Stark, Katherine

Subject: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting
Attachments: Tahoe Area Plan Comments 1.29.20.docx

From: Diane Heirshberg [mailto:dbheirshberg@gmail.com]
Sent: Wednesday, January 29, 2020 10:29 PM
To: Nelson, Kate S.; Donshick, Francine; tbruce.washoecountypc@gmail.com; Chvilicek, Sarah; jib2424@sbcglobal.net; ken@kraterconsultinggroup.com; Chesney, Larry; Young, Eric
Subject: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting

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

Dear Mr. Young and Members of the Washoe County Planning Commission,

I ask that this email be made a part of the official public comment at the Washoe County Planning Commission February 4, 2020 hearing on the Tahoe Area Plan.

The following is a list of concerns with the October, 2019 draft Tahoe Area Plan. These objections have been raised and discussed by the residents of Incline Village and Crystal Bay who attended the most recent public meeting held by Mr. Young on the Tahoe Area Plan in Incline Village at the Chateau:

1. The current draft of the Tahoe Area Plan (herein the "Plan") fails to accurately identify the concerns of current residents of INCLINE VILLAGE/CRYSTAL BAY. In particular, the current draft fails to mention or identify the residents' concerns about the adverse impacts of short-term rentals in INCLINE VILLAGE/CRYSTAL BAY on Lake Tahoe (the "Lake") and on the INCLINE VILLAGE/CRYSTAL BAY communities. Washoe County is currently passing a Short-Term Rental Ordinance, and it is unknown if that Ordinance will reasonably resolve the concerns expressed by the INCLINE VILLAGE/CRYSTAL BAY residents about the impacts of the increasing number of short-term rentals. **It is respectfully submitted that the concern that has been vocally raised by IVCH residents that short term rentals will have continuing future adverse impacts on the Lake and the INCLINE VILLAGE/CRYSTAL BAY residential communities, should be identified in the Plan, and monitoring procedures, Goals and Policies to address the concern should be included in the Plan.** The County, the INCLINE VILLAGE/CRYSTAL BAY residents, and all interested parties agree that there is an ever-increasing number of short term rentals in INCLINE VILLAGE/CRYSTAL BAY, as more and more homes are being purchased as short term rentals, and a resulting increasing number of automobiles driven to INCLINE VILLAGE/CRYSTAL BAY by short term renters which exacerbate the traffic and parking problems identified in the Plan, and an increased population in INCLINE VILLAGE/CRYSTAL BAY during periods of high short term rentals. Yet the Plan fails to include any action item(s) in the Plan that will cause the County or TRPA to monitor the impacts on the Lake and on the INCLINE VILLAGE/CRYSTAL BAY residential communities from this activity. To date the sheriffs and fire departments in INCLINE VILLAGE/CRYSTAL BAY do not ask or track if fires and other safety incidents involve short term renters or long-term residents (long term renters or owners) and it is respectfully requested that such monitoring should be done by the public safety personnel responding to emergencies at the Lake. The residents of INCLINE VILLAGE/CRYSTAL BAY have requested that these concerns be addressed, and one important place to address them is in the Plan which identifies some problems to be monitored that are of concern to TRPA and the community; **the Plan fails to even mention residents' concerns expressed about short term rentals.** TRPA adopted Neighborhood Compatibility Short Term Rental Guidelines for Local Jurisdictions to adopt, but most of the key guidelines have not been adopted by Washoe County. Among the TRPA Guidelines that have not been adopted which would have addressed concerns by local residents, are the following: the County has failed to limit the total number of short term rentals in INCLINE

VILLAGE/CRYSTAL BAY; has failed to require that the owners are at least part time residents of INCLINE VILLAGE/CRYSTAL BAY making the short term rental an ancillary use rather than a full time use of a home; failed to limit the density and concentration of short term rentals in a given area; failed to address the fact that short term rentals have virtually eliminated housing for long term renters and workforce renters; assumed that short term renters will carpool with four people in a car in setting minimum parking requirements; failed to provide that TOT taxes collected may be or will be used to address problems from short-term rentals, calculated parking requirements per short term rental assuming, but not requiring, that garages are available for parking by the short term renters instead of locked by the owners for their personal use. It is respectfully submitted that the concerns about the impacts of short-term rentals on INCLINE VILLAGE/CRYSTAL BAY have resulted in higher attendance at public and governmental meetings than any other issue in INCLINE VILLAGE/CRYSTAL BAY in 2019 (and now 2020), and this concern should be mentioned in the Plan and monitored. At least there should be a requirement that Host Compliance or some other resource be hired immediately upon implementation of the new Ordinance and complaints monitored and addressed as needed. At least sheriffs and fire department officials called to residences should be asking if the people who caused the incidents are residents (owners or long-term renters) or short term, and gather data necessary to do a valid analysis as to whether there are problems to address.

The Plan is a document that is supposed to incorporate TRPA concerns, Washoe County concerns **and INCLINE VILLAGE/CRYSTAL BAY community concerns**, and it does not. TRPA was concerned enough to adopt its 2019 Short Term Rental Neighborhood Compatibility Guidelines for local jurisdictions at the Lake, and there is no way to know if once the Washoe County Short Term Rental Ordinance is adopted and enforced, if the Ordinance will be sufficient to address legitimate and reasonable concerns expressed by local residents.

2. The Plan describes INCLINE VILLAGE/CRYSTAL BAY as a tranquil mountain community that wants to stay the same way it now is and that our only complaint as a community is parking problems and hindrances to development. Many problems related to development restrictions and some related to parking are addressed, and many issues that TRPA wants addressed in the future, are identified and discussed and addressed. Yet dispute repeated requests by residents of INCLINE VILLAGE/CRYSTAL BAY at the very few public meetings on the current draft Plan, that the Plan should identify short term rentals as a concern of the residents in the Plan and provision be made to monitor the concerns, short term rentals are not even mentioned in the Plan, let alone noted as a concern, nor is there any provision for monitoring or goals for them.

