

The attached document was submitted to the  
**Washoe County Board of Commissioners** during  
the meeting held on November 12, 2019.  
by Community Services Dept  
for Agenda Item No. 28  
and included here pursuant to NRS 241.020(8).

**Policy Discussion: Short-Term Rentals**



Washoe County Commission  
November 12, 2019

Photo: August 26, 2019 STR Workshop

1

1

**Today's Discussion**

**Goals for today**

- Provide update on where we're at in the process and direction we're headed
- Get specific feedback on key pieces
- No code adoption today - that comes later

**Discussion flow**

- Background & context
- Overview of public engagement
- Staff recommendations
- Next steps

Highlights only.  
Details in staff report.

2

2

**What is a Short-Term Rental?**

- **Short-term rentals (STRs) are:**
  - A type of temporary lodging operated out of private residences (ex. single-family homes and condos)
  - Commonly available through property management companies and online booking services
  - Also referred to as vacation rentals
  - Booked for fewer than 28 days

3

3

**Board Direction in Feb. 2019**

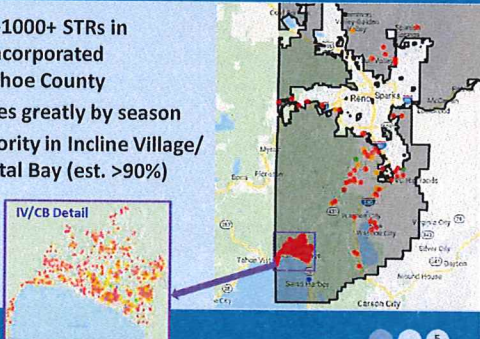
- **Starting point:**
  - STRs exist in unincorporated Washoe County
  - Room tax being collected
  - No STR-specific County standards exist
  - Hearing more from community about impacts
- **Board direction:**
  - Short-term rental use allowed; do not ban
  - County-wide ordinance
  - Establish standards and permitting process

4

4

**Project Baseline**

- 500-1000+ STRs in unincorporated Washoe County
- Varies greatly by season
- Majority in Incline Village/ Crystal Bay (est. >90%)



5

5

**Project Baseline**

- Complex, controversial issue
- MANY perspectives exist
- Consensus unlikely; compromise is necessary
- Learn from other jurisdictions
- Identify STR impacts and if/how to address them
- Standards likely to evolve over time
- Enforcement of standards is critical

6

6

BCC 11-12-19 #28  
Community Services Dept



## Mission Statement

*Adopt simple, fair and enforceable regulations for short-term rentals that balance competing interests and maximize voluntary compliance.*

7

## Public Engagement: Process

- **July 2019:** small-group stakeholder input sessions and initial agency outreach
- **Aug. 2019:** three public workshops; 250-300+ attendees
- **Aug. – Sept. 2019:** online public survey; 569 respondents (~70% neighbor; ~20% STR)
- **Numerous other meetings held and comment letters received**

8

## Public Engagement: Results

- **Top areas of concern:** occupancy limits, permitting process, noise and parking
- **General support to regulate STRs:** drastic variation in how much to regulate
- **Desire for separate IV/CB standards**
- **Standards should be enforced**
- **Perception that STRs are a commercial use**
- **Existing rules are sufficient and better renter education will reduce conflict**

9

## Benefits of STRs

- **STRs may add value to a community by:**
  - Offering alternative housing opportunities for seasonal employees
  - Supplementing limited lodging options, especially in Incline Village/Crystal Bay
  - Providing economic benefits to local businesses
  - Generating additional room tax monies for local & regional entities
  - Additional income for homeowners

10

## Impacts/Concerns

- **Common concerns about STRs include:**
  - Quality of life impacts to the surrounding neighborhood (ex. noise, parking, trash)
  - Safety concerns for renters and neighbors (ex. fire safety, structural safety, etc.)
  - Reduction in availability of long-term housing options for local residents
  - Potential conflict with area CC&Rs

11

## Staff Recommendations (1)

**Residential vs. commercial use**

- **Staff's opinion:** use is residential; does not change whether tenancy is long-term or short-term
- **Impacts** are a matter of thresholds for # occupants
  - Lower #: similar impacts as long-term residential
  - Higher #: mitigation may be required

OK with where we're headed?

12



### Staff Recommendations (2)

**Tiered permitting system** OK with tiered approach?

- Tier 1: 10 occupants or fewer; standard STR permit
- Tier 2: 11-20 occupants; discretionary permit
- Tier 3: 21 or more occupants; only in areas where hotels/motels allowed; commercial standards apply

**STR permit**

- Similar to privileged license: revoke without Board action; renew annually; no guarantee of renewal
- Applicant certification of CC&Rs? Direct staff on preferred approach to CC&Rs

13

### Staff Recommendations (3)

**Safety and Inspections**

- **Safety minimums must be met:** defensible space, smoke/CO detectors, extinguishers, egress, well-maintained fireplaces/outlets/hot tubs/deck railings, etc.
- **Inspections:** by building inspectors and fire staff
- **Must be passed prior to STR permit issuance**

OK with where we're headed?

14

### Staff Recommendations (4)

**General Standards**

- Local agent able to respond 24/7 in 30 minutes
- 1 STR per parcel; only rent to 1 group at a time
- Ads prohibited unless STR permit issued
- Ads must include specific permit information
- No parties/events
- External display of STR permit #, occ. limit, complaint #
- Min. \$500k liability insurance specifically for STRs
- Educational material inside for safety and standards

OK with where we're headed?

15

### Staff Recommendations (5)

**Occupancy Limits** OK with where we're headed?

- Based on IPMC, IBC and square footage
- May be further limited by parking or septic capacity

**Parking** OK with proposed ratio?

- No STR parking on-street
- Spaces must be developed on site
- One parking space for every 3 proposed occupants

16

### Staff Recommendations (6)

**Noise** Are either/both options desired?

- **Quiet hours:** 10 p.m. – 7 a.m.
- **Option to consider:** decibel-monitoring devices for problem STRs or Tier 2/3 STRs

**Trash** OK with where we're headed?

- **Meet trash standards already in place**
- **Bear-prone areas:** use wildlife-resistant carts and/or bear boxes

17

### Staff Recommendations (7)

**Permit Fees**

- **Cost-neutral approach:** set fees to cover running/enforcement of program
- **Re-assess after 12-18 months**

OK with where we're headed?

18

**Staff Recommendations (8)**

**Enforcement, Fines and Penalties**

- **Three-pronged enforcement approach:**
  - Proactively pursue licensing compliance using Host Compliance (departure from current enforcement model)
  - Inspections at permit issuance and annually
  - 24/7 complaint hotline
- **Fines on scaled system; higher than current fines**
- **Three violations in set period = revocation and 1-yr cooling off period**

OK with where we're headed?

19

**Next Steps**

- **Draft code language, incorporating BCC policy direction**
- **Proposed code released for 21-day public comment period**
- **Planning Commission hearing(s)**
- **County Commission hearings & adoption**
- **Grace period & outreach**
- **Program launch**

20

**Requests to the Board**

- **Confirm or provide further direction on:**
  - Overall approach
  - Tiering structure (3-tiered permitting system)
  - CC&R question
  - Parking ratio (1 space per 3 STR occupants)
  - Quiet hours and decibel-level monitoring
- **Initiate Code amendments**

Recommended motion on page 12

21

**Questions?**

<p><b>Planning &amp; Building Division</b></p> <ul style="list-style-type: none"> <li>▪ Kelly Mullin, Senior Planner</li> <li>▪ Mojra Hauenstein, Director</li> <li>▪ Trevor Lloyd, Planning Manager</li> <li>▪ Chad Giesinger, Planning Manager</li> <li>▪ Dan Holly, Plans Examiner Supervisor</li> </ul>	<p><b>District Attorney's Office</b></p> <ul style="list-style-type: none"> <li>▪ Nathan Edwards, DDA</li> </ul>
<p><b>North Lake Tahoe Fire Protection District</b></p> <ul style="list-style-type: none"> <li>▪ Ryan Sommers, Chief</li> <li>▪ Jennifer Donohue, Interim Fire Marshal</li> </ul>	<p><b>Washoe County Sheriff's Office</b></p> <ul style="list-style-type: none"> <li>▪ Chief Deputy Greg Herrera</li> <li>▪ Mary-Sarah Kinner, Govt. Affairs Liaison</li> </ul>
<p><b>Truckee Meadows Fire Protection District</b></p> <ul style="list-style-type: none"> <li>▪ Charles Moore, Chief</li> </ul>	<p><b>Washoe County Health District</b></p> <ul style="list-style-type: none"> <li>▪ James English, EHS Supervisor</li> </ul>
	<p><b>Reno-Sparks Convention &amp; Visitors Authority</b></p>

22



The attached document was submitted to the  
**Washoe County Board of Commissioners** during  
the meeting held on November 12, 2019.  
by Community Services Dept  
for Agenda Item No. ~~28~~ 29  
and included here pursuant to NRS 241.020(8).

#28

**From:** Robyn Barnes  
**To:** CSD - Short Term Rentals  
**Subject:** Please Stop STRs  
**Date:** Wednesday, November 06, 2019 12:50:57 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 bought our home in Incline Village nearly 10 years ago and in the past three or so years, there has been a disturbing decline in our quality of life thanks to the STRs in our neighborhood and throughout the community. Trash litters our streets and beaches, including filthy dog waste, fires have been started in various neighborhoods, noise that persists day and night, not to mention the horrible encumbrance on our fire and law enforcement officials.

We did buy our home so that we could live among what are essentially hotels with revolving doors of strangers who are often rude and even threatening. This has got to stop or all of Lake Tahoe will be ruined. All you have to do is look at the new East Trail to see the litter and graffiti everywhere. I guarantee a resident would not do that.

The negatives of STRs all too destructive to let this practice continue. Hopefully, it won't take someone getting seriously injured or even killed by one of these interlopers before you all do something.

Sincerely,

Robyn & Ben Barnes  
465 Eagle Drive  
Incline Village, NV

BCC 11-12-19 #28  
CSD Staff

**From:** [Sabrina Belleci](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** Short term rentals in Incline Village and Washoe County  
**Date:** Monday, October 21, 2019 4:55:39 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'm a local here in Incline and I own a small business and 3 properties. One I live in full time, one I rent out to a long term tenant and the other I rent as a vacation rental. I've never had a complaint about my vacation rental.

I make sure that the trash is taken care of, parking of multiple vehicles is not in access and I have a local representative to check on the home.

I think it is very important to have a local person responsible for the home when it is going to be rented out as an STR.

Our community can't survive without STRs.

I would like to see more collected TOT dollars be used for enforcement of noise, trash etc. I think a few ways to mitigate the issue of STRs being a huge problem is to require a local rep (not necessarily a property mgmt company but maybe a cooperating neighbor) to handle any complaints, require bear boxes for trash and require that the BVMPs and defensible space work be done at the property. Fire safety is a concern and many homes are not in compliance with the exterior work. Let's focus on what actually matters instead of focussing on intrusive interior inspections and regulations and fees.

Thank you!

--



RE/MAX Hall of Fame  
RE/MAX Chairman Club  
Incline Village Association of Realtor President 2019  
Board of Director of NVR (Nevada Realtors)  
*View testimonials about my service on [Zillow](#)*



**From:** [Art](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** STR staff recommendations  
**Date:** Tuesday, October 29, 2019 6:25:41 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,

As a 28 year resident of Incline Village who has a STR in my neighborhood, and as a Director of North Lake Tahoe Fire Protection District, I would like to say “outstanding job” by the working staff on STR regulation proposals for unincorporated Washoe County. They are thorough, fair and reasonable, and in my opinion will adequately address the needs of our community and its residents.

I request the Board move to confirm staff recommendations as they stand.

Art Cross  
sierrarat@sbcglobal.net  
775 846-0824

**From:** [Carol Harris](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** Incline short term rental  
**Date:** Wednesday, November 06, 2019 3:38:30 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 own a small cabin in Incline Village that we bought about 12 years ago. We bought this as a family place that our kids and grand kids can use with us occasionally. In order for us to pay the mortgage we rent it no more than maybe 12 days/month. We are extremely careful who we rent to, no more than a family of 6, no smoking, quiet after 10 pm and parking for one car. We pay vrbo for rental ad and we pay the WC rental tax 4 times during the year.

We also have renters sign a legal document that explains the rules, etc. before we give the key to them.

I certainly hope that Washoe County doesn't make it more costly and difficult for us to keep this family cabin after all of these years we have had for family fun at the lake.

Carol Harris  
charris4646@yahoo.com

**From:** [Diane Heirshberg](#)  
**To:** [Hartung, Vaughn](#); [Lucey, Robert \(Bob\) L](#); [Berkbigler, Marsha](#); [Herman, Jeanne](#); [Jung, Kitty](#)  
**Cc:** [Mullin, Kelly](#)  
**Subject:** Request for Consideration of Additional Provisions to add to STR Ordinance  
**Date:** Wednesday, October 30, 2019 7:44:26 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 Commissioners

I am sincerely hopeful that you will read and consider my request that you direct staff to add several provisions from the Tahoe Regional Planning Agency Short Term Rental Neighborhood Compatibility Guidelines for Local Jurisdictions ("TRPA STR Guidelines"), that are omitted from the Staff recommendations. Each of these requested additions is quoted below directly from the TRPA STR Guidelines, except that the italicized words are my added comments to you.

**"Examples of Residential Compatibility Best Practices** (*Each of the requested additional provisions limits the number of STRs so that the density of the STRs and the concentration of the STRs does not result in the elimination of long-term rental housing, and so that the neighborhoods are preserved*)

4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g. ratio of STRs to occupied housing...

