

Arcadia at Silverleaf

Public Communications Folder

DC Ranch Association
Updated 2/4/2021

6-DR-2021
2/18/2021

Arcadia Public Folder

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Arcadia Road Patching Jan. 2021

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Please be informed that starting Monday, Jan. 25 (weather permitting), through Friday, Jan. 29, a street patching project is planned in the Arcadia neighborhood. Rain is forecast, so the start may be delayed to Tuesday or Wednesday, which may push the completion date back as well. Roughly 100 locations of pavement have been identified for removal and replacement (most of which are due to the Sissoo Tree roots). These areas are marked by white numbers and lines to indicate the surface area to be replaced. There are also nine curb areas scattered throughout the neighborhood that will be replaced. These sections are delineated by pink markings. The curb sections will be replaced with the original specified concrete color, however, please consider it may appear a bit darker than the existing curb to which it connects.

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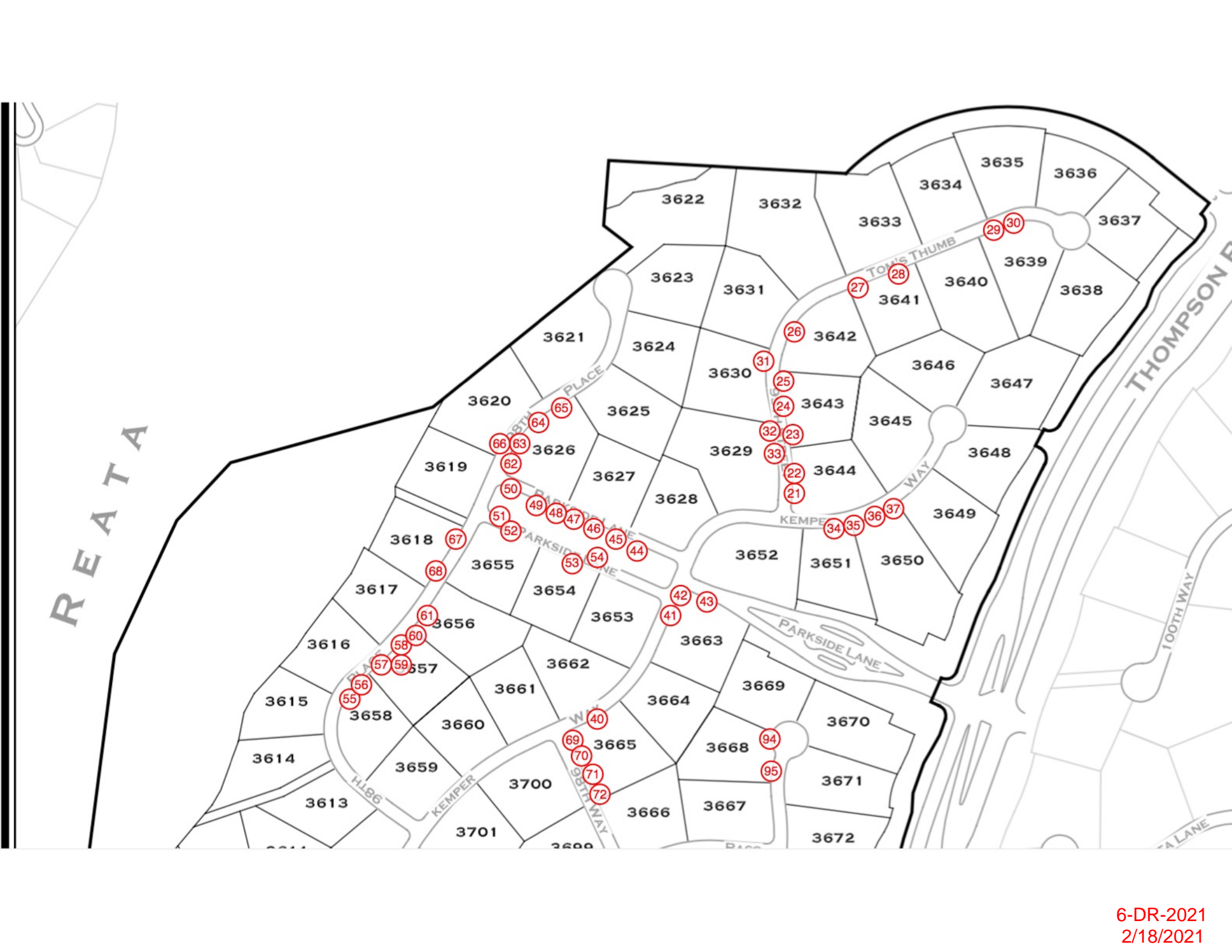


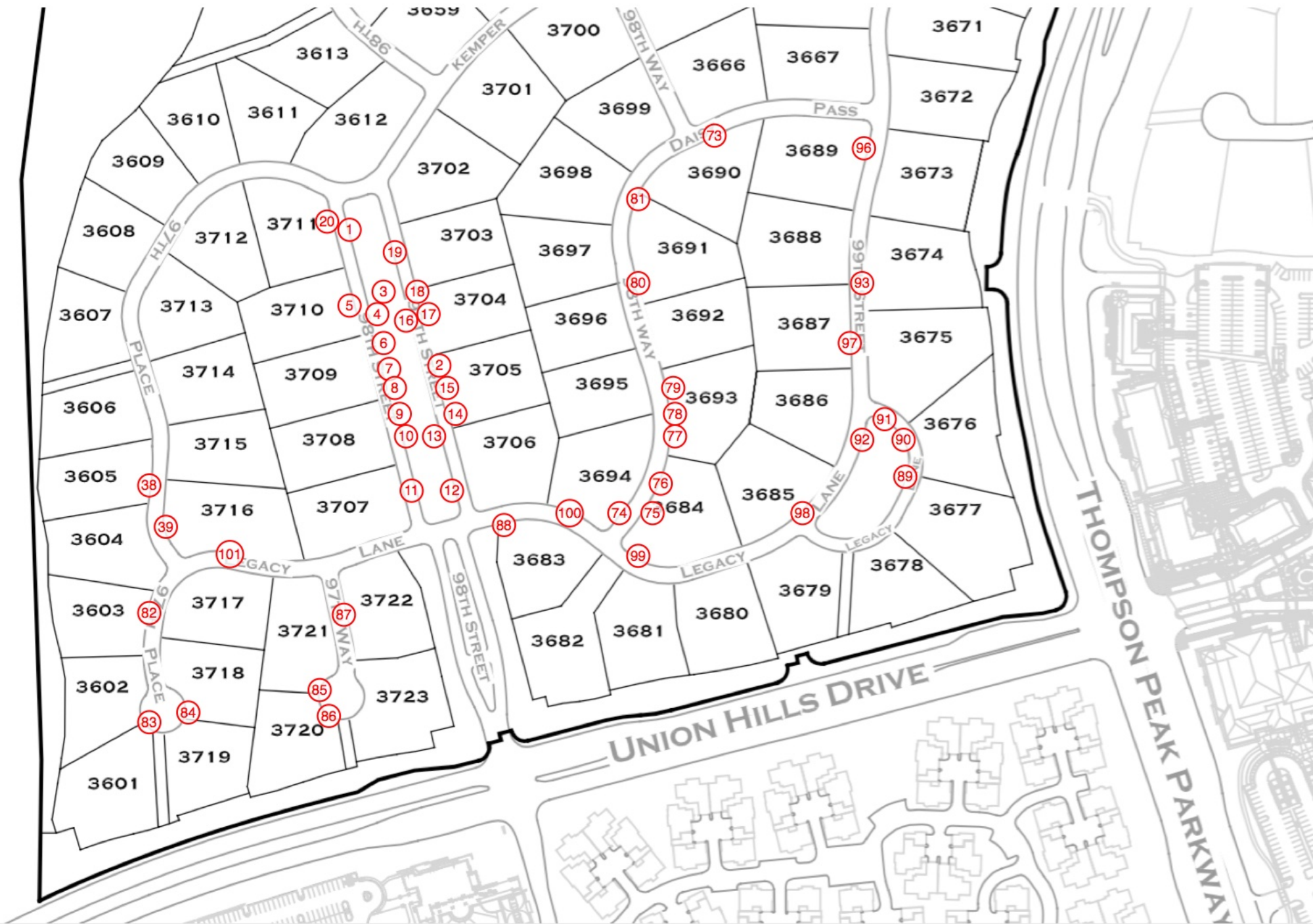
Please be informed that starting Monday, Jan. 25 (weather permitting), through Friday, Jan. 29, a street patching project is planned in the Arcadia neighborhood. Rain is forecast, so the start may be delayed to Tuesday or Wednesday, which may push the completion date back as well.

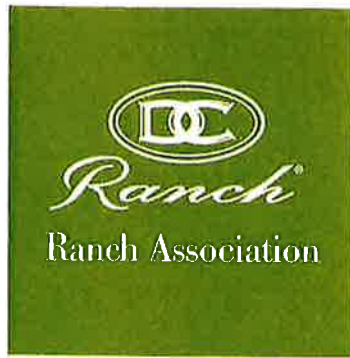
Roughly 100 locations of pavement have been identified for removal and replacement (most of which are due to the Sissoo Tree roots). These areas are marked by white numbers and lines to indicate the surface area to be replaced. There are also nine curb areas scattered throughout the neighborhood that will be replaced. These sections are delineated by pink markings. The curb sections will be replaced with the original specified concrete color, however, please consider it may appear a bit darker than the existing curb to which it connects.

Pinnacle Paving is the contractor who will perform the work between the hours of 7 a.m. to around 5 p.m. each day. As Pinnacle's crews remove each section, DC Ranch landscapers will remove the Sissoo Tree roots and install root mitigation barriers (along the park sides – not on individual lots). All root removals will be photographed and documented to record the diameter and length. Traffic will not be impeded, but please exercise extra caution around the work sites. Thank you for your patience as the road work is performed, and we will keep you updated on any schedule changes. Additionally, we have requested that trash and recycling be picked up prior to start of the road work next Wednesday and Friday, so place receptacles curbside the night prior.

Please contact the Ranch Offices at 480.513.1500 with any questions or concerns.







**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
DC RANCH ASSOCIATION, INC.
October 5, 2020**

By an affirmative vote, the Directors of DC Ranch Association, Inc. (the "Association") hereby adopt the following resolution as an official action of the Board of Directors (the "Board") of the Association and direct that this action be reflected in the meeting minutes.

WHEREAS, the Association is governed by the *Amended and Restated Declaration of Covenants, Conditions, and Restrictions for the Ranch* recorded in the Official Records of Maricopa County at Instrument No. 1999-0673267 (the "Ranch CC&Rs");

WHEREAS, the Arcadia Neighborhood within the Association is governed by the *Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions for DC Ranch Parcel T7, Supplement to the Covenant, and Airport Notification* recorded in the Official Records of Maricopa County at Instrument No. 2005-0413369 (the "Arcadia CC&Rs");

WHEREAS, pursuant to the Arcadia CC&Rs at Paragraph 8, all trees that are located between the outside edge of the private street improvements and the sidewalks located along the perimeter of the Lots in the Arcadia Neighborhood, some of such trees and facilities may be within the boundaries of the Lots and some may be in the adjacent Streetscape Areas, ("Street Trees") must be maintained by the Association and the cost of such maintenance and related irrigation shall be levied against all the Lots in the Arcadia Neighborhood, as a Neighborhood Assessment;

WHEREAS, the Association's landscape and arborist experts have determined that the Street Trees originally planted by the Developer in the Arcadia Neighborhood are Dalbergia Sissoo trees that are known for aggressive, destructive root systems; and, as the trees have matured over the years, invasive root growth has begun to cause damage to street asphalt surfaces, concrete curbing, brick walks, walls, underground irrigation lines, pipes, etc.;

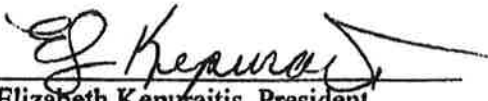
WHEREAS, included in the Association's maintenance obligation is the authority and responsibility to remove and replace the 670 Street Trees that have become too big for the space they were originally planted in by the Developer;


WHEREAS, the Association completed a survey of the Arcadia Neighborhood in September 2020 and the results showed a majority (53/92 responses) supported removing the Street Trees and replacing them with an alternative tree species to prevent future damage; and

WHEREAS, the Association is informed that the DC Ranch Covenant Commission will approve the removal of the Street Trees, consistent with its policy changes to prohibit new Dalbergia Sissoo tree plantings for architectural design submissions, and will work with the Association to consider an alternative tree species to replace the existing Street Trees pursuant to its application and review process and procedure.

BE IT THEREFORE RESOLVED, after consideration of the feedback received by the former Arcadia Neighborhood Committee members and Arcadia residents, as well as the recommendation of the Association's landscape and arborist experts and legal counsel, that the Street Trees shall be removed and replaced. The Association will work with its Community Management to execute the removal and replacement project and all related costs shall be assessed to the Arcadia Neighborhood as a Neighborhood Expense pursuant to the Ranch CC&Rs and Arcadia CC&Rs.

IN WITNESS WHEREOF, the undersigned have executed this resolution as of this 5th day of October, 2020.


Elizabeth Kepuraitis, President

Attest:

Elaine Cottey, Secretary



CARPENTER HAZLEWOOD
Carpenter, Hazlewood, Delgado & Bolen
ATTORNEYS AT LAW

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November 4, 2020

DC Ranch Association, Inc.
Board of Directors
20551 North Pima Road, Suite 180
Scottsdale, Arizona 85255

RE: Notice of Errata
October 5, 2020 Resolution of the Board of Directors
Removal and Replacement of Arcadia Neighborhood Street Trees

Dear Board of Directors:

On October 5, 2020, the Board of Directors of the DC Ranch Association, Inc. took official action by affirmative vote at a Board Meeting and resolved to remove and replace the Arcadia Neighborhood Street Trees. This action was memorialized in a document dated October 5, 2020 titled: *Resolution of the Board of Directors of the DC Ranch Association, Inc.* (the "Resolution").

The recitals of the Resolution summarize the legal and factual background of the Board's consideration of the matter, including the following statement:

WHEREAS, the Association completed a survey of the Arcadia Neighborhood in September 2020 and the results showed a majority (53/92 responses) supported removing the Street Trees and replacing them with an alternative tree species to prevent future damage

Subsequent to the action taken, the Board was notified that the survey results reflected in the Resolution included responses from owners that completed the survey multiple times. The true outcome of the survey, after multiples were accounted for, was a tie (32/32 for/against with 48% of the Owners failing to participate).

This letter shall serve as a Notice of Errata regarding the Resolution. Please include this cover letter with the Resolution to correct the record, in that the survey of the Arcadia Neighborhood in September 2020 resulted in a tie between those responses supporting removal/replacement of the Street Trees and those against.

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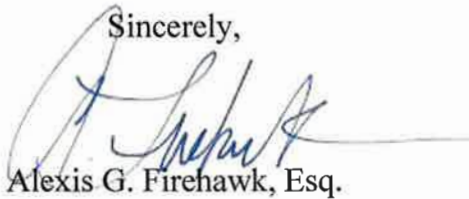
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November 4, 2020
Page 2

As set forth in the Resolution, the survey results were not the only consideration of the Board and it based its decision on other considerations, including the recommendation of the Association's landscape and arborist experts and legal counsel. Given the inconclusive survey results, and upon the advice of legal counsel received by the Board during an Executive Session Board Meeting held on October 7, 2020, the Board will not reconsider the action taken on October 5, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Firehawk", with a long horizontal flourish extending to the right.

Alexis G. Firehawk, Esq.

for

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP



Final Arcadia Street Lined Sissoo Tree Replacement Survey

Top 2 Owner Preferences

12-19-20

Dear Arcadia Owners,

Thank you to the owners who participated in the initial five-tree survey, which closed last Sunday (December 15, 2020). The results of that survey are as follows:

Tree Options	Responses	% of Responses
Evergreen Elm	12	27.91%
Fan Tex Ash	10	23.26%
Red Push Pistache	9	20.93%
Southern Live Oak	6	13.95%
Tipu	6	13.95%

It's time now for owners to let the project team and Board know which tree from the top two preferences (Evergreen Elm or Fan Tex Ash) best serves the Arcadia neighborhood from a street lined perspective. A survey link is below. Your selection will be used as input for the project team and Board. As a reminder, the size of the tree for replacement and install will be a 48" box tree. The final decision will be made by the Board, after considering this survey data and the recommendation from the project team.

This final survey will close at 5:00 p.m. on January 1st, 2021. The Board is scheduled to discuss this matter at its January 4, 2021 meeting via Zoom. Residents and Neighborhood Voting Members are encouraged to attend. **A QR Code to access the survey is provided on the following page.**

Renderings of these top 2 trees at 1 year and 5 years can be seen by accessing the QR Code on the following page: **Arcadia Tree Renderings – Top 2**. A tree species characteristic and comparison table is provided as well.

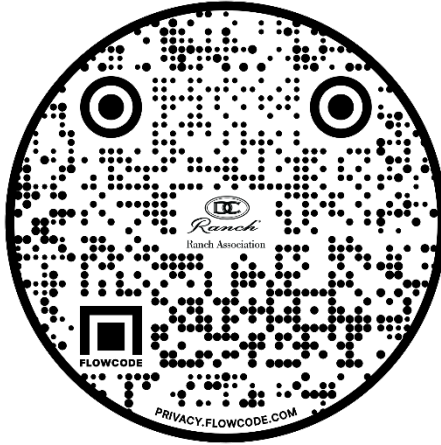
Other information:

A public folder on prior information on this matter can be found using the QR Code on the next page: **Arcadia Sissoo Tree Folder**. The proposed schedule is to begin the removal/replacement process starting in the fall 2021.

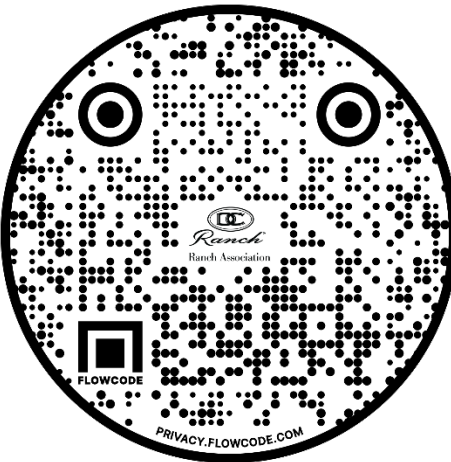
Questions:

For any questions, please contact Darren Shaw at Darren.Shaw@dcranchinc.com.

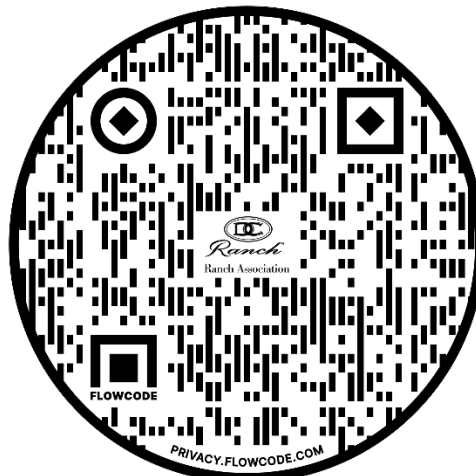
USE YOUR PHONE'S CAMERA TO SCAN THIS QR CODE TO TAKE THE FINAL TREE SURVEY



SCAN THIS QR CODE TO VIEW THE TOP TWO TREE RENDERINGS



USE THIS QR CODE TO ACCESS THE ARCADIA SISSOO TREE PUBLIC FOLDER



Arcadia Final Tree Survey Selection 12.19.20

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**Final Arcadia Street Lined Sissoo Tree Replacement Survey
Top 2 Owner Preferences
12-19-20**

Dear Arcadia Owners,

Thank you to the owners who participated in the initial five-tree survey, which closed last Sunday (December 15, 2020). The results of that survey are as follows:

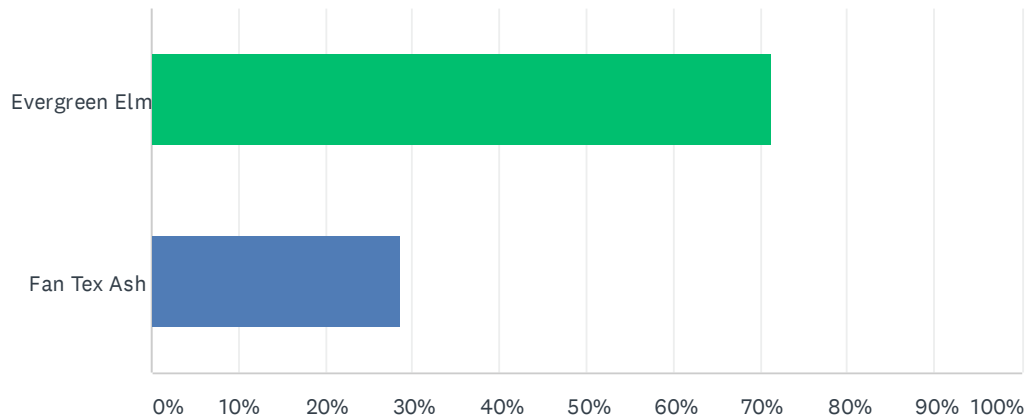
Tree Options	Responses	% of Responses
Evergreen Elm	12	27.91%
Fan Tex Ash	10	23.26%
Red Push Pistache	9	20.93%

Feedback



Q1 Please select your replacement tree species. One vote permitted per lot owned. Duplicate votes will be discounted. Select one.

