

Brandy McMahon

From: rondatycer@aol.com
Sent: Monday, October 14, 2019 11:02 PM
To: iv.str.advisory.group@gmail.com
Subject: The Damage from STRs

The Damage from STRs

by Ronda Tycer

Most owners of short-term-rentals have no idea how destructive STRs are to neighborhoods and communities. Once STR homeowners sign with AirBnB and hire a property manager, those owners rarely think twice about how they might be hurting their neighbors or destroying their communities. And yet everyone knows STRs are problematic.

Last week, in a split vote, TRPAs Advisory Planning Committee endorsed a list of regulations for STRs in the Tahoe Basin. These "Neighborhood Compatibility Best Practices Guidelines are to be enforced by local jurisdictions in the Basin. Washoe County is expected to monitor and enforce these Best Practices in Incline Village and Crystal Bay.

TRPA's 15-member STR Neighborhood Compatibility Committee came up with a list of 53 Best Practices, which they felt were essential to regulate STRs in order to be "compatible with neighborhoods." Although they're called "Best Practices," in fact, **each of these 53 regulations points out a separate problem with STRs**. For example, under "Land Use," the first item is "The STR neighborhood compatibility program includes requirements for location of STRs within Town Centers." The problem is that when STRs are scattered throughout residential neighborhoods, they increase traffic. Likewise, the second item under Land Use is "The STR neighborhood compatibility program includes requirements for location of STRs within designated tourist lodging and/or commercial areas." The problem is that when STRs are located in residential areas, they disturb neighbors and change the character of the neighborhood, making them more commercial. And so it is, for each of the 53 Best Practices—each practice identifies a problem caused by STRs.

So the question is, if STRs are problematic—and TRPA has identified at least 53 problems related to their categories of Land Use, Residential Compatibility, Transportation, Noise, Occupancy, Parking, Trash Disposal, Funding, Educating, and Enforcing—why would TRPA allow STRs as an approved use in residential neighborhoods, or for that matter—anywhere in the Basin?

Moreover, the 53 problems identified by TRPA don't even begin to address the social and psychological problems STRs create because those problems aren't within TRPA's purview.

And yet research shows that STRs are *psychologically damaging* to residents who are subjected to the interminable comings and goings of short-term-renters in their neighborhoods, and who suffer from the constant problems these renters create, and who are financially damaged having a STR next door. And research shows that STRs are *socially*

damaging to neighborhoods where permanent residents no longer know their neighbors or who's in their neighborhoods. And research shows that *communities are damaged* when affordable housing is no longer available for employees of local businesses or services. And definitive research by the Economic Policy Institute of Washington, DC shows that ***the overall costs of short-term rentals outweigh the overall benefits to local economies.***

Across the United States one city after another is banning or partially banning STRs because government staff members realize STRs are just too destructive and the problems for residents are just too detrimental. The financial benefits to a small percentage of the populace are at great expense to the majority.

Already Incline Village has more than 1000 short-term-rentals among its 3800 residences. Already Incline residents suffer from all 53 problems identified by the TRPA's Best Practices in addition to the other social and psychological problems TRPA did not address.

The thousands of man-hours (or "person-hours") TRPA and Washoe County have already used to regulate STRs cost millions of taxpayer dollars. And the thousands of man-hours that will be spent regulating and enforcing STRs will also come at taxpayers' expense.

The irony is that these efforts and all that money have been for the benefit of AirBnB and other rental agencies, STR owners, real-estate personnel involved in STRs, and government agencies collecting transient occupancy tax. STRs have already cost Incline Village and Crystal Bay taxpayers millions even though most residents don't reap any benefits from STRs, and are in fact damaged by them.

Brandy McMahon

From: Frangelica A. <frangelica1021@gmail.com>
Sent: Monday, October 14, 2019 10:01 AM
To: Brandy McMahon
Subject: VHR Concerns

10/14/19

To Members of TRPA and VHR decision Members:

I am a very concerned long time county resident and have grave concerns about the proliferation of VHR's in the county.

My main message to you is for all of you who have deciding votes, power and influence to please go much further with VHR controls and decisions beyond Best Practice Measures.

I purchased my home in the county in 1999 and am very seriously contemplating on leaving Tahoe because of the uncontrolled VHR situation that seems to be proliferating even more now that the city banned VHR's in most areas. Sadly, the county and our supervisor does very little to preserve peace and tranquility for the residents (which is the reason we purchased homes here) .

My "neighborhood" has now become a "tourist business area". The presence of VHR's has caused significant increases in noise, cars racing on my street and parking all over the roads, and complete strangers often wandering past my house.

I obtained a copy of my CC&R's for my property from the El Dorado County and it specifically states the following **restrictions in the Tahoe Paradise area where I reside:**

"Only a single family private residence is allowed and excludes every form of multi-family dwelling, boarding or lodging house" .

So how are VHR's even legal in my neighborhood? I sincerely want an answer to this from you.

If I wanted to live in a "business district" I would have bought a home in a downtown, incorporated area. I now have great regrets I purchase my home here in the county.

Disturbingly - every time a home goes up for sale in my neighborhood I am anxious and nervous about another house becoming yet another "business" in my once quiet neighborhood.

Please do something to control the proliferation of VHR's in our county neighborhoods.

VHR businesses absolutely do not belong in residential areas!

I have many friends that cannot find affordable and decent housing in Lake Tahoe. This is a critical situation that seriously needs to be addressed immediately.

It seems that only people who *do not live here profit hugely at the sake of our local resident's who are trying to live and survive here in Tahoe.*

Please be proactive for the residents who live here in Tahoe, not the people who are profiting off of the backs of the locals and do not even live here.

Sincerely,

Frances A. Agius

Brandy McMahon

From: rika rich <tahoemassage@sbcglobal.net>
Sent: Sunday, October 13, 2019 4:06 PM
To: Mark Bruce; Bill Yeates; Jim Lawrence; Shelly Aldean; Brooke Laine; Larry Sevison; Clem Shute; Joanne Marchetta; John Marshall; Marja Ambler; Brandy McMahon
Subject: protect our neighborhoods

Dear committee members: I am writing you this letter in the hopes that you can bring back some common sense to our neighborhoods.

Ever since El dorado board of supervisors decided to allow vhrs into our neighborhood, we have been putting up with problems that we should never have to deal with. Enforcement is not the answer. For instance, we have to keep our windows closed all summer, because our visitors seem to want to scream and yell all day until 10pm when we can then call the police. I repeat, after a long winter, our windows remained closed.

I moved to a street that has eight houses on it for a reason. This is just one of the many issues we have.

(i also need to put up no trespassing signs around my house, the list goes on and on) These commercial businesses should be located near town centers consistent with what is required in the regional plan. I find it odd that el dorado county has no problem allowing vhr's in our neighborhood, but view mother-in-law units to be illegal.

If in-law units were legal, our housing shortage would be solved over night. thank you for listening.

michael rich

Brandy McMahon

From: Dona Spaugh <dona.spaugh@yahoo.com>
Sent: Sunday, October 13, 2019 1:46 PM
To: Bill Yeates; Jim Lawrence; Shelly Aldean; Brooke Laine; Clem Shute; Joanne Marchetta; John Marshall; Marja Ambler; Brandy McMahon; Mark Bruce; Larry Severson
Subject: BEST PRACTICES AND BEYOND PLEASE!

Good afternoon,

I am a resident of South Lake Tahoe. I purchased my home in Christmas Valley, far, far away from the tourist core because I am a quiet, nature loving type. Within the past three years, five homes (one on each side, one directly across the street and two within eyesight) have been turned into VHR's. The quiet neighborhood is gone: litter, dogs off leash, 5-8 vehicles per house, noise, etc., etc. Within this time frame four nurses, whom I work with, and their little families have moved to Carson Valley because they can't find or afford housing in their hometown. Their children have had to switch schools, they have lost their little worlds. They have to drive over the passes to get to their shifts to care for their patients. In doing that, they leave their children up to an hour away, should an emergency occur. This is our community?

Is this what we want for Tahoe? Is that the legacy we will leave? We are all the stewards of the land, each and everyone of us, however, you have answered the call to protect and preserve our land, natural resources and community. Do we want to be those who lead the Jewel of the Sierra down the path paved with dollars earned by those who care not for our neighborhoods, clarity of the lake, or if our elementary schools are brimming with faces of the future? Do you dare to stand in the face of profit and lead this beautiful area into a future for the betterment of the community and the pristine alpine lake and the surrounding lands?

If you dare answer the call of excellence then please stand up for limited VHR's - the tourist core ONLY. Will property values dip? Yes, maybe. I am prepared to see my equity go down if it means not one more family whose members work, volunteer, and whose children attend our schools - those who pay taxes and march in the 4th of July parade - have to move off the hill again. Not one more, please! We need to take our neighborhoods back. We need to have places that families can rent and landlords that are willing to rent at fair prices--not chasing after that tourist dollar. Let's get crazy here--let's have a community where young families may even be able to purchase a small home! We need to see our schools thriving and growing, not slowly shrinking.

I want to see real movement! I want to see great change which will take great courage. Please hear the voices of those who want to make this their community and not just their investment.

Thank you

Dona Spaugh
925.381.2854

Brandy McMahon

From: Melissa Bird <shopjunk@pacbell.net>
Sent: Thursday, October 17, 2019 12:54 PM
To: Joanne Marchetta
Subject: Neighborhood Compatibility "Best Practices"

I am writing regarding the need for more oversight and regulation of VHRs in El Dorado County. Our county supervisors refuse to acknowledge the residents or provide any relief from the over expansion of such mini businesses within the Basin portion of the county. We look to TRPA to take the lead and exercise its powers to provide a better plan for management of these intrusions into our residential neighborhoods.

It was never envisioned, planned for or approved that our neighborhoods be overrun by profit motivated individuals and corporations. Our neighborhoods are no longer neighborhoods. They've been overrun by de-facto businesses only interested in making a profit at the expense of full time residents..Further, they are not required to meet any accommodation business standards such as safety, access, parking, lighting, or on-sight management. . If these were paint, repair or other "businesses" they would not be permitted. Why are these mini hotels being approved and allowed? Can I get a permit to build a repair shop in a residential area? No. Why is this not the case for a "house" built expressly for income purposes? Look at the real state ads, Look at the permit requests.

We now lack affordable housing stock and instead see plans for displaced residents and employees being forced into work force housing planned for the tourist core "so they are close to their jobs". This is completely backward. Our residents have to live in the business district in "workforce" housing while the tourists take over our residential units? Is that how TRPA protects the quality of life and the environment? By approving the abuse and misuse of our residents for profit?

Please, do your job and help us get a handle on this situation. Otherwise, I see this a "constructive Notice" to all parties that when, not if, an evacuation or other emergency results in both residents AND tourists facing danger or harm because they could get out of harm's way or be rescued due to traffic and congestion of panicked tourists lost and confused struggling to get out. It will take just one car on a snowy day to prevent safe and effective response to an emergency.

I can just see the attorney's wringing their hands in glee at the punitive damages they will seek, and likely be awarded.

Melissa Bird
35 year El Dorado County resident

Brandy McMahon

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Thursday, October 17, 2019 11:55 AM
To: Brandy McMahon; Sara Schmitz; Diane Heirshberg; Ronda Tycer Phd; Carol and Larry Black; Mike Hess
Subject: IEC response to request to fill out more in line with the STR use and not just the new Allocation Rule

So I see more responses filled out with statements made. Yet for , me and not all the others listed in this email , for it is my opinion alone the document falls very short of what is needed.

I will only give one example: Fire Protection: You stated "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"

So now that you have given permission for a home that was built under certain residential codes to be used like a motel you think just by some inspections that will take care of the added fire risk. This is spoken out of a lack of knowledge of what goes into the code development.

A structure that has a motel use has been found in the code to need certain things beyond just the inspection side. If you go to a motel you will find a system that is called "fire sprinklers".

It is there to protect the spread of fire and thus does add a level of safety that is needed for the use. Safety for those who use the structure and also live around it. Your Guidelines never mention the need to have these new uses for homes that are now hotels

or motels have the necessary fire sprinkler systems, that would help to realize what you said in your statement.

Please have someone sign the document , for in the future I believe that it will be important to have some names to hold accountable to what will take place with these uses of homes in the future.

I have to sign my work as a designer so I am not asking for anything more than I am required to do when I finish plans to be built for a home owner.

Wayne Ford

Wayne Ford Residential Design Lic No 091-RD.

Brandy McMahon

From: Sara Schmitz <schmitz61@gmail.com>
Sent: Wednesday, October 16, 2019 8:38 PM
To: Brandy McMahon
Cc: 'Ronda Tyce Phd'; 'Mike Hess'; 'Diane Heirshberg'; 'Wayne Ford'
Subject: TRPA RPC report
Attachments: 14.-RPIC-Agenda-Item-No.-4-Performance-Review-System-Code-Amendment-Short-Term-Rental-Staff-Report.pdf

Brandy,

Attached is the staff report for the STR recommendations to the RPC.

