

Brandy McMahon

From: Janet McDougall <janetmcdougall2020@gmail.com>
Sent: Monday, August 19, 2019 1:42 PM
To: Brandy McMahon
Subject: Local Neighborhood Compatibility/Housing Working Group - VMT Info
Attachments: TRPA - APA Article.pdf; TRPA - VMT.pdf

Hello Brandy,

You may recall I mentioned an article from the American Planning Association that discusses vacation rentals and increased vehicle trips associated with them. Attached you will find a scan of the article. While the article is from 2002, the information appears to remain relevant to what we are dealing with now.

Also attached is a copy of two pages from the TRPA Governing Board agenda materials for the October, 2018 meeting relating to the Transfer of Development Rights issue. This information clearly indicates what Gavin stated in the meeting relating to TRPA data concerning VMT; VHRs generate slightly more VMT than a residence. The handwritten note indicating each bedroom should be counted as a TAU is mine. If you want a clean copy without my note, this can easily be found in the agenda materials - Agenda Item No. IX.A at page 94.

Thank you.

Janet

Short-Term Vacation Rentals: Residential or Commercial Use?

By Nate Hutcheson



Michael Davidson

What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side?

... A survey of almost 40 tourist-oriented communities was taken for this issue of Zoning News.

Americans love to vacation as much as they love their vacation destinations, and demographers have noticed. New migration patterns into some of the fastest growing communities in the country—resort towns—suggest that many people are relocating to the places that were once just summer or weekend getaways. According to Peter Wolf, author of *Hot Towns*, "A new species of American is on the move: not, as in the past, the needy, but the comfortable, well-educated, and well-trained; not the job seekers and risk takers, but those with leisure, choices, and the wherewithal to seek out the best." By Wolf's estimates, this migration includes anywhere from 700,000 to 1.6 million people per year. The strong 1990s economy brought a wave of second-home purchases as investments and family retreats. Resort areas—coastal, mountain, and lakeside—have what these trendsetters want: natural beauty, fresh air, and recreation. Communities with such amenities are prime candidates for conflicts in land-use planning.

What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side? Regulations that govern short-term rentals in residential districts are getting more attention as planners and residents notice that these vacation homes can have a much greater impact on the community than those that house year-round residents. Angry neighbors say short-term rentals look like single-family homes but function more like commercial uses. The crux of the matter for planners is finding a balance between the interests of year-round, seasonal, and vacationing people while considering the effects on property rights, economic vitality, and the sanctity of residential neighborhoods.

The dynamics vary from one town to the next, but the issue seems to grow more contentious as more vacationers and year-round residents live next to one another. A survey of almost 40 tourist-oriented communities was taken for this issue of *Zoning News* in order to shed light on this increasingly vexing land-use phenomenon.

Relevance and Research Background

In 2001, APA's Planning Advisory Service recorded an increase in the number of inquiries about planning for and regulating short-term rental properties in residential areas—particularly single-family districts. The survey revealed that a significant percentage experienced an increase in conflicts between these and adjacent land uses. While some have recently drafted ordinances to address the short-term rental problem, others are still in the process of doing so or have expressed the need for change, and because resort communities have different attitudes toward tourism, each approaches the issue in a different way.

Impacts

The impact of a short-term vacationer compared with year-round residents can be significant. Seasonal populations live and work in the community, and thus become somewhat integrated. Naturally, they increase demands on infrastructure and services. Impacts associated with short-term vacationers, however, are more nuisance related, often generating noise and light pollution. Generally, the shorter the stay, the less inclined one might be to respect neighbor diplomacy. Late-night music and merrymaking, floodlights, garbage taken out to the street on off days, dogs at large, illegal parking, and negligent property maintenance are

garden-variety complaints often cited by annoyed neighbors. Neighbors, planners, and property owners point to the correlation between such problems and length of stay for the rental property. In other words: the shorter the stay, the higher the impact. The stereotypical "weekend warrior"—trying to pack the most fun into the least amount of time—will invariably generate more trips to the store or beach, keep later hours, and create a greater disruption with light and noise. Still, for some communities, the concern is not so much the negative impacts as the lack of community involvement typical of transients.

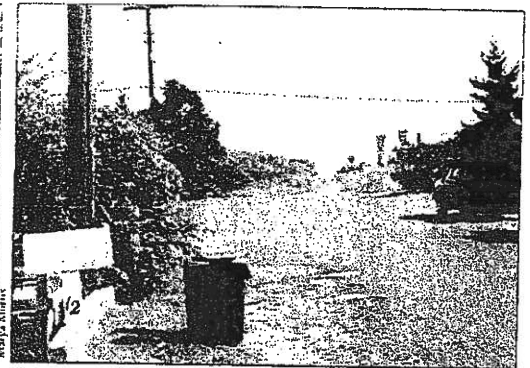
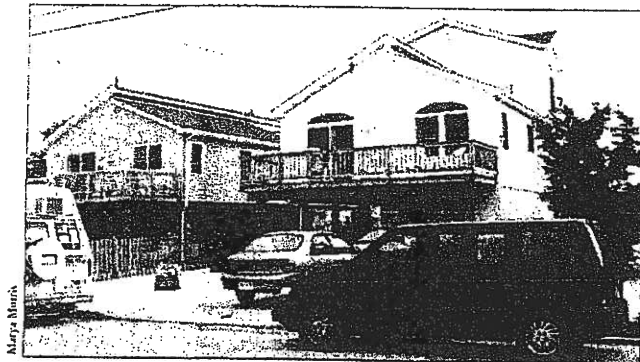
Affordable Housing

