WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: August 25, 2020

DATE: July 24, 2020

TO: Board of County Commissioners

FROM: Kelly Mullin, AICP, Senior Planner, Planning and Building Division, Community Services Department, 328-3608, kmullin@washoecounty.us

THROUGH: Dave Solaro, Arch., P.E., Assistant County Manager 328-3600, dsolaro@washoecounty.us

SUBJECT: Introduction and first reading of ordinances amending Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals; and within Article 910, Enforcement, to specify that appeals of Administrative Hearing Office decisions related to short-term rentals would be heard by the Board of County Commissioners. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STRs), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits. The ordinances would also amend Chapter 50 (Public Peace, Safety and Morals) to include a definition of short-term rental and define unpermitted short-term rentals as a public nuisance; and amend Chapter 125 (Administrative Enforcement Code) to establish enforcement provisions related to short-term rentals, including but not limited to definitions, evidence of operation, evidence of violations, appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as

AGENDA ITEM # _____

vacation rentals. The amendments also resolve discrepancies arising within existing Washoe County Code chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

And, if introduced, set the public hearing and second reading of the ordinances for September 22, 2020. (All Commission Districts.)

SUMMARY

The Washoe County Board of Commissioners (Board) is asked to introduce and hold the first reading of ordinances amending the Washoe County Code within Chapters 110, 50 and 125 to establish standards and processes associated with the administration and enforcement of short-term rentals (STRs) in unincorporated Washoe County.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

February 25, 2020. The Board reviewed the proposed ordinances and provided direction to staff in lieu of conducting an introduction and first reading. More details are provided in the next section of this report.

January 7, 2020. The Washoe County Planning Commission (PC) reviewed proposed changes to Chapter 110 and voted unanimously to recommend approval of Development Code Amendment WDCA19-0008 with minor modifications.

December 10, 2019. The Board formally initiated amendments to the Washoe County Code related to STRs.

November 12, 2019. The Board heard an update on the STR project, including staff's recommendations related to standards and a permitting process.

February 26, 2019. The Board determined that by adopting changes to WCC Chapter 25 in 2007 to allow transient lodging and associated room tax, the use is allowed within Washoe County (although not yet defined within Chapter 110). Further, the Board identified it did not want to ban STRs in unincorporated Washoe County. In order to resolve potential conflict between the two WCC chapters, the Board directed staff to start the process of establishing regulations for STRs to properly administer their use.

July 10, 2007. The Board adopted changes to Washoe County Code Chapter 25 relating to transient lodging.

UPDATES SINCE FEB. 25, 2020 BOARD MEETING

This section of the staff report identifies changes to the draft standards resulting from the Board's direction on Feb. 25, 2020. The remainder of this staff report includes similar content to what was provided for the Feb. 25 Board meeting, with the exception that relevant dates have been updated, and the section on proposed standards reflects the changes summarized in the list below.

- **External placard – requirement removed:** The prior draft language included a requirement for an external placard on each STR displaying the STR permit number, maximum occupancy and contact phone numbers. Per Board direction, this requirement has been removed from the current draft.
- **Unscheduled inspections – reference removed:** The prior draft allowed for reasonable unscheduled inspections in circumstances where life safety issues (including related to maximum occupancy) were present. Per Board direction, references to these types of inspections has been removed.
- **Self-certifications – new option:** As directed by the Board, a physical inspection will only be required prior to initial permit issuance and every three years. In the intermediate years, self-certifications will be accepted for renewal in lieu of a physical inspection if the permit has not lapsed and there are no confirmed STR violations in the previous year.
- **Occupancy – updated calculation method:** In the original draft, occupancy limits were calculated based on square footage of individual sleeping areas. However, at the Feb. 25 meeting, the Board expressed concern about the proposed standards leading to the possibility of some parents not being able to sleep in the same room as their children, if the rooms are small. The Board's subsequent direction was to exempt children under 5 years of age from occupancy limits. Staff from Community Services, the District Attorney's office, North Lake Tahoe Fire Protection District and Truckee Meadows Fire Protection District then met to discuss the Board's direction and options for addressing the stated issues. Due to significant safety and liability concerns with creating age exemptions for occupancy limits, an alternative calculation method is proposed to address the Board direction. The revised method already exists in the International Building Code (adopted by Washoe County) and calculates occupancy limits based on the square footage of the entire home's habitable space, allowing for one occupant per 200 sq. ft. With this method, the home would have an overall occupancy limit, but would not be room-specific (ex. bedrooms). Designated sleeping areas would still need to meet minimum safety standards (smoke detectors, CO detectors, etc.)
- **30-minute response time – clarification added:** The initial draft included a requirement for the STR's local responsible party to be able to respond to complaints within 30 minutes of contact by Washoe County. Per Board direction, clarification was added stating that such response can be by phone or text, and that for circumstances where a subsequent physical response is needed, it should be able to occur within an hour.
- **Number of STRs on a parcel – allowance for accessory dwellings:** In response to Board comments, the draft has been updated to allow a second STR on a parcel, if it is established within a legally permitted accessory dwelling (either attached or detached).
- **Defensible space inspections – approval process updated:** Recognizing that defensible space inspections may be difficult or impossible to conduct when properties are obscured by snow, the ordinance has been updated to allow for a conditional approval when conditions warrant.
- **Emergency restrictions – new language:** As a result of the current pandemic, new draft language has been added to address the potential for restrictions that may be imposed upon STRs during declared emergencies.
- **Timing:** If the ordinances are introduced Aug. 25, a second reading and possible adoption are proposed for Sept. 22, 2020. If adopted, it is recommended that the application window opens Jan. 15, 2021, and enforcement of standards begins Apr. 15,

2021. These dates are intended to allow sufficient time for: creation of the permitting processes, materials and online platform; staff training; a public information campaign; and, STR owners to prepare for application submittal and review.

BACKGROUND

Short-term rentals (STRs) are a type of temporary lodging of less than 28 days operated out of private residences such as homes, apartments and condos. They are also referred to as vacation rentals and commonly available through property management companies and online booking services.

As with other industries affected by the sharing economy, the rise of online advertising platforms such as Airbnb and VRBO has disrupted the traditional lodging industry by expanding opportunities for homeowners to tap into the tourist market and offer their home for STR use. Although vacation rentals have been available in various forms for decades, these newer technologies have led to expanded temporary lodging options and a greater awareness of the prevalence of STRs in many communities. Along with that has come increased focus on the impacts of STRs on neighboring residents and the larger community. Washoe County, and especially the Incline Village/Crystal Bay area, is no exception.

Current unofficial estimates put the number of STRs in unincorporated Washoe County between roughly 500 and 1000 distinct units active at any given time, varying greatly with time of year. Over 90% are estimated to be located in Incline Village/Crystal Bay, and over 90% are whole-home rentals. At the high-end, STRs represent approximately 12.5% of housing stock in Incline Village/Crystal Bay. This is on par with other Tahoe-area jurisdictions, with the Mountain Housing Council estimating that STRs comprise 13.5% of housing stock in the Truckee/North Tahoe region.

Appropriate management of STRs is a complex and controversial issue with no simple solution. Stakeholders represent a variety of perspectives, often at opposite ends of the spectrum. Opinions range from a desire to see STRs completely banned within a community, to believing that they are a fundamental property owner right. At the root of these very different opinions is often the question of whether STRs are a residential use or a commercial use. Staff's research shows that jurisdictions and courts alike have differences of opinion on this matter, and that there is no clear consensus. After extensive research and review of public input, it is Washoe County staff's opinion that answering that question is a matter of thresholds. At lower occupancies, the use may easily be considered residential in nature, but still have characteristics requiring mitigation (as a sort of hybrid residential use). This is because, in general, the impacts on surrounding properties are expected to not be substantially different than if the property were used in the more traditionally long-term residential way. However, at higher occupancies, the impacts (ex. parking, noise, etc.) to neighboring properties are more likely to increase to a level that the use starts to appear less residential and more commercial in nature. In some cases, these impacts may be mitigated through more restrictive standards or conditions of approval. In other cases, they cannot. Some levels of occupancy may be so high that the STR would be inappropriate in residential areas, and more appropriate to be located in commercial areas, especially those that are tourist-oriented.

Most jurisdictions in southern Nevada and around Lake Tahoe have already established or are working to establish standards and a registration/permitting process for STRs in their communities. Due to the relative newness of standards for this type of use, there is limited

consensus in how STRs are regulated, with dozens of regulatory options being employed across the U.S. to manage STRs. The most commonly regulated categories deal with quality of life issues such as noise, parking and trash.

The following text provides an overview of the various work that has been completed thus far, outreach that has occurred, and recommendations for the Board to consider.

Process Overview

Due to the complexity of the issue, staff attempted to craft a methodical approach to recommending standards and a permitting process for STRs. This approach is designed with five distinct phases: (1) Project planning and research; (2) Structured public engagement; (3) Drafting and adoption of standards/processes; (4) Grace period, during which public outreach about the new requirements occurs, and technology/training are put into place to support the program; and (5) Program launch, after which STRs are required to meet standards and have appropriate permits to operate. Enforcement of the new requirements will begin during this phase. The project is currently in phase 3 (drafting and adoption of standards/processes). It is also expected that staff will conduct a re-review of standards and fees approximately 12-18 months after program launch in order to assess effectiveness.

Planning, Research and First Steps

Following direction from the Board in early 2019, a core group of staff within the Community Services Department began conducting research aimed at better understanding the impacts of STRs, possible strategies for addressing those impacts, legal and financial implications, technology innovations to help address community impacts, and the mechanisms that are most commonly used by cities and counties across the U.S.

The parameters and goals of the project were identified early in the planning process. Based on staff's understanding of the Board's direction and a review of successful STR programs around the country, the following guiding principles were established:

- Create simple, fair and enforceable standards for STRs that reflect best practices and address impacts
- Maximize voluntary compliance
- Encourage safe accommodations for visitors
- Balance competing interests
- Establish a cost-neutral fee and fine structure

During the initial research stage, Washoe County also contracted with technology provider Host Compliance to provide three main services related to STRs: address identification (tying online advertisements from dozens of platforms to real addresses); a 24/7 complaint hotline; and, a mobile registration platform. Host Compliance provides STR enforcement assistance to over 200 local jurisdictions across the United States.

Public Outreach and Engagement

A critical component of the project has been to identify the various stakeholder groups and better understand their perspectives on STRs. These many stakeholders can generally be grouped into the following major categories: neighbor/community members; STR host and property managers/realtors; traditional lodging industry and business; and impacted regulatory agencies.

These categories are not exhaustive; however, they represent most perspectives heard from so far. There were three major components of the initial public outreach process: (1) small-group, targeted stakeholder input meetings; (2) public workshops; and (3) an online survey.

Stakeholder input sessions: In July 2019, staff held a series of small-group stakeholder input sessions aimed at getting a better sense of the perspectives and priorities of those within each major stakeholder group. These meetings helped inform the topics and structure of later public workshops. An informal working group of various agencies was also formed in order to better understand concerns and priorities from the regulatory perspective. The working group included representatives from the Sheriff's Office, North Lake Tahoe Fire Protection District, Truckee Meadows Fire Protection District, Reno-Sparks Convention & Visitors Authority (RSCVA), Washoe County Manager's Office, business license program, code enforcement program, planning program, and building program. Staff has had several follow-up meetings with many of these agencies/programs since the original working group meetings, as well as with the Incline Village General Improvement District (IVGID), Washoe County Health District and District Attorney's Office.

Public workshops: In August 2019, two public workshops were held in Incline Village and one in Reno. There were approximately 250-300+ attendees across the three workshops (some participants attended more than one workshop). These were structured to better understand the priorities and concerns of workshop attendees, and to solicit possible solutions to address these concerns.

Online survey: An online survey was offered as an alternative or supplement to the in-person workshops. The survey was structured similarly to the workshops in terms of asking participants to identify their top areas of concern related to STRs and future standards/permitting processes, provide additional details about those concerns, and offer possible solutions. There were **569** survey responses. About **70%** of respondents represented a neighbor/community perspective, while about **20%** represented the STR host or property manager perspective.

Public response for workshops and survey: Staff's goal during the public outreach process was to identify major concerns of each of the stakeholder groups and, wherever possible, pinpoint areas of overlap. A summary of feedback received via the workshops and online survey is included with the Planning Commission staff report (Attachment E). An analysis of the input received revealed several recurring themes, including:

- Top areas of concern related to occupancy limits, permitting process, noise and parking.
- There is general community support for regulating STRs. However, respondents vary drastically on the extent of standards that should be put in place.
- It is critical that regulations established for STRs be enforced.
- Property managers believe their existing rules for the STRs they manage are strict and adequately regulated through their state license.
- Many residents, especially in the Incline Village/Crystal Bay area, believe STRs are commercial businesses operated by non-residents of the community.
- Many hosts believe better renter education will help mitigate existing issues and are concerned that responsible hosts will be penalized for the actions of irresponsible hosts.

Proposed Amendments

Based on significant research conducted by staff, extensive public input, Board input, and an analysis of potential regulatory mechanisms and options for Washoe County, staff created a series of recommendations that were reviewed by the Board in November 2019. Draft code language was subsequently created and made available for a 21-day public comment period. The draft was then reviewed and recommended for approval by the Planning Commission in January 2020, after which the Board reviewed the initial draft and provided additional direction to staff in February 2020.

Draft code language for Chapter 110 (Development Code) has been provided with Attachment A and summarized on the following pages.

General Standards

- Every STR must have a designated local responsible party available 24/7 through a single phone number who shall respond to complaints within 30 minutes of contact (via text/phone acceptable). If an on-site response is necessary, it should occur within the following hour.
- No events or other gatherings (ex. parties, weddings, etc.) are allowed that would exceed the on-site maximum occupancy associated with the STR permit.
- Permittee must be the property owner.
- Limited to one STR per parcel, with the exception that a second STR may be allowed in legal accessory dwellings; STRs must be a permanent, habitable dwelling unit (i.e. no RVs/ boats). The per-parcel limitation is due, in part, to ensure better enforcement capability.
- STRs may be rented to only one group/person at a time (ex. renting out five individual rooms to five separate parties would not be permitted and is a key distinction from lodging services use types).
- Advertising for an STR is prohibited unless a valid STR permit has been issued.
- Advertisements must include the Washoe County permit number, room tax license number, maximum occupancy as allowed by the permit, number of beds (cannot exceed max. occupancy), and number of parking spaces.
- Must comply with all other federal, state, and other applicable laws/statutes, and issuance of a County STR permit does not relieve the property owner of compliance with applicable regulations, including CC&Rs or HOA restrictions.
- Existing STRs are not grandfathered; they must apply for and be issued a County STR permit in order to operate.
- Applicable room tax must be paid to the RSCVA.

Permitting

- An STR permit will be considered similar to a privileged license in that revocation can occur without Board action for issues such as non-payment of fees and noncompliance. Any revocation would provide for appropriate and timely administrative appellate review.
- STR permits must be renewed annually. Property owners should be aware that standards are subject to change over time and that there is no guarantee a permit will be renewed.
- **Three permitting tiers are proposed.** These tiers are intended to recognize that below certain thresholds, and with appropriate standards in place, an STR is expected to reasonably function similarly to other residential uses. However, as occupancy increases, impacts to surrounding properties have the potential to increase. In these cases, further scrutiny may be needed to determine if the scale of the proposed STR is appropriate on the specific property and if additional mitigation can reduce impacts to a reasonable level.

- **Tier 1:** STRs with a maximum occupancy of 10 persons or less; standard STR permit required. (*Note:* 10 or fewer is a common break point for uses like group homes and within the International Building Code's "R" occupancies.)
- **Tier 2:** STRs with a maximum occupancy of 11-20 persons; discretionary permit required in most regulatory zones.
- **Tier 3:** STRs with a maximum occupancy of 21 or more persons; only allowed in areas where hotels/motels allowed; with discretionary permit; requires commercial standards.

Occupancy Limits

Establishing occupancy limits also has the potential to reduce some of the major impacts commonly associated with STRs. Proposed limits are based on the International Code Council's International Building Code, a well-recognized code generally addressing building safety standards in the United States and across the world. Proposed standards are as follows:

- One occupant is allowed per 200 sq. ft. of habitable space; total occupancy is not room-specific.
- No distinction would be made between daytime and nighttime occupancy, as impacts are expected to be similar.
- No distinction would be made on occupant age.
- Occupancy may be further limited by available on-site parking or if the property owner chooses to voluntarily limit the maximum number of occupants.

Safety and Inspections

Washoe County staff has worked with both the North Lake Tahoe Fire Protection District and Truckee Meadows Fire Protection District to discuss fire and life safety concerns associated with STRs. As visitors to an STR are less likely to be familiar with a home than someone living in it, basic fire and life safety minimums are proposed to be required. The following summarizes proposed safety standards:

- Safety minimums include requirements for adequate smoke and carbon monoxide detectors; fire extinguishers; adequate egress; well-maintained fireplaces, electrical outlets/systems, hot tubs, deck railings, etc. Additional minimums may be proposed for occupancies over 10 during discretionary permit review processes.
- Areas proposed for sleeping purposes have specific safety feature requirements based in existing, adopted codes.
- Defensible space inspection will be required and conducted by the applicable fire agency.
- Basic structure safety inspection must be passed prior to issuance of an STR permit and every third year thereafter; to be conducted by Washoe County building inspectors, with the exception that items such as sprinkler or fire alarm systems (if applicable) would be inspected by fire staff. In between physical inspections every third year, self-certifications can be provided prior to permit renewal if the permit has not lapsed and there are no confirmed STR violations in the previous year. (*Note*: The phrase "confirmed STR violations," or similar, throughout this staff report refers to the violation being deemed final, with appeals exhausted and the violation being found to exist.)

Parking

All use types within the Washoe County Development Code have an associated parking standard that identifies the number of off-street spaces required. This ratio is most frequently based on square footage of the structure and/or the maximum number of employees present

at any given time. However, some uses base the ratio on additional factors. For example: destination resorts require one parking space per room; indoor entertainment uses require one space per every three seats; bed and breakfast uses require one space per room, plus one per employee; motels require one per room; hostels require .25 per bed; and, single-family detached homes require two per dwelling unit.

According to the U.S. Census Bureau, the average number of residents per household in Washoe County is 2.5. In the Incline Village/Crystal Bay area, this average drops to 2.23 residents per household. These averages are reflected in the requirement for single-family homes to have a minimum of two off-street parking spaces.

When it comes to STRs, the number of occupants is generally expected to exceed Census averages for single-family dwellings – especially for STRs with multiple bedrooms. Accordingly, inadequate parking is one of the most frequently cited complaints associated with STRs – both across the nation and in the feedback heard from Washoe County residents. This is especially prevalent in the Incline Village/Crystal Bay area, where on-street parking can be severely limited or nonexistent. As a result, staff is proposing that the number of parking spaces required be based on the maximum number of occupants permitted for the STR, and that an inability to provide sufficient off-street parking would in turn potentially limit the number of occupants allowed by the STR permit.

Taking all of this into consideration, and in order to reduce potential impacts to neighboring properties, the following STR parking standards are proposed:

- No STR parking is allowed in the right-of-way.
- One parking space is required for every four proposed occupants.
  Note: The initial ratio proposed to the Board in Nov. 2019 was one space for every three occupants; however, based on Board feedback, that ratio was changed to one space for every four occupants.
- All parking spaces must be improved to Washoe County standards (or Tahoe Regional Planning Agency standards, if applicable) and developed on-site, within property boundaries. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

It should be noted that parking may be limited by available TRPA coverage, and that staff's recommendation is that such limitations should not result in standards being waived. However, under certain limited circumstances where flexibility may be warranted, the Director of the Planning and Building Division would have the authority to modify the location of required parking spaces based on extenuating site features or other limiting factors. This additional flexibility was also incorporated into the proposed language as a result of Board feedback.

Noise

Excessive noise, parties and loud music are some of the other most commonly heard complaints associated with STRs, and was a significant concern noted by County residents via the public workshops and online survey. Noise issues can also be one of the most difficult types of complaints to address. Many jurisdictions have established quiet hours for STRs. Opponents argue that if quiet hours are important, they should be established for all uses, not just STRs. (*Note*: Although the County does not have community-wide quiet hours, there are requirements related to disturbing the peace.) However, it can also be argued that

occupancies of STRs are often higher than that of neighboring residences and that transient guests may not be as familiar with or respectful of community norms associated with noise.

The Washoe County Sheriff's Office has indicated there have been 64 calls for service related to noise in the Incline Village/Crystal Bay area in the past year, with three citations issued. It is understood that there is limited staffing by the Sheriff's Office in the Incline area, and that calls for service related to noise will have a lower priority than many other service types. Although the 24/7 STR complaint hotline by Host Compliance is expected to help with noise impacts, noise is still a concern.

Establishing quiet hours specifically for STRs is recommended by staff, allowing confirmed disturbances during these timeframes to be treated as violations of STR standards. Additionally, due to the difficulty with noise enforcement, staff is providing an additional mechanism for consideration. Decibel-monitoring devices are a technology used by some property managers to ensure their guests are respectful of the community. They monitor decibel-levels only; there are no audio recordings. These can be used by a jurisdiction to better track STRs with repeated noise complaints. The City of Henderson recently adopted standards requiring these devices to be used as part of an STR's overall noise management plan. Staff recommends they be required for STRs with two confirmed noise violations.

- Quiet hours 10 p.m. – 7 a.m.
- After a second confirmed noise violation, an STR must be equipped with decibel-monitoring devices with reporting capability and records available for County review.

Trash

In mid-2017, Incline Village General Improvement District (IVGID) established a zero-tolerance policy related to proper trash disposal in the Incline Village/Crystal Bay area. IVGID staff patrols the community to ensure standards are being followed and educate or cite where necessary. IVGID has indicated that since the program started, trash violations dropped significantly. With that in mind, the following trash standards for STRs are proposed:

- Trash must be managed as required by the Health District, Waste Management and IVGID (if applicable), including times when carts may be placed street-side. Cart size must be sufficient to store waste for the maximum number of occupants each week.
- STRs in IVGID service territory and other bear-prone areas must use wildlife-resistant carts and/or bear sheds, except in multi-family developments where HOAs require and enforce regular trash disposal.
- Trash violations confirmed by IVGID or the Health District count as a violation against the STR and may incur both IVGID penalties and Washoe County STR permit penalties.

Other Standards

Several workshop and survey participants voiced concerns that most standard homeowner policies do not cover STR use. It is common for other jurisdictions to require STR-specific liability insurance, and the following additional standards are recommended:

- Certificate of insurance is required identifying that the property is used as an STR and provides $500,000 minimum liability coverage per occurrence.
- Educational material provided in unit must contain: community evacuation routes; fire safety info (ex. BBQ operation, proper ash disposal, community fire danger, etc.); bear awareness brochure (if applicable); noise, trash & parking standards, occupancy limits, etc.

Enforcement and Revocation

A three-pronged approach to enforcement is proposed:

- Permitting: Proactively identify unpermitted STRs and pursue permitting compliance; cite, fine and, if necessary, lien non-compliant property owners who continue to operate an STR without the appropriate permit in place. It should be noted that this approach is a departure from current complaint-based code enforcement practices; however, it is considered a necessary component of a successful STR program.
- Inspections: Required upon initial permit application and then every third year (with self-certifications in intermediate years). Safety minimums must be in place in order to obtain an STR permit and operate.
- Operational: Confirmed violations will result in fines and potential penalties such as permit revocation. The 24/7 complaint hotline (via Host Compliance) will log citizen-initiated complaints and contact the STR's local responsible party for resolution.

Three confirmed and separate STR violations in any 12-month period will result in permit revocation and a 12-month cooling off period within which the property is ineligible to obtain an STR permit. No Board action will be required for this type of revocation, unless on appeal. Any of these individual STR violations could be appealed to the County's Administrative Hearing Office, whose decision may subsequently be appealed to a County board (with that decision appealable to the Second Judicial Court). In the interest of reducing total time to compliance, staff proposes: reducing the appeal period to 14 days (from 30 days) after an STR notice of violation is served; and adjusting the process to appeal an Administrative Hearing decision. Currently, such appeals are heard by the Board of Adjustment (BOA). Staff recommends that appeals of STR-related Administrative Hearing Orders instead be heard by the Board of County Commissioners. Since the BOA has no direct knowledge of or expertise with STR standards (the Planning Commission reviewed the ordinance), and because BOA meetings are only held ten times annually, staff believes the County Commission is better positioned to be the board to hear such appeals in a timely and effective manner. This procedural distinction was not included with the original text provided to the Planning Commission for review; which is why it is called out here.

Attachments B and C reflect additional code changes proposed for Chapters 125 (Administrative Enforcement Code) and 50 (Public Peace, Safety and Morals). The changes in these two chapters focus on enforcement provisions related to STRs, including but not limited to inspections, evidence of operation, evidence of violations, appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices.

Other Items for Consideration

There are several other items the Board may wish to be aware of while considering this topic.

Permit Fees

Proposed permit fees will be detailed in a separate fee and fine staff report for action by the Board concurrent with the second reading and adoption scheduled for Sept. 22, 2020. In summary, a cost-neutral fee structure is proposed to ensure, to the extent possible, that implementation and enforcement of the STR program is paid for by those who own and operate STRs, not general taxpayer dollars. Thus, the fee structure is designed to incorporate costs such as: safety and fire inspections; permit processing and review; Host Compliance software and services; enforcement of non-permitted STRs and violations of STR standards,

etc. Additionally, per requests by the Board, the proposed fee structure will include a discount on the STR permit fee for STRs that use a licensed property manager as the designated local responsible party. It is expected that this fee structure will be reassessed after the first 12-18 months of operation in order to ensure costs are appropriately covered, and to propose adjustments at that time, if necessary. *Note: NRS 278.020 provides a governing body general power to regulate land use for purposes of health, safety, morals, and welfare of the community. Included within this authority is the imposition of fees for services to support that regulation, and fines to support its enforcement (NRS 237.060).*

Fines

Proposed fines will be detailed in a separate fee and fine staff report for action by the Board concurrent with the second reading and adoption scheduled for Sept. 22, 2020. In summary, research related to STRs has made it clear that fines and penalties must be significant enough to deter violations; otherwise, it may just be considered the cost of doing business for an operator. Washoe County's current code enforcement approach for land use violations is focused more on achieving compliance, rather than penalizing the property owner. Therefore, current fines for Development Code violations are set relatively low and are considered insufficient to deter STR violations. As a result, staff is proposing a new and separate higher fine structure, with unpaid fines becoming liens against the property. Funds from paid fines would be used to offset impacts to the Administrative Hearing Office.

Staffing Needs

One additional code enforcement officer is needed to assist with implementation and enforcement of the program, with the position included in the FY21 budget. Building safety inspections will be conducted by existing Washoe County Building Inspectors. Fire inspectors from the applicable fire district will inspect defensible space and, if applicable, smoke alarm and/or sprinkler systems. The cost of such inspections will be paid for by the STR applicant. Host Compliance's services will be used for matching advertisements to real addresses, the 24/7 complaint hotline and establishment of the mobile registration platform. STR permit fees are expected to cover all of these costs.

Effective Dates

Staff recommends at least a four-month grace period between adoption of the ordinance and its first effective date. If the Board adopts the ordinance on Sept. 22, 2020, the recommended effective date for allowing application submittals is Jan. 15, 2021. The recommended effective date for enforcement is April 15, 2021. This grace period is expected to provide time to set up the associated internal processes and technology needs, advertise the new standards to the public, and begin processing and issuing STR permits. As noted previously, an additional code enforcement officer position is budgeted for FY21 to support the STR efforts, and the hire date is estimated to be in early 2021.

Room Tax

The Reno-Sparks Convention and Visitors Authority (RSCVA) requires hosts of STRs to obtain a transient lodging tax (aka room tax) license. The RSCVA assesses a 13% room tax on STRs in Washoe County. That room tax is paid to the RSCVA, which keeps a portion and then distributes the remainder to various state, regional and local agencies. Per State law and various government ordinances, Washoe County receives 1/13th of the room tax paid in unincorporated County areas. Based on a 5-year average, RSCVA receives approximately

$1.6M annually for room taxes associated with STRs in the Incline Village/Crystal Bay area. Washoe County receives 1/13th of that amount, which is approximately $125,000 annually. The amount the County receives from STRs outside of the Incline area is negligible. Room tax distributed to Washoe County currently goes into the General Fund. As part of this project, staff will investigate opportunities to reduce potential overlap in the permitting processes between the two organizations.

Tahoe Regional Planning Agency (TRPA)

TRPA recently established a list of regulatory options for jurisdictions to apply to STRs within the Tahoe Basin in order to meet TRPA goals and policies. These will be considered a third criterion in TRPA's scoring system for awarding residential allocations to jurisdictions around Lake Tahoe. The focus is largely on locational, operational and enforcement parameters. Washoe County has been actively involved in these conversations with TRPA. The proposed ordinances are expected to meet many of TRPA's parameters.

Demographics

With the highest concentration of STRs located in the Incline Village/Crystal Bay portion of Washoe County, there has been some interest in the demographics of that area. The following information was pulled from 2013-2017 American Community Survey 5-Year Estimates for zip code 89451, which represents most, but not all of the area. This information is provided to paint a general picture only. There are approximately 7,800 dwelling units, with approximately 52% comprised of single-family detached homes. The area is characterized by a large contingent of second homes, and just under 53% of the dwelling units are classified by the U.S. Census Bureau as vacant. Slightly more than 34% of the homes are owner-occupied. 75% of the homes were built prior to 1990. The average household size of owner-occupied homes is 2.08. The average household size of long-term renter-occupied homes is 3.02. Approximately 74% of residents moved into their home in the year 2000 or later. Just under 93% of the homes have four bedrooms or fewer.

Standards for Incline Village/Crystal Bay vs. Rest of Washoe County

It is important to note that many residents in the Incline Village/Crystal Bay area requested that STR standards within the Tahoe Basin be different than those in the rest of Washoe County. The majority of STRs in the County are located in Incline Village/Crystal Bay and therefore most recommendations were drafted with that area primarily in mind. Regional adjustments are included in the proposed code language for items such as wildlife-resistant carts in bear-prone areas, variations in defensible space requirements/inspections, TRPA parking standards, and regulatory zone differences within the new Tahoe Area Plan (expected to be adopted once in-person public hearings are feasible to resume).

FISCAL IMPACT

Costs to administer and enforce STR standards and permitting have been calculated and proposed STR permit fees and fines have been designed to cover these costs. This cost-neutral fee structure is intended to ensure, to the extent possible, that implementation and enforcement of the STR program is paid for by those who own and operate STRs, not general taxpayer dollars. Specific details regarding fees and fines will be provided in a separate staff report for action by the Board concurrent with the second reading and adoption scheduled for September 22, 2020.

RECOMMENDATION

It is recommended that the Board introduce and conduct a first reading of the ordinances provided as Attachments A, B and C and set the public hearing for second reading and possible adoption for September 22, 2020.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

> "Move to introduce and conduct a first reading of ordinances amending Washoe County Code Chapters 110, 50 and 125 as described within the subject of the staff report for this item. Also introduce Bill Numbers (insert bill numbers as provided by the County Clerk) and set the public hearing for second reading and possible adoption of the ordinances for September 22, 2020."

Attachments:

A. Chapter 110 Draft Ordinance (Updated July 2020)
B. Chapter 50 Draft Ordinance
C. Chapter 125 Draft Ordinance (Updated July 2020)
D. Minutes of Feb. 25, 2020 Washoe County Commission Meeting: https://bit.ly/2X9xbFB
E. Planning Commission Signed Resolution 20-01
F. Planning Commission Staff Report and Addendum for WDCA19-0008
G. Public Comments Received Since January 2, 2020

DRAFT: July 25, 2020

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: NEW LANGUAGE

RED TEXT: CHANGES SINCE FEB. 25, 2020 BOARD MEETING

****

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: ***Establishes standards for short-term rentals, including, but not limited to the establishment of definitions, standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement and appeal processes, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing Washoe County Code chapters as a result of new code language.***

BILL NO. _____

ORDINANCE NO. _____

Title:
An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals; and within Article 910, Enforcement, to specify that appeals of Administrative Hearing Office decisions related to short-term rentals would be heard by the Board of County Commissioners. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STRs), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances,

occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals. The amendments also resolve discrepancies arising within existing Washoe County Code chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend and create articles within the Washoe County Development Code (Chapter 110) in order to establish standards and processes for short-term rentals; and,

B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on December 10, 2019; and,

C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0008 January 7, 2020 and adopted Resolution Number 20-01 recommending adoption of this ordinance; and,

D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a “rule” as defined in NRS 237.060 requiring a business impact statement.

DRAFT: July 25, 2020

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. The first paragraph of Washoe County Code Section 110.304.15, *Residential Use Types*, is hereby amended as follows:

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations**,** ~~on a wholly or primarily non-transient basis~~ but exclude institutional living arrangements providing twenty-four-hour skilled nursing**, custodial** or medical care and those providing forced residence, such as asylums and prisons.

SECTION 2. Section 110.304.15, *Residential Use Types*, is hereby amended to add new sub-section (d) with the following definitions:

(d) Short-term rental. Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. STRs may be permitted to operate out of legally permitted, permanent dwelling units or accessory dwelling units in accordance with the standards within Article 319. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms. The following are short-term rental use types:

(1) Tier 1 Short-Term Rental. A Tier 1 STR has a maximum occupancy of 10 persons or fewer.

(2) Tier 2 Short-Term Rental. A Tier 2 STR has a maximum occupancy of 11-20 persons and due to its higher occupancy, may require additional limitations to ensure compatibility with surrounding residential properties.

(3) Tier 3 Short-Term Rental. A Tier 3 STR has a maximum occupancy of 21 or more persons. This highest tier of STRs is still operated out of a pre-existing dwelling unit, but due to the high number of occupants, is expected to have more significant impacts to surrounding properties. As a result, it is considered inappropriate to be located in residential regulatory zones, but may be appropriate on properties with commercial regulatory zones that are located nearer tourist and commercial services.

SECTION 3. The first paragraph of Section 110.304.25(u), *Lodging Services*, is hereby amended as follows:

(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis with~~in~~ incidental food, drink, and other sales or services intended for the convenience of guests, **including common facilities,** but excludes those **establishments** classified under residential group home**, short-term rental** and commercial recreation. The following are lodging services use types:

SECTION 4. Section 110.302.15, *Types of Review*, is hereby amended as follows:

Section 110.302.15 Types of Review. Table 110.302.05.1 through Table 110.302.05.5 indicate the types of review required as follows:

DRAFT: July 25, 2020

(a) Allowed Use. A letter "A" indicates that a use is allowed**,** but the use shall comply with the provisions of the Development Code.

(b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.

(c) Planning Commission Special Use Permit. A letter "S_1" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.

(d) Board of Adjustment Special Use Permit. A letter "S_2" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.

(e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.

(f) Administrative Review. A designation "AR" indicates that a use is allowed only upon approval of an administrative review permit pursuant to Article 809, Administrative Review Permits.

SECTION 5. Table 110.302.05.1, *Table of Uses (Residential Use Types)*, is hereby amended as follows:

Table 110.302.05.1

TABLE OF USES (Residential Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S_2	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S_2	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S_2	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S_2	--	--	--	P	--	--	A
Single Family, Detached	A	A	A	A	A	A	A	S_2	S_2	--	S_2	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S_2	--	--	--	--	--	--	--	--	--	--	S_2	S_2	S_2	--	--	S_2	--
Personal Landing Field (Accessory Use)	S_2	--	--	--	--	--	--	--	--	--	--	S_2	S_2	S_2	--	--	S_2	--
Manufactured Home Parks	*	*	*	*	*	S_2	S_2	*	*	--	--	--	--	--	--	--	*	--
Group Home	A	A	A	A	A	A	A	A	A	--	S_2	--	--	--	P	--	A	A
Short-Term Rental (see Article 319)	**Note: All of the below STR Tiers require the issuance of an STR permit, regardless of required review process.**																	
Tier 1	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**-**	**-**	**-**	**-**	**A**	**A**
Tier 2	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**A**	**AR**	**A**	**-**	**-**	**-**	**-**	**AR**	**AR**
Tier 3	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**-**	**-**	**-**	**-**	**-**	**-**

Key: -- = Not allowed; A = Allowed; AR = Administrative Review ~~pursuant to Section 110.306.25(i)~~; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S_1 = Planning Commission Special Use Permit; S_2 = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

DRAFT: July 25, 2020

SECTION 6. Section 110.410.10.1, *Off-Street Parking Space Requirements (Residential Use Types)*, is hereby amended as follows:

Table 110.410.10.1

OFF-STREET PARKING SPACE REQUIREMENTS (Residential Use Types)
(See Section 110.410.10 for explanation)

Residential Use Types (Section 110.304.15)	**Spaces Required**
Family Residential	
Attached Accessory Dwelling	1 per attached accessory dwelling unit, in addition to other required spaces
Detached Accessory Dwelling	1 per detached accessory dwelling unit, in addition to other required spaces
Detached Accessory Structure	None
Duplex	2 per dwelling unit, 1 of which must be in an enclosed garage
Fabricated Home	*2 per fabricated home
Multi Family	1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport
Single Family Attached	2 per dwelling unit, 1 of which must be in an enclosed garage
Single Family Detached	2 per dwelling unit, 1 of which must be in an enclosed garage
Manufactured Home Parks	1.5 per manufactured home, plus 1 per 5 units for guest parking
Group Home	.25 per bed, plus 1 per employee during peak employment shift
Short-Term Rental (All Tiers)	**As identified in Article 319, *Short-Term Rentals (STRs)***

Note: * = Article 312, Fabricated Housing, may require 1 parking space to be in an enclosed garage or carport.

DRAFT

DRAFT: July 25, 2020

SECTION 7. WCC Chapter 110, Article 319, *Short-Term Rentals (STRs)*, is hereby established as a new article as follows:

Article 319
SHORT-TERM RENTALS (STRs)

Sections:

110.319.00 Purpose
110.319.05 Applicability
110.319.10 Requirements for Application
110.319.15 Standards
110.319.20 Safety Standards
110.319.25 Permit Fees
110.319.30 Enforcement
110.319.35 Inspections and Self-Certifications
110.319.40 Permit Revocation
110.319.45 Duties of Hosting Platforms
110.319.50 Restrictions During a Declared Emergency

Section 110.319.00 Purpose. The purpose of Article 319, *Short-Term Rentals*, is to allow for the inclusion of short-term rentals (STRs) in legally permitted homes within unincorporated areas of Washoe County. The purpose is also to establish standards and a permitting process governing the operation of STRs in order to reduce their potential impacts on neighboring properties. At higher thresholds, such as with Tier 2 and Tier 3 STRs as defined in Section 110.304.15(d), STRs may require additional mitigation. At the highest thresholds, such as with Tier 3 STRs, their anticipated impacts cause them to only be appropriate in areas where hotels and motels are allowed. Enforcement and revocation policies are intended to ensure that mechanisms are in place to allow for streamlined revocation of an STR permit when standards are repeatedly violated, and/or to levy stringent fines when an STR operates without the appropriate permits.

Section 110.319.05 Applicability. The provisions of this article shall apply to uses classified as short-term rentals in Article 304, *Use Classification System*. Standards within this article are applicable to properties advertising for an STR, permitted for an STR, and/or proven to be engaging in STR activity, regardless of whether occupants at any given time have entered into an STR lease. If a property ceases to operate as an STR, removes any advertisement of the STR, and relinquishes the STR permit, then the property shall revert to the applicable residential use type.

(a) Within the Boundaries of the Tahoe Area Plan. This sub-section becomes applicable upon adoption of an updated Tahoe Area Plan that replaces existing regulatory zones with alternative designations. Prior to adoption of alternative regulatory zones for the Tahoe planning area, the provisions of subsection (b) below will apply.

(1) Tier 1. Tier 1 STRs are considered an allowed use, subject to the issuance of an STR Permit, in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(2) Tier 2. Tier 2 STRs are permitted subject to the issuance of an STR Permit with Administrative Review Permit in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(3) <u>Tier 3.</u> Tier 3 STRs are permitted subject to the issuance of an STR Permit with Administrative Permit in all regulatory zones where Hotels, Motels and Other Transient Dwelling Units use types are permitted (allowed by right or otherwise.)

(b) <u>Outside the Boundaries of the Tahoe Area Plan.</u> STRs are allowed or permitted in those regulatory zones as set forth in Article 302, *Allowed Uses*, with all STRs requiring an STR permit, and Tier 2 and Tier 3 STRs also requiring an additional discretionary permit as identified within Article 302. The provisions for STRs in Article 302 should not be construed to supersede the zoning or permitting requirements or restrictions by Washoe County or other agencies for the construction of a dwelling in any regulatory zone.

<u>Section 110.319.10 Requirements for Application.</u> All applications for STR permits shall include the following elements:

(a) Application and supplemental materials as required by the Washoe County Planning and Building Division;

(b) Accurately scaled and dimensioned site plan showing, at a minimum: location of property lines; dwelling unit(s) and all other structures on the property; dedicated locations and surface material of required parking spaces; all recorded easements; and, snow storage areas (for properties located within the boundaries of the Tahoe Area Plan);

(c) Accurately scaled floor plan showing entirety of dwelling, including areas proposed to be available for STR use. Each room must be labeled, with dimensions and square footage also provided for areas/rooms proposed to be used for sleeping purposes. The floor plan must also show locations of fire extinguishers, smoke alarms, carbon monoxide (CO) alarms, hot tubs (if applicable), decks (if applicable), and ingress/egress (doors, stairs and windows) from the dwelling and each room;

(d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit;

(e) Educational materials required by Section 110.319.15(a)(14), and the name, phone number (text-capable) and email address of the local responsible party designated to respond to issues/complaints on the property as required by Section 110.319.15(a)(3);

(f) Proof of property tax payment for current quarter of current fiscal year;

(g) Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA); and

(h) A notarized certification from the property owner(s) that acknowledges or attests to the following:

(1) An STR permit is deemed a privileged permit subject to revocation without action by the Board of County Commissioners (BCC) for non-payment of fees or noncompliance with required standards, including the revocation standards within Section 110.319.40.

(2) An STR permit must be renewed and issued annually in order to advertise or operate. Property owners should be aware that standards are subject to change over time and there is no guarantee that an STR permit will be re-issued.

(3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.

(4) Per Section 110.319.35, ~~I~~inspections must be passed and/or self-certifications provided prior to issuance of the STR permit and annual renewals.~~, and t~~The cost of ~~these~~ inspections and any necessary associated improvements will be borne by the property owner. It is the responsibility of the property owner to provide sufficient evidence that the applicable standards have been met.

~~(5) The property owner understands and consents to reasonable unscheduled inspections in the event first responders, fire inspectors or Planning & Building inspectors/officers have reason to believe that the maximum occupancy has been exceeded or a life safety issue is present. This consent must also be included within all lease agreements for the STR.~~

(5) The property owner has reviewed this article and other codes referenced within this article, understands the requirements and agrees to abide by them.

(6) The property owner is responsible for each occupant's compliance with the Washoe County Code while they are on the property, including but not limited to the standards within this article.

(7) There are no delinquent transient lodging tax liabilities or liens against the property.

(8) No alterations will be made to the STR premises without the proper approvals and permits, nor alterations that violate Washoe County adopted codes and ordinances.

(i) Additional submittal information may be required in order to ensure complete review of the STR permit application.

Section 110.319.15 Standards. All STRs shall comply with the standards within this article. No application for a variance, minor deviation, director's modification or other mechanism shall be approved to waive or modify these standards to make them less restrictive, unless explicitly allowed for within this article.

(a) General standards. The following general standards are applicable:

(1) A valid STR permit shall be obtained from Washoe County prior to advertising and operation.

(2) STR permits must be renewed and issued annually in order to advertise or operate. Previous issuance of an STR permit does not guarantee that a subsequent permit will be issued.

(3) Every STR is required to have a designated agent or property manager functioning as a local responsible party who is available 24 hours a day, seven days a week to respond via text message or phone to complaints~~/issues~~ related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives. The local responsible party must also be based in a location where they can physically arrive at the STR within one hour (not including reasonable delays due to traffic or weather) of the initial response. This requirement is intended to address complaints based on violations of this section or Section 110.319.20 and

should not be interpreted for any other purpose. The STR property owner shall provide a single phone number (text-capable) and email address with which the local responsible party can be reached 24/7.

(4) No events, parties, or weddings (regardless of payment or familial association), are allowed or may be advertised. A party is defined as any gathering in excess of the approved on-site maximum occupancy associated with the STR permit.

(5) Applications for an STR permit may be initiated by the property owner or authorized agent of the property owner. However, the permittee must be the property owner(s) of the STR property.

(6) Only one STR will be permitted per parcel, with the exception that a second STR may be allowed if established within a legally permitted attached or detached accessory dwelling. The STR must be a legally permitted, permanent, habitable dwelling unit (for example, no RVs, boats, detached garages, etc. to be used as an STR).

(7) An STR permit will only be issued for dwelling units that have already received a certificate of occupancy. STR permits do not supersede, waive or reduce any other code standards or requirements for building permits, planning permits/ applications or other requirements necessary to construct a dwelling unit.

(8) An STR shall only be rented to one group or person at a time (ex. renting out multiple individual rooms to multiple separate groups is not permitted).

(9) Advertising for an STR is prohibited unless a valid STR permit has been issued and is in effect at the time of advertisement.

(10) All advertisements must include the Washoe County permit number, transient lodging tax license number, maximum occupancy as allowed by the permit, ~~number of bedrooms,~~ number of beds (not to exceed maximum occupancy), number of parking spaces, and a note that no off-site street-parking is permitted. This information must be displayed at the top of the STR advertisement.

~~(11) At all times while an STR is rented, one 8.5" x 11" placard must be displayed on the front exterior of the residence and clearly visible from the main pathway leading to the primary entrance. The placard shall be legible (with a minimum 12 point font size) and include the following information: Washoe County STR permit number; maximum occupancy allowed by the permit; County's STR complaint hotline phone number; and, phone number of designated local responsible party.~~

(11) No signage advertising the STR is permitted on the property.

(12) Certificate of insurance is required identifying that the property is used as a short-term rental and provides a minimum of $500,000 liability coverage per occurrence.

(13) Educational material must be made available to all renters in the unit's kitchen or other common area and must contain the following: occupancy limits associated with the permit; exit locations; emergency phone numbers (ex. 911); phone number for the STR's local responsible party; fire/life safety information (ex. proper cigarette and ash disposal, community fire danger, proper BBQ operation, hot tub safety [if applicable], etc.); bear awareness brochure (for properties located in bear-prone areas); and Washoe County noise (quiet hours), trash and parking standards. Within the boundaries of the Tahoe Area Plan, the following

must also be provided: a copy of the North Lake Tahoe Fire Protection District Vacation Rental Safety Information Sheet and Emergency Preparedness Guide; community evacuation routes; and avalanche warning methods (for properties located in designated avalanche danger zones).

(14) All STRs must comply with all other federal, state, and other applicable laws/statutes.

(15) Per WCC Chapter 25, applicable room tax must be paid to the Reno-Sparks Convention and Visitors Authority, disclosed to the renter and included in any rental agreement.

(b) <u>Parking Standards.</u> The following parking standards shall be adhered to:

(1) No STR parking is allowed within access easements or the public rights-of-way.

(2) All parking spaces must be: improved to Washoe County residential standards (or Tahoe Regional Planning Agency [TRPA] standards, if applicable); developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

(3) One parking space is required for every four occupants.

(4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.

i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.

(c) <u>Noise Standards.</u> The following noise standards shall be adhered to:

(1) Short-term rental quiet hours are in effect daily from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the quiet hours will result in fines/penalties being levied against the property owner, who may choose to pass on such fines to the renters.

(2) Owners of properties that have received two confirmed STR noise violations within a 12-month timeframe shall provide the Planning and Building Division with a comprehensive noise management plan, including the installation of commercially available decibel-monitoring devices with reporting capability. Records from the decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.

(d) <u>Trash Standards.</u> The following waste removal standards shall be adhered to:

(1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.

(2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal.

(3) Waste carts shall only be placed street-side during the timeframes stipulated by the local authority or waste service provider.

(e) Occupancy Limits. An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

(1) The occupant load shall be calculated as one occupant for every 200 square feet of habitable space in accordance with Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition.~~Bedrooms intended for one occupant shall be a minimum of 70 sq. ft. in size in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).~~

~~(2) Bedrooms intended for two occupants shall be a minimum of 100 sq. ft. in size, with an additional 50 sq. ft. required for each additional occupant in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).~~

~~(3) Other areas proposed for sleeping purposes, such as living rooms, require a minimum of 200 sq. ft. for each occupant in accordance with the 2018 International Building Code (IBC) Table 1004.5 for residential occupancy (or the currently adopted edition).~~

(2) No distinction is made based on the age of the occupant.

(3) In order to qualify as a sleeping area, the area shall also have safety features as determined by the Planning and Building Division Director or her/his designee(s), including, but not limited to, the requirements listed in Section 110.319.20.

(4) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.

(5) Daytime occupancy and nighttime occupancy limits are the same.

Section 110.319.20 Safety Standards. The safety standards within this section are applicable to all short-term rentals and must be in place in order to operate. Inspections will be required by the Washoe County Building Program and/or applicable fire protection district in order to verify compliance.

(a) Sleeping Areas. Only habitable space ~~qualified bedrooms and other areas meeting specific standards~~ will be considered for sleeping purposes. Areas such as garages,

storage areas, kitchens, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes. Additionally, areas such as basements, under-floors, attics, lofts, garage conversions, or additions that were created without permits shall also not be utilized for sleeping purposes, unless a permit is submitted, approved and final inspections are completed. In addition to the square footage requirements listed in Section 110.319.15(e), the following standards are required of all sleeping areas proposed for short-term rental use and that contribute to the maximum occupancy of the STR:

(1) Bedrooms. ~~Each bedroom shall be evaluated using Section 404.4.1 of the 2018 International Property Maintenance Code (IPMC) or the latest edition.~~ To qualify for STR use, bedrooms must be listed on the Washoe County Assessor's web site and contain all the following items:

(i) A minimum ceiling height of seven feet as determined by Section 305 of the 2018 International Residential Code (IRC) or the currently adopted edition.

(ii) An emergency escape and rescue opening complying with Section 310.1 of the 2018 IRC or the currently adopted edition, or the applicable code in effect at the time of permit of the original structure.

(iii) When egress windows or openings are located more than 16-feet above exterior finished grade as measured to the finished sill of the window, or if the lot has extenuating features as determined by the code officials, a safe landing area shall be provided and an emergency ladder shall be permanently fastened to the inside of the wall per the manufacturer's recommendations. The ladder shall extend a maximum of 12 inches above grade.

(iv) Safety glass is required for windows located in a hazardous location in compliance with Section 308.4 of the 2018 IRC or the currently adopted edition.

(v) A smoke alarm(s) and carbon monoxide alarm(s) installed in accordance with Sections 314 and 315 of the 2018 IRC, or National Fire Protection Association (NFPA) 72, or the currently adopted editions.

(vi) All required smoke alarms and carbon monoxide alarms shall be interconnected in accordance with Sections 314.4 and 315.5 of the 2018 IRC or the currently adopted edition.

(2) Other Habitable Rooms Intended for Sleeping Purposes. Other rooms intended to be utilized for sleeping purposes will be evaluated utilizing Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Rooms shall contain all the same safety features as required for bedrooms in sub-section (1).

(b) Fire Alarms and Suppression Systems. Structures with two stories and a basement, or with three or more stories, or with areas greater than 5,000 square feet (total area under roof), shall include a fire suppression system. Required fire suppression systems shall be serviced and tagged annually by a Nevada licensed fire protection contractor. Structures 10,000 square feet and greater shall be equipped with an NFPA 13-compliant fire suppression system and a monitored NFPA 72-compliant fire alarm system. Structures containing both fire alarm and suppression systems must have those

systems serviced and tagged annually by a licensed State of Nevada fire protection contractor.

(c) <u>Additional Safety Standards.</u> The following additional safety standards are applicable to all STRs:

(1) The property address shall be posted on-site in a location clearly visible from the roadway, and address numbers shall be at least six inches in height.

(2) The structure shall be maintained in a safe, hazard-free condition. This includes all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approval, unless otherwise specified in this Article.

(3) Structures with a calculated occupant load greater than 10 occupants shall be equipped with a monitored fire alarm system designed and installed in accordance with NFPA 72 and approved by the local fire protection district.

(4) Every dwelling shall be equipped with fire extinguishers sized and located per the requirements of the currently adopted fire code and current edition of NFPA 10.

(5) Smoke alarms and carbon monoxide alarms shall be installed in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(6) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with the 2018 IRC, or the applicable code in effect at the time of the original permit of the structure.

(7) Hot tubs, saunas, whirlpool tubs, and similar devices shall be installed in accordance with the current electrical code and shall have a disconnect installed in accordance with the 2017 National Electrical Code (NEC) or the currently adopted edition.

(8) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.

(9) Solid fuel burning appliances installed in bedrooms or other sleeping areas shall be equipped with oxygen depletion sensors installed in accordance with the 2018 Uniform Mechanical Code (UMC) or the currently adopted edition. All such rooms shall contain smoke and carbon monoxide alarms in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(10) All required exits and egress windows shall remain unobstructed and an emergency exit plan shall be permanently displayed in a clearly visible and central location.

(11) Portable heaters shall not be used as a primary source of heat for any space.

(12) A Knox box is required when a fire alarm system or fire sprinkler system is installed.

(13) Defensible space shall be maintained in accordance with the standards required by the applicable fire protection district.

(14) Any exterior recreational fire or fire pit fueled by natural gas or propane shall not operate unless permitted by the local fire district.

(15) Outdoor wood-burning solid-fuel fireplaces or solid-fuel burning fire pits are prohibited within the boundaries of the Tahoe Area Plan. Within the rest of unincorporated Washoe County, these require a permit from the Truckee Meadows Fire Protection District.

(16) Emergency lighting shall be installed to sufficiently illuminate the exit pathways/ hallways from sleeping rooms to the exterior of the building. A permanently installed system and/or a plug-in system of lights that turn on in the event of a power outage are both acceptable.

(17) The STR shall remain accessible to emergency service vehicles and personnel per the applicable fire district and emergency responder's requirements.

Section 110.319.25 Permit Fees. Fees associated with STR permits shall be paid in the amounts identified in the master fee schedule and permit application. Non-payment of fees is cause for cancellation of an in-process STR application or revocation or non-renewal of an existing STR permit.

Section 110.319.30 Enforcement. The STR standards within this Article shall be enforced through the following procedures and requirements. A combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)* shall be utilized, as applicable. The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare.

(a) Permit Required. Any property owner engaging in or intending to engage in the operation of an STR, as defined in WCC 110.304.15 (d), shall obtain an STR permit issued by the Planning and Building Division. Said permit shall be renewed annually.

(1) Permit Considered "Privileged." The Board of County Commissioners hereby declares the operation of an STR within residential areas as a "privileged" activity subject to additional operational standards above and beyond those of other residential uses and subject to specific enforcement and revocation procedures.

(2) Inspections. An STR that fails any required inspection shall be issued a stop activity order per the procedures of WCC Chapters 100 and 125. An STR that fails a ~~the~~ required ~~annual~~ inspection, or does not provide a required self-certification checklist meeting applicable standards, shall not be reissued a permit until all required inspections are passed, and/or the required self-certification is provided (if applicable).

(b) Operating an STR without the Required Permit. It is unlawful and hereby declared a public nuisance, as defined in WCC 50.308.1, to operate an STR without the required permit. Any property owner found to be operating an STR without the required permit shall be guilty of a misdemeanor, issued a stop activity order, and fined per the procedures outlined in WCC Chapter 125.

(c) Noncompliance with Standards. Any violation of required STR standards shall be enforced through a combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)*, as applicable. The Planning and Building Division Director, or her/his designee, shall determine compliance with these standards. A violation is considered confirmed when it has been deemed final. when either the timeframe for an appeal has expired or all applicable appeals have been exhausted.

Section 110.319.35 Inspections and Self-Certifications. Prior to issuance of an STR permit, the property must pass inspections for life-safety of the structure and defensible space, with the cost of those inspections and any associated necessary improvements borne by the property owner.

(a) Timing and Self-Certifications. These inspections will be conducted by the Planning and Building Division and the applicable fire agency and are required ~~annually~~ prior to initial issuance of the permit, and every third year prior to renewal. In the intermediate years only, a self-certification checklist may be used in lieu of a physical inspection, if all of the following conditions are met:

(1) No confirmed STR violations have occurred on the property within the last 12 months;

(2) The STR permit has remained active since the last required physical inspection; and

(3) The property owner provides a signed and notarized self-certification checklist attesting that the property meets the safety standards identified in this article.

(b) Defensible Space Inspections. If a property is obscured by snow to such a degree that a defensible space inspection cannot be completed, the relevant fire district may choose to recommend a conditional approval of the STR permit, subject to the inspection being completed and passed no later than October 1 of the same year (or following year, if the initial inspection attempt occurred between October 2 and December 31).

~~Once an STR permit has been issued, reasonable unscheduled inspections may occur if first responders, fire inspectors or Planning and Building inspectors/ officers have reason to believe occupancy has been exceeded or a life safety issue is present.~~

Section 110.319.40 Permit Revocation. Revocation of an STR permit shall be subject to the requirements of this section. In the event an STR permit is revoked through any of the below procedures, a new STR permit shall not be issued for the same property for a period of one (1) year immediately following the date of revocation.

(a) Initiation of Action. An enforcement official or the Board of County Commissioners may initiate an action to revoke an STR permit, unless the permit is revoked automatically pursuant to the provisions of this section.

(b) Grounds for Revocation. An STR permit may be revoked by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:

(1) That the STR permit was issued based on fraudulent or erroneous information, or was issued in contravention to the requirements of this Article; or,

(2) That one (1) or more of the characteristics or conditions upon which the STR permit was issued have changed or been violated; or,

(3) Unauthorized/unpermitted alteration of required life safety elements.

(c) Grounds for Automatic Revocation. An STR permit may be automatically revoked without action by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds. A revocation initiated under this section may be appealed to the Board of County Commissioners, which shall make the final administrative decision on the matter.

(1) If, after all administrative remedies have been exhausted, a property owner has been found guilty of violating the standards of this Article through three (3) separate instances/investigations during a one (1) year timeframe. The issuance date of the respective penalty notices shall be used as the basis for determining if three (3) separate, but consecutive, violations have occurred during a one (1) year time frame. If multiple violations are discovered during a single investigation, said violations shall count as one (1) instance for the purposes of this section; or,

(2) Upon application for any improvement(s) to an existing STR that would change the approved occupancy, or upon discovery that unpermitted work has occurred that altered a standard upon which the permit was issued. In such instances a new or modified permit will be required, at the discretion of the Director of the Planning and Building Division; or,

(3) If a felony or violent crime has occurred at the property and is substantially connected with the use of the property as an STR; or,

(4) If an emergency event occurred that endangered life safety or resulted in injuries or loss of life due to alteration of or noncompliance with required standards.

(d) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of an STR permit initiated under Section 110.319.40(b), or upon the appeal of an STR permit automatically revoked pursuant to Section 110.319.40(c). The hearing shall be conducted pursuant to the provisions of Article 910 and in accordance with the Rules of the Board of County Commissioners. After the public hearing, and upon considering the evidence provided, the Board of County Commissioners may take action to revoke the STR permit.

Section 110.319.45 Duties of Hosting Platforms. By adoption of this Article, Washoe County invokes all powers provided to it by NRS 244.1545 in its entirety. This includes, but is not limited to, a requirement for the provision of quarterly reports by STR hosting platforms to Washoe County, and authority for Washoe County to issue and enforce subpoenas as identified within the statute.

Section 110.319.50 Restrictions During a Declared Emergency. STRs are subject to all lawful orders of the Governor of Nevada during a declared emergency and to all powers granted by law to the local governmental entities. For example, this may include but is not limited to additional operating restrictions or the requirement to cease operations until such time as the order is lifted.

DRAFT

DRAFT: July 25, 2020

SECTION 8. Section 110.306.25, *Detached Accessory Dwellings*, sub-section (i), *Administrative Review Process*, is amended as follows:

(i) Administrative Review Process. Proposals to establish a detached accessory dwelling unit in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones shall be reviewed pursuant to ~~the following process and requirements:~~ **Article 809, Administrative Review Permits**

(1) ~~Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.~~

~~(2) Affected Property Owners. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or architectural control committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.~~

~~(3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.~~

~~(i) Notice. Notice will be mailed to affected property owners within three (3) working days of receipt of a complete application. An application must be deemed complete or incomplete within three (3) working days of receipt of the application.~~

~~(ii) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the department within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.~~

~~(iii) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the department within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.~~

~~(iv) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all~~

~~individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).~~

~~(v) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.~~

~~(4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.~~

~~(5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.~~

~~(6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.~~

~~(7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:~~

~~(i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.~~

~~(ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in subsection (2) above).~~

~~(iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.~~

~~(iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.~~

~~(v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.~~

~~(vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its~~

~~interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.~~

~~(8) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.~~

~~(9) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.~~

~~(10) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:~~

~~(i) That the administrative approval was fraudulently obtained or extended;~~

~~(ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or~~

~~(iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.~~

DRAFT

DRAFT: July 25, 2020

SECTION 9. WCC Chapter 110, Article 809, *Administrative Review Permits*, is hereby established as a new article as follows:

Article 809
ADMINISTRATIVE REVIEW PERMITS

Sections:

110.809.00 Purpose
110.809.05 Requirements for Application
110.809.10 Supplemental Guidelines, Standards and Criteria
110.809.15 Review Procedures
110.809.20 Appeals
110.809.25 Modifications of an Administrative Review Permit
110.809.30 Revocation

Section 110.809.00 Purpose. The purpose of Article 809, Administrative Review Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the use(s) have the potential to adversely impact other land uses, transportation or services and facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Planning and Building Division Director may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

Section 110.809.05 Requirements for Application. Applications for administrative review permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Planning and Building Division. A request for an administrative review permit shall include the appropriate application, supplemental materials and site plan which clearly delineates the location and characteristics of the proposed use. No administrative review permit shall be processed until the information necessary to review and decide upon the proposed administrative review permit is deemed complete by the Planning and Building Division.

Section 110.809.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Planning and Building Division may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.809.15 Review Procedures. The Director, or her/his designee, shall review an administrative review application request for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant, as well as characteristics of the property. The Director, or her/his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed per the procedures set forth in this article.

(a) Affected Property Owners. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or County-registered architectural control/construction committees within common-interest

communities registered with the State of Nevada; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.

(b) Processing. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or her/his designee, in rendering a decision.

(1) Notice. An application must be deemed complete or incomplete within three (3) working days of receipt of the application. Notice will be mailed to affected property owners within three (3) working days of the determination that the application is complete.

(2) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the division within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.

(3) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the division within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.

(4) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the division receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).

(5) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the Administrative Review Permit decision is appealed in accordance with the procedures set forth in this article.

(c) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period. For Administrative Review Permits associated with a short-term rental permit, the applicant must also successfully obtain a short-term rental permit prior to advertising or operation.

(d) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.

(e) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established

when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

<u>Section 110.809.20 Appeals.</u> An Administrative Review Permit decision of the Director, or her/his designee, made pursuant to this article may be appealed in accordance with the following provisions:

(a) An appeal of the Administrative Review Permit decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

(b) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in this article).

(c) An Appeal of Decision application shall be filed with the Planning and Building Division, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.

(d) Appeals of Administrative Review Permit decisions for short-term rentals shall be heard by the Board of County Commissioners. The Planning and Building Division shall schedule a public hearing within sixty (60) calendar days of the filing date of the appeal. The public hearing on the appeal shall be noticed pursuant to Section 110.912.20. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other necessary pertinent information. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted.

(e) All other appeals of Administrative Review Permit decisions shall be heard by the Board of Adjustment. The Planning and Building Division shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment. The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other pertinent information. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.

<u>Section 110.809.25 Modification of an Administrative Review Permit.</u> Modification of the terms and/or conditions of an Administrative Review Permit approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

<u>Section 110.809.30 Revocation.</u> The Board of Adjustment (or Board of County Commissioners, for Administrative Review Permits associated with a short-term rental) may initiate an action to revoke an administrative review approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide

notice as set forth in Section 110.808.40. For items heard by the Board of County Commissioners, that Board shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide notice as set forth in Section 110.912.20. After the public hearing, and upon considering the evidence submitted, the applicable board may take action to revoke the Administrative Review Permit approval based upon a finding of any one (1) or more of the following grounds:

(a) That the Administrative Review Permit approval was fraudulently obtained or extended;

(b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or

(c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance, or in the case of an Administrative Review Permit associated with a short-term rental, that unauthorized/unpermitted alteration of required life safety elements has occurred.

SECTION 10. Section 110.910.15(d), *Administrative Enforcement Proceedings,* is hereby amended as follows:

(d) Administrative Enforcement Proceedings. The enforcement official may construe the violation of any provision in a development regulation as an administrative offense and pursue all procedures and remedies in Washoe County Code Chapter 125, subject to the following provisions:

(1) Appeal to Board of Adjustment. Any aggrieved person may appeal a decision or order of an administrative hearing officer to the Board of Adjustment in accordance with the Rules of the Board of Adjustment.

(2) **Appeal to Board of County Commissioners. If the subject of an administrative hearing is a violation of a Short-Term Rental standard, then any aggrieved person may only appeal a decision or order of an administrative hearing officer to the Board of County Commissioners in accordance with the Rules of the Board of County Commissioners.**

(~~2~~**3**) Grading Violations. If an enforcement official observes grading that is being done without a permit, in violation of a permit, or in violation of a development regulation, the enforcement official may proceed in an expedited manner as provided in Article 438, Grading Standards, of the Development Code.

DRAFT: July 25, 2020

SECTION 11. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: July 25, 2020

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

_____
Bob Lucey, Chair
Washoe County Commission

ATTEST:

_____
Nancy Parent, County Clerk

The provisions of this ordinance related to processing and issuing permit applications shall be in force and effect from and after the 1st day of the month of January of the year 2021. All remaining provisions of this ordinance shall be in force and effect from and after the 15th day of the month of April of the year 2021.

DRAFT

DRAFT: July 25, 2020

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: **NEW LANGUAGE**

****

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Adds a definition of short-term rental and identifies unpermitted short-term rentals as a public nuisance.

BILL NO. ____

ORDINANCE NO. ____

Title:
An ordinance amending the Washoe County Code at Chapter 50 (Public Peace, Safety and Morals) to include a definition of short-term rental and define unpermitted short-term rentals as a public nuisance. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals. The amendments also resolve discrepancies arising within existing WCC chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend Washoe County Code Chapter 50 as part of its efforts to establish standards and processes for short-term rentals; and,

B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 50, on December 10, 2019; and,

C. The amendments and this ordinance were drafted in concert with the District Attorney; and,

DRAFT: July 25, 2020

D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Washoe County Code Section 50.304, *Definitions*, is hereby amended to insert a definition of "Short-Term Rental" as follows under sub-section 21, re-numbering the subsequent definitions as appropriate:

21. **"Short-Term Rental." A Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms.**

SECTION 2. Section 50.308, *Public Nuisances*, sub-section 1, is hereby amended as follows:

50.308 Public nuisances. In the unincorporated area of the county, a public nuisance is anything described in the Code as such, and is further defined as:

1. The existence of any dangerous condition or structure, or any property in a condition adverse or detrimental to public health, safety, or general welfare. **A Short-Term Rental (STR) operated without the required permit shall be deemed a public nuisance due to the potential nuisance impacts related to parking, garbage, noise, and higher occupancy, and by the danger posed to surrounding properties created by an unpermitted use that has not passed required inspections for public health, safety, or general welfare standards applicable to STRs. In addition, per WCC 110.910.10(b), any property or structure that does not conform to the provisions of an applicable development regulation shall be and is hereby declared to be a public nuisance.**

DRAFT: July 25, 2020

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: July 25, 2020

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

_____
Bob Lucey, Chair
Washoe County Commission

ATTEST:

_____
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the _15_ day of the month of _____April_____ of the year __2021__.

DRAFT

DRAFT: July 25, 2020

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: **NEW LANGUAGE**

****

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: ***Establish enforcement provisions related to short-term rentals, including but not limited to definitions, evidence of operation, evidence of violations, appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices.***

BILL NO. _____

ORDINANCE NO. _____

Title:
An ordinance amending the Washoe County Code at Chapter 125 (Administrative Enforcement Code) to establish enforcement provisions related to short-term rentals, including but not limited to definitions, evidence of operation, evidence of violations, appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals. The amendments also resolve discrepancies arising within existing Washoe County Code chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend Washoe County Code Chapter 125 as part of its efforts to establish standards and processes for short-term rentals; and,

DRAFT: July 25, 2020

B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 125, on December 10, 2019; and,

C. The amendments and this ordinance were drafted in concert with the District Attorney; and,

D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Washoe County Code Section 125.135, *Definitions*, is hereby amended to insert a definition of "Short-Term Rental" as follows

"Short-Term Rental" (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms.

SECTION 2. Section 125.157, *Stop Activity Order and Remediation Order,* is hereby amended as follows:

125.157 Stop activity order and remediation order.

1. If an enforcement official observes construction, grading, burning, loose animals, operating a business without a business license, **operating a Short-Term Rental (STR) without the required permit (to include the act of advertising said STR),** or other activity in progress that is or is likely to be a violation of the Code, or the work or activity must be stopped to prevent unsafe conditions, or irreparable harm or damages, or is being conducted without first obtaining the required permits or approvals, the enforcement official may issue and serve a stop activity order. Upon issuance of a stop activity order all activity described in the order must cease.
2. The stop activity order shall:
   (a) Name the respondent as well as any person who is ordered to stop the work or activity;
   (b) Describe the location and nature of the illegal activity observed**, or advertised,** and why it appears to be a violation of the Code, with specific citation to the Code;
   (c) Describe which activities must stop and the duration of the stop activity order;
   (d) State what must be done, and a specific date by which to correct the situation;
   (e) State the possible consequences of a failure to obey the order, including, as applicable:
      (1) Penalties and fees (specify what those penalties and fees will be);

(2) A misdemeanor criminal citation;
(3) A court complaint for injunctive relief or damages;
(4) Abatement, including summary abatement, by the county; and/or
(5) Any other relief authorized by law.

(f) Provide the name, address, phone number, and the email address of the enforcement official and any person who should be contacted to discuss or resolve the stop activity order; and**,**

(g) Describe the right to ask for a hearing before an administrative hearing officer.

