

Loma Linda Subdivision Homeowners Association
Minutes of the Board Meeting
February 8, 2022

The meeting, held via Zoom online, was called to order at pm 6:02pm by president, Maggie Fischer, who gave a welcome to all new residents attending. She stated that the order of the agenda would be changed so that all outstanding business could be conducted prior to the issue on the Petition to amend the CC&Rs.

Board members present: Maggie Fischer, Rita Jensen, Bill Remien. Members present: Sharon Jennings, Nancy Dorenkott, Robert & Anne Farris, Bill & Sherry Milligan, Roger Jensen, Al & Jo Myatt, Matt Fischer, Jim & Grace Walter, Barb Hanrahan, Kirk Kohlschmidt, Dave Kohlschmidt, Rick & Bernie Sautel, Michael & Doris Leitch, Steve & Shelley Baker, Bruce & Allison Peeler, Sue Wells, David & Jean Smith, Tom Wennerlund, Bruce & Laura Mrachek, Willem & Sarah Schutte, John & Jojo Bradford, Lisa McQueen, Audrey Mitchell, Meredith Knight, Rick Burdon, Lloyd Rabb.

Minutes: A motion to accept the minutes of the January 10, 2022 minutes as recorded was made by Rita Jensen, seconded by Bill Remien, and approved by a vote of Rita-Yes, Tom-Yes, Maggie-Yes.

Treasurer's Report: Bill R. reviewed the Financials through December 2021; they will be posted on the website. The Balance Sheet showed the Operating Fund as \$46,278.23 and the Reserve Fund as \$22,611.05. The Profit and Loss statement showed Total Net Income of \$5,972.06. The Budget Performance sheet through December 2021 was displayed and reviewed. A motion to approve the 2021 Financial Reports as presented was made by Maggie Fischer, seconded by Bill Remien, and approved by a vote of Maggie-Yes, Bill-Yes, Rita-Yes.

The Financials through January 2022 was displayed. The Operating Fund was \$52,208.12; the Reserve Fund was \$22,611.63. Bill R. will investigate options for better interest rates on the accounts. The Profit and Loss statement showed Net Income of \$2,583.01. A motion to approve the January Financial Reports as presented was made by Maggie Fischer, seconded by Rita Jensen, and approved by a vote of Maggie-Yes, Rita-Yes, Bill-Yes.

Open Forum/Public Comments: a) The couple living at the Echo Drive home which burned were able to get out safely and are staying at a Loma Linda home. Taking up a neighborhood collection for them by interested residents will be determined once their needs are known. This would not be done through the HOA, but through a Facebook post. There is a Facebook page called Loma Linda Pagosa Springs Neighbors available for those who wish to access it. c) Al replaced the batteries in the solar lights at the mail station. d) A suggestion to obtain additional Fire Hydrants within the subdivision was made. There is an existing group of residents who have been investigating testing hydrants, but a definitive committee should be set up. Struggles were encountered in the past when trying to get more hydrants. Input is needed from the Fire Department. Per Al, the cost runs \$4,000-\$5,000 per hydrant and that the flag color at the hydrant denotes the pressure of that hydrant. The distance between hydrants and the length of fire hose available with the F.D. needs to be checked. If needed, Al has 1,200 feet of fire hose which he is willing to offer should it be needed.

Committee Reports:

FireWise: Al Myatt said activities are slow during this season but reminded residents that snow should be cleared from the fire hydrants to be accessible by the Fire Department. One resident suggested giving this responsibility to your property manager when there is a hydrant close to your home. To reduce the mud situation, gravel was placed at the entry to the mail station. Al is willing to help and support any residents with FireWise mitigation and/or snow issues.

