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January 2, 2020

To: Washoe County Planning Commission

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

Subject: Addendum to staff report for Development Code Amendment Case No. WDCA19-0008 (Short-Term Rentals)

Additional information has been received since the staff report for this topic was initially published and provided for your review.

Incline Village/Crystal Bay Citizen Advisory Board (CAB) Minutes

The draft minutes of the Dec. 12, 2019 Incline Village/Crystal Bay CAB meeting are now available and attached to this addendum. The minutes will become **Exhibit F** to the staff report.

Public Comment

Two additional public comment letters have also been received. They are attached to this addendum and will be included as part of existing **Exhibit D**.



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Incline Village Crystal Bay Citizens Advisory Board WORKSHEET

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Parasol Tahoe Community Foundation Building, Trepp Room, 948 Incline Way, Incline Village, NV 89451 on December 12, 2019 5:30 P.M.

- 1. CALL TO ORDER/DETERMINATION OF A QUORUM**– Pete Todoroff called the meeting to order at 5:30 P.M. Pete Todoroff determined a quorum. The following members were present: Kevin Lyons, Pete Todoroff, Judy Miller, Mike Lefrancois, Mike Sullivan.
- 2. * PLEDGE OF ALLEGIANCE** – There was no flag. The Pledge was not recited.
- 3. APPROVAL OF AGENDA FOR THE MEETING OF DECEMBER 12, 2019** –Mike Sullivan moved to approve the agenda for **DECEMBER 12, 2019**. Mike Lefrancois seconded the motion to approve the agenda for **DECEMBER 12, 2019**. Motion carried unanimously.
- 4. APPROVAL OF THE MINUTES FOR THE MEETING OF NOVEMBER 4, 2019** – Pete Todoroff announced the minutes were approved. No action was taken.
- 5. Development Code Amendment Case Number WDCA19-0008 (Short-Term Rentals)** - Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on draft language for short-term rentals in unincorporated Washoe County. Draft language is available for review at www.WashoeCounty.us/STR, and written comments can be provided to STR@WashoeCounty.us. This item is tentatively expected to be heard by the Planning Commission in January 2020 (exact date TBD). (for Possible Action)

Kelly Mullin, Washoe County Planner provided a comprehensive presentation regarding Short Term Rentals (STRs) in unincorporated Washoe County. She reviewed the proposed updated code and general standards and requirements.

Public Comment:

Wayne Ford said he doesn't support STRs. He reported to IVGID negligence with a neighboring STR home; people using the home left it open to bears. He spoke about red and green days for parking on the street during the winter for snow removal. He said a lot of these properties don't have proper BMPs. This permit should force them into compliances. He asked how we can get copies of the records for those who have an STR in our area. The County will have to step up to provide access to the public regarding these permits.

Jackie Chandler, Sustainable Tahoe, asked for the updated zoning for Incline Village to see where these will be allowed. Mr. Lloyd said that is part of the Tahoe Area update that hasn't been adopted yet. She asked about the amount of TOT. She said whatever is good for Lake Tahoe is good for our community. The key model for STRs is Sanibel, Florida. They have a sanctuary that they protect and

make priority; Lake Tahoe is a sanctuary. There are trillions being invested into Lake Tahoe. Tahoe cannot afford visitors who are not stewards. Uphold standards that are good for Lake Tahoe. Lake first, forest and wild life are priority. The property owner needs to be trained in Geotourism. She provided a property hosting standard for geotourism. She offered to help. There is a lot of money spent on this Lake, it needs to be first.

Carol Black provided information. She sent information to CAB via email. She provided recommendations to the Board of County Commissioners. Washoe County has it defined as transient lodging, and should be added to development code. This proposal is an assertion it's the same as residential use. STR who don't know the area are STRangers to those who rent to them. Jackie's proposal will help. Tier 1 is up to ten people, which is no residential use; it should be 4-5 people. She spoke about best practices from TRPA regarding density of STRs. We need to consider total occupancy during emergency.

