From: Shayla Zeal
To: Olander, Julee
Subject: Silver Circle Ranch
Date: Sunday, October 29, 2023 12:57:52 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Greetings,
I am writing in regards to Silver Circle Ranch and why I am in favor of an indoor arena. I am a local veterinarian and know how important exercise is for the physical and mental health of horses. Unfortunately in extreme weather conditions, exercise is halted and we see the negative effects including increased gastric ulcers, cribbing, muscle atrophy, and colic to name a few. Allowing an indoor would help ensure exercise for the horses could continue despite weather conditions. Thank you very much for your time and consideration.

Sincerely,
Shayla Bertucci DVM

Sent from my iPhone

From: amy.furchner@yahoo.com
To: Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Subject: Opposed to WSUP23-0029
Date: Monday, October 30, 2023 5:11:31 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I live above ProPony's land and have since 1994. Warren Nelson was my neighbor, and the family was always considerate of any noise, pollution, or anything that could potentially upset our quiet and peaceful area. Unfortunately, since it has been purchased by ProPony there is so much more noise and traffic and pollution to our quiet neighborhood.
I oppose any addition to growing ProPony's business or buildings or even animals. It is enough that I hear the loudspeaker during shows, but now the dogs that are pinned in during training or practice and shows are absolutely disturbing. The traffic is a big concern for the safety of such a small road. As we are learning more about what ProPony wants to do, it will impact more than our quiet community. It can disrupt miles from our area. Due to ProPony only wanting more horses, shows, people, buildings, etc. it will impact our neighborhood and really should be in a business or more open area other than in this area that is sought after for the beauty of the land, the quietness, the peacefulness and the safety of our neighborhood.

Please truly consider what our neighborhood stands for and why we purchased our land so long ago knowing that this is a peaceful and safe neighborhood, not a business.

Thank you.
Amy Furchner
3601 Fairview Road

From: mhemmi5463@aol.com
To: Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee; Jill Brandin
Subject: WSUP 23-0029
Date: Saturday, October 28, 2023 5:45:35 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I live at 9700 Timothy Drive. My husband and I made our choice to live in this neighborhood after an extensive two year search for our home. Our search has resulted in a home and neighborhood that we love and cherish. We're proud of the fact that others love the beauty of our part of Reno and that real estate and car sales people bring their prospective clients "out to Holcomb Ranch/Lakeside area" to impress them with a part of Reno that most didn't know existed.

We love the privacy that our large lot gives us, but five acres of our lot is designated flood plain and is unbuildable. Dry Creek runs through it. At least once a year, this five acre piece is flooded from fence line to fence line. This water first flows directly from and through ProPony's proposed equestrian building. Any disturbance of this natural flow will create havoc for all of us.

Also, my question is: Why would the BOA consider killing the Golden Goose? Our neighborhood is increasing in value faster than any of us could imagine. We now have at least one $10 million listing on Timothy. Why would ProPony think that their horse operation paying minimal taxes would be of more value to the county residents than several luxury homes paying huge property taxes? We also employ many workers for thousands of dollars a year to take care of lawns and landscaping. Piles of manure and steel structures do not belong in our neighborhood.

Contrary to ProPony's argument, most of us do not dislike horses! We live here because they have always been part of our lives. My husband and I owned a horse boarding operation on 150 acres (rural) where we boarded up to 90 horses. Three acres of pasture and a barn are not nearly enough for 35 horses.

Thank you for your consideration,
Mary Hemminger

From: Susan Howe
To: Olander, Julee
Cc: Landess Witmer
Subject: I support the Historic Silver Circle Ranch
Date: Sunday, October 29, 2023 9:11:36 PM
Attachments: I would like to offer my support of The Historic Silver Circle Ranch.pdf

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please find attached my support letter for Silver Circle Ranch.

Thank you,
Susan Howe

From:	Ken Hubbart
To:	peter@cpnv.com; Julian, Kathie M.; Christensen, Don; Olander, Julee; Jill Brandin
Subject:	ProPony Commercial Stable Opposition
Date:	Saturday, October 28, 2023 12:32:23 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Board of Adjustment Members:
As a resident of Washoe County for thirty-three years I am appalled at the fact the county is considering permitting commercial property in the midst of property zoned as residential. One of the responsibilities of the Board Members is to "represent the best interests of unincorporated Washoe County". You have received names and addresses of forty-five residents on or adjacent to 3400 Holcomb Ranch who are opposed to the ProPony Commercial Arena and Riding Stable. That in itself should be evidence that this commercial venture would not be in the county's best interest.

Apparently the property at 3400 Holcomb Ranch Rd was knowingly purchased, prior to doing due diligence, with the express desire to open a commercial venture in the midst of a pristine residential area. The owners obviously felt confident that their proposed venture would not be opposed by the county officials and their actions speak volumes as to how they feel toward their neighbors. We know this to be true as parts to the indoor arena were delivered to the property in question in January prior to the Board of Adjustment's meeting February 3rd, 2022, which raises ethical questions not only for the owners, but for members of the Board.

In addition, Robison Engineering of Sparks, Nevada did a study of ProPony's 12.5 acre site, most of which is located in the Dry Creek gully. In a given day 35 horses release 84 gallons of raw urine into the ground, which amounts to 30,600 gallons of raw urine each year. In April of 2022 Robison came to the conclusion that with the proposed activities at the ProPony site,environmental issues were likely to impact surrounding properties due to issues including, but not limited to, surface and/groundwater contamination, dust and odor. This in itself is enough to deny ProPony from moving forth in their business plan at this site.

In conclusion, the ProPony site is not suitable for 25-35 horses, the arena is out of character with the neighborhood and the release of urine from the horses could be detrimental to the health of the community and environment.

Sincerely,

Ken Hubbart

775-831-1921

From:	Cilodi
To:	Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Cc:	Calvin Iida
Subject:	Re: Opposed to WSUP23-0029
Date:	Monday, October 30, 2023 12:21:23 PM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

> On Oct 30, 2023, at 11:16 AM, Cilodi <calmab4791@gmail.com> wrote:
>
>
>
> Dear Members of the Board of Adjustment
>
> I am writing to you in my opposition to ProPony's application for WSUP23-0029. I have lived at 8690 Lakeside Drive for the last 19 years, which is just down the street from the Silver Circle Ranch. The previous owner Warren Nelson ran a low key family horse boarding and riding facility. He was alway considerate and cared about his neighbors and the neighborhood. The new owners are the polar opposite and have little regard for the people living in the surrounding area. They are running a large commercial operation in a zoned rural residential neighborhood, with plans to further expand their business. They have refused to limit the size and scope of their plans despite concerns expressed by neighbors at multiple meetings and hearings. They have been negligent in running their current operation piling up large amounts of horse manure, that has attracted a large number of flies and pests, and was easily visible from the road. This was only addressed after complaints were filed by neighbors to the Washoe County Code Enforcement. They now have an open dumpster visible from the road and sometimes an overflow pile, that is still not up to code.
>
> They are requesting to run this commercial operation from 7am-9pm 7 days a week, but nothing would prevent them from running 24 hours a day. They have installed bright tower lights to operate in the evening
> They plan to have at least 4 shows or competitions a year with up to 50 riders, and 100-150 spectators. The Board should understand that they are already operating in this manner, despite the complaints from neighbors and code violations. They downplay the scope of their plans and its impact on the neighborhood, exaggerate the historic features, and how this benefits the neighborhood. They have refused to compromise on their plans, or consider the concerns of the neighborhood.
>
> I would like to emphasize that ProPony is running this as a large commercial operation in a residential neighborhood. As with any business I am sure the goal is grow and expand the operation to increase income.
> Adding a large indoor arena will lead to the likelihood of more clients, more business, more shows, but to the detriment of the neighborhood with increase traffic, noise, and pollution.
> Again this is a zoned residential neighborhood.
>
> They say they have no plans to open to the public for rentals, trail riding and other activities, but there is nothing that prevents them from doing so. They say there is just a few select riders, but they already have plans for events with up to 50 riders. This is not some small family event. They said the events would draw about 100 spectators. With 50 riders, I suspect if parents, spouses, and family and friends were to come that number would be well over 100 and closer to 200. At this time they plan to have 4 events per year, but there is nothing to prevent them from increasing the number of events to 8 per year, then every month or more.
>
> ProPony has already been denied the permit to build the very large, intrusive indoor arena by the Board of Adjustment one year ago due to the opposition of the neighborhood. They are now reapplying for a like permit to construct the same huge building, along with increasing the number of horses from 25 to 35. This indicates that they continue to plan on increasing the size and scope of their business with little regard to the people living in the area.
>
> My neighbors and I do not have any problem with the boarding and riding of horses, lessons to children and adults, especially since most of us have animals on our properties. The Silver Circle ranch initially encompassed 55

acres, and ProPony Acquired only 12.5 acres which is less than 25% of the previous property. It is the intensity of the operation, of having 35 horses or more, on a property that is less than 25% of its original size, operation of an expanding commercial enterprise to the evening hours, and holding large events with 100-200 people, that are the reasons for my opposition. The owners have not been forthcoming with their overall plans, and my concern is of an ever expanding operation that is detrimental to the beauty, peace, and quiet of the neighbor hood.
>
> As you look at the support for and against the project, I hope you notice that most of the support is from people outside the immediate area, while most if not all the opposition is from people who live in the direct surrounding areas that are most affected.

> Thank-you for your time.

> Sincerely, Calvin Iida

From: Richard Lorson
To: Olander, Julee
Subject: Fwd: Opposed to WSUP23-0029
Date: Monday, October 30, 2023 7:09:01 AM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Board of Adjustment Member:

Last February 2022, the Board of Adjustments voted 4-1 to deny ProPony's request for a SUP for a major commercial expansion. This request would expand what was once a very small, local, horse-boarding facility in the rural residential area where I live. I have lived here, just off of Holcomb Ranch Lane, for more than 19 years and been a Washoe County resident for 37 years. Despite last year's firm denial for the SUP request, ProPony is back making the request again, and has the nerve to not even make any concessions or positive changes in their new request, to try and lessen their impact. In fact, they have increased their request for more variances and boarding more horses. I fail to see what has changed that would justify a different decision this time by the Board. In addition, the large number of incorrect facts and statements in the SUP are concerning.

ProPony and the Staff Planner state that the significantly enlarged horse boarding (35 animals) on a much smaller tract of land, the addition of a large indoor-riding arena, and regular outside competition events through the year are "memorializing" the small family-run stables that existed perfectly in this area for many years. This much-expanded facility would do no such thing, and there is no comparison between the two.

All adjacent neighbors and most residents in this area are against this expansion, and this was noted in last year's Board of Adjustments meeting. Many of the supporters live outside of this neighborhood. ProPony has proven they are not a good neighbor to the current residents. They've done this by constructing an unpermitted-access entrance onto Holcomb Ranch Lane, held multiple outside competitions without having received a SUP, and basically ignored many county zoning regulations and restrictions for this area. What is the purpose of zoning regulations, if they can be ignored at will?

Holcomb Ranch Lane (also known as State Hwy 671) has flooded 3 times since I have lived here, and two of those created temporary road closers. If a 29 feet tall,13,500 sq ft indoor riding structure is built, along with other construction modifications around the building and all in a low-lying area that has flooded multiple times, there is no possible way that worse runoff and subsequent flooding over Holcomb Ranch Lane is not going to take place. This flooding will also take place more often and create larger impacts on residents and traffic on SR 671. In addition, Dry Creek that runs through the property in question, which despite the name is not dry and is also rated a "Significant Hydrologic Resource", continues on its way into Reno and towards Reno Tahoe International Airport. It will carry along all of the waste and runoff from this facility with it.

I strongly urge you to again deny this SUP request, to help the residents of the area maintain the style of living that this area was zoned for.

Richard Lorson
2315 Diamond J Pl
Reno, 89511

775-851-7867

From:	Sonny Newman
To:	Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Cc:	Jill Brandin
Subject:	ProPony opposition
Date:	Monday, October 30, 2023 10:31:26 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Members of the Board of Adjustment:

I am opposed to ProPony's SUP for a commercial stable with 35 horses and an indoor arena.

Last year this Board denied a commercial stable for 25 horses and the same indoor arena.

25 horses is still too many for this site and a 13,500 square foot, 29 foot tall metal industrial building is still completely out of character for our residential neighborhood.

This huge indoor arena would be directly in front of residential properties and clearly visible to all of us in the neighborhood as we pass by several times a day.

Don't forget that this stable and building are in a flood plain next to Dry Creek.

Dry Creek runs next to my property on the south.

The indoor arena would have to be built on fill and a fire road built around it - greatly increasing the risks to our safety and the costs of flood damage.

Please deny this SUP. The required findings could not be made last year and they cannot be made this year.

Thank you,

Sonny & Kelli Newman
9400 Timothy Drive
Reno, NV 89511
775-772-4944

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From: Rhonda Shafer
To: Julian, Kathie M.; Christensen, Don; Pierce, Rob; Olander, Julee; peter@cpnv.com
Subject: Opposed to WSUP23-0029
Date: Monday, October 30, 2023 10:33:24 AM

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear members of the Board of Adjustment.

I strongly oppose WSUP23-0029. The use, proposed building and extensive commercial operation are incompatible with and clearly detrimental to the neighborhood, MY neighborhood. I live downstream on Dry Creek and see two egregious health and safety issues associated with this SUP:

(1) Their concentrated confinement of large animals in the narrow Dry Creek/100 year flood plain/Floodway WILL create contamination by leaching of urine and fecal matter into the shallow groundwater table and flowing surface water impacting properties far downstream.

(2) The removal of permeable ground by installation of a massive industrial steel building and attendant fire access lane in the narrow, constricted Dry Creek flood plain WILL endanger not only downstream properties but also risks washing out the state highway in the event of flood.

Pro Pony LLC harps on tradition and history while creating an operation which respects neither. The application they submitted contains glaring omissions and blatant misstatements. You must deny the SUP.

Thank you for your time in reading this.

Rhonda Shafer
8777 Panorama Dr
Reno, NV 89511

Sent from my iPad

From: Jo Vanderbeek
To: Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Subject: Opposed to WSUP23-0029
Date: Sunday, October 29, 2023 2:57:14 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am Jo Vanderbeek. My husband and I built our home at 8771 Lakeside Dr. three years ago because it was a peaceful residential neighborhood. We are opposed to ProPony's SUP for a commercial business and industrial metal indoor arena. ProPony's operation has disturbed the quiet enjoyment of our home. Manure and urine soaked stall waste is left piled on the ground and in an overflowing dumpster next to Holcomb Ranch. It is an eyesore.

ProPony's property is zoned residential and all the properties around it are residential. Screening must not be waived.

The Staff report is not accurate. There is no screening vegetation along the northwest half of the property line. There is no screening vegetation along the southwest 3/4 of the property line.

The report keeps repeating the same phrase about 20 fast growing trees - I have only seen 6 and they are all east of the driveway on the north. There is no screening to help mitigate the dust pollution caused by ProPony.

Screening is required for the health and safety of the neighborhood. At a minimum, Code requires a buffer zone equal in depth to the setback. Trees must be planted every 20 linear feet in off-set rows to achieve maximum buffering. In addition a solid decorative wall or fence at least 6 feet high is required along the entire length of the south common property line. Code requires trees every 50 linear feet along the entire length of the north property line.

A huge metal building that is 3 stories above Holcomb Ranch Lane is not isolated from neighboring residential properties. It would be directly in front of them and highly visible from Holcomb Ranch Lane. Such a structure is detrimental to the character of our neighborhood and would be in our faces every day as we use Holcomb Ranch Lane.

I owned and ran a metal fabricating business for 37 years in Silicon Valley. The company currently employs over 1,000 people. I am very knowledgeable about illumination, HVAC systems and their noise, as well as air compressor noise which should require soundproofing walls around them.

ProPony does not even mention the bright illumination used in indoor sports arenas such as this.With the skylights, large windows and doors there is no way to avoid light pollution.

There is no mention of the decibles of noise created by the HAVC system they would need for a 13,500 square foot metal building. I know from experience what those systems sound like and the entire Dry Creek Gully would echo with intolerable fan and compressor noise. We built sound walls within our manufacturing plants.

My business was commercial. The buildings are all in commercial zones. There is no residential nearby. That's the way it should be. There is no reason to destroy a wonderful neighborhood.

This SUP must be denied just as it was in 2022.

From:	Joanne Zuppan
To:	Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Cc:	Jill Brandin
Subject:	Opposed to WSUP23-0029
Date:	Monday, October 30, 2023 2:06:00 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To the members of the Board of Adjustment:

I have resided at 8801 Lakeside Drive for 33 years, just feet away from the ProPony location and their latest SUP request to erect a huge steel building in an effort to support a commercial stable business (formerly just horse boarding) in a FEMA Zone AE next to the FEMA Dry Creek Flood Way. They have increased the horses from 4 to 35 horses. I do not understand how 35 horses can be kept on the property ProPony owns which is less than 3 acres of pasture.

During my years at my residence, with permission, as a young family we would take evening walks over to the Silver Circle and the then adjacent home that belonged to the Walther's family. (since demolished) For years there were NO horses at the Silver Circle.

What I have witnessed is delivery vehicles parking on Holcomb Ranch Road to off load rather than trying to use the access driveway. I have seen trucks and trailers having to veer into the oncoming traffic lane in order to turn down the narrow drive. There is a locked gate and quite often delivery vehicles including UPS have to back up blindly onto Holcomb Ranch Road to exit.

If emergency vehicles need to respond to fire or flooding there would be no safe way to evacuate 35 horses.

The owners of ProPony already have had the proposed metal structure delivered, that to this day remains on the property. Very disrespectful to the board and their neighbors.

Construction of this industrial building was denied last year as it was determined detrimental to the health and safety of our neighborhood. Quite frankly, I am surprised that this same issue is being brought in front of the

board again.

The “100 Year Flood” is a myth. My property receives a tremendous amount of water with each thaw and the Silver Circle property floods every year. The contaminants (urine and manure) from 35 horses leaching into Dry Creek and polluting the ground water is unfathomable, polluting not only Dry Creek but the properties it flows through and eventually into the Truckee River.

The owners of ProPony are trying to establish a commercial horse boarding and exhibition facility in our residential neighborhood. They do not live here, but I do. It does not belong here. PLEASE deny this SUP.

Respectfully,

Joanne Zuppan
8801 Lakeside Drive
Reno, NV. 89511

October 30,2023

Subject is: Opposed to WSUP23-0029

Dear Members of the Board of Adjustment:

My name is Cynthia Lazetich, I have lived at 9100 Timothy Dr., Reno, Nevada for the last 40 years. My daughter and I have owned and showed horse for 15 plus years throughout the West Coast. I am very familiar with boarding and show facilities.

I AM OPPOSED TO PROPONY SUP.

Code emphasize that no commercial stable operation or a huge industrial building is permitted in our residential neighborhood if it is detrimental to health, safety or character of the neighborhood. This meeting is about ProPony's intensive commercial use that increased from 4 to 36 horses with less than 3 acres of pasture. DESPITE the fact that this Board denied their SUP for 25 horses last year.

I am opposed to ProPony's massive metal indoor arena that is completely wrong for our neighborhood. I know from experience how much bright stadium lighting is in these indoor arenas. The entire 3 stores will be visible every time we drive by - it is right next to (Highway 671) Holcomb Ranch Lane.
This building was denied last year.
This site is not suitable for the type and intensity of ProPony's operation since the indoor area would be in the flood area next to Dry Creek. These lessons and events (for profit) take place in clear view of Holcomb Ranch Lane and in front of the house at 3600 Holcomb Ranch Lane.

PLEASE DENY THIS SUP AND SAVE OUR NEIGHBORHOOD!

Thank you

Cynthia Lazetich
9100 Timothy Dr.
Reno, Nevada 89511

Gwendolyn Lewis

7755 Lakeside Drive
Reno, Nevada 89511

October 30, 2023

Ms. Julee Olander; Planner
Washoe County Planning Commission
Board of Commissioners/Adjusters
1001 E. 9th St.
Reno, Nevada

Re: Silver Circle Ranch Approval/Hearing

Dear Ms. Olander,

I am a neighbor of the Silver Circle Ranch and reside approximately one mile from the facility referenced above. I am in support of their desire to modernize and enclose an outdoor arena. The historic Silver Circle Ranch has been active in community outreach for many years; benefitting children and their families as well as the equestrian community. Approving this project allows for improved safety and provides weather protection for year round activity. Southwest Reno has always been a known as "horse country," but the equine fellowship is slowly being forced out.
I am aware of the many concessions and compromises the applicant has made to condense their project; mitigating the environmental concerns voiced by neighbors. I urge you to approve this "By Right" project.

Vote YES on this matter before you.

Respectfully,

Gwen Lewis

Gwendolyn Lewis

Case No. WSUP23-0029

WASHOE COUNTY BOARD OF ADJUSTMENT

November 2, 2023, Hearing

NEIGHBORING PROPERTY OWNERS' OPPOSITION TO PRO PONY LLC'S SPECIAL USE PERMIT APPLICATION

Submitted and Supported by Neighboring Property Owners:

Judy Bender
8450 Dieringer Ln.
Reno, NV 89511
APN 043-052-01

Kevin Berry
3701 Fairview Rd.
and 3655 Fairview Rd.
Reno, NV 89511
APNs 040-691-12 and 040-691-11

Carol Bond
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Dan Bowen and Gloria Petroni
2327 Diamond J Place
Reno, NV 89511
APN 040-720-19

Gordon and Suzanne Depaoli
3925 Fairview Rd.
Reno, NV 89511
APN 040-691-04

Pete and Sue Digrazia
3505 LaMay Lane
Reno, NV 89511
APN 040-692-04

Thomas Dolan
100 & 200 Rillough Road
Reno, NV 89511
APNs 230-070-07 and 230-070-08
2400 Holcomb Ranch Lane
Reno, NV 89511
APN 230-060-07

Patrick and Mary Douglass
3820 Lone Tree Lane
Reno, NV 89511
APN 041-130-41

Don Drake
100000 Thomas Creek Rd.
Reno, NV 89511
APN 044-270-03

Kurt and Hazel Fehling
2324 Diamond J Place
Reno, NV 89511
APN 230-032-05

Nancy Flanigan
2750 Holcomb Ranch Lane
Reno, NV 89511
APN 230-070-17

Flying Diamond Ranch LLC
Jill Brandin
8790 Lakeside Dr.
Reno, NV 89511
APNs 040-650-44, 040-650-46, 040-650-47, 040-650-48, and 040-650-49

Amy Furchner
3601 Fairview Rd.
Reno, NV 89511
APN 040-670-04

Bill Glass Family Trust
9300 Timothy Dr.
Reno, NV 89511
APN 040-660-03

Tom Ghidossi
1515 Holcomb Ranch Lane
Reno, NV 89511
APNs 043-062-12, 043-062 -13, 043-062-14, and 043-062-15

Ryan Greenhalgh
2600 Holcomb Ranch Lane
Reno, NV 89511
APN 230-060-10

Mike Hamel
2303 Diamond J Pl.
Reno, NV 89511
APN 230-040-02

Mary Hemminger
9700 Timothy Dr.
Reno, NV 89511
APN 040-660-01

Chris and Juliane Hsu
3600 Holcomb Ranch Lane
Reno, NV 89511
APN 040-670-13

Calvin Iida
8690 Lakeside Dr.
Reno, NV 89511
APN 040-650-27

William Kennedy
3600 Lone Tree Ln.
Reno, NV 89511
APN 041-130-12
APN 041-130-13

Steve and Dona Kirby
2335 Diamond J Place
Reno, NV 89511
APN 230-031-10
and 2347 Diamond J Place
Reno, NV 89511
APN 230-031-11

Pete and Cindy Lazetich
9100 Timothy Dr.
APN 040-640-09
Reno, NV 89511
and 0 Lombardi Lane
Reno, NV 89511
APN 041-190-08

Daniel David Loose
2220 Holcomb Ranch Lane
Reno, NV 89511
APN 230-080-03

Rich Lorson
2315 Diamond J Place
Reno, NV 89511
APN 230-031-02

Tony Maida, Keyhole Trust
3535 Fairview Rd.
Reno, NV 89511
APN 040-670-09

Steve and Greta Mestre
3801 Fairview Rd.
Reno, NV 89511
APN 040-691-02

Morze Family Trust
4025 Fairview Rd.
Reno, NV 89511
APN 040-691-05

Sonny Newman Family Trust
9400 Timothy Dr.
Reno, NV 89511
APN 040-660-05

J.P. and Bob Puette
8741 Lakeside Dr.
Reno, NV 89511
APN 041-130-53

Art O'Connor
1100 Holcomb Ranch Lane
Reno, NV 89511
APN 040-270-12

Gary Owens
8895 Lakeside Dr.
Reno, NV 89511
APN 041-130-57

Ron Palmer
9675 Timothy Dr.
Reno, NV 89511
APN 040-650-17
And 0 Holcomb Ranch Lane
Reno, NV 89511
APN 040-650-24

Harry and Stella Pappas
8770 Lakeside Dr.
Reno, NV 89511
APN 040-650-28

Durian Pingree
2400 Diamond J Place
Reno, NV 89511
APN 230-032-02

Sheldon Schenk
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Bart Scott
3945 LaMay Circle
Reno, NV 89511
APN 040-491-41

Sandy Scott
1175 Holcomb Ranch Lane
Reno, NV 89511
APN 043-061-05
And 3810 and 3820 LaMay Circle
Reno, NV 89511
APNs 040-491-06 and 040-491-07

Mark Sehnert
2371 Diamond J Place
Reno, NV 89511
APN 230-031-03

Rhonda Shafer
8777 Panorama Dr.
Reno, NV 89511
APN 040-401-16

Todd and Rachelle Shaw
10290 Dryden Dr.
Reno, NV 89511
APN 230-070-10

Blake and Ruth Smith
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Reno, NV 89511
APN 041-190-15

Jo and Bill Vanderbeek
8771 Lakeside Dr.
Reno, NV 89511
APN 041-130-54

Julane Wehbe
4090 LaMay Lane
Reno, NV 89511
APN 040-491-31

Lysle and Suzi Winchester
3155 Holcomb Ranch Lane
Reno, NV 89511
APN 040-650-25

Joanne Zuppan
8801 Lakeside Dr.
Reno, NV 89511
APN 041-130-43

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BASIS FOR OPPOSITION

The Special Use Permit Application ("Application") submitted by Pro Pony LLC ("Pro Pony") for 3400 Holcomb Ranch Lane (APN 040-670-12) ("Property") must be denied. This is not a new request. Pro Pony seeks the same approvals it sought from this Board on February 3, 2022 ("2021 Application")—which this Board **denied** because Pro Pony failed to demonstrate, among other things, that its proposal would not have a detrimental impact on the surrounding properties.

We, a group of property owners who live adjacent to and immediately in the area surrounding the Property (collectively, "Neighboring Owners"), opposed the 2021 Application. We now oppose the instant Application. Pro Pony asks this Board (again) to issue a special use permit ("SUP") for the operation of a commercial stable at the Property—which is located in our single-family residential neighborhood zoned high density rural ("HDR"). *See* WCC § 110.106.15(e) (stating that HDR "is intended to preserve and create areas of single-family, detached dwellings in a semi-rural setting"). In addition, Pro Pony (again) seeks to construct an indoor arena taller than the Les Schwab Tire business on South Virginia Street.

In order to approve the Application, the Washoe County Code (the "Code" or "WCC") requires this Board to make four findings. *See* WCC § 110.810.30. Based on the evidence and arguments outlined below, no reasonable person could

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find that Pro Pony has demonstrated either that "[t]he site is physically suitable for the type of development and for the intensity of development"; or that the "[i]ssuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area." *Id*. The Neighboring Owners respectfully ask this Board to **deny** the Application.

ARGUMENT

I. THE CIRCUMSTANCES SUPPORTING THIS BOARD'S DENIAL OF PRO PONY'S 2021 APPLICATION HAVE NOT CHANGED—THEY HAVE ONLY BEEN EXACERBATED BY PRO PONY'S INCREASED OPERATIONS.

On February 3, 2022, this Board **denied** Pro Pony's 2021 Application based on Pro Pony's failure to demonstrate that the "[i]ssuance of the permit[s] w[ould] not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area." *See* **Exhibit 1** (Board of Adjustment Action Order); WCC §§ 110.808.25(d), 110.810.30(d). The instant application is for the exact same purpose: (1) to obtain a SUP to operate a commercial stable in an HDR zone; and (2) to construct an indoor arena.

Astonishingly, the instant application goes **far beyond** what this Board rejected less than two years ago. And, the gamesmanship employed by Pro Pony to conceal and misrepresent what it is asking this Board to do must not be

understated. Most egregiously, Pro Pony has completely shifted its rhetoric regarding its proposal to construct an indoor arena. Make no mistake: Pro Pony seeks to construct the same massive, indoor arena it sought to build in its 2021 Application. Yet, Pro Pony now characterizes this structure as a "shell covering" or an "inclement weather structure." *See e.g.*, **Exhibit 2** (Application), at 4-5. **This is not a modest "shell"**; **the proposal is for a massive, industrial structure that is taller than and similar size of the Les Schwab Tire business on South Virginia Street.** *See* **Exhibit 3** (Picture of Les Schwab). In addition, Pro Pony now seeks approval to operate a commercial stable with 35 horses—when this Board previously rejected Pro Pony's request for 25 horses.

There can be no other result: the instant Application must be denied.

A. ALL ADJACENT PROPERTY OWNERS OPPOSE THE APPLICATION.

Twenty-seven neighboring property owners who live in the community directly surrounding the Property opposed the 2021 Application at the February 3, 2022, Board of Adjustment hearing. *See* **Exhibit 4** (Holcomb Ranch Community Opposition to 2021 Application). Now there are more than forty-five Neighboring Owners opposed to the instant Application. *See* **Exhibit 5** (List of Neighboring Owners).

Without evidence of names or addresses, Pro Pony claims to have the support of hundreds of neighbors within a three-mile radius of the Property. *See*

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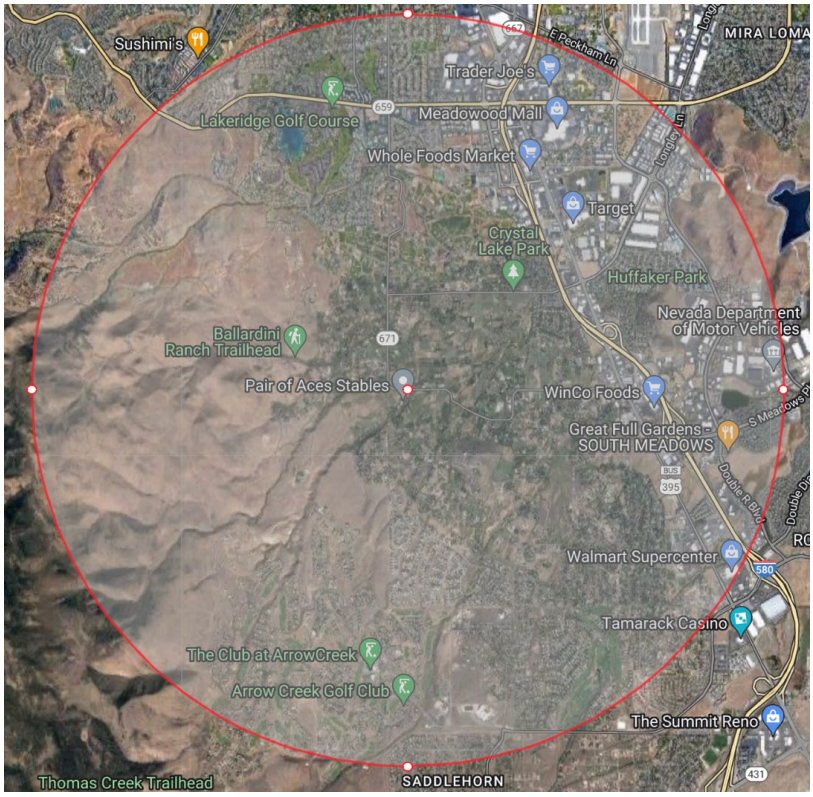
Exhibit 6 (August 3, 2023, Neighborhood Meeting Handout). A three-mile radius includes the commercial areas on South McCarran and South Virginia—hardly our "neighbors":



This Board recognized the importance that should be granted to the concerns of all immediate neighbors at the February 3, 2022, hearing. *See* **Exhibit 7** (February 3, 2022, Board of Adjustment Meeting Minutes), at 26. Pro Pony's tactic is clear: have as many people as possible "support" the Application—even if such persons do not actually live in this neighborhood, let alone in Nevada! *See* **Exhibit 8** (Excerpt of Support Reno's Historic Silver Circle Ranch Facebook)

(encouraging an individual to email this Board "[a]s a close neighbor who has just moved to another state"—even though she is no longer a resident of Nevada).

Based on material misstatements made by Pro Pony at the Neighborhood Meeting on August 3, 2023, most of Pro Pony's supporters do not understand the facts.[1] *See* **Exhibit 6** (August 3, 2023, Neighborhood Meeting Handout). Most notably:

- Silver Circle Ranch was not a "commercial stable on 12.56 acres." Warren Nelson and his family lived here on 55 acres and had a low-key boarding ranch.
- The massive indoor arena is not a "roof on a riding area." It is an industrial steel building of 13,580 square feet rising almost four stories above existing grade.
- In 2019, there were four horses at the Silver Circle Ranch before the sale of the Property to Pro Pony. Pro Pony has added 100 lessons per week, 21 and now 31 more horses with owners, riders in a lesson program, and four rental apartments. Yet, Pro Pony claims 40 to 60 trips in and out of the Property every day is "[n]o increase in traffic"!

[1] In both its Application and the August 3, 2023, Neighborhood Meeting Handout, Pro Pony includes a slew of misstatements. Such mistruths are addressed in the Summary of Pro Pony's Misrepresentations and Omissions, attached hereto as **Exhibit 9**.

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The truth is those who live in this neighborhood and understand the facts oppose Pro Pony's intensive commercial operation and the proposed indoor arena. *See* **Exhibit 10** (Map of Adjacent Neighbors in Opposition) (demonstrating that all neighbors immediately adjacent to the Property oppose the Application).

Pro Pony dedicates a significant portion of its Application to discussing the benefits of equine activities. *See* **Exhibit 2** (Application), at 6-7. However, neither the claimed need for a commercial stable nor the benefits of horseback riding are proper considerations for this Board when evaluating the Application. *See* WCC § 110.808.30. The governing regulations do not discuss whether sports such as horseback riding or pickleball are beneficial. Instead, the Code emphasizes that no commercial stable operation is permitted to operate in our residential neighborhood without first obtaining a SUP. *See* WCC § 110.106.15(e) (detailing that HDR "is intended to preserve and create areas of single-family, detached dwellings in a semi-rural setting" and that "livestock grazing and agricultural activities are common secondary uses"); WCC § 110.302.05.3 (Table of Uses) (providing that commercial stables are only allowed in the HDR regulatory zone with a special use permit). To that end, this Board must consider that Pro Pony's intensive commercial operation is offensive, injurious, and detrimental to the Neighboring Owners and their respective properties in evaluating the Application. *See* WCC § 110.810.30(d).

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B. PRO PONY IS NOT THE HISTORIC SILVER CIRCLE RANCH.

It is disingenuous for Pro Pony to continue to refer to the Property as the historic Silver Circle Ranch. It is even more disingenuous for Pro Pony to claim that the "Historic Silver Circle Ranch has not changed in use or character over time." *See* **Exhibit 2** (Application), at 6.

Pro Pony did not purchase Silver Circle Ranch. To explain, the family of Warren Nelson ("Nelson Family") owned Silver Circle Ranch from 1974 until late 2019. In the 1990s, Silver Circle Ranch was comprised of 55 acres. **Exhibit 11** (1991 Application for Agricultural Use Assessment); **Exhibit 12** (April 1996, News Article). As of 1996, six horses were kept at Silver Circle Ranch. *Id*. Pro Pony purchased the Property from the Nelson Family on October 30, 2019. **Exhibit 13** (October 2019, Grant, Bargain, Sale Deed for APN 040-670-12).

At the time the Nelson Family sold the Property to Pro Pony (consisting only of 12.5 acres), Silver Circle Ranch consisted of 29.9 acres. The Nelson Family operated its modest horse boarding facility at Silver Circle Ranch on a minimum of nearly 30 acres. *See* **Exhibit 14** (Fairview Farms Map) (Silver Circle Ranch consisted of APNs 040-670-12, 040-670-09); **Exhibit 15** (July 2020, Grant, Bargain, Sale Deed for APN 040-670-09); **Exhibit 13** (October 2019, Grant,

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Bargain, Sale Deed for APN 040-670-12).[2] Of the 12.5 acres of the Property, only three acres are pasture. **Exhibit 16** (Steamboat Ditch Water Delivery List). Since Pro Pony's intensive use, the pasture area has decreased to store manure and a shipping container, as well as for event parking.

In the years prior to Pro Pony's purchase of the Property, the Nelson Family kept four horses at Silver Circle Ranch. *See* **Exhibit 17** (Farm & Ranch Listing Input Form) (indicating that Silver Circle Ranch has four "animal units monthly" as of June 7, 2019); **Exhibit 18** (January 30, 2019, Appraisal of Silver Circle Ranch) at 30 ("The subject property is currently being operated as a small horse boarding ranch however, at the date of inspection, I was told they have been cutting back and only had four horses at the facility."); *see also* **Exhibit 19** (2013, 2014, and 2016 Silver Circle Ranch and Facility Use Agreements) (indicating that in the seven years preceding the sale, the Nelson Family only entered into three Facility Use Agreements). Moreover, Pro Pony purchased the Property with its current HDR zoning designation.

It defies logic for Pro Pony to suggest that an intensive commercial stable operation consisting of 35 horses on 12.5 acres is comparable in intensity and scope to the boarding of four horses on 30 acres. The Nelson Family operated a modest horse boarding facility on 30 acres. The Nelson Family lived and kept

[2] It is worth noting that the majority of Silver Circle Ranch was purchased by Tony Maida in 2020. *See* **Exhibit 15** (July 2020, Grant, Bargain, Sale Deed for APN 040-670-09).

their own horses at Silver Circle Ranch. Neither the owners of the Property (Pro Pony) nor the owner of Pair of Aces Stables Inc. ("Pair of Aces") live on the Property. The impact on the surrounding residential neighborhood following Pro Pony's purchase and commercialization of the Property cannot be understated.

Make no mistake: Pro Pony is operating a for-profit business with the goal of maximizing revenue. Pro Pony leased the premises to Pair of Aces in December 2019 to operate an "equestrian facility." *See* **Exhibit 20** (Lease Agreement). In order to ensure a constant stream of revenue from lessons when it is otherwise too dark, too cold, or too hot, Pro Pony and Pair of Aces signed a contract that explicitly required the installation of stadium lighting and the construction of an indoor arena—both of which have never existed before in this neighborhood. *See id*. at Ex. B. Moreover, Pair of Aces requires all horses boarded at the Property to also enroll in the full training program—at a cost of $1,600 per month. *See* **Exhibit 21** (Excerpt from Pair of Aces Website). The business has unlimited hours of operation every day of the week. *See* **Exhibit 2** (Application). In addition to horse boarding, Pair of Aces operates an instructional program with a full-time trainer and ten lesson horses, as well as hosts clinics and competition events. *Id*. at 14-15. Pro Pony's intensive commercial stable operation at the Property simply cannot be compared to the modest horse boarding facility at Silver Circle Ranch under the stewardship of the Nelson Family.

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Moreover, it is worth addressing that while Pro Pony continues to refer to the Property and/or its business as Silver Circle Ranch, Pro Pony has no legal right to do so. *See* **Exhibit 22** (Certificate of Business) (evidencing that the Certificate of Business issued by Washoe County permitting the use of Silver Circle Ranch as a fictitious firm name expired in 2018); **Exhibit 23** (DBA/FFN Search Results) (confirming that the Certificate of Business filed April 2013 has not been renewed and no other applications have been filed for the use of "Silver Circle Ranch").

C. THE PROPERTY IS NOT GRANDFATHERED TO ITS CURRENT CONDITION; THE BUSINESS LICENSE ISSUED TO PRO PONY MUST BE SCRUTINIZED.

Pro Pony requests a permanent entitlement which runs with the land and will not terminate with a change of ownership. For this reason, among others, the Code prescribes a number of required legal findings which must be made before an application for a special use permit may be approved. WCC § 110.810.30. Further, the Code clearly explains that legal nonconformities may not be enlarged or increased by more than 10 percent. WCC § 110.904.20(a)(1). If a nonconforming use "ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located." WCC § 110.904.20(a)(2).

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The Property is not grandfathered to its current intensity and scope. It is a mischaracterization by Pro Pony to refer to the Property as the historic Silver Circle Ranch as if to suggest that its commercial stable operation is permitted by right. A nonconforming use may not be expanded or extended from four horses to 23 horses, to 25 horses, and then to 35 horses, without first obtaining the proper entitlement relief from Washoe County. *See* **Exhibit 7** (February 3, 2022, Board of Adjustment Meeting Minutes (Pro Pony represented that 23 horses were kept at the Property in February 2022), at 26; **Exhibit 24** (Elizabeth Reader Declaration) at 3 (admitting that Pro Pony and Pair of Aces now keep 25 horses at the Property as of December 2022—even though the Board of Adjustment denied the SUP for that number of horses); **Exhibit 25** (May 22, 2023, Letter Regarding Conditions of Business License) (increasing the number of horses Pro Pony may keep on the Property to 35). **How can the Business License Division issue a business license to Pro Pony to operate a commercial stable on the Property with 35 horses, when this Board rejected Pro Pony's application for a SUP to operate a commercial stable with 25 horses?**

To be clear, Pro Pony has effectively used the business license process to secure concessions from Washoe County relating to the number of horses permitted on the Property, the activities permitted, and other related conditions. *See* **Exhibit 26** (May 2023 Email Exchange Between County and Pro Pony). As a

practical matter, Pro Pony has worked with unelected representatives of the County to bypass the legal requirement that it appear before this Board to obtain a SUP. Now, it comes to this Board claiming it has a "right" to operate a commercial stable with 35 horses based on a nonconforming or "grandfathered use"—when that alleged "right" was only just obtained from County staff not six months ago. *Id*.

Moreover, the prior business licenses granted to Silver Circle Ranch were limited to merely "horse boarding" and not full "commercial stable" uses. *See* **Exhibit 27** (Silver Circle Ranch – Business License Data Sheet). As recognized by Washoe County in June 2020:

> Any expansion of the pre-1993 business license (approved for horse boarding only; so expansion would either be offering services beyond boarding, or expanding the approved developed commercial area more than 10%) would require a special use permit.

See **Exhibit 28** (Washoe County Predevelopment Worksheet), at 2.

It is beyond comprehension why Washoe County—who recognized and acknowledged the distinction between boarding and commercial stables when Pro Pony first purchased the Property—then went on to issue a business license for a commercial stable based on legal nonconformance. Pro Pony and/or Pair of Aces offer an extensive lesson program with 100 lessons per week, as well as host clinics and shows. Such activities go well beyond "horse boarding."

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For these additional reasons, the Business License Division had no authority to issue a business license for a commercial stable—which purported to expand the nonconforming aspect by roughly 875%—without a SUP in place. WCC § 110.908.15(a) ("No business license shall be issued for the use of any structure or part thereof or for the use of any land which is not in accordance with the provisions of this Development Code."); WCC § 110.908.15(b) ("Any business license issued contrary to the provisions of this article is void."). This is the exact kind of inexplicable favoritism and disregard for the law that undermines the legitimacy of local governments and must be scrutinized.

The significant lack of oversight, as well as the failure to inspect the Property and to review business restrictions in our HDR zoned neighborhood resulted in the rubberstamping of Pro Pony's initial application for a business license. This is further apparent in the fact that the County had **no idea** that Pair of Aces was the operator of the commercial stable at the Property. *See* **Exhibit 26** (May 2023 Email Exchange Between County and Pro Pony).

When the County learned of this in 2023, it required Pair of Aces to obtain a business license as part of the condition of renewing Pro Pony's license. *Id*. Of course, this means that Pair of Aces—the actual operator of the commercial stable—conducted business in Washoe County for over three years **without a**

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license. *See* **Exhibit 29** (Pair of Aces Business License Data Sheet). Relatedly, Pro Pony was also required to have a license to lease the Property to Pair of Aces—which it did not have until the license was renewed in 2023. *See* **Exhibit 26** (May 2023 Email Exchange Between County and Pro Pony). As business licenses are not transferable, this provides yet another basis to invalidate the business license to Pro Pony. *See* WCC § 25.021 ("Licenses issued under this chapter are issued only to the applicant and may not be transferred to another person.").

At a minimum, Pro Pony cannot use the business license issued by Washoe County to support its claimed nonconforming use—as Pro Pony did not operate a commercial stable at the Property and no other person obtained a license to do so. To be sure, Washoe County appears to have recognized this very discrepancy—yet Washoe County shockingly renewed the business for Pro Pony and issued a new business license to Pair of Aces:

> Based on the documentation I have and the below exchange with Jayleen, I believe she [Elizabeth Reader of Pair of Aces] would need her own BL (BTW-it turned out to be a different Reader that was making complaints). If that is the case, then she has never had a BL at this location to do what she is doing and therefore the use is not "grandfathered"; in any way (thus an SUP should be triggered?). If lessons had been provided previously by the previous owners, then that would have been grandfathered; or if lessons were provided by the new owner upon obtaining the property (assuming the lessons were provided by Pro-Pony/Witmer or one of her employees) then that would be legal non-conforming. But Reader and Pair of

> Aces is essentially an entirely new/different entity providing lessons and therefore a new use (I think).

See **Exhibit 30** (May 2023 Email Exchange Between Washoe County Employees).

Even more disturbing, Chad Giesinger of Washoe County states that he ***only*** intends to ask "for proof of what the level of use was upon the uses becoming non-confirming" ***if*** Pro Pony and Pair of Aces refuse to drop their appeal associated with the 2023 renewal of their business licenses. *Id*. **This confirms that Washoe County never engaged in the necessary analysis or obtained the required documentation to support the initial issuance of Pro Pony's business license.** This Board cannot and should not sanction the unlawful actions of the Business License Division.

D. PRO PONY'S CURRENT OPERATION IS PROBLEMATIC; IT SHOULD NOT BE LEGITIMIZED WITH A SUP.

Since this Board denied Pro Pony's 2021 Application, Pro Pony has only intensified its commercial operations to the detriment of the Neighboring Owners and their respective properties. In response, several neighbors initiated a lawsuit against Pro Pony and Pair of Aces for nuisance. *See* **Exhibit 31** (First Amended Complaint). Notwithstanding Pro Pony's self-serving narrative regarding the legitimacy or motive behind the lawsuit, the reality of Pro Pony's and Pair of Aces' unlawful, unreasonable, and offensive activities associated with its commercial operation in a residential neighborhood cannot be denied. As discussed

extensively below, issues stemming from Pro Pony's and Pair of Aces' existing commercial operation renders this Application incompatible with the required finding that "[i]ssuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area." WCC § 110.810.30(d).

1. Animal Waste and Contamination

Pro Pony's failure to properly store and dispose of manure violates the Solid Waste Management Regulations ("SWMR"). SWMR § 030.156 (requiring all manure to be picked up and removed at least once every seven days); SWMR § 040 (requiring all such storage for putrescible waste to be kept in covered containers so that it does not generate vectors and odors).

Notwithstanding the August 19, 2022, Manure Management Plan, *see* **Exhibit 32** (Manure Management Plan), Pro Pony fails to store manure and barn waste in a covered dumpster and continues to pile it on the ground—which does nothing to mitigate the stench nor propagation of vectors. *See* **Exhibit 33** (Photographs of Animal Waste Following Adoption of Manure Management Plan).

The Neighboring Owners retained Robison Engineering Co., Inc. ("RENG") to consider the environmental concerns associated with Pro Pony's commercial operation. *See* **Exhibit 34** (RENG Report). RENG opined that "[s]urface water in

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the area consists of the Last Chance irrigation ditch, which crosses the Property, and nearby Dry Creek. . . . . Wastes generated by [25 horses] are cause for environmental concern." *See id*. at 1. RENG explained that

> a 1,000-pound horse produces about 31 pounds of feces and 2.4 gallons of urine daily, which totals around 51 pounds of total raw waste per day. Soiled bedding removed with the manure during stall cleaning may account for another 8 to 15 pounds per day of waste. . . . This totals around 60 to 70 pounds of waste material to be removed daily. . . . This results in about 12 tons of waste per year per stall, with 8.5 tons being manure from a 1,000-pound horse. The annual waste generated [by 25 horses] would thus equate to roughly 300 tons - or 600,000 pounds of waste introduced to this site which has significant potential to contaminate groundwater and pollute the neighborhood.

Id.

The Property is located in FEMA zone AE, which are areas subject to inundation by the 1%-annual-chance flood event. *Id.; see also* **Exhibit 35** (Dry Creek Critical Flood Zone Map).

According to RENG, four horses would produce just shy of ten gallons of urine every day. *See* **Exhibit 34** (RENG Report). This is the baseline before Pro Pony purchased the Property. Then, Pro Pony sought approval for a commercial stable with 25 horses—which this Board wisely denied. Twenty-five horses produce 60 gallons of urine every day. *Id*. Every year that Pro Pony operates here, more than two swimming pools of raw urine enter the ground in this FEMA flood zone, immediately adjacent to Dry Creek—a significant hydrological resource.

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See WCC § 110.418.05.1 (Map of Significant Hydrologic Resources), also attached hereto as **Exhibit 36**; *see also* **Exhibit 56** (Demonstrative of Horse Urine Production). Thirty-five horses would cause 40% more nitrate and urine pollution in this area where all neighbors rely on wells for domestic water. As observed by RENG, "Washoe County was prudent in denying the SUP." *See* **Exhibit 34** (RENG Report).

2. Vectors and Odors

Pro Pony's poor management of animal waste has resulted in unbearable odors and vectors. Documentation of the increase in flies following Pro Pony's purchase of the Property demonstrates the pervasiveness of the vectors caused by Pro Pony's activities. *See* **Exhibit 37** (Video Recording of Fly Trap Adjacent to Property); **Exhibit 38** (Photographs of Flies in Neighbor's Home Adjacent to Property); **Exhibit 39** (Video Recording of February 3, 2023, Board of Adjustment Meeting), at 5:00.15 (Chris Hsu—who lives directly adjacent to the Property comments that he has been "distraught" since learning of Pro Pony's plans to increase operations; "our dinner table directly faces a giant manure pile"; "when the wind blows in our direction there is an overwhelming urine stench from the stables"; "flies are everywhere" in the spring and summer "and we cannot keep them out of our house").

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It is also worth addressing that Pro Pony has attempted to undermine complaints of vectors and odors by contending that its commercial stable operation is comparable to certain neighbors' keeping of cattle on pasture. For example, Flying Diamond Ranch, adjacent to the Property to the north, consists of 33 acres. At any one time, there may be a dozen cattle that freely graze the pasture. What Pro Pony fails to appreciate is that it is the typography and acreage of the land that determines what the land can support—not the size of the stable. Consider Flying Diamond Ranch. There, the animal waste produced is dispersed over an area that is eleven times larger than Pro Pony's available pasture—which maintains the health of the pasture. As Pete Lazetich explained, it is the concentration of animal waste that is so troublesome: "If I took 25, 30 cows and piled them up in a confined area, and piled up all of their urine, and their waste, and their bedding, yes, I would smell that. Just as I smell the stench coming off that horse pile." **Exhibit 40** (Deposition Testimony of Pete Lazetich) at 57:13-19.

3. Dust

Pro Pony's activities generate a substantial amount of dust that pollutes neighboring properties. *See* **Exhibit 41** (Photograph of Dust). At present, Pro Pony has failed to implement or otherwise appropriately manage dust controls at the Property. To be sure, the Application is devoid of any mention of dust control or screening efforts. What Pro Pony fails to explain is that in order to avoid air

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quality issues, the dust must be mitigated by chemical treatment or by regularly spraying with water—which Pro Pony fails to do. *See* **Exhibit 57** (Photograph of Dust and Lack of Screening). This is an unacceptable hazard to the community.

Concerningly, Staff recommends waiving all screening and landscaping requirements. *See* **Exhibit 9** (Summary of Pro Pony's Misrepresentations and Omissions), at Ex. A (Board of Adjustment Staff Report), at 7-8. The explanation provided by Staff is disappointing and incomplete—as Staff fails to address any area of the Property beyond that immediately surrounding the proposed indoor arena. Effectively, Staff impermissibly ignores the screening and landscaping requirements as they relate to Pro Pony's request for a SUP for a commercial stable use.

The Code is clear: "[w]hen a civil or commercial use adjoins a residential use, a solid decorative wall or fence shall be erected along the entire length of the common property line." WCC § 110.412.40(d); *see also* WCC § 110.412.40(c) (setting forth landscape requirements where a commercial use adjoins a residential use). There is currently no screening or landscaping along the portion of the Property that shares a border with 3600 Holcomb Ranch Lane—a single-family, residential home. *See* **Exhibit 57** (Photograph of Dust and Lack of Screening). Likewise, Pro Pony failed to landscape along Holcomb Ranch Road as required by Code. *See* WCC § 110.412.40(b). There is no reasonable basis to waive these

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requirements, as the stated purpose of the screening and landscaping requirements is to protect public health, safety, and welfare. WCC § 110.412.00. The law should not be so easily disregarded.

4. Storage Container

Pro Pony unlawfully maintains a temporary storage container on the Property in violation of WCC § 110.310.15(p). *See* WCC § 110.310.15(p) (detailing that a temporary on-site rental storage container unit cannot "be used for outside storage longer than sixty (60) days on any parcel of land without having a special use permit for a storage facility" or for longer than "the duration of a properly issued building permit"); **Exhibit 42** (Photographs of Storage Container). The storage container is unsightly and amounts to visual pollution.

5. Lighting

Pro Pony's use of bright stadium lights without any shielding mechanism interferes with the Neighboring Owners' use and enjoyment of their respective properties. *See* **Exhibit 43** (Photograph of Unshielded Lighting); *see also* **Exhibit 44** (Video Recording of Truck Lights and Noise on the Property). While Pro Pony lowered the bright stadium lights in response to an Administrative Warning Letter regarding its lighting violation, no shielding has been installed to prevent the glare that continues to pour directly into the adjacent residential properties located on Holcomb Ranch Lane.

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6. Traffic and Safety

Since Pro Pony acquired the Property and Pair of Aces began operating a commercial stable, traffic has increased exponentially on the Property. Holcomb Ranch Lane is particularly beloved by cyclists and runners. The increase in traffic caused by Pro Pony's intense, commercial use of the Property is hazardous. For example, a truck and trailer coming from the west on Holcomb Ranch Lane cannot make a right turn into the driveway of the Property without veering into oncoming traffic. *See* **Exhibit 45** (Photographs of Truck Turning).

According to Pro Pony, 100 lessons per week, four rental apartments, trainers, boarded horse owners and riders, as well as maintenance and delivery vehicles provide no increase in traffic. *See* **Exhibit 2** (Application), at 17. Yet, this is because Pro Pony is comparing the traffic impact of its existing operation to what it is requesting this Board approve—which is effectively the same. Pro Pony engages in no meaningful analysis regarding the increase of traffic from 2019—when Pro Pony purchased the Property—to now. Pro Pony's refusal to address the traffic increase from Silver Circle Ranch's boarding of four horses to Pro Pony's intensive commercial operation is disappointing, but not surprising.

Moreover, the Property is allowed only one access point onto Holcomb Ranch Lane (SR671), a State/NDOT road. *See* **Exhibit 46** (Images of Unlawful Encroachment on Property) (depicting the existing driveway on the left, with the

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unlawful encroachment to the right). Pro Pony improperly and dangerously uses the dirt access, which has not been approved by NDOT—nor could it be. Yet, since Pro Pony began its commercial operations here the dirt access is used in daily operations and for parking during events.

Pursuant to NRS 408.100, NRS 408.210, and NRS 408.423, the NDOT Access Management System and Standards ("AMSS") apply to points of ingress and egress on state highways. Holcomb Ranch Lane is classified as a "minor collector" in the State Highway System. The NDOT regulations require a minimum spacing of 660 feet between two unsignalized access points with full turn access. AMSS 4.2 (Table 4-1). Even if Pro Pony sought limited access by prohibiting left in and left out turns, a minimum of 200 feet between access points would be required. *Id.*

The primary and secondary access points are not adequately spaced between driveways per NDOT safety standards. A measurement using the Washoe County Regional Mapping System indicates that there are less than 150 feet between the primary access and the secondary access point. Accordingly, the dirt road cannot be used for any other purpose other than emergency access.

Additionally, a gate has been installed across the driveway of the only permitted access point onto Holcomb Ranch Lane. *See* **Exhibit 47** (Photograph of Gate). That gate remains closed throughout the day, as shown below. To

accommodate frequent deliveries, a green box is installed outside that gate. The delivery box creates a safety hazard, as vehicles are forced to blindly back up onto Holcomb Ranch Lane in order to exit the driveway. The gate constitutes a safety hazard at its present location.

7. Hours of Operation and Events

The effects of Pro Pony's commercial operation are further exacerbated by the extreme hours of operation and hosting of weekend events and clinics—which are simply incompatible with rural, residential life. Pro Pony conducts at least 100 lessons per week and the Staff Report imposes **no** limit on the numbers of lessons, hours of operation, or days of operation. In addition, Pro Pony facilitates horse shows and like events on more than ten weekend days a year. Such events occur on both Saturdays and Sundays. The noise generated from the events is particularly invasive, made even more so with the use of an amplified public address system and whistles. And, the significant increase in traffic trips due to these weekend events exacerbates the precarious road conditions. The traffic is detrimental to the safety of the neighbors. *See* **Exhibit 48** (Photographs of Events).

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E. THE PROPOSED BUILDING SIZE AND MASSING IS OUT OF CHARACTER WITH THE SURROUNDING COMMUNITY AND WILL HAVE SIGNIFICANT DETRIMENTAL IMPACTS ON THE NEIGHBORHOOD; FURTHER, THE SITE IS NOT SUITABLE FOR THE CONSTRUCTION OF THIS STRUCTURE.

To be absolutely clear, Pro Pony seeks approval to construct the exact 13,580 square foot industrial building this Board denied in February 2022. *See* **Exhibit 49** (2021 Application). While Pro Pony represents that the proposed indoor arena is 13,500 square feet in its Application, *see* **Exhibit 2** (Application) at 11, the materials prepared by Soils Engineering, LLC in support of the Application indicate that the structure may actually be much larger. *See id*. at 23 (SUP 4). SUP 4 shows the text "Proposed Arena-Covering Structure" next to a bold dotted line. *Id*. The dimensions of that dotted line show about 113 feet facing Holcomb Ranch Lane and a length of 198 feet, which would make the indoor arena almost 19,000 square feet. *Id*.

It is interesting to note that with complete disregard for this Board's meeting scheduled February 3, 2022, the Code, and the neighbors' properties, Pro Pony had the parts for the steel industrial building delivered to the Property on January 17, 2022. Those parts and the shipping container remain on the Property today. For this reason, it is unlikely that the size of the indoor arena could change.

