

**CHARTER OAKS OWNERS ASSOCIATION, INC.
SOLAR PANEL POLICY**

This Solar Panel Policy ("Policy") was adopted by the Board of Directors of Charter Oaks Owners Association, Inc. on the 4th day of AUGUST, 2021, and is effective immediately upon adoption.

RECITALS

WHEREAS, the Board of Directors of Charter Oaks Owners Association, Inc. ("Association") is responsible for the governance and preservation of the Charter Oaks community ("Community"); and

WHEREAS, pursuant to the Association's governing documents and applicable Colorado law, the Association is authorized to adopt and enforce reasonable standards and guidelines in the best interests of the Community that regulate the placement of solar panels and other energy devices on the Lots; and

WHEREAS, Colorado Revised Statutes Section 38-30-168 provides that any covenant, restriction, or condition contained in an instrument affecting an interest in real property that effectively prohibits or restricts the installation or use of a renewable energy generation device is void and unenforceable, except that aesthetic provisions that impose reasonable restrictions on the dimensions, placement or external appearance and that do not increase the cost of the device by more than ten percent (10%) or decrease its performance or efficiency by more than ten percent (10%) or are imposed for safety reasons are nevertheless enforceable; and

WHEREAS, Colorado Revised Statutes Section 38-33.3-106.7 provides that an association shall not effectively prohibit the installation or use of an energy efficiency measure; and

WHEREAS, the Association desires to adopt reasonable restrictions governing the installation of solar panels in a manner consistent with the provisions of Colorado law.

NOW, THEREFORE, the Association adopts the following standards and guidelines for the installation of solar panels and related equipment in the Community by owners of Lots, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Lot, and which shall supersede any previously adopted standards and guidelines on the same subject matter.

- I. Definition.** "Solar Panels" when used in this Policy shall have the same meaning as "renewable energy generation device" defined in C.R.S. 38-30-168 and "solar energy device" as defined in C.R.S. 38-32.5-100.3, together with all wires, lines, connections, and infrastructure necessary to install the solar energy device.

II. General Installation Rules

- A. **Environmental Control Committee Approval.** Solar Panels shall be utilized for the residential use of solar energy by the residents on the Lots on which the Solar Panels are installed. Approval by the Environmental Control Committee ("Committee") for the installation of Solar Panels in Preferred Locations as defined in Section III, A below or other locations on Lots is required prior to installing any Solar Panels or related lines, wires, attachments, or other infrastructure or related improvements on the structure, property or Lot. While the Association encourages the use of Solar Panels and energy measures that are based on renewable resources, it must balance that use with its responsibility to protect the attractiveness, desirability and safety of the Community. Therefore, consistent with controlling statutes and the terms and conditions of the Association's Declaration, Committee approval is required for all Solar Panels.
- B. **Submission Details.** In connection with requesting the Committee's approval for the installation of any Solar Panels, the Owner shall provide the Committee with the following information:
- (1) Location where the Solar Panels are to be installed on the structure and/or Lot, including photographs showing the proposed location;
 - (2) Type of Solar Panels to be installed;
 - (3) Number and dimensions of the Solar Panels, including calculations supporting the need for the number and dimensions of the Solar Panels submitted to fulfill the residential use of solar energy on the Lot;
 - (4) Proposed color of the Solar Panels, frames, tubing, conduits and all associated equipment;
 - (5) Pictorial/brochure of the Solar Panels (if available);
 - (6) Solar Panel orientation – landscape or portrait and general compass direction of the solar panels (N, E, S, W);
 - (7) Pitch angle of the Solar Panels;
 - (8) Distances of the bottom and top of rack-mounted Solar Panels from the underlying surface (roof or ground);
 - (9) Measures to be taken, if any, to shield any proposed ground mounted installation of Solar Panels from the view of adjacent Lots;
 - (10) Accurate site plan drawings with descriptions must be provided with the initial application and the drawings shall be to scale and clearly show all elevations as specified above in this Section II, B.; and
 - (11) In the event the submission is for a location that is not classified as a Preferred Location, in the order of preference, as set forth below in Section III, A of this Policy, the Owner shall provide evidence from a solar energy expert, who is not the intended installer of the Solar Panels, that as it relates to the requested location, installation of the Solar Panels in all Preferred Locations, in the order of preference, would increase the cost of the Solar Panels by more than ten percent (10%) or decrease the efficiency or performance of the Solar Panels by more than ten percent (10%).

Following the Owner's submission of the required information, the Committee will either approve or deny the plan for installation of the Solar Panels as requested by the Owner, or, if feasible, make recommendations for changes consistent with these Rules and applicable provisions of the Declaration.

