

Gardnerville Town Board

AGENDA ACTION SHEET



1. **For Possible Action:** Discussion to recommend approval or denial of Douglas County Ordinance 2018-1515 Consolidated Development Code 20.622 regarding Vacation Home Rentals; with public comment prior to Board action.
2. **Recommended Motion:** Motion to recommend to the planning commission and the County Commission to **NOT** allow vacation rentals in Carson Valley, unless there is an enforcement mechanism in place for staff and/or the sheriff officers can respond to those weekend and evenings issues, outside of the normal 8 to 5 work hours and weekends, should a complaint be reported through dispatch.

Funds Available: ☐ Yes ☒ N/A

3. **Department:** Administration
4. **Prepared by:** Tom Dallaire
5. **Meeting Date:** September 4, 2018 **Time Requested:** 20 minutes
6. **Agenda:** ☐ Consent ☒ Administrative

Background Information: The town board has had a couple informal opportunities to comment on this proposed ordinance. It was provided at the past two board meetings. No comments have been received by staff to date. The county staff has had public workshops and meetings about this item over the past couple months. County staff has been directed by the BOCC to bring forward the code amendments from title 5.40 to 20.622. The Planning Commission heard this proposal in July and approved it for Tahoe only and not within the East Fork Fire District due to the number of problems it brings to our neighborhoods, and what South Lake Tahoe is experiencing in their neighborhoods. The towns of Genoa and Minden both thought it was inappropriate for the Carson Valley. Some new development has occurred since the time the towns and planning commission heard this item.

- a. The BOCC asked staff to move the code from Title 5 into Title 20 so it would become enforceable.
- b. Directed staff to create a position to enforce the ordinance.

See the attached ordinance

7. **Other Agency Review of Action:** ☐ Douglas County ☒ N/A
8. **Board Action:**

- | | |
|-----------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Approved with Modifications |
| <input type="checkbox"/> Denied | <input type="checkbox"/> Continued |

Background continued.

The town board needs to let the planning department know if they want to allow this use or not within the residential neighborhoods in our town.

This use will be managed by a vacation home rental permit managed and enforced by the county.

Properties are currently authorized to use the home as a bed and breakfast under the B&B permit.

Staff Pros:

- The owners who are doing it now can get a permit and start paying the fair share of the room tax.
- Would allow for more people to offer this option for mother-in-law quarters to help afford the home.
- Offers options to those traveling to our area.

Staff Cons:

- Takes housing units off the market that could otherwise be purchased by people who live here.
- Tracking of the operations and enforcement of issues when they arise during the off hours is the main concerns for staff if this use is allowed. Although staff feels like the home sizes and current inventory will not be similar to those at Lake Tahoe located at much larger homes where 20 people (or more) could stay yet have no place to park.

The Town of Gardnerville and town staff will not have any enforcement authority on this use. That has to be determined who and if the Sheriff's office can enforce this ordinance.

Per the flyer online at the county website the next meeting on this will be: (see attachment)

Board of County Commissioners Meeting

Thursday, September 6, 2018, 9 a.m. – but is item 21.

CVIC Hall

1602 Esmeralda Avenue

Minden, Nevada

21. For possible action. Discussion on the adoption of Ordinance 2018-1520, an ordinance deleting chapter 5.40, Vacation Rentals in the Tahoe Township, from Title 5, and incorporating all of Vacation Rentals in the Tahoe Township into Title 20, Chapter 20.622, of the Douglas County Code, adding fines for un-permitted rentals, amending fines and penalties for violations, amending the revocation and appeal process, and amending section 20.691.230 to define violations of chapter 20.622 as a specific public nuisance, and other properly related matters. Second reading. (Mimi Moss)15 Minutes

The county has a presentation online that is referenced as well in this packet.

TABLE OF CONTENTS

TITLE 20

CONSOLIDATED DEVELOPMENT CODE

Chapters:

General Provisions

20.01 General Provisions; Consistency with Master Plan; Right to Farm

Procedures Common to Planning, Zoning and Land Division Regulations

20.02 Development Permits

20.04 Application Process and Official Filing Date

20.06 Decision by the Director

20.08 Review by Advisory Body

20.10 Review and Decision by Planning Commission

20.12 Review and Decision by Board of County Commissioners

20.14 Conditional Approval

20.20 Notice Provisions

20.24 Public Hearing Procedures

20.28 Post Decision Proceedings

20.30 Expiration of Approval of Development Permit

20.32 Revocation of Permit

20.34 Enforcement

20.38 Board of Adjustment

20.40 Fees

20.44 Rounding of Quantities

Floodplain Management

20.50 Floodplain Management

Public Facilities and Improvement Standards

20.100 Public Facilities and Improvement Standards

20.200 Surveys

20.220 Installing Utilities Underground

Impact Fees

20.300 Impact Fees

Agreements

20.400 Development Agreements

20.440 Density Bonus Agreements

20.460 Reimbursement Agreements

20.470 Maintenance Districts

20.471 Maintenance District 1 - Monterra

Transfer Development Rights

20.500 Transfer Development Rights

Growth Management

20.550 Growth Management

20.560 Building Permit Allocation System

Zoning Regulations

20.600 General Provisions

Zoning Review Procedures

20.602 Pre-Application Conference

20.604 Special Use Permits

20.606 Variances

20.608 Amendment to Master Plan

20.610 Zoning Administration

20.612 Specific Plan

20.614 Design Review

20.618 Sign Permit

20.620 Temporary Use Permit

20.622 Vacation Home Rentals

Zoning Districts and Standards

20.650 Zoning Districts and Standards

20.654 Agriculture and Forestry and Range Districts

20.656 Residential Districts

20.658 Non-Residential Districts

20.660 Use Regulations

**20.662 Agricultural, Forest and Range, and Residential Land Use District
Specific Standards (Table)**

**20.664 Agricultural, Forest and Range, and Residential Land Use Specific
Standards**

**20.666 Non-Residential Specific Standards for Permitted, Development
Permitted, and Special Use Permit Uses (Table)**

20.668 Non-Residential Use Specific Standards

20.672 Livestock Overlay (LO) Zoning District

20.674 Manufactures Housing (MH) District

20.675 Mixed use Commercial (MUC) Overlay

20.676 Planned Development (PD) Overlay

20.678 Residential Office (RO) Overlay District

20.680 Genoa Historic (GH) Overlay District

20.682 Clustered Residential Subdivision (CR) Overlay

20.685 Gaming District (GD) Overlay District

20.690 Property Development Standards

20.692 Off-Street Parking

20.694 Landscape Standards

20.696 Sign and Advertising Control

Non-Conforming Uses and Structures
20.698 Non-conforming Uses and Structures

Tahoe Basin Regulations
20.700 Applicability and Procedures
20.702 Zoning Districts and Standards
20.703 Tahoe Area Plan Regulations

Division of Land

General Provisions
20.704 General Provisions

Review Procedures
20.708 Subdivision Application Procedure and Approval Process
20.712 Parcel Maps
20.714 Division of Agricultural Land for Conservation Purposes
20.716 Division of Land into Large Parcels
20.718 Division of Land for Agricultural Purposes
20.720 Assurance for Completion and Maintenance of Improvements
20.768 Land Readjustment
20.770 Boundary Line Adjustment