3. For no reason that has been explained to the public despite our request for an explanation, some or all of the **names of the original Recorded subdivisions have been changed in the Plan.**
The original recorded subdivision map names are also used on the recorded Declarations of Restrictions for most of the subdivisions. This name change will be confusing and place an undue burden on the public, when they are trying to locate recorded documents related to their residences.

4. Many of the proposed long-term solutions are phrased in terms of Washoe County meeting to discuss the problems and seeking outside funding for proposed long term solutions from places other than Washoe County. Mr. Young explained at the meeting at the Chateau that Washoe County will not be paying for any significant capital improvements to solve parking issues,
public transportation issues, additional public services, and other issues identified in the Plan. **The Plan should not be drafted as it is now drafted to provide that Washoe County has no responsibility to provide any significant funding for the Plan.**

5. There are **incentives for redevelopment in the town centers**, including increased height limitations (to 4 stories that are up to 56 feet high) and increased density, as TRPA believes that this will beneficially move development from other areas to the town centers. Public concerns have been expressed that this will increase the population, density, parking and traffic problems that already exist in the town center areas in INCLINE VILLAGE/CRYSTAL BAY, an already overcrowded community. More analysis is needed to be done on this

topic, as the Washoe County Short Term Rental Ordinance has already declined to adopt any of the TRPA Short Term Rental Neighborhood Compatibility guidelines on density, location limitations and concentration, and this may therefore be a greater problem for INCLINE VILLAGE/CRYSTAL BAY than for other local jurisdictions at the Lake.

The above five topics are discussed as they relate to some of the chapters in the Plan below.

A. At page 1, Chapter 1, the Plan states: "The concept of the desired community character as expressed by the community is found throughout this Plan." Similar statements are made in various places in the Plan document. The Plan goes on to refer to the numerous communications with the local community over 14 years and even states "a common expression from the community is one of Planning fatigue", which is an inaccurate and insensitive choice of words. A more accurate description would be that the residents have continued to express throughout 2019 and now in 2020 that they are upset that the Plan does not show any concern as to whether the deleterious impacts from short term rentals will be controlled by the new Washoe County Short Term Rental Ordinance, and that the concerns that the INCLINE VILLAGE/CRYSTAL BAY residents have expressed have been ignored, despite numerous requests that short term rental concerns be mentioned, monitored and addressed in the Plan. The Plan instead **inaccurately** represents that "The community needs are largely based on the removal of re-development barriers and identification of the removal of re-development barriers." The INCLINE VILLAGE/CRYSTAL BAY residents do not understand why their concerns on short term rentals are not mentioned in the Plan, monitored by the Plan or have goals set in the Plan.

B. Chapter 2 on Land Use could be an excellent place to acknowledge community concerns on short term rentals if the short-term rental Ordinance is not successful. If the Ordinance is not sufficient, and if there are not sufficient funds from license fees and fines to address problems, new ways to address short term rental problems will need to be developed. Ignoring the fact that over 295 LLCs (limited liability companies) and numerous individuals have purchased homes in INCLINE VILLAGE/CRYSTAL BAY to be rented out as short term rentals and never lived in as a residence, ignoring the fact that between 12 and 20% of all available residential units in INCLINE VILLAGE/CRYSTAL BAY are now rented out as short term rentals, ignoring the fact that long-time long term renters and workforce personnel cannot find rentals, ignores major land use problems. Concerns about the long term effect of short term rentals in INCLINE VILLAGE/CRYSTAL BAY need to be identified and monitored, and addressed if needed. At least the conversion of long-term rentals to short term rentals should be monitored. The Goals in Chapter 2 should be expanded to address short term rentals.

C. Chapter 3 on Transportation does not mention the excessive number of trips and cars brought to INCLINE VILLAGE/CRYSTAL BAY by short term renters. The new Washoe County Ordinance assumes that short term renters will carpool in at least 4 person carpools to the short-term rentals. The new Washoe County Ordinance assumes that the parking spaces in garages will be left empty to allow short term renters to park in them. Both assumptions will likely prove to be inaccurate, and will require short term renters to park off the residential property. At least the parking issues generated by short term rentals should be monitored and if assumptions were inaccurate, this should be addressed.

D. Chapter 6 on public services and facilities does not accurately state the current state of affairs in INCLINE VILLAGE/CRYSTAL BAY. At page 6-1 under fire services, police services and Goal PSF1, it incorrectly states that "Residents, visitors and business in the planning area have adequate access to the public services necessary to support a vibrant and safe community." The needs of the total population, including the short-term renters and other transient population in Incline Village/Crystal Bay, need to be considered, calculated and monitored as the total population increases. There is no way to gauge if there is adequate sheriff or fire presence in times of high short-term rentals, because there is no monitoring of whether complaints and violators are short term renters. This needs to be documented by the sheriffs and fire departments, but they are not doing so, presumably due to a lack of time. At page 6-1 the assumption is made that "significant population growth is not expected." How can such an assumption be made with all the evidence of the tremendous increases in population during peak short-

term rental tourist seasons. The Douglas County Fire Chief testified at a TRPA meeting that Douglas County requires pre-license fire safety checks by the fire department at every short-term rental, and that fire safety violations are found in 90% of the short-term rentals inspected. There are over 1000 short terms rentals in INCLINE VILLAGE/CRYSTAL BAY and none (or almost none) have been inspected. That will be a tremendous burden on the resources of our local fire department once the short-term rental ordinance is adopted.

