



July 16, 2020
12:00 p.m.

MEMBER COMMENTS:
PROPOSED MODIFICATIONS TO COVENANTS
FIRE SAFETY AND SEASONAL FIRE BAN RULES
June 1-July 16, 2020

Below are comments sent in for the 45-day member notification and comment period for the proposed modifications to the Covenants Fire Safety and Seasonal Fire Ban rules. Comments were received June 1 thru July 16, 2020. A total of 11 comments were received during this period.

The title of the section relates to clearance from chimneys or stovepipe. The addition of “any tree branch within 10 feet of an eave or roof” is a grab that will require the removal of trees that were strategically left during home construction. When combined with the 10 foot roadway vegetation clearance, this is going to be a pretty barren forest.

Dear board of directors,

I am writing to express my concern about the proposed language to be used for section 4.21.iv “10-foot clearance from Chimney or Stovepipe”.

As currently written, the proposed additional language could result in a significant reduction in the numbers of trees proximal to houses. The intent of this section as originally written was to ensure a 10 foot clearance from chimneys and stovepipes, presumably to reduce the chances of ignition from embers from the chimney. However, the proposed language extends the scope of this section to include “Any tree branch within 10 feet of roofs and eaves”. By definition, this would mean that any tree located within 10 feet of a house would need to have all branches removed at a radius 10 feet from the edge of the eaves. This would mean that, within 10 feet of a house, almost no trees would be permitted, unless they have all branches facing the building removed. Given that many houses are built close to the 10 foot setback, essentially, this would mean removal of most trees between houses. This would have a substantial negative impact on both privacy, shade and character for most houses within tahoe donner. I would recommend re-visiting this and either confirming intent, or re-considering the requirement.

I am fully supportive of the need to increase fire safety, and understand that this may have been introduced to ensure that we are in compliance with state law. One further thought on this is that the currently proposed language is ambiguous about whether the 10 feet applies just to tree branches, or to tree trunks. Modifying the language within this section may provide further clarity.





Homeowner Comments on Proposed Changes to Covenants Private Property Rules: Fire Safety and Seasonal Fire Ban published in June 2020 Tahoe Donner News.

Section 4.19: Currently the Truckee Fire Protection District Ordinance 04-2019 includes a Fine structure imposing a possible fine of \$1000/day and/or up to 90 days in jail.

The Covenants Fine Structure has conflicting language that requires clarification. Current language from the Tahoe Donner website is, “Seasonal fire ban rule violation up to **\$5000 per incident** (emphasis added).” This is on top of the up to \$1000/day from 04-2019.

Immediately following is, “Fines may be assessed, per incident, **on a daily, weekly, or monthly basis** (emphasis added) according to the nature and severity of the infraction and at the discretion of the Covenants Committee.”

Which is it? A plain reading of the language would seem to say that if you have a fire in violation of the rule that lasts a week or a month (this could constitute a single incident, the maximum fine could not exceed \$5000.

Fines associated with 04-2019 will be determined by a Judge during a court proceeding. The Covenants language appears to be unnecessarily ambiguous and conflicts occur between the two cited sections. Does a weekly or monthly fine preclude an additional fine, per incident, during the weekly or monthly period? I would interpret a weekly or monthly basis for fines as a major fire caused by the violation, and the \$5000 maximum fine is somewhat meaningless given other potential losses.

Section 4.21(a)iv: The proposed language has nothing to do with the title of the section “**10-foot Clearance from Chimney or Stovepipe**”. I suggest you either create a new section for the single proposed sentence, or modify the title of the section to “**Trees or Tree Branches within 10 feet of a Structure**”.

With regard to the existing language is “tree” defined to include branches? A branch may not be considered a “tree”. The tree may not be within 10 feet of the chimney or stovepipe, but the branches could be. The proposed new language does include branches.

The proposed language needs to be modified. It should read, “Any tree branch within 10 feet of roofs ~~and~~ or eaves shall be removed.” “And” is inclusive and both elements need to be true to be enforceable. A steep roof house could have branches in contact with the roof near the ridge, but a 10’ clearance at the eave, therefore no violation exists because both conditions are not satisfied.

