

Brandy McMahon

From: rondatycer@aol.com
Sent: Thursday, July 11, 2019 10:54 AM
To: Brandy McMahon
Subject: STR Advocacy Group In Incline Village

FROM: INCLINE VILLAGE SHORT-TERM-RENTAL ADVOCACY GROUP

TO: Incline Village Residents

A citizens group is forming to advocate for short-term-rental (STR) control in Incline Village. We want to minimize the detrimental effects of STRs in whatever way works best for permanent residents in the community. We who are forming the Incline Village STR advocacy group want to participate on committees deciding issues about STRs in Incline. Currently Washoe County Commissioner Marsha Berkbigler represents Incline Village to Washoe County and to the Tahoe Regional Planning Agency (TRPA), but no residents represent the Incline Village community to these agencies.

Our advocacy group will address legal issues, rules and regulations, enforcement, and minimizing deleterious effects related to STRs in Incline Village.

LEGAL ISSUES:

By Washoe County code and by Incline Village CC&Rs, STRs are prohibited in Incline Village residential zones. Even so, Washoe County Commissioners are allowing STRs throughout Incline.

- All residential parcels in Incline Village are restricted by Incline Village CC&Rs to residential use only. [Incline property owners in most residential zones sign as part of their title papers a *Declaration of Restrictions, Paragraph 4: "Exclusive Residential Use and Improvements – No lot shall be used except for residential purposes."*] These CC&Rs vary among Incline zones. Many Homeowner Associations (HOAs) also prevent business use of residences and/or don't allow transient occupancy (less than 30 days).

- No STRs are allowed in residential zones per Washoe County Code Section 110.100.05: Applicability. "Any use not specifically enumerated as permitted in a regulatory zone.... Pursuant to Section 110.304.10...shall be considered to be prohibited in any regulatory zone for which the use is not enumerated." Residentially zoned parcels in Washoe County (Low-Density Urban, Medium-Density Urban, and High-Density Urban) are restricted to uses specified in Table 110.302.05.3. Short-term-rentals are not a permitted use. Bed and Breakfast Inns are an allowed use with a Special Use Permit, but Condominium Hotels, Hostels, Hotels and Motels, and Vacation Time Shares are all specifically prohibited in these Washoe County residential zones. Because STRs are not mentioned as a use, they are prohibited by Washoe County Code 110.304.10.

- Washoe County Commissioners collect Business Transient Lodging Taxes according to Washoe County Code Chapter 25—Business Licenses, Permits, and Regulations Section 25.117 to 25.186—Hotels, Motels, and Like Establishments. The Commissioners and the County Attorney have interpreted the code to allow residential STRs to be taxed like transient lodges. Code Section 110.304.15 defines Residential Use Types as: "Residential use types include the occupancy of living accommodations on a *wholly or primarily non-transient basis*...." The Washoe attorney contends that because "Residential Use" allows occupancy on a "*primarily non-transient basis*," the code leaves open the possibility for a *secondary* use of a residence as a "transient lodge"—that is, a use as a rental for less than 30 days—aka an STR. This opinion of Washoe Attorney Paul Lipparelli assumes that Washoe Business Code 25 intended for Hotels, Motels, and Like Establishments applies to private residences so that residences used as STRs are de facto hotels. A hotel is a business use not allowed in Incline residential zones. The blurring of business and residential use needs to be untangled in a court of law.

- The definition of "Transient Lodging" in Washoe County Code Chapter 25 specifically *excludes* "any room within a private dwelling house or other single-family dwelling unit if the permanent or principal owner also resides in and occupies the dwelling." This means that renting out a room in your own house while you are residing in it is not considered an STR. Renting out a room for longer than 30 days is also not an STR. [Nevada property rights allow an owner to rent out a portion of or their entire residence within the legal constraints imposed by deed restrictions, CC&Rs, and HOA rules.]

- Washoe County Commissioners in 2007 authorized the Reno Sparks Convention Visitors Authority (RSCVA) to issue business licenses and collect a Transient Lodging/Occupancy Tax (TOT) from Washoe County residents using their homes as STRs. By licensing and taxing STRs as a "transient lodging business," the Commissioners presuppose STRs in

residential neighborhoods are an allowed use. However, as indicated above, a business use of a residential parcel is not allowed in most of Incline Village either by Incline Village CC&Rs or by Washoe County Code. This contradiction between code prohibiting STRs and the Commissioners interpretation of code to allow STRs in Incline Village must be resolved.

- Because the conflicting codes have not yet been resolved, Washoe County is currently not preventing Incline Village residents from using their homes as STRs, and is collecting TOT from STRs registered with the RSCVA. As can be seen in Chapter 25 of the code, this tax is then forwarded to Washoe County to pay off bond debt. So although the RSCVA collects the tax, it goes directly into Washoe County coffers to pay off bond debt.

- Washoe County Commissioners have already announced in both the IVCB Community First meeting 1-21-19 and the Washoe Commissioners Meeting 2-26-19 they will not enforce a ban on STRs in Incline Village residential zones. [See IV Community Meeting notes 1-21-19 and Commissioners Meeting 2-26-19.]

RULES AND REGULATIONS

If Washoe County code and Incline Village CC&Rs are enforced, there will be no STRs in Incline Village residential zones, and thus no need for rules and regulations of STRs in those zones. STRs might still be legal in the commercial core or some other zones in which case rules and regulations will be needed.

- Given that Washoe County Commissioners want to allow STRs, the County Planning Department is in process of drafting rules and regulations to be presented to Incline Village residents this summer with the objective of publishing Washoe County Code for STRs by 2020.

- The Tahoe Regional Planning Agency (TRPA) is currently in process of drafting STR rules and regulations for the entire Lake Tahoe Basin. They have published two reports that explore STRs locally and nationally, which you can read online (www.trpa.org/short-term-rental-neighborhood-compatibility).

"Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin: TRPA Local Government Report" December 13, 2017; and

"Short-Term Rental Neighborhood Compatibility Work Program for the Tahoe Region: Local Government and Housing Committee" June 12, 2019.

The TRPA reports rely on findings from the *Mountain Housing Council STR White Paper, March 2019* which include Regional Market Data, Local Approaches to STRs, and What Other Communities are Doing including STR Research from Other Communities, and Regulatory Approaches. [Search Mountain Housing Council of Tahoe Truckee STR White Paper.]

ENFORCEMENT

One of the main reasons for minimizing or banning STRs in Incline Village is because enforcing any STR rules and regulations will be the responsibility of permanent full-time residents who do not want to—nor should be forced to—become STR code-enforcers to protect their neighborhoods. Absentee owners or part-time residents who rent out their homes as STRs put the burden of enforcement on their neighbors to ensure that their renters adhere to County codes. Once STR rules and regulations are written into County code, Incline's permanent full-time residents will be required to contact the property owner, property manager, or County personnel whenever STR renters make noise, park where they shouldn't, disturb the tranquility of the neighborhood, disturb neighbors, alarm neighbors, over-occupy the house, create safety hazards, and so on. The Commissioners have already said it will be up to neighbors to contact owners/authorities whenever problems with STR renters arise. Incline residents should not have to suffer STR-related problems in the first place. Why should they be forced to monitor and enforce County code for STR renters?

- Currently Washoe County Sheriff deputies and North Lake Tahoe Fire District firefighters are charged with enforcing Washoe County codes dealing with (a) parking, (b) neighborhood noise, disturbance, and nuisances, and (c) occupancy and safety hazards. In Incline Village these first-responders are already spread too thin to enforce code violations. The two deputies assigned to Incline Village are already stretched just dealing with life and safety issues. STRs will bring additional code violations that are of lower priority and most enforcement will fall to neighbors as will the costs of enforcement.

Washoe County taxpayer money goes to administrators, deputies and firefighters to enforce County code. When limited time, energy, and effort of Washoe County employees are used to regulate STRs—for the financial benefit of RSCVA, the STR property owners, and the online rental companies (AirBnB etc.)—time, energy, and effort to enforce County code for the rest of us is minimized. We are subsidizing STR owners' gains with our tax money.

SHORT-TERM AND LONG-TERM DETRIMENTAL EFFECTS OF STRs

The MHCTT study (attached) provides an overview of STRs around the Tahoe basin in both California and Nevada. The study provides a list of resort areas and cities that are either prohibiting STRs completely or strictly regulating them— "to preserve long-term housing, lower nuisance issues, preserve neighborhood character for primarily full-time residents, and discourage speculative STR investors." Many of the California cities banning STRs are small resort towns trying to preserve their special character including Carmel, Napa, Healdsburg, Newport Beach, Sausalito, and Tiburon to name just some of those listed in the report. Other resort areas around the country have ultra-tight restrictions on STRs including Mammoth Lakes, Pacific Grove, Santa Barbara, San Francisco, Breckenridge, Crested Butte, Durango, Telluride, Miami, Bozeman, Portland, Park City, and Jackson Hole among others.

Most of us have no idea how rampant STRs have become nor how destructive they have proven to be. Certainly in Incline Village, most residents don't see them as a threat to our quality of life or to the character of the village itself. But we should. San Diego is the poster-child city now in crisis because of STRs. To understand what STRs can do to neighborhoods and to an entire community, go to the following website created in 2017: (<https://media.sandiegoreader.com/news/documents/2017/10/20/17mediakit.pdf>). We can apply the lessons learned from San Diego's wealth of STR data analysis.

Income

- Earnings by Internet rental platforms (AirBnB etc.) and non-resident STR owners do not enrich Incline Village. Many of the 900 STRs in Incline are owned by investors who don't live in Incline or in Nevada. Only Incline realtors and STR owners make money from STRs. The rest of Incline residents gain nothing but pay STR costs.

- Permanent year-round residents—not visitors—are critical to running a business in Incline Village. In the shoulder seasons of fall and spring at Lake Tahoe, local businesses rely on full-time residents. Visitors may spend on recreation or entertainment during our two high seasons, but they don't spend on other goods and services. Incline residents spend at local outlets every day of the year. Without a steady residential base of income year round, Incline businesses don't last. When businesses fail, Incline Village, Washoe County, and the State of Nevada lose.

