

## EXHIBIT A

### Tahoe Donner Architectural Standard Rules, Procedures and Restrictions for Land Use

#### **Rear Yard Setback:**

Section III Specific Building Requirements, B. Setbacks 3). Rear Yard Setback (pg.9)

#### *III. SPECIFIC BUILDING REQUIREMENTS*

##### *B. SETBACKS:*

*No structure or improvement shall be constructed, erected, placed or maintained within setback areas. The following are setback requirements which must be observed when positioning structures on the lot.*

##### *3) REAR YARD SETBACK:*

*Running parallel to the rear lot line, a minimum setback equal to 20% of the gross area of the lot is required, but in no event shall the minimum setback depth be less than 25'. An exception is made for a corner lot when the setback may be in alignment with adjacent lot(s) or a triangular lot that may also have the rear setback in alignment to the adjacent lots.*

*The rear yard setback is intended to be preserved as a greenbelt area. This will be considered in reviewing applications for permits to remove trees in this area.*

*The owner is exclusively responsible for identification of property boundaries, easements, and setbacks. Neither the Association nor the ASC has any responsibility to certify that any improvement, structure or activity does not encroach upon any easement, setback, or adjacent property line.*

#### **Variances:**

Section XII Variances (pg.20)

##### *XII. VARIANCES*

*The C&Rs grant to the ASC the power to allow reasonable variances in order to overcome practical difficulties and to prevent unnecessary hardships, provided that the variance will not be materially detrimental to adjacent properties or Tahoe Donner, in general.*

*Any application for a variance from any provision of the C&Rs or any AS Rule must specifically explain the reason that the applicant's property is rendered less usable by application of the Rule or restriction than similar lots in Tahoe Donner, and how and why a variance would alleviate that impact. Applicants should familiarize themselves with the bases for such variances as described in the C&Rs.*

*Owners of properties within a 500' radius of the applicant's property will be notified of the pending variance application and of the date of the ASC Hearing scheduled for its consideration. All costs incurred by ASC in responding to the application will be borne by the applicant as per the current ASC schedule. As each request is considered individually, a variance granted to one owner shall not be considered a precedent for other such requests, nor shall the granting of any variance be deemed a waiver of the provision from which the variance is granted.*

*If an Owner requests a setback variance which will require the removal of trees that would not otherwise need to be removed, special mitigation measures may be required in conjunction with the granting of the variance, such as:*

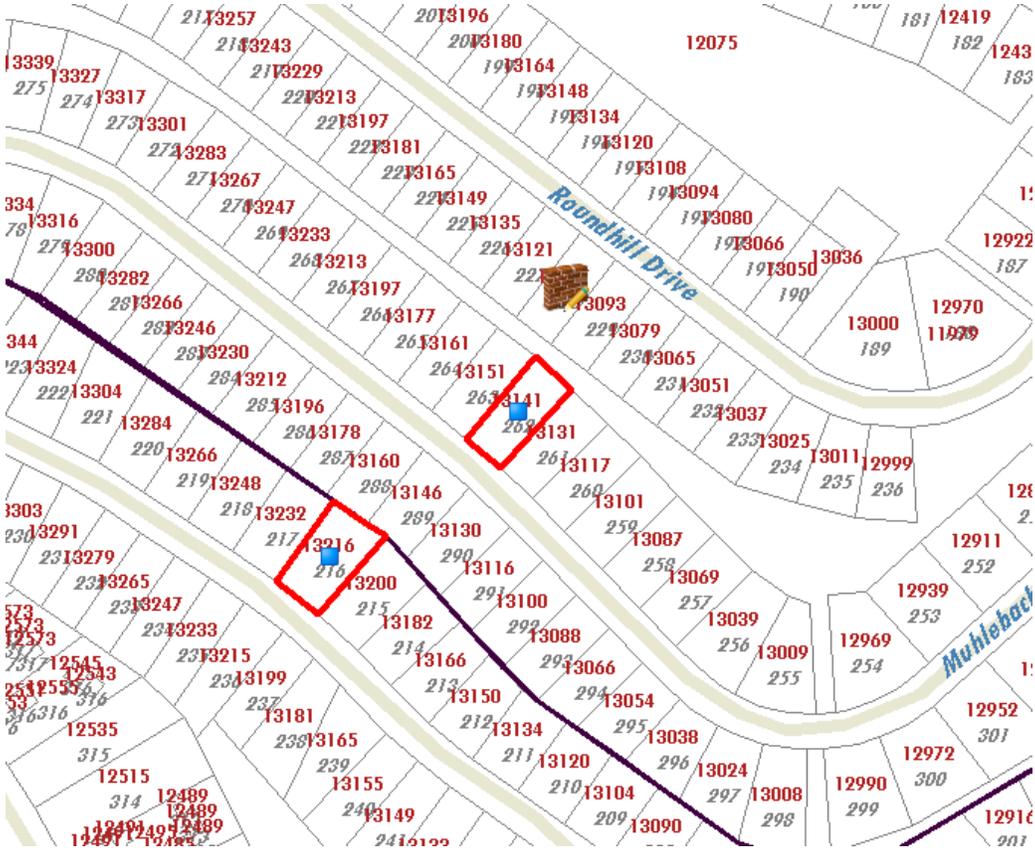
*For every inch of tree diameter removed, trees which will equal the total diameter removed must be planted and maintained in a nearby location. For example, if two trees totaling 15" in diameter are removed, these may be replaced with five 3" trees.*

