

From: Ryan Sommers rsommers@nltfpd.net
Subject: RE: This is a Copy of my Opinion to the TRPA of How Short Term Rentals should be Permitted.
Date: October 16, 2019 at 10:52 AM
To: Pete Todoroff ptodoroff1@sbcglobal.net



Good Morning Pete,

I have responded to your opinion below. I know this is late but we have been busy with other stuff. I know you contacted Mike Brown about this as well...

I will not be attending this Friday as I have a meeting at the County at 10:00 (different topic) and my Asst. Chief is off this Friday.

Read Below:

Ryan

From: Pete Todoroff <ptodoroff1@sbcglobal.net>
Sent: Friday, September 27, 2019 10:37 AM
To: Bryan Calder <BCalder@nltfpd.net>; Ryan Sommers <RSommers@nltfpd.net>; Mark Regan <MRegan@nltfpd.net>
Cc: Pete Todoroff <ptodoroff1@sbcglobal.net>
Subject: This is a Copy of my Opinion to the TRPA of How Short Term Rentals should be Permitted.

Leave WASHOE COUNTY OUT FOR ENFORCING CODE VIOLATIONS ON SHORT TERM RENTALS !!!
WC has to make some changes to allow us authority dealing with STR's. Right now we have no codes or regulations that allow us to do any pre-work on STR's. We can act on a complaint by tenants of such a property, as we have already exercised.

The Fire Department is the only Agency that Resides in the Community 24/7 and since they can enforce the Codes. The Home Owner and or the Occupants of the Resident will be safe. This is what the Fire Department does and is trained for is PUBLIC SAFETY.

We are not the only agency, WCSO is here also.

Make it a Mandatory Annual Inspection by the Fire Department of the Property being used for Short Term Rentals before issuing a permit.

Agreed, working on a this.

The Fire Department should be provided the Contact information of the Owner of the SHORT TERM RENTAL PROPERTY OF NON COMPLIANCE AND OF Fire.

I agree, working on this.

The Owner of the Property where Short Term Rentals are located need to comply with Defensible Space and BMP's to ensure the property is safe for the Occupants, Owner, and their Neighbors property.

Agree and hopefully is a requirement

Occupancy is spelled out there are 2 people per bedroom plus one and there is ample parking on the property and NOT on County Roads for the occupants of the Short Term Rental PROPERTY.

Ah... we are working on something that will we can enforce, worded as is, might not work but we are exploring options.

IVID is responsible to enforce fines on Wildlife Resistant Trash Containers and Trash Removal. If there is a problem with Trash Removal they are able to contact the owner of the property for the infractions with Trash Removal. IVIC will contact the Owner of the Short Term Rental Property.

infractions with trash removal. IVGIG will contact the Owner of the Short Term Rental Property to collect the necessary Fines or infractions of Codes.

Everyone who uses their property for Short Term Rentals should have a Copy of the Rules and Regulations on the Door. Also there needs to be a Copy of an Escape plan incase of an Emergency Evacuation and should be posted on the Door of ALL SHORT TERM RENTALS WITHOUT EXCEPTION.

Fire Escape is a great idea.

The Inspection of the Short Term Rental Property should be performed by the Fire Department to make sure the Smoke Alarms, Carbon Monoxide Detectors, and Fire Extinguishers are all good in working order.

Once we have the right to go into a private residence after C of O, we can do this.

The Insurance Company providing the Insurance for the Short Term Rental should be advised of the Property being used for Short Term Rental. It is very difficult to get Fire Insurance in this Community as it is because of all the Trees and the Fires in California. There will be an extra cost for Properties used for Short Term Rentals to protect the SHORT TERM RENTAL PROPERTY AND THE SURROUNDING NEIGHBORS.

Insurance issue, not ours... yet

All the Cost for the Fire Department Inspections to be paid for by the Agencies Responsible for Collecting Fees and for Maintaining Short Term Rentals. If the Property Owners who are using their Property for Short Term Rentals are collecting Fees The Owner needs to pay for the Annual Inspection of their Short Term Rental Property. NO PERMITS will be issued unless the Fire Department passes the Property being used for Short Term Rentals PERIOD.

I want any such program to be cost neutral to NLTFPD.

If the Short Term Rental Property has a Code Violation NO PERMIT WILL BE ISSUED UNTIL THE PROPERTY MEETS ALL CODES AND IS SAFE FOR THE OWNER of the Short Term Rental PROPERTY AND SURROUNDING NEIGHBORS PROPERTY .

Would hope and agree if an agreement is approved, this is included.

Short Term Rental Property needs to make sure the parking of the Occupants Park on the Property and not put the burden on Washoe County Roads.

WCSO issue

What Needs to be the MOST IMPORTANT PART OF HOME OWNERS USING THEIR PROPERTY AS SHORT TERM RENTALS IS SAFETY FOR THE OWNER OF THE SHORT TERM RENTAL AND THE SURROUNDING NEIGHBORS PROPERTY.

Safety is always number one.

I hope I have outlined what is necessary to make the Short Term Rental Program safe for the Owner of Short Term Rental Property and all of its Neighbors. Thank You.

Pete Todoroff Moderator of the IV/CB COMMUNITY FORUM MEETING
and Chairman of the Citizens Advisory Board.

iMac 3.06

Pete Todoroff

ptodoroff1@sbcglobal.net

Chair Chesney
Members of the Planning Commission

Wayne Ford / Wayne Ford Residential Design
731 Lynda Court
Incline Village, Nevada

Great work Mr. Young.

Agenda Item "B" Tahoe Area Master Plan. I like to call it the Community Plan/ Area Plan
It is for areas called Incline Village and Crystal Bay.

In the opening statements to the plan it says "The plan seeks to provide a **Balance(1)** between two competing forces that have always coexisted in the plan area. The first is the desire to maintain a base of permanent residents doing business , going to school, and recreating in the community designed to integrate with the world class alpine and lake environment". Currently there has been a loss to that Balance . Residential use is in decline.

On page 21 of the plan it states : Additionally Washoe County building Codes require all development to meet the current adopted codes , that are in the 2018 IBC and IRC . (2)

How does this fit with planning? Use in planning determines what codes apply when a structure is built. In the case of Residential Neighborhoods as the code refers to these zoning areas , these homes are built under the IBC and the IRC. Single family properties that are occupied by a owner , would fall under the home owner exemption. So when a owner does not occupy the home and uses it for a business, then the exemptions no longer apply.

