

SHADOW CREEK CONDOMINIUM ASSOCIATION



RULES OF THE ROAD

December 2022

315 & 337 Arapahoe Avenue
Boulder, Colorado 80302

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1. Welcome to Shadow Creek

The Shadow Creek Homeowners Association has existed since 1989 with a strong history of cooperation and involvement among owners. The Association is governed by a Board of Directors whose members are owners elected to staggered terms each year. We receive support, expertise and oversight from Helen Cartwright of Creekside Community Association Management.

Volunteers participate on various committees, making our Association unique in maintaining a friendly and collaborative community. Owners are invited to join the Board or a committee of interest. See Appendix B for the list of current Board and committee members.

The Shadow Creek Condominium Association operates under a legal “*Declaration of Covenants, Conditions, and Restrictions*” – referred to as “covenants” throughout this document. The covenants and other important documents are available on the Association’s website, <https://www.creeksidecam.com/shadowcreek>.

The following Rules of the Road augment the covenants. The Rules of the Road (“rules”) are intended to be consistent with the covenants; however, if the documents conflict, the covenants take precedence. These rules provide additional specificity based on 30 plus years of experience for Shadow Creek owners.

Understanding the rules governing our Association is essential to preserving the quality of life and value of our property here at Shadow Creek. All owners and residents must comply with the covenants and Rules of the Road. Potential owners and tenants should read the latest version of the covenants and the Rules of the Road before buying or renting a unit. Owners are responsible for providing their tenant with a copy of the covenants and rules and for ensuring that the tenant understands them.

2. Move-in and Move-out of a Condo Unit

The following rules are intended to reduce challenges associated with moving.

- Owners and tenants moving in or out must pay a non-refundable fee of \$500 to cover administrative support and minor wear/tear or damage to common areas. If damages exceed \$500, the Board may assess additional fees.
- Administrative time related to moves exceeding two hours will incur a charge of \$100/hour.

- Owners, tenants, or their representatives must notify the Board of Directors and/or the Property Manager of the exact move date(s).
- The Board will designate a Board member to serve as a point of contact for each move-in/out.
- Since moves cause interior and traffic issues, move dates must be posted on the lobby bulletin boards of both buildings in advance of the move.
- The owner, tenant, or their representative must be on premises for the duration of moves.
- Care must be taken protect both inside and outside areas. Care must be taken to prevent damage to doors, walls, and carpeting. Trucks must not obstruct traffic or damage overhead trees or landscaping.
- Elevator doors must not be propped or held open for more than 30 seconds. If the elevator doors need to be maintained open for more than 30 seconds (such as for moving large objects), see Section 17 of these rules for proper elevator care. Any maintenance service calls related to misuse of the elevator will be billed to the responsible unit owner.
- The main entrance and garage doors must not be propped open if not attended.

3. Construction within Units

Renovations are welcome to improve the owner's enjoyment and property value. Owners are encouraged to consult with the Board or the Project Review Committee (PRC) when contemplating a project within their unit. See Appendix C for Construction Project Review Procedure. As construction or renovations are being planned, owners must submit a written proposal to the PRC for review. Work cannot start until approval from the PRC and the Board.

Basic guidelines for owners and contractors will prevent damage and inconvenience. Before construction begins, it is important that owners review the following rules with each contractor.

- Work is allowed between 8:00 AM and 5:00 PM Monday through Friday. Work involving loud noise is allowed between 9:00 AM and 4:00 PM. In special circumstances (e.g., illness of a neighboring resident), hours may be further limited.
- Contractor work on Saturdays or Sundays is not allowed unless a written request is approved by the PRC in advance.

- Construction work involving power tools (e.g., cutting of tile) must be done only in areas that have been designated by the PRC.
- Trash and debris including lumber, cabinets, carpet remnants, boxes, and paint cans are to be removed by the contractor and not placed in our trash dumpsters.
- Elevator doors must not be propped or held open for more than 30 seconds. If the elevator doors need to be maintained open for more than 30 seconds (such as for moving large objects.) See Section 17 of these rules for proper elevator care. Any maintenance service calls related to misuse of the elevator will be billed to the responsible unit owner.

4. Noise

To maintain Shadow Creek's quiet environment, residents should avoid excessive noise that could negatively impact neighbors. Owners are required to provide oversight of tenants. Shadow Creek limits noise from 9:00 PM to 8:00 AM and asks residents to avoid using appliances (e.g., clothes washers/dryers, dishwashers, vacuum cleaners, jet tubs) and properly control volume level of music and TV between these hours as a courtesy to neighbors.

Any resident bothered by noise should contact the neighbor for resolution. If those efforts don't yield a solution, the concerns can be brought to the Board or Property Manager for assistance.

Since hard flooring surfaces reverberate significant noise to adjacent units, it is important to comply with rules in Appendix E involving flooring surfaces.

Residents living in second and third floor units with hard floors are urged to take noise mitigating actions, such as using area rugs or felt pads on table/chair legs.

5. BBQ Grills

A barbecue grill near the gazebo is available for residents. It must be cleaned after each use and the grill protective cover reinstalled once the grill is cooled.

