

**TALLMAN OWNERS ASSOCIATION, INC.
POLICY REGARDING USE OF XERISCAPE, NONVEGETATIVE TURF GRASS, DROUGHT-
TOLERANT VEGETATIVE OR NONVEGETATIVE LANDSCAPES, AND VEGETABLE
GARDENS**

Effective Date: August 17, 2023

In compliance with the Colorado Common Interest Ownership Act (“CCIOA”), the Board of Directors of TALLMAN OWNERS ASSOCIATION, INC. (“Association”) desires to adopt a policy to address the installation of Xeriscape, Nonvegetative Turf Grass, Drought-Tolerant Nonvegetative Landscapes, and Vegetable Gardens within the Community. This policy supersedes and replaces any existing policy concerning these items adopted prior to the Effective Date of this policy. The Association hereby adopts the following policies and procedures:

1. Definitions.

A. Xeriscape/Xeriscaping means the combined application of any principles of landscape planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, uses of mulches, irrigation efficiency, and appropriate maintenance that results in water use efficiency and water-saving practices. Xeriscaping is not ‘zero-scaping,’ solely consisting of barren rocks, hardscape, cactus, mulch, or a combination of these items.

B. Hardscape includes concrete, pavers, brick, flagstone, stone walls, or similar materials that are of a permanent nature and incorporated into the landscape, patio, walkway, or driveway of the Lot. Hardscape materials are not considered or treated as Xeriscaping materials.

C. Turf means a covering of mowed vegetation, usually Turf Grass, growing intimately with an upper soil stratum of intermingled roots and stems.

D. Turf Grass means continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

E. Nonvegetative Turf Grass means any artificial or man-made covering designed to look like or mimic grass or other forms of Turf.

F. Drought-Tolerant Plantings or Drought-Tolerant Vegetative Landscape means plants that minimize water loss and maximize water uptake in order to adapt to arid or drought conditions.

G. Nonvegetative Landscape means mulch, stone aggregates (such as rock, gravel, decomposed granite, crushed rock) or any artificial or man-made plant material.

H. Vegetable Garden means a plot of ground or an elevated soil bed in which pollinator plants, flowers, or vegetables or herbs, fruits, leafy greens, or other edible plants are cultivated.

2. Authority. Pursuant to C.R.S. § 38-33.3-106.5, the Colorado legislature has determined that prohibitions regarding the use of Xeriscape, Nonvegetative Turf Grass, or Drought-Tolerant or Nonvegetative Landscapes to provide ground covering are contrary to public policy. However, the Association may adopt and enforce design or aesthetic guidelines or rules that apply to Drought-Tolerant Vegetative or Nonvegetative Landscapes or Vegetable Gardens or that regulate the type, number, and placement of Drought-Tolerant Plantings and Hardscapes.

The Colorado legislature, with the passage of Senate Bill 23-178, has clarified parameters concerning the ability for Owners in common interest communities consisting of detached single-family homes to establish the use of Xeriscape, Nonvegetative Turf Grass, or Drought-Tolerant Vegetative or Nonvegetative Landscapes to provide ground covering.

3. Guidelines and Procedures.

A. Use of Xeriscaping principles is encouraged to reduce water usage.

B. Installation of Xeriscape, Hardscape, Nonvegetative Landscape, Nonvegetative Turf Grass, or a change in the current landscaping of a Lot to a Xeriscaping plan must be made in accordance with the Association's current architectural guidelines or rules, application submission, and prior approval requirements for improvements, construction, or alteration of the Association or Design Review Committee, or its delegate (collectively "DRC").

