

**POLICY
OF OAKBROOK HOMEOWNERS ASSOCIATION, INC.
REGARDING XERISCAPING**

SUBJECT: Adoption of policy and procedure for xeriscaping within Oakbrook Homeowners Association, Inc. (“Association”).

PURPOSE: To adopt a policy regarding an Owner’s right to install xeriscaping, vegetable gardens, and to conserve water. To adopt a standard procedure to be followed for xeriscaping, vegetable gardens, and water conservation.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

**EFFECTIVE
DATE:**

October 3, 2023

RESOLUTION: The Association hereby adopts the following Policy and Procedures for Xeriscaping (“Policy”):

1. Definitions. Unless otherwise defined in this Policy, initially capitalized terms or terms defined in the Declaration shall have the same meaning herein.
 - (a) “Xeriscaping” means the combined application of the seven 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 as required by C.R.S. §38-35.7-107 (1)(a)(III)(A).
 - (b) “Turf Grass” means continuous plant coverage consisting of hybridized nonnative grasses or grasses that have not been hybridized for arid conditions which, when regularly mowed, form a dense growth of leaf blades and roots.
 - (c) “Vegetable Garden” means a plot of ground or an elevated soil bed in which pollinator plants, flowers, vegetables or herbs, fruits, leafy greens, or other edible plants are cultivated.
2. Use of Xeriscape. Colorado law provides that the Association shall not prohibit or otherwise restrict the use of Xeriscape to provide ground covering to property the Owner is responsible to maintain.
3. Preapproved Plans. Association has adopted three preapproved garden designs that may be used in front yards and installed without prior approval. The three preapproved plans are attached to this Policy as Exhibit A, and are

available on the Association's website. Owners shall be allowed to use reasonable substitute plants if a plant in the preapproved design is not available.

4. Approval. Except as provided above, installation of Xeriscape or a Vegetable Garden on a Lot or a change from the non-Xeriscape landscaping to Xeriscape, must be approved by the Architectural Review Committee ("Committee") in accordance with the procedures contained in the Declaration and any architectural standards adopted with respect to landscape modifications or installations. However, the Association shall not impose any *additional* Xeriscape requirements over and above what is imposed for other types of landscaping.

5. Adoption of Additional Guidelines/Rules. Nothing in this Policy shall prohibit the Association from adopting and enforcing Xeriscape design or aesthetic Guidelines or Rules, as long as such Guidelines and/or Rules comply with the below requirements:

(a) Association Guidelines and/or Rules shall not require hardscape on more than 20% of a Lot, and shall allow at least 80% of the Lot to be covered in drought-tolerant plantings.

(b) Association Guidelines and/or Rules may regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a Lot.

(c) Association Guidelines and/or Rules shall not prohibit Vegetable Gardens in the front, back, or side yards of a Lot.

(d) Association Guidelines and/or Rules may establish bona fide safety requirements consistent with applicable landscape codes or recognized safety standards; the Guidelines and/or Rules may also establish prohibitions and restrictions on changes that interfere with the establishment and maintenance of fire buffers or defensible spaces, and changes to existing grading, drainage, or other structural landscape elements.

6. Turf Grass and Nonvegetative Turf Grass.

(a) Colorado law prohibits associations from requiring any amount of Turf Grass and, therefore, the Association does not require any amount of Turf Grass to be installed on an Owner's Lot.

(b) In addition, pursuant to Colorado law the Association shall not prohibit the installation of nonvegetative turf grass (commonly known as artificial turf) in the backyard of Lots. The installation of such nonvegetative turf grass requires prior approval from the Association, and the Association may require certain colors or styles be used.

(c) The Association may adopt other reasonable aesthetic guidelines and rules regulating the installation of nonvegetative turf grass that may be installed in the backyard of an Owner's Lot.

7. Watering Requirements. In order to reduce the water required for the installation of new landscaping and in order to maintain the good appearance of all Lots, Owners shall adequately water all landscaping, in accordance with watering restrictions, if any, imposed by the water provider.