5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.

7. The STR neighborhood compatibility program **establishes a ratio of long term to short term rentals.**

8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs to address clustering

11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.

12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.

**Examples of Noise Best Practises** (*The City of Henderson put both of these provisions in their STR Ordinance because the national conferences that the planners attended on STRs convinced them that these two items were the only way to limit and control noise, and were the best way to prove noise (or the absence of noise). These TRPA STR Guidelines should be required for all STRs.*)

2. The STR neighborhood compatibility program requires a noise management plan

3. The STR neighborhood compatibility program requires installation of noise monitoring devices.

**Examples of Defensible Apace Best Practices** (*The local fire department reports that 50% of the fires are caused by STRs. Please stop these renters from have outdoor fires.*)

2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.

**Examples of Public Health and Safety Best Practices** (*Please search your conscience and consider including these two TRPA provisions to protect the residents and the STR renters.) with basic safety requirements.*)

2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire and law enforcement resources and availability.



5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.”

I respectfully submit that the failure to include these provisions that would at a minimum protect long term rentals and that would protect the neighborhoods in Incline Village, will not be viewed positively by TRPA, and the award of allocations is not the only potential adverse action that could be taken by TRPA if Washoe County ignores the TRPA STR Guidelines. Please act as caring compassionate public officials and add these TRPA recommended regulations that will protect the availability of long term rental housing, the neighborhoods and the people who live in Incline Village and Crystal Bay. As you know when the local government regulates the use of real property by putting in zoning and other ordinances for the benefit of the community, this is NOT a question of private property rights. When you allowed people to have home businesses in residential neighborhoods, when you allowed group homes in residential neighborhoods and when you allowed Bed & Breakfasts in residential neighborhoods, you put in real limits and controls to protect the neighborhoods. The Staff recommendation is not even putting in as protective provisions to control short term rentals as provided for home office businesses, group homes or Bed and Breakfasts, and the Staff recommendations propose a much less protective ordinance than those enacted by Henderson, Las Vegas and other local governments at the Lake. The only reason for this discrepancy is that the County needs the STR transient occupancy tax money. When you think about the County's need for that tax money, please also think about the very large negative impact on the residents of Incline Village/Crystal Bay from dense, concentrated short term rentals, and realize that **you can help to protect from these negative impacts by putting in these additional protective provisions as developed by TRPA.** Consider that the City of Henderson and the City of Las Vegas have enacted their more protective provisions because they worked closely with the residents to develop ordinance provisions that will protect the neighborhoods. We hope that you will also come to the same conclusion.

You our commissioners can put in these more protective provisions. They can be fairly implemented. Please help us.

Very truly yours,

Diane Heirshberg

857 Lake Country Drive

Incline Village, NV 89451

805-290-2779

**From:** [Mike Hess](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** STRs  
**Date:** Friday, October 18, 2019 1:41:03 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.]

Have you considered that the Declarations of Restrictions signed by all purchasers of homes in Incline Village and Crystal Bay does not allow STRs. Such a situation if not handled properly will end with neighbor suing neighbor as enforcement will be in the courts. These restrictions logged and recorded in the county records cannot be overcome by zoning changes or even county regulations.

Mike Hess  
Incline Village, NV  
[mike@morshess.com](mailto:mike@morshess.com)

**From:** [Cindy Hipwell](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** STR"s  
**Date:** Monday, October 21, 2019 5:17:07 PM  
**Importance:** High

---

[**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 support having STR's in our town. There are very few hotel options in this area and many families need 3 and 4 bedroom homes for their family vacations. To me this smacks of a few people, probably paid by local hotel owners who have something to gain pushing the rest of us around. Many families who have owned vacation properties here have only been able to do so because of the income obtained by renting them out during the year while not being used by family. I believe it is a small vocal group of residents that are making a lot of noise, but considering more of the population are out of area owners, some way should be found to ask their opinions. My experience has been that most property managers are great at screening tenants to ensure they follow any rules in the area the rental is in. If not, the tenant is fined and marked in their records not to be rented to again. Since more than half of the population of Incline is 2<sup>nd</sup> home owners it would GREATLY impact not only the value of our homes here if they could no longer be rented, but frankly government has no business regulating what a home owner can or can't do with their property. We never would have been able to pay off our home here and live in retirement if we had not rented it out during times we didn't use it. Plus no home does well when it sits vacant for long periods of time. It's much better for the owner if someone is looking in on the property from time to time and frankly they require us to keep the home in top condition as well. Deferred maintenance is much less common amount STR's than those homes that are just left to be vacant for long stints.

While I don't like how crowded some areas get during the summer weekends, especially holidays, I do not feel this is something that should be regulated by any government agency. A private home is a private home. As long as the property owners are held accountable for the tenants that rent it and fined when appropriately breaking the rules, there is no harm done. are we really wanting to emulate the CA government control here in NV????

Cindy Hipwell  
831 Tyner Way  
Incline Village, NV 89451  
Cell: 408-621-7069



**From:** [suzanne lococo](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** Comment on Short-Term Rentals  
**Date:** Sunday, November 03, 2019 9:45:02 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.]

[Suzanne Lococo](#)

I have been an Airbnb host for 3 years now in Placer County (Carnelian Bay). I have never had any of these problems or complaints from neighbors. I personally check guests in, don't accept more than 4 people, and monitor my cabin. I think that putting a face to whomever is renting the cabin, whether it be the homeowner or a hired representative, who will walk people through the rental property upon arrival, makes a difference by solidifying the rules and expectations in person. This, followed by an evening drive-by, to make sure a million cars aren't parked there and a loud party isn't going on, can prevent all of these complaints. But by just having a lock-box and never making contact, even the smaller rentals can invite out of control parties, parking issues, and an overflow of garbage! Besides, who really wants their place trashed!?!?

**From:** [patrickonmaui@aol.com](mailto:patrickonmaui@aol.com)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** STR"s  
**Date:** Friday, November 01, 2019 10:53:33 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.]

Aloha,

I am currently one of the homeowners affected by the Measure T in South Lake Tahoe.

I bought the home because it was in a great location for rentals, and then Measure T passed.

This home is right on the ski slope front row at Heavenly. I listed it at \$897,000.00 and I am now down to 694,000.00 and it still wont sell. I might loose it to foreclosure.

Getting ride of short term rentals is wrong, I have been doing them for 35 years in 3 states.

All you need is tight compliance, and a quick reaction when there is problems.

You also need to fine the guests who rent the properties, if they break the rules, not the home owners.

If the guests break the rules more than twice, then fine the home owner also, because he is not educating his guests if it keeps happening.

And THE BIGGEST PROBLEM was these massive 16 bedroom houses with indoor pools, that the one investor in South Lake Tahoe was building. I lived next to one of them for a year, it was a nightmare!

This was exactly what caused the uproar and the petition. Too Big, Too Noisy, too many cars, no rules followed or education about bears and wildlife, and a party atmosphere!

Limit them to only two per bedroom for adults, and maybe 2 toddlers extra, that's all.

Also limit the rental cars.

And again heavy fines for those who break the rules, and maybe a standard rule sheet that is placed in all homes, that spells everything out in giant letters.

But it was the giant 16 bedroom house in South Lake Tahoe that ruined it for everyone. Get ride of those!

Put a maximum on the number of guests period. Like 10 people, no matter how many bedrooms.

If you do these suggestions, you will find a meeting of the minds, and things will work out just fine.

Thank You,  
PV

**From:** [peseps@aol.com](mailto:peseps@aol.com)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** STR  
**Date:** Friday, November 01, 2019 2:33:57 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.]

The county disregards the "town" environment of Incline Village and instead keeps lumping IV in with all the rest of unincorporated Washoe County. It is time the county step aside and let IV decide what is a commercial district and what is residential. Short term rentals do not belong in residential neighborhoods.

**Paul E Smith**  
930 Tahoe Blvd.  
#802-557  
Incline Village, NV. 89451  
[peseps@aol.com](mailto:peseps@aol.com)  
775.833.2509



**From:** [Juan Sparhawk](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** Short term rentals  
**Date:** Tuesday, October 29, 2019 5:35:18 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.]

Why does Washoe County need to get involved in short term rentals? Washoe County is becoming more like California everyday! Washoe seems to think they need to regulate everything, bureaucracy at work creating more regulators to feed off the taxpayers! I am a 50 years resident that has seen Washoe County change to a not so positive way!! Company's look more to Storey, Churchill and Carson Counties to locate because it is more cost effective to locate in These counties than Washoe! I go to Carson or the above counties to save .40 a gal in gas savings and any large purchases on sales tax! I like to support Washoe County but the bottom line is at what cost!

Sent from my iPhone

**From:** [Mignone Wood](#)  
**To:** [CSD - Short Term Rentals](#)  
**Subject:** Short Term Rental Comment - Incline Village  
**Date:** Friday, November 01, 2019 4:33:04 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.]

Washoe County Planning Staff,

Something that has not been addressed with the increasing interest/demand for Short Term Rentals (STR) is how it impacts long term rentals. The inventory for Long Term Rentals in Incline Village is very limited as property owners/landlords rather rent as STR because they can command a higher rent.

We had been renting a single family home near the lake for a reasonable price; but then we needed to move out as the owner wanted to return for the summer. Initially we thought we needed a 6 month lease as our home that was under construction was expected to be ready in 6 months. There wasn't anything, nor anyone who we could rent from for a similar long term rental rate in our first rental. We began looking at moving to Galena until a friend of a friend offered his home (similar size home) at STR rates - which had a rental rate 60% higher! We bit the bullet and paid the higher rent as we thought we'd only be there 6 months; but 6 months turned into 12 months of excessive rent.

How are you addressing all income levels of Long Term Rentals. I know that the students at Sierra Nevada College have a very difficult time finding affordable rents.

Regards,  
Mignone Wood

**From:** [cbwillb@charter.net](mailto:cbwillb@charter.net)  
**To:** [Mullin, Kelly](#)  
**Cc:** ["dbheirshberg@gmail.com"](mailto:dbheirshberg@gmail.com)  
**Subject:** RE: Re STR Website update ... and a few ideas  
**Date:** Tuesday, October 22, 2019 12:41:46 AM  
**Attachments:** [Public Health & Safety and STRs.Vacation Rentals.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.]

Kelly -

On reflection, please include my comments below in public comment re the STR Ordinance. Also, wanted to remind you of the importance of including compliance with Public Accommodation requirements from a Public Safety perspective. Please see attached document in this regard and include this info in public comment as well.

Thanks,  
Carole Black

-----  
**From:** [cbwillb@charter.net](mailto:cbwillb@charter.net)  
**To:** "KMullin@washoecounty.us"  
**Cc:** "dbheirshberg@gmail.com"  
**Sent:** Friday October 18 2019 5:22:38PM  
**Subject:** Re STR Website update ... and a few ideas

Hi Kelly, Diane forwarded your email below - thanks for the update, very helpful to see an idea of what y'all might be thinking. I have a question and a few thoughts which I hope you will consider:

**Question:** I had signed up for email updates from the website previousyl. Do we need to sign up again?

**Thoughts - please consider:**

1. Special Use Permit requirement for all STRs in Residential Zones - there can be processes developed to facilitate operations - I think I sent you an ordinance from Santa Cruz; having this as an option allows the ability to step-up or down intensity of review as circumstances change. It is difficult to understand why B&B would have this requirement and not STRs which are less rigorously overseen?? Neighbor opportunity for input at application/renewal would be helpful.
2. Will look forward to seeing the different levels you mention - please do remember that, 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. I believe I sent you an example of an ordinance (Santa Cruz again) requiring adjacent neighbor agreement when there were adjoining walls - this would be very helpful as interior noise and nuisance behavior in such settings is very disruptive.
3. Glad to see the safety requirements. I assume this will include Public Accommodation standards as this is a Transient Lodging use to which these rules apply
4. Might consider adding day/evening occupancy max as well as overnight - the ordinances I've seen usually list a number approximately = 2 x overnight max.

5. WHAT IS MISSING 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 # days/year; minimum stay - same rationale as above

Thanks for considering,  
Carole Black (617-312-8834)

**From:** "Mullin, Kelly" <[KMullin@washoecounty.us](mailto:KMullin@washoecounty.us)>

**Date:** October 18, 2019 at 4:19:30 PM EDT

**To:** Diane Heirshberg <[dbheirshberg@gmail.com](mailto:dbheirshberg@gmail.com)>

**Subject: RE: Thought About incorporating Provisions From NRS 244.1545**

Thank you, Diane.

I'd like to let you know that the County's STR webpage ([www.washoecounty.us/str](http://www.washoecounty.us/str)) has been updated with new information, including some highlights of recommendations staff will be providing to the Board for consideration. Please keep in mind it's not an exhaustive list; the staff report will have additional detail and is expected to be released in the next couple of weeks. Please feel free to share this info with others you know who are interested.

Have a great weekend.

Kelly

Kelly Mullin, AICP

Senior Planner | Planning & Building Division | Community Services Department

[kmullin@washoecounty.us](mailto:kmullin@washoecounty.us) | Office: 775.328.3608 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

## **Public Health and Safety Implications of Transient Lodging Category:**

**1) Washoe County Health District Program is not applied to STR's/Vacation Home Rentals** even though they are classified as Transient Lodging by Washoe County Ordinance 1526 and thus fall into the definition listed in NRS 447.

**2) In addition, noting that Incline Village is a planned community restricted to residential use by declaration, Nevada Revised Statute 116.340** reinforces this conclusion:

"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 ...