Building and Construction Permits
20.800.010 Declaration
20.800.020 Policy
20.800.030 Purpose
20.800.040 Specialized or uniform codes adopted
20.800.050 Definition of words and terms
20.800.060 Interpretation, conflict, and separability
20.800.070 Validity of permit
20.800.080 Suspension or revocation
20.800.090 Emergency powers
20.800.100 Enforcement, violations, and penalties

Administration
20.810.010 Enforcement violations and penalties
20.810.020 Stop work orders
20.810.030 Notice of correction
20.810.040 Building and fire board of appeals
20.810.050 Nonliability of county

Review Procedures
20.820.005 Amendments to UBC
20.820.010 Permits required
20.820.020 Work exempt from permit
20.820.030 Building permit procedures
20.820.040 Permits issuance

20.820.050 Retention of plans
20.820.060 Expiration of permits
20.820.070 Fees

Site Improvement Permits

20.830.010 Site improvement permits defined
20.830.020 Permits required
20.830.030 Work exempt from permit
20.830.040 Site improvement permit procedures
20.830.050 Retention of plans
20.830.060 Expiration of permits
20.830.070 Fees

Encroachment Permits

20.840.010 Encroachment permit defined
20.840.020 Permits required
20.840.030 Encroachment permit procedures
20.840.040 Retention of plans
20.840.050 Expiration of permits
20.840.060 Collection of Fees
20.840.070 Payment of Fees
20.840.080 Appeal of Accounting

Numbering of Streets and Structures

20.900.010 Purpose.
20.900.020 Definitions.
20.900.030 Duplication or similar road names.
20.900.040 Naming new roads.
20.900.050 Changing existing road names.
20.900.060 Notification of road names.
20.900.070 Address numbering-General provisions.
20.900.080 Address numbering system.
20.900.090 Changing address numbers.
20.900.100 Notification of address assignment or change.
20.900.110 Administrative appeals of address designations or road names.
20.900.120 Appeals hearing.
20.900.130 Regulation.
20.900.140 Display requirements.
20.900.150 Enforcement.

Appendix A
Definitions

Appendix B
Uniform Building Code revisions
Uniform Code for Building Conservations revisions
Uniform Mechanical Code revisions
Uniform Plumbing Code revisions
National Electric Code revisions

**Uniform Code for Abatement of Dangerous Building
Uniform Fire Code**

**Appendix C
Hillside Grading Graphics**

**Appendix D
Sewer Facilities Ordinance**

**Appendix E
Backflow and Cross-Connection Control Ordinance**

**Appendix F
Water Facilities**

Index

Chapter ~~5.40~~20.622

Vacation Home Rentals ~~in the Tahoe Township~~

Sections:

- ~~5.40.010~~ 20.622.010 Title.
- ~~5.40.020~~ 20.622.020 Purpose of chapter.
- ~~5.40.030~~ 20.622.030 Applicability.
- ~~5.40.040~~ 20.622.040 Definitions.
- ~~5.40.050~~ 20.622.050 Vacation home rental permit requirements.
- ~~5.40.060~~ 20.622.060 Agency.
- ~~5.40.070~~ 20.622.070 Application for vacation home rental permit.
- ~~5.40.080~~ 20.622.080 Application, renewal, fees and cancellation.
- ~~5.40.090~~ 20.622.090 Standard permit conditions and additional conditions.
- ~~5.40.100~~ 20.622.100 Local contact person.
- ~~5.40.110~~ 20.622.110 Violation and administrative penalties.
- ~~5.40.120~~ 20.622.120 Procedure for imposition of penalties, suspension or revocation.
- 20.622.125 Appeal
- ~~5.40.130~~ 20.622.130 Permits and fees not exclusive.
- ~~5.40.140~~ 20.622.140 Penalty.
- ~~5.40.150~~ 20.622.150 Enforcement of chapter.
- ~~5.40.160~~ 20.622.160 Private actions to enforce.
- ~~5.40.170~~ Violations by occupants of vacation rental homes.

5.40.010 20.622.010 Title.

This chapter shall be referred to as the ~~Lake Tahoe~~ Vacation Home R-rental Ordinance. (~~Ord. 1117, 2005~~)

~~5.40.020~~ 20.622.020 Purpose of chapter.

The board finds and declares as follows:

A. Vacation home rentals ~~provide a community~~ benefit the community by fostering tourism, expanding the number and type of lodging facilities available, increasing the tax base, and providing revenue to assist owners of vacation home rentals ~~by providing revenue~~ which may be used for maintenance upgrades and deferred costs.

~~B. County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse at vacation home rentals, which require response from police, fire, paramedic and other public personnel.~~

~~CB. The transitory nature of occupants of vacation homes makes continued poses enforcement challenges for county staff and neighboring property owners when violations of the law occur. against the occupants difficult.~~

~~DC. The provisions of this chapter are necessary to prevent the continued burden on county services and mitigate the impacts to on residential neighborhoods posed by vacation rental homes rentals.~~

~~— E. The area of Douglas County within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA) dominates Douglas County's lodging and recreational use. According to the county's Master Plan, about 71 percent of the lodging and recreational uses are located in the Tahoe Planning Area. This planning area, located on the western edge of Douglas County, is the primary center of the casino-resort industry for the county, accounting for 87 percent of all casino-resort land uses and approximately 31 percent of all commercial and office land uses in the county.~~

~~— The entire Tahoe Basin is under the jurisdiction of the TRPA. TRPA's jurisdiction includes portions of two states and five counties. TRPA implements its control with the use of the Lake Tahoe Regional Plan, the Community Plans and the Plan Area statements under the Tahoe Regional Planning Compact. TRPA has asked Douglas County to adopt the Lake Tahoe Vacation Home Rental Ordinance and administer the provisions of this chapter.~~

~~— The area of Douglas County within the boundaries of TRPA has limited opportunities for growth due, in part, to the restrictions imposed by TRPA. Lake Tahoe's scenic beauty is a significant part of its attraction; maintenance of the natural areas and existing residential neighborhoods is essential to the continued economic strength of the various land uses in this area of the county. It is the intent of the Lake Tahoe Vacation Home Rental ordinance to make the transitory lodging activity permitted by this chapter resemble the existing residential uses made by resident owners and lessees.~~

~~— Douglas County has previously adopted the Tahoe Basin Regulations, consisting of chapters 20.700 through 20.702 of the Douglas County Development Code recognizing the unique circumstances existing in this portion of the county and found in this subsection.~~

~~Confining the application of the Lake Tahoe Vacation Home Rental Ordinance to just the region administered by TRPA will produce a lack of uniform regulation for vacation home rental properties in the balance of the Tahoe Township. The balance of Tahoe Township has significant economic relationships with the region administered by TRPA making uniform regulation of vacation home rental properties throughout Tahoe Township appropriate.~~

~~Section 244.357 of NRS permits the enactment and enforcement of police power ordinances and regulations to govern only a limited area in the county where the subject matter makes it appropriate and reasonable. The ordinance or regulation must specify the limited area within the county to which the ordinance or regulation applies.~~

~~— The board finds that the Lake Tahoe vacation home rental ordinance, with the limited applicability prescribed in section 5.40.030 of this chapter, is necessary because a general police power ordinance cannot be made applicable. (Ord. 1117, 2005)~~

5.40.030-20.622.030 Applicability.

