



**ARCHITECTURAL STANDARDS RULES, PROCEDURES  
AND RESTRICTIONS FOR LAND USE**

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**Dear Tahoe Donner Property Owner:**

Tahoe Donner Association is pleased to provide for you this copy of the Architectural Standards Committee's "Rules, Procedures and Restrictions for Building and Land Use" as amended June 24, 2016.

As you may know, all property within Tahoe Donner is subject to recorded deed restrictions. Such agreements are binding contracts that run with the land. Therefore, each property owner is legally bound to abide by all recorded documents and adopted policies. Tahoe Donner's Covenants and Restrictions (C&Rs) provide for a design review committee; namely the Architectural Standards Committee (ASC). These rules and regulations are required in order to interpret and administer the C&Rs fairly and consistently for all the varied projects among all property owners. Please note, governmental agencies with more restrictive regulations will prevail where a conflict exists.

The ASC will consider and act upon all applications for improvements. Approval from the ASC must be obtained PRIOR to starting any project of any type and PRIOR to changing any aspect of a previously approved project. The ASC firmly believes that continued growth and protection of property values through building and maintaining an attractive community can only be assured if the design review function is fairly and consistently administered. Experience clearly points to the beneficial results of compatible site planning and improvements.

Since this book contains information on virtually all types of projects, only certain sections may apply to your project. After reviewing the book, please stop by or call the Architectural Standards Office (ASO) in the Northwoods Clubhouse (530) 587-9407, and we will be happy to discuss your project with you. We will assist you in any way we can to help you understand and complete all association requirements. We want your project to be a pleasant and rewarding experience for you.

Sincerely,

**Architectural Standards Committee**

## I. INTRODUCTION

In order to alleviate some confusion regarding the purpose of the Environmental Control Committee (ECC), the Board found it appropriate to change its name to the Architectural Standards Committee (ASC). Therefore all references in the C&Rs to the Environmental Control Committee or "ECC" should be read as references to the "ASC".

A number of terms used in these Rules are defined in the C&Rs and Bylaws. It is intended that those definitions be given to such terms when used herein.

Unless otherwise noted, all rules and requirements apply to all lots within Tahoe Donner Association.

### A. ASC SOURCE OF AUTHORITY:

The authority of the ASC is derived from the recorded Covenants and Restrictions ("C&Rs"), which govern and protect Tahoe Donner. It is the ASC's responsibility to enforce the C&Rs and Architectural Standards (AS) Rules.

Pursuant to the grant of authority contained in the C&Rs, the ASC, by majority vote, and with approval of the Board of Directors and in accordance with Article III, Section 7b, may adopt, amend and repeal AS Rules which interpret or implement the relevant provisions of the C&Rs.

The Association has authorization to collect special individual assessments, in accordance with Article IV, Section 5, for violations of the C&Rs or the AS Rules, and to sue for injunctive relief and/or damages for any non-compliance with the C&Rs or Rules. The Association has delegated to the ASC the duty to assess fines for violations of the C&Rs or the AS Rules, in a reasonable, uniform and non-discriminatory manner.

Copies of the AS Rules may be obtained at the Architectural Standards Office (ASO) located in the Northwoods Clubhouse, or by written request sent to 11509 Northwoods Blvd. Truckee, California 96161.

### B. DESIGN POLICIES AND REVIEW:

1) **GENERAL:** The AS Rules and the design guidelines are based on primary policies of appropriate design as it relates to communities such as Tahoe Donner. It is not possible to make a rule for every situation. The ASC uses the design policies in the evaluation of each plan submitted for approval. The following policies were developed to benefit the applicant, the ASC and our community by reducing the possible subjective nature of the review of architectural design elements and providing a means for evaluating these plans to ensure continuity.

#### 2) POLICIES:

a) **ENVIRONMENTAL PROTECTION:** Approval for clearing or alteration of lots shall be granted only for approved structures, site improvements, fire protection or landscaping and may not be performed in a manner that will result in erosion of soils, excessive water runoff, discharge of wastes into soils or waters, stagnation or standing water, or excessive removal of indigenous vegetation.

- b) **SITING FOR COMMUNITY AND PRIVACY:** All structures shall be sited to create an appropriate setting within each lot, consistent with the density and setback rules as defined in the AS Rules. The ASC may require the structure be placed so as to reduce its impact upon other Owners' rights to reasonable scenic access, as described in the C&Rs. The maximum allowable coverage on a single-family parcel shall be 35% of the gross area of the parcel. The maximum allowable coverage on a multiple-family parcel shall be 50% of the gross area of the parcel.
- c) **FORM AND CONTENT:** All structures shall be of a size and use that is consistent with the C&Rs and AS Rules and the standards of the community. All structures and site improvements shall be designed to fit the topography of the lot. The styles, shapes, sizes, massing and colors are to be of good proportions, well balanced and appropriate to Tahoe Donner. Elevations and designs which the ASC finds aesthetically incompatible with the physical site, adjoining properties or the environment of the development will not be approved.
- d) **APPEARANCE /QUALITY:** All improvements to any lot or structure shall meet minimum standards of design and material quality consistent with those specified in the C&Rs and AS Rules and in keeping with the level of quality established in Tahoe Donner.
- e) **REVIEW:** Some owners may question the necessity of having plans reviewed by the ASC and may feel that approval by the Town Building Department should be sufficient. Our review is for the purpose of ensuring architectural continuity, quality and harmony within the Tahoe Donner community and timely completion of improvements in compliance with approved plans.

An owner should consider submitting his plans for preliminary review if there are concerns regarding the design, topography or proximity to a home of similar design. Refer to Section III-G for further information on proximity to similar designs.

The ASC strongly urges all owners to read this book carefully and completely. It is also recommended that owners read the C&Rs. Those planning to build should have their architect, designer and contractor familiarize themselves with these texts, since these documents control permissible design, construction, maintenance and landscaping practices for all projects within Tahoe Donner.

### **C. CONDITIONS:**

The right of an Owner to construct, remodel, alter or otherwise change any improvement or make any excavation to any lot shall be exercised only with an approved current permit from the ASC in accordance with the following rules and procedures.

## II. PLAN SUBMITTAL REQUIREMENTS

### A. GENERAL:

Before any owner may proceed with any alteration to his lot or an existing structure, the ASC must review and approve the plans and specifications, and issue an ASC permit. (As provided in the C&Rs, Article V, Section 1a)

All applicants for an ASC building or improvement permit must be members in good standing of the Association. A prospective owner may, before taking title, submit an improvement application for review, however, a permit will not be issued until title to the lot has been transferred through the recording of an effective document. When additional information is required in order for the ASC to evaluate any application, such information must be submitted within 45 days of notification by the ASC. If no response is received within 45 days from such notice, then the application will lapse and all materials, deposits and unused fees will be returned to the Owner.

All changes or deviations from the original application's colors, materials, plans or specifications, including any change in grade, must be submitted to the ASO for review and approval. (C&Rs, Article 5, Section 1b) **No CHANGES SHALL BE MADE TO ANY PLANS OR IMPROVEMENTS WITHOUT PRIOR APPROVAL OF THE ASC.** However, the ASO Manager has been delegated the authority to grant specified types of approvals upon request without action by the ASC itself. Examples for approval by the ASO Manager are window changes and changing to a standard acceptable color or material. Other changes must be processed through the ASC.

It is the responsibility of the Owner to ensure that the contractor/builder complies with all of these requirements.

Any request for changes requiring ASC action shall be submitted in writing and revised plot plans and elevation drawings may be required. All structures shall be built in conformity with the approved plans.

Any action by an Owner or contractor to implement changes without prior approval of the ASC or the ASO Manager is a violation of AS Rules and is subject to an automatic fine as set forth in the ASC Fine Schedule. The ASC may also order an immediate cessation and abatement of all aspects of the work until ASC review and approval is obtained.

The length of time required to obtain an ASC permit or approval of proposed changes will depend upon the completeness of the submittal, the accuracy of the plot plan and the site and tree removal inspection, if applicable.

This following list of required ASC permits is intended to be representative and not all inclusive:

- 1) **CONSTRUCTION PERMITS:** House, Garage, Additions, Exterior Alterations, Decks, Fences, Temporary Shelters, Multiple Units, Condominiums, Apartments and Commercial Units. Check with the ASO regarding re-roof, window replacement, and re-paint/re-stain requirements.
- 2) **OTHER PERMITS -** Including but not limited to: Solar Panels, Satellite Receiving Dishes 39" or larger, Driveway changes, Parking Pads, Dog Runs, and Wind Systems.

## **B. APPLICATION:**

ASC review will commence only upon presentation of a complete application package which shall include the following: Payment of the administration and inspection fees, one full set of professional quality plans, including an 8-1/2" x 11" print of the site plan and an 8-1/2" x 11" print of each of the elevations, and all other required application components, including an ASC Exterior Specifications Form, which accurately shows the colors and materials to be used, a completed Improvement Plan Application, and a Request for a Site Inspection. All plans for additions will graphically depict existing and proposed structures, including materials and colors. Plan submittal requirements for minor additions and/or changes may be waived at the discretion of the ASC chairperson.

Note: The required, refundable deposit may be paid at the time of plan submittal or prior to picking up your ASC building permit, but no later than 120 days following plan approval.

Note: An exception to stringing the lot will be granted when winter conditions prevail, at the discretion of the ASO.

In order to be considered at a specific ASC meeting, plans must be submitted at least three weeks prior to the date of that meeting. The lot must be identified with a brown and white sign (not to exceed 24"x6", with 4" letters) displaying the 5-digit address and the lot must be prepared for a site inspection. (See note above for exception to lot preparation.)