I recall the APC Chair requested that statements be shared regarding this being only a first step in the process of dealing with vacation rentals, that the work is not yet complete. I specifically recall the Chair stating the request for more work to be done since allocations are not an effective method of enforcement. Additionally, I recall them requesting the EIC be updated.

The staff report attached appears to be missing these statements. Will this be updated to reflect those comments?

Sara Schmitz

Sara Schmitz
(925) 858-4384

Brandy McMahon

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Thursday, October 17, 2019 7:58 AM
To: Brandy McMahon; Sara Schmitz; Ronda Tyner Phd; Diane Heirshberg; Mike Hess; Carol and Larry Black
Subject: Initial Environmental Checklist

I agree with Sara:

Brandy: At the last APC meeting when the discussion and vote took place I presented the need to have the Checklist filled out and tied to the Guidelines. I was please the chair did add to the discussion and I believe he also asked TRPA staff to redo it for the current STR use. I do understand that TRPA's attorney only looked at your committee's directive by the Governing Board of TRPA to bring forth the allocation code as the third area for County Compliance . He , Mr. Marshall did respond to me that the IEC was done in a narrow way to focus only on that action for the checking of impacts or not. Yet as the Chair indicated, because the first IEC cannot be found, that a new one should be done.

Wayne Ford

Brandy McMahon

From: Janet McDougall <janetmcdougall2020@gmail.com>
Sent: Saturday, October 19, 2019 7:35 AM
To: Bill Yeates; Mark Bruce; Jim Lawrence; Shelly Aldean; Brooke Laine; Larry Sevison; Clem Shute; Marsha Berkbigher; Casey Beyer; Bud Hicks; Belinda Faustinos; tc@thecashmancompanies.com; Wesley Rice; Barbara Cegavske; bosfive@edcgov.us; Joanne Marchetta; John Marshall; Marja Ambler; Brandy McMahon
Subject: Agenda Item VIII.A - Amendment of Performance Review System - VHRS
Attachments: APC Remarks.pdf

Good morning,

I am submitting as an attachment to this email the text of remarks I made at the APC meeting on October 9th relating to the issue at hand.

I hope you will give this serious consideration in your deliberations.

Respectfully,

Janet McDougall
Member, TRPA Short Term Rental Neighborhood Compatibility Working Group

Janet McDougall, representing Residents for Tahoe, a group of residents committed to restoration of our neighborhoods, community, safety, and the environment

Brandy and John did a remarkable job of carrying out the direction provided by the Governing Board. Unfortunately, these neighborhood compatibility “best practices” will do little to nothing to address the problems we now face with vacation rentals (VHRs).

It’s plain and simple. Prior to TRPA changing the definition of residential to include VHRs, there were relatively few. They were illegal and owners told the few renters they had to keep it quiet and blend into the neighborhood. Now, they are operated as full blown commercial businesses to the detriment of neighborhood character; and in many cases, our CC&Rs that specifically prohibit the renting of our homes for lodging.

TAUs located in appropriately zoned commercial areas have been limited, yet there has been no limitation placed on VHRs. The South Tahoe Redevelopment Agency, whose mission was closely aligned with the regional plan, was required to acquire and retire significantly more TAUs than we were allowed to rebuild; all so density at Stateline could be reduced. That excess density has now been transferred to residential neighborhoods, negating many of the environmental gains the projects were designed to achieve.

Each VHR equates to more than a single TAU. Each bedroom in the house is the equivalent of a hotel room. El Dorado County has reported 860 VHRs. We know there are many more operating without permits.

An analysis of data relating to VHRs in El Dorado County reveals an average of 3.6 bedrooms. Rounding down and multiplying the reported 860 by 3, there are 2,580 additional permitted TAUs in the unincorporated area of El Dorado County, located far away from a town center with no transit service, generating significant increases in VMT and neighborhood impacts. A large hotel with far fewer units would require a full blown EIR/EIS and it would be pretty tough to mitigate the impacts. Yet, there has been no CEQA analysis.

All of this completely defeats the objectives of the 2012 regional plan update, a plan TRPA is legally mandated to implement.

We see these problems all around the basin, and with passage of Measure T in the City, these commercial uses at South Shore are pushed further away from the town center at Stateline.

Simply put, this is a colossal zoning failure! We now have over tourism with neighborhood impacts, traffic congestion, and overuse of our recreational facilities, as well as violation of residents’ rights to quiet enjoyment of their homes. And importantly, the Basin’s carrying capacity and our lake are threatened.

Local government must be brought to the realization that the TOT pie has been allowed to grow beyond what can reasonably be accommodated. More wants more, and it must be stopped.

While we support adoption of these best practices, TRPA must go beyond this band aid approach and take steps to limit the number of VHRs and locate them in tourist commercial areas in close proximity to town centers. In other words, restore proper zoning.

While there are challenges ahead in this regard, there are solutions. TRPA engaged in an amortization program in the 1970's to eliminate billboards (see TRPA v. King). The City of Anaheim has used amortization with significant success and it can be used here. Another approach would be to change the definition of residential back to what it was prior to 2004, excluding vacation rentals from the residential definition, and make the existing permitted rentals legal, non-conforming until sale.

These best practices are a start, but fall far short of what needs to be done to protect neighborhoods, our community and the environment. Please send a strong message to the Governing Board that they must not consider this one recommended action sufficient to address this growing land use problem that warrants significant and immediate action. Our communities and the environment deserve no less.

Brandy McMahon

From: Barbara Christian <jbchris118@att.net>
Sent: Friday, October 18, 2019 11:56 AM
To: Bill Yeates; Bill Yeates; Mark Bruce; Mark Bruce; Jim Lawrence; Jim Lawrence; Shelly Aldean; Shelly Aldean; Brooke Laine; Larry Sevison; Larry Sevison; Clem Shute; Clem Shute; Marsha Berkgigler; Marsha Berkgigler; Casey Beyer; Casey Beyer; Bud Hicks; Bud Hicks; Belinda Faustinos; Belinda Faustinos; tc@thecashmancompanies.com; tc@thecashmancompanies.com; Wesley Rice; Wesley Rice; Barbara Cegavske; Barbara Cegavske; bosfive@edcgov.us; bosfive@edcgov.us; Joanne Marchetta; Joanne Marchetta; John Marshall; John Marshall; Marja Ambler; Marja Ambler; Brandy McMahon
Subject: Asking for assistance

To: TRPA Regional Plan committee members, Governing Board Members, TRPA staff and Placer County BOS,

I have been attending and speaking at TRPA and Placer County BOS meetings in the past one and a half years on behalf of myself and my full time neighbors here on the north shore of Lake Tahoe in Placer County. I have also written letters to both the TRPA and Placer County in regards to the STRs in my neighborhood.

I would like to know how neighborhood saturation is being addressed in our neighborhoods. I live at 1128 Regency Way and have been dealing with problem STRs for the past 2 years. There are 4 STRs behind our house in addition to the one on the left of my house and the 2 on the right. One of the most problematic STRs is considering selling her home and is currently repairing the windows and cabinets that were damaged when the most recent bear came into her house through a window left open by a renter or cleaning person. I have also told this STR owner that we were considering filing a civil harassment lawsuit against her because of the multiple all night parties we have suffered through in the past 2 years that she has owned the property which she purchased strictly as a business rental, she has never lived in the property. This lawsuit was recommended to me by a police officer after I had had to call them yet again to report a late night hot tub party. I am requesting that this home, when put up for sale, not be marketed as or allowed to be a short term rental.

This neighborhood IS saturated. Our HOA states that the homes in this area NOT be used for lodging. Allowing homes in this area to be used as hotels is breaking the HOA contract.

The STR property next door had a hot tub installed when they bought the property and it is not more than 15 feet from our bedroom window. This home, when sold, should NOT be allowed to short term rent. My husband and I have lived in this house for 23 years. I am a full time school teacher, my husband is an operating room nurse. We should NOT be the people being forced out of our neighborhood because of insufficient protections for full time residents being allowed by Placer County and the TRPA. These types of rentals should never have been allowed into our neighborhoods in the first place. These are businesses and as such should be restricted to the business district.

- Because of the over abundance of STRs there is not enough housing for residents wishing to move here to work, causing a problem for local businesses -

STRs have artificially inflated the cost of houses in this area, making it impossible for new families to move into this region, which negatively impacts local schools and businesses forcing more people to move away.

- Allowing over saturation of STRs in neighborhoods forces full time residents, who are contributing to the community, to leave the area due to the added stress and health risks caused by having to deal with the all night parties, bear break ins, overflowing garbage, illegal parking and general loss of a tranquil neighborhood.

- STRs should be limited to areas closer to town centers which would be consistent with what is required in the Regional Plan. These hotels in our neighborhoods ARE businesses, these people are not occupying the home at any time during the year.

- Both Placer County and the TRPA need to address the over abundance of STRs in our neighborhoods and go beyond "recommended best practices"

In closing, you do not have any idea what kind of stress being surrounded by STRs has brought into our home, unless you too are now surrounded by STRs. I hope there is a REAL plan in place to deal with neighborhood saturation, because 1126 Regency Way will soon be placed on the market and I'm asking for your help in NOT ALLOWING this home to be purchased and used as an STR.

Thank you for your time,
Barbara and John Christian
1128 Regency Way
Tahoe Vista, CA

Brandy McMahon

From: Patti Assayag <patti.assayag@gmail.com>
Sent: Friday, October 18, 2019 12:43 PM
To: patti.assayag@gmail.com
Subject: Neighborhood Compatibility Best Practices

Dear Sirs and Madams,

I am a resident of the Lower Montgomery Estates neighborhood and I am writing you today in regards to VHR's in my community and the possible new Best Practices adoption.

I would like to urge you to go beyond recommending the Best Practices be adopted and instead protect against more of our limited housing being converted to tourist accommodation units.

The hotels and motels are not being supported and instead tourists are staying in our neighborhoods. And if there must be VHR's; then they should be limited to areas that are close to the core tourist area.

To use residential allocations for anything other than their intended purposes undermines the commodity structure you have put in place and violates the compact that justifies TRPA's existence.

There are so many reasons that VHR's are not good for South Lake Tahoe and I know you have heard all of us at the previous meetings, so I will simply say:

Please don't allow VHRs in our community.

Regards,
Patti Assayag
3025 Lodgepole Trail
South Lake Tahoe

Brandy McMahon

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Sunday, October 20, 2019 7:48 PM
To: Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; Michael Conger
Subject: October 23, 2019 Governing Board Meeting Agenda Item 5
Attachments: TRPA Governing Board.10.23. Area plan.docx

Re: October 23, 2019 Governing Board Meeting Agenda Item 5; Request that TRPA Governing Board Direct that Washoe County Do the Following with Respect to its Further Work on the Washoe County Area Plan and Tahoe Modifiers: (1) Address Correcting Problems Caused by Unregulated Short-Term Rentals in Incline Village/Crystal Bay (herein "IV/CB") as a Current Adverse Condition and Include Steps to Correct/Improve that Current Condition, and (2) Remove or Modify Section 110.220.435

Dear TRPA Governing Board:

I ask that this email be made a part of the public record of the October 23, 2019 Governing Board meeting, and that copies of this email be given to the members of the Governing Board in advance of the October 23, 2019 meeting.

I would respectfully request that the TRPA Governing Board provide two points of direction to TRPA Staff and to Washoe County on the current draft of the Area Plan and Tahoe Modifiers (herein the "Plan" and "Modifiers") because (i) the documents fail to address the deleterious current impact of short term rentals on the Plan and Modifiers, which deleterious effects have been repeatedly communicated to Washoe County and to TRPA, and (ii) that Section 110.220.435 be modified to incorporate TRPA guidelines or deleted. I sincerely believe that the deleterious current conditions due to short term rentals should be identified and addressed in the Area Plan and Tahoe Modifiers. The current proposed Washoe County Ordinance does not include a number of the most important protective provisions of the TRPA 2019 Short Term Rental Neighborhood Guidelines such as limiting the density and frequency of short term rentals or requiring that the owner use the home as a primary residence so that the short term rental is an ancillary use. Further, as currently envisioned, even if the Short term rental Ordinance is adopted, enforcement is not likely at all or at least for a long time because no transient occupancy funds will be used for enforcement even though other local governments at the lake are using such funds for enforcement. Finally, even if the Short term rental Ordinance is adopted and enforced, it is likely that the Ordinance alone will not solve the very serious problems being encountered in IV/CB. Also Section 110.220.435 purports to legitimize short term rentals with only compliance of the Washoe County watered down ordinance and makes no mention of the TRPA Neighborhood Compatibility Guidelines.

The failure to even address the serious short term rental problems in IV/CB impacts numerous sections of the Plan and Modifiers, as discussed below.

1. The current state of affairs with unregulated short term rentals in IV/CB is ignored in the Plan and Modifiers, and an unrealistic "Idyllic" picture of life in IV/CB is presented.

