

SHADY CANYON COMMUNITY ASSOCIATION  
GENERAL SESSION MEETING MINUTES  
NOVEMBER 4, 2009  
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**BOARD MEMBERS PRESENT:** Rich Cadarette  
Richard Liggitt  
Mike Gray – left at 5:00 PM  
Mike Noggle  
Mike Reeves – left at 4:45 PM

**BOARD MEMBERS ABSENT:** None

**MANAGEMENT REPRESENTATIVES:** Shana Aaberg  
Deborah Marino  
Sherry Salazar  
Keystone Pacific Property Management, Inc.

**ISSUES DISCUSSED IN EXECUTIVE SESSION**

Homeowners were in attendance, the October 7, 2009 executive session meeting minutes were approved, homeowner fine reversal requests were reviewed, a homeowner's extra guard fee reversal was reviewed, delinquent accounts, vendors' performance and homeowner off-site planting requests were discussed during the November 4, 2009 Executive Session meeting.

**CALL TO ORDER**

The meeting was called to order by Board President, Mike Noggle at 4:07 P M

**GUEST IN ATTENDANCE**

Scott McClain and Todd Cooper from GMI, Inc. were in attendance to answer any questions regarding gate access control

Devin Sanders from Mosaic Consulting, Inc. was in attendance to answer any questions regarding landscape maintenance.

**ARCHITECTURAL REPORT**

Sherry Salazar gave an update regarding the design review process, homes under construction, final approvals and construction violations. There were three down slope fence plans submitted for review, one down slope fence completed and four custom homes completed.

**HOMEOWNER FORUM**

No homeowners spoke during the homeowner forum.

**OLD/NEW BUSINESS**

Item A: Homeowner Request for a Variance – Floor Area Calculations – Mr. Connie Fox of Coast Development Consultants was in attendance and spoke on behalf of her client, Dr. Alethea Hsu, who was also in attendance. Mrs. Fox presented colored renderings of the proposed sunken garden/light well for Lot 76B Jennifer Brooks, Chairperson of the Design Review Committee (DRC) was in attendance as well as Dan Lueras, Architectural Consultant for (DRC) to answer any questions regarding the technical aspects of this variance request Jennifer Brooks advised the Board that upon review of the documents for the community, it appears that the Board may not have the ability to grant a variance of this nature, therefore, the Board should check with

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legal counsel prior to consideration of this request on aesthetics alone. As a result, the Board tabled this item in order to consult with legal counsel regarding their ability to grant Dr. Hsu's request. This item will be placed on the December 2, 2009 Board meeting agenda. Should the Board make a decision prior to the December 2, 2009 Board meeting, the Board will take action via Action Without Meeting and notify the homeowner accordingly.

Item B: Homeowner Request for a Landscape Easement Agreement for the Down Slope Area Behind the Home – A motion was made, seconded and carried to approve the request from the homeowner at Lot 74, Tract 15941 to extend the previously granted Landscape Maintenance Easement Area behind the home an additional eight (8) feet down the slope so that the area is consistent with the easement originally proposed by the Irvine Company for this area. Motion carried 5/0.

Item C: Homeowner Request to Plant Ground Cover and Trees in the Common Area – A motion was made, seconded and carried to approve the request from the homeowner at Lot 18D, Tract 15461 to plant seven (7) Sycamore trees on the common area behind the home as this proposal meets the Orange County Fire Authority spacing requirements and the trees proposed are on the current common area landscape palette for this area, however the request to plant Baccharis 'Pigeon Point' ground cover on the common area behind the home was not approved as the water and care requirements are incongruent with the surrounding plant material. All plant material shall be installed by the Association's Landscape contractor and all costs shall be paid by the homeowner. Motion carried 4/0.

Item D: Homeowner Requests to Become a Member of the Landscape Committee – Mrs. Venus Wintemute was in attendance to discuss her desire to become a part of the Landscape Committee. Mrs. Wintemute communicated to the Board her concerns regarding the current landscape maintenance and palette. The Board directed Management to place Mrs. Wintemute and Mrs. DeFelice, who also requested to become a part of the Landscape Committee, on the waiting list per the committee charter. Per the committee charter, three seats will become available March 1, 2010.