The Improvement Plan Application must be signed by the Owner of record of the parcel, certifying that the Owner has read, understands and will comply with the requirements as outlined in this document and the C&Rs. Should an Owner employ a contractor, the contractor must sign a statement acknowledging that he/she is aware of the AS Rules and Fine Schedule for violations of the AS Rules and C&Rs.

The ASC reserves the right to notify Owners if their contractor of record has had violations or is not a licensed contractor, and such is known to the ASC. No duty is created, however, to investigate and advise by this reservation of right.

## **C. SITE PLAN REQUIREMENTS:**

Must clearly show all of the following:

1. A topographic and boundary survey including the name, address, license number, and signature of the licensed land surveyor or civil engineer who prepared the topographic and boundary survey(s). The requirement for a topographic survey shall conform to the Town of Truckee requirements. All physical features of the site. Dense tree stands more than 30 feet from the home may be shown as a mass of trees except in the front setback.
2. Name, unit and lot number, current mailing address of the owner and the physical address of the property.
3. Scale: 1/8" = 1'0" or 1/10" = 1'-0"
4. North arrow.
5. All property lines (including all dimensions and metes & bounds).
6. All applicable easements and setbacks.
7. Established reference benchmark on site.



8. Contours at a minimum of 2-ft. intervals - all contours must clearly be shown with a numeric indication on each one.
9. All proposed grade changes. Clearly show all existing grades to be modified with a broken line.
10. Location and material of all proposed retaining walls. Retaining walls 18 inches or higher will require a site section cut perpendicular to the contours.
11. Slope, drainage, and places of concentrated drainage flows.
12. All existing trees, rock outcroppings, and established vegetation.
13. All existing trees to be removed measuring 4 inches or more in diameter at 3' from the ground.
14. Any areas of existing ground level vegetation to be preserved.
15. Accurate location of all adjacent lots and structures.
16. Edge of pavement and centerline of street the driveway will intersect.
17. Major view corridors from the site.
18. Any existing vegetation areas that will be damaged during construction.
19. The building footprint, decks, walkways, driveway, parking pad, patios and roof plan. The roof plan includes all ridges, valleys, eaves, overhangs and roof slopes.
20. Dimensions from eaveline of the structure to property lines on all sides. (Each corner to have two dimensions: one to the front or rear property line, and one to the side property line.)
21. Future garage location for all new residences proposed without a garage.
22. All proposed utility services - sewer, water, gas, propane, electrical, phone, and cable TV; indicating proposed service at the street and all trenching to the residence.
23. Garbage can enclosure location. Indicate the location of a future garbage can enclosure if an exemption is requested and approved.
24. Location and width of the driveway from the street to the new residence. Indicate the width of the driveway at the front property line (20 ft. maximum). Clearly indicate the material and slope of the driveway, including all swales and direction of positive drainage. If an access easement is to be used, show the boundary of the access easement on all neighboring lots to be traversed, as well as the material to be used and the slope of the proposed or existing easement roadway.
25. Snow storage area outside of the 20-foot front setback area. Amount will be calculated at a minimum of 30% of the total driveway area proposed within the property boundaries.
26. Temporary construction access, if other than proposed driveway.
27. Proposed area for on-site construction material storage.

28. Elevation of all finish floors, driveway, patios and decks in relation to the established reference benchmark.
29. Any proposed landscaping and/or erosion control. Erosion control on all disturbed soil areas is required. At a minimum, erosion control must be implemented with seeding and/or mulching, including any Town of Truckee requirements.
30. Propane tank and required screening from the street and neighboring properties. (Landscaping or existing vegetation may be used for screening.)
31. On remodel/addition submittals, all existing paving to remain, all existing paving to be removed, and proposed paving are to be clearly indicated.
32. Area calculations of total site coverage itemized to show all structures, driveways, walkways, patios, and decks, etc. On lots with access easements, paved surfaces, within the recorded easement and solely for the use of adjoining properties, will not be included in the coverage calculation. Total coverage will not exceed 35% for single family residential lots or 50% for multiple zoned lots.

**D. FLOOR PLANS:**

Floor plans must be drawn to a scale of 1/4" = 1' 0" and shall include the following:

- 1) Plan for each floor. Plans for additions will graphically depict existing and proposed structures, including materials and colors.
- 2) Square footage must be indicated for each floor.

**E. ELEVATION DRAWINGS:**

Elevation plans must be drawn to a scale of 1/4" = 1' 0" and depict the house as it will be built. All plans for additions will graphically depict existing and proposed structures, including materials and colors. No reversed or mirror image plans will be accepted. Elevation plans shall include the following:

- 1) Four views designated by compass direction.
- 2) Street side(s) noted on the appropriate view(s).
- 3) Details of general construction and exterior materials on all views.
- 4) Type of doors, windows and their materials.
- 5) Deck, railing and stair materials.
- 6) Retaining wall material.
- 7) Roof pitch.
- 8) Height at midpoint on side elevations and on any portion that exceeds 35'.

- 9) Existing and proposed finished grades.
- 10) Proposed location of all utility meters.
- 11) Location of all exterior light fixtures.

**F. SITE INSPECTION AND TREE REMOVAL REQUIREMENTS:**

Upon submitting plans to the ASC, the Owner/builder or contractor must have the site prepared for the required site inspection (weather permitting) and submit a request for said inspection, in writing, using the Site and Tree Inspection Request form indicating compliance with the following requirements:

- 1) All property corners must be established and survey markers clearly visible.
- 2) String side and rear property boundaries.
- 3) All structure and deck corners must be staked and labeled. High stakes are permitted where there is snow or heavy brush. An application submittal may be deemed incomplete if any stakes are not marked or are inaccessible by staff.  
Note: In heavy brush areas, the stakes must extend above the brush and be readily visible from a distance.
- 4) Indicate all trees to be removed, 4 inches or more in diameter, at 3' from the ground. Trees shall be marked with surveyor's tape.
- 5) A 6" x 24" address sign--No signs are to be attached to any tree.

While they must be shown on the submitted site plan, tree removal will be allowed by the committee within a 10' zone measured from all sides of the foundation and a 5' zone measured from the sides of a deck or paved surface. Aside from the preceding, no trees greater than 4" in diameter (3' above the ground) may be removed without a permit from the Tahoe Donner Forester.

The ASC will inspect the lot to confirm that the perimeter boundaries are strung, structure corners are marked and the trees are properly identified for removal. Those trees proposed to be removed must be flagged with surveyors tape, and may not be marked by blazing or painting the tree trunks. Should approval to remove a specific tree be denied, the flagging will be removed upon inspection. To the extent possible, the property lines shall remain strung during all phases of construction.

NOTE: A site and tree removal inspection will not be conducted during the winter months unless the snow has melted to the extent that the inspector can easily walk the perimeters.

**G. NOTIFICATION OF OWNERS OF ADJACENT PROPERTIES:**

Upon receipt of plans for construction of a house or garage, or any other improvement deemed appropriate by the ASC Chairperson, the ASO shall provide a notice of the submittal of a proposed project by mail to all owners of properties adjacent to the project site. Properties adjacent to the project site are those lots that share any length of common property line or any common lot corners with the project site (including lots that would share such except for being separated from the project site by a street or a parcel of Common Area less than 75' in width or depth, whichever is appropriate).

The notice to owners of adjacent properties shall (1) advise the property owner that proposed construction plans have been received by the ASO, (2) identify the parcel and type of structure proposed, (3) include copies of the site plan and elevations, (4) inform the owner that they, or a representative designated in writing, may review the submitted project plans at the ASO, (5) indicate the date, time and location of the meeting at which the ASC will consider the application, and (6) advise the owner of their right to comment upon the application in writing in advance of the meeting (by personal delivery, mail, e-mail, or facsimile), and of their right to appear and comment personally or designate a representative to do so at the meeting. Written comments on a proposed project must be signed by the owner of an adjacent property, and identify the parcel owned by that particular owner, either by address or unit and lot number. Input from the owners of adjacent properties will be considered by the ASC but shall not control the ASC in its evaluation of the proposed project.

Any owner of adjacent property who submitted written comments in advance of the meeting or owner of adjacent property or their designated representative who appeared at the ASC meeting, at which an application was considered, may request a copy of the minutes of that ASC meeting. Requests for minutes of the meeting at which any particular application is considered must be in writing, identify the parcel and ASC meeting date, and must be made no later than the close of business the day following the meeting at which the application was considered. Should modifications be proposed to approved plans, the ASC Chairperson, in his/her sole discretion, may require that, due to the magnitude of the modifications, the owners of adjoining properties be provided with notice of the proposed modifications and an opportunity to comment thereon, either in writing or at the ASC meeting at which the proposed modifications are to be considered.

#### **H. RIGHT OF OWNER OF ADJACENT PROPERTY TO APPEAL:**

Any owner of an adjacent property who submitted written comments in advance of the ASC meeting at which an application was considered, or any owner of an adjacent property or their designated representative who appeared at that meeting may appeal the decision of the ASC to the Appeal Board. Such an appeal shall be strictly limited to matters raised at the ASC meeting or in the written comments of the owner of adjacent property. Requests for appeals must be made in writing, identify the parcel and the date of the ASC meeting at which the proposal was considered, and must be received at the ASO within 15 days of notice of the ASC's decision. Such appeals are governed by the provisions of the C&Rs and the procedures adopted, from time to time, by the Board of Directors.

The fact that an owner of adjacent property appeals a decision of the ASC does not affect the right of the owner who has applied for and obtained ASC plan approval, acting at their own discretion and risk of subsequent adverse decision of the Appeal Board, to obtain a permit under Section IV of these AS Rules and commence construction. The bringing of an appeal does not in any way require the ASC to hold any additional hearing or meeting with respect to the decision, or to withhold or suspend permission to proceed with the proposed construction.

