



July 18, 2019  
12:00 p.m.

MEMBER COMMENTS:  
PROPOSED NEW AND AMENDED COVENANTS RULES  
FIRE SAFETY AND FOREST HEALTH  
May 1 thru July 18, 2019

*Below are comments sent in for the 45-day member notification and comment period for the proposed new and amended Covenants Fire Safety and Forest Health rules. Comments were received May 1 thru July 18, 2019. A total of 5 comments were received during this period.*

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I'd like to make some important comments about the proposed changes to the Tahoe Donner Fire Safety and Forest Health covenants, which are the subject of a 45-day review period as recently announced in the Tahoe Donner magazine. (I should point out that the Tahoe Donner website does not currently list this issue even though it has been published in the magazine.)

Last year, I had four large trees removed from my property on the advice of the Tahoe Donner Forestry team. I appreciated the advice - the trees were diseased, and I was not aware that they posed a threat. The comments here are based on that experience, and I hope you will find them useful.

1. The winter of 2016-2017 caused widespread damage to trees across the region. Contractors were overbooked. As a result, it was nearly impossible to find a contractor who could take down the trees. When we finally found one it took a full year for the trees to be removed. This past winter was of the same scope and I would expect to experience the same problem. Tahoe Donner should anticipate this and make generous allowances when it comes to property cleanup deadlines. It should be easy and straightforward to obtain permission to delay property cleanup, except in dire circumstances. Experience has shown that it may be impossible for contractors to be engaged within a short deadline.
2. It is very expensive to remove large trees. The Tahoe Donner covenants should make every effort to avoid forcing property owners to remove large trees.
3. For the same reason, the covenants as written may impose an unacceptable financial burden on some property owners. Although rare, it's easy to foresee situations where property owners would be forced to spend ten to fifty thousand dollars. That is an unreasonable financial hit and could actually force some owners into bankruptcy. The





covenants should include a dollar limit on the amount of money that any one property owner should have to pay (for a single property). If cleanup costs exceed that limit then the owner should receive a waiver, or better yet, the Tahoe Donner Association should help pay for the cleanup.

4. There are no checks and balances included in the proposed covenant. As it stands, a single forestry employee can impose a heavy financial load onto any homeowner, with no recourse or appeal possible. The TD forestry team is currently filled with capable, reasonable people. Unfortunately that might not always be the case, and even if it is, people can make mistakes. There MUST be an appeals process.

5. The language of the 100-foot defensible space requirement is confusing. I would interpret this paragraph as a requirement for a property owner to clear a defensible space outside of their own property line. In my case that would require me to clear 100 feet of property that belongs to Tahoe Donner. I am sure this is not the intent. Please take this opportunity to clarify the language of this paragraph.

Last, let me suggest that the Tahoe Donner Association could perform a valuable service to its members by hiring a single contractor to perform cleanup work throughout the subdivision, splitting the cost between the affected owners. This could result in significant savings for everyone and would be a much more efficient process. Please consider performing this service — it would benefit us all.

Respectfully submitted,

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Hello, I have the following input:

1.) The section on "Lower Branch Removal" should specify which part of the property it applies to, just as is done for brush removal.

If it is intended to apply to the entire property, I would submit that it is unnecessary, arduous, and expensive for wooded properties, which after all create a lot of the secluded and private appeal of Tahoe-Donner for all residents.

2.) The section on "Pine Needles on the Ground" isn't practical, as far as the 10ft surroundings are concerned. As worded, one would be in violation if there is even a single pine needle on the ground in that area. There needs to be some criterium that's measurable and practical, for example, 0.5".

3.) Firewood Storage: we store our firewood on a rack in the covered entry way to the house. It would be ridiculous (and in the end make it more of a fire hazard) to have to





move it to another place on the property, as the proposed wording seems to require. A clarification is requested.

Thanks for your consideration!

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Attached is a letter delineating serious concerns with the proposed revisions for 'Fire Safety and Forest Health'. In summary these concerns include the following topics.

- 1) These proposed changes represent an expansion of the power of the forestry department without adequate controls, checks, and balances.
- 2) Wording in multiple areas of the changed covenant is vague and subject to interpretation by association employees. This will increase conflicts with owners.
- 3) Some of the new requirements appear to conflict with or ignore the average size and layout of Tahoe Donner properties.
- 4) The guidelines have not been subject to a more comprehensive environmental impact study. Many of the proposals will have significant negative impact on the forest biome, erosion, and wildlife.
- 5) There is no provision for financial compensation to home owners for 'tagging' of valuable private property including owner designated landscape designated plants.

It is my opinion that these rules as drafted will result in increased conflict with private property owners as well as increased costs for both land owners and the association. Most damming is the lack of a proper environmental impact study specific to Tahoe Donner including identification of wildlife impacted and erosion control.

