



# December 2018 NEWSLETTER

## BOARD NOTES

### 2019 Assessments

By now, property owners should have received their 2019 SWPOA assessment invoices of \$250 per individual lot owned (a "lot" being what the official plats of Hays County describe it to be) from our POA's management company, Spectrum AM.

**Please note that 2019 assessments of \$250 per lot are due by January 1<sup>st</sup> 2019.**

Spectrum's collection policy mandates that substantial fees will be charged to your account if your payment is late, and if your 2019 assessments are NOT RECEIVED by Spectrum AM by Tuesday, January 29th, 2019, you will incur a first-month \$20 Notice fee, and additional fees and service charges for every subsequent month that your assessment remains unpaid.

Please note that even if you don't receive an assessment invoice from Spectrum, you are still obligated to pay your assessment by January 29th. So if you haven't yet received your assessment invoices, please contact Spectrum's Roxanne Gandy (512-834-3900, [RGandy@spectrumAM.com](mailto:RGandy@spectrumAM.com)).

Paying on time is much easier and much less expensive than paying late. So **please mark January 1st on your 2019 calendars** so you won't miss the January 29th deadline!

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### Board of Directors

President: **Charlie Plassmann**

Vice President/Secretary: **Rick Brennes**

Treasurer: **Horace Ray**

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## CCR Short Term Rental (STR) amendment status

On August 29th, the process of validating and counting votes submitted by SWPOA property owners on the proposed changes to the language in our SWPOA's Amended Declaration of Covenants, Conditions and Restrictions (CCRs) that were intended to restrict the operation of Short Term Rentals (STRs) in our POA was completed. The results: 106 "FOR" votes (56.7% of the 187 residential lots in our subdivision), and 9 "AGAINST".

Our POA's Bylaws and CCRs require at least 51% of lots vote "FOR" a CCR amendment to be approved, and on Tuesday, October 30th, the SWPOA's Second Amended Declaration of Covenants, Conditions and Restrictions (2nd Amended CCRs), inclusive of the new STR restrictive language (reproduced below), was signed, notarized and recorded by the Hays County Clerk's office, making the newly amended CCR's effective as of that date. This new Second Amended CCR document can be found on our POA's website at <http://sierrawestpoa.com/docs/Sierra-West-Amended-Declaration-CCRs2018.pdf>.

This means that all SWPOA lot owners will be required, by contract, to abide by these new restrictions on the use of SWPOA properties for short term rental purposes (rentals of a duration of less than 30 days).

If you have any questions about how these new restrictions will impact you, please contact the Board by email ([board@sierrawestpoa.com](mailto:board@sierrawestpoa.com)) or in writing (mail to **Sierra West POA Board, 377 Barberry Park, Driftwood, TX 78619-5770**).

Short Term Rental (STR) restriction language approved by approved by over 51% of SWPOA lot owners earlier this year:

The approved language additions (in *red italics*) impact the following two sections of our existing CCRs:

- Section I (or 1): DEFINITIONS; and
- Section V (or 5): USE AND CONSTRUCTION RESTRICTIONS.
  - 1.13. *"Residence" means a detached building designed for and used as a dwelling by a Single Family and constructed on one or more Lots.*
  - 1.14. *"Residential purposes" includes an intention to remain in the residence for at least 30 days. As used in these restrictions, Residential Purposes does not include use for transient housing or as a hotel/motel, vacation rental, bed & breakfast, boarding house, and any similar short-term rental of less than 30 days.*
  - 1.15. *"Single Family" means a group of individuals related by blood, adoption, or marriage or number of unrelated roommates not exceeding the number of bedrooms in a Residence.*

.....  
5.01. Residential Subdivision. Except as expressly provided in this Declaration to the contrary, each Lot will be used exclusively for single-family residential purposes. Except as provided by Section 5.04 below, there shall be no commercial or business use of any Lot. *Transient housing or use of a hotel/motel, vacation rental, bed & breakfast, boarding house, or any other short-term type rental (of less than 30 days) is a commercial or business use and is prohibited.* No more than one primary residence may be constructed on each Lot. Guest houses are permitted if the owner obtains the written approval of the Architectural Review Committee. *However, use of a Guest House is limited to Residential Purposes as described herein.* The provisions of this Section 5.01 shall not be construed as being inconsistent with classification of any Lot as "agricultural" for ad valorem taxation purposes.  
.....

5.04 Business Activities. In-house business activity is permissible, provided that such activity is in no manner evident from the exterior. *However, hotel/motel, vacation rentals, bed & breakfast, transient housing, boarding house rentals, and any short-term rental (less than 30 days) is a commercial or business use under these declarations, restrictions, and covenants and is prohibited. This restriction is not intended to prohibit bona fide leaseback situations to the former owner(s) in connection with the sale of a residence the term of which does not exceed 90 days unless approved by the Association.* Without limitation, there will be no business usage which involves customer parking of more than three vehicles at any given time, or exterior storage of identifiable inventory, equipment, or business vehicles. This Declaration does not prohibit occasional meetings with business associates in residences on Lots.

