

APP XII. TREE COMMITTEE
May 26, 1994
Amended March 11, 2008, Amended March 14, 2017
Amended February 13, 2018, August 14, 2018, Amended December 10, 2019

A. Authority and Jurisdiction.

The Tree Committee derives its authority by delegation from the Architecture Committee and by its establishment as an independent committee by the Board on April 17, 1990.

The Tree Committee functions under the following documents: CC&Rs Article VIII Sections 1 and 2, Article IV B Sections 7, 8 and 9; By-Laws Article VI-15; Rules & Regulations II.A.6; Administrative Policies and Procedures (APP II.H.1, APP II-22, APP II-30 and APP XII-2). The Tree Committee reports directly to the Board of Directors.

B. Committee Mission

Rule on requests for control of trees by all Kala Point owners except during construction or when trees are located in the Bluff Common Area. When appropriate, coordinate with the Grounds, Architecture, and Bluff Management Advisory Committees and make recommendations to the Board regarding policy changes that it deems appropriate.

C. Committee Organization and Reporting

The committee shall have a Chair, Vice Chair, and Secretary. The committee shall be reorganized and elect its Chair, Vice Chair and Secretary following the KPOA Annual Meeting. The committee shall be made up of not more than seven voting members, including one of the two Board members, plus five alternates. The KPOA Board shall approve all members. An alternate may vote in absence of a regular voting member or to form a quorum. Ideally, the committee should strive for terms of three years on a rotating basis. The committee shall meet monthly with additional meetings as may be necessary. The Secretary shall maintain a list of current members and submit regular written minutes of each meeting to the Board.

D. Committee Objectives and Action Plan

To accomplish its mission, the committee shall be responsible for developing, updating its Committee Objectives annually, and submitting them prior to the September Board meeting. (See APP II.H.1.c Tree Committee Objectives).

**APP XII-1
TREE COMMITTEE
MEMBERSHIP & OBJECTIVES
Amended September 8, 2009
Amended October 10, 2017**

Members and Alternates

If a member or alternate misses four meetings in a one-year period, the committee may consider reevaluating his/her membership on the Tree Committee. Members and alternates should contact the Chair concerning absences in advance of meetings. Travel and illness will be considered as valid absences.

Elected officer duties;

Chairperson: He/she shall prepare the meeting agenda 3-4 days prior to the regular meetings, review minutes prior to distribution, and ensure tree requests are screened for completeness, returning with an explanation any that are incomplete. Compile those requests to be reviewed at the scheduled meeting.

Vice Chairperson: Acts in place of Chair when absent.

Secretary: Records minutes of all meetings and maintains a list of interested prospective committee members.

Board Liaisons: There will be two Board members on the committee: Board Liaison (voting member); Board Representative (votes in absence of Board Liaison)

Ex-Officio General Manager: Attends meetings that involve KPOA common property; acts as liaison with outside agencies and reports status of such requests to the Tree Committee.

Objectives

In addition to the Objectives stated under the current Tree and Vegetation Policy (APP II-22), the committee has the continuing objective: To maintain an open and readily available communication with KPOA members and continue to update a summarized reference of material in the handbook for committee members and for reference by KPOA members.

Meetings

A quorum consists of a majority of members. If necessary, meetings may be continued to another time and place to complete items on the agenda. All minutes shall be submitted to the Board of Directors (Bylaws Art.VI Section 15). Meetings may be audio recorded for the benefit of the secretary. Meetings will use Roberts Rules of Order as guidance. Tree Committee meetings shall be open to all members in accordance with APP II.H.1.b.

APP XII-2
KALA POINT OWNERS' ASSOCIATION
TREE COMMITTEE POLICY & PROCEDURES
Amended June 14, 2011, Amended March 14, 2017
Amended February 13, 2018, August 14, 2018, Amended November 12, 2019

A. Policy

Kala Point was originally developed as a community with marine and wooded views. The CC&Rs state intent to preserve views to the greatest extent reasonably practicable.

The Architecture Committee makes judgments regarding view clearance and enhancement during home construction and the Tree Committee manages view maintenance after refund of construction related deposits are approved. The Tree Committee is responsible for view request approval brought by a third party on undeveloped lots.

