

Approved
August 21, 2018,
as corrected

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
JULY 17, 2018

In Attendance: Tom LeCheminant - Vice President; Pamela Middleton, Secretary; Jonathan Hoffman (Area 1); Robert Walthall (Area 4); Bruce Hutchinson (Area 5); Byron Harvison (Area 7).

Ex Officio: Randy Larson, Ranch Manager; Robert Rosing, HOA Attorney

Excused: Tony Tyler, President; Jeremy Jespersen (Area 2); Joe Pagel (Area 3); Kirby Wilson (Area 6); Andrew Pagel, Treasurer

Guests: Tom Deaver, Lot E-71A; Roy Parker, Lot G-85; Alice Speak, Lot D-19; Maria Lamb, Lot D-91; Tanna Barker, Lot G-99; Greg Barker, Lot G-99; Chad Markle, Lot FM-D-178; Suzy Burton, Lot B-13; Cheryl Groot, Lot E-79; Ted Bonnitt, Lot E-55; Don and Julie Bloxom, Lot D-47; John and Carol Baker, Lot D-10; Mike Corbett, Lot G-32; Reid Merkley, Lot D-72; Richard Seely, Lot D-84.

Pamela Middleton called the meeting to order at 6:41 p.m.

Approval of Minutes

May 15, 2018

Pamela Middleton referred to the bottom of page 2 and changed Mr. Kirby to correctly read **Mr. Wilson**.

MOTION: Tom LeCheminant moved to APPROVE the minutes of May 15, 2018 as corrected. Pamela Middleton seconded the motion.

VOTE: The motion passed. Robert Walthall and Bruce Hutchinson abstained since they were absent from the May 15th meeting.

New Construction/Additions

PI-E-37

Mr. LeCheminant noted that the owner, Morgan Feenie, Lot PI-E-37, presented his plans at the June meeting but the Board did not have a quorum to vote. Following that meeting, the Board reviewed the plans and voted for approval electronically. Mr. LeCheminant stated that the house is approximately 4,000 square feet. The Board needed to re-vote this evening to officially put their vote on the record.

Mr. Hutchinson recalled that the Board determined that the plans did not fit with the

mountain vernacular, but it met all the other criteria. He personally felt that was an issue. Mr. LeCheminant pointed out that the Architectural Guidelines do not provide a definitive definition of mountain vernacular. If that is an issue, the Board needed to amend the Guidelines to include a clear definition. Ms. Middleton noted that the Board has been working on amending the Guidelines.

MOTION: Tom LeCheminant moved to formally Approve the residence on Lot PI-E-37. Pamela Middleton seconded the motion.

VOTE: The motion passed unanimously.

Lot PI-B-2

Mr. LeCheminant stated that Jim and Jamie Madore, Lot PI-B-2, would like to put a shed on their property. The shed would be 150 square feet. Currently, there no structure on the lot.

Mr. Hutchinson thought it was becoming an issue on the Ranch where people want to put a structure on their lot, call it a shed, and live in it. Mr. LeCheminant replied that he specifically asked if they intended to live in the structure and they told him no. The shed would be used to store tools. Mr. Hutchinson stated that it was the answer in every case, and he thought it was an issue. Mr. LeCheminant remarked that the Board needs to make sure that the owners do not move into this type of structure. Mr. Hutchinson believed that if they do use it for livable space, the owner needs to be fined the impact fee that they tried to avoid by calling it a shed.

Mr. Rosing agreed that if the shed is turned into a house, it should be treated as a house. Mr. Hutchinson asked how a structure is qualified as a house. Mr. Rosing replied that if someone lives there it is a dwelling. Mr. Hutchinson asked if a structure needs to have power and water to be considered a dwelling. Mr. Rosing reiterated that if someone lives in the structure it is a dwelling.

Mr. Hutchinson reiterated that if the Board finds that a property owner tried to skirt around the process, they need to fine the property owner the cost of the impact fee they would have paid for a dwelling. Mr. Rosing noted that they could charge the impact fee for a dwelling; and fine the property owner pursuant to the fine schedule that the Board would hopefully adopt at the next meeting. He stated that the issue is not whether it is a shed without a house. The question is whether the shed is being used as a dwelling.

