

45-DAY NOTICE PROPOSED CHANGES TO COVENANTS PRIVATE PROPERTY RULES: FIRE SAFETY AND SEASONAL FIRE BAN

Pursuant to Tahoe Donner Covenants and Restrictions Article III, Section 7, modifications and proposed new rules must go out for 45-day member notification and comment period prior to board of director consideration and approval.

Changes to the Covenants Private Property Rules: Fire Safety (Covenants Rules) sections, including section 4.19 Seasonal Fire Ban and 4.21 Fire Prevention and Safety, 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 July board of directors meeting. 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 Property Owner Defensible Space Program, including the procedures, rules for minimum standards and communications provided to accomplish the mission of reducing fire hazard to the community.

In this review, two areas of the Covenants Rules were recommended for changes to create further clarity to 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 that are eyesores to the natural environment, including inappropriate tree removal leaving tall stumps, which pose a safety issue as well as create eventual rot and combustible materials. The Forestry Department also highly recommends that limbs and branches be removed from within 10 feet of roofs and eaves on all structures, in addition to the already standing rule of removing limbs and branches within 10 feet of a chimney or stovepipe. These 10-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 and branches within 10 feet of roofs, eaves and chimneys on all structures.

KEY DATES:

June 1, 2020:

45-Day member notification and comment period begins

June 26, 2020:

Board of directors meeting to hear additional member comment as a discussion item only.

July 2020 - Date TBD:

Board of directors to consider acting on proposed changes with or without some modifications.

Board meeting dates subject to change.

PURPOSE + EFFECTS:

The purpose and effects of the proposed changes to section 4.21 are to:

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

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, 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 the ordinance 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 Effect of Proposed Changes Section 4.19:

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. Members will not feel an effect with the proposed changes.

PROPOSED MODIFICATIONS

The proposed changes to the Covenants Rules are as follows:

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.

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 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. **Any tree branch within 10 feet of roofs and eaves shall be removed.**

To ensure the board of directors has time to review all member comments, please submit your written comments by email to 45daynotice@tahoedonner.com or by US mail to Tahoe Donner Association, Attn: Annie Rosenfeld, 11509 Northwoods Blvd., Truckee, CA. 96161.

NOTE:

Red text signifies new or amended language
Strikethrough text signifies deletions

DISTRICT-WIDE FIRE BAN

THE TRUCKEE FIRE PROTECTION DISTRICT IS IMPLEMENTING A DISTRICT-WIDE ORDINANCE TO BAN BACKYARD-TYPE CAMPFIRES DURING FIRE SEASON (ANTICIPATED RELEASE - JUNE 2020)



As we've all seen, the fire danger in California has continued to increase, and the Truckee area is no exception. California has seen 9 of the 20 most destructive fires in state history just in the last 5 years.

Each year, the Truckee Fire District responds to unattended or improperly extinguished residential campfires that escape the fire ring and start a wildfire. If this happens on a windy day, it can be devastating to our community.

CAUSES OF EXTREME FIRE DANGER

- The build-up of dry fuels
- Significant drought
- Increased human presence
- Visitors who don't understand the danger
- Escaped campfires

WHAT IS ALLOWED

- Gas campfires
- Gas portable fire pits
- Gas BBQs
- Pellet-burning devices
- Wood pellet fuel-based BBQs and smokers that are well contained — all particles must be fully consumed to ash prior to disposal

WHAT IS BANNED

- Residential campfires/bonfires that burn anything other than gas
- BBQs that burn solid fuel (like charcoal briquettes, wood or lump charcoal)*
- Big Green Egg BBQs
- Briquette fuel-based smokers
- Wood shavings that are generally added for flavor to smokers and gas grills (like applewood and others)

WHAT IS EXEMPT

- Designated + private campgrounds
- Day-use picnic areas
- Community picnic areas with a valid permit
- Outdoor special event commercial cooking with a valid permit

DO YOUR PART THIS FIRE SEASON TO HELP MITIGATE THE FIRE DANGER IN OUR COMMUNITY. REPORT ILLEGAL FIRES BY CALLING 911.

*The district will not issue briquette BBQ permits to individual residences. Tahoe Donner will not be allowing wood/charcoal fires at the Tahoe Donner Campground or other amenities while the Truckee Fire Ban is in place.