{Letter Attachment Below}

Subject: Proposed changes to covenants related to fire safety and forest health

Dear Tahoe Donner Board of directors;

As a long time owner I am concerned about the proposed changes to the covenants related to fire safety and forest health. Adopting rules as drafted is likely to lead to significant conflict between homeowners, the forestry department, and ultimately the association itself. My concerns cover several fundamental areas:

- 1) These proposed changes represent an expansion of the power of the forestry department without adequate controls.





2) Wording in multiple areas of the changed covenant is vague and subject to interpretation by association employees. This will increase conflicts with owners.

3) Some of the new requirements are poorly written and appear to conflict with or ignore the average size and layout of Tahoe Donner properties.

4) The guidelines have not been subject to a more comprehensive environmental impact study. Many of the proposals will have significant negative impact on the forest biome, erosion, and wildlife.

5) There is no provision for financial compensation to home owners for 'tagging' of valuable private property including landscape designated plants.

Specific examples of concerns include the following areas.

- There is no apparent provision for appeal of a decision by an association employee. It is not acceptable to allow employees of the owners to dictate conditions to home owners without accountability and recourse. An appeal process should be put in place which is external to the department administering the covenant. Most preferably an appeal process should not involve any employee of the association (e.g. a rotating group of owners). This is necessary to ensure proper checks and balances. As drafted, the rules may increase the probability of the use of legal action as recourse against the association.
- Reference to insurance company or other agency requirements is speculative in nature and inappropriate. This should be struck from this document as being irrelevant and beyond the scope of the association jurisdiction.
- Use of 'including but not limited to' is unacceptably vague and inappropriate in this context. This is wording used by attorneys to broaden scope when knowledge of potential risks are unknown. In this case risks are known and the use of this phrase is inappropriate. Any restrictions must be clearly defined and no employee or administrative function can be allowed to invent her/his own interpretation.
- Removal of pine needles to a depth of 2" is impractical, unnecessary, and environmentally damaging. Such destruction to the biome of the forest will have unintended consequences. Again, no qualified environmental impact study has been conducted.
- The paragraph titled "Brush Removal" should be redrafted. Most critically there is no definition of what *precisely* constitutes brush. This is likely to result in





legitimate landscape plants being targeted. Second, the requirements are poorly written. Just one example, there is 'dead zone' between 30 and 31 feet due to poorly drafted rules. Finally, the spacing requirements ignore the size and shape of the average Tahoe Donner lot. The net result would be the denuding of Tahoe Donner resulting in erosion, loss of bird habitat, potential property damage, and loss of monetary value.

- Small trees. Again no specific guidelines as to are provided as to distance between trees and landscape versus wild, leaving the forestry department to make determinations on an ad-hoc basis. Such arbitrary determinations should be avoided. As stated above, tagged trees designated as landscape *by the owner* should be subject to financial compensation by the association. Otherwise this represents confiscation or destruction of private property and the owner may be forced to seek compensation via other means.

In summary a critical portion of the added requirements are vague, contradictory, and subject to arbitrary interpretation. The lack of a proper comprehensive environment impact study increases the risk of unintended environmental damage. A more integrated approach is needed to balance fire concerns with destruction of the forest biome. While fire danger is always a concern in forest environments, arbitrary actions that focus solely on this risk are likely to have devastating negative consequences in other areas.

Best Regards;

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Have just read 45-Day Notice in the May 2019 issue of TD News.

Reading indicates that now "...commercially manufactured..." barbeques can be used provided they have some screen over the charcoal that has maximum openings no larger than 1/8". I have Weber Grill that is "...commercially manufactured...". I can easily put a some screening material over and under the briquets.

Previous verbiage expressly prohibited the use charcoal. I am all for allowing Weber grills because I am responsible, but also realize that it only takes one irresponsible owner/member to "toast TD".

Why the major shift? Seems confusing and "wishy, washy".

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I am writing to provide comments/questions on the proposed changes to the Covenants Private Property Rules: Fire Safety and Forest Health.





The item I am most concerned about is Firewood Storage. Many homeowners store firewood on decks adjacent to their homes to provide convenient access to the wood during the winter. While I believe it is reasonable to require woodpiles closer than 30 feet of the home to be covered with a durable earth-toned tarp (which we do), I'm not sure what is meant by storing "on gravel or other nonflammable material."

What nonflammable materials would allow continued storage of wood on an adjacent deck?

If there are none, implying that deck storage is to be no longer allowed, how will property owners access wood during winter, especially winters like the 2018-19 season? This poses a great inconvenience to owners, some of whom may rely on wood stoves to supply heat. I contend that it is infeasible to store wood at any great distance from a door that provides ready access when needed. In many cases, an adjacent deck is the only convenient and accessible place to store the wood.

Please let me know what practical alternatives you propose, especially what nonflammable materials would qualify. Thank you.

