



Bear Mountain Homeowners Association

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July 2007

President – Jim Peterson 303-674-8370
Secretary – Bill Schenk 303-674-6367
Member-At-Large – John Burghardt 303-670-5974

Vice President – Maggie Cross 303-674-6155
Treasurer – Jerry Roberts 303-679-6824

BEAR MOUNTAIN SUMMER PICNIC

The annual Bear Mountain Homeowners' Summer Picnic for 2007 will be held on Sunday, August 26th from 2:00pm to 6:00pm, hosted by Dave & Jeanne Erickson at 5197 Bear Mountain Drive. We request that those attending with last names beginning with the letters: A through F, bring a dessert; G through P, bring an appetizer or salad; and Q through Z, bring a side dish. Burgers, hot dogs, and beverages will be provided. Parking will be somewhat of a challenge, so those that are capable of parking on Bear Mountain Drive and walking up are requested to do so. Or, if you drive people and dishes up then return to the road to park it will help. We hope to see everyone there, kids included!

BMHOA DIRECTORY UPDATES

We plan to publish a new BMHOA Directory in December 2007! We hope to give out a new Directory to every dues paying member at the annual Holiday Party this year. The last Directory was printed in late 2006. For those that can not attend the party, the new Directory will be mailed out after the Holiday Party is held.

If there are any updates to be made before the release of the next version of the BMHOA Directory, please contact the BMHOA Secretary, Bill Schenk, at 303-674-6367 or email him at bschenk@schenk.org with the new information. Thank you!

BEAR MOUNTAIN WILDLIFE

A large black bear has been seen a few times recently on S. High Drive, and bears have been seen around the Independence Trail/Fern Gulch area as well. Remember, you can use the telephone tree at the back of your BMHOA Directory to alert your neighbors. Most bears are just around, and do not act in a threatening fashion. The typical philosophy in the area is never to call the wildlife authorities or the sheriff unless one is truly threatening, because we have moved into their territory, not the reverse. Otherwise they can get into trouble when they really don't mean to cause any harm. Of course if one starts breaking into houses (not counting walking into open garages) or truly behaving in a dangerous manner, then the authorities should be called. The experience with bears here so far has been that they usually run when they encounter humans, especially if you say something to them in a loud voice.

If any wildlife is hanging around in an inappropriate fashion, please let a member of the BMHOA Board know. Also, please keep your dogs leashed and/or fenced so they do not chase the wildlife.

DUES & BMHOA FISCAL YEAR

The BMHOA has a September 1st to August 31st Fiscal Year. This allows us to account for Summer Picnic expenses in a reasonable fashion. Membership dues paid from June through August are applied to the following fiscal year's account. There is a form at the end of this newsletter if you have not yet paid the annual dues for the 2007-2008 fiscal year. Please fill it out and mail it to the BMHOA, or bring it with you to the Summer Picnic this August.

MEADOW DEVELOPMENT NEWS & WATER COURT DECISION

Many, many thanks to everyone who contributed to the latest fund-raising effort. Special thanks to the 30 new members! Welcome! When we all share the burden it gets a little lighter for all. Recent contributions enabled the Conservancy to pay some outstanding legal bills and put some money in the bank against the costs of the appeal. We will likely still need some more funding, but the end is near.

To recap the status of the case: In 1996, Bear Mountain homeowners filed an objection to Ron Lewis' Water Court application to put up to 10 additional wells on the upper meadow. Ten years later, the Water Court denied this application based on findings of both fact and law. However, Mr. Lewis has appealed the decision to the Colorado Supreme Court. His appeal brief has been filed, and we are assisting the lawyer in responding. After that, it is up to the court to issue a final ruling.

The cost of the appeal will depend on several factors, but by having some of our local legal beagles help with the research, we hope to keep the costs down. Our case is strong and we hope to prevail. One way or another, this matter will come to end soon. In the meantime, thanks again to everyone who has supported the fight.

FOREST MANAGEMENT PLAN

We have received our Forest Management Plan from the Colorado State Forest Service – a great example of your HOA dollars at work! This is an amazing document that reviews soils, vegetation, tree disease agents, wildlife and precipitation. Additionally, the forester spent many hours looking at individual properties and assessing each one in terms of fire danger and forest health. The report includes numerous publications that provide helpful information for anyone living in the mountains. We have three hard copies of this report and several copies on CD, although the CDs do not include the publications that were attached. We hope to put the written report out on the website soon so any homeowner can access it easily. However, you may also check out a hard copy notebook from Maggie Cross who is our unofficial librarian for homeowner records. Call 303-674-6155.

