

LOMA LINDA HOMEOWNERS ASSOCIATION

Monthly Meeting Minutes

November 18, 2014

www.llhoapagosa.com

email: info@llhoapagosa.com

Becky Herman, President	264-2171
Glenn Unrath, Vice President	507-0226
Mike Leitch, Director	264-0750
Peggy Beach, Firewise Ambassador	264-0463
Linda Parker, Secretary	264-1434

- I. Call to Order--The meeting was called to order by Becky Herman at 6:02 p.m. In attendance were Becky Herman, Glenn Unrath, Mike Leitch, Peggy Beach, Linda Parker, David Parker, Dorman Diller, Will Dunbar, Dean Dussell, Susan Dussell, Delores Highsmith, and Doris Leitch.
- II. Revisions/Additions to the Agenda--There were no revisions or additions to the agenda. Becky Herman asked only to be allowed flexibility in the order in which the agenda items were addressed.
- III. Approval of Minutes of Last Meeting--Mike moved and Glenn seconded a motion to approve the minutes of the September 12, 2014 meeting of the LLHOA Board. The motion passed. The minutes of the November 6, 2014 Special Meeting were presented for approval. Dean Dussell requested that the following addition be made: "Dean Dussell stated:
 1. 'the current LLHOA guidelines for propane tank screening violate the fire code and are therefore illegal.
 2. the screening of propane tanks is against the recommendations of the Colorado State Forest Service, the National Forest Service, the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the Dept. of Fish and Wildlife.'"

Becky moved and Mike seconded that this addition be made to the minutes and that the minutes be approved with the stipulation that it be noted that Dean Dussell made the above statements as his opinion only, that they are not the opinion of the LLHOA Board.

The motion carried.

- IV. Financial documents--The financial reports were accepted as presented.

V. Committee reports

A. Firewise report--Please see below.

B. ACC Report--David Parker reported that the ACC committee had met, reviewed and approved three requests:

1. a request by Tom Highsmith to remove three trees on his lot--one was dead and the other two were leaning towards his home.
2. a request by David Parker to build fencing on his property for his dogs. The committee noted that since it is not a permanent structure, no request was necessary.
3. a request by David Parker to remove a fallen tree.

David also announced that due to health reasons, Don Beach has resigned as a member of the ACC leaving a vacancy. Anyone who is interested in serving is asked to contact David at 264-1434. At the present time, there are not enough members for a quorum to conduct business, so committee members are urgently needed.

VI. Metro District--There was no report because of the absence of John Porco.

VII. Old Business

A. Address Signs--Glenn reported that he has received 63 responses requesting an address sign be installed on their property. He proposed sending another letter to homeowners since the ground is quickly getting too cold for installation at this time. The letter will give property owners additional time to make the decision of whether they want a sign or not. Peggy Beach urged everyone to participate in this important project, citing a personal example of emergency vehicles having trouble finding addresses in Loma Linda. Glenn will draft a letter and present it to the Board at the next meeting.

B. December Annual Meeting Update--The December meeting is scheduled for Sunday, December 7 at the Community Center from 4:00-6:30 p.m. Becky asked the Board and attendees for their input on food. Glenn suggested catering everything, asking those who come to bring a dessert. After discussion, it was decided that Becky would contact Chuck Sosbe for to provide a menu of brisket, turkey, and ham. Veggie lasagna and sides will also be provided, as well as iced tea and water. Guests are asked to bring a dessert to serve 8-10 and may bring their own alcoholic beverages. All are asked to RSVP by December 1st. Becky will make a poster for the bulletin board.

C. Petition for removing Tank Screening from CC&Rs--This item was moved to the last place on the agenda.

VIII. New Business

A. Lot 115--This item was tabled.

B. Nominations for new Board member--Nominating Committee--Becky Herman asked for volunteers to serve on a Nominating Committee to fill a position on the

LLHOA Board which will open in January 2015. Peggy Beach volunteered, as did David Parker. Mike agreed to serve as Chair of the Nominating Committee. Delores Highsmith asked if the Board had ever considered having a Professional Board, which consists of people other than Loma Linda residents and are paid for their service. Because of dissension among the Loma Linda residents and their hesitancy to serve on the Board, she thought it might be in the best interest of the association to look outside our development. It was stated that a Board of this kind would require a change in the by-laws. She offered to look into the salary structure of a paid Board to see if it is feasible for Loma Linda.

C.Reimbursement for Community Center rentals--Mike Leitch requested reimbursement for fees paid to the Community Center for room rentals for LLHOA Board meetings in the amount of \$108. Becky moved, Glenn seconded a motion that Mike be reimbursed. The motion passed.

