

EXHIBIT B

DRAFT

45-DAY NOTICE

Proposed Off-Road Vehicle Rule Change, electric bicycle regulation and other noted changes

Pursuant to Tahoe Donner Covenants and Restrictions Article III, Section 7, modifications to rules 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 Tahoe Donner Association Off-Road Vehicle Rule will be considered for action by the Board of Directors. The Board of Directors is expected to take action to adopt the proposed amendments, as they are presented here or with some modification, at the August board of directors meeting, to be scheduled for August 27, 2021. The board welcomes any input you may wish to offer regarding this process.

BACKGROUND AND *Why are changes needed to what we have now?*

Electric bicycle use on the Tahoe Donner trails and fire road system is currently governed by the Off-Road Vehicle Rule. The current rule needs to be updated to address and clarify motorized and motor-propelled vehicle use Association Common Area, and other Association Real Property, which the trails and fire road system (“trail system”) are encompassed.

The proposed changes aim to address:

- Ambiguity of the existing rule language: Due to changes to state motor vehicle regulations and advances in bicycle technology, many members believe the existing rule is ambiguous regarding e-bikes. Daily staff interaction and feedback with members and guests on the trail, and observation of e-bike usage attest to the apparent ambiguity.
- Update the rule to match modern terminology: The existing rules was adopted in 1997 and has not been updated over the last 25+ years to adjust to modern terminology of off-road and motorized vehicles.
- Update the rule to address technological advances and emerging off-road vehicle trends including but not limited to electric bicycles.
- Changing needs of the membership: through the e-bike regulation member outreach process this year, themes of changing member needs and member experience when using the trail system were evident. This rule change is one piece of the management plan to improve and sustain the trail system and user experience.

Beginning in the fall of 2020, staff reported to the board of directors about the need to address the Off-Road Vehicle rule as it relates to electric bicycle (e-bike) regulation. The current rule is neither tenable nor desirable because its language is ambiguous, and it is out of sync with evolving bicycle technology and changing trail use. Additionally, the existing rule is a challenge to enforce because it is neither widely understood nor fully accepted as reasonable. In sum, the Off-Road Vehicle rule language has become a barrier to management's ability to responsively address issues relating to advances in bicycling technology and evolving recreational demands.

Staff's opinion was that the rule should be evaluated and addressed prior to both the 2021 summer season, and the completion and adoption of the Open Space and Trails Master Plan (a 2021 and 2022 Work Plan objective).

At the November 2020 board Meeting, management presented a formal and transparent process to review and evaluate e-bike use and regulation. This process included a robust outreach plan to engage the membership and to obtain meaningful information to assist in the evaluation and decision-making process. Any rule change recommendation would be expected to be widely accepted, sensible, sustainable, and built on an informed foundation.

With the Board's support, staff implemented the plan starting with an information campaign launched at the beginning of the year, followed by member outreach through forums, feedback forms and a survey. Management reported on the outreach process and touched on themes staff were seeing at the February 2021 board meeting.

At the March 2021 board meeting staff presented their findings, which included a process summary, an e-bike regulation review and evaluation, a literature review, completed benchmarking, member survey results, themes from the forums, and other relevant research. Staff also presented a spectrum of options for e-bike regulation at Tahoe Donner: 1) enhance the existing rule, 2) amend the rule to allow for adaptive management, 3) allow full access for e-bikes on all trails. The board's feedback generally favored an adaptive approach to e-bike regulation which would allow staff the flexibility to actively manage the trail system as use evolves. The board supported staff drafting a rule to permit adaptive management of Class 1 e-bikes, while excluding Class 2 and 3 e-bikes from the trail system.

For background on the existing rule and other important information on the e-bike regulation evaluation process please visit <https://www.tahoedonner.com/amenities/amenities/trails/e-bike-rule/>.

How was the draft Off-Road Vehicle rule developed?

The process began in November 2020 in response to member and staff observations on electric bicycle use on the trails and fire road system. The staff has been actively engaging members since the initial member outreach in early 2021 and working with the General Plan Committee's Trails and Open Space Subcommittee, legal counsel, and the board of directors. During the member outreach, staff also conducted a survey of the membership which provided insight into e-bikes and other trails issues.

In March of 2021, the Board directed staff to prepare rule change language taking into consideration member outreach and board of directors' feedback. Over the last several months staff has worked on various iterations of the draft rule with legal counsel and interested Trails and Open Space Subcommittee members. The result is the proposed changes to the Off-Road Vehicle Rule herein.

If this rule is adopted what will e-bike access look like?

Pending board of directors' approval of the proposed changes, Class 1 e-bikes will have authorization to utilize all fire roads/double track. Any further access for e-bikes may be set forth in open space and trails policies.

PURPOSE + EFFECT

Purpose: The purpose of the proposed Off-Road Vehicle rule changes are:

- Clarify the regulations of electric bicycles on Tahoe Donner owned property
- Update rule to include modernized terminology
- Update rule to address modern technological advances and changing recreational usage
- Address the changing needs of the association members

Effect: The effect of these proposed rules on homeowners is:

- Expand prohibition of off-road vehicles to include UTV's, SXS's, motor-propelled scooters and boards, and other motor-propelled vehicles.
- Authorize Class 1 electric bicycle usage on trails and fire road system as designated and regulated by future Association open space and trails policies.

PROPOSED MODIFICATIONS

The proposed changes to the Off-Road Vehicle Rule are as follows:

2.2 Off-Road Vehicles. Snowmobiles; ~~off-highway vehicles (e.g., ATV's, UTV's, SXS's); motor-powered bikes, all-terrain vehicles (ATV's), off-road motorcycles; motorized bicycles (i.e. mopeds); Class 2 and 3 electric bicycles; motor-propelled scooters or boards; electric unicycles; and off-road use of any other motor-propelled motorized~~ vehicle is prohibited on Common Areas, and other Association-owned properties, with the following exceptions, except that First, the Association may use such vehicles in the furtherance of its operations. Second, Class 1 electric bicycle usage is authorized on the Association trail and fire road system segments designated and regulated for their use through Association open space and trails policies.- The California Vehicle Code definitions of any terms used herein shall apply to any interpretation of this rule.

Note:

Red text signifies new or amended language. Strikethrough text signifies deletions.

Key Dates:

- July 8, 2021: 45-Day Member Notification and comment period begins.
- July 23, 2021: board of directors meeting; hears additional member comment, discussion item only.
- August 27, 2021: Board of Directors meeting to consider acting on proposed rules with or without modifications.

MEMBER COMMENTS

Please submit your written comments at 45daynotice@tahoedonner.com, or US Mail: Tahoe Donner Association Attn: Robin Bennett, 11509 Northwoods Blvd., Truckee, CA. 96161. To ensure the board of directors has time to review all member comments, written comments must be submitted by 12:00 p.m. August 20, 2021.

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