Answered: 28 Skipped: 0



ANSWER CHOICES	RESPONSES	
Evergreen Elm	71.43%	20
Fan Tex Ash	28.57%	8
TOTAL		28

Q2 Please enter your contact information.

Answered: 28 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	100.00%	28
Company	0.00%	0
Address or Lot Number	100.00%	28
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	100.00%	28
Phone Number	0.00%	0

#	NAME	DATE
1	Nancy Grob	1/1/2021 4:08 PM
2	Richard	1/1/2021 12:28 PM
3	John Donnelly	12/31/2020 2:33 PM
4	Patsy Bratter	12/30/2020 9:57 PM
5	Maruster	12/30/2020 3:26 PM
6	Jim Ruggiero	12/30/2020 1:52 PM
7	Rick Randall	12/29/2020 11:41 PM
8	Norris Lai	12/29/2020 10:58 PM
9	Gideon Searle	12/29/2020 6:43 PM
10	TJ Hazar	12/29/2020 5:39 PM
11	Tobie Herbert Harkless	12/29/2020 5:31 PM
12	Amanda Sabeau	12/29/2020 5:31 PM
13	William Meadows	12/29/2020 5:01 PM
14	Mark Fleming	12/29/2020 7:18 AM
15	Alan Attal	12/27/2020 12:02 PM
16	Jerry Buesing	12/27/2020 10:03 AM
17	Philip Koi	12/25/2020 12:38 PM
18	Ivonka & Donald Carter	12/24/2020 9:11 PM
19	DJC IBC Family Revocable Trust	12/24/2020 9:09 PM
20	TJ Hazar	12/22/2020 6:35 PM
21	Mileti	12/21/2020 6:08 PM
22	Joanne Stock	12/21/2020 11:49 AM
23	Sean Walters	12/20/2020 2:35 PM
24	Vic Pizzitola	12/20/2020 10:52 AM
25	Rick Randall	12/20/2020 8:16 AM
26	Meena Puri	12/19/2020 6:04 PM
27	Steve Williamson	12/19/2020 6:00 PM
28	David Kaplan	12/19/2020 5:04 PM
#	COMPANY	DATE
	There are no responses.	

Arcadia November 2020 Sissoo Tree Survey

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Arcadia Street Lined Sissoo Tree Replacement Survey 11-30-2020

Dear Arcadia Owners,

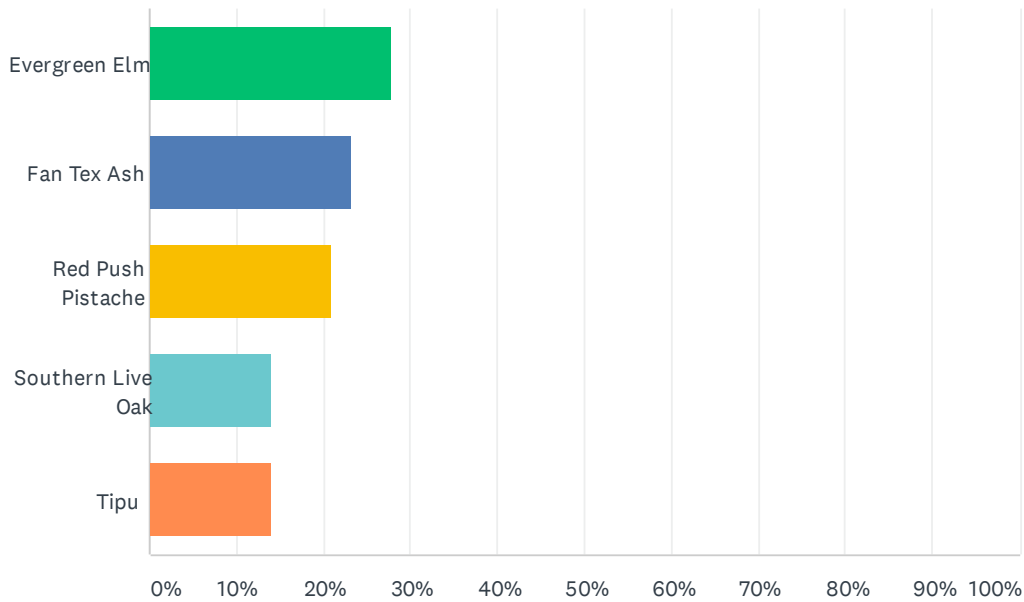
At the November 2, 2020 Ranch Association Board meeting, a replacement project plan for street lined trees was submitted to the Board by Association staff, and it was accepted by the Board. This project plan was a next step after the Board formally voted in favor of replacing Street Lined Sissoo Trees on October 5, 2020. As part of the approved project plan, a project team was assembled composed as follows:

- Ranch Association staff members
- Landscape consultant CollectiV, and

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Q1 Please indicate your replacement tree species preference. One vote permitted per lot owned. Duplicate votes will be discounted. Select one.

Answered: 43 Skipped: 0



ANSWER CHOICES	RESPONSES	
Evergreen Elm	27.91%	12
Fan Tex Ash	23.26%	10
Red Push Pistache	20.93%	9
Southern Live Oak	13.95%	6
Tipu	13.95%	6
TOTAL		43

Q2 Please enter your contact information.

Answered: 43 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	100.00%	43
Company	0.00%	0
Address or Lot Number	100.00%	43
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	100.00%	43
Phone Number	0.00%	0

#	NAME	DATE
1	Louis Flamino	12/13/2020 10:31 AM
2	DJC-IBC Family Trust	12/11/2020 12:18 PM
3	Ivonka & Donald Carter	12/11/2020 12:16 PM
4	Craig Rock	12/11/2020 10:24 AM
5	Jennifer Mileti	12/11/2020 6:28 AM
6	patsy bratter	12/10/2020 10:30 PM
7	Tina Poole	12/10/2020 8:19 PM
8	Steve Williamson	12/10/2020 5:38 PM
9	Alan Attal	12/10/2020 5:13 PM
10	Sean Walters	12/10/2020 2:28 PM
11	Michelle & Peter Smith	12/9/2020 9:19 PM
12	Marc Lilley	12/9/2020 8:21 PM
13	Dean B Zuccarello	12/9/2020 12:58 PM
14	Thomas Hazar	12/8/2020 6:04 PM
15	Mark Fleming	12/8/2020 8:36 AM
16	Stephen Koven	12/7/2020 9:21 AM
17	Brian Hawley	12/7/2020 7:10 AM
18	John and Lisa Stone	12/6/2020 8:47 PM
19	Marshall and Cindy Clayton	12/6/2020 6:28 PM
20	Peter Boynton	12/6/2020 3:21 PM
21	patsy bratter	12/5/2020 3:50 PM
22	Tina Poole	12/5/2020 3:27 PM
23	Philip Koi	12/5/2020 3:01 PM
24	Karekin G Kaprelian	12/5/2020 2:33 PM
25	Leonard Shneyderman	12/5/2020 1:22 PM
26	Roberts	12/5/2020 1:17 PM
27	Barry Chasse	12/5/2020 12:46 PM
28	Nicole Connors	12/5/2020 9:21 AM
29	Rick Randall	12/3/2020 10:52 AM
30	Anita Rogers	12/2/2020 6:16 PM
31	Colleen Maruster	12/2/2020 5:23 PM
32	Ronald Mileti	12/2/2020 8:32 AM
33	Robin Kaplan	12/1/2020 6:46 PM
34	Steve Lee	12/1/2020 4:35 PM
35	Leonard Shneyderman	12/1/2020 1:17 PM
36	Laurie Skalla	12/1/2020 10:21 AM
37	Gideon Searle	12/1/2020 7:19 AM

38	Vic Pizzitola	11/30/2020 8:47 PM
39	Bill Meadows	11/30/2020 7:58 PM
40	Loren daugherty	11/30/2020 7:49 PM
41	Jahns	11/30/2020 6:57 PM
42	Joshua M Isner (pls consider my vote only directional, as litigation is pending)	11/30/2020 5:36 PM
43	Darren	11/29/2020 1:38 PM
#	COMPANY	DATE
	There are no responses.	

Arcadia Sissoo Survey 8.29.20

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The following two survey questions are intended to capture owner sentiments to the Ranch Association's Board of Directors, as it prepares to formally consider a decision on the "Street Trees" at its October 5, 2020 board meeting. These trees are currently maintained by the Ranch Association as required by Arcadia's Supplementary Declaration of Covenants, Conditions and Restrictions, the cost of which is funded through the monthly neighborhood assessment. As a reminder, there are 670 Street Trees, which are located on the outside edge of owner lots lining the community's streets. From the three categories of sissoo trees in Arcadia (Street, Park, and Entrances), the Street Trees are the most time sensitive due to their proximity to neighborhood streets, sidewalks, driveways, and homes. There are two options for these trees—keep or remove them.

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The following two survey questions are intended to capture owner sentiments to the Ranch Association's Board of Directors, as it prepares to formally consider a decision on the "Street Trees" at its October 5, 2020 board meeting. These trees are currently maintained by the Ranch Association as required by Arcadia's Supplementary Declaration of Covenants, Conditions and Restrictions, the cost of which is funded through the monthly neighborhood assessment. As a reminder, there are 670 Street Trees, which are located on the outside edge of owner lots lining the community's streets. From the three categories of sissoo trees in Arcadia (Street, Park, and Entrances), the Street Trees are the most time sensitive due to their proximity to neighborhood streets, sidewalks, driveways, and homes. There are two options for these trees—keep or remove them.

The Park and Entrance Sissoo trees total 247. These trees can still cause damage within the community; however, they are less likely to cause damage to member homes and are therefore not an immediate consideration.

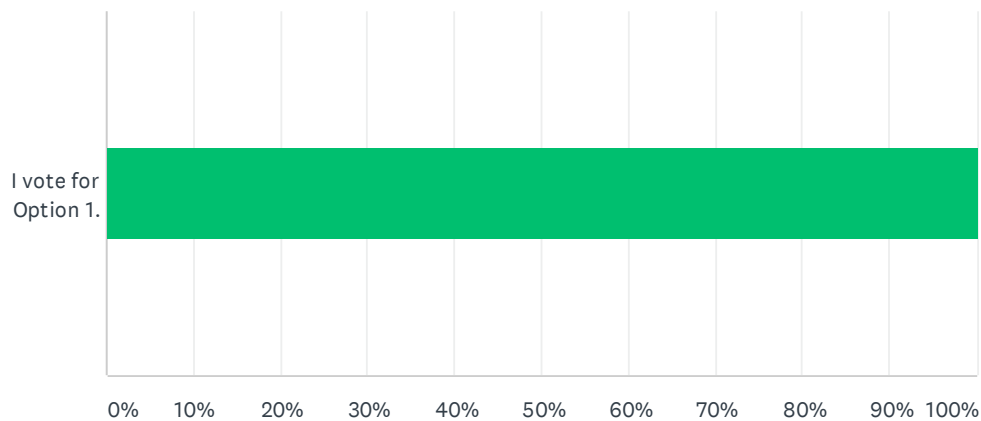
Please note that the Board of Directors does not take this decision lightly. Countless hours have been spent researching this topic, discussing it, and meeting with residents and experts to help fully understand all aspects of this important neighborhood decision. Additional information on this topic is available at the following link: [Arcadia Sissoo Tree Information Folder](#)

CLICK HERE TO TAKE THE SURVEY

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Q1 Option 1 – Keep the Street Trees. Each resident assumes ownership of all maintenance of, and liability resulting from, the Street Trees on their lot. By way of a neighborhood vote, maintenance of the trees could still be taken care of by the Association, the cost of which would be funded through the monthly assessment. Indemnifications would be required for the Association. For this option, a vote to amend the CC&Rs would be required.

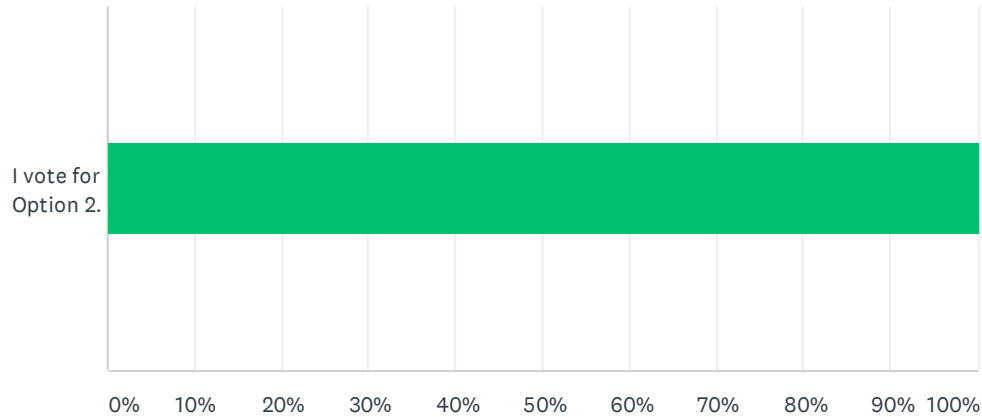
Answered: 39 Skipped: 53



ANSWER CHOICES	RESPONSES	
I vote for Option 1.	100.00%	39
TOTAL		39

Q2 Option 2 – Remove all Street Trees. Plant in the same location a different species of tree with a less aggressive root system. If this option is selected, a separate tree-species selection survey would follow. It should be noted that 1) to complete this option approval from the City of Scottsdale may be required and 2) a special assessment of roughly \$9,000 per owner would be required to fund the work.

Answered: 53 Skipped: 39



ANSWER CHOICES	RESPONSES	
I vote for Option 2.	100.00%	53
TOTAL		53



Dear Arcadia Owners:

On July 14, 2020 at 6:00 p.m., the Ranch Association Board will host an Arcadia neighborhood meeting. The purpose for the meeting is to share the latest information on the Sissoo Tree matter and provide a full 360 degree perspective on it.

During the meeting, the Association will share information at the beginning and then answer questions afterwards. Prior to the meeting, an FAQ will be distributed to address key information on the matter. If you have questions that you would like answered, feel free to email them in advance to Darren.Shaw@dcranchinc.com for inclusion.

Please register for the meeting by clicking on the following link.

REGISTER FOR MEETING





Arcadia Neighborhood Meeting Via ZOOM July 14 2020

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Dear Arcadia Owners:

On July 14, 2020 at 6:00 p.m., the Ranch Association Board will host an Arcadia neighborhood meeting. The purpose for the meeting is to share the

Arcadia Neighborhood Meeting Via ZOOM July 14 2020 Reminder

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Dear Arcadia Owners:

On July 14, 2020 at 6:00 p.m., the Ranch Association Board will host an Arcadia neighborhood meeting. The purpose for the meeting is to share the latest information on the Sissoo Tree matter and provide a full 360 degree perspective on it.

During the meeting, the Association will share information at the beginning and then answer questions afterwards. An FAQ will be distributed by the end of this

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DC Ranch Association, Inc.

Arcadia Sissoo Tree Key Questions and Answers Summary

7-11-2020

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I have heard that Ranch Association evaluated a full-service valley-based landscape company called DLC to help us? Who are they? Can you share what you learned?	8
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How are Ranch Association legal costs allocated?	8
Does Ranch Association have insurance that would cover the damages and/or replacement of these Sissoo trees?	8
Did the Ranch Association explore legal options against DMB?	9

Do you feel DMB will contribute to the go forward solution related to the Sissoo trees in Arcadia?	9
Explain the timeline of this matter	9
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Background

What are these trees? Can you tell me the pros and cons of the Sissoo tree?

The trees in discussion are called Dalbergia Sissoo (Indian Rosewood). They are a species native to the Indian subcontinent.

Pros: The “Sissoo,” as it is called, is an attractive, single trunk tree, that grows quickly, reliably, and provides thick shade in a few years. While the Sissoo tree is not native to the Sonoran Desert, it is drought-resistant, hearty in poor desert soils, loves direct sunlight, and tolerates a light frost.

Cons: This tree has an invasive, and often destructive root system. It seeks water wherever it can find it. The serpentine root system can run for 50 feet or more from the trunk and roots can break through at ground level over the distance.

Note: Experts provide that Sissoo tree installations where there is available land for the tree’s roots to spread out do not generally create problems. When planted close to streets, sidewalks and utility infrastructure, damage from the tree’s root system is likely to occur over time. Their root system will spread in all directions.

Who selected and installed the Sissoo trees in Arcadia?

The Sissoos were selected and planted by the developer DMB Associates (DMB) in Silverleaf’s Arcadia neighborhood during its development starting in 2005.

Why are we contemplating what should be done with them now?

Due to their aggressive and expansive root system, these trees have caused and can continue to cause, damage to community infrastructure (e.g., streets, curbs, sidewalks, mechanical) and to residents’ property (e.g., driveways, walls, yards, patios, pools, and homes).

The Ranch Association (your HOA) wants to (1) inform Arcadia homeowners about the damage this tree’s root system can cause, since the Association is responsible for maintaining the trees in accordance with the CC&Rs, and (2) determine a mitigation plan to reduce damage and/or potential liabilities associated with these trees.

The Ranch Association Board believes the location of the Sissoo Street Trees with their close proximity to both community and personal property, poses a threat to the Neighborhood, due to the long-term on-going costs and liabilities associated with their root system. Therefore, Ranch Association is leading the effort on what should be done to mitigate the potential damage and liability risk from these trees.

What has Ranch Association done to understand these trees?

Ranch Association has consulted with three independent certified arborists, other industry professionals and the landscape architect originally used by DMB in the neighborhood’s project-planning stage, to gain a complete understanding of these trees and how they impact the Arcadia neighborhood now and how they might in the future. Ranch Association has also consulted with multiple communities in the greater Phoenix area who have, or have had, Sissoo trees.

Governance of DC Ranch

How is DC Ranch structured? Who is the HOA? Who is DMB?

It is important to understand how your community governance entities fit together. DMB is the developer who designed the Neighborhood and offered the 123 Arcadia Neighborhood lots for sale. The Covenant Commission is controlled by DMB and is responsible for all neighborhood design, both home and landscape decisions. Ranch Association (the HOA) is responsible to manage the day-to-day affairs of the Neighborhood and surrounding residential community. The Community Council is responsible for recreation, lifestyle, communications and public affairs.

Is DMB controlling or influencing the actions of Ranch Association?

No. This effort was initiated and is driven solely by Ranch Association.

Is Ranch Association's Executive Director Darren Shaw paid by DMB?

No. All Ranch Association employees are paid solely by Ranch Association. Mr. Shaw is a Ranch Association employee.

What is a Neighborhood Committee? How and why was it created?

Neighborhood Committees are part of the DC Ranch Association governance structure. Association Policy section 107.5.f provides the following: *"Neighborhood Committees" is defined at Section 5.3 of the Bylaws. Neighborhood Committees: Each Neighborhood that has no formal structure or association may elect a Neighborhood Committee to determine the nature and extent of services, if any, to be provided to the Neighborhood by the Association in addition to those provided to all Members of the Association in accordance with the Declaration."*

It should be noted that any Neighborhood Committee determination is subject to Ranch Association Board approval.

An Arcadia Neighborhood Committee was formed in April 2019. Arcadia residents elected a five-person committee to study the matter, create options, and survey the neighborhood for its feedback and sentiments. The intent of the Committee was to reflect the general opinion or consensus of a majority of the owners. At this time, there is no consensus from the Committee, nor does there appear to be one from the Neighborhood.

Even though not required, it is important to note that the Association Board asked that a Neighborhood Committee be established, because the Board felt that a decision of this magnitude was best addressed with neighborhood involvement; a neighborhood committee provided a formal means to obtain resident feedback.

Why was the Arcadia Neighborhood Committee asked to make a recommendation by June 1, 2020?

The deadline was set months earlier, after the Committee had spent nearly a year reviewing and evaluating options and information. Because it is believed that this situation will not improve on its own, the Board's intent was to make a decision in a timely manner.

What is the status of the Neighborhood Committee now?

