



Oak Hills Home Owners Association News

January 2013

www.oak-hills.net

CC&R Changes:

What Happens Now that the Voting Is Over?

by the OHHA Board of Directors

Oak Hills homeowners voted to approve all but two of the proposed changes to our CC&R's and Bylaws. Those two changes failed by a narrow margin. Now that the vote is over, what comes next?

Approved changes will become effective when they are recorded with Washington County. Until that time, all of Oak Hills' current governing documents will apply. Our law firm is in the process of creating the required

document so that it meets the standards for recordation.

In the meantime, the Board will develop a set of interim policies and procedures that address the new rules, and supplement the 2001 Handbook. The long-term plan is to issue a new Policies and Procedures document that will update and replace the 2001 Handbook. It will address the new rules, clarify the old rules, and will go into greater detail about the

procedures and forms used to implement all of the rules. The CC&R's establish our rules by a 75% affirmative vote of homeowners. Policies and procedures are clarifications of the CC&R's adopted by a majority vote of the Board.

An item-by-item list of the provisions that were on the ballot and their interim interpretation by the Board follows on Page 2, and voting results are on Page 5.

Nomination Submitted for Historic District

by Kristin Parks, OHHA Director

The information package nominating Oak Hills for Historic District status was submitted to the State Historic Preservation Office (SHPO) in November. The public notice cycle has begun, and the State Advisory Committee on Historic Preservation (SACHP) will meet at the Oak Hills Church on Feb. 14, 2013 to decide whether or not to forward the nomination on to the National Park Service for listing on the National Register of Historic Places.

According to SHPO, a historic district is an area that has a concentration of buildings and associated landscape and streetscape features that are typically at least 50 years old or older. The fact that most of the residences in Oak Hills will be less than 50 years old when the historic district is listed in the National Register means that this neighborhood has to demonstrate "exceptional importance." To be eligible for the Register the majority of the buildings in the district must maintain their historic appearance, or be

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Historic District Questions to Be Answered Jan. 17

With the nomination of the proposed Oak Hills Historic District posted, homeowners have brought a few new (and repeated) questions to the Board.

We have invited the State Historic Preservation Office, Washington County, and the Historic Preservation League of Oregon to attend the Board Work Party Meeting on Thursday, January 17th. The purpose of this meeting is to answer any remaining questions from the community, address concerns and resolve conflicting information from Washington County.

Anyone interested in the Historic District designation is invited to attend. Look in the February Board newsletter for a summary of the meeting and list of facts.

Interim CC&R Change Interpretations

Article I: General Definitions: This article mainly clarified the definitions used in the CC&R's. Words such as "owner," "resident," "improvement," and "lot" were better explained. There was one crucial definition that would be important later in the CC&R's - the "Architectural Review Board" was established as a standing committee of the OHHA Board of Directors. This definition will be used as the basis for several changes later on. Overall this section will have little impact on homeowners except that the Architectural Review Board will be a fairly major change for Oak Hills.

Article II: Defines Association membership: This simply updates the definition of what constitutes a member of the Oak Hills Home Owners Association. It cleans up the language but there will be no impact on homeowners.

Article III:

(a) Commercial activities: This is a major change to the CC&R's, although it has little effect on current policy. In the past, no commercial activities including home businesses were allowed at Oak Hills. The new language clarifies that only evident and objectionable activities are prohibited. There has been no enforcement of this provision in the past, but with the passage of this section objectionable business will no longer be allowed. An example might be a business that resulted in an increased noise level not usually found in a residential neighborhood, or increased traffic to and from the home business, or reducing parking space for other residents.

(b) Pets: Technically a change, the new provision preserves the status quo. It permits household pets beyond dogs, cats and caged birds to such pets as rodents (gerbils, hamsters, etc.) and reptiles (small snakes, lizards, etc.). Livestock and fowl are still prohibited. Commercial breed-ing and unreasonable numbers of pets are still prohibited. The change simply makes it clearer that homeowners can have reasonable pets in reasonable numbers. This will have little or no effect on homeowners, although those hoping for the addition of chickens to the list of allowed pets will have to wait for the next CC&R change.

(c) Oil and gas exploration: Updates the language that prohibits oil and gas exploration on Oak Hills property. There is no change in policy, the language was made clearer.