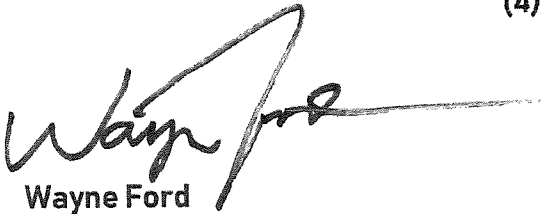
So for Short Term Rentals as included on page 104(3)) there is a Code Conflict. You have a use that has now not been allowed for a structure(4). The structure is not Owner Occupied. That use will lead to loss of safety and in the end will lead loss of life. Safe guards like fire sprinkler systems are not in place as would be for a motel of hotel. In many case they are not required under the home owner exemptions. There are many other exemptions that are taken, yet would not be allowed for a hotel or motel. The STR use needs to stop for residential properties .

So Mr. Young has done a wonderful job doing the plan. It is not his fault that this conflict exists and he has to have it as part of this development code and area plan. Those who have promoted this use for personal , financial reasons will be held accountable. (TRPA/Washoe County)

This use has changed the **Balance** that was sought to provide a healthy and safe community. I have found over time these kinds of violations will take care of themselves, yet in this case I hope that the event that does take place , the loss of innocent life, will not be part of the process of correction, to bring back the **Balance**.

Exhibits :

- (1) Community character and Vision Statement**
- (2) Tahoe Area Plan Exhibit B. 5.**
- (3) Tahoe Area Plan Exhibit page 104 Section 110.220.435**
- (4) Email Sept. 17, 2019 From Dan holly Washoe County**



Wayne Ford
Wayne Ford Residential Design License Number 091-RD
10/20/19



COMMUNITY CHARACTER AND VISION STATEMENT

Incline Village and Crystal Bay are pleasant mountain communities that provide a welcoming environment to both residents and visitors. The mixed-use and tourist neighborhoods will complement their forested and lakeside surroundings with compelling architecture and site design, while also providing new commercial and recreational opportunities. The existing character of residential and conservation neighborhoods will be preserved and enhanced. A diversified local economy will support year-round activities.

The plan seeks to provide a balance between two competing forces that have always coexisted in the plan area. The first is the desire to maintain a base of permanent residents doing business, going to school, and recreating in a community designed to integrate with the world class alpine and lake environment. The second is the desire to establish new opportunities for tourism based on the steady growth in the demand for all forms of recreation, but particularly those based on outdoor activities in a beautiful natural setting. While over time the relationship between these two different directions has shifted in favor of one or the other, the consistent desire of the community at large is to achieve and maintain a balance between them. In order to support this goal, this area plan focuses on providing a community framework that supports both of these directions. Some of these components include:

~~X~~
BALANCE

- A distribution of allowed uses that supports redevelopment of vibrant mixed-use and tourist areas and residential opportunities primarily for permanent residents elsewhere.
- A comprehensive transportation network that is rich in transit, pedestrian and non-motorized transportation opportunities.
- Diverse recreation facilities that support both tourists and residents, including extensive trail networks integrated with the transportation network and other recreation opportunities spanning four seasons.

Washoe County Tahoe Area Plan

3. Avalanche. All development within an identified avalanche hazard area must complete an appropriate geo-technical study and comply with the study's final recommendations.
4. Wildfire. All development in the plan area is subject to additional standards for protection from potential wildfire hazards. The current required standards are those of the 2018 International Wildland Urban Interface Code.
5. Landslide. Development on slopes of 15% or greater may require an appropriate geo-technical study and to comply with the final recommendations of the study. The county engineer will determine when a study is appropriate. Additionally, Washoe County Building Codes require all development to meet building standards based on soil type. The currently adopted codes are the 2018 International Building

*CODE

Code and the 2018 International Residential Code, with the Northern Nevada Amendment package.

*

6. Tsunami/Seiche. In the Tahoe basin all land below 6,259' is within the potential tsunami/seiche inundation zone. Washoe County will inform all applicants for development within the identified inundation zone that the property is within the identified zone.

py 21 d 22

have the effect of compromising the historical significance of the property's structure(s) or site(s).

- h. Notwithstanding the provisions of this section, the proposed operations and uses of the structures within the historic site overlay shall meet all applicable building safety and building code requirements, fire regulations and Washoe County District Health Department regulations applicable to the operations plan submitted under subsection (b) of this section.
- i. Prior to issuance of a business license, the approved operations plan shall be mailed to all property owners pursuant to Washoe County Development Code Section 110.810.25, *Notice (Special Use Permits)*. An appeal may be filed within ten (10) days of the mailing of notice pursuant to Washoe County Development Code Section 110.810.50, *Appeals (Special Use Permits)*.

Section 110.220.435 Short term (Vacation) Rentals. Short term rentals are an allowed use in some neighborhoods. All short term rentals must comply with the provisions of the Washoe County Short Term Rental Ordinance.

Fw: International Residential Code / Nevada State Board of Fire Services

From: Wayne Ford (waynefordresidentialdesigner@yahoo.com)

To: rondatycer@aol.com

Date: Tuesday, September 17, 2019, 2:55 PM PDT

Email I sent and response from Mr. Holly / Washoe County

----- Forwarded Message -----

From: Holly, Dan <DHolly@washoecounty.us>

To: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Tuesday, September 17, 2019, 12:44:01 PM PDT

Subject: Re: International Residential Code / Nevada State Board of Fire Services

Hello Wayne: There is no such document as the 20189 IRC. The 2018 is what is being referred to. For information purposes the IRC and the IBC have distinct differences for use, occupancy, and occupancy calculations. It is important to remember that the IRC regulates the construction and use of one, and two family dwellings as well as townhouses. Hotels, motels, condominiums, and apartments fall under the requirements of the IBC. The IRC does not contain any requirements for establishing an occupant load in a single family residence. All structures that fall under the IBC require a licensed State of Nevada Contractor to perform work. Single family properties that are owner occupied would fall under the home owner exemption. However, I would not think that the exemption would apply in this case. Please let me know if this helps. Thank You,

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Tuesday, September 17, 2019 7:53 AM

To: Holly, Dan <DHolly@washoecounty.us>

Subject: International Residential Code / Nevada State Board of Fire Services

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

Dan:

I have been working with a Incline Group: Incline Short Term Rentals Citizens Advisory Group.

It came to our attention that the Nevada State Board of Fire Services had discussions on the

adoption of the following : 20189 International Residential Code
We here in Washoe County are already under the 2018 IRC. Yet I do not understand

EXHIBIT 4

the "9" , maybe a mistake or a reference to a chapter?

I did go to the Code and found that once a occupancy is over 10 the code does require some other compliance. Like that of a motel. Can you comment or help me understand how this currently applies to Residential Design and if anything has changed in doing plans for such a use. Our local fire department : NLTFPD is looking at Resolution Number 17-1 which will require ,in my opinion, much needed safety inspection. Next: Like a apartment, condo, town- house does the occupancy of 10 or more need a licensed contractor on a permit for such a short term rental residence? Has the IRC had to deal with this issue in the application under occupancy? What are your thoughts? I will be talking with Mark Regan on Wednesday at the local fire board meeting about the approval of Resolution Number 17-1.

