



Douglas County

Vacation Home Rental Advisory Board Public Meeting Notice and Agenda

Wednesday, March 23, 2022

1:00 PM

Historic Courthouse
1616 Eighth Street
Minden, NV 89423

A copy of the finalized agenda is posted at the Minden Inn at 1594 Esmeralda Avenue, Minden NV 89423.

Agenda items may be taken out of order, may be combined for consideration, or may be removed from the agenda at any time. All items designated "for possible action" may include discussion by the Vacation Home Rental (VHR) Advisory Board and they may take action to approve, modify, deny, take "no action", or continue the item.

To watch the meeting:

Members of the public may click on the following link to watch the livestream of the Vacation Home Rental (VHR) Advisory Board meeting: <https://youtu.be/cS8ySi9hu0M>

Written public comment:

Persons desiring an opportunity to address the Vacation Home Rental (VHR) Advisory Board and who are unable to attend the meeting are requested to send an email to VHRAdvisoryBoardpubliccomment@douglasnv.us at least 24 hours prior to the convening of the meeting.

Public comment during the meeting:

Webinar: Members of the public that want to participate in the meeting may use the Zoom registration link or teleconference access listed below:

https://us06web.zoom.us/webinar/register/WN_YsXhEa_GTMK-Mkk9f9vSUG

Teleconference:

Phone: 1-720-707-2699

Webinar ID: 878 4937 6300

Passcode: 424679

In person: Members of the public may attend the meeting in person.

Copies of supporting material can be requested in person from the Douglas County Community Development Office, 1594 Esmeralda Avenue, Minden, Nevada or by calling that office at 775-782-6230. Electronic copies of the agenda and supporting materials are also available at the following websites:

- **State of Nevada Public Notices website:** <https://notice.nv.gov/>
- **Douglas County Meeting website:** https://douglascountynv.granicus.com/ViewPublisher.php?view_id=1

Members of the public may call the County Manager's Office at 775-782-9821 to obtain help making public comment using any of the foregoing methods.

DOUGLAS COUNTY VACATION HOME RENTAL ADVISORY BOARD

FINAL AGENDA

March 23, 2022

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

At this time, public comment will be taken on those items that are within the jurisdiction and control of the Vacation Home Rental (VHR) Advisory Board. Public comment is limited to three minutes per speaker unless additional time is granted by the Board Chairperson. The Vacation Home Rental (VHR) Advisory Board uses timing lights to ensure that everyone has an opportunity to speak. You will see a green light when you begin, and then a yellow light which indicates that you have thirty seconds left and should conclude your comments. Once the light turns red, please sit down.

In addition to opening public comment and closing public comment, additional public comment periods may be allowed on individual agenda items at the discretion of the Chairperson.

APPROVAL OF AGENDA

For possible action. Approval of the proposed agenda. The Vacation Home Rental (VHR) Advisory Board reserves the right to take items in a different order to accomplish business in the most efficient manner, to combine two or more agenda items for consideration, and to remove items from the agenda or delay discussion relating to items on the agenda

APPROVAL OF PREVIOUS MINUTES

For possible action. Discussion to approve the draft minutes of the February 23, 2022 meeting of the Vacation Home Rental Advisory Board.

ADMINISTRATIVE AGENDA

The Chairperson will read the agenda title into the public record and will have the discretion to determine how the item will be presented. The timing for agenda items is approximate unless otherwise indicated for a specific item. Agenda items may be considered ahead of or after the schedule indicated by this agenda. Public comment will be taken on items that are identified for possible action.

1. For possible action. Discussion on an application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 153 Granite Springs. The owner is IDB HOLDINGS LLC, Luis Sarmiento, who currently has a Douglas County issued VHR Permit, Account No. 08401811 (APN 1318-26-515-031). (Tom Dallaire)
2. For possible action. Discussion on Ordinance 2022-1599, an ordinance amending provisions of Chapter 20.622 of the Douglas County Code including the setting of occupancy limits, allowing vacation home rental ("VHR") permits to be issued to closely held corporate entities, grandfathering-in existing multiple VHR permit holders through October 1, 2024,

subject to the conditions and terms of renewal, clarifying the liability insurance that must be held by VHR permit holders, increasing the length of the term of the VHR Advisory Board members from two years to four years, imposing liability for persons who assist in the leasing of VHRs without a valid VHR permit, modifying the fine structure, increasing the time in which a notice of appeal must be filed from 10 days to 14 days of the date the first notice of violation was mailed, increasing occupancy from two per bedroom to two per bedroom plus two for properties with four or fewer bedrooms, limiting occupancy to four persons per on-site parking space if occupancy exceeds two per bedroom, and other related amendments clarifying the intent of the regulations. (Doug Ritchie)

3. For possible action. Discussion on an application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 750 Lakeview Circle, Zephyr Cove, NV. The owner is Robert and Maria Tarn who currently have a Douglas County issued VHR Permit, Account No. 08400377 (APN 1318-10-312-006). (Tom Dallaire)
4. For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 206 S Benjamin Dr. The owners is Tahoe Blue Lodge LLC (Natasha Hughes), who currently has a Douglas County issued VHR Permit, Account No. 08401786 (APN 1319-19-311-003). (Tom Dallaire)
5. For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 242 S. Benjamin Dr. The owner is Jacqueline Castro, who currently has a Douglas County issued VHR Permit, Account No. 08400791 (APN 1319-19-310-001). (Tom Dallaire)
6. For possible action. Discussion on an appeal filed by Matthew Kvancz to contest the \$5,000 fine issued relative to Notice and Order and Assessment of Civil Penalty for renting without a current VHR Permit issued in Code Enforcement Case Number 21-000192, (APN: 1418-34-112-002). (Tom Dallaire)
7. For possible action. Discussion on possible changes to Chapter 20.622 of the Douglas County Code relative to vacation home rentals in the Lake Tahoe Township. (Chairwoman Mickie Hempler)

CLOSING PUBLIC COMMENT (No Action)

At this time, public comment will be taken on those items that are within the jurisdiction and control of the Vacation Home Rental (VHR) Advisory Board or those agenda items where public comment has not already been taken.

ADJOURNMENT

Notice to Persons with Disabilities:

Members of the public who are disabled or require special assistance or accommodations are requested to notify the Douglas County Community Development Office in writing at Post Office Box 218, Minden, Nevada 89423 or by calling 775-782-6230 at least 20 hours in advance of the meeting.

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED:

AGENDA: **APPROVAL OF PREVIOUS MINUTES**

TITLE:

For possible action. Discussion to approve the draft minutes of the February 23, 2022 meeting of the Vacation Home Rental Advisory Board.

RECOMMENDED MOTION:

Approve the minutes of the February 23, 2022, meeting of the Vacation Home Rental Advisory Board as presented.

FINANCIAL IMPACT:

None

BACKGROUND:

ATTACHMENTS:

[2-23-22__VHR_Advisory_Board_Mtg_Minutes_-_unapproved final.pdf](#)

**MINUTES OF THE
DOUGLAS COUNTY VACATION HOME RENTAL
ADVISORY BOARD**

The Regular Meeting of the **VHR ADVISORY BOARD** was held virtually through Zoom at the following link: https://douglascountynv.granicus.com/player/clip/93?view_id=1&redirect=true on February 23, 2022 beginning at 1:00 PM.

Staff Present:

Tom Dallaire, Director, Community Development
Ann Damian, Administrative Assistant, Community Development
Sam Taylor, Deputy District Attorney

Presenters:

Tom Dallaire, Director, Community Development
Jenifer Davidson, Assistant County Manager

ROLL CALL

Mickie Hempler, Chair - Present
Lauren Romain, Vice Chair - Present
Patti Graf – Board Member - Present
Brian Byer, Board Member - Present
Michael Sloan, Board Member – Present

CALL TO ORDER

1:01 PM (Video 0:4:30)

PLEDGE OF ALLEGIANCE

Led by Lauren Romain, Vice Chair

CALL FOR PUBLIC COMMENT (Video 0:05:19)

Ellie Waller: Stated the last meeting was very informative. Ellie reminded neighbors, clients who have requested denial to always file their complaints not only with TRPA, but to the fire department and sheriff's department. Ellie then asked what is Land Use Code 300 versus 220, and designation on the Assessor's record and how that plays in with VHR information. Ellie also requested that future packets have the verification of all Property Managers. She mentioned that when the South Shore Area Plan comes about, that it would be a really good place to re-visit VHR's. She requested when the change-over to an area plan takes place, that some VHR's might not be in zones and once they are sold they get phased out. Ellie also mentioned that we need to look at how capacity is analyzed.

Tom Dallaire: Tom introduced our Code Enforcement Team, Richard Lauritson, Bonnie Harwood and Rachel Morales-O'Neil.

Jim McIntyre: Mr. McIntyre stated he lives at 332 Maryanne been there about 30 years. They have watched the neighborhood grow. Mr. McIntyre indicated the amount of noise has grown in the valley area of that village. It seems to be increasing as time goes on. Mr. McIntyre stated that 342 Maryanne

is requesting a Tier 3 permit. One thing that has occurred is that traffic has increased, noting most of these rentals are located on secondary streets. He stated most renters don't abide by the speed limit. A vast majority of renters on the weekend greatly increases the noise problem in the area. Many more people in the area due to vacation home rentals.

Amy Snelson: Stated since additional rentals have been permitted, more problems with bears and parking. She is concerned about the VHR's as she lives next door to a "hotel" housing 14 people. She worries about the people who live here on a regular basis.

Nila Cernio: Have issues with cigarettes going on their property, drinking. Renters are bringing their own BBQ's and deck heaters. She states there is drugs, prostitutes. She stays up all nights to watch her cars.

Lyvia Toledo: Lyvia stated that she has a VHR which is their 2nd home. She stated that VHR owners can screen people before they rent their property.

Todd Lesser: Todd stated he has watched vacation rentals in multiple areas. He urges to amend the regulations. Todd stated we need to be more strict with regulations. He noted that in Palm Springs, enforcement has noise monitors and if the noise is too high at a property, the renters are cited. He stated that regulations need to be better regulated.

APPROVAL OF AGENDA (Video 0:23:18)

Mr. Dallaire asked Ms. Hempler if he could confirm with Lyvia Toledo that her Item #2 was being pulled and not heard today as Ms. Toledo is remaining a Tier 2 permit and will apply for a Tier 3 permit when her permit expires in November. Ms. Toledo did confirm this.

Keith Byer motioned to approve the agenda with the exclusion of Item 2 and Lauren Romain second the motion.

RESULT:
MOVER:
SECONDER:

APPROVED [5-0]
Keith Byer
Lauren Romain

APPROVAL OF PREVIOUS MINUTES (Video 22:43)

Ms. Hempler had a question on the draft minutes for Item 2 and the amendment on the decision. Lauren Romain motioned to approve the previous minutes, Patti Graf second the motion.

RESULT:
MOVER:
SECONDER:

APPROVED [5-0]
Lauren Romain
Patti Graf

ADMINISTRATIVE CALENDAR

- 1. For possible action.** Discussion on an application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 9 bedroom home, 18 person occupancy, located at 550 Sierra Sunset Ln. Zephyr Cove, NV. The owner is Patrick Willis, who currently has a Douglas County issued VHR Permit, Account No. 08401837 (APN 1318-15-101-009). (Tom Dallaire). (Video 0:46:03)

Mr. Dallaire stated that owner is doing a renewal which was received in November 2021, there have been no complaints logged in CitizenServe and there have been no complaints filed with Douglas County Sheriff within the last twelve months. Mr. Dallaire stated that we have the insurance, contains the approved VHR language. Mr. Dallaire stated they did condition this application for noise monitors. Mr. Dallaire stated the owner purchased noise devices but not a noise monitoring system which is what is asked of the owner. Mr. Dallaire stated we have public comment from the adjacent property owner recommending approval of this application. It was noted that this neighbor lives 80 feet from this residence. Mr. Dallaire wanted to be sure the Board members saw this letter.

Mr. Dallaire stated the property is 24 acres and that Mr. Willis has people in the audience representing Mr. Willis.

Ms. Hempler then asked the Board if they had specific questions on this property. Ms. Hempler noted that she saw the property and was allowed a tour of the entire property by the care giver Tina. Ms. Hempler did mention to Tina that there would most likely be a concern over the noise devices she saw.

Mr. Byer noted to Mr. Dallaire the information page about the property is good, but he would like to see more specific answers on it, i.e. Exam certification, who specifically took the test, Insurance, is it a \$1M. He supports the request to reserve the owner's privacy. Mr. Byers noted that the noise devices are noise meters and operated with batteries.

Mr. Dallaire assured Mr. Byer that the appropriate noise monitors will be installed as it will be made a condition to this application.

Mr. Byers questioned that we have the acknowledgment of 50 persons per day, that we do have this document on file.

Ms. Hempler then asked that the Property Manager come forward to answer questions.

Jennifer Suiter:,Business Development Manager for Tahoe Luxury Properties for 16 years and Tina Geilenfeldt, caretaker came to the podium. Tina stated then when they applied for renewal in November, that they weren't told specifically what was needed in regards to noise monitors. Tina stated that they will get the appropriate noise monitors that are required.

Michael Sloan asked if one of them were licensed real estate broker and Jennifer answered she was. Mr. Sloan then asked if all nine bedrooms are in the one main house or are they combining 7 bedrooms from the main house and 2 bedrooms from the guest house. Tina confirmed that they are combining 7 and 2 bedrooms to come up with 9 total bedrooms.

Mr. Sloan then directed his question to Mr. Dallaire citing the ordinance, that short terms means one dwelling unit or portion of that dwelling unit, including a single family or attached unit rented for the purpose of overnight. Mr. Sloan stated they have two units with one permit on one parcel, but if you drill down to what the ordinance states does it fit.

Mr. Dallaire stated the guest house is detached and is separate from the home is on the same circular driveway behind a gate. Mr. Dallaire stated they have seen no evidence of this property being rented out separately, however, if the board chooses to eliminate the guest house then the permit can be issued only to the main house.

Ms. Hempler stated that she did ask this question of Tina when she was on tour and Tina stated to her that they rent the house and guest house as one unit.

Lauren Romain pointed out that the Assessor's page indicates two dwelling units. However, Lauren noted that there is one per permit and they are using both dwellings as one rental and not renting them out separately. Tina acknowledged that was correct.

Mr. Byer stated he wants to comply with the ordinance, but wants to be sure they are following the regulation. Mr. Byer stated he doesn't think there will be problem with this property, but wanted Ms. Hempler input based on what the Task Force was looking at.

Ms. Hempler stated that the Task Force concerns that multiple units would bring more people and cars. Ms. Romain stated that was true. Ms. Hempler doesn't feel this will be a problem with this property as they have always rented the property as one dwelling. Ms. Romain also validated with the Property Manager that this property is one address, not two addresses.

Ms. Hempler stated she looked at the advertisement for this property and it is advertised as one home.

Ms. Romain asked Mr. Dallaire for clarity of where the noise monitors should be placed and feels that a noise monitor should be placed closest to the nearest neighbor.

Ms. Hempler closed public comment and stated that this property is very unique. Ms. Hempler asked the Board if there was further comment.

Mr. Sloan commented stating he has a hard time, but wants to stick to the ordinance and would approve 8.

Mr. Byer commented to Mr. Dallaire asking if they were to condition this property to install he appropriate noise monitors within 30 days, if he would approve. Mr. Dallaire stated yes, that he already sent Tina link for the noise monitors. That they would need to have a monitor inside as well as outside, but also need wi-fi in order to report.

Mr. Byer then directed comment to Ms. Hempler stating he can approve this property either way.

Ms. Hempler stated she needs a motion that need conditions for noise monitor and to reduce the bedrooms to 8 per regulation.

Mr. Sloan motioned that the Tier 3 be approved and that the main house be approved for 8 bedrooms and the second structure not be rented at this time. That the applicant, provide noise monitoring that is satisfactory to Mr. Dallaire, and that if the ordinance does change with regards to second building, that the permit can change to 7 bedrooms for main building plus 2 bedrooms for the second building for total of 18 occupancy. This will provide 16 occupancy based on 8 bedrooms of the main home.

Mr. Romain second the motion.

RESULT:
MOTION:
SECOND:

APPROVED [5-0]
MICHAEL SLOAN
LAUREN ROMAIN

CALL FOR PUBLIC COMMENT:

Dan Ainsworth: spoke that the VHR Task Force spoke about one permit per parcel.

Ellie Waller: Ellie stated that the Board should look at a map and the amount of Tier 2 and Tier 3 VHR's are in place with regards to first responders and the impact on neighbors. Ellie stated that looking at the general vicinity map there are 20 Tier 2 homes, another 30 Tier 2 homes in the 126 identified and another 20 Tier 3. Ellie stated that's a lot of people in a sub-division. Ellie stated it is summertime she is most worried about and the number of people meandering around. Ellie then stated there is 15 beds and we need to identify the bedrooms.

Ben Harmon: Mr. Harmon cautioned the Board to be careful in setting precedent on unwritten regulations.

- 2. For possible action.** Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 437 Panorama Dr. Stateline, NV. The owner is Panorama Paradise LLC (Barry Ellis), who currently has a Douglas County issued VHR Permit, Account No. 08401741 (APN 1318-25-111-020). (Tom Dallaire). (Video 1:15:03)

NOT HEARD

RESULT:
MOTION:
SECONDER:

CALL FOR PUBLIC COMMENT:

- 3. For possible action.** Discussion on application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 153 Granite Springs. The owner is IDB HOLDINGS, LLC, Luis Sarmiento, who currently has a Douglas County issued VHR Permit, Account No. 08401811 (APN 1318-26-515-031). (Tom Dallaire) (Video 1:27:30)

Mr. Dallaire stated staff has been working with this individual and they have requested this item be continued to the March VHR Advisory Board meeting date. Mr. Dallaire stated they are in the process of obtaining a Property Manager which took longer than they anticipated. Mr. Dallaire stated he is aware that there was a big uproar over this property over the weekend and there might even be public in the audience to speak.

Ms. Hempler asked the Board what they would like to do. Ms. Romain commented that there are people here to speak and that the Board can defer a decision, but hear the comments.

Mr. Dallaire stated the request came a couple of weeks ago and couldn't remove the noticing from the ad and that the noticing letters were mailed out.

Ms. Hempler asked if the property owner was available and Mr. Dallaire stated the property owner had another appointment and was not available.

Ms. Graf commented stated since people have shown up today to speak that they should be allowed to speak and hear their comments.

Mr. Byer stated that this property owner submitted for the Tier 3 in November it is now February and he feels they have had enough time to get one, so he would like to hear this item.

Mr. Sloan commented that he would like to hear this item and hear the comments from those in the audience and on Zoom. Mr. Sloan also noted there are multiple letters in opposition to this property.

Mr. Dallaire stated this is 153 granite Springs, stated that they are requesting occupancy of 14, total number of bedrooms is 7. Total of 6 parking stalls, 2 in the garage and 4 in the driveway. Two unfounded noise complaints in the past twelve months from the Sheriff's department. There is a bear box, three person local maintenance crew that dumps trash at the landfill. The nearest neighbor is 100 feet, 169 longest distance away from 4 different homes. The adjacent properties are vacant on either side of the home and owned by US Forest Service. We are recommending a condition for the applicant to provide locations for the current noise monitors.

Ms. Hempler stated she wanted to remind the Board since the owner is not present, and we won't get some questions answered, she asked Mr. Dallaire to advise the owner to listen to this portion on the meeting, so he's prepared in the event they defer their vote. Ms. Hempler then opened questioning from the Board to Mr. Dallaire.

Mr. Byer was questioned the ownership since the owner is an LLC, issued after 6/2/2021, but the permit was issued to an individual, Luis Sarimento.

Mr. Dallaire commented that ownership was transferred to an LLC and purchased the property in September 2020. They created the LLC prior to the new regulations going into effect. Mr. Dallaire stated that when Host Compliance was managing these properties he believes the permit was left in the original owner name.

Mr. Byer then stated on page 104 to the left, wanted to know if it's a buildable lot and how close the building optional would be to the house. Mr. Byer then asked about the unfounded noise complaints meaning that we just couldn't get there quick enough and the complaint was not malicious.

Mr. Dallaire stated that when looking at the property lines from GIS are not entirely accurate. It depends where the plane was flying and further out it was, therefore will show the property lines further out. A variance of up to 16 feet.

Mr. Byer stated to Mr. Dallaire, he understands the deviation from the aerials, but that it would be good to know if it's a buildable lot or not from the minimum.

Mr. Dallaire stated the Chief Guevin was able to verify that both lots on either side of the home are owned by State of Nevada.

Ms. Romain commented to Chief Guevin that in the fire report it stated the bedroom maps must be re-done to show current bedroom count. The photos show 7 bedrooms, but they use to have eight?

Chief Guevin responded stating sometimes the owner will use a bedroom for a lock off and they will store their personal items in those. When they go to permit and they choose that they are going to rent that room, then we count that room as a bedroom. We then look at the safety feature of that room. Chief Guevin stated the 8th bedroom was not a legal bedroom, but an office.

Ms. Romain then stated on page 131 of the bedroom pictures, stating one bedroom it is not a primary purpose room. Ms. Romain stated on the Airbnb reviews, it talks about space heaters. Ms. Roman asked Chief Guevin if space heaters are acceptable.

Chief Guevin responded that, yes, they can be acceptable if they are plugged in appropriately. If they have extension cords or illegally wired, they will not be allowed. But if they have all the safety features and a good heater they will be allowed.

Ms. Romain stated that the Airbnb review also states that the "remodeled addition" is perfect for multi-families. She wasn't sure what that meant.

Mr. Taylor, Deputy District Attorney spoke, stating that some of the question Ms. Romain is asking would need to be directed to the owner and they are not present. Under the public hearing procedures 20.24, they are allowed to present during the public hearing. Mr. Taylor stated that it was his understanding they were informed that they didn't need to be present. Mr. Taylor advised that those questions should be postponed and asked at a later date.

Ms. Romain stated she understood, but should the owner watch the video, they will be prepared to answer the questions that cannot be answered today. She mentioned that the ad is advertising for 20 people and 8 beds. Ms. Romain then deferred back to the question of the bedroom which is not a primary purpose room.

Mr. Sloan commented if there are beds in the room he would consider it a bedroom.

Ms. Graf is comparing this bedroom to the last meeting, where this looks like they added beds to the game room to get more occupancy.

Ms. Hempler agreed that she had the same concerns with the bedrooms.

Mr. Byer directed his question to Mr. Taylor asking if the Board cannot act on this item today. Would it be inappropriate or illegal to act on this item today?

Mr. Taylor, Deputy District Attorney responded that he would reference Douglas County Code 20.24, which authorizes an applicant to come an appear and provide testimony and evidence in support of their application. This is an application brought before this Board and 20.24 procedures should be followed. Mr. Taylor stated normally he would say yes, if the item has been noticed and properly agendasized, but there is a mitigating circumstance here, in which staff informed Mr. Sarimento he did not have to be present here today. Mr. Taylor stated the Board should take this into account.

Mr. Byer wanted to clarify that the applicant was informed by staff he did not have to appear today because the item would be continued to next month's meeting.

Mr. Taylor responded that was his understanding.

Ms. Hempler than asked Mr. Dallaire that when these permits are in between being issued, before the Board hears them, does someone look at the ads posted and do they get looked at during that time.

Mr. Dallaire stated the ads do get looked at and scrutinized, and the applicant is informed if something is not correct. Mr. Dallaire stated it looks like the applicant did make some changes and they would notify the applicant that the advertisement is still off. Mr. Dallaire also stated that whatever decisions is given, the applicant receives a letter noting the corrections/changes that need to be made and must be take care of immediately.

Mr. Dallaire stated the staff did tell the owner he didn't have to appear and we tried to get this item off the agenda.

Mr. Sloan commented that comments should be heard from the public, but that no decision should be made.

Ms. Romain stated she concurred with Mr. Sloan. Ms Romain then had one additional question for Chief Guevin. Ms. Romain stated on the walk around of this property, the gas grill is up against a railing and if that is okay.

Chief Guevin responded the gas grill would have to have clearance from anything combustible.

Ms. Hempler stated if there was no further comment from the Board, she would like to open public comment.

Seeing no further public comment, Ms. Hempler stated to the Board to keep in mind that the owner is not here and stated the next step is to defer voting on this until the next meeting March 23rd and asked if any of the Board would like to make a motion.

Mr. Byer stated he motioned to defer this agenda item to March 23rd and for all us to consider all the information provided by the public at that time.

Mr. Taylor, Deputy District Attorney, spoke stating it is important when deferring a matter, you must have date, time and location specified in the motion.

Mr. Byer stated he withdraw his motion.

Ms. Graf indicated, that she will not be in attendance for the next meeting, and wanted to make comment. Ms. Graf indicated she has a lot of reservation about this property, especially sine they've had since November to secure a property manager. She feels this applicant is stringing out the process. They haven't adjusted their advertisement. Ms. Graf stated there are a lot of issues that the public has brought out.

Ms. Romain motioned to defer this item in these chambers, on March 23, 2022 at 1:00p.m. And that some way we communicate to the owner, that it is highly advisable that he listens to this part of this proceeding, as it's very enlightening and it points to a lot of things that will be talked about at the next meeting.

Mr. Byer second the motion.

Ms. Hempler stated that a motion was given to defer this item to March 23, 2022 at 1:00p.m. in the Douglas County Courthouse.

**RESULT:
MOTION:
SECONDER:**

**DENIED [5-0]
LAUREN ROMAIN
KEITH BYER**

CALL FOR PUBLIC COMMENT

Dr. Clint Pervance: Owns 145 Granite Springs drive which is two homes and one lot away from this vacation home property. Mr. Pervance has lived in that home for 12 years and stated that all things heard during opening public comment is real to him. Over density, noise, traffic, illegal activity etc. Mr. Pervance stated he is married and has four children living at home. These issues he has had to deal with for many years. Mr. Pervance stated the roads are narrow and icy. Mr. Pervance stated in December there were so many people there, he spoke to one lady walking who stated there were 23 people staying at this house. There were cars parked all over the road and it makes it difficult for snow removal equipment to get through. Mr. Pervance stated his neighborhood is a working force neighborhood. It's not a vacation home rental neighborhood.

Ellie Waller: Ellie stated she has concerns over the bedrooms with this property. Putting beds in rooms to fill occupancy numbers is something that will need to be worked out. Ellie stated she has attended Washoe, Reno and Truckee's meeting which has good ideas that she would like to bring forward.

Ben Harmon: Mr. Harmon stated that this property is truly a commercial property located in the heart of a residential neighborhood in close proximity to homes of full-time residence. Mr. Harmon stated vehicular activity to this property impacts the entire neighborhood as it is located in the center of the loop. The sound from this house carries very far. Mr. Harmon stated he lives 1 1/2 blocks from this property but has been disturbed by loud noise on several occasions. It is obvious that the corporation who owns the property is incapable of ensuring the tenants they rent to respect the property and its neighbors. He is opposed to approving this property as a Tier 3.

Dr. Chivonne Harrigal: Chivonne stated she has lived in the Granite Springs neighborhood for 8 years. She strongly objects to this application being approved. She echo's the comments and statements from her neighbors. Chivonne stated the worse part of living in Tahoe is the vacation rentals. The CCR's for the Granite Springs neighborhood was formed in 1975, Article 5 section 14, states that no commercial building or multiple family dwellings shall be permitted. She asked the Board to stand up for this neighborhood and the full-time residents who live there. And to put an end to this madness.

David Brock: lives at 118 Delissa Court, directly across the driveway. Lived there more than 20 years, is a musician and works from home. Mr. Brock stated that for several years he and his neighbors have been negatively impacted by this property. Many cars parked on the street, loud noise both inside the home and outside, and cigarette butts thrown in my garden. Mr. Brock stated the irrigation system on the side of the curb he needs to repair regularly as it gets driven on and parked on. Mr. Brock stated that most of the homes in Tahoe don't have air conditioning, and this vacation home rental does not, so the windows are left open a lot and the ambient sounds permeated the neighborhood. Mr. Brock is opposed to this property as a Tier 3.

Martin Cerceo: Lives at 152 Granite Springs, right next door. Mr. Cerceo works from home and lives with his parent's full time and have lived there since 1991. Mr. Cerceo stated he would like to freely roam his neighborhood, without alcoholism and excessive volume, but we do live in a tourist town. He stated to the Board that they need to work with these properties applying for Tier 3 so they can mix and gel within the neighborhoods and not be a nuisance.

Dr. Peter Protell: Lives at 104 Meadow Drive. Dr. Protell stated this home is very problematic. Cars drive very fast down Meadow Drive to get to Granite Springs. This house negatively impacts the forest behind the house, with broken sleds and garbage. Dr. Protell stated that parking is one of the biggest issues as well as the noise. This neighborhood is not the right neighborhood to have these gigantic vacation home rentals.

Phil Olivieri: Lives at 150 Granite Springs Drive, one house down and is a full-time resident. In the six years living here, this house has been very disruptive to our neighborhood. We have seen increased traffic, cars speeding up and down Granite Springs drive in summer and winter. This house has had noise violations, parking violations and garbage disposal violations. Just a few weeks ago, the renters had a snow sled contest, hooked up a boom box and megaphone. The cleaning company leaves multiple garbage bags on the street when they clean which attracts bears, and causes a commotion in the neighborhood. They recently installed a bear box, but it is not used consistently. The VHR renters have blatantly ignored the VHR parking rules. In the winter, the snow plows have trouble getting up and down the streets with the multiple cars parked on the street. Mr. Olivieri contacted DSCO the past few nights to get the cars removed and thank the Sheriff's department for responding. The owner of this property has caused the neighbors of this property much angst. Mr. Olivieri wants to know why isn't there a property manager. In closing, it is for these reason that he recommends denial to a Tier 3 application.

- 4. For possible action.** Discussion on a application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for an 8 bedroom home, 16 person occupancy, located at 342 Maryanne Dr. Zephyr Cove, NV. The owner is Todd Lesser, 342 Maryanne LLC., who is currently has a Douglas County issued VHR Permit, Account No. 08400752 (APN 1319-18-413-003). (Tom Dallaire)

Mr. Dallaire stated there was some confusion with the numbers of bedroom at the last minute it was noted that the home has a room locked off and this is supposed to be a 8 bedroom home, 16 person occupancy. Staff has checked the history in the CitizenServe database and there is no record of complaints and there are no reference complaints with the Sheriff's department in the past 12 months. The insurance is through State Farm with a \$ 1M coverage. They have a three can bear box with weekly service with South Tahoe Refuse. The adjacent neighboring homes is 80 feet away, 151 feet away and 213 feet away. One of the adjacent parcels is owned by US Forest Service, and the vacant lot above the house is about 80 feet away and the parcel above that is US Forest Service owned as well.

Ms. Hempler then opened questions from the Board to Mr. Dallaire and Fire Marshall Guevin.

Ms. Graf asked Mr. Dallaire if the property across the street was US Forest Service owned. And if the parcels down the street are owned as it looks like open land.

Mr. Dallaire stated that there is one home and that they bought up the block and turned into one parcel.

Mr. Byer asked if the land owner was noticed.

Mr. Dallaire stated yes.

Ms. Graf then asked about the vacant property off Maryanne Drive as to who owned it.

Mr. Dallaire responded that he believed that was owned by US Forest Service.

Ms. Romain stated that she was looking at the diagram of the distance between the homes, and if you look at the car in the driveway, and the acceptable parking is two in the garage and four outside. But if I look at the car in the driveway and put another car behind it, if the dimensions are known and if the dimensions are acceptable.

Mr. Dallaire stated that the dimensions are not shown on their plan, but it appears they have 40 feet which is what they need for a parking stall back to back. From the garage to the street is the 40 feet.

Ms. Hempler asked Mr. Dallaire if the property owner is here today. Ms. Damian responded that the property owner was online.

Ms. Romain asked if there was a floor plan on the entire house.

Mr. Dallaire commented that there was a problem with the PDF and to look at the supplementals as there were colored diagrams provided.

Ms. Hempler noted it was page 32 of the supplemental. Ms. Hempler then wanted clarification that this property didn't have a property manager and he manages the property himself.

Mr. Dallaire stated yes, but he thought he had a property manager but the distance to where they live was a problem.

Ms. Graf then asked if the property manager was a licensed property manager.

Mr. Dallaire said that question could be asked to the owner, Todd Lesser.

Ms. Hempler stated she wanted to have the owner speak.

Mr. Lesser asked if he could give a small statement to what the Board was asking before questions are asked of him. Mr. Lesser stated he has been a property owner since 1991 in the neighborhood.

Mr. Lesser stated he has never been cited by the Fire Marshall or Sheriff because he treats this home as a good neighbor. Mr. Lesser states he goes above and beyond the regulations.

Mr. Lesser stated he uses Minot and Noise Aware to monitor the noise and in addition has four outdoor cameras that have microphones and records conversations. Mr. Lesser stated if anyone is speeding on Maryanne he will have a video of it. Mr. Lesser states he is hyper vigilant and checks personally or has his assistant check at 9:00p.m to make sure no one is in the spa or barbecuing.

Mr. Lesser prides himself in how he takes care of his property. Mr. Lesser tries to rent to small families and keeps it affordable. He doesn't rent to anyone under the age of 25, as he doesn't want frat parties, strippers or illegal activities. They trash the home. He manages the property himself. Mr. Lesser stated he used property managers in the past, but they would leave the property unlocked. They have 300 properties to watch. I can be hyper vigilant because I manage the property myself. This way he is fully responsible and when he's not available his assistant manages the property and Mr. Lesser has another backup who lives close. Mr. Lesser stated when he rents his home out, he stays in a motor home which is a half hour away from the property.

Mr. Lesser stated the only issue with this property is with Mr. McIntyre. However, Mr. Lesser stated that Mr. McIntyre has his personal cell phone number, his assistant's cell number. Mr. Lesser stated he keeps his cell phone on 24/7 every day. If Mr. McIntyre has a specific issue, then Mr. Lesser asked for the date and time and he would look into it. Mr. Lesser stated he knows Mr. McIntyre wants Tahoe to be the way it was 40 years ago, but it has changed, it's growing.

Mr. Lesser stated he should be the model for Tier 3 and even Tier 2. Mr. Lesser stated he would love to see more enforcement.

Ms. Hempler stopped Mr. Lesser and asked if the Board could ask questions of him.

Ms. Hempler asked Mr. Lesser if he manages the property himself and if he lives in Douglas County.

Mr. Lesser responded he did. Mr. Lesser stated he is actually at the property when it's not being rented out. Mr. Lesser stated that with Airbnb you don't have to rent the whole house. Mr. Lesser stated that if the top floor of the house is rented out, then he stays on the bottom floor and he can hear noise and things. If it gets too noisy he goes upstairs to advise the renters to keep it down.

Ms. Hempler had Mr. Lesser confirm that he does rent out the whole house. Mr. Lesser said when the whole house is rented out, he stays within a ½ hour away and is in his motor home.

Ms. Hempler asked Mr. Lesser if his legal address is in Douglas County.

Mr. Lesser responded yes. Mr. Lesser indicated he doesn't get mail there as there is no postal delivery there, and gets his mail at the Gardnerville post office.

Ms. Hempler stated to Mr. Lesser that the Assessor's page shows his address being in San Diego.

Mr. Lesser stated he has property in San Diego and his bookkeeper is there and all the bills get paid from there as that is one of his offices.

Ms. Hempler stated to Mr. Lesser that she wanted to allow the Board to now ask questions of him.

Mr. Byer wanted clarification that when less than the full house is rented that Mr. Lesser stays at the house.

Mr. Lesser said that is correct. Mr. Lesser stated sometimes he travels, but yes, he will stay there. If he's not available to stay there he makes sure he's covered or he just won't rent it out.

Mr. Byer then asked Mr. Lesser when he stays in the motor home where does he park it.

Mr. Lesser stated he has friends in Gardnerville and Carson City and I can park in their driveway.

Ms. Romain then stated that when she looks at the Assessor's page, it shows that the property is zoned for a one dwelling unit and on section E1 of the code, the dwelling can be rented out or be its own residence.

Mr. Lesser stated he would defer to the Deputy District Attorney to answer.

Mr. Taylor, Deputy District Attorney noted that we specifically have a Tier 1 rental which allows a person to reside on the property and rent out portion of there property. The question becomes if it's zoned properly, if it's residential then it's zoned properly. Mr. Taylor stated you can also have a VHR in a commercial zone as well.

Ms. Romain stated that she's not sure what area Mr. Lesser is cornering off, but if you have another living area within a unit it's basically two dwellings versus one dwelling which the Assessor has noted.

Mr. Lesser stated that it's still one dwelling, it's different if he would have two cooking areas, but that's not the case. Mr. Lesser stated a bedroom is not considered a separate dwelling.

Ms. Romain asked Mr. Lesser if he's staying in the dwelling when he's renting it out.

Mr. Lesser stated yes, it's just a room with an exit door outside. There is no cooking area, it's just a room.

Ms. Romain asked Mr. Lesser when he is staying at the rental where does he park.

Mr. Lesser stated he parks at the casino, but it really depends on how many cars the renters have. But he allows no more than six cars. Mr. Lesser tells the renters if you want more than six cars and I'm there one of us has to park at a casino and have a friend drive them up or get a cab or Uber.

Mr. Taylor, Deputy District Attorney spoke to clarify that the applicant is not sub-dividing his house. You can access the entire house, there is nothing blocking off from not being able to get through the entire house.

Mr. Taylor asked Mr. Lesser to explain.

Mr. Lesser stated this is a four-floor house. Mr. Lesser stated that a bedroom with an exterior door is not a separate dwelling.

Mr. Taylor stated that if the bedroom is accessed from an outside door is not an accessory dwelling.

Ms. Hempler asked Mr. Lesser which room does he occupy.

Mr. Lesser stated it was a room below the garage.

Mr. Guevin stated the concern was two rooms cannot be rented out separately.

Ms. Hempler asked if Mr. Lesser if he advertises the home as 8 bedrooms.

Mr. Lesser stated he advertises as 8 bedrooms, 5 bedrooms and 3 bedrooms.

Ms. Hempler stated if this Tier 3 was denied and moved from an 8 bedroom to a 5 bedroom it really wouldn't change your life significantly.

Mr. Lesser stated that it would significantly hurt his revenue. Mr. Lesser stated it would cut revenue by 75%.

Ms. Romain then asked Mr. Lesser in the area that is a separate area is there just beds there, anything else.

Mr. Lesser responded just beds, a mini refrigerator and microwave and that's it.

Ms. Romain stated that in one of the Airbnb ads it showed counter space and a stove.

Mr. Lesser stated that is in one of the family areas not in that room.

Ms. Romain asked if Mr. Lesser has two stoves.

Mr. Lesser stated it's in the bottom room where the pool table and air hockey is located. And it's there so people don't have to walk up two floors.

Ms. Romain then asked that when the whole house is not rented out it is part of the sections that is rented or the part you live in.

Mr. Lesser stated he doesn't live in that section.

Mr. Sloan wanted to clarify that there are two built in stoves.

Mr. Lesser stated it wasn't built in and is mostly used if someone wants to make popcorn. Mr. Lesser stated he has a nice Wolf stove in the kitchen that is used in the kitchen. He stated this stove is one burner. Mr. Lesser stated if the County wants this removed he'll take it out.

Ms. Hempler asked to have public comment and then came back to board should there be further questions.

Ms. Hempler was advised that Mr. Lesser wanted to make public comment, but Ms. Hempler stated she wanted to bring it back to the board.

Ms. Hempler stated she is uncomfortable with homes of this occupancy and if there are no comments from the residence nears by. Where there will be 16 people crammed in the house. Ms. Hempler stated she is most uncomfortable that the responsible party show is supposed to be available 24/74 is not always in Douglas County to take the calls and respond to complaints.

Ms. Graf commented that in the requirement for a Tire 3, there should be a licensed property manager. It appears is not licensed and he is out of town and there is nobody within a thirty minute time that can respond to complaints.

Mr. Byer commented this house is 80 feet from the closest neighbor. Mr. Byer feels this house is too close to other to have 16 people.

Ms. Sloan commented that he's not concerned about the distance, but that the overwhelming response from the neighbors, that this house is not balancing into the neighborhood.

Ms. Hempler then asked the Board if they would like to make a motion.

Ms. Romain directed a question to Mr. Dallaire, commenting that even if this is not a Tier 3 as of yet, that there still must be a 24/7 emergency contact.

Mr. Dallaire stated yes.

Ms. Romain asked if we have proof that Mr. Lesser is a resident of Douglas County.

Mr. Dallaire stated there was some question on this, and that he didn't have the full answer.

Mr. Byer moved that they reject the application for an 8 bedroom home, 16 person occupancy located at 342 Maryanne Dr. Zephyr Cove NV owned by Todd Lesser, 342 Maryanne LLC.

Mr. Sloan second the motion.

RESULT:
MOTION:
SECONDER:

APPROVED [5-0]
KEITH BYER
MICHAEL SLOAN

CALL FOR PUBLIC COMMENT:

Commenter refuses to state name publicly: Commented that he has never seen Mr. Lesser on the property.

Commenter lives below and the deck goes all the way around the house, the noise carries and that when he hears things. Commenter stated this is a party house.

Tom Serino: lives a quarter mile away. The noise carries and there are a lot of people there all the time. The people that rent these homes come up with as many people they can. One time a Universal Studio bus pulled up and 28 people came out with various air mattresses and stuff.

Jim McIntyre: Mr. McIntyre stated he agrees they should not be approved for this permit. Mr. McIntyre stated Ms. Lesser has contacted him on three occasions. One renter stated that Mr. McIntyre was verbally rude to them. Mr. McIntyre stated he is fed up with the amount of people, the speeding and the noise. This house was originally a four-bedroom house. When the original owner sold, the person he sold it to did the additions to the property. Mr. McIntyre states the sound carries as the property faces his property.

Lyla Serino; Stated that Mr. Lesser's house has been a problem house for many years. There is so much traffic in the neighborhood now. It is also problem with fires and have evacuated three times.

Judy McIntyre: Lives at 332 Maryanne. She lives there full-time. She has never seen a motor home in the driveway ever. Ms. McIntyre stated the Mr. Lesser has indicated to her to call him in San Diego and if there is a problem to call his assistant. Ms. McIntyre has seen fraternities at this house partying. Ms. McIntyre stated they have called the Sheriffs several times, but have never placed a formal complaint. Ellie Waller: Ellie stated this it is confusing on how this is renting. She believes the house needs a property manager. It is not being properly managed on site. The parking pad is 40 feet. The street looks very narrow and if that road is only 25 feet., needs more scrutiny for parking. Ms. Waller asked Mr. Lesser, but not to answer, if he has rented to more than one group. And asked when was the last time he was at his property.

Lisa Hori: Lives on Maryanne Drive a few houses up. The neighborhood used to be quiet and there is no place to renting to so many people as is being requested. They can hear from there deck, just talking and it's a nuisance. Ms. Hori stated across the street there is a big rock slope and the noise bounces off of that. This property has had issues and is exposing our neighborhood to transient population. That property has had a couple of burglaries. And recently Douglas County Sheriff's apprehended someone from the property. There is an increase in traffic. Ms. Hori if the Tier 3 application is approved the applicant must agree to 9 items. Mr. Hori stated there is no place in this neighborhood for commercial rentals.

5. For possible action. Discussion on possible changes to Chapter 20.622 of the Douglas County Code relative to vacation home rentals in the Lake Tahoe Township. (Chairwoman Mickie Hempler) (Video3:35:53)

Ms. Hempler stated were not going to go through the whole Code tonight. Ms. Hempler asked the Board to give items that are most important to them. Ms. Hempler will ask for public comment first.

Mr. Byer commented that if Ms. Waller makes public comment, to expand her time to maybe 5 minutes since she will share ideas and thoughts from other VHR meetings she has attended.

Ms. Davidson advised Ms. Hempler if she is going to extend additional time to a member of the public, she needs to do so for everyone. If she would like to see a presentation from a member of the public, Ms. Davidson, stated she would be happy to place the presentation as a future agenda item.

Ms. Hempler stated to the Board and audience that public comment will remain at 3 minutes.

Mr. Taylor, Deputy District Attorney, wanted to comment and put out in public, you have considerable discretion on how long people speak. Also, the OML (Open Meeting Law) allows considerable discretion as to the length of time allowed the speakers. There is no statutory or constitutional requirement that each speakers time be correlated mathematically. However, any public comment limitation and when public comment will be allowed and whether public comment will be allowed on current items must be articulated on the body's agenda. Mr. Taylor noted for the record that the Chair has considerable discretion to allow more time for people to speak, but whenever you have a limitation on people's time, it needs to be on the agenda.

Ms. Hempler that asked the Board Members to each state their ideas.

Mr. Sloan stated one thing he would like to look it is not the density of regions but the density within those regions. In other words, having a Tier 2, Tier 3 surrounding you. Mr. Sloan stated in his opinion that would be quite high. Mr. Sloan stated that a letter was received fairly close to his neighborhood, and that this person is highly surrounded now. Mr. Sloan stated he would like to dive into more restrictions or ideas to keep the density not just concentrated in one area.

Mr. Sloan stated the second item he would like to look at is the 50-person guest limit for Tier 3. It seems very confusing to the people in the audience and to people in general and believes this should be considered per item as to what that can be.

Mr. Sloan's third request is to look at noise monitors and cameras. It should be standardized. All should be web based and access to our Code Enforcement. Possibly even cameras on driveways.

Mr. Byer stated noise monitors, need to set standards that they are web based, a log is kept and how long the log should be kept. And the log should not be dependent on an event, but the totality. Mr. Byer stated this isn't one of his top three, but that we need to look at insurance. Mr. Byer believes to files a case with an insurer outside of Nevada could be different should they be licensed in Nevada, but he doesn't know that. Mr. Byer than stated trash is his next item to look at.

Ms. Graf stated that one concern is density in neighborhoods whether Tier 2 or Tier 3. Ms. Graf stated she agreed with Mr. Sloan that we need to look at the 50-person guest limit. Ms. Graf stated

she would like to address the trash issue. Ms. Graf stated that we have it required that there are bear boxes, but if they have a 2 Tier is one small bear box going to be enough. Ms. Graf would like to see what South Lake Tahoe Refuge would recommend.