A more insidious problem with short-term rentals is their impact on housing costs. When property owners decide to increase their "rent stream" with short-term rental agreements rather than renting by the season or year, they essentially "squeeze" the

Politics

Planners admit to a dilemma: Many property owners rely on the rent streams and spending dollars generated by vacationers, but locals want to preserve their neighborhood's residential character. Furthermore, business owners would prefer to see an expansion of the local vacation lodging market. When property owners are unwilling to forfeit certain rights, leaving them at odds with neighbors who want the relative quietude expected in a single-family neighborhood, what should be done?

Indeed, people "vote with their feet" when choosing vacation destinations or a permanent home, so politicians try to appease the greatest number of constituents. Invariably, residents will threaten to abandon a once-beloved community or resort locale if renting a house on the beach or settling into a neighborhood means an endless stream of nuisances from disruptive vacationers.



(Above, left) Short-term rentals in Ship Bottom, New Jersey. Paved yards and excessive numbers of vehicles at short-term rental houses are a common complaint of neighbors. Believe it or not, these are the fronts of the houses. (Above, right) Most short-term renters are unaware of garbage collection schedules. (Left) Boat and recreation vehicle parking is an unpleasant sight for neighbors in this Monroe County, Florida, neighborhood.

supply of housing, pushing up the demand and, subsequently, the cost. Ty Simrosky, planning director for Key West, Florida, says, "It's another means of financing the acquisition of local housing by non-local people and it fuels speculation in a rising housing market." Simrosky explains that by allowing short-term rentals, investors can cover the carrying costs of a house for a year or two while the property appreciates in value and then sell it for a healthy profit. Simrosky also says that while long-term homebuyers are strongly opposed to short-term rentals in a prospective neighborhood, investment buyers are less inclined to care if a neighboring property is a short-term rental. This can create a snowball effect that eventually replaces year-round neighborhood residents with vacationers.

Communities most affected by a housing shortage are those with businesses that rely on lower-paying service and tourism jobs. High housing costs have pushed many workers out of the community, even beyond commuting distance. Simrosky also speculates that there are workers being bused in from the Florida mainland to sleep in bunk-house conditions just to work for three- or four-day periods in Key West.

Residents of Monroe County, Florida, put the issue on a ballot, narrowly deciding—51 to 49 percent—against allowing short-term rentals in improved subdivisions (single-family districts). Subdivisions retained the right to vote on the issue separately.

Health, Safety, and General Welfare

Historically, property owners in resort communities could rent a home, regardless of the duration of the stay, by claiming that the house was not used "primarily for commercial purposes." What this really meant was that the structure could not be used for such purposes for more than 50 percent of the year. However, planners claim that approach is difficult to monitor and easy to abuse. Most feel zoning codes and a licensing system offer a better solution despite the time and expense required for administering and enforcing new regulations.

Most of the surveyed communities deal with short-term rentals through the zoning code. Imperial Beach, California, justifies its interim short-term rental ordinance with a purpose and intent that states "there is a current and immediate threat to the public health, safety, or welfare of its citizens by owners or their agents renting or selling units for periods of thirty

