

Policy Resolution #1-20 Renewable Energy Devices

West Hill Estates Homeowners Association (WHEHOA)

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Renewable Energy Devices

WHEREAS, Article 2, Section 2.2(b) and (c) of the West Hill Estates Homeowners Association Bylaws states, in part:

“Powers. The Association has such powers and duties as may be granted to it by the Act, including each of the powers set forth in ORS 94.630, as the statute may be amended to expand the scope of association duties and powers, together with such additional powers and duties afforded by the Declaration, the Articles of Incorporation, these Bylaws and the Oregon Nonprofit Corporation Act, including the following: (12) From time to time adopt, modify, or revoke such Policies and Procedures governing the conduct of persons and the operation and use of the Lots, the Common Maintenance Area or any Common Property as the Board of Directors may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property; (13) Enforcement by legal means of the provisions of the Declaration, these Bylaws and any Policies and Procedures adopted thereunder.

Governance: The affairs of the Association shall be governed by the Board of Directors as provided in these Bylaws. Owners have no authority to act on behalf of the Association and may take action with respect to affairs of the Association as specifically provided under the Declaration, these Bylaws, or the Act.”

WHEREAS, Article 2 of Articles of Incorporation of West Hill Estates Homeowners’ Association An Oregon Non-Profit Corporation filed with the Oregon Secretary of State on February 22, 1995, states in part:

“The purposes for which said corporation is organized are: To promote the health, safety and welfare of residents within the boundaries of WEST HILL ESTATES SUBDIVISION, and for this purpose . . . to fix assessments (or charges) to be levied against the property; to enforce any and all covenants, conditions and restrictions, and agreements applicable to the property; . . . and insofar as permitted by law, do any other things that, in the opinion of the Board of Directors, shall promote the common benefit and enjoyment of the residents of the properties.”

IT IS RESOLVED, the Policy Resolution #1-20 Renewable Energy Devices be and hereby is adopted, ratified and confirmed:

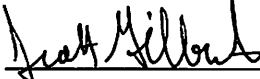
The Board of Directors hereby adopts Policy Resolution #1-20 Renewable Energy Devices, attached hereto as Exhibit A and by this reference incorporated herein.

The Board of Directors also repeals West Hill Estates Homeowners Association Policy Resolution #7-18 Renewable Energy Devices adopted on June 28, 2018.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held January 16, 2020. The Policy will be effective January 16, 2020.

Board of Directors 2019-2020	Vote
Scott Gilbert, President	Yes
Tom Gwynn, Vice President	Yes
Lorna O'Guinn, Treasurer	Yes
Doug Austin, Secretary	Yes
Sami Wright, member at large	Yes
Gudrun Hoobler, member at large	Yes
Steve Masten, member at large	Yes


ATTEST:



Scott Gilbert, President

January 16, 2020

(date)



Doug Austin, Secretary

January 16, 2020

(date)

Exhibit A:**Policy Resolution #1-20 Renewable Energy Devices****Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Renewable Energy Devices****BACKGROUND AND PURPOSE (CC&R Section 7.3)**

CC&R Section 7.3 prohibits noxious or offensive activities as well as the placing of anything within West Hill Estates which interferes with or jeopardizes any Owner's use and enjoyment of the Owner's Lot, Common Maintenance Area or Common Property. Construction of passive solar systems that reflect the sun or other lights onto other subdivision property shall conclusively be deemed an unreasonable interference which violates the CC&Rs.

These rules protect the Owners' rights by placing reasonable requirements on the installation of solar energy systems. They are also intended to preserve the aesthetics and atmosphere of West Hill Estates by making sure the design and installation are in harmony with the existing neighborhood.

ARCHITECTURAL CONTROL COMMITTEE

Prior approval of the Architectural Control Committee (ACC) is required for installation of a "solar energy system" as defined in ORS 105.880, whether passive or photovoltaic. The application must include:

- a. Construction drawings for the proposed installation showing the number and location of each collector or panel, attachment details, and location of any other exterior system components.
- b. A sample or illustrated brochure of the proposed unit, which clearly depicts the unit and defines the materials of construction and colors.
- c. The name and license number(s) of the installer(s).

A homeowner shall also provide evidence to the ACC that they have obtained all necessary building, electrical and/or plumbing permits from the appropriate authorities.

NOTE: Approval of a project application to install a solar energy system by the ACC only signifies that the homeowner has met the application requirements set forth in this policy resolution. Approval of an application shall not be construed as approval of the sufficiency of the engineering plan or a determination that the project meets fire, safety or building codes.

SOLAR SYSTEMS

Installation of solar energy systems must meet the requirements listed below.

1. Shall comply with all applicable fire, safety and building codes.
2. Solar units mounted on roofs must be installed on the plane of roof material (flush mounted) and shall not extend above the ridgeline of the roof portion to which it is attached.
3. Roof mounted solar units must be firmly secured in accordance with local building codes.
4. All fixtures and exterior plumbing or conduit lines must be painted in a color scheme consistent with the structure and materials adjacent to the pipes (i.e. pipes on walls should match the color of the walls and roof plumbing should match the color of the roof).

5. Aluminum or bright metal trim, if used and visible, must be anodized or otherwise color treated to be consistent with the color of adjacent materials. The use of non-reflective solar panel surface material is recommended.
6. Solar units not mounted on the roof (ground mounted) are to be installed according to local zoning "setback" requirements in a location other than a front yard or side yard on corner lots, and concealed from neighbors' views when reasonably possible.
7. No unit, whether roof or ground mounted, will be permitted if the proposed unit may interfere with a neighbor's customary enjoyment of their property, including but not limited to impacts such as reflected sunlight from solar panels.

SHADING OF SOLAR SYSTEMS

WHEHOA will not impose or enforce any additional restrictions beyond those already in the CC&Rs to deal with shading of solar units by trees, shrubs, screens, fences or other legal structures on neighboring properties.

WIND ENERGY SYSTEMS

The installation of a functional wind energy device such as an operating windmill or wind turbine, regardless of type or location, is expressly prohibited.

ACTIONS FOR FAILURE TO COMPLY

Homeowners who do not comply with these requirements, or allow occupants of their property to violate these provisions, will be subject to the enforcement procedures in the *Rules Enforcement Policy and Procedures* resolution.

Certified True Copy
Doug Austin
WHEHOA Secretary