

**Minutes of a Meeting of the Board of Timber Cove Homes Association  
In General Session**

Held Saturday, May 7, 2022  
Via Zoom Meeting

**Attendees:**

**Directors Present on Zoom:**

Ron Case, President  
John Gray, Treasurer  
Cindy Culcasi, Secretary  
Bob Leichtner  
Margaret Grahame  
Richard Mogford

Rosemary Gorz was absent

**Call to Order**

Ron Case called the meeting to order at 10:06 a.m.

Per Davis Stirling, the meeting is recorded to assist the Secretary with the minutes. The recording will be deleted once the minutes are approved.

**Review and Approval of the Agenda**

Upon motion duly made and seconded, the current agenda was approved by the Board 6-0

**Review and Approval of Previous Minutes**

Upon motion duly made and seconded, the March 17 minutes were approved 6-0 with one correction. Ron Case talked to the architect before the variance request regarding 21950 Timber Cove Road. The variance was discussed via emails, not a phone call.

**Community Report – Ron Case/Melany Collett**

Ms. Collett stated that sales are up in Timber Cove and there is a lot of interest. The dues invoices have been mailed and are delinquent after May 31.

**Public Comment**

A member asked that we meet in person for the next meeting. She spoke to the Trails Lawsuit and noted that she doesn't want a dues increase because of the trails. She is happy to help clean up the trails. She noted she wants to see homes in her community and not RVs and tents.

Melany Collett responded that she is buying a Wi-Fi booster to use at the school. Currently the Wi-Fi isn't strong enough to provide service in the school multipurpose room.

Margaret Grahame announced that tomorrow there is a Mother's Day Celebration at the School. There will be free muffins and coffee. There will be other treats and flowers for the mothers. Please come and participate.

John Gray said he decided to run for the Board in July of 2017. He believed that the new Board would be designated to decide about moving a trail that Anne Vernon and John Rea proposed. He walked the proposed trail in 2017 to see it firsthand and determine if it was reasonable. Five years later, and after \$500,000 was "spent between the warring parties" in litigation, the judge determined there are private pedestrian easements in Timber Cove. The judge also determined that the trail needed to be moved. John recently inspected the new trail and found the new location is almost identical to what was offered back in 2017. All of this money was spent when the previous Board could have just moved the trail. He noted that he hopes we can now move on from this. There is lots of misinformation about this issue in the community.

A member noted that she was not a warring party and didn't sue anyone.

John Gray spoke to the office on Lyons Court. The office is not suitable for personal use and is closed to the public; Melany Collett will be working from home until further notice. Staff can retrieve documents from the office and bring them home to work on them. The building is legally permitted for storage only. Mr. Gray met with the County and confirmed that this is a legal requirement. We will be looking for alternate office space nearby. The porta potties will be removed.

### **Business Items**

#### **Treasurer's Report – John Gray**

Mr. Gray delivered the Treasurer's Report and Budget for March/April. He also presented the proposed budget for 2022-2023. The PowerPoint presentations of the Report and Budgets are available on the [timbercovehomes.org](https://timbercovehomes.org) website.

Highlights – Treasurer's Report and Budget:

- Accounts Receivable \$74,390 as of May 1, 2022
- Past Due HOA Dues - \$33,739 as of May 1, 2022
- Much of the past due amounts are several years old
- 7 properties could face foreclosure. The amount due on the 7 properties is \$21,462 of the \$33,739.
- 8 properties are behind on last year's HOA dues, amounting to \$3,481

The HOA is in the best financial shape it has been for a while.

**Bills for April:**

- Frontier - \$136.19
- Redwood Credit Union error from previous month - \$6.00
- Intuit QuickBooks - \$139.00
- IRS ACH (First quarter) - \$450.60
- Payroll - \$2,414.37

Total -\$3,146.16

**Expected Bills for May**

- Frontier office phones - \$137.00 approx.
- Intuit QuickBooks - \$139.00
- Walls Law - \$180.00
- Chase Credit card - \$960.19
- State Fund Balance (workers comp premium) - \$534.94
- CCR Violation notices mailing approx. - \$350.00
- Payroll TBT on hours

**Upon motion duly made and seconded, the Board approved paying the bills 6-0.**

**Proposed Budget 2022-2023****Highlights:**

- The budget for insurance was \$5,000, but it came in at \$1,933.89.
- Net income for the year was \$57,686.37.
- The Roads Fund contains \$132,000 - Bob Leichtner noted this is not a windfall, but a replenishment of funds over the past few years.

