

**The Greens at Loomis Trail HOA**  
**Board of Directors Meeting**  
**Monday August 9, 2021 6:30 - 8:00 P.M.**  
Ferndale Library Meeting Room

**MEETING MINUTES**

1. Call Meeting to Order (Quorum = Minimum Requirement, 3 of 5 Directors)  
Due to the COVID-19 Pandemic, no regularly scheduled Board Meetings were held in the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2021 - only Special Board Meetings in lieu of face-to-face meetings in accordance with the Governor's Emergency proclamations.  
[President: Ryan Barnes, Vice President: Doug Moore, Treasurer: Heather Jackson, Secretary: Kathy Barnes, Member: Kevin Cavanaugh]
2. Welcome and Introduce Association Members and Guests. There were 6 lot owners and guests in attendance.
3. Open Comment/Question Time (10 minutes) for Members and Guests
4. Secretary's Report - Kathy Barnes - Approve previous regular Board Meeting Minutes:  
Review and approve the attached Board Meeting Minutes from 11-6-20.  
Review and approve the attached Membership Budget Ratification Mtg. Mail-In Balloting Vote from 4-15-21.
5. Special Board Meeting Motions - Ryan Barnes  
Special Board Meetings and Voting via group email for the stated purpose of approving specific motions; in accordance with Bylaws Paragraph 5.3.4 "Notice and Waiver of Special Board Meetings" states Attendance at the meeting (i.e. email response) constitutes waiver of the 72 hour prior notice providing no Board Member objects to the "transaction of business" in the Special Board Meeting. So long as all Board Members respond and vote via email, the Special Board Meeting 72 hour prior notice will be waived and the stated motion results will be recorded in the next regular Board Meeting Minutes. If there is an objection to the motion or abstention from voting by any Board Member, then this motion and Special Board Meeting issue will be tabled for discussion at the next regular scheduled Board Meeting.

Motions: (18 Total)

- November 29, 2020 - A Special Board Meeting vote was held via email for Lot 64, Div1, 8624 Ashbury Court regarding a construction package review request. Motion: "To approve Mr. Naqvi's 11-13-20 Architectural Controls Checklist and Building Plans email submission for a home on Lot 64, Div1. Approval is contingent upon including a 6 foot tall cedar fence to screen the AC equipment from view from the adjacent neighbor's property per CC&R Section 9.2.7." The motion passed with a unanimous vote.
- February 2, 2021 - A Special Board Meeting was held via email to Vote on the following motion - "To elect the following list of 2021 Board Officers: Ryan Barnes - President, Doug Moore - Vice President, Heather Jackson - Treasurer, Kathy Barnes - Secretary, Kevin Cavanaugh - Member at Large" The motion passed with a unanimous vote.
- February 21, 2021 - A Special Board Meeting vote was held via email for Lot 2, Div1, 4407 Castlerock Drive regarding a complaint to remove of a large satellite dish. Motion: "To direct the HOA Manager call and send a follow-up letter to the Lot Owner informing them they must to take down the 33" (larger) satellite dish within the next 4 weeks because it is in violation of CC&R Section 9.1.21 " The motion passed with a unanimous vote.
- February 24, 2021 - A Special Board Meeting was held via email to Vote on the following motion - "To approve the 2021 attached budget which maintains the same \$65 monthly dues, reduces the reserve savings account deposits by \$900/year to \$10,800/year, and increases the Elite Management LLC property management contract by 5% or \$650/year." The motion passed with unanimous vote and will be included in the 4-20-21 mail-in Budget Ratification Agenda.

