

PINE MEADOW RANCH OWNERS' ASSOCIATION
MONTHLY BOARD MEETING
IN PERSON & VIA ZOOM VIDEO CONFERENCE
FEBRUARY 15, 2022

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Suitor, Secretary; Andrew Pagel, Treasurer; Dwaine Anderson (Area 1); Marty Hansen (Area 2); Sam Vincent (Area 3); Katie Winters (Area 4); Shaun Baker (Area 5); Paul Suitor (Area 6); Scott Boyle (Area 7)

Ex Officio: Jody Robinson, Nolan Mitchell, Fire Safety Coordinator; Robert Rosing, Legal Counsel

George Sears called the meeting to order at 6:30 p.m.

Minutes

January 18, 2022

Michelle Suitor did not agree with the **NOTE** at the beginning of the Minutes indicating that the recorder was not turned on until after the meeting had started and the recording began with the Water Company Report. She corrected the minutes to reflect that she turned the recorder on during the Board Roll Call and the meeting was recorded from the beginning.

MOTION: George Sears moved to approve the Minutes of January 18, 2022, as corrected. Dwaine Anderson seconded the motion.

VOTE: The motion passed unanimously.

Ranch Manager Report

Jody reported that it was a slow month for snow removal. He has been working to clear off all the ice on the Canyon.

Jody stated that he has been doing equipment maintenance and helping Brody Blonquist with frozen lines. He and Brody are both working alone right now so they have been helping each other when possible.

Jody had hired an assistant to start on Monday. His name is Trent Lott.

Paul Suitor asked if the tractor was off for service because he noticed a large bulldozer on the Mountain. Jody replied that he was rebuilding some of the pads on the blower and he had pulled the tractor in the shop to work on it.

Water Company Report

John Adams had attended the Water Board meeting and provided an update.

Mr. Sears reported that Mountain Regional had backed away from the acquisition at this point in time. In

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the process, Mr. Cylvick met with Mountain Regional and the legal counsel for both entities and created an agreement between the Pine Meadow Water Co and Mountain Regional whereby Mountain Regional will provide water to Pine Meadow for the next five years. It is a five-year guaranteed agreement. Scott Morrison's departure from Mountain Regional slowed the annexation process, which is why they were moving forward in a different manner.

Mr. Sears thought it was important for everyone to understand that the Pine Meadow Mutual Water Company was reconstituted so they could continue to operate. Brody Blonquist will remain with the Water Company and Trevor Townsend is coming back to his position as Assistant Water System Manager.

Mr. Adams stated that Trevor and Brody will work together, and both made a commitment to the water company for five years. Mountain Regional is willing to enter into a five-year contract with Pine Meadow Water to give them time to do their own due diligence given the change in management. If for any reason at the end of five years Mountain Regional decides not to annex, they will extend a perpetual contract to Pine Meadow that will continue to renew in perpetuity and Pine Meadow will always have water. Mr. Adams stated that there will be graduated usage caps; however, as described, the usage cap would currently represent 3 times what the Ranch is currently using.

Mr. Adams reported that the Mountain Regional Board is scheduled to meet on March 17th. If everything is satisfactory, they will sign the contract on March 18th.

Someone asked if Mr. Adams thought the cost to Pine Meadow was reasonable. Mr. Adams replied that the same question was raised during the Water Board meeting. They will not know the actual rates until everything is finalized, but Eric Cylvick thought the rates would be favorable. Mr. Adams reported that the current annual usage is 6.5-7 million gallons per year. Last year they purchased 2 million gallons from Mountain Regional.

Andrew Pagel thought it was absurd that 30% of their water usage was being supplied by an outside source. As of now, that outside source is slowing down the deal to a five-year period while Pine Meadow still has new people building and the number of full-time residents is increasing. As they continue to build and new lots are established, he thought they should continue to think about the fact that Pine Meadow is a recreational use area and consider indoor pools, number of bathrooms, and the size of homes being built. Mr. Sears stated that those issues will need to be addressed as they move through the process. Mr. Sears believed the report Mr. Adams provided was consistent with what occurred at the Water Board meeting. However, more work needs to be done and they need to be vigilant and aware of what is going on.

Mr. Sears pointed out that the agreement as drafted guarantees water to Pine Meadow. Previously, it was a handshake agreement, and no formal agreement was in place. Once the agreement is signed, they will have something in writing to protect Pine Meadow. They still need to understand the full aspect and how it will affect them

Monthly Budget Review

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The Board reviewed the unpaid bills detail.

Mr. Sears noted that last month Andrew Pagel made a commitment to review the budgets and make any necessary adjustments to reflect the actual budget and clear up any discrepancies. Mr. Pagel had obtained the information from Carol, and he was still in the process of aligning it with the projection sheet that Mr. Adams created. Mr. Pagel was also creating a tool to make the analysis much easier and quicker in the future.

Mr. Sears stated that collectively the Board needs to be sure that what is presented in the financials each month is consistent with what was approved at the Annual Meeting.

It was noted that at the last meeting the Board was waiting on the bill from Robert Rosing for legal fees. It appeared that they were still waiting again this month. Robert Rosing stated that he had submitted his invoice. Mr. Sears remarked that a bill came through on January 21st in the amount of \$1426. He had forwarded the invoice to Mr. Pagel and Carol. Mr. Pagel added the \$1426 for legal fees into the motion this evening and requested that Carol pay that invoice.

MOTION: Michelle Suitor moved to approve the Unpaid Bills in the amount of \$19,647.30. Andrew Pagel seconded the motion.

VOTE: The motion passed unanimously.

Rules and Regulations

Fire Update

Mr. Adams stated that for over a year the Fire Safety Committee has been working on new rules that would apply to new construction. The committee looked at the drought conditions, the fire risk, and everything that has taken place within Tollgate, and they would submit a document. The Committee believed they are at the point of moving forward. The objective of the rule is to create defensible space that has the ability to slow the spread of fire around a home. It includes teeth in the wording, and they introduced a \$1,000 defensible space bond that would need to be submitted with the Lot Improvement Plan for new construction projects. Mr. Adams noted that there are time limits for completing the requirements outlined in the rule.

Mr. Adams explained that the rule sets requirements within a 30-foot zone of the home and within an 80-foot zone of the home. It addresses low growing limbs, bushes, piles of dead wood, or anything else that can serve as a fuel source and create a hazard in the immediate vicinity of the structure or home.

