



TDA SPECIAL BOARD MEETING

Slip 584 Occupancy Status – June 26, 2026 Minutes – **DRAFT**

Held on ZOOM

CALL TO ORDER:

President Peter Bairey called the meeting to order at 6:00 PM on Friday, June 26, 2026.

ROLL CALL AND QUORUM:

Board members present: Peter Bairey, Tom O'Connor, Liz Munnelly, Gigi Bustin, and Bill Mascott. A quorum was confirmed.

Members in attendance: Jill Brown, Victoria Grace, Danna Herrell, Eric Keebler, Kelly Monfort (real estate agent representing the sellers), Lee & Patty Nielsen (owners of Slip 584), Mike Patterson, and Robin Smith.

Proof of Notice: Meeting notice was emailed to membership on Tuesday evening, June 23, 2026.

Purpose of Meeting: President Bairey confirmed this was a single-topic special meeting called to address the occupancy status of Slip 584 and its multifamily rental status, and that no other business would be conducted or motions made that did not pertain to that topic

ATTORNEY'S OPINION:

Treasurer Tom O'Connor reported that the Board had engaged legal counsel (attorney Montague) to review the governing documents as they relate to Slip 584's multifamily status. Tom stated that he had compiled the bylaws, Rules and Regulations, ARC guidelines, the 2002 TDA roster, and other documents provided by the Nielsens, summarized the issues for counsel, and requested an expedited response, which counsel provided. All board members confirmed they had reviewed the attorney's written opinion in advance of the meeting, as well as counsel's answers to a set of written questions submitted individually by board members.

Tom summarized counsel's opinion as follows: four provisions of the governing documents bear on the issue, and none of them, individually or together, create a clear framework for resolving it. Counsel noted that (1) rental policy generally is a separate, moorage-wide topic not specific to 584; (2) Bylaws Article 11, Section 1 contains a legacy exception for "existing multiple dwellings," which counsel believed was intended to be synonymous with "multifamily dwelling," and that this provision operates as an occupancy-limit carve-out rather than a restriction on rental; and (3) the ARC Guidelines and the Rules and Regulations contain materially identical 1999 language addressing the status of homes as of TDA's formation, but that language governs physical modification of homes, not their use. On that basis, counsel concluded that 584 is clearly a multifamily dwelling by virtue of its modification and use, that it is likely a "multiple dwelling" for purposes of the Article 11, Section 1 legacy exception, and that the Board's failure to formally exercise or document that status over the past 20-plus years does not negate it. Counsel further advised that the Board is not representing the legal status of 584 to any third party by taking this position, and that doing so does not expose TDA to liability.

Tom noted that counsel was also asked whether, if the Board could not block a multifamily sale, it could instead require, as a condition of approval, that the units be formally permitted by the City of Portland before the sale closes or before multifamily use continues. Counsel responded that the Board could determine that rentals will only be allowed in legally permitted dwellings, but that this restriction is not currently described in TDA's rules, would apply equally to single-family rentals, and would need to be adopted as a future rental policy rather than imposed on a single property tonight.

HISTORY AND DOCUMENTATION OF SLIP 584:

Owner Lee Nielsen clarified that Slip 584 is, by title, a single-family home and has never been a legal duplex. He cited the City of Portland Title 28 definition of a floating home as a floating structure used as a one- or two-family dwelling or sleeping unit supported by a flotation system, and stated that 584 has only ever been advertised as "duplex-like," never as a duplex. He noted that the architectural plans for the conversion of the home bear a City of Portland "Approved" stamp, permit #53667, dated January 3, 1997, along with the architect's signature, and confirmed that the city approval seal appears directly beside the architect's signature on that document.

The Nielsens stated that Slip 584 was rented as a two-occupant dwelling from approximately 1999 to 2004 or 2005, and that the 2002 TDA roster documents the property as multifamily with renters. **The Board noted that a 2004 letter from a prior board asked the then-owners to seek City of Portland recognition of the property as a multifamily dwelling, and that rental of the second unit ceased after that letter.** Lee Nielsen also clarified that the 2002 transaction between Patty Nielsen and her former spouse began as a 1031 Exchange but was ultimately completed as a standard sale. The Nielsen family has used the property as a single-family residence for more than 20 years since.

BOARD DISCUSSION:

Secretary Munnelly's concerns: Liz Munnelly raised concerns regarding the absence of any permit or inspection record showing that the City of Portland had signed off on the actual physical conversion of 584 from a single-story home into its current two-and-a-half-story, multiple-entrance configuration. She noted that the architectural plans bear the architect's signature and a city approval stamp on the plans themselves, but that the Board has no documentation that the completed construction was ever inspected. She raised a related concern regarding the Moorage's history under prior owner Dwight, who she stated had a pattern—corroborated by accounts from Don Gire and others familiar with his work—of obtaining but not closing permits after proceeding with work. She also referenced a 2002 version of Article 11 that she had previously shared with the Board, which stated that all floating homes shall be single-family dwellings but also included a grandfather clause for "existing multiple dwellings," and noted that the single-family-dwellings sentence had since been removed from the bylaws, leaving only the grandfather/legacy language. Liz stated her view that, as a condition of recognizing 584's legacy status, the Board should require that any future multifamily rental of the property be confirmed by the City of Portland, and stated a preference that any Board affirmation be limited specifically to the historical 1999–2004 period of use rather than an open-ended affirmation of multifamily status going forward.