Housing

- When rental housing is converted to STRs it reduces affordable housing for others. Incline already has an affordable housing crunch in part due to STRs. When affordable housing is converted to STRs, fewer units are available and rents go up. Incline rents are at an all time high. Incline businesses (including IVGID) are at a disadvantage because potential employees simply can't afford the cost of housing. STRs increase rents and force employees to commute to Incline Village from Reno or Carson. Daily commuting increases environmental wear and tear (to say nothing of what it's like to commute over Mt. Rose in the winter.)

- Property values and property tax revenue are depressed for properties next to STRs. When homes are sold, the seller must disclose the presence of STRs. Because of the negative impacts of being near an STR, this disclosure typically reduces the selling price. (San Diego Reader findings.)

Enforcement Costs

- STRs increase municipal costs. When tourists replace residents, communities become problematic... and end up costing more money for police, trash, emergency medical, and other services. (San Diego Reader findings.)

- Incline Village is in a high fire zone. Fire hazard is greatly increased by STRs. NLTFD Chief Ryan Sommers reported that 50% of the 90 fires in Incline homes in the past 7 years were in STRs. If STRs aren't in compliance with TRPA BMPs, defensible space, and other safety measures, insurance may not cover costs of any damage to the STR or neighboring homes. One STR house fire caused a death, and the insurance company refused to pay because the STR was not fire safe. In June an Incline STR renter built a fire in the back yard for a wiener and marshmallow roast, which alert neighbors discovered before it burned out of control. Any NLTFD firefighter STR safety inspections are at the expense of all Incline Village taxpayers. Our taxes are again subsidizing STR owners' financial gains.

Character of Incline Village

- STRs destroy the social fabric of communities, and if allowed to proliferate unchecked in Incline Village will change the character from a residential alpine village to a commercial resort. *"The U.S. Supreme Court has ruled that non-residential uses may have an increasingly deleterious impact on a residential district "until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed." In 1991, the Court opinion stated, "It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes ...are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community."* (San Diego Reader findings.).

Lake Tahoe

- STRs are bad for the lake. STR renters are on vacation—here for entertainment and recreation. They aren't here to take care of the lake; they're here to take advantage of the lake. We want them to enjoy Lake Tahoe but not at the lake's expense. High occupancy and fast turnover intensify the use of homes and parcels. More cars, more trips per parcel, more cars parking off-road all damage the parcel and the lake. When residences become STR mini-hotels, they aren't as well maintained as when they are home to permanent residents. BMPs are less likely to be up to date,

defensible space is less likely to be maintained, and safety issues aren't as quickly addressed. Permanent residents are more invested in the health and safety of Incline Village and Lake Tahoe.

Although STRs benefit Incline STR property owners and realtors, they don't benefit the vast majority of Incline's permanent full-time residents. Restricting STRs from residential zones will keep Incline Village the uniquely desirable alpine village we pay so dearly to live in.

We hope you'll join the Incline Village STR Advocacy Group to address these issues. If you don't want to join our group but want to keep informed of STR issues in Incline, or just make your opinions known, contact Ronda Tycker at rondatycker@aol.com.

We'll be attending the TRPA meeting on STRs July 17 at 1pm in the south shore TRPA office at: 128 Market Street, Stateline NV 89410. We can make our issues known during the public comment period.

<http://www.trpa.org/short-term-rental-neighborhood-compatibility/>.

INCLINE VILLAGE COMMUNITY MEETING REGARDING SHORT-TERM-RENTALS 1-21-19

Recorder:
Ronda Tycer

[This recap is written for members of the IV Community Forum. Know that many speakers at the meeting were across the room and inaudible. Please let the Recorder know if you find egregious errors of misunderstanding or omission, and the recap will be supplemented accordingly. Thanks.]

PANEL:

Marsha Berkbigler – Washoe County Commissioner for Incline Village (775 328-2005)
mberkbigler@washoecounty.us

Bob Lucey — Commissioner and Chairperson of RSCVA (775 501-0001)
blucey@washoecounty.us

Dave Solaro –Assistant County Manager (775 328-3624)
dsolaro@washoecounty.us

MODERATOR:

Sara Schmitz – Chair for IVCB Community First
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Sara Schmitz

We have an entire panel here tonight and I thank all for being here. Many people have emailed questions for them to answer. But before we get started, I'd like to mention a few housekeeping items. In the process of running for the IVGID Board, I learned a lot about the community, and decided to spearhead a Community Action Committee. One of the topics we focus on is Short-Term-Rentals (STRs). We reached out to Marsha Berkbigler who agreed to meet here to listen to community members' comments and answer questions that can help her make good decisions. She may not have all the answers to your questions, so we have a sign-up sheet for your name, email, and phone number, and will get back to you with answers. I have a list of questions but if you have additional questions, get an index card and pen and bring your cards up front.

Marsha Berkbigler

Thanks, Sara. I'm amazed at how many of you came out in this weather. It is beautiful... but it's cold. We're here tonight to give you a chance to give us feedback. This is not a formal meeting, and we're not recording it... other than the TV cameras... **I'm here tonight with Bob Lucey who's also my backup for interfacing with TRPA and the Chairperson of Reno Sparks Convention Visitor Authority (RSCVA). Dave Solaro is our Assistant County Manager in the Community Services Department. He'll be helping us actually write the draft regulations.**

I've received countless emails, phone calls, and texts from owners and renters and the majority of these responses are saying let's put some regulations in place that make

STRs work. We've seen what happens when, like in South Lake Tahoe, residents just say "no more." It's now hung up in court. Our goal is to make use of STR ordinances from other areas similar to Incline Village, and there are some really good ones. We've got a whole set of ordinances from Henderson that are excellent. So our goal here tonight is to hear what you need from regulations, but we're not here to set a complete ban on STRs for a number of reasons. First, I don't have the votes on the Commission. I'd need 3 votes out of the 5 and I don't have them. Isn't that right?

Bob Lucey

That is right. Instead we're interested in looking at "good neighbor" regulations—things like having fire extinguishers in the unit, smoke alarms, sufficient parking, making sure There are only so many people in a bedroom—a two-bedroom isn't for 15 people. We want to set rules you can live with because you will have to live with this everyday—especially during the high seasons. People want to come here, people from around the world know about Tahoe and want to visit.

Marsha Berkbigler

The second reason we want to put regulations in place at the County level is because TRPA is getting pressured from the California side to provide standard regulations about STRs, and as seen from the Shoreline Plan with all the new buoys, TRPA decisions don't necessarily benefit us. We want to decide what will benefit us in our unique community.

Bob Lucey

We came tonight to get a sense of the temperament of the community because we want to preserve the unique heart of the Village. A lot of people here rely on the tourist economy, so this is important for them. We collect tax dollars through the RSCVA but we put that money back into the community. If we don't collect the tax we have no way to enforce regulations, no control. The challenge for us is to write a policy that is conducive to Washoe County as a whole because STRs are happening in Reno and Sparks as well. We have to understand those individuals' situation too. But because there's much more in the Tahoe Basin, we need to start creating policy here and then extend it to the other parts of the County. We need information from you to take back.

Marsha Berkbigler

I spoke at the bimonthly IV Community Forum Peter Todoroff moderates and explained that we have two ordinances with conflicting language. One ordinance says you can't rent for less than 28 days in residential areas, but the other ordinance created in 2014 which is based on State law, allows us to collect a rental tax through RSCVA for rentals less than 28 days. Our District Attorney's opinion is that in the case of a conflict between ordinances, the most recent ordinance supersedes the older ordinance. The 110 language was put in place 3 decades ago. The new ordinance language is much shorter. But according to the DA neither the County nor the RSCVA is in violation by collecting the tax.

Sara Schmitz

Just so we know who's represented here tonight, would all the people raise their hands who do not vote in Incline Village or Crystal Bay. [2 votes]

How many of you rent your home while you are away for short visits? [3]

How many have a STR property you don't reside in? [3]

How many are onsite hosts for STRs? [3]

How many are renting a room in your house—a B&B or that sort of thing where you're there when your guest is there? [2]

How many here are IV-CB business owners? [15]

How many have STRs in your neighborhood? [vast majority—90%]

How many are realtors? [10]

How many from the Fire Department? [2]

How many from the Sheriff's Department? [0]

[Speaker]

Why is the current ordinance the one that's enforced? I don't see how it overrides the first. The language in the 2nd doesn't say the 1st is invalid.

Bob Lucey

The explanation is when the Commission voted to support the RSCVA tax on vacation rentals—vacation rentals were assumed to exist by RSCVA—it superseded the previous ordinance. The language in the preamble of the Development Code says that if it's not regulated in the code, it doesn't exist. But vacation rentals are a use that exists in Washoe County. We didn't have a regulation dealing with them.

RSCVA handles all visitor issues—all big events like Hot August Nights, the Reno Air Races, the Safari Club International, and so on. It started out as the Washoe Parks and Recreation Board, and morphed into the RSCVA with the sole purpose of collecting room tax dollars from tourism to support local programs. For Incline we support the Red, White, and Tahoe Blue, for instance. The tourism dollars we collect go back into community projects.

[Speaker]

The RSCVA is a convention bureau 40 miles away from Incline Village in Reno with totally different social and economic parameters. You aren't required to license houses to be rented out. Why aren't we allowed to say we don't want STRs in our town? The County isn't required to issue a license.

Bob Lucey

The intention of RSVCA is to bring visitors to the area. We market Tahoe heavily. You have businesses catering to tourism. You have casinos, the Hyatt, and other businesses based around tourism. We work for this community.

Sara Schmitz

One question I have is from someone who said that based on material provided by Washoe County only RSCVA gets money from the STR tax. The County doesn't get

any money, so none of it goes to the Sheriff's office or the Fire Department to deal with STRs.

Bob Lucey

Room tax dollars are collected and stay with RSCVA. But a portion—13% of every dollar—goes back to the County, and a portion of that goes to Incline, Reno, and Sparks to support roads maintenance, sheriff, public safety and so on in these communities.

Marsha Berkgigler

You may not yet know that the new Sheriff has assigned a new full-time deputy in Incline. The deputies are not here tonight but that might be because we've had a serial-killer in the Reno-Gardnerville area and the deputies are really busy. But getting back to Incline Village, one thing I've talked about with the Sheriff is bringing a meter-reader vehicle to Incline for controlling parking. One of the huge problems we have up here is that people park anywhere and everywhere and interrupt other people's lives. So the Sheriff is looking into that. He's asked to increase the number of deputies in the department to 10. Whether or not that will be approved I don't know. But I know he's considering additional housing funds up here so deputies could live here. [applause]

Sara Schmitz

That brings up another question that was raised. With our abundance of STRs, there's not enough housing available for long-term-rentals.

