



AMERICAN CIVITAS

Board: Douglas County, Nevada County Commission

Date: February 19, 2026

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Item	Description	Outcome	Vote Count
1	Call to Order	Meeting called to order	N/A
2	Pledge of Allegiance	Pledge recited	N/A
3	Public Comment (No Action)	Comments received; no action taken	N/A
4	Approval of Agenda	Agenda approved as presented	Unanimous (5-0)
5	Approval of Previous Minutes	Minutes approved	Unanimous (5-0)
9	Consent Calendar	Consent items approved	Unanimous (5-0)
10	Items Pulled from Consent	No items pulled	N/A
11	Presentation on Land Use/Planning	Presentation received; no action taken	N/A
12	Presentation on CWSD Water Plan	Presentation received; no action taken	N/A
13	Senior Services Appointments	Castleberry/ Hempler Approved	Unanimous (5-0)
14	Resolution 2026R-007 Property Auction	Approved	Unanimous (5-0)
15	Ordinance 2025-1661 Zoning Amendment	Approved	Unanimous (5-0)
16	DP 25-0074 Moore Lane Abandonment	Denied	(4-1)
17	Franchise Agreement with Douglas Disposal	Approved	Unanimous (4-0; 1A)
18	Commissioner Announcements & Reports	Updates provided; no action taken	N/A
19	Closing Public Comment	Comments received; no action taken	N/A
20	Adjournment	Meeting adjourned	N/A

Executive Summary

The Douglas County Board of County Commissioners meeting on February 19, 2026, addressed a mix of routine approvals, financial matters, community planning, and resource management amid inclement weather. Routine consent items were unanimously approved, covering airport leases, financial reports, interlocal agreements for parking and transportation, and grants for public safety and law enforcement. Resolutions were adopted for budget augmentations and online auctions of tax-delinquent properties, while an ordinance implemented state-mandated mixed-use residential development in commercial zones to support housing needs. A new 20-year franchise agreement with Douglas Disposal enhanced waste services, including more cleanup days and dump passes. Presentations clarified land use roles, emphasizing staff recommendations and workforce housing challenges, and outlined CWSD's 30-year water plan, highlighting natural shifts in runoff and strategies for sustainability. A contentious right-of-way abandonment for Moore Lane was denied unanimously due to material public injury concerning access and utilities. Public comments stressed civility in governance, fiscal caution on cultural projects like the performing arts center, and concerns over developer friendliness versus affordable housing.

Highlights

1. CWSD Water Plan Presentation: CWSD's 30-year plan highlights sustainable water resources for growth despite natural shifts like earlier runoff and declining mountain inflows, emphasizing conjunctive management for new developments and mitigation strategies to ensure long-term availability without severe downstream impacts like those in Humboldt.
2. Ordinance 2025-1661 Adoption: The board unanimously adopted Ordinance 2025-1661 on second reading, amending Title 20 to allow by-right mixed-use residential developments in commercial zones per AB 241, requiring a commercial component to balance state housing mandates with local town plans.
3. DP 25-0074 Moore Lane Abandonment Denial: The board denied the abandonment of the 25-foot Moore Lane right-of-way 5-0, finding material public injury due to reduced access for Tony Court residents and the need for a full-width utility easement, despite the applicant's arguments of historical non-use.

Public Comment (Non-Agenda Items)

Ellie Waller emphasized the imperative for civility among elected and appointed officials, defining it as respectful discourse, constructive disagreement, and accountability, while condemning rude or disruptive behaviors that undermine decorum; she referenced board norms under Resolution 2023R, advocating for biennial revisions extending to the Planning Commission to foster a more robust policy framework, thereby potentially enhancing trust and participation in county processes. Jim Jackson raised concerns over the Performing Arts Cultural Community Center's development, viewing its partnership model as a risk for shifting costs to county funds despite no-general-fund assurances, and questioned its long-term viability given local demographic constraints, implying a need for stringent oversight to avoid taxpayer burdens from indirect revenue reallocations. Via Zoom, Jim Slade critiqued email exchanges between Planning Manager Kate Morolli O'Neil and Barton Health representatives as biased and dismissive of public input, highlighting a Planning Commission incident where his comments on agenda deviations and staff criticisms were interrupted as allegedly derogatory, which he argued violated open meeting laws and First Amendment rights. Brett Tibbetts echoed calls for comprehensive training on public comment handling, pointing to inconsistencies where officials face less scrutiny than citizens, and underscored the irony in staff critiques of public feedback while resisting accountability, advocating for respectful treatment to uphold democratic principles. The chair acknowledged the role of criticism in public service, reaffirming the board's commitment to respect, before closing the segment and advancing the agenda.

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 unanimous to approval agenda and previous minutes.