The provisions of this chapter apply within the unincorporated portions of the county located within the boundaries of the Tahoe Township only, and to all approved single family dwellings, including approved townhomes, condominiums, duplex and triplex units, unincorporated portions of the county located within the boundaries of the Tahoe Township. Vacation Home Rentals shall not be located within apartment buildings (more than 3 units), property not zoned for residential use, or outside of the Tahoe Township. The provisions of this chapter do not apply to private family parties, private family events, or private family weddings that are not publicly advertised and for which no remuneration is paid. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in this code. (Ord. 1117, 2005)

5.40.040-20.622.040 Definitions.

The words and phrases used in this chapter have the following meanings:

A. "Local contact person": A local licensed property manager, owner, or local individual, who resides or has a primary place of business located within Douglas County ~~or the jurisdictional boundaries of the Tahoe Regional Planning Agency~~, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner located within Douglas County who is authorized by owner to take remedial action and respond to any violation of this ordinance.

B. "Overnight": Between the hours of ~~1~~10 p.m. and ~~5~~6 a.m.

C. "Owner": The person(s) or entity(s) ~~that that~~ holds legal or equitable title to the private property.

D. "Person": An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private as defined in NRS 0.039.

E. "Rent": The consideration received by a vendor in money, credits, property, or other consideration valued in money for lodgings subject to the tax authorized in Title 3 of the Douglas County Code.

F. "Vacation home rental": One or more attached or detached dwelling units, including ~~either a single-family and, detached or multiple-family attached residences unit,~~ rented in its entirety or rented by room(s) for the purpose of overnight lodging for a period of not less than 1 day and not more than 28 days other than ongoing month-to-month tenancy granted to the same renter for the same unit pursuant to chapter 118A of NRS. (~~Ord. 1355, 2012; Ord. 1117, 2005~~)

5.40.050-20.622.050 Vacation home rental permit requirements; Penalty for unpermitted vacation home rentals.

A. No owner of a vacation rental may rent that unit for 28 consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter. A separate permit is required for each vacation home rental. The permit requirements of this chapter are in addition to any business license, hotel or motel tax registration, or any other permit or licensing requirements. However, at the discretion of the community development director or a designee, the processing of permits required under this chapter may be combined with the processing of business licenses, hotel or motel tax registration, special use permits, or any other permit or license process administered by the county community development director or a designee. The county community development director or a designee is authorized to prescribe forms and procedures for the processing of permits under this chapter.

B. Owners of property being operated as an unpermitted vacation home rental in violation of this section 20.662.050 shall be subject to civil penalties in the amount of five hundred dollars (\$500) per unit per day, with a maximum total civil penalty of ten thousand dollars (\$10,000) per unit. The County may also seek an injunction and/or any other cause of action for violations(s) of this code, including, but not limited to, collection of delinquent tax payments. (Ord. 1117, 2005)

5.40.060-20.622.060 Agency.

An owner may retain a ~~licensed~~ property manager licensed by the State of Nevada Division of Real Estate to comply with the requirements of this chapter, including, without limitation, ~~the filing of an application for a permit~~ application, ~~the~~ management of the

vacation home rental, and ~~the~~ compliance with the conditions of the permit. ~~Any property manager must be licensed through the State of Nevada Division of Real Estate, and comply with state law.~~ The permit ~~must~~shall be issued only to the owner(s) of the vacation home rental; ~~and such.~~ The owner(s) ~~remain~~ of the vacation home rental is responsible for compliance with the provisions of this chapter. ~~F and the failure of an~~ agent to comply with this chapter ~~constitutes is~~ non-compliance by the owner. (~~Ord. 1355, 2012; Ord. 1117, 2005~~)

~~5.40.070-20.622.070~~ Application for vacation home rental permit.

An application for a permit must be filed with the community development department ~~and a permit issued~~ before ~~use of~~ the property may be used as a vacation home rental. ~~At a minimum, all -p~~Permit applications ~~for properties presently used as vacation home rental must be filed within 90 days of the effective date of this ordinance upon forms provided by the county and must shall~~ contain the following information:

A. The name, address, and telephone number of the owner of the vacation home rental for which the permit is issued.

B. The name, address, and telephone number of the local contact person for the owner of the vacation home rental.

C. Acknowledgment that all designated bedrooms contain a minimum of 70 square feet and meet all requirements of the current international residential code.

D. The number of bedrooms (each containing a minimum of 70 square feet), approximate total heated square footage in the vacation home rental, and the maximum number of overnight occupants requested.

E. A diagram or photograph of the premises showing on-site assigned parking spaces in garages, driveways, or other parking areas. Assigned parking must be paved, concrete, gravel, or other approved hard surface.

~~F. Evidence of a valid transient occupancy tax remittance form issued by the county for the vacation home rental. This registration may be filed concurrently with the application for a permit under this chapter.~~

~~GF.~~ Acknowledgment that the owner, agent, and local contact person have read all regulations pertaining to the operation of a vacation home rental.

~~HG.~~ Acknowledgment that the owner, agent, or local contact person has or will post the ~~vacation home rental with the~~ notice required in section ~~5.40.090 20.662.090~~ within the vacation home rental.

~~I. Other information the community development director or a designee deems reasonably necessary to administer this chapter.~~

H. Acknowledgement that the owner agrees to a life safety inspection of the premises prior to the issuance and/or renewal of a permit, and thereafter when required by law or upon written notice by the County at any time the permit is active;

I. A written recommendation of approval, denial, or modification of the vacation home rental permit by ~~If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with county records, an inspection can be required prior to or after the issuance of the vacation home rental permit. An inspection fee established by resolution of the board must be charged for any inspection. The County must provide a copy of the application to~~ the general improvement district(s) and/-or and homeowners' association in which the proposed vacation home rental property is located having responsibility for streets, parking, trash and refuse pick-up or any combination of these responsibilities. The written recommendation must include the

reasons or findings for the action, and include any reference to assigned common area parking for the vacation rental use.

J. Provide a certificate of liability insurance with a minimum coverage of \$500,000.

K. Any other information the community development director or a designee deems reasonably necessary to administer this chapter. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.090-20.622.080 Application, renewal, fees and cancellation.

An application for a vacation home rental permit must be accompanied by an initial fee established by resolution of the board. An issued permit is valid for one calendar year and may be renewed, by the payment of ~~the an~~ annual renewal fee, established by resolution of the board. A renewal request may become subject to inspection of the premises to ensure only if there have been no changes which would affect the conditions of the permit as required in 5.40.090-20.622.090. If there have been changes that would affect the conditions of the permit, the owner must complete a notice of change application and submit such application ~~remit a new application~~ with their renewal fee. If the annual renewal fee is not paid when due, the permit will automatically expire-be cancelled. ~~An owner may reinstate~~ the permit may be reinstated upon paying the reinstatement fee established by resolution of the board, and completing a new vacation home rental permit application. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.090-20.622.090 Standard permit conditions and additional conditions.

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. By written agreement and notice posted conspicuously within the vacation home rental, The owners ~~must by written agreement,~~ limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit, with ~~The number of overnight occupants shall not to~~ exceed 2 persons per bedroom plus 4-2 additional persons per residence.

A bedroom is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose within a. ~~The structure must have~~ inge at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height in accordance with the current international residential code.

