



## **SPRING CREEK ASSOCIATION COMMITTEE OF ARCHITECTURE REGULAR MEETING MINUTES**

Spring Creek Association Committee of Architecture  
Tuesday, September 8, 2020, 5:30 PM, PST  
Fairway Community Center Meeting Room  
401 Fairway Blvd, Spring Creek, Nevada

**PRESENT:** Chair Jill Holland, Vice-Chair Cassandra Banuelos and Members Randy Hesterlee, Diane Parker and Stefanie Sisk.

**ABSENT:**

**STAFF MEMBERS PRESENT:** SCA President Bahr, SCA Vice President Kerr, SCA Secretary/Treasurer Austin-Preston

**CALL TO ORDER:** Chair Holland called the meeting to order at 5:30 PM via phone and in person.

**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 Committee of Architecture 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.

**COMMENTS BY THE GENERAL PUBLIC**

***ACTION SHALL NOT BE TAKEN***

Jerry Swisher, Tract 400, commented on business licenses in Spring Creek. He requires permission from the HOA for his business to park his truck for his business. He has filled out the permit for a home occupation, but as that cannot be heard until the next meeting, he is requesting a letter of permission to be able to park his truck for his business prior to his home occupation permit.

Dave Gregerson, Tract 400, commented on Pleasant Valley Road and commented on the need for speed bumps on Palace Parkway to slow people down. President Bahr provided clarification that PV Road is a county road and that speed bumps on Palace Parkway would hinder snow plowing in the winter.

## COA RULES AND REGULATIONS REVISION

- 1.1 Discussion and consideration to perform the first reading of the **revised** Committee of Architecture, Rules and Regulations Number 2: MATERIALS AND PRACTICES **NOT ALLOWED** authorizing the use of motorcycles, ATVs, or OHVs on lots of two (2) acres or more. **FOR POSSIBLE ACTION**

VP Kerr introduced the item and stated staff was to provide proposed language for the rule at the August 11, 2020 meeting.

VP Kerr read the original rule and stated that 'track' had been deleted and added language that it would be allowed on lots of 2 acres or more.

Public Comment:

Rhonda Morfin via an email and on the phone stated she did not want to have the rule changed due to the excessive dirt and noise. She would like to see tracks designated further away from homes and volunteered to find other areas for ATV use.

Rueben Banuelos, Tract 100, stated he thought it should be allowed with an age limit.

Paula Taylor, Tract 400, stated that people would still be allowed to file a noise and dust nuisance claim and that kids should be allowed to ride while being respectful to neighbors.

Chair Holland commented that the DOR's do not specifically address tracks.

Members Sisk, Banuelos, and Chair Holland would like to move forward with the rule change. Member Parker stated the rule should stay as it is.

Member Hesterlee questioned why 2 acres or more was added could the age of operator be included.

Attorney McConnell clarified that the COA can make reasonable rules and regulations to enforce the DOR's. She clarified that the COA cannot regulate the age of riders as they cannot govern too specifically for private property.

Member Hesterlee requested a permissive regulation rather than a restrictive regulation for rider ages.

Member Sisk added that a time restriction could be added.

VP Kerr requested specific verbiage from the members be sent to staff.

Member Hesterlee moved/Vice Chair Banuelos seconded to decline the 1<sup>st</sup> reading verbiage and direct staff to propose a change in the language. Motion carried (5-0).

## **VARIANCE APPLICATIONS**

- 2.1** Discussion and consideration of a formal application for a variance and deviation from those certain restrictions imposed by the recorded Declaration of Reservations and/or Committee of Architecture Rules and Regulations from White Cloud Networks NV (WCNN) in connection with Great Basin Water Company for installation of a 60 foot tower at 391 Blakeland Drive.

### **FOR POSSIBLE ACTION**

Items 2.1, 2.2, 2.3, and 2.4 were generally discussed together. The action for each item is under its individual heading.

VP Kerr introduced the item stating that Great Basin Water and White Cloud are requesting a variance to the auxiliary structure height rule of 20' except for FCC licensed antennas with the approval of the COA. All other utilities in SCA must be underground.

Joe Shelton, White Cloud, was present and stated they have a letter of intent to place towers next to water tanks that are 60 feet tall and would be approximately 25 feet above the tanks. They have licensed frequencies, there will be no lights on the towers, there will be 6-foot fences around the structures. He also stated that colocation agreements would be available for others to be on the towers.

VP Kerr stated that notices for the variance were sent to the 30 closest homes or within 1000 feet of the tower locations.

Public comment:

Aitor Narvaiza, Elko County Sheriff, stated that the towers would benefit law enforcement for coverage.

VP Kerr read 3 letters from property owners opposed to the placement of towers for various health and visual impact concerns which are a part of the permanent record.

Mr. Shelton responded that the towers would be located near the water tanks have less visual impact. He also stated that the microwaves are 100 watts in a focused pattern and are safe.