Marsha Berkgigler

Dave's people are looking to see what regulations are in force at other ski areas similar to Incline Village. There must be fire extinguishers, smoke alarms throughout the house, safe-route escape posters on the walls inside the house, instructions on how to open the window to get out.

[Speaker]

How does that mitigate outdoor fires?

Marsha Berkgigler

Yes, we'll also have to look at outdoor fires and decide how to address those. In terms of fire mitigation there's no difference between short-term versus long-term rentals. But it's not in the County's ability to regulate how long you can rent your place. As far as noise issues, our current regulation period is 24-hours, but by the time the Sheriff gets there, the noise has quieted down, so they need to look at that part of the regulation too.

Sara Schmitz

One of the things they've copied me on is a suggestion to have a dedicated enforcement officer to deal with STRs. The impact of STRs on the Sheriff's office has been substantial. The Sheriff's deputy knows well the issues caused in the community...

[Speaker]

The Sheriff can't do anything about parking in condominiums. Only HOAs can deal with that.

Marsha Berkbigler

Parking is a big issue. I've been talking with the head of the Tahoe Transportation District (TTD) to discuss the process of purchasing the old elementary school property and converting it into a transportation hub where people could park their bikes or their cars and take buses. That might hopefully help. [applause]

[Speaker]

What about hiring a company that monitors compliance with regulations on parking, noise, trash, and so on? With multifamily properties, the HOA controls what happens on the property.

[Speaker inaudible]

[Speaker]

[Inaudible] I called the Sheriff about a problem with an STR and he didn't even write down why I called him. He just reported that he made the call.

Bob Lucey

We need a good-neighbor policy. We need a policy that highlights security and safety and gives the Sheriff some kind of power of enforcement with different levels of repercussions. We have to have the ability to issue fines or whatever. There have to be ramifications. What's an infringement? What's a reasonable repercussion? We need those discussions. That's what we're here to collect. But no matter what policy I write, people will break it. I've written policies that people break all the time.

Putting a ban on STRs won't work. Tahoe is Tahoe. People around the world know about the Tahoe Basin. They will come. We need a code and enforcement so that your lives are more comfortable. **My point is that a ban is not a reasonable approach.**

Marsha Berkbigler

We can't stop people from renting out their houses on a short-term basis. People will do it regardless. We just saw what happened to the ban in California. The Courts stopped it.

Sara Schmitz

We're here to identify solutions. We all started here as vacationers. But we need enforceable regulations. What about a rule where three strikes and your license gets revoked?

Marsha Berkbigler

I agree.

Sara Schmitz

But how does a neighbor know whether their neighbor has a valid permit?

Marsha Berkgigler

In the Henderson regulations, they mandate that a sign has to be posted on the front door saying that the residence is rented during such and such a period as a vacation rental. That way the neighbors know.

Bob Lucey

Identifying vacation rentals is best done by neighbors. We need a hot-line call center. Right now you can dial 311. Through RSCVA we can verify if they have a license. We can then follow up with them. **But neighbors policing themselves is much better enforcement than any we can bring up here.** It gives us information in real time.

[Speaker]

Just because the County collects taxes doesn't make STRs legal.

Marsha Berkgigler

We can't ban STRs in neighborhoods.

[Speaker]

Most condos have already banned STRs in their CC&Rs. The CC&Rs override the ordinance.

Marsha Berkgigler

That's not true. Many haven't.

Sara Schmitz

The question is can we ban them in residential areas?

Bob Lucey

That has to do with the definition of residential use. Is an STR a residential use? I don't know. We're here to spend time gathering your thoughts. We know your frustrations are mostly because tourists aren't the best neighbors. You want to maintain your lives as they were. The question is how to move forward in a conducive manner and still protect your livelihoods and your homes.

Sara Schmitz

Another question is whether the proportion of STRs compared to hotel rooms is out of whack? **Can we limit the number of STRS in our community?**

Marsha Berkgigler

I don't know if we have the ability to restrict STRs if we don't put regulations in place. No community has regulations in place, and we need them. The County could have drafted regulations, held three public hearings, and voted them in. We didn't have

to come here to talk. But it's the right thing to do. **It's not what the government has to do but at the County we want to make it friendly government.**

Sara Schmitz

A few people host at their homes, and the feedback from neighbors is positive. Some of the neighbors don't even realize they're renting an STR. **By having a local presence hosting,** the STRs are more respectful of the neighborhood.

Marsha Berkbigler

You have to have a local host.

[Jackie Chandler]

Most of the commentators who are upset are upset because the STR is occupied without a host on site. I'm very sensitive that STRs also respect our environment. What if an STR owner had to be available 24/7? **I'm an onsite host of an STR.** All my neighbors know. But I'm also interfacing with the National Geographic about the Tahoe watershed, so I'm very active in things like defensible space. Leading by example, I got our neighbors to work together on defensible space. It can be done. It would be good if we had some kind of number—like 311—so neighbors could call the police who can deal with absentee owners and tell them “you are irresponsibly hosting.”

[Speaker]

Every hotel has a concierge; all STRs need an onsite host.

Sara Schmitz

A small share of those who submitted comments are in support of STRs. They're concerned about property values, and the impact on business if they're banned. But they're also for enforcement and better control. We need to figure out a way to make it work.

Bob Lucey

My wife and I just got back from staying in a Puerto Rican villa where there was an onsite concierge who provided invaluable information for us. Onsite assistance.

We're here to protect your way of life keeping it safe and secure. I understand you're worried that somebody isn't going to respect the property the way we do. I've lived all over this area and I want it preserved. I believe the on-site host idea is a good one, someone to provide continuous communication, or a property manager who's the point of contact and constantly available for immediate resolution of issues.

[Speaker]

You can set up rules, but that doesn't mean they they'll follow them. [That's life.]

Bob Lucey

Well we can set the rules and enforcement so that you can no longer rent or you'll be fined significantly. But to say ‘we're not going to do this’ won't work. We want to

know what kind of bar do we want to hold up for our community. These are the things we want to find out. It won't work to just stick your head in the sand... or in this case snow... It's not a viable approach.

Sara Schmitz

Another question is how much money is collected by RSCVA from Incline Village and how much comes back? How many permits do you have from Incline Village? And how do the STRs impact the Sheriff and Fire Departments?

Ryan Sommers – Chief North Lake Tahoe Fire District

Our involvement with STRs specifically comes down to safety. There's been an impact. Since 2012 we've had 90 structure fires, and just under half were in vacation rentals, units rented out as STRs. For those who don't know, we tried to pass a Resolution about STRs that failed, but we're still working with realtors on a public education program to get the inside of STRs safe. Maybe in next few months we'll be able to measure the effectiveness of the program. But until we come up with better policies that's about all we can do.

Sara Schmitz

Well you're looking at inside fire safety but what about the fire risks on the outside—pine needles, pinecones are all flammable. STR policies need to address defensible space too.

Ryan Sommers

We don't limit our inspections to STRs. If you pull a permit we inspect the place for compliance. We do drive-bys.

Marsha Berkbigler

We work directly with Ryan and his team and with the Sheriff and his team.

Today we received a complaint wanting us to limit time in a hot tub or swimming pool. In public venues at 9pm pools are shut down. But if we set a regulation, it applies to renters and owners. Maybe owners want to sit in their hot tubs until midnight... although in this weather I doubt it. These are all factors we need to talk about.

Sara Schmitz

You've said at other meetings that parking is a priority. One comment made was that STR people bring too many cars to one unit. They bring boats they park in the streets. How do we get a handle on this?

Marsha Berkbigler

We're working on regulations. Dave here is the guy to talk to with questions about getting boats off streets. I had a meeting at the Parasol building and turned down a side street and there were boat trailers all the way down. [Incline Way.] And I asked, "Do all the people who live around here have boats"? [No, the people just park them there and leave them.] So we're working on regulating boat parking. But let me remind you the wheels of government turn v-e-r-y s-l-o-w-l-y.

[Speaker]

The solution to STRs is to require that they get a **business license**. If I apply for a license, the Fire Chief shows up and he has to sign off before I get it. He checks to see if I've got parking for the cars, etc. These landlords need a business license too. Three strikes and you're out of business. With fewer STRs, long-term rentals will come up again.

Marsha Berkgigler

That's what got me into this position in the first place. **The County was in violation with two conflicting ordinances**. I said we need a business license to control this.

Sara Schmitz

Another issue is that of large single-family homes. These STRs are occupied by large groups. Sometimes corporations rent for a weekend of corporate team building where they have yard games and other outside activities that are very disruptive. These are large homes in the community.

Bob Lucey

With the RSCVA tax—no matter whether they rent for 2 hours or 2 days, no matter if it's a wedding or a corporate gathering—they fall under the same rules and have to be licensed with the same regulations. **We have to identify those properties.**

[Speaker]

But isn't that a commercial use in a residential area?

Bob Lucey

In the Development Code it says you can't use your residence in a commercial way. But when we check they say, "I'm only doing it once, so it's not a business," or "It's a family wedding." And people are litigious. Where does it legally fall? Writing an ordinance is difficult. Finding clarity about zoning is an issue. The license spells out use.

[Speaker]

[inaudible]

Sara Schmitz

Since the Board of Commissioners is reviewing Incline Village zoning, how can residents participate?

Marsha Berkgigler

We'll issue our proposed plan. We're working on the Area Plan. The original Area Plan started 5 years ago was rejected by the TRPA. TRPA sent it back to our staff and said "No." So our staff is now following the TRPA rules. We've hired consultants to help us do that.

Dave Solano

We'll take a look at all the different zones in Washoe County because we have to review the development projects the same way all over the County. We've got a "translator catalogue" from TRPA to the County dealing with the environmental impact of changes in zoning. We've hired a group to review changes the community has requested. These changes either trigger an environmental impact review or they don't.

Marsha Berkgigler

From a zoning perspective, we're now looking at TRPA's requirements. The community will see a draft of our Area Plan. We'll present it both at the CAB and the IV Community Forum that meets bimonthly. We'll get a number of opportunities for you to comment on zoning, moreso than what we're doing here.

