

PINE MEADOW RANCH OWNERS' ASSOCIATION
MONTHLY BOARD MEETING
IN PERSON & VIA ZOOM VIDEO CONFERENCE
APRIL 19, 2022

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Suito, 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 Suito (Area 6); Scott Boyle (Area 7)

Ex Officio: Jody Robinson, Ranch Manager; Robert Rosing, Legal Counsel

George Sears called the meeting to order at 6:40 p.m.

Minutes

March 15, 2022

MOTION: George Sears moved to approve the Minutes of March 15, 2022, as written. John Adams seconded the motion.

VOTE: The motion passed unanimously.

Ranch Manager Report

Jody reported that with the heavy snowfall they were still in the middle of snow removal, as well as later runoff control. They were also working on the equipment in the shop since there was very little they could do until the ground dries out.

Mr. Pagel asked Jody to clarify the White's Auto Parts purchases for \$450. Jody stated that it was to replace the batteries for the grader.

Paul Suito noted that Jody had not attended the March meeting; however, he told Mr. Adams that he was working on a couple of bids. One was the cost of a sander. Jody replied that he had not yet obtained a bid on the sander.

Michelle Suito recalled that Jody was also obtaining a bid on road base and mag water. Mr. Sears had the mag water bid but he had not sent it to everyone. He needed clarification from Jody as to how it applies to what they received last year.

Jody reported that mag water would be spread on June 20th rather than in July.

Mr. Suito asked Jody if it was still worth doing the mag water considering the cost increase. Jody noted that they only do the main arteries. Mr. Suito asked if it was better to put the money into purchasing more road base instead of mag water. Jody stated that in his opinion, it would be better

to spend the money on road base. Mr. Pagel remarked that the Board allocated \$15,000 in the budget for mag water. Jody ran the numbers, and the mag water alone was \$16,000 on mag water and without it being spread. Fuel costs and the economy caused the price increase.

Mr. Pagel thought they should obtain a bid by the May meeting, which would still give them a month to decide whether to go ahead with the mag water on June 20th or whether to allocate the \$15,000 mag water money to road base.

John Adams shared his screen to show the spreadsheet that Jody had sent him. Jody explained that the cost was \$39/ton at \$7,006 per load. They need to purchase four loads to achieve the mileage they do each year. The cost to have it applied is \$33/ton, plus the fuel and sales tax. Jody estimated a total cost of \$20,000 for mag water this year. Mr. Suitor pointed out that a major rainstorm can wash away the mag water, which is what happened last year.

Mr. Adams thought it was a trade-off. They always need more road base, and the dues only cover two truckloads of road base per lot. Mr. Sears stated that the decision is a combination of financial and opportunity costs. If they can improve the opportunity by putting down more road base in those same areas and improve those roads overall, he thought they were better off with road base than mag water. If they apply mag water early this year, it could potentially only last six weeks.

Mr. Sears asked if the Area Reps wanted the opportunity to poll the owners in their area to see if they preferred mag water or road base, or if the Board preferred to make that decision this evening. Michelle Suitor thought it was worth polling the owners for their input. Mr. Sears stated that they could also email the owners asking for their input.

Scott Boyle pointed out that with everything returning to normal after Covid, they can expect a lot more traffic going up and down Tollgate Canyon going to the Church property. Mr. Sears agreed, noting that the dust level will increase dramatically. Paul Suitor stated that putting additional road base on some of the highly traveled areas would help to reduce the dust. Jody noted that they could get approximately 40 additional loads of road base for the cost of the mag water.

Mr. Sears suggested that the Board seek input from the property owners and bring this back for the next meeting. He encouraged all the Area Reps to reach out to the owners in their area.

Mr. Pagel summarized that the Area Reps will get feedback from their owners, the Board will have the official financials for the May meeting, and the Board will make their decision based on feedback from the owners and the official bid.

John Adams asked Jody for his thoughts on what they should do about brush this year. Jody

thought it should be piled up on the fire department ground rather than in the Ranch safe area. Mr. Sears liked the idea of getting the pile out of the lower parking lot. He also thought they should coordinate with the fire department to let them know they intend to use it rather than just assume they could. Paul Suitor was not opposed to moving the burn pile but moving the burn pile involves a permitting process for a different location. He suggested that they ask Dave Tillian for input on the process.

In response to a question on chat from a Forest Meadow owner, Scott Boyle thought it was important for everyone to know that the HOA is responsible for all the roads from the freeway up, including Forest Meadow.

Water Company Report

Mr. Sears had attended the Water Board Meeting. He reported that the contract with Mountain Regional was negotiated and both sides had come to an agreement. The Agreement will be submitted to the Mountain Regional Board on Thursday and if it is approved, he expected the contract to be signed the middle of next week. Mr. Sears clarified that this is the five-year agreement. He explained that some of the clauses were not acceptable to the Water Company, and they made a counter proposal. Everyone is now in agreement with the basic terminology.