There is a failure to address the strong current objection of local IV/CB residents in Incline Village/Crystal Bay (herein "IV/CB") to the current deleterious conditions that exist as a direct result from unregulated short terms rentals. Numerous other current conditions are identified in the Plan and Modifier, and it is respectfully submitted that a failure to identify this problem and specify how the problem will be addressed, threatens the integrity of the Plan and Modifiers. This is an important omission for TRPA to address since TRPA staff expresses that the Plan and Modifiers:

"...embraces and largely carries through the existing TRPA local plan boundaries, land use permissibility regulations and density restrictions and special policies that affect how future development could occur..." and

“These changes are generally consistent with the Regional Plan’s approach of preserving residential and conservation areas while rendering development toward town centers.

- Obviously TRPA Staff feels preserving residential areas is important as this was stressed in Staff’s report to the Board. Again the residents of IV/CB ask that the TRPA Board step in here to at least help protect the residential areas from the damages of short term rentals, as many of the most important aspects of the 2019 TRPA Short Term Rental Guidelines are not incorporated in or even addressed in the current outline of provisions to be included in the Washoe County Short Term Rental Ordinance (the outline is available on the Washoe County website). With the requested TRPA direction on the Plan, there is still time for the Washoe County Ordinance to preserve the residential areas while still allowing short term rentals under the TRPA Guidelines or at least the protective concepts in those Guidelines.

a. The Plan and Modifiers incorrectly state/ imply that IV/CB is currently a pleasant mountain community and that the residents want the community to stay as it now is; while the Plan and Modifiers identify and attempt to address other listed community concerns, there is no mention of the very real current land use concern of short term rentals which needs to be addressed in the Plan and Modifier.

- A review of the current language in the Plan and Modifier shows the inaccurate conclusions that are reached in the Plan and Modifiers by ignoring the short term rental problem:

At Page 1-2, the Area Plan states:

“The concept of the “desired community character as express by the community” is found throughout this plan. Washoe County worked with the Incline Village and Crystal Bay community for fourteen years to develop this update. An accounting of some of the more important of the many community meetings and workshops is attached to this plan as Appendix C...A common sentiment at public meetings was that the plan should not look to changing the vision and should instead focus on new tools and incentives to implement the community’s original vision. Therefore, the community character and vision supported by this area plan is not significantly different from those originally planned for and supported in 1996.”

The Area Plan goes on to state:

“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 next paragraph describes two competing interests, as:

“The plan seeks to provide a balance between two competing forces that have always co-existed 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 demand for all forms of recreation, but particularly those based on outdoor activities in a beautiful natural setting. “

I respectfully submit that these general statements and summary fail to accurately capture the current land use turmoil in IV/CB; most of the feedback received concerning earlier versions of the Plan and Modifiers preceded the explosive growth in short term rentals in IV/CB. Local IV/CB residents have repeatedly and loudly expressed that the existing character of residential neighborhoods is being destroyed by unregulated short term rentals, that the base of permanent residents is being eroded as between 15-20 % of the residential units have already been turned into STRs, that the environment is not welcoming for residents, that the problems with short term rentals need to be addressed, and that local workforce housing has been all but taken over by short-term rentals. The problems caused by the following deleterious effects of short term rentals expressed by local residents are not listed or addressed: deleterious effects on the lake environment (including trace plastics in the water, increased traffic causing air pollution from increased emissions and road/dirt erosion into the lake), lack of proper trash procedures potentially injuring the bear

and wild-life populations, excessive numbers of cars causing TRPA's BMPs and coverage limitations to be ignored and violated; deleterious effects on the neighborhoods due to oversaturation of short term rentals which are increasing in density and full time short term rental of homes as a business rather than as an ancillary use (including noise, trash, parking and density issues), documented problems with the current inadequacy of fire, police, public health and safety protection and services, and a myriad of other concerns that IV/CB residents have expressed to the County and to TRPA.

The introduction concludes "The desire to build a community that maintains a year-round residential base with an economic anchor in the tourism industry while respecting the natural environment in which it is located is as strong as when the original area plan was adopted. Therefore, this area plan does not seek to re-imagine and re-direct the Incline Village/Crystal Bay community. It seeks to express the long-standing desired community character in contemporary terms and to use modern planning tools and concepts to enable its implementation." The Plan and Modifier should acknowledge the reality that the long-standing desired community character has been eroded by short term rentals, and that the residents sincerely desire that the Plan and Modifiers include consideration of methods to solve the current state of affairs in IV/CB caused by short term rentals. While it is true that the County is currently drafting an STR Ordinance, that STR Ordinance will not include many of the protective provisions adopted by Douglas, Placer and other Counties at the Lake, and included by TRPA in its short term rental neighborhood guidelines. The provisions will not be enforced by using transient occupancy tax revenues which are one of the key sources of revenues for financing the strong enforcement adopted by other local jurisdictions at the Lake. The County needs a long term plan to address and correct the damage that has been done, and the Plan and Modifier are the perfect documents in which to include an acknowledgment of the current problem together with a list of potential actions and steps to address the problem if the first step of adopting the current version of the STR Ordinance does not fully solve the problems. While Eric Young states at page 8 of his memorandum to TRPA under section 2, Short term Rentals, that TRPA and Washoe are currently working on short term rentals and that "When these two processes are complete, we will be able to act accordingly, if necessary and amend the plan...", it is respectfully submitted that addressing this issue long term will take a great deal of innovative thinking and would best be commenced now.

I also want to note the lack of significant community involvement to date in this version of the document. This draft of the Plan and Modifiers was presented to a small group of less than 15 people at a time that was scheduled for a CAB meeting, but the CAB meeting was cancelled for lack of a quorum and so few attended. Other than that, this draft has not been vetted at meetings in IV/CB to my knowledge, and even if there were meetings years ago, the community sentiment has greatly changed in IV/CB due to concerns over short term rentals. At that one meeting the overriding concern was how short term rentals are destroying the neighborhoods and injuring the lake environment with plastics, traffic jams, trash and air pollution, and how that would be addressed in the Plan and Modifiers. Short term rental issues really need to be addressed and solutions proposed if this purports to be a document with local community input.

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b. Each of the Chapters should address the problems, if any, caused by short term rentals in its area of discussion and propose how to address the problems, rather than ignoring the problems as if they do not exist.

As noted above, nowhere in any of the Chapters is there a single reference to the concerns expressed by local residents that short term rentals are currently causing the deleterious effects that should be addressed in the Plan and Modifiers. I will review the individual chapters and suggest some of the problems to be addressed (as a lay person).

Chapter 2 on Land Use identifies a number of land use problems, and goes on to describe at page 2-2, the chapter focuses on "environmental redevelopment and this Area Plan implements incentives provided for in the Regional Plan. These incentives include height, density, and land coverage standards that increase the capacity for compact redevelopment within designated Town Centers while maintaining the strict growth caps included in the Regional Plan." Incentives to alleviate short term rental problems could and should be included in the Plan and Modifier. For example, if the STR Ordinance is not successful in addressing the problem of a lack of local long term rental housing for IV/CB workforces, a possible way to address this might be giving tax or other incentives to short term rentals converting to full time rentals. Or if the STR fees and fines are not sufficient to fund enforcement of the STR Ordinance and if the County cannot use transient occupancy taxes to fund enforcement of the STR Ordinance because it has pledged the transient

occupancy taxes to bond holders, recommendations could be made as to alternative mechanisms for raising funds from short term rental activities to fund the increased burden they cause on public services such as police, fire, etc. Ignoring the fact that 295 LLCs and numerous individuals have bought homes in Incline Village and are renting them out full time or virtually full time as rental businesses, ignoring the fact that between 12 and 20% of all available residential units in IV/CB are now rented out as short-term rentals, and ignoring the fact that long-time residents and IV/CB workforce (i.e., IVGID lifeguards, ski resort personnel, local physical therapists, etc.) who must rent homes, are unable to find long term rentals in IV/CB, ignores major land use problems.

I am not advocating that there should be no short-term rentals. But I do believe that the serious land-use problems they have and will cause need to be identified as an Existing Condition, and solutions proposed in the Plan and Modifiers. Instead, under "Existing Conditions" the Plan states "The existing land use condition in the plan area are represented in the following maps and tables...This plan does not restrict the distribution of development rights by location. This plan allows for the distribution of development rights, consistent with the underlying zoning, across the plan area." At a minimum where LLCs own and rent out short term rentals, or even where owners rent out their homes as short term rentals virtually fully time and are not merely using the home as an ancillary use, this should be acknowledged in the Plan and Modifier as a potential land use problem for Residential zoned neighborhoods, and solutions proposed as to how to address this potential zoning conflict.

I respectfully submit that to characterize the current condition as it is characterized at page 2-17 is not accurate: "... sixteen residential designated neighborhoods in the plan area. These neighborhoods are focused primarily on single family dwellings...The primary vision for these areas is to maintain safe and functional residentially focused neighborhoods, with development that contributes to the desired community character and attainment of the TRPA environmental thresholds." Sounds idyllic. That description is simply not the current state of affairs.

The Goals and Policies described in pages 2-19 through 2-22 are excellent goals, and we would just ask that methods of addressing the currently identified land use problems be applied to the problems of short term rentals in areas such as: "Goal LU2: Ensure compatibility of adjacent land uses and require buffering for those which are not compatible."" Goal LU2: Create land use patterns that are consistent with the community's vision, reduce the need for travel and increase access to transit." "Goal LU4: Provide housing opportunities for the workforce of Incline Village and Crystal Bay" "Goal LU6: Maintain consistency with the Regional Plan and the community's long term vision." Nowhere is there a discussion of how short term rentals need to be addressed to allow for the achievement of each of these goals or perhaps a Goal LU7 could be added: "Monitor the positive impacts of the soon to be adopted Washoe County Short Term Rental Ordinance and continue to address remaining problems caused by short term rentals, until the problems are solved to a level reasonably acceptable to local residents (or it could read reasonable acceptable in a residential neighborhood)". If there are no density or frequency limitations and if LLCs can conduct short term rental businesses in residential neighborhoods, soon Incline Village will become one large mini-hotel! This is a far cry from the occasional ancillary short term rental by owners of their second homes envisioned in 2004 and even in the 2019 Guidelines.

Chapter 3 on Transportation ignores the traffic congestion and parking nightmares that exist in IV/CB in the short term rental periods of July and August and during winter skiing months. To have any real impact on transportation, there needs to be a discussion of addressing the excessive number of trips and cars brought into Lake Tahoe by short term renters. Consider the large number of cars brought by short term renters as the homes are being advertised for 10-15 and more people, and the short term renters are parking illegally on streets and on dirt in contravention of TRPA coverage limitations, among other problems.

Chapter 4 on Conservation again omits a discussion of the increased burden that short term rentals place on such things as vegetation, wildlife, soils, streams, air quality, and forest health. The discussion of air quality at page 4-14 is supported by table 4:6 and 4-16 which uses information from a 2015 report which is based on 2014/2015 data, BEFORE the dramatic current increase in short term rentals in IV/CB. The discussion and use of 2015 data ignore the actual facts of the traffic and parking nightmares that exist in Incline Village in July and August and during winter skiing periods. To have an adequate impact on traffic and air pollution from cars, there needs to be a discussion of addressing the

excessive number of trips and cars brought into Lake Tahoe by short term renters. This area of analysis and remedial proposals is critical for the future of IV/CB.

Chapter 6 on public services and facilities is an example of where the Plan and Modifier are actually inaccurate due to the failure to address short term rentals' current problems. I have requested in a letter to the Plan drafters communicate with the IV/CB local sheriffs, and with the North Lake Tahoe Fire District, so that this chapter can be corrected. At page 6-1 under fire services, police services, and at Goal PSF1 it is incorrectly stated that "Residents, visitors and business in the planning area have adequate access to the public services necessary to support a vibrant and safe community". The true facts are that there are an inadequate number of sheriffs in IV/CB to even serve the existing full time residents, and that the fire district has requested and so far been denied funding for 2 additional fire personnel to do pre-permit and renewal fire inspections of short term rentals. The sheriff has said that funds would be available to add another local sheriff if full time rental housing could be found in IV/CB for the additional hire, but no full time rental housing can be located as there are too few full time rentals available. The local sheriffs have repeatedly apologized at IV community forums for their inability to respond to parking, noise and nuisance complaints due to the excessive volume of work needed for more serious offenses, car accidents, theft, etc. The local fire district does not currently have the staff to inspect the now over 1000 short term rentals for fire safety if and when the Washoe County short term rental ordinance goes into effect and authorizes these inspections. The local fire district has estimated that over 50% of the fires in IV/CB are caused by short term renters (who are currently 12-20% of the residences), and has warned that in the event of a serious fire or other emergency, it will not be possible to evacuate all of the people in IV/CB during the summer. The Douglas County Fire Chief spoke on short term rentals to TRPA and advised that in Douglas County's pre-permit fire inspections, fire safety violations are found in 90% of the short term rentals which have been inspected. The Plan and Modifier should identify problems and recommend solutions to providing adequate public services.

c. Section 110.220.435 of the Modifier should be modified or deleted.

