

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
TALON POINT METROPOLITAN DISTRICT
ADOPTING A SECOND AMENDMENT TO THE
RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS
FOR TALON POINTE**

WHEREAS, the Talon Pointe Metropolitan District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized to provide various services, including design review and covenant enforcement services, in and around the Talon Pointe and Talon View developments in Adams County, Colorado; and

WHEREAS, pursuant to § 32-1-1001(h), C.R.S., the Board of Directors of the District (the “**Board**”) is empowered with the management, control and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1004(8)(a)(II), C.R.S., the District has the power to furnish covenant enforcement and design review services within the boundaries of the District; and

WHEREAS, pursuant to the terms and conditions of the Covenants and Restrictions of Talon View, recorded in the real property records of Adams County, Colorado on August 26, 2013, at Reception Number 2013000074580 and the Covenants and Conditions of Talon Pointe, recorded in the real property records of Adams County, Colorado on August 25, 2013, at Reception Number 2013000074582 (collectively, the “**Covenants**”), the Board is authorized to adopt design and/or architectural standards, rules, regulations, and/or guidelines; and

WHEREAS, those certain Residential Improvement Guidelines and Site Restrictions for Talon Pointe, last amended by the Board on November 9, 2023 (the “**Guidelines**”) are in place; and

WHEREAS, the Governor of the State of Colorado, signed legislation (the “2024 Legislation”) which provides, among other things, that any rule or policy of a special district that prohibits or places certain limits on flags and signs, parking, fire mitigation, disability accommodations, xeriscaping and gardens, rain barrels, family childcare businesses and renewable energy devices are declared void as against public policy (the “**2024 Legislation**”); and

WHEREAS, in order to bring the Guidelines into compliance with the 2024 Legislation, the District desires to adopt a Second Amendment to the Residential Improvement Guidelines and Site Restrictions for Talon Pointe (the “**Second Amendment**”), attached hereto as **Exhibit A** and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of a Second Amendment to the Residential Improvement Guidelines, Standards and Processes. The Second Amendment to the Residential Improvement Guidelines, Standards and Processes attached as **Exhibit A**, is hereby adopted.

2. Prior Provisions Effective. Except as amended herein, the Design Standards shall remain in full force and effect without limitation.

3. Contradicting Provisions. Any provision of any governing document of the District, including, without limit, rules and regulations, policies and the like, which contradict the Second Amendment and/or New Legislation shall automatically become null and void and unenforceable.

4. Effective Date. The Second Amendment shall be effective as of August 7, 2024, in order to coincide with the effective date of the New Legislation.

Remainder of Page Intentionally Left Blank

RESOLVED AND ADOPTED this 14th day of November, 2024.

TALON POINTE METROPOLITAN DISTRICT

Signed by:
Justin Baumgartner
By: _____
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Officer of the District

Attest:

DocuSigned by:
Angela Elliott
By: _____
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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

Signed by:
Heather Hartung

CD9D9D36370A4B8
General Counsel to the District

EXHIBIT A
The Second Amendment
to the
Residential Improvement Guidelines and Site Restrictions
for Talon Pointe

**SECOND AMENDMENT
TO THE
RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS
FOR TALON POINTE**

This Second Amendment to the Residential Improvement Guidelines and Site Restrictions for Talon Pointe Metropolitan District (the “Second Amendment”) was duly adopted the day and year set forth in the above Resolution.

1. Provision Repealed and Restated. The following portion of Section 3.40 of the Guidelines is hereby repealed in its entirety and the following is substituted as that portion of Section 3.40:

Section 3.40 Landscaping:

Approval is required. Landscaping plans must be in accordance with the specifications shown in Schedule 4, and the approval of such plans shall be obtained prior to the installation of landscaping. The plot plan of the residence and yard must be provided at a measurable scale. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail.

The Lot landscaping should be designed to create a coherent environment which complements the overall Community. Plant material should relate to the scale and character used in the Community landscape areas and to the Lot Improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is encouraged. This means that in the landscaping of each Lot, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. It should be noted that if Xeriscape landscaping is selected a more traditional “green” appearance can still be achieved. See Section 3.94, Xeriscape.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation. In the case of shade or ornamental trees (deciduous), plantings may not be installed closer than six feet (6') from the property line.

In the case of evergreen trees (conifer), plantings may not be installed closer than ten feet (10') from the property line.

- A. Thorny plants shall not be located within twenty (20) feet of sidewalks or walkways.