Mr. Hoffman thought they should impact any structure regardless of whether or not it is used as a dwelling; otherwise the Board has to figure out enforcement and who would

police the properties. Mr. Hutchinson pointed out that this issue has never been addressed. The Board has only addressed whether the structure requires a building permit. A permit is not required for a structure under 400 square feet and, therefore, it is a shed. However, too many people have started to skirt the issue, and it still impacts the roads regardless of the size of the structure. Mr. Hutchinson suggested that they allow people to put up a permanent shed, but require that they pay the impact fee up front. Whenever the property owner decides to build a house on the lot, the impact fee would already be paid.

Mr. Rosing suggested that for this particular shed, they should approve it conditionally on a determination of how the Board chooses to treat the impact fee. He thought Mr. Hutchinson's argument made sense. He was not disagreeing with Mr. Hutchinson but he was not prepared to give advice this evening because he was not familiar with the issue. He needed time to look into it. Mr. Rosing assumed the Board had not considered the issue beyond the fact that it was a small shed. Mr. Hutchinson agreed; but the Board could no longer treat it that way because they have been deceived several times. Mr. Rosing stated that the Board needs to find and verify the ones who deceived the Board and take action.

Mr. Hoffman asked if the HOA has a penalty structure in place. Mr. Rosing stated that they were attempting to work on a penalty schedule. He clarified that there were two pieces. One is a fine for violating the CC&Rs. The other is the requirement to pay an impact fee for putting a dwelling on the lot. His understanding from their discussion this evening is that people put up small structures on their lot and skirt the impact fee.

Mr. Hutchinson asked if the term "dwelling" was the same as "any structure". Mr. Rosing replied that when he says dwelling he is referring to a structure that someone lives in. Mr. Hutchinson remarked that when the Board talks about structures the concern is the impact to the roads, because any construction has an impact. It has no bearing on whether it is a dwelling or structure. Mr. Rosing explained that he wanted to look into the impact fee before giving an opinion on whether the impact fee should apply to sheds.

Mr. Hutchinson recommended that the Board postpone a vote on Lot B-2 this evening until the issue can be addressed. If the issue is resolved before the next meeting, the Board could vote via email.

Mr. Hoffman agreed. If they approve it with conditions, it was unclear what the conditions would be because the fee structure is not in place. Mr. LeCheminant noted that because this was the first structure on the lot, he specifically asked the owners if they intend to put in power and water. They assured him that they were not adding

utilities and they had no intention of living or sleeping in the structure. Mr. Hutchinson reminded everyone that the CC&Rs allow for a temporary structure. If the owners of Lot B-2 want to claim the shed as a temporary structure, it does not require an impact fee. However, the shed needs to be off the Ranch by a specified time under the rules for a temporary structure.

Ms. Middleton asked if there was a precedent on this issue. If other people were allowed to build sheds on their property, she did not believe this owner should be punished because of the bad behavior of a few people. Mr. Hutchinson stated that the Board has not been enforcing the rules, and that is no excuse now that they understand the problem. Mr. Hoffman was concerned about adding an additional enforcement burden for the Board members. The Board can either decide to continue as they have been, or come up with a different fee structure that absolves the Board from policing. Mr. Hutchinson noted that once the fine structure is developed, the Board could still move forward against the property owners who decided to use their temporary structure as a dwelling.

Mr. Harvison thought what this property owner was proposing was within the existing requirements of the CC&Rs. Mr. Hutchinson noted that any structure requires an impact fee. Mr. Rosing repeated that he was not prepared to give advice without looking into it further.

MOTION: Bruce Hutchinson moved to Postpone a vote on the plans for a shed on Lot B-2, Jim and Jamie Mador, pending further clarification. Jonathan Hoffman seconded the motion.

VOTE: The motion passed. Pamela Middleton and Byron Harvison abstained.

Lot PI-E-36

Mr. LeCheminant reported that Alice Speak, Lot PI-E-36, was proposing a log cabin on her property. Mr. Hutchinson recalled that the Board had reviewed and discussed these plans at the last meeting but they lacked a quorum to vote. Ms. Speak did not believe she had provided all the necessary information at the last meeting and the vote was postponed.

Mr. LeCheminant stated that he had the survey, the Lot Improvement Plan, and all other required documents. The cabin would be 2,000 square feet. Ms. Speak had sent the appropriate fees to Carol.

MOTION: Tom LeCheminant moved to Approve the log cabin on Lot PI-E-36 at 1927

Arapaho.

Mr. Hutchinson asked if all the impacts fees had been paid and if the requirements had been met in terms of setbacks, sewer, etc. Mr. LeCheminant answered yes.