Sara Schmitz

Another question: is there the ability to put an age limit on renters? This person had a house full of 20-year-old partiers next door. [No.] **And, another question, can we create a cap on the total number of nights per year a STR can be rented?**

Marsha Berkgigler

I don't know.

[Speaker]

[Inaudible] ... You can't do anything when a fire starts in a neighborhood.

[Speaker]

[Inaudible]

Bob Lucey

Fire can be catastrophic, so defensible space is a big part of the picture. Someone can throw a cigarette butt over the deck railing into pine needles. So the regulations need to address fire safety. The Commissioners will be looking at how we address that. But it's at the top of our list. **A business license requires that fire regulations are in place.** And if it walks like a duck...

Ken Viel – Local Realtor

One thing about the ordinance, I fought the RSCVA and beat the RSCVA because you haven't defined "Residential Use." This has never been brought up before this group. What is "Residential Use"?

[Speaker]

Licensing is great for law-abiding citizens. But people who do STRs and don't follow the law, they keep doing it. They don't get "three strikes and you're out." How do you stop it?

Marsha Berkgigler

Follow the policy of “If you see something, say something.” Although Incline Village is only 12-15% of my constituency, you're 70% of my time. In my 6 years as Commissioner up here, I've learned more about this lake and the need for the County to interact closely with Incline citizens. I have citizens call me and say, **“Don't tell anyone I called because I don't want others to get mad at me ... but.”** And they report the problem. So pick up the phone and call us. It isn't fair if they're not licensed to rent. It's not fair to the others who pay the tax.

Bob Lucey

That is a transient occupancy tax. But you all pay property tax to Washoe County. We're here tonight to see that your needs are addressed. **If people aren't behaving the way they should, we need to know. This is a community that's spent so much time creating good regulations. We'll find out the bad actors. Will we get 100% compliance? No way.** But the point is we'll get a much better response than currently. We need to clarify misunderstanding about when you're in the wrong or right.

Tim Callicrate – IVGID Trustee

What is the definition of residential use?

Bob Lucey

I don't know what it is. But this isn't our last meeting. We'll draft the regulations and you'll have time to review them. We won't put an ordinance in place until you're comfortable with it. You'll be on board if we pass it.

[Speaker]

I'm confused. **If unlicensed owners can use their place to rent out,** what's to stop me from starting a chicken composting pile in my back yard?

Marsha Berkbigler

Well if somebody rents out their house—unless it's someone like Bob with his 3-year-old Mason—you won't know they're renting. But as a neighbor you'll figure out if your neighbor is composting. We can't stop it if we don't know it exists.

[Speaker]

What about noise and traffic?

Marsha Berkbigler

We have no regulations on the book to address these issues. Dave's getting arthritis from writing.

[Speaker]

While you're working on the regulation, can you assign one County employee to scan the VRBO and AirB&B listings so you can find out who's licensed and who's not?

Bob Lucey

Two staff members are doing that already. They're identifying those advertising their STRs and then they go back to our website to ID the property with the Tax Assessor. So it takes a bit of time.

[Speaker]

I have rented out VRBO and AirB&B units. Realtors in town are close to the community. **Renting one's own home as a STR is a transient business. The question is, what can be done to stop these businesses? I know one group of investors who own 20 STR units in town. They don't care about the community. They're not concerned with trash, safety, or parking. This is behind our concern and angst. These STRs really have palpably changed the face of the community.** [applause]

Marsha Berkbigler

That's what we're here to address. Whether renters do it through a local agency or a big agency like VRBO and AirB&B, they all need to follow the same rules. The people who are marketing their homes on VRBO, they are the ones who must relate to the people in the community.

Bob Lucey

I don't have all the specific numbers, but currently there are 14 different rental agencies handling STRs in Incline Village. They're all licensed businesses, professional companies, commercial businesses on the up and up. They handle a large number of properties in this community. Air B&B and VRBO have a big percentage. We need to make sure there's a local host with whom to communicate, to make sure they adhere to the regulations. They need to operate within Nevada as a true business, with a manager on hand.

[Speaker]

There has to be some kind of permitting-process procedure...

Bob Lucey

So one phone call from you saying, "my neighbor is renting, and can you validate if he's complying with the law," will alert us. We can then make contact. That's the process.

Sara Schmitz

Another question that came up is how many feel the overload of STRs is because they have easy beach access? [None]

Sara Schmitz

How many of you have had problems with VRBOs or local property managers?
[20+]

How many had issues because there's no one to call? That's the primary issue.

[Speaker]

if you want to know about the problems, just give us a dedicated email.

Bob Lucey

We can do that. Right now you can call Washoe 311. **But we can create a dedicated email. That way we can collect the whole inventory of STRs in Incline.**

[Speaker]

What else are you doing for Incline besides looking at STRs?

Marsha Berkgigler

Well if you're asking more generally, we've successfully provided a new Incline Community Center, and are expanding to allow more use of it. We're also a partner on the new multi-use bike path to Sand Harbor. I serve on both TRPA and TTD, and we're talking about the bus hub to allow car and bike parking in the Village. We're immersed in creating the new Area Plan which will be in place sometime this year. We have lots of irons in the fire. The new Sheriff agrees with me that we need to get more public safety for Incline. To be honest, I was appalled Incline didn't have a Senior Center. So we're trying to provide for Incline things that Washoe has provided throughout the rest of the County. As of this month I'm the outgoing President of the CAB [see my happy dance?]. We have some super-strong people joining the CAB who will work with me on what good we can do for Incline.

Sara Schmitz

You can let people know what's coming up with the Commissioners.

Bob Lucey

One way to stay in contact is to simply log on to our website at washoecounty.us. Tonight isn't a formal meeting, but you can see the agendas and minutes for the Commissioner forums. They are also on Facebook and Twitter. But if you want a quick answer to a question, contact us at washoecounty.us.

Marsha Berkgigler

You can also call us. My cell is with me 24/7 and I'm very receptive to calls.

Bob Lucey

I'm less receptive than Marsha. But I do respond.

Dave Solaro

Call Bob because he knows a lot.

Bob Lucey

Right now we're working on having a bigger court presence in Incline. We want to get a Second Judicial Court. Right now we have a municipal court judge and a Justice of the Peace.

Dave Solaro

The easiest way to get hold of us is to call Washoe 311. That's a 24/7 call center manned by County staff. It's good for complaints, comments, and compliments (always welcome). I did a tour of the area and the snow crew is doing impressive work; good parking enforcement too.

Sara Schmitz

Marsha will follow up with next steps.

Marsha Berkbighler

We'll have a hearing the 26th of February to put on hold all fines from the RSCVA until we have new regulations in place. We'll be drafting these over the next month.

We'll look at enforcement policies. The Commission will be working on the Development Code from February to July or so. We'll get our regulatory ordinance in draft form to Peter Todoroff so he can share it with those in his forum. We'll make sure Sara has it as well as IVGID. Then after you've reviewed the draft regulations we'll do another community forum, but that one will be a formal recorded meeting.

Good night. And thanks again for coming.

[FROM WASHOE COUNTY WEBSITE: With a region as large as Washoe County, it can be hard to know where to go with the questions we have, or where to turn for the services we need. Now, getting help is as easy as dialing 3-1-1. Washoe311 is your central hub to access a variety of Washoe County services and report your concerns. Residents may request information on all non-emergency services including special events, stray animals, graffiti, and road damage; inquire about utility services, building permits, and so much more. Washoe311 is a way to provide you with accurate, helpful information 24 hours a day, 7 days a week. **For immediate service, contact Washoe County by dialing 311 or 775.328.2003.]**

COMMISSIONERS' MEETING 2-26-19

[These notes are not word-for-word but are close. – Ronda Tycer]

County Manager - Item 18. Next is a discussion on **Short Term Vacation Rentals within Unincorporated Washoe County and policy direction to staff to bring back ordinances regulating short-term rentals ranging from a complete ban to licensing and placing conditions on such uses, and possible direction on suspension of code compliance actions until adoption of code compliance regulations.**

Chairman John Hartung - Vice Chairman Lucey please frame this up for us.

Vice Chairman Lucey - The intent of today is a statement of what will the ordinance look like in the county as a whole? The policy under discussion is for STRs in the unincorporated areas of Washoe—not specific to Reno or Sparks. We won't be voting on specifics of contents of the ordinance; we'll discuss overarching ideas.

Chairman Hartung - I had several requests to delay this item. But this will address the framework, not take a solid vote.

Commissioner Lucey - This will be the start of a longer process involving multiple meetings held in public and in this commission to get greater input on what an ordinance would look like.

Assistant County Manager Solero - **We need understanding for the staff. Currently the Washoe County code has conflicting chapters. Chapter 110 - which is the Development Code and Chapter 25, which is the Business Code. Currently code enforcement staff enforces Chapter 110. And as has come up in the past with the applicability of Chapter 110, there's a statement in there that "any use not specifically mentioned in the... Development Code is essentially considered prohibitive within Washoe Co." No section talks about STRs less than 28 days as a legal use within our residential neighborhoods, so that has been interpreted as being illegal in Washoe Co.**

"Section 110.100.05 Applicability. All development and subdivision of land within the unincorporated area of Washoe County shall be subject to the provisions of the Development Code. Any use not specifically enumerated as permitted in a regulatory zone pursuant to the Development Code, or interpreted by the Director of Community Development as permitted in a regulatory zone pursuant to Section 110.304.10, Authority and Responsibility, shall be considered to be prohibited in any regulatory zone for which the use is not enumerated."

However in 2007 Commissioners granted the authority to RSCVA under Chapter 25 to collect a use tax on those types of businesses or residences. So we have an action by the Board that essentially allows them within Washoe Co. There are however, no regulations to make them safe. Without regulations, there's no enforcement; and without enforcement; these become problematic in the neighborhoods.

First, the request of the Commission is to verify the policy for Washoe Co staff that given Chapter 25 allows transient lodging, that transient lodging is an allowed use. That's the first question that needs to be answered by this Board. Then I can move into next steps, what we need to do. In 2007 the Board made transient lodging an allowed use in Washoe Co.

Chairman John Hartung - I'm starting with Mr. Lipparelli before answering these questions.