Community	Regulate Short-Term Rentals	Specific Ordinance Provisions ¹	Term Used	Permitted		License Required	Year Adopted	Legal Challenges
				Number of Consecutive Days ²	Number of Times Per Year			
Aspen, CO	No							
Boone, NC	No	No						
Burlington, VT	No							
Cape Cod, MA	No							
Carmel-by-the-Sea, CA	Yes	Yes	Transient Commercial Use	30		Prohibited	1975	
Cocoa Beach, FL	Yes	Yes	Transient Lodging	30	3	Yes	2000	
Colchester, VT	No							
Eagle County, CO	Yes					per/PUD ⁴		
Imperial Beach, CA	Yes	Yes	Short-term Rental	30		Prohibited	2001	Yes
Islamorada, FL	Yes	Yes	Vacation Rental	28		Yes		
Key West, FL	Yes	Yes	Transient Lodging	30		Yes	1998	Yes
Kiawah Island, SC	Drafting		Short-term Rental	30		Yes	In draft	
Maggie Valley, NC	No							
Manchester, VT	No							
Marathon, FL	Yes	Yes	Vacation Rental	30		Yes	2000	
Melbourne Beach, CA	Yes	No	Resort Dwelling	30		Yes		
Mendocino County, CA	Yes	No	Transient Habitation	30		Yes	1987	
Monroe County, FL	Yes	Yes		30		Yes		Yes/Upheld
Monterey, CA	Yes	No	Short-term Residential Rental	30		Prohibited		
Muskegon, MI	Yes	No		7				
Myrtle Beach, SC	Yes	Yes	Transient Accommodation	30		Yes	No	
Nantucket, MA	No					Yes		
Ocean City, MD	No							
Pasco County, FL	Yes	Yes	Short-term Rental	30	3	Yes	1999	
Saco, ME	Yes	Yes	Seasonal Rental	4 months		Prohibited		
San Juan County, WA	Yes	Yes	Daily Rental	1				
Sanibel, FL	Yes	Yes	Transient Accommodation/Residence/Guesthouse	30			1998	
Santa Cruz, CA	No/Transient Occupancy Tax		Resort Housing	30		Yes	2001	
Saugatuck, MI	No		Short-term Rental				1984	
South Haven, MI	Yes	Yes	Short-term Dwelling Unit	2		Yes	No	
Stowe, VT	No							
Sturgeon Bay, WI	No/Transient Occupancy Tax							
Sullivan's Island, SC	Yes	Yes	Vacation Rental	28		Yes ³	Yes	
Telluride, CO	Yes		Short-term Dwelling Unit	30	X ⁵		1992	
Traverse City, MI	No							
Vail, CO	No							
Yachats, OR	Yes	Yes	Transient Rental	30		Allowed in all Zones	Yes	1992

Photo by Mary Morris research by Nave Shankar

This matrix is not exhaustive. Every reasonable attempt was made to achieve accuracy and thoroughness, but variations in ordinance language, format, and local practice made a "complete" matrix impossible. Thus, it is meant only as a quick reference guide for readers of this article. The short-term rental survey evolved as it was being conducted, so not all questions were asked uniformly or of every survey participant.

1. This indicates any section of the code that is dedicated to short-term rentals, such as interim ordinances or amendments.
2. Language varies from code to code in terms of how they specify a time period. Where a month or four weeks was used as the length of the term, 30 days is the default response.
3. Community preferred not be mentioned by name.
4. Decision made by subdivision bylaws.
5. STRs not permitted by right in any of the zones.
6. In most restrictive districts, they are permitted to rent three times or fewer per year for a total of 30 days or less.

consecutive calendar days or less . . . and that such rentals in the residential zones of the city . . . may create adverse impacts."

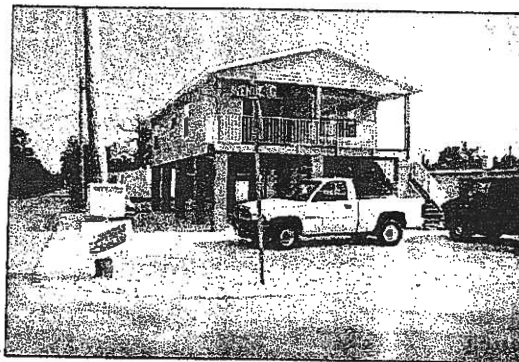
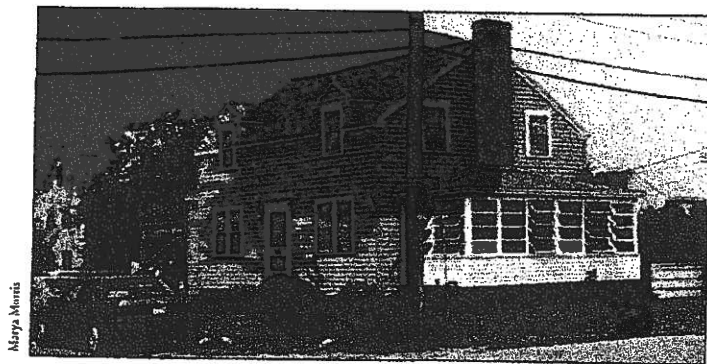
Commonly cited reasons for drafting an ordinance or provision for short-term rentals include protecting residential character, maintaining housing affordability, managing infrastructure and service requirements, and complying with hurricane evacuation capacity. Zoning ordinances, business permits, and transient occupancy taxes are ways of managing this quasi-commercial use.

Definitions are often at the root of governing short-term rentals. Unfortunately, many zoning codes have a discrepancy between defined terms and the provisions that use them. Terms are sometimes defined at the beginning of the ordinance but then never used in the provisions. Conversely, provisions may contain undefined terms, rendering the code too ambiguous. For example, some towns prohibit "transient rentals" in certain districts without

about what actually is a short-term rental. Length of stay (where not determined by a definition of transient) is an important factor in defining short-term rentals.

