HIGHLAND PARK 3 ASSOCIATION, INC.
RENEWABLE ENERGY GENERATION DEVICE AND
ENERGY EFFICIENCY MEASURES POLICY

Effective Date: June 5, 2018

In compliance with the Colorado Common Interest Ownership Act and the Declaration of Protective Covenants for Highland Park Filing 3, the Board of Directors desires to adopt a uniform and systematic policy regarding the installation of "Energy Generation Devices" and "Energy Efficiency Measures" as defined in an Amendment to Section 38-33.3-106.7 of CCIOA (the Colorado Common-Interest Ownership Act).

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 ACC written approval except as noted.

1. Definitions.

1.1. 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 as referenced in Section 38-32.5-100.3 C.R.S. Examples of a Solar Energy Device are photovoltaic (PV) solar electric panels, solar thermal systems (solar water heaters) and solar lighting systems.

1.2. 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 40-2-124 C.R.S. This wind energy conversion system shall consist of a wind turbine, tower and associated control or conversion electronics that has a rated capacity of not more than 10 kW and that is intended to primarily reduce on-site consumption of utility power.

1.3. Reasonable Restrictions.

1.3.1. 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.

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

1.3.3. Aesthetic provisions that do not significantly increase the cost of the device

or significantly decrease its performance or efficiency.

1.3.4. 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.

1.3.5. The ACC 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 for the preservation of views of Pikes Peak and the Front Range from neighboring properties.

1.4. 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 38-33.3-106.7. C.R.S.

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

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

1.4.3. An evaporative cooler.

1.4.4. 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.

1.4.5. A retractable clothesline.

1.5. Tower. The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. Tower height shall be measured to the turbine mounting point.

1.6. 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 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 (per El Paso Land Development Code).

2. Highland Park 3 ACC Guidelines for Wind Energy Conversion Systems.

2.1. Compliance with El Paso Land Development Code, safety codes. National Uniform

Building Code and National Electric Code when applicable: Residential Wind Turbines must be approved by the Pikes Peak Regional Building Department and the El Paso County Planning Department.

2.2. Submission of Documents to the ACC: A wind energy conversion system submission to the ACC shall include a plot or site plan of the property drawn to scale, showing the boundaries, dwelling and other structures: driveway: easements (such as the trail, utility, drainage or gas easements): the location and height of the proposed wind turbine, to include size of foundation and placement of all guy wires. The requesting owner shall also submit the manufacturer's information to include standard drawings of the wind turbine structure including the tower, base, footings, guy wires (if any), anchors and any/all other external components of the system. An engineering analysis of the tower, guy wires and anchors showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted; this information is typically supplied by the manufacturer. Adjoining neighbors will be notified of the submission, although their approval is not necessary, their input will be taken into consideration.

2.3. 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. For a non-certified wind turbine, the owner must include in the submission a description of the safety features of the turbine that has been prepared by a registered mechanical engineer.

2.4. Noise Disturbance. Residential wind energy conversion systems shall not exceed 50dBA (land code is 55dBA 7AM-7PM and 50dBA 7PM-7AM), 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.

2.5. Generator height. The height of the generator, including blades shall not exceed 75% of the distance from the base of the generator to any property line, or 80 feet whichever is less. This is the maximum under the El Paso County Land Development Code.

2.6. Setbacks. Minimum setbacks 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 not less than 10 feet within the property line (or trail easement or other easement). Building-mounted systems may be affixed to an ACC approved unattached garage or the dwelling structure. In no case shall the tower be installed closer to an adjoining main dwelling than to the tower owner's inhabited dwelling. In any event, the pole must be located such that if it were to fall it will not land on any other property or easement.

2.7. Utility Notification. No residential wind energy system shall be installed until evidence has been given that the 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.

2.8. Aesthetic/safety considerations. The HP3A and ACC encourage the Owner to select equipment that is aesthetically acceptable in the subdivision.

2.8.1. Approval of placement and tower style shall take into consideration the view impact to neighboring property owners, especially of Pikes Peak. It will be important to educate property owners within Highland Park of the inevitability of "earth plus wind generators" and how these structures will blend into the landscape.

2.8.2. 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.

2.8.3. If maintenance of the turbine requires climbing of the tower, there shall be no cling rungs or climbing devices closer than 12 feet to the ground.

2.8.4. No signs or added accessories (like solar panels) shall be affixed to the tower. "Warning," "Danger" or "No Trespassing" signs may be considered.

2.8.5. 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. Highland Park ACC Guidelines for Solar Energy System(s).

3.1. Compliance with El Paso Land Development Code, safety codes, National Uniform Building Code and National Electric Code when applicable. Installation of a solar energy system must be approved by the Pikes Peak Regional Building Department and the El Paso County Planning Department.