Presentation on Land Use, Planning, and Development Applications

Principal Planner, Kate O'Neil, presented on the Douglas County Community Development Department's roles in land use, planning, and development. Planning aims to maximize health and economic well-being per American Planning Association guidelines, addressing community needs over 10-20 years through goals and policies. Key components include developing common visions for efficiency, creating sense of place with architectural elements, enhancing property values via amenities like parks and trails, safeguarding health and safety with codes, planning infrastructure like water and roads, promoting economic choices, conserving resources, and setting clear expectations to reduce conflicts. The 2020 Master Plan, updated per NRS, serves as a long-term guide for development, identifying issues and actions, with detailed regulations in Title 20. Zoning

separates land uses for compatibility, covering divisions, floodplains, and growth management. Staff implements the plan daily, reviews applications, provides support, prepares notices, offers advice, and handles minor approvals like variances. Advisory bodies (Genoa, Minden, Gardnerville) review permits per Title 20.08, with recommendations considered; Genoa Historic District has precedence. The Planning Commission (7 members, 4-year terms, monthly meetings) recommends on amendments and maps, decides on special use permits and variances. The Board is final decider on amendments, maps, and appeals. Process flowchart: pre-applications encouraged, completeness review, interdepartmental input, corrections/conditions, staff reports with findings. Examples include Virginia Ranch updates. Applications: master plan amendments (biannual, by resolution), zoning amendments (by ordinance), planned developments (25% open space), tentative subdivisions (5+ parcels), special use permits. Findings of fact per NRS guide approvals/denials for transparency and litigation reduction; applicant proves compliance, staff analyzes. TRPA (1969 bi-state compact) conserves Lake Tahoe, with 1987/2013 regional plan akin to master plan; Douglas County area plans (South Shore, upcoming Tahoe Douglas) provide flexibility.

Commissioner Comments

- **Commissioner Hales:** Noted Martin Slough Trail's health benefits and its feature in a planning conference tour for community connectivity.
- **Commissioner Rice:** Praised presentation as reminder of TRPA responsibilities.
- **Commissioner Tolbert:** Raised concerns on development delays (e.g., 20+ years for projects), linking to workforce housing shortages, school closures; asked how to accelerate inventory for attainable housing amid anti-growth views.
- **Chairman Gardner:** Viewed Master Plan as unchanging "Bible"; reframed growth ordinance as sustainable; highlighted Virginia Ranch (1,020 untethered homes) for housing/infrastructure relief like Muller Parkway; noted nationwide housing issue and quarterly reports on allocations. Questioned "can be met" vs. "have been met" in findings for enforceability post-approval; commended shift to applicant addressing issues.

Public Comment: None taken.

Vote: None taken.

Presentation of the Carson Water Subconservancy District's (CWSD) Update on the 30-Year Carson River Watershed Regional Drought & Water Sustainability Plan

The presentation was delivered by Ed James and Reed Cozens, the new General Manager. James delivered an overview of the plan, covering key topics: a summary of regional water system sustainability, historical trends in river flows, patterns in groundwater pumping, changes in runoff timing, ongoing USGS modeling efforts, the implications for wet and dry years with a focus on the Alpine Decree, the concept of conjunctive management of

surface and groundwater, potential strategies for mitigating water challenges, and essential takeaway points for future planning.

The plan stemmed from a 2023 grant CWSD received from the Nevada Department of Emergency Management, which enabled collaboration with Lumos and Associates to analyze water resources for nine major water purveyors located upstream of Lahontan Reservoir. CWSD also leveraged existing partnerships with the U.S. Geological Survey (USGS) to update hydrological models, including the Upper Carson River model funded by Douglas County and the Middle Groundwater model covering areas from Carson City and Lyon County down to Lahontan Reservoir. The primary goal was to evaluate how projected population growth over the next 30 years might affect river flows and overall water availability. Importantly, the report serves as a reference tool rather than a formal water master plan—it provides background data and insights to inform updates to individual water master plans by counties and purveyors.

A central theme was "conjunctive management," which refers to the integrated oversight of surface water (like rivers and streams) and groundwater (underground aquifers) resources, recognizing that they are interconnected. Historically, Nevada managed these separately through distinct laws—the Surface Water Act came first, followed by the Groundwater Act—leading to allocations that didn't always account for how pumping groundwater could reduce surface flows, or vice versa. This approach worked initially but led to problems in over-allocated basins like the Humboldt River watershed, where excessive upstream groundwater pumping has created deficits, drying up downstream river flows except in very wet years and severely impacting senior water rights holders, such as farmers in Lovelock. Similar concerns arose for Churchill County at the bottom of the Carson system, which holds some of the most senior water rights but fears upstream development could mimic Humboldt's issues. The study aimed to determine if the Carson River basin faces comparable risks or is in a stronger position, and to outline steps forward.

