

**Solana Estate Lots Homeowners Association
Minutes of the May 24, 2018 Special Meeting**

Call to Order

The meeting was called to order at 6:00 PM

Roll Call

Members represented in person:

Britt & Michelle Clausen
Mark & Chong Lummis
Ed & Trudy Urbanski
Herman & Ardyce Sakimoto
Margaret & Harry Phillips

Mark & Collette Pekar
Don & Chrysan Owens
Peter & Mary Hartman
Bhaskar Sengupta
Bruce Emery (Green Crow)

Members represented by proxy:

Bill & Marcia Sterhan
Joe & Kiyon Pancoast
Stephen & Connie Kunick
Robert & Tamara Cook

Pete & Olivia Gravelle
Robert & Carol McGill
Cris Gonzalez/Denise Kyzelis

There being 188 votes (94.5%) present, a quorum was present for all three Associations allowing for the conduct of business.

Proof of Notice of Meeting

The Secretary provided an Affidavit of Mailing of the 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 CC&Rs and State Law.

Adoption of Minutes

There were no minutes of prior meetings to consider.

Officers' Reports

There were no Officer's Reports to consider.

Old Business

There was no Old Business to consider.

New Business

The Members considered an issue regarding Lot 19, in which the owners were seeking relief from the strict application of the maximum impervious surface standards established under Section 5.1.3, CC&Rs. Specifically, the proponents wished to be allowed to place 10,086 SF of impervious surface in order to construct a concrete driveway to access a planned two-car garage in the rear of

the building. The site is allocated a maximum of 8,000 SF per Section 5.1.3, CC&Rs, and the Plat. The proponents had prepared an engineered mitigation plan that was designed to offset the peak flow of stormwater runoff, which was approved by the City Public Works Department, and will be required by the City as a condition of project approval.

The project was originally approved by the ACC, with the condition that the total impervious surface area be limited to no more than 8,000 SF. This requires that over 2,000 SF of the driveway and parking area be installed as a gravel surface. The proponents appealed this condition to the Board of Directors. The Board denied the request based on the language of Section 5.1.3, CC&Rs, which preempts the Board and the ACC from granting any waiver of the standard. Following the appeal hearing, the Board consented to bring the matter before the Association Membership as the prohibitions of Section 5.1.3 did not extend to the membership.

To address concerns raised prior to the Association meeting questioning whether the Membership had authority to consider a waiver of Section 5.1.3, the proponents, represented by their builder Caleb Anderson of Anderson Homes LLC, presented a letter from their attorney offering opinion on the matter. Unfortunately, Opinion #3 of the letter simply reaffirmed the CC&R amendment process that requires a 67% affirmative vote of the Association, and not the question of whether the membership had authority to consider a one-time waiver of Section 5.1.3.

Concerns were expressed over why the proponents had progressed so far with their project before dealing with the maximum impervious surface issue. Mr. Anderson indicated the intent was to use permeable concrete, which would have complied with the CC&Rs; however, he only learned well into the project that permeable concrete could not be used on, or within 50 feet, of slopes greater than 10%. Concerns were expressed why the ACC approved a proposal that included such extensive driveway and gravel use. A representative from the ACC indicated that the decision was consistent with the requirements of the CC&Rs and the Architectural Standards and Guidelines. Concerns were expressed by a neighboring property owner that they were not included or notified of the review process. The Secretary noted the validity of the concern and suggested that changes to the review process established in the Guidelines might address that problem in the future. Concerns were expressed that any project approval of the engineered stormwater mitigation system should require a maintenance protocol to ensure proper functioning and avoid future system failure.

The Secretary asked for a show of hands of those who, based on the information discussed, felt that further legal clarification was needed before the membership should vote on the matter. A compelling majority of the attending membership raised their hands.

Non-Agenda Items and Discussion

Concern was expressed that the leaning trees located along Solana parkway constituted a safety risk and represented a potential liability to the Community Association.

Adjournment

The meeting was adjourned at 7:22 PM.

Respectfully Submitted,



Bruce Emery, Solana Estates Secretary