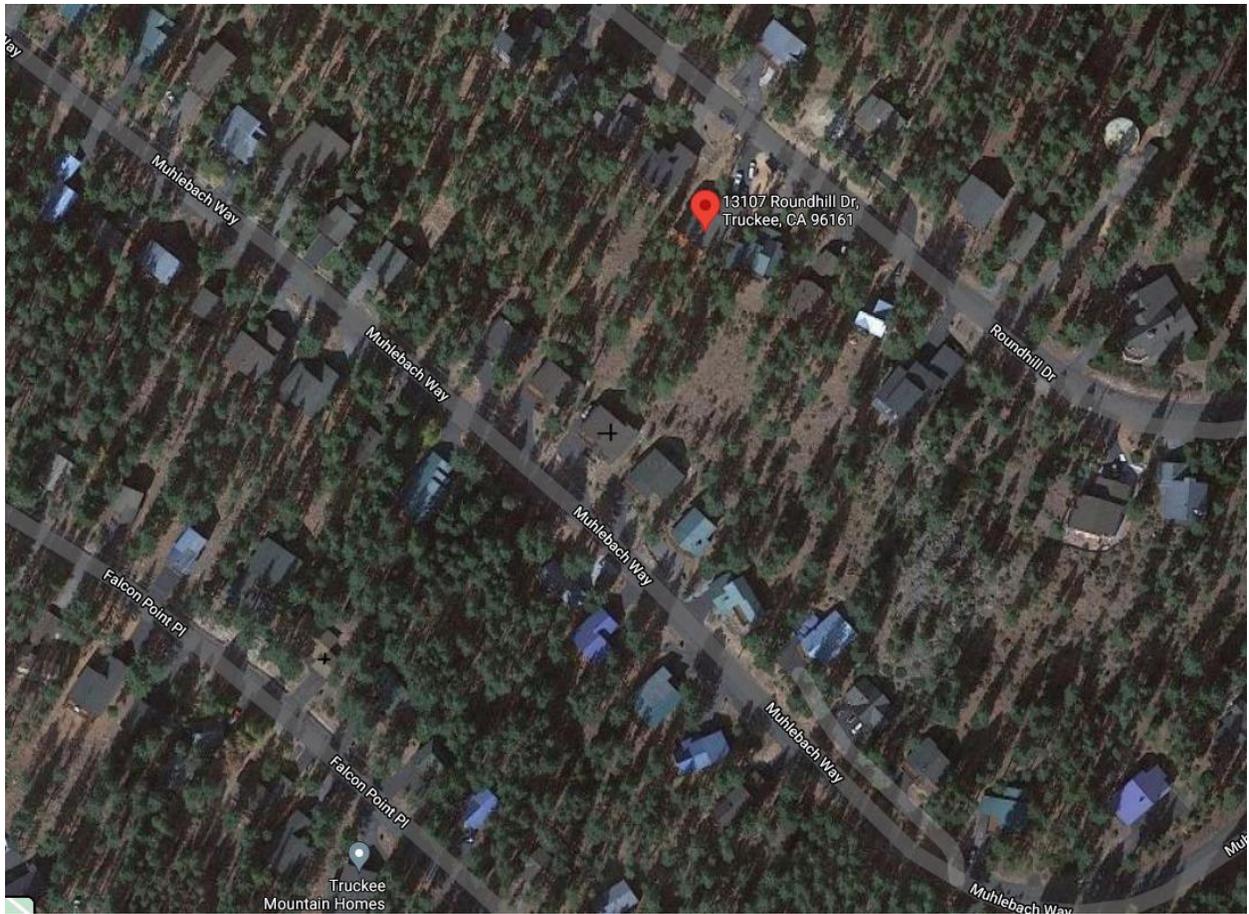
*Any variance granted by the ASC will expire if the action or work for which the variance was requested and granted is not commenced within one (1) year from the date of approval.*

