

25 January 2019

Policy # 2019-1

The Reserve at Mariana Butte Homeowners Association, Loveland, CO (HOA)

Board of Directors Policy Relating to Declaration of Covenants, Conditions, and Restrictions

Subject: **Xeriscaping** (Covenants Article VI (e.) Landscaping and Maintenance)

Complying with Colorado Common Interest Ownership Act (CCIOA) Title 38 and Article 33.3 and all updates

The HOA Board has passed the following policy for addressing the use of xeriscaping in landscaping design, approval and use on member lots in the HOA:

The responsibility lies with the HOA's Board of Directors and Architectural Review Committee (ARC).

ARC, in reviewing and approving any landscape plans or issues, shall use both the HOA covenants and all pertinent Colorado law in making determinations. Colorado law will supersede the HOA covenants in case of differences. This shall include landscaping and its uses on member lots.

This policy is not applicable to any of the HOA common areas.

Should state law change, the most recent Colorado laws (Statute 37-60-126 or others) allowing for and the use of xeriscaping on residential lots shall override any restrictions on the use of xeriscaping in the HOA Covenants.

Approved by the HOA Board of Directors on 25 January 2019.

Larry Roos, President

Rich Giansiracusa, Treasurer and Vice President

Gerta Fereday, Secretary

CC: ARC