Paul Lipparelli – **I worked with Solero and met with the commissioners individually to discuss the concept of a regulatory scheme for transient lodging. The Development Code does allow this usage. There is language within the Development Code prescribing the “primary use” as being residential. Thus there’s room within the code to have transient lodging. Thus, in my opinion, to have transient lodging in residential zones is okay.** This is an opportunity for you to let your staff know what such an ordinance would look like. Would you like to regulate noise, parking, frequency, proximity, and the other issues other communities have put into their code? We need to know what you like and what don’t you like.

Transient lodging usage has been ongoing for a long time, and it is a revenue generating activity for the RSCVA. To step back from that or reduce it would have a direct impact on that agency’s funding. It would affect County funds for the Sheriff, etc. We need to balance what do people want around them, with an existing revenue stream that could potentially go down.

Chairman John Hartung - We need to give direction. We can make some decision but if we don’t decide we’ve also made a choice.

Mr. Paul Lipparelli –In my opinion, this will be a lawsuit eventually if you don’t set policy direction. Someone offering transient lodging will sue, or a neighbor will sue. That suit will be resolved through a lawsuit, or we can use your wisdom as legislators to set the right course.

Madame Clerk – I have a letter from Paul Smith.

Chairman John Hartung – The letter from Paul Smith goes into the record for today’s meeting. I’ll go first to Vice Chairman Lucey.

Commissioner Lucey - For the next discussion, I suggest we leave all the mikes hot. First, we have a number of issues pertaining to a change in specific usage. The big issue – a hot topic with IV residents – is fire inspection and how that will go about with the Fire Department or self-inspection. Property managers have a major role to play.

We can’t just see it as a lake project; it’s a county project. We have potential STRs in North Valley, Spanish Springs, Palomino Valley prior to burning man, or Pyramid Lake. Lots of individuals use VRBOs. And we need a fee and fine structure. In addition to the fee for a permit for STRs, which we are collecting at RSCVA, we need a fine structure for bad actors. **Too many owners don’t control their renters. They’re absentee leasers. They cause the majority of problems. There’s no host to look after the home.** So how the County would work within that structure? What would the fines be? Berkbighler, Solaro and I looked at some semblances of **initial policy from Henderson still under consideration.** We can jump off of that.

What I’d like to reassure before we go to public comment is **I don’t want to see any kind of ban in this County regard to STRs, specifically at the lake.** It’s a wonderful draw to our community. We’re proud of it. Lots of individuals visit our community to see the lake. **And just because you’re the proud owner of a home there, you can’t exclude other individuals from their opportunity to share their home with people.** And when we talk about STRs, we talk about the air quality. If people couldn’t stay up there, the impact of everyone driving up and over would be detrimental to that lake.

There are services that would be sacrificed by lack of tourism. Fewer tourists will come if there’s no place to stay. From an environmental and financial standpoint many businesses are reliant on tourism and would greatly suffer with a ban on STRs. Incline Village (IV) has one hotel. If it weren’t for STRs. condos and rentals you wouldn’t have individuals able to stay and enjoy the community. Incline

Village is one of the only relatively flat areas developed over the years, wisely. The discussion should be about a good quality policy, noise, traffic, and how Washoe Co. interacts with the STRs.

Pertaining to taxes collected, all those revenues go through the assessor and are doled out to a number of agencies. The City of Reno, Sparks, and Incline Village get a portion of it. I'd like to get a position from legal about how we could direct a portion of those funds to the affordable housing trust fund? Right now it goes into our general fund.

Commissioner Jung

Is there any research on how many people in the unincorporated county are using homes for VRBOs?

Mr. Solaro - We've started the RCVA tracking. We have a third-party consultant who would like to discuss with Washoe Co. to track these facilities online. We wanted this discussion first. We've set up brown bag lunches with staff to see all issues, to see how they impact communities. But yes we have some ideas from RSCVA. There are upwards of 400 in the unincorporated area. So it's substantial.

Commissioner Jung – That's a lot more than I would have guessed. For legal, what's your advice about us doing anything until the South Lake Tahoe (SLT) legal issue is decided?

Mr. Lipparelli – We can learn lessons from lots of places including SLT. I think it's worth starting this process as Mr. Solaro signaled because there's lots of work to do on identifying all these available options.

Commissioner Jung - Your request is to give you direction where we should be going in the unincorporated areas. I'd like to see the map to see identified STRs as well as the complaints. I'd like to see what is ... bottom line for me, before moving forward with law, before we see what happens to SLT, that people who give money to RSCVA are safe—that all things of concern to the Fire Marshall are safe for unwitting renters who could be putting themselves in harm's way, who are expecting the same level of safety as if they went to a licensed hotel-motel.

Commissioner Berkbigher – **Although these may be spread throughout the County, I think you all understand it's a major issue in IV, and all around the lake.** One thing that came to my attention while sitting on the Board at TRPA looking at SLT—which turned out to be a legal disaster rather than a resolution to problem—is that TRPA is getting extremely heavy pressure on CA side of the lake to put into place regulations for vacation rentals in general. I have a concern about Lake Tahoe when we as a County abdicate our responsibility to our constituents and leave it in hands of TRPA. It is our responsibility. There are a number of concerns, **We had over 100 people at the meeting in Incline. It started out with people being opposed to STRs.** “We have a ban and let's just keep the ban.” But after conversation and explanation, technically you might say it's banned, but it's existed as long as people have had lake homes renting out to other people. You can't enforce a ban. I agree with the assessment. I had the opportunity after meeting with Mr. Luperelli to review all of the stuff and I agree with all he said. I'm very concerned we need to put in place some regulations because I think like Mr. Luperelli, we'll end up getting sued. That won't resolve the problem. I'm equally concerned if we don't step forward about how we can fix the problems, we'll end up with a fix-all from TRPA's perspective that I don't want to see at all.

I would agree that there are things we can do. I can give you a list: parking, number of people staying in residences—20 people staying in a 3-bedroom is not an effective way of managing the negative impact. Bear trash problems, noise. One question that was presented was if you rent a place with a hot tub, can you restrict use after 9pm? But that regulation affects everyone including homeowners who might want to use their hot tub later. They then changed their position on it. I think rather than putting restrictions

on what you can do, just put restrictions on the amount of noise, and allow the sheriff to have the ability to cite someone. Because currently the way it works up there is it's noisy for an hour and now they're quiet so the sheriff doesn't do anything. Then the next night they're noisy for 2 hours and then they're quiet, so again the sheriff does nothing. I'm a strong believer that if we put these regulations in place, we need a license with fee for people who will use their property as an STR; and fine them when they don't stick to regulations. In 6 months if you had multiple infractions, you get a much heavier fine or can't rent for a period of 6 months. You're being banned. I don't know how we would do that. How are we going to enforce it? That's what I think is the biggest problem. I agree with the fire inspections. I don't agree we should require fire sprinklers in these facilities. But we should require smoke alarms, a fire extinguisher, maps that say how to get out of the house, a sign on the front door that says this house is being rented, information for visitors —what they can do, how they can get whatever they get... The list is long and we obviously don't want to do all that. I did have the opportunity to review the Henderson regulations that are not in effect yet. Mammoth regulations we need to look at.

We have also looked at the full ban in some communities like Clark County. And trust me, you can go on line and rent any place any day in Clark County. The ban isn't working. It either ends up in litigation or it flat gets ignored. So I'm not a proponent of simply banning it. I'm a proponent of less government but we need regulations to protect citizens up there.

Chairman Hartung – In Reno my daughter has a boyfriend who lives across the street from a house used as a STR. They've used it for many folks... including Street Vibrations folks. None were unruly, and in fact they were delightful. They were actually not a hindrance. She felt safer because people were there and there all the time.

I'm for reasonable regulations. I would support an escalating fine structure. The first time, \$500, second time \$5000. Three strikes you're out. We remove the permit. I agree there should be an impetus in the fine structure for homeowner to adhere to the regulations.

I got several emails from homeowners utilizing this as a source of income to pay for their homes – some are snowbirds. **It would be a real imposition to take that away.** But we're going to have to take a look at it and decide what will work.

Commissioner Lucey - Commissioner Berkbighler's comments are right on. **You have to realize 90 % of STRs occur at the lake.** When we have discussions of the code; we have to remember fire codes must be consistent for the entire county. I think fire safety is indiscriminate. Your home is built to fire code. In the Henderson regulations there is an affirmation that they are self-compliant with codes. We can't draft policy for one and allow something else to go on.

I believe 100% as Chairman Hartung pointed out, there needs to be teeth to the enforcement through fines but also giving control to the Sheriff, and having some staff here whether it's 311 or whatever, some allowance they can report an issue that can be addressed quickly. Not through 911.

Not just a person renting out a home in its entirety. An owner is renting out a room as STR. As code says that is a STR. That's something we need to address. It's not just vacation rentals. **It's an income for individuals.** They have in-law quarters etc. to help offset mortgage and property taxes. This is not just a vacation rental. We need to get away from thinking STRs are just a vacation rental issue and consider **how are owners using STRs to subsidize their mortgage payments.**

Commissioner Berkbighler - As this process continues one of things we want to do is once we get draft regulations we're comfortable with, is have it inspected by citizens to get feedback, especially in IV so we can have another public meeting. They'll tell us what we need to change.

Commissioner Lucey - That was my point. We promised public input.

Commissioner Jung – What are Reno and Sparks doing for continuity given they bill themselves as “the event capitals of the world?” And student housing—whether 28 days or not –in my neighborhood it’s a lot. They will move into unincorporated counties because it will be cheaper; they pay a premium to live in the university neighborhood. I’d reach out to those cities, what are you doing with the RSCVA tax requirements.

Another thing I’d look at annual inspections, how that would be enforced. I never said sprinklers I said fire detectors, smoke detectors, carbon monoxide detectors. They need to be in compliance. I use STRs and, as a user, don’t know what’s required, what’s compliant. Annual inspections or whatever ... first responders need to define what’s required. We need accountability even in the absence of complaints.

Manager Slaughter – The county did receive minimal RSCVA income in 2018 = \$4700, which is 1% of the room tax collected in Washoe Co.

