



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, August 25, 2021, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was held in person and telephonically through Zoom.com due to the COVID-19 Pandemic

PRESENT: Chair Josh Park (Tract 100), Karl Young (Tract 200), and John Featherston (Tract 400)
At-Large Members: Molly Popp, and Jake Reed

ABSENT: Vice Chair Tom Hannum – Vice Chair Hannum Entered at 5:42pm and Randy Mauldin (Tract 300) – Director Mauldin entered the meeting at 5:31pm.

CORPORATE OFFICERS PRESENT: SCA President Bahr, SCA Treasurer Austin-Preston

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Chair Park called the meeting to order both in person and telephonically at 5:30 PM.

PLEDGE OF ALLEGIANCE.

NOTICE:

- 1. Items may be taken out of order**
- 2. Two or more items may be combined**
- 3. Items may be removed from agenda or delayed at any time**
- 4. Restrictions regarding Public Comment:** Pursuant to N.R.S. 241.020(c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item. Comments during this public comment period are limited to items NOT listed on the agenda, and shall be limited to not more than three (3) minutes per person unless the Board of Directors elects to extend the comments for purposes of further discussion. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Chair may prohibit comment, if the content of that comment is a topic that is not relevant to, or within the authority of, the Spring Creek Association or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.

I. COMMENTS BY THE GENERAL PUBLIC

ACTION SHALL NOT BE TAKEN

No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.

No public comment was received.

II. APPEAL HEARING(S)

HEARING, DISCUSSION AND POSSIBLE ACTION REGARDING APPEALS RECEIVED APPEALING THE SCA COMMITTEE OF ARCHITECTURE DECISION TO APPROVE OF A CONDITIONAL USE PERMIT FOR PARCEL L (043-034-001) FOR A CEMETERY.

- A. A NOTICE OF APPEAL RECEIVED FROM BRANDON AND ANNIE HICKS AT 644 WILLINGTON DRIVE.**
- B. A NOTICE OF APPEAL RECEIVED FROM DENNIS & PATTI LATTIN AT 650 WILLINGTON DRIVE.**
- C. A NOTICE OF APPEAL RECEIVED FROM CALEB & RACHEL MCADOO AT 655 WILLINGTON DRIVE.**
- D. A NOTICE OF APPEAL RECEIVED FROM CHRIS & TAWNA MELTON AT 651 WILLINGTON DRIVE.**
- E. A NOTICE OF APPEAL RECEIVED FROM ORSON & JILL TINGEY AT 654 WILLINGTON DRIVE.**

The appeals filed are all regarding the same Committee of Architecture Decision. The appeal hearing procedure is attached hereto. The Board may consider each appeal individually or may consider the appeals all at the same time and make one decision to Affirm, Modify or Reverse the Committee of Architecture Decision.

FOR POSSIBLE ACTION

Brandon Hicks, 644 Willington Drive, was present and presented his concerns regarding traffic, including increased traffic on Lamoille Hwy, in the neighborhood for funeral procession bypasses, and that there has been no traffic plan proposed. He stated that residents have expressed opposition and that the committee should have met with each homeowner individually. He has concerns that the project would affect property values. He stated that the size of the cemetery area was stated to be restricted to the 6 acres of current disturbance and it was later said it could expand to more area on the lot.

Dennis Lattin, 650 Willington Drive, stated his concerns were that the area contains a water way and not a dry creek and that should be reviewed by the Army Corps of Engineers. He stated that there is a daily battle to keep motorcycles out of the gravel pit and there could be contaminants that need to be researched. He stated the area is currently home to a herd of 30 deer and needs and environmental assessment. He also expressed concerned that it was a ghost committee, and no one knows who was on it and that there was no one living on Willington on the committee.