Jim Lyons said he did STRs when they first bought their house, but now is full time. He shared his observations of what he has learned. The plan that the County has worked on is good with some compromises. He asked if the County has gone to the State and are we in compliance with definition with STR. If we aren't in compliance with Nevada laws, the County needs to consider that. He said his major concern is the enforcement responsibility within the County staff. What is the recourse. Who is responsible. Is the funding going to be enough for fire, sheriff and other agencies impacted. The enforcement has to be STRict and done well.

Mike Hess said he has one issue left. He asked what is being done with density. He said homes are allowed to have 10 people. He asked if they considered that impact. There needs to be a thought process for creating these densities.

Joy Gumm said NRS says if you want to do STR in an HOA, CCRS have to allow it, and board have to approve it. She said none of the HOAs have STR rezoning. No HOA in common community have been rezoned. They follow Nevada law, not Washoe County standards. She asked if the language is included in the Ordinance. She said what should be done is a preventative control. When someone gets a business license, they should check the parcel to see if they have been rezoned. A preventative control saves expenses with enforcement.

Scott Dalton said when he read the regulation, he wasn't clear with permitting. Who does a neighbor complain to when there is noise complaint. He asked with an occupancy of 10 people who have guests over for temporary gathering, does that exceed occupancy limit. What is considered a noise problem. There weren't any specifics on there. Do you need to have a decibel meter. Who confirms noise violations. What is the legal process. Who determines that – sheriff, the County. If someone has a shoehorn parking situation and not addressed by TRPA, do they need to get coverage by TRPA. He said he has seen gravel and dirt parking. Does it need to be approved. There will be a number of those situations.

Judy Miller wanted to get some questions answered. She said IVGID will be the enforcement for trash. As far as red and green day parking violations, will that be part of short term rental. Kelly said part of the proposal related to parking is that parking be developed on-site and no parking on the right-of-

way. Judy asked about BMP compliance. Kelly said that wasn't within the proposed regulations. She knows TRPA looks at that during permitting. Judy asked if this permit will be part of the system that is multijurisdictional. Kelly said the specific process hasn't developed yet. Once we get regulations adopted, we can figure that down the line. Judy asked about TOT funds for local agencies. Judy said she will look up Sanibel, Florida. Judy said she didn't receive Carol's email, and she will talk to Alice about that. Judy said Carol provided written comments, and handed them out. The residential use types, she said she completely agrees with the definitions. We need to put in some limits. Speakers have brought density concerns. She said she asked for that from day one. She said part of the problem is no limits. Over time, vacation rentals are increasing 40% a year. More than half are only occupied for part of the year, so 60% could potentially become short term rentals. That would impact the quality of life. She asked if the definition has been compared with others in existing ordinances within the state. Kelly said they have had conversations with other jurisdictions in the State. Mr. Lloyd said we cannot violate State law. Judy asked who will enforce different violations. And what is the funding who pays for enforcements. Kelly spoke about a 3-prong enforcement – first part, safety items, that will start with application process with safety minimums must be met. The inspection would be the first step of enforcement; NLTFPD will also be looking for items during inspections. She said we will discuss the costs involved with these inspections and it will be built into the permit fees to make sure the costs are covered. Kelly said if there was a compliant once the property is up and running, there will be a host compliance 24-hour hotline. Host compliance can get ahold of a local representative to resolve the issue. There may be a time when they call sheriff during a noise complaint. They can file complaints through host compliance and code enforcements can follow up. She said they are working to figure out the costs, and we expect to hire an additional code enforcement officer. Judy asked about County proposed regulations alignment with common interest communities. Kelly said that has come up in the process, and the issuance of permit doesn't provide relief to permittees of other standards applicable to their property. Judy asked about permitting process for more than 10 people. It's outlined in the development code. Kelly said there is a lot of information including article associated with tiers online and included in this information. Judy said if there is 10 people and have a party, the maximum amount is 10 people. Judy asked if there were multiple noise violations. Kelly said there would be a monitoring device installed at the property.