The budget was ratified by the Board since it was discussed in the March General Session, but not voted upon.

**Upon motion duly made and seconded, the Board approved the 2022-2023 Budget 6-0**

**Continuing Business****Legal Update – Legal Committee**

Bob Leichtner gave an update on the Pedestrian Easements issue. There was a recent trial on the pedestrian easements on the Vernon/Rea property. The judge resolved the issues on that one lot, but his decision does not bind other lots with easements that were not parties to the trial. He noted that this is a more complicated issue than many understand. The Board will be putting out an informational report to help members understand the issues. We expect to talk to legal experts to help resolve these issues

The lawsuit has been monitored by the Board closely and some members of the Board attended the trial. The judge issued a ruling for one part of the case, but the second part was supposed to go to trial and was settled instead. The judge indicated that the pedestrian

easements noted on the map implied that the easements were meant to benefit the owners in Timber Cove, Unit 2.

The judge talked about the Vernon/Rea Trail and said that because lot had been reconfigured and has a designated building envelope, the original easement route shown on the 1965 map was now an unacceptable interference with their private property rights and home construction plans and should be relocated. The parties negotiated a relocated route on the lower end of the property. The judge is a hiking enthusiast. He met with the parties twice in Timber Cove; the first time he inspected the pedestrian easement routes across Timber Cove to see the locations and condition of the easements; the second time he visited the Vernon/Rea lot to inspect the location of the proposed relocated trail and said it was appropriate. The issues on the Vernon/Rea property have now been fully resolved by the court and the former trail route is no longer valid. The relocated trail is the legal pedestrian route on the property. There are other properties in the subdivision that have not been addressed. The judge's opinion only legally binds the parties in the lawsuit. There are 61 other owners who have trails on their properties. These properties are not legally controlled by the judge's decisions. The property owners have a right, if they choose to, to challenge the pedestrian easements on their lot and bring them in front of a different judge, who could see it differently, especially if they present different evidence and legal arguments. The other party not legally bound by the judge's decision is Homes Association. The Board has previously prepared analyses of the legal framework of the easement issues, in memos posted on the TCHA website. The plaintiffs blocked consideration of the memos as evidence in the lawsuit, so they were not addressed by the court.

The CCRs include a provision that says the declarant (the subdivider) transferred all of his rights to the Association. The CCRs further state that the Association is authorized to interpret and enforce the CCRs. The subdivider reserved the right to itself, and to the Association, to construct and maintain the easements which included all easements, including the pedestrian easements. It is the Board's understanding that if there are to be trails in Timber Cove, development, maintenance, and use will be determined by TCHA, which includes all the members. Individual owners were not granted rights to make these decisions.

According to the Court, the pedestrian easements only give members of Unit 2 the right to walk the pedestrian easements, owners in Unit 1 or short-term renters are not entitled. The Board plans to consult a specialized real estate law firm to professionally address the unresolved issues for all members. Another question members have is. will the HOA Dues go up? We believe that is a decision to be made by the Association; it may depend on development and maintenance costs, insurance, etc. Depending upon the legal advice we receive, the Association may decide not to develop the easement based upon the cost, liability, and the cost of insurance.

Mr. Leichtner is raising the issues remaining after the trial so members know there are unresolved questions to be answered; he is not claiming the board has answers yet, that is why we will be seeking expert, impartial legal advice. We will explore the issues, and then bring back to members what we learn.

In regard to liability which might arise from accidents to trail users, some of the trails are on dangerous slopes or undeveloped lots. Even level lots can contain debris, wet ground, rough terrain, etc. that can cause an accident. Mr. Leichtner isn't offering advice on this issue but does think there may be liability questions that could seriously impact property owners and/or the HOA. These are issues we will explore with the legal counsel as well.

