

Shanahan Ridge Four Homeowners' Association Policies and Guidelines

This manual is for the use of Shanahan Ridge Four homeowners, the association's Board of Directors, its Architectural Review Committee, and anyone else with an interest in or questions about our homeowners' association.

The intent of this manual is to provide Shanahan Ridge Four homeowners with easy access to information about the association and their neighborhood, and to give them guidance as they plan home maintenance and improvement projects.

It is also intended to provide current and future Boards of Directors and Architectural Review Committee members with a record of existing policies and guidelines, and the rationales behind them, to help these volunteers who serve the association make decisions that are fair, evenhanded, and consistent over time.

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A Short History of Shanahan Ridge Four

The 58 homes on Silver Plume were built in the mid-1970s by McStain Enterprises as a planned unit development, or PUD. PUDs are developments based on special land-use concepts proposed by developers and approved by local jurisdictions. PUDs spell out specific zoning and square footage parameters that may differ from those in other neighborhoods in a particular city or county.

In the Shanahan Ridge Four PUD, the homes have modest square footage and small individual yards, but residents enjoy proximity to the commonly owned grassy open space that surrounds our development, and the use of other common areas such as our parking islands. Most privately owned lots on Silver Plume also include special easements that allow for added flexibility in landscaping or other use of outdoor spaces.

The Shanahan Ridge Four Homeowners' Association is made up of the homeowners within it, each of whom owns their own property as well as a 1/58th interest in the common areas that are part of the development. Ownership of a few small outlots (usually driveway areas) in the neighborhood are shared between adjacent homeowners; the specific fractional ownership is spelled out in the deeds to these properties and is available from the Boulder County Assessor's office. The plat (available on the [SR4 website](#) under Governing Documents) shows the boundaries of the development and the lots and outlots within it. Individual homeowners maintain their own properties, and the association maintains the commonly owned areas.

Also, as a part of the development agreement between McStain and the City of Boulder, the Shanahan Ridge Four Homeowners' Association is responsible for maintaining the street median on Greenbriar Blvd. between Longwood Ave. and Silver Plume Lane, although the City owns it as part of its right-of-way. While the median is still large, it was reduced in size in the early 1990s to accommodate a bicycle lane on the west side of Greenbriar. As a part of that project, the City shared the cost with us of re-landscaping the median with native, more xeric plants to reduce water use. It has since been re-landscaped again to further reduce maintenance.

Historically, the Silver Plume homeowners have voted to keep the commonly owned grassy outlots undeveloped and in their native state. These outlots ring the development and include large sections on both sides of Greenbriar between Silver Plume and Longwood (see plat).

Architecturally, the Shanahan Ridge Four development is contemporary in style, and originally included elements that reflected a mining-town theme, such as miners' lanterns for garage lights and a stylized mine head frame on the north end of the street median between Longwood and Silver Plume. The head frame came down when the median was reshaped, and over the years, as the neighborhood has evolved, some of the mining-style elements have been removed or replaced. In general, however, the neighborhood retains a contemporary style, the particulars of which are specified by our covenants and monitored by our Architectural Review Committee (ARC).

Silver Plume FAQs

Does the HOA provide trash pickup?

No. Each homeowner must arrange for trash/recycling pickup independently.

Is the street plowed when it snows?

No. Although Silver Plume is a city street, it is not usually plowed by the City. And because it is a city street, private contractors aren't permitted by the City to plow it. Fortunately, we rarely get truly snowed in. When we do, residents are encouraged to contact the City to request plowing. They have been responsive to these requests. For more information about snow removal, see **Snow Removal**, under **The Rules at a Glance**.

If my building project complies with the covenants, do I have to submit it for review?

Yes. You must submit *anything* you plan to do to the exterior of your home to the Architectural Review Committee. If your project complies with the covenants **and our policies**, approval should be swift and simple, but the committee must see your plans to verify compliance. For more information, see **Architectural Review**.

What color may I paint my house?

Our covenants say you must paint it in earthtones from light tan to dark brown, with changes in hue toward gray, olive, or rust. We have a growing list of pre-approved paint colors, and if you choose from that list, you need only notify the Architectural Review Committee of your choice, nothing more. If you choose something else, the ARC will need to see large samples and review the color(s) for compliance with the covenants. For more information, see **Paint**, under **Architectural Review**.

If I'm repainting my house the same color, must I get approval?

Yes, for this reason: Its current color might not be in compliance with our covenants. That shouldn't happen, but in a few cases in the past it has, so *always* get approval before you paint. **And submitting paint colors and other exterior work for review is actually a covenant requirement itself.** For more information, see **Architectural Review**.

Do I need to submit my landscaping plans for review?

The only landscaping item you need to submit for review is a hedge (because a hedge can have the same impact as a fence). Other plantings, paths, walks, and garden features such as small trellises are not reviewed by the Architectural Review Committee. *We do* strongly urge you to consider your neighbors' views when planting trees. Many trees can grow tall enough to block other people's views of the mountains and open space, even those of neighbors in another cul-de-sac. For more information, see **Landscaping**, under **Architectural Review**.

My neighbor's dog barks constantly. Can the HOA stop it?

No. The City of Boulder has ordinances that address barking dogs and other unwanted noise; please contact the City ([Report an Issue](#)) instead of the Board if you're being disturbed by a neighbor's dog or any other noise.

Who owns the fence (or landscaping) between me and my neighbor?

Look carefully at the subdivision plat or at your own Improvement Location Certificate. Most lots on Silver Plume include special easements (shown as dashed lines) that run parallel to certain property lines (shown as solid lines). These easements are five feet wide, and while the land in them belongs to the owner of the property on which the easement appears, the right to put fences, landscaping, patios, paths, etc. – and those things themselves – belong to the adjacent neighbor, who is the easement owner. So it depends where the fence (or landscaping) is. If a property owner wants to put a fence on his or her own property, but the fence would be in an easement that belongs to his or her neighbor, the property owner must get written permission from the easement owner first. Clear as mud? For more information, see **Special Easements**.

There's an unused car in the parking island. Can the HOA have it towed?

If it belongs to a nonresident, who has no right to park there in the first place, absolutely. If it belongs to a resident, and it's rarely or never used, or if it's in such poor repair that it's a problem for our parking pads (e.g., leaking oil), it can also be towed. Our policies prohibit storing unused cars in our parking islands, and if residents do, the Board will request the car be moved out of the parking island. If it is not moved, the car will be towed. We have a very limited number of spaces in our islands for the use of visitors and guests, and we need to keep them available. For more on our parking policy, see **Parking**, under **The Rules at a Glance**.