Mr. Adams asked if any of the Board members had the opportunity to read through the document that was provided. Most of the Board members had reviewed all or part of the document. Mr. Adams noted that the document was updated several times as recently as yesterday. He asked if they thought the document was

in a format where they could move forward and open it up for public comment.

MOTION: John Adams moved to submit the Defensible Space Requirements for New Construction Draft Version 1.0 for open comment to the Tollgate Community. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

Architectural Review Committee

Mr. Adams addressed the Lot Improvement Plan, which is the document all lot owners must complete when they submit new build plans to the HOA. He stated that Section 3.iii contains a confusing sentence, which read "Site plans which show the location and footprint of all proposed structures, driveways, utility connections, propane tanks, septic tank, and drainfield". These are listed as items that are required when a Lot Improvement Plan is submitted. Mr. Adams pointed out that the sentence does not say that the septic tank and the drainfield are approximations of where those will be located, because there is no way possible that an owner could get that permitted plan from the health department and their septic design company. Mr. Adams stated that lot owners try to obtain the water letter from the Water Company that is needed for a permit; however, they cannot get a water letter until the Lot Improvement Plan is approved by the HOA Board. It is a frustrating process and Mr. Adams introduced clarifying language that would help eliminate the problem.

He presented the language on the screen, noting that the part highlighted in yellow is what he was proposing. Either before or after the sentence "All plans and construction fee must be submitted at least two weeks prior to the meeting desired for consideration of approval", they would insert "*The* septic tank and drainfield location mark is an approximation provided by the septic design company prior to receiving a water letter or health department permit".

Mr. Pagel remarked that everyone who submits plans to the Architectural Review Committee has an approximation of where the drainfield will be located. Mr. Adams explained that it is mistakenly being interpreted that the owner must have that permitted design in order to get that location reference. He stated that FM-C-79 was going back and forth trying to get her permitted septic design because she thought she needed it before she could move forward with her Lot Improvement Plan.

Tonya Keeve, FM-C-79, was on the line. She explained that she talked with the septic people, Carol, and the Water Company and it kept going in circles. The septic people said they could not do anything without the HOA approval and the water letter. She knows other owners who have had the same experience. Mr. Pagel explained that the process is to create a site plan to submit to the Architectural Committee for approval. Once approval is obtained, the owner then submits the site plan to Summit County and the Health Department. However, before the site plan can be created, a perc test and septic designs must be completed. Ms. Keeve emphasized that the septic design companies will not do anything until the owner has HOA approval. Hamilton, who has done a lot of perc tests and septic design on the Mountain told her that she needed a water letter before they could design her system. Mr. Pagel offered to contact Hamilton. Ms. Keeve reiterated that Hamilton told her that she needed a water letter before they could provide septic

drawings, and Carol said HOA approval was needed before the Water Company could issue a water letter.

Mr. Sears pointed out that John Adams was only proposing additional language for clarification. The discussion was not about a specific property. The proposed language would hopefully eliminate these challenges in the future. Mr. Sears asked if the Board had any problems with the inserted language as proposed. The Board agreed with the change proposed.

MOTION: John Adams made a motion to add clarifying language to the Lot Improvement Plan Section 3.iii, inserting the language, "*The septic tank and drain field location mark is an approximation provided by the septic design company prior to receiving a water letter or health department permit.*" Sam Vincent seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams noted that the Architectural Guidelines have not been updated for quite a while. In looking at the building plans submitted, people are very concerned about the fire risk on the Mountain, and they would like the option of using different products. Most people do not want to be forced into using wood. Mr. Adams understood that there is a hardie plank option; however, an increasing number of people are submitting plans where a larger percentage of their design involves metal or some other fire rated product. Mr. Adams thought they needed to start moving forward with a change in the Guidelines to address other materials. He proposed a rewrite of Section 4.1 that focuses on siding. Before the next meeting he would like the Architectural Committee to draft a rewrite of Section 4.1 that would address fire risk concerns and allow moving away from the 10% threshold that everyone is being held to under the current Guidelines. Mr. Adams had reached out to some of the Board members to help the Fire Committee and the Architectural Review Committee focus on the rewrite. Mr. Adams asked if there was support from the Board to move forward.

Sam Vincent supported the rewrite to address siding materials because there are a lot of fire-resistant materials that fit into the mountain vernacular. Mr. Vincent pointed out that metal does not always look like corrugated containers. Mr. Adams noted that his presentation on the screen included comments from two individuals who plan to build on their property. The Architectural Committee continually receives this type of feedback from people submitting their Lot Improvement Plans. It highlights the concerns from people who just want to protect their own home.

Mr. Sears asked if the Board was comfortable with Mr. Adams and the committees moving forward with the rewrite of Section 4.1 of the Architectural Guidelines. The Board members supported the rewrite.

Mr. Rosing reminded everyone that once they are ready to adopt the rules, they would still need to go through a full rule changing process. The process is straightforward. The HOA needs to send out the proposed rules to the owners prior to the meeting where they intend to vote on adopting the rules.

Committee Reports

Architectural Review Committee

PI-I-33/34

Mr. Adams reviewed plans for a new 616 square feet detached garage on Lot PI-I-33/34. This plan came before the Board last month and it was sent back to the ARC because the owner had not submitted the actual products they intended to use for their siding. After meeting with the owner, they determined that the proposed siding will be James Hardy Rustic Series Woodgrain Plank. The color will be summer wheat and brown. Everything else on the plans was the same. The ARC reviewed the submission and found no issues.

MOTION: Andrew Pagel moved to approve the plans for the 616 square feet detached garage on Lot PI-I-33/34. Sam Vincent seconded the motion.

VOTE: The motion passed unanimously.

FM-D-101

Mr. Adams reviewed plans for a new home on FM-D-101. The owner was proposing to build a 2454 square foot A-frame home on two acres. The Lot Improvement Plan was complete, and all fees were paid. The proposed siding was cedar wood in gray or brown, as well as bronze corrugated steel. Mr. Adams stated that the owners would also like black; however, he was unsure whether black has ever been approved as a siding color.