As this Board recognized when it denied Pro Pony's request to construct the same structure in February 2022, the proposed structure would be 29 feet tall. The

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more accurate engineering drawings in the 2021 Application indicate that the base elevation of the indoor arena is 4,625.60 feet, which means the indoor arena would rise four stories above existing grade. *See* **Exhibit 49** (2021 Application), at Sheet C-2. The elevation of Holcomb Ranch Lane in front of the arena decreases from 4,625 feet to 4,620 feet on the east. *See id*. at Sheet C-1. This massive industrial arena will be three stories above Holcomb Ranch Lane. The lowest wire is about 15 feet above Holcomb Ranch Lane. *See* **Exhibit 50** (Photograph of Holcomb Ranch Lane with Wires). The proposed indoor arena would be twice that high above Holcomb Ranch Lane.[3] In addition, the proposed structure is featureless, metal, and industrial in character. Such a building has no place in this single-family, residential neighborhood.

Moreover, the use of stadium lights in the indoor arena will glare out of the 10 skylights, numerous 15-foot wide windows, and commercial sized doors. This will only serve to exacerbate Pro Pony's present disregard for the adjacent residential properties with respect to lighting.

Next, Pro Pony ignores the reality of constructing a massive building in a flood zone. Pro Pony does not address the implications of constructing the proposed indoor arena within a FEMA Special Flood Hazard Area (SFHA) Zone

[3] Significantly, this proposed construction violates FEMA Policy, which requires all non-residential structures "to be elevated or dry floodproofed to or about the Base Flood Elevation (BFF)." *See* **Exhibit 51** (FEMA Policy), at 1.

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AE **anywhere** in the Application. The **only** time Pro Pony even mentions the existence of the flood plain is in small print, in the final paragraph on the site plan drawings. *See* **Exhibit 2** (Application), at 20. **This is a significant omission**.

Moreover, also in small print on the same page in the penultimate paragraph titled "Significant Hydrologic Resource Statement," Pro Pony incorrectly states, "[t]he existing stream upon the property is not identified by Article 418 as a Perennial Stream." **This is another blatant misrepresentation**. Dry Creek, the 'the existing stream upon the property" is clearly identified as a Perennial Stream in the Code. *See* WCC § 110.418.05.1 (Map of Significant Hydrologic Resources), also attached hereto as **Exhibit 36**. As such, any construction on this site would be subject to the policies of FEMA and Perennial Stream buffer requirements.

Recent grading by Pro Pony has also been observed. *See* **Exhibit 52** (Photograph of Grading). A four to five foot high, 100-foot loose earth and rock berm next to Dry Creek—possibly in the Dry Creek Flood Way—now exits. *Id*. The Application is devoid of any discussion about how such grading complies with the policies of FEMA and the U.S. Army Corps of Engineers. This appears to seriously increase flood damage for surrounding properties, Last Chance Ditch, and Holcomb Ranch Lane. *See also* **Exhibit 53** (JUB Engineering Memorandum Regarding Pro Pony's Impacts on the Last Chance Canal and Irrigation Company).

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Pro Pony also represented to this Board that the indoor arena it seeks to construct "is common to the neighborhood where it is to be constructed." *See* **Exhibit 2** (Application), at 5. **This is not true**. Not only did this Board reject Pro Pony's attempt to construct this structure in 2022, this Board also denied the construction of a similar indoor arena at 3003 Holcomb Ranch Lane in May 2006. In doing so, this Board explicitly found as follows:

> 2. Site Suitability. The site is not physically suitable for the type of development and for the intensity of the development due to it being located within a **flood area and additional drainage flows** potentially impacting Timothy Drive;
>
> 3. Issuance Not Detrimental. Issuance of the permit will be detrimental to the public health, safety, or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area, due to the **applicant not demonstrating a good neighbor policy in the past**, including street parking of a horse trailer for 6-months and **a large manure pile directly adjoining a neighboring property**[.]

See **Exhibit 54** (Record of AP06-004), at 16-17 (emphasis added).[4] The parallels cannot be ignored. This Application must also be denied.

Finally, and arguably most significantly, the Code outright **prohibits** indoor sports and recreation uses in HDR regulatory zones. *See* WCC § 110.302.05 (Table of Uses); *see also* WCC 110.304.25(h)(4) ("Indoor sports and recreation refers to predominantly participant sports conducted within an enclosed building.

[4] For clarity, page numbers have been added to the bottom-right corner of the document.

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Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts and athletic clubs."). Yet, that is exactly what Pro Pony seeks to accomplish with the construction of the indoor arena. Its intended to be used to facilitate the sport of horseback riding indoors. *See* **Exhibit 20** (Lease Agreement), Ex. A (defining horseback riding as a "RUGGED ADVENTURE RECREATIONAL SPORT ACTIVITY"). For these reasons, Pro Pony's request to construct an indoor arena at the Property must be denied.

F. A "COMMERCIAL STABLE" USE DOES NOT ENCOMPASS THE EVENTS HOSTED BY PRO PONY; "OUTDOOR ENTERTAINMENT" REMAINS PROHIBITED IN HDR.

What Pro Pony seeks in the instant Application goes beyond what is permitted for a "commercial stable" use. Pro Pony also seeks what should be classified as "outdoor entertainment." The following definitions are instructive:

> Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.
>
> ***
>
> Outdoor Entertainment. Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.

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See WCC 110.304.25(c)(2), (h)(7). Commercial stables are only allowed in the HDR regulatory zone with a special use permit, and outdoor entertainment uses are prohibited. WCC § 110.302.05 (Table of Uses).

The definition of commercial stables does not include any provision for events. Indeed, in WSUP17-0003 for a commercial stable on 30 acres located in Pleasant Valley the limit on the number of horses was 25 and as a condition of approval, "[e]questrian events with competitors and spectators are prohibited." *See* **Exhibit 55** (Conditions of Approval – SUP17-0003), at 3. That commercial stable use is located on a property with more than twice the land as Pro Pony. Likewise, no SUP should issue for the Property without the same restriction on equestrian events with competitors and spectators.

CONCLUSION

For the foregoing reasons, the Neighboring Owners respectfully ask this Board to **deny** the Application.

DATED this 30th day of October, 2023.

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EXHIBIT LIST

Exhibit No.	Description	Pages
Exhibit "1"	Board of Adjustment Action Order	2
Exhibit "2"	Application	34
Exhibit "3"	Picture of Les Schwab	1
Exhibit "4"	Holcomb Ranch Community Opposition to 2021 Application	27
Exhibit "5"	List of Neighboring Owners	6
Exhibit "6"	August 3, 2023, Neighborhood Meeting Handout	2
Exhibit "7"	February 3, 2022, Board of Adjustment Meeting Minutes	27
Exhibit "8"	Excerpt of Support Reno's Historic Silver Circle Ranch Facebook	1
Exhibit "9"	Summary of Pro Pony's Misrepresentations and Omissions **Exhibit "A" –** Board of Adjustment Staff Report **Exhibit "B"** – Photograph of Pro Pony's Landscaping **Exhibit "C"** – December 2021, Email Exchange **Exhibit "D"** – Photograph of Vehicles Parked on Holcomb Ranch Lane for Neighborhood Meeting	68
Exhibit "10"	Map of Adjacent Neighbors in Opposition	1
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Exhibit "12"	April 1996, News Article	1
Exhibit "13"	October 2019, Grant, Bargain, Sale Deed for APN 040-670-12	3

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Exhibit “14”	Fairview Farms Map	1
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Exhibit “17”	Farm & Ranch Listing Input Form	4
Exhibit “18”	January 30, 2019, Appraisal of Silver Circle Ranch	49
Exhibit “19”	2013, 2014, and 2016 Silver Circle Ranch and Facility Use Agreements	16
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Exhibit “21”	Excerpt from Pair of Aces Website	1
Exhibit “22”	Certificate of Business	1
Exhibit “23”	DBA/FFN Search Results	1
Exhibit “24”	Elizabeth Reader Declaration	6
Exhibit “25”	May 22, 2023, Letter Regarding Conditions of Business License	1
Exhibit “26”	May 2023 Email Exchange Between Washoe County and Pro Pony	6
Exhibit “27”	Silver Circle Ranch Business License Data Sheet	1
Exhibit “28”	Washoe County Predevelopment Worksheet	4
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Exhibit “30”	May 2023 Email Exchange Between Washoe County Employees	6
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Exhibit “34”	RENG Report	2
Exhibit “35”	Dry Creek Critical Flood Zone Map	1
Exhibit “36”	WCC § 110.418.05.1 (Map of Significant Hydrologic Resources),	1
Exhibit “37”	Video Recording of Fly Trap Adjacent to Property	1
Exhibit “38”	Photographs of Flies in Neighbor’s Home Adjacent to Property	7
Exhibit “39”	Video Recording of February 3, 2023, Board of Adjustment Meeting	1
Exhibit “40”	Deposition Testimony of Pete Lazetich	2
Exhibit “41”	Photograph of Dust	1
Exhibit “42”	Photographs of Storage Container	3
Exhibit “43”	Photograph of Unshielded Lighting	1
Exhibit “44”	Video Recording of Truck Lights and Noise on the Property	1
Exhibit “45”	Photographs of Truck Turning	2
Exhibit “46”	Images of Unlawful Encroachment on Property	5
Exhibit “47”	Photograph of Gate	1
Exhibit “48”	Photographs of Events	5
Exhibit “49”	2021 Application	28
Exhibit “50”	Photograph of Holcomb Ranch Lane with Wires	1
Exhibit “51”	FEMA Policy	12
Exhibit “52”	Photograph of Grading	1
Exhibit “53”	JUB Engineering Memorandum Regarding Pro Pony’s Impacts on the Last Chance Canal and Irrigation Company	6

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Exhibit “54”	Record of AP06-004	108
Exhibit “55”	Conditions of Approval – SUP17-0003	5
Exhibit “56”	Demonstrative of Horse Urine Production	1
Exhibit “57”	Photograph of Dust and Lack of Screening	1

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EXHIBIT “1”

EXHIBIT “1”

WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
RENO, NEVADA 89512-2845
PHONE (775) 328-6100
FAX (775) 328.6133

Board of Adjustment Action Order

Special Use Permit Case Number WSUP21-0036 / Administrative Permit Case WADMIN21-0016 (Silver Circle Ranch)

Decision:	Denial
Decision Date:	February 03, 2022
Mailing/Filing Date:	February 08, 2022
Property Owner:	Pro Pony LLC
Assigned Planner:	Julee Olander, Planner Washoe County Community Services Department Planning and Building Division 775.328.3627 jolander@washoecounty.gov

Special Use Permit Case Number WSUP21-0036 / Administrative Permit Case WADMIN21-0016 (Silver Circle Ranch) – For hearing, discussion, and possible action to approve a special use permit for a commercial horse boarding stable for 25 horses and for grading of 6,000 cubic yards for an indoor riding arena; an administrative permit for an 11,580 SF indoor riding arena structure that is larger than the existing 1,120 SF main residence. The applicant is also requesting modifications of paved surfaces to allow non-paved surface, reduction of landscape standards for a commercial use and waive screening requirements for commercial properties adjacent to residential properties.

- Applicant / Owner: Pro Pony LLC
- Location: 3400 Holcomb Ranch Ln.
- APN: 040-670-12
- Parcel Size: ±12.56 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 93% High Density Rural (HDR) & 7% General Rural (GR)
- Area Plan: Southwest
- Development Code: Authorized in in Article 302, Allowed Uses; Article 306, Accessory Uses and Structures; Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make finding #4 required by Washoe County Code (WCC) Section 110.810.30. the Board was unable to make finding #4 (Issuance Not Detrimental).

Required Special Use Permit & Administrative Permit Findings (WCC Section 110.808.25 & 110.810.30)

1. Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

4. Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Trevor Lloyd

Trevor Lloyd, Planning Manager
Secretary to the Board of Adjustment
Planning and Building Division
Washoe County Community Services Department

TL/JO/AA

Applicant/Owner: Pro Pony, LLC
Email: witmers2@gmail.com

Developer: Clint Thiesse
Email: clint@summitnv.com

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Walt West / Rob Wimer, Engineering and Capital Projects; Brittany Lemon, Truckee Meadows Fire Protection District; David Kelly, Washoe County District Health

EXHIBIT “2”

EXHIBIT “2”

SPECIAL USE PERMIT APPLICATION

FOR PRO PONY LLC

THE HISTORIC SILVER CIRCLE RANCH
3400 Holcomb Ranch Lane
Reno, Nevada

Soils Engineering, LLC.
Hugh Ezzell, C.E. 10310
10000 Road Runner Road
Reno, Nevada 89510

(775) 240-2692

Hugh10000@aol.com

September 1, 2023

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September 1, 2023

Washoe County Community Development Department
1001 E. Ninth Street
Reno, Nevada 89502

Re: The Silver Circle Ranch Special Use Permit Application
3400 Holcomb Ranch Road
Reno, Nevada

Please find herein our responses for the:

Special Use Permit Application - Supplemental Information and
Special Use Permit Application for Grading - Supplemental Information and
Special Use Permit Application for Stables - Supplemental Information.

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PURPOSE

The current Special Use Permit sought is for two items:

1. A Special Use Permit is sought for the existing nonconforming historical commercial stable use. (High Density Rural, HDR),

2. Authorization to construct a steel building inclement weather structure (subject) is sought to cover one of the two outdoor arenas on the property to provide for horse and rider protection from the elements.

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Special Use Permit Application
Supplemental Information

1. What is the project being requested?

The Historic Silver Circle Ranch has existed as a horse riding and boarding business since before the 1970's. The current owners, Pro Pony LLC, purchased the Historic Silver Circle Ranch in 2019 with the intention of preserving its historical agricultural and equine use for the benefit of the equine community in Reno and the southwest neighborhood as a whole. Pro Pony LLC, owner, leases the property to Pair of Aces Stables, Inc.

The Historic Silver Circle Ranch is open to a select group of private patrons interested in equestrian training and activities. The site is not open to the public nor will not become so into the future

.

Under WCC § 110.304.25(c)(2), a commercial stable is defined as the boarding or raising of 3 or more horses. WCC §110.302.05 requires a commercial stable to have a Special Use permit in a High-Density Rural zone. Under WCC § 110.904.20, the current commercial use of the property is nonconforming

The current use is commensurate with the existing and past use. No new stables are proposed to be constructed. The overall nature of the site is proposed to remain as it has been for decades. All current riding arenas, corrals, barns and access roads will be preserved.

As a part of this application, it is proposed that one of the two existing riding arenas be covered to provide protection to horses and riders during inclement weather common to the Reno area in the winter. The structure included in this application is a 13,500 square foot steel building shell covering over the lower arena, shown on the plates. A covered arena of this nature is common to the neighborhood where it is to be constructed, and nearly all private and commercial equestrian facilities of this nature throughout the West.

The current nonconforming use as a commercial boarding facility is sought to be permanently preserved by approval of a Special Use Permit.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.).

Sheets SUP 1-6 are the requested site plans with information sought by this inquiry. Please refer to those Sheets.

3. What is the intended phasing schedule for the construction and completion of the project?

The steel building structure proposed to cover the arena would be envisioned to require 6 to 8 months to erect and complete with outside building finish and finish grading.

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4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and intensity of your proposed use?

The current site is well suited for the existing use and for the proposed indoor riding facility. Over the years, the surrounding area has maintained its overall equine and agricultural character. Many surrounding properties are also used for equine purposes - each property being the hope and dream of its respective owner to be a part of an equine agricultural community. The Historic Silver Circle Ranch is located at the very center of what is a historical agricultural and equine community.

The Historic Silver Circle Ranch has not changed in use or character over time – but applicable zoning law has. The Historic Silver Circle Ranch's present and planned use maintains the neighborhood's historical traditions, adding to its appeal. This application is a response to requirements of those higher density zoning laws (the planning zone for the Silver Circle Ranch is HDR, high density rural).

The Silver Circle Ranch is located immediately adjacent to Holcomb Ranch Lane with two entrances: one being a formal driveway to the stables and the second being an informal field entrance. The current commercial use has been in place for decades with reasonable adverse impact to traffic on Holcomb Ranch Lane.

Addressing "intensity of proposed use", the applicant notes that horse riding is an inherently quiet endeavor. Horses do not yell or otherwise make loud noises.

As a commercial stable, horses reside at the property, and some are used for riding lessons. That means that horse trailers are somewhat rare on Holcomb Ranch Lane as related to the Historic Silver Circle Ranch. Four times each year, the Historic Silver Circle Ranch hosts a horse event lasting a weekend where riders can demonstrate what they have learned to their families. On these events, horse trailers do arrive at the site, but are escorted off Holcomb Ranch Lane as quickly as they arrive and are parked in the field area on the property. There has not been a single accident involving a horse trailer on Holcomb Ranch Lane in association with the Silver Circle Ranch.

During our neighborhood meeting several comments were received regarding the adequacy of the shoulder of Holcomb Ranch Lane in relation to bicycle and pedestrian traffic, which the applicant intends to address with NDOT.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties in the community?

The proposed use, as noted above, will preserve the equine and agricultural character of the property and the neighborhood into the future.

The Silver Circle Ranch represents a ripe target for developers. A developer would only see an opportunity to subdivide the parcel (as has recently happened on a similar nearby parcel) into small lot-sized parcels with homes – all for profit – creating high density growth, considerably more traffic and noise (barking dogs, yelling people, screeching tires, automotive alarms, the background vehicular noise, etc.). If the Historic Silver Circle Ranch is unable to lock in its status as a commercial boarding facility, this is the likely fate of the land, which is the applicant's opinion would be a tragedy.

The higher density (HDR) growth, to the applicants and people who use the Historic Silver Circle Ranch, represents chaos and noise, while the commercial stable (Agricultural use) represents peace and quiet. This peace and quiet and preservation of traditional rural equine activities

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common in the neighborhood are what the applicants offer as a distinct benefit to the surrounding neighborhood.

Equine activities aren't just a hobby; they are deeply woven into the very fabric of Washoe County's history and culture. As our county experiences rapid growth and increasing urban density, it's crucial that we don't lose sight of our roots and heritage. The Historic Silver Circle Ranch isn't just a venue; it's a testament to our enduring Western culture. It stands as a sanctuary, offering peace, tranquility, and a continuation of the cherished equine activities that our community holds dear. By supporting the Ranch, we aren't just preserving a piece of land; we're upholding the traditions and values that define us as Washoe County.

At the Historic Silver Circle Ranch, most of the riding students are children. Engaging in horseback riding offers a multitude of health benefits, both physically and mentally. Physically, riding strengthens the core and legs, enhances cardiovascular health, balance, coordination, reflexes, and promotes better posture. It's also an effective way to combat childhood obesity. Mentally, horseback riding fosters improved decision-making, boosts confidence, heightens self-awareness, and teaches responsibility towards another living creature. It also sharpens communication skills, especially non-verbal cues. Beyond these, horseback riding imparts valuable life lessons like perseverance, patience, compassion, problem-solving, and emotional regulation during unfamiliar or intimidating situations. In essence, horsemanship educates young individuals in critical life skills and offers adults a therapeutic exercise, serving as a reprieve from their hectic lives.

Children who take riding and horsemanship lessons tend to be more compassionate, responsible, and mature compared to their peers. Their enhanced non-verbal communication skills help them better gauge social situations. Their experience in caring for animals often means they're less likely to become bullies. Thanks to their boosted self-confidence, decision-making abilities, and maturity, they're also better equipped to defend themselves and others from potential bullying. In essence, these lessons empower our youth to interact with kindness, compassion, and confidence in various situations.

In recent years, riding opportunities, especially in Washoe County, have decreased. This is largely due to smaller barns shutting down to make way for housing developments, prompted by an influx of newcomers. Consequently, many barns are packed, and riding lesson programs that don't require personal horse ownership are becoming rare. This makes it challenging for newcomers, especially children and parents, to get a start in the sport. The additional commute to distant barns can be a deterrent for busy parents and working adults. However, the Historic Silver Circle Ranch offers riding and horsemanship lessons, presenting a convenient option for neighborhood families who otherwise might not be able to engage in the sport.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

The manure disposal process is a concern with any commercial boarding facility. In conjunction with and under the supervision of the Washoe County District Health Department, the applicant developed a manure handling/disposal plan which has been successfully approved and implemented by the District Health Department. That plan requires animal manure to be removed from the site by Waste Management on a weekly basis.

As for groundwater, the site is currently regulated by the Washoe County District Health Department as a public water source. As a public water source, the applicant is required to sample and test water from the on-site well on a quarterly basis. The water well on the site, which is closest to the animal/manure operation, has consistently met both EPA and State of Nevada standards for drinking water quality in all tests conducted. These tests specifically check

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for contaminants that might arise from manure affecting groundwater. Thus, manure is not having an impact on ground water, nor will have into the future.

As for traffic, after decades of operation, the applicant has yet to note any negative impacts on traffic on Holcomb Ranch Lane. The applicant has taken the initiative to video record activities on Holcomb Ranch Lane during several of their four annual weekend events. The footage shows that even during times of increased traffic, including horse trailers, Holcomb Ranch Lane remains unaffected. Furthermore, to the applicant's knowledge, there have been no accidents related to the commercial stable's use on Holcomb Ranch Lane.

Pest management is essential for any commercial boarding facility. The applicant organized a neighborhood meeting on August 3, 2023, related to this Special Use Permit Application, held near the stables. Despite being downwind of the stables with about 100 attendees, it was observed and confirmed by the group that there were no noticeable flies. This lack of flies, even with a gentle breeze coming from the stables, is a testament to the effective fly control measures implemented by the applicant. Additionally, neighboring properties, including the Flying Diamond Ranch, LLC which has cows, also have animals.

Several neighbors have filed a nuisance lawsuit against Pro Pony, LLC, namely Jill Brandin, Flying Diamond Ranch, LLC, Pete Lazetich, and Nancy Flanigan, in Case No. CV22-01722 before the Second Judicial District Court in Washoe County. It is Pro Pony's position that The Plaintiffs are suing them with ulterior motives, i.e., to punish the Defendants for attempting to build an indoor riding facility at their property in early 2022 (before which there is no record of the Plaintiffs complaining about the operation even though it began operation in 2019), to prevent Pro Pony from attempting to build an indoor riding facility in the future, and to increase the value of the Plaintiffs' properties which they seek to develop into home sites. The Defendants believe that the lawsuit is frivolous. The operation of the commercial stable at the Historic Silver Circle Ranch has been determined to be lawful by the Washoe County Business License Division. In the lawsuit, the Plaintiffs claim that Washoe County, "has evidenced a lack of due diligence by routinely rubber-stamping requests to issue a business license." (Am. Complaint at 7). Further, the Plaintiffs claim that the issuance of a business license to Pro Pony by Washoe County is unlawful and is "inexplicable favoritism." See Opposition at 18. To the contrary, Washoe County concluded the obvious, that the boarding stable license for the Historic Silver Circle Ranch had been renewed consistently for decades and has not lapsed and that the use is still existing and non-conforming.

The distance from the Lazetich Residence to the Historic Silver Circle Ranch is 2560 feet, while Lazetich Ranch to the Historic Silver Circle Ranch is 700 feet. Flanigan Residence is 1540 feet from the Historic Silver Circle Ranch, and the Brandin Residence is at a distance of 3200 feet from the Historic Silver Circle Ranch. Notably, two properties that have raised complaints, namely the Flying Diamond Ranch and the Lazetich Ranch, are presently utilized for cattle grazing. The accusations that Pro Pony is creating a disturbance for the Plaintiffs' homes are contradicted by the evident fact that these homes are significantly distant from the Historic Silver Circle Ranch. Thus, the activities that the Plaintiffs are pointing out couldn't plausibly be viewed as disrupting the Plaintiffs' peaceful use of their properties.

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7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being proposed. Show and indicate these requirements on submitted drawings with the application.

Addressing each item separately:

Landscaping - No landscaping, formal or informal, is proposed for this project or use. This site has extensive areas of turf as well as numerous tall, mature trees which will provide ample screening of the proposed building and site. The stream environment zone also provides a large area of natural vegetation on the south side of the site. The applicant has added more than $5000 worth of fast-growing evergreen trees and shrubs between the location of the proposed building and Holcomb Ranch Lane (approximately 20 trees/shrubs) already.

Parking - the site currently hosts gravel driveways and parking areas. This character of driveway best suits the nature of the use for the site, which is primarily agricultural in nature. The ADA parking space, immediately adjacent to the ADA bathroom located in the barn structure, is paved. Other than that location, no pavement is planned for the site. As at any given moment, it can be expected that the site will host a trainer and a student, as well as the four apartment units within the barn structure, the number of parking spaces found on the site plan are considered to be well adequate for the site use. During special events, the fields on the northern side of the site are opened up for parking use and in and around the barn and stable area, there is ample informal and non-marked parking area for additional vehicles. During the neighborhood meeting, which hosted about 75 persons, everyone who desired to park on the site easily found a spot to park and walked to the meeting location. This is representative of parking required during a quarterly special event and well in excess of what would be required on an average day.
Per the code, 17 parking spaces are required for the site, 7 for the number of horses, 5 for employees and 5 for the apartments.

Signage - The site hosts an existing 4'h x 8'w formal sign at the driveway entrance on Holcomb Ranch Lane. No other signage is proposed for the site. The Historic Silver Circle Ranch Logo will be painted on the NE end of the proposed arena cover building.

Lighting - Outdoor lighting is not proposed to be a part of this site/use. While code required lights at personnel doors are and will be provided, the overall lighting of large areas with lights on light stands is not planned nor proposed. The indoor arena will host lights on the inside for night operation. On the other hand, a reasonable number of exterior building-mounted lights (dark skies compliant) will be provided for safety reasons.

8. Are there any restrictive convenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request?

No.

9. Utilities

Sewer service - commercial septic system
Electrical service - NVE overhead power
Telephone Service - No
LPG or Natural Gas - No
Solid Waste Disposal Service - Yes, Waste Management
Cable Television Service - No
Water service - Yes, site is self-served by a private public water system from a private well, 20 gpm

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10. Community Services (provided by the nearest facility)

Fire Station - Truckee Meadows Fire and Rescue Station 33
Health Care Facility - Renown South Meadows Emergency
Elementary School - Marvin Picollo Elementary School
Middle School - Depoali Middle School
High School - Bishop Manogue Catholic High School
Parks - Crystal Lake Park
Library - Sierra View Library
Citifare Bus Stop - South Virginia Street and Holcomb Ranch Lane

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Special Use Permit Application for Grading
Supplemental Information

This site and the proposed improvements do not meet the threshold for a Special Use Permit for Grading.

1. What is the purpose of the grading?

The proposed building will require a minor soil fill pad to be constructed to level the area upon which the building will rest. This fill will include code compliant slopes on 3 sides, which will be erosion protected at the end of the project.

2. How many cubic yards of material are you proposing to excavate on the site?

1505 cubic yards beneath the building itself,
309 cubic yards for fill side slopes

3. How many square feet of surface area of the property are you disturbing?

19030 square feet

13500 square feet = building foot print
5530 square feet = fill side slopes

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

The soil required likely will be imported onto the site. It is recognized that TMFPD may require a water tank to be installed at the site and, if so, the material generated in the formation of the pad for that tank will be used in the creation of the building fill. The balance of material required to finish the building fill will be imported to the site, the source has not yet been identified.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit (for grading) (Explain fully your answer)

The grading threshold for a special use permit for grading is 5000 cubic yards. The material located in the fill beneath the building footprint is exempted from this total, leaving only 309 cubic yards of soil to be imported to the site. This is less than the requirement for the grading special use permit and can be permitted through the application for the building permit for the arena covering building. If the water tank is required, the excavation for that tank pad will contribute to the overall totals for either cut or fill volumes, but is not expected to generate an excess of soil volume.

6. Has any portion of the grading shown on the plan been done previously?

No.

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7. Have you shown all areas on your plan that are proposed to be disturbed by grading?

Yes

8. Can the disturbed area be seen from off-site? If yes, from which direction and which properties or roadways?

The only reasonable view that would demonstrate the project from offsite would be from a somewhat short section of Holcomb Ranch Lane, near the driveway entrance to the site. Other areas are and will be blocked by natural vegetation and/or existing trees.

9. Could neighboring properties also be served by the proposed access/grading requested?

No.

10. What is the slope of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

3:1, Straw wattles, silt fencing, revegetation or other BMPs

11. Are you planning any berms?

No.

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction?

Some very short retaining walls may be employed to protect existing trees from the fill side slopes. These retaining walls will be keyed concrete block, if they are required. Their lengths will be less than 20' and their heights will be less than 3'.

One tree, located between the driveway to the site and the proposed building, is planned to remain. However, a retaining wall may be required to preserve this landscape feature. The extent and design of this wall has not been completed, however, the wall is not expected to be greater than 30' in length nor 4' in height. The construction of this wall likely will be keyed concrete block, however may be constructed of larger concrete blocks if necessary.

13. What are you proposing for visual mitigation of the work?

Cut/Fill areas will be revegetated, fill areas will be graded to have a natural appearance. Existing mature trees and shrubbery will be preserved to block view of the project from off site.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

Removal of existing trees will not be required by grading. However, a few cottonwood trees will be removed in association with this project as they have a natural lean towards the location of the building, are diseased and dying or are already dead. Their removal will be a preventative measure to protect the building, not a requirement of grading. These trees will vary in size/caliber of 8" to 36".
As noted before, the applicant has added more than $5000 worth of fast-growing evergreen trees and shrubs between the location of the proposed building and Holcomb Ranch Lane (approximately 20 trees/shrubs) already.

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15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Revegetation will conform to County standards.

16. How are you providing temporary irrigation to the disturbed area?

Existing irrigation on-site is accomplished by hose and surface sprinklers as needed to maintain the well-groomed site. The new disturbed areas will be maintained in a similar manner.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

No.

18. Are there any restrictive convenants, recorded conditions, deed restrictions (CC&Rs) that may prohibit the requested grading?

No.

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Special Use Permit Application for Stables
Supplemental Information

1. What is the maximum number of horses to be boarded, both within the stables and pastured?

35

2. What is the maximum number of horses owned/maintained by the owner/operator of the project, both within stables and pastured?

2 owner horses
10 lesson horses

3. List any ancillary or additional uses proposed (e.g. tack and saddle sales, feed sales, veterinary services, etc.). Only those items that are requested may be permitted.

There will be no ancillary uses. Uses will be limited to the housing and boarding of horses, equestrian training, horsemanship and riding lessons, and the existing minor residential use. If any future sales or veterinary services are desired, a separate permit will be requested. There is currently and will continue to be a quarterly Special Event Permit applied for for this site. That permit is separate from this Special Use Permit, however the Special Event use can be considered an ancillary use for the site and permitted by the Special Use Permit for continuation to permitting by Special Event Permit.

4. If additional activities are proposed, including training, events, competition, trail rides, fox hunts, breaking, roping, etc. only those items that are requested may be permitted. Clearly describe the number of each of the above activities which may occur, how many times per year and the number of expected participants for each activity.

Training - day-to-day activity. Consists of working, riding and instructing riders on their own horses

Events/Competition - Quarterly events have been hosted by this site and permitted as noted in #3, above. These events host less than 100 persons at any given moment, four times a year. For the Special Use Permit, the number of these events is requested to be five, currently limited by the applicant to four.

Trail rides - public-related services, such as trail rides are not planned. Owners of horses boarded at the Silver Circle Ranch, have free use of the entire 12.5 acre property for riding.

Fox hunts - There are no foxes at the Silver Circle Ranch. Fox (or coyote) hunts are not planned nor requested.

Breaking/Roping - outside of normal equestrian activities, the breaking or roping of wild horses is not planned for this site. Wild (feral) horses will not be hosted by the Silver Circle Ranch site.

Riding Lessons – riding and horsemanship lessons are part of the existing instructional program at Pair of Aces Stables, referred to as the Horsemanship Academy. Up to 10 lesson horses are used in the Academy, and it serves patrons who do not currently own their own horse. Riding lessons are 30 minutes to 1 hour in duration, and each riding lesson has between 1-5 students in

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attendance on average. Horsemanship lessons are currently offered twice weekly, and these are on average 1 hour long and do not involve riding but rather learning about other aspects of horse care and husbandry.

In addition to training, the trainer desires to hold up to 4 in-house clinics per year. Clinics are generally limited to the trainer's students and are given by a "guest" horsemanship trainer. Likewise, the trainer desires to hold up to 4 competitions (Special Events) per year for the local horse community. Competition events are 1 - 2 days during the weekend and are limited to 50 or fewer riders, 100 or fewer total people on site. Event attendance is non-ticketed and attended by rider families.

5. What currently developed portions of the property or existing structures are going to be use with this permit?

This permit is to bring a non-complying grandfathered use into compliance with current zoning code. The barn and stable facilities were constructed in the 1970's by the previous owner, the Warren Nelson family. It has been operated as a commercial stable since that time and has a current business license to operate a commercial stable in the name of Pro Pony LLC.

6. To what uses (e.g. restrooms, offices, managers living quarters, stable area, feed storage, etc.) will the barn be put, and will the entire structure be allocated to those uses? (provide floor plans with dimensions).

The existing stable only houses horses, feed and tack. The other, existing barn has 2 upstairs apartments, each with a full bathroom, and the trainer's office which includes a restroom and shower for the trainers us. The lower level of the barn has an equipment storage area with an ADA restroom and adjacent ADA parking space (indoors), a lounge and a garage, as well as another apartment with full bathroom.

7. Where are the living quarters for the operators of the stables and where will employees reside?

All owners, operators and employees live off-site.

8. How many improved parking spaces, both on-site and off-site, are available or will be provided? (please indicate on site plan) Have you provided for horse trailer turnarounds?

Existing access and parking areas, where not already improved, will be improved with compacted, maintained gravel surfacing. It is the owners and trainers desire to continue the use of gravel in lieu of asphalt as horses and pavement are not a safe combination. Pavement is a well known safety concern with shod horses as the metal shoes are very slippery on pavement. Horse and rider injuries due to this are common, and as such most equestrian facilities avoid using pavement whenever possible.

Space will be provided to accommodate up to 31 vehicles on the lower level of the site. 15 of these parking spots being existing, while adding 16 new parking spots. A total of 17 spots are required by code for the site, 7 for the number of boarded horses, 5 for employees and 5 for the apartments. During a competition, the unused portion of the upper pasture area can be used for trailer parking. The lower level can accommodate trailer turning around the barn and fire access turning in front of the new proposed indoor arena.

9. What are the planned hours of operation?

Existing hours of operation are 7AM to 9PM daily, and have been established as such since operation began in 2019. Boarders are requested to maintain their site visits to operating hours,

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however, they do have access to their horses at any time for veterinary purposes. All Training and Lesson activities take place within the existing operating hours.

10. What improvements (e.g. new structures including the square footage, roadway/driveway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for completion of each?

The new structure contains an approximate 13,500 square foot indoor riding arena which may host some minor equipment storage. The proposed structure will not be habitable or a habitated structure. Accessory items such as signage, parking, etc. already exist.

11. What is the intended phasing schedule for the construction and completion of the project?

Phasing is not anticipated and completion is expected within 6 to 8 months of final permitting of the project by Community Development.

12. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

This property has been utilized as a commercial stable for over 40 years. The new structure is located within the lowest area of the property and situated to minimize visual impacts of the new roof line. The applicant has lowered the structure by the maximum amount possible to minimize the overall height of the roof line. The Dry Creek Floodway will not be impacted by this construction.

13. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

The property and its use will maintain a rural, pasture/equestrian use in a rural area of Reno. The arena covering will benefit users by providing a better environment for riding during summer and winter temperature extremes, precipitation and high winds.

The ability to ride and exercise horses safely during inclement weather goes beyond simply being able to still ride that day. The benefits of riding to children and adults has already been addressed (See answer to question #5 above). But the necessity of movement to horses health has not yet been outlined.

During periods of severe weather, if horses are confined to their stalls due to ice or poor/unsafe footing for more than a few days they become at risk for significant health factors, most notably gut stasis issues. Their body and sensitive digestive systems are designed for continual movement, and lack thereof leads to an increased risk of colic (#1 cause of death in horses). In addition to this horses that are used to being in full work are fit, powerful athletic animals with a lot of energy, and when they are unable to work and expunge this energy they can become unruly to handle which poses a safety risk not only to themselves but to anyone handling them.

The addition of the inclement weather arena would allow the horses to stay in consistent work regardless of the weather, which will reduce the risk of health and safety concerns for them, the staff handling them, their owners and the Academy students.

14. What are the adverse impacts upon the surrounding community (including traffic, noise, odors, dust, groundwater contamination, flies, rats, mice, etc.) and what will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

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The manure disposal process is a concern with any commercial boarding facility. In conjunction with and under the supervision of the Washoe County District Health Department, the applicant developed a manure handling/disposal plan which has been successfully approved and implemented by the District Health Department. That plan requires animal manure to be removed from the site by Waste Management on a weekly basis.

As for groundwater, the site is currently regulated by the Washoe County District Health Department as a public water source. As a public water source, the applicant is required to sample and test water from the on-site well on a quarterly basis. The water well on the site, which is closest to the animal/manure operation, has consistently met both EPA and State of Nevada standards for drinking water quality in all tests conducted. These tests specifically check for contaminants that might arise from manure affecting groundwater. Thus, manure is not having an impact on ground water, nor will have into the future.

As for traffic, after decades of operation, the applicant has yet to note any negative impacts on traffic on Holcomb Ranch Lane. The applicant has taken the initiative to video record activities on Holcomb Ranch Lane during several of their four annual weekend events. The footage shows that even during times of increased traffic, including horse trailers, Holcomb Ranch Lane remains unaffected. Furthermore, to the applicant's knowledge, there have been no accidents related to the commercial stable's use on Holcomb Ranch Lane.

Pest management is essential for any commercial boarding facility. The applicant organized a neighborhood meeting on August 3, 2023, related to this Special Use Permit Application, held near the stables. Despite being downwind of the stables with about 100 attendees, it was observed and confirmed by the group that there were no noticeable flies. This lack of flies, even with a gentle breeze coming from the stables, is a testament to the effective fly control measures implemented by the applicant. Additionally, neighboring properties, including the Flying Diamond Ranch, LLC which has cows, also have animals.

15. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

The applicant does not anticipate any conditions of approval to be necessary. The owner held a neighborhood meeting open house on August 3, 2023 to inform the neighborhood about the project and found feedback to be mostly positive.

16. What types of landscaping (e.g. shrubs, trees, fencing, painting schemes, etc.) are proposed? (Please indicate on the site plan).

The existing site has numerous mature trees and turf pasture. As such, no new landscaping is proposed. Cut and fill slopes will be revegetated. The site perimeter is fenced with a black powder-coated chain link fence and white split rail corrals, paddocks and entry which are all proposed to remain. Minor on-site fence relocation will likely be required to accommodate the new improvements.

17. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on the site plan)

All new lighting is proposed to be building-mounted directed at the ground in the local area (dark sky compliant). An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the NE end of the proposed building and west side near the north end of the new arena in hunter green lettering to match the trim on the white wall. A photo of the existing sign is found on page 1 of this report.

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18 Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request?

No

19. Community Sewer

Septic permitted through the Washoe County District Health Department.

20. Community Water

Private water well serving a permitted Private Public Water System.

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PLATES

Page	Title
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22	Plate 3 - Enlarged Aerial View
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24	Plate 5 - Cross Sections - Arena Building
25	Plate 6 - Elevations - Arena Building
26	Plate 7 - Owners Affidavit
27	Plate 8 - Proof of Property Tax Payment
28	Plate 9 - Legal Description

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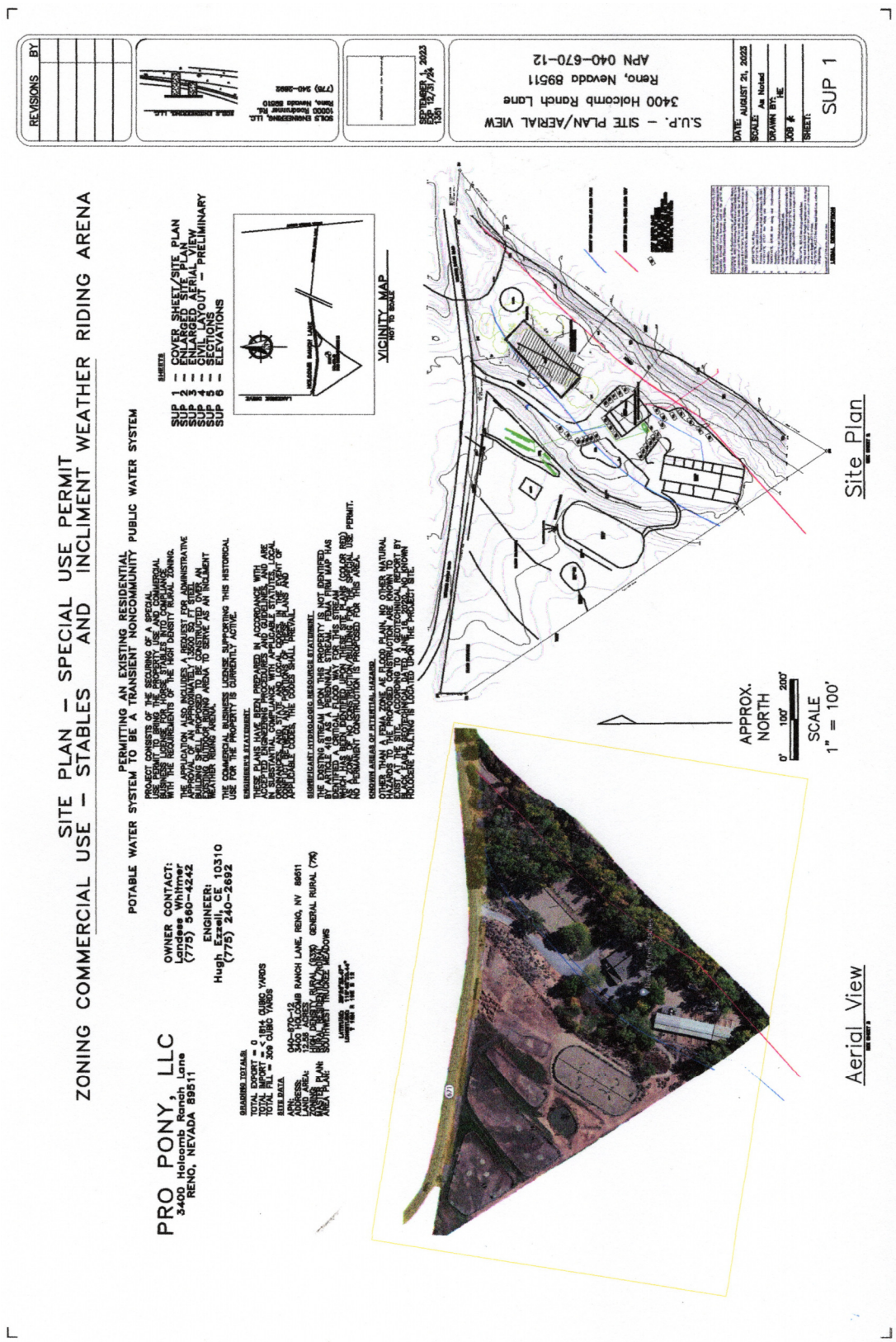

Plate 1 - Site Plan and Aerial View - Please see attached 24"x36" Sheets for clear view

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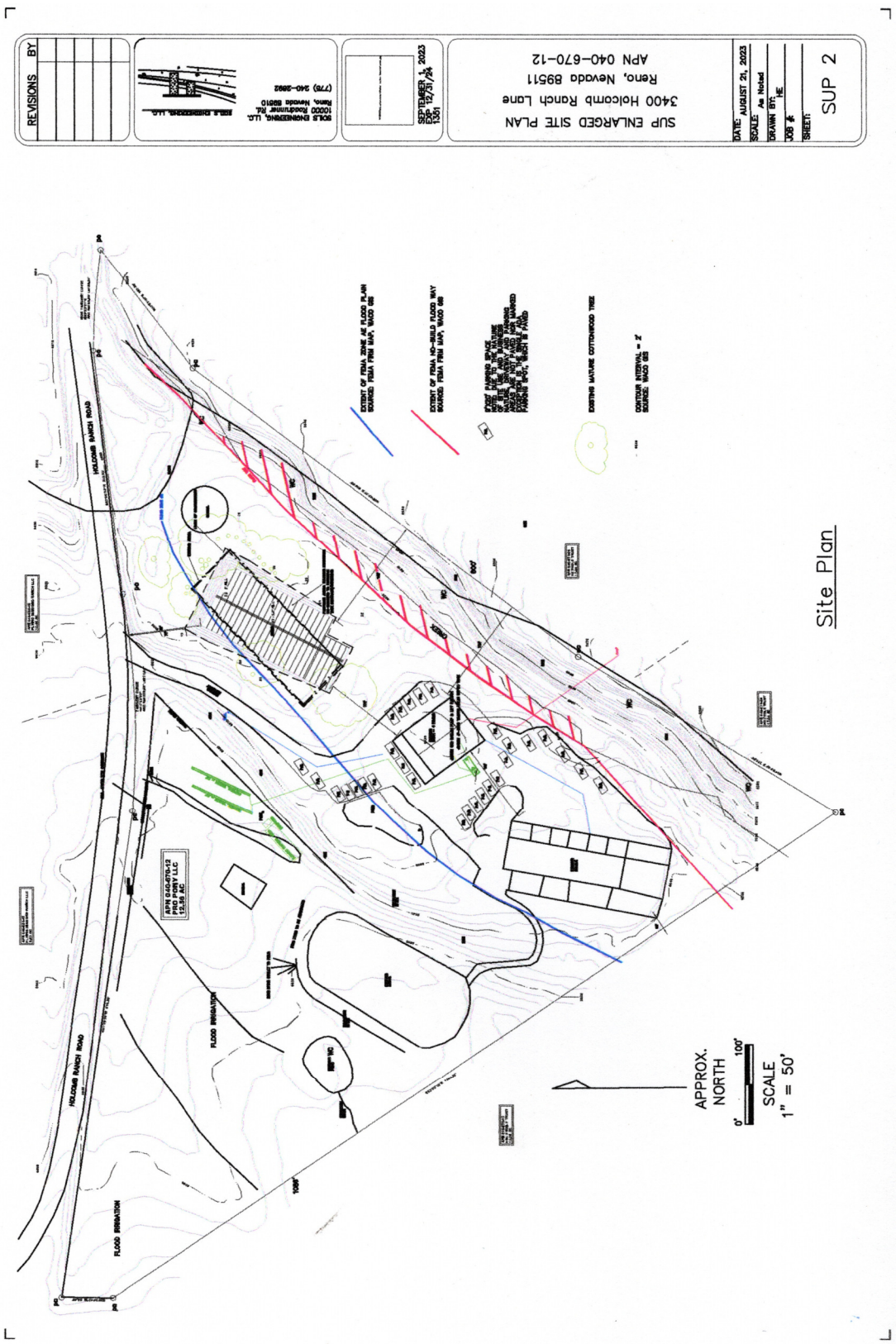

Plate 2 - Enlarged Site Plan - Please see attached 24"x36" Sheets for clear view

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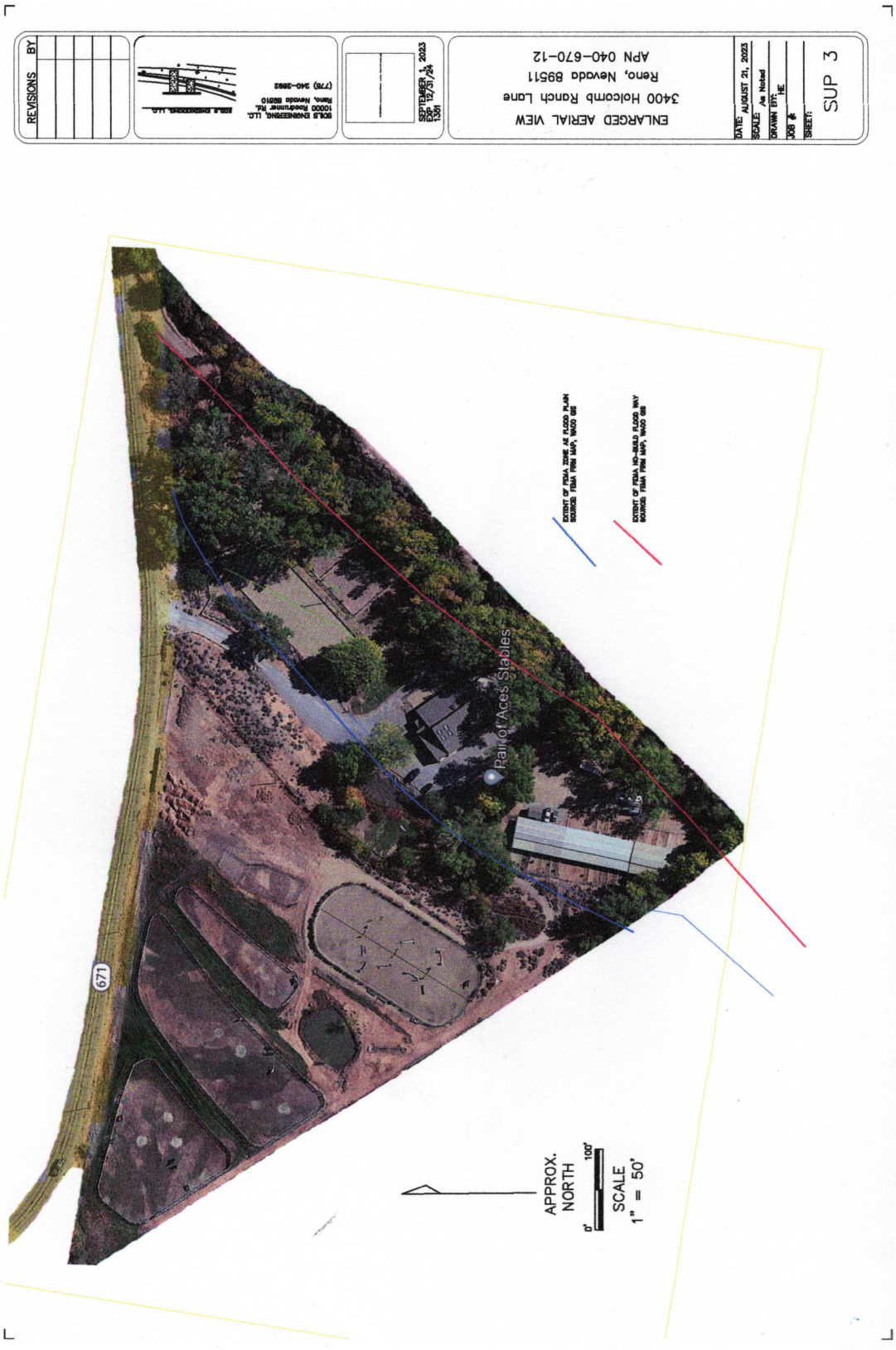

Plate 3 - Enlarged Aerial View - Please see attached 24"x36" Sheets for clear view

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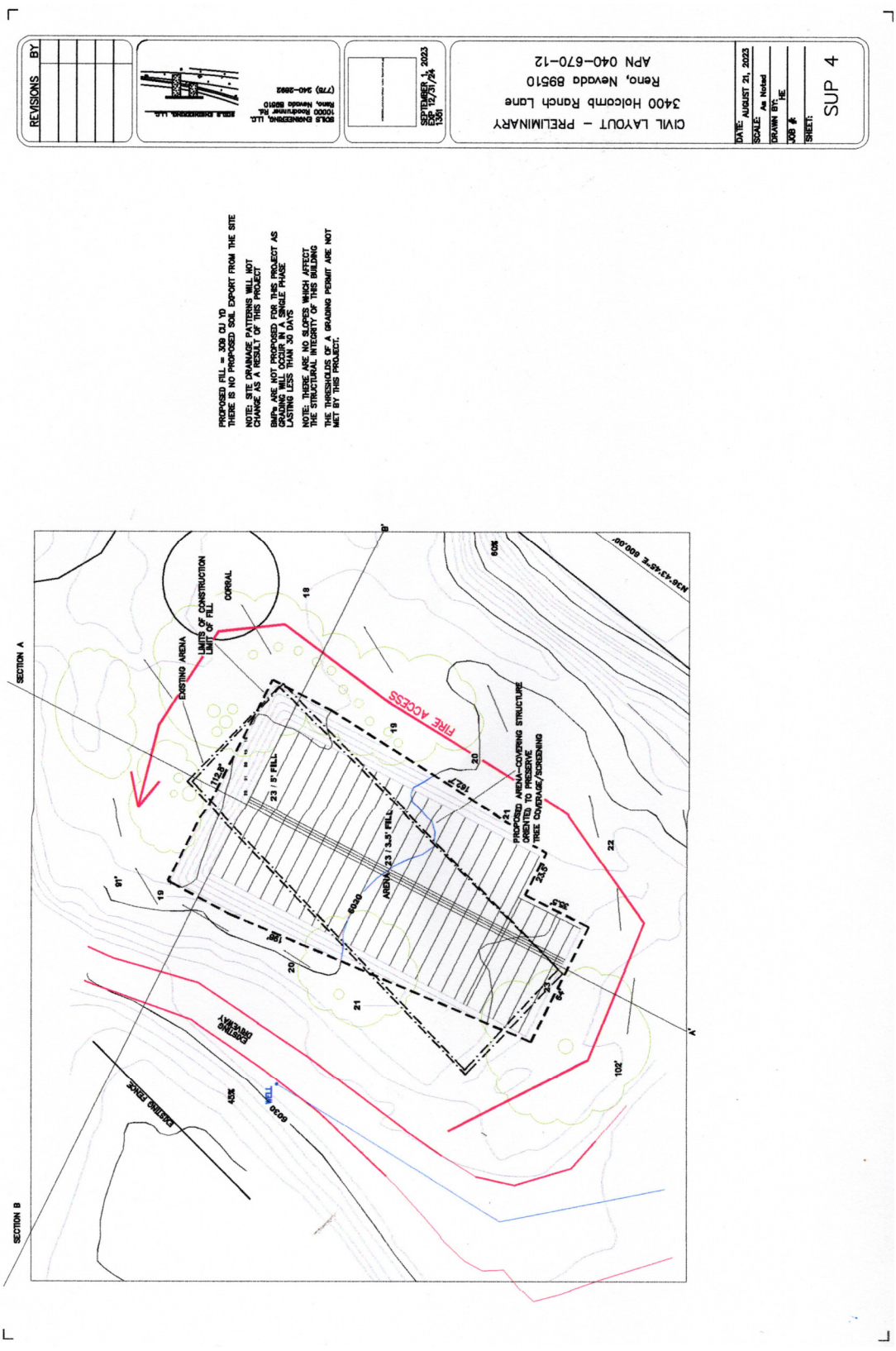

Plate 4 - Preliminary Civil Layout - Please see attached 24"x36" Sheets for clear view

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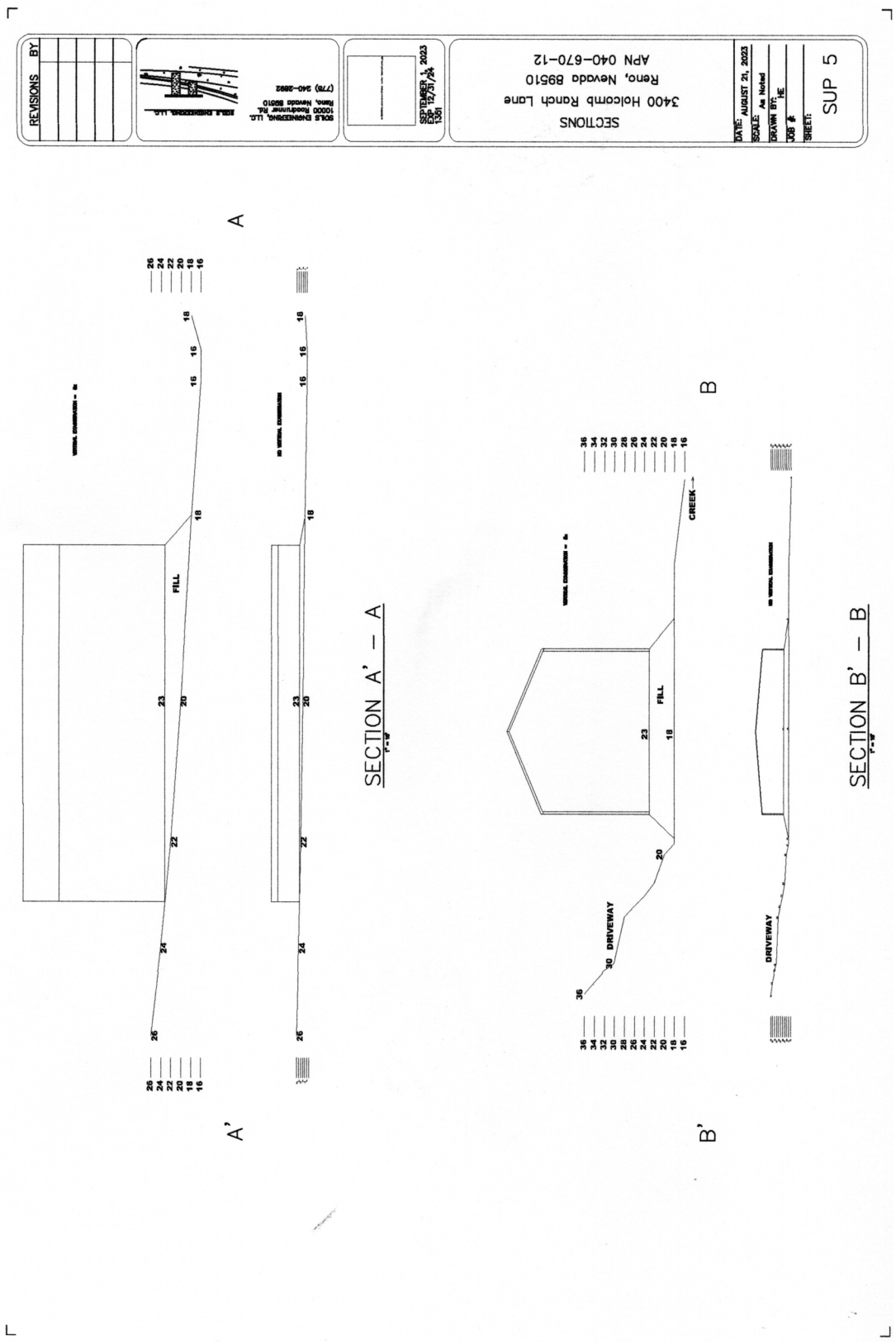

Plate 5 - Building/Site Sections - Please see attached 24"x36" Sheets for clear view

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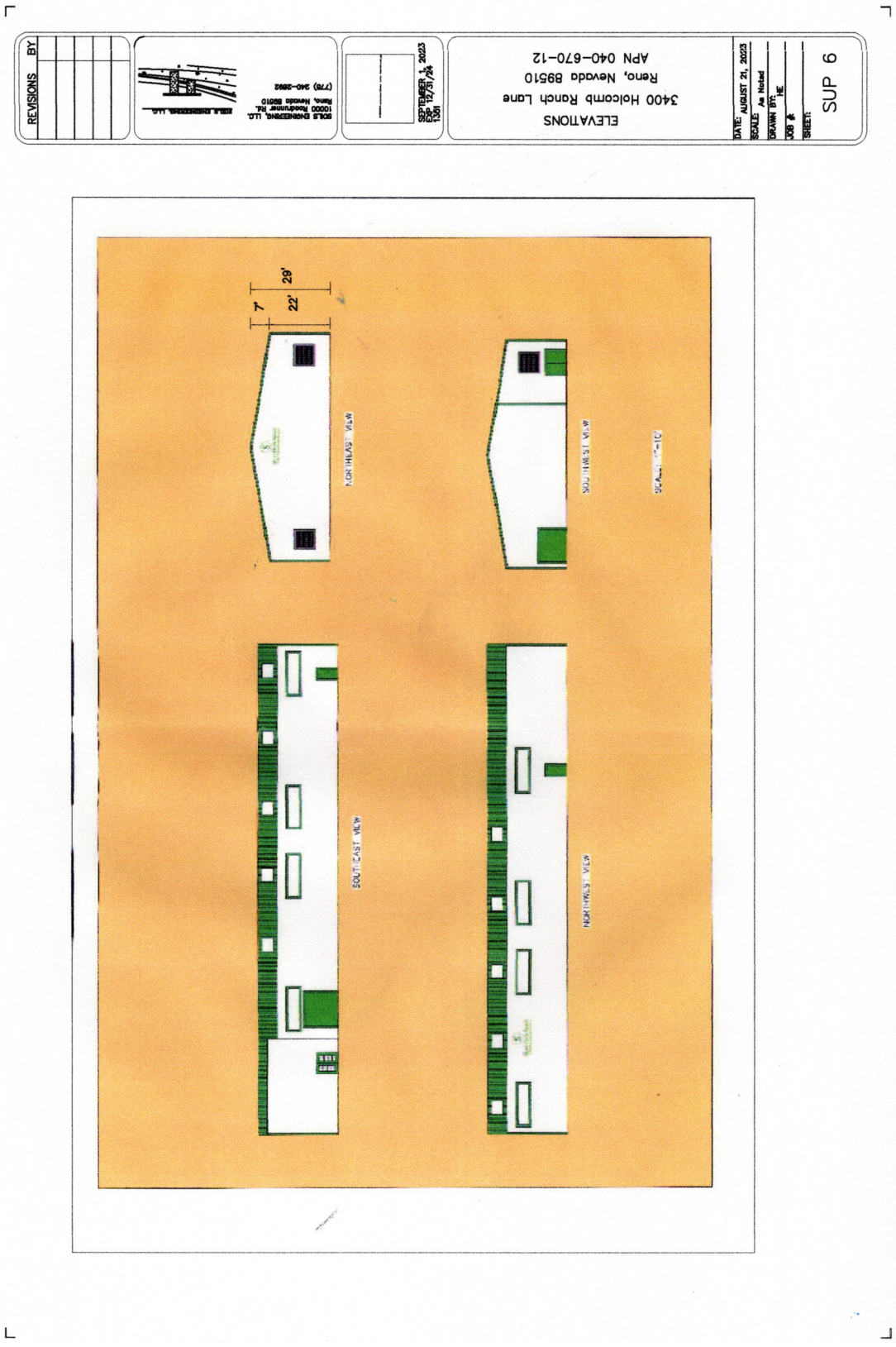

Plate 6 - Building Elevations - Please see attached 24"x36" Sheets for clear view

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Property Owner Affidavit

Applicant Name: PRO PONY LLC

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Landess Witmer Trustee of the Bruce and Landess Witmer Family Trust MANAGING MEMBER (please print name) of Pro Pony LLC being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 040-670-12

Printed Name Landess Witmer

Signed Landess Witmer

Address 1605 Del Monte Lane

Reno NV 89511

Subscribed and sworn to before me this 7th day of August, 2023.