3. Remediation order. If a violation of the Code threatens health, safety or welfare of the general public and immediate action is necessary to remove an unsafe condition, an enforcement official may issue a remediation order directing a person to:
   (a) Repair, safeguard, or eliminate a dangerous structure or condition;
   (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles, or junk appliances which are not subject to the provisions of Chapter 459 of NRS;
   (c) Clear weeds and noxious plant growth; or
   (d) Repair, clear, correct, safeguard or eliminate any other public nuisance as defined in the Code.
4. The remediation order shall:
   (a) Name the respondent and any/or other person who is ordered to remediate the illegal activity;
   (b) Describe the location and nature of the violation of the Code (with specific citation to the Code), and explain that the condition is an unsafe condition requiring immediate remediation;
   (c) List and describe the corrective actions that need to be taken to remedy the unsafe condition;
   (d) Specify a date by which the respondent must abate the public nuisance;
   (e) Specify the possible consequences of a failure to obey the order to include, as applicable:
      (1) Abatement, including summary abatement, by the County;
      (2) Penalties and fees (specify what those penalties and fees will be);
      (3) A misdemeanor criminal citation;
      (4) A court complaint for injunctive relief or damages;
      (5) Any other relief authorized by law
   (f) Describe the right to ask for a hearing before an administrative hearing officer, that such a hearing request must be prior to the deadline established to abate the public nuisance as stated in subsection (d) above, and to contact the administrative hearing office to request and schedule a hearing; and
   (g) Provide name, address, phone number, and email address of enforcement official and any person who should be contacted to discuss or resolve the remediation order.
5. Stop activity orders and remediation orders should be personally served on the person ordered to stop or remedy the violation. In addition, all stop activity and remediation orders shall be sent to the respondent by certified mail, return receipt requested, to the address indicated on the assessor's records for the property. The order is effective on the earlier date of personal service or service by certified mail. Each person who serves a stop activity order or remediation order shall prepare a sworn affidavit specifying the date, time, and nature of service.
6. Any person who has been named and served with a stop activity order and continues to do any work in violation of the order, except work that is directed or approved by the enforcement official, is guilty of a misdemeanor, and each day or part of a day that the person continues to perform the work, activity, or allows the condition to continue is a separate offense. Any person who has been named in and served with a remediation order who unreasonably fails to perform the required remediation work by the deadline indicated shall be guilty of a misdemeanor, and each day or part of a day that the person continues to fail to perform the work shall be a separate offense.
7. The stop activity order or remediation order may provide for the imposition and collection of civil penalties and for the possibility of abatement, including summary abatement, as specified in this chapter. Administrative action fees may be assessed as contained in the master administrative enforcement penalty and fee schedule adopted by **resolution of** the board as part of any administrative enforcement process as set forth in this chapter.
8. Hearing required; appeals. The respondent who has received a stop activity order or remediation order may request an administrative hearing regarding the stop activity order or remediation order by contacting the administrative hearing office within 30 calendar days from the date the stop activity order or remediation order was served. Because of their injunctive nature, if the person who is served with a stop activity order or remediation order asks for a hearing, an administrative

hearing officer will expeditiously be appointed and a hearing will be conducted within 30 calendar days of the receipt of the appeal by the administrative hearing office. A stop activity order remains in effect pending the hearing. The deadline for a remediation order is suspended pending the hearing. The hearing will be conducted in accordance with the provisions for hearings, and the issuance, enforcement, and appeal of administrative orders as set out in this chapter. The decision of the administrative hearing officer may be taken directly to judicial review in accordance with this chapter at the option of the appellant. If appeal is made to the Board of Adjustment for violation of WCC chapters 100 and 110, the decision of the Board of Adjustment is subject to judicial review in accordance with this chapter. **Appeals of a decision of the administrative hearing officer regarding all other chapters of WCC shall proceed directly to petition for judicial review.**

9. A stop activity order or remediation order may be rescinded by the enforcement official that issued it, by the Director of the Community Services Department, by the County Engineer, by the County Building Official, by an administrative hearing officer, and/or by the Board of Adjustment**, with the exception that a stop activity order issued for operating a Short-Term Rental (STR) without the required permit may only be rescinded by the enforcement official that issued it, by an administrative hearing officer as part of an appeal proceeding, or by court order resulting from judicial review**.
10. Enforcement. If a hearing is held before an administrative hearing officer or the Board of Adjustment as provided in this chapter, then the decision or order shall be enforced as provided for in this chapter. If a hearing is not held, the enforcement official may proceed to enforce the stop activity order or remediation order through any of the administrative, civil, or criminal remedies provided in this chapter.

SECTION 3. Section 125.160, *Complaints, Warning, and Administrative Penalty Notice, Procedures,* is hereby amended as follows:

125.160 Complaints, warning, and administrative penalty notice, procedures.

1. Any person who observes a possible violation of the Code may notify the appropriate agency or department in person or by written communication, telephone contact, fax, or e-mail. Such a complaint is considered a public record under the law. After receipt of a complaint, the enforcement official will investigate the complaint if it is warranted.
2. Warnings. Whenever it is determined by the enforcement official that a violation of the Code exists**,** that is not a serious risk to public health, safety or welfare, the enforcement official shall start the formal enforcement process by providing to the respondent either an oral or a written warning seeking correction, mitigation, or remedy within a time frame specified by the enforcement official, but no more than 30 calendar days from the date the warning was served. The enforcement official may extend this time frame at the official's discretion to provide additional time to complete acts required for compliance with the Code. The enforcement official may also grant a request by the respondent for additional time to complete acts required for compliance with the Code. Extensions of time by the enforcement official are allowed if reasonable progress in the repair, correction, or abatement of violations is underway or there are extenuating circumstances that prohibit compliance within the established timeline, and a plan of action with accompanying time frames is made between the enforcement official and the respondent**. If the enforcement official determines that a violation of the Short-Term Rental (STR) ordinance has occurred, then no warning shall be issued due to the potential for serious risk to public health, safety or welfare created by the operation of a STR in violation of required standards, unless the enforcement official determines that the violation may be corrected through issuance of a warning without endangering the public health, safety or welfare.**
   (a) The warning shall state:
      (1) That respondent is in violation of the Code and the nature of the alleged violation, to include the Code citation of the violation;
      (2) The action(s) needed to correct the alleged violation;
      (3) The time given to correct the alleged violation, and that an extension of this time period may be requested of the enforcement official either orally or in writing:

(i) If reasonable progress in the repair, correction or abatement of violations is underway, or there are extenuating circumstances that prohibit compliance within the established timeline; and

(ii) A plan of action with accompanying time frames is made between the enforcement official and the respondent;

(4) That an administrative penalty notice will be issued at the end of that period if the violation is not corrected;

(5) That an administrative penalty will be assessed at the time of issuance of an administrative penalty notice in the amount set forth in the master administrative enforcement penalty and fee schedule adopted by the board; and

(6) That the collections office may charge and collect any subsequent fees, penalties, and costs, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid fees, penalties and costs. The amount of any unpaid fee(s), penalty(ies), and/or costs may be sent to the county collections office for further action, and may result in a lien being placed on the property to recover unpaid fee(s), penalty(ies) and/or costs.

(b) If no action is taken to correct the alleged violation within the time allocated by the enforcement official under the warning, the enforcement official shall issue an administrative penalty notice in conformance with this section or, upon consultation with the district attorney's office, seek civil or criminal remedies.

(c) The enforcement official shall determine if the alleged violation has been corrected within the time stated in the warning.

3. If, in the opinion of the enforcement official, a more urgent action is needed to safeguard public health, safety, or welfare, the official may, in lieu of a warning, issue an administrative penalty notice, issue a stop activity order and/or remediation order, or proceed with summary abatement in accordance with this chapter.

4. Administrative penalty notice. If the Code violation is not resolved as set forth in subsection 2 above**, or if the enforcement official did not issue an administrative warning pursuant to WCC 125.160.2 regarding the Short-Term Rental (STR) ordinance, then** the enforcement official shall issue an administrative penalty notice to the respondent except when a summary abatement, stop activity order, and/or remediation order is required in accordance with this chapter. Service of this administrative penalty notice shall be made pursuant to this chapter.

5. The administrative penalty notice shall include the following information:

(a) The name and address of the respondent in violation. The notice shall contain the address, and may contain the assessor's parcel number of the real property, when applicable.

(b) If not contained in the warning, **or if a warning was not required pursuant to WCC 125.160.2 regarding the Short-Term Rental (STR) ordinance,** a statement from the enforcement official identifying the conditions or conduct that violate the Code and the specific Code citation of the Code which the respondent violated**, to include reference to the STR ordinance, as applicable.**

(c) If applicable, and not contained in the warning, a list of recommended corrections to bring the property or violation into compliance.

(d) A statement that the respondent who has received an administrative penalty notice may request an administrative hearing regarding the administrative penalty notice by contacting the administrative hearing office within 30 calendar days from the date the administrative penalty notice was served**, or in the case of a violation of the Short-Term Rental (STR) ordinance, within 14 calendar days from the date the administrative penalty notice was served**. The administrative penalty notice shall also inform the person served that failure to respond to the administrative penalty notice within 30 calendar days**, or within 14 calendar days if the penalty notice was issued for a violation of the STR ordinance,** of the date the administrative penalty notice was served shall be deemed an admission of liability and a waiver of any right to an administrative hearing.

(e) A statement of the penalty amount, and **a statement** that Washoe County will accept as payment in full for the administrative penalty one-half of the authorized penalty indicated on the administrative penalty notice if payment is received within 30 calendar days of service**, or in the case of a violation of the Short-Term Rental (STR) ordinance, within 14 calendar days**

from the date the administrative penalty notice was served. A respondent filing an appeal of an administrative penalty notice or paying the penalty after 30 calendar days of service**, or in the case of a violation of the STR ordinance, within 14 calendar days from the date the administrative penalty notice was served,** shall not be entitled to reduction of the administrative penalty provided for in this subsection. A request for an administrative hearing shall stay the required payment of the administrative penalty until the hearing is completed. Any unpaid penalties shall be turned over to the county collections office, **at the discretion and/or timeframe recommended by the enforcement official,** and a collections fee, payable to the collections office for cost recovery of the unpaid penalties, shall apply. The amount of the administrative penalty and collections fee is set forth in the master administrative enforcement penalty and fee schedule adopted by **resolution of** the board. The penalties and any fees assessed are cumulative.

(f) The name, address, phone number, email address, and signature of the enforcement official, and any person who may be contacted to discuss or resolve the administrative penalty notice.

(g) A statement that the administrative penalty notice is not a criminal proceeding.

(h) A statement that each and every instance the act or omission exists after the deadline together with any granted extensions constitutes a separate and distinct offense.

6. The administrative penalty notice and/or an electronic facsimile thereof, must be filed with and retained by the issuing department and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein.
7. A peace officer or enforcement official may issue an administrative penalty notice to the same respondent for a second or subsequent violation of the same ordinance within a two-year period without being required to issue a warning.
8. A peace officer or enforcement official may issue a criminal citation for a second or subsequent violation by the respondent of the same ordinance within a two-year period.
9. The administrative penalty notice may be issued by peace officer or enforcement official based upon a written and signed statement of a complaining party. **Any photographic, audio, or video evidence submitted by the complaining party as part of the written and signed statement shall be time and date stamped, and the location from which the evidence was collected shall be attested to by the complaining party.** In such a case, the complaining party must appear at any hearing subsequently scheduled pursuant to this chapter to testify. If the complaining party does not appear at the hearing in the case, the administrative penalty notice will be dismissed and the respondent released from liability.
10. An appeal to an administrative hearing may be requested during an administrative proceeding only after the enforcement official issues an administrative penalty notice.

SECTION 4. Section 125.165, *Administrative Fees, Penalties and Costs,* is hereby amended as follows:

125.170 Administrative fees, penalties and costs.

1. Administrative penalties will be assessed for a first, second**, third,** or subsequent violation of the same ordinance, as contained in the master administrative enforcement penalty and fee schedule adopted by **resolution of** the board.
2. Administrative action fees may be assessed as contained in the master administrative enforcement penalty and fee schedule adopted by **resolution of** the board as part of any administrative enforcement process as set forth in this chapter.
3. If any administrative fees, penalties, or costs remain unpaid after the date stated on the notice, the amount shall be sent to the collections office. A collections fee for cost recovery of the unpaid fees, penalties or costs shall be added to the fee, penalty and cost amount. The amount of the collections fee is contained in the master administrative enforcement penalty and fee schedule adopted by **resolution of** the board.
4. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.

DRAFT: July 25, 2020

SECTION 5. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: July 25, 2020

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

_____
Bob Lucey, Chair
County Commission

ATTEST:

_____
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the _15_ day of the month of _____April_____ of the year __2021__.

DRAFT

Minutes of Feb. 25, 2020
Washoe County Commission Meeting
are available online at

https://bit.ly/2X9xbFB

RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 302, ALLOWED USES, TO IDENTIFY THE TYPES OF REVIEW REQUIRED FOR SHORT-TERM RENTALS IN EACH REGULATORY ZONE AND TO ADD AN ADMINISTRATIVE REVIEW PERMIT TO THE LIST OF REVIEW TYPES; WITHIN ARTICLE 304, USE CLASSIFICATION SYSTEM, TO UPDATE THE RESIDENTIAL USE TYPE DESCRIPTION, ADD A DEFINITION FOR SHORT-TERM RENTAL, AND UPDATE THE DEFINITION FOR LODGING SERVICES; AND WITHIN ARTICLE 410, PARKING AND LOADING, TO UPDATE THE OFF-STREET PARKING SPACE REQUIREMENTS TABLE TO INCLUDE A REFERENCE TO SHORT-TERM RENTALS. CHAPTER 110 WOULD ALSO BE AMENDED TO CREATE ARTICLE 319, SHORT-TERM RENTALS (STRS), TO ESTABLISH STANDARDS, LOCATION LIMITATIONS, DEFINING UNPERMITTED SHORT-TERM RENTALS AS NUISANCES, OCCUPANCY LIMITS, PARKING REQUIREMENTS, SAFETY/SECURITY CONSIDERATIONS, SIGNAGE, NOISE THRESHOLDS, TRASH/GARBAGE COLLECTION RULES, INSURANCE REQUIREMENTS, TAHOE AREA CONSIDERATIONS, PERMITTING REQUIREMENTS, ENFORCEMENT PROCESS, FEES, FINES, AND PENALTIES ASSOCIATED WITH SHORT-TERM RENTALS; AND TO AMEND ARTICLE 306, ACCESSORY USES AND STRUCTURES, BY REMOVING THE PROCEDURAL DETAILS FOR ADMINISTRATIVE REVIEW PERMITS, WITH THOSE DETAILS BEING RE-LOCATED INTO A NEW ARTICLE THAT IS UPDATED TO REFLECT MINOR CHANGES RELATED TO SHORT-TERM RENTALS. THAT ARTICLE WOULD BE CREATED AS ARTICLE 809, ADMINISTRATIVE REVIEW PERMITS. SHORT-TERM RENTALS ARE A TYPE OF TEMPORARY LODGING OF BRIEF DURATION OPERATED OUT OF PRIVATE RESIDENCES SUCH AS HOMES, APARTMENTS AND CONDOS. THEY ARE COMMONLY MADE AVAILABLE THROUGH PROPERTY MANAGEMENT COMPANIES AND ONLINE BOOKING SERVICES, AND ARE ALSO REFERRED TO AS VACATION RENTALS THAT ARE GENERALLY BOOKED FOR FEWER THAN 28-DAYS. THE AMENDMENTS MAY INCLUDE THE RESOLUTION OF DISCREPANCIES THAT MAY ARISE WITHIN EXISTING WCC CHAPTERS AS A RESULT OF ANY NEW CODE LANGUAGE, AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-01

WHEREAS

A. Pursuant to Washoe County Code Section 2.030, the Washoe County Board of Commissioners initiated amendments to Washoe County Code Chapter 110 (Development Code), on December 10, 2019 as fully described in Exhibit A-1 to this resolution; and

B. Development Code Amendment Case Number WDCA19-0008, came before the Washoe County Planning Commission for a duly noticed public hearing on January 7, 2020; and

C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and

D. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA19-0008:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 7, 2020.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

DRAFT: December 12, 2019

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: NEW LANGUAGE

****

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: ***Establishes standards for short-term rentals, including, but not limited to the establishment of definitions, standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing Washoe County Code chapters as a result of any new code language.***

BILL NO. _____

ORDINANCE NO. _____

Title:
An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; and within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STRs), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area

considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. The amendments may include the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend and create articles within the Washoe County Development Code (Chapter 110) in order to establish standards and processes for short-term rentals; and,

B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on December 10, 2019; and,

C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0008 January 7, 2020 and adopted Resolution Number 20-01 recommending adoption of this ordinance; and,

D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

DRAFT: December 12, 2019

SECTION 1. The first paragraph of Washoe County Code Section 110.304.15, *Residential Use Types*, is hereby amended as follows:

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations, ~~on a wholly or primarily non-transient basis~~ but exclude institutional living arrangements providing twenty-four-hour skilled nursing, **custodial** or medical care and those providing forced residence, such as asylums and prisons.

SECTION 2. Section 110.304.15, *Residential Use Types*, is hereby amended to add new sub-section (d) with the following definitions:

(d) Short-term rental. Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. STRs may be permitted to operate out of legally permitted, permanent dwelling units or accessory dwelling units in accordance with the standards within Article 319. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms. The following are short-term rental use types:

(1) Tier 1 Short-Term Rental. A Tier 1 STR has a maximum occupancy of 10 persons or fewer.

(2) Tier 2 Short-Term Rental. A Tier 2 STR has a maximum occupancy of 11-20 persons and due to its higher occupancy, may require additional limitations to ensure compatibility with surrounding residential properties.

(3) Tier 3 Short-Term Rental. A Tier 3 STR has a maximum occupancy of 21 or more persons. This highest tier of STRs is still operated out of a pre-existing dwelling unit, but due to the high number of occupants, is expected to have more significant impacts to surrounding properties. As a result, it is considered inappropriate to be located in residential regulatory zones, but may be appropriate on properties with commercial regulatory zones that are located nearer tourist and commercial services.

SECTION 3. The first paragraph of Section 110.304.25(u), *Lodging Services*, is hereby amended as follows:

(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis with~~in~~ incidental food, drink, and other sales or services intended for the convenience of guests, **including common facilities,** but excludes those **establishments** classified under residential group home, **short-term rental** and commercial recreation. The following are lodging services use types:

SECTION 4. Section 110.302.15, *Types of Review*, is hereby amended as follows:

Section 110.302.15 Types of Review. Table 110.302.05.1 through Table 110.302.05.5 indicate the types of review required as follows:

(a) Allowed Use. A letter "A" indicates that a use is allowed, but the use shall comply with the provisions of the Development Code.

DRAFT: December 12, 2019

(b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.

(c) Planning Commission Special Use Permit. A letter "S_1" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.

(d) Board of Adjustment Special Use Permit. A letter "S_2" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.

(e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.

(f) Administrative Review. A designation "AR" indicates that a use is allowed only upon approval of an administrative review permit pursuant to Article 809, Administrative Review Permits.

SECTION 5. Table 110.302.05.1, *Table of Uses (Residential Use Types)*, is hereby amended as follows:

Table 110.302.05.1

TABLE OF USES (Residential Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	–	–	–	–	–	–	–	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S_2	–	–	–	–	–	–	–	–	–	–	–	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	–	A	–	–	–	–	–	A	A
Duplex	–	–	–	P	P	P	P	P	A	–	S_2	–	–	–	–	–	–	–
Multi Family	–	–	–	–	–	–	P	P	A	–	S_2	–	–	–	–	–	–	–
Single Family, Attached	–	–	–	A	A	A	A	A	A	–	S_2	–	–	–	P	–	–	A
Single Family, Detached	A	A	A	A	A	A	A	S_2	S_2	–	S_2	–	–	–	P	–	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S_2	–	–	–	–	–	–	–	–	–	–	S_2	S_2	S_2	–	–	S_2	–
Personal Landing Field (Accessory Use)	S_2	–	–	–	–	–	–	–	–	–	–	S_2	S_2	S_2	–	–	S_2	–
Manufactured Home Parks	*	*	*	*	*	S_2	S_2	*	*	–	–	–	–	–	–	–	*	–
Group Home	A	A	A	A	A	A	A	A	A	–	S_2	–	–	–	P	–	A	A
Short-Term Rental (see Article 319)	**Note: All of the below STR Tiers require the issuance of an STR permit, regardless of required review process.**																	
Tier 1	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**-**	**-**	**-**	**-**	**A**	**A**
Tier 2	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**A**	**AR**	**A**	**-**	**-**	**-**	**-**	**AR**	**AR**
Tier 3	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**-**	**-**	**-**	**-**	**-**	**-**

Key: – = Not allowed; A = Allowed; AR = Administrative Review ~~pursuant to Section 110.306.25(i)~~; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S_1 = Planning Commission Special Use Permit; S_2 = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

DRAFT: December 12, 2019

SECTION 6. Section 110.410.10.1, *Off-Street Parking Space Requirements (Residential Use Types)*, is hereby amended as follows:

Table 110.410.10.1

OFF-STREET PARKING SPACE REQUIREMENTS (Residential Use Types)
(See Section 110.410.10 for explanation)

Residential Use Types (Section 110.304.15)	**Spaces Required**
Family Residential	
Attached Accessory Dwelling	1 per attached accessory dwelling unit, in addition to other required spaces
Detached Accessory Dwelling	1 per detached accessory dwelling unit, in addition to other required spaces
Detached Accessory Structure	None
Duplex	2 per dwelling unit, 1 of which must be in an enclosed garage
Fabricated Home	*2 per fabricated home
Multi Family	1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport
Single Family Attached	2 per dwelling unit, 1 of which must be in an enclosed garage
Single Family Detached	2 per dwelling unit, 1 of which must be in an enclosed garage
Manufactured Home Parks	1.5 per manufactured home, plus 1 per 5 units for guest parking
Group Home	.25 per bed, plus 1 per employee during peak employment shift
Short-Term Rental (All Tiers)	**As identified in Article 319, *Short-Term Rentals (STRs)***

Note: * = Article 312, Fabricated Housing, may require 1 parking space to be in an enclosed garage or carport.

DRAFT: December 12, 2019

SECTION 7. WCC Chapter 110, Article 319, *Short-Term Rentals (STRs)*, is hereby established as a new article as follows:

Article 319
SHORT-TERM RENTALS (STRs)

Sections:

110.319.00 Purpose
110.319.05 Applicability
110.319.10 Requirements for Application
110.319.15 Standards
110.319.20 Safety Standards
110.319.25 Permit Fees
110.319.30 Enforcement
110.319.35 Inspections
110.319.40 Permit Revocation
110.319.45 Duties of Hosting Platforms

Section 110.319.00 Purpose. The purpose of Article 319, *Short-Term Rentals*, is to allow for the inclusion of short-term rentals (STRs) in legally permitted homes within unincorporated areas of Washoe County. The purpose is also to establish standards and a permitting process governing the operation of STRs in order to reduce their potential impacts on neighboring properties. At higher thresholds, such as with Tier 2 and Tier 3 STRs as defined in Section 110.304.15(d), STRs may require additional mitigation. At the highest thresholds, such as with Tier 3 STRs, their anticipated impacts cause them to only be appropriate in areas where hotels and motels are allowed. Enforcement and revocation policies are intended to ensure that mechanisms are in place to allow for streamlined revocation of an STR permit when standards are repeatedly violated, and/or to levy stringent fines when an STR operates without the appropriate permits.

Section 110.319.05 Applicability. The provisions of this article shall apply to uses classified as short-term rentals in Article 304, *Use Classification System*. Standards within this article are applicable to properties advertising for an STR, permitted for an STR, and/or proven to be engaging in STR activity, regardless of whether occupants at any given time have entered into an STR lease. If a property ceases to operate as an STR, removes any advertisement of the STR, and relinquishes the STR permit, then the property shall revert to the applicable residential use type.

(a) Within the Boundaries of the Tahoe Area Plan. This sub-section becomes applicable upon adoption of an updated Tahoe Area Plan that replaces existing regulatory zones with alternative designations. Prior to adoption of alternative regulatory zones for the Tahoe planning area, the provisions of subsection (b) below will apply.

(1) Tier 1. Tier 1 STRs are considered an allowed use, subject to the issuance of an STR Permit, in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(2) Tier 2. Tier 2 STRs are permitted subject to the issuance of an STR Permit with Administrative Review Permit in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(3) Tier 3. Tier 3 STRs are permitted subject to the issuance of an STR Permit with Administrative Permit in all regulatory zones where Hotels, Motels and Other Transient Dwelling Units use types are permitted (allowed by right or otherwise.)

(b) Outside the Boundaries of the Tahoe Area Plan. STRs are allowed or permitted in those regulatory zones as set forth in Article 302, *Allowed Uses*, with all STRs requiring an STR permit, and Tier 2 and Tier 3 STRs also requiring an additional discretionary permit as identified within Article 302. The provisions for STRs in Article 302 should not be construed to supersede the zoning or permitting requirements or restrictions by Washoe County or other agencies for the construction of a dwelling in any regulatory zone.

Section 110.319.10 Requirements for Application. All applications for STR permits shall include the following elements:

(a) Application and supplemental materials as required by the Washoe County Planning and Building Division;

(b) Accurately scaled and dimensioned site plan showing, at a minimum: location of property lines; dwelling unit(s) and all other structures on the property; dedicated locations and surface material of required parking spaces; all recorded easements; and, snow storage areas (for properties located within the boundaries of the Tahoe Area Plan);

(c) Accurately scaled floor plan showing entirety of dwelling, including areas proposed to be available for STR use. Each room must be labeled, with dimensions and square footage also provided for areas/rooms proposed to be used for sleeping purposes. The floor plan must also show locations of fire extinguishers, smoke alarms, carbon monoxide (CO) alarms, hot tubs (if applicable), decks (if applicable), and ingress/egress (doors, stairs and windows) from the dwelling and each room;

(d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit;

(e) Educational materials required by Section 110.319.15(a)(14), and the name, phone number (text-capable) and email address of the local responsible party designated to respond to issues/complaints on the property as required by Section 110.319.15(a)(3);

(f) Proof of property tax payment for current quarter of current fiscal year;

(g) Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA); and

(h) A notarized certification from the property owner(s) that acknowledges or attests to the following:

(1) An STR permit is deemed a privileged permit subject to revocation without action by the Board of County Commissioners (BCC) for non-payment of fees or noncompliance with required standards, including the revocation standards within Section 110.319.40.

(2) An STR permit must be renewed and issued annually in order to advertise or operate. Property owners should be aware that standards are subject to change over time and there is no guarantee that an STR permit will be re-issued.

(3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.

(4) Inspections must be passed prior to issuance of the STR permit and annual renewals, and the cost of these inspections and any necessary associated improvements will be borne by the property owner. It is the responsibility of the property owner to provide sufficient evidence that the applicable standards have been met.

(5) The property owner understands and consents to reasonable unscheduled inspections in the event first responders, fire inspectors or Planning & Building inspectors/officers have reason to believe that the maximum occupancy has been exceeded or a life safety issue is present. This consent must also be included within all lease agreements for the STR.

(6) The property owner has reviewed this article and other codes referenced within this article, understands the requirements and agrees to abide by them.

(7) The property owner is responsible for each occupant's compliance with the Washoe County Code while they are on the property, including but not limited to the standards within this article.

(8) There are no delinquent transient lodging tax liabilities or liens against the property.

(9) No alterations will be made to the STR premises without the proper approvals and permits, nor alterations that violate Washoe County adopted codes and ordinances.

(i) Additional submittal information may be required in order to ensure complete review of the STR permit application.

Section 110.319.15 Standards. All STRs shall comply with the standards within this article. No application for a variance, minor deviation, director's modification or other mechanism shall be approved to waive or modify these standards to make them less restrictive, unless explicitly allowed for within this article.

(a) General standards. The following general standards are applicable:

(1) A valid STR permit shall be obtained from Washoe County prior to advertising and operation.

(2) STR permits must be renewed and issued annually in order to advertise or operate. Previous issuance of an STR permit does not guarantee that a subsequent permit will be issued.

(3) Every STR is required to have a designated agent or property manager functioning as a local responsible party who is available 24 hours a day, seven days a week to respond to complaints/issues related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives. The STR property owner shall provide a single phone number (text-capable) and email address with which the local responsible party can be reached 24/7.

(4) No events, parties, or weddings (regardless of payment or familial association), are allowed or may be advertised. A party is defined as any gathering in excess of the approved on-site maximum occupancy associated with the STR permit.

(5) Applications for an STR permit may be initiated by the property owner or authorized agent of the property owner. However, the permittee must be the property owner(s) of the STR property.

(6) Only one STR will be permitted per parcel. The STR must be a legally permitted, permanent, habitable dwelling unit (for example, no RVs, boats, detached garages, etc. to be used as an STR).

(7) An STR permit will only be issued for dwelling units that have already received a certificate of occupancy. STR permits do not supersede, waive or reduce any other code standards or requirements for building permits, planning permits/ applications or other requirements necessary to construct a dwelling unit.

(8) An STR shall only be rented to one group or person at a time (ex. renting out multiple individual rooms to multiple separate groups is not permitted).

(9) Advertising for an STR is prohibited unless a valid STR permit has been issued and is in effect at the time of advertisement.

(10) All advertisements must include the Washoe County permit number, transient lodging tax license number, maximum occupancy as allowed by the permit, number of bedrooms, number of beds (not to exceed maximum occupancy), number of parking spaces, and a note that no off-site street-parking is permitted. This information must be displayed at the top of the STR advertisement.

(11) At all times while an STR is rented, one 8.5" x 11" placard must be displayed on the front exterior of the residence and clearly visible from the main pathway leading to the primary entrance. The placard shall be legible (with a minimum 12 point font size) and include the following information: Washoe County STR permit number; maximum occupancy allowed by the permit; County's STR complaint hotline phone number; and, phone number of designated local responsible party.

(12) No signage advertising the STR is permitted on the property.

(13) Certificate of insurance is required identifying that the property is used as a short-term rental and provides a minimum of $500,000 liability coverage per occurrence.

(14) Educational material must be made available to all renters in the unit's kitchen or other common area and must contain the following: occupancy limits associated with the permit; exit locations; emergency phone numbers (ex. 911); phone number for the STR's local responsible party; fire/life safety information (ex. proper cigarette and ash disposal, community fire danger, proper BBQ operation, hot tub safety [if applicable], etc.); bear awareness brochure (for properties located in bear-prone areas); and Washoe County noise (quiet hours), trash and parking standards. Within the boundaries of the Tahoe Area Plan, the following must also be provided: a copy of the North Lake Tahoe Fire Protection District Vacation Rental Safety Information Sheet and Emergency Preparedness Guide; community evacuation routes; and avalanche warning methods (for properties located in designated avalanche danger zones).

(15) All STRs must comply with all other federal, state, and other applicable laws/statutes.

(16) Per WCC Chapter 25, applicable room tax must be paid to the Reno-Sparks Convention and Visitors Authority, disclosed to the renter and included in any rental agreement.

(b) Parking Standards. The following parking standards shall be adhered to:

(1) No STR parking is allowed within access easements or the public rights-of-way.

(2) All parking spaces must be: improved to Washoe County residential standards (or Tahoe Regional Planning Agency [TRPA] standards, if applicable); developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

(3) One parking space is required for every four occupants.

(4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.

i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.

(c) Noise Standards. The following noise standards shall be adhered to:

(1) Short-term rental quiet hours are in effect daily from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the quiet hours will result in fines/penalties being levied against the property owner, who may choose to pass on such fines to the renters.

(2) Owners of properties that have received two confirmed STR noise violations within a 12-month timeframe shall provide the Planning and Building Division with a comprehensive noise management plan, including the installation of commercially available decibel-monitoring devices with reporting capability. Records from the decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.

(d) Trash Standards. The following waste removal standards shall be adhered to:

(1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.

(2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal.

(3) Waste carts shall only be placed street-side during the timeframes stipulated by the local authority or waste service provider.

(e) Occupancy Limits. An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

(1) Bedrooms intended for one occupant shall be a minimum of 70 sq. ft. in size in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).

(2) Bedrooms intended for two occupants shall be a minimum of 100 sq. ft. in size, with an additional 50 sq. ft. required for each additional occupant in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).

(3) Other areas proposed for sleeping purposes, such as living rooms, require a minimum of 200 sq. ft. for each occupant in accordance with the 2018 International Building Code (IBC) Table 1004.5 for residential occupancy (or the currently adopted edition).

(4) No distinction is made based on the age of the occupant.

(5) In order to qualify as a sleeping area, the area shall also have safety features as determined by the Planning and Building Division Director or her/his designee(s), including, but not limited to, the requirements listed in Section 110.319.20.

(6) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.

(7) Daytime occupancy and nighttime occupancy limits are the same.

Section 110.319.20 Safety Standards. The safety standards within this section are applicable to all short-term rentals and must be in place in order to operate. Inspections will be required by the Washoe County Building Program and/or applicable fire protection district in order to verify compliance.

(a) Sleeping Areas. Only qualified bedrooms and other areas meeting specific standards will be considered for sleeping purposes. Areas such as garages, storage areas, kitchens, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes. Additionally, areas such as basements, under-floors, attics, lofts, garage conversions, or additions that were created without permits shall also not be utilized for sleeping purposes, unless a permit is submitted, approved and final inspections are completed. In addition to the square footage requirements listed in Section 110.319.15(e), the following standards are required of all sleeping areas proposed for short-term rental use and that contribute to the maximum occupancy of the STR:

(1) Bedrooms. Each bedroom shall be evaluated using Section 404.4.1 of the 2018 International Property Maintenance Code (IPMC) or the latest edition. To qualify for STR use, bedrooms must be listed on the Washoe County Assessor's web site and contain all the following items:

(i) A minimum ceiling height of seven feet as determined by Section 305 of the 2018 International Residential Code (IRC) or the currently adopted edition.

(ii) An emergency escape and rescue opening complying with Section 310.1 of the 2018 IRC or the currently adopted edition, or the applicable code in effect at the time of permit of the original structure.

(iii) When egress windows or openings are located more than 16-feet above exterior finished grade as measured to the finished sill of the window, or if the lot has extenuating features as determined by the code officials, a safe landing area shall be provided and an emergency ladder shall be permanently fastened to the inside of the wall per the manufacturer's recommendations. The ladder shall extend a maximum of 12 inches above grade.

(iv) Safety glass is required for windows located in a hazardous location in compliance with Section 308.4 of the 2018 IRC or the currently adopted edition.

(v) A smoke alarm(s) and carbon monoxide alarm(s) installed in accordance with Sections 314 and 315 of the 2018 IRC, or National Fire Protection Association (NFPA) 72, or the currently adopted editions.

(vi) All required smoke alarms and carbon monoxide alarms shall be interconnected in accordance with Sections 314.4 and 315.5 of the 2018 IRC or the currently adopted edition.

(2) Other Habitable Rooms Intended for Sleeping Purposes. Other rooms intended to be utilized for sleeping purposes will be evaluated utilizing Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Rooms shall contain all the same safety features as required for bedrooms in sub-section (1).

(b) Fire Alarms and Suppression Systems. Structures with two stories and a basement, or with three or more stories, or with areas greater than 5,000 square feet (total area under roof), shall include a fire suppression system. Required fire suppression systems shall be serviced and tagged annually by a Nevada licensed fire protection contractor. Structures 10,000 square feet and greater shall be equipped with an NFPA 13-compliant fire suppression system and a monitored NFPA 72-compliant fire alarm system. Structures containing both fire alarm and suppression systems must have those systems serviced and tagged annually by a licensed State of Nevada fire protection contractor.

(c) Additional Safety Standards. The following additional safety standards are applicable to all STRs:

(1) The property address shall be posted on-site in a location clearly visible from the roadway, and address numbers shall be at least six inches in height.

(2) The structure shall be maintained in a safe, hazard-free condition. This includes all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approval, unless otherwise specified in this Article.

(3) Structures with a calculated occupant load greater than 10 occupants shall be equipped with a monitored fire alarm system designed and installed in accordance with NFPA 72 and approved by the local fire protection district.

(4) Every dwelling shall be equipped with fire extinguishers sized and located per the requirements of the currently adopted fire code and current edition of NFPA 10.

(5) Smoke alarms and carbon monoxide alarms shall be installed in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(6) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with the 2018 IRC, or the applicable code in effect at the time of the original permit of the structure.

(7) Hot tubs, saunas, whirlpool tubs, and similar devices shall be installed in accordance with the current electrical code and shall have a disconnect installed in accordance with the 2017 National Electrical Code (NEC) or the currently adopted edition.

(8) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.

(9) Solid fuel burning appliances installed in bedrooms or other sleeping areas shall be equipped with oxygen depletion sensors installed in accordance with the 2018 Uniform Mechanical Code (UMC) or the currently adopted edition. All such rooms shall contain smoke and carbon monoxide alarms in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(10) All required exits and egress windows shall remain unobstructed and an emergency exit plan shall be permanently displayed in a clearly visible and central location.

(11) Portable heaters shall not be used as a primary source of heat for any space.

(12) A Knox box is required when a fire alarm system or fire sprinkler system is installed.

(13) Defensible space shall be maintained in accordance with the standards required by the applicable fire protection district.

(14) Any exterior recreational fire or fire pit fueled by natural gas or propane shall not operate unless permitted by the local fire district.

(15) Outdoor wood-burning solid-fuel fireplaces or solid-fuel burning fire pits are prohibited within the boundaries of the Tahoe Area Plan. Within the rest of unincorporated Washoe County, these require a permit from the Truckee Meadows Fire Protection District.

(16) Emergency lighting shall be installed to sufficiently illuminate the exit pathways/ hallways from sleeping rooms to the exterior of the building. A permanently

installed system and/or a plug-in system of lights that turn on in the event of a power outage are both acceptable.

(17) The STR shall remain accessible to emergency service vehicles and personnel per the applicable fire district and emergency responder's requirements.

Section 110.319.25 Permit Fees. Fees associated with STR permits shall be paid in the amounts identified in the master fee schedule and permit application. Non-payment of fees is cause for cancellation of an in-process STR application or revocation or non-renewal of an existing STR permit.

Section 110.319.30 Enforcement. The STR standards within this Article shall be enforced through the following procedures and requirements. A combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)* shall be utilized, as applicable. The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare.

(a) Permit Required. Any property owner engaging in or intending to engage in the operation of an STR, as defined in WCC 110.304.15 (d), shall obtain an STR permit issued by the Planning and Building Division. Said permit shall be renewed annually.

(1) Permit Considered "Privileged." The Board of County Commissioners hereby declares the operation of an STR within residential areas as a "privileged" activity subject to additional operational standards above and beyond those of other residential uses and subject to specific enforcement and revocation procedures.

(2) Inspections. An STR that fails any required inspection shall be issued a stop activity order per the procedures of WCC Chapters 100 and 125. An STR that fails the required annual inspection shall not be reissued a permit until all required inspections are passed.

(b) Operating an STR without the Required Permit. It is unlawful and hereby declared a public nuisance, as defined in WCC 50.308.1, to operate an STR without the required permit. Any property owner found to be operating an STR without the required permit shall be guilty of a misdemeanor, issued a stop activity order, and fined per the procedures outlined in WCC Chapter 125.

(c) Noncompliance with Standards. Any violation of required STR standards shall be enforced through a combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)*, as applicable. The Planning and Building Division Director, or her/his designee, shall determine compliance with these standards.

Section 110.319.35 Inspections. Prior to issuance of an STR permit, the property must pass inspections for life-safety of the structure and defensible space, with the cost of those inspections and any associated necessary improvements borne by the property owner. These inspections will be conducted by the Planning and Building Division and the applicable fire agency and are required annually. Once an STR permit has been issued, reasonable unscheduled inspections may occur if first responders, fire inspectors or Planning and Building inspectors/ officers have reason to believe occupancy has been exceeded or a life safety issue is present.

Section 110.319.40 Permit Revocation. Revocation of an STR permit shall be subject to the requirements of this section. In the event an STR permit is revoked through any of the below procedures, a new STR permit shall not be issued for the same property for a period of one (1) year immediately following the date of revocation.

(a) Initiation of Action. An enforcement official or the Board of County Commissioners may initiate an action to revoke an STR permit, unless the permit is revoked automatically pursuant to the provisions of this section.

(b) Grounds for Revocation. An STR permit may be revoked by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:

(1) That the STR permit was issued based on fraudulent or erroneous information, or was issued in contravention to the requirements of this Article; or,

(2) That one (1) or more of the characteristics or conditions upon which the STR permit was issued have changed or been violated; or,

(3) Unauthorized/unpermitted alteration of required life safety elements.

(c) Grounds for Automatic Revocation. An STR permit may be automatically revoked without action by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds. A revocation initiated under this section may be appealed to the Board of County Commissioners, which shall make the final administrative decision on the matter.

(1) If, after all administrative remedies have been exhausted, a property owner has been found guilty of violating the standards of this Article through three (3) separate instances/investigations during a one (1) year timeframe. The issuance date of the respective penalty notices shall be used as the basis for determining if three (3) separate, but consecutive, violations have occurred during a one (1) year time frame. If multiple violations are discovered during a single investigation, said violations shall count as one (1) instance for the purposes of this section; or,

(2) Upon application for any improvement(s) to an existing STR that would change the approved occupancy, or upon discovery that unpermitted work has occurred that altered a standard upon which the permit was issued. In such instances a new or modified permit will be required, at the discretion of the Director of the Planning and Building Division; or,

(3) If a felony or violent crime has occurred at the property and is substantially connected with the use of the property as an STR; or,

(4) If an emergency event occurred that endangered life safety or resulted in injuries or loss of life due to alteration of or noncompliance with required standards.

(d) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of an STR permit initiated under Section 110.319.40(b), or upon the appeal of an STR permit automatically revoked pursuant to Section 110.319.40(c). The hearing shall be conducted pursuant to the provisions of Article 910 and in accordance with the Rules of the Board of County Commissioners. After the public hearing, and upon considering the evidence provided, the Board of County Commissioners may take action to revoke the STR permit.

Section 110.319.45 Duties of Hosting Platforms. By adoption of this Article, Washoe County invokes all powers provided to it by NRS 244.1545 in its entirety. This includes, but is not limited to, a requirement for the provision of quarterly reports by STR hosting platforms to Washoe County, and authority for Washoe County to issue and enforce subpoenas as identified within the statute.

DRAFT: December 12, 2019

SECTION 8. Section 110.306.25, *Detached Accessory Dwellings*, subsection (i), *Administrative Review Process*, is amended as follows:

(i) Administrative Review Process. Proposals to establish a detached accessory dwelling unit in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones shall be reviewed pursuant to ~~the following process and requirements:~~ **Article 809, Administrative Review Permits**

(1) ~~Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.~~

~~(2) Affected Property Owners. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or architectural control committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.~~

~~(3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.~~

~~(i) Notice. Notice will be mailed to affected property owners within three (3) working days of receipt of a complete application. An application must be deemed complete or incomplete within three (3) working days of receipt of the application.~~

~~(ii) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the department within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.~~

~~(iii) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the department within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.~~

~~(iv) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all~~

~~individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).~~

~~(v) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.~~

~~(4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.~~

~~(5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.~~

~~(6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.~~

~~(7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:~~

~~(i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.~~

~~(ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in subsection (2) above).~~

~~(iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.~~

~~(iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.~~

~~(v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.~~

~~(vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its~~

~~interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.~~

~~(8) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.~~

~~(9) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.~~

~~(10) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:~~

~~(i) That the administrative approval was fraudulently obtained or extended;~~

~~(ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or~~

~~(iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.~~

DRAFT: December 12, 2019

SECTION 9. WCC Chapter 110, Article 809, *Administrative Review Permits*, is hereby established as a new article as follows:

Article 809
ADMINISTRATIVE REVIEW PERMITS

Sections:

110.809.00 Purpose
110.809.05 Requirements for Application
110.809.10 Supplemental Guidelines, Standards and Criteria
110.809.15 Review Procedures
110.809.20 Appeals
110.809.25 Modifications of an Administrative Review Permit
110.809.30 Revocation

Section 110.809.00 Purpose. The purpose of Article 809, Administrative Review Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the use(s) have the potential to adversely impact other land uses, transportation or services and facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Planning and Building Division Director may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

Section 110.809.05 Requirements for Application. Applications for administrative review permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Planning and Building Division. A request for an administrative review permit shall include the appropriate application, supplemental materials and site plan which clearly delineates the location and characteristics of the proposed use. No administrative review permit shall be processed until the information necessary to review and decide upon the proposed administrative review permit is deemed complete by the Planning and Building Division.

Section 110.809.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Planning and Building Division may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.809.15 Review Procedures. The Director, or her/his designee, shall review an administrative review application request for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant, as well as characteristics of the property. The Director, or her/his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed per the procedures set forth in this article.

(a) Affected Property Owners. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or County-registered architectural control/construction committees within common-interest

communities registered with the State of Nevada; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.

(b) Processing. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or her/his designee, in rendering a decision.

(1) Notice. An application must be deemed complete or incomplete within three (3) working days of receipt of the application. Notice will be mailed to affected property owners within three (3) working days of the determination that the application is complete.

(2) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the division within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.

(3) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the division within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.

(4) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the division receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).

(5) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the Administrative Review Permit decision is appealed in accordance with the procedures set forth in this article.

(c) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period. For Administrative Review Permits associated with a short-term rental permit, the applicant must also successfully obtain a short-term rental permit prior to advertising or operation.

(d) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.

(e) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established

when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

Section 110.809.20 Appeals. An Administrative Review Permit decision of the Director, or her/his designee, made pursuant to this article may be appealed in accordance with the following provisions:

(a) An appeal of the Administrative Review Permit decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

(b) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in this article).

(c) An Appeal of Decision application shall be filed with the Planning and Building Division, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.

(d) Appeals of Administrative Review Permit decisions for short-term rentals shall be heard by the Board of County Commissioners. The Planning and Building Division shall schedule a public hearing within sixty (60) calendar days of the filing date of the appeal. The public hearing on the appeal shall be noticed pursuant to Section 110.912.20. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other necessary pertinent information. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted.

(e) All other appeals of Administrative Review Permit decisions shall be heard by the Board of Adjustment. The Planning and Building Division shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment. The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other pertinent information. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.

Section 110.809.25 Modification of an Administrative Review Permit. Modification of the terms and/or conditions of an Administrative Review Permit approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

Section 110.809.30 Revocation. The Board of Adjustment (or Board of County Commissioners, for Administrative Review Permits associated with a short-term rental) may initiate an action to revoke an administrative review approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide

notice as set forth in Section 110.808.40. For items heard by the Board of County Commissioners, that Board shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide notice as set forth in Section 110.912.20. After the public hearing, and upon considering the evidence submitted, the applicable board may take action to revoke the Administrative Review Permit approval based upon a finding of any one (1) or more of the following grounds:

(a) That the Administrative Review Permit approval was fraudulently obtained or extended;

(b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or

(c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance, or in the case of an Administrative Review Permit associated with a short-term rental, that unauthorized/unpermitted alteration of required life safety elements has occurred.

SECTION 10. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT: December 12, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

_____
[__], Chair
County Commission

ATTEST:

_____
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year _____.

Planning Commission Staff Report

Meeting Date: January 7, 2020 **Agenda Item: 8B**

DEVELOPMENT CODE AMENDMENT CASE: WDCA19-0008 (Short-Term Rentals)

BRIEF SUMMARY OF REQUEST: To amend Washoe County Development Code Articles 302, 304, 306 and 410, and to create Articles 319 and 809 in order to establish standards and processes related to short-term rentals.

STAFF PLANNER: Kelly Mullin, AICP, Senior Planner, 775.328.3608, kmullin@washoecounty.us

DESCRIPTION

For possible action, hearing, and discussion to amend Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, *Use Classification System*, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; and within Article 410, *Parking and Loading*, to update the off-street parking space requirements table to include a reference to short-term rentals. Chapter 110 would also be amended to create Article 319, *Short-Term Rentals (STRs)*, to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, *Accessory Uses and Structures*, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, *Administrative Review Permits*. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. The amendments may include the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language, and other matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. Any material modifications that exceed the scope of the amendments being considered at this hearing may require continuation of the hearing for possible action at a future meeting.

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0008, to amend Washoe County Code Chapter 110 (Development Code) within Articles 302, 304, 306, and 410, and with new Articles 319 and 809 created as identified in Exhibit A. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the following four findings within Washoe County Code Section 110.818.15(e).

(Motion with Findings on Page 12)

Staff Report Contents

Process for Development Code Amendments 2
Background 3
Proposed Amendments 5
Other Items for Consideration 10
Findings 11
Public Notice 12
Recommendation 12
Motion 12
Appeal Process 13

Exhibit Contents

Resolution with Proposed Amendment Language (Ch. 110) ..... Exhibit A
Initiation Staff Report for Dec. 10, 2019 County Commission Meeting ..... Exhibit B
Staff Report for Nov. 12, 2019 County Commission Meeting https://bit.ly/2Kp5PoT
Excerpt of minutes from Nov. 12, 2019 County Commission Meeting ..... Exhibit C
Public Comment Letters Received Since Nov. 12 Meeting ..... Exhibit D
Summary Report of Feedback from Public Workshops and Online Survey ..... Exhibit E

Process for Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Board of County Commissioners (BCC), Planning Commission (PC), or an owner of real property. Development Code amendments are generally initiated by resolution of the BCC or PC. Real property owners may apply to initiate a Development Code amendment.

After initiation, the PC considers the proposed amendment in a public hearing. The PC may recommend approval, approval with modifications or denial of the proposed amendment. The PC records its recommendation by resolution. The BCC hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The BCC will hold an introduction and first reading of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background

Short-term rentals (STRs) are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly available through property management companies and online booking services. They are also referred to as vacation rentals and generally booked for fewer than 28-days.

As with other industries affected by the sharing economy, the rise of online advertising platforms such as Airbnb and VRBO has disrupted the traditional lodging industry by expanding opportunities for the average homeowner to tap into the tourist market and offer their home for short-term rental use. Although vacation rentals have been available in various forms for decades, these newer technologies have led to expanded temporary lodging options and a greater awareness of the prevalence of short-term rentals in many communities. Along with that has come increased focus on the impacts of STRs on neighboring residents and the larger community. Washoe County, and especially the Incline Village/Crystal Bay area, is no exception.

Current unofficial estimates put the number of STRs in unincorporated Washoe County between roughly 500 and 1000 distinct units active at any given time, varying greatly with time of year. Over 90% are estimated to be located in Incline Village/Crystal Bay, and over 90% are whole-home rentals. At the high-end, STRs represent approximately 12.5% of housing stock in Incline Village/Crystal Bay. This is on par with other Tahoe-area jurisdictions, with the Mountain Housing Council estimating that STRs comprise 13.5% of housing stock in the Truckee/North Tahoe region.

Appropriate management of STRs is a complex and controversial issue with no simple solution. Stakeholders represent a variety of perspectives, often at opposite ends of the spectrum. Opinions range from a desire to see STRs completely banned within a community, to believing that they are a fundamental property owner right. At the root of these starkly different opinions is often the question of whether STRs are a residential use or a commercial use. Staff's research shows that jurisdictions and courts alike have differences of opinion on this matter, and that there is no clear consensus. After extensive research and review of public input, it is Washoe County staff's opinion that answering that question is a matter of thresholds. At lower occupancies, the use may easily be considered residential in nature, but still have characteristics requiring mitigation (as a sort of hybrid residential use). This is because, in general, the impacts on surrounding properties are expected to not be substantially different than if the property were used in the more traditionally long-term residential way. However, at higher occupancies, the impacts (ex. parking, noise, etc.) to neighboring properties are more likely to increase to a level that the use starts to appear less residential and more commercial in nature. In some cases, these impacts may be mitigated through more restrictive standards or conditions of approval. In other cases, they cannot. Some levels of occupancy may be so high that the STR would be inappropriate in residential areas, and more appropriate to be located in commercial areas, especially those that are tourist-oriented.

Most jurisdictions in southern Nevada and around Lake Tahoe have already established or are working to establish standards and a registration/permitting process for STRs in their communities. Due to the relative newness of standards for this type of use, there is limited consensus in how STRs are regulated, with dozens of regulatory options being employed across the U.S. to manage STRs. The most commonly regulated categories deal with quality of life issues such as noise, parking and trash.

The following text provides an overview of the various work that has been completed thus far, outreach that has occurred, and recommendations for the Planning Commission to consider.

Process Overview

Due to the complexity of the issue, staff attempted to craft a methodical approach to recommending standards and a permitting process for STRs. This approach is designed with five distinct phases: (1) Project planning and research; (2) Structured public engagement; (3) Drafting and adoption of standards/processes; (4) Grace period, during which public outreach about the new requirements occurs, and technology/training are put into place to support the program; and (5) Program launch, after which STRs are required to meet standards and have appropriate permits to operate. Enforcement of the new requirements will begin during this phase. The project is currently in phase 3 (drafting and adoption of standards/processes). It is also expected that staff will conduct a re-review of standards and fees approximately 12-18 months after program launch in order to assess effectiveness.

Planning, Research and First Steps

Following direction from the Board of County Commissioners (BCC) in February 2019, a core group of staff within the Community Services Department began conducting research aimed at better understanding the impacts of short-term rentals, possible strategies for addressing those impacts, legal and financial implications, technology innovations to help address community impacts, and the mechanisms that are most commonly used by cities and counties across the U.S.

The parameters and goals of the project were identified early in the planning process. Based on staff's understanding of the BCC's direction and a review of successful STR programs around the country, the following guiding principles were established:

- Create simple, fair and enforceable standards for STRs that reflect best practices and address impacts
- Maximize voluntary compliance
- Encourage safe accommodations for visitors
- Balance competing interests
- Establish a cost-neutral fee and fine structure

During the initial research stage, Washoe County also contracted with technology provider Host Compliance to provide three main services related to STRs: address identification (tying online advertisements from dozens of platforms to real addresses); a 24/7 complaint hotline; and, a mobile registration platform. Host Compliance provides STR enforcement assistance to over 200 local jurisdictions across the United States.

Public Outreach and Engagement

A critical component of the project has been to identify the various stakeholder groups and better understand their perspectives on STRs. Generally speaking, these many stakeholders can be grouped into the following major categories: neighbor/community members; STR host and property managers/realtors; traditional lodging industry and business; and impacted regulatory agencies.

These categories are not exhaustive; however, they represent the majority of perspectives heard from so far. There were three major components of the initial public outreach process: (1) small-group, targeted stakeholder input meetings; (2) public workshops; and (3) an online survey.

<u>Stakeholder input sessions:</u> In July 2019, staff held a series of small-group stakeholder input sessions aimed at getting a better sense of the perspectives and priorities of those within each major stakeholder group. These meetings helped inform the topics and structure of later public

workshops. An informal working group of various agencies was also formed in order to better understand concerns and priorities from the regulatory perspective. The working group included representatives from the Sheriff's Office, North Lake Tahoe Fire Protection District, Truckee Meadows Fire Protection District, Reno-Sparks Convention & Visitors Authority (RSCVA), Washoe County Manager's Office, business license program, code enforcement program, planning program, and building program. Staff has had several follow-up meetings with many of these agencies/programs since the original working group meetings, as well as with the Incline Village General Improvement District (IVGID), Washoe County Health District and District Attorney's Office.

Public workshops: In August 2019, two public workshops were held in Incline Village and one in Reno. There were approximately 250-300+ attendees across the three workshops (some participants attended more than one workshop). These were structured to better understand the priorities and concerns of workshop attendees, and to solicit possible solutions to address these concerns.

Online survey: An online survey was offered as an alternative or supplement to the in-person workshops. The survey was structured similarly to the workshops in terms of asking participants to identify their top areas of concern related to STRs and future standards/permitting processes, provide additional details about those concerns, and offer possible solutions. There were **569** survey responses. About **70%** of respondents represented a neighbor/community perspective, while about **20%** represented the STR host or property manager perspective.

Public response for workshops and survey: Staff's goal during the public outreach process was to identify major concerns of each of the stakeholder groups and, wherever possible, pinpoint areas of overlap. A summary of feedback received via the workshops and online survey has been provided as Exhibit E. An analysis of the input received revealed several recurring themes, including:

- Top areas of concern were related to occupancy limits, the permitting process, noise and parking.
- There is general community support for regulating STRs. However, respondents vary drastically on the extent of standards that should be put in place.
- It is critical that regulations established for STRs be enforced.
- Property managers believe their existing rules for the STRs they manage are strict and adequately regulated through their state license.
- Many residents, especially in the Incline Village/Crystal Bay area, believe STRs are commercial businesses operated by non-residents of the community.
- Many hosts believe better renter education will help mitigate existing issues and are concerned that responsible hosts will be penalized for the actions of irresponsible hosts.

Proposed Amendments

Based on the significant research conducted by staff, extensive public input, BCC input, and an analysis of potential regulatory mechanisms and options for Washoe County, staff created a series of recommendations that were heard by the BCC at their Nov. 12, 2019 meeting, where they provided policy direction (staff report available at https://bit.ly/2Kp5PoT and the minutes of the meeting are provided as Exhibit C). Draft code language was subsequently created and made available for a 21-day public comment period, the results of which are attached as Exhibit D. Limited changes were made to the initial draft ordinance as a result of the public comment period; however, the PC is encouraged to review and consider the comments in their entirety. The following changes were made to the initial draft: incorporating the provisions of NRS 244.1545 regarding the duties of hosting platforms; translating existing regulatory zones to

those proposed as part of the new Tahoe Area Plan (expected to be adopted in 2020), and other minor edits.

Draft code language for Chapter 110 (Development Code) has been provided with Exhibit A and summarized on the following pages. Additional code changes related to enforcement have been created for Chapters 125 (Administrative Enforcement Code) and 50 (Public Peace, Safety and Morals); however, administration of those chapters is outside the purview of the PC and therefore not included for review here. Changes to those chapters will be reviewed directly by the BCC.

General Standards

- Every STR must have a designated 24/7 agent or property manager available through a single phone number who shall respond to complaints/issues within 30 minutes of contact.
- No events or other gatherings (ex. parties, weddings, etc.) are allowed that would exceed the on-site maximum occupancy associated with the short-term rental permit.
- Permittee must be the property owner.
- Limited to one STR per parcel; must be a permanent, habitable dwelling unit (i.e. no RVs/boats). The per-parcel limitation is due, in part, to ensure better enforcement capability.
- STR may be rented to only one group/person at a time (ex. renting out five individual rooms to five separate parties would not be permitted).
- Advertising for an STR is prohibited unless a valid STR permit has been issued.
- Advertisements must include the Washoe County permit number, room tax license number, maximum occupancy as allowed by the permit, number of bedrooms, number of beds (cannot exceed max. occupancy), and number of parking spaces.
- Must comply with all other federal, state, and other applicable laws/statutes, and issuance of a County STR permit does not relieve the property owner of compliance with applicable regulations, including CC&Rs or HOA restrictions.
- Existing STRs are not grandfathered; they must apply for and be issued a County STR permit in order to operate.
- Applicable room tax must be paid to the RSCVA.

Permitting

- An STR permit will be considered similar to a privileged license in that revocation can occur without Board action for issues such as non-payment of fees and noncompliance. Any revocations would provide for appropriate and timely administrative appellate review.
- STR permits must be renewed annually. Property owners should be aware that standards are subject to change over time and that there is no guarantee a permit will be renewed.
- **Three permitting tiers are proposed.** These tiers are intended to recognize that below certain thresholds, and with appropriate standards in place, an STR is expected to reasonably function similarly to other residential uses. However, as occupancy increases, impacts to surrounding properties have the potential to increase. In these cases, further scrutiny may be necessary to determine if the scale of the proposed STR is appropriate on the specific property and if additional mitigation can reduce potential impacts to a reasonable level.
    - **Tier 1:** STRs with a maximum occupancy of 10 persons or less; standard STR permit required. (*Note:* 10 or fewer is a common break point for uses like group homes and within the International Building Code's "R" occupancy.)
    - **Tier 2:** STRs with a maximum occupancy of 11-20 persons; discretionary permit required in most regulatory zones.

- **Tier 3:** STRs with a maximum occupancy of 21 or more persons; acceptable only in areas where hotels/motels allowed; with discretionary permit; requires commercial standards.

Parking

Inadequate parking is one of the most frequently cited complaints associated with STRs – both across the nation and in the feedback heard from Washoe County residents. This is especially prevalent in the Incline Village/Crystal Bay area, where on-street parking can be severely limited or nonexistent. In order to reduce potential impacts to neighboring properties, the following parking standards are proposed:

- No STR parking is allowed in the right-of-way.
- One parking space is required for every four proposed occupants. *Note:* In a study conducted for the Incline Village General Improvement District, visitors in the winter were found to average approximately 2.5 people per vehicle. In the summer, this average increased to 4 people per vehicle.
- All parking spaces must be improved to Washoe County standards (or Tahoe Regional Planning Agency standards, if applicable) and developed on-site, within property boundaries. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

It should be noted that parking may be limited by available TRPA coverage, and that staff's recommendation is that such limitations should not result in standards being waived. Additionally, inability to develop the appropriate number of parking spaces on-site may limit the number of occupants allowed by the STR permit. However, under certain limited circumstances where flexibility may be warranted, the Director of the Planning and Building Division would have the authority to modify the location of required parking spaces.

Occupancy Limits

Establishing occupancy limits also has the potential to reduce some of the major impacts commonly associated with short-term rentals. Proposed limits are based on the International Code Council's International Property Maintenance Code, which is a well-recognized code generally addressing building safety standards in the United States and across the world. Proposed limits are as follows:

- Bedrooms intended for one occupant must be a minimum of 70 sq. ft. in size.
- Bedrooms intended for two occupants must be a minimum of 100 sq. ft. in size, with an additional 50 sq. ft. required for each additional occupant.
- Other areas proposed for sleeping purposes, such as living rooms, would require a minimum of 200 sq. ft. for each occupant.
- Each of these areas would be required to have minimum safety features in order to qualify. No distinction would be made based on the age of the occupant.
- No distinction would be made between daytime occupancy and nighttime occupancy, as impacts would be expected to be similar.

It should also be noted that occupancy may be further limited by the available number of parking spaces.

Safety and Inspections

Washoe County staff has been working with both the North Lake Tahoe Fire Protection District and Truckee Meadows Fire Protection District to discuss fire and life safety concerns associated with STRs. As visitors to a short-term rental are less likely to be familiar with a home than

someone living in it, basic fire and life safety minimums are proposed to be required. The following summarizes proposed safety standards:

- Safety minimums include requirements for adequate smoke and carbon monoxide detectors; fire extinguishers; adequate egress; well-maintained fireplaces, electrical outlets/ systems, hot tubs, deck railings, etc. Additional minimums may be proposed for occupancies over 10 during discretionary permit review processes.
- Defensible space inspection will be required; to be conducted by the applicable fire agency.
- Basic structure safety inspection will be required; to be conducted by Washoe County building inspectors, with the exception that items such as sprinkler or fire alarm systems (if applicable) would be inspected by fire staff. Inspection must be passed prior to issuance of STR permit.
- Unscheduled inspections may occur if building or fire inspectors have reason to believe occupancy has been exceeded or a life safety issue is present.

External Signage

To ease enforcement, ensure nuisance issues can be more quickly addressed, and help first responders more quickly assess occupancy, the following signage standards are proposed.

- While the STR is being rented, information shall be displayed on the outside of the unit that includes the Washoe County STR permit number, occupancy limit, complaint hotline and local STR agent/property manager contact number.
- No advertising signage is permitted.

Noise

Excessive noise, parties and loud music are some of the other most commonly heard complaints associated with short-term rentals. This was also a significant concern noted by County residents at the public workshops and in the online survey. Noise issues can also be one of the most difficult types of complaints to address. Many jurisdictions have established quiet hours for STRs. Opponents argue that if quiet hours are important, they should be established for all members of the community, not just STRs. However, it can also be argued that occupancies of STRs are often higher than that of neighboring residences and that transient guests may not be as familiar with or respectful of community norms associated with noise.

The Washoe County Sheriff's Office has indicated there have been 64 calls for service related to noise in the Incline Village/Crystal Bay area in the past year, with three citations issued. It is understood that there is limited staffing by the Sheriff's Office in the Incline area, and that calls for service related to noise will have a lower priority than many other service types. Although the 24/7 STR complaint hotline by Host Compliance is expected to help with noise impacts, noise is still a concern.

Establishing quiet hours specifically for STRs is recommended by staff. Additionally, due to the difficulty with noise enforcement, staff would like to provide an additional mechanism for consideration. Decibel-monitoring devices are a technology being used by some property managers to ensure their transient guests are respectful of the community. They monitor decibel-levels only; there are no audio recordings. These are also a tool that can be used by a jurisdiction to better track STRs with repeated noise complaints. The City of Henderson recently adopted standards requiring these devices to be used as part of an STR's overall noise management plan. Staff recommends they be required for STRs with two confirmed noise violations.

- Quiet hours 10 p.m. – 7 a.m.
- After a second confirmed noise violation, an STR must be equipped with decibel-monitoring devices with reporting capability. Records must be available for County review.

Trash

In mid-2017, Incline Village General Improvement District (IVGID) established a zero-tolerance policy related to proper trash disposal in the Incline Village/Crystal Bay area. IVGID staff patrols the community to ensure standards are being followed and educate or cite where necessary. IVGID has indicated that since the program started, trash violations have dropped significantly. With that in mind, the following trash standards for STRs are proposed:

- Trash must be managed as prescribed by Health District, Waste Management and IVGID (if applicable). Cart size must be sufficient to store waste for maximum number of occupants each week.
- STRs in IVGID service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-family developments where HOAs require and enforce regular trash disposal.
- Trash violations confirmed by IVGID count as a violation against the STR and may incur both IVGID penalties and Washoe County STR permit penalties.
- Carts shall only be placed street-side during the timeframes stipulated by the local authority or waste hauler.

Other Standards

Several workshop and survey participants voiced concerns that most standard homeowner policies do not cover STR use. It is common for other jurisdictions to require STR-specific liability insurance, and the following additional standards are recommended:

- Certificate of insurance is required identifying that the property is used as a short-term rental and provides $500,000 minimum liability coverage per occurrence.
- Educational material provided in unit must contain: community evacuation routes; fire safety info (ex. BBQ operation, proper cigarette and ash disposal, community fire danger, etc.); bear awareness brochure (if applicable); noise, trash and parking standards, occupancy limits, etc.

Enforcement and Revocation

A three-pronged approach to enforcement is proposed:

- Licensing: Proactively identify unlicensed STRs and pursue licensing compliance; cite, fine and, if necessary, lien non-compliant property owners who continue to operate an STR without the appropriate permit in place. It should be noted that this approach is a departure from current complaint-based code enforcement practices; however, it is considered a necessary component of a successful STR program.
- Inspections: Required upon initial permit application and annually thereafter. Safety minimums must be in place in order to obtain an STR permit and operate.
- Operational: Confirmed violations will result in fines and potential penalties such as permit revocation. The 24/7 complaint hotline (via Host Compliance) will log citizen-initiated complaints and immediately contact the STR's local responsible party for resolution.

More than three confirmed separate violations in any six-month period will result in permit revocation and a 12-month cooling off period whereby the property is ineligible to obtain an STR permit and operate a short-term rental. To increase program effectiveness and reduce time

leading to compliance, no BCC action will be required for this type of revocation (unless on appeal).

Other Items for Consideration

There are several other items the Commission may wish to be aware of during their consideration of this topic.

Permit Fees

A cost-neutral fee structure has been recommended to the BCC to ensure, to the extent possible, that implementation and enforcement of the short-term rental program is paid for by those who own and operate STRs. Thus, the fee structure will be designed to incorporate costs such as: safety and fire inspections; permit processing and review; Host Compliance software and services; enforcement of non-licensed STRs and violations of STR standards, etc. It is expected that this fee structure would be reassessed after the first 12-18 months of operation in order to ensure costs are appropriately covered, and to propose adjustments at that time if necessary. Proposed fees will be reviewed and set directly by the BCC.

Fines

Although the BCC will be directly reviewing proposed fines, the PC may find the following context useful. Research related to STRs has made it clear that fines and penalties must be significant enough to deter violations; otherwise, it may just be considered the cost of doing business for an operator. Washoe County's current code enforcement approach for land use violations is focused more on achieving compliance rather than penalizing the property owner. Therefore, current fines for Development Code violations are set relatively low and are considered insufficient to deter STR violations. As a result, staff will be proposing a higher fine structure, with unpaid fines becoming liens against the property.

Staffing Needs

At least one additional code enforcement staff member is expected to be needed to assist with implementation and enforcement of the program. Standard building safety inspections will be conducted by existing Washoe County Building Inspectors. Fire inspectors from the applicable fire district are anticipated to inspect defensible space and, if applicable, smoke alarm and/or sprinkler systems. The cost of such inspections will be paid for by the STR applicant. Host Compliance's services will be used for matching advertisements to real addresses, the 24/7 complaint hotline and establishment of the mobile registration platform.

Room Tax

The Reno-Sparks Convention and Visitors Authority (RSCVA) requires hosts of STRs to obtain a transient lodging tax (aka room tax) license. As part of this project, staff will be investigating opportunities to reduce potential overlap in the permitting processes between the two organizations.

Tahoe Regional Planning Agency (TRPA)

TRPA recently established a list of regulatory options for jurisdictions to apply to STRs within the Tahoe Basin in order to meet TRPA goals and policies. These will be considered a third criterion in TRPA's scoring system for awarding residential allocations to jurisdictions around Lake Tahoe. The focus is largely on locational, operational and enforcement parameters. Washoe County has been actively involved in these conversations with TRPA. County staff's recommendations for STRs are expected to meet many of the parameters laid out by TRPA.

Demographics

With the highest concentration of STRs located in the Incline Village/Crystal Bay portion of Washoe County, there has been some interest in the demographics of that area. The following information was pulled from 2013-2017 American Community Survey 5-Year Estimates for zip code 89451, which represents most, but not all of the area. This information is provided to paint a general picture only. There are approximately 7,800 dwelling units, with approximately 52% comprised of single-family detached homes. The area is characterized by a large contingent of second homes, and just under 53% of the dwelling units are classified by the U.S. Census Bureau as vacant. Slightly more than 34% of the homes are owner-occupied. 75% of the homes were built prior to 1990. The average household size of owner-occupied homes is 2.08. The average household size of long-term renter-occupied homes is 3.02. Approximately 74% of residents moved into their home in the year 2000 or later. Just under 93% of the homes have four bedrooms or fewer.

Standards for Incline Village/Crystal Bay vs. Rest of Washoe County

It is important to note that many residents in the Incline Village/Crystal Bay area requested that STR standards within the Tahoe Basin be different than those in the rest of Washoe County. The majority of STRs in the County are located in Incline Village/Crystal Bay and therefore most recommendations were drafted with that area primarily in mind. Regional adjustments are included in the proposed code language for items such as wildlife-resistant carts in bear-prone areas, variations in defensible space requirements/inspections, TRPA parking standards, and regulatory zone differences within the new Tahoe Area Plan (expected to be adopted in 2020).

Incline Village/Crystal Bay Citizen Advisory Board Meeting

The Incline Village/Crystal Bay Citizen Advisory Board (CAB) requested that the topic of STRs be presented at one of their meetings. An overview of the proposed recommendations was provided to the CAB on Dec. 12, 2019, where there were approximately 20 people present. The minutes of the meeting will be provided as an addendum to this staff report when they are available. In general, questions and comments during the meeting covered the following areas: protection of the Lake Tahoe watershed; bear and trash concerns; parking needs; transient lodging tax distribution and use; responsible hosting of STRs; residential use vs. commercial use; compliance with Nevada Revised Statutes; density concerns; impacts on infrastructure; enforcement/response capabilities; role of property managers; STR permitting process, including tiered approach; noise complaint resolution; program costs; data to support recommendations; and renter education.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make **at least one** of the following findings of fact. Staff has completed an evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

   Staff comment: As proposed, the amendments do not conflict with the policies and action programs of the Master Plan and are designed to be compatible with the current draft of the new Tahoe Area Plan expected to be adopted in 2020.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the development code as expressed in Article 918, Adoption of Development Code.