Cabel McAdoo, 655 Willington Drive, stated that he has procedural issues with how the cemetery committee was formed and that there are no notices or minutes from the meetings. He stated he had requested agendas and minutes and had not received them. He questioned whether the location is suitable for a cemetery and asked whether other properties were reviewed for their pros and cons. He also had concerns with traffic with the site being adjacent

to the highway. He stated the lot is currently zoned open space and that residents bought near there for that reason. He stated that the COA should have considered that a conditional use permit should not detract from the appearance of the area. He also questioned the necessity of a cemetery in general.

Chris Melton, 651 Willington Drive, stated that he was against a cemetery and does not see the necessity for a cemetery.

Jill Tingey, 654 Willington Drive, stated that the cemetery was not fiscally prudent and the best use of SCA resources and would be a drain on water, staff, and management. She stated we are currently in a drought and we should highlight family friendly amenities, not a cemetery. She stated that the 2016 SCA survey ranked a cemetery as the lowest priority need. She stated that a cemetery should not be placed next to a highway. She stated that they bought there knowing the zoning of the parcel and rezoning could bring other issues. She has concerns regarding added lighting and that there needed to be a protection of natural features and keep the rural characteristics of the area. She asked that the appeal be approved and not to move forward with the cemetery.

Attorney McConnell provided guidance that it would be opened for any rebuttal from the public to the appeals.

Property owner Nolen supports the cemetery and attended the meetings and understand the concerns, but that it is still in the initial planning. The concerns that neighbors have are yet to be determined such as who would design, manage, and facilitate the site. She stated that more research is to be done and their concerns should be addressed before it is sanctioned.

Chair Park thanked those who had appealed and appreciated their right as a property owner to voice their concerns. Chair Park explained that the conditional use permit was the first step needed to begin the process for a cemetery. He provided the list of conditions that were approved with the conditional use permit from the COA and that many of the appeals had concerns that would be addressed in the approved conditions.

1. Hours of operation to be during daylight only.
2. In order to create a buffer area, we will maintain a 200' buffer between the rear of the lot lines on Willington and any burial plots.
3. No improvements to be located in the 200' buffer. (This does not apply to underground utility work that needs to come in from the south.)
4. No lighting nuisance to be located anywhere on subject property. (This does not apply to accent lighting.)
5. No burial plots will be located west of Pikes junction.
6. No headstone to exceed 36" in height.
7. Cemetery must be maintained.
8. Trees shall be incorporated into the landscape design to help provide a visual barrier from the residents to the south.
9. Primary access will be off Pleasant Valley Road.
10. Applicant must secure approval from all Nevada State, Elko County and Spring Creek Association agencies that have jurisdiction over any aspects of this project.
11. Underground vaults will be required.

Chair Park also explained the process of how the committee was formed and there was no malicious intent or a ghost committee. The volunteerS came forward and were interested in

volunteering to do the footwork and provided a presentation to the Board on this particular parcel.

Chair Park addressed the concerns such as the traffic study needed, motorcycle usage, environmental studies, committee formation, necessity, detracting from the area and fiscal prudence including xeriscape and low water usage. All of these issues would be looked into when warranted further into the process.

Attorney McConnell further clarified that there were five to six meetings regarding the cemetery. The COA approved the conditional use permit as the land use decision was the only item before them. All of the appeals ask that the Board deny the conditional use permit. The Board can affirm, reverse/deny, reverse and send back to the COA, or affirm the COA with modifications. She also clarified that this is not a zone change for the parcel, only a land use change. If the Board upholds the conditional use, the County will also have to address the issue. A cemetery is not a permissible use under SCA zoning and there has to be a conditional use permit for it to be allowed. There are many more steps beyond the COA and those entities may have further conditions, but it is required to go before the COA first. There are many federal/state requirements and legal obligations to maintain and upkeep a cemetery. The first step in this process was for the committee to apply for a conditional use permit to be able to move forward in the process.

Attorney McConnell further clarified that the Board's decision is final. The Board could add additional conditions, modify the conditions, or remove conditions. She stated that generalized opposition is not enough for the Board to reverse.