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 calendar days.

### **3) Components of the Washoe County Program include:**

- Biohazardous Waste Handling and Disposal
- Bed Bug Abatement
- NRS/NAV 447
- Outbreak Management (comment: re food dispensing - may apply to STR snacks/beverages/kitchen)

### **4) Practical Examples of Public Health and Safety items thus not currently regulated in STRs/Vacation Rentals:**

- Biohazardous waste handling and disposal
- General cleaning, sanitation and safety of rooms/property: "... clean and sanitary condition, free of fire hazards and free of hazards to life and limb."
- Pest abatement/aversion: e.g., fumigation, disinfection and renovation to eliminate infestation by "vermin or bedbugs or similar things" (animals?); screens for insects (West Nile Virus)
- Proper sanitation/fumigation after occupancy by a contagious or infected individual
- Management of any food service equipment or supplies
- General safety, ventilation, egress, requirements for "sleeping and living" spaces

### **5) Other Public Safety items not included above which should be addressed for tourists to this region:**

- Safety management/equipment for power outages/storms or severe weather
- Safety management/equipment for emergencies: evacuation or shelter-in-place
- Limitations in medical support available in area during storms or severe weather



**Attachment 1: Extract from Washoe County Health District Web Site where NRS 447 is referenced and implemented:**

# Hotel/Motel - Public Accommodations Program

[Programs](#) | [Forms & Resources](#) | [Regulations](#) | [Contact Us](#)

## Resources

- [Bed Bug Abatement](#)
- [Outbreak Resources & Guidelines](#)
- [Biohazardous Waste Handling Operation Management Plan](#)
- [Where to get sharps containers/red biohazard bags - coming soon!](#)
- [Where to dispose of biohazardous waste/sharps - coming soon!](#)
- [NRS 447 - Public Accommodations](#)
- [NAC 447 - Public Accommodations](#)

**\*Because monthly rentals are considered private residences, our agency does not have any regulatory authority over them\***

## **Attachment 2: Elements of NRS 447 include:**

NRS 447.003 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 447.007](#) and [447.010](#) have the meanings ascribed to them in those sections.

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 447.020 Cleanliness of bedding; worn out and unfit bedding.

1. All bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt.
2. No bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unsanitary for use by human beings according to the true intent and meaning of this chapter.

NRS 447.030 Extermination of vermin. Any room in any hotel in this state which is or shall be infested with vermin or bedbugs or similar things shall be thoroughly fumigated, disinfected and renovated until such vermin or bedbugs or other similar things are entirely exterminated.

NRS 447.040 Cleanliness of rooms used for sleeping. Every room in any hotel in this state used for sleeping purposes must be free from any and every kind of dirt or filth of whatever nature, and the walls, floors, ceiling and doors of every such room shall be kept free from dirt.

NRS 447.045 Hotel required to be kept in sanitary condition.

1. Toilet rooms and bathrooms, including toilets, bathing and lavatory facilities, in hotels shall be kept clean and sanitary.

2. All other rooms, corridors, stairways, elevators, fire escapes, garages within hotels, lobbies and other portions or appurtenances of hotels used by tenants shall be kept in a clean and sanitary condition, free of fire hazards and free of hazards to life and limb.

NRS 447.050 Certain areas of hotel prohibited from use as quarters for living or sleeping. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a hotel for living or sleeping purposes:

1. Any kitchen, cellar, hallway, water closet, bath, shower compartment, or slop-sink room.

2. Any other room or place which does not comply with the provisions of this chapter, or in which, in the judgment of the health authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the *Uniform Building Code* in the form most recently adopted before January 1, 1985, by the International Conference of Building Officials.

NRS 447.060 Ventilation of rooms. Every room in any hotel used for sleeping purposes shall have devices, such as a window or transom, so constructed as to allow for the proper and a sufficient amount of ventilation in each such room, except that buildings more than one story in height, constructed after July 1, 1957, shall have no transoms or ventilating openings from guestrooms to public corridors.

NRS 447.070 Windows and outside doors to be equipped with screens. Windows and outside doors shall be screened against flies and mosquitoes.

NRS 447.080 Air space, floor area and ceiling height of rooms. No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant. The floor area of each sleeping room must be at least 80 square feet and at least 7 feet in width. All rooms must have a ceiling height of at least 8 feet.

NRS 447.090 Amount of bedding required; furnishing clean sheets and pillow slips; size of sheets.

1. Every bed kept or used in any hotel in this state for the accommodation of any person or guest must be provided with a sufficient supply of clean bedding.

2. Clean sheets and pillow slips shall be supplied for each bed in a hotel as often as the bed is assigned to a different person.

3. Sheets shall be at least 98 inches long and of sufficient width to cover the mattress and spring completely.

NRS 447.100 Fumigation of room after occupation by person having contagious or infectious disease. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the room shall be thoroughly fumigated under the direction of the health authority, and all bedding therein thoroughly disinfected before the room shall be occupied by any other person. In any event, such room shall not be let to any person for at least 48 hours after such fumigation or disinfection.

NRS 447.110 Facilities for bathing.

1. In every hotel in existence prior to October 1, 1945, at least one bathtub or shower shall be installed in a separate compartment on a public hallway or court for every 20, or fractional part of 20, guestrooms on the same floor as the hallway or court which are not provided with private baths.

2. In every hotel built after October 1, 1945, at least one bathtub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway or court for every 10, or fractional part of 10, guestrooms on the same floor as the hallway or court which are not provided with private baths.

NRS 447.120 Towels to be furnished.

1. Every hotel within this state having a public washstand or washbowl, where different persons gather to wash themselves, must keep a sufficient supply of clean, individual towels for the use of such persons within easy access of or to such persons and in plain sight and view.

2. Nothing in this section shall be construed as excluding the use of crepe or paper towels, or the automatic roller towel.

NRS 447.130 Toilets required in hotels or other establishments for transient lodging; Number; facilities for washing hands.

1. In every hotel or any other type of transient lodging establishment without private toilets there shall be at least one toilet for each sex in a separate compartment on a public hallway or court and such toilets shall be plainly indicated by signs. If the building is designed to accommodate more than 15 persons on any floor or court, then toilets shall be provided on each floor or court in the ratio of one for each 15 persons or major fraction thereof, not provided with private toilets.

2. Adequate hand washing facilities, properly supplied with soap and hot and cold water under pressure, shall be provided convenient to the toilet facilities.

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.

1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, "public accommodation" has the meaning ascribed to it in 42 U.S.C. § 12181.

NRS 447.140 Ventilation of room containing water closet, bathtub or shower.

1. In every hotel built after July 1, 1957, any room in which a water closet, bathtub or shower is installed must be ventilated to the outside air by means of a window of at least 3 square feet, unless satisfactory mechanical ventilation is provided.

2. In hotels built prior to July 1, 1957, without windows in the rooms containing water closets, bathtubs or showers, suitable ventilation shall be provided as required by the health authority.

NRS 447.145 Systems for heating and ventilating hotels or other establishments for transient lodging.

1. In every hotel and any other type of transient lodging establishment, the heating and ventilating systems must be constructed, installed and operated so as to reduce to a minimum the possibilities of fire, explosion, asphyxiation or gas poisoning.

2. Faultily constructed or installed heating and ventilating systems in hotels and other types of transient lodging establishments constructed before July 1, 1957, must be reconstructed, repaired or replaced upon order of the health authority whenever the continued operation of the faultily constructed or installed heating and ventilating systems will result in detriment to the health and life of the occupants of the building.

3. The health authority may adopt rules, regulations and codes governing the construction, installation and operation of heating and ventilating systems in hotels and other types of transient lodging establishments.

NRS 447.150 Exemption from requirement for number of water closets, bathtubs or showers in certain hotels.

1. The health authority may exempt any hotel built prior to October 1, 1945, from having the number of water closets, bathtubs or showers required by this chapter for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by this chapter.

NRS 447.160 Disposal of sewage; disinfection of toilets.

1. Every hotel in this state must have proper facilities for sewage disposal and must be kept free from effluvia arising from any sewer, drain, toilet or other source within the control of the proprietor, owner, manager, agent or other person in charge.

2. Any toilet in connection with any hotel must be disinfected as often as may be necessary to keep it in a sanitary condition at all times.

NRS 447.170 Supply of water; plumbing. Every hotel shall be provided with a safe, sanitary water supply and there shall be no cross connection between the water system and the sewage collecting system. All plumbing fixtures shall be constructed so there will be no possibility of back siphonage from the plumbing fixtures into the water system.

NRS 447.180 Disposal of garbage and rubbish. Every hotel shall have sanitary facilities for the storage and disposal of garbage, and no garbage or rubbish shall be permitted to accumulate and be or become a nuisance in a hotel or on the hotel premises.

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 447.200 Access for inspection of hotel. 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.

NRS 447.210 Criminal penalty; each day of violation constitutes separate offense.

1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of [NRS 447.003](#) to [447.200](#), inclusive, or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of this chapter constitutes a separate offense.



**From:** [cbwillb@charter.net](mailto:cbwillb@charter.net)  
**To:** [Mullin, Kelly](#)  
**Cc:** ["dbheirshberg@gmail.com"](mailto:dbheirshberg@gmail.com)  
**Subject:** Update  
**Date:** Tuesday, October 22, 2019 12:35:37 AM  
**Attachments:** [Final WC Environmental Impact Summary Slides re STRs.pdf](#)  
[Final Environmental Impact Slides WC re STRs.pdf](#)  
[Environmental checklist WC final.pdf](#)  
[WC Area Plan STR Ordinance Project Guardrails.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.]

Kelly,

Fyi, I have attached some documents which I gave to Eric Young this evening at the planning commission meeting and entered into the record at that meeting. Note that the "Project guardrails" deck attached here has a couple of additional slides related to STRs at the end which I did not include in the Planning Commission deck which was focused on the Area Plan component only.

Thanks, Carole

-----

# WASHOE COUNTY ENVIRONMENTAL REVIEW (COMPARISON OF TRPA IEC AND RESIDENT IEC) VACATION RENTAL/STR INITIATIVES 2019

## I. REVIEW INFORMATION

**Location:** Washoe County; TRPA and Local Governments

**Issues:** 1) Environmental Effects Review of Washoe County Area Plan re Vacation Rentals/Short Term Re

**City/County:** Washoe County and TRPA with focus on Washoe County

## II. SUMMARY

Washoe County has taken action in 2019 related to Vacation Rentals (VRs)/Short Term Rentals (STRs) which will create impacts requiring a full environmental review.

Specifically, Washoe County plans to:

1. implement a **NEW ALLOWED USE** within neighborhoods (the new name for regulatory zones) in the proposed Washoe County Tahoe Area Plan and Tahoe Modifiers by
2. incorporating requirements of an in development Washoe County Short Term Rental Ordinance which is intended to license and permit Short Term Rentals throughout Washoe County including most Tahoe Neighborhoods

## III. DISCUSSION

### Rationale for Considering Vacation Rentals/STRs a NEW USE in Washoe County:

1. The current Washoe County Development Code lists Lodging Services including Hotels and Motels, B&B Inns, Timeshares (Residential and Hotel Models), Hostels, and Condominium Hotels as being either allowed or requiring a Special Use Permit in specified Zoning Areas (code citations listed in #2 below). Vacation Rentals are not a listed Allowed Use in any zone

2. The WC Development Code further specifies that:

“Section 110.100.05 Applicability. ... Any use not specifically enumerated as permitted in a regulatory zone pursuant to the Development Code, or interpreted by the Director of Community Development as permitted in a regulatory zone pursuant to Section 110.304.10, Authority and Responsibility, shall be considered to be prohibited in any regulatory zone for which the use is not enumerated.

AND

“Section 110.302.00 Purpose. The purpose of this article, Article 302, Allowed Uses, is to prescribe the uses that are allowed in each regulatory zone. Any variance to the Table of Uses (Table 110.302.05.1 through Table 110.302.05.5) would constitute an action that would allow a land use in contravention to the applicable regulatory zone. Such actions are prohibited by Article 804, Variances, and a variance application cannot be accepted.”

AND

“Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis ...”

AND

“Section 110.304.25 Commercial Use Types. ... (u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis ...”

Since Vacation Rentals/STRs are not a listed permitted use in any of the cited Tables of Uses, they are not allowed. In addition, with possible rare exception, they do not fit within this WCC Residential Use Type definition. Additional NRS definition classifying these uses clearly as a “transient commercial use” are included below (#6).

3. In 2004 TRPA amended its zoning code listing Vacation Rentals (VRs) as a Residential zone use provided that local governments sign cooperation agreements to regulate VRs and enforce applicable regulations. The regulation which was opposed by Washoe County at the time further indicates that the local governments had 6 months to implement their code changes including development and application of Neighborhood Compatibility regulations; and that failing this, VRs would not be allowed. Washoe County developed a plan and both Washoe County and TRPA signed the applicable agreement in 2004 though TRPA expressed significant reservations in writing at the time. However, to date, some 15 years later, there has been no definition or enforcement of Neighborhood Compatibility requirements in Washoe County – this failure renders Residential Zone Vacation Rentals not allowed under the TRPA 2004 Ordinance.

4) In 2014 Washoe County passed Ordinance #1526 “revising the definition of Transient Lodging.” This Ordinance amended Chapter 25 of the Washoe County Code (Business Licenses, Permits and Regulations) and broadened the definition: ““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 ....” There follows a long list of types of sites where applicable which includes: “condominium, timeshare properties, vacation home, and apartment house ... or portion thereof.” However, there were no parallel changes in Chapter 110 of the Washoe County Code (Development Code) and thus no revision in Allowed Uses. In fact, this regulatory situation more readily implies that Vacation Rentals are a Business/Commercial, and not Residential, entity in Washoe County.