Jeff Morgan, 100 Tract, was in favor of the towers.

Rueben Banuelos, 100 Tract, was opposed.

George Massey, 100 Tract, was in favor because of the necessity of the service.

Nancy, Thorpe Drive, stated towers have affected property values negatively and questioned how many towers are needed.

Jim McPherson, 100 Tract, questioned who owned the property. It was clarified that Great Basin Water owns the property. He asked whether the towers need to be 60 foot tall.

Justin Allred, 100 Tract, asked if there was a way to disguise the tower and questioned how many more could be placed on the Blakeland location.

Donald Woo, 100 Tract, was not objecting to having towers, but only to where they are proposed to be placed. He stated they could affect property values by 20% and they should be kept away from neighborhoods.

Shannon Wood, 100 Tract, read a letter from a neighbor against the towers for health reasons and property values.

Shawn Patterson, 100 Tract, was against the towers.

VP Kerr clarified that SCA received 3 letters against the Blakeland location, 1 negative for the Palace Parkway location, and 3 negatives for the Holyoke location.

Brad Patterson, 100 Tract, was generally opposed and would like clarification on the agreement between White Cloud and GBW.

Chair Holland called a recess of the meeting for 7 minutes at 7:07pm

The meeting reconvened at 7:17pm.

Public comment continued:

Cathy Palangi, Tract 100, was against the tower and that it should not be next to people.

Mr. Shelton stated that the towers can be disguised and that they were placed next to the current water towers to decrease the impact.

Member Hesterlee asked if a tower were to fall if it would impact any properties. Mr. Shelton stated that it would not.

Member Hesterlee clarified that their first application for a tower was on a residential lot and that could not be approved and that the new locations are near other utilities. He also commented on the 20-foot clearance over the top of the tanks and whether that is in the spirit of the DOR's.

Member Banuelos commented on the aesthetics of the area being affected.

Members Sisk, Banuelos, and Parker all commented that towers on the outer areas of SCA are more ideal instead of in housing areas.

Member Hesterlee asked Mr. Shelton why these areas were chosen. He responded that they requested the specific areas to get the coverage they needed.

Member Hesterlee moved to approve the application for a variance request for a 60-foot tower at 391 Blakeland.

The motion failed for lack of a second.

Vice Chair Banuelos moved/Member Parker seconded to deny the application for a variance request for a 60-foot tower at 391 Blakeland. Motion carried (4-1-0), Member Hesterlee against.

- 2.2** Discussion and consideration of a formal application for a variance and deviation from those certain restrictions imposed by the recorded Declaration of Reservations and/or Committee of Architecture Rules and Regulations from White Cloud Networks NV (WCNN) in connection with Great Basin Water Company for installation of a 60 foot tower at 999 Palace Parkway.  
**FOR POSSIBLE ACTION**

Member Hesterlee moved/Member Sisk seconded to approve the application for a variance request for a 60-foot tower at 999 Palace Parkway. *Motion carried (5-0)*

- 2.3.** Discussion and consideration of a formal application for a variance and deviation from those certain restrictions imposed by the recorded Declaration of Reservations and/or Committee of Architecture Rules and Regulations from White Cloud Networks NV (WCNN) in connection with Great Basin Water Company for installation of a 60 foot tower at 211 Holyoke Drive.  
**FOR POSSIBLE ACTION**

Vice Chair Banuelos moved/Member Parker seconded to deny the application for a variance request for a 60-foot tower at 211 Holyoke Drive. *Motion carried (4-1-0), Member Hesterlee against.*

- 2.4** Discussion and consideration of a formal application for a variance and deviation from those certain restrictions imposed by the recorded Declaration of Reservations and/or Committee of Architecture Rules and Regulations from White Cloud Networks NV (WCNN) in connection with Great Basin Water Company for installation of a 60 foot tower at 615 Engle Drive.  
**FOR POSSIBLE ACTION**

Member Parker moved/Vice Chair Banuelos seconded to approve the application for a variance request for a 60-foot tower at 615 Engle Drive. Motion carried (5-0)

## **PROPERTY VIOLATIONS**

- 3.1** Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #13: Exterior Condition of Structures; Roof repaired or replaced at 904 Spring Valley Parkway, (Tract 202, Block 025, Lot 055). **FOR POSSIBLE ACTION**

VP Kerr stated that staff was not able to contact the property owner.

Member Hesterlee stated that progress was being made on the property and suggested tabling the violation.

Member Parker commented that the violation started in 2019 and the property owner has had since June to come into compliance.

Member Sisk agreed that there was progress shown.

No public comment was offered.

Member Hesterlee moved/Chair Holland to extend time, pending contact with the property owner prior to October 1<sup>st</sup> or this shall come back to the COA as an action item. Motion carried (3-2), Member Parker and Banuelos against.