Regarding fire safety, Mr. Sears noted that a number of owners are able to get insurance by installing a fire suppression sprinkler system in their cabin. He noted that an owner attended the Water Board meeting and explained the fire suppression system they were doing. Mr. Sears stated that it is also important to have fire hydrants within a certain distance from a home; however, fire suppression was a major part of this particular homeowner's strategy. He noted that others on the Ranch have used the same strategy.

Sam Vincent asked if anyone knew the diameter of the main lines. Paul suitor replied that the lines are 6".

Mr. Vincent asked if Mr. Sears had any understanding from Mountain Regional regarding an eventual merger. Mr. Sears replied that Mountain Regional was proceeding with the evaluation of the system. Based on that evaluation, the Water Company should get a punch list for any deficiencies in the water system that Mountain Regional would want addressed before an acquisition occurred. Mr. Sears pointed out that any time in that five-year period, Mountain Regional can exercise the option to merge with the Water Company. However, Mountain Regional has committed to providing water to Pine Meadow for the five years of the agreement. Mr. Sears thought the evaluation was key to knowing what might happen. He remarked that the primary concern is that the evaluation will show that they do not have enough fire hydrants, primarily on

the Forest Meadow side because of the larger multi-acre lots. When they retrofitted the Pine Meadow side, they upgraded the hydrants to meet the criteria at that time.

Monthly Budget Review

The Board reviewed the unpaid bills detail.

Sam Vincent asked about the 2022 Annual Fire MTG assessment in the amount of \$48,000, which he assumed was the fire mitigation assessment. Mr. Vincent questioned the \$36,000. Mr. Pagel clarified that \$36,000 was the amount already collected as income. Mr. Pagel clarified that anyone paying their dues was also paying for fire mitigation.

MOTION: Andrew Pagel moved to approve the Unpaid Bills as presented in the amount of \$8,427.01. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

Rules and Regulations

Fire Safety Rule Update

Mr. Adams had sent the Board members updated information. The comments that were received were also available for the Board to review.

Mr. Adams stated that a proposed rules change was emailed to the community on March 9th. It was a defensible space rule that the Fire Committee had worked on for quite some time. The objective is to create defensible space, slow the spread of fire, and to prevent surface level fires from quickly climbing up trees and tall brush. Mr. Adams noted that a lot of people responded. They initially had 159 responses; however, some people changed their mind and submitted multiple responses. He had to adjust the data slightly, but it did not affect the outcome. Mr. Adams stated that the responses were split between those for and against the rules change as proposed. He noted that 38% voted to support this rule and 37% voted against. Twenty-five percent would consider supporting the proposal with more changes.

Mr. Adams noted that they decided to look at the data differently based on the number of lots voting. Some people have two lots, some have a home on their lot, and others have vacant lots. Based on that data, nothing changed, and the results stayed the same.

Mr. Adams stated that he looked at it two other ways. Of the people who had a home on their lot,

50% supported the rule as written; the other 31% said no; and 19% would support it with changes. He noted that only 24% of the people who own land only would support the rule; 42% said no, and 34% would support it with changes.

Mr. Adams reported that seven broad themes came up during the survey. Everyone agrees that some type of fire mitigation is necessary, but the one thing that kept coming up is the fact that focusing on new construction would not be enough, and it should apply to everyone. Others thought there were enough rules and suggested having guidelines and incentives that would encourage people to do fire mitigation, rather than implementing something that feels heavy-handed and draconian. Mr. Adams stated that some people were very concerned about trespassing and could not imagine the HOA coming on to their property and telling them how to clear their property. Some people are very protective of the natural environment in Tollgate, and they did not want the HOA to do something that would strip it. Mr. Adams believed some of the concerns could be misperception of the purpose of the proposal, but he completely understood the concern. People move up to Tollgate to be part of nature and they want their cabin surrounded by it. Mr. Adams stated that besides the suggestion for incentives and guidelines instead of rules, many thought the HOA should allow using more fire-resistant materials on their homes and cabins.

Mr. Adams thought the seven themes collectively were enough to go back and look at the rule and how it is structured and try to come up with a way to better implement it. He also thought the Board needed to review the question of whether it should be a guideline or a rule. Mr. Adams thanked everyone in the community who stepped up and provided input.

Mr. Adams did not believe the Board was ready to vote and recommended that they step back and reconsider the proposal as written. Paul Suitor emphasized that if they do not force this upon the majority, the Ranch will never become fire-wise like their neighbors. At this point Pine Meadow stands out as not doing anything.

Mr. Pagel asked if they had any direct reference of neighboring communities who are fire-wise and what they are doing. Mr. Suitor replied that those communities are following the fire-wise guidelines. He noted that the proposal from the Fire Committee was written within those fire-wise guidelines. Mr. Pagel asked if anyone knew whether those communities had grandfathered in anything previous and only targeted the new builds going forward. Mr. Suitor understood that everyone is required to comply. The Fire Committee decided that Pine Meadow could do it in small steps rather than forcing it for everyone all at once. He recognized that it was not well-received, but it should be implemented to everyone or Pine Meadow will not become fire-wise at all and they will just deal with a fire when it comes through.