Individual grills on front or rear decks with a 20-pound propane tank are prohibited by the City of Boulder. Individual grills are allowed on a unit deck if the propane tank is no greater than 2.5 pounds. We have found a one-pound tank (available at McGuckins

Hardware) meets the City's criteria. BBQ grills attached to a natural gas supply are legal and permitted.

6. Garage: Parking, Handicap Spaces, Electric Vehicle Charging, and Bicycles

Parking

Each unit is guaranteed one indoor space in the appropriate building as part of their monthly dues. A limited number of extra indoor and outdoor spaces might be available for rent at \$45 a month. When a unit is sold or rented, the space(s) previously associated with that unit are not automatically assigned to the new owner/tenant. Spaces associated with the sold or rented unit become available for reassignment to an existing owner if one has asked for that space. The Board will assign the new owner an open space. If more than one existing owner requests a seller's space(s), allocation will be made on a first-come, first-served basis.

There are 18 inside parking spaces in building 315 and 17 inside spaces in building 337. Twelve spaces in each building are assigned to unit owners - one assigned space per unit. The 6 remaining spaces in 315 and the 5 remaining spaces in 337 are available for rental on a monthly basis. Two extra outdoor spaces in front of the gazebo are also available for rent at \$45/space.

Residents requesting a second or third parking space will receive one if an extra space is available. If one owner has three spaces and an owner with one space requests a second space, the rental of the third space will be made available to the owner requesting a second space.

The Property Manager maintains a list of parking space allocation and a waiting list for those who desire other spaces. Owners interested in a particular parking space or a second parking space when none is available will be added to the waiting list based on a first-come, first-served basis. Owners may exchange parking spaces with each other with Board approval.

Owners who rent their condo to a tenant may continue to park their own car in the assigned space or allow their tenants to use it. Tenants are eligible to rent a second space if one is available. Owners have priority over tenants for indoor and outdoor parking spaces.

The guest parking spaces facing Arapahoe Avenue and between the two buildings are for short term spots for residents and their guests. They are not intended for overnight or long term parking.

If an owner's or tenant's car cannot be accommodated in either parking garage or at one of the two outdoor parking spaces near the gazebo, they must park on the street or elsewhere.

Handicap Spaces

The Board has established a policy regarding handicap parking to be implemented if/when necessary. The following are designated as spaces which may be assigned as handicap spaces: Building 315 - spaces 1, 4, 5, 17/18; Building 337 - spaces 1, 13, 14, 17.

If an owner or tenant requires a handicap space, a formal request shall be submitted to the Board for review. Part of the request must be that the owner produces an official handicap placard issued by the county and/or state.

If the Board determines a handicap space is required, the Board will endeavor to accommodate the resident and will determine which space will be allocated for the duration the person requires. It is hoped and intended that requests of this type can be handled on a voluntary basis with a resident offering to exchange their space. A resident who gives up their space for a handicapped person shall have the highest priority on the waiting list.

Electric Vehicle Charging

Residents who own electric vehicles (EVs) may desire access to either Level 1 (110-120 volt) conventional electric outlets or Level 2 (208-240 volt) outlets. We have adopted policies that are consistent with Colorado statute CRS 38-33.3-106.8. As EV technology and state law evolves, we welcome recommendations and help in fulfilling this mission.

As of September 2022, Shadow Creek does not have an EV charging system or common charging station. Our buildings' electrical distribution system is unique and more than 40 years old. We are considering two options based on the desires of EV owners, costs, and the capacity of our buildings' electrical distribution network.

- Option 1: An EV owner may hire an electrician to wire their inside unit circuit breaker to the assigned parking spot. This allows for the owner to pay for their electrical energy using their installed Xcel meter. Costs for installation and power use are the responsibility of the unit owner. The unit owner must first apply to the Project Review Committee using the form specified in Appendix F. The PRC will consider design, aesthetic features, and building safety codes and standards, and if approved, submit the form to the Board.

- Option 2: The Association may install a 110v or 220v outlet (e.g., outside the garages near a trash bin enclosure). If and when option 2 is implemented, rules will be adopted to facilitate the use of this outlet. Metering and costs for electrical power will be the responsibility of the EV owner.

See Appendix F for Electric Vehicle Charging System Application.

Bicycles

Bicycle storage racks are provided in each garage and it is recommended that bicycles be securely locked to the rack. For safety reasons, bicycles are not allowed to be stored in rear stairwells.

7. Animals/Pets

The HOA permits residents to own pets within specific guidelines. Our goal is to balance the desires of a pet owner with the health, safety and peace of mind of every resident. The Board considers several factors when reviewing requests for pets including the well-being of our residents and the breed, size, and temperament of dogs. The Board may ask to spend time with the pet as part of its deliberation process.

Paragraphs 6.3 and 6.4 of the covenants provide the framework and details for the pet policy. The following bullets summarize key points from the covenants and additional rules developed by the Board.