(Notary Stamp)

Notary Public in and for said county and state

S. DURBIN
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 22-2525-12 - Expires June 30, 2026

My commission expires: 6-30-2026

*Owner refers to the following: (Please mark appropriate box.)

- ☒ Owner
- ☐ Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- ☐ Power of Attorney (Provide copy of Power of Attorney.)
- ☐ Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- ☐ Property Agent (Provide copy of record document indicating authority to sign.)
- ☐ Letter from Government Agency with Stewardship

December 2018

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Plate 7 - Owners Affidavit

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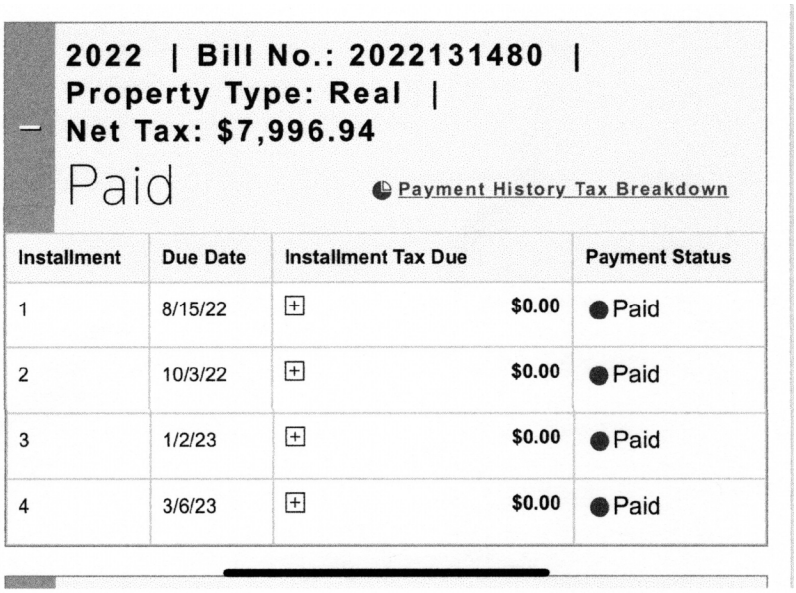


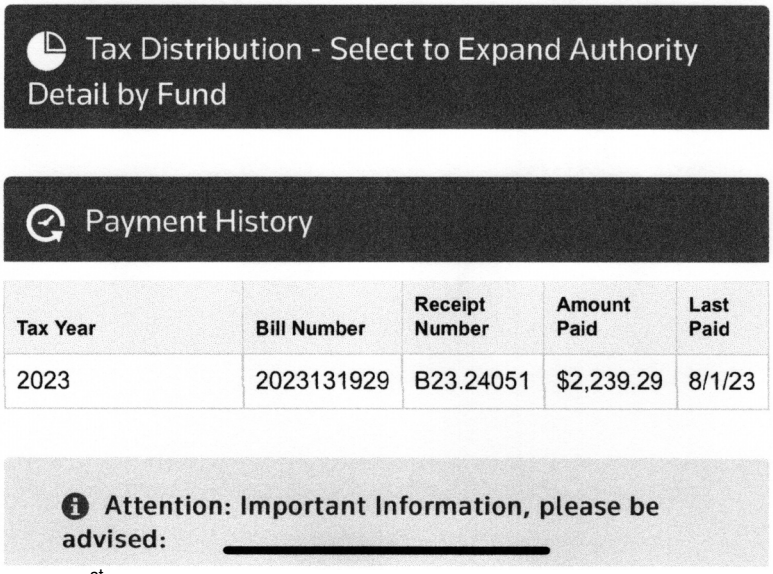
2022 | Bill No.: 2022131480 |
Property Type: Real |
Net Tax: $7,996.94

Paid

Payment History Tax Breakdown

Installment	Due Date	Installment Tax Due	Payment Status
1	8/15/22	$0.00	Paid
2	10/3/22	$0.00	Paid
3	1/2/23	$0.00	Paid
4	3/6/23	$0.00	Paid

Proof - 2022 Property Tax Payments Completed



Tax Distribution - Select to Expand Authority Detail by Fund

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2023	2023131929	B23.24051	$2,239.29	8/1/23

Attention: Important Information, please be advised:

Proof - 1st Quarter 2023 Property Tax Payment Completed

Plate 8 - Proof of Property Tax Payment

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

WSUP23-0029
PUBLIC COMMENT

4968130 Page 3 of 3 - 10/30/2019 04:36:53 PM

Exhibit A

All that certain real property situate in the W ½ of Section 12, T18N, R19E, M.D.M., County of Washoe, State of Nevada, and being more particularly described (using bearings based on the grid of the Nevada State Plane Coordinate System) as follows:

Commencing at the Southwest corner of said Section 12; thence, N 00°34'45" E, 4002.82 feet along the West line of said Section 12 to the intersection of said West line with the South line of Holcomb Lane; thence S 81°39'56" E, 50.46 feet along said South line to the POINT OF BEGINNING; thence the following nine (9) courses;

S 00°34'45" W, 64.40 feet;
S 33°53'15" E, 1086.25 feet to the Northwesterly boundary of Fairview Farms Subdivision as filed on February 10, 1947
N 31°05'45" E, 375.25 feet along said Northwesterly boundary,
N 36°43'45" E, 600.00 feet along said Northwesterly boundary,
N 52°03'45" E, 187.38 feet along said Northwesterly boundary to the South line of Holcomb Lane,
Along said South line through a non-tangent curve to the left having a tangent bearing of N 89°23'21" W a central angle of 07°30'06", a radius of 980.00 feet and an arc length of 128.31 feet,
S 83°06'34" W, 303.53 feet along said South line,
Along said South line through a tangent curve to the right having a central angle of 15°13'30", a radius of 1020.00 feet and an arc length of 271feet,
N 81°39'56" W, 612.30 feet along said South Line, to the Point of Beginning.

Reference is also hereby made to Parcel B of Record of Survey Map No. 3951, recorded Jun 29, 2001, as Document No. 2569521, Official Records.

The above legal description was taken from prior Document No. 2569461.

SPACE BELOW FOR RECORDER

Plate 9 - Legal Description

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

WSUP23-0029
PUBLIC COMMENT

SITE PLAN – SPECIAL USE PERMIT
ZONING COMMERCIAL USE – STABLES AND INCLIMENT WEATHER RIDING ARENA

PERMITTING AN EXISTING RESIDENTIAL
POTABLE WATER SYSTEM TO BE A TRANSIENT NONCOMMUNITY PUBLIC WATER SYSTEM

PRO PONY, LLC
3400 Holcomb Ranch Lane
RENO, NEVADA 89511

OWNER CONTACT:
Landess Whitmer
(775) 560–4242

ENGINEER:
Hugh Ezzell, CE 10310
(775) 240–2692

GRADING TOTALS:

TOTAL EXPORT = 0
TOTAL IMPORT = < 1814 CUBIC YARDS
TOTAL FILL = 309 CUBIC YARDS

SITE DATA

APN:	040–670–12
ADDRESS:	3400 HOLCOMB RANCH LANE, RENO, NV 89511
LAND AREA:	12.56 ACRES
ZONING:	HIGH DENSITY RURAL (93%) GENERAL RURAL (7%)
MASTER PLAN:	RURAL RESIDENTIAL/RURAL
AREA PLAN:	SOUTHWEST TRUCKEE MEADOWS

LATITUDE: 39°26'33.47"
LONGITUDE: 119°48'20.44"
T 18N R 19E S 12

PROJECT CONSISTS OF THE SECURING OF A SPECIAL USE PERMIT TO BRING THE PROPERTY USE AND COMMERCIAL BUSINESS LICENSE FOR HORSE STABLES INTO COMPLIANCE WITH THE REQUIREMENTS OF THE HIGH DENSITY RURAL ZONING.

THE APPLICATION ALSO INCLUDES A REQUEST FOR ADMINISTRATIVE APPROVAL OF AN APPROXIMATELY 13500 SQ FT STEEL BUILDING SHELL PROPOSED TO BE CONSTRUCTED OVER AN EXISTING OUTDOOR RIDING ARENA TO SERVE AS AN INCLIMENT WEATHER RIDING ARENA.

THE COMMERCIAL BUSINESS LICENSE SUPPORTING THIS HISTORICAL USE FOR THE PROPERTY IS CURRENTLY ACTIVE.

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PROCEDURES AND GUIDELINES, AND ARE IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTES, LOCAL ORDINANCES, AND STATE AND LOCAL CODES. IN THE EVENT OF CONFLICT BETWEEN ANY PORTIONS OF THESE PLANS AND APPLICABLE CODES, THE CODES SHALL PREVAIL.

SIGNIFICANT HYDROLOGIC RESOURCE STATEMENT

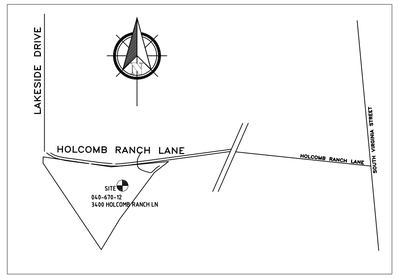
THE EXISTING STREAM UPON THIS PROPERTY IS NOT IDENTIFIED BY ARTICLE 418 AS A PERENNIAL STREAM. FEMA FIRM MAP HAS IDENTIFIED A CRITICAL FLOOD WAY FOR THIS STREAM WHICH HAS BEEN IDENTIFIED UPON THESE SITE PLANS (COLOR RED) AS A ZONE OF NO CONSTRUCTION/BUILDING FOR THE SPECIAL USE PERMIT. NO PERMANENT CONSTRUCTION IS PROPOSED FOR THIS AREA.

KNOWN AREAS OF PITENTIAL HAZARD

OTHER THAN A FEMA ZONE AE FLOOD PLAIN, NO OTHER NATURAL HAZARDS TO THE PROPOSED CONSTRUCTION ARE KNOWN TO EXIST AT THE SITE. ACCORDING TO A GEOTECHNICAL REPORT BY BLACK EAGLE GEOTECHNICAL DATED JUNE 18, 2020, NO KNOWN HOLOCENE FAULTING IS LOCATED UPON THE PROJECT SITE.

SHEETS

SUP 1 – COVER SHEET/SITE PLAN
SUP 2 – ENLARGED SITE PLAN
SUP 3 – ENLARGED AERIAL VIEW
SUP 4 – CIVIL LAYOUT – PRELIMINARY
SUP 5 – SECTIONS
SUP 6 – ELEVATIONS

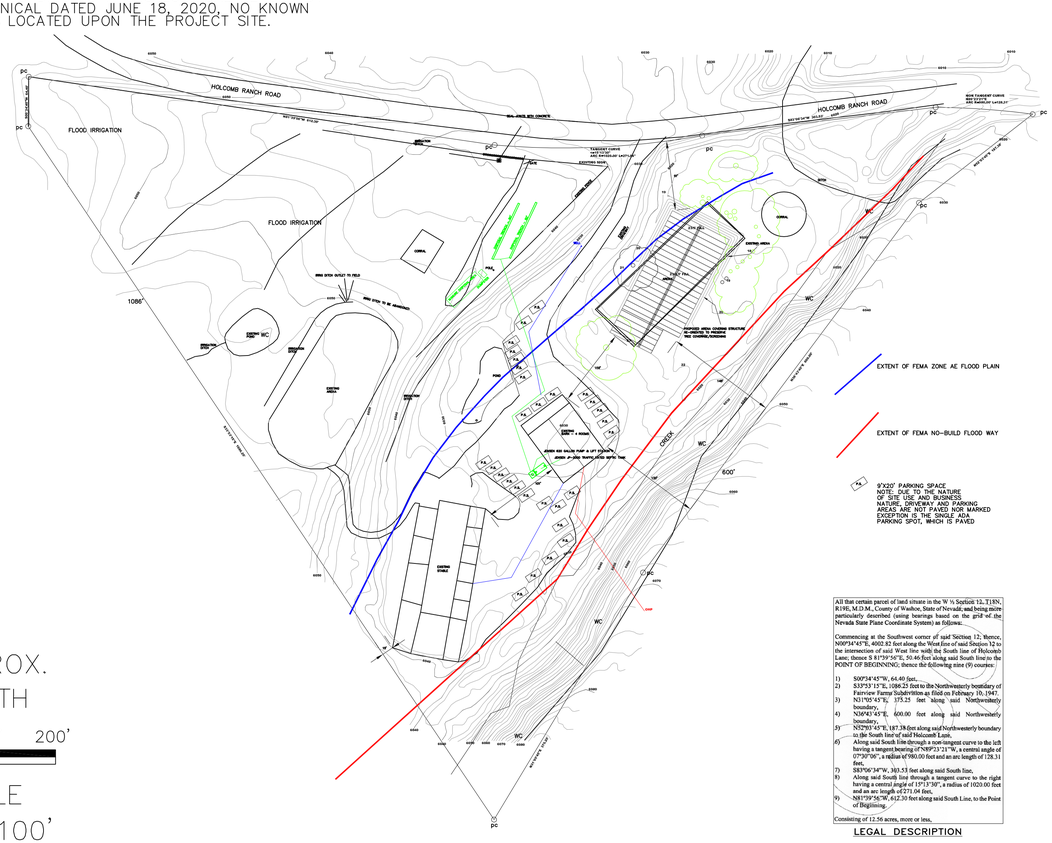


VICINITY MAP
NOT TO SCALE

APPROX.
NORTH

0' 100' 200'

SCALE
1" = 100'



All that certain parcel of land situate in the W ½ Section 12, T18N, R19E, M.D.M., County of Washoe, State of Nevada, and being more particularly described (using bearings based on the grid of the Nevada State Plane Coordinate System) as follows:

Commencing at the Southwest corner of said Section 12; thence, N00°34'45"E, 4602.82 feet along the West line of said Section 12 to the intersection of said West line with the South line of Holcomb Lane; thence S 81°59'56"E, 50.46 feet along said South line to the POINT OF BEGINNING; thence the following nine (9) courses:

1) S00°34'45"W, 64.40 feet,
2) S33°53'13"E, 1068.25 feet to the Northwesterly boundary of Fairview Farms Subdivision as filed on February 10, 1947;
3) N31°05'47"E, 375.25 feet along said Northwesterly boundary;
4) N26°41'E, 600.00 feet along said Northwesterly boundary;
5) N52°03'43"E, 187.38 feet along said Northwesterly boundary to the South line of said Holcomb Lane;
6) Along said South line through a non-tangent curve to the left having a tangent bearing of N88°53'21"W, a central angle of 07°30'06", a radius of 980.00 feet and an arc length of 128.31 feet;
7) S83°06'34"W, 303.53 feet along said South line;
8) Along said South line through a tangent curve to the right having a central angle of 15°13'30", a radius of 1020.00 feet and an arc length of 271.04 feet;
9) N81°39'56"W, 612.30 feet along said South Line, to the Point of Beginning.

Consisting of 12.56 acres, more or less.

LEGAL DESCRIPTION

Aerial View
SEE SHEET 3

Site Plan
SEE SHEET 2

REVISIONS	BY

SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240–2692

PROFESSIONAL ENGINEER STATE OF NEVADA
HUGH EZZELL
No. 10310
CIVIL

SEPTEMBER 1, 2023
EXP 12/31/24
1351

S.U.P. – SITE PLAN/AERIAL VIEW
3400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040–670–12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 1

WSUP23-0029
PUBLIC COMMENT

APPROX.
NORTH

0' 100'

SCALE
1" = 50'

EXTENT OF FEMA ZONE AE FLOOD PLAIN
SOURCE: FEMA FIRM MAP, WACO GIS

EXTENT OF FEMA NO-BUILD FLOOD WAY
SOURCE: FEMA FIRM MAP, WACO GIS

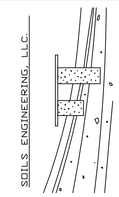
P.S. 9'X20' PARKING SPACE
NOTE: DUE TO THE NATURE OF SITE USE AND BUSINESS NATURE, DRIVEWAY AND PARKING AREAS ARE NOT PAVED NOR MARKED EXCEPTION IS THE SINGLE ADA PARKING SPOT, WHICH IS PAVED

EXISTING MATURE COTTONWOOD TREE

6050 CONTOUR INTERVAL = 2'
SOURCE: WACO GIS

Site Plan

REVISIONS	BY



SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

SEPTEMBER 1, 2023
EXP 12/31/24
1351

SUP ENLARGED SITE PLAN
3400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 2

WSUP23-0029
PUBLIC COMMENT

APPROX.
NORTH

0' 100'

SCALE
1" = 50'

EXTENT OF FEMA ZONE AE FLOOD PLAIN
SOURCE: FEMA FIRM MAP, WACO GIS

EXTENT OF FEMA NO-BUILD FLOOD WAY
SOURCE: FEMA FIRM MAP, WACO GIS

REVISIONS	BY

SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

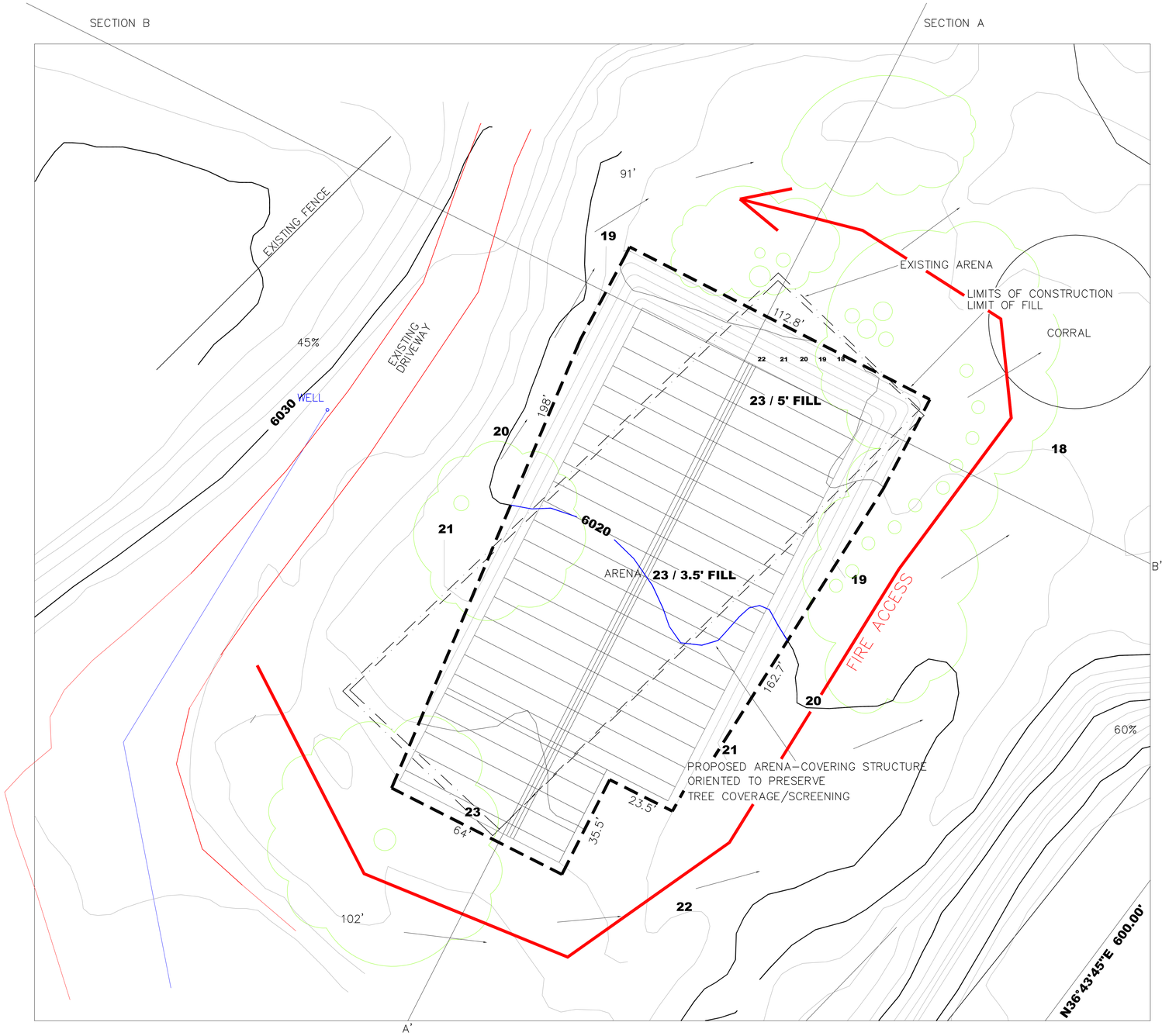
PROFESSIONAL ENGINEER-STATE OF NEVADA
HUGH
No. 10310
CIVIL

SEPTEMBER 1, 2023
EXP 12/31/24
1351

ENLARGED AERIAL VIEW
3400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 3

WSUP23-0029
PUBLIC COMMENT



PROPOSED FILL = 309 CU YD
THERE IS NO PROPOSED SOIL EXPORT FROM THE SITE

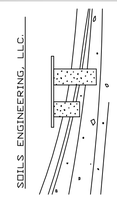
NOTE: SITE DRAINAGE PATTERNS WILL NOT CHANGE AS A RESULT OF THIS PROJECT

BMPs ARE NOT PROPOSED FOR THIS PROJECT AS GRADING WILL OCCUR IN A SINGLE PHASE LASTING LESS THAN 30 DAYS

NOTE: THERE ARE NO SLOPES WHICH AFFECT THE STRUCTURAL INTEGRITY OF THIS BUILDING

THE THRESHOLDS OF A GRADING PERMIT ARE NOT MET BY THIS PROJECT.

REVISIONS	BY



SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

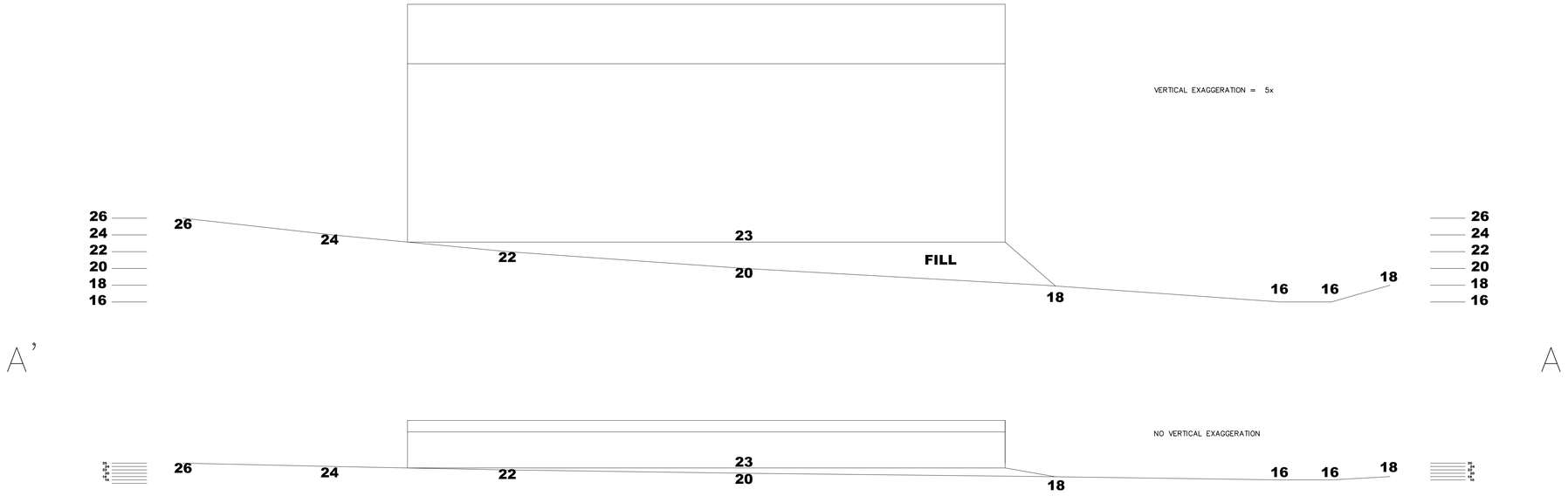
SEPTEMBER 1, 2023
EXP 12/31/24
1351

CIVIL LAYOUT - PRELIMINARY
3400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET:

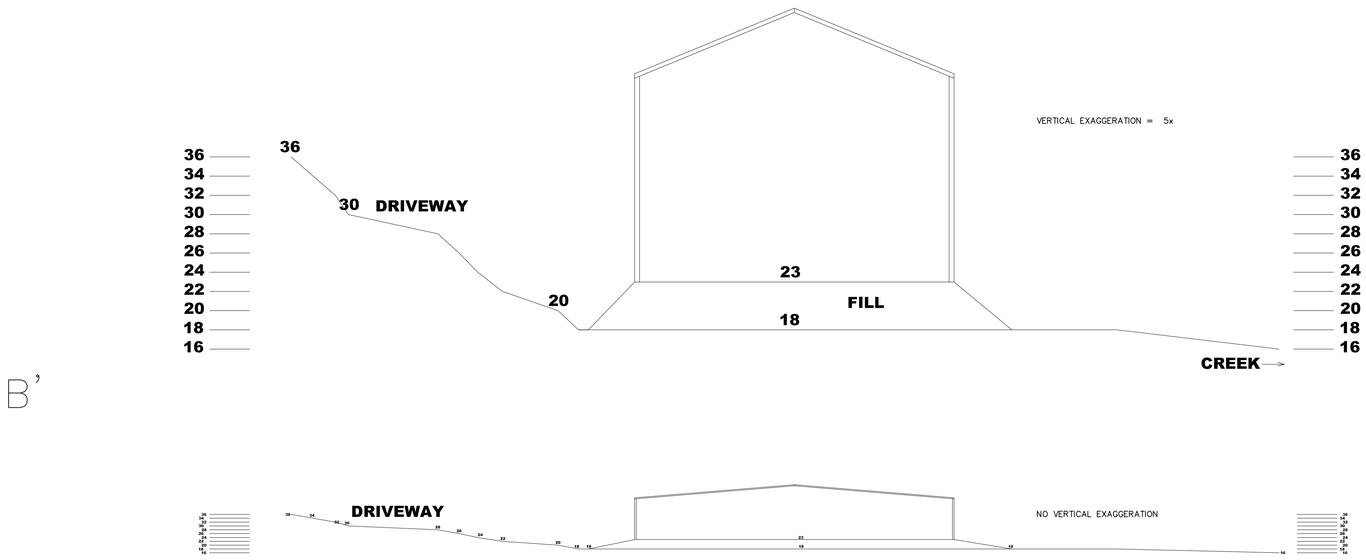
SUP 4

WSUP23-0029
PUBLIC COMMENT



SECTION A' – A

1" = 10'



SECTION B' – B

1" = 10'

REVISIONS	BY

SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

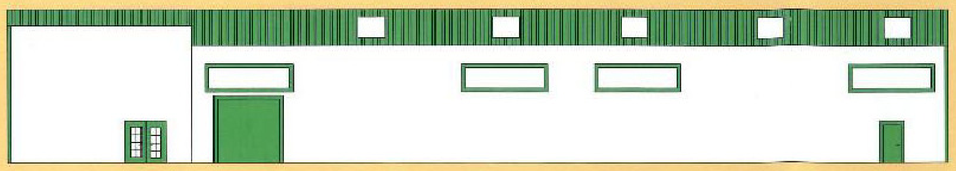
PROFESSIONAL ENGINEER-STATE OF NEVADA
HUGH EDWARDS
CIVIL
No. 10310

SEPTEMBER 1, 2023
EXP 12/31/24
1351

SECTIONS
3400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

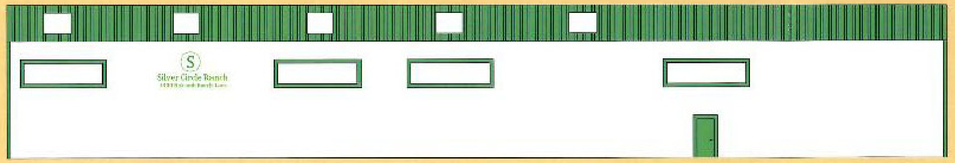
DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 5

WSUP23-0029
PUBLIC COMMENT

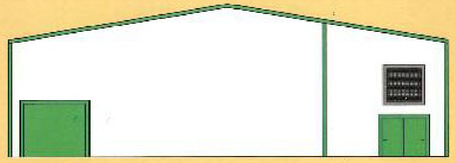


SOUTHEAST VIEW

NORTHEAST VIEW



NORTHWEST VIEW



SOUTHWEST VIEW

SCALE: 1"=10'

REVISIONS	BY

SOILS ENGINEERING, LLC.
10000 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

PROFESSIONAL ENGINEER-STATE OF NEVADA
HUGH EDELEN
CIVIL
No 10310

SEPTEMBER 1, 2023
EXP 12/31/24
1351

ELEVATIONS
3400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 6

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “3”

EXHIBIT “3”

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “4”

EXHIBIT “4”

Special Use Permit WSUP21-0036 and WADMIN21-0016 Silver Circle Ranch
Board of Adjustment Hearing date February 3, 2022

Holcomb Ranch Community Opposition to
WSUP21-0036 and WADMIN21-0016
Presentation to Board of Adjustment

Dear Honorable Members of the Board of Adjustment:

We are a group of neighbors who live immediately adjacent to and in the area surrounding 3400 Holcomb Ranch Lane, where a commercial equestrian center has been proposed to be constructed, despite significant flaws which render the scale of this use incompatible with the site and detrimental to the surrounding residential properties. Although we respect the desire of the clients of the applicant, Pro Pony LLC ("Applicant"), to have a recreational facility, most, if not all, of these clients do not live in our neighborhood and may not understand the consequences of a having a large commercial enterprise next door. We neighbors are thankful for this hearing before the Board of Adjustment since Pro Pony has been operating without authorization for its commercial use for 2 years.

We are asking you to consider that the Applicant has not described the full extent of the impacts of its proposed use to the neighborhood. This incompatible use proposal would create a number of significant issues including groundwater contamination, nuisance conditions, fire safety concerns, and direct harm to neighboring uses.

Moreover, the Applicant refers to its request for an SUP as an "grandfathered horse stable operation", which is an incorrect characterization of the allowed use on the property. A commercial stable is only permitted with a special use permit, otherwise the use is prohibited. We understand that a significantly smaller commercial stable operation functioned at this site 12 years ago, but since then has not been a commercial enterprise; instead, it only had stables for private use. Because the commercial stable aspect of this property has not been in effect for many years, it is not grandfathered under Washoe County Code. *See* WCC 110.904.20(a)(2) ("If such a [nonconforming] use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located").

There were never 23 horses on this property. There were no high intensity lights. Amplified public address systems were never used. No clinics, shows, competitions or other events were held inviting horses and riders that were not on-site. No industrial sized 13,580 square foot metal building rising 4 stories above the existing grade ever existed. Thus, this application should not be given any treatment as a "grandfathered" use. We respectfully request that this Board consider all of the significant and adverse impacts that this immense use will have on our small neighborhood.

WSUP23-0029
PUBLIC COMMENT

Comments relating to WSUP21-0036

A commercial operation is not compatible with our neighborhood as it exists today. In order to approve this SUP for new commercial stable 5 findings must be satisfied. These findings cannot be met.

1. Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan

Staff Comment:

"The Area Plan acknowledges that residents own horses and, 'the area still possesses a rural quality that pays homage to its Western heritage.' "

Opposition Comment:

This incompatible use proposal is inconsistent with several policies of the Southwest Truckee Meadows Area Plan, including but not limited to the following:

- Policy SW.2.5: Significant lighting is proposed, but the Area Plan requires lighting be minimized to ensure "dark sky" standards.
- Policy SW.2.10: The impact of new uses on adjacent properties must be mitigated through a community process. The Applicant has only invited its supporters, who are not adjacent property owners, to its community process. The affected community has been left out of this sham process.
- Policy SW.2.13: The proposed use must consider the impacts to the neighborhood, including with respect to traffic, lighting, hours of operation, parking, and safety. The neighbors have been left out of this process and cannot be assured that these impacts have been mitigated.
- Policy SW.2.14: Approval of this SUP must include a finding that the community character will be adequately conserved through mitigation of potential negative impacts. Considering that staff is recommending approval with only standard and de minimis conditions of approval, this finding cannot be met.
- Policy SW.10.3: Approval of this SUP must include a finding that no significant degradation of air quality will occur. The wear on the land from a herd of commercial horses will eliminate any grasses on the meadow. The barren pastureland will allow dust, pollutants, and ground up feces to become airborne and cause further burden to downwind property owners. We are not aware of any demonstration from the Applicant that these conditions will be mitigated.

Furthermore, many of the neighbors own horses and cattle but not as an intensive commercial operation – they are for our own use and enjoyment. There is nothing whatsoever about the boarding of 23 horses with just 3 acres of pasture and the proposed construction of a featureless 13,580 square foot building rising 4 stories above ground level that pays homage to our Western Heritage.

2. Site Suitability. Adequate utilities, roadway improvements, sanitation, water supply drainage, and other necessary facilities have been provided [….]

Staff Comment: "The site is physically suitable for the type of development. The site has been used as commercial stable for many years…"

Opposition Comment:

It is our understanding that commercial horse boarding ceased on or about 2010. Warren Nelson's horses were kept there after that. When the property was sold to Pro Pony, there were no horses on site and no commercial operation had existed for over a decade. Pro Pony did not take over a grandfathered commercial stable use. They bought land with a stable and a barn on it and now seek to convince this body that the abandoned use should be grandfathered, despite the clear Washoe County Code provisions to the contrary. There has never been as many as 23 horses on site until Pro Pony bought the property. Please see section A below that lists the degradation that has occurred with that level of intensity.

Additionally, there is not adequate sanitation or drainage which exists on the site to serve this intense, incompatible use. We understand that the property runs on septic, and will not have the capability to serve a commercial enterprise with patrons on the premises constantly. The sheer number of the Applicant's supporters (who are not neighbors) should indicate to this body the amount of additional traffic and sewage usage at this site.

Finally, increasing the number of permitted horses on this site will create significant drainage issues for adjacent neighbors living downstream. Toxins from urine, feed, and other chemicals will pollute adjacent properties and creeks.

3. Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: "The commercial stable is existing with two outdoor arenas on site."

Opposition Comment:

Staff's comment is demonstrably false. This is an application to establish a new commercial stable operation. It does not exist. There were never outdoor arenas until Pro Pony started operating without having obtained this special use permit. There were 3 acres of irrigated pasture. There was an outdoor riding ring, a rectangular outdoor riding area that could be used for dressage practice and a round pen.

Staff Comment: The conditions of approval will further provide requirements for the facility to operate without significant negative impact upon the surrounding area…"

Opposition Comment:

We cannot find any meaningful operating conditions in the staff report that address issues critical to securing the quiet enjoyment and character of our neighborhood. We believe that a new commercial operation is detrimental to the character of our neighborhood, injurious to adjacent properties and detrimental to the public safety on Holcomb Ranch Lane.

If, however, you decide that the findings required for approving a SUP for a new commercial stable can be made after taking into consideration the public testimony on February 3, 2022, you have the authority to impose operating conditions for the life of the business that should be applied to any new commercial use moving into a high density rural neighborhood.

The following are issues that we feel need to be addressed at a minimum:

1. **There should be a maximum of 12 horses allowed**.

5 for personal use and 7 for boarding/lessons. When Warren Nelson was alive he lived on site. During that time there were on average 8 to 9 horses. Commercial boarding had been discontinued for over a decade when Pro Pony purchased the property. Their commercial activity that was not authorized by a special use permit has increased the number of horses from 0 to 23. The prior use was residential, not commercial. Now, the owner and the trainers do not live on site.

The correct starting point for analyzing the incremental impacts of this application is from 0, not from 23. In addition, the number of horses is not the whole story. With horses used for personal use only one rider is typical. With a business emphasis on lesson horses the number of riders increases tremendously and the impact on the neighborhood increases along with it.

Pro Pony's current unauthorized operation of a 23 horse commercial stable has already had a significantly detrimental effect on the character of the area as detailed in the following pages.

A. The Site is not Suitable.

Today what once was 3 acres of scenic grass pasture has been divided into a number of paddocks turning into dirt. Today on this turn in the road, manure is visibly piled in front of a residence and an unattractive large metal cargo container is parked. See Pictures 1, 2 and 3.

B. Significant detriment to the Public Safety.

There has already been a significant increase in the traffic caused by the 23 horse operation that has not been authorized by a special use permit. The focus should not be

on the increase in traffic from a 23 to a 25 horse operation, rather the proper focus should be on the increase from 0 to 25 horses. This is an application for a new commercial operation and the full impact of the number of trips that logically result from Pro Pony's needing to request a 31 car parking lot needs to be evaluated. The size of this parking lot would be larger than many strip mall lots on Longley Lane and throughout intense mixed used areas of Washoe County. A truck and trailer coming from the west on Holcomb cannot make a right turn into the driveway without veering into oncoming traffic. What effect does that have on the safety of both vehicles and the bicyclists that use this route constantly? See Pictures 4, 5 and 6.

C. Detrimental to the Adjacent Properties.

The smell of urine from the stable and from the manure pile resulting from the current level of a 23 horse operation is unimaginable. The application does not even mention that an amplified public address system is used and destroys the quiet enjoyment. The application does not disclose that during their unauthorized commercial use operation high intensity lights have been installed on 25 to 30 foot poles that ruin the nights. The use of an amplified public address system and the high intensity lights should be prohibited at all times. There are residences adjacent to the south, east and diagonally west as well as on the rise directly above the site. See Pictures 7 and 8.

D. Detrimental to the Character of the Surrounding Area.

Many horses and cattle are in the area but not as a part of an intense commercial enterprise. Simply put, a commercial enterprise in this neighborhood is not an appropriate use. A 23 horse operation is not compatible with the neighborhood that exists in 2022.

2. All Buildings should meet Commercial Code Standards.

This is a new use that must come into compliance with all applicable building codes. The application is not merely a change to an existing nonconforming use. It does not appear that this new commercial operation meets existing commercial building standards. The barn, the stable, the apartments, the trainers' full bath and the public restroom should be required to comply with current commercial codes relating to, among other things, fire, electrical, plumbing, and Americans with Disabilities Act access.

3. Environmental concerns for Pollution by Animal Waste need to be addressed.

There are Washoe County protection requirements for keeping urine and manure from leaching into the ground water, Dry Creek and Last Chance Ditch which all flow through the property and onto the property that is directly across Holcomb Ranch Lane. If a horse drinks 20 gallons of water per day most of that comes out the "other end" as urine and makes its way into the ground water and adjacent creeks – especially during the times of year when the pasture is flood irrigated.

A horse may produce 50 pounds of manure daily. Add another 60 to 70 pounds of barn waste daily and it is readily apparent that tons of animal and barn waste should be removed offsite by third party contractors and kept in enclosed dumpsters in the interim.

4. **Competitions/Clinics/Shows etc. should be expressly prohibited on site**.

Competitions, clinics, shows, and other such large gathering events were not held before Pro Pony began their operation without the appropriate use permission from the Board of Adjustment. The applicant has requested competitions, clinics and shows with 50 riders from the "community". When the addition of parents, other trainers and spectators, horses, trucks and trailers are considered, it is likely that 150 to 200 people will be on site at any given event. These types of events would have a significant impact on the surrounding neighborhood and especially so on the immediately adjacent neighbors, who oppose this application.

Furthermore, allowing such events goes beyond what is permitted for a commercial stable use. Bringing in horses, riders and spectators does not fit the definition of a commercial stable operation. They have been using an amplified public address system. These types of public events should require permits for outdoor entertainment or other extremely intense uses. These type of events might be suitable for properties with 35 to 40 acres, but they are not well suited for properties of this size adjacent to residential homes.

The application provides no analysis of the incremental traffic impact caused by those events. The weekends are probably the times most heavily used by cyclists who would be jeopardized by trucks and horse trailers, especially when driven by people unfamiliar with the area.

The Applicant indicates that the upper pasture area can be used for trailer parking. Only 1 access per parcel is permitted on Holcomb Ranch – that is the driveway. There is no other access to the upper pasture permitted via Holcomb Ranch.

There is one public restroom in the barn and only a 2,000 gallon residential rated septic system– being used by 150-200 people. This is woefully insufficient.

5. **Hours of Operation**.

Lessons, training, etc. should be limited to the hours between 7 AM to 6 PM, or until sundown, whichever is earlier, Tuesday through Saturday. There are residences all around this site that are affected by this operation. Any other operating hours would significantly injure our quiet enjoyment.

6. **Washoe County Health**.

We agree with the condition included in the staff report. In addition, County Health and appropriate agencies should monitor how the horse wash stall waste water and high

pressure barn/stable cleaning water is captured by the septic system to avoid polluting ground water and streams running through the property and onto neighbors' property.

Comments relating to WADMIN21-0016

An industrial sized metal building does not honor the history of Warren Nelson and Silver Circle Ranch.

1. **Accessory Use**.

The proposed 13,580 square foot building that is approximately 29 feet tall is "being addressed as an "accessory use" according to the application. However, the owner and trainers do not live on the site, so the primary use cannot be considered residential. It is clear that this massive building would be a significant part of the primary use. There are 3 apartments in the barn with total square footage of 1,400. This is not appropriate and the Board should reject the idea that the enormous metal building is merely accessory.

2. **The Site Is Not Suitable**.

The building will sit on about 10 feet of fill because it will be in a FEMA Flood Zone AE. This is a serious concern, as demonstrated in the picture we provide depicting water running through the site in 2017. See Picture 9.

More importantly, if completed the 13,580 square foot building would be about 39 feet above the existing grade. This site is certainly not suitable for a building of even half that height. The size and footprint of the building would cover an entire lot in a residential area – more than a quarter acre.

3. **The Building is Injurious to the Adjacent Properties and Detrimental to the Character of the Surrounding Area**.

The narrative of the application fails to mention that the height of this building is 29 feet. If completed it would sit about 39 feet above the existing grade due to the added fill. That is the equivalent of a 4-story high rise in this rural residential neighborhood. The design is featureless and the material is metal. It has an industrial feel and impact that is totally incompatible with the surroundings. See Picture 10. The proposed building clearly does not blend into the character of the residences adjacent to the south, east and diagonal. See Pictures 11, 12, 13 and 14.

If approved, Pro Pony will cut down at least 14 cottonwood trees that are 30 to 50 feet tall and replace them with this building. The loss of these 14 mature trees is a significant environmental impact that will be "detrimental to the character of the surrounding area".

By our estimate, the building would be built extremely close to Holcomb Ranch Lane and after adding 10 feet of fill would rise about 21 feet above it. Yet the Applicant has the audacity to request a waiver of commercial landscaping and screening requirements.

Allowing this metal building to take the place of 14 existing mature trees is completely inappropriate for this rural residential neighborhood.

There is nothing whatsoever about the building "that pays homage to [the area's] Western Heritage" as described by the Southwest Area Plan. This metal building would be about twice as tall as Tom Dolan's Kia Dealership on South Virginia Street and about twice as tall as Les Schwab Tire on South Virginia Street. Both of those commercial buildings are about 15,500 square feet. This metal building is 13,580 square feet. There is no site on this property that is suitable for such a massive industrial structure in the middle of a residential neighborhood. It would have a disastrous impact on the adjacent properties and on the character of our neighborhood. See Picture 15.

4. **The "neighborhood meeting" excluded actual adjacent neighbors and did not accurately describe the impacts to the neighborhood**.

Flying Diamond Ranch at 8790 Lakeside Dr. (the property adjacent to the north), and The Hsu family 3600 Holcomb Ranch Lane (property adjacent to the southwest) did not receive notices of a meeting. There were only 2 actual neighbors present at the meeting. Those notices were not mailed. They were taped to the outside of the mailbox. It was an invitation for an open house and did not mention the topics of discussion. While the neighbors were present about 35 people were in attendance. There was no indication that a metal building 13,580 square feet and 29 feet tall was going to be delivered to the site on January 17, 2022.

5. **Letters in support attached to Staff Report are not from neighbors; supporters live across town and will not be affected; should not be considered by the Board of Adjustment**.

For the most part the writers of the support letters do not live in the neighborhood or the nearby vicinity. On average they are about 10 miles distant from the site.

We do not believe that the Board of Adjustment can give reasoned consideration to the information received during the public hearing, and make the five findings required by Washoe County Code. The proposed use is not consistent with the Southwest Area Plan. The site is not suitable. The operation of a 25 horse commercial stable and the erection of a 13,580 square foot metal building that is 29 feet tall are definitely significantly injurious to the property and quiet enjoyment of adjacent properties. The application will be exceedingly detrimental the character of the surrounding area.

Please see the attached list of 27 neighbors of the Holcomb Ranch Community who live in the immediate vicinity of Silver Circle. They represent 41 parcels in the Planning Division District #2. They are opposed to WSUP21-0036 and WADMIN21-0016.

For all of the reasons stated in this letter, the neighboring property owners respectfully request that the Board of Adjustment deny WSUP21-0036 and WADMIN21-0016.

Holcomb Ranch Community

We, the following neighbors,
Support the Attached Presentation
in Opposition to WSUP21-0036 and WADMIN21-0016

Carol Bond
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Gordon and Suzanne Depaoli
3925 Fairview Rd.
Reno, NV 89511
APN 040-691-04

Thomas Dolan
2400 Holcomb Ranch Lane
APN 230-060-07
2855 Holcomb Ranch Lane
APN 040-412-14
100 & 200 Rillough Road
APNs 230-070-07 & -08

Nancy Flanigan
2750 Holcomb Ranch Lane
Reno, NV 89511
APN 230-070-17

Flying Diamond Ranch LLC
Jill Brandin
8790 Lakeside Dr.
Reno, NV 89511
APNs 040-650-44 and 040-650-46, -47, -48, -49

Bill Glass Family Trust
9300 Timothy Dr.
Reno, NV 89511
APN 040-660-03

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Tom Ghidossi
1515 Holcomb Ranch Lane
Reno, NV 89511
APN 043-062-12, -13, -14, and -15

George and Mary Hemminger
9700 Timothy Dr.
APN 040-660-01

Chris and Juliane Hsu
3600 Holcomb Ranch Lane
Reno, NV 89511
APN 040-670-13

Calvin Iida
8690 Lakeside Dr.
Reno, NV 89511
APN 040-650-27

Steve and Dona Kirby
2335 Diamond J Place
APN 230-031-10
and 2347 Diamond J Place
APN 230-031-11
Reno, NV 89511

Pete and Cindy Lazetich
9100 Timothy Dr.
APN 040-640-09
and 0 Lombardi Lane
APN 041-190-08
Reno, NV 89511

Daniel David Loose
2220 Holcomb Ranch Lane
Reno, NV 89511
APN 230-080-03

Rich Lorson
2315 Diamond J Place
Reno, NV 89511
APN 230-031-02

Morze Family Trust
4025 Fairview Rd.
Reno, NV 89511
APN 040-691-05

Sonny Newman Family Trust
9400 Timothy Dr.
Reno, NV 89511
APN 040-660-05

Ron Palmer
9675 Timothy Dr.
APN 040-650-17
And 0 Holcomb Ranch Lane
Reno, NV 89511
APN 040-650-24

Harry and Stella Pappas
8770 Lakeside Dr.
Reno, NV 89511
APN 040-650-28

Durian Pingree
2400 Diamond J Place
Reno, NV 89511
APN 230-032-02

Sheldon Schenk
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Bart Scott
3945 Lamay Circle
Reno, NV 89511
APN 040-491-41

Mark Sehnert
2371 Diamond J Place
Reno, NV 89511
APN 230-031-03

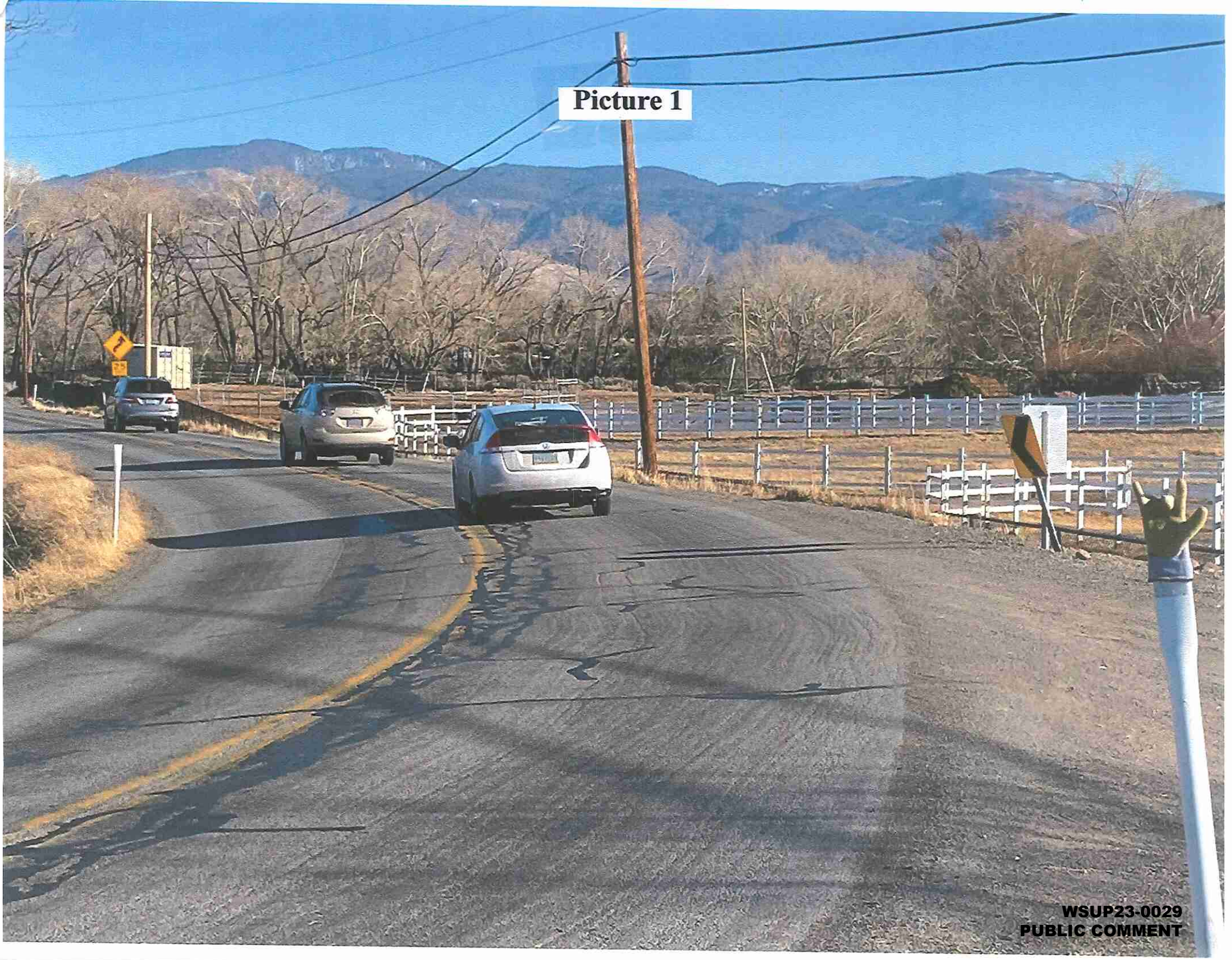
Rhonda Shafer
8777 Panorama Dr.
Reno, NV 89511
APN 040-401-16

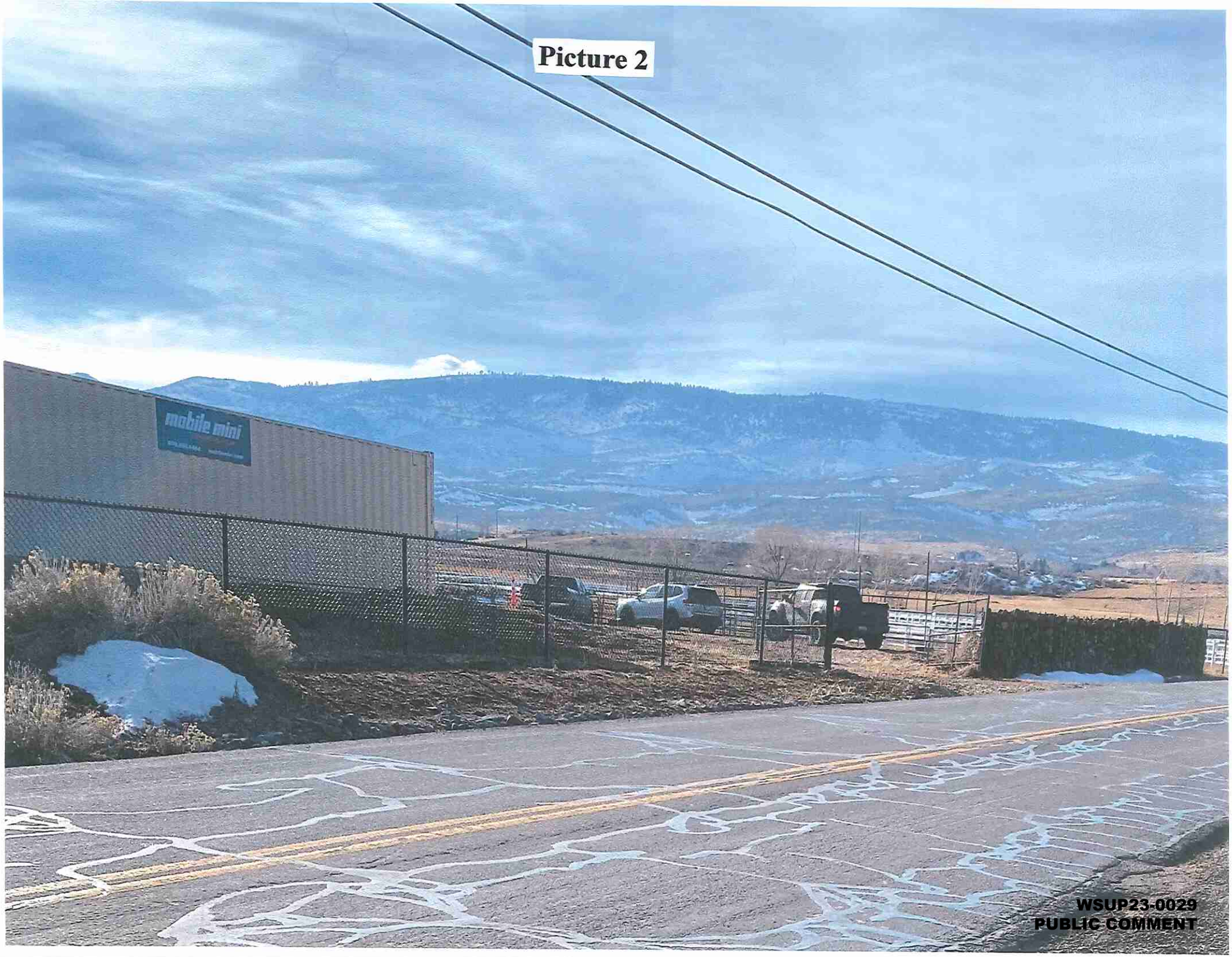
Richard Trachok
8500 Dieringer Ln.
Reno, NV 89511
APN 040-401-05
And 0 Dieringer
APN 040-401-17

