

FAIRVIEW VILLAGE HOA PHASE 1  
SPECIAL BOARD MEETING-AUGUST 28, 2023

Attendees: Wayne Palmiter, Kurt Hudson, Jeff Dennerline, Dixie Bowen, Kay Metsger

Meeting called to order at 6PM at Fairview Library

Jeff requested approval to record the meeting, because his interaction on the special item of the meeting would not allow his full attention to the minutes. Kay volunteered to take minutes. A vote was taken for Kay to take the minutes, and to not record the meeting, which was carried unanimously.

President role yielded by Wayne to Kurt during discussion of shed complaints.

-Pursuant to shed complaints by Jeff regarding 1359 NE Multnomah Dr, and 22226 NE Park Lane per CC&R Article VII.6

Discussion included review of procedures, process, letters on file for both properties (2019-2020), and statements by complainant, owners, and other meeting attendees.

Jeff presented his position that both sheds were never approved by the HOA, and that there is no limitation on how long it takes to address a violation, per CC&R Article IX, Section 1, Remedies Cumulative. He also expressed that the HOA should continue the enforcement steps to require removal of the sheds.

Wayne cited his exchange with the Board in 2019 and again in 2020, and presented his position that his shed at 22226 NE Park Ln was not in violation of the purpose of the CC&Rs stated in Recitals A. He also cited Enforcement Resolution Section 5 to inform the HOA board that continuing the enforcement steps to require removal of the sheds is not the only option available to the board.

Kay read a letter from Brian Sonnier, dated May 23, 2020, which summarized some of the history of the HOA actions regarding both sheds, and the unfinished status of those actions at that time.

David Petrina cited his exchange with the Board in 2019.

No further documents were presented/produced. The Board communicated with both properties in 2019, and both Wayne and David cited that the process failed to proceed to completion. No fines were levied against David Petrina's property, nor was any second complaint letter filed/sent to Wayne Palmiter. Neither homeowner has received any notice (written or verbal) in the years since 2019/2020.

A discussion of the proposal to review/change the CC&Rs ensued. It was not pursued at the 2023 Homeowner's meeting due to "costs". Bob Fenske shared that the Board may review any complaints/questions that might be deviations from the CC&R's, and that the Board has the authority to review/override them in their best judgment. Other examples of "deviations" were discussed (fences) and the need to update outdated language of CC&Rs. Motion by Kay, that "the complaints against properties/sheds at 1359 NE Multnomah Dr and 22226 NE Park Lane shall be dropped, as the sheds have been established for 4 years and meet the criteria of adding value to properties, promote desirability, attractiveness, styling

per current maintenance by both homeowners, and that no further actions shall be lodged against these properties". Seconded by Dixie, and carried 4-Yes (Kay, Kurt, Dixie, Wayne), 1-No (Jeff).

-Pursuant to complaint against vehicle at 1153 NE Multnomah Dr per CC&R Article VII.10.2-Recreational Commercial Equipment

This is deemed an "investigation" per the recommendation of the ARB, because the ARB was not able to determine if the vehicle qualified as a recreational vehicle.

Rich Bowen presented information regarding the vehicle in question. Pictures of 1995 RV campers/recreational vehicles were provided to show possible "original intent" by CC&R language.

It was shared during the meeting that the Oregon DMV considers this vehicle a "passenger" vehicle and it is registered as such. Also, the following characteristics of the canopy camper qualify it as not being considered a truck camper: the limited dimensions and profile, the 500-pound weight, the bed of truck is actual floor of the canopy, the lack of camper jacks, and the permanent installation onto the vehicle. Last, the vehicle is parked in a driveway and is screened from view from the street by the house. Bob Fenske offered testimony of previous ARB 2020 conversations, deeming the vehicle not an RV, thus warranting no action/violation.

Jeff moved and Kurt seconded that "the Board make a one-time exception for the vehicle, cited at 1153 NE Multnomah, approving it as in compliance, and that no further action will be taken". Motion carried by unanimous vote.

Kay volunteered to write a response letter to Mick Harris who originated the complaint.

-Pursuant to CC&R Issues recommended for 2nd notice Pending Fines.

The property at 753 NE Pacific Dr. remains a problem. There is no compliance, nor response from the property owner. Dixie has volunteered to reach out to the owner and report back. Wayne moved that a second notice, pending fines be sent per the HOA fine schedule (\$100.00 per week for landscaping violations, and \$100.00 per week for holiday decoration violation). Motion seconded by Kay and carried by unanimous vote. Wayne to send the letter.

Both 748 Pacific Dr. and 1105 Multnomah Dr property violations were reviewed. ARB members Teresa Birch and Donna Helzer reported recent observations. Both properties have shown improvement toward compliance. The HOA board agreed by consensus that no further action is recommended.

-Wayne moved that the remaining agenda be postponed to another meeting time/date TBD. Kurt seconded the motion, and it was carried by unanimous vote.

Meeting adjourned at 7:25PM.

Submitted by Kay Metsger  
On behalf of the HOA secretary