

**RANCHO ESCONDIDO COMMUNITY IMPROVEMENT ASSOCIATION, INC.'S**  
**SOLAR DEVICES POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF MONTGOMERY       §

WHEREAS, the property encumbered by this Solar Devices Policy is that property initially restricted by the First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision recorded under Montgomery County Clerk's File No. 2009-036937, as same has been or may be amended from time to time ("Restrictions"), and any other property which has been or may be annexed thereto and made subject to the authority of the Rancho Escondido Community Improvement Association, Inc. ("Association"); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee ("ACC"), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.010 and 202.011 of the Texas Property Code, the Board of Directors (the "Board"), hereby adopts this Solar Devices Policy ("Policy"), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ACC, and formal written approval from the ACC shall be required before installation may begin.

**I.       SOLAR DEVICES POLICY**

**A.     Prohibited Solar Panels**

Solar Panels, as referred to herein, shall be defined as set forth in the Texas Tax Code, §171.107. Solar Panels are prohibited in the following circumstances:

1.     It has been adjudicated by a court that the Solar Panels are a threat to public health or safety, or violate a law;
2.     Solar Panels that are located on property owned or maintained by the Association;
3.     Solar Panels that are located on property that is owned in common by the members;
4.     Solar Panels that are located on the owner's property, other than:
  - a.     On the roof of the dwelling or another permitted structure;
  - b.     In a fenced yard or patio owned & maintained by the owner;

5. Roof-mounted Solar Panels that extend higher than or beyond the roofline;
6. Subject to Item 7 below, if roof mounted, is mounted in an area other than the back of the home;
7. Roof-mounted Solar Panels that are located in an area *other* than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
8. Roof-mounted Solar Panels that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
9. Roof-mounted Solar Panels having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
10. Solar Panels located in a fenced yard or patio that are taller than the fence;
11. Solar Panels that, as installed, void material warranties; and
12. Solar Panels that were installed without prior approval by the Association or ACC.

If the proposed Solar Panels do not fall within one of the above-prohibited categories, the Association or ACC may not withhold approval of the installation of Solar Panels unless the Association or ACC determines in writing that placement of the Solar Panels, as proposed by the owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

**B. Permitted Roofing Materials**

Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:

1. Wind or hail resistant roofing materials;
2. Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
3. Materials that provide solar generation capabilities.

The above-enumerated acceptable materials, when installed, must:

1. Resemble the shingles used or otherwise are authorized for use within the subdivision;
2. Be more durable than, and are of equal or superior quality to, the shingles authorized for use within the subdivision; and
3. Match the aesthetics of the property surrounding the owner's property.

## **II. ACC APPROVAL**

Applicant's submission of plans must include a completed application for ACC review, a site plan and/or roof plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the roof or house color, the visibility from public streets and neighboring properties/common areas and any noise created and/or light reflected are of specific concern to the Association and the ACC.

Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Solar Devices Policy does not apply to property that is owned or maintained by the Association.



**E-FILED FOR RECORD**

**10/05/2011 9:07AM**



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

**STATE OF TEXAS  
COUNTY OF MONTGOMERY**

**I hereby certify this instrument was e-FILED in  
file number sequence on the date and at the time  
stamped herein by me and was duly e-RECORDED in  
the Official Public Records of Montgomery County, Texas.**

**10/05/2011**



County Clerk  
Montgomery County, Texas