

**HIGHLAND HILLS MAINTENANCE COMMISSION  
Board of Trustees**

**BOARD POLICY NO: 3-7**

**Dated: July 1992  
Last Revised: 5 Nov 2008  
(effective 1 Jan 2009)**

**TITLE: TREES: CUTTING; REMOVAL/DISPOSAL OF CUT, DOWNED OR DEAD TREES AND, ON UNDEVELOPED LOTS, OF YARD DEBRIS AND STUMPS; DISPOSAL OF SECTIONS BROUGHT IN TO BE CUT FOR FIREWOOD**

(Notice: This Policy supersedes all previous HHMC Board actions related to this subject.)

**PRIMARY RESPONSIBILITY:** Architectural Control Committee  
Mowing Committee  
Community Environment Committee

**REFERENCES:** a.) HHMC PC&R #21  
b.) HHMC Articles of Incorporation (Articles III and IV)

**DEFINITIONS:** a.) ACC is the Architectural Control Committee  
b.) PC&Rs are the Highland Hills Protective Covenants and Restrictions that run with the land.  
c.) "breast-high" (PC&R #21) means 54" above the ground.  
d.) "cut" (PC&R #21) means altering any tree 6" or more in diameter (measured 54" above the ground) past the point that a reasonable person would expect it to live.

*Clarification: d.) above. Any tree may be windowed, pruned, or topped at owner's discretion without committee approval, as long as it is not tantamount to removal and does not otherwise threaten the survival of the tree.*

**PURPOSES:**

To interpret, expand, and provide an orderly and consistent process to lend management to that portion of Protective Covenant #21 dealing with the cutting of trees.

To clarify responsibility for the removal and disposal of cut, dead or downed trees and, on undeveloped lots, of yard debris and stumps; and responsibility for the disposal of tree sections brought in to be cut for firewood.

**I. TREE CUTTING:**

**1. Responsibilities:**

The ACC is the responsible committee dealing with removal of qualifying trees on all properties.

Trees in the greenbelt, regardless of size, may not be removed or altered without permission from parties in addition to the ACC. See Board Policy 3-9.

## 2. Background Considerations:

- a. *Views:* The Board recognizes that the majority sentiment of property owners is that the view is the pre-eminent reason for locating within this hillside community. It is the stated intent of the Board that HHMC be responsive to the preservation of views by allowing owners to remove trees that impair those views.
- b. *Alternative to complete removal:* In some cases, windowing (the removal of specific branches), topping, or thinning tree overgrowth may be suggested as an alternative to the complete removal of trees.
- c. *Impact on neighbors:* Tree growth is a slow but steady process that most owners are unaware of until after a view problem has been created. In some cases, we may be careful to maintain the trees on our lot (and thus protect our view) without similar consideration of what our trees may be doing to our neighbors' view. This may be especially applicable to vacant lots and absentee owners.
- d. *Committee decisions:* Decisions on tree removal need to reflect the specification of the PC&R's, the evolving needs of the residents and the changing setting and nature of our community. This document is to address those criteria, the desires of our members, provide guidance to the ACC on tree removal requests, and ensure consistent decisions.

## 3. Policy Stated:

Owners already have the right to remove any tree under 6" in diameter measured 54" above the ground without contacting anyone.

Removal of dead or downed trees required by Section II below has been pre-approved by the ACC. Owners may remove dead or downed trees, regardless of size, without contacting anyone.

In addition to that which is already allowed: ON WRITTEN REQUEST BY AN OWNER, THE ACC WILL NORMALLY APPROVE THE CUTTING OF TREES THAT FALL WITHIN THE FOLLOWING SIZE AND SPECIES CRITERIA: <sup>1</sup>

- a. *any deciduous* tree other than Maple, Madrona, or Garry Oak *regardless* of trunk diameter.
- b. *any tree regardless of trunk diameter* that impairs the owner's view from his home or that of a neighbor (upon request by the neighbor and concurrence by the owner).
- c. *any tree* for safety reasons; or because it is dying or diseased.

## 4. Request Procedure:

A written request for the cutting of trees with a trunk diameter of 6" or greater shall be accompanied by a simple written site plan showing the location of the trees to be cut. Forward your request to the ACC. The individual trees should be flagged at the site to make it easy for the committee to locate them.

- a. *Developing lots:* Upon submission of a set of house plans for a lot, the ACC will approve the property owner's request to remove trees *regardless of trunk diameter*:

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<sup>1</sup> Tree removal requests involving trees not meeting the "normally approved" criteria will be considered on their individual merits.