May I park my camper in the parking island?

Mobile homes, detached campers, and trailers of any kind are prohibited by our covenants anywhere outside a closed garage on Silver Plume. Because self-propelled RVs may or may not be thought of as "mobile homes," it's not clear they are prohibited by our covenants. As a matter of policy, however, we ask that campers of any kind be parked only temporarily in a parking island or your driveway for loading and unloading. Between trips, please find somewhere other than Silver Plume to store your camper. For more, go to **Parking**, under **The Rules at a Glance**.

Does the HOA use herbicides?

No. It is our longstanding policy to never use harmful chemicals in our neighborhood. We control weeds in our common areas with either mechanical removal or organic suppressants like a vinegar and salt mixture or citrus-based products.

May I plant in the field by my house?

No. The residents of Shanahan Ridge Four have repeatedly voted to keep the grassy common area open space in its natural state, a part of the larger shortgrass-prairie mesa

that distinguishes this corner of Boulder. The homeowners' association tends the trees that grow in it naturally, but homeowners are prohibited from planting anything of their own in it. They are also asked to remove any volunteer plants from the common area open spaces that have spread there from their own yards. The split-rail fence marks the end of your personal landscaping. For more information, see **Common Area Open Space**, under **The Rules We Live By**.

The cable company is digging in the field. Can they do that?

Yes, they can. The entire common area open space is a public utility easement, so whether we like it or not, suppliers of gas, electricity, phone, and cable service can dig in it at will. They don't need our permission, but when we see a project underway, we ask them to minimize their impact on our personal prairie. Fortunately, the grasses are resilient and come back remarkably quickly. We also work with Boulder Open Space and Mountain Parks plant specialists in these situations to determine best approaches to revegetation. For more information, contact the Board of Directors.

The Rules We Live By

On Silver Plume, we must abide by City of Boulder ordinances, our covenants and other governing documents, and our policies. Here's how they differ:—

- *City ordinances* apply to everyone in Boulder, not just Silver Plume residents. They address such things as snow shoveling, minimum landscaping requirements, and barking dogs. We don't write these rules, and we don't enforce them. That's the City's job.—
- *Our covenants*, which are available on the HOA's [website](#), were created and recorded by McStain as a part of the original development, and they *do* apply just to Silver Plume. In general, they address specific issues *not* covered by City ordinances, such as our neighborhood house and roof colors, fence materials and placement, and outbuildings. We have the power to change our own covenants, but it takes at least 75% approval of the membership to do so. Our covenants were revised and updated in 2003 to reflect the then-current desires of a majority of our homeowners, as determined by a lengthy questionnaire and meeting process.—

Our other governing documents are the Articles of Incorporation, which define the basic purpose and powers of the Shanahan Ridge Four Homeowners' Association and make it a legal entity, and our Bylaws, which spell out the procedures by which the association operates (annual meetings, election of the Board of Directors, etc.). These documents affect the Board of Directors more than they affect the other residents of Silver Plume.—

Our policies cover practical matters either not addressed in the covenants, or addressed there only in general terms. Unlike City ordinances and our covenants, our policies can be easily updated, as new circumstances warrant changes.—

In one way, though, all are the same—they all require compliance. Our policies and covenants are just as enforceable under Colorado law as state statutes and local ordinances. Everyone who buys a home on Silver Plume agrees, at closing of the purchase transaction, to abide by the association's covenants and policies.

On Silver Plume, in addition to state and federal laws, we must abide by both City of Boulder ordinances and our own governing documents. Here's a bit about them:

- *City ordinances* apply to everyone in Boulder, not just Silver Plume residents. They address such things as snow shoveling, minimum landscaping requirements, and barking dogs. We don't write these rules, and we don't enforce them. That's the City's job.
- *Our governing documents*, which are available on the HOA's [website](#), address specific issues *not* covered by City ordinances, although they do reflect and allow us to comply with the sections of state law that regulate the operation of common interest communities (HOAs). They include:
 - *The PUD (Planned Unit Development)*. This is a City zoning document that establishes the requirements for a neighborhood development.
 - *The Plat*. This establishes property lines, rights-of-way, easements, and outlots within the PUD.

- **Articles of Incorporation.** This document created the Shanahan Ridge Four Homeowners' Association non-profit corporation. It sets out the purpose, duties, and powers of the HOA.
- **Bylaws.** These specify membership qualifications and procedures that govern meetings, voting, and election and duties of directors. The Bylaws can be amended by a vote of 75% of those attending a regular or special meeting.
- **Covenants.** These govern the use of our common areas, collection of assessments, the exterior appearance of our homes, fences, and the special easements in our neighborhood. We have the power to change our own covenants with approval of 75% of the owners. Our covenants were revised and updated in 2003 to reflect the then-current desires of a majority of our homeowners, as determined by a lengthy questionnaire and meeting process.
- **Policies.** These include specific requirements for both the HOA and the homeowners in matters such as delinquent payments, the conduct of meetings, and covenant violation enforcement. They largely reflect the requirements of state law in these matters and cannot be revised by us without legal input. This document (*Policies and Guidelines*) seeks to expand on what appears in our covenants and provide additional useful information for residents. It can be revised as needed by the Board of Directors, with input from the membership.

All of our governing documents require compliance on the part of homeowners and our officers. Everyone who buys a home on Silver Plume agrees, as a contractual matter at closing of the purchase transaction, to abide by the association's governing documents, and everyone who serves on the Board of Directors has a legal responsibility to see that the requirements in them are followed.

What the Rules Are For

None of the rules we live by on Silver Plume was created on the whim of an individual or with the aim of control for its own sake. Behind all the rules lie some carefully considered purposes—to protect our exceptional natural surroundings, our quality of life, and our investments in our homes, and to allow individuals living in close proximity to coexist amicably.

The Rules at a Glance

For your convenience, here are the most important rules you need to know if you live on Silver Plume. Some are City ordinances, some are covenant requirements, and others are our own policies, designed to keep the neighborhood enjoyable for everyone.

Common Area Open Space

The greenbelt of grassy open space that surrounds our association belongs to us collectively. It does not belong to the City of Boulder. As an association, we have repeatedly voted to keep it in its natural state. That means the following are prohibited in it:

- Any planting whatsoever or allowing spread of plants from yards
- Any fencing
- Any building
- Any dumping (that means building materials, compost, dirt, Christmas trees, *anything*)
- Vehicle traffic (although special exceptions may be granted on request to the Board for one-time materials delivery, etc., and vehicles belonging to public utilities can enter at any time without our permission)
- Making new trails or straying off existing ones
- Smoking, fireworks, or any other fire-hazardous behavior

Exterior Lighting

We don't have street lights on Silver Plume, so it's vital you keep your garage light in good working order at all times. This could actually be a matter of life and death – police officers, fire fighters, and paramedics need to see your address. Maintaining the photo cell that automatically turns your garage light(s) on at dusk and off at dawn is the best way to ensure that our street stays illuminated.