#### **I. SITE IMPROVEMENTS:**

In keeping with the mountain lifestyle at Tahoe Donner, only natural landscaping materials are permitted.

Artificial grass and plants, or other artificial vegetation shall be reviewed on a case by case basis.

### III. SPECIFIC BUILDING REQUIREMENTS

#### A. MINIMUM SQUARE FOOTAGE:

Every residential structure shall have a minimum of 1,200 square feet of fully enclosed floor area devoted to living purposes (exclusive of porches, garages, etc.). Structures with more than one story shall have not less than 900 square feet of living space on one floor. It is important to note that the ASC will not approve plans for, or construction of, guest houses or servants' quarters (i.e., areas with separate kitchen facilities) on a single-family zoned lot and will take action to remove such quarters where known to exist. Each apartment or condominium unit within each multi-family building shall contain not less than six hundred fifty (650) square feet of fully enclosed floor area to be devoted to living purposes (exclusive of roof or unroofed porches, terraces, decks, garages, carports, and other out buildings).

#### 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.

- 1) **FRONT SETBACK:** A minimum 20' setback from the property lines on all street side(s) of the property. On some parcels, the ASC may require the setback to be greater than 20' to be compatible with houses on adjacent lots.
- 2) **SIDE SETBACK:** A minimum 10' setback from the side property lines to the nearest eaveline of the roof. The ASC will consider exceptions on a case-by-case basis.
- 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.**

#### C. GARAGE, DRIVEWAYS AND PARKING AREA:

All projects must include a garage or a future double-car garage site. A carport is permitted only with an existing garage. The paved driveway or paved parking area may not be less than 400 square feet exclusive of the garage or any access easement.

Any home with a garage must have a paved area from the street to the garage. A home without a garage must have a minimum of 400 square feet of paved area aligned with a future garage site and exclusive of any access easement. (The future garage site will not be counted as part of the required 400 square feet.)

Paving is to be limited to a maximum of 20' in width at the property line, except when an access hardship can be demonstrated. Two separate access points will not be allowed.

Driveways on all construction sites will be treated so as to minimize mud and/or dirt being tracked onto the roadway. 3" of gravel would be considered an acceptable treatment. Alternate methods will require approval of the ASC.

Approval from the ASC is required to surface a portion of an improved lot for the storage or parking of such vehicles. Surfacing methods will only be asphalt pavement, poured reinforced concrete, or other solid surfaces such as pavers. The area to be surfaced will not exceed the existing rule limiting the building and paved areas to 35% of the total lot area. Existing ASC approved additional parking areas must be properly maintained with a minimum of two inches of crushed rock, drain rock, or existing pavers. Additional parking areas must be accessed only via the existing driveway, and not directly from the street.

#### **D. GARBAGE CAN ENCLOSURES:**

Garbage can enclosures (GCEs) meeting the requirements of this section are required with all new home construction. Unless an exception is granted by the ASC, GCEs meeting the requirements of this section are required with all significant additions and garage construction. Such enclosures are also required whenever new GCEs are being installed, or existing ones are being replaced, at existing homes. Such enclosures may also be required by the ASC where an existing damaged enclosure must be substantially rebuilt, or when complaints have been received or violations noted regarding garbage litter.

The GCE must be resistant to bears, raccoons and dogs, and of a design approved by the ASC. Information on approved "bear resistant" enclosures may be obtained from the ASO. All enclosures must meet the following criteria:

- 1) The floor should be elevated above the ground.
- 2) The enclosure must be placed 1' to 2' inside the front property line. (Caution should be used to assure that the enclosure is not within the Town of Truckee right-of-way.)
- 3) The enclosure opening must face the driveway.
- 4) The enclosure must be in an ASC-approved finish and color and may be required to be screened by substantial existing or proposed vegetation.

The GCE must be installed on the homeowner's property and not in the Town of Truckee right-of-way. If the unit is to be installed on a portion of a paved access easement not owned by the installing property owner, the deed of the property on which the installation is to be made must be amended to authorize the installation. A copy of the amended deed must be submitted prior to installation of the GCE. GCEs on access easements must be congruent in color, material and style with adjacent GCEs.

#### **E. EASEMENTS:**

Any access, recreational, drainage, public utility or slope easement must be shown. No portion of a structure may extend into or over any easement.

In approving plans for improvements on lots affected by access easements, it is not the responsibility of the ASC to verify that the location of any existing access road conforms to the location shown on the recorded subdivision map or is as described on any deed; nor shall ASC confirm whether the public roadway is constructed within the Town right-of-way. **It is not the responsibility of the ASC to survey or otherwise confirm the appropriate location of any roadways or easements.**

Owners of lots with such easements may use them for ingress or egress to the public roadway, provided that such use does not interfere with use by adjacent Owners entitled to use the easement.

Driveways installed on said easements must comply with grade requirements of the Town of Truckee. Installation and maintenance of such access driveways are the responsibility of the Owners. It is also the responsibility of Owners to establish terms for use of the easement.

**Snow Storage Easements** - Each lot includes an easement for the storage of snow by the Town of Truckee. These easements consist of a strip of land 20' wide at the front of each parcel and parallel to all roads.

**Public Utility Easements** - "PUE" Each property has utility easements which are rights-of-way for electrical, water, gas, sewer and drainage lines. The PUEs generally consist of 10' at the front of the property parallel to the road lines and 5' along and parallel to the rear and side lot lines. Units 1 through 7 still retain the original 8' PUEs and these are so noted on our maps. No structure, planting or other material shall be placed or permitted to remain which may interfere with the installation and maintenance of the utilities, or damage, interfere with or change the direction of flow of drainage facilities.

**Recreational Easements** - "RE" Recreational Easements are shown on some lots within the subdivision and are usually located at the side or rear of the property. Commonly, these involve a 10' strip of land along the property line, although, in some cases these easements can be much larger, especially those adjacent to the rear lot line. Recreational Easements are to remain open and accessible to Owners for general recreational purposes. No structure of any kind shall be placed, erected, constructed or maintained, and no tree or vegetation shall be felled, cut, trimmed, pruned or removed, except as required by the Association to construct and maintain trails, for fire safety and park sites or for the construction and maintenance of public and private utility easements.

**Access Easements** - "AE" These easements were created to provide a practical means of access due to the steepness of certain lots. The AE may serve two or more adjacent lots and is to be maintained by the Owners served by any particular AE. Information on where you may access an easement and who has the right to use any portion of the easement may be available in the ASO. The C&Rs prohibit any type of encroachment into any setback or easement area. The Town of Truckee may impose restrictions on use of Access Easements. The more restrictive requirement of the two agencies will be enforced. Due to the location of the subdivision, there are many old logging roads running through the subdivision. While these may appear to be access routes, they are not deeded easements and do not convey a right to pass. Maps showing all of the easements are maintained in the ASO.

**Slope Easements** - "SE" These easements were created to protect those areas with steep slopes from erosion and sliding problems. No structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of drainage channels.

#### **F. HEIGHT RESTRICTIONS:**

No structure or improvement shall be constructed on any residence lot having a height of more than two stories; provided, however, that the height of the structure or improvement may exceed two stories if permissible by law and if the Environmental Control Committee determines that the proposed height is compatible with the physical site involved and adjoining properties; provided the total height of the structure shall in no event exceed 35 feet measured from the building's mid-point on the downslope.

## **G. PROXIMITY TO SIMILAR DESIGNS:**

To discourage the appearance of tract-type housing within Tahoe Donner, the ASC reviews proposed designs for similarity to neighboring structures. A separation by at least 8 lots on either side and across the street by 8 lots in each direction is required for houses with the same or very similar design, when viewed from the street.

Where such a separation does not exist, the ASC may, at its sole discretion, require more detailed elevation drawings or an artist's rendering for further consideration.

## **H. EXTERIOR SPECIFICATIONS:**

Materials and colors which will harmonize rather than contrast with the existing landscape are encouraged. There are color charts at the ASO from which color selections may be made for exterior materials and finishes. A complete ASC Exterior Specifications Form, which includes all materials and finishes, will be required at the time of plan submittal and all colors and materials must be approved by the ASC.

- 1) **PRINCIPAL COLORS:** The principal exterior color should be an earth tone or a color that blends with the natural surroundings; i.e., variations of brown (medium beige to dark brown), greens and grays. Certain shades may not be acceptable to the ASC. Bright or gaudy colors, including white, will not be allowed.
- 2) **ACCENT COLORS:** Accent colors for decks, fascia, trim, doors, and garage doors are to be a color which will harmonize with the principal color. This includes support posts, beams, railings, and pickets. Excessively contrasting accent colors are not allowed. (An example of "excessively contrasting" is dark brown siding with white trim.)
- 3) **FOUNDATIONS AND RETAINING WALLS:** Exposed concrete, concrete block foundations and/or deck footings which exceed 6" from grade, must be painted or stained to blend with the principal exterior color. Split face block may be left natural if it blends with the exterior of the residence.  
Should a concrete or concrete block retaining wall be required, it must be painted or stained an earth tone or color to blend with the principal exterior color of the structure unless an acceptable pre-colored concrete or concrete block has been approved.
- 4) **EXTERIOR EXPOSED METAL AND PLASTIC:** All exterior exposed metal and plastic, such as flashing, vents, chimneys, electrical control boxes, conduit risers, natural gas meter covers, nuts, bolts, washers, and support hangers shall be painted to harmonize with the structure's principal color.
- 5) **EXTERIOR SIDING OR SHEATHING AND TRIM:** It is critical that the design of the exterior siding, trim and finish system be congruent on all sides of the structure and that the design coordinates the material and detailing of all sides with the design of the front elevation (street side(s)). All types of natural wood solid sawn siding are allowed alone, as well as with stucco, stone and split faced or textured concrete masonry units. Alternative exterior materials will be considered on a case-by-case basis. Samples and specifications must be submitted for ASC evaluation. The ASC may impose restrictions as to the grade, design and area where certain materials may be used.