Wayne Ford

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

**Project Guardrail
Challenges**

**Washoe County Planning Commission
October 21, 2019**

Submitted by Carole Black, IV Resident

Comprehensive Environmental, Public Safety and Zoning Review is Required

- Washoe County's apparent planned addition of STRs/Vacation Rentals to IV/CB Residential Neighborhoods is a **New Zoning Use** for these neighborhoods
 - **Zoning change is obscured** in the combination of a single clause in the draft WC Tahoe Area Plan referencing TBD STR Ordinance and adoption of YRPA Use definition
 - **Significant environmental impact = major concern** (Slides & Draft IEC submitted)
- Comprehensive review of this proposed **New Use/Tahoe impact** is required:
 - **Environmental Review**: Comprehensive review of STR/Vacation Rental impacts
 - **STR/Vacation rental = Commercial Use**: Zoning should parallel other Transient Lodging and NRS
 - **Special Use Permit**: Zoning should parallel other Transient Lodging in Residential Zones
 - **Public Accommodation** compliance should be required (per NRS re Transient Lodging status)
 - **Area Occupancy must be managed** to match service/facility capability
- WC must step-up - given historic non-compliance:
 - **Need regulations** re issues: overcrowding, protect public safety and neighborhood character
 - **Enforcement program required**: comprehensive, effective; includes inspections & neighbor input
- Given historic adverse impacts, enforcement failures, lack of attention to zoning, **STRs in IV/CB must be zoned properly and managed effectively as the businesses that they are:**

Vacation Rentals/STRs are a commercial, non-residential use!

Defined Project Guardrails:

Some elements need to be modified!

Current Status - Project Guardrails/Constraints:

- **Tahoe Area Plan**

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

- **STR Ordinance**

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

WC Guardrails for Tahoe Area Plan are Flawed – Full Code Change Evaluation is Indicated

GUARDRAILS TO MODIFY	ISSUE	PROPOSED RESOLUTION
Follow TRPA pattern	TRPA code should be modified: - Ordinance incompletely vetted - WC historic non-compliance w TRPA specs not enforced - WC gave incorrect status report to TRPA in 2017	- TRPA must change STR to commercial OR - WC must exceed TRPA to comply w NRS & protect residents/village/lake
No explicit zone changes	Aligning with TRPA requires explicit zoning change	- WC must execute full process for major Zoning update w/comprehensive review - WC must add STR requirements: 1. Commercial Use w Special Use Permit for Residential zones 2. Public Accommodation applies 3. Safety Inspections mandatory
Incorporate STR Ordinance	Ordinance is being drafted but Zoning/Area Plan approval is a “blank check” w/o Ordinance	Adjust Timing: - Can Plan move forward before Ordinance is done? – Must include area capacity plan linked to staff/facility capability

Examples of TRPA 2012 Regional Plan Policies with Adverse Impacts or Program Gaps Related to Vacation Rental/ STR in Residential Areas

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES >> STR impact: 84% increase guest access tickets IV beaches last 2 yrs >> beaches are overcrowded; illegal parking; very difficult to safely use kayaks; lots of trash on beach/in water

LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE >> STRs are not accountable for meeting Health, Safety, Building code or Public Accommodation standards for Transient Lodging

LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS ... 7) Existing or planned street design ... so as to encourage mobility without the use of private vehicles >> STRs in Incline Village are substantially clustered near, but not in, the town center and tourist areas – the current density level in these neighborhoods exceeds all identified benchmarks yet development has not to date significantly proceeded in town center or tourist zones and existing and planned paths/transit/street design do not “encourage [described] mobility” the majority of the time. Further emphasis on clustering STRs in these few neighborhoods will destroy them for residential use – see below

LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS ... SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE >> STRs dramatically change the character of a residential neighborhood: Is it “NIMBY” to not value cars blocking neighbors driveways; noise at all hours; public urination; beer cans hurled off of decks; bears attracted to unlocked house; overflowing trash bins; illegally parked cars blocking emergency vehicles or snow plows

LU-4.1 THE REGIONAL PLAN ... IDENTIFIES GROUPINGS OF GENERALIZED LAND USES AREAS ... ARE ... CATEGORIZED WITHIN ONE OR MORE OF THE ... LAND USE CLASSIFICATIONS: ... RESIDENTIAL Residential areas are urban areas having potential to provide housing for the residents of the region. In addition, the purpose of this classification is to ... allow accessory and non-residential uses that complement the residential neighborhood. >> STRs do not provide housing for the residents of the Region. In fact, this use depletes housing stock for a Transient Lodging Use. Further STRs are not a defined Accessory Use nor are they a Non-Residential Use that complements the residential neighborhood. In reality, they are at best tolerated and more often become a neighborhood nuisance.

LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN ALL AREA PLANS SHALL INCLUDE ... MEASURES TO: ... 6) Preserve the character of established residential areas outside of centers while seeking opportunities for environmental improvements within residential areas >> STRs cause environmental damage and undermine the character of residential areas – strangers abound and are told to lie to neighbors; annoyances abound as well as true health and safety risks – 50% of fires in IV last 5 years were related to STRs

NH-1.3 INFORM RESIDENTS AND VISITORS OF THE WILDFIRE HAZARD ... >> There is no requirement that STRs do this

NH-1.4 TRPA WILL ENCOURAGE PUBLIC SAFETY AGENCIES TO PREPARE DISASTER PLANS >> The Incline Village area now has an evacuation plan – the officials have indicated that in the event of a required emergency evacuation, the occupancy level at busy times exceeds the evacuation capability. STR growth over the last few years has resulted in a 9% increase in average/ 18% in peak occupancy

WQ-3.1 REDUCE LOADS OF SEDIMENT, NITROGEN AND PHOSPHORUS TO LAKE TAHOE >> STRs increase sediment by parking on dirt and in drainage ditches designed to capture sediment In addition more trash is left on roadsides beaches and in water

Examples of TRPA 2012 Regional Plan Policies with Adverse Impacts or Program Gaps Related to Vacation Rental/ STR in Residential Areas

Transportation-3.3 SUPPORT EMERGENCY PREPAREDNESS ... AND ENCOURAGE APPROPRIATE AGENCIES TO USE INCIDENT MANAGEMENT PERFORMANCE MEASURES

Transportation-3.4 DESIGN PROJECTS TO MAXIMIZE VISIBILITY AT VEHICULAR, BICYCLE AND PEDESTRIAN CONFLICT POINTS >> STRs add vehicles and vehicle trips; Illegal parking especially at intersections and along crowded roads impede safe passage for pedestrians and bicyclists