Be careful, however, of providing *too* much light, or light in the wrong direction. The City of Boulder's lighting ordinance requires us to "shield glare from adjacent streets and properties." It also seeks to minimize light pollution, or "sky glow." That means the light from exterior fixtures must shine down, not up, and away from neighboring properties. Bulbs must be shielded, not be visible, and should produce no more than 900 lumens (the equivalent of a 60-watt incandescent bulb or a 15-watt LED). Lights must not shine across property lines (for instance, into your neighbor's bedroom window), so be sure to aim them accordingly.

Fire Mitigation

With the threat from wildfires increasing throughout Colorado and the West, fire mitigation is a significant concern on Silver Plume. Most of us still remember the Flagstaff Fire in 2012, and of course the much more recent Marshall and NCAR fires. Because our neighborhood is in what is known as the wildland-urban interface (WUI), we have been working with the Boulder Fire-Rescue Department (BFRD) to improve our wildfire resiliency on Silver Plume. With BFRD's input and the approval of our members at a variety of special meetings, SR4 has developed a fire mitigation plan for our neighborhood.

That plan, which is updated as needed, is posted on the SR4 [website](#). In a nutshell, it involves:

- Limbing up evergreen trees in our common areas that are too close to tall grasses
- Strategically string trimming common area grasses near these trees each year to enhance separation of fuels
- ~~String trimming a 10-foot-wide, 8-inch-tall swath of field grasses adjacent to our perimeter split-rail fence and on the berm along the west side of Greenbriar Blvd. each year when the grasses dry out~~
- Removing highly flammable junipers in our parking islands and other common areas
- ~~Performing both fall and spring cleanups of our parking islands to reduce fuels at all times of the year~~
- Offering homeowners information on how to mitigate wildfire risk on their own properties

What Can You Do?

~~Concerned residents may weed-whack a strip not more than 5 feet wide of the tall field grasses along the split-rail perimeter fence immediately adjacent to their own properties, to a height not less than 8 inches. This minimum height is important to keep the grasses healthy enough to exclude invasive weeds.~~

~~While the HOA has done and is doing much to mitigate fire risk in our common areas, r~~Residents are ~~also~~ strongly encouraged to mitigate fire risk on their own properties. With our closely spaced homes, a fire risk on one property is a fire risk to the entire neighborhood. There are many helpful resources available on the City of Boulder's [website](#) to guide your efforts. Two of the most useful:

- **The Wildland Fire Preparedness Guide** (also available on the SR4 [website](#)).
- ~~The Detailed Wildfire Home Assessments Project~~. A wildland fire professional member of BFRD's Wildland Fire Division will come to your home and give you an individual assessment of any risks on your own property. Several Silver Plume residents have taken advantage of this free service and found it invaluable.

Noise

Because we live very close together on Silver Plume, it's especially important to observe the City's noise ordinances. That means being considerate; you may love your music loud, or enjoy late-night parties on your deck, but your neighbors may be trying to work or sleep. What's too much noise? The City of Boulder stipulates specific decibel levels at specific distances that are considered too much noise, but essentially, if you're making so much noise that your neighbor inside his or her house is bothered by it, you can be issued a summons and fined.

Our Homes' Exteriors

General Maintenance Policy

To protect our shared quality of life and our property values, please make sure the exterior of your home is well maintained. That means painting as necessary, and replacing roofs, windows, and garage doors as these show signs of age and damage. Far fewer people see the interior of your home than its exterior.

Covenant Requirements and ARC Approval

Before you do *anything* to the outside of your home, or start any building project, contact a member of the Architectural Review Committee ([see Contact Us or Architectural Review on our website](#)). That means paint, roof replacement, window replacement, garage doors, decks, additions, swamp coolers, air conditioners, **mini-split systems, solar panels**, play structures, fences—anything other than landscaping (although hedges *do* have to be submitted for review). The covenants and policies spell out the standards for our homes' exteriors, and the ARC will work hard to help you achieve your goals while complying with the covenants and policies. See the **Architectural Review** section for more information.

Parking

Parking is prohibited on the street at all times. We have a narrow street, and we must maintain access for emergency vehicles. Each homeowner has a minimum of three parking spaces on his or her property—at least one in the garage, and the rest in the driveway. There is additional parking spread among the five islands on Silver Plume Lane, Circle, and Court. These extra spaces are for residents of Silver Plume and their guests *only*. Cars that are rarely driven (or those in poor repair, e.g., with flat tires or leaking oil) must *not* be stored in the parking islands, so we can keep the parking flexible for guests, and so our parking islands will stay clean and in good repair. Any rarely used vehicles must be parked on your own property.

Mobile homes, detached campers, boats, and trailers are prohibited by our covenants anywhere other than in a closed garage. It's not clear whether "mobile home" referenced RV-style campers when the covenants were created, or less mobile structures, or both. In any event, as a policy we do permit your camper, trailered or otherwise, to be parked in your driveway or a parking island for loading and unloading for a few days at a time. "Campers" are considered by the HOA to be large, self-propelled or trailered vehicles used for travel and camping, not general transportation. To keep parking available and sight lines clear, please store your camper offsite when it's not in use.

Pets

The City of Boulder requires you to 1) clean up after your dog immediately on any property but your own; 2) keep your dog on a leash or in a vehicle unless the dog is on your own property or on specific public properties where the City requires voice control only; 3) keep your dog from disturbing the peace with loud, prolonged, or habitual barking; 4) *not* keep any dog that displays aggression toward a person or has injured another animal. While these are City ordinances, and not enforced by us, we heartily endorse them on Silver Plume. We have many dogs in a small area here, and for the comfort and safety of people and pets alike, we urge guardians to comply with these City ordinances.

A note about cats and small dogs: Residents of Silver Plume should be aware that cats and small dogs are at risk of predation by the local wildlife – cats in particular are frequently carried off by coyotes. For the safety of your small pet, don't let it out unsupervised, especially at night.

