses shouldn't disrupt the residential nature of the community with emphasis on parking problems and/or signage in front of homes. The acceptance of small businesses likely reflects a nationwide trend toward individuals opting to work for themselves rather than someone else,

Should WELCA retain its Architectural Committee with authority to exercise approval over external development on residences in Lochwood?

While a majority of responders (56%) want to keep an Architectural Committee within WELCA a solid 44% believe that such a committee is obsolete and should be discontinued. Clearly, the community is divided on whether to retain such a Committee; some state openly that WELCA shouldn't be telling people what they can or cannot do with their property. A significant number of people chose to comment on the issue of enforcement of covenants generally stating that WELCA has historically done a poor job doing that which has led to a significant decline in the community. Enforcement of Covenants is a key issue with community residents and one that the Board of Directors needs to address quickly..

Should WELCA retain its' authority to require property owners abide by decision of the Board of Directors involving Covenants?

Seventy two percent of responders expressed an opinion that some form of assessment needs to accompany a covenants system with a clear preference (50% of all responders) for an appeals process that could lead to variances in WELCA rules.

Supplemental comments also supported the concept of flexibility in administering covenants; not wanting a "police state" mentality driving covenant enforcement. There is a strong implication that those willing to support an assessment process want to see a structured approach developed that will allow for appeals and variances conducted in a disciplined way.

What existing Covenants should be removed?

In addressing which covenants should be eliminated a number of responders wanted to see all of them should be removed. A review of the questionnaires shows that these comments generally come from the same responders who were calling for abolishment of all covenants in Lochwood.

Others chose this question to call for greater enforcement of covenants asking “why should we revise our covenants when when we’re not enforcing the ones we have.

Eleven responders did identify did identify areas that could be eliminated. They are shown in the analysis section under Question E (see page 8). Of those eleven comments none received more than a few mentions.

What additional Covenants need to be added?

Several of the commenters again stressed the need for increased enforcement of existing covenants citing principal areas of concern as too many parked cars; particularly cars that aren’t functional.

Twenty one individual areas of concern were identified “These areas were only identified by one or two people. The proposed additions are shown in the analysis section of Question F (see Page 9).

This report provides all of the selections and comments made by responders to the Lochwood Community Questionnaire. The data show that implementation of new covenants will be a difficult task requiring significant effort by the Board of Directors of WELCA.

Appendix A

West Lochwood Civic Association Community Questionnaire March 15, 2013

The WELCA Homeowners Association has proposed updating WELCA's Protective Covenants that are part of every property owners' deed. The changes are driven by recent changes in Colorado law overseeing homeowner associations and a desire to elevate the existing covenants to levels more commonly seen in surrounding communities.

A proposed revision was circulated to property owners in October 2012 but it did not receive enough support to be adopted. Reasons for the rejection ranged from dissatisfaction with the content of the proposed revisions to a belief that protective Covenants were no longer needed in Lochwood, to confusion about how to vote in the process.

To better determine what property owners want in the way of Protective Covenants the WELCA Board of Directors is publishing this questionnaire in hopes of learning what's acceptable to property owners.

Please answer the following questions by marking the answer that most closely represents your beliefs.

- A. The Lochwood Community maintains a system of Covenants designed to protect property values and provide a sense of community. These covenants are recorded with each property owner's deed and transfer to new ownership at a point of sale. Over the years, Colorado Law has changed and the Covenants need to be revised to be in compliance with changes in the Law. Should WELCA revise the current Covenants to be in compliance with current laws and regulations?
1. Yes, and the Covenants should be upgraded to be consistent with current practices in real estate management.
 2. Yes, but only change those parts needed to make them in compliance with current laws and regulations.
 3. No, leave the Covenants as they are even though some sections are not legally enforceable by either myself or the WELCA Board based on Colorado Law.
 4. No, Covenants are out of date and need to be abolished. Lochwood Community should no longer be a covenant controlled community. Property owners would be held accountable by County and State regulations only.
- B. Currently a number of businesses exist in Lochwood. These are generally small. Existing Covenants limit the use of property to residential purposes only, thereby precluding small businesses. Should the Lochwood Covenants allow for small, home based businesses in any new Covenants?
1. Yes, any business should be allowed to operate from an owner's home, but must comply with County or State regulations.
 2. Yes, but businesses should be limited to only those that are minimally invasive on the residential nature of the neighborhood.

3. No, any small business should not be allowed to function in Lochwood and the existing Covenants do not need to be changed.
4. No, any business, large or small, should not be allowed to function in Lochwood and the existing Covenants should be changed to reflect that.