Transportation-4.11 ESTABLISH A UNIFORM METHOD OF DATA COLLECTION FOR RESIDENT AND VISITOR TRAVEL BEHAVIOR Transportation-4.12 MAINTAIN MONITORING PROGRAMS FOR ALL MODELS THAT ADDRESS THE EFFECTIVENESS OF THE LONG-TERM IMPLEMENTATION OF LOCAL AND REGIONAL MOBILITY STRATEGIES ON A PUBLICLY ACCESSIBLE PLATFORM >> These are critically important initiatives and should include emphasis on distinguishing resident from STR user travel patterns as well as providing data regarding added occupancy and vehicle use by STR users staying in properties owned and partially occupied by part-time residents

S-1.4 TRPA SHALL DEVELOP SPECIFIC POLICIES TO LIMIT LAND DISTURBANCE AND REDUCE SOIL AND WATER QUALITY IMPACTS OF DISTURBED AREAS >> STR users park vehicles on dirt at rented properties – excessive vehicles brought by these renters is a common complaint. TRPA policy can assist by limiting vehicles to 2/STR or less if there is inadequate appropriate on site parking

PS-4 TO ENSURE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE REGION, EDUCATIONAL AND PUBLIC SAFETY SERVICES SHOULD BE SIZED TO BE CONSISTENT WITH PROJECTED GROWTH LEVELS IN THIS PLAN **PS 4.2** EDUCATIONAL AND EMERGENCY SERVICES ORGANIZATIONS ... ARE ENCOURAGED TO ADVISE THE AGENCY WHEN DEVELOPMENT POTENTIALS EXCEED CURRENT OR ANTICIPATED SERVICE CAPABILITIES OR CAPACITIES ... information will be used ... to develop appropriate strategies to maintain an acceptable level of service >> STR growth and resulting increased area occupancy has exceeded the conservative projections included in the Regional Plan. Currently police and fire staffing in the Incline Village area is inadequate based on reports from these services and also compared with external benchmarks (included in slide deck). This mismatch needs to be resolved, and until this occurs, there should be a moratorium on new allocations

IAP-1.6 TRPA, IN CONJUNCTION WITH OTHER AGENCIES OF JURISDICTION SHALL DEVELOP AND ACTIVELY PURSUE AN EFFECTIVE ENFORCEMENT PROGRAM TO ENSURE COMPLIANCE WITH THE PLAN AND ORDINANCES OF THE AGENCY >> This has not occurred over 15 years since the 2004 Ordinance with irregularities in its procedural compliance

DP-4.2 ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT. ... The ordinances will establish a fee to offset the impacts from minor projects ... on both commercial and residential development. The ordinances will also define what projects have significant environmental impacts; these projects will be required to complete an EIS and mitigate air quality and traffic impacts with specific projects or programs. >> How has a comprehensive assessment not yet occurred?

**WASHOE COUNTY AREA PLAN &
ASSOCIATED DOCUMENTS**

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

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

Submitted by Carole Black, IV Resident

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

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

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



Comprehensive Environmental, Public Safety and Zoning Review is Required

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

Vacation Rentals/STRs are a commercial, non-residential use!

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

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

POPULATION SAFETY:

Area Occupancy vs Fire Safety & Wildfires!

- **More People, More Risk:**

- ARE PREVENTIVE TACTICS IMPLEMENTED?

- ARE TOURISTS WARNED, RENTALS EQUIPPED?

- ARE RENTED ACCOMMODATIONS SAFE?

- **Emergency Services Demand Increases:**

- ARE ENOUGH EMERGENCY STAFF ON SITE?

- CAN FIRE TRUCKS/EMERGENCY TRANSPORT GET PAST CARS?

- **If a Wildfire develops,**

- COULD WE EVACUATE SAFELY?

- WHAT IF WATER SUPPLY IS CONTAMINATED?

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

Public Health and Safety Implications of Transient Lodging Category:

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

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

"1. Except as otherwise provided in subsection 2, a person who owns or directly or indirectly has an interest in, one or more units within a planned community that are restricted to residential use by the declaration may use that unit or one of those units for a transient commercial use only if ...

4. As used in this section: ... (b) Transient commercial use means the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive calendar days.

3) Components of the Washoe County Program include:


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

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

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

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

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



WASHOE COUNTY
Tahoe Area Plan

VISION AND CHARACTER

Maintain and apply objective standards and criteria that serve to manage growth and development in a manner that:

- Respects the heritage of the area by encouraging architectural and site design standards that are responsive to this heritage;
- Respects private property rights;
- Provides a range of housing opportunities;
- Provides ample open space and recreational opportunities;
- Promotes the educational and scientific opportunities inherent in the area's natural history;
- Addresses the conservation of natural, scenic and cultural resources; and,
- Promotes the mutual goals of the TRPA, Washoe County, and the Community.

What does the Area Plan do?

Preserves Neighborhood Character

In alignment with the Regional Plan, the Area Plan will ensure preservation of the existing character of residential and conservation neighborhoods, while redirecting development towards Town Centers.

Promotes Redevelopment in Town Centers

The plan will include incentives to encourage redevelopment and upgrades within the three designated Town Centers. Additional height, residential density, and coverage, improves the feasibility of new projects.

Consolidates and Modernizes Existing Plans

The new Area Plan will consolidate the existing Tahoe Area Plan, four Community Plans, and 23 Plan Area Statements into a single planning document that governs both Washoe County and TRPA actions. It also updates language originally developed in the 1980s and 1990s.

Harmonizes Zoning Regulations

Under the Area Plan, Washoe County regulatory zones will be revised to align with TRPA regulations, eliminating inconsistencies. After adoption of a Memorandum of Understanding with TRPA, Washoe County can also assume permitting authority for most small projects, eliminating the need to apply to two agencies.

Proposes Future Improvements

The Area Plan outlines a series of transportation, water quality, and recreational improvements that would make Incline Village and Crystal Bay thriving, sustainable communities for residents and visitors alike.

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REGIONAL PLAN IMPLEMENTATION COMMITTEE
AGENDA ITEM NO. 5



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

I. REVIEW INFORMATION

Location: Washoe County; TRPA and Local Governments

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

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

II. SUMMARY

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

Specifically, Washoe County plans to:

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

III. DISCUSSION

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

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

2. The WC Development Code further specifies that:

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

AND

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

AND

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

AND

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

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

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

4) In 2014 Washoe County passed Ordinance #1526 “revising the definition of Transient Lodging.” This Ordinance amended Chapter 25 of the Washoe County Code (Business Licenses, Permits and Regulations) and broadened the definition: “Transient lodging” means any facility, structure, or portion thereof occupied or intended or designed for occupancy by transient guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes” There follows a long list of types of sites where applicable which includes: “condominium, timeshare properties, vacation home, and apartment house ... or portion thereof.” However, there were no parallel changes in Chapter 110 of the Washoe County Code (Development Code) and thus no revision in Allowed Uses. In fact, this regulatory situation more readily implies that Vacation Rentals are a Business/Commercial, and not Residential, entity in Washoe County.