- March 10, 2021 - A Special Board Meeting vote was held via email for Lot 39, Div1, 8637 Ashbury Court regarding painting their house with new colors. Motion: "To approve Lot 39, Div1's (8637 Ashbury Court) request to change her house paint color to reflect the attached photos of house at 4451 Castlerock Drive." The motion passed with a unanimous vote.
- March 17, 2021 - A Special Board Meeting vote was held via email for Lot 64, Div1, 8624 Ashbury Court regarding a Variance Request. Motion: "To grant a Variance for Lot 64, Div1 owner so the 6 month start and 18 month construction time limit requirements outlined in CC&R Section 4.4.6 will not begin until the US/Canada border is opened." The motion passed with a unanimous vote.
- April 9, 2021 - A Special Board Meeting vote was held via email for Lot 9, Div1, 4435 Castlerock Drive regarding sending a Notice of Violation following a received written Complaint for a fallen section of front yard fencing. Motion: "To proceed with issuing a (NOV) Notice of Violation and Cover Letter by Manager Judy Hamner that informs owner of Lot 9, Div1, 4435 Castlerock Drive, they have 4 months to commence repairs to the broken fence and gate on her property or be subject to a \$250 fine in accordance with CC&R Section 4.6. If at the end of 4 months no reconstruction has commenced, the Board authorizes up to \$4,000 to be spent from HOA Reserve Account funds to reconstruct the painted cedar fence and gate and pass the repair costs along to the Lot Owner as a special assessment with all steps taken under advisement with our HOA Attorney". The motion passed with a unanimous vote. The Violation Notice and cover letter was mailed 4-13-21. The \$250 fine was reportedly paid. The fence still remains un-repaired. The HOA Attorney changed his advisement and we are not able to make repairs on private property, only HOA common property. Discussion followed with a recommendation to contact the mortgage holder to explain continued violations may be just as expensive as repairing the fence. Agreement to have our attorney draft a letter explaining this to see if the mortgage company would consider making the repairs. The mortgage company declined and a second NOV would be processed.
- April 20, 2021 - A Special Mail-In Budget Ratification Meeting was sent out to all members. The draft budget submitted by the Board passed via mail-in voting: 3 against and 27 in favor.
 

Per Bylaws Section 8.6 and 8.7: "The newly elected Board Members will have 30 days following the Annual General Meeting to prepare and approve a 2020 draft budget. A summary of the proposed budget will be mailed to all members and a General Meeting to ratify the budget will be scheduled within 14 days and 60 days after the mailing. Unless the owners by majority vote reject the proposed budget, the budget will be ratified at this meeting whether or not a quorum (25% of membership) is present."
- May 4, 2021 - A Special Board Meeting vote was held via email for Lot 25, Div2, 4371 Castlerock Drive regarding painting their house with new colors. Motion: "To approve Lot 25, Div2's (4371 Castlerock Drive) request to change their house paint color to reflect the attached images." The motion passed with a unanimous vote.
- May 4, 2021 - A Special Board Meeting vote was held via email for Lot 24, Div2, 4367 Castlerock Dr. regarding painting their house with new colors. Motion: "To approve Lot 24, Div2's (4367 Castlerock Drive) request to change his house paint color to reflect the attached images, changing from light green to light gray." The motion passed with a unanimous vote.
- May 6, 2021 - A Special Board Meeting vote was held via email for Lot 52, Div1, 8680 Ashbury Court regarding adding fence sections. Motion: "To approve Lot 52, Div1's (8680 Ashbury Court) request to add two fence gates to each side of their house connecting with existing neighbor's cedar fences built in full accordance with the HOA fence standard example." The motion passed with a unanimous vote.
- May 14, 2021 - A Special Board Meeting vote was held via email for Lot 63, Div1, 8628 Ashbury Court Architectural Controls Checklist to install a hot tub in their backyard. Motion: "To approve Lot 63, Div1, 8628 Ashbury Court request to install a hot tub in their back yard per the attached checklist and photos." The motion passed with a unanimous vote.
- May 16, 2021 - A Special Board Meeting vote was held via email for Lot 2, Div1, 4407 Castlerock Drive email complaint and request the HOA cut down cotton wood trees growing over their backyard fence from Open Tract "B", Div1. Motion: "To approve \$1,300 expense to cut down trees behind Lot 2, Div1 per the lot owner's request." The motion did NOT pass with a 1 to 4 vote. The second cost estimate was received from another tree service company for a reduced cost. A second Motion was issued for vote on May 20, 2021: "To approve

\$550 expense to cut down trees behind Lot 2, Div1 and 10 feet wide per the lot owner's request." This second Motion passed on a 4 to 1 vote.

