



February 21, 2020  
5:00 p.m.

MEMBER COMMENTS:  
PROPOSED NEW RULES ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY  
DWELLING UNITS

February 15-21, 2020

*The member comment period for the proposed new rules for Accessory Dwelling Units and Junior Accessory Dwelling Units started January 1 with the notice posted in the January Tahoe Donner News. The notice was also posted on the 45-Day Notice webpage on the Tahoe Donner website. Comments must be submitted noon on February 21, 2020. There were three (3) comments submitted between February 15 thru 21, 2020.*

---

I urge the Board to enact the proposed Accessory Dwelling Unit ("ADU") rules, which strike a balance between complying with the law by ensuring that ADUs are used, as required, for long term housing needs, while otherwise maintaining the single family nature of TD per the CC&Rs. It should also be noted that in addition to the bill requiring HOAs to permit ADUs for long-term housing, the legislature also enacted a bill prohibiting cities and counties from permitting ADUs to be utilized as Short-Term rentals, and that prohibition is reflected in the amended Truckee ADU statute effective January 2020, along with the prohibition on STRs in the primary residence as well where a Junior ADU is constructed.

The deed restriction is the most practical way to enforce the requirement that ADUs are used for long-term rentals only. It ensures that the owner knows about the restriction, eases enforcement, and is the only way to be sure that when a property is sold, the new owner will be on notice of the restriction. It also supplements our CC&Rs by preserving the single family nature of our community that everyone was entitled to when purchasing their homes, except to the extent necessary to comply with the new law.

Thank you for your attention to this matter.

---

I am writing to discourage the Board from adopting provision "5. Short Term Rental of an ADO or JADU" as currently written pursuant to the Proposed New Standard Rules: Accessory Dwelling Units and Junior Accessory Dwelling Units.

I am struggling to understand the logic behind this proposed provision, aside from attempting to either discourage the construction of ADUs or JADUs and/or limiting short-





term rentals (STRs) in the Tahoe Donner community, both of which seem to run directly counter to the intent of the revised Gov. Code sections 65852.2 which provides for expanded construction of ADUs and JADUs across the state in an effort to increase both affordable housing and the housing stock in general. I strongly encourage the Board to reconsider this provision as the proposed new rule presents itself as a direct challenge to State Law and the property rights of homeowners within Tahoe Donner.

Section 1 of State Law AB 670 clearly states: "it is the intent of the Legislature in enacting this act to encourage the construction of affordable ADUs and JADUS that are owner-occupied and that are used for rentals of terms longer than 30 days" (emphasis added).

I (like many other homeowners within Tahoe Donner) do not believe there is any legal right or justification to interpret this legislation in a way that limits STRs. Option 1 as presented by the Board in the Draft Rules several months ago<sup>1</sup> seemed to strike the right balance in staying consistent with both this law and the shared interests of Tahoe Donner home owners in not increasing the stock of STRs while still permitting for the development of ADUs or JADUs. It is disappointing the Board opted for the more restrictive and legally dubious of the two options presented in the Draft Rules.

To the extent the proposed new Rules and Provisions were data-driven, I would suggest the Board share a summary of the data/information that was considered which would help residents of Tahoe Donner better understand the potential impact of introducing ADUs and JADUs to our community (e.g., the number of lots within Tahoe Donner that meet the requirements to build/add an ADU or JDU, other estimates for the number of ADUs and JADUs that could eventually be constructed, overlap between these lots and current STRs, etc.). If there is a lack of data available, then a sensible approach would be to start with a "lighter touch" that recognizes the spirit of the new CA State Law and that could then be evolved as needed. If the Board and community so desires, STRs could be revisited as an independent issue (again, the State Law already specifies that ADUs and JADUs are not to be used as STRs, so this should be viewed as a separate issue).

Of course we can all agree on the need for sensible rules to govern the Tahoe Donner community. We all have a shared interest in maintaining the livability and desirability of this community. Tahoe Donner has always been a resort community and STRs have always been a vital component of the local economy. My wife and I only purchased our home in Tahoe Donner in 2019 after being regular holiday visitors / STRs over the years. We can easily imagine ourselves eventually moving to Tahoe Donner full-time (which seems to be fairly common). Our neighbors on both sides are full-time residents and we love the community we've now become a part of.





What shouldn't change under this (or any other) proposal: if homeowners choose to engage in STRs, they absolutely must abide by all associated Tahoe Donner and Town of Truckee covenants and rules so as to maintain the integrity of the community.

**Notes:**

- 1) Option 1: An ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for a term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest. This prohibition does not affect the ability of a lot owner from using the primary residential living area for Short Term Rental purposes pursuant to the Governing Documents and the Truckee Municipal Code. ([https://cdn1.tahoedonner.com/wp-content/uploads/2019/11/17114628/191116.ADU-and-JADU-Draft-Rules.CLEAN .pdf](https://cdn1.tahoedonner.com/wp-content/uploads/2019/11/17114628/191116.ADU-and-JADU-Draft-Rules.CLEAN.pdf))

---

The subject of the AHU or JAHU have nothing to do with STR. Any connection or restriction should be removed.

Tahoe Donner's attempt to modify and restrict the state law borders on illegal and should be abandoned with the exception or realistic building and parking standards

