

**WOODY CREEK TOWNHOMES ASSOCIATION NO. 1 REGARDING
XERISCAPING & WATER-WISE LANDSCAPING POLICY**

SUBJECT: Adoption of a policy governing xeriscaping and water-wise landscaping within the Association in a manner consistent with Colorado law, conservation principles, and community standards.

PURPOSE: The purpose of this Policy is to recognize and protect Owners' rights to install water-wise landscaping, including xeriscaping, while establishing reasonable standards for design, installation, and maintenance that preserve the aesthetics, safety, and value of the community.

AUTHORITY: This Policy is adopted pursuant to the Declaration, Articles of Incorporation, and Bylaws of the Association, and in accordance with:

- Colorado Common Interest Ownership Act ("CCIOA"), **C.R.S. §38-33.3-101** et seq., including **§38-33.3-302**; and
- **C.R.S. §37-60-126**, which prohibits unreasonable restrictions on water-wise landscaping.

This Policy operates in coordination with the Association's:

- Covenant & Rules Enforcement Policy (2025)
- Architectural Review procedures (2025)
- Conduct of Meetings Policy (2025)

EFFECTIVE DATE: OCTOBER 1, 2025

(Supersedes Xeriscaping Policy adopted May 22, 2019)

RESOLUTION: The Board of Directors of the Association hereby adopts the following Policy based on the findings below

WHEREAS, the Association is a Colorado nonprofit corporation responsible for maintaining the community in a manner consistent with law and sound governance; and

WHEREAS, the Board of Directors owes fiduciary duties of care, loyalty, and good faith to the Members of the Association; and

WHEREAS, the State of Colorado has declared a public policy favoring water conservation and prohibits homeowners associations from unreasonably restricting water-wise landscaping; and

WHEREAS, the Board desires to adopt a uniform policy that balances conservation goals with reasonable design and maintenance standards;

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts the following Xeriscaping & Water-Wise Landscaping Policy.

1. DEFINITIONS

- a. **Xeriscaping:** Landscaping that reduces or eliminates the need for supplemental irrigation through appropriate plant selection, soil preparation, efficient irrigation, and proper maintenance.
- b. **Water-Wise Landscaping:** Landscaping that emphasizes drought-tolerant vegetation and water conservation practices, including xeriscaping.
- c. Concrete, asphalt, artificial turf, or non-organic hardscape materials are **not** considered xeriscaping.

2. OWNER RIGHTS

- a. Owners have the right to install xeriscaping or other water-wise landscaping within their Units, subject to reasonable design and maintenance standards consistent with this Policy and Colorado law.

3. ARCHITECTURAL REVIEW

- a. Installation or modification of landscaping requires prior architectural approval.
- b. Review shall be limited to considerations of:
 - i. Visual harmony with the community;
 - ii. Drainage and grading;
 - iii. Safety and access;
 - iv. Compliance with applicable design standards.
- c. Architectural review **shall not prohibit or unreasonably restrict** xeriscaping or water-wise landscaping.

4. WATERING REQUIREMENTS

- a. Owners shall maintain landscaping in accordance with applicable watering restrictions imposed by the water provider or governmental authority.

5. WATER RESTRICTIONS & DORMANT TURF

- a. During periods of mandated water restrictions, the Association shall not require the replacement or revival of dormant turf caused by lawful compliance with such restrictions.
- b. Upon lifting of restrictions, Owners shall be afforded a reasonable period of time to restore landscaping.

6. MAINTENANCE OBLIGATIONS

- a. Owners remain responsible for maintaining their landscaping in a neat, safe, and orderly condition, including weed control and replacement of dead or hazardous plant material.

7. ENFORCEMENT

- a. This Policy shall be enforced in accordance with the Association's **Covenant & Rules Enforcement Policy**, including notice, opportunity to cure, and hearing rights as required by CCIOA.

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8. DEVIATIONS

- a. The Board of Directors may approve reasonable deviations from this Policy when appropriate, provided such deviations are consistent with Colorado law and the Association’s governing documents.

9. AMENDMENT

- a. This Policy may be amended by the Board of Directors at a duly noticed meeting.

10. SEVERABILITY

- a. If any provision of this Policy is held invalid or unenforceable, the remaining provisions shall remain in full force and effect.

11. ADOPTION AND EFFECTIVE DATE

- a. This Policy was adopted by resolution of the Board of Directors at a duly noticed meeting and is effective as of:

Meeting Date: 1/4/2026

Effective Date: 10/1/2025

CERTIFICATION

The undersigned certifies that this Policy was duly adopted by the Board of Directors of the Association in accordance with CCIOA and the Association’s governing documents.

Woody Creek Townhomes Association No. 1

A Colorado Non-Profit Corporation

By: Paul Durston

Title: President

Date: 1/4/2026