*Any variance obtained from the ASC will not relieve the Owner from the necessity of obtaining a variance from the Town of Truckee or other agencies, if applicable.*

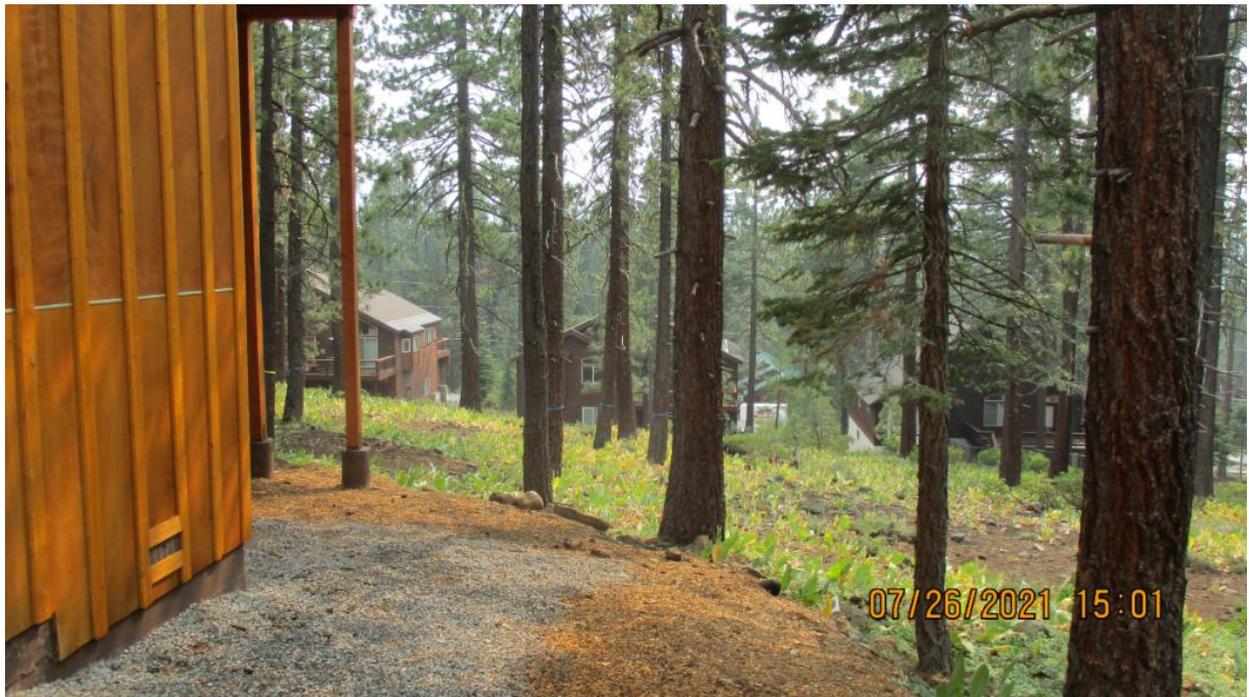
EXHIBIT B

Map and Plot





Site Inspection Photos

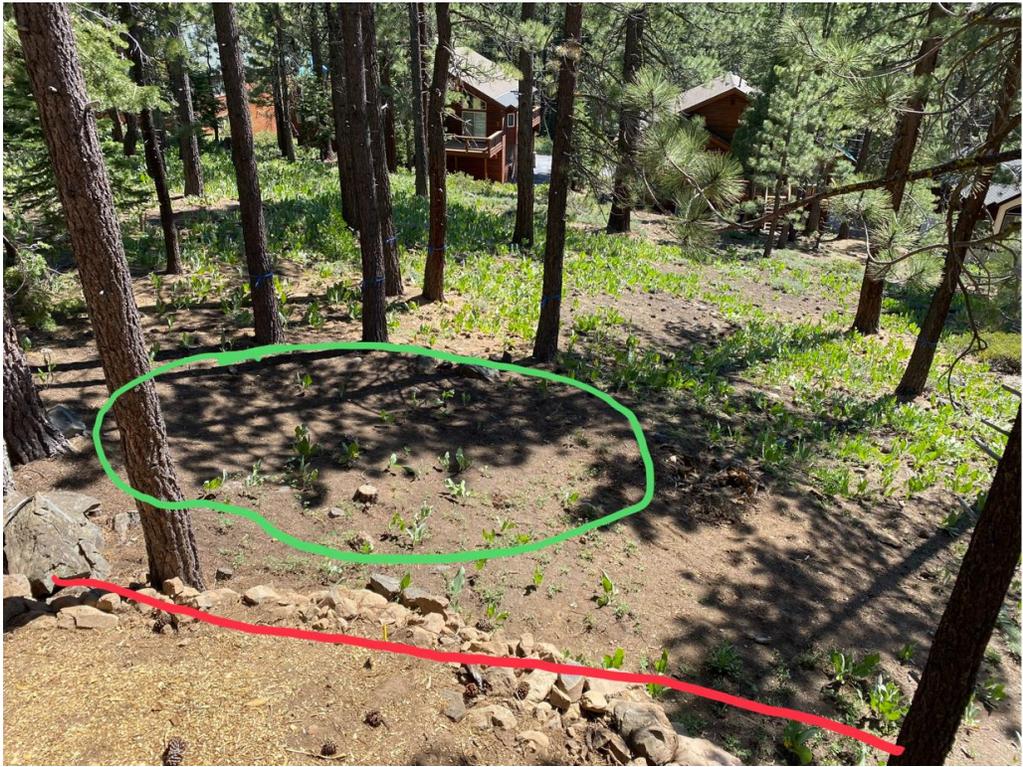






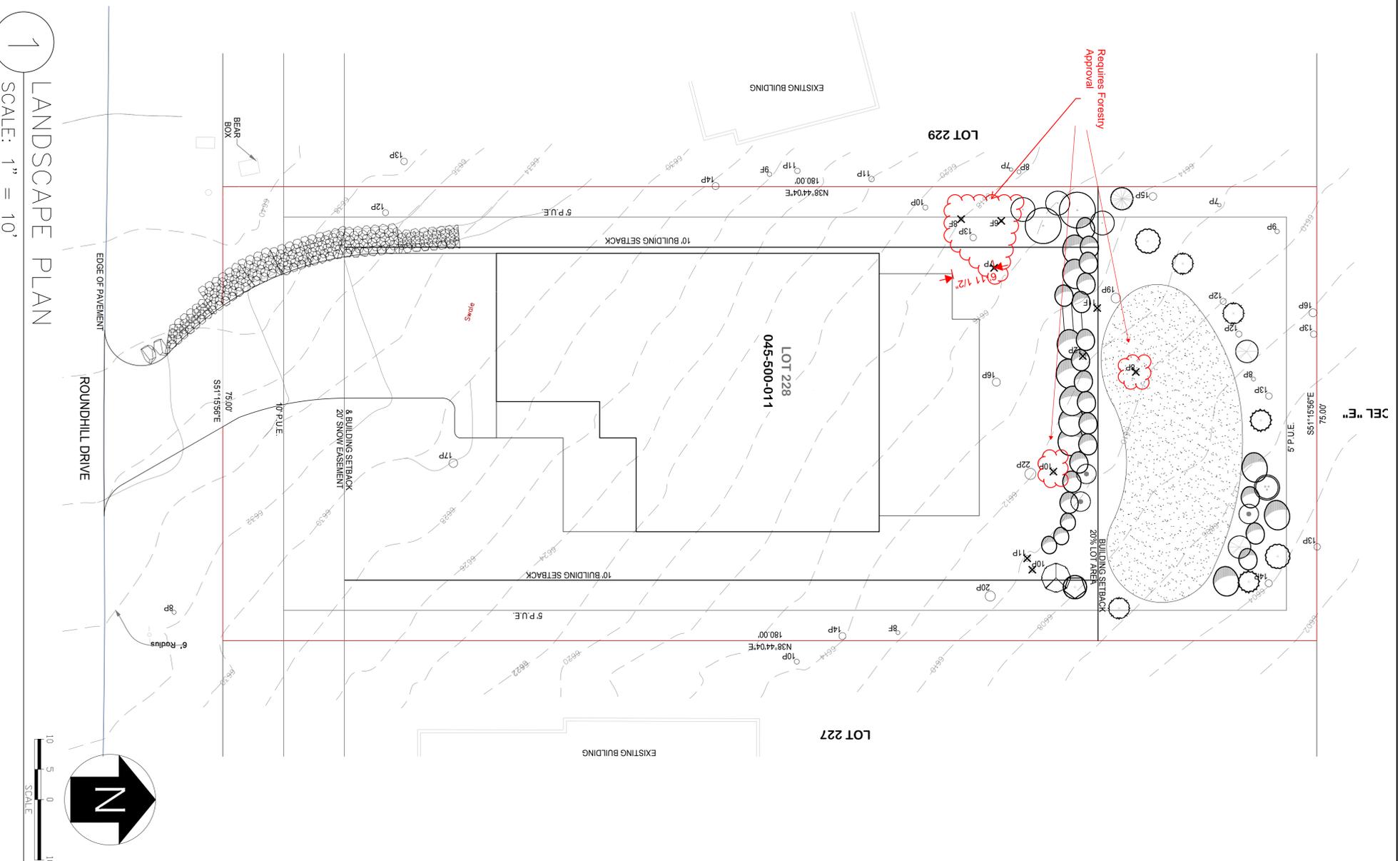
Owners Photos





SAMPLE PLANT SCHEDULE					
SYMBOL	KEY	QTY.	LATIN NAME COMMON NAME	SIZE	CONDITION
<b>DECIDUOUS TREES</b>					
	PT	5	POPULUS tremuloides Quaking Aspen	7-12' HT.	SINGLE TRUNK
	AC	1	ACER circinatum Vine Maple	7-12' HT.	MULTI-TRUNK
<b>SHRUBS</b>					
	AA	1	AMELANCHIER alnifolia Western Serviceberry	15 GAL.	AS SHOWN
	CS	1	CORNUS sericea Redwing Dogwood	15 GAL.	AS SHOWN
	PV	2	PRUNUS virginiana Chokecherry	15 GAL.	AS SHOWN
	SP	2	SALIX purpurea Arctic Willow	5 GAL.	AS SHOWN
	SS	1	SALIX scouleriana Scouler's Willow	15 GAL.	AS SHOWN