Analysis of the nine purveyors' water rights and pumping capacities revealed that most have sufficient resources to support projected growth over 30 years. For instance, Indian Hills and Gardnerville Ranchos may need to add wells to meet future pumping demands, but this is about infrastructure capacity rather than a water shortage (the study did not evaluate specific system constraints like pipelines, which would be addressed in detailed master plans). Douglas County has ample capacity overall. Silver Springs and Stagecoach have adequate wells and rights for their limited expected growth (around 50 new units over 30 years), but their expansion is constrained by a lack of "wet water"—meaning they hold paper rights but lack actual accessible water sources, requiring imports from elsewhere. Dayton Valley has enough for its growth, while Lyon County anticipates the largest increase in water demands due to available land for development. Overall, the basin has sufficient physical water to meet needs, but purveyors without adequate groundwater must acquire rights or alternative sources; areas like Silver Springs are particularly limited by this wet water scarcity.

Historical data from the 2023 USGS report on the Middle Carson River Basin (from Carson City to Lahontan) showed declining average daily flows at the Carson City gauge, initially alarming Churchill County residents who blamed upstream development in Carson Valley. However, at the Fort Churchill gauge further downstream, the trend flattens, largely because reduced agricultural use in Carson City and Lyon County has offset development impacts. CWSD's deeper analysis pinpointed the primary cause as natural changes rather than just human activity: less water is flowing from the mountains into the Carson Valley than in the past, as evidenced by gauges above the valley (with minimal development) showing similar downward trends, especially on the West Fork. Supporting studies confirm this decline in mountain runoff.

Further insights from a 1940-2018 dynamics study revealed that while river flows have always fluctuated due to limited upstream storage (making the system highly dependent on annual precipitation), post-1980 patterns show greater extremes—wetter wet years and drier dry years. Total volume at Fort Churchill has actually increased slightly, but much of it is unusable during extreme wet years, as seen in 2023 when 900,000 acre-feet (AF) were dumped into the desert after the 2017 climate event (pre-planning prevented major flooding in Churchill). A Desert Research Institute (DRI) study on East and West Forks (data split 1940-2009) highlighted shifting runoff: statistically more water in March now (earlier melt), but less in June, affecting late-season availability. This benefits downstream Lahontan Reservoir (and Churchill farmers with priority rights), but challenges Carson Valley farmers who rely on surface water, potentially forcing more groundwater use or reduced crop production.

Regarding the Alpine Decree—a legal framework governing water allocation in the Carson River—it effectively distributes water during wet and dry years, providing certainty for farmers on expected supplies. Modifying it (a 56-year litigation process) is unlikely and unhelpful for earlier runoff without storage, as crops aren't ready in March; it protects upstream users with senior priorities, allowing Carson Valley farmers to use available water without downstream calls. Storage options are limited: a main stem dam for wet years would cost hundreds of millions and remain empty most times (e.g., Lahontan not full this year; environmental hurdles); off-channel storage is small-scale (thousands AF, better for municipal than agricultural needs). Farmers can divert entitled water; April-June supplies meet irrigation and Lahontan needs; July-September is regulated by priorities, with seniors getting water and juniors benefiting from efficiency gains (more water for them, but not Lahontan). Earlier runoff aids Lahontan overall.

Growth projections focused on water use (not population percentages), noting increased efficiency—most purveyors pump less now than 20 years ago due to conservation. Indian Hills is landlocked (initial increase then zero); Carson City growth tapers with limited land; Lyon has the biggest demand due to developable land; Stagecoach/Silver Springs demands small overall.

Groundwater pumping trends across the basin show varied patterns driven by municipal and agricultural needs. In Carson Valley, overall pumping has increased primarily due to municipal demands from 1987 to 2022, including about 3,000 acre-feet imported by Carson City; without this import, municipal use would have declined thanks to conservation efforts. Agricultural pumping supplements surface water and spikes during dry years, such as 2004 and 2015, when farmers rely more on groundwater, but decreases in wet years. In Eagle Valley (largely Carson City), municipal use dominates and has been declining due to conservation, though there was a temporary increase in 2021 during COVID as people spent more time at home, leading to higher water use for gardens and other activities; the ongoing upgrade to the Quill surface water treatment plant, set to come online next year, will further reduce groundwater pumping by shifting reliance to surface sources from Marlette and two creeks, significantly impacting overall Middle Carson pumping. In Dayton Valley, municipal pumping is the main driver, with agricultural use decreasing over time, resulting in relatively flat overall trends despite some growth. In Churchill Valley (including Silver Springs), pumping is near the sustainable renewable yield of 1,600 acre-feet annually but totals around 2,500 acre-feet, with domestic wells as the largest user (over 1,600 wells, likely using about 0.5 acre-feet each, keeping it close to balance); municipal use has declined through conservation to about 500 acre-feet, despite holding 4,500 acre-feet in rights, limited by available wet water.

