

**THE GROVE HOMEOWNERS ASSOCIATION, INC.
DESIGN GUIDLELINES FOR INSTALLATION OF RENEWABLE ENERGY DEVICES
AND ENERGY EFFICENCY MEASURES**

These Design Guidelines for Installation of renewable Energy Devices and Energy Efficiency Measures (these "Design Guidelines") are adopted by the Architectural control Committee ("ACC") and the Board of Directors ("Board") of the Grove Homeowners Association, inc, ("Association") on July 6, 2011, to be effective immediately.

RECITALS

WHEREAS, the ACC is authorized, pursuant to Section 5.11 of the Declaration of Covenants, Conditions and Restrictions of the Grove at Harper Lake Subdivision filed in the real estate records of the Clerk and Recorder of Boulder County, Colorado, on June 23, 1988 (as amended to date, the "Covenants") to promulgate Design Guidelines to clarify the types of designs and materials that will be considered in connection with an architectural approval request under the Covenants with respect to the Grove at Harper Lake Subdivision (the "Community"); and

WHEREAS, Colorado Revised Statues ("C.R.S") Section 38-30-168 provides that any covenant, restriction, or condition contained an instrument affecting an interest in real property that effectively prohibits or restricts the installation or use of a renewable energy generation device (as further defined below, an "Energy Device") is void and unenforceable, except for (i) provisions imposed for safety reasons, or (ii) aesthetic provisions that impose reasonable restrictions on the dimensions, placement, or external appearance of an Energy Device and that do not significantly increase the cost of the device or significantly decrease its performance or efficiency; and

WHEREAS, C.R.S. Section 38-33.3-106.7 provides that an association like the Community shall not effectively prohibit the installation of use of any energy efficiency measure (as further defined below, an "Energy Measures"); and

WHEREAS, the Association desires to adopt reasonable restrictions governing the installation of energy Devices and Energy Measures in a manner consistent with the aforementioned laws of the State of Colorado (collectively, the "New Energy laws").

NOW, THERFORE, the ACC and the Board adopts the following Design Guidelines which shall supersede any previously adopted Design Guidelines on the same subject matter.

- I. **Definitions.** For purpose of these Guidelines:
 - A. Capitalized terms contained but not defined herein shall have the meanings, if an, set forth in the Covenants.
 - B. "Energy Device" means any "renewable energy generation device", as defined in C.R.S. 38-30-168, including either (i) a solar energy device, as defined in C.R.S. 38-32.5-100.3. or (ii) a wind-electric generator that meets the interconnection

standards established in rules promulgated by the Public Utilities Commission pursuant to C.R.S. 40-2-124, except as (i) and (ii) above are restricted by subsections 2 and 3 of C.R.S. 38-30-168.

- C. “Energy Measure” means any “energy efficiency measure” as such term is defined in C.R.S. 38-33.3-106.7(1)(b), and means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a residence or business located on real property, including only the following types of devices or structures, subject to the restrictions in subsections 2 and 3 of C.R.S. 38-33.3-106.7:
- (i) an awning, shutter, trellis, ramada, 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; and
 - (v) a retractable clothesline.

II. General Installation Design Guidelines

- A. **Policy.** The Association encourages the use of Energy Devices and Energy Measures, but must balance such use with the Association’s responsibility to improve and enhance the attractiveness, desirability and safety of the Community. Therefore, these Design Guidelines shall apply with respect to the installation, maintenance, and use of Energy Devices and Energy Measures in the Community.
- B. **Architectural Control Committee Approval.** If required under the Covenants immediately prior to the promulgation of these Design Guidelines, ACC approval is still required prior to installing any Energy Device or Energy Measure. For the avoidance of doubt, no Energy Device or Energy Measure not requiring the approval of the ACC pursuant to the adoption of these Design Guidelines shall require ACC approval solely by virtue of the adoption of these Design Guidelines.
- C. **Approval Process.** The approval process for all Energy Devices or Energy Measures requiring ACC approval shall be that forth in the Covenants for other types of improvements or modifications, and Owners may appeal any ACC decision with respect to Energy Devices or Energy Measures in accordance with the procedures set forth in the Covenants.

- D. **Submission Details.** In connection with obtaining the ACC's approval of any Energy Device or Energy Measure, the Owner shall provide the ACC with the following information: (i) the proposed location of the Energy Device or Energy Measures that is to be installed on their Lot, (ii) the type of Energy Device or Energy Measure to be installed, (iii) the dimensions of the Energy Device or Energy Measure, (iv) the proposed color of Energy Device or Energy Measure,, (v) a pictorial/brochure of the Energy Device or Energy Measure, (if available), and (vi) a copy of local, state or federal permit requests, if required with respect to the Energy Device or Energy Measure, and the status of such requests. The ACC may request such additional information as it deems advisable to consider the application. If the Energy Device to be installed is a wind-electric generator, the information submitted must also include how the Energy Device meets the interconnection standards established in rules promulgated by the Public Utilities Commission. Following the Owner's submission of the required information, the ACC may either approve or deny the plan for installation of the device/measure as requested by the Owner, or, if feasible, make recommendations for changes consistent with these Design Guidelines, the Covenants, and the New Energy Laws.
- E. **Aesthetics.** The ACC will consider the aesthetic standards stated in the Covenants when determining whether to approve the Owner's request. The ACC encourages the Owner to select equipment that 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 Energy Device or Energy Measure is to be installed. The color of the Energy Device or Energy Measure and any exposed pipes, panels and other apparatus must be approved by the ACC. Energy Devices and Energy Measures shall have flashing colored or painted to closely match the adjacent roof and/or house base or trim color. Poles shall be painted a matte color to blend with surrounding landscape.
- F. **Location.** To the maximum extent possible, an Energy Device or Energy Measure shall be installed so as to minimize its exposure when viewed from any other Lot, the street, the Common Areas, or from the surrounding community unless to do so will have the effect of (i) substantially interfering with the collection of solar energy or significantly impacting the performance of the Energy Measure, and/or (ii) significantly increasing the cost of the Energy Device or Energy Measure (either or both, a "Detrimental Effect").
- G. **Safety.** Owners shall be responsible for ensuring that installations comply with all applicable building codes and other governmental regulations and the ACC may request evidence of such compliance in connection with its review of any application. Notwithstanding any other provision herein to the contrary, and regardless of any resulting Detrimental Effect, all Energy Devices and measures