- B. Planting beds must be separated from turf by edging.
- C. Artificial turf is allowed only in the rear yard. See Section 3.8, Artificial Turf.
- D. Landscaping in the Street/Tree lawn area (the area between the curb and the sidewalk) shall require one tree in the front of the house and two trees on Lots that abut a street on the side of the house. In all cases turf grass shall be installed as the standard to facilitate the egress by the passenger from vehicles parked in the street and to facilitate snow removal from the street. Plans utilizing xeriscape shall be limited to low profile plantings designed to allow vehicle passenger egress.

Owners may select from one of the three pre-approved water-wise garden designs for the front yard, which are provided Schedule 5. In the event an Owner is using a pre-approved plan, the Owner must notify the ARC in writing in advance of the intent to use a pre-approved plan, including which pre-approved plan is being used and the Owner's schedule for the installation of the landscaping. Any deviations from a pre-approved plan must be approved by the ARC.

- 2. Provision Added. The following language is hereby added to the Residential Improvement Guidelines:

Schedule 5 – Pre-Approved Water-Wise Gardens for the Front Yard

- 3. Provision Repealed and Restated. The following portion of Section 4.3 of the Guidelines is hereby repealed in its entirety and the following is substituted as that portion of Section 4.3:

Section 4.3 Vehicular Parking, Storage and Repairs:

Except as may otherwise be provided in these Residential Rules and Design Guidelines, commercial vehicles, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, golf carts and boat trailers, shall only be parked in an enclosed garage, approved Accessory Building, or within areas designated by the ARC. Notwithstanding the foregoing, and highly discourages, small recreational vehicles (such as a small utility trailer) may be parked on Lots on the rear or side of the home, as long as the small recreational vehicles is fully screened from view from the ground level of adjacent Lots or streets by such fencing, screening and/or landscaping as may be specified in these Residential Rules and Design Guidelines. This restriction does not prohibit trucks or commercial vehicles which are necessary for construction or for the maintenance of any portion of the Property or any

Improvements, or vehicles for temporary loading or delivery services or in the case of an emergency. Stored vehicles and vehicles which are inoperable or do not have current operating licenses, or other vehicles described in these Residential Rules and Design Guidelines, are not permitted on the Property except within enclosed garages. For purposes of this Section 4.3, the ARC may consider a vehicle to be “stored” if, for example, it is up on blocks or covered with a tarpaulin and remains on blocks or so covered for seventy-two (72) consecutive hours. The governing board of the Metro District may adopt additional rules and regulations, consistent with applicable state or federal laws and regulations, regarding the parking, storage and repairs of vehicles.

No maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of any motor vehicles, trailers or boats may be performed or conducted on the Property unless it is done within a completely enclosed structure which screens the sight and sound of the activity from the street and from other Lots. The foregoing restriction does not prevent washing and polishing of any motor vehicle, trailer or boat.

Notwithstanding the above, the parking of a motor vehicle by the occupant of a Residential Unit on the driveway of the Residential Unit is permitted if the vehicle is required to be available at designated periods at the occupant's residence as a condition of the occupant's employment and all of the following criteria are met:

1. The vehicle has a gross vehicle weight rating of ten thousand pounds or less;
2. The occupant is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency firefighting, law enforcement, ambulance, or emergency medical services;
3. The vehicle bears an official emblem or other visible designation of the emergency service provider; and
4. Parking of the vehicle can be accomplished without obstructing emergency access to or interfering with the reasonable needs of other unit owners or occupants to use streets, driveways, and guest parking spaces.