- (1) -- in a house foot-print or necessary clearing for construction.
- (2) -- in the path of a driveway and related cuts.
- (3) -- in a utility easement that is being used.
- (4) -- that impair the owner's view or that of a neighbor (upon request by the neighbor and concurrence by the owner).
- (5) -- that pose a potential for wind damage to a house or related facilities.

- b. *Undeveloped lots*: If the provisions of Subsection 3 above result in an inadequate opening of view, the ACC may approve the removal of an additional limited number of trees (up to 50%) on an undeveloped lot for sale to help present a representative view from the property or for an owner preparing for future building. For potential purchasers, the ACC may approve an agreed upon preliminary tree removal plan in writing guaranteeing that designated trees may be removed.

## **II. REMOVAL/DISPOSAL OF CUT, DOWNED OR DEAD TREES; REMOVAL/DISPOSAL OF YARD DEBRIS AND STUMPS ON UNDEVELOPED LOTS; DISPOSAL OF TREE SECTIONS BROUGHT IN TO BE CUT FOR FIREWOOD:**

### **1. Interference with Traffic or Drainage:**

Owners (rather than HHMC) are responsible for removing from Highland Hills roads any of their trees or tree trunks, limbs or branches (referred to collectively in this Section II as "trees") that have been cut or downed that interfere or may interfere with the free passage of traffic. Owners (rather than HHMC) are also responsible for removing from Highland Hills drainage ditches and basins any of their trees that have been cut or downed that interfere or may interfere with the free flow or intended retention of water. Owners responsible for removing trees are also responsible for disposing of them.

### **2. Removal/Disposal Requirements Generally:**

Regardless of where they fall, cut or downed trees are an eyesore for the neighborhood, are a potential fire hazard, provide a home for undesirable insects, and may create a problem during annual weed abatement. Dead trees raise some of the same concerns. In the case of trees whose cutting requires ACC approval of a request, owners are required to dispose of the cut trees within 45 days after cutting. In the case of trees whose cutting does not require ACC approval of a request (including but not limited to downed or dead trees), owners are required to dispose of them within 45 days after notice from the Mowing Committee.

### **3. Additional Removal/Disposal Requirements for Undeveloped Lots:**

- a. *Trees/Yard Debris*: On undeveloped lots, cut or downed trees, dead bushes, and accumulations of brush, slash, trimmings or other yard debris (excluding yard debris in contained, reasonably-sized compost piles) create impediments to meeting the mowing standards in Board Policy 11-1, and may delay completion of HHMC's annual mowing program. Accordingly, notwithstanding the 45-day disposal deadline in Subsection 2 above, if there is a cut or downed tree on an undeveloped lot during a mowing period established by the Board pursuant to Board Policy 11-1 (a "mowing season") or within 45 days prior to the commencement of a mowing season, or if there is a dead bush or a non-excluded accumulation of yard debris on an undeveloped lot during or within 45 days prior to the commencement of a mowing season, and in either case if the lot is participating in HHMC's mowing program for that mowing season but has not yet been mowed, the tree or non-excluded accumulation of yard debris must be disposed of following notice to the lot owner from

the Mowing Committee (if the mowing season commences 15 days or more after such notice, by the commencement of the mowing season; otherwise, within 15 days after such notice).

- b. *Stumps*: Stumps of cut, downed or dead trees may become hidden from view by grass or other vegetation, posing a hazard to mowing equipment and, possibly, mowing personnel. Accordingly, on undeveloped lots, stumps created on or after January 1, 2009 that are of a height less than 4 feet must be removed and disposed of in accordance with Clallam County requirements, or their height must be reduced to within 2” of ground level, within 45 days after the trees are removed (or, if a mowing season commences within such 45 days and the lot will be participating in HHMC’s annual mowing program for that mowing season, by the commencement of the mowing season). Stumps of a height less than 4 feet created prior to January 1, 2009 on an undeveloped lot that will be participating in the HHMC annual mowing program for any mowing season must be removed and so disposed of, or their height so reduced, not later than the commencement of the mowing season; or, alternatively, from the beginning of the mowing season until the lot is mowed the owner may mark the positions of such stumps with stakes standing at least 4’ above ground level having pennants or flags attached at their tops.

#### **4. Disposal Methods:**

As provided in Board Policy 3-6, neither trees nor stumps nor yard debris may be disposed of by burning or by burial. Some alternative methods of disposal are described in Board Policy 3-6.

