



**COMMUNITY DEVELOPMENT**  
1594 Esmeralda Avenue, Minden, Nevada 89423

**Mimi Moss**  
**DIRECTOR**

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

website: [www.douglascountynv.gov](http://www.douglascountynv.gov)

Building Division  
Engineering Division  
Planning Division  
Code Enforcement

---

**MEMORANDUM**

DATE: July 10, 2018

TO: Douglas County Planning Commission

FROM: Mimi Moss AICP, Director

SUBJECT: Development Application (DA) 18-023, Zoning Text Amendment  
Vacation Home Rentals in Douglas County

---

**I. REQUEST**

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. The Planning Commission may recommend approval, approval with modifications, or denial of the request to the Board of Commissioners.

**II. RECOMMENDATION**

Recommend, to the Board of County Commissioners, approval of a Zoning Text Amendment (ref. 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.

**III. BACKGROUND**

Currently, Chapter 5.40 which provides the provisions for the permitting of Vacation Home Rentals (VHR's) in the Tahoe Township only, was adopted in 2005. In early 2017, the Board directed staff to consider amendments to the current ordinance as part of the adopted Strategic Plan for the County. Initiative 3.7 of the Strategic Plan states:

“Evaluate the need to update the Vacation Rental Ordinance to include changes in on-line vacation rentals (AirBnB, VRBO, etc.)”

During the past six months, staff has researched other communities that allow vacation rental permits in order to compare standards, processes and enforcement. Staff has also met with community stakeholders on potential changes to the code. In March 2018, the Board of Commissioners provided direction to staff on the potential amendments to the ordinance. More recently, staff drafted code language and held a public workshop on June 18<sup>th</sup> to solicit comments on the draft code from all interested persons (citizens, owners of property with active vacation rental permits, property managers, homeowner association and general improvement district representatives).

#### **IV. DISCUSSION**

Douglas County Code chapter 20.610 sets the procedures for processing a zoning text amendment. In this instance, staff has initiated the text amendment based on Board direction at their meeting of March 15, 2018 after taking public comment. The proposed amendments to County Code are summarized below (detailed language is included in the attached draft ordinance):

- Allow Vacation Home Rentals (VHR’s) Countywide
- Move all of Chapter 5.40 from Volume 1 into Volume II, Title 20, Zoning Section; Identify violation of permit as a Public Nuisance thereby strengthening 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). OK within townhomes or condominiums
- 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
- Require life safety inspection prior to annual renewal – same building safety items listed above
- 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
- 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
- Add Appeal language: Appeals heard by Board of Commissioners
- Increase VHR permit fee: for new, increase from \$100 to \$400, for renewals, increase from \$75 to \$250 (change in fees will need to be adopted by the Board via a resolution)
- Hire Host Compliance for Enforcement and Compliance Services - 24/7 Hotline

Items not covered in the proposed code amendment include:

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

\*Note: Potential citation authority by code enforcement officer for illegal parking on the street is under review

Public Comment

Staff has received public correspondence regarding proposed changes to the Vacation Home Rental code section (see attached). Some of the comments were submitted prior to the draft ordinance being made available to the public on June 1, 2018, and as presented at the public workshop on June 18, 2018. In summary, concern has been raised about: increase in permit fees; change in occupancy standards; review authority by the HOA or GID; requiring bear proof containers; enforcement, or lack thereof, and penalties due to violations.

## V. FINDINGS FOR A ZONING TEXT AMENDMENT

In order for the ordinance to be adopted, the following findings must be made in the affirmative per DCC 20.610.050 as follows:

*A. That the proposed amendment is consistent with the policies embodied in the adopted Master Plan and the underlying land use designation contained in the land use plan.*

**Staff Response:** Staff can make this finding. The proposed amendment is limited in nature and will not directly affect the consistency of Title 20 with the adopted Master Plan. As outlined in the discussions above, the proposed amendments clarify or strengthen the existing standards for permitting vacation home rentals in residential neighborhoods such as: required life safety inspections; maximum occupancy; vehicle/parking limitations; enforcement and penalties; and adding an appeal process, to name a few.

*B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in Douglas County Code, Title 20.*

**Staff Response:** Staff can make this finding. The proposed amendment is consistent with the adequate public facilities policies. Due to the limited nature of the zoning text amendment, there

is no impact on public facilities. Vacation Home Rentals are currently allowed within existing residential units.

*C. That the proposed amendment is compatible with the actual and master planned use of the adjacent properties.*

**Staff Response:** Staff can make this finding. The amendment is not site specific and the amendments do not change the nature of the use that is currently allowed within residential neighborhoods in the Tahoe Basin today. The Board had previously made the findings which imposed standards for such transient uses in order to mitigate the impacts to adjacent properties. Clearly, the main issue with such transient use is enforcement of the permit standards and/or conditions. Staff believes the additional standards proposed in the draft ordinance along with improved enforcement will help maintain and improve the integrity of existing neighborhoods.

## **VI. CONCLUSION**

The proposed zoning text amendment is limited in nature, in that the new language further strengthens vacation rental permit requirements to ensure impacts to surrounding properties are minimal. The amendments include language such as: required life safety inspections for new permits and for renewals of permits; maximum occupancy from 2 per bedroom, plus 2 (versus 4); vehicle/parking limitations; enforcement and penalties; and adding an appeal process. Staff recommends approval of these amendments, as the required findings can be made.

### ***Attachments:***

1. Draft Ordinance 2018-1515
2. Public Comment
3. Power Point Presentation