

**LAKE OF THE PINES ASSOCIATION
POLICIES & PROCEDURES**



Views & Solar Access

Trees being one of the primary natural amenities enjoyed by Members, preservation, planting and replacement is encouraged. However, it is understood that as plantings mature, they may negatively impact neighboring views and solar access. In accordance with Article VII, section 2 of the Covenants, Conditions and Restrictions, owners must be responsible for their maintenance. The following policy is adopted to provide fair and equitable procedure should problems arise regarding trees planted by past or current owners and is the continuing responsibility of any successors.

1. Prior to planting trees or vegetation which has the potential of impacting neighboring views and solar access, Members and the Association must receive approval from the ECC
2. Views, as defined in this policy, shall be construed as seen from the primary location of a residence as determined by the ECC after discussion with the view seeker. From that primary view location, a member is entitled to a 45-degree angle line-of-sight formed perpendicularly to the residence structure.

The 45-degree angle rule set forth above will be the starting point for analyzing view access situations; however, the Committee shall have the discretion to use some other formula if, in the Committee's sole discretion, the 45-degree angle rule will result in an inequitable result or is inappropriate given the specific topography and relative locations of the lots involved. The Committee's decision can be appealed to the Board, and the Board's decision is then final.

3. Members are not necessarily entitled to an unobstructed view corridor. For use in determining the view corridor, the term "picture window view" will be considered. That is, the view may be filtered by the presence of branches.
4. Should a member feel that their view is unreasonably restricted, they must file a written appeal to the ECC for subsequent review and determination. The ECC shall conduct inspections of properties, as they deem necessary, to determine validity of the appeal.
5. Should the ECC feel that any appeal regarding views or solar access is valid, equitable solutions should be sought that not only protects the complainant but also protects property values of tree owners, including shade provided by the trees and the like.

6. While every attempt should be made to trim selective branches of offending trees, it may be necessary, in the sole discretion of the ECC, to remove a tree. This would be particularly applicable where groupings of trees are present and the removal of a tree would not impact the aesthetic character of the property. In the case where a member has severely trimmed or topped a native species resulting in abnormal growth, there may be occasion for the ECC to require additional maintenance or removal of the tree in question. If the ECC feels that a certified arborist's expertise is needed, one may be contacted.
7. Should any decision by the ECC not be acceptable to either party, further appeals may be forwarded to the Board of Directors for review. Failure by the tree owner to comply with any decisions requiring tree maintenance may result in monetary penalties as stipulated by the Board of Directors.

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