



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 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. Quiet repose and harmony with our natural surroundings are our goals.

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 in Northwoods Clubhouse (530) 587-9400, ext. 107, 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



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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.

A. ASC Source of Authority

The authority of the Architectural Standards Committee ("ASC") is derived from the recorded Covenants and Restrictions ("C&Rs"), which govern and protect Tahoe Donner. It is the Committee's responsibility to enforce the C&Rs and ASC 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 Architectural Standards 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 Architectural Standards 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 Committee 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 located in the Northwoods Clubhouse, or by written request sent to 11509 Northwoods Blvd. Truckee, California 96161.



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B. Design Policies and Review

General

The ASC Rules and the design guidelines are not arbitrary. They 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.

Policies

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.

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 scenic access, as described in the C&Rs. The maximum allowable impervious coverage on a single-family parcel shall be 35% of the gross area of the parcel.

Form and Content

All structures shall be of a size and use that is consistent with the C&Rs and ASC 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.



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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 ASC Rules and in keeping with the level of quality established in Tahoe Donner.

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 Committee must review and approve the plans and specifications, and issue an ASC permit. (As provided in the C&Rs, Article V, Section 1a)



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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 upon payment of a non-refundable fee. 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 Committee 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 Architectural Standards Office (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 Committee.

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

Any request for changes requiring Committee 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 ASC 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 Committee 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.

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

1. House, Garage, Additions, Exterior Alterations, Decks, Fences, Temporary Shelters, Condominiums, Apartments and Commercial Buildings.
2. Television Antennas, Satellite Receiving Antennas, Paving and Off-street Parking.



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B. Application

Committee 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 8-1/2" x 11" prints of the site plan and elevations, and all other required application components, including an ASO Exterior Specifications Form, which accurately shows the colors and materials to be used, a completed Improvement Plan Application, and a Request for Site and Tree Removal Inspection.

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 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 ASC Rules and C&Rs 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:



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1. Name, address, license number, and signature of licensed land surveyor or civil engineer who prepared the topographic/boundary survey. 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 owner and the physical address of the property.
3. Scale - 1/8" = 1'-0" or 1" = 10'-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 re-graded 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 four inches or more in diameter.
14. Any areas of existing ground level vegetation to be preserved.
15. Any existing vegetation to be transplanted.
16. Accurate location of all adjacent lots and structures.
17. Edge of pavement and centerline of street the driveway will intersect.
18. Major view corridors from the site.
19. Any existing vegetation areas that will be damaged during construction.
20. The building footprint, decks, walkways, driveway, parking pad, patios and roof plan. The roof plan includes all ridges, valleys, eaves, overhangs and roof slopes.
21. Dimensions from eave line 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.)
22. Future garage location for all new residences proposed without a garage.
23. 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.
24. Garbage can enclosure location.
25. Location and width of driveway from the street to the new residence. Indicate width of driveway at the front property line (20 ft. maximum). Clearly indicate material and slope of driveway, including all swales and direction of positive drainage.



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26. 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.
27. Temporary construction access, if other than proposed driveway.
28. Proposed area for on-site construction material storage.
29. Elevation of all finish floors, driveway, patios and decks in relation to the established reference benchmark.
30. 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. (TDA approved seed.)
31. Propane tank and required screening from the street and neighboring properties. (Landscaping or existing vegetation may be used for screening.)
32. On remodel/addition submittals, all existing paving to remain, all existing paving to be removed, and proposed paving are to be clearly indicated.
33. Area calculations of total site impervious coverage itemized to show footprint of building, driveway, walkways, patios, and decks. Substantially elevated areas of impervious coverage (e.g., eaves, second story decks, etc.) shall be included in the total coverage according to a 3:1 ratio, that being three square feet of such elevated coverage equaling one square foot in the total coverage calculation. Where more restrictive, calculations of impervious coverage percentage shall be based on the Town of Truckee guidelines.