   Staff comment: The intent of this code amendment is to identify and address the impacts of STRs by regulating their use and creating a permitting/enforcement process. These changes are intended to reduce potential adverse impacts of STRs on public health, safety and welfare.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

   Staff comment: The proposed changes are a direct result of the increased awareness and use of short-term rentals in unincorporated Washoe County, and the BCC's recognition that their impacts must be addressed.

4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

   Staff comment: The amendments are designed to address impacts of an existing use currently unregulated within Washoe County. They reflect several of the recommendations of the Tahoe Regional Planning Agency related to neighborhood compatibility and are not expected to adversely impact the policies of the Master Plan Elements.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Staff can provide proof of notification if requested.

Recommendation

It is recommended that the Planning Commission recommend approval of WDCA19-0008, to amend the Development Code as described in this staff report, with the details provided in Exhibit A. The following motion is provided for your consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0008, to amend Washoe County Code Chapter 110 (Development Code) within Articles 302, 304, 306, and 410, and with new Articles 319 and 809 created as identified in Exhibit A. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the following four findings within Washoe County Code Section 110.818.15(e).:

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of Commissioners within 10 calendar days from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Sections 110.818.25 and 110.912.20.

xc: David Solaro, Assistant County Manager
Nathan Edwards, Deputy District Attorney
Mojra Hauenstein, Planning and Building Division Director

RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 302, ALLOWED USES, TO IDENTIFY THE TYPES OF REVIEW REQUIRED FOR SHORT-TERM RENTALS IN EACH REGULATORY ZONE AND TO ADD AN ADMINISTRATIVE REVIEW PERMIT TO THE LIST OF REVIEW TYPES; WITHIN ARTICLE 304, USE CLASSIFICATION SYSTEM, TO UPDATE THE RESIDENTIAL USE TYPE DESCRIPTION, ADD A DEFINITION FOR SHORT-TERM RENTAL, AND UPDATE THE DEFINITION FOR LODGING SERVICES; AND WITHIN ARTICLE 410, PARKING AND LOADING, TO UPDATE THE OFF-STREET PARKING SPACE REQUIREMENTS TABLE TO INCLUDE A REFERENCE TO SHORT-TERM RENTALS. CHAPTER 110 WOULD ALSO BE AMENDED TO CREATE ARTICLE 319, SHORT-TERM RENTALS (STRS), TO ESTABLISH STANDARDS, LOCATION LIMITATIONS, DEFINING UNPERMITTED SHORT-TERM RENTALS AS NUISANCES, OCCUPANCY LIMITS, PARKING REQUIREMENTS, SAFETY/SECURITY CONSIDERATIONS, SIGNAGE, NOISE THRESHOLDS, TRASH/GARBAGE COLLECTION RULES, INSURANCE REQUIREMENTS, TAHOE AREA CONSIDERATIONS, PERMITTING REQUIREMENTS, ENFORCEMENT PROCESS, FEES, FINES, AND PENALTIES ASSOCIATED WITH SHORT-TERM RENTALS; AND TO AMEND ARTICLE 306, ACCESSORY USES AND STRUCTURES, BY REMOVING THE PROCEDURAL DETAILS FOR ADMINISTRATIVE REVIEW PERMITS, WITH THOSE DETAILS BEING RE-LOCATED INTO A NEW ARTICLE THAT IS UPDATED TO REFLECT MINOR CHANGES RELATED TO SHORT-TERM RENTALS. THAT ARTICLE WOULD BE CREATED AS ARTICLE 809, ADMINISTRATIVE REVIEW PERMITS. SHORT-TERM RENTALS ARE A TYPE OF TEMPORARY LODGING OF BRIEF DURATION OPERATED OUT OF PRIVATE RESIDENCES SUCH AS HOMES, APARTMENTS AND CONDOS. THEY ARE COMMONLY MADE AVAILABLE THROUGH PROPERTY MANAGEMENT COMPANIES AND ONLINE BOOKING SERVICES, AND ARE ALSO REFERRED TO AS VACATION RENTALS THAT ARE GENERALLY BOOKED FOR FEWER THAN 28-DAYS. THE AMENDMENTS MAY INCLUDE THE RESOLUTION OF DISCREPANCIES THAT MAY ARISE WITHIN EXISTING WCC CHAPTERS AS A RESULT OF ANY NEW CODE LANGUAGE, AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-01

WHEREAS

A. Pursuant to Washoe County Code Section 2.030, the Washoe County Board of Commissioners initiated amendments to Washoe County Code Chapter 110 (Development Code), on December 10, 2019 as fully described in Exhibit A-1 to this resolution; and

B. Development Code Amendment Case Number WDCA19-0008, came before the Washoe County Planning Commission for a duly noticed public hearing on January 7, 2020; and

C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and

D. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA19-0008:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 7, 2020.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

DRAFT: December 12, 2019

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: **NEW LANGUAGE**

****

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: ***Establishes standards for short-term rentals, including, but not limited to the establishment of definitions, standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing Washoe County Code chapters as a result of any new code language.***

BILL NO. _____

ORDINANCE NO. _____

Title:
An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; and within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STRs), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area

considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. The amendments may include the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language, and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend and create articles within the Washoe County Development Code (Chapter 110) in order to establish standards and processes for short-term rentals; and,

B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on December 10, 2019; and,

C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0008 January 7, 2020 and adopted Resolution Number 20-01 recommending adoption of this ordinance; and,

D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a “rule” as defined in NRS 237.060 requiring a business impact statement; however, one has been provided.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

DRAFT: December 12, 2019

SECTION 1. The first paragraph of Washoe County Code Section 110.304.15, *Residential Use Types*, is hereby amended as follows:

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations**,** ~~on a wholly or primarily non-transient basis~~ but exclude institutional living arrangements providing twenty-four-hour skilled nursing**, custodial** or medical care and those providing forced residence, such as asylums and prisons.

SECTION 2. Section 110.304.15, *Residential Use Types*, is hereby amended to add new sub-section (d) with the following definitions:

(d) Short-term rental. Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. STRs may be permitted to operate out of legally permitted, permanent dwelling units or accessory dwelling units in accordance with the standards within Article 319. Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms. The following are short-term rental use types:

(1) Tier 1 Short-Term Rental. A Tier 1 STR has a maximum occupancy of 10 persons or fewer.

(2) Tier 2 Short-Term Rental. A Tier 2 STR has a maximum occupancy of 11-20 persons and due to its higher occupancy, may require additional limitations to ensure compatibility with surrounding residential properties.

(3) Tier 3 Short-Term Rental. A Tier 3 STR has a maximum occupancy of 21 or more persons. This highest tier of STRs is still operated out of a pre-existing dwelling unit, but due to the high number of occupants, is expected to have more significant impacts to surrounding properties. As a result, it is considered inappropriate to be located in residential regulatory zones, but may be appropriate on properties with commercial regulatory zones that are located nearer tourist and commercial services.

SECTION 3. The first paragraph of Section 110.304.25(u), *Lodging Services*, is hereby amended as follows:

(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis with~~in~~ incidental food, drink, and other sales or services intended for the convenience of guests, **including common facilities,** but excludes those **establishments** classified under residential group home**, short-term rental** and commercial recreation. The following are lodging services use types:

SECTION 4. Section 110.302.15, *Types of Review*, is hereby amended as follows:

Section 110.302.15 Types of Review. Table 110.302.05.1 through Table 110.302.05.5 indicate the types of review required as follows:

(a) Allowed Use. A letter "A" indicates that a use is allowed**,** but the use shall comply with the provisions of the Development Code.

DRAFT: December 12, 2019

(b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.

(c) Planning Commission Special Use Permit. A letter "S_1" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.

(d) Board of Adjustment Special Use Permit. A letter "S_2" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.

(e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.

(f) Administrative Review. A designation "AR" indicates that a use is allowed only upon approval of an administrative review permit pursuant to Article 809, Administrative Review Permits.

SECTION 5. Table 110.302.05.1, *Table of Uses (Residential Use Types)*, is hereby amended as follows:

Table 110.302.05.1

TABLE OF USES (Residential Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S_2	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S_2	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S_2	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S_2	--	--	--	P	--	--	A
Single Family, Detached	A	A	A	A	A	A	A	S_2	S_2	--	S_2	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S_2	--	--	--	--	--	--	--	--	--	--	S_2	S_2	S_2	--	--	S_2	--
Personal Landing Field (Accessory Use)	S_2	--	--	--	--	--	--	--	--	--	--	S_2	S_2	S_2	--	--	S_2	--
Manufactured Home Parks	*	*	*	*	*	S_2	S_2	*	*	--	--	--	--	--	--	--	*	--
Group Home	A	A	A	A	A	A	A	A	A	--	S_2	--	--	--	P	--	A	A
Short-Term Rental (see Article 319)	**Note: All of the below STR Tiers require the issuance of an STR permit, regardless of required review process.**																	
Tier 1	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**-**	**-**	**-**	**-**	**A**	**A**
Tier 2	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**AR**	**A**	**AR**	**A**	**-**	**-**	**-**	**-**	**AR**	**AR**
Tier 3	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**-**	**-**	**-**	**-**	**-**	**-**

Key: -- = Not allowed; A = Allowed; AR = Administrative Review ~~pursuant to Section 110.306.25(i)~~; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S_1 = Planning Commission Special Use Permit; S_2 = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

DRAFT: December 12, 2019

SECTION 6. Section 110.410.10.1, *Off-Street Parking Space Requirements (Residential Use Types)*, is hereby amended as follows:

Table 110.410.10.1

OFF-STREET PARKING SPACE REQUIREMENTS (Residential Use Types)
(See Section 110.410.10 for explanation)

Residential Use Types (Section 110.304.15)	**Spaces Required**
Family Residential	
Attached Accessory Dwelling	1 per attached accessory dwelling unit, in addition to other required spaces
Detached Accessory Dwelling	1 per detached accessory dwelling unit, in addition to other required spaces
Detached Accessory Structure	None
Duplex	2 per dwelling unit, 1 of which must be in an enclosed garage
Fabricated Home	*2 per fabricated home
Multi Family	1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport
Single Family Attached	2 per dwelling unit, 1 of which must be in an enclosed garage
Single Family Detached	2 per dwelling unit, 1 of which must be in an enclosed garage
Manufactured Home Parks	1.5 per manufactured home, plus 1 per 5 units for guest parking
Group Home	.25 per bed, plus 1 per employee during peak employment shift
Short-Term Rental (All Tiers)	**As identified in Article 319, *Short-Term Rentals (STRs)***

Note: * = Article 312, Fabricated Housing, may require 1 parking space to be in an enclosed garage or carport.

DRAFT

SECTION 7. WCC Chapter 110, Article 319, *Short-Term Rentals (STRs)*, is hereby established as a new article as follows:

Article 319
SHORT-TERM RENTALS (STRs)

Sections:

110.319.00 Purpose
110.319.05 Applicability
110.319.10 Requirements for Application
110.319.15 Standards
110.319.20 Safety Standards
110.319.25 Permit Fees
110.319.30 Enforcement
110.319.35 Inspections
110.319.40 Permit Revocation
110.319.45 Duties of Hosting Platforms

Section 110.319.00 Purpose. The purpose of Article 319, *Short-Term Rentals*, is to allow for the inclusion of short-term rentals (STRs) in legally permitted homes within unincorporated areas of Washoe County. The purpose is also to establish standards and a permitting process governing the operation of STRs in order to reduce their potential impacts on neighboring properties. At higher thresholds, such as with Tier 2 and Tier 3 STRs as defined in Section 110.304.15(d), STRs may require additional mitigation. At the highest thresholds, such as with Tier 3 STRs, their anticipated impacts cause them to only be appropriate in areas where hotels and motels are allowed. Enforcement and revocation policies are intended to ensure that mechanisms are in place to allow for streamlined revocation of an STR permit when standards are repeatedly violated, and/or to levy stringent fines when an STR operates without the appropriate permits.

Section 110.319.05 Applicability. The provisions of this article shall apply to uses classified as short-term rentals in Article 304, *Use Classification System*. Standards within this article are applicable to properties advertising for an STR, permitted for an STR, and/or proven to be engaging in STR activity, regardless of whether occupants at any given time have entered into an STR lease. If a property ceases to operate as an STR, removes any advertisement of the STR, and relinquishes the STR permit, then the property shall revert to the applicable residential use type.

(a) Within the Boundaries of the Tahoe Area Plan. This sub-section becomes applicable upon adoption of an updated Tahoe Area Plan that replaces existing regulatory zones with alternative designations. Prior to adoption of alternative regulatory zones for the Tahoe planning area, the provisions of subsection (b) below will apply.

(1) Tier 1. Tier 1 STRs are considered an allowed use, subject to the issuance of an STR Permit, in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(2) Tier 2. Tier 2 STRs are permitted subject to the issuance of an STR Permit with Administrative Review Permit in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

(3) <u>Tier 3.</u> Tier 3 STRs are permitted subject to the issuance of an STR Permit with Administrative Permit in all regulatory zones where Hotels, Motels and Other Transient Dwelling Units use types are permitted (allowed by right or otherwise.)

(b) <u>Outside the Boundaries of the Tahoe Area Plan.</u> STRs are allowed or permitted in those regulatory zones as set forth in Article 302, *Allowed Uses*, with all STRs requiring an STR permit, and Tier 2 and Tier 3 STRs also requiring an additional discretionary permit as identified within Article 302. The provisions for STRs in Article 302 should not be construed to supersede the zoning or permitting requirements or restrictions by Washoe County or other agencies for the construction of a dwelling in any regulatory zone.

<u>Section 110.319.10 Requirements for Application.</u> All applications for STR permits shall include the following elements:

(a) Application and supplemental materials as required by the Washoe County Planning and Building Division;

(b) Accurately scaled and dimensioned site plan showing, at a minimum: location of property lines; dwelling unit(s) and all other structures on the property; dedicated locations and surface material of required parking spaces; all recorded easements; and, snow storage areas (for properties located within the boundaries of the Tahoe Area Plan);

(c) Accurately scaled floor plan showing entirety of dwelling, including areas proposed to be available for STR use. Each room must be labeled, with dimensions and square footage also provided for areas/rooms proposed to be used for sleeping purposes. The floor plan must also show locations of fire extinguishers, smoke alarms, carbon monoxide (CO) alarms, hot tubs (if applicable), decks (if applicable), and ingress/egress (doors, stairs and windows) from the dwelling and each room;

(d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit;

(e) Educational materials required by Section 110.319.15(a)(14), and the name, phone number (text-capable) and email address of the local responsible party designated to respond to issues/complaints on the property as required by Section 110.319.15(a)(3);

(f) Proof of property tax payment for current quarter of current fiscal year;

(g) Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA); and

(h) A notarized certification from the property owner(s) that acknowledges or attests to the following:

(1) An STR permit is deemed a privileged permit subject to revocation without action by the Board of County Commissioners (BCC) for non-payment of fees or noncompliance with required standards, including the revocation standards within Section 110.319.40.

(2) An STR permit must be renewed and issued annually in order to advertise or operate. Property owners should be aware that standards are subject to change over time and there is no guarantee that an STR permit will be re-issued.

(3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.

(4) Inspections must be passed prior to issuance of the STR permit and annual renewals, and the cost of these inspections and any necessary associated improvements will be borne by the property owner. It is the responsibility of the property owner to provide sufficient evidence that the applicable standards have been met.

(5) The property owner understands and consents to reasonable unscheduled inspections in the event first responders, fire inspectors or Planning & Building inspectors/officers have reason to believe that the maximum occupancy has been exceeded or a life safety issue is present. This consent must also be included within all lease agreements for the STR.

(6) The property owner has reviewed this article and other codes referenced within this article, understands the requirements and agrees to abide by them.

(7) The property owner is responsible for each occupant's compliance with the Washoe County Code while they are on the property, including but not limited to the standards within this article.

(8) There are no delinquent transient lodging tax liabilities or liens against the property.

(9) No alterations will be made to the STR premises without the proper approvals and permits, nor alterations that violate Washoe County adopted codes and ordinances.

(i) Additional submittal information may be required in order to ensure complete review of the STR permit application.

<u>Section 110.319.15 Standards.</u> All STRs shall comply with the standards within this article. No application for a variance, minor deviation, director's modification or other mechanism shall be approved to waive or modify these standards to make them less restrictive, unless explicitly allowed for within this article.

(a) <u>General standards.</u> The following general standards are applicable:

(1) A valid STR permit shall be obtained from Washoe County prior to advertising and operation.

(2) STR permits must be renewed and issued annually in order to advertise or operate. Previous issuance of an STR permit does not guarantee that a subsequent permit will be issued.

(3) Every STR is required to have a designated agent or property manager functioning as a local responsible party who is available 24 hours a day, seven days a week to respond to complaints/issues related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives. The STR property owner shall provide a single phone number (text-capable) and email address with which the local responsible party can be reached 24/7.

(4) No events, parties, or weddings (regardless of payment or familial association), are allowed or may be advertised. A party is defined as any gathering in excess of the approved on-site maximum occupancy associated with the STR permit.

(5) Applications for an STR permit may be initiated by the property owner or authorized agent of the property owner. However, the permittee must be the property owner(s) of the STR property.

(6) Only one STR will be permitted per parcel. The STR must be a legally permitted, permanent, habitable dwelling unit (for example, no RVs, boats, detached garages, etc. to be used as an STR).

(7) An STR permit will only be issued for dwelling units that have already received a certificate of occupancy. STR permits do not supersede, waive or reduce any other code standards or requirements for building permits, planning permits/ applications or other requirements necessary to construct a dwelling unit.

(8) An STR shall only be rented to one group or person at a time (ex. renting out multiple individual rooms to multiple separate groups is not permitted).

(9) Advertising for an STR is prohibited unless a valid STR permit has been issued and is in effect at the time of advertisement.

(10) All advertisements must include the Washoe County permit number, transient lodging tax license number, maximum occupancy as allowed by the permit, number of bedrooms, number of beds (not to exceed maximum occupancy), number of parking spaces, and a note that no off-site street-parking is permitted. This information must be displayed at the top of the STR advertisement.

(11) At all times while an STR is rented, one 8.5" x 11" placard must be displayed on the front exterior of the residence and clearly visible from the main pathway leading to the primary entrance. The placard shall be legible (with a minimum 12 point font size) and include the following information: Washoe County STR permit number; maximum occupancy allowed by the permit; County's STR complaint hotline phone number; and, phone number of designated local responsible party.

(12) No signage advertising the STR is permitted on the property.

(13) Certificate of insurance is required identifying that the property is used as a short-term rental and provides a minimum of $500,000 liability coverage per occurrence.

(14) Educational material must be made available to all renters in the unit's kitchen or other common area and must contain the following: occupancy limits associated with the permit; exit locations; emergency phone numbers (ex. 911); phone number for the STR's local responsible party; fire/life safety information (ex. proper cigarette and ash disposal, community fire danger, proper BBQ operation, hot tub safety [if applicable], etc.); bear awareness brochure (for properties located in bear-prone areas); and Washoe County noise (quiet hours), trash and parking standards. Within the boundaries of the Tahoe Area Plan, the following must also be provided: a copy of the North Lake Tahoe Fire Protection District Vacation Rental Safety Information Sheet and Emergency Preparedness Guide; community evacuation routes; and avalanche warning methods (for properties located in designated avalanche danger zones).

(15) All STRs must comply with all other federal, state, and other applicable laws/statutes.

(16) Per WCC Chapter 25, applicable room tax must be paid to the Reno-Sparks Convention and Visitors Authority, disclosed to the renter and included in any rental agreement.

(b) <u>Parking Standards.</u> The following parking standards shall be adhered to:

(1) No STR parking is allowed within access easements or the public rights-of-way.

(2) All parking spaces must be: improved to Washoe County residential standards (or Tahoe Regional Planning Agency [TRPA] standards, if applicable); developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

(3) One parking space is required for every four occupants.

(4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.

i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.

(c) <u>Noise Standards.</u> The following noise standards shall be adhered to:

(1) Short-term rental quiet hours are in effect daily from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the quiet hours will result in fines/penalties being levied against the property owner, who may choose to pass on such fines to the renters.

(2) Owners of properties that have received two confirmed STR noise violations within a 12-month timeframe shall provide the Planning and Building Division with a comprehensive noise management plan, including the installation of commercially available decibel-monitoring devices with reporting capability. Records from the decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.

(d) <u>Trash Standards.</u> The following waste removal standards shall be adhered to:

(1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.

(2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal.

(3) Waste carts shall only be placed street-side during the timeframes stipulated by the local authority or waste service provider.

(e) <u>Occupancy Limits.</u> An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

(1) Bedrooms intended for one occupant shall be a minimum of 70 sq. ft. in size in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).

(2) Bedrooms intended for two occupants shall be a minimum of 100 sq. ft. in size, with an additional 50 sq. ft. required for each additional occupant in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).

(3) Other areas proposed for sleeping purposes, such as living rooms, require a minimum of 200 sq. ft. for each occupant in accordance with the 2018 International Building Code (IBC) Table 1004.5 for residential occupancy (or the currently adopted edition).

(4) No distinction is made based on the age of the occupant.

(5) In order to qualify as a sleeping area, the area shall also have safety features as determined by the Planning and Building Division Director or her/his designee(s), including, but not limited to, the requirements listed in Section 110.319.20.

(6) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.

(7) Daytime occupancy and nighttime occupancy limits are the same.

<u>Section 110.319.20 Safety Standards.</u> The safety standards within this section are applicable to all short-term rentals and must be in place in order to operate. Inspections will be required by the Washoe County Building Program and/or applicable fire protection district in order to verify compliance.

(a) <u>Sleeping Areas.</u> Only qualified bedrooms and other areas meeting specific standards will be considered for sleeping purposes. Areas such as garages, storage areas, kitchens, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes. Additionally, areas such as basements, under-floors, attics, lofts, garage conversions, or additions that were created without permits shall also not be utilized for sleeping purposes, unless a permit is submitted, approved and final inspections are completed. In addition to the square footage requirements listed in Section 110.319.15(e), the following standards are required of all sleeping areas proposed for short-term rental use and that contribute to the maximum occupancy of the STR:

(1) Bedrooms. Each bedroom shall be evaluated using Section 404.4.1 of the 2018 International Property Maintenance Code (IPMC) or the latest edition. To qualify for STR use, bedrooms must be listed on the Washoe County Assessor's web site and contain all the following items:

(i) A minimum ceiling height of seven feet as determined by Section 305 of the 2018 International Residential Code (IRC) or the currently adopted edition.

(ii) An emergency escape and rescue opening complying with Section 310.1 of the 2018 IRC or the currently adopted edition, or the applicable code in effect at the time of permit of the original structure.

(iii) When egress windows or openings are located more than 16-feet above exterior finished grade as measured to the finished sill of the window, or if the lot has extenuating features as determined by the code officials, a safe landing area shall be provided and an emergency ladder shall be permanently fastened to the inside of the wall per the manufacturer's recommendations. The ladder shall extend a maximum of 12 inches above grade.

(iv) Safety glass is required for windows located in a hazardous location in compliance with Section 308.4 of the 2018 IRC or the currently adopted edition.

(v) A smoke alarm(s) and carbon monoxide alarm(s) installed in accordance with Sections 314 and 315 of the 2018 IRC, or National Fire Protection Association (NFPA) 72, or the currently adopted editions.

(vi) All required smoke alarms and carbon monoxide alarms shall be interconnected in accordance with Sections 314.4 and 315.5 of the 2018 IRC or the currently adopted edition.

(2) Other Habitable Rooms Intended for Sleeping Purposes. Other rooms intended to be utilized for sleeping purposes will be evaluated utilizing Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Rooms shall contain all the same safety features as required for bedrooms in sub-section (1).

(b) Fire Alarms and Suppression Systems. Structures with two stories and a basement, or with three or more stories, or with areas greater than 5,000 square feet (total area under roof), shall include a fire suppression system. Required fire suppression systems shall be serviced and tagged annually by a Nevada licensed fire protection contractor. Structures 10,000 square feet and greater shall be equipped with an NFPA 13-compliant fire suppression system and a monitored NFPA 72-compliant fire alarm system. Structures containing both fire alarm and suppression systems must have those systems serviced and tagged annually by a licensed State of Nevada fire protection contractor.

(c) Additional Safety Standards. The following additional safety standards are applicable to all STRs:

(1) The property address shall be posted on-site in a location clearly visible from the roadway, and address numbers shall be at least six inches in height.

(2) The structure shall be maintained in a safe, hazard-free condition. This includes all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approval, unless otherwise specified in this Article.

(3) Structures with a calculated occupant load greater than 10 occupants shall be equipped with a monitored fire alarm system designed and installed in accordance with NFPA 72 and approved by the local fire protection district.

(4) Every dwelling shall be equipped with fire extinguishers sized and located per the requirements of the currently adopted fire code and current edition of NFPA 10.

(5) Smoke alarms and carbon monoxide alarms shall be installed in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(6) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with the 2018 IRC, or the applicable code in effect at the time of the original permit of the structure.

(7) Hot tubs, saunas, whirlpool tubs, and similar devices shall be installed in accordance with the current electrical code and shall have a disconnect installed in accordance with the 2017 National Electrical Code (NEC) or the currently adopted edition.

(8) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.

(9) Solid fuel burning appliances installed in bedrooms or other sleeping areas shall be equipped with oxygen depletion sensors installed in accordance with the 2018 Uniform Mechanical Code (UMC) or the currently adopted edition. All such rooms shall contain smoke and carbon monoxide alarms in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.

(10) All required exits and egress windows shall remain unobstructed and an emergency exit plan shall be permanently displayed in a clearly visible and central location.

(11) Portable heaters shall not be used as a primary source of heat for any space.

(12) A Knox box is required when a fire alarm system or fire sprinkler system is installed.

(13) Defensible space shall be maintained in accordance with the standards required by the applicable fire protection district.

(14) Any exterior recreational fire or fire pit fueled by natural gas or propane shall not operate unless permitted by the local fire district.

(15) Outdoor wood-burning solid-fuel fireplaces or solid-fuel burning fire pits are prohibited within the boundaries of the Tahoe Area Plan. Within the rest of unincorporated Washoe County, these require a permit from the Truckee Meadows Fire Protection District.

(16) Emergency lighting shall be installed to sufficiently illuminate the exit pathways/ hallways from sleeping rooms to the exterior of the building. A permanently

installed system and/or a plug-in system of lights that turn on in the event of a power outage are both acceptable.

(17) The STR shall remain accessible to emergency service vehicles and personnel per the applicable fire district and emergency responder's requirements.

Section 110.319.25 Permit Fees. Fees associated with STR permits shall be paid in the amounts identified in the master fee schedule and permit application. Non-payment of fees is cause for cancellation of an in-process STR application or revocation or non-renewal of an existing STR permit.

Section 110.319.30 Enforcement. The STR standards within this Article shall be enforced through the following procedures and requirements. A combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)* shall be utilized, as applicable. The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare.

(a) Permit Required. Any property owner engaging in or intending to engage in the operation of an STR, as defined in WCC 110.304.15 (d), shall obtain an STR permit issued by the Planning and Building Division. Said permit shall be renewed annually.

(1) Permit Considered "Privileged." The Board of County Commissioners hereby declares the operation of an STR within residential areas as a "privileged" activity subject to additional operational standards above and beyond those of other residential uses and subject to specific enforcement and revocation procedures.

(2) Inspections. An STR that fails any required inspection shall be issued a stop activity order per the procedures of WCC Chapters 100 and 125. An STR that fails the required annual inspection shall not be reissued a permit until all required inspections are passed.

(b) Operating an STR without the Required Permit. It is unlawful and hereby declared a public nuisance, as defined in WCC 50.308.1, to operate an STR without the required permit. Any property owner found to be operating an STR without the required permit shall be guilty of a misdemeanor, issued a stop activity order, and fined per the procedures outlined in WCC Chapter 125.

(c) Noncompliance with Standards. Any violation of required STR standards shall be enforced through a combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 *(Nuisance Code)*, 110.910 *(Enforcement)*, and 125 *(Administrative Enforcement)*, as applicable. The Planning and Building Division Director, or her/his designee, shall determine compliance with these standards.

Section 110.319.35 Inspections. Prior to issuance of an STR permit, the property must pass inspections for life-safety of the structure and defensible space, with the cost of those inspections and any associated necessary improvements borne by the property owner. These inspections will be conducted by the Planning and Building Division and the applicable fire agency and are required annually. Once an STR permit has been issued, reasonable unscheduled inspections may occur if first responders, fire inspectors or Planning and Building inspectors/ officers have reason to believe occupancy has been exceeded or a life safety issue is present.

Section 110.319.40 Permit Revocation. Revocation of an STR permit shall be subject to the requirements of this section. In the event an STR permit is revoked through any of the below procedures, a new STR permit shall not be issued for the same property for a period of one (1) year immediately following the date of revocation.

(a) Initiation of Action. An enforcement official or the Board of County Commissioners may initiate an action to revoke an STR permit, unless the permit is revoked automatically pursuant to the provisions of this section.

(b) Grounds for Revocation. An STR permit may be revoked by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:

(1) That the STR permit was issued based on fraudulent or erroneous information, or was issued in contravention to the requirements of this Article; or,

(2) That one (1) or more of the characteristics or conditions upon which the STR permit was issued have changed or been violated; or,

(3) Unauthorized/unpermitted alteration of required life safety elements.

(c) Grounds for Automatic Revocation. An STR permit may be automatically revoked without action by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds. A revocation initiated under this section may be appealed to the Board of County Commissioners, which shall make the final administrative decision on the matter.

(1) If, after all administrative remedies have been exhausted, a property owner has been found guilty of violating the standards of this Article through three (3) separate instances/investigations during a one (1) year timeframe. The issuance date of the respective penalty notices shall be used as the basis for determining if three (3) separate, but consecutive, violations have occurred during a one (1) year time frame. If multiple violations are discovered during a single investigation, said violations shall count as one (1) instance for the purposes of this section; or,

(2) Upon application for any improvement(s) to an existing STR that would change the approved occupancy, or upon discovery that unpermitted work has occurred that altered a standard upon which the permit was issued. In such instances a new or modified permit will be required, at the discretion of the Director of the Planning and Building Division; or,

(3) If a felony or violent crime has occurred at the property and is substantially connected with the use of the property as an STR; or,

(4) If an emergency event occurred that endangered life safety or resulted in injuries or loss of life due to alteration of or noncompliance with required standards.

(d) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of an STR permit initiated under Section 110.319.40(b), or upon the appeal of an STR permit automatically revoked pursuant to Section 110.319.40(c). The hearing shall be conducted pursuant to the provisions of Article 910 and in accordance with the Rules of the Board of County Commissioners. After the public hearing, and upon considering the evidence provided, the Board of County Commissioners may take action to revoke the STR permit.

Section 110.319.45 Duties of Hosting Platforms. By adoption of this Article, Washoe County invokes all powers provided to it by NRS 244.1545 in its entirety. This includes, but is not limited to, a requirement for the provision of quarterly reports by STR hosting platforms to Washoe County, and authority for Washoe County to issue and enforce subpoenas as identified within the statute.

DRAFT: December 12, 2019

SECTION 8. Section 110.306.25, *Detached Accessory Dwellings*, sub-section (i), *Administrative Review Process*, is amended as follows:

(i) Administrative Review Process. Proposals to establish a detached accessory dwelling unit in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones shall be reviewed pursuant to ~~the following process and requirements:~~ **Article 809, Administrative Review Permits**

(1) ~~Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.~~

~~(2) Affected Property Owners. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or architectural control committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.~~

~~(3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.~~

~~(i) Notice. Notice will be mailed to affected property owners within three (3) working days of receipt of a complete application. An application must be deemed complete or incomplete within three (3) working days of receipt of the application.~~

~~(ii) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the department within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.~~

~~(iii) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the department within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.~~

~~(iv) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all~~

~~individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).~~

~~(v) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.~~

~~(4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.~~

~~(5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.~~

~~(6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.~~

~~(7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:~~

~~(i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.~~

~~(ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in subsection (2) above).~~

~~(iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.~~

~~(iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.~~

~~(v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.~~

~~(vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its~~

~~interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.~~

~~(8) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.~~

~~(9) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.~~

~~(10) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:~~

~~(i) That the administrative approval was fraudulently obtained or extended;~~

~~(ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or~~

~~(iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.~~

DRAFT

SECTION 9. WCC Chapter 110, Article 809, *Administrative Review Permits*, is hereby established as a new article as follows:

Article 809
ADMINISTRATIVE REVIEW PERMITS

Sections:

110.809.00 Purpose
110.809.05 Requirements for Application
110.809.10 Supplemental Guidelines, Standards and Criteria
110.809.15 Review Procedures
110.809.20 Appeals
110.809.25 Modifications of an Administrative Review Permit
110.809.30 Revocation

Section 110.809.00 Purpose. The purpose of Article 809, Administrative Review Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the use(s) have the potential to adversely impact other land uses, transportation or services and facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Planning and Building Division Director may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

Section 110.809.05 Requirements for Application. Applications for administrative review permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Planning and Building Division. A request for an administrative review permit shall include the appropriate application, supplemental materials and site plan which clearly delineates the location and characteristics of the proposed use. No administrative review permit shall be processed until the information necessary to review and decide upon the proposed administrative review permit is deemed complete by the Planning and Building Division.

Section 110.809.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Planning and Building Division may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.809.15 Review Procedures. The Director, or her/his designee, shall review an administrative review application request for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant, as well as characteristics of the property. The Director, or her/his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed per the procedures set forth in this article.

(a) Affected Property Owners. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or County-registered architectural control/construction committees within common-interest

communities registered with the State of Nevada; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.

(b) Processing. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or her/his designee, in rendering a decision.

(1) Notice. An application must be deemed complete or incomplete within three (3) working days of receipt of the application. Notice will be mailed to affected property owners within three (3) working days of the determination that the application is complete.

(2) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the division within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.

(3) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the division within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.

(4) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the division receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).

(5) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the Administrative Review Permit decision is appealed in accordance with the procedures set forth in this article.

(c) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period. For Administrative Review Permits associated with a short-term rental permit, the applicant must also successfully obtain a short-term rental permit prior to advertising or operation.

(d) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.

(e) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established

when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

Section 110.809.20 Appeals. An Administrative Review Permit decision of the Director, or her/his designee, made pursuant to this article may be appealed in accordance with the following provisions:

(a) An appeal of the Administrative Review Permit decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

(b) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in this article).

(c) An Appeal of Decision application shall be filed with the Planning and Building Division, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.

(d) Appeals of Administrative Review Permit decisions for short-term rentals shall be heard by the Board of County Commissioners. The Planning and Building Division shall schedule a public hearing within sixty (60) calendar days of the filing date of the appeal. The public hearing on the appeal shall be noticed pursuant to Section 110.912.20. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other necessary pertinent information. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted.

(e) All other appeals of Administrative Review Permit decisions shall be heard by the Board of Adjustment. The Planning and Building Division shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment. The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other pertinent information. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.

Section 110.809.25 Modification of an Administrative Review Permit. Modification of the terms and/or conditions of an Administrative Review Permit approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

Section 110.809.30 Revocation. The Board of Adjustment (or Board of County Commissioners, for Administrative Review Permits associated with a short-term rental) may initiate an action to revoke an administrative review approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide

notice as set forth in Section 110.808.40. For items heard by the Board of County Commissioners, that Board shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide notice as set forth in Section 110.912.20. After the public hearing, and upon considering the evidence submitted, the applicable board may take action to revoke the Administrative Review Permit approval based upon a finding of any one (1) or more of the following grounds:

(a) That the Administrative Review Permit approval was fraudulently obtained or extended;

(b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or

(c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance, or in the case of an Administrative Review Permit associated with a short-term rental, that unauthorized/unpermitted alteration of required life safety elements has occurred.

SECTION 10. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT: December 12, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

_____
[__], Chair
County Commission

ATTEST:

_____
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year _____.

DRAFT

WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: December 10, 2019

DATE: November 15, 2019

TO: Board of County Commissioners

FROM: Kelly Mullin, AICP, Senior Planner, Planning and Building Division, Community Services Department, 328-3608, kmullin@washoecounty.us

THROUGH: Dave Solaro, Arch., P.E., Assistant County Manager 328-3600, dsolaro@washoecounty.us

SUBJECT: Recommendation to take possible action to initiate amendments to Chapter 25 (Business Licenses, Permits and Regulations), Chapter 50 (Public Peace, Safety and Morals), Chapter 110 (Development Code), and Chapter 125 (Administrative Enforcement Code) to create the necessary code language to facilitate the Board's policy direction regarding short-term rentals as provided during their regular meeting of November 12, 2019. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. The amendments may include, but are not limited to, the establishment of definitions, standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language. (All Commission Districts.)

SUMMARY

On November 12, 2019, the Washoe County Board of Commissioners (Board), provided policy direction regarding staff recommendations for short-term rentals (STRs) in unincorporated Washoe County. Although direction was provided, official action was not taken to initiate the necessary code amendments. The current request is a housekeeping item to ensure the required code amendment processes continue.

Pursuant to WCC Sections 2.030 and 110.818.05, the Board is asked to initiate amendments to Chapters 25, 50, 110 and 125 to create the necessary code language to facilitate the Board's policy direction. The amendments may include, but are not limited to, the items listed in the subject of this staff report.

AGENDA ITEM # _____

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On November 12, 2019, the Board heard an update on staff's recommendations regarding short-term rentals and provided policy direction.

On February 26, 2019, the Board determined that by adopting changes to WCC Chapter 25 in 2007 to allow transient lodging and associated room tax, the use is allowed within Washoe County (although it is not yet defined within Chapter 110). Further, the Board identified it did not want to ban short-term rentals in unincorporated Washoe County. In order to resolve potential conflict between the two WCC chapters, the Board directed staff to start the process of establishing regulations for STRs to properly administer their use.

On July 10, 2007, the Board adopted changes to WCC Chapter 25 relating to transient lodging.

BACKGROUND

On November 12, 2019, the Board provided policy direction regarding staff recommendations for STRs in unincorporated Washoe County. The original staff report for that item is available online at https://bit.ly/2Kp5PoT. Although direction was provided, official action was not taken to initiate the necessary code amendments. The current request is a housekeeping item to ensure the required code amendment processes continue.

FISCAL IMPACT

Specific fiscal impact associated with direction from the Board will be defined in future staff reports for Board action. Direction at this time will result in the use of additional staff time to create proper ordinances. This item is a priority item of Commissioner Berkbigler, is linked to the Economic Impact strategic goal, and has been factored into the current work plan.

RECOMMENDATION

It is recommended the Board initiate amendments to Chapters 25, 50, 110 and 125 to create the necessary code language to facilitate the Board's policy direction of November 12, 2019. This includes, but is not limited to, the categories listed in the possible motion below.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

"Move to initiate amendments to Chapter 25 (Business Licenses, Permits and Regulations), Chapter 50 (Public Peace, Safety and Morals), Chapter 110 (Development Code), and Chapter 125 (Administrative Enforcement Code) to create the necessary code language to facilitate the Board's policy direction of November 12, 2019. This may include, but is not limited to, the establishment of definitions, standards, location limitations, defining unpermitted STRs as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language."

Attachment A: Letter from Interim County Manager requesting code amendments

WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328.3600
FAX (775) 328.6133

November 15, 2019

Nancy Parent
Washoe County Clerk
1001 East Ninth Street
Reno, NV 89512

RE: Request to initiate proceedings to amend the Washoe County Code

Dear Ms. Parent,

In accordance with Washoe County Code (WCC) Section 2.030, please submit this correspondence to the Board of County Commissioners. I request that proceedings be initiated to amend WCC Chapters 110 (Development Code), 25 (Business Licenses, Permits and Regulations), 50 (Public Peace, Safety and Morals) and 125 (Administrative Enforcement Code) to create the necessary code language facilitating the Board's direction of Nov. 12, 2019 related to short-term rentals in unincorporated Washoe County.

Amendments to these chapters may include, but are not limited to, the establishment of definitions, standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language.

Included is a staff report seeking the Board's approval to formally initiate the amendment and provide you with direction to submit the request to the District Attorney to prepare a code amendment.

Respectfully,

David M. Solaro
Interim County Manager and
Director, Community Services Department

EXCERPT OF MEETING MINUTES

BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA

TUESDAY 10:00 A.M. NOVEMBER 12, 2019

PRESENT:

Vaughn Hartung, Chair
Bob Lucey, Vice Chair
Marsha Berkbigler, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
Dave Solaro, Interim County Manager
Paul Lipparelli, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

...

1:30 p.m. **The Board reconvened.**

19-0885 **AGENDA ITEM 28** Discussion and possible action on staff recommendations for the regulation of short-term rentals within unincorporated Washoe County, including either confirming the policy recommendations or providing additional policy direction prior to staff bringing back specific ordinance language. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. And, pursuant to Washoe County Code (WCC) Sections 2.030 and 110.818.05, possible action to initiate amendments to Chapter 110 (Development Code), Chapter 25 (Business Licenses, Permits and Regulations) and Chapter 125 (Administrative Enforcement Code) to create the necessary code language to facilitate the Board's policy direction. This includes, but is not limited to, the establishment of definitions, standards, location limitations, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language. Community Services. (All Commission Districts.)

County Clerk Nancy Parent noted the Community Services Department (CSD) had provided a printout of their PowerPoint presentation during the recess. A copy had been distributed to each Board member, along with copies of correspondence submitted to the CSD by members of the community after publication of the staff report for Agenda Item 28. Ms. Parent said copies of these items were available if anyone wished to view them.

CSD Senior Planner Kelly Mullin conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: Policy Discussion: Short-Term Rentals; Today's Discussion; What is a Short-Term Rental; Board Direction in Feb. 2019; Project Baseline (2 slides); Mission Statement; Public Engagement: Process; Public Engagement: Results; Benefits of STRs; Impacts/Concerns; Staff Recommendations (8 slides); Next Steps; Requests to the Board; and Questions.

Ms. Mullin clarified the Board of County Commissioners (BCC) was not being asked to adopt staff recommendations at this time, but rather to review the CSD's progress and provide feedback. She noted the "Staff Recommendations" slides contained questions for the BCC to consider or provide direction on. She spoke about the history of short-term rentals (STRs) in Washoe County, and the diverse perspectives and feedback staff had heard from the community. She said staff had begun the project with the

understanding that there were many differing perspectives regarding STRs in the community, consensus would be unlikely, and compromise would be needed. She also noted any standards put in place would likely evolve over time and might need fine-tuning later. She discussed the extensive public outreach process staff had undertaken to gain feedback from the community, and spoke about the wide range of benefits and concerns residents had identified.

Ms. Mullin noted the initial staff report had recommended each applicant be required to attest that their STR would not violate any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property. However, the District Attorney's office had voiced concerns about potential liability for the County if the issuance of STR permits was based on what was essentially a civil agreement between neighbors. The District Attorney's office had recommended staff clarify that the issuance of an STR permit would not supersede any applicable laws, regulations, or CC&Rs. Ms. Mullin said staff agreed with these legal recommendations but also sought direction on the Board's policy preference for this issue.

Ms. Mullin noted STR noise issues were a frequent cause of complaints as well as one of the more difficult problems to address. Staff recommended quiet hours from 10:00 p.m. to 7:00 a.m. daily and suggested the BCC consider requiring decibel-monitoring devices for problem STRs or those with higher occupancy limits. Ms. Mullin also noted a hotline could be established for noise complaints if the Board desired.

Vice Chair Lucey asked Ms. Mullin for clarification on how staff would implement the recommendation to prohibit advertisements for STRs without permits. Ms. Mullin stated there would be a grace period before the requirement was implemented, and staff would use that time to do outreach and make sure owners were aware of the new standards. She said a company called Host Compliance, LLC, could be utilized to help identify STRs advertising without permits, and those owners could then be contacted. Ms. Mullin suggested continued violators could be referred to Code Enforcement.

Vice Chair Lucey inquired about the cost of decibel-monitoring systems. Ms. Mullin responded the cost could vary depending on how many devices were needed. She said a service called NoiseAware was utilized in the City of Henderson, and she estimated the annual cost to STRs was less than $500 plus an annual subscription fee. Vice Chair Lucey asked if all STRs would be required to implement decibel-monitoring technology. Ms. Mullin replied that staff suggested applying the technology to problem STRs at first, or tier 2 and 3 properties with higher occupancy limits.

Vice Chair Lucey asked how the terms 'occupancy' and 'occupant' were defined. He wanted to know if long-term tenants or owners were considered occupants. He also noted that some properties, such as those used for weddings, might have many individuals coming in for a short time or for day use only. Ms. Mullin clarified that no differentiation had been made between daytime and nighttime occupancy as staff felt the impact would be the same to the surrounding property owners.

Commissioner Jung noted some members of the community had expressed a desire for separate standards to be applied in different areas of the County, such as in Incline Village and Crystal Bay. She wondered if this was legally possible, recalling an instance where the BCC had been unable to address clutter problems with certain nuisance properties or particular areas within the County because of spot zoning issues.

Ms. Mullin acknowledged there was a section in the Development Code that went along with each of the area plans and was applicable to each distinct area within Washoe County, which allowed for some deviation from standards within the code. She said it allowed for more flexibility, whether more restrictive or less, but it would be applicable within that area most of the time. Commissioner Jung asked if this was spot zoning; Ms. Mullin responded she would not call it spot zoning, but said it was certainly something that could allow for additional flexibility. She said many residents had expressed a desire to have separate STR standards implemented at the lake, but because more than 90 percent of Washoe County's STRs were concentrated in that specific area, staff expected any regulations to be applicable and make sense for residences at the lake as well as across the rest of the County.

Commissioner Jung suspected STRs might be the new normal for homeowners due to the growing housing crisis and wages which were not keeping up with the rising cost of living. She urged the Board to be cautious and wondered why STR issues were not being addressed by property managers instead of local governments. She thought it was a good idea for the BCC to reevaluate STR guidelines in 12 to 18 months to see what had worked and what needed to be changed. She also noted there had been a coordinated effort to reduce the number of vehicles in South Shore, Lake Tahoe, out of concern for the lake's fragile environment, and she opined those who visited without bringing cars should be rewarded or incentivized. She wanted to know why property managers were not more involved in cases where younger people visited Lake Tahoe to party without a good sense of the rules.

Commissioner Berkbigler said she would hold most of her questions and comments until after public comment, but she wanted to address the issue of parking. She believed vehicles parking on impervious surfaces disturbed soils and particulates, and caused runoff which contributed to lake pollution. She said parking and vehicle traffic at the lake had been an ongoing concern for decades, but she hoped progress might be made on some of the issues soon. She noted County management was working with different agencies and stakeholders including the Tahoe Transportation District (TTD), the Nevada Department of Transportation, and the Regional Transportation Commission, to coordinate locations for buses, shuttles, trolleys, and carpool parking to reduce traffic. She also mentioned 'No Overnight Parking' signs would be put up in several places and the Sheriff's Office was considering reduced speed limits in certain areas; Interim County Manager Dave Solaro could provide more detail if needed. Commissioner Berkbigler felt that implementing STR regulations and guidelines would allow the County to resolve some of the problems for residents in Incline Village.

Chair Hartung questioned whether alternative housing opportunities for seasonal employees were really a function of STRs. He opined this was more an issue of housing and asked about the definition of a short-term rental. Ms. Mullin explained staff had included that as a benefit because STRs might be more accessible to seasonal employees than some units requiring longer lease terms. She also noted STR rules would not apply if a tenant rented a property for a longer term. Chair Hartung wondered whether renting out a bungalow located on his property would fall within the STR category; Ms. Mullin responded any bungalow or even just a room in a home that was offered for short-term rental use was considered an STR.

Chair Hartung reminded the audience the Board's intent was to revisit the STR guidelines again in a year or so. He noted permits were required to park in residential neighborhoods in the vicinity of the University of Nevada, Reno, and asked if staff had considered implementing a similar requirement for STRs. Ms. Mullin replied staff had considered this and other options to reduce or prevent street parking for STRs, but she said additions to the County Code would be necessary to allow enforcement of these new regulations. She noted the discussion regarding potential STR parking issues had led to additional suggestions, such requiring that a certain number of parking spaces tied to the allowed number of occupants be developed within each property's boundaries, and requiring all STR advertisements to list the number of available parking spaces. Staff hoped these requirements might help reduce the impact of STRs in areas such as Incline Village.

Chair Hartung wanted to know who would be responsible for enforcing STR parking rules and noise restrictions, referencing the potential impact on local police and sheriff personnel. Ms. Mullin said the hope was that introducing a 24/7 hotline through Host Compliance, LLC, paired with requiring a local responder for each STR, would reduce impacts on the Sheriff's Office and the non-emergency line. She said Code Enforcement staff would also be involved and she believed at least one position would need to be added for this purpose. Finally, she said there would always be some residents who chose not to use the hotline and would just call the Sheriff's Office, who would respond just as they would to any other complaint of a similar nature.

Ms. Mullin explained some property managers and STR owner/operators wanted to know why the proposed regulations should apply only to STRs. Staff had responded that, while STRs were still a type of residential use, they were also a specific use type with neighborhood and community impacts beyond those of most residential properties. Additional rules and regulations could help ensure STRs remained compatible with their surrounding neighborhoods.

Chair Hartung expressed opposition to the requirement that STR permit applicants attest to compliance with CC&Rs. He spoke about property managers dealing with tenants who violated special use permit (SUP) regulations, and noted he had heard Airbnb.com might have a new hotline. He also asked how staff had decided to recommend one parking space be provided for every three STR occupants. Ms. Mullin said the number of people in a vehicle coming to STRs could vary widely, but the Incline Village General Improvement District had recently done a study which found an average of 2.5 people per

vehicle visited the area in the winter season and an average of 4 people per vehicle visited in the summer. She said staff had decided to go with a figure in the middle of those estimates.

Chair Hartung wanted to know how occupancy limits would be enforced, and Ms. Mullin replied this was another area where additions to the County Code would be needed, such as requiring every advertisement to clearly state the maximum occupancy for each unit and requiring operators to post exterior signage with these limits on each STR for the benefit of first responders.

On the call for public comment, Mr. Wayne Ford summarized a letter he had submitted to the CSD, opining STRs would lead to building and planning code conflicts and result in some eventual bans. He noted hotels and motels were required to provide parking spaces based on the number of bedrooms they offered, plus a certain number of spaces for employees. He said he did not agree with the proposed tiers and noted other vehicles such as jet skis and boats needed to be considered. He spoke about the use of pavers to address off-street parking needs, site congestion, bringing larger parcels into Tahoe Regional Planning Agency (TRPA) compliance, and the usefulness of floor plans to first responders. He believed on-street parking caused problems with road sweeping and interfered with TRPA goals and bus routes. He urged the BCC to adjust the proposed tiers based on the number of bedrooms.

Mr. Mike Hess expressed gratitude for the proposed regulations on STRs but said they would add confusion if they were not linked to the zoning use or permitting process. He said issuance of an STR permit did not supersede private certificates of restrictions. He brought up three legal issues: the County needing to ensure CC&Rs were not violated by STR permits, the legal requirement for real estate agents to disclose that CC&Rs were legally recorded and binding, and homeowners defending their CC&Rs in court being able to sue the County, real estate agents, and the STR homeowner. He asserted the proposed regulations required clarity. He opined building and use codes needed to be updated if STRs were to supersede residential use.

Ms. Rhonda Tycer submitted a document for the Board, a copy of which was placed on the record. She said the proposed policy recommendations focused on nuisance and safety but did not address two of the most important negative effects of STRs: the character of residential neighborhoods and the effect on affordable housing in the community. She asserted the only way to address these was to limit the number and density of STRs. She said TRPA's best practices suggested limiting STRs. She wondered why many major cities were banning or restricting STRs if they were so economically beneficial. She suggested the Board put a strict cap on STRs, prohibit them in deed-restricted areas, and ensure density controls.

Ms. Sarah Schmitz acknowledged it was difficult to set regulations for an industry that operated for years without oversight. She lived adjacent to a large home that operated as an STR year-round even though the CC&Rs forbade businesses. She said the home had a high occupancy rate which was often exceeded, generated an excessive amount

of garbage, and often had a large number of vehicles parked in the driveway. She argued the proposed regulations would not fix those issues. She recommended the County require SUPs for STRs as was done for bed and breakfasts, which would keep neighbors informed and educate absentee owners on use restrictions. She noted the number of STRs in a neighborhood was not addressed by the proposed regulations and she felt occupancy limits needed to be decreased per TRPA guidelines.

Nancy Parent, County Clerk, stated she had received email correspondence from Ms. Carol Black, a copy of which was placed on the record. Ms. Black also submitted a document for the Board, a copy of which was placed on the record. She stated STRs did not limit residential use. She provided a list of lodging types as characterized by the County. She said season rentals were long-term rentals and vacation rentals had changed in the prior decade; STRs resembled transient lodging. The renters were unvetted, unknown to property owners, and unfamiliar with the area. She believed STRs fit the definition of commercial use as defined by Nevada Revised Statutes (NRS) and should require SUPs. She thought the proposed regulations were a start but needed to be more aggressive.

Chair Hartung reminded public commenters with documents for the Board to provide them to the Clerk prior to speaking.

Ms. Diane Heirshberg displayed a document, a copy of which was placed on the record. She was told by staff that a disclosure of CC&Rs stating STRs were not permitted would be required for all condominiums and planned unit developments. She said most developments in Incline Village had rules prohibiting STRs. She noted NRS 116.340 stated properties with CC&Rs limiting use to residential could be used for transient commercial use only if it was not prohibited by the governing documents of the association. She read the City of Henderson's STR statute and the City of Las Vegas' regulations for STRs. She said Douglas County suggested all homeowner associations (HOAs) send a letter notifying owners of restrictions. She provided the Code to Assistant District Attorney Paul Lipparelli and submitted a list of TRPA neighborhood compatibility guidelines not included in the proposed regulations.

Mr. Richard Miner stated the regulations suggested by planning staff would primarily be borne by the Incline Village and Crystal Bay communities, but staff did not make recommendations about the appropriateness of STRs for those communities. He compared STRs in residential areas to the invasive quagga mussels that threatened Lake Tahoe. He urged the Commissioners to recognize that enforcement would be paramount to the regulation of STRs and planning staff had no evidence of the effectiveness of Host Compliance, LLC. He said TRPA had not established a list of regulatory options for jurisdictions.

Ms. Denise Miller was called but was not present to speak.

Mr. Scott Minick recalled the Constitution mentioned domestic tranquility. He noted renters of STRs were predominantly young and partied during their stay. He thought staff's goal of fairness was noble but did not believe all parties were equal because

there were more residents than STR renters. He said democracy was about the will of the majority and he believed STRs needed to be banned or heavily regulated to preserve the nature of residential areas. He requested that staff add light pollution to the list of regulations.

Ms. Linda Newman opined the number of STRs needed to be limited to protect health and safety, as well as the clarity of the lake; and a maximum population density needed to be established to ensure sustainable infrastructure. She stated STRs exacerbated staffing and funding challenges for schools, fire and police departments, and other critical agencies. She thought STRs needed to meet the same standards and permitting requirements as hotels, motels, and bed and breakfasts. She thought STRs needed to be banned if the County did not have the resources to enforce regulations for them, since it was not the responsibility of residents to patrol STRs. She believed a separate tier of regulation was necessary for property owners who relied on STR income to remain in their homes.

Ms. Judith Miller spoke about a shooting that occurred in a California STR on October 31, 2019. She opined the residents of Incline Village would fare worse because the Sheriff's Office was often unable to respond to noise complaints. She said many communities only permitted STRs that had on-site hosts. She requested the Board require an on-site manager since they would not ban STRs completely. She noted there were limited exit routes in the Tahoe basin and the additional traffic from STRs would impede evacuations. She asked the Board to limit STR permits.

Mr. Michael Abel submitted a document for the Board, a copy of which was placed on the record. He stated the Sheriff's Office struggled with the current workload and asked how it would have the staffing to enforce STR regulations. He suggested the Board ban STRs to prevent future issues. He expressed concern about the availability of affordable housing for resident workers in Incline Village. He said STRs might be possible if the County funded an agency to redevelop aging infrastructure into higher density affordable housing, since taxes collected by the Reno-Sparks Convention and Visitors Authority (RSCVA) were not used to fund Tahoe infrastructure. He said workers commuting to the Lake Tahoe area would exacerbate traffic, air pollution, and parking concerns.

Mr. Blane Johnson indicated that properties managed by a licensed Nevada property manager did not experience the same issues as properties managed by individuals out of the area. He thought a local representative would be helpful to respond to issues at an STR, and suggested a different fee structure for an STR managed by a licensed property manager. The lower fee would encourage owners to use a local representative. He mentioned property managers worked with seasonal employees who rented vacation rentals by devising a more affordable monthly rate. He noted licensed property managers operated under State-level guidance.

Ms. Diane Brown, Chair of the Incline Village Realtors (IVR) Public Policy Committee, said IVR supported private property rights, the ability to rent, and the health

and safety of all residential properties. She indicated that IVR performing more than one inspection was costly, could be redundant, and inspections needed to be limited to life and safety. She said parking issues in Incline Village were not necessarily attributable to STRs so vehicle limits needed to be reasonable and enforceable for all properties. She expressed concern about a 30-minute response time and suggested using a local licensed property manager.

Ms. Erika Lamb, President-Elect of the Reno/Sparks Association of Realtors (RSAR), said a homeowner had the right to own, sell, or rent their property. She mentioned the RSAR did not defend bad tenants and they supported the enforcement of nuisance ordinances. She complimented County staff for making the effort to seek public input from all individuals interested in STR regulation. She expressed concern about the 30-minute response time because the County was large. She understood additional occupancy during daylight hours was generally accepted, and nationwide limits typically allowed increased occupancy for children and infants. She felt older homes should not be subject to newer building codes. She noted exterior signage at STRs might create safety issues.

Mr. Pete Todoroff submitted documents for the Board, copies of which were placed on the record. He said safety issues were not included in the STR regulations. He noted he corresponded with North Lake Tahoe Fire Protection District (NLTFPD) Chief Ryan Sommers regarding safety and the cost of annual inspections for STRs. He thought the fire department should do annual inspections and issue permits, which would be paid by those collecting fees on the properties. He mentioned a news article about a 19 year old who passed away in a fire in a loft bedroom in Incline Village.

Mr. Andy Chapman said STRs in Lake Tahoe had been in use for decades and conjectured many residents of Lake Tahoe had first been visitors to the area. There was no development of new hotels so he felt accommodations for visitors needed to be addressed. He stated how STRs were addressed in other jurisdictions had varying degrees of success. He said the commonsense regulations that were being developed were appreciated, though some elements needed additional work. He noted the annual occupancy over the prior five years was 63.3 percent according to the RSCVA tax authority, so STRs were not at capacity.

Ms. Margaret Martini asked how a single-family residence could be rented to multiple people for various periods of time without being considered an investment property. She expressed concern about the inconsistency of legal definitions used by staff and the District Attorney to justify the hotel-type use of single-family residences. She believed the ordinance did not address several issues concerning STRs. She said the County would need to find funding or hope the fines were sufficient to cover the cost of enforcement. She asserted NLTFPD Resolution 17.1 needed to be included in the STR ordinance.

Mr. Frank Wright assumed the Commissioners would not want a party at a rental home in their neighborhood every other weekend. He told a story of an 800-square

foot home that was rented out for a 3-day weekend and more than 150 people arrived. He did not believe having a license would prevent this type of behavior in STRs as more people than expected tended to show up. He indicated Incline Village and Crystal Bay residents were told they did not have the power to enforce STRs. He thought commercial businesses needed to be in commercial areas.

Mr. Thomas Bruce stated he was a resident of Spanish Springs and had no current rental properties. He displayed a publication from the Internal Revenue Service (IRS) related to residential rental property, a copy of which was placed on file with the Clerk. He read from the document and said the use of a home or rental for less than 15 days was not considered to be a rental and the income was not required to be reported to the IRS. He stated this was clearly an STR. He indicated the people in Montreux may have taken advantage of this practice during the Reno-Tahoe Open. He did not see any indication that this IRS publication had been taken into consideration.

Commissioner Jung said she was impressed with Ms. Mullin's professionalism and subject matter expertise throughout the STR project, and thought she had done a great job confronting a difficult issue. Commissioner Jung wondered if an issue in South Lake Tahoe had been resolved yet; she believed the answer was no. She said the Board should watch the issue very closely as it would be going to the higher courts.

Responding to citizens who opined the Board did not have to listen to the District Attorney's advice, Commissioner Jung disagreed and said the DA and his team were subject matter experts who advised what was legal and what was not. She reminded constituents this was what the DA had been elected to do.

Commissioner Jung spoke about vacation rentals surrounding Lake Tahoe and asked Ms. Mullin to determine how many of the complainants were full-time residents of Incline Village. She believed occupancy rates should be based on square footage rather than the number of bedrooms in each unit. She clarified that when she spoke about a local responder being available to address STR issues within 30 minutes, she meant by phone, not in person. She also stated STRs managed by licensed property managers should be under a different tier or removed from the County's purview; she believed the property managers would take on the legal, financial, and judicial responsibilities for those units. She opined they were the most qualified to deal with STR issues.

Finally, Commissioner Jung believed many of the citizen activists present who insisted they wanted SUPs might not fully understand their implications. She expressed concern that the County could be sued for interfering with private property owners' rights. She opined these rights distinguished the United States from other nations; she said she would fight against anyone who tried to tell her what to do with her own home. She reiterated Ms. Mullin and staff had done a great job maintaining neutrality and arguing for both sides of a very personal issue.

Chair Hartung asked Deputy District Attorney Nathan Edwards to discuss some of the legal issues. He noted a commenter had cited NRS 116.340 and he believed

other pieces of legislation were relevant to the issue. Mr. Edwards said he thought Chair Hartung referred to CC&Rs on property, also known as servitudes. He noted CC&Rs were discussed at the meeting, amongst staff, and during community outreach events. He said one issue discussed was whether the County should require a certification from an applicant for an STR. The advice given by the DA's Office was that it was outside the scope of what the County did in regard to land use planning. He spent a significant amount of time looking into the history of CC&Rs and found it would fall outside.

Mr. Edwards quoted a Law Review article about the challenges and difficulties of interpreting CC&Rs and he discussed some of their history. He said one of the most recent publications from the American Law Institute noted that servitudes were private law devices and public law doctrines for regulating use of law such as zoning did not apply in those contexts; CC&Rs permitted the creation of neighborhoods restricted to particular uses. He summarized that CC&Rs historically provided a mechanism of private enforcement, not one of public enforcement. The issue of certification was that an applicant would certify they were not violating CC&Rs, a neighbor would counter they were in violation, and the County would be in the middle deciding which party was right. He indicated the wiser answer was for the CC&Rs to be treated like the private law restrictions they were. The County could put a notification in a permit saying they did not override the CC&Rs and it would be up to the neighbors and the HOA to enforce them.

Commissioner Berkbigler expressed appreciation for Ms. Mullin's efforts. She noted Ms. Mullin spent most of the summer holding meetings and working on the issue, and was the subject matter expert on the regulation of STRs. Commissioner Berkbigler said she usually supported less government, but she thought regulations were needed to address issues created by STRs. She believed much of the blame STRs received was undeserved. She observed many homeowners had parties, broke the laws, and behaved badly, even in good neighborhoods. She opined regulations were necessary and believed a ban would not work largely because the community was unique. Many of the residents lived there only part of the year and opinions differed on whether they should be able allowed to rent out their property.

In response to a comment about STRs being loud at all hours, Commissioner Berkbigler noted the regulations would attempt to address that issue, adding that Ms. Mullin mentioned the regulations clearly prohibited noise after 10:00 p.m. She stated Lake Tahoe was an internationally treasured vacation community, but one disadvantage was any regulations put in place for STRs would limit all residents, including owners. She noted comments were made about increased traffic and parking issues. She agreed traffic was a significant issue. She mentioned the TTD was on the third stage of a traffic study which attributed the increased traffic issues to day-trippers. She said there would continue to be an increase in traffic from day-trippers as the surrounding areas grew. She concluded the traffic issues had nothing to do with STRs. She thought it was important to think globally and consider the best way to address STRs and the traffic issue simultaneously.

Commissioner Berkbigler asked whether licensing fees would be sufficient to pay for enforcement. She thought the key would be enforcement, which included paying

for additional deputies, code enforcement, and fire district personnel. She was aware staff was working on issues with redirecting the existing Transient Occupancy Tax to funding additional support. She said residents who attended the Incline Village/Crystal Bay CAB meeting in October offered to form a volunteer group to photograph vehicles parked illegally and email the photos to the proper authority. She summarized her goal was to put together a program that would benefit the community. She acknowledged it would not fix all the issues immediately and it would be a work in progress. She suggested changing one of the staff recommendations to allow one parking space for every four people. She expressed concern about whether occupancy should be limited by the number of bedrooms or whether it should be based on square footage.

Vice Chair Lucey referenced the tier permitting system and asked whether any Tier 2 properties, allowing between 11 to 20 occupants, had been identified within Washoe County. Ms. Mullin shared that a recent staff search of active listings on Airbnb.com revealed 40 or 50 properties that allowed 11 to 20 occupants, and a handful that allowed 21 occupants or more. She cautioned the numbers were captured at a specific point in time and might change. She noted staff had reviewed listings on Airbnb.com as it was the most popular platform and, at the time of the search, they had not yet received complete information from Host Compliance, LLC. She clarified the search had been for listings within the Incline Village and Crystal Bay zip codes. Vice Chair Lucey asked whether any of those listings had ever actually hosted the maximum number of occupants. Ms. Mullin did not have information on actual versus advertised occupancies, but thought staff might be able to track these types of details once a system and permits were implemented. She noted the Airbnb.com search results had included listings ranging from a three-bedroom home, whose host claimed it could sleep 25 to 30 people, to four-bedroom homes which self-limited to lower occupancy levels. Vice Chair Lucey expressed some reservation about allowing STRs with occupancy limits greater than 21. Vice Chair Lucey also mentioned the possibility of distinguishing between adults and children when determining occupancy limits.

Vice Chair Lucey spoke about homeowners who might need to rent out rooms in their homes for short periods of time, as well as true investment properties which were rented on a short-term basis. He asked whether staff considered these STRs in both scenarios; Ms. Mullin confirmed this was correct. Vice Chair Lucey noted there were cases currently in the California Supreme Court which challenged the definitions of home-sharing and STRs. He described some ways in which the proposed STR regulations would impact a retired veteran and homeowner on a fixed income in his district who relied on renting out a room in his home. He opined more definition was needed for STRs regarding home-sharing versus investment properties, and remarked a host compliance individual would not be needed in cases where the owner was on site.

Vice Chair Lucey wanted to continue to consider STR safety issues and inspections, and said he was worried about fire danger and defensible space. He felt every residence, whether occupied by owners or tenants, represented an evacuation concern. He thought development needed to be stopped if there were evacuation issues in a particular area, and said the County should not implement ordinance-based rules that would end up

being challenged in court. He opined the requirements for STR permits and occupancy limits to be posted outside each unit seemed somewhat overbearing. He also thought many visitors chose to stay at STRs rather than hotels to see if they might want to relocate to Washoe County, and limiting that ability by banning STRs would be short-sighted.

Vice Chair Lucey mentioned parking issues in areas such as Gonowabi Road in Crystal Bay, a one-way street which was home to some very large residences. He believed telling private homeowners what they could and could not do with their homes based on STR parking restrictions could result in lawsuits. He also spoke about noise restrictions and said this was a good-neighbor issue. He explained how he and his family rented a home in a vacation town to relax, but experienced frustration with neighboring homeowners who partied almost every night. He opined the BCC could not write ordinances at the dais just to make one bad actor stop. He felt there should be some basic regulations for STRs, but too many limitations would lead to issues with enforcement.

Vice Chair Lucey shared some examples of annual permit fees ranging from $80 in Los Angeles County to $200 in New York. He did not feel the total revenue the County generated from permit fees would be sufficient to enforce the proposed STR regulations, and noted that the more onerous the restrictions became, the more challenging and costly they would be for the County to enforce. Regarding fines, he liked what had been implemented in Los Angeles County: owners were fined $500 for every day they advertised a unit without proper STR permits, and these fines increased over time if noncompliance continued. Vice Chair Lucey believed there should be some basic regulation and good-neighbor policies regarding STRs, and said STRs should continue to be allowed in Washoe County. This would require an understanding and an amicable discussion of the impacts they would have on owners and tenants across the County, not just in Incline Village.

Mr. Lipparelli noted he and Mr. Edwards had worked together on the STR issues and Mr. Edwards attended many staff meetings and had immersed himself in the law on the subject. He wanted to assure Commissioners the DA's Office had examined the laws cited by some citizens and, while their ideas were well-intentioned, he recommended the County not become involved in the issue of private covenants. Mr. Lipparelli noted the association statute previously referenced did contain a provision related to transient lodging, but counsel believed this provision authorized private homeowners associations and private property owners to regulate themselves; nothing in that chapter placed the County or even a city in the role of enforcing those rules. When the County issued licenses or permits, he noted, it had to apply its own standards for the issuance of those permits. Similarly, when the DMV issued driver licenses, it applied governmental standards to the issuance of those licenses. He felt the County getting into a role where it attempted to apply standards people had written for themselves could be troublesome. Even though it might seem convenient because some rules were already in place, Mr. Lipparelli continued, the rules needed to be enforced by the parties who had a right to enforce them, and that did not include the County. He assured any Commissioners who might not have been included in the email conversations regarding this subject that these issues had been considered by the County's legal staff.

Chair Hartung said one commenter brought up the issue of deed restrictions and asked how such restrictions might apply to STRs. Mr. Lipparelli responded deed restrictions were a form of a servitude in some instances, and could either be imposed from the time a property was first sold by a developer and apply throughout the chain of title through subsequent property owners, or they could be something an individual owner did within their own chain of title. Either way, he felt deed restrictions were a private property owner's tool rather than a government tool. He explained that writing regulations at the County level was a form of police power and opined the County should keep that separate from the rights which private individuals used to enforce their own private rules.

Chair Hartung said he was fearful of trying to condemn anyone's property rights. He noted one commenter had opined the majority should rule, but Chair Hartung felt this implied minorities had no rights. He said the County could attempt a complete ban on STRs, but opined that wars had been fought over prohibition and even caused some to go underground, leading to even more difficulties with enforcement. He clarified he did not mean STRs did not need any rules or boundaries.

Chair Hartung asked Ms. Mullin about SUPs. Ms. Mullin responded staff had discussed the use of SUPs, and STRs were an allowed use at Tier 1 occupancy levels. At Tiers 2 and 3, with higher numbers of occupants, a discretionary permit process would come into play. She noted staff was actually steering away from the SUP process and considering something which might be a little more streamlined, such as an administrative process similar to what was used for detached accessory dwellings. In that process, plans were sent to agencies for review, neighboring owners were notified and their comments considered, and then everything was sent to a director for final determination. She said the process was faster because it did not require a public hearing, and additional conditions of approval could be imposed above and beyond the required basic standards in the code if needed. A process such as this would allow staff to consider the specifics of each STR property and any potential impacts which might need to be mitigated, as well as how each STR would fit into the surrounding neighborhood or community.

Chair Hartung said another speaker had mentioned limiting the number of permits by the population and density of each neighborhood, but he could see the County going to court if such limitations were imposed. Ms. Mullin responded staff had also discussed that possibility and had decided not to include it as part of the proposed solutions.

