

## Brandy McMahon

---

**From:** Diane Heirshberg <dbheirshberg@gmail.com>  
**Sent:** Wednesday, October 02, 2019 11:47 AM  
**To:** Brandy McMahon  
**Subject:** One Requested Addition to STR Neighborhood Compatibility Guidelines: Compliance with HOA documents

Dear Brandy

I support the Draft Tahoe Regional Planning Agency Short-Term Rental Neighborhood Compatibility Guidelines for Local Jurisdictions that will be discussed on September 25, and feel that they are very good, but there is one issue which we discussed have discussed in the past and I thought was going to be included under "Residential Compatibility Best Practices". That was something along the lines of the following:

**"The neighborhood compatibility program requires that the registrant: (a) certify that operation of the short-term rental would not violate any homeowners' association agreement, bylaws, or covenants, conditions, and restrictions, limiting the use of the proposed short-term vacation rental, and (b) acknowledge that registration will not supersede any such private agreements."**

This language is in Section 3(e)(i) and (ii) of the Henderson short term rental ordinance, and similar language is in the City of Las Vegas application which actually requires sign off by the HOA. I can send you copies of those ordinances if you would like them.

The basis for these provisions is **Nevada Revised Statute 116.340** which provides in pertinent part:

**"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: (a) The governing documents of the association and any master association do not prohibit such use....**

**4. As used in this section....(b) Transient commercial use means the use of a unit for payment as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging for less than 30 consecutive calendar days."**

Thank you in advance for your consideration.

Diane Heirshberg, (805) 290-2779

Incline Village Resident

## Brandy McMahon

---

**From:** cbwillb@charter.net  
**Sent:** Wednesday, October 02, 2019 7:55 AM  
**To:** Brandy McMahon  
**Subject:** Addendum - A bit more explanation

Brandy, I have been thinking some more about this 1/4 mile from transit/trails item > it seems to me that if the word "restrict" is intended to remain that an impact assessment is needed since it could very significantly adversely impact several neighborhoods. Specifically, if this were a chosen option and all ~1000 STRs in Incline Village were moved to areas within 1/4 mile of "transit/applicable trail", what would be the impact - i.e., density of STRs in this small area?

As an example, currently where I live, the density of STRs is about 1/6 residences. Double that could easily happen in this scenario and then we are at 1/3 residences. We currently already exceed any density standard that I recall seeing. I have also heard that there are other spots in IV where density is already even higher and near the same unhelpful transit routes which we have been told will not be enhanced.

So again, are you able to adjust this language? Or can you get some data that we could review and discuss? Alternatively, I can think of several language options:

- 1) wording I had suggested yesterday which is preferred I think
- 2) change "restrict" to "encourage locating" or "locate preferably"
- 3) leave the word "restrict" but add a density ceiling - what I have seen most frequently is 1/10 residential units.

Can you make one of these options work? If not, then if Joanne is back, can you please arrange for me to speak with her? Or, in Joanne's absence, who can I speak with? ... Maybe John? or the TRPA COO, or ask the Governing Board Chair or Vice-Chair or ...? It remains a priority to get this addressed before you release the APC packet!

I'll call shortly to follow-up. Thanks again, Carole

## Brandy McMahon

---

**From:** cbwillb@charter.net  
**Sent:** Tuesday, October 01, 2019 9:28 AM  
**To:** Brandy McMahon  
**Subject:** Thanks for calls yesterday - next steps

Brandy,

Thanks again for your time and assistance yesterday - much appreciated.

To summarize, the priority items that in my mind remain immediately outstanding for the Neighborhood Compatibility Program Best Practices list are:

- 1) Add an item as follows in whatever section is most appropriate: For Vacation rentals/STRs in Residential neighborhoods a Special Use Permit is required (Note: rationale = same requirement as B&B's which is a similar use; realistic implementation strategies do exist - I sent you documentation of one approach)
- 2) Modify the first Transportation element. Suggested alternative language which is fully (in fact, more) compatible with TRPA's Regional Plan & its Objectives:
  - Actively encourage, promote and incentivize the development and use of alternative transportation options (pedestrian/bike trails and public transport) throughout the area and particularly within town centers and nearby.
  - Vehicles limited to 2/short term rental unit at any time - vehicles are parked on site within approved spaces/coverage or in approved off site locations and use of alternative transportation options is promoted(Note: rationale = while promoting the use of alternative transportation options, this combination will also actually limit vehicles coming into the area and thus more likely account for fewer total vehicles/vehicle trips & miles than currently occurs/will occur with STR incidence growth. It will also address parking issues related to STRs and may help with managing occupancy levels as well. As currently written the item will significantly adversely impact a small number of neighborhoods near the lake, driving more vehicles into an already overly congested area with more illegal parking and debris into the lake and little viable alternative transportation available currently or planned.)

Also, I was asked last night to check that the wording on the following items remains unchanged from the previous draft (I think we addressed the second item yesterday):

- **Locate STRs within or near Town Centers, commercial areas, and/or near regional amenities, such as ski resorts**
- **Only allow STR use in residential areas if home is occupied by a primary resident the majority of the year (make STRs an accessory use)**

As you know, I was hoping to speak with Joanne to discuss as resolution on these issues before inclusion the APC materials is a priority. Marya just called and said Joanne is again out today so hopefully you can handle somehow. I'm driving most of the day today - will give you a call when I arrive to understand status.

Many thanks as always, Carole Black (617-312-8834)

## Brandy McMahon

---

**From:** kay diederich <jcdkmd@charter.net>  
**Sent:** Monday, October 07, 2019 1:16 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; jherster@trpa.org; Brandy McMahon; Callicrate\_trustee@ivgid.org; ebrown@www.washoecounty.us  
**Subject:** Short term rentals Incline Village & Crystal Bay

Dear TRPA:

My name is Kay Diederich and I live in Incline Village at 843 McCourry Blvd.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

The guidelines I would most like to see included are:

STR use only in homes in residential communities if the primary resident occupies the home for the majority of the year.  
The number and spacing of STRs in residential areas should be regulated.  
STRs should be mostly in town centers and commercial districts.  
Adequate off street parking should be required.

Please include this emailing the Public Record for your meeting Oct. 9,2019.

Yours truly,

Kay Diederich

## Brandy McMahon

---

**From:** cbwillb@charter.net  
**Sent:** Monday, October 07, 2019 10:31 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; 'Callicrate\_trustee@ivgid.org'; 'ebrown@www.washoecounty.us'  
**Subject:** Feedback to TRPA for Advisory Planning Commission on 10/9/2019

Dear TRPA,

My name is Carole Black and I live at 144 Village Blvd, Incline Village, NV.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations that you enforce through the TRPA permitting process.

The guidelines I would most like to see included are:

Special Use Permit for all STRs in Residential Zones

TRPA approval of all County Permit applications and renewals

STRs only by owners who occupy as their principal residence the majority of the time

STR Insurance

Density restrictions - distance, #/neighborhood, ratio of short-term to long-term rentals; Permit # limitation

Rental frequency ( $\leq 4$ /month) and duration ( $\leq 30$  days total; 2-day minimum stay) restrictions

Health, safety and Public Accommodation requirements

Building code, fire and safety/health inspections

Occupancy (night & day max)/Parking/Vehicle restrictions and Nuisance regulations (noise, trash, illegal activity, public decency)

Local contact 24/7 and available, active local management/in person check-in

Advertisements require permit number and key restrictions [# occupants (night & day), # vehicles, no pets/pets, no parties, etc]

Approval by neighbors with adjoining walls; Neighbor input for permit applications and renewals

Active enforcement by inspections, fines/fees and restriction of permits

Attestation by owner, local contact and renters to policies; ability to evict if breaking rules

More restrictive HOA regulations supercede

I have also sent and discussed some specific recommended wording clarifications with Ms Marchetta and Mr Hester which I believe should appropriately be included in the "Best Practices" list. These further emphasize and clarify materials previously presented to the Working Group and submitted to TRPA staff.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Sincerely, Carole Black

## Brandy McMahon

---

**From:** Heather Williams <heather@stanfordwealth.com>  
**Sent:** Monday, October 07, 2019 6:25 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; ebrown@www.washoecounty.us  
**Subject:** STR Best Practices

Dear TRPA,

My name is Heather Williams and I am a full-time resident of Incline Village, residing at 569 Len Way in Incline Village.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

The ones of particular concern and those I encourage you to mandate include:

1. requiring a full-time certified contact
2. capping an STR rental to 30 days per year.
3. occupancy limits of 2 per bedroom
4. requiring snow removal ("No....you may not borrow my snow blower!")
5. limiting the number of STRs in neighborhoods
6. using the TOT to offset the impact of STR's
7. charging commercial fees for water and sewer
8. requiring annual certification and permits
9. a website to report STR violations
10. exterior signage with the local contact information

Additionally, I would like to see a change to:

1. Not ADEQUATE off street parking – NO off street parking. Our streets are too narrow, and emergency vehicles and snowplows can not get through.
2. Bear boxes should be mandatory – with instructions as to how to use them!
3. Repeated violations – no! First violation is a hefty fine (Monroe County in Florida imposes a \$15,000 fine per violation.)

Second violation results in a permanent loss of any and all STR permits.

Please include this email in the Public Record for your meeting on 10-9-19.

