

## CdC Architectural Control Committee Meeting

MINUTES: April 30, 2018

PRESENT: Barry Bader, Randy Vogel, Bob Bernstein, Ken Huettl

ALSO PRESENT: Debby Castro

Chairperson Bader called the meeting to order at 4:35 p.m.

**Motion by Huettl, 2<sup>nd</sup> by Bernstein to approve April 2, 2018 meeting minutes. Approved 4-0.**

### **POLICY AND RULES DEVELOPMENT/REVISION**

**Paint Palettes.** Bader reported that the Scottsdale Ranch Architectural Committee approved CdC's revised application for two new paint palettes: 11-15 with all door colors except Sunken Ship, and 13-15 with only Made of Steel, Dark Pewter, Weathered Brown, and Spiced Berry as door colors. Palettes 2, 4 and 10 are still permitted. The revised palettes and painting guidelines will be posted on the CdC and SRCA websites ASAP. Bernie Huettl is working with the Ranch staff to agree on two colors to be submitted to SRCA for repainting the common walls, at such time as CdC decides to authorize that work.

**Fine Policy.** Bader reported that the General Fine Policy was approved by the Board, with the intervals for increased fines set at 21 days. The policy has been posted on the CdC website and emailed to all owners. A typo referring to "Management Company" has been changed to the HOA Board. Bader reiterated that the fine is required by state case law (Arizona Court of Appeals decision in *Turtle Rock III HOA v. Fisher*) and is not intended to signal any change in enforcement activity. Going forward, when the ACC issues a violation notice and an owner fails to respond or resolve the violation, fines will be assessed as follows:

- First notice: no fine
- Second notice (unresolved after 21 days): \$25
- Third notice (unresolved after next 21 days): \$50
- Continuing violations (unresolved after 21 days): \$100 every 21 days.

**CC&R amendments:** The amendments concerning discounts on annual dues and short-term rentals are receiving strong approval and are nearing the required 75% agreement; residents who haven't voted yet are urged to do so.

**Fruit Removal Policy.** The Board approved the policy that clarifies an owner's responsibility, as part of backyard maintenance, to pick ripe fruit and not attract roof rats or other pests. Upon a complaint, the ACC will send a notice to the homeowner that the fruit must be picked within 21 days. If the owner does not respond or fails to comply, the HOA will authorize its contractor to

remove the fruit and the owner will be responsible for costs up to \$250 plus being subject to a fine. The policy is being posted on the CdC website.

**For rent signs.** At the April 8 Board meeting, an owner had questioned the legality of CdC's existing CC&Rs prohibiting "For Rent" (Second Amendment to the CC&Rs adopted May 16, 1986). Bader asked CdC's legal counsel who confirmed that a subsequent state law (ARS 33-1808) states that notwithstanding any HOA rules to the contrary, an owner may display one "For Sale, Rent or Lease" sign and sign rider on his property. The sign must be commercially produced and of standard size, as specified in the law. The relevant text of state law is:

F. Notwithstanding any provision in the community documents, an association shall not prohibit or charge a fee for the use of, placement of or the indoor or outdoor display of a for sale, for rent or for lease sign and a sign rider by an association member on that member's property in any combination, including a sign that indicates the member is offering the property for sale by owner. The size of a sign offering a property for sale, for rent or for lease shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. This subsection applies only to a commercially produced sign, and an association may prohibit the use of signs that are not commercially produced. With respect to real estate for sale, for rent or for lease in the planned community, an association shall not prohibit in any way other than as is specifically authorized by this section or otherwise regulate any of the following:

1. Temporary open house signs or a member's for sale sign. The association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent.
2. Open house hours. The association may not limit the hours for an open house for real estate that is for sale in the planned community, except that the association may prohibit an open house being held before 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the common areas of the planned community.
3. An owner's or an owner's agent's for rent or for lease sign unless an association's documents prohibit or restrict leasing of a member's property. An association shall not further regulate a for rent or for lease sign or require the use of a particular for rent or for lease sign other than the for rent or for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty-four inches on or in the member's property. If rental or leasing of a member's property is not prohibited or restricted, the association may prohibit an open house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

Bader moved, Huettl seconded, the adoption of a policy on Real Estate signs that conforms with the state law. Bader said he would draft specific language based on counsel's advice and refer it to the Board. After a brief discussion, the motion was unanimously approved.