8. Water Restrictions Procedure.

(a) In the event the water provider institutes watering restrictions, so long as Lot Owners water in accordance with said restrictions, the Association shall not enforce a rule or covenant in relation to dead or dormant Turf Grass.

(b) Upon the lifting or expiration of watering restrictions, if any, a Lot Owner who has existing Turf Grass in his or her landscaping plan that appears to be dead shall be afforded a reasonable period of time, subject to the time of year, to reseed and revive the Turf Grass. The Association shall send written notice to the Lot Owner specifying the amount of time the Lot Owner has to revive the Turf Grass. Failure or inability to revive the Turf Grass within the allotted timeframe may result in the Association requiring the Lot Owner to replace Turf Grass.

9. Failure to Maintain. Excepting periods of watering restrictions, nothing in this policy shall be construed as permitting a Lot Owner to fail to maintain his or her Lot, including landscaping.

10. Enforcement. This Policy shall be enforced in a consistent manner throughout the community in accordance with the Association's Covenant and Rule Enforcement Policy and Procedure.

11. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.

12. Deviations. The Board of Directors may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

13. Amendment. This policy may be amended by the Board.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Oakbrook Homeowners Association, Inc., certifies the foregoing Policy was approved and adopted by the Board of Directors on 10.3.23 and in witness thereof, the undersigned has subscribed his/her name.

**Oakbrook Homeowners Association, Inc., a
Colorado nonprofit corporation**

By: Marci Meyer
Its: President

EXHIBIT A
(Preapproved Plans)



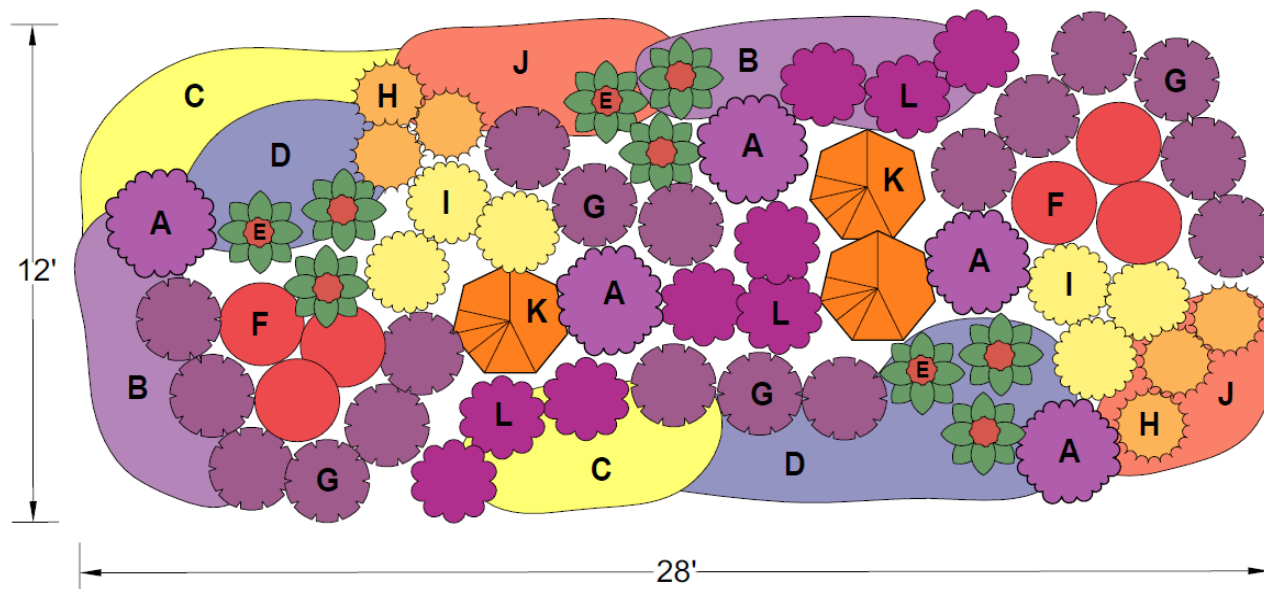
Plant Select[®]
plant smarter

XERISCAPE DESIGN SOLUTIONS Lauren Springer Ogden Collection:

PRACTICAL AND INSPIRING DESIGNS WITH REGIONAL RESONANCE USING PLANT SELECT[®] PLANTS, BY ONE OF AMERICA'S BEST-KNOWN HORTICULTURISTS AND GARDEN DESIGNERS.