Ms. Romain stated she would like to address is that we talk about a bedroom being a primary room and she feels the Board is getting more clarity on the things that could happen, however, it doesn't exempt studios and Ms. Romain feels that the wording needs to get added for this. Studios are allowed, but it is a total and separate entity then what we were talking about trying to cram everyone into every nook and cranny of a place. Ms. Romain then stated a discussion is needed on how a Tier 3 application applicant is not a Tier 3 until the application is approved by the Board.

Mr. Dallaire clarified that the applicant has 180 days in order to get into compliance and get approved by the VHR Advisory Board.

Ms. Romain stated that a discussion is need on multiple living areas within a certain area. In a case where we have a guy who has an area in which he lives, but Douglas County doesn't see it as a livable space, but if he decides to let a friend stay there and he calls up because he's having a heart attack, and when first responders arrive, they say no one is having a heart attack, because 911 only see's one address.

Ms. Romain also agree that the 50-person guest limit does need to be addressed.

Ms. Hempler stated she too agrees that the 50-person guest limit does need to be addressed. Ms. Hempler would like to see a survey of some sort, neighborhood by neighborhood, to see if they are going to be okay with the VHR'S in their neighborhoods as some neighborhoods are vehemently against them.

Ms. Hempler stated she has issue with having more than one permit on a parcel. Ms. Hempler stated that causes a lot of problems in neighborhoods when you have two permitted properties on one APN. Ms. Hempler then brought up what Commissioner Rice stated that commercial rates are charged for water and sewer on VHR's. Ms. Hempler stated most of them don't have that option, because sewer is through the Tahoe Douglas District and water is through Douglas County. Ms. Hempler feels it might be a small band aid to give to homeowners paying the rate and seeing 16-20 people in another home who is paying the exact same rate.

Ms. Hempler stated we will go over this and keep doing this. Ms. Hempler would like to see and hear what other counties are doing.

Ms. Hempler then called for closing public comment.

RESULT:
MOTION:
SECONDER:

DENIED [5-0]
KEITH BYER
LAUREN ROMAIN

CALL FOR PUBLIC COMMENT:

Dan Ainsworth: Mr. Ainsworth commented that the last two items discussed is exactly the reason the VHR Task Force was brought together, noise, trash and parking. This is the reason the code was extended and defined. Hopefully Code Enforcement will come into play.

Mr. Ainsworth commented on occupancy. Mr. Ainsworth stated it make no sense to limit occupancy to just bedrooms times 2. Especially for Tier 2. Many condos and homes have bunk beds in a bedroom and a sleeper sofa in the living room. It's a standard rental practice everywhere to allow occupancy level based on that kind of a situation. Occupancy levels don't solve the problem with noise, trash and parking issues. Reasonable rules and code enforcement rules solve these issues. Mr. Ainsworth stated he would advise to allow the inspection team to determine appropriate occupancy. The Tier 3 requirement that the home must be sufficiently far away from all residential buildings so as not to cause a nuisance. Mr. Ainsworth stated to Mr. Byer the next statement he makes is not pointed at him. Mr. Ainsworth stated this requirement is complete and totally unattainable aspect. Mr. Ainsworth stated you can't stop issues with just a distance minimum. You solve issues when they occur with citations, fines and if necessary pulling the permit.

Ellie Waller: Ms. Waller commented that she disagrees that occupancy is the issue and would not change how occupancy is determined. Ms. Waller stated the bedroom situation will need to be looked at by having another Task Force, more public so that an established base line is determined. A bedroom is a bedroom and all you do is sleep in it. Ms. Waller stated it was very confusing to her today, that a Tier 1 can be a Tier 3, there needs to be clarity on that. Ms. Waller then asked what triggers a total revocation. How does someone bring up a total revocation? Ms. Waller stated that Code Enforcement is moving right along. Ms. Waller stated that she is seeing valuable information come along. Ms. Waller stated she would be happy to provide a summary to the Board on all the other jurisdictions are handling VHR's so the Board has some insight. One of the interesting ones, is that if someone purchases a house, they have to wait a year before applying for a VHR that Truckee uses.

Kirk Walder: Lives in Zephyr Cove. Wanted to thank the Advisory Board for their service. Mr. Walder states he rarely see issues with VHR's in his neighborhood. Mr. Walder stated he appreciates the Boards attention to details of application and the specifics of the current ordinance. Mr. Walder commented that he urges the Board to keep foremost in mind that the goal of a good ordinance is to set clear and simple rules that allows everyone to meet the goal of a good VHR program that is safe and preserves the welfare of the Tahoe Community. So, as you consider items like density, occupancy, ownership, and other parts of the ordinance Mr. Walder's suggestion is to make a common-sense rule. Don't complicate it, don't make so difficult for compliance that it will require many, many hours of code enforcement time. Concentrate on enforcement of those who issue problems and create violations.

Todd Lesser: Mr. Lesser stated that he was shocked at the Boards lack of knowledge and due process. Mr. Lesser stated that in America you have the right to address your accusers. You let people testify that have complaints which means that whomever you hire to do the Sheriff is either incompetent or a liar. Surely you know that is not true. Are you going to treat Item #5 as you did me?

CLOSING PUBLIC COMMENT

Ellie Waller: Thanked all Board Members, Mr. Dallaire and Ms. Davidson, Sam Taylor and clerks for all the hard work. Ms. Waller stated she will provide a summary of items that she has heard over the course of attending other jurisdictions VHR meetings. Ms. Waller stated TRPA needs to get involved.

Dan Ainsworth: Mr. Ainsworth second what Ms. Waller said. Mr. Ainsworth stated that he would like to see more conversation about ownership. Mr. Ainsworth owned a property in Mammoth with two other couples. They stayed there and rented it out. Mr. Ainsworth stated owners don't create the problem, it's the renters that do. If there is an issue the property manager's need to fix it or a normal citation is issued or the permit is pulled.

ADJOURNED (Video Time 4:08:26)

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on an application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 153 Granite Springs. The owner is IDB HOLDINGS LLC, Luis Sarmiento, who currently has a Douglas County issued VHR Permit, Account No. 08401811 (APN 1318-26-515-031). (Tom Dallaire)

RECOMMENDED MOTION:

The VHR Advisory Board may:

1. Approve a Special Use Permit application to obtain a Tier 3 Vacation Home Rental permit with a maximum occupancy of 14 persons for 153 Granite Springs, Stateline, NV owned by Luis Sarmiento given the required findings have been met, the contents of the Staff Report and attached documents and public comment and with the condition provided in the staff report.

Alternatively in the event the VHR Advisory Board believes the Tier 3 permit requirements have not been met;

2. Deny a Special Use Permit application to obtain a Tier 3 Vacation Home Rental permit with a maximum occupancy of 14 persons for 153 Granite Springs, Stateline, NV owned by Luis Sarmiento based on the inability to meet the required findings.

FINANCIAL IMPACT:

None.

BACKGROUND:

This matter was continued from the February 23, 2022 VHR Advisory Board meeting due to the lack of a licensed property manager. On October 4, 2021, IDB Holdings LLC (Luis Sarmiento) began the process of commencing the VHR permit renewal process located at 153 Granite Springs, Stateline

Nevada, (Old VHR Permit 08401811, Occupancy of 20 for 8 bedrooms). The new permit application for 7 bedroom with a maximum occupancy of 14. IDB Holdings LLC, Mr. Sarmiento received approval for his Tier 3 VHR Permit Account No. 08401811 on November 25, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date. If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by IDB HOLDINGS LLC ,Luis Sarmiento unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

ATTACHMENTS:

[Staff Report 153 Granite Springs.docx](#)

[Attachments_Complete_153_Granite8x11](#)



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

STAFF REPORT

Date: March 23, 2022
To: Vacation Home Rentals Advisory Board
From: Douglas County Code Enforcement
Subject: Public hearing on Special Use Permit application filed by Luis Sarmiento for a Tier 3 Vacation Home Rental.

Property Address: 153 Granite Springs (APN 1318-26-515-031)

I. REQUEST

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 153 Granite Springs. The owner is IDB HOLDINGS LLC, Luis Sarmiento, who currently has a Douglas County issued VHR Permit, Account No. 08401811 (APN 1318-26-515-031).

II. BACKGROUND AND EVALUATION

On October 4, 2021, IDB HOLDINGS LLC (Luis Sarmiento) began the process of commencing the VHR permit renewal process located at 153 Granite Springs, Stateline Nevada, (Old VHR Permit 08401811 , Occupancy of 20 for 8 bedrooms) The new permit application for 7 bedroom with a maximum occupancy of 14. IDB HOLDINGS LLC ,Mr. Sarmiento received approval for his Tier 3 VHR Permit Account No. 08401811 on November 25, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date. If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by IDB HOLDINGS LLC ,Luis Sarmiento unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

PROPERTY INFORMATION

Property Address: 153 Granite Springs

APN: 1318-26-515-031

Property Owner/s: IDB HOLDINGS LLC

Address: 253 GRANADA DR, SAN LUIS OBISPO, CA

Property Manager: Brandon Gerard

Phone Number: (530) 545-8102

Prop. Manager NV License # 166453

Office Location: 182 HIGHWAY 50
ZEPHYR COVE, NV 89448

Emergency Contact: David Wallisch

Emergency Phone: 720-394-7426

Emergency Contact Physical address responding to a complaint: South Lake Tahoe, CA

Maps reported time from physical address to VHR unit address: trip time 8 minutes

VHR Account Number: 08401811

Previous VHR Account Number: 08401811

Application Date: October 1, 2021

Issue Date: November 25, 2021

Expiration Date: November 24, 2022

Fees Paid: Yes

Complaints: In our data base and with Douglas County Sheriff's Department. There were 2 unfounded noise complaints in the past 12 months.

Insurance Company: State Farm w/rental endorsement Liability coverage amount: 1,000,000.00

Total Occupancy: 14

Total Bedrooms: 7

Previous Maximum Occupancy: 20

Previous Approved Bedrooms: 7

Total Parking: 6

Previous Approved Parking: 6

Garage Parking: 2

Driveway Parking: 4

Bear Proof Storage Solution: Bear box for trash, We have a three person local maintenance crew that dumps trash at the landfill after every visit.

Refuse Service: No

Bear Box: Yes

Adjacent Residence #1: 155 Granite Springs Dr, Vacant Lot, Owned by State of NV.

Adjacent Residence #2: 151 Granite Springs Dr, Vacant Lot.

Adjacent Residence #3: Vacant lot across from (no numerics). Owned by State of NV.

Adjacent Residence #4: 118 Delissa Ct, 100 ft from property.

Adjacent Residence #5: 152 Granite Springs Dr, 169 ft from property.

Adjacent Residence #6: 149 Granite Springs Dr, 125 ft from property.

The following image shows the neighborhood density of the proposed waitlist applicants for new VHRs along with existing permitted VHR homes in the Middle Kingsbury neighborhood. The current density of existing permits is at 8.9%.

Middle Kingsbury

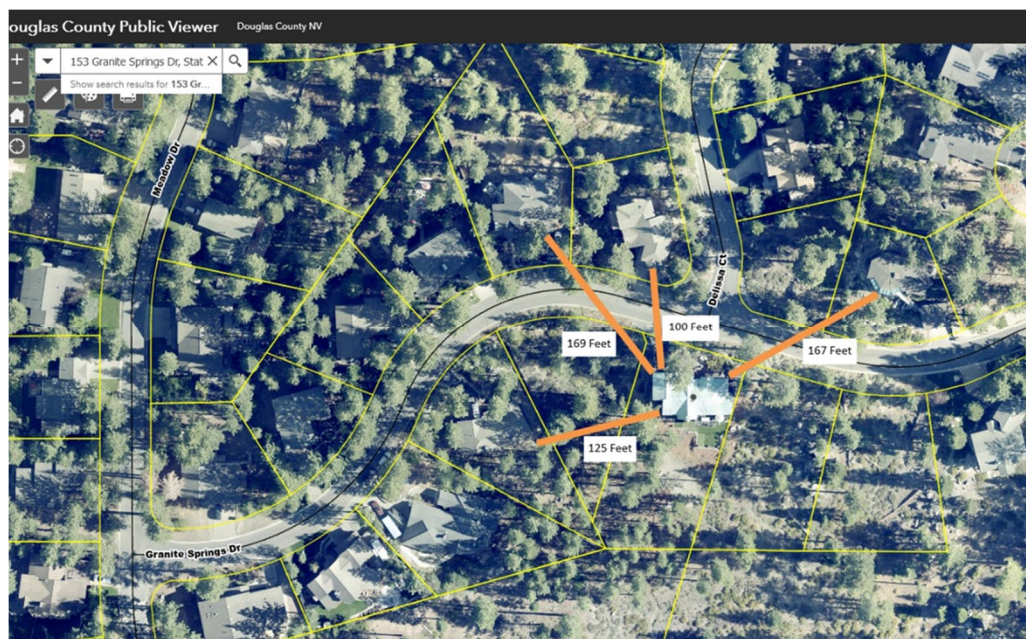
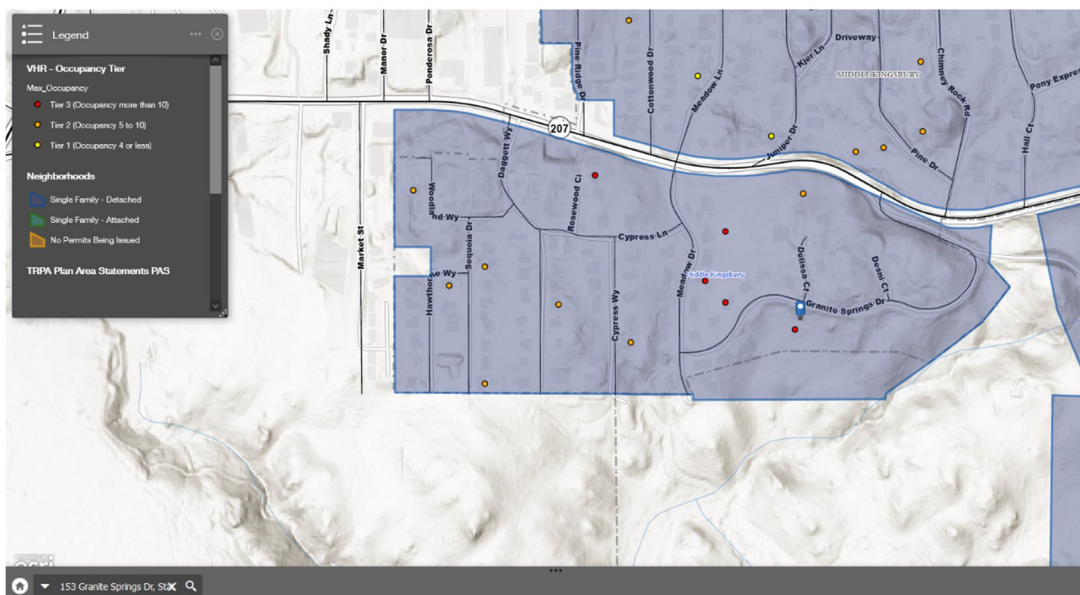
This neighborhood is designated as

Single Family - Detached.

The neighborhood contains **123** housing parcels, of which **12** are Vacation Home Rentals (VHRs).

The neighborhood could have a max of **18** VHR units. There is the potential to have **6** more VHR units.

The VHR percentage for this neighborhood is **9.8%**



As required in Title 20.622.030 F. A VHR Special Use Permit for Tier 3 units may be granted by the VHR Advisory Board under the following 9 conditions. Staff has provided a response after each condition:

1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).

Staff Response: The application complies with all conditions and VHR Permit #08401811 was approved on November 25, 2021.

2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

Staff Response: Per code, the VHR Advisory Board must make this determination. It should be noted that the adjacent to the properties are vacant on 2 sides. The closest home is 100 feet away to the front of the home. A site plan with distances to the nearest four residences is attached to this report.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.

Staff Response: Per code, the VHR Advisory Board must make this determination. The applicant has submitted photos and a description showing 6 parking spaces available, 4 within the driveway and 2 within the garage.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.

Staff Response: The applicant has provided all documents as pertaining to adequate public facilities, i.e. sewer, water and trash, these documents are on file and noted in this report.

5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.

Staff Response: The fire department has confirmed 7 requested bedrooms and has deemed the home safe to occupy at the requested occupancy of 14.

6. The prior history of the residence including the existence of any prior noise or parking problems.

Staff Response: In our data base and with Douglas County Sheriff's Department. There were 2 unfounded noise complaints in the past 12 months.

7. For other reasons not specified herein which are unique to the location and circumstances related to the application.

Staff Response: This is to be determined by the VHR Board, based on the staff report, applicant's presentation and public comment submitted, but staff has not identified any additional issues.

8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.

Staff Response: The owner has indicated that a noise monitor is installed in the home and provided a screenshot showing no recent noise issues. Staff has not verified and approved the location of the noise monitor but has added a condition to require a staff approved location.

9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours.

Staff Response: The owner has signed an agreement to restrict the use of the home to not more than fifty persons. The agreement is attached to this report.

III. CONCLUSION & RECOMMENDATION

Staff has reviewed all documents submitted by IDB HOLDINGS LLC (Luis Sarmiento) for his Tier 3 VHR Permit Account No. 08401811 on October 4, 2021. IDB HOLDINGS LLC (Luis Sarmiento) has complied with all the requirements of Title 20.622.030(E) within 180 days of his VHR permit expiring. Staff has provided analysis of the documents and deems the Special Use permit be granted by the VHR Advisory Board. However, if the VHR Advisory Board does not agree, and IDB HOLDINGS LLC (Luis Sarmiento) is denied, he can operate as a Tier 2, with 10 occupants.

Staff does recommend a condition be added to the approval requiring the applicant to provide the location of existing noise monitors on the site plan or floor plan, for staff approval.

Exhibit 01

01a - Application

01b - Driver's License (on file)

**01c - Letter of Authorization for Property manager
(pending - not yet recieved)**

01d - Exam Certificates (on file)

DBA 153 GRANITE SPRINGS DR

Account # 08401811

DBA	153 GRANITE SPRINGS DR	Bus. Status	VHR Permit	Ownership	
Bus Name		Lic. Status	Pending-Taxpayer	Expiration Date	11/24/2022
Address	153 GRANITE SPRINGS DR	Account #	08401811	Rates	STD - VHR Permit
City	STATELINE, NV 89449	License #	08401811		
Location	Inside	Phone	(805) 458-6718		
Loc. Type	Residential	Alt Phone		Geo Areas	
Mail Addr	1329 GARDEN ST	Fax Num			
Mail City	SAN LUIS OBISPO, CA 93401-3964	Start Date	10/01/2020		
Mail (Add'l)	LUIS SARMIENTO	Close Date			

Additional Information

E-Mail	lsarmiento@cchh08.com	Sales Tax	
Website		FEIN	--ON FILE--
License Desc		SEIN	--
Business Type	004 - Vacation Home Rental Permit		
NAIC Code	531110 - Lessors Of Residential Buildings And Dwellings	State License	
SIC Code	6514002 - Operators Of Dwellings (Four Or Fewer Housing Units)	Type	
		Exp. Date	

Custom Fields

Parcel	131826515031	Has HOA	False	Name of HOA	
Changes to Property	False	Inspection	True	Ea Bdrom min 70 sqft	True
Ea Bdrom Emerg Exit	True	Height of Bdrom min 7ft	True	Agent Lic Num	
Uses Garbage Service (NC	False	Garbage Provider (NO LOI	hauled off	Has Bear Proof Container	True
Permit Parking Spots	6	Max Occupancy	14	Permit Bedrooms	7
Property located by GID?	True	GID Name	kingsbury	TOT Paid?	True
VHR New Application Type	Tier 3	Garbage Service Account ;	na	Approved(Denied) Date	11/25/2020

Owner Information

Name	LUIS SARMIENTO	Status	Active	Date of Birth	05/14/1969
Title	PERMIT HOLDER 1	Start Date	10/29/2020	Driver's License	
Street	1329 GARDEN ST	End Date		SSN	
City	SAN LUIS OBISPO, CA 93401-3964	Phone	(805) 458-6718	Contact Type	Business Owner
		Phone 2			
		Email	lsarmiento@cchh08.com		
Name	LUIS SARMIENTO	Status	Active	Date of Birth	
Title	Owner	Start Date	10/01/2020	Driver's License	
Street	1329 GARDEN ST	End Date		SSN	
City	SAN LUIS OBISPO, CA 93401-3964	Phone	(805) 458-6718	Contact Type	Officer
		Phone 2			
		Email			
Name	153 GRANITE SPRINGS DR	Status	Active	Date of Birth	
Title		Start Date	10/01/2020	Driver's License	
Street	1329 GARDEN ST	End Date		SSN	
City	SAN LUIS OBISPO, CA 93401-3964	Phone	(805) 458-6718	Contact Type	Officer
		Phone 2			
		Email	lsarmiento@cchh08.com		

Exhibit 02a and 05c

02a - Fire District Inspection (FDI)

**05c - Number of bedrooms structure is safe to handle is
Indicated on page 4 by Fire Inspector Notes**



Tahoe Douglas Fire District

Occupancy: **VHR: 07-426**
Occupancy ID: **VHR:07-426**
Address: **153 Granite Springs DR**
Stateline NV 89449

Inspection Type: **Safety Survey**

Inspection Date: **10/4/2021**

By: Rowlett, Kris (237)

Time In: **09:00**

Time Out: **00:00**

Authorized Date: **Not Authorized** By:

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status:

Notes:

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1)).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status:

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status:

Notes:

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status: FAIL

Notes: Bedroom bedroom maps must be redone to show current bedroom count.

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status: FAIL

Notes: Window does not meet egress requirements for a bedroom. Bunkbeds must be removed.



14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical

16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)

Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.

Status:

Notes:

17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)

Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.

Status:

Notes:

18. Identified electrical hazards shall be abated. (IFC 605.1)

Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

Status:

Notes:

General Fire Protection

19. Water heater seismically braced and properly vented. (IRC P2801.8)

Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.

Status:
Notes:

20. Chimneys cleaned and inspected annually. (IFC 603.6)

Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.

Status:
Notes:

21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)

Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.

Status:
Notes:

22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)

Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.

Status:
Notes:

23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)

Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck

Status:
Notes:

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
----------	-------------------	-----------------

Notes: No Additional time recorded

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result: Reinspection needed

Inspector Notes: 7 bedroom

Inspector:

Name: Rowlett, Kris
Email(s): kris.rowlett, krowlett@tahofire.com

Signature

Date

Representative Signature:

Signature

Date



Tahoe Douglas Fire District

Occupancy: **VHR: 08401903**
Occupancy ID: **VHR:08401903**
Address: **153 Granite Springs DR**
Stateline NV 89449

Inspection Type: **Safety Survey**

Inspection Date: **10/5/2021**

Time In: **12:00**

Authorized Date: **10/05/2021**

By: Rowlett, Kris (237)

Time Out: **00:00**

By: Rowlett, Kris (237)

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status:

Notes:

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status:

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status:

Notes:

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status: PASS

Notes:

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status: PASS

Notes:

14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical		
<p>16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)</p> <p>Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.</p> <p>Status:</p> <p>Notes:</p>		
<p>17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)</p> <p>Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.</p> <p>Status:</p> <p>Notes:</p>		
<p>18. Identified electrical hazards shall be abated. (IFC 605.1)</p> <p>Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p>Status:</p> <p>Notes:</p>		
General Fire Protection		
<p>19. Water heater seismically braced and properly vented. (IRC P2801.8)</p> <p>Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.</p> <p>Status:</p> <p>Notes:</p>		
<p>20. Chimneys cleaned and inspected annually. (IFC 603.6)</p> <p>Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.</p> <p>Status:</p> <p>Notes:</p>		
<p>21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)</p> <p>Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.</p> <p>Status:</p> <p>Notes:</p>		
<p>22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)</p> <p>Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.</p> <p>Status:</p> <p>Notes:</p>		
<p>23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)</p> <p>Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck</p> <p>Status:</p> <p>Notes:</p>		
Additional Time Spent on Inspection:		
Category	Start Date / Time	End Date / Time
<p>Notes: No Additional time recorded</p>		

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result: Violations corrected

Inspector Notes:

Inspector:

Name: Rowlett, Kris

Email(s): kris.rowlett, krowlett@tahoefire.com

Signature

Date

Representative Signature:

Signature

Date

Exhibit 03a, 03b, 03c

03a - Proof of Insurance (on file)

03b - TOT Remittance form (on file)

03c - Signed HoA Affidavit (on file)

03d – Trust (on file)

Exhibit 04a, 04b, 04c, 04d, 04e

04a - Plot site plan

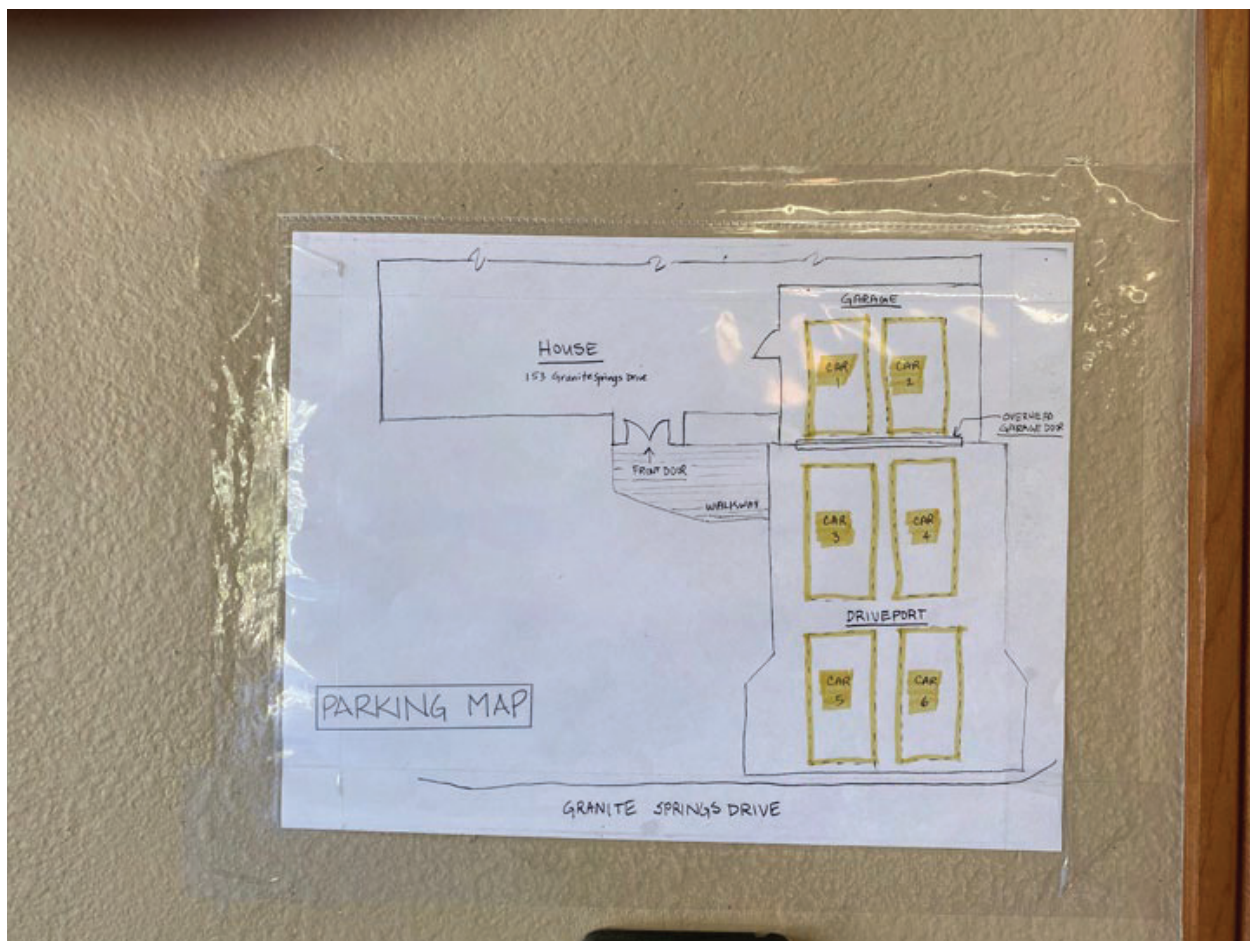
04b - Parking

04c - Photos of parking

04d - Floor Plan of dwelling showing interior spaces

04e - Photo of bear box

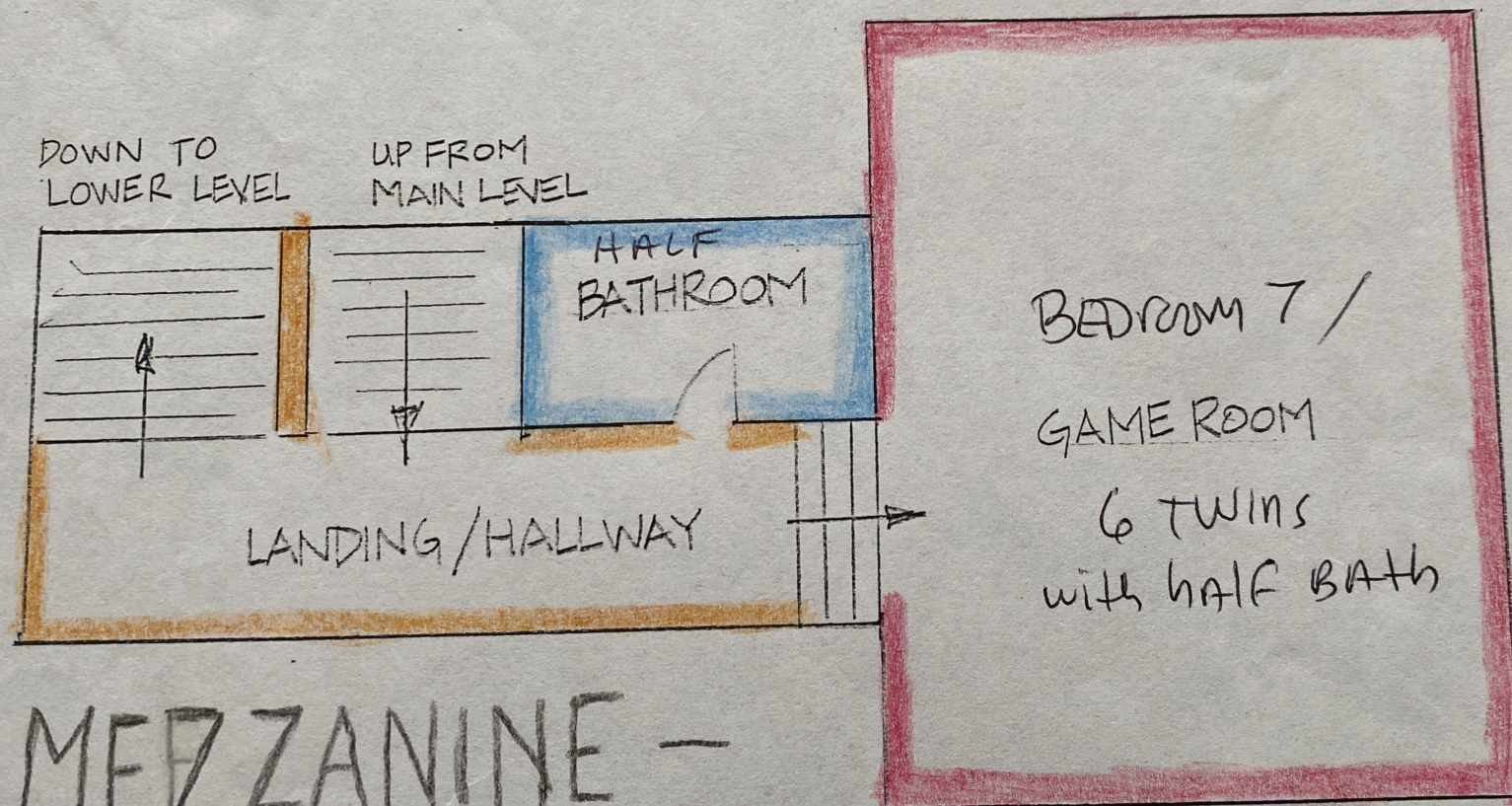






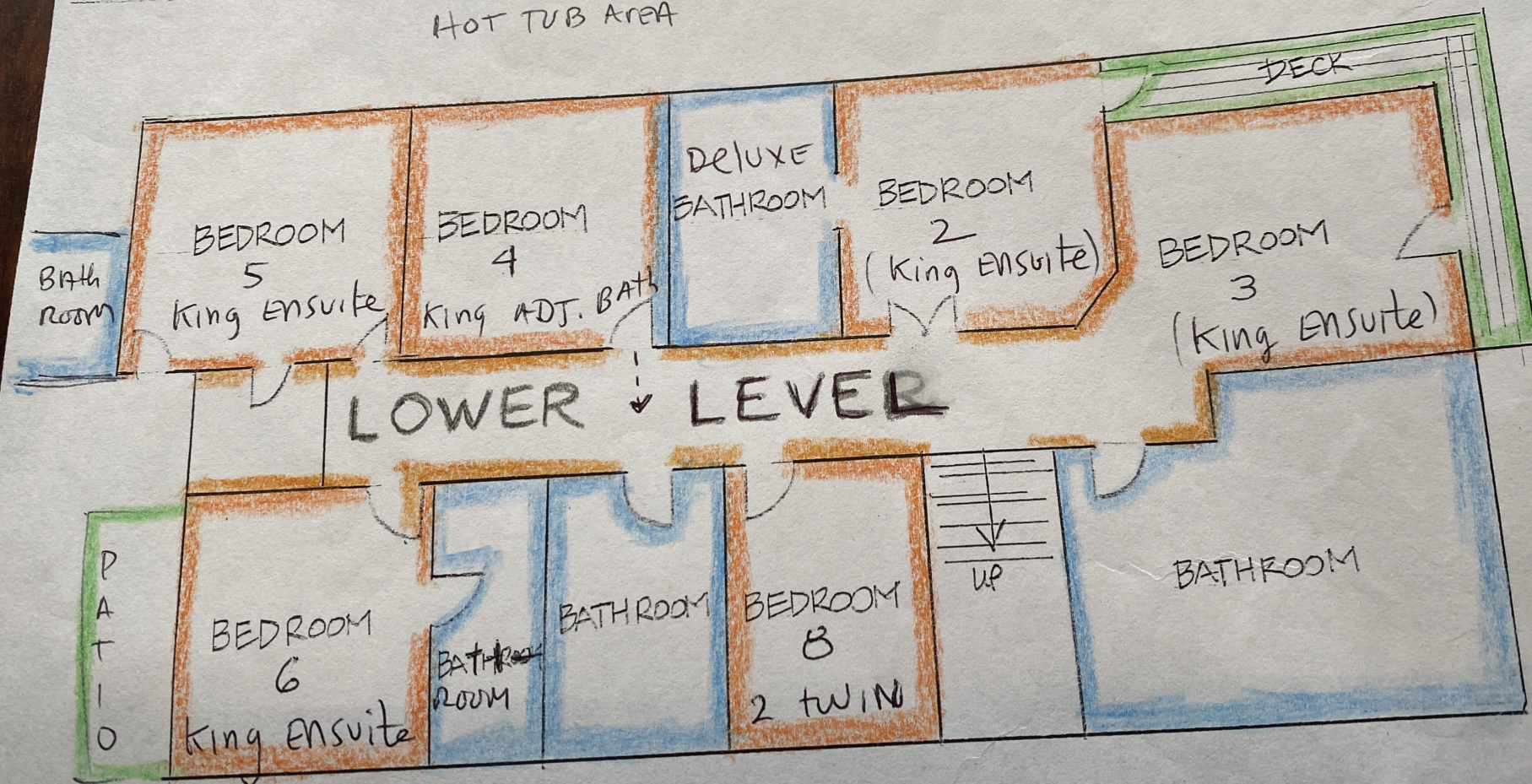


SD-MEZZANINE LEVEL



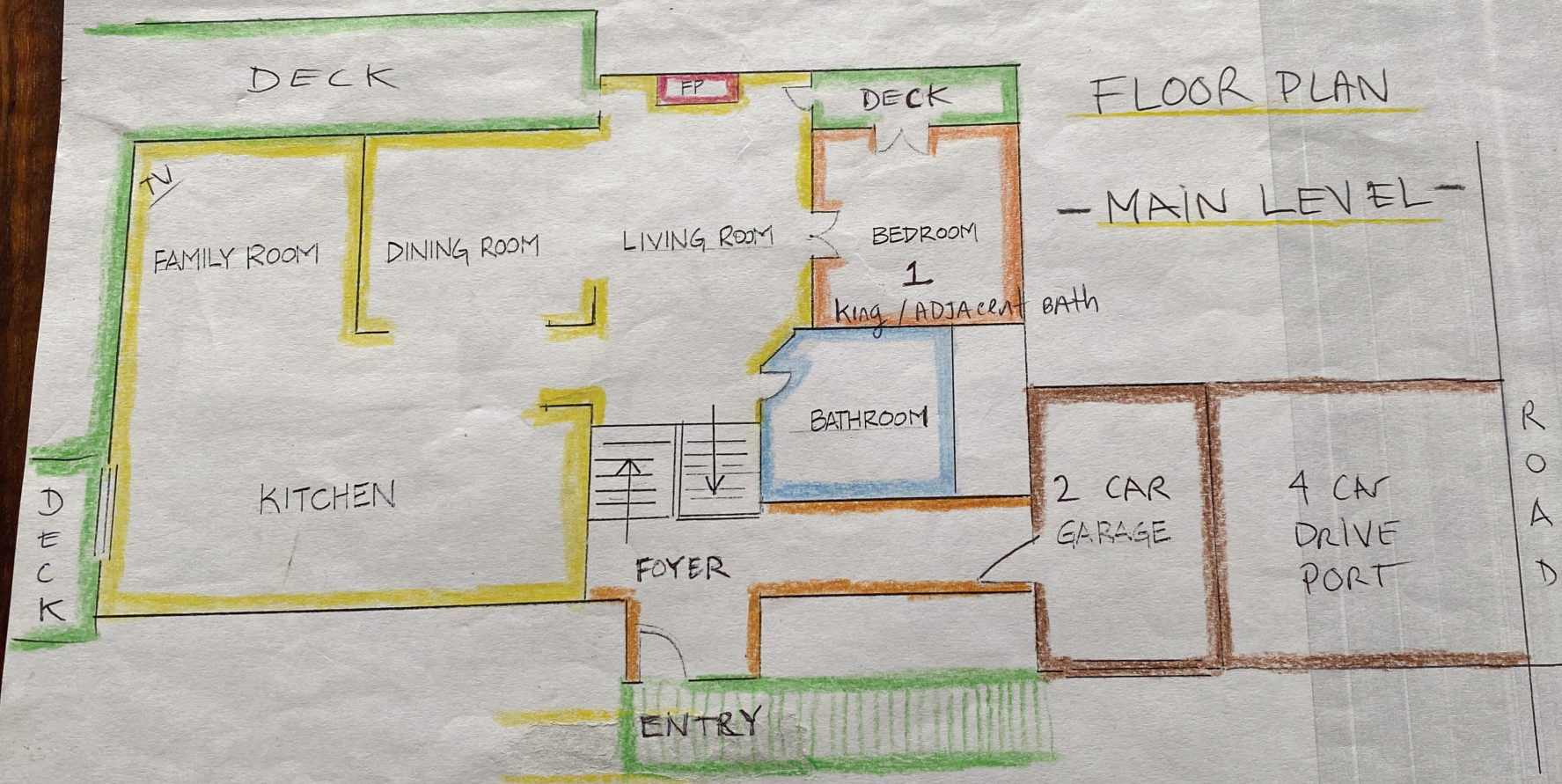
SD-LOWER LEVEL

HOT TUB AREA



Granite Springs

5/10/02

SD - MAIN LEVELFLOOR PLAN- MAIN LEVEL -

PARKING MAP

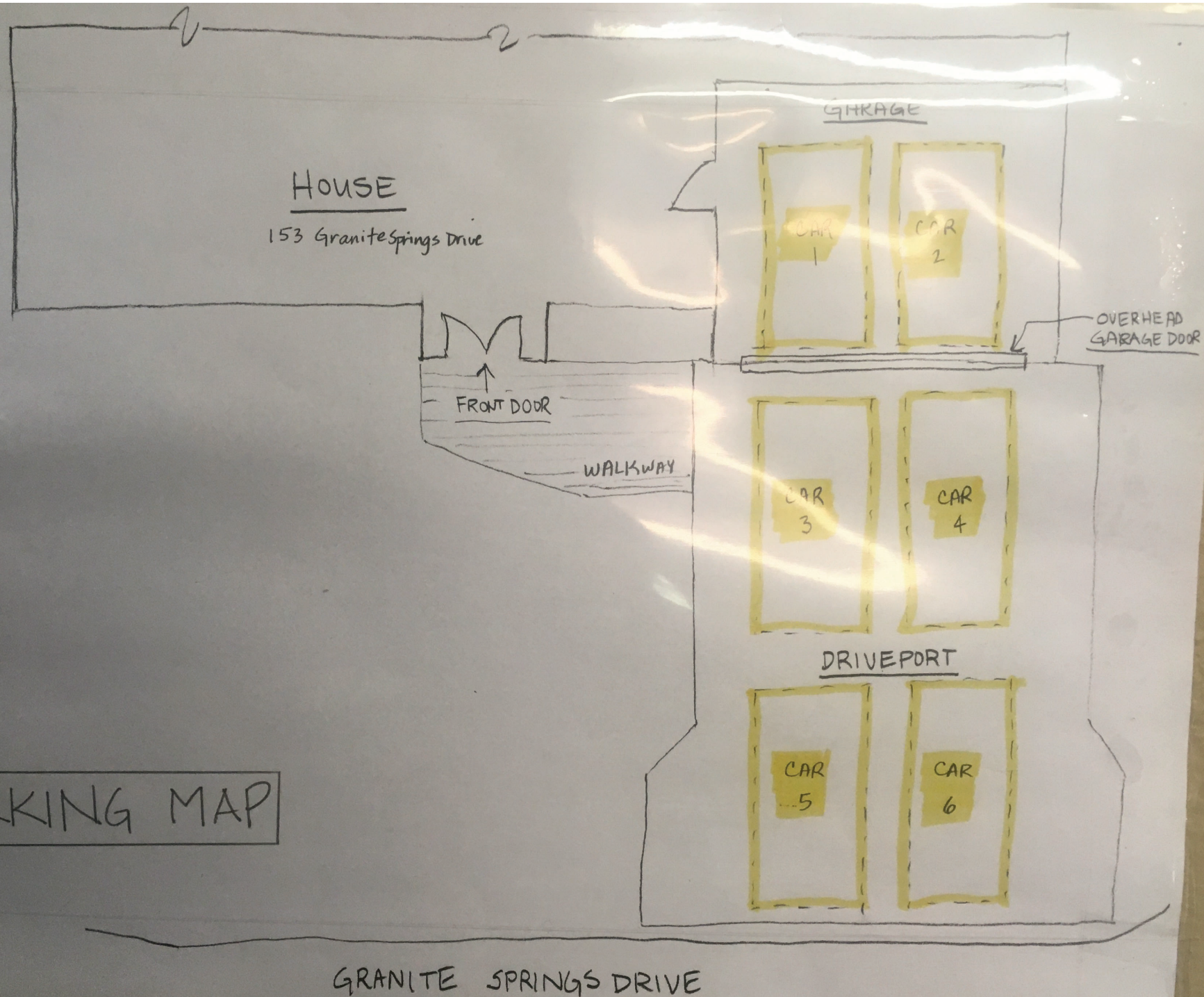


























Exhibit 05a, 05b, 05d, 05e

- 05a - Site Vicinity Plan – showing adjacent 4 homes and distance to adjacent homes (included in staff report)**
- 05b - Proof of South Tahoe Refuse & Recycling Services, water & sewer (Documents reviewed, accepted and kept on file)**
- 05d - Note regarding prior history regarding complaint (included in staff report finding #6)**
- 05e - Executed Agreement limiting number of people to fifty (50) outside of quiet hours (on file)**

Exhibit 06a

06a - Noise Monitor information



MÎNUT

[Show order summary](#) ✓

\$140.29



Order #6794

Thank you David!

Your order is confirmed

You'll receive an email and text when your order is ready.

Order updates

You'll get shipping and delivery updates by email and text.

Customer information

Contact information

davidwallisch926@gmail.com

Shipping address

David Wallisch
3630
Paradise ave CA 96150
United States



Settings



153granitesprings

Current plan: Starter



Settings



Noise monitoring



Security alarm



Automations



Guest Connect

Pro



Integrations



Support



Help center



How Minut works



4.4.3-5



Dashboard



Homes



Settings

MÎNUT

[Show order summary](#) ✓

\$140.29



Order #6794

Thank you David!

Your order is confirmed

You'll receive an email and text when your order is ready.

Order updates

You'll get shipping and delivery updates by email and text.

