



STAFF REPORT – PROPOSED ARCHITECTURAL STANDARDS RULE CHANGE 45-Day NOTICE

RECOMMENDATION:

By Motion:

The Board of Directors reviews and considers approving for publication the proposed Architectural Standards Rule change (Exhibit A) for a 45-Day Notice with all supporting materials necessary to inform the members about the purpose and impact of the rule change.

BACKGROUND:

Pursuant to Tahoe Donner Covenants and Restrictions Article III Section 7, “the board may, from time to time, propose, enact, and amend rules and regulations of general application to the Owners of Separate Interests within the Properties.” Article III Section 7 (b) states, “...no association rule shall be adopted until the proposed rule or amendment thereof has been published to the members at least 45 days before the date when the board is scheduled to act on the proposal...” This notice is referred to as a (“45-Day Notice”) in the Tahoe Donner rule-making process.

The First Restated Covenants and Restrictions (C&Rs) assign the Architectural Standards Committee (ASC) the authority to oversee architectural standards. The committee's goal is to maintain architectural consistency, quality, and harmony within the Tahoe Donner community. According to the authority granted in the C&Rs, the ASC, with a majority vote and the approval of the Board of Directors, can adopt, amend, or repeal Architectural Standards (AS) Rules. These rules serve to interpret or implement the relevant provisions of the C&Rs, in accordance with Article III, Section 7b.

One design element that the Architectural Standards Committee (ASC) regularly reviews before construction is the choice of siding material. According to the Rules, the ASC has the authority to approve or deny exceptions to the siding regulations on a case-by-case basis. Under Rule H.5, plywood or sheet siding that exceeds the maximum limit of 50% may be permitted as an exception, but only on sides that do not face a street or the golf course. This is allowed if two conditions are met: a) the design is in harmony with the view from the street or golf course, and b) the plywood or sheet siding is adequately coated or treated to reduce the risk of discoloration and deterioration.

The proposed change to the siding rule is based on feedback from members during the permit submission process over the past few years. This feedback indicates a desire to allow and promote modern, fire-resistant materials for home construction. Additionally, the change aligns with guidance from the Tahoe Donner Board of Directors and the recently passed Board Resolution 2025-1 (Exhibit B).





The text below outlines the specific rule change that is being proposed:

“Exceptions for siding materials may be granted through a variance process on a case-by-case basis. When evaluating siding materials (including sheet materials), the Architectural Standards Committee (ASC) will base its decisions on existing standards, aesthetic harmony, and the quality of construction for the project. Applicants may propose fire-resistant materials; however, final approval from the ASC will be determined by criteria related to existing standards, aesthetic harmony, and construction quality.”

This Staff Report outlines a proposed change to the ASC siding rule. It recommends that the Board of Directors review the change and consider approving the publication of the proposed ASC rule modification for a 45-day notice. This notice should include all necessary supporting materials to inform the members about the purpose and implications of the rule change.

ANALYSIS:

The current ASC Rule was established over thirty years ago with the aim of prohibiting plywood and sheet siding in favor of a more natural wood appearance. However, changes in material quality and improvements in aesthetic appeal, along with a growing demand for enhanced fire resilience in home construction, require some updates to the existing rule.

The purpose of the proposed ASC Rule change is to better meet Tahoe Donner’s current and future needs. This change will still allow the Architectural Standards Committee (ASC) to review each project individually, collaborating with members to find a mutually agreeable solution that balances existing siding standards with aesthetic harmony, fire resistance, and construction quality.

Additionally, the proposed rule change aims to achieve the following outcomes:

- Update the AS siding rule to fit within the guidelines of Board of Directors Policy Resolution 2025-1
- Accommodate member desire for fire-resistant home construction materials
- Preserve the ASC authority over construction material approval
- Preserve the purpose and intent of the original siding rule, which was to discourage a sheet/plywood appearance
- Support a long-term, sustainable, and equitable solution for balancing the desire of members for different siding materials while preserving the overall aesthetic standards within the Association

The final development of the proposed ASC rule was completed between March 12 and April 9, 2025. During the ASC meeting on March 12, staff presented the initial draft of the proposed rule change, and the committee suggested several edits (Exhibit C). Staff then presented the updated working draft at a second ASC meeting on April 9, 2025, where further revisions were made. Additional wording changes were discussed and agreed upon between the staff and the ASC Chair. The proposed rule is now ready to be presented to the Board of Directors for its review and approval if the Board chooses to do so.





