



# AMERICAN CIVITAS

Board: Douglas County, Nevada County Commission

Date: December 04, 2025

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<b>Item</b>	<b>Description</b>	<b>Outcome</b>	<b>Vote Count</b>
1	CALL TO ORDER	Called to Order	Called to Order
2	PLEDGE OF ALLEGIANCE	Led by Chairwoman Sharla Hales	Stated
3	PUBLIC COMMENT (No Action)	Comments received on area plans transparency, stormwater maintenance, flooding impacts, planning bias, enterprise funds, rancher contributions	Comments received
4	APPROVAL OF AGENDA	Approved with flexibility to reorder/combine/remove items	Approved
5	RECESS AS BOARD OF COUNTY COMMISSIONERS CONVENE AS DOUGLAS COUNTY LIQUOR BOARD	Transition to Liquor Board	Transitioned
6	Discussion on On-Site Unrestricted Retail Liquor License with Entertainment Endorsement for Bayou Bites	Approved license for Jeremy Morrow at 1281 Kimmerling Road Suite 11, Gardnerville	Approved
7	ADJOURN AS DOUGLAS COUNTY LIQUOR BOARD RECONVENE AS BOARD OF COUNTY COMMISSIONERS	Transition back to BOCC	Transitioned
8	CONSENT ITEMS	Adopted items A-L unless pulled	Approved
9	ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME	No items pulled	N/A
10	Presentation by NACO on overview, updates, and questions	Presented on structure, advocacy, health services	Presented
11.1	Adopt Resolution 2025R-102 creating Stormwater Enterprise Fund	Adopted fund, authorized utility, requested reallocation to roads	Adopted
11.2	Contract with FCS for stormwater utility formation and rate analysis	Approved \$128,316 contract with amendments up to 5%	Approved
11.3	Declaration of Deed Restrictions for Drayton Boulevard	Approved sound barrier obligation	Approved
11.4	Introduction of Ordinance 2025-1660 canceling Pleasantview Agreement	Introduced and read (first reading)	Introduced

11.5	Adoption of Ordinance 2025-1655 amending Tahoe VHR Ordinance	Adopted with tobacco/marijuana ban	Adopted
12.1	Announcements/reports/updates from Commission members	Presented on advisory board, holiday events	Presented
13	CLOSING PUBLIC COMMENT (No Action)	Comments on TDAP deadline extension, public materials rules	Comments received
14	ADJOURNMENT	Adjourned	Adjourned

## **Executive Summary**

### **Executive Summary**

The Douglas County Board of County Commissioners meeting on December 4, 2025, addressed a range of administrative, regulatory, and infrastructure matters, with a strong emphasis on stormwater management and community development. Key actions included unanimous adoption of Resolution 2025R-102 to create a Stormwater Enterprise Fund effective December 20, 2025, authorizing a utility with an equitable fee structure and reallocating general funds to roads; approval of a \$128,316 contract with FCS for utility formation and rate analysis (4-1 vote, Tarkanian nay); approval of a deed restrictions declaration for Drayton Boulevard sound barriers; introduction of Ordinance 2025-1660 canceling the Pleasantview Development Agreement (first reading); and unanimous adoption of Ordinance 2025-1655 amending the Tahoe VHR Ordinance, including a tobacco/marijuana smoke ban. A NACO presentation highlighted organizational structure, advocacy, and health services support. Public comments in opening and closing sessions focused on planning transparency, stormwater inequities, rancher contributions, and a TDAP comment deadline extension request, with legal clarification on public materials.