To identify long-term patterns amid annual fluctuations, the analysis used 20-year moving averages across key gauges (East Fork, West Fork, Carson City, and Fort Churchill) and seasons: October to March (non-irrigation period when most water flows to Lahontan under priority rights), April to June (sufficient water for all uses including Lahontan), and July to September (regulated period where Lahontan has less entitlement). Trends show slight variations, with increases or decreases depending on the gauge and season, but statistically significant changes include decreases at Gardnerville and the West Fork during July to September (indicating less late-season water availability) and an increase at Fort Churchill (attributed to reduced agriculture in Carson City and Lyon County; historically, all water was diverted there, leading to zero flows, but now more passes through).

Preliminary USGS modeling, funded by Douglas for Carson Valley municipal water, is undergoing corrections for dataset errors and government shutdown delays, with a full presentation expected in March; it simulates future groundwater pumping impacts on surface flows, showing in the Middle Carson an initial rise in municipal pumping followed by a decline once the Quill plant reduces reliance on groundwater, though growth may push it back up while shifting overall from groundwater to surface sources.

For wet and dry years, the Alpine Decree provides reliable allocation and certainty, helping farmers plan; it may impact them during multiple dry years with increased pumping and economic strain, but purveyors can generally meet demands through groundwater (mostly for agriculture and municipal use, with few surface exceptions like Douglas County's two induction wells offsetting Genoa Creek). Vulnerable areas include Johnson Lane,

Ruhenstroth, and East Pine Nuts, which lack river recharge or large municipal wells and are affected by domestic wells impacting supply.

Future work includes analyzing multiple consecutive dry years to assess agricultural groundwater pumping and economic effects.

Introduced in 2017, conjunctive management empowers the state engineer to jointly manage surface and groundwater; while severe in Humboldt (30-40,000 acre-feet impact on flows), Carson's situation is milder due to climate change, reduced agriculture, shifting runoff patterns, and unchanged or increased flows to Lahontan despite upstream pumping. It applies primarily to new applications, requiring mitigation of surface flow impacts through measures like relocating wells farther from rivers or dedicating equivalent surface water rights (not 100% offset, varying by location and river proximity); this has already been enforced in cases like Lyon County utilities and Carson City's Fuji Park well, where surface rights from Clear Creek were dedicated to offset effects.

Mitigation strategies for the estimated 1,000 acre-feet needed in Carson Valley vary by season: during non-irrigation periods, options include releasing surface water from upstream reservoirs, using CWSD or other held rights, or recharging with reclaimed water; in irrigation seasons under regulation, similar releases from reservoirs or reclaimed water, plus dedicating purveyor-acquired surface rights; for late irrigation where downstream users cannot call for water, focus on local offsets. The Federal Water Master and Department of Water Resources will determine specifics, with CWSD facilitating cooperation.

Key takeaways emphasize that regional sustainability is achievable with targeted planning, such as additional wells for Indian Hills and Gardnerville Ranchos (and possibly others for system constraints); the river's changing dynamics require adaptive strategies; groundwater pumping will continue to grow, necessitating conjunctive management; and the Alpine Decree effectively meets demands in both wet and dry years. The report acts as a valuable reference for updating Douglas County's water master plan

Groundwater Pumping

Summary on the Nine Major Water Purveyors

- Gardnerville Ranchos General Improvement District (GRGID) 0.54% growth
- Gardnerville Water Company (GWC) 0.54% growth
- Town of Minden 0.54% growth
- Douglas County 0.54% growth
- Indian Hills General Improvement District (IHGID) 0.8% to 0.0% growth
- Carson City Water Utility 0.7% to 0.1% growth
- Lyon County Utility 0.8% growth
- Stagecoach General Improvement District (Stagecoach GID) 0.43% growth
- Silver Springs Mutual Water Company (SSMWC) 0.43% growth

Commissioner Comments

- **Commissioner Hales:** Questioned Alpine Decree flexibility for earlier runoff; honored Ed James' service, noted organization's uniqueness, welcomed Reed Cozens.
- **Commissioner Rice:** Presentation reinforced water challenges not severe due to conservancy efforts.
- **Commissioner Tarkanian:** Appreciated Ed James' past education on water issues.
- **Commissioner Tolbert:** Found presentation enlightening for background.
- **Chairman Gardner:** Clarified groundwater (municipal) vs. surface (ag, with supplements); echoed thanks to Ed James, noted Reed Cozens' tutelage.

Public Comment; None taken.

Vote: None taken.

Discussion to Appoint Two Members to the Senior Services and Public Transit Advisory Board

County Manager Jenifer Davidson presented two applicants for vacancies: Antoinette Castleberry for Carson Valley resident (previously served, missed prior reapplication deadline due to being out of country) and Mickey Hempler for Tahoe Township resident (currently on Vacation Home Rentals Advisory Board; recruitment challenges for Tahoe positions). Terms run from February 2026 to December 31, 2027. Neither applicant attended due to inclement weather.

Commissioner Comments

- **Commissioner Rice:** Supported Hempler based on her community service.

