

DECISION PAPER



July 15, 2020

RECOMMENDED ACTION(S):

Management and the Covenants Committee requests the Board of Directors consider adopting proposed amended rules as published in the 45-day member notification. Effective date of adopted amended rules, July 24, 2020.

AUTHORITY:

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.

BACKGROUND:

Following review and discussion of the drafted rules at the May 16, 2020 board of directors meeting, the Board of Directors approved the publication of the proposed amendments to the Private Property Fire Safety and Seasonal Fire Ban rules for 45-day member notification and comment period.

DECISION PAPER



Member Notification and Comments

The Proposed New and Amendments to the Covenants Rules: Fire Safety and Seasonal Fire Ban 45-day Notice was published in the June Tahoe Donner News and is included for reference. The notice was posted on the 45-day notice webpage on www.tahoedonner.com along with mention in member eblasts and on Nextdoor. A separate memo is included which includes the submitted member comments received between June 1 and July 16, 2020.

The Board of Directors heard member comment relating to the 45-day notice at the June 26, 2020 board of directors meeting agenda item 10: Proposed Amendments to the Covenants Rules: Private Property Fire Safety and Seasonal Fire Ban 45-Day Notification.

The Covenants Committee reviewed submitted member comments at their July 9, 2020 meeting. The Committee considered member comments and did not have any recommended modifications to proposed amendments.

With the completion of the 45-day member notification, the proposed amendments to Covenants Private Property Fire Safety and Seasonal Fire Ban are presented to the board of directors for consideration of adoption.

Proposed amendments 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.

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.

DECISION PAPER



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.

OPTIONS:

1. 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 amended rules, July 24, 2020.
2. Approve with modifications
 - a) Approve proposed amended rules as published in the 45-day member notification with the staff's recommended minor modifications as detailed above. Effective date of approved amended rules, September 1, 2019 to allow

DECISION PAPER



- for general delivery notification to members of adopted rules with minor modifications.
3. Direct staff to prepare revised amendments based on board direction to return at the next board meeting for consideration of new 45-day notification publication.
 4. Do not approve proposed amended rules.

ATTACHMENTS:

- June 2020 Tahoe Donner News: 45-day Notice
- Member Comments June 1-July 16, 2020
- Truckee Fire Protection District Ordinance 04-2019

Prepared By: Annie Rosenfeld, Director of Risk Management and Real Property
General Manager Approval to put on Agenda: _____ Date: _____