E. Chapter 7 on Monitoring and Adjustment should provide that TRPA and the County will monitor and confirm that the deleterious effects of short term rentals are being controlled by the new Washoe County Short Term Rental Ordinance once the complaint hotline is operational, and public services will keep track of incidents that they respond to as owner occupied, short term rental occupied or long term rental occupied. Once it is known if short term rentals are a problem, educational approaches and other corrections can be addressed. This does not mean that there will be no short-term rentals, but the Plan's goal of using modern techniques to address problems can be used to address short term rental problems. Just reading the news in the last three months we have seen deaths and hospitalizations from carbon monoxide poisoning at short term rentals, violence and shooting deaths at short term rentals, drugs and fire arms being left in a short term rental to be found by the next renter due to a lack of inspections, etc. Surely monitoring short term rental problems and adjustments to address problems discovered should be a part of the Plan.

I thank you in advance for your consideration of my above comments.

Very truly yours,

Diane Heirshberg,
Resident Incline Village
775-350-3461

Stark, Katherine

From: Michael Conger <mconger@trpa.org>
Sent: Friday, January 31, 2020 1:13 PM
To: Stark, Katherine
Cc: Young, Eric; Lloyd, Trevor
Subject: Planning Commission - 2/4/2020 - Item 9.C (Tahoe Area Plan)
Attachments: WCTAP_LtrToWCPC_01.31.2020.pdf

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

Ms. Stark:

Please distribute the attached letter to the Planning Commission in support of Agenda Item #9.C.

Thanks,

Michael T. Conger, AICP
Senior Planner
Long Range & Transportation Planning
(775) 589-5221

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January 31, 2020

Washoe County Planning Commission
Attn: Larry Chesney, Chair
1011 East Ninth Street
Reno, NV 89512

[by email: krstark@washoecounty.us]

Subject: **Tahoe Area Plan – Master Plan, Regulatory Zone, and Development Code Amendments**
February 4, 2020 Planning Commission – Agenda Item # 9.C

Dear Chair Chesney and Planning Commissioners:

TRPA staff wishes to convey our support of the Planning Commission's adoption of the proposed Master Plan Amendment, Regulatory Zone Amendment, and Development Code Amendment. These amendments would result in a Tahoe Area Plan that aligns with the Lake Tahoe Regional Plan. Most notably, the proposed Tahoe Area Plan will:

- Eliminate the confusing and often conflicting "dual zoning" system that presently exists in Incline Village and Crystal Bay.
- Provide added incentives to encourage redevelopment of designated Town Centers. These include additional height and density and the ability to transfer in additional coverage.
- Create an avenue for Washoe County to accept delegated permitting authority from TRPA for all but the most significant projects, thereby consolidating and streamlining the permitting process.

Washoe County staff has been most receptive to TRPA staff's input. With the current version of the plan, they have responded to our feedback by substantially revising goals, policies, actions, projects, and standards to meet Regional Plan requirements. We appreciate the collaborative approach your staff has taken to this plan and look forward to continued cooperation.

<u>Comments Received from the Public</u>

TRPA staff wishes to ensure that the Planning Commission is aware of comments that we have received from the public regarding the Tahoe Area Plan. Washoe County is the lead agency for the area plan, and TRPA looks to the county to address concerns raised by its constituents. The following is a summary of the concerns we've heard:

(1) **Short-term vacation rentals.** Several residents have spoken to TRPA staff with concerns that the area plan does not adequately protect residential neighborhoods. The county's proposed short-term vacation rental ordinance does address many of the concerns raised, such as health and safety, noise, and parking. The residents point out that it does not, however, restrict locations or prevent a high density of short-term rentals from establishing in one area (i.e. "clustering"). They urge the county to take additional action with the Tahoe Area Plan to preserve neighborhood character and to monitor the effectiveness of the proposed short-term rental ordinance.

Ultimately, the TRPA Governing Board will need to find that the Tahoe Area Plan will "[p]reserve the character of established residential areas[1]." Additional policy language addressing residential neighborhood character may be necessary to support such a finding.

(2) **Transitional height standard.** A representative for Cal Neva has expressed concern with transitional height language in Development Code Section 110.220.35, Subsection 2. He requests that alternative language be adopted. TRPA requires "provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height[2]," but leaves it up to the county to propose specific language.

TRPA Staff Comments on the Tahoe Area Plan

Staff has the following comments regarding the Tahoe Area Plan draft that was included with the February 4, 2020 Planning Commission staff report:

(1) **Environmental Review.** The Bi-State Compact and TRPA Code of Ordinances require that the potential for significant environmental effects be considered as part of plan adoption. A document known as an Initial Environmental Checklist (IEC) would be necessary to document that the Tahoe Area Plan will not have significant environmental effects. TRPA has not yet reviewed an IEC for the Tahoe Area Plan. The county should be prepared for the possibility that the Tahoe Area Plan may need additional modifications to be consistent with the IEC's analysis and conclusions.

(2) **Pagination and Formatting**. The version of the plan that we reviewed used a different font but was properly formatted. The change in font has affected the formatting, pagination, and captioning throughout the document. TRPA staff recommends that Washoe County staff adjust document formatting to improve readability.

(3) **Typos and Errors**. The following errors should be corrected as part of the Planning Commission's action:

a. Section 110.220.185, *Incline Village 2 Regulatory Zone*. The "Land Use Permit" column for "Structural and Nonstructural Fish/Wildlife Habitat Management" should be listed as "A," as these are allowed uses.

[1] TRPA Code of Ordinances, Subparagraph 13.6.5.A.6
[2] TRPA Code of Ordinances, Subparagraph 13.5.3.F.2

b. Section 110.220.255, *Crystal Bay Condominiums Regulatory Zone*. The "Add'l Regs." column for "Single Family Dwelling" under the Special Area should be revised to add "+ 1 accessory dwelling where allowed by Section 110.220.85," which was inadvertently left out.

Concluding Remarks

Thank you for this opportunity to provide feedback. I plan to attend Tuesday evening's hearing should you have any questions. You can also reach me at mconger@trpa.org or by phone at (775) 589-5221.