Byron Harvison seconded the motion.

VOTE: The motion passed unanimously.

Lot D-91

Mr. LeCheminant noted that the owner, Maria Lamb, had not submitted a lot survey. Ms. Lamb explained that she did not have a survey done because she was told by Summit County that a survey was not required due to the small nature of the project. Mr. LeCheminant informed Ms. Lamb that Pine Meadow Ranch requires a survey and after speaking with Mr. LeCheminant she contacted a surveyor. The surveyor who did some preliminary work on Saturday and will do the field work on Wednesday.

Mr. LeCheminant questioned whether Summit County would allow the structure to sit on stilts in the ground. Mr. Hutchinson stated that there is also has a 10' snow load requirement. Mr. Hutchinson did not think the structure looked like it belonged on the Ranch. Ms. Lamb remarked that the stilts would be mostly buried underground. It was stated that the owners did not want to have a large driveway. Mr. Hutchinson pointed out that the HOA prohibits any parking on the street. The owners would have to put a driveway on their property. He noted that the HOA has an easement of 32' from the center of the road and no parking is allowed within that easement. Mr. Hutchinson asked if the plan could be redesigned to accommodate a driveway on the property. Ms. Lamb stated that she did not want to put in a driveway. They had done a low-impact design with a mountain style. The home will be barely visible from the road because they tried to avoid significant grading for a driveway.

Mr. LeCheminant stated that the Board could not approve the plans until the survey is completed. Mr. Rosing understood that the owners intended to park their cars on the dirt just off the road. Mr. Hutchinson pointed out that the plan was not even engineered. Mr. LeCheminant informed Ms. Lamb that the Board needed to see the plans showing what is there and a survey. Until they have that information they cannot vote to approve.

The owners did not understand how the Board could request a survey when the CC&Rs state that the Board has the authority to require plans and specifications that are general in nature and indicate height, materials, and other specifications of a proposed

structure. Mr. Hutchinson stated that when Pine Meadow was originally developed, it was not developed for full-time use. Most of the mountain homes were log homes. Due to changing conditions, modifications were made to allow hardy board. Mr. Hutchinson stated that the CC&Rs were written to allow flexibility over the years. The Board is now in the process of trying to clarify many things. At this time, he was struggling to find favor with this plan because several things still needed to be addressed before they could move forward.

Ms. Middleton stated that everyone has an opinion on how something looks, which is why they have rules to follow. If the materials meet the requirements the Board cannot deny the request until the rules are revised to be more specific. Ms. Middleton commented on the basic requirements that needed to be met on this plan before the Board could move forward with a vote. In addition to the survey, the owner needed to run a perc test.

Someone asked if there was anything written that required a driveway. Mr. Hutchinson was unsure whether the CC&Rs specifically address that issue, but it specifically says no parking on the road. Mr. Rosing understood that the owner was proposing to put the parking for the house in the road easement. In his opinion, it would be a problem to have full-time parking in the road easement.

Ms. Middleton stated that once Mr. LeCheminant receives the survey the Board could either vote electronically or at the next meeting.

The owners also noted that they had started to build a 100 square foot greenhouse based on the language in the CC&Rs that it did not need Board approval because of its size. Mr. Rosing read the language and stated that his interpretation was that the Board still needed to see the plans, but based on the size it would probably be approved. Mr. Rosing and some of the Board members agreed that the language was ambiguous. Mr. Rosing clarified that his interpretation was that anything under 120 square feet was not subject to the impact fee and shall be conditionally approved. He suggested that the easiest solution would be for the owners to bring in their plans for the Board to review. Mr. LeCheminant was certain that language in either the CC&Rs or the Protective Covenant states that no building, no structure, no rock wall, no screened-in porch could be done without Board approval. Mr. Rosing stated that his reading of the language is that it relates to the impact fee. The plan is still subject to architectural approval.

Tom Deaver stated that when he was on the Board an impact fee was not required if the structure was under 120 square feet. However, the owner had to provide a drawing showing the exterior; and at that point it was usually rubber stamped for approval if it

met the guidelines. Mr. Hutchinson remarked that the reason for changing Board members regularly is to allow for changes, because the current Board may feel differently than a previous Board. There can be precedent, but the current Board makes the decisions on what occurs now.

MOTION: Tom LeCheminant moved to Approve the 100 sf. greenhouse on PI-D-91 land. Pamela Middleton seconded the motion.

VOTE: The motion passed unanimously.

