



P.O Box 332 / Oroville, WA / 98844

bod@9mileranchhoa.org

President's Letter & Newsletter, November 2022

Dear Lot Owner,

Welcome to all the new owners who have joined our community. If you are planning any development please review the appropriate Covenants, Conditions and Restrictions (CCRs) <https://9mileranchhoa.org/legal/> and submit your plans using the Architectural Control Committee (ACC) Approval Form found on the Home Owners Association (HOA) web site here <https://9mileranchhoa.org/acc/>. This will help ensure you are aware of any potential items that may be in contravention of our CCRs.

Unexpected inflation has impacted the road committee plans this year and the drier than expected fall has delayed the planned raking. The lack of funding for Capital Improvements continues to impact a number of lot owners. The board is discussing options and will need the community's support to be able to address some key areas on the Ranch.

Winter is on its way and though the board has a snow plow contract in place for Ranch roads, residents and visitors should always be prepared for periods of adverse road conditions. The road system on our Ranch is extensive and takes time to clear. Melting can create icy sections. **Four wheel drive and/or chains are recommended to improve safety**, and they may be needed at certain times no matter what. Please refer to the enclosure for additional information.

I would like to thank the board of directors, the many people who are on the various committees (ACC, Road Committee, Bylaw Committee, Legal Committee, Admin Committee, etc.) and those just pitching in to help where they can. These are all volunteer positions and countless hours have been spent this year in helping to run, uphold our CCR's and working to improve our community. To find out more I encourage you to take some time to visit the various tabs on the HOA web site <https://9mileranchhoa.org/>.

Volunteer directors who are business-minded with a care for good community decision-making are needed. All board work happens remotely via email and teleconference, and there's a great support network in place of historical and legal advisors to help board members through issues and learning. Currently there are three open positions that need to be filled; two have just over a year left and the other is a full three year opening. If you are interested and would like to know more please feel free to email the board at bod@9mileranchhoa.org or call me at 604-948-2909.

Please continue reading our Newsletter on the opposite side of this page and the attached page; it includes official notices and important information.

Thanks for caring,

Drew Sawchuk

President - Nine Mile Ranch Home Owners Association

IMPORTANT NEWS AND NOTICES FOR ALL 9 MILE RANCH LAND OWNERS

PLEASE READ

This is a newsletter from the board of the 9 Mile Ranch HOA, created to inform you of important notices and issues, and we ask that you take the time to read it thoroughly.

Nine Mile Ranch Homeowners Association / P.O. Box 332 / Oroville, WA 98844

9mileranchhoa.org / email: bod@9mileranchhoa.org

Instructions for HOA Members Regarding Plowing on RANCH ROADS

(see further below for instructions for plowing private driveways)

Contact the Plowing Coordinator - Bill Burman - at 476-2996 with all plowing questions and reporting.

DO NOT CONTACT THE PLOWING COMPANY.

- Plowing on Ranch roads will happen at accumulations of 4" or greater.
- In general, plowing will happen the next morning after it is ordered by the Plowing Coordinator; or it may happen same day if order was by 6:00AM.
- Contact the Coordinator with any questions, concerns or feedback... DO NOT CONTACT THE PLOWING COMPANY.

If you are a **part-time occupant** and want your driveway entry left void of a plow berm when Ranch roads are plowed:

- please contact the Plowing Coordinator before the ground freezes to arrange for your driveway to be marked.
 - this DOES NOT APPLY to driveways serving regular occupancy homes.
 - this DOES NOT APPLY to driveways signed up for the Ranch plower to privately plow for you.
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Instructions for HOA Members Wanting Private Plowing

Individual owners can hire the Ranch plowing company to plow your driveway for you at a direct charge to you. Conditions are as follows:

- Plowing of your driveway will happen ONLY when the Ranch roads in you area are already ordered for plowing by the 9MR Plowing Coordinator; NO EXCEPTIONS.
- Once you sign up, plowing of your driveway will happen EVERY TIME the Ranch roads in your area are plowed, and you will be billed directly from the plowing company for every plowing; NO EXCEPTIONS.

IF YOU WANT TO SIGN UP FOR PRIVATE DRIVEWAY PLOWING please follow these instructions:

- Contact Doug Nothwang via **email only** at seal_247pm@yahoo.com.
- Provide your name, plowing address, mailing address, and phone number.
- Doug will call you directly to arrange your plowing details with you, which will include pricing, placement location of snow, etc.