- **Commissioner Hales:** Motioned to appoint both.
- **Commissioner Rice:** Seconded the motion.
- **Chairman Gardner:** Noted Castleberry's absence due to snow, Hempler's other board service, and Tahoe recruitment difficulties.

Public Comment: None received

Vote: Vote unanimous to appoint Castleberry and Hempler.

Discussion on the Adoption of Resolution 2026R-007 Authorizing Sale of Properties

Clerk-Treasurer Amy Burgans, with Assistant Treasurer Megan Dorris, presented Resolution 2026R-007 per NRS 361.595 to authorize online auction via Bid4Assets.com for trust properties, bidding May 26, 2026, 10 AM PST to May 28, 2026, 10 AM PST. Parcels: 1320-04-001-111 (2559 Precision Dr), 1220-04-111-014 (1226 Kingslane), 1420-06-801-001 (3647 N Hwy 395), 1418-34-110-063 (1271 Lincoln Park Ci), 1420-07-801-001 (3401 N Hwy 395), 1220-21-510-107 (774 Linda Dr), 1220-04-113-001 (1374 Queens Ct), 1419-09-001-066 (3414 Golf Club Dr), 1418-22-502-001 (No Site Address), 1320-33-714-033 (1309 Brooke Wy), 1220-24-811-004 (627 Thoroughbred Av), 1220-24-401-019 (616 Appaloosa Ln), 1319-30-634-004 (364 Quaking Aspen Ln), 1421-00-002-003 (No Site Address), 1422-00-002-002 (No Site Address), 1422-00-002-009 (No Site Address), 1320-30-211-094 (1795 Ironwood Dr), 1220-20-002-005 (660 Anderson Ranch Rd), 1022-10-002-037 (3920 Mica Ct), 1022-15-001-126 (3890 Carter Dr), 1121-05-516-034 (267 Walker St.). Switch to online since 2023 (last in-person); 2025 canceled as all paid. Current 21 eligible owing >\$145k; payoff deadline May 22, 2026, 5 PM (3 business days prior). Past: 2021-22 canceled (COVID); 2023 in-person: 30 eligible, 7 auctioned owing \$112k, sold >\$472k (excess to general fund after 1 year); 2024 online: 1 owing \$680, sold >\$3k. Online preferred for ease, broader reach, higher revenue. Entities (county, school, tribal) notified tomorrow for potential pre-auction acquisition per NRS.

Commissioner Comments

- **Chairman Gardner:** Clarified payoff deadline; noted address correction for 1022-10-002-037 (3920 Mica Ct).

Public Comment: Jim Jackson: Confirmed funds to general fund; will monitor against shifts to performing arts center. Maureen Casey (as individual/Planning Commission/TDR member): Noted interesting properties; encouraged board to buy for open space if unsold.

Vote: Vote unanimous to adopt Resolution 2026R-007 as presented.

Discussion to Adopt Ordinance 2025-1661, Zoning Text Amendment Implementing AB 241

Principal Planner Kate O'Neil presented Ordinance 2025-1661 for second reading as a zoning text amendment amending Douglas County Code Title 20 by revising chapters 20.658, 20.662, 20.664, 20.666, and 20.668 in order to implement the requirements of Assembly Bill 241, passed by the Nevada State Legislature during the 2025 legislative session in May 2025, by allowing mixed-use residential development in commercial zones. AB 241 requires each governing body in the state of Nevada to adopt an ordinance that authorizes by right a multifamily housing development or mixed-use development that includes a residential use on properties zoned for commercial use. O'Neil noted that the county's Master Plan indicates as one of its priorities to amend the Master Plan land use designation table to allow multifamily residential zoning in the commercial land use category. The ordinance will amend various chapters in Title 20 to implement AB 241, allowing multifamily residential projects by right in the following commercially zoned districts: General Commercial, Tourist Commercial, Neighborhood Commercial, and Office Commercial. Any proposed multifamily residential development must include some type of approved commercial component use. As an example, if a property is zoned General Commercial, a multifamily development cannot be 100% multifamily and must include a commercial component; however, the same property can still be developed as 100% commercial without requiring multifamily residential, though multifamily is now allowed by right per AB 241. O'Neil highlighted the process: Staff initially sought a continuance at the Planning Commission after presenting to the towns of Gardnerville (not Garden Grove), Genoa, and Minden; feedback led to adjustments from allowing 100% multifamily only in Office Commercial and Neighborhood Commercial (chosen because vacant parcels in those zones are surrounded by commercial) to allowing in all commercial districts but requiring a commercial component to respect town community plans and maps designating specific commercial zonings. In response to public comment on the Johnson Lane Dollar Store site (zoned Neighborhood Commercial), O'Neil and Deputy DA AJ Ames clarified it is project-specific under mixed-use standards; a new multifamily project would be evaluated on its own merits, requiring 25% commercial as part of that project, not crediting neighboring properties; development standards still apply, and the specific Dollar Store parcel lacks room for multifamily, though larger projects would be assessed individually to fit standards.

