

DRAFT: February 25, 2021

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

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

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

BILL NO. _____

ORDINANCE NO. _____

Title:

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

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

WHEREAS:

- A. This Commission desires to amend and create articles within the Washoe County Development Code (Chapter 110) in order to establish standards and processes for short-term rentals; and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on December 10, 2019; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0008 January 7, 2020 and adopted Resolution Number 20-01 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

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

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

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

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

- (1) Tier 1 Short-Term Rental. A Tier 1 STR has a maximum occupancy of 10 persons or fewer.**
- (2) Tier 2 Short-Term Rental. A Tier 2 STR has a maximum occupancy of 11-20 persons and due to its higher occupancy, may require additional limitations to ensure compatibility with surrounding residential properties.**
- (3) Tier 3 Short-Term Rental. A Tier 3 STR has a maximum occupancy of 21 or more persons. This highest tier of STRs is still operated out of a pre-existing dwelling unit, but due to the high number of occupants, is expected to have more significant impacts to surrounding properties. As a result, it is considered inappropriate to be located in residential regulatory zones, but may be appropriate on properties with commercial regulatory zones that are located nearer tourist and commercial services.**

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

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

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

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

- (a) Allowed Use. A letter "A" indicates that a use is allowed, but the use shall comply with the provisions of the Development Code.
- (b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.
- (c) Planning Commission Special Use Permit. A letter "S₁" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.
- (d) Board of Adjustment Special Use Permit. A letter "S₂" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.
- (e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.
- (f) **Administrative Review**. A designation "AR" indicates that a use is allowed only upon approval of an administrative review permit pursuant to Article 809, Administrative Review Permits.

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

Table 110.302.05.1

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

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

Key: -- = Not allowed; A = Allowed; AR = Administrative Review pursuant to Section 110.306.25(i); P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit;

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S₂ = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

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

Table 110.410.10.1

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

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

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

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

Article 319

SHORT-TERM RENTALS (STRs)

Sections:

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

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

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

- (a) **Within the Boundaries of the Tahoe Area Plan.** This sub-section becomes applicable upon adoption of an updated Tahoe Area Plan that replaces existing regulatory zones with alternative designations. Prior to adoption of alternative regulatory zones for the Tahoe planning area, the provisions of subsection (b) below will apply.
 - (1) **Tier 1.** Tier 1 STRs are considered an allowed use, subject to the issuance of an STR Permit, in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)
 - (2) **Tier 2.** Tier 2 STRs are permitted subject to the issuance of an STR Permit with Administrative Review Permit in all regulatory zones where single family and multiple family dwellings are permitted (allowed by right or otherwise.)

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

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

- (a) Application and supplemental materials as required by the Washoe County Planning and Building Division;
- (b) Accurately scaled and dimensioned site plan showing, at a minimum: location of property lines; dwelling unit(s) and all other structures on the property; dedicated locations and surface material of required parking spaces; all recorded easements; and, snow storage areas (for properties located within the boundaries of the Tahoe Area Plan);
- (c) Accurately scaled floor plan showing entirety of dwelling, including areas proposed to be available for STR use. Each room must be labeled, with dimensions and square footage also provided for areas/rooms proposed to be used for sleeping purposes. The floor plan must also show locations of fire extinguishers, smoke alarms, carbon monoxide (CO) alarms, hot tubs (if applicable), decks (if applicable), and ingress/egress (doors, stairs and windows) from the dwelling and each room;
- (d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit;
- (e) Educational materials required by Section 110.319.15(a)(14), and the name, phone number (text-capable) and email address of the local responsible party designated to respond to issues/complaints on the property as required by Section 110.319.15(a)(3);
- (f) Proof of property tax payment for current quarter of current fiscal year;
- (g) Transient lodging tax license number issued by the Reno-Sparks Convention and Visitors Authority (RSCVA); and
- (h) A notarized certification from the property owner(s) that acknowledges or attests to the following:
 - (1) An STR permit is deemed a privileged permit subject to revocation without action by the Board of County Commissioners (BCC) for non-payment of fees or noncompliance with required standards, including the revocation standards within Section 110.319.40.
 - (2) An STR permit must be renewed and issued annually in order to advertise or operate. Property owners should be aware that standards are subject to change over time and there is no guarantee that an STR permit will be re-issued.