BUTTERFLY & HUMMINGBIRD GARDEN

This garden features plants that attract butterflies and hummingbirds. Flower colors are rich and deeply saturated, blooming spring through fall. Fine textures and silver and gray foliage compliment the blossoms; evergreen foliage enlivens the winter months. All but the penstemons are deer resistant. For additional late winter and early spring color, consider adding the bulbs listed below amid the lower-growing plants in the foreground of the planting. The tulips and snow iris are not deer resistant. All plants are sun-loving and drought-tolerant, and will do best in a well-drained soil with little or no amendment.



PLANT LIST: Plant Select[®] plants are in bold

- A. Mojave Sage** -or- Big Catmint 'Walker's Low' (5)
- B. Valley Lavender**[®] Plains Verbena -or- 'Annie' Verbena (12)
- C. Filigree daisy** (11) -or- Silver Heels Horehound (7)
- D. Little Trudy**[®] Catmint (9) -or- Select Blue Catmint (6)
- E. Red Yucca** -or- Golden Threadleaf Yucca (9)
- F. Vermillion Bluffs**[®] Mexican Sage -or- Hardy Autumn Sage (6)
- G. Pike's Peak Purple**[®] Penstemon -or- Shadow Mountain[®] Penstemon (18)
- H. Indian Blanket (6)
- I. Baby Blue Rabbitbrush** -or- Dwarf Blue Mist Spirea (6)
- J. Orange Carpet**[®] Hummingbird Trumpet -or- Compact Indian Blanket (7)
- K. Coronado**[®] Hyssop -or- Dwarf Pink Hyssop (3)
- L. Ultra Violet Sage (9) -or- English Lavender (6)

Additional Plants:

- Corsican Violet (12) plant between larger shrubbier plants to self-sow year after year
- Sprinkle seed of annual California poppies and blue larkspur to self-sow year after year

Bulbs:

- Blue Snow Iris (50)
- Narrowleaf Tulip (25)
- Ancilla Tulip (25)
- Fire of Love Tulip (25)
- Blue Onion (50)

Designer Lauren Springer Ogden

Lauren Springer Ogden designs both public and private gardens. Her book *The Undaunted Garden* is the mountain region's all-time best-selling garden book. She also coauthored the award-winning *Plant-Driven Design* and *Passionate Gardening*. She has also introduced numerous plants to the nursery trade, and Lauren and her work have been featured in national and international publications, and on radio and television.

www.plantdrivendesign.com



Find more designs and
inspiration at plantselect.org!