There is a wide range of occupancy tenure in a short-term rental ordinance. Communities specify the maximum length of stay in days, weeks, or months. Some simply distinguish the use by type of occupant, usually transient or tourist, in which case the terms should be clarified in the definitions section.

Measures of occupants' permanency can include everything from specifying the length of stay to whether the residence is the legal address of its occupants. At this fundamental level, communities can best begin to guide local land-use practices. Here, parameters are set largely according to the nature of a community's tourist population, the importance of tourism on the local economy, and community goals.



(Above, left) Short-term rental property prominently displayed on a corner lot in Lewes, Delaware. The impact: Vehicles of vacationers spilling over from the driveway onto the street. The problem: This type of impact occurring for weeks or months on end. (Above, right) Apparently, more pavement, less yard means more parking and less yard maintenance for this short-term rental property in Monroe County, Florida. (Right) Driveway signs for a Kiawah Island, South Carolina, short-term rental welcome the next round of families sharing a house.



defining the term "transient." Distinctions can be easily made between the various types of lodging and rental property, and only those uses that are specifically listed as permitted or conditional should locate to designated districts. However, where single-family residences are a permitted use, and the length of tenure is unspecified, nothing in the ordinance can stop property owners from renting the house on a short-term basis.

Definitive Criteria

For communities grappling with such disputes, clear definitions are essential. Other terms for short-term rentals include transient commercial use, vacation rental home, vacation property, transient lodging, resort dwelling, and resort housing. Because transient also is used in the definition of other terms, it too should be defined in context to alleviate confusion and ambiguity. These terms are defined using various criteria, such as structure type, length of stay, measures of occupants' permanency, number of occupants, and the type of occupants (family members or unrelated people).

The type of structure (single or multifamily) often is not specified in the ordinance, allowing room for interpretation

Regulating the number of occupants also can mitigate the impacts of rental properties. Some communities specify total number of occupants by persons per bedroom, family members, or non-related persons, not withstanding local fire codes. Islamorada, Florida, limits occupancy to two people per bedroom plus two additional persons. Other communities simply limit occupancy to a single family, as defined in their ordinance (see "Definitions and Distinctions" for examples and commentary on relevant terms).

Defining family also can complicate the matter. Restricting the use of single-family homes to families can be a difficult way to regulate short-term rentals, mainly because the term family is open to a wide range of literal and legal interpretations. Even so, "traditional" families are not devoid of impact risks, including noisy infants or rowdy teenagers. The ever-changing family paradigm does not make it the best measure by which to regulate short-term rentals.

Once Defined, Where Are Short-term Rentals Allowed?

Tolerance levels about the impacts of short-term rentals will vary among communities. Communities with an intense interest in

DEFINITIONS AND DISTINCTIONS

■ BED AND BREAKFAST

Commentary: Bed and breakfasts are similar in appearance and location to many short-term rentals in residential areas. However, the primary distinction is the mitigating presence of the owner/operator.

Definitions: Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building's primary usage is for business. Inns advertise, appropriate taxes, and post signs. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc. Room numbers range from four to 20 with a small, but increasing number up to 30. Reservations may be made directly with the property. (*Professional Association of Innkeepers International*)

Bed and breakfast means the use of an owner-occupied or manager-occupied residential structure providing no more than four rooms for temporary lodging for transient guests on a paying basis. A "Bed and Breakfast Inn" may include meal service for guests. (*Blue Springs, Mo.*)

■ BOARDING HOUSE

Commentary: A boarding/rooming/lodging house differs from the short-term rental house because it has multiple rooms or units for rent and occupants share common kitchen or dining facilities. Occupants of a boarding house also tend to be less transient (the definition of which depends on community standards).

Definitions: A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. (*Champaign, Ill., which uses the term "boarding/rooming house"*)

An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (*Venice, Fla.*)

■ FAMILY

Commentary: Restricting the use of single-family homes to families can be a problematic way to regulate short-term rentals, mainly because the term family is open to a wide range of literal and legal interpretations. Even so, a "traditional" family is not without impacts, such as vocal infants or rowdy teenagers.

The definition of family or single-family house is not the most widely used or recommended tool for short-term rental regulation.

Definitions: One or more persons occupying a single dwelling unit, as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over six persons, including any roomers, boarders and/or domestic servants. A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than six resident elderly or disabled persons (mentally and/or physically impaired) with at least one, but not more than two resident staff persons shall be considered a family. (*Tulsa, Okla.*)

One or more persons, related by blood, marriage, or adoption, occupying a living unit as an individual housekeeping organization. A family may include two, but not more than two, persons not related by blood, marriage, or adoption. (*Iowa City, Iowa*)

One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code. (*St. Paul, Minn.*)

Two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit. (*Lake County, Ill.*)

One or more persons occupying a premise(s) and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined. (*Scottsdale, Ariz.*)

■ GUEST HOUSE OR GUEST COTTAGE

Commentary: Guest cottages can present a loophole for short-term rentals in single-family residential districts unless certain specifications are made—namely that usage is only allowed for non-paying guests.