Sincerely,

Michael T. Conger, AICP
Senior Planner
TRPA – Long Range Planning Division

c: Eric Young, Senior Planner – Washoe County eyoung@washoecounty.us
Trevor Lloyd, Planning Manager – Washoe County tlloyd@washoecounty.us
Jen Self, Principal Planner – TRPA
Brandy McMahon, Local Government Coordinator – TRPA
John Hester, Chief Operating Officer – TRPA

Stark, Katherine

From: Young, Eric
Sent: Tuesday, February 04, 2020 10:49 AM
To: Stark, Katherine
Subject: FW: Resident Comment to Planning Commission re Tahoe Area Plan Hearing on 2.4.2020
Attachments: WC Planning Commission Feb 2020 Slides.pdf

Eric Young
Senior Planner | Community Services Department
eyoung@washoecounty.us | Office: 775.328.3613 Fax: 775.328.6133
1001 East Ninth Street, Reno, NV 89512

From: cbwillb@charter.net [mailto:cbwillb@charter.net]
Sent: Monday, February 03, 2020 4:35 PM
To: Nelson, Kate S.; Donshick, Francine; 'tbruce.washoecountypc@gmail.com'; Chesney, Larry; Chvilicek, Sarah; 'jib2424@sbcglobal.net'
Cc: Young, Eric; Mullin, Kelly; Lloyd, Trevor
Subject: Resident Comment to Planning Commission re Tahoe Area Plan Hearing on 2.4.2020

Kindly include in Public Comment for the Planning Commission meeting on 2/4/2020

Dear Washoe County Planning Commission Members,

I am writing to express my very serious concerns regarding the proposed Washoe County Tahoe Area Plan and related Ordinances being presented at this week's Planning Commission meeting. I have appreciated the very significant effort by staff in developing these documents and, in particular, the attention to clarifying the presentation following our discussions after the December meeting in Incline Village. The version published a few days ago is in my opinion much clearer and the maps much easier to read and understand. Thank you!

Nonetheless, I believe that the time for review and discussion of this massive document with major modifications in approach and regulation has been insufficient for such a monumental change in a foundational statement designed to guide planning for many years to come. In another jurisdiction where I have some property a similar undertaking was approached by the Planning Commission with a series of study sessions each designed to allow thorough review and discussion of a few sections from the Planning documents. Public Comment was limited at each session as it is in Washoe County. However, there was an opportunity to chime in at each of the

several scheduled sessions allowing in aggregate for more in depth consideration and feedback. **I therefore respectfully recommend that you adopt such an approach for review of this major planning document in the interests of delivering a more optimal result both for the County and for your constituents.**

In addition, as this effort has progressed it has become ever clearer that significant administratively imposed directives appear to have constrained this initiative as well as the development of the proposed STR Ordinance which you reviewed last month. Indeed the findings section of the most recent Tahoe Area Plan Staff Report again reflects a narrow view apparently driven by artificial administrative parameters leading to some incomplete and incorrect conclusions. **Thus, though the recent staff report indicates that findings are met, I disagree and have included a detailed explanation along with recommended changes and rationale in the attached document** (WC Planning Commission Feb2020 Slides).

And I therefore respectfully request that you not approve this proposed Tahoe Area Plan and related Ordinances as written and instead return it for further, open and unconstrained evaluation using the expanded process outlined above and in particular regarding the following priority elements:

1) The proposed development code zoning modifications are inappropriate for the community, unnecessary for alignment with TRPA, and inconsistent with both NRS and other parts of WCC.
2) Appropriate public health/safety/welfare and neighborhood character protections contained in other portions of WCC and NRS are undermined by the proposed zoning code changes
3) STRs are incorrectly viewed as mimicking residential use driving permitting recommendations which do not appropriately address adjacent neighbor transitions - for STRs exceeding actual resident occupancy levels permitting should be discretionary to allow for neighbor input in line with Area Plan LU policy for this new zoning use
4) Substantial adverse impacts of increased Area Occupancy, STR Density and Rental Intensity on resident safety, quality of life, and the environment have been largely ignored and thus WC Master Plan/TRPA Regional Plan & Neighborhood Compatibility compliance are at risk
5) An Area Occupancy Plan should be developed and included; and the Transportation and Parking Plans should be revamped and broadened to address root causes
6) Workforce and Affordable Housing approach should consider impacts of STRs on rental availability
7) Specific concerns raised about Town Center design and "minor" listed modifications or potential modifications in other zones need to be addressed
8) A more robust and timely measurement plan is needed to timely assess impacts of changes
9) Environmental assessment (EIS) given the breadth of change proposed

I respectfully submit priority recommendations with data, examples and rationale in these areas in the attached slide deck. Previously submitted additional extensive documentation supporting statements and recommendations is also included in presentations and public comment submitted prior to the12/11/2019 STR Ordinance general public comment deadline, at the December Incline Village CAB meeting, December Incline Village Tahoe Area Plan meeting, the October and January Planning Commission meetings and at multiple Board of Commissioner meeting during 2019.

I remain hopeful and confident that these important considerations will be openly considered and addressed before the Tahoe Area Plan and related Ordinances/Code changes are moved forward.