- No animals can be raised, bred or kept within Shadow Creek without the written permission of a 2/3 vote of the Board of Directors.
- Potential and current owners/renters desiring pets, including visiting pets, are required to submit a written request to the Board for review using the Pet Policy and Application request form provided in Appendix G.
- Permitted animals must have all required licenses and vaccinations, be house-broken, wear a collar with a rabies tag (if legally required) and an owner contact information tag.
- If a permitted animal becomes a nuisance or danger to another resident, the Board has the right to direct the animal be permanently removed.
- Nuisances include but are not limited to habitual barking, howling, yelping, and aggressive behavior (perceived or otherwise).
- An animal creating a health hazard for any resident is a nuisance. In this case, the affected resident should attempt to resolve the conflict between themselves. If

resolution is not achieved, either party may ask the Board to intervene. The Board will encourage the pet owner to correct the problem or, if necessary, to permanently remove the animal from the building using the process set forth in the covenants.

- Pets must be leashed and are not allowed to run at large inside or outside on Shadow Creek property.
- Pets are not allowed inside the fenced pool enclosure.
- Pet owners will use the back stairs when taking their pet in and out. If this is not possible because of a safety concern, the owner must consult with the Board to secure approved reasonable accommodations. With extenuating circumstances and with the Board's permission to be in common areas, pets must be leashed or carried in common areas.
- Owners are required to use only the areas behind or on the sides of the buildings and to immediately clean up any pet waste. Waste may be disposed of in the appropriate dumpster.

Note: See Appendix G for Pet Application Request

8. Safety and Security

At Shadow Creek, numerous Boulder officials have performed security and emergency preparedness assessments, providing the following advice for all residents.

Building Security

Safety and security require a commitment from all residents. It benefits all of us to be mindful of our general surroundings, including being aware of those not authorized to be on the property. This might include noticing a stranger wandering through a building, individuals camping on the creek bank, or people jumping the fence to the pool. The following is intended as guidance for dealing with such situations if they occur.

For any safety concerns, residents can call 911. Residents who are comfortable might approach an unknown person to offer help, ascertain the reason for being on the property, or if appropriate, ask the person to leave. If there are any concerns, residents are encouraged to contact police rather than approaching an unknown person. The police Non-emergency Dispatch telephone number is 303-441-3333. The Board has collaborated with the Boulder Police Department for raising safety concerns. An "Affidavit of Trespass" with the police department gives them permission to investigate concerns on our property. An owner can call the non-Emergency Dispatch number (303-

441-3333), and provide his/her name, the Shadow Creek Association name, specify that the condo has an “Affidavit of Trespass” with the police department, and provide relevant information to help the police investigate the situation.

Emergency Preparedness

Considering our location at the foothills of a canyon, there is a year-round threat of natural disasters: wildfire, flash flood, and extreme weather.

Fire prevention officials strongly urge each resident to consider the following...

- Sign up for an alert program such as the Boulder County Emergency Notification System (ENS) to receive messages about imminent threats and hazards
- Each unit should have three or more smoke/fire detectors in working condition
- It is advisable to have an in-home fire extinguisher – and know how to use it! The fire extinguishers in each hallway are for your use as well.
- Know what to do in the event electricity is lost as the elevators, garage doors and personal medical support devices will not work
- Fire sprinklers in common spaces, your condo unit and garage parking space must remain unobstructed to perform their emergency function
- Storing items is not allowed in the back stairwells as they increase fire risk and can impede escape routes
- Items on decks may flammable if they are fabric, wood or plastic. It is advisable to move furniture and other items inside in case of a nearby fire. In our area, blowing embers are the main cause of fire spreading.
- Clutter, large volumes of flammable material, spare tires, chemicals, paint, etc. in garages are a fire risk to you and your neighbors

9. Trash, Recycling and Compost

Each building has a trash storage area. The enclosure doors should be kept closed to comply with City of Boulder bear intrusion ordinances.

Each storage area has a:

- 3 cubic yard dumpster for general garbage
- 3 cubic yard dumpster for commingled recycles such as paper, cardboard, cans, glass bottles, and plastics. Large cardboard boxes should be flattened. Styrofoam containers are not allowed in the recycle dumpster.

- 64 gallon garbage container for compostable items such as plant materials, soft papers, and compostable flatware. Compostable bags are to be used to collect and discard compostable items as necessary.

Dumpster and garbage container lids must be closed tightly with the animal protection bar pulled up.

Medium-sized items can be placed outside the container but still inside the enclosed areas for pickup. Larger items such as furniture, mattresses, or appliances will not fit into the container area and require a special call and treatment by Western Disposal. There is an additional fee for this service which is the responsibility of the owner or tenant. Notify the Property Manager at any time when you expect to use this extra service.

10. Pool

The pool is for residents and their guests only. Pool protocol and hours of operation are posted at poolside and on the website. Each owner/resident is issued a key to enter the pool area. Ensure the gate is locked upon exiting.

See Appendix D for a complete list of pool rules.

11. Smoking

Residents and guests are not allowed to smoke indoors, in the indoor common areas (e.g., hallways, stairwells, garage, lobby) or outdoor common areas (e.g., near building entrances, gazebo, pool.)

12. Windows

Once a year, the Association contracts to have the common area windows professionally cleaned. When windows are cleaned, the Property manager will contact individual owners who may choose to pay for additional services such as cleaning their unit's exterior and interior windows.

