

# Bosque del Rio Solar Collector Guidelines – ACC Standards

Guidelines Approved by ACC May, 2011

The following instructions are a guide to assist homeowners in submitting the required ACC form and plans for solar collectors for ACC approval as outlined in Section 5 of our CC&R's. The purpose of the ACC is to enforce the architectural standards of the Community and to approve or disapprove plans for improvements proposed for the Lots. As stated in the CC&R's, for any exterior change or addition, *"the Owner shall submit to the ACC a complete set of plans and specifications for the proposed improvements, including site plans, grading plans, landscape plans, specifications of materials and exterior colors, and any other information deemed necessary by the ACC for the performance of its function".* The site plan needs to have detailed dimensions on the drawing to show distances from any proposed solar collector (if ground mounted) to the property line and house. This includes all specifications, colors, dimensions and materials used. The solar collector must be in compliance with all City of Albuquerque regulations concerning solar collectors. Section 9.13 (regarding solar collectors) of the CC&Rs state: *"The ACC, as designated in this Declaration, shall have the absolute authority to determine whether an accessory is adequately screened from public view and meets Bosque Del Rio requirements."*

Bosque del Rio Homeowners Association (BDR HOA) is a responsible and environmentally sensitive organization and states its position in favor of alternative and clean forms of energy creation, and wants to balance the aesthetic qualities and visual continuity of the Territorial, Pueblo and Northern New Mexico architectural styles which have been the trademark of Bosque del Rio and the environmentally responsible promotion of "green" energy, and believes that both goals are compatible and achievable by pre-planning and through consideration for all residents in Bosque del Rio.

The Covenants, Conditions and Restrictions (CC&Rs) promote aesthetic and visual harmony and consistency of architectural styles within the Bosque del Rio community, and the BDR HOA is charged with the responsibility of enforcing both the letter and spirit of the CC&Rs with respect to modifications to existing structures. The CC&Rs also enunciate rules, requirements, guidelines, conditions and provisions when exterior changes are made.

The legislature of the state of New Mexico enacted the Solar Rights Act at 47-3-1 et seq., and the City of Albuquerque has enacted the Solar Permit Ordinance at Section 14-11-1 et seq., which recognizes the owners' right to install and use solar collectors in communities that may have restrictive covenants or bylaws which appear to prohibit such installations. However, these laws permit those communities to adopt reasonable measures to reduce the visual impact of the solar energy devices provided that the cost and expense of such measures does not "effectively prohibit" the installation and use of the solar energy devices.

BDR HOA permits the installation and use of solar energy devices and only requires reasonable guidelines to in order to balance the aesthetic and visual harmony requirements as contained in the CC&Rs. "Reasonable restrictions" are those restrictions that do not significantly increase the cost of the solar energy device or significantly decrease its efficiency or specified performance. "Significantly" means an amount exceeding 20 percent (up to a maximum of \$2,000) of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20 percent, as originally specified and proposed. If any requirement noted or set forth during the ACC review reduces efficiency or increases cost, the owner has the burden of proof that the system efficiency will be decreased by more than 20% or that the cost would increase by 20% (up to a maximum of \$2,000) in order to be exempted from that requirement. A "solar energy device" is defined as a system or series of mechanisms designed primarily to provide heating and/or cooling, to produce electrical power, or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. This term includes "solar panels" and "solar collectors."

**Approval:** Any solar energy device installation must be submitted for review to the Architectural Control Committee (ACC) prior to installation. Owners shall submit forms, drawings, specifications and documentation as required by the ACC. (See following instructions).

**Conditions:** Solar energy devices must comply with the following guidelines but only to the extent that the imposition of these guidelines do not “effectively prohibit” the installation. If an Owner believes that the conditions imposed by these guidelines actually “effectively prohibit” the installation, said Owner must submit credible proof of the increased costs imposed on him by the existence of the guidelines imposed by the ACC.