Commissioner Lucey – As Commissioner Berkbigher pointed out, at the IV meeting she hosted, **a lot of individuals were touting bans, but I think by the end they were saying “not a ban but some sort of regulation” or “not a ban at all; let it be the way it is.” I think the conclusion—there was no consensus one way or the other—I think the consensus was wanting overall protection for individuals in the community—protection for them and for the lake. There really wasn’t a consensus for a ban. There was no consensus other than overall protection for the community. That’s got to be the overarching discussion moving forward.**

Commissioner Jung – Back to the RSCVA money that we get per year, can I get a 10-year look back of what we get from the RSCVA each year and exactly where it goes?

Chairperson Hartung – No one else signed in. Mr. Solero?

Mr. Solero – I have one clarification for Commissioner Jung. I have a correction from North Lake Tahoe Fire. **They are currently tracking 960 STRs just in IV and Crystal Bay.** I think the difference might be as I discussed single locations advertising on multiple platforms. We’ll certainly get into that and have those numbers.

Chairperson Hartung – Mr. Solero do you have enough direction at this point?

Solero – At this point, yes.

Clerk – Calling for Public Comment

Blaine Johnson – Realtor

I own Sun Bear Realty in IV. We’ve been operating with STRs for 25 year. I’m very involved with the realtor community and working closely with the Fire Department to support their monitoring efforts. Good education has helped a lot including our own efforts towards our inspections. About your comment for needing annual inspections, managed properties do a minimum of annual updating facilities and safety. So I think self-governance has been working. I’m here to support vacation rentals at the lake.

Mike Young - Realtor

I’m a realtor at Lake Tahoe. I’m here to support the STR issue as a basic personal property rights issue. You can live in it, sell it, or rent it. It’s your basic property right. We understand the need for Washoe Co. to reconcile conflicting codes. And we understand neighbors have the right to feel secure in their own

homes and not have their quiet disturbed, etc. All these issues are not unique to STRs; all are addressed in existing codes. Realtors need to be part of the conversation in rewriting the code.

Catherine Snittiger - Resident

The thing you haven't mentioned is, where I live several homes have cottages or something they want to rent them out. They're separate and the property owner would be there. You need to address that. You're talking about houses that they rent out some of the times. And it is a property right. It's my personal right to rent out. Your development code is useless in my mind, because the Health and Fire Departments oversee the safety of the house and property and what needs to be improved for better access. So you're not giving the property owners anything. You're just giving the opportunity to complain about property owners to everybody else. And the property owner is automatically wrong. If there's noise have the property manager call the owners and give them an opportunity to boot those people out before any official is called. Calling police isn't the answer. It's usually a big problem maker. It makes a problem – same with code enforcers. They're problem makers, not resolvers. They can't tell me what to do on my private property. This is America. As long as I'm not causing harm, it's my property. If I don't have a safe environment I'm in a courtroom. It's not your job. It's the people's job.

Chairman Hartung

If there is anyone else who hasn't filled out a card, please state your name for the record, and fill out a card with your name with the clerk.

Catherine Aiopio – I have a STR in Crystal Bay. I rented my house on vacation rentals for 5 years. My house is safe. I have rules for my renters about times. We have a rule no hot tub after 10. When we visit the lake we're far noisier than they are. And we visit whenever we want with great joy. I don't see vacation rentals as a problem. I'm a senior citizen and had health problems living at the lake, but instead of selling, we rent out the house. My neighbors don't complain, and when once they did, I evicted the renters. I am responsible and I feel I should be in control of my own property.

Chairman Hartung – If there's no one else, I will close public comment.

Commissioner Jung – To Mr. Solaro, please include in the Development Code Team the first responders and both fire districts. I still strongly recommend we wait to see what SLT does through the court system.

Commissioner Lucey - A lot of times, it's not the renters, it's the permanent residents; but the renters get the blame. In IV permanent residents park boat trailers year round; it's not renters. Don't make policy targeting one individual; it should be about discussing issues pertaining to the area. It's not an inconvenience because it's a vacation rental; it's an inconvenience because it's impossible for fire to get to the home. If it's a parking issue it's an issue that should pertain to everybody. If it's a fire issue, it pertains to everyone. It's not a vacation rental issue, that's why it's a good neighbor policy that doesn't specifically focus on STRs.

Another issue we need to look at is what is a short-term lease? It's not just 28 days but we're talking about 5-6 months. Challenges there too. Where's the line? **Palm Springs has restricted STRs but they are failing miserably. They're still leasing for the summer, just like at Lake Tahoe when they come to rent a ski lease.** It's not just vacation rentals, it's talking about being a good neighbor. That's the conversation.

Commissioner Berkbighler

I agree it's not always an STR that's a problem. We found that in the IV meeting. The issue of concern to me is the problems are significant in some areas, not as significant in IV and CB, way less of a negative than what we're seeing in other areas around the lake like SLT. Regardless, if we don't have regulations

to address problems when they happen, then we're not able to address anything. We just have to let it go. That's where we're at right now. That's why I agree we ... I'm for lesser government. **We don't want to make it so difficult people can't lease out their own home if they want. I'm a total believer in private property rights.**

Bottom line is we have a problem in IV. It's very obvious in IV problems are noise problems, disruptive problems, trash, etc. It's incumbent on the County to work with the realtors. I don't think we want to do anything without them because they're already up there. We may want to say if you're not within a 2-hr drive of the property you have to have a local host. Maybe we don't want to do any of that. But we need to look at this and so my recommendation is... **the motion I'd make is the Board has given staff lots of info and we should begin the process of drafting the ordinance or at least some regulations so we know how to handle these issues.**

Commissioner Lucey – I would second that with the caveat that **we suspend the code compliance actions until the code ordinance is drafted.** We'd suspend action until completion or adoption of policy regulations on STRs.

Commissioner Berkbigler – I agree. Instead of saying you'll just have to work with what you're working with. **This code compliance is our problem. We were the ones that misinterpreted as we went through this process.**

Chairperson Hartung

We have a motion by Commissioner Berkbigler, seconded by Commissioner Lucey. Remember less is more. When we become too overbearing and the regulations become too complex, they become impossible to enforce.

[Commissioner Berkbigler - I.E. SLT]

Mr. Luperelli – That's code enforcement relative to transient lodging.

Chairperson Hartung

All in favor?

The motion carried 4 yes, 0 no, with Commissioner Herman absent.

Brandy McMahon

From: Mike Hess <mike@morshess.com>
Sent: Thursday, July 11, 2019 11:04 AM
To: Ronda Tycer
Cc: Brandy McMahon
Subject: Re: Attachments for Incline Village STR Advocacy Group

good job...the more advocacy we have the better we will be eventually...mike

On Thu, Jul 11, 2019 at 10:56 AM <rondatycer@aol.com> wrote:
These are the two attachments referenced in the previous email.

Brandy McMahon

From: Jack Dalton <jack.f.dalton44@gmail.com>
Sent: Thursday, July 11, 2019 1:54 PM
To: rondatycer@aol.com
Cc: Brandy McMahon
Subject: Re: STR Advocacy Group In Incline Village

Please include me in your organization as I will join and contribute. July 17 is difficult as my grandson is visiting. Thanks for your work Jack Dalton 980 Cart Court Incline Village, NV 89451 cell 917-880-6848 email jack.f.dalton44@gmail.com

On Thu, Jul 11, 2019 at 10:54 AM <rondatycer@aol.com> wrote:

FROM: INCLINE VILLAGE SHORT-TERM-RENTAL ADVOCACY GROUP

TO: Incline Village Residents

A citizens group is forming to advocate for short-term-rental (STR) control in Incline Village. We want to minimize the detrimental effects of STRs in whatever way works best for permanent residents in the community. We who are forming the Incline Village STR advocacy group want to participate on committees deciding issues about STRs in Incline. Currently Washoe County Commissioner Marsha Berkbigler represents Incline Village to Washoe County and to the Tahoe Regional Planning Agency (TRPA), but no residents represent the Incline Village community to these agencies.

Our advocacy group will address legal issues, rules and regulations, enforcement, and minimizing deleterious effects related to STRs in Incline Village.

LEGAL ISSUES:

By Washoe County code and by Incline Village CC&Rs, STRs are prohibited in Incline Village residential zones. Even so, Washoe County Commissioners are allowing STRs throughout Incline.

- All residential parcels in Incline Village are restricted by Incline Village CC&Rs to residential use only. [Incline property owners in most residential zones sign as part of their title papers a *Declaration of Restrictions, Paragraph 4: "Exclusive Residential Use and Improvements – No lot shall be used except for residential purposes."*] These CC&Rs vary among Incline zones. Many Homeowner Associations (HOAs) also prevent business use of residences and/or don't allow transient occupancy (less than 30 days).

- No STRs are allowed in residential zones per Washoe County Code Section 110.100.05: Applicability. "Any use not specifically enumerated as permitted in a regulatory zone.... Pursuant to Section 110.304.10...shall be considered to be prohibited in any regulatory zone for which the use is not enumerated." Residentially zoned parcels in Washoe County (Low-Density Urban, Medium-Density Urban, and High-Density Urban) are restricted to uses specified in Table 110.302.05.3. Short-term-rentals are not a permitted use. Bed and Breakfast Inns are an allowed use with a Special Use Permit, but Condominium Hotels, Hostels, Hotels and Motels, and Vacation Time Shares are all specifically prohibited in these Washoe County residential zones. Because STRs are not mentioned as a use, they are prohibited by Washoe County Code 110.304.10.

- Washoe County Commissioners collect Business Transient Lodging Taxes according to Washoe County Code Chapter 25—Business Licenses, Permits, and Regulations Section 25.117 to 25.186—Hotels, Motels, and Like Establishments. The Commissioners and the County Attorney have interpreted the code to allow residential STRs to be taxed like transient lodges. Code Section 110.304.15 defines Residential Use Types as: "Residential use types include the occupancy of living accommodations on a *wholly or primarily non-transient basis*...." The Washoe attorney contends that because "Residential Use" allows occupancy on a "*primarily non-transient basis*," the code leaves open the possibility for a *secondary* use of a residence as a "transient lodge"—that is, a use as a rental for less than 30 days—aka an STR. This opinion of Washoe Attorney Paul Lipparelli assumes that Washoe Business Code 25 intended for Hotels, Motels, and Like Establishments applies to private residences so that residences used as STRs are de facto hotels. A hotel is a business use not allowed in Incline residential zones. The blurring of business and residential use needs to be untangled in a court of law.