SCHEDULE 5 - PRE-APPROVED WATER-WISE GARDENS FOR THE FRONT YARD



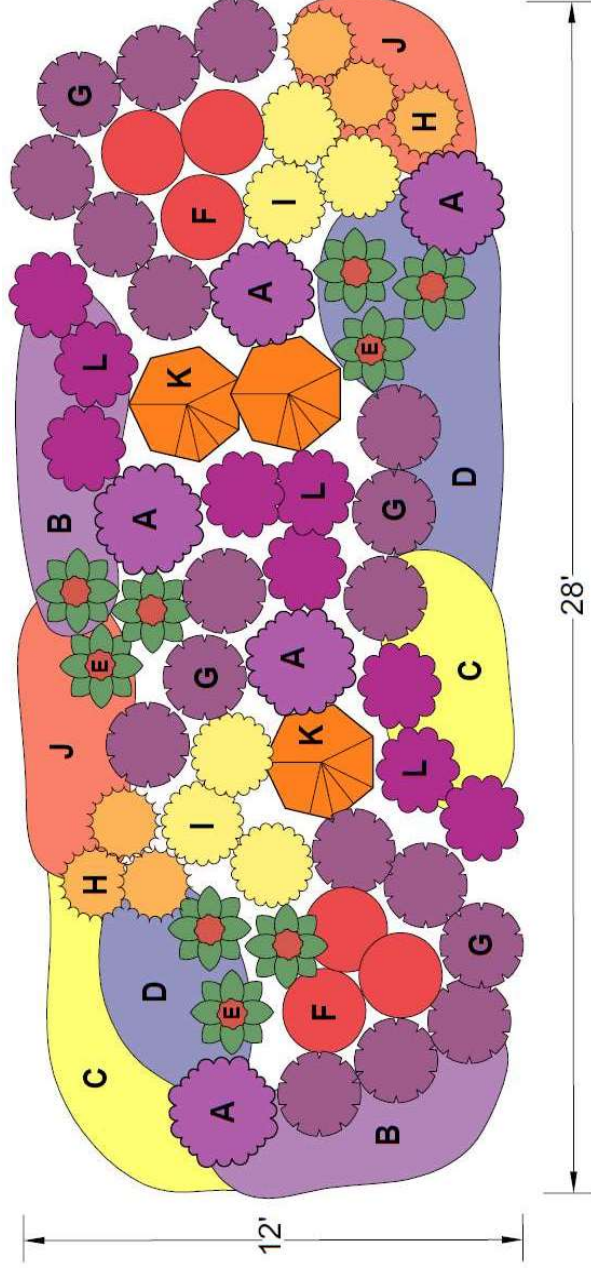
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Lauren Springer Ogden Collection:

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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.



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.

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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. **Filligree 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 shrubby 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)

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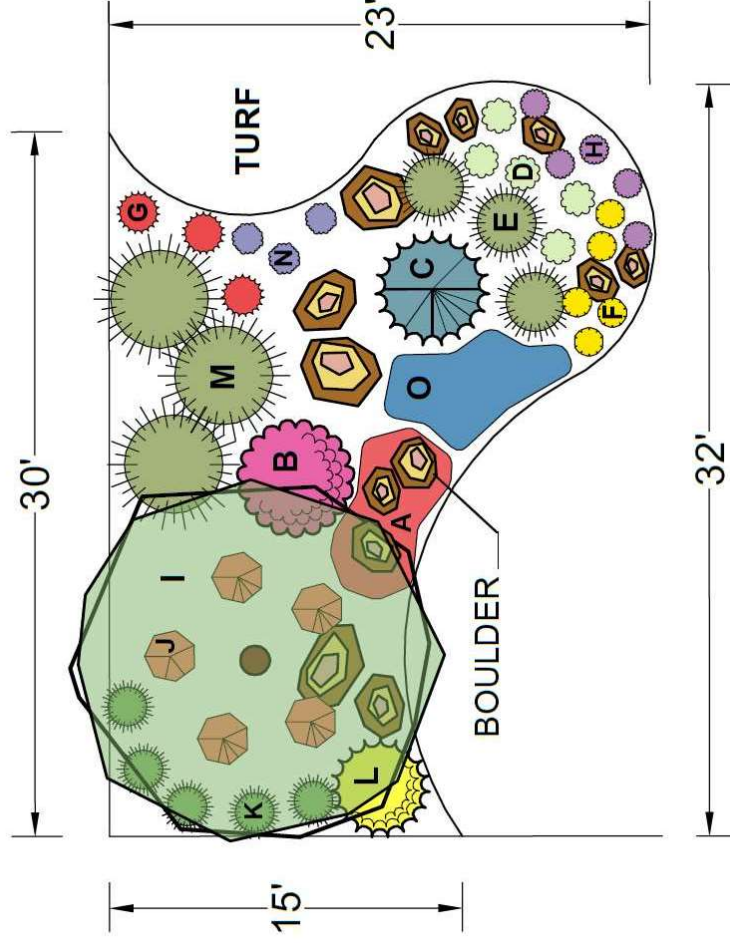
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**PLANT LIST:
All plants are Plant Select® plants**

- 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-** Wine-cups (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 Rabbit-brush (1)
- M. Giant Sacaton (3)
- N. Little Trudy® Catmint **-or-** Shadow Mountain® Penstemon (3)
- O. Crystal River® Veronica **-or-** Turkish Veronica (5)

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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.