See Section 15 for making window improvements and replacements.

13. Flowers/Landscaping

For our personal enjoyment and to maintain our investment, we take considerable pride in ensuring beautiful and safe grounds. Flower beds, shrubs, trees, walkways, and grassy areas are maintained in collaboration between the residents, a landscaper, and an arborist. Residents are asked not to trim tree limbs or remove shrubs or plants, but to instead contact the Landscaping Committee or Property Manager with concerns. Should you like to volunteer or provide feedback, please contact a member of the Landscaping Committee.

14. Homeowners Fees

Fees are used for operating expenses (e.g., monthly utility bills, routine maintenance, pool operation, landscaping) and to maintain a reserve fund for long-term needs (e.g., painting projects, new carpet in the common areas, boiler replacement, elevator maintenance). The reserve fund protects us from special assessments when a large repair becomes necessary. A current long-term Reserves Analysis Study report is available on the condo website or upon request from the Property Manager.

Below is a list of our current fees, as of October 2022 and is subject to change.

Fee summary:

- HOA monthly assessment: \$590
- Monthly parking for a second or third interior or exterior space: \$45
- Project improvements by owners are assessed on a sliding scale (reference section 3 and appendix C). Administrative time related to unit projects exceeding two hours will incur a charge of \$100/hour.
- Move in and Move out fee: \$500/move. Administrative time related to moves exceeding two hours will incur a charge of \$100/hour.
- Elevator technician service calls related to misuse will be billed to the responsible unit owner.
- Any damage to the heating system due to construction or flooring changes is the owner's responsibility and will be billed accordingly.
- Fines for violations: second offense \$100, subsequent offenses \$300

15. Ownership of Structures and Limited Common Elements

Maintaining Association property, grounds and facilities is one of the HOA's major responsibilities. Our quality of life and investment values both benefit when our property is attractive and is in good condition. Residents are encouraged to report improvement items to the Board or Property Manager (e.g., door lock that is not working, water leaks, areas needing attention).

Some items are considered Limited Common Elements with maintenance being the responsibility of individual owners. Covenants Article 1.15 describes Limited Common Elements (LCE's) as those areas "reserved for the use of certain owners to the exclusion of others such as, for example, balconies, entry ways, and parking spaces."

Covenants Article 8 covers maintenance, repair, replacement and alterations. At Shadow Creek, Limited Common Elements maintained by the respective owners involve the following:

- Unit doors and windows
 - Doors and window replacements (including patio doors and skylights) are considered individual unit improvements and must be processed through the Project Review Committee. See Appendix C for information about how requests are processed.
 - Repairing or replacing exterior windows and doors must adhere to strict installation practices regarding weatherproofing (e.g., window flash taping, caulking, top edge drip caps.) Professional window maintenance is essential to protect the building's composite siding.
 - Window replacements must be compatible with the existing building design and aesthetics (e.g., glass color, frame color and size, pane configuration.)
- Decks, porches, balconies
 - Covenants Article 8.2 states that the owner of a Limited Common Element such as a deck or balcony "shall keep it in a clean and sanitary condition, and shall also make all repairs thereto caused or permitted by his or her negligence, misuse or neglect." Additional detail is outlined under Article 8: Maintenance, Repair, Replacement, Additions and Alterations.
 - Front deck areas of the end units and open deck areas on the inner units are considered Limited Common Elements and changes are subject to PRC approval.
 - Maintaining floor surfaces of open balconies and porches by the unit owner is important. Improper floor coverings have contributed to drainage issues

- that affected the building's integrity in the past. The addition of carpeting or tile to an open porch must be processed through the PRC.
- The four rear ground-level decks (units 102 and 103 of both buildings) require vigilant attention and maintenance by their respective owners.
 - Storage cabinets, plant pots, etc. should sit on spacers and not directly on the deck surfaces to allow for proper drainage and to prevent damage to the deck
 - It is the unit owner's responsibility to have wood deck surfaces professionally inspected annually and amply sealed with preservative/stain/paint every two years
 - The four ground-level decks must be painted or stained a medium brown and/or gray color to complement the building's exterior. Deck stain/paint colors are to be reviewed and approved through the PRC.

All maintenance or modification to an owner's windows, deck, balcony, or porch are considered improvements and must be processed through the Project Review Committee. See Appendix C for information about how requests are processed.

16. Owners and their Tenants

Owners who rent out their units maintain full responsibility for compliance with the rules of the Association. New tenants shall receive, understand, and comply with the Covenants, Rules of the Road, and other HOA documents. Leases must specify that tenants abide by all governing documents. Signed copies of leases are required to be given to the Property Manager.

No short term rentals are allowed. No unit may be rented or leased for a period less than 30 days. Units may not be used for hotel or transient purposes, but only for residential purposes. See Covenant 6.1 for specific requirements.

17. Elevators

The electrical and mechanical systems of an elevator must not be relied upon in the event of fire, flood, high winds or power outage. In these cases, elevators must not be used to transport people. Each elevator has an emergency phone, but no emergency egress.

Access to elevator doors must be kept clear. Store the shared grocery carts clear of the elevator doors when not in use. As with other common areas, the elevator exterior doors

and interior should be protected from damage, particularly when it is being used to transport large furniture or appliances or during construction activities.