No type of plywood or sheet siding is allowed on any street side(s) or on any golf course side(s) where visible from the golf course. This includes the use of such siding with battens. On all other individual sides of the building, a maximum of 50% of the siding area may be plywood or



sheet siding only to the extent that it is in harmony with the street/golf course view side(s) of the building, and it is appropriately coated or treated to minimize discoloration and deterioration.

**EXCEPTIONS:**

Plywood or sheet siding exceeding the above 50% maximum may be allowed as an exception, on a case-by-case basis, on those sides not facing a street or the golf course only if: a) the design is in harmony with the street/golf course view side(s); and b) the plywood or sheet siding is properly coated or treated to minimize discoloration and deterioration.

Where the proposed project involves an addition to, or remodeling of, an existing structure, a determination must be made as to the extent of the new work. While the objective with a new project is a general reduction in the use of plywood siding, a less substantial addition/remodel should be allowed to maintain some congruity with the remainder of the structure. Where the amount of exterior surface (exterior walls) represented in the addition/remodel is 50% or more of the original exterior surface areas of the building, the revised siding rules should be applied. Where the new area (either addition or remodel) is less than this 50% threshold, the new rules need not be imposed.

- 6) **WINDOWS AND DOORS:** The exterior windows, doors and their frames shall be of wood, aluminum, vinyl, metal or other material finished with an approved color.
- 7) **ROOFING MATERIAL AND DESIGN REQUIREMENTS:**
  - a) **Roof Design:** For aesthetic reasons, low pitched roofs will not be allowed, i.e., less than 5' in 12' on any multiple story home and less than 8' in 12' on any single story home. The ASC retains the right to grant exceptions dependent upon architectural design.
  - b) **Material:** Metal or composition roofing is recommended. Samples of a proposed color may be required of the owner. The following exception is to prevent structures from having the appearance of industrial-type buildings with steel walls. Metal roofing material may not be used if the lower planes of the area to be covered by roofing material have an average distance from the ground of less than 4 feet, and have an angle of steepness greater than 45 degrees to the horizontal. Metal eaves may be added to composition roofs if the color blends with the roofing and the metal is placed on all shed sides of the structure. Exceptions may be granted by the ASC on a case-by-case basis.

The C&Rs require an Owner to maintain the roof color including, but not limited to, the fading of metal roofs.
  - c) **Proximity:** A proposed roof of the same color and material as that of two or more adjacent structures will not be allowed.
- 8) **EXTERIOR LIGHTING FIXTURES:** External lights shall be shielded or hooded, and must be located and constructed so that they do not create a nuisance or hazard. The lighting footprint must project downward and cannot project beyond the property boundaries. Fixture locations must be shown on the elevation plans. No fixture may be placed higher than a maximum height of 10' above the adjacent walking surface. Catalog sheets or photographs depicting the proposed fixture are required for ASC review and approval prior to installation. Acceptable exterior lighting may include the following:

- a) **Concealed Light Source:** The light bulb shall not be visible from the sides of the light fixture. The opacity of the fixture shall be reviewed on a case-by-case basis.
- b) **Floodlights:** A canopy-type floodlight cover, of an approved color, that shields the light source is acceptable provided the light is directed straight down.
- c) **Motion Detectors:** If lights are to be on the sides or rear of a structure, motion detectors must be used. The automatic light durational setting must not exceed 5 minutes and the sensitivity to movement must be properly adjusted so as not to create an annoyance.

Any fixture that fails to meet the above specifications must be replaced prior to final ASC inspection. No vapor (sodium, mercury, etc.) lights will be allowed.

At any time, the ASC may evaluate unduly bright lights that create a nuisance to adjacent Owners or about which complaints have been received. Safety considerations will be balanced against aesthetic/nuisance considerations in applying these restrictions.

#### **I. LANDSCAPING AND DRAINAGE:**

The ASC encourages owners to landscape their Tahoe Donner properties using natural landscaping materials and vegetation, in keeping with the unique mountain environment.

Landscaping projects such as adding trees, shrubs, and grassed areas do not require a permit. Please check your corner property pins to ensure these items are kept within your lot.

If your proposed project is listed below, please call the ASO regarding the permit application process:

- Any proposed landscaping in the setbacks including the rear 20% (or 25' minimum) setback, may require a variance
- Moving more than 5 yards of soil
- Water features especially those with major rock work
- Paving, gravel or decomposed granite walkways or patios
- Retaining walls above 18 inches in height
- Any modification to site drainage
- Installation of artificial grass, plants, or other artificial vegetation

#### **IV. ASC APPROVAL AND PERMIT ISSUANCE**

Upon approval of the site and plans, the Owner, if acting as builder, or the designated contractor, upon payment of the permit deposit (if applicable) and signing of the Improvement Plan Application will be issued an ASC building permit. Upon receipt of the permit, the Owner/builder shall be entitled to commence construction, unless winter conditions prevail.

Approval of any application by the ASC does not waive the necessity of obtaining Town or other necessary permits, and obtaining a Town permit does not waive the need for ASC approval.

Construction must commence within one year from the permit issuance date. All fees must be paid prior to receiving a permit and, as noted, the deposit must be paid in full within 120 days of plan review and approval or the application will be invalidated without further notice. When the site

work, including clearing of the building site has started, construction is deemed to have commenced. If an Owner fails to commence work within one year from the permit issuance date, all approvals and permits shall be deemed revoked unless the time is extended in writing by the ASC prior to the expiration of the initial one-year period.

Clearing of snow from a building site with heavy equipment will not be allowed except under special circumstances within the discretion of the ASC. The parcel must be reasonably free 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.

**A. RIGHT OF PROPERTY OWNER TO APPEAL:**

Appeals from decisions of the ASC may be made to the Appeal Board. Such an appeal shall be strictly limited to matters raised at the ASC meeting or in the written comments of the Owner of the property. Requests for appeals must be made in writing, identify the parcel and the date of the ASC meeting at which the decision was made, and must be received at the ASO within 15 days of notice of the ASC's decision. Such appeals are governed by the provisions of the C&Rs and the procedures adopted, from time to time, by the Board of Directors.

The bringing of an appeal does not in any way require the ASC to hold any additional hearing or meeting with respect to the decision, or to withhold or suspend permission to proceed with the proposed construction.

**V. COMMENCEMENT OF CONSTRUCTION**

**A. LAND CLEARING:**

**USE OF ADJACENT LOTS OR COMMON AREAS, TO ACCESS YOUR PROPERTY IS NOT ALLOWED, EXCEPT WHERE SERVED BY AN ACCESS EASEMENT. ACCESS TO THE LOT SHOULD BE RESTRICTED TO THE PROPOSED DRIVEWAY LOCATION. All material, debris and equipment must be limited to the subject property and are not allowed on adjacent properties or common areas.**

Within 30 days of commencing excavation work, all debris produced by such work shall be removed. The 30-day period will begin when site work has begun. Failure to comply with the 30-day limit will subject the Owner to fines. All debris should be promptly removed from the parcel to reduce the potential fire hazard, to reduce the breeding area for insect infestations and to maintain the aesthetics of the area. Any logs remaining on the lot must be cut into lengths not exceeding 24" and neatly stacked prior to requesting an ASC final inspection.

During all phases of construction, it is required that the homesite be maintained in a neat and presentable manner, with construction materials confined to the subject lot and off of the roadways. Construction debris shall not be allowed to accumulate on the property or become a neighborhood nuisance and must be removed periodically. Failure to comply will subject the owner to possible fines.

**B. SEWER SERVICE VERIFICATION:**

Owners should ascertain the main sewer line elevation before siting the house so as to ensure gravity flow to the main sewer service. A house located more than 50' from the street may require a sewer pump.

**C. TEMPORARY SANITATION FACILITIES:**

Where adequate facilities do not exist on the site (e.g., new construction) the Nevada County Department of Environmental Health and the Town of Truckee require that an approved type of temporary restroom facility be available on-site at all times. The facility must be on the property and must be minimally visible.

**D. TEMPORARY TRAILER USE:**

With ASC approval, a travel trailer or motor home may be used, by the owner only, as a temporary residence during active construction. Upon completion of the residence, or at the expiration of the initial 2-year permit, the temporary facility must be removed. Extensions of time to complete a residence will not extend the time permitted for such use.

**E. CONSTRUCTION HOURS:**

Construction hours in Tahoe Donner are limited to: 7am to 7pm Monday through Friday and 8am to 7pm Saturdays, Sundays, and Holidays. For this provision, recognized holidays are January 1<sup>st</sup>, Presidents Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day, and Christmas Day.

**VI. DURATION OF ASC PERMIT**

The duration of an ASC permit varies according to the type of permit.

**A. RESIDENCES AND COMMERCIAL STRUCTURES:**

The initial ASC construction permit for residences (including multiple living unit structures) and commercial structures, is valid for two (2) years from the date of issuance, unless the Owner receives a Certificate of Occupancy (C of O) or Temporary C of O from the Town of Truckee, or the dwelling is occupied, prior to the expiration of the ASC permit. 60 days from the issuance of a C of O the ASC permit will be deemed expired and the final inspection must be successfully completed prior to that date.

The exterior of residences must be completed in accordance with ASC requirements, approved plans, and specifications. The work which constitutes exterior completion is detailed in the ASC Final Inspection Checklist and the Inspection Request Form.