It is our understanding that in early July, the Committee due to committee member resignations, was disbanded. All resident feedback now should be sent to Executive Director, Darren Shaw.

What are Neighborhood Voting Members (NVMs)? How are they involved?

The Ranch Association CC&R's Section 6.4(b) outlines Neighborhood Voting Members (NVMs): *"Each Neighborhood shall elect a Voting Member who shall be responsible for casting all votes attributable to Units owned by Class "A" Members in the Neighborhood on all Association matters requiring a membership vote. NVMs automatically are members of any Neighborhood Committee."*

Arcadia has two Neighborhood Voting Members. These individuals vote on certain DC Ranch Association matters subject to Membership approval for your Community. They are elected annually. As set forth above, the issue of Sissoo trees in the Arcadia neighborhood is a Ranch Association Board decision. The decision is not subject to Membership approval.

Arcadia Sissoo Tree Details

How many Sissoo trees are there in Arcadia? And who owns them?

There are 917 Association maintained Sissoo Trees in Arcadia, located as follows:

- 670 "Street Trees" defined as trees located between the outside edge of the private street improvements and the sidewalks located along the perimeter of the lots
 - Street trees that are located on a lot are owned by the lot owner (member) but are maintained by Ranch Association.
 - Street trees that are located on common area are owned by Ranch Association and maintained by Ranch Association
- 162 "Entrance trees" located at the front and back entrances
 - These are common area trees maintained by Ranch Association
- 85 "Park trees" located on three neighborhood parks
 - These are common area trees maintained by Ranch Association

The expense to maintain all 917 trees is a common expense shared proportionately (equally) by all Arcadia members via their monthly assessment.

Does each owner in Arcadia own the Sissoo Street Trees on their lot?

Yes; however, maintenance of these trees is performed by the Ranch Association based on Arcadia's Supplemental CC&Rs.

Who maintains the Sissoo trees in Arcadia?

The Sissoo Trees (both Street Trees and common area trees) are maintained by Ranch Association based on Arcadia's Supplemental CC&Rs. The Arcadia Neighborhood CC&Rs (Sections 8a, 8b) state that the Ranch Association shall assume responsibility for maintenance and irrigation of all Street Trees, the costs of which it shall recover through a Neighborhood Assessment.

This tree maintenance requirement is not unlike other neighborhoods in the DC Ranch community that are managed by Ranch Association. Other neighborhood examples include the parks in Windgate and Horseshoe Canyon.

Please note other neighborhoods maintained by Ranch Association do not have Sissoo trees.

Does Ranch Association water trees on owner lots?

Ranch Association stopped watering Street Trees on owner lots two years ago. Please note that how a resident's lot is landscaped, and corresponding water decisions, will impact the growth of these trees and corresponding root growth.

Can I just remove the Sissoo trees on my lot that are along the side of the street?

No, these trees have been mandated by the Neighborhood's environmental site plan (ESP) which was approved by the Covenant Commission. They must remain until a decision has been made collectively by Ranch Association and the Covenant Commission.

Have other local communities removed Sissoos? If so, can you share more information on them?

First, within DC Ranch, The Courtyards at Desert Park have already removed 40 Sissoos of their original 130. They remove about 10 trees per year. Some are being replaced (with various species) and others are not. This neighborhood is a sub-association (self-governed).

Further, the following local communities have removed Sissoo trees and replaced them with an alternate species:

- AZ Traditions – Surprise (500)
- Coronado Ranch – Gilbert (count not verified)
- Cortessa – Waddell (count not verified)
- Desert Place at Morrison Ranch – Mesa (793)
- Estates at Ridgeview – Phoenix (138)
- Fulton Ranch – Chandler (331)
- Stetson Valley – Phoenix (count not verified)

In these communities, the alternate species of trees used to replace the Sissoos were: Mulga, Mastic, Southern Live Oak, Live Oak, Red Push Pistache, Fan Texas Ash and Bonita Ash.

I heard Verrado is doing something with their Sissoos. Can you share more on that?

DMB maintains developer control of the Board at Verrado, which likely has different goals vs. owner/resident run communities.

There are 4,069 Sissoo trees at Verrado, compared to 917 at Arcadia. Verrado has been implementing a root mitigation program using DLC Resources Landscape. More on DLC further in this document. According to DLC, from the period July 2019 through March 2020, more than 1,200 of the Sissoo trees at Verrado required some degree of root mitigation. The highest percent of any tree in their community.

The DMB Landscape Manager that managed the Arcadia landscape install project, was transferred to the Verrado community as the Arcadia's landscape install was finishing up.

What happened to the landscape architect the Association hired and who paid for that?

CollectiV, a local landscape architecture company (formally Vollmer and Associates), was engaged by Ranch Association to help with evaluating a Sissoo tree replacement project. CollectiV helped the Neighborhood Committee review 16 different species of trees that could be considered as a replacement tree. CollectiV also provided renderings of replacement trees (Red Push Pistache and Live Oak) at replacement, and at the five-year mark.

Once the renderings were complete, CollectiV's services were suspended until such time a decision was made on the initiative. The contract cost was \$18,000, which included project specs and oversight if the replacement plan moved forward. To date \$6,600 has been paid on the contract. These costs were paid by Arcadia. It should be noted that Vollmer and Associates was the original landscape designer of Arcadia.

What are our options with the Sissoo Street Trees?

The Street Trees are the most time-sensitive due to their proximity to streets, sidewalks, driveways and homes. The initial focus of this neighborhood effort is to develop a "go forward" plan for the Street Trees, which makes up the majority of the Sissoos in Arcadia. There are two options for these trees—keep or remove them.

The Association also maintains Sissoo Trees in the common areas of Arcadia, which includes parks and the two entry/exit areas. These non-street trees can still cause damage within the community; however, they are less likely to cause damage to member homes and are therefore not an immediate consideration.

Removal of the 670 mature Street Trees is an expensive undertaking, which consists of tree removal, stump grinding, irrigation repair, root treatment, and restoration of the disrupted area, which is allowed by the CC&Rs. It will require a special neighborhood assessment (estimated at about \$10,000 per home). Removing the trees, including root treatment, addresses future damage and the associated liability risks. Taking out the trees will be temporarily disruptive to the Neighborhood, and replacement trees will be smaller than the current trees. Once planted, the smaller replacement trees (vs. the current Sissoo trees) may impact the resale value of the homes, but this impact would lessen as the trees grow. However, not properly addressing the matter may also impact current home resale values. Net, home values are impacted potentially either way. Expectations are that the replacement trees would look reasonably full in about five years from planting. Ranch Association does take a long-term view on its decisions.

Keeping the trees means that root mitigation will be required for the life of the trees; the amount of damage the trees could create to existing infrastructure is unknown. The long-term cost of keeping the Sissoo trees will be a forever ongoing cost. While there are suitable replacement trees, root structures will always be a concern when the tree is planted in a tight location, but not to the extent the Sissoo tree presents.

Is a permit required to remove the Street Sissoo Trees?

Yes, a project of this size would need to be approved by the City of Scottsdale Development Review Board. We expect that any proposal would pass due to the damage from the roots and similar approvals in the area.

Can you talk about the "pros and cons" of root mitigation?

Root mitigation will be an ongoing practice with no end in sight. Currently, there is very little data available in the industry on how to contain Sissoo trees.

Cutting roots can cause the tree to become unstable and even potentially die. We have only found one company, DLC, in the area that states it can provide root mitigation services for Sissoo trees. All other arborists, experts and consultants with whom we have talked, indicate that there is no such thing as an effective root mitigation program for Sissoo trees.

I have heard that Ranch Association evaluated a full-service valley-based landscape company called DLC to help us? Who are they? Can you share what you learned?

DLC Resources is a local landscaping company. They offer Sissoo tree root mitigation services.

On behalf of the Ranch Association, DLC conducted a root evaluation exercise to determine the extent of Sissoo Street Tree roots in Arcadia that are impacting streets, sidewalks and curbs. Their report indicated that there are currently 661 locations where Sissoo tree root damage was visually evident (there are 670 such trees). They did not evaluate resident property.

What are DLC's root mitigation procedures?

Here is what DLC shared on their procedures: "Blue stake the work areas (for utilities) at identified assessment locations; rake back granite; excavate and locate roots running under hardscape (primarily curbs); cut each root in two locations so as to provide a minimum two-inch gap using a mix of different saws depending on location; repair irrigation, if applicable; backfill and restore landscape; paint curb at location of root cut, white paint, round dot, size of a nickel; enter data into the GIS collector app (location, date, # of roots, picture)."

DLC's work does not include repairs to the roads, sidewalks and curbing. These costs would be extra.

Will DLC help us?

The effectiveness of root mitigation for Sissoo trees has yet to be determined because the practice is fairly new in the industry; DLC is the only company the Ranch Association has found that offers this service. Because the practice is uncommon, we do not know its effectiveness over time. After its survey work, DLC said it would consider working with Arcadia, but only if Ranch Association turned over its community-wide landscape operation to DLC. Please note that Ranch Association has 22 landscape employees. This was shared with the Association after DLC completed its survey work. The offer was declined because Ranch Association believes it is best to keep landscape operations in-house.

Legal

How are Ranch Association legal costs allocated?

In general, all costs that Arcadia incurs are paid by Arcadia members. The CC&Rs provide that all DC Ranch neighborhoods will be financially self-sufficient.

Does Ranch Association have insurance that would cover the damages and/or replacement of these Sissoo trees?

No, not currently. It is nearly impossible to purchase coverage for a known peril. There could be a special line available, perhaps through Lloyd's of London, but it is uncommon.

Did Ranch Association explore legal options against DMB?

Yes, the Association consulted with three different law firms. Each firm stated that the statute of limitations could be a concern for certain claims. Each of the firms turned down an offer to sue DMB on behalf of the Association on a contingency basis. DMB denies any liability.

Do you feel DMB will contribute to the go forward solution related to the Sissoo trees in Arcadia?

No. DMB has expressly refused to do so.

At the time they were planted, the species was popular in the Valley especially for developers who wanted to make a quick landscape oriented aesthetic impact. These trees grow faster than most. If DMB had not planted Sissoo trees and planted a species of tree with a less invasive root system, it is unlikely this matter would be on the table now.

Explain the timeline of this matter

This topic was first brought to the attention of Arcadians in the Fall of 2015 via a neighborhood meeting. At that point (10 years after the install), it may still have been difficult to sue DMB due to statute of limitations considerations. About that time, visible signs of damage were beginning to occur in Arcadia and the potential damage that Sissoo trees can cause was becoming prevalent in the building/development environment in the Phoenix area; the use of sissoos then started to decline, based on our information.

The timing of this is driven by the need to take an action to mitigate both the damage occurring and future risks associated with these trees—as we now have a clearer understanding of these trees in Arcadia. There is no perfect time for such a complex, major tree evaluation/initiative effort like this. The Board believes an action must be taken to bring clarity and reduce the future costs and potential liability these trees will cause.

Is there a “conflict of interest” between Ranch Association’s Board of Directors and the decision on the Sissoos?

No. The Ranch Association Board of Directors per CC&R provision 2.4 is “The body responsible for administration of the Association.” The Board is elected by the Association’s Neighborhood Voting Members. As it is with 16 other neighborhoods under Ranch Association Management, the Board adopts policy and relies on a professional staff to carry out the day to day functions. Risk management in any business is always a concern. The Sissoo trees present a risk now and in the future. The Association can decide to 1) retain the risk, 2) transfer it or 3) remove it. The Board is elected to make these decisions. Removing the risk could be accomplished by removing the Sissoo trees and replacing them with a less aggressive tree species.

What do you mean by “transfer” the risk?

This subject deals with risk transfer. Because the Association is currently responsible to maintain the Sissoo Street Trees, it maintains potential liability should damage be caused by the trees’ root system. The Ranch Association Board is responsible for the entire Association, of which Arcadia is one of 17 neighborhoods. The Arcadia CC&R’s can be amended to remove the requirement for Ranch Association to maintain the Street Trees in question. CC&R provision 15.4 provides that 67 percent of all DC Ranch owner votes are required to approve an amendment to the document, as is the approval from DMB. DMB has indicated that it will sign off should that time come. Keep in mind that the 67 percent would apply to the 44 Neighborhood Voting Members, who vote on behalf of their voting-blocks.

If that were to happen, Ranch Association as mentioned in the prior question, would transfer the risk the Street Lined trees present solely to the 123 Arcadia owners. Therefore, if damage occurred to a resident's home, that would be their responsibility.

A question to consider is "why should the Association risk the entire DC Ranch community for one Neighborhood representing 5% of DC Ranch, when the Board's experts advise to remove the trees and start over?" In this scenario, Arcadia owners could negotiate a maintenance plan with the Association to maintain the trees, however, proper indemnifications for the Association would need to be part of the understanding.

Board Decision

When will the Board make its decision?

The Board has set the October 5, 2020 regularly scheduled board meeting as the date by which a formal decision must be made on the Sissoo trees in Arcadia.

Entrance Trees

There are 29 sissoo trees currently tagged at the main entrance. What is the process and timing for a decision?

The Board recently supported the Executive Director's proposal to remove 29 of the Sissoo entrance trees. Most of them are planted very close to the boundary walls and too close to other adjacent Sissoo trees. They were planted when the neighborhood was developed. Being full grown now, they are overcrowded. The cost to remove the trees, grind the stumps and treat the roots is \$12,000. On July 1, the management team attended a meeting with City of Scottsdale representatives to determine permit requirements. The discussion is ongoing.

How can I learn more?

On July 14, 2020 at 6 p.m., the Ranch Association Board will host an Arcadia virtual neighborhood meeting. The purpose for the meeting is to share the latest information on the Sissoo tree matter and provide a full 360-degree perspective.

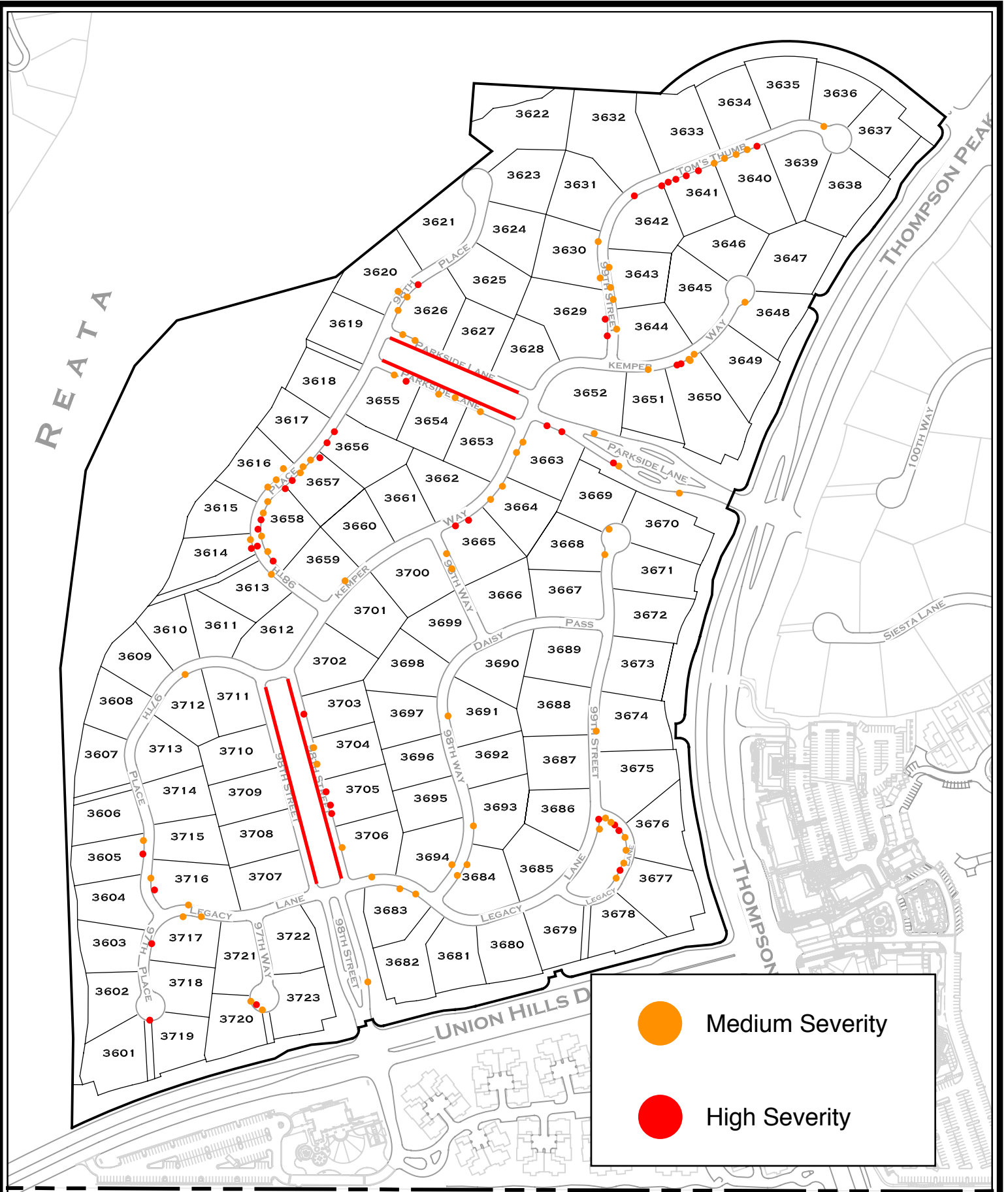
During the meeting, the Association will share information at the beginning and then answer questions afterwards.

You are encouraged to register for the meeting by using the following link.

https://us02web.zoom.us/webinar/register/WN_7w2gEJnWQx-Uf3KJLPU6Gw

Additional questions?

If you have questions that you would like answered, feel free to email them in advance to Darren.Shaw@dcranchinc.com, DC Ranch Association Executive Director, for inclusion.



Arcadia Tree Root Map

20 SEPTEMBER 2007



6-DR-2021
2/18/2021

Sissoo Tree Survey From Your Arcadia Neighborhood Committee (Copy 01)

[View Report](#)[Campaign Preview](#)[HTML Source](#)[Plain-Text Email](#)[Details](#)

[View this email in your browser](#)

February 18, 2020

Dear Fellow Silverleaf Arcadia Neighbors and Owners,

Like many of you, your Neighborhood Committee Members love the look of the Sissoo trees and, for many of us, it was a primary amenity that attracted us to Arcadia and ultimately one of the reasons we purchased and live in this great, unique neighborhood.

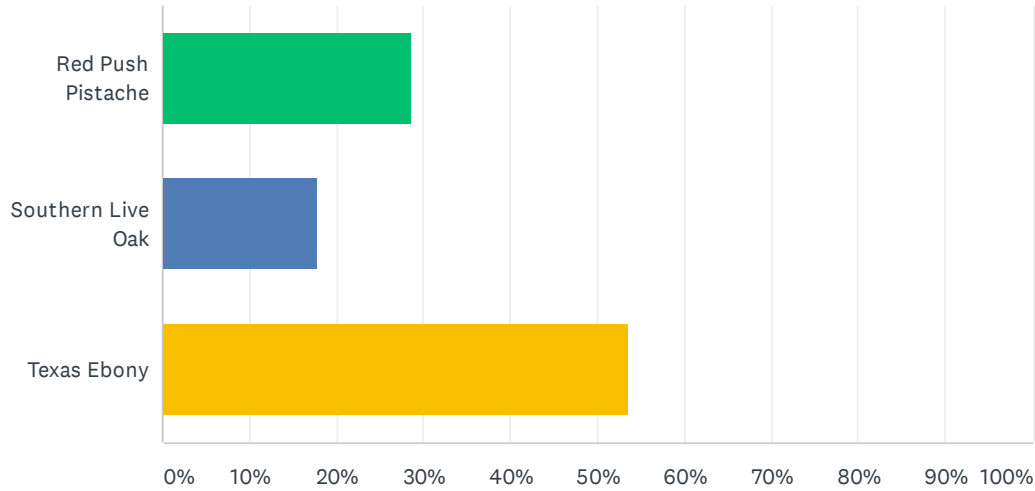
Originally, the goal of your Neighborhood Committee was to save the Sissoo trees and the beautiful look. Unfortunately, after more than a year of evaluating all potential options and risks with experts, we have reluctantly concluded that we must remove all the Sissoo trees.

For background, the Sissoo trees' roots are super invasive that cause damage to roads, infrastructure, driveways, walkways, foundations, etc. All one has to do is walk down our streets to see the damage to the roads and many driveways and sidewalks.

There is not an easy fix to the damage Sissoo's cause to our roads. To fix road issues caused by their roots, Sissoo roots must be removed during the road

Q1 Which replacement tree type do you prefer?