Elevator doors must not be propped or held open for more than 30 seconds. After recent elevator upgrades, the sophisticated electronics now ‘lock out or shutdown’ the elevator if the doors are inappropriately held open. In these cases, maintenance technician service calls would be required which may take 24 hours or more. Any maintenance service call related to misuse of the elevator will be billed to the responsible unit owner.

If the elevator doors need to be maintained open for more than 30 seconds (such as for moving large objects or during construction activities), an elevator “maintenance” key is available which can be used for dedicated elevator use. When necessary, the Property Manager should be contacted in advance to receive the key and further directions.

18. Enforcement Policies

The Board may levy fines for violations of covenants, these rules, and any other governing documents. Fines may be imposed after the unit owner has been given notice, an opportunity to be heard, and an opportunity to rectify the violation in a timely manner. Payment is required within 30 days of notification.

If a unit owner has waived the right to a meeting with the Board or if the Board has determined that a violation has occurred, warnings or fines may be assessed as follows:

First Offense – Warning Letter

Second Offense – Letter and \$100 fine

Subsequent Offenses - Letter and \$300 fine

The Board encourages the use of certain types of alternative dispute resolution (ADR) to resolve claims between two owners or an owner and the Association. Both parties to the dispute will have to agree to mediate the dispute. The cost of ADR shall be split equally among the parties, and the ADR must be conducted in compliance with the Uniform Arbitration Act and/or the Dispute Resolution Act as applicable. The Property Manager will provide advice and resources relative to the ADR requirements in effect at the time.

Notwithstanding any provisions of this Rules Enforcement Policy, the Board may pursue legal action to enforce governing documents of the Association without following the preceding notice if the Board deems that such action is in the best interest of the association.

As a reminder, unit owners are responsible for their own conduct as well that of their tenants and guests.

19. Board of Directors

The officers of the HOA shall be a president, vice president, and secretary/treasurer. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the association.

See Article 7 of the Bylaws for information about annual meetings, elections, officers and their duties.

See Appendix B of the rules for the list of current Board Members.

**Appendix A
List of Suggested Contractors**

Name	Address	Telephone Number	Expertise	
Absolute Electric	PO Box 32 Frederick, CO 80530	303-906-6273	Electrician	
D.L. Adams Associates, Inc..	1701 Boulder Street	303-455-1900	Sound Engineer	
North Star Window Cleaning CO 80301	1800 Commerce Street	303-449-6446	Window Cleaning	Boulder
Buffalo Lock & Key, Inc.	2510 Baseline Road Boulder, CO 80305	303-494-0707	Locks & Keys	
Bill Johnston	PO Box 1681 Berthoud, CO 80513	303-532-9967	Building Maintenance	
The City of Boulder	P.O. Box 275 Denver, CO 80263	303-441-3260	Water/Sewer	
Centurylink	Denver, CO 80244-0001	1-800-603-6000	Elevator Phones	
Centennial Plumbing & Heating, Inc.	4975 Kelso Road Boulder, CO 80301	303-589-8934	Heating/Plumbing	
Carpet One	6367 Arapahoe Road Boulder, CO 80303	303-449-0011	Carpet Installation	
Colorado Seamless Gutters, Inc.	1359 Horizon Ave Lafayette, CO 80026	303-447-1555	Gutter Repairs	
Colorado Security Products	11805 W. Colfax Lakewood, CO 80215	303-756-1000	Front Entry Security	
Creekside Community Assn. Mgmt.	P.O. Box 325 Eldorado Springs, CO 80025	303-443-7872	Management	
Door Specialties	4410 Steele Street Denver, CO 80216	303-292-5080	Overhead Garage Doors	
Garvins Sewer Service, Inc.	2900 Shoshone Street Englewood, CO 80110	303-442-3347	Sewer Cleaners	
Green Mountain Home Solutions	7130 Simms Street #201 Arvada, CO 80004	720-616-1925	Building Maintenance	
Green Spaces	PO Box 20655 Boulder, CO 80308	303-499-8366	Grounds Maintenance	
Lopez Smolens	1526 Spruce Street	303-447-2813	Engineers	
Hi-Tech Appliance	364 S. McCaslin Blvd. Louisville, CO 80024	303-665-0951	Appliance Repairs	
Laura Klein	PO Box 202 Eldorado Springs, CO 80025	303-543-2279	Painter	
Peak One Pool		970.418.0767	Pool Service	
Safe Systems	421 S. Pierce Avenue	303-444-1191	Fire Alarms	

