

Cottages Community Association  
Board of Trustees Meeting Minutes  
November 30, 2019  
Barron Home  
10:00 AM

Attendance:

Dave Seaborn, President  
Dion Barron, Board of Trustees  
Steve Thompson, Board of Trustees  
Carol Ferguson, Secretary

Dave called the meeting to order.

Dion made motion to approve minutes of September 3 Board of Trustees Meeting. Dave seconded motion. Unanimous vote to approve minutes of September 3, 2019.

Steve made motion to approve Board Conference call minutes of October 15, 2019. Dion seconded motion. Unanimous vote to approve minutes of October 15.

Ken Wood, Upper Whittemore President, asked Dave for snow removal recommendation. Dave recommended Mike Hyde. Mike has snow removal contract for Whittemore Road.

Dave reminded Cottages' Board that 67% approval of Cottages owners is required to deed Cottage Drive to Utah County. CC&R Article 4.2.3 page 6 gives Association the right to dedicate or transfer all or any part of the Common Elements to any public agency with 67% or more of the total votes of the Association agreeing to such dedication or transfer. **Dave** will ask Tyler LaMarr if email notice containing pros and cons of deeding Cottage Drive to Utah County can be sent to owners and if electronic voting is allowed.

Dave expressed concern that if Cottage Drive is deeded to Utah County the County will not enforce NO PARKING on Whittemore Road. People block access to Cottages' Whittemore Road Gate by parking in front of the gate. Dave told a man parked at the gate this week that no parking was allowed. The man responded with a threat.

Dion would like to know if there are any cons to deeding Cottage Drive to Utah County.

Dave did send a letter to Brian Vokes regarding BackCountry Estates request for irrigation water exemption. How can County support more development when they are giving water warnings? Cottages has a safety

concern with the exemption of irrigation water requirements. Developers of The Cottages at Hobble Creek tried hard to get an exemption for irrigation water. The County stood firm in their decision regarding not allowing a variance in the water requirements for safety reasons. Extracts from Utah County Planning Commission Minutes of December 15, 1998:

- Tom Wroe, Utah County Fire Marshall, felt that there was a definite fire hazard in that area and indicated the Forest Service concurs with him.
- Dave Shawcroft stated that the notice requires that 'green plant needs' must be met by other sources when an irrigation exemption is requested.

County Commission Minutes of June 15, 1999:

- Staff and Planning Commission reviewed the ordinance and agreed that good irrigation was necessary.
- Commissioner Grover and Mr. Rose agreed that the 1.5-acre feet per year was a low requirement.

Cottages' Board agreed that "Dedication Agreement" is needed before deeding Cottage Drive to County:

1. County will enforce "No Parking" restriction on Whittemore Road. It is a safety issue.
2. Stop water warning for Cottages. Greg Robinson, County Planner, told REALTOR, Grant Evans, that County is issuing warning that there is a water rights dispute and because of that building permits may or may not be approved.
3. Remind County they have some liability for supplying required water in Maintenance Agreement.
4. Meet with Tyler LaMarr before Tuesday meeting w Commissioner Lee.
5. Tyler LaMarr sees Tuesday's meeting as a discovery meeting.
6. WHO IS THE DECLARANT?
  - a. Dave has definition of "Administrative Control."
  - b. What rights are left to declarant?
7. Approval of CC&Rs.
8. How do we get our CC&Rs approved?
9. Dave will email questions to Tyler LaMarr.

### **Questions for Tyler LaMarr**

1. What does it take to get CC&Rs approved? We are being harmed by inaction of County.

2. Who is third party to Cottages 1999 Maintenance and Open Space Preservation Agreement?
3. Make sure Tyler LaMarr specs out “metes and bounds” of easement – define and describe bounds of easement.
4. Need to have a “Dedication Agreement” before deeding Cottage Drive to Utah County. Agreement needs to include:
  - a. County will not approve more than six building lots on the 66. acre property Utah County Tax Serial Number/Parcel Number/Tax ID = # 16:040:0043.
  - a. Paved portion of Whittemore Road to equal or exceed Utah County code/standards. County will inspect road during construction to assure road is constructed to conform to street standards for public streets adopted by Utah County.
  - b. No reduction of required irrigation water. Irrigation water exemption will create a safety issue – fire hazard. Read past minutes.
  - c. Enforcement of NO PARKING on Whittemore Road.
5. Ask Tyler before meeting:
  - a. WHO IS DECLARANT?
  - b. Does State Code terminating “Administrative Control” terminate declarant control over Cottages?
  - c. Dave has definition of “Administrative Control.”
  - d. What rights are left to declarant?
  - e. How do we get our CC&Rs approved?
  - f. Ask about Lien.

Board requested Dave to ask Tyler to send letter to BackCountry Estates regarding lien on each lot in Cottages. Dave asked Tyler to send letter but hasn't received a response from Tyler.

Need to know scope of Oakwood Easement. Is it an emergency access only? If Oakwood is an emergency access only and Cottages maintains ownership of Cottage Drive, Cottages controls scope of road.

**Not at the Tuesday meeting:**

- Ask Moore how County plans to enforce seasonal use.
- **Dion** will research deals on gate.
- Reserve study?

Meeting adjourned at noon.

Respectfully submitted,  
Carol Ferguson