Mr. Adams pointed out that this particular build would require a variance of 35% for metal siding. The roof will be Western States standing seam metal in black. Mr. Adams noted that a question regarding a dumpster and additional information regarding the retaining walls was raised at the ARC meeting. The owner provided that information and the ARC was comfortable with those issues. Mr. Adams commented on one issue that came up after the ARC meeting. Within the CC&Rs for the Forest Meadow side is a preamble 7.0 that states, "No structure or any part thereof shall be constructed, erected, or maintained on any lot closer than 100 feet of any boundary line or right-of-way". He noted that this project is 62' from the west boundary and 72' from the road, which raises the question of how to address this issue. Mr. Adams found no other issues with the submittal.

Michelle Suitor believed that if Summit County allows what the CC&Rs do not, they have the ability to grant a variance as long as it still follows the County Guidelines. On the other issue, Ms. Suitor could not recall that black was an allowed color. Mr. Sears agreed.

The owner, Justin Serra, pointed out the daylight basement and he would like to cover the concrete with metal for better aesthetics. It is an A-frame structure, and the metal would be below the deck looking at it from the daylight basement side. The front and rear of the A-frame structure would be cedar and mostly window. Justin stated that there is a lot of vegetation around his property, and he would like to do whatever is possible to reduce the fire risk. Justin emphasized that he was proposing metal as a better aesthetic

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alternative to concrete.

Mr. Pagel asked if color samples were cited on the signed Lot Improvement Plan as required. Justin replied that he had submitted details showing where he was proposing to use the cedar siding and the metal siding in different areas. He also provided a vendor and color with links. Mr. Adams remarked that the dropbox file has the detailed manufacturer information. He understood that Justin selected Mountain Timber Aquifer in a shell and natural color. The primary color will be gray or brown. Mr. Pagel asked if Mr. Adams had the Lot Improvement Plan Agreement. Mr. Adams answered yes.

Justin noted that the Lot Improvement Plan does not give the ability for multiple options. For that reason, he submitted an arc plan that went through in detail pointing out which materials would be used in which places. Mr. Pagel remarked that on the Lot Improvement Plan, the owner could specify cedar gray and brown, and the Architectural Committee could attach the sample links Justin provided. The Lot improvement Plan would be signed, and the specified colors cannot be varied. Mr. Pagel stated that it gives the owner some flexibility to decide between the two approved colors, but there cannot be total ambiguity.

Mr. Pagel pointed out that black is not an acceptable color for the metal siding. He asked if Mr. Adams had verified that the total secondary siding was below 10% between concrete and metal. Mr. Adams replied that Justin was requesting a 35% variance. Mr. Pagel remarked that the HOA has not allowed the variance for previous plans, and until they officially change the Rules and Regulations to reflect that change, the Committee needed to remain consistent. Ms. Suitor was comfortable giving a variance on the metal because they are planning on making that change for fire mitigation.

Mr. Vincent stated that he had concerns and imagined a metal that was stamped with a wood like appearance. Ms. Suitor agreed that the metal shown on the plans was too industrial for a mountain vernacular, but she was still willing to make a variance for metal. Paul Suitor thought the corrugated metal on the plan was only to cover up the concrete portion of the structure. He did not think it would look bad on the bottom. Mr. Suitor was opposed to the black siding. Mr. Pagel stated that putting steel on top of wood attracts heat and does not provide good fire mitigation.

Nolan Mitchell fully supported metal over wood. Eventually everything will burn, but the metal will slow it down until help arrives. It actually improves the firefighting opportunities.

Mr. Pagel stated that he is only one person, and if everyone else was comfortable with the variance they should approve it. He wanted to make sure that the samples provided are attached to the Lot Improvement Plan, and that after "cedar" it explicitly states, "gray and brown per samples provided".

Ms. Suitor asked if the bronze was shiny or weathered. She was told that it was a weathered bronze. Mr. Pagel asked about the color of the steel since black cannot be used. Mr. Adams thought it would be bronze or brown. Justin clarified that he wanted black, but he had specified bronze as an alternative. Mr. Pagel was comfortable with bronze. He wanted to make sure that corrugated steel in bronze and cedar in gray or brown is clearly specified on the Lot Improvement Plan. Mr. Sears asked if they were approving the black roof. Mr. Adams replied that a black roof is allowed per the Architectural Guidelines.

MOTION: John Adams moved to approve a variance pertaining to CC&R-FM Preamble 7.0, allowing a variance to 72' from the 100' boundary requirement for FM-D-101. Michelle Suitor seconded the motion.

Mr. Rosing asked for the justification to grant the boundary line variance. Mr. Adams stated that in looking at how close some properties are to the lot line, in some cases, the boundary line falls under that requirement. Mr. Suitor noted that the Pine Meadow side does not have that restriction. Justin stated that he went on Google Earth just prior to this meeting and found 30 properties in Forest Meadows in 20 minutes. He also referred to a seasonal creek shown on the site plan, which limits his building options on the lot.

Mr. Rosing stated that if the Board grants a variance, there should be a unique circumstance that justifies the variance. The unique circumstance for the metal is that the Board is about to change the rules to allow it. The seasonal creek that limits the building area justifies the boundary variance.

Scott Boyle was concerned with the Board making a decision to change a CC&R without going through the proper process. Mr. Suitor replied that the Board was not changing the CC&R, they were only allowing a variance to the CC&R. Mr. Boyle thought it was sending a message that the Board was not following the CC&Rs. Mr. Rosing stated that when the Board looks at a variance there needs to be some unique circumstance that justifies allowing the variance, so it does not become an open door to ignoring the CC&Rs. The argument for a variance should be about what makes one particular lot different from the others, so it does not become precedent. Ms. Rosing stated that a separate analysis is whether a covenant is truly still enforceable and whether it has been abandoned. If a covenant has been abandoned and they allow a variance for many others, they potentially have an arbitrary and capricious issue.

Mr. Pagel agreed with Mr. Rosing that any variance that is objectively against the current rules and regulations need to be considered on a case-by-case basis. Because one person gets something is not an argument for the next person to get it too, because each circumstance is different.

Mr. Boyle pointed out that the Board was also considering approving a 35% threshold based on something they intend on doing but still needed approval by the members of the community. He did not think the Board had the ability to approve that variance because they do not know whether the proposed change will be approved by the members.

Mr. Adams repeated his motion to approve a variance from 100' To 72' for CC&R-FM Preamble 7.0 for FM-D-101. Michelle Suitor had seconded the motion.

VOTE: The motion passed 10-1. Scott Boyle voted against the motion.