## Traffic Safety

We don't have sidewalks in our community, so many of our residents, including children, use our streets to walk their pets, ride bikes, recreate, exercise, wait for school buses, and generally get from one place to another. To accommodate this pedestrian traffic, the County has assigned a speed limit of 25 miles per hour (mph) to all our POA streets. But it's up to everyone who drives in our community — residents and non-residents — to go no faster than 25 mph, and to stay alert to the possibility that a pedestrian or cyclist may be right around the corner. Please drive safely!



## Financial Summary:



The POA's financial situation is good, although there are several significant increases in operating expenses (primarily insurance and landscaping costs) that will affect us beginning next year, as well as some major maintenance projects that will begin to require attention in 2019. As of the end of October, the POA had: a total of \$28.0k in our POA checking account (pertinent to our Operating Account); \$26.9k in our money market account (pertinent to our Reserve Account); and \$0.8k in unpaid assessments, consisting primarily of two delinquent accounts — one of which is on a repayment plan, and the other is still being pursued by your Board.

## POA Park Projects

The POA Board is in the process of developing some, and implementing other, plans to improve our park, and will be sending out a questionnaire to POA members in the near future to obtain their feedback on some of these projects. Here is a short description of some of these projects:

Replace park signage - approved by Board and pending completion by POA residents Ben and Erin Chomiak at no cost to the POA other than materials.

- **Repair/replace bocce ball court** – pending feedback from POA members.
- **Repair/replace railroad tie retaining walls that are failing** – plans under development.
- **Build park boundary fence behind storage shed** – approved by Board, plans under development
- **Replace fence near large live oak and build boundary fence** – plans under development.
- **Pave floor of pavilion** – pending feedback from POA members.
- **Add rain covers to outdoor trash cans** – approved by Board and pending completion.
- **Remove remaining un-serviceable outdoor BBQ pit** – approved by Board and pending completion.
- **Repair and re-stain storage shed** – approved by Board and pending completion.

## Thank you to our POA volunteers

We are fortunate to live in a community where so many of our neighbors volunteer their time to make important contributions to our community. There are too many to recognize here, but the Board would like to recognize two individuals whose unsolicited efforts this year have helped improve our POA's infrastructure.



**Matt Morgan** – Earlier this year Matt asked the Board for permission to trim the live oak trees on the South berm of the Mose Rose entrance in order to improve the esthetics of that entrance. Matt did a great job, encouraging the Board to proceed with trimming the live oaks on the North side of the entrance. Thanks, Matt!



**Mike Tatum** – After putting up Christmas decorations on the POA entrance monuments last month, the Board discovered the outlet on the South side of the Moss Rose entrance was dead. When Mike, a Journeyman electrician, learned about the problem, he immediately volunteered his time to install a new underground power line to fix the problem. Thanks, Mike!

## ARCHITECTURAL REVIEW COMMITTEE

The POA's Architectural Review Committee (ARC) consists of 7 volunteer members who are each elected by the POA membership to serve a 3 year term. POA property owners are required by our CCRs to submit a Sierra West POA ARC application form (available on the POA's website) to request the ARC's permission to construct any new homes, garages, patios, swimming pools, pergolas, fences and other similar structures, before beginning construction. The ARC is chartered to review these applications to ensure all structures built on POA lots will be compliant with the construction requirements stipulated in the POA's CCR's (a copy of which is available on the POA website). All ARC construction applications must be approved by the ARC prior to commencement of any such construction project.

For new home construction, please allow the ARC a minimum of 4 weeks to complete their review of the required ARC application form and its associated project plans and drawings. For all other construction project applications, a minimum of 2 weeks should be allowed for an ARC review. If construction is begun on a project requiring ARC approval prior to the ARC's approval of that project, the POA Board of Directors has the authority under our CCRs and Bylaws to impose fines and penalties on the offending property owner. Please refer to the POA website for more ARC-related information, documents, requirements and guidelines.

# EVENTS COMMITTEE

Every year the Events Committee plans a Fall and Spring get together at the park, and we also coordinate our annual National Night Out (NNO) event. We are always looking for new ideas and more family participation.

This year we had a Spring Hot Dog Potluck (hot dogs provided by our Committee) and a Fall Soup and Wine Night (soup provided by our Committee, with other dishes provided by attendees). Of course, our highlight event was NNO, where our wonderful guest presenters and our resident attendees enjoyed Rudy's barbecue and sides as well as dishes brought by the attendees; children's activities were a big hit as well.

In addition, this year we formed a committee that can help neighbors we hope will be of assistance to other POA residents when a family member passes. We look forward to next year, and will continue to look for more opportunities to meet and visit with all our great neighbors in Sierra West.



Spring Potluck ↗



National Night Out ↘



Fall Soup & Wine

## Fun Fact

*Cuddly alpacas are just one of the many types of pets you aren't allowed to own in Sierra West.*



# COMMUNICATIONS COMMITTEE

The Communications Committee reminds everyone who would like to receive Emergency Text Notifications in the event of time-critical events such as a boil water notice or area fire, that we need your cell phone number. You can email it along with your name and street address to [communications@sierrawestpoa.com](mailto:communications@sierrawestpoa.com).