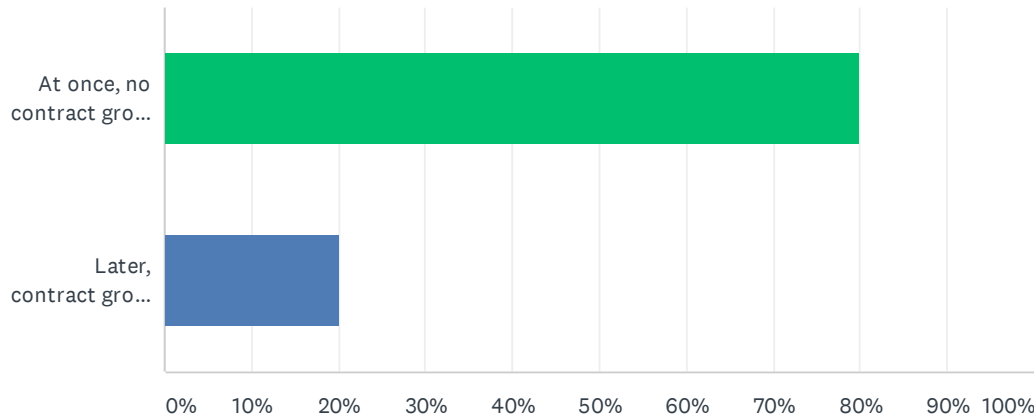
Answered: 28 Skipped: 2



ANSWER CHOICES	RESPONSES	
Red Push Pistache	28.57%	8
Southern Live Oak	17.86%	5
Texas Ebony	53.57%	15
TOTAL		28

Q2 Timing of removal and replacement of all Street Lined Trees?

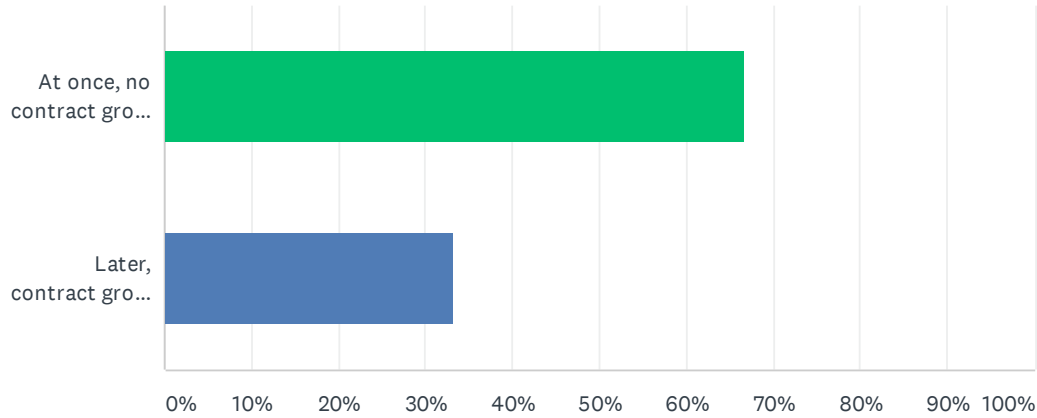
Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
At once, no contract grow as outlined in Option 1.	80.00%	24
Later, contract grow as described in Option 2.	20.00%	6
TOTAL		30

Q3 Timing of removal and replacement of all Park Trees?

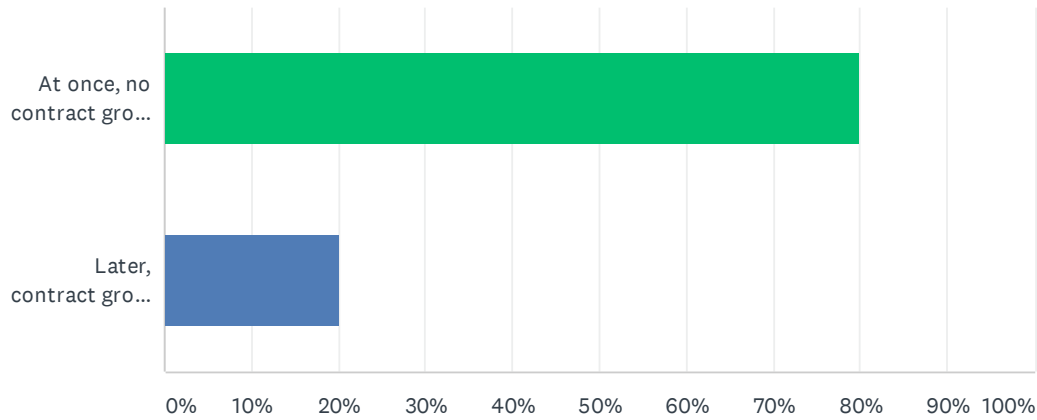
Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
At once, no contract grow- Option 1.	66.67%	20
Later, contract grow- Option 2.	33.33%	10
TOTAL		30

Q4 Timing of removal and replacement of all Entrance Trees?

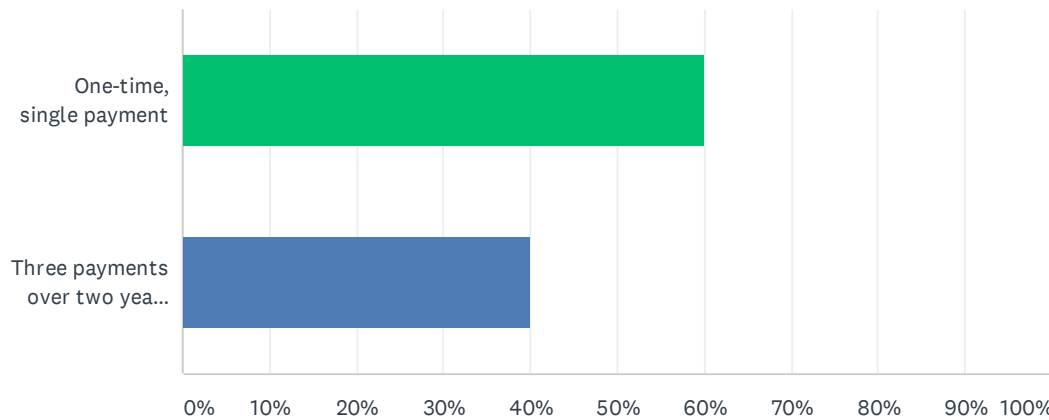
Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
At once, no contract grow- Option 1.	80.00%	24
Later, contract grow- Option 2.	20.00%	6
TOTAL		30

Q5 Would you prefer to pay the estimated \$22,365 Special Neighborhood Assessment in one lump sum or over two years? The two-year option will include a reasonable finance charge. Note: The actual cost could be more or less, and will depend on the resident choices in this survey and the Board of Directors decision.

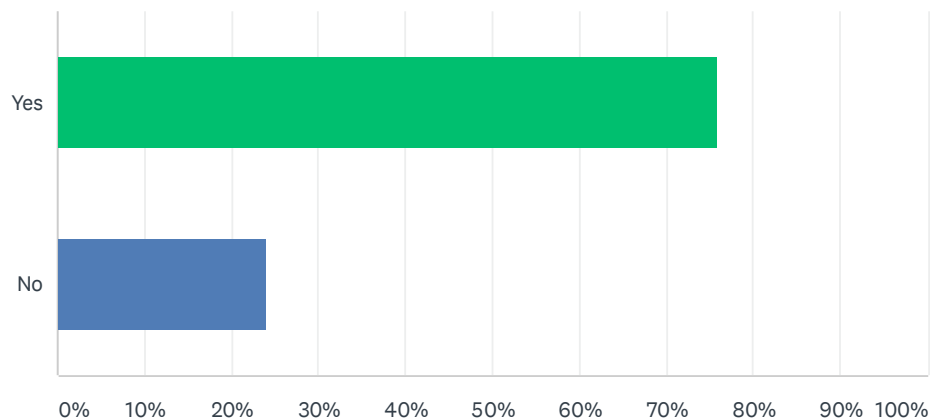
Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
One-time, single payment	60.00%	18
Three payments over two years, with reasonable finance charge.	40.00%	12
TOTAL		30

Q6 In addition to the Neighborhood Assessment, would you contribute funds to legally pursue DMB, based on the position that it maintains responsibility for the situation? The committee believes this should be at least \$2,000 per homeowner in order to adequately fund, and give us enough funds to show DMB we are serious. Anything less would likely send the wrong message. Of course, we hope any funds assigned to this would ultimately be recovered, but no guarantees.

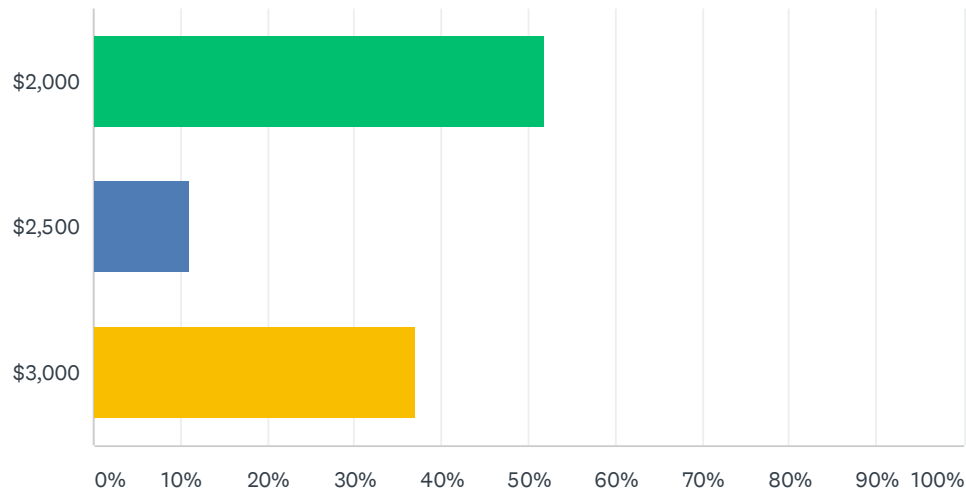
Answered: 29 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	75.86%	22
No	24.14%	7
TOTAL		29

Q7 If the majority votes yes under Question #6 to fund litigation, then what level would you agree to?

Answered: 27 Skipped: 3



ANSWER CHOICES	RESPONSES	
\$2,000	51.85%	14
\$2,500	11.11%	3
\$3,000	37.04%	10
TOTAL		27

Q8 Contact information

Answered: 30 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	100.00%	30
Company	0.00%	0
Address or Lot number	100.00%	30
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	100.00%	30
Phone Number	0.00%	0

February 18, 2020

Dear Fellow Silverleaf Arcadia Neighbors and Owners,

Like many of you, your Neighborhood Committee Members love the look of the Sissoo trees and, for many of us, it was a primary amenity that attracted us to Arcadia and ultimately one of the reasons we purchased and live in this great, unique neighborhood.

Originally, the goal of your Neighborhood Committee was to save the Sissoo trees and the beautiful look. Unfortunately, after more than a year of evaluating all potential options and risks with experts, we have reluctantly concluded that we must remove all the Sissoo trees.

For background, the Sissoo trees' roots are super invasive that cause damage to roads, infrastructure, driveways, walkways, foundations, etc. All one has to do is walk down our streets to see the damage to the roads and many driveways and sidewalks.

There is not an easy fix to the damage Sissoo's cause to our roads. To fix road issues caused by their roots, Sissoo roots must be removed during the road repair. Cutting roots weakens the trees ability to stay up. Therefore, after a road repair where roots are removed, the impacted tree could fall and hurt someone, or property.

Also, there is no sure way to eliminate Sissoo trees' roots from causing damage to a home's foundation. Regrettably, the Sissoo trees' roots are just that aggressive. Good thing is, we are getting ahead of this early for our community.

Overall, we realize this is news none of us want to hear, and we are sure you still have questions. We did too, but please note that we exhausted all options that led to the information provided below. While this is unfortunate and will impact the look of our community for a few years, we truly believe it will result in a beautiful future look. In addition, we will have taken the proper steps to fully eliminate the threats to our infrastructure and to our homes. Silverleaf Arcadia will be better and stronger neighborhood as a result, which is key.

Tree Situation Overview

As the committee considered options for all the 917 Sissoo trees in our community, trees were grouped as follows:

- **Street Lined Trees** (670 in total, 73.1%): Due to their close proximity to homes, we concluded that there is no salvageable option for these trees. The potential liability related to property and infrastructure damage is significant.
- **Park Trees** (85 in total, 9.3%): The park trees are further from properties, but they still damage roads and infrastructure in the parks and under the roads. In addition, some

experts say the roots could reach the foundations of homes across the street. Now, some feel that they would rather keep these trees and the beautiful look in the parks and just pay for street repair and any other costs over time. Unfortunately, due to the risk of them falling after road repair and potential damage to infrastructure, we concluded all Sissoo's in the parks must be replaced.

- **Entrance Trees** (162 in total, 17.7%): These trees include those at both the Thompson Peak and Legacy entrances. Some of these trees are close to homes and pools that simply must be removed, and the others pose the same risk as noted under Park Trees. Unfortunately, we concluded all Sissoo's in the entrances must be replaced as well.

As we said initially, the last thing we wanted to do was remove any of the Sissoo trees; yet, for the best of our community, we simply concluded that we must remove all the Sissoo trees.

Execution Considerations

Accordingly, we proceeded to evaluate many options to execute this effort, such as:

- Replacement tree type: We reviewed more than 20 different species of potential replacement trees. The top 3 options are below.
- Number of trees to replace: Replace "one for one" or replace less, including options like:
 - Just half of the street-lined trees
 - Two-thirds of the park area trees

The option of replacing less than the original amount is not currently approved. That type of decision can only be made by our Covenant Commission that oversees these types of decisions. The Covenant Commission is influenced greatly by DMB as it still maintains a seat on the commission.
- Mixing trees:
 - All the same or mix. Alternate. Different by area or street.

The option of mixing or alternating trees is not allowed by our Covenant Commission that oversees these types of decisions.
- Rollout: How to remove and replace these trees, including:
 - Do them all at once
 - Do a phased rollout with only certain areas impacted at a time
- What size of tree to purchase:
 - Do we install 36" or 48" box trees?
 - Do we use a contract grower to get the trees larger before install?

Replacement Tree Types

Below are summaries of the top three replacement trees for all of Arcadia's Sissoos. A tremendous amount of work went into selecting these 3 trees' balancing factors, such as look,

growth rate, root structure, cost, etc. Please note that the Neighborhood Committee Members have different preferences. Pictures are included below.

All of these trees have much less invasive root structures than the Sissoo. Moreover, they can grow to look like a traditional tree with a single trunk and are drought tolerant.

- (1) **Red Push Pistache:** The Red Push Pistache is a relatively fast-growing tree that is estimated to grow approximately three feet per year once established. They grow to a mature size of about 40 to 60' tall and 40 to 60' wide. The leaf density is lower compared to the other two trees below. The higher the density of a tree, the harder it is to see through it. Also, they are a deciduous tree that will lose many of its leaves during the winter season, so we should expect them to be bare for at least 6 to 8 weeks each winter. While they do lose their leaves, their leaves also change colors. The Red Push Pistache was used in DMB's project in Verrado, which also had to replace Sissoo trees.
- (2) **Texas Ebony:** The Texas Ebony is an evergreen that is estimated to grow approximately two feet per year once established. They grow to a mature size of about 30' tall and 25' wide. They offer a high leaf density allowing for a lush look and increased privacy. Several of them are in the yards of Arcadia homes today. Clusters of flowers are produced from late spring to fall. The Texas Ebony is usually not used as a street lined tree most likely due to its thorns. We may need to take steps to prevent someone from getting pricked by the thorns over the first 3 to 4 years although they're not that unlike cactus' in our landscapes.
- (3) **Southern Live Oak:** The Southern Live Oak is an evergreen tree, but its growth rate is much slower than both the Red Push Pistache and Texas Ebony, estimated at approximately one foot per year. Like the Texas Ebony, they offer a high leaf density allowing for a lush look and increased privacy. Our community already has four of them in the park by the main entrance. These trees were planted in 2005, which is what raises the concern since they are 15 years old and are still small. Thus, the biggest concern with this tree is the number of years it will take before we would get back to a look like we have today.

Rollout Approaches

Another decision is rollout timing and its impact. There are two options available for tree removal:

- (1) **At once:** We buy as many 48" box trees as we can find and then buy 36" box trees to get to our need. Please note that finding 917 trees of the same species is not an easy task.

Pro's

- (i) Least expensive, for every 36" box tree used the estimated savings are up to \$500 per tree for purchase and replanting

(potential of up to \$3,000 savings per home, please note these are educated estimates only)

- (ii) All done at once, uniform look, and shortest length of time to final completion, which reduces uncertainty to future buyers

Con's

- (i) Will initially look very small at approximate height around 5 to 6 feet – probably 5 to 7 years before it starts to look good again

(2) **Contract Grow:** We buy 36" box trees and grow them to a 48" box size paying a contract grower to do it. It will likely take 1 to 2 years to grow to a 48" box size, so we would wait to replace the Sissoo's until they are ready in 2 to 3 years.

Pro's

- (i) Initial look will be better than Option 1 (At Once)
- (ii) We get to enjoy 2 to 3 more years of Sissoo's

Con's

- (i) More expensive (have to buy 48" boxes, pay to upsize, pay nursery to grow and maintain, pay more to install)
- (ii) Will take longer overall to get to finished look / project completed
- (iii) With the extra time, more damage may result from the Sissoo's increasing costs to the community

Please note the assessment for any option will be assessed at the same time to fund this effort. Net, the contract grow still requires the assessment upfront.

Last, under both scenarios, the Neighborhood Committee is recommending a "fertigation" program to maximize growth of these trees during the next 5 to 10 years.

Other Questions

Accordingly, please respond to the following survey questions:

1. Which replacement tree type do you prefer?

- ☐ Red Push Pistache
- ☐ Texas Ebony
- ☐ Southern Live Oak

2. Timing of removal and replacement of all Street Lined Trees?

- At once, no contract grow (Option 1 above)
- Later, contract grow (Option 2 above)

3. Timing of removal and replacement of all Park Trees?

- At once, no contract grow (Option 1 above)
- Later, contract grow (Option 2 above)

4. Timing of removal and replacement of all Entrance Trees?

- At once, no contract grow (Option 1 above)
- Later, contract grow (Option 2 above)

5. Would you prefer to pay the ESTIMATED \$22,365 Special Neighborhood Assessment in one lump sum or over 2 years? For the 2-year option, it will have a reasonable finance charge.

Note: The actual cost could be more or less, and it will depend on the resident choices in this survey and what the Board of Directors decides.

- Onetime, single payment
- 3 payments over 2 years, with reasonable finance charge

6. In addition to the Neighborhood Assessment, would you contribute funds to legally pursue DMB, based on the position that it maintains responsibility for the situation? The committee believes this should be at least \$2,000 per homeowner in order to adequately fund, and give us enough funds to show DMB we are serious. Anything less would likely send the wrong message. Of course, we hope any funds assigned to this would ultimately be recovered, but no guarantees.

- Yes
- No

7. If the majority votes yes under #6 to fund litigation, then what level would you agree to?

- \$2,000
- \$2,500
- \$3,000

THANK YOU FOR YOUR INPUT!

Your Arcadia Neighborhood Committee

THIS SURVEY MUST BE COMPLETED AND SUBMITTED BY NO LATER THAN MARCH 1, 2020.

PLEASE PASTE <https://www.surveymonkey.com/r/LW36WBJ> INTO YOUR BROWSER TO ACCESS THE LINK. Please contact the Ranch Offices at 480.513.1500 for assistance.



Arcadia Sissoo Tree Survey
Respond no later than Friday, Feb. 7, 2020

Only submit one vote per lot owned.

1. Do you prefer the Red Push Pistache or Southern Live Oak as the replacement tree (Only one tree species will be selected)?

☐ Red Push Pistache

☐ Southern Live Oak

2. Would you prefer to pay the \$22,365 Special Neighborhood Assessment in one lump sum or over three years?

☐ One time payment

☐ Three years

3. In addition to the Neighborhood Assessment, would you contribute funds to legally pursue DMB, based on the position that it maintains responsibility for the situation?



0 of 4 answered

* 4. Contact information

Name

Address or Lot number

Email Address

THANK YOU FOR YOUR INPUT!