Thank you for your consideration,
Carole Black
144 Village Blvd #33, Incline Village, NV 89451

TAHOE AREA PLAN & RELATED WC DEVELOPMENT/CODE AMENDMENTS

Project Challenges & Recommendations

Washoe County Planning Commission
February, 2020 Slides

Submitted by Carole Black, IV Resident

Boeing Employee* ... "Nothing we do is so important that its worth hurting someone"

In Washoe County's Tahoe Area,

- **We do not want another Orinda:**
  - Renter reportedly lied about intended use
  - Neighborhood disruption & slow response
  - Lives lost

Or as recently seen in South Lake Tahoe:

- Kids in STR find loaded gun

- **We do not want another Paradise:**
  - Inadequate defensive preparation or evacuation capability
  - Lives lost … Water supply contaminated

- **We do need Your Support and ...**
- **Currently proposed Tahoe Area Plan/Ordinances DO NOT protect us**
  - Tourism has positive benefits but so does a population base of residents
    - Residents want & expect safe & peaceful enjoyment of their community with as noted "... residential opportunities primarily for permanent residents [in residential zones] …"
    - Tourists also value safety - expect present and enforced protective requirements, warnings and supports
  - Unfortunately current proposals include significant gaps:
    - Public health, safety, welfare and neighborhood compatibility protections are insufficient,
    - Major missing or incomplete components (e.g., Area Occupancy Plan missing; Transport/Parking plans omit root causes)
    - Many supposed "minor" or "no" changes which could have substantial impact

*6.2018 internal message by Boeing employee quoted by Rep Albio Sires during congressional hearing 10.2019 seen in video on CNN Business 1.9.2020

Process Concerns

- **Tahoe Area Plan update is the first comprehensive review and update in over 20 years and deserves careful, thoughtful review particularly in the context of importation and adoption of major components from other regulatory body documents**
  - *Collateral impacts with other WC & NRS regulations are not thoroughly addressed or mitigated*
  - *Some content was apparently constrained by administrative directives – transparency's a priority*

- **Approach was previewed in Planning Commission meeting last fall and now a 400+ page revised document is placed before the committee only a few days ago**
- **Though previous Public Comment time was provided, prior document versions were extremely confusing; current revised clearer, but still long and complex, document has only been available for review for a few days**
  - *Seems unlikely that Planning Commission had adequate time for extensive review of this revision*
  - *3-min Public Comment snippets at one planning meeting fail to provide time for thoughtful input to be presented, heard or considered*

- **Respectfully submit that THIS PROPOSAL IS NOT YET READY FOR APPROVAL.**
  - *More robust section by section review in formal Planning Commission study sessions is recommended along with thorough Environmental Review (EIS) given the extensive and significant proposed revision*

Summary Recommendation for 2/4/2020 Planning Commission Meeting

Recommend that:

Planning Commission defer approval of the currently proposed Tahoe Area Plan Ordinance and related WC Development/ Code changes and undertake a detailed section by section review and revision process to ensure that community input is heard and commissioners have time for comprehensive review of this complex proposal.

WHY?

The proposal as presented for Planning Commission review is misleading:

1. **Obscures significant embedded, but not acknowledged, zoning change**
2. **Fails to address substantial, and some dangerous, public health, safety and welfare risks**
3. **Includes incorrect assumptions & highlights policies/projects which don't address root causes or fundamental issues**
4. **Lacks robust, timely measurement to fully assess impacts of this dramatic proposed program overhaul**

If approved as currently drafted, Washoe County will:

- **Fail to meet its responsibility to protect its constituents and communities**
- **Fail to comply with other applicable WCC, NRS & TRPA governing elements**

1. Significant Zoning Change IS Included in TRPA Import

One Example > The Report says:

"The most significant change to land use will occur as a result of removing the Washoe County regulatory zones and implementing the TRPA allowed uses. The development code amendments propose very few changes to the existing TRPA list of uses. The one exception of note is in the Ponderosa Ranch area."

What's Obscured?

Adoption of TRPA's use definitions de facto revises all WC Tahoe Area Residential zoning - a major change which is not acknowledged or openly reviewed. WC's New Zoning Use = STRs (with known adverse neighborhood character, community safety and environmental impacts) **would automatically become an allowed use in all Residential Areas with draft STR regulations addressing only a portion of the related adverse impacts**

Background: What are the Facts?

- Today Washoe County doesn't address Vacation Rentals (STRs) in Zoning or Development Code. They are addressed in WCC Chapter 25 Business Licenses, Permits and Regulations as "Transient Lodging" while NRS addresses Vacation Rentals/STRs as a "Transient Commercial Use" and TRPA had historically referenced "Tourist Accommodation"
- Various Ordinance/Code protections are linked to these terms and appropriately apply to these rental situations *(e.g., sanctions in WCC for renter giving false info)*
- TRPA re-classified Vacation Rentals as a Residential Use in 2004 *(documents/rationale mostly lost)*. Since then TRPA has worked to try to address adverse impacts *(until recently mostly ignored in WC)*
- TRPA zoning use definition import is not required for alignment because WC's current zoning approach to other situations similarly included in WCC Chapter 25 as "Transient Lodging" is more restrictive

- **Recommend: Do not change STR to Residential Use; Define STRs/Vacation Rentals as"Transient Lodging" throughout WC Code including in the description of "Lodging Services"** to match WC Chapter 25, better align with NRS definition as "Transient Commercial Use" & be compatible with TRPA more appropriate "Tourist Accommodation" description. Then protections included in other WCC and NRS sections would not be lost. The use could still be allowed in Tahoe Area Residential Zones based on permitting as currently occurs with other forms of Transient Lodging *(more info: slide 10; WCC)*

2. Fails to Fully Address Public Health, Safety, Welfare Risks

A. Natural Hazards -

The report says: "Washoe County, through the adoption and implementation of building codes and development standards, maintains a robust proactive stance regarding the potential for natural hazards. In addition, Washoe County believes the best defense against natural hazards is information and the county actively seeks to provide residents and visitors with information about the potential for these hazards to occur."

What's Obscured? Area Occupancy, a critical consideration, has not been addressed. There is inadequate emergency services capacity to enforce regulations and insufficient evacuation capability. For residents and visitors, more than information is required including supplies, notification info, other defensive preparation. And new building codes/standards, etc are not always fully implemented immediately. Further, impact of NV Energy PSOM is not considered.

