

ABIQUA HEIGHTS HOMEOWNERS ASSOCIATION
Resolution by the Board of Directors

Policy 10-01
Interpretation of AHHA CC&R Article V Sections 10d and 11n

Whereas the AHHA CC&R Article V Section 10d states “Like measurement limitations for hedges shall apply to all fences placed on the Lot. In addition, all fences must be of wood or masonry/brick/stone construction. Fences of wire, barbed wire, bare galvanized chain link, or other metal post construction are expressly limited.”; and

Whereas the AHHA CC&R Article V Section 11n states “Colors: All wooden exterior surfaces shall be painted or stained. Pastels and earth tone colors are required. All exterior colors are subject to review and approval by the Architectural Committee. Color samples should be submitted with plans, prior to construction. Colors will be expected to be in harmony with the neighborhood. Each house shall be repainted or regained every eight (8) years or less unless it can be demonstrated that specific coatings are adequate.”; and

Whereas all residents/lot owners of the Abiqua Heights Homeowners Association are held binding to its Covenants, Conditions and Restrictions; and

Whereas the CC&Rs were written in 1996 and amended in 2004 and 2005; and

Whereas the intent of these sections are to have well maintained and appealing looking fences that appear to be wood, masonry/brick/stone construction or limited metal post fencing; and

Whereas technology exists today that was not available for consideration in 1996; and

Whereas technology has produced high quality composite materials of wood and resins and have the surface appearance of wood grain and texture; and

Whereas technology has produced metal bar material finishes that inhibit long term rusting and deterioration of the base material; therefore

Be it resolved Policy 10-01 “Interpretation of AHHA CC&R Article V Sections 10d and 11n” is passed this 25th day of May month, 2010. This policy is effective as of May 25, 2010 and sets forth the materials and conditions of construction for additional fencing materials as interpreted by the Board of Directors. This Rule will be in effect until voted out by the Board of Directors or modified by the membership in accordance to CC&Rs Article V Section 24.

By _____ /s/ Steve Barrett _____
Secretary

Attachment A
Policy 10-01
Interpretation of AHHA CC&R Article V Sections 10d and 11n

The AHHA CC&R Article V Sections 10d and 11n are interpreted as follows:

All fences must be approved by the ARC before any construction begins.

A. The following fencing materials are allowed.

1. Masonry, brick or stone.
2. Wood.
3. Wood composite materials for fencing. The homeowner must provide a manufacturer's brochure and sample that demonstrate a durable, attractive product that is consistent with the maintenance requirements described below. Due to the higher weight factor, special construction techniques are required to keep the fence from sagging.
4. Metal bar fencing. The homeowner must provide a manufacturer's brochure and sample that demonstrate a durable, attractive product that is consistent with the maintenance requirements described below.

B. The following materials continue to be prohibited.

1. Unfinished concrete, concrete block.
2. Vinyl fencing materials. (Prohibited as a perimeter or lot fence)
3. Wire or barbed wire.
4. Bare galvanized chain link.

C. The following materials are allowed for use in limited circumstances.

1. Vinyl material may be used for small structure items like trash enclosures, trellises, pergolas, etc.
2. Vinyl covered (green or black) galvanized chain link may be used for small areas like pet enclosures, which must be inside the yard and with no part on the property line.

D. All fences must be maintained in a manner that includes:

1. Proper alignment.
2. No sagging.
3. Wood products must be painted or stained to maintain a fresh appearance.
4. Metal bar fence products must be maintained in accordance with the manufacturer's recommendations to prevent deterioration of the base product. The intent is for the product to maintain the appearance and finish in accordance with design standards for a long term.
5. Proper maintenance to replace missing or damaged components.
6. Both sides of a fence need to be maintained as described above.