ACC: Jo Myatt reported there was no meeting held in February as there was no pending business

Old Business:

a) Petition to Amend CC&Rs – Moved to the end of the Old Business section.

b) Annual Dues – HOA dues of \$80 are to be paid by March 1; Interest will accrue after this date.

c) Social Committee – Sheree Hendrix, Bernie Sautel, Leanne Timmons, Anne Farris, Allison Peeler, Melissa McGowan, and Juliet Wooten have volunteered to be part of a social committee. Maggie will share email addresses with the others on the committee so they can decide on a date for a work session to write up a charter of what the rules for the committee would be.

d) Other Committees – A suggestion was made to send a survey to all residents asking what they would like to see in the neighborhood and to get a feel for what is important to them. Additionally, "Word-smiths" who

would be willing to go through the Policies and Bylaws and clean up the wording to eliminate conflicts on interpretations can contact the Board if interested. A Board work session can be held to produce an HOA mission statement, to review the results of the survey, to state how decisions are made by the Board (i.e., if the goal is to maximize property values, to maximize a rural atmosphere, etc.). Obtaining an updated email list for all property owners would eliminate the need to send surveys out by US Mail. Maggie found an old survey in the storage shed and will share that with Bill R. A motion to have Bill Remien check into finding an electronic survey to use for this was made by Maggie Fischer, seconded by Rita Jensen, and approved by a vote of Maggie-Yes, Rita-Yes, Bill-Yes. Discussion—Lisa McQueen has some experience and would like to work the Bill on this. Bruce Peeler suggested that the Board contact Boards from other HOA's in the area to share information of common interest that they may have dealt with previously.

e) IT Contact – Maggie met with Natalie Carpenter, went over our current website, and suggested we produce ideas on what our website needs (home page, resident pages, etc.). A motion to table this until the March meeting was made by Maggie Fischer, seconded by Bill Remien, and approved by a vote of Maggie-Yes, Bill-Yes, Rita-Yes.

f) Forest Service Access Easement – The easement in question is on Lot 77 on Eight Mile Loop and is from an ongoing issue dating to at least August 2020 and involves a fence built in the easement that needs to be moved to allow access by members of the subdivision. The property owners asked for proof that a Forest Access Easement exists. The Board is confident that the easement has not been extinguished or vacated. A motion that the Board correspond with our HOA attorney to communicate with the resident's attorney or provide the HOA with a referral to a Real Estate Attorney was made by Maggie Fischer, seconded by Bill Remien, and approved by a vote of Maggie-Yes, Bill-Yes, Rita-Yes. Discussion: The easement was established in 1979 by the developers of Loma Linda; this is not an issue between the current resident and the Forest Service. A December 2020 Forest Service Easement Survey was displayed showing Lot 77 and the current fence line that is within the easement. The fence was put up in 2012. Currently, residents go around the fenced area to access the forest. A suggestion that the property owner allow access even though it is on their property was brought up. High Country Title provided a record that the easement was on Lot 77 (not Lot 70). Prior to talking with our lawyer, a detailed/precise list of questions should be created addressing the fence issue, to keep our legal fees as low as possible. The property owner's attorney (who was on this Zoom meeting) was asked but had no comment.

a) Petition to Amend CC&Rs to prohibit STRs (Short Term Rentals)

This petition was presented to the Board, discussed at the January 2022 Board meeting, and posted on the website as a Notice on the Home page on January 11. This meeting is the second meeting for discussion of the amendment. The final wording was displayed on the screen. The Intent section was reviewed, but, as part of the original petition, cannot be changed by the Board. The Proposed wording of the amendment was changed only to add the words "advertising or". A motion to accept the wording as proposed was made by Rita Jensen, seconded by Bill Remien, and approved by a vote of Rita-Yes, Bill-Yes, Maggie-Yes.

Discussion: A vote on the amendment will be made by all the owners when the ballot is sent out. This will not happen until all Pros and Cons are stated. An explanation on the wording and why "In the event of termination..." was included as given: Some rentals allowed people to leave in less than thirty days (with a small termination fee) and then rented it again right away. An explanation on the entire process of petition/ballot/vote was requested: There is an HOA Policy regarding the procedure to amend the CC&Rs. The petition was sent to the Board in January by a group of residents. The Board accepted the Petition, and discussion followed on the proposed amendment. The intent and proposed amendment were posted on the website on January 11. On February 1, the revised amendment as well as a list of Pros and Cons was posted on the website and sent out via email along with the February 8 agenda. Once the final wording of the amendment is updated and approved in February it will be submitted to the lawyer to review the wording. A ballot will be mailed to each property owner. The ballots are mailed to and opened by our outside accountant. A majority of 51% of residents are needed in the vote for it to pass or not. It was reported that there are four permitted short-term rentals currently in the subdivision with three additional STRs in the application process. It was noted that a court ruling provided as one of the Cons was included in its entirety. A May 2018 letter from the County Planning manager indicates short-term rentals are not allowed in rural-residential zones (which includes Loma Linda).