- June 8, 2021 - A Special Board Meeting vote was held via email for Lot 5, Div1, 4419 Castlerock Drive via email to Vote on the following motion - "Motion to DENY Lot 5, Div1's request that the HOA cut down all trees and vegetation directly behind her lot (Open Space Tract B, Division 1) for the purpose of creating a firebreak between her property and the remaining Open Space forest." The motion passed with a unanimous vote, thereby denying the request.
- June 15, 2021 - A Special Board Meeting vote was held via email for Lot 6, Div2, 4376 Castlerock Drive Front Landscaping Plans. Motion: "To NOT approve Lot 6, Div2's Front Landscaping request and ask she resubmit to include sketches and plant list and locations for the right side of the house and driveway. Please include any changes to grass lawn areas, new rock beds, and raised flower beds. Also please include locations and types of evergreen plants planned to be planted in the fall as mentioned in your email." The motion did NOT pass with a 1 to 4 vote. The landscaping plans were therefore approved.
- June 17, 2021 - A Special Board Meeting vote was held via email for Lot 6, Div1, 4423 Castlerock. Motion: "To approve Lot 6, Div1's front landscaping request and to have Judy Hamner clarify; that per CC&R Section 9.1.4.1, the parking of up to two vehicles in driveways shall be permitted. Parking vehicles on landscaped gravel areas will not be allowed." The motion passed with a unanimous vote.
- June 29, 2021 – A Special Board Meeting vote was held via email for Lot 25, Div1, 4444 Castlerock Dr. New House Paint Colors. Motion: "To approve Lot 25, Div1's Architectural Controls Checklist request for new house paint colors." The motion passed with a unanimous vote.
- July 2, 2021 - A Special Board Meeting vote was held via email to Vote on the following motion - "Motion to grant Lot 22, Div2 a Variance to exceed the 45% impervious limit to add an indoor swimming pool to his property with a new total 49% impervious coverage. The Board voted unanimously NOT to approve his Variance Request to exceed the 45% maximum impervious lot coverage limit described in CC&R Section 4.4.2. The Board encourages the lot owner to explore other alternatives which can be constructed within the 45% maximum impervious coverage limit including: Reduce the square footage of the indoor pool if they remodeled/repurpose a portion of the existing main floor. They could reduce the size of the pool to say 6 feet wide by 40 feet long, still a very sizeable swimming lane. They could also install a large fiberglass swim tub that would take up only around 120 SF where you swim or walk against a current generated by jet pump nozzles.

6. Treasurer's Report – Heather Jackson

As of June 30, 2021:	Main Checking Account is	\$23,827.81	(\$25,164.36 in May 2021)
	Reserve Savings Account is	\$97,096.46	(\$96,355.02 in May 2021)
	Certificate of Deposit is	\$ 9,807.87	(\$ 9,789.20 in May 2021)
	Total	\$130,732.14	(\$131,317.58 in May 2021)

2021 Annual Operating Budget \$64,792. Future major expenses \$8,200 for annual Stormwater Tract Mowing & Grass Removal in September. 3-Year Professional Engineering Inspection by David Evans & Assoc. \$3,500 and Mitigation Work \$4,700 on our Stormwater Treatment Facility.

Significant Overdue Accounts as of May 31, 2021:

- Lot 13, Div2 is \$294 behind. Discuss possible needed actions.

Loomis Trail Home Owners Association A/R Aging Summary As of May 31, 2021						
	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Allen - 40	0.00	65.00	0.00	0.00	0.00	65.00
Bhullar - D2-13	0.00	65.00	65.00	0.00	164.35	294.35
Kim - D2-23	0.00	65.00	0.00	0.00	0.00	65.00
Singh / Kaur - 4415	0.00	0.00	56.20	0.00	0.00	56.20
Singh/Kaur - 4396	0.00	0.00	56.20	0.00	0.00	56.20
<b>TOTAL</b>	<b>0.00</b>	<b>195.00</b>	<b>177.40</b>	<b>0.00</b>	<b>164.35</b>	<b>536.75</b>

7. Home Construction –

Over the past 9 months since our last Board Meeting in November 2020, we have seen a lot of properties come up for sale. In total, there have been 16 home sales, many with multiple offers on the first day and the highest sale price of 1.5 million dollars. The Greens at Loomis Trail continues to be a highly desirable place to live.

