

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 Berkbiger 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

1 st - Permitting	115	
2 nd - Fire and Guest Safety	85	
3 rd - Occupancy	68	
4 th - Parking	42	
5 th - Other issues	34	
6 th - Noise	27	
7 th - Trash	24	
8 th - Other issues specific to IV	17	

From the responses on the online survey, the ranking in important of issues is:

1 st - Parking	233	
2 nd - Noise	226	
3 rd - Occupancy	148	
4 th - Permitting	132	
5 th - Trash	97	
6 th - Fire and Guest Safety	47	
7 th - Other Issues specific to IV	10	
8 th - 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 Tyser 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

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Check out

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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 ordinance'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 Tycker 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 Schadow: "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](#)

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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 the 12/11/2019 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 overcrowded 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

Submitted by Carole Black, IV Resident to Planning Commission 1/4/2020

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

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

Compare: STR Occupancy Levels				
O c c u p a n t s	10			
		2.4	2.8	~4.5
	STR Tier 1 WC Draft Ordinance	Census Data		Avg STR Occupants (IVGID Survey)
		Avg Residence	Avg Family Size	STR Tier 1 Proposed Maximum

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

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 Attachment F Page 25

	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

Attachment F
Page 37

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/ Sanitize 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)		

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 to 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:**

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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	<ul style="list-style-type: none"> - Prioritize categories – respect residents/voters as primary constituents: Work group! - Responsible tourism plan requires addressing safe area capacity
TOT to RSCVA	Legislature sets program	<ul style="list-style-type: none"> - 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 over 2 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**

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; occupants/vehicle winter; 4/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016*

*** avg. 2.5*

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

Compare: Short Term Rental Occupancy Levels					
O c c u p a n t s	10				
		2.4	2.8	~4.5	4
	Tier 1 WC Draft Ordinance	Census Data		Avg Short Term Rentals (IVGID survey)	Tier 1 Proposed Maximum
		Avg Residence	Avg Family Size		

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

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 night's 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

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[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

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## **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:** CSO - 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@washoeconomy.us](mailto:washoe311@washoeconomy.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@washoeconomy.us>; Brown, Eric P. <EPriceBrown@washoeconomy.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 3<sup>rd</sup>, 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.washoeconomy.us/csd/planning\\_and\\_development/board\\_commission/planning\\_commission/index.php](https://www.washoeconomy.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,



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[washoe311@washoeconomy.us](mailto:washoe311@washoeconomy.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@washoeconomy.us>  
**Sent:** Friday, January 3, 2020 5:19 PM  
**To:** Washoe311 <Washoe311@washoeconomy.us>  
**Subject:** Fw: Airbnb Proposed Regulations - One rental per property

**Vaughn Hartung**  
County Commissioner District 4 | Washoe County  
[vhartung@washoeconomy.us](mailto:vhartung@washoeconomy.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@washoeconomy.us>; Berkgigler, Marsha <MBerkgigler@washoeconomy.us>; Hartung, Vaughn <VHartung@washoeconomy.us>; Herman, Jeanne <JHerman@washoeconomy.us>; Jung, Kitty <KJung@washoeconomy.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