**B. ALTERATIONS, ADDITIONS, GARAGES, DECKS, ETC.:**

Alterations, auxiliary structures, decks and/or temporary alterations, and additions smaller than 500 square feet must be fully completed within one (1) year from the date of approval. Extensions may be permitted when extenuating circumstances exist.

Garages, and additions 500 square feet and larger, must be fully completed within two (2) years from the date of approval. Extensions may be permitted when extenuating circumstances exist.

It is the responsibility of the Owner to request an ASC final inspection prior to the expiration of the current permit, prior to the time occupancy is taken, or within 60 days of the issuance of a C of O by the Town of Truckee, whichever occurs first. To schedule a final inspection, the appropriate forms must be completed and submitted to the ASO.

No improvement is considered complete until an ASO final inspection has been approved and confirmed in writing by the ASC.

**C. DEMOLITION OF EXISTING STRUCTURE:**

In the event that the Owner wishes to demolish an existing structure to either restore the lot or to build a new structure, the Owner shall submit plans to the ASC for review. The plans will include the timelines for the proposed demolition and, if applicable the plans for restoring the lot. If the Owner opts to rebuild, the Owner must submit an application and plans meeting the requirements of a submittal for a new structure. Demolition of the existing structure and construction of the new must commence within 1 year of permit issuance and must be completed within the timelines defined by the ASC for a new structure.

**VII. TRANSFER OF ASC PERMIT**

ASC permits may be transferred when the following conditions are met:

The seller and the buyer must both sign a document indicating that full responsibility for the project is transferred to the new owner.

Both parties must sign a document indicating that all fees and deposits are current, are the responsibility of the new owner/buyer, and that after closure of the project by the Architectural Standards Office (ASO), any unused fees and any outstanding deposit will be returned to the new owner/buyer.

Upon submittal of the transfer request, if the ASO determines that a portion of the deposit has been used for additional inspections or fines, the new owner/buyer must pay the difference between the remaining deposit amount and the original deposit amount.

All of these requirements must be met before transfer of the permit is allowed. If these conditions are not met, the existing permit will be invalidated and the new owner/buyer must submit a new application, including new fees and deposit.

**VIII. EXTENSION OF TIME FOR PROJECT COMPLETION**

If a project will not be completed and receive final approval by the ASC prior to the expiration of the initial permit, the Owner may apply for an extension of the initial ASC permit. Such request must be submitted to the ASC at least 30 days prior to said expiration.

With a showing of good cause, an Owner may be allowed a maximum of two extensions.

If an approved final inspection is not completed before the expiration of the original permit or extension, the permit will lapse, a Hearing as provided in Section XV will be scheduled, and the Owner will be subject to an ongoing fine until an ASC final inspection is approved.

**A. REQUESTS FOR EXTENSIONS OF TIME:**

**1. HOUSES, MULTIPLE UNITS, COMMERCIAL BUILDINGS, GARAGES AND ADDITIONS 500 SQUARE FEET OR LARGER:**

- a) **Dwelling Occupied:** No extension will be granted if occupancy has been taken or any Certificate of Occupancy has been issued.

- b) **Construction Substantially Complete:** If residence construction has been actively continuing since installation of the foundation and the project is substantially complete, the Owner may apply for an extension. If an ASC progress inspection confirms substantial and ongoing progress, a 6-month extension may be granted upon payment of an extension fee per the current fee schedule. Any temporary housing used during the initial permit period must be removed prior to the issuance of an extension.
- c) **Construction Not Substantially Complete:** If residence construction is not substantially complete at the end of the initial 2-year period or 6-month extension, then the ASC shall give notice of a Hearing to determine whether or not to permit an additional extension. If the Owner demonstrates a valid reason for the delay and is diligently attempting to complete construction, the ASC may grant a second extension, not to exceed 6 months, upon payment of an extension fee per the current fee schedule.

However, if an Owner fails to appear at such Hearing or gives no valid reason for the delay, then the ASC may declare the ASC permit invalid with all deposits forfeited, and may take action as described in "Failure to Complete Improvements Within Time Limits", below.

- 2) **ADDITIONS SMALLER THAN 500 SQUARE FEET, DECKS, FENCES, TEMPORARY SHELTERS, AND EXTERIOR ALTERATIONS:** When construction is not completed within the allotted time period, the Owner may apply for an extension prior to the expiration of the permit and must provide a valid reason for the delay. The ASC may grant a specified time for completion and final ASC inspection upon payment of an extension fee per the current fee schedule.

## **IX. FAILURE TO COMPLETE IMPROVEMENTS WITHIN TIME LIMIT**

This section explains the actions the ASC may take in the event that an Owner has failed to pass a final ASC inspection on a timely basis, including any extensions.

### **A. WORK REMAINING TO PASS ASC FINAL INSPECTION:**

Where a residence or other structure is essentially complete and work remaining to be done to pass a final ASC inspection is minor, the ASC shall attempt to notify the Owner at their last known address of such remaining work and shall establish a 30-day deadline for completion. If the Owner fails to complete such work within the time allowed, the owner will be scheduled for a hearing with the ASC where fines may be imposed. If, however, the owner was previously notified at a scheduled hearing that they would be fined if they failed to meet a specific deadline, no new hearing will be required.

In the event that a structure has been enclosed but remaining work to pass an ASC final inspection is substantial, then the ASC may take the following action:

The ASC shall attempt to notify the Owner, at his/her last known address, outlining the items necessary to pass an ASC final inspection, and the date calendared for a Hearing, as provided for in Section XV, to determine how it will obtain compliance. The steps the ASC may take include the following:

- 1) Allow the Owner a specified time to complete the items remaining for approval of an ASC final inspection; or
- 2) Recommend to the Board of Directors that the owner's membership rights be suspended,, and/or impose a one time fine, or an ongoing fine pending compliance.

- 3) Recommend to the Board of Directors that litigation be initiated to compel compliance with completion requirements, or in the alternative, to compel removal of a foundation or an uncompleted structure, restoration of a lot to its natural condition and recovery of all costs so incurred, including attorney's fees.

**B. INACTIVE CONSTRUCTION:**

If construction has been inactive for more than one year from the date of any alteration of the lot, the permit will become invalid. The Owner shall be advised to attend a Hearing before the ASC, and must demonstrate an acceptable justification for the construction lapse to reinstate the permit and must give a written commitment to the ASC that construction will be completed prior to an agreed upon date. The Association may remove the foundation and any other work of improvement, at the Owner's expense, should the Owner fail to complete construction within the extended time frame.

**C. ONLY FOUNDATION COMPLETED BEFORE EXPIRATION OF ORIGINAL ASC PERMIT:**

In the event that an Owner installs a foundation on his lot but does no further construction and fails to obtain an extension, then the Owner shall be notified that the ASC permit has lapsed and all deposits are forfeit. The ASC will then set a Hearing at which it may take the following action:

- 1) Upon a showing of good cause, the ASC may allow the Owner to submit a new application package with all current fees and deposits, whereupon a special permit will be issued and a restrictive agreement affecting title to the lot may be recorded. The permit shall be valid only for the limited time stated in such permit; or
- 2) If an Owner fails to submit a new application package within 90 days after the Hearing, then the ASC may recommend that the Board of Directors take legal action to compel removal of the foundation, restoration of the lot to its original condition, and recovery of all costs so incurred, including attorney's fees.

**X. FINAL INSPECTION**

Before receiving final approval of the construction project, the committee may require "as built" plans if any changes or deviations have been made from the original approved plans.

Owners and contractors should review the ASC Final Inspection Checklist prior to requesting an ASC final inspection. When the improvements are ready for inspection, the Owner or contractor is required to sign and submit this form.

Should the project fail this inspection, the Owner may be allowed up to a maximum of 60 days to remedy the deficiencies. The length of time allowed for compliance will vary, depending upon the remaining duration of the permit or any extension, occupancy or winter conditions. However, any deficiencies not in accord with the approved plans, C&Rs and AS Rules shall be the basis for fine(s), an order for corrective action and/or legal action. Items remaining to be resolved beyond the deadline may be the basis for action as detailed in "Failure To Complete Improvements Within Time Limits."

Once an Owner receives a Certificate of Occupancy or Temporary Certificate of Occupancy from the Town of Truckee Building Department, an ASC final inspection must be successfully passed within 60 days (provided not less than 60 days remain on the permit and winter conditions do not prevail). As per the then current Fine Schedule, a fine will be automatically assessed if a final inspection is not requested within the established deadline.

**NOTE: Final inspections will not be conducted during the winter months when there is snow covering the ground.**

## **XI. FEES, DEPOSITS AND REFUNDS**

According to the current fee schedule, a deposit and fees are required for any permit to construct, reconstruct, remodel, enlarge, add to, or alter any improvement. Additionally, fees are required for extensions of time to complete construction.

The current fee schedule is posted in the ASO and is incorporated into these Rules by this reference as though set forth herein.

All fees and deposits are subject to forfeiture under the circumstances detailed in "Failure To Complete Improvements Within Time Limits."

Additionally, failure to comply with AS Rules and C&Rs may result in the imposition of special individual assessments as detailed in "Notice of Hearing of Compliance Action." Any such amounts may be deducted from deposits.

### **A. INVALIDATIONS:**

If an Owner elects to withdraw plans prior to construction, the site will 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 moneys and unused inspection fees. This may include the planting of natural vegetation and/or trees. Failure to restore the lot will result in the assessment of a fine. The administration fee which accompanied the permit application is non-refundable.

If an Owner plans to resubmit for approval within one year from the date of his withdrawal, the lot may be left as altered. However failure to resubmit or return the lot to its natural condition will result in the forfeiture of the deposit and the imposition of a fine, depending upon the degree of alteration.