2. ~~The owner must~~ By written agreement, and notice posted conspicuously in the parking areas(s), owners must limit all overnight parking to on-site and assigned parking areas. Except for loading and unloading, parking buses on-site or on the street is prohibited at all times. Daytime on-street parking will be in accordance with local posted parking regulations. The maximum number of vehicles allowed shall be determined by the number of on-site parking spaces allotted to the premises (must be paved, concrete, gravel, or other approved hard surface). Allotted common area parking must be calculated to comply with Homeowners Association rules and regulations.

3. ~~The owner must~~ By written agreement and notice posted conspicuously in the hot tub/spa area, owners must prohibit the use of outdoor spas or hot tubs between the hours of 10:00 p.m. and 8:00 a.m.

4. Owners must use best efforts to assure that ~~the~~ occupants or guests of the vacation home rental do not create unreasonable noise ~~/or~~ disturbances, engage in disorderly /dangerous conduct, or violate provisions of this code or any state law. ~~pertaining to noise or disorderly conduct~~ Owners must by notifying the occupants in writing

of the rules regarding vacation home rentals and promptly use their best efforts to prevent a recurrence responding when notified that occupants are violating laws regarding their occupancy. ~~It is not intended that~~ the owner, agent, or local contact person is not required or expected to act as a peace officer or place him or herself in harm's way.

~~5. The owner must, upon notification that occupants or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or state law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.~~

~~56. The Owners~~ of the vacation home rental must comply with and use ~~his or her~~ their best efforts to achieve compliance by the occupants with all the provisions of chapters 6.32 (Bear-proof Collection Bins, Containers, and Structures), 8.12 (Burning Restrictions) and 8.14 (Abandoned Vehicles and Unlawful Vehicle Work) of this code.

~~67. The Owners~~ of the vacation home rental must post a copy of the permit and a copy of ~~the all~~ conditions set forth in this section and any additional conditions/restrictions applicable to their permit in a conspicuous place within the vacation home rental.

~~78.~~ All advertising for the vacation home rental must include the permit number.

~~89.~~ All advertising for the vacation home rental must include the maximum number of occupancy approved for the permit, a diagram showing the placement and maximum number of vehicles to be parked on-site, and if applicable, allotted common area parking.

~~910.~~ Each vacation home rental must have a clearly visible and legible notice posted within the unit ~~on~~ or adjacent to the front door, containing the following information:

a. The name of the ~~agent, local contact person, or~~ owner of the unit, or the name of his/her local agent or contact person if the owner does not reside in Douglas County, and a telephone number at which that party may be reached on a 24-hour basis;

b. The maximum number of occupants permitted to stay in the unit;

c. The maximum number of vehicles allowed to be parked on the property;

d. The location of on-site and assigned parking spaces and special information related to seasonal snow removal and emergency vehicle access (~~if~~ any);

e. The trash pick-up day and notification that trash and refuse must not be left or stored on the exterior of the property. Trash must be placed within an approved bear-proof or bear box container, or approved - community dumpster which serves a complex. except from 6:00 p.m. of the day prior to trash pick up to 6:00 p.m. on the day designated for trash pick up unless a bear proof container exists for use by the occupants. As an alternative, trash may be stored inside a secure structure which must be identified with the submittal of the vacation home rental permit and deemed acceptable by the county. All required bear proof containers must be appropriate in size to accommodate tenant usage and must be installed on or before April 1, 2019;

f. Notification that ~~an occupant~~ as a person responsible for an event, occupant(s) may be cited and fined for creating a disturbance or ~~for~~ violating other provisions of this ordinance; ~~and~~

g. Notification that failure to conform to the parking and occupancy ~~limitations~~ requirements of the ~~permit~~ structure is a violation of this ordinance.

h. Notification that the occupants must limit the use of outdoor spas or hot tubs between the hours of 10:00 p.m. and 8:00 am; and

hi. The occupants of a vacation rental home must make the notice required by this paragraph available ~~subdivision available~~ for inspection by the community development ~~development staff~~ director or a designee, the sheriff's office or ~~the~~ code enforcement officer upon a request made by any of these officials.

10. Owners must certify under penalty of perjury that any unpaid taxes imposed pursuant to Title 3 will be remitted to the County within 30 days of receiving the vacation home rental permit, and that future tax payments required by Title 3 will continue to be timely paid.

11. ~~12.~~ All permissible uses must comply with the county or applicable general improvement district parking, driveway and loading standards, and seasonal snow removal or emergency vehicle access regulations. The owner must provide sufficient parking to meet county on-site parking requirements, including the garage when necessary. All overnight occupant parking must be on site.

12. ~~13.~~ All ~~residential~~ vacation home rentals shall comply with the following standard:

It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting.

Compliance with this standard shall be in addition to compliance with all other provisions of this code and Nevada law relating to nuisance, peace and safety.

B. At the request of the community development director, decisions on one or more applications for vacation home rentals may be deferred to a duly noticed meeting of the board of county commissioners, ~~at a duly noticed meeting.~~ The board may ~~has the authority to~~ impose additional ~~standard~~ conditions, applicable to certain vacation home rentals, when the board deems it ~~as~~ necessary to achieve the objectives of this chapter.

C. The community development director or a designee has the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter. ~~subject to compliance with the procedures set forth in section 5.40.120 of this code. (Ord. 1355, 2012; Ord. 1117, 2005)~~

5.40.100-20.622.100 Local contact person.

Each owner of a vacation home rental must designate a local contact person who has access and ~~the~~ authority to assume management of the unit and take remedial measures. ~~An owner may designate himself as the local contact person.~~ The local contact person is required to reside or have their primary place of business within Douglas County ~~or within the jurisdictional boundaries of the Tahoe Regional Planning Agency~~ and respond to the location after being notified by the compliance agency or sheriff of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement. An owner may designate herself/himself as the local contact person if s/he resides in Douglas County. (Ord. 1355, 2012; Ord. 1117, 2005)

5.40.110-20.622.110 Violation and administrative penalties.

A. The following conduct is a violation for which the permit may be suspended or revoked;

1. The owner has failed to comply with the standard conditions specified in section ~~5.40.090~~ 20.662.090 (A) of this code; ~~or~~

2. The owner has failed to comply with additional conditions imposed pursuant to the provisions of section ~~5.40.090~~20.622.090(B) and (C) of this code; ~~or~~
3. The owner has violated the provisions of this chapter; ~~or~~
4. The owner has failed to collect or remit to the county the transient occupancy and lodging taxes and monthly rental reports as required by Title 3 of this code; ~~or~~
5. Any false or misleading information supplied in the application process; ~~or~~
6. The permit number was not included in all forms of advertisement; ~~or~~
7. The maximum occupancy was not included in all forms of advertisement, ~~or or~~ the occupancy was ~~not advertised stated in~~ incorrectly; or
8. The placement and maximum number of vehicles permitted on-site is not identified.

~~B. The penalties for violations specified in subsection (A) are as follows:~~

- ~~1. For the first violation within any 12 month period, the penalty is a warning notice of violation;~~
- ~~2. For the second violation within any 12 month period, the penalty is a second warning notice of violation or an administrative fine not to exceed \$500 or both the notice and fine;~~
- ~~3. For a third violation within any 12 month period, the penalty is a suspension of the permit for a period not to exceed 90 days; and~~
- ~~4. For a fourth violation within any 12 month period, the permit may be revoked. An owner may petition the board for reinstatement of a revoked permit no sooner than 12 months after revocation. (Ord. 1355, 2012; Ord. 1117, 2005)~~

5.40.120-20.622.120 Procedure for ~~imposition of penalties~~, suspension and revocation.