- 5-26-21 A email request to modify a backyard paved patio to poured concrete slab was submitted for approval for Lot 6, Div1. Changing from paver stones to poured concrete slab is an impervious surface. Our CC&R calls for calculating the percentage of impervious surface including a new concrete patio, to ensure the square footage does not exceed 45% of the lot square footage. The request was denied and we encouraged the lot owner to resubmit with the calculations and dimensioned drawing or sketch to demonstrate the 45% impervious limit is not exceeded per CC&R Section 4.4.2.
- 6-3-21 A house painting request to use the same existing colors was received for Lot 5, Div2, 4380 Castlerock and approved.
- 5-2-21 A request to remove two pine trees from the front yard of Lot 24, Div2, 4367 Castlerock Drive was reviewed and approved as routine landscaping maintenance. A Landscaping Plan was not needed for routine maintenance.

#### 8. Complaints and Violations Report - Ryan Barnes

2-5-21 A written complaint was received regarding a large satellite dish greater than 18” diameter being installed on the corner of a garage roof in plain view from the street at Lot 10, Div1. The Property Manager contacted the lot owners and informed them dishes greater than 18” in diameter are not allowed without prior Board approval. The lot owner agreed to remove the dish and did.

2-6-21 An email complaint was received regarding a satellite dish larger than 18” located on the corner of a garage on Lot 2, Div1, 4407 Castlerock Drive. The dish was visible from the Common Area Castlerock Drive and was in violation of CC&R Section 9.1.21. The homeowner was contacted by the Property Manager and asked to take down the dish. The lot owner complied and the dish was removed.

4-28-21 An email complaint was received regarding Lot 26, Div2, 4375 Castlerock Drive and lack of landscaping and other home related maintenance concerns. Board Members investigated and found corrective action had already been taken by the home owner and that no further action was needed.

5-27-21 An email complaint was received from Lot 20, Div2, 8569 Siena Court, regarding speeding golfers driving past the East Gate Entrance and nearly causing an accident with cars exiting the east gate. Board Member Kathy Barnes contacted the Golf Course Manager and they have agreed to place a “Slow Down” sign to exiting vehicles leaving the golf course in the very near future.

6-2-21 An email complaint was received from Lot 39, Div1, 8637 Ashbury Court requesting the bio-swale area behind their backyard be cut down. WRS performs this maintenance work on a monthly schedule and cut the area within 10 days.

6-29-21 An email complaint was received from Lot 9, Div2, 4364 Castlerock Drive regarding when the HOA would be cutting Open Tract B, Div2 as the tall grass was encouraging more insects and aggressive birds. The Open Tract was scheduled to be mowed within the next two weeks.

7-21-21 A written request was received from Lot 23, Div1, for the HOA to control the vegetation and blackberry bushes encroaching on their back yard from Open Tract “E”. See discussion item details and attachments below and resulting Motion for voting by the Board.

7-30-21 An email request was received from Lot 9, Div2, for the HOA to mow the sloped portion of Open Tract “B” Div2, behind the backyard of their lot. The Board has already visited this issue last year and feel the sloped area is on the lot owner’s property despite their best efforts to measure their own lot lines. Furthermore, even if it were determined by lot surveying that the sloped portion was on Open Tract “B”, the extent to maintaining Tract B is via pulled tractor mowing and not individual maintenance or landscaping behind specific lots. We are sorry, but the maintenance of private property adjoining Open Tracts is the home owner’s responsibility to maintain.

8-3-21 A verbal complaint was received regarding major landscaping work at Lot 28, Div1. The owner responded to a letter from Judy that only lawn replacement in kind was being performed due to invasive horsetail and buttercups. No further action required.

8-3-21 A written complaint form was received claiming their neighbor at Lot 6, Div2 hired a contractor to blow in garden soil into their backyard and that this process resulted in dust and debris drifting onto their house and windows. The complaint claimed this to be offensive activity in violation of CC&R Section 9.1.12. Unfortunately blowing in garden soil is not an offensive activity. If damages were incurred requiring their home to be cleaned, then the Lot Owner should seek reimbursement through legal action.

