



**Homeowners Association**

# **Landscape Guide**

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## PREFACE

This guide is to assist King's Deer property owners in planning landscape for their King's Deer property. It consolidates information from the King's Deer Homeowners Association governing documents: covenants, Design Standards, and various rules, policies, and standards established by the King's Deer Board of Directors.

Being a guide, it is not a directive and therefore it does not cover every aspect of an owner's obligations related to landscapes. King's Deer property owners should therefore review the association's governing documents when planning landscape alterations to ensure compliance with those documents. To assist owners in researching the governing documents, references are provided in this guide to the various governing documents that apply to landscaping. All of the governing documents referenced in this guide are available for download from the King's Deer web site.

Members may also obtain guidance from the association's business office by contacting that office during regular business hours and scheduling an appointment.

**Where information in this guide conflicts with the governing documents, the governing documents prevail.**

*— King's Deer Board of Directors*

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## INTRODUCTION

Most King's Deer home sites are on gently sloping ground—some open and covered with natural grasses and wild flowers, others with ponderosa pine and scrub oak. The King's Deer natural environment is ecologically fragile and is difficult to replace when disturbed because the area is arid and the soil is poor. When natural vegetation has been damaged or destroyed, the land is vulnerable to erosion and intrusion by noxious weeds. Immediate corrective action through landscaping and seeding is required to prevent these adverse consequences.

Landscape is a major element contributing to the desired appearance standards for King's Deer. Landscaping a residence increases the value of the property *and* the value of other properties in the vicinity. Increased property value translates to *increased interest by home buyers* in the King's Deer community. Therefore, establishing minimum landscape standards is in the collective interest of the community.

The minimum landscape standards for King's Deer are just that—bare minimum. In general, they only address the action needed to reestablish native grasses after construction. This level of landscaping does not add any visual interest to the property and therefore complying only with this minimum standard creates a visual distraction for the community.

As a general rule of thumb, owners of a well-landscaped residence will have invested about five to ten percent of the property's value into landscaping and other exterior elements, such as landscape islands, various types of stone accents, retaining walls, etc.

Owners must plan their landscape around the water restrictions that affect all King's Deer properties. Although each property has its own private well, the amount of water that may be drawn from that well is limited by the state of Colorado. Owners must therefore plan their landscape improvements around these limitations so that they ensure compliance with state law.

An initial landscape plan must be included with the application for new home construction submitted to the Architectural Control Committee (ACC). This initial landscape plan defines the landscaping that will be accomplished immediately upon completion of the construction project.

After complying with the minimum landscape standards, home owners are not obligated to obtain ACC approval to expand their landscape plantings. However owners must still comply with the association's standards, policies and covenants. Therefore obtaining advance ACC approval for

planting additional vegetation is the best way to ensure continued compliance with association standards to avoid potentially costly errors.

Advance ACC approval is required for adding new outdoor structural elements on the property. As a general guide these include anything that is man-made and rises above the ground. Examples include playground equipment (swings, trampolines), gazebos, stucco walls, fences, sports elements (basketball goal, tennis or volleyball net supports). Also, adding and expanding asphalt and concrete surfaces on the property, such as adding a concrete patio or enlarging the driveway also require advance ACC approval.

Landscape ornamentation, such as statuary, fountains or other man-made artifacts, require advance ACC approval. Get the ACC approval before you invest in something you want to place in your yard.<sup>1</sup>

Owners are encouraged to first consult with the association office when planning changes to the exterior features at their King's Deer property to ensure their plans are consistent with the association's governing documents.