Mr. Pagel asked if there was a way to integrate such that each property owner could go to the fire-

wise list and pick their top five most pertinent to be integrated. Mr. Suitor stated that they would not become fire-wise at that point. Mr. Pagel clarified that he was suggesting a year after year progression. Mr. Suitor replied that the HOA has been doing that by trying to do little bits and pieces at a time; however, it is clear that the owners are split on fire mitigation. The majority think that doing something is better than doing nothing, but they feel it should be focused on everyone and not just the new builds. Mr. Suitor was not opposed to that, but he thought people might be more willing to do something if they do it in small steps.

Mr. Adams reiterated that a lot of people did not like the concept of another rule. Mr. Pagel understood that people would support it if it was changed to a guideline. Mr. Adams clarified that most people would prefer a guideline that applies to everyone. Incentives was another common thread that kept coming up. Mr. Suitor did not understand the incentives because the HOA has no way to incentivize anyone other than to ask everyone to take care of their own property. Mr. Adams noted that one suggestion was a discount on HOA dues. He thought there were other approaches to consider. Mr. Suitor remarked that most people know that the dues need to be increased rather than decreased to cover the cost of road base, etc.

Mr. Sears thought it was important for the fire committee and the Board to step back and look at this in a slightly different way to see if there is another approach and how they might be able to move forward. Mr. Sears noted that someone had sent fire-wise information on chat and nobody in Tollgate Canyon is certified on the map that was sent. In looking at those who are fire-wise, he could understand how they could do it. For example, Promontory does not have trees or wooded areas. Mr. Sears remarked that the Board could still choose to move forward on this, but now that they have feedback, they should look at it and make a conscious decision on how to proceed. Mr. Adams agreed that it was time to regroup and look at this from a different perspective.

Mr. Vincent thought there were opportunities for incentives using grant money. He noted that some communities use a grant award to do matching funds to owners who clean up their own property and fire harden their structures; however, it involves a lot of planning and organization. Mr. Adams asked if the Board would consider helping to fund an owner who requested help for fire mitigation from the additional money budgeted for fire safety. He pointed out that some people do not care, but there are people who do care but need financial help. Mr. Vincent replied that they could not use the money budgeted for this year, but he thought it could be considered if separate funds were available.

Mr. Sears stated that the Fire Committee and at least the Executive Committee or possibly the entire Board would schedule a meeting to re-think the proposed rule.

Architectural Guidelines 4.1 and 4.4

John Adams noted that the Board has discussed 4.1 of the Architectural Guidelines at previous meetings. He explained that when owners present the Board with new home designs, they increasingly want to use some element of metal on the exterior siding. The current guidelines only allow 10% metal on the exterior. Mr. Adams stated that the Board is constantly in the position of deciding whether to grant a variance. The Board has granted variances as high as 35%. He remarked that as a group, the Board decided it was time to begin updating the Architectural Guidelines for siding and other issues. Mr. Adams remarked that the Board held a meeting to discuss how they would propose reworking Guideline 4.1. The Board came up with language as follows:

“Acceptable materials would include natural stone, stamped or textured metal panels, wood siding logs or milled logs whether natural or engineered, molded or stamped concrete finished to resemble natural stone, wood grain siding, logs or milled logs. Any foundation material may not exceed 10% of the exterior surface. Acceptable finishes will be finished siding materials that are to be stained, painted, or sealed in colors that are earthtone shades of browns, tans, dark greens and grays. Wood siding would also be finished in its natural color”.

Mr. Adams stated that the unacceptable materials list would simply say, “Unfinished concrete, plywood, and particle board, stucco, brick, vinyl PVC, and most other synthetic materials. Bright or reflective stain or paint colors like white, red, blue, or yellow. Cinder blocks and Styrofoam blocks.

Mr. Adams remarked that there were also follow-up materials. The issue is if the proposed changes are made, how could they know the definition of mountain vernacular so it can be explained and protected. The Board still needs to figure this out.

Mr. Adams asked Mr. Sears if he thought the changes were at a point to seek public input. Mr. Sears stated that at this point the Board had their first meeting and collectively came up with the items Mr. Adam’s outlined; however, not every Board member was at the meeting. It is a significant change that will create a completely different element on the Ranch over the next few years. Mr. Sears did not believe the Board was in a position this evening to say aye or nay, but he would like the full Board to provide input. Mr. Sears thought they were heading in the right direction. He recommended having a separate meeting on this one item and he asked all the Board members to attend and provide feedback. Mr. Sears did not think this should be put out to the owners until the Board was ready to offer it as their proposal.

Mr. Suitor noted that the Board already held one meeting and he thought it was important to schedule another meeting this evening. He pointed out that the Board has been discussing this proposal for two years and he would like to see it finalized soon.