Staff is recommending the following next steps,

1. Board action at the April 25, 2025 Regular Board Meeting: The board takes action to review and consider authorizing the publication of the proposed AS Rule change for a 45-Day Notice with all supporting materials necessary to inform the members about the purpose and effect of the rule change.
2. The publication of the 45-Day Notice (Exhibit D) will be a special general delivery mailer to the members to expedite the notice period start date.
3. Future board agenda item: The Board will hear member comments on the proposed rule change at the June 27, 2025 regular board meeting.
4. Future action item: The Board will consider action to adopt the rule change at a special board meeting held on [REDACTED].

OUTREACH:

Over the last several years, informal outreach has been conducted to members regarding this proposed rule change, based on various comments provided to the ASC and staff during the construction approval process.

FISCAL IMPACT:

None.

ALTERNATIVES:

The board has several alternatives:

1. The board may modify the wording of the proposed rule.
2. The board may direct staff to modify the proposal and bring it back to the board at a future board meeting.
3. The board may postpone any portion of the initiative and provide staff and the ASC with feedback or direction.

ATTACHMENTS:

EXHIBIT A: Proposed ASC Rule Change

EXHIBIT B: Policy Resolution 2025-1

EXHIBIT C: Excerpt from March 12, 2025 ASC Meeting Minutes

EXHIBIT D: Draft 45-Day Notice of Proposed Rule Change

Prepared By: Lisa Purchard, Community Standards Manager

Reviewed By: Jason Hajduk-Dorworth, Director of Administrative Services

Reviewed By: Rod Whitten, Architectural Standards Committee Chair

Reviewed By: Annie Rosenfeld, General Manager

Board Meeting Date: April 25, 2025



PROPOSED SIDING RULE CHANGE

(EXISTING RULE, WITH PROPOSED NEW LANGUAGE IN RED ITALICS)

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

III. SPECIFIC BUILDING REQUIREMENT

H. EXTERIOR SPECIFICATIONS

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 13 as amended February 22, 2020 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.

Exceptions for siding materials may be granted through a variance process on a case-by-case basis. When evaluating siding materials (including sheet materials), the Architectural Standards Committee (ASC) will base its decisions on existing standards, aesthetic harmony, and the quality of construction for the project. Applicants may propose fire-resistant materials; however, final approval from the ASC will be determined by criteria related to existing standards, aesthetic harmony, and construction quality.

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.

RESOLUTION 2025-1
Appeal Hearing, Unit 05, Lot 181

WHEREAS, the Association recognizes the need to permit and promote up-to-date fire-resistant home construction material standards for both new construction and improvement projects to existing homes.

WHEREAS, Tahoe Donner C&Rs, which cannot be modified without a member vote, are based on out-of-date construction material standards from the late 1980s and early 90s.

WHEREAS, within the legal parameters established by the C&Rs, the Association may develop standards and procedures to permit and promote up-to-date fire-resistant home construction materials.

WHEREAS, at the ASC's November 20, 2024 meeting, the committee took the following action:

The committee agreed to approve the project as a whole, including an exception to the siding rule to allow more than 50% sheet siding on the sides and back given that it is a Hardie Board product, but to deny the proposed siding on the street side (aside from the east elevation side with the garage) and require a resubmittal to staff for one member review, along with an approved site inspection, before permit issuance. The committee also requires a revision to the lights on the west elevation which can be submitted after permit issuance but before the final inspection. (3:0 - Whitten, Clarin, Phelps)

NOW, THEREFORE, BE IT RESOLVED, that the Tahoe Donner Association Board of Directors finds that the ASC's November 20, 2024 decision is affirmed with the following modifications:

1. The ASC's denial of "the proposed siding on the street side" is suspended, and
2. Staff and the ASC and/or its Chair are directed to work with the Owner(s) to achieve a mutually agreeable variance for this project that balances existing standards, aesthetic harmony, fire resistance, and construction quality.