A. Whenever the director or code enforcement officer has reasonable grounds to believe that a violation of section 20.662.110(A), or 20.691.230 has occurred, a written notice of violation shall be served to the owner(s) in accordance with chapters 20.691.250, and 20.691.260.

1. Failure to respond to the written notice within the time frame identified in the notice, or the filing of an Appeal under 20.662.125, will result in a suspension of the permit for a minimum of ninety (90) days by the director.
2. Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by such notice for a period exceeding 10 days, will result in revocation of the permit.

B. When necessary to protect life, property or safety, the director may suspend a permit for up to ninety (90) days or until such time that the unsafe condition(s) have been alleviated, whichever is later.

~~Penalties, including a notice of violation, must be imposed, and permits must be revoked, in the manner provided in this section:~~

~~A. The code enforcement officer must conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the code enforcement officer must issue written notice of the violation and intention to impose a penalty or revoke the permit. The written notice must be served on the owner, operator, agent managing agency, or local contact person and must specify the facts which constitute substantial evidence to establish grounds for imposition of the penalties or~~

~~revocation, and specify that the penalties will be imposed or that the permit will be revoked within 15 days from the date the notice is given unless the owner files with the community development director or a designee the fine amount and a request for a hearing before the community development director or a designee.~~

20.622.125 Appeal

Any person affected by a notice of violation pursuant to this chapter shall have the right to appeal to the board of commissioners subject to the following:

A. A notice of appeal must:

1. Be filed with the community development department within 25 calendar days of the date the first notice of violation was mailed and/or served on the property owner or other responsible party;
2. Be submitted in writing;
3. Include a copy of the notice of violation and a statement that the person wishes to appeal;
4. Contain the person's full name and mailing address, legibly printed or typed, and any notice or communication thereafter sent to him at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change; and
5. Contain a statement setting forth the reasons the person contends that condition of the property does not constitute a nuisance and/or violation of Douglas County Code, and/or why the imposition of civil penalties is not appropriate.

B. The board shall hold a hearing on the appeal within 60 days of filing the notice of appeal with the community development department.

1. The scope of such hearing shall be limited to any or all of the following as may be stated by the person requesting review in the notice of appeal:

- a. There has been a failure of the county to follow the procedures prescribed in this Title and/or chapter, and that such failure has prejudiced the person in respect of some substantial right;
- b. No violation and/or nuisance exists on the premises that is the subject of the notice of violation;
- c. The time for or method of compliance required in the notice is impossible to comply with or, because of circumstances peculiar to the person or property, would work an unreasonable hardship; and/or
- d. The imposition of civil penalties is inappropriate under the circumstances.

2. The appellant shall be accorded the opportunity to provide evidence or a statement in opposition to the notice of violation; and shall be accorded the opportunity to cross-examine any witness presenting testimony.

3. The county shall be accorded the opportunity to present any evidence, argument or statement in support of the notice of violation; and shall be accorded the opportunity to cross-examine any witness presenting such testimony.

C. The board shall adopt findings and conclusions supporting a decision which either:

1. Affirms the notice of violation as issued;
2. Modifies the notice of violation; or
3. Rescinds the notice of violation.

D. The filing of a notice of appeal shall stay all proceedings for correction of the violation and/or abatement of the nuisance until final disposition of the appeal.

E. Upon a final disposition ordering correction of the violation and/or abatement of a nuisance, and unless another period for compliance is provided in the decision, the person responsible for correction and/or abatement shall have a period equal to that specified in the original notice, commencing from the date of the final disposition, in which to correct the violation and/or abate the nuisance prior to further action by the county.

F. The department shall provide a written final disposition to the owner within 3 working days of the appeal hearing by the Board.

~~B. If the owner requests a hearing within the time specified in subsection A, the community development director or a designee must serve written notice on the owner by mail, of the date, time and place for the hearing which must be scheduled not less than 15 days, nor more than 45 days after receipt of the request for a hearing. The community development director or a designee may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the community development director or a designee. The community development director or a designee must impose the penalties or revoke the permit upon a finding that a violation has been proved by substantial evidence, and that the penalty or revocation is consistent with the provision of section 5.40.110 (B) of this code. The hearing must be conducted according to the rules normally applicable to administrative hearings. The community development director or a designee must render a decision within 30 days of the hearing and the decision is appealable to the board. The owner may request and the board may grant a stay of any revocation made pursuant to the provisions of subsection 5.40.110(B) (4) during the pendency of an administrative appeal to the board.~~

~~C. The code enforcement officer may refer violations of this chapter to the Douglas County District Attorney's Office for prosecution pursuant to section 1.08 as misdemeanors. (Ord. 1355, 2012; Ord. 1117, 2005)~~

5.40.130-20.622.130 Permits and fees not exclusive.

Permits and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of this code. The issuance of any permit pursuant to this chapter does not relieve the owner of the obligations to remit tax payments and comply with all the other provisions of this code pertaining to the use and occupancy of the vacation home rental and/or the property on which it is located. (Ord. 1117, 2005)

5.40.140-20.622.140 Penalty for violations.

A. In addition to any other civil remedies set forth in this chapter, the owner, occupant or agent of any lot or premises within the county who permits or allows the existence of a public nuisance as defined in this Title 20, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is subject to the penalties designated in Douglas County Code 1.08.010 which may include criminal prosecution. Each day of any such violation constitutes a separate offense.

B. Enforcement actions may be brought against occupants of a vacation home rental for violations of this chapter and/or any other provision(s) of this code notwithstanding that this chapter may also make the owner of the vacation home rental responsible for the conduct constituting the violation.

C. Each day that the owner of a vacation home rental fails to correct and/or abate any violation of this chapter after the date given in a notice may be subject to a civil penalty of \$250.00 per day, with a maximum total civil penalty of \$10,000.00.

D. In addition to any other reasonable means for collecting civil penalty monies owed to the county, the civil penalties are a special assessment against the property upon

which the violation exists and can be collected pursuant to 20.691.280 if the following conditions exist:

1. The Owner has been billed, served or otherwise notified that the civil penalties are due;

2. The amount of the uncollected civil penalties is more than \$5,000; and

3. At least three months have elapsed after the date specified in the order of the Director or the Board of Commissioners by which the owner must abate the violation/remit the fee(s), or at least twelve months have elapsed after the date specified in the original notice of violation to the owner to abate the violation/remit the fee(s).

E. Owners who receive two or more violations within a three-month period may be subject to a civil penalty of \$1,000.00.

~~Any person violating the provisions of this chapter, or by operating or advertising a vacation home rental without a valid permit is guilty of a misdemeanor. (Ord. 1355, 2012; Ord. 1117, 2005)~~

5.40.150-20.622.150 Enforcement of chapter.

The community development director or a designee is authorized and directed to establish rules and regulations as may from time-to-time be required to carry out the purpose and intent of this chapter. Substantive changes to this ordinance can only be made by the board. ~~(Ord. 1117, 2005)~~

5.40.160-20.622.160 Private actions to enforce.