With the emphasis on fire safety, is it acceptable to have a tree, or trees within 10 feet





of an eave or roof or deck? This is probably more of an ASO issue.

Will these provisions be made retroactive to all dwellings and become a part of Forestry inspections? If so, there could be a lot of tree removal going on as different units are inspected.

Thank you for your consideration.

To whom it may concern:

My name is _____, I'm a homeowner in Tahoe Donner since 2009.

I'm sending this email in response to the proposed changes to section 4.21 in the defensible space around the property. Particularly the subject of "stumps."

A little back ground about myself:

I am currently a wildland firefighter since 1992. I have extensive firefighting experience on some of the most extreme and complex fires in the country in both highly urban and rural situations. I have worked on a Hotshot Crew, Helitack (helicopter crew), Fire Engines, and Fire Prevention. Over the years I've gain various fire qualifications through my vast experiences and training.

Currently I am a Division Supervisor (DIVS) on a type 2 incident management team. The incident management team respond to and manages large campaign fires. As a Division Supervisor, I work within the operation group on the team. I am responsible for tactical decision making and the overall supervision of all fire resources within my geographical area of responsibilities on the fire. This can consist of hundreds of people in a highly complex situation in a rapidly changing environment.

As a firefighter I recognize the importance of defensible spacing and fire safety. The fuel operation around Tahoe Donner has been outstanding with the reduction of fuel loading that surround and within the community.

I am writing in response to the proposed removal of stumps in regard to defensible spacing. I believe this change should be considered by case by case situation. Over the past 10 years I've been landscaping around my property. I gotten many, many compliments from fellow residents over the years. I've added several stumps that I consider natural enhancement garden art. I added them carefully to ensure not to impact fuel loading or fire danger. The added stumps are placed sparse apart and within my irrigation sprinkler system. Additionally, my property is nearly flat on a gentle north aspect slope. The property has very little latter fuel that would contribute to a rapid fire spread.

I proposed that stumps that act as garden art should be exempt. This could be a case by case situation during defense spacing inspection.

I appreciate your time and look forward to your response.



Thank you.







Regarding the removal of limbs within 10 feet of chimney outlet or stove pipe (an existing requirement) and the removal of limbs 10 feet from roofs and eaves:

1. No fireplaces can be used during the "Fire Ban"...so is it necessary to remove the limbs?
2. If it is right that tree stumps are unsightly...then wait till you see 60' trees shaved in half up- to 30'.
3. Please cite how many homes in Tahoe Donner or even all of Truckee that have either caused fire or been burned in the last 20 years to cause such a requirement. Just because these requirements appear to be added to elsewhere isn't sufficient rational to impose them here.
4. Already everything will be denuded within 10 feet of the edge of pavement...follow the logic. Will we soon be asked to remove all trees due to potential fire danger? Over the past 20 years I have already removed more than 50% of the trees on my lot.

Life is filled with risks. Keeping trees is one I am willing to take!

No camp fires or charcoal fires, since most wildfires are started by Equipment Use, Power Lines (Napa and Camp fires), Vehicles, Smoking and Kids will you also be banning them? I have seen a gas BBQ burn a house down, so much for that being safe. It is also know that short term renters are more likely to start a fire because they are less cautious then long term renters or owners, so will you be banning Airbnbs? I believe lightning strikes are more likely then camp fires for causing wildfires. Stampede allows camp fires. So what gives, do you just have a thing against campfires? What if a meshed screen cover is used on a fire pit? You seem much more interested in stopping campfires then you are in keeping drivers from doing 50 MPH on our side streets.