- (3) An STR permit does not relieve the property owner of complying with any applicable private restrictions on the property such as CC&Rs or homeowners association rules.
 - (4) ~~Per Section 110.319.35, Physical~~ inspections must be passed prior to issuance of the initial STR permit. ~~and Thereafter, a self-certification checklist may be provided for annual renewals provided the requirements of Section 110.319.35 are met, and~~ ~~The cost of these~~ inspections and any necessary associated improvements will be borne by the property owner. It is the responsibility of the property owner to provide sufficient evidence that the applicable standards have been met.
 - ~~(5) The property owner understands and consents to reasonable unscheduled inspections in the event first responders, fire inspectors or Planning & Building inspectors/officers have reason to believe that the maximum occupancy has been exceeded or a life safety issue is present. This consent must also be included within all lease agreements for the STR.~~
 - (5) The property owner has reviewed this article and other codes referenced within this article, understands the requirements and agrees to abide by them.
 - (6) The property owner is responsible for each occupant's compliance with the Washoe County Code while they are on the property, including but not limited to the standards within this article.
 - (7) There are no delinquent transient lodging tax liabilities or liens against the property.
 - (8) No alterations will be made to the STR premises without the proper approvals and permits, nor alterations that violate Washoe County adopted codes and ordinances.
- (i) Additional submittal information may be required in order to ensure complete review of the STR permit application.

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

- (a) **General standards.** The following general standards are applicable:
- (1) A valid STR permit shall be obtained from Washoe County prior to advertising and operation.
 - (2) STR permits must be renewed and issued annually in order to advertise or operate. Previous issuance of an STR permit does not guarantee that a subsequent permit will be issued.
 - (3) Every STR is required to have a designated agent or property manager functioning as a local responsible party who is available 24 hours a day, seven days a week to respond via text message or phone to complaints ~~issues~~ related to the STR within 30 minutes of contact by Washoe County staff or its designated representatives. The local responsible party must also be based in a location where they can physically arrive at the STR within one hour (not including reasonable delays due to traffic or weather) of the initial response. This requirement is intended to

address complaints based on violations of this section or Section 110.319.20 and should not be interpreted for any other purpose. The STR property owner shall provide a single phone number (text-capable) and email address with which the local responsible party can be reached 24/7.

- (4) No events, parties, or weddings (regardless of payment or familial association), are allowed or may be advertised. A party is defined as any gathering in excess of the approved on-site maximum occupancy associated with the STR permit.
- (5) Applications for an STR permit may be initiated by the property owner or authorized agent of the property owner. However, the permittee must be the property owner(s) of the STR property.
- (6) Only one STR will be permitted per parcel, with the exception that a second STR may be allowed if established within a legally permitted attached or detached accessory dwelling. The STR must be a legally permitted, permanent, habitable dwelling unit (for example, no RVs, boats, detached garages, etc. to be used as an STR).
- (7) An STR permit will only be issued for dwelling units that have already received a certificate of occupancy. STR permits do not supersede, waive or reduce any other code standards or requirements for building permits, planning permits/ applications or other requirements necessary to construct a dwelling unit.
- (8) An STR shall only be rented to one group or person at a time (ex. renting out multiple individual rooms to multiple separate groups is not permitted).
- (9) Advertising for an STR is prohibited unless a valid STR permit has been issued and is in effect at the time of advertisement.
- (10) All advertisements must include the Washoe County permit number, transient lodging tax license number, maximum occupancy as allowed by the permit, ~~number of bedrooms,~~ number of beds (not to exceed maximum occupancy), number of parking spaces, and a note that no off-site street-parking is permitted. This information must be displayed at the top of the STR advertisement.
- ~~(11) At all times while an STR is rented, one 8.5" x 11" placard must be displayed on the front exterior of the residence and clearly visible from the main pathway leading to the primary entrance. The placard shall be legible (with a minimum 12 point font size) and include the following information: Washoe County STR permit number; maximum occupancy allowed by the permit; County's STR complaint hotline phone number; and, phone number of designated local responsible party.~~
- (11) No signage advertising the STR is permitted on the property.
- (12) Certificate of insurance is required identifying that the property is used as a short-term rental and provides a minimum of \$500,000 liability coverage per occurrence.
- (13) Educational material must be made available to all renters in the unit's kitchen or other common area and must contain the following: occupancy limits associated with the permit; exit locations; emergency phone numbers (ex. 911); phone number for the STR's local responsible party; fire/life safety information (ex. proper cigarette and ash disposal, community fire danger, proper BBQ operation, hot tub safety [if applicable], etc.); bear awareness brochure (for properties located in bear-prone areas); and Washoe County noise (quiet hours), trash and

