

Slopes Committee Guidance

This guidance document exists solely to convey the benefit of prior experience to new committee members and to promote transparency in how the HOA functions. **This guidance is not binding on the committee or on anyone else.** Last updated November 2021 by Sandy Punch.

Since the slopes are visible to all who live in or visit the HOA, their condition has a direct effect on the ambiance, character, and value of all properties within the HOA. Additionally, the slopes provide a wildland fire buffer. Therefore, all property owners benefit from the proper maintenance and beautification of these slopes. The Slopes Committee (“Committee”) arguably performs the most important function of the HOA!

Duties

PC&R Article 6.7 requires the HOA to maintain landscaping on Association-Maintained Slopes, which are depicted in Exhibit B. On those slopes (and only those slopes), the HOA is obliged to preserve tree count, tree health, and tree character; and maintain irrigation using water-efficient landscape techniques. Plants should be selected that also increase the stability of the slopes and assist with fire protection. The specific level of slope maintenance is determined by the Board.

Bylaw 3.11.10 establishes the Committee as a standing committee of the HOA to supervise planting and maintenance of the slopes. Like all standing committees, the Chair of the Committee must be a Director.

Individual lot owners, not the HOA, are obliged to maintain Owner-Maintained Slopes. If they fail to do so, that becomes an enforcement action of the Board, not a matter for this Committee.

Following are some of the key activities of the Committee to fulfill its responsibilities:

1. Recruit and manage the work performed by the landscape contractor and related subcontractors who are retained for the purpose of maintaining the slopes, including irrigation and drainage.
2. Review invoices submitted by the landscape contractor for accuracy and completeness.
3. Recruit and manage the work performed by a licensed Arborist retained to evaluate the health of trees on the slopes.
4. Review invoices submitted by the Arborist for accuracy and completeness.
5. Monitor the watering of the slopes (timing, amount, and cost).
6. Monitor the condition of the entry monuments and organize repairs when required.
7. Obtain Board approval for any expenditures not already included in the approved budget.
8. Maintain and update this guidance document to assist the committee’s members, now and in the future, in performing their designated role.

History of the Slopes

The developer of San Elijo Hills #1 originally planted the slopes and for three years maintained them. That maintenance ended in 1976 and individual homeowners were expected to maintain their own slopes. Eight water meters were installed for the irrigation system and voluntary donations were collected to pay for watering the slopes. The original plans for this irrigation system are preserved on the HOA's OneDrive archive in the As-Built folder.

After 18 months, the home owners decided this system was not working, and the HOA went to the County and asked them to form an assessment district to collect the needed funds for slope maintenance. In 1978, the County Board of Supervisors voted to form the district. The County contracted with the HOA to maintain the slopes, and the HOA in turn hired a contractor to do the work. The County divided the cost equally among the 192 homes, added an administrative fee, and then placed the assessment on each HOA parcel property tax bill.

In 1986, the City of Solana Beach incorporated and responsibility for the assessment district was transferred to the City with the same arrangement. In 1996, Proposition 218 passed that required property-related City assessments to be confirmed by 2/3 of the voters in each assessment district. That proposal did not pass in our HOA, so the assessment district was dissolved. However, an amendment to the HOA's bylaws to collect fees to maintain the slopes did pass by a 2/3 vote in 1997, and the HOA began collecting fees and maintaining the slopes.

This checkered history led to a two-decade period of uncertainty regarding the rights and responsibilities of the HOA and its contractors for slope maintenance. In contrast to most HOA's, our slopes are owned by the individual lot owners, not by the HOA itself. An effort in 1979 - 1980 to obtain slope-maintenance easements from individual owners was only partially successful. The subsequent expectation that the HOA had a right and responsibility to maintain the slopes was ultimately based on the neighborhood's approval of fees being collected for that purpose. This period of uncertainty ended in 2021, when updated PC&Rs and Bylaws that clearly defined slope maintenance responsibilities were approved by over 2/3 of the owners.

Tree Removal

PC&R Article 5.3 prevents owners from removing trees from any slope without Board consent. This applies to both Association-Maintained and Owner-Maintained Slopes (PC&R Exhibit B). The following guidance applies to Association-Maintained Slopes, but it may be useful to the Board when deciding whether to authorize tree removal from an Owner-Maintained Slope.