Best regards,

Heather Williams

## Brandy McMahon

---

**From:** mlkennedy1@charter.net  
**Sent:** Monday, October 07, 2019 5:51 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; 'jherster@trpa.org'; Brandy McMahon; 'Callicrate\_trustee@ivgid.org'; 'ebrown@www.washoecounty.us'  
**Subject:** Guidelines for Short-term rentals

Dear TRPA,

My name is Mary Lou Kennedy. I live at 1487 Tirol Drive, Incline Village, NV.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want.

I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

The guidelines I would most like to see included are:

- The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction.
- The STR neighborhood compatibility program limits the total number of STRs in designated neighborhoods.
- The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the amount allowed by local ordinance.
- The STR neighborhood compatibility program establishes quiet hours.
- The STR neighborhood compatibility program establishes occupancy limits (ex: 2 per bedroom) and ensures that the number of cars does not exceed 2 regardless of occupancy.
- The STR neighborhood compatibility program requires a parking management plan that allows space for snow removal and storage and requires owners/managers to clearly inform renters of this plan.
- The STR neighborhood compatibility program requires defensible space inspections and maintenance.
- The STR neighborhood compatibility program prohibits outdoor fires, fire pits, and charcoal grills.
- The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement services available
- The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, law enforcement, and fire.
- The STR neighborhood compatibility program charges commercial water and sewage fees for STRs to cover the cost and impact of increased usage.
- The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.
- The STR neighborhood compatibility program requires and STR permit and annual renewal.

- The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.
- The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&R regulations.
- The STR neighborhood compatibility program requires a full-time, certified local contact (or professional management firm) to be available whenever an STR is occupied.
- The STR neighborhood compatibility program requires a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.
- The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.
- The STR neighborhood compatibility program provides timely resolution of complaints and violations.
- The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room revenues, money generated from fines or other revenue services to fund STR enforcement.
- The STR neighborhood compatibility program includes a system to track and report complaints and uses the results for enforcement.
- The STR neighborhood compatibility program increases violation fines for repeated violations.
- The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Best regards,

Mary Lou Kennedy

## **Brandy McMahon**

---

**From:** Diane Heirshberg <dbheirshberg@gmail.com>  
**Sent:** Saturday, October 05, 2019 5:45 PM  
**To:** Marja Ambler  
**Cc:** John Marshall; Brandy McMahon; John Hester  
**Subject:** letter to Advisory Planning Commission  
**Attachments:** TRPA Advisory Planning Commission.10.9.19.docx

Dear Ms. Ambler,

I understand that you are the appropriate person to send my attached email to, along with my request that: (i) my email be made a part of the record and (ii) you forward my email by email in advance of the October 9, 2019 Advisory Planning Commission meeting to the members of the Advisory Planning Commission. I am hopeful that the members can receive this on Monday.

Thank you in advance for your assistance.

Very truly yours,

Diane Heirshberg,  
Incline Village Resident

From: Diane Becker Heirshberg, Incline Village Resident

To: TRPA Advisory Planning Commission

October 5, 2019

**Re: October 9, 2019 TRPA APC Meeting; Support for TRPA Short Term Rental Neighborhood Compatibility Guidelines; Further Request that TRPA Expand Enforcement to 2004 Board Commitment That If A Local Government Does Not Comply with Neighborhood Compatibility Guidelines, TRPA Would Declare Vacation Rentals to be Illegal in Such Local Jurisdiction.**

Dear ACT Members:

I am writing this email first to support the Short-Term Rental Neighborhood Compatibility Guidelines prepared by your Local Government and Housing Committee (the "TRPA STR Guidelines"), and to urge the TRPA Advisory Planning Commission 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 such an Ordinance; and that if such immediate adoption and enforcement do not occur, TRPA proceed as TRPA committed 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 APC Committee and Governing Board take action to protect the residents of Incline Village and Crystal Bay from the very real damage being caused to our neighborhoods, our community, the Lake and the environment, 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. This email is long because I have quoted directly from TRPA public documents. 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 A 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 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)

Local jurisdictions other than Washoe County have adopted STR Ordinances in conformance with the 2004 Vacation Rental Amendment, and their efforts at developing protective ordinances and enforcing them started many years ago. Washoe County began drafting an Ordinance in August or September of this year, 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.

- B. The December 13, 2017 Staff Report shows that the Tahoe Neighborhood Communities were Experiencing Increasing Problems, from STRs, 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.**

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 Staff 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 formed the Reno Sparks Convention Visitors Authority (“RSCVA”) to collect transient occupancy taxes on Vacation Rentals and 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 because at least Washoe County was not taking any action to resolve VHR issues other than collect TOT taxes.

**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. **Instead**, in September, the day following a public meeting at which the Fire Department seemed on the verge of taking action on inspecting short term rentals, in Incline Village, Crystal Bay, the key fire official knowledgeable about short term rentals and in proposing a draft protective fire department ordinance to inspect short term rentals was summarily offered early retirement. 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 on STRs. There was no forum for public discussion of concerns, but rather the public was divided into small working groups, lead and controlled by County staff, and then County staff members presented summaries of their concerns to all in attendance. We asked for public discussions and public

speaking, but none was allowed. Many concerns were expressed by Incline residents to the staff in the working groups, and we hope that those will be addressed in the Ordinance. 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.

### **A. The 2004 Environmental Checklist and Lack of any Other Environmental Analysis in 2004 Leave TRPA with a Current Environmental Problem That Needs to be Addressed Now**

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 TRPA’s staff and counsel, and **the 2004 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 those documents 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.

**B. The 2004 TRPA Ordinance Amendment was Geared at Ancillary, Occasional STR Use of People’s Residences, Not Businesses Advertised on the Internet by LLCs**

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 respectfully submit 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 financial interests including LLCs and business people who have purchased residences for the purpose of renting them out as full time as possible 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 Berkbigler 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

With TRPA's leadership the current situation could become a win for ALL parties involved. The local Incline Village and Crystal Bay residents are only asking that strong regulations to protect local residents, neighborhoods and environmental interests, be **enacted and enforced** by Washoe County promptly. The TRPA STR Neighborhood Compatibility Guidelines can provide the basis for such regulations. If this occurs, the local real estate management professionals will benefit because they will be given the task of managing all of the STRs, as one of the current problems is a lack of current local management, and the fact that there are no rules to enforce. That means much more business for them. The local real estate sales professionals will know exactly what to tell their clients about STRs, and so their clients will benefit. The local owners of STRs, will have to comply with inspections, permitting and enforcement, and there may be some individual owners who can no longer have STRS where there is unreasonable density, or where the STR structure itself cannot comply with fire and safety codes, but that is a small price to pay for the income most of the owners will receive. And finally, Washoe County could continue to receive its TOT if it acts as a County should act and protects its local residents, who pay taxes and follow rules as good citizens.

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](mailto:dbheirshberg@gmail.com)

805-290-2779

## Brandy McMahon

---

**From:** rondatycer@aol.com  
**Sent:** Saturday, October 05, 2019 10:59 PM  
**To:** Brandy McMahon; Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; jherster@trpa.org; Callicrate\_trustee@ivgid.org; ebrown@www.washoecounty.us  
**Subject:** Public Comment: How TRPA Can Save the Tahoe Basin from Out-of-Control STRs  
**Attachments:** JurisdictionSTRActivities2017-2019.docx; TRPA STR CompatibilityGuidelines.pdf

DATE: OCTOBER 9 2019

TO:  
Bill Yeates, Governing Board Chair, jwytrpa@gmail.com  
Marja Ambler, Board Assistant, mambler@trpa.org  
Joanne Marchetta, Executive Director, jmarchetta@trpa.org  
John Marshall, General Counsel, jmarshall@trpa.org  
John Hester, Chief Operating Officer, jherster@trpa.org  
Brandy McMahon, bmcMahon@trpa.org  
Tim Callicrate, Member of Advisory Planning Commission Callicrate\_trustee@ivgid.org  
Eric Brown, Washoe County Manager, ebrown@www.washoecounty.us

**FROM: RONDA TYCER, CHAIR**  
**INCLINE VILLAGE SHORT-TERM-RENTAL CITIZEN ADVISORY GROUP**

### HOW TRPA CAN SAVE LAKE TAHOE FROM OUT-OF-CONTROL STRs

#### TRPA MISSION STATEMENT

"The Tahoe Regional Planning Agency leads the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region, **while improving local communities**, and people's interactions with our irreplaceable environment."

#### TRPA REGIONAL PLAN

"Maintenance of the **social and economic health** of the region depends on maintaining the significant scenic, recreational, education, scientific, natural and public health values provided by the Lake Tahoe Basin.

There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region."

#### STRs IN INCLINE VILLAGE CRYSTAL BAY

TRPA has failed its mission and its Regional Plan authority with its proposed method of enforcing Short Term Rentals in the basin.

In 2004 TRPA redefined residential use to include STRs and ceded enforcement of STRs to the five jurisdictions in the basin by allowing three representatives from each jurisdiction to generate a list of Neighborhood Compatibility Guidelines and then choose what guidelines to implement and enforce.

No jurisdiction will voluntarily choose guidelines that reduce their transient occupancy tax from STRs. A sage said, "Transient occupancy tax is the opiate of government agencies." Once they taste it, they're hooked; and focus only on where they can score more.

TRPA's Neighborhood Compatibility Guidelines (**attached**) are mere *suggestions* from which jurisdictions may choose, and therefore have no teeth. If a jurisdiction decides not to opt for guidelines that help TRPA meet its thresholds, the only repercussion to that jurisdiction is that it doesn't receive its maximum possible building permit allocations from TRPA for 2 years.