Mr. Sears suggested Wednesday, April 27th, for a special Board meeting to only discuss Architectural Guidelines. Mr. Pagel asked if the Board would be officially voting yes or no on April 27th. Mr. Sears replied that the objective of the meeting would be to make any adjustments and then vote yes or no on what the Board was proposing. If the Board approves the draft proposal, it will then go out to the owners for public input.

Mr. Rosing stated that the purpose of the April 27th meeting should be for the Board to vote on a version of the rule to present to the owners, and then vote to approve it at the next meeting.

Mr. Adams asked if it would shorten the process if they presented what they already have to the community with the stipulation that it is only a draft, and the Board was still working on a final rule. He thought public input might help the Board incorporate changes more quickly. The Board members agreed.

Mr. Pagel had the official print out from the April 6th meeting and noted that the patterned metal with a question mark was not on the initial list. Mr. Adams clarified that he raised the issue because when they think about approving carte blanche metal for the community, the question is whether someone can build a house without having any element of woodgrain in the metal or whether they expect the Board to say it is part of mountain vernacular and metal cannot be used unless it is wood-grained. Mr. Adams was concerned about enforcement because this could be an area that gets abused. He wanted feedback and thought they should have a better definition to avoid smooth metals that do not fit in.

Mr. Pagel stated that the metal cannot be totally smooth. He recalled that on April 6th the Board came to the conclusion of stamped or textured metal panels. Mr. Adams replied that one person's definition of stamped or textured could be different from another person's definition. Mr. Pagel agreed. He asked if they should keep the same wording they agreed to on April 6th, and also send it out to the owners for their input on how to vary the metal. He understood that the final conclusion would be based on community feedback.

Mr. Sears asked if the Board preferred to send this out to the owners now. Mr. Baker thought it was a good idea. Mr. Adams would work on getting it out to everyone. Mr. Sears cautioned the Board to keep this moving forward as timely as possible.

Mr. Pagel summarized that John Adams would send out a survey and the Board would have an internal meeting on April 27th. At that time, the Board will come to a conclusion on what they will present and officially vote on, on the third Tuesday in May.

Mr. Adams emphasized the need to define mountain vernacular. The Board needs to figure out what 'is' and 'is not' acceptable. He thought examples would help with the definition. Anyone who has photos of examples should forward them to Paul Sutor.

Mr. Adams stated that in addition to the discussion on Guideline 4.1, the Board also discussed size limitations on April 6th. The general feedback is that they have a natural environment within Tollgate and in years past they were getting plans to build 2,000 to 2,500 square foot homes. Over time the square footage has increased to as high as 6,000+ square feet. Mr. Adams noted that the Board discussed Architectural Guideline 4.4. He shared his screen to show the current definition of the guideline as follows:

“Permanent structure has a minimum size of 400 square feet and is regulated by the PMR Protective Covenants Section 5. No structure constructed, erected, or maintained on any lot or portion shall consist of less than 400 square feet of living area on the ground floor, not including carports or garages. Height and setbacks are determined by Summit County”.

Mr. Adams noted that some of the Board members suggested that they relook at the definition and add wording as follows:

“From zero to 1.999 acres, the maximum home square footage would be set at 4500 square feet with a foundation not to exceed 2600 square feet. From 2 acres and above, the maximum home size square footage would be capped at 6500 square feet and the foundation would not exceed 3700 square feet”.

Mr. Adams asked if the above wording should also be sent to the community for feedback. Mr. Sears noted that the Board member in attendance on April 6th thought it was a reasonable approach. If they were going to send the language for metals to the community, he thought the size limitation should also be sent for feedback.

Mr. Pagel thought they needed an analysis on the percentage of lots above 2 acres because 6500 square feet is a significant increase from 4500 square feet. Michelle Sutor did not understand the point of the question or why it matters. Mr. Pagel replied that it matters because a significant change in house size means a significant change in water consumption and other resources, as well as additional cars that impact the roads. Ms. Sutor stated that currently they do not have any limitations. Suggesting a limitation on lot sizes less than two acres would be beneficial for everything Mr. Pagel pointed out. Mr. Pagel remarked that he was proposing an additional piece of analysis to consider whenever they do the official proposal. Someone pointed out that because of lot combinations, it is difficult to determine the actual lot sizes from the old map and there does not appear to be an updated map.

Mr. Pagel clarified that overall, he liked the 4500 square feet proposed for lots that are 2 acres or less. He also like the additional consideration of 2600 square feet, which is approximately half an acre of square footage. Mr. Sears believed there were ways to capture the analytical information. Summit County would have it on their maps if someone wanted to spend the time to analyze it.

Open Public Forum

There were no comments or questions.

Committee Reports

Roads and Parking – Scott Boyle stated that he had not yet spoken with Jody about the priority list of roads, but he would contact Jody this week.

Fire Committee – Mr. Sears noted that it was time to send out information for the annual Fire Day barbeque. He thought Michelle Suitor made a good point in her email when she said the barbeque is a good time to get quality input from the community and to speak with individuals to explain the new rule.

