

Tahoe-Truckee Regional Area Advisory

INTRODUCTION: This Advisory is intended to be used in conjunction with the California Association of REALTORS® Statewide Buyer and Seller Advisory (“SBSA”) and it is specifically designed to provide additional information regarding the purchase and/or sale of real Property located within the Tahoe-Truckee area. This Advisory is not intended to be a comprehensive guide to buying and/or selling real estate. The information in this Advisory may change over time and/or new issues may develop due to actions taken at the federal, state, county, city and/or private local level. Some of the issues that are contained in this Advisory are point of sale or retro-fit requirements that may also get triggered by remodeling or by energy efficiency requirements. Seller and Buyer should investigate the applicability of these requirements to the past, present and future sale, purchase, ownership, use and/or development of the Property.

The Brokers and their agents in this transaction (collectively referred to as the “Broker”) do not warrant or guarantee the accuracy of the information contained in this Advisory or the adequacy of the information as it relates to a specific real Property transaction. This Advisory does not limit any legitimate duty of the Broker; however it does point out some limitations on the Broker’s ability to provide assistance to you. Broker recommends that Seller and Buyer carefully review the following information regarding the obligations of the Seller, Buyer and Broker regarding disclosures and investigations:

The Tahoe Sierra Board of Realtors, (TSBOR) and the Tahoe Sierra Multiple Listing Service, (TSMLS), has not authored this advisory and takes no position on its accuracy or completeness, nor is it endorsed by the TSBOR or TSMLS.

- Seller must understand the importance and significance of their disclosure obligations. Seller needs to take the time to carefully and fully complete all aspects of the disclosure documents and disclose anything that is known to the Seller that materially affects the value or desirability of the Property. If Seller needs help in completing their disclosure obligations (including what to disclose and how to disclose it), Seller should consult with their own real estate attorney. Brokers cannot determine the legal sufficiency of any disclosure.
- Seller and Buyer should read this Advisory in conjunction with a careful review of all disclosure forms including the Transfer Disclosure Statement and any Supplemental Seller Disclosure Questionnaire.
- Buyer is responsible for conducting their own investigations into the issues discussed in this Advisory and/or the SBSA along with any other issues that may affect the Buyer’s determination of the value or desirability of the Property. Buyer has the right to condition their purchase on conducting such investigations. Buyer should conduct any investigations prior to the Buyer’s removal or waiver of any contractual inspection contingencies to avoid owing Seller any potential damages. Buyer is urged to do all of the following:
 - Carefully read all advisories, disclosures, inspections and/or reports received by Buyer; and
 - Conduct any and all investigations and inspections with appropriate experts regarding any issues that concern Buyer that are raised in any of the documents received by Buyer.
- Buyer is advised that a Property may have defects and deficiencies which neither Seller nor Broker are aware of and which may be hidden by personal Property, wall and floor coverings,

Buyer’s Initials (_____) (_____)

Seller’s Initials (_____) (_____)

snow or other factors or conditions. Buyer should also recognize that not all issues can be objectively determined and some issues can have varying impacts on different people.

- Any representations about the issues in this Advisory made by third parties have not been verified by Broker and need to be independently confirmed by Buyer or by Buyer's chosen experts.
- Although licensed to list, sell and lease real estate, Broker may not have expertise on the issues in this Advisory.

1. Controlling Agencies: The Property may be subject to Tahoe Regional Planning Agency, (TRPA), regulations, environmental agencies, Town/County Building Department and Zoning Department regulations and ordinances, as well as controlling Homeowner's Association and Subdivision CC&R's, including architectural review and permit approval.

The subject Property is situated in the Truckee Tahoe area and may be subject to requirements and restrictions regarding installation and maintenance of water quality protection measures, backflow water prevention devices, tree removal, land coverage, construction or development and other environmental protection measures pursuant to Placer County and the Tahoe Regional Planning Agency, Nevada County and the Town of Truckee, El Dorado County, Sierra County and the local sewer district, local Public Utility District, Building Department or other government authorities.