C. The Lochwood Covenants require that homeowners wanting to make improvements to their exterior properties submit those plans to an Architectural Committee for approval. The primary purpose of this Committee is to maintain a sense of harmony in this residential area. This approval is in addition to any County or State permits that may be required. Do you support having an Architectural Committee that reviews and approves development plans for exterior private property?

1. Yes, the Committee should continue to have authority over external development in the Lochwood Community
2. Yes, but there needs to be a system of appeals that could allow for variances for development
3. No, County standards are adequate to properly regulate any development on private property.

D. Currently the Covenants are enforced by homeowners working with their neighbors. If resolution can't be reached then the WELCA Board can intervene to seek resolution. If a property owner isn't willing to abide by any outcome of negotiations then the WELCA Board has the authority to require compliance and can administer a system of assessments to implement the final outcome. Should the WELCA Board retain its authority to require property owners to abide by decisions of the Architectural Committee?

1. Yes, having a system of assessments is the only way WELCA can enforce its Covenants
2. Yes, but there needs to be a system that allows for arbitration to accommodate special circumstances that might lead to a variance
3. No, WELCA has no business assessing its members for non-compliance with Covenants

WELCA members have expressed concerns about some of the individual Covenants being proposed. Please tell us which Covenants you'd like to see removed from future consideration:

 _____ . *(Please add more suggestions on a separate piece of paper, if needed.)*

Are there any provisions that you'd like to see in your Covenants that are not currently there? Please be as specific as you can:

 _____ . *(Please add more suggestions on a separate piece of paper, if needed.)*

Please complete: Lochwood Address _____
Property Owner Name: _____

**Appendix B
Lochwood Community Questionnaire
Question no E
Responses Received**

Question E was an open ended question that allowed responders to identify what covenants needed to be removed from consideration in any future attempt at revision. The actual responses are duplicated in the following Table AB-1.

**Question E:
WELCA members have expressed concerns about some of the individual Covenants being proposed. Please tell us which Covenants you'd like to see removed from future consideration:**

**Table AB-1
List of Comments Received on Question E**

Comments Received
We have lived here for 27 years and have enjoyed every thing WELCA offers. Rules and regulations are important to us and are happy WELCA can keep the neighborhood in compliance.
None that I can think of
You're putting a lot of blame on property owners when sometimes it is the renters and the owners may not even be aware of it. I think violations should be sent to property first and then if nothing is done notify the owners
All was okay with me – I feel they need to be stronger and mandate dues payments
D3 As it relates to poultry. Note Lakewood approved a similar resolution / limitations allowing chickens\ . Denver also so long as neighbors approve
None They are important but not the highest or priority of the covenants
Almost everyone I know has a shed. Don't try and tell anyone that a shed is against a rule. Private property well maintained works.
All, If you want to move to an HOA covenant community, move to one. Leave Lochwood alone . My parents live here and now I own here too. I choose this community without HOA control after experiencing covenants elsewhere.
I do not wish to be part of a covenant controlled community- voluntary or not
My problem with the new proposal of covenants is the sweeping power it gives to the WELCA Board
I don't agree with covenants enforcing street parking. This should be Jeffco.
I haven't had any problems in over 41 years. Hope the trend continues
Would like to see a copy of covenants as they are and the proposed changes. The ones that were sent did not include enough information.
I don't think anyone has the right to tell you what ou can or can't do with your own property when it comes to improvements. Omit
Must have provisions to ENFORCE the covenants. My neighbors have several ongoing problems that break covenant and make our cul-de-sac look like a trailer park at times
I think my answers speak for themselves. We do not need any covenants – just one more thing governments know best.
Section 5.16/c, line 9"Change "not to exceed 7 days" (24 hrs. is unrealistic and will not be followed or be enforceable).