5) In 2016 a second Washoe County Ordinance was passed within Chapter 25 requiring licensure, allowing collection of Transient Lodging Tax (TOT), and establishing penalties for noncompliance for Transient Lodging situations (WCC 25.117-197). Once again there were no parallel changes in Chapter 110 of the Washoe County Code (Development Code) and thus no revision in Allowed Uses. And again, this situation reinforces the implication that Vacation Rentals are viewed as a Business/Commercial, not Residential, entity in Washoe County.

6) Further in NRS 116.340 “Transient commercial use of units within certain planned communities” vacation rentals of units within planned communities are explicitly listed as a “transient commercial use” and not allowed if the unit is “not properly zoned for a transient commercial use”:

“NRS 116.340 Transient commercial use of units within certain planned communities. 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: ... (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:(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.”

Incline Village is itself a planned community whose covenants specified residential use. In addition, many other community CC&R's within Incline Village specify residential use only. Under this regulation, since no zones are today zoned with Vacation Rentals listed as an allowed (commercial) use, no vacation rentals/STRs are currently allowed.

6) The rumored comment that, notwithstanding all of the above, these are currently Washoe County Allowed Uses in Residential Zones because Washoe County could change the Zoning Code at any time has no basis in law. Similarly a quote that, because a residential zone is described as having primarily residential use, this other STR use which is not specified anywhere in the zoning code is now allowed is also not specified in law and is in fact in direct contradiction of WCC.110.100.05. WCC defines Use as follows:

"WCC 110.902 Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s)."

This does not allow for the arbitrary addition of other uses.

Washoe County has been aware of these other uses (Vacation Rentals/STRs) in documented formal discussion and reviews for at least 15 years and has yet to act to include these in its Development/Zoning Code. If there was a previous intent to indicate that these uses were allowed in Residential zones, there has been more than ample time to appropriately address this in the WC Development/Zoning Code with a requirement for a Special Use Permit as is required for other Tourist Lodging types (B&B, Timeshares) in those Residential zones where these uses are specifically listed.

7. In addition, we note that apparently related to the above described apparent attempt at expansion of Residential Use by assertion, there has been a perhaps unintended significant public safety downstream impact. In practice, Vacation rentals/STRs provide services and require maintenance and health and safety precautions the same as any form of transient lodging. And tourists staying in these accommodations expect to enjoy a safe and comfortable experience. Many of these elements are specified in the Public Accommodation section of NRS: Chapter 447. Specifically, this section applies to "hotels" as defined in NRS 447.010:

"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."

And the enforcement authority and penalties are described:

"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 447.200 Access for inspection of hotel. 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.

NRS 447.210 Criminal penalty; each day of violation constitutes separate offense.

1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of [NRS 447.003](#) to [447.200](#), inclusive, or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of this chapter constitutes a separate offense.”

The WC Chapter 25 Ordinances have clearly defined Vacation Home rentals (and therefore STRs/VRs) as Transient Lodging and therefore well within the definition of “Hotel” as used in this NRS section and eligible as Public Accommodation with oversight by the local Health Authority.

Yet the Washoe County Health District site indicates on its Public Accommodation program page that “Because monthly rentals are considered private residences, our agency does not have any regulatory authority over them.”

## **CONCLUSION:**

While TRPA zoning code does specify Vacation Rentals as an allowed Residential zone use, Washoe County has not complied with TRPA's requirements for this use to be allowed. In addition, Washoe County zoning code does not allow or reference this use even though 15 years have passed since TRPA's zoning code revision with multiple other interim Washoe County code updates. To date 15 years later, this **NEW USE** has yet to be included in a Washoe County Zoning Code or Tahoe Area Plan – and since its not listed, per the Washoe County Development Code, it is currently not allowed.

Thus as a **NEW USE** with extensive impacts that is proposed to be included in the upcoming revision of the Washoe County Tahoe Area Plan - Tahoe Modifiers document, a full Environmental Review considering all aspects of adverse impacts is required and recommended.

In addition, this proposed change in Allowed Use across many regulatory zones needs to be processed for what it is – a major zoning change with appropriate opportunities for robust public input. Analysis of occupancy impacts in particular needs to be robustly assessed with evaluation of appropriate capacity. The STR Ordinance Workshops have not fulfilled this requirement in that discussion of the underlying implied zoning code change and its implications was explicitly not allowed.



# ATTACHMENT: DRAFT CURRENT RESPONSES TO TRPA IEC REGARDING VACATION RENTALS/STRs IN WASHOE COUNTY RESIDENTIAL NEIGHBORHOODS NEAR LAKE TAHOE

To present a snapshot of current and anticipated environmental impacts of Vacation Rentals (VRs) and Short Term Rentals (STRs), we have completed a draft TRPA Interim Environmental Checklist (EIC) and compared our answers with those provided by TRPA for its current STR Neighborhood Compatibility Program revision. This represents our best understanding of impacts supported by data that we could obtain as well as our own experiences living in the impact area. In the absence of any direct survey or measurement capability, we have obtained and synthesized data from public source information. The summary included in our responses below supplemented by the data compiled in the attached slide presentation together paint a picture of substantial adverse environmental, safety and neighborhood character and neighborhood compatibility impact. We contrast our responses with those provided by TRPA leading to a very different conclusion which would imply further Environmental Impact assessment.

## EIC RESPONSES:

### 1. Land Will the proposal result in:

**TRPA Response: all responses = no; comment: Some STR renters park on unimproved (dirt) areas. The proposal will incentivize limiting parking to improved (paved) surfaces, potentially reducing compaction of dirt surfaces.**

#### Resident Response:

- a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? **Yes, if additional parking is added beyond lot coverage allowance or if parking occurs on dirt as has been observed at current STR sites. The TRPA proposal includes an option to limit parking which may or may not be implemented**
- b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? **??**
- c. Unstable soil conditions during or after completion of the proposal? **Yes, based on added on street parking occurring on dirt shoulders and extending into and disrupting rock-lined drainage ditches**
- d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? **Not unless non-permitted building/excavation for parking occurs**
- e. The continuation of or increase in wind or water erosion of soils, either on or off the site? **Yes, to the extent that dirt surfaces are disrupted by parked extra vehicles brought to the area by transient renters**
- f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? **Yes, disrupted dirt particles are washed into the lake along with plastic particles and other trash including soda cans, chips bags**
- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards? **Yes, Vacation rentals bring added average occupancy to the area especially in peak rental seasons (summer and winter) increasing the numbers of people exposed to the geologic hazards in the area. In IV average added occupancy is 9% and twice that at peak.**

## 2. Air Quality Will the proposal result in:

**TRPA Response: All responses = no; Comment: The criteria incentivizing STRs to be located closer to transit and town centers could result in a decrease in vehicle miles traveled and a reduction in emission of air pollutants.**

**Resident Response: *Again the mentioned criteria are suggestions, not requirements. In addition, there are logistical challenges and we believe incomplete data analysis related to vehicles, vehicle trips and STR impacts – please see attachment.***

- a. Substantial air pollutant emissions? ***Yes, added renters and increased occupancy brings with it added personal and commercial vehicles and their emissions as well as increased fire risk with associated air pollution – 50% of fires in Incline Village over the last 5 years were associated with STRs***
- b. Deterioration of ambient (existing) air quality? ***Yes, related to vehicles and fires***
- c. The creation of objectionable odors? ***Yes, related to vehicle and fires***
- d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? ***Not directly other than greenhouse effect related to emissions***
- e. Increased use of diesel fuel? ***Yes, related to increased commercial vehicles (more people need more supplies, food, fuel, etc)***

## 3. Water Quality Will the proposal result in:

**TRPA Response: All responses = no; Comment: The proposal incentivizes both the implementation of BMPs and reduction in excess coverage, actions that could decrease the discharge to surface waters and improve water quality.**

**Resident response:**

- a. Changes in currents, or the course or direction of water movements? ***We don't think so***
- b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? ***Possibly if added coverage is used for additional parking but not if parking is limited***
- c. Alterations to the course or flow of 100-year flood waters? ***This seems unlikely***
- d. Change in the amount of surface water in any water body? ***Again this seems unlikely***
- e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? ***Yes, added dirt particles, plastics and trash***
- f. Alteration of the direction or rate of flow of ground water? ***This seems unlikely***
- g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? ***Possibly with un-permitted construction or added coverage for parking***
- h. Substantial reduction in the amount of water otherwise available for public water supplies? ***Potentially more water usage with more people & higher average occupancy but not likely to otherwise impact total water supply***
- i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? ***If this were to occur, more people in area = more people exposed.***
- j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? ***Yes, more people in total and more people not familiar with area risks and restrictions = more likelihood of incorrect disposal of potential contaminants/trash. Also increased fire risk in area/with STRs with downstream risk of water contamination***
- k. Is the project located within 600 feet of a drinking water source? ***There are STRs within 600 feet of our water supply = Lake Tahoe***

#### 4. Vegetation Will the proposal result in:

TRPA Response: All responses = no; See response to 1.a, above.

#### Resident Response:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? **Only if owners or renters remove plants**
- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? **Not likely**
- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? **Yes if installed by owners to decorate rental properties – sometimes quick-growing non-native plants are brought in which can wreak local havoc**
- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? **Same as above**
- e. Reduction of the numbers of any unique, rare or endangered species of plants? **Same as above**
- f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? **Not likely unless removed by owners for aesthetic reasons**
- g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? **Not unless removed illegally by owners, e.g., to allow for more parking**
- h. A change in the natural functioning of an old growth ecosystem? **Same as above**

#### 5. Wildlife Will the proposal result in:

TRPA Response: All responses = no.

#### Resident response:

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? **Not likely except for residential pest control**
- b. Reduction of the number of any unique, rare or endangered species of animals? **Same as above**
- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? **More strangers to the area unaware of the risks could introduce new animal species, e.g., the Burmese pythons in the Florida Everglades**
- d. Deterioration of existing fish or wildlife habitat quantity or quality? **Yes, to the extent that added lake and creek pollution and/or unaware tourists in these areas can cause impact**

#### 6. Noise Will the proposal result in:

TRPA Response: All responses = no; Comments: as follows:

6a. A common complaint of existing STRs is excessive noise. The proposal incentivizes greater enforcement of noise standards and will therefore either improve CNEL noise levels or be neutral as a result of improving STR operations.

6b, 6c See response to 6a, above.

6d The proposal incentivizes the location of STRs in town centers and near transit similar in effect to the incentives of the 2012 Regional Plan Update (RPU). The 2012 Regional Plan Update EIS examined the impact of such policies and concluded that with mitigation (adoption of a noise standard for mixed use zoning) no significant impact would occur. (See 2012 RPU Draft EIS, Noise Section 3.6, at 3.6-22 to -24.) TRPA incorporates by reference and tiers from that analysis. In addition, the proposal incentivizes increased enforcement of noise exceedances.

Finally, in the Tahoe Region, activities must comply with identified noise standards  
6e See response to 6d, above.

**Resident response: *The recommendations above are again only options, not requirements. In addition, the 2012 TRPA Regional Plan did not estimate the rampant growth in this Use which has ensued in the years since the plan was developed. The external noise standards are insufficient protection from day after day persistent annoying noise in neighborhoods. What was a quiet, peaceful environment is now disrupted day after day by radios blaring – some renters are considerate and respond, others less so which does not enhance neighborhood character!***

- a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? ***Likely yes -Transient lodging is defined in TRPA documents as a sensitive area for this parameter and noise complaints and concerns are a common issue for Vacation Rentals nationally and in Incline Village/Crystal Bay, made worse by the ever-increasing numbers of these rentals especially in residential neighborhoods. To assess the quantitative question definitively, there would need to be measurements – we therefore recommend a requirement for noise monitors as has been implemented in some areas at Vacation Rentals/STRs and which would allow this metric to be tracked and reported. We have found STR Ordinances in other areas requiring various restrictions and/or interventions for what is a very common STR-related issue including: noise monitors, night-time quiet time requirements and restrictions limiting or precluding daytime noise, outside amplifiers, dog barking, parties, events, weddings and bachelor/ette events, electronic music, etc. An additional concern is STR use in units sharing adjoining walls where interior noise can be extremely disruptive – we have provided reference of an STR ordinance requiring neighbor agreement/sign-off in such situations***
- b. Exposure of people to severe noise levels? ***See response above***
- c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? ***Almost certainly yes – noisy parties are a common concern. See also response above***
- d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? ***Yes, as noted above, excessive noise is a common complaint for residences in proximity to Vacation Rentals/STRs – this is certainly an issue during “quiet hours” at night, but is also often a problem during day-time and evening hours significantly impairing residents’ peaceful enjoyment of their homes and community***
- e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? ***Yes, as noted above, the Vacation Rentals/STRs themselves in close proximity to existing residences frequently generates an incompatible noise level***
- f. Exposure of existing structures to levels of ground vibration that could result in structural damage? ***Probably not, although rentals with rock band music could generate significant vibration!***

## **7. Light and Glare Will the proposal:**

**TRPA Response: All responses = no**

- a. Include new or modified sources of exterior lighting? ***Potentially yes. This has not been a significant complaint source re Vacation Rentals/STRs though it could be argued that for safe ingress/egress for renters unused to the rental residences, added exterior lighting should be provided/required for safety reasons especially in dark residential neighborhoods, and therefore formally evaluated from an environmental impact perspective. In addition, rentals typically bring more vehicles than the same number of residents with added intermittent light from headlights, etc***