Communications - Michelle Suitor asked someone to spearhead the barbeque. Paul Suitor stated that the Fire Committee was working on scheduling a date for the barbeque, but they were still trying to coordinate with some people in Summit County. Two potential dates are May 21st or June 11th.

Architectural Review Committee

PI-I-16

Mr. Adams reviewed plans for a new home on PI-I-16. The owners, Peter and Rebecca Harper, were proposing a new build of 2,935 square feet on one acre. The file was complete and all the fees were paid. Mr. Adams noted that the owners had provided a good materials list. They plan to use natural logs and stone in grays, browns, and tans. The roof will be standing seam in Hartford Green. The roof will have several pitches; 10:12,4:12, and 3:12. The ARC found no issues with the plans as proposed. Mr. Adams stated that the 3:12 pitch is on the upper portion section of the house at the dormer. Typically, when this occurs, the house does not go over the Summit County height limit. Mr. Adams noted that the ARC also had no issues with the request for engineered concrete stone.

MOTION: John Adams moved to approve the variance request for property PI-I-16 allowing the owners to use a 3:12 pitch on the upper dormers, and to also use engineered stone, which is similar

to previous proposal that the Board approved. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Adams moved to approve the Lot Improvement Plan for a new home on a 1 acre lot on totaling 2,935 square feet on PI-I-16. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

PI-F-18

Mr. Adams reported that the owners of PI-F-18, Daryl and Nancy Nancollas, had their original plans approved in December 2021. Since then, they had to hire a different architect and the new architect made adjustments to the interior of the home. The footprint did not change but the adjustments changed the square footage from 3,102 square feet to 4,123 square feet.

Mr. Adams stated that there was no change in the building materials from the original proposal and all the fees have been paid.

The ARC found no issues with the revised plan.

MOTION: John Adams moved to approve the revised Lot Improvement Plan for a new house on a 1 acre lot totaling 4,123 square feet on Lot PI-F-18. Sam Vincent seconded the motion.

VOTE: The motion passed unanimously.

PI-D-69

John Adams reviewed plans for a new home on PI-D-69. The owner, Erica Filippo, was proposing a 4,596 square foot new two-story home on just under one acre. The file was complete, and all the fees were paid. The primary siding material is natural cedar planks and shakes in a natural color. They were also proposing natural stone in browns, tans, and grays. The roof is a standing seam metal in matte black. The roof pitch will be 4:12, 10:12, 7:12, and 2:12. Mr. Adams believed the 2:12 was a small section on the very front of the house and covers the front area of the porch and the garage.

The ARC had no issues with the plans as proposed.

MOTION: John Adams moved to approve the variance request for property PI-D-69 allowing the owners to use a 2:12 pitch roof on a small section over the front of the house and the garage as presented in the architectural plans. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Adams moved to approve the Lot Improvement Plan for a 4,596 square foot new two-story home on Lot PI-D-69, a .95 acre lot. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

PI-C-30

Mr. Adams reported that the Board previously discussed plans for a new accessory dwelling unit (ADU) for PI-C-30. The owner, Jason Foura, was proposing a 2,226 square foot ADU and garage combination. Mr. Adams noted that the garage and ADU would be the first building on this property. The owner would eventually build a new home that is not part of this Lot Improvement Plan. The new home would be approximately 1,680 square feet. The lot is 0.79 acres. The Lot Improvement Plan was complete.

Mr. Adams noted that the square footage on the Lot Improvement Plan needed to be adjusted because it reflects a higher number than the final square footage. All the fees have been paid.

Mr. Adams stated that the first choice for siding is a lapsiding board. It is synthetic wood made of recycled carpet. He had a sample and he thought it looked nice; however, it does not have a good fire rating. The owner had presented a second option which was a James Hardy cedar grain plank in gray. He also presented an engineered stone sample that was different from the typical engineered stone. It is a combination of stone, plastic, and fiberglass and the material can be installed with a nail gun. The engineered stone material can be ordered in a Class B fire rating.

Mr. Adams stated that when the Architectural Committee discussed these plans, they were unsure about the synthetic wood, but they were comfortable with all the other materials proposed. He asked if the Board wanted to vote on the synthetic wood or if they wanted to discuss it. Ms. Suitor was not in favor of the synthetic wood, but she was comfortable approving the plans with the higher fire rated material.

Mr. Pagel recalled that the ARC members were not comfortable granting a variance on the carpet siding because the variance would not be towards fire resistance. However, the ARC was comfortable approving the synthetic stone siding because even though it is non-traditional, it is with intention of fire resistance as long as the owner verified that he would purchase the Class B rated material.

John Adams suggested that the Board vote on the synthetic material to give everyone a chance to

register their opinion.