D.Budget 2015--Mike presented a draft of the 2015 budget. It is basically the same budget as 2014 with increases in legal expenses and fire mitigation. The budget will be presented to the membership for a vote at the December annual meeting.

VII. Old Business

C.Petition for removing Tank Screening from CC&Rs--Glenn stated that on behalf of the LLHOA Board, he has contacted the attorneys for counsel regarding the petition that was submitted to the Board at the Special Meeting on November 6, 2014. The petition states,

“INTENT:

- The screening requirements as set forth by the CC&R's are in direct violation of State and Local fire regulations and/or recommendations. As such, Home Insurance companies are mandating that Propane tanks not be screened and must be free from flammable materials for a range of ten feet. Although Propane tanks are specifically identified, overhead tanks are subject to the same recommendations and restrictions.*
- The intent of this amendment is to remove propane and overhead tanks from the screening requirements as set forth in Section 16 of the Amended CC&R's.*

CURRENT: SECTION16: Fuel Storage Tanks Every tank for the storage of fuel installed outside of any building shall be either buried below the surface of the ground or screened to the satisfaction of the Architectural Control Committee by fencing or shrubbery.

PROPOSED: SECTION16: Fuel Storage Tanks From the effective date of this Amendment, every tank for the storage of fuel, including overhead fuel tanks and propane tanks, to be installed outside of any building shall be installed in a manner that is consistent with existing applicable fire codes and recommendations. New installations are subject to the approval of the ACC. Existing overhead and propane tanks, as of the effective date of this amendment, are exempt from the requirements of this section. It is up to the homeowner to comply with

applicable fire codes and their individual Insurance company requirements.”

The petition was signed with 23 signatures of Loma Linda property owners. Glenn also stated that letters had been received from Archuleta County fire marshall David Hartman, and AAA Propane Company owner, Rick Taylor summarizing their remarks of November 6, 2014 indicating that screens for propane tanks do not present a danger. Those letters can be found below. Glenn continued by reading the following statement:

“11/18/2014

In regards to the petition to remove LP tank screening from our CC&R’s presented at the November 6, 2014 meeting, this board has no issue with receiving a petition from the property owners here in Loma Linda to remove tank screening requirements. The board also believes this petition should be based on fact. And, it is this board’s belief that the wording used to obtain signatures in favor of the petition in question as presented to the board may have been made on mis-statements of fact.

The presentation by the fire marshal and Rick Taylor of AAA Propane revealed no violations of state and local fire regulations or propane suppliers safety requirements. Furthermore, research done by the ACC canvassing four different insurance companies confirmed our belief that there are no mandates forbidding propane tank screening or a requirement for removal of existing screens.

Our law firm, Hindman Sinchez, is aware of the petition as presented on 11/06/14 and is also aware of what this board believes to be misstated in that petition.

This board also believes the ACC should not be involved in the approval of anything in regards to the installation of fuel or propane tanks. This inspection and approval is already conducted by the plumbing inspector for the county. The ACC is only charged with review and approval of the esthetics of the screening of LP tanks, period.

Enforcement of existing CC&R requirements for propane tank screening will cease until the petition process runs its course.

If the petition succeeds then the ACC has nothing to do with LP tanks period. If the petition does not succeed a notice will be sent out with a new, reasonable compliance date for screening to be completed.

Fines will not be retroactive to previous compliance dates.

Once again, this board has no issue receiving a petition to remove tank screening requirements from the CC&R’s if it is based on fact.

Thank you,

Loma Linda HOA Board”

Glenn then opened the floor for questions and comments.

Mike Leitch stated that the Board had studied the laws and that the Covenant for tank screening is not in conflict with any laws. He added that Linda Parker had spent several hours speaking to insurance companies including Allstate, Farmers, State Farm and USAA. None of the insurance companies have any rules prohibiting propane tank screens, none of the companies are asking their policyholders to remove existing tank screens, and none have any plans to ask for tank screen removal in the future.

Dean Dussell reiterated that the fire marshall quoted the law at the November 6 meeting that there is to be no combustible material within 10 feet of a propane tank.

David Parker explained that it is not the ACC’s responsibility to enforce laws. Every property and homeowner has a responsibility to know the laws of their county and state and are expected to follow those. The ACC only approves tank screening based on whether or not the tank is screened and the esthetics of it. They have no decision-making in materials used (combustible or not) or the distance the screen is from the tank.

Dean Dussell interjected that the ACC letter tells residents that their screen must be 3 feet from the tank.

