



SPRING CREEK ASSOCIATION COMMITTEE OF ARCHITECTURE REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Committee of Architecture
Monday, June 13, 2022, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was offered telephonically through Zoom.com due to the COVID-19 Pandemic

PRESENT: Kevin Martindale - Chair, Bonnie Bawcom, Nick Czegledi, Kelly DiLulo

ABSENT: ALL PRESENT

STAFF PRESENT: Secretary/Treasurer Austin-Preston, COA Secretary Rikki Bundrock

CORPORATE ATTORNEY: Katie McConnell

CALL TO ORDER: Chair Martindale called the meeting to order in person and telephonically at 5:38 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.

PLEDGE OF ALLEGIANCE

D. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241 this time is devoted to comments by the public, if any, and discussion of those comments. 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.

NON-ACTION ITEM

E. UNFINISHED BUSINESS

- E.1 Discussion and consideration to approve the first reading of Committee of Architecture Rules and Regulations entitled: "HOME OCCUPATION". This rule defines specific types of home occupations and rules relating to home occupations within the Spring Creek Association.

FOR POSSIBLE ACTION

Tess Andreozzi (Trace 100) stated she had hoped the DORs were reviewed and the NV Supreme Court Ruling would stop us from moving forward. She stated that the DOR's already provided guidance for home occupations with no external evidence and sign requirements. She stated she believes that the COA is out of their scope of what the DOR's gives them allowance to do. She stated we have county ordinances that tell us what we can and cannot do. She said it's nobody's business how much a person uses their home. She said an HOA attorney contacted McConnell Law saying we cannot charge for a business permit and that's for governing agencies only. Attorney McConnell referenced the Restatement (Third) of Property (Servitudes) from the NV Supreme Court ruling. The property owner believes the COA should be focusing on architecture and that 5 people should not be making the decision on whether or not businesses can or cannot come in.

Gary Powell (Tract 100) He said he understands what the HOA is trying to do because the old rules were invasive, however when he talked with his legal counsel, he believes the more regulations we have the more it hurts businesses. The DOR's, in this situation says everything we can and cannot do on our land with our residence and the COA's job is to oversee it. However, with the new Nevada Supreme Court the new draft becomes null and void because the supreme court ruling says it must be in the DOR's that it grants the COA the ability to do that, and it does not say that in there. But once the resident lives there the COA does not have any control over that. He believes we need to revisit this if we are really trying to promote small businesses. He states he is not an attorney and is just going off what his legal counsel has advised him. He suggested a registration system and have them sign an agreement that you will stay in compliance with the DOR's. There is nowhere in the DOR's that specifically states that it gives the COA the authority to control what property owners do on their property. Attorney McConnell discussed that she had been in contact with his attorney and their opinion of the Supreme court hearing are very different. She read sections of the Restatement of Property from the Supreme Court Ruling. She explained that we have commercial businesses operating under the guise of home occupation and the COA is trying to determine what falls under a home occupation. She also explained how a home occupation would be incidental to the residence. She explained the COA is not trying to restrict but there must be some guidelines of what is allowable. Gary Powell asked who decided what is reasonable. Gary explained he appreciated her explaining her interpretation, but he and his legal counsel do not see it that way. He is ok with

everything if everybody is on the same page and does not believe we are there yet. He suggested when people come to register with us we could have a list of what's not allowed. He said he does not want to go to court or to fight it. Attorney McConnell asked whether he has a problem with the application or the rule. He said he looks at it as one and thinks it is still too direct and interprets it all as the rule. Staff and COA members discussed back and forth options and Chair Martindale stated we are trying to make it so that more homeowners can be approved.

Staff and Attorney McConnell discussed that they could just vote on the actual rule for the 1st reading and that come back with a separate application for approval.

David Andreozzi (Tract 100) stated the DOR's already says there should be no external evidence and that's all there needs to be.

Mary Ellen Burckhardt (Tract 401) – she wants to bring the COA's attention to the Nevada Supreme Court's Decision. She wants to make sure we the HOA is not in violation of property rights in the constitution.

Member Czegledi stated we have had 4 meetings about this rule. He said he learned a lot and listened to as many opinions. He agrees with Mr. Powell more than he disagrees, but thinks we are so close that it's a minor disagreement at this point. Member Bawcom agreed.

Attorney McConnell suggested that if they choose to approve it to be specific in only approving the rule and the application could be improved and revised.

Mary Ellen Burckhardt and Attorney McConnell discussed who she represents and works for and how to make a request to receive copies of the letter that was sent to Attorney McConnell.

Member DiLulo moved, Member Czegledi seconded the motion to accept the 1st reading of the Home Occupation dated May 27, 2022.

Member DiLulo amended/Member Czegledi seconded the motion to approve the 1st reading of the revised Home Occupation rule dated May 27, 2022, page 2 only, of the of the Home Occupation rule. Motion carried 4-0.