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

- (14) All STRs must comply with all other federal, state, and other applicable laws/statutes.
 - (15) Per WCC Chapter 25, applicable room tax must be paid to the Reno-Sparks Convention and Visitors Authority, disclosed to the renter and included in any rental agreement.
- (b) **Parking Standards.** In areas outside the jurisdiction of the Tahoe Regional Planning Agency (TRPA), parking standards applicable to all residential uses, or the parking standard adopted at the time of original building permit approval of the residence, shall apply. Within the jurisdictional boundaries of the TRPA, the following parking standards shall be adhered to:
- (1) No STR parking is allowed within access easements or the public rights-of-way.
 - (2) All parking spaces must be: improved to ~~Washoe County residential standards (or Tahoe Regional Planning Agency (TRPA) standards, if applicable)~~; developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.
 - (3) One parking space is required for every four occupants.
 - (4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.
 - i. In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.
- (c) **Noise Standards.** The following noise standards shall be adhered to:
- (1) Within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA), ~~S~~short-term rental quiet hours are in effect daily from 10 p.m. – 7 a.m. Guests shall be instructed to be respectful of the surrounding neighborhood and reduce outdoor activities during this timeframe and shall be informed that proven violations of the quiet hours will result in fines/penalties being levied against the property owner, who may choose to pass on such fines to the renters.
 - (2) Owners of properties that have received two confirmed STR noise violations within a 12-month timeframe shall provide the Planning and Building Division with a comprehensive noise management plan, including the installation of commercially available decibel-monitoring devices with reporting capability. Records from the

decibel-monitoring devices must be retained for a minimum of 60-days and made available for Washoe County staff to review upon request.

- (d) **Trash Standards.** The following waste removal standards shall be adhered to:
- (1) Trash and other waste must be managed as prescribed by Washoe County Health District, Waste Management and, if applicable, the Incline Village General Improvement District (IVGID). Waste cart size must be sufficient to store waste for the maximum number of occupants each week.
 - (2) STRs in IVGID's service territory and other bear-prone areas must utilize wildlife-resistant carts and/or bear boxes, except in multi-unit developments where HOAs require and enforce regular trash disposal.
 - (3) Waste carts shall only be placed street-side during the timeframes stipulated by the local authority or waste service provider.
- (e) **Occupancy Limits.** An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:
- (1) ~~The occupant load shall be calculated as one occupant for every 200 square feet of habitable space in accordance with Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Bedrooms intended for one occupant shall be a minimum of 70 sq. ft. in size in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).~~
 - (2) ~~Bedrooms intended for two occupants shall be a minimum of 100 sq. ft. in size, with an additional 50 sq. ft. required for each additional occupant in accordance with the 2018 International Property Maintenance Code (IPMC) Section 404.4.1 (or the latest edition).~~
 - (3) ~~Other areas proposed for sleeping purposes, such as living rooms, require a minimum of 200 sq. ft. for each occupant in accordance with the 2018 International Building Code (IBC) Table 1004.5 for residential occupancy (or the currently adopted edition).~~
 - (2) No distinction is made based on the age of the occupant.
 - (3) In order to qualify as a sleeping area, the area shall also have safety features as determined by the Planning and Building Division Director or her/his designee(s), including, but not limited to, the requirements listed in Section 110.319.20.
 - (4) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.
 - (5) Daytime occupancy and nighttime occupancy limits are the same.

Section 110.319.20 Safety Standards. The safety standards within this section are applicable to all short-term rentals and must be in place in order to operate. Inspections will be required by the

Washoe County Building Program and/or applicable fire protection district in order to verify compliance.