Chair Hartung liked the idea of having an inspection checklist. He also said there was not one BCC member who was not deeply concerned about citizens' safety, whether in STRs or residential properties. He discussed noise restrictions and opined that imposing restrictions on STRs would eventually lead to the same restrictions being imposed on homeowners as well. He thought bear boxes might be necessary in certain areas, saying short-term renters from out of the area might not realize the danger and needed to be educated. He liked the idea of using a property manager or local representative. He thought staff had sufficient direction and said the legal team also had notes.

Ms. Mullin requested clarification on the direction regarding STR parking restrictions. Vice Chair Lucey reiterated his concern about imposing restrictions on certain areas which might not be suitable for other areas in the County. He spoke about parking challenges in Incline Village but indicated this was not a new problem nor was it limited to STRs. He expressed uncertainty regarding staff's suggested parking space requirements and occupancy limits.

Commissioner Jung spoke about considering complaints on a case-by-case basis and suspected many would be driven by the same bad actors. She thought incentives should be provided for STRs managed by licensed property managers, and she appreciated that some owners promoted the use of public transportation, carpooling, and other methods of travel which reduced vehicle traffic in Lake Tahoe. She did not believe the County had the right to tell private property owners to pave over their landscaping in order to provide more parking spaces for their STRs. She opined some of the complaints sounded like elitist arguments and believed there were a few vocal minorities making a big deal out of the issue. She looked forward to finding out how many complainants actually lived in Incline Village year-round.

Commissioner Jung also thought many STR issues should go through a property manager rather than County staff, and expressed concern that the discussion had become too detail-oriented. She reminded constituents the Board intended to eventually reevaluate any regulations implemented and said a specific date should be set for doing so. She respected the rights and concerns of those opposed to STRs, but believed judges would always uphold private property owners' rights if the issues went to court. She suggested constituents contact her in situations where they wished to file a complaint but did not want their name on the report for fear of causing a dispute with their neighbor. Commissioner Jung stated she would put her own name on a complaint if needed.

Commissioner Berkbigler suggested basing parking on the number of paved-surface parking spaces at the property instead of square footage or the number of bedrooms. Her biggest concern was that parking in unpaved areas would contribute to runoff and lake pollution.

...

4:51 p.m. There being no further business to discuss, the meeting was adjourned without objection.

From:	Paul Andronico
To:	CSD - Short Term Rentals
Cc:	Berkbigler, Marsha; Hartung, Vaughn; Lucey, Robert (Bob) L; Herman, Jeanne; Jung, Kitty
Subject:	Comments on Proposed Changes to Code Re Short Term Rental Standards - Washoe County Board of Supervisors Hearing - December 12, 2019
Date:	Thursday, December 05, 2019 1:50:14 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

After reviewing the draft amendments to the code, I can't believe that the County is going to create two classes of people in Incline Village. Short term renters and owners of short term rentals, and everybody else.

Everybody else can party after 10 p.m. and can sleep as many people as they want in a modestly sized bedroom. Short term renters, however, have to be quiet at 10 p.m. (with no recourse against the late-night partying of owners or long-term renters next door), and are limited to one occupant for any bedroom under 100 square feet. To make matters worse, the occupancy restriction is based on some obscure international code that has not beed adopted by Washoe County, with the planners cherry-picking one tiny element to bolster their strong-arm tactics.

Similarly, owners of long-term rentals aren't responsible for the behavior of their tenants. But owners of short term rentals face fines and loss of their permit based on the behavior of their tenants.

Ever heard of equal protection under the law? The recent judgement against the County for treating owners of large homes in Incline Village differently than owners of smaller homes for tax assessment purposes is apparently lost on you.

You want occupancy, noise, parking and other restrictions? Fine. But make them apply equally to everyone.

Shame on the planners for proposing these divisive and constitutionally flawed amendments, and shame on anyone who votes for them.

Paul Andronico

> On Nov 8, 2019, at 12:24 PM, Paul Andronico <paul@andronico.com> wrote:
>
> Dear Commissioners and County Staff, I am writing to comment on the staff recommendations for the regulation of short term rentals in Washoe County, Nevada which will be discussed at the Washoe County Board of Supervisors hearing on November 12, 2019.
>
> From a philosophical perspective, I am saddened and upset to see another case of a "few bad apples" resulting in massive, intense regulation of everyone in an arena (in this case, short term rentals) where no regulations existed in the past. I believe that 99% of short term rental hosts provide homes in good condition and with excellent customer service. My wife and I, for example, have over 25 five-star reviews on Airbnb and have never had a problem with our neighbors regarding our rental activities. Similarly, several of our neighbors rent their condominiums out regularly, and we have never had a problem with their rental activities. No regulations, and no problems.
>
> Assuming the "regulation freight train" has left the station, here are my comments on the most egregious elements of the standards recommend by City staff that I believe are overly restrictive, unnecessary and possibly illegal:
>
> 1. I strongly oppose limiting the occupancy of a bedroom under 100 square feet to a single occupant. The third bedrooms in our condominium complex (Mountain Shadows) are typically more than 90 but less than 100 square feet. If this recommendation is accepted, we will only be allowed to rent our 3-bedroom, 2.5-bath home to 5 people unless we want to (a) replace our couch with a hide-a-bed model at great expense, and (b) force our guests to sleep on an uncomfortable couch bed instead of a comfortable, dedicated bed in our 3rd bedroom. This is unacceptable, especially when this overly intrusive requirement would only apply to short term guests and not to long term

renters. In other words, this is not a safety issue but a naked attempt to reduce occupancy just for the sake of reducing occupancy.
>
> 2. My wife and I can abide by the requirement of having a representative available 24/7, but I believe this approach is unwise. Instead, any noise ordinance or "quiet time" should apply to the occupants who are making the noise (short term renters, long term renters, or owners) and enforceable against the people causing the noise, with fines handed out as appropriate. This move to blaming the owner when the renter is causing the problem is another example of society, and Washoe County, moving away from accountability for wrong-doers and blaming others who aren't even there. It's like blaming Avis when one of its renters injures someone while driving their rental car while under the influence. I expect this approach in California, but Nevada is better than this.
>
> 3. My wife and I can abide by the "3 people per parking space" recommendation and the related "no parking in the right-of-way" recommendation. Again, however, I believe it is unwise to treat short term renters differently than long-term renters and owners. Plus, the new occupancy limitations, in whatever form they are enacted, will greatly reduce any parking issues that may have occurred in the past.
>
> 4. Lastly, we have no problem personally with a safety inspection. But again these inspections should be required for every home regardless of rental status. Is safety only important for short term renters? Are long term renters not entitled to the same level of safety as short term renters?
>
> It is obvious to me that County staff is well intentioned, did a good job canvassing what other jurisdictions are doing with respect to short term rentals, and tried to pick the 'best" solutions they could find. Unfortunately, they decided to recommend regulating virtually every element of short terms rentals, rather than focusing on a few, focused regulations to reasonably mitigate noise and parking issues.
>
> Please remember that this short term rental regulatory effort was promised to be simple, effective and enforceable, and that the starting point was NO REGULATION. The draft recommendations proposed by City staff go way past this standard, and if adopted by Washoe County, are likely to breed further frustration and, ultimately, litigation.
>
> Thank you for your consideration.
>
> Best,
>
> Paul Andronico
>
>
>
>

From: Steve Barney
To: CSD - Short Term Rentals
Subject: STR, Incline Village
Date: Thursday, November 21, 2019 8:52:52 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

The following provision in the draft proposal, Section 110.319.10 (h) (3) seems to me the most important, and I urge you to retain it:
(3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.
Thank you, Stephen A. Barney, 667 Tumbleweed Circle, Incline Village, NV

Sent from Mail for Windows 10

From: Dene Bourne
To: CSD - Short Term Rentals
Subject: STR
Date: Monday, November 11, 2019 6:02:03 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I have been both a host and a traveler who uses STR and I cannot see why this system can't work without burdensome over-site. Reasonable regulation of people who can't be good neighbors seems like a good plan but making it difficult for the people who can behave themselves isn't appropriate. I believe fines and loss of privilege for noise or parking violations is appropriate. I also think party houses and larger groups should be stopped.
Deanne Bourne
3 STRs
Traveler in USA and other countries using STR.

Sent from my iPhone

From: Katrina Carrier
To: CSD - Short Term Rentals
Subject: Re: STR regulations
Date: Thursday, November 07, 2019 1:48:25 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Kelly,
Thank you for the update. One last thought on this subject. We have put up a camera at our front door with sound. It allows us to see exactly who is coming into our unit and lets us hear if noise is coming out of our unit. We cannot listen to conversations but can hear ambient noise if a window is open that may disturb a neighbor. This all acts in real time and insures us our guests are complying with occupancy limits and noise. I feel the cameras with sound are better than noise decibel devices. I would like to propose a choice may be made for people considering monitoring their homes. I actually think all hosts should be required to have these cameras. They are inexpensive and solves many issues.

Under Safety and Inspections:
I believe the inspections is the one area that will be very costly and frustrating for both homeowners and the county. When would the specific list come out to know what to expect and be prepared for when the county inspectors come out? I think this kind information needs to be posted as soon as possible so people have time to comply. For example, it just says electrical outlets/systems what does that mean? How can we be assured inspections can take place in time without disrupting an entire season. This could really pose a huge disruption to holiday visitors, hosts and small businesses. Many of us in Washoe County live under HOA's with property management taking care of all these kinds of issues on our buildings. We pay monthly dues to make sure of that it seems quite costly and repetitive to have more inspections than we already do with our associations. Thank you for taking the time to consider my concerns.
Much Appreciation.

Best to You,
Katrina

On Thu, Nov 7, 2019 at 12:29 PM CSD - Short Term Rentals <STR@washoecounty.us> wrote:

> Katrina,
>
> Thank you for your email and I'm sorry if you have not received a response previously. Additional information for the short-term rental recommendations has been posted online at www.washoecounty.us/str, including a link to the full staff report and the agenda for next week's meeting. I believe the staff report will answer some of your questions.
>
> Regards,

Kelly Mullin, AICP

Senior Planner | Planning & Building Division | Community Services Department

kmullin@washoecounty.us | Office: 775.328.3608 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

From: Katrina Carrier <katrinacarrier@gmail.com>
Sent: Monday, October 21, 2019 1:23 PM
To: CSD - Short Term Rentals <STR@washoecounty.us>
Subject: Re: STR regulations

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I talked to an Airbnb employee who works with regulations this is what he had to say about inspections may be helpful:

"In terms of the inspections, I completely agree with you. In our experience, whenever a jurisdiction requires in-person inspections it slows down the permitting process and people can be delayed for months as the county/city becomes overwhelmed with performing the inspections. We recommend jurisdictions require self-inspections that are verified through a signed affidavit from the hosts certifying that they are up to standard many times with declaration under penalty of perjury. This speeds up the process rapidly, reduces the cost and time for jurisdictions and hosts, while still giving the jurisdiction the confidence that the hosts is responding truthfully."

Katrina Carrier

On Mon, Oct 21, 2019 at 12:53 PM Katrina Carrier <katrinacarrier@gmail.com> wrote:

> Designated parking spaces to be provided on the property in a sufficient number to cover the STR's maximum occupancy.

Most hosts will not be able to get designated parking spaces. This is very unclear. I assume if you have a garage that is a designated parking space?

Prior to issuance of STR permit, inspection(s) will need to be passed. Cost of inspections will be paid for by applicant.

Hosts want to comply the hope is if you want homes inspected before permitting you will give a grace period at first so people will not have to cancel guests vacations. Also, I believe it should be a one time inspection not every year! that is an undo burden. Unless someone has a jacuzzi or something that is more of a hazard. Most homes in Incline are under HOA's and are kept up. It is not like anyone would take down a smoke detector after inspection requiring further year after year inspections.

Who will be doing inspections? Are you going to hire people? Hopefully this burden will not be falling upon the fire department. And regular home inspectors for mortgage companies are very expensive and booked out. I hope regulations are not put forth without full thought and verifications of how people can comply. Perhaps permits will have to be given first and inspections be tiered in to make it work?

Please note most of us who Airbnb are not big business, many like myself are retired and rent our place occasionally, so hopefully the fees are not going to be high. I have heard no estimated costs for hosts with the new regulations. I feel those should be published as soon as possible.

Katrina Carrier

From: mark dunbar
To: CSD - Short Term Rentals
Subject: Against Short term Rentals proposals for properties with HOA's
Date: Tuesday, November 26, 2019 7:08:35 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Board of County Commissioners:

Properties that are ruled by a Homeowners Association do and should NOT be intruded upon by Washoe County!
HOA's exist as its' own regime which incorporates a democratic process that establishes and promulgates covenants and rules to reflect the desires of its owners. Very importantly, these rules are "tailored" to address the "specific" needs and/or desires within the of the homeowners, particular situations and demographics. HOA's incorporate a democratic process which rotate Board members that can continually consider and make changes to rules on an ongoing basis as needed.
HOA's are guided by State laws and rules which are thorough. It is already time consuming and complicated to be a Board member of an HOA; consequently, additional rules by the County will make it more challenging; thus, less desirable for an owner to volunteer to serve on its HOA Board. HOA Board members volunteer their time because of a sense of duty to their fellow owners to share the burden of maintaining a desirable property and ownership community.
Additional rules to monitor will increase the responsibility of education, consideration and enforcement by the HOA Board resulting in greater time commitment which will inevitably lead to few if any owners seeking to serve on its Board. It may lead to having to remunerate Board Members which will increase the costs of owner dues.

Lastly, **property values will decline** as less people will be interested in purchasing or owning a property that has additional time, costs and burden to navigate more rules. Vacations properties do not earn enough rent to make it a sensible investment. Most owners do however rent their homes while they are working (not on vacation) to offset some of the HOA and property tax costs to afford the property. It is already expense challenging considering the costs of paying for a rental website, a management company and an accountant. There is no Expense scale of these costs when you own one home.
Consequently, More rules and fees increases these expenses making it less desirable to own a property.

Please exempt properties that are already enforced by a Homeowners Association.
Regards,
Mark Dunbar

From my iPhone

From: Bill Echols
To: CSD - Short Term Rentals
Subject: STR in Incline
Date: Sunday, November 24, 2019 5:52:23 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Ms. Mullin,

Thank you for your excellent presentation to the Commission earlier this month. A few observations, comments and suggestions.

Full disclosures:

- I am a full-time resident of Incline Village (IV).
- I do not own any rental property.
- I do use VRBO often: I try to be very respectful of neighbors and my presence hopefully is of no note to them.
- We have 2 STR's in our neighborhood: 75% of the renters are quiet and respectful, 25% are bad actors.
- I totally support private property rights. I also believe in private property RESPONSIBILITIES.

I agree with Chairman Hartung: regulation of STR's should be limited, clear and enforceable but regulations should also be self-funding with a fee structure sufficient to cover additional enforcement. I would recommend a fixed charge to cover yearly inspections PLUS a % of rental income to cover ongoing enforcement costs (ie, a sherriff deputy's salary).

Councilman Lucey is correct about Gonowabie: there is virtually no on-street parking. Owners have every right to rent out their property but renters need to be fully apprised that there is NO street parking. It is a public safety issue. His comments on fees charged to STR owners appeared to be soft. The STR owners need to fund their own enforcement and inspection costs. The general public should not be asked to subsidize their business enterprise.

Councilwoman Berkbigler's comments on occupancy and parking was spot on. Instead of regulating occupany (impossible to enforce) or the number of persons per car or bedroom, limit the number of cars for each property to the number of cars (or boats) the lot can hold on the property (garage plus driveway). Street parking is less of an issue in the summer but it is critical in the winter.

I have to take issue with Councilwoman Jung's suggestion that the real estate management companies take responsibility for enforcement. That is letting the fox guard the hen house. The real estate management companies are not incentivized to come down hard on the bad actors (renters to owners).

One speaker mentioned quiet time: 10pm to 7am is a very wide window. 8pm to 8am I believe is fairer to the local residents. And that does not mean you can't use the hot tub at 10pm. It means you have to use

it quietly. That should be true for full time residents as well.

One of the real estate agents mentioned that signage was not appropriate. Not only is it appropriate, it is essential. How would we as neighbors know who to call if there is a problem? Local presence for a property manager was mentioned a number of times. The STR in our neighborhood has a sign and a toll free number on the bear box. However, the agent I spoke to was located in Port Aransas, Texas. While she understood the issue about noise, she had little appreciation for trash on the curb and its role as a bear attractant and no understanding about street parking on snow days. Local presence should be manditory.

Councilwoman Jung seemed to have an issue with spot zoning. It should be considered. The rental issues in the basin are much more complex than in Reno. I am not sure forcing a STR owner in Reno to meet the necessary standards here in IV are appropriate or fair (requiring a bear box for example). I also do not believe her comments on private property rights were correct. Governments routinely put limits on private property owners. Just 2 examples:

1. Washoe County's coverage ratios. Maybe a good idea but none the less a restriction on my private property rights.
2. A more egregious example is requiring a property owner to get permission from TRPA to remove a tree.

Renter education was mentioned several times. It should start on the booking website as part of the on-line advertisement and reservation system. Things like:

- no open fires
- no street parking, particularly in the winter
- trash must go in a bear box.
- Quiet time is 8pm to 8am
- Power failures are a common occurance, particulary in winter. Be prepared for lengthy outages.
- It is NOT okay to ask a neighbor if the renter can borrow / have their snow blower, matches, a bottle of wine, etc, etc. (yes all these things have been requested by renters)

Lastly, I would recommend that the regulation not be described as temporary but as provisional and subject to change. The issues with STR's are not going to go away. Having the adopted regulations expire in one year as Councilwoman Jung suggested is unrealistic. It will take more than a year to get every STR in compliance.

Thank you for your time and attention. Please feel free to contact me if you like.

-- Bill & Judy Echols | H) 775-832-5406 | C) 214-334-8421
983 Wander Way, Incline Village, NV 89451

From: Tao Feng
To: CSD - Short Term Rentals
Subject: comment for new STRs
Date: Sunday, December 01, 2019 11:46:23 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

As a resident in Incline Village, I believe the new codes for STRs **will not** help the community and will likely result in loss of tax revenue for the local government.

As right now, Washoe county is charging more short term lodging tax compared with neighboring counties (such as South Lake Tahoe, Kings beach). The only advantage of Washoe county right now is not over-regulating like the other counties. Unless reducing short term lodging tax rate, Adding more unnecessary regulations will further harm the small businesses located in Incline Village or surrounding regions.

A majority of local residents depend on tourism revenues, such as workers in diamond peak, ski/bike rentals, house cleaners. Over-regulating will further push business away to nearby competitors such as Kings Beach/North Star, and Heavenly village.

The high real estate price in this county is mostly contributed by vacation homes and the majority of which are not even active for short term rentals. Over-regulating short-term rentals will not help to lower the real estate price but will harm the local economy and local residents.

Over-regulating short-term rentals will not address problems like over-crowded tourists during high seasons. Even completely banning all tourism-related businesses, tourists lodging in nearby towns will still flood this area in high seasons.

The Incline Village area also does not have problems like South lake Tahoe. Short-term rentals are already banned in some high-density apartments/condos. As many houses in incline village area are sparsely located with each other, the noise will not be a problem in these regions.

Thanks for reading my comments

CAB MEETING STR'S 12/12/19 PUBLIC COMMENT

WAYNE FORD; REFER TO REPORT SENT ON 12/11/19 I DO NOT BELIEVE THAT STRS ARE A COMPATIABLE USE THAT WILL WORK FOR INCLINE AND CRYSTAL BAY.

Trash / Residence

RULES ; (d) Trash Standards: should , negligent use of home by leaving open the garage doors and residence doors which result in a bear entering a home where trash is found will be considered a violation of the conditions of a STR. That is a series of events within a two year of period of time that a finding can be made the the access to the residence was due to negligent actions by home owners , those using the home as a STR and or the people in charge of the for maintenance purposes. COUNT AS A VIOLATION TOWARD REMOVAL OF THE PERMIT

Parking and those who take care of the residence

(4) parking ; Those who are take care of the home must use on site parking and not block snow removal access to the streets and also other neighbors driveways in the taking care of the residence. These parties are part of the STR's use. Any use like a motel and hotel have parking provided for those who work at a commercial use. This use of a home as a STR must not affect a neighbors ability to have guest parking and access to their home from those who are taking care of a residence. All parties that serve the needs of the home for cleaning, repair and other services must have a Nevada Business License. That license information must be available to the public upon request.

Exception: A contractor working under a issued County Building Permit shall be subject to the conditions of the permit and abide by local winter and summer parking rules when doing work under that permit.

VIOLATION COUNT AS A VIOLATION AND TOWARD THE REMOVAL OF THE PERMIT

BMPS REQUIRED

No BMP requirement: There is added use of vehicles to the property. All property in the Tahoe Basin must meet BMP standards to protect the water quality of Lake Tahoe. To not have a more intense use of vehicles on the parcel and not have current slotted drains and sediment boxes for the collection of fluids from vehicles under this use will be not protecting the Lake Water Quality. All properties must have current BMP Cert.or the permit may not be issued. These can be put in on most properties for they do not require a permit for excavation if under 3 cubic yards. (land cap 4-6) NO PERMIT UNTIL CERTIFIED.

PUBLIC RIGHT TO SEE STR APPLICATIONS

All applications and attached documents must be available for public review within 30 days of the issuing of a permit. These must be able to be sent by email to a requesting party. Public access involvement and access is a key in being able to maintain compliance of a STR. Know the special conditions for the granting of a permit.

Wayne Ford

(4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.

i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the applicant has provided sufficient evidence that the request is warranted and will not

1

unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.

Noise Standards. The following noise standards shall be adhered to:

(1) Short-term rental quiet hours are in effect from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the

available decibel-monitoring devices with reporting capability. Records from the decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.

(d) Trash Standards. The following waste removal standards shall be adhered to:

(1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.

(2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal.

(3) Waste carts shall only be placed street-side during the timeframes stipulated by the local authority or waste service provider.

(e) Occupancy Limits. An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

(1) Bedrooms intended for one occupant shall be a minimum of 70 sq. ft. in size in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the currently adopted edition).

(2) Bedrooms intended for two occupants shall be a minimum of 100 sq. ft. in size.

(2)

From: Wayne Ford
To: Mullin, Kelly; Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty; Lucey, Robert (Bob) L; Herman, Jeanne; Hauenstein, Mojra; Lloyd, Trevor
Date: Tuesday, December 03, 2019 3:30:35 PM
Attachments: Counter_007-016.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Consider this my comment, official on the proposed Code changes to allow for
STR's in this Community. None of the proposed rules will fix the issue I focused
on for this report. The are many others that all have to do with Life and Safety.
These properties were never designed for intense use as motel with people
coming and going every few days. These structures were never designed for
a use that has people coming and going like a motel would. So my next focus
will be to send each Commissioner a comment on what was said by them in the
last meeting I was at on November 12. I made public comment at that time.
You need to understand that County Roads are dealing with hundreds of cars that
are being parked against the rules for no parking on "Red" days. I know that one
cannot say that all of them are from homes being used as STR's
Yet I can tell you for the past two weeks the people who live in Lynda Court
did not cause any issues ALL the car issues were from the use

of the home at
725 Lynda Court.
Be talking to you soon. This STR approval for residential property in Incline needs
to be Stopped.

From: Wayne Ford
To: Ronda Tycer Phd; Sara Schmitz; Diane Heirshberg; Todoroff, Pete; Carol and Larry Black; Berkbigler, Marsha; Mullin, Kelly; Young, Eric; Hauenstein, Mojra; Mike Hess; Thomsen, Richard
Subject: Question on such a sunny day as today the 9th why is there a "red" day posted? That is today.
Date: Monday, December 09, 2019 12:23:12 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

You never can predict: Snow Removal / Good Job to those doing the work.

As you all know I have documented the attitude of some of the people using 725
Lynda Court. Some were people staying there. Some were people who were taking
care of the home. What was the attitude about. It was the use of the County Road
Way in Lynda Court for parking on "Red" days. They would just move their cars
if a plow came through. So the plow driver is to get of the loader and try and find
who owns the cars?
So as I stated that will not work for the plow driver does not have time to wait for
people to move cars. It can also be a safety issue with keeping track of cars and
people moving about ,when you are running a big loader. You need a spotter to let
you know, when it is safe to back up and turn, with people in the road.

So I am happy to say that all went well today , a "red" day. It is sunny out and one

would not expect a plow to be working. Yet they are . In the case of the area of Lynda
Court it was important to move snow from the large piles building up at certain
locations in the area. See map provide on the area in what I have sent out. So in this
case there is one car at the home at 725 Lynda Court. The car was parked in the drive-
way and did not get in the way of the Snow Removal. Good job. If I see them I will
let them know.

So one does not know by just the weather if access is needed for the County to do it's
job. That is why we have "Red" days with no parking on the streets, for Rich Thompson knows when he needs to catch up between storms to make our streets safer. He has loaders going to certain areas to get snow to places, that are better storage.

Just needed to get this in the record. I hope that it was civil enough for the Director of
Planning and Building for I believe it represents one more reason that off street parking cannot be counted on for those who live here and those who do short term rentals.

Wayne Ford

From: Ryan
To: CSD - Short Term Rentals
Subject: Regarding proposed STR requirements
Date: Monday, November 25, 2019 5:17:21 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

There really should be a differentiator. I understand having the rules provided. However some people renting...rent seldom....infrequently. I propose there should be less requirements for this renting less than 45 days in a calendar year. This is merely supplemental income. Not a full blown rental. If you regulate the small renter with the same scrutiny as full time rentals....I believe you are merely punishing the small family filling a need (short stay accommodation.... who can deliver a superior product with much better results I might add) and only rewarding large corporate rentals that really don't care quite as much about there product but rather only there bottom line. They will be the only ones with the $$$ to remain in compliance. This goes to the old adage you'll be killing the small "ma and pas" in favor of corporate behemoths who can't always be the answer to a better product.
--
Ryan

From: Collin Harris
To: CSD - Short Term Rentals
Subject: Short Term Rentals - Public Comment
Date: Monday, December 09, 2019 12:56:48 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am in favor of STR's as we often use them when we go on vacation. I am also in favor of reducing the amount of STR's in the Incline Village, NV area due to our town being completely overrun with tourists in the last several years.

These would be my suggestions as to how to limit STR's in the Tahoe area.

1) Require owners to actually live in the STR at least 75% of the time.
2) Limit the number of people to 10, everybody else goes to a commercial facility, i.e. Hyatt. Also 2 people per bedroom for groups under 10. Kids under 2 wouldn't count in the total.
3) Require off street parking. No more parking on the roadways.
4) Finally, actual enforcement of the law. This may be somewhat difficult to accomplish.

Sincerely,
Collin Harris
775-240-8370

From: phinnoho@aol.com
To: CSD - Short Term Rentals
Cc: ginnyvmh@gmail.com; paulshatfield@gmail.com
Subject: STR policy in Washoe County
Date: Monday, November 25, 2019 7:44:55 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We have owned property in Incline Village since 1999. We sold our first property and purchased a small property in the Millcreek subdivision in 2006. Our current house been on the STR market most of the time through VRBO.

We are responsible owners who have always used a professional property manager with an excellent track record. At Millcreek, the maximum number of guests allowed at our house is four, plus there is ample off street parking for at least five vehicles. Overall, parking is not a problem in any event.

There are other STRs in our Millcreek neighborhood, along with a fair number of full time owners.

We use the house ourselves a several times a years and take good care of it. The rentals have picked up quite a lot since the house was advertised on VRBO. The guests have been responsible. We know our neighbors and have not received a single complaint over the years.

The house rules are enforced and the property manager has been vigilant.

The Incline Village economy would suffer without STRs. Although Incline was intended to be a PUD with a majority sustainable permanent population, it's location made that impossible to attain. Add in the beauty of the region and it is no wonder the community developed into a tourist destination. To expect otherwise would be shortsighted.

Let's embrace STRs, but enforce sensible regulations dealing with common courtesy, not Draconian restrictions.

Please feel free to contact me at 818-903-4577.

Sincerely,
Paul Hatfield, CPA

From: Diane Heirshberg
To: CSD - Short Term Rentals; Mullin, Kelly
Subject: Public Comment re the Washoe County Proposed Short-Term Rental Ordinance
Date: Saturday, November 30, 2019 3:47:15 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Re: As Currently Drafted the Washoe County Proposed Short-Term Rental Ordinance Violates Nevada Revised Statutes 116.340

Dear Washoe County:

I am a full time resident of Incline Village, and am writing this email to provide public comment on one issue of the Washoe County Short Term Rental Ordinance, and to request that the following provision recommended in the Staff report, which complies with Nevada Revised Statutes 116.340 , be put back into the Ordinance:

> "On permit application, property owner must certify under penalty of perjury that STR use does not violate CC&Rs or HOA restrictions; inaccuracy may be cause for permit revocation."

The Ordinance as currently drafted violates Nevada Revised Statute 116.340 because Washoe County will illegally issue STR permits for residences in HOAs with CC&Rs that prohibit short term rentals, without the approval of the executive board, in violation of Nevada Revised Statues 116.340.

The analysis of Messrs. Lipparelli and Edwards, counsel for the County, discussed and addressed covenants found in the Declaration of Restrictions, and did not address Nevada Revised Statute 116.340 and specific HOA covenants, conditions and restrictions which prohibit short term rentals. I have sent both Mr. Lipparelli and Mr. Edwards a letter asking that they review the case law related to covenants and review Nevada Revised Statute 116.340 and revise their illegal advice and their recommendation to the Board of Commissioners, as their advice confuses general "residential" covenants in Declarations of Restrictions, with the statutory protections given by Nevada Revised Statutes 116.340 to home owners associations which have CC&Rs prohibiting short-term rentals.

1. <u>NRS 116.340</u>

Nevada Revised Statute 116.340, entitled "**Transient commercial use of units within certain planned communities**", provides in pertinent part as follows:

> "1. Except as otherwise provided in subsection 2, a person who owns, or directly or indirectly has an interest in, one or more units within a planned community that are restricted to residential use by the declaration may use that unit or one of those units for a transient commercial use only if:
>
> (a) **The governing documents of the association and any master association do not prohibit such use**;
> (b) **The executive board of the association …approve the transient commercial use of the unit**, except that such approval is not required if the planned community and one or more hotels are subject to the governing documents of a master association and those governing documents do not prohibit such use; and
> (c) The unit is properly zoned for the transient commercial use and any license required by the local government for the transient commercial use is obtained." …
>
> "4. As used in this section: …
>
> (b) "Transient commercial use" means the use of a unit, for remuneration, as a hostel, hotel,

inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive days."

2. **NRS 116.075**

Nevada Revised Statute 116.075 defines a "**planned community**" under this section as:

"Planned community means a **common-interest community** that is not a condominium or a cooperative. A condominium or cooperative may be a part of a planned community."

3. NRS 116.021

Nevada Revised Statute 116.021 defines a "**common interest community**" as:

"1. "Common-interest community" means real estate described in a declaration with respect to which a person, **by virtue of the persons ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance or improvement of, or services** or other expenses related to, common elements, other units or other real estate described in that declaration."

4. Article 4, Section 21, of the Nevada Constitution

Article 4, Section 21, of the Nevada Constitution provides:

"in all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, **all laws shall be general and uniform operation throughout the State."**

This is a state statute that was enacted to prohibit transient rentals of units within planned communities, where the HOA CC&Rs have specific prohibitions of transient rentals. This is the reason that Washoe County should have a similar provision to that found in the City of Las Vegas and City of Henderson short term rental ordinances on this subject.

The City of Las Vegas Application requires at Section 6.75.040 (F):

"(F) If the proposed short-term residential rental unit is located within a gated subdivision or controlled access building that is governed by an owners' association, a letter or other documentation from the association acknowledging the proposed use and, if necessary, granting access to occupants of the proposed rental unit."

The City of Henderson requires in the application a notarized statement under Section 19.5.3.G (3) (i):

"i. **certifying that operation of the short-term vacation rental would not violate any homeowner's association agreement** or bylaws, condominium agreement, covenants, conditions and restrictions, or any other private agreement governing and limiting the use of the proposed short-term vacation rental;

ii. acknowledging that the registration with the City will not supersede any such private agreements;"

These cities have recognized that they need to comply with NRS 116.340, and do at least the due diligence to not issue permits to homes protected by NRS 116.340.

5. There is a difference between HOAs covered under NRS 116.340 and other residences with Declarations of Restrictions

I understand that there may be a concern by Washoe County that NRS 116.340 could essentially prohibit short term rentals in virtually all locations in Incline Village because as non-attorneys, they do not understand that there is a difference between the general Declarations of Restrictions and the specific HOA CC&Rs which prohibit transient rentals. Not all HOAs in Incline Village have CC&Rs with prohibitions on short term rentals. But those HOAs that do have restrictive CC&Rs are protected by NRS 116.340, and the Nevada legislature has issued a statute so this is not a private

right that can be ignored by the short-term rental ordinances.

Mr. Lipperelli's discussion at the Board of Commissioners related to the Declaration of Restrictions, was as follows:

> "Well deed-restricted areas are a form of a servitude in some instances. It can be imposed on the property the first time it sold to an individual from a developer. That can be the moment when the deed restriction is inserted, and then survives throughout the chain of title to all subsequent property owners. Or it can be something that an individual property owner does in their chain of title. **But again, it's a private law, a private rule. It's a property owner's tool, it's not the government's tool. When you write regulations or ordinances, you're using your police power whether you're regulating health or safety or traffic speeds or land use.** You're using your police power, and when you do that, you get advice from your lawyers about limits on powers and the risks of using them in certain ways. So, we want to keep those separate from the rights that private folks have to enforce their own private rules."

NRS 116.340 is an exercise by the State of Nevada of its police power, and Washoe County cannot, by a special, local ordinance circumvent it and fail to follow its provisions. Mr. Lipparelli was describing the Declarations of Restrictions, the covenants in his analysis, not the HOA CC&Rs which are governed by NRS 116.340.

The entire discussion by Mr. Lipparelli and by Mr. Edwards was irrelevant in considering the application of NRS 116.340 to Washoe County's STR Ordinance. All of Mr. Edwards' research into covenants generally was irrelevant and neither Mr. Lipparelli or Mr. Edwards commented on or related to NRS 116.340.

6. Example of Restrictive CC&Rs

I would like to show you an example of the type of restrictive CC&Rs that are protected by Nevada Revised Statutes 116.340. I live in Lake Country Estates, and Section 3.1 of the Second Amended and Restate Declaration of Covenants, Conditions and Restrictions provides, in pertinent part, as follows:

> "3.1 Residential Use**.** Each Unit shall be used as a dwelling for personal, family or household purposes… Units may be rented. Any rental or lease agreement shall be in writing, shall provide that such tenancy is subject to all the provisions of the Association's Governing Documents and a copy shall be provided to the Association. **No Unit shall be rented for a period of less than twelve (12) months. Under no circumstances shall any Unit be rented for hotel or transient commercial purposes**, which is defined as the **use of a Unit, for remuneration** as a hostel, hotel, inn, motel, resort, **vacation rental or other form of transient lodging** if the term of the occupancy, possession or use is for less than twelve (12) months…"

7. The **Staff Report**, following what other local jurisdictions have done recommended:

> "**On permit application, property owner must certify under penalty of perjury that STR use does not violate CC&Rs or HOA restrictions; inaccuracy may be cause for permit revocation**."

I respectfully submit that it was incorrect legal advice to instruct Staff to remove this provision from the Washoe County Short-Term Rental Ordinance and this omission will cause the Ordinance to be in violation of Nevada law. I request that staff to include the above provision in the Ordinance under permitting. **Washoe County should not enact an Ordinance that will issue short term rental permits in violation of Nevada Revised Statutes 116.340**. Therefore, it is necessary for Washoe County to require that the property owner certify that STR use does not violate HOA CC&Rs that prohibit short term rentals. This can be remedied by following the Staff's initial recommendation.

I am a retired California attorney, class of 1973 from UCLA, with 43 years of legal practice. I was Chief Legal Officer for two corporations, outside general counsel for several other corporations, and a partner in two California law firms. I am available to discuss this with the County, Mr. Lipparelli or Mr. Edwards at your earliest convenience.

Very truly yours,

Diane Becker (Heirshberg)
805-290-2779
857 Lake Country Dr.
Incline Village, NV 89451
dbheirshberg@gmail.com

From: Diane Heirshberg
To: CSD - Short Term Rentals
Cc: Mullin, Kelly
Subject: Comment on Short Term Rental Occupancy Limits
Date: Sunday, December 01, 2019 12:02:16 PM
Attachments: Census data IV occupancy.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Re: Comment on and **Objection to** the Currently Drafted the Washoe County Proposed Short-Term Rental Ordinance **Occupancy Limits**

Dear Washoe County:

I am a full-time resident of Incline Village, and am writing this email to provide public comment on the issue of the occupancy limits set forth in the proposed Washoe County Short Term Rental Ordinance.

The **average occupancy per household in Incline Village** per the 2017 census was **2.35 persons** per home, and the **average family size was 2.75 persons**. Please see the attached data from the U.S. census (attached page 1) and from world population review (attached pages 2 and 3). The 2020 census will not likely show a greater family size.

I live in a **2750 square foot home**, with three bedrooms and 2 ½ baths, and a two-car garage, with no other overnight parking. My husband and I occupy our home. Based on the Occupancy limits as proscribed in **Section 110.319.15, my home could be rented to 23 short term renters**, composed of 5 in my master bedroom, 3 in one other bedroom and 2 in one other bedroom, 4 in our family room/office and 9 in our living room, based on the occupancy to square feet ratio allowed in Section 110319.13.

While **there is no guest parking**, an Owner could falsely represent to the County that two-four additional cars could park in the driveway, depending on the length of the car. Driveway parking cannot occur in the winter due to snow plowing which is done daily. No recreational vehicles, watercraft or trailers are allowed on Lake Country or in the driveways, as these are private and the HOA pays for maintenance and repair of these private roads. There is no street parking anywhere on Lake Country Dr. which is a private road that is only large enough for one car, to pass in front of my house, and barely large enough for two cars the rest of the areas to Village Blvd. But **I could imagine a site plan improperly being presented for 6 cars parking, 2 in the garage and 4 in the driveway which would allow for 24 short term renters**. The County will not employ enough people to check for the accuracy of parking site plans that will be submitted. **There is really only parking for 2 cars in the garage** in the winter, and four regular sized cars in the summer, late spring and early fall.

The proposed occupancy limits in the Washoe County draft Short Term Rental Ordinance are excessive and inconsistent with what is being done in other jurisdictions.

1. The City of Henderson at Section 19.5.3.G (2)(k) allows for occupancy of four occupants for the first bedroom and two occupants per each additional bedroom;
2. City of Las Vegas allows for occupancy of two persons per bedroom (excluding children under 12);
3. Placer County: two people per bedroom plus 2 people;
4. Douglas County: 2 people per bedroom plus 4 people;
5. City of South Lake Tahoe: two people per bedroom plus 2 people;
6. North Lake Tahoe Fire District proposed ordinance: two people per bedroom plus four persons.

Under all of the above Ordinances, the maximum short-term rental occupancy for my home would

be 6 - 10 persons, instead of the 23 persons allowed under the Washoe County Ordinance. Even 8-10 persons is excessive but at least that number of residents could be accommodated by the 2 ½ bathrooms and the two-car garage parking available at my home.

The only reason that the County of Washoe is allowing more people to reside in a home as a short term rental, than would be permitted for permanent residents, is that the County is able to maximize the transient occupancy tax which it collects (i.e., the more people allowed in a residence, the larger the nightly rental amount, and the larger the resulting transient occupancy tax). Every person in the planning department at Washoe County presumably knows that it is a falsehood to justify the high occupancy provision by saying that owners of real estate have a right to do whatever they want with their residences, because all of you know that the County has the right to exercise its police powers for protection of the public health and safety. It is respectfully submitted that in setting occupancy limits for short term rentals, the experts in the Planning Department, for the protection of public health and safety, should restrict occupancy limits based on public health and safety, and set limits as more reasonably set in nearby local jurisdictions.

Respectfully submitted,

Diane Heirshberg
857 Lake Country Dr.
Incline Village, Nevada 89451
805-290-2779
dbheirshberg@gmail.com

United States Census Bureau

QuickFacts

Incline Village CDP, Nevada

QuickFacts provides statistics for all states and counties, and for cities and towns with a ***population of 5,000 or more.***

Table

All Topics	Incline Village CDP, Nevada
Population estimates, July 1, 2018, (V2018)	X
PEOPLE	
Population	
Population estimates, July 1, 2018, (V2018)	X
Population estimates base, April 1, 2010, (V2018)	X
Population, percent change - April 1, 2010 (estimates base) to July 1, 2018, (V2018)	X
Population, Census, April 1, 2010	8,777
Age and Sex	
Persons under 5 years, percent	▲ 4.7%
Persons under 18 years, percent	▲ 17.0%
Persons 65 years and over, percent	▲ 23.2%
Female persons, percent	▲ 50.2%
Race and Hispanic Origin	
White alone, percent	▲ 86.6%
Black or African American alone, percent (a)	▲ 0.2%
American Indian and Alaska Native alone, percent (a)	▲ 1.2%
Asian alone, percent (a)	▲ 1.7%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.1%
Two or More Races, percent	▲ 1.9%
Hispanic or Latino, percent (b)	▲ 18.8%
White alone, not Hispanic or Latino, percent	▲ 76.0%
Population Characteristics	
Veterans, 2013-2017	789
Foreign born persons, percent, 2013-2017	14.3%
Housing	
Housing units, July 1, 2018, (V2018)	X
Owner-occupied housing unit rate, 2013-2017	72.3%
Median value of owner-occupied housing units, 2013-2017	$777,700
Median selected monthly owner costs -with a mortgage, 2013-2017	$2,682
Median selected monthly owner costs -without a mortgage, 2013-2017	$897
Median gross rent, 2013-2017	$1,380
Building permits, 2018	X
Families & Living Arrangements	
Households, 2013-2017	3,683
Persons per household, 2013-2017	2.35
Living in same house 1 year ago, percent of persons age 1 year+, 2013-2017	85.0%
Language other than English spoken at home, percent of persons age 5 years+, 2013-2017	20.4%
Computer and Internet Use	
Households with a computer, percent, 2013-2017	96.3%
Households with a broadband Internet subscription, percent, 2013-2017	91.0%
Education	
High school graduate or higher, percent of persons age 25 years+, 2013-2017	92.1%
Bachelor's degree or higher, percent of persons age 25 years+, 2013-2017	54.9%
Health	
With a disability, under age 65 years, percent, 2013-2017	4.7%
Persons without health insurance, under age 65 years, percent	▲ 15.4%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2013-2017	61.8%
In civilian labor force, female, percent of population age 16 years+, 2013-2017	55.9%
Total accommodation and food services sales, 2012 ($1,000) (c)	61,384
Total health care and social assistance receipts/revenue, 2012 ($1,000) (c)	D
	D

WDCA19-0008
EXHIBIT D

1

Incline Village, Nevada Population 2019

Incline Village, Nevada's estimated population is according to the most recent United States census estimates. Incline Village, Nevada is the -th largest city in Nevada (/states/nevada-population/cities/) based on official 2017 estimates (https://www.census.gov/programs-surveys/acs/data/summary-file.html) from the US Census Bureau.

The population density is 0.00 people/mi² (0.00 people/km²).

The overall median age is 48.9 years, 49.6 years for males, and 48 years for females. For every 100 females there are 99.4 males.

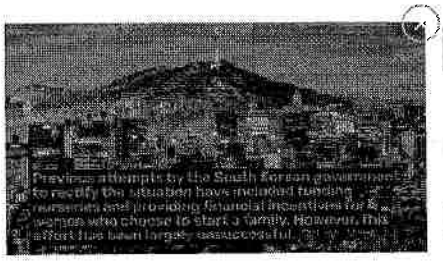
Based on data from the American Community Survey (http://www.census.gov/programs-surveys/acs/), in 2017 there were households in the city, with an average size of 2.35 people per household. The homeowner vacancy rate was %, with a median rent of $/month. The median house has rooms, and has a value of $.

The median income for households in Incline Village, Nevada is $81,717, while the mean household income is $133,314.

Incline Village Nv Demographics

According to the most recent ACS, the racial composition of Incline Village Nv was:

- White: 86.62%
- Other race: 8.27%
- Two or more races: 1.93%
- Asian: 1.71%
- Native American: 1.19%
- Black or African American: 0.22%
- Native Hawaiian or Pacific Islander: 0.07%



South Korea's Birth Rate Is Falling Exponent

Type	Owner	Renter
Non Family	73.1%	26.9%
All	72.3%	27.7%
Male	42.2%	57.8%
Female	27.1%	72.9%

72.3%

Rate of Home Ownership

Incline Village Nv Households by Type

Source:US Census 2017 ACS 5-Year Survey (Table S1101) (https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/S1101/1600000US3235100)

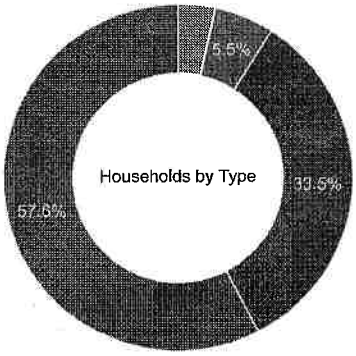
Type	Count	Average Size	Owned
All	3,683	2.35	72.3
Married	2,120	2.76	78
Non Family	1,232	1.37	73.1
Female	203	3.14	27.1
Male	128	3.71	42.2

2.75
Average Family Size

2.35
Average Household Size

4.6%
Unmarried (Opposite Sex)

0.4%
Unmarried (Same Sex)

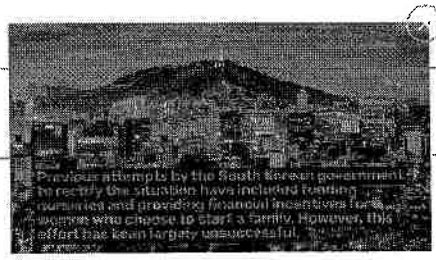


Incline Village Nv Education

Incline Village Nv Educational Attainment by Sex (over 25)

Source:U

1200



South Korea's Birth Rate Is Falling Exponent...

From: Mike Hess
To: Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty; Lucey, Robert (Bob) L; Herman, Jeanne
Cc: Mullin, Kelly
Subject: STR Regulations Public Comment
Date: Monday, December 09, 2019 7:50:10 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I read the revised regulations and I believe they are restrictive on the permitting and nuisance issues, but may be weak on enforcement personnel, any location limitations and occupancy standards.

In Chapter 110.809.15 the process for a permit is defined. My only question is how do we find out in advance that a permit is being applied so that we can make comments as an affected property owner. The applicant can respond to the comments prior to issuance of a permit. They reference the affected property owners but do not define how they will be notified.

STR violations risk lost of permit, remediation orders and stop activity orders. All complaints to an enforcement officer will be investigated if it is warranted, the owner will be identified and noticed creating a public record. It allows for the use of photographic, audio and video evidence to be submitted by the complaining party as part of the written and signed statement and attested to by the complaining party. The complaining party must appear at the hearing of the case. So basically, if you complain, expect to stand up and say so at the required hearing.

The county needs preventative enforcement through mandatory permitting and inspections which it is requiring. Even then parking will never be resolved without enforcement by the Sheriff, just more pollution into the lake by parking on the dirt.

Usual enforcement officials. They are able to act only within the field of enforcement in which they work. Unfortunately, with only two sheriffs available it is unlikely your noise/nuisance/safety violation complaint will ever get investigated. We need to ask the NLTFD how they will respond to safety complaints. Trash is the only one we have covered because IVGID manages and they have control.

I don't understand how TRPA is going to allow Washoe County to open all residential areas to STRs. This is not per TRPA neighborhood compatibility guidelines nor their environmental standards. Washoe County, having no location limitations, opens all of Incline Village and Crystal Bay residential areas to STRs regardless of where they are. Under the changed regulations, Washoe County is not even going to recognize the Certificates of Restrictions nor require the applicants to certify they are in compliance with those restrictions. How is that appropriate? Good luck with enforcing your HOA agreement.

You may have taken a small step in terms of regulation but the larger issues of enforcement, occupancy standards, and location limitations still remain.

Mike Hess
521 Spencer Way
Incline Village, NV 89451

From: Adam Hirsh
To: CSD - Short Term Rentals
Subject: Comment STR Proposed Regulations
Date: Friday, November 29, 2019 2:04:37 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Tier 1 is too high at occupancy of 10. Should be no more than 6.

There aren't any residences in the Apollo neighborhood, where I live, with even 6. The average is certainly less than 4.

10.319.15 (a) (3)

"Respond" should be defined as "on site".

10.319.15 (b) (4) (i)

This essentially allows all the other parts of 10.319.15 (b) to be overridden. If a residence needs more parking than was needed historically, it's being used more intensively than in the past. This should not be allowed.

From: Kathy Johanson
To: CSD - Short Term Rentals
Subject: Short Term Rentals
Date: Monday, November 25, 2019 3:53:45 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello, we would just like to voice our opinion on the short term rental situation in Washoe County. We have been renting our place part time and living in it part time for several years. If the rules change such that we are unable to rent our place part time we will sell it and move out of Nevada permanently. It is the only thing that keep us here, so please consider the commerce we will lose if this privilege is taken away.

Thank You!

Kathy Johanson, Ph.D.

Principal Faculty, City University
Co-Founder, O Wines Winery
206-883-4319

www.cityu.edu

CityUniversity

of Seattle

Ranked in the top 50 Best Online Bachelor's Programs in the nation six consecutive years 2013-2018 by U.S. News & World Report

City University of Seattle is a not-for-profit and EO institution accredited by the Northwest Commission on Colleges and Universities. Confidentiality Notice: This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not disclose, copy, or distribute the e-mail.

http://cityu.edu
"http://www.linkedin.com/pub/kathy-johanson-ph-d/1/b2a/737"

From: mlkennedy1@charter.net
To: CSD - Short Term Rentals
Subject: Comments re: STR code language draft
Date: Saturday, December 07, 2019 3:17:14 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To Whom It May Concern:
Thank you for your work to establish standards for STRs within Washoe County. I hope you will consider the following comments before final guidelines are approved:

1--Do STRs fall under the "single family residential" definition?

* "Resident" implies permanent or long-term living: STRs are less than 30 days and renters are transient.

*Many cities are now requiring STR owners to register and license units, pay transient occupancy tax, and register as a business.

*NV Tax Code (2018-19) includes B & Bs and "Tourist Homes" as Commercial Living Accommodations. Why wouldn't STRs fall into this category? Is it because with this classification, STRs would violate single-family residential zoning codes?

(see NV Land Use Codes, p. 12 (#20) and p.22 (#43)

*In addition, with the exception of occasional extended family gatherings, many rental groups are made up of two or more families, or groups of friends sharing the rent--a large number are not "single families".

2--If you do proceed in classifying STRs as "Single-family Residential", please, please consider reducing the number of occupants allowed per dwelling (for example, **maximum** of 6 occupants in a 3- bedroom, 8 occupants in a 4- bedroom, without additional allowance for sleeping in a living room, etc.

*In our private, single-family residential area, the occupancy rate of STRs is at least 2-3 times (or more) what it normally would be with residents.

I realize that all STR units are not occupied year-round, but based on being occupied in the summer and winter months (about 2/3 of the year) the

occupancy rate is far more than what it normally would be with residents. We pay a Homeowners' Association fee that includes water, trash, and sewage. The increased costs of these services due to STR occupants must be unfairly shared by all owners, even though only the STR owners benefit financially.

3--Please also limit the total number of STRs allowed in a neighborhood and/or general area. The number of visitors allowed due to these rentals is overwhelming the lake and will, in a short time, be detrimental to the environmental health of the lake.

4--I believe It is the responsibility of government agencies, such as Washoe County, to consider the quality of life of present owner/residents and not to take action that will negatively impact that quality. I realize that the county wants to benefit from the taxes generated by STRs, but it should not come at the expense of current owner/residents, and certainly not to the point that it negatively impacts the environment of the area.

Thank you for your consideration.

Respectfully,

Mary Lou Kennedy,

Incline Village, NV

From: Ben Kotnik
To: CSD - Short Term Rentals
Subject: Feedback on proposed STR regulations
Date: Wednesday, December 11, 2019 9:48:38 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Washoe County Representatives,

Overall, the proposed regulations for STRs are a case of adding more restrictions to penalize the many conscientious property owners in Washoe County for the poor actions of a few. Further, many if not all of the proposals are not needed if existing laws regarding such issues as illegal parking and noise complaints are simply enforced. I can get behind a permit and possibly some other limitations, but they need to be thought through.

For context, our family has done STRs for a few years to (1) enable the payment of property taxes (2) offset other maintenance expenses that keep our home in good condition thereby doing our part to maintain property values in the area, (3) share the Washoe County experience with families we vet to make sure they are responsible while in our family's home. Added benefits to the community for such responsible STRs include but are not limited to: tourism revenue in the form of taxes, shopping, dining, recreating, etc.

I've responded to several of the summary bullets I found on your website to share my feedback:

- Short-term rental permit required for all STRs operating in unincorporated Washoe County.
- Every STR must have a designated 24/7 responsible party who can respond to issues within a 30-minute timeframe.

"Issues" and "respond" are vague terms. This seems like over legislation in my opinion. Is the intent to selectively favor STRs that are owner-occupied?

- Limit of one STR per parcel.

Why does this matter? Please enforce existing laws. Why should a property with 2 STRs to 2 people be penalized over 1 STR that rents to 16 people, or 100? This seems arbitrary and flawed logic that misses the valid points, such as neighborhood nuisances and violations of existing laws.

Annual renewal of STR permit required.

- Applicable room taxes must be paid.
- Issuance of County STR permit does not supersede private CC&Rs that restrict such a use (property owner still responsible for compliance with recorded CC&Rs).

Does this need to be legislated? Seems obvious to me that a residence with CC&Rs simply needs to have those enforced. If the HOA, or authoritative body, can't enforce their CC&Rs then why should tax dollars or permitting fees go to this purpose? If there are CC&R violations then that is a matter between the property owner and the HOA.

- Three permitting tiers are proposed based on maximum occupancy. Additional restrictions and/or permitting requirements will apply at higher tiers.

This ignores the frequency of rentals, the number of occupancy-nights in a year, and unfairly targets an STR simply because it can accommodate more guests. Again, please enforce existing laws and codes. If the problems are too many cars or too much noise, just enforce those laws. Please don't create additional complexities when it seems the existing laws are not being adequately enforced to begin with.

- Designated parking spaces to be provided on the property in a sufficient number to cover the STR's maximum occupancy.

OK, maybe a consideration for the permit application. But again, if the problem is renters taking up too many street spaces then why not try a permitting process as is common near universities? i.e., Parking for Residents only with a designated parking permit.

- Occupancy limits to be based on internationally recognized safety codes/standards, and may be further limited by availability of on-site parking and/or septic system sizing (if applicable).

OK. I get the intent, but again is it more important to limit the occupancy limit or the total number of occupancy-nights in the year? I see a difference between an STR for 10 people for 1 week (70 occupancy-nights) a year vs. the impacts of the same property being rented by 8 people 40 weeks a year (4480 occupancy-nights a year).

Including private septic systems seems counterintuitive to me. If the

intent is to include public sewer, that makes more sense, but then wouldn't this risk be addressed by the building permit process? I.e., the home is permitted for the proper sized septic based on existing factors (bedrooms, bathrooms, etc.). Whether there are owners or renters in a home, it makes no difference...The inclusion of septic in STR guidelines seems fuzzy to me.

- Minimum fire, safety and defensible space standards will be applicable.

What does this have to do with STRs? We already have laws for these; please enforce them. Our experience in our neighborhood is everyone takes fire risks extremely seriously and we realize we're all in this together to an extent. I don't think additional laws or penalties would change any behavior as this is already taken quite seriously in my experience.

- Prior to issuance of STR permit, inspection(s) will need to be passed. Cost of inspections will be paid for by applicant.

An inspection? For what purpose? By whom? What certifications will inspectors need to possess? What comprises such an inspection?

- Cost-neutral fee and fine structure designed to ensure implementation and enforcement of STRs is paid for by STR owners.

How about simply enforcing existing laws, and imposing fines for infractions? e.g., parking tickets, fines for noise ordinance violations, etc. Aren't fines included in the enforcement of these laws? If noise complaints become a problem, then raise the fine for these rather than imposing fees or fines for ancillary versions of existing laws.

- Wildlife-resistant trash carts or bear boxes needed in bear-prone areas.

Again, not directly related to STRs, please enforce existing rules and laws. We all take bears seriously in our neighborhood. While there are occasional "problem bears," we all know bear problems stem from people problems. Again, existing codes should be updated if needed or simply enforced.

- Quiet hours are proposed.

Aren't there quiet hours already established? e.g., 10 pm - 8 am or thereabouts?

- Board asked to consider decibel-monitoring devices for higher-

occupancy STRs and/or problem STRs.

Something like this should apply to all residences not just STRs. So, again, no need for additional rules, simply enforce existing laws please.

- Appropriate liability insurance specific to STRs will need to be obtained.

Why? As a homeowner I should make the choice to obtain any insurance deemed necessary for our risk exposure without the overreach from an external body.

- Three-pronged approach to enforcement includes: (1) actively pursuing licensing compliance; (2) annual inspections; and (3) 24/7 complaint hotline with confirmed violations resulting in fines and potential penalties such as revocation.

Overreaching. If there are problems at a property, please enforce existing laws, fine the offenders and property owner to the extent allowed by the law. It seems non-sensical for a neighbor to know if they should call 911 or the "STR Complaint Hotline," How would they know, and if there's a real problem is this really the number they should be calling?

- Fines/penalties to be structured to be significant enough to deter violations, with fine amounts being based on a scaled system that increases with average nightly rates.

Is there any data to support a correlation between average nightly rates and the number or severity of any "violations?" This decision seems to not be data-driven. Why not just enforce existing laws and generate revenue from the offenders to fund enforcement?

- Three confirmed violations in 12-month period to result in revocation and 12-month cooling off period.

Thank you for taking the time to read my comments and consider them in the context of being citizens that love Washoe County, it's beauty, it's people, plentiful recreational opportunities, and more. Including options for visitors to our county fuels our tourist-driven economy, and allows us to maintain our home and offset property taxes.

In summary, the very few issues with STRs can be addressed through the enforcement of existing laws and regulations.

Sincerely,
Ben Kotnik on behalf of the Kotnik Family
404 Wassou Rd.
Crystal Bay

From: Kimberly Kotnik
To: CSD - Short Term Rentals
Subject: Short term rental public comment
Date: Wednesday, December 11, 2019 11:26:49 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Representatives,

My Mom designed and built a home in Crystal Bay, Washoe County in the mid 1990s. She has since passed away and the responsibility for managing and maintaining her home now falls to me. I rent the house as a short term rental on a very select basis, normally to multi-generational family groups and families with small children who appreciate Lake Tahoe's beauty. My goal is to cover the costs of property taxes, insurance, utilities and maintenance so that my family can keep our house, and so that other families can enjoy all that Lake Tahoe offers.

We are good neighbors, good citizens, and have never had any complaints. We have enabled numerous family groups to share time and make memories in Lake Tahoe. Additional regulations, particularly those that serve no apparent purpose, would be burdensome and costly to my family, and would make our home and the area less accessible to others. Empty homes would in turn hurt the local economy.

We are in favor of targeted regulations that respond to actual problems. We strongly oppose adding regulations that target short term rentals specifically.

Sincerely,

Kim Kotnik
404 Wassou
Crystal Bay, Nevada

From: Helene Larson
To: CSD - Short Term Rentals; Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty; Lucey, Robert (Bob) L; Herman, Jeanne
Subject: STRS in Incline/Washoe County
Date: Tuesday, December 10, 2019 10:28:37 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To whom this should be of great concern:

I moved to Tahoe in 1983. I helped publish North Tahoe Week magazine for over eight years, and fully understand the value of visitors. I have also been an active contributor in many ways to our local communities. My children went through school here, and one graduated from Sierra Nevada College. They were raised in the greater Tahoe community which included all kinds of people. Three of my five grandchildren live here, and the ones that don't come up to enjoy the summers and winters here. Tahoe is a wonderful destination resort area AND it is a terrific place to raise families.

When rents were more available and affordable this was more of a possibility. As rents get hijacked by short-term rentals, all sorts of havoc ensues in a community. This is a matter of record in many other places that have restricted the STRs to save the wholeness of their community, and it is already evident here.

I know there is a lot of money at stake. I know the Realtors and their clients have a right to use their properties as they wish – to a point. That point is when their financial benefit adversely affects others, individually, and the community in which they all live.

Documented facts are pointing to this negative impact. Between the years 2013 and 2018, 50% of structure fires in Incline were caused by STRs. That should be enough right there – to institute regulation of these rentals. To dismiss that hard, cold fact is irresponsible at best, and dangerous at worst. Other violations to our area are numerous – illegal parking, disturbance of the peace with partying; trash problems which lead to more bear problems. These mostly impact the areas the rental is in.

Beyond all that, the whole nature of our community is destined for a major change. When workers cannot afford to live here, their travel costs and time have to be calculated into the value of their pay. They will either need to be paid more, or they will work closer to where they live.

As year-round residents disappear from our community, all the local businesses such as doctors, dentists, restaurants, and others that they help sustain lose that income base, especially off-season. Some will increase their prices to offset that, and some will close, making Incline Village a much more inconvenient and expensive place to live.

Personally, due to STRS causing a severe upward change of the average rental place in Incline, my ability to stay in this community now seems to have numbered days. In a period of 13 months, my rent increased 36%! I have been in the same place for a decade; it's a four-plex. The two newest tenants are paying even more than I have to now. At the end of current lease, my rent could increase ANOTHER 20%.

It is almost a certainty that I will have to leave my beloved Tahoe because some people who already have the benefit of being first- or second-homeowners are free to capitalize on it, at the a great cost to those who cannot. You may be hearing from lots of Realtors about the STR issues, and not enough from the rest of us. Please bear in mind that Realtors, somewhat blinded by the income opportunity of STRs, are not really representing what is best for Incline Village, and have seemed to have lost sight of the bigger picture of protecting and preserving our whole community.

I applaud the homeowners who seek relief from the nuisance and dangers STRs present, and just want quiet enjoyment of their mountain property. Some of them are able to be active and speak out. Yes, you may not be hearing much from the "other side." That is because some of us are not available to miss work and attend your meetings. We are scrambling just to be able to live here now. We deserve Tahoe, too, and are asking you to consider the whole picture more thoroughly.

Perhaps regulatory fees and fines could offer us some protection from inconsiderate, unsafe practices of STR visitors, and possibly reduce the number of people who are participating in that. Many sophisticated communities, such as Culver City, and Santa Barbara, California, have minimum short-term rental stays of 28 or 30 days. Please strongly consider doing whatever you can do to ameliorate this financial tsunami and channel it so that so many of us who live here can withstand the flood of rising costs and continue to be able to live in this paradise we also call home.

Thank you,

Helene Larson

822 Northwood #1
Incline Village, NV 89451

From: Kathy Magnani
To: CSD - Short Term Rentals
Subject: STR Comments
Date: Thursday, December 05, 2019 5:48:02 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I am in full support of regulations regarding STR's. I am an STR owner and am extremely hands on. I want to see the opportunity for STRs in Incline Village continue. I have a property manager in town. I'm in full favor of there being a local contact. I regulate the number of folks in my rental and have a Ring Doorbell to verify the numbers. I provide parking for the identified guests. I am in full support of there being a recommended number of occupants based on the size of the condo or home.

I don't appreciate the "bully comments" made by some residents that STR's are the reason for the trash problems in Incline, the noise problems, the parking problems, etc. I think regulations will help with all of this. Incline Village is a wonderful place to experience, yet it's extremely expensive to live there. I'm blessed to have a home there and wish to continue to share it with others who want to visit!

Sincerely,

Kathy Magnani
Property Owner in McCloud

From: **Margaret Martini** margaretmartini@liveintahoe.com
Subject: CAB meeting tonight
Date: December 12, 2019 at 4:33 PM
To: Pete Todoroff ptodoroff1@sbcglobal.net
Cc: mlberkbigler@charter.net

Hi,
Won't be able to come tonight. Have to pick up someone in Reno.

If you want a 3 minute statement for the record here it is: (and you can add this portion to the minutes of the meeting.

1. Short term rentals are not a SFR application by definition.
2. They are a business for profit and have taxable income, licensing and fees applied as a business as is evidenced by definition of a business.
3. They are not safely monitored (example of last month carbon monoxide poisoning of a movie star and her family of 11 people in Tahoe City)
4. They are not set up for public safety use (re: fire escape routes, deck heights, smoke alarm and carbon monoxide regular testing).
5. Sanitization of linens as would be required for motel type use.
6. Off street parking for as many cars as necessary to accommodate the guests.
7. Private property rights are not just for those wanting to change the use of their SFR's…the private property rights of the rest of the neighborhood are not considered by allowing their rights to quiet enjoyment of their homes SFR's.
8. CCR's are not being enforced by the county who required them and recorded them with the conversion of vacant land into SFR neighborhoods. The county is doing a big dance around this fact.
9. Short term rentals essentially change the zoning of a neighborhood by actions of short term renting to a mixed use area without proper zoning changes.
10. The county is remiss in investigating the use change and standing behind one attorneys OPINION. This re-zoning needs to be put to the test, perhaps through the court system.
11. The county is already facing a huge expense from not doing their job in the property tax realm and should not want to get into another fray from listening to the OPINION of one or two county employees who stand to line their pockets heavily once again if this comes to a litigation situation.
12. The county has already essentially abdicated some of their power regarding re-allocating neighborhoods and density to the TRPA in the Tahoe basin…and is once again considering aligning with the TRPA on the short term rental ordinances. The TRPA only has the power to withhold building allocations for enforcement. Washoe County does not need many building allocations in the Tahoe Basin. We are essentially built out by Lake standards.
13. The county does not have the resources to enforce anything that they put forth in regard to ordinances. That makes them unenforceable and therefore essentially just suggestions.
14. The chair of the commission has essentially said that she considers those who have spoken against short term rentals are just a "vocal minority" without taking any polls. It is just her opinion and has no basis in reality. Just in her reality which is unlawfully biased against those who take their time to attend the commission meetings.

There are many more issues that need to be addressed and hopefully there will be some in attendance who will speak up on them

attendance who will speak up on them.

Thank you for your inclusion of these comments in the meeting.

Pete: if you cannot read my comments, then please see if someone else will
Thanks,
M

Margaret Martini
Incline Village, NV 89451

December 12, 2019 Incline Village Crystal Bay CAB Proposed changes to Draft STR Regulations

Prepared by Judith Miller, CAB member.

Section	Recommendation	Comments
Section 1	Keep the language "Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis." Do not delete the phrase "on a wholly or primarily non-transient basis".	This language is historic evidence that transient occupancy was never intended to become the primary use in residential neighborhoods. Yet, because there were never any clearly defined guidelines or limits, we already have neighborhoods where the primary occupancy of dwelling units is for transient rentals. The goal of planning is to create livable and sustainable communities. We have already seen how the proliferation of STR's has degraded the livability and threatens the sustainability of our community.
Section 2 Section 110.304.15 Subsection (d)	Clarify the definition of Short Term Rentals. More specifically, do proposed regulations apply to owner hosted short term rentals?	The definition does not make any distinction between hosted rentals (where an owner resides at the property) and non-hosted. Existing rules for TLT exempt owners who rent out rooms, (see **RENO-SPARKS CONVENTION & VISITORS AUTHORITY TRANSIENT LODGING TAX AND SURCHARGE REGULATIONS** 1.33. "Transient Lodging" Defined. The term "transient lodging" does not include any of the following: ...any room within a private dwelling house or other single-family dwelling unit if the permanent or principal owner also resides in and occupies the dwelling; "). Are owner hosted short term rentals subject to the provisions of Article 319?
Section 7 **Section 110.319.10**	**Requirements for Application. (g)** **Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA);** Clarify whether or not this is a requirement of owner hosted short term rentals.	As noted above, owner hosted STR's are not considered "transient lodging" by RSCVA and thus are not required to pay TLT or obtain a license.

Section 7 **Section 110.319.15**	**Standards.** **(b) Parking Standards.** **(3) One parking space is required for every ~~four~~ 2.5 occupants.**	Parking requirements as proposed by staff (1 space for 2.5 occupants) were not unreasonable for the Tahoe basin. The diminished requirement of 1 space per 4 occupants is just not enough for 3 and 4 bedroom STR's, often occupied by 3 or 4 couples/children (8 to 10 individuals) in an area where snow and environmental concerns rule out most on-street parking.
Section 7 **Section 110.319.35**	Clarify language as it pertains to units advertised kitchen units with cooking facilities (stovetop/range/oven). **Inspections "Once an STR permit has been issued, reasonable unscheduled inspections may occur if first responders, fire inspectors or Planning and Building inspectors/ officers have reason to believe occupancy has been exceeded or a life safety issue is present."**	Many vacation rentals are advertised as secondary dwelling units with full kitchens yet County records show only a single residential unit. Will the proposed language provide mandatory inspection of these units when credible evidence of unpermitted kitchens is presented, i.e. is this considered a life safety issue? If and when secondary units with kitchens are permitted, will parcels be listed as having a secondary dwelling unit (attached or detached)?
Section 7	Add restrictions that further support the basic definition of residential use types, i.e. (primarily non-transient). Staff can recommend ways to limit either the number of permits issued or the number of days that STR's can operate. Without these restrictions, the proposed regulations do little to address the many problems our citizens experience as a result of just the volume of STR's: lack of affordable housing, declining school enrollment, overcrowding of community facilities and general decline of the desirability of the area as a place to live.	Courts are recognizing that short term rentals, when they become the primary use of property, constitute a commercial, not a residential use and are substantially different from typical long term rentals. There are a variety of ways STR's are limited by various city and county agencies. One method would be to put limits on the number of days a structure in a residential zone can be used as a short term rental. This is not a new concept. An example of regulations that would limit short term rentals was recently affirmed by the voters in Jersey City, NJ. https://www.jerseycitynj.gov/UserFiles/Servers/Server_6189660/File/Agendas,%20Mins,%20Res%20&%20Ord/2019%20Ordinances/OR2%202019%2006%2025.pdf Non-hosted short term rentals are limited to 60 nights per year. This seems like a generous and reasonable solution, almost too generous in a seasonal tourist area like Tahoe.

From: cmorgan@morgan-holdings.com
To: CSD - Short Term Rentals
Subject: Short-Term Rental Recommendations
Date: Monday, November 25, 2019 6:25:34 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To the Washoe County Board of Commissioners:

I'm writing to comment on the proposed recommendations to govern STRs. Most of the recommendations seem reasonable. However, there are several proposals that are unreasonably cumbersome and extreme.

Every STR must have a designated 24/7 responsible party who can respond to issues within a 30-minute timeframe.
This proposal is unrealistic for STR owners that are not small or large businesses or are contracted with large STR service. I assume Airbnb and VRBO help lines provide the support the county is concerned about.

Prior to issuance of STR permit, inspection(s) will need to be passed. Cost of inspections will be paid for by applicant.
Annual permits are unreasonable unless the county has reason to believe that an STR has not met established requirements (e.g., related complaints). I understand that the county might want an initial review to inventory and ensure owners have met or exceeded minimum requirements, but STR owners associated with the big STR companies already have quality requirements that need to be met and without cause, an additional inspection is unnecessary. Regardless of whether there's an initial inspection or not, it's overly onerous on the owners to require a repeat every single year unless there's a good reason to suspect a deterioration of the property.