Item E: Homeowner Submittal of a Tree Proposal – Mrs. Venus Wintemute was in attendance to present a tree proposal from Home Depot for forty (40) trees and a map showing the locations she would like to see the trees installed. The Board directed Mrs. Wintemute to contact the Orange County Fire Authority (OCFA) to obtain prior approval for the trees included within the proposal as they are not trees currently found in the common areas. Once written approval from OCFA is obtained, the Board will reconsider Mrs. Wintemute's proposal.

Item F: Landscape Committee Request for Authorization to Spend the Monthly Landscape Extras Budget for Shady Canyon and the Shared Cost Center – This item was tabled so that the Board can review the variable budget monthly allocations for these line items. This item will be placed on the December 2, 2009 Board meeting agenda.

Item G: Proposed Policy Change – Concrete Mow Strips for Down Slope Fences – This item died due to lack of a motion.

Item H: Proposed Policy Change – Homeowner Parties, Special Events, Fund Raisers and Charitable Events – This item died due to lack of a motion.

Item I: Proposed Policy Change – Fine for Damaging Swing Arm Entry and Exit Gates – This item died due to lack of a motion.

Item J: Proposed Policy Change – Parking in Front of Finished Homes – Mr. Morris was in attendance to present his proposal to allow contractor vehicle parking in front of completed homes. Mr. Morris' proposal included a diagram showing designated areas where parking would be prohibited in front of each home in order to allow for homeowner access and parking in front of their home. The Board reviewed Mr. Morris' proposal and requested that he make revisions to allow for walkways and send the revised proposal to the Board via email for review. The Board

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directed Management to table the proposed rule change to allow for "No Construction Parking" signs so that the provision can be revised if necessary to accommodate Mr. Morris' proposal if approved

Item K: Adoption of Changes to the Rule & Regulations and Contractor's Manual – A motion was made, seconded and carried to accept the following changes to the Rules & Regulations and Contractor's Manual:

Below is a proposed addition to the Rules & Regulations in **bold**. The purpose of this addition is to allow homeowners a longer period of time to store their trash cans on the common area streets. The current rule says not to exceed twelve (12) hours.

The following is a proposed **addition** to page 5, item 6 of the Shady Canyon **Rules & Regulations**:

Each Owner shall place all rubbish, trash, garbage, waste and recyclable material in closed containers approved by the applicable Public Agency. Such containers shall be exposed to view of neighboring Lots or Condominiums only when set out for a reasonable period of time (not to exceed **twenty four [24]** hours before and after scheduled trash collection hours).

Below is a proposed deletion from the Contractor's Manual in **bold**. The purpose of this deletion is to mitigate the issues caused by allowing dumpsters to be stored on the common area streets during the construction process. With this change, dumpsters will not be allowed to be placed on the streets in the community.

The following is a proposed **deletion** to page 7, item 5 of the Shady Canyon **Contractor's Manual**:

Dumpster: The general contractor must keep a dumpster on the Lot during construction. Materials shall be placed so that they will not be visible from outside of the dumpster. A regular dumping service shall be maintained so that unpleasant odors do not occur. **During the landscape phase of construction, the dumpster will be permitted to be placed along the curb for a maximum of two (2) months, but if placed along the curb, the general contractor must place 1" plywood sheets beneath the dumpster to protect the asphalt surface of the street. The maximum dumpster that is allowed on the street during the landscape phase of construction is the 10 cubic yard size.**

Management will send this item out to the membership within 15 days from the meeting date and the changes will take effect 30 days from that date of the mail out. Motion carried 3/0.

Item L: Proposal from TFN Architectural Signage to Install Four New Transponder Poles – A motion was made, seconded and carried to approve the proposal from TFN Architectural Signage to install four (4) new transponder poles for a total cost of \$5,434.75. Motion carried 3/0.

Item M: Discussion Items from Board Treasurer, Mike Gray's Meeting with Management – The items pertaining to Yearly Assessment Collection and Golf Course Contribution were tabled to be discussed at the December 2, 2009 Board meeting as Board Member, Mike Gray had to leave the meeting early.