- 3.2** Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #13: Exterior Condition of Structures; Roof and Shed Repaired or replaced at 844 Spring Valley Parkway, (Tract 202, Block 014, Lot 010). **FOR POSSIBLE ACTION**

VP Kerr stated the property was in violation for the roof and shed. The property owner stated that paint and supplies to fix the shed had been purchased. A letter from a local church stated they were raising funds on the property owner's behalf to repair the roof.

The property owner was not present.

No public comment was offered.

Member Hesterlee moved/Vice-Chair Banuelos seconded assess a \$200 fine with an abeyance to September 28<sup>th</sup> for completion. Vote (5-0).

- 3.3** Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #12: Inoperative/Unregistered/Unlicensed Vehicles and DOR C-15: Storage of Tools, and SCA DOR #A-1: Improvement standards at 468 Spring Valley Parkway, (Tract 202, Block 031, Lot 010). **FOR POSSIBLE ACTION**

VP Kerr stated the son of the property owner had requested additional time at the August meeting. One registration has been provided, but a registration for the white truck has not been provided. Tires and other debris remain on the property.

The committee commented that progress was being made on the property.

No public comment was offered.

Vice Chair Banuelos moved/Member Hesterlee seconded to give the property owner until September 28 to bring it up to the standard requested and if not the COA will impose a fine and forward it to the Board of Directors. Motion carried (5-0).

- 3.4** Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #12: Inoperative/Unregistered/Unlicensed Vehicles at **873 Black Oak Drive, (Tract 402, Block 004, Lot 009).** **FOR POSSIBLE ACTION**

VP Kerr stated the property has been in violation since May 2020.

The property owner was present and stated that all vehicles have been registered and others have been removed.

No public comment was offered.

Vice Chair Banuelos moved/Member Sisk seconded to close the violation at 873 Black Oak as it has come into compliance with no fine imposed. Motion carried (5-0).

- 3.5 Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #15: Storage of Tools and Trash at **682 Bluegrass Drive, (Tract 401, Block 009, Lot 026)**. **FOR POSSIBLE ACTION**

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

No public comment was offered.

Chair Holland moved/Vice Chair Banuelos seconded to refer the violation to the Board of Directors and impose a \$200 fine. Motion carried (5-0).

- 3.6 Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #12: Inoperative/Unregistered/Unlicensed Vehicles at **306 Rustic Drive, (Tract 202, Block 007, Lot 008)**. **FOR POSSIBLE ACTION**

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

No public comment was offered.

Vice Chair Banuelos moved/Member Sisk seconded to refer the violation to the Board of Directors and impose a \$200 fine. Motion carried (5-0).

- 3.7 Review, discussion, and possible action regarding a property violation of the COA Rule and Regulation #15: Storage of Tools and Trash at **229 Country Club Parkway, (Tract 102, Block 010, Lot 027)**. **FOR POSSIBLE ACTION**

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

No public comment was offered.

Chair Holland moved/Member Sisk seconded to refer the violation to the Board of Directors and impose a \$200 fine. Motion carried (5-0).

## **ANIMAL CONTROL**

- 4.1 Report, discussion, and possible action regarding a property violation of COA Rule and Regulation #24: Domestic/Animals/Dogs/Cats: Running at large at **607 Hayland Drive, (Tract 202, Block 009, Lot 042)** **FOR POSSIBLE ACTION**

Officer Smith, Elko County Sheriff, stated there had been multiple complaints of livestock and dogs running at large. She stated there is no fencing and the horse is not on the property at this time.

No public comment was offered.

VP Kerr stated that the COA would create a courtesy notice for a nuisance for livestock at large.

No action was taken.

## **LEGAL REPORT**

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

Updates were provided on various properties currently in legal status.

## **APPROVAL OF MINUTES**

- 6.1 Approval of minutes from the August 11, 2020 COA regular meeting.

**FOR POSSIBLE ACTION**

Member Parker moved/Member Sisk seconded to approve the August 11, 2020 minutes as presented. Motion carried (3-0-2), Chair Holland and Member Hesterlee abstained.

## **REPORTS**

- 7.1 Approve Committee of Architecture Revenue Report for August 2020.

**FOR POSSIBLE ACTION**

Chair Holland moved/Vice Chair Banuelos seconded to approve the August 2020 COA revenue reports as presented. Motion carried (5-0).

- 7.2 Approve Committee of Architecture Violation Report for August 2020.

**FOR POSSIBLE ACTION**

Chair Holland moved/Member Parker seconded to approve the violation reports for August 2020 as presented. Motion carried (5-0).

## **8. PUBLIC COMMENT**

Pursuant to NRS 241 this time is devoted to comments by the general 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**

No public comment was received.

9. **THE NEXT REGULAR MEETING OF THE COMMITTEE OF ARCHITECTURE IS SCHEDULED FOR TUESDAY, OCTOBER 13, 2020 AT 5:30 PM.**

**NON-ACTION ITEM**

## **10. ADJOURN MEETING**

The meeting was adjourned at 9:24pm.