ACCEPTED AND DATED: January 27, 2025

BENJAMIN LEVINE, President

DENISE GAUNY, Vice President

COURTNEY MURRELL, Secretary

DON KOENES, Treasurer

JIM ROTH, Director

CERTIFICATE OF SECRETARY

I certify that I am the duly qualified and acting secretary of the Tahoe Donner Association, a California Nonprofit Mutual Benefit corporation. The foregoing is a true and correct copy of the Resolution duly adopted by the Board of Directors at a duly noticed Board meeting held on September 27, 2024, and entered in the minutes of such meeting. The Policy as of this date has not been modified or appealed and is, as of now, in full force and effect.

DATED: _____

COURTNEY MURRELL, Secretary

EXHIBIT C

EXCERPT OF ASC MEETING MINUTES FROM MARCH 12 AND APRIL 9, 2025

March 12, 2025 Committee Action:

Mitch Clarin moved to accept the proposed rule change and to forward it to the Tahoe Donner Board of Directors for recommended 45-day notice and publication to the membership. Bill Staehlin seconded. (Passed 3:0 Whitten, Clarin, Staehlin)

April 9, 2025 Committee Action:

The committee agreed that the draft will be finalized between the ASC Chair and staff and then forwarded to the Board of Directors for a first reading before finalizing for 45-day notice to the membership.

EXHIBIT D

DRAFT

45-DAY NOTICE: PROPOSED ARCHITECTURAL STANDARDS RULE CHANGE

Pursuant to Tahoe Donner Covenants and Restrictions Article III, Section 7, modifications to rules and proposed new rules must go out for a 45-day member notification and comment period prior to the Board of Directors' consideration and approval.

Changes to the Tahoe Donner Association Architectural Standards (ASC) Rule will be considered for action by the Board of Directors. The Board is expected to review a first draft, and possibly take action to adopt the proposed ASC Rule, as presented here or with some modification, at a regular meeting of the Board on [REDACTED].

The Board invites you to participate in the rule-making process by attending upcoming board meetings where the proposed rule is on the agenda (see Key Dates) and/or by submitting a written member comment on the proposed rule during the 45-day notification and comment period.

BACKGROUND:

One of the design items regularly reviewed by the ASC before construction is siding material. Per the ASC Rules, the ASC is authorized to consider approving or denying exceptions to the siding rules on a case-by-case basis. Under ASC rule H.5: "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.

The proposed changes to the out-of-date Architectural Standards (AS) siding rule result from member feedback during the permit submittal process over the past few years indicating a desire to permit and promote up-to-date fire-resistant home construction material, as well as guidance from the Tahoe Donner Board of Directors and the recently passed Board Resolution 2025-1 (Exhibit B).

RULE CHANGE PURPOSE AND EFFECTS:

The current ASC Rule was established over thirty years ago with the aim of prohibiting plywood and sheet siding in favor of a more natural wood appearance. However, changes in material quality and improvements in aesthetic appeal, along with a growing demand for enhanced fire resilience in home construction, require some updates to the existing rule.

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KEY DATES:

April 25, 2025: The 45-day member notification and comment period approved.

June 27, 2025: Board of Directors meeting; receives and hears member comments on the proposed rule.

July , 2025: Regular BOD meeting to consider adopting the proposed rule with or without modifications.

MEMBER COMMENTS:

Please submit your written comments at {insert link to 45-Day Notice ASC Rule Change Member Comment form}, or US Mail: Tahoe Donner Association Attn: Timea Griset 11509 Northwoods Blvd., Truckee, CA. 96161. To ensure the board of directors has time to review all member comments, written comments must be submitted by 12:00 p.m. June 26, 2025.

PROPOSED AS RULE:

The proposed ASC Rule is as follows:

PROPOSED SIDING RULE CHANGE

(EXISTING RULE, WITH PROPOSED NEW LANGUAGE IN RED ITALICS)

ARCHITECTURAL STANDARDS RULES, PROCEDURES AND RESTRICTIONS FOR LAND USE

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