Powered by



SurveyMonkey

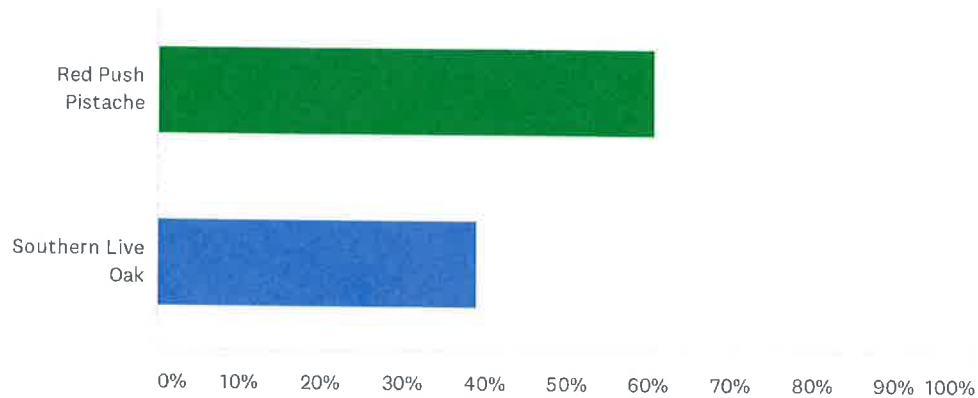
See how easy it is to [create a survey](#).

[Privacy & Cookie Policy](#)

0 of 4 answered

Q1 Do you prefer the Red Push Pistache or Southern Live Oak as the replacement tree (Only one tree species will be selected)?

Answered: 41 Skipped: 1

**ANSWER CHOICES**

Red Push Pistache

Southern Live Oak

TOTAL

RESPONSES

60.98%

39.02%

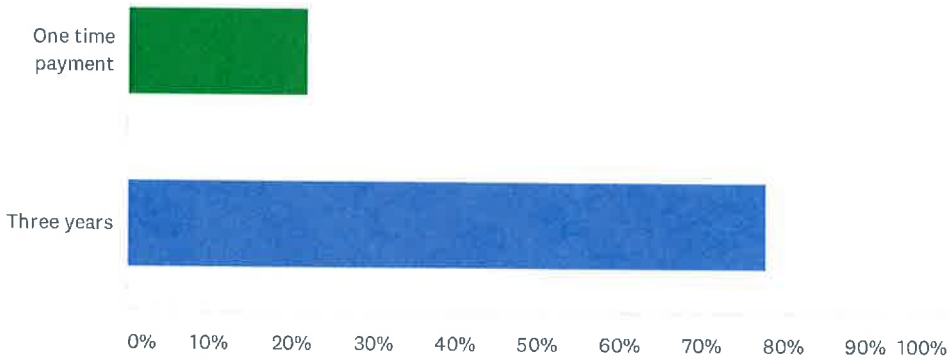
25

16

41

Q2 Would you prefer to pay the \$22,365 Special Neighborhood Assessment in one lump sum or over three years?

Answered: 41 Skipped: 1



ANSWER CHOICES

One time payment

Three years

TOTAL

RESPONSES

21.95%

78.05%

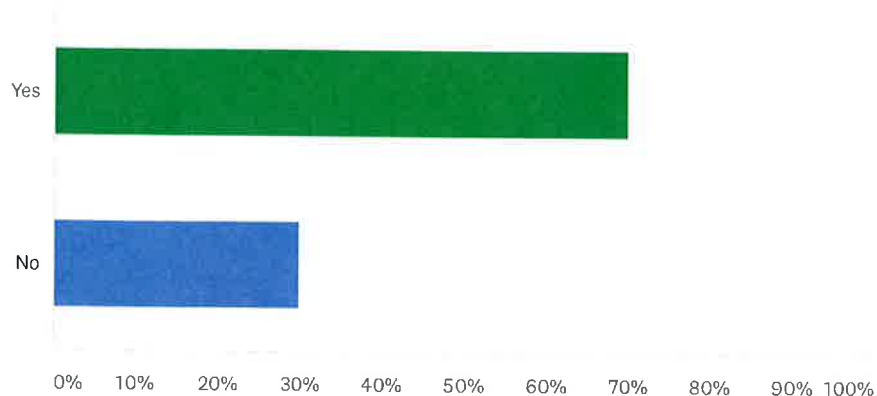
9

32

41

Q3 In addition to the Neighborhood Assessment, would you contribute funds to legally pursue DMB, based on the position that it maintains responsibility for the situation?

Answered: 40 Skipped: 2



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

70.00%

30.00%

28

12

40

Q4 Contact information

Answered: 42 Skipped: 0

ANSWER CHOICES	RESPONSES	
Name	100.00%	42
Company	0.00%	0
Address or Lot number	100.00%	42
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	100.00%	42
Phone Number	0.00%	0

Arcadia Sissoo Tree Survey

Sent 1.18.2020

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The purpose of this notice is to inform you that the Association Board of Directors intends to make a decision at an open meeting in March to consider a Sissoo Tree eradication program in your neighborhood. There are 917 of them located along the roads' edge, in parks and other common areas. This past year, two neighborhood meetings were held to discuss and to engage Arcadia owners in conversation regarding 1) concerns relating to Sissoo Tree root systems and 2) deciding the best approach to remove and replace them with an alternate species. Some of those communications are provided herewith for your review. In 2019, owners voted to elect a Neighborhood Committee composed of owners whose purpose was to work with board members, staff and experts to develop a plausible plan to address the Sissoo Tree concern. Towards the end of 2019, the services of landscape architectural design firm CollectiV were engaged for consultation and to provide renderings of suitable replacement trees ([renderings of 48 inch box Southern Live Oak and Red Push Pistache trees at one-year and five years of growth are provided for your review](#)). Additional services with CollectiV will include assisting with a contract grow process for the replacement trees, developing replacement/install specifications for competitive bid, and to assist with the management and oversight of the work, if approved by the Board of Directors.

[Review the survey.](#)

Your Neighborhood Committee has evaluated the pros and cons related to a project like this and deliberated with board members, staff and experts. The Committee's general position is to remove and replace all 917 Sissoo Trees

Committee's general position is to remove and replace all 917 Sissoo Trees, rather than remove and replace some of them, e.g. half of the 670 street-lined trees or 2/3 of the park area and common area trees (which has been discussed). Regarding the species of replacement tree, the general agreement at the discussion table was that the Red Push Pistache would likely be the best choice (rather than the Southern Live Oak), after careful consideration of more than 15 different tree species. The Red Push Pistache is a relatively fast growing tree and its root structure is much less invasive compared to the Sissoo. The Red Push Pistache is a deciduous tree that will lose many of its leaves during the winter season, not unlike the Sissoo Tree. On the other hand, the Southern Live Oak is an evergreen, but its growth rate is much slower than the Red Push Pistache. **A 48 inch boxed-tree sample of each tree is now located on lot 3681 (refer to the attached map).**

Should the project move forward, the work is estimated to span three years. The tentative schedule shows that half of the 917 trees would be replaced starting in the spring of 2021 and the second half starting in the spring of 2022.

The estimated cost to perform the work is averaged at roughly \$3,000 per tree over the course of the project. What's included in that \$3,000 is as follows:

- Entire removal of the Sissoo Tree and root ball
- 48 inch box replacement tree installed
- Replacement of any damaged landscape in proximity to the tree removal
- Irrigation system renovation
- Enhanced fertilization program
- Ongoing treatment of the Sissoo Tree root systems as they emerge from below

The foregoing expense will be treated as a Neighborhood Expense, meaning that each owner (123) would pay an equal share of the expense, regardless of the amount of Sissoo Trees on their lot being replaced. At \$3,000 per tree, 917 of them amounts to \$2,751,000, which equates to \$22,365 per owner.

One question that's been posed is "what if the Sissoo Tree damages my personal property, who's responsible for that?" The answer is "Any damage caused by the Sissoo Tree is the responsibility of the person who owns the tree." All street-lined Sissoo Trees are owned by the owners on whose lots they are planted. The same applies to Sissoo Trees that are growing on other

parts of an owner's lot.

While the matter at hand only addresses the 917 Sissoo Trees that line the streets and those that are located in parks and common areas, owners can take action to remove other Sissoo Trees on their lots by simply filing a modification request with the Association that asks for approval and proposes a replacement tree. There will be no fee associated with the approval process. The Association Board encourages all owners to pursue this route.

DMB and what role it plays has yet to be determined, notwithstanding the fact that it was DMB that approved the landscape design that included the Sissoo Trees. The Association via its legal counsel has requested DMB's participation asking that it help fund the project or assist in other ways that would mitigate the direct expense to each Arcadia owner. DMB maintains it has no liability.

If you review the neighborhood meeting presentations you will see that street replacement costs were discussed. Street replacement expenses have now been factored into the Arcadia reserve plan and are part of the monthly assessment everyone pays and are not part of this project cost estimate.

Right now, the Association Board of Directors needs input from Arcadia owners by way of the survey link below. It is requested that your response be received no later than Friday, February 7, 2020.

[Take the survey.](#)

[Sample Tree Location Map](#)

[Replacement tree renderings](#)

[10.15.19 Arcadia Meeting Presentation](#)

[Follow up to 3.19.19 Arcadia Meeting](#)

[Arcadia Neighborhood Committee Approved](#)





EXISTING SISOO

JANUARY 2020





RED PUSH PISTACHE
DAY ONE AFTER INSTALL

JANUARY 2020



6-DR-2021
2/18/2021



RED PUSH PISTACHE
5 YEARS AFTER INSTALL

JANUARY 2020





EXISTING SISSOO

JANUARY 2020


Silverleaf

collectiV
landscape architects

6-DR-2021
2/18/2021



LIVE OAK
DAY ONE AFTER INSTALL

JANUARY 2020



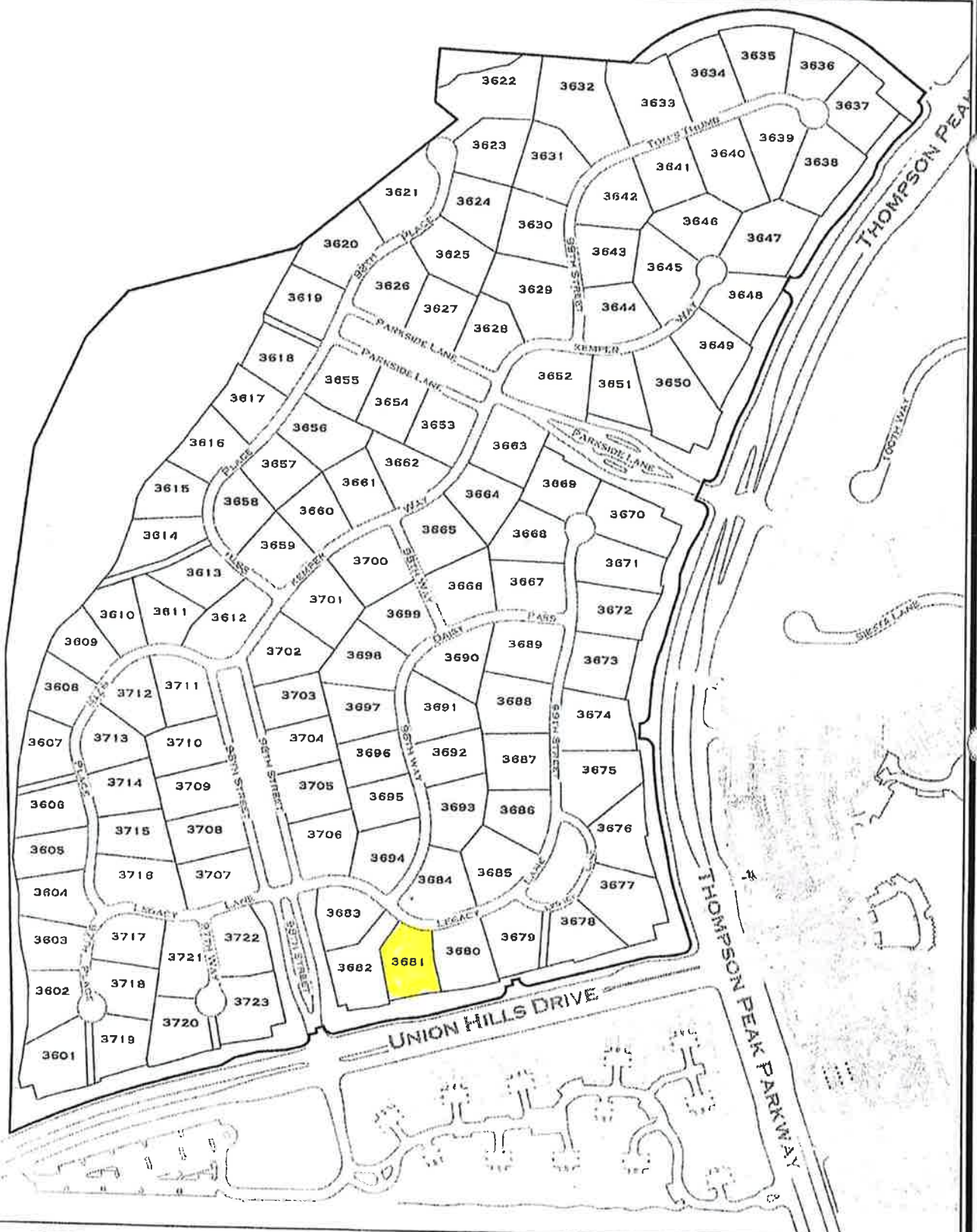
6-DR-2021
2/18/2021



LIVE OAK
5 YEARS AFTER INSTALL

JANUARY 2020





PARCEL T7

21 SEPTEMBER 2007



January 18, 2020

Re: Arcadia Sissoo Trees / Imminent Board Decision

Dear Owner:

The purpose of this notice is to inform you that the Association Board of Directors intends to make a decision at an open meeting in March to consider a Sissoo Tree eradication program in your neighborhood. There are 917 of them located along the roads' edge, in park areas and other common areas. This past year, two neighborhood meetings were held to discuss and to engage Arcadia owners in conversation regarding 1) concerns relating to Sissoo Tree root systems and 2) deciding the best approach to remove and replace them with an alternate species. Some of those communications are provided herewith for your review. In 2019, owners voted to elect a Neighborhood Committee composed of owners whose purpose was to work with board members, staff and experts to develop a plausible plan to address the Sissoo Tree concern. Towards the end of 2019, the services of landscape architectural design firm CollectiV were engaged for consultation and to provide renderings of suitable replacement trees (renderings of 48-inch box Southern Live Oak and Red Push Pistache trees at one-year and five years of growth are provided for your review). Additional services with CollectiV will include assisting with a contract grow process for the replacement trees, developing replacement/install specifications for competitive bid and to assist with the management and oversight of the work, if approved by the Board of Directors.

Your Neighborhood Committee has evaluated the pros and cons related to a project like this and deliberated with board members, staff and experts. The Committee's general position is to remove and replace all 917 Sissoo Trees, rather than remove and replace some of them, e.g. half of the 670 street-lined trees or 2/3 of the park area and common area trees (which has been discussed). Regarding the species of replacement tree, the general agreement at the discussion table was that the Red Push Pistache would likely be the best choice (rather than the Southern Live Oak), after careful consideration of more than 15 different tree species. The Red Push Pistache is a relatively fast-growing tree and its root structure is much less invasive compared to the Sissoo. The Red Push Pistache is a deciduous tree that will lose many of its leaves during the winter season, not unlike the Sissoo Tree. On the other hand, the Southern Live Oak is an evergreen, but its growth rate is much slower than the Red Push Pistache. A 48-inch boxed-tree sample of each tree is now located on lot 3681 (refer to the attached map).

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While the matter at hand only addresses the 917 Sissoo Trees that line the streets and those that are located in parks and common areas, owners can take action to remove other Sissoo Trees on their lots by simply filing a modification request with the Association that asks for approval and proposes a replacement tree. There will be no fee associated with the approval process. The Association Board encourages all owners to pursue this route.

DMB and what role it plays has yet to be determined, notwithstanding the fact that it was DMB that approved the landscape design that included the Sissoo Trees. The Association via its legal counsel has requested DMB's participation asking that it help fund the project or assist in other ways that would mitigate the direct expense to each Arcadia owner. DMB maintains it has no liability.

If you review the neighborhood meeting presentations you will see that street replacement costs were discussed. Street replacement expenses have now been factored into the Arcadia reserve plan and are part of the monthly assessment everyone pays and are not part of this project cost estimate.

Right now, the Association Board of Directors needs input from Arcadia owners by way of the following three survey questions by Friday, February 7, 2020.

- 1) Do you prefer the Red Push Pistache or Southern Live Oak as the replacement tree (Only one tree species will be selected)?
- 2) Would you prefer to pay the \$22,365 Special Neighborhood Assessment in one lump sum or over three years?
- 3) In addition to the Neighborhood Assessment, would you contribute funds to legally pursue DMB, based on the position that it maintains responsibility for the situation?

To take the survey, please paste this link into your browser: www.surveymonkey.com/r/R2338VV or email Terri.Raimondi@dcranchinc.com to receive the link and ensure that we have your correct and current email address.

Sincerely,

 Darren Shaw

DC Ranch Association Executive Director



Arcadia at Silverleaf Neighborhood Meeting

October 15, 2019



Introductions

- Neighborhood Committee
- Board Members
- Legal Counsel
- Arborist
- Maintenance Services Director



Tonight's Objective

- Summarize Arcadia's sissoo tree situation
 - What's happened since the March neighborhood meeting
 - Neighborhood Committee involvement
 - DMB
- Review plan options
- Address questions from members



Sissoo Tree Count

Sissoo Tree Breakdown by Area	
Location - Arcadia	QTY
Entrance on Thompson Peak and E Parkside LN	97
Entrance on Legacy and N 98 th street.	65
Arcadia Park A	32
Arcadia Park B	36
Arcadia Park C	17
Street trees	670
Total:	917



Sissoo Trees

- These trees were required by the developer, DMB
 - They were probably selected because they grow fast, and they cost less than many other tree species
- They quickly reach 60 feet in height and 40 feet in width, creating tree-lined streets in no time
- Root systems will continue to expand (100 to 200 feet)
- Regardless of DMB's culpability, a plan of action needs to be put into place



Arborist Reports

1. **SiteWorks** – Dennis Lynch (Board Certified Master Arborist)
 - “Removal and replacement of the sissoos over time is the best option”
2. **AAA Landscape** – Shannon Scott (Certified Arborist)
 - “Each tree should be evaluated individually - root barriers, chemical treatments, root sawing and herbicide applications can be effective”
3. **Brightview** – Alec Edwards (Board Certified Master Arborist)
 - “Root systems are highly invasive – damage has already occurred and will continue to occur”
 - “I expect root related damage will become more severe”
 - “Keeping the trees is an option – many communities have elected this approach – can lead to future conflict”

Note – Sissoo trees will create conflict between neighbors – they already have



Putting DMB on Notice

- DMB has been notified of this matter via our legal counsel
- Conversations have taken place
- DMB's legal counsel claims no liability
- DMB, via the Covenant Commission, took the position in prior years that the trees could not be removed - that position has since changed
- Can DMB be sued?
 - We cannot find an attorney to take the case on a contingency basis
 - Without any pressure DMB will probably not participate
 - One option is to create a legal fund and work with an attorney on an hourly basis
 - A word from our attorney...

Neighborhood Committee Position

- The Committee's consensus is that the sissoo trees need to be removed over the next five years



Replacement Tree Options

- Southern Live Oak
- Phoenix Mesquite
- Red Push Pistachio



OPTION A



Southern Live Oak

Origin = Southeaster USA

Pros

- a) Evergreen
- b) Long lived (+100 yrs)
- c) Spreading shade tree
- d) Pest resistant

Cons

- a) Acorns
- b) Slow growth
- c) Roots may hug surface

OPTION B



Phoenix Mesquite

Origin = hybrid of semi-tropical and arid regions of South America

Pros

- a) Medium to fast growing
- b) Nice shade tree
- c) Wildlife loves this tree
- d) Will tolerate intense sun

Cons

- a) Root structure spreads on top of soil
- b) Branching can break off during storms
- c) Drops pods, flowers, and leaves

OPTION C



Red Push Pistache

Origin = hybrid of species from North Africa & Asia.

Pros

- a) Red, Orange, Yellow fall color
- b) Deep rooted
- c) Fast growth
- d) Long lived

Cons

- a) Gawky when young tree
- b) Deciduous (will lose all leaves in winter)

*This is not the tree that produces Pistachio nuts.



Who Pays for This?

- According to the Neighborhood's CC&Rs, all expenses associated with the maintenance of the street trees is a common expense shared by all neighborhood owners (Section 8.b of Sup. Dec.)