I understand from Eric Young that it is intended that this short two sentence provision to the effect that "Short term rentals (also known as vacation rentals) are an allowed use in Residential zoned neighborhoods" will be taken out before the Plan and Modifier are finalized. If it is no deleted, because short term rentals are only allowed in Residential zoned areas if in compliance with TRPA Neighborhood Compatibility Guidelines, I proposed to Eric Young the following revised language, and again propose this language:

"110.220.435. Short term (vacation) Rentals. Short term rentals (also known as vacation rentals) are an allowed use in Residential zoned neighborhoods only in conformance with and only if they comply with the Tahoe Area Plan, the Tahoe Regional Planning Agency ("TRPA") STR Best Management Strategies, all applicable TRPA Code of Ordinances, all applicable Nevada Revised Statutes, and all applicable Washoe County Ordinances and Regulations, including but not limited to, the Washoe County Short Term Rental Ordinance. If the foregoing are not fully enforced by Washoe County, of if the Washoe County Short Term Rental Ordinance is not drafted, implemented and enforced by Washoe County, then short term rentals will not be an allowed use in any Residential zoned neighborhood in Incline Village or Crystal Bay."

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I thank you for your serious consideration of my comments.

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Very truly yours,

Diane Heirshberg, Incline Village Resident, 805-290-2779, dbheirshberg@gmail.com

Brandy McMahon

From: cbwillb@charter.net
Sent: Monday, October 21, 2019 1:26 PM
To: Clem Shute; Bill Yeates; Mark Bruce
Cc: Joanne Marchetta; John Hester; John Marshall; Marja Ambler; Brandy McMahon; 'dbheirshberg@gmail.com'
Subject: FW: RE: Neighborhood Compatibility Item Comments for RPIC 10/23/2019, cc Governing Board
Attachments: TRPA governing board findings questioned.pdf; TRPA IEC compare.overview 10.21.19.pdf; TRPA Regional Plan Policies Undermined by STR Growth.pdf; Public Health & Safety and STRs.Vacation Rentals.pdf; Final TRPA Environmental Impact Summary Slides re STRs.pdf; Final Environmental Impact Slides TRPA re STRs.pdf

Dear Mr. Shute (RPIC Chair), Mr. Yeates (Governing Board Chair), Mr Bruce (RPIC/Governing Board Co-chair)

CC: Ms Marchetta, Mr Hester, Mr Marshall, Ms Ambler, Ms McMahon

I am a resident of Incline Village, NV writing to provide feedback on the TRPA Neighborhood Compatibility Program Revision and Ordinance proposed for approval at both the RPIC and Governing Board Meetings on Wednesday October 23, 2019.

Neighbors have provided substantial feedback regarding adverse community and residential compatibility impacts related to Vacation Rentals/Short Term Rentals. As you know, this use has expanded significantly in the years since the 2004 TRPA Ordinance was passed which redefined Residential Use to include Vacation Rentals - in particular, the growth over the last few years has been explosive with major adverse impacts on neighborhoods and the local environment > the Lake.

The proposed Revision in TRPAs Neighborhood Compatibility Program is a START but it falls short of the required interventions to begin to address this "New Use" which was imposed on residential neighborhoods by TRPA's 2004 Ordinance and TRPA's subsequent failure to enforce the clause in this Ordinance which indicates that, in the absence of an acceptable Neighborhood Compatibility program, this Use would not be allowed in Residential Neighborhoods. The history of the 2004 Ordinance including the loss of most of the documentation (which had caused disagreement at the approval meeting per the single surviving document) as well as the subsequent TRPA actions over the intervening 15 years is well documented in the letter below from Diane Heirshberg which we hope you will review.

CURRENT STATUS:

The current proposed Ordinance only addresses Allocations. We believe that this is insufficient and will not adequately address the adverse impacts on Neighborhoods, the Environment or the Lake. We have significant concerns regarding the narrowness of this approach in the face of the major issues posed by the rampant growth of this Use in Residential neighborhoods. And, because of this very narrow project charge, the staff findings supporting adoption and assessments of impacts (environmental, safety and neighborhood) incorrectly understate the issues. In addition, it is important to note that the analysis completed with the 2014 TRPA Regional Plan and all subsequent reports/documents to date include limited growth projections which did not anticipate the rampant growth in this VR/STR Use and rely on data from 2014 or before for impact assessment which does not encompass the growth spurt seen over the last 5 years.

NEXT STEPS:

The TRPA mission as described in the Compact and reaffirmed in subsequent documents including the 2012 Regional Plan is focused on protecting Lake Tahoe and the surrounding environment balancing interests in Recreational/Tourist and Residential uses. Currently we have lost that balance! Thus rather than approving the proposed limited Ordinance, we encourage and ask you to take a broader approach to more comprehensively address this issue as follows:

- 1) Enforce TRPA's 2004 Ordinance and formally sanction Washoe County based on non-compliance with the requirements
- 2) Defer action on the current proposed Ordinance and Pause further STR/VHR development pending completion of a more comprehensive Phase 2 project to fully assess VR/STR impacts and develop a robust intervention program
- 3) Require Phase 2 Project to Comprehensively address the STR/VHR Use in the context of Environmental Protection, Safety and Neighborhood Character
- 4) Consider Code Revision to correctly define STR/VHR as the Commercial Use that it is and impose a Special Use Permit requirement for all STR/VHR's in Residential Neighborhoods
- 5) Require TRPA review and approval of all STR/VHR Local Government Permit applications and renewals in Residential Neighborhoods within the TRPA jurisdiction
- 6) Develop and implement enforceable STR/VHR regulations - actively consider and incorporate priority recommendations submitted by residents
- 7) Fully assess Environmental Impact: Require full review of impacts of STRs (which has never been formally and comprehensively addressed despite rampant growth since 2004 the Ordinance)

In support of the necessity for this broader approach, I have attached several documents which I hope you will review:

- TRPA Proposed Ordinance Findings - questions staff findings & supports need for broader project
- Comparison of Resident IEC considering VR/STR impacts and TRPA's IEC for this limited project with very different conclusions again supporting the need for a broader initiative
- List of TRPA Regional Plan policies which are not supported by the growth in VR/STRs
- List of Health and Safety program potential gaps between Residential vs more appropriate Commercial designation for VR/STR Use
- Two slide decks summarizing additional impact information which we have collected from local service contacts, public data sources, research and internet articles (also previously provided at the Governing Board meeting in September)

Thank you for your review of this information and consideration of these important issues and need for a broader approach to this issue.

Kindly include this email and attachments in the record for both the RPIC and Governing Board meetings on 10/23/2019 and please provide to committee members in advance of the meetings.

Sincerely,

Carole Black, IV Resident 144 Village Blvd, Incline Village, NV 89451; 617-312-8834

Addendum: Copy of letter from Diane Heirshberg (forwarded at her request):

From: Diane Heirshberg <dbheirshberg@gmail.com>

Date: September 22, 2019 at 6:49:54 PM EDT

To: jwytrpa@gmail.com

Subject: CC: Marja Ambler, mambler@trpa.org; Joanne Marchetta, jmarchetta@trpa.org; John Marshall, jmarshall@trpa.org; John Hester, jhester@trpa.org; brandy McMahon, bmcMahon@trpa.org

Re: September 25, 2019 TRPA Board of Governors Meeting; Support for Current Draft TRPA Short Term Neighborhood Compatibility Guidelines, and Request that TRPA Enforce 2004 Commitment That If Local Governments Do Not Comply with Neighborhood Compatibility Guidelines by Declaring Vacation Rentals are Illegal.

Dear Governing Board Members:

I am writing this email first to support the current draft Short-Term Rental Neighborhood Compatibility Guidelines prepared by your Local Government and Housing Committee (the "TRPA STR Guidelines"), and to urge the Governing Board to adopt them immediately.

I am also writing to respectfully request that for local jurisdictions that have not adopted an STR Ordinance **in full compliance with the TRPA STR Guidelines**, you require immediate adoption and actual enforcement of an Ordinance that complies with the TRPA STR Guidelines; and that **if such immediate adoption and enforcement do not occur, TRPA proceed as TRPA represented in 2004 and declare that the use of single family residences as vacation rentals will not be allowed in the non-compliant local jurisdictions.**

It is of vital importance that the TRPA Governing Board take action to protect the residents of Incline Village and Crystal Bay from the very real damage being caused to our neighborhoods and our community by rampant unregulated Vacation Rentals. I sincerely hope that you will review the History below and read the referenced documents, which support this request for your assistance now. Please note that the terms "STR" and "Vacation Rental" are used in the TRPA documents and here to refer to the same activity, rentals of single-family residences in neighborhoods zoned Residential, for 28 days or less.

1. The History of TRPA Actions and Vacation Rentals in Incline Village/Crystal Bay.

A. In 2004 TRPA Added Vacation Rentals to the Definition of Single-Family Residences, If and Only If, the Local Jurisdictions Enacted Ordinances That Met Local Government Neighborhood Compatibility Requirements; If That Requirement Was Not Met the Staff Report and the Governing Board Specifically Stated that the Residence Would Not Be Allowed as a Vacation Rental Under TRPA's Zoning Powers.

In or about April 2004, the TRPA Governing Board adopted a resolution which recognized the use of single family homes as Vacation Rentals, provided that each local jurisdiction (including Washoe County) was required to adopt and enforce regulations for vacation rentals to ensure that the vacation rentals meet the Local Government Neighborhood Compatibility Requirements (herein the "Vacation Rental Amendment") and, **stating at page 3 of the March 17, 2004 Staff Memorandum:**

"if any of the five local jurisdictions have not adopted neighborhood compatibility requirements, and entered into a cooperative agreement with TRPA, **the use of residences as a vacation rental will not be allowed in those jurisdictions.**"

Even the March 17, 2004 Staff Memorandum recommending noted at page 2 that:

"Without proper regulation and enforcement, vacation rentals can have a number of negative impacts in residential neighborhoods. These fall broadly into the categories of nuisance, impacts, localized environmental impacts and impacts on the character of residential neighborhoods. The most commonly cited problems by residents and public officials are nuisance impacts, such as noise and inappropriate behavior, overcrowding, excessive parking and improper trash disposal."

The Staff in 2004 filled out an environmental checklist which was the only environmental support and analysis supporting of the approval of the 2004 Vacation Rental Amendment, along with the Staff's conclusion in the March 17, 2004 Staff Report which advised the TRPA Board at pages 3-4 that:

"Insofar as the impacts of a single-family home to the environment are the same as those potentially created by a vacation rental are the same, there is no significant impact."

From the summary of the April, 2004 Governing Board meeting adopting the 2004 Vacation Rental Amendment which is attached hereto, at page 10, paragraph 2 it is clear that no formal study was done to confirm the accuracy of the statement of "no significant impact":

"Mr. Eichar stated that as far as an environmental analysis, TRPA is assuming that vacation rentals function essentially the same as a permanent residence, and the conclusion is that impacts would not be dramatically different if used as a vacation rental. Mr. Waldie asked if a study was put together on this impact, and Mr. Eichar stated nothing formally has been completed on this."

Of greater concern are the following two interchanges summarized at pages 11-12 and 14 of the attached discussion at the Governing Board meeting adopting the Vacation Rental Amendment:

“...Ms. Palmer stated that she is concerned with the **lack of environmental documentation and the finding of no substantial impact by changing residential uses to vacation rental uses**. Ms. Palmer indicated that her group previously has presented evidence of substantial environmental impact in changing this use, and challenged that there have been no scientific studies ...”

“Mr. Waldie asked Ms. Palmer if she agrees with the statement that **the thin record that exists to support the proposed findings for the checklist and the environmental documentation for the above amendment will likely not be sustained if there is a legal challenge to the sufficiency of those documents?** Ms. Palmer stated she agreed with that statement.”

“Mr. Waldie wanted to have it stated on the record that he believes the ordinance is a good ordinance, however what he feels is problematic is the **confusion in the record as to whether there is sufficient environmental documentation to sustain the validity of this ordinance**, and if there is not....he would not vote for it if he felt it was defective in the environmental documentation. **Mr. Waldie referred to the confidential memorandum presented to the Board from Agency Counsel John Marshall**. Mr. Waldie stated ...that **he has been advised that this environmental documentation is not sufficient**, and that would make it difficult for him to vote for this.”

Even with the questions raised as to the sufficiency of the environmental investigation, the Vacation Rental Amendment was passed by the TRPA Governing Board. We have diligently searched TRPA’s records, with the help of a TRPA staff person, and **the Environmental Checklist**, the actual Resolution that was passed, the Board packet with, among other things, Ms. Palmer’s evidence of substantial environmental impact, and other related documents **cannot be found in any TRPA files or records**. It is respectfully submitted that **the absence of that document from TRPA’s files should raise concerns by the TRPA Governing Board** in just proceeding as if it is correct to assume that there is no significant environmental impact in treating vacation rentals as equivalent to a single-family residence use.

Local jurisdictions other than Washoe County have adopted Ordinances in conformance with the 2004 Vacation Rental Amendment, and their efforts started many years ago. Washoe County is currently discussing drafting an Ordinance, but we do not know what this Ordinance will include. We do know based on the 2 public meetings held in Incline Village in August, 2019 that at the time of the meeting Washoe County was not considering including many of the protections of the TRPA STR Guidelines, such as no Land Use Best Practices, no Residential Compatibility Best Practices, and no Transportation Best Practices were being discussed and no funding of public transportation was being considered, and Washoe County stated at those meetings that Washoe County will not use any TOT monies to fund any enforcement.