- The solar energy device must comply with all applicable City, county and state laws, regulations and codes. The ACC must be provided with a copy of any applicable governmental permits, if any such permits are required.
- Solar energy devices must blend into the building structure and roof design as much as possible. The composition and color of framing or trim on any solar energy device must be consistent with the architectural style of the structure and the color of the roof or stucco and be of a non-reflective surface. Any system component mounted on the exterior of the home, such as supply lines, return lines, conduit, control panels and distribution systems shall be painted to match the adjacent roof or stucco color. To conceal the components leading to the solar devices, a framed chase may be constructed and stuccoed to match the house.
- The solar energy device must be shielded from view from the street and neighboring properties to the maximum extent possible. Any landscaping or structure used to shield the solar energy device must be approved in advance by the ACC.
- Solar energy devices mounted on racks must be approved by the ACC. The bottom of the solar energy device should be within 2” of the roof surface. Brackets which provide more than 2” between the roof surface and the bottom of the panel must be identified with technical specifications to support the requirement.
- No solar energy device may encroach upon the Common Area or the property of another owner.
- Placement and installation of a solar energy device must be pursuant to the manufacturer’s instructions.
- No homemade solar energy devices are permitted.
- No solar energy devices shall be located in the front yard.
- Ground mounted solar energy devices shall be located in the rear yard only (or in large side yards considered on a case-by-case basis) and shall be set back at least 5 feet from the nearest property line. Ground mounted solar energy devices and components shall require screening with vegetation or other approved screening material as spelled out in the BDR HOA Architectural Design Guidelines.
- All piping and transmission lines which connect the components of the solar energy device except for termination points shall be buried or run within the home’s structure and not be exposed. It is preferable to mount distribution or control panels within the unit or outbuilding.
- Reflections from any solar energy device shall not shine onto any other property creating a nuisance.

**Enforcement Authority:** The BDR HOA shall have the authority to enforce these provisions in any manner provided by law. These guidelines shall not be enforced in a way that (1) unreasonably prevents the installation of a solar energy device; (2) unreasonable impairs the functioning of a solar energy device; (3) unreasonably restricts the use of a solar energy device; or (4) unreasonably adversely affects the cost or efficiency of a solar energy device.

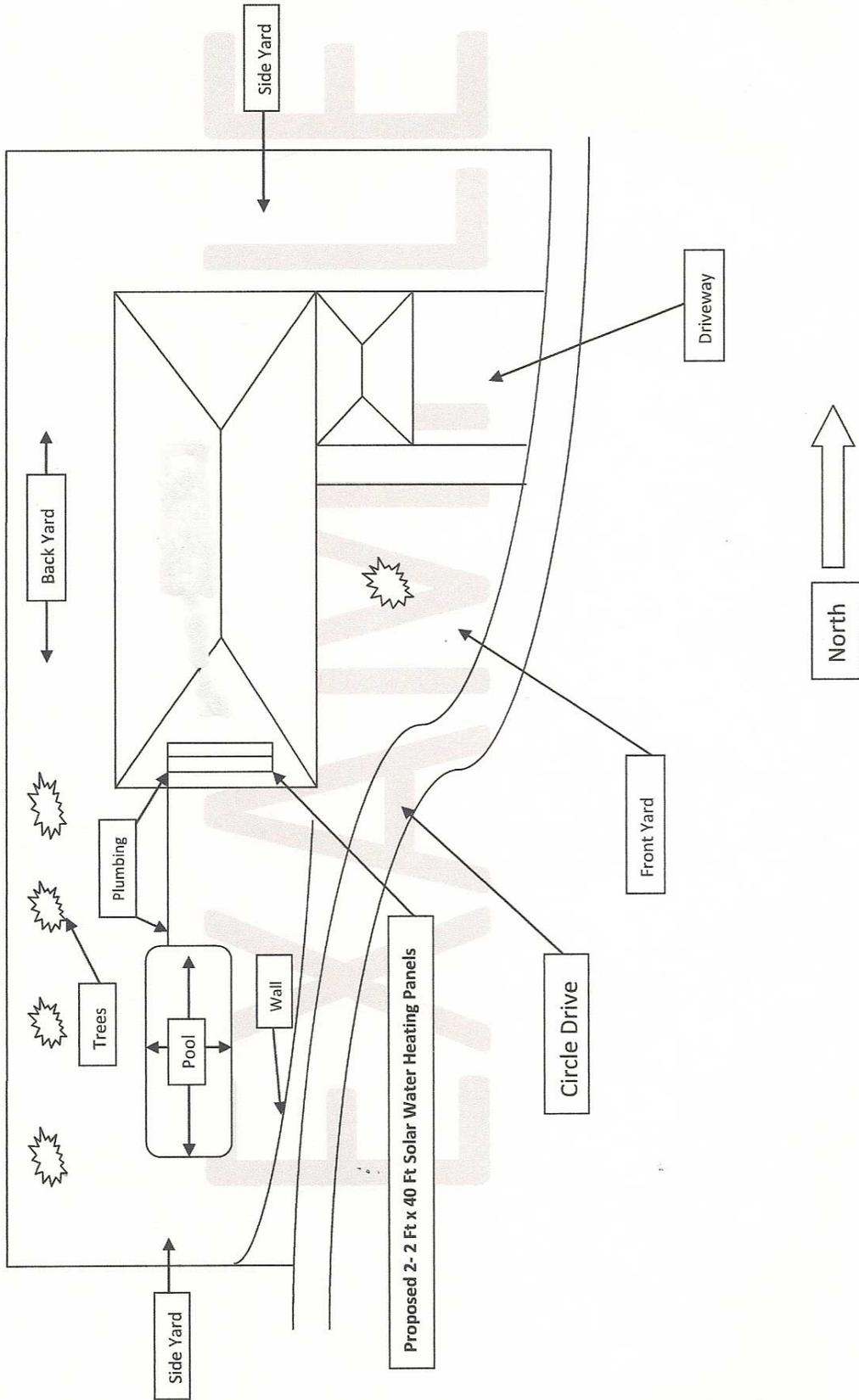
**All plans must be approved by the ACC PRIOR to installation.**