Michelle Suitor commented on a question in chat about only having one inhabitable dwelling per lot. Paul Suitor stated that Summit County allows for two dwellings at 1,000 square feet. Mr. Adams pointed out the County allows for two unless it is on a half-acre or less. Ms. Suitor remarked that if they allow the ADU and the garage, one would be over 1,000 square feet. Mr. Pagel stated that the 1,000 square feet requirement is only for the accessory dwelling unit. The primary residence can be any square footage. Mr. Adams explained that as long as the owner does not exceed 1,000 square feet of living space in the ADU it is not a problem. Ms. Suitor clarified that the basement can be larger and the 1,000 s.f. requirement only applies to the living area above it. Mr. Adams answered yes. Paul Suitor thought the accessory dwelling applies to a second building and not the first building. Mr. Adams stated that it is up to Summit County whether the owner can build the structures in reverse order. The Board does not make that decision if it is approved by Summit County. Mr. Suitor agreed.

Mr. Pagel recalled that the only time the HOA was opposed to an ADU was recently when it went against the CC&Rs. He reiterated that the ARC was not comfortable with the proposed ADU with the exception of the carpet siding. Mr. Adams thought the square footage was small compared to what other people have presented. Mr. Pagel noted that both structures combined were less than some of the proposals they just approved.

MOTION: John Adams moved to approve a variance request for the use of Rise Synthetic Wood material as the exterior siding on PI-C-30. Shaun Baker seconded the motion.

VOTE: The motion failed. All the Board members were opposed.

MOTION: John Adams moved to approve the variance request for PI-C-30 to use Evolved Engineered Stone in a Class B fire rating. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Adams moved to approve the Lot Improvement Plan for a 2,226 square foot new garage on .79 acres with accessory dwelling unit for PI-C-30. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

PI-B-34

Mr. Adams reviewed plans for a new home addition for PI-B-34. The owner, Dennis Chart, was

proposing to add 4,822 square feet to the existing 1,200 square foot small cabin. The lot size is .83 acres. The Lot Improvement Plan was complete. The HOA fees were partially paid.

Mr. Adams reported that this proposal submitted several choices for siding. The owners want to move forward with this project and understand they will have trouble finding the siding materials they prefer in a timely manner. The owner presented several choices and the ARC thought they were all reasonable. They presented tongue and groove in both oak, poplar, and sequoia wood, all in dark brown or natural wood color. They also presented two woodgrain fiber cement boards in dark brown and dark gray. The owners included sanded fiber cement boards with grooves in a gray color that they will chop down and use for edging. They also presented Versetta Engineered Concrete Stone in brown, tan, and gray. Mr. Adams pointed out that a variance is required for the engineered stone.

Mr. Adams stated that the original plans showed a board formed retaining wall. He explained that concrete would be poured and formed to give a woodgrain look. The ARC had questions about the size and look of the retaining wall itself. To avoid any issues, the owners decided to use regular stone that will step up like a normal retaining wall. Mr. Adams noted that the owners still needed to change that on the architectural plans, but he had their intention in writing. Ms. Suitor stated that if the retaining wall is over 4' tall, it must be shown on the building plans to Summit County because of the height. She assumed the revised retaining wall needed to be on the plans before the Board could approve it. Ms. Suitor asked why the owners were proposing a retaining wall. Paul Suitor cautioned against approving this without having the retaining wall on the plans and the engineering information. He noted that often times, Summit County looks at what the HOA has approved before making their decision.

Michelle Suitor thought it was difficult to understand the addition based on the drawings. Mr. Adams shared his screen to show the existing home. He pointed out the area for the proposed addition and the section for a new garage. Mr. Adams indicated the area where the retaining wall was being proposed and point out the variations in grade. Paul Suitor thought it looked like multiple retaining walls with 4' steps. If that is the case, it would not require engineering. Michelle Suitor thought four-foot stepping of poured concrete would look significantly different than the same stepping with stone. Mr. Sears thought Ms. Suitor made a good point. It is difficult to make it out in the original drawing.

Mr. Adams summarized an email from the owners indicating that they would change poured concrete to stepped up rocks and add it to the plan to facilitate the change in grade.

Mr. Adams stated that the entire project has been presented with a 3:12 roof. In his time on the Board, they have never allowed a variance for the entire home to be a 3:12 roof pitch. Major

portions of the roof should be 4:12 and some of the smaller portions outside of the home could be 3:12 as an exception. He asked how the Board felt about an entire 3:12 roof pitch. The owner has said if 3:12 is a problem, he would change the plans and every room would be 4:12 except the section over the great room and the kitchen. If they make that section 4:12, it will extend the height of the home by 4' and it would exceed the 32' height limit.

Mr. Pagel asked if the owner offering to use stepped rock instead of poured concrete addressed Michelle Suitor's concern about the concrete retaining wall. Ms. Suitor answered yes if they are doing rock, but she thought it needed to be outlined on the plan.