MOTION: John Adams moved to approve a variance request for FM-D-101 allowing the owner to use up to 35% metal siding as presented in the architectural drawings. Michelle Suitor seconded the motion.

VOTE: The motion passed 6-4. John Adams, Marty Hansen, Katie Winters, Shaun Baker, Michelle Suitor and

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Paul Sutor voted for the motion. Scott Boyle, Sam Vincent, George Sears, and Andrew Pagel voted against the motion. Dwaine Anderson abstained.

MOTION: John Adams moved to approve the Lot Improvement Plan for a new 2,454 square foot A-frame home on FM-D-101 a two-acre lot. Michelle Sutor seconded the motion.

VOTE: The motion passed 9-2. Scott Boyle and George Sears voted against the motion.

PI-F-51

Mr. Adams reviewed plans for PI-F-51. The owner, Spencer Oberle, was proposing a 5,768 square foot new home on a one-acre lot. The Lot Improvement Plan is complete. All construction fees were paid. The primary siding proposed is hardie plank select cedar mill wood grain in dark gray. The owner was also proposing ice cap natural stone in gray. The roofing material is standing seam metal in matte black. Mr. Oberle provided an update on his retaining wall and pictures of the boulders he intends to use. In an email he also said he plans to address wildlife migration as the retaining wall is engineered because of the height of the wall. The home will be cut into the side of the property rather than sitting up to blend into the environment as much as possible.

Mr. Oberle was also requesting a roof slope variance. Mr. Adams presented a picture showing a breezeway type structure between the two A-frame structures. Mr. Oberle was proposing a 1.5/12 pitch. Mr. Adams pointed out that the Board previously approved similar breezeways.

MOTION: John Adams moved to approve the variance request for PI-F-51, a one-acre lot, allowing the owner to use a 1.5/12 roof pitch on only the breezeway as presented in the revised architectural plans. Michelle Sutor seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Adams moved to approve the PI-F-51 Lot Improvement Plan for a new 5,768 square foot home as presented. Michelle Sutor seconded the motion.

VOTE: The motion passed unanimously.

PI-I-37

Mr. Adams reviewed plans for a new home and a detached garage on PI-I-37. The owners, Ed and Kathleen Deffner, were proposing a 3,562 square foot new home with a detached garage on a one-acre lot. The Lot Improvement Plan was complete, and all construction fees were paid. The proposed siding was hardie plank or fiber cement plank, both in a wood grain and a Sherwin Williams nearly brown color. The owners presented three acceptable metal siding manufacturers. They were listing the metal to cover approximately 31% of the home and 4% of the garage, or 26% of the total build.

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Mr. Adams stated that the owners were requesting a metal variance. The roof material proposed is from either CMG or MBCI, standing seam metal in bronze. For the chimney they plan to use a Coronado concrete stone veneer in rubble or coastal ledge stone. Both products look just like stone; however, they would also require a variance.

Mr. Adams stated that the issue raised in the ARC meeting was to highlight the staging area. It was already on the plan and the owners circled it so it could be identified.

Michelle Suitor thought the plans were showing solar panels. She recalled that the Board has not approved solar panels in the past because they are reflective and reflective roofing materials are not allowed. Mr. Adams believed other people on the Ranch have solar panels. Ms. Suitor replied that the only one was Mike Gonzales and that was three years ago. Ms. Suitor read the language, "Unacceptable roof materials or bright and/or reflective materials and colors". Mr. Pagel thought the language made a strong case against solar panels. Ms. Suitor was comfortable either way. She just wanted to bring it up to the Board.

Mr. Vincent asked about the texture and color of the metal. He wanted to know if it was made to look like metal or whether it would be stamped to look like wood or something better. Mr. Adams replied that one metal proposed looks like a dark walnut that has wood grain. Mr. Vincent thought that made more sense if they were trying to keep with the mountain vernacular as opposed to a metal that looks like sheet metal.

The owners shared a screen showing the walnut wood grain siding option. Mr. Vincent stated that it was exactly what he had in mind. Mr. Adams noted that there were two other metal selections. Ed replied that the others were non-corrugated flat metal for siding. He showed what they would look like.

Mr. Vincent stated that if they were looking at variances based on a future rule change, he wanted to know what kind of metal the Board would accept in the future. Mr. Adams replied that the Board needed to have that discussion as part of the rules change because it has not been defined. Mr. Suitor assumed they would want to keep it to mountain vernacular and let the Board decide. Mr. Adams believed the many examples on the mountain of right and wrong would help guide the process. Mr. Vincent clarified if asked are they currently keeping with the idea of mountain vernacular. Mr. Adams answered yes.

Mr. Deffner also showed examples of the metal they were proposing in a non-shiny bronze color. It would look more like siding with either a 6" or 12" siding pattern. The intent is to reflect mountain architecture. Mr. Deffner stated that their main concern is fire safety.

Mr. Sears stated that if the owners have not decided on a final siding choice, he would like to know which one they choose. He emphasized that it needs to fit within the mountain vernacular. Ms. Deffner explained that availability is the only reason they have not yet chosen a siding. It will either be bronze or the wood grain color, depending on which one they can get. She clarified that they have no intention of changing the colors they showed this evening.

Ms. Suitor thought the manufacturer mattered as well as color because brown to one manufacturer is

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different to another manufacturer. She was comfortable listing first and second choice based on availability so the Board will know the two choices.

Mr. Pagel was comfortable addressing it the same as in the earlier property, but explicitly state the “or” condition because it constrains the owners to the two materials the Board has reviewed. He did not want to leave anything open to interpretation. Mr. Adams asked Mr. Deffner to name the two metal siding materials and the colors they would like to have approved. Mr. Deffner replied that their two preferences were the MBCI in medium bronze or the Western Sheet Metal T8 plank wall in walnut brown.

MOTION: John Adams moved to approve the variance request for PI-I-37 allowing the owner to use up to 31% metal siding on the home, and 26% of the entire build. The metal siding identified is MBCI in medium bronze, and Western Sheet Plank in walnut brown; and FW-120, artisan, and *Flex Loc*, all three in medium bronze. Sam Vincent seconded the motion.

VOTE: The motion passed. Scott Boyle voted against the motion.

Mr. Boyle clarified that he liked the style the Deffner’s were using. His vote to oppose was only because of his preference to wait until the rule change is approved by the membership.