Kevin Lyons asked the current STR share of TOT total. Kelly said RSCVA collects room tax. Kelly provided estimate amounts and could follow up to confirm. She said the county receives 1/13 of room tax collected by RSCVA. Kelly said we don't have authority related to reallocation of funds. Kevin asked the share to STR relative to hotel rooms. Kelly said she would follow up with those numbers. Jackie provided some information. Kelly said we want to make this cost neutral as possible without relying other funding sources. We will put out recommended fees to make it most cost neutral. She said Washoe County's portion of room tax collected for STRs in the Incline area amounts to about \$125,000 annually, based on a 5-year average, and that currently goes into the general fund.

A public member asked about what is considered a noise complaint. Kelly said noise complaint is if the sheriff responds and if a disturbing-the-peace citation is issued, which is considered a noise violation. It may be part of the investigative process to allow for evidence being recorded. Some of those details haven't been developed yet and will come out further down the line.

A public member said he had a complaint with a neighbor, and the sheriff said you cannot use a disturbance of the peace argument with noise situation. They read a description of County code. He said he thought it was misinterpreted. If peace officers aren't up to speed, how are they supposed to properly enforce. In administrative section, if you have photographic evidence, it has to be time/date stamped. The judge will want to see verifiable evidence. The sheriff will determine if it's excessive when they show up to the property. Kevin asked if there is a well defined noise limit, timeframe within unincorporated Washoe County. Pete said there is a curfew time. Mr. Lloyd said its within 24-hour timeframe which makes it hard to enforce. Sheriff have processes for peace disturbance. The complaining party has to sign the complaint and some people aren't willing to do that.

Mike LeFrancois said cost neutral approach makes sense but thinks there are some overlap. He doesn't believe TOT needs to be used for enforcement. He knows there is code enforcement. He said he is familiar with IVGID enforcement with trash and recommended County staff sitting down with them to see what works. He said there is zero tolerance. He said they weren't forced to get a bear box. He asked if there will be a grace period or hard deadline for enforcement. 100% enforcement might be too much to handle and a concern. BMPs in TRPA, and they need to include it in their information if they want to make that an enforcement during STR permitting. He said be a good neighbor. Talk to your neighbor. He said he believes fines and enforcement are on the right path. He said the hotline is important and needs to be checked on weekend and afterhours. He said there should be shared resources with IVGID, fire, County health, code compliance, TRPA. There are 4 different agencies to share resources. STR is very specific. We all love Lake Tahoe.

Mike Sullivan said the only thing that works in Lake Tahoe, is money. He spoke about Kelly's presentation under Highlight number 3, local agent response. You need a licensed agent with each short term rental to handle on complaints. Having one person in town won't be enough. If you have multiple agents, they will handle it.

Pete Todoroff spoke about trash. He received a complaint that police cleaned up trash because someone left the house door unlocked and bear destroyed the house. He said it's unacceptable that our sheriff has to clean up trash. He asked who determines how much money we get from RSCVA. How much does Incline get. We aren't getting anything to correct problems. We are not Reno. We can't accommodate all the people with parking. We don't have the parking. Unless short term rental people park on the property, that's not enough. He spoke about cars blocking the snow plow. He said he wrote a good piece that the fire department agreed with that has been incorporated in the Placer County STR code. If you cannot park your guest on your property, they shouldn't get a permit. He said the tier occupancy is absurd. It should be 2 people per bedroom, plus 2. He said they have to wait for inspection from Washoe County. He spoke about properties that are against TRPA rules. He said the fire department know the codes. There needs to be codes to be enforced. The tier needs to be eliminated. All inspections should be done by the fire department. Gail Krolick said she disagreed with Pete and said all her properties are up to code. Blane Johnson said HOA manager aren't the same as a property managers, and said he does his job well. Pete said there needs to be proper compensation from the RSCVA. Now is the time to address this. Jackie said \$1.2 million dollar comes back to the Incline visitor center. She said property managers have people sign off on the rules and have to pack up and leave if they aren't following the rules. Private properties can have their own rules. Jackie said property agent or on-site agent needs to be there to hold them to the rules. Pete said 1.2 million for

advertising. Jackie said it has to be re-legislative to change the percentage. It goes towards marketing the lake.

