

TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, June 12, 2019** commencing at **1:00 p.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the Governing Board **Local Government and Housing Committee** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

June 5, 2019



Joanne S. Marchetta, Executive Director

This agenda has been posted at the TRPA office and at the following locations: Post Office, Stateline, NV, North Tahoe Event Center in Kings Beach, CA, IVGID Office, Incline Village, NV, North Tahoe Chamber of Commerce, Tahoe City, CA, and South Shore Chamber of Commerce, Stateline, NV

TAHOE REGIONAL PLANNING AGENCY	
LOCAL GOVERNMENT AND HOUSING COMMITTEE	
TRPA	June 12, 2019
Stateline, NV	1:00 p.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair of the Committee shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Governing Board. All such comments will be included as part of the public record.

“Teleconference locations for Board meetings are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair

Any member of the public wishing to address the Governing Board Regional Plan Implementation Committee on any item listed or not listed on the agenda may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board Regional Plan Implementation Committee is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- III. APPROVAL OF AGENDA
- IV. PLANNING MATTERS

A. Work plan for developing a code amendment to make short-term rental neighborhood compatibility a third criterion of the Residential Allocation Performance Review System **Approval** **Page 1**

- V. COMMITTEE MEMBER REPORTS
- VI. PUBLIC COMMENT
- VII. ADJOURNMENT



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STAFF REPORT

Date: June 5, 2019

To: TRPA Local Government and Housing Committee

From: TRPA Staff

Subject: Work Program for Development of a Code Amendment to make Short-Term Rental Neighborhood Compatibility a Third Criterion of the Residential Allocation Performance Review System

Summary and Staff Recommendation:

As a result of the April 24, 2019, Local Government and Housing Committee (Committee) vote to develop a code amendment to make short-term rental neighborhood compatibility a third criterion of the Performance Review System for the release of residential allocations by the end of this calendar year (December 2019), staff developed the Work Program appended as Attachment A. Staff recommends that the Committee consider, provide feedback, and adopt the proposed Work Program, including the formation and composition of a Working Group. Staff also recommends that the Committee provide an opportunity at the June 12th meeting for the public to identify short-term rental neighborhood compatibility approaches for consideration by the Working Group.

Motion:

The Committee should make the following motion:

- 1) A motion to approve the Work Program, including the Working Group membership.

A simple majority of the quorum of the Committee is needed to pass the motion.

Additional Information:

Background information related to this agenda item is available in the Local Government and Housing Committee Staff Report from the April 24, 2019, Committee meeting. The Staff Report is available at: <http://www.trpa.org/wp-content/uploads/LGHC-Item-3-Combined-Allocations-STR-Staff-Report-Attachments-4.11.19.pdf>

Contact Information:

For questions regarding this agenda item, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-5274 or bmcmahon@trpa.org.

Attachment:

- A. Draft Short-Term Rental Neighborhood Compatibility Work Program

Attachment A

Draft Short-Term Rental Neighborhood Compatibility Work Program

Draft Short-Term Rental Neighborhood Compatibility Work Program for the Tahoe Region

Local Government & Housing Committee

JUNE 12, 2019



A Voice for Lake Tahoe

Introduction

In recent months, the issue of short-term rentals (STRs) and their impacts on neighborhoods and the stock of housing for local residents has been raised repeatedly at Tahoe Regional Planning Agency (TRPA) Governing Board meetings in public comment. The usage of homes for STRs (also called vacation home rentals, or VHRs) is also receiving significant attention at the local level with both citizen-led groups as well as elected officials employing a variety of strategies to reduce the impacts of this type of use. These strategies range from citizen-led initiatives to ban STRs, to strengthening of local ordinances related to STRs, to forming local task forces, to the use of strategies to increase compliance of homes with local ordinances. Issues identified by residents and in research papers associated with STRs include increased trash-related problems, over-parking, noise, and deteriorating sense of community, as well as increases to the cost of housing and the availability of housing for local residents.



