

CARBON CANYON I HOMEOWNERS' ASSOCIATION

Board of Directors

JOINT RESOLUTION ON TREE TRIMMING OF TREES LOCATED
ON
COMMON AREA AND ASSOCIATION SLOPE MAINTENANCE
AREAS

WHEREAS, Carbon Canyon I Homeowners' Association ("Association") is authorized and empowered to maintain the Association's common area and the Association slope maintenance areas on lots as depicted in Exhibits "A" to the Declaration and Supplementary Declarations; .

WHEREAS, the proper maintenance of trees is vital for fire safety and aesthetics, and proper maintenance of trees located on slopes is important to maintain slope stability;

WHEREAS, many lots in the Association are situated so that the lots may afford the residents views of the valley, city lights and/or mountains, and such views may enhance the salability and/or value of the lots upon resale;

WHEREAS, thick, mature trees may provide screening for certain lots and enhance residents' feelings of privacy;

WHEREAS, lots within the Association do not have any legal right to views nor any legal right to require the Association to maintain any screening of lots for privacy purposes, but the Association wishes to acknowledge and consider the property owners' desires regarding both views and privacy when the Association makes tree-trimming decisions;

WHEREAS, native tree species may enjoy legal protections and/or have enhanced ecological value, and such native tree species would include coast live oak, scrub oak, sycamores, arroyo willows, white alders, California black walnuts, California Toyon berries, laurel sumacs, coffee berries, red berries, and chemises;

WHEREAS, non-native species include pines, eucalyptus, acacias, Brazilian peppers, corals and other species that did not evolve in this chaparral community, but many such non-native species have been planted in Association common areas and slope maintenance areas; and

WHEREAS, the Board has determined that it is desirable to establish a policy for evaluating and determining tree trimming or even removal of trees located in common areas or slope maintenance areas.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Native trees will not be removed unless the Board determines that the trees constitute a dangerous condition (fire, personal safety, damage to property). All Tree removals are subject to City Code requirements.
2. Native and Non-native trees will be trimmed based upon a determination by the Board that tree trimming is appropriate for proper maintenance of the tree, to reduce fire danger, address any safety concerns, or enhance appearance of the community.
3. Non-native trees will be removed if the Board determines that removal is appropriate to protect against property damage, for fire safety, general maintenance, or to help avoid personal injury.
4. Association funds will only be expended for tree trimming or removal if the Board determines that the expenditure qualifies for an Association expenditure pursuant to paragraphs 1, 2 or 3, above and all approvals are subject to city code requirements.
5. One or more homeowners may request that the Board consider trimming or removal of a tree that is blocking the requesting homeowner's views. Upon receipt of such a request, the Association will endeavor to notify other homeowners in close proximity to the tree in question of the request and the date the request will be considered by the Board at an open Board meeting. The Association may charge an application fee for a homeowner submitting a tree-trimming request to help defray Association expenses in processing the request and sending notices to other homeowners. All requests for trimming and removal for VIEW purposes will be considered at homeowners expense only.
6. At the Board meeting where the homeowner's request is considered by the Board, the Board will hear from any other homeowners who may support or object to the request. When one homeowner objects to a proposed tree trimming for view purposes requested by another homeowner, the Board will attempt to weigh and evaluate the competing concerns. Since no homeowner has a right to a view and no homeowner has a right to require an Association-maintained tree to be used to protect privacy, the Board's determination as to whether and to what extent a tree will be trimmed or removed will be final and conclusive.
7. If the Board approves a homeowner tree-trimming request, the Association will obtain and provide an estimate to the requesting homeowner. The requesting homeowner may be required to reimburse the Association in advance for the estimated cost of the tree trimming.
8. In order to reduce the Association's liability exposure, no homeowner is permitted to trim or remove, or to have his or her contractor trim or remove, any tree on Association common area or Association slope maintenance area. Such work shall be done only pursuant to Board authorization and only by the Association's own tree service contractor or other board approved contractor.
9. Any homeowner damaging, injuring, chopping, trimming or removing any tree located on common area or slope maintenance area will remain subject to legal action by the Association, including, but not limited to, facing liability for treble damages in accordance with California law.

IT IS SO RESOLVED.

CERTIFICATE OF SECRETARY

The undersigned, the duly acting or appointed Secretary of the above corporation, certifies that the foregoing Resolution was duly moved, seconded and adopted by the requisite majority of both the Board of Directors and the Architectural Committee at a duly noticed open-session meeting of the Board and Committee held on 12-11-12, 2012, at Chino Hills, California.

Dated: 12-11-2012

Elizabeth L. Fied

Secretary, Carbon Canyon I Homeowners'
Association