Snow Removal

~~On the street itself, we trust our sunny climate to do the job. Although Silver Plume is a city street, the City of Boulder doesn't usually plow it. And because it is a city street, for liability reasons (potential problems caused by unregulated placement of plowed snow, or damage to City infrastructure) it is a violation of City code for private contractors to plow it. In the unusual case where we really are snowed in, Silver Plume residents are urged to call the City snow dispatch desk (303-413-7109) to request plowing. The more residents who call, the sooner the City will send a plow.~~

~~On the sidewalks, we clear snow from the feeder walks that belong to the association, and because it adjoins our common area, the City sidewalk along Greenbriar. But the walk in front of your house is yours to shovel, and the City of Boulder requires you to clear the full width of it by noon of the day following a snowfall.~~

The association's contractor clears snow from the sidewalks adjacent to our common areas, i.e., the sidewalk along Greenbriar Blvd. between Longwood and the bus stop, the fire lane on our north side, the sidewalks on our parking islands, and the feeder walks between our HOA and neighboring HOAs. At present, we do not clear snow from sidewalks adjacent to private homes.

These sidewalks are the responsibility of the homeowner to clear. The City of Boulder requires sidewalks to be clear full width within 24 hours following a snowstorm.

It is a violation of Boulder code for a private contractor to plow a city street; consequently, we do not contract for this service. In the unusual case where we really are snowed in, Silver Plume residents are urged to submit a request for plowing via [Inquire Boulder](#). The more residents who do so, the sooner the City will send a plow.

Speeding

The speed limit on Silver Plume is 15 mph. For the safety of our children, our pets, and everyone else, please observe it, and make sure your guests do, too.

Tree Pruning

Although you may be tempted to do so, please don't prune any trees in the common area open space or the parking medians. If you note a tree that needs pruning, contact the Board of Directors, who will arrange for a certified arborist to do the job. A well-meaning but unprofessional pruning can harm or even kill a valuable tree.

Yard Maintenance

The City of Boulder requires homeowners to:

- Keep our grass and weeds shorter than 12 inches
- Notify our neighbors before we use any herbicides or pesticides

Beyond that, our covenants require the following:

- No laundry hung outside houses, unless it's screened from view
- No trash containers, trailers, piles (including compost piles), etc., stored in plain view (that includes trash, compost, and recycle carts used for weekly pickup)
- No signs (other than real estate or political signs) on or around a house
- No outbuildings or other structures, either temporary or permanent (children's play equipment is excepted; see **Architectural Review** for further information)

And as a matter of policy, we urge everyone to minimize outdoor clutter and keep their landscaping well maintained. Attractive yards add to everyone's quality of life and property values.

A note about trees: Although tree planting on private property is not regulated by the homeowners' association, before you plant a tree, please consider its ultimate size and its impact on others. Keep in mind that a tall tree in your yard could eliminate the mountain views of a neighbor down the street or across the common area. Please also consider fire hazard when choosing tree species—junipers and pinyon pines are the most likely to ignite.

Annual Assessment

The biggest ongoing task of the homeowners' association is to maintain the property owned in common by all the members (the grassy open space, the parking islands, the Greenbriar median, certain walkways). To finance that work, plus insurance and our overhead costs, and maintain a prudent reserve fund for unexpected or infrequent but large expenses, the association must collect an assessment each year from its members. Because we have no recreational improvements such as swimming pools or tennis courts in our common areas, ~~because a good bit of our work is done by neighborhood volunteers,~~ and because we strive to keep our common area open space as nature made it, historically we have been able to keep the annual assessment fairly low.

At the end of each calendar year (which is also the end of our fiscal year), the Board of Directors conducts an open meetings to determine the operating budget for the following year, and to set an assessment. The assessment amount is based on that projected budget and on keeping a prudent amount of money in reserve for unexpected expenses such as legal fees, repairing irrigation infrastructure, removing diseased trees, or infrequent capital improvements, such as new landscaping. *Our covenants stipulate that the assessment can never be increased by more than 15% of the previous year's assessment without a special vote of the membership.*

Assessment revenues pay for:

- Landscape maintenance (mowing, weeding, etc.) in our common areas
- Concrete and fence repair
- Professional tree trimming and maintenance for common-area trees
- Utilities (water for irrigation)
- Snow removal on walkways adjacent to our common areas
- Liability insurance on our common areas
- Management and overhead costs, such as bookkeeping, IT, and routine legal expenses
- Maintaining a prudent reserve fund

For any given year, the Board will determine the annual assessment level no later than December 31 of the prior year and will notify the homeowners of the assessment amount at that time. Assessment invoices will be distributed in mid-January of the assessment year, and the deadline for payment each year will be ~~the end of~~ February 21, with a late fee of ~~\$25~~ per month if not paid within 30 days of the deadline. In addition, any assessment not paid within 30 days of the due date may be subject to 8% annual interest. ~~And if the assessment remains unpaid, the Association may file a lien on the property. In addition to that fee, nonpayment can result in interest charges and ultimately a lien against a homeowner's property.~~

However, should a homeowner have difficulty paying an assessment, the Board will work with the owner to develop a customized payment schedule that avoids fines and

interest. If you find yourself in that situation, please reach out to the Board before the assessment due date.

Annual Meeting

Each year, usually in March or April, the members of the homeowners' association gather for an annual meeting. Homeowners are notified of the meeting and its location, in writing, at least 15 days in advance of it. The purpose of the meeting is to review association business, provide a forum for discussing any issues of interest or concern to the membership, and to vote on matters brought before the membership. A Board of Directors is also elected at the annual meeting.

Neighborhood Events

The Silver Plume neighborhood has no set schedule of parties and events, but depending on interest and available volunteers, our friendly community has often had a neighborhood pot luck in late summer.

In addition, the Board of Directors organizes a neighborhood cleanup each spring. Neighbors gather and spend an hour or two clearing winter debris, [fire hazardous materials](#), and unwanted tree volunteers from our common areas.

The Board of Directors

The Shanahan Ridge Four Homeowners' Association was incorporated in October of 1975 as a nonprofit corporation. The stated purpose of the corporation was, and is, to preserve and maintain the common areas; make sure the covenants are upheld; promote the health, safety, and welfare of the residents; and collect from the association members the necessary funds to do so. These broad tasks are the legal responsibility of the Board of Directors.

The Board can consist of as many as seven members, or as few as three, and none of them can receive monetary compensation for their services. The Board of Directors is elected each year at the annual meeting of the membership, and officers are chosen from among the directors at the first Board meeting following the annual members' meeting.

