

# Homeowners associations, residents clash over watering

By Scott Hammers The Bulletin Published Sep 12, 2015 at 12:01AM /

Updated Sep 12, 2015 at 05:24AM

Despite drought conditions declared in 24 of Oregon's 36 counties, residents in some neighborhoods remain under pressure to keep their lawns green and lush.

Homeowners associations frequently require residents to maintain their landscaping to a certain standard, which can often mean watering a thirsty lawn through the hottest and driest months of the year.

Mike Buettner, Bend's water conservation manager, said there are more than 100 homeowners associations in Bend, though many are effectively inactive and not enforcing the rules and regulations. He said he does not know how many of Bend's homeowners associations aggressively enforce regulations about keeping landscapes green but has heard from a handful of residents who feel the rules are unjust in light of the drought.

Charlotte Oakes said she recently received a \$25 citation from the McCall Landing Owners Association for failing to keep the lawn of the home she rents to her son sufficiently green.

"We're in the middle of a drought; 98 percent of our state is in a drought," Oakes said. "The lawn is green, they have a sprinkler system that goes on every other day like it's supposed to. It's not like it's dried brown dirt, it's just not green enough for them."

Oakes said she's thinking of removing her lawn in favor of native plants, which once established consume far less water than grass.

The McCall Landing Owners Association did not return a call seeking comment.

Jack Bradley, a Portland resident who owns an empty lot on Awbrey Butte, was troubled by a message sent out by the Awbrey Butte Owners Association in late July.

In the email to Awbrey Butte owners, the association observed that some residents' lawns had turned brown, and reminded owners that the city has not placed any limits on irrigation despite the drought declaration.

“This means that residents who have lawns are free to use enough water to keep them in good condition, as required by the Rules & Regulations for Awbrey Butte,” read the email sent to association members.

Bradley said he found the message from the owners association “extremely elitist.”

“I was shocked to read in my email that they would take such a cavalier attitude and actually compel homeowners to continue watering their lawn because there was no quote-unquote ‘drought problem’ or water problem,” Bradley said. “I guarantee if I was a homeowner and had a lawn, it would be brown right now.”

Andrew Shooks, president of the Awbrey Butte Owners Association said the group’s landscaping policy has been “a nonissue.”

Shooks said the association has not fined any owners for failing to irrigate their lawns this summer, and the email sent in July was not intended as a call for residents to water excessively.

“For many of the homes up here, the lawns are a key part of the defensive space, which is really important because our area is considered one of the highest risk places for a catastrophic wildfire,” he said.

Bend has not implemented any restrictions on watering as a result of the drought. City code permits watering only between the hours of 5 p.m. and 9 a.m. — though hand watering is permitted any time — with even-numbered addresses allowed to water on even-numbered days of the month and odd-numbered addresses allowed to water on odd-numbered days of the month.

Buettner said as of now, the city is largely powerless to intervene in disputes between homeowners and homeowners associations over landscaping issues. When such disputes arise, he’s offered himself as a resource to make the case for reducing water usage to homeowners associations. He said he hasn’t had the opportunity to make the pitch to any homeowners associations yet, but in at least one instance, an association has revisited its rules concerning green lawns due to the drought.

On Sept. 4, California Governor Jerry Brown signed a bill stripping homeowners associations of the authority to fine residents for failing to water landscaping during a declared statewide or local drought. Buettner said the city has the authority to adopt an ordinance that would similarly rein in the powers of homeowners associations, but has not taken any action toward that end.

— Reporter: 541-383-0387, [shammers@bendbulletin.com](mailto:shammers@bendbulletin.com)  
(<mailto:shammers@bendbulletin.com>)



Getty Images/Comstock Images Sprinkler in lawn.