

Chestnut Trails Homeowners Association

Position Paper – Trees

[Position Papers explain how and why the association has interpreted the declaration on specific issues.]

Chestnut Trails Homeowner Association Position:

- **The association will hire an arborist to prepare a tree report on the common areas as needed.**
- **The association will have trees removed at the recommendation of the arborist which represent an unreasonable threat to common areas such as tot lots and sport court.**
- **The association will not remove trees which homeowners feel threaten their homes but upon written request will allow the homeowners to remove the trees at their own expense in accordance with county NGPA guidelines.**
- **The association will make the arborist report available to all homeowners so they can make their own informed decision on trees near their homes.**

Rationale:

People living in the Pacific Northwest appreciate and enjoy the benefits of trees around us. In addition to their beauty, trees moderate temperature, help regulate wind, improve air quality, conserve water, and shelter wildlife. They can also grow to such size that they can fall over and damage homes or worse. Balancing these issues is a difficult task.

Insurance companies have dealt with this by using general guidelines for trees. It does not matter whose tree it was, if there is damage to your property from anyone's tree your insurance company is the one to respond. They will not remove hazardous trees before they fall, but will pay for repair and limited removal once they do. They generally are not interested in pursuing subrogation for the damages as all insurance companies in the Pacific Northwest have similar risks due to large trees. They avoid the unnecessary costs of back and forth subrogation by each taking care of their own insured's.

Legally, in the Pacific Northwest, liability for trees falling on other people's property is seldom assigned to the tree owner. If, prior to the tree falling, it is formally identified as hazardous and the owner refuses to allow it to be mitigated there is a possibility that liability may be found. It would seem this is why Snohomish County allows hazardous trees to be removed from Native Growth Protection Areas (NGPA).

Finally, common areas in Chestnut Trails are owned in aggregate. All homeowners own the common areas so a tree falling from the NGPA could be considered falling from their own property. This is consistent with homeowners benefitting by a treed border also taking personal responsibility for those trees that concern them.

<http://www.co.snohomish.wa.us/documents/Departments/PDS/Building/Residential/52haztree0307.pdf>

http://www.treesaregood.com/treecare/tree_benefits.aspx

<http://ezinearticles.com/?Home-Owners-Insurance-and-Trees---You-Love-Them-Your-Insurance-Company-Hates-Them&id=523563>