Customer information

Contact information

davidwallisch926@gmail.com

Shipping address

David Wallisch
3630
Paradise ave CA 96150
United States



Exhibit 07a

07a - Assessor's Document



DOUGLAS COUNTY, NEVADA
ASSESSOR'S OFFICE
 Trent A. Tholen, Assessor

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Annual Taxes](#)
[Recorder Website](#)
Parcel Detail for Parcel # 1318-26-515-031
Prior Parcel # 0000-07-492-200

Location

 Property Location [153 GRANITE SPRINGS DR](#)

 Town [KINGSBURY GID](#)

 District [410.0 - KINGSBURY GID](#)

 Subdivision [GRANITE SPRINGS #2](#) Lot 7 Block D

Property Name

[Add'l Addresses](#)
[Parcel Map](#)
Ownership

 Assessed Owner Name [IDB HOLDINGS LLC](#)

 Mailing Address [C/O LUIS SARMIENTO](#)
[253 GRANADA DR](#)
[SAN LUIS OBISPO, CA 93401](#)

 Legal Owner Name [IDB HOLDINGS LLC](#)

 Vesting Doc #, Date [953021](#) 09/21/2020 Year / Book / Page 20 / 9 / 0

Map Document #s

[Ownership History](#)
[Document History](#)
Description

 Total Acres [.460](#) Square Feet [20,038](#)

 Ag Acres [.000](#) W/R Acres [.000](#)
Improvements

 Single-family Detached [1](#) Non-dwelling Units [0](#)

 Single-family Attached [0](#) Mobile Home Hookups [0](#) Stories [2.0](#)

 Multiple-family Units [0](#) Wells [0](#) Garage Square Ft... [484](#)

 Mobile Homes [0](#) Septic Tanks [0](#) Attached / Detached [A](#)

 Total Dwelling Units [1](#) Buildings Sq Ft [0](#)
[Improvement List](#) Residence Sq Ft [3,914](#)
[Improvement Sketches](#) Basement Sq Ft [0](#)
[Improvement Photos](#) Finished Basement SF [0](#)
Appraisal Classifications

 Current Land Use Code [200](#) [Code Table](#)

Zoning Code(s)

 Re-appraisal Group [1](#) Re-appraisal Year [2021](#)

 Original Construction Year [1992](#) Weighted Year

 Owner-Occupied or Rental for 2021-22 [R](#)
Assessed Valuation

Assessed Values	2021-22	2020-21	2019-20
Land	105,000	105,000	102,200
Improvements	155,538	153,058	150,718
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	260,538	258,058	252,918

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2021-22	2020-21	2019-20
Land	300,000	300,000	292,000
Improvements	444,394	437,309	430,623
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	744,394	737,309	722,623

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

Exhibit 08a

08a - Old VHR Permit and Current VHR Permit



Douglas County Community Development Vacation Home Rental Permit

Account No. 08401811

VHRP No. 08401811

Property Address : 153 GRANITE SPRINGS DR STATELINE, NV 8944

Issued to : LUIS SARMIENTO

Issued : November 25, 2020

Expires : November 24, 2021

24-hour Emergency Contact / Phone Number : BRIAN PRITT (805) 458-2004

Managing Agency / Phone Number : None None

Local Contact/Phone Number : (805) 458-6718

Maximum Number of occupants allowed : 20

Maximum Number of vehicles allowed : 6

Parking Info : All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash pickup day : Follow Instructions of the rental agreement. Keep secure inside till am of pickup or use bear proof containers.

Note : Trash or refuse cannot be stored outside during certain hours unless within a bear proof container. Occupant may be cited for disturbance or violating provisions of Douglas County Ordinance Title 20.622 Failure to comply with the parking and occupance requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact : (775) 782 - 6214.

In case of emergency call 911.

Douglas County VHR Division



DOUGLAS COUNTY COMMUNITY DEVELOPMENT ANNUAL VACATION HOME RENTAL PERMIT

(Owner is responsible to renew (no more than 30 days) prior to the expiration date)

Permit No.: 08401811

HDL Account No.: 08401811

Date Permit Issued: November 25, 2021

Date Permit Expires: November 24, 2022

VHR Tier:0

Max Occupancy: 14

No. of Bedrooms: 7

Approved Parking Spaces: 6

VHR Property APN: 131826515031

VHR Property Address: 153 GRANITE SPRINGS DR STATELINE, NV 89449 Unit #: _____

Property Owner's Name: SARMIENTO, LUIS Owner's Phone #: (805) 458-6718

24-hour Emergency / Local Contact Name : DAVID WALLISCH Local Contact's #: (720) 394-7426

Managing Agency: None Agency Contact #: None

Parking Info: All parked vehicles must have parking pass (Exhibit 2) and must be on-site, i.e., garage, driveway, hard surface parking areas or assigned common lots from 9pm to 8am. No street parking is allowed during these hours. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash: Bear boxes are required. Please do not feed the wildlife as it may imperil the animals. Instructions on bear box operation should be provided to tenants.

Renewal: Douglas County is not required to notify the owner of when a renewal application is due. Owners must file renewal applications on sufficiently ahead of the expiration date to ensure the renewal is processed on time. Douglas County suggests filing renewals 90 days in advance of the permit expiration date.

Advertisements: All advertisements for units must include: (a) permit number; (b) maximum occupancy; (c) number of permitted parking stalls; (d) notice the renter will be issued a parking permit which must be displayed on the dashboard; and (e) quiet hours are between 9 p.m. and 8 a.m. and will be strictly enforced.

Also see attached **VHR Standard Conditions of the VHR Permit**



DOUGLAS COUNTY
VACATION HOME RENTAL
CODE ENFORCEMENT

DOUGLAS COUNTY CODE ENFORCEMENT VHR HOTLINE : (775) 785 - 6027 IN CASE OF EMERGENCY CALL 911



Douglas County VHR Division

For inquiries regarding this certificate, contact HDL Lodging Tax Division at douglascountytot@hdlgov.com
Posted certificate must be visible in the unit for inspection by the Douglas County Code Enforcement Officer or Sheriff.

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on Ordinance 2022-1599, an ordinance amending provisions of Chapter 20.622 of the Douglas County Code including the setting of occupancy limits, allowing vacation home rental (“VHR”) permits to be issued to closely held corporate entities, grandfathering-in existing multiple VHR permit holders through October 1, 2024, subject to the conditions and terms of renewal, clarifying the liability insurance that must be held by VHR permit holders, increasing the length of the term of the VHR Advisory Board members from two years to four years, imposing liability for persons who assist in the leasing of VHRs without a valid VHR permit, modifying the fine structure, increasing the time in which a notice of appeal must be filed from 10 days to 14 days of the date the first notice of violation was mailed, increasing occupancy from two per bedroom to two per bedroom plus two for properties with four or fewer bedrooms, limiting occupancy to four persons per on-site parking space if occupancy exceeds two per bedroom, and other related amendments clarifying the intent of the regulations. (Doug Ritchie)

RECOMMENDED MOTION:

Recommend approval of Ordinance 2022-1599 to the Planning Commission and Board of County Commissioners.

FINANCIAL IMPACT:

Revenue may be generated through the imposition of future fines but an estimate of the number of fines and amount of each fine is not available.

BACKGROUND:

On July 8, 2021, a group of nine plaintiffs filed a lawsuit (Case No. 3:21-cv-00293) in federal court alleging, among other things, violations of their constitutional rights related to the adoption of Ordinance 2021-1582 on June 3, 2021. This ordinance amended certain provisions of the County’s Vacation Home Rental “VHR” regulations. Six days later, on July 14, 2021, Plaintiffs’ Ex Parte Motion for a Temporary Restraining Order was heard before the Honorable Robert C. Jones. Although Judge Jones denied some of the relief sought by the plaintiffs, Judge Jones ordered Douglas County to not

implement certain aspects of the new VHR regulations until further discovery and a preliminary injunction hearing could occur.

On October 15, 2021, Magistrate Judge Carla Baldwin entered an order scheduling a settlement conference for the parties. Representatives for the parties met on November 12, 2021, to discuss the possibility of settlement with the assistance of Judge Baldwin. As a result of these settlement discussions, a settlement agreement had been drafted for consideration by the Board of County Commissioners. However, when the County Commissioners met on January 6, 2022, there were concerns regarding some of the proposed settlement terms and the Board voted to reject the proposed settlement agreement and did not adopt Ordinance 2021-1591.

Following the January 6, 2022, Board meeting, two members of the Board of County Commissioners have met with a representative from the plaintiffs and, after further negotiations, a revised settlement agreement was reached and approved by the County Commissioners on March 3, 2022. Ordinance 2022-1599 implements the changes contemplated by the parties to the litigation.

ATTACHMENTS:

[DC-318-2022_-_Ordinance_2022-1599_VHR_20.622_revisions_-_department_original_converted_to_pdf.pdf](#)
[DC-281-2022_-_VHR_Settlement_Agreement_2022_02-24_-_department_original_converted_to_pdf.pdf](#)

Ordinance 2022-1599

Summary

Ordinance 2022-1599, an ordinance amending various provisions of Chapter 20.622 of the Douglas County Code including the setting of occupancy limits, allowing VHR permits to be issued to closely held corporate entities subject to the members of the entity agreeing to be personally liable for the entity's compliance with the County's VHR regulations, grandfathering-in existing multiple VHR permit holders through October 1, 2024, subject to all of the conditions and terms of renewal, clarifying the liability insurance that must be held by VHR permit holders, increasing the length of the term of the VHR Advisory Board members from two years to four years, imposing liability for persons who assist in the leasing of VHRs without a valid permit⁷, modifying the fine structure for unintentional errors submitted in VHR applications, increasing the time for the County to send the decision of any appeal from three business days to ten business days, increasing the time in which a notice of appeal must be filed from 10 days to 14 days of the date the first notice of violation was mailed, increasing occupancy from two per bedroom to two per bedroom plus two for properties with four or fewer bedrooms, limiting occupancy to four persons per on-site parking space if occupancy exceeds two per bedroom, and other related amendments clarifying the intent of the regulations.

Title

Ordinance 2022-1599, an ordinance amending provisions of Chapter 20.622 of the Douglas County Code including the setting of occupancy limits, allowing vacation home rental ("VHR") permits to be issued to closely held corporate entities, grandfathering-in existing multiple VHR permit holders through October 1, 2024, subject to the conditions and terms of renewal, clarifying the liability insurance that must be held by VHR permit holders, increasing the length of the term of the VHR Advisory Board members from two years to four years, imposing liability for persons who assist in the leasing of VHRs without a valid VHR permit, modifying the fine structure, increasing the time in which a notice of appeal must be filed from 10 days to 14 days of the date the first notice of violation was mailed, increasing occupancy from two per bedroom to two per bedroom plus two for properties with four or fewer bedrooms, limiting occupancy to four persons per on-site parking space if occupancy exceeds two per bedroom, and other related amendments clarifying the intent of the regulations.

The Board of County Commissioners of County of Douglas in the State of Nevada does hereby ordain as follows:

SECTION I: Chapter 20.622 of the Douglas County Code is hereby amended with the new language shown in underline and the deleted language shown with a ~~striketrough~~ as follows:

Douglas County Code

Title 20 Consolidated Development Code

20.622 Lake Tahoe Vacation Home Rentals

20.622.010. Introduction.

- A.** Title
- B.** Purpose of chapter

20.622.020. Definitions.

20.622.030. Permit Process.

20.622.040. Operational Requirements.

- A.** Management of Units
- B.** Permit Issuance
- C.** Limitation on Density
- D.** Permit Conditions

20.622.050. Violations and Enforcement.

20.622.060. VHR Advisory Board and Appeals.

- A.** VHR Advisory Board.
- B.** Appeals.
- C.** Findings.

Chapter 20.622

Lake Tahoe Vacation Home Rentals

Sections:

20.622.010 Introduction.

20.622.020 Definitions.

20.622.030 Permit Process.

20.622.040 Operational Requirements.

20.622.050 Violations and Enforcement.

20.622.060 VHR Advisory Board and Appeals.

20.622.010 Introduction.

A. Title. This chapter shall be referred to as the Lake Tahoe Vacation Home Rental ("VHR") Ordinance. All VHRs shall be limited to the Lake Tahoe Township.

B. Purpose. The Douglas County Board of County Commissioners ("Board") finds and declares as follows:

1. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation home rentals by providing a source of revenue which may be used for maintenance upgrades and deferred costs.

2. County staff has responded to numerous complaints at VHRs involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse, which require response from Sheriff, fire, paramedic and other public personnel.

3. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult. The provisions of this chapter are necessary to prevent the continued burden on County services and impacts on residential neighborhoods and homeowners adjacent to a vacation rental home, who ultimately bear the burden of these vacation homes and need to file complaints against the vacation home.

4. NRS 244.357 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 Lake Tahoe Township is the only appropriate and logical choice for the operation of short-term vacation home rentals and they will be permitted and regulated as set forth in this chapter.

5. The entire Tahoe Basin is under the jurisdiction of the TRPA, includes portions of two (2) states and five (5) counties. TRPA implements its control with the use of the Lake Tahoe Regional Plan, the Community Plans and Area Plan 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.

6. The area of Douglas County within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA) dominates Douglas County's lodging and recreational use. This planning area, located on the western edge of Douglas County, is rich in recreational activities and is the primary center of the casino resort industry for the County.

7. 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 and maintenance of the natural area 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.

8. Obtaining a VHR permit is not a right. Thus, Douglas County reserves the right to determine which permit locations are appropriate and when the permit may be revoked or denied.

9. The Board of County Commissioners, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter. (Ord. 1582, 2021)

20.622.020 Definitions.

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

A. "Local contact person" and/or "emergency Contact" means a Nevada 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 authorized by owner to take remedial action and respond to any violation of this ordinance, 24 hours a day. "Local" also means that the response time to the VHR from the local contact person's residence is not more than thirty (30) minutes from the time the complaint is received by them. Owner, local contact and property managers are required to attend VHR Compliance Education Certification Program for owners and managers.

B. "Overnight" means between the hours of 9 p.m. and 8 a.m. for the purpose of this chapter only.

C. "Owner" means the person or entity that holds legal or equitable title to the private property. Owner does not include a limited liability company, corporation, partnership or similar commercial arrangement with the exception of permits that have already been issued.

D. "Person" means an individual or family, including a family trust, which owns or occupies the VHR property and utilizes the home as a residence. "Person" ~~also does not include~~ a closely held limited liability company, corporation, partnership or similar legal entity-commercial legal arrangement if the members of such entity reside together and each member of the legal entity agrees to be personally liable and responsible for the legal entity's compliance with the requirements found in Chapter 20.622 with the exception of permits that have already been issued as of June 3, 2021.

E. "Rent" means the consideration received by an owner or other consideration valued in money for lodging subject to the tax authorized in Title 3 of the Douglas County Code.

F. "Bedroom" means for the purposes of this chapter as a confined space having a floor area of not less than 70 square feet (no less than 7 feet in any horizontal direction) and which is heated and has glazing of 8% of the floor area and natural ventilation through windows at 4% of the room floor area and can provide emergency egress as determined by Douglas County, with a minimum ceiling height of 7 feet. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom must have an exterior access allowing emergency escape or rescue exit. This definition is derived from the International Residential Code Section R303, R304 and R310.

G. "True Host" means that the owner of a vacation home rental is residing at the property throughout all periods when renters are present.

H. "Vacation Home Rental (VHR)" or "Short Term Rental (STR)" means one dwelling unit, or a portion of a dwelling unit, including either a single-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 28 days other than an ongoing month-to-month tenancy granted to the same renter for the same unit pursuant to NRS Chapter 118A. The term VHR or STR excludes time shares or similar commercial activities regulated pursuant to NRS Chapter 119A. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.030 Permit Process.

A. An owner of a vacation rental may not rent a dwelling unit or any bedroom for 28 consecutive calendar days or less without a valid Vacation Home Rental Permit issued by Douglas County. The issuance of any permit is discretionary and not a right.

B. Except as allowed under 20.622.030(E)(10), no more than 600 VHR permits may be issued within Tahoe Township.

C. Property owners that have a valid Vacation Home Rental Permit from the County must demonstrate at the time of renewal that the dwelling unit was rented in the prior year. Failure to demonstrate use of the permit may result in the permit not being renewed. This is intended to prevent Vacation Home Rental Permits from being obtained with no intent to rent the property.

D. Permits and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of this code or Nevada law. The issuance of any permit pursuant to this chapter does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the vacation home rental or the property on which it is located.

E. The following are the permit requirements:

1. A separate permit is required for each vacation home rental unit and a permit may only be issued to the owners of the unit which is not transferable. Permits are limited to one permit per applicant family unless more than one VHR permit was lawfully held individually or through a legal entity such as a corporation or family trust prior to June 4, 2021. VHR permits are limited to allowable uses per the property's zoning designation and the County's building code requirements.

2. If more than one VHR permit was held by a person prior to June 4, 2021, those VHR permits may be renewed annually through October 1, 2024, subject to the conditions and terms of renewal in effect when the VHR permit renewal application is submitted to the County for review and approval.

3. Each VHR must be a permanent habitable dwelling unit.

3. Permits may be issued to family trusts and individuals only, and are not transferable with the sale of the property; limited liability companies, corporations, partnerships and other similar commercial arrangements may not apply for nor receive a new permit.

4. The Director is authorized to specify the form and process for obtaining and issuing the VHR permit.

5. A permit must be issued before the property may be used as a vacation home rental. At a minimum, all permit applications must contain the following information:

a. The address and assessor's parcel number for the proposed vacation home rental.

b. The name, address, and telephone number of the owner of the vacation home rental.

c. The name, address, and telephone number of the local contact person for the owner of the vacation home rental. The local contact person must be available for contact regarding any complaint, 24 hours a day.

d. Acknowledgement that all designated bedrooms meet the definition specified in Section 20.622.020.

e. State the number of bedrooms that may be rented. The number of bedrooms and the availability of on-site parking, will determine the maximum number of overnight occupants allowed by the permit.

f. Douglas County reserves the right to impose special parking conditions on guests of vacation home rentals in areas or under circumstances which justify it, such as narrow roads, or heavy traffic during special events, etc.

g. A diagram and photograph of the premises showing bedrooms, on-site assigned parking spaces in garages, driveways, or other parking areas and the interior spaces. Parking areas with drive-through driveways require a minimum 10-foot wide, unobstructed lane for emergency access vehicles. All other driveways require a minimum 6-foot wide unobstructed lane for emergency ingress and egress. Final determinations regarding suitable on-site parking will be made by the County consistent with county code and other applicable regulations.

h. 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.

i. Acknowledgement that the owner, agent, and local contact person have each read the regulations pertaining to the operation of a vacation home rental and they will comply with all requirements in this chapter.

j. A statement signed by the owner confirming the unit is not deed restricted or located in an area governed by a home owner's association ("HOA") and is not subject to covenants, conditions and restrictions ("CC&Rs") or bylaws that prohibit or limit the existence of VHRs. Permits shall not be issued in these areas. Permittee is required to notify the HOA of intent to rent a home as a VHR. Douglas County may require the applicant to provide documents in support of the statement as a precondition to approval of the permit.

k. Acknowledgement that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in this chapter.

l. Proof that a safety inspection has been completed annually by the Tahoe-Douglas Fire Protection District and/or other designee of Douglas County.

m. Owners are required to provide proof of insurance issued by a company regulated by the Nevada Division of Insurance. ~~in a form acceptable to Douglas County~~

~~showing at. The insurance coverage must be at least five hundred thousand dollars (\$500,000) in general liability insurance for Tier 1 and Tier 2 VHR properties and one million dollars (\$1,000,000) for a Tier 3 VHR property on the property to cover anyone injured on the property due to the property owner's negligence. The insurance policy must cover the use of the property as a vacation home rental or an appropriate rider or addendum must be included to cover the use of the property as a VHR. Specific proof of insurance must be submitted with any VHR application or renewal including a copy of the insurance policy showing the coverage amounts, covered property location, and which clearly states that short term rental activities are a covered/insured activity (i.e., not excluded from coverage). Douglas County shall be the sole determiner of whether or not the insurance coverage is adequate or not. In addition, Douglas County staff may require additional coverage if they believe the circumstances warrant it. Douglas County will not require more than the Tier 3 insurance requirement of one million dollars (\$1,000,000) of liability coverage.~~

n. Permittee is required to have adequate trash removal service per any applicable Health District, waste management, Homeowner's Association or General Improvement District rules. Trash storage must be sufficient for the maximum number of occupants as determined by the County. A bear proof box or reasonable bear proof trash storage and refuse removal solution is required, as determined by the County.

o. Any other information the Director or a designee deems reasonably necessary to administer this chapter.

p. The permit application must be verified by the owner under penalty of perjury that the application is true and correct. Please note that the fine for falsifying any information contained in the application or provided to Douglas County in conjunction therewith shall subject the applicant to a civil penalty as provided in Chapter 20.622.060.

~~q. If an applicant for a new VHR permit or renewal unintentionally provides information that is found to be inaccurate, the applicant will be provided a reasonable opportunity to correct any errors. However, if County staff believes any application includes intentionally false information, staff may issue a Notice of Violation which can be appealed pursuant to Chapter 20.622.060. of up to ten thousand dollar (\$10,000) and will ban the applicant from ever obtaining a permit for all Tier 1 and Tier 2 units. A civil penalty of up to twenty thousand dollars (\$20,000) may be imposed to units which would constitute a Tier 3 unit and will also ban the applicant from ever obtaining a permit.~~

6. If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with County records, a compliance and safety inspection can be required prior to or after the issuance of the vacation home rental permit. All required fees shall be paid for the permit and any required inspections must be completed before any permit is issued.

7. An application for a vacation home rental permit must be accompanied by an initial fee established by resolution of the board. A permit is valid for one calendar year after it is issued and may be renewed by filling out a renewal application and the payment of an annual renewal fee, established by resolution of the board, only if there

have been no changes which would affect the conditions of the permit as required in this chapter.

8. If there have been significant changes to the unit or property that would affect the conditions of the permit, the owner must submit a new permit application with the accompanying new permit fee. If the annual renewal fee is not paid when due, the permit will be cancelled.

9. All VHR renewal applications submitted-issued after July 15, 2021, Ordinance 2021-1582 has passed shall be required to file a new application to have the tier class assigned by Douglas County. The fee will be the same as a renewal fee for the tier class, and all permit conditions in this chapter shall apply.

10. There are three tiers of permits authorized by Douglas County:

a. Tier 1 – owner occupied at all times when the unit is rented and having four or fewer occupants. Unit must be advertised as being occupied by the owner during the rental period. Tier 1 permits are excluded from the limit on VHR permits (chapter 20.622.030(B)).

b. Tier 2 – units with up to 10 occupants.

c. Tier 3 – units above 10 with 11 occupants or more and which requires a VHR special use permit development application. Following the enactment of this ordinance, if a Tier 3 unit fails to obtain a VHR special use permit within 180 days, they shall only be authorized to operate as Tier 2 VHR (i.e., maximum of 10 occupants).

F. A VHR special use permit for Tier 3 units may be granted by the VHR Advisory Board under the following conditions:

1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).

2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.

5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.

6. Provide proof of insurance for Tier 3 units of one million dollars (\$1,000,000) of liability coverage.

67. The prior history of the residence including the existence of any prior noise or parking problems.

87. For other reasons not specified herein which are unique to the location and circumstances related to the application.

98. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.

109. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.040 Operational Requirements.

A. Management of Units.

1. An owner may retain a licensed property manager to comply with the requirements of this chapter, including without limitation, the filing of an application for a permit, the management of the vacation home rental, and 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. A local licensed property manager is required for all Tier 3 units, unless the property is managed by the homeowner that is a Douglas County resident.

2. Each owner of a vacation home rental **must** designate a local contact person who has access and authority to assume management of the unit and take remedial measures. This contact person must live within 30 minutes from the unit and is responsible for resolving complaints within one hour after receipt. Receipt of complaints for the purposes of this section is when the message is sent by Douglas County or other persons to the phone number provided for such purposes. 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. They must be able to respond to the location, 24 hours a day, after being notified by the public, code enforcement or Douglas County Sheriff's Office of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement. The responsible party is required to provide written documentation of the steps taken to resolve the complaint/violation within one (1) hour of notification.

3. The owner or owner's agent must immediately notify the County in writing upon a change of the local contact or the local contact's telephone number. This notification will be on forms prescribed by the County. The name and contact information of the local contact person shall be made available to the public. The changes must be posted in the interior of the vacation home rental within ten days of any change of contact information. Failure to comply with this section is a violation of this chapter.

4. For all permits issued or renewed after May 1, 2021, the local contact shall have successfully completed a training course and achieved a qualifying score on a County administered certification test. Once certified, the local contact will not be required to become re-certified but may be required to take a refresher course and must continue to comply with all provisions set forth in this section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more local contacts for a given VHR, however, the phone number on record

to be used to report initial complaints shall be valid to reach an available certified local contact, 24 hours a day. Operation of a vacation home rental without a valid certified local contact, or without a valid contact phone number, or the failure to report a complaint and resolution, shall be considered a violation of this section.

5. The owner or the owner's agent, representative, or local contact for the VHR is responsible for the following:

a. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.

b. Obtaining the name, address, and contact information for each renter who is 25 years or older.

c. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal and storage, trash pickup day and bear box instructions, and all other rules and regulations and, should any violation of this chapter occur, that fines may be imposed.

d. Obtaining formal, written acknowledgement from all renters over the age of 25 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed.

e. This tenant registry information collected pursuant to subparagraph 5(b), above shall be maintained by the local contact for a period of two years from date of occupancy. The Director or Code Enforcement official may request copies or access to the guest registry at any time. If the owner believes the request for the tenant registry information is illegitimate, the owner may refuse to provide the information for a period of no more than ten days and may file an appeal to the VHR Advisory Board pursuant to 20.622.060(B). If the owner does not file a timely appeal, then the owner shall immediately provide the information to the requesting official.

f. Being available 24 hours a day, by phone in case of complaints / violation of permitted property and responding onsite, within 30 minutes, if necessary to resolve complaints and or violation, and provide written documentation of steps taken to resolve complaint/violation within one (1) hour of notification.

B. Permit Issuance.

The permit must be issued only to the owner(s) of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of their agent to comply with this chapter is non-compliance by the owner.

C. Limitations on Density of VHRs within the Tahoe Township.

The Douglas County Board of County Commissioners has determined that, in order to preserve the residential nature of communities within the Tahoe Township, no community shall have more than 15% vacation home rentals in single-family communities and 20% in tourist / multi-family residential communities. A residential community for the purposes of this section shall be TRPA plan area statements (<https://gis.trpa.org/localplans/>) that were approved by the County and adjacent

parcels which are consistent with the uses contained within an adjacent plan area statement. A community may include phases which has various densities such as multi-family and single-family. These restrictions will only apply to new VHR permits and not to the renewal of an existing VHR permit.

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

1. The owner 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 not to exceed two (2) persons per bedroom plus two (2) additional occupants per property if the property has four or fewer bedrooms. No more than four occupants per on-site parking space will be allowed if occupancy exceeds two per bedroom. However, waivers pertaining to any occupancy limitations may be available if the owner provides designated off-site parking within the Tahoe Township. Occupancy may be further limited based on life safety concerns based on the facts and circumstances unique to the site as determined by the Director. ~~However, waivers pertaining to any occupancy limitations may be available if the owner provides designated off-site parking within the Tahoe Township.~~

2. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom must have exterior access allowing an emergency escape or rescue exit.

3. The owner must, by written agreement, limit all tenant parking to on-site and designated parking areas. Except for temporary loading and unloading, parking buses on-site or on the street is prohibited at all times.

4. The owner shall issue parking passes on the form provided by the County to renters and require that they be displayed on the driver's side dashboard of each permitted vehicle. The parking pass shall have the VHR permit number, license plate number of the vehicle, address of the rental unit, and a phone number for the person responsible for the vehicle. Failure to have the specified information on the parking pass is a violation of this code.

5. Owners shall provide the license plate information of all vehicles being utilized by the tenants upon request by a Douglas County Code Enforcement official within 2 hours after a request for such information is made. Such information shall be provided in a form and medium acceptable to Douglas County.

6. All permissible uses must comply with the County or applicable general improvement district, HOA, 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 and allow emergency egress.

~~7. All advertising for the vacation home rental must include the maximum number of allowed vehicles and maximum number of allowed occupants.~~

~~78.~~ All advertising for the vacation home rental must include notification to renters that they will be issued a parking permit which they must display on the driver's side dashboard of their vehicle. Failure to park in the designated parking spaces and/or

display the parking permit may result in a citation and fine of \$500 to the owner of the vehicle.

89. The owner must use best efforts to ensure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, agent, or local contact person act as a peace officer or place him or herself in harm's way.

910. The owner must, upon notification that occupants or guests of the 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 achieve compliance by the occupants and prevent a recurrence of such conduct by those occupants or guests.

101. All advertising for the vacation home rental must include the:

- a. Permit number;
- b. Maximum occupancy;
- c. Maximum number of allowed vehicles;
- d. Number of permitted parking stalls;
- d. Notice that the renter will be issued a parking permit which must be on display on the driver's side dashboard of the vehicle; and
- e. Quiet hours are designated between 9:00 pm and 8:00 am and will be strictly enforced.

112. The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place. 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, 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, including a diagram where renters must park 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. Notification to renters that they will be issued a parking permit which they must display on the dashboard of their vehicle. "Failure to park in the designated parking spaces and/or display the parking permit may result in a citation and fine of \$500";
- f. The trash pick-up day and notification that trash and refuse must not be left or stored on the exterior of the property 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;
- g. Bear habitat and do not feed the wildlife and operation of a bear box information;

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

i. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance; and

j. Notification that the County may schedule safety inspections. The inspections will be scheduled at reasonable times and tenants must make the unit available for such inspections upon 24 hours' advance notice.

123. Owners and their tenants must make the rental unit available for safety and compliance inspections by the Director, a designee, or a Code Enforcement official upon request. Any inspection must be scheduled at least 24 hours in advance. However, a renter may voluntarily provide access to the VHR unit without 24 hours' advance notice by the County. Permit compliance inspections will not be undertaken by members of the Douglas County Sheriff's Office.

134. All residential vacation home rentals shall comply with the following standards:

a. The minimum age to rent a vacation home rental is twenty-five (25) years. Owners shall require a copy of the renter's driver's license as proof of eligibility to rent. Owners shall retain this information as a part of the application for two years.

b. Compliance with the requirements set forth under this chapter shall be in addition to compliance with all other provisions of this code relating to nuisance, peace and safety. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.050 Violations and Enforcement.

A. The Director or a designee is authorized and directed to establish rules and regulations from time-to-time as may be required to carry out the purpose and intent of this chapter. Changes to this ordinance can only be made by the Board of County Commissioners.

B. 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 the Douglas County Code or Nevada law, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is subject to the penalties found in chapter 20. Each day of any such violation constitutes a separate offense.

C. Operating, Marketing or Advertising a VHR without a Permit.

Any person who advertises, markets, or operates~~The owners of any property being advertised and/or operated as an unpermitted~~ vacation home rental located anywhere within Douglas County without a current, valid VHR permit is in violation of Douglas County Code and the Nevada Revised Statutes and shall be subject to a civil penalty of up to \$20,000. The County may also seek an injunction and/or any other legal relief for violation(s) of this chapter, including, but not limited to, the collection of delinquent tax payments. The following fine structure is enacted:

1. A civil penalty of up to \$20,000 may be issued to any person or property manager who advertised, marketed, and/or operated a VHR and who never held a valid VHR permit for the property being used as a VHR.

2. A civil penalty of up to \$5,000 may be issued to any person or property manager who had a valid VHR permit or represented a permit holder but, through inadvertence or mistake, failed to submit a completed VHR renewal application by the required deadline but has filed a complete VHR permit renewal application within 60 days of the expiration of the VHR permit. The permit will be renewed if all other conditions are met by the renewal applicant.

3. A civil penalty of up to \$20,000 may be issued to any person who had a valid VHR permit but has not submitted a complete VHR renewal application after 60 days have elapsed since the VHR permit expired. The permit will be renewed if all other conditions are met by the renewal applicant.

D. Enforcement actions may immediately 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.

E. After two complaints for excessive noise that Douglas County finds are reasonable and credible, the owner may be required to install noise monitors and other security devices such as video recorders in numbers and locations designated by Douglas County.

F. Douglas County may institute a fine of up to \$1,000 per day per violation. In addition, 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 the violation notice may be subject to a civil penalty of up to \$1,000 per day per violation which may continue until the violation(s) are corrected. The cumulative amount of the civil penalty shall not exceed the fair market value of the home as determined by the Douglas County Assessor in the most recent tax year's assessment. Fines shall begin to accrue automatically from the date specified in the first Notice of Violation and shall continue until the violation is corrected. The Director may waive all or a portion of any fine upon a specific showing of good cause.

G. 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 Douglas County Code chapter 20.691 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).

H. 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.

I. The following conduct is a violation for which the permit shall be suspended or revoked:

1. The owner has failed to comply with any requirement of this chapter, Douglas County Code or federal or state law;
2. The owner has failed to comply with additional conditions imposed by the Director;
3. The owner has failed to either collect or remit to the County the transient occupancy and lodging taxes and monthly rental reports as required by Title 3 of this code;
4. Any false or misleading information supplied in the application process;
5. The permit number and number of parking stalls was not included in all forms of advertisement;
6. The maximum occupancy was not included in all forms of advertisement, or the occupancy was stated incorrectly;
7. The placement and maximum number of vehicles permitted on-site is not identified;
8. The required bear information flyer and bear box instructions are not provided; and
9. For other grounds not specified herein which may warrant suspension or revocation of the permit such as unlawful conduct, lewd behavior or other such reasonable grounds.

J. Whenever the Director or Code Enforcement official has reasonable grounds to believe that a violation of any provision of this chapter or Title 20 of the Douglas County Code has occurred, a written notice of violation shall be served to the VHR owner(s) either via first class or registered mail, in person, or posted on the property. Mailing the notice of violation to the address provided with the application shall be deemed proper delivery.

K. The filing of a notice of appeal will stay the correction of the violation, abatement of a nuisance, or the imposition of any fine or penalty until the final disposition of the appeal if the conditions required in chapter 20.622.060(B) are met.

L. Failure to respond to a written notice of violation within the time frame identified in the notice, or to timely submit a written appeal to the VHR Advisory Board, will result in the suspension of the permit and require the owner to reapply for a permit. Therefore, it is incumbent on the owner of property to update their contact information and ensure that responses to queries and enforcement actions are prompt.

M. Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by Douglas County within a ten (10) day period, will result in an automatic revocation of the permit unless the matter is appealed to the VHR Advisory Board within the mandatory ten (10) day period.

N. If there is an open building permit submitted by the property owner, or when necessary to protect life, property or safety, the Director may immediately suspend a

permit for up to ninety (90) days or until such time that the unsafe condition(s) have been corrected, whichever is later. During a suspension period no rentals may occur and in the event this provision is violated, a fine of up to ten thousand dollar (\$10,000) may be imposed in the same manner as if the owner was operating an unpermitted rental.

O. If any owner exceeds three (3) substantiated violations of this chapter in any given year (coinciding with the date of the issuance of the permit), this may result in the possible revocation of the VHR permit. Furthermore, failing to correct any health and safety concern within the time specified by Douglas County may also result in the revocation of a VHR permit.

P. Information provided by members of the public including, but not limited to, signed declarations, photos, and video and noise monitoring recordings may constitute proof of a violation. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.060 VHR Advisory Board and Appeals.

A. VHR Advisory Board:

1. The Board of County Commissioners has determined there is a need for a VHR Advisory Board whose function shall be to hear enforcement appeals filed by VHR owners, applications for VHR special use permits for Tier 3 VHR rentals, and to render advice to the Board of County Commissioners on proposed changes to this chapter when necessary.

2. The VHR Advisory Board shall consist of five (5) members comprised of the following:

a. Two residents of the Lake Tahoe Township that are current VHR permit holders;

b. Two residents of the Lake Tahoe Township that are not VHR permit holders; and

c. One resident of the East Fork Township.

d. If there are insufficient applications to the VHR Advisory Board to fill any class of members, then the Board of County Commissioners may appoint any registered voter in Douglas County to fill any vacant positions.

e. For the purpose of defining "resident," the member's principal resident is within the relevant Township and physically resides at the residence for at least six months during a calendar year.

3. The Board of County Commissioners shall appoint members to the VHR Advisory Board. No member may be appointed who has expressed opposition to the VHR program or otherwise appears to have a bias that may improperly influence their impartiality as a member of the VHR Advisory Board.

4. VHR Advisory Board members shall serve ~~four~~**two** (42) year staggered terms.

5. Initial terms may be ~~longer than~~ two (2) years to account for mid-year appointments and staggered terms. Initially, three members shall be chosen to serve four (4) year terms and two members shall be chosen to serve for two (2) year terms.

6. At the first meeting of the VHR Advisory Board, the members shall choose a Chair and Vice-Chair who shall serve in this capacity for a one-year term. Chair and Vice-Chairs shall be selected thereafter at the first meeting held after the beginning of the calendar year and shall only serve for a one (1) year term.

7. Members shall be paid sixty dollars (\$60) per meeting.

8. Staff to the VHR Advisory Board shall be assigned by the Douglas County Manager.

9. No meeting shall be held without a quorum and all meetings shall be subject to NRS Chapter 241 (Nevada's Open Meeting Law).

10. The VHR Advisory Board may adopt bylaws governing their meetings. In the absence of such bylaws, the meetings shall be governed by Roberts Rules of Order.

11. There shall be three (3) ex officio members of the VHR Advisory Board when the Board is not adjudicating appeals or hearing VHR special use permits. The members shall consist of:

- a. A representative from public safety;
- b. The Director; and
- c. A Community Development staff member, preferably from planning and having knowledge of TRPA matters.

B. Appeals:

1. Any VHR owner issued a notice of violation or otherwise issued an adverse decision with respect to the owner's VHR permit or permit application pursuant to this chapter shall have the right to file an appeal ~~with~~ the VHR Advisory Board.

2. The filing of a notice of appeal shall stay all proceedings for the correction of the violation, abatement of a nuisance, or the imposition of any fine until the final disposition of the appeal. This stay provision does not apply to any possible new violations nor does it stay the imposition of any fine or penalty for the operation of a VHR without a valid permit or the failure to pay required taxes.

3. A notice of appeal must be filed with the Community Development Department within ~~fourteen~~ (14) calendar days of the date the first notice of violation was mailed via certified mail to the address on the VHR permit application or on the Douglas County Assessor's website and/or served on the property owner or other responsible party and/or posted at the VHR property and the appeal must:

- a. Be submitted in writing;
- b. Include a copy of the notice of violation and a statement that the person wishes to appeal;
- c. Contain the person's full name, mailing address, email, and phone number, legibly printed or typed, and any notice or communication thereafter sent to them at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change;
- d. Contain a statement setting forth in detail 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; and

e. The party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.

4. The VHR Advisory Board shall hold a public hearing on the appeal within sixty (60) days of filing the notice of appeal with the Community Development Department. 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 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.

5. 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.

6. 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.

7. The VHR Advisory Board shall have the authority to modify, amend or reduce any fine or required abatement action based on the evidence presented and the facts and circumstances unique to each appeal.

8. 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.

9. The department shall provide a written final disposition of the appeal to the owner within ~~ten (10)~~~~three (3)~~ business~~working~~ days of the appeal hearing by the Board.

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

1. Affirms the notice of violation as issued;

2. Modifies the notice of violation, including any fines or penalties; or

3. Rescinds the notice of violation, including any fines or penalties.

D. If the appellant believes the VHR Advisory Board was biased or abused its discretion related to the consideration of an application for a special use permit, the appellant may submit an appeal of the Advisory Board's decision to the Board of County Commissioners pursuant to chapter 20.28.020. If the appellant wants to challenge the

decision of the Board of County Commissioners, then they may file a petition for judicial review pursuant to NRS 278.310. ~~(Ord. 1588, 2021; Ord. 1582, 2021)~~

Proposed on the ____ day of _____, 2022.

Proposed by Commissioner _____.

Adopted this ____ day of _____, 2022, by the following vote:

Vote-- Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____

Mark Gardner, Chairman
Douglas County Board of Commissioners

Attest:

Amy Burgans, Douglas County Clerk

This ordinance is effective on the ____ day of _____, 2022.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims (“Agreement”) is entered into by and among Plaintiffs Robert Michael Kalthoff, Katherine Kalthoff, Evie Viera, David Isenberg, Jim Thulin, Sean Ward, Zorka Aguilar, World Class Property Management, Inc., a Nevada Corporation, and Jetco Industries, a Nevada Corporation, and Douglas County (Defendant), a political subdivision of the State of Nevada. The foregoing entities and individuals are sometimes referred to collectively as the “Parties.”

RECITALS

A. A dispute (the “Dispute”) arose among the Parties. The Parties’ claims and defenses are described in United States District Court of Nevada Case No. 3:21-cv-00293-RCJ-CLB, (the “Litigation”).

B. The Parties desire to resolve the Dispute and the Litigation in accordance with the terms and conditions of this Agreement.

NOW THEREFORE, in consideration of the promises set forth in this Agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each of the Parties hereto agrees as follows:

TERMS OF SETTLEMENT AGREEMENT

The following points, Numbers 1 through 8, will be included in a revised ordinance which will be approved by the Douglas County Board of Commissioners (“Board”) in a Commission meeting held not later than April 7, 2022. A red line copy of the revised ordinance, which incorporates the changes agreed to by the Parties and contemplated by this Agreement, and will be jointly submitted to the Board for consideration and approval by the County Commissioners, is attached as Exhibit “A” to this Agreement and is incorporated herein.

1. **Renewal of VHR Permits.** If a property owner held more than one vacation home rental (“VHR”) permit as of June 3, 2021, either individually or through another entity such as a corporation or limited liability company, those VHR permits may be renewed annually through October 1, 2024, subject to the conditions and terms of renewal in effect when the VHR permit renewal application is submitted to the County for review and approval. If a VHR permit has expired that would otherwise be eligible for renewal under this provision, an application to renew that expired VHR permit may be submitted by no later than 45 days from the date this Agreement is approved by the Board and will be processed by the County as if it had been timely submitted for renewal.

2. **Occupancy.** The number of occupants allowed at any real property used as a VHR is limited to two persons per bedroom plus an additional two persons per property if the VHR property has four or less bedrooms.
3. **Occupancy Limited by Availability of Onsite Parking.** If the occupancy of any VHR property is more than two per bedroom pursuant to paragraph 2 above, then the occupancy of that VHR property is further limited to no more than four persons per onsite parking space.
4. **Fines for operating without a Permit.** The fine for operating a VHR without a permit may be up to \$20,000 as follows:
 - a. Up to \$20,000 for individuals or legal entities that have advertised, marketed, and/or operated a VHR and who never held a valid VHR permit for the real property being advertised or rented as a VHR.
 - b. A fine of up to \$5,000 may be issued to any person or property manager who had a valid VHR permit, or represented a permit holder but, through inadvertence or mistake, failed to submit a completed VHR renewal application by the required deadline but has filed a complete VHR permit renewal application within 60 days of the expiration of the VHR permit.
 - c. A fine of up to \$20,000 may be imposed for individuals or entities that have not submitted a completed VHR renewal application after 60 days have elapsed since the VHR permit expired but have continued to advertise, market or lease the property as a VHR.

5. **Eligibility for whom can obtain a permit.** Closely held corporations and limited liability companies are able to hold VHR permits if such entity is owned by an individual, a family, a family trust or persons residing together if each member of the legal entity agrees to be personally liable and responsible for the legal entity's compliance with the requirements found in Chapter 20.622 of the Douglas County Code, as amended.
6. **Insurance Requirements.** VHR permit holders are required to provide proof of insurance issued by a company regulated by the Nevada Division of Insurance. The insurance coverage must be at least five hundred thousand dollars (\$500,000) in general liability insurance for a Tier 1 and Tier 2 VHR property and one million dollars (\$1,000,000) for a Tier 3 VHR property to cover anyone injured due to the property owner's negligence. The insurance policy must cover the use of the property as a vacation home rental or an appropriate rider or addendum must be included to cover the use of the property as a VHR. Specific proof of insurance that must be submitted with any VHR application or renewal includes a copy of the insurance policy and any rider or addendum showing the coverage amounts, covered property location, and which clearly states that short term rental activities are a covered/insured activity (i.e., not excluded from coverage).
7. **False or wrong Information on Applications.** If an applicant for a new VHR permit or renewal unintentionally provides information that is not accurate,

the applicant will be provided a reasonable opportunity to correct any inadvertent errors. However, if County staff believes the application includes intentionally false information, staff may issue a Notice of Violation which can be appealed to the VHR Advisory Board.

8. **Property Management.** Persons who represent owners of vacation rentals will not advertise, market or assist in the rental of any real property as a short term rental if the property owner does not have a current, valid VHR permit. If they do so, then they will be subject to the same penalties as the property owner as set forth in Section 20.622.050(C) of the Douglas County Code.

Additional Provisions. The Parties also agree that:

- a. Plaintiffs, and each of them, expressly waive any claim for damages, in any form, as a result of any changes made to Chapter 20.622 by the Board.
- b. Each party will bear their own attorney's fees and costs arising out of the Dispute and Litigation.
- c. The County Commissioners that personally vote to approve this Agreement do so in good faith and agree not to vote to eliminate the ability of multiple VHR permit holders to renew their existing permits (as of June 3, 2021) notwithstanding the current limit of one VHR permit per person, through October 1, 2024.
- d. The County Commissioners who personally vote to approve this Agreement do so in good faith and will not propose any changes to Chapter

- 20.622 of the Douglas County Code until the VHR Advisory Board submits its findings and recommendations to the Board for consideration or three months have passed, whichever comes first.
- e. The current complaint will be dismissed with prejudice within 15 days of the approval of this Agreement and the adoption of the revisions to Chapter 20.622 of the Douglas County in substantially the form found in Exhibit “A” attached hereto.
 - f. Except as expressly provided in this Agreement, Plaintiffs’ acknowledge and agree that the Douglas County Commissioners, as the elected representatives of the citizens of Douglas County, may make future policy decisions which may result in amendments to Title 20 of the Douglas County Code, including Chapter 20.622 (the VHR regulations). If a future Board makes revisions to the changes made to Chapter 20.622 as found in Exhibit “A,” then any aggrieved person may challenge those changes in a court of competent jurisdiction.
 - g. For good and valuable consideration, as set forth herein, the Plaintiffs hereby knowingly and freely release and discharge Defendant Douglas County, a political subdivision of the State of Nevada, and its elected officials, officers, employees, and agents from any and all claims, demands, losses, damages, actions, causes of action, suits, debts, promises, liabilities, obligations, costs, expenses, attorneys’ fees, expert

fees, indemnities, subrogations (contractual or equitable) or duties, of any nature, character or description whatsoever, whether known or unknown, fixed or contingent, accrued or not yet accrued, matured or not yet matured, anticipated or unanticipated, asserted or unasserted, arising from or relating to the claims set forth in Plaintiffs' Complaint or proposed Amended Complaint in the Litigation or otherwise arising from or related to Chapter 20.622 of the Douglas County Code or the amendments to Title 20 of the Douglas County Code prior to the effective date of this Agreement.

- h. The Parties hereto expressly recite and acknowledge that all of the facts relating to this matter may not be known by the Parties hereto, but that the Plaintiffs', and each of them, expressly release Douglas County with full knowledge that there may be undiscovered facts that might materially affect the decision to enter into this Agreement.
- i. The Plaintiffs agree in perpetuity not to make any assertion, claim, or allegation that is inconsistent with the releases contained in this Agreement.
- j. Each of the Parties hereto agrees to perform any and all acts and to execute and deliver any and all documents to the extent reasonably necessary or convenient to carry out the intent and the provisions of this Agreement.