### **Highlights**

1. **Stormwater Initiatives Dominate:** Unanimous creation of Stormwater Enterprise Fund and utility authorization (Item 11.1) to fund \$4 million annually for operations, capital (\$14 million debt service), and critical land preservation, restoring \$1.1 million to roads; FCS contract (Item 11.2) approved 4-1 for rate study, emphasizing exemptions (e.g., agriculture) and public workshops.
2. **Development Agreements and Ordinances:** Unanimous approval of deed restrictions for Drayton Boulevard sound barriers (Item 11.3) to enable emergency access; first reading of Ordinance 2025-1660 canceling 1990 Pleasantview Agreement (Item 11.4); unanimous adoption of Tahoe VHR Ordinance amendments (Item 11.5) with enforceability via attestations for odor violations.
3. **NACO Overview:** Presentation (Item 10) detailed governance, health/human services role (e.g., Medicaid coordination, workshops), legislative tracking (1,200 bills reviewed, 400+ impacting counties), and national advocacy, praising Douglas County's representation and youth facility support.

## **Public Comment (Non-Agenda Items)**

Ellie Waller highlighted deficiencies in transparency, stakeholder engagement, and outreach for the South Shore Area Plan and Tahoe-Douglas Area Plan, citing public records revealing preemptive, non-transparent communications among county staff, Barton's representatives, and external parties, which she viewed as ethically questionable and biased toward Barton Hospital's proposed project, urging the county to take control via a TRPA memorandum of understanding for fair resident input.

Rachel Christensen raised contradictions between the county's 2018 Stormwater Facilities Operation and Maintenance Plan and current practices in Ruhensroth, emphasizing the plan's focus on county responsibility for preventing property damage through inspections and maintenance, particularly in areas like Smelter Creek, while criticizing ignored requests, unclear responsibilities, and coercive legal releases that unfairly target residents and limit their rights.

Sandy Howard described the emotional and practical toll of the September 25 flood disaster in Ruhensroth, accusing the county of responding with lies, gaslighting, mockery, and scolding instead of support, calling for empathy and practical solutions, including extended dumpster services for cleanup.

Brett Tibbetts presented evidence from public records suggesting collusion and bias in the planning department's handling of the Barton Hospital project at Stateline, with emails showing efforts to minimize public involvement, derogatory references to residents, and premature advocacy, questioning if this represented proper governance or backroom dealings.

Jim Slade provided historical context on stormwater issues, noting the absence of alluvial flash floods before 1991 due to limited development, blaming past commissions for approving projects in flood paths without adequate infrastructure or developer fees, criticizing ongoing inequities in cost distribution, and urging equitable financing that doesn't burden all residents for localized benefits, while expressing shock at staff bias toward developers.

Julie Duda opposed enterprise funds as burdensome taxes bypassing property caps, with minimal oversight leading to egregious fee increases, advocating for sales tax alternatives and urging commissioners to reject them for the common good.

Russell Byneton, a rancher, emphasized the longstanding role of agriculture in managing valley floods, contrasting ranchers' acceptance and mitigation efforts with complaints from newer residents, calling for consideration of broader impacts on farming businesses and families.

Jacqueline Paris, a Ruhensroth resident unaffected by flooding but involved in animal rescues, argued against county intervention in the area, stressing personal responsibility

for property choices in flood paths and the community's preference for autonomy over government involvement.

### **Approval of Agenda and Previous Minutes**

The Douglas County BOCC considered the adoption of the agenda and previous meeting minutes.

**Commissioners Comments:** None received.

**Public Comments:** None received.

**Vote:** Vote passed for the approval agenda and previous minutes.

### **Douglas County Liquor Board**

#### **On-Site Unrestricted Retail Liquor License with Entertainment Endorsement for Bayou Bites**

On-Site Unrestricted Retail Liquor License with Entertainment Endorsement for Bayou Bites represented by owner Jeremy Morrow. Morrow have signed a Waiver of Notice of Hearing. Bayou Bites is located at 1281 Kimmerling Road, Suite 1; Gardnerville, Nevada; 89460.

Under-Sheriff Elgus from the Sheriff's Office confirmed that Bayou Bites had completed all required paperwork and passed background checks, with no objections from the Sheriff's Office.