1. Fill out the ACC request and supply the required drawings (see samples) and specifications. **You are required to submit drawings of the proposed installation.** If you can submit the drawing(s) to scale that is recommended, but not required. Photographs of the property or residence (including

superimposing the technology over a photo) is considered supplemental documentation and do not fulfill the need for drawings. Photographs of the technology on another property or from sales literature is considered supplemental documentation and does not meet the drawing requirement. Drawings can be hand drawn, legible, be submitted on not less than 8.5 inch by 11 inch paper. Provide overhead, front view and profile view drawings. Label the front, sides, and rear of property. Show location and label the proposed installation of the technology. Indicate any features on the property that provides the ACC with a means to see the installation in relation to items such as pools, trees fences or other types of landmarks. Note any supporting structures associated with the installation such plumbing, conduit, poles, or wires. Note proposed color of technology or supporting features. Note and label any other features such as heating/air conditioning units, vent pipes, skylights etc. that can assist the ACC with determining the installation's location. Indicate the position of the equipment in relation to the roof line noting any tilt away from the roof plane. Indicate any tilt at its maximum height in estimated degrees.

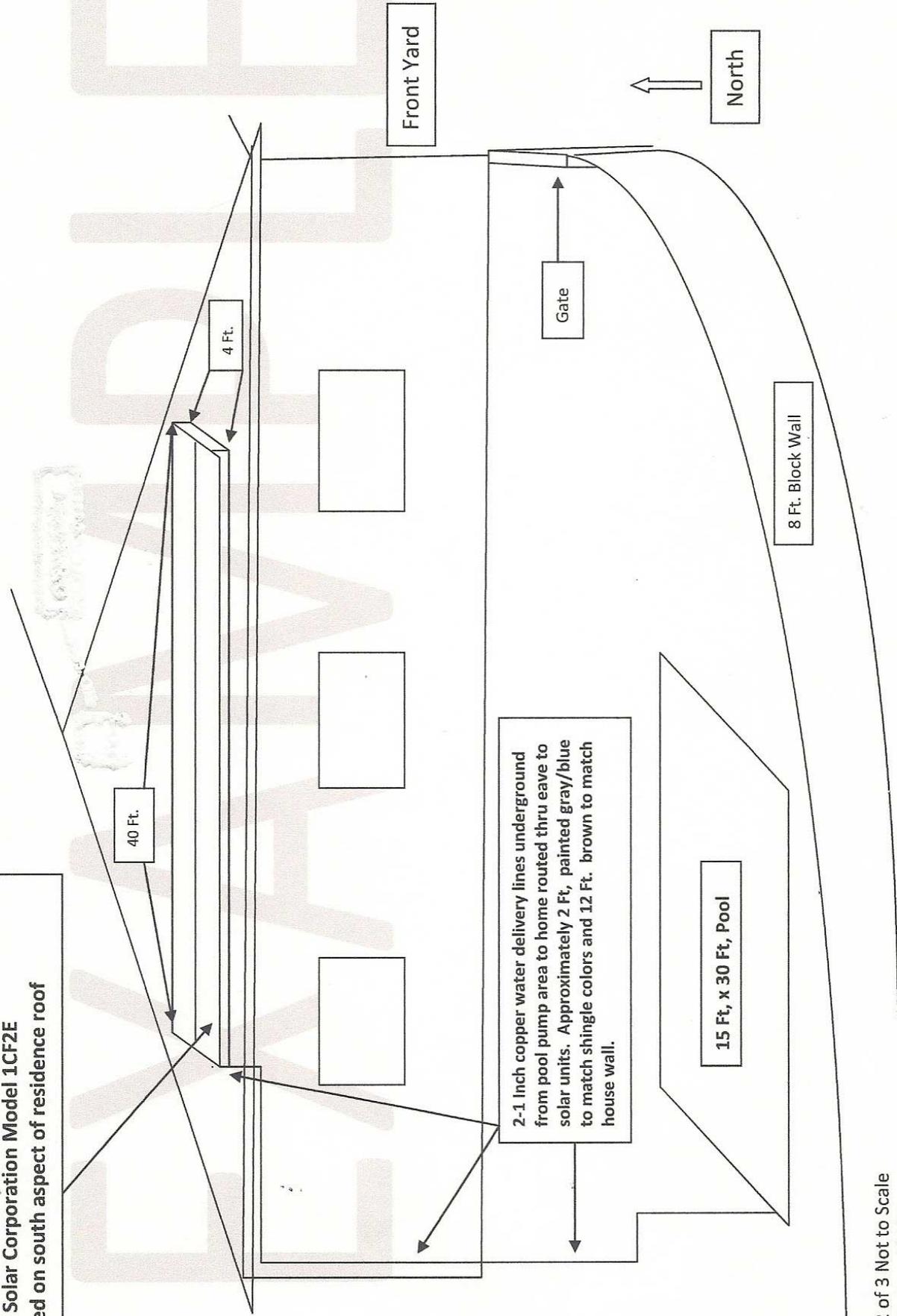
2. Explain the nature of the request; include in the narrative what type of technology you are proposing. What will the equipment do for your residence?
3. Provide the source or vendor of the equipment, model number, and any pertinent specifications relating to the technology. You may include sales literature or photos as supporting documentation for your proposal.
4. Provide if available, an internet source of the equipment being proposed.