Mr. Pagel was comfortable with the 3:12 roof because architecturally it can handle the snow load. The question is whether it can be defined under mountain vernacular. Paul Suitor thought they needed a clear definition of what materials were being used for the retaining wall. Mr. Sears noted that the owner had said it would be rock in his email; however, the Lot Improvement Plan needed to be modified to reflect that change.

Mr. Sears asked if the Board had enough information to make a final decision this evening. Mr. Adams suggested that the Board finalize what they need and then vote electronically in the next week or two. The owners want to move forward quickly and feel they are caught in a bad situation. He was trying to work with them as best as possible. Mr. Adams would explain to the owners that the site plan needs to be updated for the rock wall. He thought the Board should decide on the roof pitch this evening because it is an important issue. Mr. Sears was comfortable with a 3:12 roof. Michelle Suitor did not have a problem with the roof. She reiterated the importance of making sure the reinforced concrete was revised on the plans and on the topo map. Ms. Suitor noted that the topo map does not specify the height of the retaining wall. In looking at the topo lines, it appears the slope is 80' long, which would require a good size retaining wall.

Ms. Suitor recommended that the Board table this item and allow the owner to fix the issues raised this evening. Once their comments and concerns are addressed, the Board can reevaluate the plan.

Mr. Adams asked if the Board was ready to vote on a 3:12 roof.

MOTION: Michelle Suitor moved to allow a 3:12 roof pitch only for PI-B-34. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams clarified that the owner needed to pay the fees in full and provide acceptable updates to the site plan showing how the retaining wall will be constructed. Mr. Sears wanted to make sure

that the site plan actually reflects what will be on the site.

PI-4

Mr. Adams reviewed the plans for a new pole barn on Lot PI-4. The owner, Andrew Pagel, was proposing a 1,495 square foot pole barn on 1.29 acres. The Lot Improvement plan was complete. The HOA fees were paid. The proposed siding material is a natural cedar plank board and batten in a wood grain Hardy Plank Board and Batten, as well as a ribbed metal siding that would represent 50-55% of the siding in dark gray. This portion of the metal siding would be against the woods and would not be street facing. The roof would be in the same metal material in matte black.

Mr. Adams reported that Mr. Pagel was requesting a variance for the use of metal siding. Mr. Adams pointed out that the highest the Board has ever approved for metal siding is 35%. Mr. Pagel explained that the two sides of the structure tucked into the woods will be a dark gray metal siding. The two sides visible from the road would be hardy plank dark gray wood grain. The cutout underneath would be cedar board and batten. To the left of that would be dark gray wood grain hardy plank.

Mr. Pagel stated that he purchased 1.3 acres and built a very small house so he could eventually build a barn the size of his house. He noted that the size of his lot versus the size of the overall structures is very small, keeping with the mountain vernacular and minimizing the overall impact. Mr. Pagel stated that the sides against the woods pose the highest fire danger, which is why he was proposing dark gray metal for those sides. Mr. Pagel scrolled down to show examples of the garage doors, the black metal roof, and the wood grain hardy plank.

Mr. Adams asked Mr. Pagel why he believes this design deserves a variance for the highest amount of metal side the Board has ever approved. He pointed out that the Board had not yet implemented the changes they have been discussing for the Architectural Guidelines. Mr. Pagel replied that the Board granted previous variances because they have the intention of allowing more fire-resistant materials in the future. Secondly, another reason for granting the variance was to allow metal siding in low visibility areas. The last structure they approved a variance on was in a low visibility area. Mr. Pagel thought percentage was less pertinent than visibility. He had a brief conversation with Robert Rosing to verify that his proposal was in line with the actual structure of how variances are designated.

Mr. Adams asked if Mr. Pagel had the conversation with Mr. Rosing as the HOA Treasurer, or as a homeowner. Mr. Pagel replied that he spoke with Mr. Rosing as a homeowner. Mr. Adams pointed out that not every homeowner has the ability to reach out to Robert Rosing to discuss the variance definition. Mr. Pagel clarified that if there was a charge for the call, he would personally pay it. He

would never expect it to be paid from HOA dues.

Mr. Adams asked how Mr. Pagel would respond to the four or five people who recently voted against the proposal to use 35% metal on another property. Mr. Pagel stated that he would respond by saying that he was asking for a variance that is in line with previous variances the Board has approved, which is to use the intended, future, fire resistant material on the non-visible sides. The sides that are visible are completely in line with the definition of mountain vernacular. Mr. Pagel believed his request meets the variances they have already granted.

From the standpoint of Board integrity, Mr. Adams asked Mr. Pagel if he would consider at least reducing the metal to 35% until the rule is actually approved and changed. Mr. Adams challenged Mr. Pagel to read some of his own comments in the February meeting minutes. Mr. Adams noted that Mr. Pagel is the first person to step forward and request a variance that is significantly above what the Board has allowed. He did not think that was fair to the owners who had to reduce the amount of metal they wanted to use because the Board would not approve it.

Mr. Pagel asked if the other Board members would be comfortable if he reduced the amount to 35%. Mr. Vincent thought 35% was fair and just. He was cautious about visible versus non-visible because it could be a justification for all kinds of exceptions.