Proposed Plan (Five-Years)

- 2020-2022 - Remove all street lined trees (670) and replace half with new species
 - Total cost: \$1.04 million
 - One-time assessment of \$9,750
 - Five annual payments of \$1,950
- Alternative Option - Remove all street lined trees (670) and replace all 670 with new species
 - Total cost: \$2.1 million
 - One-time assessment of \$17,000
 - Five annual payments of \$3,400
- 2023 - Remove all 85 park area trees and replace 56 (2/3)
 - Total cost: \$206,500
 - One-time assessment of \$1,680
 - Five annual payments of \$336
- 2024 - Remove all 165 common area trees and replace 108 (2/3)
 - Total cost: \$440,000
 - One-time assessment of \$3,600
 - Five annual payments of \$720



Proposed Plan (Five-Years)

- Five-Year Plan
 - Remove all sissoo trees and replace only 499 of the 917
 - \$15,030 one-time assessment
 - Five annual payments of \$3,006
 - Alternative - Remove all sissoo trees and replace 834 of the 917 – which includes all 670 street-lined trees
 - \$22,280 one-time assessment
 - Five annual payments of \$4,456



Impacts from a Removal/Replacement Plan

- Home Value
 - The project may impact home values temporarily
- Neighborhood disruption
 - Tree removal, road repair, etc.
- Aesthetics
- Disclosures
 - Consider disclosures to prospective buyers (a matter of law)



How Will the Decision be Made?

- Ultimately, the decision responsibility lies with the Ranch Association Board of Directors based on CC&Rs
 - The Board wants to make its decision on or before the March 2020 board meeting
- Note that the Board will...
 - Consider direct feedback from the Neighborhood Committee, and community members via a neighborhood survey



Is there Insurance Coverage?

- General rule is..."If you own the tree, you own the damage it creates"
- The Association's insurance policy
 - Only common area trees are covered, due to peril - \$10,000 limit (insurable interest)
 - There could be general liability insurance available, if the common area trees damage personal property
 - Any available insurance would be limited over time, especially if we knew of a problem and did nothing
- Homeowner's insurance
 - HO3 policies may provide primary property coverage and liability coverage for damage – check with your agent



Removal Of Sissoos on Lot (not street-lined)

- Owner's can remove sissoo trees from their lot (except street-lined)
- A modification request is required
- Any associated fees will be waived



Artificial Turf in Front Yards

- It is prohibited in front yards (Covenant Commission and Standards)
- Would it have an impact on street-lined sissoo trees if it was allowed?
 - Unless drip was installed in the entire yard, no it would not
- Can the prohibition be lifted?
 - If a neighborhood survey shows that there's overwhelming support - maybe
 - It's up to the Covenant Commission



Survey Questions

- Replace all street-lined trees (670 total)?
- Replace only half (every other one – replace 335)?
- Tree selection:
 1. Southern Live Oak
 2. Red Push Pastiche
 3. Phoenix Mesquite
- One-time assessment?
- Five annual payments?
- Expand the program to eight years, as well as the annual funding?
- Would you fund a litigation fund to pursue DMB?
- Should artificial turf in front yards be permitted?



What's Next?

- Neighborhood survey
- Results are reviewed with Neighborhood Committee and Board
- The Board makes its decision on or before its March 2020 board meeting



Questions and Comments

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Residents are reminded about the Arcadia Neighborhood Meeting tomorrow, Oct. 15 at 6 p.m. at The Homestead Community Center. Alternative tree choices will be available for view and for discussion. These trees, the Southern Live Oak, Phoenix Mesquite and Red Push Pistache are approved by the Covenant Commission as possible species to replace the neighborhood's Sissoo trees that line streets, park areas and both entrances. Please come to learn about options, costs and plans for replacing the Sissoo trees. Ranch Association staff, members of the Board of Directors and a certified arborist will attend the meeting. All Arcadia owners are strongly encouraged to attend.



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Residents are reminded to attend the Arcadia Neighborhood Meeting on Tuesday, Oct. 15 at 6 p.m. to continue the conversation about the neighborhood's Sissoo trees that line streets, park areas and both entrances.

Please come to learn, provide input and discuss options to mitigate the potential outcome from these trees. Your Arcadia Neighborhood Committee will meet with Ranch Association staff tomorrow to review a proposed plan.

Following the outcome of that meeting, more details will be provided to all lot owners prior to the Neighborhood Meeting. We hope to see you next Tuesday at 6 p.m. at The Homestead Community Center.



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DC Ranch Association will hold an Arcadia Town Hall meeting on Tuesday, October 15 at 6 p.m. at The Homestead Community Center regarding the neighborhood's Sissoo trees. Details on the presentation will be released shortly, but residents are encouraged to mark their calendar to attend this informative session. Thank you and we look forward to seeing you Oct. 15.



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Arcadia at Silverleaf owners recently approved a Neighborhood Committee to work with all neighborhood owners on the formulation of a plan to address the Sisso tree situation. More than a majority of the 123 lot owners (65) voted affirmatively. Many thanks to the Neighborhood Voting Members and committee volunteers for their efforts in communicating the importance of establishing the committee to work with neighborhood owners. The Neighborhood Committee will consist of NVMs Kirk Kaprelian and Lori Reiman, and residents Colin Pickering, Blake Miraglia and Brian Del Gatto. In accordance with DC Ranch governing documents, board member and former NVM Stephen Koven will also serve as an ex-officio committee member.

Ranch Association will coordinate the first meeting of the committee. Additional contributors will include Executive Director Darren Shaw, board member Susan Grace, legal counsel Alexis Firehawk and Landscape Manager Ken Krause. Progress reports will be provided to all Arcadia owners.





February 19, 2019

**DC Ranch Association
Arcadia at Silverleaf
Notice of Important Neighborhood Meeting Regarding Sissoo Trees**

This communication is to inform all Arcadia homeowners that an important neighborhood meeting has been scheduled for **Tuesday, March 19, 2019 (6:00 to 7:30 p.m.)** at The Homestead Community Center. The subject of this meeting will be Arcadia's [Dalbergia] Sissoo Trees. As you know, the Arcadia neighborhood is lined with these trees through its streets and common areas.

Background - As Arcadia has matured and developed, its Sissoo Trees have created aggressive root systems that have, and will continue to, cause damage to both common area infrastructure (e.g., roads, sidewalks, utilities) and homeowner lots (e.g., driveways, decks, walls). As an important example, if you look close at the road transition to the curb, you will see asphalt damage (e.g., cracks, bulging) caused by Sissoo Tree roots beneath the pavement. Eventually, many of Arcadia's roads will require repair and patching. As the trees grow older, their root systems will continue to expand looking for water, causing further damage.

Meeting Purpose - In this Association-lead meeting, a presentation will be shared on Sissoo Tree concerns and potential solutions. Time will be allocated for a discussion where residents are encouraged to provide input. Part of this presentation is based on consultations with three different licensed arborists. We plan on having at least two of them at the meeting to discuss these unique trees.

At this point, three potential options for addressing Arcadia's Sissoo trees have been identified:

- 1) Do nothing knowing that there will be future costs and potential liability because the problem is known;
- 2) Address each damage related situation as it occurs and apply remedial measures to mitigate future damage, or;
- 3) Adopt a multi-year tree replacement initiative.

Please note that the foregoing concerns are real. There should be both a plan and an understanding in place to address Arcadia's Sissoo trees moving forward. Because of the way the governing documents are structured for Arcadia, all costs associated with the maintenance of the Sissoo Trees (including root maintenance and any related damage) is borne collectively by the 123 owners. Those costs could potentially be significant moving forward.

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Meeting Attendees

Please note that this meeting is for Arcadia home or lot owners. Also, in attendance will be Ranch Association staff and the Board of Directors, the Association's legal counsel, landscape manager, and roadway consultant. As mentioned, we plan on having two licensed arborists attend also.

If You Cannot Attend

While we hope everyone can attend this informational meeting, we know that might not be possible. If you are not able to attend in person, we will summarize the meeting in a report that will be shared with all owners.

If you have any immediate questions, I ask that you contact me directly at Darren.Shaw@DCRanchInc.com.

FAQs

- **How many Sissoo Trees are in "common areas?"** There are more than 900 of these trees in Arcadia. Our records indicate that more than 650 of them line the streets; the others are situated in common areas. For the most part, the street-lined trees are on private property, owned by the homeowner; however, the governing documents require the Association to maintain them.
- **What do the CC&R's say about these trees?** The amended and restated Supplemental Declaration of Covenants, Conditions and Restrictions for Arcadia (Parcel T-7) provides the following language regarding street-lined trees:

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[Letter to Arcadia at Silverleaf Homeowners](#)



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A wide-angle photograph of a residential street. The road is paved and stretches into the distance. On both sides, there are mature trees with green foliage, casting shadows on the road. In the background, there are houses with light-colored walls and some landscaping. The sky is clear and blue.

Arcadia at Silverleaf Neighborhood Meeting

March 19, 2019



Introductions

- Board Members
- Legal Counsel – Alexis Firehawk (Carpenter, Hazelwood, Delgado & Bolen, LLP)
- Landscape Manager – Ken Krause
- Arborists
 - AAA (Shannon Scott)
 - Brightview (Eric Keesen)
- Communications Manager – Terri Raimondi
- Executive Assistant and HR Administrator – Natasha Bell



Tonight's Objective

- Summarize Arcadia's Sissoo tree situation and options:
 - Current damage
 - Potential damage
 - Potential options to mitigate and their costs
 - Next steps
- Address questions from members
- Begin process to formulate a plan



Dalbergia Sissoo Trees

- **Dalbergia Sissoo** (Indian Rosewood) is a vigorous tree known to send both aggressive roots out and sprouts long distances from the parent tree
- Many consider it a nuisance tree





Sissoo Trees and DMB

- These trees were acquired by the developer DMB
 - They were probably selected because they grow fast, and they cost less than many other trees
 - They are shown on the neighborhood's environmental site plan
- 670 trees line streets (another 247 in common areas)
- They quickly reach 60 feet in height and 40 feet in width, creating tree-lined streets in no time
- Many are approaching the 15-year mark – their root systems will continue to expand



DMB Development

- DMB is the developer of DC Ranch / Silverleaf
- DMB solely controls the Covenant Commission that determines architecture and landscaping



Sissoo's in Arcadia by DMB

Sissoo Tree Breakdown by Area	
Location - Arcadia	QTY
Entrance on Thompson Peak and E Parkside LN	97
Entrance on Legacy and N 98 th street.	65
Arcadia Park A	32
Arcadia Park B	36
Arcadia Park C	17
Street trees	670
Total:	917

- According to Brightview, Sissoo trees represent 66% of total tree population – the industry standard is 10% of one tree species



Arborist Reports (sanctioned by HOA)

1. **SiteWorks** – Dennis Lynch (Board Certified Master Arborist)
 - Evidence of root encroachment damaging structures
 - Paver driveways, water vaults and retaining walls - the potential for root related damage to these types of features is significant
 - Damage is visual to streets, curbs and walls – appears to result from Sissoo tree root systems
 - Removal and replacement of the Sissoos over time is the best option
2. **AAA Landscape** – Shannon Scott (Certified Arborist)
 - Utility boxes, brick and steel headers and pavers have been lifted by some of the trees
 - Not every tree will cause damage
 - Trees adjacent
 - Each tree should be evaluated individually
 - Root barriers, chemical treatments, root sawing and herbicide applications can be effective
3. **Brightview** – Alec Edwards (Board Certified Master Arborist)
 - Root systems are highly invasive – damage has already occurred and will continue to occur
 - I expect root related damage will become more severe
 - Keeping the trees is an option – many communities have elected this approach – can lead to future conflict
 - Second option is to remove them over a set period of time



Putting DMB on Notice

- Legal counsel, on behalf of Association, sent letter to DMB dated December 4, 2018
 1. Notification of damage related to invasive roots
 2. Potential cost to remove and replace at ~\$2,000 per location
 3. Asks for DMBs participation to remedy the situation
- DMB responded to our legal counsel “that the concern is being taken seriously” ...**but no action by DMB at this time**



Other Actions Taken

- Multiple meetings with Association Board and Covenant Commission Manager
- Staff met with Arcadia NVMs on February 21, 2019
- Gained information on insurance coverage
- Started steps to form an Arcadia Neighborhood Committee for this topic



Options

- Today, we will provide 3 general approaches to address community Sissoo trees
- These options are to help “frame” different approaches



3 Potential Options

1. Keep trees, tolerate damage, accept risk of damage to private property, potential liability, and related lawsuits
 - Constantly repairing roads, weakening the tree's base by cutting roots
 - Estimates are \$8,000 per year in incremental street repair (for community)
 - The appearance of patched streets
 - Less disruption to the neighborhood in general
2. Address each damage-related situation as it occurs, and apply remedial measures to mitigate future damage
 - Same as above plus cost of remedial measures
 - This is an approach that DMB is taking at Verrado
 - Less disruption to the neighborhood in general
3. Adopt a multi-year tree replacement initiative
 - Significant expense
 - Neighborhood disruption
 - Resolves the concern and addresses the related liabilities



Tree and Streets Costs (Potential)

- Partial Removal (670 trees): Removal and replacement of street trees with a 36" box tree is ~\$2,000 - \$2,200 per tree (~\$11,400 per owner)
- Full Removal of all Sissoo Trees: Removal and replacement of all Sissoo trees with a 36" box tree is ~\$2,000 - \$2,200 per tree (~\$15,600 per owner)
- Street repairs only: \$8,000 per year for community
- Replacement all streets: One time ~\$1 million (~8,000 per owner)



How Will the Decision be Made?

- Ultimately, the decision responsibility lies with the Ranch Association Board of Directors based on CC&Rs
- Note that the Board will:
 - Consider direct feedback from the Neighborhood Committee and community members



Is there Insurance Coverage?

- General rule is..."If you own the tree, you own the damage it creates"
- The Association's insurance policy
 - Only common area trees are covered, due to peril - \$10,000 limit (insurable interest)
 - There could be general liability insurance available, if the common area trees damage personal property
 - Any available insurance would be limited over time, especially if we knew of a problem and did nothing
- Homeowner's insurance
 - HO3 policies may provide primary property coverage and liability coverage for damage – check with your agent



Sissoo Tree Removal

Long, multi-step, and complex process to remove a Sissoo:

1. Cut down and remove tree
2. Apply Systemic Herbicide: Pour or inject a systemic herbicide into the drilled holes in the stump.
3. Remove Stump: Wait 30-45 days to allow full absorption of the herbicide into the root system before removing the stump. Evidence of successful absorption will be the dieback and death of stump sprouts and nearby satellite sprouts. Commonly, there is effective sprout control to a radius of 10 to 12 feet from the stump.
4. Spot Treat Sprouts: Some roots and sprouts that grow too far from the tree to be affected by the chemical stump treatment, need to be spot treated. Dig down around the sprouts, then chase and expose as many roots as possible. Don't cut or pull up the sprouts. The larger the treatable surface, the more effective the chemical absorption. Apply the systemic herbicide directly onto the sprouts and exposed root surfaces. Persistent treatment over several months may be needed for full control.



Impacts from a Removal/Replacement Plan

- Home Value
 - The project may hurt resale values temporarily
- Neighborhood disruption
 - Tree removal, road repair, etc.
- Aesthetics
 - The project will be obvious to prospective buyers
- Disclosures
 - If the initiative moves forward, consider disclosures to prospective buyers



Who Pays for This?

- According to the Neighborhood's CC&Rs, all expenses associated with the maintenance of the street trees is a common expense shared by all neighborhood owners (Section 8.b of Sup. Dec.)
- DMB
 - We believe DMB should shoulder much of the responsibility
 - DMB, via the Covenant Commission, took the position in prior years that the trees could not be removed - that position has since changed
- There are existing reserves, of which a portion could be used for streets
- There are loan programs available



Neighborhood Involvement

- Working together is essential
- Board and staff will work with the Neighborhood Committee
- Neighborhood Committee will work to gain consensus from community on approach to take
 - The Bylaws and CCRs provide the opportunity to elect 3-5 Neighborhood Committee Members



Forming a Neighborhood Committee

Vote to enact a Neighborhood Committee for Arcadia at Silverleaf to assist with the Sissoo tree situation. The DC Ranch CC&Rs state that these committees are created to work on behalf of owners for a higher level of service or special services.

We're running a survey and would love your input. Please let us know what you think below. Thanks for participating!

The Arcadia Neighborhood Voting Members propose to form a Neighborhood Committee. Your Arcadia NVMs are Lori Reiman, Charlie Kirke and Kirk Kaprelian. A 51% vote by the Arcadia owners is needed to form the committee. Please vote yes or no and return your vote by April 3.

- ☐ Yes
- ☐ No

Please do not forward this email as its survey link is unique to you.
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What's Next?

- Vote on forming Neighborhood Committee
- Neighborhood surveys / meetings
- Continue to pressure DMB to remedy the situation

This concern is best addressed ALL working together via the Neighborhood Committee



Questions and Comments

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This communication is to provide all Arcadia homeowners with an update on the March 19 meeting that was held to discuss the neighborhood's Sissoo trees. Please read the attached letter from DC Ranch Executive Director Darren Shaw for an important recap of the items discussed, including formation of a Neighborhood Committee to represent the neighborhood in resolving the tree situation.

[March 19 Arcadia Resident Meeting Recap](#)

[Notice to Arcadia Owners regarding Sissoo Trees](#)



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March 25, 2019

Re: Election of Neighborhood Committee and Sissoo Trees

All Arcadia Owners:

Following is a brief summary of the March 19 meeting of Arcadia residents on the topic of the neighborhood Sissoo trees. Please refer to the attached February 19 Meeting Notice for additional background information.

DMB required 917 Sissoo trees as part of the Arcadia neighborhood's environmental site plan. Approximately 670 of these trees line the streets and are on your property, meaning they are owned by you; the other 247 trees are in common areas and are owned by the Association. The maintenance of these 917 trees and any action taken to remedy their damage is an Arcadia neighborhood expense, as provided in the Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions for Arcadia. The roots of these trees have already caused damage to the infrastructure (roads, sidewalks and utilities), and homeowner property could be at serious risk of damage.

Expert arborists discussed characteristics of Sissoo trees in general and they responded to questions about their specific recommendations. Three options outlined in the February 19 Notice were discussed:

1. Keep the trees; tolerate damage; accept risk to private property including liability and related lawsuits.
2. Address each damage-related situation as it occurs; apply remedial measures to mitigate future damage.
3. Replace the trees; adopt a multi-year initiative.

All three options involve significant impacts, including neighborhood disruption, moderate to significant expense, infrastructure repairs, and potential adverse impact to home values.

Since DMB required these trees legal counsel for the association, who also attended the March 19 meeting, has notified DMB about the problems and they have been asked to participate in the remedy. So far there has not been a substantive response although they indicated they take the matter seriously.

There was good discussion at the meeting and some owners expressed a sense of urgency. An action time line is being developed and communication with DMB is being accelerated.

For Arcadia owners to move forward a Neighborhood Committee will need to be elected. The Committee, working with the staff and Ranch board of directors, will be instrumental in gathering additional expert information, owner input and ultimately recommending a course of action to the Ranch Association Board of Directors. **In the next day or two you will receive a ballot to approve the candidates who are volunteering to serve on the Committee. Please cast your vote: at least 51% of the 123 owners must vote to form the Committee.** Once the Committee is elected, further information regarding this important matter will be disseminated.

Feel free to contact me with any questions regarding this matter: Darren.shaw@dcranchinc.com.

Sincerely,

Darren Shaw
Executive Director

Meeting Attendees

Please note that this meeting is for Arcadia home or lot owners. Also, in attendance will be Ranch Association staff and the Board of Directors, the Association's legal counsel, landscape manager, and roadway consultant. As mentioned, we plan on having two licensed arborists attend also.