We can see what jurisdictions have chosen to do so far (see attached Jurisdiction STR Activities). Most have not selected guidelines most critical to TRPA's thresholds. Of all five jurisdictions, Washoe County is most egregiously flagrant of TRPA mandates.

- In 2004 when TRPA defined STRs as a residential use, STRs were permitted only if the jurisdiction signed an interlocal agreement by which it would generate STR regulations and enforce them. Because Washoe County signed the agreement but then did not generate regulations or enforce them, the agreement was invalidated, and STRs remain to this day an unauthorized (illegal) commercial use in IVCB residential neighborhoods.
- In 2014 Washoe County authorized Reno Sparks Convention Visitors Authority (RSCVA) to collect a transient occupancy tax (TOT) on all STRs, even though according to County Code, STRs were not an allowed use of a residence. STRs are not and have never been mentioned in the Washoe County Code, and, therefore—per Dillon's rule—STRs are not an allowed use.
- In 2017 the TRPA report *Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin* concluded, "The local jurisdictions are acting responsibly to resolve STR issues so that the concerns of residents and stakeholders, and policies of the Regional Plan are addressed." In fact, Washoe County had not acted to regulate STRs, nor did they address concerns of IVCB residents. Washoe County told TRPA STRs were not an allowed use, and therefore they did not "regulate nor proactively police STRs" (see attached Jurisdiction STR Activities).
- In 2019 Washoe County joined the TRPA "STR Neighborhood Compatibility Work Program Committee, but—in spite of its mandate to include representatives from "the community in general"—did not include anyone from Incline Village or Crystal Bay. Commissioner Marsha Berkgigler and realtor Heather Lunsford are the representatives for IVCB.
- In 2019 all five jurisdictions agreed to abide by the TRPA STR Neighborhood Compatibility Guidelines, but Marsha Berkgigler publicly announced on September 20, 2019 that, "Washoe County's allotment is 104, but **we don't really need to comply** because we don't have any un-built lots." And on September 25, 2019, Washoe Planner Kelly Mullin publicly asked if it would be possible **for Washoe to not adopt TRPA guidelines but substitute their own.**

Washoe County has misled, broken agreements, and ignored its own laws. Hence, we residents of IVCB want TRPA to take responsibility for STR use in IVCB and throughout the Tahoe Basin. We commend TRPA's efforts to generate the current list of excellent best practices, but we urge TRPA to enforce these by:

1. Mandating core STR practices that further the TRPA mission and are not optional, while allowing jurisdictions to pick and choose additional "best" practices from the list

and

2. Use the Special-Use-Permit process to regulate jurisdictions' adoption of STR practices. TRPA should withhold all building permits until jurisdictions adopt core STR regulations and demonstrate they have the means to enforce them.

Respectfully submitted as public comment for TRPA Meeting October 9, 2019. Thank you.

Ronda Tycer  
814 Toni Court  
Incline Village, NV 89451

**Local Government Activities Related to Short Term Rentals in the Lake Tahoe Basin  
TRPA Local Government & Housing Committee Report July 17, 2019**

**DOUGLAS COUNTY**

Max Occupancy  
Noise  
Trash and Refuse  
Parking  
Interior Sign and notification requirements  
Local contact person  
Enforcement and penalties

**El Dorado**

Max Occupancy  
Noise  
Trash and Refuse  
Limit on Number of Residences or Structures per parcel  
Fire and Life Safety Requirements  
Parking  
Interior Sign and notification requirements  
Exterior Sign requirements  
Local contact person  
Enforcement and penalties

**City of South Lake Tahoe**

Maximum occupancy  
Noise  
Trash and Refuse  
Parking  
Interior Sign and notification requirements  
Exterior Sign requirements  
Local contact person  
Enforcement and penalties

**Placer County**

Property Manager  
County Code  
Education

**Washoe County**

**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. (Hauenstein et. al., 2017).

In 2018, in an effort to address fire safety at STRs, the Incline Village Board of Realtors (IVBOR) entered into agreement with the North Lake Tahoe Fire Protection District, which allowed IVBOR to embark on an education campaign regarding the operation of STRs. Information on the campaign is available on the website: [inclinevillagefiresafety.com](http://inclinevillagefiresafety.com).

In 2019, the County will hold public workshops and begin developing an STR ordinance to establish regulations. The County also entered into a contract with Host Compliance to identify homes being used for STRs, create a platform for registration, and establish a hotline.

Proposed Tahoe Regional Planning Agency Short-Term Rental Neighborhood Compatibility Guidelines for Local Jurisdictions

Endorsed by Working Group on 9/25/2019  
(Print on Tabloid 11" by 17" Paper)

These Guidelines are to be used by the Tahoe Regional Planning Agency (TRPA) when evaluating local jurisdiction Short-Term Rental Neighborhood Compatibility Programs during the application of the Performance Review System (TRPA Code, Section 50.5) for the distribution of residential allocations in the Tahoe Region.

Local jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_ Prepared by: \_\_\_\_\_

Points Awarded (to be determined by TRPA/PRC)	Points (Max.)	Local Jurisdiction Response (to be provided before convening PRC*)	PROPOSED LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES Example STR Neighborhood Compatibility Best Practices The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, and public services and facilities goals and policies ( <a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a> ). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.
			<p><b>LOCATIONAL</b> Guidance: To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan Land Use goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address Residential Compatibility issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan Transportation goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p> <p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>2. The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>3. The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>4. The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>5. The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>2. The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>
	30 points (max)		

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>		
<p><b>OPERATIONAL</b></p> <p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, Noise (5 points), Occupancy (2.5 points), Parking (5 points), Refuse (5 points), Defensible Space (2.5 points), Water Quality (2.5), Public Health and Safety (5 points), public/visitor Education (2.5 points), or Other program elements that will further STR neighborhood compatibility.</p> <p><b>Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</b></p> <p><b>Example Noise Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</p> <p>2. The STR neighborhood compatibility program requires a noise management plan.</p> <p>3. The STR neighborhood compatibility program requires installation of noise monitoring devices.</p> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</p> <p><b>Example Parking Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires adequate improved off-street parking.</p> <p>2. The STR neighborhood compatibility program requires snow removal.</p> <p>3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</p> <p><b>Example Refuse Best Practices (5 points)</b></p>		
		<p><b>30 points (max)</b></p>

<p>1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</p> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.</li> <li>2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</li> </ol> <p><b>Example Water Quality Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/re-certified.</li> <li>2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.</li> </ol> <p><b>Example Public Health and Safety Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).</li> <li>2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources &amp; availability.</li> <li>3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law enforcement and fire.</li> <li>4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.</li> <li>5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.</li> </ol> <p><b>Example Education Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.</li> <li>3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.</li> <li>4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires an STR permit and annual renewal.</li> <li>2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.</li> <li>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</li> <li>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</li> <li>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&amp;R regulations that limit the length of a lease or rentals.</li> <li>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>7. The STR neighborhood compatibility program requires on-site professional management.</li> <li>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</li> <li>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</li> <li>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</li> </ol>	
--	--

**ENFORCEMENT**  
**Guidance:** To receive 40 points, a local jurisdiction must demonstrate that they have an implementation program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing "bad actors" (15 points), adequate enforcement program funding (10 points), effective Penalties (5 points), and an Education program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.

<p><b>Example Implementation Best Practices (15 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</li> <li>The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</li> <li>The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</li> <li>The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</li> <li>The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</li> <li>The STR neighborhood compatibility program provides timely resolution of complaints and violations.</li> <li>The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</li> </ol> <p><b>Example Funding Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</li> <li>The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</li> <li>The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</li> </ol> <p><b>Example Education Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</li> <li>The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</li> <li>The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</li> <li>The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</li> <li>The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</li> </ol> <p><b>Example Penalties Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</li> <li>The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</li> <li>The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</li> <li>The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</li> <li>The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <ol style="list-style-type: none"> <li>The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</li> </ol>	<p style="text-align: center;"><b>40 points (max)</b></p>	<p style="text-align: center;"><b>100 points (max)</b></p>
<p style="text-align: right;"><b>TOTAL</b></p>		

\*Every two years, TRPA convenes the Performance Review Committee (PRC), a Committee made up of one TRPA staff member and one staff member from each local jurisdiction, to review the Performance Review System and ensure the provisions of TRPA Code, Chapter 50, have been applied correctly and provide a recommendation to TRPA's Advisory Planning Commission and Governing Board regarding the distribution of residential allocations to the local jurisdictions.

## Brandy McMahon

---

**From:** John McNellis <jcmcnellis@gmail.com>  
**Sent:** Sunday, October 06, 2019 3:03 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; ebrown@www.washoecounty.us; Callicrate\_trustee@ivgid.org  
**Subject:** Recommendation on STR Best Practices

Dear TRPA,

My name is John McNellis and I live at 828 Tyner Way, Incline Village, NV 89451.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations that you enforce through the TRPA permitting process.