Propose no covenants; county and state regulations only. There is already established regulations and procedures to report non-compliance and a legal means for county and or state to address non-compliance.
Ban on keeping livestock such as chickens, goats, etc
Leave them alone (as is). They have gret for the 40+ years I have been a resident of Lochwood. Hills (don't fix what's not broken
Make and uphold stronger covenants
We have owned and lived here for 36 years and we think WELCA should drive around and take care of all the white trash we have living in this area. The people that rent their houses and don't make tenants take care of anything. Please check out 11159 West Idaho. He rents this house and nothing is done.
w/o covenants question is useless
WELCA Covenants have sunset and no longer relevant. The same is true for the WELCA Board
Keep what we have but enforce them!!
I was happy with the proposed covenants since I had plenty of influence on them
All was good on the last proposal
All covenants should be removed
No assessments and no architectural review. No retired folks with too much time on their hands ??? what ???? ??? my house
Cannot answer as you didn't identify those proposed new covenants with this mailing
Currently near me are trailers full of trash parked in full view of the street. "Trash on porches, "RV, 5+ (large) on the street; lawns unplanted with mud washing across sidewalk, Junk cars. These have existed for years. We do not need Architectural Committee or stricter covenants. This should be left to County zoning and building Depts. The above mentioned problems should be dealt with fast.
I want to abolish the current/any/a; covenants
Remove the covenant regarding small business. Small businesses promote a healthy community and bring neighbors together.
I did not see it listed but is there still the outdated requirement for shake roof replacement?
Keep covenants at 2 dogs. Not 3.
Clothes lines, they are "green"(environmentally protected) Enforcement will always be an issue so little funds availabl7e to take to court.
I would like to see all covenants removed. I don't want anyone telling me what I can or cannot do with my own property
Leave Filing 4 the way it is
All of them. State and county ordinances are adequate.
I would like to see a WAS/FS comparison between current and proposed covenants. When you only say Sections have been "updated" but don't tell me what has changed it makes me worried. Given the HOA horror stories I am not prone to take any ones word on the changes and I have yet t find the time to do a comparison.
The provision for snow and ice removal is impossible for some homeowners to comply with due to a poorly designed drainage system and inadequate County snow removal
Sorry, can't focus any more on this- too many funerals lately
The covenant addressing pets should go away. If the WELCA Board is going to be the sheriff in the community they need to be held accountable.
The concerns over noises, smells, auto repairs, vehicle parking; these are far outside of the HOA's reach and should be eliminated
Sorry, haven't seen them.

B-1 Reconsider in these tough/ changing economic times; B-3-1, outdated;B-3-3, should reflect the amendment from 7 or 8 years ago; D-1, most signs are bigger these days; D-3, who is enforcing this? Times are changing
I want to abolish the current/any/all covenants
Abolish the covenants
I want to abolish the current/any/ all covenants
Abolish the covenants
Abolish all covenants
RV's and campers should be allowed in driveways
All of them. I wonder if anyone knows why covenants were implemented in the first place during the development of building.
All but 8-7nuisance and 8-9 sewer; the others are obsolete
Limitations on clotheslines
Perimeter fences not reasonable on large properties – kids just tear them down and steal the wood.
The Architectural review is stupid. The neighborhood is a mishmash and you don't need to approve changes like planters , paint fences, etc.
You haven't enforced existing covenants, why add more you can't handle existing problems
All Covenants, County and State laws should be sufficient
I don't think there needs to be any additional covenants, other than those by County and State law. It seems the present covenants are difficult to enforce.
Leave the covenants alone
C-listed above and the one pertaining to working on vehicles
OK with all that were proposed
In general we would like to see more enforcement of existing covenants, re: front lawns full of weeds, huge RV;s parked on Lochwood streets for long periods, etc.
I would like to see WELCA totally abolished It serves absolutely no purpose. I have lived for man years and I have never seen anything but controlling so called Board members.

**Appendix C
Lochwood Community Questionnaire
Question no. F
Comments Received**

Question F was an open ended question that allowed responders to identify what additional covenants should be added to the current versions of covenants in Lochwood. The actual responses are duplicated in the following Table AC-1.

Question F:

Are there any provisions that you'd like to see in your Covenants that are not currently there? Please be as specific as you can:

Table AC-1

List of Comments Received on Question F

Comments Received
None that I can think of
ADD: Homes in the Lochwood Subdivision belong to the Individual Homeowners first and the HO"A Board of Directors, Architectural Committees, etc. secondly. Much individual leeway should be granted Homeowners regarding what they place in the back yards. Additionally Grandfather provisions should apply to most non-compliance issues, Both of these additional matters should be addressed in the content of the Protective Covenants
<i>Don't ask property owners to turn over personal info on their renters. This could get the owner in a a lot of hot water with the tenant and State regulation</i>
I feel the WELA Board have never done enough to enforce the original covenants and they should be abolished
<i>What has happened on the corner of West Texas Ave and Quail Something that says no train cars He is telling neighbors he says to keep the train car – just great</i>
No. The motor home parked for a year on 1100 South Routt Way since ??
<i>Isn't there a covenant on outside appearances? There are now many yards with knee high weeds, broken fences (south Owens Street)</i>
<i>Bees, chickens, roosters, should be allowed. Tougher sanctions on barking dogs should be implemented</i>
<i>I'd like to see the covenants enforced but mostly Section B. Seems to be focused growth experienced as Lochwood was founded but seem to be irrelevant now. Yard condition and streets littered with parked cars to be a more common problem</i>
<i>I'd like to see less control being sought. Most homes are maintained with pride. The proposed covenants went way too far.</i>
<i>p.s. that storage 21houl. On Quail could be someplace else on their property</i>
<i>No! Lochwood Hills is not all of this community! The rest (majority) will send a dime to improve this "hills" landscape</i>
<i>A provision to enforce the appearance and maintenance of a rental property/ The property owner should have a provision in their lease that refers to the rentee maintaining the yard and general "curb appeal"</i>
<i>Keep lawns mowed and spraying for weeds. That includes mowing large fields behind the property . Also, keeping 5 to 6 cars parked in front and back of homes should be eliminated.</i>
<i>An addendum describes covenant complaint process</i>
<i>Length of time a vehicle can be parked on the street without being moved</i>
<i>Enforce existing covenants including removal of snow and ice from walkways</i>