- (a) Sleeping Areas. Only ~~habitable space qualified bedrooms and other areas meeting specific standards~~ will be considered for sleeping purposes. Areas such as garages, storage areas, ~~kitchens~~, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes. Additionally, areas such as basements, under-floors, attics, lofts, garage conversions, or additions that were created without permits shall also not be utilized for sleeping purposes, unless a permit is submitted, approved and final inspections are completed. In addition to the square footage requirements listed in Section 110.319.15(e), the following standards are required of all sleeping areas proposed for short-term rental use and that contribute to the maximum occupancy of the STR:
- (1) Bedrooms. ~~Each bedroom shall be evaluated using Section 404.4.1 of the 2018 International Property Maintenance Code (IPMC) or the latest edition.~~ To qualify for STR use, bedrooms must be listed on the Washoe County Assessor's web site and contain all the following items:
- (i) A minimum ceiling height of seven feet as determined by Section 305 of the 2018 International Residential Code (IRC) or the currently adopted edition.
 - (ii) An emergency escape and rescue opening complying with Section 310.1 of the 2018 IRC or the currently adopted edition, or the applicable code in effect at the time of permit of the original structure.
 - (iii) When egress windows or openings are located more than 16-feet above exterior finished grade as measured to the finished sill of the window, or if the lot has extenuating features as determined by the code officials, a safe landing area shall be provided and an emergency ladder shall be permanently fastened to the inside of the wall per the manufacturer's recommendations. The ladder shall extend a maximum of 12 inches above grade.
 - (iv) Safety glass is required for windows located in a hazardous location in compliance with Section 308.4 of the 2018 IRC or the currently adopted edition.
 - (v) A smoke alarm(s) and carbon monoxide alarm(s) installed in accordance with Sections 314 and 315 of the 2018 IRC, or National Fire Protection Association (NFPA) 72, or the currently adopted editions.
 - (vi) All required smoke alarms and carbon monoxide alarms shall be interconnected in accordance with Sections 314.4 and 315.5 of the 2018 IRC or the currently adopted edition.
- (2) Other Habitable Rooms Intended for Sleeping Purposes. Other rooms intended to be utilized for sleeping purposes will be evaluated utilizing Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition. Rooms shall contain all the same safety features as required for bedrooms in sub-section (1).
- (b) Fire Alarms and Suppression Systems. ~~Structures with two stories and a basement, or with three or more stories, or with areas greater than 5,000 square feet (total area under roof), shall include a fire suppression system. Required fire suppression systems shall~~

~~be serviced and tagged annually by a Nevada licensed fire protection contractor. Structures 10,000 square feet and greater shall be equipped with an NFPA 13-compliant fire suppression system and a monitored NFPA 72-compliant fire alarm system. Structures containing both fire alarm and suppression-protection systems shall must~~ have those systems serviced and tagged annually by a licensed State of Nevada fire protection contractor.

- (c) Additional Safety Standards. The following additional safety standards are applicable to all STRs:
- (1) The property address shall be posted on-site in a location clearly visible from the roadway, and address numbers shall be at least six inches in height.
 - (2) The structure shall be maintained in a safe, hazard-free condition. This includes all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approval, unless otherwise specified in this Article.
 - (3) Structures with a calculated occupant load greater than 10 occupants shall be equipped with a monitored fire alarm system designed and installed in accordance with NFPA 72 and approved by the local fire protection district.
 - (4) Every dwelling shall be equipped with fire extinguishers sized and located per the requirements of the currently adopted fire code and current edition of NFPA 10.
 - (5) Smoke alarms and carbon monoxide alarms shall be installed in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.
 - (6) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with the 2018 IRC, or the applicable code in effect at the time of the original permit of the structure.
 - (7) Hot tubs, saunas, whirlpool tubs, and similar devices shall be installed in accordance with the current electrical code and shall have a disconnect installed in accordance with the 2017 National Electrical Code (NEC) or the currently adopted edition.
 - (8) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.
 - (9) Solid fuel burning appliances installed in bedrooms or other sleeping areas shall be equipped with oxygen depletion sensors installed in accordance with the 2018 Uniform Mechanical Code (UMC) or the currently adopted edition. All such rooms shall contain smoke and carbon monoxide alarms in accordance with Sections 314 and 315 of the 2018 IRC or the currently adopted edition.
 - (10) All required exits and egress windows shall remain unobstructed and an emergency exit plan shall be permanently displayed in a clearly visible and central location.
 - (11) Portable heaters shall not be used as a primary source of heat for any space.
 - (12) A Knox box is required when a fire alarm system or fire sprinkler system is installed.

- (13) Defensible space shall be maintained in accordance with the standards required by the applicable fire protection district.
- (14) Any exterior recreational fire or fire pit fueled by natural gas or propane shall not operate unless permitted by the local fire district.
- (15) Outdoor wood-burning solid-fuel fireplaces or solid-fuel burning fire pits are prohibited within the boundaries of the Tahoe Area Plan. Within the rest of unincorporated Washoe County, these require a permit from the Truckee Meadows Fire Protection District.
- (16) Emergency lighting shall be installed to sufficiently illuminate the exit pathways/ hallways from sleeping rooms to the exterior of the building. A permanently installed system and/or a plug-in system of lights that turn on in the event of a power outage are both acceptable.
- (17) The STR shall remain accessible to emergency service vehicles and personnel per the applicable fire district and emergency responder's requirements.

