

# **Rules & Regulations**

## **3.130.0 - Solar Energy Devices**

### **I. Introduction**

Article IX, Section 4 of the Fairwood Greens Homeowners' Association CC&R requires that each Homeowner maintain the exterior appearance of his/her property in a manner that upholds the quality of our neighborhood. These declarations are to protect every Homeowner's property value by ensuring a well-kept and desirous place in which to live, which includes aesthetics involving after-construction equipment added to a Lot or a house.

The laudable goal of saving energy and incorporating equipment and systems into and on to homes or lots which do so has resulted in increased interest in the installation and use of solar energy devices and equipment. The Association does not want to do anything to prevent use of such devices, but feels it is important to ensure that such equipment is reasonably controlled as to appearance and location of installation, to protect neighbors and the community as a whole from unsightly equipment and/or installation. Accordingly, the purpose of these Rules about solar energy devices and equipment is to reasonably control use and location to protect home values and aesthetics in the community, without preventing their use.

Homeowner is responsible for all that occurs on their property, whether by tenant, guest, or other occupants. This document is sole authority for fines and the timing thereof.

### **II. Rule**

These rules, regulations and guidelines apply to all solar energy devices including without limitation solar panels and their associated components, solar tubes, solar skylights, wind turbines or other solar energy devices (collectively referred to in this Rule as "devices" or "systems" or "equipment") which due to installation and use location are or may become "visible from neighboring property" above the fence line or other privacy barriers that may exist between neighboring yards and homes.

#### **A. Approval of Installations:**

1. Detailed plans for installation and placement of any solar panel / energy device must be submitted to the Architectural Control Committee (ACC) for review and receive written approval from the Association prior to such installation. An energy efficiency comparison study of alternate proposed location versus preferred location must be prepared and submitted; refer to Roof-Mounted Solar Panels (Section C. Location/Placement, paragraph 2.b.).
2. An illustrated brochure of the proposed system, which depicts the materials to be used, and drawings showing the location and number of collectors, the attachment to the roof structure, and the location of exterior system components, shall be submitted with the Architectural Request.
3. A King County Permit may be required for the installation of such device and ancillary equipment. The Association strongly suggests that Owner use an installer which is a licensed and/or certified solar equipment contractor with the appropriate contractor's license. Owner is entirely and solely responsible for knowing what permits may be required and obtaining any such permits before installation begins.
4. Homeowners are urged to check with their home builder or insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their structure. Neither the ACC nor the Association Board is liable to the property owners from roof damage or for effects to roof warranties. The Association and its Board has no expertise or special knowledge regarding such systems and therefore the Association's approval for installation of any such device(s) or system is not a representation that the system chosen by a homeowner is safe to use or is compatible with homeowner roof or other

structures on the lot or the lot involved, and homeowner assumes and bears all risks regarding installation and use of such a system.

**B. Types:**

1. Only commercially or professionally made devices are allowed. "Homemade" devices will not be permitted due to the safety and aesthetics aspects of such devices.
2. Ground-mounted solar panels are permitted and are preferred.
3. Roof-mounted or wall mounted solar panels are permitted so long as their installed location will not be seen from the street fronting the house. The Association realizes that for any houses located on corner lots where the back of the house or roof is visible from a side street, that installation of such devices on the back side roof may still be visible from the street abutting the side of homeowner's lot, and installation on the back roof side of the house under these circumstances will not be considered a violation of these Rules).

**C. Location/Placement:**

**1. Ground-Mounted Solar Panels**

- a) The equipment must be installed in the rear yard with no portion of the unit exceeding six feet in height from the ground below it. If it is visible from the street, then the equipment must be painted to match, or the color of the materials used must match, the color of the home, fence line or surrounding landscape as directed by the Architectural Committee.
- b) Ground-mounted solar collectors shall be within the setback lines in accordance with King County Codes/HOA CC&R and concealed from neighbor's view to the extent reasonably possible.
- c) No ground mounted devices or their components should be affixed to a block wall or wood fence.

**2. Roof-Mounted Solar Panels**

- a) Roof-mounted systems must be installed so that the panels are flush-mounted and centered on the back side of house or a garage roof if sufficient space is available, or if possible, the patio roof should be use / extended.
- b) If an alternative placement location is necessary in order for the energy device to reasonably work as intended (so that any loss of efficiency or capability is no more than 10%), the Architectural Committee must consider the ability of the device to properly work regarding its location. An energy efficiency comparison study of alternate proposed location versus preferred backside house or garage roof location must be prepared and submitted. If the location which would be required under these Rules would result in the device losing 10% or more of its efficiency or energy generating capability, then the Committee should approve the Owner's preferred location if that location is truly necessary under the factors set out in this subsection. Solar panels should be installed as far as possible to the rear of the house or garage.
- c) Solar panels should be an integrated part of the roof design and mounted directly to the roof deck or if mounted on or over the existing roof tile, should be flush with the slope of the roof. Solar units must not break the roof ridgeline.
- d) Solar panels should be positioned as low as possible on the roof extending wider rather than higher on the roof plane. The solar panels, piping or any exposed part of the installation may not be higher than the roof peak.
- e) Visibility of devices and their components must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Architectural Committee.

**D. Construction/Finish:**

1. Roof mounted equipment, (excluding the face of the solar panels), must match the color of the roof material. This includes solar skylights and other related equipment. Exposed surfaces such as any frame or supports for panels but excluding the exposed collector panel

face itself must be painted to match, or the color of the materials used must match, the surface on which it is mounted.

2. All exterior plumbing lines shall be painted to match, or the color of the materials used must match, the color of adjacent roof material and walls. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings as much as possible.

- E. **Maintenance:** Homeowners will ensure that all surfaces of such devices or equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.

### III. **Infractions**

Once a violation has been reported and confirmed, the violating homeowner notified in writing, and, if not corrected in a timely manner, fines shall be assessed.

At the Association Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines will continue to be assessed while the legal action is in process if the homeowner remains in violation of the declaration. All attorney fees and other costs associated with enforcement of this Rule may be assigned to or assessed upon the violating homeowner and shall be an automatic lien upon the homeowner's lot and collectible in the same fashion as if an assessment under the provisions in the Declaration of the Association, including the recording of a formal lien and foreclosure of it to protect the interests of the Association in collecting of all sums owed to it. Procedure to appeal the Association Board's decision can be found under Rules & Regulation for Appeal Process.

### IV. **Fines**

- a) Failure to submit ACC request form: \$100/occurrence
- b) Failure to maintain solar equipment: \$25/day until rectified

### V. **Collection of Fines**

The Association will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable. All fines imposed by the Association upon a homeowner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with King County to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

### VI. **Rule Enforceability**

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

## **END OF SECTION**

Originally dated and adopted by the Board of Trustees this 24th of March 2009.

Revised: 8/23/22