### **B. REFUND/APPROVED FINAL:**

The remaining balance of any deposit will be refunded within a reasonable time of an approved ASC Final Inspection if the Owner is in compliance with the AS Rules and C&Rs, including payment of all Tahoe Donner Association and ASC assessments due.

**NOTE: All deposits and unused fees will be sent to the owner(s) at the time of submittal unless that owner has provided a signed statement that the deposit is to be refunded to another party.**

## **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.

### **XIII. MULTIPLE-FAMILY ZONED LOTS**

The lots within Tahoe Donner that are zoned for multiple residences are specified in the C&Rs and are located in Units 2, 3 and 6. The lots are listed with the maximum allowable number of residences and the applicable building requirements for square footage, etc.

ASC setback requirements, rules and procedures are the same for multiple units as for single-family homes, unless otherwise noted.

The ASC will allow more than one structure on a multiple lot provided that the proposed buildings adhere to all setback requirements and comply with the C&Rs, Article VI, Section 3, "Minimum Construction Standards - Multiple Family Residential Lots".

Multiple-family zoned lots are assessed as one (1) separate interest until improved. Multiple assessments will begin when any one of the following events occur: (1) the units are offered for sale or rent; (2) a Certificate of Occupancy has been issued or occupancy is taken; (3) units are completed and have received an approved ASC final inspection.

The ASC requires that one (1) garage per unit be constructed. In addition, Owners are required to provide uncovered, paved parking calculated at one-half space per unit.

If multiple units are to be offered as condominiums, then the condominium plan documents must be submitted to the ASC for review. An ASC fee and reasonable attorney's fees are assessed for this service.

#### **XIV. COMMERCIALY ZONED LOTS**

There are a limited number of commercially-zoned lots within Tahoe Donner Units 2 and 3. These lots and the regulations governing them are specifically listed in the C&Rs. The ASC may utilize the Town of Truckee Design Guidelines in considering any commercial development application.

#### **XV. ONGOING MAINTENANCE/COMPLIANCE STANDARDS, INSPECTIONS & PROCEDURES**

As provided in the C&Rs, the ASC has the responsibility of enforcing compliance with ongoing maintenance requirements/standards and all AS Rules. Please refer to Appendix A for the Minimum Maintenance Standards.

The ASC may, after reasonable notice (per Article III, Section 6 of the C&Rs), and without liability to the Owner, enter upon any lot for the purpose of maintaining it or removing any improvement constructed, altered or maintained thereon in violation of the C&Rs or Rules, as well as to restore any lot to its natural condition, where the Owner has failed to respond to notice given by the ASC regarding the violation. The owner will be liable for any costs to Tahoe Donner Association to correct rule violations.

The Rules and Procedures employed by the ASC in implementing its ongoing maintenance compliance program are outlined below.

##### **A. NOTICE AND HEARING FOR COMPLIANCE ACTION:**

When an inspection by the ASC reveals noncompliance with any provisions of the C&Rs or AS Rules, written notice, with specific reference to the particular provisions violated, shall be mailed to the Owner of Record of such lot at the same address to which the Association sends assessment statements. It is the obligation of all Owners to advise the Association promptly of any change of address.

The written notice will allow a stated period of time, weather permitting, to correct the observed violation(s). If an Owner fails to correct the conditions in the time allowed, a second notice will be sent with a limited extension. Should the Owner fail to respond to the second notice, the Owner shall be notified by mail of a Hearing, to be held approximately 15 days thereafter, for the ASC to consider the violation(s).

**NOTE: Each inspection for non-compliance following the first notice will result in an inspection fee based on the current fee schedule.**

With the establishment of good cause, a 30-day extension to achieve compliance may be granted by the ASC if an Owner submits a request prior to the deadline.

The notice of Hearing shall conclusively be deemed to have been given five days after the certified mailing to the Owner at his/her last known address. Failure to pick up mail or to advise the Association of a change of address will not prevent the ASC from proceeding with a Hearing and taking compliance action.

At the Hearing, the Owner may explain or deny the alleged violation(s). The ASC will determine what corrective measures it will take, if any, and the approximate date of such action should noncompliance by the Owner continue.

Following such Hearing, the ASC shall send notice of its decision, by mail, to the Owner. The decision may include fines, a specified date by which to correct the offending conditions, a recommendation to the Board of Directors that a lawsuit be filed to compel compliance by the Owner and to recover the Association's costs and attorney's fees or a recommendation to the Board that the Owner's membership rights be suspended. Owners may request an appeal of any decision of the ASC by writing to the Appeals Board within 15 days from the date of said notice, in accordance with Article V, Section 12 of the C&Rs and the applicable Board of Directors procedures. Where additional time to achieve compliance has been granted but compliance is not attained within the time allowed, the Association may proceed to take corrective or legal action without further notice to the Owner.

The amounts established by the ASC, and approved by the Board, for compliance inspection fees, and for other administrative action fees, are as set forth in the ASC Fee Schedule in effect at the time of the violation.

**B. AGREEMENT TO INDEMNIFY AND HOLD ASSOCIATION HARMLESS:**

In the event that the Association, through its employees or independent contractors, performs any work on any lot to achieve compliance with the C&Rs and AS Rules governing completion of construction and ongoing maintenance, the Owner shall be conclusively deemed to have consented and agreed that such Owner will hold the ASC, Tahoe Donner Association, its agents, employees and independent contractors harmless from and against any and all claims for injury, loss or property damage arising out of or in any way connected with such work. The Owner shall further be deemed to have consented and agreed to indemnify the ASC, Tahoe Donner Association, its directors, employees, agents and contractors for any cost or expense, including cost of defense and reasonable attorney's fees related to any claim for injury, loss or property damage arising out of or in any way connected with such work.

This hold harmless agreement is an integral part of every application for any permit for any project or tree removal and every notice of intended corrective action; whether reiterated therein or not.

**XVI. FINE POLICY**

As provided in the C&Rs, the Board of Directors has given the ASC the responsibility for enforcement of all Land Use Restrictions of the C&Rs and also for enforcement of any Rules adopted by the ASC and approved by the Board of Directors. The enforcement power of the ASC includes the imposition of fines and the assessing of costs incurred in ensuring and/or implementing compliance with the AS Rules where such Owners have failed to achieve compliance within specific time limits.

Some particular violations of the Rules are common or can be recurring in nature. For these violations, fines are imposed as per the current Board-approved schedule. In addition to any fine imposed, corrective action may be required to be completed within a specified time. Additional fines may be levied for failure to observe such established deadlines. Each violation of non-compliance with a specific Rule will be treated as a single act or omission occurring on a single day. If the violation continues for additional days, the ASC may impose a per diem fine for as long as the violation continues. Should these measures prove to be insufficient, the ASC may take further action as per "Notice and Hearing", above.

The time allowed for correction of a violation shall be a reasonable period based on the particular violation and the time required for a prudent person acting diligently to remedy the violation.

The cost incurred by the Association in bringing the property into compliance with the AS Rules or C&Rs may become a lien against the property.

The Fine Policy and Schedule of Fines is subject to change by the ASC, after proper member notification and Board approval. All such changes will be posted in the ASO and appear in the Association's newsletter.

## **XVII. GENERAL INFORMATION**

### **A. ACCESSORY STRUCTURES:**

No accessory structures, such as garages or storage huts, shall be constructed, placed or maintained upon any residential lot prior to construction and completion of the main structure, and then only with ASC approval. **NO METAL SHEDS WILL BE ALLOWED.**

### **B. EXTERIOR CHANGES / COLORS, BUILDING MATERIALS and ADDITIONS:**

Any color changes or alterations to the exterior of existing homes must be submitted to the ASC for approval. Work commenced prior to ASC approval is subject to a fine and/or corrective action.

### **C. EXTERIOR LIGHTS:**

All exterior light sources must be shielded and not regarded as offensive to surrounding properties. When exterior lighting is determined to be objectionable, the ASC will review the condition on a case-by-case basis and determine appropriate corrective measures, if any; e.g., reducing wattage or replacing fixtures. See Section III-H8.

### **D. FENCE INSTALLATION:**

No fence or wall shall be constructed on any lot until a permit has been issued by the ASC and then only in strict accordance with the terms of such permit. The type, size, location and height of a fence will be reviewed and approved on a case-by-case basis.

The area to be fenced will be limited. The location, primary use and design are of utmost importance since any Owner's fence may be viewed by their neighbors. In reviewing a fence for approval, the ASC must consider various interests along with the need for an enclosure. The majority of the fence must be transparent so as not to create a visual barrier.

A fence application must be submitted with detailed drawings and the location indicated on a plot plan. The committee may require the fence to be shown on elevation plans. The following factors should be taken into consideration:

- 1) Whether the fence design should be horizontal or vertical, and whether the lot is flat or sloped.
- 2) The size of the lot and area proposed to be fenced. It may not be located within any setback area. Perimeter fencing of the lot is not allowed.
- 3) The architectural style of the fence will be considered. No solid fencing is allowed.

- 4) The use must serve to protect small children or pets although low decorative or spot fencing for screening and landscaping may be allowed.
- 5) The height is restricted to a maximum of 6' and approved screening may be required.
- 6) Any wire used must be plastic coated or factory color treated in approved colors. All metal support posts, railings and hardware must be of the same color.

Fence permits are for 6 months. The owner is required to request a final inspection to ensure conformity to the approved fence permit.

**E. HOUSE NUMBERS:**

The five-digit house number, not less than 4", must be posted on the house or garage. Duplicate numbers may be posted on the garbage can enclosure. In any event, the house number must be clearly visible from the street.