	SB	2	SPIRAEA x burrodia 'Anthony Waterer' Anthony Waterer Spiraea	5 GAL.	AS SHOWN
	SN	3	SPIRAEA nipponica Snowmound Spiraea	5 GAL.	AS SHOWN
<b>ORNAMENTAL GRASSES</b>					
	CA	3	CALAMAGROSTIS x oculiflora 'Karl Foerster' Feather Reed Grass	5 GAL.	AS SHOWN

NOTES:  
1. NO ADDITIONAL COVERAGE PROPOSED.



<p>LS 1.1</p>	<p>LANDSCAPE PLAN</p>	<p>MACDONOUGH RESIDENCE</p> <p>13107 ROUNDHILL DR. TRUCKEE, CA 96161</p>		REV NO.	SUBMITTAL/ REVISION	DATE
<p>LANDSCAPE PLAN</p>		<p>DATE:</p>	<p>PO Box 1229   Tahoe City, CA 96145   530.583.4080</p>			

**EXHIBIT C**  
**Variance Application Form**

# Variance Request Application



Unit: 10 Lot: 228 T D Address: 13107 Roundhill Dr

Owner's Name: Daniel MacDonough

Application is hereby made to the Architectural Standards Committee (ASC) under the terms of Article V, Section 8, of the Tahoe Donner declaration of Covenants and Restriction for a variance to ASC Rules and Regulations.

The variance requested is described as follows:

Removal of two trees to allow for a retaining wall to be built. Given the slope of the lot, a retaining wall is needed to help prevent erosion. The retaining wall will NOT be placed in the setback. We will replace these two trees with six additional trees, as well as a couple of boulders, grass, and perennial shrubs. We are NOT proposing any hardscape, or coverage within the setback.

The variance is necessary to overcome practical difficulties and prevent unnecessary hardships for the following reasons:

The two trees that need to be removed are close to where the retaining wall will be. One of the trees is also competing with a larger, more dominant tree and should be removed. We will add six additional trees to replace the two that are removed.