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area? **Potentially yes – see response above**
- c. Cause light from exterior sources to be cast off -site or onto public lands? **Potentially yes – see response above**
- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials? **Potentially yes, e.g., through the use of reflective markers for parking/path safety – see also responses above**

**8. Land Use Will the proposal:**

**TRPA Response: All responses = no; Comment: The proposal does not authorize placement of STRs in land use categories where they are not otherwise already permissible.**

**Resident response:**

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan? **YES – currently Vacation Rentals/STRs are not listed anywhere in the Washoe County Tahoe Area Plan, Tahoe Modifiers or Zoning Regulations. In addition, Washoe County has not complied with the 2004 TRPA Neighborhood Compatibility requirement and this use is therefore not allowed by TRPA in Washoe County**
- b. Expand or intensify an existing non-conforming use? **YES – see above. To the extent this use is currently present, it is not allowed per Washoe County code and TRPA regulations. The use has continued to expand annually without specific regulation or enforcement of the existing applicable regulations to the detriment of the safety and character of our neighborhoods and community. In order to re-claim and then preserve the safety and character of our neighborhoods, the use needs to be restricted especially in residential zones with rigorous enforcement.**

**9. Natural Resources Will the proposal result in:**

**TRPA Response: All responses = no**

**Resident Response:**

- a. A substantial increase in the rate of use of any natural resources? **Maybe – increased in aggregate community occupancy is documented in association with increased Vacation Rental/STR activity can impact use levels of water and fuel resources.**
- b. Substantial depletion of any non-renewable natural resource? **Maybe – see response above**

**10. Risk of Upset Will the proposal:**

**TRPA Response: All responses= no; Comment: By not increasing and possibly decreasing the amount of STRs, the proposal will not interfere with an emergency evacuation plan over the baseline condition.**

**Resident Response:**

- a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? **Probably not**
- b. Involve possible interference with an emergency evacuation plan? **YES – currently the Fire department has indicated that during high occupancy times, it is not possible to evacuate Incline Village safely in an emergency. The recent influx of Vacation Rentals/STRs resulting in increased average village occupancy especially during popular seasons including summer when fire risk escalates currently places all residents and visitors at risk of not being able to**

*be evacuated with disastrous outcome. In addition, we have repeatedly been told that there is inadequate emergency services staff day-to-day to provide more routine timely service in the community.*

*The current TRPA push for added Neighborhood Compatibility regulation should help in potentially increasing awareness and attention to risk limitation/mitigation. However, in addition, actual Vacation Rental/STRs presence and rental use must be restricted to ensure safe aggregate levels of rental unit and village occupancy overall at all times and adjusted as needed to not exceed the capacity of actually present emergency services staff to respond timely both for true catastrophic situations and more routine, but needed, safety services. This imperative is recognized in the TRPA Regional Plan but has not been addressed in the current deliberations.*

#### 11. Population Will the proposal:

**TRPA Response:** All responses = no; **Comment:** The growth management provisions in the Regional Plan and TRPA Code will not be modified with the proposed Code amendment.

**Resident Response:** *The growth projections completely underestimated the impacts of the dramatic increases in area occupancy driven by the rampant increases in STRs/STR occupancy*

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region? **Yes, unless checked, the addition of significant numbers of Vacation Rentals/STRs with higher than resident average/total annual occupancy levels has already increased and will continue to further increase the expected occupancy growth rate for the community. Rentals have increased total area occupancy with some periods of new occupancy by renters when residences would otherwise be unoccupied: for part-time owners recently surveyed, rental days approximately doubled the number of occupancy days for their residences and often with significant increases in number of occupants/day. In residential neighborhoods, the trend has been dramatic, significantly and adversely impacting Neighborhood Compatibility for residents. This trend is further accelerating with entry of more and more investor owners, often of multiple units, with interest focused on profit and not on the community**  
**Note that Incline Village was not built out as the initial long ago and over-ambitious plans had conceptualized – that level of growth today would be incompatible with the area, current risk levels, environmental concerns, community resources, facility capacities and any more recent planning documents or concepts. The growth to date, significantly increased in recent years by Vacation Rentals/STRs has already over-stressed the environment and over-stretched community resources and facilities.**

b. Include or result in the temporary or permanent displacement of residents? **Yes. Based on our discussion with representatives from agencies trying to hire staff, availability of long-term or seasonal more affordable rental options have substantially eroded in recent years in parallel with the growth of VRs/STRs. In addition, the growth of the investor-owned rental options has reduced purchase options for more affordable units. Both trends have effectively depleted more affordable housing options which are desperately needed to accommodate local emergency services staff and other locally employed staff. Parenthetically, this trend has also likely increased commuter and commercial traffic into the area impacting vehicle trips and miles.**

#### 12. Housing Will the proposal:

**TRPA Response:** All responses = no; **Comments:**

12 a 1. The proposal will not decrease or increase the amount of housing in the Tahoe \

Regionand may decrease theSTR usage of existing residential structures depending on local jurisdictions' choice of program elements.

12 a 2: The proposed Code amendment will not decrease or increase the availability of affordable housing in the Tahoe Region.

12 b: The proposed Code amendment will not decrease or increase the availability of housing for lower-income and very-low income households in the Tahoe Region.

**Resident Responses: As always, assumptions above depend on which optional items are adopted**

a. Affect existing housing, or create a demand for additional housing? To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region? **Yes, this use already has had this effect and its impact will continue to grow unless restricted – see response to item #11.**

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? **We do not have data available to answer this question specifically – believe that the answer is likely yes – see responses above**

b. Result in the loss of housing for lower-income and very-low-income households? **We do not have data available to answer this question specifically – believe that the answer is likely yes – see responses above**

13. Transportation/Circulation Will the proposal result in:

**TRPA Response: All responses = no; Comments:**

13 a. The proposal incentivizes local jurisdictions to direct STRs towards Town Centers, public transit, and other bike/pedestrian amenities, which will reduce vehicle trips (See Trip Memo dated 9/18/2019).

13 d. The proposed Code amendment incentivizes locating STRs within or near town centers to promote circulation patterns consistent with the Regional Transportation Plan, Regional Plan, and supporting environmental analysis.

**Resident Response: The referenced trip memo cited above is appreciated but does not adequately reflect the vehicular impacts of the growth in STRs – we have preformed estimates based on publicly available data which indicate significant increases even using conservative estimates. In addition, recall that all of the data and impact determinations to date by TRPA do not include the impacts of the surge in STR numbers and occupancy in recent years**

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)? **Yes. It is difficult to calculate this exactly given the lack of database regarding Vacation Rentals/STRs. One calculation which is derived from some available survey data and does not include estimates for other impacted usage categories yields a conservative estimate of 350 average trips/day (see detail in enclosed slides and attachment)**

b. Changes to existing parking facilities, or demand for new parking? **Absolutely YES. The added Vacation Rentals/STRs bring added occupancy (see some estimates #11, 16 and in attachments) with more occupants/residence and more accompanying vehicles which are then looking for parking. In addition, some bring boats on trailers, RV's, and vacation trailers all of which need to be placed somewhere. This demand will only maintain and increase absent Vacation Rental/STR restrictions with enforcement. In addition, specific restrictions for on street car/boat/trailer/RV parking and occupancy need to be clarified and enforced. And**



**Vacation Rental/STR requirements for off street parking, occupancy limitations related to residence and parking legal allowed capacity/coverage are essential.**

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? **Yes. Increased area occupancy, combined with more commuting local workers results in more traffic and traffic jams. It is common to think that more bike/pedestrian access is the formula for remedying a significant number of vehicle trips. However, while more bike/pedestrian access is always lovely, it is a mistake to rely on this tactic. Bike/pedestrian access/paths will not remedy or significantly impact this metric in Incline Village/Crystal Bay. The area is simply too hilly with too much road traffic and too frequent adverse weather (snow/ice/rain seasons) or air quality conditions (smoke) for there to be a dramatic impact re resident, renter or worker use. What might have an impact is a frequent, convenient in village shuttle service with off-site parking for workers – this approach works in areas like Disney Parks and the village at Whistler.**

**(Parenthetically and in addition, increased influx volume by day users, e.g., for the new lakeside bike path, needs to be controlled either with much more parking, maybe a parking garage?, or diversion to shuttles outside the immediate area.)**

d. Alterations to present patterns of circulation or movement of people and/or goods? **Yes, see response above. It is also important to recognize that added occupancy brings added commercial volume and increased truck supply traffic – this impact needs to be measured and included in additional Environmental review.**

e. Alterations to waterborne, rail or air traffic? **Maybe – More rentals bring more tourists some of whom travel by air or possibly train. Already summer air service to Reno seasonally increases.**

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? **Absolutely YES – More people, more traffic, more speeding, more illegal parking, less visibility ... more traffic hazard!**

**14. Public Services Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?**

**TRPA Response: All responses: no; Comments:**

**14 a. The proposed Code amendment will incentivize local jurisdictions to require defensible space and public health and safety inspections in STR programs, which may require additional fire department services in the short term but decrease the possibility of wild or structure fires over the long term.**

**14 b. The proposed Code amendment will incentivize local jurisdictions to include enforcement in STR programs, including self-funding such efforts through STR fees or TOT.**

**14 d. The proposal will not increase or decrease the use of parks or other recreation facilities in the Tahoe Region.**

**14 f. The proposed Code amendment will incentivize local jurisdictions to plan for government services needed to manage and enforce STRs.**

**Resident response: Again, these are recommendations, not requirements. In addition, please note that currently police and fire services are understaffed for area occupancy in Incline Village and there is no organized initiative to match area occupancy levels and service provider staffing as is recommended in TRPA Regional Plan policy.**

a. Fire protection? **Yes, driven by added occupancy from periods of new occupancy by renters when residences would otherwise be unoccupied – for part-time owners recently surveyed, rental days approximately doubles the number of occupancy days for their residences and often with significant increases in number of occupants/day. As mentioned previously 50% of fires in Incline Village over the last 5 years were associated with Vacation Rentals/STRs. In addition, there will be a need for safety inspections which will require staff**

- b. Police protection? **Yes, as noted above. In addition, enforcement of parking violations which are currently not enforced will require additional staff**
- c. Schools? **No**
- d. Parks or other recreational facilities? **Yes, as noted above and particularly during high volume rental and full-time resident use seasons (summer-beaches and winter-skiing)**
- e. Maintenance of public facilities, including roads? **Yes, driven by higher facility use and failure to follow road/parking/snow removal restrictions resulting in disrupted drainage ditches, loose dirt/debris on road shoulders and decreased snow storage**
- f. Other governmental services? **Yes, addition of regulation enforcement and inspection staffing will be required**

**15. Energy Will the proposal result in:**

**TRPA Response: All responses = no**

**Resident Response:**

- a. Use of substantial amounts of fuel or energy? **Some increase related to added occupancy (see also below, item #16) and added vehicles both personal and commercial/services – the latter because of added commercial demand by increased occupancy levels and also related to added commuting staff if local affordable housing is not available**
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? **See response above.**

**16. Utilities Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:**

**TRPA Response: All responses = no**

**Resident Response:**

- a. Power or natural gas? **Yes, driven by added occupancy with some periods of new occupancy by renters when residences would otherwise be unoccupied – for part-time owners recently surveyed, rental days approximately doubles the number of occupancy days for their residences and often with significant increases in number of occupants/day**
- b. Communication systems? **Yes, same rationale as listed above.**
- c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider? **Yes, with increases in STRs and resulting added occupancy, more water will be used (see #16a) – Unknown if it will, or how soon it might, exceed capacity**
- d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? **Yes, with increases in STRs and resulting added occupancy more sewer capacity will be used (see #16a) – Unknown if it will, or how soon it might, exceed capacity**
- e. Storm water drainage? **Maybe if coverage or topography is adjusted to allow for increased parking required for rentals (unless this is effectively restricted)**
- f. Solid waste and disposal? **Yes, same rationale as listed above in #16a.**

**17. Human Health Will the proposal result in:**

**TRPA Response: All Responses = no**

**Resident Response: Currently the Washoe County Health District has indicated that it is not implementing Public Accommodation requirements/program for STRs/VR because they occur**

in residences. In reality, potential health & safety issues related to this use are the same or similar to that seen with other forms of Transient Lodging which are subject to this program. This gap is real and represents a public health/safety concern.

a. Creation of any health hazard or potential health hazard (excluding mental health)? **Yes. Unless Vacation rentals/STRs meet all Health and Safety requirements for Public Accommodations as well as any adjustments needed for the local environment and hazard profile/risk, the renting public will be exposed to additional hazard. In addition, until area occupancy is restricted to match the local emergency services capability and emergency evacuation capacity, an additional hazard is created.**

b. Exposure of people to potential health hazards? **Yes. See response above. Additional supportive consideration is also required for individuals unaccustomed to this environment to ensure safety. For example, in winter blizzards occur and power failures are common as well as closed and/or treacherous roads – residents can become effectively marooned but are hopefully informed and as prepared as possible and so are hotels which are prepared for their guest needs in these situations. Not so true for “ad hoc” rentals/renters! The lists vary by season, and summer, the other high rental season, brings its own sets of issues, e.g., wildfires and smoke, insect borne diseases, etc.**

#### **18. Scenic Resources/Community Design Will the proposal:**

**TRPA Response: All responses = no**

##### **Resident Response:**

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? **Yes. Though we have as yet been unable to determine a fully comprehensive list of all properties involved in Vacation Rentals/STRs, we have been able to identify some in view of some of the items listed above.**

b. Be visible from any public recreation area or TRPA designated bicycle trail? **Yes. Same response as above.**