## I. MINIMUM LANDSCAPE REQUIREMENTS

Owners must ensure that all areas of vegetation are properly maintained and restored when disturbed. Following any construction or maintenance project in which native grasses are destroyed, owners must ensure those areas are reseeded and that native grasses are restored during the first growing season following the disturbance.<sup>2</sup>

Owners are expected to take immediate action to stop erosion and reestablish natural barriers to prevent recurrence. This might involve filling in the eroded area and restoring grasses, altering the surface drainage pattern in the area of the erosion, altering the water source that causes the erosion.<sup>2</sup>

For new houses constructed in the King's Deer Highlands subdivision, the covenants also require that ten evergreen trees, not less than four feet high, be planted. The proposed location and types of these evergreen trees should be identified on the landscape plan included with the original house construction application. The ACC may waive some or all of this additional evergreen planting requirement if the property is naturally forested before construction commences and if the existing trees are preserved by the construction.<sup>3</sup>

## II. LANDSCAPE MAINTENANCE REQUIREMENTS

Dead, dying and diseased trees must be removed quickly to inhibit the spread of disease to the healthy trees. Mountain pine beetle infestation spreads very fast, and delaying removal of a tree for one growing season will be too late to prevent the beetle from spreading to other trees as far as a mile away. Therefore, the year that a tree is infested by the pine beetle is the year in which the tree must be cut down *and treated*. Because the pine beetle nests behind the bark of the tree trunk, the entire trunk must be either removed from King's Deer or treated as recommended by the Colorado State Forest Service.<sup>4</sup>

Cut branches and other dead vegetation must not be left on the property. These are a fire hazard and are excellent "ladder fuels" to promote catastrophic forest fire that can endanger the entire development when a fire does occur.<sup>4</sup>

Trees planted as compliance with the King's Deer Highlands minimum landscape requirement to plant ten evergreens upon completion of a new house construction, must be kept healthy. If any

die, they must be replaced with a similar tree in the same vicinity unless otherwise approved by the ACC.

The laws of Colorado define noxious weeds as “...plant species that are not indigenous (non-native) to the state of Colorado and meet at least one of several criteria regarding their negative impacts upon crops, native plant communities, livestock, and the management of natural or agricultural systems.”<sup>5</sup> The covenants require King’s Deer property owners to control noxious weeds. Thistle is a particularly nasty noxious weed found almost all properties; owners should ensure that as a minimum thistle are kept cut so that their seeds cannot be dispersed; this will likely require repeated maintenance throughout the summer if the owner does not dig up the plant by its deep root structure to permanently eradicate it.<sup>6</sup>

Wildfire is a major threat to King’s Deer owners. To mitigate the threat, owners are required to mow their lot.<sup>7</sup> If left unmowed, the tall dry grasses accumulate by mid summer and become a significant fire hazard that can quickly spread a fire throughout the entire King’s Deer development from a carelessly discarded cigarette. Keeping grasses mowed to six inches or less will substantially mitigate a rapid spread of fire and enhance its containment. The association publicizes an annual “Mowing Deadline” date each year by which time every lot must have been mowed at least once.

### **III. TREE PLANTING AND REMOVAL**

The association encourages owners to landscape their properties with trees and various shrubbery, within the limits of the water use restrictions placed up all King’s Deer properties by the state. However, when planning to add trees to the property, owners should carefully consider the impact their proposed trees may have on views of neighboring properties. Views in King’s Deer add significant value to some properties and the covenants acknowledge this value. Therefore, owners are encouraged to coordinate their intended plantings with neighbors. A little neighborly consideration in advance can pay big dividends by avoiding future battles over a new tree.

Owners may not arbitrarily remove mature, healthy trees from their property. Although the association supports healthy forest practices encouraged by the Colorado State Forest Service, the removal of mature and healthy trees is expressly prohibited by the covenants without advance approval of the ACC. The covenants provide that the owner who fails to obtain the required advance approval will be obligated to pay \$1000 to the association’s Enforcement Trust Fund. To

avoid conflict with this covenant provision, owners should contact the association office and obtain the ACC approval before cutting down healthy trees that have trunk diameter exceeding four inches. The ACC will normally follow the covenants and require that healthy tree having a trunk diameter between four inches and ten inches to be transplanted rather than destroyed.<sup>8</sup>

#### **IV. WATER CONSUMPTION**

Every King's Deer residence is serviced by a private well on the property. And although drawing water from the well may suggest an unrestricted and therefore unlimited water supply, this is far from the case. Every well is drilled from authorization granted by the Colorado Division of Water Resources in the form of a Well Permit. The well permit lists specific "Conditions of Approval." In other words, the property owner is obligated to comply with the conditions to use the well.