3.2. Submission of documents to the ACC. An Owner shall submit to the ACC a plot or site plan of the property drawn to scale showing the boundaries, dwelling, other structures, driveway, and easements (such as the trail, drainage or gas easements). Construction drawings for the proposed installation shall be provided and will be drawn to show location, number of collectors, attachment to roof structure or ground attachment and location of any other exterior system components. The Owner will submit a sample or illustrated brochure of the proposed solar unit that clearly depicts the unit and defines the materials used. Calculations should also be provided showing the number and area of the collectors required. Adjoining neighbors will be notified of the submission, and although their approval is not necessary, their input will be taken into consideration.

3.3. Installation/aesthetics.

3.3.1. Whenever possible, solar collectors should be installed on the plane of roof material (flush mounted) and shall not extend above the ridge of the roof. Panels may be pitched differently from the angle of the roof only to the extent necessary for solar efficiency.

3.3.2. Ground mounted solar units shall have setback requirements of 50 feet from adjoining property lines, trail easements and street boundaries.

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

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

3.3.5. Aluminum trim, if used and visible, should be anodized or other color treated, if necessary, to match the color scheme of the improvements.

3.3.6. An Owner shall take into consideration the future height of a neighbor's 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 neighbor owning the solar collectors.

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

3.3.8. A reasonable number of panels may be used to supplement the energy needs of the house, but an owner may not create a "solar field" by installing a solar array of panels covering large areas of the property (an acre of solar panels would be unreasonable, for example).

4. If the Energy Generation Device is approved:

4.1. 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 ACC.

4.2. 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. Failure to maintain solar panels often renders them an eyesore, and the HP3A may require their removal if not so maintained. Maintenance includes mowing and trimming regularly around ground mounted panels.

4.3. Effect of Approval. ACC approval in no way shall be construed as a representation, guarantee, or warranty, etc. by the ACC or the HP3A that collection of solar or wind energy shall be adequate for the Owner's needs.

4.4. 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 events caused by high winds, ice slinging from wind-turbine blades, etc. Adding coverage for these devices to homeowner's insurance is highly recommended.

5. Highland Park Filing 3/3A Guidelines for Energy Efficiency Measures:

5.1. The following does not require ACC approval:

5.1.1. Replacement of existing light fixtures with energy efficient outdoor lighting devices. The Owner must, however, reasonably maintain architectural matching to the existing structure and not cause directed or reflected light onto any other property.

5.1.2. The use of a retractable clothesline or of removable clothes drying devices that are nor affixed to the ground or a structure are permitted. Owners must store any clothes drying devices out of view when not in use.

5.1.3. Interior garage or attic fans and interior louvers.

5.1.4. Prior approval for cloth awnings is not required provided they are compatible in color scheme with the colors of the house and kept in good condition. Any other materials must be submitted and approved prior to installation.

5.2. Exterior operable or motorized Solar Shades and Shutters:

5.2.1. Colors must be subdued and are subject to review for compatibility with the home's base and trim colors.

5.2.2. 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.

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

5.3.1. The preferred location for evaporative coolers (and other air movement

devices) is at ground level.

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

5.3.3. 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.

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

5.3.5. Owner shall submit 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.

5.4. Other Energy Efficiency Measures. Owners must submit an architectural request form for intended installation of any energy efficiency measure not specifically addressed in these guidelines.

6. Abandonment. In the event that a wind turbine, solar device, or Energy Efficiency Measure is allowed to be in disrepair, or not used for a minimum of six (6) months, the current owner of the property may be required to remove the structure or put the device back into service within three (3) months of notice from the HP3A. If a device is removed, all components shall be removed and the property improvements and/or land shall be repaired. In the event of a sale of the property, the new owner shall be made aware of the abandonment restriction prior to sale.

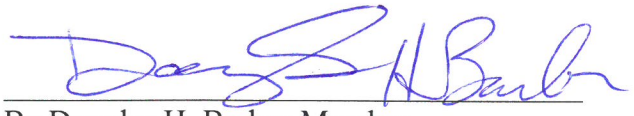
7. ACC approval for modifications. Owners shall submit detailed plans for any subsequent modifications made to the Energy Generation Device(s) and/or Energy Efficiency Measures.

8. Waivers/Variances. For any application for waiver or variance to this policy, the ACC may require the applicant to provide a written statement by a solar, wind, or other energy expert that the restrictions imposed by the ACC 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 (over 20% for example) increasing the cost of the device or measure. In such cases, the ACC may 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. Amendment. This Renewable Energy Generation Device and Energy Efficiency Measures Policy may be amended from time to time by the Board of Directors.

IN WITNESS WHEREOF, the undersigned certifies that this Renewable Energy Generation Device and Energy Efficiency Measures Policy was established by the Declarant in its role as the initial Board of Directors of the Highland Park 3 Association, Inc.

HIGHLAND PARK 3 ASSOCIATION, INC.
By LITTLE LONDON, LLC, DECLARANT



By Douglas H. Barber-Member