**Commissioner Comments:** None.

**Public Comment:** None received.

**Vote:** Unanimous (5-0) approval.

### **Presentation by the Nevada Association of Counties (NACO)**

The Nevada Association of Counties (NACO) provided an overview of its structure, activities, and advocacy efforts. NACO is governed by a 23-member board, with Douglas County represented by Commissioner Gardner (president-elect and National Association of Counties board member) and Commissioner Tolbert. The executive committee includes representatives from various counties. NACO collaborates with affiliate members like clerks and treasurers, particularly on issues such as elections bills. In 2024, NACO established a permanent Health and Human Services manager position, filled by Amy Hines-Sutherland, to support counties with research, policy analysis, technical assistance, and state agency coordination in areas like public health, behavioral health, Medicaid

match programs, adult protective services, child welfare, and opioid abatement. This role facilitates workshops, memorandums of understanding, and access to national resources through affiliations with the National Association of County Human Services Administrators and the National Association of Counties, including toolkits for opioid solutions, child welfare, and other services. NACO's staff includes a government affairs manager, natural resources contractor, executive director, and office manager. NACO promotes collaboration via monthly board meetings, annual conferences (Douglas County hosting in 2026 at Tahoe Blue Event Center from September 22-24), policy roundtables, quarterly workshops, newsletters, and a resource website. Advocacy focuses on state legislation, tracking over 400 bills in the 2025 session, introducing four bills (two passed), and addressing themes like elections operations, neighborhood issues (e.g., cemeteries, abandoned vehicles via AB 415), local tax policy, land use, and zoning. NACO monitors interim committees and achieved better-than-expected fiscal outcomes. At the national level, NACO influences the American Counties platform, lobbies on Capitol Hill, and provides toolkits for federal issues like shutdowns and American Rescue Plan Act funds. Douglas County's involvement includes support for China Springs and Aurora Pines youth facilities amid state restructuring.

**Commissioner Comments:**

**Commissioner Hales:** Noted NACO's assistance, both visible and behind-the-scenes, particularly on China Springs and Aurora Pines amid state departmental changes.

**Commissioner Gardner:** Commended NACO's tracking of 1,200 bills (over 400 impacting counties), support for elections, health services, and funding for youth facilities; highlighted former Commissioner Doug Johnson's role on the Emeritus Committee; emphasized shared challenges across counties nationally, such as affordable housing and infrastructure; and looked forward to hosting the 2026 conference.

**Public Comment:** None taken.

**Vote:** None taken.

**Resolution 2025R-102 Creating the Stormwater Enterprise Fund**

The presentation for this item was delivered by Assistant County Manager Wendy Lang, Stormwater Program Manager Courtney Walker, and County Manager Jennifer Davidson, with the goal of continuing discussions on stormwater management and funding a future stormwater program. Stormwater flooding and runoff impact all areas of Douglas County, where the county maintains over 1,000 different stormwater assets, and severe flood events have been documented for hundreds of years in the valley as well as at the lake. Policy goals to minimize these impacts have been established in various documents and