Carol said most of the money pays a bond. Pete said all these rules and regulations need to be posted in the unit. In case they don't know the number to call for red/green day parking on the road. Jackie said the agent would relay the information.

Mike Sullivan said maid, handyman, gardener cannot be the agent. The agents that have gone to training and classes, they know more than the owner about rules. Mike said the owner needs to interview and hire a licensed agent. The agent should greet the guests with keys and rules. If you put 10 people in a 2 bedroom house, the shower, toilet, and house will fall apart from over abuse. They build a house for a certain occupancy. He said there will be a stress on the house. It's a public issue with sewer and water.

Pete Todoroff said we had a fatality in town due to a house that burnt down. They had a defective smoke alarm with 12 people in the house. The insurance didn't cover because it wasn't reported as a short-term rental. This needs to be included in the permitting issuance. Kelly said it's included.

Kevin Lyons asked the breakdown of actual compliance. He said there are solutions to not actual problems. He wanted to know the actual problems. Kelly said she doesn't have percentages. She said a full write up went to the BCC in November. She said we have good data from the public about major areas of concern. Kevin asked for actual compliance. Kelly said they are getting data from code enforcement. All together the Sheriff's Office reported 64 noise complaints in the past year across the board with all types including short term. She said once the program is up and running we will be determine where we can make changes. After 6 months into the program, data will have been collected. Kevin spoke about occupancy issues. He said nuisance issues such as nuisance parking, noise parking. He would like to see more data driven decisions. He said some things might not actually be a problem that people complain about and other issues that are actual problems. He said he is concerned with smaller units and the tiers. Kevin said a laminated one-page sheet would work stating the rules with phone numbers. The host compliance will also take care of it.

Blane Johnson said we have talked about complaints for the entire village. He provided an example and said you anticipate booking 70 nights a year, with 900 units in the community, that gives you 6,300 potential nights. He said the percentage of complaints for short term rentals would be .001%. Kevin said there would be factors such as power users and number of nights.

Judy Miller said she prepared a sheet and gave a copy. She wanted to emphasis the definition of residential use types or primarily non-transient. That language was in there for a purpose in the development code. She said she doesn't believe taking that out is beneficial. We need to define the limitations to make it primarily residential and not transient. Soon this community will be transient properties. She said she had a conversation with Kelly; owner hosted is treated the same as every other transient rental. If the owner is physically present, they will listen. TOT isn't charged if its owner hosted. RSCVA has their own guidelines and doesn't coincide. She said we would all agree to keep 1 parking space for every 2.5 occupants. Judy said there are a lot of secondary dwelling units, and there needs to be inspected. We still would like this community to be primarily non-transient. She said

perhaps restricting nights to 60 nights per year if its not hosted, and if you live in the house, perhaps they could do more nights. We have had to deal with an overabundance of short term rentals. Judy thanked Kelly and Trevor. Trevor invited them to attend on January 7 Planning Commission meeting.

Pete said to focus on occupancy of 2 people per bedroom plus 2 and parking.

6. *WASHOE COUNTY COMMISSIONER UPDATE- Commissioner Berkbigler was not available to address questions and concerns from the CAB and the audience. Commissioner Berkbigler can be reached at (775) 328-2005 or via email at mberkbigler@WashoeCounty.us.

7. *CHAIRMAN/BOARD MEMBER ITEMS- This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

8. * GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –

Wayne Ford recommended Kelly review parking requirements for coverage. County may say it's ok, but TRPA might not say it's ok. Work with TRPA.

