

Chestnut Trails Homeowners Association

Position Paper – Fences

[Position Papers explain how and why the association has interpreted the declaration on specific issues.]

Chestnut Trails Homeowner Association Position:

- **The Association will require Lot Owner's at the Owner's expense to maintain, repair and replace fences adjacent to such Owner's Lot. Exception: the periodic painting of the front fence along Maltby Road and at the entrance will be taken care of by the Association.**
- **Common area fences entirely maintained by the Association include perimeter fencing in the NGPA, retention pond perimeter fencing, retention pond-NGPA fencing, retention pond-cul-de-sac fencing and perimeter fencing at the north end cul-de-sac of 200th PL SE.**
- **Corner lot side fencing is subject to the same setbacks as front fencing on adjacent or nearby lots.**
- **Existing corner lot side fencing that projects out to block adjacent lots will not be approved for repair or replacement.**

Rationale:

5.4.7 Fences, etc. To the extent deemed advisable by the Board, pay for the cost of maintaining, repairing and replacing: perimeter and interior fences, if any; and landscaping and improvements on easements, if any, which are located on or across Lots; provided, the Board at its option may require a Lot Owner at the Owner's expense to maintain, repair and replace such fences, landscaping and improvements as are adjacent to such Owner's Lot.

We live together in community with shared responsibilities executed through the Association balanced with individual responsibilities executed by Lot Owners. Where individual Lot Owners derive unique individual benefit from common elements it is consistent that they bear a larger part to maintain, repair and replace those elements.

For example, the Association does not maintain, repair and replace any fencing along Owner's lot lines bordering the NGPA despite it bordering a common area.

Also, the Association does not maintain, repair and replace neighborhood perimeter fencing along Lot Owner lot lines. Lot Owners maintain, repair and replace these fences in concert with the party or parties sharing the fence.

6.2.5 The front yards of all homes must be landscaped by the builder. In the case of corner Lots, the yards must be landscaped around the end of the house.

7.20 Fencing. No fences or site-screening improvements shall be erected without the written approval of the ACC. Fences may only be placed along the rear property line and from the front building line to the rear lot line, cannot exceed. 6 feet in height, under no circumstances may obstruct view from any other lot,

Per the CC & Rs, the side yard on a corner lot is considered the same as the front yard for landscaping.

Corner Lot side fencing that projects beyond the allowed front fence line for an adjacent lot permanently blocks the driveway view for cars exiting that driveway. It also constricts the general feel of the street especially on dead ends and cul-de-sacs negatively affecting the character of the neighborhood.