MOTION: John Adams moved to approve the variance request for PI-I-37, which would allow the owner to use the concrete stone veneer as presented in the plans. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

The Board discussed solar panels. Ms. Suitor clarified that she was not opposed to solar panels, she was only making the Board aware that solar panels have not been allowed in the past. Mr. Sears recalled that two or three years ago the Board did approve solar panels on one property, but the panels were mounted on the side of the house on a separate setup. They were not mounted on the roof. Mr. Boyle agreed that in the past solar panels were on a separate pole and not part of the structure.

MOTION: John Adams moved to approve the Lot Improvement Plan for a new home with a detached garage totaling 3,562 square feet on Lot PI-I-37. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

PI-D-31

John Adams reviewed building plans for a home and detached garage with an accessory dwelling unit on a .59-acre Lot PI-D-31. David Bush is the owner. The proposal is to construct a new home at 4,381 square feet, and a 2,402 detached garage with 1,000 square feet of the garage being livable space. The total build is 6,783 square feet. The Lot Improvement Plan was complete, and all the fees were paid.

Mr. Adams noted that the proposed siding was wood grain hardie plank in a light brown or bronze color.

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Also proposed is a Wind River Natural stone in brown and tan colors. The owner proposes an asphalt roof shingle in dark brown.

Mr. Adams stated that approval would require a CC&R variance to Preamble 6, which states that "Only one dwelling would be permitted for one half-acre lot, although a clustering of dwellings will be permitted on multi-acre lots when approved by the ECC". Mr. Adams reported that the ARC met on this issue and believes that the proposed build represents two equitable dwellings. Mr. Bush disagreed. He does not believe his project represents two separate dwellings.

Mr. Bush stated that per the Summit County definition, the 1,000 square feet space is an accessory dwelling unit and not an addition. He explained that due to the lot configuration and the setbacks, the entire center of the lot is unbuildable. Mr. Pagel clarified that the original intent is for the majority of the lots to be represented by nature and not by driveways and additional dwelling units. In looking at the proposed drawings he sees no space for natural vegetation to grow. He sees 70% of all the natural area either consumed in driveway or dwelling.

Mr. Bush remarked that the definition of livable space includes decks and other outdoor structures. Ms. Suitor disagreed on the definition of livable because it does not include decks or garages. Mr. Pagel understood Ms. Suitor's point; however, his concern was more footprint versus land area. Mr. Bush clarified that his lot is approximately 26,000 square feet. Mr. Pagel noted that the driveway, which connects the two separate living spaces, and the living spaces themselves takes up 70% of the lot and it creates too great of a visual impact. He explained that the driveway going to the primary unit does not look bad at all. The problem is the driveway plus the extension of the driveway over to the second unit, which is two cars wide.

Mr. Bush stated that over the years, one of the biggest concerns he has heard over the years is the parking issue on the Mountain. He thought it was better to provide more parking, but instead he was hearing tonight that providing more parking on-site is not a good thing. Mr. Pagel pointed out that 10 cars would fit on the driveway.

Mr. Boyle asked whether the structure and the driveways would affect the setbacks. Mr. Bush replied that there is a 35' right-of-way and a 25' additional setback. He stated that the main floor livable space is 1220 square feet with a 1220 square foot basement.

Mr. Pagel was opposed to the proposed site plan. Paul Suitor was also opposed. Mr. Pagel stated that he was comfortable with the primary structure and the driveway; however, he was opposed to everything to the right of that.

Mr. Bush remarked that he would not need to take out a single tree on the right-hand side. He understood the concern. They live in the mountains and want to have trees, but there are no trees in that area now. Ms. Suitor stated that she was looking at the lot from the Summit County parcel viewer and it looked like the trees are in the left corner where the main building is, and the right corner where the garage would be located. Mr. Pagel clarified that besides trees, his concern was for vegetation and what the wildlife will eat.

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From what Ms. Sutor was showing, Mr. Boyle thought it looked like the west corner was inside the 12' variance. Ms. Sutor agreed. Mr. Boyle asked if there was another lot to the north or if it was the road. Ms. Sutor stated that there are two lots behind it. The division between the two lots is close to the middle. Mr. Bush is on Beaver Circle and there are two lots behind him and then Elk Road.

Mr. Bush was willing to change the site plan to eliminate 60% of the driveway parking spaces. He explained the reason for the ADU is that the left side of the lot only has a maximum building area of approximately 3600 square feet. Mr. Adams stated that when an ADU in a garage previously came before the Board, the owner was required to bring the accessory garage ADU right next to their home and connect the two structures. He suggested that Mr. Bush find a way to bring the garage closer. Mr. Bush replied that he would still need to get a variance from the HOA and from Summit County to bring the garage closer to the house.

Ms. Michelle asked where Mr. Bush was planning on putting the septic because the downhill side is towards Beaver Circle. Mr. Bush replied that it will come across down south of the driveway and to the right. Mr. Pagel pointed out that as proposed, the project would cover every inch of the buildable area. Mr. Bush reiterated his willingness to eliminate a portion of the driveway.

Mr. Adams recommended that the Board table this item and give Mr. Bush the opportunity to rework his site plan and decide whether he can tweak his design based on the comments this evening. If revisions are made, Mr. Bush can resubmit the site plan and the Board can vote electronically rather than waiting until another Board meeting. Mr. Adams understood all the concerns; however, there needs to be some compromise, and everyone needs to be willing to work together.

Mr. Pagel clarified that in looking at the site plan, he was comfortable with everything on the left side. In his opinion, Mr. Bush was trying to put too much on the lot and that is not in keeping with the mountain vernacular. Mr. Pagel was not comfortable with what was being proposed on the right. Mr. Bush asked if there was a guideline he could refer to. Mr. Adams replied that the Architectural Guidelines refer to surrounding properties and whether the structures are similar. It does not specifically address footprints or acreage. Mr. Adams remarked that the guidelines focus on nature and blending in with the mountain vernacular.

Mr. Bush thought he could revise the site plan. Mr. Adams told Mr. Bush that he also needed to identify the septic location before the Board could consider an approval. Mr. Adams stated that Mr. Bush should stay in touch with him and provide the necessary documentation. Mr. Adams will share it with the ARC and with the Board members, and if everyone decides the information is sufficient to move forward to a vote, they can vote electronically. Mr. Pagel thought the next step would be for the Board to talk internally and determine what they would be comfortable with and send their set conditions to Mr. Bush. If Mr. Bush is comfortable with the conditions, the Board can approve it.