B. Public Health/Safety/Welfare -

The report says: "The proposed Development Code amendment will not adversely impact the public health, safety or welfare …"

What's Obscured? Failure to implement Public Accommodations Regulations as is required in Washoe County for all other types of Transient Lodging increases public health risks in STRs for occupants as well as Managers/Owners

Adoption of imported TRPA Land Use definitions with consequent failure to designate STRs as Transient Lodging does not remove the risks/adverse impacts that this requirement was meant to address. To quote an old saying, "If it walks like a duck and quacks like a duck, then maybe its a duck" - i.e., it is very difficult to credibly not classify STRs as "Transient Lodging" since they share all relevant characteristics with other situations so listed and include associated inherent risks appropriately addressed by this public health requirement *(see also slide 17-18)*

3a. Incorrect Assumption Example:

Little Population Growth with No Adverse Threshold or Safety Impacts

FACT: By 2018 STRs had already increased Area Occupancy in WC Tahoe Area adding:

- **750 People avg/day; 1500 People/peak day** *(4yrs)**
- **188-300 Vehicles avg/day; 375-600 Vehicles/peak day****
- **> 200 Vehicle Trips/day almost every day; ≥ 1200 Vehicle Trips/peak day^**
- **116 Beach Visits/day; 94% Increase in July/Aug** *(3yrs)^^*

FACT: Summer 2019 vs 2018 brought Further Massive Occupancy Increase:

- **27,000 added Airbnb arrivals**
- **23% additional increase RSCVA Vacation Rental Days**

FACT: Currently Police and Fire are understaffed for population compared to industry benchmarks AND there is acknowledged inadequate area evacuation capability

FUTURE IMPACT: With Proposed Zoning/Ordinance Changes, STR numbers/density/arriving population & vehicles with their adverse impacts will likely continue to grow >

RECOMMENDATIONS:

1. **Comprehensive Area Occupancy Plan is required for the Tahoe Area Plan**
2. **Added STR Density and Intensity Restrictions are needed now**
3. **Emergency services/Evacuation capacity and capability must be managed to match risk & area occupancy as a component of the Area Occupancy Plan**

*Notes: Estimates derived from RSCVA & Census data, IVGID surveys & reports, WC staff; Airbnb press release; * 2018 vs 2014; ** avg. 2.5 occupants/vehicle winter; 4/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016*

3b. Policies/Projects Which Don't Address the Fundamental Issues or Root Causes

Examples Include:

- **Avoidance:** Missing Area Occupancy Plan to ensure adequate emergency services/evacuation capability for population present
- **Root Cause Ignored:** Parking items which do not address enforcement or consider visitor parking management & Transportation Policies/Projects which do not address managing the tourist vehicle influx to ensure safety, evacuation capability & thresholds
  - Note parking/pedestrian safety mess near beach/eastside trail summer without off-site plan *(slide16)*
  - At a minimum utilize a reversed version of the winter ski area parking management approach including many staff to direct traffic, off-site parking and frequent shuttles & then be more creative *(slide 9)*
- **Issue Avoidance:** Land Use and Design Policies specify buffering between residents and new uses. In WC STRs are a new zoning use and are incorrectly treated as "mimicking residential use" in draft STR Ordinance despite objective data showing otherwise *(slide 18)*
  - Area Plan Policy appropriately offers review as part of discretionary permitting to address concerns and STR Ordinance needs to be adjusted to allow discretionary permitting for STRs with occupancy > actual resident occupancy *(see also slide 10)*
- **Magical Thinking:** Workforce and Affordable Housing items which do not address erosion of rental market by STRs
- **Musing:** Proposing expansion of potential zone uses without process or clarity and inconsistent with several listed LU policies

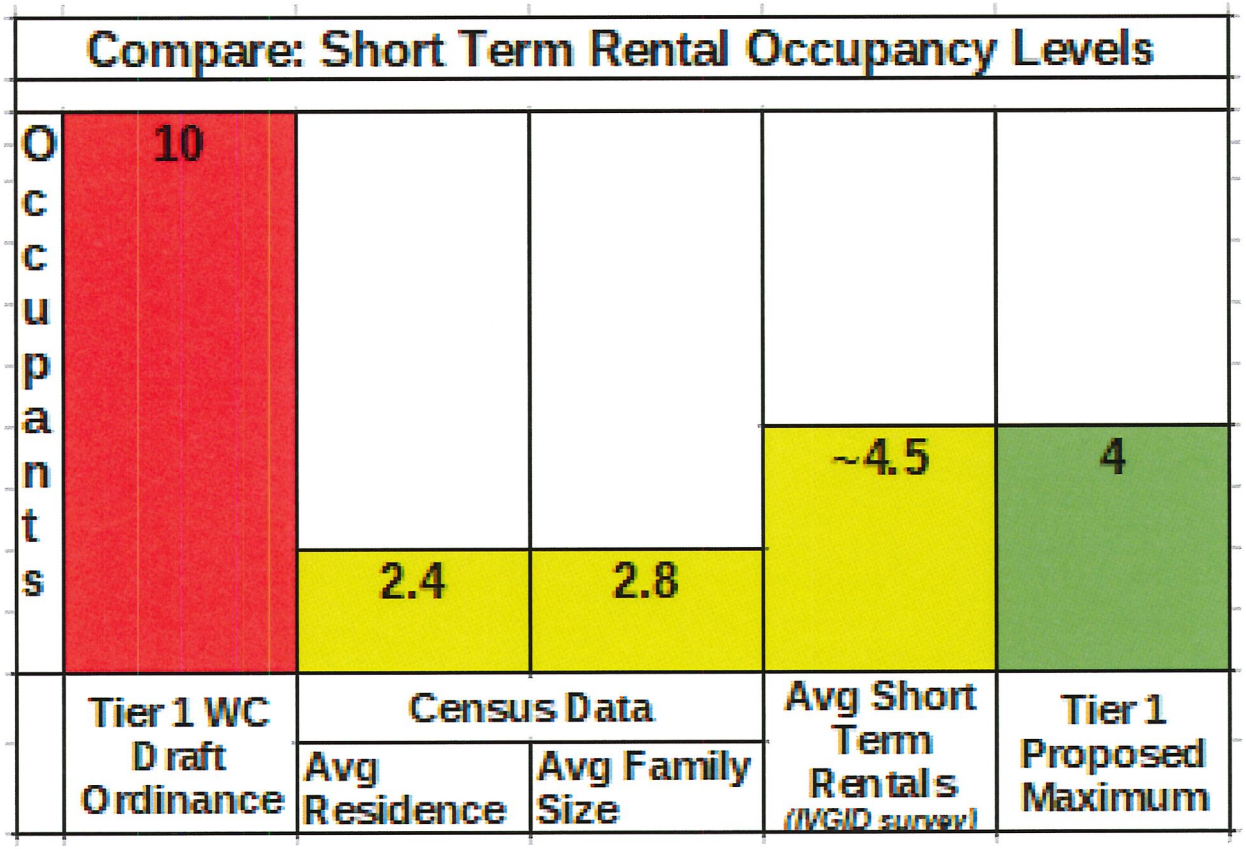
Comprehensive Parking & Transportation Example: Hallstatt, Austria