Quiet hours are proposed.
Shouldn't all STRs follow the quiet hours in their neighborhood? The only reason the county should get involved is if there are no existing quiet rules, but there shouldn't be a difference between a neighborhood's rules and any STRs.

While the STR is being rented, an external sign should be displayed with Washoe County STR permit number, occupancy limit, complaint hotline and local STR agent/property manager contact number
This is an incredibly bad idea. It could lead to discrimination, reduces the safety of guests by letting thieves know where the tourists are, and may be against HOA rules in many cases.

I would appreciate a confirmation that you've received these comments.

Thank you,

Chris Morgan
Morgan Holdings LLP
Office: 775-849-0940
Fax: 866-903-2966
cmorgan@morgan-holdings.com

December 11, 2019

RE: Washoe County Short-Term Rental Proposed Regulation

The Incline Village REALTORS® (IVR) and Reno Sparks Association of REALTORS® (RSAR) have reviewed the short-term rental ordinance proposed for Washoe County and respectfully submit written concerns with the proposal. IVR and RSAR support reasonable restrictions to enhance short-term rentals in Washoe County, we believe the draft proposal continues to raise concerns and impair a fundimental right of private property ownership.

We want to be clear that vacation rental regulation is not a specific REALTOR® issue but a private property rights issue. A homeowner has a right to own, sell, and rent their property. Additionally, we do not defend bad tenants or bad neighbors regardless whether short-term, long-term or owner occupied. We also support and encourage the enforcement of nuisance ordinances whether noise, parking, trash, garbage, etc.

First though, we compliment Washoe County staff, particularly Kellie Mullin, for their efforts to reach out to the community in obtaining input related to short-term rentals.

Both associations are concerned with several aspects of the proposed Ordinance including response time, inspection(s), occupancy restrictions, and a ban on STR's in land use zones.

Nuisances

- ✓ Neighborhood Impacts- IVR and RSAR feel that the County already has ordinances and Code provisions on its books to address and help alleviate potential impacts on neighboring properties.
    - Code Chapter 90 – Garbage Collection and Disposal
    - Code Chapter 70 – Vehicles and Traffic
    - Development Code Article 410 – Parking and Loading
    - Development Code Article 414 – Noise and Lighting Standards'
    - Nuisance Code Chapter 50.300

- ✓ Parking- The proposed standards are arbitrary when imposing minimum parking requirements on short-term rentals that would not apply when the same home is occupied by the owner or by long-term tenants. Imposing a minimum parking requirement on short-term rentals that does not

apply to long-term occupancies is contrary to the principle that the right to rent is a fundamental aspect of private property ownership.

- ✓ Neighborhood Notification- This encourages neighbors to raise general concerns about potential adverse impacts or to complain about a bad act or condition. This could result in negative consequences.
- ✓ Occupancy- Imposing maximum occupancy limits on short-term rentals that would not apply when the same home is occupied by the owner or by long-term tenants. By imposing this maximum occupancy limitation on short-term rentals, but not on long-term residential occupancies, the STR Ordinance is contrary to the principle that the right to rent is a fundamental aspect of private property ownership. Limiting the daytime occupancy to the same as the nighttime occupancy does not take into account the different use impacts between daytime and nighttime uses, i.e. noise issues. Additionally, the limits do not take into account the various ages of the tenants, i.e. an infant or toddler is counted the same as a teenager or adult.

Concerns for Vagueness:

- ✓ Quiet Hours- how would the County determine what is "respectful" to surrounding neighbors or how this will be enforced.
- ✓ Violations: This approach raises concern because the owner of a short-term rental may have no way of knowing a violation is occurring. Holding an owner responsible for a violation that they did not commit is unfair. We would suggest the County make it clear that an owner is not responsible nor liable for the caused violation.
- ✓ Inspections- Inspections should have a clear checklist and procedure for conducting the inspection that is understandable by homeowners. It is unclear what the scope and procedure will be. It appears to grant County staff or Fire Official unfettered discretion to impose additional requirements and conditions "any associated necessary improvement expenses paid by the applicant/STR owner". The lack of procedures or standards for "any associated necessary improvement" raises serious concerns for IVR and RSAR.

Designated Agent Requirements:

- ✓ Requiring a designated agent or property manager to respond to complaints and issues regarding a short-term rental property: (1) inappropriately imposes a public policing function on private citizens; (2) would unreasonably place local agents at risk of physical harm; and (3) could result in higher insurance premiums for property owners. The STR Ordinance leaves unclear what the designated agent is required to do to meet the obligation to "respond" within the 30 minute time limit. For example, would the designated agent have to go to the property in person within 30 minutes of contact by Washoe County in order to address the complaints related to the STR?

  Moreover, to the extent that it would require the designated agent to confront badly behaving tenants and their guests in order to address a complaint, Section 110.319.15(a)(3) would place the local contact person at risk of physical harm or potential liability. If the County receives a complaint about an out-of-control party, a noisy altercation, or a similar disturbance occurring at the location of a short-term rental, does it really intend to forward that complaint to the designated agent rather than dispatch police officers or code enforcement personnel to the property? Have County officials seriously considered the potential consequences of compelling a designated agent to personally confront a tenant about such a complaint?

We appreciate the opportunity to express our written concerns to you.

Kendra Murray
Incline Village REALTORS® CEO

April LaBrie
Reno Sparks Association of REALTORS® CEO

For questions or concerns please contact:

RSAR- Jim Nadeau Jim@carraranv.com 775-336-7521

IVR- Heather Lunsford Heather@carraranv.com 775-842-5786

From: R Mark Nelson
To: CSD - Short Term Rentals
Subject: STR - a great big make-work project
Date: Friday, November 08, 2019 1:28:18 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am NOT a STR owner or even an STR user. I am a property owner and resident.

In my worst nightmares, I couldn't have imagined that this much wasted effort could be put into an STR ordinance.

The original suggestions were to:
-Register them
-Rate them for occupancy levels based on bedrooms and common space with sofabeds
-Require onsite parking - no street parking allowed
-Collect some sort of reasonable fee
-Maybe have a priority phone number to ENFORCE existing noise and nuisance ordinances

You turned this in a 100 page report and a process that will undoubtedly require multiple FTEs along with their pensions once you get it rolled out. Add that to Sisolak unionizing state and county workers ... and what a mess.

DIAL IT BACK to the basics. This is just WAY TOO MUCH. And if Tahoe/Incline needs it, then do it up there. There's plenty of rules down here already.

From: S Geoffrey Schladow
To: CSD - Short Term Rentals
Subject: My Objections to your STR plan and recommendations
Date: Monday, November 25, 2019 9:49:14 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

As a property owner in Incline Village, and as a scientist leading the efforts to protect and restore Lake Tahoe, I wish to lodge my objection to the County's STR Plan. Your recommendations will directly impact the health and well being of Lake Tahoe (through increased traffic, disturbance, fire risk, water contamination etc.) and reduce the value of my property. The entire bi-State strategy of protecting Lake Tahoe is predicated on the concept of "carrying capacity", and through this short sighted set of recommendations you risk pushing the system beyond its carrying capacity. This will likely result in reduced access and opportunity for property owners in the future, as Basin Agencies devise strategies to compensate for your actions.

Sincerely,

S. Geoffrey Schladow

S. Geoffrey Schladow, PhD
Professor of Water Resources and Environmental Engineering
Director, Tahoe Environmental Research Center
University of California, Davis
One Shields Ave • Davis • CA 95616

TAHOE (775)881-7563 DAVIS (530)752-3942

email: gschladow@ucdavis.edu web: terc.ucdavis.edu

From: Sara Schmitz
To: CSD - Short Term Rentals
Subject: below is my public comment on the pending ordinance
Date: Tuesday, December 10, 2019 9:26:08 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

STR Committee,

I greatly appreciate the effort and the content of the proposed ordinance.

TRPA put forth comprehensive STR guidelines and best practices that allow TRPA to meet their thresholds and therefore protect the lake. These guidelines were intended to be adopted by the various jurisdictions in the Tahoe Basin. One guideline which is not included as part of the proposed ordinance is that of limitations to the numbers of STRs in a given area.

TRPA wants STRs to be clustered in town center areas. This ensures neighborhoods are not overrun by STRs. Since Incline Village/Crystal Bay have the largest number of STRs OUTSIDE our town center, it is important to incorporate a limit on the density of the STRs in any one neighborhood. This is to preserve the desirability of our neighborhoods.

With the ever increasing conversion of long term rentals into short term rentals, it's having a negative impact on our community. The availability of long term rentals is dwindling which negatively impacts our local businesses and local professionals. We run the risk of businesses moving out of our community due to lack of availability of workers. This is the downside of too much tourism. If there is a balance, it would protect our businesses, neighborhoods, and people who work here in our community.

I suggest you determine an appropriate cap on the number allowed in our community and within a given area such as neighborhood or complex. If we are already over what is deemed to be an appropriate limit, then implement some sort of a "phase out" strategy so as to not harm current property owners.

Warm Regards,

Sara Schmitz
(925) 858-4384

Incline Village Crystal Bay Community 1st

From: Sara Schmitz
To: Berkbigler, Marsha; Mullin, Kelly
Cc: Heather Lunsford
Subject: The hotel next to me
Date: Saturday, November 09, 2019 7:36:53 AM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Commissioner,

Below is a photo which is 'normal' at the STR next to our home. This is NOT neighborhood compatible since no other homes in my neighborhood have 8 cars in their driveway on a regular basis. In addition, this 6000 square foot home is not up to 1999 code in that it doesn't have interior sprinklers which has been the building code for 20 years.

I suggest that homes larger than 5000 square feet be required to be brought up to code for safety reasons. This is an example of a commercial hotel and should be required to meet commercial requirements of a hotel.

My other suggestion is to restrict the number of cars per STR, regardless of size. It is easier to count cars than noses and it helps to reduce air pollution, traffic, and congestion. In addition, homes are to be neighborhood compatible and 8 cars every weekend is not compatible.

I had a great meeting with the Board of Realtors and feel we're on the same page. We need regulations to rid our community of the bad actors, like the home next to me.

I'm working on suggestions for the tiers. I'll share those on Tuesday.

Sara

From: Sara Schmitz
To: Balaam, Darin; Berkbigler, Marsha; Mullin, Kelly
Cc: Sara Schmitz; Heather Lunsford
Subject: Gates on short term rental homes
Date: Saturday, November 09, 2019 7:52:51 AM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Commissioner and Sheriff,

I suggest STR's must not be allowed to have driveway gates. When attempting to address my noise complaint, the Deputy on duty was unable to access the home due to a driveway security gate.

No STR should be allowed to have a gate that prohibits enforcement.

Thank you for considering this suggestion.

Sara Schmitz

Sent from 925-858-4384

From: Sara Schmitz
To: Berkbigler, Marsha; Herman, Jeanne; Lucey, Robert (Bob) L; Hartung, Vaughn; Jung, Kitty
Cc: Mullin, Kelly
Subject: my comments and suggestions for STR regulations
Date: Monday, November 11, 2019 12:04:45 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Commissioners,

Creating regulations for an industry that has gone on without any oversight for too many years isn't an easy task. I appreciate the effort put forth that brings us to today. The proposal before you isn't perfect, but at least it's a beginning.

1. The largest concern not addressed is the needed restriction on the total number of STR units allowed in our community and in a given neighborhood. The TRPA guidelines, which Washoe County Staff has been working to emulate, recommends limits to the number of STRs in any given jurisdiction and any given neighborhood. This was done to ensure neighborhood compatibility. This same limitation needs to be added to the initial roll out of regulations.
2. I strongly suggest all short term rental properties be required to have a special use permit.
3. The tiered structure for permitting is a great idea. My suggestions for Tiers is a follows:

All Tiers would require a Special Use Permit when in a single family residential area.

Tier 1

- This would include properties where the property owner will be on site ensuring regulations are followed and thereby reducing the need for neighbors to become the STR police.
- This would also include property owners requesting a "short term" permit for their STR. If a property owner is interested in renting for a duration less than 30-days, they would be given a "quick permit". This would allow owners to rent their residence for a 30-day period without being overburdened with regulations. They would be allowed to have one "quick permit" per calendar year.

Tier 2

- This tier is a full-year business permit for properties up to 3 bedrooms with a maximum occupancy of 8. This occupancy calculation is consistent with the TRPA guidelines which are 2 people per bedroom plus 2. Inspections are required for the permit.

Tier 3

- 4-5 bedroom properties with a maximum occupancy of 12 (2 per bedroom plus 2 as per TRPA). These should require a more rigorous Special Use Permit process and inspections.

Tier 4

- Properties with occupancy levels greater than 12 should only be allowed in commercially zoned areas, require commercial standards for transient occupancy, and the more rigorous Special Use Permit process and inspections.

In summary, I suggested the following changes to the proposed language:

1. Restrict the total number of STR units in a given jurisdiction and neighborhood.
2. Require Special User Permits for all STRs.
3. Use the occupancy calculation supported by TRPA which is 2 per bedroom plus 2.
4. Have the base tier for brief short term rental periods of less than 30 days and for properties with on-site hosts and adjust the tiers for occupancy levels based on TRPA calculations.

Thank you,

Sara Schmitz
(925) 858-4384

From: eric.tracy@yahoo.com
To: CSD - Short Term Rentals
Cc: McQuone, Alice
Subject: STR Draft Code Language 21-Day Public Comment Period
Date: Thursday, December 05, 2019 3:39:13 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Kelly Mullin, AICP
Senior Planner
Planning & Building Division
Community Services Department

My name is Eric Tracy and I am a permanent resident in Unincorporated Washoe County. I attended the STR Public Workshop in Reno on August 20th and the Washoe County Commissioners Board meeting on November 12th (and was present for all 3 hours of discussion on Item #28, Short-Term Rentals Discussion). Unfortunately, I will not be able to attend the rescheduled Incline Village/Crystal Bay Citizen Advisory Board Meeting that is taking place on 12/12/19. I have now reviewed the published proposed draft language and have several specific comments that I would like shared with Washoe County Staff and the Commissioners which is included immediately below:

Chapter 110 (Development Code): Section 110.319.15 Standards
• Clause (a)(3): As many Commissioners stated in the 11/12/19 Board of Commissioners meeting, this timeframe should be increased from 30-minutes to 60-minutes.
• Clause (a)(3): Please explicitly state that responses can be made via telephone or other means and that an on-site in-person response is not required.
• Clause (a)(4): Please strike this clause in its entirety as it is duplicative. Clause (e) “Occupancy Limits” covers the number of guests allowed at the STR.
• Clause (c)(2): Please change the language from two confirmed STR noise violations to three confirmed STR noise violations.
• Clause (e)(4): Infants and children should be excluded from the stated Occupancy Limit. Reword clause to state that “Occupants are defined as those that are 12-years of age or older”.
• Clause (e)(7): As many Commissioners stated and gave examples about in the 11/12/19 Board of Commissioners meeting, there should definitely be a distinction between Daytime occupancy and Nighttime occupancy. Please reword clause to state “Daytime occupancy limits shall be twice that of the permitted Occupancy Limits, and Daytime occupancy limits shall be in effect from the hours of 7AM – 10PM.”

Regards,

Eric Tracy

On Thursday, December 5, 2019, 03:30:27 PM PST, CSD - Short Term Rentals <str@washoecounty.us> wrote:

Hello Eric,

The information presented to the Citizen Advisory Board (CAB) next week will be almost identical to what was provided to the Board of County Commissioners on 11/12 (the video of which can also be viewed online from www.washoecounty.us/str). The CAB presentation will be a high level overview of recommendations and is not intended to replace anyone's review of the draft code language. Comments on the actual draft language should still be provided by 12/11 to str@washoecounty.us. It is expected that the minutes of the CAB meeting, including comments, will be included with the packet provided to the Planning Commission on this item.

[redacted]

Short-Term Rentals

Regards,

Kelly Mullin, AICP

Senior Planner | Planning & Building Division | Community Services Department

kmullin@washoecounty.us | Office: 775.328.3608 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

From: eric.tracy@yahoo.com <eric.tracy@yahoo.com>
Sent: Thursday, December 05, 2019 3:02 PM
To: CSD - Short Term Rentals <STR@washoecounty.us>
Cc: McQuone, Alice <AMcQuone@washoecounty.us>
Subject: STR Draft Code Language 21-Day Public Comment Period

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or

open **attachments** unless you are sure the content is safe.]

Kelly and team,

I just received communication that the Incline Village/Crystal Bay Citizen Advisory Board Meeting originally scheduled for 12/2/19 was rescheduled for 12/12/19. The main item on the agenda for this meeting was to discuss community feedback and forward comments to Washoe County staff on the draft code language for Short Term Rentals. Unfortunately, I believe that the 21-day public comment period actually expires on 12/11/19 (the day before this rescheduled meeting is to take place). Can you please comment on how this will or will not affect the discussions and action items that take place during the Citizen Advisory Board Meeting on 12/12/19?

Separately, for those that are not able to attend this meeting can you please let us know what the appropriate email address is for us to send our public comments to on the draft code language for Development Code Amendment Case Number WDCA19-0008 (Short-Term Rentals)? Do we send it to Kelly's attention at str@washoecounty.us ?

Thank you,

Eric

From: TRACY,ERIC
To: CSD - Short Term Rentals
Subject: Public Comments for 11/22 Board of Commissioners Meeting - Short Term Rentals (Item #28)
Date: Monday, November 11, 2019 6:26:19 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Honorable County Commission:

My name is Eric Tracy and I am a permanent resident in Unincorporated Washoe County. I applaud the Board's efforts to develop simple, fair, and enforceable standards and policies for short term rentals. I would like to highlight a couple of areas that are important to to the residents of Washoe County (both residents that do and those that do not make their homes available as short term rentals):

1) It is a must that there is a "Revenue Neutral" policy whereby the the fees and fine structures are designed to offset the cost of implementation and enforcement. However, there must be governance and oversight of the costs incurred by Washoe County in this regard so that it is optimized and that over governance does not create such prohibitive costs that it essentially makes short term rentals in Washoe County unfeasible. If an annual budget of $250K is sufficient to run this County program than please run it for $250K instead of some multiple of that figure. There must be accountability here so that the breadth and depth of this program does not get too big and out of hand just because additional fees and fines can be easily levied to pay for over government and inefficiencies.

2) Staff's proposal to have a designated 24/7 responsible party who can respond to issues on-site within a 30-minute timeframe seems unreasonable. As most of the STR homes are in Incline Village, a 30-minute on-site time eliminates the ability for the ~350K+ people in the Incorporated Washoe County areas of Reno and Sparks to be designated as the responsible party. If the Board wants a designated responsible party than the on-site timeframe should be expanded to 60-minute window, which seems more than reasonable.

3) Since the main areas of concern have been identified as Fire & Safety, Occupancy Limits, Parking, Trash, and Noise we find it extremely unfair that single family homes seem to be signaled out for higher permitting tiers (for occupancy of 10-20 persons) and for higher fines (that are based on a scaled system that increases with average nightly rates). It seems very apparent that these areas of concern are much more relevant to the condominiums and multi-home complexes where there is much closer proximity to other residents (ie. noise) and common areas and utilities are shared (ie. parking and trash). Within the STR Regulations there should also be a stated 'Revenue Neutral' policy where the costs of implementation and enforcement of the different types of STR units are bore by those different types of STR owners. Essentially, single family homeowners utilizing STR should not have to subsidize the additional costs that are required of the County to enforce the problematic areas (ie.

condominiums, duplexes, townhomes, and other multi-home complexes). There certainly should be no sliding scale of fee nor penalty that is based on average nightly rate nor square footage. Additionally, the fees for the proposed Tier 2 Permitting Fees should be no more than the permitting fees required to Tier 1 permits for the same reasons.

4) There does not seem to be any recommendation from Staff on how to calculate Occupancy Figures. I would propose that infants, children, and pre-teenagers should not be counted as part of the Occupancy figures. There are many out-of-town families that utilize STRs in Washoe County and infants and children should not be counted against the stated Occupancy Limits as they do not contribute the the main areas of concern that have been identified by Staff (ie. Parking, Noise, Trash, etc.). Can Staff please detail that children 12 and under do not count toward the Occupancy Limits of the proposed permitting Tiers?

Regards,

Eric Tracy

On Friday, November 8, 2019, 09:51:32 AM PST, CSD - Short Term Rentals <str@washoecounty.us> wrote:

Hello Eric,

Correspondence submitted in writing will be provided in writing to the County Commission. If you'd like to speak during the public comment period, please attend the meeting. Or, if someone is attending the meeting on your behalf, they can read your comments during the public comment portion of the hearing. You may also supplement your comments at the podium with written material.

Regards,
Kelly Mullin, AICP
Senior Planner | Planning & Building Division | Community Services Department
kmullin@washoecounty.us | Office: 775.328.3608 | Fax: 775.328.6133
1001 E. Ninth St., Reno, NV 89512

-----Original Message-----
From: Eric Tracy <goonly@yahoo.com>
Sent: Friday, November 08, 2019 6:25 AM
To: CSD - Short Term Rentals <STR@washoecounty.us>
Subject: Public Comments @ 11/22 Board of Commissioners Meeting

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

STR Subcommittee,

How do we remotely submit a written Public Comment to be read out loud at the Commissioners Meeting on 11/12 in regard to agenda item #28 (as allowed for in the agenda rules identified in section “Time Limits” which I have copied in below)? Do we submit our comment to this STR@washoecounty.us email address or is there a specific email address to send our comment to for Board of Commissioner

Meetings?

“Time Limits.
Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items designated as "for possible action" on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers.“

Regards,
Eric

Sent from my iPhone

From: Pamela Tsigdinos
To: CSD - Short Term Rentals
Subject: Public comment regarding Short Term Rentals
Date: Tuesday, December 10, 2019 2:50:51 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To: Washoe County Board of Commissioners

From: Pamela Tsigdinos, a homeowner, 1080 Oxen Road, Incline Village, NV 89451

RE: Short Term Rental Public Comment

Date: December 10, 2019

My husband and I have owned our house (1080 Oxen Road, Incline Village) since October 2004. We've never rented our property and are full-time residents of Incline Village. Overall, we are disappointed Washoe County has waited so long to address this STR issue. As you know, short term rentals are illegal here. The public nuisances and community impact/hazards are many.

Washoe County Commissioners, sadly, have let us down in allowing the RenoTahoe Tourism board to push for more traffic, pollution and congestion on North Shore Tahoe. The volume of STRs and the huge increase in tourism has made us, on the worst days, feel under assault.

We've had a marked decline in community enjoyment, quality of life and 'pursuit of happiness' due primarily to the huge STR increase. Furthermore, we've noted many more dangers and infrastructure problems tied directly to the proliferation of STRs. I've outlined the problems below.

FIRE/FIRST RESPONDER/EVACUATION DANGER POSED BY STRs

Our roads and the surrounding terrain in the best of times present a challenge for evacuation of residents and for the quick response time of first responders. Add thousands of non-residents competing to access roads built for a small community and we have a tragedy waiting to happen. The skyrocketing number STRs here means we have many more demands than our first responders are staffed to accommodate. This is unfair to our public servants and to the residents that pay their salaries.

This is not a trifling concern. In the 15 years we've owned our home in Incline Village, there's been a significant increase in fire danger in the surrounding area. We must reduce or eliminate STRs to ensure community evacuation can occur in a timely manner in the event of major fire or other natural disaster.

QUALITY OF LIFE DEGRADED BY STRS

We've had a marked decline in community enjoyment, quality of life and 'pursuit of happiness' due to the STR increase.

In the first several summers on IVGID-monitored beaches residents had no problem procuring a spot in the beach parking lot or finding space to lay a beach blanket or chair. That is no longer the case the past five summers and more.

With increased RenoTahoe Tourism Board advertising and the advent of AirBNB and the proliferation and expansion of short-term rental platforms like VRBO, HomeAway, FlipKey, Guesty, Vacasa, VacayHero, VayStays, HouseTrips, HomeToGo and Tripping.com among others, we have seen the quality of life in Incline Village decline ***precipitously*** -- primarily in the prime summer and winter vacation seasons but

with international tourists those seasons are getting longer.

Where once we felt at home in a tranquil, peaceful environment among a village of locals who respected the Lake, the local environment and surrounding areas are now under siege by waves of tourists and outsiders who demonstrate little to no respect for Incline Village. The extensive littering on the Lake, trail and beach facility abuses are evident all around -- Sand Harbor included.

OVERALL CONGESTION / PARKING

Short-term renters congest our roads, our beaches, our hiking trails and our community not to mention our grocery stores and public facilities. Even small errands are no longer fast and easy -- it's competitive to do anything and everything! More people means more wear and tear everywhere -- but it's most evident on fragile environments. Roads and multi-use paths are overflowing to the point of being inaccessible.

POLLUTION: AIR, LAND and NOISE

Our once pristine tranquil beaches and hiking trails have become unrecognizable with trash and noise pollution. The incessant noise of rented jet skies and other recreational vehicles is an assault on the senses. Equally bad, we routinely see garbage (cigarette butts, dirty diapers, food wrappers and more) strewn around the Lake, meadows and hiking trails. It's so unnecessary. Please reduce (and preferably eliminate) STRs in Incline Village!

One can only imagine the demand and impact on our local water and sewage plants, landfills and air quality. Who will pay for infrastructure upgrades??

PRIORITIZE RESIDENTIAL NEEDS OVER COMMERCIAL GREED

Overly zealous real estate agents and property management companies and developers (coupled with the RenoTahoe Tourism Board) have degraded the Tahoe experience for residents. This must end.

If Washoe County Commissioners won't enforce a ban on STRs, they must then consider the following:
- levy a steep ***community impact fee*** on STR property owners to pay for the added strain on first-responders, community utilities and roads
- restrict the number of STRs through a lottery system once a year; only owners who have not had resident complaints are eligible to enter
- fine real estate agents who actively advertise or promote properties as STR revenue generators
- license property managers and as part of their business license *require* them to report quick-turn STRs where the owner is not the primary property user
- disallow the use of outside the community property managers entirely. They must be available 24x7 and within 10 miles to address complaints
- restrict the number of days and size of groups any homeowner can bring in as a STR
- homeowners must spend 75% of their time on property in order to qualify for STR income
- homeowners must prove they have sufficient fire safety equipment on property; an fire or community hazard bans them for life from renting their property
- levy fines on the RenoTahoe Tourism Board for contributing to pollution, congestion and public safety risks
- task the RenoeTahoe Tourism Board with allocating budget to monitor and report the number of online STRs and make them responsible for policing abuses; (there must be IT resources available to quantify and monitor how many STRs are being advertised at any given time)

As our elected representatives, we look to you to provide leadership and prioritize the safeguarding of residents; those who make our home here. We work hard every day to preserve and protect the beauty of Incline Village. Citizens want tranquility; environmental stewardship; and community commitment to the safety and well-being of its residents.

We must right the many recent STR wrongs and rein the STR abuses. Please crack down on those driven by profiteering and flagrantly ignoring the safety, health and well-being of our community.

We are opposed to STRs in residential areas in general. We didn't buy our home to live in the middle of what is rapidly becoming a commercial (hotel) zone. Residential zone means ***residential.*** Please respect that. Thank you.

Pamela Mahoney Tsigdinos
Award-Winning Author, Freelance Writer
Connect: ptsigdinos@yahoo.com
@PamelaJeanne

From:	rondatycer@aol.com
To:	Mullin, Kelly
Cc:	Hauenstein, Mojra; Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty; Lucey, Robert (Bob) L; Herman, Jeanne
Subject:	STR Staff Report
Date:	Friday, December 06, 2019 10:56:23 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Kelly,

I join the commissioners in thanking you for your work on the STR staff report, which we all know required not only excellent knowledge and understanding of issues and legalities, but skilled tap-dancing and tight-rope walking.

I know you're just doing the job for which you were hired, and don't hold you personally responsible for the lack of veracity and transparency in the report. You were asked to generate a report that supported the Commissioners' goal to change the County Code 110 to allow STRs. I think of you as the messenger, and don't blame you for the message.

Still, as a long-time researcher, statistician, and publication editor; I feel the need to point out errors of fact or misleading statements so that in future reports from the Planning Department, they might be minimized or avoided entirely. In this spirit of collaboration, I offer the following comments.

THE WASHOE COUNTY STR STAFF REPORT – Nov 12 2019

SUBJECT:
The following statement is purposely misleading: "This includes but is not limited to the establishment of definitions, standards, **location limitations,** occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties association with STRs…"

FACT: There are no location limitations stated in the published standards.
STRs are permitted in all zones—tourist, commercial, and residential.
STRs are not limited in number or density in any zone.

PREVIOUS ACTION:
FACT: Adopting changes to WCC Chapter 25 in 2007 to allow transient lodging and associated room tax… did not legalize STRs in Washoe County. Residential zoning is the most restrictive and (per Dillon's Rule) the uses not expressly permitted in the Table of Uses are prohibited. Hence, STRs in Washoe County are still today illegal and will be until the code is changed.

FACT: The statement is misleading that STRs "expand opportunities for the average homeowner to tap into the tourist market and use their home for STR rental use." This implies that STRs are primarily for a owner-resident to use his/her home as a rental. Many (possibly most) IVCB STR owners do not and have never resided or lived at their STR rental property. Further, STRs are now big business—with investment companies (like *Reinvest 24*) throughout the US offering opportunities for investors to buy homes specifically to be used as STRs.

There are many more than 500-1000 STR "active units" in IVCB. Already STRs are 1 in every 6 residences in IVCB. Once someone compiles and publishes an accurate list of all STR properties in

IVCB, we'll be able to determine which are actually owned by IVCB residents, and how many are owned by non-residents and investors.

FACT: STRs are not a fundamental right of a property owner. Zoning restrictions prohibiting use of property exist throughout all cities and counties in the United States. The idea that STRs are a fundamental property right is dis-proven in every city that has entirely or partially banned them [Santa Monica, Pacific Grove, Monterey, Danville, Hermosa Beach, Fort Worth, Jacksonville, Kansas City, Los Angeles, New Orleans, Santa Barbara, Fresno, Atlanta, Denver, Oklahoma City, Austin, Las Vegas, to name just a few].

Additionally, a recent (2018) court case found plaintiffs had no constitutionally protected vested right to use their property as a STR.

Case: Johnston v. City of Hermosa Beach, Cal: Court of Appeal, 2nd Appellate Dist., 5th Div. 2018. Plaintiffs argued the ordinance was unconstitutional because it … (3) deprived them of a vested right to use their properties for nonconforming commercial purposes in a residential zone and generate income. Finding: Plaintiffs had no constitutionally protected vested rights because the pre-Ordinance use of their properties as STVR's was not legal or permitted… the court engaged in that weighing process and determined "the City's interest in regulating STVR's and mitigating these impacts outweighs [plaintiffs'] interest in receiving rental income during the pendency of this lawsuit."]

Most STR use is a commercial use of a property. When a property owner *does not and has never lived or resided at the property and rents it out full time,* it is not a residential use of property. It is a commercial investment income use of property. To respect residential zoning laws, many cities require STRs to be the primary residences of the owners (Boulder, Denver, New York, New Orleans, Hermosa Beach, etc.). These city officials acknowledge the reality that non-resident-owned STRs are a commercial use of the property.

FACT: **STR impacts on surrounding properties are substantially different than traditional long-term residential impacts**. STRs (1) reduce available affordable housing, (2) change the neighborhood character, and (3) allow a less-responsible more intense use of the parcel. These are the reasons cities are disallowing STRs in residential neighborhoods. **No regulations or mitigations can offset the negative impacts of a commercial venture in a residential zone.**

FACT: The standards do not address quality-of-life issues. Calling nuisance issues quality-of-life issues is deceptive. "Quality-of-life issues" are not "nuisance issues" related to noise, parking, and trash. Quality-of-life issues refer to the quality of residents' lives and include (a) knowing your neighbors and feeling secure in your neighborhood, (2) enjoying neighborly relations with other permanent residents, (3) experiencing the tranquil environment of a residential district rather than living in a commercial district.

PROCESS OVERVIEW:

PUBLIC OUTREACH AND ENGAGEMENT:

FACT: Public outreach was conducted in such a way as to suppress the opinions of permanent residents wanting locational restrictions on STRs. No non-STR-owning **IVCB permanent residents were included in any of the early stakeholder meetings** to discuss STRs prior to the August workshops. The early stakeholder groups were comprised of real-estate personnel, governmental-agency personnel, and others benefiting from STRs.

August Public Workshops: **Washoe County Commissioners and Planners announced there would be "no ban" on STRs, so *no public input was allowed* that suggested a partial ban or even a cap on the number of STRs.** Most of the 250-300 attendees in the public workshops were against unlimited

STRs, but that opinion wasn't allowed expression in the public workshops.

FACT: The public workshops were tightly structured to guide (not elicit) attendees' responses.
- Workshop leaders defined the allowed topics.
- Workshop leaders transferred the written responses of attendees to large sheets of paper—so responses weren't verbatim from attendees.
- Workshop leaders read the responses they had written on the large sheets—spoken responses were cherry-picked.
[Having attended all 3 workshops I can attest to these facts.]

FACT: Responses to the online survey were never made public. The summaries in the appendix of the staff report are not verbatim statements and are not validated.

Public Response:
FACT: Washoe County generated categories summarizing public responses that did not include categories restricting the number or density of STRs.

In summation, the STR Staff Report does not accurately portray the problematic issues with STRs in IVCB nor accurately report the priorities of IVCB residents.

THE WASHOE COUNTY PROPOSED STR STANDARDS:

In addition to the Staff Report's problems with veracity and transparency, the standards for the ordinance are problematic.

• The standard that every STR must have an agent or manager available within 30 minutes is wrong. On site homeowners who rent their own house do not need an agent or manager.

• Property managers policing STRs are like foxes watching the hen house. If any complaint is made, the manager will call the renters, tell them to correct course before police arrive, and all will be hunky-dory until the police leave. This is what is happening in South Lake Tahoe.

• Expecting owners and renters to limit occupancy is unrealistic**.** It is impossible to verify or to control occupancy. People lie. Renters have friends over. No one will count noses.

• "Limiting STRs to one per parcel" is the weakest and least restrictive of any of TRPAs locational best practices and doesn't meet TRPA standards.

• The requirement that STR owners must comply with all other applicable laws/statutes skirts the issue of use. Washoe County refuses to acknowledge that *STRs are a commercial use in residential neighborhoods*. It will be up to neighbors suing STR-owning neighbors to prove that CC&Rs and Declaration of Restrictions prevent STRs in most IVCB residential neighborhoods.

PERMITTING
• The following statement was unwisely eliminated by the District Attorney at the Commissioner's meeting November 12: *"On permit application property owner must certify under penalty of perjury that STR use does not violate CC&Rs or HOA restrictions; inaccuracy may be cause for permit revocation."*

• Permitting tiers won't work. All STRs need Special STR Use Permits, just like B&Bs. No matter how many people occupy a STR it is still a STR USE of the property. Nuisance impacts may be multiplied for larger STRs, but all the quality-of-life drawbacks of STRs to neighborhood compatibility, character, and tranquility remain no matter how large or small the STR.

• Parking will not be enforced for STRs any more than it is now enforced in IVCB. With only 2 deputies on duty handling crime, life, and safety issues; parking violations will not be a priority.

OCCUPANCY LIMITS
• There is NO WAY to control occupancy. No matter what people agree to on the permit, there is no control over the number of people at a STR. People do what they say they won't; and don't do what they say they will.

SAFETY INSPECTIONS
• The NLTFPD Resolution #17 should be implemented in its entirety. Anything else is a compromise to realtors.

• The idea that a hired Washoe County code enforcement officer will do a better job than trained firemen inspecting fire and safety issues is ludicrous.

EXTERNAL SIGNAGE
• Having a sign on the front door does nothing to deal with the problems when the renters ignore the rules. The signs just look ugly.

NOISE
• County code already restricts noise. Noise complaints are a low priority.

TRASH
• IVGID handles trash.

OTHER STANDARDS
• Insurance policies don't prevent problems—they just assign blame after problems occur.

PERMIT FEES
• The Host Compliance hot-line relying on citizen complaint is not effective enforcement. The County needs "preventative enforcement" through Special Use Permits, annual mandatory certificates of inspection by fire and safety officers, and on-going random spot checks by code officers to confirm parking and occupancy limits.

Thank you for including this email in the County records as public comment.

Respectfully submitted,

Ronda Tycer, PhD
Co-Chair Incline Village STR Citizen Advisory Group

From: andrewvonnegut@gmail.com
To: CSD - Short Term Rentals
Subject: STR Regulations Comments
Date: Wednesday, December 11, 2019 11:19:34 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Representatives,

Thank you for the opportunity to provide public comment about proposed additions/changes to short term rental (STR) regulations affecting Washoe County. As a frequent visitor to the area who stays in short term rental properties and an economist, I would like to note some likely unintended consequences of the changes under consideration.

Many property owners in Washoe County depend on occasional short-term rental income to offset property taxes and maintenance expense. That is how these families can keep their homes in the area. Additional costs and restrictions on STRs would mean that either fewer rentals would take place and/or that homes would be ultimately bought by wealthier individuals who did not need the supplemental income. Both would have the same consequences, namely more empty homes for more of the year. This translates to lower local spending in all categories (food, services, entertainment, etc.) and lower local services and overall economic activity. This scenario of wealthy "ghost communities" has already played out in locations from New York to London to Florida and should be heeded by Washoe County.

Short term rental homes are the preferred accommodation of families, who are desirable and high spending tourists. Washoe County in general and the Lake Tahoe area are frequented by multi-generational family groups who are introducing kids to the wonders of the area and supporting numerous local businesses. Families with small kids and multi-generational groups would not travel to Washoe County in the same numbers if hotels were their only accommodation option, or if short term rentals were rendered cost prohibitive due to excessive regulations.

Finally, it is unclear what problems you are trying to solve (with additional regulation) that would not be better solved through *marginal* changes in and targeted enforcement improvements of existing regulations, e.g., parking, noise, occupancy, etc. In all cases, hard data should be analyzed to identify actual problems (if they exist) and then to implement minimalist regulations to target specific issues.

I urge you to address actual problems for which you have data in the most targeted way possible without overhauling the entire regulatory framework addressing short term rentals.

Sincerely,

Andrew Vonnegut, PhD

From: Jenny Wang
To: CSD - Short Term Rentals
Subject: Comments on new STRs
Date: Sunday, December 01, 2019 11:45:52 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi, there,

I'm writing as a resident to make comments on the recent proposal of implying new regulations on short term rental in washoe county.

North lake tahoe features beautiful lake views which are incomparable and unique. Tourism is a critical part of the local economy. This regulation has a negative impact on people who rely on tourism to make a living. A majority of the houses in Incline Village are vacation houses whose owners are rich enough to not bother renting them out. And many communities already banned short term rentals. Houses on the short rental market provide important source of income for people who provide cleaning and housekeeping services, as well as local taxes. And there are not that many of them.

Therefore, I'm against the regulation on short term rental since it will do no good to local people.

--
Best regards,
Jenny

From: Ronald Wright
To: CSD - Short Term Rentals
Cc: Marge Hooper-Hull
Subject: Comments on the Washoe County STR Code Language
Date: Sunday, November 24, 2019 3:20:46 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

To Whom It May Concern:

I would like to address two areas of the proposed Short-Term Rental (STR) code language:

Chapter 110.319.15 (a)(4)- Prohibition on Events, Parties, or Weddings
An exception to this standard should be made which recognizes the property owner's/ owner's family personal use of their residence during the times it is not being used as an STR. Activities of the owner for the personal enjoyment of their private residence should be specifically acknowledged and allowed in the code language. For instance, a family gathering at Thanksgiving by the owner should be permitted, even if the event exceeds the occupancy limits if it were being operated as an STR, and especially if the event or "party" exceeds maximum capacity during daytime hours only.

Chapter 110.319.20 (a)(1)(vi)- Interconnected smoke and CO alarms
This standard should only apply to homes constructed subsequent to the time interconnected smoke and CO alarms were required. For homes built prior to that time, working battery-operated smoke and CO alarms in adequate quantity and properly placed should be deemed acceptable.

Thank you for the opportunity to provide input in this process. Happy Thanksgiving.

Sincerely,

Ronald S. Wright
Rtwright83@gmail.com

Sent from my iPad

From: Ron Young
To: CSD - Short Term Rentals
Subject: STR safety: Driveway slope
Date: Thursday, December 05, 2019 4:51:40 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have reviewed your draft for short term rentals and have the following comment:

1) Driveway Slope
Several of the houses in Incline Village were built before the current standards for driveway slope. While full time owners are probably aware that their property is nonconforming, licensing of these properties by Washoe County could leave unsuspecting renters exposed to unknown hazzards.

Section 110.319.15(b) of the draft reads
(2) All parking spaces must be: improved to Washoe County standards (or Tahoe Regional Planning Agency [TRPA] standards, if applicable); developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

The TRPA code currently reads
34.3.2. E. Slope of Driveways
Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. **Driveways shall not exceed ten percent slope,** unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

I would add the following sentence to Section 110.319.15(b)(2):
TRPA section 34.3.2.E. Slope of Driveways states that driveways shall not exceed ten percent slope.

This would make the permitting process more clear and reduce the exposure of Washoe County for licensing an unsafe facility that does not meet current safety standards.

Thanks, Ron

Dr. Ronald Young
President, Multipath Corporation
P.O. Box 8210
Incline Village, NV 89450-8210
U.S.A.
Phone: (775) 831-4400
E-mail: rcy@fmslib.com
See Multipath's home page at http://www.fmslib.com

Draft for CAB Consideration 12/12/2019:

Priority Recommendations Re Washoe County Proposed STR Ordinance:

1) Washoe County should not change the definition of Residential Use in the Development Code to include Short Term Rentals (STRs). This change is not required for alignment with TRPA.

2) Washoe County has defined STRs as"Transient Lodging" in WCC Chapter 25 and this appropriate definition should be extended to the WCC Development Code for Zoning regulations including in the description of "Lodging Services".

3) The STR Tiers proposed by WC should be modified as follows:
- Tier 1 smaller STRs most comparable to residential use: allowed occupancy ≤ 4 which is comparable to actual average residential occupancy and family size = between 2 and 3 occupants
- Tier 2 larger STRs in residential, tourist or commercial zones: allowed occupancy ≥ 5, < 20
- Tier 3 largest STRs in tourist or commercial zones: allowed occupancy ≥ 20

Recommended zoning status is as follows:
- Tier 1 = AR/A, all zones* and Tier 2 = AR, all zones*; Tier 3 = P, allowed zones (GC, NC, TC)
  (* all zones = Residential, Commercial and Tourist)

4) Implement NRS and WC regulations applicable to Transient Lodging/Lodging Services in STRs

5) Add STR Density and Rental Intensity requirements to the proposed STR Ordinance. Preferred examples based on the TRPA "Best Practices" list include:

- limit the total number of STRs in neighborhoods (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.)
- establish a ratio of long-term to short-term rentals
- establish minimum owner occupancy requirements (at least 25-50% of the time is common)
- require minimum spacing between STRs in residential areas**, such as requiring at least 500 feet between parcels with STRs, to address clustering
- require a two-day minimum stay for STRs in residential areas** to lessen impact of move-ins/move-outs
- cap the number of nights per year a unit may be rented as an STR in residential areas**, such as 30 days per year.
- cap the number of times an STR may be rented in residential areas**, such as four times per month
  (** recommend: "residential areas" include Residential zones & existing residential areas in Commercial/Tourist zones)

6) Require development and implementation of a WC Tahoe Area Optimal Occupancy Management Plan in concert with broader sustainability initiatives

Submitted by Carole Black, IV Resident for IV/CB CAB Meeting 12/12/2019

From: cbwillb@charter.net
To: Berkbigler, Marsha; Hartung, Vaughn; Lucey, Robert (Bob) L; Jung, Kitty; Herman, Jeanne
Cc: Mullin, Kelly; Young, Eric; Lloyd, Trevor; Washoe311
Subject: *Resident Response to Washoe County STR Report and Initial Draft Proposal*
Date: Sunday, November 10, 2019 11:19:13 AM
Attachments: WC STR REPORT RESPONSE 11.12.2019 final.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please include in the formal record for the Board of Commissioners Meeting November 12, 2019

To: Commissioner Berkbigler and Chair Hartung, Vice-chair Lucey, Commissioners Jung and Herman Cc: Kelly Mullin, Eric Young, Trevor Lloyd, Clerk for record

-

I am writing to flag several very worrisome elements embedded in the recently released STR Report and the most recent draft Tahoe Area Plan and its accompanying documents. It is critically important for the safety and character of the Incline Village/Crystal Bay communities that these be addressed and rectified promptly:
1: Occupancy Growth in the Incline Village/Crystal Bay area is substantial related to the increase in STR accommodations and usage with adverse safety, neighborhood character and environmental impacts and is not addressed. As an example, a particular concern related to the more recent trend of investors converting multiple residential units into full-time "instant hotels" which are owned/managed remotely and significantly deplete local housing stock is specifically not impacted by any of the proposed interventions.

2: Washoe County has embedded a substantial zoning change in the WC Tahoe Area Plan and associated documents with the definition change to include STRs within the Residential Use category without any formal zoning, safety or environmental review and with real and potential adverse impacts on residents and visitors. At a minimum, a Special Use Permit as is required for other Transient Lodging in Residential Zones (e.g., B&B's) is indicated. In addition, safety regulations for Transient Lodging (which are thus applicable to this Use but may be waived with a "residential" definition) must also be applied to STRs to protect the public clientele.

3: Washoe County STR report listing proposed regulation parameters reflects a limited approach with minimal requirements or restrictions and thus appears designed to maintain and grow current STR volume without consideration for multiple concerns including Public Health and Safety implications.

4: Washoe County's history of thinly funding Emergency Services such that existing regulations are not currently reliably enforced and as best we can tell future resource availability will likely be decreased, not increased as it should be to meet the ever-increasing demand. These gaps are not addressed and no remedy is proposed. Further, in addition to known concerns regarding police and fire staffing capacity, we have recently heard that the avalanche program on Mt Rose Highway is slated to be curtailed and to expect more winter road closures which will in turn further increase risk to residents and visitors.

5: Failure to meet TRPA Regional Plan Goals and thus WC Tahoe Area Plan Objectives as well - in addition to the increased risk to all occupants of Incline Village/Crystal Bay particularly related to potentially increased gaps in fire/police response capacity as well as insufficient evacuation capability in an emergency, the described approach will result in a failure to meet TRPA Regional Plan Goals and thus WC Tahoe Area Plan objectives as well.
More detailed information and description of the issues with supporting data and recommendations is included in the attached document.

The proposed package thus represents both a major adverse residential zoning change plus regulation which fails to address major concerns and may or may not be enforced. While we recognize and appreciate the huge and well-intentioned staff effort which has resulted in these proposals, taken together they will have limited impact on the present adverse situation related to rampant STR presence and usage growth and will provide insufficient intervention to address current and future ever-increasing adverse impacts on our safety, the

environment and our neighborhoods.

A comprehensive assessment of this proposed new zoning use with review of the likely effectiveness of planned mitigation is therefore needed including impacts related to both the use/zoning changes and to the environment, resident and visitor safety, and neighborhood character. I plan to attend the Board of Commissioners meeting on November 12 and will focus then on one specific example, namely adverse, unintended consequences of the Use definition change on aspects of Public Health and Safety with no proposed mitigation.

Thank you in advance for your review & consideration of these issues affecting the welfare of your constituents,
Carole Black 144 Village Blvd. #33, Incline Village, NV 89451

WASHOE COUNTY STR REPORT & PROPOSED STR REGULATIONS

Comprehensive Zoning, Environmental & Public Safety Review is a Priority

Washoe County Planning Commission
November 12, 2019

Submitted by Carole Black, IV Resident

STR Draft Report Includes Confusing Logic re WC Tahoe Area Plan & Documents: Full Code Change Evaluation is Indicated

PROPOSED GUARDRAIL	ISSUES	CONFUSION/ RECOMMENDATION
Residential Use already encompasses Vacation Rentals/STRs & thus explicit use definition/zoning code change process is not needed	- WC 2007 Ordinance including vacation home rentals in Transient Lodging category for TOT is referenced as creating use "permission" **YET,** - All other listed Transient Lodging Uses are Commercial and only allowed in Residential Zones by Special Use Permit - NRS defines Vacation Rental/STR Use in Planned Communities as a Transient Commercial Use - In 2017 Report to TRPA, WC denied this use existed in Unincorporated County Residential Zones - WC has not codified this use despite many interim yrs & other code changes; and there has been no comprehensive Environmental Review by either WC or TRPA	***If it walks like and quacks like, then … just maybe its a Transient Lodging facility???*** **INSTEAD, VR/STR Use is now** - Transient Lodging for taxes but not for Zoning or Public Safety? - Treated differently in WC despite other applicable NRS regulation? - Aligned w/TRPA despite prior report error which should have led to Use prohibition? **>>> Addition of STR to the Residential Use definition and related code implications require a formal comprehensive review (zoning/safety/environmental)**

STR Draft Report Includes Confusing Logic Re WC Regs: Need Comprehensive Plan to Protect Community/Lake

PROPOSED GUARDRAILS	ISSUES/GAPS	CONFUSION/ RECOMMENDATIONS
STR w/occupancy ≤ 10 functions like a "residence/group home", w/less impact on neighbors requiring standard, not discretionary, permit	- Few residences w/10 people or w/new folks every 1-2 dys - Smaller STR w adjoining walls feel significant impacts - Grp homes not as "transient" & better supervised/regulated - All other Transient Lodging requires SUP in Residential Zones	***If it walks like and quacks like, then … just maybe it is, or behaves like, a Transient Lodging facility???*** - SUP for all STR in residential areas - Create & use a streamlined process w/option for neighbor input for lower tiers - Neighbor agreement w/adjoining walls
Occupancy levels described per IPMC	- Quoted numbers do not fully consider IPMC requirements	- More common rule is 2/bedroom + 1-2 - Or use Group Home regs (WC/NRS/NAC) - Or fully use IPMC (non-habitable; LR/DR rule)
Basic Fire and Life Safety Rules w/FD Inspections	- Public Health & Safety requirement not considered: this is a huge gap and covered in multiple applicable regulations	One or more of the following applies: - Public Accommodations (Transient Lodging} - Group Home Requirements - IPMC Provisions Related to Healthy Homes
Quiet hours at night only; ?Noise sensors	- Daytime noise = common issue; - Complaint system problematic	- Daytime noise standard & easy to use complaint system
Missing: Max STR Density	- These are common requirements in many, more successful STR programs - They are all included in TRPA	- Apparent glaring omission of cornerstone criteria found in many successful STR programs - See Appendix (slide 7) for detailed list of priority suggestions
Missing: Minimum owner occupancy requirement		
Missing: Max rental usage		
Missing: Total Area Occupancy plan	- Tourism is mushrooming, residents are groaning & occupancy is unsafe	- There is no pro-active, but needed, area occupancy management plan (a TRPA policy!)

EXHIBIT D
PC19-0008

Appendix:

Rationale for Environmental, Public Safety & Zoning Review

- **Washoe County's apparent planned addition of STRs/Vacation Rentals to IV/CB Residential Neighborhoods is a New Zoning Use** for these neighborhoods
  - **Zoning change is obscured** in the de facto adoption of a TRPA Use definition with no review or formal assessment
  - **Significant environmental impact = major concern** (Slides & Draft IEC previously submitted)
- **Comprehensive review of this proposed New Use/Tahoe impact is required**:
  - **Environmental Review**: Comprehensive review of STR/Vacation Rental impacts
  - **STR/Vacation rental = Commercial Use:** Zoning should parallel other Transient Lodging and NRS
  - **Special Use Permit:** Zoning should parallel other Transient Lodging in Residential Zones
  - **Public Accommodation** compliance should be required (per NRS re Transient Lodging status)
  - **Area Occupancy must be managed** to match service/facility capability
- **WC must step-up - given historic non-compliance:**
  - **Need regulations** re issues: overcrowding, protect public safety and neighborhood character
  - **Enforcement program required:** comprehensive, effective; includes inspections & neighbor input
- Given historic adverse impacts, enforcement failures, lack of attention to zoning, **STRs in IV/CB must be zoned properly and managed effectively as the businesses that they are:**

Vacation Rentals/STRs are a commercial, non-residential use!

What are the Issues?

1: Occupancy Growth in Incline Village/Crystal Bay - In IV in 2018, ~12% Rent Their Homes resulting in an Increase in Area Occupancy by 9% on average and 17% during peak times compared with 5 years prior:

- RSCVA Occupied Room Nights for Vacation Rentals (VRs) Increased 61% over the 5yrs ending in FY 18-19. In FY 18-19 there were 179,589 VR occupied room nights, approximately 90% in IV/CB = 161,630 compared with 99,579 5 years earlier. Average rental occupancy of 4.5 people/night, implies 279,230 added people days/year or increased average daily census by 745 people/day or about 9% average increase, more during peak periods. For example, in a peak occupancy month, during January 2014 vs 2019 the average daily occupancy increase was 1500 people/day or ~ 17%.

- More recently, Per Washoe County/RSCVA data, vacation rental days grew by 23% during June-Aug 2019 vs 2018 accelerating the prior rate of increase with an additional 9% increase in summer average area occupancy in one year. This trend overall and certainly this year's summer increase substantially exceeds the very modest projections included in the 2012 TRPA Regional Plan.

- Residents are reeling from the very busy summer of 2019 with major impacts on neighbors, traffic, parking and beach access and we are all aware that the RSCVA data is likely incomplete.

- **Airbnb has reported that this was the busiest year ever for summer rentals in Nevada with a reported increase in Airbnb guest arrivals of 30,000 between Memorial day and Labor day in Washoe County.** As we know, 90% of these are IV/CB.
https://www.nnbusinessview.com/news/2019-summer-busiest-ever-for-nevada-airbnb-bookings-with-53-3-million-in-income/

2: Washoe County STR Ordinance initial draft is limited listing only a small subset of the TRPA Neighborhood Compatibility list and including no items the would limit STR rental growth such as owner occupancy requirements and rental density/frequency limitations. In addition, there is only a "basic" safety requirement and no Public Health & Safety requirements or linkage to Emergency Services staffing. Thus STR growth could continue unfettered adding further area occupancy increases with little attention to addressing fundamental neighborhood emergency & safety requirements. In addition, this growth will net add vehicles to the area, a trend which is aggravated by the added day visitors using the new Sand Harbor trail and driving to/parking in IV.

3: Washoe County's history of funding Emergency Services: **Currently police/fire department are known to be thinly staffed:**

a. Fire and Sheriff understaffed: FD = 3 people to cover 24/7; Deputies = 2-4 assigned to IV

>> Acknowledged response delays to less urgent issues/parking not enforced

b. Staffing benchmark estimates*: Police 2.5/1000 and Fire: 1.6-1.8/1000 so current staff for ~ 2000 residents

c. BUT the population per WC voter registration (2018) = 7487 >> if we estimate that on average 50% are in town, this yields = 3743 adult full-time residents excluding kids, part-time residents/visitors and tourists

d. Current complaint data is incomplete - limited to Reno calls only; local sheriff calls may not be captured

e. Evacuation Plan recently circulated, but … there is inadequate capability to evacuate the population at high occupancy times

f. Recently we have been told that further downsizing is being considered including: not adding the promised Deputy position; closing Fire Stations; and terminating Mt Rose avalanche prevention triggers with the expectation that the road will be closed more often in winter increasing access time to IV. *(*https://icma.org/sites/default/files/305747_Analysis%20of%20Police%20Department%20Staffing%20_%20McCabe.pdf; https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osfdprofile.pdf)*

4: Failure to meet TRPA and thus WC Plan Goals: Washoe County's current overall approach if implemented will undermine several goals in the TRPA Regional/Tahoe Area Plan. Of particular concern are the impacts noted under TRPA Policies LU-3.2, PS-4 and PS-4.2.

What type of “Disasters” are risked?

Example #1: In the context of insufficient restrictions, booking safe-guards and/or enforcement, with apparently sub-optimal immediately available police support, a catastrophe such as just occurred in Orinda. CA with delayed police response, shootings and 5 deaths happens in IV/CB.
(https://www.washingtonpost.com/nation/2019/11/01/orinda-shooting-halloween-party-deaths/)

Example #2: With only “basic” safety requirements & limited inspections, avoidable deaths related to carbon monoxide poisoning/accident as has occurred in STR rentals could occur in IV/CB. Examples are infrequent but do occur > in examples easily found on line = total 8 deaths
(https://www.nytimes.com/2015/11/14/your-money/death-in-airbnb-rental-raises-liability-questions.html;
https://www.usatoday.com/story/travel/news/2018/12/05/couple-dies-carbon-monoxide-poisoning-airbnb-mexico/221278100;
https://www.usatoday.com/story/travel/destinations/2018/03/27/how-protect-yourself-against-carbon-monoxide-poisoning-while-traveling/461414002/2/)

Example #3: An STR fire starts, expands and wildfire erupts, IV Fire Station is minimally staffed or closed and support is deployed from the next available station while fire spreads >> Village evacuation is required but safe capacity is exceeded. Result is avoidable losses since residential status without added requirements implies waiver of transient lodging building and safety requirements increasing risk.
Note: Large 2018 IV fire in a vacation rental with 16 occupants.

Example #4: Winter snow storm but decreased avalanche mitigation resulting in avoidable Mt Rose Highway closure. Concurrent medical emergency develops in an STR renter who was not warned about the area risks and service capacity issues with inability to rapidly & safely evacuate resulting in adverse outcomes.
Note: per discussion at CAB Forum 11.1.19, preventive avalanches are planned to decrease - expect more road closures.

Summary: All of these “disasters” can either be completely avoided or significantly mitigated; however, the appropriate interventions will be subverted by Washoe County’s actions to simultaneously not discourage/encourage STR growth with limited safety regulation while concurrently failing to maintain adequate Emergency Services staffing and programs:
- insufficient planning and management of area occupancy to match safe area capacity
- thin staffing of Emergency Services Programs and inadequate evacuation support
- inadequate STR zoning requirements (Special Use Permit) and regulation (STR Ordinance) from a Public Safety and Neighborhood Impact perspective

What specific priority suggestions for STR regulations have been submitted?

I. FEEDBACK on STR ORDINANCE HIGH LEVEL released by WC on 10/21/2019
Recommendations for additions to the draft initial list:

1. Special Use Permit requirement for all STRs in Residential Zones - there can be processes developed to facilitate operations - It is difficult to understand why B&B would have this requirement and not STRs which are less rigorously overseen??
2. Neighbor opportunity for input at STR permit application/renewal
3. Although there are many issues with large STRs, in smaller units in buildings with close-by adjacent neighbors, "less large disturbances" can be equally or more intrusive. Example has been provided of an ordinance requiring adjacent neighbor agreement when there were adjoining walls - as interior noise and nuisance behavior in such settings is very disruptive.
4. Requirement for Public Accommodation standards is a priority as this is a Transient Lodging use to which these rules should apply
5. Consider adding day/evening occupancy max as well as overnight - the ordinances I've seen usually list a number approximately = 2 x overnight max.
6. WHAT IS MISSING for WC draft and VERY WORRISOME ...:
- Owner occupancy requirement (this is a common restriction and appears foundational to gaining some degree of ownership/control).
- Limit investor ventures to non-residential zones as they generally cause more neighborhood issues because of remoteness of management and lack of neighborhood engagement.
- Density restrictions - are very common and important to maintaining some degree of a neighborhood for residents
- Rental frequency; max # (30) days/year; minimum 2-day stay; max 4 rentals/month - same rationale as above

II. FYI, the following is a prioritized list of suggested requirements recently submitted to TRPA:

Special Use Permit for all STRs in Residential Zones
TRPA approval of all County Permit applications and renewals
STRs only by owners who occupy as their principal residence the majority of the time
STR Insurance
Density restrictions - distance, #/neighborhood, ratio of short-term to long-term rentals; Permit # limitation
Rental frequency (</= 4/month) and duration (</= 30 days total; 2-day minimum stay) restrictions
Health, safety and Public Accommodation requirements
Building code, fire and safety/health inspections
Occupancy (night & day max)/Parking/Vehicle restrictions and Nuisance regulations (noise, trash, illegal activity, public decency)
Local contact 24/7 and available, active local management/in person check-in
Advertisements require permit number and key restrictions [# occupants (night & day), # vehicles, no pets/pets, no parties, etc]
Approval by neighbors with adjoining walls; Neighbor input for permit applications and renewals
Active enforcement by inspections, fines/fees and restriction of permits
Attestation by owner, local contact and renters to policies; ability to evict if breaking rules
More restrictive HOA regulations supercede

From:	cbwillb@charter.net
To:	Berkbigler, Marsha; Hartung, Vaughn; Lucey, Robert (Bob) L; Herman, Jeanne; Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty; Lucey, Robert (Bob) L; Herman, Jeanne
Cc:	Young, Eric; Mullin, Kelly; Lloyd, Trevor; CSD - Short Term Rentals
Subject:	Please Review: Questions and Responses re STRs
Date:	Friday, December 06, 2019 10:47:10 AM
Attachments:	Responses to BOC 12.5.2019.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please include in Public Comment related to Washoe County Draft - Proposed STR Ordinance

To: Commissioners Hartung, Lucey, Berkbigler, Herman and Jung
Cc: K. Mullin, E. Young, T. Lloyd
Re: Short Term Rentals

During the Commissioners' discussion at the recent Board meeting when the draft Short Term Rental Ordinance was framed a number of questions were posed. Based on extensive research, I have compiled comments which address a number of these items and draw your attention to the responses detailed in the document which is attached. Please note that some recently identified data/information, not previously presented, is included.

Given the critical importance of this current consideration to both impacted Residents (your constituents) and to environmental and neighborhood character/compatibility impacts, I respectfully request that you read and thoughtfully address these points during your upcoming review, deliberation, and anticipated revision of the draft STR Ordinance and related items.

Thank you in advance for your consideration,

Carole Black (resident/voter)
144 Village Blvd #33, Incline Village, NV 89451

RESPONSES to COMMISSIONERS' QUESTIONS and COMMENTS - STR ORDINANCE FRAMEWORK MEETING DISCUSSION: a Resident Perspective

1) IV/CB Residents asked for regulations different from those for other parts of Unincorporated Washoe County
Response: This request was based on the requirement that the areas within TRPA's jurisdiction must comply with both Washoe County and TRPA regulations. However, as noted, the Washoe County Ordinance is being constructed within the context of Tahoe Area regulations and restrictions. Overall concerns related to adverse impacts and risks associated with Short-Term Rentals on neighborhoods should be able to be generally addressed with modifications included as needed for specific local issues or environmental risks in certain areas, e.g., Tahoe.

2) What about my property rights – owners have a right to rent their property?
Response: It is understood that there are balanced property rights: right to peaceful enjoyment of one's property and right to use one's property (i.e., rental provided its allowed by zoning and other property regulations/restrictions, etc.). For those situations which have generated frequent complaints related to STRs, many communities (including Henderson, Las Vegas, Clark County and Douglas County in Nevada) have implemented regulations including rental restrictions with enforcement to address documented issues and maintain better balance between the competing interests.

Priority areas which have been raised with Washoe County based on resident concerns include:
- Fire and other public safety risks
- Noise, parking, trash
- STR density within neighborhoods significantly changing the character of the neighborhood from residences to substantially "instant hotel" districts
- Over-crowding of village/amenities – fyi, recent beach statistics and parking examples from last summer are attached at the end of this document illustrating some impacts making it increasingly difficult for residents to experience the peaceful enjoyment of our neighborhoods as well as producing adverse environmental impacts and risk (vehicles/parking/traffic/congestion/poor visibility) … it was, for example, a challenge to safely walk across Lakeshore Blvd most weekends last summer!

3) What about residents who will be traveling for periods during the year or over holidays and wish to rent their residences?
Response: This type of rental is commonly and quite successfully accommodated within STR Ordinances through requirements that the rented residence be occupied by the owner as his primary residence and creating a ceiling on number of rental days/year. This type of requirement could be added to the proposed STR Ordinance.

4) What about "homesharing" - I have an extra room in my house that I would like to rent?
Response: Rentals occurring while the owner is present on-site occupying the premises while it is rented could be exempted from certain Ordinance requirements such as ceilings on numbers of rental days/year. Again, this type of approach could be added to the proposed STR Ordinance

5) Vacation rentals have existed in the Tahoe area for decades – why is this such a concern now?
Response: Recently, particularly since the advent of internet advertising and booking agencies, the intensity and anonymity of this use has sky-rocketed. And, in parallel, increased risks, adverse neighborhood impacts, scary events and nuisance issues have also escalated.

Occasional catastrophic or near-catastrophic occurrences associated with STRs provide spot-lights:
- Orinda, CA STR shootings leaving **5** dead
- Incline Village fire demolishing an STR with evacuation of **16** occupants including **8** children

Many localities have responded by instituting preventive measures including occupancy limits, safety requirements and inspections, etc. In addition, approaches in other settings suggest that in situations where the STR rentals include closer owner involvement (residency and oversight) fewer adverse situations seem to occur. Oversight by a licensed property management professional/organization is also thought to be helpful provided service expectations and requirements are established and met.

6) If it is viewed as ok to locate STRs in Residential areas, why is additional regulation needed?
Response: Short Term Rentals as experienced recently with the advent of internet rental platforms do not mimic residential use for many reasons (see data previously provided to BOC; additional analysis will be forwarded with detailed STR Ordinance comments early next week). In fact they most closely resemble other forms of Transient Lodging – they are businesses and not a residential use, which with regulation and discretionary permitting could be allowed in residential zones as is allowed for other selected types of Transient Lodging.

What are some of the differences between STRs and residential use:
- when rented, each unit typically accommodates many more people/day than when the property is occupied by residents. Based on census information for our area the average resident occupancy is ~2.4 people and the average family size is ~2.8. It would be a rare STR rental, typically in a 1 BR unit or studio, with this low level of occupancy!
- daily average area occupancy is increased (by as much as 20% or more in Incline Village during busy rental times) with impacts on emergency services requirements, traffic, parking, facilities and public services

Washoe County has defined Vacation Home Rentals/STRs as Transient Lodging (WCC Chapter 25) and it is offered to the "transient public." As such its use characteristics, impacts and associated risks parallel that of other forms of Transient Lodging with the exception that this use currently has less rigorous oversight or active management, increasing the public's risk.

Thus the same types of zoning restrictions, building/occupancy, etc requirements and health and safety regulations applied to other forms of transient lodging should be applied to this use with the proposed STR regulation approach adjusted to accomplish this. Particular concerns are raised of impacts in situations with investors, often remote from the area, purchasing multiple properties and managing as full-time rentals – i.e., full-time "instant hotels."

7) Maybe this is just a change in the status quo in popular resort areas?
Response: Many, many resort areas across the US and internationally have experienced the same sort of dramatic usage and impact increase that we are seeing in IV/CB. And local governments have responded with regulations and restrictions comparable to those being advocated here. Further, as more significant adverse impacts have occurred, jurisdictions have increased the intensity of interventions.

8) Parking issues in Incline Village are more related to increased day use than to STRs.
Response: There are clearly multiple contributors to the major parking challenges in Incline Village including: parking limitations associated with environmental issues ("coverage"), seasonal fluxes in demand, increased day use particularly related to the new bike path, and growth in tourism, particularly STRs.

Nonetheless, among the most congested spots during the high occupancy period this past summer was the areas adjacent to our beaches – and coincidentally this coincides with an almost 10% increase in area occupancy compared with summer, 2018 related to vacation rental days as documented in RSCVA data for the same period. As confirmation, Airbnb has reported a banner season during this same time

period. This observation is further reinforced by recently released IVGID 2019 Beach Use data. Thus, while there are multiple contributors, STRs are clearly a major component. (As noted above, see attachment below for more detailed data and pictures of associated illegal parking.)

9) Occupancy is difficult to enforce. Two options for metrics are proposed: square feet or bedrooms... favor square feet because anything can be called a bedroom.
Response: Indeed both approaches can be found in various applicable code standards, zoning regulations and STR Ordinances and there are complexities and nuances to administering either one.

For example, standards which use square feet typically only consider "habitable space" and include exclusions for living areas, bathrooms, kitchens, hallways, storage areas, etc. Some sleeping space may be allowable in a LR but only after the space required for LR use as a LR is excluded. Conversely, if bedrooms are counted, only spaces listed as allowable for sleeping can be counted and there are applicable specific definitions as well.

Opinions will differ and probably either approach could work. The rationale for suggesting the bedroom count based approach is that it actually seemed easier to implement. In addition, occupancy is indeed difficult to monitor; however, with some very feasible interventions (which should be included in the proposed regulations), significant progress can likely be achieved:

- Clarity of restriction in advertisements
- In person check-in
- Periodic in person "spot checks" by Property Manager or Owner
- Easy reporting mechanism and regulatory enforcement intervention for neighbor observation

10) We keep seeing the same faces – we think there is only a very small group of interested residents in IV/CB
Response: It is correct that there is a small group who have taken as a particular focus working with government leaders to try to facilitate an approach which better balances the concerns and interests of IV/CB residents. There has also been support by numbers of neighbors locally.

However, the depth of public concern was clearly reflected in the various public feedback opportunities which occurred during last summer as captured in the Washoe County STR staff report:

- "There were approximately 250-300+ attendees across the three workshops (some participants attended more than one workshop)."

- Two workshops in IV attracted 90+ % of the total attendees

- "An online survey was offered as an alternative or supplement to the in-person workshops. There were 569 survey responses. About 70% of respondents represented a neighbor/community perspective, while about 20% represented the short-term rental host or property manager perspective.

- 359 = 64% of survey respondents identified Incline Village as their primary residence
- survey respondents classified themselves as:
  - full-time resident, not a host: 360 = 63%; part-time resident, not a host: 38 = 11%
  - owner/host STR: 109 = 19%
  - property managers: 7 = 1%; other/other grps: 49 = 8%

Response themes paralleled the issues which have been raising throughout discussions and messaging with Washoe County Commissioners and staff. In addition, please note the difficulties associated with in person presentations in Reno as recently presented to the Commissioners.

11) Enforcement staff may not be needed – Property Managers can fill this role
Response: Either on-site owners and/or licensed property managers can fulfill significant roles in ensuring safe and neighborhood compatible administration of STR activities. However, they alone will

not be able to fully implement interventions that will be required to ensure the safe, environmentally sound and neighborhood character protective inclusion of STRs in our community:

- Safety inspections need specifically trained individuals (e.g. Fire/Building & Health departments)
- Washoe County enactment of needed regulations and Code enforcement staff to enforce
- Fines which are implemented
- And consideration of a hosting requirement: formal Host training (?certification) re oversight regulation including timely provision of necessary safety and regulatory information to renters

12) Is on-site response within 30 min expected of Property Managers?
Response: Yes, this level of responsiveness is important and will be needed. This is a "best practice" recommendation included in the TRPA Neighborhood Compatibility listing. Prompt response to concerns is a priority element in addressing adverse impacts associated with STRs and, in person, response is essential to immediately mitigate major issues. In addition, other "high touch" elements should be prioritized such as in-person check-in and review of local safety information, rental rules/regs and operation of site equipment/amenities. Also, given issues following remote check-outs, a requirement that the property manager visit the rental site within 1-2 hours after check-out would be helpful – examples of avoidable issues include:
- door not locked with bears entering into house requiring police intervention
- thermostat setting error with resulting freeze/leaks
- fire caused by hot tub set incorrectly

13) Owners can't be expected to bring everything up to current code in order to rent.
Response: There are really two issues embedded in this item – first, differences between building and safety requirements for Transient Lodging situations compared with Residences and second, differences in applicable code today vs. when a site was built or last substantively remodeled.