A. Any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the owner, agent, local contact person or occupant alleged to have violated this chapter. The prevailing party in this litigation is entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing in this chapter creates any right of action against the county or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by ~~various aspects of~~ vacation home rentals within the county. ~~(Ord. 1355, 2012; Ord. 1117, 2005)~~

5.40.170 Violations by occupants of vacation rental homes.

~~— A. In addition to the penalties set forth in 5.04.110, any violation of the provisions of this chapter is punishable as a misdemeanor pursuant to chapter 1.08.010(A) of this code.~~

~~— B. The owner may be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly pursuant to 1.08.010(C).~~

~~— C. Enforcement actions may be brought against occupants of a vacation rental home for violations of this chapter and any other provision of this code notwithstanding that this chapter may also make the owner of the vacation rental home responsible for the conduct constituting the violation. (Ord. 1355, 2012; Ord. 117, 2005)~~

Chapter 20.691

Property Maintenance

20.691.230 Specific Public Nuisances

The following are specifically declared to be public nuisances, but this list shall not be deemed to be exclusive:

A. The accumulation, exposure, or deposit of any garbage, rubbish, bulk solid waste or solid waste on any public way or any private street, alley, or lot, or into a stream, well, spring, brook, ditch, pond, river, or other inland waters within the county, or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;

B. Any physical condition of a premise considered an attractive nuisance, including, but not limited to abandoned wells, shafts, basements, unguarded machinery;

C. An abandoned, unattended, or discarded icebox, refrigerator, or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside;

D. Dangerous pilings and unprotected excavations;

E. Any premises that has plumbing that permit the spillage of effluent outside of an approved sanitary sewer system, or the escape of sewer odors and gases;

F. The maintenance of premises which are in such a state or condition as to cause an offensive odor;

G. The accumulation of feces or manure in piles or heaps, unless enclosed in containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted there from; or is stored consistent with reasonable agricultural practices and/or in such a way so that it is used in legitimate agricultural purposes, and protected in such a way as to not interfere with the water table or neighboring waterways;

H. The burning of any rubbish, garbage, rubber, cloth, or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor;

I. The accumulation of stagnant water in which mosquitoes may breed;

J. Violation of DCC 20.691.110 by keeping more than five cubic yards of junk on any residentially zoned property or by keeping four or more neglected or wrecked motor vehicles on any residentially zoned property regardless of screening;

K. Violation of DCC 20.691.180, "Derelict Structures";

L. Any building or structure that is in a condition that poses an imminent hazard to public health, safety or welfare;

M. A violation of 8.14.020 Abandoned vehicles prohibited;

N. An unpermitted driveway connection from private property to the public right of way for the passage of motorized vehicles that poses a public safety hazard or impedes access, traffic or drainage; and

O. A violation of any provision of chapter 20.622, "Vacation Home Rentals." (Ord. 1405, 2014)

PROPOSED on _____, 2018

PROPOSED by Commissioner _____

PASSED on _____, 2018

VOTE: AYES: Commissioners _____

NAYS: Commissioners _____

Absent: _____

Steven J. Thaler, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer

This ordinance shall be effective on _____, 2018.



COMMUNITY DEVELOPMENT

P.O. Box 218, 1594 Esmeralda Avenue
Minden, Nevada 89423

Mimi Moss, AICP
DIRECTOR

775-782-6201
FAX: 775-782-6297

website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

PUBLIC MEETING NOTICE

Douglas County, Nevada invites all interested persons to the following meetings to discuss proposed code amendments to the Vacation Home Rental Ordinance (chapter 5.40 of Title 5) and any impacts to businesses related to the code amendments*.

Vacation Home Rental Ordinance Workshop

Monday, June 18, 2018, 5-8 p.m.
Harrah's Casino Hotel, Sand Harbor III Meeting Room
15 US Hwy 50, Stateline, Nevada

Douglas County Planning Commission Meeting

Tuesday, July 10, 2018, 9 a.m.
CVIC Hall
1602 Esmeralda Avenue
Minden, Nevada

Board of County Commissioners Meeting*

Thursday, August 2, 2018, 10 a.m.
CVIC Hall
1602 Esmeralda Avenue
Minden, Nevada

Board of County Commissioners Meeting

Thursday, August 16, 2018, 1:30 p.m.
Harrah's Casino Hotel, Sand Harbor III Meeting Room
15 US Hwy 50, Stateline, Nevada

Board of County Commissioners Meeting

Thursday, September 6, 2018, 10 a.m.
CVIC Hall
1602 Esmeralda Avenue
Minden, Nevada

The following outline provides topics that will be discussed during the workshop on June 18, 2018. After the workshop, all items will be forwarded to the Planning Commission and Board of County Commissioners for final action. A quorum of the Planning Commission and Board of Commissioners may be in attendance at the workshop. No final action will be taken at the workshop.

**At the August 2nd Board meeting, the Board will accept data or arguments from business owners as to the effect of the code amendment on their business pursuant to Nevada Revised Statute 237.080(1)a&b. Business owners may identify whether the amended code: a) imposes a direct and significant economic burden to their business, or b) directly restricts the formation, operation or expansion of their business.*

A copy of the draft ordinance will be made available to the public on the Douglas County website by the end of business day, Friday, June 1, 2018. Web link:

<http://www.douglascountynv.gov/109/Community-Development>

Draft copies of the ordinance will also be made available to the public at each of the scheduled meetings noted above. Please remit any comments to the attention of Lucille Rao at 775.782.6218 or email her at lrao@douglasnv.us, or send to the attention of Mimi Moss at 775.782.6201 or email her at mmoss@douglasnv.us.

Summary Outline of Proposed Ordinance Changes:

1. Move Title 5, section 5.40 from Volume 1 into Title 20, Volume 2, section 20.600 (new section 20.662) with slight amendments. Amend chapter 20.691, identifying any violation as a public nuisance, with required enforcement and applicable fines/penalties.
2. Allow VHRP's outside the Tahoe Township. Clarify that use is allowed within all approved single-family dwellings, including townhomes, condominiums, duplex, and tri-plex units, and prohibited within apartments (more than three units) or commercial buildings.
3. Require life safety inspections with new permits and renewals of existing permits. Inspections for: smoke detectors; carbon monoxide detectors; egress windows or doors; handrail at stairway; guardrails for raised surface (decks), and fire extinguisher.
4. Increase new permit and renewal fees to accommodate staff time for inspections. New permit fee from \$100 to \$250; Renewal of permit from \$75 to \$200.
5. Limit occupancy at 2 per bedroom, plus 2 (not plus 4).
6. Require bear proof containers. Approved community dumpsters to serve a complex are acceptable.
7. Include exemption for private parties, events and weddings in code. Owner cannot advertise for these events.
8. Require approval/amendment/denial from the Homeowners Association (HOA) or General Improvement District prior to submittal of the permit by the owner. This must include a written statement or findings to support, amend, or deny the application.
9. The number of vehicles is determined by the number of parking spaces allotted to the premises (must be paved, concrete, gravel, or other approved hard surface). Allotted common area parking must comply with HOA rules and regulations. Retain existing code which says all overnight parking must be on-site.
10. Adjust the penalty/violation section to a process similar to code enforcement today; letter for compliance, timeline for correction depending on violation (10 days); apply penalties at \$250.00 per day until compliant. Provide for suspension or revocation of permit if no response to violation was made, or non-payment of penalties after 10 day notice. Unpermitted vacation home rentals will be fined \$500 per day until permit is issued.
11. Hire Host Compliance to enforce vacation home rental provisions: 24/7 Hotline