	Louisville, CO 80027		
Save Home Heat	5741 Arapahoe Ave. Boulder 80303	303-443-9762	Heating Contractor
State Farm Insurance CO.	Bill Tutterow	303-442-7736	Insurance Agent
ServiceMaster of Boulder, Inc.	270 S. Taylor Avenue Louisville, CO 80027	303-443-6020	Carpet Cleaning
Superior Aggregates, Inc	PO Box 21373 Boulder, CO 80308	303-661-3021	Concrete/Asphalt
Susie's Clean Touch	1163 N. Franklin Ave Louisville, CO 80027	720-937-2941	Cleaning
Trident Snow Removal, Inc.	395 Oneida St. Boulder. CO 80303	303-554-1615	Snow Removal
Thyssen Krupp Elevator Corp	2415 East Mulberry #6 Fort Collins, CO 80524	970-221-1744	Elevators
Van Lier Roofing, Inc.	3869 Walnut Street Boulder, CO 80301	303-440-0510	Roof Repairs
Western Disposal	P.O. Box 9100 Boulder, CO 80301-9100	303-444-2037	Trash Removal
Xcel Energy	P.O. Box 92002 Amarillo, TX 79120-6002	1-800-481-4700	Gas/Electric Service

Appendix B
Current Board and Committee Members - April 2022
(Committee chair indicated by *)

HOA Board Members

Bob Wegner	President
Sharon McClew	Vice-President
Gary Waggoner	Treasurer
Joe Zamudio	Member
Greg Pavlich	Member

Project Review Committee: Reviews, recommends and monitor unit renovations

Bob Wegner*
Charlotte Deane Corn
Sharon McClew
Kathy Wegner

Landscape Committee: Develops proposals for flowers, plants, trees and grasses

Joe Zamudio*
Judy Dornan

Maintenance Committee: Performs minor maintenance tasks and advises Board when major work is needed

Bob Dornan*
Sam Maphis
Gary Waggoner
Bob Wegner
Kathy Wegner

Exterior / Interior upgrades sub-committee:

Kathy Wegner*
Judy Dornan
John Martin
Sharon McClew
Bob Wegner

Pool Committee: Provides oversight of pool maintenance/repairs and routine upkeep; sets rules and guidelines

Rich Wildau*
Sharon McClew
Bob Wegner
Kathy Wegner

Social/Welcome Committee: Organizes pot lucks; schedules gazebo reservations

Rich Wildau*

Appendix C Construction Project Review Process

The Project Review Process and the Project Review Committee provide support and oversight for unit owners desiring renovations or upgrades. The intention is to ensure the integrity of the owner's renovation and the HOA overall. Although we are not a substitute for the City of Boulder permitting process, licensed tradesmen, or a professional engineering firm, the PRC will support the unit owner on behalf of the HOA.

Unit improvements require approval through the Project Review Committee (PRC) for projects and changes such as, but not limited to, the following:

- Interior: kitchen, bathroom, fireplace, flooring, doorways, lighting
- Exterior: Changing surfaces of open porches and balconies, selection of deck paint/stain colors, deck maintenance
- Unit window and door replacement, including patio doors and skylights

If any structural changes are made (e.g., walls removed, door frames changed, load bearing walls changed), the PRC must be consulted and a review from a licensed, professional structural engineer will be required.

Due to the unique in-floor heating of each building, the PRC must be contacted for any changes or improvements to flooring or walls. PRC assistance will ensure the heating system will not be damaged by any flooring changes. 315 has a perimeter room baseboard heating system. 337 has an in-floor radiant tube heating system. Both have been damaged previously by renovations to walls and flooring changes, including carpet replacement. Any damage to the heating system is the owner's responsibility.

Like-for-like changes such as appliance replacement or interior painting changes do not require PRC approval.

The procedures outlined here are the result of years of experience with construction projects. Before these procedures, we encountered issues such as contractors working outside of approved hours, damaging walls and carpet from moving materials and equipment, and filling dumpsters with construction debris. These guidelines were developed for owner's renovations to occur expeditiously while protecting Shadow Creek property and minimizing inconvenience to other owners.

Step 1. Property owner submits a written or emailed description of the proposed renovation to the PRC chair. This requires a description, scope of work, contractor name(s), timetable, drawings or sketches as applicable, estimated total cost, etc.

Step 2. The PRC reviews the request, conducts site surveys/inspections as necessary, discusses the project with the owner and requests additional information as needed. The PRC may contact owners of neighboring units. The PRC drafts a letter of PRC approval in collaboration with the unit owner. The PRC final recommendation is forwarded to the Board for review and approval.

Step 3. The Board approves or disapproves the PRC letter or may request additional information. Scheduling a discussion before the Board is an option available to the unit owner.

Step 4. The Board will provide confirmation of the decision to the unit owner. The PRC and Board will make every effort to complete this review process within 30 days.

Step 5. When a project is approved, the PRC will provide an approval letter with instructions, guidelines and assessed fee to the owner.

In the PRC letter, contractor conditions may include:

- Identifying designated areas for work, equipment set-up, storage of materials, use of HOA power/water, etc.
- Contractors using rear stairwell, as possible
- Requirements for protecting common areas when moving material through the building; protective floor coverings are to be used.
- Construction work hours
- Daily and final clean up by the contractor of all materials
- Location for parking of contractor vehicles

The sliding scale accounts for the complexity, scope and overall cost of the project. The PRC fee covers administrative support and minor wear/tear or damage to common areas and is collected prior to the start of work. Administrative support related to unit projects exceeding two hours will incur a charge of \$100/hour. If damages are more than minor, the Board may assess additional fees.