The March 17, 2004 Staff Report should be read in full to demonstrate that the basis for the Staff’s recommendation of the 2004 Vacation Rental Amendment was the local jurisdiction’s commitment to protecting the residential neighborhood environments around the Lake, if the definition of “single family residence” was expanded to include “Vacation Rentals”; some of the Staff’s statements are repeated below for your ease of reference:

“The stakeholder group agreed that the neighborhood compatibility standards to be adopted and enforced by the local jurisdictions would include the following elements: occupancy, refuse/garbage, parking, noise, lighting and signage. Each jurisdiction will need to adopt and enforce all the necessary regulations...**If not, this use will be considered a tourist accommodation use which typically would not be allowed in residential neighborhoods.**” (page 3)

“If, for some reason a jurisdiction chooses to not enter into an agreement with TRPA regarding vacation rentals, or choose not to enforce the agreements, then **vacation rentals would be considered an illegal use within that jurisdiction and TRPA would be in the position of enforcing the zoning regulations of the Plan Area Statements and community Plans and stop the use of residential properties as vacation rentals.**” (page 4)

“Designates Vacation Rental use as a permissible use in both tourist accommodation and residential zones areas provided the vacation rental use is conducted in a manner that is compatible with the surrounding neighborhood and is enforced by the local government...” (page 1)

"After six months, if any of the five local jurisdictions have not adopted neighborhood compatibility requirements, and entered into a cooperative agreement with TRPA, the use of residences as vacation rentals will not be allowed in those jurisdictions." (page 3)

B. The December 13, 2017 Staff Report shows that the Tahoe Neighborhood Communities were Experiencing Increasing Problems, and All of the Local Jurisdictions except for Washoe County Were Working on Ordinances to Protect the Neighborhood Communities, as Required by the 2004 Resolution. Even Though Starting In 2016 Washoe County Passed an STR Transient Tax Ordinance ("TOT") and Began Collecting TOT Taxes for Short Term Rentals in Incline Village/Crystal Bay, TRPA Was Told by Washoe County in or about December 2017 As reflected in the December 13, 2017 Staff Report That There were No Short-Term Rentals in Incline Village/Crystal Bay and Washoe County was therefore Not Enacting Ordinances in Compliance with the TRPA Neighborhood Compatibility Guidelines.

As we all know, with the advent of internet marketing and booking of Vacation Rentals, the conclusions underlying the 2004 decision are clearly not correct. That brings us to the December 13, 2017 Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin, which concluded at page 1:

"Now the sharing economy platforms have exacerbated and perhaps completely transformed the vacation home rental market across the country and within the Tahoe Basin, creating impacts that existing local jurisdiction policies and ordinance don't necessarily yet address. ...The influx of vacation home rentals in the Lake Tahoe Basin in recent years has brought with its related issues (e.g., parking, noise, trash neighborhood character, safety, resident quality of life) that have gained the attention of concerned stakeholders. In consideration of these concerns, the TRPA Governing Board, at its May 2017 meeting, directed TRPA staff to work with the Local Government Committee to address local government management of vacation home rentals for alignment with the Regional Plan."

The Report issued in December, 2017 showed some actions being taken by other local jurisdictions, but showed that **NO Action was being taken by Washoe County.** Washoe County's lack of any permitting, rules, inspections, or enforcement related to Vacation Rentals was excused based upon the representation by Washoe County to TRPA found in the Staff Report that:

"In Washoe County, residential uses within the unincorporated areas are specifically for non-transient living accommodations...Washoe County has no current plans to pursue a vacation home rental ordinance."

But the correct facts were that Washoe County began taxing Vacation Rentals in Incline Village starting sometime in 2016, and still did nothing to comply with the 2004 TRPA mandate. The incorrect belief by TRPA Staff that Washoe County did not allow Vacation Rentals in Incline Village **rendered inaccurate the Staff's Conclusion** at page 11 of its Report which stated:

"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."

In other words, the quote at the top of page 2 of the September 18, 2019 Staff Report is inaccurate and was inaccurate when made!

C. By the July, 2019 TRPA meeting of the Short-Term Rental Neighborhood Compatibility Working Group, Washoe County had Still Done Virtually Nothing Except Tax Vacation Rentals

At the July 17, 2019 meeting of the Short-Term Rental Neighborhood Compatibility Working Group, every local jurisdiction other than Washoe County reported significant and sincere activities in STR Ordinance drafting and updating in areas of inspections, regulations, and enforcement, which clearly demonstrated concerns about neighborhood compatibility. Washoe County reported that it would begin drafting an STR Ordinance soon. Washoe County also represented to TRPA as stated in the July staff report that:

"Washoe County's current policy is to not regulate nor proactively police STRs, but rather to address those impacts associated with STRs such as noise, parking and garbage as regulated by County Code. County code compliance staff enforces violations of these codes as applicable. County staff educates homeowners if made

aware of STRs, so the owner understands that such rental activity is not allowed. Staff also informs the owners that because they are renting as transitory housing (lodging) they are required to pay room taxes to the Reno Sparks Convention and visitors Authority.”

Based Washoe County’s representation that it was enforcing its existing laws, TRPA Staff thus concluded that:

“In 2017, it was determined that local jurisdictions were acting responsibly to resolve STR 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 STR management. From 2017-2019, the City of South Lake Tahoe, El Dorado County and Douglas County formed stakeholder groups and updated local STR ordinances, programs and enforcement. In 2018, Placer County updated its TOT Ordinance, **in 2019 Washoe County began working on an STR ordinance**. Thus, since 2017 progress has been made at the local level to address STR neighborhood compatibility throughout the Tahoe Region.”

Unfortunately, there is and has been little or no enforcement in Incline Village even of current codes which are being violated by short term renters related to parking, noise, speed limits, trash compliance, public nuisance, occupancy, TRPA coverage restrictions, and there has been no mitigation of the increasing traffic congestion and public parking problems. Instead, in the face of an ever-increasing population due to Vacation Rentals, in 2018 the Washoe County sheriff substation in Incline Village reduced staffing by moving the Sheriff Lieutenant who had been in charge of the office to Reno, not replacing the Lieutenant, and cutting staff so that there is now only a skeleton staff of four full time sheriffs, two on duty at a time. This reduction in sheriff coverage was done at the same time that the number of vacation renters and revenues from Vacation Rentals in Incline Village/Crystal Bay were dramatically increasing. During peak tourism periods like summer months, the sheriffs cannot respond to noise, parking or nuisance complaints (we all appreciate how hard our Incline Village sheriffs work, and no criticism of these sheriffs is intended). The County has been advised by the Fire District that: (i) over 50% of the fires in Incline Village/Crystal Bay from 2013-2018 were caused by Vacation Rentals; (ii) that the Fire District recommends that fire safety inspections should be made before Vacation Rental Transient Occupancy Tax permits are issued (which inspections do not occur and are not funded), and (iii) in the event of a natural disaster like a fire, there are too many people in Incline Village/Crystal Bay during peak periods due to Vacation Rentals to allow for the evacuation of all of the population present. In short, Incline Village/Crystal Bay residents would not agree that the existing County Codes are being enforced against Vacation Rentals by the County. In short, Incline Village/Crystal Bay residents would not agree that the existing County Codes are being enforced against Vacation Rentals by the County

Kelley Mullin of Washoe County told the TRPA Committee at the August 14, 2019 meeting that meetings with stakeholder groups had begun and that public meetings would be had with citizens in Reno and Incline Village on August 20 and 26, 2019. The Incline Village stakeholder group meeting that occurred in July invited only 3 attendees from Incline. Instead of one meeting in Incline Village in August, two meetings were held in Incline Village because so many people wanted to attend to express their concerns. Many concerns were expressed by Incline residents and we hope that those will be addressed in the Ordinance. The meeting was limited to small break-out group discussions of a pre-set list of topics, in a forum that did not have time for open public discussion and comment. The pre-set list of topics did not include many of the important STR Guideline topics.

2. Conclusion and Request that TRPA Act to Protect Our Incline Village/Crystal Bay Neighborhoods by Enforcing its 2004 Vacation Rental Amendment, Since It Was TRPA’s 2004 Vacation Rental Amendment.

The TRPA Governing Board has the authority under the Vacation Rental Amendment to order that the use of residences as **Vacation Rentals in any local jurisdiction will not be allowed until local ordinances consistent with the TRPA STR Guidelines** are implemented and enforced. This is what was recommended by Staff and ordered by the then TRPA Governing Board in April, 2004.

Clearly **all of the assumptions underlying the 2004 Vacation Rental Amendment** are incorrect when LLCs and business people are purchasing residences for the purpose of renting them out. I would further respectfully submit that the assumptions underlying the 2004 Vacation Rental Amendment were either incorrect, or cannot be known/supported

since the Environmental Checklist and all relevant documents have been lost from the TRPA files, with the exception of one Governing Board Meeting.

I believe that with over 1000 short term rentals permitted only for tax collection in Incline Village and Crystal Bay, Washoe County is finding it difficult to draft an Ordinance that protects local neighborhood compatibility, in part because there is so much pressure coming from the real estate professionals and LLC and business people who have purchased residences for the purpose of renting them out as businesses. This may be the reason that Washoe County did not include as topics or discuss at our recent August public meetings, many of the protections of the TRPA STR Guidelines, such as no Land Use Best Practices, virtually no Residential Compatibility Best Practices, no Transportation Best Practices were even discussed for possible inclusion in the STR Ordinance that is being drafted. If TRPA takes a strong stand to protect our local neighborhoods by exercising its zoning regulation power to only allow Vacation Rentals in local jurisdictions if the TRPA Neighborhood Compatibility Guidelines are adopted and enforced by a local jurisdiction, and to otherwise exercise its zoning powers to exclude Vacation Rentals from the local jurisdiction as TRPA promised to do in 2004, I respectfully suggest that this may enable Washoe County to enact a more neighborhood and environmentally compatible STR Ordinance. Washoe County will certainly find it easier to consider and enact the TRPA STR Guidelines into its Ordinance if TRPA were to take a more active role in requiring compliance with the TRPA STR Guidelines by using its zoning powers. As Commissioner Berkbiger stated in discussing TRPA at a meeting with Incline Village residents on September 20, 2019, Washoe County has no unbuilt lots, and so the 104 building allocations that can be awarded from TRPA do not matter to Washoe County> Therefore, while using allocations is a useful tool in causing compliance by other local jurisdiction, allocations are meaningless in causing compliance by Washoe County with the TRPA STR Guidelines. The threat of losing the right to have any STRs in residential neighborhoods in Washoe County due to enforcement of TRPA's zoning powers, would be an effective tool to cause Washoe County to implement the TRPA STR Guidelines, would not damage Washoe County, and would greatly improve the quality of life and the environment in the Incline Village neighborhoods.

I am a full-time resident of Incline Village, and my contact information is listed below. Please feel free to contact me if you have any questions. I plan to attend the meeting, and I can answer any questions.

I would ask that this letter be made a part of the record. Thank you in advance for your protection of our neighborhoods.

Diane Becker Heirshberg, dbheirshberg@gmail.com, 805-290-2779

Findings for Neighborhood Compatibility Allocations Ordinance Approval:

I. Determination of Need to Prepare an Environmental Impact Statement Finding: TRPA finds that the proposed Code amendment will not have a significant effect on the environment. **Resident IEC reaches a substantively different impact assessment and reaches conclusion that a more comprehensive overall and environmental review of STR Use and impacts is indicated**

II. Consistent with and will assist in implementing the 2012 Regional Plan by incentivizing local jurisdictions through the Performance Review System to develop Short-Term Rental (STR) Neighborhood Compatibility Programs that include locational, operational, and enforcement provisions. It also supports Regional Plan Goals and Policies aimed at directing development and uses **Resident review concludes that the STR adverse impacts on Neighborhoods have not been adequately assessed and that the limitation of this project to Allocation will adversely impact Neighborhoods because of the delay in developing a comprehensive assessment and more definitive program plan with requirements as well as recommendations**

III. Threshold-Related Findings

1.Finding:The project (amendment to the Code of Ordinances) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs; Rationale:The proposed amendment to the Code is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies ... **Resident review identifies several Regional Plan policies which are not supported by this limited program specifically because the balances between resident use and recreation; and area capacity and support services capability are not adequately considered or addressed. In addition, all program elements are recommendations, not requirements and enforcement is fully delegated which has not proven historically successful. Further the analysis underpinning air quality/vehicle recommendations does not consider the current actual situation or recent usage/occupancy data**

2.Finding:The project will not cause the environmental threshold carrying capacities to be exceeded; and Rationale:The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the EIS and findings for adoption of the 2012 Regional Plan, implementation of the Regional Plan will not cause the environmental threshold carrying capacities to be exceeded. **Resident review: The 2012 Regional Plan and all follow-up analyses to date do not include impacts of the recent explosion in STR use. The data is dated 2014 or earlier and the growth projections in the 2012 Regional Plan were minimal. We worry that the more recent data will paint a very different picture, particularly if impacts of STRs are considered separately.**

3.Finding:Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact. Rationale:The proposed amendment would not adversely affect any state, federal, or local air or water quality standards. **Resident Review: Agreed re standards; not clear if performance compared with standards will vary (see above)**

IV. TRPA Code of Ordinances Section 4. 6 –Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding:The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds. Rationale:As demonstrated in Section 4. 5 and 4. 6 findings for adoption of the Regional Plan Update (see Attachment E-2 of December 12, 2012 Governing Board packet), the amended Regional Plan will achieve and maintain thresholds. ...

