

The Capes HOA
Landscape Request Policy/Procedures
August 5, 2020

All landscape requests are to be sent to the Capes office manager. This will begin the following process:

1. **Office Manager**. The office manager will review the request, ensure that it is complete and has sufficient supporting documentation (usually pictures), and, if complete, send the request to the LSC (Landscape Committee). A separate file will be established for each request. An email will be sent back to the requestor to acknowledge that the request has been received and will be processed according to the established policy, which is enclosed.
2. **LSC**. The LSC will review the documentation to determine the validity of the request and to make their best attempt to determine the ownership of the trees or plants in the request. This review will normally be comprised of:
 - A site visit with the requesting homeowner. In view restoration requests, determine if the view is materially impacted according to 6.11 of the CC&R's. If the request is not valid/feasible, notify the parties and close the request. Otherwise,
 - Determine the property lines and the ownership of the trees/bushes as accurately as possible
 - Review of the pictures/documentation for accuracy; Take new/more accurate photos as necessary
 - Identify the specific trees or bushes to be cut or trimmed when possible. This may require a site visit on other homeowner's property which may need to be coordinated with that homeowner.
 - Mark such trees or bushes on a picture or other methods to specifically identify the trees or bushes to be removed, trimmed, or topped.
 - Send a Request Package to the owner of the trees, detailing the work to be done
 - Meet with the tree owner for clarification, if requested
3. **Owners Responsibility**. It is the owner's responsibility to maintain their property in accordance with the CC&R's and to comply with an LSC request. A list of contractors is maintained by the office manager to assist, if desired.
4. **Communication to affected owners**. If the trees/bushes are on common area land, the LSC will manage the removal/trimming. If they are on the property owned by the requesting homeowner, the approval will be sent to the owner and the request is closed. If the trees/bushes are on another owner's property, then the Request Package will be sent to them.
5. **Request Package**. The request package will usually consist of a cover letter and pictures or other documentation to identify the trees or bushes to be removed, trimmed, or topped. The letter will establish a time window for the work to be completed, (usually within 60 days).
6. **Board of Directors Review**. If an owner disagrees with a request, the first step is to meet with the Landscape Committee and attempt to resolve any differences. If there continues to be disagreement, the owner may ask the Board of Directors to review the decision. This review may take place during a regularly scheduled board meeting or as a separate hearing by a special review committee of at least three (3) directors on a date acceptable to all parties. Owner attendance is required at the review meeting (either in person or via telephone conference) to explain why they believe the landscaping in question is not in violation of Section 6.11 of the CC&Rs. Should you wish to request a meeting with the Landscape Committee or a Board of Directors review, please notify the office in writing. Email is acceptable and should be sent to manager@thecapeshoa.org.
7. **Fines**. The Capes HOA has established a fine schedule which can be up to \$500 per day for violations of the CC&R's. If the requested work has not been completed within the time noted in the letter or within an adjusted time as approved by the Landscape Committee, unless it is under Board review, the owner will be sent a notification letter as outlined in step 2 of the Capes Fine Schedule. Once the notification letter has been sent, the Fine Schedule procedure will govern.