The Board postponed a vote on the actual house for PI-D-91 pending the certified survey.

Ranch Manager's Report

Jody Robinson was not present this evening. Tom LeCheminant provided a brief report based on his knowledge of what has occurred.

Mr. LeCheminant noted that the motor went out on the water truck right after it was purchased. The quote for a remanufactured motor was \$35,000. The quote for a used motor was \$23,000. Mr. LeCheminant has spoken extensively with the place where it was purchased, and they are in the process of picking up the motor and taking it back to Idaho Falls to do what is called an in-frame rebuild. The cost is approximately \$5,000. After speaking with Tony Tyler, The HOA agreed to pay \$2300, which is half of the cost for the kit. He was told that after the motor is torn apart, it might need an additional part, which could be \$300-\$500. Jody will continue to use the fire station truck in the interim.

Mr. LeCheminant stated that Jody was currently graveling Elk Road. Jody was called away but he anticipated completing Elk Road by the end of next week.

Mr. LeCheminant encouraged the Area Reps to identify problem roads on their area map and submit it to Jody.

Mr. LeCheminant stated that Jody still needed to work on Forest Meadow Lower Road from the top of the asphalt down to the area by Elizabeth Follette's house with all the potholes. Mr. LeCheminant had specifically asked Elizabeth Follette to fill the potholes and she told him that she would have them filled by July 4th. The holes were not filled by the holiday and he asked Carol to send Elizabeth a letter. Elizabeth called Mr. LeCheminant and told him that she did not want to be out in the road filling the holes and run the risk of getting hit by a dump truck. He offered for the HOA to pay for an

easement or at least for Elizabeth to allow the HOA to fix the road, but she insists on fixing the potholes herself. Jody has said that from Elizabeth's down to the asphalt, there are no fine particles and when he grades the road it goes back to washboard within a few days. That section of needs road base, which is approximately \$5,000-\$6,000. Mr. LeCheminant had received a donation from the Lower Forest Meadow area for \$1500. If there is money left once the road is graveled, Jody would like to have it mag watered.

Mr. Hutchinson asked if the HOA has the right to work on roads where they have prescriptive easements. Mr. Rosing stated that if they tried to do it and the owner objected, the HOA would have to establish the prescriptive easement in Court. Based on his understanding, it sounds like they do have a prescriptive easement by Elizabeth's property. If the HOA can establish the prescriptive easement they could work on the road. Mr. Hutchinson was concerned that if they establish the prescriptive easement and Elizabeth loses control and allows the HOA to maintain the road, he could see this being a continual problem in the future.

Mr. Rosing stated that he initially suggested that Mr. LeCheminant offer money to see if Elizabeth would agree to the easement before they move into the process of a lawsuit to establish prescriptive easement. However, based on her response, Mr. Rosing thought legal steps might be their only option. Mr. LeCheminant asked if the HOA should file the lawsuit, or try to fix it first and see if she sues the HOA. Mr. Rosing offered to send Elizabeth a letter and attach the prescriptive easement, letting her know that if she does not sign the easement, the HOA may have to sue her to establish the easement. He explained that if Elizabeth does not agree, the next step would be to take her to court.

Mr. Rosing pointed out that if the HOA tries to fix the road, Elizabeth could call the police and sue them for trespassing. Mr. Hutchinson pointed out that the HOA would be involved regardless. Therefore, there has to be a resolution. The Board agreed to start with a letter from Mr. Rosing.

Water Company Report

Mr. LeCheminant had attended the last Water Board meeting. He noted that four or five people use water excessively, primarily from sprinkling landscaping. The excess amount is approximately 20,000 gallons per month. The owners will be billed for excessive water use at a higher rate. The Water Company was in the process of sending letters to the offending property owners.

On-going business

Blue Sky Ranch

Ms. Middleton noted that she had added Blue Sky to the agenda because she was told that they might attend this meeting. She explained that Blue Sky Ranch has cattle that they use for fire control. The cattle graze and keep the grasses low on their ranch. Ms. Middleton stated that the fence has been broken, run over, and locks have been cut on the gates, leaving the cattle to wander onto Pine Meadow property ruining the ponds and over-grazing; and it has upset many property owners.

Middleton had a received a call from the Blue Sky General Manager asking her to extend his apology. He invited people to visit their ranch and find out what they are about. They want to work with Pine Meadow to figure out a solution. Ms. Middleton thought Blue Sky was considering removing the cattle from this side so they could not get on Pine Meadow property. She emphasized that Blue Sky wants to be a good neighbor. The cows were being hauled away for the remainder of the season. The people from Blue Sky were unable to attend this meeting, but they would like to come to the next meeting and speak with the Board.