On the subject of forests, nearly everyone took a hit during the late April snowstorm. Uprooted trees and snapped branches are everywhere, adding to the slash we didn't get chipped last fall because of the early snow (apologies to those who indicated interest last fall). Jeffco has some state money available for slash removal and fire break construction and the Board has contacted the Jeffco Wildfire Mitigation Specialist, Rocco Snart, in hopes of getting a chipper and labor through this program. Having a Forest Management Plan should give us a bit of an advantage when asking for grant money. Unfortunately, Commissioner Kathy Hartman told Maggie and Jim that the county has not been able to disburse any of the money it received from the state because the program is using prison workers and the process of vetting them is very slow. You might call Commissioner Hartman with your concerns. It is very frustrating to see the need, know the money is there, and not be able to use it.

In the meantime, everyone should try to remove dead trees and ground litter and get the slash to the edge of the road for future chipping in case this program finally kicks in. If the county money doesn't come through, we'll try something else. Call Maggie (303-674-6155) again if you have slash that needs to be chipped. We'll keep trying!

GROUNDWATER OVERLAY PROPOSAL

After citizens strongly criticized the high-handed and arrogant behavior of the Jeffco Planning Commission when they deleted the most important provisions of the Mountain Groundwater Overlay proposal last March, the Board of County Commissioners (BCC) remanded the study back to the Planning Commission with instructions to consult with staff and reconsider sections of the proposal that had been changed or deleted without logical explanation. This was a pleasant surprise from the BCC, since no public comment had been allowed by the Planning Commission on the radical changes they made.

However, this was a false hope. The Planning Commission (same people, so no surprise) again refused to put any teeth in the proposal or require developers do a reasonably competent hydrogeologic report before subdividing. All they would require now is a pump test, which is virtually worthless for assessing long-term water availability and lack of harm to neighboring wells. The Planning Commission's idea of an earth-shattering change was to require people to drill a well before they can get a building permit. All they did is codify common sense. County Commissioner Hartman attempted to reinstate the provisions that would require developers to do something meaningful, but was voted down 2-1. The version that was adopted has little value to the BMHOA. You may contact Patrick O'Connell at 303-271-8707 or go on-line at www.jeffco.us/planning if you are concerned about long-term sustainability of water resources in the mountains.

JEFFCO PLANNING COMMISSION, WAIVERS

Although Ms. Hartman adds a refreshing voice of reason to the process, the other two Commissioners and the Planning Commissioners continue to engage in politics as usual (of, by and for developers). After numerous complaints that there were no mountain representatives on the Planning Commission, the BCC appointed one — who is the wife of a commercial developer in Conifer — while retaining the old guard, including one with no qualifications who is on record as saying if you live in the mountains, you take your chances—why expect Jeffco to do anything for you? He doesn't seem to think the County should do any planning in the mountains. That is County Commissioner Jim Congrove's publicly stated philosophy too. The BCC has now expanded the power of the Planning Director to waive, without public hearing, important components of the Land Development Regulations. This allows major land use decisions to be called minor so the county can ignore due process and do as they please without public hearings.

One that affects Bear Mountain Vista directly is a waiver given to Ron Lewis allowing him to ignore the emergency/secondary access requirements for cul-de-sacs. The regulation limits the length of a cul-de-sac to one mile and the total number of houses to 35, unless there is an adequate secondary emergency access. The basis for this regulation is public safety in the event of an emergency, which here means a wildfire. Bear Mountain Vista Unit 3 already has 108 houses and a 5-mile cul-de-sac (because it was platted before the regulation was adopted). The Planning Director ignored strenuous objections from the BMHOA Board and some individual residents, and waived the secondary access requirement last week to let Mr. Lewis proceed with his proposal to re-plat the meadow into four buildable lots. Think wildfires; think of the need to be able to evacuate. This is your safety at stake.

SPRUCE BUDWORM UPDATE

After our wet cool spring, the trees budded out and look very healthy compared to recent years. In numerous walks in the woods around the top of Bear Mountain, several of us have kept an eye out for any evidence of spruce budworm. So far we have seen little damage to new buds (except from the wind), and relatively few worms except in a few small areas. This all indicates that our 2005 helicopter spray program was very effective. Please keep an eye out for any apparent signs of budworm, including actual worms, or signs that worms have been eating the new growth at branch tips. Please contact us if you see any. Thank you!



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A \$25 Investment in your Mountain Community!

If you are a resident of Bear Mountain and haven't sent in the dues for the 2007-08 year, or if you live in the area and wish to join as an associate member, please make out a check payable to BMHOA for \$25.00 and bring it to the next BMHOA party, or send it to: **BMHOA / P.O. Box 2068 / Evergreen, CO 80437**

Please complete the form below and include it with your check so that we can keep the Directory up to date. Dues pay for Newsletters, your copy of the Directory, and your family's attendance at all annual parties, including the Summer Picnic and Winter Holiday parties. They also pay for such things as weed spraying equipment, spray, etc. Dues are voluntary, but only those that contribute will receive benefits! NOTE: Email addresses will NOT be published in the directory, and will only be used for timely BMHOA messages of importance.

Name: _____

Address: _____

Phone Number(s): _____ **E-Mail Address:** _____

Family Members: _____