- k. This Agreement is executed and intended to be performed in the State of Nevada, and the laws of Nevada shall govern its interpretation and effect. Any action to enforce this Agreement shall be brought before a court of proper jurisdiction located in Douglas County, Nevada.
- l. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and each Party acknowledges there were no other agreements, representations, warranties or statements of fact made prior to or at the time of the execution of this Agreement that are not set forth herein. No representations or modifications of this Agreement shall be of force and effect unless set forth in writing and signed by all Parties hereto.
- m. No action or lack of action on the part of any Party hereto at any time to execute any rights or remedies conferred upon it under this Agreement shall be, or shall be asserted to be, a waiver of any of its rights or remedies hereunder.
- n. In the event of a dispute between the Parties arising out of this Agreement, the prevailing Party shall be allowed reasonable attorneys' fees and costs incurred in any negotiations, mediation, arbitration, litigation, and/or any appeal therefrom.
- o. This Agreement shall be binding and inure to the benefit of the Parties hereto, their predecessors, subsidiary and affiliated business entities, all

- officers, directors, shareholders, members, managers, agents, employees, attorneys, assigns, successors, heirs, executors, administrators, and legal representatives of whatsoever kind or character in privity therewith.
- p. This Agreement is for the benefit of the Parties and their successors and assigns only. No other third party beneficiary rights are intended or granted by this Agreement.
- q. This Agreement may be executed in counterparts, one or more of which may be facsimiles or via email in Adobe Acrobat .pdf format, but all of which shall constitute one and the same Agreement. Facsimile signatures and email signatures in .pdf format of this Agreement shall be accepted by the Parties to this Agreement as valid and binding in lieu of original signatures.
- r. Each of the Parties hereto acknowledges that they have fully read the contents of this Agreement and that they have had the opportunity to obtain the advice of counsel of their choice and that they have full, complete, and total comprehension of the provisions hereof and are in full agreement with each and every one of the terms, conditions, and provisions of this Agreement. As such, the Parties hereby waive any and all rules of contract or rights that may apply a more favorable interpretation of the terms, conditions or provisions hereof to one of the Parties, including the rule of construction that ambiguities are to be resolved against the drafter of this

Agreement. For purposes of this instrument, the Parties agree that ambiguities, if any, are to be resolved in the same manner as would have been the case had this instrument been jointly conceived and drafted.

s. Each of the Parties hereto agrees that this Agreement is a compromise relating to the Dispute between them and shall never be treated as an admission of facts or liability of any Party hereto or any party in the Litigation and that liability therefore is expressly denied by each of the Parties.

IN WITNESS WHEREOF, each of the Parties has executed this Agreement on the date and year written below.

By: _____ Date: _____, 2022
Robert Michael Kalthoff

By: _____ Date: _____, 2022
Katherine Kalthoff

By: _____ Date: _____, 2022
Evie Viera

By: _____ Date: _____, 2022
David Isenberg

By: _____ Date: _____, 2022
Jim Thulin

By: _____
Sean Ward

Date: _____, 2022

By: _____
Zorka Aguilar

Date: _____, 2022

By: _____
Name/Title
World Class Management, Inc.

Date: _____, 2022

By: _____
Name/Title
Jetco Industries

Date: _____, 2022

Douglas County

By: _____
Mark Gardner, Chairman
Douglas County Board of Commissioners

Date: _____, 2022

EXHIBIT INDEX

EXHIBIT	DESCRIPTION	PAGES
A	Redline copy of the revised VHR Ordinance	19

EXHIBIT A

EXHIBIT A

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on an application to obtain a Tier 3 vacation home rental Special Use Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 750 Lakeview Circle, Zephyr Cove, NV. The owner is Robert and Maria Tarn who currently have a Douglas County issued VHR Permit, Account No. 08400377 (APN 1318-10-312-006). (Tom Dallaire)

RECOMMENDED MOTION:

The VHR Advisory Board May:

1. Approve the application to obtain a Tier 3 Vacation Home Rental Special Use Permit with a maximum occupancy of 12 persons for 750 Lakeview Circle, Zephyr Cove, NV owned by Robert and Maria Tarn given that the required findings have been met, the contents of the Staff Report and attached documents and public comment; along with the condition included in the staff report.

Alternatively in the event the VHR Advisory Board believes the Tier 3 permit requirements have not been met;

2. Deny the Special Use Permit application to obtain a Tier 3 Vacation Home Rental permit with a maximum occupancy of 12 persons for 750 Lakeview Circle, Zephyr Cove, NV owned by Robert and Maria Tarn based on the inability to meet the required findings.

FINANCIAL IMPACT:

None.

BACKGROUND:

On November 16, 2021, Robert and Maria Tarn began the process of commencing the VHR permit renewal process located at 750 Lakeview Cir, Zephyr Cove NV (Old VHR Permit DP18-0317, Occupancy of 16 for 6 bedrooms). The new permit application for 6 bedroom with a maximum occupancy of 12. Robert and Maria Tarn received approval for his Tier 3 VHR Permit Account No.

DP18-0317 on December 1, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date. If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by Robert and Maria Tarn unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

ATTACHMENTS:

[00_Staff_Report_750_Lakeview.pdf](#)

[Attachments Complete 750 Lakeview8x11.pdf](#)



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

STAFF REPORT

Date: March 2, 2022
To: Vacation Home Rentals Advisory Board
From: Douglas County Code Enforcement
Subject: Public hearing on Special Use Permit application filed by Robert and Maria Tarn for a Tier 3 Vacation Home Rental.

Property Address: 750 Lakeview Cir, Zephyr Cove NV 89448 (APN 1318-10-312-006)

I. REQUEST

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 750 Lakeview Cir. The owner is Robert and Maria Tarn, who currently have a Douglas County issued VHR Permit, Account No. 08400377 (APN 1318-10-312-006).

II. BACKGROUND AND EVALUATION

On November 16, 2021, Robert and Maria Tarn began the process of commencing the VHR permit renewal process located at 750 Lakeview Cir, Zephyr Cove NV (Old VHR Permit DP18-0317 , Occupancy of 16 for 6 bedrooms) The new permit application for 6 bedroom with a maximum occupancy of 12. Robert and Maria Tarn received approval for his Tier 3 VHR Permit Account No. DP18-0317 on December 1, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by Robert and Maria Tarn unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

PROPERTY INFORMATION

Property Address: 750 Lakeview Cir, Zephyr Cove NV 89448 **APN:** 1318-10-312-006

Property Owner/s: Robert and Maria Tarn **Address:** 31625 RUSTIC OAK DR, WESTLAKE VILLAGE
CA 91361

Property Manager: Tom Sloan **Phone Number:** 775-589-2930

Prop. Manager NV License # PM.0164551.BKR **Office Location:** Zephyr Cove

Emergency Contact: OVI PACURAR **Emergency Phone:** 775-297-3986

Emergency Contact Physical address responding to a complaint: Gardnerville

Maps reported time from physical address to VHR unit address: 34 mins (Gard. Ranchos)

VHR Account Number: 08400377 **Previous VHR Account Number:** 08400377

Application Date: 11/16/21 **Issue Date:** 12/1/21

Expiration Date: 11/30/22 **Fees Paid:** Yes

Complaints: There were 0 complaints in the past 12 months reported by DCSO or DCCE

Insurance Company: Travelers (effective in NV since 1983) w/ rental policy

Liability coverage amount: \$1,500,000

Total Occupancy: 12 **Total Bedrooms:** 6

Previous Maximum Occupancy: 16 **Previous Approved Bedrooms:** 6

Total Parking: 5 **Previous Approved Parking:** 5

Garage Parking: 2 **Driveway Parking:** 3

Bear Proof Storage Solution: South Tahoe refuse and "However, because of the size of our home and trash they accumulate I pay a serviceman to pick up my trash between each tenant so as to avoid overflow/over stuffing, etc."

Refuse Service: South Tahoe refuse **Bear Box:** Yes

Adjacent Residence #1: 30 ft. 752 Lakeview Cir.

Adjacent Residence #2: 32 ft. 746 Lakeview Cir.

Adjacent Residence #3: 58 ft. 729 Lakeview Cir is also a VHR.

Adjacent Residence #4: 78 ft. 741 Lakeview Cir is also a VHR.

Adjacent Residence #5: 727 Lakeview Cir is Forest Service land.

Adjacent Residence #6: Behind property is a vacant lot with no address.

Zephyr Heights/Knolls

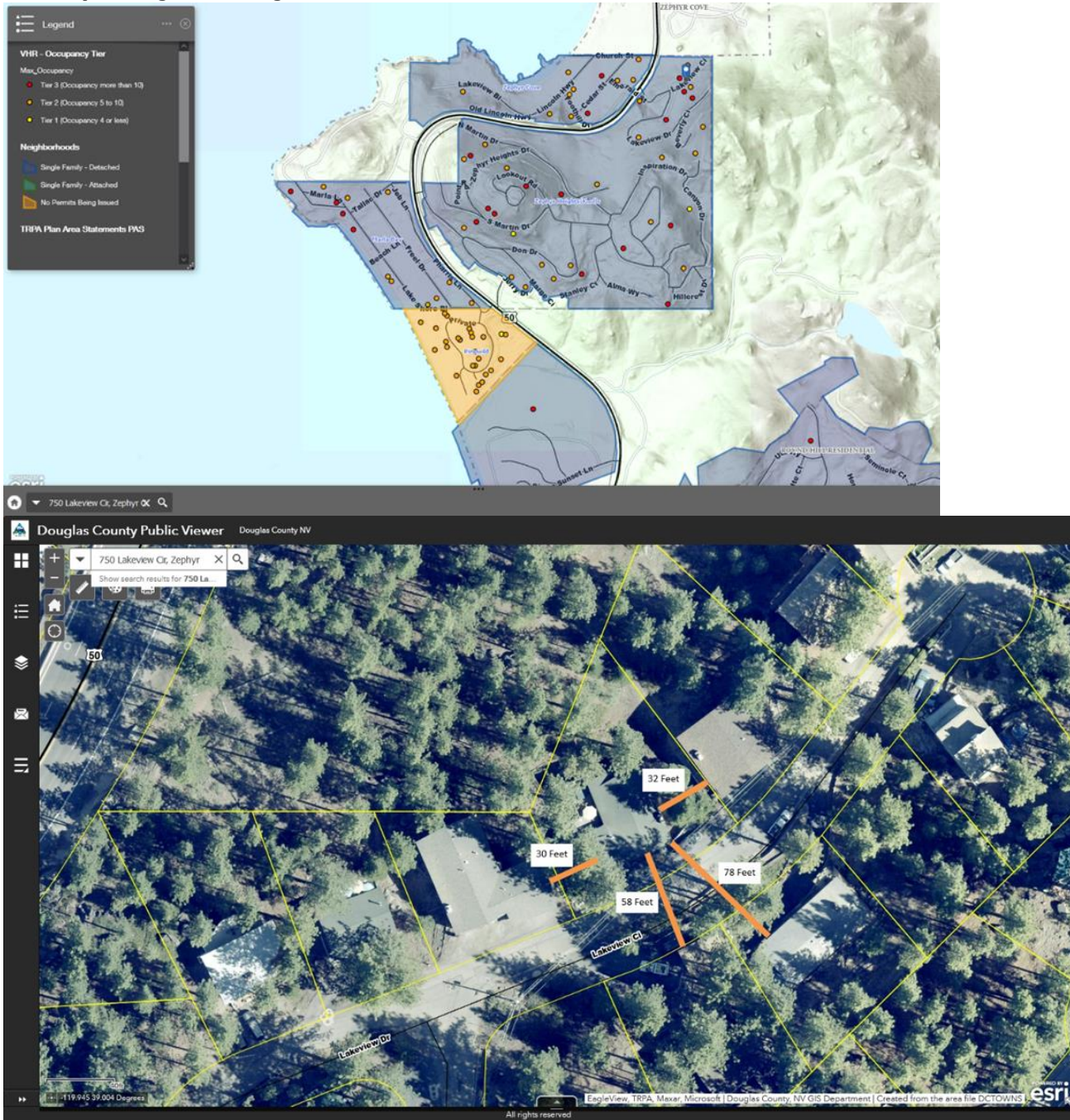
This neighborhood is designated as

Single Family - Detached.

The neighborhood contains **283** housing parcels, of which **35** are Vacation Home Rentals (VHRs).

The neighborhood could have a max of **42** VHR units. There is the potential to have **7.000000** more VHR units.

The VHR percentage for this neighborhood is **12.4**



As required in Title 20.622.030 F. A VHR Special Use Permit for Tier 3 units may be granted by the VHR Advisory Board under the following 9 conditions. Staff has provided a response after each condition:

1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).

Staff Response: The application complies with all conditions and VHR Permit #08400377 was approved on 12/1/21.

2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

Staff Response: Per code, the VHR Advisory Board must make this determination. It should be noted that the property next door on both sides are 30 and 32 ft from VHR and the two across the street are also VHRs. A site plan with distances to the nearest four residences is attached to this report.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.

Staff Response: Per code, the VHR Advisory Board must make this determination. The applicant has submitted photos and a description showing 5 parking spaces available, 3 within the driveway and 2 within the garage.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.

Staff Response: The applicant has provided all documents as pertaining to adequate public facilities, i.e. sewer, water and trash, these documents are on file and noted in this report.

5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.

Staff Response: The fire department has confirmed 6 requested bedrooms and has deemed the home safe to occupy at the requested occupancy of 12.

6. The prior history of the residence including the existence of any prior noise or parking problems.

Staff Response: I, B Harwood, Code Enforcement Officer for Douglas County Code Enforcement, verify that I have checked the prior history of 750 Lakeview Cir, Zephyr Cove, NV, in our Citizen Serve data base and with Douglas County Sheriff's Department. There were 0 complaints in the past 12 months.

7. For other reasons not specified herein which are unique to the location and circumstances related to the application.

Staff Response: This is to be determined by the VHR Board, based on the staff report, applicant's presentation and public comment submitted, but staff has not identified any additional issues.

8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.

Staff Response: The owner has indicated that a noise monitor is installed in the home and provided a screenshot showing no recent noise issues. Staff has not verified and approved the location of the noise monitor but has added a condition to require a staff approved location.

9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours.

Staff Response: The owner has signed an agreement to restrict the use of the home to not more than fifty persons.

III. CONCLUSION & RECOMMENDATION

Staff has reviewed all documents submitted by Robert and Maria Tarn for his Tier 3 VHR Permit Account No. 08400377 on 11/16/21. Robert and Maria Tarn have complied with all the requirements of Title 20.622.030(E) within 180 days of his VHR permit expiring. Staff has provided analysis of the documents and deems the Special Use permit be granted by the VHR Advisory Board. However, if the VHR Advisory Board does not agree, and Robert and Maria Tarn is denied, he can operate as a Tier 2, with 10 occupants.

Staff does recommend a condition be added to the approval requiring the applicant to provide the location of existing noise monitors on the site plan or floor plan, for staff approval.

Exhibit 01

01a - Application

01b - Driver's License (on file)

**01c - Exam Certificates, Robert Tarn, Cecilia Gasca, Maria
Tarn (on file)**

DBA 750 LAKEVIEW CI

Account # 08400377

DBA	750 LAKEVIEW CI	Bus. Status	VHR Permit	Ownership	
Bus Name		Lic. Status	Pending-Taxpayer	Expiration Date	11/30/2022
Address	750 LAKEVIEW CI	Account #	08400377	Rates	STD - VHR Permit
City	ZEPHYR COVE, NV 89448	License #	DP18-0317		
Location	Inside	Phone	(818) 370-9635		
Loc. Type	Residential	Alt Phone	(818) 370-9635	Geo Areas	
Mail Addr	31625 RUSTIC OAK DR	Fax Num			
Mail City	WESTLAKE VILLAGE, CA 91361-4760	Start Date			
Mail (Add'l)	MARIA TARN	Close Date			

Additional Information

E-Mail	maria@tahoetarns.com	Sales Tax	
Website		FEIN	--ON FILE--
License Desc	VACATION HOME RENTAL	SEIN	--
Business Type	004 - Vacation Home Rental Permit		
NAIC Code	531110 - Lessors Of Residential Buildings And Dwellings	State License	
SIC Code	6514002 - Operators Of Dwellings (Four Or Fewer Housing Units)	Type	
		Exp. Date	

Custom Fields

Master Key	DP18-0317	Parcel	131810312006	Multiple Permits on Parcel	true
Has HOA	False	Changes to Property	False	Inspection	False
Ea Bdrm min 70 sqft	True	Ea Bdrom Emerg Exit	True	Height of Bdrom min 7ft	True
Uses Garbage Service (NC	False	Garbage Provider (NO LOI	PRivately	Has Bear Proof Container	False
Permit Parking Spots	5	Max Occupancy	12	Permit Bedrooms	6
Property located by GID?	True	GID Name	Zephyr Knolls	TOT Paid?	True
Parcel	131810312006	Has HOA	False	Changes to Property	False
Uses Garbage Service (NC	True	Garbage Provider (NO LOI	PRivately	Has Bear Proof Container	False
Max Occupancy	16	Property located by GID?	True	GID Name	Zephyr Knolls
Garbage Service Account :	10607924	Parcel	131810312006	Has HOA	False
Changes to Property	False	Uses Garbage Service (NC	False	Garbage Provider (NO LOI	PRivately
Has Bear Proof Container	False	Max Occupancy	16	Property located by GID?	True
GID Name	Zephyr Knolls	VHR New Application Type	Tier 3	Approved(Denied) Date	12/1/2020

Exhibit 02a and 05c

02a - Fire District Inspection (FDI)

**05c - Number of bedrooms structure is safe to handle is
indicated on Fire Inspector Notes**



Tahoe Douglas Fire District

Occupancy: **VHR: 08400377**
Occupancy ID: **VHR: 08400377**
Address: **750 Lakeview CIR**
Zephyr Cove NV 89448

Inspection Type: **Safety Survey**

Inspection Date: **9/24/2021**

By: Rowlett, Kris (237)

Time In: **11:00**

Time Out: **00:00**

Authorized Date: **09/24/2021**

By: Rowlett, Kris (237)

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status: FAIL

Notes: Pine needle cleanup needed throughout property

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1)).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status: FAIL

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status: FAIL

Notes: Bedroom #, downstairs bedroom #2

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status:

Notes:

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status:

Notes:

14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical		
<p>16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)</p> <p>Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.</p> <p>Status:</p> <p>Notes:</p>		
<p>17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)</p> <p>Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.</p> <p>Status:</p> <p>Notes:</p>		
<p>18. Identified electrical hazards shall be abated. (IFC 605.1)</p> <p>Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p>Status:</p> <p>Notes:</p>		
General Fire Protection		
<p>19. Water heater seismically braced and properly vented. (IRC P2801.8)</p> <p>Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.</p> <p>Status:</p> <p>Notes:</p>		
<p>20. Chimneys cleaned and inspected annually. (IFC 603.6)</p> <p>Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.</p> <p>Status: FAIL</p> <p>Notes:</p>		
<p>21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)</p> <p>Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.</p> <p>Status:</p> <p>Notes:</p>		
<p>22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)</p> <p>Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.</p> <p>Status:</p> <p>Notes:</p>		
<p>23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)</p> <p>Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck</p> <p>Status:</p> <p>Notes:</p>		
Additional Time Spent on Inspection:		
Category	Start Date / Time	End Date / Time
<p>Notes: No Additional time recorded</p>		

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result: Reinspection needed

Inspector Notes: 6 bedroom

Inspector:

Name: Rowlett, Kris

Email(s): kris.rowlett, krowlett@tahoefire.com

Signature

Date

Representative Signature:

Signature

Date



Tahoe Douglas Fire District

Occupancy: **VHR: 08400377**
Occupancy ID: **VHR: 08400377**
Address: **750 Lakeview CIR**
Zephyr Cove NV 89448

Inspection Type: **Safety Survey**

Inspection Date: **10/19/2021**

By: Rowlett, Kris (237)

Time In: **08:30**

Time Out: **00:00**

Authorized Date: **10/19/2021**

By: Rowlett, Kris (237)

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status: **PASS**

Notes:

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status: PASS

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status: PASS

Notes:

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status:

Notes:

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status:

Notes:

14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical		
<p>16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)</p> <p>Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.</p> <p>Status:</p> <p>Notes:</p>		
<p>17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)</p> <p>Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.</p> <p>Status:</p> <p>Notes:</p>		
<p>18. Identified electrical hazards shall be abated. (IFC 605.1)</p> <p>Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p>Status:</p> <p>Notes:</p>		
General Fire Protection		
<p>19. Water heater seismically braced and properly vented. (IRC P2801.8)</p> <p>Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.</p> <p>Status:</p> <p>Notes:</p>		
<p>20. Chimneys cleaned and inspected annually. (IFC 603.6)</p> <p>Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.</p> <p>Status: PASS</p> <p>Notes:</p>		
<p>21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)</p> <p>Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.</p> <p>Status:</p> <p>Notes:</p>		
<p>22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)</p> <p>Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.</p> <p>Status:</p> <p>Notes:</p>		
<p>23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)</p> <p>Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck</p> <p>Status:</p> <p>Notes:</p>		
Additional Time Spent on Inspection:		
Category	Start Date / Time	End Date / Time
<p>Notes: No Additional time recorded</p>		

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result: Violations corrected

Inspector Notes:

Inspector:

Name: Rowlett, Kris

Email(s): kris.rowlett, krowlett@tahoefire.com

Signature

Date

Representative Signature:

Signature

Date

Exhibit 03a, 03b, 03c

03a - Proof of Insurance (on file)

03b - TOT Remittance form (on file)

03c - Signed HoA Affidavit (on file)

03d – Trust (on file)

Exhibit 04a, 04b, 04c, 04d, 04e

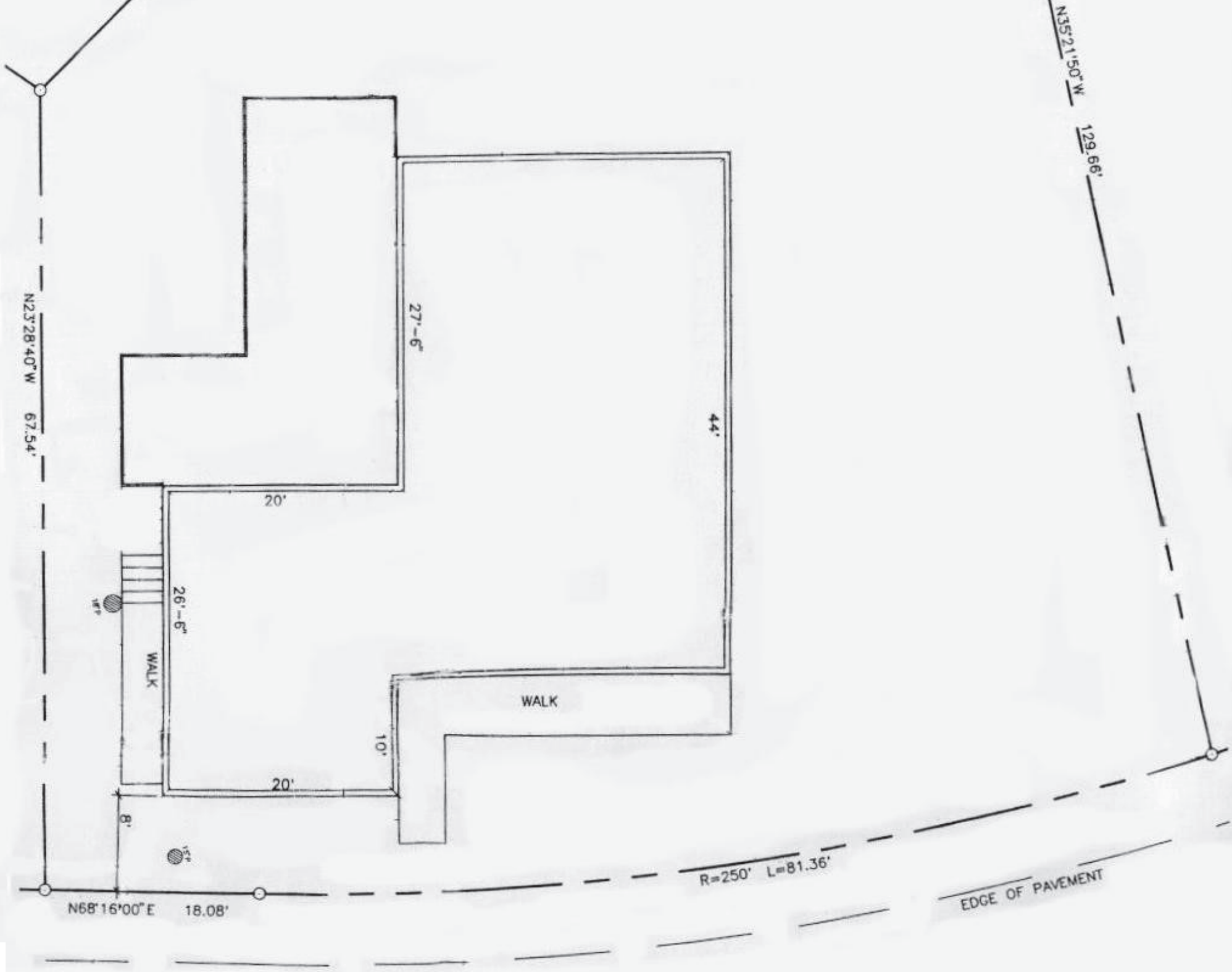
04a - Plot site plan

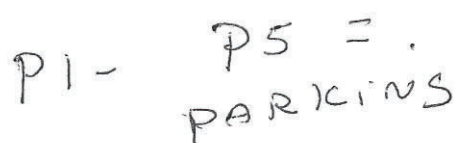
04b - Parking

04c - Photos of parking

04d - Floor Plan of dwelling showing interior spaces

04e - Photo of bear box







Bedroom Photos

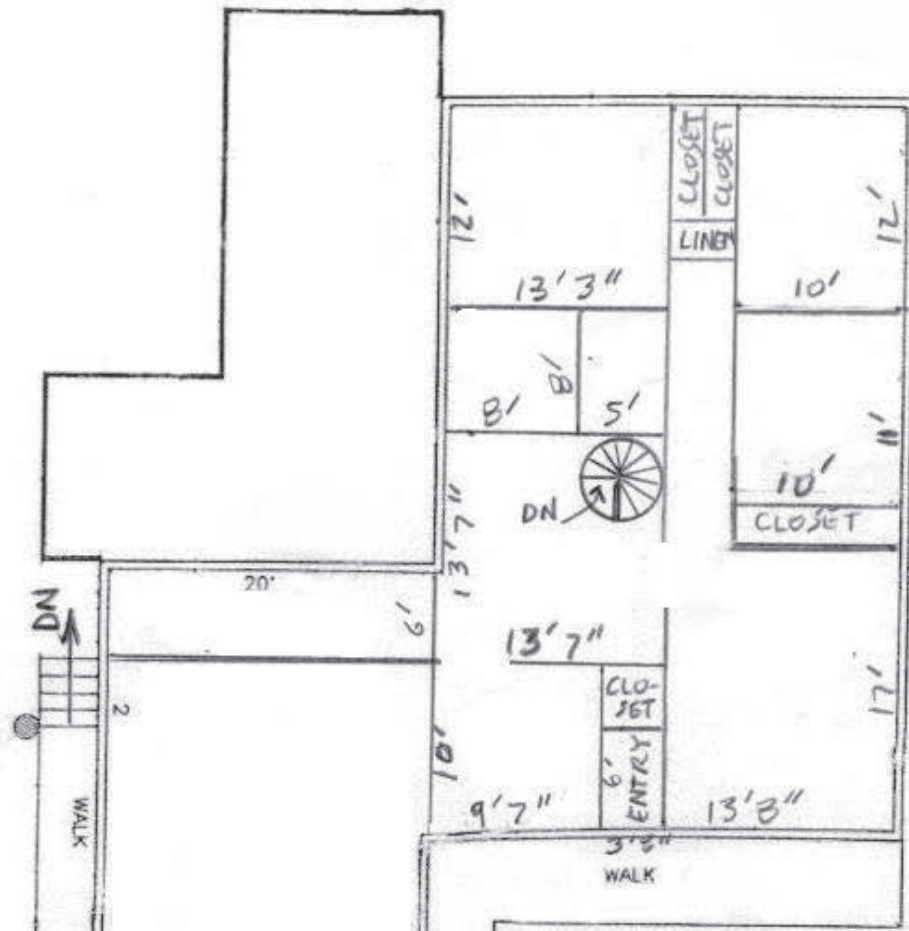


FLOOR 1

N22°13'30"E
100.04'

N25°28'40"W 67.54'

N35°21'50"W 129.66'

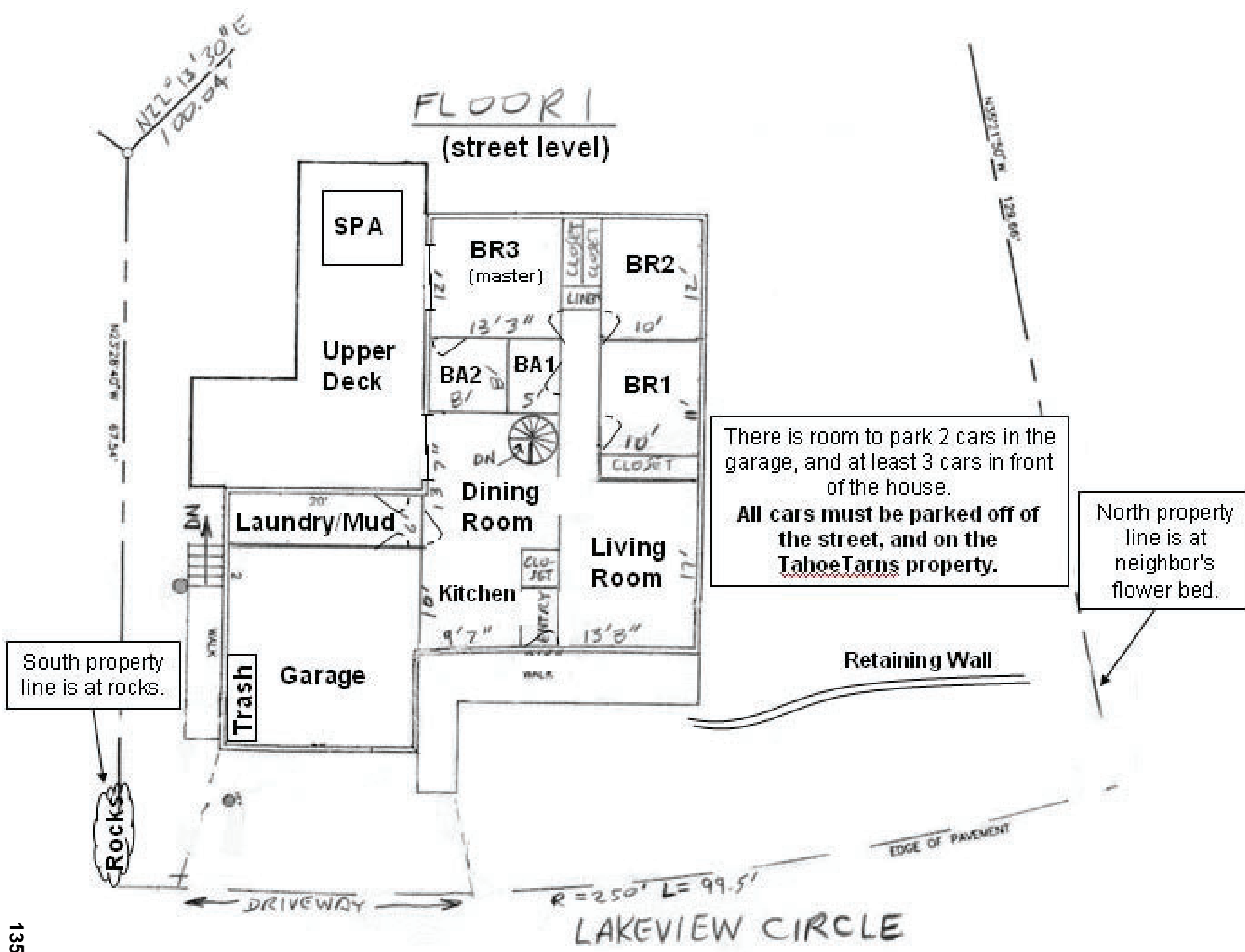


DRIVEWAY

R=250' L=99.5'

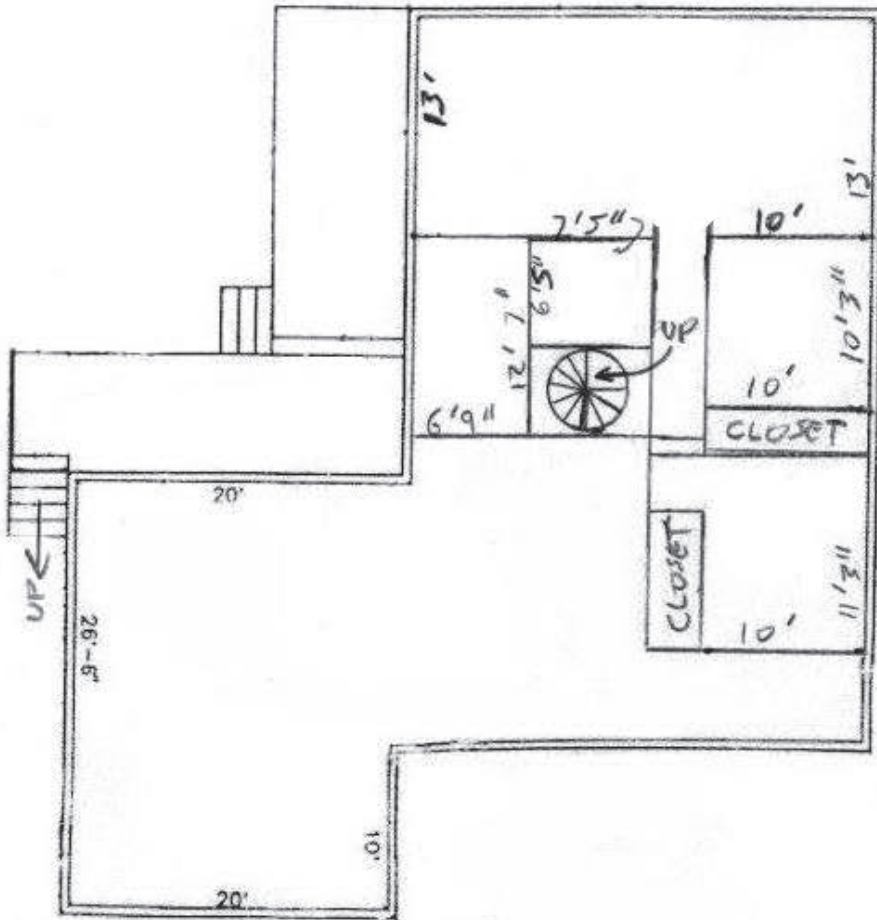
LAKEVIEW CIRCLE

EDGE OF PAVEMENT



FLOOR 2

ROCK



AFFIDAVIT

I, Maria Tarn, declare as follows:

1. I and my husband, Robert Tarn, are the owners of the property located at 750 Lakeview Circle, Zephyr Knolls, Nevada [hereinafter "property"].

2. Since we purchased the property in November, 1993 we have rented the house as a vacation rental.

3. I can attest that there is a bear box located on our property. I have provided the County representative with a picture of said bear box located on our property and another copy of the picture is attached hereto as Exhibit "A".

4. However, I am unable to locate the receipt for the purchase of the property as it has been on our property for several years.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

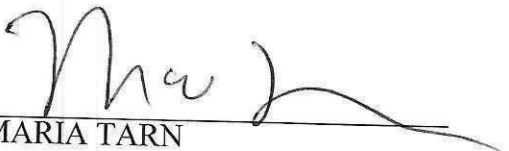

MARIA TARN



EXHIBIT "A"



Exhibit 05a, 05b, 05d, 05e

- 05a - Site Vicinity Plan – showing adjacent 4 homes and distance to adjacent homes (included in staff report)**
- 05b - Proof of South Tahoe Refuse & Recycling Services, water & sewer (Documents reviewed, accepted and kept on file)**
- 05d - Note regarding prior history regarding complaint (included in staff report finding #6)**
- 05e - Executed Agreement limiting number of people to fifty (50) outside of quiet hours (on file)**

Exhibit 06a

06a - Noise Monitor information

[Show order summary](#)**\$223.08**

Order #6821

Thank you Steve!**Confirmed**

October 19

**On its way**

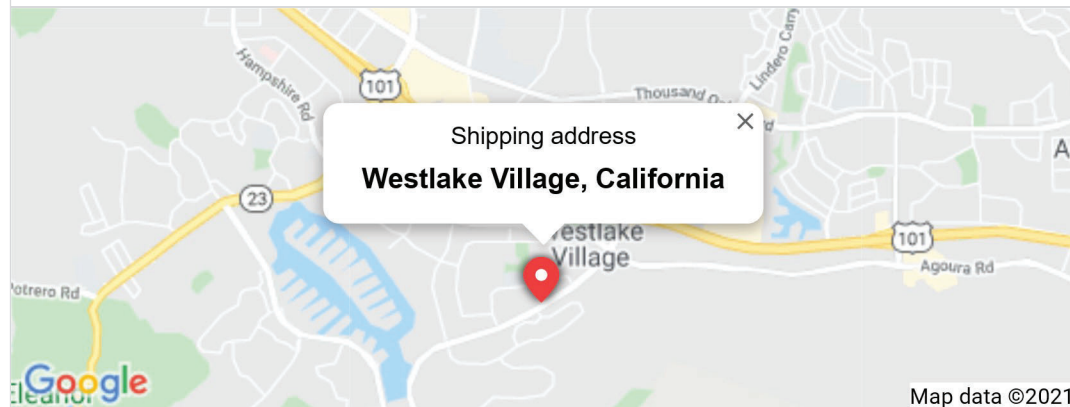
October 22

**Out for delivery**

October 22

**Delivered**

October 23



USPS tracking number:
9405509898642131509688

Order updates

You'll get shipping and delivery updates by email and text.

Maria Tarn

From: Minut US <hello@minut.com>
Sent: Friday, October 22, 2021 8:17 AM
To: maria@tahoetarns.com
Subject: A shipment from order #6821 is out for delivery



ORDER #6821

Your order is out for delivery

Your order is out for delivery. Track your shipment to see the delivery status.

[Track my shipment](#)

or [Visit our store](#)

USPS tracking number: [9405509898642131509688](#)

Items in this shipment



Minut Smart Home Sensor × 1



Minut Smart Home Sensor × 1

If you have any questions, reply to this email or contact us at hello@minut.com





MÎNUT



Account
Maria Tarn



Dashboard



Homes



Sensors



Log



Settings



Guest Connect



Integrations



Account



Store [↗](#)



Support [↗](#)

Dashboard



1 home



2 sensors

Noise events



0

Crowd detect events



0

Offline



0

Low battery



0

Latest events

Keep track of the noise activity

Minut helps you track noise levels. Check Minut's tab to see what it looks like.

Living room

Tahoe

5 Nov 2021 13:33

Minut attached

Minut attached to its mounting plate.

Game Room

Tahoe

5 Nov 2021 12:43

Minut removed

Minut removed from its mounting plate.

Game Room

Tahoe

5 Nov 2021 12:43

Minut attached

Minut attached to its mounting plate.

Good job!

Your Minut is now up and running.

Home

Tahoe

5 Nov 2021 12:42

[See all events](#)

Exhibit 07a

07a - Assessor's Document



DOUGLAS COUNTY, NEVADA

ASSESSOR'S OFFICE

Trent A. Tholen, Assessor

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Annual Taxes](#)
[Recorder Website](#)

Parcel Detail for Parcel # 1318-10-312-006

Prior Parcel # [0000-05-132-350](#)

Location

Property Location [750 LAKEVIEW CI](#)
 Town [ZEPHYR KNOLLS GID](#)
 District [180.0 - ZEPHYR KNOLLS GID](#)
 Subdivision [ZEPHYR KNOLLS #2](#) Lot [21](#) Block
 Property Name

[Add'l Addresses](#)
[Parcel Map](#)

Ownership

Assessed Owner Name [TARN, ROBERT B & MARIA TTEES](#)
 Mailing Address [31625 RUSTIC OAK DR WESTLAKE VILLAGE, CA 91361](#)
 Legal Owner Name [TARN 2007 REVOC FAMILY TRUST](#)
 Vesting Doc #, Date [847440](#) [08/05/2014](#) Year / Book / Page [14 / 8 / 710](#)
 Map Document #s

[Ownership History](#)
[Document History](#)

Description

Total Acres [.220](#) Square Feet [9,583](#)
 Ag Acres [.000](#) W/R Acres [.000](#)

Improvements

Single-family Detached [1](#) Non-dwelling Units [0](#)
 Single-family Attached [0](#) Mobile Home Hookups [0](#) Stories [1.0](#)
 Multiple-family Units [0](#) Wells [0](#) Garage Square Ft... [540](#)
 Mobile Homes [0](#) Septic Tanks [0](#) Attached / Detached [A](#)
 Total Dwelling Units [1](#) Buildings Sq Ft [0](#)
[Improvement List](#) Residence Sq Ft [1,232](#)
[Improvement Sketches](#) Basement Sq Ft [1,232](#)
[Improvement Photos](#) Finished Basement SF [1,232](#)

Appraisal Classifications

Current Land Use Code [200](#) [Code Table](#)

Zoning Code(s)

Re-appraisal Group [5](#) Re-appraisal Year [2021](#)
 Original Construction Year [1976](#) Weighted Year

Owner-Occupied or Rental for 2021-22 [V](#)

Assessed Valuation

Assessed Values	2021-22	2020-21	2019-20
Land	49,000	49,000	43,750
Improvements	43,825	43,968	43,960
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	92,825	92,968	87,710

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2021-22	2020-21	2019-20
Land	140,000	140,000	125,000
Improvements	125,214	125,623	125,600
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	265,214	265,623	250,600

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

Exhibit 08a

08a - New and Old VHR Permit



DOUGLAS COUNTY COMMUNITY DEVELOPMENT ANNUAL VACATION HOME RENTAL PERMIT

(Owner is responsible to renew (no more than 30 days) prior to the expiration date)

Permit No.: DP18-0317

HDL Account No.: 08400377

Date Permit Issued: December 01, 2021

Date Permit Expires: November 30, 2022

VHR Tier: Tier 3

Max Occupancy: 12

No. of Bedrooms: 6

Approved Parking Spaces: 5

VHR Property APN: 131810312006

VHR Property Address: 750 LAKEVIEW CI ZEPHYR COVE, NV 89448

Unit #:

Property Owner's Name: TARN, ROBERT TTEES B

Owner's Phone #: (818) 370-9635

24-hour Emergency / Local Contact Name : CECILIA GASCA

Local Contact's #: (530) 546-0337

Managing Agency: None

Agency Contact #: None

Parking Info: All parked vehicles must have parking pass (Exhibit 2) and must be on-site, i.e., garage, driveway, hard surface parking areas or assigned common lots from 9pm to 8am. No street parking is allowed during these hours. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash: Bear boxes are required. Please do not feed the wildlife as it may imperil the animals. Instructions on bear box operation should be provided to tenants.

Renewal: Douglas County is not required to notify the owner of when a renewal application is due. Owners must file renewal applications on sufficiently ahead of the expiration date to ensure the renewal is processed on time. Douglas County suggests filing renewals 90 days in advance of the permit expiration date.

Advertisements: All advertisements for units must include: (a) permit number; (b) maximum occupancy; (c) number of permitted parking stalls; (d) notice the renter will be issued a parking permit which must be displayed on the dashboard; and (e) quiet hours are between 9 p.m. and 8 a.m. and will be strictly enforced.

Also see attached **VHR Standard Conditions of the VHR Permit**



DOUGLAS COUNTY
VACATION HOME RENTAL
CODE ENFORCEMENT

DOUGLAS COUNTY CODE ENFORCEMENT VHR HOTLINE : (775) 785 - 6027 IN CASE OF EMERGENCY CALL 911


Douglas County VHR Division

For inquiries regarding this certificate, contact HDL Lodging Tax Division at douglascountytot@hdlgov.com
Posted certificate must be visible in the unit for inspection by the Douglas County Code Enforcement Officer or Sheriff.



Douglas County Community Development Vacation Home Rental Permit

Account No. 08400377

VHRP No. DP18-0317

Property Address : 750 LAKEVIEW CI ZEPHYR COVE, NV 89448

Issued to : MARIA TTEES TARN

Issued : December 01, 2020

Expires : November 30, 2021

24-hour Emergency Contact / Phone Number : EVA VELASCO (775) 250-5431

Managing Agency / Phone Number : None None

Local Contact/Phone Number : (818) 370-9635

Maximum Number of occupants allowed : 16

Maximum Number of vehicles allowed : 5

Parking Info : All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash pickup day : Follow Instructions of the rental agreement. Keep secure inside till am of pickup or use bear proof containers.

Note : Trash or refuse cannot be stored outside during certain hours unless within a bear proof container. Occupant may be cited for disturbance or violating provisions of Douglas County Ordinance Title 20.622 Failure to comply with the parking and occupance requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact : (775) 782 - 6214.

In case of emergency call 911.

Douglas County VHR Division

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 206 S Benjamin Dr. The owners is Tahoe Blue Lodge LLC (Natasha Hughes), who currently has a Douglas County issued VHR Permit, Account No. 08401786 (APN 1319-19-311-003). (Tom Dallaire)

RECOMMENDED MOTION:

The VHR Advisory Board May:

1. Approve the application to obtain a Tier 3 Vacation Home Rental Special Use Permit with a maximum occupancy of 14 person occupancy, located at 206 S Benjamin Dr. for Tahoe Blue Lodge LLC (Natasha Hughes) given that the required findings have been met, the contents of the Staff Report and attached documents and public comment; along with the condition included in the staff report.

Alternatively in the event the VHR Advisory Board believes the Tier 3 permit requirements have not been met;

2. Deny the Special Use Permit application to obtain a Tier 3 Vacation Home Rental permit with a maximum occupancy of 14 person occupancy, located at 206 S Benjamin Dr. for Tahoe Blue Lodge LLC (Natasha Hughes) based on the inability to meet the required findings.

FINANCIAL IMPACT:

None.