Definition: Guest house (accessory dwelling unit) means a detached or attached accessory structure secondary to the principal single-family residential unit designed and most commonly used for irregular residential occupancy by family members, guests, and persons providing health care or property maintenance for the owner. (*San Juan County, Wash.*)

■ HOTEL OR MOTEL

Commentary: Hotels/Motels typically have separate entrances and an on-site management office.

Definitions: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. (*Boone County, Mo.*)

A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door. (*Cecil County, Md.*)

■ TRANSIENT

Commentary: "Transient" can be used to describe a person or a land use. Ambiguous or subjective words—"short," "long," "seasonal," "temporary"—should be either avoided altogether or clarified with precise units of time—number of hours, days, weeks, or months. When a community defines a transient as a person living in a dwelling unit for "a short time only," the term "short" could be interpreted in a variety of ways. To alleviate further confusion, the nature of a person's stay may be clarified, as is done in the definition below from Sturgeon Bay, Wisconsin.

Definitions: A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business. (*Sturgeon Bay, Wis.*)

Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a visitor accommodation facility shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement, in writing, between the operator and the occupant providing for a longer period of occupancy. (*Monterey, Calif.*)

promoting tourism may be more permissive, allowing them in restricted districts, while others will diligently protect residential districts. In the most restrictive communities, short-term rentals may be prohibited outright in residential districts. Monroe County, Florida, prohibits them unless a majority of homeowners vote them into a subdivision. Communities may permit short-term rentals as a conditional use or allow them only when rented fewer than four times each year.

Conditional Uses and Licensing

Whether short-term rentals are allowed by right or as a conditional use, additional requirements to benefit both the occupants and neighbors are recommended. For example, operating a short-term rental may require physical inspection to determine the safety of the structure from hazards such as fire and over occupancy. Other requirements might include posting a "notice to occupant" reminding visitors of mandatory evacuation in case of a hurricane (in prone areas) or a "code of conduct" for the neighborhood, which might list regulations for occupancy, parking, boat dockage, fines, or helpful information such as garbage and recycling pick-up. Both should be printed in a large font and prominently displayed.

Regulating by Ratio

Mendocino County, California, settled on an acceptable ratio of short-term rental properties to year-round residents: Locals deemed 13 year-round resident houses to one short-term rental house tolerable. The community requires operating permits for short-term rental properties. An additional vacation rental permit is issued for every 13 new residential units. The number of permits is finite but siting is still flexible. To maintain an orderly and fair distribution of permits, the county does not allow them to be sold or transferred. The county considers short-term rentals a commercial use, allowing additional short-term rentals as part of a 50/50 mix of commercial and long-term residential dwelling units in mixed-use districts.

Legal Challenges

Legal challenges will invariably arise in neighborhoods where homeowners enjoying the comforts of a quiet back yard are suddenly interrupted by noise or light from an adjacent short-term rental property. Places with restrictions on short-term rentals such as Key West and Imperial Beach have faced legal challenges, which may include vesting, consistency with the comprehensive plan, definition of family, and allowable time for amortization. However, anecdotal evidence suggests that the longer an ordinance has been in place, the more accepted it is. Most of the planners interviewed for this article were confident in the defensibility of their short-term rental ordinances.

Mitigation and Amortization

Some of the mitigation tools used to offset the impacts of short-term rentals include having a 24-hour contact person or management service, vehicle registration, and short-term rental medallions—a sign or badge on the front of the home identifying the residence as a vacation property, the name of the management company, and a contact person. The use of medallions is widely criticized because critics say they invite thieves and vandals. Such mitigation measures are typically paid for and provided by the property owner as a condition of receiving an operating permit. Other measures, such as increasing code enforcement staff—as is done in Key West—or bolstering visitor awareness through signage to politely inform them of the neighborhood's quiet residential character may be paid for with tax revenue generated from short-term rental properties.

To avoid a takings challenge, communities that have recently enacted more restrictive codes also have included an amortization schedule that phases out short-term rental properties. Islamorada allows two years for amortization and Imperial Beach is proposing five-year amortization. Sullivan's Island, South Carolina, requires proof of use as a short-term rental during the previous 12-month period to reduce the number of rental properties. Those that lapse are not eligible for future licensing.

Enforcement

Detection of problem rentals can occur either from complaining neighbors or a dedicated municipal enforcement staff. Penalty fines range from \$100 a day in Saco, Maine, to \$500 for each day of violation in Kiawah Island, South Carolina. Other penalties include denied permit renewals, permit revocation, or misdemeanor citations. Fines are a comparatively small expense for property owners whose short-term rentals generate healthy returns, so some owners virtually ignore the restrictions, says Monroe County planner Marlene Conway. Saco requires property owners to renew permits annually. A history of complaints is kept on file and those with more than two recorded complaints will not be issued a permit for the coming year.