Jo and Bill Vanderbeek
8771 Lakeside Dr.
Reno, NV 89511
APN 041-130-54

Dan and Vickie Vradenburg
2358 Diamond J Place
Reno, NV
APN 230-032-06

Joanne Zuppan
8801 Lakeside Dr.
Reno, NV 89511
APN 041-130-54


Picture 1
WSUP23-0029
PUBLIC COMMENT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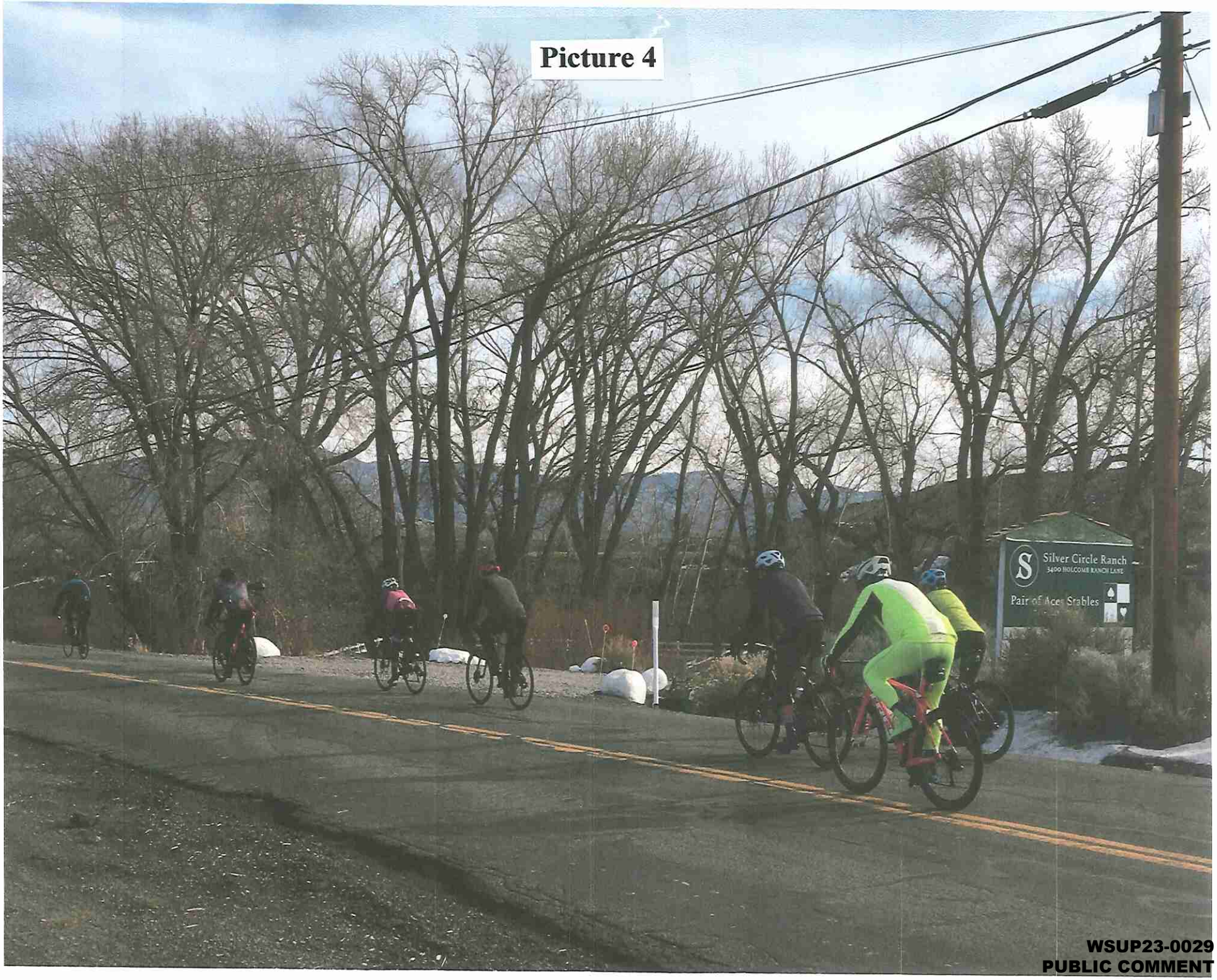
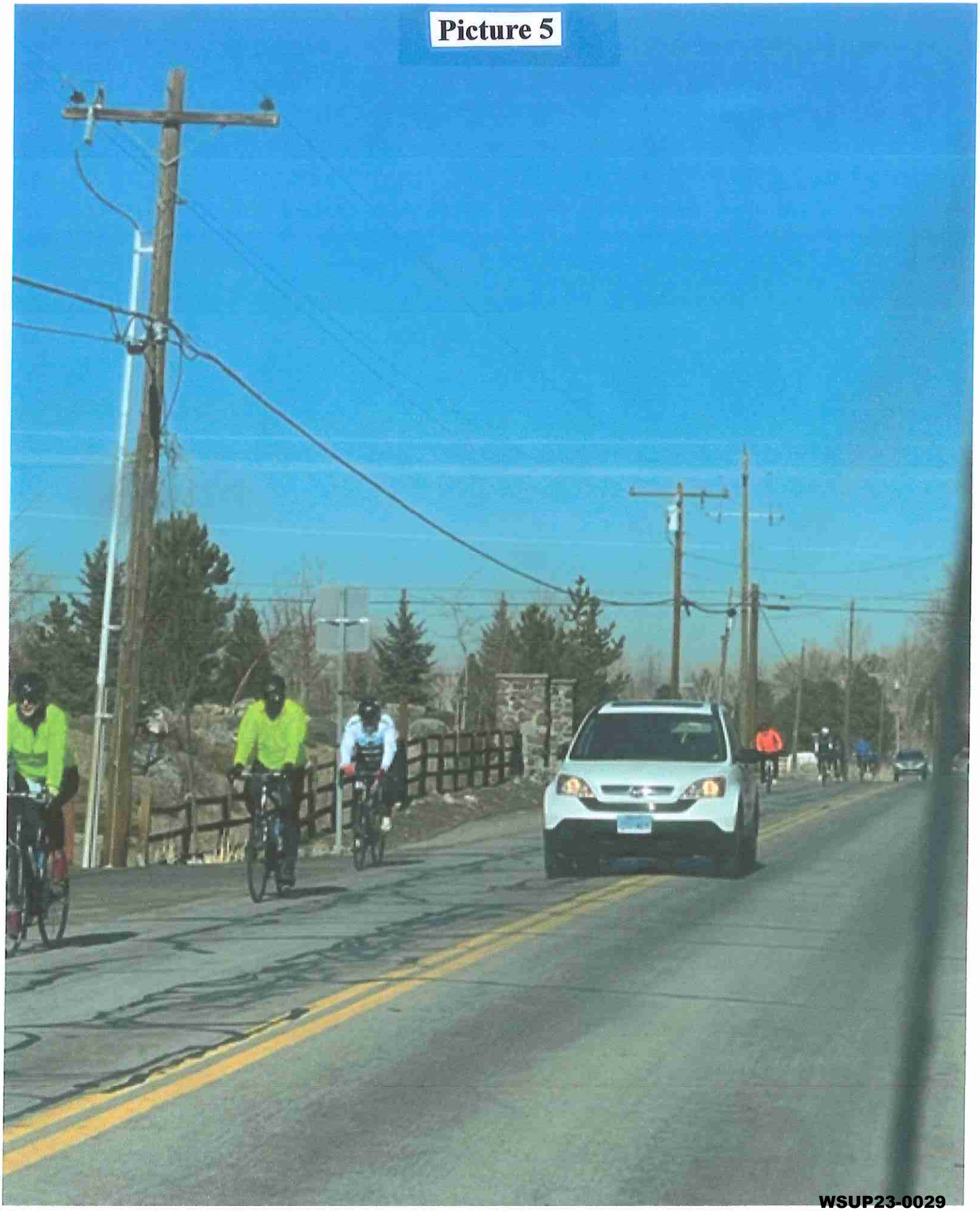
mobile mini
WSUP23-0029
PUBLIC COMMENT

WSUP23-0029
PUBLIC COMMENT



WSUP23-0029
PUBLIC COMMENT

Picture 5

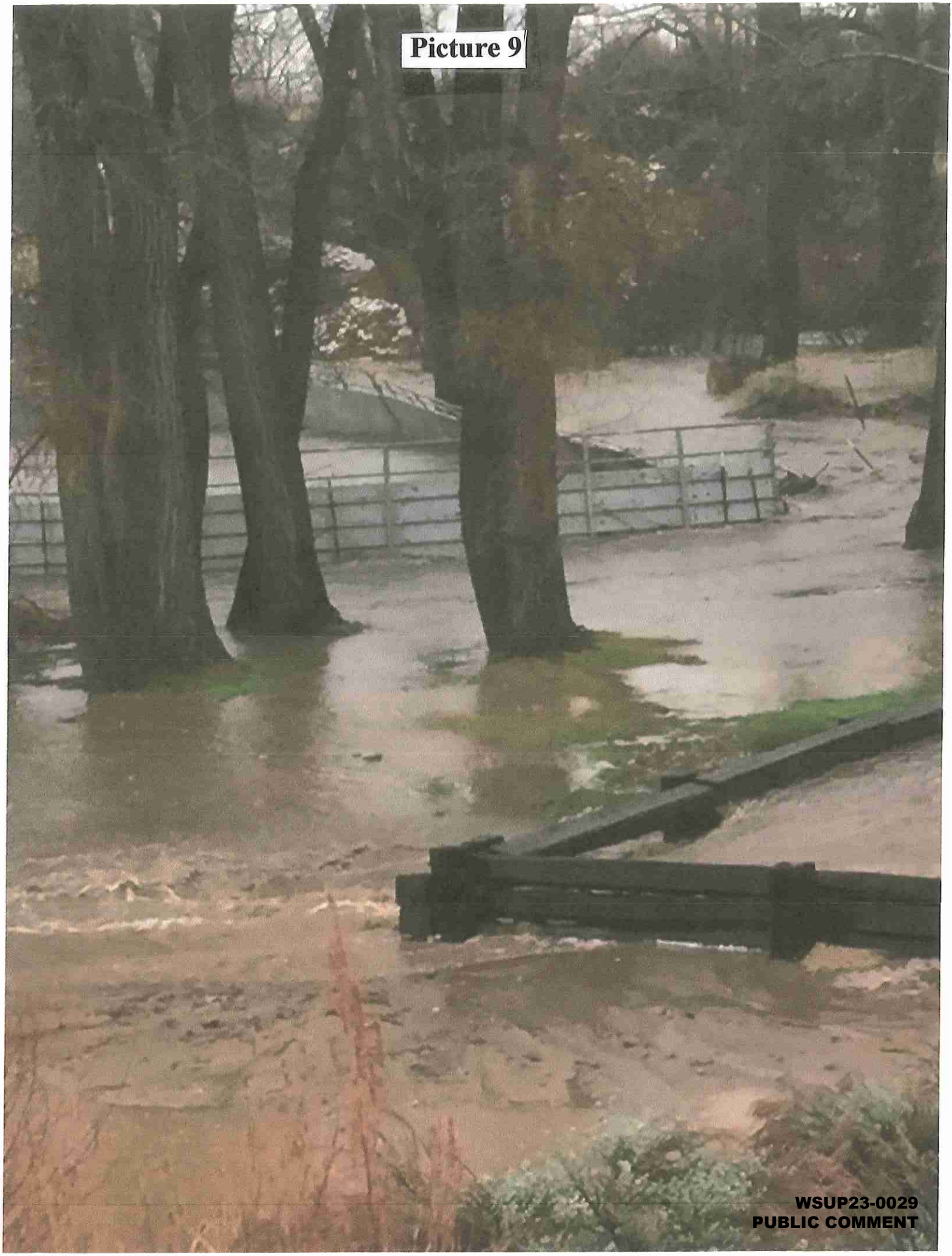


Picture 6

WSUP23-0029
PUBLIC COMMENT

Picture 7
WSUP23-0029
PUBLIC COMMENT

WSUP23-0029
PUBLIC COMMENT



WSUP23-0029
PUBLIC COMMENT

SOUTHEAST VIEW

NORTHEAST VIEW

NORTHWEST VIEW

SOUTHWEST VIEW

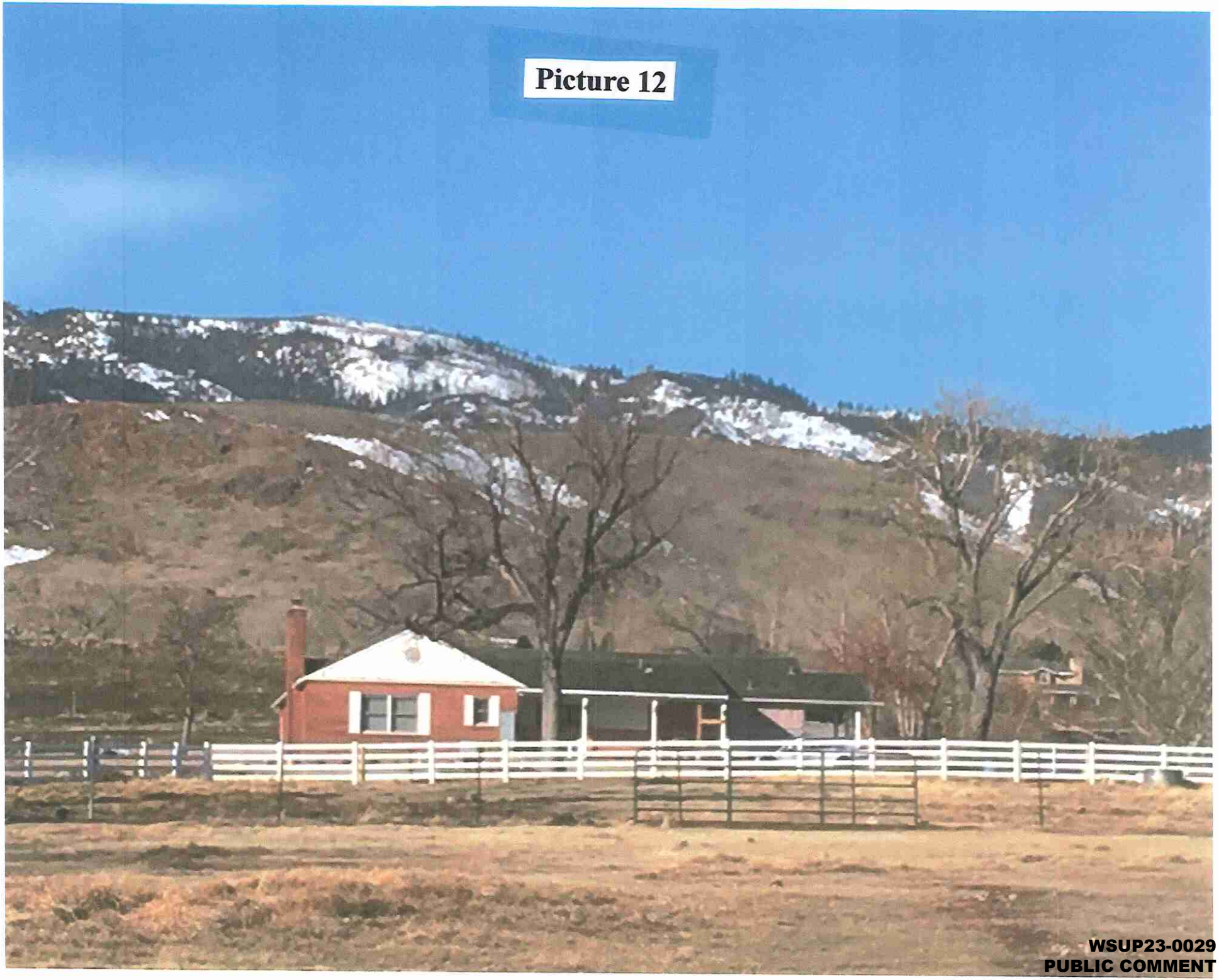
SCALE: 1"=10'

Picture 10

WSUP21-0036
/ WADMIN21-0016

WSUP23-0029
PUBLIC COMMENT

Picture 11



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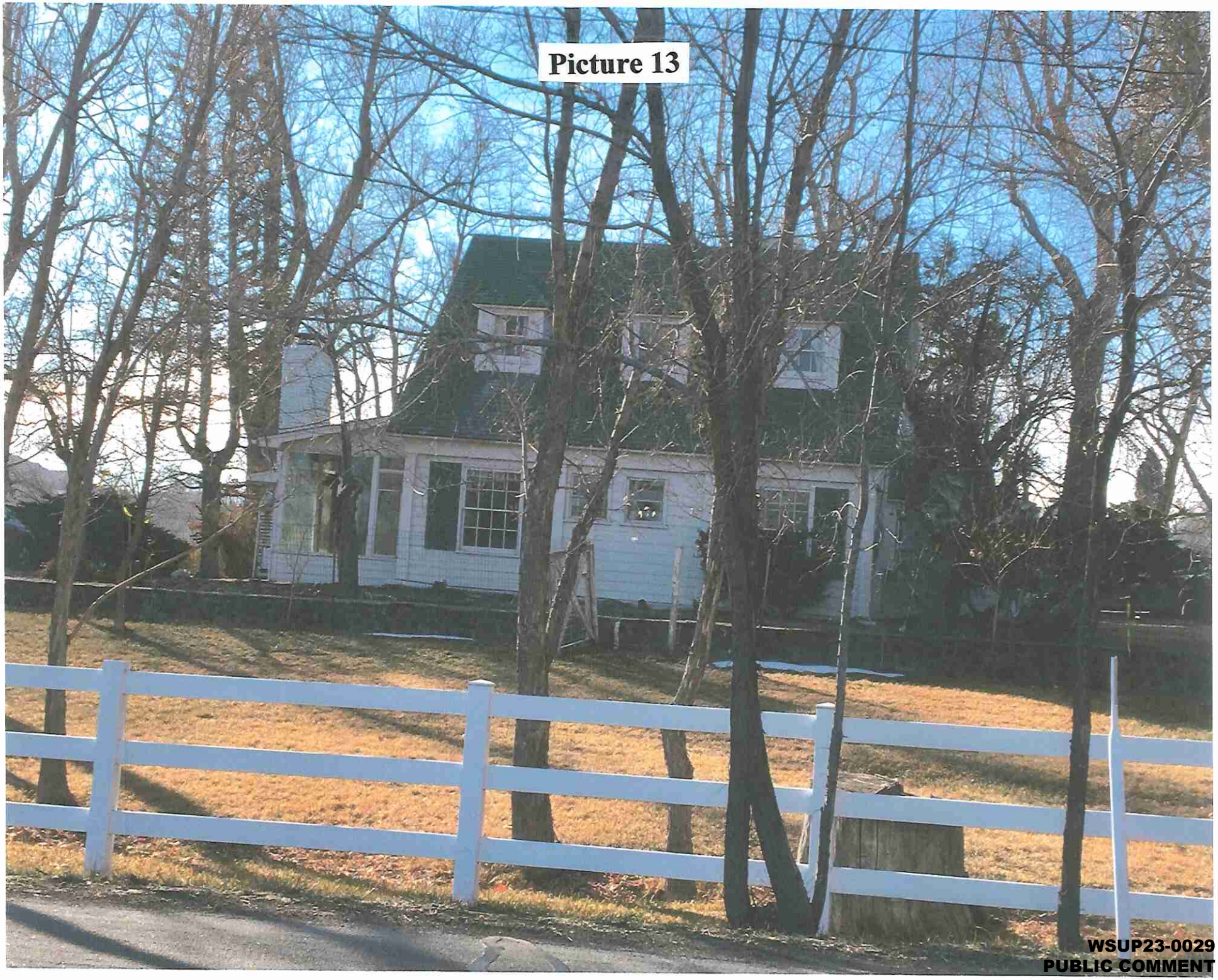
PUBLIC COMMENT



WSUP23-0029
PUBLIC COMMENT

Picture 14

WSUP23-0029
PUBLIC COMMENT

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “5”

EXHIBIT “5”

List of Neighboring Owners that Join the Opposition to WSUP23-0029

Judy Bender
8450 Dieringer Ln.
Reno, NV 89511
APN 043-052-01

Kevin Berry
3701 Fairview Rd.
and 3655 Fairview Rd.
Reno, NV 89511
APNs 040-691-12 and 040-691-11

Carol Bond
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Dan Bowen and Gloria Petroni
2327 Diamond J Place
Reno, NV 89511
APN 040-720-19

Gordon and Suzanne Depaoli
3925 Fairview Rd.
Reno, NV 89511
APN 040-691-04

Pete and Sue Digrazia
3505 LaMay Lane
Reno, NV 89511
APN 040-692-04

Thomas Dolan
100 & 200 Rillough Road
Reno, NV 89511
APNs 230-070-07 and 230-070-08
2400 Holcomb Ranch Lane
Reno, NV 89511
APN 230-060-07

Patrick and Mary Douglass
3820 Lone Tree Lane
Reno, NV 89511
APN 041-130-41

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Don Drake
100000 Thomas Creek Rd.
Reno, NV 89511
APN 044-270-03

Kurt and Hazel Fehling
2324 Diamond J Place
Reno, NV 89511
APN 230-032-05

Nancy Flanigan
2750 Holcomb Ranch Lane
Reno, NV 89511
APN 230-070-17

Flying Diamond Ranch LLC
Jill Brandin
8790 Lakeside Dr.
Reno, NV 89511
APNs 040-650-44, 040-650-46, 040-650-47, 040-650-48, and 040-650-49

Amy Furchner
3601 Fairview Rd.
Reno, NV 89511
APN 040-670-04

Bill Glass Family Trust
9300 Timothy Dr.
Reno, NV 89511
APN 040-660-03

Tom Ghidossi
1515 Holcomb Ranch Lane
Reno, NV 89511
APNs 043-062-12, 043-062 -13, 043-062-14, and 043-062-15

Ryan Greenhalgh
2600 Holcomb Ranch Lane
Reno, NV 89511
APN 230-060-10

Mike Hamel
2303 Diamond J Pl.
Reno, NV 89511
APN 230-040-02

Mary Hemminger
9700 Timothy Dr.
Reno, NV 89511
APN 040-660-01

Chris and Juliane Hsu
3600 Holcomb Ranch Lane
Reno, NV 89511
APN 040-670-13

Calvin Iida
8690 Lakeside Dr.
Reno, NV 89511
APN 040-650-27

William Kennedy
3600 Lone Tree Ln.
Reno, NV 89511
APN 041-130-12
APN 041-130-13

Steve and Dona Kirby
2335 Diamond J Place
Reno, NV 89511
APN 230-031-10
and 2347 Diamond J Place
Reno, NV 89511
APN 230-031-11

Pete and Cindy Lazetich
9100 Timothy Dr.
APN 040-640-09
Reno, NV 89511
and 0 Lombardi Lane
Reno, NV 89511
APN 041-190-08

Daniel David Loose
2220 Holcomb Ranch Lane
Reno, NV 89511
APN 230-080-03

Rich Lorson
2315 Diamond J Place
Reno, NV 89511
APN 230-031-02

Tony Maida, Keyhole Trust
3535 Fairview Rd.
Reno, NV 89511
APN 040-670-09

Steve and Greta Mestre
3801 Fairview Rd.
Reno, NV 89511
APN 040-691-02

Morze Family Trust
4025 Fairview Rd.
Reno, NV 89511
APN 040-691-05

Sonny Newman Family Trust
9400 Timothy Dr.
Reno, NV 89511
APN 040-660-05

J.P. and Bob Puette
8741 Lakeside Dr.
Reno, NV 89511
APN 041-130-53

Art O'Connor
1100 Holcomb Ranch Lane
Reno, NV 89511
APN 040-270-12

Gary Owens
8895 Lakeside Dr.
Reno, NV 89511
APN 041-130-57

Ron Palmer
9675 Timothy Dr.
Reno, NV 89511
APN 040-650-17
And 0 Holcomb Ranch Lane
Reno, NV 89511
APN 040-650-24

Harry and Stella Pappas
8770 Lakeside Dr.
Reno, NV 89511
APN 040-650-28

Durian Pingree
2400 Diamond J Place
Reno, NV 89511
APN 230-032-02

Sheldon Schenk
7240 Lakeside Dr.
Reno, NV 89511
APN 040-573-03

Bart Scott
3945 LaMay Circle
Reno, NV 89511
APN 040-491-41

Sandy Scott
1175 Holcomb Ranch Lane
Reno, NV 89511
APN 043-061-05
And 3810 and 3820 LaMay Circle
Reno, NV 89511
APNs 040-491-06 and 040-491-07

Mark Sehnert
2371 Diamond J Place
Reno, NV 89511
APN 230-031-03

Rhonda Shafer
8777 Panorama Dr.
Reno, NV 89511
APN 040-401-16

Todd and Rachelle Shaw
10290 Dryden Dr.
Reno, NV 89511
APN 230-070-10

Blake and Ruth Smith
4005 Odile Ct.
Reno, NV 89511
APN 041-190-15

Jo and Bill Vanderbeek
8771 Lakeside Dr.
Reno, NV 89511
APN 041-130-54

Julane Wehbe
4090 LaMay Lane
Reno, NV 89511
APN 040-491-31

Lysle and Suzi Winchester
3155 Holcomb Ranch Lane
Reno, NV 89511
APN 040-650-25

Joanne Zuppan
8801 Lakeside Dr.
Reno, NV 89511
APN 041-130-43

EXHIBIT “6”

EXHIBIT “6”

The true **value** of the historic Silver Circle Ranch is enhancing the connection between horse and human in a way that they can both grow together.

The **goal** is to build a small, safe indoor riding arena for consisent care and training in the often harsh Nevada Weather.

Our **idealogy** is the safety and well-being of the horses and riders. We believe in the incredible potential of our students and our top priority is to maintain their safety and allow them to maximize their potential.

WSUP23-0029
PUBLIC COMMENT

- Silver Circle Ranch has been a commercial stables since the 70's. 12.56 acres. 33 stalls.
- Founder was Warren Nelson, his daughter Gail and her husband continued his Legacy.
- Pro Pony llc, Bruce & Landess Witmer bought in 2019, "to continue their family tradion."
- No complaints from anyone regarding any event, lesson, clinic, or children's camp for years until Pro Pony sought a premit for an indoor riding structure, 11,580sf.
- Indoor does NOT add any traffic. Special events permit dictates less than 99 people and only a certain number of events allowed in a year. Just like anyone else in the neighborhood hosting birthday parties, weddings, etc.
- Indoor riding arena is a roof on a riding area that has always been in use. Smaller than the existing dressage court in this lower area of the property. No IMPACT on anyone's views.
- We know Development is here; County already approved 24 homes next door on the upper side.
- 500+ Neighbors ARE in Favor w/i a 3mile radius.
- No increase in traffic, Pair of Aces Stables with Liz Reader as trainer has been in business here since 2019.

EXHIBIT “7”

EXHIBIT “7”

WASHOE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

Board of Adjustment Members
Kristina Hill, Chair
Clay Thomas, Vice Chair
Don Christensen
Rob Pierce
Brad Stanley

Secretary
Trevor Lloyd

Thursday, February 3, 2022
1:30 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

and available via
Zoom Webinar

---

1. **Determination of Quorum** [Non-action item]

   Chair Hill called the meeting to order at 1:30 p.m. The following members and staff were present:

Members Present:	Kristina Hill, Chair Clay Thomas, Vice-Chair Don Christensen Rob Pierce Brad Stanley
Members Absent:	None
Staff Present:	Chris Bronczyk, Planner, Planning and Building Division Julee Olander, Planner, Planning and Building Division Katy Stark, Planner, Planning and Building Division Roger Pelham, Sr. Planner, Planning and Building Division Michael Large, Deputy District Attorney, District Attorney's Office Lacey Kerfoot, Recording Secretary, Planning and Building Division Donna Fagan, Account Clerk II, Finance and Customer Service Adriana Albarran, Recording Secretary, Planning and Building Division

2. **Pledge of Allegiance** [Non-action item]

   Member Pierce led the pledge of allegiance.

3. **Ethics Law Announcement** [Non-action item]

   Deputy District Attorney Large recited the Ethics Law standards.

4. **Appeal Procedure** [Non-action item]

   Secretary Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. Public Comment [Non-action item]

Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the agenda. However, action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item. Comments are to be made to the Board of Adjustment as a whole.

Wayne Ford provided an update regarding his daughter's improved health conditions. She was attending the meeting with him.

6. Approval of the Agenda [For possible action]

In accordance with the Open Meeting Law, Chair Hill moved to approve the February 03, 2022, agenda with the following reordering: 8C continued to next meeting, order changed to 8A followed by 8F.

MOTION: Chair Hill moved to approve the agenda with re-ordered items. Member Thomas seconded the motion. The motion carried unanimously.

7. Approval of the January 06, 2022 Draft Minutes [For possible action]

Member Stanley moved to approve the minutes of January 06, 2022 as written. Member Pierce seconded the motion which carried unanimously.

8. Public Hearing Items [For possible action]

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

C. Special Use Permit Case Number WSUP21-0033 (Williams Scotsman) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to allow for storage of manufactured home style portable buildings within an Industrial regulatory zone. There are also requests to vary standards to waive the requirements for paving the driveways and storage yard, waive additional screening beyond the slatted chain link fence surrounding the site, waive improvements to stormwater drainage, and waive additional landscaping beyond the existing landscaping along both road frontages. The project site is currently occupied by a modular building business and the site would act as a storage facility for rental modular buildings between deliveries to job sites. These modular rental units are utilized as office and job site trailers.

- Applicant/Owner: Williams Scotsman, Inc.
- Location: 12050 Truckee Canyon Court, Washoe County
- APN: 084-090-41
- Parcel Size: 4.23 acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Truckee Canyon (TC)
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3618
- E-mail: kstark@washoecounty.gov

WSUP23-0029
PUBLIC COMMENT

This item was continued until the March meeting.

There were no requests for public comment. Chair Hill closed the public comment period.

MOTION: Member Stanley moved to continue this item until the March meeting. Member Pierce seconded the motion. The motion carried unanimously.

Chairwoman Hill recused herself from item 8A (The Resort at Tahoe and Residences) and exited chambers at 1:40 pm

A. Special Use Permit Case Number WSUP21-0035 (The Resort at Tahoe and Residences) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for major grading of the project site and connector roadways to prepare for the redevelopment of the Tahoe Biltmore property. The applicant is also seeking to vary the following standards from Article 438; Section 110.438.45(a); 110.438.45(b); 110.438.45(c); 110.438.45(f); and 110.438.45(i). The applicant is proposing the excavation of 197,500 cubic yards of material, and 42,000 cubic yards of fill material, and exportation of 155,500 cubic yards of material.

- Applicant: EKN Development Group
- Property Owner: EKN Tahoe LLC & Big Water Investments
- Location: 47 Redervoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR 28 and 0 SR 28
- APN: 123-071-04; 123-054-01; 123-053-04; 123-053-02; 123-052-04; 123-052-02; 123-052-03; 123-071-35; 123-071-36; 123-291-01
- Parcel Size: 0.64 ac; 1.00 ac; 0.18 ac; 1.42 ac; 3.23 ac; 0.28 ac; 0.28 ac; 0.45 ac; 0.42 ac; 2.77 ac (Total: 11.12 ac)
- Master Plan: Crystal Bay Tourist
- Regulatory Zone: Tahoe Crystal Bay Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Member Thomas called for member disclosures. There were no disclosures.

Planner Chris Bronczyk provided a presentation.

Member Pierce inquired about the radio facility. He said he heard that wasn't going to be interrupted during grading procedure, but what about when you do the tear down. Mr. Bronczyk said staff is working with regional communications who understands the permitting process. They are working with the applicants. Part of the conditions is that there are no interruptions or hiccups with the equipment.

Member Stanley asked for clarification regarding interruption to the connector roads. Mr. Bronczyk said as part of the previously approved abandonment and variance, the applicant

WSUP23-0029
PUBLIC COMMENT

was required to provide additional routing, new routing and that is where the new connector roads to Wellness Road came in.

To fully abandon the existing roadways, they not only have to meet the abandonment variance but also the requirements from NDOT, engineering, and TRPA. TRPA requires them to have all the permits before anything gets issued. Member Stanley said in terms of timing, through this process, what is the length of time that the connector roads won't be in-use. Mr. Bronczyk said he will defer to the applicant. Member Stanley inquired about the Conservation District comments regarding loss of trees and replacement commitment. Mr. Bronczyk responded because this permit only looks at grading, we didn't memorialize those conditions in the conditions of approval.

Member Thomas asked for clarification on the 'new' conditions that were submitted that went from two years to five years. Mr. Bronczyk confirmed. He said those are condition 1.C.

Member Christensen asked about the radio equipment. He said he understands it's not a military installation, but an important communication transmission site. He asked about the recourse if something gets knocked out during grading. He asked if there is recourse with grading. Mr. Lloyd said any interruptions would be like any other inadvertent damage. There would be repercussions. He said he doesn't have specifics, but the applicant would be at-fault.

Applicant Ebbie Nakhjavani provided a presentation.

Member Pierce asked a clarifying question; the community park and open space will not be used for storage. Mr. Nakhjavani confirmed.

Member Thomas thanked everyone for submitting their public comment. He reiterated what staff said earlier. We are not here to address what TRPA has decided. We are deciding the SUP with grading. The TRPA would ultimately approve what this board has done.

Public Comment:

Omer Raines, 180 Lakeview Ave, Crystal Bay resident. He said he lives in a conservation zone and it's the only one in Crystal Bay. It runs from Tuscarora to Reservoir Road which is proposed to be abandoned. He said he uses Reservoir Road every day. It's very well marked. He said his property abuts the proposed development. He shared a flyer – state of Nevada Conservation area sign. There is a sign on the perimeter of the proposed development. He said he would not have a way to enter or exit his property if Reservoir Road is abandoned. He said he would be landlocked which is illegal. The medical or fire will be impacted by the road abandonment. There would be no way to exit our property. We have avalanche warnings and avalanches up there. It's critical that the roadways are addressed. We cannot abandon Reservoir Roads. He said he has served in land use planning as chairman of a commission and comprehensive plan advisory commission for the state of California. He said he would be happy to meet with Nakhjavani. He said they have not reached out to me even though my property is the most impacted.

Daniel Adams, Big Water resident; Board member of the Granite Place Association which consists of the 18 units which is part of phase 1. He said he generally favors this resort and the additional residents that are planned; however, we do take great exception, which seems to be a later revision to the plan, in this connector road especially the southern portion. In 2009 and 2011, our 18 residences didn't exist, so we couldn't object to aspects of this project. We support the project, but object to part of the connector road as we feel it will negatively impact our property values and quality of life. He said he doesn't object to the middle section of the connector; that is safe path of ingress and egress down to highway 28. The notion that we would put a connector on our driveway when we already have difficulty coming and going on highway 28, to make a left turn requires a long wait. He referenced the connector PowerPoint slide. Wellness Way is the

bottom portion; it's Big Water drive. To change that would be ludicrous. The safe route is out on Stateline Road where a signal or roundabout needs to be installed to adequately convey traffic. Hopefully the traffic study will show that. He said look how close that road comes to our building. He said he doesn't know if that road follows setbacks. It needs to be moved or abandoned.

Joan Leutheuser, local Incline Village resident, said she has been coming to Crystal Bay for 20 years. She said she wanted to be here to support the property development. Everyone says it's about time they do something with the property because this property is an eyesore that needs to be done; it will bring jobs and careers. We keep hearing negative stuff, but the neighbors want change.

Mike Dunn, 30-year resident in Douglas County, said this affects the entire community. We are regionally connected. This area needs revitalization. This project is in a tourist corridor, it's not in a residential community. It sat there without improvement and doesn't benefit anyone. It's an eyesore. He said he is raising his children here. We are Tahoe. He said he supports TRPA's slow growth initiatives. He said we don't want to look like Park City, but we don't like seeing commercial buildings fall apart. This needs to come back to life. It needs current lodging. Bring in lodging that will benefit TOT. They will stay onsite and use shuttles instead of Airbnbs. He said he supports the revitalization especially when its tourist corridor.

Mark Higgins, Granite Place resident, said we don't understand the need to the connector road. Taking a left-hand turn is a challenge coming in and out of Big Water. They won't use that access road. He said he doesn't think it's effective. It's a huge detriment for the condos. The lights will shine into the building. It's going to strife the whole building and transmit traffic on a landscape buffer that we didn't believe could be a road. It dumps in front of our parking garage and is 6 feet from our access door. It's not effective and will be a detriment. He said we knew it was coming and pleased they are executing it and in favor. He said he is pleased with the park. The connector road is hugely expensive; it will create more access issues. It will negatively impact our condos. He said he was the second person to purchase and never heard of Wellness Way. It was approved a long time ago. It's ill conceived. It looks dangerous in its current design. It will be a busy access point. He said he hopes this development gets done.

Bert Sandman, resident on Speedboat Ave in Brockway, said he is here to support the North Tahoe Preservation Alliance presentation. He said he is the President of the Brockway Homeowners Association. He said he represents 80 homes, some of which were built in the 1920s. We are concerned about traffic and the traffic study that was provided.

Ann Nichols, North Tahoe Preservation Alliance, representing 487 people who signed the petition. She said there is no project. The one they are proposing with site plan is different. The subterrain is different, the Wassou connector, the different entrance, the different shape building, and new building. It's not the same. It has to be approved by TRPA first. They should re-submit. They will have to have a review. They want to come in and take the road. The Wellness Way is a terrible way. We fought in 2008. They are trying to take our 4th exit. She showed the exits. We will lose the Wassou to Stateline exit. It's a matter of life and death with wildland fires. It's a waste of everyone's time. We keep having to do this. Ebbie is still trying to take it. Let's get a better design. This new proposal is too big and too steep. It wouldn't need eight variances. You cannot make the findings. Its detrimental. Please protect us.

Margaret Martini said the studies are over 10 years old and things have changed. It would be unconscionable to think that in 10 years the environmental impact studies aren't significantly different. All the studies are significantly different and obsolete. Nothing should be considered. Traffic impact studies were questionable even 10 years ago. Please review the videos and news coverage of the evacuation efforts during the Caldor fire. There were 4 lanes used for evacuations and it still took hours and hours. Kings Beach and Crystal Bay on highway 28 are two, narrow lanes. Mt. Rose and Highway 267 are the only two evacuation routes in and out of the area. Full-time population has increased, and tourism has exploded. It's a traffic issue even during the middle of the week. There is other development approved that will impact traffic. Don't say it will

create jobs. It's not relevant unless you can provide affordable housing, and roads for increased traffic. The road that the developer is asking for is a public street and not up for grabs. It is a used public street especially in the winter. Reservoir Road is wanted for a private driveway. You have to determine if the impact to the small area is in best interest of the entire population of the north side of Lake Tahoe. It would be common sense that the magnitude is not a good fit for the area. Consider the safety of the residents and tourists who come here.

Nicole Beckering, Tahoe resident and business owner, said she knows the commute from Incline Village to Truckee is congested. The area is congested. It's a huge impact. Things have changed since the original proposal in 2008. There are so many more people. Commuting from Incline, individual residential construction puts a halt on traffic. She said she can't imagine the impact of the large proportion.

Sharon Heider, six-and-a-half-year resident of Crystal Bay, said she has worked for the developers and then public agencies and has been on both sides. She said we are acting prematurely. Just three days ago we received the presentation from applicant. There are changes to that. She said the developer wants to move forward with the previous approvals and then tells us the project has changed. She said we need to continue this item until we can look at this. It's an intriguing project and we would like to see that site developed consistent with the County's master plan. We don't have all the information. If you have a 10 ft retaining wall standard and you are looking at the 55 ft retaining wall variance, it's probably means you are stuffing a lot into a small site. A 50% variance is not slight. We need to look at this in detail. We need more time to do that. We need to look at the development application again. This is pitting the Boulder Bay folks against the long-term residents on how that road will function. You are hearing from the community that we don't love it. It's not a great thing for our community. If the vacation of Reservoir Road goes forward, we need to look at what that gift of public land is. The developer needs to give back in exchange of a very expensive gift. We can figure out if there is public benefit that needs to come back. We will ask the developer to show us the proposed grading and existing grading in liner feet. He keeps telling us that it's going to be a better road, but we aren't so sure.

Ron Code, 30-year resident in Crystal Bay, said he has generalized remarks of long involvement in crystal bay. He said he has to be skeptical of the artist renditions. Where is the Wellness Center, park-like center? The track record of development in Crystal Bay is dismal. They always push for economic return and ask 4X of what is reasonable and settle for 2x of what is reasonable. We don't have control of what happens. No vote or survey. Those who expressed concerns will be countered with louder voices. Crystal Bay has some of the nicest areas. To develop will detract from the area. There will be many adverse effects. You are only asked to approve road and earth moving. You are being asked to approve the foundation without knowing the consequences. Thank you, Ann Nichols, for her efforts for protecting the north shore.

Alexandra Poczy, Crystal Bay resident who lives across from the Biltmore, said she wanted to second what Mr. Code just said. It's going too fast. There haven't been enough studies. The impact of traffic is incredible. You have to wait for an opening in traffic. We have great concerns with fires. Either side of us is two lane roads to get out. During the summers, we have friends and families come up. You are looking at additional 500 cars for 100 units for the weekends. It equates to 2 miles of bumper-to-bumper traffic. Adding more units will clog the roads completely. We hope the project is downsized if it goes ahead. We have had a rash of earthquakes lately. To have retaining walls that are 50-75 feet is frightening. She said boulders can come down during earthquake. She said she feels this project hasn't been studied for seismology.

Scott Tieche, Wassou resident since 1980, said with a few exceptions, we would like to see the Biltmore redeveloped but we need one foot in front of another. We are looking at abandonment and grading. It's a county road that people use every day. This application is asking that road be abandoned tomorrow. We've been told Reservoir Road is one of the most dangerous roads in county, but we get rid of Wassou down to Stateline, people will have to go down Reservoir Road

in the snowiest months of the year. You need to review the document that Ann provided. Deny this grading permit as written.

Mary Mosher-Armstrong, Wassou resident, said she doesn't have a problem with the project that it's just kind of gone from a Bruce Banner to an Incredible Hulk. It needs to be right sized. It wouldn't need a variance. Reservoir Road is what everyone uses in the winter because Gonowabie has a blind corner and Amagosa is steep and has a blind corner. To lose that, it crushes me. She said she will use Wellness Way if that is the only alternative. The traffic study is a decade old and doesn't take into consideration Kings Beach went from four lanes to two lanes. In the summer, the traffic is backed up from roundabout to roundabout. That needs to be considered. Things have changed. IVGID had presented 2/3 of the houses sat vacant six years ago, but due to covid, the people in the city moved up here. There are more trips to grocery stores and school.

Charles Solt, owner on Lake Vista Drive, across from the Biltmore, said he is the closest neighbor to the project. He said he agrees with what has been said. The cart is before the horse. They had a layout of how things were going to be. We haven't been presented any information. If you look at EKN website, they been involved with developing projects but not of this scale. Their projects are standalone hotels that stand off the freeway. They aren't high-end resorts. We want to make sure that the project meets the needs and fits within the community. It seems like it will be too large. If the developer wanted to do something for the community, let the public use it in case of any kind of fire. There is no egress out of the basin.

Via zoom:

Tanya Miller thanked the members of the board. She said my family has been in Brockway since the 1920s. Everything has changed in the area since 2008. Between traffic and fire, Tahoe is a different place. Kings beach is one lane. It's traffic patterns changed. It can take one hour to get from Incline to Kings Beach in the summer. There was the Arora fire in South Lake. It's predicted that every inch of California will burn. More homes will only provide more of a challenge with trying to leave the basin if we need to. There is a housing crisis in the basin. People cannot afford to live and work. There is no plan for affordable housing. These guests will fly in from their private jets at the Truckee airports. They will have rental cars or second cars. Beach access and resort access will be in Tahoe Vista. There will be a large amount of traffic from this resort with friends and guests who come up to visit. We know this when we have our own guests. She said she would like them to think about how they are going to account for more residents and cars in the area. Thank you, Ann and Burt. She said we hope Mr. Navkajani takes these concerns into consideration – traffic and fire.

Earl Nemser, resident at Granite Place, said he heard we wouldn't be able to revisit the lower portion of Wellness Way. He said he believes staff is in error. This was previously granted - the abandonment of Reservoir Road with the condition of Wellness Way. If the abandonment of Reservoir Road was improvidently granted which it was, these conditions cannot be considered. The board has jurisdiction to reconsider whether the abandonment of Wellness ways was improvidently granted. The applicant didn't disclose to the 18-unit owners who purchased their property that there was going to be a park outside on the west side of the building and not a road. Circumstances have changed. There will be roads that will encroach on our property. That road will impact us severely because of exhaust, lights, and danger. He asked the board members to ask yourself how you would feel to have setbacks of a road six feet from your door. Consider on the east we will have a road; on the west we will have a road, and on the north, a parking lot; and on the south, a road. There is no property which will be so burdened. Think about our quiet enjoyment. Think about who gains and losses. The developer gains while we lose, why would you impose that on 18-owners.

Ellie Waller said she respectfully request that you table this and ask for TRPA review. The project has changed significantly. The grading for the parking structure is not a site plan. You must take into consideration the comments about the road abandonment; is this taking away from the

public? If TRPA supersedes your authority, why make a decision today. The determinations for the future, under substantial conformance will require too many variances. If it doesn't fit the site, reduce the footprint. Thank you.

John Boche, longtime resident on Speedboat, said he is a civil engineer and concerned that the grading permit is approved before a full understanding of the project. The density, details of construction haven't been disclosed. He said he doesn't understand how it could be approved for grading before understanding these crucial elements. It's elemental. He said he would appreciate it if you consider the impact of making such approval when a project is not fully defined.

Laura Pearson, Incline Village resident since 1998. She thanked Ann Nichols for her representation of our community. Its befuddling that we are looking at a project that was approved in 2008. It doesn't look like it did in 2008. If you went to the dentist in 2008, certainly your dentist wouldn't rely on your dental records from 2008. Its illogical that we are looking at this project. Its illogical that we are taking away that road. She said she has friends that use that road. It's incredibly challenging to get in and out of that neighborhood. Please look at what Ann Nichols has provided you. Please table this until we can take a look. Let's start over.

Kathie Julian, Incline Village full-time resident, thanked Ann Nichols for her work and research of these complex issues. She said she would like to reiterate and agree with what has been said about opposition to the grading. It seems the grading is not the only steep, slippery slope. Approving grading in advance of a project that has changed in size and scope from approved 10 years ago seems like a slippery slope. She said she worries about traffic getting to Kings Beach and 267. She said she worries about construction traffic with large vehicles, excavation and slowness of all that. They will be doing construction on Saturdays when we have max amount of traffic. There are a lot of red flags. They haven't taken these into consideration. She said she does support the redevelopment of the Biltmore. Its great to have commercial and residential. This project has gotten ahead of itself and needs to be reviewed.

Lou Feldman, local land use attorney, said he has been involved with the Boulder Bay project since its inception. The testimony that we heard is the same of the testimony we heard back during the process. The project is approved. In anticipation of this project, there will be underground and overhead utilities, attention to stormwater, a constructed public park, constructed building A which is the first phase. What is before the commission today is advancing what the Planning Commission approved as far as the abandonment and variance of these roadways in order to improve circulation and public safety by the TRPA permit which is still valid in effect. There is no other project. The approved project is being discussed but it's not before you. Grading and the variance is what is before you. Crystal Bay was developed 100 years ago as a summer vacation community. The infrastructure is antiquated. Lifestyles have changed to year-round. Everything that has been proposed will increase public safety by managing traffic flow and evacuation. The condition of approval of Wellness Way was deemed desirable by the Commissioners. We are advancing an existing approval with many phases already constructed and look forward to your favorable consideration of staff's recommendation. He said he has heard no evidence that have conflicted what staff has found as an appropriate variance to mitigate impacts of antiquated legacy infrastructure. Thank you for your favorable consideration.

Gail Heigh, 30-year local resident on Speedboat, said she has been going there for 78 years. She said her family owned for many years. Please consider the little town of Paradise. Please don't ignore this. Everyone is trying to get you to listen. South Tahoe could have been more of a disaster last year. She said she is not worried about the traffic inconvenience., but rather worried about death.

Greg Stalk, resident on Harbor, said he is learning more than he wants to know. This project was approved in 2008. 14 years ago, the studies were conducted. The traffic and EIR are totally outdated. We need to review these things. We are putting the cart before the horse when we talk about grading before we know the goal of the construction will be. Thank you.

Craig Lemons, property owner on Dolly Varden in Kings Beach, said we need time to evaluate this. Traffic in Kings Beach has been horrendous. He said he echoes what has been said about fire and emergency. He said he would like to see a pause on this to conduct more studies.

Secretary Albarran stated that all public comment received from the public was made available and posted to the website prior to the meeting.

Member Thomas closed the public comment area.

Discussion by Commission:

Member Pierce asked for the PowerPoint slide that shows the timeline for what will happen between May-June. He said he it looks like Statline Road will go over and tie into Lake View Ave. It looks like there will be another connector road. Mr. Broncyzk confirmed. Member Pierce said that takes a lot of concerns away about getting rid of Reservior Road. It will be a small abandonment. He showed on the overhead projector. Mr. Broncyzk said there will be two abandonments. He showed the first phase; they are proposing to abandon Wassou Road which is the existing connector from the Lake View and Wassou Roads to existing Stateline Road. However, they are proposing to do connector roads; once constructed, the remainder of Wassou and Reservior will be abandoned. Member Pierce said it looks like it will be there for July-August. They are only loosing access for a short period of time as part of the phasing plan. North Lake Tahoe Fire and Engineering is here to talk too. Member Pierce asked where is Wellness Way. Mr. Bronczyk said it's a carry over from the original approval from Board of County Commissioners in 2009. It came about in 2021 with the variance and abandonment application. He showed on the overhead map the road that is called Wellness Way. That is part of what will be built as part of connector. Only the purple is going to be abandonded. Member Pierce said the traffic studies will be done after, if we approve this and that will go to TRPA. Mr. Bronczyk refered to Alex Wilson, NDOT. Alex Wolfson, Engineering Manager for District 2, said any permits to improve SR 28 which includes removing existing access and building new ones will come through NDOT's office. He said he has permitting and traffic engineering under my purview. NDOT's process works with the County's process. We wait to see what the conditions of approval are going to be, what they are proposing, and who the contractor will be before doing the traffic study. Ultimately, the traffic study is due for NDOT review prior to us accepting an encroachment application. We won't consider an application to build a new road connection to SR 28, or to abandon the existing road connection to SR 28 and other work associated with the project until we have reviewed the traffic study. Our traffic study should be required at the same time as Washoe County's study. We won't accept a traffic study from the applicant unless it's a joint traffic study scope with NDOT, Washoe County, and any other relevant agencies. The traffic study is not just about SR 28, but all the roads impacted. We don't want a traffic study for just SR 28. Those processes are at the same time. We are just discussing building permits for grading but not necessarily the project improvements. It's hard to comment on that. He said he is not sure what the conditions will be put on that and what the timelines will be. NDOT process takes time as well. Mr. Bronczyk referenced Exhibit 5, condition from Engineering that speaks to traffic study that complies with NDOT and Washoe County standards.

Member Stanley asked for clarification; no abandonment will take place until traffic studies are done in the current environment. Mr. Wolfson replied and said that is kind of true. He said the decision to close the road will be Washoe County because they are the one's who own and maintain. The permit is required for physical removal of that portion of the road in the NDOT right-of-way. Our expectation is, if road is abandoned to the developer, they are responsible for maintaining that road. He said he would advise to consider the impacts of closing a road before doing it; however, the decision is the County's because it's their road. Member Stanley asked if there is an agreement to abandon the road, there would be one set of traffic study results. If there wasn't an abandonment of these roads there would be a different set with different results in your traffic study. Mr. Wolfson said yes. He said the traffic study take all things into consideration. Its rare we get a traffic study for an abandonment. He said the way he would like to see it is as a

realignment. We are taking Reservior Road and route traffic through Stateline or Wellness Way. We want to see the results of abandoning or removing the road and the effects it will have, new roads and its factors that are impacting the traffic patterns.

Member Thomas said if you are north by the water tower and had to leave, you can go west out Stateline, east on Lakeside, you could go south on Reservior to Wassou to get out. Those are the areas to take now. Mr. Broncyzk said yes. Wassou through that existing development is the route to State Route 28. Member Thomas said if we got rid of Reservoir from north to south, you would still have Stateline to 28, Lake View, and connector to Wassou. You could stay on Lake View or you could cut over Wassou and include Wellness Way to SR 28. We haven't really lost an exit other than direct route from north to south. The number of exits will remain the same. Member Thomas asked if a traffic study was done in 2008. Mr. Wolfson said yes, it was a similar concept where a traffic study was done considering all the impacts and reviewed by Washoe County, NDOT, and TRPA. There was a traffic study and it did include intersections along SR 28. We require an applicant to update a traffic study if it's more than a year old. Traffic numbers can become outdated quickly. We are aware of the traffic study from 2008. It's outdated at this point. Member Thomas agreed. It's different than it was back then. Member Thomas said if this project is approved, 155,500 cubic yards will be leaving the property, and an average dump truck of 14 cubic yards will make 11,000 trips at the same time NDOT is resurfacing SR 28. He asked if the 11,000 trips be included in the traffic study or is that a secondary issuance and not included in the traffic. Mr. Wolfson said those construction trips are not included – when we look at a traffic study, we look at it in terms of permanent final improvements and what kind of traffic is generated from the site. There would be a construction plan where they have to address those 11,000 trips. It's important, not only because of the re-pave, but maintain and minimize delays. That kind of construction traffic will create an impact. Construction trips are temporary and can be mitigated. Its something the applicant needs to address and they will need temporary permit for traffic control.

Member Stanley asked how long the roads will be impacted during the process. Tom Jacobson, applicant representative, said we will start between February-May. We will be in the process of getting the site ready, BMPs, and fence the site. The proposed abandonment of portion of Wassou that goes throught the parcel will happen between May-June as we begin to build the roads. There will be discussion of the height of the retaining walls that will be used to hold back the soil to build the connector roads. Substantial cubic yards will be used to construct these connector roads. The walls will hold back the dirt. We will take the dirt from the site and use it to construct the connector roads. To be clear, none of the roads will be abandoned except for portion of Wassou until new connector roads are accepted. Member Stanley asked the timeline of impacts of roads and their ability to carry traffic. Mr. Jacobson said May through October at the latest. Member Thomas asked if the retaining walls that are 55 feet are temporary or permantely. Mr. Jacobson said those will be permanet.

Member Stanley asked about the conservation area. He said he didn't see that in the report or agency review. Mr. Bronczyk said agency reviews go to everyone within the Tahoe basin. Member Stanley said there was no mention of the conservation area. Mr. Lloyd said there is no conservation area on the site. It's off the site. He said he doesn't know what jurisidiction oversees the area.

Member Thomas said the evacuation routes that are proposed were assed or evaluated. Are there problems with those being proposed or accessible routes. Jennifer Donohue, Fire Marshal with the North Lake Tahoe Fire Protection District, said we have looked at the proposed roads and they do meet and are proficient with 2018 edition of the International Fire Code which is what we would review this project with.

Member Pierce said he seems to have gotten all of his questions answered. Given our orders on this, there are other departments that will come in after us before they break gound. We are preliminary approvals. The willingness of applicant and support of staff, he said he would be inclined to approve this. Member Thomas said no ground will be broken, this will have to go to TRPA.

Member Stanley said he still has issues with the negative impacts on the current roads for a substantial length of time. He said he is wrestling with that as far as detriment. We are the first decision and flows from there with many more decisions.

Member Christensen said he agrees with Member Pierce. This is a major step, but the first step. He said the Biltmore is an eyesore. Its taken this long to get this far. He said he doesn't think anything will occur that is detrimental to the interest of the citizen of Washoe County, and specifically the residents of the area. There is a lot of review to come for the approval of this area. He said he is inclined to agree with approval of these variances.

Member Thomas said he had a lot of the same questions that were expressed by the members of the audience. One of the concerns was going back to the review, documentation and decisions all the way back to 2008 and now phased in 2022. The Board of Adjustment is here to review grading permit is our purview. Given whats been pressed to the board today regading the willingness to not use the park as a staging area, he said he thinks that shows some degree the owner or applicant is willing to work with community. He said he hopes all the input is taken today and further dicussion will happen with the community. You are part of the community. He said he doesn't see anything substantial that would prohibit this from going forward. He said he doesn't like the amount of truck traffic on the road. He said that area is crowded even before this project. NDOT will have to address those issues. But for grading itself with what has been presented, he said he doesn't see anything that would prevent us from approving this.

MOTION: Member Pierce moved after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with the amended conditions (including the condition to prohibit the park to be used as staging), Special Use Permit Case Number WSUP21-0035 for EKN Development Group having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. **<u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;**

2. **<u>Improvements.</u> That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;**

3. **<u>Site Suitability.</u> That the site is physically suitable for major grading, and for the intensity of such a development;**

4. **<u>Issuance Not Detrimental.</u> That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;**

5. **<u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation**

The motion which was seconded by Member Christensen carried unanimously in favor.

The board took a 5-minute recess.

Chairwoman Hill re-entered chambers at 4:04 pm.

F. Variance Case Number WPVAR21-0004 (Birta Front Yard Setback Reduction) [For possible action] – For hearing, discussion, and possible action to approve a variance to reduce the required front yard setback from 15 feet to 8 feet to facilitate the addition of a two-car garage and a one-car carport at ground level and a new master bedroom suite on the floor above.

- Applicant/ Owner: Robert and Calin Birta
- Location: 919 Jennifer Street at its intersection with Bridger Court
- APN: 125-361-12
- Parcel Size: ± 0.32 acres
- Master Plan: Incline Village #5
- Regulatory Zone: Incline Village #5
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Planner Roger Pelham provided a presentation.

Member Stanley thanked Roger for providing alternatives to the applicant. The open space in the backyard is not a valid input to the variance criteria. Mr. Pelham said it's not in this case. It might be for another property if the result of the subtraction of the open space easement that resulted in a buildable area is smaller in dimension than the minimum lot requirements. In this case, it does not. Even after you take away that open space easement, the remaining area is still deeper and wider than the minimum lot dimension for this zone.

Applicant Wayne Ford provided a presentation.

Chair Hill asked the dimension of the garage you are proposing. Mr. Ford said 20x20. He said we have no other place to put the stairs. The car port is 22 ft long for larger vehicle.

Applicants' attorney Robert Angres said the idea hardship should apply for Incline Village with life safety with snow fall and snow removal. He said staff was not accurate in his portrayal of what has been recorded in the subdivision which drives the issue of fairness and equity. The issue of open space easements are relatively new to Incline Village and exist everywhere except Mill Creek. They need to be taken into account. While staff claims they provided alternatives, they are impractical and unworkable and truly a distraction from key issue at the heart of this matter. He said you have my letter that talks about equal protection and fundamental property rights and erring on the side of favorable of fairness instead of holding a line that keeps changing. What is at stake here – fairness and highest and best use of a property. He said he urges you to grant this application based on what it seeks – it's a plus for everyone and a detriment to no one.

WSUP23-0029
PUBLIC COMMENT

Public Comment:

Robert Birta, owner, we are asking for 1% to be able to provide master bedroom and to be able to store the cars in the garage and off the street. We are residents of Incline Village since 2006. We are good people who pay our taxes. Thank you for listening to us.

Discussion by Commission:

Chair Hill said she is having a hard time; there are a lot of folks that don't have garages. It's something you can have when it's appropriate. She said I see you are doing a deck addition which takes up coverage; maybe build a garage instead of deck addition. She said she doesn't know the alternatives. She said she doesn't feel confident with approving at this time.