The Property may also be subject to regulations and restrictions from other governmental agencies, including but not limited to local fire, water, sewer and power agencies or any agency having development jurisdiction over local Property. Any additions or improvements may require approval of these and other Agencies. Buyer should also investigate local community groups and contact immediate neighbors to determine if there are any objections to Buyer's proposed use or development of the Property. Community groups or neighbors may not have jurisdiction over the subject Property, but they could voice their opinions against proposed uses, modifications or developments. Buyer should consult with appropriate experts prior to the removal of contingencies to determine whether or not the Property can be used, modified or developed in the manner desired by Buyer.

Buyer understands and acknowledges that Broker makes no representations or warranties as to Buyer's ability to use, modify or develop the Property. Buyer is advised to check with the proper agencies to determine if the Property is located in a seismic zone, flood zone, airport influence area, and avalanche zones or if the Property has any historical implications.

2. Point of Sale Considerations:

- 2.1. **Water Districts:** The local water district may require the installation of a water meter pit, replacement of old stop-and-drain valves and/or testing of the water service line prior to Close of Escrow.
- 2.2. **Glenshire/Devonshire Residents Association (GDRA):** GDRA will perform an inspection of the Property to determine if it is compliant with the current CC&Rs. Any negative findings by the GDRA are required to be addressed within 45 days from receipt of their notice. Buyer is advised to check with GDRA regarding any compliance issues.

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2.3. **Wood Heaters and Wood Stoves:**

2.3.1. **TRPA Wood Heaters Compliance:** The Tahoe Regional Planning Agency (TRPA) requires a Wood Heater Retrofit Statement of Compliance prior to the sale of any building within their jurisdiction and a copy provided to the new owner prior to Close of Escrow. This form will require the Seller to state either that (1) the structure does not contain any existing wood heaters or (2) that all existing wood heaters in the building, excluding legally existing, open fireplaces that are not primary heat sources, conform to the applicable emission standards (open fireplaces with closed-system inserts must meet emission requirements).

2.3.2. **Placer County Woodstove Compliance:** Section 303 of the Placer County Air Pollution Control District's (District) **Rule 225, Wood Burning Appliances**, contains the requirement that no person shall sell or transfer any Property (commercial or residential) which contains a free standing non-EPA Phase II Certified wood stove, as of January 1, 2012. All non-certified free standing wood stoves must be rendered inoperable at the point of Property sale/transfer. For more information and a copy of this rule, go to www.placer.ca.gov/apcd. Section 303 does not require a stove to be removed or replaced, only rendered inoperable. This condition also does not apply to open hearth masonry or zero-clearance fireplaces, inserts, pellet stoves, or dedicated wood burning cook stoves with ovens. An EPA Phase II Certified wood stove should have a permanent label attached to it which indicates that the stove meets the EPA's July 1, 1990, emission standards. A list of certified wood burning stoves can be found on the District's website. **The Seller and Buyer are required to complete this form** for all properties which have a free standing wood burning stove(s) present at point of real Property sale/transfer. **A copy of this completed form, shall be faxed or mailed by the SELLER to the Placer County Air Pollution Control District (District) no later than the close of escrow.**

2.3.3. **Town of Truckee - Non-Compliant Woodstoves:** The Town of Truckee has an ordinance that requires the removal of all non-certified woodstoves and fireplace inserts. Buyer should contact the Town of Truckee at (530)-582-7700, or visit the website at <http://www.townoftruckee.com/departments/planning-division/planning-hold/woodstove-removal-ordinance>, for information regarding this ordinance. If a woodstove or insert is non-compliant, the Town may require that the stove(s) be removed or replaced when a building permit is issued, or if the Town receives a complaint.

2.4. **Best Management Practices (BMP):** For Property situated within the Tahoe Regional Planning Agency (TRPA) jurisdiction, TRPA's Best Management Practices (BMP) must be in place between 2000 and 2008 on every Property for the protection of water quality in and around the Lake Tahoe basin. These requirements include providing paved parking, the installation of drip-line infiltration trenches and other remedial BMP Property improvements.

