

**POLICY OF THE
FOX CREEK FARM MASTER ASSOCIATION, INC.
REGARDING POLICY AND PROCEDURE FOR XERISCAPE**

SUBJECT: Adoption of a procedure for xeriscaping within Fox Creek Farm Master Association, Inc. (the "Association").

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

AUTHORITY: Master Declaration of Covenants, Conditions and Restrictions of Fox Creek Farm, as amended (the "Declaration"), the Articles of Incorporation of Fox Creek Farm Master Association, Inc., the Bylaws of Fox Creek Farm Master Association, Inc., and Colorado law.

**EFFECTIVE
DATE:**

11-2-2017

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

1. Definitions.

(a) "Xeriscape" means the combined application of the seven principles of landscape planning and design, soil analysis and improvement, hydrozoning of plants, use of practical turf areas, use of mulches, irrigation efficiency, and appropriate maintenance that result in water use efficiency and water-saving practices.

(b) Concrete, asphalt, and other non-organic materials are not considered or treated as xeriscape materials.

(c) "Turf Grass" means continuous plant coverage consisting of 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.

2. Approval. Installation of Xeriscape or a change in the current landscaping of a Lot to Xeriscape must be made in accordance with the Declaration, any policies and procedures for architectural review, and the Association's current Design Guidelines for landscape modifications or installations. However, there shall be no *additional* requirements imposed, over and above what is imposed for other types of landscaping, because of installation of Xeriscape. Nothing in this Policy shall prohibit the Association from adopting and enforcing design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes

or regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on a Lot.

3. Inorganic Ground Cover. Rocks and boulders, patios, sidewalks, courtyards and walls may be used to supplement and create imaginative landscaping design. Such materials can be used in proportion to the overall landscape, provided it does not become the dominant feature of the landscaping. Inorganic ground covers shall not cover more than 70% of the landscape area.

4. 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 Units, Owners shall adequately water all landscaping, in accordance with watering restrictions, if any, imposed by the water provider.

5. Water Restrictions Procedure. In the event the water provider institutes watering restrictions, so long as Owners water in accordance with said restrictions, the Association shall not enforce a rule or covenant in relation to dead or dormant Turf Grass. Upon the lifting or expiration of watering restrictions, if any, an 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 Owner specifying the amount of time the 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 Owner to replace Turf Grass.

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

6. 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.

7. Definitions. Unless otherwise defined in this Resolution, initially capitalized terms or terms defined in the Declaration shall have the same meaning herein.

8. Supplement to Law. The provisions of this Resolution 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.

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

10. Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Fox Creek Farm Master Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on 11-2-17 and in witness thereof, the undersigned has subscribed his/her name.

**Fox Creek Farm Master Association, Inc., a
Colorado nonprofit corporation**

By: Michael Montreillo
Its: President