- Small town/village surrounded by lake/mountains
- In town parking very limited and reserved for residents
- Visitors and overnight guests accommodated in a series of off-site parking facilities with shuttle buses to/from town for people and luggage – some parking facilities are on the outskirts of town and others are further away
- Alternative access via boat shuttle from sites across the lake with train connections or remote parking
- Transport to area attractions via multiple modalities from within and adjacent to town
- Working on further plans to address Overtourism focusing on "quality tourism" and including limiting bus tour arrivals

Source: Hallstatt Austria web site; https://www.cnn.com/travel/gallery/hallstatt-austria-photos/index.html

Buffering between Residents and other Uses: STRs DO NOT Mimic Residential Use

- **Proposed STR Tier 1 level does not allow for neighbor compatibility input referenced in Area Plan Policy LU 1-3**
  - As currently described adjacent residents particularly in denser residential areas will inappropriately be subject to significant adverse Neighborhood Compatibility impacts from this New Zoning Use with no input
- **Proposed STR Tier 1 remedies**:
  - Reduce the Tier 1 upper occupancy limit to ≤ 4 to more closely mirror actual residential use and/or
  - Require Tier 1 Discretionary Permit (AR) for all STRs in residential areas to allow neighbor noticing/input



4. Lack of robust, timely measurement to fully assess impacts of this dramatic proposed program overhaul

- **The report says: "TRPA will monitor: TRPA will continue to monitor progress towards threshold attainment using the performance measures established under the 2012 Regional Plan"**
- **What's Obscured? TRPA measurements while carefully organized and responsive to scientific input are not sufficient to truly assess impacts of the envisioned massive planning overhaul described in these documents**

The most recent TRPA monitoring metrics are several years old and do not include impacts of the recent increases in WC Tahoe Area occupancy. Thus, in addition to incorrect assumptions related to projected population growth included in the 2012 TRPA Regional Plan and in this current proposed WCTahoe Area Plan, conclusions related to these measurements regarding impacts of STRs on thresholds are likely incorrect and do not mitigate the need for an EIS associated with this proposed Area Plan revision

In addition, additional measurement of on-going impacts of the proposed STR Ordinance and other changes included in the Tahoe Area Plan such as the proposed adjustments in Town Center design and densities are required to actively assess for timely program adjustments as indicated on an interim basis.

Conclusion ...

Recommend that Planning Commission defer approval of currently proposed Tahoe Area Plan/Ordinance and related WC Development/Code changes for more thorough study, review and modification *(see additional details next 2 slides)*

WHY? Based on items flagged above, Findings for Planning Commission Approval have not been met:

- **Consistency with Master Plan/No Adverse Effects:** Impacts threaten noncompliance with WC Master Plan, TRPA Regional Plan/ Neighborhood Compatibility and NRS - Increased Area Occupancy directly affects Population Safety & Environment/Conservation/Natural Resources with no formal Environmental Review (EIS)
- **Compatible Land Use:** Proposed amendments with adoption of a new Residential Land Use has been incompatible to many adjacent residents though some partial, but insufficient, mitigation is proposed. In addition, question are raised about Town Center design changes, some other "minor" changes and multiple public health/safety/welfare concerns.
- **Response to Change Conditions:** Any "changes" are not new: all of these impacts have been known, but not addressed, for years despite other related code/regulatory actions; some proposed elements are based on incorrect assumptions and/or old data with no plan for past or future robust, timely impact measurement/review. Proposal doesn't represent more desirable land use for most residents
- **Availability of Facilities:** The plan does not include an Area Occupancy plan or adequate parking/ transportation planning. Further, emergency services and evacuation capacity are not remediated
- **Desired Plan for Growth:** Here there is a partially correct statement: "The proposed amendments do not alter the [current] established pattern of growth in the Tahoe Planning Area." The current unsustainable growth trajectory is not altered though it should be; and the historic established pattern has changed dramatically & adversely with more transient visitors, fewer residents and even fewer long-term rental and affordable options

Tahoe Area Plan/Related Development/Code & STR Ordinance Priority Recommendations

1) Proposed development code zoning and other related proposed code changes must be modified. As drafted, changes are inappropriate, unnecessary, in conflict w/ NRS and will adversely impact appropriate public health, safety, welfare and neighborhood character protections embedded in other WCC chapters and NRS.