What the Board Does

These are the specific things the Board does to fulfill the general obligations listed in the Bylaws:

- Meets as necessary to discuss association business and keeps association records
- Appoints an Architectural Review Committee (ARC) to review homeowner proposals for building and exterior maintenance projects, and any other committees tasked with association matters
- Reviews and approves or disapproves any ARC-recommended variances to covenant requirements
- Acts as necessary to enforce the policies and covenants
- Arranges for and oversees maintenance of the parking islands, perimeter split-rail fencing, and common area landscaping
- Acquires and pays premiums on liability insurance for the association
- Arranges for bookkeeping services and assessment notice mailings, as needed
- Files income tax returns
- Registers the corporation with the State of Colorado every other year
- Communicates periodically with the membership via newsletters
- Each year, by December 31, sets the assessment amount for the coming year, based on projected expenses for that year
- Conducts the annual meeting of the membership
- Conducts other meetings as necessary

Architectural Review

Article V, paragraph 9 of our covenants says that before we do anything to the exterior of our homes, or build anything on our own lots, our plans must be reviewed and approved in writing by the Architectural Review Committee (ARC), a group of residents appointed by the Board of Directors to review homeowners' proposed building and maintenance projects. There are very good and important reasons for this review process, and everyone on Silver Plume agrees to it when they buy their house, yet it is sometimes misunderstood.

This discussion is intended to explain the process, the policies and guidelines themselves, and the reasons behind them, so that homeowners can more effectively plan home improvement projects and so current and future members of the ARC and Board of Directors have a point of reference to help them make fair, consistent, well-reasoned decisions for each project they review.

Why We Have Covenants

Why are we restricted at all in what we can do to the exterior of our homes? The short answer is because restrictive covenants were put in place by McStain as a part of the development, and Silver Plume residents have subsequently agreed to maintain those covenants. But what lies behind the rules?

First, the Silver Plume neighborhood was built in a spectacular natural setting, and our covenants (such as those that restrict colors to a specific palette) were designed to ensure that the neighborhood would integrate with its surroundings, not stand out against them or draw attention away from them. Silver Plume residents continue to prize this natural setting; we've chosen to keep our common areas as much a part of the natural mesa as possible, by leaving large areas undeveloped and unmowed, and by choosing local rock and native plant species for the areas we do landscape, such as the Greenbriar median and our parking islands.

Second, because of the structure of our PUD (small houses and lots, as a tradeoff for proximity to open space), our homes are very close together. So their exteriors have a big impact on our neighbors' quality of life and the overall look of the neighborhood. The developer believed, and the majority of people who have chosen to live in this covenant-controlled community continue to believe, that in such close proximity, houses that appear radically different from one another result in a neighborhood that's esthetically jarring.

No one denies that that's a judgment call, but it's one that was made when the neighborhood was built, and one that was reaffirmed by the residents more than 20 years later when our covenants were revised. People live in covenant-controlled neighborhoods because they like the particular esthetic maintained by that neighborhood, and because they feel covenants that preserve that esthetic will help protect their property values. People who prefer a different esthetic, or more freedom of expression, live elsewhere.

Important: See note on page 18 regarding required ARC submittal and approval.

What the ARC Does (and What It Doesn't Do)

Homeowners sometimes think that the members of the ARC approve or disapprove homeowner proposals based upon what the committee members as individuals like or don't like. Nothing could be further from the truth. The ARC has no independent power to grant variances to the covenants and policies or to foster radically new architectural directions for the neighborhood, **and no power to act based on personal preferences.** They, like everyone else on Silver Plume, must abide by the provisions of our covenants and policies.

The responsibility of the ARC is simply to assess whether or not a proposed project *complies with the existing covenants and policies and harmonizes with existing structures and the neighborhood at large.* If it does, they must approve it. If it doesn't, they must not. If they do not approve it, they will work with the homeowner to find alternative, approvable approaches.

We are fortunate on Silver Plume to have an ARC that includes professional architects, who are especially well qualified to make these assessments. They are also a valuable (and free!) source of ideas, advice, and suggestions for any and all building projects.

The ARC's role, and the limited scope of its power, are very important for Silver Plume homeowners—and members of the ARC itself and the Board of Directors—to understand. Anyone who serves the association must remember that they do so not to promote any personal agenda or preferences, but to ensure that the conditions stipulated by our covenants and policies—and those conditions only—are fairly and uniformly maintained.

The ARC Review Process

All projects affecting the exterior of homes on Silver Plume must be reviewed and approved by the ARC. Here's what that process involves:

1. First, talk to the chair of the committee, or any member, about the project and its compliance with the covenants while it's still in the planning stage. If any aspect of the proposed project could conflict with a **provision of our covenants or of these policies and guidelines** ~~provision or ARC guideline~~, the ARC member can advise the homeowner and suggest alternatives early on, **before any money is spent on materials or labor.** The chair of the ARC will also advise the homeowner of the specific information the committee needs to formally review the proposed project. Once he or she has that information, the chair will fill out a review form.
(Note: For paint and for roof shingles, the ARC maintains lists of pre-approved colors. To use colors from one of these lists, homeowners still need to inform the ARC of their choice before starting the work, but no further approval process is required.)

Important: See note on page 18 regarding required ARC submittal and approval.

2. The project information, along with a review form, will be circulated among the members of the ARC, who will either approve the project outright, approve it contingent on certain conditions being met, or disapprove it. If they disapprove it, they will tell the homeowner why, and if possible, how the project might be altered to gain ARC approval. It takes a majority of the members of the ARC to approve any project. If the ARC recommends approving a homeowner's project as a variance to the covenants or policies, the variance will require review by the Board of Directors for final approval.

Note: The ARC members are very willing to work with homeowners to help them achieve their goals while complying with the covenants. They are knowledgeable and creative, and a great resource. Take advantage of their free expertise!

3. A member of the ARC will return the signed review form to the homeowner. Once the homeowner has the signed approval, he or she is free to pursue the project. Should any detail of the plans change in the course of the project, the homeowner must submit that change to the ARC for further review and approval.

Important: Homeowners *must* submit for and receive ARC approval for *any* building or maintenance project that affects the exterior of their home. Obtaining ARC approval for such projects is itself a covenant requirement, and homeowners who undertake work on the exterior of their home without prior ARC approval risk being required to remove or modify any noncompliant items at homeowner cost and with liability for HOA costs and attorney's fees.

Architectural Review Policies and Guidelines

The following building and maintenance items are the ones undertaken most often by Silver Plume homeowners and reviewed most often by the ARC. These policies and guidelines expand on our covenants and explain in more detail what the ARC members consider as they decide whether to approve a project.