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

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

- (a) **Permit Required.** Any property owner engaging in or intending to engage in the operation of an STR, as defined in WCC 110.304.15 (d), shall obtain an STR permit issued by the Planning and Building Division. Said permit shall be renewed annually.
 - (1) **Permit Considered "Privileged."** The Board of County Commissioners hereby declares the operation of an STR within residential areas as a "privileged" activity subject to additional operational standards above and beyond those of other residential uses and subject to specific enforcement and revocation procedures.
 - (2) **Inspections.** An STR that fails any required inspection shall be issued a stop activity order per the procedures of WCC Chapters 100 and 125. An STR that fails a the required annual inspection, or does not provide a required self-certification checklist meeting applicable standards, shall not be reissued a permit until all required inspections are passed, and/or the required self-certification is provided (if applicable).
- (b) **Operating an STR without the Required Permit.** It is unlawful and hereby declared a public nuisance, as defined in WCC 50.308.1, to operate an STR without the required permit. Any property owner found to be operating an STR without the required permit shall be guilty of a misdemeanor, issued a stop activity order, and fined per the procedures outlined in WCC Chapter 125.
- (c) **Noncompliance with Standards.** Any violation of required STR standards shall be enforced through a combination of the enforcement mechanisms contained in Washoe County Code Chapters 50.300 (*Nuisance Code*), 110.910 (*Enforcement*), and 125

(Administrative Enforcement), as applicable. The Planning and Building Division Director, or her/his designee, shall determine compliance with these standards. A violation is considered confirmed when all required due process has been provided, appeals exhausted, and the violation has been found to exist.

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

- (a) **Timing and Self Certifications.** These inspections will be conducted by the Planning and Building Division and the applicable fire agency and are required ~~annually prior to initial issuance of the permit.~~ Thereafter, a self-certification checklist may be provided for annual renewals in lieu of a physical inspection, for a period not to exceed three years/renewals, if all of the following conditions are met:
- (1) No confirmed STR violations have occurred on the property within the last 12 months;
 - (2) The STR permit has remained active since the last required physical inspection; and,
 - (3) The property owner provides a signed and notarized self-certification checklist attesting that the property meets the safety standards identified in this article.
- (b) **Defensible Space Inspections.** Defensible space inspections only apply to STR properties located in Extreme or High Fire Risk Ratings as determined by the applicable Fire District's currently adopted International Wildland Urban Interface (IWUI) code and relative amendments. If a property is obscured by snow to such a degree that a defensible space inspection cannot be completed, the relevant fire district may choose to recommend a conditional approval of the STR permit, subject to the inspection being completed and passed no later than October 1 of the same year (or following year, if the initial inspection attempt occurred between October 2 and December 31).

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

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

- (a) **Initiation of Action.** An enforcement official or the Board of County Commissioners may initiate an action to revoke an STR permit, unless the permit is revoked automatically pursuant to the provisions of this section.
- (b) **Grounds for Revocation.** An STR permit may be revoked by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
- (1) That the STR permit was issued based on fraudulent or erroneous information, or was issued in contravention to the requirements of this Article; or,
 - (2) That one (1) or more of the characteristics or conditions upon which the STR permit was issued have changed or been violated; or,

- (3) Unauthorized/unpermitted alteration of required life safety elements.
- (c) **Grounds for Automatic Revocation.** An STR permit may be automatically revoked without action by the Board of County Commissioners pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds. A revocation initiated under this section may be appealed to the Board of County Commissioners, which shall make the final administrative decision on the matter.
- (1) If, after all administrative remedies have been exhausted, a property owner has been found guilty of violating the standards of this Article through three (3) separate instances/investigations during a one (1) year timeframe. The issuance date of the respective penalty notices shall be used as the basis for determining if three (3) separate, but consecutive, violations have occurred during a one (1) year time frame. If multiple violations are discovered during a single investigation, said violations shall count as one (1) instance for the purposes of this section; or,
 - (2) Upon application for any improvement(s) to an existing STR that would change the approved occupancy, or upon discovery that unpermitted work has occurred that altered a standard upon which the permit was issued. In such instances a new or modified permit will be required, at the discretion of the Director of the Planning and Building Division; or,
 - (3) If a felony or violent crime has occurred at the property and is substantially connected with the use of the property as an STR; or,
 - (4) If an emergency event occurred that endangered life safety or resulted in injuries or loss of life due to alteration of or noncompliance with required standards.
- (d) **Action by the Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing upon the revocation of an STR permit initiated under Section 110.319.40(b), or upon the appeal of an STR permit automatically revoked pursuant to Section 110.319.40(c). The hearing shall be conducted pursuant to the provisions of Article 910 and in accordance with the Rules of the Board of County Commissioners. After the public hearing, and upon considering the evidence provided, the Board of County Commissioners may take action to revoke the STR permit.