- The definition of "Transient Lodging" in Washoe County Code Chapter 25 specifically *excludes* "any room within a private dwelling house or other single-family dwelling unit if the permanent or principal owner also resides in and occupies the dwelling." This means that renting out a room in your own house while you are residing in it is not

considered an STR. Renting out a room for longer than 30 days is also not an STR. [Nevada property rights allow an owner to rent out a portion of or their entire residence within the legal constraints imposed by deed restrictions, CC&Rs, and HOA rules.]

- Washoe County Commissioners in 2007 authorized the Reno Sparks Convention Visitors Authority (RSCVA) to issue business licenses and collect a Transient Lodging/Occupancy Tax (TOT) from Washoe County residents using their homes as STRs. By licensing and taxing STRs as a “transient lodging business,” the Commissioners presuppose STRs in residential neighborhoods are an allowed use. However, as indicated above, a business use of a residential parcel is not allowed in most of Incline Village either by Incline Village CC&Rs or by Washoe County Code. This contradiction between code prohibiting STRs and the Commissioners interpretation of code to allow STRs in Incline Village must be resolved.

- Because the conflicting codes have not yet been resolved, Washoe County is currently not preventing Incline Village residents from using their homes as STRs, and is collecting TOT from STRs registered with the RSCVA. As can be seen in Chapter 25 of the code, this tax is then forwarded to Washoe County to pay off bond debt. So although the RSCVA collects the tax, it goes directly into Washoe County coffers to pay off bond debt.

- Washoe County Commissioners have already announced in both the IVCB Community First meeting 1-21-19 and the Washoe Commissioners Meeting 2-26-19 they will not enforce a ban on STRs in Incline Village residential zones. [See IV Community Meeting notes 1-21-19 and Commissioners Meeting 2-26-19.]

RULES AND REGULATIONS

If Washoe County code and Incline Village CC&Rs are enforced, there will be no STRs in Incline Village residential zones, and thus no need for rules and regulations of STRs in those zones. STRs might still be legal in the commercial core or some other zones in which case rules and regulations will be needed.

- Given that Washoe County Commissioners want to allow STRs, the County Planning Department is in process of drafting rules and regulations to be presented to Incline Village residents this summer with the objective of publishing Washoe County Code for STRs by 2020.

- The Tahoe Regional Planning Agency (TRPA) is currently in process of drafting STR rules and regulations for the entire Lake Tahoe Basin. They have published two reports that explore STRs locally and nationally, which you can read online (www.trpa.org/short-term-rental-neighborhood-compatibility).

“Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin: TRPA Local Government Report” December 13, 2017; and

“Short-Term Rental Neighborhood Compatibility Work Program for the Tahoe Region: Local Government and Housing Committee” June 12, 2019.

The TRPA reports rely on findings from the *Mountain Housing Council STR White Paper, March 2019* which include Regional Market Data, Local Approaches to STRs, and What Other Communities are Doing including STR Research from Other Communities, and Regulatory Approaches. [Search Mountain Housing Council of Tahoe Truckee STR White Paper.]

ENFORCEMENT

One of the main reasons for minimizing or banning STRs in Incline Village is because enforcing any STR rules and regulations will be the responsibility of permanent full-time residents who do not want to—nor should be forced to—become STR code-enforcers to protect their neighborhoods. Absentee owners or part-time residents who rent out their homes as STRs put the burden of enforcement on their neighbors to ensure that their renters adhere to County codes. Once STR rules and regulations are written into County code, Incline’s permanent full-time residents will be required to contact the property owner, property manager, or County personnel whenever STR renters make noise, park where they shouldn’t, disturb the tranquility of the neighborhood, disturb neighbors, alarm neighbors, over-occupy the house, create safety hazards, and so on. The Commissioners have already said it will be up to neighbors to contact owners/authorities whenever problems with STR renters arise. Incline residents should not have to suffer STR-related problems in the first place. Why should they be forced to monitor and enforce County code for STR renters?

- Currently Washoe County Sheriff deputies and North Lake Tahoe Fire District firefighters are charged with enforcing Washoe County codes dealing with (a) parking, (b) neighborhood noise, disturbance, and nuisances, and (c) occupancy and safety hazards. In Incline Village these first-responders are already spread too thin to enforce code violations. The two deputies assigned to Incline Village are already stretched just dealing with life and safety issues. STRs will bring additional code violations that are of lower priority and most enforcement will fall to neighbors as will the costs of enforcement.

Washoe County taxpayer money goes to administrators, deputies and firefighters to enforce County code. When limited time, energy, and effort of Washoe County employees are used to regulate STRs—for the financial benefit of RSCVA, the STR property owners, and the online rental companies (AirBnB etc.)—time, energy, and effort to enforce County code for the rest of us is minimized. We are subsidizing STR owners’ gains with our tax money.

SHORT-TERM AND LONG-TERM DETRIMENTAL EFFECTS OF STRs

The MHCTT study (attached) provides an overview of STRs around the Tahoe basin in both California and Nevada. The study provides a list of resort areas and cities that are either prohibiting STRs completely or strictly regulating them— “to preserve long-term housing, lower nuisance issues, preserve neighborhood character for primarily full-time residents, and discourage speculative STR investors.” Many of the California cities banning STRs are small resort towns trying to preserve their special character including Carmel, Napa, Healdsburg, Newport Beach, Sausalito, and Tiburon to name just some of those listed in the report. Other resort areas around the country have ultra-tight restrictions on STRs including Mammoth Lakes, Pacific Grove, Santa Barbara, San Francisco, Breckenridge, Crested Butte, Durango, Telluride, Miami, Bozeman, Portland, Park City, and Jackson Hole among others.

Most of us have no idea how rampant STRs have become nor how destructive they have proven to be. Certainly in Incline Village, most residents don't see them as a threat to our quality of life or to the character of the village itself. But we should. San Diego is the poster-child city now in crisis because of STRs. To understand what STRs can do to neighborhoods and to an entire community, go to the following website created in 2017: (<https://media.sandiegoreader.com/news/documents/2017/10/20/17mediakit.pdf>). We can apply the lessons learned from San Diego's wealth of STR data analysis.

Income

- Earnings by Internet rental platforms (AirBnB etc.) and non-resident STR owners do not enrich Incline Village. Many of the 900 STRs in Incline are owned by investors who don't live in Incline or in Nevada. Only Incline realtors and STR owners make money from STRs. The rest of Incline residents gain nothing but pay STR costs.

- Permanent year-round residents—not visitors—are critical to running a business in Incline Village. In the shoulder seasons of fall and spring at Lake Tahoe, local businesses rely on full-time residents. Visitors may spend on recreation or entertainment during our two high seasons, but they don't spend on other goods and services. Incline residents spend at local outlets every day of the year. Without a steady residential base of income year round, Incline businesses don't last. When businesses fail, Incline Village, Washoe County, and the State of Nevada lose.

Housing

- When rental housing is converted to STRs it reduces affordable housing for others. Incline already has an affordable housing crunch in part due to STRs. When affordable housing is converted to STRs, fewer units are available and rents go up. Incline rents are at an all time high. Incline businesses (including IVGID) are at a disadvantage because potential employees simply can't afford the cost of housing. STRs increase rents and force employees to commute to Incline Village from Reno or Carson. Daily commuting increases environmental wear and tear (to say nothing of what it's like to commute over Mt. Rose in the winter.)

- Property values and property tax revenue are depressed for properties next to STRs. When homes are sold, the seller must disclose the presence of STRs. Because of the negative impacts of being near an STR, this disclosure typically reduces the selling price. (San Diego Reader findings.)

Enforcement Costs

- STRs increase municipal costs. When tourists replace residents, communities become problematic... and end up costing more money for police, trash, emergency medical, and other services. (San Diego Reader findings.).

- Incline Village is in a high fire zone. Fire hazard is greatly increased by STRs. NLTFD Chief Ryan Sommers reported that 50% of the 90 fires in Incline homes in the past 7 years were in STRs. If STRs aren't in compliance with TRPA BMPs, defensible space, and other safety measures, insurance may not cover costs of any damage to the STR or neighboring homes. One STR house fire caused a death, and the insurance company refused to pay because the STR was not fire safe. In June an Incline STR renter built a fire in the back yard for a wiener and marshmallow roast, which alert neighbors discovered before it burned out of control. Any NLTFD firefighter STR safety inspections are at the expense of all Incline Village taxpayers. Our taxes are again subsidizing STR owners' financial gains.

Character of Incline Village

- STRs destroy the social fabric of communities, and if allowed to proliferate unchecked in Incline Village will change the character from a residential alpine village to a commercial resort. *"The U.S. Supreme Court has ruled that non-residential uses may have an increasingly deleterious impact on a residential district "until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed." In 1991, the Court opinion stated, "It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes ...are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community."* (San Diego Reader findings.).

Lake Tahoe

- STRs are bad for the lake. STR renters are on vacation—here for entertainment and recreation. They aren't here to take care of the lake; they're here to take advantage of the lake. We want them to enjoy Lake Tahoe but not at the lake's expense. High occupancy and fast turnover intensify the use of homes and parcels. More cars, more trips per parcel, more cars parking off-road all damage the parcel and the lake. When residences become STR mini-hotels, they aren't as well maintained as when they are home to permanent residents. BMPs are less likely to be up to date, defensible space is less likely to be maintained, and safety issues aren't as quickly addressed. Permanent residents are more invested in the health and safety of Incline Village and Lake Tahoe.

Although STRs benefit Incline STR property owners and realtors, they don't benefit the vast majority of Incline's permanent full-time residents. Restricting STRs from residential zones will keep Incline Village the uniquely desirable alpine village we pay so dearly to live in.

We hope you'll join the Incline Village STR Advocacy Group to address these issues. If you don't want to join our group but want to keep informed of STR issues in Incline, or just make your opinions known, contact Ronda Tycker at rondatycker@aol.com.

We'll be attending the TRPA meeting on STRs July 17 at 1pm in the south shore TRPA office at: 128 Market Street, Stateline NV 89410. We can make our issues known during the public comment period.
<http://www.trpa.org/short-term-rental-neighborhood-compatibility/>.