Buyer should investigate these issues and satisfy themselves that they understand the requirements imposed by the TRPA and other agencies such as the Back Yard Conservation District could assess upon a Property in order to obtain a BMP Certification. Buyer should go to the TRPA website at www.TRPA.org, for more detailed information on the BMP program. Buyer should also recognize that within 30-days of Close of Escrow they must complete the TRPA BMP Disclosure form which can be found on the BMP page of the TRPA website or at www.tahoebmp.org.

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- 3. Defensible Space Ordinances:** California law requires that homeowners maintain defensible space if the Property is located within an area subject to substantial forest fire risks and hazards. Fire hazard mitigation may be required for this Property. If the Seller is obligated to provide Buyer with a Natural Hazards Disclosure Statement (“NHDS”), that report will specify whether or not the Property is located within a fire hazard zone. It is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code. Some local governing agencies have also enacted additional defensible space ordinances and inspection programs. Property owners must comply with established standards for fire prevention and defensible space standards. Questions on this topic should be directed to the Department of Forestry or contact the local Fire Protection District. The contact information for many of those local areas are included below:
- 3.1. **Tahoe Basin Fire Safe Council:** Contact Information: 870 Emerald Bay Road, South Lake Tahoe, CA 96150, (530)-543-1501, Extension 112, or tahoebasinfiresafe@yahoo.com.
 - 3.2. **North Tahoe Fire Protection District:** Contact Information: (530) 583-6909 or the Forest Fuels office at (530) 546-2212.
 - 3.3. **Tahoe Donner Forestry Department:** Contact Information: (530) 587-9432.
 - 3.4. **Truckee Fire Protection District:** Contact Information: (530) 582-7853.
 - 3.5. **Northstar Community Service District:** The Northstar Community Service District (NCS D) has adopted a fire ordinance that requires a Seller of Property in the NCS D service area to provide Buyer with their “Defensible Space Pamphlet”, which contains information about the standing requirement to create and maintain Defensible Space. Buyer and Seller are both obligated to sign the detachable portion of the pamphlet and return it to the Northstar Fire Department prior to the Close of Escrow. Contact Information: (530)-562-1212.
 - 3.6. **Squaw Valley (Olympic Valley) Fire Department:** Contact Information: (530) 583-6111.
 - 3.7. **Meeks Bay Fire Protection District:** Contact Information: (530) 525-7548.
 - 3.8. **Fire Sprinkler System:** If the Property has a fire sprinkler system, it may be required to be periodically tested.
- 4. Floodplain:** The Property may lie within a flood plain or flood plain setback area. Buyer should investigate with local municipal, County, Regional and Federal agencies as to any limitations that this designation may create. Insurance costs may also be affected if the Property lies within a flood plain. Buyer should consult with their insurance provider regarding this issue.
- 5. Avalanche Area:** The Property may lie within an avalanche area which may make it more difficult to obtain financing and/or structural insurance. Insurance costs may also be affected if the Property lies within an avalanche area. Buyer should consult with their insurance provider and appropriate Governing Agency regarding this issue. Certain areas have been mapped and designated as avalanche areas by the county and may be subject to building, occupancy and use restrictions.
- 6. Foliage:** Buyer should consult with appropriate experts, such as arborists to verify the general condition of trees and other landscaping on the Property. Trees and other vegetation are susceptible to disease. Some trees may require qualified care and/or removal. Dead or dying vegetation represents fire, falling and other hazards.