5. Specifically address exactly where the equipment will be placed including any support structures including plumbing, conduits, or wires. Piping and electrical connections shall be located to be invisible from all street angles.
6. A copy of any required approved City or State permits must be provided to the ACC.
7. In accordance with the state of New Mexico's Solar Rights Act (47-3-1), you need to discuss the proposal with the neighbors adjoining your property to claim solar rights. Their approval is not required. Identify the names, addresses and dates of contact.
8. Will your installation of any solar technology claim "Solar Rights" or will it affect the "Solar Rights" of others? The state of New Mexico enacted the Solar Rights Act, the first law in the country recognizing the natural resource of solar energy as a property right. The property owner who first claims solar rights (for unhindered access to sun for passive or active solar strategies) can prevent neighboring property owners from encroaching upon the right with new buildings or trees.
9. Modifications or changes of approved installations either during or any time after construction without the expressed review and approval of the ACC will constitute grounds for sanctions consistent with the BDR HOA CC&R's. This can include removing the unapproved installation at home owner's expense, legal actions, or financial assessments against the property.

**Overhead View**  
**Proposed Solar Water Heating Panels**  
**John Smith**  
**3500 Circle Drive**

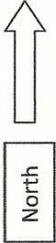


**Front View**  
Proposed Solar Water Heater Panels  
John Smith  
3500 Circle Drive  
Looking North

**Proposed 2 - 2 Ft x 40 Ft Solar Water Heater Panels**  
Jenkins Solar Corporation Model 1CF2E  
Mounted on south aspect of residence roof



**Profile View  
Proposed Solar Heating Panels  
John Smith  
3500 Circle Drive  
Looking West**



Proposed 2- 2Ft. x 40 Ft. Solar Water Heating Panels  
Jenkins Solar Corporation Model 1CF2E  
Mounted parallel to roof line and on south aspect of  
residence. Plumbing mounted at rear of panel at back  
yard side not visible from street view

