

DOUGLAS COUNTY BOARD OF COMMISSIONERS  
MEETING OF AUGUST 19, 2004

No action taken. Presentation only.

**DISCUSSION AND POSSIBLE ACTION ON A PROPOSED INTER-LOCAL AGREEMENT BETWEEN DOUGLAS COUNTY AND TAHOE REGIONAL PLANNING AGENCY (TRPA) RELATING TO COMPLIANCE AND ENFORCEMENT ISSUED REGARDING VACATION RENTALS**

Dan Holler, County Manager, said this relates back to the changes in the TRPA Code regarding the issue of Vacation Rental Homes as an allowed use within residential areas. The agency would like an inter-local agreement with the county stating the county would take over enforcement of vacation rental issues. The county has changes to the draft agreement sent from TRPA. He explained the best process would be to implement a business license structure similar to the liquor license system.

Chairman Kite commented he does not want it blowing over so that they are enforcing a business license for all businesses in Douglas County.

Scott Doyle, District Attorney, explained state-enabling legislation allows them to enact policy style ordinances for a portion of the county. The key thing in dividing the county up and making a particular provision applicable in one place and not another is the legislative findings to show there is proper basis to differentiate between the two areas, regulate one and not the other. The inter-local agreement would be the salient factor, but they would also have to use some of the data from the planning department.

Chairman Kite stated he brought that up because he did not want an uprising when the newspaper states Douglas County proposes business license. In order for them to save the cottage industry and to have some control they have to have something they can enforce.

Commissioner Smith said Eldorado County passed their vacation rental ordinance. Staff might contact Eldorado County to get a copy of it; there might be some items that might be appealing. A couple of the specific issues it related to were pretty good.

There was discussion among the board members. The City of South Lake Tahoe and Eldorado County have passed their ordinances. The only areas remaining are Placer County, Washoe County and Douglas County. Some places require a special use permit to have a vacation rental in a home. There was concern with additional staff requirements. The program needs to be self-funded.

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Public Comment

Joe Denton, local appraiser, expressed concerns regarding enforcement. He thinks there is a shift in vacation rentals to full time rentals.

Sara Ellis, representing Nevada realtors in the basin, commented the ordinances that have been passed place the burden of nuisance on the property owner and not the person creating the nuisance. She explained problems they are having with enforcement. Her clients are interested in protecting the quality of life they sell and protecting people's property rights in their ability to use their homes in the way they want too.

Chairman Kite stated they have discussed it and depending on the situation they would like to be able go after both if necessary. They would like to eliminate the problems that are being caused right now.

Debra Palmer, Zephyr Heights GID, reminded the board the TRPA ordinance stated there should be an ordinance by all of the different local governments within six months. That is September 23, 3004. It states if there is no ordinance by the county the vacation rental home would be illegal. The local governments are supposed to adopt an inter-local agreement with TRPA and have community standards. The specific issues with community standards have to do with the nuisance issues. They hope since they purchased homes in a single-family residential area the rentals will be single families instead of busloads of people. They would like to make sure there are no commercial uses and there are no tourist accommodation uses. The occupants and the owners should be liable if there are any problems because the owners are creating the environment. Modifications to the single-family homes should also be monitored.

Vice-Chairman Curtis agreed another defendant should be the rental company.

Commissioner Etchegoyhen stated there should be a base line of day one.

Debra Palmer said the residents also want on-site parking only. Clients are dealing with snow removal, road maintenance, water drainage, and direct environmental impacts caused by buses.

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Commissioner Smith commented they need to keep in mind this is going to be a work in progress for a while. They need to have something that is acceptable to TRPA that is as good as they can make it at this time, but it is something they can tweak over time to make it better. There will not be a final product within a month it will be a beginning product.

Debra Palmer stated there were to be public meetings to review drafts and give input; she requested the opportunity to participate.

Scott Doyle asked if TRPA shared with her how they have enforced their noise standards since they put them in the code of ordinances. They use a decibel standard; did they share the enforcement mechanism and experience they have employed to enforce their own ordinances since they were put on the books?

Debra Palmer stated that was not shared with the committee.

Commissioner Smith responded TRPA has an ordinance that they do not enforce.

Scott Doyle stated this is when the September deadline is going to fall apart. Noise is a single example of if. There is an ordinance standard that has been on the books for a long time at TRPA. They can point to it and they can tell you how long it has been there. They have never administered it; they have never enforced it. Now they are asking a local government to take over the delegated responsibility and do something with it. That is not going to be accomplished whether they started in February or March and worked toward it or if they started today and worked toward it. That type of thing is not going to be done by September 23<sup>rd</sup>. In the area of noise, which is one of the nuisance concerns, the reasonable expectation to see as a Douglas County citizen is a situation where enforcement for noise problems is going have to be done through a penal disturbing the peace. It is not going to be someone taking a decibel meter to determine the noise level.

Public comment closed.

Bob Nunes, Community Development Director, stated there are four or five criteria that have to be regulated at the local level. Parking is going to be very difficult to enforce.

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Commissioner Etchegoyhen reiterated the logistics of doing this properly and effectively is going to be daunting. They should endeavor to make sure the cost recovery of doing this program is complete.

Scott Doyle stated regarding parking one of the things they are going to have to look at is the subject of on street parking. It is going to be essential to enlist the aide of the GID's to make sure their parking plans are properly engineered, up to date, and have been adopted by their board of trustees through the resolution process for the posted parking signage. Driveway parking and on site parking is one thing, on street parking is another. To get effective enforcement there it is going to be essential they have the full cooperation of the districts so there is a mechanism and a good parking citation program of enforcement as well.

MOTION by Smith/Curtis to convene in closed session; carried unanimously.

**COUNTY COMMISSIONERS - CONVENE IN CLOSED SESSION**

**CLOSED SESSION FOR THE COUNTY COMMISSION TO MEET WITH ITS MANAGEMENT REPRESENTATIVES TO DISCUSS LABOR NEGOTIATIONS - THE SESSION IS CLOSED PURSUANT TO NRS 288.220**

Closed session held.

MOTION by Etchegoyhen/Baushke to reconvene in open session; carried unanimously.

**COUNTY COMMISSIONERS - RECONVENE IN OPEN SESSION**

**DISCUSSION AND POSSIBLE ACTION ON CLOSED SESSION REGARDING LABOR NEGOTIATIONS**

No action taken.

**CORRESPONDENCE**

**Chairman and Board members' report of correspondence received by the county after preparation of the agenda.**

Vice-Chairman Curtis stated he would be on vacation next week.