The Tree Committee will evaluate the establishment of a limited view corridor as provided in APP II-22 (Policy 3. View and Policy 4. View Maintenance).

The intent of this policy is to guide the committee and Association members regarding view development and preservation, and at the same time to preserve and enhance the safety and value of the community while retaining a wooded atmosphere. This policy is to be consistent with the CC&Rs and Rules & Regulations. The CC&Rs prevail over any conflict/situation.

The Tree Committee shall coordinate with the Architectural, Grounds, and Bluff Management Advisory Committees when requested to assure reasonable uniformity in the application of Association policies. As stated in CC&R Article IV, B Section 9, it is the responsibility of property owners that their planted trees and other vegetation not unreasonably interfere with the view of other owners. All vegetation requires ongoing maintenance to preserve view corridors. The Architectural Committee Appendix A will be used to determine the maximum height allowable for planted vegetation.

If a request concerns property other than their own, the requestors should try to resolve differences and clarify details with the affected property owners before submitting written request to the Tree Committee.

The Tree Committee will evaluate each request against the established Board approved criteria. Site visits and voting shall be comprised of a quorum of the same committee members. Requestors may be required to provide for replacement trees with appropriate species.

An Emergency request may be determined when there is imminent danger of falling trees/limbs to people or property or creating an obstruction to access.

In an emergency situation, the following steps will apply:

1. The Chair attempts to establish the emergency need based on the requestor's verbal description and the number of days until the next regular meeting.
2. The Chair (or designee) and second committee member (See Glossary: Tree Squad) will visit the site and may approve action if the emergency is determined appropriate.

3. A request form is filled out on site and the requestor should sign. "Emergency Visit" shall be noted on the form and entered onto the coming month's agenda.

Note: After approval the dead tree(s) may be removed at the owner's expense. Dead or hazardous trees on the common area or in the KPOA road rights of way shall be removed by Kala Point Owners' Association.

4. If it is determined that the request is not an emergency, the requestor can submit a completed Vegetation Control Request/Approval Form to the KPOA Office and go through the regular Tree Committee process. See **Addendum**: How to Access Tree Committee.

Replacement trees will be viewed in accordance with APP II-22 (Glossary & Policy 7.).

In the course of its work, the Tree Committee may recommend the use of appropriate professional advice by the property owner.

B. Procedures

1. a. All requests for vegetation control except those for Bluff Common Areas shall be submitted by members in writing to the KPOA, Attn: Tree Committee on a Vegetation Control Request/Approval Form. Vegetation Control Request/Approval forms are available at the KPOA office or online at www.kalapoint.org. If the trees in question are located on another property owner's land, it is the requestor's responsibility to contact that owner in advance and provide them a copy of the written request as submitted to the Tree Committee. If that owner agrees with the request, the Consent for Natural Tree Request on Neighbor's Lot form should be completed and signed, and attached to the Vegetation Control Request form upon submittal.

1. b. If you live in a condominium or timeshare be advised that written and signed approval is also required from your Association Board prior to submission to the Tree Committee. Note that if this type of request category affects property outside of your Association Board jurisdiction, then the "other owner" requirement stated above in item 1a. applies as well.

2. Trees in question shall be color tagged if safely accessible, or if not tagged, clearly identified on a photograph accompanying the request. Multiple trees in a photograph shall be numbered and referenced. Two sets of color photographs are **required** for submission on any requests requiring county/other agency approval.

3. The reason(s) for a request shall be stated on the request form. If the case is complex, the requestor should attend the Tree Committee meeting. Any tree request should be submitted fifteen calendar days before the monthly Tree Committee meeting or it will be held over until the next month.

4. The Chair will ensure requests are screened before the meeting.

5. A committee member shall be assigned as a case manager for each request.

6. Requestors shall be available to the Tree Committee during on-site visits. If they are not available the trees **MUST** be clearly identified or no action will be taken. At the meeting, the committee shall vote and report in the minutes its initial decision on each request. (Subsequent decisions shall likewise be reported.)