- E.2 Review, discussion, and possible action regarding R&R: Inoperative, Unregistered, Unlicensed Vehicles, and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **467 Gypsum Drive, (Tract 202, Block 021, Lot 010) 1.150 acres.** **FOR POSSIBLE ACTION**

Secretary Bundrock stated that this property has been in violation since June 2021. At the March 14, 2022, COA meeting, a motion was made tabling any action until April 11, 2022. The COA then tabled the violations until the May 9, 2022, meeting to give the property owner more time to finish cleaning up the property. At the May 9, 2022, the property owner requested another month from the COA for the inoperable violation. The COA voted to table the violation until the June 13, 2022, meeting. Updated pictures were provided showing the camper had been taken apart and was on a trailer. Staff recommended they send the violation back for Secretary Bundrock to monitor that it does get removed from the property.

No public comment was received.

Member Czegledi moved, Member DiLulo seconded to refer the violations at 467 Gypsum Drive, (Tract 202, Block 021, Lot 010) back to staff to monitor and complies with Rules & Regulations and if it not disposed to bring back to the committee. Motion carried 4-0.

F. NEW BUSINESS

- F.1 Review, discussion, and possible action regarding property violation of the COA Rules and Regulations, Item #25: Nuisance, located at **663 Thistle Drive, (Tract 401, Block 009, Lot 004) 2.00 acres.** **FOR POSSIBLE ACTION**

Secretary Bundrock stated that staff received a complaint regarding 663 Thistle Drive regarding excessive loud music and profanity with an excessive amount of cars parking along the roads.

Public Comment:

Marlin (Chance) Elam, Property owner at 663 Thistle Drive (Tract 401, Block 009, Lot 004) was present and stated that he does work in his shop on vehicles and has music playing but its never too loud. He said he wishes the neighbor would just come tell him and requested that Secretary Bundrock give the property owner that filed the complaint his cell phone number so that they could text him when there is a problem. The property owner that filed the complaint was not present and did not call in.

Member DiLulo moved/Member Bawcom seconded to dismiss the nuisance violation for lack of evidence and advised staff to notify the property owner that filed the complaint to talk with Mr. Elam when there is an issue. Motion carried 4-0.

- F.2 Review, discussion, and possible action to approve a Boundary Line Adjustment at **376 Country Club Parkway, (Tract 106C, Block 004, Lot 028) – 1.560 acres** and **382 Country Club Parkway, (Tract 106C, Block 004, Lot 029) - 2.060 acres.** **FOR POSSIBLE ACTION**

Secretary Bundrock stated that the property owner requested a boundary line adjustment to allow lot 029 to construct the leach field for a conventional gravity individual sewer disposal system. The lot is encumbered with high groundwater and springs. By granting this boundary line adjustment, lot 029 will be able to meet all the required setbacks for an ISDS without an expensive engineered septic system. Both lots are over 1 acre in size and the BLA will not adversely affect either lot.

No public comment was received.

Member Czegledi moved/Member DiLulo seconded to approve the boundary line adjustment between 376 Country Club Parkway (Tract 106C, Block 004, Lot 028) and 382 Country Club Parkway (Tract 106C, Block 004, Lot 029). Motion carried 4-0.

- F.3 Review, discussion, and possible action to approve a Variance at **428 Smokey Drive, (Tract 202, Block 011, Lot 053) – 1.140 acres.** **FOR POSSIBLE ACTION**

Secretary Bundrock stated the property owner requested a variance so that the shop can meet the county setbacks from the sides, and he could put the shop in line with his driveway.

No public comment was received.

Member DiLulo moved/Member Czegledi seconded to approve the variance at 428 Smokey Drive (Tract 202, Block 011, Lot 053). Motion carried 4-0.

- F.4 Review, discussion, and consideration to approve a Home Occupation Permit for **WATER CANYON POTTERY** type of business: **CERAMICS/POTTERY** located at **353 Spring Creek Place (Tract 101, Block 005, Lot 052) 4.040 acres.**
FOR POSSIBLE ACTION

Julie Featherstone was present. She said she sales pottery on consignment and at craft fairs. She does not want a sign at her house and never has people come to her house.

No public comment was received.

Chair Martindale moved/Member Bawcom seconded to approve the Home Occupation Permit for Water Canyon Pottery at 353 Spring Creek Place (Tract 101, Block 005, Lot 052). Motion carried 4-0.

- F.5 Review, discussion, and possible action to approve a Livestock Permit for one (1) cow and one (1) goat at **341 Kimble Drive, (Tract 202, Block 013, Lot 007) – 1.050 acres.**
FOR POSSIBLE ACTION

Secretary Bundrock stated that the property owner was requesting a livestock permit for one cow and one goat. Pictures and a plot map were provided showing shelter.