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

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

“NRS 116.340 Transient commercial use of units within certain planned communities. 1. Except as otherwise provided in subsection 2, a person who owns, or directly or indirectly has an interest in, one or more units within a planned community that are restricted to residential use by the declaration may use that unit or one of those units for a transient commercial use only if: ... (c) The unit is properly zoned for the transient commercial use and any license required by the local government for the transient commercial use is obtained ...

4. As used in this section:(a) “Remuneration” means any compensation, money, rent or other valuable consideration given in return for the occupancy, possession or use of a unit.

(b) “Transient commercial use” means the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive calendar days.”

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

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

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

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

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

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

"Hotel" means every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public, whether with or without meals, including, without limitation, a lodging house or rooming house where transient trade is solicited."

And the enforcement authority and penalties are described:

"NRS 447.185 Regulation of construction or reconstruction of hotel or other establishment for transient lodging. The reconstruction of existing hotels, including all types of transient lodging establishments, and the construction of new hotels, including all types of transient lodging establishments, shall be in accord with pertinent state laws, rules and regulations of the State Board of Health or local board of health, and the latest editions of the *Uniform Building Code* and the *Uniform Plumbing Code* and such other codes as the State Board of Health may designate.

NRS 447.190 Enforcement of chapter by health authority; records. The health authority is charged with the enforcement of this chapter. The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

NRS 447.200 Access for inspection of hotel. The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of this chapter.

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

1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of NRS 447.003 to 447.200, inclusive, or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.
2. Every day that any hotel is in violation of any of the provisions of this chapter constitutes a separate offense.”

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

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

CONCLUSION:

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

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

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

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

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

EIC RESPONSES:

1. Land Will the proposal result in:

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

Resident Response:

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

2. Air Quality Will the proposal result in:

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

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

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

3. Water Quality Will the proposal result in:

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

Resident response:

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

4. Vegetation Will the proposal result in:

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

Resident Response:

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

5. Wildlife Will the proposal result in:

TRPA Response: All responses = no.

Resident response:

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

6. Noise Will the proposal result in:

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

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

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

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

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

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

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

7. Light and Glare Will the proposal:

TRPA Response: All responses = no

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

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

8. Land Use Will the proposal:

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

Resident response:

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

9. Natural Resources Will the proposal result in:

TRPA Response: All responses = no

Resident Response:

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

10. Risk of Upset Will the proposal:

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

Resident Response:

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

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

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

11. Population Will the proposal:

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

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

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

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

12. Housing Will the proposal:

TRPA Response: All responses = no; Comments:

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

Region and may decrease the STR usage of existing residential structures depending on local jurisdictions' choice of program elements.

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

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

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

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

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

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

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

13. Transportation/Circulation Will the proposal result in:

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

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

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

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

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

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

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

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

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

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

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

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

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

TRPA Response: All responses: no; Comments:

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

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

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

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

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

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

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

15. Energy Will the proposal result in:

TRPA Response: All responses = no

Resident Response:

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

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

TRPA Response: All responses = no

Resident Response:

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

17. Human Health Will the proposal result in:

TRPA Response: All Responses = no

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

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

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

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

18. Scenic Resources/Community Design Will the proposal:

TRPA Response: All responses = no

Resident Response:

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

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

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

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

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

19. Recreation Does the proposal:

TRPA Response: All responses = no

Resident Response:

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

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

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

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

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

20. Archaeological/Historical

TRPA Response: All responses = no

Resident response:

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

15

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? **We don't know and have been unable to determine if applicable sites have been impacted as yet by Vacation rentals/STRs**

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

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

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

21. Findings of Significance.

TRPA Response: All responses = no

Resident Response:

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? **Yes. The rampant growth of Vacation rentals has already degraded the environment and, if not significantly restricted/allowed to proceed unchecked further threatens public safety, the environment and the character and integrity of the community/neighborhoods. Visitors poorly oriented to and unacquainted with the area, its wildlife or history can easily adversely impact any one or more of the listed parameters**

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

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

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

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

Determination: On the basis of this evaluation:

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

TRPA: yes Residents: no

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

TRPA: no Residents: no

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

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

SUMMARY OF RESULTS AND IMPACTS:

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

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

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

In Incline Village the majority of STRs are located in homes of part-time residents

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

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

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

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

- arrive in town
 - depart from town
 - make one visit to/from grocery for food (no available feasible transit option)
- Since most STRs bring 2 cars (or more) – if we assume 2 cars & a 2-day stay, this modest visit adds 6 car trips

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

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

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

**WASHOE COUNTY AREA PLAN &
ASSOCIATED DOCUMENTS**

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

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

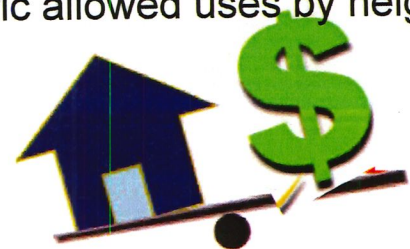
Submitted by Carole Black, IV Resident

WASHOE COUNTY AREA PLAN: Environmental Impact?

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

- 1) Tahoe Area Plan Draft:** Safe and desirable Area Occupancy Capacity is not presented; Examples:
- Overcrowding impacts are not comprehensively addressed
 - ♦ IV is over-saturated during busy periods with STRs (Short Term Rentals) increasing average occupancy & parking/service demand & magnifying area Fire, Safety, Health risks & Lake impacts
 - Transportation section does not consider limiting overall vehicle influx into area
- 2) Tahoe Modifiers Draft:** Considerations related to the Tahoe area are incomplete; Examples:
- Tourist Lodging general category specification is inconsistent with WC TOT ordinance and NRS description
 - ♦ All transient tourist rentals confer similar risks and require the same protections to ensure public safety: Transient/Tourist Lodging/Public Accommodation
 - The Vacation Rental and TAU/CFU sections do not fully allow for Tahoe Area modification
 - ♦ Adjustments will be required based on area & neighborhood capacity, safety, environmental impacts, etc.; neighborhood compatibility requirements and specific allowed uses by neighborhood

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



AREA OCCUPANCY PLAN IS NEEDED

Incline Village Trend = More Part-time Owners

Most Surveys Suggest:

- Full-time resident owners down
- Part-time resident owners up
- Only one recent survey w/more full-timer responses[^]

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

US Census 2010: Occupancy Data**

Housing Units = 7667

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

Part-time = 42%
 owner = 3247

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

Survey Comments:

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

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

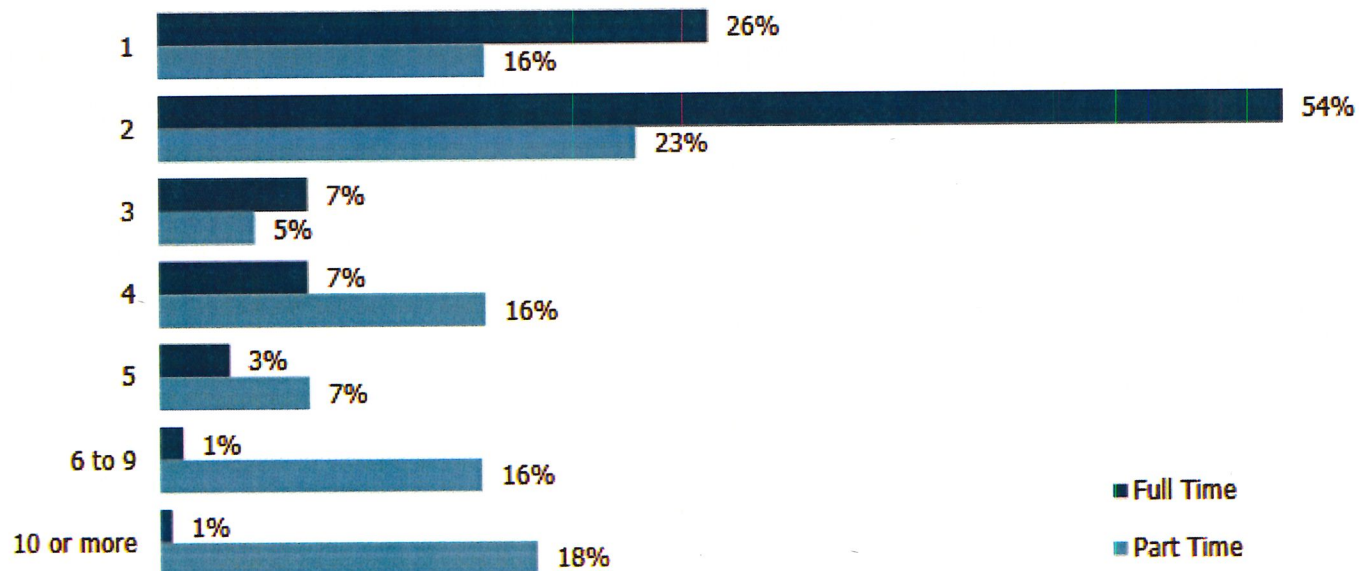
>> Detractors are: more likely FT & less likely to rent homes

*Note: ^2018 IVGID Community Study respondents included a higher % of full-time residents (55%)
 Sources: *1994 IVGID Public Opinion Survey; 2014 IVGID Beach Study; 2016 IVGID Community Study
 ** 2010 US Census; *** 2018 IVGID Community Study*

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

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

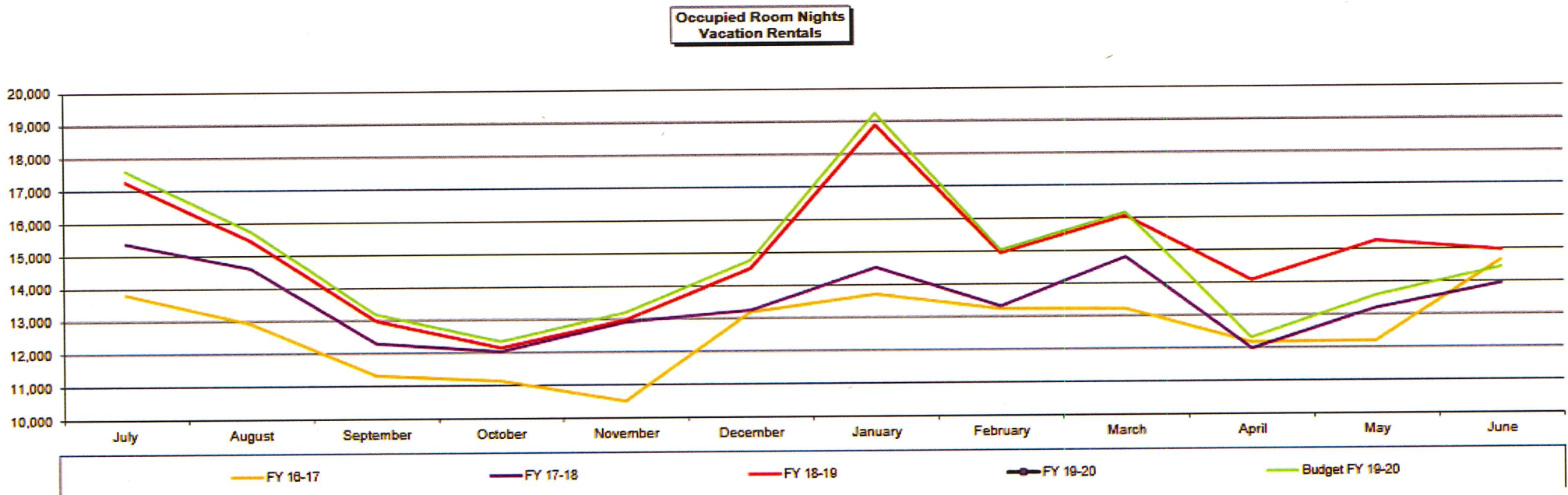
Number of Individuals Using Property



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

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

- In FY 18-19 there were 179,589 VR occupied room nights, approximately 90% in IV/CB = 161,630 compared with 99,579 5 years earlier
- Average rental occupancy of 4.5, implies 279,230 added people days/year or increased average daily census by 745 people/day or about 9% average increase, more during peak periods:
- January 2014 vs 2019: the average daily occupancy increase was 1500 people/day or ~ 17%.