must be designed, installed and maintained in a manner that is consistent with bona fide safety requirements, consistent with applicable building codes and recognized safety standards, for the protection of persons and property.

- H. **Removal.** Subsequent removal of an Energy Device or Energy Measure requires restoration of the installation location to its original condition and approval of the ACC if required pursuant to the Covenants. Owners shall be responsible for all costs relating to removal and restoration.
- I. **Variances.** The ACC will review other suggested locations/installations if the above are not feasible; provided, however, the ACC may require the applicant to provide the ACC with a written statement by a solar, wind, or other energy expert that the restrictions imposed by the ACC will have a Detrimental Effect. In such cases, the ACC may permit variances to these installation criteria to the minimum amount as is reasonably required to allow the Energy Device or Energy Measure to function properly and to minimize any increase in the cost of the device to the Owner.
- J. **Effect of Approval.** ACC approval in no way should be construed as a representation, guarantee, or warranty, etc. by the ACC or the Association that collection of solar or wind energy shall be adequate for the Owner's needs or that Energy Devices or Energy Measures will remain undisturbed by vegetation or improvements located on surrounding properties including the surrounding Lots and/or Common Areas.
- K. **Prohibited Improvements.** No Energy Device or Energy Measure may be located on property that is: (i) owned by another person; (ii) leased, except with permission of the landlord, (iii) collateral for a commercial loan, except with permission of the secured party; or (iv) the Common Areas.

III. **Design Guidelines for Specific Energy Devices and Energy Efficiency Measures**

- A. **Solar Energy Devices.** The preferred location of a solar Energy Device shall be flush mounted on the back roof of the residence and below the peak of the roof, unless to do so will have a Detrimental Effect. 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 a Detrimental Effect.
- B. **Wind-Electric Generators.** All wind generation Energy Devices must meet all Association, local, and state regulations, including but not limited to setbacks and height restrictions. Wind-electric Energy Devices shall be located in an area that reduces interference with the use and enjoyment by residents of property situated near the device as a result of the sound associated with the device. The ACC may

consider concerns expressed by neighboring property owners and information presented by the Owner requesting approval in determining impact on other Owners.

C. Solar Shades

1. Each window must have its own shade however one shade may be used to cover multiple windows if such windows are separated by no more than 4 inches; all windows on the same elevation (side of structure) must be covered by like-style shades if any one window is covered.
2. Shade colors must be submitted and are subject to review for compatibility with the home's base and trim colors.
3. The housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application.

D. Shutters

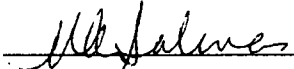
1. Each window must have its own shutter however one shutter may be used to cover multiple windows if such windows are separated by no more than 4 inches; all windows on the same elevation (side of structure) must be covered if any one window is covered.
2. Housing units should be no larger than 10 inches wide by 10 inches deep by the length of the window(s) and mounted in the soffit whenever possible.
3. Colors must match or complement the existing house. Samples of shutter color shall be submitted for ACC approval.
4. The housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application.

E. Clotheslines. The Association encourages the use of removable clothes drying devices that are not affixed to the ground or a structure. Retractable clotheslines must meet the requirements set forth in Section 6.04 of the Covenants.

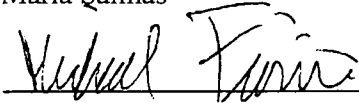
IV. Miscellaneous.

In the event of any conflict between the Covenants and these Design Guidelines, the Covenants shall control on the point of conflict unless the Covenants have been rendered unenforceable by the New Energy Laws, in which case, these Design Guidelines shall, to the extent they are enforceable under the New Energy Laws, control on the point of conflict.

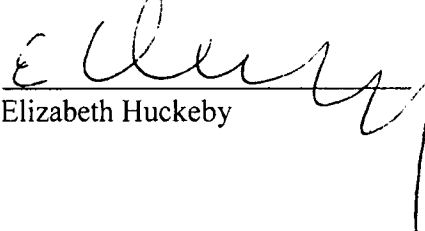
These Design Guidelines for Installation of Renewable Energy Devices and Energy Efficiency Measures were adopted by the ACC and the BOD on July 6, 2011.



Maria Salinas



Mike Fiorino



Elizabeth Huckeby