Commissioner Comments

- **Chairman Gardner:** Followed bill from Clark County origins for revitalizing drying up strip malls, now statewide; glad for recommendations from to retain commercial element; hopes aids affordable workforce housing; questioned growth initiative applicability (same rules for new residential); agreed state legislature ties hands.

- **Commissioner Rice:** Negative view as Clark County dictating to world; "it is what it is."

Public Comment: Jim Jackson: Acknowledged hands tied by state mandate; questioned if Johnson Lane Dollar Store (commercial property) allows adjacent apartment building.

Vote: Vote unanimous to adopt Ordinance 2025-1661.

Discussion to Approve a New Franchise Agreement Between Douglas County and Douglas Disposal, Inc. for Solid Waste, Recyclable, and Organic Materials Collection and Processing Services in the East Fork Township Area of Douglas County

Public Works Director Philip Ritger presented the new franchise agreement with Douglas Disposal, Inc. for solid waste, recyclable, and organic materials collection and processing services in the East Fork Township area of Douglas County, which includes the sub-lease by Douglas Disposal, Inc. of the County Transfer Station. The agreement replaces a series of old franchise agreements and at least half a dozen amendments, as well as incorporating the separate transfer station agreement to align both on the same 20-year term. Key elements include increasing residential cleanup days from 2 to 4 (one each in spring, fall, winter, and summer) where residents can place additional trash curbside; offering 2 annual dump passes for residential customers to self-haul large items to the transfer station to address illegal dumping in areas like the Pine Nuts; contemplating up to 2 additional recycling centers beyond the current 4 (e.g., request for Johnson Lane, pending suitable property); excluding construction and debris material drop boxes larger than 8 cubic yards from the exclusive franchise (Douglas Disposal can still offer the service, but it is no longer exclusive, allowing other companies to provide it in Carson Valley). The franchise fee Douglas County receives remains equal to eight percent (8%) of gross receipts for all services performed by Douglas Disposal, Inc. under this agreement, and the annual sub-lease payment for use of the Transfer Station is \$50,000. Per Douglas County Code chapter 19.04, initiated in 1994 after a general election, all solid waste transfer stations in Douglas County must be owned by Douglas County, hence the county owns the building on Douglas Disposal property and leases it back; Douglas Disposal is responsible for 100% of routine maintenance and upkeep, while the county participates in any capital improvements.

Commissioner Comments

- **Commissioner Tolbert:** Disclosed a family member within the relevant distance who will likely take advantage of the opportunity to provide slide-offs (drop boxes) due to the non-exclusivity; abstained from voting and being part of the discussion out of abundance of caution.

Public Comment: None received.

Vote: Vote unanimous (Commissioner Tolbert abstaining) to approve the franchise agreement between Douglas County and Douglas Disposal Inc. for solid waste recyclable and organic material collection and processing services in the East Fork Township of Douglas County and sub-lease of transfer station as presented.

Discussion on DP 25-0074, an Application to Abandon a Portion of a Public Road Right-of-Way and Utilities Easement Known as Moore Lane

Item 11.2: Discussion on DP 25-0074, an Application to Abandon a Portion of a Public Road Right-of-Way and Utilities Easement Known as Moore Lane

Full Description

County Engineer Jeremy Hutchings presented DP 25-0074, an application to abandon a 25-foot-wide portion of a public road right-of-way and utilities easement known as Moore Lane, totaling approximately 32,284 square feet (about 0.75 acres), with the right-of-way reverting to the abutting property at 2495 Fremont Street in the Johnson Lane Community Plan. The property owner is Ksenia Timonina of Big Bar Ranch, LLC, and the applicant is Andy Fuller, a professional land surveyor with Fuller Consulting, PLLC (APN: 1320-02-002-024). The site is located off Fremont Street, with the easement running along the northern boundary of the parcel. Photos from near Fremont looking east showed the existing fence enclosing the easement area, though the owner's driveway is not within it, and a recently constructed barn is nearby. The fence was installed without a permit, which is typically not required for fences on private property but was needed here since it encroached on public right-of-way. Potential impacts of approval include reduced access for Tony Court residents to the east (who currently use Tony Court but would lose this secondary option), no identified financial harm to Douglas County, and a request from Public Works to retain the full 25-foot width as a public utility easement (PUE) for future needs, while other utilities like energy companies asked for a 5-foot PUE along the north boundary. Hutchings noted that a separate, unrelated issue on the eastern side of the property involves fencing that blocked historical access for eastern residents via another easement (McKay Way), but this is not part of the current application and should not be conflated; an earlier suggestion to trade Moore Lane abandonment for a wider eastern easement fell through. The legal standard for abandonment requires the board, after a public hearing, to determine if the public would not be materially injured by the vacation. Staff recommended denial, citing material injury through diminished access for Tony Court residents, the need for the 25-foot PUE, and the unpermitted fence (which should not be encouraged). If the board disagreed and found no material injury, Hutchings suggested conditions: retain the 25-foot PUE and require the applicant to file a record survey documenting the new boundary. The original parent parcel dedicated the right-of-way in 1961, so abandonment

