

Loma Linda Subdivision Homeowners Association
Minutes of the Board Meeting
July 12, 2021

The meeting, held via Zoom online, was called to order at pm 6:13pm by president, Bill Trimarco.

Directors present: Bill Trimarco, Rita Jensen. Members present: Jo Myatt, David and Jean Smith, Bob St. Cyr, Sue Wells, Lisa Jensen, Eric Casler, Steve Hendrix, Sherry Milligan, Robert and Anne Farris, Annie Pack, JoJo Bradford, Shelly Baker, Tom Wennerlund, Maggie Fischer, Brad Sumpter, Rick Sautel, Nancy Dorenkott.

Minutes: A motion to accept the minutes of the June 14, 2021 Board meeting as corrected was made by Rita Jensen, seconded by Bill Trimarco, and approved by a vote of Rita-Yes, Bill-Yes. A motion to accept the minutes of the July 6, 2021 special board meeting was made by Rita Jensen, seconded by Bill Trimarco, and approved by a vote of Rita-Yes, Bill-Yes.

Open Forum: a) Anne Farris shared that an informal group of residents was gathering information on Short-Term Rentals and were asking for comments via the Loma Linda Neighbors Facebook page. Comments should be readable by residents or be sent via email communication. b) Jo Myatt asked about a proxy vote document. The Board said the proxy for the CC&R update would be on the website; it wouldn't be part of the annual meeting which would only cover the minutes and financials from 2020. c) Jo Myatt noted error messages were coming up when accessing the Loma Linda HOA website (i.e., this is not a secure site) and suggested the website be made more user friendly and easier to access information. The Board agreed there were issues with the website and they would be looking into hiring a professional to clean it up. Matt Fischer shared that a car rolled over into the fence at the south corner of Saddleback and Loma Linda. The fence was knocked partially over though someone had tried to fix. The Board noted that this was an HOA fence, and they would contact a local fence company to make repairs, find out if a report was filed with the Sheriff's department, and determine liability.

An item of Old Business b) Board Vacancy was moved ahead in the agenda. Tom Wennerlund was introduced and answered in the affirmative when asked about this familiarity with Loma Linda CC&Rs, his willingness to support the covenants, and if he was aware of the nine Board policies. A motion to accept Tom Wennerlund to fill the vacant Board position through the end of December 2021 was made by Bill Trimarco, seconded by Rita Jensen, and approved by a vote of Bill-Yes, Rita-Yes. Tom was officially welcomed to the HOA Board.

Treasurer's Report: Bill displayed and reviewed the financials as of June 30, 2021. There was income from assessed weed fines. The Operating Fund balance was \$50,265.36; the Reserve Fund balance was \$22,607.63. The budget vs. actual showed an overage on insurance expenses. The past due receivables list will be shared only with the Board. A motion to accept the financial reports as presented was made by Rita Jensen, seconded by Tom Wennerlund, and approved by a vote of Rita-Yes, Tom-Yes, Bill-Yes. Discussion: Jo Myatt requested from the Board a list of residents who paid their noxious weed fines.

Committee Reports:

ACC: The last meeting was July 5. a) A time extension to complete a roof connection was granted to Bill Trimarco. b) Provisional approval was denied to a non-resident, Jon Belyeu, who was going to build two loafing sheds for too many horses based on the current CC&Rs. c) Fifty-four properties were identified with overgrowth of noxious weeds (thistle) though some have since cut the weeds so the number of warning letters will be less. d) A concern was raised about a lot on Eight Mile Loop with three horses on it. A formal request by the ACC to the Board would allow this to be included as a future agenda item. An issue of precedent was raised, and discussion of a conversation with the HOA attorney in January 2012 was referenced. Concerns from residents that precedents impact the CC&Rs and that they are not clear were brought up. The Board will try to locate the old documents covering this issue.

Fire Wise: No report

Nominating Committee: Jean Smith, Chairperson, gave an update. There were two nominees, Bill Remein and Darlene Cassio, for the one-year board term (Jan-Dec 2022) and one nominee, Maggie Fischer, for the three-year board term (Jan 2022 – Dec 2023). She requested a short biography from each of the candidates. Additional nominees can be accepted up to the members annual meeting on July 25, 2021.

