

OCHL - 12 HOMEOWNERS ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE (ACC) MINUTES

ACC Members: Dani Folsom, Chair, Joe Rystrom, Secretary, MaryLynn Birney, Ahmed ASH Hussain, Michael McMillan, Mark Powers, Al Prescott (Windward Bluff Liaison), Sonu Lamba.

Wednesday, June 5, 2024

ACC Members in Attendance: Dani Folsom, MaryLynn Birney, Michael McMillan, Mark Powers, Joe Rystrom

Guests in Attendance: Kevin and Joan Harrison

Meeting called to order at 6:15 PM by Dani Folsom

Approval of Minutes: Minutes for May 1, 2024 are APPROVED.

OLD BUSINESS:

1. Solar Panel Issue

The ACC briefly discussed updates; ACC had hoped to meet McNulty and his representative in November or December to finalize the issue. However, McNulty's representative requested an extension for meeting with ACC to postpone until January, due to representative having jury duty and McNulty scheduled for a surgical procedure. ACC granted the extension request. HOA attorney has sent a letter in reference, and has not yet heard back as of Dec 8. Meeting shall be scheduled for near the end of January 2023.

UPDATE 01/30/2023 The ACC met with the McNulty's and their representative Mr. Tousley on Mon, Jan 30, at 7:30 PM, at Rose Hill Center, to provide an opportunity to dialogue on the solar panel noncompliance issue. HOA legal counsel was also present. The meeting lasted for approximately 75 minutes, and both sides had an opportunity to present their case. At the end, Mr. McNulty agreed to submit a proposal to relocate the panels to the back of the home, and/or ground mounted panels by the end of the week.

UPDATE 02/06/2023 Email excerpt received from Mr. McNulty: I heard from Blossom Solar today. They are working on a secondary plan to modify the originally installed configuration of our solar arrays. The rooftop and ground options will need to be measured to see what will fit. I don't know when that might be happening, but they are working on it.

UPDATE 02/15/2023 McNulty updated Rystrom that the Solar Blossom rep is just now getting back to him, due to death in the family. McNulty also said the relocation of panels may necessitate replacing the roof. More information to follow.

UPDATE 03/01/2023 McNulty updated the ACC at meeting that he is still working on getting a bid and plan from Solar Blossom. Per McNulty, another solar panel contractor informed him it would cost \$20,000 to relocate panels and repair roof, and he is getting a bid and plan from this contractor as well. The Committee reiterated its position that it is in the best interest of both parties to resolve this matter without going through the costly arbitration process. McNulty said he would need more time to get plans and bids, as he and wife are leaving town for family reasons for three weeks starting Mar 3. McNulty said his neighbor, however, would continue getting plans and bids in his absence. Chair Folsom agreed to extend the date to April 1, for McNulty to submit plans to ACC to relocate or move panels, in accordance with HOA Solar Panel Policy. McNulty accepted.

UPDATE 03/01/2023 McNulty sent email to Folsom on March 1, after the meeting, with a single image as a proposal: front facing panels facing the street, to be moved to other front facing positions facing the street. This proposal is not in accordance with HOA Solar Panel Policy.

UPDATE 06/07/2023 McNulty was present to update that he has enlisted three solar contractors to assess removing the offending, street facing panels from his roof. Blossom, the installing contractor has ceased communication per McNulty. A second contractor quoted \$30,000 to remove the panels which included roof repairs but is not interested in the work at this time. A third contractor (1st Choice Electric) came back with the exact same solar design as is currently installed and ignored the HOA solar policy. McNulty informed that he has sent a letter to Kevin Britt that we need to go to arbitration.

UPDATE 07/19/2023 Solar panel issue status was discussed. HOA legal counsel requested statements from ACC board members. Discuss the tree trimming from the county perspective (Hussain). HOA Attorney requesting a written statement on where the solar panels need to be moved. Per WA policy, the Solar Panels cannot be above the roof line per Folsom.

UPDATE 08/16/2023 Arbitration requested by the solar panel owner. HOA has reviewed WA and Mukilteo related solar panel rules.

UPDATE 09/25/2023 Response sent from HOA legal representatives to McNulty legal representatives, in reference to his arbitration request / solar panels.

UPDATE 02/07/2024 Solar arbitration case is still pending. Date for the arbitration is to be determined.

UPDATE 06/05/2024 Folsom has submitted additional documentation, per request from HOA legal.