Fee Schedule:

<u>Project Estimated Cost</u>	<u>Non-refundable Fee</u>
Up to \$5,000	\$200
\$5,000 to \$50,000	\$500
\$50,000 to \$100,000	\$1,000
\$100,000 or more	\$2,000

Step 6. The unit owner pays the PRC fee to the Property Manager for deposit in the Association account.

Step 7. The owner is authorized to start work. This involves posting notice on both buildings' bulletin boards, making sure applicable tradespeople are licensed, acquiring city permits as necessary, providing oversight of contractors (e.g., ensuring contractors and subcontractors understand the conditions they are required to meet in the performance of any work.)

If any of the work requirements in the PRC letter are not adequately followed, it is the owner's responsibility to see the infraction is corrected. In the unlikely event that an owner or a contractor fails to comply, the Board intervene and require other actions until the issue is remedied.

Step 8. At the completion of the project, the owner notifies the PRC chair who may do a final inspection of the work and the condition of common spaces.

Appendix D Pool

The Shadow Creek pool provides a special feature for enjoyment, relaxation, and exercise.

When the pandemic started in 2020, a reservation system for people's comfort and protection was enacted by the Pool Committee and the Board. Based on residents' feedback - some residents desire a quiet time and want to socially distance - a partial reservation system has continued and will be reassessed each season.

The following rules ensure that the pool will be safe and fun for all:

- Pool hours are 6:00 AM – 9:00 PM.
- The Pool Committee may institute a reservation system, e.g. Tuesdays, Thursdays, and Saturdays between noon and 5:00 PM. Other times are open swim.
- All persons using the pool do so at their own risk; owners and management are not responsible for accidents or injuries
- In consideration of other residents, avoid excessive noise
- Children under 14 require adult supervision
- Pool is for private recreational use only
- Resident/tenant must be present with non-resident guest(s)
- Residents are liable and will be charged for any damage or vandalism in pool area caused by themselves, their tenants, or their guests.
- Management can refuse pool use to anyone at any time
- To maintain pool equipment, please close umbrella(s), reorganize pool furniture and raise cushions after use
- Not allowed in the pool area:
 - Pets
 - Glass containers
 - Smoking
 - Running or diving

Please notify a member of the Pool Committee or the Property Manager with any concerns about the pool.

Appendix E Flooring Surfaces

The Shadow Creek Homeowners Association is dedicated to ensuring a peaceful environment for all residents. We appreciate consideration of neighbors in compliance of flooring guidelines.

Controlling noise is for the comfort of all. The following policy shall govern all floor surface changes and replacements. This appendix is derived from the 4th Amendment to the Covenants. Owners planning flooring changes and replacements should read the 4th Amendment before proceeding. Flooring changes must go through the Project Review Committee and the Board.

Prior to 2007, some owners installed hard surface flooring which resulted in unacceptable noise transmission in the buildings. Subsequently, flooring acoustic design criteria was derived from the engineering recommendations dated February 15, 2007 and October 15, 2007. These studies were performed by the acoustic engineering firm D.L. Adams and Associates, Inc. The objective involved controlling the noise absorption properties of all floor surfaces that have been established for high-end condominiums. The consultant's recommendations, as well as current flooring technology for specific floor surfaces, form the basis of what is now acceptable. As technological advances and flooring materials evolve, the PRC will review available noise reduction products.

The following requirements exist to minimize transmission of noise due to flooring:

- Carpeting with padding is preferred in living rooms, bedrooms, and the hallways from the foyer to the kitchen.
- Hard surfaces such as tile, cork flooring, wood, and luxury vinyl plank (with proper subflooring) are acceptable in the foyer, kitchen, bathrooms, and rear enclosed porch.
- Any new flooring must have an underlayment that meets or exceeds the acoustic standards outlined by the above engineering studies.
- First floor units, having no unit directly below them, may be allowed to place hard surface flooring in the living room, bedrooms and hallway, if approved by the Board.
- Units with existing hard surface flooring will not be required to remove them at this time.
- We urge residents living in second and third floor units with hard floors to take actions, such as using area rugs or felt pads on table/chair legs, to minimize noise.

- If deemed necessary, inspection of a new floor installation by an independent qualified inspector selected by the PRC will be done at the unit owner's expense. Board approval will be dependent upon the outcome of investigation of sound transmission to adjacent units.

Due to the unique heating of each building, the PRC must be contacted during changes or improvements to floors for assistance to ensure the heating system is protected. The heating system could be impacted by any change to flooring or walls. 315 has a perimeter room baseboard heating system. 337 has an in-floor radiant tube heating system. Both have been previously damaged by renovations and flooring changes, including carpet replacement. Any damage to the heating system is the unit owner's responsibility.

Appendix F Electric Vehicle Charging System

The undersigned unit owner wishes to install an electric vehicle (EV) Charging System at the parking space assigned to the owner's unit. Shadow Creek Condominium Association agrees to allow the installation on the terms set forth in this Agreement.

I. The unit owner agrees to:

- A. Engage the services of a licensed and registered electrical contractor familiar with the installation and code requirements of an EV Charging System to install or modify the system;
- B. Bear the expense of installation or modification of the Charging System, including costs to restore any common elements disturbed in the process of installation;
- C. Bear the costs for removing or modifying the Charging System if necessary or convenient for the repair or restoration of the limited common elements or general common elements of the common interest community.
- D. To ensure personal safety, charging cords are to be kept off the ground and neatly secured when not in use.