The regulations I would most like to see included are:

1. The STR neighborhood compatibility program includes requirements that prohibit the location of STRs within residential areas, consistent with CC&Rs.
2. The STR neighborhood compatibility program includes requirements that only allow STRS within designated tourist lodging and/or commercial areas.
3. The STR neighborhood compatibility program includes requirements that STR users be precluded from parking vehicles, boats or storage units of any kind within residential areas, consistent with CC&Rs.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Best regards,

John McNellis

## Brandy McMahon

---

**From:** Svata <sk8rs@charter.net>  
**Sent:** Sunday, October 06, 2019 3:54 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; 'Tim Callicrate'; ebrown@www.washoecounty.us  
**Subject:** STR Guidelines

October 6, 2019

TO:

Bill Yeates, Governing Board Chair, [jwytrpa@gmail.com](mailto:jwytrpa@gmail.com)  
Marja Ambler, Board Assistant, [mambler@trpa.org](mailto:mambler@trpa.org)  
Joanne Marchetta, Executive Director, [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org)  
John Marshall, General Counsel, [jmarshall@trpa.org](mailto:jmarshall@trpa.org)  
John Hester, Chief Operating Officer, [jhester@trpa.org](mailto:jhester@trpa.org)  
Brandy McMahon, [bmcmahon@trpa.org](mailto:bmcmahon@trpa.org)  
Tim Callicrate, Member of Advisory Planning Commission [Callicrate\\_trustee@ivgid.org](mailto:Callicrate_trustee@ivgid.org)  
Eric Brown, Washoe County Manager, [ebrown@www.washoecounty.us](mailto:ebrown@www.washoecounty.us)

Dear TRPA,

My name is Svata Trossen and I live at 1461 Glarus Court, Incline Village, NV.

There are several STRs in single family residence zoned Tyrolian Village, one in our Court, that affect our quality of life. I would like to see them forbidden. The occasional additional congestion and noise caused by simply family members visiting our neighbors is intrusion enough. In my opinion, allowing more frequent temporary renters, unfamiliar with and disinterested in the rules of our community and not interested in protecting the environment, should not be allowed to disrupt the peace and quiet of our neighborhoods.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

The guidelines I would most like to see included are:

- \* Fire and Life Safety Requirements
- \* Parking
- \* Noise
  
- \* Trash and Refuse
- \* Max Occupancy
  
- \* Local contact person
  
- \* Enforcement and penalties

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Svata Trossen  
(775) 291-9113

## **Brandy McMahon**

---

**From:** Wayne Ford <waynefordresidentialdesigner@yahoo.com>  
**Sent:** Friday, October 04, 2019 6:07 PM  
**To:** Brandy McMahon  
**Subject:** Some questions and comments on the current Compatibility Work: RE: Initial Environmental Checklist/Attachment "E" Short-Term Rental Neighborhood Report

Brandy McMahon ,AIPC, Local Government Coordinator:

Brandi I went through the "checklist" that you completed for the upcoming APC meeting.

First Comment: I did not know your work at Tahoe until the STR issue came up. I did see that you have had extensive experience at Lake Tahoe, Douglas County and in the past at the Nevada Legislature. So I am very happy you were selected to head this committee.

Second Question: In all the line items in the Checklist, "No" was checked. I do not understand that. Even when a response was done on the question "No" was checked. I have over the years done this checklist for many projects and when a impact is found it is "no with mitigation"and then the mitigation is put forth to see if it will work or not. So where are the mitigation statements?

I also found that many line items were in my opinion missed for there will be impacts that require mitigation. For example I have personally seen bears get into the short term rental home next door on two occasions when the short term renters left the doors open, and on the last occasion the bear ate something and appeared ill. Also this can ultimately result in a bear being destroyed for breaking into homes. There is a significant impact on wild life, that needs to be considered and mitigated. Professional management as provided for in the guidelines will hopefully mitigate and protect the wildlife. Or the potential of fire damage is greatly increased

due to the lack of knowledge and care of short term renters. Fire inspections and permits and education of short term renters will hopefully mitigate in this area. As you know our North Lake Tahoe Fire District has advised Washoe County that at least 50% of the fires in Incline Village are caused by short term renters.

The "Compatibility Guidelines" in many cases may deal with the issues, yet they each need to be tied to the "checklist". I would urge that where the STR neighborhood compatibility guidelines are the basis for the mitigation, that that be stated on the checklist next to the item for clarity and to protect that the STR neighborhood compatibility guidelines are used by the local jurisdictions to draft their own STR Ordinances and are subsequently enforced by the local jurisdictions.

To me that is the only way in the future the review and a evaluation can be made to see if those guideline requirements are mitigating the environmental impacts for Lake Tahoe.

So far we have not found the 2004 document that was the Initial Environmental Checklist which projected under the Memorandum ,what the impacts and mitigation would be. Now some 14 years later the same exercise is underway with a new Initial Environmental Checklist. This new

Checklist needs to be done with a great degree of thought to protect the residential neighborhoods around the Lake, which is the end goal of your current draft of the STR Neighborhood Compatibility Guidelines. As you know TRPA is on record, that if the mitigation does not work the the use would be in violation of the TRPA zoning and the use would have to stop.

I look forward to your response

Wayne Ford

## **Brandy McMahon**

---

**From:** Wendy Wood <wendy@seattlegreenhomes.net>  
**Sent:** Sunday, October 06, 2019 9:12 AM  
**To:** Cindy.Gustafson; Teri Ivaldi; Todd Leopold; Lindsay Romack  
**Cc:** Ulrik Binzer; Doug Jastrow; Brandy McMahon  
**Subject:** FW: Federal appeals court upholds Santa Monica's ban on short-term vacation rentals

Lets keep in mind that there are enough upset and done with the problem STR situation in Tahoe residents, coupled with Placer County not doing anything to protect homeowners and the Lake...banning STRs in Tahoe could happen, not just in S. Tahoe but in Placer County.

The experience I just had with the "hot line" was pathetic. I forgot to mention that we also have a noise factor when 16+ renters, every 3-5 days, heading up to 3010 Electric St. do stop at our driveway, when there is snow on the road, to urinate in our driveway and put on chains and discuss how to get up that impassable 20 degree slope of Upper Hill St. Right below our upper master bedroom. Then they come to our front door for help at all hours of the night.

Law enforcement has only jurisdiction re loud parties and even then, sheriffs do not take the problem STR situation seriously.

---

## **Federal appeals court upholds Santa Monica's ban on short-term vacation rentals**

[https://www.latimes.com/california/story/2019-10-03/9th-circuit-santa-monica-airbnb?fbclid=IwAR0oMOHM0UqSFgv\\_y7686xGm5jsDg0jPcWo0OP7D0SMf2aOB\\_Rs9I17VVo8](https://www.latimes.com/california/story/2019-10-03/9th-circuit-santa-monica-airbnb?fbclid=IwAR0oMOHM0UqSFgv_y7686xGm5jsDg0jPcWo0OP7D0SMf2aOB_Rs9I17VVo8)





ADVERTISEMENT

CALIFORNIA

### Federal appeals court upholds Santa Monica's ban on short-term vacation rentals



A federal appeals court has upheld a Santa Monica ordinance banning most short-term vacation rentals. (John MacDougall / AFP/Getty Images)

By MAURA DOLAN  
STAFF WRITER

OCT. 3, 2019  
6:45 PM



A federal appeals court on Thursday unanimously upheld a Santa Monica ordinance banning most short-term vacation rentals.

A three-judge panel of the U.S. 9th Circuit of Appeals rejected a potential class-action lawsuit against the city, which passed the law in 2015 on the grounds that visitors who rent through Airbnb Inc. or other companies "sometimes disrupt the quietude and residential character of the neighborhoods."

TRIAL OFFER

4 weeks for \$1

SAVE NOW

The ordinance prohibits vacation rentals of 30 days or fewer, except when a primary resident remains in the home.

Santa Monica resident Arlene Rosenblatt had been renting out her home for \$350 a night when she and her husband traveled. She charged in a lawsuit that the ordinance hindered commerce in violation of the federal Constitution.

Online short-term rental companies allowed tourists access to affordable lodging over “the ultra-luxurious, highly occupied and pricey hotels in the city,” the lawsuit argued.

Santa Monica’s real intent in passing the ordinance, Rosenblatt contended, was to boost demand for the hotels and reverse a decline in revenue from the city’s 14% transient occupancy tax, paid by hotels but not by short-term renters.

The lawsuit alleged that the ordinance illegally denied travelers from out of state access to Santa Monica’s residential neighborhoods. The 9th Circuit rejected that contention, concluding the city offered reasonable alternatives to the vacation rentals.

The ordinance “does not discriminate against persons outside of Santa Monica, who stand on equal footing with Santa Monica residents in their ability to purchase Santa Monica property and reside there,” Judge Jacqueline H. Nguyen, an Obama appointee, wrote for the court.

ADVERTISEMENT

Rosenblatt also alleged that the ordinance directly regulates interstate commerce because 95% of short-term rentals in Santa Monica involved out-of-state travelers. Disagreeing, the 9th Circuit said the law penalizes conduct only in Santa Monica, regardless of whether the visitors come from California or elsewhere.

Santa Monica is considered to have one of the strictest bans on short-term rentals in the country. A report by Conde Nast Traveler last year identified cities around the world that regulate Airbnb in varying degrees. They include Los Angeles, San Francisco, Charleston, Amsterdam, New York, Mallorca, Paris and Barcelona.

After more than three years of debate, Los Angeles passed its ordinance last December limiting short-term rentals to primary residences, not second homes or investment property. The law was intended to deter people from buying apartments and running them like hotels, a practice that activists said was exacerbating the housing crisis.

But the rules did not take immediate effect. Los Angeles gave hosts until November to register with the city through a new system.

