

# McClelland's Creek Homeowners Association, Inc.

## Policy Regarding Renewable Energy Generation Devices and Energy Efficiency Measures

Adopted 10/21, 2013

The following procedures have been adopted by McClelland's Creek Homeowners Association, Inc.. (the "Association") at a regular meeting of the Board of Directors (the "Board").

Purpose: To adopt a standard policy for owners, residents, guests, and visitors to follow with regard to the installation or use of renewable energy generation devices and energy efficiency measures.

NOW THEREFORE, BE IT RESOLVED THAT the following policies and procedures are established regarding renewable energy generation devices and energy efficiency measures:

A. Background. In compliance with the Colorado Common Interest Ownership Act ("CCIOA") and the Declaration of Covenants, Conditions and Restrictions for McClelland's Creek Homeowners Association, Inc.. (the "Association") the Board and the Design Review Committee ("DRC") desire to adopt a uniform and systematic policy regarding the installation of "Energy Generation Devices" and "Energy Efficiency Measures" as defined in Colorado Revised Statutes (C.R.S) 38-33.3-106.7.

B. The Board for the Association hereby adopts the following policies and procedures providing reasonable provisions that will govern the dimensions, placement, and external appearance of a solar energy device, a wind-electric generator and various devices defined as "energy efficiency measures". All devices discussed herein require a DRC approved application except as noted.

C. Policies.

1. Definitions:

a. Solar Energy Device (Energy Generation Device). A solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun's radiant energy into thermal, chemical, mechanical, or electrical energy C.R.S. 38-32.5-100.3. Examples of a Solar Energy Device are: photovoltaic (PV) solar electric panel, solar thermal systems (solar water heaters), and solar lighting systems.

b. Wind-electric Generator (Energy Generation Device). A wind-electric generator that meets the interconnection standards established in rules promulgated by the public utilities commission pursuant to section C.R.S 40-2-124. This wind energy conversion system shall consist of a wind turbine, tower, and associated control or conversion

electronics, which has a rated capacity of not more than 10 kw, and which is intended to primarily reduce on-site consumption of utility power.

c. Reasonable restrictions.

i. Guidelines to reduce interference with the use and enjoyment by residents of property situated near wind-electric generators as a result of the sound associated with the wind-electric generators.

ii. Bona fide safety requirements required by an applicable building code or recognized electrical safety standard, for the protection of persons and property.

iii. Aesthetic provisions that do not significantly increase the cost of the device, or significantly decrease its performance or efficiency.

iv. Interference with the use and enjoyment of property by residents for the purpose of determining whether a restriction is reasonable shall be determined as a part of the architectural review process as required by the governing documents and shall include consideration of input by the individuals requesting approval.

v. The DRC shall consider how the improvements are architecturally integrated with the existing structures and landscaping of the property to be improved. This includes, but is not limited to, a scale, color, reflective value, materials, massing, and quality of product and architectural character. There is special concern and consideration for the preservation of views from neighboring properties.

d. Energy Efficiency Measure - A device or structure that reduces the amount of energy derived from fossil fuels. "Energy Efficiency Measure" is limited to include only the following devices as stated in C.R.S 38-33.3-106.7:

i. An awning, shutter, trellis, or other shade structure that is marketed for the purpose of reducing energy consumption.

ii. A garage or attic fan and any associated vents or louvers.

iii. An evaporative cooler.

iv. An energy-efficient outdoor lighting device, including without limitation a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device.

v. A retractable clothesline.

e. Tower. The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

f. Noise disturbance. A noise disturbance is any sound which is (a) harmful or injurious to the health, safety, or welfare of any individual; (b) of a volume, frequency, or intensity that it unreasonably interferes with the quiet enjoyment of life of an individual of ordinary sensitivity and habits; or (c) unreasonably interferes with the value of real property or any business conducted thereon.

