



TITLE: Proposed Architectural Standards Accessory Dwelling Unit/Junior Accessory Dwelling Unit (ADU/JDU) Rules Changes 45-Day Notice Publication Authorization

RECOMMENDED ACTION:

By Motion:

The Board of Directors authorizes the publication of a 45-Day Notice for the proposed Architectural Standards ADU/JADU Rules change (Exhibit A), including all necessary supporting materials to inform members about the purpose and impact of the rules changes.

BACKGROUND:

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

The First Restated Covenants and Restrictions (C&Rs) grant the Architectural Standards Committee (ASC) authority to oversee architectural standards within the Tahoe Donner community. The committee's primary goal is to ensure architectural consistency, quality, and harmony throughout the area. According to the powers outlined in the C&Rs, the ASC can adopt, amend, or repeal Architectural Standards Rules (AS Rules) with a majority vote and the approval of the Board of Directors. These rules are designed to interpret and implement the relevant provisions of the C&Rs, as stated in Article III, Section 7b.

Member inquiries to staff about changes in state law affecting size and setback restrictions for ADUs/JADUs, which could conflict with Tahoe Donner rules, led to the formation of an ADU subcommittee. This subcommittee reviewed the new regulations and developed changes to ensure compliance with them while determining how these changes will be applied within Tahoe Donner.

This staff report is prepared for the board outlining a proposed change to the ADU/JADU Rules. It recommends that the Board of Directors review this change and consider approving the publication of the proposed ASC rule modification for a 45-day notice period. This notice will include all necessary supporting materials to inform the members about the purpose and implications of the rule change. Approval by the board will initiate the required 45-day notice process to allow for this rule change.

DISCUSSION:

On January 1, 2020, the State of California enacted AB 670 to address the need for affordable housing.



This law overrides prohibitions on Accessory Dwelling Units and Junior Accessory Dwelling Units (ADUs/JADUs) found in homeowners' association governing documents. Still, it allows Homeowner Associations (HOAs) to impose additional, reasonable restrictions on ADUs and JADUs. On February 22, 2020, the Tahoe Donner Architectural Standards Rules were updated with the addition of Appendix B to the rule set, which defines the rules and restrictions for ADUs and JADUs.

Tahoe Donner was designed as a residential area for single-family homes, where the peaceful enjoyment of properties is highly valued by its residents. The rules established in 2020 aim to preserve the community's peace and tranquility while maintaining its aesthetic appeal. These guidelines ensure compliance with state law and uphold the community's intended purpose. Maintaining proper setbacks is especially important in this mountainous region, where many lots are small and factors such as fire hazards and heavy snowfall significantly impact the setback standards between residences. These standards are allowed under the "reasonable" restrictions that HOAs are allowed to enact.

In response to recent developments in state law, the ASC formed an ADU Subcommittee to provide advice on ADU/JADU standards for Tahoe Donner. The purpose of this subcommittee is to examine changes to state and local ADU/JADU codes and requirements while collaborating with the HOA's legal counsel. Together, they prepared proposed changes to the existing ADU/JADU rules and developed the changes presented in Exhibit A for the Board of Directors to consider a 45-day rule change process.

The purpose of the proposed rule changes is to align our regulations with the recent changes in state law regarding ADUs/JADUs.

The effects of the proposed changes are as follows:

- Allow for both an ADU and a Junior Accessory Dwelling Unit (JADU) on a single lot, whereas previously only one ADU or JADU was permitted per lot.
- Increase the maximum allowable sizes for ADUs to match the standards set by the Town of Truckee.
- Eliminate the 90-day grace period for applying for approval, as ADUs have been allowed in the TDA for over five years, and the regulations are now well established.

The final version of the proposed rule change was presented to the ASC, which voted to recommend moving forward for Board consideration, including a 45-Day Notice and adoption following the completion of the rule-making process.

RECOMMENDATION:

Staff recommends the following next steps:

1. Board action at the July 25, 2025 Regular Board Meeting: The Board of Directors authorizes the publication of a 45-Day Notice for the proposed Architectural Standards ADU/JADU Rules change (Exhibit A), including all necessary supporting materials to inform members about the purpose and impact of the rule change.
2. The publication of the 45-Day Notice will be included in the September Tahoe Donner News.



3. Future board agenda item: The Board will hear member comments on the proposed rule changes at the September 26, 2025 regular board meeting.
4. Future action item: The Board will consider adopting the rule change at the October 24, 2025 board meeting following the expiration of the 45-day notice period.

Alternative(s) the Board may consider:

1. The Board of Directors may not approve the publication of the 45-Day Notice as written. Staff and the ASC do not advise this option as it could lead to legal challenges to the current Tahoe Donner ADUs/JADUs requirements.
2. The Board of Directors may postpone any portion of the initiative and provide feedback or direction to staff and the ASC.

OUTREACH:

The Architectural Standards Committee and ADU subcommittee have discussed the topic of ADU rule changes at the following properly noticed meetings:

April 7, 2025 (ADU subcommittee meeting)

May 14, 2025 (ASC meeting)

Furthermore, the ADU subcommittee of the Architectural Standards Committee convened to develop proposed rule changes. This subcommittee was established specifically to advise on state regulation changes and ADU requirements within Tahoe Donner.

FISCAL IMPACT:

None.

ATTACHMENTS:

EXHIBIT A: Proposed Architectural Standards ADU/JADU Rules Change

EXHIBIT B: Draft 45-Day Notice Introduction

Prepared by: Lisa Purchard, Community Standards Manager

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

Reviewed by: Rod Whitten, Architectural Standards Committee Chair

Reviewed by: Annie Rosenfeld, General Manager

Board of Directors Meeting: 07/25/2025