In the case of tree trunks, large limbs or stumps, one of the disposal alternatives is cutting for firewood. If that disposal alternative is selected, see Subsection 7 below.

#### **5. Tree Sections Brought in To Be Cut for Firewood:**

Tree trunks or limbs brought onto lots to be cut for firewood raise the same concerns as cut or downed trees. In such a case, see Subsection 7 below.

#### **6. Discretionary Action by HHMC:**

In some cases, the need for a removal from a road, ditch or basin required by Subsection 1 above may appear to be urgent. In other cases, even if the need for such a removal does not appear to be urgent, HHMC may be unable to reach the owner within a time HHMC deems reasonable under the circumstances or the owner may fail to complete such removal on a timely basis. In such cases, notwithstanding the notice provisions above, HHMC may – but shall not be obligated to – effect the required removal or contract for the required removal (in either case with the removed material being deposited on the owner’s lot and the owner remaining responsible for its disposal). In the former event, the owner shall pay to HHMC a removal fee not to exceed \$100. In the latter event, the owner shall reimburse HHMC for the cost it incurs. Payment of the fee or reimbursement shall be due upon the owner’s receipt of an invoice therefor from HHMC.

If a property owner fails to comply with any other requirement of this Section II, HHMC may -- but shall not be obligated to -- arrange for correction of such failure. If the owner is not otherwise in compliance by the time HHMC makes such an arrangement, HHMC will assess the owner for such service. Such assessment will be due upon the owner's receipt of an invoice therefor.

## **7. Cutting for Firewood/Firewood Stacking:**

If the alternative selected by a property owner for disposal of a cut, downed or dead tree is cutting for firewood, the firewood must be cut and neatly stacked by the disposal deadline established pursuant to the preceding subsections of this Section II.

In the case of trees, trunks or limbs brought onto lots to be cut for firewood, the firewood must be cut and neatly stacked within 90 days after such trees, trunks or limbs are delivered to the property owner's lot.

## **III. TREES BLOCKING VIEW - NOT ON YOUR PROPERTY:**

Many owners are concerned about what to do with trees blocking their views that are on someone else's property. Unfortunately, the original developers did not take this into consideration when they drew up the original covenants. Now, tree growth is a problem for many, and it is too late to impose restrictions on trees blocking the views of others. HHMC strongly encourages owners to cooperate with their neighbors even without such restrictions.

### **Suggested solution:**

**AWARENESS** - HHMC will create an atmosphere of awareness by periodically bringing this problem to the attention of all owners. Is your landscaping having a detrimental impact on your neighbor's view?

**COOPERATION** - Most neighbors will cooperate with impacted neighbors in the pruning, limbing, windowing, and topping of trees if they are aware of the detrimental impact the trees are having on the neighbors' view, and if they don't have to bear the cost.

**COST** - The cost of such alteration of overgrown landscaping may have to be born by the impacted neighbor.

**SUPPORT** - HHMC will support agreements between neighbors to alter or remove view-blocking trees. Ownership information for vacant properties is available from the HHMC Treasurer.

## **IV. EROSION HAZARD AREA:**

Much of Highland Hills has been identified as being an erosion hazard area. Prior to clearing or grading, owners are responsible for compliance with the Clallam County Critical Areas Code, specifically, CCC 27.12. 420.

## **V. PENALTY:**

In addition to all available legal remedies for enforcement, including without limitation an action to compel compliance, violation of this Policy will cause a property owner to be subject to penalty under Board Policy 1-4.

# Tree Removal Request

Date: \_\_\_\_\_

I request to remove tree(s) from my property that are 6" or more in diameter (measured 54" above the ground).

Map of tree(s) to be removed:

North



### Map Legend

○ = Tree

□ = House

— = Street

### Instructions:

Simply draw in the tree(s) you wish to remove using a *circle* for each tree. Use the *square* and the *parallel lines* to show where your house and street(s) are relative to the location of the tree(s).

**Outside:** Mark the tree(s) to be removed with bright colored "flagging" tape. This will help the ACC identify the trees(s) you wish to remove.

Owner comment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

Parcel # \_\_\_\_\_ Lot # \_\_\_\_\_ (required if site has no street address)

**Owner Signature** \_\_\_\_\_

**ACC Disposition** \_\_\_\_\_ **Date** \_\_\_\_\_ **Initial** \_\_\_\_\_