Vacation Home Rental Workshop

June 18, 2018

Douglas County Community Development

Mimi Moss, Director





Background

- In 2017, the Board of Commissioners adopted Initiative 3.7 in the Strategic Plan which identifies the need to evaluate and update the Vacation Home Rental ordinance
- In March 2018, the Board of Commissioners directed staff to bring forward amendments to the ordinance



Proposed Amendments/Clarifications

- Allow Vacation Home Rentals (VHR's) Countywide
- Move all of Chapter 5.40 from Volume 1 into Volume II, Title 20, Zoning Section; Public Nuisance; Enforcement
- Clarify that VHR's are allowed within approved single family, duplex, and triplex units. Not allowed in apartment buildings (more than 3 units) or non-residential (commercial buildings).
- Require life safety inspection for all new VHR's: smoke detectors in every bedroom; carbon monoxide detectors outside bedrooms in the immediate area; egress windows or doors from each bedroom; handrail on one side of stairway; guardrail on raised surface > 30 inches; fire extinguisher

3

Proposed Amendments/Clarifications

- Require life safety inspection prior to annual renewal – same building safety items listed previously
- Set maximum occupancy at 2 per bedroom, plus 2 (versus 4)
- Require Bear Proof trash containers for all VHR's – must have minimum of 2 trash cans; install by April 1, 2019
- Parking: The number of vehicles on site is determined by the number of parking spaces allotted. Must be paved, concrete, hard surface. Common area parking must follow HOA rules.
- Include exemptions for private parties, events and weddings that are not publicly advertised and where no payment is charged

Proposed Amendments/Clarifications

- Prohibit use of outdoor spas or hot tubs between 10 pm-8 am
- Require HOA/GID written recommendation: must include reasons for approval/denial/amendment
- Add penalties: \$250 per day until compliance; may become special assessment if not paid; maximum \$10,000 in penalties; unpermitted VHR = \$500 per unit per day
- Amend suspension and revocation section: 1) no response after written notice = suspension of permit for 90 days; 2) no correction within timeline, or failure to remit penalties within the 10 day period = revocation of permit



Proposed Amendments/Clarifications

- Add Appeal language: Appeals heard by Board of Commissioners
- Increase VHR permit fee: for new, increase from \$100 to \$250, for renewals, increase from \$75 to \$200
- Hire Host Compliance for Enforcement and Compliance Services - 24/7 Hotline



Items NOT Being Considered

- Limit the number of VHR's
- Mirror South Lake Tahoe Regulation
- Allow some form of grandfathering of VHR's
- Cannot enforce CC&R's
- Noise/Disturbance of Peace, parking on street will be handled by Sheriff's office

Comparison Table

LOCAL REGULATIONS FOR SHORT TERM RENTALS (STR'S)	JURISDICTION		PROPOSED CHANGES
	DOUGLAS	CSLT	
1. Require all STRs to have full-time resident manager/local contact person	x	x	
2. Set neighborhood quotas (saturation)		x	
3. Encourage STRs in certain areas (i.e. Town Centers)		x	
4. Require compliant parking & proper garbage containment	x	x	X
5. Require life safety and inhabitability inspections		x	X
6. Limit # of STR permits per year through a variety of mechanisms		x	
7. Increase STR permit fees and fines for non-compliance		x	X
8. Implement a rental activity monitoring & compliance service		x	X
9. Conduct a STR saturation analysis to determine heavily impacted neighborhoods		x	

THANK YOU FOR
YOUR PARTICIPATION!



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Mini Moss
COMMUNITY DEVELOPMENT DIRECTOR

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

NOTICE of MEETING/AGENDA
DOUGLAS COUNTY PLANNING COMMISSION
July 10, 2018

PUBLIC NOTICE: This is only an **ACTION SUMMARY** that reflects the actions taken during the meeting. This should not be, in any way, used or construed as official minutes of the meeting. The official minutes are posted after being submitted to the Planning Commission for their approval.

CALL TO ORDER AND DETERMINATION OF QUORUM – 6 MEMBERS PRESENT, 1 ABSENT

PLEDGE OF ALLEGIANCE – LED BY MEMBER WALDER

PUBLIC COMMENT - HELD

APPROVAL OF AGENDA - APPROVED

For possible action. Approval of proposed agenda.

APPROVAL OF MINUTES - APPROVED

For possible action. Planning Commission - Regular Meeting - Jun 12, 2018 1:00 PM

PUBLIC HEARINGS

1. For possible action. Discussion on a Zoning Text Amendment, Ordinance 2018-0041, to the Douglas County Code (DCC), Title 20, updating Floodplain Management Chapter 20.50, including the following modified sections: 20.50.010 through 20.50.200, adding Sections 20.50.210 - 20.50.250 and Appendix A, "Definitions" in Title 20. (Courtney Walker) – **APPROVED 6-0, 1 MEMBER ABSENT**
2. For possible action. Discussion on a request to merge three parcels and re-subdivide them into eight building envelopes ranging in size from 1,120 square feet to 1,158 square feet and a 4.3 acre common open space parcel. The subject property is located within Summit Village Planned Development, approximately 400 feet south of Kingsbury Grade on Tramway Drive in the MFR (Multi-Family Residential) zoning district, in the Sierra Planning Area. The applicant is Steven Huntsinger (APN's: 1319-19-721-001; -002; and -003). (Heather Ferris) – **APPROVED 5-0, 1 MEMBER ABSENT, 1 MEMBER ABSTAINED**
3. For possible action. Discussion on a tentative commercial subdivision map proposing to create two Commercial lots of 3.05 acres and 1.46 acres in size pursuant to Douglas County Code Section 20.708.020, Tentative subdivision map procedures. The subject properties are located east of Hwy 395 and south west of Ironwood Drive within the Minden-Gardnerville Community Plan Area in the South

7-30 July 10, 2018

Commercial Planning Area of the Nevada Northwest Specific Plan. The applicant is And Away They Go, LLC (APNs: 1320-60-601-009, 1320-30-702-024, and a portion of 1320-30-702-029); LDA 18-008 (Louis Cariola) – **APPROVED 6-0, 1 MEMBER ABSENT**

4. For possible action. Discussion on a combined request: 1) a Zoning Map Amendment (DA 18-032) to create a “Mixed-Use Commercial” (MUC) overlay district; 2) a Land Division Application (LDA 18-005) for a Tentative Parcel Map to create four parcels from .22-acres to 1.4-acres in size; 3) a Major Design Review (DA 18-031) to construct three multi-family residential buildings to accommodate a total of twenty living units with attached garages; and 4) a Major Variance to allow a reduction in the setbacks for the multi-family residential buildings. The subject parcels are located at 1321 & 1317 Hwy 395 N (northeast side of 395), approximately 700 feet southeast of the intersection of Waterloo Lane and 395, in the Minden/Gardnerville Community Plan Area. The applicant is Ruins to Riches, LLC (APN 1220-04-602-017). (Steve Mason) – **APPROVED 5-0, 1 MEMBER ABSENT, 1 MEMBER RECUSED**