Attorney McConnell commented on the committee formation and stated that that is not a part of this appeal decision.

Member Popp commented on how the communication may not have happened the way that they may have wanted. She asked whether there are other conditions that they would want added.

Member Mauldin asked whether a cemetery was originally planned in Spring Creek and stated that there is a need.

Member Featherston commented that this is just the initial stages and other studies would be done later.

Member Reed stated that he was considering how the neighbors felt and brought the case that the land was vacant and then changed. He considers the opposition an issue.

Chair Park commented on the distance away from properties was approximately 1000 feet.

Rebuttal:

Brandon Hicks asked that the design remain within the gravel pit disturbance area – the original six acres only. He stated that if it was not well designed or maintained it could detract or add property value.

Chair Park asked whether he would serve on the committee and consider how the design and other processes could increase rather than decrease values.

Brandon Hicks does not know what other parcels were considered, but there is direct opposition to this parcel.

Caleb McAdoo stated that the conditional use process was missing the resident involvement and not feeling like their voice was heard. This process is not step one, step one was reviewing available parcels and going through the pluses and minuses. He stated he gave other options and was dismissed.

Attorney McConnell again stated that a presentation was given on the parcels that were considered.

Chair Park reiterated that the process was followed. Mr. McAdoo again commented on the committee formation and Attorney McConnell stated that this was not the place for the discussion on open meeting law.

It was discussed that only flat grave stones and no more than 6 acres on this parcel be used. It was also suggested that grass be used rather than gravel and large mature trees be added for screening with the highway and houses that are in the area.

Orson Tingey – via zoom – commented that he would like to be on further committees. He commented that the parcel doesn't affect most of the property owners on Willington. He stated that the original report was that the cemetery would be 700 feet from one property. He asked how many came requesting a cemetery. Chair Park responded that several who mentioned informally and 4-5 formally in meetings. Mr. Tingey stated that whether it is wanted or not is subjective and the survey from 2016 listed it as the lowest item of infrastructure to be improved. He also commented that a financial analysis should have been considered first.

Brandon Hicks asked that the offset distances be clarified. Condition 2 and 3 claims 200 feet to existing disturbance and recommends making that a 500 foot buffer.

Vice-Chair Hannum commented that 500 feet is excessive. Conditions 2, 3, and 8 already deal with this because landscape is to provide a barrier. He also commented on the primary access from Pleasant Valley Road and secondary on the far north end of the parcel.

Chair Park moved/Vice Chair Hannum seconded to sustain the COA approval of the condition use permit with the following amendments:

#2 Amend 200 feet to 250 feet

#3 Amended 200 feet to 250 feet

#8 Mature trees shall be a landscape barrier to the residents from the residences to the south. Motion carried (5-1-1), Member Reed against, Member Mauldin abstained.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DECREASE THE LISTING PRICE FOR THE OLD ADMINISTRATION BUILDING LOCATED AT 451 SPRING CREEK PARKWAY. FOR POSSIBLE ACTION

Vice-Chair Hannum clarified that the property line is not at the back of the building as previously stated.

Chair Park asked whether there were other uses for the property.

No public comment was received.

No action was taken.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO LIST PARCEL 3 (102-010-082 – PARCEL 3) FOR SALE. FOR POSSIBLE ACTION

The location of the parcel was discussed. No action will be taken on the parcel at this time.

No public comment was received.

No action was taken.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE ANNUAL REVIEW OF POLICY 16-001, CONFLICT OF INTEREST. FOR POSSIBLE ACTION

This is an annual review of policy 16-001, Conflict of Interest. No changes have been made to the policy.

No public comment was received.

Vice Chair Hannum moved/Member Mauldin seconded approve the annual review of Policy 16-001, Conflict of Interest. Motion Carried (7-0).