(d) Noxious or offensive activities: This was intended to clarify the existing meaning of the provision. There are two changes. First, the ban on offensive activity on property in Oak Hills has been

clarified to make it more obvious that it applies to both private and common property. Secondly, the definition of an annoyance has been changed from detracting from the "value" of the neighborhood to detracting from the "character" of the neighborhood. The change in wording was proposed by the RDR Committee and approved by the Board because it was felt that the word "character" better reflected both past and present interpretations of the provision.

(e) Relocation of language: Clarifies, but does not change, homeowners' responsibility to maintain the parking strip. Also moved part of the current provision to another location in the CC&R's where it made more contextual sense. No effect on homeowners.

(f) Tree removal: This was intended to clarify the existing meaning of the provision. Approval is needed to remove trees from parking strips and common property. Approval is still not required for removal of trees located anywhere else on private property. No policy change or effect on owners.

(g) Screen garbage cans from street: Currently, garbage cans that are stored in a highly visible location are considered to be a nuisance and must be moved. The new provision goes a step further and requires that owners must make "reasonable efforts" to actively screen them from view from the street. This is a significant change for homeowners who store their garbage cans outside.

Article VI: Use of OHHA property by owners/residents: In addition to the existing policies regarding the use of Association facilities (such as the Rec facilities, RV Lot, etc.), owners must also be in good *financial* standing and not delinquent in their annual dues or fines or other financial obligations.

Article V:

(a) Backyard camping: This provision clarifies the existing policy that occasional, overnight backyard camping is permitted. It also relocates another provision (regarding the limitation that lots be used for single family homes) to a different section where the context makes more sense. No policy change.

(b) Using garage for dwelling purposes: This was part of a larger editing effort to chop up a badly run-on sentence. Garages still cannot be used as living spaces. No policy change.

(c) Commercial vehicle parking: Passenger vehicles that have been significantly modified for commercial use may no longer be parked on the street, but only in a garage, carport or on a paved driveway. This was intended primarily to address the concerns

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Interim CC&R Change Interpretations, *continued from Page 2*

related to highly customized commercial vehicles parked on the street and compromising visibility, access and safety. This is a significant change and the Board will need to vote on a policy to define what is considered a vehicle that is “significantly modified.”

(d) RV’s parked in the street: The existing policies about the parking of recreational vehicles of all types still apply, except that such vehicles are now specifically permitted to park on the street in front of the owner’s house for loading and unloading. More detail regarding permissible time ranges will follow, but it is not expected to be a significant departure from current practice.

(e) Regular vehicle parking: This clarifies the existing policy that ordinary passenger vehicles may park in a garage or carport, on a paved driveway, or on the street. No vehicle may park on an unpaved surface such as grass, bark or gravel. They may not park in the street in such a way that they create a safety hazard for traffic. The existing policy was ambiguous and this provides clarity, as well as additional authority for the Association to enforce restrictions on parked vehicles that may be causing a safety hazard.

(f) Abandoned vehicles: Abandoned, disabled or unlicensed vehicles may only be stored in an enclosed garage. These types of vehicles have generally been considered a nuisance and thus prohibited, but the new provisions makes this more explicit and specifically state that these vehicles cannot be parked or maintained in an open area in Oak Hills.

Article VI:

(c) TV satellites: This provision acknowledges that federal law requires HOA’s to permit certain types of TV satellites. The new language specifically directs the HOA to allow aerials, antennas, and dishes in accordance with the FCC’s Over The Air Reception Device Act.

(e) Tree/shrub maintenance: The new language requires tree and shrub maintenance to remove obstructions and maintain visibility and safe sight lines for vehicles. This has always been a general policy, but this makes the requirement very clear. This will affect owners who have bushes and shrubs that hinder visibility.

Article VII:

Section 1(a-e) Architectural Review Board

(ARB): This new section requires a formal Architectural Review Board consisting of three or more members. It provides guidelines for the composition of the ARB, broad timelines for action on Architectural Review applications, and appeal procedures. In the coming weeks, the Board will begin accepting

applications for membership on the ARB, revise the AR application form, and create a more detailed outline of the AR process and procedures. In the meantime, current AR policies will continue unchanged until the amendments are recorded. At the very end of the new section are a number of sentences relocated elsewhere in the CC&R’s to a place where they make more contextual sense. The relocations are not a policy change. This is a major change to the CC&R’s that has the potential to affect many homeowners. It will create a new, more detailed process for review and codifies many of the procedures that had been previously been handled in an informal manner.