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

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

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

- (i) Administrative Review Process. Proposals to establish a detached accessory dwelling unit in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones shall be reviewed pursuant to the following process and requirements: **Article 809, Administrative Review Permits**
- (1) Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.
 - (2) Affected Property Owners. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or architectural control committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.
 - (3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
 - (i) Notice. Notice will be mailed to affected property owners within three (3) working days of receipt of a complete application. An application must be deemed complete or incomplete within three (3) working days of receipt of the application.
 - (ii) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the department within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
 - (iii) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the department within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
 - (iv) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all

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

- ~~(v) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.~~
- ~~(4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.~~
- ~~(5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.~~
- ~~(6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.~~
- ~~(7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:
 - ~~(i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.~~
 - ~~(ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in subsection (2) above).~~
 - ~~(iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.~~
 - ~~(iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.~~
 - ~~(v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.~~
 - ~~(vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its~~~~

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

- ~~(8) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.~~
- ~~(9) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.~~
- ~~(10) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:
 - ~~(i) That the administrative approval was fraudulently obtained or extended;~~
 - ~~(ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or~~
 - ~~(iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.~~~~

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

Article 809

ADMINISTRATIVE REVIEW PERMITS

Sections:

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

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

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

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

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

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

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

- (b) **Processing.** Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or her/his designee, in rendering a decision.
- (1) **Notice.** An application must be deemed complete or incomplete within three (3) working days of receipt of the application. Notice will be mailed to affected property owners within three (3) working days of the determination that the application is complete.
 - (2) **Affected Property Owner Comment Period.** Written testimony from affected property owners must be received by the division within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
 - (3) **Applicant Responses to Affected Property Owner Comments.** Written responses from the applicant must be received by the division within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
 - (4) **Issuance of Written Decision on the Application.** A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the division receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).
 - (5) **Public Hearing Not Required.** No public hearing is required for the completion of this process, unless the Administrative Review Permit decision is appealed in accordance with the procedures set forth in this article.
- (c) **Effective Date of Action.** Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period. For Administrative Review Permits associated with a short-term rental permit, the applicant must also successfully obtain a short-term rental permit prior to advertising or operation.
- (d) **Contents of Notice – Approval or Denial.** Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (e) **Compliance with Noticing Requirements.** All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established

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

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

- (a) An appeal of the Administrative Review Permit decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in this article).
- (c) An Appeal of Decision application shall be filed with the Planning and Building Division, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.
- (d) Appeals of Administrative Review Permit decisions for short-term rentals shall be heard by the Board of County Commissioners. The Planning and Building Division shall schedule a public hearing within sixty (60) calendar days of the filing date of the appeal. The public hearing on the appeal shall be noticed pursuant to Section 110.912.20. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other necessary pertinent information. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted.
- (e) All other appeals of Administrative Review Permit decisions shall be heard by the Board of Adjustment. The Planning and Building Division shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment. The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other pertinent information. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.

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

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

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

- (a) That the Administrative Review Permit approval was fraudulently obtained or extended;
- (b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or
- (c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance, or in the case of an Administrative Review Permit associated with a short-term rental, that unauthorized/unpermitted alteration of required life safety elements has occurred.

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

- (d) Administrative Enforcement Proceedings. The enforcement official may construe the violation of any provision in a development regulation as an administrative offense and pursue all procedures and remedies in Washoe County Code Chapter 125, subject to the following provisions:
 - (1) Appeal to Board of Adjustment. Any aggrieved person may appeal a decision or order of an administrative hearing officer to the Board of Adjustment in accordance with the Rules of the Board of Adjustment.
 - (2) Appeal to Board of County Commissioners. If the subject of an administrative hearing is a violation of a Short-Term Rental standard, then any aggrieved person may only appeal a decision or order of an administrative hearing officer to the Board of County Commissioners in accordance with the Rules of the Board of County Commissioners.
 - (23) Grading Violations. If an enforcement official observes grading that is being done without a permit, in violation of a permit, or in violation of a development regulation, the enforcement official may proceed in an expedited manner as provided in Article 438, Grading Standards, of the Development Code.

SECTION 11. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT: February 25, 2021

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2021.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2021.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Janis Galassini, County Clerk

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