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE ANNUAL REVIEW OF POLICY 07-001, BOARD OF DIRECTORS' AND PRESIDENT'S CODE OF CONDUCT IN REGARD TO ETHICS, DIRECTORS' AND PRESIDENT'S ACTIVITIES AND ACCESS TO INFORMATION. FOR POSSIBLE ACTION

Several changes were proposed to Policy 07-001 and it will be brought back before the Board next meeting for a first reading of the new policy.

No public comment was received.

No action was taken.

VII. COMMITTEE OF ARCHITECTURE

A. REPORTS

VP Kerr provided information that the review of the 200, 300, and 400 Tracts is complete and we are currently working on the 100 Tract.

NON-ACTION ITEM

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 406 BRENT DR (202-029-032) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

VP Kerr stated that the violation has been corrected and they have paid the fine. No action is necessary.

No public comment was received.

No action was taken.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 491 BRENT DR (202-018-059) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

This property is in violation and there has been no contact.

After review, it was determined that this item had the incorrect tract, block and lot on the agenda and would be brought back before the Board next month.

No public comment was received.

No action was taken.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 522 CASTLECREST DR (201-006-007) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

VP Kerr stated that the property has been in violation and there has been no contact.

No public comment was received.

Member Featherston moved/Member Reed seconded to refer the violation at 522 Castlecrest Dr (201-006-007) to legal counsel for further action and uphold the fine. Motion carried (7-0).

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 353 TRES CARTES AVE (201-009-052) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

VP Kerr provided information to the Board that this has been in violation since 2016. It was previously referred back to the COA by the Board. The occupant did not attend to the last COA hearing.

Jeremy Smith was presented and stated he had missed the last COA and understood that if he had had an improvement he was to let the COA know. He stated that he is still trying to afford a fence.

No public comment was received.

Vice Chair Hannum moved/Member Featherston seconded to refer the violation at 353 Trescartes Ave (201-009-052) to legal counsel for further action and uphold the fine. Motion carried (7-0).

VIII. APPROVAL OF MINUTES: FOR POSSIBLE ACTION

July 28, 2021 Regular Meeting Minutes

Vice Chair Hannum moved/Member Featherston seconded to approve the minutes from the July 28, 2021 Regular Meeting as presented. Motion carried (6-0-1), Chair Park abstained.

IX. ACCEPT JULY 2021 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

Member Featherston moved/Member Reed seconded to accept the July 2021 Assessment and Legal Receivable Reports. Motion carried (7-0).

ACCEPT JULY 2021 FINANCIAL REPORTS. FOR POSSIBLE ACTION

X. Vice Chair Hannum moved/Member Featherston seconded to accept the July 2021 Financial Reports. Motion carried (7-0).

XI. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, September 22, 2021 at 5:30pm. The meeting may be held telephonically.

A. The Regular Board of Directors meeting in November is scheduled for November 24, 2021. As that is the Wednesday before Thanksgiving, it is the Board's pleasure to consider changing the meeting to Wednesday, November 10, 2021 at 5:30pm

FOR POSSIBLE ACTION

B. The Regular Board of Directors meeting in December is scheduled for December 23, 2021. As this falls near Christmas, it is the Board's pleasure to consider changing the meeting to Wednesday, December 1, 2021 at 5:30pm.

FOR POSSIBLE ACTION

Vice Chair Hannum moved/Member Featherston seconded to move the November Regular meeting from November 24 to November 10, 2021 and to move the December Regular meeting from December 23 to December 1, 2021 at 5:30pm. Motion carried (7-0)

XII. PUBLIC COMMENT ACTION SHALL NOT BE TAKEN

No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.

Vice Chair Hannum commented on the progress for the arena at the Horse Palace.

Member Popp commented that the kiosk needed changed regarding the rodeo.

Attorney McConnell commended the Board on their handling of the appeal hearings.

XIII. ADJOURNMENT

The meeting adjourned at 8:28 p.m.