1. Jere Eggleston

March 2, 2023 at 1:50:54 PM

As outlying houses have been repainted, we are able to bring the limits into better alignment with our covenants. This update reflects the current lightest colors on Silver Plume houses.

Paint

Body and trim colors

Our covenants specify an earthtone-based exterior paint color palette for the houses in Shanahan Ridge Four to help our homes sit quietly within the natural environment of our part of the mesa, rather than standing out upon it.

Our covenants say “Exterior body and trim colors shall be limited to earthtones from light tans to dark browns, with changes in hues toward gray, olive, or rust.” To make paint determinations somewhat less subjective, the ARC uses light reflectance values, or LRVs, and RGB (red/green/blue) color designations:

- The ARC looks at the LRV of a paint color to determine if it is too light or too dark.
- The LRV number appears on most paint chips, or is available from the paint manufacturer. On Silver Plume, an LRV of greater than 7667 (Kelly-Moore “Frost Navajo White”) is considered too light for a trim color; an LRV of greater than 6256 (Kelly-Moore “Doeskin Malibu Beige”) is considered too light for a body color. An LRV of less than 8 (Kelly-Moore “Saddle Brown”) is considered too dark for a body color and an LRV of less than 6 (Kelly-Moore “Oxford Brown”) is too dark for a trim color.
- In general, the ARC recommends avoiding strong contrast between body and trim colors – a differential in LRV of less than 25 is generally recommended.
- RGB values are determined by the primary colors of light reflected from an object under pure white light. The ARC may use RGB to help evaluate whether a proposed color falls within the warm earth tones stipulated by our covenants.

Only one trim color is allowed on a house, although some or all trim may be painted body color.

Note: In addition to paint, wood stains in natural wood colors are also acceptable finishes. These are often used on features such as decks, railings, posts, and doors. Natural finished wood may be used anywhere on a home (except on the roof; see **Roofs**).

Accent colors

Our covenants say that accent colors, used in limited areas, may vary from the earthtone palette. So the ARC does not approve or disapprove accent colors, per se, only their extent and placement. Accent colors may be used in these areas *only*:

- Front doors, **not to include frame, trim, or sidelights.**
- Around ~~windows, front doors, and~~ garage doors, in a narrow band only; ~~not to include the full width of any trim.~~ May include garage door opening frame but not trim.
- House numbers.
- Other limited areas as approved by the ARC. **Unless explicitly approved by the ARC, no trim may be an accent color.**

Important: See note on page 18 regarding required ARC submittal and approval.

Pre-approved colors

Paint colors that comply with our covenants and have already been reviewed and approved go onto a list of pre-approved colors. This list is updated as new colors are approved and is available from the ARC or on the SR4 [website](#). Any homeowner wishing to use these colors does need to inform the ARC of their choice, but no further submittal or review is required. *Please note that because a paint color currently appears on a house, it is not necessarily pre-approved.* In the past, some houses have been painted without ARC approval or in colors that do not comply with our covenants. If you'd like to use a color that hasn't already been approved, you'll need to submit it to ARC for their review.

Paint Submissions

In submitting new colors for ARC review, we need the paint brand, color number, color name, and LRV for each proposed color. In addition, we must see an actual sample on your house in a location that can be viewed in the sun. The body color sample should be at least 4 feet by 4 feet in size, along with an adjacent 4-foot length of trim color. **This is necessary because small paint chips can be quite misleading as to the appearance of a color over a large area.**

Roofs

Roofs on Silver Plume must be asphalt shingles or simulated wood shingles, in colors that mimic natural wood (from tan to cedar to warm gray). They cannot be real wood; to mitigate fire danger, the City of Boulder prohibits real wood shingles on roofs. **Asphalt shingles are fire resistant and typically carry a Class A fire rating (the highest level).** As they do for paint colors, the ARC maintains a list of pre-approved roof shingle colors.

Fences and Gates

In addition to meeting City of Boulder code requirements, all fences on Silver Plume must comply with our covenants and policies, which stipulate that:

- Fences must be made of natural cedar, redwood, or materials that match the body and trim colors and finish of the house.
- Two-rail split-rail fences may be placed anywhere on a lot (although fencing of any kind along street frontages is discouraged to keep a sense of space and openness along the streetscape). Any other fences must be parallel or perpendicular to the exterior walls of the house and not placed within the rear building setback or within five feet of the front property line.
- The ARC may approve other locations for fences if unique conditions on a given lot warrant different placement; e.g., one lot's rear line is another's side line.
- Nothing other than certain types of wire for pet control may be attached to the homeowner's side of the split-rail perimeter fencing (so the association can repair and replace it as necessary) **or other split-rail fencing.** Acceptable wire is smooth, non-electrified, welded wire, in a square or rectangular pattern. Poultry netting

Important: See note on page 18 regarding required ARC submittal and approval.

2. Jere Eggleston

March 6, 2023 at 9:42:40 PM

Our covenants currently list only combustible fencing materials or siding that matches the house. A covenant amendment allowing non-combustible materials should be considered.

(chicken wire) is not acceptable. Homeowners with pet wire will be notified in advance of any HOA fence repair projects so they can temporarily detach the wire.

2 Wildfire preparedness guidelines recommend that no **combustible fencing** should be located in close proximity to homes. While this presents a challenge on our small lots, there are ways to reduce fire risk:

- Provide a gate between the fence and the home that can be latched in the open position, hinged on the fence side.
- Use a wall-style enclosure constructed of non-combustible materials and finished to match the home.

Note: The ARC *cannot* approve any fence built by a property owner in a special easement owned by another without the easement owner's express written consent (see **Special Easements**, below).

Fence styles considered by the ARC to be in harmony with the neighborhood, include:

- Two-rail split rail, to which wire may be added for pet control (see discussion above for acceptable types of wire)
- Solidly built flat, vertical board fences
- Fences made with square pickets
- Fences that include lattice in the upper 1/4 of the fence height a square (horizontal/vertical) pattern
- Wall-style enclosures sided, trimmed, and finished to match the house
- Fences (other than split rail) that include cap elements

Fence styles *not* considered to be in harmony with the neighborhood include:

- Any fence taller than six feet
- Pointed-top pickets (the typical "picket fence")
- ~~Fences that include diagonal lattice~~
- Fences made from prefabricated panels (these panels are frequently poorly constructed, and their width may not allow for post spacing that meets City code)
- Any fencing that is not solid and durable

Gates in fences may be made of the same material as the fence, or of decorative iron, other metal, or other wood.

Important: See note on page 18 regarding required ARC submittal and approval.