BACKGROUND:

On October 07, 2021, TAHOE BLUE LODGE LLC (Natasha Hughes) began the process of commencing the VHR permit renewal process located at 206 S Benjamin Dr., Nevada, (Old VHR Permit VHR 12-692, Occupancy of 16 for 6 bedrooms). The new permit application for 7 bedroom with a maximum occupancy of 14. TAHOE BLUE LODGE LLC (Natasha Hughes) received approval for

his Tier 3 VHR Permit Account No. 08401786 on November 02, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date. If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by TAHOE BLUE LODGE LLC (Natasha Hughes) unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

ATTACHMENTS:

[00_Staff_Report_206_S_Benjamin-final2.pdf](#)

[Attachments Complete 206 S Benjamin 8x11.pdf](#)



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

STAFF REPORT

Date: March 23, 2022
To: Vacation Home Rentals Advisory Board
From: Douglas County Code Enforcement
Subject: Public hearing on Special Use Permit application filed by Tahoe Blue Lodge LLC (Natasha Hughes) for a Tier 3 Vacation Home Rental.

Property Address: 206 S Benjamin Dr(APN 1319-19-311-003)

I. REQUEST

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 7 bedroom home, 14 person occupancy, located at 206 S Benjamin Dr. The owners is Tahoe Blue Lodge LLC(Natasha Hughes), who currently has a Douglas County issued VHR Permit, Account No. 08401786 (APN 1319-19-311-003).

II. BACKGROUND AND EVALUATION

On October 07, 2021, TAHOE BLUE LODGE LLC (Ryan Kaplan & Natasha Hughes) began the process of commencing the VHR permit renewal process located at 206 S Benjamin Dr, Nevada, (Old VHR Permit VHR 12-692 , Occupancy of 16 for 6 bedrooms) The new permit application for 7 bedroom with a maximum occupancy of 14. TAHOE BLUE LODGE LLC (Natasha Hughes) received approval for his Tier 3 VHR Permit Account No. 08401786 on November 02, 2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by TAHOE BLUE LODGE LLC (Natasha Hughes) unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

PROPERTY INFORMATION**APN:** 1319-19-311-003**Permit:** 08401786 Renew**Property Address:** 206 S BENJAMIN DR, STATELINE, NV **Prior Permit Number:** VHR 12-692**Property Owner/s:** Tahoe Blue Lodge LLC Natasha Hughes**Address:** PO Box 2911, Stateline, NV

Natasha Hughes, 9708 Monticello Way, Discovery bay, CA

Ryan Kaplan 689 Tina Ct, Stateline, CA

Property Manager: Janet Martell**Property Manager Number:** 775-589-2930**Prop. Manager NV License:** PM.0166582**Office Location:** 310 Dorla Ct #218, Box 1065,
Zephyr Cove, NV**Emergency Contact:** Janet Martell**Emergency Contact Phone:** 775-589-2930**Emergency Contact Physical address responding to a complaint:** Zephyr Cove NV**Maps reported time from physical address to VHR unit address:** 9 mins**Application Date:** October 28, 2021**Issue Date:** November 2, 2021**Expiration Date:** November 1, 2022**Fees Paid:** Yes**Complaints:** No complaints in the past 12 months. DCSO and DCCE**Insurance Company:** American Family Insurance Company (Approved in NV 12/14)**Liability Coverage Amount:** 2,000,000.00 (commercial policy)**Total Occupancy:** 14**Total Bedrooms:** 7**Previous Maximum Occupancy:** 16**Previous Approved Bedrooms:** 6**Total Parking:** 3**Previous Approved Parking:** 6**Garage Parking:** 2**Driveway Parking:** 1 (22'x34' – not 40') no 6' access**Bear Proof Storage Solution:** Trash service for two 3-bin bear boxes (SLT Refuse acct. # 13257500) & a handyman if required if the stay does not coincide with trash pickup. **Bear Box:** Yes**Adjacent Residence #1:** Directly across the street, 205. S Benjamin Dr, Forest Service (North)**Adjacent Residence #2:** Next door, 200 S Benjamin Dr, Forest Service (South)**Adjacent Residence #3:** Next house, Next door 223 Feet, (South)**Adjacent Residence #4:** Across, 111 Feet, 698 Amy Ct. (North West)**Adjacent Residence #5:** Behind, 93 Feet, 695 Amy Ct. (West)**Adjacent Residence #6:** Across 162 Feet, 201 S Benjamin Dr. (South East)

The following image shows the neighborhood density of the proposed waitlist applicants for new VHRs along with existing permitted VHR homes in the Upper Kingsbury neighborhood. The current density of existing permits is at 14.8%.

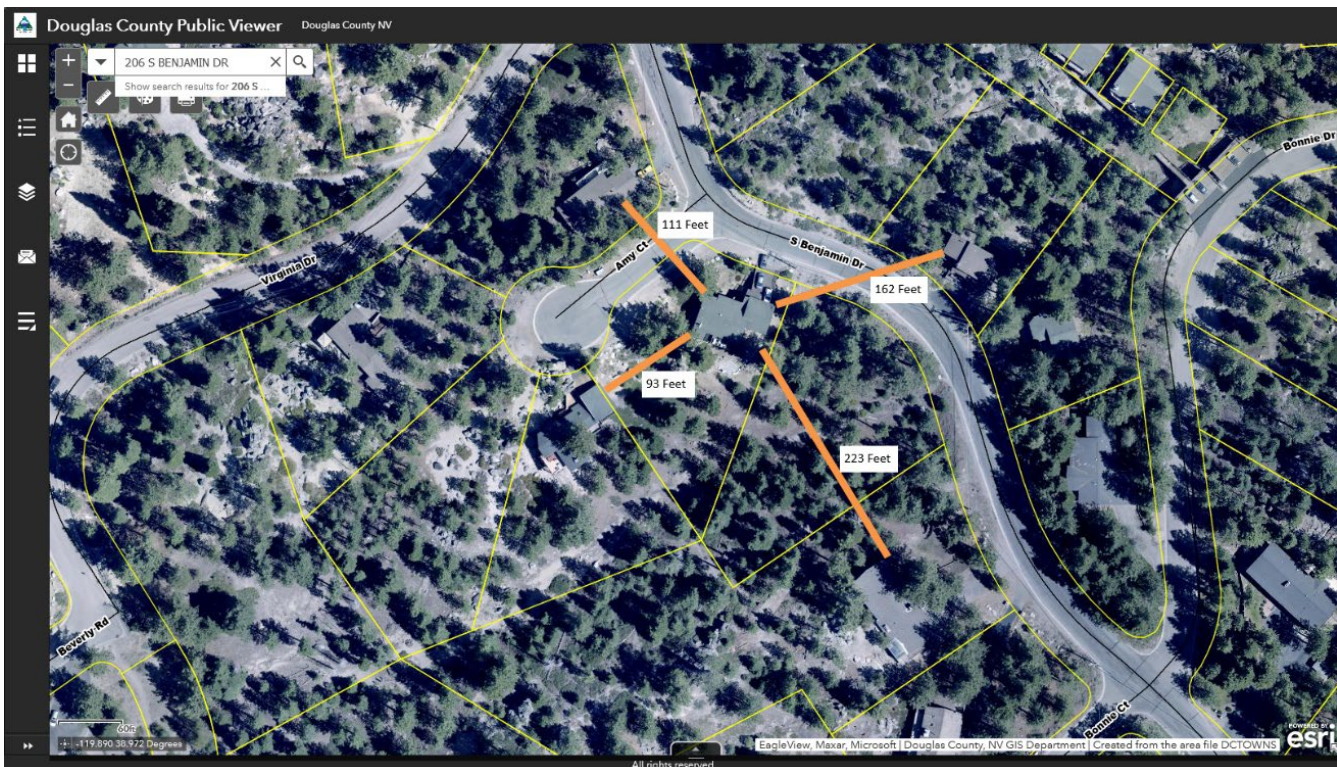
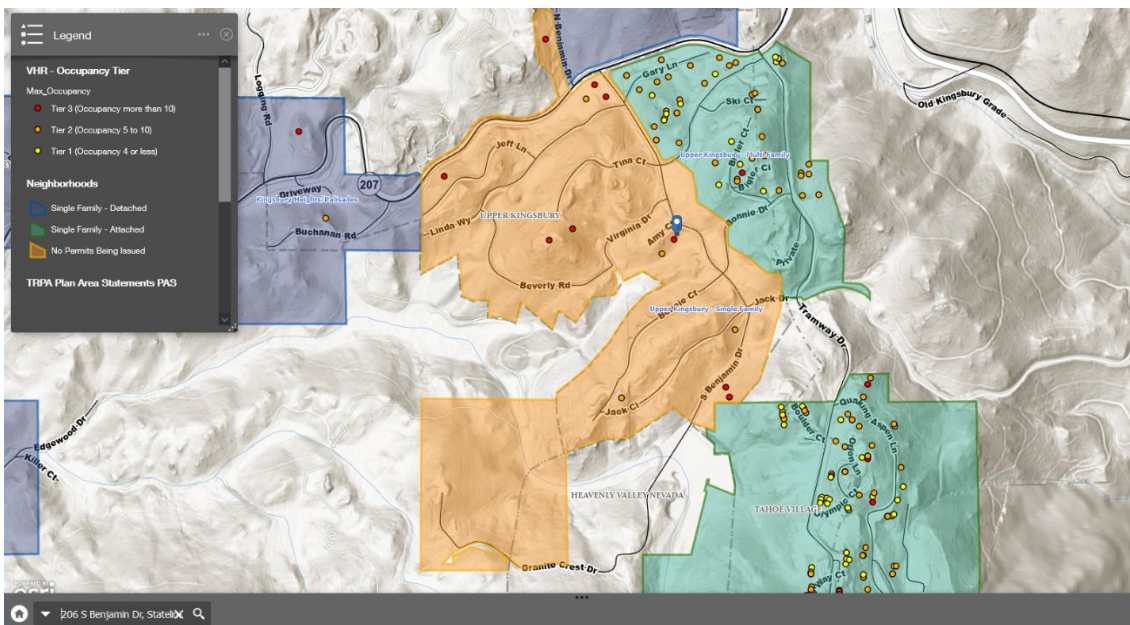
Upper Kingsbury - Single Family

This neighborhood is designated as
No Permits Being Issued.

The neighborhood contains **88** housing parcels, of which **13** are Vacation Home Rentals (VHRs).

The neighborhood could have a max of **13** VHR units. There is the potential to have **0** more VHR units.

The VHR percentage for this neighborhood is **14.8%**



As required in Title 20.622.030 F. A VHR Special Use Permit for tier 3 units may be granted by the VHR Advisory Board under the following 9 conditions. Staff has provided a response after each condition:

1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).

Staff Response: The application complies with all conditions and VHR Permit #08401786 was approved on November 2, 2021.

2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

Staff Response: Per code, the VHR Advisory Board must make this determination. It should be noted that the property North and South are both Forest Service Land and the closest property is located 95 feet West of them. A site plan with distances to the nearest four residences is attached to this report.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.

Staff Response: Per code, the VHR Advisory Board must make this determination. The applicant has submitted photos and a description showing 6 parking spaces available, 4 within the driveway and 2 within the garage.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.

Staff Response: The applicant has provided all documents as pertaining to adequate public facilities, i.e. sewer, water and trash, these documents are on file and noted in this report.

5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.

Staff Response: The fire department has confirmed 7 requested bedrooms and has deemed the home safe to occupy at the requested occupancy of 14.

6. The prior history of the residence including the existence of any prior noise or parking problems.

Staff Response: 0 Violation/0 Issues

7. For other reasons not specified herein which are unique to the location and circumstances related to the application.

Staff Response: This is to be determined by the VHR Board, based on the staff report, applicant's presentation and public comment submitted, but staff has not identified any additional issues.

8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.

Staff Response: The owner has indicated that a noise monitor is installed in the home and provided a screenshot showing no recent noise issues. Staff has not verified and approved the location of the noise monitor but has added a condition to require a staff approved location.

9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours.

Staff Response: The owner has signed an agreement to restrict the use of the home to not more than fifty persons.

III. CONCLUSION & RECOMMENDATION

Staff has reviewed all documents submitted by TAHOE BLUE LODGE LLC (Ryan Kaplan & Natasha Hughes) for his Tier 3 VHR Permit Account No. 08401786 on October 07, 2021. Ryan Kaplan & Natasha Hughes has complied with all the requirements of Title 20.622.030(E) within 180 days of his VHR permit expiring. Staff has provided analysis of the documents and deems the Special Use permit be granted by the VHR Advisory Board. However, if the VHR Advisory Board does not agree, and Ryan Kaplan & Natasha Hughes is denied, they can operate as a Tier 2, with 10 occupants.

Staff does recommend a condition be added to the approval requiring the applicant to provide the location of existing noise monitors on the site plan or floor plan, for staff approval and the parking be reduced from 6 parking stalls to 3 parking stalls due to the length of the driveway being less than 40 feet long and not accounting for a 6' wide emergency access to the home entrance. The parking area is on a wood bridge with railing at 20 feet wide. So only one car at 9 feet wide can fit with the required clearance.

Exhibit 01

01a - Application

01b - Driver's License (on file)

01c - Exam Certificates, Natasha Hughes, Ryan Kaplan, Janet Martell (on file)

DBA **206 S BENJAMIN DR**

Account # **08401786**

DBA	206 S BENJAMIN DR	Bus. Status	VHR Permit	Ownership	
Bus Name		Lic. Status	Pending-Taxpayer	Expiration Date	11/01/2022
Address	206 S BENJAMIN DR	Account #	08401786	Rates	STD - VHR Permit
City	STATELINE, NV 89449	License #	VHR 12-692		
Location	Inside	Phone	(707) 373-6469		
Loc. Type	Residential	Alt Phone	(415) 548-0333	Geo Areas	
Mail Addr	PO BOX 2911	Fax Num			
Mail City	STATELINE, NV 89449-2930	Start Date	12/01/2020		
Mail (Add'l)	RYAN KAPLAN AND NATASHA HUGHES	Close Date			

Additional Information

E-Mail	tahoebluelodge@gmail.com	Sales Tax	
Website		FEIN	--ON FILE--
License Desc		SEIN	--
Business Type	004 - Vacation Home Rental Permit		
NAIC Code	531110 - Lessors Of Residential Buildings And Dwellings	State License	
SIC Code	6514002 - Operators Of Dwellings (Four Or Fewer Housing Units)	Type	
		Exp. Date	

Custom Fields

Parcel	131919311003	Has HOA	False	Name of HOA	
Changes to Property	True	Inspection	True	Ea Bdrom min 70 sqft	True
Ea Bdrom Emerg Exit	True	Height of Bdrom min 7ft	True	Agent Lic Num	
Uses Garbage Service (NC	True	Garbage Provider (NO LOI	South Lake Tahoe Ref	Has Bear Proof Container	True
Permit Parking Spots	6	Max Occupancy	14	Permit Bedrooms	7
Property located by GID?	True	GID Name	KGID	TOT Paid?	True
Garbage Service Account :	13257500	VHR New Application Type	Tier 3		

Exhibit 02a and 05c

02a - Fire District Inspection (FDI)

**05c - Number of bedrooms structure is safe to handle is
Indicated on page 4 by Fire Inspector Notes**



Tahoe Douglas Fire District

Occupancy: **VHR: 12-692**
Occupancy ID: **VHR:12-692**
Address: **206 S Benjamin DR**
Stateline NV 89449

Inspection Type: **Safety Survey**

Inspection Date: **9/30/2021**

Time In: **12:51**

Authorized Date: **09/30/2021**

By: Stroup, Todd S (233)

Time Out: **00:00**

By: Stroup, Todd S (233)

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status:

Notes:

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status:

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status: PASS

Notes:

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status:

Notes:

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status: PASS

Notes:

14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical		
<p>16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)</p> <p>Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.</p> <p>Status:</p> <p>Notes:</p>		
<p>17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)</p> <p>Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.</p> <p>Status:</p> <p>Notes:</p>		
<p>18. Identified electrical hazards shall be abated. (IFC 605.1)</p> <p>Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p>Status:</p> <p>Notes:</p>		
General Fire Protection		
<p>19. Water heater seismically braced and properly vented. (IRC P2801.8)</p> <p>Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.</p> <p>Status:</p> <p>Notes:</p>		
<p>20. Chimneys cleaned and inspected annually. (IFC 603.6)</p> <p>Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.</p> <p>Status:</p> <p>Notes:</p>		
<p>21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)</p> <p>Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.</p> <p>Status:</p> <p>Notes:</p>		
<p>22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)</p> <p>Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.</p> <p>Status:</p> <p>Notes:</p>		
<p>23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)</p> <p>Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck</p> <p>Status:</p> <p>Notes:</p>		
Additional Time Spent on Inspection:		
Category	Start Date / Time	End Date / Time
<p>Notes: No Additional time recorded</p>		

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result: Violations corrected

Inspector Notes: 7 legal bedrooms
3450/200=17.25 or 17 persons per IFC

Inspector:

Name: Stroup, Todd S
Email(s): tstroup@tahoefire.com

Signature

Date

Representative Signature:

Signature

Date

Exhibit 03a, 03b, 03c

03a - Proof of Insurance (on file)

03b - TOT Remittance form (on file)

03c - Signed HoA Affidavit (on file)

03d – Trust (on file)

Exhibit 04a, 04b, 04c, 04d, 04e

04a - Plot site plan

04b - Parking

04c - Photos of parking

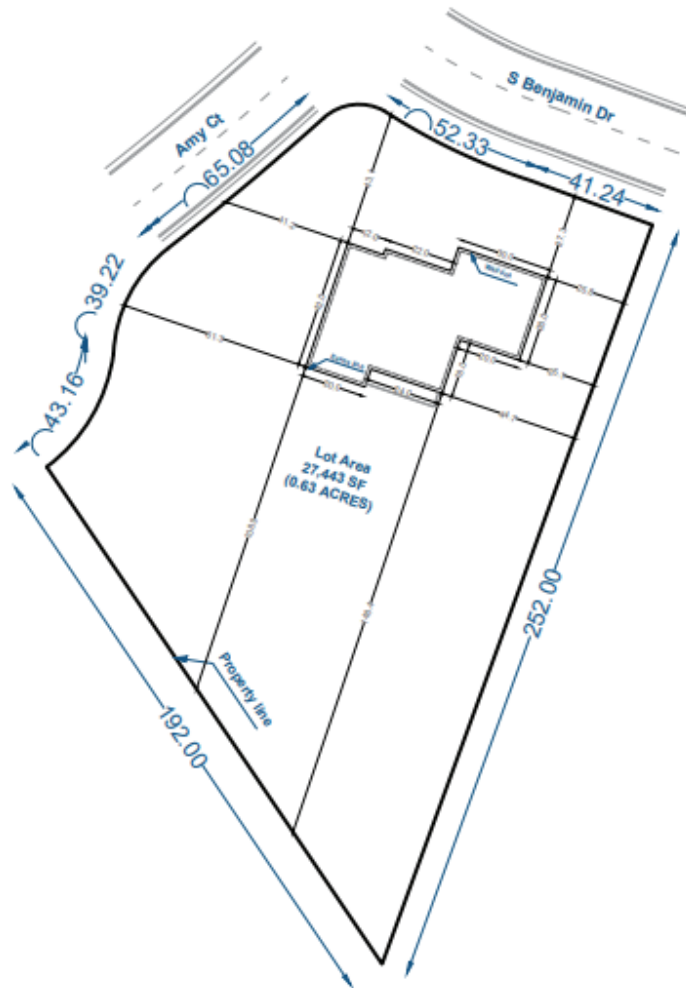
04d - Floor Plan of dwelling showing interior spaces

04e - Photo of bear box

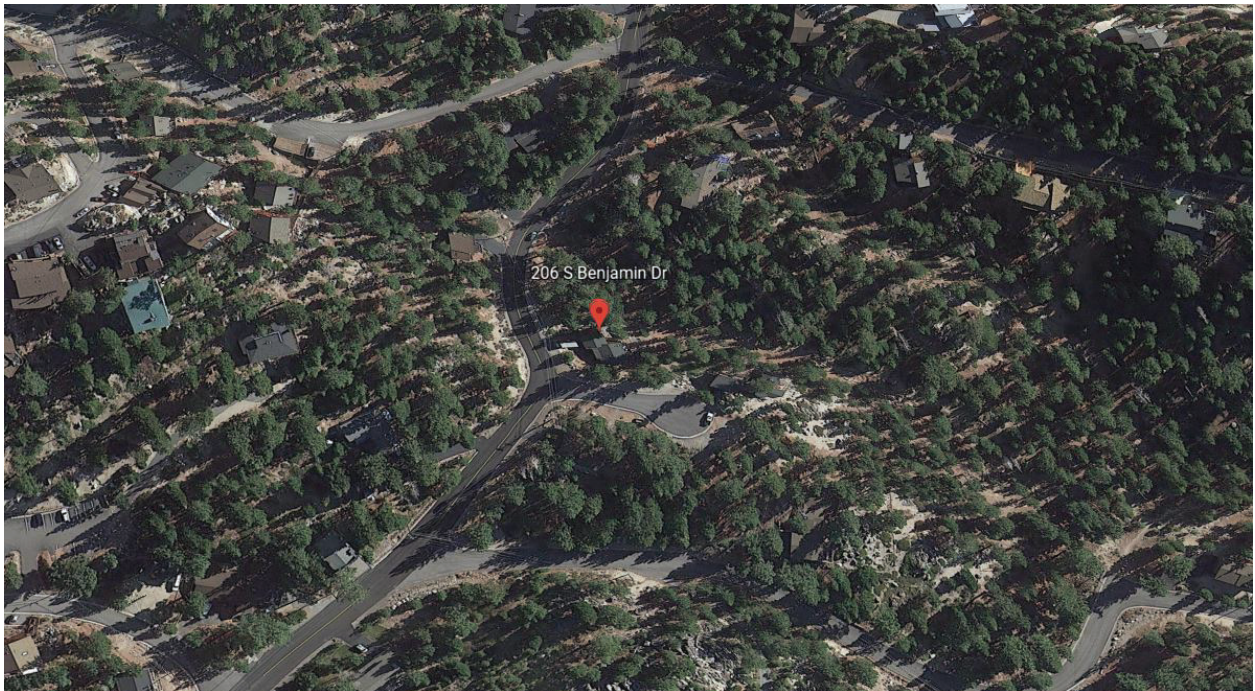


Parcel#: 1319-19-311-003
Address : 206 S. Benjamin Dr.
City, State, ZIP: Stateline, NV 89449
Purpose : Vacation Home Rental Permit
Scale: 1"=30'

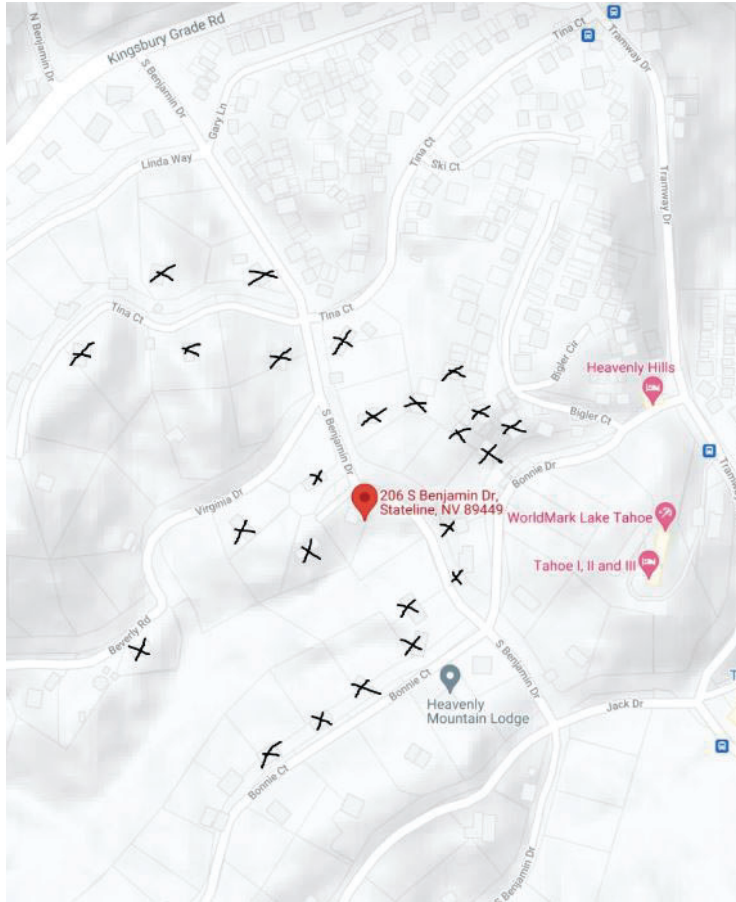
Owners: TAHOE BLUE LODGE LLC
Legal Info: KINGSBURY EST #2
Land Use Cat.: RESIDENTIAL
Land Use Desc: SINGLE FAMILY



SITE VICINITY PLAN



Google Earth

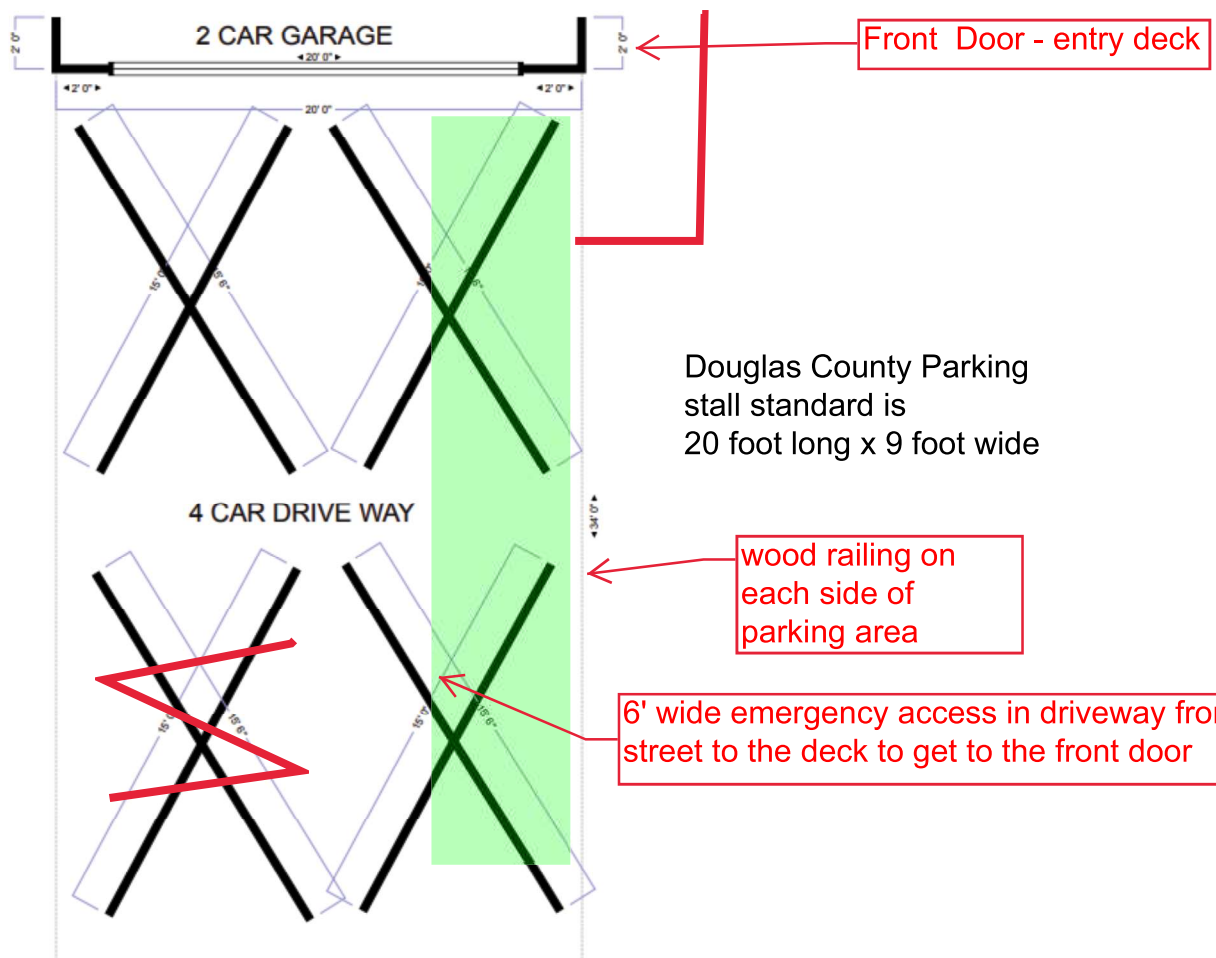


PROOF OF ADEQUATE FACILITIES

- The property is on the city grid and has plenty of water & sewer.
- TBL has trash service for two 3-bin bear boxes (SLT Refuse acct. # 13257500) & a handyman if required if the stay does not coincide with trash pickup.
- The property is on over.6 acre of land and has plenty of room for snow storage.

PARKING LOCATION PLAN









Bedroom #1



Bedroom #2



Bedroom #3



Bedroom #4



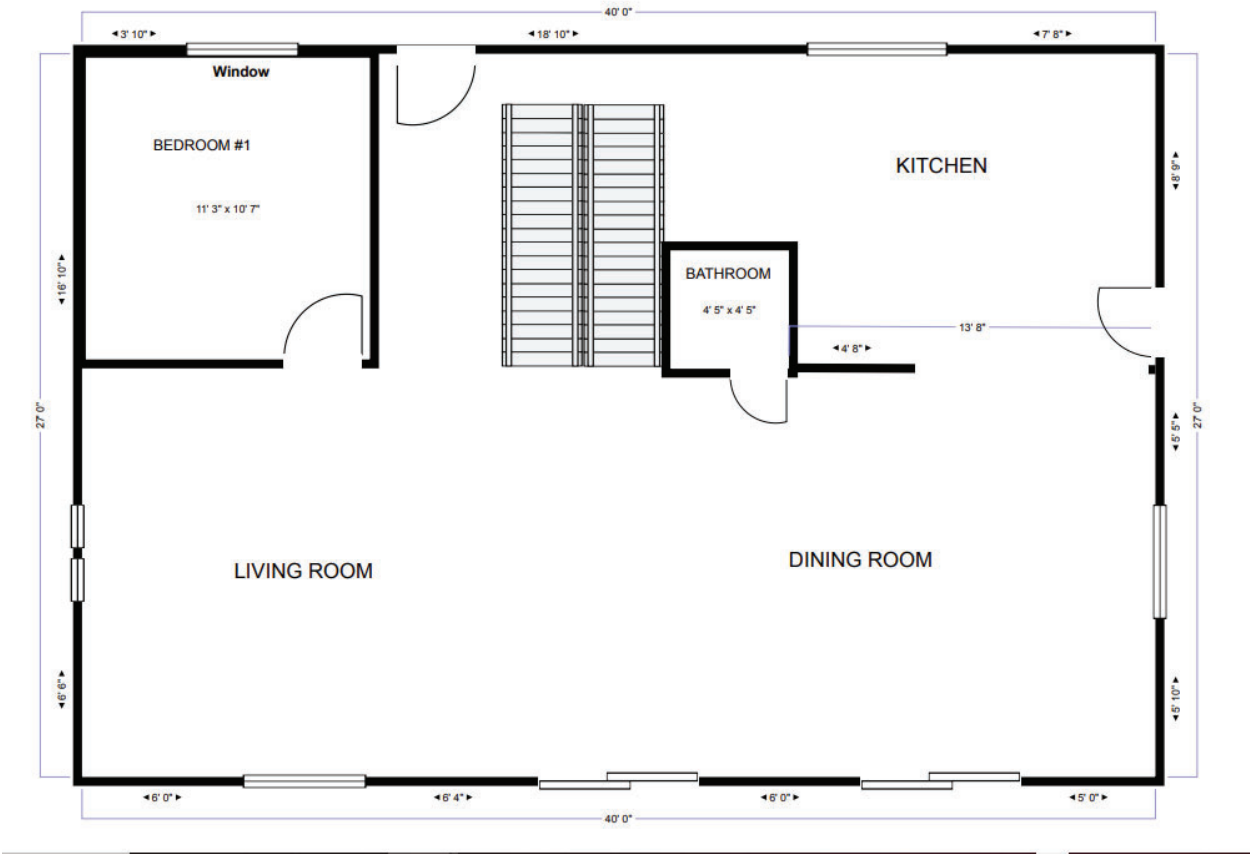
Bedroom #5



Bedroom #6

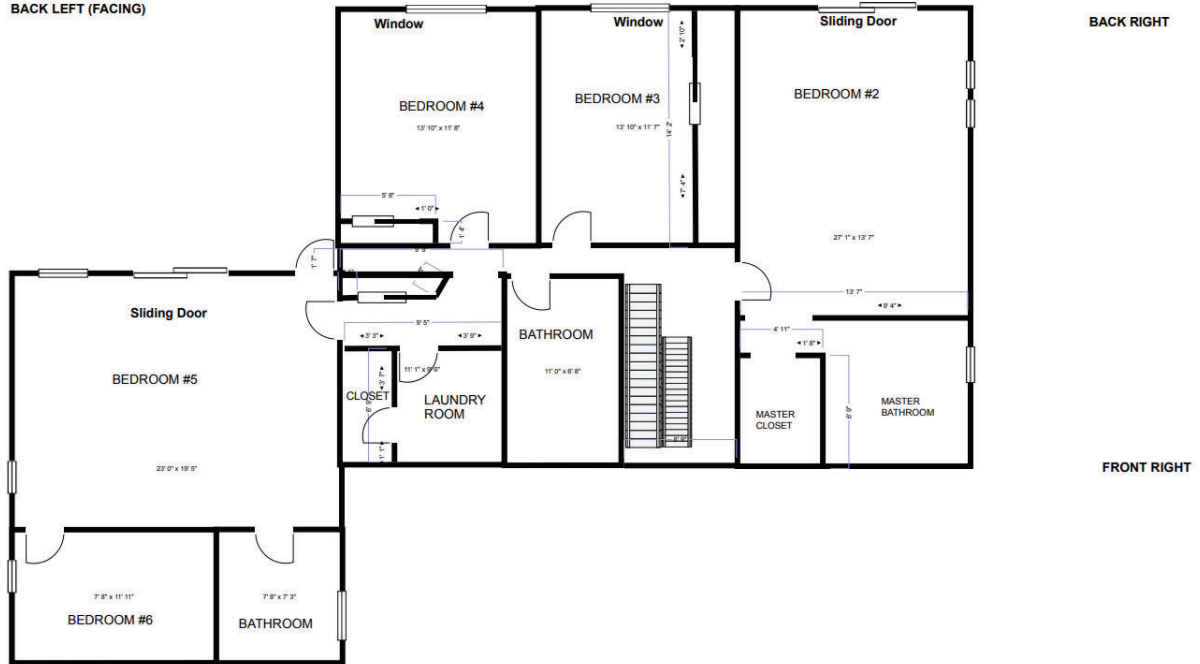
FLOOR PLAN OF DWELLING

1ST FLOOR

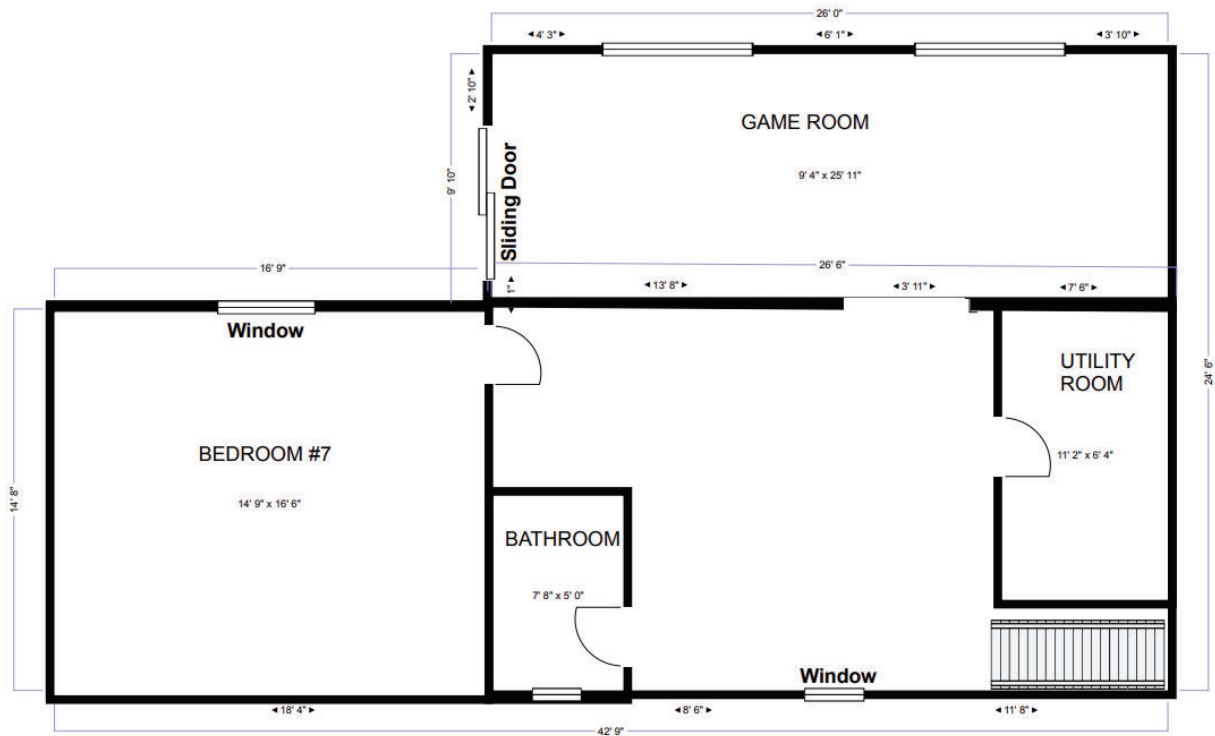


2ND FLOOR

BACK LEFT (FACING)



3RD FLOOR





Bedroom #7

BEAR BOXES



Exhibit 05a, 05b, 05d, 05e

- 05a - Site Vicinity Plan – showing adjacent 4 homes and distance to adjacent homes (included in staff report)**
- 05b - Proof of South Tahoe Refuse & Recycling Services, water & sewer (Documents reviewed, accepted and kept on file)**
- 05d - Note regarding prior history regarding complaint (included in staff report finding #6)**
- 05e - Executed Agreement limiting number of people to fifty (50) outside of quiet hours (on file)**

Exhibit 06a

06a - Noise Monitor information

5D NOISE MONITORING DEVICES



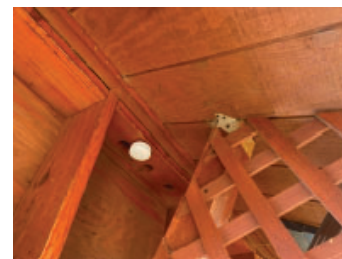
Outside Noise monitor #2



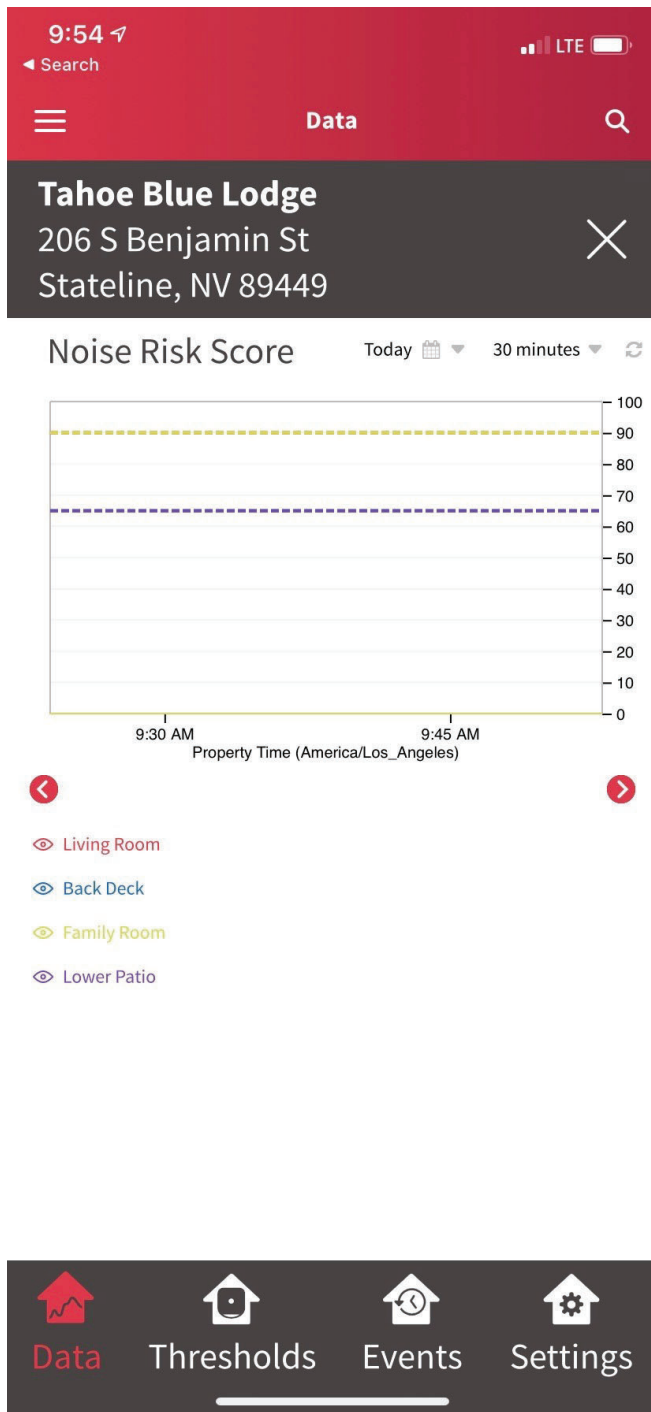
Inside Noise Monitor #1



Outside Noise Monitor #1



Inside Noise Monitor #2



Noise Monitor Screenshot

9:55

Search

LTE

Settings

Search

Tahoe Blue Lodge

206 S Benjamin St

Stateline, NV 89449

X

Basic Information

Nickname

Tahoe Blue Lodge

Address line 1

206 S Benjamin St

Address line 2

City

Stateline

State

NV

Zip

89449

Risk information

Property type

House Sensitive

Square footage

3500

Max occupancy

14

Property is noise-sensitive

Save changes

Delete property

Data

Thresholds

Events

Settings

Noise Monitor Setup Screenshot

Exhibit 07a

07a - Assessor's Document



DOUGLAS COUNTY, NEVADA
ASSESSOR'S OFFICE
 Trent A. Tholen, Assessor

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Annual Taxes](#)
[Recorder Website](#)
Parcel Detail for Parcel # 1319-19-311-003
Prior Parcel # 0000-11-226-260

Location

Property Location [206 S BENJAMIN DR](#)
 Town [KINGSBURY GID/CWS](#)
 District [430.0 - KINGSBURY GID/CWS](#)
 Subdivision [KINGSBURY EST #2](#) Lot [26](#) Block [8](#)
 Property Name

[Add'l Addresses](#)
[Parcel Map](#)
Ownership

Assessed Owner Name [TAHOE BLUE LODGE LLC](#)
 Mailing Address [PO BOX 2342 STATELINE, NV 89449](#)
 Legal Owner Name [TAHOE BLUE LODGE LLC](#)
 Vesting Doc #, Date [952334](#) [09/10/2020](#) Year / Book / Page [20 / 9 / 0](#)
 Map Document #s

[Ownership History](#)
[Document History](#)
Description

Total Acres [.630](#) Square Feet [27,443](#)
 Ag Acres [.000](#) W/R Acres [.000](#)

Improvements

Single-family Detached [1](#) Non-dwelling Units [0](#)
 Single-family Attached [0](#) Mobile Home Hookups [0](#) Stories [2.0](#)
 Multiple-family Units [0](#) Wells [0](#) Garage Square Ft... [504](#)
 Mobile Homes [0](#) Septic Tanks [0](#) Attached / Detached [B](#)
 Total Dwelling Units [1](#) Buildings Sq Ft [0](#)
 Improvement List Residence Sq Ft [3,451](#)
 Improvement Sketches Basement Sq Ft [0](#)
 Improvement Photos Finished Basement SF [0](#)

Appraisal Classifications

 Current Land Use Code [200](#) [Code Table](#)

Zoning Code(s)

Re-appraisal Group [1](#) Re-appraisal Year [2021](#)
 Original Construction Year [1980](#) Weighted Year [1986](#)

 Owner-Occupied or Rental for 2021-
 22 [R](#)
Assessed Valuation

Assessed Values	<u>2021-22</u>	<u>2020-21</u>	<u>2019-20</u>
Land	80,500	80,500	73,500
Improvements	83,392	82,556	81,741
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	163,892	163,056	155,241

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	<u>2021-22</u>	<u>2020-21</u>	<u>2019-20</u>
Land	230,000	230,000	210,000
Improvements	238,263	235,874	233,546
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	468,263	465,874	443,546

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

Exhibit 08a

08a - New and Old VHR Permit



Douglas County Community Development Vacation Home Rental Permit

Account No. 08401786

Property Address : 206 S BENJAMIN DR STATELINE, NV 89449

Issued to : TAHOE BLUE LODGE LLC

Issued : November 02, 2021

Expires : November 01, 2022

24-hour Emergency Contact / Phone Number : RYAN KAPLAN (707) 373-6469

Managing Agency / Phone Number : None None

Local Contact/Phone Number : (707) 373-6469

Maximum Number of occupants allowed : 14

Maximum Number of vehicles allowed : 6

Parking Info : All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash pickup day : Follow Instructions of the rental agreement. Keep secure inside till am of pickup or use bear proof containers.

Note : Trash or refuse cannot be stored outside during certain hours unless within a bear proof container. Occupant may be cited for disturbance or violating provisions of Douglas County Ordinance Title 20.622 Failure to comply with the parking and occupance requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact : (775) 782 - 6214.

In case of emergency call 911.

Douglas County VHR Division



Douglas County Community Development Vacation Home Rental Permit

Account No. 08401786

VHRP No. VHR 12-692

Property Address : 206 S BENJAMIN DR STATELINE, NV 89449

Issued to : TAHOE BLUE LODGE LLC

Issued : November 02, 2020

Expires : November 01, 2021

24-hour Emergency Contact / Phone Number : RYAN KAPLAN (707) 373-6469

Managing Agency / Phone Number : None None

Local Contact/Phone Number : (707) 373-6469

Maximum Number of occupants allowed : 16

Maximum Number of vehicles allowed : 6

Parking Info : All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash pickup day : Follow Instructions of the rental agreement. Keep secure inside till am of pickup or use bear proof containers.