We are looking to get out a more comprehensive, systematic communication to members in the next week or two. We will address the issues the best we can at present, but to a large extent we will need to rely on legal counsel.

A Director asked how a member knows if they have a trail on their lot. Mr. Leichtner responded the trails are indicated on the 1965 subdivision map.

Ron Case added a pedestrian easement memo will be coming in the mail shortly to all members.

John Gray noted that there is some misinformation out there stating Unit 1 didn't give up their easement rights when they left the HOA. Unit 1 has a separate map and separate CCRs. The pedestrian easements were created only in Unit 2, not Unit 1. There are no pedestrian easements in Unit 1. The subdivision map for Unit 1 was created in 1961 and the Unit 2 map and CCR's were created later in 1965.

### **Roads Update – Roads Committee**

#### **Update Speed Bump - Ruoff off Timber Cove Road – Cindy Culcasi**

Ms. Culcasi said installation of speed bumps may be determined in the future. For now, she proposed that cautionary traffic signs be purchased immediately. The cost will be under \$500.00. They include:

- One stop sign at the end of Ruoff on Timber Cove Road
- Three speed limit signs for 15 MPH with a warning.
- The signs are street legal and standard size.

**Upon motion duly made and seconded, the motion passed 5-0 (Richard Mogford was inadvertently dropped by Zoom). Up to \$500 is appropriated for installation of the signs.**

### **Lee Drive Road Repair – John Gray**

Mr. Gray noted that several years back we determined that Lee Drive was the worst road in the subdivision. We couldn't do anything with it during the past several years because we lacked the funds. We did an emergency repair in 2018 because the road was so bad. The road was last paved in 2003 with recycled road base.

Last year we signed a contract with a startup contractor. His bid was significantly less than the other bids, but he went out of business, so the road was never done. Mr. Gray went out to get new bids and signed a contract with RCX Paving Contractors. The contractor will do patch work and a chip seal over the entire road. The bid was \$53,505. The contractor recommended a double seal on the southern end of the road (at 50 cents per square foot) where the worst problems have occurred, and that work is included. We'll schedule the road work as soon as possible.

The next bid is for Ninive. Secretary Culcasi reminded John Gray that Ninive isn't on the agenda. Mr. Gray asked for a bid from RCX, but they were too busy. A&L Asphalt Contractors, a sub-contractor of RCX is willing to do the work on Ninive. Their price is \$13,400. Ninive was identified as the number 2 project for roads.

### **Architectural Guidelines Update – Bob Leichtner**

The guidelines have not been updated since at least 2014. There has been a piecemeal approach to updating the guidelines and there is no indication that they were ever formally approved. Now that we have more real estate transaction activity in Timber Cove than in the past number of years, we are looking more closely at the guidelines and responding to questions from homeowners who are trying to use them. We have concluded that it is time to update and clarify them. Our goal is to simplify and clarify them and remove items that do not follow the CCRs. When we have a draft, we'll present it to a Board meeting and invite member input.. We hope to complete the update in a couple months or so. .

### **Architectural Review for Approval – Ron Case**

#### **21950 Timber Cove Road – Variance application**

The Board previously asked the applicant for a variance to obtain approval from a neighbor and that has now been obtained. Ron Case recommended that we approve the variance.

**Upon motion duly made and seconded, the Board approved the variance 6-0.**

The applicant, Mr. Levine, will work with Melany Collett on stamping the drawings. She will also produce a letter of approval to submit to the County.

**22055 Rust Drive Variance application.** The first drawings submitted did not meet the standards set by the CCRs. The member was asked to resubmit the drawings with changes that meet the architectural guidelines. The Architectural Oversight Committee reviewed the new drawings and recommended they be approved.

**Upon motion duly made and seconded, the Board approved the drawings, 6-0.**

### **Tree Cutting Policy – Architectural Oversight**

Ron Case noted that if you want to cut a tree, you are required to submit a form with explanatory photographs. A member of the Board will come out and look at your property and what you want to cut. Based upon the visit, the request will be approved or not. The County may have additional requirements.