Bill Mascott's position: Bill stated that the documentation provided by the Nielsens was, in his view, overwhelming, and that he had no issue with 584 being recognized as a multifamily dwelling or with a future buyer renting it as such, provided that buyer obtained whatever licensing and code compliance the City requires. He stated that he had researched the issue and found nothing requiring the City of Portland to separately permit a multifamily floating home, and that any permitting or licensing burden falls on the buyer at the time of rental, not on TDA or the current owners. He pushed back on the request that permitting be made a condition of the Board's action, stating that the bylaws provide no foundation for such a condition. Bill separately commented that he had been struck by the volume of membership correspondence supporting the Nielsens' position, which prompted an objection from Gigi Bustin, who stated that many members hold differing views but are simply unwilling to put their names to a written letter, and that it was a misstatement to characterize the letters received as reflecting majority sentiment. Liz also noted that many of the letters were from former members. Bill responded that he generally discounts opinions not put in writing as a matter of personal practice, and Gigi reiterated that members had not been asked to weigh in either way.

Gigi Bustin's position: Gigi distinguished between the multifamily use of 584 and its multifamily legal status, noting that the Board has documentation only of the former. She questioned the value of a Board vote at all, stating that, if counsel had already concluded the legacy exception applies as a matter of existing bylaw language, the Board was not changing anything by voting, and a future board could simply decide differently in five years regardless. She stated she could affirm that 584 has historically been used as a multifamily dwelling, but could not affirm that it is a multifamily dwelling in a legal sense, since no governmental authority has made that determination. Tom O'Connor responded that the legacy exception is contained in the bylaws and is not something the Board can change, but that formally recording the Board's position in 584's file creates a record that future boards cannot simply relitigate, citing the Board's 2023 decision on legacy garage renters—which was never followed by formal documentation of who actually qualified—as a cautionary example of the kind of ambiguity the Board's trying to avoid repeating.

Tom O'Connor's framing: Tom repeatedly urged the Board to keep its scope narrow, stating that the question before the Board that evening was solely whether 584 is subject to the Article 11, Section 1 legacy exception, and not the separate questions of rental permitting, code compliance, or moorage-wide rental policy, which he said the Board would need to address in a future, more comprehensive discussion not specific to 584. He stated that he was prepared to make a motion that evening, noting that the Board had received a comprehensive legal opinion on an expedited basis and that he did not expect the underlying facts or law to change with additional delay.

Peter Bairey's position: President Bairey stated that he had only learned the prior Thursday that 584 was being marketed in a duplex-like configuration, and expressed discomfort with the timing of the issue relative to the pending sale. He initially stated he was not prepared to vote on any motion that evening and would prefer to defer the matter to be considered together with a broader rental-policy discussion. After hearing Lee Nielsen's clarification that 584 has never been sold or held out as a legal duplex, Peter stated that he had come to view the situation more as comparable to a homeowner renting out a room within a single-family residence, and indicated he was willing to support a narrowly worded motion limited to affirming the legacy exception.

Input from owners and agent: Lee Nielsen reiterated that 584 is, by title and by the City of Portland's own Title 28 definition, a single-family home capable of two-family use, not a duplex, and stated that without Board confirmation, the pending sale, the buyers, the buyers' agent, and the Niensens' own plans were all on hold. Kelly Monfort, the real estate agent representing the sellers, confirmed that an affirmation of legacy status would address the buyers' core concern, but acknowledged she could not promise the buyers that a future board would never revisit moorage-wide rental rules, and that any such future change would apply equally to all rental properties in the moorage.

MOTION AND VOTE:

Tom O'Connor moved: **"House number 584 falls under the existing multiple dwelling legacy exception in Article 11, Section 1 of our bylaws."** Peter Bairey seconded the motion. Before the vote, Gigi Bustin confirmed her understanding that the motion did not declare any new status for the property and did not characterize it as a duplex, but simply affirmed that the existing bylaw language applies to 584 as written. Board members present confirmed this shared understanding of the motion's scope.

The motion passed by unanimous vote of the Board present, 5-0.

MEETING ADJOURNMENT:

Gigi Bustin moved to adjourn; Bill Mascott seconded. The motion was approved unanimously. The meeting adjourned at approximately 7:05 PM.

SECRETARY'S NOTE:

Secretary Liz Munnelly voted in favor of the motion so that the Board's decision would be unanimous and clearly documented in Slip 584's file. She would like the minutes to reflect that, throughout the discussion preceding the vote, she raised and maintained reservations regarding: (1) the absence of any documentation that the City of Portland inspected or signed off on the structural work that converted 584 from a one-story home into its current two-and-a-half-story, multiple-entrance configuration, beyond the architect-stamped 1997 plans; and (2) her preference that any future multifamily rental of 584 be conditioned on confirmation of applicable City of Portland permits, licenses, and code compliance. She noted that while the motion as worded affirms only that the existing legacy exception in Article 11, Section 1 applies to 584 and does not impose any new restriction or condition, she did not believe it resolved the permitting and inspection questions she raised, and asked that her position be preserved in the record.

NEXT STEPS:

Place copy of meeting minutes in 584's file. Liz Munnelly will place a copy of these minutes in Slip 584's file as the formal record of the Board's affirmation of the legacy exception.

Schedule future Board discussion on rental rules across the moorage. Legal counsel flagged that rental policy needs clarification for all properties, single- and multifamily alike. This will be taken up in a future meeting and is not specific to 584.