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HISTORICAL COMMUNICATIONS BEGAN 1.27.2019

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Arcadia at Silverleaf

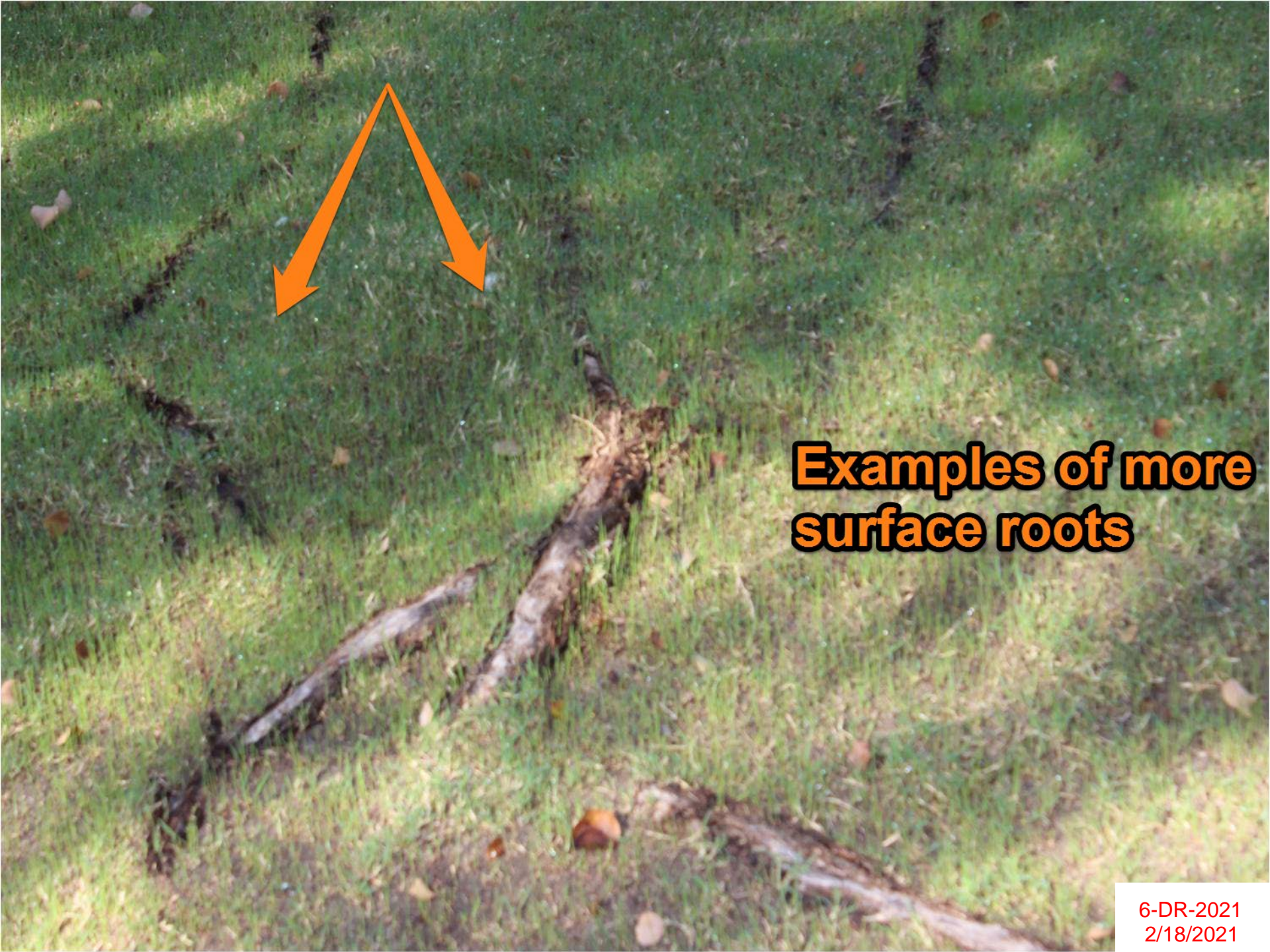


Objectives:

- Improve quality of turf in the park on Parkside Lane directly behind the manned guard gate.**
- Remove Sisso trees that are compromising street lamps, sidewalks or electrical boxes.**
- Widen tree wells to allow for proper root growth and stablization.**

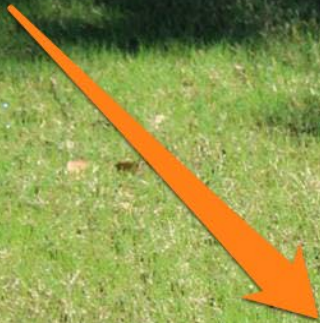


**Surface roots from
Sissoo trees in Arcadia**



**Examples of more
surface roots**

Exposed surface root





The Sissoo tree roots are causing some of the sidewalks to lift.

These areas will be repaired as safety becomes an issue.



**It is easier
to remove
the tree
than move
the electrical
box.**



**Propose to remove trees
that are too close and prune others
that are close in proximity.**



6-DR-2021
2/18/2021




6 to 8 feet

6 to 8 feet

Tree wells will be enlarged to improve the quality of the turf around these areas where the grass has difficulty growing due to shade.



**Example of Bermuda grass thinning
from shade**



**Another example
of thinning
Bermuda.**



6-DR-2021
2/18/2021



Proposal: Remove the four Sissoo trees from the park off Parkside Lane to improve the quality of turf and increase the versatility and use of the park.



Proposal: Remove these four Sisso trees to improve surrounding turf.

**Proposed
Time Frame:**

**November
2015**

Pre-holiday

A photograph of a quiet residential street. The road is paved and leads into the distance, flanked by mature trees and well-maintained lawns. In the background, there are houses with light-colored walls and dark roofs. The sky is a clear, bright blue. The overall scene is peaceful and suburban.

Arcadia at Silverleaf Neighborhood Meeting

March 19, 2019



Introductions

- Board Members
- Legal Counsel – Alexis Firehawk (Carpenter, Hazelwood, Delgado & Bolen, LLP)
- Landscape Manager – Ken Krause
- Arborists
 - AAA (Shannon Scott)
 - Brightview (Eric Keesen)
- Communications Manager – Terri Raimondi
- Executive Assistant and HR Administrator – Natasha Bell



Tonight's Objective

- Summarize Arcadia's Sissoo tree situation and options:
 - Current damage
 - Potential damage
 - Potential options to mitigate and their costs
 - Next steps
- Address questions from members
- Begin process to formulate a plan



Dalbergia Sissoo Trees

- **Dalbergia Sissoo** (Indian Rosewood) is a vigorous tree known to send both aggressive roots out and sprouts long distances from the parent tree
- Many consider it a nuisance tree





Sissoo Trees and DMB

- These trees were acquired by the developer DMB
 - They were probably selected because they grow fast, and they cost less than many other trees
 - They are shown on the neighborhood's environmental site plan
- 670 trees line streets (another 247 in common areas)
- They quickly reach 60 feet in height and 40 feet in width, creating tree-lined streets in no time
- Many are approaching the 15-year mark – their root systems will continue to expand



DMB Development

- DMB is the developer of DC Ranch / Silverleaf
- DMB solely controls the Covenant Commission that determines architecture and landscaping



Sissoo's in Arcadia by DMB

Sissoo Tree Breakdown by Area	
Location - Arcadia	QTY
Entrance on Thompson Peak and E Parkside LN	97
Entrance on Legacy and N 98 th street.	65
Arcadia Park A	32
Arcadia Park B	36
Arcadia Park C	17
Street trees	670
Total:	917

- According to Brightview, Sissoo trees represent 66% of total tree population – the industry standard is 10% of one tree species



Arborist Reports (sanctioned by HOA)

1. **SiteWorks** – Dennis Lynch (Board Certified Master Arborist)
 - Evidence of root encroachment damaging structures
 - Paver driveways, water vaults and retaining walls - the potential for root related damage to these types of features is significant
 - Damage is visual to streets, curbs and walls – appears to result from Sissoo tree root systems
 - Removal and replacement of the Sissoos over time is the best option
2. **AAA Landscape** – Shannon Scott (Certified Arborist)
 - Utility boxes, brick and steel headers and pavers have been lifted by some of the trees
 - Not every tree will cause damage
 - Trees adjacent
 - Each tree should be evaluated individually
 - Root barriers, chemical treatments, root sawing and herbicide applications can be effective
3. **Brightview** – Alec Edwards (Board Certified Master Arborist)
 - Root systems are highly invasive – damage has already occurred and will continue to occur
 - I expect root related damage will become more severe
 - Keeping the trees is an option – many communities have elected this approach – can lead to future conflict
 - Second option is to remove them over a set period of time



Putting DMB on Notice

- Legal counsel, on behalf of Association, sent letter to DMB dated December 4, 2018
 1. Notification of damage related to invasive roots
 2. Potential cost to remove and replace at ~\$2,000 per location
 3. Asks for DMBs participation to remedy the situation
- DMB responded to our legal counsel “that the concern is being taken seriously” ...**but no action by DMB at this time**



Other Actions Taken

- Multiple meetings with Association Board and Covenant Commission Manager
- Staff met with Arcadia NVMs on February 21, 2019
- Gained information on insurance coverage
- Started steps to form an Arcadia Neighborhood Committee for this topic



Options

- Today, we will provide 3 general approaches to address community Sissoo trees
- These options are to help “frame” different approaches



3 Potential Options

1. Keep trees, tolerate damage, accept risk of damage to private property, potential liability, and related lawsuits
 - Constantly repairing roads, weakening the tree's base by cutting roots
 - Estimates are \$8,000 per year in incremental street repair (for community)
 - The appearance of patched streets
 - Less disruption to the neighborhood in general
2. Address each damage-related situation as it occurs, and apply remedial measures to mitigate future damage
 - Same as above plus cost of remedial measures
 - This is an approach that DMB is taking at Verrado
 - Less disruption to the neighborhood in general
3. Adopt a multi-year tree replacement initiative
 - Significant expense
 - Neighborhood disruption
 - Resolves the concern and addresses the related liabilities



Tree and Streets Costs (Potential)

- Partial Removal (670 trees): Removal and replacement of street trees with a 36" box tree is ~\$2,000 - \$2,200 per tree (~\$11,400 per owner)
- Full Removal of all Sissoo Trees: Removal and replacement of all Sissoo trees with a 36" box tree is ~\$2,000 - \$2,200 per tree (~\$15,600 per owner)
- Street repairs only: \$8,000 per year for community
- Replacement all streets: One time ~\$1 million (~8,000 per owner)



How Will the Decision be Made?

- Ultimately, the decision responsibility lies with the Ranch Association Board of Directors based on CC&Rs
- Note that the Board will:
 - Consider direct feedback from the Neighborhood Committee and community members



Is there Insurance Coverage?

- General rule is..."If you own the tree, you own the damage it creates"
- The Association's insurance policy
 - Only common area trees are covered, due to peril - \$10,000 limit (insurable interest)
 - There could be general liability insurance available, if the common area trees damage personal property
 - Any available insurance would be limited over time, especially if we knew of a problem and did nothing
- Homeowner's insurance
 - HO3 policies may provide primary property coverage and liability coverage for damage – check with your agent



Sissoo Tree Removal

Long, multi-step, and complex process to remove a Sissoo:

1. Cut down and remove tree
2. Apply Systemic Herbicide: Pour or inject a systemic herbicide into the drilled holes in the stump.
3. Remove Stump: Wait 30-45 days to allow full absorption of the herbicide into the root system before removing the stump. Evidence of successful absorption will be the dieback and death of stump sprouts and nearby satellite sprouts. Commonly, there is effective sprout control to a radius of 10 to 12 feet from the stump.
4. Spot Treat Sprouts: Some roots and sprouts that grow too far from the tree to be affected by the chemical stump treatment, need to be spot treated. Dig down around the sprouts, then chase and expose as many roots as possible. Don't cut or pull up the sprouts. The larger the treatable surface, the more effective the chemical absorption. Apply the systemic herbicide directly onto the sprouts and exposed root surfaces. Persistent treatment over several months may be needed for full control.



Impacts from a Removal/Replacement Plan

- Home Value
 - The project may hurt resale values temporarily
- Neighborhood disruption
 - Tree removal, road repair, etc.
- Aesthetics
 - The project will be obvious to prospective buyers
- Disclosures
 - If the initiative moves forward, consider disclosures to prospective buyers



Who Pays for This?

- According to the Neighborhood's CC&Rs, all expenses associated with the maintenance of the street trees is a common expense shared by all neighborhood owners (Section 8.b of Sup. Dec.)
- DMB
 - We believe DMB should shoulder much of the responsibility
 - DMB, via the Covenant Commission, took the position in prior years that the trees could not be removed - that position has since changed
- There are existing reserves, of which a portion could be used for streets
- There are loan programs available



Neighborhood Involvement

- Working together is essential
- Board and staff will work with the Neighborhood Committee
- Neighborhood Committee will work to gain consensus from community on approach to take
 - The Bylaws and CCRs provide the opportunity to elect 3-5 Neighborhood Committee Members



Forming a Neighborhood Committee

Vote to enact a Neighborhood Committee for Arcadia at Silverleaf to assist with the Sissoo tree situation. The DC Ranch CC&Rs state that these committees are created to work on behalf of owners for a higher level of service or special services.

We're running a survey and would love your input. Please let us know what you think below. Thanks for participating!

The Arcadia Neighborhood Voting Members propose to form a Neighborhood Committee. Your Arcadia NVMs are Lori Reiman, Charlie Kirke and Kirk Kaprelian. A 51% vote by the Arcadia owners is needed to form the committee. Please vote yes or no and return your vote by April 3.

- ☐ Yes
- ☐ No

Please do not forward this email as its survey link is unique to you.
[Privacy](#) | [Unsubscribe](#)



What's Next?

- Vote on forming Neighborhood Committee
- Neighborhood surveys / meetings
- Continue to pressure DMB to remedy the situation

***This concern is best addressed ALL working together via the
Neighborhood Committee***



Questions and Comments

A photograph of a quiet residential street. The road is paved and leads into the distance, flanked by mature trees and well-maintained lawns. In the background, there are houses with light-colored walls and dark roofs. The sky is a clear, bright blue. The text "Arcadia at Silverleaf Neighborhood Meeting" is overlaid in large, white, sans-serif font across the center of the image.

Arcadia at Silverleaf Neighborhood Meeting

October 15, 2019



Introductions

- Neighborhood Committee
- Board Members
- Legal Counsel
- Arborist
- Maintenance Services Director



Tonight's Objective

- Summarize Arcadia's sissoo tree situation
 - What's happened since the March neighborhood meeting
 - Neighborhood Committee involvement
 - DMB
- Review plan options
- Address questions from members



Sissoo Tree Count

Sissoo Tree Breakdown by Area	
Location - Arcadia	QTY
Entrance on Thompson Peak and E Parkside LN	97
Entrance on Legacy and N 98 th street.	65
Arcadia Park A	32
Arcadia Park B	36
Arcadia Park C	17
Street trees	670
Total:	917



Sissoo Trees

- These trees were required by the developer, DMB
 - They were probably selected because they grow fast, and they cost less than many other tree species
- They quickly reach 60 feet in height and 40 feet in width, creating tree-lined streets in no time
- Root systems will continue to expand (100 to 200 feet)
- Regardless of DMB's culpability, a plan of action needs to be put into place



Arborist Reports

1. **SiteWorks** – Dennis Lynch (Board Certified Master Arborist)
 - “Removal and replacement of the sissoos over time is the best option”
2. **AAA Landscape** – Shannon Scott (Certified Arborist)
 - “Each tree should be evaluated individually - root barriers, chemical treatments, root sawing and herbicide applications can be effective”
3. **Brightview** – Alec Edwards (Board Certified Master Arborist)
 - “Root systems are highly invasive – damage has already occurred and will continue to occur”
 - “I expect root related damage will become more severe”
 - “Keeping the trees is an option – many communities have elected this approach – can lead to future conflict”

Note – Sissoo trees will create conflict between neighbors – they already have



Putting DMB on Notice

- DMB has been notified of this matter via our legal counsel
- Conversations have taken place
- DMB's legal counsel claims no liability
- DMB, via the Covenant Commission, took the position in prior years that the trees could not be removed - that position has since changed
- Can DMB be sued?
 - We cannot find an attorney to take the case on a contingency basis
 - Without any pressure DMB will probably not participate
 - One option is to create a legal fund and work with an attorney on an hourly basis
 - A word from our attorney...

Neighborhood Committee Position

- The Committee's consensus is that the sissoo trees need to be removed over the next five years



Replacement Tree Options

- Southern Live Oak
- Phoenix Mesquite
- Red Push Pistachio

OPTION A



Southern Live Oak

Origin = Southeaster USA

Pros

- a) Evergreen
- b) Long lived (+100 yrs)
- c) Spreading shade tree
- d) Pest resistant

Cons

- a) Acorns
- b) Slow growth
- c) Roots may hug surface

OPTION B



Phoenix Mesquite

Origin = hybrid of semi-tropical and arid regions of South America

Pros

- a) Medium to fast growing
- b) Nice shade tree
- c) Wildlife loves this tree
- d) Will tolerate intense sun

Cons

- a) Root structure spreads on top of soil
- b) Branching can break off during storms
- c) Drops pods, flowers, and leaves

OPTION C



Red Push Pistache

Origin = hybrid of species from North Africa & Asia.

Pros

- a) Red, Orange, Yellow fall color
- b) Deep rooted
- c) Fast growth
- d) Long lived

Cons

- a) Gawky when young tree
- b) Deciduous (will lose all leaves in winter)

*This is not the tree that produces Pistachio nuts.



Who Pays for This?

- According to the Neighborhood's CC&Rs, all expenses associated with the maintenance of the street trees is a common expense shared by all neighborhood owners (Section 8.b of Sup. Dec.)



Proposed Plan (Five-Years)

- 2020-2022 - Remove all street lined trees (670) and replace half with new species
 - Total cost: \$1.04 million
 - One-time assessment of \$9,750
 - Five annual payments of \$1,950
- Alternative Option - Remove all street lined trees (670) and replace all 670 with new species
 - Total cost: \$2.1 million
 - One-time assessment of \$17,000
 - Five annual payments of \$3,400
- 2023 - Remove all 85 park area trees and replace 56 (2/3)
 - Total cost: \$206,500
 - One-time assessment of \$1,680
 - Five annual payments of \$336
- 2024 - Remove all 165 common area trees and replace 108 (2/3)
 - Total cost: \$440,000
 - One-time assessment of \$3,600
 - Five annual payments of \$720



Proposed Plan (Five-Years)

- Five-Year Plan
 - Remove all sissoo trees and replace only 499 of the 917
 - \$15,030 one-time assessment
 - Five annual payments of \$3,006
 - Alternative - Remove all sissoo trees and replace 834 of the 917 – which includes all 670 street-lined trees
 - \$22,280 one-time assessment
 - Five annual payments of \$4,456



Impacts from a Removal/Replacement Plan

- Home Value
 - The project may impact home values temporarily
- Neighborhood disruption
 - Tree removal, road repair, etc.
- Aesthetics
- Disclosures
 - Consider disclosures to prospective buyers (a matter of law)



How Will the Decision be Made?

- Ultimately, the decision responsibility lies with the Ranch Association Board of Directors based on CC&Rs
 - The Board wants to make its decision on or before the March 2020 board meeting
- Note that the Board will...
 - Consider direct feedback from the Neighborhood Committee, and community members via a neighborhood survey



Is there Insurance Coverage?

- General rule is..."If you own the tree, you own the damage it creates"
- The Association's insurance policy
 - Only common area trees are covered, due to peril - \$10,000 limit (insurable interest)
 - There could be general liability insurance available, if the common area trees damage personal property
 - Any available insurance would be limited over time, especially if we knew of a problem and did nothing
- Homeowner's insurance
 - HO3 policies may provide primary property coverage and liability coverage for damage – check with your agent



Removal Of Sissoos on Lot (not street-lined)

- Owner's can remove sissoo trees from their lot (except street-lined)
- A modification request is required
- Any associated fees will be waived



Artificial Turf in Front Yards

- It is prohibited in front yards (Covenant Commission and Standards)
- Would it have an impact on street-lined sissoo trees if it was allowed?
 - Unless drip was installed in the entire yard, no it would not
- Can the prohibition be lifted?
 - If a neighborhood survey shows that there's overwhelming support - maybe
 - It's up to the Covenant Commission



Survey Questions

- Replace all street-lined trees (670 total)?
- Replace only half (every other one – replace 335)?
- Tree selection:
 1. Southern Live Oak
 2. Red Push Pastiche
 3. Phoenix Mesquite
- One-time assessment?
- Five annual payments?
- Expand the program to eight years, as well as the annual funding?
- Would you fund a litigation fund to pursue DMB?
- Should artificial turf in front yards be permitted?



What's Next?