2. Association DRC Guidelines for Wind Energy Conversion Systems:

a. Compliance with applicable building code, safety codes, National Uniform Building Code, National Electric Code when applicable and utility company and electric requirements:

Residential Wind Turbines must be approved by the applicable governmental entities (Building and Planning Department).

b. Submission of Documents to the DRC:

An application for approval to the DRC must include a plot or site plan of the Lot, drawn to scale, showing the boundaries, dwelling and other structures, driveway, no build zones, easements (such as the drainage, water or gas easements), the location and height of the proposed wind turbine, to include size of foundation and placement of all guy wires. The application shall include the manufacturer's information to include standard drawings of the wind turbine structure, including the tower, base, footings, and guy wires (if any), anchors, and other external components of the system. An engineering analysis of the Tower, guy wires, and anchors showing compliance with the applicable Building Code and certified by a licensed professional engineer shall also be submitted. This information is typically supplied by the manufacturer and/or the installation engineering company. Adjoining neighbors will be notified of the submission, and although their approval is not necessary, their input will be taken into consideration.

c. Approved Wind Turbines:

Residential wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified wind turbines must submit a description of the safety features of the turbine prepared by a licensed professional engineer.

d. Noise Disturbance:

Residential wind energy systems shall not exceed 50dba, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. It is highly recommended that prior to construction a potential owner conduct extensive research as well as visit sites of installed similar generators to ascertain the impact on neighbors.

**e. Generator height:**

The height of the generator, including blades/turbine, shall not exceed 75% of the distance from the base of the generator to any property line, or 35 feet, or the height limit imposed by applicable building code, whichever is less.

**f. Set-backs:**

Minimum set-backs for the system tower shall be 50 feet from adjoining properties or 100 feet from any property line adjacent to a street. Guy wire anchor points may extend to 10 feet from the property line. Building mounted systems may be affixed to an DRC approved unattached garage, or other approved structure. In no case shall the Tower be installed closer to an adjoining main dwelling than to the Tower owner's inhabited dwelling.

**g. Utility Notification:**

No residential wind energy system shall be installed until evidence has been given that the applicable utility company has been informed of the customer's intent to install an interconnected, net metered customer-owned generator. Off-grid systems shall be exempt from this requirement. The proposed area must have been marked for utility locations prior to the DRC site inspection and application approval.

**h. Aesthetic/safety considerations:**

The Association and DRC encourage the Owner to select equipment that is aesthetically acceptable in the Community.

i. Approval of placement and Tower style shall take into consideration the view impact of neighboring property owners.

ii. All paint or finish shall be matte and be neutral in color. The Tower and as many parts as possible shall be treated for rust and/or corrosion.

iii. If maintenance of the turbine requires climbing of the Tower, there shall be no climbing rungs or climbing devices closer than 12 feet off the ground.

iv. No signs or added accessories (like solar panels) shall be affixed to the Tower. "Warning", "Danger" or "No Trespassing" signs may be considered, but must be included as part of the application.

v. Planting of shrubs or small evergreen trees may be required to mask or draw attention away from the Tower or wires, as long as the plantings do not interfere with the maintenance or safety features of the Tower.

3. DRC Guidelines for Solar Energy System(s):

a. Compliance with applicable building code, safety codes, National Uniform Building Code, National Electric Code and utility company requirements when applicable:

Installation of a solar energy system must be approved by the applicable Building Department and the Planning Department.

b. Submission of Documents to the DRC:

An application for approval to the DRC must include a plot or site plan of the Lot, drawn to scale, showing the boundaries, dwelling and other structures, driveway, no build zones, easements (such as the drainage, water or gas easements), to include drawn to show location, number of collectors, attachment to roof structure or ground attachment, and location of any other exterior system components. Submit a sample or illustrated brochure of the proposed solar unit, which clearly depicts the unit, and defines the materials used. Calculations should also be provided showing the number and area of the collectors requested. An engineering analysis showing compliance with the applicable Building Code and certified by a licensed professional engineer shall also be submitted. This information is typically supplied by the manufacturer and/or the installation engineering company. Adjoining neighbors will be notified of the submission, and although their approval is not necessary, their input will be taken into consideration.