A member called Mr. Case about cutting trees, one of which had already fallen across the road. Mr. Case saw no reason why the trees could not be cut. This is still a complicated process because there may also be permits required by the County. John Gray noted that at a recent Zoom Meeting by the County, they indicated that they are giving approval authority back to us, but they aren't actually getting it done. Cindy Culcasi indicated that part of the problem is that this issue is supposed to be folded into the Local Coastal Plan and the LCP is delayed. This is still out there; it just hasn't happened.

Bob Leichtner emphasized that under the CCRs people cannot cut down their trees without prior approval. The additional question is whether they need a Coastal Permit as well. The restrictions are severe. If the trees pose immediate hazards, talk to the Board and they can help you make a case to others with authority. Talking to the Board to obtain approval also gives the owner some support if the County does come back with other requirements. HOA approval is needed no matter what. The HOA is hoping to create a clear policy together with the County that will be included in the LCP.

A member stated that the Board should consider this issue seriously and turn members into the Coastal Commission when they don't get a permit when needed. Not only is the member violating HOA rules, but they are also violating the County and Coastal Commission rules.

### **Update CCR Violations – Ron Case**

Most members follow the CCRs, bylaws, and architectural guidelines, but unfortunately some members don't. The Tree Cutting Policy is part of the governance of TCHA. Some members ignore the policies, others don't know about them.

Margaret Grahame spoke to the CCR violations. Board members have been driving around the community and looking at violations visible from the roads. The majority of the issues are for unauthorized buildings and structures on vacant land e.g., sheds without our approval, RVs on

the property for an extended period of time. If there is a house on a lot, there can be auxiliary structures, but plans must be submitted for approval in advance, and Board approval authorization is required. An RV may be parked on a property if you have a home, but it must be visually screened from the road. The goal overall is to ensure that Timber Cove properties create attractive visual impressions and do not clash with the natural environment.. The Board is not intruding on anyone's property but looking at what is visible from the road. These issues are all backed by the CCRs.

Another issue is obnoxious activities, visual nuisances, e.g., piles of trash, abandoned appliances, etc. A general communication letter has been sent out to explain the issue. This will be followed up in the next week by violation notices to specific property owners with what steps they need to take to clear the violation. The sample packet includes a sample violation letter as the last page.

Ron Case added that the Board will continue to follow up on all issues until they are corrected. John Gray said that many of the violations involve RVs on undeveloped lots. There are a couple of members that have been spoken to about their RVs parked on their empty lot and they haven't removed it. We hope to work cooperatively with members, but we are legally obligated to enforce the CCRs. Ron Case encouraged members to communicate with us and let us know how and when they will take care of the problem. After the second notice, if the violation has not been addressed, a the next step may be a letter from our attorney. Non-cooperating members will be accountable for all legal costs incurred by the Association to remedy their violation. We cannot ignore valid complaints regarding violations we receive from the community.

#### **Sonoma County Coast Municipal Advisory Council (CMAC) Meeting/Local Coastal Plan – Cindy Culcasi/Margaret Grahame**

A link to the Sonoma Coast MAC website is located in [timbercovehomes.org](http://timbercovehomes.org)

Cindy Culcasi spoke to a few highlights of the MAC

- Redistricting – Right before the Board of Supervisors (BOS) was going to vote on redistricting, Rohnert Park was going to be part of District 5. There was lots of push back from Rohnert Park and the coastal community. When the District was finalized, it did not include Rohnert Park, but the same area with the addition of some communities in Northwest Santa Rosa. One of the concerns of the local coastal residents was that Rohnert Park has more people and that could make the coastal area secondary when it came to some important issues.
- Vacation Rentals - The BOS is looking to vote on a vacation rental permit moratorium. This would include a 45-day moratorium until the Permit Sonoma gets a policy



completed. Currently there is a specific policy inland, but it does not apply to the Coastal Zone. They hope to get the ordinance written and finalized prior to accepting new permits. The County is looking to create a hotline so neighbors or others could call and complain about parties or other negative issues. Currently, a resident can call the Sheriff, but have no way to contact the owner of the home unless they already are aware of who they are. One of the concerns is that a rental for 6 contains 15 people which can impact the septic tank, etc., so the issue is broader than just a big party.