Ms. Middleton stated that if people find cattle on the Ranch they should contact Blue Sky and they will come and get them. She believed that was a better solution than contacting the Sheriff or Animal Control. This was not an HOA issue, which is why she recommended that individual property owners contact Blue Sky. However, they should talk to Blue Sky regarding the broken fence.

Architectural Guidelines

Mr. LeCheminant referred to Architectural Guidelines in the back of their packets. He noted that Carol found these Guidelines that Tony had prepared in 2014. There is discussion that the Guidelines may have been approved, but Carol was not able to find any record of a motion and vote. Mr. LeCheminant noted that the current Board started revising Architectural Guidelines, but nothing has moved forward.

Mr. LeCheminant requested that the Board members redline the Architectural Guidelines in the back of their packets and come prepared to discuss the changes at the next meeting. The Board agreed on the importance of having a set of Architectural Guidelines that they can all stand by and use for clarification.

Ms. Middleton asked Carol to put Architectural Guideline Revisions on the agenda for the August meeting. Mr. Rosing remarked that talking about mass, volume, and other elements is a way to address the mountain vernacular in the Architectural Guidelines.

He was unsure exactly how to do it, but they could research it.

Update on Cabins Built on HOA Property

Mr. Rosing stated that when the Board previously discussed this issue there were two cabins on HOA property. He called that Tony Tyler was going to talk with Summit County about splitting the lot and moving the entitlement to the other; being left with one buildable lot. He was unsure whether Mr. Tyler had spoken with Summit County. Ms. Middleton offered to follow-up with Mr. Tyler.

Regarding the second lot, Mr. Rosing was stymied because no one knows where the boundary line is between Morgan and Summit County. Based on the survey, the boundary line is either on top of the ridge or along the side. Mr. Rosing stated that if the house is on the Morgan County side, unplatted Morgan County requires 100 acres for a lot of record. In that case, the house should not exist because the land is not considered a lot. Mr. Rosing offered to follow-through on the second lot issue.

Mr. Deaver recalled that these matters were discussed two years ago when he was on the Board. He believed there was a resolution between the two Counties and he suggested that Mr. Rosing try to find that agreement. Mr. Rosing stated that another attorney in his office was talking with someone in the Summit County Planning Department, and that person had never heard of a resolution.

Mr. LeCheminant asked Carol to try and find the resolution that Mr. Deaver had referenced from two years ago.

Betsy Bothe, Lot P-17, stated that her lot goes up into Morgan County. She was given specific coordinates and she believed the County should be able to produce specific coordinates for Mr. Rosing. Ms. Bothe noted that she owns part of the property that house sits on. She understood that the house was built before surveying was done with GPS, and the owners decided to build the house up on the ridge, which is not on their lot. Ms. Bothe was interested in clarifying the property issues. She pays taxes to Morgan County on half of her lot and taxes to Summit County on the other half.

Donation from Aspen Ridge HOA

Mr. LeCheminant stated that the donation from Aspen Ridge would be used for road base and gravel. Jody intends to start that road project as soon as he finishes Elk Road.

Mr. LeCheminant reported that the Board had budgeted \$42,000 for impact fees. They

had currently collected \$74,000. He had requested that they put that money towards road expense.

PI-F-61 Built Garage on PI-F-43

Mr. Hutchinson reported that the two owners had worked out an agreement and he could see no reason for the HOA to get involved. He understood that the garage for PI-F-61 was built 10' on to his neighbor's lot; but the owner has since purchased at least 30' so he is well within all of the requirements. The solution requires a lot line adjustment; however, they need approval from the Board before Summit County can begin the lot line adjustment process.

MOTION: Bruce Hutchinson moved to Approve the agreement made between the owner of Lot PI-F-61 and the owner of PI-F-43 regarding the issue with the garage and a lot line agreement for setbacks. Jonathan Hoffman seconded the motion.

VOTE: The motion passed unanimously.

Draft Enforcement of Rules

Ms. Middleton noted that a draft of the Enforcement Rules was sent to the Board earlier this month. Mr. Rosing stated that the Board is required to send notices to all the HOA members before they can adopt the rules. He requested comments and questions on the enforcement rules either this evening or via email so they could send the required notice as soon as possible.