Among the listed Conditions of Approval is the maximum allowed annual amount of water drawn from the well. This amount is either 0.38 acre-feet (123,824 gallons) or 0.419 acre-feet (136,532 gallons) depending on the property your well services in King's Deer. If you don't know your annual water limit, please contact the HOA office. Also, the well permit limits the maximum amount of outside irrigation (lawns, shrubbery, gardens, trees) to 3000 square feet. Every well must have a functioning, accurate water meter that records the gallons of water pumped from the well, and that meter reading must be reported to the homeowners association annually upon request. Meter readings are collected in October.<sup>9</sup>

Outside irrigation can have significant impact on the annual water consumption. Some residents are able to keep their landscape irrigation to under 10,000 gallons a year, whereas some residents have managed to saturate their yard with more than 200,000 gallons in a single growing season. Careful monitoring of the water meter throughout the irrigation season (typically May through September) will help homeowners determine if they are at risk of exceeding their annual water authorization because of excess outside irrigation. Please contact the homeowners association office for more information or assistance if you think your consumption is running high. Although the HOA cannot grant additional water authorizations, possibly we can assist an owner in finding the specific cause for high water consumption.

Ponds and outside pools can cause an unexpectedly high water demand. The dry, windy environment common in King's Deer results in a significant water loss to evaporation. Property owners should plan accordingly when contemplating outside water features.



Buyers of existing King's Deer homes are encouraged to report their water meter reading to the HOA office within the first month of purchase. This will help isolate the new owner from water consumption of the previous owner in the year of purchase. If desired, we will also show new owners how to read the meter.

## **V. MISCELLANEOUS LANDSCAPE REQUIREMENTS AND RESTRICTIONS**

The open character of most King's Deer properties allows properties to be viewed from a distance from many King's Deer residences and by the public. Therefore, the association has incorporated minimum landscape requirements into the conditions for approval of some additional structural features for a property. Fences and playground equipment typically must be accompanied by specific additional landscaping in order to gain ACC approval. Owners requesting approval for detached garage often are required by the ACC to include additional landscaping around the proposed structure to offset what would otherwise be an austere structure added to the property.<sup>10</sup>

Vegetable gardens are allowed in King's Deer but they are limited in size and location. Composting is not permitted in King's Deer. Owners are encouraged to refer to the *Design Standards Guidelines* for the most current standards related to these activities, and to submit their plans to the ACC to ensure compliance before investing time, money, and effort.

Retaining walls are a common landscape feature used to achieve a desired grade in the immediate area around homes. Specific standards apply to retaining walls and are addressed in the Design Standards. Retaining walls require advance approval by the ACC, so owners should review the Design Standards for the latest standards and obtain ACC approval before making the significant investment associated with retaining walls.<sup>11</sup>

## **VI. RECOMMENDATIONS, SUGGESTIONS AND IDEAS<sup>12</sup>**

An appealing landscape treatment consists of a combination of new plantings of a variety of heights, ground covers, accent features, and earthen berms. As a very general guideline, apply landscape to at least half the house perimeter, on all sides of the house. Focus on the areas that attract the most activity, or areas that are substantially exposed to public view.

Consult with local professional landscapers to create an initial landscape plan; they are most familiar with what grows well in this high elevation, dry climate, of relatively poor soil. The short growing season presents unique challenges to developing a successful landscape that will enhance property value and not require excessive maintenance. A poorly designed landscape tends to be more difficult to maintain, have higher overall cost, and increases the water consumption requirements.