<i>Has roofing been addressed in the covenants? Shake roofs?</i>
<i>Trash should not be allowed to accumulate in back yards or garages where it poses a safety hazard or is an eyesore from neighboring properties.</i>
<i>1 snow from sidewalk removed within 24 hours storm, 2 No garbage allowed on sidewalks (use curb placement) 3 Pets limited to 2 of each kind</i>
<i>I take great pride in my yard and always have, I would like all those in Lochwood to take care of their yard – many don't.</i>
<i>No rentals!! Keep things as they currently are! It's worked for many years. The covenants are good P.S. If you don't have solid covenants you are inviting a deteriorated neighborhood, and drop value.</i>
<i>I'd like to see more control over parking violations/business vehicles(trucks)abandoned vehicles, etc.</i>
<i>Renewable resource development</i>
<i>Please don't give up any of our covenants</i>
<i>Prohibit storage sheds in front yard and require placement in backyard with minimum visibility from the street.</i>
<i>Need to have speed signs</i>
<i>Supplemental Comment: We do not want to be heavy handed nor do we want to act like a branch of law enforcement.</i>
<i>As discussed at previous meetings limit RV;s campers to property; limit number of unused vehicles (property at bottom of "W. Mexico Place.</i>
<i>The only house that was a problem was corner of Pierson Ct. and Idaho Ave. She's gone and my neighbor with the barking dog is gone. Barking dogs are my only problem</i>
<i>We are mainly concerned about property upkeep so that the neighborhood is desirable to live in.</i>
<i>WELCA doesn't ???? The covenants main ???? We don't want to have neighbor against neighbor (???? = word used couldn't be understood)</i>
<i>The surrounding neighborhoods have survived quite well without covenants. It adds to the area's appeal to have no HOA covenants. County regulations are sufficient.</i>
<i>WELCA doesn't seem to be able to enforce the present covenants; why would there be any need for more?</i>
<i>Enforce the existing covenants</i>
<i>Note, there are now two bills in legislature regarding HOA's. Might be prudent to see if these pass before any further revisions</i>
<i>Covenant written against having chicken coops if passed by Jefferson county Covenant written to properties being subdivided..</i>
<i>More enforcement of "junk" vehicles on street and parked on lawns ie. On corner and two streets down</i>
<i>I don't see a need for this organization</i>
<i>Enforcement of non-using/working vehicles. Junk up the neighborhood; EX- W. Oregon Place. Enforcing large (sheds and barns) not allowed. At least a size restriction.</i>
<i>Nearly impossible to understand how proposed changes compare to existing covenants.</i>
<i>Ditto</i>
<i>We would like to see mandatory dues rather than voluntary dues</i>
<i>Explain to the homeowners that the Architectural Committee and the WELCA Board are one in the same, now and the future now and the future intent.</i>
<i>Need to explain what assessing it's members means In detail.</i>
<i>Property owners should maintain lawns, porches, etc. so that the neighborhood retains value. Also, undue noise, constant use of loud power tools, paint sprayers, etc. should be curtailed. Building materials that create a "smudge" should be banned..</i>

<i>No more rules! The government is controlling enough</i>
<i>It would be good to see WELCA enforce front yard conditions</i>
<i>Solar roofing should be accepted without approval by anyone except the homeowner</i>
Corner Owens & Parfet CT home changed from single family to two family. Two mailboxes, one on Parfet, one on Owens – two entrances. Please investigate
Several Lochwood homes are showing significant disrepair on the exterior. Very unsightly
Addition of County & State law
Improvements to exterior propertied should only reqyire submission to an Architectural Committee if it is visible from the street.
Better enforcement
Do not make any changes to the old covenants
Yes Committee needs control over external development for examples; sheds & unkept yards tears down property values
Enforcing no RV street parking and no trash in the front yard. Maybe other covenants that help retain property values,