- C. **Approval Considerations.** When deciding whether to approve a submission to install Solar Panels, the Committee shall consider the guidance and requirements in the governing documents of the Association and whether the Preferred Locations, in the order of preference, for installation versus the requested location for installation increases the cost of the Solar Panels by more than ten percent (10%) or decreases the performance or efficiency of the Solar Panels by more than ten percent (10%). The Committee shall have the right to retain an expert to provide an opinion on whether the Preferred Locations for installation, in the order of preference, rather than the requested location for installation, increases the cost of the Solar Panels by more than ten percent (10%) or decreases the performance or efficiency of the Solar Panels by more than ten percent (10%). In the event the Committee retains an expert to provide such an opinion, the Owner submitting a request to install Solar Panels in a location other than one of the preferred locations set forth above, shall be responsible for payment of the costs of obtaining the opinion of an expert and such costs shall be treated as an Assessment as set forth in the Declaration.
- D. **Residential Use.** Solar Panels shall be for the residential use of the residents of the Lot where the Solar Panels are located. Therefore, the Committee may restrict the number of Solar Panels which may be installed on the Lot to meet the needs of the expected residential use on any particular Lot.
- E. **Set Back Requirements and Aesthetics.** The Committee will consider the setback requirements and aesthetic standards set forth in the Association's governing documents when determining whether to approve the Owner's request for installation in a location that is not a Preferred Location. Installation of Solar Panels in the set back will only be approved as a last resort. In the event the Owner does not submit to install Solar Panels in a Preferred Location, the Owner is encouraged to select a location for Solar Panels and equipment that is aesthetically acceptable in the Community and integrates with the residence and surrounding landscape to the maximum extent possible. The color of the Solar Panels and any exposed pipes, panels and other apparatus must be approved by the Committee. Solar Panels shall have flashing colored or painted to closely match the adjacent roof color where applicable.
- F. **Costs.** Owners are responsible for all costs and expenses associated with Solar Panels, including, but not limited to, costs of submission for approval by the Committee, costs associated with the Committee obtaining an opinion from an expert relating to requests for installations made outside of Preferred Locations, costs associated with installation of Solar Panels and any other related improvements, costs of removal of Solar Panels, insurance costs and costs associated with damages caused by or exacerbated by the presence of the Solar Panels. To the extent the Association incurs any cost or expense due to the installation or presence of Solar Panels, the Association may assess such expenses as Assessments.

- G. **Variances.** The Committee will review requests for a variance for the installation of Solar Panels in locations which are not consistent with the Preferred Locations specified below in Section III, A of this Policy, if such preferred locations are not feasible. However, the Committee may require the applicant to provide the Committee with a written statement by a solar energy expert who will have no involvement in the installation of the Solar Panels in question, which provides an opinion on whether the installation of Solar Panels in the Preferred Location (instead of the location requested by the Owner), in the order of preference, will have the effect of (i) decreasing the performance or efficiency of the Solar Panels by more than ten percent (10%), and/or (ii) increasing the cost of the Solar Panels by more than ten percent (10%). In such cases, the Committee will permit variances to the minimum extent as may be required by Colorado law.
- H. **Effect of Approval.** Committee approval in no way should be construed as a representation, guarantee, or warranty by the Committee, the Board, or the Association that collection of solar energy shall be adequate for the Owner's residential needs or that Solar Panels will remain undisturbed by vegetation or improvements located on surrounding properties. Approval is not a representation, guarantee, or warranty that the Solar Panels are appropriate for the Lot, that the building on the Lot is structurally appropriate for the Solar Panels, or that the Solar Panels are approved by other entities with jurisdiction over the Lot.
- I. **Conveyances.** Owners are not obligated to remove Solar Panels in the event of conveyance of the Lot; however, the installing Owner's successor is responsible for all aspects of the Solar Panels to the same extent as the installing Owner would be, but for the conveyance. Any Owner who seeks to convey a Lot with Solar Panels is obligated to provide notice of the Solar Panels and these rules to the purchaser.
- J. **Prohibited Improvements.** No Solar Panels 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) a common element of the Community.

III. Guidelines Solar Panel Installation.

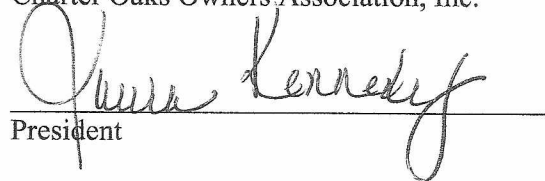
- A Solar Panels shall be installed in the Preferred Locations, in the order of preference, as set forth below in this Section III, A., unless it is proven by an expert, who is not the installer of the solar panels, that installation of the Solar Panels in a Preferred Location, in the order of preference, would decrease the performance or efficiency of the Solar Panels by more than ten percent (10%) or increase the cost of the Solar Panels by more than ten percent (10%). The order of preference for the Preferred Locations for the installation of Solar Panels shall be: First, on the roof of the residence, below the peak of the roof; and Second, ground mounted solar panels installed in the backyard of the Lot, outside of the set back, no higher than two panels high when the long side of the panel is parallel to the ground. Solar Panels mounted on the roof shall be installed flush with the roof unless to do so will have the effect of prohibiting the collection of solar

energy or reducing the performance or efficiency of the solar panels by more than ten percent (10%).

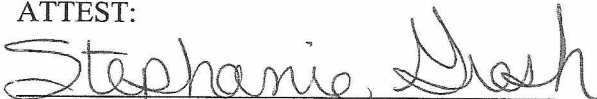
- B. Owners shall be responsible for ensuring that installations comply with all applicable building codes and other governmental regulations. All Solar Panels must be installed by a qualified and licensed installer, if applicable, and secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.
 - C. If the Owner chooses to discontinue use of the Solar Panels, the Owner is solely responsible for removal and restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to removal and restoration.
 - D. The total number of Solar Panels and other apparatus installed shall not cover more than 75% of any given roof section, unless doing so will have the effect of not meeting the residential needs of the residents of the Lot.
- IV. **Covenants in Conflict with Statutes.** To the extent that any provisions of the Association's recorded covenants restrict or prohibit energy devices and/or energy measures in violation of the controlling statutes, the Association shall have no authority to enforce such provisions and these Rules shall hereafter control.

These Rules for installation of Solar Panels were adopted by the Board of Directors as set forth above.

Charter Oaks Owners Association, Inc.


President

ATTEST:


Secretary