When selecting a landscape company, begin the search in the fall or winter and plan to contract with a company by the end of February. This will ensure work begins in the first part of the growing season, maximizing the growing time in the first season for your new plants. Delaying selection of a landscaping company until spring will delay commencement of the work until middle or late summer, leaving very little time for new plantings to become established prior to going dormant with the onset of winter which can be as early as late September or early October.

Install a drip irrigation system for all new plantings. This will provide the most efficient irrigation for the plants and minimize the demand on your annual water allocation.

### **Plant Selection Considerations**

**Size.** When selecting trees to transplant, consider that for every caliber inch of tree trunk, the tree will require that many winters to establish a viable root system. For example; a tree with a 2 inch caliber will require 2 years to establish a viable root system; a tree with a 10 inch caliber will require 10 years. Therefore, for a greater transplanting success, select the smaller caliber trees.

**Temperature.** Planting trees and shrubbery in King's Deer poses unique problems. The first basic fact to know before purchasing plants or trees is the USDA Planting Zone. For Monument, the Planting Zone is 4. This Zone is based on the Average Annual Minimum Temperature for the area, which happens to be -20° to -30°. When buying plants and trees, be aware of these numbers. Many nurseries label each plant or tree with either the Zone or the minimum temperature the plant can tolerate. An easy way to remember both is; Monument is in the 2-3-4 Zone. The numbers 2 and 3 refer to the Average Annual Minimum Temperature (-20° to -30°) and the number 4 refers to Zone 4.

**Altitude.** Another critical factor for plant selection is knowing at what altitude it will thrive. Not all Zone 4 trees and plants will grow in King's Deer. Many Zone 4 trees and shrubs will not survive at an altitude of over 7,000 feet. Monument is mostly about 6,500 feet and the average altitude in King's Deer is around 7,350 feet. Although the number of trees and shrubs that will

flourish above 7,000 feet is greatly reduced, there are still well over 16,000 different varieties of trees and shrubs that will thrive at this altitude.

**Growing Season.** The growing season of King's Deer is much different than the surrounding area. At 7,000 feet elevation the average frost-free period is only 98 days. At 8,000 feet it is only 50 days. This plays an important role in the choice of landscaping trees and shrubs to plant. Many Zone 4 trees and plants will not reach maturity before the growing season ends. This is especially true of fruits and vegetables and, again, 98 days is simply an average. Quite often frost may occur as late as early June and as early as August. Large trees are especially affected by a short growing season and can take years to become established. Select fruit trees, and plants with a short "days to maturation" period.

**Plant Characteristics.** Because of their hardiness and ability to grow in this area, selecting slow growing trees such a linden, oak, ash, mugo pine and honeylocust instead of quick growing varieties with brittle branches such as silver maple, siberian elm, and willow is highly recommended. The area is prone to hail so it is suggested that narrow leafed plants be chosen that do not sustain heavy damaged by hail. Plants such as mugo pines, russian sage, lavender, and penstemons along with ornamental grasses sustain minimal hail damage. Place broad leaf plants, such as hostas, in areas with some protection such as under trees or awnings. The dry conditions of the area and the annual limit on water use for each property dictate that emphasis should be placed on selecting plants that do well in this climate with minimum supplemental watering after established. A variety of plants satisfy these characteristics and a suggested list can be obtained from nearby nurseries or the Colorado State University web site at [www.ext.colostate.edu](http://www.ext.colostate.edu).

A good landscape design includes many plants and features that are attractive beyond the three or four months of the "green season." The addition of hardscapes, such as stone elements, gazebos, and pergolas give added viewing enjoyment when the snow has covered the plants.

**Environmental Factors.** Wind is the greatest detriment to plants and trees in King's Deer. Newly planted trees and lawns are the most susceptible to winter desiccation due to low humidity and drying winds.

- Water trees, shrubs and lawns during extended dry fall and winter periods. This will prevent root damage.
- Water only when air and soil temperatures are above 40° and no snow cover.
- Apply mulch at the base of plants to help retain soil moisture.