- The Coastal MAC created a Water AdHoc Committee to start communication between the different water districts and community water sources along the coast. Currently most don't know each other or their various issues. The plan is to ask the water districts along the coast various questions, e.g. Do you truck in water? What is your contingency plan for a drought, etc.? Next the various areas could meet and discuss their issues and possibly get together and apply for grants as a group.
- The King Ridge Bike Ride which occurred about a month ago created a lot of controversy. There was lots of frustration by residents since the County has a ministerial process for bike ride events that don't request to close the roads and they are approved automatically. Residents were concerned about 500 bikes riding down HWY1 below Myers Grade Road to Jenner, just to name one issue. After much comment by the public in the MAC meeting and comments directly to the County, the route was changed, and other changes were implemented to address some of the issues. This isn't perfect, but the County did listen to the public.
- The Local Coastal Plan (LCP) – The County pushed back the date to finalize the LCP since so many people spoke up regarding their concerns. Ms. Culcasi said people need to be aware of the LCP since it can have a negative impact if people are unaware of the issues and don't submit their comments and concerns to the County. There is a link to the LCP on the [timbercovehomes.org](http://timbercovehomes.org) website.

John Gray had a comment regarding RVs on vacant property. He noted that the County does not allow camping on an empty lot and asked about RVs on a property when a member is building. Some Directors responded that as long as the member has obtained a valid building permit and are building, it is ok to park their RV. If a member comes up for a couple of days to perform fire abatement and parks their RV during that period, they must remove their RV when they leave.

#### **SoCo Wildfire Adapt Update – Permit Sonoma – Cindy Culcasi**

Ms. Culcasi said that everyone should have received an assessment from SoCo Wildfire Adapt by now. The assessment form was placed by their front door. If you are interested in a grant, there is a number to call on the bottom of the assessment form. Ms. Culcasi also posted a copy of the form in [timbercovehomes.org](http://timbercovehomes.org) under the Board of Directors/Board Meetings tab. It is midway down the page and titled "SoCo Adapts Letter to Residents."

Margaret Grahame commented on the increased insurance costs since Timber Cove has been rated as a high-risk fire area. It appears to her that the insurance companies are holding us hostage. She wondered if there is anything we can do as a group to address the costs. Bob Leichtner noted that there are always insurance options, but they may be more expensive. Insurance companies may have the right to withdraw from the area. These issues are widespread, not limited to Timber Cove.

A member asked about a new County requirement that will be implemented in 2023 requiring noncombustible material for 5 feet around the perimeter of a home. He suggested that the HOA members go together to buy rock, etc. for the entire community to perhaps lessen the cost.

### **New Business**

#### **In Person Meeting/WiFi Issues – July 9 Meeting – Cindy Culcasi/Ron Case**

The next meeting will be in person at Fort Ross School. Cindy Culcasi will still use Zoom, both the phone and internet functions.

A member asked if Ninive is part of Unit 2 and if there was a security code. He was told the code is available, but there is no designated public access to enjoy the view and the street is narrow and there isn't parking available. He also asked about tree cutting. Ron Case responded that he did need to request permission to cut down trees. Mr. Case or someone from the Board will visit the lot and give approval. Generally, approval is fairly fast and there is a limited wait. Obtaining a permit from the County or Coastal Commission is a different process.

### **Adjournment - Ron Case**

Upon motion duly made and seconded, the meeting was adjourned at 11:40 am

Respectfully submitted,

Cindy Culcasi, Secretary

### **Participant List**

1. Keith Thompson
2. Alex Kramer
3. Dan Claffey
4. Carolyn Abst
5. John Rosen
6. John Rea
7. Anne Vernon
8. David Levine
9. Lisa Klerman
10. John Duarte
11. Pam Duarte
12. Yvonne Gray
13. Pauline Raffaele
14. Gianna Satore
15. Joe Bettencourt
16. Stephen Tom
17. Sal Culcasi