

The Timbers Association
Policy Resolution No. 2018-1
Solar Energy Collection Devices and Facilities

WHEREAS, the Deed, Deed of Dedication and Declaration of Covenants, Conditions and Restrictions (the "Declaration") provides that its easements, covenants, and restrictions shall run with the real property and shall be binding on all persons having or acquiring any right, title or interest in a Lot; and

WHEREAS, Article I of the Declaration provides that "Association" shall mean The Timbers Association; and

WHEREAS, the Declaration does not expressly address solar energy collection devices and facilities; and

WHEREAS, Section 67-701 of the Code of Virginia, as amended, prohibits community associations from enacting any provisions restricting the installation and use of solar energy collection devices and facilities on the Lots, unless the recorded Declaration establishes such a prohibition; and

WHEREAS, Section 67-701 of the Code of Virginia states that a community association may establish reasonable restrictions concerning the size, place and manner of placement of such solar energy collection devices and facilities on the individual Lots or Dwelling Units; and

WHEREAS, Section 67-701 provides that the Association may prohibit the installation of solar energy collection devices and facilities on the Common Area; and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing the installation and use of solar energy collection devices and facilities that are in the best interests of the Association; and

NOW THEREFORE, it is hereby RESOLVED THAT the Board of Directors (the "Board") duly adopts the following Resolution regarding solar energy collection devices and facilities:

A. Size and Type

1. Solar collection energy devices and facilities shall be as close to flat on the roof as possible (parallel to roof surface and flush mounted).

2. Size of Solar collection energy devices and facilities shall be within current net metering limitations.

3. Design must blend in with the design of the Dwelling Unit.

B. Location

1. Solar collection energy devices and facilities must be installed on the individually owned Dwelling Unit as designated on the recorded deed.

2. Solar collection energy devices and facilities shall be located on the roof of the Dwelling Unit in a place that is shielded from view from the street and that is also least proximate to adjoining Lots or Dwelling Unit to the maximum extent possible so long as the location does not impair the Owner's ability to collect and store solar energy.

3. Solar collection energy devices and facilities shall be located on the roof of the Dwelling Unit in a place that is set back at least three feet from the lot line of the roof between any adjoining Dwelling Units so that repairs to the party wall may be made. The setback requirement would not apply to end units where the side of the Dwelling Unit is not adjoined to an adjacent Dwelling Unit.

4. Ground mount systems are prohibited so long as location on the Dwelling Unit permits the Owner to collect and store solar energy.

C. Association Approval

1. No solar collection energy devices and facilities shall be erected, placed, altered or installed until the plans and specification, including elevation, material, color, and texture and a site plan showing the location of the solar collection energy devices and facilities shall be filed with the with and approved by the Environmental Control Committee, pursuant to Article IX, Section 1 of the Declaration.

2. Any aggrieved Owner may appeal a decision of the Environmental Control Committee to the Board.

D. Installation

1. All installations shall be completed so they do not damage the Common Area or any other Owner's Lot.

2. Wiring and other components shall be concealed as much as possible so long as concealment does not impair the Owner's ability to collect and store solar energy

E. Maintenance

1. The solar collection energy devices and facilities shall be kept in good order and repair, pursuant to Article IX, Section 1 of the Declaration. In the event of fire, windstorm or other damage, no solar collection energy devices and facilities shall be permitted to remain in a damaged condition for longer than three (3) months. In the event that a safety concern is created, the Owner of the Dwelling Unit shall address any safety concerns immediately.

F. Safety

1. Solar collection energy devices and facilities shall be installed, secured and maintained in a manner that complies with all applicable County and State codes, laws and regulations.

G. Common Area

1. The Association prohibits the installation of solar energy collection devices and facilities on the Common Area, as this may be deemed an exclusive use of the Common Area by an Owner not expressly provided for in the Declaration.

2. The Association prohibits the installation of solar energy collection devices and facilities on the Lot that encroach on the Common Area or any other Owner's Lot.

H. Enforcement


1. The Association, or any Owner, shall have the right to enforce the Declaration and any provision of this Resolution according to the remedies set forth in Article XIV, Section 1 of the Declaration and Section 55-513 and Section 55-516 of the Property Owners' Association Act.

2. Any installation of solar energy collection devices and facilities approved by the Association prior to the adoption of this Resolution is deemed to be grandfathered as to the solar energy collection devices and facilities installed prior to adoption of this Resolution.

I. Distribution.

The Board directs that this Resolution shall be reasonably published or distributed to the Owners of the Association and included in the resale packet.

ATTEST:



Secretary

11-27-18

Date

Resolution effective: October 23, 2018.