Note : Trash or refuse cannot be stored outside during certain hours unless within a bear proof container. Occupant may be cited for disturbance or violating provisions of Douglas County Ordinance Title 20.622 Failure to comply with the parking and occupance requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact : (775) 782 - 6214.

In case of emergency call 911.

Douglas County VHR Division

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 242 S. Benjamin Dr. The owner is Jacqueline Castro, who currently has a Douglas County issued VHR Permit, Account No. 08400791 (APN 1319-19-310-001). (Tom Dallaire)

RECOMMENDED MOTION:

The VHR Advisory Board May:

1. Approve the application to obtain a Tier 3 Vacation Home Rental Special Use Permit with a maximum occupancy of 12 person occupancy, located at 242 S Benjamin Dr. for Jacqueline Castro given that the required findings have been met, the contents of the Staff Report and attached documents and public comment; along with the condition included in the staff report.

Alternatively in the event the VHR Advisory Board believes the Tier 3 permit requirements have not been met;

2. Deny the Special Use Permit application to obtain a Tier 3 Vacation Home Rental permit with a maximum occupancy of 12 person occupancy, located at 242 S Benjamin Dr. for Jacqueline Castro based on the inability to meet the required findings.

FINANCIAL IMPACT:

None.

BACKGROUND:

On 11/11/2021, Jacqueline Castro began the process of commencing the VHR permit renewal process located at 242 S. Benjamin Dr., Nevada, (Old VHR Permit VHRP19-1154 , Occupancy of 16 for 6 bedrooms). The new permit application for 6 bedroom with a maximum occupancy of 12. Ms. Jacqueline Castro received approval for his Tier 3 VHR Permit Account No. 08400791 on 12/03/2021,

pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date. If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by Jacqueline Castro unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

ATTACHMENTS:

[00_242_Benjamin_Staff_Report.pdf](#)

[Attachments Complete 242 S Benjamin 8x11](#)



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

STAFF REPORT

Date: March 23, 2022
To: Vacation Home Rentals Advisory Board
From: Douglas County Code Enforcement
Subject: Public hearing on Special Use Permit application filed by Jacqueline Castro
for a Tier 3 Vacation Home Rental.

Property Address: 242 S. Benjamin Dr., Stateline, NV (APN 1319-19-310-001)

I. REQUEST

For possible action. Discussion on a Special Use Permit application to obtain a Tier 3 Vacation Home Rental Permit. The subject application is for a 6 bedroom home, 12 person occupancy, located at 242 S. Benjamin Dr. The owner is Jacqueline Castro, who currently has a Douglas County issued VHR Permit, Account No. 08400791 (APN 1319-19-310-001).

II. BACKGROUND AND EVALUATION

On 11/11/2021, Jacqueline Castro began the process of commencing the VHR permit renewal process located at 242 S. Benjamin Dr., Nevada, (Old VHR Permit VHRP19-1154 , Occupancy of 16 for 6 bedrooms) The new permit application for 6 bedroom with a maximum occupancy of 12. Ms. Jacqueline Castro received approval for his Tier 3 VHR Permit Account No. 08400791 on 12/03/2021, pending the outcome of the VHR Advisory Board decision within 180 days from this renewal date If this Special Use Permit (SUP) permit is denied, they can operate as a Tier 2, with 10 occupants. If a Tier 3 SUP is approved, the permit will continue with the operation of the home owned by Jacqueline Castro unless the details of the permit are modified (occupancy number, parking, etc.), or the property is sold.

PROPERTY INFORMATION**Property Address:** 242 S. Benjamin Dr., Stateline **APN:** 131919310001**Property Owner/s:** Jacqueline Castro **Address:** PO BOX 367 Los Gatos, CA 95031**Property Manager:** Brandon Gerard **Phone Number:** (530) 545-8102**Prop. Manager NV License #** PM.0166453 **Office Location:** 185 Highway 50, Zephyr Cove**Emergency Contact:** Brandon Gerard **Emergency Phone:** (530) 545-8102**Emergency Contact Physical address responding to a complaint:** 185 Highway 50, Zephyr Cove, NV**Maps reported time from physical address to VHR unit address:** 9 mins**VHR Account Number:** 08400791 **Previous VHR Account Number:** VHRP19-1154**Application Date:** 11/11/2021 **Issue Date:** 11/17/2021**Expiration Date:** 12/26/2022 **Fees Paid:** Yes**Complaints:** None**Insurance Company:** State Farm w/ Rental policy **Liability coverage amount:** \$ 1,000,000**Total Occupancy:** 12 **Total Bedrooms:** 6**Previous Maximum Occupancy:** 16 **Previous Approved Bedrooms:** 6**Total Parking:** 6 **Previous Approved Parking:** 6**Garage Parking:** 3 **Driveway Parking:** 3**Bear Proof Storage Solution:** Yes**Refuse Service** South Tahoe refuse **Bear Box:** Yes**Adjacent Residence #1:** 702 Gary Ln is 110.3 Feet east of the potential Tier 3**Adjacent Residence #2:** 701 Gary Ln is 177.9 Feet south/east from the potential Tier 3**Adjacent Residence #3:** 238 S. Benjamin Dr. is directly across the street and is Forest Service Land**Adjacent Residence #4:** 692 Kingsbury Grade is 147 Feet west of the potential Tier 3**Adjacent Residence #5:** 246 S. Benjamin Dr. is 67.8 Feet north of the potential Tier 3

The following image shows the neighborhood density of the proposed waitlist applicants for new VHRs along with existing permitted VHR homes in the Upper Kingsbury neighborhood. The current density of existing permits is at 14.8%

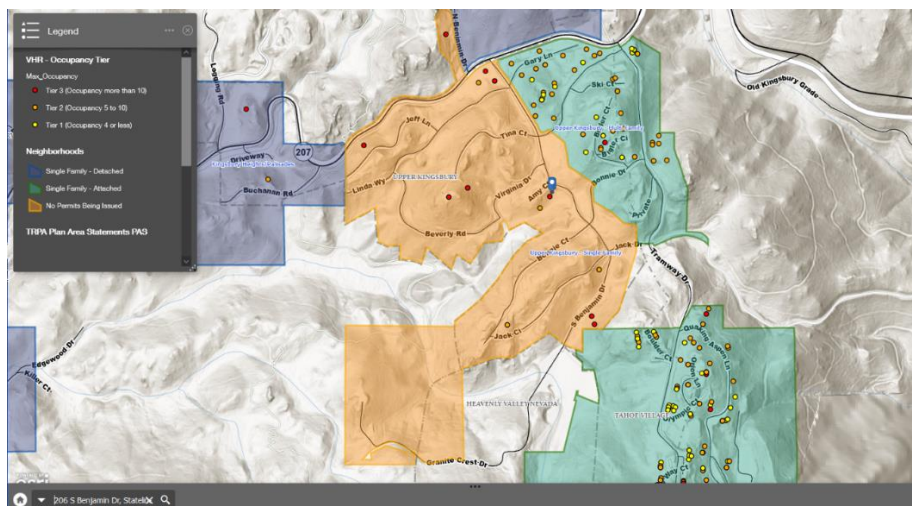
Upper Kingsbury - Single Family

This neighborhood is designated as
No Permits Being Issued.

The neighborhood contains **88** housing parcels, of which **13** are Vacation Home Rentals (VHRs).

The neighborhood could have a max of **13** VHR units. There is the potential to have **0** more VHR units.

The VHR percentage for this neighborhood is **14.8%**



As required in Title 20.622.030 F. A VHR Special Use Permit for Tier 3 units may be granted by the VHR Advisory Board under the following 9 conditions. Staff has provided a response after each condition:

1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).

Staff Response: The application complies with all conditions and VHR Permit #08400791 was approved on 12/03/2021.

2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

Staff Response: Per code, the VHR Advisory Board must make this determination. It should be noted that the adjacent residence to the north at 246 S. Benjamin is 67.8 feet away and the home to the east at 702 Gary Ln. is 110.3 feet away. A site plan with distances to the nearest four residences is attached to this report. It should be noted, this home has been operating as a Vacation Home Rental. Staff has checked the prior history of 242 S. Benjamin Dr., Stateline, NV, in our Citizen Serve data base and with Douglas County Sheriff's Department. There were 0 complaints in the past 12 months.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.

Staff Response: Per code, the VHR Advisory Board must make this determination. The applicant has submitted photos and a description showing 6 parking spaces available, 3 within the driveway and 3 within the garage.

4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.

Staff Response: The applicant has provided all documents as pertaining to adequate public facilities, i.e. sewer, water and trash, these documents are on file and noted in this report.

5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.

Staff Response: The fire department has confirmed 6 requested bedrooms and has deemed the home safe to occupy at the requested occupancy of 12.

6. The prior history of the residence including the existence of any prior noise or parking problems.

Staff Response: 0 Violations/ 0 Issues on file.

7. For other reasons not specified herein which are unique to the location and circumstances related to the application.

Staff Response: This is to be determined by the VHR Board, based on the staff report, applicant's presentation and public comment submitted, but staff has not identified any additional issues.

8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.

Staff Response: The owner has provided a photo of the installed noise monitor. Staff has not verified and approved the location of the noise monitor but has added a condition to require a staff approved location.

9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours.

Staff Response: The owner has signed an agreement to restrict the use of the home to not more than fifty persons. The agreement is attached to this report.

III. CONCLUSION & RECOMMENDATION

Staff has reviewed all documents submitted by Jacqueline Castro for his Tier 3 VHR Permit Account No. 08400791 on November 11, 2021, Jacqueline Castro has complied with all the requirements of Title 20.622.030(E) within 180 days of his VHR permit expiring. Staff has provided analysis of the documents and deems the Special Use permit be granted by the VHR Advisory Board. However, if the VHR Advisory Board does not agree, and Jacqueline Castro is denied, she can operate as a Tier 2, with 10 occupants.

Staff does recommend a condition be added to the approval requiring the applicant to provide the location of existing noise monitors on the site plan or floor plan, for staff approval.

Exhibit 01

01a - Application

01b - Driver's License (on file)

01c - Exam Certificates, Jackie Castro, Brandon Gerard (on file)

DBA **242 S BENJAMIN DR**

Account # **08400791**

DBA	242 S BENJAMIN DR	Bus. Status	VHR Permit	Ownership	
Bus Name		Lic. Status	Pending-Taxpayer	Expiration Date	12/26/2022
Address	242 S BENJAMIN DR	Account #	08400791	Rates	STD - VHR Permit
City	GLENBROOK, NV 89413	License #	VHRP19-1154		
Location	Inside	Phone	(408) 921-7985		
Loc. Type		Alt Phone	(510) 579-6849	Geo Areas	
Mail Addr	274 E CAMPBELL AVE	Fax Num			
Mail City	CAMPBELL, CA 95008-2022	Start Date			
Mail (Add'l)	JACQUELINE CASTRO	Close Date			

Additional Information

E-Mail	salonaurajackie@gmail.com	Sales Tax	
Website		FEIN	--ON FILE--
License Desc		SEIN	--
Business Type	004 - Vacation Home Rental Permit		
NAIC Code	531110 - Lessors Of Residential Buildings And Dwellings	State License	
SIC Code	6514002 - Operators Of Dwellings (Four Or Fewer Housing Units)	Type	
		Exp. Date	

Custom Fields

Master Key	VHRP19-1154	Parcel	131919310001	Approved(Denied) Date	2019-12-26 09:23AM
Permit Parking Spots	6	Max Occupancy	12	Permit Bedrooms	6
Garbage Provider (NO LOI)	TAHOE REFUSE	Has HOA	False	Ea Bdrom Emerg Exit	True
Ea Bdrom min 70 sqft	True	Height of Bdrom min 7ft	True	Uses Garbage Service (NO)	True
Has Bear Proof Container	True	Multiple Permits on Parcel	false	Changes to Property	False
Inspection	True	Property located by GID?	True	GID Name	Kingsbury
TOT Paid?	True	Garbage Service Account #	13160600	VHR New Application Type	Tier 3
Name of HOA	N/A	Agent Lic Num	N/A	Property Management Company	N/A

Owner Information

Name	JACQUELINE CASTRO	Status	Active	Date of Birth	
Title	PERMIT HOLDER 1	Start Date	08/27/2020	Driver's License	
Street	PO BOX 367	End Date		SSN	
City	LOS GATOS, CA 95031-0360	Phone	(408) 921-7985	Contact Type	Business Owner
		Phone 2			
		Email			
Name	JACKIE CASTRO	Status	Active	Date of Birth	
Title	Owner	Start Date	01/01/1900	Driver's License	
Street	242 S BENJAMIN DR	End Date		SSN	
City	STATELINE, NV 89449	Phone	(408) 921-7985	Contact Type	Officer
		Phone 2	(510) 579-6849		
		Email	salonaurajackie@gmail.com		

Emergency Contact(s)

DBA

242 S BENJAMIN DR

Account #

08400791

Name	BRANDON GERARD	Phone	(530) 545-8102
Title	PROPERTY MANAGER LOCAL CONTACT	Phone2	
Street	182 HIGHWAY 50	Email	
City	ZEPHYR COVE, NV 89448		
Attn			
Name	JACKIE CASTRO	Phone	(408) 921-7985
Title	OWNER CONTACT	Phone2	(510) 579-6849
Street	242 S BENJAMIN DR	Email	salonaurajackie@gmail.com
City	STATELINE, NV 89449		
Attn			

Alarm Information

NO ALARM INFORMATION AVAILABLE

Exhibit 02a and 05c

02a - Fire District Inspection (FDI)

**05c - Number of bedrooms structure is safe to handle is
Indicated on page 4 by Fire Inspector Notes**



Tahoe Douglas Fire District

Occupancy: **VHR:19-1154**
Occupancy ID: **VHR: 19-1154**
Address: **242 S Benjamin DR**
Stateline NV 89449

Inspection Type: **Safety Survey**

Inspection Date: **11/8/2021**

Time In: **13:00**

Authorized Date: **11/08/2021**

By: Rowlett, Kris (237)

Time Out: **00:00**

By: Rowlett, Kris (237)

Form: VHR Fire & Life
Safety Survey 2019

Inspection Description:

Fire & Life Safety Survey for Vacation Home Rentals

Inspection Topics:

Exterior

1. Post a street address visible from street. (IFC 505.1)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Status:

Notes:

2. Gas meter protected and labeled. (IFC 603.9)

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier.

Status:

Notes:

3. Defensible space maintained around structure. (IWUI 604.1)

Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures.

Status:

Notes:

4. Hot tub/sauna safety sign/rules posted. The safety sign shall include quiet hours of 10 PM to 8 AM.

Status:

Notes:

Fire Extinguishers

5. Provide extinguishers with minimum 2-A:10-B:C rating and properly mount on each floor. (IFC 903(1).

Extinguishers provided need to be appropriate to the type of hazard.

Status:

Notes:

6. Fire extinguishers located in conspicuous locations or indicated with proper signage. (IFC 906.6)

Portable fire extinguishers shall be located in conspicuous locations where they will have ready access and be immediately available for use. Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

Status:

Notes:

7. Extinguisher serviced and tagged annually or after each use. (IFC 906.2, NFPA 10)

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status:

Notes:

Fire Protection Systems

8. Smoke detectors functional and within operable life (10 years). (IFC 901.6.1)

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status:

Notes:

9. Smoke detectors installed in each sleeping area, outside each sleeping area in immediate vicinity and on each floor. Smoke detectors are to be interconnected or monitored, when applicable. (IRC R314.3)

Location of smoke detectors allow occupants early warning of a fire event within the structure. Interconnected smoke detectors gives additional time for occupants to evacuate.

Status:

Notes:

10. Carbon monoxide alarms installed outside each sleeping area and on each floor. (IRC R315.2)

Carbon monoxide alarms notify occupants when unsafe levels of carbon monoxide are present within the structure.

Status:

Notes:

11. Fire sprinkler systems in operable condition at all times, if applicable. (IFC 901.4.1)

Life safety and fire protection equipment must be properly inspected and tested from time to time to assure its effective operation.

Status:

Notes:

Egress

12. Diagram depicting two evacuation routes posted on or immediately adjacent to main entry and every sleeping area door. (IFC 403.10.1.1)

Evacuation maps will indicate to occupants the correct evacuation routes to reach safety.

Status:

Notes:

13. Egress window in each sleeping area. (IRC R310)

Egress windows have an opening of at least 5.7 square feet which have: at least a 24 inch opening height; are at least 20 inches wide; and a sill height of not more than 44 inches.

Status:

Notes:

14. Emergency escape ladder located in each bedroom 3 stories or more above grade or whose egress window is greater than 16 feet above grade.. (IFC 1030.1)

Emergency egress from third floor can become blocked in a fire due to fire growth. Emergency escape ladders give those occupants the ability to escape to ground level.

Status:

Notes:

15. Guard rails along open-sided walking surfaces including: stairs, ramps, and landings

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches measured vertically to the floor or grade below any point within 36 inches horizontally to the edge of the open side.

Status:

Notes:

Electrical		
<p>16. Working space of 30" depth, 36" width, and 78" height provided in front of electrical service equipment. (IFC 604.3)</p> <p>Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.</p> <p>Status:</p> <p>Notes:</p>		
<p>17. Electrical breaker panel legibly and durably marked indicating purpose of circuits. (IFC 604.3.1)</p> <p>Labeling of electrical equipment assists emergency responders in identifying and then shutting down the electrical service controls during a fire or other emergency.</p> <p>Status:</p> <p>Notes:</p>		
<p>18. Identified electrical hazards shall be abated. (IFC 605.1)</p> <p>Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p>Status:</p> <p>Notes:</p>		
General Fire Protection		
<p>19. Water heater seismically braced and properly vented. (IRC P2801.8)</p> <p>Water heaters anchored or strapped in the upper one-third and in the lower one-third of the appliance to resist horizontal force.</p> <p>Status:</p> <p>Notes:</p>		
<p>20. Chimneys cleaned and inspected annually. (IFC 603.6)</p> <p>Chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outside air and the stoves, furnaces, fireboxes or boilers to which such devices are connected, shall be maintained so as not to create a fire hazard.</p> <p>Status:</p> <p>Notes:</p>		
<p>21. Non-combustible ash can available for hot ashes, cinders, or smoldering coals. Disposal plan in place for removal of cooled materials. (IFC 305.2)</p> <p>Hot ashes, embers and cinders from fireplaces, stoves or other fireboxes must never be placed in a combustible container. Care must be taken when emptying containers to make sure no hot coals get dumped on paper waste or other combustible materials.</p> <p>Status:</p> <p>Notes:</p>		
<p>22. LP-gas open-flame devices set back from combustible materials and building per manufacturer's instructions and listing. (IFC 308.1.4)</p> <p>Separation reduces the likelihood that a fire-starting or cooking flare-ups come in contact with combustible materials and wall construction.</p> <p>Status:</p> <p>Notes:</p>		
<p>23. Charcoal and briquette cooking devices operated on non-combustible surface. Devices shall not operated on combustible balconies, combustible decks, or within 10 feet of combustible construction. (IFC 308.4.1)</p> <p>Prohibition on the use of charcoal and briquette cooking devices in locations described focuses on the potential for hot embers to fall from the firebox of the cooking device and ignite a combustible surface, such as a wooden balcony or deck</p> <p>Status:</p> <p>Notes:</p>		
Additional Time Spent on Inspection:		
Category	Start Date / Time	End Date / Time
<p>Notes: No Additional time recorded</p>		

Summary:

Overall Result: No violations found

6 bedroom

A monitored fire alarm will be required for next years annual permit renewal.

Inspector Notes: <https://tahoefire.org/prevention/vacation-home-rentals/faqs>

Inspector:

Name: Rowlett, Kris

Email(s): kris.rowlett, krowlett@tahoefire.com

Signature

Date

Representative Signature:

Signature

Date

Exhibit 03a, 03b, 03c

03a - Proof of Insurance (on file)

03b - TOT Remittance form (on file)

03c - Signed HoA Affidavit (on file)

03d – Trust (on file)

Exhibit 04a, 04b, 04c, 04d, 04e

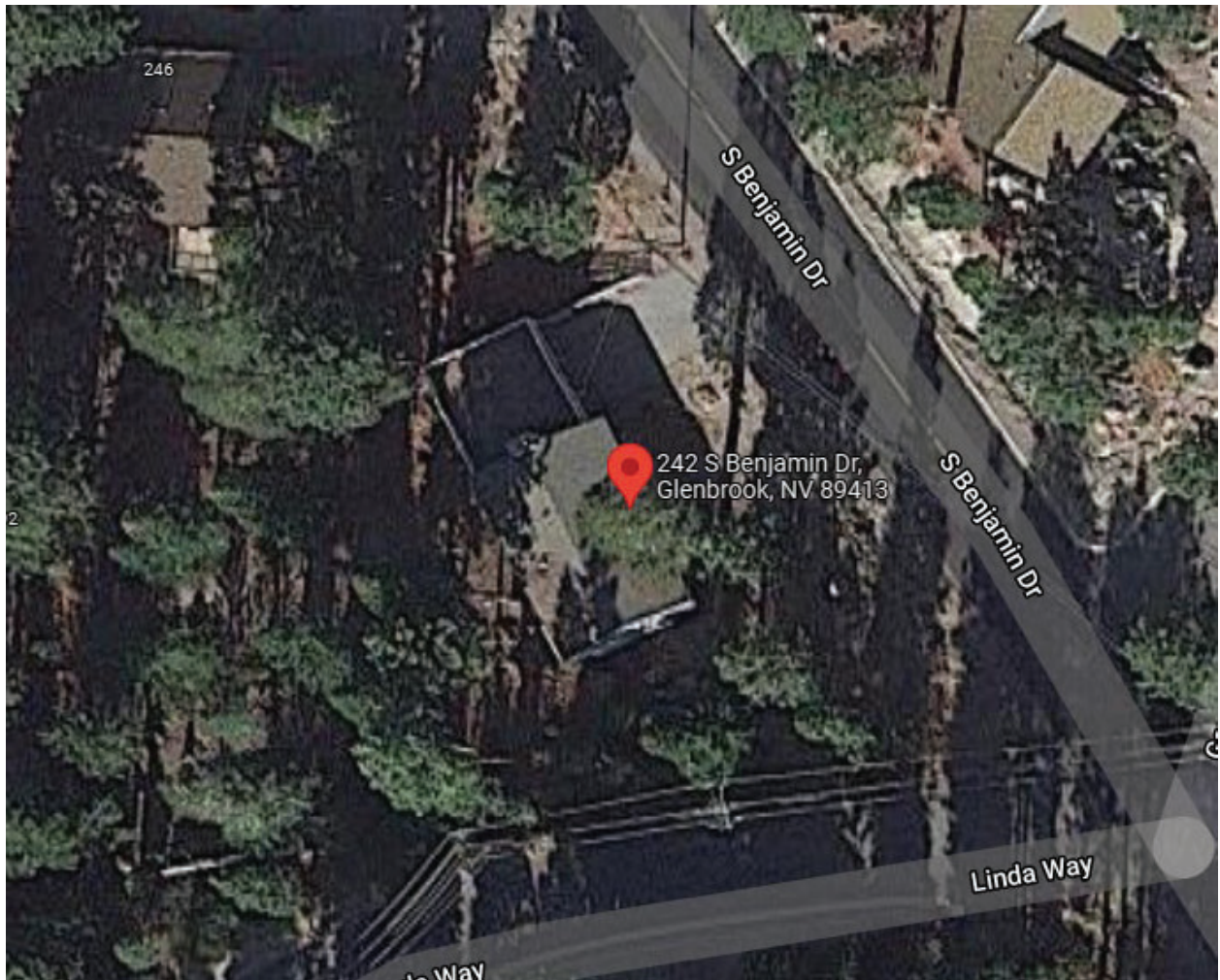
04a - Plot site plan

04b - Parking

04c - Photos of parking

04d - Floor Plan of dwelling showing interior spaces

04e - Photo of bear box



WELCOME TO CASTRO LODGE!

Just a few important items regarding VHR Permit #08400791 per

Douglas County Code Section 20.622.040(D)(10)

It's very important that all of our guests adhere to these ordinances in order to maintain a pleasant experience for our guests and neighbors. Failure to comply with these regulations will result in fines from Douglas County, and are heavily and strictly enforced...please be compliant, thank you!

1. Please contact Rob Henkel at (775) 291-7553 for any immediate concerns or issues. You may also contact the owner, Jackie Castro, at (408) 921-7985.
2. The maximum occupancy of Castro Lodge is fourteen (14) persons.
3. The maximum number of vehicles allowed to be parked on the property is six (6). Do not ever block the road. Street parking is not allowed AT ANY TIME!



4. Guests will be issued a Parking Permit, which they must display on the dashboard of their vehicle. "Failure to park in the designated parking spaces and/or display the Parking Permit may result in a citation and fine of \$500".
5. "Failure to conform to the parking and occupancy requirements of the structure is a violation of this Ordinance".
6. Lake Tahoe is a Bear Habitat! Do Not Feed the Wildlife! All garbage and recycling must be placed in the refuse containers INSIDE THE BEAR BOX assigned to you at the end of the driveway. Open the door to place refuse inside of the Bear Box. Note: Recycling must be placed into the Blue Bags provided in the Bear Box.
7. NEVER LEAVE REFUSE SITTING OUTSIDE OF THE BEAR BOX! Any garbage that does not fit into the Bear Box must be removed from the premises by the Guest.
8. As the occupant of Castro Lodge, you are responsible for any event that creates a disturbance or violation of the provisions of this ordinance. If any provision of this ordinance is violated, Castro Lodge will permanently lose its rental permit. Therefore, if any provision of this ordinance is broken, your Rental Contract becomes NULL and VOID, and all guests will be asked to immediately vacate the premises without a refund.
9. Quiet hours are from 9:00 p.m. until 8 a.m. and are STRICTLY ENFORCED!
10. Thank you for your cooperation so that we may continue to rent Castro Lodge! Enjoy your stay! Jackie

242 SOUTH BENJAMIN STATELINE, NEVADA
DOWNSTAIRS EVACUATION PLAN



242 SOUTH BENJAMIN STATELINE, NEVADA

UPSTAIRS EVACUATION ROUTE

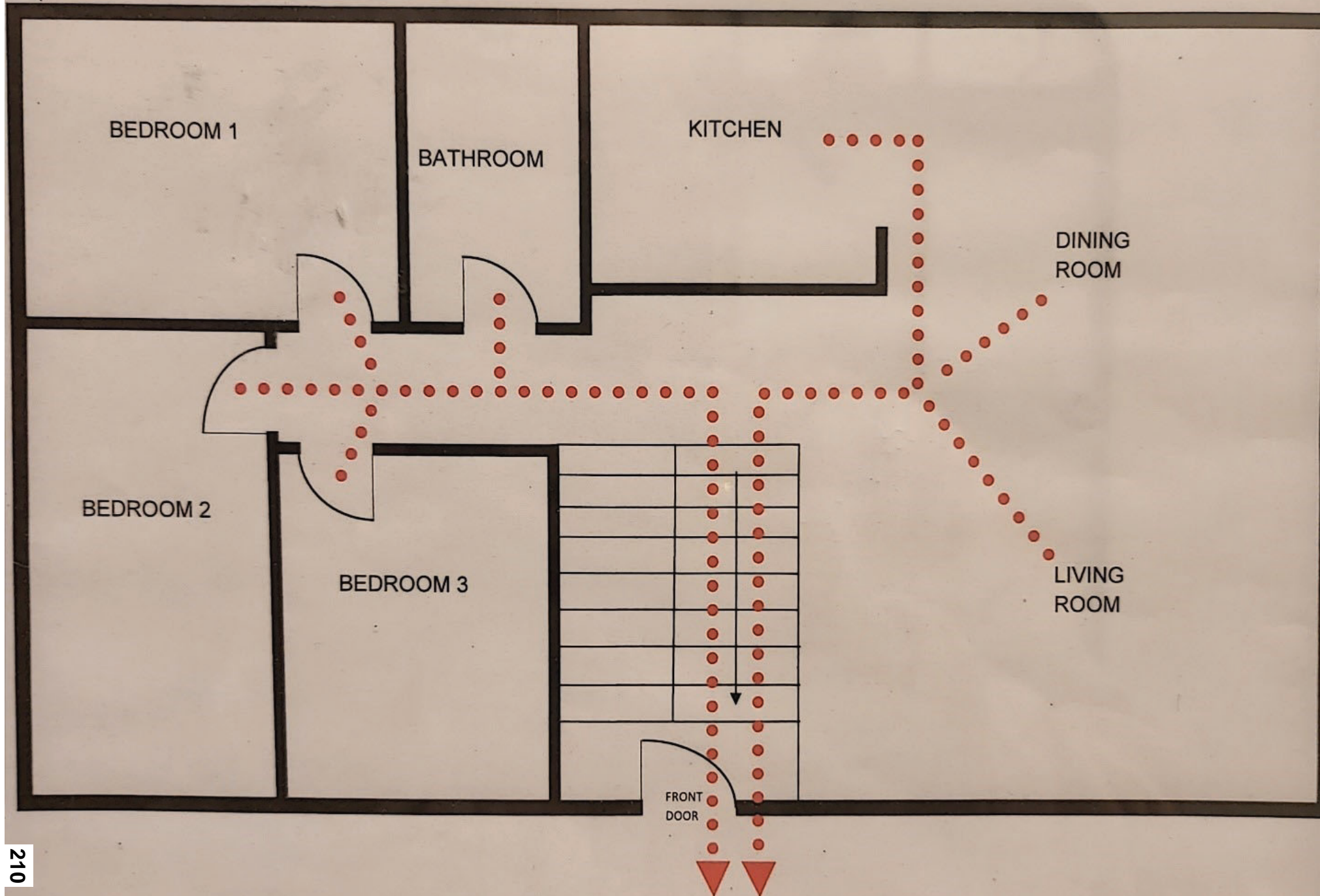








Exhibit 05a, 05b, 05d, 05e

- 05a - Site Vicinity Plan – showing adjacent 4 homes and distance to adjacent homes (included in staff report)**
- 05b - Proof of South Tahoe Refuse & Recycling Services, water & sewer (Documents reviewed, accepted and kept on file)**
- 05d - Note regarding prior history regarding complaint (included in staff report finding #6)**
- 05e - Executed Agreement limiting number of people to fifty (50) outside of quiet hours (on file)**

Exhibit 06a

06a - Noise Monitor information






←


MÎNUT

Your sensors



1 x Minut Home Sensor

\$129



Discount with annual billing

- \$50

Shipping

-


Tax

-

Sensor total

\$79

Your plan



1 x Standard

\$79 / year

Your plan will automatically renew each year. Annual plans require a one-year non-cancellable commitment. Plans are stored as credits on your account until they are used.

Total

\$158

Have a coupon?

First name *

Last name *

Password *

☒ I agree to Minut's terms and conditions

Next

2. Shipping address

3. Shipping method

4. Payment method

5. Confirm & place order

Terms of service

Privacy policy

Refund policy

Shipping policy

Exhibit 07a

07a - Assessor's Document



DOUGLAS COUNTY, NEVADA
ASSESSOR'S OFFICE
 Trent A. Tholen, Assessor

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Annual Taxes](#)
[Recorder Website](#)
Parcel Detail for Parcel # 1319-19-310-001
Prior Parcel # 0000-11-213-020

Location

Property Location [242 S BENJAMIN DR](#)
 Town [KINGSBURY GID/CWS](#)
 District [430.0 - KINGSBURY GID/CWS](#)
 Subdivision [KINGSBURY EST #1](#) Lot 2 Block 1
 Property Name

[Add'l Addresses](#)
[Parcel Map](#)
Ownership

Assessed Owner Name [CASTRO, JACQUELINE RIDDLE](#)
 Mailing Address [PO BOX 367](#)
[LOS GATOS, CA 95031](#)
 Legal Owner Name [CASTRO, JACQUELINE RIDDLE](#)
 Vesting Doc #, Date [921105](#)
[10/18/2018](#) Year / Book / Page [18 / 10 / 0](#)
 Map Document #s

[Ownership History](#)
[Document History](#)
Description

Total Acres [.470](#) Square Feet [20,473](#)
 Ag Acres [.000](#) W/R Acres [.000](#)

Improvements

Single-family Detached [1](#) Non-dwelling Units [0](#)
 Single-family Attached [0](#) Mobile Home Hookups [0](#) Stories [2.0](#)
 Multiple-family Units [0](#) Wells [0](#) Garage Square Ft... [768](#)
 Mobile Homes [0](#) Septic Tanks [0](#) Attached / Detached [A](#)
 Total Dwelling Units [1](#) Buildings Sq Ft [0](#)
[Improvement List](#) Residence Sq Ft [2,744](#)
[Improvement Sketches](#) Basement Sq Ft [0](#)
[Improvement Photos](#) Finished Basement SF [0](#)

Appraisal Classifications

Current Land Use Code [200](#) [Code Table](#)

Zoning Code(s)

Re-appraisal Group [1](#) Re-appraisal Year [2021](#)
 Original Construction Year [1980](#) Weighted Year

Assessed Valuation

Assessed Values	2021-22	2020-21	2019-20
Land	80,500	80,500	73,500
Improvements	50,349	50,219	50,133
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	130,849	130,719	123,633
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2021-22	2020-21	2019-20
Land	230,000	230,000	210,000
Improvements	143,854	143,483	143,237
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	373,854	373,483	353,237
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

Exhibit 08a

08a - New and Old VHR Permit



Douglas County Community Development Vacation Home Rental Permit

Account No. 08400791

Property Address : 242 S BENJAMIN DR GLENBROOK, NV 89413

Issued to : JACQUELINE CASTRO

Issued : December 27, 2020

Expires : December 26, 2021

24-hour Emergency Contact / Phone Number : JACKIE CASTRO (408) 370-0472

Managing Agency / Phone Number : None None

Local Contact/Phone Number : (408) 921-7985

Maximum Number of occupants allowed : 16

Maximum Number of vehicles allowed : 6

Parking Info : All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

Trash pickup day : Follow Instructions of the rental agreement. Keep secure inside till am of pickup or use bear proof containers.

Note : Trash or refuse cannot be stored outside during certain hours unless within a bear proof container. Occupant may be cited for disturbance or violating provisions of Douglas County Ordinance Title 20.622 Failure to comply with the parking and occupance requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact : (775) 782 - 6214.

In case of emergency call 911.

Douglas County VHR Division



Douglas County Community Development Vacation Home Rental Permit

VHRP No. VHRP19-1154

Property Address: 242 S Benjamin Dr, Glenbrook, NV 89413, USA

Issued to: Jacqueline Castro

Issued: Dec 26, 2019

Expires: Dec 26, 2020

24-hour Emergency Contact/Phone: Rob Felter

408-921-7985

Managing Agency/Phone Number: None

Local Contact/Phone Number: _____

Maximum number of occupants allowed: 16

Maximum Number of vehicles allowed: 6

Parking Info: All parking from 11pm to 5am must be on-site. i.e. garage, driveway, hard surface parking areas or assigned common lots. No street parking is allowed during these hours. Street parking during any other time is based on local posted parking regulations. Many areas in Tahoe prohibit street parking at all times, especially during winter months (October to May).

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Failure to comply with the parking and occupancy requirements is a violation.

Posted certificate must be made available for inspection by the Douglas County Code Enforcement Officer or Sheriff.

Douglas County Code Enforcement Contact Number: **(775) 782-6214**

In case of emergency call 911.

T. H. D. Co.

Douglas County Community Development

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 20 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on an appeal filed by Matthew Kvancz to contest the \$5,000 fine issued relative to Notice and Order and Assessment of Civil Penalty for renting without a current VHR Permit issued in Code Enforcement Case Number 21-000192, (APN: 1418-34-112-002). (Tom Dallaire)

RECOMMENDED MOTION:

Motion 1: The appellant as the property owner is deemed to have standing and has been aggrieved.

Motion 2: Staff recommends to deny the appeal of the \$5,000 fine for renting a vacation home rental without a permit based on the evidence submitted and testimonies presented.

FINANCIAL IMPACT:

Code Enforcement issued a fine of \$5,000 for renting without a Douglas County Vacation Home Rental (VHR) permit and the owner is contesting the fine. The \$5,000 fine was paid on January 27, 2022 and the \$300 appeal fee was paid on February 04, 2022. Room Tax has not been paid (as of 3/16/2022) to Douglas County Since December 2021, per HDL staff.

BACKGROUND:

The VHR permit was to be heard by the VHR board in December 7th. We continued the item to the next meeting date, then did not hear the item due to CC&R's limitation Lakeridge subdivision which did in fact restrict VHR for all owners who purchase the property after September 2016. 1261 Lincoln Circle was purchased in 2018. Therefore, the VHR permit had to be revoked as they are not allowed. It should have never been permitted by the department in 2018. The County staff was not aware of these CC&R's for this subdivision and the permit current staff issued on the renewal was refunded on Dec 21, 2021. The VHR permit was revoked due to the date in which the home was purchased by Kvancz in late 2018.

12/7/21 - 1262 Lincoln Cir. hearing for a tier 3 permit was continued.

12/10/21 - Letter was sent to Matthew revoking his VHR permit.

12/21/21 - Refund from HDL

12/22/21 - Letter issued from HDL revoking VHR Permit.

1/14/22 - Complaint from Andy Huckbody (email).

1/14/22 - At approx. noon Code Enforcement responded, no vehicles at property.

1/14/22 - Requested DCSO check property in the evening. DCSO responded to property at approx. 5:30 pm. Deputy Davis spoke to the occupant William Savage. Mr. Savage stated he booked the property in July of 2021 for period of January 13, 2022 through January 17, 2022. A report from the DCSO was forwarded to Code Enforcement.

1/19/22 - Received DCSO report - attached

1/27/22 - Kvancz issued a Notice of Violation and a fine of \$5,000.00

2/4/22 - Appeal filed by Woodburn and Wedge on Kvancz behalf.

3/10/22 - Searched Realityscape (Dekard) for future bookings using our login and the property shows there are seven (7) bookings in March and April are still on the record.

3/16/22 - We added information from Host Compliance because we want to the board to understand the mindset of Mr. Kvance in his blatant disregard for the fact that he does not have a VHR permit. The Airbnb VHR ad removed on December 21 was reposted ad on February 2, 2022 and removed ad on February 4th. Ad was reposted on March 3 2022 and removed on March 12, 2022. Host also shows that there were 3 documented stays in January, 1 documented stay in February. See the attached file "Backup since appeal filed".

ATTACHMENTS:

[01_Staff_report_-_1262_Lincoln_Cir_Appeal_Narrative_and_Timeline \(1\).docx](#)

[02 12-10-21 Kvancz Notice of Permit Termination Letter.pdf](#)

[02 Closure From HDL_1262 LINCOLN CIRCLE.pdf](#)

[Email 1-3-22 Matt Kvancz _ 1262 Lincoln Circle.pdf](#)

[03 DCSO 1-14-22.pdf](#)

[05 Notice of Violation.docx](#)

[08 Kvancz Notice of Appeal.pdf](#)

[Document 2016-888340.pdf](#)

[Backup since Appeal was filed.pdf](#)



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

STAFF REPORT

Date: March 23, 2022
To: Vacation Home Rentals Advisory Board
From: Douglas County Code Enforcement
Subject: Public hearing on an appeal filed by Matthew Kvancz relative to (Case# 21-000192) Notice and Order and Assessment of Civil Penalty imposed on January 27, 2022.

Property Address: 1262 Lincoln Cir Zephyr Cove NV (APN 1418-34-112-002)

I. REQUEST RELIEF

For Possible action. Discussion on an appeal filed by Matthew Kvancz to contest the \$5,000 fine issued relative to Notice and Order and Assessment of Civil Penalty for renting without a current VHR Permit issued in Code Enforcement Case Number 21-000192, (APN: 1418-34-112-002).

II. STANDING

Pursuant to Section 20.28.020(B) of the Douglas County Code, the appellate body must first determine if a person has standing to appeal and is aggrieved by the matter which is the subject of the decision before considering the merits of any appeal.

The standards for determining standing in any appeal are as follows:

1. The following persons are automatically deemed to have standing and to be aggrieved:
 - (i) Any person with legal or equitable interest in the property which is the subject of the decision; or
 - (ii) Any person with legal or equitable interest in property located within the notice radius for the given project who appeared, either in person, through an authorized representative or in writing, before the director or final decision maker on the matter which is the subject of the decision;
2. The following person(s) may be deemed to have standing and be aggrieved by the matter which is the subject of the decision, upon the appellate body making the following findings:
 - (i) The person requesting to appeal, appeared either in person, through an authorized representative or in writing, before the director or final decision maker on the matter which is the subject of the decision; and
 - (ii) The person requesting to appeal established through a signed affidavit, either a special or peculiar injury not suffered by the public as a whole or an adverse and

substantial property right held, by the person, may be affected by the decision of the director or final decision maker.

In this case staff believes Matthew Kvancz does have standing for the following reasons:

1. Appellants are the registered owners of the property which is the subject of the fine and as a result automatically has standing.

III. EXPLANATION AND TIMELINE.

On December 10, 2021 a letter was sent to Mr Kvancz closing his VHR permit due to deed restrictions in the Lakeridge subdivision which affects his property. On December 21, 2021 a refund had been initiated and another letter was sent from HDL regarding the closure of his permit. Numerous emails to his attorneys advised him that renting without a current VHR permit would result in fines.

On January 14, 2022 a complaint that the home was occupied by renters was received by Andrew Huckbody via email. Code Enforcement responded to the property at approximately noon, there was no vehicles and the property looked vacant. Douglas County Sheriff Deputy JT Davis was asked to check on the property that evening to confirm if it was occupied by short term renters. Deputy Davis and Deputy Gavin conducted a "knock and talk" at 5:34 pm. The deputies spoke with William Savage, who stated he had rented the property in July 2021 via AirBnB for the dates of 1/13/22 thru 1/17/22. A report was sent to Code Enforcement for follow up.

On January 19, 2022 the report was received and a Notice of Violation and Assessment of Civil Penalty was issued on January 27, 2022 for \$5000.00 for renting without a valid VHR permit.

On February 4, 2022 an appeal was filed by Woodburn and Wedge on Kvancz behalf. The civil penalty and appeal fee was paid on February 4, 2022.

Since this penalty, we have had numerous complaints from Mr. Huckbody claiming the property is being rented. On February 4, 2022, in response to Mr. Huckbody's complaint, deputies checked the property, it was being occupied by the homeowners: Victoria and Matt Kvancz. The owners stated they would not be renting any further and were appealing the civil penalty.

On March 5, 2022 Mr. Huckbody emailed stating the home was occupied by renters. DCSO was asked again to check the property for renters. Deputy Davis, Deputy Hodges and Deputy West responded to the property at approximately 5:07 pm. The deputies spoke to William Gordan, who booked the property in August via AirBnb for the weekend of March 3rd 2022. Mr. Kvancz will be issued another civil penalty when Code Enforcement receives the report from DCSO. Staff provided the evidence that shows Kvancz was renting his home as a Short-Term Vacation Rental.

Timeline
Matthew Kvancz
1262 Lincoln Circle

12/7/21 - 1262 Lincoln Cir hearing for a tier 3 permit was continued.

12/10/21 - Letter was sent to Matthew closing his VHR permit.

12/21/21 - Refund from HDL

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1/14/22 - Complaint from Andy Huckbody (email)

1/14/22 - At approx. noon Code Enforcement responded, no vehicles at property

1/14/22 - Requested DCSO check property in the evening. DCSO responded to property at approx. 5:30pm. Deputy Davis spoke to the occupant William Savage. Savage stated he rented the property in July of 2021, for the dates January 13th to 17th 2022. A report was forwarded to Code Enforcement.

1/19/22 - Received DCOS report

1/27/22 - Kvancz issued a Notice of Violation and Administrative fine of \$5000.00

2/4/22 - Appeal filed by Woodburn and Wedge on Kvancz behalf.

Description of Judge's Review of CC&Rs:

Interpretation of Lakeridge's Restrictions and Amendments by Judge Gregory in the Truett v. Lakeridge General Improvement District case. The judge noted on page 15 of his decision with respect to amending the CC&Rs:

The 1984 Amendments, in force and effect when Truett purchased a lot in Lakeridge, provided that said restrictions ... shall be binding ... until such time as the owners of at least 51% of the lots in Lakeridge shall amend or modify the restrictions by the recordation in the office of the County Recorder of Douglas County, Nevada, of a supplemental set of restriction " 1984 Restrictions, Section 4(M).

Judge Gregory in the opinion on page 12 in the section labeled as "undisputed facts" also stated:

More than 51% of Lakeridge owners, not including Truett, voted in favor of all of the new provisions. On September 29, 2016, and Amended Declaration of Protective Restrictions ("2016 Amendments") were filed in the official records of Douglas County, Nevada.

The case dealt primarily whether the 2016 CC&Rs could be retroactively applied to Mr. Truett who had purchased his home in 1984 prior to the 2016 amendments. The court determined that they 2016 changes

could not be retroactively applied while at the same time acknowledging that the 2016 Amendments were valid.

V. RECOMMENDATION

Staff has reviewed the submitted appeal, all exhibits and communications from the appellant and recommends denial of the appeal based on the facts presented herein and the accompanying staff report and exhibits.



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Thomas A. Dallaire, P.E.
Community Development Director

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

Building Division
Engineering Division
Planning Division
Code Enforcement

December 10, 2021

Dear Mr. Kvancz

Douglas County was recently informed that there are updated deed restrictions in the Lakeridge subdivision which affect your home despite your affidavit to the contrary which is attached hereto as Exhibit A. In September of 2016, new deed restrictions were recorded which preclude the operation of short-term rentals within the Lakeridge subdivision. Specifically, subsection N of the 2016 Amended Declaration of Protective Restrictions (Doc #2016-888340) for the Lakeridge Subdivision states:

N. A PROPERTY OWNER may rent, lease, provide a time share/exchange, or similar arrangement of the dwelling unit on their LOT to a single family, provided that the dwelling is rented, leased, provided under a time share/exchange, or other arrangement pursuant to a lease or rental agreement which is: (a) in writing; (b) for a term of at least sixty (60) days (i.e. no short term rentals of a term less than sixty (60) days are permitted); (c) has filed with the County for any necessary permit, defining the maximum number of people and vehicle occupancy, and which complies with other relevant governmental regulations; and, (d) is subject to all of the provisions of these RESTRICTIONS, and any further Rules and Regulations adopted by LGID.