David Parker said that at the November 6 meeting, Rick Taylor, owner of AAA propane, stated that the 3 feet rule is a propane industry law that concerns access to the tank for servicing. David added that it is the homeowner’s responsibility to be informed about and to abide by current laws.

Delores Highsmith asked Dean Dussell what his reason was for wanting to remove the screening Covenant from the CC&Rs. His response was, “It’s dangerous.” Delores felt that based on the research the Board had done and the information presented by the professionals at the Special Meeting, these showed to her satisfaction that tank screening is not dangerous.

Dean Dussell stated again that his tank is painted and that a past ACC had approved his painting as a screen.

David Parker reiterated that over the years, several individuals have told residents out

of turn that what they used as a screen was acceptable. He went on to say that there is a committee so that individuals don't make unilateral decisions.

Will Dunbar asked about a question that was submitted to the ACC regarding reimbursement for property owners who are asked by their insurance company to remove their tank screen. The Board repeated that in their research there was no indication that any insurance companies have any rules that prohibit the use of tank screens, neither are any requiring policyholders to remove existing screens. The Board also replied that there was a response by the attorneys on the topic of reimbursing residents who have already complied with the screening requirements if the requirement is dropped. That statement is as follows:

"The current CC&Rs require screening, so the Board was enforcing the document as written. If 51% of the homeowners decide to amend the CC&Rs to drop the requirement for screening, the Association would have no obligation to reimburse."

After discussion, it was decided that Will Dunbar and Dean Dussell will need to re-write the petition so that all statements are factual, get the required signatures and re-submit the petition to the Board.

- IX. Date and time of next meeting--The December annual meeting will be held on Sunday, December 7 at the Community Center from 4--6:30 p.m.
- X. There being no further business, the meeting was adjourned at 7:45 p.m.

FireWise Bulletin
October, November, 2014

Congratulations, Loma Linda! We have been recognized as a FireWise community/U.S.A., thanks to all the hard work property owners and our HOA Board have done to make our community safer for all of us. Among the projects accomplished in the past three years has been:

- Ongoing mitigation by property owners
- Creation of a shaded fuel break at the southwest corner of the development
- Submission of our Community Wildfire Protection Plan for approval
- Driveway inspections for emergency vehicle accessibility
- Chipping days to reduce/remove mitigated slash piles
- Plan for 2-sided reflective house signs for dwellings
- Wildland-Urban Interface Checkpoint to distribute fire safety information
- Home Ignition Zone inspections
- Fire Hydrant "adoption" program

Although this award will not mean reductions in property insurance costs, it should make Loma Linda more attractive to prospective buyers, and in particular, speaks to the determination of Loma Linda property owners to create and maintain a “fire-resistant” community.

If you missed out on any of the above activities or would like more information about them, please contact Peggy Beach (see below). 'Tis the season to burn slash and leaves, but please remember that property owners must get a burn permit (good for the calendar year) and must follow safety precautions such as:

- having a loaded hose or appropriate fire extinguisher near the fire
- having someone in attendance at the fire at all times
- locating the burn pile away from overhanging branches, propane tanks and structures.

For a complete list of restrictions copied from the Pagosa Fire District's web site, please read the attachment below.

Peggy Beach

FireWise Ambassador for Loma Linda

937 San Juan Dr.

(970) 264-0463

peggybeach9@aol.com

HOURS: Open burning shall only be allowed during the hours between sunrise and sunset and when atmospheric conditions comply within the set limits. No open burning within the PLPOA subdivisions. Absolutely no burning after dark.

Open burning shall not be conducted within 50 feet of any structure, propane tank or other sources of flammables or fuels. Conditions that could cause the fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Permit is only valid for the location listed on the permit.

FIRE-EXTINGUISHING EQUIPMENT: A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use at open burning sites.

OVERSIGHT: Burning material shall be constantly attended from the time of ignition until 1/2 hour after

the flames are extinguished by a competent adult, with a working telephone, who is knowledgeable in the

use of the fire-extinguishing equipment and familiar with the permit limitations.

An open burn may not be left unattended. The Pagosa Fire Protection District must be called IMMEDIATELY, by dialing 9-1-1, if the fire extends beyond the control area.

SIZE Brush and scrap wood may only be burned in a maximum of 3 piles at one time, with no pile exceeding a 4X4X4 foot cube. Trash must be burned in a barrel with a screen over the opening. Fires in constructed fire pits are limited to a 2X2X2 foot cube.