ALTERNATIVE PRIVATE PLOWER: You can call Joe Glover at (509) 560-0838 if you'd like another plower option for your private driveway.

PLEASE KEEP YOUR PRIVATE DRIVEWAY CULVERTS CLEARED

It is great help in protecting Ranch roads from damage and saving HOA funds if owners take the time to keep their driveway culvert inlets and outlets clear of buildup and obstructions. If your culvert is not kept clear to allow Ranch road ditch water to flow through it then that water can run onto and across or down Ranch roads, which causes erosion and then needs repair. So please keep an eye on this and clear obstructions and buildup if they happen.

SUMMER/FALL 2022 ROAD MAINTENANCE SUMMARY

Please see the HOA website under "Reports" and "Meeting Minutes" for more details, and email questions/inquiries to roadmanager@9mileranchhoa.org.

- In early summer Ranch roads experienced notable surface and embankment erosion from heavy July 4th rains. As a result approximately \$7500.00 worth of roadside erosion repairs were conducted in July and August involving mostly placement of large shale rock on embankments. Raking, to reshape road surface erosion, is scheduled for late October/early November after adequate road moisture becomes present.
- \$2458.50 was spent to complete the installation of a cul-de-sac turnaround at the end of Gold Rush Ridge Road. Two Ranch owners voluntarily machine cleared and graded the area, so it was very cost-effective to spend minimal HOA funds to install and compact the necessary gravel after that. The turnaround now allows the HOA to fulfill more of its obligation for winter plowing which was previously unable to be accomplished.
- To date this maintenance year, (50) 11-yard truck loads of replenishment top coat gravel have been placed throughout Ranch roads. It was originally scheduled/budgeted in spring to be able to place (61) loads but upon receiving the notice that delivered gravel prices have increased 48% over 2020 prices the Road Committee and Board scaled back the placement to (50). This inflation of gravel cost means additional annual funds will need to be secured in order to keep up with annual gravel replenishment from road traffic wear.
- Weed control spraying was completed in (3) sessions throughout summer, and all culverts have been checked and cleared for proper water flow. The limited amount of grader ditching needed is scheduled for late October.
- \$8442.37 worth of 'dust spot' repair work is scheduled for fall work. These are locations where the road base has worn too thin or submerged into the sub grade, leaving soft dust spots. This is a relatively new phenomenon in Ranch road maintenance history so we're watching this closely as it develops. There is currently no funding in annual budgets for repairs of this nature, so if it continues then extra annual funds will need to be secured.
- Approximately \$5800.00 worth of road raking is scheduled for late October/early November. This will be a deep and extensive raking intended to maintain road watershedding crowning and eliminate washboarding and pot holes as much as possible.
- The annual road maintenance budget and additional available funds for fiscal year 2022/2023 have been either spent or scheduled to be spent between now and spring 2023.
- There are several short road end sections on the Ranch that are inadequately constructed to be able maintain at least some amount of winter plowing in order to allow reasonable vehicle access throughout winter. This means some Lot Owners are and have been being denied winter access, which is a legal problem. In 2021 the HOA membership voted down funding to remedy this; another funding vote will need to be brought again soon in order to remedy this problem, or alternatively the Board may automatically raise assessments 10% and start saving funds for future remedy.
- **UPDATE 11/6/22: The fall work items itemized in the report entitled, "Road Report & Cost Estimates" (see under "Reports" on the HOA website) began on October 31, 2022;** it was at this point that adequate ground moisture was finally present in the roads after a long hot dry summer and fall. All road materials were delivered and machinery located, and (2) dust spot repairs were completed before uncommonly early cold and snow came later in the week. Machinery remains staged on the Ranch and work will recommence if and when weather allows. If by chance weather remains uncooperative until spring it will be OK, as in general there are no road areas that are truly vulnerable to spring melt issues or vulnerable to any driver passability. All culverts are clear and watershed flow characteristics are good, and adequate moisture will be present in roads in spring to recommence scheduled work if necessary.

