



*Bellevue
Neighborhood Mediation Program*

425-452-4091

TREES, TREES, TREES:

Finding Solutions, Maintaining Neighborhood Relationships

Trees are at the “root” of many of the conflicts that are resolved by the Bellevue Neighborhood Mediation Program. Many people move to the Pacific Northwest to enjoy the wooded environment, and purchase real estate because of the existing trees. Others plant trees to provide shade and privacy. Controversy occurs when trees block views or sunlight, or shed debris on neighboring property. This brochure is written to provide tree owners and their neighbors with ideas about approaching and resolving the problems associated with trees.

Legal rights and responsibilities of tree owners and their neighbors. *This information is a summary of some topics covered in a book called Neighborhood Law: Fences, Trees, Boundaries and Noise, by Attorney Cora Jordan. Nolo Press, Berkeley, CA. 1997. Laws change frequently, and vary from state to state. This information should not be construed as legal advice.*

Who owns the tree? If the trunk stands completely on the land of one person, the tree belongs to that person. If the tree is a boundary tree (when a trunk



straddles a property line), the tree is jointly owned by the different landowners. A person who damages or removes a tree on someone else’s property, accidentally or intentionally, may have to pay the tree owner for damages and penalties.

Can I trim my neighbor’s tree? In most cases, you may trim branches and roots which encroach on your property. You are most likely responsible for the cost of trimming. However, you must stay within certain guidelines:

- trim only up to the property line
- do not enter the owner’s property without permission
- do not destroy or damage the tree by trimming roots or branches.

Before you trim, consider the health and symmetry of the tree. Another approach may be to offer to share the cost of trimming the whole tree.

What if a tree is dangerous? The first thing you will want to do is approach the tree owner with your concern. A tree owner who has been notified that his tree is unsound may be liable for damages caused by the tree. Your neighbor may need proof that the tree is a danger, and you may want to get the expert advice of an arborist or a tree service. Although



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this may be an expense to you, it may be the most cost-effective preventative measure you can take. You may want to send a written note to your neighbor, along with the expert opinion.

What can be done if a tree blocks a view? In most areas, there are no laws that protect views. However, you may live in a neighborhood that is protected by covenants. Check with your neighborhood association to see if they have procedures for addressing view concerns. There are many ways to trim trees to maximize views without removing or topping a tree. Here are some ideas to protect both trees and views (from Plant Amnesty and Sunset Magazine.):

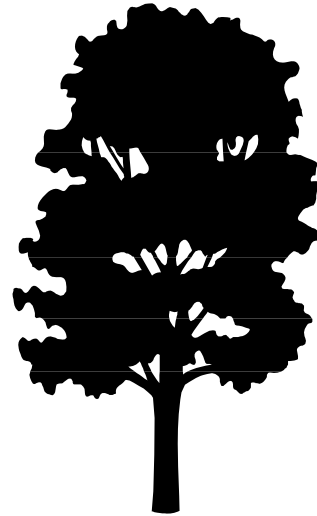
Thinning (keeping the structure but remove some of the foliage). Trees can be made more satisfactory as focal points by thinning the canopy. The actual amount that can be removed varies by species, and should be done by tree experts. Generally, it is advised that removing less than one quarter of the foliage will prevent the tree from resprouting and causing future problems. Avoid topping a tree, as this is not a good long-term solution. A dense mass of branches and shoots will ultimately create a broader and denser top than was there before.

Windowing (creating view holes). Windowing is often the best choice when a tree is large and close in. By carefully choosing which branches to cut, you can leave a window in a tree that leaves a fully framed view of whatever lies beyond. Be sure to balance the trimming by doing some pruning on the other side.

Skirting (removing the lower portion). Depending on the position of the tree, removing the lower limbs may open up the view. This is called skirting or limbing up. It is not a good idea to limb more than a third of the way up, as this makes the tree look top heavy and may pose a danger.



Skirting a tree



What if the neighbors tree is really bothering you?

Speaking with your neighbor is the best approach. Before you go to talk with your neighbor, think about what is troubling you and ask yourself several questions:

- What is bothering me about the tree?
- What does the neighbor like about the tree?
- What do you need?
- What might your neighbor need?

When approaching your neighbor, express your concerns rather than your solutions. Think of a way of stating your concern in a non-threatening way. For example, “*I am concerned that the needles from your fir tree may cause damage to my roof*” is much less threatening than: “*I want you to pay for the damage your tree has caused my roof.*”

Next, express your needs: “*It’s important to me to have more sunlight for my vegetable garden*”, or, “*I’d like to spend less time on yard maintenance.*”

Be prepared to listen to your neighbors point of view. Realistic and durable solutions accommodate everyone’s needs. Ask the other person to tell you what they value about the tree. It may be they like the shade, or the privacy. Look for a lasting solution that will insure that the problem is permanently solved with no hard feelings.

Ask your neighbor what kinds of options they would consider. By engaging the other person in developing options, you will increase the number of ideas to be considered. “*If we could find a solution that protected your privacy and restored my view, would you consider it?*”

Try mediating. If talking directly to your neighbor doesn’t result in a solution, contact your neighborhood mediation program. In Bellevue, you can call the Bellevue Neighborhood Mediation Program at (425) 452-4091. This service is available to residents of Bellevue without a fee. If you live other areas of King County, contact the King County Dispute Resolution Center at (206) 443-9603.

What other resources are available? *Plant Amnesty* has information on trees. Their address is PO Box 15377, Seattle, WA 98115, website: www.plantamnesty.org. *The International Society of Arboriculture (ISA)* provides pruning standards and a list of ISA certified arborists. Their address is ISA National, PO Box 3129, Champaign, IL 61826-3129, website: www.champaign.isa-arbor.com, or the Northwest Chapter at: www.pnwisa.org. *The National Arbor Day Foundation*, 100 Arbor Avenue, Nebraska City, Nebraska 68410, website: www.arborday.org also has a series of informational bulletins on a wide variety of tree-related issues. The *Washington State Department of National Resources* has information on maintaining trees at its website: www.dnr.wa.gov.