If an individual owner voices a concern in regards to what they consider to be an unsafe tree condition on an Association-Maintained Slope, the Committee should evaluate the tree. If the Committee sees an obvious problem, then the HOA should place a contract to remove the tree and plant a new one in the general vicinity.

If the Committee does not see an obvious problem and, after having discussed this with the owner there still exists a disagreement as to the safety of the tree, the following procedure is recommended:

1. Obtain agreement from the owner that if a licensed Arborist hired by the HOA finds the tree to be healthy and well-rooted, then the owner will pay the cost of the Arborist.

2. Obtain approval from the Board to hire a licensed Arborist to look at the tree and provide a report to the Committee.
3. If the Arborist finds that the tree is a safety issue, then the HOA should place a contract to remove the tree and plant a new one in the general vicinity. The HOA should pay the Arborist's fee for evaluating the unsafe tree.
4. If the Arborist's evaluation of the tree is that it is healthy and well rooted, the owner will pay the Arborist's fee, as previously agreed.

If an individual owner wants to have a tree removed simply because they do not like it in a particular location, the owner may pay the entire cost (including stump grinding, hauling off of debris, and irrigation) to remove the healthy tree and replace it with an established 15-gallon specimen or larger. It should be planted in the general vicinity of where the tree was removed. The Committee must approve the type of tree and its placement. The HOA must place the contracts and supervise the work, after consulting with the owner regarding the cost.

Tree Trimming

The Committee should aim to preserve the park-like theme of the neighborhood by leaving the trees on Association-Maintained Slope in their natural state as much as possible. Trimming and balancing will be done only as required for the health and safety of the trees and the safety of the homes near the trees.

The following definitions are used here: Balancing refers to shaping a tree which might lean or fall over due to too much growth on any one side. Topping refers to sawing off top limbs, often reduced to stubs. The tree will not grow back in an attractive, natural fashion. Lacing refers to thinning of branches to improve a tree's ability to withstand strong winds or to open-up views.

1. On Association-Maintained Slopes, the Committee and tree service contractors will endeavor to keep all trees balanced. The HOA will also remove dead limbs as necessary. At no time should a tree be topped.
2. The Committee will not normally lace eucalyptus trees because it has a tendency to stimulate excess limb and sucker growth. While lacing may improve the appearance of the tree for two or three years, the tree will usually fill out in such a manner that ongoing lacing will be required to keep the tree from developing an overly large crown. Trees with large crowns are subject to sail pressure during high winds, which places excessive forces on the tree's trunk and root system.
3. For owners who desire the appearance of a laced tree on an Association-Maintained Slope on their property, the Committee can agree to allow the owner to have the tree laced at the owner's expense. Once an owner has a tree laced, the owner should be responsible for future trimming of the tree at their expense. In order to ensure that the trees will not be susceptible to the long-horned borer, any lacing should be done between November and March.
4. The Committee should arrange to have all trees on Association-Maintained Slopes inspected by a licensed Arborist at least every two years. The Committee will then contract a licensed tree removal service to remove all trees the Arborist classifies as a hazard, preferably within six months. Trees that the Arborist recommends to be trimmed should be trimmed within two

years. Trees that are removed or that have fallen should be replaced in a location that takes the safety of nearby structures into account.

Irrigation and Drainage

The Committee manages the maintenance of the irrigation systems on Association-Maintained Slopes. The Committee should make every effort to maintain and modernize these systems to provide the most efficient water usage possible.

If an owner's vegetation encroaches onto an Association-Maintained Slope, the HOA has the authority to remove that vegetation in conjunction with its responsibility to maintain that slope. This situation most commonly occurs when an owner's vegetation blocks HOA sprinkler heads.

Because the drainage system collects runoff from more than one property and is necessary to prevent erosion of the slopes, the Committee will endeavor to clean all drainage brow ditches on Association-Maintained Slopes at least once per year and provide maintenance where necessary.

Reporting and Recordkeeping

1. At each monthly Board meeting, disclose any significant modification of the slopes (plantings, removals, or repairs) and anticipated unusual expenses.
2. At each Annual Meeting, present a report on slope upgrades and maintenance and a plan for the following fiscal year.
3. Provide a map of any modifications to the irrigation system to the Secretary for archiving.
4. Provide a copy of each year's Arborist report to the Secretary for archiving.
5. Ensure that email correspondence with owners relating to complaints or requests for slope maintenance are cc'd to info@sanelijohills1.org.