

ISSUE #1

Section 1: [Architectural Supervisory Committee (ASC) Rules & Procedures, Section 5.9 (Solar Energy)]

MARKUP #1 ->

The Architectural Supervisory Committee (ASC) reserves the right to deny any application for rooftop or ground-mounted solar panels if the panels would be visible from any North Oaks road, trail, lake, or neighboring dwelling, or if the ASC determines that the panels detract from the natural wooded character of the community.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Architectural Supervisory Committee (ASC) Rules & Procedures, Section 5.9 (Solar Energy) (p. 1): Allowing the ASC to veto rooftop solar panels based on mere visibility from roads or neighbors violates Minnesota solar rights law

Statutory / Legal Reference: Minn. Stat. § 515B.2-103 & Minn. Stat. § 500.30 (Minnesota Solar Easements & Clean Energy Protections, 2023 Laws Ch. 60 / SF 2744)

Statutory Comparison: Under Minnesota's HOA solar statute (enacted in 2023 via SF 2744 / Minn. Stat. Ch. 500 & § 515B.3-102), a private entity or homeowners association for single-family detached dwellings may NOT prohibit or refuse to permit the owner of a single-family detached dwelling who is individually responsible for roof maintenance/insurance to install a rooftop solar energy system, nor impose aesthetic visibility restrictions that decrease projected energy generation by more than 10% or increase cost by more than \$1,000.

CURRENT WORDING IN DOCUMENT:

[Architectural Supervisory Committee (ASC) Rules & Procedures, Section 5.9 (Solar Energy)] Discretionary Denial of Rooftop Solar Panels Visible From Private Roads or Neighboring Properties - The Architectural Supervisory Committee (ASC) reserves the right to deny any application for rooftop or ground-mounted solar panels if the panels would be visible from any North Oaks road, trail, lake, or neighboring dwelling, or if the ASC determines that the panels detract from the natural wooded character of the community.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Architectural Supervisory Committee (ASC) Rules & Procedures, Section 5.9 (Solar Energy) ([Architectural Supervisory Committee (ASC) Rules & Procedures, Section 5.9 (Solar Energy)] Discretionary Denial of Rooftop Solar Panels Visible From Private Roads or Neighboring Properties - The Architectural Supervisory Committee (ASC) reserves the right to deny any application for rooftop or ground-mounted solar panels if the panels would be visible from any North Oaks road, trail, lake, or neighboring dwelling, or if the ASC determines that the panels detract from the natural wooded character of the community.) to conform with Minn. Stat. § 515B.2-103 & Minn. Stat. § 500.30 (Minnesota Solar Easements & Clean Energy Protections, 2023 Laws Ch. 60 / SF 2744) and the manual attorney audit recommendations for North Oaks Home Owners' Association.