

## Safety Fence Submission

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot #: \_\_\_\_\_ Phone number \_\_\_\_\_

### Requirements: 5.05.1 Safety Fence

Following information must be included:

- **Purpose letter** - Describing the safety situation
- Plot map showing location of safety fence
- Distance to side property line \_\_\_\_\_
- Distance to rear property line \_\_\_\_\_
- Distance to front property line \_\_\_\_\_
- Fence Material? \_\_\_\_\_ (welded wire, solid wood with lattice at top, steel framed, etc.)
- Height of fence \_\_\_\_\_, not to exceed 6'
- Post Material? \_\_\_\_\_ (T-Post, 4x4, lodge pole, etc.)
- Spacing of Posts \_\_\_\_\_, (6', 8', etc.)
- Will fence be framed on top and or bottom? Yes \_\_\_\_\_ No \_\_\_\_\_
- Number of gates? \_\_\_\_\_ and size \_\_\_\_\_.
- Color of fencing? \_\_\_\_\_, (black, brown, or dark green, if wood will it be painted or natural)

\_\_\_\_\_ Right of Entry to review project location, and agree to allow EC and ECC to view site with prior notice (if necessary).

I/we have read and initialed the above and agree to abide by ALL requirements as stated.

\_\_\_\_\_ Date \_\_\_\_\_ Date \_\_\_\_\_

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**OFFICE USE ONLY** --Variance required : Yes \_\_\_\_\_ No \_\_\_\_\_ Variance form completed? Yes \_\_\_\_\_ No \_\_\_\_\_  
Meets Standards; Yes \_\_\_\_\_ No \_\_\_\_\_

## Overview

The following items are required when submitting plans to the ECC. Failure to supply required information will delay the approval process. All plans must be submitted by the lot owner or have written authorization from the owner. **Please review and initial the Environmental Standards for detailed requirements for this specific project prior to submitting plans.**

### 5.05 Fencing (Environmental Standards)

In order to preserve the natural quality and aesthetic appearance within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b)), shall be permitted within any lot or along (or adjacent to) any lot line, except where in the opinion of the ECC, a fence or other enclosure: (a) is consistent with the external design and aesthetic features of other improvements on the lot, and (b) the fence will either benefit neighboring lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as pool enclosure). In reviewing fence improvement proposals the ECC shall consider the general policy of this declaration to keep property lines open and the possible adverse impacts resulting to neighboring lots.

All fencing must receive ECC approval. This includes vines, shrubs, and trees when they are placed close enough together that they form a visual barrier. When appropriate, natural vegetation is encouraged in place of other fencing materials.

- (a) Fence plans submitted to the ECC for approval must include a plot plan denoting the property dimensions. The plan shall indicate the footprint size of all structures and the position of the fencing in regards to those structures and property lines. The plans must also show the type of fence materials, length, height, and color. Fencing must meet the individual requirements for its type as listed below and in any case may not be closer than twelve (12) inches from any side property line, ten (10) feet from any front or rear property line, and fifteen (15) feet from any common area such as golf course, park, street, etc. Maximum height for any fence is six (6) feet unless County regulations specifically require a different height. All fencing is to have minimal visual impact and therefore must blend in with the surroundings. Chicken wire, and lattice (except as used for privacy screening) are not appropriate fencing materials. When lattice is used as privacy screening it must be framed with top and bottom rails. All fencing must be constructed and maintained in a workmanlike manner.
- (b) ***All fencing is considered temporary*** and removal may be required at the owner's expense upon change of use, sale of property, deterioration of appearance, or the need for easement access. New owners may re-apply to the ECC for continued use of temporary fence.

\_\_\_\_\_ **Please initial you have read and understand above information.**

#### 5.05.1 Safety Fencing

Fencing that is intended to protect individuals from hazards, such as a swimming pool, pond, hole, trench, drop-off, or other hazard must be designed in compliance with County Codes. The recommended material is wrought iron. The material must be painted a color that blends in with the surroundings so as to reduce its visual impact. Suggested colors are brown, black, and dark green.

- (a) Pool fencing is normally required to have self-closing and self-latching gates, be six (6) feet in height, non-climbable, and any openings must be small enough that they will not allow a four inch (4") diameter sphere to

pass through. Pool fencing must not only meet the requirements under the above sections 5.05 and 5.05.1, but must also maintain a maximum distance of fifteen (15) feet from the water line of the pool.

- (b) A border fence defining a drop-off in a driving area or a barrier fence for personal protection, such as guardrail, shall not exceed three (3) feet in height and shall not extend further than needed for its purpose.
- (c) Other safety fencing will be evaluated on a case-by-case basis by the ECC.

\_\_\_\_\_ Please initial you have read and understand the above requirements.

**CC&R's Article V Section 1b & Article VI Section 20**

(b)Definition of "Improvement", The term "Improvement" as used herein includes, without limitation, the construction, installation, alteration or remodeling of any buildings, walls, decks, fences, swimming pools, landscape structures, solar heating equipment, spas, antennas, television satellite reception dishes, docks, piers, utility lines or any other structure of any kind. With the exception of any proposed Improvement projects involving garage modifications, in no event shall the term "improvement" be interpreted to include Improvement projects which are restricted to the interior of any building structure. Whenever reference is made in the Declaration or in the Environmental Standards to a "fence", the term shall mean and include any hedge, structure or partition of any kind erected for the purpose of enclosing a Lot or parcel, or to divide a Lot or parcel into distinct areas or enclosures, or to separate two contiguous Lots or parcels, regardless of whether the fence is comprised of wood, wire, iron, living plant materials or trees or other materials that are intended to prevent intrusion from without, straying from within or to create a visual barrier or screen.

Section 20. Fences, in order to preserve the natural quality and aesthetic appearance of the existing geographic areas within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b) shall be permitted within an Lot or along (or adjacent to) any Lot line, except where, in the opinion of Environmental Control Committee, a fence or other enclosure (a) is consistent with the external design and aesthetic features of other improvements on the Lot and (b) the fence will either benefit neighboring Lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as a pool enclosure). In reviewing fence Improvement proposals the Environmental Control Committee shall consider the general policy of this Declaration to keep property lines open and the possible adverse impacts resulting to neighboring Lots.

\_\_\_\_\_ Please initial you have read and understand the above information.

**CC&Rs Article V Architectural and Environmental Control:**

**Section 15. Limitation on Liability.** Neither the Association, nor the Board or the Environmental Control Committee or any member thereof, shall be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of any mistakes in judgment, negligence or nonfeasance arising out of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications; (c) the development of any Lot within Lake of the Pines; or (d) the execution and filing of a Notice of Noncompliance pursuant to section 13, above, or a Compliance Certificate pursuant to section 14, above, whether or not the facts therein.