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7. **Wildlife:** Various species of wildlife exists within the Tahoe-Truckee Region. Wildlife may become a nuisance especially if the availability of their natural sources of food or water is limited. Buyer should investigate the need to implement mitigation measures at the Property including but not limited to the use of bear-resistant garbage containers.
8. **Carbon Monoxide Detection Devices Required:** Effective Jul 1, 2011, California law requires all “dwelling units intended for human occupancy” that have fossil fuel-burning appliances, fireplaces, or an attached garage to be retrofitted with a carbon monoxide (CO) detection device. This includes single-family dwellings, factory-built homes, duplexes, lodging houses, condominiums, stock cooperatives, time-share projects, or dwelling units in a multiple-unit dwelling unit building or buildings. After January 1, 2013, Landlords will be required to install, test and maintain CO devices in rental units. The devices may be battery-powered, or a plug-in device with a battery back-up, and must be tested and certified pursuant to the American National Standards Institute (ANSI) and UL. The law requires an owner to “install the devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy or with the manufacturer’s instructions, if it is technically feasible to do so.” Local jurisdictions may enact additional CO detector installation requirements as long as they do not conflict with the state law.
9. **Liquefied Petroleum Gas (LPG) Systems, (aka Propane):** If the Property has propane service, the tank and regulator should be kept accessible, and supply lines should be in safe operating condition. Buyer understands and acknowledges that Broker makes no representations or warranties as to the age, condition or the regulatory compliance of the propane tank or any of its component parts.

A number of residential properties in the region have Liquefied Petroleum Gas (LPG) systems for cooking and/or heating appliances. Fire and Building agencies advise that a number of the existing LPG systems have installations that have not met all applicable provisions of local, State and/or Federal mandates. Property owners, as well as prospective Buyers of real Property, are advised to investigate and consult with all appropriate authorities to determine the compliance status of a particular Property.

Inquiry regarding conformity with applicable rules, regulations, code provisions and national standards should include, but not be limited to contacting the local fire protection district with jurisdiction over the real Property under consideration. It is important to determine if the LPG system in question is fully compliant. Non-compliant LPG systems may require modifications to achieve system compliance and pose risks of leaks, fire or explosion. Cost associated with LPG system inspections, remediation, certification or other necessary interventions vary based on site-specific factors.

10. **Sewer & Septic:** Sewer treatment and sewer pipeline transportation utilities require periodic line testing and clean-out upgrades by close of escrow in many areas if not in compliance. Tahoe Truckee Sanitation Agency, (TTSA), may require multiple hook up and treatment fees for all properties deemed by TTSA to be of a greater capacity than one unit regardless of existing zoning or permitted use, (e.g. living quarters over a garage, rooms with separate outside entries). Back fees and hook up fees may be charged when discovered by TTSA for properties not in compliance. Buyer should investigate with TTSA before removing their inspection contingencies. Soils mantle, percolation test and a septic permit must be obtained before a building permit will be issued in areas allowing septic installations. Buyer should obtain tests and make thorough investigations before final commitment to purchase Property. If Property is located within a septic system area, sometime in the future upgrading to a sewer system may be required at the Property owner's expense. Lenders may require a clearance of the Property septic system from a certified septic company prior to close of escrow. Clearance will generally require inspection of the tank and leach field and pumping of the tank.

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Seller's Initials (____) (____)

11. Truckee Donner Public Utility District (TDPUD) Special Water Assessments:

- **Donner Lake:** Donner Lake area properties are subject to a 1915 Special Assessment District assessment. The purpose of the assessment is to cover the costs for TDPUD to acquire and rebuild a privately owned water company at Donner Lake. Any questions regarding this assessment should be directed to TDPUD at (530) 587-3896.
- **Glenshire:** Glenshire area properties are subject to a water rate surcharge to cover the costs of connecting the Glenshire Mutual Water District to the TDPUD system. Any questions regarding this lien issue should be directed to TDPUD at (530) 587-3896.

12. Sierra Lakes County Water District Assessment: The Sierra Lakes County Water District adopted a Resolution of Intention to acquire and construct improvements to the wastewater treatment facility that serves the District. The District levied assessments within Assessment District No. 2011-1 to pay for those improvements. Buyer should contact the SLCWD at (530) 426-7800 to determine the status of the assessment for the particular Property of interest.

13. Waterfront Property: If the Property abuts the water and Buyer intends to place a structure near or in the water, Buyer should investigate and determine the requirements of all governing agencies having jurisdiction over waterfront properties and investigate codes, restrictions, protective provisions and setbacks during their inspection contingency period. Buyer understands and acknowledges that Broker makes no representations or warranties as to Buyer's ability to place any structure near or in the water.