Ms. Sutor commented on the surrounding lots and noted that there is one building on each lot. She pointed out that at 1,000 square feet, the ADU is almost as big as some of the cabins on the road.

FM-C-79

Mr. Adams reviewed the plans for a home on Lot FM-C-79. The owner, Tonya Keeve, was proposing a 1,600 square foot new home on 6.57 acres. The Lot Improvement Plan was complete, and all fees were paid. Ms. Keeve was proposing to use 1 x 6 cedar plank in gray or natural brown cedar. Ms. Keeve had provided Behr samples. The roof material is from ACS, a standing seam metal in matt black.

Mr. Adams noted that the ARC had reviewed the plans and had no issue with this project.

Mr. Suitor commented on fire danger and wanted to make sure Ms. Keeve understood that there were other options beside the flammable material proposed. Ms. Keeve stated that she was unaware about using metal, which is why she was using all wood. She explained that the base will be concrete 3' up. The deck in front will also be concrete. Mr. Suitor clarified that he wanted Ms. Keeve to be aware of the fire danger before he votes on proposed plan. Ms. Keeve stated that she does not like fiberboard, such as hardie plank. She understands that the lot has downed trees. She intends to remove the trees and clear the vegetation to eliminate as much fire danger as possible.

MOTION: John Adams moved to approve the FM-C-79 Lot Improvement Plan for a new 1,600 square foot home on 6.57 acres as proposed.

Mr. Pagel wanted to make sure the Lot Improvement Plan clearly stated cedar plank in gray or brown.

VOTE: The motion passed unanimously.

George Sears noted that Dwaine Anderson had disconnected from the meeting, and he was unsure whether Mr. Anderson had voted on the last few motions.

PI-D-50

Mr. Adams reviewed plans for Lot PI-D-50. The owner, Michael Nuttall, was proposing to construct a 6,251 square foot new home on a 0.81-acre lot. The Lot Improvement Plan was complete, and all fees were paid in full.

Mr. Adams stated that the proposed siding is a Scots Pine Thermory Plank in brown, and a natural stone veneer in in brown, gray and cream. The proposed roof material is Fibral standing seam metal in dark bronze.

Mr. Adams stated that when the ARC met to review plans, this Lot Improvement Plan had a stamped survey with a winter disclaimer. The Committee discussed it and determined that the disclaimer would have created a liability for the HOA if everything was not disclosed. Mr. Adams explained the issue to Mr. Nuttall, and he contacted his surveyor for a new survey. A new survey was issued, and the disclaimer is gone.

Mr. Adams remarked that the ARC also had questions regarding the retaining wall material and that

information was provided. The material is a Wood Ridge 2'-4' boulder in brown and gray. Mr. Adams noted that the site plan identified the location of the on-site material storage.

Mr. Adams commented on the mountain vernacular. Some of the ARC members felt this particular design has a level of prominence. It is not cut into the lot itself but rather stands out, and some of the committee members were uncomfortable with that aspect of the design. Ms. Suitor thought the septic location was an important question. It is a very small lot and it appeared that the main structure would take up all of the lot. Mr. Nuttall stated that the building footprint was approximately 2500 square feet and there is a driveway. The driveway goes around the septic. Ms. Suitor asked if the driveway was paved. It has switchbacks and the lot is quite small for switchbacks. Mr. Nuttall pointed out that the lot is steep. The reason for the switchback is to achieve the required amount of driveway to meet the 10% grade. The driveway could not go lower or higher due to the placement of the septic tank. Paul Suitor asked if the septic was away from the road on the back. Mr. Nuttall stated that the septic is right in front of the driveway. He had provided a drawing showing the septic location.

Mr. Vincent asked if the HOA had any authority to approve septic design. Ms. Suitor believed Summit County or the health department approves the septic design. Mr. Pagel explained that the HOA verifies that the site plan includes utility connections. Mr. Nuttall stated that he collaborated with a septic designer, and they had to push the house back in order to fit the septic. Ms. Nuttall clarified that they submitted an updated plan showing the septic. It was not shown on the Google doc. Mr. Adams had on the screen.

Ms. Suitor pointed out that the lot to the west is a vacant lot is about the same size; however, the lot further to the west is 1-1/2 acres and has a much smaller dwelling. The lot to the right is also 1-1/2 acres and has a 2,050 square foot dwelling.

Mr. Adams referred to the position of the home on the site plan and asked if there is much vegetation surrounding the property. How the house will stand out on the lot is another important question. Mr. Nuttall replied that standing at the driveway, it is approximately 30' above that point. The structure will not be visible when driving by. Ms. Nuttall stated that there is a giant pine tree on the southeast corner of the lot, as well as two pine trees on the west side at the top of the driveway next to the house. The trees are old, but they will all remain on the lot. Mr. Nuttall stated that all the existing vegetation would remain except for where the driveway and house are located.

Ms. Suitor asked for the size. Mr. Nuttall replied that the living space is 5,000 square feet and the garage takes up most of the basement, for a total of 6,250 square feet. There will be five bedrooms and four bathrooms. Ms. Suitor was concerned that the lot size is small and that the surrounding lots have much smaller cabins.

Mr. Pagel commented on the uncertainty over the next five years with the water annexation and how much water Pine Meadow will actually be able to provide to the residences. He is always concerned whenever they put a large dwelling on a small lot and the related proportional water consumption to that lot versus the other lots.

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Mr. Vincent thought they all shared the same concern, but he did not think it was grounds to deny an application if it fits within the Guidelines. Mr. Pagel stated that in the past the HOA has requested that people reduce their submissions based on the definition of recreational water use. Mr. Sears believed they were moving into the Water Company requirements and that was outside of their purview. Mr. Pagel clarified that it was not a requirement, but it goes to mountain vernacular. Mr. Sears stated that this was the first time he has heard the issue raised. Ms. Suitor and Mr. Pagel recalled raising the issue of big homes on small lots with previous submissions. Mr. Pagel clarified that he was only expressing his concerns, but it was not an indication of how he would vote. Ms. Suitor pointed out that in comparison it would be three times the size of the surrounding structures. Mr. Pagel remarked that the definition of mountain vernacular is property relative to its neighbors.