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

Occupancy Impacts and the Environment

Over-Crowding

- Vehicle Trips
- Parking
- Beaches
- Trash

Population Safety

- Emergency Services
- Evacuation

Personal Well-Being

- Visitor & Resident Safety
- Nuisances

Overcrowding is a REAL Issue

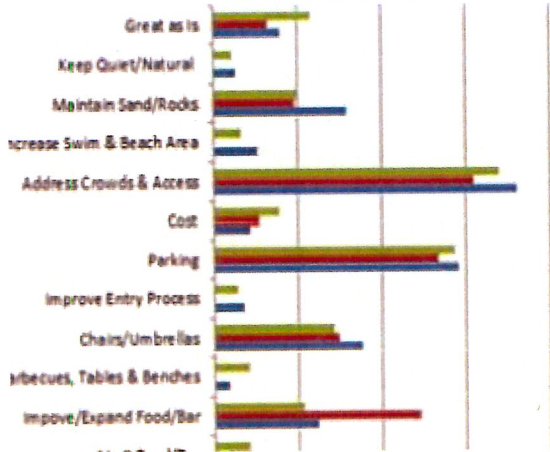
- In survey responses:
2018*

What Detractors are Saying

<p>The facilities are too crowded! Since I can't ever use them, why would I recommend adding more people?</p> <p>Other than an indoor pool and maybe golf course (which I don't use) there are similar amenities in other areas around Tahoe and less expensive.</p> <p>IVGID's poor focus on property owners and high focus on commercial use of amenities.</p> <p>The list of amenities is impressive. I do not like the way beach access is handled during busy times.</p> <p>They are nice facilities but... I don't use them enough to justify the annual payment.</p>	<p>The amenities are fine but there are lots of different locations around the lake that offer great amenities but with better restaurants, bars, and nightlife. Incline Village is lacking a lot in terms of things to do outside the IVGID facilities.</p> <p>As we own and live in Crystal Bay, IVGID's managements long standing position has been to treat Crystal Bay residents as outsiders and second class citizens. IVGID has NO amenities in Crystal Bay and has successfully held off on including Crystal Bay in its activities since day one of the merger.</p> <p>They are turning activities into anyone can pay and use. Way too crowded now.</p>
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2014**

Suggested Changes at IVGID Beaches



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

Sources: ** 2014 IVGID Beach Study; *2018 IVGID Community Study

Overcrowding is a REAL Issue: VEHICLE TRIPS

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

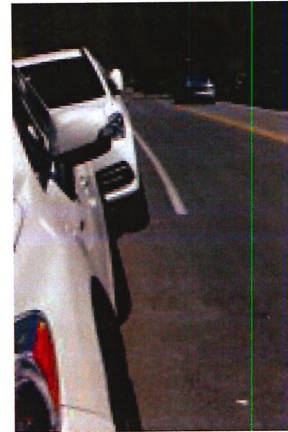
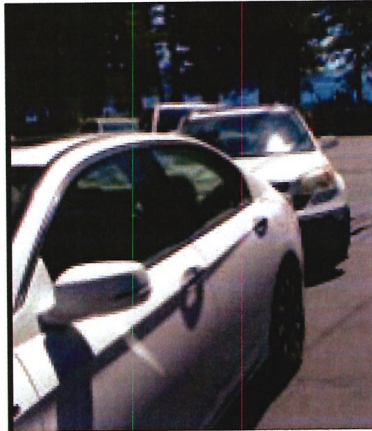
Average of >200 added Vehicle Trips/Day raises concern regarding TRPA's thresholds, especially since it does not include other concurrent impacts: added commercial trips, commuter traffic & cars with the new lake trail.

Overcrowding is a REAL Issue: PARKING

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

- Labor Day WE 2019:

Early afternoon – Intersection/turning area fully blocked with parked cars where there is no white line - once there was a short gap where red cone was placed; Poor visibility for cars at corner, no tickets.



Parking directly under No Parking signs – no tickets.



Overcrowding is a REAL Issue: BEACHES

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

IVGID Beach Visit Analysis: % Increases

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

Conclusions:

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

Overcrowding is a REAL Issue: TRASH

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

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

POPULATION SAFETY: Area Occupancy vs Fire Safety & Wildfires!

- **More People, More Risk:**

 - ARE PREVENTIVE TACTICS IMPLEMENTED?

 - ARE TOURISTS WARNED, RENTALS EQUIPPED?

 - ARE RENTED ACCOMMODATIONS SAFE?

- **Emergency Services Demand Increases:**

 - ARE ENOUGH EMERGENCY STAFF ON SITE?

 - CAN FIRE TRUCKS/EMERGENCY TRANSPORT GET PAST CARS?

- **If a Wildfire develops,**

 - COULD WE EVACUATE SAFELY?

 - WHAT IF WATER SUPPLY IS CONTAMINATED?

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

Population Safety is Paramount: EMERGENCY SERVICES & EVACUATION

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

Source: *https://icma.org/sites/default/files/305747_Analysis%20of%20Police%20Department%20Staffing%20_%20McCabe.pdf;

**<https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osfdprofile.pdf>

Population Safety is Paramount: EMERGENCY SERVICES & EVACUATION

- The Washoe County Master Plan specifies:

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

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

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

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

- Washoe County Code indicates:

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

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

*- Aggressive tourism development >>> RAMPANT GROWTH IN STRs/vRs
vs.*

- Inability to provide adequate Emergency Services/Evacuation Capability

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

- Health and Visitor protection is a priority in Transient Lodging situations where visitors arrive expecting a safe environment and Public Accommodation requirements provide basic protections including room and bedding cleanliness, extermination of vermin, sanitary bathroom conditions, and minimum room safety parameters
- WCC 25.1501 defines vacation rentals as transient lodging, classifying this use with hotels, motels & B&B's among others: **“Transient lodging” means any facility, structure, or portion thereof occupied or intended or designed for occupancy by transient guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes,...**”
- NRS 447.010 defines **“Hotel” means every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public...**” and NRS 447.185 further describes Public Accommodation requirements as applying to hotels and **“including all types of Transient Lodging establishments”**
- However, despite these definitions, code requirements & its public health role, Washoe County Health District web site indicates: **“Because monthly rentals are considered private residences, our agency does not have any regulatory authority over them”**

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

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

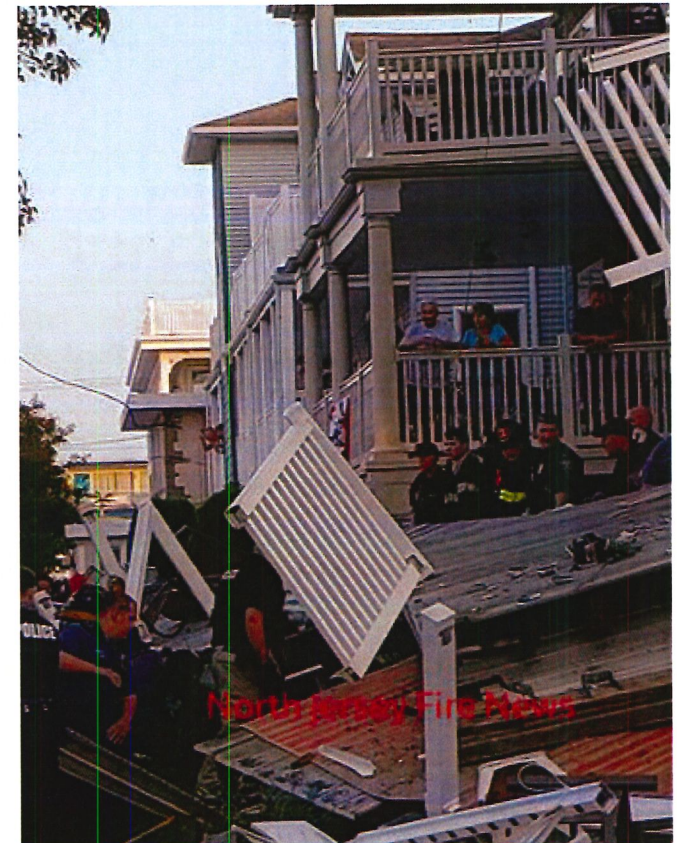
- Safety Requirements & Inspections – More than Fires!
 - Building code for rental properties > for residences