D. Floor Plans

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

1. Plan for each floor.
2. Square footage must be indicated for each floor.

E. Elevation Drawing

Elevation plans must be drawn to a scale of $1/4" = 1'$ and depict the house as being built. 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.



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7. Roof pitch - minimum of 5' in 12' on two or more stories, 8' in 12' on single story homes.
8. Height at midpoint on side elevations and on any section that exceeds 35'.
9. Existing and proposed finished grades.
10. All color descriptions, specifically on the street views, and other areas where the materials change.
11. Color rendering of front elevation or 8" x 10" color photograph accurately depicting the colors and materials to be used.
12. Proposed location of all utility meters.
13. Location of 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 and tree removal 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.
2. String side and rear property boundaries.
3. All trees proposed for removal must be flagged.
4. All structure and deck corners must be staked and labeled. High stakes are permitted where there is snow or heavy brush. An application submittal will be deemed incomplete if any stakes are not marked or are inaccessible by staff.
5. Indicate all trees to be removed, 4 inches or more in diameter. Trees shall be marked with surveyor's tape.
6. 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, a tree removal permit will not be required to remove those trees within the foundation perimeter and an exterior 10' zone measured from all sides of the foundation. Aside from the preceding, all trees greater than 4" in diameter (3' above the ground) may not be removed without a permit from the Tahoe Donner Forester. Those trees proposed to be removed must be flagged with surveyor's tape, and may not be marked by blazing or painting the tree trunks.

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. Should approval to remove a



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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 parcel of Common Area and a distance of no more than 75'), or that have any street frontage directly opposite from the project site, excluding lots diagonally across a street intersection.

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 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.



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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 adjacent property who submitted written comments in advance of the ASC meeting at which an application was considered, or owner of 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 two business days of the date of publication of the minutes of the ASC meeting. The provisions of the C&RS and the procedures adopted, from time to time, by the Board of Directors govern such appeals.

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.



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III. Specific Building Requirements

A. Minimum Square Footage

Each residential dwelling shall have a minimum of 1,200 square feet of fully enclosed floor area devoted to living purposes (exclusive of porches, garages, etc.). Residences 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, guesthouses 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.

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 eave line of the roof. The committee 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.



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C. Garage, Driveways and Parking Areas

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 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.

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 although circular driveways will be considered on a case-by-case basis dependent upon the topography, size of lot and aesthetic considerations.

No vehicle, including, without limitation, trailers, boats or recreational vehicles may be stored or parked for any period of time on the unsurfaced portion of an improved lot. 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 be only 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; not to exceed 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 or drain rock or existing pavers. Additional parking areas must be accessed only via the existing driveway, and not directly from the street. (Existing ASC Rule III, SPECIFIC BUILDING REQUIREMENTS, C GARAGE, DRIVEWAYS AND PARKING AREA) This revision is effective as of June 19, 2004.

D. Garbage Can Enclosures

Unless an exception is granted by the ASC, garbage can enclosures meeting the requirements of this section are required with all new home construction, significant additions, and garage construction. Such enclosures are also required whenever new garbage can enclosures 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 garbage can enclosure must be resistant to bears, raccoons and dogs, and of a design approved by the ASC. Information on approved "bear proof" enclosures may be obtained from the ASO. All enclosures must meet the following criteria:



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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 Owners of Tahoe Donner lots that are serviced by an access easement are encouraged to mutually agree on the location for the garbage can enclosure with the other lot Owners and the disposal company. The access road may not be obstructed. The disposal company may service your particular access easement. Please contact them for information on fees. Problems created by the application of this requirement to a specific easement may be dealt with on a case-by-case basis.

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.



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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. There are some lots which still retain the original 8' setbacks 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. The Association maintains RE's. 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 are 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 is 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.

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. 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 the easements are maintained in the ASO.

F. Height Restrictions

No single-family home shall be constructed having a height of more than two stories unless it meets the following criteria: A third story may be permissible provided the building height does not exceed the Town of Truckee limitations and it is compatible with the physical site and adjoining properties.