- Neighborhood survey
- Results are reviewed with Neighborhood Committee and Board
- The Board makes its decision on or before its March 2020 board meeting



Questions and Comments



Special Board Meeting and Neighborhood Meeting for Arcadia at Silverleaf

May 25, 2021



Civil Dialogue Standards

- Respect and diversity of thought are valued at DC Ranch
- Civil dialogue should be used when addressing the Board, another resident, or a DC Ranch staff member

Call to Order

Roll Call of Board Members

- President Geoff Wilner
- Vice President Stephen Koven
- Secretary Elaine Cottey
- Treasurer Sam Hawkins
- Director Phil Geiger
- Director Greg Kiraly
- Director Don Matheson



Tonight's Agenda

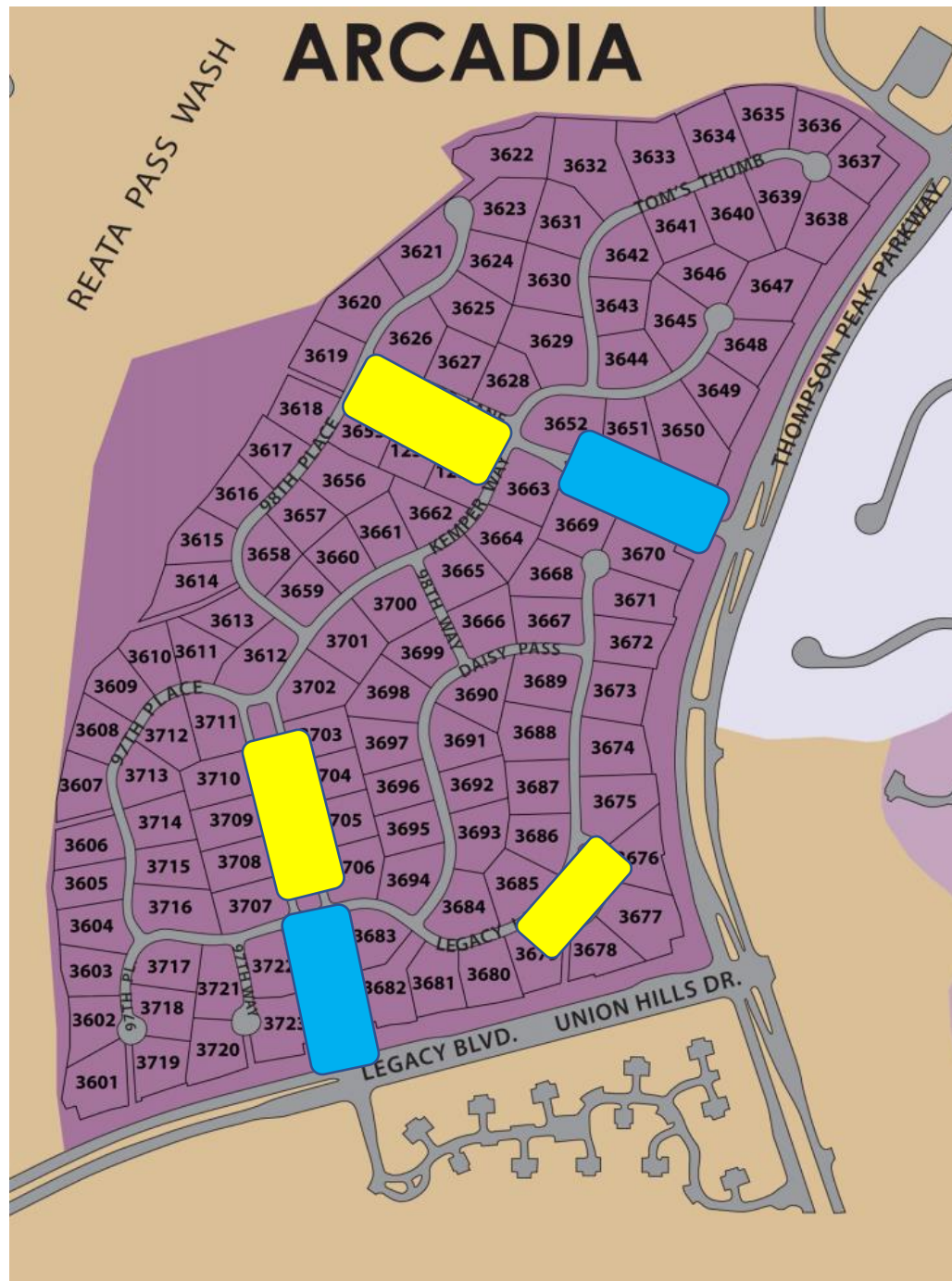


- Review and Recap History
- Summarize Arcadia's street tree status (where are we now?)
- Review alternatives



Sissoo Tree Overview

Locations	Quantity
Main Entrance Area (Thompson Peak and E. Parkside Lane)	97
Rear Entrance (Legacy and 98 th Street)	65
Front Entry Park (Kemper)	32
Rear Park (Legacy)	36
Small Park	17
Street Trees Situated on Owner Lots	670
Total	917



Entrance Trees



Park Trees



Street-lined trees

Street Trees in Arcadia

- These trees were required by the developer, DMB
 - Based on our interviews they were selected because they grow fast, and they cost less than many other tree species
- They quickly reach up to 60 feet in height and 40 feet in width
- Root systems will continue to expand (as much as 100 feet)
- Root systems have caused and will continue to cause damage to common area infrastructure and private property



Example of Root Growth

Review and Recap History

- This subject was first formally discussed at a neighborhood meeting in 2015
- Nearing the six-year mark the subject remains a divided one, and a difficult situation
- The basis for the concern is the liability the trees create (a known peril)
 - Liability for Arcadia owners, the Arcadia Neighborhood, DC Ranch community, and potentially the City of Scottsdale
 - The trees should have never been planted as street trees (too close to streets, homes, common areas, and city infrastructure)



2015 to 2019

- 10/24/2015 – Arcadia neighborhood meeting to discuss adverse impact Sissoo Trees are having on turf growth and potentially compromising sidewalks, electric boxes, and streetlamps
- 3/2016 – 16 Sissoo Street Trees are removed from Ethel's Garden area and replanted with orchard trees (\$28,000 neighborhood expense)
- 12/16/2017 – Received first arborist report (Site Works) supporting removal of the trees
- 5/29/2018 – Legal opinion received re: association responsibility and liability; trees are owned by the owners on whose lots they are located: Association can remove under maintenance provisions
- 12/4/2018 – Association's legal counsel sends letter to DMB presenting concern (DMB not interested in participating – statute of limitations)
- 1/2019-2/2019 – Two additional arborist reports (AAA and Brightview) Brightview supports removal of the trees, AAA conditional
- 3/19/2019 – Neighborhood meeting with Arcadia owners
- 3/27/2019 – Neighborhood committee election process initiated
- 8/1/2019 – Three law firms not interested in contingency fee arrangement
- 10/15/2019 – Neighborhood meeting with Arcadia owners

2020

- 1/2020 – Association Neighborhood Survey Conducted – 41 responses (payment plan, legal, Red Push Pistache)
- 2/2020 – Association Neighborhood Survey conducted – 30 responses
- 3/2020 – Public folder is created
- 6/2/2020 – DLC root inspection report received (1,244 visible sites likely due to Sissoo Tree roots)
- 7/2020 – Committee divides and dissolves on its own volition (3 members resign)
- 7/11/2020 – 10-page FAQ is sent to all Arcadia owners
- 7/14/2020 – Neighborhood meeting conducted
- 8/6/2020 – Board decides that a decision will be made at the October 5 board meeting
- 9/15/2020 – Neighborhood survey concludes (39 in favor of keeping them and 53 in favor of removing them)
- 10/1/2020 – The Board votes to proceed with the removal/replacement project
- 11/2/2020 – The Board approves the project plan and timeline
- 11/2/2020 – The Board approves contract with Landscape Architectural Firm CollectiV not to exceed \$30,000.
- 12/19/2020 – Top two trees are surveyed (Evergreen Elm and Fan Tex Ash) – 28 owners respond (20 for Evergreen Elm)

2021

- 12/9/2020 to 1/4/2021 – The Evergreen Elm was selected by the Board as the replacement tree. The Neighborhood was notified
- 2/5/2021 – Road repair project is completed. More than 100 patches all due to Sissoo Tree roots (\$87,000)
- 2/17/2021 – The Association through its landscape architect (CollectiV) submits a development application to the City of Scottsdale seeking approval to remove 670 street lined Sissoo Trees located on owner lots in the Arcadia neighborhood, replacing each one with a 48” box Evergreen Elm
- 3/26/2021 - Response from the city re: the project is received with comments
- 5/6/2021 – Contract signed with Gothic Landscape to install root barriers along roadside in three parks (\$28,740)

Discussion Points



Other cost-effective measures and alternatives to tree removal



Environmental impacts



Disturbance of established street character



Authority for DCRA to remove the trees



Financial impacts to owners



Litigation between residents and DCRA

Other Cost-Effective Measures and Alternatives to Tree Removal

- Other than the cost to remove and replace the trees, the Board has explored the following cost-effective measures and alternatives
 - Don't replace all the trees (e.g., every other one)
 - Root pruning where practical (not a standard practice)
 - The use of root barriers where practical
 - Using chemical compositions to potentially control root growth
 - Utilizing a radar device that identifies underground roots
 - Owners accepting liability (indemnification to Association) for the trees, rather than exposing the community at large

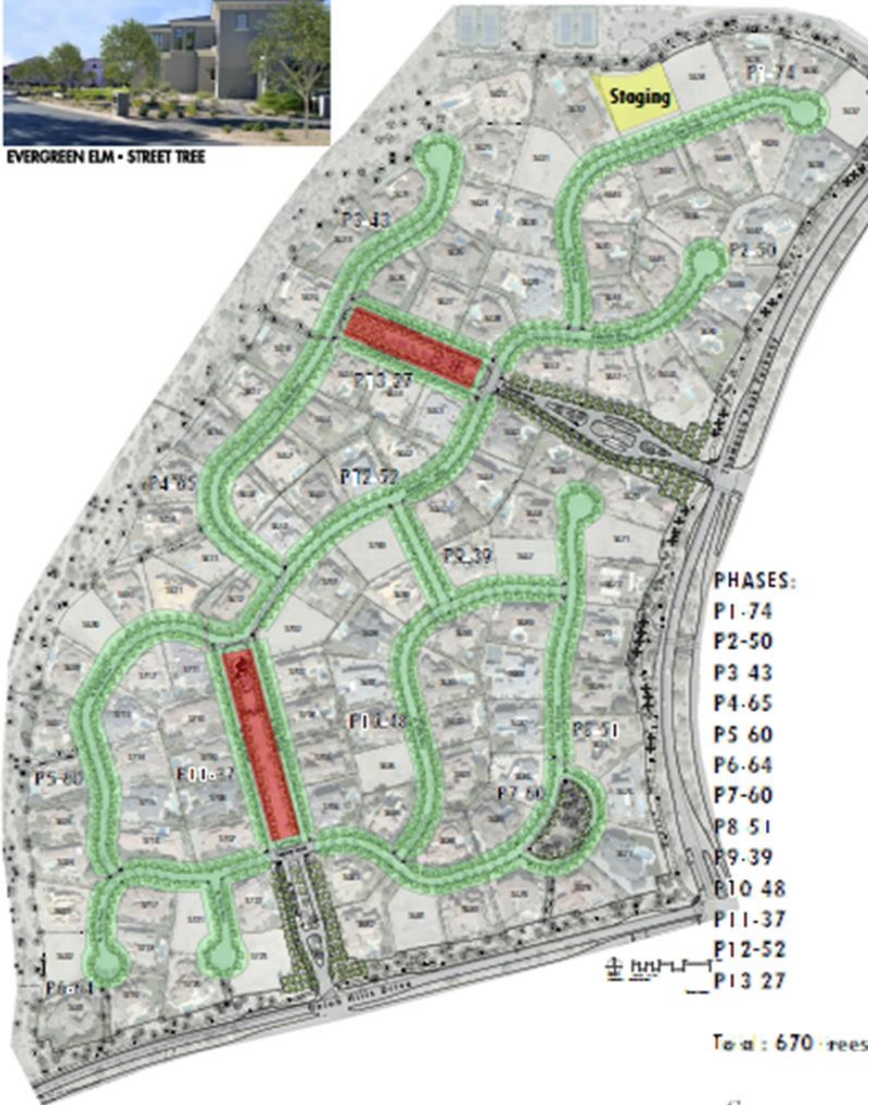


**DMB's Verrado
Root Mitigation Work
Jim Kauth**



DC Ranch Environmental Promise

- DC Ranch is developed in one of the most pristine areas of the McDowell Sonoran Desert and adjacent to the Sonoran Preserve. Residents today, and homebuyers in the future, see environmental sustainability and stewardship as an important value and responsibility. DC Ranch has an opportunity to have its community and brand identified with environmental sustainability/stewardship as a differentiating factor.
-



STREET TREE MASTERPLAN EXHIBIT

Environmental Impacts

- Removing and replacing each street tree (1 for 1) – common area trees will remain untouched
- Sissoo Trees are creating environmental damage to common area and private property
 - They also compete for water resources
- This project will be thoughtfully carried out – focusing on the long-term view/impact
- The work plan is to divide the neighborhood into 13 phases (will have a minimal impact on wildlife) – two to three years to complete
- Each phase will need to be fully complete before moving onto the next phase
- The plan is to recycle the Sissoo Tree wood
- The Covenant Commission-approved tree (Evergreen Elm) will serve as a suitable replacement tree that will lesson environmental impacts

Disturbance of Established Street Character

Arcadia

Neighborhood Tree Replacement

JANUARY 2021

collectiV

Evergreen Elm



** Length of Deciduous	Growth Rate	Canopy Character	Longevity (Years)	Size HxW	Bloom	Maintenance
Mid Dec- Late Jan	Fast Up to 36" Per Year	Spreading Umbrella Shape	50-150	35'H x 35'W	Fall Inconspicuous Greenish Yellow	Regular Watering, Leaf Droppings In Winter



EVERGREEN ELM

DAY 1 AFTER INSTALL



EVERGREEN ELM

5 YEARS AFTER INSTALL

*TREES REPRESENTED IN RENDERINGS ARE "BEST ESTIMATE" OF GROWTH, SIZE, & LOOK. TREE HABITS WILL VARY BASED ON MANY VARIABLES INCLUDING BUT NOT LIMITED TO WATER, SOIL, MAINTENANCE AND SEASONAL VARIATIONS. GRAPHICS SHOWN ARE FOR GENERAL LOOK AT INSTALL 1 & 5 YEARS GROWTH.

**LENGTH OF LEAF DROP VARIES BASED ON SEASONAL TEMPERATURE VARIATION, ELEVATION AND SUN EXPOSURE.

48” Box – the biggest tree we can use

Authority for DCRA to Remove the Trees

- Owners knowingly bought into a deed restricted community, where elected board members govern
- It is a fact that deed restricted communities enhance real estate values
- The Sup. Decs. for Arcadia provide the following language:
 - 8.b. Street Trees: Declarant intends to install (or to cause homebuilders or other third parties to install) trees and irrigation facilities serving such trees in the areas located between the outside edge of the private street improvements and the sidewalks located along the perimeter of the lots
 - Declarant grants to the Association a perpetual, non-exclusive easement over each of the lots ...for the installation, maintenance, and irrigation...
 - A 2018 legal opinion from Attorney Alexis Firehawk confirms the foregoing as authority to remove and replace the street trees located on owner lots

Financial Impacts to Owners

- The Neighborhood's CC&Rs provide that all expenses associated with the maintenance of the street trees is a common expense shared by all neighborhood owners (Section 8.b of Sup. Dec.)
- 2021-2023 – Remove all street lined trees (670) at an estimated cost of \$3,000 per location and replace with 48" box Evergreen Elm
 - The cost includes new irrigation with fertilization program
 - Total cost estimated at \$2 million (shared proportionately by 123 owners)
 - One-time assessment of \$16,260 (could be discounted), or three annual payments of \$5,420
- If the trees are not removed, street repairs, damage to personal property (homes/improvements), common area, and utilities will continue indefinitely (difficult to quantify cost)
 - \$90,000 in street repair was spent in 2020
 - \$28,000 will be spent on root barriers in park areas in 2021

Litigation Between Residents and DCRA

- Sissoo Tree related liability concerns must be appreciated and understood
- Litigation will not resolve the concern, so long as the Sissoo Trees remain on owner lots
- Could be costly to all involved, especially Arcadia owners
- Maintenance is not the issue at this point in the process because
 - Sissoo trees should have never been used for street trees
 - No root barriers were installed when the trees were planted to help mitigate the damage they are now causing

Other Large-Scale Communities Removed Their Sissoo Trees and Replaced Them

AZ Traditions – Surprise (500)

Coronado Ranch – Gilbert (count not verified)

Cortessa – Waddell (count not verified)

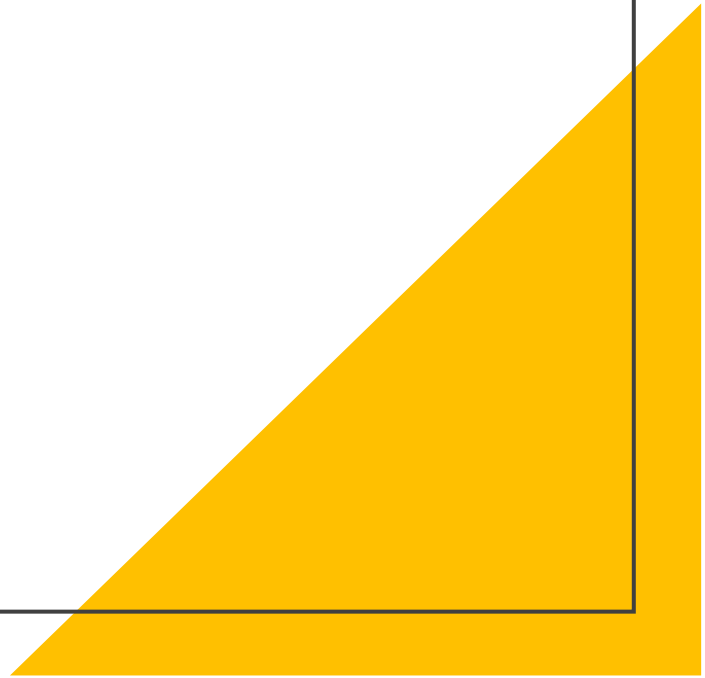
Desert Place at Morrison Ranch – Mesa (793)

Estates at Ridgeview – Phoenix (138)

Fulton Ranch – Chandler (331)

Stetson Valley – Phoenix (count not verified)

The Final Two Surveys



Replacement Tree Options - Surveys (November 2020/January 2021)

November 2020

<u>Tree Options</u>	<u>Responses</u>	<u>% of Responses</u>
Evergreen Elm	12	27.91%
Fan Tex Ash	10	23.26%
Red Push Pistache	9	20.93%
Southern Live Oak	6	13.95%
Tipu	6	13.95%

On January 1, 2021, the second survey concluded with 28 total responses; 20 Arcadia owners selected the Evergreen Elm as the replacement species and 8 Arcadia owners selected the Fan-Tex Ash. Based on input from the Project Team and owner survey, the Board decided at its January 4, 2021, monthly meeting to select the Evergreen Elm as the replacement tree when the Sissoo Trees are removed.

Fan Tex Ash



Evergreen Elm



**Length of Deciduous	Growth Rate	Canopy Character	Longevity (Years)	Size HxW	Bloom	Maintenance
Late Nov- Jan	Fast Up to 36" Per Year	Round/ Predictable	50-150	40'H x 30'W	Minor Inconspicuous Small Buds Fall Color Yellow	Regular Watering, Leaf Droppings In Fall, May Require Periodic Aphid Treatment
Mid Dec- Late Jan	Fast Up to 36" Per Year	Spreading Umbrella Shape	50-150	35'H x 35'W	Fall Inconspicuous Greenish Yellow	Regular Watering, Leaf Droppings In Winter



*TREES REPRESENTED IN RENDERINGS ARE "BEST ESTIMATE" OF GROWTH, SIZE, & LOOK. TREE HABITS WILL VARY BASED ON MANY VARIABLES INCLUDING BUT NOT LIMITED TO WATER, SOIL, MAINTENANCE AND SEASONAL VARIATIONS. GRAPHICS SHOWN ARE FOR GENERAL LOOK AT INSTALL 1 & 5 YEARS GROWTH.
**LENGTH OF LEAF DROP VARIES BASED ON SEASONAL TEMPERATURE VARIATION, ELEVATION AND SUN EXPOSURE.

Insurance Coverage?

- DCRA has insurance (D&O, \$25,000 deductible)
 - Arcadia owners pay that according to a 2018 board resolution and the Sup. Dec.
 - Assuming the trees stay...how many claims will the insurance carrier cover?
- Insurance rates adjust due to frequency and amount of claim awards
- The Association's insurance policy
 - Only common area trees are covered, due to peril - \$10,000 limit (insurable interest)
 - There could be general liability insurance available if the common area trees damage personal property
 - Any available insurance would be limited over time, especially if we knew of a problem and did nothing
- Homeowner's insurance
 - HO3 policies may provide primary property coverage and liability coverage for damage – check with your agent

Removal and Replacement of Sissoo Trees on Owner's Lot (not street- lined)

- Owner's can remove/replace Sissoo Trees from their lot (except street-lined)
- A modification request is required (form at DCRanch.com)
- Any associated fees will be waived

What's Next?

- The Board will meet with legal counsel to review comments from today's meeting
- The Board will either ratify its October 2020 decision to remove/replace the trees, or modify its position
 - Continue with the City response to the first submittal
 - Reconsider alternatives

Questions and Comments

