

45 DAY NOTICE

PROPOSED NEW AND AMENDMENTS TO COVENANTS PRIVATE PROPERTY RULES: FIRE SAFETY AND FOREST HEALTH

Pursuant to Tahoe Donner Covenants and Restrictions C&R Article III, Section 7, prior to board of director consideration and approval.

Changes to the Covenants Private Property Rules: Fire Safety and Forest Health will be considered for action by the Board of Directors. The Board of Directors is expected to take action to adopt the proposed new rules and amendments, as they are presented here or with some modification, at its June board of directors meeting, currently scheduled for Friday, June 21, 2019. The board welcomes any input you may wish to offer regarding this process.

BACKGROUND

The Covenants Committee and Forestry department completed a programmatic review of the Homeowner Defensible Space Program including the procedures, rules for minimum standards and communications provided to accomplish the mission of maintaining a health forest and reducing the fire hazard to the community.

In this review three areas of the Covenants Rules were recommended for changes to create further clarity to the member for minimum standards of fire safe conditions. These recommendations for new and amended rules provide synergy between the inspection outcomes and the minimum standard rules relating to which a member must maintain their lot or improved lot.

Additionally, through the last ten years of the defensible space program, the Forestry department has seen items which are either eyesores to the natural environment including blue tarps and/or inappropriate tree removal leaving tall stumps which pose an invasive species threat as well as eventual rotting and combustible unit. As such staff and the committee is recommending amendments in the private property fire safety rules section of the Covenants Rules to regulate the color of tarps used on the lot and maximum stump height allowed.

Staff is recommending a restructuring of the section to create Fire Safety and Forest Health headings with new and amended rules placed under the headings. Part of this restructuring is breaking apart long paragraphs and separating into subheading sections. This will improve the organization of the Covenants Rule document and administrative function and efficiency.

Key Dates:

- May 1, 2019: 45-Day Member Notification and Comment Period begins
- May 18, 2019: Board of Directors meeting; hears additional member comment, discussion item only

- June 21, 2019: Board of Directors consider taking action on proposed changes to the Covenants Fine Schedule with or without some modifications.

Purpose: The purpose of the proposed new and amendments to the Private Property Rules: Fire Safety and Forest Health is,

- Provide detailed guidelines to homeowners for defensible space and maintenance of Lots;
- Explain Tahoe Donner Association expectations of fire-safe condition maintenance on private properties
- Restructure of Fire Safety and Forest Health related rules for improved rule book organization.

Effect: The effect of these proposed rules on homeowners is,

- Improved fire hazard mitigation on private properties

PROPOSED NEW AND AMENDED COVENANTS PRIVATE PROPERTY RULES: FIRE SAFETY AND FOREST HEALTH

The proposed changes to the Covenants Rules are as follows:

Fire Safety. Owners ~~of lots (both improved and unimproved)~~ are required to be responsible for and maintain their Lots (both improved and unimproved) for the maintenance of their lots in a fire-safe condition at all times. C&R Article VII, Section 2. The Association will inspect Lots according to an established inspection cycle and/or upon request or complaint. Insurance companies and other agency inspectors may require greater distances of defensible space around structures. Fire-safe condition includes the removal of nuisance firewood including but not limited to old, unused or decomposed wood. No campfires, bonfires, or fireworks of any kind are allowed on private lots, common areas, or other association-owned properties at any time. Commercially manufactured gas and charcoal barbeques, smokers, and commercially manufactured fire burning devices, such as outdoor fireplaces and chimineas, equipped with screening and/or spark arrestors, with a maximum screen opening of 1/8th inch, to prevent the escape of sparks and coals, and operated in compliance with the Town of Truckee and the Truckee Fire District's safety and building codes, and according to the manufacturer's instructions, on private property lots only, will be allowed. Property owners wanting to build their own permanent barbeques or other outdoor fire burning devices equipped with electricity or gas, must obtain the appropriate Town of Truckee building and plumbing permits and build to the Town's building codes. The appearance design and location must be approved by the Tahoe Donner ASC if any part of the permanent structure is over 3 feet high. The burning of yard debris is allowed, only after obtaining a permit from the Truckee Fire District, on permissive burn days as determined by the Fire District, from late fall depending on weather conditions, until no later than March 31. The first violation of these rules will result in a hearing. C&RS Article VIII, Section 1(a)(iv).^[AR1]

Minimum standards and requirements of fire-safe condition are set forth:

(subheadings under Fire Safety)

Vegetation Removal. No person may remove, cut, ~~or limb~~ any tree greater than four inches in diameter (measured three feet above the ground) without first obtaining a permit from the TDA Forestry Department. No heavy equipment may be used to remove brush without first obtaining a permit from the TDA Forestry Department. C&RS-Rs Article VIII, Section 1(a) (xi).

Tree Limbing. Property owners may limb trees without obtaining a permit from the TDA Forestry Department subject to the following:

- 1) Dead limbs may be removed up to a height of 35 feet above the ground.
- 2) Green limbs may be removed up to a height of 15 feet above the ground.

