

DRAFT as of 1/23/2021

Section 5.2.8.6 on Solar Panels, as of <date>, is an addendum to First River Farms Rules and Regulations as of June 20, 2016.

5.2.8.6 Solar Panels

In accordance with Virginia Code 67-701, First River Farms HOA allows individual homeowners the flexibility to install and use solar energy systems, so long as our residents, and the community as a whole, are protected from incorrect and/or unsafe installation and use. Accordingly, these rules are intended to reasonably control size, place and manner of placement of solar energy devices in order to protect home values and ensure public safety without preventing their use.

These rules, regulations and guidelines apply to all solar energy devices including, but not limited to, solar panels and their associated components, solar tubes, solar skylights, wind turbines or other solar energy devices (collectively referred to as “devices”, “systems” or “equipment”).

5.2.8.6.1 Adherence to state & county laws:

- a. An individual homeowner does NOT have the right to place solar devices on:
 - property owned by another person;
 - property which is leased/rented by the individual;
 - common areas owned by the FRF HOA or River Farms Conservancy;
 - general common areas owned by Fairfax County; or
 - on a property which is collateral for a commercial loan – without permission from the secured party.
- b. Any solar energy system must meet all applicable Fairfax County building codes and recognized electrical safety standards for the protection of persons or property.
- c. Fairfax County requires a building permit for the installation of solar devices and ancillary equipment.
- d. By Virginia Code 56-594, residential customers may install solar systems up to 20 kilowatts.
- e. Fairfax County zoning ordinances regulate the placement of rooftop and freestanding solar panels. Solar panels may not increase the height of a roof. They may not be placed in front yards. They may be placed in side and back yards subject to size-related location restrictions.

5.2.8.6.2 HOA approval required:

- a. Prior to installation of any solar system or device, the homeowner MUST obtain written approval from the HOA by submitting and Exterior Design Change Application.
- b. The Exterior Design Change Application must include:

- Size (in terms of kilowatts and net metering), place and method of placement of the proposed system;
 - An illustrated brochure depicting the materials to be used;
 - Drawings showing the exact location and number of collectors, the attachment to the roof structure, and the location of exterior system components;
 - Name and contact information of the licensed solar equipment contractor who will be doing the installation; and
 - Acknowledgement of any and all building permits required. (The homeowner is entirely and solely responsible for knowing what permits may be required and obtaining any such permits before installation begins.)
- c. The HOA has no expertise or special knowledge regarding solar energy systems; therefore, HOA approval for installation of any such devices or systems cannot be construed as endorsement that the system chosen by the homeowner is safe to use or is compatible with the roof, other structures or the lot involved, and the HOA cannot be held liable for any damages that may result.
- d. Homeowners assume and bear all risks regarding the installation and use of solar systems. They are urged to check with their contractor or insurance company prior to installation of solar devices regarding how such installation may impact warranties and coverages for the roof and other aspects of their structure.

5.2.8.6.3 Solar system specifications:

- a. Only commercially or professionally made devices are allowed. “Homemade” devices are not permitted for safety reasons.
- b. Solar systems are limited to within current net metering limitations specified in Virginia Code 56-594.
- c. **Roof-mounted solar panels** are permitted and preferred.
1. Placement on the rear roof is preferred, unless this interferes with collection of energy or significantly increases the cost. (By Virginia Code 67-701, if, at the preferred location, energy production would be 10 percent less or installation cost would be 5 percent more than at an alternative location, the latter must be considered.)
 2. Panels should be an integrated part of the roof design. They should be:
 - mounted flush with the slope of the roof, parallel to the roof line;
 - horizontally centered, and
 - positioned as low as possible on the roof extending wider rather than higher on the roof plane, with no part of the installation extending above the ridgeline.
 3. To the extent possible, all roof-mounted equipment (excluding the face of the solar panels) must match the color of adjacent roof material and/or trim.

4. Wiring and components must be concealed as much as possible.
- d. **Ground-mounted solar panels** are allowed only if there is sufficient space in a fenced-in back yard. By law, they are not allowed in the front yard.
 1. Components must not be visible above the fence line.
 2. Components must not be affixed to a block wall or wood fence.
 3. Wiring and components must be concealed as much as possible.

5.2.8.6.3 Solar system maintenance:

- a. Homeowners must ensure that all surfaces of solar equipment are properly maintained to prevent deterioration to the point where the equipment becomes unsightly.
- b. Unused or inoperable solar equipment must be removed.

5.2.8.6.4 Trees and solar access:

- a. When planning the placement of solar devices, the future height of existing trees must be taken into consideration. Under no circumstances shall a neighbor or the HOA be required to remove or prune established plantings.
- b. After a solar system is approved and installed, no trees that could eventually obstruct solar collection, whether in adjoining neighbors' yards or in HOA common areas, may be planted without prior written approval from the system's owner.