Carol Black spoke about tiers and discretionary and non-discretionary permits. She said it will be more like a checklist and no noticing to the neighbors. She said permits have to be discretionary which will allow for neighbor noticing and feedback.

Bill Echols said laminated sign should be included and should state not to bother neighbors to borrow snow blower, wine. Renter education needs to be on the front of the website to include the Can and Cannot-dos in Incline Village. Renters need to be aware of the power liability. The power is bad in the winter. Renters need to know what to do in case of power outage.

Jackie Chandler said she is concerned we are having the wrong conversation. There is no stopping people from coming up here. There are 3 hotels in Incline Village and Crystal Bay. She said she is excited for this opportunity to convert millions into stewards to preserve Lake Tahoe. We are stuck in the conversation of parking. You moved to a destination. We all need to be rangers and hosts. The east shore trail that will bring millions. We need to set up the hosting. The marketing needs to be pulled back and mitigation needs to be stepped up. We have to clean up after they leave. This is sacred space and we are responsible for hosting it. We can all share in that.

A public member, said he agrees, but some people cannot follow. We need to set a good example and have good enforcement. Need to get their attention to follow the rules.

ADJOURNMENT – meeting adjourned at 7:30 p.m.

From: [Debby Bird](#)
To: [CSD - Short Term Rentals](#)
Subject: STR Requirements
Date: Saturday, December 28, 2019 11:05:06 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I have just read through the proposed STR rules updates.

My main input is that children not be considered as adults for occupancy rules.

For example... My rental is a 1300 sq ft condo with 3 bed 2.5 bath with 2 parking spaces. We allow up to 6 adults maximum, but with children the maximum occupancy is 8. So allowable combos are 6 adults and 2 children, 4 adults and 4 children, etc. We have one room with 2 bunk beds which sleeps adults on the bottom bunk and children on the top.

If you implement your rules as they currently stand, we will not be able to allow these combos. Our goal at this property is to be family friendly and allow 2 families with young children to split the cost of renting in Tahoe to make things more affordable and enjoyable. We have had no problems with guests complaining of space or with neighbors complaining of noise.

We turn down groups of 8 adults with the explanation that the extra 2 adults won't fit comfortably.

I know other cities give exemptions for children and infants and hope you will consider the same.

Thanks much,

Deborah Bird.

RSCVA acct #W4565

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707.225.2749
www.BirdsInclineCondo.com
www.AshlandVacationCottage.com

From: [Mark Worsnop](#)
To: [CSD - Short Term Rentals](#)
Subject: One rental per Property
Date: Thursday, December 26, 2019 11:01:58 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have been renting rooms through Airbnb for three years. I am in Southwest Reno. I live in my house and maintain control about whatever is happening here. I also have fire extinguishers, CO2 sensors and exit plans listed for all the guests.

I rely on my Airbnb income to pay the mortgage as I am retired and Social Security does not pay enough to survive.

I see on the proposed changes to the regulations that I am only allowed to have one rental in my house. I rent individual bedrooms and usually there is one or two people in the room at a time. I do not understand what the difference would be if I had rented the entire house and four sets of people arrived with four cars and occupied the house. There is no difference between that and me having four individual people rent each room. In fact it would be a lot less impact on the neighborhood with individual room rentals.

Typically if somebody rents an entire house they probably are planning a large gathering of people and that's when you have all the noise and parties going all night long, like what often happens at Incline.

However the way I rent it as I said they are usually have one or two people in each room. They are usually on their way through Reno or visiting a relative or business in the area. These people usually arrive later in the day and leave first thing in the morning. They rarely come out of their rooms as all they are doing is sleeping here. Like I said with the full house rental the people are arriving making meals with a group staying up most of the night having a good time partying and thusly annoying the neighborhood.

I would propose regulations govern the number of people based on the number of rooms available.

Unless there is some dramatic reason that I have not thought about I strongly

object to the thought of having One rental space per Property.

I would appreciate your response to my letter here explaining why this proposed regulation is on the list.

Mark Worsnop
775-338-0648