100-foot Defensible Space around Structures. Property owners of all Lots are responsible to maintain a defensible space zone for a distance of 100 feet (or to their property line) from all structures, including decks.

100-foot Defensible Space from Property Lines. Property owners of all Lots are responsible to maintain a defensible space zone for a distance of 100 feet from all property lines.

Roofs Free of Dead Vegetation. Property owners are responsible to maintain all roofs of any structure free of leaves, needles, or other dead vegetative growth.

10-foot Clearance from Chimney or Stovepipe. Property owners are responsible to remove any portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

Chimney Must have an Approved Spark Arrestor. A spark arresting cap with 1/2-inch mesh or smaller screen is required on all chimneys.

10-foot Clearance from Propane Tank. Property owners are responsible to remove any portion of any tree brush or dry flammable vegetation which extends within 10 feet of any propane tank.

Pine needles on the Ground. Pine needles must be collected and removed within 10 feet of any structure or deck. On the rest of the property the pine needles should not be allowed to build up to more than 2 inches in depth.

Firewood Storage. Old, unused or decomposed (nuisance) wood must be removed. Firewood rounds cannot be stored on the -property due to decomposition and invasive species infestation causing fire hazard. The wood must be split and neatly stacked. Firewood, in any form, cannot be stored on undeveloped lots. Lumber, split and stacked firewood, and any flammable material should be stacked 30-foot from structures. Firewood can be stacked closer if covered with durable earth toned tarp and on gravel or other nonflammable material. Firewood stacking within the 30-foot defensible space is not advisable.

Down Woody Material. Downed woody material- trees, branches, limbs, shrug boles, and

other woody materials - between 1/2 inch and 12 inches in diameter must be removed from the property.

Dead Tree Removal. All dead trees must be removed from the property.

Brush Removal. No brush is allowed within 10 feet of any structure. In the zone within 30 feet of any structure 5-foot diameter clumps of brush are allowed if they are separated from adjacent clumps of brush by 20 feet. In the zone 31 feet from any structure to the property line 10-foot diameter clumps of brush are allowed if they are separated from adjacent clumps of brush by 15 feet. No brush is allowed under or within 10 feet of the drip line of trees.

Small Tree Thinning. Individual small trees (<10 inches in diameter) may be designated by the forestry department for removal.

Lower Branch Removal. For trees greater than 15 feet in height, the lower branches will be removed 6 feet from the ground. For those less than 15 feet in height, the branches will be removed for 1/3 the height of the tree from the ground.

Dry Grass and Weeds. Within 30 feet of any structure, grass and weeds will be trimmed to a height of 6 inches or less. The cuttings must be removed.

Outdoor^[AR2] **Fires.** No campfires, bonfires, or fireworks of any kind are allowed on private lots, common areas, or other association-owned properties at any time. Commercially manufactured gas and charcoal barbecues, smokers, and commercially manufactured fire burning devices, such as outdoor fireplaces and chimineas, equipped with screening and/or spark arrestors, with a maximum screen opening of 1/8th inch, to prevent the escape of sparks and coals, and operated in compliance with the Town of Truckee and the Truckee Fire District's safety and building codes, and according to the manufacturer's instructions, on private property lots only, will be allowed. Property owners wanting to build their own permanent barbecues or other outdoor fire burning devices equipped with electricity or gas, must obtain the appropriate Town of Truckee building and plumbing permits and build to the Town's building codes. The appearance design and location must be approved by the Tahoe Donner ASC if any part of the permanent structure is over 3 feet high.

Yard Debris Burning.^[AR3] The burning of yard debris is allowed, only after obtaining a permit from the Truckee Fire District, on permissive burn days as determined by the Fire District, from late fall depending on weather conditions, until no later than March 31. The first violation of these rules will result in a hearing.

Dumping Ashen Materials. No person shall dispose of charcoal briquettes or ashen material of any kind on any portion of a lot, if such creates a risk of fire or an unsightly condition.

Forest Health. Owners of lots (both improved and unimproved) are responsible for the maintenance of their lots, including the general health of the forest. TDA maintains on its staff a

state-certified forester with the responsibility of determining what conditions are conducive to the health of the forest. Owners are prohibited from permanently attaching anything to or in trees without first obtaining written permission from the Forestry Department. [AR4] After making on-site inspections, the TDA Forester may determine that individual trees require removal; ~~and/or that brush thinning may be required.~~ Notice to remove such trees ~~and/or brush~~, indicating a compliance date, will be sent to owners. Failure to remove such trees ~~and/or~~ brush prior to the stated compliance date will constitute a violation of the Association Rules. Fines for such violations will accrue until the trees are removed. C&RS Article VII, Section 2; Article VIII, Sections (a) & (l).

(new Forest Health subheading)

Attachments to Trees. Owners are prohibited from permanently attaching anything to or in trees without first obtaining written permission from the Forestry Department. [AR5]

C&RS Article VII, Section 2; Article VIII, Sections (a) & (l).