Ms. Middleton asked if email was appropriate for noticing the members, or if it had to be through mail. Mr. Rosing stated that they could use email addresses if they have them. They would have to use regular mail for the ones who cannot be emailed.

Mr. LeCheminant wanted to know why the draft shows one price and then another price in parenthesis. Mr. Rosing stated that the Board needed to decide on the final number. He put in two numbers to give the Board an idea. On another page, Mr. LeCheminant asked if they needed to say "HOA versus project" rather than "versus project" as written.

Ms. Middleton asked how they could enforce fines for speeding. She did not believe a warning would suffice in that situation. Mr. Rosing stated that if they intend to fine they must follow the fine statute, which requires that people be given a warning. He noted that the Sheriff was not interested in enforcing speed limits on a private road. He explained that the HOA can enforce speed limits contractually, by adopting a rule that says the speed limit is X on the private road owned by the HOA. In his experience, the

best way to catch speeders is to rent or purchase a speed camera machine. Mr. Rosing thought putting up speed limit signs could also help. He acknowledged that there was no perfect system.

Mr. Deaver remarked that Summit County dictates a private road, but it also dictates that it is a public access road. He thought they could use that as leverage to possibly get County endorsement.

Mr. Hutchinson thought this was an important document that needed to be thought through carefully. He liked the idea of presenting it at the Annual Meeting because it is a significant change. Mr. Hutchinson suggested that the Board review and redline the document and ask Mr. Rosing for feedback on the proposed changes. Once that is accomplished they could present a finalized document at the Annual Meeting and adopt it.

In an effort to move forward, Ms. Middleton thought they needed to review and edit the document and be ready with questions and comments at the next meeting. She asked Carol to add the Rules Enforcement draft document to the August agenda.

Mr. Rosing clarified that edits and comments regarding the fines should be sent to him. Anything related to architectural rules should be brought up at the next meeting. He would review the edits and incorporate the ones that make sense into a version that the Board could hopefully approve at the next meeting to move forward to the Annual Meeting. Each Board member should send their edits to all the other Board members, as well as to Mr. Rosing, to keep everyone in the loop and motivated to send in their edits.

Monthly Budget Review

Tom LeCheminant reviewed the unpaid bills detail. He noted that James Haugen, Lot FM-D-156, had paid the impact fee to build his cabin; however, he decided not to build until next year and would like his \$6,000 impact fee refunded.

Mr. Hutchinson thought the Capital One bill was excessively higher than normal. Ms. Middleton noted that Jody typically calls Tony for approval on a large purchase. The Board agreed to pay the bills and asked for clarification on the charges. Mr. LeCheminant asked Carol for clarification on the \$9,069 for Capital One.

MOTION: Mr. Hutchinson moved to Approve the unpaid bills as presented, pending clarification on the \$9,069 for Capital One. Jonathan Hoffman seconded the motion.

VOTE: The motion passed unanimously.

Owner/Visitor Open Forum

Don Bloxom, Lot PI-D-47, stated that he had spoken with Byron regarding colors for his dwelling. He provided a hard copy of the drawings. Mr. Hutchinson noted that the Architectural Committee had not seen the plans. Mr. Bloxom stated that the plans were fully engineered and surveyed. Summit County had already accepted his application.

Mr. Bloxom reviewed his drawings with the Board. Mr. Hutchinson stated that if construction would begin in the Fall it would be considered winter construction. Mr. LeCheminant asked if the siding would be Hardie Board or Hardy Panel. Mr. Bloxom replied that it would be Hardie Panel. Mr. LeCheminant asked if it would look like stucco. Mr. Bloxom stated that it was a wood grain.

Mr. LeCheminant informed Mr. Bloxom that he needed to print out the Lot Improvement Agreement from the website. The Lot Improvement Agreement needed to be filled out and signed before the Board could approve his plans. Mr. Hutchinson told Mr. Bloxom to make sure the structure can withstand the snow load.

The Architectural Committee was comfortable with the drawings presented.

MOTION: Tom LeCheminant moved to approve the plans for a dwelling on Lot PI-D-47 for Don Bloxom, contingent on completion of the Lot Improvement Agreement and all other necessary paperwork being submitted to Mr. LeCheminant; as well as payment of the \$6,000 impact fee. Once everything is submitted, Mr. LeCheminant will sign the Agreement and Carol can issue a water letter. Jonathan Hoffman seconded the motion.

VOTE: The motion passed unanimously.