**F. COMMERCIAL SIGN REGULATIONS AND POLICY:**

- 1) All commercial signs or posts within Tahoe Donner, whether temporary or permanent, including signs advertising a property for sale or rent, must be brown and white. No signs may be attached to any trees.
- 2) The total sign may not exceed 18" x 24". Only one sign is allowed per unimproved lot or per residence. Once a Tahoe Donner improvement permit has been applied for, and while that application remains valid, properties are allowed a maximum sign size of six square feet, or three small signs, posted in alignment, not to exceed nine square feet.
- 3) Signs must be posted on private property and face the street. Signs shall not be posted in the rear or side setbacks. Safety and cautionary signs shall be placed appropriately.
- 4) Brochure boxes must be brown and white or clear. Brochure boxes must be a maximum size of 9" x 13".
- 5) Sandwich board/easel signs, i.e. "For Sale" or "Open House," are only allowed on Friday, Saturday, Sunday, and holidays. Sandwich board signs used for traffic control, i.e. driveways that have been paved or sealed, shall not be placed prior to commencement of work, shall face the street, and shall be removed within one week of completion of work performed. Minimum space between traffic control signs is eight feet.
- 6) Signs shall be removed within one week of close of escrow, execution of rental or lease agreement, completion of election, upon completion of any and all work performed, and prior to ASC final inspection.
- 7) Election signs may be posted as early as 60 days prior to an election.
- 8) Home business and Model Homes signs are not allowed. Commercial signs must be submitted to the ASC for approval. A copy of detailed drawings specifying the location, height, size, layout, design, lettering or graphics, and lighting shall be submitted to the ASC for approval. Following approval by the ASC, the identical sign must be submitted and be approved by the Town of Truckee prior to any posting.
- 9) No signs on a residential property may be illuminated.
- 10) The ASC reserves the right to regulate the size, color, and location of any sign on a case-by-case basis or as a blanket decision. This regulation may include content on the basis of good taste and community standards considerations. The association has the authority to authorize the removal of sign or signs in violation of these regulations.

**F-a NONCOMMERCIAL SIGN REGULATIONS:**

Noncommercial signs, posters, flags or banners may be made of paper, cardboard, cloth, plastic, or fabric, and may be posted or displayed from the yard, window, door, balcony, or outside wall, but

may not be made of lights, roofing, siding, paving materials, flora, balloons, any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.

Signs and posters are limited to 9 square feet, and flags or banners are limited to 15 square feet in size.

No signs may be attached to any trees.

#### **G. TELEVISION SERVICE:**

Cable television service is available to most properties from a local agency. When building a home, an Owner may want to consider prewiring for this service during the framing stage of construction. Contact the local cable service for further information.

Satellite television systems will be reviewed on a case-by-case basis. Dishes which are 39" or less should be placed, if possible, so as not to be visible from the street or any Common Area. Depending on the placement, the Owner may be required to paint the dish to blend with the appearance of the home.

Satellite dishes over 36" in diameter may be approved provided that the proposed site is compatible with the topography of the lot and is reasonably screened from the roadways, Common Areas and adjacent properties.

#### **H. TEMPORARY ALTERATIONS OR SHELTERS:**

The ASC requires review and approval of all alterations, whether temporary or permanent in nature, to all structure(s). This requirement is to ensure that the proposed change is similar in architectural style, quality of workmanship, use of materials, color and construction details to the original structure. The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood.

The roof design or orientation of some homes may make it desirable to install some form of temporary protection of the entry during the winter months. The application for temporary alterations and shelters may require the inclusion of a plot plan, the anticipated date of installation and removal of proposed changes and detailed drawings in 1/4" scale.

Due to the effects of weather on lightweight flexible materials, (e.g. plastic sheeting), such will not be allowed to cover windows, entryways, etc. We encourage making your changes permanent by using Plexiglas or tempered glass, appropriately framed.

### **XVIII. MISCELLANEOUS INFORMATION**

#### **A. RENTERS:**

Owners are fully responsible for the actions of their guests or tenants in complying with all of the requirements set forth in this booklet and the other Governing Documents of the Association. Owners are advised that their tenants can not initiate any changes to the property unless the Owner provides written authorization that the tenant is designated as the agent of the Owner. This documentation must be provided to the ASO before any consideration of any changes can be made.

#### **B. GAS METER SHEDS:**

All exposed metal on gas meter protection sheds must be painted to blend with the exterior of the home. Permits are not required for meter protection sheds.

**C. EXERCISE OF DISCRETION:**

The failure of the ASC to impose any prescribed fine, or to avail itself of any prescribed remedy, shall not be deemed a waiver of its authority as set forth herein, but rather an exercise of its discretion in dealing with a specific situation.

**XIX. ADVISORY MATTERS**

**A. DESIGN RECOMMENDATIONS FOR SNOW AREAS:**

Since Tahoe Donner's terrain and elevations are varied, the Town of Truckee Building Department has suggested that Owners check with them during the design review process regarding snow load requirements.

The following items should also be considered during the design of any improvement in this region where heavy snows are common:

- 1) Locate entry doors on the ends of buildings, at covered walkways, below dormers or directly from the garage to the house, when the two are connected, since doors and walkways under sloping roofs require effort to keep clear of snow and ice, and unloading of snow and ice from roof areas is a hazard.
- 2) Construct mud rooms at outside entrances in which to take off snow gear.
- 3) Avoid roof designs which would allow snow to unload from the roof in front of the garage area, near exterior doors or onto decks or handrails as it increases the risk of costly annual repairs, other property damages and physical injury.
- 4) When building a two-story home, be sure that the roof is constructed with enough slope to allow the snow to fall free of first story windows, decks, garage doors, etc. This will reduce the risk of structural damage.
- 5) Provide good drainage to accommodate rains and the spring thaw, including drainage of water that may accumulate under houses with solid perimeter foundations.
- 6) The water shut-off valve should be easily accessible during the winter. If the home is not occupied during the winter months, it is recommended that the home plumbing system be "winterized" to prevent any damage caused from freezing temperatures. An unexpected electrical power outage may prevent your heating system or "heat tape" pipe coverings from operating.
- 7) Owners should consider a freeze-less water faucet for exterior installations.
- 8) Cars parked on the street pavement, or adjacent to it, could be damaged by snowplows and are subject to Town citation and/or towing. Owners who rent their property should have written instructions on this subject posted in the home. Each Owner is responsible for clearing his/her own parking area.

**BUILDING PERMIT APPLICATION**

Town of Truckee Building & Safety Division  
10183 Truckee Airport Road  
Truckee, CA 96161  
(530) 582-7820

**SEWER SERVICE APPLICATIONS**

Truckee Sanitary District  
12304 Joerger Drive  
Truckee, CA 96161  
(530) 587-3804

**ELECTRIC AND WATER SERVICE APPLICATIONS**

Truckee-Donner Public Utility District  
11570 Donner Pass Road  
Truckee, CA 96160  
(530) 587-3896

**APPLICATION FOR DISPOSAL SERVICE**

(This service is currently paid for through your property taxes)  
Tahoe Truckee Sierra Disposal Company Inc.  
PO Box 135  
Tahoe City, Ca 96145  
(530) 583-0148 or (530) 587-4235



## **XXI. ASC Violation/Fine Schedule**

Tahoe Donner Association  
Architectural Standards Office  
11509 Northwoods Blvd.  
Truckee, CA 96161

Telephone No: (530) 587-9407  
Fax No: (530) 587-9427

### **A. UNAUTHORIZED EARTHWORK AND SITE ALTERATION:**

- |   |                      |
|---|----------------------|
| 1) Grading or grubbing of lot/or trenching without a permit | \$750.00 - \$2000.00 |
| 2) Unauthorized removal of snow with heavy equipment        | \$500.00 - \$1500.00 |

### **B. CONSTRUCTION VIOLATIONS:**

- |   |                                 |
|---|---------------------------------|
| 1) Initiating new construction without ASC approval   |                                 |
| a) House, garage, additions, multiple or commercial project   | \$1000.00 - \$2000.00           |
| b) Sheds, decks and minor alterations   | \$100.00 - \$500.00             |
| 2) Failure to pick up permit, prior to commencing approved construction                                   | \$100.00 - \$250.00             |
| 3) Failure to clean up construction debris – per occurrence   | \$200.00 - \$600.00             |
| 4) Failure to obtain extension prior to expiration of permit<br>(Additional deposit may also be required) | \$100.00 - 250.00               |
| 5) Failure to complete project within allotted time frame   | \$200.00 - \$1,000.00 per month |
| 6) Failure to restore lot after invalidation of plans   | Forfeiture of deposit           |
| 7) Failure to complete after installation of foundation   | Forfeiture of deposit           |

### **C. DEVIATIONS FROM APPROVED PLANS**

- |  |                      |
|--|----------------------|
| 1) Major deviations without prior approval (design, colors and/or materials) | \$500.00 - \$2000.00 |
| 2) Minor deviations without prior approval (i.e. window changes side/rear)   | \$150.00 - \$500.00  |

NOTE: Any changes made without approval from the ASC shall be subject to a fine and may be subject to an order requiring corrective action.