City of South Lake Tahoe – Support & Opposition Signs for Measure T

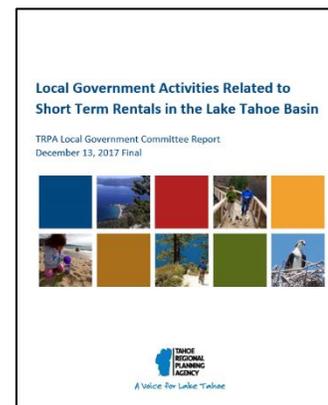
TRPA code establishing the definition of a Local Government Neighborhood Compatibility Program (Code Section 90.2) already exists and is shown below in italics.

Local Government Neighborhood Compatibility Requirements

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

In 2017, TRPA interpreted this program as having been addressed through the VHR-specific regulations for each local jurisdiction. In 2017, working with TRPA staff, the Local Government Committee released the report entitled *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin*, December 13, 2017, available at: mountainhousingcouncil.files.wordpress.com/2018/08/local-government-activities-related-to-vacation-home-rentals-in-the-lake-tahoe-basin.pdf. The conclusion of this report read:

The local jurisdictions are acting responsibly to resolve VHR issues so that the concerns of residents and stakeholders, and policies of the Regional Plan are addressed. The TRPA Board and Local Government Committee played a productive role in raising important questions and organizing an overview of best practices and current actions underway on VHR management. We recommend that the Local Government Committee convene periodically (e.g., once a year) for an update on VHR management strategies and actions within the Region, and report to the full Governing Board and public with updates on this report.



The report also summarized best practices with STR management based on the City of South Lake Tahoe's Socioeconomic Impacts of Vacation Home Rentals Report of 2017, available at: mountainhousingcouncil.files.wordpress.com/2018/12/slt-vacation-home-rental_final-report_6-5-17.pdf, and public presentations by Host Compliance and Michael Baker International in September of 2017. Typical components of an STR neighborhood compatibility program summarized in the report include:

- Requiring a full-time on-site manager or local contact person
- Requiring compliant parking and proper garbage containment
- Requiring physical safety and inhabitability inspections
- Increasing VHR permit fees and fines for non-compliance
- Enabling mobile permitting and registration
- Automating compliance and monitoring services
- Implementing a rental activity monitoring service
- Granting hardship deferrals for full-time hosted/shared VHRs
- Creating a committee (or similar) by jurisdiction to address STRs



City of South Lake Tahoe

Other components found in the *Mountain Housing Council Short-Term Rental White Paper*, March 2019, available at: mountainhousingcouncil.org/short-term-rentals, include:

- Requiring registration and collection of Transient Occupancy Tax
- Requiring a 24-hour nuisance hotline
- Establishing occupancy limits
- Establishing quiet hours

On April 24, 2019, prior to the Governing Board distribution of the 2019 and 2020 residential allocations to local jurisdictions, the Local Government and Housing Committee (Committee) voted to recommend to the Governing Board that the Committee **develop a code amendment to make short-term rental neighborhood compatibility a third criterion of the Performance Review System for the future release of residential allocations** and agreed to bring it before the Governing Board (Board) by the end of this calendar year (December 2019). This *draft* Work Program outlines a *proposed* process for moving forward with the development of the code amendment and associated guidelines. *This Work Program will be revised based on direction provided by the Committee at the meeting scheduled for June 12, 2019.*



City of South Lake Tahoe

Background

Performance Review System:

As part of the Lake Tahoe Regional Plan Growth Management System, residential allocations may be distributed (or “metered out”) to local jurisdictions every two years from the total number of allocations

that may be released every four years by the Governing Board. Distribution to local jurisdictions is based on the Performance Review System which takes into account Lake Tahoe Total Maximum Daily Load (TMDL) implementation and residential permit review and code compliance performance (TRPA Code, Section 50.5). A Performance Review Committee (PRC), comprised of staff from each participating local jurisdiction and TRPA, is convened every two years to review TRPA staff’s application of the Performance Review System and provide a recommendation to the Advisory Planning Commission and Governing Board on the distribution of residential allocations to the local jurisdictions.

Residential Allocations:

Pursuant to TRPA Code, Section 50.5.2, no jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations as shown in Table 1 below.

Table 1: Allocation Performance Table*			
Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Annual Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

*Table 50.5.2-2 in the TRPA Code of Ordinances.

Notes:

- 1) One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.
- 2) Allocations not disturbed under the Performance Review System are assigned to TRPA’s residential allocation incentive pool.

