

OCHL - 12 HOMEOWNERS ASSOCIATION

ARCHITECTUAL 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, September 4, 2024

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

Others in Attendance: Victor Cox, Carol Tendo

Meeting called to order at 6:02 PM by Dani Folsom

Approval of Minutes: Minutes for August 7, 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.

UPDATE 07/03/2024 HOA Officers are scheduled to provide depositions July 24-25.

UPDATE 09/04/2024 Both parties are submitting motions for summary judgment with reply briefs due late August.

STATUS: OPEN

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.

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

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

STATUS: OPEN

6. 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. PASSED.

UPDATE 06/05/2024 ACC is seeking bids for a swing set replacement.

UPDATE 07/03/24 Motion by Rystrom to award the purchase and installation of a new 3 bay swing in Bayview Park to GameTime - Great Western Recreation: Swingset \$8,088.00, Freight - \$2,208.23, Tax - \$1,060.00. Seconded by Birney. PASSED. Agreement with Windward Bluff contributes 20%.

UPDATE 09/04/2024 Swing set are scheduled to be installed on Sept 16-18.

STATUS: OPEN

8. Annual Meeting

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.

UPDATE 08/07/2024 Discussed potential dates for annual meeting, focusing on first week of November. Will discuss further in September.

UPDATE 09/04/2024 Discussed annual meeting date, and best times. All agreed to Wednesday, November 13, at Rosehill Community Center, Mukilteo.

STATUS: OPEN

9. View Issues

07/03/2024 Homeowner on Club House Lane asked the ACC to re-open previous view complaint of home below on Preswick Lane near Bayview. Stated trimmings of branches have re-grown into place, again partial blocking of view. ACC will further investigate and address as appropriate.

UPDATE 08/07/2024 Homeowner on Preswick Lane is looking into remedies, and should have additional information in September.

UPDATE 08/07/2024 New complaint from homeowner on 59th on neighboring home, golf course view.

UPDATE 09/04/2024 Homeowner on Preswick Lane, with an active view impairment against the property, homeowner, provided a printed presentation of what he has done so far to remedy the view complaint. The homeowner stated that there are other trees to the right and to the left of his trees that also block the view of the homeowner on Club House Lane and that it is not fair to be singled out. The ACC will coordinate with the Club House Lane homeowner to initiate a view impairment complaint against all offenders.

STATUS: OPEN

NEW BUSINESS:

1. Discussion, led by Powers, that pages 40-43 revision of the 2005 "Evaluation Standards and Guidelines to Architectural and Aesthetic Control and View Protection," in One Clubhouse Lane, as it was never officially approved, and should be removed. ACC members agreed and will recommend the board proceed with this change.

Applications for Approval of Improvements received:

Meeting adjourned at 6:55 PM by Dani Folsom.