



Decision Paper
Proposed Amendments to the Covenants Private Property Fire Safety Rules

April 5, 2020

Action Desired:

The board of directors will consider approving publication of proposed to Covenants Private Property Fire Safety rules including administrative modifications to the Seasonal Fire Ban administrative modifications and other modifications to fire safety rules sections for 45-day member notification and comment period.

Background:

In accordance with TDA Covenants and Restrictions Article III, Section 7,

- (a) The Board may, from time to time and subject to the provisions of this Declaration, propose, enact and amend rules and regulations of general application to the Owners of Separate Interests within the Properties (“Association Rules”).
- (b) “Association Rules may be adopted or amended from time to time by the Board...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.

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

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

Additionally, through the last twelve years of the defensible space program, the Forestry department has witnessed items which are eyesores to the natural environment including inappropriate tree removal leaving tall stumps which pose a safety issue as well as eventual rotting and creating combustible materials. The Forestry department also highly recommends that limbs/branches be removed from within ten (10) feet of roofs and eaves on all structures, in addition to the already standing rule of removing limbs/branches within ten (10) feet of a chimney or stovepipe. These ten-foot rules appear in other agencies’ defensible space guidelines





and home insurance companies appear to be adding this item to their requirements to maintain insurance. As such, staff and the committee are recommending amendments in the private property fire safety rules section of the Covenants Rules to regulate the allowed maximum stump height and removal of limbs/branches within ten feet of roofs, eaves and chimneys on all structures.

Purpose and Effects of Proposed Changes:

- Increase defensible space around the property.
- Remove tall tree stumps which are an eyesore, potential safety hazard and as time progresses reducing the fuel load.
- Continue to improve clarity and become consistent with defensible space standards set forth by other agencies.
- The potential of assisting owners with maintaining their homeowner's insurance.

Proposed amendments of the fire safety rule section discussed above background are detailed in red below:

4.21 Fire Prevention and Safety.

a Fire Safety. Owners are required to be responsible for and maintain their lots (both improved and unimproved) 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.

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

i Vegetation Removal. No person may remove or cut any tree greater than four inches in diameter (measured three feet above the ground) without first obtaining a permit from the TDA Forestry Department. **For any tree(s) removed from the property, the maximum stump height shall not exceed one (1) inch in height for trees less than 12 inches in diameter and six (6) inches in height for trees greater than 12 inches in diameter.** No heavy equipment may be used to remove brush without first obtaining a permit from the TDA Forestry Department. C&Rs Article VIII, Section 1(a) (xi).

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

iii 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.





iv 10-foot Clearance from Chimney, Stovepipe, Roofs and Eaves. Property owners are responsible to remove any portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe. Any tree branch within 10 feet of roofs and eaves shall be removed.

Separately, in 2019 Tahoe Donner formally adopted the Seasonal Fire Ban rule which intentionally references the Truckee Fire Protection District's (TFPD) Outdoor Fire Ban ordinance. Tahoe Donner's rule was adopted in advance of TFPD's ordinance adoption and during which time the district adopted other new ordinances which changed the final numbering of the TFPD Outdoor Fire Ban ordinance.

Since the Tahoe Donner Seasonal Fire Ban cites Ordinance 03-2019 incorrectly, we advise modifications to the rule to correct the referencing. There was no substantive change between the ordinance presented and when finally adopted by the TFPD board; the change arguably falls under Civil Code Section 4355(b) – basically a non-substantive change. However, it is advised by legal counsel to pursue modifications of the fire ban through a 45-day notice and comment period process.

Purpose of Proposed Changes:

The purpose of the changes would be to delete the current reference in the rule to the outdated 2019 ordinance and to instead reference any TFPD ordinance and provide the TFPD link for information

Effect of Proposed Changes:

No effect to members with the proposed changes.

Proposed modifications are shown below in red and strikethrough:

4.19 Fire Safety

a. Seasonal Outdoor Woodburning Fire Ban. Tahoe Donner properties are subject to Truckee Fire Protection District Ordinances ~~03-2019~~ which bans **or regulate** wood and charcoal fires, including fireplaces and barbecues, during periods designated by Truckee Fire Protection District. (**See truckeefire.org**). A violation of ~~this~~ **any such** ordinance shall also constitute a Tahoe Donner covenants violation.

Options:

1. Consider approving publication of proposed to Covenants Private Property Fire Safety rules including administrative modifications to the Seasonal Fire Ban administrative





- modifications and other modifications to fire safety rules sections for 45-day member notification and comment period.
2. Do not approve going out to 45-day member notification.

Recommendations:

Management and the Covenants Committee requests the Board of Directors consider approving

Option 1:

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