

# DECISION PAPER



June 17, 2016

**Issue:**

On-going maintenance inspections through the homeowner inspection program has brought to the attention that creating rules specific to on-going maintenance would improve member education, understanding and compliance, as well as reaffirm the inspection scope and association authority to peruse compliance with the Association Covenants and Restrictions and Architectural Standards Rules, Procedures and Land Use.

**Background:**

The current wording in the On-going Maintenance/Compliance Inspections and Procedures Rule contained in the Architectural Standards Rules, Procedures and Land Use is:

*As provided in the C&Rs, the ASC has the responsibility of enforcing compliance with ongoing maintenance requirements and all AS Rules.*

*The ASC may, after reasonable notice (per Article III, Section 6 of the C&Rs), and without liability to the Owner, enter upon any lot for the purpose of maintaining it or removing any improvement constructed, altered or maintained thereon in violation of the C&Rs or Rules, as well as to restore any lot to its natural condition, where the Owner has failed to respond to notice given by the ASC regarding the violation. The owner will be liable for any costs to Tahoe Donner Association to correct rule violations.*

*The Rules and Procedures employed by the ASC in implementing its ongoing maintenance compliance program are outlined below. ASC Rules: Section XV(pg 22).*

When referring to the Covenants and Restrictions, they do not specifically state the on-going maintenance standards yet only describe general owner responsibility to conduct maintenance as described in Article V Section 1.(c) pg 24:

*Maintenance of Existing Improvements and Lots. The Committee's jurisdiction and responsibilities hereunder shall also extend to and include the monitoring and regulation of existing Improvements and Lots for the common benefit of the Tahoe Donner community to ensure that the Improvements and Lots are being maintained and used in accordance with Articles VI, VII, and VIII of this Declaration.*

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Article VII Section 2 pg 38:

*Owner Maintenance Responsibility. Except as may be otherwise provided in any Supplemental Declaration Recorded with respect to any Condominium project with the Properties, each Owner shall be responsible for the maintenance and repair of his or her Residence and/or Lot.*

The ASO staff has thus far performed the homeowner inspection with the the New Construction Standards as outlined in the Covenants and Restrictions and Architectural Standards Rules. The Committee and management consider inspecting to the new construction standards in many cases to be too stringent for on-going maintenance. Creating and providing minimum on-going maintenance standards will aid member education, understanding and compliance, as well as reaffirm the inspection scope and association authority to peruse compliance with the Association covenants and restrictions and Architectural Standards Rules, Procedures and Land Use.

At the February board meeting the Board of Directors approved the draft recommended rules to go out for 45-day member notification which was published in the March 2016 TDNews. Official submitted written comments are included for review. The Board postponed consideration of the new rules for an additional two months to allow for further member comment via town hall meetings. A copy of the town hall summary is provided.

## Options:

1. Do not create a rule set for on-going maintenance;
2. Consider approving on-going maintenance rules as drafted;
3. Consider on-going maintenance rules with modifications;

## Recommendations:

The Architectural Standards Committee and management requests the Board of Directors consider approving Option 2: approving on-going maintenance rules.

New rules on-going rules are as attached.

Prepared By: Annie Rosenfeld and Architectural Standards Committee

General Manager Approval: \_\_\_\_\_

Date: 6/17/16

## ARCHITECTURAL STANDARDS NEW ONGOING MAINTENANCE RULES

The proposed Architectural Standards On-Going Maintenance rules are as follows:

### **X. Maintenance**

Due to the high altitude and weather extremes experienced in Tahoe Donner proper and continued maintenance of our property is especially important. Maintenance is the act of caring for property, preserving it from failure or deterioration, including painting, caulking, cleaning, and minor, non-structural upkeep as defined by the minimum standards described below.

**X.1 Exterior Wall Surface.** For the maintenance issues listed below all repairs or refinishing to these items shall match currently approved colors, unless a permit is obtained. Minor repairs or repainting with the identical color scheme shall not require an ASO permit. Change in color or scheme will require a permit.

#### **X.1.1 Wood Siding and Trim**

X.1.1.1 Paint is peeling or is not a uniform color on the surface of wall.

X.1.1.2 Stain is absent or is not a uniform color on the wall surface.

X.1.1.3 Siding and trim is missing, damaged, decayed, or does not match remaining siding and trim.

#### **X.1.2 Stone Siding or Accents**

X.1.2.1 Stone is damaged or missing.

X.1.2.2 Grout is obviously absent.