processes. The current funding structure is not sustainable for maintaining infrastructure, meeting regulatory obligations, or accomplishing identified objectives. A two-hour workshop was held in late September with the board and public, followed by community workshops and town board meetings discussing stormwater impacts, progress, and funding options in detail. Resolution 2025R-102 represents the next steps forward from those discussions, and no elements involve connecting neighborhoods to water or sewer services, as this focuses solely on stormwater. The county addresses issues across three watersheds: the Carson River Watershed (greater Carson Valley area), the Tahoe Watershed (Truckee River Watershed with significant water quality regulatory responsibilities), and the Walker River Watershed (including Topaz Lake, Holbrook, Holbrook Junction, and Topaz Ranch Estates). Detailed information from the September 17 workshop presentation is available on the county website. The Douglas County Strategic Plan, adopted by the board in 2024, serves as a guiding document for priorities over the next five years, including objectives for balanced growth and infrastructure with specific goals around managed stormwater, such as adopting and implementing a stormwater master plan, implementing a revenue source to fund maintenance and infrastructure improvements identified in the plan, and reducing pollutants. Another objective is preserving natural beauty and rural character through open space preservation and other tools, emphasizing the importance of partnering with the agricultural community to achieve these strategies. In 2020, the Douglas County Master Plan was adopted, including goals related to stormwater, such as developing and implementing a stormwater management plan (not in place in 2020 but adopted in 2024), implementing area drainage master plans (existing in 2020 for Johnson Lane area, Alpine View Estates neighborhood, and starting for Ruhensstroth area), regulatory obligations for MS4 compliance (water quality mandate through the state for certain northern county areas), and implementing low-impact development ordinances to aid groundwater recharge, water quality, and flood attenuation. In 2025, the multi-hazard mitigation plan was adopted, identifying several objectives related to stormwater flooding as one of the main hazards, recommending implementation of the stormwater master plan with several projects to be executed, additional drainage studies, and discouraging growth in flood-prone areas. In 2024, the stormwater master plan was completed and adopted, outlining maintenance protocols, stakeholder coordination, regulatory obligations, capital projects with prioritization, and explicitly recommending dedicated funding to implement the plan. Capital projects include critical lands/groundwater recharge initiatives like detention basins and holding ponds to promote infiltration and prevent development, as well as public safety projects like installing box culverts on roads to prevent overtopping during floods. At Lake Tahoe, the water quality program under the Lake Tahoe Total Maximum Daily Load (TMDL) is mandatory, requiring implementation to reduce fine sediment particles causing clarity decline through three methods: large water quality improvement projects, private parcel best management practices (infiltrating runoff on-site from homes and commercial businesses), and road operations (sweeping abrasives post-storm for public safety). TMDL credits are achieved via these methods, with obligations increasing over time, making this a non-optional program in place since about 2011 that will continue to escalate responsibilities for counties around Lake Tahoe. Historical stormwater events include river

flood events and alluvial fan flash flood events, with proposed but unsuccessful funding actions and recent successes, such as the 2018 board funding the stormwater program via general fund transfer and the 2024 stormwater master plan adoption.

Accomplishments include continued area drainage master planning in various watersheds, purchasing maintenance equipment like a vactor truck, excavator, and dump trucks, constructing detention basins in the Johnson Lane area, acquiring parcels in the Fish Springs area to address Pine Nut Creek issues, awarding a FEMA grant to construct an additional detention basin in Johnson Lane, and adopting the stormwater master plan, demonstrating progress with the general fund transfer. Asset conditions improved from less than 50% in good condition (clean, no action needed) upon identification to over 95% as of September. Additional areas require study, particularly on the west side of the valley, producing mitigation alternatives for inclusion in capital improvement project lists. The future critical land inventory targets areas within the FEMA 100-year floodplain zoned agriculture 19 acres as priorities for keeping open, where major Carson River floods are best mitigated by preventing development and compensating landowners via conservation easements, though past funding streams are no longer available. Policy objectives led to the stormwater master plan adoption, minimal funding of a stormwater function, studies, asset assessments, priority projects, and critical land identification to support priorities. Sustainable funding is needed for these objectives. A five-year projection shows current operating costs exceeding the stagnant \$1.1 million general fund transfer (historically for roads), requiring reevaluation and potential service reductions without additional funding, excluding capital projects. The proposed five-year budget includes \$1.2 million increasing to \$1.5 million for operations, \$70,000 for major machinery/equipment, \$250,000 for major asset repair/replacement, \$1.8 million for debt service on \$14 million capital funding for master plan projects, and \$1 million annually for critical land protection. Funding options include utility fees (recommended, reasonably costed, adjustable based on objectives), sales tax (one or two quarter-cent options under NRS yielding \$2.9 million annually, insufficient, volatile, economy-tied, partially paid by visitors), special assessment districts (for specific projects in defined areas, not ongoing operations or countywide/watershed benefits, challenging due to interconnected drainages), and grants (several applications pending requiring nearly \$2.9 million match for \$13 million total projects). Special assessment districts suit geographically isolated issues but create administrative challenges for interconnected systems, such as allocating Vactor truck time across districts or budgeting per NRS amid unpredictable storms. Utility fees in over 2,000 U.S. communities average \$6 monthly nationally; Carson City uses a three-tier residential structure (\$7.69 to \$15.38 based on home square footage) and four-tier commercial/multifamily based on impervious area square footage. A Douglas County utility fee, estimated from Carson and local properties, could generate \$4 million annually, aligning with operating needs and enabling sustainable operations/maintenance, long-term capital reinvestment, regulatory compliance, land conservation to reduce flooding, reduced general fund pressures, better preparation for severe events, countywide flood mitigation, and transparent ratepayer accountability. Equivalent residential units (ERUs) could structure rates, with smaller homes at one ERU and large developments like Walmart at thousands. Rate-making involves variables like impervious surface, benefits,