STATUS: OPEN

3. Monument Lighting

12/06/2023 Monument lights at St Andrews and Harbour Pointe. Good Sense came out and evaluated. Some fixtures have water in them, and other damage. With some fixtures still on warranty, estimate was \$842. Voted and PASSED.

UPDATE 01/03/2024 Replacement fixtures have been ordered by Good Sense.

UPDATE 02/07/2024 All lights at the St Andrews entrance have been replaced and are 100%. Additional defective fixtures were found at the Clubhouse Lane entrance and are on back order with the supplier. Birney to monitor progress with Good Sense Electric.

UPDATE 06/05/2024 All lights have been repaired.

STATUS: CLOSED

4. View Compliance

02/07/2024 View compliance letters were sent to two homeowners:

- West side of Preswick Lane, near Bayview Dr. - found to be partially obscuring view from a homeowner on Clubhouse Lane.
- East side of Preswick Lane, near Bayview Dr. - found to be partially obscuring view from a homeowner on Clubhouse Lane.
- A view complaint on 59th will be re-assessed.

UPDATE 03/06/2024

- West side of Preswick Lane, near Bayview Dr. - *Resolved*
- East side of Preswick Lane, near Bayview Dr. - Homeowner has a meeting with the City of Mukilteo regarding the three trees at issue located in an engineered tree well. It has been estimated that the trees are still blocking approximately 30% of the affected Puget Sound view even after the thinning approach. Powers to follow up with homeowner week of March 11, 2024. Will report back.

Three additional view compliance letters sent out to:

- West side of 59th Ave W, and 117th Place. - requested homeowner to make sure any future growth is limited to 25% of affected Puget Sound view. *Resolved*
- 60th PL W and St Andrews - found to be partially blocking another member's view, requested remediation.

UPDATE 04/03/2024

- West side of 59th Ave W, and 117th Place. - ACC discussed and agreed to the need to re-assess to assure proper procedures and measurements are followed.
- 60th PL W and St Andrews - found to be partially blocking another member's view, requested remediation. Resolved
- East side of Preswick Lane, near Bayview Dr. Homeowner did some pruning, subject to be re-assessed once spring foliage is in.

UPDATE 05/01/2024

- West side of 59th Ave W, and 117th Place – letter received from homeowner with trees in question asking for clarification – Sonu/Mark to discuss directly with party.
- East side of Preswick Lane, near Bayview Dr – Sonu agreed to inquire with complainant

UPDATE 06/05/2024 View complainant from 59th and 117th, asked about current status of their view complaint. Powers explained that per the CCR's, the ACC has interpreted utilizing the 25% rule, not taking into account roofline measure, as this has been superseded by previous Board.

STATUS: CLOSED

5. Commercial Truck in Driveway on Bayview Dr.

02/07/2024 A homeowner on Bayview Drive was sent a compliance letter for parking a commercial truck in the driveway repeatedly for greater than 72 hours. Fines may begin in March.

03/06/2024 Truck appears to move every 72 hours. Will research the details of our parking rules and fines.

04/03/2024 – Mary Lynn offered to research and clarify current parking policy in CC&Rs, will send out to ACC team.

STATUS: OPEN

Bayview Playground

05/01/2024 An inspection of the swing set was performed after two concerns were registered with the ACC regarding safety of aging swing set. It was determined to be beyond repair due to age and unsafe. The committee had previously obtained a quote to demo the set. A motion was made to award the work to a contractor and get the safety issue eliminated. Motion passed.

UPDATE 06/05/2025 ACC is seeking bids for a swing set replacement.

STATUS: OPEN

NEW BUSINESS:

1. 05/01/2024 Proposal by Oak and Magnolia to remove and dispose swing at Bayview Park. Voted on by email and approved. *The proposed work has been completed.*
2. 05/18/2024 Proposal by Oak and Magnolia to replace deteriorated/rotting retaining wall at playground, replace missing bolts on benches and playset. Voted on by email and approved. *The proposed work has been completed.*
3. 05/18/2024 Proposal by Oak and Magnolia to replace/repair split rail fence at lower open space by bluff; replace NGPA sign posts on Bayview Dr. Voted on by email and approved.
4. 05/23/2024 Proposal by Total Tree Service to trim trees at Bayview Park, and lower open space by bluff. Voted on by email and approved. *The proposed work has been completed.*
5. 06/05/2024 ACC discussed potential measures for annual meeting, which may include: update view policy, create artificial turf policy, update driveway parking policy, and recommendation on dues increase.

Applications for Approval of Improvements received:

NTR

Meeting adjourned at 7:10 PM by Dani Folsom.