I would like to provide feedback to the proposed rule changes regarding tree limb clearance from eaves. Having been a homeowner in Tahoe Donner since 2004, I have always tried to keep my property as fire safe as possible, and diligently keep trees trimmed up above the ground, keep branches 20-30 feet away from my chimney, remove brush near the house or trees, and remove pine needles every year. However, the proposed rule change to remove any tree branches within 10 feet of roof eaves is, in my opinion, excessive. Many, many homes in my neighborhood (unit 8) are little more than 20 feet apart and have large trees growing between them. To comply with this proposal, many of these trees will need to be either totally removed or trimmed up to 30 feet high. Either option is going to result in a Dramatic loss of screening and privacy between houses. I have already had 5 trees removed from the front of my property by the PUD due to a power line replacement project last year on Sitzmark Way, losing all privacy and screening from the front of my home, and the town is now in process of denuding All vegetation within their right of way over the next year for increased fire safety and egress in the event of a fire (and snow storage). While I'm





in favor of increasing fire safety, I also bought my property here with the full knowledge that there is forest all around me; I'd like to keep it that way.

I AM NOT in favor of requiring tree limbs within 10 feet of eaves to be removed. Please share my thoughts with the board before any decisions on this topic are reached.

I'm in favor of the 10 foot clearance rule. My suggested change to the wording is as follows:

“Any tree branch within 10 feet of roofs and eaves shall be removed by the owner on whose property the tree trunk stands .”

In inspecting our property, we have several offending trees between our house and the adjacent house. To affect the 10 foot clearance on both houses, limbs will need to be removed from the tree that is on our property. We intend to do the limbing on the offending branches to clear both houses.

I suspect there will be a number of neighbor arguments as to who has the responsibility to cut the offending limbs. To try to make it clear, I suggest including the above added words that the owner of the tree has the responsibility to clear the offending branches.

I would like to oppose the change proposed in rule 4.21i regarding the height of stumps.

Having just finished our defensible space work, I feel the requirement to cut trees less than 12 inches in diameter to a height not exceeding 1 inch is unreasonable. It is virtually impossible using either a saw or chainsaw to cut a tree of even a few inches in diameter that close to the ground without either digging around each tree (impractical) or grinding the stump. As most homeowners do not have grinding equipment this becomes an expense which I feel is unwarranted.

I believe homeowners will remove the necessary trees in as practical a way as possible, and dictating stump heights is not so much a fire safety requirement but an esthetics question. This should not be dictated by the Association but left to the homeowner.

I also take exception to the proposed addition to Rule 4.21iv. Again, as there is already a requirement to keep roofs free of dead vegetation as well as clearing any portion of a tree extending within 10 feet of a chimney or stovepipe, to now mandate cutting ANY tree branch within 10 feet of a roof or eave is excessive. While the current defensible space requires branches to be removed to a height of 6 feet on mature trees, this rule change could have to effect of having branches removed up to 12-15 feet...and not adding any greater “defensible space” security.

Please reconsider these proposed changes.

Respectfully





My comment is specific to the Fire Safety regulation, Paragraph 4.21.i and is in relation to the allowed stump height.

I believe the maximum 1 inch stump height for less than 12 inch diameter trees is not practical. It is too low to be done with a chain saw and would thus require grinding (and a permit to bring in heavy equipment). At that height it would also be harder to see and easily covered by needles and thus more of a tripping hazard than a higher stump. I would suggest at least 3 inches if not the same 6 inches proposed for larger diameter trees.

I strongly OPPOSE the proposed rule change concerning eliminating branches within 10 feet of roofs/eaves for the following reasons: 1) It is stated that other agencies have this rule. What agencies? If they are other HOA's, how many and what percentage? Why should other agencies dictate what Tahoe Donner does? 2) If someone's homeowner insurance mandates a 10 foot rule of branches from roofs/eaves, let that homeowner deal with the situation. Don't have someone else's situation dictate what I have to do. My insurance has no such mandate. 3) Many homes are built very close to within 10 feet of the lot line. If two properties next to each other are in this situation, no trees would be allowed between the houses (unless the trees were VERY tall with most branches cut off). This proposed rule change would severely limit the privacy most owners value. Tahoe Donner has already taken incredible strides toward fire safety. Let's not go overboard! But (if you want to go to the extreme) if you don't want forest fires, then just cut down the entire forest. But then you'd have problems with grass fires, flooding, mudslides, etc. I feel very safe without this proposed rule change and I STRONGLY oppose it. Thank you.