- ACC NOTICES -

ACC notice to Lot Owners with undeveloped Lots regarding if they choose to create access to their Lots from Association Roads within 60' easement right of ways:

Due to the high number of new Lot Owners with undeveloped Lots within the Ranch, the ACC requires that all Lot Owners communicate with the ACC for approval prior to when a new road approach/driveway is to be developed. This will facilitate the ACC and Road Committee to observe the location and make known to the Lot owner any culvert requirements and watershed issues to be aware of. Culvert installation and keeping the culvert free of damage is the responsibility of the lot owner for private driveways connected to Association roads.

Topic of concern: Recently the Association has been reminded that local ranchers within the vicinity of 9MR have been known to take lethal action against dogs that attack livestock on the rancher's land. Please, for the well-being of your family pets keep them within the boundary of your Lot and within your control or kept in a kennel as per the CCRs.

Voting Item #1: To Waive, or not, the CPA Audit for Fiscal Year 2021/22. The membership voted to waive (not have) the audit.

Voting Item #2: Advisory Vote whether to Update and Amend HOA Governing Documents. 18% of the membership voted yes, 16% of the membership voted no.

Per state law, compelling the BOD to pursue the time and cost of amending our governing documents requires at least 20% membership approval; the 18% approval fell short of that. Although the BOD can pursue amendments processes if they feel it necessary, the BOD saw the advisory vote outcome as the membership not seeing this as a priority at this time. The subject will continue to be addressed. Please visit the HOA website under "Reports" to view a timeline of the bylaws amendment process that has taken place so far.

Director Positions: No HOA members submitted their names for election to the Board of Directors in 2022. Our HOA now has 6 Board members and three open positions. Some of the current Board members' terms will be expiring next year. **We need capable members to volunteer.**

Current Board Members:

- Drew Sawchuk (president)
- Jeff Click (vice president)
- Susan Stewart (secretary)
- Don Charnholm (treasurer)
- Rick Lewis
- Ryan Man

Much of the Treasurer's job is focused on collections. To date the HOA has collected 93% of the 2022-23 Annual Assessments. Thank you to all the members who pay on time; it saves cost to the HOA and volunteer time. For past-due members, monthly statements are sent out, often with letters. The CCRs allow for filing of liens, and the HOA Collection Policy states that liens are to be filed on Lots 2 years past due. There has been dialog with the HOA attorney regarding using small claims court against those members substantially past due.

There are monthly Accounts Receivable and Cash Flow reports posted on the HOA website. Brief reports are also incorporated into the BOD meeting minutes.

SPEED LIMITS for SAFETY and SAVINGS

For the sake of all Ranch members, **please keep your vehicle speed to all posted signage.** This helps prevent excessive road wear as well as improves safety, especially in certain weather conditions. And also remember that Nine Mile Ranch is a Wildlife Refuge and no gunfire is allowed on the Ranch at any time.

Remember to visit the HOA website at 9mileranchhoa.org for updated road and financial reports, development plat maps, HOA rules and regulations, board meeting minutes, and of course view the HOA CCRs and Bylaws. You can also write the Board of Directors with any inquiries and questions at bod@9milernchhoa.org

- NINE MILE RANCH vs. NAYSNERSKI -

On the 2021 ballot the membership voted whether to legally pursue a CCR enforcement. The membership voted in favor to pursue, and for a special assessment to pay for legal fees involved. 95% of those fees were collected; \$10,470.00.

In September 2022 a summary judgment hearing about the suit was held in Okanogan County. The judge ruled in favor of the HOA, awarding to the HOA all fines assessed on the violating member as well as all HOA legal fees to be paid by the defendant. The defendant was then court ordered to pay the HOA approximately \$60,000; \$40,000 in fines and fees and \$20,000 attorney fees, and to remove his fence currently encroaching the easement area. The defendant did not respond to the court order in the allotted time given by the court. The Board of Directors is presently in dialog with the HOA attorney concerning possible movement into Judicial Foreclosure. Cost of attorney fees to pursue this would be incorporated into the foreclosure, but the HOA would have to front the funds. Deciding whether to proceed from this point will also need to include looking at the value of property involved and other debts attached to it to see of this is the wisest financial decision for the HOA; in other words, can any money be collected in the end. Also note that the cost of attorney fees needed to complete the collections process would be in addition to the original special assessment.

An additional note: An unrelated lawsuit was completed against the HOA last year. The outcome of that suit validated the strength of our HOA Bylaws, and this current suit validated the strength of our CCRs and Fine Policy, including the judge describing our CCRs as "robust" and our Fines schedule as "reasonable".