II. Insurance

The association reserves the right to require the unit owner to obtain insurance, naming the association as an additional insured on the unit owner's insurance policy, for any claim related to the installation, maintenance, or use of the EV and Charging System, and to require reimbursement to the association for the actual cost of any increased insurance premium amount attributable to the system, notwithstanding any provision to the contrary in the association's declaration, bylaws, or rules and regulations.

III. Charging System requirements

- A. While the Charging System installed at the unit owner's cost is property of the unit owner, the unit owner/seller understands and agrees that the parking space currently assigned to the unit is not automatically assigned to a new owner or tenant. Upon a pending sale of the unit, the unit owner may either (1) disconnect it

and remove it from the premises, (2) sell it to the buyer of the unit or another unit owner (as it can potentially be routed to another space by a qualified electrician) or (3) disconnect it and leave it in which case the charging system becomes the property of the Association.

B. All work shall be done in accordance with specifications of Project Review Committee and be performed by a licensed electrician at the expense of the unit owner. If the Charging System is to be used by the buyer of the unit or another unit owner, the new user must get the Board's approval in the same manner as prescribed for a new installation before modifying or using the installed Charging System.

IV. As used in this Agreement:

A. Electric Vehicle Charging System means a device that is used to provide electricity to a plug-in electric vehicle or plug-in hybrid vehicle. The device is designed to ensure that a safe connection has been made between the electric grid and the vehicle and is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level. An electric vehicle Charging System may be wall-mounted or pedestal style. An electric vehicle Charging System must be certified by Underwriters Laboratories or an equivalent certification and must comply with the current version of article 625 of the national electrical code.

B. Level 1 involves a Charging System that provides charging through a 110-120 volt AC plug with a cord connector that meets the Society of Automotive Engineers (SAE) international J1772 standard or a successor standard.

C. Level 2 involves a Charging System that provides charging through a 208 to 240 volt AC plug with a cord connector that meets the SAE international J1772 standard or a successor standard.

Date: _____

Unit Owner Name (printed): _____

Signed and agreed (signature): _____

Unit Address: _____

Garage Address: _____ Assigned Parking Space: _____

Shadow Creek Condominium Association hereby approves the installation as set forth in the Project Review Committee Agreement.

Board President (signature): _____ Date: _____

Appendix G
Pet Policy & Application

Shadow Creek Condominiums
Pet Request Form

Applicant(s) name(s): _____

Address, Email Address & Phone Number:

Pet name: _____

Pet details (Type of animal, breed, age, size, temperament, etc.):

Request for permanent residence: Yes _____ No _____

Request for visit: Yes _____ No _____ Length of stay: _____

Shadow Creek Pet Policy:

The HOA permits residents to own pets within specific guidelines. Our goal is to balance the desires of a pet owner with the health, safety and peace of mind of every resident. The Board considers several factors when reviewing requests for pets including the well-being of our residents and the breed, size, and temperament of dogs. The Board may ask to spend time with the pet as part of its deliberation process.

Paragraphs 6.3 and 6.4 of the covenants provide the framework and details for the pet policy. The following bullets summarize key points from the covenants and additional rules developed by the Board.

- No animals can be raised, bred or kept within Shadow Creek without the written permission of a 2/3 vote of the Board of Directors.
- Potential and current owners/renters desiring pets, including visiting pets, are required to submit a written request to the Board for review using the Pet Policy and Application request form provided in Appendix G.
- Permitted animals must have all required licenses and vaccinations, be house-broken, wear a collar with a rabies tag (if legally required) and an owner contact information tag.
- If a permitted animal becomes a nuisance or danger to another resident, the Board has the right to direct the animal be permanently removed.
- Nuisances include but are not limited to habitual barking, howling, yelping, and aggressive behavior (perceived or otherwise).
- An animal creating a health hazard for any resident is a nuisance. In this case, the affected resident should attempt to resolve the conflict between themselves. If resolution is not achieved, either party may ask the Board to intervene. The Board will encourage the pet owner to correct the problem or, if necessary, to permanently remove the animal from the building using the process set forth in the covenants.
- Pets must be leashed and are not allowed to run at large inside or outside on Shadow Creek property.
- Pets are not allowed inside the fenced pool enclosure.
- Pet owners will use the back stairs when taking their pet in and out. If this is not possible because of a safety concern, the owner must consult with the Board to secure approved reasonable accommodations. With extenuating circumstances and with the Board's permission to be in common areas, pets must be leashed or carried in common areas.
- Owners are required to use only the areas behind or on the sides of the buildings and to immediately clean up any pet waste. Waste may be disposed of in the appropriate dumpster.

I/We, _____ (Names),
have read Section 7 in Rules of the Road, entitled “Animals/Pets”, understand the pet policy and agree
to abide by these terms.

Applicant signature(s):

Date: _____

Approved Disapproved

Approved subject to requirements:

Board Member Signature: _____ Date: _____