Mr. Adams asked the Board how this house would compare with the larger home along Artist Point. Mr. Suitor replied that it was similar, but still nowhere near the size of the proposed house. Ms. Suitor noted that everything on Elk is a log cabin. Mr. Nuttall commented on the larger, modern home on Lot PI-D-47. He believed their design would have a more cabin look. Ms. Suitor noted that the structure was not showing up on Lot 47 because it is too new.

Mr. Pagel suggested tabling this item until the ARC has the opportunity to personally look at the site and the adjacent properties in the area.

Mr. Nuttall stated that they had seven different designs. Some were larger and some were smaller, and some required 100' long 10' tall retaining walls. Mr. Pagel asked if they could build a smaller house in the same location. Mr. Nuttall answered no because it would require a significantly long driveway and that would require retaining walls. Mr. Pagel asked Mr. Nuttall if they could just reduce the size of the house in the exact same location without needing a longer driveway or retaining walls. Mr. Pagel understood wanting space and needing bedrooms for a family. However, in order to do his due diligence, he needed to physically look at the adjacent properties and, as a representative of the resident in the neighborhood, consider whether the neighbors would be happy if he approved the plan as proposed. Paul Suitor agreed. He thought the house proposed looked like a Promontory house. The size of the lot versus the size of the house does not fit the Pine Meadow area. Mr. Pagel suggested knocking on the neighbors' doors to see whether they think it fits with the mountain vernacular.

Mr. Adams suggested that he and the ARC could work with the Nuttall's on tweaking their design until they can find middle ground that would allow the Board to move forward with a vote to approve. Mr. Nuttall emphasized that they would appreciate not having to change the design again. Ms. Suitor offered to meet with Mr. and Mrs. Nuttall this weekend. She thought the perspective of one particular picture that was creating the concern. Mr. Nuttall stated that he had submitted a video that circles the entire design. Other Board members offered to meet Ms. Suitor at the property. Ms. Suitor would set up a time to meet with Mr. Nuttall via email. She will notify the Board when a day and time has been established.

Roads and Parking

Mr. Adams stated that a survey was done a month ago and they had 94 responses. The survey asked people

if parking at the base of Tollgate was important. Fifty-two percent said yes. Mr. Adams had started to look into potential possibilities. He met with Gus Sherry with Canyon Engineering at the dumpster site. Mr. Sherry is a civil engineer, and he was involved in the engineering work on the pullout at the top of Tollgate Canyon Road. Mr. Adams stated that Mr. Sherry looked at the approximately 10 acres identified in the center of the map on the screen. The area is multi-layered but there is a potential for parking. Mr. Sherry had provided a cost estimate if the HOA decided to pursue the parking options. A topographical survey and a site plan would be required, and the cost would be approximately \$15,000 if they use Canyon Engineering. Mr. Adams clarified that the HOA would put it out for bid if they choose to pursue it. Mr. Sherry told Mr. Adams that if the Board could make a decision quickly, the cost could be slightly lower than \$15,000. A grading permit would also be required. If they get into multiple layers a retaining wall might also be needed.

Mr. Adams emphasized that this was information only and nothing has been discussed or planned at this point.

Ms. Suitor was certain that the project would require a building permit from Summit County because of the amount of dirt and rock they would be moving. She was also certain that a retaining wall would definitely be needed. Mr. Pagel recommended paying \$8,000 to \$12,000 total.

Mr. Adams stated that based on the survey, some people are willing to pay for parking. He thought there could be a group to help fund this in exchange for their own parking space but could also be talked into funding parking spaces for several other people on the Mountain who could not afford it. Mr. Adams remarked that because not everyone on the Ranch would want to park there, they could run into the issue of people not wanting to pay for it because they do not intend to use.

Ms. Suitor asked if this presentation was only an introduction, and it would come back to the Board for discussion after more is discovered. Mr. Adams answered yes. This was still a discovery process to look at potential options and whether it would help the 52% of people who desperately need it. He pointed out that during the wintertime when there is ice and snow, trying to chain up down there creates a dangerous situation. He believed it would help the community if they can create a pullout where people can get off the road to chain up as opposed to everyone congregating near the mailboxes. Mr. Suitor stated that he was approached by several owners this past week about having a larger area for chaining up. He agreed that it is a concern.

Fire Committee

Nolan Mitchell announced that he will be leaving the mountain in the near future. In order to have a smoother transition than the emergency transition from Alan Powell, he would like to figure out what direction they should take to find someone to help with the transition. He asked if Mr. Sears wanted to find his replacement himself, or whether he wanted to delegate it to someone else on the HOA Board.

Mr. Sears thought they should explore the individuals on the Ranch to see if anyone on the Ranch is willing to take it over. He understood that some people who have experience have already worked with Mr. Mitchell and the fire committee. He asked if Mr. Mitchell had a recommendation. Mr. Sears thought

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someone from the Board should head the Fire Committee and help drive that process. He commended Mr. Mitchell on doing an incredible job. Mr. Mitchell lives on the Ranch and has a lot of experience. The preference would be to replicate that if possible. He reiterated his request for a Board member to take the lead as they move through the process.

Mr. Mitchell asked Mr. Sears to clarify the next step. He was hesitant to spend time talking to or interviewing people if the Board wanted to go in a different direction. Mr. Mitchell stated that in conversations he has had with people on the Mountain, nobody has stepped up to volunteer. Some have said they might be willing to step in, but no one has stepped up or is willing to take it on. Mr. Sears acknowledged that it was not an easy job. Mr. Sears believed that he, Michelle Suitor, Andrew Pagel, and John Adams should make the final decision as the Board Executives. If other Board members were willing to step up and volunteer to help with the process their input would be welcome. Ms. Suitor stated that if Mr. Mitchell recommended someone, the Executive Committee would consider that person. She did not think Mr. Mitchell would be wasting his time talking to people.

Mr. Mitchell was doubtful they would have one person as the Fire Safety Coordinator. He assumed it would be a Fire Safety Coordinator by committee, at least at this point. Someone could rise to the occasion, but there was no way to know.