In a letter sent to city officials last week, Airbnb argued it needed more time to build a computerized system to share rental information with the city — one of the ways that online platforms can comply with the new ordinance. A spokesman for the city’s planning department said there were other ways to comply and the new rules would take effect Nov. 1.

Rosenblatt’s challenge to the Santa Monica ordinance reached the 9th Circuit on an appeal of a district judge’s decision to dismiss the lawsuit. Without a trial, the judge ruled there was no legal basis under which Rosenblatt could prevail.

The 9th Circuit rejected another challenge of the law earlier this year by Airbnb and Expedia Group Inc.’s HomeAway.

CALIFORNIA

NEWSLETTER

Get our Essential California newsletter

Please enter your email address

By continuing to use our site, you agree to our Terms of Service and Privacy Policy. You can learn more about how we use cookies by reviewing our Privacy Policy. [Close](#)

TRIAL OFFER

SUPPORT QUALITY NEWS

SAVE NOW



Maura Dolan

4 weeks for \$1

## Brandy McMahon

---

**From:** Adam Hirsh <sonomaca@yahoo.com>  
**Sent:** Saturday, October 05, 2019 1:46 PM  
**To:** callicrate\_trustee@ivgid.org; Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; jherster@trpa.org; Brandy McMahon; ebrown@www.washoecounty.us  
**Subject:** Washoe County and STR

Dear TRPA,

My name is Adam Hirsh and I live at 1021 Saturn Ct., Incline Village.

I don't believe Washoe County will ever adopt and/or enforce TRPA designated STR Best Practices. There is too much incentive to continue with business-as-usual. As other jurisdictions have adopted STR best practices, Incline Village/Crystal Bay has become more-and-more of an unregulated "Wild West" for STR owners and guests.

The impacts are highly visible to long-term residents. There's been a marked deterioration in the residential character of neighborhoods, much more intensive use of trails and, beaches, many more fire incidents, and a massive increase in traffic.

As a parent of teenagers, I should also note that, as STR's have proliferated, the number of young families with children has declined. In 2015-16, there 427 K-5 students enrolled at Incline Elementary School. This year, the number is down to 294 after 5 years of steady decline. More and more, this is a tourist town, not a residential or retirement one. If TRPA doesn't act, this may become irreversible.

I encourage you to adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

It's very important to restrict STR's to town centers and tourist cores, as was detailed in the 2004 agreement with Washoe County.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Best regards,

Adam Hirsh

## Brandy McMahon

---

**From:** Margaret Martini <margaretmartini@liveintahoe.com>  
**Sent:** Saturday, October 05, 2019 2:08 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; jherster@trpa.org; Brandy McMahon; callicratae\_trustsee@ivgid.org; ebrown@www.washoecounty.us; 'Berkbigler, Marsha'; 'Kitty Jung.'  
**Subject:** Short term rentals issues.

10-5-2019  
Hello all,

First of all TRPA does NOT have precedence over the documents recorded with the property: re: zoning and CCR's and etc. Does TRPA or any county want to test that in court?

Second, it is a ridiculous notion that you can tie your rendition of what you think should happen regarding STR's to allocations. That is discriminatory practice.

Third, you have no way of enforcing any of your proposals unilaterally.

Fourth, you should get real and work within the parameters of what property itself has attached.

Fifth, your workshop was a joke at best regarding STR's. Of course nothing meaningful came out of it regarding STR's.

Sixth, this has been ten years or more of dancing around issues that now have become 'the norm' and will take court action to undo all that has been let slide. A monster has been created in environmental impact of overtourism. According to TRPA data the Tahoe Basin has a full-time population of 68,000 people yet sees more than 10 million visitor vehicle trips annually according to data collected by the Tahoe Transportation District.

Seventh, there are other communities that have in place enforcement tied to heavy fines that are attached to the property tax bills. That is an enforcement with TEETH. This is not a popularity contest or a vote getting ploy...it is something that needs to be dealt with NOW. It is your monster and time to get it out of our neighborhoods.

Margaret Martini, resident Incline Village  
margaretmartini@liveintahoe.com  
Cell: 775-722-4152

## Brandy McMahon

---

**From:** Richard Miner <dickminer@gmail.com>  
**Sent:** Tuesday, October 08, 2019 1:47 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; callicrate\_trustee@ivgid.org; ebrown@washoecounty.us  
**Subject:** Adoption of STR "Best Practices Guidelines"

Dear Chairman Yeates,

Much has already been made--and will probably be reiterated at your board meeting of October 9--of the following actions which have impacted the TRPA's attempts to enforce its long standing mission to ensure the protection of Lake Tahoe and its immediate surroundings. But a brief recap will serve to help me set the stage for the overriding recommendations with which I will conclude this letter to you and your fellow board members.

First of all, in 2004, came the decision by your board which apparently legitimized the short term rental (STR) of private residences in the Tahoe as a legitimate use of such property. This action furthermore required further action by the governing bodies of the affected counties in both California and Nevada to specify how they would regulate such STR's. The initial time limits for compliance were repeatedly relaxed or unenforced and at least in Washoe County, we still in 2019 have no such regulation.

Secondly, the 2014 compact between Washoe County and the Reno Sparks Convention and Visitors Authority allowed the county to collect a fee (aka tax) for STR rentals in Incline Village and Crystal Bay without first defining in law or statute for such rentals any regulations as were mandated by the 2004 TRPA agreement.

Thirdly, The TRPA, apparently realizing that the train had already left the station, more recently convened an advisory committee called the STR Neighborhood Compatibility Work Program Committee to develop the still non existent guidelines for STR's in the Tahoe Basin. To the best of my knowledge, this committee has operated with significant membership from the real estate and public bureaucracy constituencies but absolutely no participation by homeowners and full time residents of either Incline Village or Crystal Bay.

Fourth, when Washoe County belatedly convened a series of public meetings to gather community input regarding the need to finally come up with regulations for STR's within the county, they (probably of necessity) restricted the areas to be affected to only the unincorporated portions of the county. In addition, at each meeting our County Commissioner specifically stated in advance of any discussion that forbidding STR's was simply not going to be considered regardless of public sentiment (or for that matter--my words, not hers) any other considerations. Foregone conclusion: Public input and environmental considerations be damned, there will be Short Term Rentals in Incline Village and Crystal Bay. Is this what the TRPA had in mind back in 2004?

Any one of the above facts should have been a Red Flag for the long standing mandate of the TRPA to protect and defend both the environment of Lake Tahoe and the quality of life of those who live here year round or who visit and respect this natural and national treasure. Many questions remain, not the least of which is whether a proper Environmental Impact Study was actually made and then publicized before the 2004 action of the TRPA legitimized STR's around the Lake and then allowed the counties to develop the rules and regulations for same.

In conclusion, the TRPA may well decide to continue to develop and promote best practice suggestions for STR's but in so doing will sadly abdicate its mandate to preserve and protect the Lake Tahoe environment if it allows the counties around the Lake to individually dictate how this will happen in rental housing. A prudent decision in my opinion would also be to recognize that these regulations will vary from county to county, will not be uniformly applied and certainly

not uniformly enforced. Standards for enforcement should at a very minimum be required to be uniform in all jurisdictions.

Second, it should be an absolute requirement that the timelines for the adoption of any recommendations promulgated by the TRPA be suspended until a competent and impartial environmental impact study can be performed to ensure that the proposed regulations and enforcement standards do not negatively impact the quality of Lake Tahoe nor the lives of the full time residents in all our communities.

Finally, I strongly recommend that new short term rentals be suspended until the above mentioned comprehensive Environmental Impact Study is completed, its results reviewed and acted upon by your board, and the conclusions shared in public forums in all of the affected communities around Lake Tahoe. I recognize this is a dramatic step for your organization to take, but if the EIR does in fact show that the proliferation of STR's is indeed negatively impacting both the quality of life for residents around Lake Tahoe and the quality of the Lake itself, you will rue the day you did not take this protective action.

Very truly yours,

Richard Miner

At 20 year resident of Incline Village and the past president of the Incline Village and Crystal Bay Historical Society

## Brandy McMahon

---

**From:** Sean Kosinski <seankosinski@yahoo.com>  
**Sent:** Tuesday, October 08, 2019 1:47 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; ebrown@washoecounty.us; Callicrate\_trustee@ivgid.org  
**Subject:** TRPA Short Term Rental Compatibility BPs

Hi,

I'm a homeowner in unincorporated Washoe County. Because I will not be available to tomorrow's meeting in person, the purpose of this email is to share my input on vacation rentals for this groups' consideration.

First, I do not support any measure that would effectively eliminate, restrict or otherwise curtail a homeowner's ability to rent their property on a short-term (STR) or long-term (LTR) basis.

I believe a small, motivated and vocal minority is creating a false narrative about the impacts rental properties have on our community. Opponents of rentals will often justify their position by citing a degradation in character, overcrowding, pollution, noise, and dwindling housing supply. While I understand this perspective, I do not agree with the premise that rental properties are to blame. Global increases in population and regional population growth will continue to place strain on infrastructure into the foreseeable future. According to the US Census, the decadal population growth rate for Washoe County has never recessed, and has averaged 48% growth every 10 years from 1880 - 2010 (well before vacation rentals became the issue du jour).