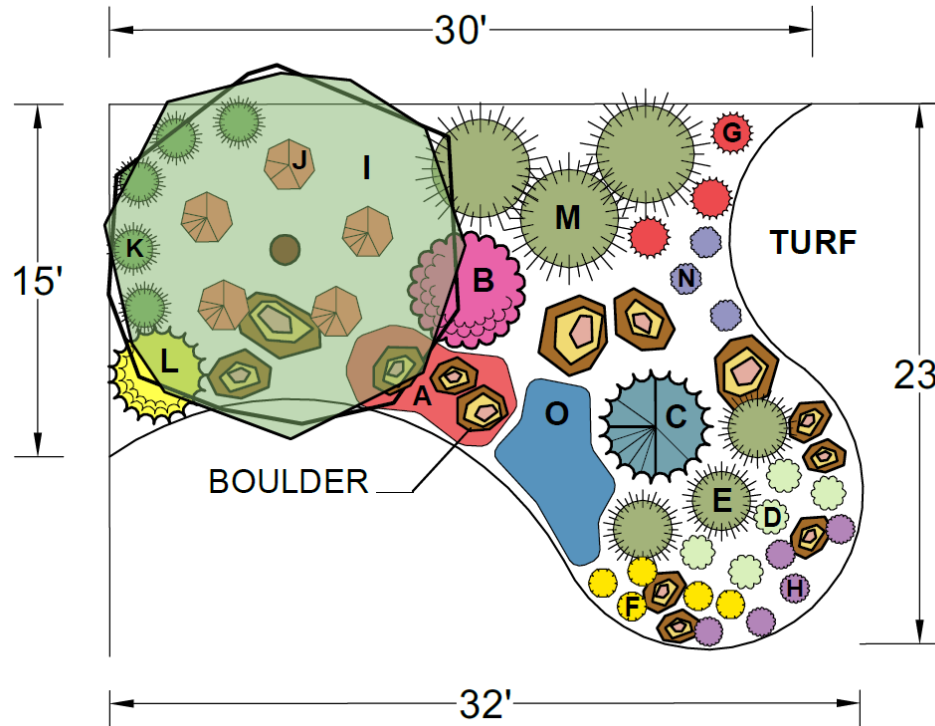


Plant Select®
plant smarter

XERISCAPE DESIGN SOLUTIONS

FOUR SEASON SENSATION

This garden represents a partial conversion of lawn to garden. Reshaping the existing lawn using a curvilinear approach adds flow and movement. Ornamental and coniferous trees provide height, shade and winter interest without interfering excessively with the views. This once water-hogging space is now a lush garden with plants that provide four season beauty, color and interest; thrive in low-water, clay soil and full sun conditions; and attract butterflies and hummingbirds. Drip irrigation and organic mulch, along with proper plant selection, aid in long-term water conservation.



PLANT LIST:

All plants are Plant Select® plants

- A. Fire Spinner™ Ice Plant *-or-* Lavender Ice Ice Plant (7)
- B. Ruby Voodoo Rose *-or-* Redleaf Rose (1)
- C. Weeping White Spruce (1)
- D. Avalanche White Sun Daisy *-or-* Golden Storksbill (5)
- E. Blonde Ambition Blue Grama Grass *-or-* Korean Feather Reed Grass (3)
- F. Colorado Gold® gazania *-or-* Chocolate Flower (5)
- G. Red Birds in a Tree *-or-* Bridges' Penstemon (3)
- H. Valley Lavender® Plains Verbena *-or-* Winecups (5)
- I. Russian Hawthorn *-or-* Hot Wings® Tatarian Maple (1)
- J. Orange Carpet® Hummingbird Trumpet (5)
- K. Korean Feather Reed Grass (5)
- L. Spanish Gold Broom *-or-* Baby Blue Rabbitbrush (1)
- M. Giant Sacaton (3)
- N. Little Trudy® Catmint *-or-* Shadow Mountain® Penstemon (3)
- O. Crystal River® Veronica *-or-* Turkish Veronica (5)



Designer Tanya Fisher

President of Colorado Vista Landscape Design, Inc. since 2003, Tanya Fisher provides high quality and sustainable landscape design plans and horticulture consulting for residential, community and commercial landscapes in the northern Colorado region.