Resident Review: As noted above, we worry that this is an overly optimistic view given that all elements are optional recommendations, not requirements and that the underlying growth projections in the 2012 plan were very limited with no recent data to evaluate adverse impacts of STR growth.

TRPA ZONING AND ENVIRONMENTAL REVIEW

IEC by Resident compared with IEC by TRPA

RE: VACATION RENTAL INITIATIVES 2019

I. REVIEW INFORMATION

Note: IEC detail comparison begins on page 5

Location: Washoe County; TRPA and Local Governments

Issues: 1) Environmental Effects Review of TRPA's Revision of the Vacation Rental Neighborhood Compatibility program

2) Inadequate Environmental Effects Review at the time of the 2004 TRPA Governing Board Action modifying Zoning for Vacation Rentals

City/County: TRPA with focus on Washoe County

II. TRPA SUMMARY

Current Initial Environmental Review results demonstrate significant potential environmental effects associated with TRPA actions in 2019 and previously related to Vacation Rentals (VRs)/Short Term Rentals (STRs) including:

Revision of the TRPA Neighborhood Compatibility component of the Vacation Rental program which requires a comprehensive review especially in view of the apparent inadequacies of the Environmental Review (IEC) for the 2004 Ordinance which designated Vacation Rentals as Residential Tourist Accommodations. The Environmental review of this then **NEW USE** was insufficient regarding potential environmental impacts which have only multiplied as VR/STR presence has grown dramatically in the years since. Thus the approval of this **NEW USE** is questioned and, in addition, a comprehensive environmental review would be important.

III. DISCUSSION

Rationale for Requiring that the TRPA Neighborhood Compatibility Program and Revision Require Comprehensive Environmental and Zoning Reviews

A comprehensive environmental review should be performed for the upcoming review/revision of the TRPA Neighborhood Compatibility program given the identified environmental impacts of Vacation Rentals/STRs and recognizing both the current in process program modifications and the prior significant skepticism regarding the limited review in 2004. These concerns were well documented in the TRPA Public Hearing minutes associated with the change in TRPA zoning for Vacation Rentals in 2004. Based on this information, we in turn question the validity of the 2004 Ordinance.

1) In 2004 (TRPA Governing Board April 28, 2004, TMPO Resolution 2004-9), 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. Though ultimately passed by both bodies, the discussion at both the Advisory Planning Commission (APC) and the Governing Board Public Hearing indicate significant reservations by committee members particularly regarding the environmental assessment. The findings supporting adoption of the Ordinance were:

Section 1.00

Findings

- 1.10** It is necessary and desirable to amend TRPA Ordinance 87-0, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Regional Plan Goals and Policies in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20** These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.
- 1.30** The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40** Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.
- 1.50** The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60** Each of the foregoing findings is supported by substantial evidence in the record.

At the APC there were two "no" votes including Washoe County and two abstentions. At the Governing Board, the sufficiency of the Environmental review (and thus findings 1.10, 1.20, and 1.50) were specifically questioned. In addition, we question finding 1.60 in that the content of the IEC or any rationale or supporting evidence for its content or conclusion were not discussed at either review meeting and no documentation can currently be found including no copies of public comment evidence raising environmental concerns.

In the discussion at the time there was question about an environmental assessment with the following response: "...as an environmental analysis, TRPA is assuming that vacation rentals function essentially the same as a permanent residence, and the conclusion is that impacts would not be dramatically different if used as a vacation rental. ...[then] asked if a study was put together on this impact, ...[reply] stated nothing formally has been completed on this."

Even with the questions raised as to the sufficiency of the environmental investigation, the Ordinance amendment was passed by the TRPA Governing Board. We have diligently searched TRPA's records, with the help of a TRPA staff person, and the Environmental Checklist and the actual Resolution that was passed and even the Board packet with reported evidence of substantial environmental impact cannot be found in any TRPA files or records.

Some additional relevant Governing Board Hearing discussion illustrating concerns regarding the brief, submitted report which recommended no further Environmental Review is copied from meeting minutes below. In addition, committee members' comments in support of adoption reflect fundamental misunderstandings of the Vacation Rental Use and its impact on overall occupancy and the environment. And finally, though differing perspectives were voiced by some, please note reference to a protected legal document with comments implying that there were included similar concerns regarding the truncated approach to environmental review:

Discussion excerpt #1:

outlined and reviewed these proposed amendments. Mr. Eichar stated that as far as an environmental analysis, TRPA is assuming that vacation rentals function essentially the same as a permanent residence, and the conclusion is that impacts would not be dramatically different if used as a vacation rental. Mr. Waldie asked if a study was put together on this impact, and Mr. Eichar stated nothing formally has been compiled on this. Mr. Eichar added

Discussion excerpt #2:

Mr. Cole stated that he believes a home rented on a vacation home basis, part-time occupancy, would have less environmental impact than a single family home which we have to assume will be occupied 365 days a year, so on the surface it seems that a vacation rental would not have the potential impact for someone who lives or occupies a home full-year. Mr. Cole asked of Mr.

Discussion excerpt #3:

Mr. Waldie asked to read a matter submitted by General Counsel to the Board. Mr. Marshall objected stating that the letter Mr. Waldie is speaking of is a confidential memorandum written for the Board only, and Mr. Marshall stated that he believes the matter can be discussed without entering into the record his direct advice to the Board.

Ms. Deborah Palmer, Esquire, representing Zephyr Heights GID and Douglas County addressed the Board. Ms. Palmer stated that she is concerned with the lack of environmental documentation and the finding of no substantial impact by changing residential uses to vacation rental uses. Ms. Palmer indicated that her group previously has presented evidence of

substantial environmental impact in changing this use, and challenged that there has been no scientific studies or environmental studies conducted by the vacation rental industry. Ms. Palmer placed into record her letter sent previously and reviewed at the Advisory Planning Commission. Mr. Cole stated that he has reviewed Ms. Palmer's letter, and stated that he believes most of the complaints and points were nuisance related, and those are not the type of complaints TRPA would be responding to, as an environmental agency. Ms. Palmer stated that she is concerned with future enforcement of nuisance or parking violation issues with regard to

..., then ...

Mr. Waldie asked Ms. Palmer if she agrees with the statement that the thin record that exists to support the proposed findings for the checklist and the environmental documentation for the above amendment will likely not be sustained if there is a legal challenge to the sufficiency of those documents? Ms. Palmer stated she agreed with that statement.

Discussion excerpt #4:

Mr. Waldie wanted to have it stated on the record that he believes the ordinance is a good ordinance, however what he feels is problematic is the confusion in the record as to whether there is sufficient environmental documentation to sustain the validity of this ordinance, and if there is not, notwithstanding that he likes the language of the ordinance, he would not vote for it if he felt it was defective in the environmental documentation. Mr. Waldie referred to the confidential memorandum presented to the Board from Agency Counsel John Marshall. Mr. Waldie stated once again that he would vote for this ordinance if he was convinced that the environmental documentation was sufficient, however, he stated that he has been advised that this environmental documentation is not sufficient, and that would make it difficult for him to vote for this.

2) Though WC executed an Interlocal Agreement in 2004 as required when the TRPA zone change occurred, significant concern about the structure of that document was voiced by TRPA at the time. And, despite Washoe County's failure to comply with the elements of that agreement or to implement any Neighborhood Compatibility interventions in the intervening 14 years, TRPA has taken no enforcement steps. Had the 2004 Ordinances been enforced, any Residential zone STR activity in Washoe County's Tahoe area would have been eliminated – instead unregulated, unsafe, rampant growth has ensued.

3) In 2017 TRPA's Local Government Activities reported: *"Now the sharing economy platforms have exacerbated and perhaps completely transformed the vacation home rental market across the country and within the Tahoe Basin, creating impacts that existing local jurisdiction policies and ordinance don't necessarily yet address. ...The influx of vacation home rentals in the Lake Tahoe Basin in recent years has brought with its related issues (e.g., parking, noise, trash neighborhood character, safety, resident quality of life) that have gained the attention of concerned stakeholders. In consideration of these concerns, the TRPA Governing Board, at its May 2017 meeting, directed TRPA staff to work with the Local Government Committee to address local government management of vacation home rentals for alignment with the Regional Plan."*

The Report issued in December, 2017 showed some actions being taken by some of the local jurisdictions, but NONE being taken by Washoe County. Washoe County's lack of any permitting, rules, inspections, or enforcements of STRs was excused based upon the representation by Washoe County to TRPA that *"In Washoe County, residential uses within the unincorporated areas are specifically for non-transient living accommodations...Washoe County has no current plans to pursue a vacation home rental ordinance."*

But in reality Washoe County began taxing STRs in Incline Village starting sometime in 2016 or 2017, and still did nothing to comply with the 2004 TRPA mandate. The incorrect Staff belief that Washoe County did not allow STRs in Incline Village rendered inaccurate the Staff's Conclusion at page 11 of its Report which stated: *"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."* Washoe County's representatives to TRPA knew or should have known that STRs were being taxed in Incline Village at least by 2017, and that the representation to TRPA was either false or at least misleading and led to an incorrect assumption by TRPA staff in December, 2017.

4) 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":

(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 Declaration of Restrictions specified residential use only. Under this regulation, STRs/Vacation rentals are viewed as "Transient Commercial Use" not a Residential Use within Washoe County Tahoe Area.

Summary: TRPA regulatory documents currently include listing of Vacation Rentals as a Residential Use as long as Neighborhood Compatibility requirements consistent with TRPA Plans Codes and Regulations are specified and compliance ensured. The approval findings for the supporting TRPA Plan and Code modifications adopted in 2004 were questioned significantly at the time particularly as related to insufficient Environmental Review and raise question today about the validity of the Ordinance. In addition, other than summaries of the discussion at the Governing Board meeting when the 2004 code change ordinance was discussed, interestingly none of the applicable documents can currently be found – the ordinance itself, the environmental "check", the dissenting opinion documentation are all missing!

With the significant growth of Vacation Rentals/STRs over the intervening years, their Environmental Impacts and Neighborhood Incompatibility have become even more pressing and concerning considerations. TRPAs current review of the Neighborhood Compatibility program is an important and appropriate step. Given the complexity of the issues, we recommend that a comprehensive

assessment of overall Vacation Rental/STR impacts as well as Neighborhood Compatibility Program impacts/mitigation effectiveness with a robust environmental review is critical particularly in view of the historic concerns about the inadequacy of the previous process.

Further, though WC executed a Interlocal Agreement in 2004 as required when the TRPA zone change occurred, significant concern about the structure of that document was voiced by TRPA at the time. And, despite Washoe County's failure to comply with the elements of that agreement or to implement any Neighborhood Compatibility interventions in the intervening 14 years, TRPA has taken no enforcement steps. Granted TRPA may have been mis-led at the time of the 2017 review by TRPA. However, there were 13 years of apparent inactivity by both parties prior to that – Washoe County did not implement and TRPA apparently did not monitor or intervene.

Thus, to address the lack of review or enforcement to date, we recommend requirements as follows:

- 1) TRPA Special Permit review with specific regulations and performance requirements initially and periodically of all Residential Zone Vacation Rentals. A streamlined process with provision for exceptions requiring expedited vs full TRPA SP review could be implemented.
- 2) TRPA requirement that all STR permit/license applications and renewals in the Tahoe area of Washoe County be screened and approved by TRPA prior to issuance by WC.
- 3) PAUSE the Allocations Program until the needed comprehensive STR Impact Review and Program Plan is completed – in addition to environmental review, an assessment of impacts of Commercial vs Residential status from a Safety perspective is also indicated
- 4) Modification of elements as indicated based on the results of a Comprehensive Impact/Environmental Review and Conversion of the Neighborhood Compatibility Recommendations into a set of requirements with enforcement plan and execution required and monitored
- 5) Periodic re-assessment and revocation if performance targets are not met

Further, given the truncated and inadequate initial ordinance review process and in the context of the substantive changes in STR usage and impacts profiles, we believe that a comprehensive re-review of the zoning status is indicated with revocation of the 2004 STR clause if, as we expect, the balance of impacts on the environment, safety and community character is adverse.

IV. 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 residents have completed a draft TRPA Interim Environmental Checklist (IEC). 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/compatibility impact. We contrast our responses with those provided by TRPA leading to a very different conclusion which would imply further Environmental Impact assessment.