Rental Cabin

Someone commented on a rental cabin next to where she was building. When the cabin was built in 2008 the required setback was 12'. However, the setback is only 6' because the cabin has a deck. She has reported it to Summit County and she wanted the Board to be aware as well.

Dumpsters

Someone asked who they should talk to about getting more dumpsters, because the dumpsters are always full. She thought they should petition Summit County on the basis that there are more people on the Ranch than they currently provide services for.

CC&Rs Progress and Update

Ted Bonnitt, Lot PI-E-55, stated for the past couple of years, he and Roy Parker have been helping the Board with the substantial task of move along the CC&Rs. Mr. Bonnitt noted that a two-thirds majority of the membership is required to approve any changes to the CC&Rs. In order to get that majority, they need to build awareness. If they improve communication and awareness, he believed the community would come together to support the Board and face the future. Mr. Bonnitt noted that there is a general consensus of concern over the need to update the CC&Rs to protect their investments. He pointed out that nightly rental is a contentious issue and the majority of the Ranch owners are opposed to the impact of nightly rental.

Mr. Bonnitt noted that a community meeting is scheduled for 11:00 a.m. on Saturday. The meeting will be held outside and he hoped the Board could help them find an interior space to protect from the sun, or clear a space where people could sit in the shade. Mr. LeCheminant informed Mr. Bonnitt that the Board only has use of the building they were meeting in this evening. The other building is part of the fire department.

Mr. Bonnitt stated that he made it clear to everyone that this community meeting was not a Board sponsored event. However, he hoped the Board members would attend as property owners. He also thought it would be helpful, if appropriate, for someone from the Board to talk about their work on the CC&Rs and the obstacles they face. Mr. Bonnitt stated that the meeting would focus on the CC&Rs, nightly rentals, and the ability to enforce the changes that are made. The intent is to begin the process of raising community awareness and consensus in an effort to assist the Board to have something ready to present at the Annual Meeting.

Mr. Bonnitt offered to form a committee to help the Board with the necessary process to review the CC&Rs to keep it moving forward; and at the same time engage the community at large.

Mr. Bonnitt commented on the methods he has used to inform people about the upcoming meeting. The Board discussed putting out flyers to announce the community meeting. Cheryl Groot, Lot E-79, thought a flyer was a good idea and it would sanction the meeting. Some of the people she has spoken with are concerned that it would

become contentious and be the community against the Board. She personally had concerns about the meeting. Mr. Hoffman liked the idea that the meeting was a grass roots community effort rather than being sanctioned by the Board. Mr. Groot thought the grass roots needed to understand that the HOA Board was not opposed to the meeting. She was concerned that the Board would be offended that the community went behind their backs.

Mr. Hutchinson stated that he was confused. The community has the right to elect Board members. However, they have a hard time getting people to sit on the Board and a hard time getting HOA members to come to a board meeting. Now, because a group of people are upset with the Board, they decided to band together and talk about it. Mr. Hutchinson understood that it was not their intent, but that was how it appeared. He noted that the Board has been talking with Mr. Rosing for six months to work on revising the CC&Rs. He has been on the Board for many years and this was the first time the HOA has hired an attorney to push things along. It is further along now than it has ever been. If people are concerned, they should come to a Board meeting and participate.

Mr. Parker stated that given the fact that two-thirds of the owners need to support the ultimate results, they need to make sure people are aware that this is happening, that Mr. Rosing is involved, and that it is a Board priority.

Mr. Hutchinson applauded them in terms of community involvement. He thought it was great that someone would step up and organize something like this.

Mr. Bonnitt stated that if any Board members attend the community meeting as owners and even if they want to speak, he promised that it would not become adversarial. He would take ownership of the meeting and not allow that to occur.

Mr. Hutchinson requested that Mr. Bonnitt and Mr. Parker report to the Board on any information they glean from the community meeting and the areas where there is consensus. He was frustrated by the number of times the rental issue has been raised, because at this point there is nothing the Board can do to address nightly rentals. Mr. Bonnitt replied that the owners were trying to be proactive. They are behind the curve on nightly rentals, and if they wait too long and remain in an unprepared reactive state, it will be too late and out of their control. In his opinion, being proactive keeps issues from getting out of control. How to do it is the task at hand, and they were there to support it. He wants the community to start facing the situations that did not exist years ago but exist now.

Mr. Bonnitt emphasized that the intent is to create awareness in an effort to create a

two-thirds majority vote.