7. Tree Action On Property Other Than That Owned By KPOA:

7.1 Within ten (10) calendar days following the committee's initial decision notification, a requestor or affected property owner for tree action on this type of property and owners of affected properties may request the committee to reconsider its initial decision provided that:

- a. There is significant new information to be presented that was not available to the member requesting reconsideration at the time of the initial hearing on the tree request by the committee, and
- b. A written request for reconsideration, together with a summary of the new significant information to be presented, is given to the Chair of the committee within the time frame stated above.

7.2 Upon receipt of the request(s) for reconsideration, the Chair of the committee shall cause notice of the request(s), including the summary of new information, to be given to the owners of the affected properties. The Chair shall schedule a date for review of the new information. The committee shall reconsider or modify its decision if appropriate.

7.3 At this point, the decision becomes final. (If there were no requests for reconsideration, the initial decision automatically becomes a final decision after the ten day period expires.)

7.4 Applicants and owners of affected properties may appeal the committee decisions to the KPOA Board within thirty (30) calendar days of the final committee decision, as outlined in APP-I. This thirty (30) day appeal period shall begin after any final committee decision.

8. Tree Action On Property Owned By KPOA:

8.1 If the committee decision on the request (or parts thereof) is negative, the requestors may appeal the committee decision to the KPOA Board within thirty (30) calendar days of the decision, as outlined in APP-I.

8.2 After a tentative approval decision has been made by the committee, for entire tree removal, the Chair shall ensure that notice thereof is given to members by:

- a. placing an announcement in the Kala Pointer AND
- b. posting an announcement at all the mail box bulletin boards.

8.3 A tentative approval decision, for entire tree removal, becomes final after the expiration of a 30 day inquiry/comment period if no negative written objection to the tentative approval has been received. The 30 days will begin on the first of the month following the committee meeting.

8.4 During the 30 day period members may direct questions or concerns to the case manager assigned or the committee Chair. A member who wants the committee to change a tentative approval decision should submit to the KPOA office in writing the reasons why he or she wants such a change. This will be considered at the next committee meeting and a final decision made.

8.5 Appeal of such final committee decision may be made to the KPOA Board within thirty (30) calendar days of such final approval. Appeals should be made to the Board pursuant to the CC&Rs and APP-I.

9. No work will take place before final approval by the Tree Committee is given and/or required outside agency review. Further, no work, except in an emergency, on common property shall commence prior to the expiration of all appeal timetables.
10. At least two working days before work starts, case managers (and the KPOA General Manager if work is on KPOA property) shall be notified because it may be necessary for them to be on site.
11. Case managers will monitor progress and report completion of each approved request.
12. Work must be completed within 6 months from date of approval but may be extended at the discretion of the case manager.
13. The completed request and related documents will be placed in the affected lot file.
14. No determination of an action relating to a tree that has become final shall be modified or reversed absent a showing of a significant change in circumstances occurring after the final determination was made.
15. When making decisions regarding requests the committee must consider the following criteria:
 - a. Compliance with KPOA governing documents
 - b. Compliance with the current vegetation policy

The committee may consider the following criteria

- a. Maintaining established views (documented photographs are extremely helpful)
- b. Impact on neighbors, neighborhood, & community
- c. Effect on erosion
- d. Effect on wildlife
- e. Possible hazard or fire danger
- f. Overall health of the tree (age, size, disease, injury)
- g. Tree location –e.g., to allow sunlight, roof safety
- h. General appearance of the tree if limbed, pruned, or previously topped
- i. Natural or owner planted
- j. Are there smaller trees to take its place?
- k. General aesthetics to the community
- l. Effects on property values
- m. Satellite reception
- n. Trees with limbs that overhang a dwelling at any height.
- o. Other

16. Some requests may require approval from outside agencies. The KPOA General Manager is the official KPOA representative to outside governing bodies.
17. Appended hereto are Flow Charts describing in more detail the procedure for submission and consideration of the various types of Action Requests that members may submit to the Tree Committee.

EXHIBIT A: Vegetation Control Request/Approval Form

Kala Point Owners' Association
 Revised April 11, 2017

Case #
Case Mgr:
<input type="checkbox"/> Tree Committee <input type="checkbox"/> Tree Squad

Submission Deadline: 15 calendar days before the second Thursday of each month.

Requester Name: _____ **Date:** _____
Address: _____ **Phone:** _____
 Tree location/address if different from Requester address: _____
Tree Location Lot #: _____ **Condo/TS #:** _____

Read and the conditions that apply to your request.