Mr. Pagel stated that if the Board was in agreement, he would reduce the metal to a 35% wainscot around the base rim. The rest would be dark gray hardy plank. Mr. Pagel intended to build his garage on June 30th. The suggestion was made for Mr. Pagel to choose an alternate siding and if the rule is changed before June 30th, they could consider his original plan.

MOTION: John Adams moved to approve a variance request for a new pole barn on property PI-4, where the variance request would allow the owner, Andrew Pagel, to use up to 35% of tough ribbed metal siding in dark gray. George Sears seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Adams moved to approve a new pole barn on PI-4 totaling 1,495 square feet. Paul Suitor seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams commented on the importance of the integrity of the Board and how they make decisions. The Board intends to get feedback from the community, and he hoped the community will be in favor allowing people to use certain materials broadly to reduce the fire impacts. Mr.

Adams emphasized that the Board needs community approval before they can approve variances with large percentages.

Impact Fee Calculation

Mr. Adams introduced language to explain how impact fees are calculated. He has been working on it with Carol and he spoke with some of the Board members. Mr. Adams stated that the basis of the language is in a frequently asked questions segment, "how do you calculate square footage to determine the impact fee." Mr. Adams remarked that the language states as follows:

That the HOA uses the architect's calculations of the main level, the upper level, the lower level, plus the garage, plus the shed if it is over 120 square feet. It is any new square footage in the home regardless of whether it is conditioned or not. It does not include open porches, open patios, or open decks in the calculation, unless the owner plans to enclose it. On a first-time build, the base fee is \$6,000 and covers up to 3500 square feet. If someone submits plans for a 3,000 square foot home and then decides to change it within two years, for example, adding 600 square feet, the most they would pay is $\$2.40 \times 100$ extra square feet over 3500.

Mr. Adams had put this calculation into writing with one exception. An owner may not apply the credit they have left over from their build to a detached accessory dwelling unit or a detached structure that incorporates an ADU within the design. He noted that ADUs and other structures with ADUs are considered new dwellings. The impact fee for an ADU will be calculated as a second home build, unless the ADU is physically attached to the home by an architecturally designed conditioned breezeway or shared conditioned wall that clearly brings the two structures together as one home. A conditioned structurally connected breezeway exhibiting the characteristics of just a covered pathway does not qualify for one home.

Mr. Adams stated that there will be other changes to this language later because there are always exemptions or other things to consider. For example, if someone tears down their home and builds a new home in its place, will that be considered a second build or a first-time home. Mr. Adams remarked that it is important to have something in place, so everything is clear and there is no mystery to calculating the impact fee and what someone owes.

Mr. Suitor was in favor of what Mr. Adams was proposing. Mr. Adams stated that it would be added to the fee schedule or to the Lot Improvement Plan. He asked if the Board was willing to vote to move forward under the condition that he would come to the Board with recommended updates or changes.

Mr. Sears thought the language could be in two different places, but it needs to be kept current. It

makes everything clear, and he liked what Mr. Adams proposed.

MOTION: John Adams moved to approve language explaining how construction impact fees are calculated as presented in the document before the Board. Paul Suitor seconded the motion.

VOTE: The motion passed unanimously.

ARC Rules

Mr. Adams stated that during several ARC Meetings the Committee discussed issues with proposals that came in at the last minute and it is very difficult to control. One of the solutions is to set a hard date where all submissions must be presented to the ARC for review by the end of the day on the first Friday of each month. If a submission is received by the end of the day on the first Friday, it will be in the que to be reviewed by the ARC. Otherwise, the submission will be reviewed the following month.

Paul Suitor was unsure why they were rewriting a rule for plan submission when they already have a rule in place. He acknowledged the amount of time John Adams devotes to the ARC and the HOA; however, he will not be on the Board forever. Mr. Suitor stated that Mr. Adams being on the Board has benefitted the owners, but it is unrealistic to expect anyone else to step forward and take on as much what Mr. Adams has done.

Mr. Adams clarified that the ARC schedules their reviews just before the Board meeting and the new language gives them the two-week window that is already in place. Mr. Suitor stated that he misunderstood, and he was comfortable with what Mr. Adams was proposing. Mr. Sears pointed out that the language names a very specific day as the deadline for submittals rather than just saying two weeks prior. He favored the language as proposed, but they need to hold people to it.

MOTION: John Adams moved that all submissions to the Architectural Review Committee must be presented for review by the end of the day on the first Friday of each month to qualify for review by the ARC. All submission after this date will be put on the next month's calendar. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Open Public Forum on issues discussed later in the meeting.

Peter Kemp asked on chat if submitting plans by the first Friday of the month meant that the plans would be reviewed by the ARC and presented to the Board at their monthly meeting that same

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month. Mr. Adams answered yes.

The meeting of the Pine Meadow Owners Association Board adjourned at 9:14 p.m.