The variance will not be materially detrimental to the adjacent properties or to the environment of the development for the following reasons:

The retaining wall will be placed outside the setback but will require the removal of two trees. They will be replaced with six additional trees, boulders, some grass, and perennial shrubs. No hardscape or coverage will be outside the setback. The replacement trees will be planted to provide additional privacy.

*Attach any exhibits or other information the owner feels are necessary to justify this application. All owners within a 500' radius of the applicant's property will be notified of this variance application and of the date of the scheduled ASC hearing. All costs incurred by the ASC in providing this variance procedure will be borne by the applicant and must be reimbursed prior to the said hearing.*

Owner's Name: Daniel MacDonough Date: 8/21/2021

Owner's Acknowledgement 

ASO Staff Only:

ASC Meeting Date: 7/28/2021 @ 11:10am  Variance Approved by ASC  
 Variance Disapproved by ASC

**EXHIBIT D**

**ASC Preliminary Review Letter and ASC Decision Letter**

**DECISION LETTER  
ARCHITECTURAL STANDARDS COMMITTEE**

**DATE: July 1, 2021  
PERMIT: 21-0275-P**

Daniel and Veronika MacDonough  
13107 Roundhill Drive  
Truckee, CA 96161

Re: Unit: 10 Lot: 228 - 13107 Roundhill Dr

Dear Property Owner(s);

On Wednesday, June 23, 2021, the Tahoe Donner™ Architectural Standards Committee reviewed the project for the abovementioned property.

Following are the advisories and comments from the Architectural Standards Committee:

***Macdonough  
13107 Roundhill Dr  
Unit 10, Lot 228***

***ACT/DIS: Prelim for Variance w/ Proposed Rear Setback Landscaping***

The owner was present. The staff provided historical project information.

- The committee reviewed the proposed retaining wall and stairs/steps (?) within building envelope and grass landing 500-600SF including irrigation to be in the rear setback requiring a variance.
- The committee discussed the rule of maintaining rear setback free of improvements.
- The committee stated the owners may appeal any decision to the Board of Directors.
- Trees proposed for removal in the building envelope not in the way of the landscaping proposed work are not within the authority of the committee. Owner clarified they are not proposing the 4 trees (in fact they may be gone as this site plan is utilizing an older site plan.
- Grass is not included in coverage policy and calculation.
- Committee affirmed a variance would need to be requested with the permit submittal. The committee would consider approving the variance after receiving neighbor comments at a future meeting.

***Please Note:*** This is not a permit. Please apply online at [www.tahoedonner.com](http://www.tahoedonner.com) using OneStop or contact the Architectural Standards Office at (530) 587-9407 or [aso@tahoedonner.com](mailto:aso@tahoedonner.com) for further assistance in applying for an ASC construction permit.

If you choose to appeal the ASC decision, you do retain the option to schedule a hearing with the Appeal Board (Board of Directors) to further discuss this matter. At your hearing, the Appeal Board will review your appeal. **You may obtain an Appeal package from the Architectural Standards Office (ASO). The request for the Appeal package must include a written statement and be requested and returned to the ASO within 15 days following receipt of this letter.**

If you elect to schedule an appeal or if you have any questions, please contact the Architectural Standards Office at (530) 587-9407 or [aso@tahoedonner.com](mailto:aso@tahoedonner.com).

Sincerely,



Darren Davis  
ASO Supervisor  
Architectural Standards Office

cc: Tahoe Landscaping, Eric Schaefer

**DECISION LETTER  
ARCHITECTURAL STANDARDS COMMITTEE**

**DATE: August 4, 2021  
PERMIT: 21-0275-P**

Daniel and Veronika MacDonough  
13107 Roundhill Drive  
Truckee, CA 96161

Re: Unit: 10 Lot: 228 - 13107 Roundhill Dr

Dear Property Owner(s);

On Wednesday, July 28, 2021 the Tahoe Donner™ Architectural Standards Committee (ASC) reviewed the submitted project for the above-mentioned property.

Following are the advisories and comments Architectural Standards Committee:

**Decision: *Submittal: Variance for Landscaping in Rear Setback***

The owner was present. The staff provided historical project information.