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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 Committee may, at its sole discretion, require more detailed elevation drawings or an artist's rendering for further consideration.

Elevations and designs that the Committee finds aesthetically incompatible with the physical site, adjoining properties or the environment of the development will not be approved.

H. Exterior Specifications

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

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 will not be allowed. Accent Colors: Accent colors for decks, fascia, trim, doors, and garage doors are to be a color that 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.)

Foundations and Retaining Walls

Exposed concrete, concrete block foundations and/or deck footings which exceed 6" from grade, must be painted 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 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.

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 and support hangers shall be painted to harmonize with the structure's principal color.



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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 sidings 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 Committee evaluation. The Committee 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:

1. Plywood or sheet siding exceeding the above 50% maximum may be allowed as an exception on those sides not facing a street or the golf course only if: a) battens (minimum 1" x 3" at 16" on center) are used on the plywood or sheet siding; b) the design is in harmony with the street/golf course view side(s); and c) the plywood or sheet siding is properly coated or treated to minimize discoloration and deterioration.
2. If there is no view of a side or the rear of the building from any street or the golf course, and the Committee determines that, under the specific circumstances, no detrimental impact will result, it may allow plywood or sheet siding without battens on 100% of these walls. Three-dimensional geometry and massing of the structure shall be used as a way of creating architectural richness and is required in all designs.

Windows and Doors

The exterior windows, doors and their frames shall be of wood, aluminum, metal or other material finished with an acceptable color.

Roofing Material and Design Requirements

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 Committee retains the right to grant exceptions dependent upon architectural design.



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Roof Material

Metal or composition roofing is recommended. Class "A" wood shake or shingle roofing material will be considered, but only if approved by the Town. 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 having an average distance from the ground of less than 4 feet, and have an angle of steepness greater than 45 degrees to the horizontal. Class "A" wood shake or shingle roofing material will be considered, but only if approved by the Town.

In order to be consistent with Town of Truckee regulations regarding the use of roofing materials, the ASC will allow a metal roof to be installed on a new auxiliary structure, even though the existing structure may have a shake or shingle roof, provided the new metal roofing is of a color that will closely blend with the roof on the existing structure.

Due to the high incidence of fading, a high quality (20 year guarantee) is required. The C&Rs require an Owner to maintain the roof color. Samples of the proposed color and a copy of the written guarantee may be required of the Owner or contractor.

Proximity

A proposed roof of the same color and material as that of two or more adjacent structures will not be allowed.

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. Fixtures must be shown on the elevations. Catalogue sheets or photographs depicting the proposed fixture are required for Committee review and approval prior to installation. Acceptable exterior lighting may include the following:

Concealed Light Source

The light source from the exterior light fixture is not visible from neighboring properties and/or streets.

Floodlights

A canopy-type floodlight cover, of an approved color, that shields the light source is acceptable provided the light is directed downward.



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Motion Detectors

The use of motion detectors for automatic lighting control is encouraged, provided that the automatic light durational setting does not exceed 5 minutes and the sensitivity to movement is 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.

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 Permit Issuance Statement 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 project approval date. The project approval date is that date upon which the plans and site have been approved. 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 preparation for the foundation, is completed, construction is deemed to have commenced. If an Owner fails to commence work within one year from the approval 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.



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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 MAINTAINED ON YOUR PROPERTY.

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 home site 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 unreasonably accumulate on the property or become a neighborhood nuisance and must be removed periodically.

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.

D. Temporary Trailer Use

With Committee approval, only the Owner may use a travel trailer or motor home 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.



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VI. Duration of ASC Permit

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

A. Residences

The initial ASC construction permit for residences is valid for two (2) years from date of approval, unless the Owner receives a Certificate of Occupancy or Temporary Certificate of Occupancy from the Town of Truckee, or the dwelling is occupied, prior to the expiration of the ASC permit. Once the residence is occupied or has received such a certificate, the Owner must pass an ASC final inspection within 60 days.