Member Thomas said NRS 278.300 limits our authority whether we can grant the variances with exceptional challenges with the property such as narrowness, exceptional topography, or other extraordinary exceptions for property. He said he doesn't believe the applicant has met one of those requirements.

Member Stanley agreed with Clay's analysis. He said as a citizen, he appreciates planner Pelham providing help to those who are filing applications. He said he would want that kind of assistance. There is always an alternative.

Mr. Lloyd said Chair Hill's comments are correct, there are a number of homes in Tahoe that do not have a garage; however, it's a code requirement for stick-built homes to have a minimum one car enclosed garage. Chair Hill said they can do that without a variance.

MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR21-0004 for Robert and Calin Birta, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

1. **Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;**
2. **No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;**
3. **No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;**
4. **Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;**
5. **Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.**

Member Stanley seconded the motion which carried unanimously.

Mr. Lloyd read the appeal process.

B. Special Use Permit Case Number WSUP21-0032 (Mineikis Property) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to construct an approximately 2,500 square foot single-family detached residence (Family Residential Use Type) in the Neighborhood Commercial (NC) regulatory zone.

- Applicant / Property Owner: Aliks & Julia Mineikis
- Location: 643 US Highway 395 S
- APN: 050-231-04
- Parcel Size: 4.309 acres
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: South Valleys
- Development Code: Authorized in Articles 810, 808 & 306
- Commission District: 2 - Commissioner Lucey
- Staff: Katy Stark, Planner
  Washoe County Community Services Department
  Planning and Building Division
- Phone: 775.328.3618
- E-mail: kstark@washoecounty.gov

Planner Katy Stark provided a presentation.

John Krmpotic, applicant representative, provided a PowerPoint presentation.

Public Comment:

Sierra Noble, adjacent property owner to the proposed project. She said she has concerns; there is a very high-water table with run off that runs through the property. When that land is disturbed, and when that run off is already present on my property and the neighbor's property there will be an impact from additional run off. She said she knows we are talking about the home, but there will be a riding arena. She said she is concerned disturbing the land will increase the amount of water in our property. It will have a significant impact.

With no further requests for public comment, Chair Hill closed the public comment period.

Member Stanley said he was pleased with the use of the South Valleys plan. He said it looks like a clean project.

Member Christensen said he read this many times. He complimented the owner for building on an NC zoned area. It's the best use of the land there. He recognized the water problems in the area. Chair Hill said they will likely install mitigation measures to address the water.

Member Thomas asked if we need to include that into the conditions. Mr. Lloyd stated this is a request for use type and any construction activity would require permitting through Washoe County where they would be looking at drainage and hydrology.

Member Thomas thanked the applicant for clarifying this would be used for private use.

MOTION: Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use

Permit Case Number WSUP21-0032 for Aliks and Julia Mineikis, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the two findings associated with the South Valleys Area Plan:

1. **Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;**
2. **Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;**
3. **Site Suitability. That the site is physically suitable for a single-family detached residence and for the intensity of such a development;**
4. **Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;**
5. **Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.**

South Valleys Area Plan Findings

SV.2.16 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

SV.18.3 No significant degradation of air quality will occur as a result of this special use permit.

Member Pierce seconded the motion which carried unanimously.

D. Special Use Permit Case Number WSUP21-0034 (Washoe County Field Creek Water Truck Effluent Fill Station) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to allow the construction and operation of a water truck fill station (Utility Services Use Type) and a related request to reduce the landscaping required for a Civic use type by Article 412, Landscaping, of the Washoe County Development Code.

- Applicant: Washoe County Community Services Department, Utilities Services Division, attn. Dylan Menes
- Property Owner: Washoe County Community Services Department, Utilities Services Division, attn. Dwayne Smith
- Location: On the north side of Arrowcreek Parkway, approximately 600 feet west of its intersection with Tremolite Drive
- APN: 142-020-06
- Parcel Size: ± 24.488 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 - Commissioner Lucey

WSUP23-0029
PUBLIC COMMENT

- Staff: Roger Pelham, MPA, Senior Planner
  Washoe County Community Services Department
  Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Planner Roger Pelham provided a presentation.

Applicant Dylan Menes provided a presentation.

Public Comment:

Via Zoom

Cameron Center-Carr, Heidi's Carr's son, said he has not been involved in the decisions with what is going on with the property next door. He said he wanted to make sure his viewpoint is expressed. He said we are the owners of the adjacent property; the property that will have a turning lane in front of it. It's also the property that will have the access road right next to it. This is a residential property for a single-family residence only. It's 3-acres. It's the last of a 400-acre ranch that his dad had purchased in 1975. Slowly the pieces went away until he kept the last 3-acres with Steamboat ditch going through it. It's an irregularly shaped property. The ditch creates a situation in which the building possibility for what he wanted as his dream home into the south-west corner of the property. The access road will go right there. The turn-in lane will go close to the property which would push the house away. If you look at the footprint of the homes in the area, the footprint helps keeps the character with amount of space, easement, and setbacks. There is a high impact on the value on this property. There is a request to reduce landscaping which would expose more of the traffic without the landscaping. The solution for us would be a steep approach to the access which would move the access road away. And a shorter access lane and landscaping that borders the property which is complete per requirements. He said he isn't an expert in real estate development. He said he wants to keep the legacy that his dad wanted for this property.

Steve Baker, Mountain Gate Community, resident who lives close to the subject site, thanked staff for answering his question. He asked about landscaping on the east side of property to help block the view. There are no provisions on the trees. It could take a decade to create a screen. He requested some provision or condition, so the trees are mature in size, so they quickly accomplish the objective to screen the structure. Much of the Mountain Gate Community will have a line of site to this area. He said his second concern is traffic. He said he can appreciate the 10-20 trucks estimate, but what if that is wrong. We have increased pressure for development. He said he would ask for a mitigation impact to reduce the amount of traffic to align it with the estimates to make sure it doesn't create a challenge and unsafe condition for the residents.

Member Thomas asked what the estimated height above ground of this pipe is. Mr. Menes said 14 feet. Member Thomas asked if this project goes through, could the Fire District potentially use and fill their trucks. Mr. Menes said if it's possible, we encourage it. He said he wasn't sure if the pressure is there. We partner with them on different things. Maybe there is a special fitting to encourage use. Member Thomas said if there was a fire in Arrowcreek the fire department could fill their trucks. Mr. Menes said they are willing to explore it. Member Thomas asked if the turn lane extends in front of other people's properties or stays within the property boundaries. Mr. Menes said it is within the right-of-way; it will be in front of the gentleman's parcel, but it is in the right-of-way. Member Thomas asked if it's permanent. Mr. Menes said we had a special use permit on this site in the late 90s and it expired because it wasn't being used. He said it may come where the Arrowcreek area is built out and there won't be any more need for it. For the foreseeable future we will need it. Member Thomas said he did a site visit. It's 25-acres and its open. He said he wasn't sure if there is any significance to putting some boulders down or a gate

because there is a lot of access onto the property. Mr. Menes said that is the issue we have at other sites; we put up obstacles and people go around them. Member Thomas asked about installing a gate there. Mr. Menes said no, it would make it trickier there. Member Thomas asked about adding additional trees. Mr. Menes said we thought about it; we changed the lighting to be downlit, and the pipes will be painted to match the desert. We wouldn't be averse to adding more trees; however, we already doubled the amount in the impacted area. Tree maintenance is a lot of work for the crews.

Member Stanley asked about the turn-out lane on the right as you are driving west up Arrowcreek. He said he doesn't recall if it's a double yellow line. Having a water truck cut across that lane would be unsafe. He asked if anyone knows it's double-yellow. He asked about left-turn lane going down the hill. Mr. Menes said the traffic engineering reviewed but it can be verified. Member Stanley said he is concerned about safety and pedestrian use in the area. Mr. Menes showed the turn-lane on the overhead. There is a center-lane. Dwayne Smith, Director of Engineering, said we talked about this regarding the safety for this particular project. On the overhead projector, he showed where the turn lane would be with site access. Member Stanley said he was concerned about traveling east and crossing multiple lanes of traffic. Mr. Smith stated the width of the of the road already exists with a center turn lane. He said the area will be striped appropriately. It's not just water trucks, but service trucks, and TMWA trucks. Member Stanley said there are kids coming out of the high school. He asked if there is going to be blinking yellow lights. Mr. Smith said under the policies approved by the board in 2019 in terms of traffic safety is to address these issues. This area has had been a recent focus especially considering the expanded walking distance. Mr. Smith showed the crosswalk. He showed the recently completed push signal cross walk. He said we listened to the residents. He said there are other safety improvements that we are looking at as well. There isn't a sidewalk in the area, but there is a bike path. All the trucks have to comply with the rules of the road. If we find there is a need to add something more, we will do so. There will be a stop sign at the exit the site. Member Stanley asked if there is anything that a pedestrian will see on the tank side to provide caution. Mr. Smith said he hopes they utilize the existing sidewalks, effectively cross using the signal crosswalk, and not on the north side where the driveway is.

Member Pierce asked clarification about 10-20 trucks a day and 70 working days. Mr. Menes said there will be 70 working days to construct this facility. When its up and running, there will be 10-20 trucks accessing the property a day.

Member Thomas recommended that we remove conditions 1.e. and 1.f. for the boulders and the gate. He said he doesn't see the significance of them. That property on the Arrowcreek side is wide-open. Member Stanley asked if signage would be appropriate for the side of the street where the kids ride their bikes. Member Thomas said no, it's a driveway. It's just like any other driveway. He said he would not be in favor of that.

MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with amended conditions Special Use Permit Case Number WSUP21-0034 for Washoe County Community Services Department, Utilities Services Division, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. **<u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;**
2. **<u>Improvements.</u> That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an**

adequate public facilities determination has been made in accordance with Division Seven;

3. **Site Suitability. That the site is physically suitable for a water truck fill station (Utility Services Use Type), and for the intensity of such a development;**
4. **Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;**
5. **Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.**

Member Pierce seconded the motion which carried unanimously.

The Board took a brief recess.

E. Special Use Permit / Administrative Permit Case Number WSUP21-0036/WADMIN21-0016 (Silver Circle Ranch) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for a commercial horse boarding stable for 25 horses and for grading of 6,000 cubic yards for an indoor riding arena; an administrative permit for an 11,580 SF indoor riding arena structure that is larger than the existing 1,120 SF main residence. The applicant is also requesting modifications of paved surfaces to allow non-paved surface, reduction of landscape standards for a commercial use and waive screening requirements for commercial properties adjacent to residential properties**.**

- Applicant/Owner: Pro Pony LLC
- Location: 3400 Holcomb Ranch Ln.
- APN: 040-670-12
- Parcel Size: ±12.56 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 93% High Density Rural (HDR) & 7% General Rural (GR)
- Area Plan: Southwest
- Development Code: Authorized in in Article 302, Allowed Uses; Article 306, Accessory Uses and Structures; Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander provided a presentation.

Applicant Representative and Engineer Clint These provided a presentation.

Member Thomas asked how many horses does the owner have? Mr. These said the owner has a total of seven horses. The assistant trainer has 2. The other 13 horses are boarded. Member Thomas asked how you take care of 24 horses with less than 1-acre per horse. He said horse trailers could be 10-14 feet in length and the entrance is a single lane road. Mr. These said there will be a 24 ft. access around the structure to provide 150 ft. roll out. Mr. These said the access road is probably not 24 ft wide, but its probably 20-ft wide. At the actual

gate, it might be narrower with a single vehicle. Member Thomas said there could be another 13 horse trailers that could potentially be coming in. Mr. These said yes, but the ropers don't all show up and leave at the same time. Mr. These said the applicant can provide additional answers.

Liz Reader, Owner/Operator, said the biggest questions have been traffic and how the operations are structured. She spoke about intended use, impact on existing business, and concerns that have been voiced. She said we received that letter this morning and we are trying to address those from the board and neighborhood. The indoor facility would allow us to work the horses in a safe place. We get significant wind and poor weather. When you are working with kids and horses, you run into the risk that horses get spooked in the wind and frozen ground in the winter. Indoor use allows us to operate year-round to provide high value to clients. It doesn't change the operating model. She said there will be the same amount of people coming in and out. Its important to address concerns regarding 1.5 acres per horse. She said that is correct if you have horses out on pasture and the pasture is the primary source of food. All our horses have their own stall with runs they go into. The stalls are 12x12. All their nutrition is met with hay and grain substitute with vitamin and minerals. They will go out to pasture in the summer, and we rest the fields for best practices for both parasites as well as making sure we don't overgraze the fields. We want to protect the grass fields. That is not their primary source of food. Their stalls are cleaned every day and horses are in at night and out during portions of the day.

Public Comment:

Art O'Connor, Holcomb Ranch resident, said this project has two components. First, expansion of an occasional historical training facility to 100 sessions per week. The second, the new indoor event center. The development code has two categories for them. First, commercial stables which allows for equestrian training. Second, is equestrian facility, which is the building. According to the table of the allowed uses, there is no equestrian facilities in the table. He said the equestrian events are sporting events which is the last row on the table. It's not permitted in the residential areas. The consultant's report listed all of this. It said 100 sessions over 5 working days, 20 trips per day, not 7. The events they hold will have 50 riders for each day. They ignored the 20 trips per day for riding. The road is narrow, steep drop off, with a gravel driveway. He showed the access road. The road is less than 12 feet.

Jill Brandin, Diamond J, owners of Flying Diamond Ranch, which is north, adjacent to Silver Circle. She said we never saw more than 4 horses until Pro Pony took over. You have the authority to correct the detriment effects of the unauthorized use by Pro Pony and what it has done to our neighborhood. We gave a written presentation for the record. Pages 9-12 show the opposition of the neighbors. This project is silent or misleading. It's not a grandfather issue. It should be analyzed as a new commercial property. The findings could not be made. The permits should be denied. The admin permit is for 30,000 sq. ft. metal building. On top of fill grade, it would make it as tall as a four-story tall building. The owners don't live here. Is this building really accessory use. There is nothing about this that pays homage to the area's western heritage as described in the area plan. It will be twice as tall as the Tom Dolan's Kia dealership or the Les Schaub Tire shop on South Virginia. The footprint would be larger than the entire ¼ lot in the residential neighborhood. How would you feel if you had this in your neighborhood instead of the 14 cottonwood trees the owner will cut down? How is that not detrimental to the character? It's not suitable for massive industrial building. There are other findings that cannot be made. Thank you.

Chris Hsu, Holcolmb Ranch Lane resident, showed on the overhead that his property shares the longest border with Silver Circle than any other neighboring property. He showed his

property adjacent. Since hearing about the plans to substantially increase the commercial operations with a metal building, we have been distraught. We love southwest Reno with beautiful countryside, quiet neighborhoods. It's a tradition to eat dinner on the front patio and we have had to alter our tradition over the last year as the dinner table faces the manure pile. When the wind blows our direction, there is a stench of urine. In the Spring and Summer, the flies are everywhere, and we cannot keep them out of our house. This unauthorized commercial operation has been expanding even before today's hearing recently adding a viewing stand, hosting more shows with more cars, commercial trucks, arena flood lights as shown in the picture and competitions that come in from far away. How much bigger can this get? Authorized expansion of this operation is unbearable. We weren't invited to the neighborhood meeting where it was reported to have neighbors in favor of Silver Circles expansion. Its peculiar that the owner contacts us often to access our yard to pull water off dry creek and we are in contact with them after a traffic accident in the arena in July. We found out about the meeting from two families after the event. We are the most impacted neighbor. There is no way this board or anyone who values homeowners would support these commercial operations like this with a metal arena or expanded boarding 25 horses. He said he wonders if the owner lived on-site or at our house if they would be excited about this opportunity. We expressed our strong opposition to this.

Rhonda Shafer, read a statement from Rich Larsen, resident on Diamond J Place for 18 years and a resident of Truckee Meadows for many more years. I've biked on these roads. Traffic is become an issue to bikers and runners. Annually, there are traffic counter cables on Holcomb. NDOT also provides a 10-year vehicle count for this location from 2011 to 2020. Those data show a low over that time period of over 2000 vehicles per day in 2012 and a high of 2950 vehicles per day in 2019. That's a 48% increase. Holcomb Ranch is a very narrow road with poor pavement, no paved shoulder or white line along the edge and an irregular pavement edge that drops off abruptly in many areas. How close the bicyclists can ride to the edge of the road? Most importantly less than .5 miles used to Silver Circle are two sections of short 90 degree turn with very limited visibility. If a vehicle gives a cyclist riding here of a state mandated 3-foot of clearance with the cyclist riding 12 inches edge of the road, even a car ends up over the solid yellow line on the road and into oncoming traffic. A vehicle with a trailer is much worse. And I've had this often happen to me too many times to count. Even worse is getting less than three feet of clearance from the vehicle, which also happens regularly because there is no room on the road for everyone. Unfortunately, there is no other route for bikes to travel North/South. Increased vehicle and trailer traffic will be a significantly increased risk to cyclists, runners and everyone in the area. Thank you. Rhonda Shaffer said she lives on Panorama, dry creek runs through my 9-acre property so that is a concern of mine as well.

Calvin Lida, neighboring resident of 18 years. He said he really enjoys that rural feeling out there. He said he bought the house from Sally Quay, who built house in 1955 who shared the stories of when they were living there. Jack was a geologist and Sally was a teacher and raised their children in this house. He said he works as an ER Physician and enjoy coming home to a peaceful area and look forward to after a long day at work. He said we have had friends and family comment on the tranquil area that we live in and how lucky we are to find a nice place. Numerous people ride and bike to enjoy the setting. A commercial enterprise with large building and crowds and traffic is not appropriate for the area. My neighbors on Lakeside Drive were not able to attend this meeting due to COVID and they asked me to express their feelings. They are in direct line of site to the project and development and concerned about building, traffic, and noise. They have noticed the increased traffic on Lakeside Drive. On three occasions, 3 cars have crashed into their fence and yard. We are concerned about the pollution of this project. There are 24 horses likely to come. There are a series of ditches and cannels from Steamboat ditch which provides us with irrigation for landscaping and ponds. We get our water and domestic from ground wells. With a large

number of horses, it will provide pollution and urine and waste from the horses which can get into the groundwater and runs off into ditches. He said he hopes the board will not allow people to come into area and destroy the beauty and tranquility of this unique neighborhood.

Mark Sehnert, Diamond J resident since 2012, said we love living in this area. He said he wanted to focus on the building. It's located off of highway 671. It will rise more than two stories off of the elevated surface as indicated by the applicant. He said he took measurement of a mile around the area on google. The current largest residential structure has a volume of 215,000 cubic feet. This building has an estimate volume of 335,000 cubic feet. It's 1.5 times of the largest building. This is big. If you look at the typical footprint of a single use commercial building, its between 15-16,000 feet such as Courtyard or Springhill property. Les Schaub is about 15,500 square feet. It's unfathomable that a building could be built in this area. We will all have to live with the impacts of looking at the building. The owner will not because they don't live there.

Ryan Buell, read a statement of Ron Palmer of Timothy Drive, who cannot be here today. My name is Ron Palmer. I've lived at 9675 for more than 45 years. I was good friends with Warren Nelson and that gives you an idea of how old I am. I purchased my property from Warren in 1976. I lived across the road from Silver Circle and served on the Reno Rodeo board for 16 years and we enjoyed hunting together throughout North America. Warren lived on Circle Ranch and had a stable where he kept his personal horses along with other horses. He boarded many horses who belong to friends of his and for Warren. The stable was just a hobby. After he passed away, his daughter continued boarding and kept 4-5 of his horses till they grew old and passed away. It was peaceful and enjoyable until the property was sold to Pro Pony who ramped up the number of horses. The pasture has been carved up and the once a green meadow is now turning to dust. Traffic has been compounded by the illegal commercial development by Pro Pony. This is especially true on weekends. Joggers, cyclists, motorcycle and vehicles crowd this narrow curve of lakeside drive. Pro Pony's illegal events grid lock our neighborhood with trucks and trailers by people who aren't familiar with the area and make it dangerous. These events are a disrespect to the area and should be held at the Reno Livestock Event center. On December 5, my neighbor Lyle Winchester and I attended the open house of Pro Pony. We were surprised we were the only neighbors present. We didn't know the other attendees, and no one mentioned the metal building. The permit should not be approved. Ryan Buell said they are overgrazing the pasture. They aren't keeping the neighbors in mind. Adding bigger commercial will get worse in time.

Sheldon Schenk, Lakeside Drive and Reno resident for 33 years said he works as a physician. He said after a shift at work, he crests Windy Hill and reflect on the beauty. There are beautiful pastures with horses grazing and coyotes. Bicycles, joggers, and neighbors walk their dogs. As years has past, traffic has increase which making it difficult to enter my property. He said he has cared for patience who has been hit on these roadways. Spring arrives, the cottonwoods blossom. The ditches will fill with water. What you don't see is a large commercial building devoid of landscaping with horses grazing every blade of grass. Dust will permeate the surrounding properties. If this is approved, there will be increase flies from the urine and waste of horses. Trailers block traffic putting bicyclists and joggers at risk. Motorists swerve into oncoming traffic to allow space for bicycles. This development will significantly impact the character of the area of old south Reno. He said he can see no reason for commercial operations with negative affect on the surrounding properties.

Lysle Winchester, live across the street in the big modern house with copper roof. He said he is sure people didn't like when he built his house. The traffic is beyond belief. There is too much traffic and speeding. When they try to park on Holcomb, it makes it difficult to get by. My son is a double-bare-plegic. He was a Reno, Truckee Meadows Fire fighter and Captain. He has had two spinal cord injuries. This is an example with traffic. Unless you live on

Holcomb Ranch, you have no idea. Stand outside my house and you can see what we mean. They speed 70 mph in front of this establishment and our homes. Stand up and realize not everyone can get what they want. The local people don't want this. This committee needs to realize this. Realize what the majority doesn't want this establishment.

Pete Lazetich said we need some help in this neighborhood. He said he lived out there for 40 years. We owned 27 horses and cattle in the area. He said if you look at the photos, you will see a giant pile of manure. One horse produces 51 pounds of manure and urine. We are looking at 13 tons a year for one horse. This is a fantasy that they will pound into 3 acres of pasture. It was once a beautiful property until about a year ago. This is animal cruelty. There is no outside paddocks. He said he said he has been on the board of the last-ditch irrigation board for 20 years. The ditch runs through their property as well as the dry creek. You've seen pictures of the dry creek flooding and that's where they want to put the riding arena. We have nothing but trouble with their boarding of 15-20 horses. He said he knew the people who ran the barn. When Warren had animals left at the end, there were 6-7 horses in the last 15 years. When they had 20 horses on Last Chance Ditch, we had problems with urine and waste in that ditch.

Landess Witmer, Pro Pony, said Silver Circle Ranch has 50 years of experience taking care of horses with kids learning to ride, ponies braided and brushed, and ladies becoming athletes. We aren't doing anything new there. There are 34 stalls there and asked to have a lower number of horses. For two years, we have honored heritage. We are proud and a hard-working stable. No changes. We are helping to keep the passion for horses and want to teach riding safely. If you back horsemanship, you should back this. There are neighbors who wrote letters of support because they care about horses. There is misinformation. The Nelsons wrote letters on our behalf. She read the letter from the Gail Nelson, daughter of the owner, who said they boarded horses that did not belong to her father. Before 1996, the number of horses boarded fluctuated. There were probably more than 20 horses in the glory days.

Dexter Witmer said he has lived as a tenant since 2021. He said he has been directly intertwined in the traffic and all the parking and noise and smells from the property. He said he is in support of the indoor facility. It will provide a more consistent training process and won't be adding more issues.

Bruce Witmer, Del Monte Lane residence, said he thought this property as a way to preserve and not to disrupt. The intent has shown itself with young riders introduced to the sport. We appreciate the chance to express the purpose to maintain a well-respected trainer and give her a chance to make it happen in safe and effective manner. We like how they respect the children and other riders. They are there for the same reasons; to enjoy the outdoors and come together. Our goal is not to develop the area. The Nelsons took our offer for less than what they would from developers. This meshes best as an equestrian training center. The safety and ability to be what the community needs. He said we don't want to have to go to Carson or Minden to ride. It's important for the community for us to provide a safe riding community and we want to support that.

Elizabeth Lacroix, local horse trainer, said met Landess Witmer when she was 11 years old. She said Landess bought art from me which sets the tone of the type of people they are. We heard many complaints today about road conditions, traffic, and none of these things have to do with riding facility. We hear people speak about typical building size compared to a tire shop or car dealership. Those buildings are made for people, not for people/horse interactions. There is a horse community on Rhodes Road. It's a horse community known for equestrian operations. She said it was around when she was a kid. The medium home price is $2million. There are four equestrian centers on that road. They all have indoor riding arenas. These indoor, commercial operations positively impacted the neighborhoods and

land values. The issue isn't about feeding, horses, manure, or urine. It's about how we can preserve our sport and continue the traditions of equestrian sport. She said she has returned to Reno to open her own operation. An indoor building creates a safe place to train year-round.

Clara Andriola, resident of 35 years, she said she is new to the horsemanship world. She said she haven't met two people more dedicated to safety and cleanliness. They do what they can to make sure the environment is well respected, and the neighbors are well respected. She said she has the honor of riding and learning from them. Cattle bring flies and manure too. It's the cleanest place. It's about preserving the property that we have there. It's an indoor opportunity for children to learn a skill that is going away. We want to keep our western heritage alive in safe and effective way. It's not some big concert event center. The drivers who come in are the safest drivers. There isn't an impact to traffic. She said she doesn't understand some of the observations. She said she is in support of this. She encouraged the board to support this.

Dr. Scott Green, equine veterinarian for 34 years, said his first visit to Silver Circle Ranch was as an assistant for Dr. Mike Kirk who worked for Mr. Nelson. He said he didn't do a headcount, but at that time, they had a full stable. There is a 28-stall barn with 3-4 set aside for tacking. He began to work at Silver Circle since 1988 for clients. The barn was full. This is not a new commercial operation. The Witmers and Liz Reader have done an outstanding job. The idea that the animals are being abused is ludicrous. They are very conscious of that. This has been a mecca for horse owners for many decades. The majority of homes have pastures for horses and cattle. There are two indoor arenas in the area of Silver Circle. It always has been a challenging road and won't add to the impact of this road.

Bryn Klitzke said she hand delivered the invitations to all the neighbors. We did our best which we thought was appropriate. The trees are old cottonwood trees. They have roots exposed. They have been impacted by flooding. They can be problem over time regardless. We had the wettest December on record. We have the manure removed regularly, but due to the wet winter, a truck couldn't access the site the remove the manure and it accumulated. We made a lot of progress not to ruin the property. When we spoke to a former boarder, there were always 12-16 horses plus a dozen longhorns. The proposed indoor riding arena has a smaller footprint than the current outdoor arena. This is just a place for our animals to work safely. It's not an event center. We held two events over three days and all the parking were in the upper area. There is no need for double passing. We have expansion on our gate, but it's not needed.

Irene Self said she is in favor of this project. She said she has been involved with horses for over 30 years. She said she is disturbed by the allegations that the horses at this property aren't properly cared for. 1.5 horse per acre is just for grazing and that has already been addressed. She said she has known Liz and the Witmers for 5 or more years. It's a good operation and part of our western heritage. One of the richest neighborhoods is Ranchera which has an indoor arena which is part of the draw. Liz worked and operated an indoor arena off of Holcomb. Liz was classically trained in Europe. The horses are part of the culture. She said she shows horses and accounts for 6 horses. It's not accurate to say it will be 50 trailer trips. Over several days, riders will compete in multiple classes. She said she knows the property. They do a good job keeping it safe. It's the same amount of traffic on that road. There were inaccurate statements made. Think of this as a riding academy. This won't be an ugly building. It will be where kids and seniors can go and ride.

Karen Lockard, resident of 21 years, said she appreciates a clean and safe facility to ride in. She is thankful for the opportunity. The horses are well maintained. She said the horses don't feed on the pasture as it's a relaxing play area for them. This is a local, clean, safe arena to

ride year-round. An indoor arena would be less dusty. Most of the riders use the horse there. They aren't bringing horses in daily. The kids don't bring their own horses. They use the horses there. She said she attended the open house where they displayed a plan. She said she fully supports this.

Leslie Gilkey, resident for 22 years, said she is in support of the indoor arena. She said she has been riding since she has lived her. She said she rode in Red Rock or Rhodes Road. She said by having an equestrian arena available within 15 minutes, she could still be riding. She said she has been to the facility several times. Some of the comments are distressing. The grass pastures are not turning into dust. One of the supporters has pictures of the open house where the plans were available.

Annalise Appleseth, local trainer in Reno, said she wanted to speak on behalf of Liz and her business model. It's fantastic. She gets wonderful results with her riders. She does this by having small lesson numbers. She caps her lessons at 5 which is small in the industry. It speaks to her program, and she runs it responsibility. She said she attended the open house where there were plans for the arena. It would be a nice addition to our equine community. She said she has ridden in that arena with cars flying by and the horses get spooked. It would be a safer alternative to have an indoor arena.

Kerson Ferrall, employee of Landess Witmer, said he is disappointed in the false accusations and negative comments against the Witmers and this development. They are community focused who are working hard to provide a safe arena for the equine community to flourish. He said Landess gave me a job when he was unemployed going to college. He said he has opportunities now because of the Witmers. He said he has a hard time understanding the validity of what others have said because they are ready to help.

Cindy Lazetich said we are not criticizing the people who own the barn, we are criticizing the barn itself. It's a huge metal building. The septic system is a residential septic system. They will have a number of people in there. It will be 3 stories high. We will see it from the road. There is no provision for screening. There is one access in and out. They have another gate, but NDOT said they aren't allowed to use that gate. In the last two weeks, that gate has been open, and the barn has been purchased and delivered. They have used the separate entrance. The manure sat there for a month and that is the reason we are disgusted. Half of these people don't live in our neighborhood. She said she doesn't want to see a steel building. We counted 14 trailers in the upper area. They said that area isn't available for trucks and trailers, but they are there. It's not about the Witmers or ponies. She said she lives in that neighborhood. It's not a neighborhood for a commercial operation. The detriment is the highway. Our street, side street, and corner of Watt and Martin is wider than highway 671. It's dangerous and will be dangerous on the weekends when there are bicyclists. We cannot even walk on that highway. She said she has to go down to Bartley Ranch because it's too frightening.

All public comment received was available to the Board members.

Member Stanley asked NDOT requirement for access into the driveway. Clint These said we are paving an asphalt apron into the driveway with a 25-foot radius down into the driveway. It's 10 feet in depth and it's to keep the gravel from traveling into the existing highway. It will be built to NDOT standard. The plan showed the second driveway which they said nothing about it's used infrequently only for maintenance purposes or when she holds events to park trailers. Mr. These said they have an encroachment permit; every driveway on a State highway right-of-way needs permission to have that. A lot of the driveways that were built in the 50s, 60s, 70s weren't permitted. This went through a preapplication about 3 years ago and never made it to submittal process. At that time, the applicant became aware they needed

the permit. We had that in place a year ago. We have had it for 15 months. We hadn't been able to improve it yet because of the fiasco with having to move the building and then realized we needed the special use permit for grading and the operations. Mr. These said we provide a plan and the existing condition of the encroachment and improvements. It's from the edge of the highway to the right-of-way fence. It's roughly 30 feet in depth. Mr. These said in response to the septic comment, the septic system was replaced with a commercial septic system at the instance of the Washoe County Health Department. Those plans need to be registered with NDEP. Any commercial facility needs NDEP approval. They keep track and monitor it.

Member Stanley asked maximum amount of participation anticipated for any given event. Liz Reader, owner/operator Paravasas Stables, said we anticipate having 55 horses which is what we had at a large event last year. Not all those horses came in. Of those 55 horses, 15 were already on-site. There are 100-150 people.

Member Stanley asked if there is a requirement for an event over 100 people. Ms. Olander said Washoe County has a requirement for an outdoor event license for event over 99 people. She said we distribute that application to various agencies including NDOT. It's on an NDOT road. Mr. Lloyd said applications for events with over 300 attendees would come before the Board of Adjustment, under 300 is handled by staff.

Member Christensen asked, for the above grade, what is the total elevation at the peak? Ms. Olander said at that location, because of the zoning, they can't have a building height of 35 feet. They are in a residential zone. 35 feet is the limit. The zoning drives the height allowance. She said they will be doing grading for drainage purposes, but we don't count that in the height of the building. We are looking at the height of the structure. We measure the structure of the building from the base of the building to the top. Mr. These said the building is 32 feet high at the peak. The building pad on the south end matches ground around the existing barn. There is a 4% slope with 10 ft fill in northeast corner. If you come from the west from Lakeside and Holcomb, its recessed about 15 feet. You will see the top of the building. The only place you would be able to see the full height of the building is on Holcomb as you look down the canyon at dry creek.

Member Pierce said it was difficult to review the 12-page packet of comments with the timing while trying to listen to all the comments. Member Stanley agreed. Chair Hill said it's a lot of information and points of views. The members agreed it would have been nice to have received it a few days ago. Member Stanley said his concerns were traffic and safety. He said he went out and did a site visit. It is a small area. He said that is why he asked about the NDOT permits. He said there are people going 65 mph while others trying to pull a horse trailer. He said the events at Hawkins have flagmen. He said there is safety concerns. On the flip side, it's great to have horse training facility. It's a great cause but there are concerns with roadway traffic and safety concerns. Chair Hill said it seems as those it's been operating for quite some time at the same level.

Member Thomas said the board isn't here to discuss the health of horses or personality of the owner. It's about the building of a structure and addition of more horses. He said he listened to the speakers. He said he has driven that road - Holcomb Ranch Road, Thomas Creek, and Lakeside. Holcomb Ranch Road is a small road with no shoulder, no white fog line, and the asphalt rolls off the road. It was ranch land. People jog and bicycle on that road and understand the problems that can occur. It's a small two-lane road. He said he has been on that road behind trailers and watched ongoing traffic go as far right to avoid the trailers on that road. it's a narrow road. He said if you have a standard 20-ft truck and pulling 14-ft or longer trailer, it has to slow down or stop and turn into a narrow road. There isn't a lot of room to maneuver something of that size. Leaving that property, you come up a gravel hill onto a

narrow road while towing a trailer. It will slow progress and create a traffic issue. He said he has an issue with the road, driveway size. He said they are requesting to increase to the amount of horses. There was a pile of manure which is the result of having horses. He said he noticed the pile today. If you have an event with 55 horses over 3-days, that is a lot of manure. There was mention that December was the wettest month on record and couldn't be removed; but January was the driest month on record and the manure was still there. He said he isn't in favor of adding more horses. 23 horses on a property that size is good. He understands the horses aren't living out on the pasture, but they still need to be turned out. You won't leave them in the barn the whole time. It will limit the number of horses out there at one time. He said he received numerous emails pro and against this proposal. He looked at the addresses. There were 27 individuals who are against the property live in the area. There are over 50 individuals that were in favor, but those individuals live in Las Vegas, Sparks, or North Reno. He said he is focusing on the community involved and what they have to say. There were 27 neighbors are opposed which carries weight. As for the structure itself, it's large. He said he looked at it. It will replace the lower arena. He said it was mentioned that the cottonwood trees were ruined during a flood; however, that is the proposed site of the arena. He said the inside of the chambers is 17 feet tall. The proposed structure will be 32 feet tall which means you will be able to see the big building right there off the road. He said for those reasons, he is not in favor of approving this project. Member Stanley asked which of the findings he couldn't make – site suitability and detriment. Member Thomas said we aren't taking away someone's business or reducing the number of horses. We aren't telling you can't train. Everything will stay status quo if the decision is made not to move forward with this.

Member Pierce said traffic is something we all deal with. He said he doesn't see where that is a reason to stop this. They are requesting two more horses. He said he saw the negative and positive comments. He said he is in favor of the project.

Member Christensen agrees with Member Thomas' comments. This 32 ft building with 10 ft fill will impact this neighborhood. He said he attended a 250-person wedding on Holcomb Ranch, the tent was an imposition, and it wasn't 32 feet tall. Holcomb Ranch isn't designed for this type of activity. Chair Hill said it's a highway. Member Christensen said he is concerned with the visual impact on the neighbors. Member Piece said 15 feet is visible from the west. Member Stanley said from the highway, you can see 15 feet, but the neighbors might be getting a full view of the building. Member Christensen said the approximate neighbors were compelling. He said he doesn't support this. Member Stanley said we have some control of the road if it's Washoe County Road, but with this, it's a highway. It's NDOT. The applicant has to deal with the daunting tasks of getting the adjustments and encroachments. That road is narrow road with two 90-degree dogleg turns in it.

MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Special Use Permit Case Number WSUP21-0036 and Administrative Permit Case Number WADMIN21-0016 for Pro Pony LLC, having been unable to make finding #4, detrimental, in accordance with Washoe County Code Section 110.810.30 and 110.808.25:

1. **<u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Area Plan;**
2. **<u>Improvements.</u> That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed**

roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. **<u>Site Suitability.</u> That the site is physically suitable for commercial horse boarding stable and for the intensity of such a development;**
4. **<u>Issuance Not Detrimental.</u> That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;**
5. **<u>Effect on a Military Installation</u>. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.**

Member Stanley seconded the motion. The motion carried 4-1. Member Pierce opposed.

9. **Chair and Board Items** [Non-action item]

   A. Future Agenda Items

   Chair Hill said CABs are being eliminated and the applicants have to provide neighborhood meetings. She said she attended the Resort at Tahoe Residences community outreach meeting. There was no public input. They provided a presentation and then it ended. She said she doesn't understand how this can take the place of the Citizen Advisory Boards. DDA Large said it can be agendized for a future meeting. Member Stanley said he is proponent of the CAB.

   B. Requests for Information from Staff - None

10. **Director's and Legal Counsel's Items** [Non-action item]

    A. Report on Previous Board of Adjustment Items - None

    B. Legal Information and Updates - None

11. **Public Comment** [Non-action item]

    Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

12. **Adjournment** [Non-action item]

    The meeting adjourned at 8:07 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on March 3, 2022

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment

EXHIBIT “8”

EXHIBIT “8”

Landess Witmer Author

1d Like Reply Share 5

Pam Rutherford
Landess Witmer what can I do to help from afar?

1d Like Reply Share

Landess Witmer Author
Pam Rutherford Jot an email to the Board of Adjustment please! As a close neighbor who has just moved to another state....

1d Like Reply Share

Landess Witmer Author
Pam Rutherford JOlander@washoecounty.gov

1d Like Reply Share

Pam Rutherford
Landess Witmer ok will do. When do I need to send it by? I can honestly say they lost me as a resident of the County because of their over-reaching and strict demands on property owners with livestock/equine. I couldn't do what I wanted to do in regards to a commercial horse facility without their crazy expectations, permitting, restrictions, costs.

1d Like Reply Share

Landess Witmer Author
Pam Rutherford in this next week please. Giving them time to read by 11/2. Thank you!

1d Like Reply Share

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EXHIBIT “9”

EXHIBIT “9”

SUMMARY OF PRO PONY'S MISREPRESENTATIONS AND OMISSIONS

Both the Application and the Neighborhood Meeting Handout are fraught with material misrepresentations and omissions. *See* Neighboring Property Owners' Opposition to Pro Pony LLC's Special Use Permit Application ("Opposition"), Ex. 2 ("Application"); *id*., Ex. 6 ("Neighborhood Meeting Handout"). On this basis alone, the Application must be denied. Pro Pony's misstatements and omissions are summarized below.

1. **Failure to Address Tree Removal.** While Pro Pony advises that one tree will remain, Pro Pony fails to state how many trees will be removed. *See* Application, at 12. Moreover, how many trees could possibly remain after compliance with the conditions required by Truckee Meadows Fire Protection District? *See* Staff Report, attached hereto as **Exhibit A**, at 16 (requiring compliance with TMFPD fire codes, ordinances, and standards "to include infrastructure for fire apparatus access roads"); *see also* IFC 503.2.1 ("Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders . . . and an unobstructed vertical clearance of not less than 13 feet 6 inches.").

2. **Neither the Existing nor Proposed Landscaping Complies with the Code.** Pro Pony makes clear that it will undertake no landscaping "for this project or use." *See* Application, at 9. Shockingly, Staff supports the waiver of all landscaping requirements—in implicit recognition that Pro Pony currently fails to adhere to the requirements of WCC § 110.412.40(a-d). **Exhibit A** (Staff Report), at 7-8. This is absurd. This is a single-family, residential neighborhood. There is absolutely no reason why Pro Pony should not be required to comply with the law with respect to all landscaping requirements. Moreover, Staff does not even address Pro Pony's failure to adhere to the landscaping requirements throughout the Property—instead just focusing on the area immediately surrounding the proposed indoor arena. *Id*. **What is the justification for not**

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requiring Pro Pony to adhere to landscaping requirements for the portion of the Property that shares a border with 3600 Holcomb Ranch Lane—a single-family, residential home? And, to the extent Staff emphasizes Pro Pony's addition of evergreen trees to the Property, such trees are maybe four-feet tall. *See* Photograph of Pro Pony's Landscaping, attached hereto as **Exhibit B**.

3. **No Basis to Waive Paving Requirement.** Again, Staff supports the waiver of paving requirements "for the safety of horses and riders." **Exhibit A** (Staff Report), at 7; WCC § 110.412.25(e). This explanation is illogical—as the driveway leads from a closed gate only to a paved NDOT road. *See* Opp'n, Exhibit 47 (Photograph of Gate).

4. **Impacts to the Last Chance Canal and Irrigation Company.** As thoroughly addressed in the memorandum prepared by JUB Engineering, the following representations by Pro Pony are concerning: (1) "The Dry Creek Floodway will not be impacted by this construction[,]" *see* Application, at 16; (2) "Site drainage patterns will not change as a result of this project[,]" *id*., at 23 (SUP 4); and (3) "The thresholds of a grading permit are not met by this project[,]" *id*. *See* Opp'n, Ex. 53 (JUB Engineering Memorandum).

5. **No Discussion of Impacts of Construction in Flood Zone.** Pro Pony does not address the implications of constructing the proposed indoor arena within a FEMA Special Flood Hazard Area (SFHA) Zone AE **anywhere** in the Application. The **only** time Pro Pony even mentions the existence of the flood plain is in small print, in the final paragraph on the site plan drawings. *See* Application, at 20. **This is a significant omission**.

6. **Pro Pony Fails to Recognize that Dry Creek is a Perennial Stream.** In small print in the penultimate paragraph titled "Significant Hydrologic Resource Statement," Pro Pony incorrectly states, "[t]he existing stream upon the property is not identified by Article 418 as a

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Perennial Stream." *See* Application, at 20. **This is another blatant misrepresentation**. Dry Creek, the 'the existing stream upon the property" is clearly identified as a Perennial Stream in the Code. *See* WCC § 110.418.05.1 (Map of Significant Hydrologic Resources).

7. **Compliance With FEMA Policy**. The Application is devoid of any discussion regarding how the proposed construction complies with FEMA Policy—which requires all non-residential structures "to be elevated or dry floodproofed to or about the Base Flood Elevation (BFF)." *See* Opp'n, Ex. 51 (FEMA Policy), at 1.

8. **Indoor Arenas are not Common in this Neighborhood.** Pro Pony states that the indoor arena it seeks to construct "is common to the neighborhood where it is to be constructed." Application, at 5. **This is not true.** Not only did the Board of Adjustment reject Pro Pony's attempt to construct this structure in 2022, the Board of Adjustment also denied the construction of a similar indoor arena at 3003 Holcomb Ranch Lane in May 2006. *See* Opp'n, Ex. 54 (Record of AP06-004), at 16-17.

9. **Pro Pony's Stated Benefits on Adjacent Properties.** It is curious that Pro Pony focuses on the revenue residential developers could generate from the Property, when Pro Pony and Pair of Aces run a commercial, for-profit business. *See* Application, at 6. Even if Pro Pony's Application is approved, nothing precludes Pro Pony from selling the Property for residential development at any time. Moreover, it is obvious neither the owners of Pro Pony or Pair of Aces live in our neighborhood from the spurious claim that our 2.5 acre minimum residential neighborhood would have yelling, screeching tires, and general chaos and noise. *Id*. Pro Pony's characterization of residential homes as somehow generating more noise and havoc then Pro Pony's intensive commercial operation is laughable.

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10. **Parking Violations.** During the August 3, 2023, Neighborhood Meeting, at least three vehicles arrived bearing valid blue handicap parking permits. Each driver looked for ADA parking and was unable to find any signs indicating their availability. The doors to the rear of the barn were open; however, the area had no signage and had a gravel rather than a paved base. In March 2023, a complaint was lodged against 3400 Holcomb Ranch Lane by Washoe County for violating the requirement for a commercial operation to have an ADA accessible bathroom and parking space. The complaint was closed upon inspection dated July 25, 2023. The open house occurred after that date—indicating that violations remain. *See e.g.*, WCC § 110.410.15(c)(6).

11. **Signage.** The existing sign on the Property is not only nonconforming, it is a public safety hazard as it blocks visibility of vehicles backing out of the access driveway onto the NDOT road. *See* WCC § 110.505.55(f).

12. **No Discussion of Required Termination of Multi-Family Use.** Multi-family uses are **not allowed** in HDR regulatory zones. *See* WCC § 110.302.10 (Table of Uses). Staff recognized that Pro Pony currently uses the Property for multi-family use, and that such use is prohibited by Code. *See* December 2021, Email Exchange, attached hereto as **Exhibit C**. Under WCC § 110.904.25(b), no new use or structure shall be established unless the existing and proposed use also complies with the Code. *See also* WCC § 110.904.60. The Application is devoid of any discussion related to the impact of the proposed use and structure on Pro Pony's current multi-family use. Likewise in violation of Code, Pro Pony fails to explain its increase from three apartments in 2020, *see* Opp'n, Ex. 49 (2021 Application), at 15, to four apartments currently, *see* Application, at 9.

13. **Feedback at Neighborhood Meeting.** Pro Pony claims that the feedback from the August 3, 2023, Neighborhood Meeting was "mostly positive." *See* Application, at 17. This is

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odd—as all immediately adjacent property owners oppose the Application, and many more attended and wrote "opposed" on the provided sign-in sheet. In addition, Pro Pony failed to provide comment cards at the Neighborhood Meeting, as well as failed to indicate how Pro Pony altered its Application in response to comments received at the Neighborhood Meeting.

14. **Parking at Neighborhood Meeting.** Pro Pony represents that there was adequate parking for all 75 persons that attended the August 3, 2023, Neighbor Meeting. *See* Application, at 9. This is not true. Many people had to park on Holcomb Ranch Lane—which is not permitted and unsafe. *See* Photograph of Vehicles Parked on Holcomb Ranch Lane for Neighborhood Meeting, attached hereto as **Exhibit D**.

15. **Misstatements of Neighborhood Meeting Handout.** The Neighborhood Meeting Handout includes a slew of misstatements. *See* Neighborhood Meeting Handout. Based on these misrepresentations, it is concerning that Pro Pony supporters do not understand the facts that directly contradict Pro Pony's statements:

- Silver Circle Ranch was not a "commercial stable on 12.56 acres." Warren Nelson and his family lived here on 55 acres and had a low-key boarding ranch.
- It is the typography and acreage of the land that determines what the land can support—not the size of the stable.
- The massive indoor arena is not a "roof on a riding area." It is an industrial steel building of 13,580 square feet rising almost four stories above existing grade. Construction of this arena has direct impact on views from Holcomb Ranch Lane and from properties across Holcomb Ranch Lane.
- In 2019, there were four horses at Silver Circle Ranch before the sale of the Property to Pro Pony. Pro Pony has added 100 lessons per week, 21 and now 31

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more horses with owners, riders in a lesson program, and four rental apartments. Yet, Pro Pony claims 40 to 60 trips in and out of the Property every day is "[n]o increase in traffic"!

- Development of homes in this neighborhood must meet 2.5 acre requirement to comply with the Code. Commercial uses are not permitted in HDR regulatory zone.
- A three mile radius includes the commercial areas on South McCarran and South Virginia—hardly our "neighbors."
- The intensity of Pro Pony's commercial operation was first disclosed to neighbors in December 2021. Neighbors went on record as opposed to Pro Pony's business operations at the first opportunity—before the Board of Adjustment on February 3, 2022. During the height of COVID-19 much of Pro Pony's activities were out of public view.

EXHIBIT LIST

Exhibit No.	Description	Pages
Exhibit “A”	Board of Adjustment Staff Report	53
Exhibit “B”	Photograph of Pro Pony’s Landscaping	1
Exhibit “C”	December 2021, Email Exchange	2
Exhibit “D”	Photograph of Vehicles Parked on Holcomb Ranch Lane for Neighborhood Meeting	1

EXHIBIT “A”

EXHIBIT “A”

Board of Adjustment Staff Report

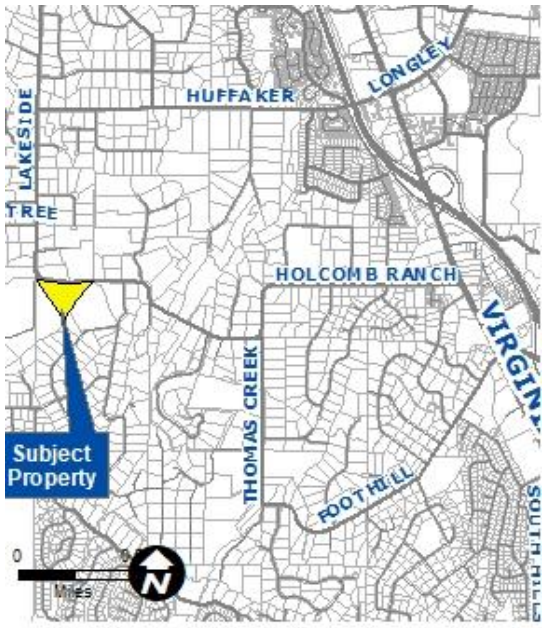
Meeting Date: November 2, 2023 **Agenda Item: 8F**

SPECIAL USE PERMIT CASE NUMBER:	WSUP23-0029 (Silver Circle Ranch)
BRIEF SUMMARY OF REQUEST:	To allow the use of a commercial stable and indoor riding arena structure
STAFF PLANNER:	Julee Olander, Planner Phone Number: 775.328.3627 E-mail: jolander@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a special use permit to bring an existing legal non-conforming commercial stable to board 35 horses into conformance with Washoe County Code and to allow for the construction of a 13,500 SF indoor riding arena structure. The applicant is also requesting modifications to remove the requirement for paved parking surfaces to allow non-paved surfaces (110.410.25(e)), and to waive landscape standards for commercial uses (110.412.40(a-d)).

Applicant/Owner:	Pro Pony LLC
Location:	3400 Holcomb Ranch Ln.
APN:	040-670-12
Parcel Size:	±12.56 acres
Master Plan:	Rural Residential (RR)
Regulatory Zone:	93% High Density Rural (HDR) & 7% General Rural (GR)
Area Plan:	Southwest Truckee Meadows
Development Code:	Authorized in Article 302, Allowed Uses and Article 810, Special Use Permits
Commission District:	2 – Commissioner Clark



Vicinity Map

STAFF RECOMMENDATION

APPROVE **APPROVE WITH CONDITIONS** **DENY**

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP23-0029 for Pro Pony LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and the 3 findings required under the Southwest Truckee Meadows Area Plan.

(Motion with Findings on Page 11)

1001 E. Ninth St., Reno, NV 89512-2845
Telephone: 775.328.6100 – Fax: 775.328.6133
www.washoecounty.gov/csd/planning_and_development

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Staff Report Contents

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Exhibits Contents

Conditions of Approval ..... Exhibit A
Agency Comments ..... Exhibit B
Public Comment Letters ..... Exhibit C
Public Notice ..... Exhibit D
Project Application ..... Exhibit E

*The Public Comment Letters (exhibit c) are extensive. To view the complete exhibit click here or go to:
https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/WSUP23-0029_ExhibitC_PublicComments.pdf
or contact Adriana Albarran at aalbarran@washoecounty.gov to have a copy sent by email.

Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as "operational conditions." These conditions must be continually complied with for the life of the business or project.

The conditions of approval for Special Use Permit Case Number WSUP23-0029 are attached to this staff report and will be included with the action order.

The subject property is designated as High Density Rural (HDR) and General Rural (GR) regulatory zoning. The proposed horse boarding stable, which is classified as commercial stable, is permitted in HDR and GR with a special use permit per WCC 110.302.05.3. Therefore, the applicant is seeking approval of this SUP from the Board of Adjustment.

Additionally, Article 810, Special Use Permits, allows the Board of Adjustment to vary development code standards in conjunction with the approval process per WCC 110.810.20(e). The Board of Adjustment will be ruling on the requests to vary standards below:

Variance Requested	Relevant Code
Required paved parking, driveways and maneuvering areas	110.410.25 (e)
Landscaping Requirement for Civic and Commercial Use Types	110.412.40(a-d)

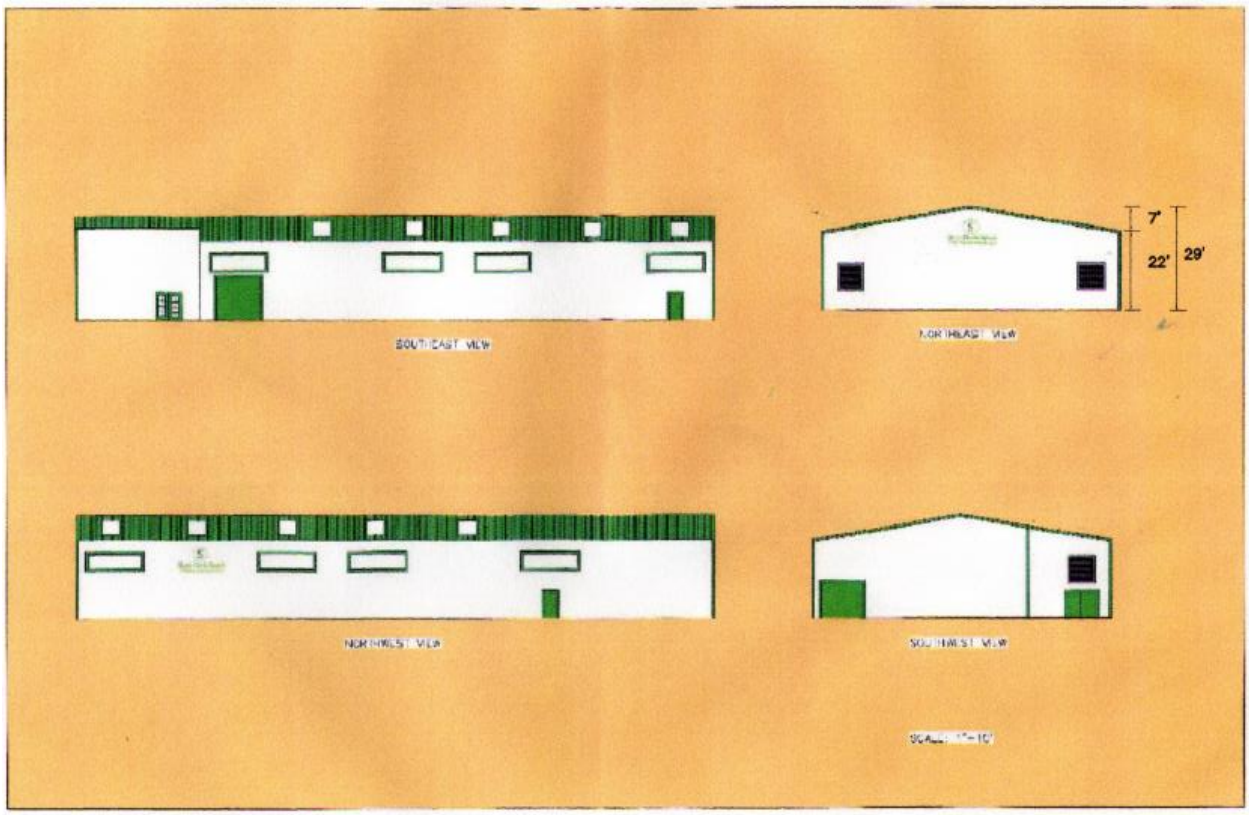
APPROX. NORTH
SCALE 1" = 50'
0'
100'
Existing Outdoor Arena
671
Pair of Aces Stables
Main Entrance off Holcomb Ranch Lane
Proposed 13,500 SF Indoor Arena (to replace existing outdoor arena)

Site Plan

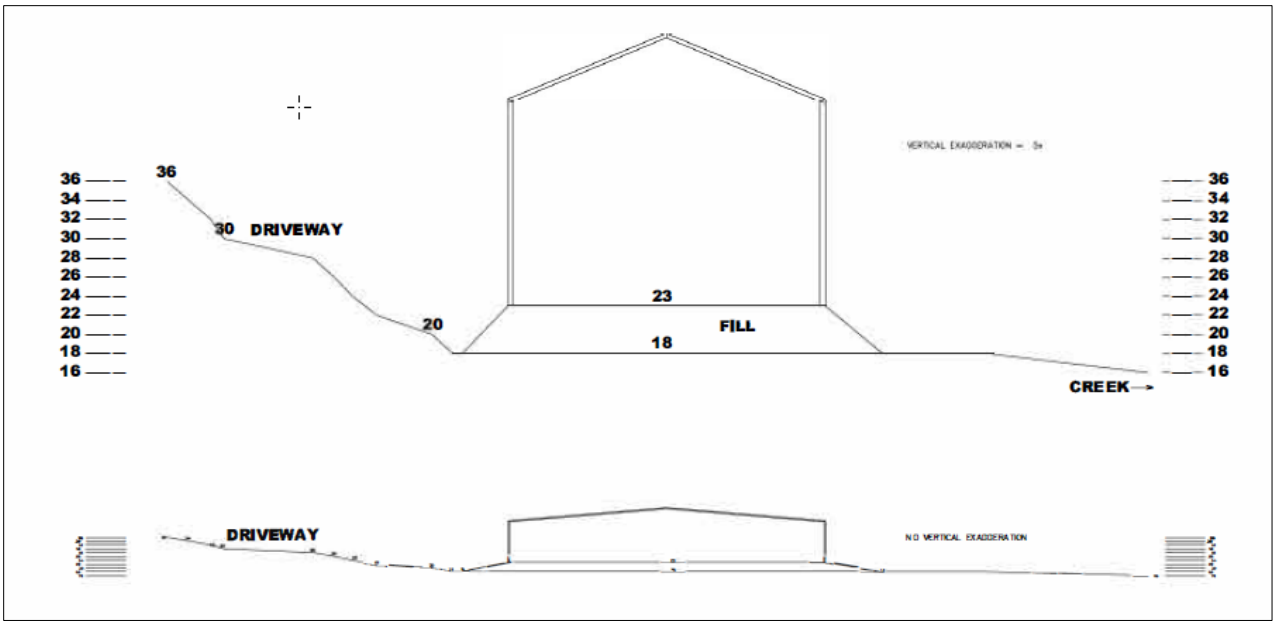
Project Evaluation

The applicant is requesting approval of a special use permit (SUP) to memorialize the operation of existing commercial stable use type and to allow for the construction of an indoor riding arena. The parcel has been used as a horse boarding/training facility with a barn/stable and outdoor riding arenas since the early 1970s. The site has a current business license to board 35 horses, 2 of which shall be reserved for "retired" horses. However, according to the applicant a SUP was not required for the site when the commercial stable was established. Currently, a SUP is required, and the application is applying for a SUP to meet current requirements.

