

EAGLE POINT GOLF COMMUNITY HOMEOWNER'S ASSOCIATION
Resolution of the Board of Directors

SOLAR ENERGY SYSTEMS
DESIGN, MODIFICATION, AND COMMUNITY GUIDELINES

RECITALS

- A. The Association is the Eagle Point Golf Community Homeowner's Association, an Oregon nonprofit corporation ("Association") organized under the Oregon Planned Community Act, ORS Chapter 94.
- B. Eagle Point Golf Community (the "Property") is a planned community located in the Jackson County, Oregon. The planned community was established and is governed by the documents set forth below recorded in the Records of Jackson County, Oregon:

Declaration of Covenants, Conditions, Restrictions and Easements for Eagle Point Golf Course Community ("Declaration 1") recorded July 25, 1995, as Instrument No. 95-20209, and any amendments or supplements thereto;

Declaration of Covenants, Conditions, Restrictions, and Easements for Eagle Point Golf Community and Lakeside Park Subdivision ("Declaration 2") recorded April 4, 2000, as Instrument No. 0012919, and any amendments or supplements thereto;

Architectural Review Committee Declaration of Residential Guidelines and Contractor Standards for Eagle Point Golf Community and Lakeside Park Subdivision ("ACC Declaration") recorded April 4, 2000, as Instrument No. 0012920, and any amendments or supplements thereto;

Declaration of Covenants, Conditions, Restrictions and Easements for Eagle Point Golf Community and Lakeside Park Subdivision ("Declaration 3") recorded November 2, 2000, as Instrument No. 0044545, and any amendments or supplements thereto. Declarations 1, 2 and 3 and the ACC Declaration together shall be known as the "Declarations";

Bylaws of Eagle Point Golf Community Homeowners Association (which includes Lakeside Park Subdivision) (the "Bylaws 1") recorded April 4, 2000, as Instrument No. 0013028; and

Bylaws of Eagle Point Golf Community Homeowners Association (which includes Lakeside Park Subdivision) (the "Bylaws 2") recorded November 2, 2000, as Instrument No. 0044548. Bylaws 1 and Bylaws 2 together shall be known as the "Bylaws."

- C. ORS 94.630(1)(r) and Article 3.16 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, except such powers and duties which the Declaration or Bylaws specifically reserve for the owners.
- D. ORS 94.630(1)(a) and Section 3.17(f) 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.
- E. Under Section 3.17(i) of the Bylaws, the Board of Directors has authority to enforce rules and regulations adopted under the Bylaws and any duty or function required to be done by the Association or owners set forth in the Declarations.
- F. Article XI, Section 11.1 of Declaration 1 provides that no structure or improvement shall be placed, erected or installed upon any lot without the prior approval of the appropriate committee in charge of the architectural review (*i.e.*, the Design Review Committee (“DRC”) or the Modifications Committee).
- G. Article XI, Section 11.2(b) of Declaration 1 provides that oversight of architectural design guidelines for modifications, additions or alterations made on or to existing structures or lots with existing structures is handled by the Modifications Committee. It further provides that the Board of Directors is in charge of establishing the Modifications Committee and appointing all members to serve on the Modifications Committee at the discretion of the Board of Directors.
- H. Article XI, Section 11.3 of Declaration 1 provides that architectural design and development guidelines and application and review procedures for approval of architectural work subject to the architectural design guidelines shall be developed, adopted, and implemented by the Modifications Committee consistent with the provisions of the ACC Declaration.
- I. From time to time the Association receives requests from unit owners for the installation of solar energy systems to their Unit, and such requests are anticipated to continue.
- J. 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.

RESOLUTION

NOW, THEREFORE, IT IS RESOLVED, that pursuant to the authority granted in ORS 94.630, the Declaration, and Bylaws, the following rules be adopted to establish design, modification and community guidelines pertaining to the installation, operation, and maintenance of solar energy systems:

1. **Applicability.** The term “Solar Energy Systems” shall include: 1) Photovoltaic (PV) panels/modules, 2) Building Integrated Photovoltaic Systems (BIPV), 3) Solar Water Heating (SWH) panels/modules, and 4) all other mechanical, electrical, plumbing, or HVAC 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 DRC or Modifications Committee. Applications to install Solar Energy Systems must be submitted, and will be reviewed, according to the provisions of the ACC Declaration and Declarations 1, 2, and 3. 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 DRC and Modifications Committee 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) **Ownership.** All Solar Energy Systems must be owned by the homeowner. Owners may not lease Solar Energy Systems under any circumstances.
 - (e) **Tracker Systems Prohibited.** Tracker systems are not allowed under any circumstances.
 - (c) **Building Codes and Permits.** The DRC and Modifications Committee have discretion to deny an application if an owner fails to comply with any applicable building codes and permit requirements.
4. **Aesthetic Standards.** The DRC and Modifications Committee 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.
- (e) **System Preference.** BIPV systems are preferred; however, where installation of BIPV systems is not structurally possible, PV 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 ARC 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 DRC and Modifications Committee, as well as with the ACC Declaration, Declarations 1, 2, and 3, and the 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.

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NOW, BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last known address.

Adopted this 7th of July, 2015

ATTEST:

Mary M. Krolak

President, Board of Directors
Eagle Point Golf Community Homeowner's
Association

R. D. Campbell

Secretary, Board of Directors
Eagle Point Golf Community Homeowner's
Association