**ARCHITECTURAL REQUESTS**

Bader reported on a number of ACC architectural requests and compliance actions since the last meeting:

<b>Address</b>	<b>Issue Type</b>	<b>Action Taken</b>	<b>Status</b>
10096 San Salvador	Architectural application: Painting	Approved by SRCA and CdC	Monitor compliance
10086 Calle de Cielo	Landscape application	Approved by SRCA and CdC. Install Phoenix pavers on driveway and walkway; all CdC guidelines met; Desert Villa contracted	Monitor compliance
10065 East Mission Lane	Architectural application: Flat roof	Approved by SRCA and CdC.	Monitor compliance
10061 Calle de Cielo	Complaint from 10059 Calle de Cielo	Neighbor's tree damaging backward wall	Mauricio Villa confirms tree was removed and owner has been billed. Neighbor informed.
10076 San Salvador	Complaint	For rent signs illegally posted in neighborhood.	Owner removed signs. Resolved.

**Pending Activities**

9145 N. 101 <sup>st</sup> Way	Architectural inspection and violation	Violation notice and fine policy sent April 25; wooden crate in front of front door; garage door constantly open and apparently broken; caulking visible, poorly applied and deteriorating around front door frame, window frames and ledge.	Owner has 21 days to respond
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Bader noted the violation notice on the house at 9145 N. 101<sup>st</sup> Way, which has drawn complaints because of a wooden crate at the front door, an open and possibly broken garage door, and poorly caulked/painted front windows and ledges. The owner has 21 days to respond before fines may begin. This house has also been referred to counsel for collection of overdue

assessments. The committee discussed the importance of placing a lien on the property to preserve the HOA's interests. Bader said he would check with counsel.

**Summer ACC activities.** Bader proposed that over the summer, when applications or complaints come to the ACC, that he will ask by email for a volunteer to handle the necessary follow-up. The committee agreed. Bader said he will email new editable-PDF Home Inspection Forms and drop off paper copies and CdC envelopes.

#### **LANDSCAPE COMMITTEE UPDATE**

Vogel said the Landscape Committee did not meet because it had no pending business, but would probably meet in a few weeks. Vogel said the changeover from spring to summer flowers will begin about the week of May 7. Ground will be turned and bare for 7-10 days before summer flowers are planted. He said he would like Desert Villa to make the changeover of seasonal plants earlier in the future: generally late Oct/early Nov. and early-mid April, based on weather conditions. He noted that Gainey Ranch, for example, completed their change several weeks ago and their summer flowers now look good. The ACC agreed the earlier changeover makes sense.

In the past, the flower painting often was done by volunteers on a community workday. A discussion ensued about whether future workdays should remain the responsibility of the Landscape Committee. There were no workdays last fall and this spring. Bader said that although some of the work is better left to the professional landscapers, that there's great value in bringing residents together to build a sense of community responsibility, community identity and social relations. Huettl agreed. After further discussion. It was decided to ask the Board to appoint a coordinator for workdays who would work with but not report to the Landscape Committee. Many potential workday tasks are unrelated to landscaping. Debby Castro said she has someone who may be interested.

#### **OLD BUSINESS**

Bader said he would on a document to clarify common ACC rules and policies over the summer.

Updating entrances to CdC and painting common walls is deferred until the Finance Committee and Board complete the capital reserve study.

There was extensive discussion about whether to adopt a garage door replacement policy. Bader said he was told SRCA has no specific guidelines but rather reviews applications for general compatibility with a community's design and color palette, and if the application is approved, it goes to the CdC ACC. Bader asked the committee whether CdC should have a specific set of permitted garage doors, specific guidelines, or general guidelines and case-by-case review. After extensive discussion, it was agreed the ACC will attempt to identify a limited

number of approved garage doors and vendors, similar to the approved paint palettes. Bob Bernstein volunteered to work on this over the summer and bring back recommendations to the ACC in the fall. Bader thanked Bernstein for volunteering. He added that if any requests to replace a garage door arrive in the summer after approval by the SRCA, they will be reviewed case-by-case based on compatibility with CdC's current southwest architectural look and color palette.

#### **HOMEOWNERS FORUM**

None.

The meeting adjourned at 5:45 p.m.

Next meeting: October -- Date to be announced