

BILTMORE PARK TREE REMOVAL POLICY (4 pages)**TREE PROTECTION**

The Biltmore Park Association encourages the preservation of trees to the greatest extent feasible. The protection of healthy, mature hardwood and evergreen trees throughout Biltmore Park is a high priority to the overall design concept. Therefore, the homeowner or builder is required to save trees within individual lots whenever possible.

Each application for tree removal shall be reviewed by the Biltmore Park Architectural Control Committee (ACC) and a decision rendered to approve or deny (in whole or in part) on the basis of the following criteria:

- The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with existing utility services/easements.
- Any size tree located within five (5) feet of a public right-of-way or street.
- The topography of the land and the effect of the tree removal upon erosion, soil retention, and the diversion or increased flow of surface waters.
- The number, species, size and location of existing trees in the area and the affect that removal would have upon shade, sunlight, privacy, scenic beauty, wildlife, noise, air quality, wind, health, safety, prosperity, historic values and general welfare of the area and the neighborhood as a whole.

In an effort to preserve trees to the greatest extent feasible, a tree removal application and ACC Approval letter are required to remove trees with a single-trunk diameter equal to or greater than 8 inches (measured at a height of 4 feet above ground level) regardless of the species.

ACC EVALUATION

- When a completed application is submitted to the ACC, the committee will render a decision, an Approval/Denial letter will be prepared and the property owner will be notified via US Mail. The Application and associated Approval/Denial letter is valid for one year from the date of issuance.
- For 'After the Fact Tree Removal', there is a replanting requirement at a three to one (3:1) ratio. Replanted trees must be of a similar species as outlined in the '*Recommended Plants List for Landscaping in Biltmore Park*' which is contained in the BPA Handbook and on the Association's website, www.bphomeowners.org. Owners shall replant trees of a 15 gallon size unless directed otherwise by the ACC. Replacement trees shall be planted within thirty (30) days of tree removal if removal occurred within the period between May 1 and October 31. If removal occurs between November 1 and April 30, tree replanting shall begin on May 1 and shall be completed within thirty (30) days.

APPEAL

Within ten business days after notice of an ACC (denial) decision has been mailed, the owner may file a written request that the ACC reconsider such decision. Any request for reconsideration shall include a statement of the basis for the request as well as technical information supporting the request. The ACC may require additional information in connection with any request. The owner's written request for reconsideration may include a request to present the appeal in person at the ACC's next scheduled meeting. All reconsiderations will be reviewed on a case-by-case basis, and the granting of a request after reconsideration with respect to one project does not imply or warrant that a similar request will be granted with respect to any other project. Each case will be reviewed on its own merits and in light of the overall objectives of the Biltmore Park design guidelines.

APPEAL (cont'd)

In the event that the ACC denies the reconsidered request, the owner may file a written request to the Board of Directors to reconsider the ACC’s decision. Such a request must be made within ten (10) business days after notice of the ACC’s decision has been mailed. It may also include a request to present the appeal to the Board of Directors in person at their next scheduled meeting. The decision of the Board of Directors is final.

COMPLIANCE

- In cases where the thirty (30) day replanting period has elapsed, the homeowner will be fined \$5 per day until replanting has been completed and inspected by the ACC.
- In extreme cases, the Board of Directors shall have the authority to impose such sanctions as it may deem appropriate and to pursue legal action as may be considered necessary. Sanctions shall include but not be limited to suspension of voting rights, use of common areas and facilities, and additional monetary fines.

TREE REMOVAL APPLICATION PROCESSING CHART

Tree Removal applications shall be processed according to the following schedule, the time lines noted below are in addition to the period for initial ACC review of the application, a site inspection and preparation of notices.