DISCONTINUANCE: The District is authorized to require the immediate extinguishment by the permit holder or other person responsible for open burning if the

District determines that open burning constitutes or add to a hazardous or dangerous condition, or is offensive or objectionable pursuant to Section 307-1 of the Fire Code. If the District is required to respond to any open burn that has become uncontrollable, the permit holder and/or landowner shall pay a fee based on an established schedule of fees.

Letter to Loma Linda Homeowners Association from David Hartman:

Nov 12 , 2014

PROJECT: Liquefied Petroleum Storage Tank Screening
ADDRESS: Loma Linda Subdivision
OWNER: Loma Linda Home Owners Association

TO WHOM IT MAY CONCERN:

On the morning of November 12th I was asked by Dave Parker to provide a written summary of the Fire Code interpretation I provided to the Home Owners Asssocation at their meeting on November 4th. This interpretation concerns the installation of fences around LPG tanks for the purpose of shielding the tanks from view.

2009 INTERNATIONAL FIRE CODE

Chapter 1 - Scope and Administration

101.1 Title. These regulations shall be known as the Fire Code of [Pagosa Fire Protection District], hereinafter referred to as "this code."

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

- 1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;*
- 2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;*
- 3. Fire hazards in the structure or on the premises from occupancy or operation;*
- 4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and*
- 5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.*

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Chapter 38 - Liquefied Petroleum Gases

SECTION 3801 GENERAL

3801.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58.

3807.3 Clearance to combustibles. Weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet (3048 mm) from LP-gas tanks or containers. NFPA 58: Liquefied Petroleum Gas Code, 2008 Edition

1.1* Scope. This code applies to the storage, handling, transportation, and use of LP-Gas. Chapter 6 Installation of LP-Gas Systems

6.1 Scope.

6.1.1* Application. This chapter shall apply to the following:

- (1) The location and field installation of LP-Gas systems that use components, subassemblies, container assemblies, and container systems that are fabricated in accordance with Chapter 5
- (2) The location of containers and liquid transfer systems
- (3) The installation of container appurtenances and regulators
- (4) The installation of piping (including flexible connectors and hose), hydrostatic relief valves, and piping service limitations
- (5) The installation of equipment
- (6) The testing of piping systems

6.4.5.2 Loose or piled combustible material and weeds and long dry grass shall be separated from containers by a minimum of 10 ft (3 m).

6.4.7* Structures such as fire walls, fences, earth or concrete barriers, and other similar structures shall not be permitted around or over installed nonrefrigerated containers unless specifically allowed as follows:

- (1) Structures partially enclosing containers shall be permitted if designed in accordance with a sound fire protection analysis.
- (2) Structures used to prevent flammable or combustible liquid accumulation or flow shall be permitted in accordance with 6.4.5.3.
- (3) Structures between LP-Gas containers and gaseous hydrogen containers shall be permitted in accordance with 6.4.5.9.
- (4) Structures such as fences shall be permitted in accordance with 6.18.4.

6.18 Bulk Plant and Industrial LP-Gas Systems.

6.18.4 Security and Protection Against Tampering for Section 6.18 and Section 6.24 Systems.

David Hartman
Fire Marshal

Letter to Loma Linda Homeowners Association from Rick Taylor:

AAA PROPANE, INC.
Po Box 3005
Pagosa Springs, CO 81147

12 November, 2014

To whom it may concern,

At Mr. Parker's invitation, I attended a Homeowner's Association meeting for the Lorna Linda Homeowner's, on November 6th, to discuss the safety aspect of the aesthetic screening of Propane tanks in the subdivision. I discussed tank separation from buildings and property lines, tank volume and temperatures and what the NFPA 54 and 58 have to do with the Propane industries' rules and regulations. Also discussed was the State of Colorado's adoption of the International Fuels Gas Codes and their effect on the safety and well being of the consumer. Also in attendance was the Fire Marshall, whose opinion on tank screening differs from mine. I answered all questions presented by the members and board and in the end, I gave my opinion based on 34 years of experience in the Propane business.

It seems that the main concern presented by some of the homeowners was one of safety. I relayed that I don't believe the screening of a propane tank, even one screened by a flammable material, would not present a safety concern, or hazard. I also conveyed that if a tank was screened by a flammable material, that it needed to be light in construction and at least 3 feet away from the tank on all 4 sides and that an opening to the tank be left for access by our company's employees.

If a solid wall, for screening purposes, should be built, then openings at the bottom of the wall should be left on the low side of the wall, to allow any and all vapors to escape in the event of a leak.

I don't envy the board, or Mr. Parker, their duties in the enforcement of the CC&R's with their constituents and wish them well.

*Sincerely,
Rick Taylor, President
AAA Propane, Inc.*