- **Do not adopt TRPA Code wholesale as collateral implications have not been fully assessed**
- **Specifically, do not change the Zoning definition of Residential Use to include STRs/Vacation Rentals**
- **Define STRs/Vacation Rentals as"Transient Lodging" throughout WC Code to match WCC Chapter 25 including in the description of "Lodging Services" and to better align with NRS definition as "Transient Commercial Use"**
- **To better protect public health, safety, welfare and neighborhoods, specify uniform implementation of all protective regulations in all situations providing sleeping/lodging accommodations to the public for reimbursement for < 30 days.** (Various labels include Transient Lodging/Lodging Services, Transient Commercial Use, Tourist Accommodation, Vacation Rental, STR.)
- **To address Neighborhood Compatibility** (TRPA requirement) **and the Plan's stated residential area compatibility intent, all situations described above must require discretionary permitting** (see #2 below and LU 1-3; also see slide 10 re possible exception for STRs with occupancy cap mirroring actual residential use, i.e., ≤ 4)

2) STRs do not mimic residential use - STR Tier 1 must be modified to correctly consider differences and collateral neighborhood impacts by lowering the maximum occupant threshold to ≤4 and adding a discretionary permit requirement (AR) to allow for neighbor input. (Comparative justifications for higher numbers offered in WC documents to date have been shown to be inapplicable. See also slide 18)

3) Full assessment/mitigation of STR impacts on Neighborhood Character, Overall Area Occupancy, Environment is a critical priority which has not but needs to occur:

- **Add STR Density and Rental Intensity requirements to the proposed STR Ordinance.**
- **Modify proposed zoning code changes based on comprehensive review of STR impacts** on area occupancy, the environment (EIS), compliance with other regs & collateral impacts
- **Require development and implementation of a WC Tahoe Area Optimal Occupancy Management Plan considering STR impacts in concert with broader sustainability initiatives**

Tahoe Area Plan/Related Development/Code & STR Ordinance Priority Recommendations (cont.)

4) Complete a thorough review of the proposed Town Center design changes with robust constituent input – the height and density changes in particular have raised resident concerns

5) In addition, musing included in the Area Plan regarding Zoning uses cause confusion. Examples include: wording about possible future expansion of the Town Center Area ("... regulatory zone could be considered for potential inclusion in a future Town Center expansion") and/or the policy targeting already crowded areas for accessory recreational uses ("Encourage accessory recreational uses for areas with multi-family development"). These statements raise changes in use and could significantly undermine already overcrowded areas and neighborhood character. Residents have bought property in the context of current zoning. Such change would violate several LU policies and require significant processing. **Thus recommend that these items and any similar "musings" be removed. Alternatively focused review with local robust constituent input is indicated here as well**

6) Inclusion of impacts of STRs on rental property availability in the development of Workforce and Affordable Housing Policies and Projects

7)Develop and include an Area Occupancy Management plan with collateral Emergency Services and Evacuation capacity and capability design and implementation plans/timelines

8)Adjust Transportation and Parking Elements of the Area Plan to include Policies and Projects which address root causes including: limiting influx of tourist vehicles into the area, off-site parking, etc.

9) Develop and implement an expanded and more timely measurement program to supplement the TRPA program and specifically to assess impacts and issues related to the revised Area Plan and associated Ordinances to facilitate program adjustments as indicated

10) Complete an Environmental Assessment (EIS) of proposed Area Plan and related Ordinances including STR Ordinance

11) Conduct section by section commission/stakeholder/public review sessions to ensure that all areas have been thoroughly reviewed given the sweeping magnitude or this proposed concept change

Appendix

Occupancy Impact Example: Parking Near the Beach

- Labor day weekend 2019 in Incline Village: Park Lots Full!

Parking directly under No Parking signs – no tickets.

Implementing Public Accommodations Regulations to Decrease Public Health Risks in Transient Lodging Settings ...

WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?

BUGS ...

VIRUS VECTORS ...

BACTERIA ...

Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS ...

Biohazardous Waste Handling Operation Management Plan

Sources: https://www.greenmatters.com/world-travel-news/antibiotic-resistant-germs-pose-greater-threat-than-previously-thought-cdc-ca, Web MD; Washoe County Health District Public Accommodations website

Table Submitted with STR Ordinance Commentary Jan 2020:

Use Comparison Table: STRs DO NOT MIMIC RESIDENTIAL USE

	ZONING / USE			SUPERVISION / KNOWN?				SERVICES & REGULATION EXAMPLES		
Lodging Type	**Com vs Res Use**	**Zoning Status**	**Daily Rent Fee; TOT**	**On-site Owner or Manager**	**Visitor known to Owner**	**LOS; Offered to**	**Visitor knows area/ culture**	**Occupancy/ Parking Actively Regulated/ Monitored**	**Food Utensils Available/ Regulated**	**Public Health/ Safety Regs Apply**
Categorized as Transient Lodging by WCC 25.1501 and NRS 447.010** (w or w/out meals); **NRS 116.340										
Hotel/ Motel	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
Time-share	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
B & B	C	Varies	yes	yes: mngr or owner	no	short/ public	no	yes	yes/yes	yes
STR's now	**C per WCC 25**	**Not allowed**	**yes**	**no**	**no**	**short/ public**	**no**	**no**	**yes/no**	**no**
STR's propose	**** C/Trans Lodging ****	****SUP or AR/P ****	**yes**	***use 30 min access***	**no**	**short/ public**	**no**	***yes***	****add Public Accommodations or equivalent****	
Residential - Not Categorized as Transient Lodging in WCC or NRS										
Group Home	R	Parallels res use	charge/ stay; no TOT	manager	yes, manager	longer; must meet eligibility	yes	yes	yes/yes	yes
LT or Seasonal Rental	R	Parallels res use	charge/ month; no TOT	owner in touch	yes	long	yes	yes, by in touch owner	n/a: renter is resident	n/a: renter is resident
Owner's Family/ Friends	R	Parallels res use	none	owner on-site or in touch	yes	varies; limit to friends/ family	yes, close owner contact	yes, by in touch owner	n/a: not rented & owner/ visitor know each other	

Legend: *"Varies" notation indicates variability among regulatory zones, typically allowed or allowed with restrictions in tourist and/or commercial areas and not allowed or allowed with restrictions elsewhere;*
** indicates proposed in STR Ordinance while ** indicates additionally proposed in this document*