ColoradoVista@comcast.net

www.ColoradoVista.com

Windsor, CO (970) 231-3088

**Find more and inspiration
at plantselect.org!**

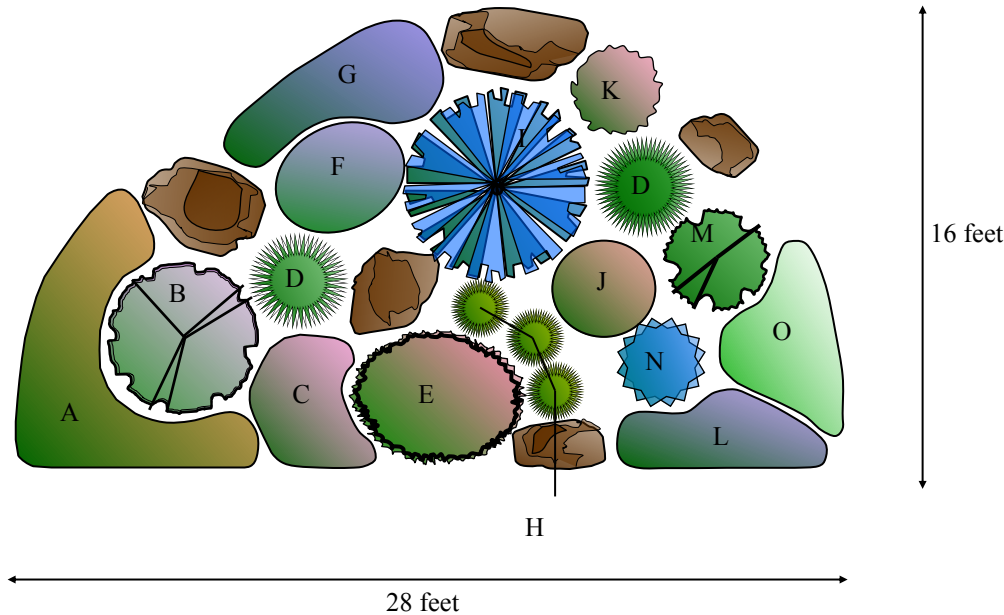


Plant Select[®]
plant smarter

XERISCAPE DESIGN SOLUTIONS

ROCK GARDEN

This raised xeriscape garden is in full sun and visible from all sides. The boulders, native grasses and “evergreen” plants, Bluestem Joint Fir, Mock Bearberry and Parry’s Century Plant, give this garden plenty of winter texture and interest. A native Cowboy’s Delight (*Sphaeralcea coccinea*) meanders thru the garden. Spring bulbs of Tete A Tete Daffodils, Crocus, and small species tulips add extra bloom time, and TABLE MOUNTAIN[®] ice plant will bloom in November on our warm ‘Indian Summer’ days.



PLANT LIST:

Plant Select[®] plants are in bold

- A. **ORANGE CARPET[®] Hummingbird Trumpet** -or- ‘Angelina’ Sedum
- B. **PAWNEE BUTTES[®] Sand Cherry** -or- ‘Powis Castle’ Artemisia
- C. **TABLE MOUNTAIN[®] Ice Plant** -or- **MESA VERDE[®] Ice Plant**
- D. Stipa Feather Grass -or- Blue Oat Grass
- E. ‘Winter Glow’ Prickly Pear Cactus -or- Colorado hedgehog cactus
- F. Variegated Iris -or- German Iris
- G. **Corsican Violet** -or- **COLORADO GOLD[®] Gazania**
- H. Colorado Blue Grama Grass -or- ‘Boulder Blue’ Blue Fescue
- I. **Bluestem Joint Fir** -or- **SPANISH GOLD[®] Broom**
- J. **RED ROCKS[®] Penstemon** -or- Rocky Mountain Penstemon
- K. **MONGOLIAN BELLS[®] Clematis** -or- Furman’s Red Sage
- L. **Turkish Veronica** -or- **CRYSTAL RIVER[®] Veronica**
- M. **Mock Bearberry Manzanita** -or- Crimson Pygmy Barberry
- N. Parry’s Century Plant -or- Pale-leaf Yucca
- O. Lamb’s Ear ‘Helene von Stein’ (Big Ears) -or- **Sea Foam Artemisia**

Shalene Hiller received her bachelor degree from Colorado State University Landscape Design Program. She has worked all facets of the industry from design to perennial production to maintenance. She is currently Horticultural Specialist for the City of Westminster. You can see her gardens at Legacy Ridge and The Heritage at Westmoor Golf Courses.



Find more designs and inspiration at plantselect.org!