<input type="checkbox"/> Jefferson County SMP	To determine if your property is affected by the Jefferson County SMP (Shoreline Master Program), contact your sub-association Board (e.g., Kala Bluffs Condo Association) and/or the Kala Point General Manager before proceeding with your tree request.
<input type="checkbox"/> Lot Owner	Requests for tree actions on property not owned by you must be accompanied by the written approval of the property owners. Written approval attached <input type="checkbox"/>
<input type="checkbox"/> Condo, Timeshare	Your request must first be approved by your Association Board, which will then submit your approved request to the KPOA Tree Committee on your behalf.
<input type="checkbox"/> KPOA Common Area	KPOA Common Area requests will be given an automatic minimum 30-day public review for live trees only. See APP XII-2, Section B #8.
<input type="checkbox"/> Trees tagged <input type="checkbox"/> Trees not tagged	Trees shall be color tagged for easy identification, if they are easily accessible. Tags available at KPOA office. If subject vegetation has not been tagged , a photograph or diagram clearly showing the tree and the requested action(s) shall be enclosed with this request.
<input type="checkbox"/> Photos included	Photos of trees are helpful. Please date and number photos. Photos of established views will assist in identifying view maintenance concerns.
Insurance	KPOA Property: Prior to commencement of work on KPOA common area, the contractor shall provide the Association a Certificate of Insurance. The contractor's policy shall provide commercial general liability coverage that includes premises and operations, and products/completed operations with a minimum of \$500,000 per occurrence. KPOA must be included as an additional insured with respect to operations performed on KPOA common area. Requester acknowledges that it is his/her responsibility to require the contractor to be properly licensed and insured and agrees to indemnify, defend and hold Kala Point Owners' Association, its employees and its agents harmless from any and all third party claims arising from the work performed under this request. Other Properties: Although not required for work on individual lots, it is highly recommended that property owner(s) or their agents verify that their contractors are adequately insured.

Describe your request using the Review Criteria below. Attach additional sheet(s), if necessary.

Tree Species, if known	Tagged/How marked?	Action requested	Review Criteria*

***Review Criteria (APP XII-2)** The Tree Committee may consider the following criteria:

a. Maintaining established views b. Impact on neighbors, neighborhood, & community c. Effect on erosion d. Effect on wildlife e. Possible hazard or fire danger	f. Overall health of the tree (age, size, disease, injury) g. Tree location – e.g., to allow sunlight, roof safety h. General appearance of the tree if limbed, pruned, or previously topped	i. Natural or owner planted j. Are there smaller trees to take its place? k. General aesthetics to the community l. Effects on property values m. Satellite reception n. Other
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Requester: please read, appropriate boxes, and sign before submitting this request to the KPOA office.

If I proceed to act under the Tree Committee's approved Vegetation Control Request Form, I understand that KPOA assumes no liability for any action or omission of the Requester, its agents and contractors. I also understand that I must abide by the terms of an approval, including the requirement that all cut vegetation be removed from view or neatly stacked, except on sensitive slope areas.

Jefferson County SMP - I acknowledge that I am responsible for obtaining Jefferson County approval if the requested action is located within the jurisdiction of the Shoreline Master Program (SMP) and where Jefferson County approval is required.

I agree to (1) participate by being present during the Tree Committee site visit; (2) notify the Tree Committee Case Manager at least two working days before starting work, and (3) when work is complete. If the Tree Committee Case Manager is unavailable, I will contact the KPOA Office for help in notifying the proper person.

I agree to contact the KPOA General Manager at least two working days prior to conducting any vegetation control actions on KPOA common area property prior to cutting trees that may drop on KPOA common area property.

I agree to complete the approved work within 6 months from the date of this approval.

For Jefferson County SMP-related requests, complete the approved work within the SMP-designated time frame.

I understand my Case Manager will provide me a signed, completed copy of my request form after the site visit and decision have been made.

Note: Your Tree Committee Case Manager and the Tree Committee Chair are available to answer your questions and discuss the Committee's decision. If you have new information that was not available to you at the time of the Committee review, you may request that the Committee reconsider its decision. You may also appeal the Committee's final decision to the KPOA Board of Directors. Refer to APP XII – 2 for procedures and time limits.