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? **Probably not - as long as applicable building and permitting standards are followed (which unfortunately isn't always the case; hence the recommended license/inspection requirements and inspection enforcement needs)**

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan? **Probably – same comment as above**

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? **Probably – same comment as above**

#### **19. Recreation Does the proposal:**

**TRPA Response: All responses = no**

##### **Resident Response:**

a. Create additional demand for recreation facilities? **Yes. Incline Village beaches in particular are overwhelmed, as is adjacent legal and not-so-legal parking. Some beach statistics as well as sample parking pictures from this summer including cars parked by the beach directly under No Parking signs are included in the attached slides**

b. Create additional recreation capacity? **No**

c. Have the potential to create conflicts between recreation uses, either existing or proposed? **Yes, sort of ... What is created is conflict between residents who have purchased property and value the accompanying recreational facilities which they can no longer comfortably enjoy and**

**rental owners looking for profit/renters who occupy significant facility capacity with no respect for the local community or environment**

d. Result in a decrease or loss of public access to any lake, waterway, or public lands? **Yes. During the summer, especially weekends, residents have difficulty accessing and using the Tahoe beach facilities because of: over-crowding, jammed convenient parking, traffic jams/illegal parking creating unsafe passageways with poor visibility & cars speeding by and unsafe launching area for kayaks because of waterfront crowding.**

## 20. Archaeological/Historical

TRPA Response: All responses = no

### Resident response:

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? **We don't know and have been unable to determine if applicable entities have been impacted as yet by Vacation rentals/STRs**

15

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

**We don't know and have been unable to determine if applicable sites have been impacted as yet by Vacation rentals/STRs**

c. Is the property associated with any historically significant events and/or sites or persons? **We don't know and have been unable to determine if historically significant sites have been impacted as yet by Vacation rentals/STRs**

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? **We have no information on which to base a response**

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area? **We have no information on which to base a response**

## 21. Findings of Significance.

TRPA Response: All responses = no

### Resident Response:

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? **Yes.**

**The rampant growth of Vacation rentals has already degraded the environment and, if not significantly restricted/allowed to proceed unchecked further threatens public safety, the environment and the character and integrity of the community/neighborhoods. Visitors poorly oriented to and unacquainted with the area, its wildlife or history can easily adversely impact any one or more of the listed parameters**

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) **Yes. The short-term gain is profit for a few. The immediate and longer-term adverse impacts are substantial, documented throughout this response, and particularly worrisome from community character, environmental protection and public safety perspectives.**

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) **Yes,**

15

**actually this de facto NEW USE has impacts that both individually and even more so collectively considerably impact both the Environment and the Neighborhoods in and around the Washoe County Tahoe area. Documentation for individual impacts has been described throughout this document – collect them all, and the impact is at best considerable and more likely, if unrestricted/unchecked, sufficient to destroy the character of the community and its unparalleled natural environment.**

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? **Yes, the rampant increase in Vacation Rentals/ STRs with accompanying increased occupancy in the area, exceeding comfortable area capacity and increasing public safety risks and pollution, is Bad for the Community and Bad for the Lake. Mitigation efforts such as TRPA's Neighborhood Compatibility program should help but will not be adequate to remedy adverse impacts or to ensure future TRPA thresholds will be met.. Significant restrictions with rigorous enforcement particularly in Residential Zones will be required in addition as well as increased Emergency Services and Enforcement staffing.**

**Determination: On the basis of this evaluation:**

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

**TRPA: yes                      Residents: no**

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

**TRPA: no                      Residents: no**

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

**TRPA: no                      Residents: yes re environmental impact, a comprehensive assessment and plan is needed**

**SUMMARY OF RESULTS AND IMPACTS:**

We believe that the growth in Vacation Rentals/STRs has had and will continue to have increasing significant effects on the environment and request that a formal environmental review be obtained as specified for a NEW USE for the Washoe County Tahoe Area Plans and accompanying documents and in accordance with any TRPA applicable environmental and/or Neighborhood Compatibility program requirements to address the significant environmental concerns that are raised in this document and/or by additional fact finding and data as it becomes available.

In addition, given the serious impacts of this NEW USE on the many Neighborhoods (Regulatory Zones) impacted by this major proposed zone use change, we fully expect that an extensive, comprehensive assessment of impacts and unintended collateral damages with consideration of open public input will be included as a requisite part of the proposed zoning change assessment. Please see attachment 1 below and additional data/info included in the enclosed slides supporting the responses above.

**Attachment 1: Vehicle Trip Estimate based on Experience in Incline Village**

In Incline Village the majority of STRs are located in homes of part-time residents. There are approximately 950 identified STRs and estimating that 75% are in homes of part-time residents, we estimate this subset at 715 STR's of part-time residents.

There is survey data which indicates that on average these residents actually occupy their homes an average of 117 days/year – we believe that this occupancy would be addressed in the vacation rental category in the TRPA model. In addition, part-time owners rent their homes an average of 90 days/year – this represents net added occupancy days solely related to the STR use, and which would not have occurred if the STR use wasn't present.

715 STRs x 90 days/year each = **64,350** added occupancy days/year related solely to the STR use.

Independent of location in the village, the individuals staying at these STRs would need at a minimum to travel as follows:

- arrive in town
- depart from town
- make one visit to/from grocery for food (no available feasible transit option)

Since most STRs bring 2 cars (or more) – if we assume 2 cars & a 2-day stay, this modest visit adds 6 car trips

Assuming that the owner would rent for 45 2-day stays/year (= 90 days), then this unit would generate 270 added car trips/year from STR use and 715 units behaving the same way would generate 193,050 added car trips/year = 528 added car trips/day

If we eliminate the grocery trip, we end up with **350** added car trips/day based only on trips coming to and leaving the village for a stay for just this subset of IV STRs owned by part-time owners. Note that these added trips occur independent of STR location compared to local transit, bike or pedestrian paths. Please note that this analysis does not include any added trips for sightseeing or any added trips by commercial (diesel) vehicles of suppliers to provide for added occupancy.

This is a different methodology from that used by TRPA which is more complex but I do not think as clearly identifies and includes added trips solely related to STR use which occupies units during times when they would otherwise be unoccupied.

# **WASHOE COUNTY AREA PLAN & ASSOCIATED DOCUMENTS**

## **Environmental Impact: Data, Research & Observations to Support IEC**

**Washoe County Board of Commissioners  
September 24, 2019**



# WASHOE COUNTY AREA PLAN: Environmental Impact?

**Promotion of economic growth/tourism profit at the expense of public safety and destruction of community culture, neighborhoods and the lake was never envisioned:**

**1) Tahoe Area Plan Draft:** Safe and desirable Area Occupancy Capacity is not presented; Examples:

- Overcrowding impacts are not comprehensively addressed
  - ♦ IV is over-saturated during busy periods with STRs (Short Term Rentals) increasing average occupancy & parking/service demand & magnifying area Fire, Safety, Health risks & Lake impacts
- Transportation section does not consider limiting overall vehicle influx into area

**2) Tahoe Modifiers Draft:** Considerations related to the Tahoe area are incomplete; Examples:

- Tourist Lodging general category specification is inconsistent with WC TOT ordinance and NRS description
  - ♦ All transient tourist rentals confer similar risks and require the same protections to ensure public safety: Transient/Tourist Lodging/Public Accommodation
- The Vacation Rental and TAU/CFU sections do not fully allow for Tahoe Area modification
  - ♦ Adjustments will be required based on area & neighborhood capacity, safety, environmental impacts, etc.; neighborhood compatibility requirements and specific allowed uses by neighborhood

*Current Residents/Tourism value balance is skewed:  
Revenue Gain for a Few >>> Risk Pain for Residents (& Visitors)*



# AREA OCCUPANCY PLAN IS NEEDED

## Incline Village Trend = More Part-time Owners

### Most Surveys Suggest:

- Full-time resident owners down
- Part-time resident owners up
- Only one recent survey w/more full-timer responses<sup>^</sup>

*	FT	PT
1994	55%	37%
2014 2016	46%	52 - 53%

### US Census 2010: Occupancy Data\*\*

Housing Units = 7667

Full-time = 49%:  
2/3 owner = 2464  
1/3 LT rent = 1301

Part-time = 42%  
owner = 3247

Owners were  
43% full-time;  
57% part-time

### Survey Comments:

“Though still positively viewed as a place to live, Net promoter score of IV/CB as a place to own property decreased from 45 to 34”\*\*\*

>> 24% decrease in net promoter score 2016-2018

>> Detractors are: more likely FT & less likely to rent homes

Note: <sup>^</sup>2018 IVGID Community Study respondents included a higher % of full-time residents (55%)

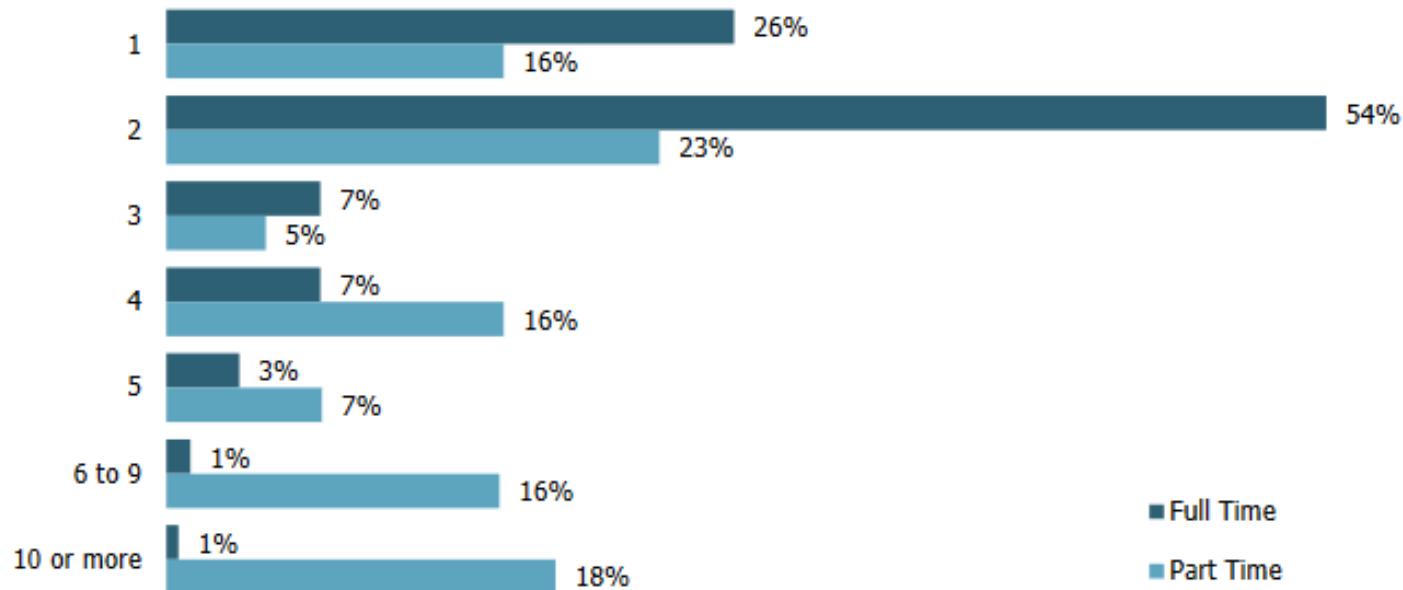
Sources: \*1994 IVGID Public Opinion Survey; 2014 IVGID Beach Study; 2016 IVGID Community Study

\*\* 2010 US Census; \*\*\* 2018 IVGID Community Study

# 2X Higher Average Occupancy of Rentals by Part-Time Owners

Most full-time residents have no more than 2 tenants; for part-timers, many more tenants use the property

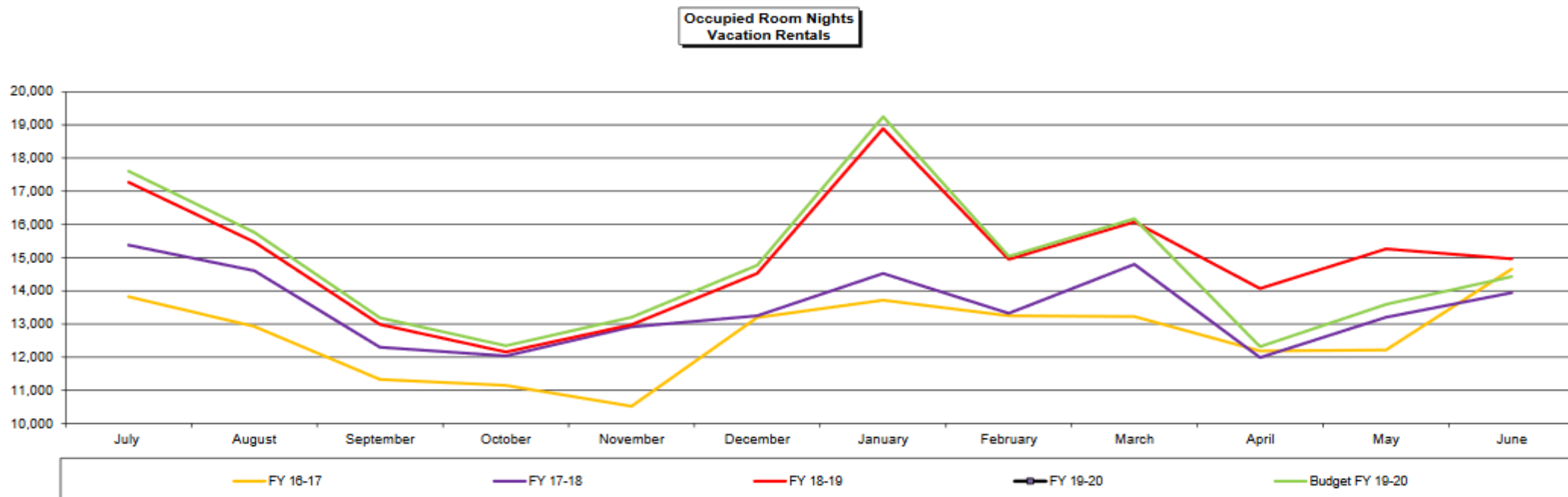
## Number of Individuals Using Property



# In IV, ~12% Rent Their Homes >>> Increased Area Occupancy: Avg 9%, Peak 17%

**RSCVA Occupied Room Nights for Vacation Rentals (VRs) Increased 61% over the 5yrs ending in FY 18-19\*; Approx. 90% of VR days are in IV/CB\*\***

- 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, 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:
- January 2014 vs 2019: the average daily occupancy increase was 1500 people/day or ~ 17%.