Administering a short-term rental ordinance burdens both the budget and staff. Issuing permits and code enforcement takes time and money. Permit or licensing fees and taxes on short-term lodging can offset these expenses. Fees vary from a fixed amount to a sliding scale based on the percent of income generated per calendar year—both of which usually amount to \$100 to \$200. In states that grant local governments the authority to tax this type of land use, the taxes for the lodging fee can range from four percent on the low end to seven percent in Deschutes County, Oregon. Santa Cruz, California, taxes 10 percent.

Conclusion

Technology, telecommuting, and lifestyle priorities will continue to fuel the infiltration of newcomers into resort communities with long-established residents. For these and other reasons, the populations of traditional get-away destinations will surge and change, bringing with them increased pressure to adapt to new people and new land-use challenges. Deciding whether short-term rentals are commercial or residential land uses is an important first step in addressing the issue. Perhaps the zoning code is the best defense in preserving the tranquility that made such places attractive in the first place.

Selected ordinances from the short-term rentals survey are available to *Zoning News* subscribers. Please contact Michael Davidson, Co-editor, *Zoning News*, American Planning Association, 122 South Michigan Avenue, Suite 1600, Chicago, IL 60603, or e-mail mdavidson@planning.org.

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The DRSI recommended conversion exchange rates (shown in Table 1) were largely developed using a methodology (i.e. localized trip generation) similar to that used to develop the existing pilot programs for the conversion of development rights. The Working Group first considered average daily trips (ADT), vehicle miles traveled (VMT), and localized trip generation as potential bases for the conversion system. The Working Group found the most accurate metric to measure any potential impact from conversions was localized trip generation. Additionally, this metric reflects other impacts related to the intensity of different land uses (i.e. a use that has a greater number of trips and therefore automobiles can be expected to have a need for more parking, impervious surface, and more stormwater runoff.)

Estimated trip generation figures, as shown in Table 5, used Average Daily Trip Generation Rates published by the Institute of Transportation Engineers (ITE) for each type of development – commercial, tourist, and residential. These standards are nationally and professionally-recognized rates that are compiled from data sources around the country and used for a variety of planning and engineering purposes such as land use planning and zoning applications, site impact analysis, sizing transportation systems, impact fee determination, and environmental assessment. The rates estimate *peak* hour and *daily* site traffic volumes for each land use. Each trip consists of a single or one-directional vehicle movement to or from a site.

Table 5: Estimated Trip Generation by Land Use Type

Land Use	ITE Est. Trip Generation	Unit of Measure
Single-Family Housing	9.52	per unit
Multi-Family Housing	6.65	per unit
Commercial Floor Area	31.68	per 1,000 sq. ft.
Tourist Accommodation Unit	9.67	per room/unit

Vacation Rental # of bedrooms x 9.67

Using these trip generation rates, TAUs generate effectively the same number of trips as single-family dwellings, but more than multi-family dwellings. That is the basis for distinguishing between single and multi-family residential units within the conversion exchange rates. These data were then weighted, or adjusted, to reflect the unique mix of commercial and tourist establishments and land uses existing in the Lake Tahoe Region. (i.e. eliminating “intermodal truck terminal”, “automobile racetrack”, etc.)

For tourist accommodation units, the Working Group evaluated trip generation data in three different ways to develop a conservative, regional scale estimate for trip generation from tourist lodging. The estimate takes into account the various types and unit sizes in the Lake Tahoe Region. First, the ITE trip generation rate categories were averaged to develop an overall estimate of trip generation using only the national averages from the ITE *Trip Generation Manual*. Next, the number of tourist lodging establishments in each ITE category in the Tahoe Region was used to calculate the trip generation rates weighted by the number of establishments. Finally, the actual number of tourist units in each ITE tourist lodging category was used to calculate the trip generation rates weighted by the actual units.

The calculated trip generation rates from the three different analyses described above for tourist lodging range from 9.89 to 9.44 trips per unit. The total effect of changing the trip generation rate is a difference of $\pm 2,700$ trips overall (0.33% of all trips in the Tahoe Region) depending on the rate selected. Given the minimal impact of these changes and to be conservative, the Working Group used a trip generation rate of 9.665, or the average rate of the high and low estimates. The average rate accounts for the assumption that the mix of tourist lodging in the Tahoe Region will gradually shift more toward the national averages (represented by the ITE Manual) as redevelopment

and conversions occur and will account for higher trip generation that could result from a greater mix of resort hotel units and timeshare units.

It is important to note that not every tourist unit, house, or commercial establishment will generate exactly the number of trips indicated in the ITE Manual. The trip generation might vary according to size or other factors. However, in most instances and certainly over time, these trip numbers are very accurate and therefore, can be used justifiably as a neutral measurement. Furthermore, recent traffic analysis demonstrated that trips are likely lower for establishments in the Basin due to local occupancy rates.