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**

- 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:

We believe that the growth in Vacation Rentals/STRs has had and will continue to have increasing significant adverse impacts on the environment and request that a formal robust assessment is indicated regarding the impacts of STRs as they have multiplied unchecked since the TRPA VR code change, of the Neighborhood Compatibility Program to date and its current proposed revision vis a vis both the narrow Allocations component and more broadly regarding STR impacts overall. This will inform the development of a more comprehensive program to ameliorate adverse impacts and preserve some residential use value in the Tahoe region. In the meantime, we recommend a PAUSE in the allocations program while this assessment is completed and a robust overall program plan developed.

To date there has not been a comprehensive assessment of the impacts of this New Use: the evaluation in 2004 was flawed and subsequent reviews as part of other program assessments have not been focused on this Use. In addition, the data assessed in reviews to date has been derived from 2014 or before and thus does not include impacts from the sharp increase in STR volumes over the last 5 years. While the current project has been focused only on allocations, it is important to finally fully assess this use given the serious impacts on the Environment, Neighborhoods and Public Safety and based on the assessment to develop a comprehensive program plan.

In addition, we fully expect that a full, comprehensive zoning assessment will be performed reviewing the impacts of this new use on communities, public safety and the environment with the outcome of re-evaluating the residential designation. Based on our review, STRs/Vacation rentals are business uses which do not fit within the definition of a Residential Use. Until this assessment is complete, we recommend a pause in further development – both allocations and new STR/VR permits.

Like other Transient lodging examples, STRs could potentially be allowed in particular residential zones but only after full local zoning review, process and ordinance approval. And then each situation would require a local government Special Use Permit, as is for example the current situation with B&B's in certain neighborhoods of Washoe County Tahoe Area.

In addition, given the historic failure of enforcement, we believe that TRPA should require a TRPA Special Use Permit for all Residential Zone STRs/Vacation rentals as well as the authority to review & approve any/all STR applications/renewals prior to Washoe County permit approval. And, prioritized Neighborhood Compatibility recommendations should be converted to requirements for SUP approval.

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.

Examples of TRPA 2012 Regional Plan Policies Undermined by Vacation Rental/STR Growth 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 Incline Village 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 - indeed STRs in Incline Village have been associated with 50% of the fires over the last 5 years

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 occupancy and double that during busy times

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.

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 provided to TRPA Governing Board at the recent Kings Beach meeting). This mis-match 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 this not yet occurred regarding the adverse impacts of STRs? TRPA has abrogated its environmental mandate and its responsibility to residents and visitors in this regard.

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

Attachment 1: Extract from Washoe County Health District Web Site where NRS 447 is referenced and implemented:

Hotel/Motel - Public Accommodations Program

[Programs](#) | [Forms & Resources](#) | [Regulations](#) | [Contact Us](#)

Resources

- [Bed Bug Abatement](#)
- [Outbreak Resources & Guidelines](#)
- [Biohazardous Waste Handling Operation Management Plan](#)
- [Where to get sharps containers/red biohazard bags - coming soon!](#)
- [Where to dispose of biohazardous waste/sharps - coming soon!](#)
- [NRS 447 - Public Accommodations](#)
- [NAC 447 - Public Accommodations](#)

Because monthly rentals are considered private residences, our agency does not have any regulatory authority over them

Attachment 2: Elements of NRS 447 include:

NRS 447.003 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 447.007](#) and [447.010](#) have the meanings ascribed to them in those sections.

NRS 447.007 "Health authority" defined. "Health authority" means:

1. The officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services; or
2. The officers and agents of the local boards of health.

NRS 447.010 "Hotel" defined. "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.

NRS 447.020 Cleanliness of bedding; worn out and unfit bedding.

1. All bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt.
2. No bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unsanitary for use by human beings according to the true intent and meaning of this chapter.

NRS 447.030 Extermination of vermin. Any room in any hotel in this state which is or shall be infested with vermin or bedbugs or similar things shall be thoroughly fumigated, disinfected and renovated until such vermin or bedbugs or other similar things are entirely exterminated.

NRS 447.040 Cleanliness of rooms used for sleeping. Every room in any hotel in this state used for sleeping purposes must be free from any and every kind of dirt or filth of whatever nature, and the walls, floors, ceiling and doors of every such room shall be kept free from dirt.

NRS 447.045 Hotel required to be kept in sanitary condition.

1. Toilet rooms and bathrooms, including toilets, bathing and lavatory facilities, in hotels shall be kept clean and sanitary.

2. All other rooms, corridors, stairways, elevators, fire escapes, garages within hotels, lobbies and other portions or appurtenances of hotels used by tenants shall be kept in a clean and sanitary condition, free of fire hazards and free of hazards to life and limb.

NRS 447.050 Certain areas of hotel prohibited from use as quarters for living or sleeping. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a hotel for living or sleeping purposes:

1. Any kitchen, cellar, hallway, water closet, bath, shower compartment, or slop-sink room.

2. Any other room or place which does not comply with the provisions of this chapter, or in which, in the judgment of the health authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the *Uniform Building Code* in the form most recently adopted before January 1, 1985, by the International Conference of Building Officials.

NRS 447.060 Ventilation of rooms. Every room in any hotel used for sleeping purposes shall have devices, such as a window or transom, so constructed as to allow for the proper and a sufficient amount of ventilation in each such room, except that buildings more than one story in height, constructed after July 1, 1957, shall have no transoms or ventilating openings from guestrooms to public corridors.

NRS 447.070 Windows and outside doors to be equipped with screens. Windows and outside doors shall be screened against flies and mosquitoes.

NRS 447.080 Air space, floor area and ceiling height of rooms. No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant. The floor area of each sleeping room must be at least 80 square feet and at least 7 feet in width. All rooms must have a ceiling height of at least 8 feet.

NRS 447.090 Amount of bedding required; furnishing clean sheets and pillow slips; size of sheets.

1. Every bed kept or used in any hotel in this state for the accommodation of any person or guest must be provided with a sufficient supply of clean bedding.

2. Clean sheets and pillow slips shall be supplied for each bed in a hotel as often as the bed is assigned to a different person.

3. Sheets shall be at least 98 inches long and of sufficient width to cover the mattress and spring completely.

NRS 447.100 Fumigation of room after occupation by person having contagious or infectious disease. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the room shall be thoroughly fumigated under the direction of the health authority, and all bedding therein thoroughly disinfected before the room shall be occupied by any other person. In any event, such room shall not be let to any person for at least 48 hours after such fumigation or disinfection.

NRS 447.110 Facilities for bathing.

1. In every hotel in existence prior to October 1, 1945, at least one bathtub or shower shall be installed in a separate compartment on a public hallway or court for every 20, or fractional part of 20, guestrooms on the same floor as the hallway or court which are not provided with private baths.

2. In every hotel built after October 1, 1945, at least one bathtub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway or court for every 10, or fractional part of 10, guestrooms on the same floor as the hallway or court which are not provided with private baths.

NRS 447.120 Towels to be furnished.

1. Every hotel within this state having a public washstand or washbowl, where different persons gather to wash themselves, must keep a sufficient supply of clean, individual towels for the use of such persons within easy access of or to such persons and in plain sight and view.

2. Nothing in this section shall be construed as excluding the use of crepe or paper towels, or the automatic roller towel.

NRS 447.130 Toilets required in hotels or other establishments for transient lodging: Number; facilities for washing hands.

1. In every hotel or any other type of transient lodging establishment without private toilets there shall be at least one toilet for each sex in a separate compartment on a public hallway or court and such toilets shall be plainly indicated by signs. If the building is designed to accommodate more than 15 persons on any floor or court, then toilets shall be provided on each floor or court in the ratio of one for each 15 persons or major fraction thereof, not provided with private toilets.

2. Adequate hand washing facilities, properly supplied with soap and hot and cold water under pressure, shall be provided convenient to the toilet facilities.

NRS 447.135 Entrance to corridor leading to toilet facility to be marked with sign that conforms to requirements of Americans with Disabilities Act and includes features for use by visually impaired persons; reporting of violations; duties of Attorney General; enforcement.

1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, "public accommodation" has the meaning ascribed to it in 42 U.S.C. § 12181.

NRS 447.140 Ventilation of room containing water closet, bathtub or shower.

1. In every hotel built after July 1, 1957, any room in which a water closet, bathtub or shower is installed must be ventilated to the outside air by means of a window of at least 3 square feet, unless satisfactory mechanical ventilation is provided.

2. In hotels built prior to July 1, 1957, without windows in the rooms containing water closets, bathtubs or showers, suitable ventilation shall be provided as required by the health authority.

NRS 447.145 Systems for heating and ventilating hotels or other establishments for transient lodging.

1. In every hotel and any other type of transient lodging establishment, the heating and ventilating systems must be constructed, installed and operated so as to reduce to a minimum the possibilities of fire, explosion, asphyxiation or gas poisoning.

2. Faultily constructed or installed heating and ventilating systems in hotels and other types of transient lodging establishments constructed before July 1, 1957, must be reconstructed, repaired or replaced upon order of the health authority whenever the continued operation of the faultily constructed or installed heating and ventilating systems will result in detriment to the health and life of the occupants of the building.

3. The health authority may adopt rules, regulations and codes governing the construction, installation and operation of heating and ventilating systems in hotels and other types of transient lodging establishments.

NRS 447.150 Exemption from requirement for number of water closets, bathtubs or showers in certain hotels.

1. The health authority may exempt any hotel built prior to October 1, 1945, from having the number of water closets, bathtubs or showers required by this chapter for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by this chapter.

NRS 447.160 Disposal of sewage; disinfection of toilets.

1. Every hotel in this state must have proper facilities for sewage disposal and must be kept free from effluvia arising from any sewer, drain, toilet or other source within the control of the proprietor, owner, manager, agent or other person in charge.

2. Any toilet in connection with any hotel must be disinfected as often as may be necessary to keep it in a sanitary condition at all times.

NRS 447.170 Supply of water; plumbing. Every hotel shall be provided with a safe, sanitary water supply and there shall be no cross connection between the water system and the sewage collecting system. All plumbing fixtures shall be constructed so there will be no possibility of back siphonage from the plumbing fixtures into the water system.

NRS 447.180 Disposal of garbage and rubbish. Every hotel shall have sanitary facilities for the storage and disposal of garbage, and no garbage or rubbish shall be permitted to accumulate and be or become a nuisance in a hotel or on the hotel premises.

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.

TRPA NEIGHBORHOOD COMPATIBILITY & SHORT TERM RENTALS

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

**TRPA Governing Board
TRPA Neighborhood Compatibility Workgroup
September 25, 2019**

TRPA & VRs/STRs: ZONING & NEIGHBORHOOD COMPATIBILITY,

Environmental Impacts?

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

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



Comprehensive Environmental, Public Safety & Zoning Review is Required

- TRPA's Residential Use: Vacation Rentals change was not supported by sufficient environmental review > Neighborhood, Environment, Safety adverse impacts
 - Where are the 2004 records? APC records; Workshop; EIC; Ordinance are all lost!
 - What happened in 2004 & 2017? Neighborhood Compatibility recommendations have not been implemented or enforced in Washoe County and TRPA has not intervened
- The 2004 Ordinance's initial premise was flawed: vacation rentals **do not function essentially the same as a permanent residence**; impacts **are dramatically different**
 - More Occupancy; More Vehicles/Vehicle trips; Crowded beaches; More Lake trash/dirt; Less Safety
- Comprehensive review is required of this never completely initially reviewed use:
 - Any/all proposed TRPA Neighborhood Compatibility Programs with plan to implement as requirements
 - TRPA code & ordinances re Vacation Rentals/STRs with comprehensive EIS – see gaps in draft IEC
 - Application of Public Accommodation requirements is important
 - Area capacity must be managed and standards developed to match service/facility capability
- TRPA must step-up - need active oversight if historic non-compliance:
 - Require TRPA review before local permits approved; TRPA Special Use Permits in Residential Zones
- Given actual adverse impacts, enforcement failures & the initial process short-falls, Listing of Vacation Rentals in TRPA's Residential Use definition should be revoked

Vacation Rentals/STRs are commercial businesses, not a residential use!