Windows and Patio/Sliding/French Doors

Our covenants say that window frames must be colored bronze, earthtones, or white, to coordinate with other exterior colors. **Natural or stained wood is also an acceptable finish. Patio/sliding/French doors must also be within this color/finish range.** The ARC encourages homeowners to choose bronze window frames, regardless of a home's color scheme. Because it's dark, bronze tends to blend with the glass itself during the day, making a bronze window frame less visible than a white one. And while a white frame might coordinate with or even enhance an existing paint scheme, it might do the opposite should the house be repainted with different colors in the future. Windows last longer than paint.

Acceptable window shapes and styles include square, rectangular, and trapezoidal, with mullions (dividers) or not. Arched windows have also been approved.

Front Doors

The ARC does not review front doors. Homeowners are free to use any front door they choose; **however, door and sidelight frames must comply with covenanted paint colors as discussed elsewhere in these policies and guidelines.** Screen doors, if used, should not be plain, silver-colored aluminum or other unfinished metal.

Garage Doors

Garage doors on Silver Plume may be either metal, fiberglass, or wood, painted or finished in either a trim or body color to match the house, or in a natural wood finish. Several different garage door styles are considered by the ARC to be in harmony with our neighborhood. They include:

- Plain doors with no decorative panels
- Flat- or raised-panel doors
- Doors that contain either rectangular or square windows, but not fanned or arched windows

Swamp Coolers, Air Conditioners, and Mini-Split Systems

Swamp coolers, air conditioning units, and mini-split heat pump systems may be added to homes on Silver Plume, but plans for them must be submitted to the ARC for review before the unit is installed. The ARC will work with the homeowner to determine a location for them that will be least visible from the street and neighboring homes, and least disturbing from a noise standpoint, especially to neighboring bedrooms. Support structures, ductwork, piping, and electrical conduits must be painted to reasonably match the adjacent roof, body, and trim colors of the house, be screened, or otherwise blend into the roof and walls.

Important: See note on page 18 regarding required ARC submittal and approval.

Alternative Energy Installations

Increasingly, homeowners on Silver Plume are installing solar panels to generate energy for their homes. Owners often seek panel type and placement to maximize energy output, but the ARC will also evaluate all alternative energy proposals in light of the desire to reasonably minimize the visual, acoustical, and other impacts of the installations, consistent with state law, upon the neighborhood and upon neighbors' often coveted views. If you want to install solar panels or other alternative energy installations, you must submit your plans to the ARC for their input, review, and approval prior to finalizing your installation and purchase arrangements.

The following are general guidelines, but do not alter the requirement for ARC review and approval and do not guarantee such approval. They are intended to address the neighborhood impacts of such installations, not the individual technologies involved.

These policies and guidelines are subject to update or modification at any time. In particular the ARC will consider any proposal in relation to improvements and changes in available alternative energy technologies.

Solar panels generally fall under two types: the most common are photovoltaic (PV) panels, which convert sunlight to electricity, and less common are solar thermal panels (active solar), which use sunlight to heat a fluid. Both are acceptable types, as are other such devices and technologies that collect energy from the sun to make a home more energy efficient. Solar panel installations must be compliant with City of Boulder requirements, including the Solar Access Ordinance.

Flush-Mounted Solar Panels

Roof-mounted solar panels that are nominally flush with the roof plane generally may be placed on any roof surface subject to the following provisions:

- The panels ~~do~~ should not extend more than ~~128~~" above the roof plane.
- Panels ~~do~~ should not extend beyond the roof ridge or any edge of the roof.
- ~~Non-collector surfaces of panels, Visible~~ support systems (struts, posts, braces, etc.), piping, electrical conduits, and other system components must be finished or painted to blend with adjacent roof and walls.
- **Installation must comply with City of Boulder Solar Access Ordinance.**
- **Installation must comply with City of Boulder wind load requirements.**

Tilt-Up Solar Panels

By their very nature, tilt-up solar panel arrays (not nominally flush with the roof) are more likely to impact neighbors and may present challenges that are difficult to address. Consequently, proposed locations, layouts, and configurations will be subject to scrutiny, including evaluation of alternatives. Where appropriate, the ARC will work with the homeowner to evaluate and determine a location for the array that provides the most efficient energy capture without unreasonable impacts to neighboring views and neighborhood aesthetics.

Important: See note on page 18 regarding required ARC submittal and approval.

- Tilt-up panel top edges **may** be no higher than 3'-6" above the roof plane (allowing for use of 4' tall panels). The highest point of the system **may** not extend more than 12" above the roof ridge.
- Panels and support systems **may** not extend beyond the roof ridge or any roof edge.
- **If possible, panels must** be arranged in a row or evenly spaced rows, **and rows should be** either perpendicular or parallel to the roof ridge.
- Non-collector surfaces of panels, support systems (struts, posts, braces, etc.), piping, electrical conduits, and other system components must be finished or painted to blend with the roof, walls, and surrounding environment.
- Installation must comply with City of Boulder Solar Access Ordinance.
- Installation must comply with City of Boulder wind load requirements.

Additions and Remodels

Because the houses on Silver Plume are now more than 40 years old, and their value has increased dramatically, more and more homeowners are undertaking additions and significant remodels. These are some of the requirements homeowners should be aware of if they plan to alter the shape, size, or other features of their house:

1. **All proposed projects must comply with the Shanahan Ridge Four covenants and policies.** Depending on what you're doing, these might be more restrictive than City of Boulder requirements, so be sure to get ARC approval *before* you submit your project for a building permit. That way you won't have to go back to the City for further approval should your design need to change to meet covenant requirements. In addition, the ARC understands building department and PUD requirements and can offer advice on how to negotiate the permitting process.
2. **All proposed projects must comply with the PUD (zoning).** It is the responsibility of the homeowner, or the homeowner's contractor, to submit plans for the project to the City of Boulder and to obtain a building permit.
3. **No addition or change to a home's exterior should eliminate or significantly restrict a neighbor's mountain or open space views without their express approval.** This is extremely important on Silver Plume, because many of us purchased our homes precisely for those views, and eliminating them may radically alter quality of life or property values. *The ARC requests that anyone submitting an addition or remodel proposal for review confer with any potentially affected neighbors to be sure the project will not significantly restrict their views.* If neighbors have objections or concerns about loss of views, the ARC will work with all parties to seek appropriate solutions.
4. **The architectural style of any new construction should be compatible with that of existing homes in the neighborhood.** In part, that means:
 - The roof pitch must match the existing neighborhood standard (~5:12).