There are two existing outdoor arenas, the one closest to Holcomb Ranch Lane is where the proposed new 13,500 SF steel indoor riding arena structure is to be constructed (See the Site Plan, on page 4). The indoor arena will only be used for horse riding, training and storage of horse equipment. The applicant has found it difficult to offer riding throughout the year with the varying weather conditions. The indoor arena will allow riding year round. The arena will be located at the lowest area on the site to minimize visual impacts and Dry Creek will not be impacted by the location of the arena. The 29 foot high metal riding arena will be painted white and green, matching existing structures (See Elevations below).



Indoor Riding Arena Elevations



Indoor Riding Arena Site Elevations

The facility will continue to board up to 35 horses, which includes 10 lesson horses and 2 horses owned by the owner. The facility will provide riding lessons for 1-5 students for 30 minutes to an hour. The planned daily hours of operation are 7 am to 9 pm. The site will host four show events throughout the year. The 1 or 2 day shows will be held during the weekend and will be limited to 50 or fewer riders. The events will be non-ticketed and attended primarily by staff and participants as well as family and friends. The applicant will apply for temporary special event licenses for the shows. The applicant indicates up to 4 clinics per year will be held for the trainer's students.

The grading required to construct the indoor arena does not meet the major grading thresholds. The applicant indicates that an area of 19,030 SF will be disturbed, 1,505 cy beneath the building and 309 cy for the side slopes. The only lighting proposed for the arena will be security lighting, which will be down shielded.

The applicant will remove some of the cottonwood trees adjacent to the proposed indoor arena, as they are diseased and/or dying. The applicant has developed a manure/handling/disposal plan with Northern Nevada Public Health and manure will be removed weekly by Waste Management. The applicant also has fly control measures in place to manage fly issues.

The parcel has a regulatory zone of 93% High Density Rural (HDR) and 7% General Rural (GR). The parcel is a triangle shape, and the GR portion is located at the southern part of the parcel. The parcels to the north, west and east have a regulatory zone of HDR; to the south the parcel is GR and the parcels to the southeast have a regulatory zone of Low Density Suburban (LDS). The parcel is in the Southwest Truckee Meadows Area Plan and is within the Lakeside/Holcomb Suburban Character Management Area.

Parking

The Washoe County code requires 0.25 parking space for every horse, along with one parking space per employee during peak employment shift. The facility proposes boarding 35 horses, which requires 9 spaces, and 5 spaces for the employees. The site is required to have 1 ADA parking space for every 25 required parking spaces. A paved ADA parking space is located

adjacent to the existing barn. The applicant indicates that there are approximately 31 parking spaces located in the lower area of the site, including an area for horse trailers. The applicant indicates that the upper pasture area can be used for any overflow parking and trailer parking. The applicant is requesting a modification from the paved surface requirement, as discussed below.

Traffic

The applicant indicated there are two entrances to the site. The main entrance is from Holcomb Ranch Lane to the stable and lower riding arena and the other provides access to the upper riding area. There is a large area adjacent to the upper riding arena where trailers can park during any show events. The applicant indicates that due to the minimal increase in traffic generated by this request, no traffic study is required. However, Washoe County Engineering has conditioned that, "A traffic impact letter shall be prepared by a Nevada registered engineer and shall determine the project's projected traffic impact to the local roadways with mitigation recommendations, if required, to the satisfaction of the County Engineer."

Modifications

The applicant is asking to waive the following:

1. 110.410.25(e) - Paved parking, driveways and maneuvering areas are required. The applicant is requesting a waiver to allow for non-paved surfaces in these areas for the safety of horses and riders. The applicant will maintain the driveway and parking areas with compacted gravel surfacing material.

   Staff comment: Staff supports the wavier of the paving requirements, except for ADA parking, for the safety of horses and riders.

2. 110.412.40(a) Coverage. A minimum twenty (20) percent of the total developed land area shall be landscaped. The area has existing vegetation along with pastures throughout the site.

   Staff comment: Staff supports the wavier of the landscaping requirements., The site is in a rural environment with natural vegetation including large trees. The applicant has added approximately 20 fast-growing evergreen trees and shrubs between the proposed arena and Holcomb Ranch Lane.

3. 110.412.40(b) – Required Yards Adjoining Streets. "All required yards which adjoin a street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet, or fraction thereof." The applicant has added approximately 20 fast-growing evergreen trees and shrubs between the proposed arena and Holcomb Ranch Lane.

   Staff comment: Staff supports the wavier of landscaping on adjoining streets. The buildings and riding arenas are not adjacent to Holcomb Ranch Lane. The applicant is landscaping the area around the proposed indoor arena with trees and bushes, and it is proposed to be located at the lowest area of the site. Many of the surrounding properties have large pastures and outbuildings. The site is large, and the existing buildings are isolated from neighboring properties.

4. 110.412.40 (c) – Landscaped Buffers Adjoining Residential Uses. "A buffer shall be the width of the required front, side or rear yard for the entire length of the adjoining common property line; and include at least one (1) tree every twenty (20) linear feet of property frontage, or fraction thereof, planted in off-set rows or groupings to achieve maximum screening." The applicant has added approximately 20 fast-growing evergreen trees and

shrubs between the proposed arena and Holcomb Ranch Lane. The applicant is not disturbing the whole site.

Staff comment: Staff supports the wavier of buffering to adjacent residential uses. The applicant is landscaping the area around the proposed indoor arena with trees and bushes. The indoor arena will be located at the lowest area of the site, adjacent to Holcomb Ranch Lane. This location furthers the distance from neighboring parcels and minimizes the need to screen.

5. 110.412.40 (d) – Screening Adjoining Residential Uses. "When a civic or commercial use adjoins a residential use, a solid decorative wall or fence shall be erected along the entire length of the common property line." The applicant has added approximately 20 fast-growing evergreen trees and shrubs between the proposed arena and Holcomb Ranch Lane. The applicant is not disturbing the whole site.

   Staff comment: Staff supports the wavier of the screening requirement. The applicant is landscaping the area around the proposed indoor arena with trees and bushes, and the arena is proposed to be located at the lowest area of the site. The site is large and isolated from neighboring properties. There are similar properties with livestock and barns in the area.

Southwest Truckee Meadows Area Plan Evaluation

The subject parcel is located within the Southwest Truckee Meadows Area Plan. The Southwest Truckee Meadows Area Plan speaks to residents owning horses. The following are pertinent policies from the Area Plan:

Relevant Area Plan Policies Reviewed

Policy	Brief Policy Description	Complies	Condition of Approval
SW.2.1	Minimize cuts and fills	Yes	
SW.2.5	Current best practice "dark sky" standards	Yes	Yes
SW.2.10	Impact of development on adjacent land uses will be mitigated	Yes	
SW.2.12	A Public Health Impact Review (PHIR)	Yes	Yes
SW.2.14	Character statement can be adequately conserved	Yes	
SW.5.2	Grading will have minimal visual impact	Yes	
SW.5.3	Finished and fill slopes will not exceed a 3:1	Yes	
SW.10.3	No significant degradation of air quality will occur	Yes	

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Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Building & Safety	X	X		Scott Huntley, shuntley@washoecounty.gov
Washoe County Sewer	X	X	X	Alexander Mayorga, amayorga@washoecounty.gov
Washoe County Traffic	X	X	X	Mitchell Fink, mfink@washoecounty.gov
Washoe County Water Rights Manager (All Apps)	X	X		Timber Weiss, tweiss@washoecounty.gov
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Robert Wimer, rwimer@washoecounty.gov
WCHD Environmental Health	X	X	X	James English, jenglish@washoecounty.gov
TMFPD	X	X	X	Brittany Lemon, blemon@tmfpd.us

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Neighborhood Meeting

The applicant held a neighborhood meeting at Silver Circle Ranch on August 3, 2023. The applicant sent notices to surrounding neighbors and clients (see Exhibit E). Between 80-100 people attended the meeting. The applicant had renderings of the proposed indoor arena on display, answered questions regarding the proposal and pointed out the actual physical location of the different structures and amenities.

Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

(a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Area Plan.

Staff Comment: There are no policies or action programs within the Southwest Area Plan that prohibit the proposed commercial stable. The Area Plan acknowledges that residents own horses and, "the area still possesses a rural quality that pays homage to its Western heritage." The proposed special use permit will bring the existing legal, non-conforming commercial stable use into conformance with Washoe County Code, which requires a special use permit for th commercial sable use type.

(b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Based on agency review comments received and the proposed conditions of approval, there are adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities either available or that will be provided. This

approval will require compliance with all applicable codes and requirements should any have not been previously met.

(c) Site Suitability. That the site is physically suitable for commercial stable and for the intensity of such a development.

Staff Comment: The site is physically suitable for the type of development. The site has been used as a commercial stable for many years with outdoor riding arenas. The construction of an indoor riding arena will enclose one of the existing outdoor arenas.

(d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The commercial stable exists along with two outdoor riding arenas on the site. The proposed indoor riding arena will be located adjacent to the roadway and not any houses. The conditions of approval will further provide requirements for the facility to operate without significant negative impact upon the surrounding area and will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

(e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation within the required noticing distance for this application. Therefore, there is no effect on a military installation.

Southwest Truckee Meadows Area Plan Findings

SW.2.4 During review of tentative maps and other development proposals, the Planning Commission will review the adequacy of the minimum standards established under Goal 2; and upon a finding that a standard is inadequate to implement these goals, may impose other similar standards as necessary to implement the relevant goal. Said similar standards may include but are not limited to, perimeter parcel matching and alternative construction materials.

Staff Comment: Goal 2 speaks to the community character commonly found in the Southwest Truckee Meadows planning area. The applicant is proposing to memorialize an existing commercial stable and construct an indoor arena. The site has been used as a commercial stable since the 1970s and livestock are found throughout the neighboring properties. The indoor arena will replace an existing outdoor arena.

SW.2.14 The approval of all special use permits, and administrative permits must include a finding that the community character, as described in the character statement, can be adequately conserved through mitigation of any identified potential negative impacts. Mitigation measures shall be reviewed by the Washoe County Planning Commission as well as by the relevant Citizen Advisory Board.

Staff Comment: The applicant is proposing to memorialize an existing commercial stable and construct an indoor arena. The special use permit will bring an existing legal, nonconforming commercial stable into conformance with Washoe County Code and will conserve the community character of the Lakeside/Holcomb Suburban Character Management Area. This area has a mixture of older ranches and newer residential homes. This site has had a commercial stable

since the 1970s and it is a well-known establishment in the area and is part of the character of the area.

SW.10.3 The granting of special use permits in the SWTM planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Staff Comment: This application was sent to Air Quality and no comments or conditions were received. The indoor arena should have less impact on the air quality and then the outdoor arena.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP23-0029 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration:

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP23-0029 for Pro Pony LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

(a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Area Plan;

(b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

(c) Site Suitability. That the site is physically suitable for a commercial stable and for the intensity of such a development;

(d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

(e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

And required Southwest Truckee Meadows Area Plan Findings:

(f) **SW.2.4:** During review of tentative maps and other development proposals, the Planning Commission will review the adequacy of the minimum standards established under Goal 2; and upon a finding that a standard is inadequate to implement these goals, may impose other similar standards as necessary to implement the relevant goal. Said similar standards may include but are not limited to, perimeter parcel matching and alternative construction materials.

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(g) **SW.2.14:** The approval of all special use permits, and administrative permits must include a finding that the community character, as described in the character statement, can be adequately conserved through mitigation of any identified potential negative impacts. Mitigation measures shall be reviewed by the Washoe County Planning Commission as well as by the relevant Citizen Advisory Board.

(h) **SW.10.3**: The granting of special use permits in the SWTM planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Pro Pony, LLC, witmers2@gmail.com

Representative: Soils Engineering, hugh10000@aol.com

Conditions of Approval

Special Use Permit Case Number WSUP23-0029

The project approved under Special Use Permit Case Number WSUP23-0029 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on November 2, 2023.Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “ conditions of approval” are referred to as “operational conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Northern Nevada Public Health, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

   Contact Name – Julee Olander, Planner, 775.328.3627, jolander@washoecounty.gov

   a. The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.

   b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.

   c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.

   d. A note shall be placed on all construction drawings and grading plans stating:

   NOTE

   Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

   e. The business license will be obtained to for the new use.

   f. All lighting will be down shielded.

   g. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.

   h. The following **Operational Conditions** shall be required for the life of the business:

      i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.

      ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.

      iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

      iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Robert Wimer, P.E. 775.328.2059, rwimer@washoecounty.gov

a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. 775.328.2059, rwimer@washoecounty.gov

b. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

c. A detailed hydrology/hydraulic report, in conformance with the standards included in the Truckee Meadows Regional Drainage Manual, prepared by a professional engineer licensed in the State of Nevada shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates, and flood limits of all 5- and 100-year storm flows impacting onsite and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations, including a discussion of and mitigation measure design for any impacts on existing offsite drainage facilities and properties. Additionally, any increase in storm water runoff resulting from the development and based upon the 5- and 100-year storms shall be detained on site and attenuated to existing flow rates for discharge to the satisfaction of the County Engineer.

d. Prior to approval of a building permit or grading permit, the developer will furnish to the Engineering Division and development review staff, written confirmation from the Ditch Company that they have reviewed and approved all ditch crossings, protective fencing, landscaping, and storm water discharge facilities that may impact the ditch.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink, P.E. 775.328.2050, mfink@washoecounty.gov

e. A traffic impact letter shall be prepared by a Nevada registered engineer and shall determine the project's projected traffic impact to the local roadways with mitigation recommendations, if required, to the satisfaction of the County Engineer.

f. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for any construction activities, improvements, and access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. 775.328.2313, amayorga@washoecounty.gov

g. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.

Truckee Meadows Fire Protection District

3. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

   Contact Name – Brittany Lemon, Fire Captain, 775.326-6079, blemon@tmfpd.us

   a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. https://tmfpd.us/fire-code/

   b. The riding arena is over 5,000 square feet and will require sprinklers. Access around the riding arena will also be required in compliance with the IFC (20 feet wide, all-weather surface, capable of supporting 75,000 pounds).

   c. Depending on how the building department classifies the building and occupant load a manual fire alarm system may be required.

4. Northern Nevada Public Health - Environmental

The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions.

Contact Name – James English, EHS Supervisor, 775.328.2434 jenglish@washoecounty.gov

a. EHS has reviewed the referenced application and notes the parcel is serviced by permitted public water system and onsite sewage disposal system. Proof of permit from NDEP is required if this special use permit is approved.

b. If the application is approved, the future building plans and permits must be reviewed and approved by EHS.

*** End of Conditions ***

From: Huntley, Scott
To: Albarran, Adriana
Cc: Olander, Julee
Subject: RE: September Agency Review Memo II
Date: Wednesday, September 20, 2023 7:00:22 AM
Attachments:

Adriana:

Based on a recent project we just Permitted this should be classified as Group B Occupancy Classification using the Agricultural building load factor. This should be used if the applicant if saying their occupant load is going to be under 50.

Conditions should note any shows or events with additional occupants will require addition permitting.

Let me know if you have any questions.

Thanks

Date: September 25, 2023

To: Julee Olander, Planner

From: Janelle K. Thomas, P.E., C.F.M., Senior Licensed Engineer
Robert Wimer, P.E., Licensed Engineer

Re: Special Use Permit for ***Silver Circle Ranch WSUP23-0029***
340 Holcomb Ranch Lane
APN 040-670-12

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of a 13,500 square foot indoor riding arena structure for a commercial horse boarding stable and is located on approximately 12.56 acres at the intersection of Lakeside Drive and Holcomb Ranch Lane. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Soils Engineering. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact's name provided.

GENERAL CONDITIONS
Contact Information: Robert Wimer, P.E. (775) 328-2059

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)
Contact Information: Robert Wimer, P.E. (775) 328-2059

Conditions:

1. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink, P.E. (775) 328-2050

Conditions:

1. A traffic impact letter shall be prepared by a Nevada registered engineer and shall determine the project's projected traffic impact to the local roadways with mitigation recommendations, if required, to the satisfaction of the County Engineer.
2. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for any construction activities, improvements, and access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

UTILITIES (County Code 422 & Sewer Ordinance)
Contact Information: Alexander Mayorga, P.E. (775) 328-2313

Conditions:

1. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.

From: Lemon, Brittany
To: Olander, Julee
Cc: Way, Dale
Subject: WSUP23-0029 (Silver Circle Ranch) Conditions of Approval
Date: Tuesday, September 19, 2023 10:42:32 AM
Attachments: image001.png

Hi Julee,

"This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply."
https://tmfpd.us/fire-code/.

The riding arena is over 5,000 square feet and will require sprinklers. Access around the riding arena will also be required in compliance with the IFC (20 feet wide, all-weather surface, capable of supporting 75,000 pounds).

Depending on how the building department classifies the building and occupant load a manual fire alarm system may be required.

Thank you!

Brittany Lemon
Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue
blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584
3663 Barron Way, Reno, NV 89511

"Committed to excellence, service, and the protection of life and property in our community"

NORTHERN NEVADA Public Health | Environmental Health

September 25, 2023

Washoe County Community Services
Planning and Development Division

RE: Silver Circle Ranch; 040-670-12
Special Use Permit; WSUP23-0029

Dear Washoe County Staff:

The following conditions are requirements of Northern Nevada Public Health (NNPH), Environmental Health Division, (EHS) which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

a) Condition #1: EHS has reviewed the referenced application and notes the parcel is serviced by permitted public water system and onsite sewage disposal system. Proof of permit from NDEP is required if this special use permit is approved.

b) Condition #2: EHS has no concerns related to the approval of this application as submitted for construction of an indoor riding arena structure and to waive screening requirements so long as the structure does not negatively impact the required setbacks to the onsite sewage disposal system or well and water infrastructure.

c) Condition #3: If the application is approved, the future building plans and permits must be reviewed and approved by EHS.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all NNPH comments.

Sincerely,

James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Northern Nevada Public Health

Date: September 26, 2023

To: Julee Olander, Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Special Use Permit Case Number WSUP23-0029 (Silver Circle Ranch)
APN 040-670-12

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve a special use permit for a commercial horse boarding stable for 35 horses and for 13,500 SF indoor riding arena structure. The applicant is also requesting to waive screening requirements for commercial properties adjacent to residential properties.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No water rights conditions for this permit.

Date: REVISED October 9, 2023

To: Julee Olander, Planner

From: Janelle K. Thomas, P.E., C.F.M., Senior Licensed Engineer
Robert Wimer, P.E., Licensed Engineer

Re: Special Use Permit for ***Silver Circle Ranch WSUP23-0029***
340 Holcomb Ranch Lane
APN 040-670-12

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of a 13,500 square foot indoor riding arena structure for a commercial horse boarding stable and is located on approximately 12.56 acres at the intersection of Lakeside Drive and Holcomb Ranch Lane. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Soils Engineering. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact's name provided.

GENERAL CONDITIONS
Contact Information: Robert Wimer, P.E. (775) 328-2059

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)
Contact Information: Robert Wimer, P.E. (775) 328-2059

Conditions:

1. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."
2. A detailed hydrology/hydraulic report, in conformance with the standards included in the Truckee Meadows Regional Drainage Manual, prepared by a professional engineer

licensed in the State of Nevada shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates, and flood limits of all 5- and 100-year storm flows impacting onsite and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations, including a discussion of and mitigation measure design for any impacts on existing offsite drainage facilities and properties. Additionally, any increase in storm water runoff resulting from the development and based upon the 5- and 100-year storms shall be detained on site and attenuated to existing flow rates for discharge to the satisfaction of the County Engineer.

3. Prior to approval of a building permit or grading permit, the developer will furnish to the Engineering Division and development review staff, written confirmation from the Ditch Company that they have reviewed and approved all ditch crossings, protective fencing, landscaping, and storm water discharge facilities that may impact the ditch.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)
Contact Information: Mitchell Fink, P.E. (775) 328-2050

Conditions:

1. A traffic impact letter shall be prepared by a Nevada registered engineer and shall determine the project's projected traffic impact to the local roadways with mitigation recommendations, if required, to the satisfaction of the County Engineer.
2. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for any construction activities, improvements, and access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

UTILITIES (County Code 422 & Sewer Ordinance)
Contact Information: Alexander Mayorga, P.E. (775) 328-2313

Conditions:

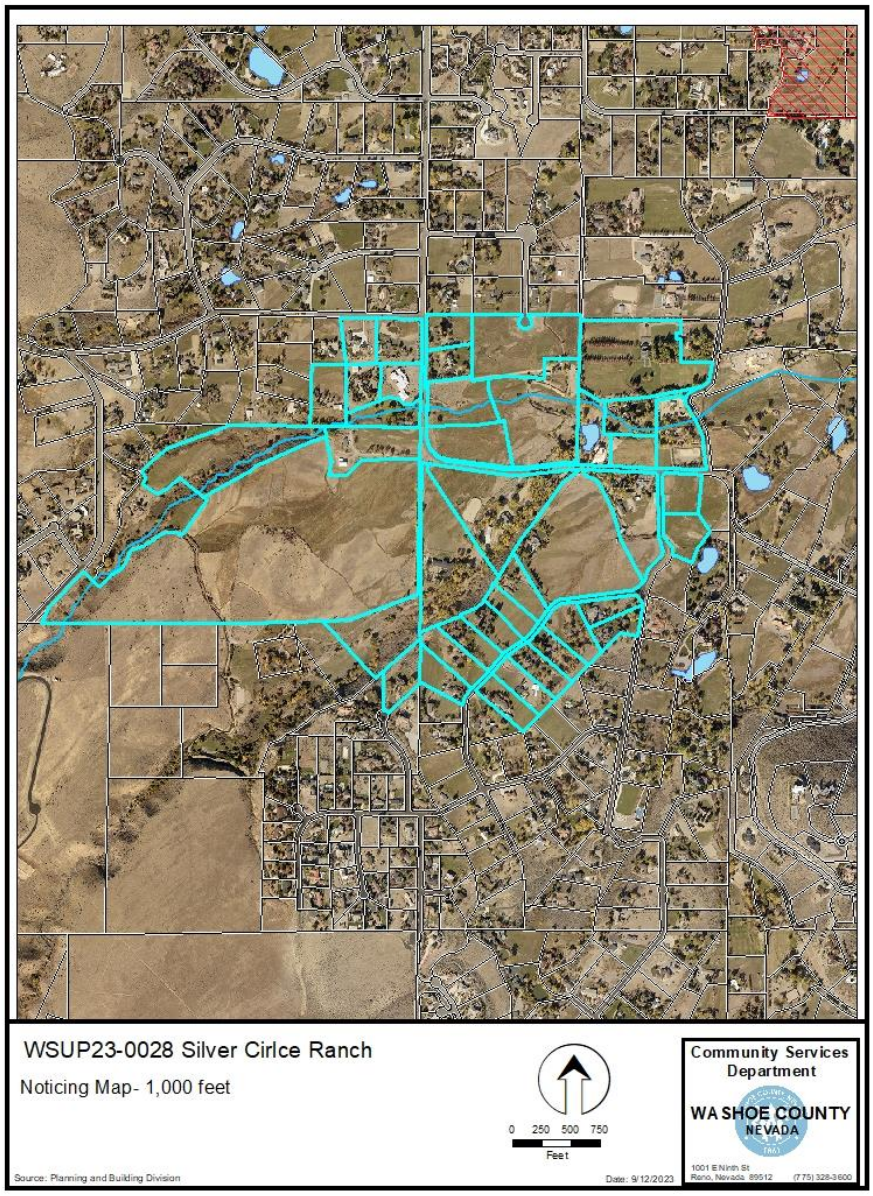
1. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.

*The Public Comment Letters (exhibit c) are extensive. To view the complete exhibit click here or go to:
https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/2023/files/WSUP23-0029_ExhibitC_PublicComments.pdf
or contact Adriana Albarran at aalbarran@washoecounty.gov to have a copy sent by email.

WSUP23-0029
PUBLIC COMMENT

Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 1,000-foot radius of the subject property. A total of 37 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map

Special Use Permi Case Number WSUP23-0029

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	**Staff Assigned Case No.:**
Project Name:	THE HISTORIC SILVER CIRCLE RANCH
Project Description:	SUP FOR THE NON CONFORMING COMMERCIAL STABLE USE – APPROVAL FOR BUILDING
Project Address:	3400 HOLCOMB RANCH LANE RENO, NV
Project Area (acres or square feet):	12.56 Ac
Project Location (with point of reference to major cross streets **AND** area locator):	@ INTERSECTION OF LAKESIDE DR & HOLCOMB RANCH LN

Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
040-670-12	12.56		

Indicate any previous Washoe County approvals associated with this application:
Case No.(s).

Applicant Information (attach additional sheets if necessary)

Property Owner:		**Professional Consultant:**	
Name:	BRUCE AND LANDESS WITMER FAMILY TRUST	Name:	SOILS Engineering
Address:	3400 HOLCOMB RANCH LN RENO NV Zip: 89511	Address:	10000 Road Runner Rd RENO NV Zip: 89510
Phone:	Fax:	Phone:	(775) 240-2692 Fax:
Email:		Email:	
Cell:	(775) 560-4242 Other:	Cell:	Other:
Contact Person:	Landess Witmer	Contact Person:	Hugh Ezzell
Applicant/Developer:		**Other Persons to be Contacted:**	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	

For Office Use Only

Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

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WSUP23-0029
PUBLIC COMMENT
EXHIBIT E

September 1, 2023

Washoe County Community Development Department
1001 E. Ninth Street
Reno, Nevada 89502

Re: The Silver Circle Ranch Special Use Permit Application
3400 Holcomb Ranch Road
Reno, Nevada

Please find herein our responses for the:

Special Use Permit Application - Supplemental Information and
Special Use Permit Application for Grading - Supplemental Information and
Special Use Permit Application for Stables - Supplemental Information.

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

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PURPOSE

The current Special Use Permit sought is for two items:

1. A Special Use Permit is sought for the existing nonconforming historical commercial stable use. (High Density Rural, HDR),

2. Authorization to construct a steel building inclement weather structure (subject) is sought to cover one of the two outdoor arenas on the property to provide for horse and rider protection from the elements.

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Special Use Permit Application
Supplemental Information

1. What is the project being requested?

The Historic Silver Circle Ranch has existed as a horse riding and boarding business since before the 1970's. The current owners, Pro Pony LLC, purchased the Historic Silver Circle Ranch in 2019 with the intention of preserving its historical agricultural and equine use for the benefit of the equine community in Reno and the southwest neighborhood as a whole. Pro Pony LLC, owner, leases the property to Pair of Aces Stables, Inc.

The Historic Silver Circle Ranch is open to a select group of private patrons interested in equestrian training and activities. The site is not open to the public nor will not become so into the future

Under WCC § 110.304.25(c)(2), a commercial stable is defined as the boarding or raising of 3 or more horses. WCC §110.302.05 requires a commercial stable to have a Special Use permit in a High-Density Rural zone. Under WCC § 110.904.20, the current commercial use of the property is nonconforming

The current use is commensurate with the existing and past use. No new stables are proposed to be constructed. The overall nature of the site is proposed to remain as it has been for decades. All current riding arenas, corrals, barns and access roads will be preserved.

As a part of this application, it is proposed that one of the two existing riding arenas be covered to provide protection to horses and riders during inclement weather common to the Reno area in the winter. The structure included in this application is a 13,500 square foot steel building shell covering over the lower arena, shown on the plates. A covered arena of this nature is common to the neighborhood where it is to be constructed, and nearly all private and commercial equestrian facilities of this nature throughout the West.

The current nonconforming use as a commercial boarding facility is sought to be permanently preserved by approval of a Special Use Permit.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.).

Sheets SUP 1-6 are the requested site plans with information sought by this inquiry. Please refer to those Sheets.

3. What is the intended phasing schedule for the construction and completion of the project?

The steel building structure proposed to cover the arena would be envisioned to require 6 to 8 months to erect and complete with outside building finish and finish grading.

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4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and intensity of your proposed use?

The current site is well suited for the existing use and for the proposed indoor riding facility. Over the years, the surrounding area has maintained its overall equine and agricultural character. Many surrounding properties are also used for equine purposes - each property being the hope and dream of its respective owner to be a part of an equine agricultural community. The Historic Silver Circle Ranch is located at the very center of what is a historical agricultural and equine community.

The Historic Silver Circle Ranch has not changed in use or character over time – but applicable zoning law has. The Historic Silver Circle Ranch's present and planned use maintains the neighborhood's historical traditions, adding to its appeal. This application is a response to requirements of those higher density zoning laws (the planning zone for the Silver Circle Ranch is HDR, high density rural).

The Silver Circle Ranch is located immediately adjacent to Holcomb Ranch Lane with two entrances: one being a formal driveway to the stables and the second being an informal field entrance. The current commercial use has been in place for decades with reasonable adverse impact to traffic on Holcomb Ranch Lane.

Addressing "intensity of proposed use", the applicant notes that horse riding is an inherently quiet endeavor. Horses do not yell or otherwise make loud noises.

As a commercial stable, horses reside at the property, and some are used for riding lessons. That means that horse trailers are somewhat rare on Holcomb Ranch Lane as related to the Historic Silver Circle Ranch. Four times each year, the Historic Silver Circle Ranch hosts a horse event lasting a weekend where riders can demonstrate what they have learned to their families. On these events, horse trailers do arrive at the site, but are escorted off Holcomb Ranch Lane as quickly as they arrive and are parked in the field area on the property. There has not been a single accident involving a horse trailer on Holcomb Ranch Lane in association with the Silver Circle Ranch.

During our neighborhood meeting several comments were received regarding the adequacy of the shoulder of Holcomb Ranch Lane in relation to bicycle and pedestrian traffic, which the applicant intends to address with NDOT.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties in the community?

The proposed use, as noted above, will preserve the equine and agricultural character of the property and the neighborhood into the future.

The Silver Circle Ranch represents a ripe target for developers. A developer would only see an opportunity to subdivide the parcel (as has recently happened on a similar nearby parcel) into small lot-sized parcels with homes – all for profit – creating high density growth, considerably more traffic and noise (barking dogs, yelling people, screeching tires, automotive alarms, the background vehicular noise, etc.). If the Historic Silver Circle Ranch is unable to lock in its status as a commercial boarding facility, this is the likely fate of the land, which is the applicant's opinion would be a tragedy.

The higher density (HDR) growth, to the applicants and people who use the Historic Silver Circle Ranch, represents chaos and noise, while the commercial stable (Agricultural use) represents peace and quiet. This peace and quiet and preservation of traditional rural equine activities

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common in the neighborhood are what the applicants offer as a distinct benefit to the surrounding neighborhood.

Equine activities aren't just a hobby; they are deeply woven into the very fabric of Washoe County's history and culture. As our county experiences rapid growth and increasing urban density, it's crucial that we don't lose sight of our roots and heritage. The Historic Silver Circle Ranch isn't just a venue; it's a testament to our enduring Western culture. It stands as a sanctuary, offering peace, tranquility, and a continuation of the cherished equine activities that our community holds dear. By supporting the Ranch, we aren't just preserving a piece of land; we're upholding the traditions and values that define us as Washoe County.

At the Historic Silver Circle Ranch, most of the riding students are children. Engaging in horseback riding offers a multitude of health benefits, both physically and mentally. Physically, riding strengthens the core and legs, enhances cardiovascular health, balance, coordination, reflexes, and promotes better posture. It's also an effective way to combat childhood obesity. Mentally, horseback riding fosters improved decision-making, boosts confidence, heightens self-awareness, and teaches responsibility towards another living creature. It also sharpens communication skills, especially non-verbal cues. Beyond these, horseback riding imparts valuable life lessons like perseverance, patience, compassion, problem-solving, and emotional regulation during unfamiliar or intimidating situations. In essence, horsemanship educates young individuals in critical life skills and offers adults a therapeutic exercise, serving as a reprieve from their hectic lives.

Children who take riding and horsemanship lessons tend to be more compassionate, responsible, and mature compared to their peers. Their enhanced non-verbal communication skills help them better gauge social situations. Their experience in caring for animals often means they're less likely to become bullies. Thanks to their boosted self-confidence, decision-making abilities, and maturity, they're also better equipped to defend themselves and others from potential bullying. In essence, these lessons empower our youth to interact with kindness, compassion, and confidence in various situations.

In recent years, riding opportunities, especially in Washoe County, have decreased. This is largely due to smaller barns shutting down to make way for housing developments, prompted by an influx of newcomers. Consequently, many barns are packed, and riding lesson programs that don't require personal horse ownership are becoming rare. This makes it challenging for newcomers, especially children and parents, to get a start in the sport. The additional commute to distant barns can be a deterrent for busy parents and working adults. However, the Historic Silver Circle Ranch offers riding and horsemanship lessons, presenting a convenient option for neighborhood families who otherwise might not be able to engage in the sport.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

The manure disposal process is a concern with any commercial boarding facility. In conjunction with and under the supervision of the Washoe County District Health Department, the applicant developed a manure handling/disposal plan which has been successfully approved and implemented by the District Health Department. That plan requires animal manure to be removed from the site by Waste Management on a weekly basis.

As for groundwater, the site is currently regulated by the Washoe County District Health Department as a public water source. As a public water source, the applicant is required to sample and test water from the on-site well on a quarterly basis. The water well on the site, which is closest to the animal/manure operation, has consistently met both EPA and State of Nevada standards for drinking water quality in all tests conducted. These tests specifically check

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for contaminants that might arise from manure affecting groundwater. Thus, manure is not having an impact on ground water, nor will have into the future.

As for traffic, after decades of operation, the applicant has yet to note any negative impacts on traffic on Holcomb Ranch Lane. The applicant has taken the initiative to video record activities on Holcomb Ranch Lane during several of their four annual weekend events. The footage shows that even during times of increased traffic, including horse trailers, Holcomb Ranch Lane remains unaffected. Furthermore, to the applicant's knowledge, there have been no accidents related to the commercial stable's use on Holcomb Ranch Lane.

Pest management is essential for any commercial boarding facility. The applicant organized a neighborhood meeting on August 3, 2023, related to this Special Use Permit Application, held near the stables. Despite being downwind of the stables with about 100 attendees, it was observed and confirmed by the group that there were no noticeable flies. This lack of flies, even with a gentle breeze coming from the stables, is a testament to the effective fly control measures implemented by the applicant. Additionally, neighboring properties, including the Flying Diamond Ranch, LLC which has cows, also have animals.

Several neighbors have filed a nuisance lawsuit against Pro Pony, LLC, namely Jill Brandin, Flying Diamond Ranch, LLC, Pete Lazetich, and Nancy Flanigan, in Case No. CV22-01722 before the Second Judicial District Court in Washoe County. It is Pro Pony's position that The Plaintiffs are suing them with ulterior motives, i.e., to punish the Defendants for attempting to build an indoor riding facility at their property in early 2022 (before which there is no record of the Plaintiffs complaining about the operation even though it began operation in 2019), to prevent Pro Pony from attempting to build an indoor riding facility in the future, and to increase the value of the Plaintiffs' properties which they seek to develop into home sites. The Defendants believe that the lawsuit is frivolous. The operation of the commercial stable at the Historic Silver Circle Ranch has been determined to be lawful by the Washoe County Business License Division. In the lawsuit, the Plaintiffs claim that Washoe County, "has evidenced a lack of due diligence by routinely rubber-stamping requests to issue a business license." (Am. Complaint at 7). Further, the Plaintiffs claim that the issuance of a business license to Pro Pony by Washoe County is unlawful and is "inexplicable favoritism." See Opposition at 18. To the contrary, Washoe County concluded the obvious, that the boarding stable license for the Historic Silver Circle Ranch had been renewed consistently for decades and has not lapsed and that the use is still existing and non-conforming.

The distance from the Lazetich Residence to the Historic Silver Circle Ranch is 2560 feet, while Lazetich Ranch to the Historic Silver Circle Ranch is 700 feet. Flanigan Residence is 1540 feet from the Historic Silver Circle Ranch, and the Brandin Residence is at a distance of 3200 feet from the Historic Silver Circle Ranch. Notably, two properties that have raised complaints, namely the Flying Diamond Ranch and the Lazetich Ranch, are presently utilized for cattle grazing. The accusations that Pro Pony is creating a disturbance for the Plaintiffs' homes are contradicted by the evident fact that these homes are significantly distant from the Historic Silver Circle Ranch. Thus, the activities that the Plaintiffs are pointing out couldn't plausibly be viewed as disrupting the Plaintiffs' peaceful use of their properties.

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7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being proposed. Show and indicate these requirements on submitted drawings with the application.

Addressing each item separately:

Landscaping - No landscaping, formal or informal, is proposed for this project or use. This site has extensive areas of turf as well as numerous tall, mature trees which will provide ample screening of the proposed building and site. The stream environment zone also provides a large area of natural vegetation on the south side of the site. The applicant has added more than $5000 worth of fast-growing evergreen trees and shrubs between the location of the proposed building and Holcomb Ranch Lane (approximately 20 trees/shrubs) already.

Parking - the site currently hosts gravel driveways and parking areas. This character of driveway best suits the nature of the use for the site, which is primarily agricultural in nature. The ADA parking space, immediately adjacent to the ADA bathroom located in the barn structure, is paved. Other than that location, no pavement is planned for the site. As at any given moment, it can be expected that the site will host a trainer and a student, as well as the four apartment units within the barn structure, the number of parking spaces found on the site plan are considered to be well adequate for the site use. During special events, the fields on the northern side of the site are opened up for parking use and in and around the barn and stable area, there is ample informal and non-marked parking area for additional vehicles. During the neighborhood meeting, which hosted about 75 persons, everyone who desired to park on the site easily found a spot to park and walked to the meeting location. This is representative of parking required during a quarterly special event and well in excess of what would be required on an average day.
Per the code, 17 parking spaces are required for the site, 7 for the number of horses, 5 for employees and 5 for the apartments.

Signage - The site hosts an existing 4'h x 8'w formal sign at the driveway entrance on Holcomb Ranch Lane. No other signage is proposed for the site. The Historic Silver Circle Ranch Logo will be painted on the NE end of the proposed arena cover building.

Lighting - Outdoor lighting is not proposed to be a part of this site/use. While code required lights at personnel doors are and will be provided, the overall lighting of large areas with lights on light stands is not planned nor proposed. The indoor arena will host lights on the inside for night operation. On the other hand, a reasonable number of exterior building-mounted lights (dark skies compliant) will be provided for safety reasons.

8. Are there any restrictive convenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request?

No.

9. Utilities

Sewer service - commercial septic system
Electrical service - NVE overhead power
Telephone Service - No
LPG or Natural Gas - No
Solid Waste Disposal Service - Yes, Waste Management
Cable Television Service - No
Water service - Yes, site is self-served by a private public water system from a private well, 20 gpm

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10. Community Services (provided by the nearest facility)

Fire Station - Truckee Meadows Fire and Rescue Station 33
Health Care Facility - Renown South Meadows Emergency
Elementary School - Marvin Picollo Elementary School
Middle School - Depoali Middle School
High School - Bishop Manogue Catholic High School
Parks - Crystal Lake Park
Library - Sierra View Library
Citifare Bus Stop - South Virginia Street and Holcomb Ranch Lane

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

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Special Use Permit Application for Grading
Supplemental Information

This site and the proposed improvements do not meet the threshold for a Special Use Permit for Grading.

1. What is the purpose of the grading?

The proposed building will require a minor soil fill pad to be constructed to level the area upon which the building will rest. This fill will include code compliant slopes on 3 sides, which will be erosion protected at the end of the project.

2. How many cubic yards of material are you proposing to excavate on the site?

1505 cubic yards beneath the building itself,
309 cubic yards for fill side slopes

3. How many square feet of surface area of the property are you disturbing?

19030 square feet

13500 square feet = building foot print
5530 square feet = fill side slopes

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

The soil required likely will be imported onto the site. It is recognized that TMFPD may require a water tank to be installed at the site and, if so, the material generated in the formation of the pad for that tank will be used in the creation of the building fill. The balance of material required to finish the building fill will be imported to the site, the source has not yet been identified.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit (for grading) (Explain fully your answer)

The grading threshold for a special use permit for grading is 5000 cubic yards. The material located in the fill beneath the building footprint is exempted from this total, leaving only 309 cubic yards of soil to be imported to the site. This is less than the requirement for the grading special use permit and can be permitted through the application for the building permit for the arena covering building. If the water tank is required, the excavation for that tank pad will contribute to the overall totals for either cut or fill volumes, but is not expected to generate an excess of soil volume.

6. Has any portion of the grading shown on the plan been done previously?

No.

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

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7. Have you shown all areas on your plan that are proposed to be disturbed by grading?

Yes

8. Can the disturbed area be seen from off-site? If yes, from which direction and which properties or roadways?

The only reasonable view that would demonstrate the project from offsite would be from a somewhat short section of Holcomb Ranch Lane, near the driveway entrance to the site. Other areas are and will be blocked by natural vegetation and/or existing trees.

9. Could neighboring properties also be served by the proposed access/grading requested?

No.

10. What is the slope of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

3:1, Straw wattles, silt fencing, revegetation or other BMPs

11. Are you planning any berms?

No.

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction?

Some very short retaining walls may be employed to protect existing trees from the fill side slopes. These retaining walls will be keyed concrete block, if they are required. Their lengths will be less than 20' and their heights will be less than 3'.

One tree, located between the driveway to the site and the proposed building, is planned to remain. However, a retaining wall may be required to preserve this landscape feature. The extent and design of this wall has not been completed, however, the wall is not expected to be greater than 30' in length nor 4' in height. The construction of this wall likely will be keyed concrete block, however may be constructed of larger concrete blocks if necessary.

13. What are you proposing for visual mitigation of the work?

Cut/Fill areas will be revegetated, fill areas will be graded to have a natural appearance. Existing mature trees and shrubbery will be preserved to block view of the project from off site.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

Removal of existing trees will not be required by grading. However, a few cottonwood trees will be removed in association with this project as they have a natural lean towards the location of the building, are diseased and dying or are already dead. Their removal will be a preventative measure to protect the building, not a requirement of grading. These trees will vary in size/caliber of 8" to 36".
As noted before, the applicant has added more than $5000 worth of fast-growing evergreen trees and shrubs between the location of the proposed building and Holcomb Ranch Lane (approximately 20 trees/shrubs) already.

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15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Revegetation will conform to County standards.

16. How are you providing temporary irrigation to the disturbed area?

Existing irrigation on-site is accomplished by hose and surface sprinklers as needed to maintain the well-groomed site. The new disturbed areas will be maintained in a similar manner.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

No.

18. Are there any restrictive convenants, recorded conditions, deed restrictions (CC&Rs) that may prohibit the requested grading?

No.

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Special Use Permit Application for Stables
Supplemental Information

1. What is the maximum number of horses to be boarded, both within the stables and pastured?

35

2. What is the maximum number of horses owned/maintained by the owner/operator of the project, both within stables and pastured?

2 owner horses
10 lesson horses

3. List any ancillary or additional uses proposed (e.g. tack and saddle sales, feed sales, veterinary services, etc.). Only those items that are requested may be permitted.

There will be no ancillary uses. Uses will be limited to the housing and boarding of horses, equestrian training, horsemanship and riding lessons, and the existing minor residential use. If any future sales or veterinary services are desired, a separate permit will be requested. There is currently and will continue to be a quarterly Special Event Permit applied for for this site. That permit is separate from this Special Use Permit, however the Special Event use can be considered an ancillary use for the site and permitted by the Special Use Permit for continuation to permitting by Special Event Permit.

4. If additional activities are proposed, including training, events, competition, trail rides, fox hunts, breaking, roping, etc. only those items that are requested may be permitted. Clearly describe the number of each of the above activities which may occur, how many times per year and the number of expected participants for each activity.

Training - day-to-day activity. Consists of working, riding and instructing riders on their own horses

Events/Competition - Quarterly events have been hosted by this site and permitted as noted in #3, above. These events host less than 100 persons at any given moment, four times a year. For the Special Use Permit, the number of these events is requested to be five, currently limited by the applicant to four.

Trail rides - public-related services, such as trail rides are not planned. Owners of horses boarded at the Silver Circle Ranch, have free use of the entire 12.5 acre property for riding.

Fox hunts - There are no foxes at the Silver Circle Ranch. Fox (or coyote) hunts are not planned nor requested.

Breaking/Roping - outside of normal equestrian activities, the breaking or roping of wild horses is not planned for this site. Wild (feral) horses will not be hosted by the Silver Circle Ranch site.

Riding Lessons – riding and horsemanship lessons are part of the existing instructional program at Pair of Aces Stables, referred to as the Horsemanship Academy. Up to 10 lesson horses are used in the Academy, and it serves patrons who do not currently own their own horse. Riding lessons are 30 minutes to 1 hour in duration, and each riding lesson has between 1-5 students in

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attendance on average. Horsemanship lessons are currently offered twice weekly, and these are on average 1 hour long and do not involve riding but rather learning about other aspects of horse care and husbandry.

In addition to training, the trainer desires to hold up to 4 in-house clinics per year. Clinics are generally limited to the trainer's students and are given by a "guest" horsemanship trainer. Likewise, the trainer desires to hold up to 4 competitions (Special Events) per year for the local horse community. Competition events are 1 - 2 days during the weekend and are limited to 50 or fewer riders, 100 or fewer total people on site. Event attendance is non-ticketed and attended by rider families.

5. What currently developed portions of the property or existing structures are going to be use with this permit?

This permit is to bring a non-complying grandfathered use into compliance with current zoning code. The barn and stable facilities were constructed in the 1970's by the previous owner, the Warren Nelson family. It has been operated as a commercial stable since that time and has a current business license to operate a commercial stable in the name of Pro Pony LLC.

6. To what uses (e.g. restrooms, offices, managers living quarters, stable area, feed storage, etc.) will the barn be put, and will the entire structure be allocated to those uses? (provide floor plans with dimensions).

The existing stable only houses horses, feed and tack. The other, existing barn has 2 upstairs apartments, each with a full bathroom, and the trainer's office which includes a restroom and shower for the trainers us. The lower level of the barn has an equipment storage area with an ADA restroom and adjacent ADA parking space (indoors), a lounge and a garage, as well as another apartment with full bathroom.

7. Where are the living quarters for the operators of the stables and where will employees reside?

All owners, operators and employees live off-site.

8. How many improved parking spaces, both on-site and off-site, are available or will be provided? (please indicate on site plan) Have you provided for horse trailer turnarounds?

Existing access and parking areas, where not already improved, will be improved with compacted, maintained gravel surfacing. It is the owners and trainers desire to continue the use of gravel in lieu of asphalt as horses and pavement are not a safe combination. Pavement is a well known safety concern with shod horses as the metal shoes are very slippery on pavement. Horse and rider injuries due to this are common, and as such most equestrian facilities avoid using pavement whenever possible.

Space will be provided to accommodate up to 31 vehicles on the lower level of the site. 15 of these parking spots being existing, while adding 16 new parking spots. A total of 17 spots are required by code for the site, 7 for the number of boarded horses, 5 for employees and 5 for the apartments. During a competition, the unused portion of the upper pasture area can be used for trailer parking. The lower level can accommodate trailer turning around the barn and fire access turning in front of the new proposed indoor arena.

9. What are the planned hours of operation?

Existing hours of operation are 7AM to 9PM daily, and have been established as such since operation began in 2019. Boarders are requested to maintain their site visits to operating hours,

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however, they do have access to their horses at any time for veterinary purposes. All Training and Lesson activities take place within the existing operating hours.

10. What improvements (e.g. new structures including the square footage, roadway/driveway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for completion of each?

The new structure contains an approximate 13,500 square foot indoor riding arena which may host some minor equipment storage. The proposed structure will not be habitable or a habitated structure. Accessory items such as signage, parking, etc. already exist.

11. What is the intended phasing schedule for the construction and completion of the project?

Phasing is not anticipated and completion is expected within 6 to 8 months of final permitting of the project by Community Development.

12. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

This property has been utilized as a commercial stable for over 40 years. The new structure is located within the lowest area of the property and situated to minimize visual impacts of the new roof line. The applicant has lowered the structure by the maximum amount possible to minimize the overall height of the roof line. The Dry Creek Floodway will not be impacted by this construction.

13. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

The property and its use will maintain a rural, pasture/equestrian use in a rural area of Reno. The arena covering will benefit users by providing a better environment for riding during summer and winter temperature extremes, precipitation and high winds.

The ability to ride and exercise horses safely during inclement weather goes beyond simply being able to still ride that day. The benefits of riding to children and adults has already been addressed (See answer to question #5 above). But the necessity of movement to horses health has not yet been outlined.

During periods of severe weather, if horses are confined to their stalls due to ice or poor/unsafe footing for more than a few days they become at risk for significant health factors, most notably gut stasis issues. Their body and sensitive digestive systems are designed for continual movement, and lack thereof leads to an increased risk of colic (#1 cause of death in horses). In addition to this horses that are used to being in full work are fit, powerful athletic animals with a lot of energy, and when they are unable to work and expunge this energy they can become unruly to handle which poses a safety risk not only to themselves but to anyone handling them.

The addition of the inclement weather arena would allow the horses to stay in consistent work regardless of the weather, which will reduce the risk of health and safety concerns for them, the staff handling them, their owners and the Academy students.

14. What are the adverse impacts upon the surrounding community (including traffic, noise, odors, dust, groundwater contamination, flies, rats, mice, etc.) and what will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

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The manure disposal process is a concern with any commercial boarding facility. In conjunction with and under the supervision of the Washoe County District Health Department, the applicant developed a manure handling/disposal plan which has been successfully approved and implemented by the District Health Department. That plan requires animal manure to be removed from the site by Waste Management on a weekly basis.

As for groundwater, the site is currently regulated by the Washoe County District Health Department as a public water source. As a public water source, the applicant is required to sample and test water from the on-site well on a quarterly basis. The water well on the site, which is closest to the animal/manure operation, has consistently met both EPA and State of Nevada standards for drinking water quality in all tests conducted. These tests specifically check for contaminants that might arise from manure affecting groundwater. Thus, manure is not having an impact on ground water, nor will have into the future.

As for traffic, after decades of operation, the applicant has yet to note any negative impacts on traffic on Holcomb Ranch Lane. The applicant has taken the initiative to video record activities on Holcomb Ranch Lane during several of their four annual weekend events. The footage shows that even during times of increased traffic, including horse trailers, Holcomb Ranch Lane remains unaffected. Furthermore, to the applicant's knowledge, there have been no accidents related to the commercial stable's use on Holcomb Ranch Lane.

Pest management is essential for any commercial boarding facility. The applicant organized a neighborhood meeting on August 3, 2023, related to this Special Use Permit Application, held near the stables. Despite being downwind of the stables with about 100 attendees, it was observed and confirmed by the group that there were no noticeable flies. This lack of flies, even with a gentle breeze coming from the stables, is a testament to the effective fly control measures implemented by the applicant. Additionally, neighboring properties, including the Flying Diamond Ranch, LLC which has cows, also have animals.

15. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

The applicant does not anticipate any conditions of approval to be necessary. The owner held a neighborhood meeting open house on August 3, 2023 to inform the neighborhood about the project and found feedback to be mostly positive.

16. What types of landscaping (e.g. shrubs, trees, fencing, painting schemes, etc.) are proposed? (Please indicate on the site plan).

The existing site has numerous mature trees and turf pasture. As such, no new landscaping is proposed. Cut and fill slopes will be revegetated. The site perimeter is fenced with a black powder-coated chain link fence and white split rail corrals, paddocks and entry which are all proposed to remain. Minor on-site fence relocation will likely be required to accommodate the new improvements.

17. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on the site plan)

All new lighting is proposed to be building-mounted directed at the ground in the local area (dark sky compliant). An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the NE end of the proposed building and west side near the north end of the new arena in hunter green lettering to match the trim on the white wall. A photo of the existing sign is found on page 1 of this report.

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18 Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request?

No

19. Community Sewer

Septic permitted through the Washoe County District Health Department.

20. Community Water

Private water well serving a permitted Private Public Water System.