These deed restrictions were upheld in *Truett v. Lakeridge General Improvement District* on a prospective basis from the date the new deed restrictions were recorded on September 29, 2016. See a copy of the decision at Exhibit B.

In addition, Douglas County Code Section 20.622.030(E)(5)(j) states:

- j. A statement signed by the owner confirming the unit is not deed restricted or located in an area governed by a home owner's association ("HOA") and is not subject to covenants, conditions and restrictions ("CC&Rs") or bylaws that prohibit or limit the existence of VHRs. **Permits shall not be issued in these areas.** Permittee is required to notify the HOA of intent to rent a home as a VHR. Douglas County may require the applicant to provide documents in support of the statement as a precondition to approval of the permit. (emphasis added).

Because the deed restrictions have been deemed valid by a court of competent jurisdiction, and because we are aware of the existence of these restriction, Douglas County is prohibited from allowing owners who purchase a home in Lakeridge after September 29, 2016 from operating a VHR given the clear language set forth above. You were placed on record notice of the existence of these restrictions when you purchased your home in 2018.

Accordingly, we are immediately terminating your permit to operate a Vacation Home Rental because it is prohibited by law. Furthermore, you are being placed on notice that renting or operating a VHR without a permit will subject you to a fine of up to \$20,000.00. Furthermore, we will begin the process of refunding the fees that you have paid for the existing permit obtained in October.

Sincerely,

A handwritten signature in black ink, appearing to read 'THADALLAIRE', with a horizontal line extending to the left.

Thomas A. Dallaire, P.E., Director
Douglas County Community Development

Status: Sent

Email Template: 05 - VHR Permit Expired

From: douglascounty@hdlgov.com

Recipients: matt.kvancz@gmail.com

Subject: Douglas County - VHR Permit Revoked

VHR Property: 1262 LINCOLN CIRCLE

Permit Account: 08400329

Dear MATTHEW KVANCZ,

This email notice is to inform you that your Vacation Home Rental (VHR) Permit for the property located at 1262 LINCOLN CIRCLE, in Douglas County, has been revoked by the County effective immediately. You must immediately discontinue renting to guests at this location. Failure to do so may result in fines of up to \$20,000.00.

The County is in the process of issuing a refund to Victoria Kvancz for the permit fees paid, less a processing fee of \$15.00.

If you have any questions, please contact our offices by phone at (775) 238-4135, or by email at douglascountyTOT@HdLgov.com. The TOT Processing Center hours of operation are Monday-Friday, 8:00 am - 5:00 pm (PST).

Best regards,

Douglas County

TOT Processing Center

From: [Dallaire, Tom <tdallaire@douglasnv.us>](mailto:Dallaire,Tom<tdallaire@douglasnv.us>)
To: [Harwood, Bonnie](mailto:Harwood,Bonnie)
Subject: FW: Matt Kvancz / 1262 Lincoln Circle
Date: Wednesday, January 19, 2022 7:36:59 AM

Email string for the file.

From: Kara Thiel <Kara@fmttahoe.com>
Sent: Tuesday, January 4, 2022 8:18 AM
To: Taylor, Samuel <staylor@douglas.nv.gov>
Cc: Dallaire, Tom <tdallaire@douglasnv.us> <tdallaire@douglasnv.us>; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

CAUTION: This email originated from outside of the organization. If you did not expect to receive something from this sender - we suggest you call the sender to verify (only if you know the sender).

Otherwise - Do not click links or open attachments unless you recognize the sender and know the content is safe. You should almost NEVER be prompted to enter your login credentials as a result of opening or clicking anything.

Many thanks, Sam and Tom.
Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
625 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
[Email: kara@fmttahoe.com](mailto:kara@fmttahoe.com)

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From: Taylor, Sam <staylor@douglas.nv.gov>
Sent: Monday, January 3, 2022 6:54 PM
To: Kara Thiel <Kara@fmttahoe.com>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Kara,

If you obtain a court order indicating subsequent purchasers can operate VHRs in Lakeridge then Tom has no problem reinstating Mr. Kvancz' permit for a Tier 2 which is currently set at 10 occupants maximum provided he pays all requisite fees and ToT that may be due, if any. If Ordinance 2021-1591 passes as currently proposed then occupancy would be set at 10 "plus 2" for a Tier 2.

Sam

- g. A diagram and photograph of the premises showing bedrooms, on-site assigned parking spaces in garages, driveways, or other parking areas and the interior spaces. Parking areas with drive-through driveways require a minimum 10-foot wide, unobstructed lane for emergency access vehicles. All other driveways require a minimum 6-foot wide unobstructed lane for emergency ingress and egress. Final determinations regarding suitable on-site parking will be made by the County consistent with county code and other applicable regulations.

From: Kara Thiel <Kara@fmttahoe.com>
Sent: Monday, January 3, 2022 1:22 PM
To: Taylor, Sam <staylor@douglas.nv.gov>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Thank you, Sam. I should hope Matt would not be penalized for the GID's illegal ban and have to reapply. Obviously, it will be some time before that determination is made by the Court, but Matt needs to understand what the future holds in order to frame his cause(s) of action.

I look forward to hearing from you once you've spoken with Tom.

Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
625 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
[Email: kara@fmttahoe.com](mailto:kara@fmttahoe.com)

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From: Taylor, Sam <staylor@douglas.nv.gov>
Sent: Monday, January 3, 2022 1:17 PM
To: Kara Thiel <Kara@fmttahoe.com>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Kara,

I will have to check with Tom about whether he would need to file for a new permit or simply have the prior permit reinstated.

Sam

From: Kara Thiel <Kara@fmttahoe.com>
Sent: Monday, January 3, 2022 12:48 PM
To: Taylor, Sam <staylor@douglas.nv.gov>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Happy New Year, Sam.

I wanted to let you know Matt is no longer advertising his property on VRBO, AirBnB, etc.

Assuming Matt ultimately prevails against the GID in having the rental ban declared invalid as to everyone (not just non-consenting owners), will the County reinstate his permit or would he be required to apply and stand in line behind others?

Thanks,
Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
625 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
[Email: kara@fmttahoe.com](mailto:kara@fmttahoe.com)

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From: Taylor, Sam <staylor@douglas.nv.gov>
Sent: Monday, December 20, 2021 11:37 AM
To: Kara Thiel <Kara@fmttahoe.com>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Kara,

I just received word from Tom that Mr. Kvancz' permit is currently revoked and that he is currently not allowed to advertise or operate a VHR at 1262 Lincoln Circle, including for those individuals who had previously booked.

Furthermore, I have been informed that Mr. Kvancz is still actively advertising his home at 1262 Lincoln Circle which is prohibited under Chapter 20.622. I cannot stress strongly enough that Mr. Kvancz needs to completely cease operations of his VHR immediately.

Sam

From: Kara Thiel <Kara@fmttahoe.com>
Sent: Friday, December 17, 2021 12:51 PM
To: Taylor, Sam <staylor@douglas.nv.gov>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Hey Sam. I left a voicemail for you earlier today but am not sure if I left my cell. Our office phones are down until Monday or Tuesday. Please call me at 530.545.3522.
Thanks,
Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
178 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448

Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
Email: kara@fimmtahoe.com

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From: Taylor, Sam <staylor@douglas.nv.gov>
Sent: Monday, December 13, 2021 4:36 PM
To: Kara Thiel <Kara@fimmtahoe.com>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Kara,

Thanks.

Sam

From: Kara Thiel <Kara@fimmtahoe.com>
Sent: Monday, December 13, 2021 1:35 PM
To: Taylor, Sam <staylor@douglas.nv.gov>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: RE: Matt Kvancz / 1262 Lincoln Circle

Sam,
Thank you for the prompt reply and reference to Ordinance 2021-1582. We'll discuss and get back to you. To confirm, we will communicate directly with your office about this matter going forward.
Kara

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
178 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
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From: Taylor, Sam <staylor@douglas.nv.gov>
Sent: Monday, December 13, 2021 4:27 PM
To: Kara Thiel <Kara@fimmtahoe.com>
Cc: TDallaire@douglasnv.us; Booth, Samuel <sbooth@douglasnv.us> <sbooth@douglasnv.us>
Subject: FW: Matt Kvancz / 1262 Lincoln Circle

Kara,

I am responding to your e-mail below on behalf of Douglas County. Please run all future correspondence regarding this matter through my office.

I have provided responses to your queries in red font below.

Sam

From: Kara Thiel <Kara@fimmtahoe.com>
Sent: Friday, December 10, 2021 4:41:26 PM
To: Dallaire, Tom <tdallaire@douglasnv.us>
Cc: Lewis Feldman; Matt Kvancz
Subject: Matt Kvancz / 1262 Lincoln Circle

Good afternoon, Tom. This office represents Matt Kvancz with respect to his home in Lakeridge, and he just forwarded the attached letter that he received from you today. I left you a voicemail, but wanted to follow up with an email to include a letter we submitted to the Lakeridge GID last year explaining that the GID lacks the legal authority to ban short term rentals in the subdivision (attached). We are well aware of the *Truett* case as our former partner, Mike McLaughlin, represented the Plaintiffs. The issue of the GID's authority under the NRS was **not** before the Court in *Truett* and, because the Court found the short term rental ban was invalid as to the Truett's, it expressly refrained from addressing the GID's authority:

"The Court does not consider whether LGID would have authority to enforce the short-term rental ban and collect the associated fines if the ban were otherwise valid. As a general improvement district, LGID is a political subdivision of the State having only those powers conferred by NRS Chapter 318 and Douglas County ordinances." (Footnote No. 6 in the attached Order.)

Douglas County agrees that the Lakeridge GID lacks power to enforce deed restrictions or CC&Rs. However, as discussed in our letter to Mr. Kvancz, this is not about the GID or its powers, rather it is about the deed restrictions/CC&Rs and how they apply to your client via the code.

Were the issue before the Court, we are confident it would conclude Lakeridge GID lacks the authority to regulate short term rentals, among other things the GID engages in. The GID is not an HOA under Nevada law.

Again, we agree.

On another note, when the County issued Matt the VHR permit in 2018, the County was aware of the purported short term rental ban but told Matt that was a GID issue, not a County one.

Prior to July 15, 2021 when Ordinance 2021-1582 went into effect, Douglas County was not enforcing the restrictions against VHRs in Lakeridge and considered the dispute regarding VHRs to be a "private civil matter." However, when Ordinance 2021-1582 passed it required Douglas County to respect deed restrictions and CC&R's prohibiting. This was a policy call made by the Board of County Commissioners. Specifically, Douglas County Code Section 20.622.030(E)(5)(j) currently states:

j. A statement signed by the owner confirming the unit is not **deed restricted** or located in an area governed by a home owner's association ("HOA") **and is not subject to covenants, conditions and** Mr. Kvanz is bound by the terms of the deed restrictions because he purchased the property with record notice of the restrictions. **restrictions ("CC&R's")** or bylaws that prohibit or limit the existence of VHRs. **Permits shall not be issued in these areas.** Permittee is required to notify the HOA of intent to rent a home as a VHR. Douglas County may require the applicant to provide documents in support of the statement as a precondition to approval of the permit. (emphasis added).

The *Truett* case makes it clear to Douglas County that the deed restrictions / CC&Rs are valid and enforceable against subsequent purchasers following the Sept 2016 changes. Your client purchased his home in 2018 and therefore had record notice about those restrictions and was not truthful on his most recent application about the existence of those restrictions. See Signed HoA Affidavit attached. Bottom line, unless a court declares the restrictions to be invalid as to Mr. Kvanz, Douglas County has no choice but to continue to enforce the code as written.

With all due respect, the County lacks the authority to revoke the permit on the stated basis because the Lakeridge Restrictions are invalid as a matter of law. Furthermore, Matt has existing contracts for the short term rental of his house over the fast approaching holidays and into 2022. He is at risk of significant liability if he does not honor those contracts.

Douglas County staff are obligated to enforce the valid deed restrictions / CC&R's prohibiting VHRs per the cited code language above. Mr. Kvanz should have notified Douglas County of the restrictions when he was applying for his most recent permit and he did not do so. His omission could result in a separate fine for falsifying information on his application form under 20.622.030(E)(5)(p).

If you feel the 2016 Lakeridge restrictions against VHRs are invalid as you suggest, then you are free to challenge the validity of those restrictions in court. If a judge indicates that the restrictions are invalid as to Mr. Kvanz we would adhere to that decision.

Please let Lew and me know when you are available for a call to discuss. Obviously, time is of the essence.

Thank you,
Kara

This is now a contested matter and as such all communications need to be routed via my office. Please do not contact Mr. Dallaire directly.

Kara L. Thiel
Licensed in California, Nevada and Georgia
FELDMAN THIEL LLP
178 U.S. Highway 50
P.O. Box 1309
Zephyr Cove, NV 89448
Tel: (775) 580-7431 ext. 12
Fax: (775) 580-7436
Email: kara@fmttahoe.com

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RECEIVED

JAN 19 2022

Douglas County Sheriff **Minden, Nevada**
Deputy Report for Incident 22SO01206

22SO1206

Nature: Vacation Check
Location: LG79

Address: 1262 LINCOLN CI; ULKR
Glenbrook NV 89413

Offense Codes: VACC

Received By: Hall K

How Received: O

Agency: DCSO

Responding Officers: Davis J, Gavin V

Responsible Officer: Davis J

Disposition: CLO 01/14/22

When Reported: 17:34:46 01/14/22

Occurred Between: 17:34:46 01/14/22 and 17:34:46 01/14/22

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City:

Offense Codes

Reported:

Observed: VACC VACATION CHECK

Additional Offense: VACC VACATION CHECK

Circumstances

VHR Vacation Home Rental Incident

Responding Officers:

Unit :

Davis J

372

Gavin V

372

Responsible Officer: Davis J

Agency: DCSO

Received By: Hall K

Last Radio Log: 17:58:45 01/14/22 CMPLT

How Received: O Officer Report

Clearance: RTF Report To Follow

When Reported: 17:34:46 01/14/22

Disposition: CLO **Date:** 01/14/22

Judicial Status:

Occurred between: 17:34:46 01/14/22

Misc Entry:

and: 17:34:46 01/14/22

Modus Operandi:

Description :

Method :

01/18/22

Involvements

Date	Type	Description	Relationship
01/15/22	Name	SAVAGE, WILLIAM CASEY	Contacted

Narrative

DOUGLAS COUNTY SHERIFF'S OFFICE
INVESTIGATION NARRATIVE
CASE #22-SO-01206

CLASSIFICATION:

Vacation Home Rental

DETAILS:

On 1/14/21 at approximately 1734 hours, I responded to 1262 Lincoln Circle which is flagged as a vacation rental property at the request of Douglas County code enforcement officer B. Harwood. Harwood advised me she received information the residence was still being listed and rented as a short-term vacation rental even though the permit was no longer valid.

Upon arrival, I observed four (4) vehicles at the residence, two (2) inside of the garage and two (2) in the driveway. I didn't observe any parking passes affixed to the vehicles or on the dashboards.

I knocked on the front door and contacted William Savage. Savage stated he rented the property through Airbnb in July of 2021. Savage provided me with a copy of the reservation and it was booked in July of 2021 with a check in date of 1/13/22 and a check out date of 1/17/22. I advised Savage he was not in any trouble nor was he responsible for the residence as it related to the rental and property owner. Savage provided me with the contact information for the property (Matt 404-432-5400).

I explained to Savage to have a good time while on vacation but to adhere to all the rules and regulations and to make sure he was aware he had full time neighbors and to be courteous. Savage stated he understood.

I later emailed Harwood with this contact information and my findings.

DISCLAIMER:

THIS REPORT IS A SYNOPSIS OF MY INVESTIGATION INTO THIS MATTER. THIS REPORT IS NOT AN EXACT REPRESENTATION OF THE CHRONOLOGY OF MY INVESTIGATION. THE STATEMENTS ATTRIBUTED TO THE INDIVIDUALS I CONTACTED DURING THIS INVESTIGATION ARE ALSO SYNOPSISIZED TO PROVIDE THE GENERAL CONTEXT/CONTENT OF WHAT I LEARNED FROM THEM. PLEASE REFER TO FOOTAGE FROM MY BODY WORN CAMERA FOR ADDITIONAL DETAIL REGARDING THIS INVESTIGATION.

DISPOSITION:

Closed. Forward to code enforcement.

Deputy JT Davis #483

Sat Jan 15 22:27:50 PST 2022

Reporting Deputy

Responsible LEO:

Approved by:

Date

Name Involvements:

Contacted : 179972

Last: SAVAGE

First: WILLIAM

Mid: CASEY

DOB: 01/22/91

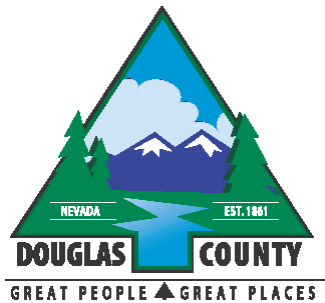
Dr Lic: 24345387

Address: 3601 LEAFIELD DR UNIT B

Race: W **Sex:** M

Phone: (817)988-7664

City: AUSTIN, TX 78749



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

CODE ENFORCEMENT OFFICE

775-782-6244
FAX: 775-782-6297
Email: codeenf@douglasnv.us
website: www.douglascountynv.gov

Building Department
Engineering Department
Planning Department
Code Enforcement

NOTICE OF VIOLATION and ASSESSMENT OF CIVIL PENALTY

Code Enforcement Case No. 21-000192

January 27, 2022

Kvancz, MD
7551 Trask Ave
Playa Del Ray CA 90293

Dear MD Kvancz

Staff has determined that you are violating provisions of the Douglas County Code as set forth below. **Please immediately take the necessary steps to remedy the violation described below.**

On January 3, 2022, your attorney was specifically informed that your permit had been revoked and that you were to immediately cease all VHR advertising and operations and also that you were not allowed to rent to any person who had previously booked. You ignored the clear warning and continued to rent which has resulted in this fine.

- I. **VIOLATION TYPE:** Advertising and/or operating an unpermitted vacation home rental.
- II. **DATE OF INSPECTION:** January 14, 2022
- III. **LOCATION OF INSPECTION:** 1418-34-112-002 1262 Lincoln Cir Zephyr Cove NV
- IV. **CODE SECTION(S) YOU HAVE VIOLATED:**

A. **20.622.050(C) – Operating Without a Permit which states:**

The owners of any property being advertised and/or operated as an unpermitted vacation home rental located anywhere within Douglas County in violation Douglas County Code and the Nevada Revised Statutes shall be subject to a civil penalty of up to \$20,000. The County may also seek an injunction and/or any other legal relief for violation(s) of this chapter, including, but not limited to, the collection of delinquent tax payments.

V. SUMMARY OF THE VIOLATIONS:

Your home located on the parcel specified above has been advertised and/or operated as a vacation home rental (VHR) without a permit or proper authorization and as a result, you are hereby being fined \$5,000 for the unlawful conduct.

VI. PLEASE REMEDIATE THE FOLLOWING:

1. Immediately cease and desist operating your home as a VHR.
2. Pay the fine in the manner noted below.
3. Pay all outstanding Transient Occupancy Taxes which may be due or become due.
4. Pay your fine with the proscribed period or otherwise file a timely and complete appeal.

VII. GENERAL INFORMATION APPLICABLE TO YOUR CASE.

The Douglas County Code is available for your review online at: <https://dcnvda.org/CountyCodes.aspx>.

If you have already taken care of this item between the time of the inspection and the date that you received this correspondence, we thank you for your prompt attention and please disregard this letter.

Please note that pursuant to Section 20.691.320, in addition to the fine specified above, after thirty (30) days you will be charged a Fifty Dollar (\$50) monthly enforcement fee until such time as you come into compliance with the Code to the satisfaction of the County. There is no cap on the monthly enforcement fee. Moreover, any payment of the monthly enforcement fee that is more than thirty (30) days past due will be considered delinquent and subject to an additional penalty of One Hundred Dollars (\$100) for every delinquent monthly payment. All fees specified hereunder are required to be paid in full prior to the issuance of any permits required for the construction, demolition, alteration or repair of any structure of the property.

Also please be aware that per Section 20.691.280, any unpaid civil penalties or abatement expenses may constitute a special assessment on the property provided certain conditions are met. Furthermore, under 20.34.030, as well as Douglas County Code Section 1.08.010(A), and in addition to any other civil remedies provided for under Chapter 20.622, any person who violates any provisions of the Douglas County Code is guilty of a misdemeanor and each and every day of such violation constitutes a separate offense.

VII. PAYMENT.

Payment in full of the total amount due must be made by delivering payment within 30 days either in person or via mail as noted below: in addition you may call in a credit card payment:

In person:

Douglas County Community Development,
2nd Floor, 1594 Esmeralda Ave,

MAILING ADDRESS: P.O. Box 218, Minden, Nevada 89423

Or sent via mail to:

Douglas County Code Enforcement
PO BOX 218
Minden, NV 89423

Please include any invoice(s). Make checks payable to Douglas County. Credit cards can be taken in person or by phone; however a transaction fee of up to 2.5% of the total charge will apply with a \$2.00 minimum. Debit cards are assessed a flat transaction fee of \$3.00. ACH payments have a transaction fee of \$1.50. To make a Credit Card payment by phone please call 775-782-6217.

VIII. APPEAL.

Pursuant to Section 20.22.060(B)(3), you have the right to appeal the findings in the Notice and Order to the Vacation Home Rental Advisory Board within 10 days from the date the code enforcement officer's Notice and Order was mailed and/or served on the property owner or other responsible party and after paying the applicable fee. The notice of appeal:

1. Must be in writing;
2. Include a copy of the Notice and Order;
3. Include a statement that the person wishes to appeal;
4. Contain the person's full name and mailing address, legibly printed or typed;
5. Contain a statement setting forth in detail the reasons the person contends that the condition of the property does not constitute a violation of Douglas County Code and/or that the imposition of civil penalties is not appropriate.

Note: per Section 20.622.060(B)(3)(e), a party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.

If the violations persist, our office may refer this matter to the Douglas County District Attorney's Office for criminal prosecution as provided by Section 20.310(A). Please note that under the Douglas County Code each day of any such violation constitutes a separate offense.

If you wish to discuss the matter please schedule an appointment via email at codeenf@douglasnv.us or via phone at: 775-782-6214.

Respectfully,

Bonnie Harwood,
Code Enforcement Officer
Community Development, Douglas County

Attached Invoice #76848

February 3, 2022

By Email: codeenf@douglasnv.us

Douglas County
Community Development Department
1594 Esmeralda Avenue
Minden, Nevada 89423

Re: Kvancz appeal of Notice and Order

To: Community Development Department

This office represents Matthew Kvancz. On January 27, 2022, Mr. Kvancz received a “Notice of Violation” and “Assessment of Civil Penalty” for renting his property located at 1262 Lincoln Circle, Zephyr Cove, NV 89448, (the “Property”) as a vacation home rental (“VHR”) without a VHR permit. Mr. Kvancz appeals this “Notice of Violation” and “Assessment of Civil Penalty.” A copy of the Notice and Order is attached hereto as **Exhibit 1**.

This notice of appeal is being sent to you pursuant to Douglas County Code 20.622.060(B)(3) and the instructions provided by Code Enforcement Officer Bonnie Harwood.

1. Personal Information of Matthew Kvancz

This information is provided pursuant to Douglas County Code 20.622.060(B)(3)(c). However, I ask that any future communications related to this appeal be sent directly to my office and emailed to danderson@woodburnandwedge.com and jtafoya@woodburnandwedge.com.

Matthew Kvancz
7551 Trask Avenue
Playa Del Ray, CA 90293
(404) 432-5400
matt.kvancz@gmail.com

2. The Condition of the Kvancz Property is Not a Violation of Douglas County Code and the Imposition of Civil Penalties is Not Appropriate

Mr. Kvancz purchased the Property on or about September 25, 2018. In that same



year, Mr. Kvancz applied for and was granted a VHR permit by Douglas County to rent the Property on a short-term basis. On November 9, 2018, the Ninth Judicial District Court for Douglas County issued an order in *Truett v. Lakeridge General Improvement District*, case no. 16-CV-0315. That case involved a dispute between homeowners in the Lakeridge subdivision, the same subdivision in which Mr. Kvancz purchased the Property, and the Lakeridge General Improvement District (“LGID”). The primary dispute in that case was whether the 2016 ban on short term rentals in the Lakeridge subdivision pursuant to its 2016 amended Declaration was valid. The Court considered the validity of the short-term rental 2016 Amendments to the Lakeridge Declaration in the context of whether they were new restrictions or amendments to an existing restriction.

The Court held in its November 9, 2018, order that to the extent the 2016 Amendments prohibited non-consenting Lakeridge owners from renting out their lots, the 2016 Amendments were invalid and unenforceable. Because the court held the restrictions unenforceable as to non-consenting owners, it did not consider whether the LGID had the authority to enact and enforce the 2016 Amendments in the first instance. However, the Court did note that the LGID’s powers were limited to those given to it under NRS 318 (governing general improvement districts), and Douglas County ordinances.

After the Court’s order, Mr. Kvancz continued renting his Property as normal, and it was not until December 10, 2021, when the County informed Mr. Kvancz that it was revoking his VHR permit that there was any discussion as to his ability to rent on a short-term basis. Douglas County revoked Mr. Kvancz’s VHR permit pursuant to Douglas County Code Section 20.622.030(E)(5)(j). The basis of revoking the license was that Mr. Kvancz’s Property was subject to the LGID’s CC&Rs restricting VHRs, and a permit would therefore not be issued for that Property pursuant to 20.622.030(E)(5)(j).

It is Mr. Kvancz’s position that the CC&Rs for the Lakeridge subdivision to which the Property belongs, and that Douglas County is relying on, are invalid because the LGID lacked statutory authority under NRS 318 to enact and enforce them in the first instance. Contemporaneous to this appeal, Mr. Kvancz will file for a declaratory judgment from the Court that LGID lacked the authority to amend the Lakeridge Declaration as it did, and the 2016 Amendments prohibiting short-term rentals are therefore invalid as to all owners.

Mr. Kvancz is confident in the merits of his case, and therefore believes that the imposition of penalties to him and his Property is not appropriate while the claim for a declaratory judgment makes its way through the Court.

On at least one occasion, Douglas County counsel has communicated to Mr. Kvancz’s counsel that Douglas County also agrees the LGID lacks the authority to regulate short term rentals or enforce deed restrictions. Because Douglas County’s own counsel agrees a Court would likely conclude the LGID lacks the authority to regulate short term rentals, it would not be



appropriate for Douglas County to still fine and penalize Mr. Kvancz while the matter is litigated.

Mr. Kvancz therefore respectfully requests that the advisory board rescinds the notice of violation, including any fines and penalties, and re-instate Mr. Kvancz's VHR permit so there is no ongoing violations while the matter is litigated. Pursuant to 20.622.060(B)(4), Mr. Kvancz believes the scope of the hearing should be that no violation exists on the premises that is subject of the notice of violation, and the imposition of civil penalties is inappropriate under the circumstances.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Anderson', is written over the typed name.

Dane W. Anderson

EXHIBIT 1



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

CODE ENFORCEMENT OFFICE

775-782-6244
FAX: 775-782-6297
Email: codeenf@douglasnv.us
website: www.douglascountynv.gov

Building Department
Engineering Department
Planning Department
Code Enforcement

NOTICE OF VIOLATION and ASSESSMENT OF CIVIL PENALTY

Code Enforcement Case No. 21-000192

January 27, 2022

Kvancz, MD
7551 Trask Ave
Playa Del Ray CA 90293

Dear MD Kvancz

Staff has determined that you are violating provisions of the Douglas County Code as set forth below. **Please immediately take the necessary steps to remedy the violation described below.**

On January 3, 2022, your attorney was specifically informed that your permit had been revoked and that you were to immediately cease all VHR advertising and operations and also that you were not allowed to rent to any person who had previously booked. You ignored the clear warning and continued to rent which has resulted in this fine.

- I. **VIOLATION TYPE:** Advertising and/or operating an unpermitted vacation home rental.
- II. **DATE OF INSPECTION:** January 14, 2022
- III. **LOCATION OF INSPECTION:** 1418-34-112-002 1262 Lincoln Cir Zephyr Cove NV
- IV. **CODE SECTION(S) YOU HAVE VIOLATED:**

A. 20.622.050(C) – Operating Without a Permit which states:

The owners of any property being advertised and/or operated as an unpermitted vacation home rental located anywhere within Douglas County in violation Douglas County Code and the Nevada Revised Statutes shall be subject to a civil penalty of up to \$20,000. The County may also seek an injunction and/or any other legal relief for violation(s) of this chapter, including, but not limited to, the collection of delinquent tax payments.

V. SUMMARY OF THE VIOLATIONS:

Your home located on the parcel specified above has been advertised and/or operated as a vacation home rental (VHR) without a permit or proper authorization and as a result, you are hereby being fined \$5,000 for the unlawful conduct.

VI. PLEASE REMEDIATE THE FOLLOWING:

1. Immediately cease and desist operating your home as a VHR.
2. Pay the fine in the manner noted below.
3. Pay all outstanding Transient Occupancy Taxes which may be due or become due.
4. Pay your fine with the proscribed period or otherwise file a timely and complete appeal.

VII. GENERAL INFORMATION APPLICABLE TO YOUR CASE.

The Douglas County Code is available for your review online at: <https://dcnvda.org/CountyCodes.aspx>.

If you have already taken care of this item between the time of the inspection and the date that you received this correspondence, we thank you for your prompt attention and please disregard this letter.

Please note that pursuant to Section 20.691.320, in addition to the fine specified above, after thirty (30) days you will be charged a Fifty Dollar (\$50) monthly enforcement fee until such time as you come into compliance with the Code to the satisfaction of the County. There is no cap on the monthly enforcement fee. Moreover, any payment of the monthly enforcement fee that is more than thirty (30) days past due will be considered delinquent and subject to an additional penalty of One Hundred Dollars (\$100) for every delinquent monthly payment. All fees specified hereunder are required to be paid in full prior to the issuance of any permits required for the construction, demolition, alteration or repair of any structure of the property.

Also please be aware that per Section 20.691.280, any unpaid civil penalties or abatement expenses may constitute a special assessment on the property provided certain conditions are met. Furthermore, under 20.34.030, as well as Douglas County Code Section 1.08.010(A), and in addition to any other civil remedies provided for under Chapter 20.622, any person who violates any provisions of the Douglas County Code is guilty of a misdemeanor and each and every day of such violation constitutes a separate offense.

VII. PAYMENT.

Payment in full of the total amount due must be made by delivering payment within 30 days either in person or via mail as noted below: in addition you may call in a credit card payment:

In person:

Douglas County Community Development,
2nd Floor, 1594 Esmeralda Ave,

MAILING ADDRESS: P.O. Box 218, Minden, Nevada 89423

Or sent via mail to:

Douglas County Code Enforcement
PO BOX 218
Minden, NV 89423

Please include any invoice(s). Make checks payable to Douglas County. Credit cards can be taken in person or by phone; however a transaction fee of up to 2.5% of the total charge will apply with a \$2.00 minimum. Debit cards are assessed a flat transaction fee of \$3.00. ACH payments have a transaction fee of \$1.50. To make a Credit Card payment by phone please call 775-782-6217.

VIII. APPEAL.

Pursuant to Section 20.22.060(B)(3), you have the right to appeal the findings in the Notice and Order to the Vacation Home Rental Advisory Board within 10 days from the date the code enforcement officer's Notice and Order was mailed and/or served on the property owner or other responsible party and after paying the applicable fee. The notice of appeal:

1. Must be in writing;
2. Include a copy of the Notice and Order;
3. Include a statement that the person wishes to appeal;
4. Contain the person's full name and mailing address, legibly printed or typed;
5. Contain a statement setting forth in detail the reasons the person contends that the condition of the property does not constitute a violation of Douglas County Code and/or that the imposition of civil penalties is not appropriate.

Note: per Section 20.622.060(B)(3)(e), a party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.

If the violations persist, our office may refer this matter to the Douglas County District Attorney's Office for criminal prosecution as provided by Section 20.310(A). Please note that under the Douglas County Code each day of any such violation constitutes a separate offense.

If you wish to discuss the matter please schedule an appointment via email at codeenf@douglasnv.us or via phone at: 775-782-6214.

Respectfully,

Bonnie Harwood,
Code Enforcement Officer
Community Development, Douglas County

Attached Invoice #76848



DOUGLAS COUNTY COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue
Minden, Nevada 89423
www.douglascountynv.gov

INVOICE

Invoice Number: 76484

Invoiced Date: 01/27/2022

Status: Received

Print Date: 01/27/2022

Property Address: 1262 LINCOLN CI

Record Number: DB22-0182

Record Type: Code Violation Record

Description: Renting w/o a permit. Illegal VHR.

KVANCZ, M D & RAFANELLI, V A
7551 TRASK AVE
PLAYA DEL REY CA, 90293

Fee Item Code	Fee Description	Invoiced Amount	Paid Amount	Balance Due
P091	Code Enforcement Fee	\$5,000.00	\$0.00	\$5,000.00
		TOTAL INVOICED AMOUNT:		\$5,000.00
		TOTAL PAID AMOUNT:		\$0.00
		TOTAL BALANCE DUE:		\$5,000.00
		101-000-341-511:		\$5,000.00
		TOTAL INVOICED AMOUNT:		\$5,000.00

THIS IS AN INVOICE ONLY AND IS NOT A RECEIPT FOR PAYMENT UNTIL VALIDATED

APN# _____

Recording Requested by/Mail to:

Name: Alling & Jillson, Ltd.

Address: Post Office Box 3390

City/State/Zip: Lake Tahoe, NV 89449

Mail Tax Statements to:

Name: Alling & Jillson, Ltd.

Address: Post Office Box 3390

City/State/Zip: Lake Tahoe, NV 89449



KAREN ELLISON, RECORDER

Amended Declaration of Protective Restrictions Lakeridge Subdivision

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording
contains personal information as required by law: (check applicable)

☐ Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

☐ Judgment – NRS 17.150(4)

☐ Military Discharge – NRS 419.020(2)



Signature

Maxwell B. Glasson, Esq.

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

\$1.00 Additional Recording Fee for Use of This Page

**AMENDED DECLARATION OF PROTECTIVE RESTRICTIONS
LAKERIDGE SUBDIVISION, DOUGLAS COUNTY, NEVADA
September 27, 2016**

1. In this document, LAKERIDGE 1 and 2 and NORTH LAKERIDGE, the maps of which were filed with the Douglas County, Nevada, Recorder on February 23, 1959 as Document No. 014083, June 13, 1957 as Document No. 012301, and August 29, 1960 as Document No. 016529, shall be referred to herein as LAKERIDGE. Any owner of a LOT in LAKERIDGE shall be referred to as PROPERTY OWNER. The restrictions covering LAKERIDGE which were recorded with the Douglas County Recorder, on Feb. 11, 1958, in Book E of Miscellaneous Page 88, and on August 29, 1960 in Book 3, Pages 475, 476 and 477; amended by document dated July 17, 1966, recorded on October 8, 1967 in Book 54, commencing on Page 283; and further amended by document dated October 24, 1984, recorded on November 2, 1984 in Book 1184, commencing on Page 261, and further amended by this document, to be recorded in the official records of Douglas County, Nevada, shall be referred to as RESTRICTIONS.

2. Hereinafter, where the words PROPERTY OWNER appear, they shall also mean the plural and shall refer to the property owners, their heirs, executors, administrators and assigns.

3. Hereinafter, the word LOT shall refer to any lot within LAKERIDGE.

4. The RESTRICTIONS placed on LAKERIDGE in its organizing documents listed above, permit those RESTRICTIONS to be changed by 51% of the PROPERTY OWNERS in LAKERIDGE. We, the undersigned, pursuant to a vote of approval made by at least 51% of the PROPERTY OWNERS, evidence of which is on file with the LAKERIDGE GENERAL IMPROVEMENT DISTRICT, do hereby attest that the RESTRICTIONS are amended to read:

A. A General Improvement District has been formed, according to the laws of the State of Nevada, known as the LAKERIDGE GENERAL IMPROVEMENT DISTRICT (hereinafter "LGID"), governed by its Board of Trustees (hereinafter the "BOARD"), and all PROPERTY OWNERS shall belong to said District. In matters requiring a vote of the members of LGID, each PROPERTY OWNER shall have one vote for each LOT owned.

B. No building or structure of any kind, including but not limited to fences, walls and antennas, shall be started, erected, altered, or maintained on any LOT until the construction plans and specifications have been approved by the ARCHITECTURAL COMMITTEE (hereinafter COMMITTEE) as to harmony of external design, height, location on LOT, color, and compatibility with the Lake area and neighborhood. Preliminary plans shall be submitted to the COMMITTEE for conditional approval, including a topographical plan showing all structures, floor level with respect to the lowest or highest LOT corner, the four elevations, external colors, external materials, external specifications, and impact on the Lake Tahoe view of nearby property owners. Final plans and specifications submitted shall be complete and shall be submitted in two copies. Builders shall, at the time of submitting final plans and specifications as

outlined above, cause the corners of the LOT and LOT setbacks to be staked and shall notify the COMMITTEE of the completion of the staking as well as indicate the height of the structure to be erected thereon. A reasonable plan review fee as set by the BOARD shall be paid when such final plans are submitted. Before construction shall commence, the PROPERTY OWNER and their retained contractor shall sign an Owner/Contractor Agreement with the COMMITTEE, and PROPERTY OWNER shall be bound by the conditions therein. Should a PROPERTY OWNER wish to make changes in plans after the plans have been approved, they shall promptly advise the COMMITTEE of the changes and obtain approval of the COMMITTEE of said changes. If approved, one marked copy of the plans will be returned, indicating the approval of the COMMITTEE.

Unless otherwise provided by applicable law, no structure shall be of greater height than as set forth in the Douglas County Code and/or the TRPA Code of Ordinances. All roofs shall be constructed of tile, slate, or such other fire resistant materials approved by the COMMITTEE, that meet the requirements of all applicable building codes or regulations (including NRS 472.100), and that are consistent with the Lake Tahoe Fire Protection District's recommendations. All vents above the roof shall be painted to match the roof color. No used materials shall be permitted unless prior approval is obtained. Each dwelling shall have at least a two car garage with appropriate off-street parking. Driveway slopes shall not exceed 10%. All driveways shall be paved. The foregoing applies only to new construction and substantial remodels unless otherwise approved by the COMMITTEE, in writing, in its reasonable discretion.

No building or structure shall be constructed of any exposed material, whether structural or paint, mirrored glass, or other surface material that may result, directly or indirectly, in sunlight being unduly reflected therefrom; provided, however, that there shall be an exception for non-reflective solar panels, non-mirrored glass windows and copper trim approved in writing by the COMMITTEE. The foregoing applies only to new construction and substantial remodels unless otherwise approved by the COMMITTEE, in its reasonable discretion.

Setbacks shall be according to Douglas County standards, except where they were modified by the maps of LAKERIDGE filed with the Douglas County Recorder on February 23, 1959, and June 13, 1957, or approved by the Douglas County Planning Commission at their meeting of August 31, 1960, or as modified by the COMMITTEE.

All plans submitted for approval, specifications, and correspondence shall be addressed to the LAKERIDGE ARCHITECTURAL COMMITTEE, P.O. Box 1514, Zephyr Cove, Nevada 89448.

C. The COMMITTEE shall be composed of all members of the BOARD, with at least three members participating in each approval.

D. No commercial building or multiple family dwelling shall be permitted in LAKERIDGE. No commercial vehicle shall be parked overnight in LAKERIDGE. No part of

any LOT shall ever be used for any business, commercial (including auctions or similar events), manufacturing, mercantile, storage, vending or other nonresidential purposes, including without limitation any activity for which the provider is compensated in any way or receives any form of consideration, regardless of whether the activity is engaged in full or part-time, generates or does not generate a profit, or requires or does not require a license. The provisions of this paragraph shall not preclude any of the above-described activities which are conducted without external evidence thereof provided that all of the following conditions are fulfilled: (a) such activities are conducted in conformance with all applicable governmental ordinances; (b) the patrons or clientele of such activities do not routinely or in significant numbers visit the LOT or park automobiles or other vehicles within LAKERIDGE; (c) the existence or operation of such activities is not apparent or detectable by sight, sound or smell from outside of the boundaries of the residence on such LOT; (d) no such activity increases the liability or casualty insurance obligation or premium of LAKERIDGE; and (e) such activities are consistent with the residential character of LAKERIDGE and otherwise conform with the provisions of these RESTRICTIONS.

E. There shall be no interference with or alteration of the established drainage or drainage systems within any LOT, unless previously approved in writing by the COMMITTEE. For the purpose hereof, "established drainage or drainage systems" is defined as the drainage which exists at the time a LOT is conveyed to a PROPERTY OWNER, or later grading changes which are shown on plans approved by the appropriate governmental authorities and the COMMITTEE.

F. All LOTS shall at all times be kept in a neat, clean, sightly and wholesome condition, and no trash, garbage, litter, junk, boxes, containers, kindling, bottles, cans, machinery, implements, lumber, building materials, or extraneous materials whatsoever shall be permitted to remain exposed on any LOT where visible from any street or other LOT. Vegetation shall be controlled to present a neat, orderly appearance. Where overgrowth becomes unsightly or constitutes a safety and/or fire hazard, after notice to the PROPERTY OWNER, the BOARD shall have the LOT cleared at owner's expense.

The Nevada Division of Forestry and/or local Fire department officials shall be requested to inspect LAKERIDGE on a regular basis for fire hazards, particularly as to overgrown vegetation. Removal of excess trees, shrubs and any other vegetative material from any LOT, as required by Fire Officials, shall be required and paid for by the PROPERTY OWNER of that LOT in LAKERIDGE.

Every PROPERTY OWNER shall make every effort to avoid obstruction of other PROPERTY OWNERS' views of Lake Tahoe, particularly as to new construction or building modification, planting materials or allowing excessive growth. Gas tanks, garbage cans and incinerators must be kept in a clean and sanitary condition, and they shall be screened or placed so that they cannot be seen from another LOT, excepting bear boxes painted to match the background colors which are permitted near the street entrance to each LOT. All garbage placed for pick up must be in acceptable receptacles in compliance with the foregoing.

No obnoxious or offensive activities shall be carried on upon any LOT, nor shall anything be done thereon which may be or become a nuisance to the neighborhood. Exteriors of all structures shall be maintained in good condition. Signs shall be restricted to street signs, LAKERIDGE name signs, PROPERTY OWNERS' name and address signs, temporary "open house" signs, or other temporary signs as approved by the majority of the BOARD. No laundry, bedding, garment or things of like nature, shall be exposed on a LOT where visible from a street or other LOT.

G. The LGID is hereby granted easements and rights of way for the installation, maintenance, operation, repair and replacement of utility lines, sanitary sewer mains, surface water drainage, and other similar facilities over each LOT, provided that such facilities shall not be installed in such a location on any LOT as to interfere with any improvements thereon. All utilities shall be brought into all new dwellings underground.

H. No dwelling shall be erected or maintained upon any part or portion of any LOT which shall occupy less than one thousand five hundred (1,500) square feet of living area, exclusive of open patios, porches or garage.

I. When construction of a dwelling is commenced upon any of said LOTS, the PROPERTY OWNER shall prosecute with all possible diligence the completion thereof, and shall complete construction thereof within twelve (12) months from date of said commencement, subject to a written grant of extension by the COMMITTEE in its reasonable discretion. Construction debris must be contained within an appropriate receptacle.

J. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any LOT at any time as a residence, either temporarily or permanently. No mobile home or recreational vehicle may be stored in LAKERIDGE at any time unless screened in an acceptable manner from view, corresponding with applicable provisions of the Douglas County Code. No exterior air conditioning or heating unit (including solar heating devices), shall be erected or maintained on any LOT unless it has received approval in writing by the COMMITTEE.

K. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

L. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any LOT, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose and provided they do not become a nuisance to other PROPERTY OWNERS. LAKERIDGE, acting through the BOARD, shall have the right to prohibit the keeping of any animal which constitutes, in the opinion of the BOARD, a nuisance to other PROPERTY OWNERS.

M. PROPERTY OWNERS agree that no trees on any LOT with a diameter of one foot or over at a point three feet above the ground shall be cut down or uprooted by PROPERTY OWNER without first obtaining the approval of the COMMITTEE, in its reasonable discretion.

N. A PROPERTY OWNER may rent, lease, provide a time share/exchange, or similar arrangement of the dwelling unit on their LOT to a single family, provided that the dwelling is rented, leased, provided under a time share/exchange, or other arrangement pursuant to a lease or rental agreement which is: (a) in writing; (b) for a term of at least sixty (60) days (i.e. no short term rentals of a term less than sixty (60) days are permitted); (c) has filed with the County for any necessary permit, defining the maximum number of people and vehicle occupancy, and which complies with other relevant governmental regulations; and, (d) is subject to all of the provisions of these RESTRICTIONS, and any further Rules and Regulations adopted by LGID.

O. All of the restrictions set forth herein are imposed upon LAKERIDGE for the direct benefit thereof as a part of the general plan of improvement. Said RESTRICTIONS shall run with the land and shall be binding on all PROPERTY OWNERS for twenty years from the date of this declaration, or until such time as the owners of at least 51% of the LOTS in LAKERIDGE shall amend or modify the RESTRICTIONS by the recordation in the Office of the County Recorder of Douglas County, Nevada, of a supplemental set of RESTRICTIONS duly executed and acknowledged by the PROPERTY OWNERS of not less than 51% of the LOTS in LAKERIDGE. At the end of said twenty years, these RESTRICTIONS shall automatically extend for successive periods of ten years unless an instrument has been recorded agreeing to change or amend said RESTRICTIONS by the method set forth in the preceding sentence.

P. The RESTRICTIONS herein contained shall bind and insure to the benefit of and be enforceable by any PROPERTY OWNER or LGID and it shall be lawful for any one of them to institute and prosecute and proceed at law or in equity against any person, firm, or corporation violating or threatening to violate any of the RESTRICTIONS herein contained and such action may be maintained for the purpose of preventing the violation or to recover damages for a violation, or for both of such purposes.

