

Plat Restriction on all lots numbered 115 through 137 and 191-193, which states:

"No trees larger than 6 inches in diameter may be cut in this area without written approval of Foothills Pointe Owners Association."

Plat Restriction on all lots numbered 162 through 190, which states:

"The elevation of the highest ridge of the roof shall not exceed thirty (30) feet above the benchmark location. The benchmark location shall be the higher of the following two points: (1) the highest point along a line that is parallel to, and twenty feet into the lot from the front lot line, and (2) the highest point along the line that is parallel to and twenty feet into the lot from the rear lot line."



Foothills Pointe Owners' Association

POLICY ON CUTTING TREES ON LOTS WITH DEED RESTRICTIONS

Purpose: This policy provides ongoing guidance and direction to the Association's Board of Directors as it responds to members' requests to cut trees on certain specific lots that carry deed restrictions related to same.

Applicable CC&Rs: None.

Applicable By-Laws: Article VII, Section 1(c) authorizes the Board of Directors to act on behalf of the Association.

Background: Lots 115 through 137 and 191 through 193 carry a deed restriction laced by the developers, Harry and Jane Rowland, at the time of platting. The restriction states:

“No trees larger than 6” in diameter may be cut in this area without written approval of Foothills Pointe Owners' Association.”

Interpretation: The referenced deed restriction is a legal requirement that obligates owners to obtain written permission from the Board before cutting or pruning any tree greater than six inches in diameter. It assigns responsibility to the Board to make an informed decision and provide a written response.

Board Policy:

1. When acting on requests from owners, the Board will consider the following criteria:
 - Condition of the tree(s): dead, diseased, damaged, etc.
 - House siting limitations and options.
 - Risk of property damage or personal injury.
2. In the interest of perpetuating the natural beauty of Foothills Pointe, the Board reserves the right to, at its discretion, grant conditional permission requiring planting of new trees. This may vary dependent upon the nature of the lot and tree(s) involved.
3. The lot owner is required to make requests for approval to cut or prune in writing, specifying the trees to be cut or pruned and reasons(s) for cutting or pruning. Trees are to be marked to accommodate inspection. The Board is required to provide a written response to the lot owner in a timely manner. All cutting and pruning is subject by supervision by an arborist acceptable to the Board, the costs of which are to be paid by the lot owner.

BOARD APPROVED APRIL 9, 2007