Issues related to rentals have to take background population growth into context and consideration. Rental proponents will certainly see a dramatic decline in housing demand and home values. The County will see a reduction in occupancy tax and sales taxes from local business. I'm concerned that measures to regulate rentals will provide rental opponents with a temporary false sense of security that time will soon erase. In turn, I expect tensions will elevate in response to failed attempts to prevent the inevitable - population growth and, in turn, growing demand by vacationers to visit one of the most beautiful places on earth.

If measures are adopted to limit rentals, the communities around the lake will see more congestion and strain on our infrastructure because homes that are occupied for a portion of the year will slowly be replaced with full time residents. Transient traffic from communities outside of the Basin will increase. My neighbors and I do not take issue with the handful of homes in our neighborhood that are vacant half of the year. The character of Incline Village/Crystal Bay has remained relatively intact since the early 80s. The space to develop is not there. Homes in our community were being rented through word-of-mouth, personal connections, and local realtors long before the advent of Air BnB and VRBO. Let's stop pretending this is a new issue in need of additional government oversight.

While there are some very good recommendations, most of the best practices (BPs) are unenforceable or will require a ton of dedicated public resources to enforce. Moreover, as written, BPs apply to STRs and not the community at-large. How will quiet hours be enforced? Do STRs need to adhere to quiet hours but not LTRs or full-time residents? Are STRs the only properties required to manage snow and snow removal or where fires will occur? I thought defensible space, outdoor burning restrictions, handrails, smoke detectors, and insurance were covered by other

state/local ordinances or codes. Why do we need duplicative restrictions and additional fees imposed on our community?

Also, the guidelines seem to be aimed at South Lake. What works for South Lake doesn't work for IV/CB. It's part of the reason we choose to live here rather than there. Take for example the first BP. The concept of a Town Center does not apply to IV/CB as it does to South Lake and efforts to designate one are not well defined. In IV/CB recreational amenities (ski and beaches), bus routes and bike paths are well established. Forcing rentals toward these features effectively incentives development/rentals in the areas most appealing to residents and vacationers alike. Measures like these will certainly change the character of our town over time.

Bad neighbors are bad neighbors -whether they live next door full time or not. While I don't disagree that some residents have very real and relevant concerns regarding vacation rentals, I'm extremely concerned about the unintended consequences for adopting TRPA's BPs.

I strongly encourage Washoe County not to adopt the Neighborhood Compatibility Guidelines put forth by TRPA.

Regards,

-Sean Kosinski

## Brandy McMahon

---

**From:** rondatycer@aol.com  
**Sent:** Tuesday, October 08, 2019 12:40 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; Callicrate\_trustee@ivgid.org; ebrown@washoecounty.us  
**Cc:** iv.str.advisory.group@gmail.com  
**Subject:** Public Input TRPA Oct 9 2019 Meeting

Dear TRPA,

We are Sam Jacobsen, and my wife Virginia, we live at 703 Mays Blvd., Incline Village, NV.

I understand TRPA has drafted guidelines for STR Best Practices but these practices are optional and Washoe County can opt to enforce just the ones they want (or none).

We have witnessed this problem across the street (two properties used for events, and no enforcement) and believe it is time to make some definitive rules.

I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

I would like to see Washoe County to adopt and enforce basin wide STR guide lines.

Thank you for including this email in the Public Record for your meeting on 10-9-2019.

Thank You,

Sam and Virginia Jacobsen

## Brandy McMahon

---

**From:** Michael Abel <mikeabel900@gmail.com>  
**Sent:** Tuesday, October 08, 2019 11:31 AM  
**To:** Bill Yeates  
**Cc:** Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon  
**Subject:** Fwd: Urgentf! Please send letter today to TRPA! Use Attached

We want to echo the sentiments and facts stated here by the IV-STR Advisory group !

Dear Members,

The Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission will be meeting October 9 at 9:30 am to discuss Short-Term-Rentals in the Tahoe Basin. We will be attending this meeting to make presentations during the Public Comment period related to the adoption of the TRPA "Short-Term-Rental Neighborhood Compatibility Guidelines" (attached).

### First The History

- In 2004 when TRPA defined STRs as a residential use, STRs were permitted only if the jurisdiction (Washoe County is one of 5 around the lake) signed an interlocal agreement by which it would generate STR regulations and enforce them. Because Washoe County signed the agreement but then did not generate regulations or enforce them, the agreement was invalidated, and STRs remain to this day an unauthorized (illegal) commercial use in IVCB residential neighborhoods.
- In 2014 Washoe County authorized Reno Sparks Convention Visitors Authority (RSCVA) to collect a transient occupancy tax (TOT) on all STRs, even though according to County Code, STRs were not an allowed use of a residence. STRs are not and have never been mentioned in the Washoe County Code, and, therefore—per Dillon’s rule—STRs are not an allowed use.
- In 2017 the TRPA report *Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin* concluded, "The local jurisdictions are acting responsibly to resolve STR issues so that the concerns of residents and stakeholders, and policies of the Regional Plan are addressed." In fact, Washoe County had not acted to regulate STRs, nor did they address concerns of IVCB residents. Washoe County told TRPA STRs were not an allowed use, and therefore they did not "regulate nor proactively police STRs" (see attached Jurisdiction STR Activities).
- In 2019 Washoe County joined the TRPA "STR Neighborhood Compatibility Work Program Committee, but—in spite of its mandate to include representatives from "the community in general"—did not include anyone from Incline Village or Crystal Bay. Commissioner Marsha Berkbigger and realtor Heather Lunsford are the representatives for IVCB.
- In 2019 all five jurisdictions agreed to abide by the *TRPA STR Neighborhood Compatibility Guidelines*, but Marsha Berkbigger publicly announced on September 20, 2019 that, "Washoe County’s allotment is 104, but **we don’t really need to comply** because we don’t have any un-built lots." And on September 25, 2019, Washoe Planner Kelly Mullin publicly asked if it would be possible **for Washoe to not adopt TRPA guidelines but substitute their own.**

### What We Want You To Do

Washoe County has misled, broken agreements, and ignored its own laws. Hence, we residents of Incline Village and Crystal Bay want TRPA to take responsibility for enforcing STR use in IVCB and throughout the Tahoe Basin by:

1. Mandating core STR practices that further the TRPA mission and are not optional while allowing jurisdictions to opt for additional "best" practices from the excellent best practices list

and

2. Use the special-use-permit process to regulate jurisdictions' adoption of STR practices. TRPA should withhold all building permits until jurisdictions adopt core STR regulations and demonstrate the means to enforce them.

I understand TRPA has drafted guidelines for STR Best Practices but that these practices are optional and Washoe County can opt to enforce just the ones they want. I encourage you to instead adopt non-optional core regulations from your list that you enforce through the TRPA permitting process.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Best regards,

**Michael & Helen Abel - residents - Incline Village, NV**

## Marja Ambler

---

**From:** rondatycer@aol.com  
**Sent:** Tuesday, October 08, 2019 4:11 PM  
**To:** John Marshall  
**Cc:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Hester; Brandy McMahon; Callicrate\_trustee@ivgid.org; ebrown@washoecounty.us  
**Subject:** Response to John Marshall Regarding APC Meeting  
**Attachments:** TRPA2004-6PublicHearing.docx

DATE: 10-9-19

TO: John L. Marshall

TRPA General Counsel

775.303.4882

[jmarshall@trpa.org](mailto:jmarshall@trpa.org)

### Copies:

Bill Yeates, Governing Board Chair, [jwytrpa@gmail.com](mailto:jwytrpa@gmail.com)  
Marja Ambler, Board Assistant, [mambler@trpa.org](mailto:mambler@trpa.org)  
Joanne Marchetta, Executive Director, [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org)  
John Marshall, General Counsel, [jmarshall@trpa.org](mailto:jmarshall@trpa.org)  
John Hester, Chief Operating Officer, [jhester@trpa.org](mailto:jhester@trpa.org)  
Brandy McMahon, [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org)  
Tim Callicrate, Member of Advisory Planning Commission [Callicrate\\_trustee@ivgid.org](mailto:Callicrate_trustee@ivgid.org)  
Eric Brown, Washoe County Manager, [ebrown@washoecounty.us](mailto:ebrown@washoecounty.us)

Dear Mr. Marshall,

As an Incline Village resident, I beg to differ with your statements **written today** to another Incline Village resident. I'm copying the entire TRPA Board on my perspectives so they can draw their own conclusions.

You wrote:

1. "The Initial Environmental Checklist (IEC) is not addressing how to regulate short-term rentals (STRs), which are already allowed under TRPA Code pursuant to a Neighborhood Compatibility Program, but examines the potential for impacts on the environment from the adoption of a linkage to the residential allocation system that incentivizes local jurisdictions to address current issues with vacation rentals, including fire risk, garbage (bears), noise, etc."

**As I see it:**

*The 2004 TRPA code amendment to allow STRs was invalidated because STRs were only allowed if the jurisdictions adopted and enforced STR regulations. Washoe County signed the interlocal agreement and then never adopted or enforced regulations... not in the 6-month allowed time frame for the agreement... nor in the next 14 years. So your first statement that STRs are already an allowed use under TRPA code is patently false for Washoe County. They are not and were never permitted by TRPA.*

**You wrote:**

2. The Initial Environmental Checklist completed by Brandy McMahon last week was done to "examine the potential for impacts on the environment from the adoption of a linkage to the residential allocation system."