Requester Signature(s): _____

— FOR TREE COMMITTEE USE ONLY —
Vegetation Control Request Form Disposition for Case
Assigned to Tree Committee Tree Squad

Status: Approved Approved with modifications Denied
 Approved pending receipt of Jefferson County SMP Permit
 Not completed within 6 months

In response to your request and based on the on-site inspection by the Tree Committee or Tree Squad:
 The Committee did not approve your request as submitted for the following reasons stated below
 The Committee approves your request with the following conditions stated below
 See attached Site Visit Results form

Jefferson County SMP Permit (if req'd): Date Permit received by KPOA _____ by _____
Tree Committee Case Manager: _____ Phone: _____
CASE COMPLETED. Form filed with Tree Committee & KPOA on _____ by _____

**EXHIBIT B: Consent for Natural Tree Request on Neighbor's Lot
February 13, 2018**

Consent for Natural Tree Request on Neighbor's Lot

Name of Requestor _____ Lot# _____

Name of owner of neighboring lot _____ Lot# _____

Tree Identification:

Species _____

Unique method for Identification (how is tree marked e.g. tape, metal tag)

Specifics of request (statement of work to be performed)

Tree Identification:

Species _____

Unique method for Identification (how is tree marked e.g. tape, metal tag)

Specifics of request (statement of work to be performed)

Tree Identification:

Species _____

Unique method for Identification (how is tree marked e.g. tape, metal tag)

Specifics of request (statement of work to be performed)

[Use back of form for additional requests]

Name of Party Completing Performance of Work Requested _____

Date(s) of work to be performed _____

Signature of Requestor

Date _____

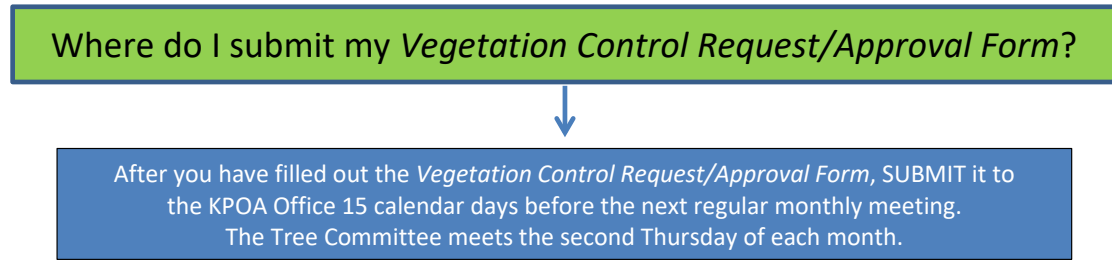
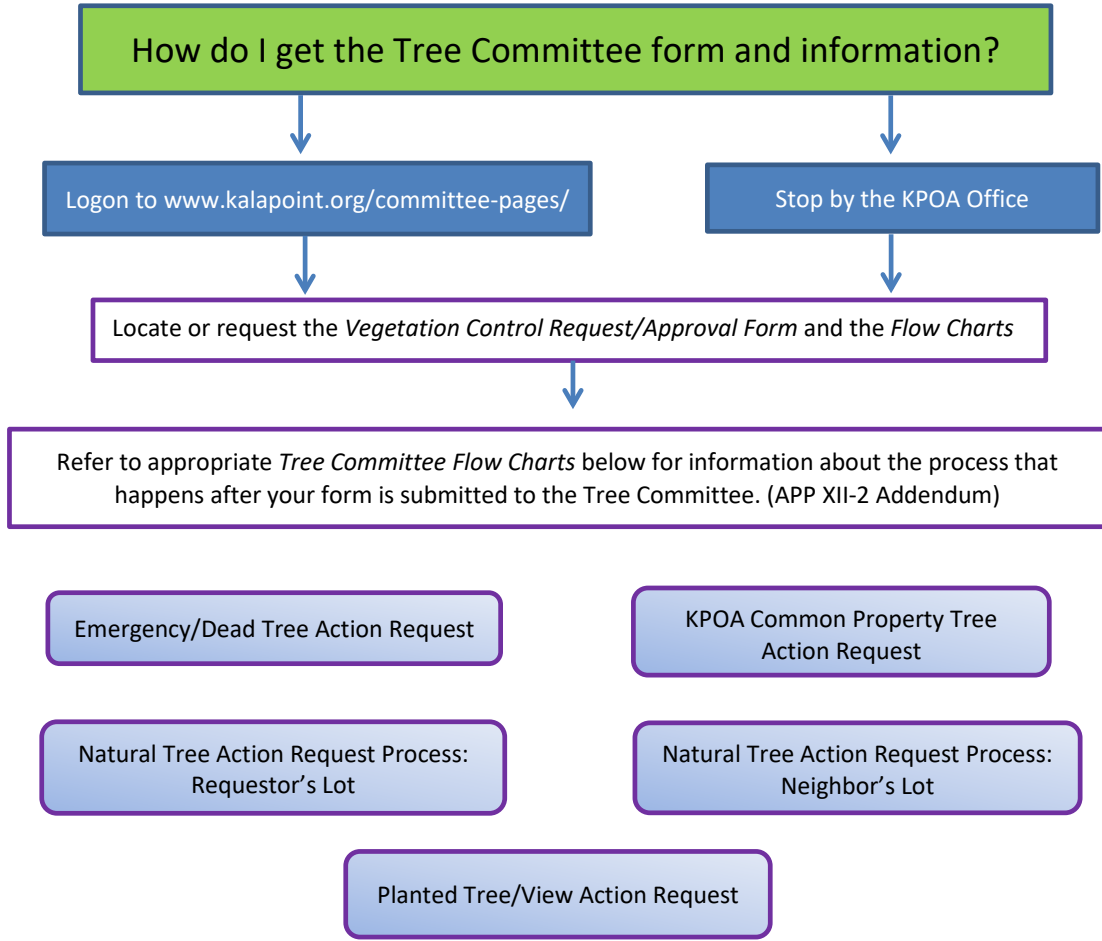
Signature of Owner of Neighboring Lot