Mr. Adams asked Mr. Mitchell for his ideas. Mr. Mitchell replied that he would like to talk to the three or four people who are willing to participate to find out what they are willing to do. He suggested the possibility of splitting the committees into four different groups and have someone manage it. Mr. Mitchell wanted to make sure they move the process forward as fast as possible because the longer it takes to get people in place, the less time he will have to mentor and answer questions. The Executive Officers agreed to meet with Mr. Mitchell next week based on Mr. Mitchell's schedule.

Mr. Mitchell reported on a Fire Mitigation Grant that is a 75/25 match. If the HOA puts up 25% the State matches 75%. They were in the process of doing the paperwork. The paperwork is do in March; however, they were looking at rolling the majority of the \$63,000 for fire mitigation over so it can be matched. They could end up with \$240,000 just from the funds that were increased this year to put towards fire mitigation. In addition, other things they can use to help with matching funds includes volunteer hours, equipment used during the volunteer hours, and any other additional cash. Mr. Mitchell noted that the 750 manhours from the two cleanup projects resulted in almost \$30,000 worth of in-kind donations. The goal this year is to increase the manhours to 1,000, as well as any other donations from people on the Mountain. He noted that a \$1 donation can be turned into \$4. Mr. Adams asked if it was possible to do a write-in donation campaign to raise more money. Mr. Mitchell answered yes.

Sam Vincent noted that Jessica Kirby, Summit County Lands Manager, offered to spearhead their application. She had some specific tasks that the committee was working on. Ms. Kirby will shepherd them through the process. She needs everything by March 14th. Specific pieces have been delegated and the committee was meeting again tomorrow. Mr. Vincent thought they could easily have \$360,000 to spend on fire mitigation because of this grant.

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Paul Suitor stated that he gave Jessica Kirby a tour of the Ranch last weekend. She was pleased with what they had already done. Ms. Kirby told him that Pine Meadow could have been eligible for an \$800,000 grant if they had \$120 per owner to put towards it. She also told him that this was not a once in a lifetime grant and they could qualify again in the future. Mr. Suitor pointed out that Pine Meadow is ready to go because of everything they have already done, which is key to getting the grant. Other communities who do not have matching funds are not ready. Mr. Suitor remarked that the HOA positioned themselves well for this grant and hopefully could do it again next year. Mr. Pagel clarified that they have the manhours plus the \$63,000.

Mr. Mitchell commented on the issue with North Summit Fire District. Due to that issue the fire station has been paused because North Summit Fire District has been suspended. He had sent an email to Carol asking her to forward it to all the property owners regarding dealing with medical issues. He explained that currently people on the Mountain who are first aid qualified, are no longer employed by North Summit Fire District. If someone on the Mountain needs emergency medical help, they would call 911 and someone from Park City would be dispatched to come up. In the past, several people on the list would have been notified and they would know the location of that person, what it would take to treat them, and they would use the Suburban to transport that person down the mountain to the waiting ambulance. That piece is now missing and anyone with a medical emergency must wait for someone from Park City to arrive. Mr. Sears asked if someone would be providing feedback to the group that is meeting. Mr. Mitchell stated that Marianne was planning to attend. He would be out of town and planned to listen to it, if possible, but you can only make comments if you attend in person.

Mr. Sears will talk to Carol about sending out the email. Ms. Suitor pointed out that the meeting is Thursday and the email needed to be sent tomorrow. Mr. Mitchell was concerned that someone would need help and not know what to do under these current circumstances. Ms. Suitor noted that neighbors can help neighbors and the first aid responders can still help as a neighbor under the Good Samaritan Law while they wait for the ambulance. Mr. Mitchell stressed the importance of sending the email because it could mean the difference between life and death. Mr. Mitchell encouraged everyone to send an email to the County Commissioners because they are the ones in charge and in some ways are being complacent. The Commissioners need to understand that they need a fire department and the fire station. Mr. Suitor noted that the contact information can be found on the Tollgate Canyon Facebook Group. Ms. Suitor stated that anyone not on Facebook can email Mr. Mitchell on the fire safety committee email on the website and he will forward the links. Mr. Mitchell stressed the importance of getting the word out. People need to talk to their neighbors or Facebook their neighbors so they can continue to show that support. He pointed out that the City's will be represented at the meeting because the Mayors and City Council members will attend. Tollgate is not represented, unless Mr. Sears attends as President of the HOA and says he is representing the 800 lot owners. Mr. Mitchell was uncertain whether Mr. Sears would have a seat at the table. At this point, the only voice they have are emails to the County Commission or people actually attending the meeting.

Mr. Pagel asked if it was possible to create a lay medical list of people who are willing to respond to emergencies. Mr. Mitchell replied that a list was already posted on Facebook and included in the email that will be sent out. The people listed are prepared and ready to go. They just need to get the word out so people on the Mountain know this is the new protocol until North Summit Fire is back in business.

Due to the late hour and length of the meeting, Mr. Sears tabled the remaining agenda items to the next meeting. The Board opened the remaining time for public comment.

Public Open Forum

Cassie, PI-C-26, commented on the discussions regarding approval of building on properties. She understood the Board was allowing some of the property owners to get an approval via email before the next meeting. She asked if there was any accountability for the public to hear the results of a vote that is done via email.

Ms. Suitor explained that if a vote is taken via email, the vote is ratified in the next public meeting so the public will know what occurred.

Megan Franz supported the idea of changing the order of the meeting. She was interested in hearing about the fire department and other things. She thought it would be helpful if the email that is being sent also included important points that people should be aware of if they attend the County Commission meeting. She had her home insurance dropped because of the wildfire risk, and she was very committed to fire mitigation and the fire committee being an important piece.

It was noted that having the fire station is the best thing for the insurance companies. It is important for that to move forward.

Mr. Adams asked if Megan was interested in participating on the fire committee. She was definitely interested in participating, but she was unsure whether she had the time capacity to be a leader. Mr. Mitchell asked Megan to put in writing what she said about her insurance being cancelled because of the fire station. The more examples they have in hand when talking about the fire station will be more beneficial than anything else.

Mr. Vincent asked which insurance company had dropped her insurance. Megan replied that Auto Owners dropped them, and other companies were not willing to insure them because of the wildfire risk. State Farm in Park City and American Family in Salt Lake were willing to insure them. Megan offered to provide some of the wildfire risk assessments of Tollgate that she found in her searches.

Ms. Suitor emphasized the need to change the order of the agenda because running over time is an ongoing problem.

The meeting of the Pine Meadow Owners Association Board adjourned at 9:30 p.m.