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

B. Alterations, Additions, Garages, Decks, etc.

Alterations, additions or garages must be fully completed within one (1) year from the date of approval. Extensions may be permitted when extenuating circumstances exist. Permits for auxiliary structures, decks and/or temporary alterations are issued for 6 months.

It is the responsibility of the Owner to request an ASC final inspection prior to the expiration of the current permit or at the time occupancy is taken, 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 a ASO final inspection has been approved and confirmed in writing by the ASC.

VII. Transfer of ASC Permit

No ASC permit is transferable. Therefore, if there is a change in ownership at any point after issuance of the ASC permit, the project must receive an approved final inspection within 30 days of close of escrow. If the project will not be ready for final inspection within the 30-day period, the new Owner must, within the same 30-day period, submit a new application package and pay all fees and deposits as were required for the issuance of the initial ASC permit, even though the same plan may be proposed. Failure to comply shall result in the forfeiture of all deposits and unused inspection fees paid by the original applicant.

The ASC will conduct an inspection prior to the issuance of a refund of the deposit to ensure compliance with the originally submitted and approved plans.



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VIII. Extension of Time for Completion of Residence

If a residence has not been completed and received final approval by the ASC prior to the expiration of the initial permit, the Owner may apply for a 6-month extension of the initial 2-year 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 approved 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

Houses

1. Dwelling Occupied: No extension will be granted if occupancy has been taken or any Certificate of Occupancy has been issued.
2. 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 as per the fee schedule. Any temporary housing used during the initial permit period must be removed prior to the issuance of an extension.
3. 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 Committee may grant a limited time for completion and ASC final inspection.
4. However, if an Owner fails to appear at such Hearing or gives no valid reason for the delay, then the Committee 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.



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Additions and Garages (One-Year Permit)

When garage or addition construction is not completed within the allotted time period of one (1) year, the Owner may apply for an extension prior to the expiration of the permit and must provide a valid reason for the delay. The Committee may grant a specified time for completion and final ASC inspection.

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 ASC may assess, without further notice, a fine on a weekly or monthly basis until the work is complete.

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 Committee 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 Committee 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 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.
3. Recommend suspension of membership rights, and/or impose a one time fine, or an ongoing fine pending compliance.



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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 Committee, and must demonstrate an acceptable justification for the construction lapse to reinstate the permit and must give a written commitment to the Committee 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 Committee will then set a Hearing at which it may take the following action:

Upon a showing of good cause, the Committee 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

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 Owner and/or contractor must provide an "as built" plot plan and elevations 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.



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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, as well as applications 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 that accompanied the permit application is non-refundable.



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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 SUBMITTING OWNER UNLESS THAT OWNER HAS PROVIDED A SIGNED STATEMENT THAT THE DEPOSIT IS TO BE REFUNDED TO THE CONTRACTOR.

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 why 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:



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For every inch of tree diameter removed, trees that 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 Committee 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 Committee 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.



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XIV. Commercially 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 Inspections and Procedures

As provided in the C&Rs, the ASO has the responsibility of enforcing compliance with ongoing maintenance requirements and all AS Rules.

The ASC may, after reasonable notice (per Article III, Section 6 of the C&Rs), 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 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 ASC 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 A \$50.00 INSPECTION FEE.

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.



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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 30 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 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 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.



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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 Committee 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 Committee for approval. Work commenced prior to ASC approval is subject to a fine and/or corrective action.



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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 Committee will review the condition on a case-by-case basis and determine appropriate corrective measures, if any; e.g., reduced wattage or replacing fixtures. See Section II-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. In view of existing leash laws, Owners are urged to consider a fenced area for dogs. 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 his neighbors will view any Owner's fence. 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. Examples of acceptable fencing are available in the ASO. The following factors should also 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.

The Owner must include the anticipated date of completion and request an inspection to ensure conformity to the approved fence permit.



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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.a 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.