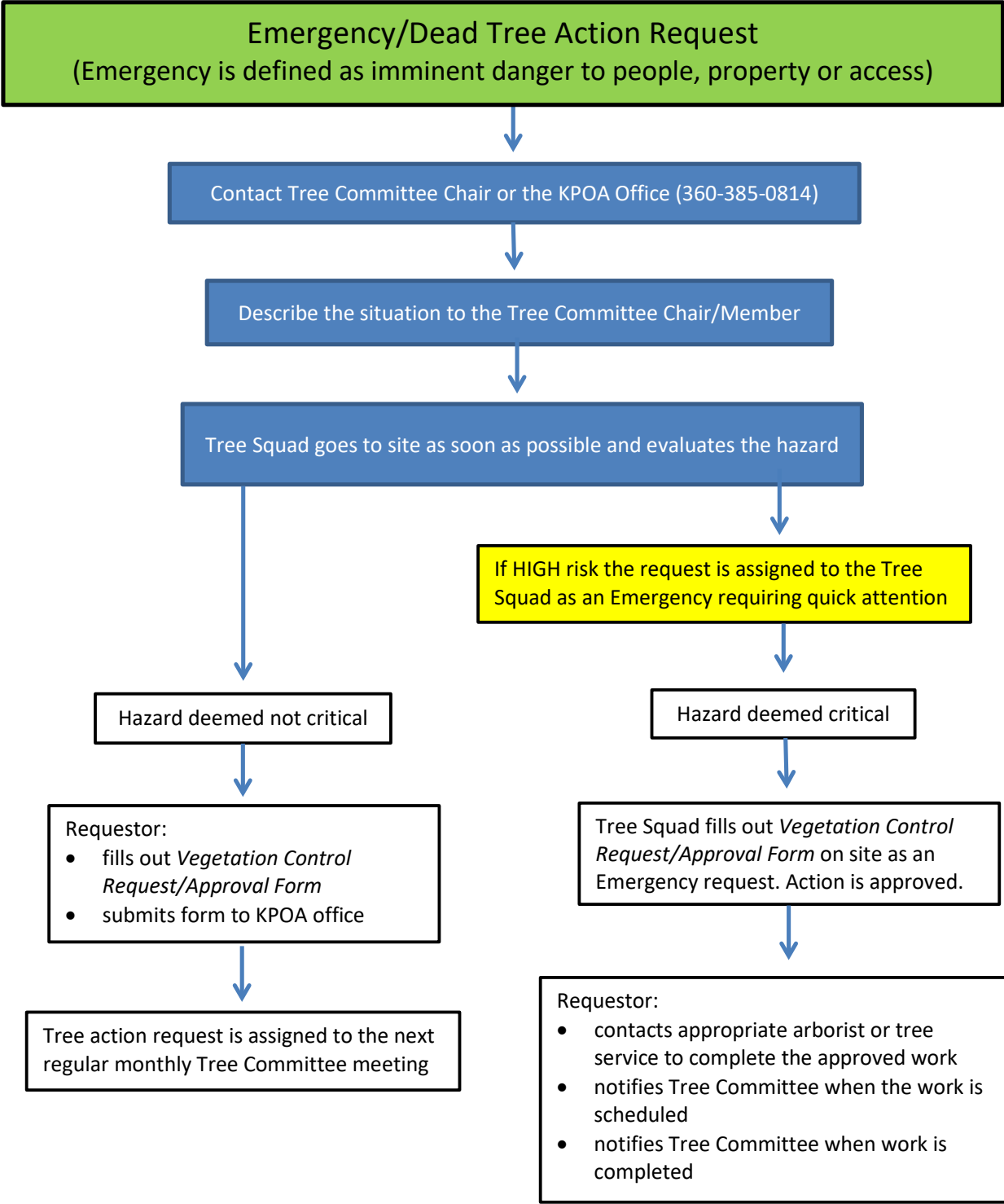
Date _____

Addendum: Tree Committee Process Diagrams (Flow Charts)

Amended March 14, 2017
Amended February 13, 2018

How to Access Tree Committee
Emergency/Dead Tree Action Request Process
KPOA Common Property Tree Action Request Process
Natural Tree Action Request: Requestor's Lot
Natural Tree Action Request: Neighbor's Lot
Planted Tree/View Action Request Process





KPOA Common Property Tree Action Request Process (Excludes KPOA Rights-of-Way)

Get *Vegetation Control Request/Approval Form*
Online at www.kalapoint.org or from the KPOA Admin Office

KPOA General Manager fills out and submits form to KPOA Office

KPOA Office transmits form to Tree Committee

Tree Committee assigns Case Manager

Case Manager works with KPOA General Manager and/or Requestor during Tree Committee site visit to make tentative decision concerning tree removal.

Tree Committee makes tentative decision to Approve,
Approve with Modifications or Deny the request

If tree removal is approved:

- Tree Committee Chair places tentative decision announcement in *Kala Pointer* and at all KPOA mailbox bulletin boards
- 30 Day Inquiry/ Comment Period begins first of the month following the committee meeting
- Written objection must be submitted to the KPOA office within 30 days of notice.

Tree Committee considers community input concerning the tentative decision

Tree Committee makes final decision

Appeal of final decision to KPOA Board must be made within 30 calendar days of TC final decision

Natural Tree Action Request: Requestor's Lot

Get *Vegetation Control Request/Approval Form*
Online at www.kalapoint.org or from the KPOA Admin Office

Fill out, sign, and submit form to KPOA Office

KPOA Office transmits form to Tree Committee

Tree Committee assigns Case Manager

Case Manager works with Requestor during Tree Committee process to resolve tree action request(s)

During site visit Tree Committee discusses and votes on each requested action

APPROVED

APPROVED WITH MODIFICATIONS

DENIED

Requestor notified of decision

APPROVED/MODIFIED Request

Case Manager:

- provides signed copy of *Vegetation Control Request/Approval Form* to Requestor
- may be required to be on site during the tree work
- follows up on completion of Tree Committee approved work

Requestor:

- has six months to complete approved tree actions
- must submit new request if work is not done in six months
- notifies Case Manager when work is scheduled AND when work is completed

DENIED Request

Case Manager provides signed copy of *Vegetation Control Request/Approval Form* to Requestor

Requestor, or affected owners, may seek the committee's reconsideration

- within 10 days if there is significant new information
- or may appeal the final decision to the KPOA Board within thirty (30) calendar days of the final committee decision