- The committee reviewed the site plan discussed the coverage percentage at 31%.
- The owner explained the scope of the project.
- The committee reviewed the site plan for the variance request for proposing landscaping in the rear setback with adding rock work, steps, sod, plantings, and irrigation.
- The committee require revision of the proposed tree removal since trees are marked for removal in excess of the committee's authority. The committee explained they do not have approval to have trees removed in the rear setback and Forestry approval is required.
- The owner explained they will remove a stump however adding grass to a terraced area and filling in a little dirt where the stump will be removed.
- The committee reviewed the variance application with a hardship of erosion and an area for his children to play.
- There were two neighbor comments received from Lot 217 in favor and Lot 264 not in favor of the project requiring a variance.
- The committee reviewed the plant list and advised to select shrubs that do not require excess water.
- The committee require revisions for the following items:
  - Provide updated site plan to update approvable trees for removal.
  - Provide update site plan to reduce the impact of improvement in the rear setback and eliminate irrigation and revise to drought tolerant planting.
- A site inspection has not been conducted.



- The variance letter fee and upgrade in scope fees for a total of \$744 is outstanding.
- The committee explained if there is more than 2 ft of snow on the ground, special permission must be requested for use of heavy equipment.
- The committee discussed the new Town of Truckee noise ordinance that started on January 1, 2021 restricts construction noise to fewer hours than the published Tahoe Donner construction hours.
- Debi Phelps moved to disapprove the proposed project with a variance as submitted due to proposing irrigation in the rear setback, the proposed planting with tree removal in the rear setback, and the proposed tree removal outside the scope of the committee's authority. David Hipkins seconded the motion. Motion passed 3:0.
- The committee agreed that with further discussion the following revision items are required for a resubmittal:
  - Provide updated site plan to update ASC approvable trees for removal.
  - Provide update site plan to reduce the impact of improvement in the rear setback and eliminate irrigation and drought proof non-invasive plantings.
  - Provide forestry a review of proposed planting to ensure not invasive species.
- The committee stated the owners may appeal any decision to the Board of Directors.
- Action 3:0 (Whitten, Phelps, Hipkins). The project with the variance was disapproved as submitted based on proposing irrigation in the rear setback, the proposed planting with tree removal in the rear setback, and the proposed tree removal outside the scope of the committee's authority and require a resubmittal for the above noted revision items.

**Please email to submit the required items no later than 45 days from the date of this letter including all outstanding variance and project processing fees that may be paid online through OneStop.**

**PLEASE NOTE:** No excavation, tree removal or construction of any type may proceed prior to the issuance of an Architectural Standards permit. Any violations of this rule will result in the assessment of a fine as well as legal proceedings to compel compliance with the Covenants and Restrictions and Rules.

**PLEASE NOTE:** When plans are invalidated, the site must be inspected to ensure there has been no alteration of the lot. If the lot has been altered in any way, the site must be returned to its natural condition prior to the refund of any deposit money and unused inspection fees. *The administration fee which accompanied the permit application is non-refundable.*

**PLEASE NOTE:**

- Any attachments to trees are not allowed.
- Any exposed metal and plastic shall be painted to harmonize with the structure's principal color.
- Any exposed concrete more than 6" above grade must be painted or stained to blend with the principal exterior color.

- All boundary markers and property line strings must be in place and plainly visible at time of final inspection.

**PLEASE NOTE:** During winter months, clearing of snow from a building site with heavy equipment will not be allowed except under special circumstances with the discretion of the ASC. The parcel must be reasonably clear of snow (less than 2') to avoid any damage to native vegetation, and any such damage, other than where approved, may result in a fine. Caution is urged at all times.

**CONSTRUCTION HOURS:**

*The Town of Truckee has a new noise ordinance that started January 1, 2021 restricting construction noise beyond that of the Tahoe Donner construction hours.*

*Construction. Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the Town as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday.*

*Please see the Town of Truckee website for more information:*

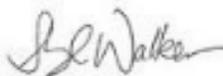
<https://www.townoftruckee.com/home/showdocument?id=20356>

Tahoe Donner Construction Hours were effective to 12/31/2020: 7am to 7pm Monday through Friday and 8am to 7pm Saturdays, Sundays, and Holidays. For this provision, recognized holidays are January 1st, Presidents Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas Day.

If you choose to appeal the ASC decision, you do retain the option to schedule a hearing with the Appeal Board (Board of Directors) to further discuss this matter. At your hearing, the Appeal Board will review your appeal. **You may obtain an Appeal package from the Architectural Standards Office (ASO). The request for the Appeal package must include a written statement and be requested and returned to the ASO within 15 days following receipt of this letter.**

If you elect to schedule an appeal or if you have any questions, please contact the Architectural Standards Office at (530) 587-9407 or [aso@tahoedonner.com](mailto:aso@tahoedonner.com).