A motion was made and unanimously approved to have Judy Hamner contact the homeowner and inform them the Board has deemed this a private civil matter between two neighbors and not a community issue for the HOA.

#### 9. Maintenance Report – Ryan Barnes

A perceived Level II Reserve Study Update with onsite visit by Pacific Crest Reserves, LLC was clarified on October 13, 2020 as not needed until 2023. Our Reserve Study Updates were increased by Board vote and approval from the HOA Attorney from every 3 to 6 years. Our last study update was in 2017 - we will not be performing another update until 2023.

November 18, 2020, Matt Bucheson of Riteway Electric was brought in by Judy Hamner, Property Manager, to replace/repair a bad order street lamp on the left side of the main gate as you enter.

February 16, 2021 the main gate on the entrance side came off the track. Gateway Controls was contacted and repaired the broken stop tab on the gate.

February 25, 2021 we received an email that a homeowner was not able to open their mail box along Castlerock Drive Div1. Freezing weather at the time may have been an issue. Our Property Manager arranged for a locksmith to replace the lock.

March 19, 2021 the main gate on the exit side stopped moving. Gateway Controls was contacted and had to replace a bad roller bearing.

August 5, 2021 an email was sent to David Evans & Associates requesting their professional services to perform our 3-year Stormwater Treatment Facility Inspection in early September 2021 in accordance with the Whatcom County Maintenance Plan and our CC&Rs. We expect the inspection report to cost ~\$3,500 and mitigation work ~\$4,700 for a total ~\$8,200 to be paid out of the HOA's Reserve Account.

HOA Boulevard Tree Trimming Service – we have requested price proposals from two companies but have yet to receive a response.

#### 10. Old Business

#### 11. New Business

#### 12. **Motion to Adjourn** until the next scheduled BOD Meeting on November 8, 2021.

## Discussion Item: Open Tract “E” Vegetation Control Requests

7-21-21

How we should respond to Lot 23, Div1, Judy Wakefield’s request for the HOA to control the overgrowth from Open Tract E behind her property.

— Should the HOA do this for all lots bordering Open Space Tracts? (33 Lots in Div1 and 20 Lots in Div2)

No. The expense would be too great. I personally have taken time and money to maintain the blackberries that encroach upon my fence. When we called to get quotes it was extremely expensive. So we opted to maintain it ourselves. Part of owning a home includes maintenance, at least that’s how we view the issue.

That said, continued maintenance to the open tracts we currently care for sounds reasonable. As indicated, what is in line of sight to the public should continue to be maintained by the HOA.

—A secondary question is, do we have a responsibility for maintaining and mowing all the Open Tracts in the HOA?

No. Perhaps some research into what other HOA’s are doing could help? In my personal experience, the only maintenance other HOA’s provide is exactly what we are doing currently.

Just my opinion here, when people purchased their homes they had to be aware of what was surrounding them. They had to have questioned, observed or noted the berries/trees/designated open space. Heck that is why we bought our home, the beautiful views and wildlife.

Past and present Boards have approved maintaining Open Tracts A, B, and I (highlighted in blue) because these tracts are visible to the public view from Loomis Trail Road and reflects upon the HOA. We also have ramps or property access to these Tracts for equipment. Open Tracts E and B in Division 1 (highlighted in green) are not visible from any public roads nor do we have any access ramps.

I believe we should advise Judy Wakefield that she will need to take her own private steps to reduce the vegetation encroachment into her backyard from Open Tract “E” as has been the situation for the past 15 years. The Board feels this maintenance and landscaping of backyard border vegetation along Open Tract “E” or any other Open Tracts beyond general tractor mowing when performed, is the homeowner’s responsibility.

**The following motion was passed by unanimous vote; Motion - Have Judy Hamner send a letter/email response to Judy Wakefield expressing the above referenced paragraph in response to her 7-21-21 request. The Board feels it is the Lot Owners responsibility to take private steps to reduce vegetation encroachment into their backyards from Open Tracts.**