The New York Times

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

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

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



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

For Neighbors:

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

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

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

For Renters:

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

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

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

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

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

Overcrowding Magnifies Safety & Nuisance Impacts

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



Source: IVGID website

Comprehensive Environmental and Public Safety Review is Required

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

APPENDIX

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

PAIN for Residents

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

GAIN for a Few

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



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

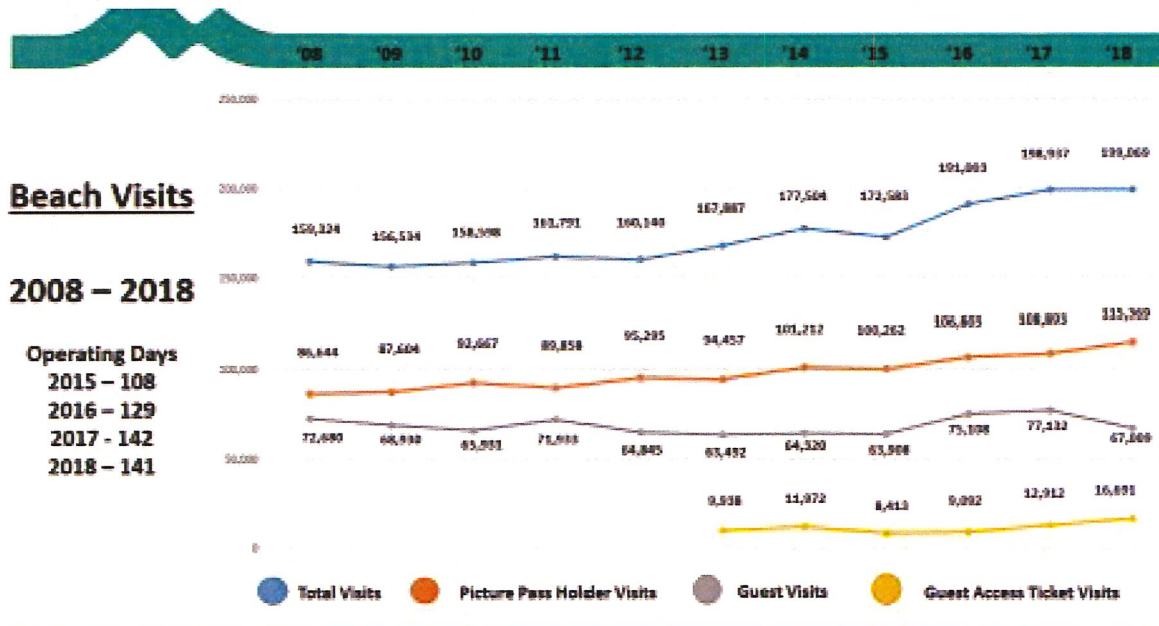
STRs SHOULD BE:

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

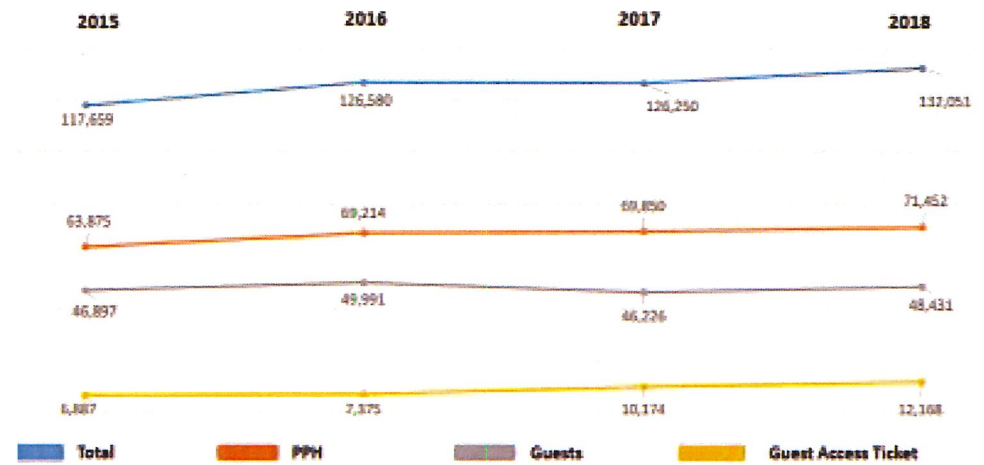
*Slightly modified slide from material presented to WC BOC 8.27.2019

IV Beach Utilization Graphs

IVGID Beach Visits: 2008 – 2018



Beach Visits July & August (2015 – 2018)



Source: IVGID report - <https://www.yourtahoepalace.com/parks-recreation/about-recreation/beach-facilities-study>

October 21, 2019, 6:30 PM

Comments to the Washoe Planning Commission

Thank you for the opportunity to comment.

Once again we find Washoe County taking a stand on STR's which is neither in the best interest of the Incline Village Crystal Bay Community nor meeting the TRPA policies it has sworn to meet.

On page 104 of your Area Plan, it states and I quote "Short term rentals are allowed use in some neighborhoods." Let's be perfectly clear under the Declarations of Restrictions signed by real estate buyers and recorded in the county records, such use is not allowed in most of our neighborhoods.

Should Washoe County take action to void the Declaration of Restrictions of our neighborhoods and its own zoning ordinances, it will lose. Such actions of the county, in violation of filed legal agreements, will require suits by neighbors against neighbors. Instead of logical organized government, you will create chaos that can only be resolved through the courts.

Until STR regulations are presented to and understood by the public, any action to make legal doctrine by a county who may not follow the TRPA regulations is problematic. I recommend that Section 110.220.435 be removed from the Washoe County Area Plan until such time as public hearings can be held.

Only through a process of Special Use Permits should any STRs be allowed. This ensures proper hearings and diligent thought before implementation. Washoe should adopt a process of identifying and eliminating through Special Use Permits those STR's that have been created without proper zoning or legal authority. Almost 20% of our residential housing has been or is being converted to STRs without review, regulation or permitting. Washoe County has waited too long to finally regulate events it can longer control.

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