

Attachment B – Fencing Rules and Guidelines – approved June 8, 2013

Wildwood Townhomes Association is a Common Interest Condominium Community. As a Condominium Association, all land within the project is held in common, including the land underneath the home. The governing documents expressly prohibit a partition action or any other action designed to cause a division of the Common Elements. There are provisions for Limited Common Elements, which provide some measure of unit owner control. Legally, a Limited Common Element is a portion of the Common Elements allocated for the exclusive use of one or more Units but fewer than all the Elements. The project is composed of "cabin" units (single family dwelling including duplexes) and "cabinets," the former motel units.

The issue of individual fence requests by unit owners have been historically handled on an ad hoc basis with minimal regard for materials used, fence citing, size and owner responsibilities within the fenced area.

Recently, the cabin unit owners have asked for a specific right to install fences and have requested the Board promulgate rules and guidelines towards that end. The following rules and guidelines are prepared to accommodate such requests. This proposal and guidelines are intended to apply to the "cabin" units only.

All costs related to the construction of the fence, possible relocation of the irrigation lines and other expenses would be the sole responsibility of the unit owner.

Fencing Type: There appears to be a consensus that plastic or other poly substance fence is preferable to other alternatives. Also, the maximum height would be no higher than 6 feet. The Board will await the Fence Committee recommendations as to specific look and materials and manufacture.

Fence citing should incorporate a minimal area. The recommended size would be 80SF but other configurations would be considered. A unit owner's request for citing should, at minimum, consider the placement's effect on adjacent unit owners, view corridors, impact on access and noise.

Legal issues related to fencing: At unit owners expense, liability insurance in the amount of \$20,000 must be obtained and maintained to protect the Association from liabilities, including animal aggression or damage. Such insurance is generally available through the unit owner's homeowner's policy as a rider. The cost should be nominal. The Association shall be listed as an Additional Insured Party and proof of coverage shall be provided to the Association Board.

The fence enclosure must be maintained at all times. This includes a prompt disposal of animal waste, regular lawn mowing and trimming.

The approval of fence construction would require a lease agreement between the unit owner (applicant) and the Association. Such lease agreement would be for one year, renewable yearly. The agreement could incorporate a lease fee. Such fee, if any, would be set yearly at the membership meeting and voted on by a majority of unit members in attendance. No rental fee is currently envisioned. Such vote would be binding on all unit members.

Process for Fence Approval:

1. An application form will be developed by the Board. Unit owner (applicant) would provide a sketch plan and description of the improvements. Such improvements must use materials approved by the Board.
2. Unit owner should provide details about their contractor and must incorporate plans for changes in the irrigation lines, if needed.
3. Unit owner should contact, in writing by U.S. mail or email, adjacent neighbors to inform them of the application. An adjacent neighbor is defined as any neighbor on all sides except those separated by a street.
4. A copy of contracts and neighbor responses must be included in the application.
5. A copy of the liability insurance binder for an amount of at least \$20,000.
6. Timeframe for completion of the improvement.

Board's Responsibility:

Upon receipt of the information, the Board will promptly review the application and request additional information as needed. The Board will also contact, by letter, affected neighbors and request their comments and questions within a 14 day time period. We anticipate a Board response to the unit owner within a 30 day window from the receipt of a completed application and requested documents. Final approval rests with the Board with due consideration of neighbor's comments and suggestions.

Fencing approved by previous Board actions or built during construction:

During the cabin construction period, fencing was constructed around the project perimeter. Such fencing is considered "grandfathered" and not subject to current Board review except as it pertains to maintenance. Fencing built between units not approved by Board actions are subject to review.

Fencing built subsequent to construction and built with previous Board approvals is subject to current and future Board review. Such review would include but not limited to maintenance (such as painting, replacement of deteriorated wood, etc.) and construction as approved by the Board at the time of approval. Approvals by prior Boards will not be subject to a lease agreement unless the unit owner requests a change to their fence that is projected to cost more than \$1,000 and change the location, size or materials to be used for renovation.

The Board and the unit owners, at the annual meeting in July, 2012 approved a motion that cited the fencing of Unit 20 as not in conformance with the initial approval and had to be removed.

**WILDWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
1312 WEST TOMICHI AVE.
GUNNISON, CO 81230**

APPLICATION TO CONSTRUCT A FENCE ON ASSOCIATION PROPERTY

1. Applicant's Name and Address:
2. Are you the owner of the property in which the fence construction is contemplated?
3. Please attach a sketch plan for your proposed project which includes exact dimensions, placement, materials and access.
4. Do the materials you intend to utilize conform to the authorized materials approved by the Board and Fence Committee?
5. If you are utilizing a contractor, we require the name, address and evidence of applicable insurance, including liability and workers compensation.
6. Have you been provided Information as to the location of utilities? Do they effect the location of your proposed fence? If so, how have you mitigated its effects, if any?
7. We require a copy of your liability insurance binder for the amount of \$20,000 in favor the Wildwood Townhome Association as a condition of approval.
8. What time frame do you estimate for project initiation and completion?

9. As a condition of approval, we will require written responses of two adjacent neighbors who will be impacted by your contemplated fencing project. These can be in the form of emails or written letters.

Date Application Received: _____

Date Reviewed by Board: _____

Vote:

Approved: _____

Denied: _____

Date: _____

Applicant Notified: _____