### **D. MISCELLANEOUS ITEMS**

- |  |                       |
|--|-----------------------|
| 1) Exterior alteration to existing structures without ASC approval<br>(e.g.: change to roof material or color; changes to exterior surfaces, addition of windows or doors)       | \$250 - \$1,000       |
| 2) Exterior lighting fails to meet acceptable standards - per fixture  | \$100.00              |
| 3) Violation of sign rules   | \$100.00              |
| 4) Installation of satellite receiving antenna, larger than 39", without prior approval  | \$200.00              |
| 5) Installation of fencing without prior approval  | \$200.00              |
| 6) Installation of exterior UHF-VHF antenna without prior approval   | \$200.00              |
| 7) Failure to correct non-compliance issues, which include, but are not limited to exterior maintenance and/or garbage can enclosure requirements, after due notice and hearing. | \$100.00 - \$1,500.00 |

The fine policy and schedule of fines may be amended and modified from time to time by the ASC after proper notification and Board approval. Such changes will be posted in the AS Office. FINES MAY BE ASSESSED ON A DAILY, WEEKLY OR MONTHLY BASIS ACCORDING TO THE NATURE AND SEVERITY OF THE INFRACTION AND AT THE DISCRETION OF THE ASC.

Multiple violations may result in multiple fines.

ASC/Guidelines/Fine Schedule as amended on September 22, 2012

## **APPENDIX A:**

### **Minimum Maintenance Standards:**

Due to the high altitude and weather extremes experienced in Tahoe Donner proper and continued maintenance of our property is especially important. Maintenance is the act of caring for property, preserving it from failure or deterioration, including painting, caulking, cleaning, and minor, non-structural upkeep as defined by the minimum standards described below.

- A.1 Exterior Wall Surface.** For the maintenance issues listed below all repairs or refinishing to these items shall match currently approved colors, unless a permit is obtained. Minor repairs or repainting with the identical color scheme shall not require an ASO permit. Change in color or scheme will require a permit.
- A.1.1 Wood Siding and Trim**
- A.1.1.1 Paint is peeling or is not a uniform color on the surface of wall.
  - A.1.1.2 Stain is absent or is not a uniform color on the wall surface.
  - A.1.1.3 Siding and trim is missing, damaged, decayed, or does not match remaining siding and trim.
- A.1.2 Stone Siding or Accents**
- A.1.2.1 Stone is damaged or missing.
  - A.1.2.2 Grout is obviously absent.
  - A.1.2.3 Flashing is damaged, missing or needs refinishing.
- A.1.3 Metal Siding or Accents**
- A.1.3.1 Damaged or missing portions of metal.
  - A.1.3.2 Finish is not uniform in appearance.
  - A.1.3.3 Metal is rusting (not applicable to metal designed to oxidize – e.g. Cor-Ten).
- A.1.4 Stucco**
- A.1.4.1 Not uniform in appearance (stained, mildewed, or significantly discolored).
  - A.1.4.2 Portions missing, damaged or substantially cracked.
- A.1.5 Other Wall Surfacing**
- A.1.5.1 Any other material not covered above shall be maintained to keep its appearance as originally approved.
- A.1.6 Windows and Doors**
- A.1.6.1 Paint or stain is not uniform, or is peeling.
  - A.1.6.2 Frames are visually inconsistent in appearance.
  - A.1.6.3 Trim does not meet A.1.1 requirements.
  - A.1.6.4 Windows, doors, and screens are damaged or are visually inconsistent in appearance.
- A.1.7 Foundations and Footings**
- A.1.7.1 Damage that exposes unfinished concrete.
  - A.1.7.2 Foundations or piers not treated with a finish.
- A.2 Roof.** The condition of a roof will be individually determined when viewed from any one of the four primary aspects (street view, 2 sides and rear). When repairing a roof from tree or storm damage, color shall be the best commercial match available to the existing roof material. Contact the ASO if the existing roof is too worn or faded to reasonably match any replacement panels.

- A.2.1 Metal Roof.** A roof will be considered to have failed Tahoe Donner’s architectural minimum standards when:
- A.2.1.1 More than approximately 20% of an individual roof aspect has bare metal showing.
  - A.2.1.2 Areas where paint has peeled is clearly visible from the street or any neighboring property edge.
  - A.2.1.3 The roof aspect is not a uniform color due to unequal fading.
  - A.2.1.4 There are visible areas of rust (excluding weathering steel products that are designed to have visible oxidation) on that roof aspect.
- A.2.2 Composite Roof Shingles**
- A.2.2.1 Roof is to be free of numerous visible missing or damaged shingles. Replacement shingles to match existing color as closely as available.
  - A.2.2.2 Discoloration shall be addressed.
  - A.2.2.3 Metal ice dam edging and flashing shall meet the same standards as a Metal Roof Section A.2.1.
- A.3 Chimneys and Other Roof or Wall Vents.** All chimneys, vents, conduit, piping, or ancillary features shall be painted or stained to blend and be consistent with the adjacent materials.
- A.4 Decks and Exterior Stairs**
- A.4.1 The horizontal surface of the deck shall be maintained with a uniform color, finish, and material.
  - A.4.2 Handrails around the deck shall be maintained with a uniform color and appearance through the structure. Any missing pickets or mesh shall be replaced to match existing.
  - A.4.3 Exterior stairs shall be maintained with a uniform color, finish, material, and free of damage.
  - A.4.4 Visible deck framing and hardware shall be maintained so as to be uniform in appearance.
- A.5 Site Improvements and other Structures.** The location of these items shall be as limited by lot setbacks.
- A.5.1 Sheds shall be maintained to match color and material of the house - A.1 through A.4 above.
  - A.5.2 Garbage can enclosures that are metal ARGCE shall meet the requirements of metal roofing above. Custom structures shall maintain the material and color scheme of the house, paragraphs A.1 through A.4. Both shall have functional doors and secure locking systems.
  - A.5.3 Dog runs/fences shall be maintained in their currently approved color, appearance, and function.
  - A.5.4 Hot tubs shall be maintained in their currently approved color, appearance, and function.
  - A.5.5 At grade patios and walkways shall be maintained with a consistent walking surface. Repairs to heaving and settling shall be required as needed.
  - A.5.6 Retaining walls shall be maintained. Raw concrete walls shall be painted or stained in their currently approved color.
  - A.5.7 Artificial turf shall be maintained per original approved installation.
  - A.5.8 Any paved surface shall be maintained, free from potholes or excessive cracking. Driveways should be resealed every 2 or 3 years depending on exposure, slope, and type of snow removal equipment used.
  - A.5.8 Exterior lights shall be maintained to the currently approved fixture and location, and be free of damage. Flood lights shall be maintained to be shrouded, have a uniform color, and directed only downward.
  - A.5.9 Fire pits shall be maintained in their exterior surfaces in accordance with the standards in A.1 for exterior finishes.

## **APPENDIX B:**

### **Accessory Dwelling Unit & Junior Accessory Dwelling Unit Rules:**

#### **DEFINITIONS:**

**Accessory Dwelling Unit (ADU)** shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the single-family dwelling is situated.

**Junior Accessory Dwelling Unit (JADU)** shall mean a unit that is no more than 500 Square Feet (sf) in size and contained entirely within the living space of an existing single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**California ADU Law** shall mean Sections 65852.150, 65852.2 and 65852.22 of the California Government Code.

**Truckee Municipal Code** shall mean any and all applicable laws, ordinances, and regulations applicable to ADUs and JADUs, including Section 18.58.230 of the Town of Truckee Municipal Code titled “Secondary Residential Units.”

**Governing Documents** shall mean any and all applicable provisions of the Tahoe Donner Association First Restated Declaration of Covenants and Restrictions (C&Rs), Bylaws, Articles, Rules, and Policies, including the Tahoe Donner Architectural Standards Rules, Procedures and Restrictions.

#### **THE FOLLOWING RULES APPLY TO ADUs AND JADUs:**

**1. One ADU or JADU per Lot:** Only one accessory dwelling unit or junior accessory dwelling unit may be constructed and/or used or occupied on any single-family residential lot.

**2. Compliance with the Truckee Municipal Code:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the requirements of the Truckee Municipal Code.

**3. Compliance with the Governing Documents:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall also comply with the requirements of the Governing Documents. The Governing Documents may be more restrictive than the Truckee Municipal Code, but shall not be applied in situations where the Architectural Standards Committee has determined that such application would unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to construct an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of the California ADU Law. For certain common issues that may arise under the Governing Documents, the ASC shall follow the guidelines below in making a decision on an application for approval of an ADU or JADU.

**3.1 Setbacks and Coverage:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the setback and coverage requirements set forth in the Governing Documents.

**3.2 Floor Area Limitation:** An ADU shall have no less than 150 sf and no more than 800 sf of fully enclosed floor area devoted to living purposes and a JADU shall have no more than 500 sf of fully enclosed floor area devoted to living purposes.

**3.3 Parking:** An ADU or JADU shall provide for one designated on-site parking space in addition to the 400 sf minimum parking paved on-site area required for the lot. The number of cars permitted for the accessory dwelling and junior accessory dwelling unit tenants shall not exceed the available off-street parking spaces provided. ADU and JADU tenants shall be required to utilize the parking spaces provided.

**4. Unpermitted or Unapproved Accessory and Junior Accessory Dwelling Units:** These rules shall not validate any existing ADU or JADUs that have not been permitted by the Town of Truckee and approved by the Tahoe Donner Association. To convert such a unit to a permitted and approved ADU or JADU, the applicant must meet the requirements of the Truckee Municipal Code and the Governing Documents, and the Town of Truckee must permit the unit and the Tahoe Donner ASC must approve the unit for it to be a legal unit. Applicants with existing units must apply for permit and/or approval within 90 days of adoption of these rules. Unpermitted units that discovered not to be compliant after this period shall be subject to an enforcement process.

**5. Short-Term Rental of an ADU or JADU:** If a lot has an ADU or JADU, the ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest.

**6. Conditions and Variances:** The ASC shall retain the right to impose reasonable conditions on its approval of an ADU or JADU, and to grant variances on a case-by-case basis, as provided for in the Governing Documents.

Amended:  
1/24/2015  
6/24/2016  
2/22/2020