and options, with continued community/board engagement guided by consultants. Approval enables ongoing revisions, as the resolution rescinds prior general fund transfer actions. Roads context includes regional roads at 79 pavement condition index, local roads fair, overall fair, with \$65 million maintenance backlog; restoring \$1.1 million to roads is critical amid capped general fund revenues (\$67.5 million FY 2025-2026, \$31 million salaries, \$16.5 million benefits, \$14 million services/supplies, \$5 million other, including stormwater transfer). Without dedicated funding, services must cut, as budgets lack flexibility. Enterprise funds differ from special revenue funds by having dedicated revenue (fees) unusable elsewhere, unlike general/special funds. Creation opens state revolving loans for capital. All residents benefit via downtown/economy protection, evacuation centers, though not every project benefits all; equitable rates address this.

### **Commissioner Comments**

- **Commissioner Hales:** Clarified no water/sewer connections are proposed and sought details on process, fee collection, and alternatives. Questioned outstanding grants and funding options. Questioned the ability of all homeowners to adjudicate damage. Stated, “Leveraging money is best done by the government.”
- **Commissioner Gardner:** Emphasized no fee setting today, with structure via upcoming contract, and noted commercial/multifamily inclusion. Further, he admitted past no-tax pledge but owned need due to unsustainable alternatives, emphasizing enterprise fund guardrails, audit oversight, and ending can-kicking; supported ag considerations in next item.
- **Commissioner Tarkanian:** Advocated for equitable fees, potential special assessments for high-benefit areas like large reservoirs, and combinations for interconnected issues, questioning impacts on Ranchos residents.
- **Commissioner Tolbert:** Expressed concerns over critical land acquisition protecting ranchers' interests voluntarily, ensuring ag involvement, and preventing overreach like TRPA; supported community unity but sought process clarity.
- **Commissioner Rice:** Viewed it as funding necessities for the greater good, not a tax.

**Public Comment** Supporters of the stormwater enterprise fund and utility emphasized its necessity for addressing long-standing flooding issues across the county, highlighting benefits such as reduced flooding, improved road access during emergencies, regulatory compliance at Lake Tahoe, and preservation of open space through voluntary conservation easements, with several praising the county's outreach efforts and the program's track record in maintaining assets; many, including emergency management officials, ranchers, engineers, and residents, noted countywide impacts like emergency response delays and economic protection of downtown areas, advocating for equitable contributions while suggesting exemptions for agriculture, enhanced fees for flood-prone areas, and public oversight committees to ensure accountability, with references to successful models like Carson City's and the potential to leverage grants and loans for broader mitigation.