Old Business:

a) Ballot Process for CC&R Amendment – According to Board procedures and law, amendments can be proposed; Bill displayed the policy on changes to amendments dated September 2018 which was agreed to by a previous Board and the Attorney. Concern over the validity of the twenty signatures and the specific intent of each proposed change was raised. The point of the amendments was to clarify existing CC&Rs; though not every signer of that petition necessarily agreed with each change, they did agree that these changes should be discussed. Opening up the original petition to all residents was suggested. There was no statement made by the Attorney that each amendment requires twenty separate signatures. Two meetings allow suggestions and comments from residents. The Board can adjust and approve verbiage which will then be reviewed by the HOA attorney for wording and legality. Cons suggested by residents will be added to the amendment(s) and then reviewed by the attorney for verbiage. A ballot will be mailed with each proposed amendment being voted on individually. The next step in the process is to review each proposed amendment to add missing or incomplete Intent, review Existing and Proposed wording, the Pro comments, and the Con comments. All statements/legal opinions from the attorney should be in writing.

1. Exterior Maintenance – Intent added. Comments: The ACC has ability to assess a fee/penalty for not adhering to required maintenance. It is not safe for committees to go on another's property. This article should state that the Board has the right to go on another's property if written notice was given. A nuisance law does allow entrance but use of a fine structure or lien on property is better according to the HOA attorney. A Con could be added to show possible legal issues. A statute should be referenced.

2. Water System and Septic System – Intent added. Comments: Under Section 1, include approval by PAWSD and the HOA. Under Section 2, change wording to be gender neutral (use 'their own' or 'lot owners' rather than 'his own'); use the singular or plural throughout...not intermixed. Private wells could be dug on lots without the ACC knowledge; how would the ACC check on illegal systems if not allowed on property. A statute is not known, but PAWSD specifies no wells can be built without their permission.

3. Use Restriction: Animals – Intent added, but wordy (already specified in the Pros), but leave Intent as added at this time. Comments: Pros and Cons will not be left up to the Attorney; they will make suggestions based on their expertise but not rewrite statements submitted. Assuring animals are cared for may be evidenced by street reviews; fines can be assessed if problems are noted. Include protections such as grazing not allowed to denude ground cover. A statement should be added about proper pasture management and necessary ground coverings. Some terms are subjective and should be defined (nuisance, many, some) in a definition section. Some properties/acreages are not conducive to grazing animals; a fully or primarily wooded lot isn't appropriate for them; topography should be considered when planning for horses, etc. A suggestion to add an amendment that residents check with the NRCS before approving a management plan cannot be added to these proposed amendments. Archuleta County does show Loma Linda as rural/residential. The HOA must abide by County standards at a minimum but can go beyond those requirements. It makes it sound like rights were taken away in 2008. When units were amalgamated incoming units must have voted on/agreed to the two grazing animals per lot minimum. There were issues raised by some residents as to how it was voted in. Wording will be clarified 'due to a vote' members voted to accept new covenants. The HOA was asked to find CCRs that were in effect in 2007. Some historic documents from prior Boards are missing. The statement "no other subdivision" should be removed as it is inaccurate based on checking other HOA/POA documents online. The number of grazing animals has been an issue among residents for years. Add Pro "a more horse friendly environment will increase property values"; add a Con "a more horse friendly environment decreases property values". Add a Con "restrictions may not be enforceable". Under Pro #3 change the wording from "many" to "some" or "many horse owners". Add a Con that owners with multiple lots could have larger numbers of grazing

animals. The character of the neighborhood changes with the addition of more horses. Add a Con that an increase in horses on a lot subjects homeowners to odors. Any reference to horses should state grazing animals.

4. Use Restrictions: Dwelling Cost, Quality, and Size – Intent added. The original covenants were 800sf. They were later amended to have a minimum of 1200sf and requiring 2 story buildings to have a minimum of 700sf on the first floor. Due to a typographical error, when the units of the subdivision were amalgamated, it was changed to 700sf on both floors, but should have said 700sf on the first floor (or ground floor). Will change Proposed wording to show the minimum first floor footprint of 700sf on the first floor. Comments: Leaving proposed wording as 1200sf could allow oddly designed structures. The County only allows two stories (three, if one is a basement). The average cost to build a home is available on the County's Building Department table. Including an average cost requirement won't ensure the quality of a build. Add a Con "without a dollar per square foot build limit quality construction practices cannot be controlled."