It is also important to note that even with the use of the conservative regional scale estimates derived as described above, proposed projects will continue to be reviewed on an individual basis using the ITE trip generation rate that most closely aligns with the proposed use. For larger projects, an analysis of traffic impacts is required to identify the potential trip generation of the proposed project. Regardless of size, every proposed project is required to fully mitigate all additional vehicle trips.

TRPA analyzed the potential and relative impact of recommended conversion exchange rates under extreme scenarios (i.e. if all development rights were converted to a single form of development right). The analysis first calculated the existing and potential trips from existing development and total development potential as allowed under the Lake Tahoe Regional Plan, as shown in Table 6 below.

Table 6: Total Existing and Potential Trips Per Development Type at Full Build-out

Type of Development Right	Existing Development	Total Existing Trips	Total Development Build-out	Estimated Total Potential Trips
Commercial (sq.ft.)	6,428,364	203,651	7,149,919	226,509
Tourist (units)	10,689	102,935	12,000	115,560
Residential (units) ¹	47,043	420,846	51,097	457,114
Single Family	37,634	358,279	40,878	389,155
Multi-family	9,409	62,567	10,219	67,959
Total Existing Trips		727,432	Total Potential Trips	799,183

¹ Single-family and multi-family residential units inventories assume 80% of residential units are single-family and 20% are multi-family.

TRPA then analyzed potential trip change if all development rights were converted to a single development type under the recommended exchange rates using the total development build-out in Table 4 and estimated total potential trips in Table 6, as shown in Table 7 below.

Brandy McMahon

From: Sara Schmitz <schmitz61@gmail.com>
Sent: Monday, August 19, 2019 4:31 PM
To: Brandy McMahon; Jennifer Merchant; Joanne Marchetta
Cc: Sue Novasel; Belinda Faustinos; Jim Lawrence; Marsha Berkbigher; Larry Sevison; Shelly Aldean; Wesley Rice; Brooke Laine; janetmcdougall2020@gmail.com; lallen@mail.ltcc.edu; 'Gavin Feiger'; Heather@carraranv.com; sharon@staor.org; mark@tahoesalmon.com; pat@ca-tt.com; rebeccabryson27@yahoo.com; amandamgrossman@gmail.com; tomhdavis@aol.com; John Marshall; Joanne Marchetta; Marja Ambler; John Hester; Karen Fink; Robert Graves; Bill Yeates; sustaintahoe@gmail.com; 'Wendy Wood'; 'Gary Spohr'; nicolezaborsky@charter.net; kel@ltol.com; johnloweconstruction@gmail.com; sltbrooke@gmail.com; debh@realtordeb.com; jrfintel@outlook.com; Brendan Ferry; don.knight@edcgov.us; tom.burnette@edcgov.us; 'Hauenstein, Mojra'; 'Heather Beckman'; 'Dallaire, Tom'; 'Booth, Samuel'; LouisCariola; Hilary Roverud; 'Kevin Fabino'; John Hitchcock; Eric Young; 'Mullin, Kelly'; Lindsay Romack; Cindy.Gustafson; mike@morshess.com; rondatycer@aol.com; brett@agatebay.com; 'Dr. Tim Schroeder'; jack.f.dalton44@gmail.com; dhoopen@yahoo.com
Subject: RE: my comments for the meeting tomorrow

Thanks to the LTDFPD, the home was red-tagged. This is a perfect example of the dangers of unregulated activities. I am asking again that TRPA hold Washoe County accountable to the 2004 ordinance. The fact Washoe County is "working" on guidelines and enforcement places all of us at risk for fire and for renters to be subject to unsafe living conditions....even in a \$4M home.

This unregulated industry must be stopped immediately for all of our safety. To allow it to continue opens TRPA and Washoe County to legal ramifications.

Sara Schmitz
(925) 858-4384

[Incline Village Crystal Bay Community 1st](#)

From: Sara Schmitz [mailto:schmitz61@gmail.com]
Sent: Tuesday, August 13, 2019 1:58 PM
To: 'Brandy McMahon' <bcmahon@trpa.org>; 'Jennifer Merchant' <jmerchan@placer.ca.gov>
Cc: 'Sue Novasel' <novasel@aol.com>; 'Belinda Faustinos' <belindafastinos@gmail.com>; 'Jim Lawrence' <lawrence@dcnr.nv.gov>; 'Marsha Berkbigher' <mlberkbigher@charter.net>; 'Larry Sevison' <lpsevison@sbcglobal.net>; 'Shelly Aldean' <shellyaldean@gmail.com>; 'Wesley Rice' <wrice@douglasnv.us>; 'Brooke Laine' <blaine@cityofslt.us>; janetmcdougall2020@gmail.com; lallen@mail.ltcc.edu; 'Gavin Feiger' <gavin@keeptahoeblue.org>; Heather@carraranv.com; sharon@staor.org; mark@tahoesalmon.com; pat@ca-tt.com; rebeccabryson27@yahoo.com; amandamgrossman@gmail.com; tomhdavis@aol.com; 'John Marshall' <jmarshall@trpa.org>; 'Joanne Marchetta' <jMarchetta@trpa.org>; 'Marja Ambler' <mambler@trpa.org>; 'John Hester' <jhester@trpa.org>; 'Karen Fink' <kfink@trpa.org>; 'Robert Graves' <RGraves@trpa.org>; 'Bill Yeates' <jwytrpa@gmail.com>; sustaintahoe@gmail.com; 'Wendy Wood' <wendy@seattlegreenhomes.net>; 'Gary Spohr' <gary@seattlegreenhomes.net>;

