

KING CITY HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS RESOLUTION #2015-1

SUBJECT: **SOLAR ENERGY SYSTEMS RECITALS**

Resolution #2015-1
Rescinded June 23, 2021

AUTHORITY: King City Highlands is a planned community operated and managed by the King City Highlands Homeowners Association, Inc., an Oregon nonprofit corporation (**Association**) organized under the Oregon Planned Community Act, ORS Chapter 94

Whereas: The King City Highlands and the Association are governed by the following Declarations recorded in Washington County, Oregon:

- I. *2013 Restatement of Amended and Restated Declaration of Covenants, Conditions and Restrictions of King City Highlands, a Planned Community*, recorded on July 22, 2013 as document number 2013-066510, including any amendments and supplements thereto (**Declaration**).
- II. *Amended and Restated Bylaws of King City Highlands Homeowners Association, Inc., Rerecorded*, recorded on August 24, 2011 as document number 2011-058406 including any amendments thereto (**Bylaws**).

Whereas, ORS 94.630(1)(r); Article IX, Section 3 of the Declaration; and Article V, Section 2 of the Bylaws vest the Board of Directors (the **Board**) with all of the powers and duties necessary for the administration of the affairs of the Association.

Whereas, ORS 94.630(1)(a); Article VI, Section 11 of the Declaration; and Article V, Section 2(b) of the Bylaws, empower the Board to adopt rules and regulations for the Association and enforce compliance with the Declaration, Bylaws and administrative rules and regulations.

Whereas, Article V, Section 2 of the Declaration authorizes the Architecture and Landscape Committee (**ALC**) to approve or deny the construction of any improvements on lots if the ALC finds the proposed work inappropriate for the particular Lot or incompatible with the design standards of King City Highlands.

Whereas, The Declaration and Bylaws are silent with respect to restrictions for installations of solar energy systems.

Whereas, ORS 105.880 provides that no person conveying or contracting to convey fee title to real property shall include in an instrument for such purpose a provision prohibiting the use of solar energy systems by any person on that property.

From time to time the Association receives requests from owners for the installation of solar energy systems to their Lot, and such requests are anticipated to continue.

The Board deems it in the Association's best interests to adopt design, modification and community guidelines pertaining to the installation, operation, and maintenance of solar energy systems.

HOA Board of Directors Rescinded Resolution #2015-1 at the June 23, 2021 Board Meeting. This Resolution did not address updated State and Local Jurisdiction Solar Energy System Regulations. HOA conditions for installation moved to "Green Technology" section of the HOA Architectural & Landscape Manual, 2021 Version.

THEREFORE BE IT RESOLVED THAT:

Pursuant to the authority granted in ORS 94.630, the Declaration, and Bylaw, the following rules be adopted to establish design, modification and community guidelines pertaining to installation, operation, and maintenance of solar energy systems:

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1. **Definition.** The term "**Solar Energy Systems**" means any device, structure, or mechanism which uses solar radiation as a source for heating, cooling or electrical energy. "Solar Energy Systems" includes but is not limited to: 1) Photovoltaic (PV) panels/modules, Building Integrated Photovoltaic Systems (BIPV), 3) Solar Water Heating (SWH) panels/modules, and 4) all other mechanical, electrical, plumbing, or HV AC systems that primarily and directly rely on solar energy for operation.
2. **Application Requirements.** No owner may install Solar Energy Systems without the prior written consent of the ALC. Applications to install Solar Energy Systems must be submitted, and will be reviewed, according to Paragraph 4 of the Declaration. An application to install Solar Energy Systems must include the following in order to be considered:
 - (a) A color schematic and/or simulated image of the finished installation;
 - (b) A plan sheet layout containing the location and number of collectors, location and detailed means of attachment to the roof, and location of all exterior components must be shown;
 - (c) Current roof material and color; and
 - (d) Proposed panel information and color (including panel frame), product specifications data sheets, manufacturer's installation instructions/guidelines, and any and all product warranties.
3. **Design Standards.** The ALC shall use the following design standards in determining whether to approve or deny an application to install Solar Energy Systems.
 - (a) **Professional Installation.** Solar Energy Systems must be professionally installed.
 - (b) **Tracker Systems Prohibited.** Tracker systems are not allowed under any circumstances.
 - (c) **Building Codes and Permits.** The ALC has discretion to deny an application if an owner fails to comply with any applicable building codes and permit requirements.
4. **Aesthetic Standards.** The ALC shall use the following aesthetic standards in determining whether to approve or deny an application to install Solar Energy Systems.
 - (a) **Consistent Style.** The design and installation of Solar Energy Systems shall be consistent with the architectural style and aesthetics of the house regarding style, location, size and color.
 - (b) **Visibility.** Solar Energy Systems shall be designed and installed in order to eliminate or minimize to the greatest extent possible visibility of such systems from the street and from neighboring Homes.
 - (c) **South Facing.** Solar panels are to be south-facing where not otherwise inconsistent with these Aesthetic Standards.
 - (d) **Non-Reflective Surfaces.** Solar panels shall have a non-reflective surface.

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- (e) **System Preference.** BIPV (Building Integrated Photovoltaic) systems, however, where installation of BIPV systems is not structurally feasible, solar panels/module systems may be installed. Such PV panel/module systems shall have the minimum possible clearance from the roof and shall be reviewed on a case by case basis. The ALC has discretion to determine whether installation of a BIPV system is not "structurally possible" as required by this subsection.
- (f) **Panel Installation.** Solar panels must be installed parallel with the plane of the roof and may not extend above the ridge line of the roof. Solar Energy Systems equipment must be continuous and without gaps.
- (g) **Hardware** Conduits, pipe runs, bracket fasteners, harnesses and all other mounting and electrical hardware shall be concealed from view. Any required inverters and additional utility meters/equipment shall be concealed from view from the property frontage.
- (h) **Height.** Solar panels must lay parallel to the roof on which they are erected and may not be positioned more than six (6) inches above the surface of the roof.

- 5. **Other Rules and Guidelines.** The design of Solar Energy Systems shall be consistent with any rules, regulations, or design guidelines adopted by the ALC, as well as with the Declaration and Bylaws.
- 6. **Enforcement.** The Board may issue a fine for violation of these rules in the amount of **\$25 PER DAY** (or any other amount provided for in a fine schedule adopted by the Board) until such time as the violation is corrected. The Board also has authority to exercise any or all of its remedies available in the Declaration and Bylaws and any applicable law, including without limitation seeking an injunction to remove any noncompliant Solar Energy Systems.

As reviewed, approved by action of the Board of Directors of the KC Highlands Homeowners Association, Inc an Oregon Planned Community restricted to residents fifty-five (55) years of age or older, and Non Profit Corporation.

IT IS FURTHER RESOLVED THAT:

A copy of this resolution shall be sent to all Owners at their last known address.

The undersigned President and BOD Officer certify that this Resolution was approved by the Board of Directors at a Board meeting held on: 06/28/2017



President
King City Highlands Homeowners
Association, Inc.

07/09/2017
Date



Secretary
King City Highlands Homeowners
Association, Inc.

07/09/2017
Date

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