

Approved: 12/10/19

**Solana Estate Lots Homeowners Association
Minutes of the November 6, 2019 Board Meeting**

Call to Order

The meeting was called to order at 6:00 PM.

Roll Call

Board members present included:

Mary Hartman
Joe Pancoast
Pete Gravelle
Bruce Emery

There being all Board members in attendance, a quorum was present for the conduct of business.

Proof of Notice of Meeting

The Secretary provided a true copy of the Email providing notice of the meeting, which correctly stated the date, time and location of the meeting, and included a list of all recipients of the notice—thereby verifying that notice had been given in accordance with the Bylaws.

Adoption of Minutes

[NOTE: This item was taken out of sequence from the Agenda after New Business.] The Board considered the minutes of the April 17, 2019 meeting of the Board. After consideration, it was moved and seconded to approve the minutes as submitted, which passed unanimously.

Officers' and Committees' Reports

There were no officer or committee reports.

Unfinished Business

There was no unfinished business.

New Business

The Board considered a request for appeal of an Architectural Control Committee (ACC) decision. The Secretary summarized the record. A request for authorization to remove, or top, a Western Red Cedar tree located on Lot 22 was received by the ACC from the owner of Lot 27 on October 14, 2019. The proponent stated the tree would block the view of Mt. Baker from their property. The ACC responded on October 17, 2019 denying the request based on the fact the tree was located approximately 330 feet from the subject property, it was one of only four large conifers remaining on the east (downhill) side of Flying Cloud Street, and topping of a conifer is not aesthetically desirable to the community. A timely request for appeal of the decision was received by the ACC on October

25, 2019, consistent with Section 4.B, Solana Estates Architectural Standards and Guidelines (Guidelines). The request for appeal included the following assertions: 1) The proponent was assured prior to buying the property that the CC&R's protected their major view corridor from being blocked, 2) that they have made every attempt to design their home within the limits of the setbacks and shape of the property to avoid having the subject tree block their view of Mt. Baker, 3) the CC&Rs are intended to protect all homeowners from having their major view corridor blocked by large trees, and 4) they have offered to bear the cost of removing the tree and replacing it with a tree of the subject owner's choice.

The Secretary noted for the record that the Board had convened at 4:30 PM at the proponents' property to review the conditions of the property, views present and the subject tree's impact on that view. All discussion during the site visit was limited to the facts of the property and the extent of view obstruction present.

A Board member asked if any provisions within the CC&Rs or Guidelines made reference to "primary view corridor?" The Secretary reviewed the relevant text excerpts regarding existing tree preservation, view corridor protection and vegetation height limits in the CC&Rs and Guidelines. The word "primary" is not mentioned with respect to view corridors in the regulations.

The proponent addressed the Board. They indicated they have been working on a design for a home that will work on the property. They noted the property is "wedge-shaped" and, because of setbacks, they were limited on where they could fit the home. Given the design developed, the tree in question would obstruct the view of Mt. Baker from the home in the area of the living room. They noted the tree is large, with three to four tops. They reiterated they were told they could bring this matter to the ACC or Board for approval. They feel frustrated by the process and are just trying to work through it.

The Board discussed the matter. One Board Member suggested they could support the topping of the tree to open up the view, but did not favor the tree's removal. Another Board Member voiced opinion that there should be no change and the tree should be left intact. Another Board Member articulated that the primary draw to Solana Estate Lots were the views and felt the view should be protected for the proponent with the removal of the tree.

The Board opened the meeting to public comment. The owner of Lot 22 and the tree in question addressed the Board. They expressed disappointment they were not notified of the original proposal and did not wish the tree to be removed, arguing that if the tree were removed, which one would be next? Several other Members expressed opposition to the removal of the trees, arguing the need to retain as many larger conifers as possible to protect the aesthetic quality of the community.

The Board continued discussion on the matter. One Board Member reiterated their position that the views were the primary draw to the community and felt the removal of the tree should be authorized. The Secretary noted that,

regardless of where people stand on the issue, the CC&Rs and Guidelines require that both the views and trees should be protected, and that a balance between these two competing interests must be struck. Following discussion, it was moved and seconded to uphold and adopt the ACC's findings on the matter and deny the request for appeal. The motion passed with three (3) in favor, and one (1) opposed.

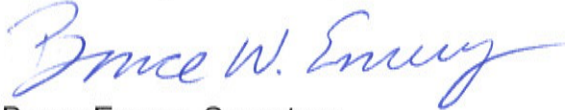
Non-Agenda Items and Discussion

There were no non-Agenda discussion items considered.

Adjournment

The meeting was adjourned at 7:03 PM.

Respectfully Submitted,



Bruce Emery, Secretary
Solana Estate Lots BOD