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Subject: my comments for the meeting tomorrow

Good Afternoon TRPA STR Committee Members,

My name is Sara Schmitz and I reside in Incline Village. Since speaking to you last month regarding the large full-time (meaning year round) vacation rental adjacent to our home, I've learned a great deal.

I've learned that in 2004, TRPA updated its ordinances to include short term vacation rentals of single family homes, so long as the local jurisdiction, meaning Washoe County for Incline Village, "enter into a cooperative agreement with TRPA in order for vacation rentals to be considered an allowed use in residential neighborhoods". If not, which Washoe County did not do, then vacation rentals "would not be allowed in residential neighborhoods" (http://www.trpa.org/wp-content/uploads/march_2004_gb_packet.pdf#page=71). Therefore, as it stands today, Washoe County and TRPA are allowing activities to take place in Incline Village/Crystal Bay that are in violation of the TRPA ordinances.

In addition, the ordinance requires jurisdictions to "ensure vacation rentals operate as a normal residence". Below is a



photo from the short term rental next door to us. These renters spent 4 days at the home and created 4 very large containers of trash (notice the recycle bin has a trash bag showing in the photo). This demonstrates how much this home is NOT the same. Also notice the bear box. Yes, they have one, but it's only use is to advertise the on-line rental agency, which is another code violation. If you read reviews on the home, you will learn they have hosted groups that included 12 teenagers in addition to the related adults. This is not a "normal" use of a residence. On average there are 5 cars at the home, again, not "normal". The idea of regulating this type of mini-hotel industry is not realistic. It's unrealistic to think you can create and enforce rules to ensure a property is consistent with the neighborhood, because every neighborhood is different.

At the time, the TRPA staff report states the use of a home as vacation rental has no more environmental impact than a typical single family home. Maybe in 2004 the statement was true, but not today with the advent of AirBnB and all of the on-line impersonal rental options. They are accountable to no one in our community. Since times and technology have changed, I feel TRPA needs to do another environmental assessment, especially for a location like Incline Village/Crystal Bay which has been operating without ANY regulations.

As it relates to your ability to provide permits and oversight, consider these situations with the home beside us. We discovered the owners increased the living space by converting half of their 4-car garage into a large bedroom and converted a bedroom into a game room with a gas burning fireplace. This appears to have been done without permits. Why would a multimillion dollar home be modified without permits? It may have been to avoid building code requirements. The additional square footage requires the installation of an internal home sprinkler system. These sprinkler systems not only protect the occupants, but also the neighborhood. So within about 5 feet of our property line sits an over 6000 sq. ft. home rented to large groups year round without an internal home sprinkler system, uninspected electrical and gas line expansions, a bedroom addition with windows that appear not to meet building code, and a combustible shed within 2 feet of the bedroom which is equipped with 3 queen sized beds for accommodating large groups. So when you discuss permitting of STR's, you take on a huge risk and liability. Are you intending to investigate home modifications and verify permits or allow homes to be rented that may be unsafe? This is a tremendous amount of work and a liability risk.

As I mentioned at the last meeting, neighbors should not be the STR police. How do you intend to have rules and ordinances without some sort of home monitoring? It should NOT rest on the shoulders of the neighbors who want to enjoy their own homes. How do you intend to restrict the number of occupants? The Sheriff isn't going to count noses and write a citation. Since in-home cameras are not allowed, I think an on-site resident code enforcer is required.

Here's another example of an enforcement issue. Just last week, the large group renting placed all of the kids in the non-permitted bedroom with the 3 queen beds. It's at the opposite end of the house from the master bedroom, so the parents may have had no idea their kids were up screaming and playing after midnight. I called the Sheriff, but they had other urgent matters to attend to. The noise continued. Then, about 1:45am, I received a call from the Deputy stating he could not access the home because the driveway security gate was closed. What good are rules when neighbors are disrupted, the Sheriff has better things to do, and when they arrive they can't access the property?

Your TRPA document from 2004 states vacation rentals are only allowed if it maintains the same characteristics of a single family home. Piling multiple families into one property doesn't maintain this characteristic. It is a mini-hotel and should only be allowed in commercially zoned areas, not residential. Stop spending time working to create rules and regulations that will be unenforceable and instead restrict the use to commercial zones only, just like a hotel.

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