Section 2(c) Second story additions to homes with a daylight basement: This provision is a change to the current CC&R’s. Currently, all homes are permitted a full second story above the main floor level. Now, homes with a daylight basement are still permitted a second story, but the second story must be contained within a habitable attic, and may feature true dormers. Homeowners are encouraged to contact the ARB in the early design phases of the project. The CC&R’s do not allow the ARB to reject a second story simply because it is a second story. However, in all cases, the ARB has considerable leeway in deciding what that second story will look like from the exterior. This is an important change that may affect owners of daylight basement homes.

Section 2(f) Demolition of home: ARB approval is required to demolish a home. This new provision makes more explicit the current policy that demolishing a home constitutes an “alteration which would materially alter the exterior appearance” of a home, and thus AR approval is required. No change to existing policy.

Section 2(g) ARB approval required for construction and alterations on lots: This editing change was another part of a larger effort to cut up a badly run-on sentence and relocate parts to other sections where they make better contextual sense. No policy change.

Section 2(h) Landscape design subject to review: Proposed change failed by a small margin. This change would have required approval of landscaping design changes visible from the street or common areas. The Board will consider potential consequences of the failure of this provision.

Section 2(i) Plans and specs for remodels must be submitted for approval: This editing change was yet another component of a larger effort to cut up a badly run-on sentence and relocate parts to other

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CC&R Changes, *continued from Page 3*

sections of the CC&R's where they make more contextual sense. No policy change. Plans still need to be approved by the ARB.

Section 2(j) Definition of "inharmonious":

Proposed change failed by a small margin. This was one of the most dramatic changes proposed. It would have described in much more detail what would be considered an acceptable change in a home's design. It described "inharmonious," and specified that any home modifications would have to "agree with the character that predominates" in Oak Hills. This proposal failed and so the much less specific definition of "inharmonious" is left in place for now. The Board will consider potential consequences of the failure of this provision.

Article VIII(a): Yard signs: Currently, the Board is supposed to prohibit all signs (including political signs) except those less than 18" by 24" advertising the home as for sale or rent. The new language allows the Board to follow its current practice of permitting other types of signs.

Article IX(a,c,d,e,f): Assessments. The new language cleans up years of old language and specifies the amount of the annual assessment. There are no changes to any policies.

(b)Voting for annual assessments: This is an important clarification. The new provision legitimizes our current procedure of counting only those ballots actually cast. The current CC&R's, if properly followed, would require a roll call of members immediately before a vote, and determination of the passage threshold would be based on the roll call. This change states that only votes actually cast (including proxies) count towards the threshold.

(old d): This provision moved the \$60/year/lot requirement toward capital reserves to the Bylaws. The actual amount directed to reserves is higher than this amount.

Article X: Voting for CC&R amendments: This is an important clarification. This makes the same changes in voting thresholds described in Article IX for assessment changes.

Article XI: Reserve account: This is an important change, although it is actually our current policy. The change says that the Board **MUST** establish a Reserve Study, review it, and fund the Reserve as necessary. This ensures that all maintenance needs at Oak Hills will have funds available. This language is consistent with both Oregon statute and current OHHA practice. No

change in existing policy, but it does ensure that the policy will continue in the future.

Bylaw Article III Section 10: Indemnification:

Language consistent with Oregon statute and current policy. Clarifies that Board members will not be held *personally* liable for mistakes except for willful misconduct or bad faith. No real change, but it does provide some protection to Board members that they will not be held personally liable for an error in judgment.

Bylaw Article V Section 6: Electronic voting:

Explicitly permits electronic voting for "Special Meetings" of the Association, which OHHA was already authorized to do under Oregon statute. The Board will conduct a review of the electronic ballot process from this most recent election, and refine the procedure to go more smoothly in the future. This is a major change from past Oak Hills practice. However, procedures for voting at an Annual Meeting remain unchanged.