Opponents raised concerns over the proposal's timing and lack of detailed fee structures or cost estimates, arguing it felt rushed without clear numbers, specific projects, or guarantees against future rate hikes, and questioned equity by pointing to past county failures in development approvals without infrastructure, suggesting alternatives like developer impact fees, special assessment districts for high-benefit areas, or one-time tax assessments instead of perpetual fees; some expressed distrust in leadership due to perceived mishandlings like inadequate maintenance of creeks, mocking of flood victims, and forcing legal releases on residents, while others worried about mandatory water/sewer connections, overreach similar to TRPA, and burdens on seniors or non-flood-prone areas, calling for moratoriums on building until infrastructure is funded and clearer plans to avoid penalizing ranchers or exacerbating growth.

**Note:** Vote passed unanimously to adopt Resolution 2025R-102 creating the Stormwater Enterprise Fund effective December 20, 2025; authorize a stormwater utility for regional infrastructure with equitable fee structure; and request future reallocation of general fund transfer to roads.

### **Contract with Financial Consulting Solutions Group, Inc. (FCS) for Stormwater Utility Formation and Rate Analysis**

The item addressed a proposed \$128,316 contract with Financial Consulting Solutions Group, Inc. (doing business as FCS, a Bowman Company) for professional services to support the formation of the Douglas County Stormwater Utility and conduct an equitable rate revenue analysis, with authorization for the County Manager to sign contract amendments up to 5% of the original amount. Director of Public Works Philip Ritger and County Manager Jennifer Davidson presented this item. FCS has completed over 200 stormwater rate studies and 30 stormwater formation studies for cities and counties across the western United States, with familiarity in water flow and stormwater west of the Rockies, and has previously handled Douglas County's sewer and water utility rate studies, as well as those for other local entities, positioning them as subject matter experts. The approach is comprehensive, encompassing review of the stormwater master plan, program goals, capital programs, and overall structure to propose equitable revenue generation methods. The rate study will incorporate considerations for exemptions based on multiple factors, such as services provided by entities like the agricultural community or school districts (e.g., educational programs as credits), ensuring uniform application as a utility rather than a tax per case law, while allowing credits or exemptions commensurate with contributions. Fiscal policies will align with county standards and those of similar entities. As an enterprise fund, the utility requires annual reporting to the board in February on fiscal health, progress, and activities, providing built-in oversight distinct from special revenue funds. The proposal includes up to four on-site meetings with the Board of County Commissioners and the public, conducted under open meeting laws, which could include

public workshops rather than solely formal board sessions. Experience with FCS indicates collaborative involvement, with staff providing financial data, background information, and facilitating public engagement, such as workshops used in prior water studies to vet directions with communities before board presentations. The contract is time-and-materials based, not fixed, with the scope as an outline allowing flexibility; budgets are conservative, and past work has not exceeded them, enabling additional activities if needed without frequent change orders. Financial models project 20-year forecasts, creating detailed business plans to ensure self-sustainability, with revenue fully supporting operations.

#### **Commissioner Comments:**

- **Commissioner Hales:** Noted the contract's value given expertise and low cost relative to potential revenue.
- **Commissioner Gardner:** Highlighted contract provisions for public engagement, including up to four board meetings (potentially at larger venues), eight 30-minute staff check-ins, four issue papers, and two remote staff meetings, supporting taxpayer input.
- **Commissioner Tarkanian:** Opposed, preferring internal expertise for accountability rather than external consultants shifting responsibility.
- **Commissioner Tolbert:** Sought assurances on public and ag community involvement beyond presentations, emphasizing team effort with operational flexibility.
- **Commissioner Rice:** Supported for unbiased perspective amid public suspicion.

**Public Comment:** Opponents questioned the \$128,316 cost's necessity, suggesting internal mapping instead of subcontracting, potential discounts for towns/GIDs already funding local maintenance, inclusion of base flood elevation in rate matrices with surcharges for FEMA-designated areas, third-party audits for projects over \$100,000 to ensure benefit-cost ratios exceed one, and preference for county staff handling to save money and maintain accountability, while criticizing external consultants as unneeded given local knowledge; some opposed funding allocation broadly, citing lack of service use and demanding detailed breakdowns.

