

ATTACHMENT TO MINUTES OF 10-12-2021 BOARD MEETING

Policy Pertaining to Installation of Air Conditioning Systems Servicing Rocky Ridge Townhome Residences

This policy is adopted pursuant to Section 3.06 of the Declaration of CC&R's duly adopted by the Rocky Ridge Properties Owners' Association. This policy shall constitute a part of the "Architectural Review Guidelines" referenced in Section 5.04 of the Declaration of CC&R's and shall be incorporated into the policies adopted as part of the Association's Operating Rules. Capitalized terms used in this policy without definition shall have the meanings assigned to them in the Declaration of CC&R's.

The Board of the Association recognizes that with both higher seasonal temperatures and increased wild fires, many Townhome Residence Owners are perceiving a greater need for air conditioning. The Board is sympathetic to these views, but it also wants to make sure that the impact and appearance of the installation and operation of air conditioning systems (each, an "AC system") by one Townhome Residence Owner (or by multiple Townhome Residence Owners) do not impose inappropriate burdens upon, or unreasonably detract from the experience enjoyed by, other Townhome Residence Owners. Accordingly, the Board has established the following conditions to approval of the installation of AC systems:

- a. No equipment related to an AC system for a Townhome Residence shall be installed outside of the interior walls of the Townhome Residence unless the installation and operation has been approved by the Association's Architectural Control Committee (sometimes referred to in the Declaration of CC&R's as the "ACC" of the Association). In considering whether to approve a particular proposed AC system, the ACC will consider among other factors the following:
 - i. The AC system must be rated by the AHRI 210/240 standard to confirm that the maximum noise produced by the AC system shall be no greater than 56 decibels.
 - ii. The use and operation of the AC system with respect to a Townhome Residence shall not cause objectionable odors or vibrations within, or on the exterior deck(s) that are attached to, any other Townhome Residence.
 - iii. The AC system shall include shielding and other protective features to assure that the operation of the AC system shall not pose a meaningful threat to the safety of individuals, such as children.
 - iv. The equipment for the AC system shall be installed only in locations that have been approved by the ACC. The proposed locations for the pertinent equipment shall be identified in a site plan submitted to the ACC as part of the applicant Owner's application materials.
 - v. All exterior platforms, wiring, cords, tubes, vents, ducts and other equipment or materials related to the AC system shall be affixed and secured in a safe and aesthetic manner. In this vein, when evaluating an Owner's proposed installation plans, the ACC may disfavor plans which call for wires, cords, tubes, vents, ducts or the like to be left loose or hanging or in a manner which poses risk to others (e.g., through cords or wires or ducts which others might trip over).
 - vi. In considering whether to approve proposed locations, the ACC may consider the size and appearance of the equipment involved in the pertinent AC system, whether the proposed AC system, as installed, will be in harmony with the external design of other structures and landscaping within the Rocky Ridge Development, and whether the proposed locations reasonably minimize the adverse visual impacts of, and the noise, vibration and smells emanating from, the AC system. Given the idiosyncratic designs of the various Townhome Residences, each proposed AC system shall be evaluated and approved or disapproved on its own merits and in the context of its own individual circumstances; subject to the limitations in Section 5.07 of the Declaration of CC&R's, the approval of a particular AC system with respect to one or more Townhome Residences shall not restrict the authority of the Association to decline to approve the installation of the AC system with respect to another Townhome Residence.
- b. As part of the application for approval of a proposed AC system, the applicant Townhome Residence Owner shall agree that:

- i. As part of the application package, the applicant Owner shall provide the ACC with a description of the AC system, the noise rating for the AC system, the dimensions of the AC system, the proposed locations for installation of the relevant equipment (or alternative potential locations), and a photo or photos reasonably depicting the equipment involved in the proposed AC system and the manner in which such equipment shall be deployed.
 - ii. The AC system and its installation must comply with all local laws, including permitting requirements and any requirements applicable to the minimum set back of an AC system from the perimeter of any adjacent or nearby townhouse units.
 - iii. The ACC may provide copies of the application package to Owners of other Townhome Residences. The Owner's application package shall be submitted in a manner which facilitates re-distribution through electronic means. As contemplated by Section 5.13 of the Declaration of CC&R's, the ACC also may solicit comments from other Owners with respect to the installation of the AC system. Notwithstanding the foregoing, nothing herein shall be construed as providing approval/disapproval authority to any other Owners with respect to a proposed AC system installation, or as conditioning the authority of the ACC or the Board with respect to a proposed AC system upon the consent of any other Owner or Owners, it being understood that the authority to approve or disapprove the installation of an AC system shall be vested exclusively in the ACC and the Board.
 - iv. If, after installation, the installed AC system generates noise, vibrations or smells violative of the standards referenced above, then the Owner of the Townhome Residence will take such steps as the Board reasonably requests to bring the AC system's noise/vibration/smells within the required thresholds. If the required thresholds cannot be achieved, then the Owner of the Townhome Residence will remove the AC system.
 - v. If, after installation, the technology applicable to shielding the visual, noise, smell or vibration impacts of the units evolves so as to enable impacts which are materially less intrusive, the Townhome Residence Owner shall make revisions to the installation of the AC system, as requested by the Board, so as to cause the AC system to be reasonably consistent with the evolving technologies; provided, however, that the Board shall not have the right to require revisions if the costs of the revisions are unreasonable relative to the benefits achieved as a consequence of the revisions.
 - vi. The Owner of the Townhome Residence shall agree to take all steps, at its own expense, that may be necessary to make sure that the use and operation of the AC system do not unreasonably interfere with maintenance activities vested within the authority of the Association under the Declaration of CC&R's.
 - vii. The applicant Owner shall agree that the approval by the Association or the ACC of the installation of an AC system shall not be construed as imposing any responsibility upon the Association or the ACC for damages caused by the AC system, it being understood that (subject to the provisions of Section 9.05 of the Declaration of CC&R's), the Owner of the Townhome Residence within which the AC system is installed shall be responsible for any damages caused by the installation or operation of the AC system to the same extent as the Owner would be liable for damages arising out of installation or operation of equipment that is located exclusively within the walls of the Townhome Residence
- c. The ACC shall approve or disapprove a proposed installation of an AC system in accordance with Article V of the Declaration of CC&R's (including without limitation Sections 5.07, 5.12 and 5.13 of the Declaration of CC&R's). The burden shall be on the applicant Owner to provide evidence reasonably satisfactory to the ACC to demonstrate compliance with the requirements included within this policy.