

RESOLUTION

PUEBLO WEST COMMITTEE OF ARCHITECTURE

The Pueblo West Committee of Architecture ("PWCOA"), a Colorado non-profit corporation, also known as the "Committee", at a meeting on the 22nd day of January, 2009, at which time a quorum was present, adopted the following Resolution:

RESOLUTION 2009-1

WHEREAS, the general purpose of the PWCOA is to provide for the maintenance of a high standard of architecture and construction in such a manner as to enhance the aesthetic properties and structural soundness of the developed subdivision; and

WHEREAS, PWCOA shall be guided by and controlled by the Declaration of Reservations except when in their sole discretion, good planning would indicate to the contrary; and

WHEREAS, PWCOA is charged with a task of enforcing certain conditions, covenants and restrictions called the Declaration of Reservations (the "Declaration") concerning the development, improvement, protection, maintenance, and use of real property located in Pueblo West, and

WHEREAS, the Declaration provides that PWCOA may adopt reasonable rules and regulations in order to carry out its duties of providing for the maintenance of a high standard of architecture in a manner as to enhance the aesthetic properties and structural soundness of the community; and

WHEREAS, the Declaration states:

"No building, including farm structures of any kind, fence, patio, or other structure shall be erected, altered, added to, placed, or permitted to remain on said lots or any of them or any part of any such lot until and unless the plans showing floor areas, external design, structural details and the ground location of the intended structure along with a plot plan have been first delivered to and approved in writing by the Committee..."
and

WHEREAS, the Declaration also states:

"No air conditioning unit, evaporative cooler, or other object other than a television or radio antenna shall be placed upon or above the roof of any dwelling or other building, except and unless the same is architecturally concealed from view in plans submitted to and approved by the Committee of Architecture, and then only where to the full and sole satisfaction of the Committee of Architecture the same is not aesthetically objectionable and is otherwise in conformity with the over-all development of the Community" and

WHEREAS, the Declaration also states:

"The exterior portions of all buildings shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, so that all materials shall have a finished appearance" and

WHEREAS, the Declaration also states:

"No source of electrical energy shall be brought to the property or used upon the property until the Committee of Architecture has approved plans and specifications for the erection of approved improvements upon any lot" and

WHEREAS, the Declaration also states:

"No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood" and

WHEREAS, PWCOA recognizes that wind energy is expanding in its application for residential use, both on and off the grid, and that residents of Pueblo West may be desirous of employing wind technologies for their own use; and

WHEREAS, the construction of and placement of wind generating devices or units introduce substantial impacts upon the aesthetic properties of residential properties in Pueblo West; and

WHEREAS, PWCOA believes that based upon good planning, PWCOA believes that PWCOA should assure that the design and placement and height of wind devices should not negatively impact the aesthetic properties or properties in Pueblo West concerning development and the potential for development of residential, commercial and industrial development; and

WHEREAS, PWCOA believes that based upon good planning, PWCOA should adopt the following standards and minimum requirements for the approval of the location and placement of wind energy devices or units on residential lots in Pueblo West.

THEREFORE, IT IS RESOLVED that the following standards as approved by the Pueblo West Committee of Architecture are adopted for the location of any wind generators/wind mills/wind turbines ("wind devices or units") for energy as follows:

1. Units will be reviewed on properties that have one acre or more. A plot plan indicating the proposed location with measurements from all property lines and structures will be submitted as a part of the application process.
2. The height of the unit is restricted to forty feet (40'). The height will be measured from natural ground level to the highest point of the blades.
3. Units are restricted not to exceed one unit per property.
4. If the unit is damaged, abandoned or unused for a period of 30 days, the owner will repair or removed the unit from the property within 60 days thereafter. Once a unit is removed from the property, the property owner must apply for a replacement unit and receive written approval from the PWCOA prior to placing a new unit on the property.
5. No wind generator/wind mill/wind turbine shall be erected upon any lot **unless**:
 - (a) A stamped Colorado Certified Professional Engineer must submit an engineered foundation plan to the PWCOA prior to construction;
 - (b) The motor unit and convertor meet all electrical codes;
 - (c) The proposed unit's plans and installation must pass all Pueblo County Regional Building Authority inspections;
 - (d) The unit is restricted to a fabricated mono pole structure in accordance to 5(a) singular pole with a one hundred and fifty (150) mph wind speed approval or better;
 - (e) Guide wires, if necessary, are indicated on the drawings and application;

- (f) The fall line of the unit remains on the property where it has been erected with a radius of forty-five (45');
- (g) Decibels of the unit during operation do not exceed 50 db. at the property boundary lines;
- (h) The unit shall have a brake system or a "patented electric stall regulator";
- (i) The unit color will be indicated on the application form; and
- (j) The unit will meet all aesthetics as determined by the PWCOA.

6. The effective date of this Resolution is the 22nd day of January, 2009.

7. Within one year of the effective date of Resolution 2009-01, PWCOA reserves all rights to modify, change or terminate this Resolution.

A motion to adopt this Resolution 2009-1 was made, seconded and carried by PWCOA on the 22nd day of January, 2009.

Dated and signed in Pueblo West, Colorado this 22nd day of January, 2009.

PUEBLO WEST COMMITTEE OF ARCHITECTURE

By *Rob Mock*
Rob Mock, President

ATTESTED:
Camille Koetting
Camille Koetting, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

The foregoing instrument was acknowledged before me this 22 day of January, 2009 by Rob Mock, as President of the Pueblo West Committee of Architecture, a Colorado non-profit corporation, and attested to by Camille Koetting, as Secretary of the Pueblo West Committee of Architecture, a Colorado non-profit corporation.

My Commission Expires: 2/16/2009

Judy Leonard
Notary Public