Bylaw Article V Section 7: Electronic notice:

Explicitly permits electronic notice to homeowners under certain circumstances, which OHHA was already authorized to do under Oregon statute. There is no plan for electronic notices at this time. Any changes resulting from this provision will be discussed with homeowners. This is not a *requirement* that we *must* use electronic notice, it just allows us to do so in the future. There is no immediate change in policy.

Bylaw Article VIII: Reserve account allocation:

The \$60/year/lot provision that was moved from Article IX in the CC&R's. No policy change. This is a rearrangement of existing language.



Voting Results:

Proposed Changes to Oak Hills Governing Documents

Proposed Change	Yes Votes	No Votes	% Yes	Pass/Fail
Article I: Definitions	148	26	85.1%	Pass
Article II: Remove "Declarant" language	155	20	88.6%	Pass
Article III(a): Commercial activities	151	24	86.3%	Pass
Article III(b): Pets	142	33	81.1%	Pass
Article III(c): Language update - oil and gas exploration	160	15	91.4%	Pass
Article III(d): Language update - noxious/offensive activities	153	22	87.4%	Pass
Article III(e): Relocation of provision	145	28	83.8%	Pass
Article III(f): Language update - tree removal in parking strips	141	34	80.6%	Pass
Article III(g): Garbage cans must be screened from view	141	34	80.6%	Pass
Article IV: Use of OHHA property by owners/residents	147	25	85.5%	Pass
Article V(a): Backyard overnight camping is permitted	148	27	84.6%	Pass
Article V(b): Language update - garage can't be used for living purposes	149	26	85.1%	Pass
Article V(c): Parking of "significantly modified" commercial vehicles	142	33	81.1%	Pass
Article V(d): RV's okay to park on street to load and/or unload	148	27	84.6%	Pass
Article V(e): No vehicle parking on unpaved surfaces like the lawn	152	23	86.9%	Pass
Article V(f): Abandoned vehicle parking okay only in enclosed garages	149	26	85.1%	Pass
Article VI: Some TV satellites permitted; tree/shrub maintenance	150	25	85.7%	Pass
Article VII(1a-e): Creates and defines Architectural Review Board	133	42	76.0%	Pass
Article VII(2c): Second story additions to homes with daylight basements	137	37	78.7%	Pass
Article VII(2f): Home demolitions require ARB approval	137	38	78.3%	Pass
Article VII(2g): Language update - ARB approval required for alterations	144	31	82.3%	Pass
Article VII(2h): Landscape design subject to architectural review	117	58	66.9%	Fail
Article VII(2i): Language update - must submit plans/specs for alterations	137	38	78.3%	Pass
Article VII(2j): Definition of "inharmonious"	129	45	74.1%	Fail
Article VII(2l): Language update	143	32	81.7%	Pass
Article VIII: Yard sign regulation	140	34	80.5%	Pass
Article IX: Voting for annual assessments	139	36	79.4%	Pass
Article X: Voting for CC&R amendments	141	33	81.0%	Pass
Article XI: Reserve account/study required	151	23	86.8%	Pass
Bylaws Article III(10): Indemnification of officers	146	29	83.4%	Pass
Bylaws Article V(6): Electronic voting	147	28	84.0%	Pass
Bylaws Article V(7): Electronic notice	144	31	82.3%	Pass
Bylaws Article VIII: Relocate reserve account provision from CC&R's	150	25	85.7%	Pass

Historic Nomination, *continued from Page 1*

“contributing,” and the district must be associated with an important aspect of the area’s history. A map of “contributing” and “non-contributing” houses in our neighborhood is on the SHPO website.

The nomination argues that the Oak Hills Historic District is notable for its design and as an early Planned Unit Development (PUD) that set a precedent for flexible land use codes in Washington County. The development epitomizes trends in 1960’s planned community design that emphasized varying residential densities, mixed uses, open space, and land conservation. The Oak Hills Home Owners Association is also important as an example of an early HOA-governed community in the greater Portland metro area. A full copy of the draft nomination will be available on the SHPO website on December 31st.