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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.b Non-Commercial Sign Regulations

Revised 5/15/04

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, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.

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

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 pre-wiring 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 36" 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.

No television antenna or satellite system shall be installed upon any lot or structure without first determining the need for a permit and, if required, not until an application, appropriate fees and permit for the same has been issued by the ASC and then only in strict accordance with the terms of such permit.



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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 must include 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.

I. Tree Removal and Trimming

The trees and shrubs on our properties are primary factors contributing to the beauty of Tahoe Donner. In a dedicated effort to maintain and preserve these priceless assets, the Association has a full-time Forester on staff who is available to assist the property owner in making the best decisions regarding their trees and shrubs. The Forester will gladly provide recommendations for thinning, pruning and planting, with an emphasis on safety, disease and fire prevention.

Each Owner is responsible for maintaining the vegetation on their property in conformance with the Forest Management Plan developed by the Association Forester, and in compliance with California state law. In a forest environment, the danger of fire is ever-present. Owners are encouraged to contact the Forester at anytime, whether building or not, and review the condition and needs of their trees and shrubs.

Unless the tree is less than 4" in diameter, any Owner wishing to remove a standing tree (dead or alive) from their lot must submit an application to the Forester stating the reason for the removal, and receive a permit prior to removal.

J. Brush Removal

Improved Properties

In an effort to comply with State and Town of Truckee regulations, Tahoe Donner requires Owners to maintain a minimum of 30 feet of clearance around their structure. Within this area all vegetation over 18" in height must be spaced far enough apart to prevent the spread of fire. In addition, no dead vegetation may be allowed to accumulate.



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Unimproved Properties

The clearing of unimproved lots with heavy equipment is not allowed without approval from the Forester. Selective thinning of brush is highly recommended and our Forester is available to advise you on the amount to thin and the technique appropriate for removing dense brush.

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.

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.



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3. Avoid roof designs that 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.

B. Fire Safety

MAINTAINING A DEFENSIBLE SPACE OF 30' AROUND YOUR HOME IS THE MOST IMPORTANT PRECAUTION YOU CAN TAKE.

MAKE YOUR HOME FIRE SAFE BY REMOVING LADDER FUELS SUCH AS DENSE AND DEAD BRUSH AND DEAD LIMBS FROM YOUR TREES.



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XX. Local and County Agency Directory

A Town of Truckee building permit must be issued before applying for a sewer permit from the Truckee Sanitary District and for other services from other agencies.

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



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XXI. ASC Violation / Fine Schedule

ASC Violation/Fine Schedule	
Tahoe Donner Association Architectural Standards Office 11509 Northwoods Blvd. Truckee, CA 96161	Telephone No: (530) 587-9400 Ext. 107 Fax No: (530) 587-9423
A. Unauthorized Earthwork and Site Alteration:	
1) Grading of lot/putting in trenches 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	\$100.00 - \$200.00
4) Failure to obtain extension prior to expiration of permit (Additional deposit may also be required)	\$100.00 - 250.00
5) Failure to complete project within allotted time frame	\$200.00 per month
6) Failure to request final inspection within 60 days of occupancy	\$500.00
7) Failure to restore lot after invalidation of plans	Forfeiture of deposit
8) Failure to final or failure of new owner to apply for permit within 30 days of close of escrow	Forfeiture of deposit
9) 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) 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.	\$150.00 - \$500.00
D. MISCELLANEOUS ITEMS	
1) Exterior alteration to existing structures without ASC approval (e.g.: change to roof material or color; change to exterior surfaces, addition of windows or doors)	\$100.00 - \$500.00
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 without prior approval	\$200.00



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| 5) Installation of fencing without prior approval | \$200.00 |
| 6) Installation of exterior UHF-VHF antenna without prior approval | \$100.00 |
| 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. Each subsequent violation of the same or similar offense within a one-year period may subject an owner to a fine double those listed above.

ASC/Guidelines/Fine Schedule 2002

Revised: 1/1/02