

**19th Board Meeting**  
**Reflection Lane Homeowners Association**  
**Minutes**  
**7 Aug 2025 (2:30pm)**

**Location:** McDonald Residence (8819 Reflection Lane)

**Attendees:** Diane Schofield (VP)  
Calvin McDonald (Secretary, minutes author)

**Agenda Topics:** Formulate official responses to complaints and questions from members about several topics related to the CC&Rs.

**Notes:** Because some of the CC&R compliance issues involved lot 41B (Golightly) and Craig Golightly is a member of the Board, Craig was not invited nor participated in the Board meeting and decisions, due to conflict of interest. The Board makes decision based on majority vote and the HOA VP (Diane Schofield) and Secretary (Calvin McDonald) voted unanimously on all resolutions so Craig's vote was not needed. Henceforth herein, "Board" refers to the VP and Secretary.

**Meeting Minutes:**

The Board met to answer questions raised about the CC&Rs and address formal written complaints by several HOA members on CC&R enforcement on the following topics. The Board's resolution is included with each:

1. **Noise:** The Board concluded that no member was found to be in ongoing violation of the CC&Rs by generating excessive noise in the association. The Board will remind all members to be considerate to their neighbors in this regard.
2. **Second Residences on Lots:** Our CC&Rs disallow having a second residence on any lot. The Board sought legal counsel on the definition of "Residence" from an attorney and discovered that an improvement must have a kitchen to be classified as a residence. The Board is not aware of anyone that has a second residence under this definition. However, this means that Auxiliary Dwelling Units (ADU, or mother-in-law quarters) are currently not allowed by our CC&Rs but could be if the CC&Rs were amended with a unanimous vote of the members. The legal counsel we received is included below at Exhibit A)
3. **Short-Term Renting:** The Board is aware of several members who are or have short-term rented out their homes or rooms in barns/shops. The association's CC&Rs are silent on this subject so County and State law would prevail. The Board knows of no County regulation but the State of Idaho has strict laws favoring land-use rights and short-term renting. It is the Board's opinion that

members are allowed to short-term rent as per State Law and our CC&Rs not prohibit it. Again, that can be changed by an amendment to the CC&Rs with a unanimous vote.

4. **Nuisances from Home Businesses:** The Board is aware of at least 4 members of the association that run home businesses. The Board received a formal complaint on one of them. Our CC&Rs allow home businesses but only if they are not “a nuisance”. It is the Board’s opinion that no home business being run in the association is causing an objectionable nuisance. No other nuisance complaints have ever been received and it’s the Board’s opinion that the business being complained about isn’t more of a nuisance than other businesses in the association. The Board found no member in violation of business nuisance.
5. **Weed Control:** The CC&Rs require that all lots in the association be “free of weeds”. The Board feels this requirement is impossible to meet or enforce. This begged the question, what is too many weeds. We are left without a method of measuring this. The Board has received a formal complaint on this topic. As everyone is technically in violation, it’s pretty much impossible to enforce. One of the lots being formally complained about is clearly not the weediest lot in the association. The Board determined the best we can do is declare all members in violation (ironically including the complainant) and send out a letter to all members and remind them of their responsibility to control the weeds on their property, especially in the front yards where they are visible from the road.
6. **Straying Animals:** The Board is of the opinion that there is not a serious problem with stray pets but the Board will remind all members in a letter that pets are to be kept on their own property and noise from pets kept down to a reasonable level.

#### **Conclusion:**

It appears that the governing documents of our HOA don’t describe ways to enforce the CC&Rs. No fines are defined. In the past the association has never fined anyone. There have been no formal written complaints in 24 years, until now. This process is new to the Board and we didn’t spend any time thinking about how we would enforce and fine, and, hope that we never need to. To date, the various HOA Board members have not attempted to enforce the CC&Rs beyond friendly reminders as where were no complaints.

#### **Action Items:**

Calvin was assigned to type up and send the letters, one to each complainant and one to all members (as discussed above). Also, to post meeting minutes and legal counsel on the association website.

End Minutes.

# Exhibit A

Answers in italics below.

Darin Taylor, J.D., AICP  
Subdivision Maker LLC 208-899-9556  
[darin.taylor@subdivisionmaker.com](mailto:darin.taylor@subdivisionmaker.com)

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From: Calvin McDonald <7ndel3fr@gmail.com>  
Sent: Thursday, July 24, 2025 2:14 PM  
To: Darin Taylor <darin.taylor@subdivisionmaker.com>  
Subject: Legal Opinion for Our HOA

Darin:

We need a legal opinion on the interpretation of our CC&Rs, *No charge.*

If this is a free-bee answer, great. If not, please give me a price so I can clear paying you with our HOA Board.

Here is the situation....

We have a HOA member who has built a bedroom and bathroom into the upstairs of their barn/shop (separate building from their home) and is AirBBing it - and has been for almost 2 years now. We are trying to determine if this member has followed all County building codes, we aren't asking you about that. We are having the member prove to us that they have followed County rules/requirements.

What we are trying to determine is if they are in violation of our CC&Rs. The applicable sections of the [CC&Rs](#) say (follow the link to see a full copy of the CC&Rs):

Article I

Section B

"Every lot shall be used only for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling, with outbuildings approved by the Architectural Committee." *Assuming the Committee approved the shop, no violation. There is a house and shop, one address.*

Section I:

"No building of a temporary nature, trailer, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either

temporary or permanent." *No technical violation of CCRs unless there is a kitchen in the shop. However, county code now allows a second dwelling on a lot, which was not contemplated when subdivision was approved and CC&Rs written but has significant value. It makes sense to amend CCRs to allow the second residence on a lot consistent with county code. If desired the second residence could be required to be in a shop or barn.*

#### Section L:

"No commercial activity or condition shall be permitted upon any part of any lot, which may be or become a nuisance or annoyance to the neighborhood." *No violation, Air bnb is a residential housing business that, by definition, is not a nuisance in a residential subdivision absence .*

#### Questions:

1. Do our CC&Rs exclude a traditional ADU (a general question)? *Yes.*
2. What exactly is "a residence"? A place with a bedroom, bathroom, kitchen, etc? *Yes.* Is a bedroom and bathroom rented out short term considered "a residence"? *No.*
3. Our CC&Rs are silent about short term rentals so given Idaho law, would short term rentals be allowed (ignoring what the CC&Rs are saying about one residence)? *Yes, absent a prohibition against rentals in the CCRs.*
4. Does Section L refer to any business, or just businesses that are a nuisance? And who defines what is and is not a nuisance? *Just nuisances and, if not defined in the CCRs, then whoever wants to bring and defend a nuisance claim defines it. A jury will define it is a reasonable person does ... a pattern of outrageous conduct or pattern of conduct contrary to CCRs.*
5. This same member is also AirBBing his own home. We need to determine if that's in violation of the CC&Rs. It seems to us that there is nothing stopping him from AirBBing his primary residence. Your opinion? *Agreed, absent a prohibition in CCRs, or that will be in Amended CCRs that prohibit short-term rentals.*
6. If, for sake of argument, a full apartment was put in a building other than the primary residence that complied with all County regulations but was sitting empty, is it still "a residence"? Or, is it a residence only if someone is living (sleeping) there? In other words, if the apartment is sitting empty, is it in violation of the CC&Rs? *Yes, existence, not occupancy, determines use.*

Thanks

Calvin McDonald