

# CVE HOA Minutes

## November 6<sup>th</sup> 2019 and November 12<sup>th</sup> 2019

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Attending board members were: Dan Hodge, Carolyn Cockrum, John Pembroke, Carolyn Anderson and Tim Sullivan.

Attending guests: Carol Cotten, Patti Riel, Debra Egeck.

- The meeting was called to order by Carolyn Anderson, President, at 5:03 pm.
- Special meeting called to discuss the following **Architectural Design Committee Issues**.
- Reviewed report from architect in regards to requested 6-foot height variance for Lot # 7
- Review denial of Lot #49 building plans.

### Architectural Design Committee: (Carolyn Cockrum, Chair)

- Reviewed report from architect in regards 6-foot height variance for Lot # 7
- No building plans have been submitted as of this date for Lot #7.

Monday, October 7, 2019

Crystal View Estates  
Architectural Design Committee  
PO Box 1980  
Chelan, WA 98816

Subject: Height Variance Crystal View Estates, Lot # 7

Purpose: Report of Fact finding and guidance for the CVE HOA Architectural Design Committee, to determine through on-site observations and Owner provided documentation if there exist extraordinary circumstances which warrant mitigation and thus the granting of a height variance. The on-site review of existing conditions was conducted on Thursday October 3, 2019 at 4 PM PST and included CVA HOA Architect and five Architectural Design Committee members. Weather was clear, mostly sunny and 68 degrees.

Reference Documents: Crystal View Estates CC&R's and the Architectural Design Guidelines available on line at the time of the purchase of the property and subsequent Board adopted revisions of the Architectural Design Guidelines to date. Owner provided documents to include, Owner rationale (CVE height req pdf.wps.) a photograph of Lot #6 residence (no lens reference elevation sited) and the CVE HOA website document (Lot Height Restrictions)

ATT: Carolyn Cockrum, ADC Chairperson and Committee Members

Dear Carolyn and Members of the Committee,

Findings:

As the CVE Architect I observed no extraordinary circumstances, nor the unique nature of the land and its surroundings, which would justify the issuance of a variance. I also found there was insufficient supporting documents or comparative examples within CVE to substantiate or support the request for an

increase in the height restriction and found the lot height restrictions as published on the CVE Website consistent with the topography and adjoining lots.

Guidance for the protection of the interests of those who hold rights within Crystal View Estates: The architectural control provisions of Crystal View Estates Architectural Design Guidelines provide for the association to, in extraordinary circumstances, issue a member a variance from compliance with one or more of the association's architectural standards. An association's decision to issue a variance has been held to be analogous to the issuance of a zoning variance by an administrative agency, and must therefore be limited to unique and extraordinary circumstances where substantial evidence would justify the desired variance. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare and the protection of property values.

For example, and with respect to zoning variances, said variances are granted "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, Thus, it is the unique nature of the land and its surroundings which would justify the issuance of a zoning variance, not necessarily the individual desires of the property owner.

The Declaration of Covenants, Conditions, Restrictions and Easements (the "Declaration" known as the CVE CC&R's) does not contain any reference to "view corridors" nor guarantee, either expressed or implied, a Lake or Mountain View from any CVE Lot, ... "the underlying theme and intent of Crystal View: Rural living with access to the recreational potential of Lake Chelan with insured quality and protected lifestyle." ... Each parcel was designed to create space from one's neighbors. Each parcel was designed so the purchaser could feel comfortable in building a quality home and estate without fear of devaluation due to his neighbors' actions. The Crystal View Estates encompassing approximately 102 acres has the ability to protect itself from devaluation and insure increasing value for its homeowners. More importantly, these covenants are designed to create and maintain a protected lifestyle not otherwise available."

The Developers decision to assign and record building height restrictions was completed while acting as and prior to the formation of the Crystal View Estates Owner HOA and the formation of the Architectural Design Committee and in this area of the development was based on the natural topography.

Conclusions:

The Board and Committee members must be cautious when granting variances to architectural standards, doing so only where extraordinary circumstances warrant. When a variance is granted, the Board should ensure that any conditions imposed on such approval is clearly stated in the Board's decision, and, in some circumstances, documented in a recorded agreement. Accordingly, the foregoing highlight's the importance of involving the HOA's legal counsel to guide the Board in determining whether a variance should be documented by way of a recorded agreement.