### CONSENT CALENDAR

A motion was made, seconded and carried to approve the following items from the consent calendar, without further discussion:

Item A: October 7, 2009 General Session Meeting Minutes – Resolved, to approve the October 7, 2009 General Session Meeting Minutes.

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Item B: Action Without Meeting Minutes – Resolved, to ratify and approve the Action Without Meeting Minutes to approve the following landscape proposal from Natures Image, Inc:

**Common Areas/Fuel Modification Areas**

Hand Seed Mix # 1:	87,120 Sq Ft @ \$0.054	\$4,704.48
Hand Seed Mix # 5A:	87,120 Sq Ft @ \$0.076	<u>\$6,621.12</u>
Total		\$11,325.60

Includes purchase, delivery of seed, mulch and bonded fiber matrix

Item C: Action Without Meeting Minutes – Resolved, to ratify and approve the Action Without Meeting Minutes to approve the following landscape proposal from Natures Image, Inc:

Along Shady Canyon Dr :	30 Lbs @ \$42.10	\$1,263.00
Along Canyon Creek:	23 Lbs @ \$42.10	\$968.30
Along Boulder View:	4 Lbs @ \$42.10	\$168.40
Along Copper Creek:	6.5 Lbs @ \$42.10	\$273.65
Along Golden Eagle:	10 Lbs @ \$42.10	\$421.00
Along Blackhawk:	4.5 Lbs @ \$42.10	<u>\$189.45</u>
Total		\$3,283.80

The hand seeding of the wild flower seed mix includes purchase and delivery of 78 Lbs of CA flowering meadow seed mix, hand seeding and labor for raking the seed. The application rate for seeding is 47 Lbs per acre (1 LB of seed covers 927 sq. ft.).

Item D: Action Without Meeting Minutes – Resolved, to ratify and approve the Action Without Meeting Minutes to approve the following landscape proposal from Natures Image, Inc:

**Needle Grass**

1 Gallon Containers:	200 @ \$7.59	\$1,518.00
5 Gallon Containers:	100 @ \$20.00	\$2,000.00
15 Gallon Containers:	20 @ \$75.10	\$1,502.00

**Canyon Creek**

1 Gallon Containers:	15 @ \$7.59	\$113.85
5 Gallon Containers:	25 @ \$20.00	\$500.00

**Vernal Spring**

1 Gallon Containers:	10 @ \$7.59	\$75.90
5 Gallon Containers:	20 @ \$20.00	\$400.00

**Golden Eagle**

1 Gallon Containers:	10 @ \$7.59	\$75.90
5 Gallon Containers:	15 @ \$20.00	<u>\$300.00</u>
Total		\$6,485.65

Includes Oak trees, Toyon, Lemonade Berry, Coyote Bush, Brittle Brush and Sage Brush.

Item E: Delinquent Accounts – Resolved, to place liens on accounts APN #481-142-31 and UNIT #28041-1

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**COMMITTEE REPORTS**

Richard Liggitt, chairman of the landscape committee discussed the recently approved proposals for seeding and miscellaneous plant replacements throughout the community, the need for restoration of down slope areas planted by homeowners.

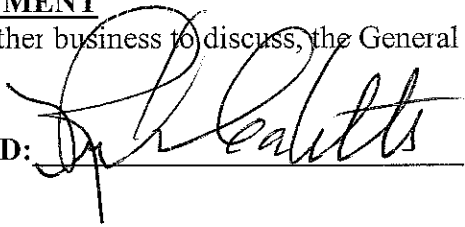
Mike Noggle, Chairman of the Gate Access Committee explained that the committee did not meet this month and would not be meeting again until January. Scott McClain, Director of Security for GMI, Inc. discussed the decline of cut throughs and the recently installed radar system.

Rena Wolfson, Chairperson of the Villas/Sycamores Committee discussed the intensive clean up taking place on all 91 homes, the committee's desire to work with the Design Review Committee to extend the current planting palette and the efforts being made to not increase assessments for the Villas/Sycamores homeowners.

**ADJOURNMENT**

With no further business to discuss, the General Session was adjourned at 5:50 P.M.

ACCEPTED: \_\_\_\_\_



DATE: \_\_\_\_\_

12/2/09