Sources: \*RSCVA Statistics Trend FY 10-11 through 2019; 2010 US Census; \*\*WC staff representations about % of Vrs in IV/CB vs WC total

# Occupancy Impacts and the Environment

## Over-Crowding

- Vehicle Trips
- Parking
- Beaches
- Trash

## Population Safety

- Emergency Services
- Evacuation

## Personal Well-Being

- Visitor & Resident Safety
- Nuisances

# Overcrowding is a REAL Issue

- In survey responses:

**2018\***

## What Detractors are Saying

The facilities are too crowded! Since I can't ever use them, why would I recommend adding more people?

Other than an indoor pool and maybe golf course (which I don't use) there are similar amenities in other areas around Tahoe and less expensive.

IVGID's poor focus on property owners and high focus on commercial use of amenities.

The list of amenities is impressive. I do not like the way beach access is handled during busy times.

They are nice facilities but... I don't use them enough to justify the annual payment.

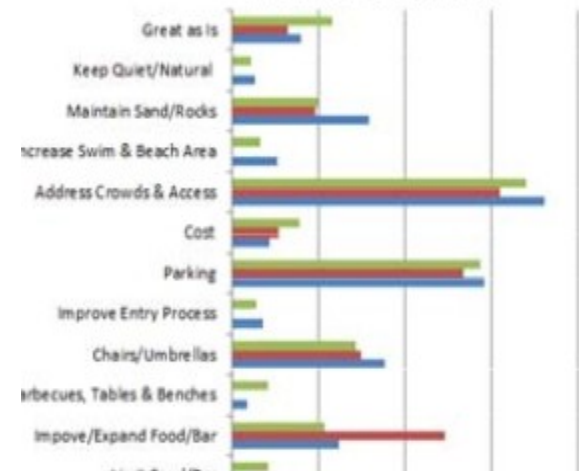
The amenities are fine but there are lots of different locations around the lake that offer great amenities but with better restaurants, bars, and nightlife. Incline Village is lacking a lot in terms of things to do outside the IVGID facilities.

As we own and live in Crystal Bay, IVGID's managements long standing position has been to treat Crystal Bay residents as outsiders and second class citizens. IVGID has NO amenities in Crystal Bay and has successfully held off on including Crystal Bay in its activities since day one of the merger.

They are turning activities into anyone can pay and use. Way too crowded now.

**2014\*\***

**Suggested Changes at IVGID Beaches**



- **Supported by data >>>>>>>>>>**
- **Magnifies safety impacts for residents and visitors**

# Overcrowding is a REAL Issue: VEHICLE TRIPS

- **Increased average occupancy related to VRs/STRs results in added Vehicle Trips**
  - ♦ Increased Commuter traffic because of lack of available housing adds more as does added commercial traffic related to added occupancy
  - ♦ Increased number of occupancy days/year and occupants/day and therefore added vehicles and trips for rented units
  - ♦ We cannot understand the conclusions and therefore question the applicability of the TRPA model used as applied to IV
  - ♦ Actual TRPA measurement occurs every 4 years - thus not yet impacted by the recent burst of STR growth
- **Example 1:** We can estimate added trips directly related to added STRs in a sub-population by extrapolating survey data as follows:
  1. The 2014 IVGID Beach Survey had 1990 mail responders, ~52% were part-time residents = 1055 possible STRs
  2. Using the data from IVGID Community surveys, reported rental information from 2016 and 2018 was then extrapolated to the population identified above:
    - a. Part-time residents rented an ave. 90 days/year, so for this population, estimate added occupancy days/year = 94,923
    - b. Assuming an average of 2 cars/rental with 1 trip/day each or 2 trips/day/rental, yields 189,846 added trips/year
    - c. Divide by 365 days/year yields **520** average added vehicle trips/day.
- **Example 2:** TRPA reports that NLTFPD has tracked ~ 950 STRs in IV/CB
  1. Survey data suggests that the majority are in part-time residences, say 75%, estimate **≥ 64,000** added occupancy days/yr
  2. At the same use rates as above, this implies **351** average added vehicle trips/day

*Average of >200 added Vehicle Trips/Day raises concern regarding TRPA's thresholds, especially since it does not include other concurrent impacts: added commercial trips, commuter traffic & cars with the new lake trail.*



# Overcrowding is a REAL Issue: PARKING

- Parking restrictions are not followed and not enforced >> unsafe traffic especially near beaches with overcrowding; parking on dirt >> lake

- Labor Day WE 2019:

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.



# Overcrowding is a REAL Issue: BEACHES

- IV Beach Occupancy has increased substantially since 2012/2013 driven by added picture pass use (owners and families) and guest access tickets for STR users and possibly some additional owner guests (See appendix for graphs)

## IVGID Beach Visit Analysis: % Increases

Years	2008-2012	2012-2018	2008-2018	July/Aug 2015-2018
Total visits	1.0%	24.3%	24.9%	12.2%
Picture Pass	10.0%	21.0%	33.2%	11.9%
Guest	-10.8%	3.33%	-7.8%	3.3%
Guest Access Tickets (since '13)	n/a	68.0%; 83.6% (2016-2018)	68.0% (2013-2018)	76.7%

### Conclusions:

- Overall usage growth spurt 2012-2018; 66% of total volume in July/Aug
- Picture pass use has grown – includes Owners + Family Tree (at owner discretion)
- Guest Access Tickets grew significantly since inception (likely associated with STRs)
- Guest use (Punch card) includes Owner Guests and Family; Likely some STRs

# Overcrowding is a REAL Issue: TRASH

Without considering bears, spills & smells, there's the lake:

- On a recent day paddling a kayak from Hermit Beach to Burnt Cedar beach, floating in the water were:
  - Soda cans
  - Chips wrapper and lots of plastic pieces
  - Large clumps of dirt and many branches
- “Research at Lake Tahoe is Finding Microplastics in One of the World’s Clearest Lakes”
  - UC Davis researcher taking samples from Incline & Hidden Beaches
  - Most likely source is trash

# **POPULATION SAFETY:**

## **Area Occupancy vs Fire Safety & Wildfires!**

- **More People, More Risk:**

  - ARE PREVENTIVE TACTICS IMPLEMENTED?

  - ARE TOURISTS WARNED, RENTALS EQUIPPED?

  - ARE RENTED ACCOMMODATIONS SAFE?

- **Emergency Services Demand Increases:**

  - ARE ENOUGH EMERGENCY STAFF ON SITE?

  - CAN FIRE TRUCKS/EMERGENCY TRANSPORT GET PAST CARS?

- **If a Wildfire develops,**

  - COULD WE EVACUATE SAFELY?

  - WHAT IF WATER SUPPLY IS CONTAMINATED?

    - “Rare toxic cocktail from Camp Fire is poisoning Paradise water.  
It could cost \$300 million to fix.”

# Population Safety is Paramount: EMERGENCY SERVICES & EVACUATION

- 50% of Fires last 5 years related to STRs
- Delays in response to less urgent issues; Parking cannot be enforced
- Fire and Sheriff understaffed: FD = 3 people to cover 24/7; Deputies = 2-4 assigned to IV with another slot allegedly available but no housing
  - ♦ Staffing benchmark est. (quick online search): Police 2.5/1000 residents\* and Fire: 1.6-1.8/1000\*\*
  - ♦ So optimistically staffed for around 2000
- BUT
- ♦ Population (WC voter reg 2018) = 7487 >> say avg in town is 50% = 3743 excluding kids, part-time residents/visitors and tourists
- Evacuation Plan recently circulated, but ...
  - ♦ Not enough capability to evacuate population at high occupancy times

Source: \*[https://icma.org/sites/default/files/305747\\_Analysis%20of%20Police%20Department%20Staffing%20\\_%20McCabe.pdf](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>

# Population Safety is Paramount: EMERGENCY SERVICES & EVACUATION

- The Washoe County Master Plan specifies:

“Goal Five: **Development occurs where infrastructure is available.**

LUT.5.1 Recognize the relationship between land use timing and the provision of adequate services and facilities. a. Provide an adequate facilities plan ...

LUT.5.2 Proposed development plans shall be required to provide the minimum service standards ...

**LUT.5.3 New development shall not reduce the quality of service for existing residents and businesses nor reduce the ability of public agencies to provide quality”**

- Washoe County Code indicates:

Section 110.100.15 Conformance with Plan. Pursuant to NRS 278, any action of the County relating to development, zoning, the subdivision of land, or capital improvements must conform to the Washoe County Master Plan.

*UNACCEPTABLE ... AN STR/VR MORATORIUM IS NEEDED with minimum staffing ratios defined to safely balance:*

- *Aggressive tourism development >>> RAMPANT GROWTH IN STRs/vRs*
- vs.*
- *Inability to provide adequate Emergency Services/Evacuation Capability*

# Well-Being is a Public Responsibility: VISITOR AND RESIDENT SAFETY Basic Health Requirements are Needed

- Health and Visitor protection is a priority in Transient Lodging situations where visitors arrive expecting a safe environment and Public Accommodation requirements provide basic protections including room and bedding cleanliness, extermination of vermin, sanitary bathroom conditions, and minimum room safety parameters
- WCC 25.1501 defines vacation rentals as transient lodging, classifying this use with hotels, motels & B&B's among others: **““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,...”**
- NRS 447.010 defines **““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...”** and NRS 447.185 further describes Public Accommodation requirements as applying to hotels and **“including all types of Transient Lodging establishments”**
- However, despite these definitions, code requirements & its public health role, Washoe County Health District web site indicates: **“Because monthly rentals are considered private residences, our agency does not have any regulatory authority over them”**

***THUS VACATION RENTALS/STRs ARE TRANSIENT LODGING SO TAX CAN BE COLLECTED BUT NOT TO PROVIDE BASIC HEALTH AND SAFETY PROTECTIONS EVERY OCCUPANT HAS A RIGHT TO EXPECT - UNACCEPTABLE!!***



# Well-Being is a Public Responsibility: VISITOR AND RESIDENT SAFETY

- Safety Requirements & Inspections – More than Fires!
  - Building code for rental properties > for residences

---

The New York Times

---

## *Multilevel Deck Collapse Injures 21 People at the Jersey Shore; 2 Treated for Trauma*

The injured included firefighters who were in Wildwood, N.J., for an annual convention, the authorities said.

- 9/14/2019: Decks on a 3-story rental building in Coastal New Jersey collapsed



# Well-Being is a Public Responsibility: VISITOR AND RESIDENT SAFETY CRIME is an Infrequent but Real Risk

## For Neighbors:

- **Reno Airbnb had 4-person limit. Cops found 60 underage drinkers, gunshots and blood.**

*Source: Sac Bee March 26, 2018 04:17 PM, Updated March 27, 2018 12:06 AM*

- **Shootings And Wild Airbnb Parties Renew Calls For Crackdown On Short-Term Rentals**  
... after a rowdy house party at a short-term rental property ended in gunfire in a residential neighborhood in Rocklin, California, ... [An owner was quoted:] “It bothers me that it’s in a residential area not 100 yards from an elementary school where my grandsons go,” he said, adding that anyone could rent the home, including sex offenders and drug traffickers” *Source: Excerpt from Huff Post 06/24/2019 11:08*

## For Renters:

- **CRIME TREND: Peninsula Police Warn of Burglars Utilizing Short Term Rentals Like AirBnB for Thefts**

"Criminals are using these short-term rentals to steal valuables from the homeowners... and obtain personal identifying information..."