c. Installation/aesthetics:

i. To the maximum extent possible, a roof-mounted device or solar device shall be installed so as to minimize its exposure when viewed from any other privately owned site, common area, street and/or from the surrounding community unless to do so will have the effect of substantially interfering with the use of the device or significantly increasing the cost of the device.

ii. The preferred location of the device shall be on the back roof of the residence and below the peak of the roof. Alternatively, the device may be pole-mounted in the rear area of a private yard below the fence line and, to the maximum extent possible, shall be screened from the view of others by landscaping materials.

iii. All devices shall be installed flush with the roof, unless to do so shall have the effect of prohibiting the collection of solar energy.

iv. The total number of solar panels and other apparatus installed shall not cover more than 75% of any given roof section, unless to do so will have the effect of prohibiting the collection of solar energy.

v. The DRC encourages the Owner to select equipment that is aesthetically acceptable in the Community and integrates with the residence and surrounding landscape to the maximum extent possible, keeping in mind the design and roofline of the residence on which the device is to be installed. The color of the device and exposed pipes, panels and other apparatus must be approved by the DRC. If applicable, the device shall have flashing colored or painted to closely match the adjacent roof color. Poles shall be painted a matte color to blend with surrounding landscape. If possible, all glazing shall be solar bronze or black, with no white or clear glazing allowed.

vi. Ground mounted solar units shall have set-back requirements of 50 feet from adjoining property lines, easements and street boundaries.

vii. To the extent that landscaping does not inhibit solar collection, Owner shall install a minimum amount of trees/shrubs, etc. to help create an aesthetically pleasing screening. This may also apply to other exterior components.

viii. All exterior plumbing lines and conduits should be painted in a color scheme consistent with the structure and materials adjacent to the pipes, i.e., pipes on walls should be painted the color of the walls while roof plumbing/conduits should be the color of the roof.

ix. Aluminum trim, if used and visible, should be anodized or other color treated, if necessary.

x. An Owner shall take into consideration the future height of neighbors' trees/shrubs when planning placement. Under no circumstances shall a neighbor be required to remove or prune established plantings. However, once a solar system is approved, adjoining neighbors may not build or plant structures that will obstruct solar collection, without prior approval from the neighbor owning the solar collectors.

xi. All panels shall be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.

xii. The DRC shall review other suggested locations/installations if the above are not feasible, provided, however, the DRC may require the applicant to provide the DRC with a written statement by a solar energy expert that the restrictions imposed by the DRC will have the effect of (i) substantially interfering with the collection of solar energy, and/or (ii) significantly increasing the cost of the device. In that case, the DRC will permit variances to these requirements to the minimum amount as is reasonably required to allow the device to function properly and to minimize any increase in the cost of the device to the Owner.

xiii. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.

4. If the Energy Generation Device is approved:

a. Adherence to Approved Details and Plans:

The Owner must install and operate the Energy Generation Device in accordance with the approved detail plans and specifications, all of the requirements set forth in this policy, and any other requirements imposed by the CC&Rs and/or the DRC.

b. Continued Maintenance:

The Owner must maintain the Energy Generation Device(s) in good operational condition and in a manner that does not cause an annoyance or inconvenience to other residents.

c. Damage and Liability Insurance:

The Owner who installs Solar Collection Devices and/or a Wind-electric Generator must be aware of the unique dangers and his or her liability from such events caused by high winds, ice slinging from wind-turbine blades, etc. Adding these devices to the Owner's property insurance is highly recommended.

