

ABIQUA HEIGHTS HOMEOWNERS ASSOCIATION
Resolution by the Board of Directors

Rule 11-01
Interpretation of AHHA CC&R Article V Section 11f

Whereas the AHHA CC&R Article V Section 11f states, “No residence may be constructed utilizing wood as a primary heat source. Fireplaces and wood stoves are permitted, however, they must be secondary to gas, oil, electric, or active/passive solar. Heat pumps, if used, must have their condenser unit located no further than five (5) feet from the Living Unit and must receive special consideration to provide screening from public view and noise attenuation.”; and

Whereas the intent of this section is to provide guide lines and conditions for solar access; and

Whereas there are state regulations (ORS 105.880 et seq. 1979) that protect access to solar resources; and

Whereas the courts and the state (Oregon HOA Statutes ORS 94-560 & 580) have ruled that planned communities have a right to establish reasonable controls on solar access; and

Whereas there is a need to establish criteria for determining what is acceptable and what is not acceptable in accordance to the CC&Rs; therefore

Be it resolved Rule 11-01 “Interpretation of AHHA CC&R Article V Section 11f” is passed this ____ 12th _____ day of _____ May _____, 2011. This resolution is effective as of ___ 5/12/2011 _____ and sets forth the conditions for passive and active solar access as interpreted by the Board of Directors. The conditions are set forth in Attachment A as noted below. This resolution 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 – Rule11-01 Interpretation of AHHA CC&R Article V Section 11f
Attachment B – Common Solar Definitions

Attachment A
Rule 11-01
Interpretation of AHHA CC&R Article V Section 11f

The AHHA CC&Rs Article V Section 11f is interpreted as follows in regards to solar systems. For purposes of this Resolution, a solar system includes solar space heating, solar water heating, photovoltaic (solar production of electricity), both passive and active collection systems, and any other current or future systems designed for the individual homeowner's residential utilization of solar energy to replace or supplement traditional forms of home energy production.

The Abiqua Heights Homeowners Association, through its Board of Directors, has the responsibility to regulate solar systems based on two criteria: 1) to assure a visual appearance reflecting harmony and compatibility with the neighborhood and 2) compliance with all relevant provisions of the AHHA CC&Rs.

Any homeowner, who intends to install any type of solar energy collection system, before making arrangements for installation, must first submit a request to the Architectural Review Committee (ARC) of the AHHA Board. Such request must include the following:

- a. Data sheets detailing all materials, specifications, manufacturer and pictures of each major component of the proposed system.
- b. Scaled drawings showing the exterior installed appearance, size, and location, in relation to the house and/or lot, of the proposed system.
- c. The ARC may also request supplemental documentation, if needed, to verify intent to comply with all applicable CC&Rs and for determining the visual impact on neighboring homeowners and/or their views.

The following criteria shall be used in determining whether a proposed solar system can be approved:

1. In the case of roof-mounted solar panels, the solar panels must be installed using the same pitch as the roof section on which they are mounted. The solar panels may not extend beyond the vertical height or the horizontal width of the roof section on which they are mounted.
2. Any solar system must be intended for and restricted to the exclusive residential use of the homeowner. Such use shall not preclude the homeowner from having a system, which feeds power back to their electric utility company.
3. The solar system components must be comprised of commercially available products, the system must be professionally installed, and all proper permits must be obtained prior to beginning installation. A homeowner who is also a professional installer of solar systems shall be allowed to do their own installation provided all provisions of this rule are followed.
4. While it is understood that solar installations are likely to add new and unfamiliar elements to the exterior appearance of a house or yard, the proposed system may not present a major visual disruption to neighboring homeowners or their views.

5. The following shall apply: ***“Notwithstanding any particular rights of solar access granted by federal, state, or local regulations, no homeowner with an Association approved solar system shall be granted any further right to impede a neighbor from building a house or a structure, or installing vegetation, which would otherwise be approved by the Association and city codes, by reason of claiming that such activity interferes, or may in the future interfere, with the viability of the homeowner’s solar installation. It is the sole responsibility of such homeowner to assess the relative risk that any desired solar installation may in the future be less effective by virtue of another homeowner exercising their reasonable right to utilize their property.”***

Prior to approval of the installation of any solar system, the requesting homeowner shall provide written acknowledgement of having received and read this rule.

Attachment B
Rule 11-01
Interpretation of AHHA CC&R Article V Section 11f

Common Solar Definitions

Active solar power is a concept practically everyone knows. This is the panel system. A set of panels is placed on a roof or in the backyard. The panels are made up of solar cells. These systems are typically used to heat water or provide electricity. Active solar heating is similar to passive solar heating, but it is a much more involved process and generates much more heat than passive systems do. Active solar heating relies strongly on three components: a solar collector to absorb the solar energy, a solar storage system, and a heat transfer system to disperse the heat to the appropriate places in your home.

Passive solar involves no panel systems. There are no batteries to be charged. Nothing is fed into the grid system for the local utility. Passive solar energy, just as the name implies, uses the heat and light from the sun without using any collectors, grids, or cells and does not actually include any sort of mechanical heating device. Rather, passive solar heating functions by incorporating building features that absorb heat and then release it slowly to maintain the temperature within the home. These building features, often referred to as thermal mass, may include large windows, stone flooring, and brick walls.

Photovoltaics is a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs solar panels comprising a number of cells containing a photovoltaic material.

Solar thermal heat process is an expression that describes the use of solar energy for heating purposes and not conversion into electricity. This heating can be applied to air or water.

Solar thermal electric is an expression that describes the use of solar energy conversion of solar energy into electricity.

Please note, "Definitions are subject to change depending on advancements in technology."