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





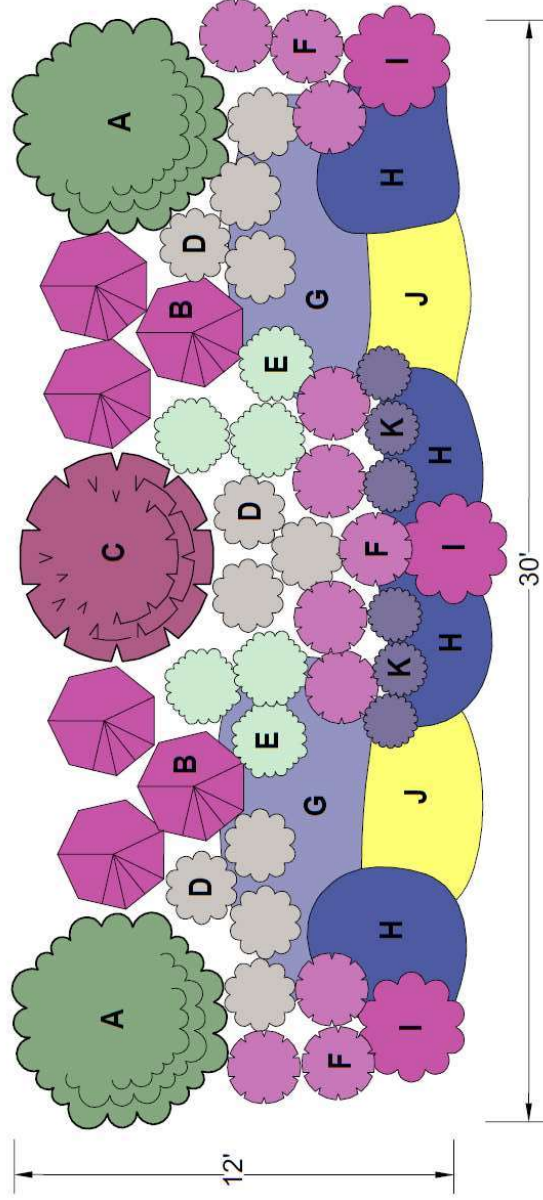
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WATERWISE COTTAGE

This garden features soft colors and textures, blended with silver foliage. Shrubs and easy-care perennials that look equally good out of bloom anchor the planting, while flowers ebb and flow from spring through fall. For additional early color, consider planting the bulbs listed amid the lower-growing plants in the foreground. To add interest the first couple of years in the area where the shrubs are filling in, consider planting the short-lived plants listed for that purpose. This is also a superb bee-attracting garden, and several of the plants offer fragrant flowers and foliage. Most but not all of the plants are deer-resistant. This design can be used as a perimeter planting: just repeat for whatever length is necessary. It can also be widened into a broader bed with the larger plants in the center or spine by planting its mirror image on the other side. All the plants are sun-loving and drought-tolerant, growing best in a well-drained soil and need little or no amendment.



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 has 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.

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PLANT LIST:

Plant Select[®] plants are in bold

- A. Cheyenne[®] Mock Orange -or- Blue Velvet[®] Honeysuckle (2)
 - B. Sonoran Sunset[®] Hyssop -or- Blue Blazes Hyssop (6)
 - C. Redleaf Rose -or- Silver Fountain Butterfly Bush (1)
 - D. Silver Sage -or- Giant Lamb's Ears (11)
 - E. Dalmatian Daisy -or- Anthea Yarrow (6)
 - F. Shadow Mountain[®] Penstemon -or- Red Rocks[®] Penstemon (11)
 - G. Little Trudy[®] Catmint (14) -or- Select Blue Catmint (10)
 - H. Platinum[®] Sage -or- Silverton[®] Bluemat Penstemon (20)
 - I. Winecups (3) -or- Table Mountain[®] Ice Plant (15)
 - J. 'Shimmer' evening primrose (10) -or- Silver Blade[®] Evening Primrose (6)
 - K. Purple Mountain[®] Sun Daisy -or- Compact English Lavender (6)
- Additional Plants:**
- Corsican Violet (12) randomly in front 2' of bed to self-sow year after year
- If desired, fill in around shrubs with the following short-lived plants while the shrubs grow to size:
- Red Feathers (9)
 - Prairie Jewel[®] Penstemon (9)
 - Grand Mesa Penstemon (9)
 - Moon Carrot (9)
- Bulbs:**
- Star of Persia (25)
 - Purple Snow Iris (50)
 - Soft Blue Grape Hyacinth (50)
 - Grecian Windflower (50)
 - Lipstick Tulip (50)

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