**As I see it:**

*The Initial Environmental Checklist completed by Brandy McMahon was done for only one reason—to substitute for the original IEC that mysteriously disappeared from the critical 2004-6 TRPA Ordinance records. Yes, that all-important IES happened to disappear, although it's referred to in subsequent records (see attached *Public Hearing TRPA Ordinance 2004-6*).*

*You have confused the purpose of the Initial Environmental Checklist. An IEC is not intended to assess the environmental impact of "MAKING A LINK" between code relating to jurisdictions' enforcement of STR best practice guidelines and code for TRPA's residential allocation system. An IEC is intended to assess environmental impacts of "A PROPOSED USE ON TRPA THRESHOLDS."*

*The IES completed by Brandy McMahon is neither sufficient nor accurate. She indicated "no environmental impacts" of linking one TRPA code to another TRPA code, when she should have been indicating the many environmental impacts STRs have on Tahoe Basin neighborhoods. At a minimum, taking items directly from the IES, the following impacts should have been noted:*

**STRs**

- affect noise levels;
- result in permanent displacement of renter residents;
- decrease the amount of available rental housing,

- decrease the availability of affordable housing,
- result in the loss of housing for lower-income and very-low-income households;
- generate more daily vehicle trips (including visitors and service personnel)
- result in need for new governmental services (code inspections for fire and safety, increased policing, plus a whole new layer of bureaucracy to handle STRs)
- increase trash and solid waste disposal,
- detrimentally affect the mental health (of neighbors conflicting with neighbors, and neighbors upset by STR nuisances and the presence of strangers in neighborhoods),
- and result in the loss of public access to recreational venues (e.g., Incline Village beaches)

*If you ask me to provide scientific data showing these impacts, I'll ask you to show me the scientific data showing there are no impacts. That's TRPA's job.*

**You wrote:**

3. The IEC findings are not dependent on local jurisdictions adopting any particular element of the guidelines because adoption of the program as a whole will not have an adverse environmental impact compared to the existing regulatory scheme and current distribution of STRs. .

**As I see it:**

I agree. You are absolutely right that the adoption of the "program as a whole" will not have an adverse environmental impact *compared to the existing regulatory scheme and current distribution of STRs.*" The distribution of 1000 STRs in Incline's 3800 family residences already has enormous adverse impact on residents.

The proposed regulatory scheme by which (a) TRPA asks realtors and government staff members to come up with a list of best practices to regulate STRs and then (b) allows them to voluntarily choose to enforce whatever of those best practices they want, is not effective.

No jurisdiction will choose best practices that decrease their TOT even if those practices are best for TRPA thresholds (e.g., concentrating STRs in town centers and near public transportation links).

**You wrote:**

The proposed action before the APC Commission tomorrow is to adopt the code amendment and implementation of the guidelines to regulate STRs in the Basin.

**As I see it:**

The action before the APC Commission is to refuse to adopt the code amendment and implementation of the guidelines, and to send the STR Committee back to the drawing boards to come up with a different means of enforcement of STRs in the Tahoe Basin. In 2004 TRPA could not have foreseen the intensity of use of STRs today. Now it can.

Very sincerely,

Ronda Tycer,

814 Toni Court

Incline Village, NV 89451

PS: Thank you for including this in the Public Comment for the meeting on 10-9-19.

## XII.PUBLIC HEARINGS

A) Amendment of Code of Ordinance Chapter 2, Definitions, and Chapter 18, Permissible Uses, to Recognize the Use of Single Family Residences as Vacation Rentals and Other Matters Properly Related thereto:

Deputy Executive Director Jerry Wells commented that the Board directed staff in December to form a stakeholder group to formulate the actual code language that is before the Board at this time. Mr. Wells reviewed the meetings that were facilitated and held on this matter, and the group language that a majority of the group agreed with. Mr. Wells wanted to thank the stakeholder group, and the diligent work that was undertaken and the product produced. Mr. Wells reported that the product of the stakeholder group was heard by the Advisory Planning Commission earlier in the month, and was recommended to be forwarded to the Governing Board.

Mr. Wells reported that at the APC there were **two no votes on this item, one from Placer County and one from Washoe County, and two abstentions**. Mr. Wells reported that the requested staff action is to move this item forward.  
Palmer

Governing Board member Shelly Aldean asked Mr. Wells who were the abstention votes on the matter at the APC. Mr. Marshall stated that Mr. Jepson had abstained due to his possible conflict of interest on this issue, and the other could not recall at this time the other abstention vote.

Governing Board member Jerome Waldie asked **who determined if the environmental documentation would be sufficient as an environmental checklist, on this item. Mr. Wells stated that this was a staff determination, and was run through the legal counsel**. Mr. Marshall confirmed that he had been working closely with Mr. Wells and staff on this item and the environmental documentation, and that **he believes it is ultimately the Board's call whether or not to accept the staff recommendation on the environmental documentation. Mr. Marshall stated that at issue is the documentation to support the finding of no significant effect**. Mr. Marshall believes that this can be further reviewed following Mr. Eichar's presentation, and public comment.

Mr. Waldie brought attention to page 67 in the Board member packet, third paragraph, the sentence reading **"TRPA will continue its policy of non-enforcement", and the possible conflict of now adopting a policy of enforcement**. Mr. Marshall clarified this point stating that what he believes this to mean is that one of the debates of the Board is **whether or not vacation rentals fit currently into the Agency's regulatory structure**.

Mr. Marshall continued that **staff in the past have taken the position that this could be construed as a tourist accommodation unit**, and part of the approach taken by the Governing Board previously in December, **was to not take an enforcement posture until the Board adopts the new set of regulations and local jurisdictions move forward with the cooperative agreements issue.**

Ms. Aldean stated that her recollection **from the local governmental committee meetings is that in the interim period while the new ordinances are being developed, the current ordinance will not be aggressively enforced**, i.e. the exercising of some forbearance to get this policy in place in the jurisdictions that wish to enforce same. Mr. Galloway stated that was his recollection as well.

Mr. Wells stated that it is his understanding that **each jurisdiction will step up and enter into a cooperative agreement with TRPA and adopt their own regulations in relation to enforcement of vacation rental issues**. Mr. Wells continued that **if a jurisdiction chooses to not enter into an agreement and chooses to not enforce these, the vacation rental use of a residential unit becomes an unallowed use in that jurisdiction.**

Long Range Planner Peter Eichar outlined the specific amendments. Mr. Eichar read the new language contained in the local government neighborhood compatibility requirements groups. Mr. Eichar stated that **TRPA has standards for parking, noise, signage and lighting, and the standards developed by the local jurisdictions have to minimally be the same as TRPA's standards, but they can be more restrictive.**

Mr. Eichar continued that the standards **TRPA does not have any rules for are occupancy and handling of refuse and garbage.** The local jurisdictions will need to develop these standards.

Mr. Eichar read the **definition of vacation rentals** as presented in the Board member packet on page 73, **"a residential unit rented for periods of 30 days or less"**.

Mr. Eichar stated these are the proposed amendments to Chapter 2. Mr. Eichar discussed Chapter 18, on the following page of the Board member packet, and 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 that an outside consultant had completed a study on the housing structures and the mix in the basin and that information was presented in December, 2003.

**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. Waldie, what is it that is your concern? Mr. Waldie stated what he is concerned with is that he is under the impression that staff has been under pressure to complete this report in 30 days, and it would not be feasible if environmental documentation was completed at a higher degree than an environmental checklist.

Mr. Waldie stated that he finds very little wrong with the ordinance itself, but he added that his issue is **if this ordinance goes to court, and it is found to be environmentally insufficient, the haste to get this done is lost.** Mr. Singlaub addressed these issues stating that what is important is we are not addressing here **whether or not there are impacts from vacation rentals, there are vacation rentals. The Code previously did not acknowledge them and this is now being addressed.** Mr. Singlaub stated that he believes this will better address the impacts, since it will turn this issue over to the local jurisdictions and they will insure the compatibility of the use. Mr. Singlaub stated that he believes **if this becomes a court issue, the courts will ask for an environmental analysis, and from his perspective the checklist has accomplished this.**

Mr. Solaro clarified an issue previously mentioned by Mr. Waldie, that the Committee was given 90 days to come back with a report, not 30 days, which is a significant difference.

Governing Board member Tim Smith stated that the Douglas County Board had directed TRPA to put together an ordinance so that Douglas County could enter into an MOU with TRPA to deal with this and that would make sure that residences that are being used as a vacation rental are compatible with the neighborhoods.

Governing Board member Slaven asked **if a resident comes forward and files a complaint regarding the vacation rentals in a particular neighborhood,**

**where would these complaints be filed?** Mr. Solaro stated that these complaints would be addressed by the local jurisdictions for enforcement.

Mr. Eichar added that **regarding the cooperative agreements, TRPA is proposing to give approximately a six-month time period to develop adopt and enter into these agreements.**

Mr. Eichar stated that the APC recommended approval and that staff is recommending approval of these amendments. Chairman Solaro wanted to thank the numerous individuals involved in this issue, and that TRPA has a Lake to take care of, and that is the priority. Mr. Solaro opened the meeting for public discussion at this time.

Mr. John Faulk of the **Tahoe Sierra Board of Realtors** introduced himself to the Board and public. Mr. Faulk stated the proposed amendments to the Code are indeed most necessary and essential. Mr. Faulk stated that the current Code is recognized as deficient in this matter, and clearly this was just an oversight when signing the massive documentation related to the Code of Ordinances. Mr. Faulk stated that the Code amendments are not a radical departure from the current Code and practices, but rather clarified to the existing Code. Mr. Faulk stated that **recognizing a less intense use of a property, such as a vacation rental, should be advantageous to the environmental thresholds.** Mr. Faulk urged for approval of this ordinance.