REASON FOR REMOVAL	OTHER REQUIREMENTS	APPEAL PERIOD AFTER DENIAL¹	REPLANTING REQUIREMENT²
Dead Tree	ACC site inspection. May require Arborist report.	None	1:1 ratio (7.5 gallon size) of similar species as the removed tree
Diseased Tree	ACC site inspection. Arborist report.	10 days	1:1 ratio (7.5 gallon size) of similar species as the removed tree
Tree Location for future construction ⁴	ACC site inspection	10 days	1:1 ratio (7.5 gallon size) of similar species as the removed tree
Emergency (Imminent Hazard)	Pictures depicting hazard	None	1:1 ratio (7.5 gallon size) of similar species as the removed tree
Tree Type or Nuisance ³	ACC site inspection	10 days	1:1 ratio (7.5 gallon size) of similar species as the removed tree
After the Fact Tree Removal	ACC site inspection.	10 days	3:1 ratio (15 gallon size) of similar species as outlined in the ‘ <i>Recommended Plants List for Landscaping in Biltmore Park</i> ’.

NOTES:

1. Tree removal (denial) decisions may be appealed to the ACC during 10-day appeal period.
2. Replacement trees shall be planted within thirty (30) days of tree removal if removal occurs within the period between May 1 and October 31. If removal occurs between November 1 and April 30, tree replanting shall begin on May 1 and be completed within thirty (30) days.
3. “Tree Type or Nuisance” – Examples include a non-desirable fruit bearing tree or non-imminent potential hazard such as a healthy overhanging tree.
4. Applies to area located outside of building footprint (10 feet in all directions).

IF POSSIBLE, PLEASE CONTACT YOUR NEIGHBORS AND TELL THEM ABOUT YOUR TREE REMOVAL PLANS PRIOR TO SUBMITTING AN APPLICATION TO THE ACC.

BILTMORE PARK TREE REMOVAL APPLICATION

Property Owner Name: _____

Mailing Address: _____

Applicant’s Contact Information: Phone: _____ Alternate Phone: _____ Email: _____

Address (or lot number) where tree(s) are to be removed: _____

Closest Five (5) Neighbors** & Addresses: _____

Company or individual removing tree(s): _____

Address: _____ Phone Number: _____

**** If possible, please contact neighbors and tell them about your tree removal plans prior to submitting an application.**

TREE LOCATION SITE PLAN

- Please plot all trees to be removed from the property on the attached grid sheet
- Indicate property boundaries and house and accessory structure footprint on diagram.
- **Tree ID Number:** (Identify each tree on the site plan by assigning a Tree ID Number)
- **Type of Tree:** (Indicate type of tree, such as Oak, Pine, Maple, etc.)
- **Size of Tree:** (Indicate tree circumference measured at 4 feet above the ground level)
- **Reason for Tree Removal:** (Indicate *specific* reason listed on “Tree Removal Processing” chart, e.g., dead, diseased, construction, hazard, undesirable variety, nuisance, etc.)
- Mark each tree with bright tape so Management Agent and ACC members may perform site inspection prior to the meeting.

ADDITIONAL APPLICATION MATERIALS

- **Arborist Report:** In some cases, an Arborist Report may be required by the ACC before rendering a decision. This may be required in order to verify the health of a tree or to evaluate any potential alternatives to tree removal. Discuss the need for an Arborist Report with the ACC *before* you submit your application. Please refer to www.isa-arbor.com in order to find a certified arborist.
- **Authorization/Agreement:** The property owner shall review and sign in the space provided in this tree removal application. Please be aware that there may be conditions placed on tree removal.

PROPERTY OWNER AUTHORIZATION/AGREEMENT

I understand that trees may be removed ONLY if found to be within the criteria as established by the Biltmore Park Architectural Control Committee (ACC) and that by signing this form, I am certifying that the tree(s) to be removed is/are solely on my property. ***I am aware that replacement trees may be required and that no trees may be removed until an Approval Letter has been issued by the ACC and I have received a copy.***

Signature of Property Owner: _____ Date: _____

Print Name: _____

TREE LOCATION SITE PLAN

Scale (distance or feet per square) _____

Prepared by: _____

- Plot property line and existing (or planned) structures.
- Indicate dimensions from the property lines, streets, utilities, and existing or potential structures.
- Indicate all trees proposed for removal. If certain trees are to be retained and they are located near the trees proposed for removal, please annotate which trees are to be removed and which trees are to be retained.

Please indicate orientation by using the word NORTH on site plan.