5. Use Restrictions: Setbacks – Add "for the housing of animals or fowl" to "(i)" after "No residential dwelling or structure". Toolsheds or workshops can be within the 50'. Appeals process is listed on HOA website...to ACC first and then to Board. An appeal for a variance decision can be submitted to the Board. The Board can approve variances. The ACC is the best place for variances to be considered or the ACC should be able to make their recommendations to the Board as ACC has the knowledge and expertise. It is not appropriate for the Board to make final decisions without input/recommendations from the ACC. The ACC does the groundwork, and investigates the request, then presents it to the Board...a two-step process. Board will review wording to ensure it doesn't change the intent by having a two-stage process. Add a Con "it dilutes the vetting process by eliminating the ACC from decision-making". Add a Con "variances would have to be presented to the Board". There aren't many properties left in Loma Linda that can be built upon without a variance. Need a process for the ACC to be able to consider residents' requests for variances so these lots can be built on. Other HOAs have had a member of the ACC on the Board. In the past, LL HOA has seen issues with a Board member on the ACC committee or an ACC member on the Board. Bylaws state "three". Add a statement that the ACC can recommend to the Board cases that may require a variance.

6. Use Restrictions: Number of Structures – Pare down the Intent by removing the examples currently listed. Intent was not meant to allow unlimited structures. Under (iii) Proposed wording add "as approved by the ACC" at the end of the sentence. Add a Con "an unlimited number of structures on a lot could be unsightly and affect property values". Add a Con "the ACC would have no CC&R basis to deny a request". CC&Rs are meant to address the extremes that could be requested. "Harmony" is not enforceable.

7. Use Restrictions: Mobile Homes – The Intent was to clean up/clarify wording so that a personal motor home could be on a personal lot, not a vacant lot. Add "storage" to (c). Add a quantity of such units or "a reasonable" number (though subjective, the ACC could determine that). Residents cannot park such units on their property and rent them out for a certain number of days as this would be considered a business, which is not permissible; the CCRs allow only one residential dwelling per lot. The word "temporary" is ambiguous so (c) should specify four weeks as used in prior paragraph. There's a 50' setback limit on where such a motor home can be placed. The covenants say no Junkers can be stored on a lot, but other than that the HOA doesn't get into the licensing of vehicles.

8. Use Restrictions: Commercial Vehicles – Under Proposed remove the word "dump"; leave it as truck. Add a Con "would allow certain types of vehicles such as step vans, delivery trucks, etc.". Add a Con "having commercial vehicles would detract from the rural residential atmosphere".

These changes should be posted for residents to review to confirm all changes were included. The Board will send them out to everyone. If additional changes are added it would require a special meeting. Only the proposed amendments will go to the attorney, not the signature sheet as the accountant vetted each name on the signature page. Covenants, Bylaws, and Policies will go to the lawyer. A motion to accept the documents as put together and to send them to the attorney for review was made by Tom Wennerlund, seconded by Bill Trimarco, and approved by a vote of Tom-Yes, Bill-Yes, Rita-Yes. Bill thanked everyone for participating.

c) Annual Meeting status: The venue of A Body of Art Gallery has some outdoor space and with open roll-up doors there is air exchange available. They will have a cash bar for beer and wine. Soft drinks will be supplied at no charge to members; the HOA will reimburse them for soft drinks provided. Smoken Moe's will provide two meat varieties, three salads, rolls, and baked beans. HOA will provide vegetarian dishes, tea, and dessert.

New Business:

a) ACC Complaint Form – The ACC presented a draft of a complaint form; there is an issue on identifying who filed it. This item will be tabled until the next meeting.

b) Future Meeting Format – Due to recent COVID outbreaks locally the meeting in August will be via Zoom online. In the future, having meetings both in-person and via Zoom will be difficult; it's hard to run a meeting both ways.

The next regular Board meeting is Monday, August 9th at 6:00pm via Zoom online.

A motion to adjourn the meeting at 10:58pm was made by Tom Wennerlund, seconded by Rita Jensen, and approved by a vote of Tom-Yes, Rita-Yes, Bill-Yes.

Sharon Jennings
Recording Secretary

Approved August 9, 2021 as corrected.