LGID shall have the power and authority to suspend the voting rights, suspend a PROPERTY OWNER's right to use any recreational amenities in LAKERIDGE, and assess reasonable monetary fines against any PROPERTY OWNER, or other person entitled to exercise such rights or privileges, for any violation of the RESTRICTIONS herein contained, as set forth below. Any failure to enforce any of the RESTRICTIONS herein contained shall in no way or event be deemed a waiver of the right to enforce such RESTRICTIONS thereafter. Nothing herein contained shall be construed as preventing the application of any remedies given by law against a nuisance, public or private, or otherwise, but the remedies contained herein shall be in addition to any other remedies given by law.

LGID, through the BOARD, shall have the power and authority to bring matters requiring a 51% vote of the LOTS in LAKERIDGE, such as an amendment to these RESTRICTIONS, to the PROPERTY OWNERS directly, without seeking further approval.

Q. If any PROPERTY OWNER responsible for the maintenance of a portion of any LOT allows, permits, or causes any condition to exist on or within such PROPERTY OWNER's LOT, as the case may be, or the improvements thereon, which violates the provisions of the RESTRICTIONS, or in the sole reasonable discretion of the BOARD is unsightly, unsanitary, or hazardous (including, without limitation, a condition which causes dust or debris to carry to another LOT), or otherwise violates any further provision of these RESTRICTIONS (collectively, a "Violation"), then, before taking any action to suspend voting rights or impose a fine, the BOARD shall give the PROPERTY OWNER written notice ("Violation Notice") in the manner provided below, specifying the nature of the Violation. In the event that the BOARD fails to give a Violation Notice for a Violation to a PROPERTY OWNER who has defaulted in their obligation hereunder, then, upon the filing with the BOARD of a meritorious written complaint ("Owner Complaint") executed by the Owners of any two (2) LOTS within LAKERIDGE, the BOARD shall have the obligation to give such Violation Notice.

The PROPERTY OWNER to whom a Violation Notice is given shall have the right to file a written objection thereto with the Secretary of the BOARD within ten (10) days after such PROPERTY OWNER is deemed to have received such Violation Notice. Whether or not such objection is filed, within thirty (30) days after the Violation Notice is given, the BOARD shall meet in executive session to hold a hearing on the subject matter of the Violation Notice, unless the PROPERTY OWNER who allegedly committed the Violation requests, in writing, that the hearing be conducted by the BOARD at an open meeting. Notice of such hearing, and time and place thereof, shall be given to the PROPERTY OWNER to whom the Violation Notice is given and any other PROPERTY OWNER who has filed an Owner Complaint at least five (5) days prior to the date set for such hearing. The PROPERTY OWNER who is alleged to have committed the Violation may attend the hearing and testify concerning the alleged Violation, but may be excluded by the BOARD from any other portion of the hearing, including, without limitation, the deliberations of the BOARD. In the event that the BOARD finds that a Violation has occurred, the BOARD shall order the PROPERTY OWNER to cure such Violation within such time period as the BOARD determines is reasonably required, which cure period shall be no less than thirty (30) days. The BOARD shall give written notice of its decision to the PROPERTY OWNER against whom the Violation Notice was given as to whether or not a Violation exists and the nature of such Violation. Copies of such decision shall be mailed to all persons who filed an Owner Complaint.

If a decision is rendered that a Violation exists which is not curable, then the BOARD shall assess a Violation Assessment against the violating PROPERTY OWNER subject to the following schedule: \$100 for the first violation, \$200 for the second violation, \$400 for the third violation, and escalating on that same pattern for subsequent Violations of the same character. A Violation Assessment shall be deemed a toll or charge as discussed in NRS chapter 318, and may become a lien chargeable LOT if unpaid as set forth therein.

If the Violation found to exist is a violation of Paragraph N, governing short-term rentals, then the Violation Assessment assessed against the violating PROPERTY OWNER shall be in an amount equal to the rental amount received by such violating PROPERTY OWNER for such short-term rental. As above, such Violation Assessment shall be deemed a toll or charge as discussed in NRS chapter 318, and may become a lien chargeable LOT if unpaid as set forth therein

If a decision is rendered that a Violation exists which is curable, and the PROPERTY OWNER fails to correct such Violation within the period specified in such decision, or, if no time is specified, within a reasonable time, then the BOARD shall have the right, but not the obligation, to correct the Violation in accordance with the procedures set forth below.

(1) In the event the BOARD elects to correct a curable Violation, then prior to commencement of work to correct the Violation and promptly after the expiration of the cure period afforded to a defaulting PROPERTY OWNER under the Final Decision entered with respect to the Violation, the BOARD, wherever possible, shall obtain three (3) written bids to perform the required work and shall mail the bids to the PROPERTY OWNER. The PROPERTY OWNER shall have the right to select the bid by notifying the BOARD in writing within fourteen (14) days after the bids are mailed by the BOARD to the PROPERTY OWNER. In the event the PROPERTY OWNER fails to select a bid within such time period, the BOARD shall select the bid.

(2) When the bid has been selected as set forth in above, the BOARD shall levy a Violation Assessment against the PROPERTY OWNER in the amount of the cost of correcting the Violation and the costs and expenses, including attorneys' fees, incurred by the BOARD incident thereto. A Violation Assessment shall be deemed a toll or charge as discussed in NRS chapter 318, and may become a lien chargeable LOT if unpaid as set forth therein.

(3) The BOARD may, at its sole option and discretion, elect to cause the corrective work to be commenced promptly after the Violation Assessment has been levied against the PROPERTY OWNER, or elect to postpone the corrective work until after the amount of the Violation Assessment has been collected partially or in full. Neither the BOARD, nor any of the BOARD's agents or employees, shall be liable for any damage which may result from any work performed by the BOARD to cure a Maintenance Violation.

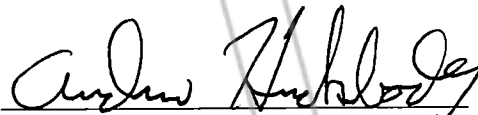
Each PROPERTY OWNER hereby grants to the BOARD, and its duly authorized agents, representatives, employees and contractors, the right of entry onto such PROPERTY OWNER's LOT (including within any residence or other Improvement thereon), which right shall be irrevocable, to make such repairs and perform such maintenance work which the BOARD is required or entitled to do pursuant to the provisions of these RESTRICTIONS, such right of entry shall be exercised only during reasonable hours and after reasonable notice.

R. In the event that an action shall be commenced to enforce any of the RESTRICTIONS herein contained, LGID shall be entitled to recover reasonable attorney's fees and costs expended in doing so in an amount to be fixed by the court in such action.

[Signature and Notarial Pages Follow]

COPY

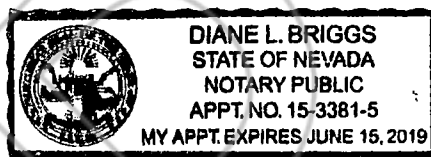
IN WITNESS WHEREOF, we, ANDREW HUCKBODY, President and SUZANNE BOYER, Secretary, on behalf of the BOARD of LGID do hereby certify that on the day and year first above written, more than 51% of the PROPERTY OWNERS of LOTS in LAKERIDGE voted and approved and have duly executed and acknowledge these amended set of RESTRICTIONS. Proof of said vote is on file in the office of the Secretary of LAKERIDGE and available for inspection upon request.

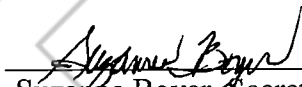

Andrew Huckbody, President

This instrument was acknowledged before me on Sept 27, 2016, by Andrew Huckbody, President of the Lakeridge General Improvement District.

WITNESS my hand and official seal.


NOTARY PUBLIC

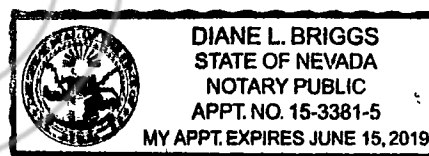



Suzanne Boyer, Secretary

This instrument was acknowledged before me on 9/29/16, 2016, by Suzanne Boyer, Secretary of the Lakeridge General Improvement District.

WITNESS my hand and official seal.


NOTARY PUBLIC



Overview



1262 Lincoln Ci, Lakeridge NV 89413

Possible Violations

We found no violations for this property

License Information

Identification A00209

All (2) Airbnb (1) Vrbo (1)

Listing-ID 27396655				History	Not Live
Host	Matt	Bedroom advertised	6		
STR License displayed	None	Occupancy advertised	12		
Unit type	Full Unit	First seen	2018-08-03		
Listing-ID 7197589				History	Not Live
Host	Matt Kvancz	Bedroom advertised	6		
STR License displayed	None	Occupancy advertised	12		
Unit type	Full Unit	First seen	2018-06-04		

Location



Booking Activities



Aggregate Statistics



Overview



1262 Lincoln Ci, Lakeridge NV 89413

Possible Violations

We found no violations for this property

License Information

Identification A00209

All (2) Vrbo (1) Airbnb (1)

Listing-ID 7197589

History

Not Live

Host Matt Kvancz Bedroom advertised 6

STR License displayed None Occupancy advertised 12

Unit type Full Unit First seen 2018-06-04

Listing-ID 27396655

History

Not Live

Booking Activities



Rental Unit Record

1262 Lincoln Circle, Glenbrook, NV,
USA

Removed X
Identified ✓
Compliant ✓

PRINT

SEND A LETTER

Listing(s) Information

VRBO - 321.1410721.1969103

HomeAway - 121.7197589.6372536

Airbnb - 27396655



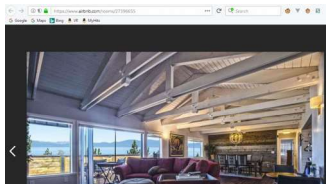
Matched Details

Analyst 66D9

Explanation

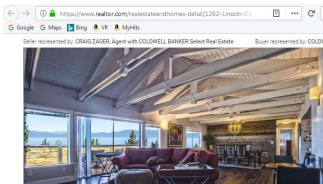
Photos from the listing match photos from realtor.com

Listing Photos



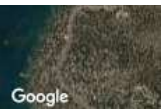
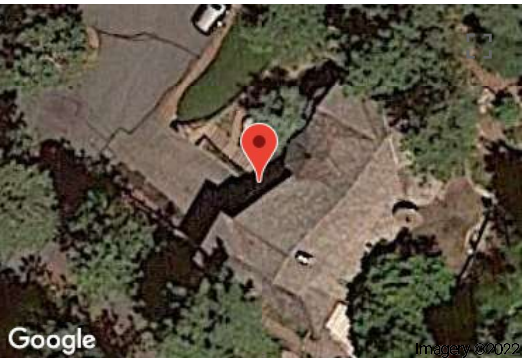
Same photo

Matching 3rd Party Sources



Owner Name Match

Rental Unit Information



Identified Address

1262 Lincoln Circle, Glenbrook, NV,
USA

Identified Unit Number

None

Identified Latitude, Longitude

39.037247, -119.948045

Parcel Number

141834112002

Owner Name

KVANCZ, M D & RAFANELLI, V A

Owner Address

7551 Trask Ave
Playa del Rey, CA 90293, US

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing air27396655 Removed
March 12th, 2022

Listing URL	— https://www.airbnb.com/rooms/27396655	→ ● Listing air27396655 Reposted March 3rd, 2022
Listing Status	● Inactive	📅 1 Documented Stay February, 2022
Host Compliance Listing ID	— air27396655	
Listing Title	— Spectacular Lakeview 6-Bedroom Retreat	→ ✕ Listing air27396655 Removed February 4th, 2022
Property type	— House	→ ● Listing air27396655 Reposted February 2nd, 2022
Room type	— Entire home/apt	📅 3 Documented Stays January, 2022
Listing Info Last Captured	— Mar 09, 2022	
Screenshot Last Captured	— Mar 06, 2022	✕ Listing hma121.7197589.6372536 Removed December 22nd, 2021
Price	— \$900/night	✕ Listing air27396655 Removed December 21st, 2021
Cleaning Fee	— \$	📅 3 Documented Stays December, 2021
refund by HDL		📅 3 Documented Stays November, 2021

Information Provided on Listing

Contact Name	— Matt
Latitude, Longitude	— 39.036516, -119.947964
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 12
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 102
Last Documented Stay	— 02/2022

Listing Screenshot History

 View Latest Listing Screenshot















January 0

February 0

March 1

- Listing air27396655 Reposted November 3rd, 2021
- ✕ Listing air27396655 Removed November 2nd, 2021
- 📅 5 Documented Stays October, 2021
- 📅 1 Documented Stay September, 2021
- Listing air27396655 Reposted September 3rd, 2021
- ✕ Listing air27396655 Removed August 31st, 2021
- 📅 3 Documented Stays July, 2021
- 📅 1 Documented Stay June, 2021
- 📅 3 Documented Stays May, 2021
- 📅 5 Documented Stays April, 2021
- Listing air27396655 Reposted April 23rd, 2021
- ✕ Listing air27396655 Removed April 22nd, 2021
- Listing air27396655 Reposted April 7th, 2021
- ✕ Listing air27396655 Removed April 4th, 2021
- Listing air27396655 Reposted March 16th, 2021
- ✕ Listing air27396655 Removed March 16th, 2021

- Listing air27396655 Reposted
March 13th, 2021
- ✕ Listing air27396655 Removed
March 10th, 2021
- 📅 1 Documented Stay
March, 2021
- 📅 1 Documented Stay
February, 2021
- 📅 7 Documented Stays
January, 2021
- 📅 3 Documented Stays
December, 2020
- 📅 3 Documented Stays
November, 2020
- 📅 7 Documented Stays
October, 2020
- 📅 2 Documented Stays
September, 2020
- 📅 6 Documented Stays
August, 2020
- 📅 3 Documented Stays
July, 2020
- 📅 3 Documented Stays
June, 2020
- 📅 3 Documented Stays
May, 2020
- 📌 COVID19 Memo: Delivered 📅
April 12th, 2020
- 📌 COVID19 Memo: Sent 📅
April 3rd, 2020
- 📅 2 Documented Stays
February, 2020
- 📅 1 Documented Stay
January, 2020
- 📅 3 Documented Stays
December, 2019
- 📅 3 Documented Stays
November, 2019
- 💬 1 Comments
November 4th, 2019
☰ Parking Diagram (picture) show...
- 💬 1 Comments
October 29th, 2019
☰ sent email to owner 10-29-19 t...
- 📅 3 Documented Stays
October, 2019
- 📅 3 Documented Stays
September, 2019
- 📅 2 Documented Stays
August, 2019
- ✕ Listing hma321.1410721.1969103 Removed
August 17th, 2019

- ✈ Surcharge Fee Reachout Letter: Delivered
July 27th, 2019 
- ✈ Surcharge Fee Reachout Letter: Sent
July 19th, 2019 
-  3 Documented Stays
July, 2019
-  3 Documented Stays
June, 2019
-  3 Documented Stays
May, 2019
-  2 Documented Stays
April, 2019
- ✈ Renewals Reachout Letter: Delivered 
March 28th, 2019
- ✈ Renewals Reachout Letter: Sent 
March 22nd, 2019
-  2 Documented Stays
March, 2019
-  4 Documented Stays
January, 2019
-  4 Documented Stays
December, 2018
-  5 Documented Stays
November, 2018
-  call_center: 1262 Lincoln Circle , Zephyr Cove
November 12th, 2018
-  6 Documented Stays
October, 2018
- ✓ Listing hma321.1410721.1969103 Identified
October 20th, 2018
- ✓ Listing hma121.7197589.6372536 Identified
October 20th, 2018
- ✓ Listing air27396655 Identified
October 20th, 2018
- ✱ Listing hma321.1410721.1969103 First
Crawled
October 8th, 2018
- ✱ Listing hma121.7197589.6372536 First
Crawled
October 8th, 2018
- Listing hma321.1410721.1969103 Reposted
October 8th, 2018
- ✱ Listing air27396655 First Crawled
October 8th, 2018
- Listing air27396655 First Activity
October 7th, 2018
- Listing hma121.7197589.6372536 First
Activity
October 5th, 2018
- ✕ Listing hma321.1410721.1969103 Removed
October 4th, 2018

**VACATION HOME RENTAL ADVISORY BOARD AGENDA ITEM
COVER PAGE**

MEETING DATE: March 23, 2022

TIME REQUIRED: 60 minutes

AGENDA: **ADMINISTRATIVE AGENDA**

TITLE:

For possible action. Discussion on possible changes to Chapter 20.622 of the Douglas County Code relative to vacation home rentals in the Lake Tahoe Township. (Chairwoman Mickie Hempler)

RECOMMENDED MOTION:

Direct staff to bring back redline changes to Chapter 20.622 to reflect the proposed changes as approved by the VHR Advisory Board during this meeting.

FINANCIAL IMPACT:

None at this time.

BACKGROUND:

In July 2021 the Board of County Commissioners created the Douglas County Vacation Home Rental Advisory Board to render advice when necessary to the Board of County Commissioners on proposed changes to the Chapter 20.622 of the Douglas County Code related to vacation home rentals in Douglas County. This item appears on the agenda to allow the VHR Advisory Board to review the regulations and begin to identify sections that they would recommend be amended.

Last month each Board Member discussed their top 3 issues with the code and a spreadsheet was created to reflect those concerns. It is anticipated that the board will further discuss those specific issues. The unapproved minutes attached to this board packet has the detail of last months discussion.

ATTACHMENTS:

[Comments by board in table.pdf](#)

[Douglas_County_Code_Chapter_20.622_Lake_Tahoe_Vacation_Home_Rentals.pdf](#)

Vacation Home Rental Advisory Board Top 3 suggestions and issues with current code

Topic	KEITH BYER	MICHAEL SLOAN	PATTI GRAF	LAUREN ROMAIN	MICKIE HEMPLER	Code Section	Staff Task	Board Task	Comments
Noise monitors & Cameras – standard log, set standards that they are web based, a log is kept and how long the log should be kept. And the log should not be dependent on an event, but the totality and access to our Code Enforcement	x	x				622.030.7 622.030.9 622.040.8 622.040.9 622.050.E 622.050.P			How is code enforcement going to keep track of all this and logins to each individual noise monitors account? We can request the information the emergency contact can provide it. It is worthy of being "evidence" and what need to be included in that "evidence" as submitted by the EC to ensure the information we are getting is the right incident?
Insurance – confirm licensed in Nevada, to file a case with an insurer outside of Nevada could be different should they be licensed in Nevada	x					622.030.5.m 622.030.F.6			In the revised code as proposed in the settlement. Adds another step for staff in the permit process
Trash – “disposed of properly” needs more substance We have it required that there are bear boxes, but if they have a 2 Tier is one small bear box going to be enough. Ms. Graf would like to see what South Lake Tahoe Refuge would recommend.	x		x			622.030.5.n 622.030.F.4 622.040.5.c 622.040.11.f			See New owner affidavit
Density restrictions – min separation between vhr units, dive into more restrictions or ideas to keep the density not just concentrated in one area density in neighborhoods whether Tier 2 or Tier 3		x	x			622.030.F.2 622.040.C			How does this get regulated. Until data is live?
50 person guest limit - It seems very confusing to the people in the audience and to people in general and believes this should be considered per item as to what that can be.		x	x			622.030.10			
Define a studio - more clarity on the things that could happen, however, it doesn't exempt studios . Studios are allowed, but it is a total and separate entity then what we were talking about trying to cram everyone into every nook and cranny of a place				x		622.010.X		X	
Tier 3 applicant not tier 3 until approved by Advisory Bd				x		622.030.10.c.			180 days in order to get into compliance and get approved by the VHR Advisory Board.
Multiple living areas – defined				x		622.020.X		X	Add Definition
Neighborhood by neighborhood study					x		X		What are we going to study
Possible maximum number of occupants regardless of home size					x			X	Defined from information from Neighborhood site survey
Commercial water/sewer fees					x				GID / County provides services not this code

Title 20 Consolidated Development Code

20.622 Lake Tahoe Vacation Home Rentals

- 20.622.010 Introduction
- 20.622.020 Definitions
- 20.622.030 Permit Process
- 20.622.040 Operational Requirements
- 20.622.050 Violations and Enforcement
- 20.622.060 VHR Advisory Board and Appeals

20.622.010 Introduction

A. Title. Title. This chapter shall be referred to as the Lake Tahoe Vacation Home Rental ("VHR") Ordinance. All VHRs shall be limited to the Lake Tahoe Township.

B. Purpose. The Douglas County Board of County Commissioners ("Board") finds and declares as follows:

1. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation home rentals by providing a source of revenue which may be used for maintenance upgrades and deferred costs.
2. County staff has responded to numerous complaints at VHRs involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse, which require response from Sheriff, fire, paramedic and other public personnel.
3. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult. The provisions of this chapter are necessary to prevent the continued burden on County services and impacts on residential neighborhoods and homeowners adjacent to a vacation rental home, who ultimately bear the burden of these vacation homes and need to file complaints against the vacation home.
4. NRS 244.357 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 Lake Tahoe Township is the only appropriate and logical choice for the operation of short-term vacation home rentals and they will be permitted and regulated as set forth in this chapter.
5. The entire Tahoe Basin is under the jurisdiction of the TRPA, includes portions of two (2) states and five (5) counties. TRPA implements its control with the use of the Lake Tahoe Regional Plan, the Community Plans and Area Plan 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.
6. The area of Douglas County within the jurisdictional boundaries of the Tahoe Regional Planning Agency (TRPA) dominates Douglas County's lodging and recreational use. This planning area, located on the western edge of Douglas County, is rich in recreational activities and is the primary center of the casino resort industry for the County.
7. 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 and maintenance of the natural area 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.
8. Obtaining a VHR permit is not a right. Thus, Douglas County reserves the right to determine which permit locations are appropriate and when the permit may be revoked or denied.
9. The Board of County Commissioners, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter. (Ord. 1582, 2021)

20.622.020 Definitions

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

- A. "Local contact person" and/or "emergency Contact" means a Nevada 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 authorized by owner to take remedial action and respond to any violation of this ordinance, 24 hours a day. "Local" also means that the response time to the VHR from the local contact person's residence is not more than thirty (30) minutes from the time the complaint is received by them. Owner, local contact and property managers are required to attend VHR Compliance Education Certification Program for owners and managers.
- B. "Overnight" means between the hours of 9 p.m. and 8 a.m. for the purpose of this chapter only.
- C. "Owner" means the person or entity that holds legal or equitable title to the private property. Owner does not include a limited liability company, corporation, partnership or similar commercial arrangement with the exception of permits that have already been issued.
- D. "Person" means an individual or family, including a family trust, which owns or occupies the VHR property and utilizes the home as a residence. Person does not include a limited liability company, corporation, partnership or similar commercial legal arrangement with the exception of permits that have already been issued as of June 3, 2021.
- E. "Rent" means the consideration received by an owner or other consideration valued in money for lodging subject to the tax authorized in Title 3 of the Douglas County Code.
- F. "Bedroom" means for the purposes of this chapter as a confined space having a floor area of not less than 70 square feet (no less than 7 feet in any horizontal direction) and which is heated and has glazing of 8% of the floor area and natural ventilation through windows at 4% of the room floor area and can provide emergency egress as determined by Douglas County, with a minimum ceiling height of 7 feet. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom must have an exterior access allowing emergency escape or rescue exit. This definition is derived from the International Residential Code Section R303, R304 and R310.
- G. "True Host" means that the owner of a vacation home rental is residing at the property throughout all periods when renters are present.
- H. "Vacation Home Rental (VHR)" or "Short Term Rental (STR)" means one dwelling unit, or a portion of a dwelling unit, including either a single-family attached unit, rented 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 NRS Chapter 118A. The term VHR or STR excludes time shares or similar commercial activities regulated pursuant to NRS Chapter 119A. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.030 Permit Process

- A. An owner of a vacation rental may not rent a dwelling unit or any bedroom for 28 consecutive calendar days or less without a valid Vacation Home Rental Permit issued by Douglas County. The issuance of any permit is discretionary and not a right.
- B. Except as allowed under 20.622.030(E)(10), no more than 600 VHR permits may be issued within Tahoe Township.

C. Property owners that have a valid Vacation Home Rental Permit from the County must demonstrate at the time of renewal that the dwelling unit was rented in the prior year. Failure to demonstrate use of the permit may result in the permit not being renewed. This is intended to prevent Vacation Home Rental Permits from being obtained with no intent to rent the property.

D. Permits and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of this code or Nevada law. The issuance of any permit pursuant to this chapter does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the vacation home rental or the property on which it is located.

E. The following are the permit requirements:

1. A separate permit is required for each vacation home rental unit and a permit may only be issued to the owners of the unit. Permits are limited to one permit per family. VHR permits are limited to allowable uses per the property's zoning designation and the County building code requirements.
2. Each VHR must be a permanent habitable dwelling unit.
3. Permits may be issued to family trusts and individuals only, and are not transferable with the sale of the property; limited liability companies, corporations, partnerships and other similar commercial arrangements may not apply for nor receive a new permit.
4. The Director is authorized to specify the form and process for obtaining and issuing the VHR permit.
5. A permit must be issued before the property may be used as a vacation home rental. At a minimum, all permit applications must contain the following information:
 - a. The address and assessor's parcel number for the proposed vacation home rental.
 - b. The name, address, and telephone number of the owner of the vacation home rental.
 - c. The name, address, and telephone number of the local contact person for the owner of the vacation home rental. The local contact person must be available for contact regarding any complaint, 24 hours a day.
 - d. Acknowledgement that all designated bedrooms meet the definition specified in Section 20.622.020.
 - e. State the number of bedrooms that may be rented. The number of bedrooms will determine the maximum number of overnight occupants allowed by the permit.
 - f. Douglas County reserves the right to impose special parking conditions on guests of vacation home rentals in areas or under circumstances which justify it, such as narrow roads, or heavy traffic during special events, etc.
 - g. A diagram and photograph of the premises showing bedrooms, on-site assigned parking spaces in garages, driveways, or other parking areas and the interior spaces. Parking areas with drive-through driveways require a minimum 10-foot wide, unobstructed lane for emergency access vehicles. All other driveways require a minimum 6-foot wide unobstructed lane for emergency ingress and egress. Final determinations regarding suitable on-site parking will be made by the County consistent with county code and other applicable regulations.
 - h. 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.
 - i. Acknowledgement that the owner, agent, and local contact person have each read the regulations pertaining to the operation of a vacation home rental and they will comply with all requirements in this chapter.
 - j. A statement signed by the owner confirming the unit is not deed restricted or located in an area governed by a home owner's association ("HOA") and is not subject to covenants, conditions and restrictions ("CC&Rs") or bylaws that prohibit or limit the existence of VHRs. Permits shall not be issued in these areas. Permittee is required to notify the HOA of intent to rent a home as a VHR. Douglas County may require the applicant to provide documents in support of the statement as a precondition to approval of the permit.
 - k. Acknowledgement that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in this chapter.
 - l. Proof that a safety inspection has been completed annually by the Tahoe-Douglas Fire Protection District and/or other designee of Douglas County.
 - m. Owners are required to provide proof of insurance in a form acceptable to Douglas County showing at least five hundred thousand dollars (\$500,000) in general liability insurance on the property to cover anyone injured on the property due to homeowner's negligence. Douglas County shall be the sole determiner of whether or not the insurance coverage is adequate or not. In addition, Douglas County staff may require additional coverage if they believe the circumstances warrant it. Douglas County will not require more than the Tier 3 insurance requirement of one million dollars (\$1,000,000) of liability coverage.
 - n. Permittee is required to have adequate trash removal service per any applicable Health District, waste management, Homeowner's Association or General Improvement District rules. Trash storage must be sufficient for the maximum number of occupants as determined by the County. A bear proof box or reasonable bear proof trash storage solution is required as determined by the County.
 - o. Any other information the Director or a designee deems reasonably necessary to administer this chapter.
 - p. The permit application must be verified by the owner under penalty of perjury that the application is true and correct. Please note that the fine for falsifying any information contained in the application or provided to Douglas County in conjunction therewith shall subject the applicant to a civil penalty up to ten thousand dollar (\$10,000) and will ban the applicant from ever obtaining a permit for all Tier 1 and Tier 2 units. A civil penalty of up to twenty-thousand dollars (\$20,000) may be imposed to units which would constitute a Tier 3 unit and will also ban the applicant from ever obtaining a permit.
6. If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with County records, a compliance and safety inspection can be required prior to or after the issuance of the vacation home rental permit. All required fees shall be paid for the permit and any required inspections must be completed before any permit is issued.
7. An application for a vacation home rental permit must be accompanied by an initial fee established by resolution of the board. A permit is valid for one calendar year after it is issued and may be renewed by filling out a renewal application and the payment of an annual renewal fee, established by resolution of the board, only if there have been no changes which would affect the conditions of the permit as required in this chapter.
8. If there have been significant changes to the unit or property that would affect the conditions of the permit, the owner must submit a new permit application with the accompanying new permit fee. If the annual renewal fee is not paid when due, the permit will be cancelled.
9. All renewals issued after Ordinance 2021-1582 has passed shall be required to file a new application to have the tier class assigned by Douglas County. The fee will be the same as a renewal fee for the tier class, and all permit conditions in this chapter shall apply.
10. There are three tiers of permits authorized by Douglas County:
 - a. Tier 1 – owner occupied at all times when the unit is rented and having four or fewer occupants. Unit must be advertised as being occupied by the owner during the rental period. Tier 1 permits are excluded from the limit on VHR permits (chapter 20.622.030(B)).
 - b. Tier 2 – units with up to 10 occupants.
 - c. Tier 3 – units above 10 occupants which requires a VHR special use permit development application. Following the enactment of this ordinance, if a Tier 3 unit fails to obtain a VHR special use permit within 180 days, they shall only be authorized to operate as Tier 2 VHR (i.e., maximum of 10 occupants).
- F. A VHR special use permit for Tier 3 units may be granted by the VHR Advisory Board under the following conditions:
 1. The unit complies with all applicable permit conditions including those required by 20.622.030 (E).
 2. The unit is located sufficiently far away from all other residential buildings so as to not create a nuisance. Sufficiently far depends on the facts specific to the location including surrounding building density, the space between adjacent homes, terrain, the existence of sound barriers such as

berms, foliage and rocks, as well as other factors the Advisory Board deems appropriate given the circumstances unique to each location.

3. The number of parking spaces available on site for more than 10 persons is deemed adequate by the VHR Advisory Board and consistent with this chapter.
4. There are adequate public facilities such as the existence of bear proof trash bins, water, sewer and other safety measures.
5. The unit is deemed safe and accessible by the Tahoe-Douglas Fire Protection District to handle the proposed number of occupants.
6. The prior history of the residence including the existence of any prior noise or parking problems.
7. For other reasons not specified herein which are unique to the location and circumstances related to the application.
8. Owner agrees to purchase and install noise monitoring devices at locations and in amounts specified by Douglas County prior to renting the unit.
9. Agreement by homeowner to not allow more than 50 people at all times and that guests of renters, exceeding the occupancy of the permit shall not be allowed during quiet hours. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.040 Operational Requirements

A. Management of Units.

1. An owner may retain a licensed property manager to comply with the requirements of this chapter, including without limitation, the filing of an application for a permit, the management of the vacation home rental, and 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. A local licensed property manager is required for all Tier 3 units, unless the property is managed by the homeowner that is a Douglas County resident.
2. Each owner of a vacation home rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures. This contact person must live within 30 minutes from the unit and is responsible for resolving complaints within one hour after receipt. Receipt of complaints for the purposes of this section is when the message is sent by Douglas County or other persons to the phone number provided for such purposes. 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. They must be able to respond to the location, 24 hours a day, after being notified by the public, code enforcement or Douglas County Sheriff's Office of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement. The responsible party is required to provide written documentation of the steps taken to resolve the complaint/violation within one (1) hour of notification.
3. The owner or owner's agent must immediately notify the County in writing upon a change of the local contact or the local contact's telephone number. This notification will be on forms prescribed by the County. The name and contact information of the local contact person shall be made available to the public. The changes must be posted in the interior of the vacation home rental within ten days of any change of contact information. Failure to comply with this section is a violation of this chapter.
4. For all permits issued or renewed after May 1, 2021, the local contact shall have successfully completed a training course and achieved a qualifying score on a County administered certification test. Once certified, the local contact will not be required to become re-certified but may be required to take a refresher course and must continue to comply with all provisions set forth in this section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more local contacts for a given VHR, however, the phone number on record to be used to report initial complaints shall be valid to reach an available certified local contact, 24 hours a day. Operation of a vacation home rental without a valid certified local contact, or without a valid contact phone number, or the failure to report a complaint and resolution, shall be considered a violation of this section.
5. The owner or the owner's agent, representative, or local contact for the VHR is responsible for the following:
 - a. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.
 - b. Obtaining the name, address, and contact information for each renter who is 25 years or older.
 - c. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal and storage, trash pickup day and bear box instructions, and all other rules and regulations and, should any violation of this chapter occur, that fines may be imposed.
 - d. Obtaining formal, written acknowledgement from all renters over the age of 25 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed.
 - e. This tenant registry information collected pursuant to subparagraph 5(b), above shall be maintained by the local contact for a period of two years from date of occupancy. The Director or Code Enforcement official may request copies or access to the guest registry at any time. If the owner believes the request for the tenant registry information is illegitimate, the owner may refuse to provide the information for a period of no more than ten days and may file an appeal to the VHR Advisory Board pursuant to 20.622.060(B). If the owner does not file a timely appeal, then the owner shall immediately provide the information to the requesting official.
 - f. Being available 24 hours a day, by phone in case of complaints / violation of permitted property and responding onsite, within 30 minutes, if necessary to resolve complaints and or violation, and provide written documentation of steps taken to resolve complaint/violation within one (1) hour of notification.

B. Permit Issuance.

The permit must be issued only to the owner of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of their agent to comply with this chapter is non-compliance by the owner.

C. Limitations on Density of VHRs within the Tahoe Township.

The Douglas County Board of County Commissioners has determined that, in order to preserve the residential nature of communities within the Tahoe Township, no community shall have more than 15% vacation home rentals in single-family communities and 20% in tourist / multi-family residential communities. A residential community for the purposes of this section shall be TRPA plan area statements (<https://gis.trpa.org/localplans/>) that were approved by the County and adjacent parcels which are consistent with the uses contained within an adjacent plan area statement. A community may include phases which have various densities such as multi-family and single-family. These restrictions will only apply to new VHR permits and not to the renewal of an existing VHR permit.

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

1. The owner 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 not to exceed two (2) persons per bedroom. Occupancy may be further limited based on life safety concerns based on the facts and circumstances unique to the site as determined by the Director. However, waivers pertaining to any occupancy limitations may be available if the owner provides designated off-site parking within the Tahoe Township.
2. A bedroom, as defined in this chapter, must be designed to be used as a sleeping room and for no other primary purpose. Every bedroom must have exterior access allowing an emergency escape or rescue exit.
3. The owner must, by written agreement, limit all tenant parking to on-site and designated parking areas. Except for temporary loading and unloading, parking buses on-site or on the street is prohibited at all times.
4. The owner shall issue parking passes on the form provided by the County to renters and require that they be displayed on the driver's side dashboard of each permitted vehicle. The parking pass shall have the VHR permit number, license plate number of the vehicle, address of the rental unit,

and a phone number for the person responsible for the vehicle. Failure to have the specified information on the parking pass is a violation of this code.

5. Owners shall provide the license plate information of all vehicles being utilized by the tenants upon request by a Douglas County Code Enforcement official within 2 hours after a request for such information is made. Such information shall be provided in a form and medium acceptable to Douglas County.

6. All permissible uses must comply with the County or applicable general improvement district, HOA, 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 and allow emergency egress.

7. All advertising for the vacation home rental must include the maximum number of allowed vehicles and maximum number of allowed occupants.

8. All advertising for the vacation home rental must include notification to renters that they will be issued a parking permit which they must display on the driver's side dashboard of their vehicle. Failure to park in the designated parking spaces and/or display the parking permit may result in a citation and fine of \$500 to the owner of the vehicle.

9. The owner must use best efforts to ensure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, agent, or local contact person act as a peace officer or place him or herself in harm's way.

10. The owner must, upon notification that occupants or guests of the 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 achieve compliance by the occupants and prevent a recurrence of such conduct by those occupants or guests.

11. All advertising for the vacation home rental must include the:

- a. Permit number;
- b. Max occupancy;
- c. Number of permitted parking stalls;
- d. Notice that the renter will be issued a parking permit which must be on display on the driver's side dashboard of the vehicle; and
- e. Quiet hours are designated between 9:00 pm and 8:00 am and will be strictly enforced.

12. The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place. 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, 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, including a diagram where renters must park 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. Notification to renters that they will be issued a parking permit which they must display on the dashboard of their vehicle. "Failure to park in the designated parking spaces and/or display the parking permit may result in a citation and fine of \$500";
- f. The trash pick-up day and notification that trash and refuse must not be left or stored on the exterior of the property 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;
- g. Bear habitat and do not feed the wildlife and operation of a bear box information;
- h. Notification that an occupant as a person responsible for an event, may be cited and fined for creating a disturbance or for violating other provisions of this ordinance;
- i. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance; and
- j. Notification that the County may schedule safety inspections. The inspections will be scheduled at reasonable times and tenants must make the unit available for such inspections upon 24 hours' advance notice.

13. Owners and their tenants must make the rental unit available for safety and compliance inspections by the Director, a designee, or a Code Enforcement official upon request. Any inspection must be scheduled at least 24 hours in advance. However, a renter may voluntarily provide access to the VHR unit without 24 hours' advance notice by the County. Permit compliance inspections will not be undertaken by members of the Douglas County Sheriff's Office.

14. All residential vacation home rentals shall comply with the following standards:

- a. The minimum age to rent a vacation home rental is twenty-five (25) years. Owners shall require a copy of the renter's driver's license as proof of eligibility to rent. Owners shall retain this information as a part of the application for two years.
- b. Compliance with the requirements set forth under this chapter shall be in addition to compliance with all other provisions of this code relating to nuisance, peace and safety. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.050 Violations and Enforcement

A. The Director or a designee is authorized and directed to establish rules and regulations from time-to-time as may be required to carry out the purpose and intent of this chapter. Changes to this ordinance can only be made by the Board of County Commissioners.

B. 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 the Douglas County Code or Nevada law, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is subject to the penalties found in chapter 20. Each day of any such violation constitutes a separate offense.

C. Operating a VHR without a Permit.

The owners of any property being advertised and/or operated as an unpermitted vacation home rental located anywhere within Douglas County in violation Douglas County Code and the Nevada Revised Statutes shall be subject to a civil penalty of up to \$20,000. The County may also seek an injunction and/or any other legal relief for violation(s) of this chapter, including, but not limited to, the collection of delinquent tax payments.

D. Enforcement actions may immediately 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.

E. After two complaints for excessive noise that Douglas County finds are reasonable and credible, the owner may be required to install noise monitors and other security devices such as video recorders in numbers and locations designated by Douglas County.

F. Douglas County may institute a fine of up to \$1,000 per day per violation. In addition, 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 the violation notice may be subject to a civil penalty of up to \$1,000 per day per violation which may continue until the violation(s) are corrected. The cumulative amount of the civil penalty shall not exceed the fair market value of the home as determined by the Douglas County Assessor in the most recent tax year's assessment. Fines shall begin to accrue automatically from the date specified in the first Notice of Violation and shall continue until the violation is corrected. The Director may waive all or a portion of any fine upon a specific

showing of good cause.

G. 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 Douglas County Code Chapter 20.691 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).

H. 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.

I. The following conduct is a violation for which the permit shall be suspended or revoked:

1. The owner has failed to comply with any requirement of this chapter, Douglas County Code or federal or state law;
2. The owner has failed to comply with additional conditions imposed by the Director;
3. The owner has failed to either collect or remit to the County the transient occupancy and lodging taxes and monthly rental reports as

required by Title 3 of this code;

4. Any false or misleading information supplied in the application process;
5. The permit number and number of parking stalls was not included in all forms of advertisement;
6. The maximum occupancy was not included in all forms of advertisement, or the occupancy was stated incorrectly;
7. The placement and maximum number of vehicles permitted on-site is not identified;
8. The required bear information flyer and bear box instructions are not provided; and
9. For other grounds not specified herein which may warrant suspension or revocation of the permit such as unlawful conduct, lewd behavior or other such reasonable grounds.

J. Whenever the Director or Code Enforcement official has reasonable grounds to believe that a violation of any provision of this chapter or Title 20 of the Douglas County Code has occurred, a written notice of violation shall be served to the VHR owner(s) either via first class or registered mail, in person, or posted on the property. Mailing the notice of violation to the address provided with the application shall be deemed proper delivery.

K. The filing of a notice of appeal will stay the correction of the violation, abatement of a nuisance, or the imposition of any fine or penalty until the final disposition of the appeal if the conditions required in chapter 20.622.060(B) are met.

L. Failure to respond to a written notice of violation within the time frame identified in the notice, or to timely submit a written appeal to the VHR Advisory Board, will result in the suspension of the permit and require the owner to reapply for a permit. Therefore, it is incumbent on the owner of property to update their contact information and ensure that responses to queries and enforcement actions are prompt.

M. Failure to correct the violation within the time identified in the written notice, or failure to remit the penalties imposed by Douglas County within a ten (10) day period, will result in an automatic revocation of the permit unless the matter is appealed to the VHR Advisory Board within the mandatory ten (10) day period.

N. If there is an open building permit submitted by the property owner, or when necessary to protect life, property or safety, the Director may immediately suspend a permit for up to ninety (90) days or until such time that the unsafe condition(s) have been corrected, whichever is later. During a suspension period no rentals may occur and in the event this provision is violated, a fine of up to ten thousand dollar (\$10,000) may be imposed in the same manner as if the owner was operating an unpermitted rental.

O. If any owner exceeds three (3) substantiated violations of this chapter in any given year (coinciding with the date of the issuance of the permit), this may result in the possible revocation of the VHR permit. Furthermore, failing to correct any health and safety concern within the time specified by Douglas County may also result in the revocation of a VHR permit.

P. Information provided by members of the public including, but not limited to, signed declarations, photos, and video and noise monitoring recordings may constitute proof of a violation. (Ord. 1588, 2021; Ord. 1582, 2021)

20.622.060 VHR Advisory Board and Appeals

A. VHR Advisory Board:

1. The Board of County Commissioners has determined there is a need for a VHR Advisory Board whose function shall be to hear enforcement appeals filed by VHR owners, applications for VHR special use permits for Tier 3 VHR rentals, and to render advice to the Board of County Commissioners on proposed changes to this chapter when necessary.

2. The VHR Advisory Board shall consist of five (5) members comprised of the following:

- a. Two residents of the Lake Tahoe Township that are current VHR permit holders;
- b. Two residents of the Lake Tahoe Township that are not VHR permit holders; and
- c. One resident of the East Fork Township.

d. If there are insufficient applications to the VHR Advisory Board to fill any class of members, then the Board of County Commissioners may appoint any registered voter in Douglas County to fill any vacant positions.

e. For the purpose of defining "resident," the member's principal resident is within the relevant Township and physically resides at the residence for at least six months during a calendar year.

3. The Board of County Commissioners shall appoint members to the VHR Advisory Board. No member may be appointed who has expressed opposition to the VHR program or otherwise appears to have a bias that may improperly influence their impartiality as a member of the VHR Advisory Board.

4. VHR Advisory Board members shall serve two (2) year staggered terms.

5. Initial terms may be longer than two (2) years to account for mid-year appointments and staggered terms. Initially, three members shall be chosen to serve four (4) year terms and two members shall be chosen to serve for two (2) year terms.

6. At the first meeting of the VHR Advisory Board, the members shall choose a Chair and Vice-Chair who shall serve in this capacity for a one-year term. Chair and Vice-Chairs shall be selected thereafter at the first meeting held after the beginning of the calendar year and shall only serve for a one (1) year term.

7. Members shall be paid sixty dollars (\$60) per meeting.

8. Staff to the VHR Advisory Board shall be assigned by the Douglas County Manager.

9. No meeting shall be held without a quorum and all meetings shall be subject to NRS Chapter 241 (Nevada's Open Meeting Law).

10. The VHR Advisory Board may adopt bylaws governing their meetings. In the absence of such bylaws, the meetings shall be governed by Roberts Rules of Order.

11. There shall be three (3) ex officio members of the VHR Advisory Board when the Board is not adjudicating appeals or hearing VHR special use permits. The members shall consist of:

- a. A representative from public safety;
- b. The Director; and
- c. A Community Development staff member, preferably from planning and having knowledge of TRPA matters.

B. Appeals:

1. Any VHR owner issued a notice of violation pursuant to this chapter shall have the right to appeal to the VHR Advisory Board.
2. The filing of a notice of appeal shall stay all proceedings for the correction of the violation, abatement of a nuisance, or the imposition of any fine until the final disposition of the appeal. This stay provision does not apply to any possible new violations nor does it stay the imposition of any fine or penalty for the operation of a VHR without a valid permit or the failure to pay required taxes.
3. A notice of appeal must be filed with the Community Development Department within ten (10) calendar days of the date the first notice of violation was mailed and/or served on the property owner or other responsible party and the appeal must:
 - a. Be submitted in writing;
 - b. Include a copy of the notice of violation and a statement that the person wishes to appeal;
 - c. Contain the person's full name, mailing address, email, and phone number, legibly printed or typed, and any notice or communication thereafter sent to them at such address shall be conclusively presumed to have been received unless the person has given the department written notice of any change;
 - d. Contain a statement setting forth in detail 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; and
 - e. The party requesting a hearing shall be required to deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.
4. The VHR Advisory Board shall hold a public hearing on the appeal within sixty (60) days of filing the notice of appeal with the Community Development Department. 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 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.
5. 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.
6. 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.
7. The VHR Advisory Board shall have the authority to modify, amend or reduce any fine or required abatement action based on the evidence presented and the facts and circumstances unique to each appeal.
8. 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.
9. The department shall provide a written final disposition of the appeal to the owner within three (3) working days of the appeal hearing by the Board.
 - C. The advisory board shall adopt factual findings and conclusions supporting a decision which either:
 1. Affirms the notice of violation as issued;
 2. Modifies the notice of violation, including any fines or penalties; or
 3. Rescinds the notice of violation, including any fines or penalties.
 - D. If the appellant believes the VHR Advisory Board was biased or abused its discretion related to the consideration of an application for a special use permit, the appellant may submit an appeal of the Advisory Board's decision to the Board of County Commissioners pursuant to chapter 20.28.020. (Ord. 1588, 2021; Ord. 1582, 2021)