TRPA's 2004 Ordinance's initial premise was flawed: Vacation rentals **do not** function essentially the same as a permanent residence; impacts **are** dramatically different

- **More Average and Peak Area Occupancy** (slide 5)
 - ♦ WC RSCVA data occupied VR room days increased 61% FY13-18; approx 90% = IV/ICB
 - ♦ Translates into increase ADC by **~750: 9%** Average and **18%** Peak increase
- **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**

→ See Slides and Draft IEC for additional detail

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.”**

TRPA NEIGHBORHOOD COMPATIBILITY & SHORT TERM RENTALS

Environmental Impact: Data, Research & Observations to Support IEC

**TRPA Governing Board
TRPA Neighborhood Compatibility Workgroup
September 25, 2019**

TRPA - STRs & NEIGHBORHOOD COMPATIBILITY: 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) TRPA Environmental Mandate: Comprehensive Environmental Impact Statement when TRPA code description was changed in 2004 was apparently not robust and currently is not available >>> Comprehensive environmental and code evaluation is needed at this time

2) Neighborhood Compatibility: Considerations related to Tahoe area impacts are incomplete; and safe and desirable Area Occupancy Capacity was/is not considered; Recommendations will need to become requirements to ensure environmental outcomes

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 or availability of realistic transit options

Tourist Lodging consideration is inconsistent with NRS description: All transient tourist rentals confer similar risks & require the same protections to ensure public safety: Transient/Tourist Lodging/Public Accommodation

To ensure thresholds, adjustments will be required based on area & neighborhood capacity, safety, environmental impacts, and neighborhood compatibility requirements



*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

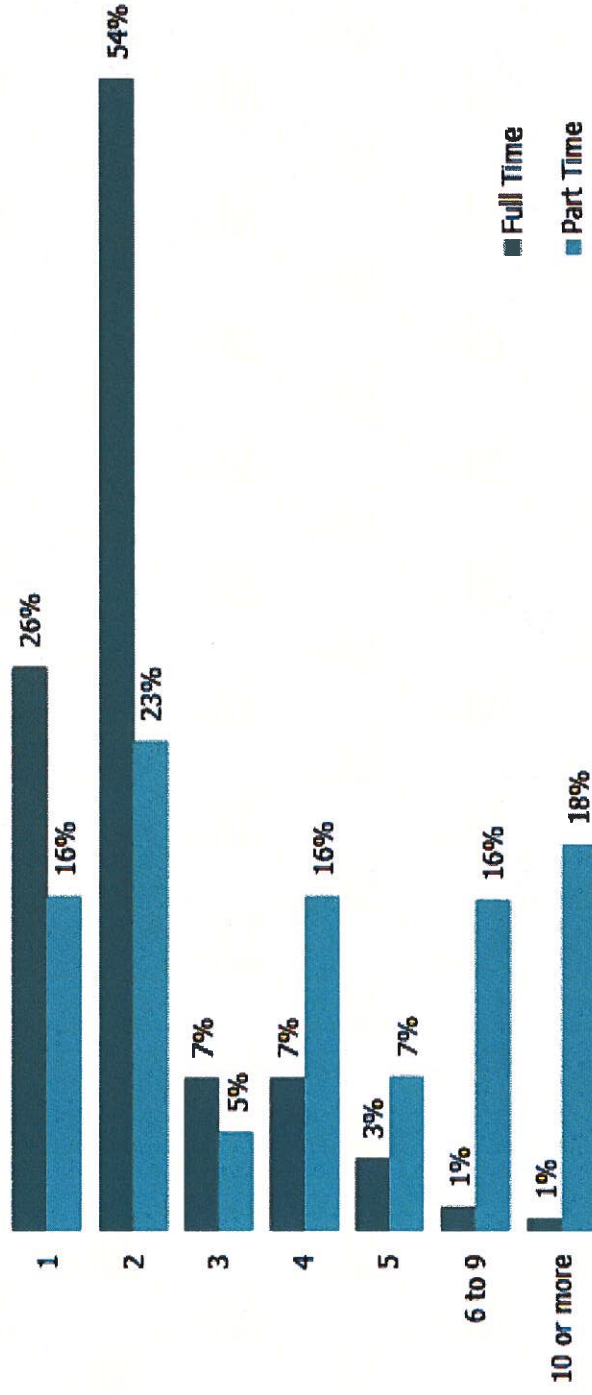
>> Detractors are: more likely FT & less likely to rent homes

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

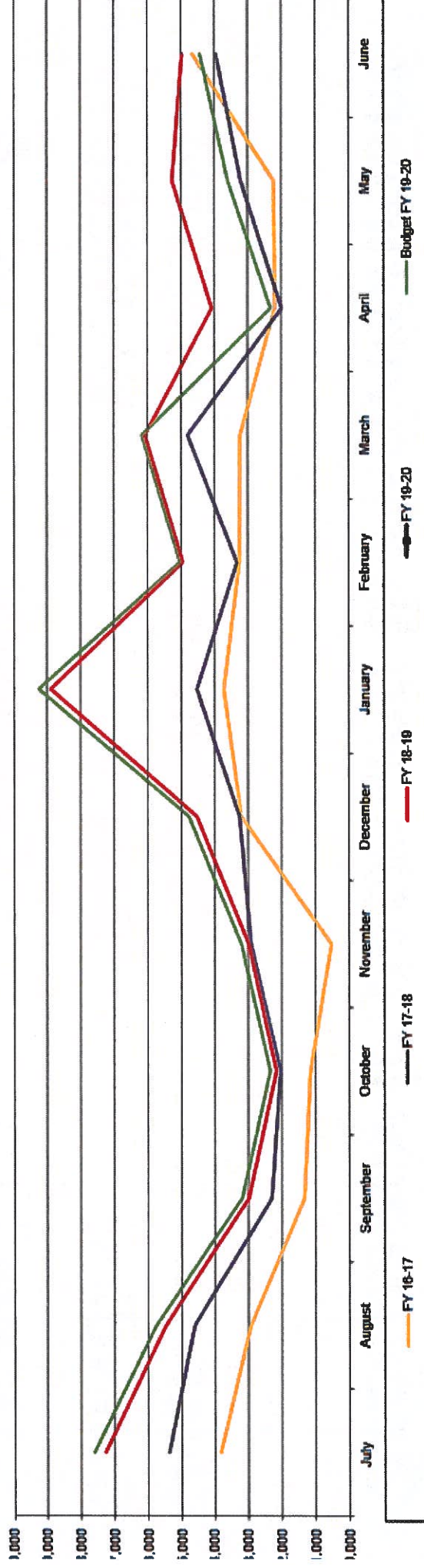


In IV, ~12% Rent Their Homes >>> Increased Area Occupancy: Avg 9%, Peak 17%

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%.

Occupied Room Nights
Vacation Rentals



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	Population Safety	Personal Well-Being
<ul style="list-style-type: none">• Vehicle Trips• Parking• Beaches• Trash	<ul style="list-style-type: none">• Emergency Services• Evacuation	<ul style="list-style-type: none">• Visitor & Resident Safety• Nuisances

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, significantly more during high occupancy months
- **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%.
 2. At the same use rates as above, this implies **351** average added vehicle trips/day, significantly more during high occupancy

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	83.6% (2016-2018); 68.0%;	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; Public Accommodation requirements provide basic protections: room & bedding cleanliness, extermination of vermin, sanitary bathrooms, and 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

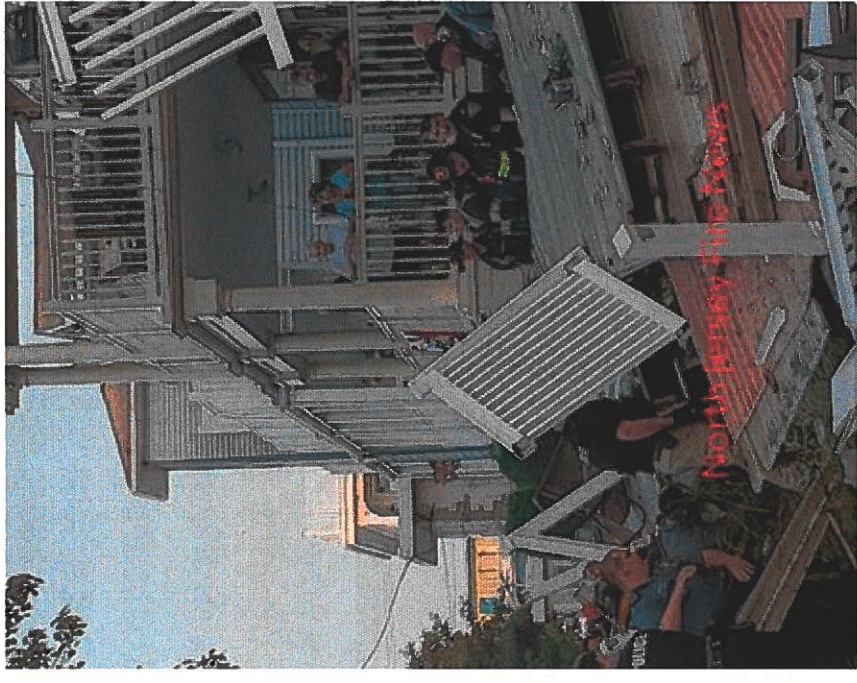
- Safety Requirements & Inspections – More than Fires!
- Building code for rental properties > for residences

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, Parties 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, Public Safety & Zoning Review is Required

- TRPA's change of Residential Use to include Vacation Rentals was not supported by sufficient environmental review with subsequent major neighborhood character, environmental, and public safety adverse impacts
 - Neighborhood Compatibility recommendations have not been implemented or enforced in Washoe County and TRPA has not intervened
 - Significant environmental impact exists – See draft IEC
- **The 2004 Ordinance's initial premise was flawed: vacation rentals **do not** function essentially the same as a permanent residence; impacts **are** dramatically different**
 - More Occupancy; More Vehicles/Vehicle trips; Crowded beaches; More Lake trash/dirt; Less Safety
- **Comprehensive review is required** of this never completely initially reviewed use:
 - Any/all proposed TRPA Neighborhood Compatibility Programs with plan to implement as requirements
 - Related TRPA code and ordinances re Vacation Rentals/STRs with comprehensive EIS
 - Application of Public Accommodation requirements is important
 - Area capacity must be managed and standards developed to match service/facility capability
- **TRPA must step-up - need active oversight if historic non-compliance:**
 - Require TRPA review before local permits approved; TRPA Special Use Permits in Residential Zones
- Given actual adverse impacts, enforcement failures & the initial process short-falls, **Listing of Vacation Rentals in TRPA's Residential Use definition should be revoked**
Vacation Rentals/STRs are commercial businesses, not a residential use!

APPENDIX

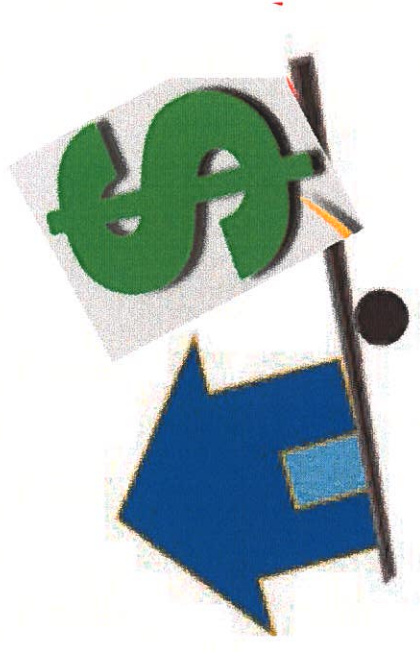
IV/CB Area Plans: What's the Balance?

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

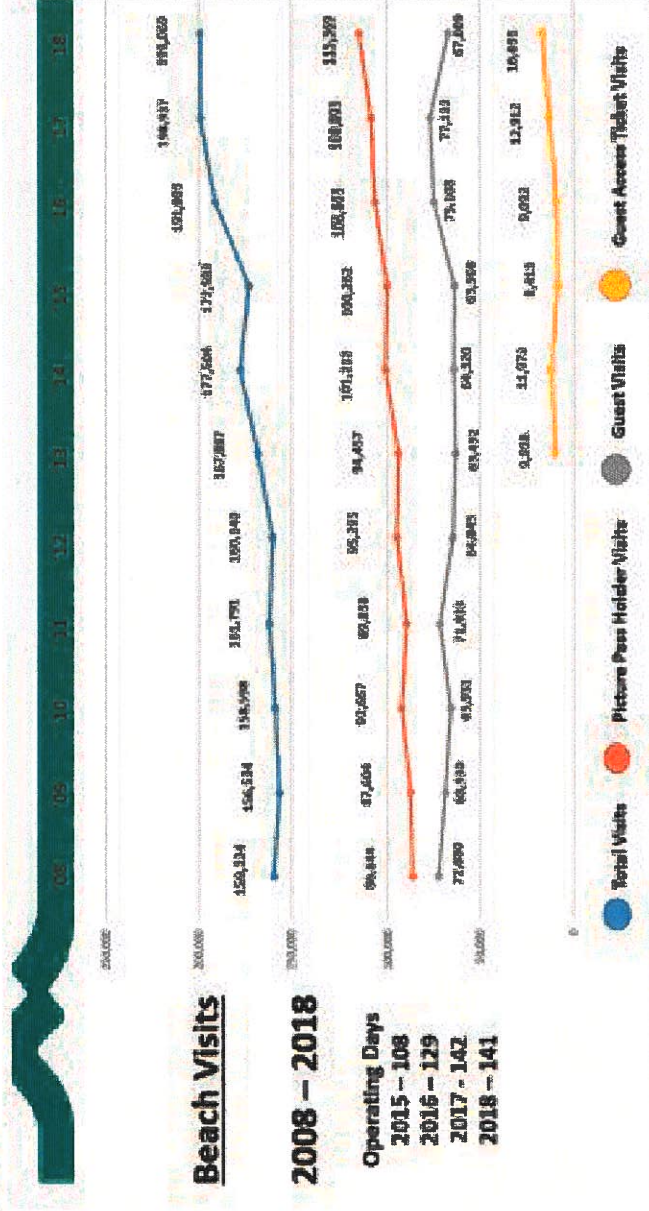
STRs SHOULD BE:

- 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; ≤ 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 ≤ 30 days/year and ≤ 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)