Sincerely,



Sheryl Walker  
ASO Office Manager  
Architectural Standards Office

## EXHIBIT E

### Appeal Request and Basis of Appeal

#### COMMITTEE DECISION INFORMATION

Date of Meeting	Jul 28, 2021
Result of Decision	Landscaping was approved in rear setback but no irrigation is allowed

#### SUBJECT PROPERTY

Unit	10
Lot	228

#### APPELLANT INFORMATION

Property Owner Name Requesting Appeal	Daniel MacDonough
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Mailing Address	13107 Roundhill Dr Truckee, CA 96161 United States
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Primary Contact Phone	(925) 382-8351
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Home Phone	(925) 382-8351
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#### APPEAL HEARING

Name of owner(s) or designee(s) to appear at the hearing:	Daniel MacDonough
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	Veronika MacDonough
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Attached is a written statement why I believe I have a basis for appeal. I understand that all decisions of the Appeal Board shall be final and binding.

Date	Aug 11, 2021
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Draw your signature into the box below.



Upload Basis of Appeal Letter	ASO Appeal Letter.pdf
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Reason for Appeal/Additional Comments:  
Please review the attached appeal letter.

Hello,

After speaking with Rex Haber on the phone, I am sending this email protesting the findings of the Board Members for my landscaping project at 13107 Roundhill Dr. I have attended two separate ASO meetings (June 23rd and July 28th, 2021) and had two completely different results.

On June 23rd, 2021 I attended the ASO meeting to discuss our landscaping request. Board members present were Rod Whitten, Nick Sonder, and Graham Reid. During the June 23rd discussion, irrigation was brought up to the board members and **they agreed that irrigation would be needed**. Nick Sonder specifically called out that irrigation in the rear set back is not considered "construction". The decision that came out of that meeting was that they would consider landscaping with irrigation in the rear setback with a variance. The variance was submitted promptly to Tahoe Donner ASO.

On the July 28th, 2021 meeting, the discussion regarding concerns from neighbors lasted less than 30 seconds, as the only neighbor concern was what trees were to be removed. The majority of the trees in our lot are marked for defensible space cleaning at this time. The committee did not have a concern with that. Instead, the discussion was dictated by the board (different board members from the June 23rd meeting) and the concern from Debra Phelps was around irrigation and would not approve irrigation for the project. The decision was that they were fine with landscaping in the rear set back but no irrigation as it is considered "construction".

This is absolutely absurd and extremely frustrating. The June 23rd meeting decision was to have the variance in place to approve landscaping in the rear setback with no concerns of irrigation. On July 28th, I am told there is no need for a variance for landscaping but they will not approve irrigation. I am being told two completely different decisions. On top of that, no neighbor concerns came out of our landscaping request.

The request is to add 6 sprinklers on two lines underground for the grass that has been approved. My wife and I ride our bikes throughout Tahoe Donner and there are hundreds of homes here that have landscaping far more detailed than we are requesting in the rear setback. Two homes on the same street as me have grass throughout the entire backyard and they are obviously irrigated.

Please take this as my formal protest of this decision. I would like to have this revisited at your earliest convenience.

Thanks,  
Daniel MacDonough  
925-382-8351

## **EXHIBIT F**

### **Variance Neighbor Notification Comments Received (Redacted)**

#### **Unit 02, Lot 216**

Reviewing the mailed information regarding 13107 Roundhill Drive, we believe the project completely reasonable and a neighborhood asset.

#### **Unit 10, Lot 262**

Is this the correct address to email the ASO regarding the variance request for 13107 Roundhill Dr. Permit number 21-0275-p?

I plan to protest the variance as it directly outside my back deck and will cause significant damage to the natural beauty and view we enjoy today.

The documents sent to me are insufficient to determine what will actually happen. There is no discussion as to the retaining wall's material, its height or width. There are currently many trees on the property that are marked with blue ribbons on them. The permit states only 2 trees will be removed. It is impossible to tell which trees are to be removed. The current plans destroy the natural setting and view we enjoy today.

Please let me know how I can get additional information that is not included here. I assume the ASC would not approve the plan without complete knowledge of all of these facts so please send them to me at your earliest convenience so that I can make a more well thought out protest.