Item 5 will be heard after 1:00 pm:

5. For possible action. Discussion on Ordinance No. 2018-1515, an ordinance deleting chapter 5.40, Vacation Rentals in the Tahoe Township, from Title 5, and incorporating Vacation Home Rentals into Title 20, chapter 20.622 of the Douglas County Code, and amending section 20.691.230 to define violations of chapter 20.622 as a specific public nuisance. Amendments include: allowing Vacation Home Rentals throughout Douglas County; increased penalties; changes to the appeal process and permitting standards; defining violations as a specific public nuisance; and other properly related matters. (Mimi Moss) –

APPROVED WITH MODIFICATIONS 6-0, 1 ABSENT

ADJOURNMENT – AT 3:05PM

Louthan, Carol

From: Dawson, Dena
Sent: Monday, August 27, 2018 9:58 AM
To: Louthan, Carol
Subject: Ordinance for vacation rentals
Attachments: P071018f.pdf

Carol,

Please find the action summary from the 7/10/18 Planning Commission meeting regarding Vacation Rental Homes.

The actual motion was:

MOTION to recommend to the Board of County Commissioners approval of a zoning text amendment Ordinance No. 2018-1515, an ordinance deleting chapter 5.40, Vacation Rentals in the Tahoe Township, from Title 5, and incorporating Vacation Home Rentals into Title 20, chapter 20.622 of the Douglas County Code, and amending section 20.691.230 to define violations of chapter 20.622 as a specific public nuisance. Amendments include: allowing Vacation Home Rentals in Tahoe Township only; increased penalties; changes to the appeal process and permitting standards; defining violations as a specific public nuisance based on discussion and findings in the staff report. The provisions of the chapter apply within the unincorporated portions of the County located within the boundaries of the Tahoe Township. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in this Code. The staff shall be directed to include revisions to the proposed amendment to account for the Planning Commission concerns regarding, number one, proof of liability insurance; number two, flexibility of bear boxes based on inspections; number three, measures to deter repeat offenders; and number four, to clarify use of private residences for private parties and events; carried.

Best,

Dena Dawson

Assistant Clerk|Election Administrator
(775)782-9023
dabeyta@douglasnv.us
<http://govotedouglas.com/>

August 2, 2018

003). Land Division Application DP18-0053. (Heather Ferris) 20 Minutes – **Approved**

4. For possible action. Discussion on a tentative commercial subdivision map proposing to create two commercial lots of 3.05 acres and 1.46 acres. The subject properties are located east of HWY 395 and south west of Ironwood Drive within the Minden-Gardnerville Community Plan Area in the South Commercial Planning Area of the Nevada Northwest Specific Plan. The applicant is And Away They Go, LLC, Mike Pegram-Manager (APNs: 1320-30-601-009, 1320-30-702-024, and a portion of 1320-30-702-029); LDA 18-008. (Louis Cariola) 30 Minutes - **Approved**
5. For possible action. Discussion on the following requests: 1) Introduction of **Ordinance 2018-1516**, for Ruins to Riches, LLC, a Zoning Map Amendment (ref. DA 18-032) establishing a Mixed Use Commercial overlay, and other properly related matters; 2) a Tentative Parcel Map (LDA 18-005) to create four parcels ranging in size from .22-acres to 1.4-acres; 3) a Major Design Review (DA 18-031) to construct five multi-family residential buildings to accommodate a total of twenty living units with attached garages; and 4) a Major Variance to allow a reduction in the setbacks for the multi-family residential buildings. The subject parcel is located at 1321 & 1317 HWY 395 N (northeast side of HWY 395), approximately 700 feet southeast of the intersection of Waterloo Lane and HWY 395, in the Minden/Gardnerville Community Plan Area. The applicant is Ruins to Riches, LLC (Managing Agent: Jeffrey Pisciotta) (APN: 1220-04-602-017). First reading. (Steve Mason) 20 Minutes- **Approved**

THE FOLLOWING ITEMS WERE HEARD AFTER 3:00 PM:

6. For possible action. Discussion to introduce **Ordinance 2018-1515**, an ordinance deleting chapter 5.40, Vacation Rentals in the Tahoe Township, from Title 5, and incorporating Vacation Home Rentals into Title 20, chapter 20.622 of the Douglas County Code, and amending section 20.691.230 to define violations of chapter 20.622 as a specific public nuisance. Amendments include: clarifying that Vacation Home Rentals are only allowed within the Tahoe Township; increased penalties; changes to the appeal process and permitting standards; defining violations as a specific public nuisance; and other properly related matters; first reading. ref. DA 18-023 (Mimi Moss) 90 Minutes – **Discussion held, Motion to delete chapter 5.40 from Title 5 and incorporate it into Title 20- Approved. Ordinance 2018-1515 Continued to future meeting.**

into Title 20, Chapter 20.622, of the Douglas County Code, adding fines for unpermitted rentals, amending fines and penalties for violations, amending the revocation and appeal process, and amending section 20.691.230 to define violations of chapter 20.622 as a specific public nuisance, and other properly related matters. First reading. (ref. DA 18-023) (Mimi Moss) 30 Minutes - **Ordinance introduced**

4. For possible action. Review and discuss data from interested persons to determine whether proposed Ordinance 2018-1520, which amends the Vacation Home Rental code section, will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business as identified in Nevada Revised Statute 237.080. (Mimi Moss) 30 Minutes - **Hearing held, Ordinance does not impose a direct or significant economic burden upon business.**

5. For possible action. Discussion to approve a professional services agreement with Host Compliance, LLC to provide Vacation Home Rental Monitoring and Compliance and associated services for the Community Development Department, in an amount not to exceed \$94,500, and authorize the chairman to sign any necessary documents. (Mimi Moss) 10 Minutes - **Approved**

COUNTY MANAGER

6. For possible action. Discussion to confirm the appointment of Terri Willoughby as Comptroller and Auditor for Douglas County. The Chief Financial Officer for Douglas County serves as the County Auditor and Comptroller pursuant to Chapter 251 of the Nevada Revised Statutes. (Lawrence Werner) 10 Minutes - **Accepted appointment**

7. For possible action. Discussion on an appointment to the Senior Services and Public Transit Advisory Council to replace Pamela Garber. Applications have been received from Carl Smith and Margaret Colescott. (Larry Werner) 20 minutes - **Continued to September 6th Meeting**

8. For possible action. Discussion to authorize the County Manager's Office, in conjunction with the District Attorney's office, to negotiate and sign a professional services agreement with FCS Group to conduct a Water Utility Rate Analysis for the newly consolidated Carson Valley Water Utility (Fund 328) for an amount not to exceed \$82,880 or, in the alternative, direct staff to prepare a Request for Qualifications (RFQ) to seek qualified firms to conduct a rate analysis/study for the Douglas County Water Utility (Fund 328) and to provide direction on the scope of work for the water rate analysis/study. (Ron Roman and Jenifer Davidson) 20 Minutes - **Approved**

9. For presentation only. Presentation by William B. Penzel, Vice Chairman of the Douglas County Board of Commissioners, on the Infrastructure and Facilities Element of the Master Plan and the Infrastructure Objective of the Douglas County Strategic plan. (William B. Penzel) 30 Minutes - **Continued to**