Important: See note on page 18 regarding required ARC submittal and approval.

3. Jere Eggleston

August 12, 2022 at 9:47:18 PM

Revise this? Some have suggested maybe so. Requires more neighborhood input.

- Roof overhangs **should** be consistent with those of the existing house or of other houses on Silver Plume.
 - Walls and sections of additions should remain square to the primary structure.
 - Horizontal, vertical, and diagonal board siding of real or simulated wood (such as fiber cement), similar to other siding in the neighborhood, are all acceptable. Wood or simulated wood shingle siding is also acceptable.
 - Vinyl and aluminum siding may be used **as permitted by city code** only if profiles and sizes are consistent with other homes in the neighborhood and application and trim conditions fully disguise the thinness of the material. Vinyl siding is highly discouraged due to fire risk **to the vinyl-clad home and the neighborhood at large**.
 - Masonry, including stone and stucco, but not brick, should generally be limited to the lower portions of the house structure and/or chimney structure. **Full stucco exteriors are not acceptable**.
 - Homes should generally reflect the existing architectural style of the neighborhood, without extensive ornamentation or strong elements of a period style.
- 3
5. ***The proposed structure should not appear excessively large or obtrusive from the street, or visually crowd neighboring houses.*** To that end, the ARC applies these “massing” policies and guidelines:
- The floor area ratio (FAR) of *total enclosed square footage* (including garage) to lot square footage must not exceed 60 percent.
 - The facade should be broken into sections, rather than being continuous across a single plane—especially when close to the street or property lines.
 - Upper sections of the house should “step back” from both the street and from neighboring lots where practical.
 - Per our PUD, three-story structures (counting from the lowest level) are not permitted. (Stories are different from levels—stories stack one upon another.)
 - Good fire separation must be maintained between homes. A minimum of ten feet between houses (including decks and other structures) is required by building code.
6. ***Garages must not be eliminated.***
- Per our zoning, there must be at least three parking spaces on each lot, at least one of which must be in the garage.
7. ***Modifications should not be readily apparent after completion.*** That is, all materials, window and door styles (other than front doors), and trim must be compatible with and integrated into the existing structure.

Important: See note on page 18 regarding required ARC submittal and approval.

Contractor Rules

Homeowners must ensure that their contractors adhere to the following ~~guidelines~~ requirements, to minimize the impact of construction on other homeowners and on our common areas:

- **Access through and use of the common area open space is prohibited** except by special arrangement with the Board of Directors.
- Locate any buried utilities before digging.
- Disturbed areas within the common area open space might need to be reseeded with a special native grass mix – contact the Board of Directors for more information.
- No dumping of construction materials – including dirt, paints, solvents, concrete, or other debris – in the common area open space or in parking islands.
- No parking of vehicles on street – use parking islands or the homeowner’s driveway.
- No construction noise before 8 a.m. While some noise is a necessary part of construction work, please be considerate of others and keep it to a minimum early and late in the day.
- Keep volume down on radios/music; many people work at home on Silver Plume.
- **Watch out for children and pets. Drive slowly.**

Important: See note on page 18 regarding required ARC submittal and approval.

Outbuildings, Play Equipment, and Other Structures

Free-standing outbuildings (such as storage sheds) are prohibited by our covenants. However, storage enclosures that are attached to and integrated with houses are acceptable, as long as they comply with the same covenant and policy requirements that apply to any addition (for more information, see **Additions and Remodels**).

Structures and equipment intended for children's play are permissible, as long as any fully enclosed structure is no larger than 25 square feet. Any such structures should be temporary in nature and removed when the child or children no longer use them. We ask, as a matter of courtesy, that all play equipment be positioned to have minimal impact on others, and be removed when no longer used.

Garden structures such as small trellises are not reviewed by the ARC. They are considered to be landscaping features and may be placed anywhere on a lot (but see **Special Easements** for information to consider when placing landscaping structures near property lines). Likewise, ornamental objects such as sculptures are not reviewed by the ARC or regulated by the homeowners association.

More substantial structures, such as decks and pergolas (which usually require a foundation) must be submitted for ARC review.

Landscaping

Other than hedges (which can function as fences), landscaping is not reviewed by the ARC or regulated by the homeowners' association. That includes any walkways or paths, raised planting beds, small trellises, benches, rocks, fountains, garden sculptures, or plantings. Hedges, however, must be submitted for review, and assessed by the ARC using the same placement and setback criteria that apply to fences. In addition, structures such as decks and pergolas (which usually require a foundation) must be submitted for ARC review.

Note: The HOA does ask that before planting tall items like trees, homeowners consider the impact they might have, now or in the future, on other neighbors' views, even from other cul-de-sacs.

Also, homeowners should be aware that the plantings and other landscape features placed in a special easement belong to the owner of the special easement, not to the owner of the property on which the special easement exists, and that property owners must get written permission from easement owners before placing anything in the easement. For more information, see **Special Easements**.

Important: See note on page 18 regarding required ARC submittal and approval.

Special Easements

Because the houses on Silver Plume are sited so close together (typically ten feet apart), five-foot-wide special easements were included on most lots, as shown on the plat and described in the covenants. These special easements were intended to allow residents a bit of more-usable outdoor space. What that means is that while the actual property line between Neighbor A's house and Neighbor B's house is **usually** directly between the two houses (five feet from each), **Neighbor A owns a five-foot-wide easement onto Neighbor B's property (usually on the south or west side of Neighbor A's property), to use as an extension of their own yard.** Neighbor A has the right to walk on, sit on, build a patio on, landscape, or otherwise use the whole ten feet between the houses. Neighbor B owns the five feet of land in that easement, but Neighbor A owns the easement and the rights to it. Anything built or planted in that easement belongs to the easement owner, not the property owner, and if the property owner wants to put anything there, *he or she must get permission in writing from the easement owner before doing so* (a City of Boulder requirement).

Both parties should clearly understand the rights and responsibilities that go along with these easements. If the property owner puts something there (such as a fence) without the easement owner's permission, the easement owner has every right to require its removal. In fact, the easement owner has the right to require removal of any structure or planting in their easement at any time. The only restriction on the easement owner is that he or she must make sure the property owner has access to that side of his or her house for maintenance purposes (such as painting).

Neighbor B, of course, usually has the same easement privileges on the other side, onto Neighbor C's property. There are only a few lots in the neighborhood that do not have special easement privileges. See the plat available on the SR4 [website](#) (or your own Improvement Location Certificate) for the locations of the special easements; they appear as dashed lines parallel to the solid property lines.