No public comment was received.

Member Bawcom moved/Member DiLulo seconded to approve the livestock permit for one (1) cow and one (1) goat at 341 Kimble Drive (Tract 202, Block 013. Lot 007). Motion carried 4-0.

- F.6 Review, discussion, and possible action to approve a Livestock Permit for two (2) pygmy goats at **288 Lawndale Drive, (Tract 104, Block 003, Lot 010) – 2.00 acres.**
FOR POSSIBLE ACTION

Secretary Bundrock state the property owner is requesting a livestock permit for 2 pygmy goats. Pictures and a plot map were provided showing shelter.

No public comment was received.

Member DiLulo moved/Member Bawcom seconded to approve a livestock permit for two (2) pygmy goats at 288 Lawndale Drive, (Tract 104, Block 003, Lot 010) Motion carried 4-0.

- F.7 Review, discussion, and possible action to approve a Livestock Permit for two (2) goats at **229 Country Club Parkway, (Tract 102, Block 010, Lot 027) – 1.320 acres.**
FOR POSSIBLE ACTION

Secretary Bundrock state the property owner is requesting a livestock permit for 2 goats. Pictures and a plot map were provided showing shelter.

No public comment was received.

Member Bawcom moved/Member Czegledi seconded to approve a livestock permit for two (2) goats at 229 Country Club Parkway, (Tract 102, Block 010, Lot 027) Motion carried 4-0.

G. VIOLATIONS

- G.1 Review, discussion and possible action regarding COA R&R's Exterior Condition of Structures, SCA DOR's Storage of Tools & Trash, COA R&R's Excessive Brush/Weeds or Dead Trees/Shrubs, Noxious Weeds, COA R&R's Inoperative/Unregistered/Unlicensed Vehicles and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **117 Birchwood Drive, (Tract 105, Block 005, Lot 021) 1.690 acres.**

Secretary Bundrock stated that the property has been in violation since September 2021. The property was reviewed and they have roofing materials for the shed and both inoperative vehicles have been removed. They are asking for an additional 30 days. She stated that we could close the inoperative violation and continue to monitor the exterior condition and excessive weed violations.

Member Czegledi moved/Member Bawcom moved to closed the inoperative vehicle violation and table the other violations for staff to monitor and bring back if necessary at 117 Birchwood Drive (Tract 105, Block 005, Lot 021). Motion carried 4-0.

H. LEGAL REPORT

Review and discussion regarding the monthly update on property violations turned over to McConnell Law per SCA Board approval. **NON-ACTION ITEM**

Attorney McConnel provided a verbal update to the Committee and requested updated pictures for any referrals to her office.

I. REVIEW AND APPROVAL OF MINUTES

Approval of minutes from the May 9, 2022, regular meeting.

FOR POSSIBLE ACTION

No public comment was received.

Member Bawcom moved/Member Czeglidi seconded to approve the minutes from the May 9, 2022, regular meeting. Motion carried 4-0.

J. REPORTS

- J.1 Approval of the Committee of Architecture Revenue Report for May 2022.
FOR POSSIBLE ACTION
- J.2 Approval of the Committee of Architecture Occupancy Report for May 2022.
FOR POSSIBLE ACTION
- J.3 Approval of the Committee of Architecture Violation Report for May 2022.
FOR POSSIBLE ACTION

Chair Martindale moved/Member DiLulo seconded to approve the COA Revenue Report, Occupancy Report, and Violation report for May 2022. Motion carried 4-0.

K. PUBLIC COMMENT

Pursuant to NRS 241 this time is devoted to comments by the public, if any, and discussion of those comments. 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.
NON-ACTION ITEM

Chair Martindale read an email that was sent to staff from John Wells concerning the home occupation rule which he is opposed too. This will become a permanent part of the records.

Kathy Langdon (400 Tract) asked the COA why the motorcycle rule was passed to allow motorcycles in the back yard. She is concerned with the amount of people that work shift work and try and sleep during the day. She asked if there is something that can be done. Chair Martindale explained about the opposition that was coming from the previous rule and how it was written. He explained that we will get equal if not more people that would fight it if it is changed to restrict it. Ms. Langdon explained there are health issues with some property owners with the dust that is being produced. She said that the nuisance complaints are not working. Staff and Attorney McConnell explained the process and how to go about getting it changed.

Chair Martindale announced the Elex Varvick has resigned from the COA. He announced that the BOD will be addressing the vacancy at the July 27, 2022 meeting.

L. NEXT REGULAR MEETING

The next regular meeting of the Committee of Architecture is scheduled for Monday, July 11, 2022.
FOR POSSIBLE ACTION

M. ADJOURN MEETING

FOR POSSIBLE ACTION

Chair Martindale adjourned the meeting at 7:29pm