Mr. Dennis Crabb, Esquire, **representing the vacation rental working group**, thanked Mr. Cole and Mr. Solaro, for their leadership on this issue, and the local government committee and the many hours that were put into bringing this issue to resolution by TRPA staff and the Governing Board. Mr. Crabb stated the resolution process has worked; **the end result is that the local governmental officials make the appropriate local government decisions; TRPA continues to enforce the general environmental regulations; and private businesses are really provided a set of tools that will allow for management of the properties.** Mr. Crabb stated regarding the environmental impact reporting, that ***the most compelling piece of evidence is the fact that the staff created and reviewed and filled out an environmental checklist and came to a determination that no additional environmental review was required,*** that alone supports your decision. Mr. Crabb continued that this ordinance and process recognizes and sets forth a mechanism for improving the impacts of vacation rentals in the Basin, and further recognizes the status quo, that there are, and have always been, vacation rentals in the Basin. In conclusion, Mr. Crabb stated that on behalf of the vacation rental working group, they strongly support the staff recommendation, and urge the Board to move forward with this.

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 vacation rentals. Mr. Cole stated that with the Code of Ordinance change being proposed, **the local jurisdictions will be required to enforce these issues of compliance.**

Mr. Smith stated that it is **his intent as Douglas County Commissioner**, that in six months or less when an ordinance is in place to deal with these issues, that the problems being presented at today's Board meeting will happen no more than once at any given property, **since there will be an ordinance that addresses occupancy and parking and a mechanism to enforce these regulations.** Mr. Smith stated that he is confident that the rules within the new ordinance structure will be strict enough to address the problems and issues that arise with vacation rental units.

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. Fred Mercado, Legal Analyst for the City of So. Lake Tahoe, addressed the members of the Board. Mr. Mercado stated that the City of So. Lake Tahoe is the only jurisdiction that has adopted an ordinance, and this was done approximately a year ago. Mr. Mercado continued that an average of only five complaints per

month have been received over the last year period, with over 1,260 permits issued for vacation rentals as of January 2004. Mr. Mercado stated that while the ordinance in place is not a perfect ordinance, but has worked very well thus far. Mr. Mercado urged the support of the amendment before the Board at this time, and he believes that the City of So. Lake Tahoe and TRPA cooperation together is working well. *[STRs voted out of residential areas in 2018.]*

Ms. Dawn Archer with **Incline Village Board of Realtors** stated that her group believes **the issues with vacation rentals should be handled on a local basis**. Ms. Archer stated that her group is eager to comply with and support the proposed amendment before the Board at this time.

Mr. Del Rowley came forward **as a private owner**, and stated that **he has had a rental property in the Basin for over 20 years**. Mr. Rowley stated that he is in favor of this new ordinance in order to open the door officially for individuals who wish to partake of this process of vacation rental property.

Mr. Craig Morris of Lake Tahoe Accommodations, stated that he wished to thank the TRPA for the vision shown last December when the Agency took the initiative and began the stakeholder process to clarify the Code definitions regarding these issues of vacation rentals. Mr. Morris stated that he believes this new ordinance removes ambiguity from the vacation rental issue. Mr. Morris **also stated that he believes a vacation rental property is occupied significantly less than a full time rental, and this will have significantly less of an environmental impact**. Mr. Morris thanked the Board for being a part of this process in developing the language in this ordinance.

Mr. Wes Smith of Pleasanton spoke, stating that he has a second home in So. Lake Tahoe, California. Mr. Smith thanked the TRPA Board for having the vision to fix the problem with vacation rental issues by adopting the ordinance as presented. Mr. Smith stated he did not prefer the term vacation rental, he preferred the term mixed-use house for his second home in Lake Tahoe, and would not be able to afford this home without the use of the home as a vacation rental.

Mr. Ed Moser of So. Lake Tahoe, California spoke to environmental impacts and studies being done in this regard. He questioned if enough has been done, or enough of that information is available to make a qualified decision. Mr. Moser presented an article in CNNMoney, which listed Lake Tahoe, California as one of the top 10 places to buy a second home in the nation, and entered this for the record. Mr. Moser stated that he does not feel there is enough housing available here for the investment housing market

**without destroying all the levels of housing, and he would appreciate a more advanced study on this before the Board makes a decision.**

Mr. Jerry Goodman, So. Lake Tahoe resident, stated that he believes the ordinance in So. Lake Tahoe is working for the most part, especially in his neighborhood, as he has noted improvements since the ordinance has been in effect. Mr. Goodman stated that **he has been involved in a vacation home rental problem in a neighborhood that is now going to be re-zoned to tourist commercial**, and he stated that he does not believe this is legal, and cited issues over values of his properties, due to the new codes. Mr. Goodman presented a letter he has received from an attorney, by the Agency renting a home next to his residence, and the letter was entered for the record. Mr. Goodman referred to this letter as a threatening letter. Mr. Goodman believes that this new ordinance leaves individuals little choice but to move or take legal action, if they do not approve of the new zoning.

Ms. Renee Miller representing Tahoe Keys Resort spoke and stated she supports the ordinance for the record.

Ms. Yvonne Huck spoke stating she owns a condominium rental in Pinewild, and as an owner she does note some problems from time to time with her rental unit. Ms. Huck stated that she is in favor of the ordinance presented for approval at this time.

Chairman Solaro closed the public hearing and brought the matter back to the Board for discussion.

Governing Board member Tom Quinn asked if his interest in having an opportunity to rent a vacation rental in Lake Tahoe would be a conflict of interest. Mr. Marshall stated he does not believe this would be a conflict issue, as he would not have a financial interest in the outcome of this case or this matter apart from distinguishing himself from the general substantial portion of the public at large.

Mr. Smith stated that he believes this ordinance will work, and he agrees with having a written agreement between TRPA and Douglas County that Douglas County has met the basic requirements through their ordinance, and he does not believe this would be that overbearing.

Mr. Kastan stated that Placer County would have no problem signing a cooperative agreement in this regard with TRPA.

Mr. Solaro stated that in El Dorado County the **majority of the complaints that are heard and he has heard in his public meetings are nuisance complaints at most, which TRPA would not be investigating.**

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, not withstanding 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.**

Mr. Quinn stated that he did not come to the same conclusion reading and regarding this confidential memorandum to the Board.

Governing Board member Reed Holderman stated that he would support the staff recommendation and resolution as written and support the stakeholder process.

Chairman Solaro asked to entertain a motion to support the findings on page 68. Mr. Quinn motioned to support the findings. One No vote was voiced by Mr. Waldie. The motion carried. Chairman Solaro asked for a motion to support the ordinance on page 71. Mr. Cole motioned in support of the ordinance. The motion carried. Chairman Solaro read in summary the Ordinance, as contained in the Governing Board member packet. (TRPA Ordinance 2004-6)

## Marja Ambler

---

**From:** Schmenk, Dianne <dschmenk@charter.net>  
**Sent:** Tuesday, October 08, 2019 7:40 PM  
**To:** Bill Yeates; Marja Ambler; Joanne Marchetta; John Marshall; John Hester; Brandy McMahon; Callicrate\_trustee@ivgid.org; ebrown@www.washoecounty.us  
**Subject:** TRPA drafted guidelines for STR Best Practices.

October 9, 2019

TO:

Bill Yeates, Governing Board Chair, [jwytrpa@gmail.com](mailto:jwytrpa@gmail.com)  
Marja Ambler, Board Assistant, [mambler@trpa.org](mailto:mambler@trpa.org)  
Joanne Marchetta, Executive Director, [jmarchetta@trpa.org](mailto:jmarchetta@trpa.org)  
John Marshall, General Counsel, [jmarshall@trpa.org](mailto:jmarshall@trpa.org)  
John Hester, Chief Operating Officer, [jhester@trpa.org](mailto:jhester@trpa.org)  
Brandy McMahon, [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org)  
Tim Callicrate, Member of Advisory Planning Commission [Callicrate\\_trustee@ivgid.org](mailto:Callicrate_trustee@ivgid.org)  
Eric Brown, Washoe County Manager, [ebrown@www.washoecounty.us](mailto:ebrown@www.washoecounty.us)

Dear TRPA,

My name is Dianne Schmenk, I live at 1443 Tirol Drive, Incline Village, NV.

There are at least 30 known STRs currently operating in our single-family residences community of Tyrolian Village, Incline Village, NV. We are all aware of the degradation of our neighborhoods as a result. STRs have been allowed to exist and proliferate for years, despite open disregard to signed contracts, rules and regulations, CCRs, HOAs, etc. It is due time to make the HARD decisions to regain control of our communities, our environments, our safety and security, and our character.

The guidelines I would most like to see included are:

- \* Required licensing for all STRs, city and state.
- \* Required, on site inspections for fire, safety and life .
- \* Parking, no more than 2 per STR, marked. No boats or trailers.
- \* Noise.
- \* Trash and Refuse.
- \* Max Occupancy.
- \* Local available host, 24/7.
- \* Enforcement of compliance and monetary penalties for non-compliance, to include loss of license after 2 strikes.

Thank you for including this email in the Public Record for your meeting on 10-9-19.

Dianne Schmenk

775-833-0474