

**POLICY OF
ELK VALLEY ESTATES HOMEOWNERS ASSOCIATION
REGARDING SOLAR DEVICES**

SUBJECT: Adoption of a process regarding installation of solar devices.

PURPOSE: To adopt a policy regarding installation of solar devices.

AUTHORITY: Declaration, Articles of Incorporation, Bylaws, and Colorado law.

EFFECTIVE DATE: January 19, 2022

RESOLUTION: The Association hereby adopts the following Policy:

1. Definition.

A "Solar Device" shall mean 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.

2. Solar Devices. Regardless of any provision in the Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, or Design Guidelines, pursuant to Colorado law, Solar Devices may be approved by the Association subject to the following:
- a. Any aesthetic provisions in the Declaration, Rules and Regulations, or this Policy related to the dimensions, placement, or external appearance of the renewable energy generation device that do not increase the cost of the device by more than 10% or decrease its performance by more than 10%; and/or
 - b. Any bona fide safety requirement, as required by an applicable building code or recognized electrical safety standard, for the protection of persons or property.
3. Approval of Solar Devices. Requests for installation of Solar Devices on residences will be approved by the Architectural Review Committee ("ARC") of the Association subject to Article II of the Declaration, Article III, Section 12 of the Declaration, and the following:
- a. The Owner desiring to install a Solar Device must submit a written request to the Association. The request must include detailed plans and specifications, including but not limited to a description of the type of Solar

Device as well as depictions and descriptions of the proposed location, number of devices, dimensions, mounting equipment, manner of attachment, the geometry of the Solar Device compared to the residence and visibility of the Solar Device, including any auxiliary equipment, from neighboring lots, public streets, or common areas. Photographs and manufacturer information must be provided showing the overall appearance of the Solar Device, recommended installation guidelines, as well as the proposed style, color, and materials to be used.

- b. Any conduit, junction box, wiring, or any other materials used must blend with the residence. If any portion of the wiring or other materials is located adjacent to the trim, such wiring or other materials must match the trim color and blend with the residence. If any portion of the wiring, or other materials, is located adjacent to the siding, such wiring and other materials must match the siding color and blend with the residence.
- c. Approval may be subject to the Owner entering into a written agreement whereby Owner on his or her behalf and all successors-in-interest affirms and assumes responsibility for maintenance, repair, and replacement of the Solar Device; provided, however, that no such conditions shall increase the cost of the device by more than 10%, or decrease its performance or efficiency by more than 10%. Owner will also be responsible for all costs of removal and reinstallation of the Solar Device when roof replacement, repair, or maintenance is required to be performed by the Association.
- d. The ARC shall provide approval or denial of plans no later than 30 days from full submission of the application and all pertinent documentation. In the event the request is denied, the basis for denial will be described in reasonable detail in the denial communications.
- e. Owner shall be responsible for any roof damage, as well as any damage to any resident's or Association property, including Common Areas, resulting from installation, operation, maintenance, repair, removal, reinstallation, or use of the Solar Device.
- f. Solar Devices must be installed in accordance with all manufacturer's guidelines and Owners remain obligated to comply with any local municipality requirements, including all city, county, and state building codes, with respect to installation of Solar Devices. Approval from the Association does not negate compliance with any such requirements.
- g. Solar Devices may not be installed on any property that is owned by another person, leased (except with permission of the lessor), on Common Areas, or other properties owned by the Association.

In the event it is determined that any of the above regulations violate applicable law, the Association shall reasonably alter such criteria or deviate from same on a case-by-case basis.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Elk Valley Estates Homeowners Association, a Colorado nonprofit corporation, certifies the foregoing Policy was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on _January 19, 2022 and in witness thereof, the undersigned has subscribed his/her name.

**Elk Valley Estates Homeowners
Association, a Colorado nonprofit corporation**

By: 

Its: President