**Vote:** Vote passed to approve the \$128,316 contract with FCS and authorize amendments up to 5%. Passed 4-1 (Tarkanian opposed).

#### **Declaration of Deed Restrictions for Drayton Boulevard**

The item involved a discussion on approving a "Declaration of Deed Restrictions" by Douglas County, confirming its existing obligation to design and construct sound barrier walls should the Drayton Boulevard right-of-way south of Pleasantview Drive be

constructed as a public roadway, located within the Gardnerville Ranchos Community Plan. Deputy Community Development Director Andrea Pawling and Deputy District Attorney A.J. Hames presented this agenda item, with acknowledgment of Greg Lynn and Suzanne Towers for their extended involvement. An error in the declaration was noted and corrected this week: under recitals B1, the date for the First Amendment of the Pleasantview Development Agreement was incorrectly stated as October 17, 1990, and updated to on or around October 17, 2000; this change was added to the supplemental materials on December 2. A deed restriction was defined as a legally binding agreement that limits how a property can be used, built on, or sold, and runs with the land, meaning it remains in effect even after ownership changes, typically created by developers or homeowners associations to maintain standards and protect property values within a community. A vicinity map demonstrated the planned Drayton Boulevard in the Ranchos community plan, adjacent to Rain Shadow. The declaration does not impose new financial obligations on the county but records existing obligations pursuant to various development agreements—three related to Drayton Boulevard—to construct sound barrier walls on both sides of the road if Drayton Boulevard is ever constructed in the future. If approved, the Pleasantview developers have agreed to rescind and terminate the Pleasantview development agreement entered into in 1990, over 35 years ago, with an ordinance terminating it presented next. On February 20, a proposed plan (version 6) for Drayton Boulevard was discussed and approved, featuring a multimodal trail and, most importantly, gated emergency access connected to Rain Shadow. The declaration was determined as the best course of action after exploring various options and legal solutions, involving collaboration with developers, attorneys, the district attorney's office, and numerous meetings and conversations. Approval would allow termination of the Pleasantview development agreement and use of all available funds to complete the secondary access to Rain Shadow as soon as possible. Any remaining obligations under the two separate Rain Shadow development agreements will be addressed at a later date.

**Commissioner Comments:**

- **Commissioner Rice:** Recalled prior discussions on the topic but emphasized that the terminus for the emergency right-of-way is the most critical aspect; he supported the sound barrier walls if the roadway proceeds, noting he was not on the board when originally approved over ten years ago.

**Public Comment:** Supporters viewed the declaration as a positive and workable solution after prolonged efforts, with developers appreciating staff's patient collaboration and homeowners backing the deed restriction for protecting properties through sound walls if the roadway is built in the future. No opposition was expressed.

**Vote:** Vote unanimous to approve the declaration of deed restrictions as presented.

### **Introduction of Ordinance 2025-1660 (First Reading)**

Introduction of Ordinance 2025-1660, an ordinance adopting the Agreement to Cancel the Development Agreement for Pleasantview, and repealing the following Agreements and Ordinances pertaining to the Development Agreement for Pleasantview: (1) the Development Agreement for Pleasantview, with Drayton Trust, approved March 1, 1990, and recorded as document number 221106; (2) Ordinance 2000- 928; (3) Ordinance 2003-1056; (4) Ordinance 2006-1183; and (5) Ordinance 2014-1422. The projects associated with the Development Agreement include the Pleasantview Subdivision and Drayton Boulevard, which are located east of Rubio Way, south of Centerville Lane, west of Tillman Lane, and north of the former gravel pit owned by Bing Construction Company of Nevada. The projects are within the Gardnerville Ranchos Community Plan.