The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- 1) Total Maximum Daily Load Compliance
 - a. A jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
 - b. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
 - c. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.
- 2) Permit Monitoring and Compliance
 - a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or

- b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent.
- c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

The Code allows for TRPA to create guidelines to establish consistent evaluations and/or audits.

Working Group, Objective, Approach & Schedule

Working Group:

In response to significant stakeholder and public interest in short-term rental neighborhood compatibility policy discussions and recommendations, the Committee will form a Working Group that includes Committee members, representatives from neighborhood and environmental groups, the real estate community, the building industry, and the community in general. The Working Group is intended to ensure stakeholder and public interest is represented and considered throughout the process.

Table 2: Short-Term Rental Neighborhood Compatibility Working Group	
Representing	Members
El Dorado County	Sue Novasel, Chair
Washoe County	Marsha Berkbigler , Vice-Chair
City of South Lake Tahoe	Brooke Laine
Placer County	Larry Sevison
Douglas County	Wesley Rice
Carson City	Shelly Aldean
State of Nevada	Jim Lawrence
State of California	Belinda Faustinos
Neighborhood Group	Janet McDougal*
Neighborhood Group	Leona Allen*
Environmental Group	Gavin Feiger*
Nevada Real Estate	Heather Lunsford*
California Real Estate	Sharron Kerrigan*
Building Industry	Mark Salmon/Pat Davison*
Community Member	Rebecca Bryson*
Community Member	Leona Allen*

*Proposed members.

Note: The Working Group Chair may appoint members to fill vacancies.

Objective & Approach:

The objective for the Work Group is to develop a short-term rental neighborhood compatibility code amendment and guidelines that are consistent with and further implementation of Regional Plan Goals and Policies and support environmental threshold maintenance and attainment. The schedule is to complete this for consideration by the Governing Board by the end of the calendar year (December 2019).

The steps in this process will include:

1. TRPA staff will work with local jurisdictions on updating the *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin Report*. TRPA staff will identify other approaches not

used in the Tahoe Basin, and TRPA will present this information to the Working Group. The Working Group will accept this, or accept it with modifications, as a “menu” of neighborhood compatibility approaches to be included in local government neighborhood compatibility programs. These may include, but not be limited to locational, operational, and enforcement requirements.

2. TRPA staff will prepare a draft amendment to the existing TRPA performance review system code for review and possible revision by the Working Group. It is anticipated that the draft amendment will address the minimum required items from the approaches identified in step 1 (above) and modifications to the performance review analysis and scoring.
3. The recommended package (“menu” and amendment to the performance review system code) will be reviewed and recommendations will be provided by the Advisory Planning Commission and Regional Plan Implementation Committee. The Governing Board will then review the package and recommendations and consider approval.

The package should provide a range of options to give local jurisdictions flexibility in implementing and achieving short-term rental neighborhood compatibility and be consistent with and further implement Regional Plan Goals and Policies and threshold standards. As part of the Working Group process TRPA staff will identify the Regional Plan Goals and Policies that local jurisdiction short-term rental neighborhood compatibility programs should address.

Schedule:

Table 3, below, is the schedule for developing the short-term rental neighborhood compatibility performance review system code amendment.

Table 3: Schedule for Developing Short-Term Rental Neighborhood Compatibility Code Amendment & Guidelines *		
Meeting	Date	Topic(s)
Local Government and Housing Committee (LGHC)	June 12, 2019	Review and provide direction on Work Program.
Working Group	July 2019	Review of the Work Program from the LGHC. Review existing local government activities and other practices, and develop and approve a comprehensive list or “menu” of options.
Working Group	July/August 2019	Review, possible modification, and approval of draft amendment including the minimum required items from the “menu” and modifications to the performance review analysis and scoring.
Working Group	August/September 2019	Consider and approve entire package and recommendation for review by APC, RPIC, and GB.
Advisory Planning Commission (APC)	September/October 2019	Review proposal and provide recommendation to Governing Board.
Regional Plan Implementation Committee (RPIC)	October/November 2019	Review proposal and provide a recommendation to Governing Board.
Governing Board (GB)	October/November 2019	Review proposal and possible adoptions

*Additional meetings may be added if necessary.