Best Regards,

Thom Walker

## Architectural Design Committee: (Carolyn Cockrum, Chair)

- Review denial of building plans for Lot #49.
- Lot #49 has NOT completed the required building checklist.

Letter sent to Lot #49:

Unfortunately, the Architectural Design Committee must deny your home design plan.

Please see the Architecture Design Guidelines on the Crystal View Estate Website <https://www.crystalviewestates.org>

### 4.3 Elements of Design

Homes with the same exterior face, including mirror images, shall not be repeated in the development. Homes nearly identical, indicative of tract housing, shall be disapproved.

The plans you submitted mirror another home built on Lot 65 by K&L.  
We look forward to you submitting new home plans that are unique to the neighborhood.

Please contact me if you have any questions.

Regards,

Chair, Architectural Design Committee  
CVE P.O. Box 1980, Chelan, WA 98816  
[CVEHOADesign@gmail.com](mailto:CVEHOADesign@gmail.com)

## Homeowner Input:

- None.

## Pool Committee: (Mikaila Harberd, Chair)

- None.

## Social Committee: (Deb Feist, Chair)

- None.

## Landscape Committee: (Board Members)

- None.

## Facilities Committee: (Tim Sullivan)

- None.

## Treasurer Report: (Dan Hodge)

- None.

## Marina Report: (John Pembroke, Chair)

- None.

### **Website: (CarolynAnderson)**

- None.

### **Firewise/Weed Abatement Committee: (Carolyn Cockrum, Chair)**

- None.

### **Compliance: (Tim Sullivan)**

- None.

### **Special Topics: (Board)**

- None.

### **Pending Topics: (Board)**

- None.

### **Adjournment:**

Meeting adjourned by Carolyn Anderson at 6:40 pm

Next Meeting: November 12th 2019 @ 4:30pm at Tim Sullivan's house.

Respectfully Submitted,  
Tim Sullivan, Secretary

# CVE HOA Minutes

## November 12<sup>th</sup> 2019

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Attending board members were: Dan Hodge, Carolyn Cockrum, John Pembroke, Carolyn Anderson and Tim Sullivan.  
Attending guests: Paul Will, Kelli Dole, Brent & Kathie Morrison, Patti Riel, Debra Egeck, Carol Cotten, Scott Bean, Mark & Margie Baier, Jean Sullivan.

- The meeting was called to order by Carolyn Anderson, President, at 4:29 pm.
- The 11/12/19 agenda was reviewed – **BOARD Approved.**
- The 10/08/19 minutes were reviewed – **BOARD Approved.**
- The 11/06/19 minutes were reviewed Final approval next meeting.

### Homeowner Input:

- Lot # 7 presented to the board, and requested a 6 foot height variance.
- Lot # 49 presented to the board, to review his home plan.

### Pool Committee: (Mikaila Harberd, Chair)

- Pools Closed, Flower Pots moved inside for the winter.

### Social Committee: (Deb Feist, Chair)

- No updates.

### Landscape Committee: (Board Members)

- Arts Edges to Hedges invoices have been submitted to for approval.
- New Committee members are: Lisa Robinson, Patti Riel, Terry Buell, Rod Anderson.
- Rock needed at the end of the retention pond.

### Facilities Committee: (Tim Sullivan)

- Updated Key Cards for issue to home owner for Lot # 91.
- Street Light Base repaired by the City.

### Treasurer Report: (Dan Hodge)

The Bank Statements and Financial Reports as of October 28, 2019.

The account balances and financial reports appear to accurately reflect the financial status of the HOA.

Current account balances as of October 28, 2019 are;

Operating Accounts = \$110,661.89

Reserve Accounts = \$101,216.52

Marina Account = \$48,454.30

The YTD income is \$103,456.45 (115.9% of budget), HOA Dues collected is \$99,098.75 (113.3% of Budget) this is a result of the additional lots brought into the HOA that were not budgeted. All HOA dues and Marina maintenance fees have been paid in full. We are billing Crystal Acquisition LLC for ¼ of the year's dues for Lot 112.

Operating expenses YTD were \$94,493.63 (68.6% of Budget). Most expenses appear generally in line with expectations. Major expenses in the last 30 days include \$4,635 for Liability Insurance, \$2,526 for Landscape Maintenance, and \$672 for Pool water and electricity. New checks that have been approved since October 28th include \$14,186 to Allen Construction for retention pond restoration and \$851 to Heneghan's Water for pool closing. These will be reflected on the November financial statements.