**Commissioner Comments:** None taken.

**Public Comments:** None taken.

**Vote:** None taken.

### **Adoption of Ordinance 2025-1655 Amending Chapter 20.622 (Tahoe VHR Ordinance)**

The item involved discussion on adopting Ordinance 2025-1655, an ordinance amending Chapter 20.622 of the Douglas County Code, the Tahoe Vacation Home Rental (VHR) Ordinance, affecting properties within the Tahoe Basin. This was the second reading, presented by Community Development Program Manager Ernie Strehlow and Deputy District Attorney A.J. Hames. An omission was noted in sections three and four of the code of conduct: the first reading included "tobacco smoke and marijuana smoke," but the current version (in both supplemental and regular packet) listed only marijuana smoke; it was recommended that any approval motion specify inclusion of tobacco if desired. Enforcement of odor-related provisions would involve complainants signing attestations, leading to fine letters that could be appealed.

#### **Commissioner Comments:**

- **Commissioner Rice:** Questioned enforcement of odor prohibitions, noting challenges for laypersons.
- **Commissioner Gardner:** Reflected on five years of involvement with the VHR ordinance, expressing concerns over enforceability of certain clauses but relief at reaching this point, hoping for a rest period.

**Public Comment:** Supporters appreciated the ordinance's progression through task forces, lawsuits, iterations, VHR Advisory Board recommendations, Planning Commission discussions, and the October 16 BOCC meeting, viewing it as ready for tweaks, refinement, and enforcement focus; clarifications were provided on renter/designee presence requirements, allowing designees aged 25+ (e.g., for Glenbrook HOA scenarios), deemed

logical. Suggestions included stricter language like replacing "may" with "must/shall" for requirements (e.g., renewals post-expiration) in future iterations, allowing the ordinance to stand the test of time with advisory board addressing needs.

**Vote:** Vote unanimous to adopt Ordinance 2025-1655 as presented, including banning tobacco along with marijuana, as required findings for a zoning text amendment have been met.

### **Commissioner Reports**

**Commissioner Rice:** No report.

**Commissioner Tarkanian:** No report.

**Commissioner Tolbert:** Reported on a recent Parks and Recreation Advisory Board meeting nearing completion of recommendations for the next fiscal year's capital improvement project spending and promoted the free "Home Ranch for the Holidays" event at Dangberg Home Ranch Historic Park on December 6-7 and 13-14, 2025, from noon to 5 PM, featuring refreshments, live music, and holiday displays, encouraging family and friends to attend.

**Commissioner Gardner:** Highlighted upcoming Christmas activities, including events that evening in Gardnerville at Heritage Park, the following night in Minden and Genoa, and a Parade of Lights on Saturday sponsored by the Carson Valley Chamber of Commerce.

**Chairwoman Hales:** Echoed the holiday event notes and deferred updates on boards and commissions to the next meeting due to the time exceeding 4 PM.

### **Closing Public Comments (Non-Agenda Items)**

Ellie Waller requested an extension of the December 15 deadline for Tahoe Douglas Area Plan (TDAP) comments to the first week of January, citing holiday commitments, staffing workloads delaying her public records request response (initially until December 12, updated to possibly the next day), and a similar extension granted by TRPA for the South Shore Area Plan; she clarified support for the health care sub-district and hospital project but expressed concerns over the unfolding process, limited public ability to address the Board on issues like the memorandum of understanding, challenges in Douglas County as a 50,000-population entity prioritizing Tahoe staffing, and the need for half-dedicated Tahoe staff to ensure equal treatment for Tahoe constituents, referencing a recent email redirecting her inquiry on a plenary statement for Barton sites to TRPA. Deputy Civil District Attorney Doug Ritchie provided clarity on public comment rules, welcoming comments on

items within the Board's jurisdiction and supporting material per NRS 241.015(8) as written material reasonably relied on for deliberations; he explained that materials on public arrest records, civil, or criminal cases are inappropriate as they fall under court jurisdiction, advising pleadings or arguments be filed with the court clerk, and non-supporting materials would not be retained or returned; in the spirit of Christmas, he aimed to transparently inform the public on proper procedures for legal proceedings.

**Meeting Adjourned.**