would revert it to this owner. Public input included 12 written oppositions from residents and one supportive comment from the applicant's counsel, Mike Matuska. Applicant Andy Fuller explained that his record survey revealed the easement not initially in title reports (amended just before escrow); the original 20-acre deed (assessed as 19.55 acres excluding Fremont but not Hoyt or Moore dedications) meant owners were taxed on more than the actual 18.05 acres; no road ever existed in the 64-year history; the property was improved in 1986 with a private driveway built ~1988; the fence replaced an old, disrepaired one along the north line; the applicant fenced due to open-range liability disclosure at closing; Fuller knew of the easement when the fence was built but recommended abandonment based on non-use; eastern neighbor Mr. Taylor confirmed no formal access agreement with prior owner, knowing loss was coming. Applicant's attorney Mike Matuska emphasized the standard is material public injury, not the fence; the right-of-way exists only on paper (undisturbed except minor to one house); Tony Court residents cannot use it (unimproved); only one uses via client's driveway (objected to); not on Tony Court parcel map (sole access Tony Court, legal/physical/sufficient); no reliance evidence; not in transit plan; impractical to improve; fence pre-existed in places; no use/value; case law requires actual harm, not theoretical; offered to pay for eastern engineering study (pending). Applicant Ksenia Timonina admitted mistake fencing before abandonment; owns horses, needed fencing for safety/livestock/hay/mustangs; ambushed by neighbors pre-construction insisting move fence (after weeks of signage); willing good neighbor but liability concern without legal backing; if denied, must move northeastern fence for enclosure, leaving 25-foot section unmanaged/fire hazard (no Fremont access due to ditch, needs improvement); worried appearance with planned landscaping. During discussions, commissioners questioned survey/title errors, easement knowledge at fencing, due diligence, and neighbor cooperation; Deputy DA AJ Ames clarified harm must be actual (board can find based on one person); site plan (DD22-023, added to record) showed septic blocking alternative access. Board concluded material injury to at least the Turners (barn access loss) and utilities (PUE need).

Commissioner Comments

- **Commissioner Tarkanian:** Questioned the timing of the fence installation, noting it occurred before any approval was granted; emphasized the need for proper due diligence; pointed out that the title report error was a mistake by the title company; distinguished between the east and north fences; asked why the applicant did not make peace with neighbors by moving the fence slightly to accommodate their needs.
- **Commissioner Rice:** Questioned whether the applicant knew about the easement at the time the fence was constructed; noted that the separate issue on the east side of the property was not part of the agenda item.

- **Commissioner Hales:** Questioned the distinction between the east and north portions of the property; noted that this was the second meeting in a row involving a premature code violation; stressed the need to focus on the required findings; highlighted material injury to the Turners due to loss of barn access; weighed the equities, pointing out that the applicant knew about the easement before installing the fence.
- **Commissioner Tolbert:** Questioned the deed and ownership details, explaining that one cannot deed what is not owned and noting the dedication occurred in 1961; mentioned the assessor's correction to 18.05 acres; described the fence as being on what was the north line of Tony Court rears, not the applicant's property, and noted the gate for access and lack of communication; clarified that the east issue is not part of the agenda to avoid an Open Meeting Law (OML) violation; referenced the site plan showing the septic system blocking west and south access, with vehicular access from the south and pedestrian access elsewhere, resulting in no vehicle access to the overhead door without using the passenger lane or backing up; argued there is material harm since one person would be inconvenienced and prevented from using the barn; suggested reserving the 25-foot public utility easement (PUE); stated that the fence installation before abandonment is not the basis for decision but the effect on one owner is material.
- **Chairman Gardner:** Noted that the situation is disappointing, as placing the fence south of the line would have avoided the issue; expressed concern over permanent damage to the Turners, who would lose back access if approved; pointed out that no future access would be available for others; viewed the core issue as being between the surveyor and the owner.

Public Comment: Cheryl Turner, a resident of 1667 Tony Court, highlighted inaccuracies in the rebuttal from Fuller Consulting. She stated that her family has always been aware of the easement, having known the original owners of both the Tony Court property and the Wellman property (which later became the subject property). She purchased from the original Tony Court owner, who was friends with Vern Wellman, and emphasized that access through the easement was always understood. Turner noted that Vern Wellman had chained off the road to her house, accessing it via Hoyt Road south of Moore Lane. She explained that her barn's only access is from the south and provided the definition of an easement as a non-possessory legal right to use another's property, where the owner cannot interfere, such as by building fences or sheds. Turner claimed the current owner fenced the area, including the 25-foot easement, without prior communication, and she would have objected if informed; at the time, she was overwhelmed caring for her 89-year-old mother in hospice (who passed in April 2025). She argued that property owners must discover easements through title searches, and non-use does not mean the easement won't be needed in the future, noting a natural gas line to her barn runs along it connecting

to Fremont Street. Turner urged denial of abandoning the 25-foot portion from her property line, suggesting instead moving the fence south of the easement so they could grade a road at their expense for public utilities and emergency access, or adding a gate with permission for Moore Lane and barn access.