**Varmints.** King's Deer is a prolific habitat for voles and pocket gophers. Voles damage trees and shrubs by girdling them. Most vole damage occurs during the winter when voles access plants under the snow. Pocket gophers feed on root systems encountered while digging and on vegetation they pull down from below or find near the tunnel entrance. In both cases, habitat management is the best deterrent.

- Voles avoid exposed areas so the removal or mowing of tall grassy areas near landscape plants, trees and shrubs will help mitigate their presence and poison grain baits will help reduce outbreaks.
- Controlling pocket gophers requires burying  $\frac{1}{4}$  to  $\frac{1}{2}$  inch metal mesh approximately 18 inches deep. The bottom six inches of the mesh should be bent at a 90° angle away from the tree or shrub to form an apron pointing toward the gopher horizontally. Additionally, traps and poisons are helpful and will assist in controlling infestation and protect your landscape investment.

## **Restoring Native Grass**

Ground from which the native grass has been removed or destroyed will not recover with native grass on its own. Instead, more aggressive noxious weeds will quickly root and choke out any native grasses. Quick action to restore native grass immediately after a construction project is needed to prevent erosion of the thin layer of soil and the onset of noxious weeds. Failure to act quickly will result in loss of the topsoil, erosion of the land, and an area covered by noxious weeds. To restore native grasses the following steps should be accomplished during the first half of the growing season (May through July):

- Remove any noxious weeds.
- Install a one inch layer of topsoil if needed.
- Sow native grass seed throughout the area. Area nurseries carry seed suitable for this purpose. Sow a drought-tolerant prairie grass seed at the rate of not less than six (6) pounds per one thousand (1,000) square feet.
- After seeding, place a substantial layer of straw over the area to help retain moisture against the drying effects of sun and wind.
- Water periodically if nature does not cooperate.
- Repeat applications of seed and straw as required to offset the effects of birds and wind.

With persistence, a drought-resistant crop of native grass will be established and will need no further care beyond the first full growing season.

An easier, but more expensive alternative to the above process is “hydro-seeding” which is offered by several landscaping companies. A liquid mixture containing seeds, fertilizer and an organic matting material to “hold” the seeds to the ground is sprayed over the barren area. Watering will still be required if nature doesn’t cooperate. And a layer of topsoil may also be needed to give the grasses long term nutrients if the original top soil has eroded away. Hydro-seeding is less susceptible to the drying effects of wind, and birds are less attracted to the seed that is embedded in the mixture.

## VII. REFERENCES

1. “King’s Deer Highlands covenants”, para 13E(15).
2. “Design Standards Guidelines”, section XIX.
3. “King’s Deer Highlands covenants”, para 14.
4. “King’s Deer Subdivision covenants” and “King’s Deer Highlands covenants”, para 14.
5. “Colorado Noxious Weed Act Title 35 Article 5.5”, enacted 1996.
6. “King’s Deer Subdivision covenants”, para 14; “King’s Deer Highlands covenants”, para 13E(16).
7. “King’s Deer Highlands covenants”, para 13E(17).
8. “King’s Deer Subdivision covenants” and “King’s Deer Highlands covenants”, para 13F.
9. District Court, Water Division 2, Colorado, Case No. 93CW75; District Court, Water Division 1, Colorado, Case No. 93CW147; District Court, Water Division 2, Colorado, Case No. 94CW49(A) and (B); District Court, Water Division 1, Colorado, Case No 94CW144(A) and (B).
10. “Design Standards Guidelines”, September 19, 2005, sections XXIII and XXV.
11. “Design Standards Guidelines”, September 19, 2005, section XIX and “Design Standards Addendum 1”, February 1, 2008, pg. 5.
12. Colorado State University; Horticultural Art Society (HAS) of Colorado Springs, Inc.; Master Gardeners of Monument; Kim Jones, Master Gardner