As noted above, there are differences between typical residential use and STR usage – STRs are classified as Transient Lodging and their use and associated risks closely parallel that of other Transient Lodging uses. Applicable building and safety code requirements for Transient Lodging uses should therefore be applied to these rental settings especially since the supervision and managerial presence which could help with mitigating some risks is actually less in STRs than in other Transient Lodging applications.

With respect to code updates, it seems that there are typically regulatory judgments made when code enhancements occur and some code changes are deemed sufficiently urgent from a safety and regulatory perspective to require more timely remediation than others. It would seem reasonable that such an approach would be applicable with STRs as well using standards applicable to Transient Lodging. Another consideration might a requirement for informing renters of any significant gaps.

14) Are you residents of Incline Village?
Response: Yes, to best of knowledge, the Incline Village residents who presented at the November 12, 2019 Board of Commissioners meeting where these items were raised are all permanent residents of Incline Village who call this place home and want to be able to remain living here – experiencing the peaceful enjoyment of our neighborhoods and community!

Submitted by Carole Black, IV Resident, 12/5/2019

ATTACHMENT: SUMMER OF 2019 AT THE INCLINE VILLAGE BEACHES

- IVGID Beach Impacts *(data source = IVGID 2019 Beach Wrap-up Report)*
- Adjacent Street Impacts: Parking picture examples

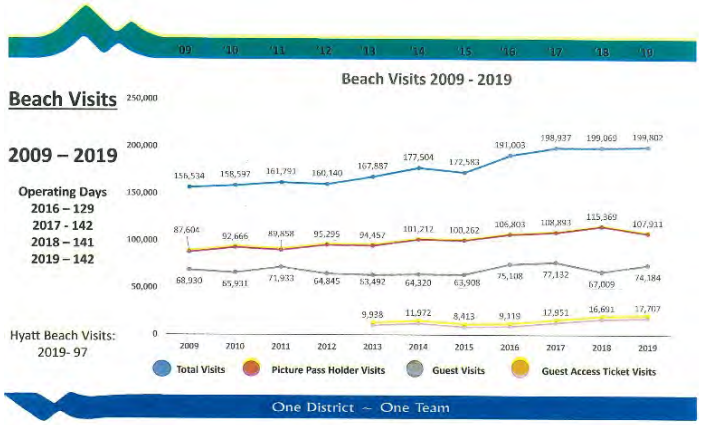
Key Takeaways:

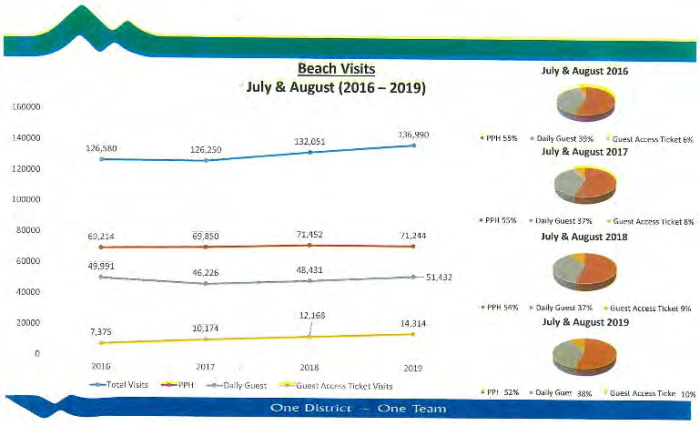
- **Dramatic increase in use in the category including STR renters which parallels increases in Airbnb's reported business volume and RSCVA vacation rental occupied days data – note the particularly dramatic trend 2016 > 2019!**
- **Almost flat/some adverse trend in resident use paralleling complaints and concerns despite increased availability of a very popular resident amenity (available kayak racks)**
- **Huge parking and traffic congestion/visibility obstruction with often no ticketing**

I. BEACHES

Season Beach Visit Increases:	**2013 > 2019**	**2016 > 2019**
1) Total visits:	**19%**	**5%**
2) Resident visits:	**14%**	**1%** *(w/6% decrease 2018 > 2019)*
3) Guest Visits:	**17%**	**-1%**
4) Guest Access Tickets (STRs)	**83%** *(most since 2016)*	**81%**

July/Aug Beach Visit Increases:	
1) Total visits:	**8%**
2) Resident visits:	**3%**
3) Guest visits:	**3%**
4) Guest Access Tickets (STRs)	**94%**

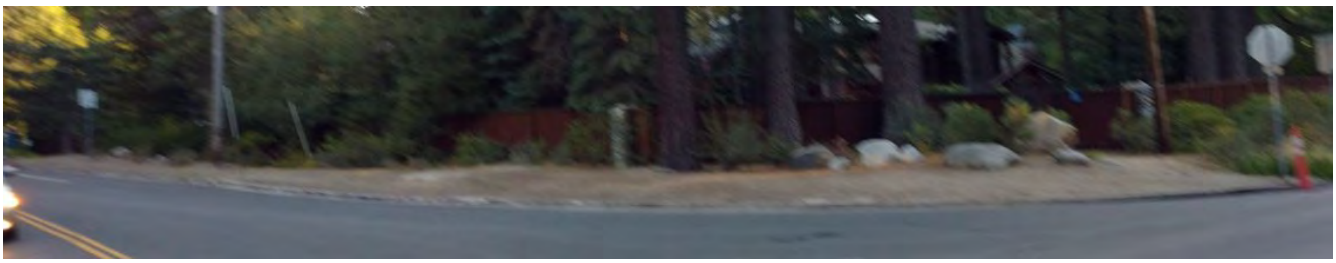




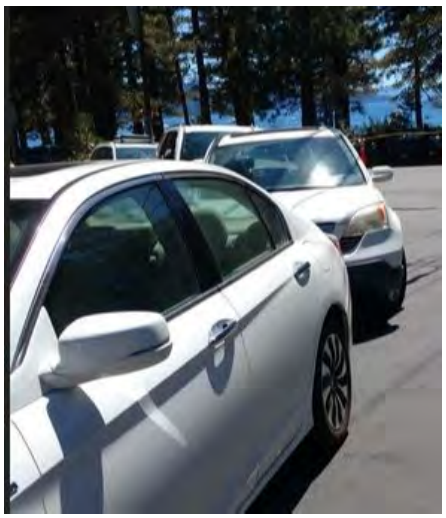
II. Parking Picture Examples: Parking in Incline Village Labor Day Weekend 2019

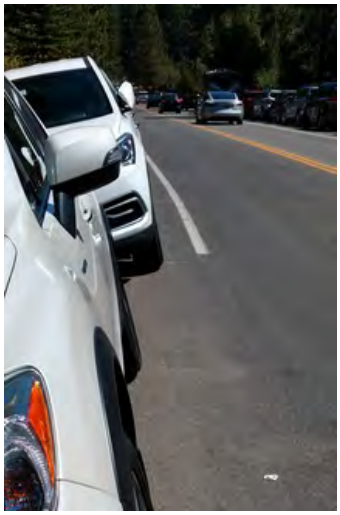
No tickets or warnings were visible – several years ago illegally parked cars in this area were ticketed, why not now?

Intersection of Village Blvd and Lakeshore:
Early am - Turning area wide open; white lines on street were recently repainted with no white lines on this corner to mark cars parking - thus parking is apparently not allowed around this corner to provide visibility at the busy intersection:



Early afternoon – Intersection/turning area fully blocked with parked cars where there is no white line - once there was a short gap where red cone was placed; Poor visibility for cars at corner, no tickets:





Parking directly under No Parking signs – no tickets:

From:	cbwillb@charter.net
To:	Berkbigler, Marsha; Hartung, Vaughn; Lucey, Robert (Bob) L; Herman, Jeanne; Berkbigler, Marsha; Hartung, Vaughn; Jung, Kitty
Cc:	Young, Eric; Mullin, Kelly; Lloyd, Trevor; CSD - Short Term Rentals; Hauenstein, Mojra
Subject:	FW: RE: Please Review - Feedback Documents re WC STR Ordinance Draft
Date:	Monday, December 09, 2019 12:13:59 PM
Attachments:	CAB Comments.STRs DO NOT MIMIC RESIDENTIAL USE.revised 12.2.pdf Detailed str ordinance.code change comments 12.9.2019.pdf

---

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Kindly include this information in the Public Comment related to feedback regarding the Washoe County Draft Proposed STR Ordinance and Related Documents.

To: Commissioners Hartung, Lucey, Berkbigler, Jung, Herman
Cc: Kelly Mullin, EricYoung, Trevor Lloyd
Additional Cc: Building Department Lead (Mojra Hauenstein) re Zoning, etc. items
Additional Cc (forwarded separately): WC Health District Leaders (Kevin Dick and Charlene Albee) re Public Health and Safety

Re: Feedback Documents Regarding WC STR Ordinance Draft

I am writing to provide additional, detailed feedback regarding the proposed Washoe County Draft Proposed STR Ordinance and Related Documents. I and others have previously sent and/or brought many carefully researched, detailed, thoughtful presentations to the Board of Commissioners highlighting significant concerns related to the dramatic increase and impacts of the unregulated, currently illegal STRs mushrooming in areas of Washoe County particularly near lake Tahoe in Incline Village/Crystal Bay.

Though there has been some evidence of listening and integration of items to address many impacts of this "NEW ZONING USE" into this proposed ordinance (e.g., specifically the inclusion of life safety regulations and inspections), the recommendations to date fall short of needed intervention to sufficiently positively address many, significant adverse impacts in order to preserve neighborhood character/neighborhood compatibility as required by TRPA and/or to protect the health, safety and welfare of both area residents and visiting tourists (the "transient public" seeking stays in Transient Lodging accommodations including STRs.). Two items are particularly worrisome:

1) STRs have been designated as Transient Lodging in WCC Chapter 25 and in NRS definitions; yet Washoe County is trying to word-smith different proposed zoning code in a confusing and obfuscating manner with a rationale of "aligning with TRPA definitions." This apparent insistence on classifying STRs within a revised definition of Residential Use would result in inappropriate classification based on the assumption that this use is the same as when a residence is occupied by residents. This rationale is incorrect for several reasons as shown definitively in the attached documents. In fact, the STR use most closely resembles other forms of Transient Lodging and should be classified and regulated as such. Further there is no need to specifically mimic TRPA - the requirement is that the local government approach be at least as restrictive as TRPA's and classifying STRs as Transient Lodging for zoning purposes with appropriate discretionary permitting in Residential Areas (including both residential

zones and residential developments in other zoning areas) would accomplish this goal. Further, Washoe County should conduct its own environmental analysis of this new use - TRPAs initial analysis was flawed, documents are missing, and the explosive new growth/plan to adopt as a NEW ZONING USE in WCC demands an internal comprehensive assessment.

2) Among many other gaps and concerns detailed in these and other previously submitted documents, one additional apparent "blind spot" is completely mystifying to me as a retired physician: specifically the apparent refusal to date to implement Public Health and Safety Regulations applicable to Transient Lodging/Public Accommodations in STRs as they have been implemented in other forms of Transient Lodging. An attachment to this email indicates a possible draft, straightforward approach to implementing this obviously applicable and important regulation in STRs. We very much hope you will consider modified as needed by the Health District who should also support implementation.

Regarding these and other items, respectfully request that you review and consider the three attached documents which contain added detail and data related to these items and other concerns regarding the proposed STR Ordinance:
- CAB Comments - STRs Do Not Mimic Residential Use
- Public Health, Safety and STRs - Draft Implementation Proposal
- Detailed STR Ordinance and Code Change Comments

Please note that all three of these documents include additional information not previously presented for your review. This information complements additional documents which have been submitted to the Board of Commissioners over the last several months detailing adverse impacts of STRs in our community with recommendations. Your review and consideration of this material including careful attention to the data and examples provided should lead to revision and enhancement of the proposed STR Ordinance as recommended.

Thank you for your attention and anticipated positive inclusion of recommendations in the revised Ordinance and associated documents.
Sincerely,
Carole Black, Incline Village Resident/Voter
144 Village Blvd #33, Incline Village, NV 89451

SHORT-TERM RENTALS DO NOT MIMIC RESIDENTIAL USE

(Comments for IV/CB CAB; prior document revised based on WC Draft Ordinance Content)

HOW DO STRs DIFFER FROM RESIDENTIAL USE?

1. STRs are the least well supported, w/least oversight of a variety of "comparable" uses & most resemble other uses designated as Transient Lodging in WCC 25. See detail in the table next page.

2. STR renters are largely unvetted and unknown to owners or property managers (who are usually located remotely).

3. STR renters are unfamiliar with the area, neighborhood culture and the environment. They have often not been warned regarding risks and/or local rules/norms and they are staying in an unfamiliar site among strangers.

4.To protect owners, renters and surrounding residents/neighbors, requirements applicable to other Transient Lodging uses as well as protective regulations are needed. Examples are marked (*) in the detail table next page

5. Washoe County's proposed Ordinance provides some, but insufficient, protection for residents & STR renters:

a. Excessive STR density adversely impacts neighborhood character, safety & environment and is not addressed; AND Excessive area occupancy driven by STR growth with insufficient Emergency Services support or evacuation capability is not addressed and is risky

b. WC does not need to and SHOULD NOT change the existing Residential Use definition - this change is Not required to "follow the TRPA model":
- TRPA's requirement is that WC be at least as restrictive as TRPA & the current definition as Transient Lodging (thus implying commercial category) meets this requirement & should be formally adopted/codified in WCC 110
- Wording of proposed definition changes is convoluted, illogical, confusing & doesn't match WCC 25.1501 or NRS STR listings: "Transient Commercial Use" (NRS 116.340)/"Transient Lodging" (NRS 447.010)
- Definition changes create unintended gaps in applicability of existing regulations resulting in increased risks. See attachment below for specific examples
- Our sense from meeting comments is that TRPA leadership may regret the historic definition change – why would WC want to repeat this "oops" when it is not required and drives little, if any benefit?

c. All STRs Tiers in all Residential Areas are not currently proposed for, but should require, discretionary permits (SUP or AR/P) to ensure neighborhood impact review and consideration;
and/or
d. Proposed tiers which allow overly generous occupancy for STRs without a consistent requirement for discretionary permitting should be adjusted: the threshold betweenTier 1 >2 must be lowered to more closely match actual residential property use.
Rationale for the STR Ordinance proposed Tier approach (c&d) **includes incorrect assumptions:**
- It is asserted that STR use mimics Residential Use which is clearly not correct in a variety of dimensions (see table next page).
- The average occupancy for residential use in our area is ~2.4 and the average family size is ~2.8 (per US census) while the threshold proposed for the "smaller, less intrusive" Tier 1 STRs is almost 4 times more = 10. In addition, residents know and are committed to the area, its risks, values and culture. STR renters are by definition transient and thus less aware or knowledgeable; they have less direct oversight or access to resources than in all other more heavily regulated transient lodging types.
- The comparison is made to WC standard for group homes. However, STRs lack both the on-site management and the more consistent, longitudinally present occupant group seen in group homes.

Attachment 1: TABLE ILLUSTRATING COMPARISONS - SHORT-TERM RENTALS DO NOT MIMIC ACTUAL RESIDENTIAL USE

(revised based on WC Draft Ordinance Content)

	ZONING / USE			SUPERVISION / KNOWN?				SERVICES & REGULATION EXAMPLES		
Lodging Type	**Com vs Res Use**	**Zoning Status**	**Daily Rent Fee; TOT**	**On-site Owner or Manager**	**Visitor known to Owner**	**LOS; Offered to**	**Visitor knows area/ culture**	**Occupancy/ Parking Actively Regulated/ Monitored**	**Food Utensils Available/ Regulated**	**Public Health/ Safety Regs Apply**
Categorized as Transient Lodging by WCC 25.1501 and NRS 447.010 (w or w/out meals)**; NRS 116.340**										
Hotel/ Motel	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
Time-share	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
B & B	C	Varies	yes	yes: mngr or owner	no	short/ public	no	yes	yes/yes	yes
STR now	C *per WCC 25*	Not allowed	yes	**no**	no	short/ public	**no**	**no**	yes/**no**	**no**
STR proposed	****C****	****SUP or AR/P in all listed zones ****	yes	*use 30 min access*	****live check-in****	short/ public	*provide info*	****define/require live check-in & manager checks****	****add Public Accommodations or equivalent****	
-										
Group Home	R	Parallels residential use	charge/ stay; no TOT	manager	yes, manager	longer; must meet eligibility	yes	yes	yes/yes	yes
LT or Seasonal Rental	R	Parallels residential use	charge/ month; no TOT	owner in touch	yes	long	yes	yes, by in touch owner	n/a: renter is resident	n/a: renter is resident
Owner's Family/ Friends	R	Parallels residential use	none	owner on-site or in touch	yes	varies; limit to friends/ family	yes, close owner contact	yes, by in touch owner	n/a: not rented & owner/ visitor know each other	n/a: not rented & owner/ visitor know each other

Legend note 1: *"Varies" notation indicates variability among regulatory zones, typically allowed or allowed with restrictions in tourist and/or commercial areas and not allowed or allowed with restrictions elsewhere; * indicates proposed in STR Ordinance while ** indicates additionally proposed in this document and/or other public comment feedback*

Legend note 2: Shaded boxes, red print indicate gaps not covered in STR draft and proposed in this document

ATTACHMENT 2: Examples of Unintended Consequences of the Proposed but Unnecessary Residential Use Definition Changes

EXAMPLE 1) PROPOSED STR ORDINANCE Section 110.319.30 Enforcement.
"… The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare".

Response: *Though this proposed ordinance is intended to address adverse impacts related to STR activity, it falls short from a number perspectives including: As noted above, wording should indicate Residential Areas in addition to Residential Neighborhoods. In addition, through the combination of the various proposed, convoluted wordings in multiple sections of the revised WCC/Development Code addressing STRs/vacation rentals within Residential Neighborhoods/Areas, a variety of protective regulations for members of the transient public staying in short term rental situations within residential neighborhoods/areas are rendered potentially not applicable. As a result, the basic premise of this section is nullified – the character of existing residential neighborhoods/areas will continue to be adversely impacted and there will be unnecessary exposure to detrimental impacts to the public health, safety and welfare.*

Further, we note that, in discussion at recent TRPA meetings, we had the impression that the prior Residential Use definition change was currently regretted but difficult to reverse – why is WC repeating when the currently proposed definition change is unnecessary? And where is the environmental review (EIS) of STR impacts as a formally defined NEW USE not previously considered in WCC 110?

EXAMPLE 2) Public Health & Safety/Public Accommodation Requirements for Transient Lodging situations (NRS 447) which would provide basic Public Health and Safety protections to the public staying in these accommodations and reasonably expecting the same level of basic protection as would be expected in other Transient Lodging situations is not included.

Response: *We have submitted extensive documentation of the indications for including these parameters in STR regulations. In addition, recognizing the challenges of extensive inspection-based implementation, we have developed & submit a draft for a streamlined possible approach which would of course need to be modified as indicated, ratified and directed by the Health Department/District.*
Again, the proposed convoluted wording changes have obfuscated, rather than clarified, the appropriate use status and value of the health/safety recommendations. Despite this confusion, there are potential feasible and practical approaches to implementing these standards for the protection of the renters and residents and consistent with STR use as Transient Lodging.

In spite of all of the wording machinations, its a mystery how WC can legally, or in good conscience, fail to apply the Public Accommodation standards to STRs given the following code direction:

*NRS:*NRS 447.010 "Hotel" defined. "Hotel" means <u>every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public, whether with or without meals,</u> including, without limitation, a lodging house or rooming house where transient trade is solicited.
NRS 447.190 Enforcement of chapter by health authority; records. <u>The health authority is charged with the enforcement of this chapter.</u> The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.
NRS 447.200 Access for inspection of hotel. <u>The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of this chapter</u>
NRS 447.210 Criminal penalty; each day of violation constitutes separate offense. ...
In addition, <u>STRs are defined as Transient Lodging in WCC 25,1501.</u>
Even absent this designation, STRs fully meet the NRS definition above: 1) building or structures … 2) used as … or held out to the public (by virtue of extensive advertising) to be 3) a place where sleeping or rooming accommodations are furnished to the 4) transient public (STRs by definition are used for short stays!), 5) whether with or without meals ….

AND THIS CONCLUSION PERSISTS WHETHER WC DECIDES TO CORRECTLY CLASSIFY THIS USE AS BUSINESS/COMMERCIAL OR TO PERSIST IN TRYING TO SOMEHOW CHARACTERIZE THIS BUSINESS ACTIVITY AS A RESIDENTIAL USE

EXAMPLE 3) WCC 50.068 - False information to secure lodging in commercial place of temporary abode unlawful. It is unlawful for any person, either for himself or representing others, to furnish or attempt to furnish any information known by such person to be false, including, but not limited to, the name, address, vehicle information, number of occupants, payment information, firm represented or any other information required by an establishment, in order to secure lodging in any motel, hotel, inn, recreational vehicle park or any other commercial place of temporary abode in the unincorporated area of the county.
50.070 - Unlawful occupancy of place of temporary abode. It is a violation of sections 50.068 to 50.072, inclusive, for any person who occupies any room or other such space in any commercial place of temporary abode when he knows such room or other such space to have been obtained by false information. **50.072 – Penalty.** Any person who violates the provisions of sections 50.068 to 50.072, inclusive, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 125.05

Response: By unnecessarily converting STRs to a Residential Use, this protective and helpful code requirement becomes not applicable. This definition change can be easily avoided by applying the existing Transient Lodging designation for zoning as well as taxation and allowing STR use in Residential neighborhoods/areas with AR or P status as should be in place at a minimum for all STRs with occupancy greater than average actual residential occupancy (~2.4) or possibly with a higher occupancy threshold if the STR is owner-occupied and supervised during rentals.

Revised and Prepared for Submission to CAB 12/2/2019 by Carole Black, Incline Village Resident

Given meeting cancellation and to ensure receipt prior to the 12/11/19 deadline for Public Comment, this document is forwarded by email on 12/9/2019 with two additional documents:

- Updated discussion of Public Health and Safety/Public Accommodation issues with a streamlined potential implementation proposal for consideration
- Detailed comments related to multiple elements included in the draft STR Ordinance and related proposed WCC changes

This package of materials is forwarded to:
1) WC Commissioners Berkbigler, Hartung, Lucey, Herman, Jung
2) Kelly Mullin, Eric Young and Trevor Lloyd, WC Planning

In addition, re Public Health and Safety/Public Accommodations document including suggestions for a possible streamlined implementation approach, copy is forwarded to:
1) Charlene Albee, WC Environmental Health Services
2) Kevin Dick, WC District Health Officer

And, re Zoning, etc items, copy is forwarded to:
Mojra Hauenstein, Planning and Building Director

FEEDBACK: WC DRAFT STR ORDINANCE/ASSOCIATED CODE CHANGES

Submitted by Carole Black, Incline Village Resident 12/9/2019

Comments re WC Code References listed on WC STR Website as related to STRs:

>> 50.304.21 (also quoted in chapter 110.304.15 see below) "… Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time.

Comments: This definition has been artificially constructed to create a distinction which has little relationship to actual functional reality or practical applicability. Nor does it appropriately relate the STR use to other comparable situations or code descriptions:
1.NRS does not distinguish "with or without meals" in defining "Hotels" within Chapter 774 and STRs meet all of the included criteria. Similarly, NRS 116.340 defines STRs/Vacation Rentals as a "Transient Commercial Use".
2. In addition, WC 25.1501 defines vacation rentals as Transient Lodging – and every other type of Transient Lodging listed in WCC 110 are treated as Commercial Uses. Further, in terms of characteristics, STRs resemble these Transient Lodging Uses more closely than other defined Residential Uses (Group Homes, Long-term or Seasonal Rentals, Owner's non-paying family/friends).
3. The presence or absence of meals, snacks/drinks and/or food preparation capability are not clear distinguishing characteristics. Residential uses include food, drink, snacks and food prep capability. STRs may or may not provide drink/snacks and typically include food preparation capability. Hotels/motels and other transient lodging situations may or may not serve meals or have food prep capability but more often provide access to snacks/drinks.
4. In addition, as also noted below, the term "group" is not defined, nor is there any criteria for minimum age for legal renter and minimum age for responsible legal rental occupant. Further, note that other types of Transient Lodging may or may not rent to "one group" at a time – e.g., condo hotels or condo timeshare units whereas group homes (a residential use) house multiple individuals paying separately, and not one "group,"

>> 50.308.1 …(STR) operated without the required permit shall be deemed a public nuisance due to the potential nuisance impacts related to parking, garbage, noise, and higher occupancy, and by the danger posed to surrounding properties created by an unpermitted use that has not passed required inspections for public health, safety, or general welfare standards applicable to STRs. In addition, per WCC 110.910.10(b), any property or structure that does not conform to the provisions of an applicable development regulation shall be and is hereby declared to be a public nuisance.

Comments: As we have previously presented, Public Health and Safety standards are not applied to STRs under these proposed requirements despite the presence of a Transient Lodging use with a lack of supervision and minimal related regulation. Indeed even the recommended "Provisions for a Healthy Home" associated with IPMC are not applied. Suggest since risks with STRs are those of Transient Lodging, these items be included in the recommended Safety Standards and annual inspection content with general oversight by the Health District and that, in addition, a Health District Public Health and Safety recommendations/requirements information sheet with acknowledgment be added to the permit application process for owners/operators and a renter information sheet be required to be included in the Renter Educational Packet – see detailed proposal presented separately.

>> 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations, ~~on a wholly or primarily non-transient basis~~ but exclude institutional living arrangements providing twenty-four-hour skilled nursing, custodial or medical care and those providing forced residence, such as asylums and prisons.

Comment: As we have previously discussed, the modification to this paragraph is unnecessary and will be associated with unintended, untoward impacts. STRs most closely resemble other forms of Transient Lodging and differ in characteristics from Residential uses. Historically (and currently), STR is not a listed use in the WCC 110 sections describing zoning area uses and there is a clause indicating that, if a use is not listed, it is not allowed. Thus, though they have been largely ignored from a regulatory perspective by WC (except for tax revenue!), currently STRs are an illegal use in WC and specifically in Residential areas from a zoning perspective.

The current proposal, embedded here and in other draft sections of the WC Tahoe Area Plan, is to consider this use Residential. This change would represent a major zoning modification and needs comprehensive and thorough processing including substantive environmental assessment of the STR use (EIS) as this would be a New Use from a zoning perspective.

Further, there are serious concerns about treating this as a Residential use in that STRs are clearly businesses, i.e., commercial uses, and not the historic occasional vacation rentals of years ago. STRs function as "instant hotels", with much higher occupancy than residential uses, frequent guest transitions of individuals unfamiliar with the area, internet advertising and, in addition, less supervision/management presence than other forms of transient lodging. STRs are thus more appropriately regarded as are other forms of Transient Lodging and as Businesses/Commercial uses.

In addition, this definition change is unnecessary for coordination with TRPA – as a Commercial Transient Lodging use, STRs are more restrictively zoned than TPRA and thus meet TRPA requirements.

>> 110.304.15, Residential Use Types, is hereby amended to add new sub-section (d) with the following definitions: ***<< Suggest DO NOT amend use type; modify wording as follows: "STR may be permitted in Residential zones as noted below"***
(d) Short-term rental. Short-term rental (STR) refers to existing single-family dwelling units where, for compensation, lodging is provided within either the entire home or a portion of the home for a rental period of less than 28-days. STRs may be permitted to operate out of legally permitted, permanent dwelling units or accessory dwelling units in accordance with the standards within Article 319. ***<< add "and in accordance with the permitting requirements below"***
Short-term rentals are distinguishable from commercial lodging use types in that no meals may be provided within short-term rentals as part of the rental agreement and the home may only be rented out for short-term rental use to one group at a time. ***<< suggest omitting this "distinction" see discussion above.*** STRs are also often referred to as vacation rentals and are commonly made available through property management companies or online booking platforms.

Comment: Based on the appropriate designation of STRs like other forms of Transient Lodging as a Commercial use, we recommend changing wording to the bolded wording noted above

The following are short-term rental use types:
(1)Tier 1 Short-Term Rental. A Tier 1 STR has a maximum occupancy of 10 persons or fewer.(2)Tier 2 Short-Term Rental. A Tier 2 STR has a maximum occupancy of 11-20 persons and due to its higher occupancy, may require additional limitations to ensure compatibility with surrounding residential properties.

Comment: Either a) a discretionary permit including impacted neighbor input solicited and considered should be required for all STRs in Residential areas in order to provide for a review process. This is important because this use does not mimic residential use (see extensive documentation provided previously and also attached in a separate document with this submission)
and/or
b) the threshold between Tier 1 and 2 must be lowered to more closely align with actual average residential use ~2.4 occupants and actual average family size ~2.8 (per recent US Census info). These levels thus represent actual average residential use and added limitations are thus likely

required above this occupancy level to ensure neighborhood compatibility. And the Administrative Review Process must consider impacted residential neighbor impact which is solicited and considered.

Preferably BOTH of the above recommendations will be adopted in the interests of preserving neighborhood compatibility and not further exceeding safe area occupancy which is already at worrisome levels – i.e., at higher volume times, evacuation in an emergency would not be possible according to the fire department. These adjusted tier definitions should apply in all areas of established residential development independent of regulatory zone.

(3)Tier 3 Short-Term Rental. A Tier 3 STR has a maximum occupancy of 21 or more persons. This highest tier of STRs is still operated out of a pre-existing dwelling unit, but due to the high number of occupants, is expected to have more significant impacts to surrounding properties. As a result, it is considered inappropriate to be located in residential regulatory zones but may be appropriate on properties with commercial regulatory zones that are located nearer tourist and commercial services.

Nonetheless the Administrative Permit Review must include noticing and consideration of impacted neighbor feedback since any adjoining residences risk the same adverse impacts as they would in any other area regulatory zone.

>> Table 110.302.05.1 and referenced 110.302 sections
Further, the considerations and adjustments regarding STR tiers and allowed uses in residential areas should apply in all areas of established residential development throughout the village independent of regulatory zoning area categorization. The rationale is that the implications to nearby residential areas and transient area occupancy are the same in all residential areas. Specifically there are existing residential developments in current commercial and tourist neighborhoods which have been permitted as such prior to the advent and subsequent massive growth/impacts of this STR use and which should be afforded the same protections of neighborhood character regarding STRs as in formal Residential Zones. Thus in Table 110.302.05.1 and associated referenced sections the designation for Tier 2 STRs (with lowered maximum occupancy between levels 1 and 2) at a minimum and preferably for both Tiers 1 and 2 should be uniformly listed as AR including in GC and TC Zones.

Further, given the lack of supervision and regulation in STR's when compared with other types of Transient Lodging situations (as documented in other included documents), these same permitting requirements and regulatory zone designations should apply whether they are ultimately categorized as a Residential Use or correctly designated within the zoning code as a Transient Lodging (business/ commercial) Use.

>> 110.304.25(u), Lodging Services,...
(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis with~~in~~ ***incidental food, drink, and other sales or services intended for the convenience of guests, including common facilities***, but excludes those establishments classified under residential group home, short-term rental and commercial recreation. The following are lodging services use types:

Comment: As noted with some of the other "word-smithing" above, this proposed distinction seems arbitrary and the exclusion of STRs is inconsistent with actual STR use. The description offered appears to be describing "Transient Lodging" and includes characteristics typical of STRs - "engaged in the provision of lodging on a less-than-weekly basis with incidental food, drink and other sales or services intended for the convenience of guests, including common facilities" are all elements often seen in STRs – indeed various combinations of snacks, drink and/or activities (e.g., access to owner kayaks, etc) are often offered/included and "common facilities" found in STRs and referenced in another section. Residential group homes operate differently for a different target population.

Reiterate that the most appropriate category for STRs is the Transient Lodging grouping currently present in WCC.

>> 110.319.10 Requirements for Application.
b,d. "… dedicated locations and surface material of required parking spaces ..."
"evidence of the number (and location, if applicable) of parking spaces allocated to the unit" -

Comment: In a shared open parking lot, how will this be handled – the same spots may be shown for several units?

c. "Accurately scaled floor plan showing entirety of dwelling ..."

Comment: suggest specifying detail regarding the overall building/structure for attached units

>> 110.319.15 Standards.
1a3: "Every STR is required to have a designated agent or property manager who is available 24 hours a day, seven days a week to respond to complaints/issues related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives ..."

Comment: suggest clarifying what access point is to be available 24/7 for neighbor complaint to ensure efficient response including on site presence if indicated – recall the brief delay windows seen with recent catastrophic events. Also suggest a requirement for in person check-in and occasional in person "spot checks" to facilitate renter education and occupancy checks. May also want to consider collecting renter contact info as well as car registration info either in advance or as part of registration.

1a4: "No events … advertised ..."

Comments: suggest add ***"or promoted"*** *- since the more frequent approach seems to be to advertise within regs but then promote via social media/emails once rented*

Re items 1a3 and 1a4 and Noise (below), suggest also please add a section parallel to the Reno code section related to "Social Host Liability/Disruptive gatherings" (Sec. 8.22.300)

1a7: "… do not supercede … permits required to construct ..."

Comment: suggest add "or modify a dwelling unit or building containing a dwelling unit used as an STR" to address rehabs of existing units or buildings containing units licensed as STRs. In addition, requirement for notification of construction and, as applicable, temporary cessation of STR operation during modifications.

1a8: "… only be rented to one group at a time ..."

Comment: as noted above the term "group" is not defined; also minimum age requirement for renter and for onsite responsible occupant should be defined – renter should be legally able to enter into a contract and oldest occupant should be legally responsible for supervision of any minors present

1a10 and 1b,e: "… number of occupants … number of parking spaces ..."

Comment: add any additional restrictions re occupancy (e.g., not accessible) and parking spaces (e.g., 1 garage space which will only accommodate an average size car or SUV; no accessible parking)

1a11: "… placard..." It would be helpful to consider possible adjustments in situations with adjoining walls

Comment: how will this work for attached dwellings in multi-unit buildings?

1a14: “Educational material must be made available to all renters in the unit’s kitchen or other common area ...”

Comment: suggest that this information should also be required to be provided upon rental, prior to arrival in area and within cancellation with refund period for the rental to avoid unprepared renters inadvertently arriving to a situation for which they are not prepared or eligible (i.e., 1 parking space in garage – vehicle is too big to fit!)

1c: “Noise Standards ...”

Comment: *There is no mention of applicable limits or expectations regarding excessive, persistent daytime noise which is a commonly raised concern/complaint – applicable standards should be referenced or developed and included here and/or in Nuisance code. It would also be helpful to specify more limited noise thresholds or some guidance for situations with adjoining walls – in attached single family residences not built for transient occupancy (& with constant turnover of rental occupants) a moderately loud extended evening phone conversation or rambunctious discussion or loud TV can completely disrupt a neighbor’s restful evening at home. In a hotel this is solved by a call to the front desk – no such remedy with an STR!*
Would also strongly suggest add a section similar to this Reno code section: ***Sec. 8.22.300.*** *- Social Host Liability section regarding Disruptive Gatherings which addresses disruptive/illegal behaviors with legal implications.*

>> 110.319.20 Safety Standards c. Additional Safety Standards
c2: “… in accordance with the original permit approval”
c6: “… or the applicable code in effect at the time of the original permit of the structure”

Comment: given the lack of additional robust regulation and on site supervision as would be applied to commercial situations, suggest that residential rental activity requires either correction to current standard or advance notification to renter of gap between current recommendations and existing situation

c3: “Structures with a calculated occupant load greater than 10 occupants ...shall be equipped with a monitored fire alarm system ...”.
Comment: suggest that this should also apply to larger/higher structures because of added time/complexity required for evacuation

>> 110.319.30 “Enforcement. … The intent of this section is to ensure that STR activity does not alter the character of existing residential neighborhoods nor result in detrimental impacts to the public health, safety and welfare”.

Comment: Though this ordinance reflects an intent to address adverse impacts related to STR activity, it falls short from a number perspectives:
- through the combination of the various proposed convoluted wordings in multiple sections of the WCC including the Development Code addressing STRs/vacation rentals within Residential areas, a variety of protective regulations for members of the transient public staying in short term rental situations are rendered not applicable (see additional detailed documentation in a separate document submitted along with this document)
As a result, the basic premise of this section is nullified – the character of existing residential neighborhoods is currently and will continue to be adversely impacted and there will be unnecessary exposure to detrimental impacts to the public health, safety and welfare.

>> 110.809.00 “Purpose. The purpose of Article 809, Administrative Review Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the use(s) have the potential to adversely impact other land uses, transportation or services and facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Planning and Building Division Director, may require conditions of approval necessary to

eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply".
>> 110.809.15 Review Procedures. The Director, or her/his designee, shall review an administrative review application request for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant, as well as characteristics of the property.
>> 110.809.30 Revocation. The Board of Adjustment (or Board of County Commissioners, for administrative review permits associated with a short-term rental) may initiate an action to revoke an administrative review approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative review approval and provide notice as set forth in Section 110.808.40. For items heard by the Board of County Commissioners, that Board shall hold a public hearing upon the revocation of the administrative review approval and provide notice as set forth in Section 110.912.20.
After the public hearing, and upon considering the evidence submitted, the applicable board may take action to revoke the administrative review approval based upon a finding of any one (1) or more of the following grounds: (a) That the administrative review approval was fraudulently obtained or extended; (b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or(c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

Comment: What is the process for addressing similar issues with Tier 1 STRs if Administrative Review Permit regulation is not revised adding AR to all tiers of STRs and thus these rules would not apply? Overall the process described for censure for failure to follow standards is cumbersome and can extend over long periods of time- what is the plan for urgent, egregious issues?. How is information regarding a fraudulent application transmitted and acted upon, etc, etc?

ATTACHMENT: SOME APPLICABLE CURRENT CODE SECTIONS FOR REFERENCE:

WCC:
110.902 : Motel.
"Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material).

25.143 - "Room" or "rooms" defined.
"Room" or "rooms" means any accommodation rented for dwelling, lodging or sleeping purposes by the operator of transient lodging as defined in section 25.1501.

25.150 - "Transient guest" defined.
"Transient guest" means any individual occupant who has or shall have the right of occupancy to any room for dwelling, lodging or sleeping purposes in a transient lodging facility for less than 28 consecutive days.

25.1501 - "Transient lodging" defined.
"Transient lodging" means any facility, structure, or portion thereof occupied or intended or designed for occupancy by transient guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes, and includes, without limitation, any hotel, resort hotel, motel, motor court, motor

lodge, bed and breakfast, lodging house, rooming house, resident hotel and motel, guest house, tourist camp, resort and "dude" ranch, cabin, condominium, timeshare properties, vacation home, apartment house, recreational vehicle park/campground, guest ranch, or other similar structure or facility, or portion thereof.

ALSO, Some potentially useful sections from Reno code which might be considered in addressing the Public Health and Safety element:
Sec. 8.22.300. - Social Host Liability section regarding Disruptive Gatherings
Sec. 10.04.010. - General powers. (General Sanitary Matters) - The provisions of this chapter contemplate the general supervision by the health officer of all matters pertaining to the sanitary conditions of the city … and the abatement of all nuisances prejudicial to the health of the citizens, or any of them, and for the prevention of the development and spread of infectious and contagious diseases.
Sec. 10.04.030. - Nuisances generally. Whatever is injurious to human life or health, whatever renders the air or food or water or other drink unwholesome, and whatever building, erection or part or cellar or basement thereof is overcrowded or not provided with adequate means of ingress and egress, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, are declared to be nuisances and to be illegal ...”

Public Health and Safety Implications of STRs/Vacation Rentals as Transient Lodging - a Draft Practical Plan

Submitted by Carole Black, IV Resident to WC Board of Commissioners 11.12.2019, Updated 12/6/2019

I. Background:

A) NRS 447 describes Public Accommodations requirements as applicable to "Hotels" which are defined as "<u>every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public, whether with or without meals ...</u>"

- NRS 447 further specifies that these requirements will be administered by the "<u>officers and agents of the local boards of health</u>" *(Detail below)*

B) Washoe County classifies STRs/Vacation Home Rentals as Transient Lodging in Washoe County Ordinance 1526 – this use thus falls within the definition listed in NRS 447 *(Source: Washoe County website)*

C) Nonetheless **Washoe County and its Health District Program have to date not fulfilled this obligation by not administering these requirements in STRs/VHRs** *(Source: Washoe County website)*

II. Current Issues:

1) Public Accommodation requirements are not included in the proposed WC STR Ordinance draft apparently based on a WC's interpretation of applicable statutes. Independent of this interpretation, the conclusion is incorrect: these regulations are designed to protect the Health and Safety of tourists staying in Transient Lodging situations - enforcement in STRs is the right thing to do! An STR rental is **not** the same as your friends coming to visit. Instead many different, unknown and largely unvetted individuals with unknown habits or conditions are staying in an unfamiliar remote environment in a stranger's unit with little available support. They are potentially at more, not less, risk than tourists staying in more traditional Transient Lodging settings. STR facilities are less closely monitored, minimally staffed (if at all) and may or may not have appropriately trained individuals managing or maintaining the premises. Renters are provided with substantially less oversight/on site support and/or access to information/assistance than in traditional tourist site.

2. Practical Examples of Public Health and Safety items thus not currently or planned, but which should be considered, for STRs/Vacation Rentals include *(Added detail in table below)***:**

- General cleaning, sanitation and safety of rooms/property: "… clean and sanitary condition, free of fire hazards and free of hazards to life and limb."
- Bio-hazardous waste handling and disposal
- Pest abatement/aversion (e.g., exclusion/treatment, disinfection and renovation to eliminate infestation by "vermin or bedbugs or similar things")
- Screens for insects (think West Nile Virus)
- Management/sanitation of any food service utensils, equipment or supplies
- Management of recalls of any offered food or snacks and/or any food related outbreaks
- General safety, ventilation, egress, etc requirements for "sleeping and living" spaces which fall in the Public Health and Safety arena
- Appropriate alteration of facilities/supplies for use as Transient Lodging and/or Notices of limitation re the many variable needs for safely serving varieties of occupants – e.g., limited mobility, visual/hearing impairment, minors, foreign language, access to safety and/or evacuation precautions, alerts/supplies/equipment/instructions

3. These are Public Health and Safety issues and should be overseen by Health related entities

4. Other Public Safety items not included above which should also be addressed by transient lodging sites in this region:

- Safety management/supplies/equipment for power outages/storms or severe weather
- Safety management/supplies/equipment for emergencies: evacuation or shelter-in-place
- Limitations in medical support available in area during storms or severe weather

PUBLIC HEALTH & SAFETY CONSIDERATIONS: LEGAL REQUIREMENTS IN ADDITION TO TYPICAL BUILDING/FIRE CODES

Element: in STR Regs?	**Public Accommodations (NRS/NAC)**	**IPMC Provisions for a Healthy Home** (source listed in STR report)	**Group Homes** (referenced for comparability in STR report)
Pests: NO	**Extermination of vermin or bedbugs or similar things**	**Extermination/Infestation: mention of insects, rodents**	**… free from insects and rodents**
Use of space: YES	**Certain areas prohibited from use for living or sleeping**	**Habitable spaces defined for living, sleeping & eating/food prep**	**Spaces for sleeping/not for sleeping specified**
Screens: NO	**Windows and outside doors to be equipped**	**Every door, window of habitable/food related space required for ventilation**	**All windows and doors used for ventilation must be screened**
Vent/Egress: PARTIAL	**Ventilation/egress of rooms for sleeping; Ventilation: rooms with water closet, bathtub or shower**	**Ventilation of habitable space, bathrooms, clothes dryers; Egress** in (IPMC)	**Ventilation specified; Egress see building section**
Cleanliness/ Sanitation: NO	**Kept clean and sanitary and free of fire hazards and hazards to life and limb**	**Sanitation, exterior and premises – clean, safe and sanitary; rooms/ surface good, clean, sanitary condition**	**Interior and exterior clean and well-maintained**
Building: PARTIAL	Requirements per state law, rules & regs, **Brd of Health** & other codes	**Extensive listing re building maintenance**; Other specs in IPMC	**Free from obstacles that impede free movement of residents**
Size/rooms / occupancy: PARTIAL	**For sleeping specified; Not ok if per health authority "living or sleeping is dangerous or prejudicial to life or health..."**	IPMC – sleeping and living space	**≥ 60 sq ft/person; max 3/room; also storage, closet, lighting, locks related regulations; additional regs for common spaces, occupancy**
Heat: YES Bldg code	**Systems for heating and ventilating hotels or other ... transient lodging ...**	**Detail description of minimum heating requirements; removal of combustion prod; air supply/energy conservation**	**Temperature range specified**
Water/sewer: YES Bldg code	**Supply of water; plumbing; Disposal of sewage Some specs in Health Codes**	**Water heating; safety restrictions on gas hot water heaters**; & Building Codes	**Safe, sufficient supply of water; Adequate sewage disposal system**
Trash: YES (& bear boxes)	Disposal of garbage and rubbish;	Free from accumulation of garbage and rubbish	Minimum disposal once/wk; container types by types of waste
Bathrooms: YES Bldg code	**#'s of Baths, toilets, sinks/ occupants**	Building Codes only	
Lighting: PARTIAL	**Accessible signage**	Building Codes only	**Lighting to ensure comfort & safety of residents**
Re Transient Occupants: NO	**Disinfection of toilets**	Not applicable because assumes resident occupancy	
	Fumigation of room after occupation by person having contagious or infectious disease.		
	Cleanliness and amount of bedding; Worn out or unfit bedding; towels supplied		**Bedding/changes specified; Laundry & linen service that provides proper/sanitary washing**
	Food handling/utensil sanitizing		
			Auto sprinklers per NRS 477
WC program adds : NO	**Bio-hazardous waste program; Outbreak management (food)**		

Red>gap; Green>in draft // *Source: NRS/NAC & Wahshoe County websites; https://nchh.org/resource-library/International%20Code%20Council%20-%20IPMC_1.pdf*

Draft Possible Approach in the Context of the Proposed WC STR Ordinance – Note: Actual Program Recommendations to be Established by the WC Health District

DRAFT EXAMPLE: Expand Proposed STR Life Safety Requirements as follows:

1. Slightly broaden proposed safety inspection to include several elements included in Public Accommodations list, IPMC's Provisions for a Healthy Home and/or Group Home Regs:

a. Screens for outside doors and windows (avoid insect vectors)
b. Ventilation of Bathrooms/Dryer (bathroom fans/dryer vent with annual cleaning documented)
c. Evidence of annual rodent inspection/mitigation as indicated provided
d. Exit door locks easily openable from inside
e. Lights stairs, exit paths

2. Address additional items in an Owner's Requirements checklist with annual attestation

a. Recommendations for cleaning and sanitation/fumigation/quarantine per Board of Health
b. Remove obstacles to safe renter movement (e.g., ?scatter rugs, power cords)
c. Other building requirements/recommendations per Health Dept.
d. Address any items flagged as important by Health dept "living or sleeping conditions dangerous or prejudicial to life or health"
e. Lighting to ensure comfort and safety of residents, e.g., room light switch near doorways; stairway light switch top/bottom
f. Biohazard waste handling and disposal
g. Outbreaks, recalls
h. Clean bedding; pest detection, avoidance, mitigation
i. Emergency supply list (e.g., flashlights, water, batteries … per health/fire departments)
j. Inform renters in advance of rental unit and parking restrictions, limitations & house rules

3. Address additional elements in Proposed Renter Educational Packet with acknowledgment of receipt/in person check-in to review with owner or licensed property manager

a. Keep screens closed – why?
b. Use dishwasher to clean all food/eating utensils
c. Notify manager for any questions re pests
d. Follow other Board of Health recommendations re cleaning, notifications
e. Caution to avoid falls/scatter rugs
f. Know how to open exterior doors & windows; how to find and use emergency equipment
g. Where to get emergency information and supplies (weather, fire, evacuation, etc.)
h. How to operate equipment and emergency shut-offs
i. Extra supplies, linen
j. Biohazardous waste handling and disposal
k. Availability limitations and access to emergency medical care during weather/emergency situations
j. Rental unit and parking restrictions, limitations & house rules

4. Rigorous & timely response to complaints/concerns will be an essential component

5. Resource/Regulatory implications:

- Limits impact on inspections/inspection staffing
- Requires owner obtained rodent/pest inspection and dryer vent cleaning
- Health inspections could be helpful but may not be required – can adjust based on experience
- As a Transient Lodging use, subject to Business TOT tax, and within NRS 447 definitions, STRs should be required to allow health department mandated inspections, just like other safety reviews as a permit condition

DRAFT EXAMPLE – Coverage of Public Health and Safety Elements by Draft Expanded STR Life Safety Requirements Approach -
Note: Actual Program Recommendations to be Established by the WC Health District

Element: in STR Regs?	Addressed in Current and/or Proposed Expanded Inspection	Addressed in Proposed Owner Requirements Sheet	Addressed in Proposed Enhanced Renter Educational Packet
Pests: NO	✓ Add to safety inspection (review owner report)	✓	✓
Use of space: YES	✓		✓
Screens: NO	✓ Add to safety inspection		✓
Vent/Egress: PARTIAL	✓ Add to safety inspection (bath fans; owner report dyer vent cleaning)		
Cleanliness/ Sanitation: NO		✓	✓
Building: PARTIAL		✓	✓
Size/rooms / occupancy: PARTIAL	✓ Add to safety inspection (exit door locks open easily from inside)	✓	✓
Heat: **YES** Bldg code	✓		
Water/sewer: **YES** Bldg code	✓		
Trash: YES (& bear boxes)	✓		✓
Bathrooms: **YES**Bldg code	✓		
Lighting: PARTIAL	✓ Add to safety inspection (lights - stairs; exit path)	✓	✓
Re Transient Occupants: Sanitation; bedding, etc NO		✓	✓
WC program adds : NO		✓	✓

Red>gap; Green>in draft // Source: NRS/NAC & Wahshoe County websites; https://nchh.org/resource-library/International%20Code%20Council%20-%20IPMC_1.pdf

Attachment: Selected Applicable Code Excerpts *(with underlining added for emphasis)*

NRS CHAPTER 447: PUBLIC ACCOMMODATIONS

NRS 447.007 **"Health authority" defined.** "Health authority" means:
1. The officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services; or 2. The officers and agents of the local boards of health.
NRS 447.010 **"Hotel" defined.** "Hotel" means every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public, whether with or without meals, including, without limitation, a lodging house or rooming house where transient trade is solicited

NRS 447.185 Regulation of construction or reconstruction of hotel or other establishment for transient lodging. The reconstruction of existing hotels, including all types of transient lodging establishments, and the construction of new hotels, including all types of transient lodging establishments, shall be in accord with pertinent state laws, rules and regulations of the State Board of Health or local board of health, and the latest editions of the *Uniform Building Code* and the *Uniform Plumbing Code* and such other codes as the State Board of Health may designate
NRS 447.190 Enforcement of chapter by health authority; records. The health authority is charged with the enforcement of this chapter. The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

NRS 447.135 Entrance to corridor leading to toilet facility to be marked with sign that conforms to requirements of Americans with Disabilities Act and includes features for use by visually impaired persons; reporting of violations; duties of Attorney General; enforcement. …
5. As used in this section, "public accommodation" has the meaning ascribed to it in 42 U.S.C. § 12181
(https://www.leg.state.nv.us/NRS/NRS-447.html)

US Code: 42 USC 12181 …
As used in this subchapter:
(1) Commerce The term "commerce" means travel, trade, traffic, commerce, transportation, or communication-
(A) among the several States;
(B) between any foreign country or any territory or possession and any State; or
(C) between points in the same State but through another State or foreign country **…**
(7) Public Accommodation
The following private entities are considered public accommodations for purposes of this subchapter, if the operations of such entities affect commerce--
(A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor
(https://codes.findlaw.com/us/title-42-the-public-health-and-welfare/42-usc-sect-12181.html)

NRS 116.340

4. As used in this section:

(a) Remuneration means any compensation, money, rent or other valuable consideration given in return for the occupancy, possession or use of a unit.
(b) Transient commercial use means the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive calendar days.

WASHOE COUNTY

REPORT FOR SHORT TERM RENTALS PUBLIC INPUT

Report as of 09/13/2019

WASHOE COUNTY

EXECUTIVE SUMMARY

Collection Method

Public Input Meeting

Hosted: August 20, 2019

5:30-7:00 pm, Rancho San Rafael's May Museum

Number of Attendees: Estimated at 25

Hosted: August 26, 2019

5:30-7:00 pm, The Chateau at Incline Village

Number of Attendees: Estimated at 195

Hosted: August 28, 2019

5:30-7:00 pm, Parasol Tahoe Community Foundation

Number of Attendees: Estimated at 95

Survey

Available online: August 19 – September 6, 2019

Date of Data Pull for this Report: September 10, 2019

Number of Respondents: 569

WASHOE COUNTY

Survey Demographics

Location of Primary Residence:	Responses
Incline Village	359
City of Reno	43
Other	23
South Truckee Meadows (ex. Montreux, Arrowcreek, Virginia Highlands, Toll Road, Hidden Valley, etc.)	24
South Valleys (ex. Steamboat, Washoe or Pleasant Valleys)	16
I live outside Washoe County	51
City of Sparks	14
North Valleys	12
Spanish Springs	11
Verdi/West Truckee Meadows	6
Warm Springs	2
Sun Valley	1
Truckee Canyon/Wadsworth	1

What best describes you?	Responses
Full time neighbor/resident, but not a host	360
Owner/host of a short-term rental	109
Part time neighbor/resident, but not a host	38
Representative of a Property Management Company	7
Representative of the Lodging Industry	0
Representative of another neighborhood/community group	5
Other	44

Public Input Methodology

The process to solicit and accumulate public input regarding short-term rental regulations in unincorporated Washoe County included two separate methods; public input sessions held in-person and an online survey promoted via press releases and featured at www.washoecounty.us/str.

Both methods of gaining public input allowed residents to provide qualitative feedback in areas of potential concern, including permitting process, fire and guest safety, occupancy limits, parking, trash, and noise. The public provided input regarding specific issues associated with top areas of concern, including suggested solutions. Survey and public input session participants were also able to select an “other” area of concern not highlighted.

WASHOE COUNTY

Based on community feedback public input sessions held in Incline Village attendees were provided an opportunity to provide input to areas of concern specific to Incline Village.

Public session input was collected using round-table discussions hosted by County staff. Each round table discussion was dedicated to a specific area of concern where hosts collected input from participants regarding specific issues and suggested solutions.

Additionally, both the survey and public input sessions held in Incline Village allowed respondents or participants to capture positive impacts short-term rentals may have in local communities.

KEY LEARNINGS

Overall, community sentiment supports regulation of short-term rentals, but is polarized to the degree and magnitude of regulations that should be implemented.

Most survey respondents and public input session participants believe a need exists to regulate short-term rentals in unincorporated Washoe County, especially Incline Village/Crystal Bay. This is true among current short-term rental hosts, community residents of Incline Village, and residents of the Reno/Sparks area. The difference is to what degree regulations should extend, which extends from banning short-term rentals altogether to the adoption of permitting requirements with any enforcement of renter regulations being the responsibility of the host. A minority of public input participants suggest the County should play no role in regulating a property owner's rights, whatsoever.

Property management companies believe they have strict rules and guidelines in place protecting guests, residents, and owners.

Property management companies representing short-term rentals in Incline Village/Crystal Bay are confident they have strict renter rules and guidelines governing the actions and behaviors of STR renters. These acknowledgements are written contracts signed by each renter of a short-term rental. Property management representatives claim to enforce check-in, check-out procedures and respond to noise, trash, and parking issues experienced by neighbors. Generally, their perspective is that existing licenses maintained by property management companies, including broker's licenses, property management permits, business licenses, and RSCVA lodging tax licenses should be enough to address permitting needs of properties represented.

Enforcement of regulations is critical.

The vast majority of participants agree sustainable enforcement is critical to the successful regulation of short-term rentals. Whether it's responding to noise, trash, parking, or over occupancy concerns, dedicated resources must be available to adequately respond to complaints or concerns. Many people believe existing laws or ordinances exist, which apply to all residents, guests, and visitors, and which simply need to be enforced. Others believe specific regulations specific to STR guests should be enforced with fines applied.

WASHOE COUNTY

Many community residents, especially in Incline Village/Crystal Bay, believe short-term rentals are commercial businesses operated by owners not living in the local community.

Many residents of Incline Village/Crystal Bay who are not hosts believe many short-term rentals are commercial operations managed by homeowners/operators not living in the local area. Many cite residents do not know the identity of owners providing short-term rentals in their neighborhoods. Challenges exist in contacting someone, other than renters, regarding complaints or concerns with renter activity or behaviors.

Hosts believe renter education and awareness of neighborhood practices, including rules associated with noise, parking, and trash can mitigate resident concerns.

While hosts represented a minority of public input participants, many are confident that it is the responsibility of the host and owner of the property to educate renters on appropriate activities and behaviors, including noise, trash, and parking. Many of these hosts live in the communities where the rental properties reside. A concern exists that responsible hosts will be penalized for the actions of hosts not properly managing the rental dwellings they own.

WASHOE COUNTY

AREA OF PRIMARY CONCERN SUMMARY

Top Areas of Concern	# Session Responses	# Survey Responses	Total
Occupancy Limits	122	268	390
Permitting Process	150	195	345
Noise	73	260	333
Parking	89	223	312
Fire & Guest Safety	60	147	207
Trash	28	155	183
Other	N/A	71	71

The above table represents the number of responses by survey participants asked to select up to three areas of primary concern related to the impacts of short-term rentals. While Occupancy Limits ranked highest among areas of concern, specific issues associated with Occupancy Limits often included issues in the areas of noise, parking, and trash.

WASHOE COUNTY

AREA OF CONCERN DETAIL: OCCUPANCY LIMITS

Issues & Concerns Relating to Occupancy Limits – Public Sessions

- Regulating occupancy numbers and limiting the number of guests at STRs. (52)*
- Infrastructure concerns (roads, trash, utilities, sewer, etc.) as a result of higher occupancy due to STRs. (4)
- Increase in issues related to parking, trash and noise due to higher occupancy of STRs. (4)
- Should code enforcement be considered as criminal or civil? (3)
- Disregard of HOA regulations by renters. (3)
- Property damage as a result of too many occupants. (2)

Issues & Concerns Relating to Occupancy Limits – Survey

- People (148 related responses)
  - There are too many people in houses. For example, a house indicated for X adults may have many more people than advertised.
  - Renters are not always honest about how many people will be coming.
  - Occupancy limits is also directly related to the other issues such as trach, noise, safety and parking.
  - There is no simple way to address overoccupancy of short-term rentals.
  - Areas that are not set up to accommodate an increased number of people are becoming overpopulated – small streets, neighborhoods, walking paths and beaches.

Potential Solutions

- Limit the number of guests allowed based some measure such as square footage, number of rooms, number of parking spaces, number of bedrooms, etc.
- Define a “bedroom” and enforce a 2 person/bedroom maximum.
- Require annual inspection to assess how many people are allowed in one unit and to set a limit of total number of people allowed in the home.
- Require a local property manager to act as a contact person in the event of overoccupancy.
- Require liability insurance if properties are damaged as a result of renters.
- Consider what other successful counties/communities have implemented and mimic their guidelines. Consider how property management companies enforce their properties.
- Allow residents to file complaints, provide a hotline phone line for complaints, enlist the HOA to help with management of complaints, and require STRs to post a permit number and phone number of who to contact with complaints.
- Post regulation information on the Washoe County website.
- Revoke permits of repeat offenders.

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

- Include infrastructure fees in the permitting process; a portion of tax from rentals is apportioned to towns to fix infrastructure.
- Have the owner provide a monetary bond to the County to ensure they are responsible for enforcing the reasonable number of occupants.
- Advertise financial penalties for guests that exceed the occupancy limit.
- Mandatory local rental firm or agent who checks on the number of occupants, parking, trash and who residents can contact when there are issues.
- There should be as many people allowed as beds permit.
- Very hard to monitor, but somehow place the responsibility of that on the owner
- All properties that are advertising and renting on a regular basis need to have someone to be accountable to, whether the owner wishes to be personally responsible or that there is a governing agency that can be called.
- Strict adherence to occupancy limits must be in contract.
- Consider how property management companies enforce occupancy limits.
- HUD has occupancy limits that are allowable for residential units. May use their guidelines.

AREA OF CONCERN DETAIL: PERMITTING

Issues & Concerns Relating to Permitting – Public Sessions

- How to structure fees - Are these properties commercial? Should they pay fees like commercial properties? Should they be taxed like property managers? How to find the sweet spot for the expense of fees so people actually get permitted. (48)*
- Different types of permits for different properties (i.e. 15-unit condos vs single family homes). (18)
- Area specific permits and limitation of permits by HOA, neighborhood, etc. (11)
- Burden of enforcement and owner accountability to respect ordinances created. (11)
- Encapsulating the correct requirements to get a permit (bear box requirement, ADA compliance, insurance, etc.) (10)
- Lack of coordination/input on permitting process with other entities (RSCVA, TRPA, HOAs, etc.). (10)
- Burden of compliance falling entirely on host. (4)
- Zoning considerations – commercial? Should STRs be held to commercial zoning standards? (2)
- Education and public outreach to inform the public of STR ordinances and permits created. (1)

Issues & Concerns Relating to Permitting – Survey

- Fees, Fines, and Taxes (132 related responses)
  - Most people are accepting of reasonable permitting processes and fees but worry that the process could become a burden.

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

- Many people are concerned that they are already paying a 13% tax to the county, but they are not seeing any benefit from it.
- Any money collected from fees, fines and existing taxes should go back to enforcement of existing noise, fire, parking and other safety regulations. Many feel that an enforcement agency outside of the sheriff's office should be created to enforce regulations created around short term rentals and manage complaints by residents.
- Generally speaking, regulations people are approving of are for stricter limits on the number of occupants based on the size of the house, smoke and CO detectors as well as fire extinguishers, enough parking spots for the occupants, bear boxes for trash, noise ordinances, litter and dog poop.
- STR hosts already pay an occupancy tax, and there is concern that additional permitting fees would be excessive on top of the taxation already in effect.
- There is a consensus that research should be conducted on counties that have successfully implemented short term rental permitting processes for insights and direction.

Potential Solutions

- Structuring fees on a fixed or % of revenue or establish a tiered fee system.
- Ensure fees are high enough to dissuade violations by hosts/renters, increase fines with more complaints or violations and revoke permits after X number of infractions.
- Keep regulations simple and start small.
- Permit structure should be different for different types of properties (i.e. condominium buildings vs. single-family home, owner-present vs. owner not present) and the 28-day limit should potentially be different for different properties.
- Limit the total number of permits granted (potentially a lottery system).
- Coordinate with organizations such as the RSCVA and TRPA, consult with HOAs while creating ordinances, and don't reinvent the wheel – consider what other successful communities have implements for STR permitting.
- Incline should have its own limit on permits versus other areas in the county (i.e. Spanish Springs).
- Establish local contact person to handle complaints as they are reported, revoke permits after too many ordinance violations, implement host fines, create individual accountability for renters (i.e. renter fines), require that hosts be locally present to handle complaints, require permit to be displayed at residence, and implement hotline to report unregistered STRs.
- Require bear boxes, ADA compliance, health code compliance, fire and safety system compliance, proof of insurance, etc. in order to obtain a permit.
- A permit by a property management company should cover the permitting requirements of short-term rental dwellings they represent.
- Require a point of responsible point of contact to be within a certain mileage of the STR to respond to guest and neighbor concerns.
- To avoid cumbersome permitting process, allow permitting to be completed online by hosts.
- Hire additional staff to enforce compliance of permitting processes created.

WASHOE COUNTY

- Create an app or website for hosts to easily gain permits, and for local residents to identify short-term rentals, the permits obtained, and contact persons for specific properties.

AREA OF CONCERN DETAIL: NOISE

Issues & Concerns Relating to Noise – Public Sessions

- Excessive late-night noise from renters. (10)*
- High occupancy of STRs lead to high noise volume. (9)
- Renters that have barking dogs at the STR property. (4)
- Enforcement by neighbors and/or law enforcement. (4)

Issues & Concerns Relating to Noise – Survey

- Sounds & Parties (226 related responses)
  - Renters make lots of noise and disturb the full-time residents' quiet ambience that they paid for when buying their properties.
  - Any current noise ordinance that is already existing should be given greater enforcement.
  - Renters generally visit the lake to celebrate life events and part while on vacation, which causes a great deal of noise.
  - Loud music and loud people are outside after 9:00/10:00 PM and disturb the neighbors.

Potential Solutions

- Establish quiet hours village-wide or by neighborhood.
- Increase presence of police or neighborhood security.
- Require signage to be posted on STRs with a contact person to reach if there is too much noise.
- Limit the density of STRs allowed in neighborhoods.
- Develop a way to communicate noise and quiet hour standards or guidelines.
- Implement steep fines if noise ordinances are not followed.
- Create a way to let the community review the STR host on past problems.
- Owners should be held responsible for excessive noise complaints with financial penalties.
- Contracted requirements. Short-term rentals we have used have clauses indication eviction without refund in the event of noise complaints.
- Implement a 24/7 hotline to report noise issues and have follow up and appropriate fines to owners.
- The rental owner should have a local presence or hire a local property manager to respond so our sheriff can focus on their real and important job of public safety.

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

- Owners should be more aggressive about informing their renters about late night noise issues and withhold some if the cleaning deposit if neighbors complain.

AREA OF CONCERN DETAIL: PARKING

Issues & Concerns Relating to Parking – Public Sessions

- Renters parking in right of ways, blocking emergency/first responder access, and blocking pedestrian paths. (15)*
- Street parking is scarce and overflowing. (8)
- Too many guest vehicles at a single property. (6)
- Boat and trailer parking at STR properties. (5)
- Proper enforcement of parking regulations. (5)
- Homes are rented out for too many days of the year and the owner does not ever occupy the home. (3)

Issues & Concerns Relating to Parking – Survey

- Land Resources (233 related responses)
  - There are not enough parking spots in Incline Village and visitors parking cars, RV's and boats make the problem worse.
  - Any vehicle that blocks the roadway or impedes snow removal should be fined.
  - Many streets do not get plowed in winter because someone parked in the street and blocked access for the snowplow.
  - Areas that are marked a "No Parking" are not enforced.
  - Cars, boats and RVs park in fire easements. Lack of information for renters on where they are legally allowed to park.
  - Sheriff's Department is not able to keep up with increased need to enforce parking regulations.

Potential Solutions

- Establish an enforcement hotline to call with parking complaints.
- Fine property owners/renters for parking infraction and revoke permits after a determined number of infractions/complaints.
- Limit parking per home and set occupancy limits for the STR based on available parking.
- Improve public transportation options to reduce the number of cars in need of parking.
- Allow boat/trailer parking only if there is off-street or appropriately permitted parking spots – do not allow overnight parking/eliminate the 72hr rule.
- Post parking restrictions on websites of businesses in the area.

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

- Require renters to sign contract on parking limitations and confiscate their deposit if limitations are not followed.
- Enforce a 28-day/year maximum rental time on STRs.
- Limit number of vehicles to 1st On Property including req garages to be employed, and then limit to1-2 off property spots.
- Owners should limit the number of vehicles allowed
- Assign street parking permits to residents and renters so that each unit has one or two street permits. A reminder of parking laws for Nevada could be printed on the back of each permit.
- No street parking, only on property parking allowed
- Annual inspections paid by permit fees. Inspections would determine max parking in both summer and winter.
- On site or local agent who can be contacted when there are issues.
- Must have LOCAL representation who will enforce rules on-demand.
- Enforce current laws concerning street parking and snow removal.
- a 24/7 monitored hotline (like South Lake Tahoe) to report parking and other issues, and Washoe County personnel available to investigate and impose fines, tickets, and towing.
- "No parking" signs on the street except for residents with parking permits that own the property.
- Owners who use VRBO or Airbnb must have a local management company to react quickly to neighbor's complaints.
- There are rules listed on Air BnB and VRBO websites re occupancy, parking, noise, etc. The person filling out the rsvp needs to agree to abide by them.
- Do not allow large RVs and trailers to park in residential areas for more than 48 hours.
- Issue owner's parking permits for Incline Village. No more than one permit to park on the street other than driveways. Then the sheriff' office could issue parking tickets for cars parked on residential streets for more than 2 hours. The fees collected could offset the cost of enforcement.
- Establish a 2-car maximum on short-term rentals.

AREA OF CONCERN DETAIL: FIRE & GUEST SAFETY

Issues & Concerns Relating to Fire & Guest Safety – Public Sessions

- Renters are not informed on evacuation processes. (19)*
- Renters are not informed on safety procedures, such as burning, fire danger, ice, snow melt, etc. (18)
- Inadequate inspections and unsafe spaces. (13)
- Lack of maintenance standards and ability for community members to file complaints if they are not met. (13)
- STRs are resulting in an increased number of emergency calls. (11)

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

- Hosts are not present to respond to issues as they arise. (5)
- Managing the guests of renters (i.e. guests that renters invite to the property). (2)
- Decline in property values for neighbors of STR properties. (2)
- Insurance stipulations are not being enforced. (2)

Issues & Concerns Relating to Fire & Guest Safety – Survey

- Fire Safety (47 related responses)
  - Properties not having smoke alarms.
  - Properties not having defensible space.
  - Renters generally not being fire safe by having outdoor fires, barbeques, or tossing cigarettes. There is interest in enacting a smoking ban in Incline Village.
  - In the event of a fire, it may be difficult to evacuate due to all of the cars.
  - STR properties should have clear posted rules and regulations pertaining to safety – including evacuation routes and information on fire safety.
  - Many people want basic safety inspections as part of the permitting process to ensure proper protections, such as fire alarms, sprinkler systems, fire extinguishers, defensible space, carbon monoxide detectors, etc.

Potential Solutions

- Require permits and do not issue permit until inspection is passed.
- Require that hosts must be local or have a local property manager.
- Give neighbors the ability to file complaints if maintenance standards are not met; complaints go to both the property manager as well as an enforcement agency or other outside group to regulate.
- Offer county-wide safety education for all properties in the county on ordinances and enforcement.
- Making sure renters understand when fires can occur (time, spaces, firepits, barbeques, etc.) with a safety info binder at all STRs and have renters sign agreement about requirements upon arrival.
- Ban outdoor fires and fine renters if they are caught having an outdoor fire.
- Create zoning restrictions for STRs.
- Require evacuation plans for every STR that is posted inside the home. Post evacuation maps in public places.
- Limit the number of STRs allowed in case evacuation is needed.
- Raise fines for lack of insurance.
- Allocate a portion of the STR tac to fund first responders.
- Allow the fire district to implement an inspection and permitting process for our community.
- Develop commercial areas where commercial fire and safety codes can be enforced.
- Have STR's prove they have properly working smoke detectors.