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EXHIBIT E

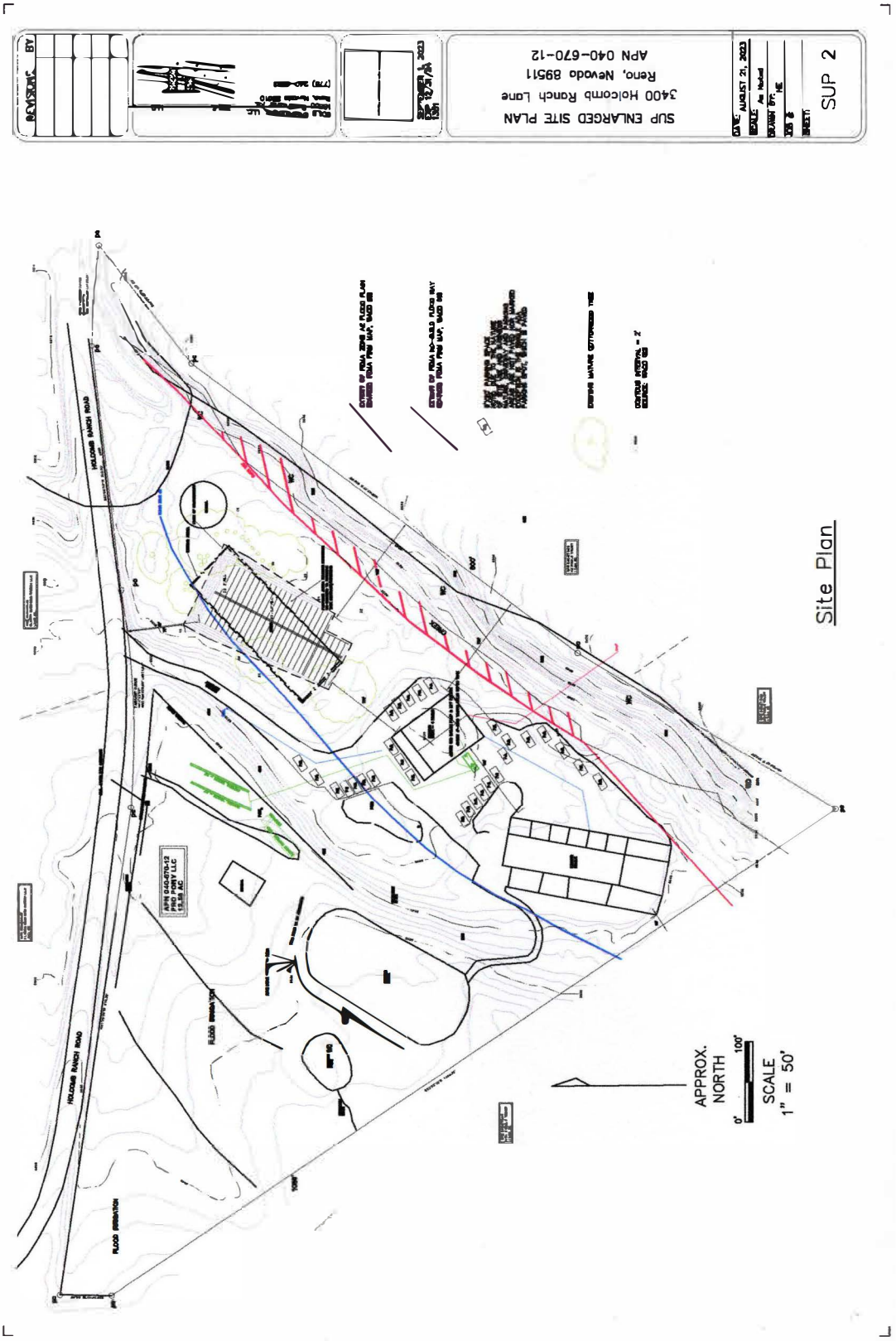

Plate 2 - Enlarged Site Plan - Please see attached 24"x36" Sheets for clear view

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EXHIBIT E

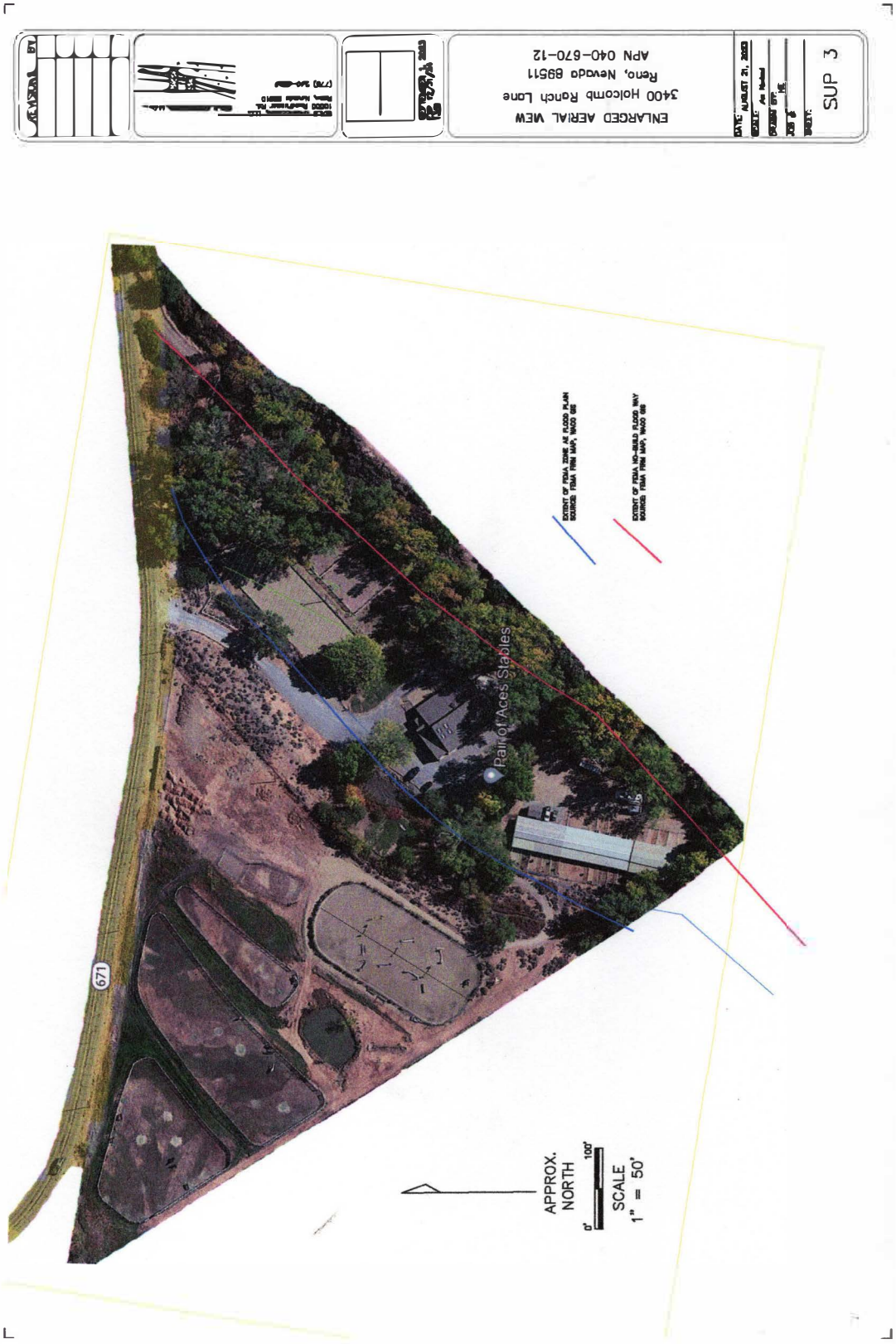

Plate 3 - Enlarged Aerial View - Please see attached 24"x36" Sheets for clear view

10000 Road Runner Road, Reno, Nv 89510 (775) 240-2692

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EXHIBIT E

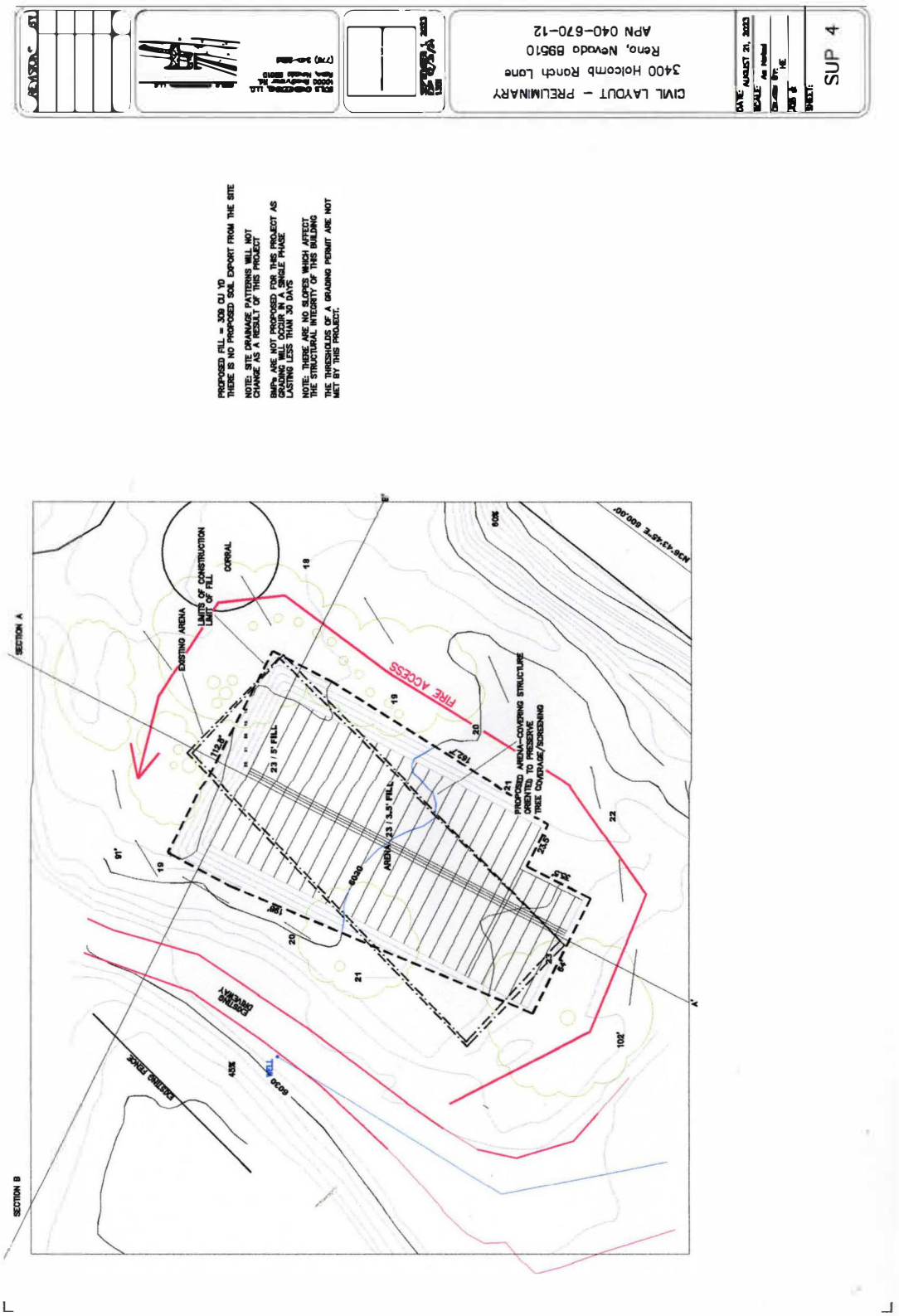

Plate 4 - Preliminary Civil Layout - Please see attached 24"x36" Sheets for clear view

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PUBLIC COMMENT
EXHIBIT E

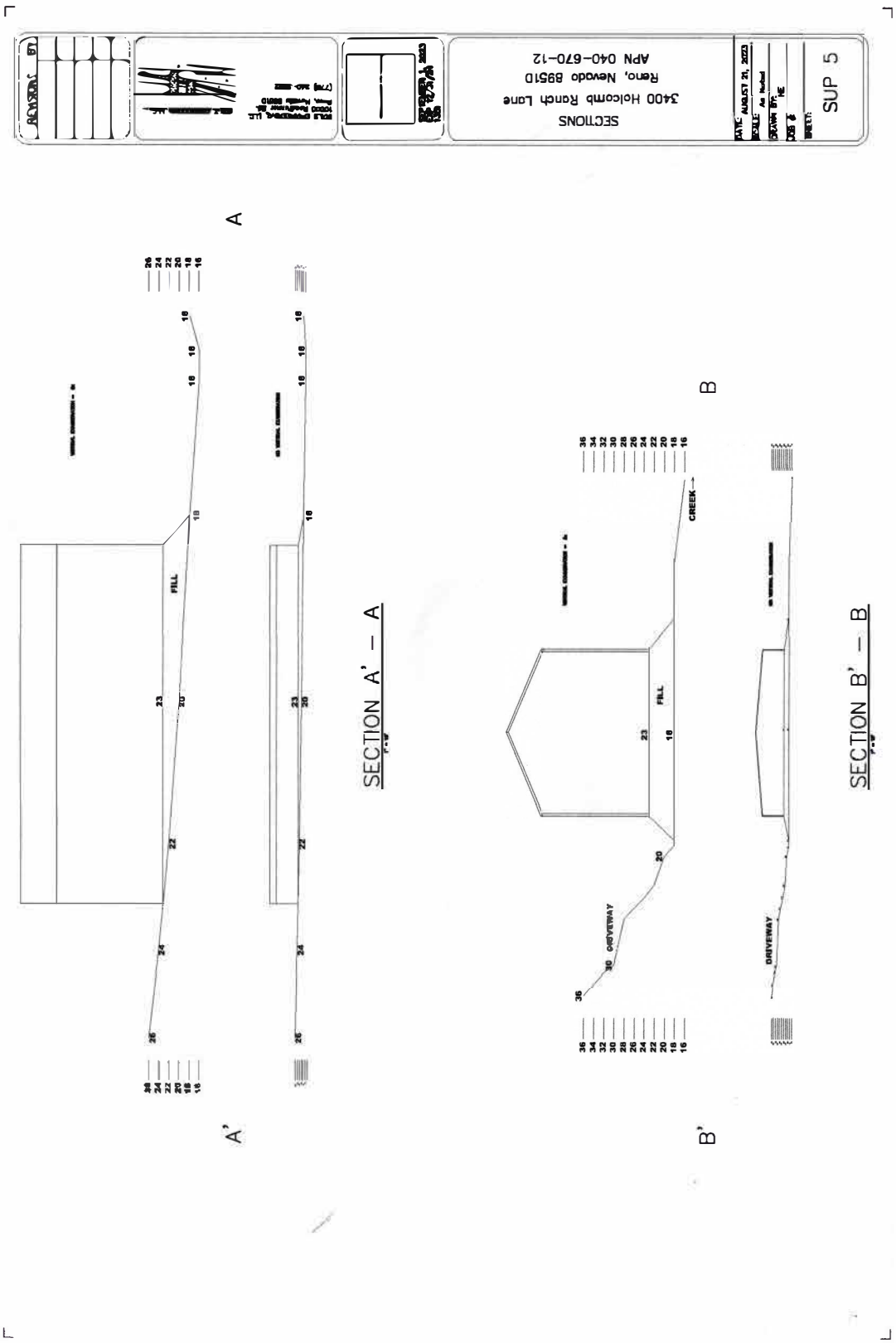

Plate 5 - Building/Site Sections - Please see attached 24"x36" Sheets for clear view

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PUBLIC COMMENT
EXHIBIT E

SITE PLAN – SPECIAL USE PERMIT
ZONING COMMERCIAL USE – STABLES AND INCLIMENT WEATHER RIDING ARENA

PERMITTING AN EXISTING RESIDENTIAL
POTABLE WATER SYSTEM TO BE A TRANSIENT NONCOMMUNITY PUBLIC WATER SYSTEM

PRO PONY, LLC
3400 Holcomb Ranch Lane
RENO, NEVADA 89511

OWNER CONTACT:
Landess Whitmer
(775) 560-4242

ENGINEER:
Hugh Ezzell, CE 10310
(775) 240-2692

GRADING TOTALS:

TOTAL EXPORT = 0
TOTAL IMPORT = < 1814 CUBIC YARDS
TOTAL FILL = 309 CUBIC YARDS

SITE DATA

APN:	040-670-12
ADDRESS:	3400 HOLCOMB RANCH LANE, RENO, NV 89511
LAND AREA:	12.56 ACRES
ZONING:	HIGH DENSITY RURAL (93%) GENERAL RURAL (7%)
MASTER PLAN:	RURAL RESIDENTIAL/RURAL
AREA PLAN:	SOUTHWEST TRUCKEE MEADOWS

LATITUDE: 39°26'33.47"
LONGITUDE: 119°48'20.44"
T 18N R 19E S 12

PROJECT CONSISTS OF THE SECURING OF A SPECIAL USE PERMIT TO BRING THE PROPERTY USE AND COMMERCIAL BUSINESS LICENSE FOR HORSE STABLES INTO COMPLIANCE WITH THE REQUIREMENTS OF THE HIGH DENSITY RURAL ZONING

THE APPLICATION ALSO INCLUDES A REQUEST FOR ADMINISTRATIVE APPROVAL OF AN APPROXIMATELY 13500 SQ FT STEEL BUILDING SHELL PROPOSED TO BE CONSTRUCTED OVER AN EXISTING OUTDOOR RIDING ARENA TO SERVE AS AN INCLIMENT WEATHER RIDING ARENA.

THE COMMERCIAL BUSINESS LICENSE SUPPORTING THIS HISTORICAL USE FOR THE PROPERTY IS CURRENTLY ACTIVE.

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PROCEDURES AND GUIDELINES, AND ARE IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTES, LOCAL ORDINANCES, AND STATE AND LOCAL CODES. IN THE EVENT OF CONFLICT BETWEEN ANY PORTIONS OF THESE PLANS AND APPLICABLE CODES, THE CODES SHALL PREVAIL.

SIGNIFICANT HYDROLOGIC RESOURCE STATEMENT

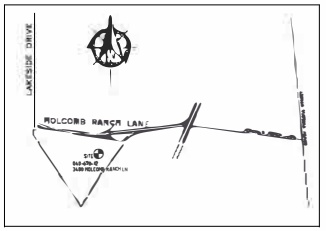
THE EXISTING STREAM UPON THIS PROPERTY IS NOT IDENTIFIED BY ARTICLE 418 AS A PERENNIAL STREAM. FEMA FIRM MAP HAS IDENTIFIED A CRITICAL FLOOD WAY FOR THIS STREAM WHICH HAS BEEN IDENTIFIED UPON THESE SITE PLANS (COLOR RED) AS A ZONE OF NO CONSTRUCTION/BUILDING FOR THE SPECIAL USE PERMIT. NO PERMANENT CONSTRUCTION IS PROPOSED FOR THIS AREA.

KNOWN AREAS OF PITENTIAL HAZARD

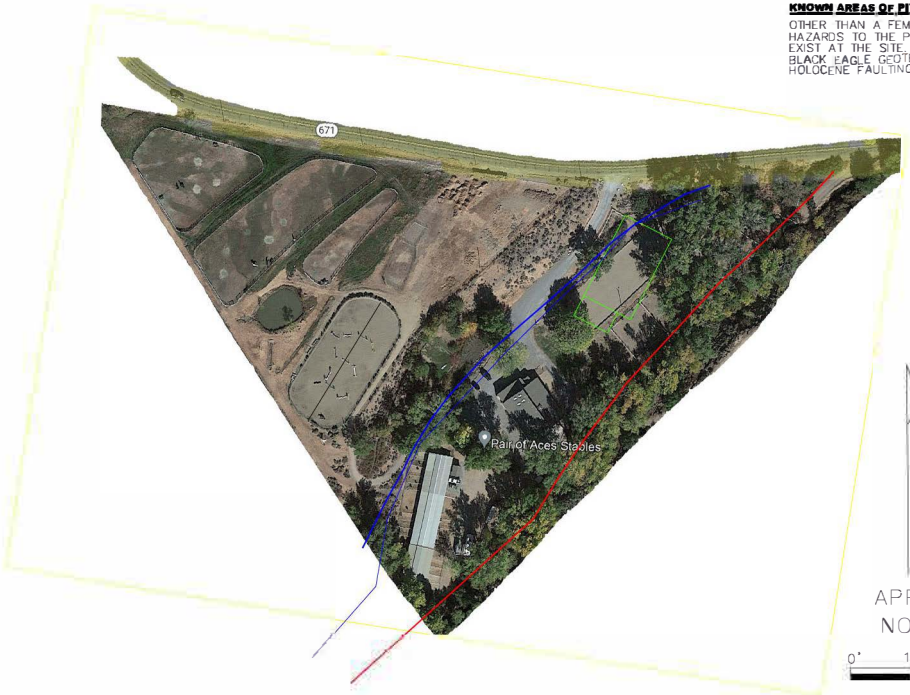
OTHER THAN A FEMA ZONE AE FLOOD PLAIN, NO OTHER NATURAL HAZARDS TO THE PROPOSED CONSTRUCTION ARE KNOWN TO EXIST AT THE SITE. ACCORDING TO A GEOTECHNICAL REPORT BY BLACK EAGLE GEOTECHNICAL DATED JUNE 18, 2020, NO KNOWN HOLOCENE FAULTING IS LOCATED UPON THE PROJECT SITE.

SHEETS

SUP 1 – COVER SHEET/SITE PLAN
SUP 2 – ENLARGED SITE PLAN
SUP 3 – ENLARGED AERIAL VIEW
SUP 4 – CIVIL LAYOUT – PRELIMINARY
SUP 5 – SECTIONS
SUP 6 – ELEVATIONS



VICINITY MAP
NOT TO SCALE

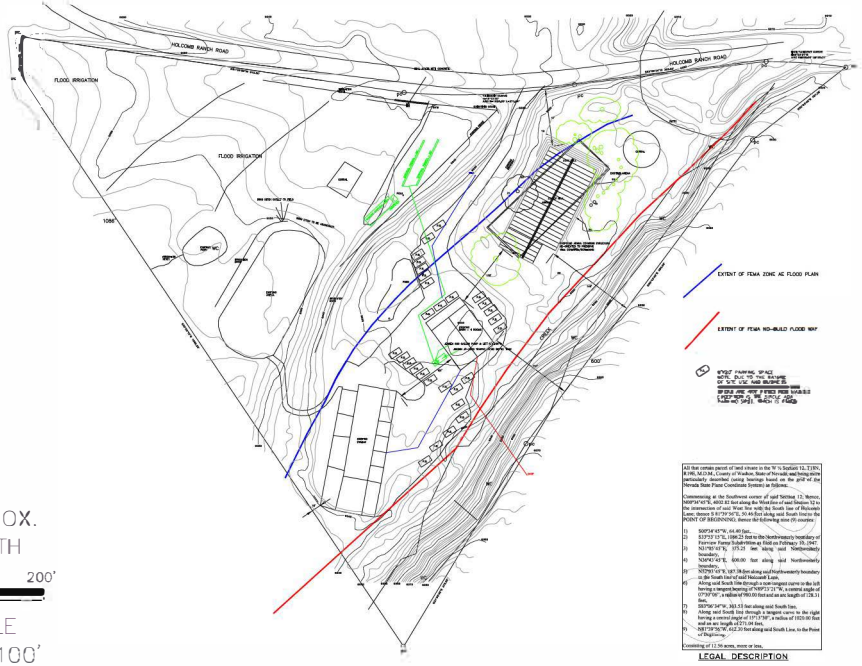


Aerial View
SEE SHEET 3

APPROX.
NORTH

0' 100' 200'

SCALE
1" = 100'



LEGAL DESCRIPTION

Site Plan
SEE SHEET 2

REVISIONS	BY

SOILS ENGINEERING, LLC.
10300 Roadrunner Rd.
Reno, Nevada 89510
(775) 240-2692

NEVADA ENGINEER-STATE OF NEVADA
HUGH J. EZZELL
CIVIL
No. 10310
PROFESSIONAL ENGINEER

SEPTEMBER 1, 2023
EXP 12/31/24
1351

S.U.P. – SITE PLAN/AERIAL VIEW
3400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 1

WSUP23-0029
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PUBLIC COMMENT
EXHIBIT E

Site Plan

REVISIONS	BY

SOLLIS ENGINEERING, LLC.
18008 Reddhunter Rd.
Reno, Nevada 89510
(775) 240-2692

PROFESSIONAL ENGINEER-STATE OF NEVADA
CIVIL
No. 10319
SEPTEMBER 1, 2023
EXP 12/31/24
1351

SUP ENLARGED SITE PLAN
3400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 2

WSUP23-0029
WSUP23-0029
PUBLIC COMMENT
EXHIBIT E

REVISIONS	BY

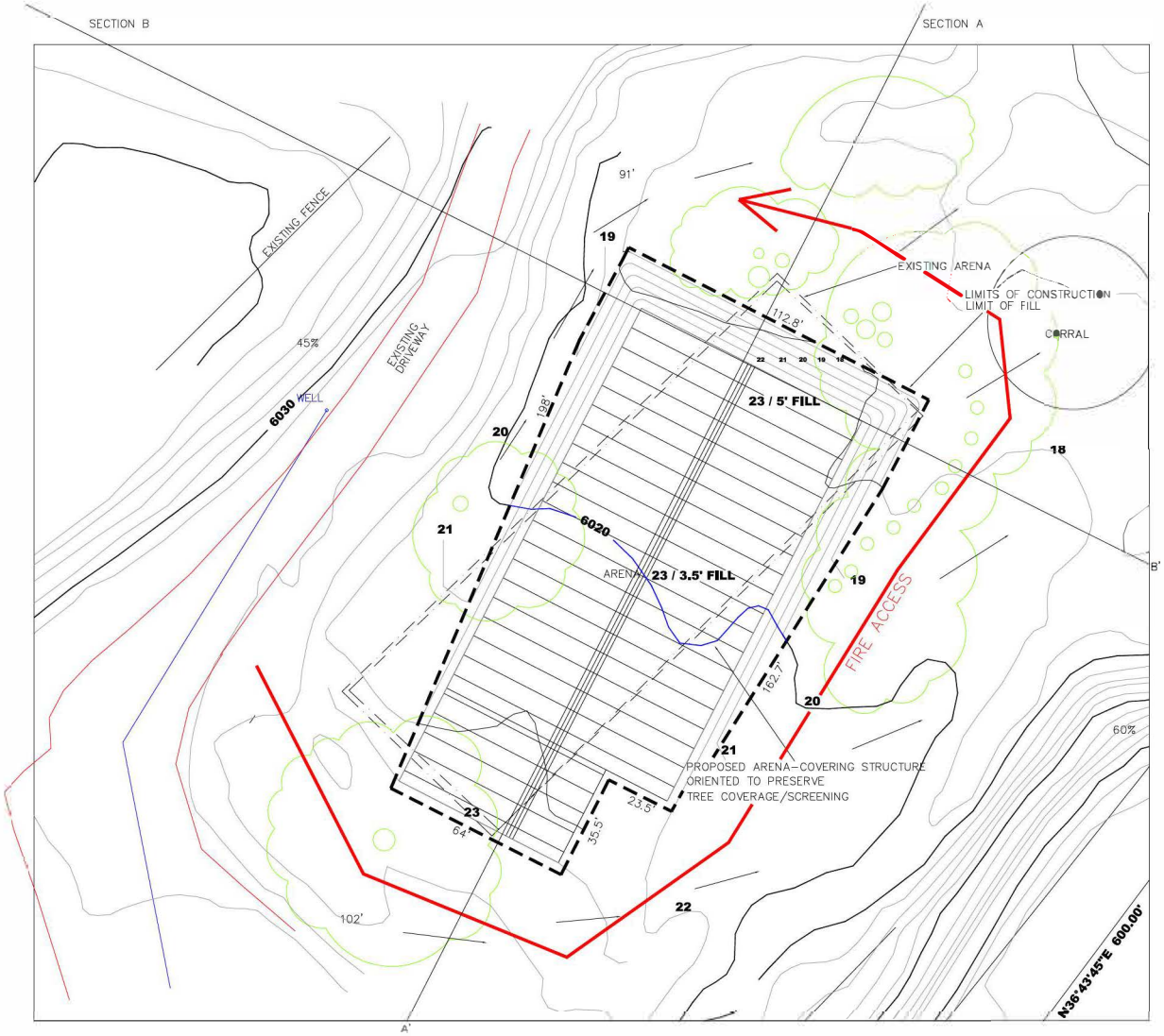
SOILS ENGINEERING, LLC
10000 Roop Umer Rd.
Reno, Nevada 89510
(775) 240-2692

SEPTEMBER 1, 2023
EXP. 12/31/24
1351

ENLARGED AERIAL VIEW
5400 Holcomb Ranch Lane
Reno, Nevada 89511
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 3

WSUP23-0029
WSUP23-0029
PUBLIC COMMENT
EXHIBIT E



PROPOSED FILL = 309 CU YD
THERE IS NO PROPOSED SOIL EXPORT FROM THE SITE

NOTE: SITE DRAINAGE PATTERNS WILL NOT CHANGE AS A RESULT OF THIS PROJECT

BMPs ARE NOT PROPOSED FOR THIS PROJECT AS GRADING WILL OCCUR IN A SINGLE PHASE LASTING LESS THAN 30 DAYS

NOTE: THERE ARE NO SLOPES WHICH AFFECT THE STRUCTURAL INTEGRITY OF THIS BUILDING

THE THRESHOLDS OF A GRADING PERMIT ARE NOT MET BY THIS PROJECT.

REVISIONS	BY

SOILS ENGINEERING, LLC.
10000 Peacetree Rd
Reno, Nevada 89511
(775) 240-2682

PROFESSIONAL ENGINEER-STATE OF NEVADA
HUGH EBERLY
CIVIL
No. 10310

SEPTEMBER 1, 2023
EXP 12/31/24
1351

CIVIL LAYOUT - PRELIMINARY
3400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET:
SUP 4

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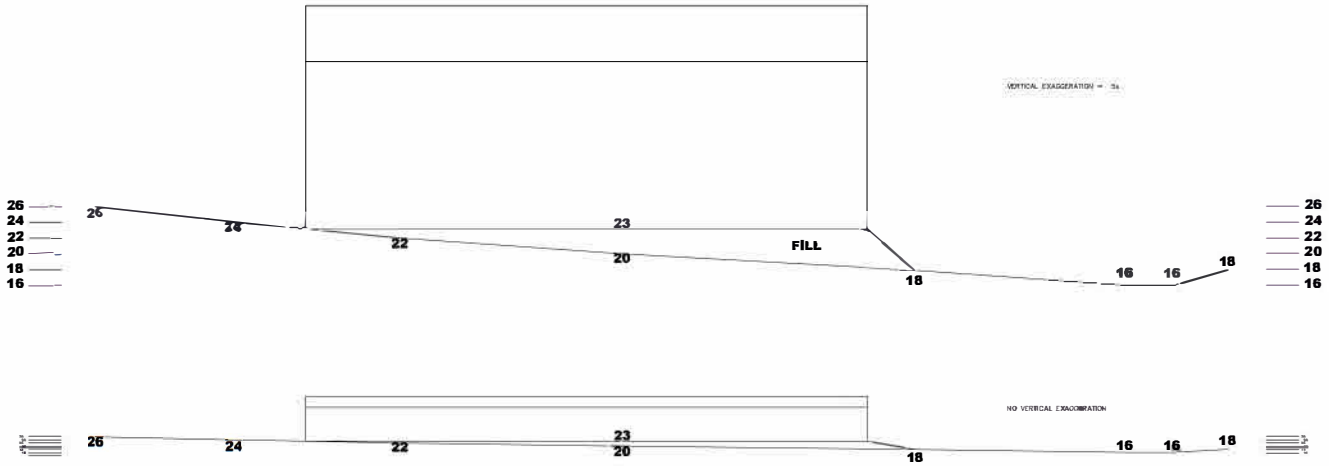
WSUP23-0029
PUBLIC COMMENT
EXHIBIT E

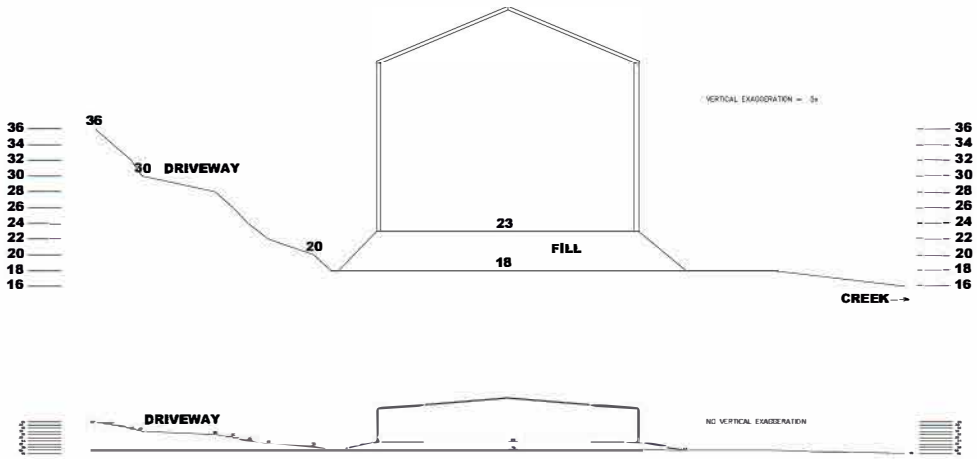


A'

A

SECTION A' – A

1" = 10'



B'

B

SECTION B' – B

1" = 10'

REVISIONS | BY

SOLIS ENGINEERING, LLC.
15000 Alcorn Ranch Rd.
Reno, Nevada 89510
(775) 240-2692

PROFESSIONAL ENGINEER-STATE OF NEVADA
No. 10310
CIVIL

SEPTEMBER 1, 2023
EXP 12/31/24
1351

SECTIONS
3400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET: SUP 5

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WSUP23-0029
PUBLIC COMMENT
EXHIBIT E

REVISIONS BY

SOILS ENGINEERING, LLC
10000 Moorhurner Rd.
Reno, Nevada 89510
(775) 240-2692

SEPTEMBER 1, 2023
EXP 12/31/24
1351

ELEVATIONS
5400 Holcomb Ranch Lane
Reno, Nevada 89510
APN 040-670-12

DATE: AUGUST 21, 2023
SCALE: As Noted
DRAWN BY: HE
JOB #:
SHEET:

SUP 6

WSUP23-0029
WSUP23-0029
PUBLIC COMMENT
EXHIBIT E

EXHIBIT “B”

EXHIBIT “B”

WSUP23-0029
PUBLIC COMMENT

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “C”

EXHIBIT “C”

WSUP23-0029
PUBLIC COMMENT

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From: Clint Thiesse <CLINT@summitnv.com>
Sent: Wednesday, December 29, 2021 4:41 PM
To: Olander, Julee <JOlander@washoecounty.gov>
Cc: Landess Witmer <witmers2@gmail.com>; Liz Reader <pairofacesstables@yahoo.com>; Felise Canterini <feli.frc@gmail.com>
Subject: Re: WSUP21-0036 & WADMIN21-0016 Silver Circle Ranch

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Julie

I apologize for not getting back to you sooner.

There is an approximate 550 S.F. one-bedroom apartment on the lower floor of the 5570 S.F. barn footprint. The remainder of the lower floor is equipment and open storage. The partial second floor contains an approximate 550 S.F. one-bedroom apartment, an approximate 300 S.F. studio, and an approximate 200 S.F. office which is utilized by the on-site trainer. All of these facilities were apparently part of the original 1977 construction, and are currently and have been occupied since original construction.

The apartments were mentioned on page 15, #6. of the SUP application, and wherever parking was discussed in both applications. It should be noted my answer in #6. was incorrect from the standpoint that 1 of the apartments is on the lower floor and the office is on the 2nd floor.

Please let me know if you have any other questions or need any further clarifications.

Sincerely,

Clinton G. Thiesse, P.E.
Executive Vice President

Summit Engineering Corp

5405 Mae Anne Avenue

Reno, NV 89523

775-787-4364 (Direct)

775-745-3849 (cell)

www.Summitnv.com

From: "Olander, Julee" <JOlander@washoecounty.gov>
To: Clint Thiesse <CLINT@summitnv.com>
Sent: 12/22/2021 2:05 PM
Subject: RE: WSUP21-0036 & WADMIN21-0016 Silver Circle Ranch

Let me know what you find out. Also, multi-family (i.e. apartments) are not allowed in HDR zoning. Where in the application do you mention the apartments?

Please tell us how we did by taking a quick survey

Julee Olander

Planner|Community Services Department- Planning & Building Division

jolander@washoecounty.gov| Office: 775.328.3627

1001 E. Ninth St., Bldg A., Reno, NV 89512

Visit us first online: www.washoecounty.us/csd

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

Connect with us: cMail | Twitter | Facebook | www.washoecounty.us

---

From: Clint Thiesse <CLINT@summitnv.com>
Sent: Wednesday, December 22, 2021 1:32 PM
To: Olander, Julee <JOlander@washoecounty.gov>
Subject: Re: WSUP21-0036 & WADMIN21-0016 Silver Circle Ranch

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “D”

EXHIBIT “D”

EXHIBIT “10”

EXHIBIT “10”

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “11”

EXHIBIT “11”

1515203

APPLICATION FOR AGRICULTURAL USE ASSESSMENT
THIS PROPERTY MAY BE SUBJECT TO LIENS FOR UNDETERMINED AMOUNTS
(PLEASE READ CAREFULLY THE ATTACHED INFORMATION AND INSTRUCTION SHEET)

Note: If necessary, attach extra pages.

Pursuant to Nevada Revised Statutes, Chapter 361.A (I) (We),

WARREN L. NELSON TRUSTEE

NORMA K. NELSON TRUSTEE

(Please print or type the name of each owner of record or his representative)
hereby make application to be granted, on the below described agricultural land, an assessment based upon the agricultural use of this land.

(I) (We) understand that if this application is approved, it will be recorded and become a public record.
This agricultural land consists of 55 acres, is located in WASHOE County, Nevada and is described as 040-670-02 & 09

(Assessor's Parcel Number(s))

Legal description Frac. SW 4 of NW 4 Lt/Sec Blk/Twp Range
040-670-02
03400 Holcomb Ln 12 18 19

*

(I) (We) certify that the gross income from agricultural use of the land during the preceding calendar year was $5,000 or more. Yes X No ___. If yes, attach proof of income.

(I) (We) have owned the land since 1974

(I) (We) have used it for agricultural purposes since 1974. The agricultural use of the land presently is (i.e. grazing, pasture, cultivated, dairy, etc.)
grazing, pasture raising cattle, horses + horse boarding

Was the property previously assessed as agricultural yes. If so, when late 1800's

(I) (We) hereby certify that the foregoing information submitted is true, accurate and complete to the best of (my) (our) knowledge. (I) (We) understand that if this application is approved, this property may be subject to liens for undetermined amounts. (I) (We) understand that if any portion of this land is converted to a higher use, it is our responsibility to notify the assessor in writing within 30 days. (Each owner of record or his authorized representative must sign. Representative must indicate for whom he is signing, in what capacity and under what authority.) Please print name under each signature.

X Warren L Nelson
Signature of Applicant or Agent WARREN NELSON Date 9/18/91

Address Phone Number

X
Signature of Applicant or Agent Date 9/18/91

Norma K Nelson
Address NORMA K. NELSON Phone Number

Signature of Applicant or Agent Date

Address Phone Number

* 040-670-09 Lt/Sec 1 Blk/Twp A Range
Farmers Farms Lt 2 FR
03535 Farmers Rd.

BK3342PG0897

ASD 02A 07|09|91

WSUP23-0029
PUBLIC COMMENT

FOR USE BY THE COUNTY ASSESSOR OR DEPARTMENT OF TAXATION

Date application received _____ _____ (Initial)

Date property inspected (If applicable) _____ _____ (Initial)

Date income records inspected (If applicable) _____ _____ (Initial)

Approved X Denied ____ 9-19-91 (Date) BB (Initial)

Written notice of approval or denial sent to applicant.

_____ (Date) _____ (Initial)

If approved, application recorded: _____ (Date) _____ (Initial)

Department of Taxation:

Application returned to assessor for valuation and entry on the roll.

_____ (Date) _____ (Initial)

Reasons for approval or denial and other pertinent comments:

Bob Bivens
(Signature of Assessor or Department Employee Processing Application)
BOB BIVENS

RURAL APPRAISER
(Title)

9-19-91
(Date)

BK3342PG0898

OFFICIAL RECORDS
WASHOE CO. NEVADA
RECORD REQUESTED BY
Assessor
'91 OCT 10 A10:52

JOE MELCHER
COUNTY RECORDER
FEE 0 DEP BK

ASD 02B

07|09|91

WSUP23-0029
PUBLIC COMMENT

0 CL

EXHIBIT “12”

EXHIBIT “12”

Reno Gazette-Journal (Reno, Nevada) · Thu, Apr 11, 1996 · Page 18

Gamblers

From page 1A

In Reno, Nelson did more than develop keno. He figured out a way to make gambling popular to a wide variety of people.

"As much as anyone, he is responsible for liberal gaming, the high paybacks, lower house odds and the revolution in slot machines," says Ken Adams, a Reno-based casino analyst whose interviews with Nelson were the basis for the autobiography published in 1994, "Always Bet on the Butcher."

You see the signs of liberal gambling throughout Reno and Sparks where casinos advertise free drinks, cheap food and loose slot machines. They're Nelson's legacy.

Nelson, the first general manager of the landmark Harrah's casino that opened on Virginia Street after World War II, developed a basic philosophy about gambling that goes something like this — if you loosen your games and hand out some things for free, you'll draw a big crowd.

Maybe the customers will win more often. That makes them happy and keeps them coming back. But, in the long run, the casino makes money because of the built-in edge the house has in every game.

"It was a battle he fought a lot, convincing (casino) ownership that the way to better profits was to give more back to the players," Adams says.

"In the case of the Palace Club, his partners wouldn't listen to him. In the case of the Cal-Neva, it took a while."

Inside a wood-paneled office at his Silver Circle Ranch in the south Truckee Meadows, Nelson illustrates casino economics by holding out his hands. One is open, the other closed.

"You have to have gimmicks. You give things away," says Nelson, waving his open hand.

"But you've got to keep the other hand closed."

Adams knows what's in Nelson's closed hand. "What he keeps in the other hand is the knowledge of the (house) advantage he has." The Club Cal-Neva is a monument to Nelson's style.

There probably shouldn't be a place for the Cal-Neva in modern Reno. It doesn't have a single hotel room. But analysts rate it one of the most successful operations in town.

At the Cal-Neva, games are loose and the food and drink is cheap. The Cal-Neva is the home of ham and eggs for less than a buck. Breakfast at the Cal-Neva has been 99 cents for 20 years, up from 49 cents when Nelson started serving.

But Nelson's biggest impact on gaming, according to Adams, is heard every time a slot machine rings. Nelson helped make slots the No. 1 casino game.

"There were several pieces of the puzzle, but Warren was a major player," Adams says.

"The dollar slots. He put it together in a carousel. The numbers went from slots being 40 percent (of casino business) to 60 to 80 percent. The $1 slots were the key to that taking place."

The slots helped make Nelson wealthy.

He bought slot machines for his casino from a guy named Si Redd. In the late 1970s, Nelson also paid $5 a share for 20,000 shares in a company Redd founded that became Reno-based International Game Technology, the world's largest maker of slots and other gambling machines.

Nelson is on IGT's board of directors. But he spends more time with horses than slot machines.

Nelson no longer shows up on a regular basis at the Cal-Neva, where he kept an office until about five months ago. Now, he's mostly at the 55-acre Silver Circle, checking his mail, phoning friends from the office located behind one of the barns and looking after six horses.

"This ranch, I've worked hard to get it," Nelson says. "I guess if you have to be someplace, there could be worse places to be."

Next month, Nelson will have another speech to make. Nelson is scheduled to give the commencement address at tiny Carroll College in Helena, Mont., where he dropped out before finishing his freshman year.

Nelson won't be using notes, but he'll have some stories to tell.

WSUP23-0029
PROPOSED PUBLIC COMMENT

EXHIBIT “13”

EXHIBIT “13”

DOC #4968130
10/30/2019 04:36:53 PM
Electronic Recording Requested By
FIRST CENTENNIAL - RENO (MAIN OF
Washoe County Recorder
Kalie M. Work
Fee: $41.00 RPTT: $6334.50
Page 1 of 3

APN: 040-670-12

Escrow No. 00247682 - 001 - ID
RPTT $6,334.50
When Recorded Return to:
Grantee
1605 Del Monte Lane
Reno, NV 89511

Mail Tax Statements to:
Grantee same as above

SPACE ABOVE FOR RECORDERS USE

Grant, Bargain, Sale Deed

THIS INDENTURE WITNESSETH: That
Gail K. Nelson and Chuan Liu, Successor Trustees of the Warren L. Nelson and Norma K. Nelson 1979 Living Trust

In consideration of $10.00, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to
Pro Pony LLC, a Nevada limited liability company,

all that real property situate in the County of Washoe, State of Nevada, described as follows:

See Exhibit A attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.....**together with Claim No. 69, 49.34 acre feet of Steamboat Ditch water....and three (3) shares of stock in the Steamboat Canal Company"**

COPY

Signature and Notary block on following page

SPACE BELOW FOR RECORDER

Page 2 of 3 of Grant, Bargain, Sale Deed
Escrow No.: 00247682 - 001 -

Witness my/our hand(s) this 30 day of October, 2019

Warren L. Nelson and Norma K.
Nelson 1979 Living Trust

Gail K. Nelson, Successor Trustee

Chuan Liu, Successor Trustee

STATE OF NEVADA
COUNTY OF WASHOE

This instrument was acknowledged before me on 10/30/19,
By Gail K. Nelson and Chuan Liu.

NOTARY PUBLIC

MACKENZIE RIVERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 17-3975-2 - Expires October 19, 2021

COPY

SPACE BELOW FOR RECORDER

Exhibit A

All that certain real property situate in the W ½ of Section 12, T18N, R19E, M.D.M., County of Washoe, State of Nevada, and being more particularly described (using bearings based on the grid of the Nevada State Plane Coordinate System) as follows:

Commencing at the Southwest corner of said Section 12; thence, N 00°34'45" E, 4002.82 feet along the West line of said Section 12 to the intersection of said West line with the South line of Holcomb Lane; thence S 81°39'56" E, 50.46 feet along said South line to the POINT OF BEGINNING; thence the following nine (9) courses;

S 00°34'45" W, 64.40 feet;
S 33°53'15" E, 1086.25 feet to the Northwesterly boundary of Fairview Farms Subdivision as filed on February 10, 1947
N 31°05'45" E, 375.25 feet along said Northwesterly boundary,
N 36°43'45" E, 600.00 feet along said Northwesterly boundary,
N 52°03'45" E, 187.38 feet along said Northwesterly boundary to the South line of Holcomb Lane,
Along said South line through a non-tangent curve to the left having a tangent bearing of N 89°23'21" W a central angle of 07°30'06", a radius of 980.00 feet and an arc length of 128.31 feet,
S 83°06'34" W, 303.53 feet along said South line,
Along said South line through a tangent curve to the right having a central angle of 15°13'30", a radius of 1020.00 feet and an arc length of 271feet,
N 81°39'56" W, 612.30 feet along said South Line, to the Point of Beginning.

Reference is also hereby made to Parcel B of Record of Survey Map No. 3951, recorded Jun 29, 2001, as Document No. 2569521, Official Records.

The above legal description was taken from prior Document No. 2569461.

SPACE BELOW FOR RECORDER

EXHIBIT “14”

EXHIBIT “14”

(#325)
FAIRVIEW FARMS
PORTION OF THE NW 1/4 SEC. 12
T18N - R19E

2 1
11 12

N00-34-45E
1249.14'

WASHOE CO. GPS PT 908
IN WINDY HILL PARK
N 14,845,158.99
E 2,280,172.76

LAKESIDE DR.

S05-58-08W
1674.69'

HOLCOMB RANCH LANE

50.46
64.40
612.30
271.04
303.53
128.31
606.94
45.5

LANE

PAR. B
RS 3951

EASEMENT FOR PUBLIC
HIGHWAY PURPOSES
PER DOC. #157073

PAR. 1-A
P.M. 320

PAR. 1-B
P.M. 320

LAST CHANCE DITCH

0.96
63.57
62.45
24.34
187.38
390.0
600.00
210.0
125.84
174.62
238.58

DRIVE

521.17

POR. PAR. A
RS 3951

PAR. A2
RS 5956

040-670-12
12.563 ac.

040-670-06
7.511 ac.

1086.25
1090.27

1

2

040-670-09
17.34 ac.

45.38
51.49
97.04
99.40
63.81
33.79
61.46
426.95

LOMBARDI

1460.73

040-670-13
12.30 ac.

3

375.25
140.00
305.88
8.50
68.71
62.79
564.87

040-670-04
2.486 ac.

147.35
544.09
40.06
146.23
132.19
502.10

DRYDEN ROAD

FAIRVIEW

124.05
29.35
44.94
44.70
31.09
44.60
15.82
23.21
2.39
374.05

Assessor's Map Number

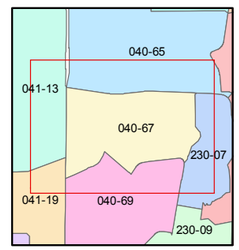
040-67

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Michael E. Clark, Assessor

1001 East Ninth Street
Building D
Reno, Nevada 89512
(775) 328-2231

Feet
0 50 100 150 200

1 inch = 200 feet



created by: *NLH 09/21/2010*

last updated: JKF 10/31/17 SR 5/14/18

area previously shown on map(s)

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated hereon.

Pltfs. 000078
WSUP23-0029
PUBLIC COMMENT

EXHIBIT “15”

EXHIBIT “15”

DOC #5057493
07/24/2020 04:42:15 PM
Electronic Recording Requested By
FIRST CENTENNIAL - RENO (MAIN OF
Washoe County Recorder
Kalie M. Work
Fee: $43.00 RPTT: $12300.00
Page 1 of 5

APN: 040-670-09
R.P.T.T.: $12,300.00
Escrow No.: 20004417-SS
When Recorded Return To:
Keyhole Trust dated December 8, 2014
3535 Fairview Road
Reno, NV 89511

Mail Tax Statements to:
Keyhole Trust dated December 8, 2014
3535 Fairview Road
Reno, NV 89511

SPACE ABOVE FOR RECORDER'S USE

GRANT, BARGAIN, SALE DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Gail K. Nelson and Chaun H. Liu, Successor Trustees of the Warren L. Nelson and Norma K. Nelson 1979 Living Trust

do(es) hereby Grant, Bargain, Sell and Convey to

Tony Maida, Trustee of the Keyhole Trust dated December 8, 2014

all that real property situated in the County of Washoe , State of Nevada, described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A"

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

COPY

Page 2 of the Grant, Bargain, Sale Deed (signature page). Escrow No.: 20004417-SS

Dated this 10 day of July, 2020.

Warren L. Nelson and Norma K. Nelson 1979 Living Trust

BY:_____
Gail K. Nelson
Successor Trustee

BY:_____
Chuan H. Liu
Successor Trustee

COPY

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

This instrument was acknowledged before me on 7/10/20,
by Gail K Nelson & Chuan H Liu.

Mackenzie
NOTARY PUBLIC

MACKENZIE RIVERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 17-3975-2 - Expires October 19, 2021

COPY

EXHIBIT A

PARCEL 1:

Lot 2, in Block A of FAIRVIEW FARMS, WASHOE COUNTY, NEVADA, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on February 10, 1947.

PARCEL 2:

Parcel 1-B of Parcel Map No. 320 for WARREN NELSON, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada on September 16, 1976, as Document No. 426162, Official Records.

APN: 040-670-09

COPY

Attachment "A"

Together with any and all water and water rights, appurtenant to and/or used in connection with the subject property, including but not limited to; all right, title and interest in and to those certain rights to divert from a surface source, said water and water right being situate in Washoe County, State of Nevada, more particularly described as follows:

> That portion of ***Claim No. 72 of the Truckee River Decree also known as Truckee River Claim DTR-72,*** appurtenant to the subject property being ***69.18 acre-feet annually for decreed purposes including the irrigation of 17.26 acres*** on file with the State of Nevada, Division of Water Resources, together with the right to change the point of diversion, place and manner of use thereof.

Including all stockwatering rights, privileges or permits and vested proofs, and including all range, ranges and range right permits now and heretofore used, claimed and enjoyed in connection with the herein above described lands, and also including any and all groundwater water rights appurtenant to and/or used in connection with the subject property.

COPY

EXHIBIT “16”

EXHIBIT “16”

STEAMBOAT CANAL & IRRIGATION CO.

Water Delivery List As of: March 4, 2021

Gate #	Inches at Head Gate	Acres Irrigated	Customer Name	Ship To	Phone	Parcel #
53		20.52	Flying Diamond Ranch, LLC - Jill	8790 Lakeside Drive		040-650-46/47/48
53		7.50	Hsu Family Trust-Christopher & Juliane	3600 Holcomb Ranch Ln.		040-670-11
53		3.00	Witmer (Pro Pony LLC)	3400 Holcomb Ranch Ln		040-670-12
TOTAL 53	15.51	31.02	**TOTAL 53**			

EXHIBIT “17”

EXHIBIT “17”

Farm & Ranch Listing Input Form

LISTING #: _____ **LISTING DATE:** 6/7/19 **EXP. DATE:** 12/31/2019

Agent Name: Kathie Bartlett **2nd Agent** _____

Office Name: Dickson Realty - Caughlin **2nd Office:** _____

Team Name: _____

Agent Email: kathie@kathiebartlett.com **2nd Agent Email:** _____

Contact Name: Kathie Bartlett **Contact Phone:** 775.741.5675

SHOWING INSTRUCTIONS: ☒ Listing Agent ☐ Listing Office ☐ Owner ☐ Tenant

☐ Lockbox Direct ☐ Lockbox/Call 1st ☐ Drive By ☐ ShowingTime ☐ Showing Service (Other than ShowingTime)

To show, please contact: Kathie Bartlett, 775.741.5675

(This field is alpha/numeric. Enter the name and exact phone number or email address that members should use to schedule a showing)

PRICE $: 1,880,000.00 **CommBB:** ☐$ ☒% 2.75 **VARIABLE RATE:** ☒Y ☐N **SLIDING SCALE:** ☐Y ☒N

AREA: 164 - Reno-Old South Suburban **ADDRESS #:** 3400 **DIRECTION:** _____ **STREET:** Holcomb Ranch Lane **UNIT #:** _____

CITY: Reno **STATE:** NV **ZIP:** 89511 **COUNTY:** Washoe

XSTREET/DIRECTIONS: turn in at Silver Circle Ranch

RANCH/FARM NAME: Silver Circle Ranch

SCHOOLS: (Verify with District)

Elementary: Huffaker Middle: Pine High School: Galena

SPECIAL CONDITIONS OF SALE: ☒ None ☐ Auction ☐ REO ☐ REO/Auction ☐ Short Sale ☐ Short-Sale Auction

☐ Subject to Court Approval ☐ Relocation ☐ Yes-Other

SALE/LEASE: ☒ For Sale ☐ For Lease Option ☐ For Sale or Lease Option ☐ For Auction

LISTING TYPE: ☒ Exclusive Right ☐ Exclusive Agency ☐ Exclusive Right with Reservations

MAIN RESIDENCE: ☐ None ☒ Single Family (Site/Stick Built) ☐ Manufactured Housing

PARCEL #: 04067012 **ACREAGE:** 12.56

TOTAL DEEDED ACRES: 12.56 **TOTAL IRRIGATED ACRES:** 3.0 **TOTAL LEASED ACRES:** 0.00

TAXES $ 4755.77 **WATER USE FEES $** _____ **BEDROOMS #:** 4 **STORIES:**

AG. TAX DEFERRAL _____ ☐ Y ☐ N **ANIMAL UNITS MONTHLY** 4 **BATHS # FULL/3/4:** 4 ☐ One

ASSESSMENTS $ 0 **SOIL CONSERV. PLAN** _____ ☐ Y ☒ N **BATHS # 1/2:** 1 ☒ Two

WATER RIGHTS _____ ☒ Y ☐ N **MINERAL RIGHTS** _____ ☐ Y ☒ N **GARAGE #:** 1 ☐ Three

ACRES OF WATER RIGHTS 49.00 **INCOME PRODUCING** _____ ☐ Y ☒ N **CARPORT #:** 0 ☐ Split Level

WATER RIGHT FEES $ 0 **LIMITED SERVICE LISTING** ☐ Y ☒ N ☐ Tri-Level

☐ 4 or More

TOTAL LIVING SPACE: 1,120.00 **YEAR BUILT:** 1977

SOURCE OF SQ FT:
- ☐ Owner
- ☐ Assessor
- ☒ Appraiser
- ☐ Agent
- ☐ Plans

ZONING (Actual): HDR 93%/GR7%

SOURCE OF ZONING:
- ☐ Owner
- ☒ Assessor
- ☐ Appraiser
- ☐ City

CONSTRUCTION:
- ☒ Frame
- ☐ Masonry
- ☐ Rock
- ☐ Log
- ☐ 2 x 6 Exterior
- ☐ Manufactured/ Converted
- ☐ Manufactured/ Not Converted
- ☐ Manufactured/ Converted in Escrow
- ☐ Modular
- ☐ Insulated Concrete Forms
- ☐ Alternative Materials

TYPE OF PROPERTY:
- ☐ Farm
- ☒ Ranch
- ☐ Combo

OCCUPIED BY:
- ☒ Owner
- ☐ Tenant
- ☐ Vacant

POSSESSION:
- ☒ COE
- ☐ Negotiable
- ☐ Subject to Tenants
- ☐ Seller Requires Rent Back

Agent _____ Initial Seller _____ Initial Seller _____ Initial

Farm & Ranch Listing Input Form – NNRMLS

Features (Check All That Apply)

A. FARM/RANCH TYPE
- ☐ 1. None
- ☒ 2. Horse
- ☐ 3. Dairy
- ☒ 4. Cattle
- ☐ 5. Sheep
- ☐ 6. Poultry
- ☐ 7. Other Animals
- ☐ 8. Crops
- ☒ 9. Boarding/Kennels
- ☐ 10. Dude
- ☐ 11. Hobby

B. ADDITIONAL HOUSING
- ☐ 1. None
- ☐ 2. Owner
- ☐ 3. Manager
- ☐ 4. Cook House
- ☐ 5. Bunk House
- ☐ 6. Guest House

C. GARAGE/CARPORT TYPE
- ☐ 1. None
- ☒ 2. Attached
- ☐ 3. Detached
- ☐ 4. Under
- ☐ 5. Both AT & Det
- ☐ 6. Parking Pad
- ☐ 7. Tandem
- ☐ 8. Carport
- ☒ 9. RV Garage

Farm/Ranch Features (Check All That Apply)

O. TOPOGRAPHY
- ☒ 1. Level
- ☒ 2. Up-Slope
- ☐ 3. Down-Slope
- ☐ 4. Steep
- ☐ 5. Rolling
- ☐ 6. Gentle
- ☐ 7. Hilly
- ☐ 8. Combo/Varies
- ☐ 9. Flag Lot
- ☐ 10. Corner Lot

P. FACILITIES
- ☐ 1. None
- ☒ 2. Corrals/Stalls
- ☐ 3. Scales
- ☒ 4. Working Pens
- ☐ 5. Loading Chute
- ☐ 6. Squeeze Chute
- ☒ 7. Barn(s)
- ☒ 8. Outdoor Arena
- ☐ 9. Indoor Arena
- ☐ 10. Feed Lot
- ☒ 11. Shop
- ☐ 12. Silo/Grain Bin
- ☐ 13. Secondary Residence
- ☒ 14. Covered Hay Storage
- ☒ 15. Equipment Shed
- ☐ 16. Loafing Shed
- ☒ 17. Calving Barn(s)
- ☐ 18. Vet Room
- ☒ 19. Bunk House

Q. PERSONAL PROP INCL.
- ☐ 1. None
- ☐ 2. Tractor(s)
- ☐ 3. Tillage Equipment
- ☐ 4. Haying Equipment
- ☐ 5. Irrigation Equipment
- ☒ 6. Cattle Handling Equip
- ☐ 7. Vehicle(s) & Trailer(s)
- ☒ 8. Shop Inventory

R. WATER SOURCE
- ☒ 1. Surface
- ☐ 2. Creek/River
- ☒ 3. Underground
- ☐ 4. Municipal
- ☐ 5. Quasi-Municipal
- ☐ 6. Tail Water Only
- ☐ 7. Irrigation District
- ☒ 8. Pump
- ☐ 9. None

S. CROPS
- ☐ 1. None
- ☐ 2. Alfalfa/Hay
- ☒ 3. Pasture
- ☐ 4. Grain
- ☐ 5. Row Crops
- ☐ 6. Produce
- ☐ 7. Range
- ☐ 8. Leased
- ☐ 9. Seller Owned

T. GRAZING RIGHTS
- ☒ 1. None
- ☐ 2. BLM
- ☐ 3. Forest
- ☐ 4. Railroad Lease
- ☐ 5. Private Lease

U. TYPE OF LAND
- ☒ 1. Irrigated
- ☐ 2. Sub-Irrigated
- ☐ 3. Dry

V. IRRIGATION METHOD
- ☐ 1. None
- ☒ 2. Flood
- ☒ 3. Sprinkle
- ☐ 4. Gravity Flow

W. LIVESTOCK CAPACITY
- ☐ 1. Zero
- ☒ 2. 1 to 49
- ☐ 3. 50 to 99
- ☐ 4. 100 to 249
- ☐ 5. 250 to 499
- ☐ 6. 500 +

X. PROVEN MINERALS
- ☒ 1. None
- ☐ 2. Gold
- ☐ 3. Silver
- ☐ 4. Oil

Y. SPECIAL FEATURES
- ☐ 1. None
- ☒ 2. Creek/River
- ☐ 3. Lake/Reservior
- ☐ 4. Mountians
- ☐ 5. Historical Value
- ☐ 6. Meadows
- ☐ 7. Hunting/Fishing

Z. STOCK WATER
- ☐ 1. None
- ☐ 2. Spring
- ☐ 3. Creek/River
- ☒ 4. Pond
- ☒ 5. Well
- ☐ 6. Windmill

ZA. DITCHES
- ☐ 1. None
- ☒ 2. Yes
- ☐ 3. Concrete Lined
- ☒ 4. Dirt
- ☐ 5. Pipe

ZB. ACCESS TYPE
- ☒ 1. Public Access
- ☐ 2. Private Access
- ☐ 3. Private w/Maint Agreement

ZC. ACCESS ROAD
- ☐ 1. None
- ☐ 2. Paved/Concrete
- ☒ 3. Gravel
- ☒ 4. Dirt
- ☐ 5. Air Strip

ZD. DOCUMENTS ON FILE
- ☐ 1. None
- ☒ 2. Legal Description
- ☒ 3. Recorded Plot Map
- ☒ 4. Topography Map
- ☒ 5. Aerial Photos
- ☐ 6. Covenants
- ☒ 7. Right of Way Easements
- ☐ 8. Leases
- ☒ 9. Equipment Inventory
- ☐ 10. Boundary Survey
- ☐ 11. Soil Test
- ☐ 12. Perc Test
- ☐ 13. Water Quality Test
- ☐ 14. Water Quantity Test
- ☐ 15. Appraisal
- ☐ 16. Title Insurance

ZE. PROPERTY FENCING
- ☐ 1. None
- ☒ 2. Yes
- ☐ 3. Barbed Wire
- ☐ 4. Smooth Wire
- ☐ 5. Rail
- ☐ 6. Electric
- ☐ 7. Cross Fencing
- ☐ 8. Cinder Block
- ☐ 9. Masonry
- ☐ 10. Wood
- ☐ 11. Rock
- ☐ 12. Pipe
- ☒ 13. Chain Link

ZF. OWNER(S) MAY SELL (OPTIONAL)
- ☒ 1. Conventional
- ☐ 2. FHA
- ☐ 3. VA
- ☐ 4. Owner Carry 1st
- ☐ 5. Owner Carry 2nd
- ☐ 6. Assumption
- ☒ 7. Cash
- ☒ 8. Exchange/1031
- ☐ 9. Lease/Option
- ☐ 10. FHMA
- ☐ 11. FLB

N. UTILITIES
- ☒ 1. Electricity
- ☐ 2. Natural Gas
- ☐ 3. Propane
- ☒ 4. Oil Stove
- ☐ 5. City/County Water
- ☒ 6. Well-Private
- ☐ 7. Well-Community
- ☐ 8. Assessment to Assume
- ☐ 9. City Sewer
- ☐ 10. Community Sewer
- ☒ 11. Septic
- ☒ 12. Cable no
- ☒ 15. Telephone
- ☐ 16. Water Meter Installed
- ☐ 17. Solar (Photovoltaic) ∅
- ☐ 18. Wind ∅
- ☐ 19. Generator ∅
- ☒ 20. Internet Available
- ☒ 21. Cellular Coverage Available
- ☐ 22. Centralized Data Panel

Agent _____ Seller _____ Seller _____
Initial Initial Initial

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PRO PUBLIC COMMENT

Residence Features (Check All That Apply)

D. APPLIANCES
- ☐ 1. Gas Range
- ☒ 2. Electric Range
- ☒ 3. Single Oven
- ☐ 4. Double Oven
- ☐ 5. Self-Cleaning
- ☐ 6. Continuous Cleaning
- ☒ 7. Refrigerator
- ☒ 8. Built-in Dishwasher
- ☐ 9. Portable Dishwasher
- ☒ 10. Garbage Disposal
- ☒ 11. Microwave
- ☐ 12. Trash Compactor
- ☒ 13. Washer
- ☒ 14. Dryer
- ☐ 15. None
- ☐ 50. Energy Star Appliance (1 or more of above)
- ☐ 51. SMART Appliance (1 or more of above)

E. OTHER FEATURES INCLUDING
- ☐ 1. None
- ☒ 2. Window Coverings (full)
- ☐ 3. Fireplace(s), Wdstove, Pellet
- ☐ 4. Security System
- ☐ 5. Furnished
- ☐ 6. Spa/Hot Tub
- ☐ 7. In-Ground Pool
- ☐ 8. Above-Ground Pool

F. OTHER ROOMS
- ☐ 1. None
- ☐ 2. Yes
- ☐ 3. Office/Den (not incl bdrms)
- ☐ 4. Study/Library
- ☐ 5. Game Room
- ☐ 6. Sewing Room
- ☐ 7. Bonus Room
- ☒ 8. Loft
- ☐ 9. Entry/Foyer
- ☐ 10. Atrium
- ☐ 11. Mud Room
- ☒ 12. Workshop
- ☒ 13. Maid's Room
- ☐ 14. Sunroom
- ☒ 15. BR/Office on Main Floor
- ☐ 16. Basement-Finished
- ☐ 17. Basement-Unfinished
- ☐ 18. Guest House
- ☒ 19. In-Law Quarters
- ☐ 20. Rec Room
- ☐ 21. Master Bdrm (2 or more)
- ☐ 22. Great Room
- ☐ 23. Formal Dining Room
- ☐ 24. Family Room
- ☐ 25. Separate Laundry

G. FLOOR COVERING
- ☒ 1. Carpet
- ☐ 2. Ceramic Tile
- ☐ 3. Vinyl Tile
- ☒ 4. Sheet Vinyl
- ☐ 5. Wood
- ☐ 6. Stone
- ☐ 7. Brick
- ☒ 8. Laminate
- ☐ 9. Concrete
- ☐ 10. Marble
- ☐ 11. Slate
- ☐ 12. Porcelain
- ☐ 13. Travertine

H. FOUNDATION
- ☐ 1. None
- ☐ 2. Concrete/Crawl Space
- ☒ 3. Concrete Slab
- ☐ 4. Masonry
- ☐ 5. Wood
- ☐ 6. Post & Pier
- ☐ 7. Stone
- ☐ 8. Insulated Foundation

I. EXTERIOR
- ☐ 1. Masonry Veneer
- ☐ 2. Stucco
- ☒ 3. Wood Siding
- ☐ 4. Metal Siding
- ☐ 5. Vinyl Siding
- ☐ 6. Rock
- ☐ 7. Asbestos
- ☐ 8. Log
- ☐ 9. Masonite
- ☐ 10. Fiber Cement Siding

J. ROOF
- ☒ 1. Pitched
- ☐ 2. Flat
- ☐ 3. Gravel
- ☐ 4. Asphalt
- ☒ 5. Composition/Shingle
- ☐ 6. Wood/Shake
- ☐ 7. Tile
- ☐ 8. Metal

K. HEATING/COOLING
- ☐ 1. Natural Gas
- ☐ 2. Propane
- ☒ 3. Oil
- ☐ 4. Electric
- ☐ 5. Solar
- ☐ 6. Wood/Coal
- ☐ 7. Geothermal
- ☐ 8. Forced Air
- ☐ 9. Wall Heater
- ☐ 10. Hot Water System
- ☐ 11. Baseboard
- ☐ 12. Fireplace
- ☐ 13. Heat Pump
- ☐ 14. Radiant Heat-Ceiling
- ☐ 15. Radiant Heat-Floor
- ☐ 16. Floor Furnace
- ☐ 17. Radiator
- ☐ 18. No Heat
- ☐ 19. Central Refrig. A/C
- ☒ 20. Evap. Cooling
- ☐ 21. Air Unit
- ☐ 22. Programmable Thermo
- ☐ 50. Energy Star Appliance (1 or more of above)
- ☐ 51. SMART Appliance (1 or more of above)

L. WATER HEATER
- ☐ 1. Natural Gas
- ☐ 2. Propane
- ☒ 3. Electric
- ☐ 4. Solar
- ☐ 5. Oil
- ☐ 6. Circulating Pump
- ☐ 7. On Demand
- ☐ 8. Geothermal
- ☐ 99. None
- ☐ 50. Energy Star Appliance (1 or more of above)
- ☐ 51. SMART Appliance (1 or more of above)

M. WINDOWS
- ☒ 1. Single Pane
- ☒ 2. Double Pane
- ☐ 3. Triple Pane
- ☐ 4. Storm Windows
- ☒ 5. Metal Frame
- ☐ 6. Wood Frame
- ☐ 7. Vinyl Frame
- ☐ 8. Low E
- ☐ 9. Combo/Varies
- ☐ 10. 100% Energy Star

FOR INPUT INTO MLS

INTERNET

☒ Yes ☐ No

☐ Yes, without address

** "NO" will automatically exclude this listing from display on all Internet and IDX websites that receive a listing content feed from NNRMLS*

AUTOMATED VALUATON

☐ Yes ☒ No

COMMENTARY/REVIEWS

☐ Yes ☒ No

Agent _____ Initial Seller _____ Initial Seller _____ Initial

Remarks

MLS REMARKS NOTE: 512 Character Max – Contact information is NOT allowed in MLS Remarks or Extended Remarks. Language that could be considered steering or advertising in **ANY** Remarks fields is prohibited per NNRMLS Rules & Regulations.