From the Public Notice SHPO published in *The Oregonian* on Dec. 13, 2012: “Any owner of private property located within the boundaries of the proposed district may object to the listing by submitting a notarized statement to the State Historic Preservation Office. The statement should certify that he/she is an owner of the property and that she/he objects to the listing.” The forms for Oak Hills property owners to either support or object to National Register listing can be found on the SHPO website.

SHPO and the federal government do not regulate private property unless the owner chooses to take advantage of federal and state tax incentives or grants. Benefits of listing:

- **Federal tax benefit:** Owners of rental properties can apply for a federal tax credit worth up to 20% of the cost of a “substantial” approved rehabilitation project.
- **Property tax benefit:** Owners may apply for a renewable 10-year “freeze” of the assessed value for property tax purposes if they rehabilitate their property according to an approved preservation plan.
- **Preservation grant:** If your house is “contributing,” you can apply for a “Preserving Oregon” historic rehabilitation program grant.
- **Property value impacts:** According to SHPO, designation can have a positive long-term impact on property values by fostering community awareness that leads to rehabilitation of deteriorating properties. The most pronounced positive impacts are experienced by properties in a deteriorated condition prior to listing. Anecdotes from real estate agents suggest that some potential buyers will refuse to consider historically designated properties, while other potential buyers like the idea.
- **Building code leniency:** Property owners may qualify to waive certain normal building code requirements if complying with the code would result in compromised historic integrity of the property.
- **Historic plaque:** Property owners can, but are not required to, purchase and display an official bronze National Register plaque.
- **State and Federal project impact:** State and federal laws require their agencies to examine their project’s impact

on historically listed properties. This is the benefit that required Washington County to enter into mediation with SHPO over the Bethany Blvd. expansion, and resulted in a settlement of \$21,000 towards the cost of our nomination, \$2,500 towards the rehabilitation of our main entry sign, and 15 trees to replace some of the ones cut down due to the road widening. Metro will also have to confer with SHPO about the impact of the Westside Trail on Oak Hills.

Project Timeline:

- November 1, 2012 - Oak Hills Historic District submitted for staff review.
- December 13, 2012 - Public notice published in *The Oregonian* announcing the upcoming hearing.
- December 17, 2012 - Written notification of the upcoming meeting provided to Washington County and preparers.
- December 17, 2012 - Press release sent to local print, radio, and TV news outlets announcing the upcoming meeting.
- January 10, 2013 – Second public notice to be published in *The Oregonian*.
- February 4, 2013 - Second press release to be sent to local print, radio, and TV news outlets.
- February 14, 2013 – SACHP meets to consider the nomination.
- May 16, 2013 – If approved, the nomination document is sent to the National Park Service.
- June 3, 2013 (est.) – The National Park Service will evaluate the nomination document for listing on the Register.

Draft Minutes:

Oak Hills Home Owners Association Meeting -- November 15, 2012

MINUTES OF THE BOARD OF DIRECTORS' WORK PARTY MEETING OF THE OAK HILLS HOMEOWNERS' ASSOCIATION HELD ON NOVEMBER 15, 2012 AT THE OAK HILLS CHRISTIAN REFORMED CHURCH, MEETING ROOM, 2815 NW FOREST AVENUE, BEAVERTON, OREGON AT 7:00 PM.

PRESENT: Mrs. Linda Kitchin, President
Mr. Dan Smith, Vice President
Mrs. Sara Bourne, Secretary
Mr. Joe Welsh, Treasurer
Mrs. Elizabeth Chapin, Director
Mr. Brad Buchholz, Director
Mr. David Busby, Director
Mr. Jim Erzen, Director

BY INVITATION:

Mrs. Diane Wood, Community Manager CMCA,
AMS, PCAM, CAMP
COMMUNITY MANAGEMENT, INC. AAMC

Owners as listed on the sign-in sheet.

I. CALL TO ORDER

The meeting was called to order at 7:05 pm by President Kitchin.

II. OPEN FORUM

Micki Spar submitted a letter of opinion regarding the Board appointment of the vacancy. The President acknowledged they had received the letter previously.

III. APPROVAL OF MINUTES (SEE ATTACHED) AGREED

Bourne moved to approve the minutes from the Board Meeting held on November 7, 2012 as corrected and so noted on the original draft. Smith seconded the motion and it was approved. Chapin abstained.