Reviewed 2020 Budget - **Approved by Board.**

Treasurers Report - **Approved by Board.**

## **Marina Report: (John Pembroke, Chair)**

### **Occupancy Permit**

Right of Way (ROW) Lease, Jeep Carpenter did a records search on the 2002 agreement. The search came back empty. Jeep is in the process of looking into this as the 2002 agreement should have been available in a records search.

Jeep Carpenter and John Pembroke met with Chris Martin of Pacific Rim Land to discuss the precedence of charging a lease for right of way open to the public. Chris has suggested meeting with Kevin Bromily, an attorney, who has done work for other Lake Chelan Marina's.

John Pembroke has contacted the City of Chelan to have the Temporary Marina Occupancy Permit extended while we work with the City on the lease.

**Slips and Lake Level** - There are 2 boats moored in the marina. Current lake level is 1093.4.

**Transpac** - No Update

### **Winterize/Water shut off**

The Marina water systems (potable and fire) were drained and blown out on October 22<sup>nd</sup> by Art's Edges to Hedges. Darrell Cotten and John Pembroke assisted. Thank you to Darrell for putting together a binder with marina winterizing and spring commissioning instructions along with other electrical and plumbing information.

**Emergency Ladders** - No update

**Marina Rules** - One boat lift is on its side and when the lake is lowered the dock will come in contact, slip owner notified.

## **Architectural Design Committee (ADC): (Carolyn Cockrum, Chair)**

Reviewed Architect site review/report for Lot #7. The ADC will follow up with the architect and Lot # 7 home owner. Sent a denial letter to Lot #49 due to failure to meet elements of design rule 4.3, ADC will follow up with home owner. Received Lot #100 Application and incomplete plans. Received Lot # 23 Plans, waiting on completed checklist items.

Home plans approved:

Lot #95 Best

Homes/Projects in progress:

Lot #1 Walker

Lot #6 Hepper

Lot # 15 Morrison

Lot #36 Mazzaferro

Lot #90 Smith

Lot #93 Sanderson

Lot #106 Anderson

### Website: (Carolyn Anderson)

- Approved and Draft Board Minutes have been updated on the HOA website.
- Updated (What's Happening) page to include pool closure and draining pool water into the street.
- Update members of the Architectural Design Committee and Landscape Committee.

### Firewise/Weed Abatement Committee: (Carolyn Cockrum, Chair)

- Keep vacant lots to a 4 inch height and free of high fire weeds, bushes, and trees
- Home inspection provided by the Chelan Fire District (July 9<sup>th</sup>). A report will be provided to the committee and then to the Board from the Fire Dept. (Pending)

### Compliance: (Tim Sullivan)

- (Dark Sky City Ordinance, The City recommended the HOA adopt the Chelan City Ordinance. CVE is in the City limits and is part of the 17.62 Dark Sky Ordinance). Tim Sullivan is working to develop an educational flyer and it will also be posted on the What's Happening section of the HOA Website, in Support of the Design Guidelines under Lighting on Page 25. (In Progress)
- Lot # 10 Drainage to Crystal Drive, Will follow up with owner. (Pending Reply)

### Special Topics: (Board)

- Tract 1 proposal and scope of work to landscape Track # 1 lot before transfer to HOA. – *In Progress*.
- The retention pond at the bottom of the marina parking lot has been repaired, Cost 14,186.36, three quotes were requested however no contractors provided any. Allen Construction came forward and provided services due to emergency circumstances.
- CVEHOA Membership List Sharing Plan – List Sent out to all members.
- Architectural Design Guidelines – Reviewed process and board approval process.
- Frontier is working to complete final cable installed. Pedestal may need to be replaced, (Pending)

### Pending Topics: (Board)

- Vendor List still – (Pending)
- CVE Sign Replacement – (Pending)
- Homeowner Input from annual mgt. – (Pending)
- Water meter at the bio-swale on Waterview has been removed. (No Update)

### Adjournment:

Meeting adjourned by Carolyn Anderson at 6:02 pm

Next Meeting: January 14th 2020 @ 4:30pm at Tim Sullivan's house.

Respectfully Submitted,  
Tim Sullivan, Secretary