X.1.2.3 Flashing is damaged, missing or needs refinishing.

#### **X.1.3 Metal Siding or Accents**

X.1.3.1 Damaged or missing portions of metal.

X.1.3.2 Finish is not uniform in appearance.

X.1.3.3 Metal is rusting (not applicable to metal designed to oxidize – e.g. Cor-Ten).

#### **X.1.4 Stucco**

X.1.4.1 Not uniform in appearance (stained, mildewed, or significantly discolored).

X.1.4.2 Portions missing, damaged or substantially cracked.

#### **X.1.5 Other Wall Surfacing**

X.1.5.1 Any other material not covered above shall be maintained to keep its appearance as originally approved.

#### **X.1.6 Windows and Doors**

X.1.6.1 Paint or stain is not uniform, or is peeling.

X.1.6.2 Frames are visually inconsistent in appearance.

- X.1.6.3 Trim does not meet X.1.1 requirements.
- X.1.6.4 Windows, doors, and screens are damaged or are visually inconsistent in appearance.
  
- X.1.7 Foundations and Footings**
- X.1.7.1 Damage that exposes unfinished concrete.
- X.1.7.2 Foundations or piers not treated with a finish.
  
- X.2 Roof.** The condition of a roof will be individually determined when viewed from any one of the four primary aspects (street view, 2 sides and rear). When repairing a roof from tree or storm damage, color shall be the best commercial match available to the existing roof material. Contact the ASO if the existing roof is too worn or faded to reasonably match any replacement panels.
  
- X.2.1 Metal Roof.** A roof will be considered to have failed Tahoe Donner's architectural minimum standards when:
  - X.2.1.1 More than approximately 20% of an individual roof aspect has bare metal showing.
  - X.2.1.2 Areas where paint has peeled is clearly visible from the street or any neighboring property edge.
  - X.2.1.3 The roof aspect is not a uniform color due to unequal fading.
  - X.2.1.4 There are visible areas of rust (excluding weathering steel products that are designed to have visible oxidation) on that roof aspect.
  
- X.2.2 Composite Roof Shingles**
- X.2.2.1 Roof is to be free of numerous visible missing or damaged shingles. Replacement shingles to match existing color as closely as available.
- X.2.2.2 Discoloration shall be addressed.
- X.2.2.3 Metal ice dam edging and flashing shall meet the same standards as a Metal Roof Section X.2.1.
  
- X.3 Chimneys and Other Roof or Wall Vents.** All chimneys, vents, conduit, piping, or ancillary features shall be painted or stained to blend and be consistent with the adjacent materials.
  
- X.4 Decks and Exterior Stairs**
- X.4.1 The horizontal surface of the deck shall be maintained with a uniform color, finish, and material.
- X.4.2 Handrails around the deck shall be maintained with a uniform color and appearance through the structure. Any missing pickets or mesh shall be replaced to match existing.
- X.4.3 Exterior stairs shall be maintained with a uniform color, finish, material, and free of damage.
- X.4.4 Visible deck framing and hardware shall be maintained so as to be uniform in appearance.

- X.5 Site Improvements and other Structures.** The location of these items shall be as limited by lot setbacks.
- X.5.1 Sheds shall be maintained to match color and material of the house - X.1 through X.4 above.
- X.5.2 Garbage can enclosures that are metal ARGCE shall meet the requirements of metal roofing above. Custom structures shall maintain the material and color scheme of the house, paragraphs X.1 through X.4. Both shall have functional doors and secure locking systems.
- X.5.3 Dog runs/fences shall be maintained in their currently approved color, appearance, and function.
- X.5.4 Hot tubs shall be maintained in their currently approved color, appearance, and function.
- X.5.5 At grade patios and walkways shall be maintained with a consistent walking surface. Repairs to heaving and settling shall be required as needed.
- X.5.6 Retaining walls shall be maintained. Raw concrete walls shall be painted or stained in their currently approved color.
- X.5.7 Artificial turf shall be maintained per original approved installation.
- X.5.8 Any paved surface shall be maintained, free from potholes or excessive cracking. Driveways should be resealed every 2 or 3 years depending on exposure, slope, and type of snow removal equipment used.
- X.5.8 Exterior lights shall be maintained to the currently approved fixture and location, and be free of damage. Flood lights shall be maintained to be shrouded, have a uniform color, , and directed only downward.
- X.5.9 Fire pits shall be maintained in their exterior surfaces in accordance with the standards in X.1 for exterior finishes.