IV. FINANCIAL REPORT

Treasurer Welsh reported the Treasurer's report would be submitted at the next meeting as the Financial Statement had just been made available and he had not had adequate time to review it.

CMI Wood stated if satisfactory, the Vial Fotheringham Collection Reports will be emailed to the President and Treasurer. President Kitchin stated that was satisfactory.

V. FILLING OF VACANCY

President Kitchin reported three owners had expressed an interest in filling the vacant director position until the Annual Meeting and in the future if they were reelected. Owners Martin Hehman, Kristin Parks and Bob Erickson introduced themselves.

AGREED

Motion made by Buchholz and seconded by Welch to approve the three members to stand for election to the position. Motion unanimously carried. The first vote resulted in a tie between Parks and Erickson. The Board again voted and the result was Kristin Parks being elected to the position.

VI. RECREATION COMMITTEE & POLICY MANUAL

President Kitchin provided each Board member with a copy of the Employee Handbook and requested they each review it in general and in particular, in preparation for the Board members who had been appointed to the Recreation Committee Review. In addition, it may be prudent to have the Handbook updated as the last review was done in 2008.

AGREED

Kitchin stated the Recreation Committee Review will meet in December and the Employee Handbook will be reviewed by the Board at the second meeting in February.

VII. WEST SIDE BIKE TRAIL UPDATE

Director Chapin stated the plans for the West Side Bike Trail are rapidly progressing and it is important the Association provide their input promptly if they would like it to be considered. Chapin noted it is a complex project that includes not only a bike trail but also wetlands, migratory patterns, tying communities together, etc. She recommended a committee be appointed to monitor the project and to make recommendations to the Board that will benefit and protect the Association's interests.

AGREED

Chapin agreed to prepare an article for the newsletter inviting volunteers to join the West Side Bike Trail Committee. Kitchin stated the issue will be on the agenda for the second meeting in January and will hold a place on the agenda until the Board decides otherwise.

VIII. GYMNASIUM FLOOR

Vice-President Smith reported the President and himself had met with the contractor who had agreed to clean the gym

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floor, reapply two coats of product and two coats of a final product at no charge for labor and about \$1,800.00 for materials. Smith stated the floor had been damaged by the unprotected bottoms of chairs and tables that punctured the coating.

IX. RESERVE FUND BUDGET MEETING AND IMPROVEMENT MEETING

President Kitchin reported the above topics will be on the agenda for the January 2nd Board Meeting.

X. THANKS TO AN OWNER

President Kitchin thanked Owner Andy Sisavic for posting a sign reminding owners to participate in the CC&R vote.

XI. RV LOT - ELECTRICAL WORK

Director Chapin requested assistance with obtaining proposals for the installation of an electrical access system to the RV Lot.

AGREED

Welch will refer an electrician to Chapin who might be able to assist and CMI Wood will request John Krueger, Metro Overhead Door contact Chapin.

XII. RESULT OF THE CC&R VOTE

Discussion followed regarding the disbursement of the results of the CC&R vote.

AGREED

It was agreed the results of the CC&R vote will be placed in the newsletter that will be prepared after Thanksgiving.

XIII. APPOINTMENT OF SECRETARY

Discussion followed regarding the appointment of a Secretary.

AGREED

Motion made by Smith and seconded by Welsh to appoint Kristin Parks as Secretary. Motion unanimously carried.

XIV. WEBSITE

Discussion followed regarding whether or not the Association's website is open to owners only.

AGREED

Smith will research if it is possible to limit access.

XV. BURGLARY

Smith reported the burglary that had occurred at the Recreation Center had been reported to the police some time ago. Further information had been requested from Washington County by Smith but had not yet been received.

XVI. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:33 PM.

January Board meetings: **Wed., Jan. 9, 2013** at 7 p.m. at the Oak Hills Church
Thurs., Jan. 17, 2013 at 7 p.m. at the Oak Hills Church

Oak Hills Home Owners Association Board of Directors

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Elizabeth Chapin Director	Urban Liaison & RV Lot	503-533-5403	chapin99@gmail.com
Jim Erzen Director	Maintenance	15368 NW Wooded Way 503-758-3847	jim.erzen@us.army.mil

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