14. Wet Lots: This Property may be classified as seasonally wet, naturally wet and/or classified as a "wet lot" or not classified as a wet lot, but appears to be wet. Buyer should consult with an engineer who is qualified to determine the specific building and geotechnical requirements for these types of lots. Buyer understands and acknowledges that Broker makes no representations or warranties as to Buyer's ability to use, modify or develop wet lots.

15. Water Conservation Plumbing Fixtures: Section 11-1.4 of the Civil Code requires all single family residences built on or before January 1, 1994 to be equipped with water conservation plumbing fixtures after January 1, 2017. Additionally, on and after January 1, 2014, a single family residence built on or before January 1, 1994, that is altered or improved is required to be equipped with water conserving plumbing fixtures as a condition of final approval.

16. Winterization, Freezing Conditions and Snow Impacts: The Property is located in an area of heavy seasonal snowfall and freezing temperatures. Electricity, telephone and fuel supplies have occasionally failed. Pipes may freeze. Property owners in this area should turn off the water supply and drain the water system when the Property is not occupied. Snow should be removed promptly from roofs, decks, walkways, propane tanks, gas meters, regulators and any other areas that might create a hazard. Property owners should exercise care to protect themselves, others and the Property from excessive snow loads, falling snow and ice. Snow and ice loading may, under certain circumstances, exceed design limits, creating possible damage, ice dams, breakage or collapse. Buyer should verify with their insurance provider whether or not any or all structures and/or contents are covered for damage due to ice, snow, water and freezing temperatures. During periods of heavy snowfall access may be restricted in some areas. In many areas, parking is not allowed on the streets during winter months; violators are subject to citation and/or towing at owner's expense.

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)

- 17. Vacation Rentals:** Vacation rental properties are subject to local government and /or Tahoe Regional Planning Agency limitations, licensing, permits, and taxation and may be subject to subdivision and Homeowners Association Covenants, Conditions, and Restrictions. If these rental properties are offered to the public, the owner and real estate agent must act in compliance with all Fair Housing regulations including but not limited to providing unrestricted access to potential tenants with service/companion animals. Buyer is advised to seek independent counsel and investigate into current and pending rules and regulations related to vacation use, insurance, and Transient Occupancy Tax (TOT).
- 18. Airports, Railways and Resorts:** Properties in this region may be close to railroad lines, regional airports and resort area operations and activities. Properties in these areas may be affected by noise, traffic, traffic delays, development restrictions, accidents and/or health and safety issues. Airports have protected runway zones a substantial distance from the actual end of the runway that restrict what type of development if any, that may be constructed. Zoning issues associated with this proximity should be thoroughly investigated.
- 19. Shoreline and Lake Levels:** Buyer is advised to investigate shoreline fees, buoys/pier permits, restrictions, setbacks, leases, easements and protective provisions. The Army Corps of Engineers, Division of State Lands, Tahoe Regional Planning Agency, California Department of Fish and Game, Donner Lake/Town of Truckee and other agencies may have designated restrictions and fees. Buyer acknowledges the levels of lakes in the Truckee and Tahoe areas fluctuate. Buyer should satisfy themselves as to the history of lake levels.
- 20. Potential Future Development Lands:** Any undeveloped land that is currently owned by private or public entities, including but not limited to Tahoe Conservancy Land, other land conservancies and U.S. National Forest Service land could be sold, exchanged, or traded and/or could be potentially developed in the future. Buyer should not assume or rely on any representations that undeveloped lands will remain undeveloped.

Buyer and Seller are advised to seek any desired assistance from appropriate qualified professionals. Nothing any real estate licensee may say will change the terms or effect of this Advisory.

THE UNDERSIGNED ACKNOWLEDGE RECEIPT OF THIS SEVEN (7) PAGE DOCUMENT.

Date:_____

Date:_____

BUYER:_____

BUYER:_____

(Print Name):_____

(Print Name):_____

Date:_____

Date:_____

SELLER:_____

SELLER:_____

(Print Name):_____

(Print Name):_____