Brandy McMahon

From: Gary Spohr <gary@seattlegreenhomes.net>
Sent: Thursday, July 11, 2019 9:05 AM
To: Brandy McMahon; Sue Novasel; Belinda Faustinos; Jim Lawrence; Marsha Berkbigler; Larry Sevison; Shelly Aldean; Wesley Rice; Brooke Laine; janetmcdougall2020@gmail.com; lallen@mail.ltcc.edu; Gavin Feiger; Heather@carraranv.com; sharon@staor.org; mark@tahoesalmon.com; pat@ca-tt.com; rebeccabryson27@yahoo.com; amandamgrossman@gmail.com; tomhdavis@aol.com
Cc: John Marshall; Joanne Marchetta; Marja Ambler; John Hester; Karen Fink; Robert Graves; Bill Yeates; jacquie chandler; Wendy Wood; nicolezaborsky@charter.net; kel@ltol.com; johnloweconstruction@gmail.com; sltbrooke@gmail.com; debh@realtordeb.com; jrfintel@outlook.com; kel@ltol.com; Brendan Ferry; don.knight@edcgov.us; tom.burnette@edcgov.us; Hauenstein, Mojra; Jennifer Merchant; Heather Beckman; Dallaire, Tom; Booth, Samuel; LouisCariola; Hilary Roverud; Kevin Fabino; John Hitchcock; Eric Young; Mullin, Kelly; Lindsay Romack; Cindy.Gustafson; Sara Schmitz; Dr. Tim Schroeder
Subject: RE: Short-Term Rental Neighborhood Compatibility Working Group - July 17th

Nice work, if possible, Wendy Wood and Gary Spohr, would like to be included in the list of participant on any publications

This would help us with the press and our support group of Placer Voters. It will show that we have tried every possible way to try and get Placer County to implement some reasonable rules, regulations, and enforcement for Short Term Rentals

We are starting the process of getting and 'Initiative' on the ballot, to 'Ban All Short Term Rentals in Placer County'. We are having to go the way of South Lake. We cannot get any help from Placer.

You will see full page ads in Moonshine Ink in the next couple months informing the voters how STR are destroying our neighborhoods and our Lake. We will start the get out to vote drive as soon as Placer approves our paperwork for the ballot initiative, which should be interesting.

We will have a Facebook page and a 'Go Fund Me'. We have already have about \$100,000 committed to help pay for media and the initial monies for a 'Go Fund Me' web page and legal fees. The Facebook people can give us all the registered Placer Voters.

Brandy, I noted in your conclusion on page 14, that Placer had updated their TOT regulations but nothing else. It is always about the money with Placer, at so many levels.

All we want are reasonable enforcement of 'neighborhood compatibility' but all Placer seems to want is TOT money. I will discuss my finding at the meeting,. I have done extensive research ,reviewed the Santa Monica, Boston and NYC litigations, and met with Cindy Gustafson and Todd Leopold.

When government is greedy and non-responsive to the voters the only recourse is the ballot box. We have heard from 100's of locals and most of them do not see the benefits of STR's. They see their neighborhoods being destroyed and there is no long term housing for their employees. In addition, they are certain that the tourists will still come and find alternatives to STR's.

I think our first step is to find another Supervisor to run for the Tahoe Area, who understand and cares about their voters.

Good work Brandi, you are very thorough, I hope we get our penalty program to work, the only think Placer County understand is money and the loss of it

Regards

From: Brandy McMahon <bmcMahon@trpa.org>

Sent: Wednesday, July 10, 2019 3:25 PM

To: Sue Novasel <novasel@aol.com>; Belinda Faustinos <belindaFaustinos@gmail.com>; Jim Lawrence <lawrence@dcnr.nv.gov>; Marsha Berkbigger <mlberkbigger@charter.net>; Larry Sevison <lpsevison@sbcglobal.net>; Shelly Aldean <shellyaldean@gmail.com>; Wesley Rice <wrice@douglasnv.us>; Brooke Laine <blaine@cityofslt.us>; janetmcdougall2020@gmail.com; lallen@mail.ltcc.edu; Gavin Feiger <gavin@keeptahoeblue.org>; Heather@carraranv.com; sharon@staor.org; mark@tahoesalmon.com; pat@ca-tt.com; rebeccabryson27@yahoo.com; amandamgrossman@gmail.com; tomhdavis@aol.com

Cc: John Marshall <jmarshall@trpa.org>; Joanne Marchetta <jMarchetta@trpa.org>; Marja Ambler <mambler@trpa.org>; John Hester <jhester@trpa.org>; Karen Fink <kfink@trpa.org>; Robert Graves <RGraves@trpa.org>; Bill Yeates <jwytrpa@gmail.com>; jacquie chandler <sustaintahoe@gmail.com>; Wendy Wood <wendy@seattlegreenhomes.net>; Gary Spohr <gary@seattlegreenhomes.net>; nicolezaborsky@charter.net; kel@ltol.com; johnloweconstruction@gmail.com; sltbrooke@gmail.com; debh@realtordeb.com; jrfintel@outlook.com; kel@ltol.com; Brendan Ferry <Brendan.Ferry@edcgov.us>; don.knight@edcgov.us; tom.burnette@edcgov.us; Hauenstein, Mojra <mhauenstein@washoecounty.us>; Jennifer Merchant <jmerchan@placer.ca.gov>; Heather Beckman <HBeckman@placer.ca.gov>; Dallaire, Tom <tdallaire@douglasnv.us>; Booth, Samuel <sbooth@douglasnv.us>; LouisCariola <lcariola@douglasnv.us>; Hilary Roverud <hroverud@cityofslt.us>; Kevin Fabino <kfabino@cityofslt.us>; John Hitchcock <jHitchcock@cityofslt.us>; Eric Young <EYoung@washoecounty.us>; Mullin, Kelly <KMullin@washoecounty.us>; Lindsay Romack <LRomack@placer.ca.gov>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; Sara Schmitz <schmitz61@gmail.com>; Dr. Tim Schroeder <drtim@balancedoctor.com>

Subject: RE: Short-Term Rental Neighborhood Compatibility Working Group - July 17th

Dear Members of the Local Government and Housing Committee and Short-Term Rental Neighborhood Compatibility Working Group,

In my previous e-mail I attached the meeting agenda and packet for the last meeting. **Please find attached the agenda and packet for the July 17th meeting.**

Sincerely,

Brandy McMahon, AICP
Local Government Coordinator
Current Planning Division
Tahoe Regional Planning Agency
P.O. Box 5310, Stateline, NV 89449
(775) 589-5274
bmcMahon@trpa.org

From: Brandy McMahon

Sent: Wednesday, July 10, 2019 3:15 PM

To: Sue Novasel <novasel@aol.com>; Belinda Faustinos <belindaFaustinos@gmail.com>; Jim Lawrence <lawrence@dcnr.nv.gov>; Marsha Berkbigger <mlberkbigger@charter.net>; Larry Sevison <lpsevison@sbcglobal.net>; Shelly Aldean <shellyaldean@gmail.com>; Wesley Rice <wrice@douglasnv.us>; Brooke Laine <blaine@cityofslt.us>;

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amandamgrossman@gmail.com; tomhdavis@aol.com

Cc: John Marshall <jmarshall@trpa.org>; Joanne Marchetta <jMarchetta@trpa.org>; Marja Ambler <mambler@trpa.org>; John Hester <jhester@trpa.org>; Karen Fink <kfink@trpa.org>; Robert Graves <RGraves@trpa.org>; Bill Yeates <jwytrpa@gmail.com>; jacquie chandler <sustaintahoe@gmail.com>; Wendy Wood <wendy@seattlegreenhomes.net>; Gary Spohr <gary@seattlegreenhomes.net>; nicolezaborsky@charter.net; kel@ltol.com; johnloweconstruction@gmail.com; sltbrooke@gmail.com; debh@realtordeb.com; jrfintel@outlook.com; kel@ltol.com; Brendan Ferry <Brendan.Ferry@edcgov.us>; don.knight@edcgov.us; tom.burnette@edcgov.us; Hauenstein, Mojra <mhauenstein@washoecounty.us>; Jennifer Merchant <jmerchan@placer.ca.gov>; Heather Beckman <HBeckman@placer.ca.gov>; Dallaire, Tom <tdallaire@douglasnv.us>; Booth, Samuel <sbooth@douglasnv.us>; LouisCariola <lcariola@douglasnv.us>; Hilary Roverud <hroverud@cityofslt.us>; Kevin Fabino <kfabino@cityofslt.us>; John Hitchcock <jhitchcock@cityofslt.us>; Eric Young <EYoung@washoecounty.us>; Mullin, Kelly <KMullin@washoecounty.us>; Lindsay Romack <LRomack@placer.ca.gov>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; Sara Schmitz <schmitz61@gmail.com>; Dr. Tim Schroeder <drtim@balancedoctor.com>

Subject: Short-Term Rental Neighborhood Compatibility Working Group - July 17th

Dear Members of the Local Government and Housing Committee and Short-Term Rental Neighborhood Compatibility Working Group,

The agenda and packet for the next **Local Government and Housing Committee and Short-Term Rental Neighborhood Compatibility Working Group meeting** is attached and now available on the Working Group website (www.trpa.org/short-term-rental-neighborhood-compatibility). The meeting is scheduled for **July 17th at 1:00 p.m. at the Tahoe Regional Planning Agency (TRPA), 128 Market Street, Stateline, Nevada.**

The first item on the agenda is Committee member updates on local jurisdiction housing related activities. Committee members will have approximately 5 minutes each for an update. We anticipate the Committee updates will take a total of 15 to 30 minutes.

After the Committee member updates, we will convene the Working Group. Most of the meeting will be dedicated to reviewing and providing feedback on the updated draft *Local Government Activities Related to Short-Term Rentals in the Lake Tahoe Basin Report* (Report), including reviewing and refining the comprehensive list of STR Neighborhood Compatibility Best Practices. This will be used to prepare draft guidelines and a code amendment for consideration by the Working Group at the next meeting. Public comment regarding this agenda item received since the last Working Group meeting and information on local jurisdiction short-term rental ordinances and programs is also available on the website (www.trpa.org/short-term-rental-neighborhood-compatibility) for your review and consideration.

If you have any questions, please contact me at (775) 589-5274 or bmcMahon@trpa.org.

Sincerely,

Brandy McMahon, AICP
Local Government Coordinator
Current Planning Division
Tahoe Regional Planning Agency
P.O. Box 5310, Stateline, NV 89449

(775) 589-5274
bmcmaison@trpa.org