WASHOE COUNTY

- Require homeowners to clear dead branches and litter around homes.
- Informational pamphlet that can be placed in homes or a signed disclosure by renters.
- any request for approval should have a fire marshal inspection for defensible space and unauthorized fire concerns, such as fire pits without adequate space around them for embers and other related issues.
- use a portion of the short-term rental taxes for evacuation planning and defensible space projects
- Any monies collected from STR licenses should come back to Incline Village/Crystal Bay to migrate the Safety issues fire and police issues promoted by the STR increase in our population.
- There should be a checklist, publicly available, that a householder could use. There should be an inspection but NOT by a county employee but rather the county should identify persons who could perform inspections and would be engaged by the householder.
- A point of contact easily available to report noncompliance to the owner.
- Solicit volunteers to help with inspections. Yes, there are many things they can't do, but they can be officially sanctioned to gather info, such as take pictures, confirm addresses, be contact person to help renters thru process, etc.
- Solicit volunteers to help with inspections. Yes, there are many things they can't do, but they can be officially sanctioned to gather info, such as take pictures, confirm addresses, be contact person to help renters thru process, etc.

AREA OF CONCERN DETAIL: TRASH

Issues & Concerns Relating to Trash – Public Sessions

- Incorrect treatment of trash and visible trash at STR properties. (8)*
- Bear presence in neighborhoods and bears getting into improperly stored trash. (8)
- Dog feces and trash on STR neighbors' properties. (4)
- Lack of 24/7 contact for trash concerns. (4)

Issues & Concerns Relating to Trash – Survey

- Bears (97 related responses)
  - STRs are causing issues with wildlife, particularly bears.
  - Renters are filling up bear boxes, dumpsters and leaving trash piled up unsecured until collection days.
  - Bear boxes should be a requirement of STR properties.
  - Responsible parties should be fined for littering or feeding the wildlife when animals do get into trash.

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.

WASHOE COUNTY

Potential Solutions

- Require STRs to have bear boxes and a designated area for trash to be out of sight when guests are present.
- Require guidelines/info is provided to guests so they know how to properly take care of trash, including storage, collection days, etc.
- Distribute a portion of the permit fee to fund trash collectors around the village.
- Fine renters for breaking trash rules as opposed to owners.
- Establish a hotline to contact 24/7 with concerns.
- A local management company responsible for who they allow to rent out the units so and they do a walkabout as the group is leaving so they can have them "do it right" or take responsibility and charge the renters out of the damage deposits.
- Again it is the landlord's responsibility to impose fees that would be punitive enough if garbage and is not picked up and disposed of properly.
- Rental unit must have appropriate container capacity.
- Maybe a good solution would be to have the owner be required to have double the amount of trash collection bins on site during the rental period.
- It must be in a contract that the facility must be left trash free and all trash is to be put in acceptable receptacles. A deposit must be collected at time of booking and if trash is left behind, the proceeds for deposit are utilized to clean up the facility.
- Renters are not being given adequate instruction on trash removal and do not feel ownership and our beautiful community.
- Owner responsibility to inform renters, simple solution.
- Have renters drop off at the transfer station or recycling center (or the cleaning staff do it.)
- Hosts should pay for trash to be collected every time a renter leaves their property.

WASHOE COUNTY

ADDITIONAL COMMENTS

Other Issues & Concerns – Public Sessions

- STRs need to have coordination with HOAs, IVGID, TRPA, and other local compliance organizations. (6)*
- Too heavy of ordinances or permitting processes will infringe on the rights of property owners. (5)
- There is no current means of quantifying complaints about guests. (5)
- The definition of a "Short-Term Rental" should be clear. (4)
- RSCVA fee structure and room taxes need to have greater transparency. (4)
- Repeat rule offenders should be noted and given steeper fines. (4)
- STRs have negative psychological issues on neighborhoods – it wears on the psyche of the community as well as alienates hosts from their neighbors. (4)
- Honoring the existing HOA rules that are in place. (2)

Other Issues & Concerns – Survey

- Some respondents feel that current zoning rules should preclude STR decisions.
- Many respondents commented that property owners should have the right to use their property as they see fit. Concern that regulations will have negative impacts on hosts' ability to rent properties to pay for property expenses and cost of living.
- No one seems to be accountable with the renters if there is an issue. If you contact the owners- they don't live here so they can't help. There needs to be a local contact for short-term rentals, such as a property manager.
- Address the other issues equally for all homes and people in Washoe county.
- Location of STR's in residential zones which become primarily "instant hotels" and are not carefully overseen/actively managed by the resident owner with an interest in the community.

Other Issues & Concerns Specific to Incline Village – Public Sessions

- STRs are creating a lack of availability for long-term renters and seasonal workers. (8)†
- IVGID is providing too many beach passes to renters, causing the beaches to be overcrowded. (6)
- Locals are outnumbered and there is a decline of civic pride in the community. (3)

Additional Comments – Survey

- Many voiced support for STRs by expressing that renting is the only way they afford their home in Incline Village

---

*Numbers are reflective of number of session participants that identified the issue across Public Sessions 1, 2 & 3.
†Numbers are reflective of number of session participants that identified the issue across Public Sessions 2 & 3.

WASHOE COUNTY

- Concern about traffic conditions if there was a fire during tourist season and we had to evacuate.
- STR should be every property owners right
- short term rentals are an asset to the community & a valuable source of income for not only the landlord but also the tourist industry.
- Main issue is not having local hosts.
- STRs are destructive to the community.
- Local families are being forced out of affordable housing.
- Negative impacts to the sense of community in Incline Village.
- STRs are replacing long-term rentals.
- Limit short-term rentals in the Incline Village area, the property values will fall as most homes are second homes and the owners need additional income

Additional Comments – Survey & Public Input Sessions/Positive Impacts of STRs

- Bring money into the community/local economy (11)
- Makes living in Incline more affordable by offsetting income (7)
- Allows for affordable places for visitors to stay (particularly young families) (4)
- Reduces need for major lodging/big hotels (3)
- Protects homeowners' right to use property as they chose (3)
- Makes visitors aware of the beauty of our environment and caretaking that environment (3)
- Residents and guests bring life into the community
- Brings in money to support RSCVA
- Business taxes collected go to support the police force, schools, etc.
- STRs bring in more business to local merchants.

WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6100
FAX (775) 328.6133

January 2, 2020

To: Washoe County Planning Commission

From: Kelly Mullin, AICP, Senior Planner, 775.328.3608, kmullin@washoecounty.us

Subject: Addendum to staff report for Development Code Amendment Case No. WDCA19-0008 (Short-Term Rentals)

Additional information has been received since the staff report for this topic was initially published and provided for your review.

Incline Village/Crystal Bay Citizen Advisory Board (CAB) Minutes
The draft minutes of the Dec. 12, 2019 Incline Village/Crystal Bay CAB meeting are now available and attached to this addendum. The minutes will become **Exhibit F** to the staff report.

Public Comment
Two additional public comment letters have also been received. They are attached to this addendum and will be included as part of existing **Exhibit D**.

Incline Village Crystal Bay Citizens Advisory Board WORKSHEET

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Parasol Tahoe Community Foundation Building, Trepp Room, 948 Incline Way, Incline Village, NV 89451 on December 12, 2019 5:30 P.M.

1. **CALL TO ORDER/DETERMINATION OF A QUORUM–** Pete Todoroff called the meeting to order at 5:30 P.M. Pete Todoroff determined a quorum. The following members were present: Kevin Lyons, Pete Todoroff, Judy Miller, Mike Lefrancois, Mike Sullivan.

2. * PLEDGE OF ALLEGIANCE – There was no flag. The Pledge was not recited.

3. APPROVAL OF AGENDA FOR THE MEETING OF DECEMBER 12, 2019 –Mike Sullivan moved to approve the agenda for **DECEMBER 12, 2019**. Mike Lefrancois seconded the motion to approve the agenda for **DECEMBER 12, 2019**. Motion carried unanimously.

4. APPROVAL OF THE MINUTES FOR THE MEETING OF NOVEMBER 4, 2019 – Pete Todoroff announced the minutes were approved. No action was taken.

5. Development Code Amendment Case Number WDCA19-0008 (Short-Term Rentals) - Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on draft language for short-term rentals in unincorporated Washoe County. Draft language is available for review at www.WashoeCounty.us/STR, and written comments can be provided to STR@WashoeCounty.us. This item is tentatively expected to be heard by the Planning Commission in January 2020 (exact date TBD). (for Possible Action)

Kelly Mullin, Washoe County Planner provided a comprehensive presentation regarding Short Term Rentals (STRs) in unincorporated Washoe County. She reviewed the proposed updated code and general standards and requirements.

Public Comment:
Wayne Ford said he doesn't support STRs. He reported to IVGID negligence with a neighboring STR home; people using the home left it open to bears. He spoke about red and green days for parking on the street during the winter for snow removal. He said a lot of these properties don't have proper BMPs. This permit should force them into compliances. He asked how we can get copies of the records for those who have an STR in our area. The County will have to step up to provide access to the public regarding these permits.

Jackie Chandler, Sustainable Tahoe, asked for the updated zoning for Incline Village to see where these will be allowed. Mr. Lloyd said that is part of the Tahoe Area update that hasn't been adopted yet. She asked about the amount of TOT. She said whatever is good for Lake Tahoe is good for our community. The key model for STRs is Sanibel, Florida. They have a sanctuary that they protect and

make priority; Lake Tahoe is a sanctuary. There are trillions being invested into Lake Tahoe. Tahoe cannot afford visitors who are not stewards. Uphold standards that are good for Lake Tahoe. Lake first, forest and wild life are priority. The property owner needs to be trained in Geotourism. She provided a property hosting standard for geotourism. She offered to help. There is a lot of money spent on this Lake, it needs to be first.

Carol Black provided information. She sent information to CAB via email. She provided recommendations to the Board of County Commissioners. Washoe County has it defined as transient lodging, and should be added to development code. This proposal is an assertion it's the same as residential use. STR who don't know the area are STRangers to those who rent to them. Jackie's proposal will help. Tier 1 is up to ten people, which is no residential use; it should be 4-5 people. She spoke about best practices from TRPA regarding density of STRs. We need to consider total occupancy during emergency.

Jim Lyons said he did STRs when they first bought their house, but now is full time. He shared his observations of what he has learned. The plan that the County has worked on is good with some compromises. He asked if the County has gone to the State and are we in compliance with definition with STR. If we aren't in compliance with Nevada laws, the County needs to consider that. He said his major concern is the enforcement responsibility within the County staff. What is the recourse. Who is responsible. Is the funding going to be enough for fire, sheriff and other agencies impacted. The enforcement has to be STRict and done well.

Mike Hess said he has one issue left. He asked what is being done with density. He said homes are allowed to have 10 people. He asked if they considered that impact. There needs to be a thought process for creating these densities.

Joy Gumm said NRS says if you want to do STR in an HOA, CCRS have to allow it, and board have to approve it. She said none of the HOAs have STR rezoning. No HOA in common community have been rezoned. They follow Nevada law, not Washoe County standards. She asked if the language is included in the Ordinance. She said what should be done is a preventative control. When someone gets a business license, they should check the parcel to see if they have been rezoned. A preventative control saves expenses with enforcement.

Scott Dalton said when he read the regulation, he wasn't clear with permitting. Who does a neighbor complain to when there is noise complaint. He asked with an occupancy of 10 people who have guests over for temporary gathering, does that exceed occupancy limit. What is considered a noise problem. There weren't any specifics on there. Do you need to have a decibel meter. Who confirms noise violations. What is the legal process. Who determines that – sheriff, the County. If someone has a shoehorn parking situation and not addressed by TRPA, do they need to get coverage by TRPA. He said he has seen gravel and dirt parking. Does it need to be approved. There will be a number of those situations.

Judy Miller wanted to get some questions answered. She said IVGID will be the enforcement for trash. As far as red and green day parking violations, will that be part of short term rental. Kelly said part of the proposal related to parking is that parking be developed on-site and no parking on the right-of-

way. Judy asked about BMP compliance. Kelly said that wasn't within the proposed regulations. She knows TRPA looks at that during permitting. Judy asked if this permit will be part of the system that is multijurisdictional. Kelly said the specific process hasn't developed yet. Once we get regulations adopted, we can figure that down the line. Judy asked about TOT funds for local agencies. Judy said she will look up Sanibel, Florida. Judy said she didn't receive Carol's email, and she will talk to Alice about that. Judy said Carol provided written comments, and handed them out. The residential use types, she said she completely agrees with the definitions. We need to put in some limits. Speakers have brought density concerns. She said she asked for that from day one. She said part of the problem is no limits. Over time, vacation rentals are increasing 40% a year. More than half are only occupied for part of the year, so 60% could potentially become short term rentals. That would impact the quality of life. She asked if the definition has been compared with others in existing ordinances within the state. Kelly said they have had conversations with other jurisdictions in the State. Mr. Lloyd said we cannot violate State law. Judy asked who will enforce different violations. And what is the funding who pays for enforcements. Kelly spoke about a 3-prong enforcement – first part, safety items, that will start with application process with safety minimums must be met. The inspection would be the first step of enforcement; NLTFPD will also be looking for items during inspections. She said we will discuss the costs involved with these inspections and it will be built into the permit fees to make sure the costs are covered. Kelly said if there was a compliant once the property is up and running, there will be a host compliance 24-hour hotline. Host compliance can get ahold of a local representative to resolve the issue. There may be a time when they call sheriff during a noise complaint. They can file complaints through host compliance and code enforcements can follow up. She said they are working to figure out the costs, and we expect to hire an additional code enforcement officer. Judy asked about County proposed regulations alignment with common interest communities. Kelly said that has come up in the process, and the issuance of permit doesn't provide relief to permitees of other standards applicable to their property. Judy asked about permitting process for more than 10 people. It's outlined in the development code. Kelly said there is a lot of information including article associated with tiers online and included in this information. Judy said if there is 10 people and have a party, the maximum amount is 10 people. Judy asked if there were multiple noise violations. Kelly said there would be a monitoring device installed at the property.

Kevin Lyons asked the current STR share of TOT total. Kelly said RSCVA collects room tax. Kelly provided estimate amounts and could follow up to confirm. She said the county receives 1/13 of room tax collected by RSCVA. Kelly said we don't have authority related to reallocation of funds. Kevin asked the share to STR relative to hotel rooms. Kelly said she would follow up with those numbers. Jackie provided some information. Kelly said we want to make this cost neutral as possible without relying other funding sources. We will put out recommended fees to make it most cost neutral. She said Washoe County's portion of room tax collected for STRs in the Incline area amounts to about $125,000 annually, based on a 5-year average, and that currently goes into the general fund.

A public member asked about what is considered a noise complaint. Kelly said noise complaint is if the sheriff responds and if a disturbing-the-peace citation is issued, which is considered a noise violation. It may be part of the investigative process to allow for evidence being recorded. Some of those details haven't been developed yet and will come out further down the line.

A public member said he had a complaint with a neighbor, and the sheriff said you cannot use a disturbance of the peace argument with noise situation. They read a description of County code. He said he thought it was misinterpreted. If peace officers aren't up to speed, how are they supposed to properly enforce. In administrative section, if you have photographic evidence, it has to be time/date stamped. The judge will want to see verifiable evidence. The sheriff will determine if it's excessive when they show up to the property. Kevin asked if there is a well defined noise limit, timeframe within unincorporated Washoe County. Pete said there is a curfew time. Mr. Lloyd said its within 24-hour timeframe which makes it hard to enforce. Sheriff have processes for peace disturbance. The complaining party has to sign the complaint and some people aren't willing to do that.

Mike LeFrancois said cost neutral approach makes sense but thinks there are some overlap. He doesn't believe TOT needs to be used for enforcement. He knows there is code enforcement. He said he is familiar with IVGID enforcement with trash and recommended County staff sitting down with them to see what works. He said there is zero tolerance. He said they weren't forced to get a bear box. He asked if there will be a grace period or hard deadline for enforcement. 100% enforcement might be too much to handle and a concern. BMPs in TRPA, and they need to include it in their information if they want to make that an enforcement during STR permitting. He said be a good neighbor. Talk to your neighbor. He said he believes fines and enforcement are on the right path. He said the hotline is important and needs to be checked on weekend and afterhours. He said there should be shared resources with IVGID, fire, County health, code compliance, TRPA. There are 4 different agencies to share resources. STR is very specific. We all love Lake Tahoe.

Mike Sullivan said the only thing that works in Lake Tahoe, is money. He spoke about Kelly's presentation under Highlight number 3, local agent response. You need a licensed agent with each short term rental to handle on complaints. Having one person in town won't be enough. If you have multiple agents, they will handle it.

Pete Todoroff spoke about trash. He received a complaint that police cleaned up trash because someone left the house door unlocked and bear destroyed the house. He said it's unacceptable that our sheriff has to clean up trash. He asked who determines how much money we get from RSCVA. How much does Incline get. We aren't getting anything to correct problems. We are not Reno. We can't accommodate all the people with parking. We don't have the parking. Unless short term rental people park on the property, that's not enough. He spoke about cars blocking the snow plow. He said he wrote a good piece that the fire department agreed with that has been incorporated in the Placer County STR code. If you cannot park your guest on your property, they shouldn't get a permit. He said the tier occupancy is absurd. It should be 2 people per bedroom, plus 2. He said they have to wait for inspection from Washoe County. He spoke about properties that are against TRPA rules. He said the fire department know the codes. There needs to be codes to be enforced. The tier needs to be eliminated. All inspections should be done by the fire department. Gail Krolick said she disagreed with Pete and said all her properties are up to code. Blane Johnson said HOA manager aren't the same as a property managers, and said he does his job well. Pete said there needs to be proper compensation from the RSCVA. Now is the time to address this. Jackie said $1.2 million dollar comes back to the Incline visitor center. She said property managers have people sign off on the rules and have to pack up and leave if they aren't following the rules. Private properties can have their own rules. Jackie said property agent or on-site agent needs to be there to hold them to the rules. Pete said 1.2 million for

advertising. Jackie said it has to be re-legislative to change the percentage. It goes towards marketing the lake.

Carol said most of the money pays a bond. Pete said all these rules and regulations need to be posted in the unit. In case they don't know the number to call for red/green day parking on the road. Jackie said the agent would relay the information.

Mike Sullivan said maid, handyman, gardener cannot be the agent. The agents that have gone to training and classes, they know more than the owner about rules. Mike said the owner needs to interview and hire a licensed agent. The agent should greet the guests with keys and rules. If you put 10 people in a 2 bedroom house, the shower, toilet, and house will fall apart from over abuse. They build a house for a certain occupancy. He said there will be a stress on the house. It's a public issue with sewer and water.

Pete Todoroff said we had a fatality in town due to a house that burnt down. They had a defective smoke alarm with 12 people in the house. The insurance didn't cover because it wasn't reported as a short-term rental. This needs to be included in the permitting issuance. Kelly said it's included.

Kevin Lyons asked the breakdown of actual compliance. He said there are solutions to not actual problems. He wanted to know the actual problems. Kelly said she doesn't have percentages. She said a full write up went to the BCC in November. She said we have good data from the public about major areas of concern. Kevin asked for actual compliance. Kelly said they are getting data from code enforcement. All together the Sheriff's Office reported 64 noise complaints in the past year across the board with all types including short term. She said once the program is up and running we will be determine where we can make changes. After 6 months into the program, data will have been collected. Kevin spoke about occupancy issues. He said nuisance issues such as nuisance parking, noise parking. He would like to see more data driven decisions. He said some things might not actually be a problem that people complain about and other issues that are actual problems. He said he is concerned with smaller units and the tiers. Kevin said a laminated one-page sheet would work stating the rules with phone numbers. The host compliance will also take care of it.

Blane Johnson said we have talked about complaints for the entire village. He provided an example and said you anticipate booking 70 nights a year, with 900 units in the community, that gives you 6,300 potential nights. He said the percentage of complaints for short term rentals would be .001%. Kevin said there would be factors such as power users and number of nights.

Judy Miller said she prepared a sheet and gave a copy. She wanted to emphasis the definition of residential use types or primarily non-transient. That language was in there for a purpose in the development code. She said she doesn't believe taking that out is beneficial. We need to define the limitations to make it primarily residential and not transient. Soon this community will be transient properties. She said she had a conversation with Kelly; owner hosted is treated the same as every other transient rental. If the owner is physically present, they will listen. TOT isn't charged if its owner hosted. RSCVA has their own guidelines and doesn't coincide. She said we would all agree to keep 1 parking space for every 2.5 occupants. Judy said there are a lot of secondary dwelling units, and there needs to be inspected. We still would like this community to be primarily non-transient. She said

perhaps restricting nights to 60 nights per year if its not hosted, and if you live in the house, perhaps they could do more nights. We have had to deal with an overabundance of short term rentals. Judy thanked Kelly and Trevor. Trevor invited them to attend on January 7 Planning Commission meeting.

Pete said to focus on occupancy of 2 people per bedroom plus 2 and parking.

6. *WASHOE COUNTY COMMISSIONER UPDATE- Commissioner Berkbigler was not available to address questions and concerns from the CAB and the audience. Commissioner Berkbigler can be reached at (775) 328-2005 or via email at mberkbigler@WashoeCounty.us.

7. *CHAIRMAN/BOARD MEMBER ITEMS- This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

8. * GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –
Wayne Ford recommended Kelly review parking requirements for coverage. County may say it's ok, but TRPA might not say it's ok. Work with TRPA.

Carol Black spoke about tiers and discretionary and non-discretionary permits. She said it will be more like a checklist and no noticing to the neighbors. She said permits have to be discretionary which will allow for neighbor noticing and feedback.

Bill Echols said laminated sign should be included and should state not to bother neighbors to borrow snow blower, wine. Renter education needs to be on the front of the website to include the Can and Cannot-dos in Incline Village. Renters need to be aware of the power liability. The power is bad in the winter. Renters need to know what to do in case of power outage.

Jackie Chandler said she is concerned we are having the wrong conversation. There is no stopping people from coming up here. There are 3 hotels in Incline Village and Crystal Bay. She said she is excited for this opportunity to convert millions into stewards to preserve Lake Tahoe. We are stuck in the conversation of parking. You moved to a destination. We all need to be rangers and hosts. The east shore trail that will bring millions. We need to set up the hosting. The marketing needs to be pulled back and mitigation needs to be stepped up. We have to clean up after they leave. This is sacred space and we are responsible for hosting it. We can all share in that.

A public member, said he agrees, but some people cannot follow. We need to set a good example and have good enforcement. Need to get their attention to follow the rules.

ADJOURNMENT – meeting adjourned at 7:30 p.m.

From: Debby Bird
To: CSD - Short Term Rentals
Subject: STR Requirements
Date: Saturday, December 28, 2019 11:05:06 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I have just read through the proposed STR rules updates.

My main input it that children not be considered as adults for occupancy rules.

For example... My rental is a 1300 sq ft condo with 3 bed 2.5 bath with 2 parking spaces. We allow up to 6 adults maximum, but with children the maximum occupancy is 8. So allowable combos are 6 adults and 2 children, 4 adults and 4 children, etc. We have one room with 2 bunk beds which sleeps adults on the bottom bunk and children on the top.

If you implement your rules as they currently stand, we will not be able to allow these combos. Our goal at this property is to be family friendly and allow 2 families with young children to split the cost of renting in Tahoe to make things more affordable and enjoyable. We have had no problems with guests complaining of space or with neighbors complaining of noise.

We turn down groups of 8 adults with the explanation that the extra 2 adults won't fit comfortably.

I know other cities give exemptions for children and infants and hope you will consider the same.

Thanks much,

Deborah Bird.

RSCVA acct #W4565

--

707.225.2749
www.BirdsInclineCondo.com
www.AshlandVacationCottage.com

From: Mark Worsnop
To: CSD - Short Term Rentals
Subject: One rental per Property
Date: Thursday, December 26, 2019 11:01:58 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have been renting rooms through Airbnb for three years. I am in Southwest Reno. I live in my house and maintain control about whatever is happening here. I also have fire extinguishers, CO2 sensors and exit plans listed for all the guests.

I rely on my Airbnb income to pay the mortgage as I am retired and Social Security does not pay enough to survive.

I see on the proposed changes to the regulations that I am only allowed to have one rental in my house. I rent individual bedrooms and usually there is one or two people in the room at a time. I do not understand what the difference would be if I had rented the entire house and four sets of people arrived with four cars and occupied the house. There is no difference between that and me having four individual people rent each room. In fact it would be a lot less impact on the neighborhood with individual room rentals.

Typically if somebody rents an entire house they probably are planning a large gathering of people and that's when you have all the noise and parties going all night long, like what often happens at Incline.

However the way I rent it as I said they are usually have one or two people in each room. They are usually on their way through Reno or visiting a relative or business in the area. These people usually arrive later in the day and leave first thing in the morning. They rarely come out of their rooms as all they are doing is sleeping here. Like I said with the full house rental the people are arriving making meals with a group staying up most of the night having a good time partying and thusly annoying the neighborhood.

I would propose regulations govern the number of people based on the number of rooms available.

Unless there is some dramatic reason that I have not thought about I strongly

object to the thought of having One rental space per Property.

I would appreciate your response to my letter here explaining why this proposed regulation is on the list.

Mark Worsnop
775-338-0648

Stark, Katherine

From: rondatycer@aol.com
Sent: Tuesday, January 07, 2020 4:47 PM
To: Stark, Katherine
Subject: Public Input for Planning Commissioners Meeting 1-7-2020
Attachments: PlanningCommInput1-7-2020.docx

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Katey,

Attached is the input for the planners. Thank you for distributing it to them.

Best regards,

Ronda Tycer

Date: January 7, 2020

To: Planning Commission Members

We object to the proposed STR ordinance because it does not address IVCB residents' primary concerns.

• IVCB RESIDENTS WERE NOT ALLOWED TO DISCUSS LIMITATIONS ON NUMBERS OR LOCATION OF STRS, AND THUS NO LIMITATIONS ON NUMBERS OR LOCATION ARE INCLUDED IN THE ORDINANCE.

At the public meeting in January 2019, Bob Lucey and Marsha Berkbigler repeatedly stated there could be "no ban on STRs in IVCB," Many of the 150 residents attending wanted STRs limited to the high-density urban mixed-use commercial core, and banned from low-density residential neighborhoods—a "partial ban." Others wanted a limit on the number of STRs in a given area of a neighborhood or HOA complex. The current ordinance does not limit the number or location of STRs.

• IVCB RESIDENTS' PRIMARY CONCERNS WERE NOT CORRECTLY REPORTED IN THE WC PLANNERS' REPORT.

In Appendix E the WC planner presents the total number of responses given to each of the ("allowed") categories in the public workshops and on the online survey: SEE ATTACHED TABLE

From the workshops, the ranking in importance of the issues is

1st - Permitting 115
2nd - Fire and Guest Safety 85
3rd - Occupancy 68
4th - Parking 42
5th - Other issues 34
6th - Noise 27
7th - Trash 24
8th - Other issues specific to IV 17

From the responses on the online survey, the ranking in important of issues is:

1st - Parking 233
2nd - Noise 226
3rd - Occupancy 148
4th - Permitting 132
5th - Trash 97
6th - Fire and Guest Safety 47
7th - Other Issues specific to IV 10
8th - Other Issues 5

The lack of a correlation between the two lists indicates one or the other method of collecting opinions is suspect. It seems reasonable to conclude that STRs Fire and Guest Safety are more important to IVCB residents than Trash.

- **THE PLANNER ERRONEOUSLY CONCLUDED THE MOST IMPORTANT ISSUE IS OCCUPANCY.**

- **PUBLIC INPUT INDICATES PERMITTING IS THE MOST IMPORTANT ISSUE AND THE ONLY WAY TO CONTROL LOCATION AND NUMBER OF STRS.**

We IVCB residents do not feel the ordinance reflects our priorities nor does it address the primary problems we have with STRs.

- **PLEASE DO NOT APPROVE THIS ORDINANCE AS WRITTEN. IT NEEDS TO BETTER ADDRESS AND REFLECT IVCB RESIDENTS' CONCERNS.**

Ronda Tycer, PhD
Co-chair IV STR Citizen Advisory Committee
Incline Village Resident for 28 years

TABLE OF RESPONSES TO PUBLIC INPUT WORKSHOPS AND ONLINE SURVEY

WORKSHOPS	SURVEY
Occupancy Limits	
68 responses	148 responses
52+4+4+3+3+2 =	
Permitting	
115 responses	132 responses
48+18+11+11+10+10+4+2+1=	
Noise	
27 responses	226 responses
10+9+4+4=	
Parking	
42 responses	233 responses
15+8+6+5+5+3=	
Fire and Guest Safety	
85 responses	47 responses
19+18+13+13+11+5+2+2+2	
Trash	
24 responses	97 responses
8+8+4+4	

Other Issues
34 responses 5 responses (no numbers given for 5 responses mentioned)

Other Issues Specific to IV
17 responses 10 non-categorized

Positive Impacts of STRs
35 total from both public sessions and survey

Stark, Katherine

From: Guy Mikel <guymikel@gmail.com>
Sent: Tuesday, January 07, 2020 5:13 PM
To: Stark, Katherine
Subject: STR

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I agree with Ronda Tycer that the summary does not seem to concur with the voiced opinions of the residents of Incline Village.

Plus the summary makes no statement concerning the Incline Village private beaches; one of the largest issues for trash, crowds as a result of STR's.

--

Guy Mikel

Color Label Solutions, Inc.

guy@colorlabelsolutions.com

949-680-7840

Check out

Website: www.colorlabelsolutions.com

Blog: www.colorlabelsondemand.blogspot.com

Linked In: www.linkedin.com/company/3266502?trk=tyah

Facebook: www.facebook.com/colorlabelsolutions.com

Stark, Katherine

From: Richard Miner <dickminer@gmail.com>
Sent: Tuesday, January 07, 2020 5:47 PM
To: Stark, Katherine
Subject: Public Input for tonight's Planning Commission meeting

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Ms. Stark,

Please include my comment in the materials you forward to the Washoe County Planning Commission meeting tonight which is considering the draft short term rental policy for the unincorporated areas of Washoe County.

It has become apparent that the Planning Commission is determined to put some kind of ordinance on the books here in Washoe County--public opinion, preexisting legal prohibitions and common sense be damned, so it looks like we will have to not only get our friends in the state legislature involved but also have to take legal action to preserve our deed restrictions here in Incline Village and Crystal Bay. That said, it would seem prudent for the commissioners at tonight's meeting to receive additional public comment and further research all the issues of omission and commission now documented by many of my neighbors regarding the hurried and quite frankly biased "community outreach" portion of the proposed ordnance's development. County planners took almost 15 years before doing anything substantive to meet the TRPA's mandate to develop such a plan; surely waiting another few months to fully consider all the so-far ignored concerns of the majority of our property owners is not too much to ask.

Very truly yours,

Richard Miner
Past President
Incline Village and Crystal Bay Historical Society

Stark, Katherine

From: Lynette Cardinale <tomlyn.14@gmail.com>
Sent: Tuesday, January 07, 2020 9:33 PM
To: Stark, Katherine
Subject: Ronda Tycer STR Input

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Evening

My name is Lynette Cardinale , residing at 1056 Sawmill Rd, Incline Village

I am in complete agreement with Ronda's summation of the ordinance not you be passed by the commissioners. This ordinance is completely contradictory and inaccurate of the communities concerns and priorities for Inclines STR restrictions

Please enter this email as input for the meeting on tonite on this ordinance

Sincerely,
Lynette Cardinale

Washoe County Planning Commission Meeting January 7, 2020
Item 5 General Public Comment

On a personal note, I have nothing against short term rentals, per se; I have enjoyed staying at them when travelling, and my daughter manages several in the Tahoe basin. But like many other things in life, they are great in moderation.

The current debate about vacation rentals reminded me of the fairy tale "The Goose that laid the Golden Egg", especially when I read the letter to the Planning Commission from the Director of the Tahoe Environmental Research Center, Dr. Geoffrey Schadlow: "Your recommendations will directly impact the health and well being of Lake Tahoe (through increased traffic, disturbance, fire risk, water contamination etc.)… The entire bi-State strategy of protecting Lake Tahoe is predicated on the concept of "carrying capacity", and through this short sighted set of recommendations you risk pushing the system beyond its carrying capacity."

I chose to move to Incline Village 12 years ago, not because it was a tourist attraction, but because it was a quiet residential area most of the year with a great sense of community. It was and is a mix of singles, retirees and families with children in school; the average household size is less than 3. Summers were busy, but not chaotic.

The overarching problem that has somehow been avoided in this effort to regulate is the fact that STR's have occupancy that is much more than normal residential use, translating to more people, more vehicles, more trips. These factors carry over into nearly every element of planning: environmental, transportation, government facilities and services, parking, recreation, etc. Think about evacuation routes (we don't want to be another Paradise, CA). Limiting STR's is absolutely essential for the safety and well-being of both the inhabitants and the tourists Imagine what it would be like to see your community's population declining, taken over by huge numbers of strangers, and school enrollment dropping while it rises everywhere else in the County. That has already happened. To introduce amendments that don't address the problems created by having just too many STR's in the Incline Village/Crystal Bay area is not acting responsibly.

This matter was brought to the Board of County Commissioners' attention 5 years ago by the IV/CB CAB, but as Commissioner Jung commented, no one wanted to touch it. It's easy to look back and realize it would have been better to address STR's before they became so numerous. Tonight you have an opportunity to modify the amendments before sending them to the BOCC. Please require some form of limits on STR's. We don't want to be another Orinda, we don't want to be another Paradise; exceeding the carrying capacity of Lake Tahoe through unlimited short term rentals will kill the goose.

Respectfully submitted,

Judith Miller

Public Comment Washoe County Planning Commission Meeting January 7, 2020 Item 8 B

Staff has listed 4 "findings of fact" to support the recommendation of the proposed amendments to the Development Code. I submit not one of these findings is valid and therefore I object to the motion before you to recommend these amendments.

1) Consistency with Master Plan. "The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan".

The proposed amendments are not consistent with the Master Plan, especially the housing element where the importance of preserving workforce housing is emphasized: By legitimizing vacation rentals in almost all of the 7800 housing units in Incline Village, the supply of workforce housing and affordable housing will be even more limited.

Consider the following Goal and Policies contained in the Master Plan Housing Element September 10, 2010

Goal 2 to preserve affordable and workforce housing:

Policy 2.2: The County will develop a policy to counteract the negative effects of non-owner occupied and owner unoccupied housing that is either vacant or ill-maintained by absentee owners.
Policy 2.5: Implement a "no net loss" policy that will provide a framework for the County to ensure a continuing availability of affordable housing.

2) Promotes the Purpose of the Development Code.

The only purpose that could even remotely align with the proposed amendment is the last one listed (g) Promote the economic and social advantages gained from an appropriately regulated use of land resources. – making it look as though it's all about the money. However, it has certainly been shown that determining that STR's are equivalent to other residential use types is not an "appropriately" regulated use. And the residents of our community have demonstrated that there are social disadvantages to allowing unlimited STR's.

Consider the following stated purposes and ask if STR's promote any those purposes.

Section 110.918.10 Purpose of Development Code.

(a) Promote the public health, safety, morals, convenience and general welfare;
(c) lessen traffic congestion in the streets
(d) avoid undesirable concentrations of population
(e) Prevent overcrowding of land and to facilitate adequate provision of transportation, water, sewage, schools, parks and other requirements;

With documented evidence that STR's have higher occupancy than normal residential use, there is no question that none of the above purposes will be promoted by allowing unlimited STR's. To the contrary, these purposes will be undermined.

3) **Response to changing conditions.**
This may be a true statement but is certainly not a finding that supports what is contained in this amendment. Considering the fact that currently STR's are, by staff's own admission, an unauthorized use in residential zones, the County could have just as easily decided to enforce the existing code which does not allow STR's. The proposed changes will predictably do more harm than good. The consequences of allowing nearly every one of the 7800 residential units to be used 365 days a year, as vacation rentals will be disastrous. And the statement that the changes allow for a more desirable utilization of land within residential zones is certainly not supported by the experience of communities across the nation.

4) **No adverse effects.**
It has been mentioned in the research both by staff and by citizens that the occupancy of STR's is much higher than residences used by owners or long term renters (e.g. 8 STR occupants vs. typically 2.5 occupants for a 3 bedroom unit). Allowing unlimited use of nearly every residential unit in this community as a short term rental guarantees increased traffic congestion, further overcrowding of facilities and makes it more difficult to provide essential services.

Some reasonable limitation on the number of days a unit could be rented or a limit on the number of permits that could be issued in a given area or a restriction that only owner occupied units can be offered as vacation rentals, together with the remaining provisions in the amendments would constitute a balanced approach that could provide for visitors, but protect the character of the community and the well-being of its residents. Without some restrictions, our community will soon consist of thousands of tourist accommodation a few hundred gated estates and a few gated HOA's that have already banned STR's. Please don't destroy what remains of our community.

Respectfully submitted,

Judith Miller

From:	cbwillb@charter.net
To:	Nelson, Kate S.; Donshick, Francine; "tbruce.washoecountypc@gmail.com"; Chesney, Larry
Cc:	Young, Eric; CSD - Short Term Rentals; Mullin, Kelly; Lloyd, Trevor
Subject:	Resident Comment to Planning Commission re STR Ordinance Hearing on 1.7.2020
Date:	Sunday, January 05, 2020 8:03:44 PM
Attachments:	WC PlanComm Jan 2020 Ltr Attachment 1. Recommendations...pdf WC PlanComm Jan 2020 Ltr Attachment 2 Slides.pdf

---

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Kindly include in Public Comment for the Planning Commission meeting on 1/7/2020

To: Washoe County Planning Commission Members

Re: Proposed Washoe County STR Ordinance

Cc: Kelly Mullin, Eric Young, Trevor Lloyd , Washoe County Planning

Date: 1/4/2020

I am writing to express my very serious concerns regarding the proposed Washoe County STR Ordinance being presented at this week's Planning Commission meeting. I have appreciated the very significant effort and thoughtful attention by staff over the last several months and applaud the included recommendations to mitigate some fire safety and building risks as well as several nuisance considerations. Nonetheless, as the effort has progressed it has become ever increasingly clear that significant administratively imposed directives appear to have inappropriately constrained this initiative as well as the development of the proposed Tahoe Area Plan which will be presented to you in a few weeks.

Indeed the findings section of the most recent STR Ordinance Staff Report again reflects a narrow view apparently driven by the artificial administrative parameters leading to an incomplete and incorrect conclusion. **The recent staff report indicates that findings are met – I disagree and have included a detailed rationale in the attached document** (WC Plan Comm Jan2020 Ltr Attachment 1 Recommendations pg 1).

I respectfully ask that you not approve this proposed STR Ordinance and Code Revisions as written and instead return it for further, open and unconstrained evaluation (with the artificial parameters removed) in particular regarding the following priority elements:

1) The proposed development code zoning modifications are inappropriate for the community, unnecessary for alignment with TRPA, and inconsistent with both NRS and other parts of WCC.
2) Comparisons/justifications presented in attempts to rationalize are convoluted, inconsistent with practice and appear to be driven primarily by administratively imposed parameters

3) Appropriate public health/safety/welfare and neighborhood character protections contained in other portions of WCC and NRS are undermined by the proposed zoning code changes
4) STRs are incorrectly viewed as mimicking residential use driving permitting recommendations which do not appropriately consider neighborhood character impacts
5) Substantial adverse impacts of increased Area Occupancy, STR Density and Rental Intensity on resident safety, quality of life, and the environment have been largely ignored and thus WC Master Plan/TRPA Regional Plan & Neighborhood Compatibility compliance are at risk

I respectfully submit priority recommendations in each of these areas (WC PlanComm Jan 2020 Ltr Attachment 1 Recommendations pg 2) and also include a slide deck with supporting data and documentation (WC PlanComm Jan 2020 Ltr Attachment 2 Slides). Previously submitted additional extensive documentation supporting statements and recommendations is included in presentations and public comment submitted prior to the12/11/2019 general public comment deadline and at the December Incline Village CAB meeting.

I remain hopeful and confident that these important considerations will be openly considered and addressed before the STR Ordinance and related Code changes are moved forward.

Thanks you for your consideration,

Carole Black

144 Village Blvd #33, Incline Village, NV 89451

WASHOE COUNTY PLANNING COMMISSION RECOMMENDATIONS

for items being considered at the Planning Commission Meeting on 1/7/2020

I. Proposed STR Ordinance and Related Code Modifications: Required Findings

Findings: Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff has completed an evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed amendment.
Comment: Required Findings ARE NOT MET – see discussion below

Elements:
1. Consistency with Master Plan: **NO**
4. No adverse effects. Re Conservation/Population elements: NO
Comment: The proposed Development Code amendment does not consistently promote compliance with the policies and goals of the Washoe County Master Plan and specifically increases risk/adverse impacts in the Conservation and Population elements. As written, the Development Code changes will encourage, not effectively limit, STR growth throughout residential areas. Each added STR brings added population, more debris in Lake Tahoe, and new vehicles/vehicle trips and emissions into the WC Tahoe area which is already dangerously over-crowded during peak period. In the existing Master Plan report there were already environmental concerns. More recently public services capacity and capability is inadequate to protect the population present at peak periods with no mitigation to address added growth. Thus Master Plan Goals/Policy compliance as well as TRPA Regional Plan and Neighborhood Compatibility objectives are threatened.

2.Promotes the Purpose of the Development Code: NO
Comment: By defining STRs as not subject to Public Accommodation regulations like all other forms of Transient Lodging Uses, the proposed Development Code amendment ABSOLUTELY WILL adversely impact the public health, safety or welfare. Further it WILL NOT promote the purpose expressed in multiple other elements listed in Article 918, Adoption of Development Code. In addition to public health, safety, welfare concerns, undesirable concentrations of population, overcrowding of land, traffic and congestion impacts are either not or inadequately addressed.

3. Response to Changed Conditions: NO
Comment: The targeted conditions are not new and the amendment absolutely DOES NOT allow for a more desirable utilization of land within the regulatory zones – in fact continued growth in STRs in residential areas based on the proposed code changes will further diminish these neighborhoods. This information was already available when prior WCC revisions were made to address collection of TOT without further assessment or intervention. Further, the currently proposed STR program is insufficient and accompanied by very significant proposed zoning changes which have still not been fully researched or studied – for example, the absence of an EIS to fully assess impacts of STRs is a stunning gap which needs to be closed and impacts addressed before this proposal (and/or the revised Tahoe Area Plan proposal) moves forward.

II. Priority Recommendations Re Washoe County Proposed STR Ordinance:

1) Proposed development code zoning modifications are inappropriate and unnecessary. In addition to being inconsistent with NRS, the rationales to date offered by Washoe County are at best creatively convoluted and illogical. Further, this unnecessary change will adversely impact appropriate safety and neighborhood character protections embedded in other WCC chapters and NRS. Required modifications include:

- Washoe County should not change the definition of Residential Use in the Development Code to include Short Term Rentals (STRs). This change is not required for alignment with TRPA.
- Washoe County has defined STRs as"Transient Lodging" in WCC Chapter 25 and this appropriate definition should be explicitly embedded in the WCC Development Code for Zoning regulations including in the description of "Lodging Services".
- To address public health/safety/welfare including STR renters, owners, managers & neighbors, Washoe County should implement in STRs/Vacation Rentals all protective regulations applicable to situations providing sleeping/lodging accommodations to the public for reimbursement for < 30 days. Various labels apply including Transient Lodging/Lodging Services (WC), Transient Commercial Use (NRS), Tourist Accommodation/Vacation Rentals/Short Term Rentals (TRPA)

2) STRs do not mimic residential use - STR Tiers proposed by Washoe County must be modified to correctly consider huge use differences and collateral neighborhood impacts. Comparative justifications offered in WC documents to date have been shown to be inapplicable (see Attachment 2 Slides). Priority modification to Tier 1 is required as follows:

- **STR Tier 1** *(described as smaller STRs most comparable to residential use)***:**
  - **Decrease the maximum allowed STR occupancy to ≤ 4.** This level is more comparable to, but still greater than, the actual average residential occupancy and family size = between 2 and 3 occupants *(census data)* & comparable to average STR occupancy *(limited IVGID survey)*.
  - **In addition, require discretionary permitting (AR) in residential areas to assess actual neighbor impacts**

3) Demonstrated impacts of STR Density and Rental Intensity on both neighborhood character and overall Area Occupancy have apparently been ignored in this proposal (see Attachment 2 Slides)**.** At a minimum, these adversely impact resident safety, quality of life, and the environment which the STR Ordinance and Tahoe Area Plan must be modified to address. Required modifications include:

- **Add STR Density and Rental Intensity requirements** to the proposed STR Ordinance. Preferred examples based on the TRPA "Best Practices" list include:
  - limit the total number of STRs in neighborhoods (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.)
  - establish a ratio of long-term to short-term rentals
  - establish minimum owner occupancy requirements (≥ 25-50% of the time is common)
  - require minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering
  - require a two-day minimum stay for STRs in residential areas to lessen traffic impacts
  - cap the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days/year.
  - cap the number of times an STR may be rented in residential areas, such as 4/month
- **Complete a comprehensive assessment of STR impacts on safe area occupancy and environment (EIS)** as part of the evaluation of this Ordinance and Area Plan modifications
- **Require development and implementation of a long-term WC Tahoe Area Optimal Occupancy Management Plan** considering STR impacts in concert with broader sustainability initiatives

WASHOE COUNTY STR ORDINANCE, DEVELOPMENT/CODE ITEMS & RELATED TAHOE AREA PLAN

Project Challenges & Recommendations

Washoe County Planning Commission
October 21, 2019
Updated for January 7, 2020 Meeting

Submitted by Carole Black, IV Resident

Summary Recommendation for 1/7/2020 Planning Commission Meeting

- Recommend that Planning Commission defer approval of currently proposed STR Ordinance/Development Code changes for the following reasons:
  - Findings for Planning Commission approval have not been met
  - Restrictive project parameters/directives need to be modified to allow comprehensive and accurate project recommendations for Planning Commission review and action
  - Regulatory components are either missing or require modification to address WC's responsibility to its constituents and for consistency with WC Master Plan, TRPA Regional Plan/Neighborhood Compatibility goals and NRS

Required Findings are Not Met

Findings: Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff has completed an evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed amendment.
Comment: **This is an incorrect conclusion -** discussion below

Elements:
1. Consistency with Master Plan: **NO**
4. No adverse effects. Re Conservation/Population elements: NO
Comment: The proposed Development Code amendment does not consistently promote compliance with the policies and goals of the Washoe County Master Plan and specifically increases risk/adverse impacts in the Conservation and Population elements. As written, the Development Code changes will encourage, not effectively limit, STR growth throughout residential areas. Each added STR brings added population, more debris in Lake Tahoe, and new vehicles/vehicle trips and emissions into the WC Tahoe area which is already dangerously over-crowded during peak period. In the existing Master Plan report there were already environmental concerns. More recently public services capacity and capability is inadequate to protect the population present at peak periods with no mitigation to address added growth. Thus Master Plan Goals/Policy compliance as well as TRPA Regional Plan and Neighborhood Compatibility objectives are threatened.

2.Promotes the Purpose of the Development Code: NO
Comment: By defining STRs as not subject to Public Accommodation regulations like all other forms of Transient Lodging Uses, the proposed Development Code amendment ABSOLUTELY WILL adversely impact the public health, safety or welfare. Further it WILL NOT promote the purpose expressed in multiple other elements listed in Article 918, Adoption of Development Code. In addition to public health, safety, welfare concerns, undesirable concentrations of population, overcrowding of land, traffic and congestion impacts are either not or inadequately addressed.

3. Response to Changed Conditions: NO
Comment: The targeted conditions are not new and the amendment absolutely DOES NOT allow for a more desirable utilization of land within the regulatory zones – in fact continued growth in STRs in residential areas based on the proposed code changes will further diminish these neighborhoods. This information was already available when prior WCC revisions were made to address collection of TOT without further assessment or intervention. Further, the currently proposed STR program is insufficient and accompanied by very significant proposed zoning changes which have still not been fully researched or studied – for example, the absence of an EIS to fully assess impacts of STRs is a stunning gap which needs to be closed and impacts addressed before this proposal (and/or the revised Tahoe Area Plan proposal) moves forward.

ZONING COLLATERAL DAMAGE: STR Area Occupancy Increase is a Major Risk & Requires a Long-Term Strategy

- **STRs have already generated Added Area Occupancy in the WC Tahoe Area:**

  750 added people/avg day; **1500** added people/peak day *(2018 vs 2014)*

  188-300 added vehicles/avg day; **375-600** added vehicles/peak day *(avg. 2.5 occupants/vehicle winter; 4/vehicle summer)*

  > 200 added vehicle trips/day most days with max ~ 1200 added vehicle trips/day *(assumes 2 trips/vehicle/day)*

  116 more beach visits/day; **94%** increase in July/Aug *(2019 vs 2016)*

  Massive occupancy increases summer 2019 vs 2018

  - 27,000 added Airbnb guest arrivals
  - 23% increase RSCVA vacation rental days

- **Conclusions:**
  - **STRs Threaten Public Safety, and thus WC Purpose of the Development Code and Master Plan as well as TRPA Regional Plan/Neighborhood Compatibility Compliance**
    - Overcrowding/increased area occupancy exceeds current evacuation capability & Emergency Services capacity
    - Illegal parking creates risk on roadways, at intersections and to environment
    - Current proposal will not substantially limit numbers of existing STRs or future growth in STR numbers
  - **STRs Threaten the Environment, and thus TRPA Thresholds & WC Master Plan Compliance**
    - Air quality, Vehicles/Vehicle trips and Lake pollution are at particular risk
  - **Recommendations:**
    - **Urgent comprehensive assessment including EIS is needed with addition of long-term Sustainable Tourism approach and Area Occupancy Management Plan to WC documents**
    - **Addition of STR Density and Intensity Restrictions to the STR Ordinance is needed now!**

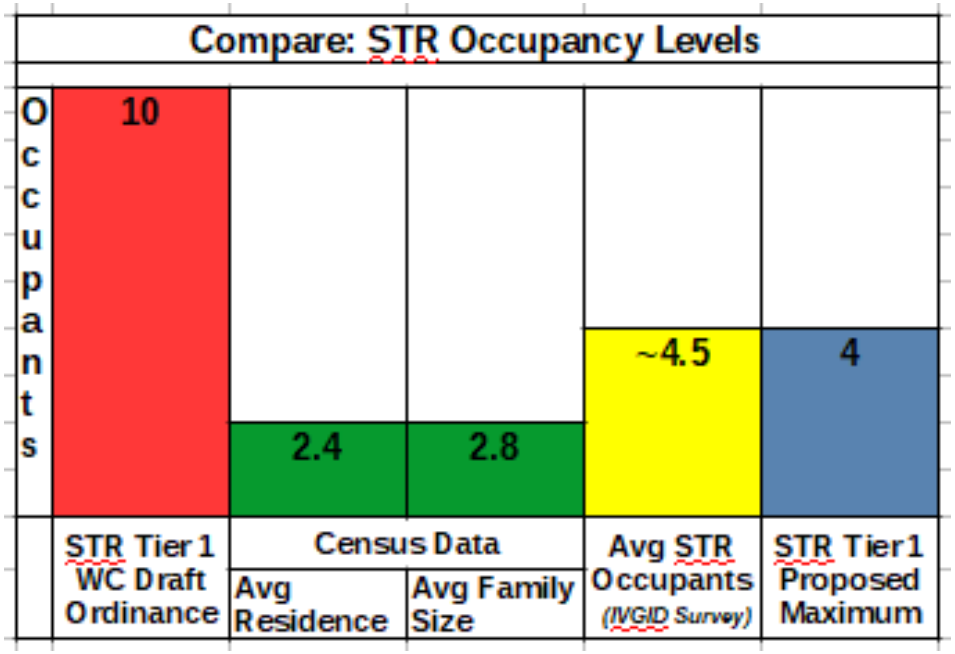
Occupancy Impact Example: Parking Near the Beach

- Labor day weekend 2019 in Incline Village: Park Lots Full!

Parking directly under No Parking signs – no tickets.

ZONING COLLATERAL DAMAGE: STRs DO NOT Mimic Residential Use & STR Tiers Must Consider this Variance

- **Proposed STR Tier 1 level fails to meet design objective** *(smaller STRs most comparable to residential use)* and as currently described will inappropriately subject adjacent residents particularly in denser residential areas to significant adverse Neighborhood Compatibility impacts
- **Proposed STR Tier 1 remedies**:
  - Reduce the Tier 1 upper occupancy limit to ≤ 4 to more closely mirror actual residential use
  - Require Tier 1 Discretionary Permit (AR) in residential areas to allow neighbor noticing and input



ZONING COLLATERAL DAMAGE: Failure to Implement Public Accommodations Regs Increases Public Health Risks in STRs for Occupants and Managers/Owners

WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?

BUGS ...

VIRUS VECTORS ...

BACTERIA ...

Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS …

Biohazardous Waste Handling Operation Management Plan

Sources: https://www.straitstimes.com/world/united-states/antibiotic-resistant-germs-pose-greater-threat-than-previously-thought-say-us; *Web MD; Washoe County Health District Public Accommodations website*

Defined Project Parameters Need to be Modified

Current Status - Project Parameters/Constraints:

STR Zoning

- Apparently Predetermined Outcome with Creative (& at times Incorrect) Wordsmithing as cover
- Incorporate TRPA though not required & without full impact assessment
- Embeds & obscures zoning changes within STR Ordinance ignoring collateral impacts of zoning changes including to Public Health/Welfare/Safety and inconsistency with NRS
- Avoid EIS even though no full environmental assessment exists within WC or TRPA re STR impact
- Present a HUGE zoning change as "No Zoning Code Change" in the Area Plan process

STR Regulations

- Single plan for all WC ignoring substantial Tahoe Area Occupancy impact with increased population safety risk based on area occupancy and dramatic long-term environmental impact
- Flawed STR Tiers based on incomplete, incorrect rationale: Tier 1 > 2 occupancy threshold is too high & must either be significantly reduced to be comparable to actual resident usage and/or modified to include discretionary permitting at Tier 1 level
- No bans or Rental Density/Intensity limits despite proven neighborhood character adversity, adverse occupancy trends and TRPA best practice examples
- Program must "Pay for Itself" without using all legal opportunity to redirect maximal % of TOT funds to robust enforcement by most applicable experts and/or to impacted communities
- Consider all "constituents" but focus only on nuisance impacts without attention to neighborhood character which is a co-equal TRPA "Neighborhood Compatibility" element

STR Ordinance Priority Recommendations

1) Proposed development code zoning changes are inappropriate, unnecessary and must be modified. In addition to being inconsistent with NRS, the proposed justifications to date offered by Washoe County are at best convoluted and illogical. And this unnecessary change will adversely impact appropriate safety and neighborhood character protections embedded in other WCC chapters and NRS. Required modifications include:

- Washoe County should not change the definition of Residential Use to include STRs. This change is not required for alignment with TRPA and will create added collateral damage to residents & community
- Washoe County has defined STRs as"Transient Lodging" in WCC Chapter 25 and this appropriate definition should be explicitly embedded in the WCC Zoning regulations including in the description of "Lodging Services".
- To protect public health, safety and welfare, Washoe County should implement in STRs/Vacation Rentals all protective regulations applicable to situations providing sleeping/lodging accommodations to the public for reimbursement for < 30 days. Various labels apply in applicable regs including Transient Lodging/Lodging Services, Transient Commercial Use, Tourist Accommodation, Vacation Rental, STR.

2) STRs do not mimic residential use - STR Tiering proposed by Washoe County must be modified to correctly consider huge use differences and collateral neighborhood impacts. Comparative justifications offered in WC documents to date have been shown to be inapplicable.

- In Tier 1 *(smaller STRs most comparable to residential use),* a) Decrease the allowed STR occupancy to ≤ 4 which is more comparable to, but still greater than, actual average residential occupancy/family size = 2-3, and b) Require discretionary permitting (AR) in residential areas re neighbor impacts

3) Demonstrated impacts of STR Density and Rental Intensity on both neighborhood character and overall Area Occupancy have apparently been ignored in this proposal:

- Add STR Density and Rental Intensity requirements to the proposed STR Ordinance.
- Complete a comprehensive assessment of STR impacts on safe area occupancy and environment (EIS) as part of the evaluation of this Ordinance and Area Plan modifications
- Require development and implementation of a WC Tahoe Area Optimal Occupancy Management Plan considering STR impacts in concert with broader sustainability initiatives

Proposed Zoning Code Wordsmithing is Creative ...

BUT Defies Credibility, Includes Shifting and Incorrect Rationales, Undermines Other Safety Regs & is Inconsistent with NRS

- **Tier 1 > 2 transition level is listed as set based on Group Home and IBC R definitions but the uses are not comparable to STRs and are very different from the use as a residence**
  - Group Home & STR avg occupancy is typically higher than avg residential occupancy. However, Group Home use is more heavily regulated, much more closely supervised and occupants are better known to managers and more familiar with the home/environment than STR renters
  - IBC R occupancy is a new WC comparator. This group includes many categories some like STRs which are included in Transient Lodging lists; it does not include use as a residence which is instead regulated by IRC. IBC "break point" occupancy levels vary widely in the sub-categories with some as low as 5.
  - The only IBC use which is regulated similarly to a single family residence is a unit with 5 or fewer rental rooms occupied by the owner when rented. Thus using the level of average residential occupancy as the threshold between Tier 1 and 2 as is proposed in recommendations in this document seems appropriate

- **STRs are not listed as Transient Lodging for zoning though they are listed as Transient Lodging for taxation; all other forms of Transient Lodging are also viewed as such for zoning**
  - STRs are not defined as Transient Lodging for zoning with rationale that no meals/food is offered – though snacks often are offered in STRs and meals may not be offered in other Transient Lodging types

- **STRs are referenced as residential with the rationale of similarity to resident use and long-term rentals though they do not share critical comparative characteristics with either**
  - Differences include level of supervision, owner's knowledge of occupant, occupant's knowledge of area/unit, average unit occupancy which is higher for STRs than for resident owners or resident LT renters *(per census)*

- **Lodging services includes B&Bs but not STRs though listed characteristics are similar**
  - Provide incidental food and other services for the convenience of guests and may have common facilities

Use Comparison Table: STRs DO NOT MIMIC RESIDENTIAL USE

	ZONING / USE			SUPERVISION / KNOWN?				SERVICES & REGULATION EXAMPLES		
Lodging Type	**Com vs Res Use**	**Zoning Status**	**Daily Rent Fee; TOT**	**On-site Owner or Manager**	**Visitor known to Owner**	**LOS; Offered to**	**Visitor knows area/ culture**	**Occupancy/ Parking Actively Regulated/ Monitored**	**Food Utensils Available/ Regulated**	**Public Health/ Safety Regs Apply**
Categorized as Transient Lodging by WCC 25.1501 and NRS 447.010 *(w or w/out meals)**; NRS 116.340***										
Hotel/ Motel	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
Time-share	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
B & B	C	Varies	yes	yes: mngr or owner	no	short/ public	no	yes	yes/yes	yes
STR's now	**C *per WCC 25***	**Not allowed**	**yes**	**no**	**no**	**short/ public**	**no**	**no**	**yes/no**	**no**
STR's propose	**** C/Trans Lodging ****	****SUP or AR/P ****	**yes**	***use 30 min access***	**no**	**short/ public**	**no**	***yes***	****add Public Accommodations or equivalent****	
Residential - Not Categorized as Transient Lodging in WCC or NRS										
Group Home	R	Parallel to res use	charge/ stay; no TOT	manager	yes, mngr	longer; must meet eligibility	yes	yes	yes/yes	yes
LT or Seasonal Rental	R	Parallel to res use	charge/ month; no TOT	owner in touch	yes	long	yes	yes, by in touch owner	n/a: renter is resident	n/a: renter is resident
Owner's Family/ Friends	R	Parallel to res use	none	owner on-site or in touch	yes	varies; limit to friends/ family	yes, close owner contact	yes, by in touch owner	n/a: not rented	

Legend: *"Varies" notation indicates variability among regulatory zones, typically allowed or allowed with restrictions in tourist and/or commercial areas and not allowed or allowed with restrictions elsewhere;*
** indicates proposed in STR Ordinance while ** indicates additionally proposed in this document*

Proposed Zoning Code Wordsmithing is Creative

BUT Defies Credibility, Includes Shifting and Incorrect Rationales, Undermines Other Safety Regs & is Inconsistent with NRS

- NRS 116.340 defines VHRs/STRs in planned communities (like Incline Village) as a Transient Commercial Use with specific criteria for approval in residential areas is in direct conflict with WC's proposed approach
- NRS definition of "Hotels" in Chapter 447 Public Accommodations clearly includes entities with STR characteristics and which should be subject to these public health/welfare/safety regulations but won't be per WC STR Zoning
- NRS defines providing incorrect registration information at rental as a misdemeanor for Transient Lodging but this useful regulation won't be applicable to STRs per WC's proposed STR Zoning
  - *Consider the recent Orinda fire and deaths where the renter would have been held personally liable under this regulation*
- TRPA goals are also at risk – see detailed list on slides 18 and 19

Public Health & Safety – Legal Requirements in Addition to Usual Fire/Bldg Code

Element: in STR Regs?	Public Accommodations (NRS/NAC)	IPMC Provisions for a Healthy Home (source listed in STR report)	Group Homes (referenced for comparability in STR report)
Pests: NO	Extermination of vermin or bedbugs or similar things	Extermination/Infestation: mention of insects, rodents	… free from insects and rodents
Use of space: YES	Certain areas prohibited from use for living or sleeping	Habitable spaces defined for living, sleeping & eating/food prep	Spaces for sleeping/not for sleeping specified
Screens: NO	Windows and outside doors to be equipped	Every door, window of habitable/food related space required for ventilation	All windows and doors used for ventilation must be screened
Vent/Egress: PARTIAL	Ventilation/egress of rooms for sleeping; Ventilation: bath/shwr rooms	Ventilation of habitable space, bathrooms, clothes dryers; Egress in (IPMC)	Ventilation specified; Egress see building section
Cleanliness/ Sanitatize NO	Kept clean and sanitary and free of fire hazards and hazards to life and limb	Sanitation, exterior & premises – clean, safe & sanitary; room/surface good, clean,sanitary	Interior and exterior clean and well-maintained
Building: PARTIAL	Requirements per state law, rules & regs, Brd of Health & other codes	Extensive listing re building maintenance; Other specs in IPMC	Free from obstacles that impede free movement of residents
Size/rooms / occupancy: PARTIAL	For sleeping specified; Not ok if per health authority "living or sleeping is dangerous or prejudicial to life or hlth"	IPMC – sleeping and living space	≥ 60 sq ft/person; max 3/room; also storage, closet, lighting, locks related regulations; additional regs: common spaces, occupancy
Heat: YES Bldg code	Systems for heating and ventilating hotels or other ... transient lodging ...	Detail description of minimum heating regs; removal of combustion prod; air supply/energy	Temperature range specified
Water/sewer: YES Bldg code	Supply of water; plumbing; Disposal of sewage; Some specs in Health Codes	Water heating; safety restrictions on gas hot water heaters; & Building Codes	Safe, sufficient supply of water; Adequate sewage disposal system
Trash: YES (& bear boxes)	Disposal of garbage and rubbish;	Free from accumulation of garbage and rubbish	Minimum disposal once/wk; container types by types of waste
Bathrooms: YES Bldg code	#'s of Baths, toilets, sinks/ occupants	Building Codes only	
Lights: PARTIAL	Accessible signage	Building Codes only	Lighting to ensure comfort & safety of resident
Re Transient Occupants: NO	Disinfection of toilets	Not applicable assumes resident occupancy	
	Fumigation of room after occupation by person having contagious or infectious disease.		
	Cleanliness and amount of bedding; Worn out or unfit bedding; towels		Bedding/changes specified; Laundry & linen service that provides proper/sanitary washing
	Food handling/utensil sanitizing		
			Auto sprinklers per NRS 477
WC program adds : NO	Bio-hazardous waste program; Outbreak management (food)		

Red>gap; Green>in draft Ordinance // Source: NRS/NAC & Wahshoe County websites; https://nchh.org/resource-library/International%20Code%20Council%20-%20IPMC_1.pdf

APPENDIX:

Additional Slides (slightly updated) from 10/19/2019 Planning Commission Presentation

Comprehensive Environmental, Public Safety and Zoning Review is Required

- **Washoe County's planned addition of STRs/Vacation Rentals to IV/CB Residential Neighborhoods is a New Zoning Use** for these neighborhoods
  - **Zoning change is obscured** by apparently minor but confusing and illogical wording changes in WC zoning elements related to the STR Ordinance coupled with the incorrect assertion that there are no STR related zoning changes embedded in the proposed WC Tahoe Area Plan.
  - **Significant environmental impact and adverse impact on many TRPA goals and policies = major concern** (Slides below)
- **Comprehensive review of this proposed New Use/Tahoe impact is required**:
  - **Environmental Review**: Comprehensive review of STR/Vacation Rental impacts
  - **STR/Vacation rental = Commercial Use:** Zoning should parallel other Transient Lodging and NRS
  - **Discretionary or Special Use Permit:** Zoning tp parallel other Res Zone Transient Lodging
  - **Public Accommodation** and other Regs should be required (per NRS & Transient Lodging status)
  - **Area Occupancy must be managed** to match service/facility capability
- **WC must step-up - given historic non-compliance:**
  - **Need regulations** re issues: overcrowding, protect public safety and neighborhood character
  - **Enforcement program required:** Planned safety regs/inspections & nuisance mitigation noted
- Given historic adverse impacts, enforcement failures, lack of attention to zoning, **STRs in IV/CB must be zoned properly and regulated/managed effectively:**

Vacation Rentals/STRs do not mimic Residential Use of a property!

WC Parameters: Tahoe Area Plan (STR Zoning) Flawed – Full Code Change Evaluation is Indicated

PARAMETERS TO MODIFY	ISSUE	PROPOSED RESOLUTION
Follow TRPA pattern	TRPA code should be modified: - Ordinance incompletely vetted - WC historic non-compliance w TRPA specs not enforced - WC gave incorrect status report to TRPA in 2017	- TRPA must change STR to commercial OR - WC must exceed TRPA to comply w NRS & protect residents/village/lake
No explicit zone changes	Aligning with TRPA requires explicit zoning change	- WC must execute full process for major Zoning update w/comprehensive review - WC must add STR requirements: 1. Commercial Use w AR/SUP for Residential zones 2. Public Accommodation applies 3. Safety Inspections mandatory
Incorporate STR Ordinance	Ordinance is being drafted but Zoning/Area Plan approval is a “blank check” w/o Ordinance	Adjust Timing: - Can Plan move forward before Ordinance is done? – Must include area capacity plan linked to staff/facility capability

WC Parameters for STR Ordinance are too Restrictive – Need Comprehensive Plan to Protect Community/Lake

PARAMETERS TO MODIFY	ISSUE	PROPOSED RESOLUTION
Single Plan all WC	Specific TRPA Tahoe Area rules required re environment	90% STRs are in Tahoe Area >> Use Tahoe plan across county or have separate clause w/in ordinance for "area adjustments"
No bans – "Don't Work"	Lots of evidence that bans "do work" = have impact (see appendix)	Use bans as appropriate in residential locales to achieve goal of containing STRs
Pay for Itself	Risk of eroding inspection or other requirements and/or enforcement program	Set appropriate requirements/ enforcement & adjust fee/fine levels to garner adequate funds and/or get some/more $ from RSCVA
Consider all "constituents"	Different stakeholders with varying agendas confuse issues; Risk overemphasizing profit to detriment of safety, community & environment	- Prioritize categories – respect residents/voters as primary constituents: Work group! - Responsible tourism plan requires addressing safe area capacity
TOT to RSCVA	Legislature sets program	- Consider bill next session - Reallocate WC portion and ? some of Visitor Center portion

Examples of TRPA 2012 Regional Plan Policies Adversely Impacted Related to Vacation Rental/STR in Residential Areas

LU-3.1 All PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES >> STR impact: 84% increase guest access tickets IV beaches over2 yrs >> beaches are overcrowded; illegal parking; very difficult to safely use kayaks; lots of trash on beach/in water

LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE >> STRs are not accountable for meeting Health, Safety, Building code or Public Accommodation standards for Transient Lodging

LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS …. CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS … 7) Existing or planned street design … so as to encourage mobility without the use of private vehicles >> STRs in Incline Village are substantially clustered near, but not in, the town center and tourist areas – the current density level in these neighborhoods exceeds all identified benchmarks yet transit development has not to date significantly proceeded in town center or tourist zones and existing and planned paths/transit/street design do not "encourage [described] mobility" the majority of the time. Further emphasis on clustering STRs in these few neighborhoods will destroy them for residential use – see below

LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS … SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE >> STRs dramatically change the character of a residential neighborhood: Is it "NIMBY" to not value cars blocking neighbors driveways; noise at all hours; public urination; beer cans hurled off of decks; bears attracted to unlocked house; overflowing trash bins; illegally parked cars blocking emergency vehicles or snow plows?

LU-4.1 THE REGIONAL PLAN … IDENTIFIES GROUPINGS OF GENERALIZED LAND USES …. AREAS … ARE … CATEGORIZED WITHIN ONE OR MORE OF THE … LAND USE CLASSIFICATIONS: … RESIDENTIAL …. Residential areas are urban areas having potential to provide housing for the residents of the region. In addition, the purpose of this classification is to … allow accessory and non-residential uses that complement the residential neighborhood. >> STRs do not provide housing for the residents of the Region. In fact, this use depletes housing stock for a Transient Lodging Use. Further STRs are not a defined Accessory Use nor are they a Non-Residential Use that complements the residential neighborhood. In reality, they are at best tolerated and more often become a neighborhood nuisance/risk.

LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN ALL AREA PLANS SHALL INCLUDE … MEASURES TO: … 6) Preserve the character of established residential areas outside of centers while seeking opportunities for environmental improvements within residential areas >> STRs cause environmental damage and undermine the character of residential areas – strangers abound and are told to lie to neighbors; annoyances abound as well as true health and safety risks – note fires in IV related to STRs

NH-1.4 TRPA WILL ENCOURAGE PUBLIC SAFETY AGENCIES TO PREPARE DISASTER PLANS >> The Incline Village area now has an evacuation plan – the officials have indicated that in the event of a required emergency evacuation, the occupancy level at busy times exceeds the evacuation capability. STR growth over the last few years has resulted in a 9% increase in average/ 18% in peak occupancy and more in 2019

WQ-3.1 REDUCE LOADS OF SEDIMENT, NITROGEN AND PHOSPHORUS TO LAKE TAHOE …. >> STRs increase sediment by parking on dirt and in drainage ditches designed to capture sediment. In addition, more trash is left on roadsides, beaches and in water.. Proposed regs may help with this aspect, if enforced.