5. Association Guidelines for Energy Efficiency Measures:

a. The following do not require DRC approval:

i. Replacement of existing light fixtures with an energy efficient outdoor lighting device. The Owner must, however, reasonably maintain architectural matching to the existing lighting and structure and not directed or reflected on any other property.

ii. The use of a retractable clothesline or of removable clothes drying devices which are not affixed to the ground or permanently to a structure are encouraged. Owners must store any clothes drying devices out of view when not in use.

iii. Interior garage or attic fans and interior louvers.

b. Exterior operable or motorized solar shades, shutters and awnings:

i. Prior approval for permanently installed solar shades, shutters and awnings is required. They should be compatible in color scheme with the colors of the house and kept in good condition. Colors must be submitted and are subject to review for compatibility with the home's base and trim colors.

ii. Housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Housing units should be mounted in the soffits whenever possible. Details must be submitted with application.

c. Evaporative coolers, exterior garage or attic fans and associated vents or louvers:

i. Prior approval for evaporative coolers, exterior garage or attic fans and associated vents or louvers is required.

ii. The preferred location for evaporative coolers (and other air movement devices) is at ground level.

iii. Roof mounted devices will be considered and must be skirted with materials that compliment the building architecture.

iv. Devices mounted on the wall shall also be considered. Every effort should be made to install a low silhouette unit painted the same color as the residence.

v. If a cover is used in the winter, it should also be a neutral color, or a similar color as the residence.

vi. Owner shall submit an application to the DRC with a concept sketch with location, dimensions and relation to other key features. Owner shall also submit a design sketch of the skirt (if roof mounted). Photos may be necessary to convey intent and compatibility with existing features. Accompany your submission with manufacturer's information and recommended instructions for installation.

d. Other Energy Efficiency Measures:

Owners must submit a request to the DRC for any external Energy Efficiency Measure not specifically addressed in these guidelines.

6. Abandonment. In the event that a wind turbine or solar device or Energy Efficiency Measure is allowed to be in disrepair, or not be used for a minimum of six months, the current Owner of the property will be required to remove the structure or put the device back into service within three months of notice. If device is removed, all components shall be removed and the property (improvements and/or land) shall be repaired and restored to original condition. In the event of a sale of the Lot, the new owner shall be made aware of the abandonment restriction prior to sale.

7. DRC approval for modifications. Owners shall submit application for approval with detailed plans for any subsequent modifications made to the Energy Generation Device(s) and/or external Energy Efficiency Measures.

8. Waivers/Variances. The DRC will require the applicant to provide a written statement by a solar, wind, or other energy expert that the restrictions imposed by the DRC will have the effect of (1) substantially interfering with the collection of solar/wind energy or significantly impacting the performance of the device or measure, and/or (2) significantly



increasing the cost of the device or measure. In such cases, the DRC may recommend the Board permit variances to these installation criteria to the minimum amount as is reasonably required to allow the device or measure to function properly and to minimize any increase in the cost of the device.

9. Approval. DRC approval in no way should be construed as a representation, guarantee or warranty, etc. by the DRC or the Association that collection of solar or wind energy shall be adequate for the Owner's needs or that roof-mounted or other solar devices will remain undisturbed by vegetation or improvements located on surrounding properties.

10. Amendment. This Renewable Energy Generation Device and Energy Efficiency Measures Policy may be amended from time to time as required.

11. Supplement to Law. The provisions of this policy shall be in addition to and in supplement of the terms and provisions of the CC&Rs, CCIOA, and other applicable laws of the State of Colorado governing the Community.

McClelland's Creek Homeowners Association, Inc.

By: David J. Grant  
Name: DAVID J. GRANT  
Its: PRES.

Attest

[Signature]  
Secretary

This Policy Regarding Renewable Energy Generation Devices and Energy Efficiency Measures was adopted by the Board of Directors on the 21 day of Oct, 2013, effective the 21 day of Oct, 2013, and it is attested to by the Secretary of the McClelland's Creek Homeowners Association, Inc.

[Signature]  
Secretary