

## CURRENT REGULATION

**3. Trees and Views on Private Property.** Trees and views both provide significant psychological and tangible benefits for property owners and are essential to the character of our Port Ludlow community. However at times they may come into conflict with each other. This regulation is written in recognition of the importance of scenic resources, views, trees, drainage and sunlight to properties and is intended to provide a fair mechanism for resolving disputes relating to trees and views of LMC property owners.

*Any tree of six inches (6 in.) or more breast height diameter may not be cut without authorization of the Architectural Control Committee – Typical Protective Covenants, Paragraph 4.*

a. **Landscaping & Maintenance.** When landscaping their lots property owners shall select varieties of plants, shrubs and trees which will not grow to exceed their roof line height. Hedges, shrubs and rows of trees planted by owners along property lines shall be pruned so as not to exceed a height of 8 feet. Property owners shall remove seedlings on their property before they become 6 inches breast height diameter to help preserve views.

b. **Views and Obstruction Relief.** Property owners are not entitled to any more view than that which existed when they purchased their property and are encouraged to document that view by photos and other means. Note that there will be instances where property owners views may be impacted under Regulation II. Any request for committee action must be submitted in writing. All interested parties to the request are encouraged to work out an agreement amongst themselves, including financial responsibility, subject to the committee's approval. Methods of relief shall include pruning, trimming, thinning, limbing up, limited windowing, and possible removal. Exception: Mature native evergreens/conifers designated by the ACC to remain on property when developed are exempt from removal unless ruled to be diseased or hazardous to persons or property. Topping will be strongly discouraged except on young cedars for hedging not to exceed 8 feet. Corrective action shall not commence until written notice is received from the committee. All resulting work shall be monitored by at least one member of the committee.

c. Criteria used for determining the extent of relief to be granted will include but not be limited to the following and will apply to all interested parties:

i. The extent to which property values, screening of property, soil stability and drainage (soil structure, degree of slope and root system), surrounding vegetation and community aesthetics are affected;

ii. The extent to which view has been diminished since purchase of property and view obstruction will be relieved by requested action;

iii. The extent to which view has been obstructed as expressed in percentage of total view and the extent to which trees obstruct sunlight and reduce air circulation.

d. Consultation. Experts may be consulted regarding trees, drainage and environmental issues when necessary. This committee is subordinate to State and County regulations.

e. Debris clean up. All debris resulting from approved request shall be disposed of within 2 months. Burning of yard debris is permitted only under Regulation I, Article I, 10 and is subject to Jefferson County and local Fire Department permitting process.

f. Appeal of Committee Decision. An owner who has filed a request or anyone who has identified himself or herself as an interested party affected by a request may file an appeal of the committee decision by following procedures outlined in Regulation V, Article II.