Examples of TRPA 2012 Regional Plan Policies Adversely Impacted Related to Vacation Rental/STR in Residential Areas

Transportation-3.3 SUPPORT EMERGENCY PREPAREDNESS … AND ENCOURAGE APPROPRIATE AGENCIES TO USE INCIDENT MANAGEMENT PERFORMANCE MEASURES

Transportation-3.4 DESIGN PROJECTS TO MAXIMIZE VISIBILITY AT VEHICULAR, BICYCLE AND PEDESTRIAN CONFLICT POINTS >> STRs add vehicles and vehicle trips; Illegal parking especially at intersections and along crowded roads impede safe passage for pedestrians and bicyclists

Transportation-4.11 ESTABLISH A UNIFORM METHOD OF DATA COLLECTION FOR RESIDENT AND VISITOR TRAVEL BEHAVIOR Transportation-4.12 MAINTAIN MONITORING PROGRAMS FOR ALL MODELS THAT ADDRESS THE EFFECTIVENESS OF THE LONG-TERM IMPLEMENTATION OF LOCAL AND REGIONAL MOBILITY STRATEGIES ON A PUBLICLY ACCESSIBLE PLATFORM >> These are critically important initiatives and should include emphasis on distinguishing resident from STR user travel patterns as well as providing data regarding added occupancy and vehicle use by STR users staying in properties owned and partially occupied by part-time residents

S-1.4 TRPA SHALL DEVELOP SPECIFIC POLICIES TO LIMIT LAND DISTURBANCE AND REDUCE SOIL AND WATER QUALITY IMPACTS OF DISTURBED AREAS >> STR users park vehicles on dirt at rented properties – excessive vehicles brought by these renters is a common complaint. Proposed WC regs, if enforced, can assist by limiting vehicles overall with less allowed if there is inadequate appropriate on site parking

PS-4 TO ENSURE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE REGION, EDUCATIONAL AND PUBLIC SAFETY SERVICES SHOULD BE SIZED TO BE CONSISTENT WITH PROJECTED GROWTH LEVELS IN THIS PLAN **PS 4.2** EDUCATIONAL AND EMERGENCY SERVICES ORGANIZATIONS … ARE ENCOURAGED TO ADVISE THE AGENCY WHEN DEVELOPMENT POTENTIALS EXCEED CURRENT OR ANTICIPATED SERVICE CAPABILITIES OR CAPACITIES … information will be used … to develop appropriate strategies to maintain an acceptable level of service >> STR growth and resulting increased area occupancy has exceeded the conservative projections included in the Regional Plan. Currently police and fire staffing in the Incline Village area is inadequate based on reports from these services and also compared with external benchmarks. This mismatch needs to be resolved, and until this occurs, there should be a moratorium on new STRs

IAP-1.6 TRPA, IN CONJUNCTION WITH OTHER AGENCIES OF JURISDICTION SHALL DEVELOP AND ACTIVELY PURSUE AN EFFECTIVE ENFORCEMENT PROGRAM TO ENSURE COMPLIANCE WITH THE PLAN AND ORDINANCES OF THE AGENCY >> This has not occurred over 15 years since the 2004 TRPA Ordinance with irregularities in its procedural compliance and has now been fully delegated to WC – enforcement again is critical

DP-4.2 ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT. … The ordinances will establish a fee to offset the impacts from minor projects … on both commercial and residential development. The ordinances will also define what projects have significant environmental impacts; these projects will be required to complete an EIS and mitigate air quality and traffic impacts with specific projects or programs. >> How has a comprehensive assessment not yet occurred related to STR impacts overall in either WC or TRPA?

WASHOE COUNTY STR ORDINANCE, DEVELOPMENT/CODE ITEMS & RELATED TAHOE AREA PLAN

Project Challenges & Recommendations

Washoe County Planning Commission
January 7, 2020 Meeting Slides

Submitted by Carole Black, IV Resident

Summary Recommendation for 1/7/2020 Planning Commission Meeting

Recommend that Planning Commission defer approval of currently proposed STR Ordinance/Development Code changes.

WHY? With the new Ordinance/Zoning Changes STR numbers/density are not reduced and will likely continue to grow, thus:

- **Findings for Planning Commission approval have not been met**
  - **STR impacts threaten noncompliance with WC Master Plan, TRPA Regional Plan/ Neighborhood Compatibility and NRS**
    - **Increased Area Occupancy directly affects Population Safety & Environment/Conservation**
    - **Collateral impacts also threaten Community Character and Public Health, Safety and Welfare**
  - **All of these impacts have been known, but not addressed, for years despite other related code/regulatory actions – they are not new!**

- **Restrictive project parameters/directives need to be modified to allow comprehensive and accurate project recommendations for Planning Commission review and action**

- **Regulatory/Zoning components are either missing or require modification to address WC's responsibility to its constituents and for compliance with applicable governing plans/regs: WC, TRPA and NRS**

ZONING COLLATERAL DAMAGE: STR Area Occupancy Increase is a Major Risk & Requires a Long-Term Strategy

STRs had already generated Added Area Occupancy in WC Tahoe Area:

750 People avg/day; 1500 People/peak day *(4yrs)**

188-300 Vehicles avg/day; 375-600 Vehicles/peak day**

> 200 Vehicle Trips/day almost every day; ~ 1200 Vehicle Trips/peak day^

116 Beach Visits/day; 94% Increase in July/Aug *(3yrs)*^^**

Summer 2019 vs 2018 brought Further Massive Occupancy Increase:

27,000 added Airbnb arrivals

23% additional increase RSCVA Vacation Rental Days

With new Ordinance/Zoning Changes STR numbers/density will likely continue to grow >

Recommendations:

1. **Add STR Density and Intensity Restrictions - needed now!**
2. **Urgent comprehensive STR impact assessment/plan with EIS is necessary**
3. **Emergency services capacity and capability must be managed to match risk & area occupancy**

*Notes: Estimates derived from RSCVA & Census data, IVGID surveys & reports, WC staff; Airbnb press release; * 2018 vs 2014; ** avg. 2.5 occupants/vehicle winter; 4/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016*

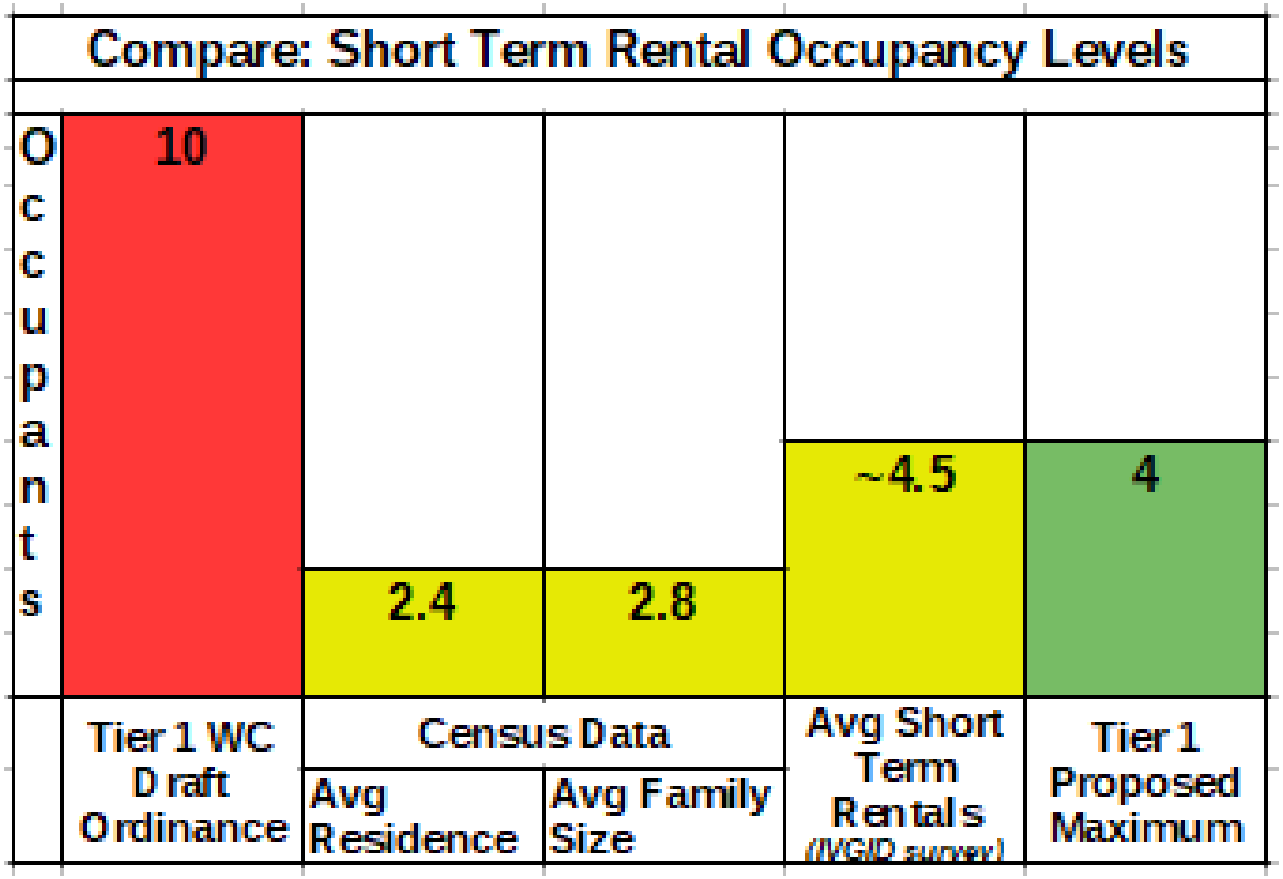
Occupancy Impact Example: Parking Near the Beach

- Labor day weekend 2019 in Incline Village: Park Lots Full!

Parking directly under No Parking signs – no tickets.

ZONING COLLATERAL DAMAGE: STRs DO NOT Mimic Residential Use & Programs Must Consider this Variance

- **Proposed STR Tier 1 level fails to meet design objective**
  - As currently described will inappropriately subject adjacent residents particularly in denser residential areas to significant adverse Neighborhood Compatibility impacts
- **Proposed STR Tier 1 remedies**:
  - Reduce the Tier 1 upper occupancy limit to ≤ 4 to more closely mirror actual residential use
  - Require Tier 1 Discretionary Permit (AR) in residential areas to allow neighbor noticing and input



ZONING COLLATERAL DAMAGE: Failure to Implement Public Accommodations Regs Increases Public Health Risks in STRs for Occupants and Managers/Owners

WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?

BUGS ...

VIRUS VECTORS ...

BACTERIA ...

Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS …

Biohazardous Waste Handling Operation Management Plan

Sources: https://www.straitstimes.com/world/united-states/antibiotic-resistant-germs-pose-greater-threat-than-previously-thought-say-us; *Web MD; Washoe County Health District Public Accommodations website*

Defined Project Parameters Need to be Modified

Current Status - Project Parameters/Constraints:

STR Zoning

- Apparently Predetermined Outcome with Creative (& at times Incorrect) Wordsmithing as cover
- Incorporate TRPA though not required & without full impact assessment
- Embeds & obscures zoning changes within STR Ordinance ignoring collateral impacts of zoning changes including to Public Health/Welfare/Safety and inconsistency with NRS
- Avoid EIS even though no full environmental assessment exists within WC or TRPA re STR impact
- Present a HUGE zoning change as "No Zoning Code Change" in the Area Plan process

STR Regulations

- Single plan for all WC ignoring substantial Tahoe Area Occupancy impact with increased population safety risk based on area occupancy and dramatic long-term environmental impact
- Flawed STR Tiers based on incomplete, incorrect rationale: Tier 1 > 2 occupancy threshold is too high & must be significantly reduced to be comparable to actual resident usage and/or modified to include discretionary permitting at Tier 1 level
- No bans or Rental Density/Intensity limits despite proven neighborhood character adversity, adverse occupancy trends and TRPA best practice examples
- Program must "Pay for Itself" without using all legal opportunity to redirect maximal % of TOT funds to robust enforcement by most applicable experts and/or to impacted communities
- Consider all "constituents" but focus only on nuisance impacts without attention to neighborhood character which is a co-equal TRPA "Neighborhood Compatibility" element

STR Ordinance Priority Recommendations

1) **Proposed development code zoning changes must be modified. As drafted these regulations are inappropriate, unnecessary, in conflict w/ NRS and will adversely impact appropriate public health, safety, welfare and neighborhood character protections embedded in other WCC chapters and NRS.**

- **Do not change the definition of Residential Use to include STRs.**
- **Define STRs as"Transient Lodging" throughout WC Code to match WCC Chapter 25 including in the description of "Lodging Services".**
- **To better protect public health, safety, welfare and neighborhoods, specify implementation in STRs/ Vacation Rentals of all protective regulations applicable to situations providing sleeping/lodging accommodations to the public for reimbursement for < 30 days.** (Various labels apply including Transient Lodging/Lodging Services, Transient Commercial Use, Tourist Accommodation, Vacation Rental, STR.)

2) **STRs do not mimic residential use - STR Tier 1 must be modified to correctly consider differences and collateral neighborhood impacts by lowering the maximum occupant threshold to ≤4 and adding a discretionary permit requirement (AR) to allow for neighbor input.** (Comparative justifications offered in WC documents to date have been shown to be inapplicable.)

3) **Full assessment/mitigation of STR impacts on Neighborhood Character, Overall Area Occupancy, Environment is a critical priority which has not occurred:**

- **Add STR Density and Rental Intensity requirements to the proposed STR Ordinance.**
- **Modify proposed zoning code changes based on comprehensive review of STR impacts** on area occupancy, the environment (EIS), compliance with other regs & collateral impacts
- **Require development and implementation of a WC Tahoe Area Optimal Occupancy Management Plan considering STR impacts in concert with broader sustainability initiatives**

Mullin, Kelly

From: Margaret Martini <margaretmartini@liveintahoe.com>
Sent: Wednesday, January 08, 2020 3:30 PM
To: Stark, Katherine <KRStark@washoecounty.us>
Subject: Washoe County Planning Commission

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

1-8-2020
Hello planning commissioners,
I was not able to attend last nights meeting of the planning commission but I would like my comments added to the minutes of the meeting.

I have reviewed the responses to some of the items presented by staff regarding the short term rentals.
I do not feel that the primary concerns here at Incline Village were correctly reported in the WC Planners Report.

I did attend the meetings that were held in Incline Village and mingled and talked to almost everyone who attended as well as speaking to the representative who was leading the meeting in the public forum section after the presentation.

My observation was that public and neighborhood safety dominated the wishes of the attendees. This has also been the case at the many local meetings that I attend regarding the many issues that are important in Incline Village.

Parking is a hot topic, BUT, in the long run, what is parking if it is not public safety. Public safety for access for emergency vehicles (medical, fire and law enforcement) that need to have access to our streets and driveways. This cannot be attained if the snow removal cannot be effectively done to clear the access. In the summer, it is about the same with many vehicles blocking driveways and in some cases streets because inappropriate parking narrows the streets so that the safety vehicles cannot get through.

Fire safety is also an issue with use of bbq's and firepits. Many times I have observed 4-5'high flames emerging from them. I have called the fire dept more than once on these dangerous fires and sparks. What about working smoke alarms,carbon monoxide alarms...A fire is impacting to the WHOLE community, not just the one house that causes a fire.

It would also stand to reason that the workshop rating for permitting would have a lot to do with public safety by calling for a permitting that would require inspections and parking designations. So it should be noted that the permitting votes would have a lot to do with those parameters.

Again, on the online survey, the parking can directly be related to concerns for access for emergency vehicles. That is not to diminish the problems that 5-6 or more cars for a single family residence in residential neighborhood has with parking all over the neighborhood.

I can also understand the high numbers in the noise factor response. People who use their property as a home, not a commercial enterprise, do not appreciate their neighbors guests lack of respect for their quiet enjoyment of their homes which would be a reasonable expectation for their investment in the community.

The planner concluded that the most important issue is occupancy. But what is occupancy which results in all of the above conditions being a safety and public nuisance. It is not just occupancy but the result of the occupancy.

So in conclusion, ALL of the issues need to be addressed as a whole, and the ordinance as written is not in the comprehensive place that it should be.
Please do not approve the ordinance as written.

Margaret Martini
Incline Village
margaretmartini@liveintahoe.com
Cell: 775-722-4152

From:	Pamela Tsigdinos
To:	CSD - Short Term Rentals
Cc:	Mullin, Kelly; Berkbigler, Marsha
Subject:	January 7 meeting of Washoe County Planning Commission - STRs
Date:	Monday, January 06, 2020 6:22:18 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We (Pamela and Alex) live full time at 1080 Oxen Road in Incline Village, Nevada. We are unable to attend the Washoe County Planning Commission meeting tomorrow, January 7, in Reno. We'd like to make sure our three-minute comments regarding STRs (below) get entered into the record.

~~~

Thank you for your work to mitigate the negative environmental and community impacts presented by STRs operating illegally today in unincorporated Washoe County.

STRs, by the letter of the law today, ***are*** operating illegally in R1 zoned areas and any new regulations concerning STRs cannot contradict R1 zoning requirements.

We want to address four important areas missing from staff recommendations:

First, a firm definition of an STR that conforms with the legal understanding of R1 zoning in unincorporated Washoe County. All new regulations must not permit any quasi hotel/commercial operations, much as other commercial operations such as restaurants, stores, etc. -- even if of the short-term 'pop-up' variety -- are not permitted in a residential area.

While staff has taken pains to cap the number of individuals in an STR, there is nothing in the recommendations to address the number of nights a residence can be rented per month or year. Surely, someone cannot rent their residence out to multiple parties 27 days out of the month EVERY month and still be considered a residence versus a commercial operation. Staff and commissioners must define and put limits on STRs so that the residence remains in compliance with R1 zoning.

Second, staff data indicates 53% of Incline Village/Crystal Bay properties are not occupied by permanent residents. It is safe to assume that Incline Village/Crystal Bay infrastructure, first responders, etc. are staffed at a level to service the 47% of owner-occupied
~~~

properties. So, if STRs fill 100% during peak seasons, how does the County and IVGID manage providing necessary services and adequate infrastructure? Shouldn't there be a community impact fee assessed to STRs to cover all added municipal service costs? At present, the staff recommends permit fees that only cover inspections and related administrative costs. Furthermore, hotel taxes go to the Reno Tahoe Tourism Board. Where are the funds for Incline Village/Crystal Bay – the community most directly impacted?

Third, what and where is the proposed timeline to put these critical inspections, permitting and licensing requirements in place?

As to this issue, roadmap and timing … beyond putting a system in place for inspections, permitting and licensing, what will happen in the interim? Have you considered a moratorium on STRs (with accompanying fines) for those who rent their properties *before* proper inspection, permitting and licensing is put in place?

It seems we need a full reset. Let's not reward bad behavior by looking the other way now that all these issues have come to light. The County can start now with a zero-tolerance policy to be in compliance with the letter of the law today and ask all who want to operate an STR in 2020 to apply to a lottery system and begin inspections, permitting and licensing.

Fourth, and most importantly, we live in a fragile natural habitat with increasingly significant wildfire dangers. Those of us who live in Incline Village/Crystal Bay fulltime bear the burden of overcrowding during peak seasons and face health, safety and financial risks posed by those renting STRs … consider an uneducated guest who leaves a barbecue or fire pit unattended or does not properly dispose of a cigarette. We can never forget there are life and death issues associated with a fire evacuation in a community with few ways out.

Again, this supports the need for a meaningful environmental/community impact fee on all STRs that will go to IVGID to ensure there are sufficient funds available to pay for increased infrastructure, public service and cleanup costs.

Furthermore, Lake Tahoe has an affordable housing issue. Residences used as perpetual STRs become unavailable to long-term renters as well as drive up rental costs.

We look forward to hearing how you will address these important community concerns and issues.

Pamela & Alex Tsigdinos

From:	Mark Worsnop
To:	CSD - Short Term Rentals; Lucey, Robert (Bob) L; Berkbigler, Marsha; Hartung, Vaughn; Herman, Jeanne; Jung, Kitty; Nelson, Kate S.; Donshick, Francine; Thomas Bruce; Chvilicek, Sarah; Chesney, Larry; James Barnes
Subject:	Short Term Rentals ONE RENTAL PER PROPERTY
Date:	Thursday, January 16, 2020 12:20:48 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Thank you for your response to my email questions about Short Term Rentals (STR). *See reference to the email in the appendix attached.*

Your statement about limiting to one rental per property does not make any sense whatsoever. ***This should be based solely on the number of people the property can accommodate.***

The houses for STR around natural attractions such as Lake Tahoe are typically rented by one person organizing a party for a long weekend or maybe for a week. Whether that renter collects contributions for the rental from the invitees is not necessarily known to the landlord. At the end of each day the group may have a party in the space around the home causing disturbance to surrounding residents. Further each invited person or couple arrive by car potentially causing an access hazard. These large houses often have groups of 20 or more people sleeping, and even more for a party. I assume such houses are what you class as Tier 3.

The STR houses in areas such as the Truckee meadows are typically used by people in transit who want a comfortable bed for the night and simple breakfast in the morning. Using my own house as an example, 74% stay for one night only in my three available rooms. Of the one night group 82% of them arrive after 6 pm and leave before 9 am. They do not party, there is only one car per couple, I have space for cars off the road. 93% of my reservations are two or less people. I assume such houses are what you class as Tier 1.

You created a Tier system and that fits easily without limiting a property to one rental. These two items are in conflict with each other. The Tier system handles everything well.

The board's direction to staff says ***do not ban short term rental use, it should be allowed***. If the regulations add one rental per property that will basically *shut me down* as I currently rent several rooms and that is **against the board's direction.**

In closing the staff needs to adhere to the board's direction: ***do not ban short term rental use, it should be allowed***.

The item on the proposed regulations for one rental per property should be removed. ***This should be based solely on the number of people the***

property can accommodate.

Sincerely,

Mark Worsnop

Appendix I

As a reference to my statement above, below is staff email response and *my comments*, broken down into separate section:

· Staff: Limiting properties to a single STR rented to one group at a time is one of the critical distinguishing factors between short-term rentals and commercial lodging use types such as hotels/motels and B&Bs. Without that specific limitation it would be nearly impossible to distinguish between the STR and commercial lodging services use types.

> *Mark: How is this any different than limiting how many people can stay at the property? Your Tier system shows the limits on occupancy and also what the licensing requirements might be. If it's nearly impossible to distinguish between STR and commercial services, then how will you decide on the Tier for each property? That too would be nearly impossible.*

· Staff: This is similar to the ordinance Washoe County adopted to limit the limited gaming establishments within the County, as those were seen to infringe upon the larger establishments that have different regulations to follow within state law and county code.

> *Mark: How is that similar? One establishment has gaming. One establishment doesn't have multiple gaming companies at that establishment. Are you now trying to argue that you are wanting to limit the total number of STRs so they don't infringe upon hotels? That would be against the board's direction to staff.*

· Staff: Without the regulation to limit the number of rental contracts at one time, people could construct a new building to residential standards and operate it as a smaller scale hotel/motel/hostel etc. in a residential area without meeting any commercial standards.

> *Mark: Whether it's a new building or an existing building doesn't make any difference. It would still come until the Tier system.*

From: Washoe311
To: CSD - Short Term Rentals
Subject: FW: Airbnb Proposed Regulations - One rental per property
Date: Monday, January 06, 2020 4:45:50 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

CSD staff,

Below please find public comment submitted to the Board of County Commissioners, and forwarded by Chair Hartung. Let us know if we can provide additional information.

Thank you,

Washoe311 Service Center
Communications Division | Office of the County Manager
washoe311@washoecounty.us | Office: 3-1-1 | 775.328.2003 | Fax: 775.328.2491
1001 E. Ninth St., Bldg A, Reno, NV 89512

From: Washoe311
Sent: Monday, January 6, 2020 4:44 PM
To: 'mark@worsnop.com' <mark@worsnop.com>
Cc: Hartung, Vaughn <VHartung@washoecounty.us>; Brown, Eric P. <EPriceBrown@washoecounty.us>
Subject: RE: Airbnb Proposed Regulations - One rental per property

Good afternoon,

Thank you for contacting the Board of County Commission. Chair Hartung has routed this to the Washoe311 staff to assist. We would like to acknowledge that Washoe County Planning staff has received the original email below submitted Friday, January 3rd, 2020.

Additionally, we would also like to confirm that there will be public comment at the scheduled Planning Commission meeting, Tuesday, January 7, 2020 at 6:00 p.m. (link provided below). The draft language will then be presented to the Board of County Commissioners (anticipated to occur in Winter 2020).

https://www.washoecounty.us/csd/planning_and_development/board_commission/planning_commission/index.php

Let us know if we can provide additional information. We are happy to assist!

Thank you,

Washoe311 Service Center
Communications Division | Office of the County Manager
washoe311@washoecounty.us | Office: 3-1-1 | 775.328.2003 | Fax: 775.328.2491
1001 E. Ninth St., Bldg A, Reno, NV 89512

From: Hartung, Vaughn <VHartung@washoecounty.us>
Sent: Friday, January 3, 2020 5:19 PM
To: Washoe311 <Washoe311@washoecounty.us>
Subject: Fw: Airbnb Proposed Regulations - One rental per property

Vaughn Hartung
County Commissioner District 4 | Washoe County
vhartung@washoecounty.us | Office: 775.328.2007 | Cell: 775.432.4372
1001 E. Ninth St., Bldg. A, Reno, NV 89512

From: Mark Worsnop <mark@worsnop.com>
Sent: Friday, January 3, 2020 8:40 AM
To: Lucey, Robert (Bob) L <BLucey@washoecounty.us>; Berkbigler, Marsha <MBerkbigler@washoecounty.us>; Hartung, Vaughn <VHartung@washoecounty.us>; Herman, Jeanne <JHerman@washoecounty.us>; Jung, Kitty <KJung@washoecounty.us>
Subject: Airbnb Proposed Regulations - One rental per property

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioner:

I strongly object to the proposed regulations of having one rental per property.

I rely on my Airbnb income to pay the mortgage as I am retired and Social Security does not pay enough to survive.

I have been renting rooms, in my house, through Airbnb for three years. I am in District 2, Southwest Reno. I live in my house and maintain control about whatever is happening here. I also have fire extinguishers, CO2 sensors and exit plans, listed for all the guests.

I see on the proposed regulations that I am only allowed to have one rental in my house. I rent 3 individual bedrooms and usually there is one or two people in the room at a time. I do not understand what the difference would be, if I had rented the entire house and several sets of people arrived, with multiple cars, and occupied the house. There is no difference between that and me having three individual people rent each room. *In fact it would be a lot less impact on the neighborhood with individual room rentals.*

Typically if somebody rents an entire house, they probably are planning a large gathering of people. That's when you have all the noise and parties going all night long, like what often happens at Incline. The houses in Incline usually have large groups and many cars and lots of noise. I would understand regulations that given this type of rental.

However the way I rent, as I said, they are usually have one or two people in each room. They are usually on their way through Reno, or visiting a relative or business in the area. These people usually arrive later in the day and leave first thing in the morning. They rarely come out of their rooms as all they are doing is sleeping here. With the full house rental, like mostly in Incline, the people are arriving, making meals with a group and staying up most of the night having a good time partying and thusly annoying the neighborhood. *This type of activity does not happen at my house.*

I would propose regulations that govern the number of people based on the number of rooms available.

Unless there is some dramatic reason, that I have not thought, about *I strongly object to the thought of having one rental space per property*.

I would appreciate your response to my letter here, explaining why this proposed regulation item is part if the proposed regulations. Please add this to the comments for the proposed regulations.

Mark Worsnop

775-338-0648

February 25, 2020

Washoe Board of County Commissioners
1001 E. Ninth Street
Reno, NV 89512

Re: Code Language for Short Term Rentals

Dear Board of County Commissioners:

Thank you for your careful consideration as you work to establish standards and a new permitting process for short term rentals. We support reasonable regulation and continue to implement policies and practices within our company to protect the security of neighbors, guests and hosts. Since March 2016, through our Voluntary Collection Agreement (VCA) with the County, we have collected and remitted over $3.1 million in Transient Lodging taxes to Washoe County, Nevada.

However, we are concerned with the proposed short term rental permitting process, specifically:

- **Host response requirements.** Section 110.319.15(a) requires that a designated agent or property manager be available 24 hours a day, seven days a week to respond to complaints/issues related to the short term rental, within 30 minutes of contact by Washoe County staff or its designated representatives. This language is unduly burdensome and presents a significant hardship on owners and property managers, many of whom may be out of the county. We ask that the Board of County Commissioners (BOCC) consider allowing agents and property managers to contact County staff within two hours of contact and permit multiple mediums of communication with the County, including via text, email and phone.

- **Data Sharing.** Washoe County's Ordinance invokes Section 244.1545 2(d) of Nevada state law to require hosting platforms to submit quarterly reports that include data on the number of "lessees for the county" and current year-to-date revenue collected from all rentals "disaggregated by owner or lessee." Airbnb can provide the number of bookings and listings for the county but it does not collect information on whether a host is an "owner" or "lessee" and thus cannot distinguish accordingly on a quarterly report. Similarly, Airbnb can provide the year-to-date revenue collected from all rentals but, again, cannot distinguish between an "owner" or "lessee" property and would provide this information on an anonymized basis, e.g., using a Listing ID consistent with its Fourth Amendment protections absent a County subpoena. In the event that the County is

focused on verifying accurate and complete tax collection, it may conduct an audit as outlined in the March 2016 Voluntary Collection Agreement.

Airbnb was created out of the economic dislocation of the Great Recession and is powered by everyday people who use what is typically their greatest expense -- their homes -- as a way to generate extra income. Investing in and supporting the communities in which we operate, while providing our hosts with the economic opportunity that hosting enables continues to be a top priority for us. In 2019, the Washoe County host community earned a combined **$9.3 million** in supplemental income, while welcoming over **46,000 guests** to the county.

In addition, we are launching enhancements to our trust and safety products based on feedback from local government and law enforcement. Airbnb's CEO, Brian Chesky, recently announced updated and new trust and safety measures. These include:

- **Neighborhood Support Page:** Our Neighborhood Support Page (www.airbnb.com/neighbors) provides a platform for anyone to submit a complaint regarding a problem listing, that Airbnb reviews and through which it may take action against hosts violating our terms of service.

- **Neighborhood Support Line**: For urgent communication, neighbors and communities can reach specialized rapid-response agents for nuisances requiring real-time support via phone (www.airbnb.com/neighbors).

- **Party house ban:** Airbnb has implemented a new policy to prohibit "open-invite" parties and is expanding manual screening of high-risk reservations flagged by automated systems to help identify reservations that could potentially present issues and help stop unauthorized parties before they start. We developed this policy with input from Retired Police Commissioner and Co-Chair of President Obama's Task Force on 21st Century Policing, Charles Ramsey and Former Director of the U.S. Department of Justice Office of Community Oriented Policing's Services, Ronald Davis.

Airbnb looks forward to continuing to work with Washoe County to ensure that we are doing our part in maintaining and building vibrant cities, and that our hosts continue to receive both the economic and social benefits that hosting provides.

Thank you for your time and consideration. Please reach out anytime.

Laura Spanjian
Senior Public Policy Director
Airbnb

From: cbwillb@charter.net
To: Berkbigler, Marsha; Mullin, Kelly
Cc: Lucey, Robert (Bob) L
Subject: Coronavirus/Covid-19 and STRs - Please Re-consider Requirements in the Proposed STR Ordinance
Date: Tuesday, March 24, 2020 11:20:19 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning, I know everyone is busy but I wanted to again raise the concern about Public Health regulation application to STRs in the context of the current review of the draft Ordinance.

As you know I have raised this concern repeatedly and remain perplexed and concerned at the apparent WC decision to not apply either the Public Accommodation requirements or comparable, tailored STR-specific requirements as are required for all other forms of Transient Lodging listed in the applicable section of WCC Chapter 25. As best I can tell, the result is that there are NO cleaning or sanitation requirements for STRs today or envisioned in the currently proposed STR Ordinance.

To me this has been a worrisome oversight and I am surprised that pleas regarding various transmissible agents and sharps/biohazardous waste have apparently been ignored. I am asking/hoping that this decision will be re-considered in the context of the emerging information about the Covid-19 virus. There are multiple news reports of studies related to survival of this virus on various surfaces and more will follow I am sure. A recently reported CDC study is of interest - the following news article provides a summary titled "Coronavirus stayed on surfaces for up to 17 days on Diamond Princess Cruise, CDC says" (https://www.usatoday.com/story/travel/cruises/2020/03/24/coronavirus-diamond-princess-cabin-surfaces-contaminated-cdc-report/2905924001/).

Further, recalling that these cruise ships and their passenger populations were studied extensively, another interesting observation also reported in this article is that 17.9% of identified infected individuals had no symptoms. Thus a possible option of relying on the presence of individuals with symptoms or known infected contacts to trigger additional cleaning/sanitation is likely insufficient.

I am therefore respectfully requesting that, in the context of the current revision of the draft STR Ordinance, comparable Public Health requirements as are applicable to other forms of Transient Lodging listed in WCC Chapter 25 be applied to STRs for the protection of renters, owners and service providers.

Thank you for considering, Carole Black

From: Edie Farrell
To: Mullin, Kelly
Subject: STR
Date: Thursday, July 16, 2020 4:04:32 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioner Mullin,

As a permanent resident of Incline Village I want to register my dismay over the STR issue. Something needs to be done about the number of rentals and the lack of rules and guidelines, then the enforcement of them. I know there is an outline of possible ordinances that is languishing due to the virus, but life and business must go on.

I want to encourage you to continue to push restrictions and enforcement of strict rules concerning STR. Also I think it is important to have no less than 14 day rentals, preferably 30. Anything less is a hotel stay with the often weekend long loud, drunken and disruptive behavior that we see all around the neighborhoods of Incline. A longer stay is more of a vacation stay with people settling in and living more reasonably.

This was all precipitated by a house next to us that recently sold to a couple who told us they bought it to rent. Their first 2 renters over the extended 4th of July holiday were excessively loud, had 4-6 cars at the house and were aggressive to the neighbors, who asked they to be little quieter due to babies trying to sleep and working at home. One party were significantly drunk for several days in a row and only got louder, more aggressive and belligerent.

I look forward to hearing back from you and what will be done going forward to address the serious issue.

Sincerely,

Edie Farrell
546 Cole Circle
Incline Village, NV
925-980-4889

From: Joe Farrell
To: Mullin, Kelly
Subject: RE: Short Term Rentals Incline Village
Date: Thursday, July 23, 2020 11:29:31 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Mr. Mullin:

My wife and I have been property owners in Incline Village for 18 years and moved to our beautiful town permanently one year ago.

I want to articulate my significant concerns over the STR issue. Significant regulations/ordinances are required for the safety and peace in all neighborhoods of Incline Village. I am aware of a draft ordinance and guidelines which are being considered by the Washoe County Commissioners.

Please take note of the following paragraphs to understand my opposition to STR:

For nearly 10 days over the Fourth of July holiday my neighbor rented their home to two sets of renters. One set of renters were so noisy that we could not find a quiet space to go in our home from 10 AM to 8 PM for five days. Loud rap music, yelling kids and evenings of adults smoking dope was very troubling and disruptive to our quiet cul de sac. These renters were quiet after 8 PM; however, **I strongly suggest you add to your rules/guidelines for STR to be mindful of DAYTIME noise; NOT just night time noise**. Additionally, this family of 10 left the garage door open at night with bags of garbage which will attract bears, which is a problem in our neighborhood.

For another 4.5 days a second group of renters were relentlessly loud all day, very drunk and belligerent. Music, yelling and loud/drunk people ALL day and until 10 PM at night was the norm for this group of 10-14 partiers/renters. One of the neighbors kindly tried to ask this group to keep the noise down so their 7 year old son could sleep. One drunk renter called our neighbor and "old fart" and stated that "when he is on vacation he parties hard and never goes back to the same place twice." Well, I wonder WHY? We had family visiting with our 18 month old grandson who could not sleep for his afternoon nap and had difficulty getting to sleep in the evening due to the loud music and drunken behavior from the renters carrying on in the outdoor hot tub.

We have had our home for 18 years in Incline and have never experienced the constant noise, aggravation and drunkenness from a neighbors home in all the years we have owned a home on Cole Circle. We retired here for the outdoors, golf, skiing and the quiet of our neighborhood.

We have met with our next door neighbors about the above issue and filed complaints with Airbnb. We made sure our neighbors understood that their renters affected the lives of 6 homeowners on Cole Circle as well as some neighbors on Spencer and Dale streets. They were "sorry" but reported that they plan to rent their home as much as possible. Their home is set up for significant partying due to an outdoor hot tub and pool table within their home. We

live in a quiet neighborhood; NOT A RESORT. Our neighbors requested that we contact them if there are problems, although they live in San Francisco, thus what will they be able to do?? In retrospect, we should have called the Sheriff to shut the partying down.

As you can gather, I am strongly opposed to short term rentals in Incline Village and request more stringent guidelines and enforcement for STR. At minimal I suggest the following for the Washoe County STR guidelines and ordinance:

1. Permit to operate renewed on a yearly basis.
2. A significant Washoe County Tax of $1200.00 to $1500.00/year for owners of rental homes.
3. Require a representative appointed to deal with complaints of renters who can arrive on site within 30 minutes of a complaint.
4. A day time noise ordinance; NOT just a 10 PM to 7 AM noise requirement.
5. IF STR are not banned; then a 30 day minimal time frame of rental. This would hopefully eliminate the yahoo partiers who rent at holidays and weekends.
6. Home owners who are in non compliance of Washoe County regulations should be fined $1000.00/day for non compliance.
7. Greater than one non compliance fine of $1000.00 should yield a PERMANENT ban on the home owner renting the home as a STR.

In sum, as you can gather I am not happy about Incline Village and Washoe County STR regulations and ordinance. The regulations need to be more stringent, enforceable and yield significant financial consequences if the County decides not to ban STR (our County should BAN STR). My story is only one of many from concerned homeowners in Incline Village.

Thanks for addressing my concerns.

Sincerely,

Joe Farrell
546 Cole Circle
Incline Village, NV 89451
Ph: 925-980-4888

From: Nicholas Maiocco
To: Sullivan, Mike; Mike Lefrancois; Lyons, Kevin; Pupfarm1@gmail.com; Todoroff, Pete; Sara Schmitz
Cc: Berkbigler, Marsha; Mullin, Kelly; Lucey, Robert (Bob) L
Subject: Fire Department incident July 9 at Incline Village STR 524 Spencer
Date: Friday, July 10, 2020 9:23:16 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To all concerned by the negative impacts of STRs on our environment:

Last night at approximately 6pm the Fire Department and Police were called out to 524 Spencer due to an open wood pit fire burning unattended on the deck of the STR. Living next door we were seeing black smoke and flames. At the time it was attended by a male tenant and a small child. We informed the man that it was very dangerous and illegal to have such a fire burning especially as it was very windy and embers could blow into the pine needles. He basically told us to "F--- off" and some other derogatory comments. I immediately called dispatch and the Fire Department and Police were notified. We notified the owner of the rental by voice message and never heard back. We do not know if there is any local management for this particular home. (This house also has various Christmas lights on 24 hours a day with plugs connected to extension chords and laying among the pine needles.) The male at the open wood fire got in his car and left so the fire was completely unattended until the Fire Department arrived a few minutes later. The firemen spoke with the remaining female who was in the hot tub throughout most of the event.

The potential for disaster is extremely frightening when visitors come into the area with no knowledge regarding our fragile, highly impacted, and completely flammable environment.

This is only one of many problems with STR in Incline Village. Parking, traffic, trash disposal and resulting active bear activity, noise pollution, light pollution and trespassing are some of the other issues that have been dealt with over the past 2 years at least in our area. The police unfortunately have had to spend too much time on these neighborhood calls.

As residents in the same home since 1995, we are against STR in Incline Village as we are witnessing first hand the destruction of our neighborhoods. Please forward this mail to anyone who has similar views on STRs and can help us get our safe and healthy environment back. We know there are many unheard voices in the area as we are not used to having to call the authorities and issue citations, but this is what our daily lives have become. These rentals are not managed consistently or at all, and the residents are now policing. This situation is exhausting.

Thank you for your time and concern,
Keli Maiocco
553 Len Way
Sent from Mail for Windows 10

From: Morty Molander
To: Mullin, Kelly
Subject: Re: STR
Date: Friday, April 03, 2020 10:50:16 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Kelly, thank you and I hope you and yours are safe during this uncertain time. I appreciate your answer and I would recommend to the drafters of these rules when drafting language around the process and specifically regarding "asking for the document" to prove the right to STR by a homeowner that you ask for the CC&Rs only per the NRS 116. The CC&R's the only document relevant to activity within the unit as opposed to simple rules and regulations that are not legally binding on the rental use of a unit and property owner's rights, CC&R's are important legal documents that show usage specific to ownership rights, e.g. rentals. Simple rules and regulations are, on the other hand, only specific to simple enforcement of predominantly common area usage (please see in pertinent part **NRS 116).** I am not sure if Washoe County has its own additional laws on how to change CC&R's, however, assuming my CC&R's rules for "amendment" are correct; there is a process and there is an eventual vote that requires a majority to agree to this change of this legal document regarding ownership rights. CC&R's language regarding rental unit usage prevails and in order to change CC&R's an HOA most hold that vote and that vote must be in adherence to NV laws on CC&R changes. As an example, my complex changed their rules regarding STR but not the CC&R's to restrict STR and when we the home-owners questioned our BOD and when we told them they were wrong and that the BOD could not unilaterally make this change, we advised the BOD that they wanted a change they needed to bring to vote a change of the CC&Rs to accomplish any limitation on the use of the unit. After we brought this up our BOD stopped enforcing STR so-called limitation rule, yet left the rule on the books. Our HOA never brought this up for a vote and no change was made to our CC&Rs. In summary please make sure that you use the legal documents needed to determine STR usage which is the CC&Rs only to avoid imposing on a restriction on a legal right of usage by a homeowner per the NV NRS. You will be saving yourself a lot of inquiries and objections if using the legal document CC&R's. Sorry for the long-winded email, however, I look forward to your reply.

Thank you Morty

From: Sara Schmitz [mailto:schmitz61@gmail.com]
Sent: Tuesday, July 14, 2020 9:06 AM
To: 'Berkbigler, Marsha' <MBerkbigler@washoecounty.us>; 'Vaughn Hartung:' <vhartung@washoecounty.us>; 'Lucey, Robert (Bob) L' <BLucey@washoecounty.us>; jherman@washoecounty.us; 'Jung, Kitty' <KJung@washoecounty.us>
Cc: rondatycer@aol.com; 'Diane Heirshberg' <dbheirshberg@gmail.com>
Subject: Please put STR ordinance in place

Commissioners,

We are being overrun with short term renters who are ignoring social distancing, the use of masks, and renting homes without any sanitary requirements. We need regulation to mandate the same sort of sanitary standards to mirror hotels/motels in an effort to protect the renters and our community. Please add this to the ordinance along with language giving you the authority to halt STRs in the event of emergencies for the health and safety of our community.

We need your help. Please put in place regulations to keep everyone safe including, but not limited to:

1. Sanitation requirements to mirror hotel/motel
2. Local Property Manager
3. The ability for the Commission to halt rentals for the health and safety of the community

Thank you!
Sara

From: Sara Schmitz
To: mberkbiger@washoecounty.us; Hartung, Vaughn; Herman, Jeanne; Jung, Kitty; Lucey, Robert (Bob) L
Cc: Mullin, Kelly
Subject: Idea for a Short Term Rental Solution
Date: Thursday, July 23, 2020 4:52:36 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Honorable Commissioners,

As you are aware, Incline Village/Crystal Bay has had many challenges with Short Term Rentals (STRs) in the past, but definitely during the pandemic. Since the Governor declared they are "Essential Businesses", it confirms the fact; They are businesses. Because of new health concerns, I urge you to add language to the proposed ordinance to include sanitary requirements consistent with hotels/motels. They are hotels and their guests should be assured the property is sanitized.

With tourism comes traffic, parking challenges, and speeding problems. We have so many challenges with limited resources available to us. I'd like to propose you include in the proposed ordinance a $25 per night per property charge as a "resort fee", local "tax", whatever you'd like to call it. These funds could be dedicated to the Washoe County Sheriff specific to serving Incline Village/Crystal Bay. Here is the math:

Assume 1000 short term rental properties
Assume they rent for 4 nights every week of the summer months from Memorial Day to Labor Day (16 weeks)
This comes to $1.6M that could be used to address the needs and concerns of our community. Understand they rent in ski season too. Imagine how this would help fund additional resources needed.

We need additional resources and this is a simple and relatively painless solution.

Thank you for taking this into consideration.

Sara Schmitz
(925) 858-4384

From: Pamela Tsigdinos
To: Mullin, Kelly
Subject: Washoe County, STRs and COVID-19
Date: Wednesday, March 25, 2020 6:52:43 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Kelly,
I hope you're staying safe. As someone closely involved in Washoe County STRs, I am sharing my latest correspondence. Please see below.
Thank you for reviewing and sharing with any other relevant colleagues. Best regards, Pamela

----- Forwarded Message -----
From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
To: mberkbigler@washoecounty.us <mberkbigler@washoecounty.us>; blucey@washoecounty.us <blucey@washoecounty.us>
Sent: Wednesday, March 25, 2020, 6:50:35 PM PDT
Subject: Washoe County, STRs and COVID-19

Dear Marsha, Bob,

As Washoe County Commissioners Chair and Vic Chair, I want to share the same request I made to Governor Sisolak. It concerns Washoe County short term rentals and the need to put a moratorium on these "essential businesses," which are a threat to our community. Please take a moment to read. Thank you, Pamela

----- Forwarded Message -----
From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
To: mdelaney@nvhealthresponse.nv.gov <mdelaney@nvhealthresponse.nv.gov>; nvdhhs@dhhs.nv.gov <nvdhhs@dhhs.nv.gov>
Sent: Wednesday, March 25, 2020, 6:39:20 PM PDT
Subject: Request to safeguard Nevadans during COVID-19

Dear Meghin,

I'm hoping you can share the following with the relevant individuals in Governor Sisolak's office. I both watched and read Governor Sisolak's remarks regarding COVID-19. I am grateful for the measures our officials and Nevada residents are taking to support to the health, public safety and well-being of Nevadans during this unprecedented public health crisis.

I am an Incline Village, Nevada resident (Washoe County) who suffers from chronic asthma; many of my neighbors, fellow Nevadans, also have underlying health conditions. We are following the state of Nevada and CDC guidelines to restrict our movement, engage in social distancing, wash our hands and disinfect whenever possible, etc., etc.

I also reviewed Emergency Regulation NAC 414 signed by Governor Sisolak on March 20, which identified short term rentals (STRs) as “essential businesses.”

I’m writing to ask that Nevada leadership put an immediate moratorium on short-term rentals (STRs) here in Washoe County. These short-term rentals present a public health and safety hazard to Nevada residents during this COVID-19 pandemic.

As a small and remote mountain-lake community, our healthcare, first responders, support services and facilities will be under severe pressure from a COVID-19 outbreak. Compounding this threat are visitors, the preponderance of which come from hot spots in the San Francisco Bay area. These visitors are now accessing our community via short-term rentals. Ironically, the Hyatt, our major north Lake hotel/casino, is closed for public health and safety reasons until May 15.

Right now, our vulnerable populations and residents are at risk by those who continue to visit our community as a vacation destination. Please prioritize the health and safety of Nevadans and shut down short-term rentals. These quasi hotels marketed by second homeowners and managers of investment properties, are creating an unnecessary and dangerous risk.

Please note, that South Lake Tahoe on the California side of the Lake, is already taking action on short-term rentals for the reasons laid out above. The community leaders there understand that hundreds of non-residents will compete for precious resources during this crisis.

Please confirm receipt of this correspondence and let me know if there are others you'd recommend I contact. Thank you for keeping Nevadans safe.

Best regards,
Pamela Mahoney Tsigdinos
Proud Nevada resident, Incline Village, NV 89451
email: ptsigdinos@yahoo.com
ph: 775-298-7305

From: cbwillb@charter.net
To: Mullin, Kelly
Cc: Berkbigler, Marsha; "dbheirshberg@gmail.com"
Subject: STR Ordinance
Date: Wednesday, August 05, 2020 11:08:27 AM
Attachments: OSHA-Ltr-Phase-II-Updated-6-26-20.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To: Ms Mullin, Cc: Mr Brown, Commissioner Berkbigler Additional Cc: Diane Heirshberg

Kelly, I received the recent notice re WC STR Regulations and Diane also shared your recent comments regarding the status of the STR Ordinance update. I am writing to raise substantive concerns with a request for pro-active consideration prior to publication of the next Ordinance draft. I agree that it is important to finalize an initial regulation - however, the items below are critically important. Deferring all comment to Public Hearing at the BOC meeting will not allow for thorough, thoughtful, comprehensive review of the issues, adversely impacting and potentially delaying an optimally effective outcome. Priority concerns include:

1) **Public Health, Sanitation and Safety Requirements:** The current situation with SARS -CoV-2 virus spread and resulting Covid-19 infections & deaths have highlighted usage and risk profile similarities between STRs and other types of lodging services/transient lodging. Various NV and WC regulations (e.g., WCC Chapter 25) have previously classified Rentals < 28 days/Vacation Rentals/STRs as Transient Lodging; however standard Public Health/Safety requirements have not historically been applied in WC. Nonetheless, no matter how creative the attempts to portray otherwise for certain applications, STRs are a form of Transient Lodging where unknown guests come to stay for a brief period followed quickly by more, different unknown guests but with minimal, if any, on-site supervision and often with little knowledge of high risk local environments.

Examples of risks shared with other similarly located Transient Lodging, but potentially more significant in STRs, include:
Snacks, food, drinks may or may not typically be provided (and currently are probably restricted) though STR eating/cooking utensils and preparation facilities are typically available but unregulated; Occupancy is less restricted or monitored than in hotels/motels creating added safety risk; Cleaning, sanitation and health/safety risk prevention precautions for occupants & during "space turnover" are less consistent & apparently unregulated in STRs.

Thus Public Health/Safety risks to visiting tourists, servicing staff and other occupants (e.g., owners/guests staying in the same units immediately before or after a rental) are likely identical or potentially worse for those staying in STRs vs. other Transient Lodging. In addition, adjacent resident neighbors to STRs particularly in high density situations are exposed to increased risk by ever increasing numbers of variably compliant visitors and servicing staff.

Recent government declarations have further emphasized the legal and health/safety risks of considering Public Health/Safety differently in STRs in comparison with other forms of Transient Lodging: Governor Sisolak's recent Directives defined STRs/Vacation Rentals as "essential businesses" along with other Transient Lodging
NV OSHA has referenced the Governor's Directives and stated that OSHA regulations apply to all essential and non-essential businesses which would thus include STRs (see attached)
WC Health District has indicated that county guidance does not over-ride state orders or directives (WCHD Website).

Currently the regulations and guidance above have been applied via Emergency Directives which I gather may already be proposed in the STR Ordinance. Nonetheless, as noted by the Governor recently, the current emergency may well become a "new normal." And on-going recommendations/requirements may thus be embedded within procedures without persistent emergency declarations. This virus doesn't respect political or regulatory distinctions, nor do vectors of West Nile Virus or infectious exposures related to improper handling/disposal of sharps/needles, etc. And, without appropriate safeguards, individuals in/near STR's are and will remain potentially MORE, not less, exposed to Public Health and Safety risks than users of other Transient Lodging.

The Federal and State Public Accommodation regulations were designed to protect Public Health and Safety in these types of usage situations. Further, the state of Nevada has provided clear direction by specifically classifying STRs as essential businesses and explicitly applying applicable regulation, enhanced for the current pandemic, to all essential and non-essential businesses. In addition, Washoe County has classified Vacation Rentals (STR's) as Transient Lodging within WCC Chapter 25. It is thus an abrogation of the County's responsibility to its citizens and the visiting public to not specify that standard Public Accommodation Public Health and Safety requirements are applicable to STRs at all times as for other Transient Lodging. If there are specific elements that are felt to not apply in STRs, a list of exceptions could be considered.

As a retired physician, I find it difficult to rationalize how proper public health, safety, cleaning and sanitizing regulations would not be applicable and appropriate protections in STRs as well as hotels, motels, etc. Given the same environmental circumstances, pathogen exposure and disease transmission should be just as likely in a rented apartment vs. a hotel/motel suite. Indeed, currently, this risk may be higher in/near STRs. Thus, in addition to comments re Emergency Declarations, as responsible public officials, I ask that you please include the Public Accommodation requirements (with specific limited exceptions if indicated) as required, enforceable elements in the STR Ordinance.

2) **Occupancy limits and STR Tiers:** As you may recall, residents have presented extensive analysis regarding the proposed STR Tier structure and related permit approval requirements. Specifically, though classifying STRs as an allowed residential use (despite the NV and WC Transient Lodging/business designations noted above), the previously proposed STR Ordinance threshold between Tier 1 and 2 is excessively high, significantly exceeding average residential occupancy which Tier 1 requirements are supposed to reflect. In addition, comparators presented to justify the previously proposed tiering are not applicable in the STR situation.* This result is fundamentally a safety concern - larger numbers of individuals unfamiliar with the area in a transient, unsupervised STR setting increase their and the community's risk. The Ordinance threshold between Tier 1 and 2 should be adjusted to reflect actual average residential occupancy in Tier 1. Additional permitting requirements at the next higher Tier level can then be appropriately utilized to address/mitigate added risks incurred with added occupancy.

3) **Parking and Traffic Safety:** As Diane noted in her recent email to you, the Incline Village parking situation has changed dramatically. In some spots it is somewhat improved, in others dramatically worsened as a result of both the recent surge in STR & day visitors and the recent requested and well intentioned changes. What has been lacking consistently is a comprehensive parking/traffic planning process for this community including immediately surrounding "feeder areas." Hence fragmented, piecemeal solutions repeatedly fall short and our lives are unnecessarily adversely impacted and sometimes endangered. Pending this planning and design effort, the initially proposed STR parking restriction would provide some measure of interim relief from a safety perspective and should be retained.

Thank you in advance for your attention to these important health and safety items. Kelly, I join Diane in asking for a (telephonic) meeting to discuss before the Ordinance draft is finalized and released. Thank you in advance!

Eric and/or Marsha, we would welcome an opportunity to discuss with you directly as well. Thank you, Carole Black, IV Resident (617-312-8834)

*The compared situations were not comparable to STRs - they were better supervised and the transient occupants considerably less transient & better known to and knowledgeable of the environment than those in STRs thus somewhat mitigating risk associated with higher occupancy levels.

STEVE SISOLAK
Governor

TERRY REYNOLDS
Director

STATE OF NEVADA

VICTORIA CARREÓN
Interim Administrator

JESS LANKFORD
Interim Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

June 26, 2020

To Whom It May Concern:

Scope: Updated Guidance for Businesses Operating in Phase 2 of Nevada United: Roadmap to Recovery Plan

This guidance applies to all businesses operating during Phase 2 of the Governor's *Nevada United: Roadmap to Recovery* plan. This guidance supersedes previous guidance released on May 29, 2020.

On May 28, 2020 the Governor of Nevada announced the release of Declaration of Emergency Directive #021, which initiated the Phase 2 re-opening of some non-essential business within Nevada. The declaration, summarized in the guidance document titled "Roadmap to Recovery for Nevada: Phase 2" requires that during Phase 2:

> *"All essential and non-essential businesses opening or continuing operations in Phase 2 must adopt measures promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) to minimize the risk of spread of COVID-19, including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to the Phase 2 directive."*

In addition, Section 3 of Declaration of Emergency Directive #021 states:

> *"Businesses may adopt practices that exceed the standards imposed be Declaration of Emergency Directives, guidelines promulgated be the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP."*

On June 24, 2020, the Governor issued Declaration of Emergency #024, which requires businesses operating during Phase 2 to ensure that all patrons, customers, patients, or clients utilize face coverings. Section 8 states:

> *"NV OSHA shall enforce all violations of its guidelines, protocols, and regulations promulgated pursuant to this Directive."*

To support the continued efforts of the State of Nevada, NV OSHA is providing this guidance, and the recommendations/requirements found within, for businesses open during Phase 2. The measures contained in the document are recommended/required of each business and should be applied to all employees of that business. As we battle the coronavirus pandemic, this guidance may continue to evolve.

The NV OSHA recommendations/requirements for all businesses open during Phase 2 include, but are not limited to, the following:

General Operations:

- Face coverings:
  - All employers must provide face coverings for employees assigned to serving the public and shall require these employees to wear the face coverings. (**Required**/Ref. Declaration of Emergency Directive #021, Section 12)
  - All employers should require employees to wear a face covering in any space visited by the general public, even if no one else is present. (**Recommended/**Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings)
  - All employers must require employees to wear a face covering in any space where food is prepared or packaged, for sale, or generally distributed to others. (**Required/**Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings)
  - All businesses are required to mandate the use of face coverings by patrons, customers, patients, or clients and will notify/inform all patrons, customers, patients, and clients of the requirement prior to their entry into the establishment, with exceptions delineated in Section 7 of Declaration of Emergency, Directive #024. (**Required**/Ref. Declaration of Emergency, Directive #024, sections 6 & 7 inclusive)
  - Face coverings must be used in public spaces incorporated in or controlled by a business. (**Required**/Ref. Declaration of Emergency, Directive #024, section 5)
- Close or limit access to common areas where employees are likely to congregate and interact. When in common areas, face coverings are required for employees. (**Required**/ Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings, Declaration of Emergency Directive #021, Section 15 and CDC - Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020) https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html
- Promote frequent and thorough hand washing, including providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol. (**Required**/Ref. Declaration of Emergency Directive #021, Sections 7 & 15)
- Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces and equipment with Environmental Protection Agency-approved cleaning chemicals from List N or that have label claims against the coronavirus. See: https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2 (**Required**/Ref. Declaration of Emergency Directive #021, Sections 7 & 15)
- Provide sanitation and cleaning supplies for addressing common surfaces in multiple user mobile equipment and multiple user tooling. Recommended based on the specifics of a business's services and procedures. (**Required**/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)

- Conduct daily surveys of changes to staff/labor health conditions. **NV OSHA is emphasizing the need for business leadership to be working with and aware of the health and well-being of its staff.** (**Required**/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- Ensure that any identified first responders in the labor force are provided and use the needed Personal Protective Equipment (PPE) and equipment for protection from communicable or infections disease. (**Required**/29 CFR 1910.1030)
- Provide access to potable and sanitary water (**Required**/29 CFR 1926.15 or 29 CFR 1910.141)

Further, any guidance that is produced by the State of Nevada to support the *Nevada United: Roadmap to Recovery* plan (Phase 1 or 2) will be enforced by NV OSHA. Specifically, any guidance that pertains to a particular industry sector may have a column of "mandatory" measures that apply to that industry sector. Any mandatory measures found in the state's promulgated guidance will be deemed enforceable if not specifically addressed in previously published guidance, regulations, or memorandums. Following these guidelines does not constitute, and is not a substitute for, compliance with all laws and regulations applicable at any particular time. Individuals and businesses are responsible to ensure that they comply with all laws and regulations that apply to them, including, but not limited to, federal and state health and safety requirements. Additionally, compliance with these regulations does not ensure against the spread of infections from COVID-19 or any other cause.

Social Distancing:

Declarations of Emergency Directives #003, #018, and #021 allow for essential industries/businesses to continue operations and allows some non-essential business to reopen. The following measures are required to be implemented by the employer when employees are conducting specific job functions where 6 feet of social distancing is infeasible/impractical.

- A Job Hazard Analysis (JHA) may be completed for each task, procedure, or instance that is identified where social distancing is infeasible/impractical. Any JHA drafted for this purpose must be equivalent in detail and scope as identified in Federal OSHA publication 3071. https://www.osha.gov/Publications/osha3071.pdf
- A JHA developed for this purpose must identify the task being addressed, hazard being addressed (spread of COVID-19), and controls to be used to address the hazard.
- Any policy, practice, or protocol developed pursuant to the JHA must be as effective as or more effective than the 6 feet social distancing mandate.
- Engineering controls, administrative controls, and PPE identified and developed through the JHA to address the hazard must be supplied by the employer.
- Training must be provided to staff for any policy, practice, or protocol that is used to address the hazard via a JHA.

- Training must be provided to staff for any equipment, engineered process, administrative control, or PPE that was identified and developed through the JHA to address the social distancing requirements or alternative policies, practices, or protocols implemented when social distancing is infeasible/impractical.

Social Distancing during breaks, lunches/dinners, and other slack periods:

NV OSHA is aware that social distancing requirements are not always followed by employees despite the efforts of the employer. The following measures are recommended for all businesses open during Phase 2.

- Employers are recommended to monitor employees during break, lunch/dinner, and slack periods to ensure that they are maintaining proper social distancing protocols.
- If an employer representative identifies an instance where proper social distancing protocols are not being followed, the employee will be subject to the employer's existing methods established for ensuring compliance with safety rules and work practices per NAC 618.540(1)(e).
- These observations apply to parking lots, staging areas, and any other location identified by the employer to be a supportive part of the overall business.

NV OSHA emphasizes that slowing/addressing the spread of COVID-19 is a required aspect of all activities/tasks/services associated with open businesses and will continue to enforce or promote the use of identified measures to address this public health crisis.

NV OSHA seeks to ensure that all businesses open during Phase 2 implement the aforementioned mandates and also seeks to distribute this information so that all included sectors of business are fully aware of these requirements. If your business, group, or association is receiving this memo, then please recognize this memo as notice to your business, group, or association that the previously mentioned mandates and guidance may be adopted and put into effect.

For any further guidance, use the following links:

- Federal OSHA - https://www.osha.gov/SLTC/covid-19/
- Centers for Disease Control and Prevention - https://www.cdc.gov/coronavirus/2019-nCoV/index.html
- State of Nevada- https://nvhealthresponse.nv.gov/
- State of Nevada- Roadmap to Recovery for Nevada (Industry Specific Guidance for Phases 1 & 2) https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Industry-specific-Guidance-Documents.pdf

  https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Roadmap-to-Recovery-Phase-2-Industry-Specific-Guidance.pdf

- Mine Safety and Health Administration: https://www.msha.gov/msha-response-covid-19

- NV OSHA Information: http://dir.nv.gov/OSHA/Home/

THIS GUIDANCE IS SUBJECT TO REVISION AS ADDITIONAL INFORMATION IS GATHERED. PLEASE CHECK HERE FREQUENTLY FOR UPDATES.

If you have questions, please call the number below.

Sincerely,
Jess Lankford
Chief Administrative Officer
Phone # 702.486.9020

From: Louise Cooper
To: CSD - Short Term Rentals
Cc: Cooper, Louise
Subject: ADD TO STR"S,
Date: Monday, August 03, 2020 12:49:00 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

THERE ONLY TO BE 2 IN EACH BEDROOM AND 1 PERSON SLEEPING ON THE SOFA. 3 BEDROOM HAS ONLY 7 PEOPLE ANS A 2 BEDROOM HAS 5 PEOPLE AND IT IS UP TO THE OWNER IF ANIMALS ARE ALLOWED. THE RENTER IS RESPONSIBLE FOR THE ANIMAL. THERE IS A LEASH LAW IN WASHOE COUNTRY. INCLINE VILLAGE IS IN WASHOE COUNTY AND REMIND THE OWNER THERE IS A FINE! PLEASE INCLUDE THIS. MRS. LOUISE COOPER I LIVE IN INCLINE VILLAGE.

From: Babs
To: CSD - Short Term Rentals
Subject: STR: II live at 930 Jennifer St, Incline. There are two STRs that are pretty much in our "backyard." These two houses are rented almost nonstop year round with weekly rentals.
Date: Thursday, August 06, 2020 6:52:02 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Suggestions for STR regulations:

1. Make a ***BEAR BOX MANDATORY*** (bear box big enough that it will hold two trash cans and a third trash can for recyclables) with information posted about how we live in BEAR COUNTRY. Post information in the house telling renters to be careful with food, not to leave house windows, doors and garage doors open and lock your cars--- and use the bear box. We need to protect our bears from uneducated and irresponsible tourists (and residents). Review the Bear League FB posts about the bear incidents in Tahoe because of uneducated and irresponsible people. We used to NEVER have a bear problem until STRs exploded.

2. Require a 24 hour property manager to be available 24 hours a day.

3. POST A VISIBLE SIGN FROM THE STREET WITH THE PROPERTY MANAGER'S NAME AND PHONE NUMBER and require that the manager respond within one hour.

4. Cancel license for six months after three noise or non compliance violation of rules.

5. MAKE A **DEFENSIBLE SPACE INSPECTION** FROM FIRE DEPARTMENT MANDATORY AND COMPLIANCE WITH FIRE DEPARTMENT'S RECOMMENDATIONS.

6. COLLECT all Washoe County taxes from these rentals.

7. Require all cars from renters to be parked on the rental property.

8. Educate how we must be very careful in the Tahoe Basin because of the huge FIRE THREAT. I walk Jennifer daily (dangerous with speeding cars and people on cell phones) and cannot believe the cigarette butts I pick up along with litter. We do not live in a pedestrian friendly town with speeding cars loaded with the beach toys.

9. How can these properties possibly be sanitized from COVID with the speed of maid services "cleaning" the rental properties?

WE did not buy our house thirty years ago to have MOTELS in our backyards. The speeding cars from renters, the hooting, hollering, loud music during the day and night are aggravating and disturb our tranquility. The atmosphere of our town has changed. There are too many people here; parking at beaches is a huge problem. Our sheriff's department does not have the manpower nor the space to store all the illegally parked cars IF they were towed. Illegally parked cars can make it difficult for fire engines to get up and down Incline streets.

YOU HAVE THE ABILITY THE PUT "BITE" in these new restrictions. Landlords are

making a huge amount of money with weekly rentals.

I look forward to reading the decision.

Thank you,
Barbara J. Kendziorski

Babs

From: mlkennedy1@charter.net
To: CSD - Short Term Rentals
Subject: STRs: Residences or Essential Businesses?
Date: Monday, August 03, 2020 3:15:32 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Washoe County Commissioners,
Thank you for the time and effort you have devoted thus far to creating regulations for STRs in Washoe County, and specifically in resort areas such as Incline Village. In your meeting on Aug. 25 I hope you will have time to address the conflicting definitions of STRs. Governor Sisolak has deemed STRs as "Essential Businesses" during the COVID lock down and phased reopening. My question is: If STRs are "Essential Businesses", how can they be allowed in residential areas? Additionally, if they are considered Essential Businesses, shouldn't they have to follow CDC guidelines for cleaning and occupancy regulations? Especially now, during the COVID pandemic, I am very concerned about the spread of the virus with high occupancy numbers and multiple families and groups (often from multiple states) renting STRs and then utilizing the same essential services, such as food stores, pharmacies, Post Office, etc. as residents.

Respectfully,
Mary Lou Kennedy
Incline Village resident

From: Nick Maiocco
To: Mullin, Kelly; Berkbigler, Marsha; Lucey, Robert (Bob) L; Todoroff, Pete; CSD - Short Term Rentals; ims919@sbcglobal.net; Sara Schmitz
Subject: No on STRs
Date: Monday, August 03, 2020 2:13:16 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

We see there is a proposal for STR that will be read later this month by the board of commissioners. Here is a little chapter in our lives here for the month of July and there are many more in this community that have stories similar and worse.

Issues in July- I call police 4 times for noise complaints and once to the fire department for an outdoor fire on the deck. Wrote to Washoe county commissioners, SR Planner, Washoe county health, Airbnb on 5 parking issues, and not following public health concern with Covid cleaning while turning over house with less than 4 hours between tenants.

All events have been documented and/or videod.

We had a bear break into our garage on July 2nd and we didn't have any garbage in our cans, cars, or nearby areas. We have never had one, ever, and it's due to STR leaving over stuffed garbage and coolers outside. Who will pay for this since we have tenants not following the rules and continue on even though there are ordinances? We as residents should not have to police our neighborhoods and have to call a "hotline". By this point, we are already frustrated, inconvenienced, and anxious. We have been doing this with owners and police. Most of these issues are not reported. I can guarantee you that our complaints are just the tip of the iceberg of residents fed up with policing our own neighborhoods.

We pay our taxes to the government to protect and serve our communities and elect the officials to help with this. The Washoe county commissioners have not represented the residents as there are many residents in Incline Village against STRs and we have basically been unheard for many years.

Meeting minutes:
Commissioner Lucey emphasized "he did not want to see any kind of ban on rental properties in the County. He pointed out Lake Tahoe was a good draw for people to visit the community and home owners should not be excluded from sharing their homes. He indicated short-term rentals improved air quality and sacrificing short term rentals could have a negative impact on tourism, resulting in financial suffering. He pointed out there was only one hotel in the area and, without short-term rentals, people would not have a place to stay. He summarized the discussion should be about the Board drafting good policy which laid out how the County would interact with owners and renters."

We have not seen any studies supporting any of these statements. Our community is not a business that should be collecting tax revenue for Reno/Sparks RSVCA. Our neighborhood is not

a commercial area. We are part of a community that deserves to be protected and heard. We raise our families here. We are asking for transparency and to be considered.

Commissioner Berkbigler agreed that issues were not always caused just by renters. She commented the problems were not as significant in Incline Village and Crystal Bay as they were in South Lake Tahoe. She felt nothing could be addressed without regulations. *She stressed she did not want to make it too difficult for people to rent out their homes, but issues such as noise, disruption, and trash needed to be addressed. She said the County needed to work with realtors.* She wondered whether it would be worthwhile to include a provision where an owner either needed to be within a two-hour drive of the property or have a local host. She moved to begin the process of drafting an ordinance or some regulations.

Incline Village is NOT just made up of realtors. We know many realtors in our area and are well aware of how lucrative STRs are for them and for the management companies when they are rapidly turned over and over again. Residents are also very aware of how destructive this rapid turn over is to our safety and our environment.

Long-term rentals of 28 days or more have been very successful in many other areas in the country. Taxes will still be collected for long-term rentals and will have less of an impact on our environment and will promote less of a "party" atmosphere in our neighborhoods.

In addition, most owners of STRs in Incline Village own more than 1 property, sometimes multiple properties and RITs. There are statistics and articles proving and backing up this fact. This is considered a business. These property owners are running a hotel business in the middle of our neighborhoods. Please explain how you have allowed this to happen. Citizens should be represented by our board and commissioners, not by lobbyists and businesses.

Why can't the STR ban be balloted and put to vote?

30 year resident
Nick Maiocco

From: Stephen Pearce
To: CSD - Short Term Rentals
Subject: Regarding the proposed STR ordinance for Incline Village Washoe County
Date: Wednesday, August 05, 2020 10:47:32 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have the following questions about the proposed ordinance on STRs:

- Do the parking spaces have to be designated by lines painted on the property and do they have to be hard top such as tarmac supported within property boundaries?
- In using them to calculate maximum occupancy should 2 or 4 people per car be used? Presumably SUVs like mine with 7 seats would not be a valid calculation.
- In general how is occupancy calculated, for example number of bedrooms x2 or can rooms with large numbers of beds be counted?
- How are minors counted in the calculation of maximum occupancy, presumably same as adults?
- How do lavatories/bathrooms fit into the calculation, for example should a house have at least as many bathrooms as half the number of maximum occupants advertised?
- Can it be a violation for a renter to exceed the maximum occupancy limits? How are renters held accountable?
- Other parts of the world also limit the number of days per year that a property can be treated as an STR or have a minimum stay length, does Washoe plan on imposing something like that?
- Is there any chance Washoe might impose hotel ordinances and penalties on STRs? If so where can those be found?
- Lastly the fine/penalties are also a little vague and it is suggested that an increasing scale relative to the number of violations be imposed but could it not also be related to the revenue per night gathered from a particular property and some deterring multiple of that?

Warm regards,

Stephen

From: Kip Tonking
To: Solaro, David; Mullin, Kelly; Berkbigler, Marsha; Hauenstein, Moira
Subject: STRs incline Village
Date: Wednesday, August 05, 2020 7:32:33 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good evening Moira,
Great talking to you today. This is what I come home to at the STR next door after work! That should bring the bears in tonight. Hope they don't take out my garagedoor like they did last year. No one should have to live next to people like this with no respect of our neighborhood or wildlife. In the 25years of living here I have never seen thing like this,I don't know I can stay in my home.
Please help us!
Kip Tonking

Sent from my iPhone