C. Base Guidelines for Landscaping.

i. The DRC may regulate the type, number, and placement of all Drought-Tolerant Plantings, Hardscapes, and Nonvegetative Turf Grass that may be installed.

ii. Artificial or man-made plant materials may be installed within the Lot so long as the colors are of a natural color that resembles the vegetative plant, and they are maintained in a good condition. Artificial or man-made plant materials must be removed and replaced when they become faded, torn, etc.

iii. Non-living material shall be restricted to natural color.

iv. In order to maintain the good appearance of all Lots, Owners shall adequately water all landscape or vegetation, subject to the watering restrictions, if any.

v. The Association may require proof from the Owner that they are watering the landscape or vegetation in a manner that is consistent with the maximum watering permitted by the restrictions in effect.

D. Nonvegetative Turf Grass.

i. Nonvegetative Turf Grass is not permitted for installation in the front and side yards.

ii. Nonvegetative Turf Grass is permitted for installation in the rear yard.

iii. Nonvegetative Turf Grass shall be installed pursuant to the manufacturer's instructions.

iv. Nonvegetative Turf Grass must meet the standards set forth by the Association in its design guidelines or rules, if any, and consisting of a natural color that resembles Turf Grass.

v. Nonvegetative Turf Grass must be maintained in good condition.

vi. If Nonvegetative Turf Grass is used for pet waste, Owners will take odor-mitigating measures to ensure no noxious or offensive odor can be detected in another Lot. Failure to include such odor-mitigating measures may be grounds for denial of the application or an enforcement action to remove the Nonvegetative Turf Grass.

E. Vegetable Gardens.

i. Vegetable Gardens are permitted for installation in the front, back, or side yard.

ii. Owners are required to reasonably maintain the Vegetable Garden throughout the growing season in an aesthetically pleasing condition, free of weeds, and to prevent overgrowth that may cause a fire hazard.

iii. Plants must be pruned, cut back to ground level, or removed at the end of the growing season.

iv. Raised bed containers used for the purpose of planting a Vegetable Garden must be maintained in good condition and repaired and replaced when in disrepair or faded.

v. Vegetable gardens may not be planted in such a manner to allow vegetation to block or impede any walkway, roadway, existing grading, or drainage system.

F. In reviewing applications for installation of Xeriscape, Hardscape, and Nonvegetative Turf Grass, the DRC shall consider the general aesthetic nature of the community, the feasibility of permitted plants, the ecological impact of this policy, local ordinances, and other pertinent considerations. In conducting this review, the DRC will adhere to the following criteria:

i. The Association will review and permit Owners to select from at least 3 pre-approved garden designs for installation in the front yard of the Lot. These pre-approved designs must adhere to the principles of water-wise landscaping as defined in C.R.S. § 37-60-135(2)(1) or be part of a water conservation program operated by a local water provider.

a. The Owner must submit and receive approval from the Association of the pre-approved garden design or alternate plan prior to the initial installation or redesign of the landscape for the Lot.

b. An Owner's use of one of the pre-approved garden designs will be considered compliant with these guidelines. Use of reasonable substitute plants when a plant is unavailable will be reasonably approved.

c. The pre-approved garden designs will be posted to the Association's website, if any, or provided to Owners upon request.

d. The Association will not require the use of Hardscape on more than 20% of the landscaping area on the Lot.

e. A maximum of eighty percent (80%) of the entire Lot may be considered for Drought-Tolerant Plantings.

ii. For purposes of these guidelines, the front yard of each Lot is defined as that area between the street and a line extended from the front corners of the home to each side Lot line, exclusive of the driveway.

G. The DRC may prohibit, limit, or otherwise control the use of Xeriscape, Nonvegetative Turf Grass, or Drought-Tolerant or Nonvegetative Landscapes for purposes other than providing ground coverage.

H. Nothing in this policy shall be construed as permitting an Owner to fail to maintain their Lot, including landscaping.

This Policy regarding the use of Xeriscape, Nonvegetative Turf Grass, Drought-Tolerant Vegetative or Nonvegetative Landscapes, and Vegetable Gardens was adopted by the Board of Directors of the Association on this 18th day of December, 2023.

TALLMAN OWNERS ASSOCIATION, INC.,
a Colorado non-profit corporation,

By: Sara Dieringer
Its: President