Ron Harkleroad, from 1714 Hoyer Road, described how the fence blocked both Moore Lane and McKay Way, noting McKay is 30 feet wide but serves no purpose and narrows to 15 feet. He attributed this to county mistakes and saw the abandonment as an opportunity to correct them through an exchange, which Tom Bellair offered in January 2025 for a right-of-way at the southeast corner but was denied due to future parcel plans. If granted, the applicant gains 0.5 acres that would need roads anyway. He raised health and safety concerns, stating a fire truck cannot make the corner, and referred to Tom's materials outlining a fix.

Jim Jackson, a Tony Court resident, reported never seeing a vehicle on what is called Moore Lane, describing it as an undeveloped patch of dirt. He warned that the situation has caused unbelievable infighting in the neighborhood, which backs up to his property, and urged caution. Jackson advised keeping the roads separate, as the eastern issue is not part of this, and noted the easement was missed in the title search, making the title company liable for the clear title error.

Edward Fuller reiterated that it should not fall on the property owner to resolve adjacent issues like McKay Way or access problems, emphasizing that the last person entering shouldn't have to fix 64-year-old ongoing problems.

Steve Cosgrove, from a front property, said he reached out to the owners and was willing, along with his wife, to contribute at least \$10,000 (valuing the area at \$5,000 for 10-15 feet by 315 feet) to ensure back emergency access. As a power company employee with 25 years driving big trucks, he asserted that trucks and fire trucks would never make the corner.

Ksenia Timonina admitted to a mistake by putting the cart before the horse. As a horse owner and community member for nearly 10 years, she cited past issues with inadequate fencing and needed to prepare her property for horses, lawn, and hay storage, especially with mustangs visiting neighbors. She wanted safety for all. While walking the perimeter with her fence contractor, she was ambushed by neighbors insisting she move the fence, after weeks of signage labeling her property line. Timonina expressed willingness to be a good neighbor but worried about liability without legal protection if anything happened on the section. She asked them to address the survey and dedication, but Mr. Cosgrove responded that her property wasn't worth more than \$400. If denied, she would move the entire northeastern fence to keep the property enclosed and accessible only by trusted people or horse handlers, leaving the 25-foot section dilapidated, unmanaged, and a fire

hazard with no access from Fremont due to a ditch requiring improvements. Concerned about appearance amid planned landscaping, she urged approval.

Floyd Turner, a retired operating engineer with 15 years of road-building experience, stated that the access off Fremont Street is wide enough for the 25-foot right-of-way, with solid ground needing only sagebrush removal and capping with decomposed granite or 3/4-inch rock. His barn access is only from the south. He has known Vern Wellman for 35 years through a word-of-mouth handshake agreement for mutual help. The property has been accessed since 1982, before the house was built. Turner criticized new owners for causing commotion, noting the applicant has plenty of property but placed the fence not on hers. If the fence were on the road edge, he could access his boat or produce and remove his back fence.

Commissioner Reports:

- **Commissioner Rice:** Attended a LTPA meeting, a DPA meeting, a sewer authority meeting; noted that office manager Balla, who has been there since the inception, has retired and did a magnificent job.

Vote: Vote unanimous to deny DP 25-0074.

Closing Public Comments (Non-Agenda Items): Jim Jackson: Believes the board underestimates the controversy sparked by the northern property decision (though understandable); the eastern issue ignited neighborhood infighting that affects his property; expects return demands for county fixes. Criticizes planning commission presentations as overly enthusiastic endorsements (e.g., movie theater/Painted Rock); sees the performing arts center as unsustainable (limited shows, arts displays won't generate revenue; needs \$20-25M minimum from 35 years in entertainment); opposes it becoming a community center (existing one is fine); questions property sale funds' use (watch for hidden shifts); urges road repairs like East Valley over arts funding.

Jim Slade: Glad staff claims unbiased project reviews, but doubts it at times (e.g., last week's Planning Commission issue); Tolbert hears county isn't developer-friendly, but Slade hears the opposite—too friendly (e.g., \$100M Park Ranch giveaway led to lawsuits). Developers avoid affordable housing because not required in approvals (ask early in negotiations); solution isn't flooding with market-rate homes; Virginia Ranch delay due to recession/COVID; next 20 years' developments already approved (7,000 unbuilt homes); recommend no new approvals/master plan changes until unbuilt drops below 2,500.

Meeting Adjourned.