Mr. Rosing stated that the first step is to adopt a Fine Schedule. Once the Fine Schedule is in place, it will be easier to take action against people. Even though nightly rentals cannot be prohibited until the CC&Rs are amended and adopted, they can still look to the existing CC&Rs regarding the effects of nightly rentals. For example, if 30 people are in a house designed for 8 people, that would be a violation they could enforce.

The Board discussed remote participation if a Board member could not attend a Board meeting. Mr. Rosing noted that the State Statute was changed for Board and Annual Meetings to expressly provide for Skype or Facetime type participation. Mr. Hutchinson asked if it could be set up for the Annual Meeting to allow more HOA members to participate. Mr. Rosing stated that he was thinking Board members, but they could look at possibly doing call-ins for members at the Annual Meeting. Mr. Hutchinson stated that the Annual Meeting is well-attended by the people who live on the Ranch full-time; however, the majority of the HOA members are land owners. He believed the Ranch was being controlled by the minority. Mr. Rosing thought that was true everywhere. The people who show up and voice their opinion are the ones who control. Mr. Rosing commented on the challenges of having many people participate electronically. However, it works well for one Board member to Facetime or Skype.

Mr. Parker remarked that it was important for everyone to know the Rules and Regulations, which is why the sooner they can update the CC&Rs and clarify some of the ambiguity, the better it will be for everyone. Currently, enforceability is a moot point because no one is sure of the rules.

Mr. Hoffman invited Mr. Bonnitt and Mr. Parker to update the Board at the next Board meeting on the outcome of the community meeting. Mr. Parker reiterated that the meeting was open to everyone, including the Board members as property owners. Mr. Hoffman thought it would be helpful for the Board to have some feedback on the three points Mr. Bonnitt had outlined as the agenda for the community meeting, because it would help all the Board members get a better understanding; including the ones absent this evening.

Mr. Hutchinson stated that in an ideal world, each Area Rep would be able to communicate with every property owner in his area and bring that information back to the Board. Unfortunately, it is not an ideal world and he appreciated their efforts to get involved and inform the community. Ms. Middleton agreed. Their efforts are extremely helpful because it will take everyone's vote to move this forward.

Mr. Hoffman stated that if Mr. Bonnitt and Mr. Parker wanted to print a flyer, he would distribute it to the owners in Area 1. Mr. Bonnitt stated that he would put together a simple flyer and email it to all the Board members as a PDF.

Miscellaneous

Mr. Hutchinson wanted to know who gave the approval for the large sign for Deer Meadows. Mr. Hoffman stated that Tom LeCheminant had sent out an email to the Board. After talking about what might be appropriate, he and Mr. LeCheminant suggested a map without any advertising or random information. Deer Meadows was not identified on the existing map. Mr. LeCheminant stated that the agreement was to submit an example to the Board for approval but without contacting him or getting Board approval, a sign was made and posted. Mr. Rosing stated that if the sign was posted on HOA property and the Board was waiting to see an example of the sign, it does not magically become approved. Ms. Middleton clarified that the Board had not approved the sign.

Mr. Rosing stated that typically if a sign that was not approved is put in place, he suggests that they take it down and inform the violator that they can have the sign back when they submit a proposal for the Board to review and approve.

Mr. LeCheminant stated that Deer Meadows only has two lots left to sell. He assumed those lots would be sold within the month. Mr. Hutchinson thought they should require that the sign be taken down because it was put up without approval.

Mr. LeCheminant stated that Deer Meadows had completed the transfer of building rights from lots on the Ranch to Deer Meadows that was part of the agreement. He clarified that Deer Meadows joined the Pine Meadow HOA. Mr. LeCheminant believed that Deer Meadows would be removing the sign fairly soon. Mr. Hutchinson still thought the Board needed to inform Deer Meadows that they had not followed the agreement that was made regarding sign approval. Otherwise, they would be setting a precedent for others to put up signs without Board approval. Mr. Rosing agreed that the Board should communicate to Deer Meadows that the sign was not approved and it needed to be removed. Mr. Hutchinson pointed out that the Board would not have approved a sign that large.

Ms. Middleton asked Carol to send a letter to Pam Slaughter regarding the Deer Meadows sign per their discussion this evening.

Pine Meadow Ranch Owners Association
Monthly Board Meeting
July 17, 2018
Page 18

The meeting of the Pine Meadow Owners Association Board adjourned at 8:29 p.m.