*Source: Redwood City – Woodside, CA Patch Aug 24, 2016 3:31 pm ET | Updated Aug 24, 2016 6:30 pm ET*

# Well-Being is a Public Responsibility: VISITOR AND RESIDENT SAFETY NUISANCES

- Washoe County has an extensive Nuisance and related items chapter in the WCC
- TRPA has also considered nuisance issues in its neighborhood compatibility program
- Nonetheless, the addition of many unscreened and unvetted visitors to the community does raise annoyance as well as safety concerns
- **Noise and Pet issues are commonly cited nuisance complaint examples, magnified by overcrowding**

# Overcrowding Magnifies Safety & Nuisance Impacts

- **STRs RESULT IN INCREASED AVERAGE AREA OCCUPANCY & OVERCROWDING**
- **STRs ARE CURRENTLY NOT INSPECTED & THERE IS LITTLE CODE COMPLIANCE ENFORCEMENT with RESULTING ENVIRONMENTAL and PUBLIC SAFETY IMPACT**
- **OCCUPANT SAFETY:** STR clients are currently living and sleeping in areas which do not meet building, fire or other safety/health codes – Note 2018 major fire in an STR with code violations. Crime is a rare but real risk related to unknown, unvetted occupants.
- **PARKING OVERFLOW:** Cars along roads impede emergency vehicle access. Cars are parked on dirt beside roads, extending over white lines into roadways and disrupting drainage ditches created to prevent dirt flow into lake. And in winter, snow removal/safe passage is impeded along roads and in courts
- **FACILITIES:** Beaches are jammed & altercations develop for prime sand space/chairs; Car lines waiting for beach parking block traffic; Added demand on water/sewer/trash services.
- **TRASH:** Bear boxes aren't always used attracting wildlife; Trash/debris drifts into the lake
- **NOISE:** Troublesome noise particularly from larger groups exceeds code standards
- **Actively resolving these issues is essential to ensure the public's safety and to maintain the environment**



Source: IVGID website

# Comprehensive Environmental and Public Safety Review is Required

- Washoe County addition of STRs/Vacation Rentals to IV/CB Residential Neighborhoods is a New Zoning Use with major neighborhood character, environmental and public safety impact
  - As demonstrated by the Initial Environmental Checklist we have submitted supported by data provided in these slides
- Comprehensive review of this proposed New Use is therefore required of:
  - Any/all proposed STR/Vacation Rental regulations
  - Washoe County proposed Tahoe Area Plan, Tahoe Modifiers and Design Documents
- Application of Public Accommodation requirements is mandatory
  - Failure to implement creates unacceptable public safety risk
- Area capacity must be managed to match available Facilities and Emergency Services and Code Enforcement staffing
  - Failure to effectively manage is an abrogation of public agency responsibility

# APPENDIX

# IV/CB Area Plans: **What's the Balance?**

## **PAIN for Residents**

- STR growth has created overcrowding by increasing average occupancy and parking demand
- Environmental, Fire, Safety and Health Risks and Lake Tahoe impacts are magnified
- Infrastructure demand (water, sewer, trash, facilities) is accelerated all subsidized by residents
- The basics aren't addressed, e.g.,:rows of cars without tickets parked under NO PARKING signs along Lakeshore this weekend
- Increased needs for Emergency Services and Code Enforcement which are understaffed
- IV is over-saturated during busy periods with inadequate safety services support - We could not be safely evacuated in an emergency!

## **GAIN for a Few**

- Beautiful new lakeside bike path brings more people to the area but creates parking and traffic snarls with inadequate amelioration planning
- Transportation plans increase local service & add some jobs but do not address avoiding excess area influx
- Tourism provides tax revenue to WC and income to a minority of residents & more investors, corporations/LLCs, realtors, etc



# Summary\*: Unrestricted STR Growth is Bad for the Community & Bad for the Lake

## STRs SHOULD BE:

- Designated businesses as the TOT implies requiring STR business licenses and STR rental insurance/bond
- Restricted so that parcel use is  $\leq$  the average use of the parcel over the prior 10 yrs
- Restricted from Residential Zone areas with rare exception by Special Use Permit when residence is:
  - Owned by local residents who occupy the residence the majority of the year;  $\leq$  4 bedrooms
  - Actively managed (e.g., in person check-in), advertised and maintained by owners and local managers
  - With onsite owner or local owner/ manager available 24/7 within 30min whenever rented
  - Overseen by on site owner or manager whenever only a portion of a home is rented
  - Rented  $\leq$  30 days/year and  $\leq$  4 times/month; Posted: License #, No parties, Parking restrictions, etc.
- Inspected annually for safety, code/regulatory compliance with permit for complete compliance & with all complaints reported to a 24hr staffed hotline
- > Subject to compliance with Transient/Tourist Lodging/Public Accommodation standards
- Licensed only when adequate staffing of emergency services and compliance personnel to meet the demand of actual average area occupancy 24/7 is available including on site housing for emergency services staff given the geography and environmental risks

\* Slightly modified slide from material presented to WC BOC 8.27.2019



# IV Beach Utilization Graphs

## IVGID Beach Visits: 2008 – 2018



## Beach Visits July & August (2015 – 2018)



# **WASHOE COUNTY AREA PLAN & ASSOCIATED DOCUMENTS**

## **Environmental Impact: Data, Research & Observations to Support IEC Summary Slides**

**Washoe County Board of Commissioners  
September 24, 2019**

# WC AREA PLAN & ASSOCIATED DOCUMENTS: Environmental Impact - Enough Tahoe Adjustment?

Promotion of economic growth/tourism profit at the expense of public safety and destruction of community culture, neighborhoods and the lake was never envisioned

*Current Residents/Tourism  
value balance is skewed:*

*Revenue Gain for a Few >>>  
Risk Pain for Residents (& Visitors)*



# Comprehensive Environmental, Public Safety and Zoning Review is Required

- **Washoe County's apparent planned addition of STRs/Vacation Rentals to IV/CB Residential Neighborhoods is a **New Zoning Use**** for most IV neighborhoods
  - Zoning change is obscured in the combination of a single clause in the draft WC Tahoe Area Plan referencing an as yet to be seen STR Ordinance
  - Significant environmental impact is a major concern – see Slides and Draft IEC
- **Comprehensive review of this proposed New Use & Tahoe impact is required:**
  - All WC code, ordinances, plans re Vacation Rentals/STRs with comprehensive EIS
  - Appropriate Zoning like other Transient Lodging in Residential Zones: Special Use Permit
  - Application of Public Accommodation requirements is important
  - Area capacity must be managed and standards developed to match service/facility capability
- **WC must step-up - given historic non-compliance:**
  - Need regulations to address overcrowding, protect public safety and neighborhood character
  - A comprehensive, effective enforcement program is essential
- 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!*

# WC's Historic Approach Adversely Impacts IV Residents/WC Citizens

- **More Average and Peak Area Occupancy** (slide 5)
  - ♦ WC RSCVA data occupied VR room days increased 61% FY13-18; approx 90% = IV/CB
  - ♦ Translates into increase ADC by **~750: 9%** Average and **18%** Peak increase
- **Lower Net Promoter Score** (slides 3,4)
  - ♦ Score dropped 24% (2016-2018); Detractors more likely full-time residents, less likely to rent
  - ♦ Trend: more Part-time Residents in 3/4 Surveys; Twice as many occupants when Part-timers rent
- **More Vehicles and Vehicle Trips** (slide 8)
  - ♦ ~950 STR's in IV; Most in Part-Time Residences (est. 75%); Part-timers rent avg 90 days/yr
  - ♦ Net is add of 64,125 renter dys/yr @ 2 trips/day > Add **351** trips/day; **≥ 64,000** car days/yr
- **Crowded Beaches** (slide 10)
  - ♦ Visits/Picture Pass up 25-35% since 2012; Guest Access Tkts (largely STRs) up **84%** last 2 yrs
- **More Lake Trash & Dirt** (slide 11)
  - ♦ Very visible increase in water: trash, plastic, debris; Many cars parked on dirt/drainage ditches
- **Less Safety - More Safety Risk** (slides 12-17)
  - ♦ Long list: Fire, Evacuation, Building, etc. Code issues, Health & Public Safety regs
  - ♦ **50% of fires in IV last 5 years related to STRs**

# **POPULATION SAFETY:**

## **Area Occupancy vs Fire Safety & Wildfires!**

- **More People, More Risk:**

  - ARE PREVENTIVE TACTICS IMPLEMENTED?

  - ARE TOURISTS WARNED, RENTALS EQUIPPED?

  - ARE RENTED ACCOMMODATIONS SAFE?

- **Emergency Services Demand Increases:**

  - ARE ENOUGH EMERGENCY STAFF ON SITE?

  - CAN FIRE TRUCKS/EMERGENCY TRANSPORT GET PAST CARS?

- **If a Wildfire develops,**

  - COULD WE EVACUATE SAFELY?

  - WHAT IF WATER SUPPLY IS CONTAMINATED?

    - “Rare toxic cocktail from Camp Fire is poisoning Paradise water.  
It could cost \$300 million to fix.”

**WASHOE COUNTY  
TAHOE AREA PLAN & DOCUMENTS;  
STR ORDINANCE**

**Project Guardrail  
Challenges**

**Washoe County Board of Commissioners  
September 30, 2019**

*Submitted by Carole Black, IV Resident*

# Comprehensive Environmental, Public Safety and Zoning Review is Required

- 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 combination of a single clause in the draft WC Tahoe Area Plan referencing an as yet to be seen STR Ordinance
  - **Significant environmental impact = major concern** (Slides & Draft IEC submitted 9/24/2019)
- **Comprehensive review of this proposed New Use/Tahoe impact is required:**
  - **EIS:** All WC code, ordinances, plans re Vacation Rentals/STRs with comprehensive review
  - **STR/Vacation rental = Commercial Use:** Zoning must parallel other Transient Lodging and NRS
  - **Special Use Permit:** Zoning must parallel other Transient Lodging in Residential Zones
  - **Public Accommodation** compliance must 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!*



# **Defined Project Guardrails:**

## ***Some elements need to be modified!***

### **Current Status - Project Guardrails/Constraints:**

- **Tahoe Area Plan**

- Follow TRPA pattern
- No explicit zoning code changes
- Incorporate (undefined) STR Ordinance

- **STR Ordinance**

- Single plan all WC
- No bans
- Pay for itself
- Consider all “constituents”
- TOT to RSCVA

# WC Guardrails for Tahoe Area Plan are Flawed – Full Code Change Process with EIS is Required

GUARDRAILS TO MODIFY	ISSUE	PROPOSED RESOLUTION
Follow TRPA pattern	TRPA code needs to be revoked: <ul style="list-style-type: none"> <li>- Ordinance incompletely vetted</li> <li>- WC historic non-compliance w TRPA specs not enforced</li> <li>- WC gave incorrect status report to TRPA in 2017</li> </ul>	<ul style="list-style-type: none"> <li>- TRPA must change STR to commercial OR</li> <li>- WC must exceed TRPA to comply w NRS &amp; protect residents/village/lake</li> </ul>
No explicit zone changes	Compliance with WC 110 requires explicit zoning change with EIS	<ul style="list-style-type: none"> <li>- WC must execute full process for major Zoning update w/EIS</li> <li>- WC must add STR requirements:               <ol style="list-style-type: none"> <li>1. Commercial Use w Special Use Permit for Residential zones</li> <li>2. Public Accommodation applies</li> <li>3. Safety Inspections mandatory</li> </ol> </li> </ul>
Incorporate STR Ordinance	Ordinance is being drafted but Zoning/Area Plan approval is a “blank check” w/o Ordinance	Adjust Timing - If this item remains, <ul style="list-style-type: none"> <li>- Plan cannot move forward until Ordinance is done;</li> <li>– Must include area capacity plan linked to staff/facility capability</li> </ul>

# WC Guardrails for STR Ordinance are too Restrictive – Need Comprehensive Plan to Protect Community/Lake

GUARDRAILS 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 \$ 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"> <li>- Prioritize categories – respect residents/voters as primary constituents: Work group!</li> <li>- Responsible tourism plan requires addressing safe area capacity</li> </ul>
TOT to RSCVA	Legislature sets program	<ul style="list-style-type: none"> <li>- Consider bill next session</li> <li>- Reallocate WC portion</li> </ul>

# Appendix

## DO SHORT-TERM-RENTAL "BANS" WORK?

At the recent Washoe County Short-Term-Rental (STR) workshops we were told that we could not "discuss a ban on STRs," and that the Commissioners were not willing to consider a ban because "they don't work." The use of the word "ban" implied that restricting or limiting STRs in any zones in Incline Village or Crystal Bay would not be possible because this approach wouldn't work. This conclusion is not correct.

Rather I believe and data suggests that implementing thoughtful, tested restrictions for STRs in Incline Village's residential areas with careful enforcement is the best way to maintain the residential character of Incline Village's neighborhoods. Lest there be any confusion there is clear evidence that STR restrictions (aka "partial bans") do work and have been in place sufficiently long for data to show their impact. Specifically, measurable positive results of Airbnb partial "bans" have been reported in Berlin, Santa Monica and San Francisco.\*

In each of these cases where a city restricted STRs, and enforced the regulation with significant fines for violations, the city successfully reduced STR listings and rental days. Many STRs still exist in these cities, i.e., STRs weren't totally banned. But restrictions emphasizing resident presence and involvement plus fines for violations did work and eliminated many "professional hosts" who were investors advertising more than one STR property.

For example, STRs in San Francisco are limited to homes that are owned by permanent residents (with resident occupancy requirement) and require permits, TOT payments and specified liability insurance, among other safety and environmental regulations. In addition, there is a total annual rental day limit for entire home rentals but not for partial home rentals (which require on site resident presence during rentals). Other cities have similar restrictions, including NV's City of Las Vegas.\*\*

Incline Village is a small town where STRs have an even more significant impact. Please help us maintain the character of our neighborhoods and safety of our community by supporting appropriate STR restriction and safety requirements in our residential neighborhoods.

Thank you,  
Carole Black, IV Resident

September 3, 2019

### References:

- \* <https://www.airdna.co/blog/effects-airbnb-regulation>;
- <https://www.2ndaddress.com/research/short-term-rental-laws/>;
- <https://www.sfchronicle.com/business/article/Airbnb-listings-in-San-Francisco-plunge-by-half-12502075.php>
- \*\*<https://files.lasvegasnevada.gov/planning/Short-Term-Rental-Ordinance.pdf>