



DECISION PAPER
Proposed New and Amendments to the Covenants Rules:
Private Property Fire Safety and Forest Health

July 18, 2019

Issue:

Proposed new and amendments to Covenants Private Property Fire Safety and Forest Health related rules went out for 45-day member notification and comment period prior to board consideration and approval. The board will be considering approval of proposed new rules and amendments.

The Board will also consider approving reorganization of Fire Safety and Forest Health related rules for better document organization and administration.

Background:

Pursuant to Tahoe Donner Covenants and Restrictions the board may consider adoption of new rules following requisite member notification and comment period.

Article II, Section 3

(a)...The Association and its Board of Directors shall have the power to do any and all lawful things which may be authorized, required or permitted to be done under and by virtue of the Governing Documents, and to do and perform any and all acts which may be necessary or proper for, or incidental to, the exercise of any of the express powers of the Association for the peace, health, comfort, safety or general welfare of the Owners. The specific powers of the Association and the limitations thereon shall be as set forth in Article IX of the Bylaws.

Article III, Section 7

(b) Adoption and Amendment of Rules. Association Rules may be adopted or amended from time to time by majority vote of the Board in accordance with this subparagraph (b). Except in the case of: (i) rules or regulations adopted to respond to an emergency which threatens the health or safety of the residents or immediate damage to or destruction of any Common Area...no Association Rule shall be adopted until the proposed rule or amendment thereof has been published to the Members at least 45 days prior to the date when the Board is scheduled to act on the proposal. During the 45-day comment period at least one Board or community meeting shall be held at which the proposed rule is an agenda item.





Following discussion, review and modifications to drafted rules at the March 2019 board of directors meeting, the Board of Directors approved the publication of the proposed new and amendments to the Private Property Fire Safety and Forest Health rules along with the recommended reorganization of the sections.

The Proposed New and Amendments to the Covenants Rules: Private Property Fire Safety and Forest Health 45-day Notice was published in the May Tahoe Donner News and is included for reference. The notice was posted on the 45-day notice webpage on www.tahoedonner.com as well. A separate memo is included which includes the submitted member comments received between May 1 and July 18, 2019.

The Board of Directors heard member comment relating to the 45-day notice at the June 21, 2019 board of directors meeting agenda item 7 Proposed New and Amendments to the Covenants Rules: Private Property Fire Safety and Forest Health 45-Day Notification.

The Covenants Committee reviewed submitted member comments at their July 11, 2019 meeting. In consideration of the comments submitted and further discussion, the committee recommends the board consider minor modifications to proposed language when adopting the new and amended rules as follows:

1. Firewood Storage: Add “fire retardant” and “during high fire season” illustrated in ‘green’ font below
2. Outdoor Fires: Delete “if any part of the permanent structure is over 3 feet high”; highlighted below,

<p>vegetation which extends within 10 feet of any propane tank.</p> <p>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 will not be allowed to build up to more than 2 inches in depth.</p> <p>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-feet from structures. Firewood can be stacked closer if covered with durable, fire retardant earth-toned tarp during fire season and set on gravel or other nonflammable material. Firewood stacking within the 30-foot defensible space is not advisable.</p> <p>Downed Woody Material. Downed woody</p>	<p>Outdoor Fires. No campfires, bonfires or fireworks of any kind are allowed on private lots, common areas, or other association-owned properties at any time.</p> <p>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.</p>
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Options:

1. Approve with modifications
 - a) Approve proposed new and amended rules as published in the 45-day member notification with the Covenants Committee's recommendations minor modifications as detailed above. Effective date of approved new and amended rules, September 1, 2019 to allow for general delivery notification to members of adopted rules with modifications.
 - b) Approve proposed reorganization of the fire safety and forest health sections as published in the 45-day member notification.
2. Approve without modifications
 - a) Approve proposed new and amended rules as published in the 45-day member notification without the Covenants Committee's recommendations. Effective date of approved new and amended rules, July 27, 2019.
 - b) Approve proposed reorganization of the fire safety and forest health sections as published in the 45-day member notification.
3. Do not approve proposed new and amended rules. Approve proposed reorganization of the fire safety and forest health sections as published in the 45-day member notification.
4. Do not approve proposed new and amended rules, or reorganization of the fire safety and forest health sections.

Recommendations:

5. Management and the Covenants Committee requests the Board of Directors consider approving,

Option 1: Approve with modifications

- a) Approve proposed new and amended rules as published in the 45-day member notification with the Covenants Committee's recommendations minor modifications as detailed above. Effective date of approved new and amended rules, September 1, 2019 to allow for general delivery notification to members of adopted rules with modifications.
- b) Approve proposed reorganization of the fire safety and forest health sections as published in the 45-day member notification.

Prepared By: Annie Rosenfeld

General Manager Approval to put on Agenda: _____ Date: _____