Discussion on Pros and Cons: Some new Pros and Cons received after February 1, 2022 are included in the screen display in purple but are not on the website. Bill R. explained that the Board does not take a stand on the Pros and Cons; they only work on the process.

--Remove the section "55% of the lots in Loma Linda" from Cons...not sure what it means. The number of homes is different than the number of lots.

--STRs are different from Part Time Residents

--Opinions should be removed from Pros and Cons

--Board is elected to put together succinct Pros and Cons

--One resident was solicited by mail by Vacasa to be a STR owner

--Concern that big equity companies may start contacting residents

--It is important to have neighbors around

--Residents want to know their neighbors

-- A feeling the statement about "Vacant homes maintained..." is misleading. Part Time residents do maintain their property or have a maintenance company do it

--Some Pros and some Cons are not accurate

--Short Term renters do not necessarily know rules (like Fire Bans)

--Short Term rentals have always been allowed in Loma Linda since its beginning

--Short Term rentals are not businesses since they are used as a residence

--Loma Linda is spaced out

--Most owners take care of their residences to enhance rentability and to prevent bad online reviews.

--Can eject Short Term renters immediately

--Having renters deters burglars and keeps property owners aware of maintenance issues

--Are there possibilities to limit impact, a balance between total ban and no ban?

--Should a local property manager be required?

--Renters should carefully choose their property manager

--Renters should include rules and regs for all their STRs

--STRs help defer to cost of having two homes

--Limit the frequency of STRs

--Banning STRs could create more long-term rentals which are harder to evict

--Require Venture Capitalists to wait before starting an STR

--Multiple STRs may be on one street

--Residents do not want to police their neighbors

--Sound travels even with larger acreage

--Loma Linda is heading into an unknown/unsure direction

--Do not want Loma Linda to become an STR-Haven

--The Covenants do not add any protections and do not offer any restrictions. Other HOAs have made restrictions to their STRs.

--The County has a structure for policing issues relating to STRs

--The County structure puts the burden on the residents to complain

--Even issues called in may not receive a prompt response from law enforcement or the property manager and the violator may have left the area before they can be contacted

--Property identify as an LLC is not necessarily a business; it protects personal interests

--Not all STRs want to party; love the solitude and beauty

--Tourism is important in Pagosa as a service-based town; keeps local businesses operating

--STR may become proliferate and change the neighborhood

--Non-resident owners may not be aware of the issues with their STRs

--A new STR every weekend can be a nuisance

--Not all property managers follow county regulations

--Residents must put up with the impact

--There is no cap on the number of STRs per the County

--Some residents worked their entire life to be able to build a home in a place like Loma Linda

--A single negative event can create a dangerous situation

A resident said they appreciated the time and work the Board was poured into this process. The Board appreciated the great feedback noting the different perspectives and thanking all for listening to each other. The Board will schedule a work session to finalize the Pros and Cons section before sending the document to the HOA attorney for wording review. They will provide a Zoom link to all property owners who wish to listen in on their work session. Any resident with additional input should email the HOA Board.

A newer resident noted the inability to obtain a mailbox in the development and felt it was difficult to find out about meetings as there is currently no welcome packet available. The Board sends email communication to property owners who have signed up. The new Social Committee being put together will be able to welcome new residents and ensure they know how to contact the Board and all reference information on the website. Residents should contact the Loma Linda website to get on the HOA email list. The Board will review the website to see why some property owners are not receiving email communication. The Facebook Administrator also noted difficulties in verifying every person's name and or email address.

Next Meeting – The next regular HOA Board meeting will be March 8, 2022. It will be scheduled via Zoom online. Transitioning to a hybrid model (in-person and online) will be discussed by the Board.

The meeting was adjourned at 8:56pm.

Sharon Jennings
Recording Secretary

Approved March 8, 2022 as written