

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

IrishBeachADC.com

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June 9, 2018

DRAFT MEETING MINUTES

Open meeting beginning at 10:00 A.M. at Rex Dunning / Irish Beach Fire House, Forest View Road, Manchester.

CALL TO ORDER: The meeting was called to order at 10:00 AM by Chairman RJ Dial. Other Committee members present: Tom Reidenbach, John McGehee, Don McCormick and Darryl Datwyler. Members absent: none. Property owners in attendance: Bill Moores, Steve Whitaker, and Bettye Winters.

APPROVAL OF MEETING MINUTES: The draft minutes from the March 24, 2018 and April 14, 2018 meetings were presented and there were no comments. Chairman Dial moved to approve the minutes from these two meetings. Don McCormick seconded the motion. The motion passed 5-0.

NEW BUSINESS:

Chairman Dial introduced Darryl Datwyler as the newest member of the ADC. Darryl was appointed by the Irish Beach Improvement Club Board of Directors (IBIC BOD) at their April 21 meeting. The IBIC BOD will be appointing ADC members at their July meeting. All five ADC members indicated their interest in serving for another year.

Hoff 3/9 (14660 Cypress Point Road): Major Exterior Project (MEP) Application – Hot tub screen.

Chairman Dial summarized the proposed project. The Hoff's would like to construct a privacy screen to shield their spa from the East and South. The screen would be constructed of redwood and extend approximately six feet above the existing deck. The screen will be softened somewhat by existing landscaping on the

property. One input regarding the proposal was received from the neighbor immediately to the East, who was fully supportive of the project. Chairman Dial moved for approval of the project. Tom Reidenbach seconded the motion. The project was approved 5-0.

Merline-Sandrin 2/39 (44980 Pomo Lake Drive): Minor Exterior Improvement (MEI) Application – Redwood fence alongside house.

Chairman Dial summarized the proposed project. The new full-time owners would like to construct a modest, 4-foot high, open design, redwood fence surrounding portions of their house to confine their dogs. One input regarding the proposal was received from their only immediate neighbor, who had no objection to the project. Chairman Dial moved to approve the project. Darryl Datwyler seconded the motion. The project was approved 5-0.

COMMUNICATIONS:

Jett 1/52 (44000 Navarro Way): Minor Exterior Improvement – Notification to install a bench on West-facing deck, constructed from the same material and color as the existing deck. Approved.

Frame 7/8 (44550 Pomo Lake Drive): Minor Exterior Improvement -

Notification to repaint house light gray with darker gray trim, replacing existing redwood color. Committee reviewed the proposed colors and determined that they meet the CC&R requirements of *“All exterior paint and stains should be in muted tones consistent with the neighboring structures and in colors commonly found in the surrounding natural environment”* and approved the color change.

Moore/Holman 2/38: Request for CC&R Section 7.1 mediation for a Section 7.5/7.6 view blockage issue.

Moore/Howell 2/1: Request for CC&R Section 7.1 mediation for a Section 7.5/7.6 view blockage issue for a dispute already in Small Claims Court.

UNFINISHED BUSINESS:

CC&R Section 7.1, Mediation. Chairman Dial stated that the purpose of this agenda item was to clarify the requirements, responsibilities, and procedures regarding Article 7, “Use Restrictions”, of the CC&Rs. He summarized the CC&R provisions related to requests for the ADC to mediate between two disputing parties. He stressed that the CC&Rs specify *mediation*, not arbitration, interpretation, or enforcement, and he explained the process of mediation. Bill Moores disagreed somewhat, expressing the opinion that part of the need is for the ADC to determine if there appears to be a violation of the CC&Rs. He noted that “views” are defined in Section 5.1, and that he was concerned about precedent being set by the ADC simply attempting to mediate a dispute. Chairman Dial pointed out that the CC&Rs don’t say anything about the ADC interpreting Section 7. He also noted that because the current disputes concern views from potential building envelopes on unimproved lots, it was impossible for the ADC to know where the building envelopes are in the absence of a Phase 1 New Home Construction application.

Chairman Dial continued, making the point that “views” are subjective and that Irish Beach lots were not designed with defined views. Mr. Moores felt that it is important to think of the long-term consequences as trees and other landscaping grow and affect views that were previously unaffected.

Steve Whitaker noted that there is no definition of “view” in the CC&Rs, merely descriptive references to views of the lighthouse, blue water, pond, etc. He pointed out that to objectively define a “view” requires specifics on elevation, angle, plane, percentage of obstruction, etc., and these are not present in the CC&Rs. Chairman Dial agreed that it was this lack of precision that creates the situation where everyone has their own perception of what a “view” is. Mr. Moores expressed the concern that if the ADC was not going to defend people’s

views, they are going to get lost. Tom Reidenbach reiterated the point that the CC&Rs don't give the ADC the power to interpret or enforce, only mediate.

Chairman Dial observed that the CC&Rs are antiquated and imprecise, and that, perhaps, a rewrite was warranted. Mr. Moores inquired about the absence of Bill Howell at this meeting. Chairman Dial pointed out that these proceedings were not the mediation, which would be done privately with only the two parties and the ADC present. This agenda item was intended to ensure that people knew what to expect from any subsequent mediation session. The ADC will continue to try to contact Bill Howell to find out when he would be available for a mediation session. Chairman Dial also noted that a certified mediator, Sheri Maier, resides in Irish Beach, and has volunteered her services if the ADC and the disputing parties would like her help.

ADDITIONAL ATTENDEE INPUT: None.

ADJOURNMENT/NEXT MEETING: Chairman Dial noted that there should be several Phase II presentations coming up in the next few months. In addition, the ADC needs to contact Pete McCarry for another Phase II review of his New Home Construction design which was modified by the County after the previously ADC-approved design.

The meeting was adjourned at 11:00 A.M.

The next meeting is not currently scheduled. Meetings are usually scheduled as required whenever there is New Business and the announcements are posted at the community kiosks and the ADC website.