This 12.563 acre ranch features a large barn w/indoor hay storage, tack room, 3 foaling stalls w/paddocks, workshop, two upper studio apartments w/kitchenettes & one without, a newer office/apartment at ground level, & an RV garage. There is a separate 28 stable horse barn w/paddocks, hot walker, washing area, dressage arena, lunging pen, 2 ponds, & approximately 5 acres of fully fenced pasture w/an additional riding arena. A year round creek flows through the property.

EXTENDED REMARKS NOTE: 512 Character Max – Extended Remarks appear on full profile sheets only

The cottonwood grove provides welcome shade in the summer months & attracts several species of rare hawks. There are lovely views of Mt. Rose from the upper pasture, which could potentially be divided into two separate residential parcels. At full capacity, this ranch can accommodate 28 horses in the stables and 25 head of longhorn cattle. Utilities include electricity, ATT UVerse, well, oil and septic, plus 49.34 acre feet of water rights.

PRIVATE REMARKS NOTE: 512 Character Max – Private Remarks appear only on the MLS All Fields Report. **PRIVATE REMARKS ARE CONFIDENTIAL – NOT FOR PUBLIC DISTRIBUTION**

There is a trail that leads to a 17.34 acre residential parcel above that is separately listed and also available. The two parcels combined would give you nearly 30 acres and 120 acre feet of water rights. All showings by appointment only please. Please do not disturb the owners.

ADVERTISING REMARKS NOTE: Display space varies – Advertising Remarks appear only on 3rd party websites (Example: Zillow, Trulia and Homes.com) NNRMLS does not prohibit contact info in this field, but some portals may not display the field if it contains contact info. **If you leave this area blank, your MLS REMARKS will AUTOMATICALLY display.**

The historic Silver Circle Ranch - an extraordinary opportunity to own more than 12.5 acres of beautiful ranch land in one of Reno's most desirable areas just minutes from town, a half hour to ski resorts, and 45 min. to Lake Tahoe.

Signature(s)

Seller(s) signature(s) below acknowledge(s) the following:

1. Seller(s) authorization for the use of a lockbox in the marketing of this property.
2. That the undersigned agent is authorized to submit the information contained herein to the Northern Nevada Regional Multiple Listing Service ("NNRMLS") for the purpose of publication in current multiple listing service ("MLS") compilations and dissemination of all information contained herein to its members during the specified listing period.
3. That the Seller acknowledges and agrees that all photographs, images, graphics, video recordings, virtual tours, drawings, written descriptions, remarks, narratives, pricing information and other copyrightable data and information relating to the property, provided by Seller (the "Listing Content"), may be included in compilations of listings, and otherwise distributed, publicly displayed and reproduced.
4. That Seller(s) grants to listing Broker a non-exclusive, irrevocable, worldwide, royalty free license to use, sublicense, publish, display, reproduce, prepare derivative works and distribute Listing Content provided by Seller, and certifies that the Listing Content provided does not violate or infringe upon the rights, including copyright rights, of any person or entity.
5. That the listing broker, his authorized representatives, the NNRMLS and its shareholders, trustees, officers, employees, and agents are not responsible for vandalism, theft or damage of any nature whatsoever to the property.
6. That the property is offered without respect to race, religious creed, color, national origin, disability, ancestry, familial status, sex, sexual orientation, marital status, source of income or any other class protected under applicable state and federal laws.
7. Seller(s) understand that there is no contractual relationship between the seller(s) and the NNRMLS or its shareholders, trustees, officers, employees or agents.
8. Seller(s) receipt of a copy of this property listing form.

Execution of this listing input form confirms that I (we) have executed concurrently herewith an "Exclusive Right to Sell" listing agreement with the undersigned licensee, unless otherwise noted in the body of the listing form. I (we) acknowledge that the information herein is true and correct to the best of my/our knowledge and I (we) agree to indemnify and hold the undersigned licensee, his/her broker, and the NNRMLS and its shareholders, trustees, officers, employees and agents free and harmless from any liability or damage arising from incorrect or undisclosed information provided by me (us).

Seller: GAIL K. NELSON **Date:** 5/16/2019 **Listing Agent:** Kathie Bartlett **Date:** 6/16/19

Seller: CHUAN H. LIU **Date:** 5/16/2019 **Listing Agent:** _____

WSUP23-0029

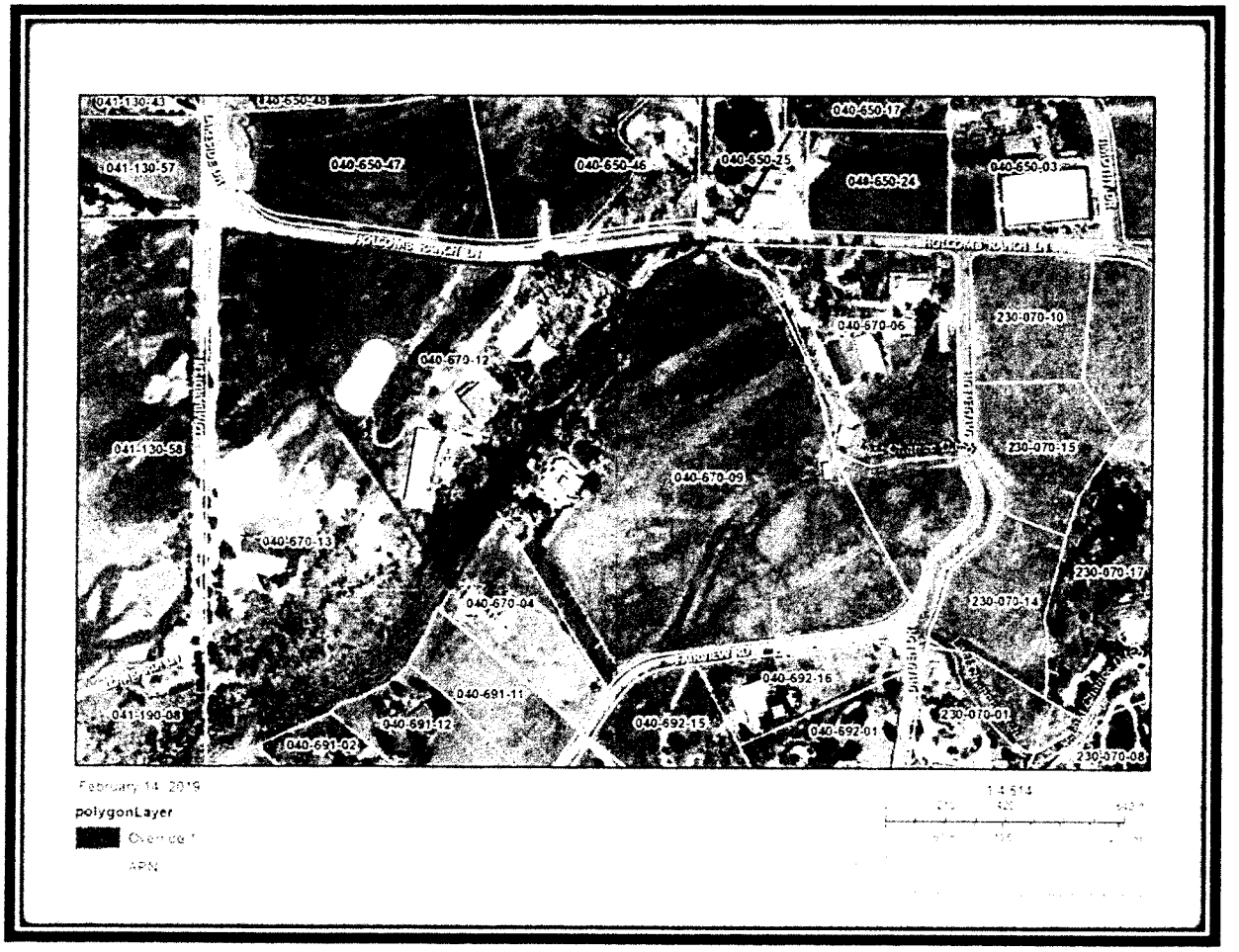
PROPUBLIC COMMENT

EXHIBIT “18”

EXHIBIT “18”

David A. Stefan
Real Estate Appraiser & Consultant

Airport Center
1281 Terminal Way, Suite 219
Reno, Nevada 89502



AN APPRAISAL
PREPARED IN A NARRATIVE REPORT
REGARDING 12.563± ACRES
LOCATED AT 3400 HOLCOMB RANCH LANE
RENO, WASHOE COUNTY, NEVADA
AS OF JANUARY 30, 2019
(A RETROSPECTIVE DATE)

WSUP23-0029
PROPERTY OWNER COMMENT

DAVID A STEFAN

REAL ESTATE APPRAISER AND CONSULTANT

AIRPORT CENTER
1281 TERMINAL WAY #219 **775-772-3304**
RENO, NEVADA 89502 **DAVIDASTEFAN@YAHOO.COM**

March 12, 2019

Mr. Chuan Liu
3400 Holcomb Ranch Lane
Reno, NV 89511

Dear Mr. Liu:

Pursuant to your request, I have prepared an appraisal presented in a narrative report of the 12.563± acres located at 3400 Holcomb Ranch Lane, Reno, Washoe County, Nevada.

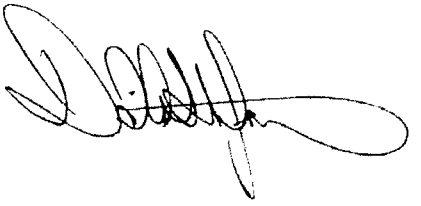
You have asked that I provide you a value considering the fee simple interest as of a Retrospective Date of January 30, 2019, the date of death of Norma K. Nelson. Therefore this date of value is a retrospective date as the property was not inspected until February 20, 2019. It is an Extraordinary Assumption that the property was in similar condition as of the date of value as it appeared on the date of inspection.

It is my opinion that this analysis conforms to my understanding the Uniformed Standards of Professional Appraisal Practice and Nevada State Law. The value conclusion considers the 100% fee simple interest, prior to any outstanding debt or similar encumbrances and is subject to my Limiting Conditions and extraordinary assumption contained herein.

As a result of my investigation and analysis summarized within this report, and subject to all of the assumptions and limiting conditions contained herein, it is this appraiser's opinion that the market value for the subject property, considering a retrospective date, as of January 30, 2019 is $1,050,000*.

*See extraordinary assumption found on page 15.
Without the use of this Extraordinary Assumption the value may be different.

Respectfully Submitted



David A. Stefan
Certified General Appraiser
State of Nevada
Certification No. A.0000072-CG

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PROPUBLIC COMMENT

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ADDENDA:

Qualifications of Appraiser
Certification of Appraiser

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROJECT TYPE:	12.563± acres of Vacant Land with a 28 stall horse barn and a barn/garage with office and three living units.
ADDRESS:	3400 Holcomb Ranch Lane, Reno, Washoe County, Nevada.
ASSESSOR'S PARCEL NO.:	040-670-12
RECORD OWNER:	Nelson 1979 Living Trust.
LAND AREA:	12.563 ± Acres
WATER RIGHTS	49.34±ac' (See Water Rights Discussion)
IMPROVEMENTS:	Minor Horse barn and Garage with office and living quarters.
ZONING:	HDR 93% GR 7%
HIGHEST AND BEST USE:	Single Family Horse Property
INTENDED USER/USE:	Internal Management Purposes
INTEREST APPRAISED:	Fee Simple
DATE OF VALUE:	January 30, 2019
DATE OF REPORT:	March 12, 2019
FINAL VALUE CONCLUSION:	**$1,050,000***

***See extraordinary assumption found on page 15.**

Without the use of this Extraordinary Assumption the value may be different.

ESTIMATED EXPOSURE/MARKET TIME: **6**-12 months

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PROPOSED PUBLIC COMMENT

NARRATIVE APPRAISAL REPORT

This is an appraisal presented in a narrative report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. The depth of discussion contained in this report is specific to the needs of the client and to the intended use stated below. This appraiser is not responsible for unauthorized use of this report.

CLIENT:

Mr. Chuan Liu,
Nelson Family and their Legal Counsel/Accountant
3400 Holcomb Ranch Lane
Reno, NV 89511

APPRAISER:

David A. Stefan
Certified General Appraiser
State of Nevada
Certification No. A.0000072-CG

David A. Stefan
Real Estate Appraiser & Consultant
1281 Terminal Way, Suite 219
Reno, NV 89502

SUBJECT:

12.563± acres of vacant land with minor improvements located on the south side of Holcomb Ranch Lane, East of Lakeside Drive, Reno, Washoe County, Nevada

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PROPOSED PUBLIC COMMENT

PURPOSE OF THE APPRAISAL

FAIR MARKET VALUE DEFINED

Fair Market Value is defined as: "The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. Nor is the fair market value of an item of property to be determined by the sale price of the item in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate." Regulation §20.2031-1.

INTENDED USE/USER OF REPORT

This appraisal is intended to assist the client, Mr. Chuan Liu, the Nelson Family and their Legal Counsel/Accountant for estate planning purposes. Any other use of this report without prior written consent is prohibited.

INTEREST VALUED

Fee Simple Interest, before deduction of any outstanding debt or similar encumbrances.

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PROPOSED PUBLIC COMMENT

EFFECTIVE DATE OF VALUE

January 30, 2019
(A Retrospective Date)

DATE OF REPORT

March 12, 2019

SCOPE OF THE APPRAISAL ASSIGNMENT

In order to complete an appraisal of the property, this appraiser:

- Inspected the subject neighborhood and analyzed the social, economic, governmental and environmental trends;
- Gathered county records to verify ownership, tax assessment and other pertinent site data;
- Inspected the subject property review governmental documents that were available;
- Analyzed the highest and best use for the subject property;
- Gathered land sales in order to extract units of comparison that were utilized in the sales comparison approach.
- Prepared a narrative appraisal report.

PROPERTY RIGHTS APPRAISED

The property rights appraised in this report reflect a fee simple ownership. The subject property is currently vacant, with the exception of minor improvements such as 28 horse stall facility and a barn/garage with office area and 3 small living quarters. These

WSUP23-0029
PROPOSED PUBLIC COMMENT

improvements do not represent the Highest and Best use of the property as will be discussed in future sections of this report. This value conclusion is prior to any outstanding debt or similar encumbrances.

To develop the opinion of value, this appraiser performed a complete appraisal process, as defined by the Uniform Standards of Professional Appraisal Practice.

This narrative appraisal report is a brief recapitulation of this appraiser's data, analyses and conclusions. This report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP) for an appraisal report.

WSUP23-0029
PROPOSED PUBLIC COMMENT

LIMITING CONDITIONS

In acceptance of this appraisal assignment and the completion of the appraisal report submitted herewith, it has been assumed by this appraiser:

1. LIMIT OF LIABILITY:

The liability of David A. Stefan is limited to the client only and to the fee actually received by Appraiser(s). Further, there is no accountability, obligation, or liability to any third party. If this report is disseminated to anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser(s) is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in real estate, client agrees that if a legal action is initiated by any lender, partner, part owner in any form of ownership, tenant, or any other party, the client will hold the Appraiser(s) completely harmless in any such action from any and all awards or settlements of any type, regardless of outcome.

2. COPIES, PUBLICATION, DISTRIBUTION, USE OF REPORT:

Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for other than its intended use; the physical report(s) remain the property of the Appraiser(s) for the use of the client, the fee being for the analytical services only.

The By-Laws and Regulations of the Appraisal Institute require each Member and Candidate to control the use and distribution of each appraisal report signed by such Member or Candidate. Except as hereinafter provided, the client may distribute copies of this appraisal report in its entirety to such third parties as he may select; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report. Neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations, news, sales or other media for public communication without the prior written consent of the appraiser. (See last item in following list for client agreement/consent)

3. CONFIDENTIALITY:

This appraisal is to be used only in its entirety and no part is to be used without the whole report. All conclusions and opinions concerning the analysis as set forth in the report were prepared by the Appraiser(s) whose signature(s) appear on the appraisal report, unless indicated as "Review Appraiser". No change of any item in the report shall be made by anyone other than the Appraiser(s). The Appraiser(s) and firm shall have no responsibility if any such unauthorized change is made.

The Appraiser(s) may not divulge the material (evaluation) contents of the report, analytical findings, or conclusions, or give a copy of the report to anyone other than the client or his designee as specified in writing except as may be required by the Appraisal Institute as they may request in confidence for ethics enforcement or by a court of law or body with the power of subpoena.

4. INFORMATION USED:

No responsibility is assumed for accuracy of information furnished by work of others, the client, his designee or public records. We are not liable for such information or the work of possible subcontractors. Be advised that some of the people associated with Kimmel & Associates and possibly signing the report are independent contractors. The comparable data relied upon in this report has been confirmed with one or more parties familiar with the transaction or from affidavit or other source thought reasonable; all are considered appropriate for inclusion to the best of our factual judgment and knowledge. An impractical and uneconomic expenditure of time would be required in attempting to furnish unimpeachable verification in all instances, particularly as to engineering and market related information. It is suggested that the client consider independent verification as a prerequisite to any transaction involving sale, lease, or other significant commitment of funds or subject property.

5. TESTIMONY, CONSULTATION, COMPLETION OF CONTRACT FOR APPRAISAL SERVICE:

The contract for appraisal, consultation or analytical service is fulfilled and the total fee is payable upon completion of the report. The Appraiser(s) or those assisting in preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal, in full or in part, nor engage in post appraisal consultation with client or third parties except under separate and special arrangement and at additional fee. If testimony or deposition is required because of any subpoena, the client shall be responsible for any additional time, fees, and charges regardless of issuing party.

6. EXHIBITS:

Any sketches, maps, and photographs in this report are included to assist the reader in visualizing the property and are not necessarily to scale. Site plans are not surveys unless indicated as such.

7. LEGAL, ENGINEERING, FINANCIAL, STRUCTURAL, OR MECHANICAL COMPONENTS; SOIL QUALITY:

No responsibility is assumed for matters, legal in character or nature, nor of any architectural, structural, mechanical, or engineering nature. No opinion is rendered as to the title, which is presumed to be good and merchantable. The property is appraised as if free and clear, unless otherwise stated in the appraisal report.

The legal description is assumed to be correct as used in this report as furnished by the client, their designee, or as derived by the Appraiser(s).

Please note that no advice is given regarding mechanical equipment or structural integrity or adequacy, soils and potential for settlement or drainage, matters concerning liens, title status, and legal marketability, and similar matters. The client should seek assistance from qualified architectural, engineering or legal professionals regarding such matters. The lender and owner may wish to require mechanical or structural inspections by a qualified and licensed contractor, civil or structural engineer, architect, or other expert.

The Appraiser(s) has inspected, as far as possible, by observation, the land and the improvements; however, it was not possible to personally observe conditions beneath the soil or hidden structural or other components. We have not critically inspected mechanical components within the improvements and no representations are made herein as to these matters unless specifically stated and considered in the report. The value estimate considers there being no such conditions that would cause a loss of value. The land or the soil of the area being appraised appears firm; however, subsidence in the area is unknown. The Appraiser(s) do not warrant against this condition or occurrence of problems arising from soil conditions.

Unless otherwise stated, it is assumed that there are no drainage problems relating to the land or the improvements.

The appraisal is based on there being no hidden, unapparent, or apparent conditions of the property site, sub-soil, or structures or toxic materials which would render it more or less valuable. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them. All mechanical components are assumed to be in operable condition and status standard for properties of the subject type. Conditions of heating, cooling, ventilating, electrical and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. No judgment may be made by us as to adequacy of insulation, type of insulation, or energy efficiency of the improvements or equipment; which is assumed standard for the subject property's age and type.

If the Appraiser(s) has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representations or warranties are made concerning the above mentioned items.

The Appraiser(s) assumes no responsibility for any costs or consequences arising due to the need, or the lack of need for flood hazard insurance. An Agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

8. INSULATION AND TOXIC MATERIALS:

Unless otherwise stated in this report, the Appraiser(s) signing this report have no knowledge concerning the presence or absence of toxic materials and/or urea-formaldehyde foam insulation in existing improvements. If such is present, the value of the property may be adversely affected, and re-appraisal at additional cost will be necessary to estimate the effects of such.

9. HAZARDOUS SUBSTANCES OF MATERIALS:

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage or agricultural chemicals which may or may not be present on the property, or other environmental conditions, were not called to the attention of, nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea-formaldehyde, foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field of environmental impact upon real estate if so desired.

10. LEGALITY OF USE:

The appraisal is based on the premise that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in the report, and that all applicable zoning, building, use regulations and restrictions of all types have been complied with unless otherwise stated in the report. It is further assumed that all required licenses, consents, permits, or other legislative or administrative approvals from all applicable local, state, federal and/or private authorities have been or can be obtained or renewed for any use considered in the value estimate.

11. COMPONENT VALUES:

The allocation of the total valuation in this report between land and improvements, if included in this report, applies only under the use of the property which is assumed in this report. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.

12. AUXILIARY AND RELATED STUDIES:

No environmental or impact studies, special market study or analysis, special highest and best use study or feasibility study has been requested or made unless otherwise specified in an agreement for services or so stated in the report.

13. DOLLAR VALUES, PURCHASING POWER:

The market value estimated and the costs used are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and value of the dollar as of the date of the value estimate.

14. VALUE CHANGE, DYNAMIC MARKET, INFLUENCES, ALTERATION OF ESTIMATE BY APPRAISER:

The estimated market value, which is defined in the report, is subject to change with market changes over time. Value is highly related to exposure, time, promotional effort, terms, motivation, and conditions. The value estimate considers the productivity and relative attractiveness of the property physically and economically in the marketplace as of the date of value.

In cases of appraisals involving the capitalization of income benefits, the estimate of market value or investment value or value in use is a reflection of such benefits and Appraiser's interpretation of income and yields and other factors derived from general and specific client and market information. Such estimates are as of the date of the estimate of value, and they are thus subject to change as the market changes.

The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

The appraisal report and value estimate are subject to change if the physical or legal entity or the terms of financing are different from what is set forth in this report.

15. INCLUSIONS:

Except as specifically indicated and typically considered as a part of the real estate, furnishings, equipment, other personal property, or business operations have been disregarded with only the real estate being considered in the value estimate. In some property types, business and real estate interests and values are combined but only if so stated within this report.

16. PROPOSED IMPROVEMENTS, CONDITIONED VALUE:

Improvements proposed, if any, on-site or off-site, as well as any repairs required are considered, for purposes of this appraisal, to be completed in good and workmanlike manner according to information submitted and/or considered by the appraisers. In cases of proposed construction, the appraisal is subject to change upon inspection of the property after construction is completed. This estimate of market value is as of the date shown, as proposed, as if completed and operating at levels shown and projected, unless otherwise stated.

17. MANAGEMENT OF THE PROPERTY:

It is assumed that the property which is the subject of this report will be under typically prudent and competent management, neither inefficient or supereffi-cient.

18. FEE:

The Appraiser certifies that, my compensation is not contingent upon the report of a predetermined value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event, or that the appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.

19. AMERICANS WITH DISABILITIES ACT:

The Americans With Disabilities Act became effective January 26, 1992. Unless otherwise stated in this report, this appraisal firm did not conduct a compliance survey or audit, nor was one provided to determine whether or not the subject property is in conformity with the numerous requirements of the Americans With Disabilities Act. If the subject property is found to not be in compliance with Americans With Disabilities Act, the cost to cure the lack of compliance may have a negative or adverse impact on the value of the subject property. No responsibility is assumed for any such conditions, nor for any expertise or knowledge required to discover them. The client is urged to retain an expert in this field to ascertain the subject property's compliance with the Americans With Disabilities Act.

20. CHANGES, MODIFICATIONS:

The Appraiser(s) reserve the right to alter statements, analyses, conclusions or any value estimate in the appraisal if there becomes known to them facts per-tinent to the appraisal process which were unknown when the report was finished.

21. This is a summary appraisal report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a summary appraisal report. As such, it might not include full discussions of the data, reasoning, and analyses that were used

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in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

22. ACCEPTANCE AND/OR USE OF THIS APPRAISAL REPORT BY THE CLIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE CONDITIONS. APPRAISER LIABILITY EXTENDS ONLY TO THE STATED CLIENT AND NOT TO SUBSEQUENT PARTIES OR USERS, AND THE LIABILITY IS LIMITED TO THE AMOUNT OF FEE RECEIVED BY THE APPRAISER(S).

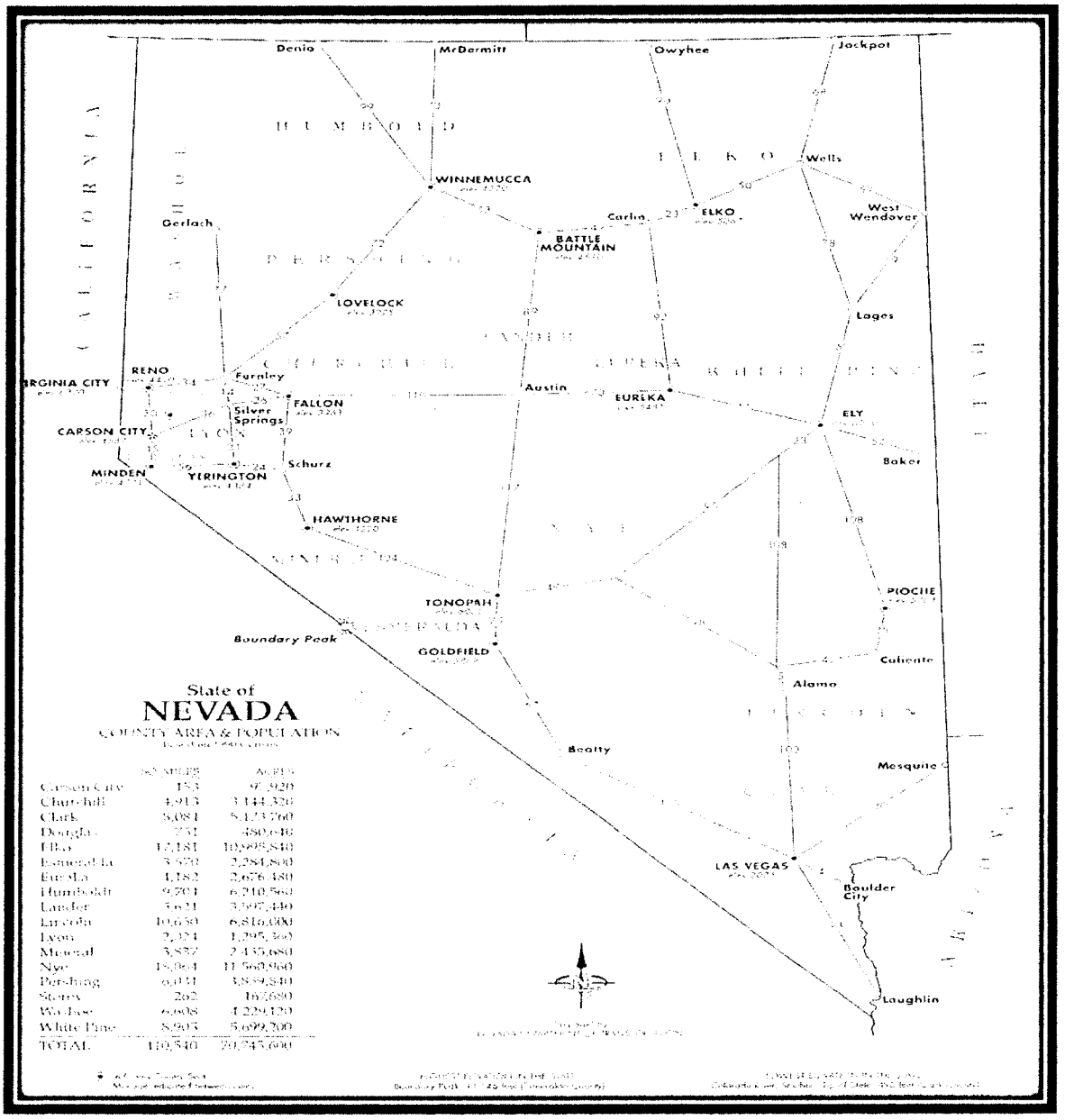
Extraordinary Assumptions:

- I inspected the subject property as of February 20, 2019. The date of value coincides with the date of death of Norma K. Nelson which was January 30, 2019. Therefore the date of value will consider a retrospective date and will consider the extraordinary assumption that the property looked the same on January 30, 2019 as it did on the date of my inspection or February 20, 2019.

Hypothetical Conditions:

- None

AREA MAP



	AREA	ACRES
Carson City	153	97,920
Churchill	4,913	3,144,320
Clark	5,081	8,173,760
Douglas	731	480,640
Elko	17,181	10,995,840
Esmeralda	3,570	2,284,800
Eureka	4,182	2,676,480
Humboldt	9,701	6,210,560
Lander	5,521	3,597,440
Lincoln	10,630	6,816,000
Lyon	2,324	1,295,360
Mineral	3,752	2,435,680
Nye	18,064	11,560,960
Pershing	6,031	3,859,840
Storey	262	167,680
Washoe	6,668	4,229,120
White Pine	8,913	5,699,200
TOTAL	110,540	70,745,600

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AREA DESCRIPTION

Location: The Reno Standard Metropolitan Statistical Area (SMSA) is defined to include all of Washoe County. Washoe County is in the northwesterly portion of Nevada, bordered on the west by California and on the north by Oregon. Washoe County is located approximately 225 miles easterly of San Francisco and encompasses 6,905 square miles. Included within said county are the cities of Reno and Sparks. There are numerous unincorporated areas which include Incline Village, Washoe County, New Washoe City, Franktown, Washoe Valley, Sun Valley, Lemmon Valley, Black Springs, Reno Park, and Bordertown. The area is also known as the Reno-Sparks-Truckee Meadows and the greater Reno area of the Reno Standard Metropolitan Statistical area.

Reno has an approximate elevation of 4,500 feet above sea level. The area has a moderate climate and is located in a semi-arid desert.

Population estimates for 2017 indicate that Washoe County had a population of 451,923. The incorporated city of Reno had 244,612 persons; while the incorporated portion of the city of Sparks had 96,928 persons. Growth in the Reno/Sparks area between 2016 and 2017 was approximately 1.0%, with no major up or down swings in the past several years. Generally speaking, the Reno-Sparks-Truckee Meadows area continues to grow. As with most areas of the United States, the Northern Nevada single family residential market had significantly slowed down producing declining property values between 2009 and 2014. This resulted in a very soft market and affected the new construction to a point that most builders either ceased operations and/or moved out of the area. Currently there are several subdivisions re-entering the market and new permits have hit

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new highs. All of the finished lots that were bank owned have been purchased by builders and many are beginning work on expired tentative maps. In addition many builders are now buying vacant land and starting the development process. House prices have rebounded and are at or very close to all time highs.

This slowdown initially had impacted the office market due to many of the builders, title companies, mortgage companies, etc., vacating their office space which produced a considerable vacancy, primarily in the southeast markets of Reno where vacancy rates reached as high as 28%. Recent reports from local brokerage firms indicate current office vacancies at much lower levels and new office construction is underway in all segments of the Reno Sparks area.

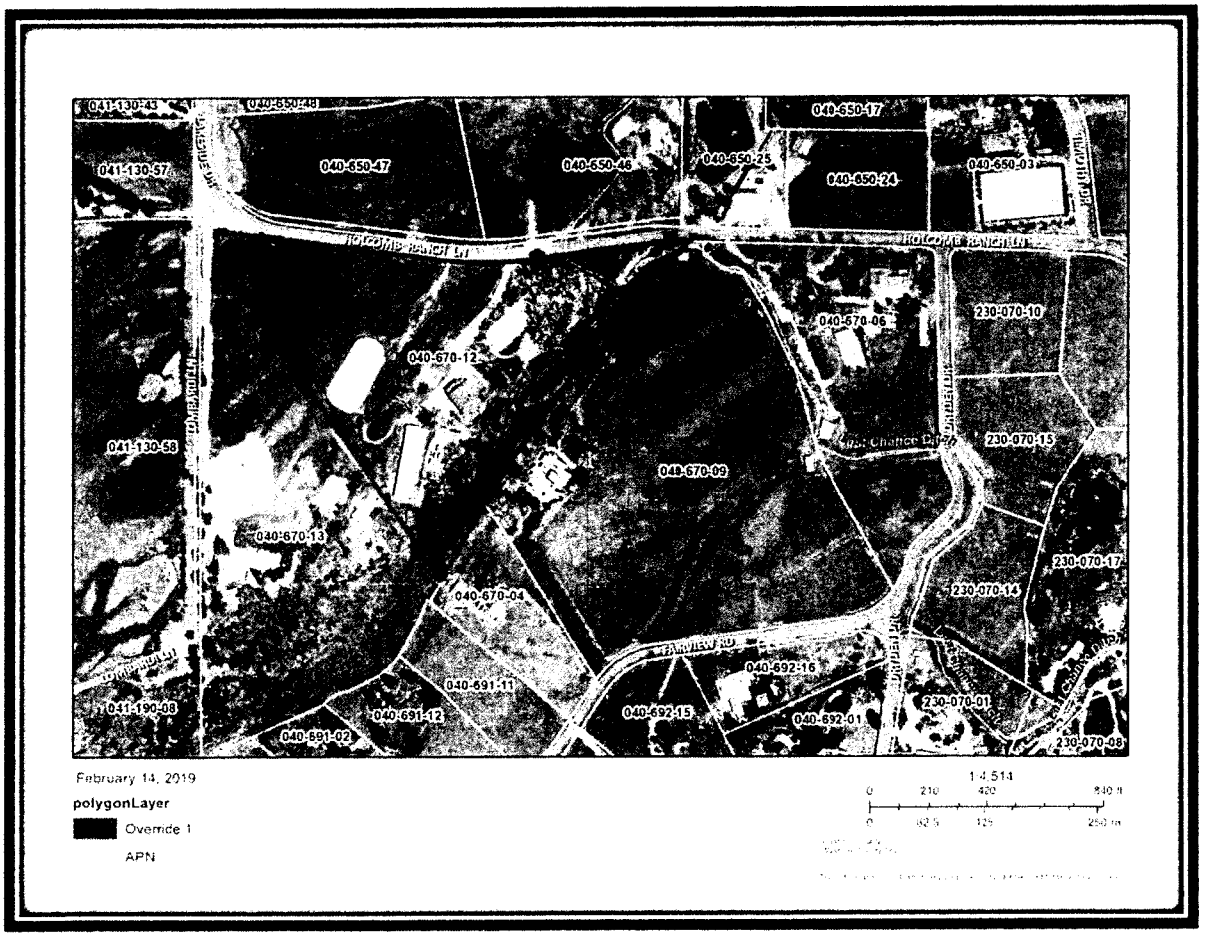
The retail and industrial segments of the real estate market has also seen substantial growth in both vacancy and increase rents. These two segments are also seeing new construction.

Multi-family was one of the areas strongest markets throughout the downturn and now is also seeing substantial new construction throughout the Reno Sparks area.

With unemployment at record lows in many segments of the overall demographics and a very strong economic forecast, the drivers moving the market seems to be stronger and represent real market demand which was not necessarily the case in the last build up prior to the bubble of the early 2000's.

NEIGHBORHOOD MAP

AERIAL MAP OF PARCEL



NEIGHBORHOOD DESCRIPTION

The subject property is located in the southwest section of Reno/Truckee Meadows area, identified as the Southwest Suburban market. The property is more specifically identified as an area located east of the Sierra Nevada Mountain Range, south of South McCarran Blvd., west of Interstate 580 and North of the Mount Rose Highway, State Route 431.

This portion of the southwest quadrant of Reno is predominately large acreage custom homes with gentleman ranches. One of the areas attributes is the neighborhoods location to the other portions of the Reno area. From the subject's location, most all of the Shopping, work and entertainment is within a ten to fifteen minute drive while still having the country setting.

Besides the residential component there is also good access to a variety of commercial developments to the east of the subject and along the South Virginia corridor and the South Meadows development.

Downtown Reno is also within a fifteen minute drive as is most of all of the Truckee Meadows area because of the subject's ease of access to the highway and freeway systems that serve the Reno/Sparks communities.

The subject property is also considered to have good access to schools, shopping and employment.

SUBJECT

PHOTOGRAPHS

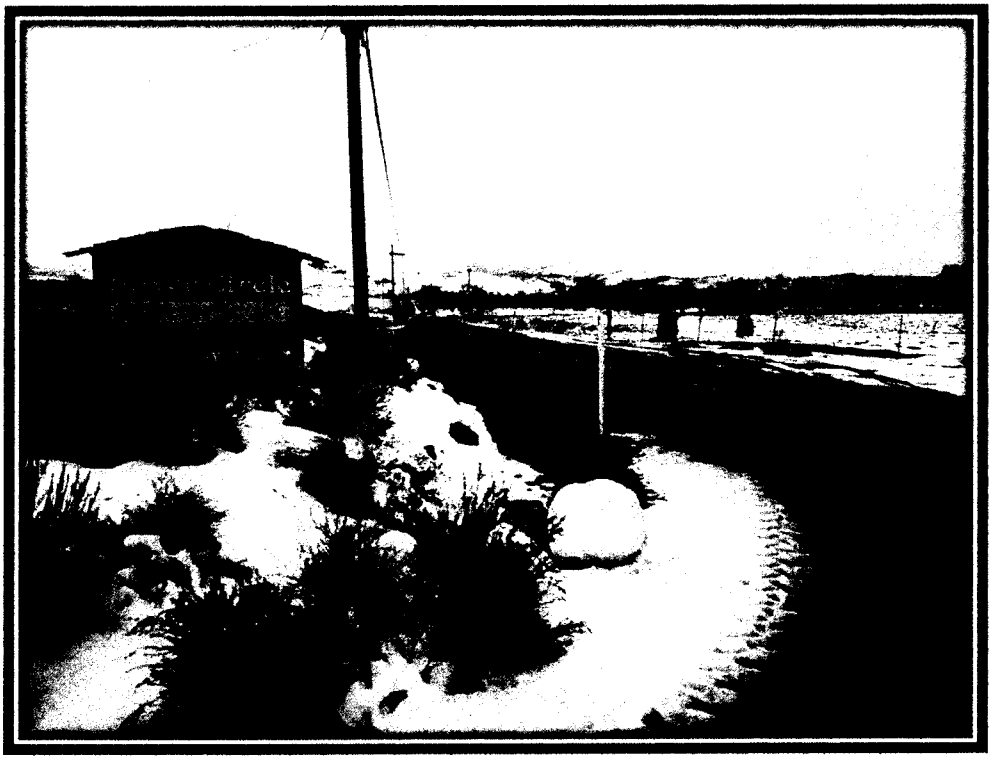


Photo looking westerly at Holcomb Ranch Lane from subject's driveway

Photo looking easterly at Holcomb Ranch Lane from it's intersection with Lakeside Drive.

Photograph looking southerly at subject's driveway.

Photograph looking northerly at barn/garage improvements.

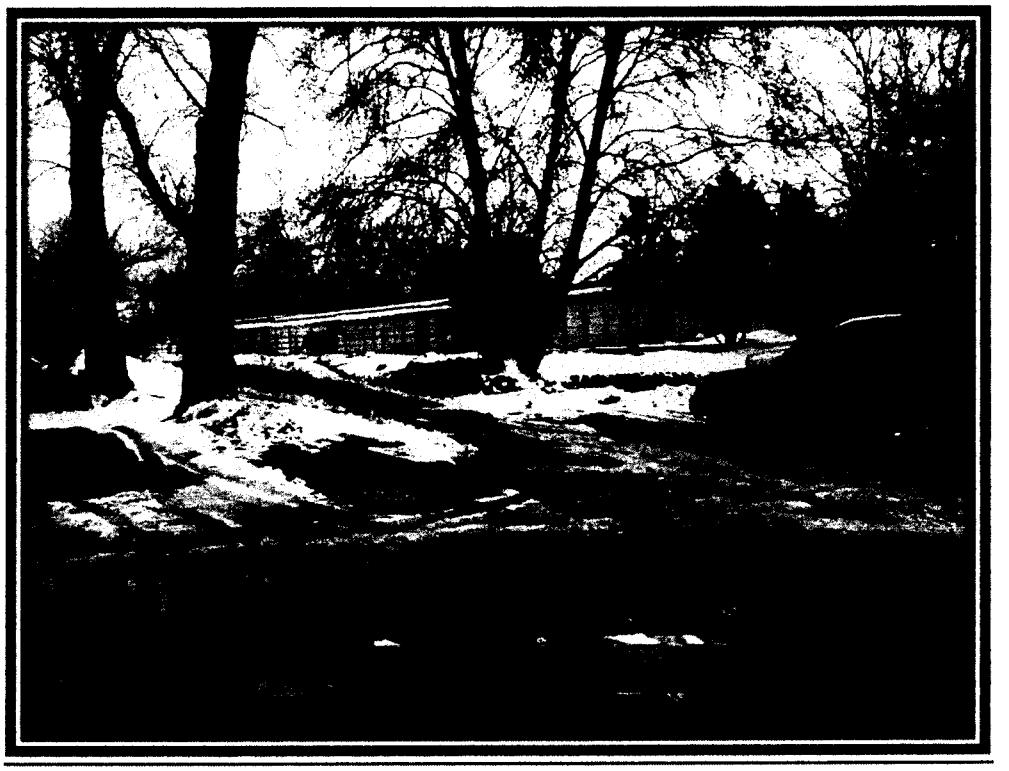
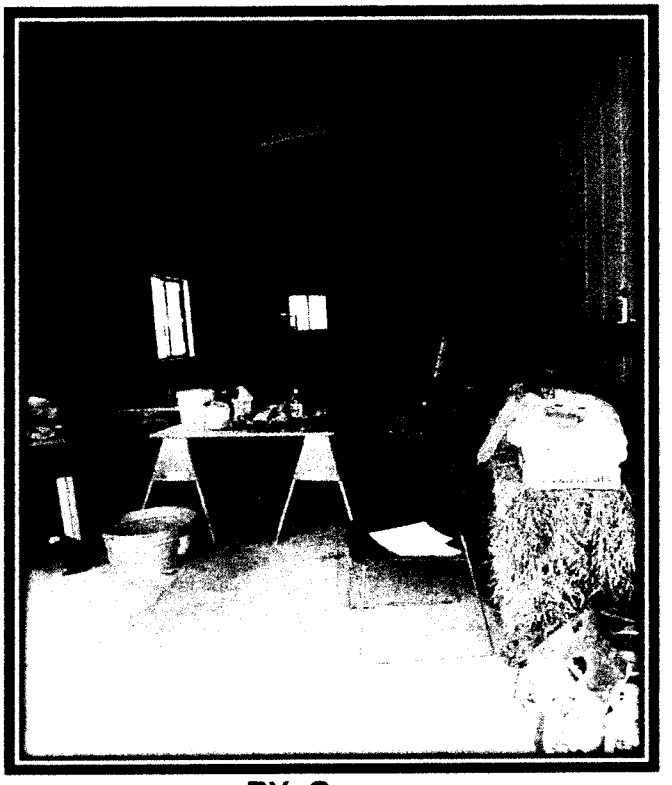
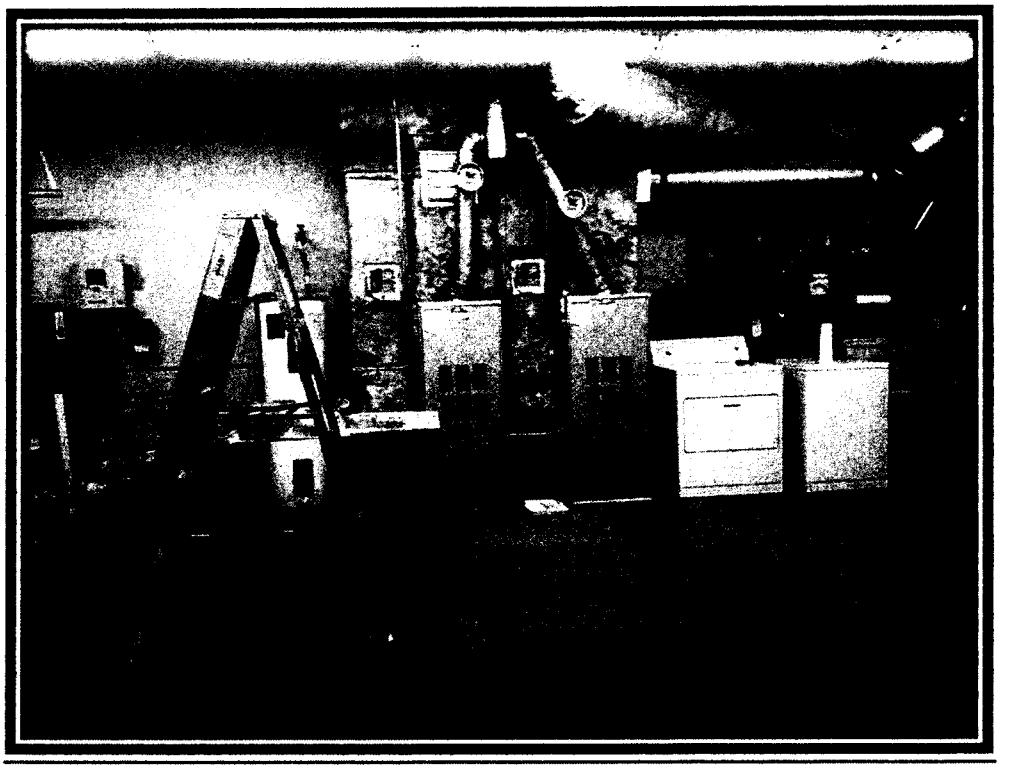


Photo looking southerly at horse stalls

Small Office area in Barn/Garage Building

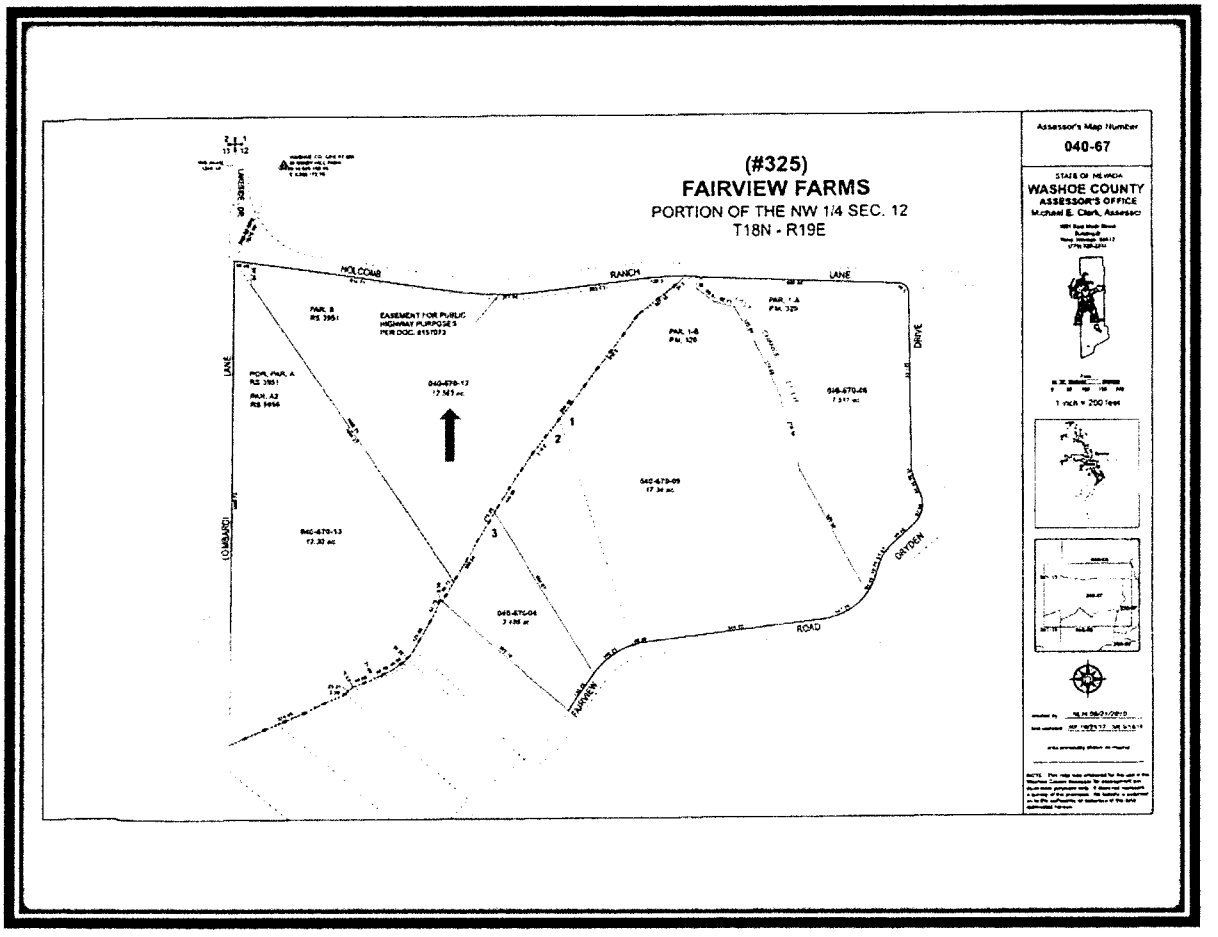


RV Garage



Shop area and Oil Furnaces in Barn/Garage Building

PARCEL MAP



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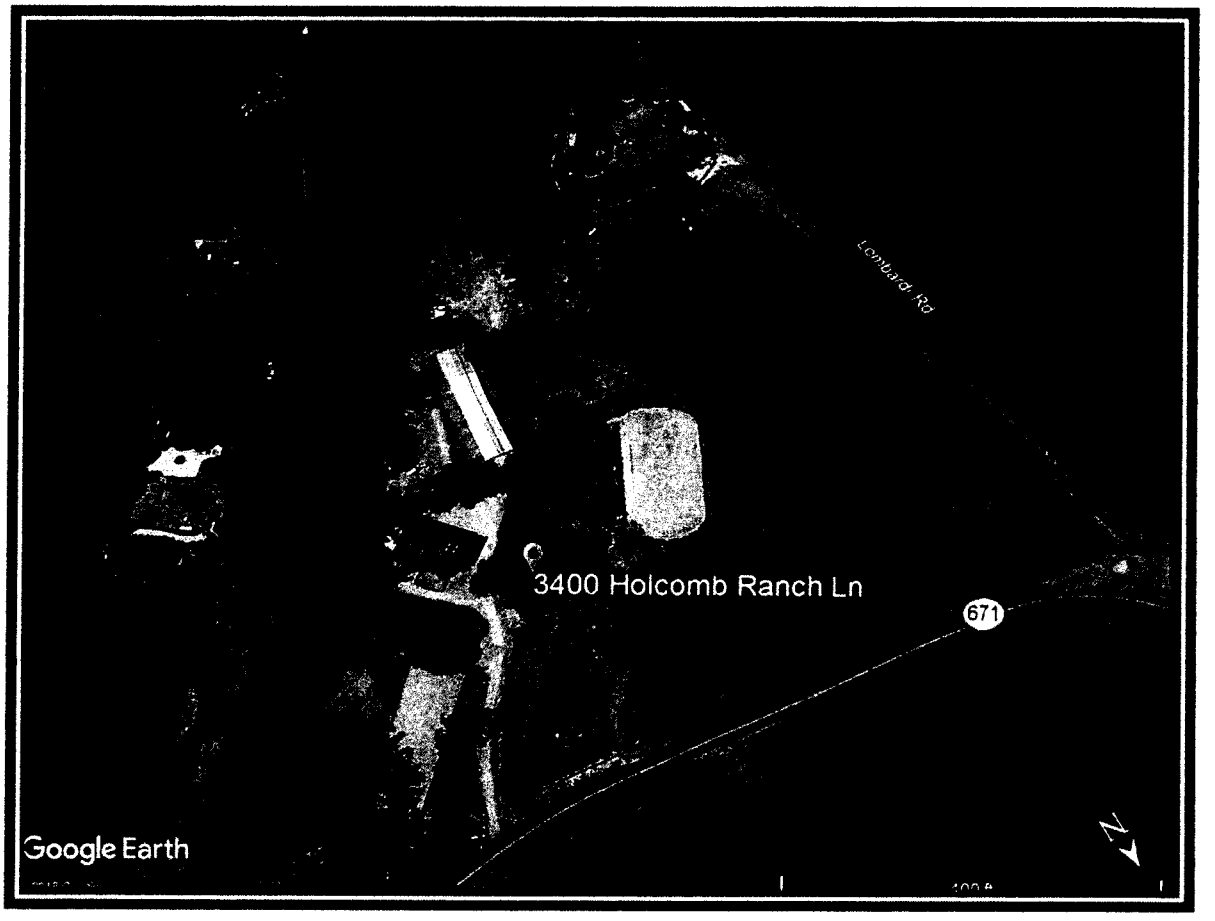
PRO

SUBJECT PROPERTY AERIAL



SITE DATA

Location: The subject property is located on the south side of Holcomb Ranch Lane east of its intersection with Lakeside Drive outside the city limits of Reno, Washoe County, Nevada as illustrated on the prior maps.

Legal Description: A complete legal description was not provided to this appraiser. Based on maps available, the subject can be identified as Parcel B of RS 3951 of the

Fairview Farms Map #325. The parcel can also be identified as Washoe County Assessor's Parcel Number 040-670-12.

Record Owner; According to the records at the Washoe County Assessor's Office, the property is vested in the name of the Nelson 1979 Living Trust.

Previous Sales History: The subject property has not been sold or listed in the past three years.

Size and Shape: The subject property is a single parcel consisting of 12.563±acres according to the maps provided by the Washoe County Assessors Office. The parcel is irregular in shape and considered triangular.

Topography: The subject property has various types of topography ranging from level to sloping with two distinct levels. The upper level is primarily the meadow/pasture area and the lower level is where the barn/garage and horse stalls are located.

Flood Zone: According to the Federal Emergency Management Agency's Insurance Rate Map, Community Panel No. 32031C3233G, dated March 15, 2009, the subject property is located within a zone X flood zone as to the upper level or pasture elevation which denoted area of minimal flood hazard and a zone AE as to the lower level where the current improvements are located which denotes areas within the flood zone and floodway closer to the creek which runs along the south eastern boundary line . As a result, the subject property is currently outside the flood plain on the upper bench and within the flood plain at the lower level where the current improvements are located.

Earthquake Zone: According to local Building Codes, the Reno-Sparks area is located within a Seismic Risk Zone 3. This zone encompasses areas, which have a number of local faults, and where there is a relatively strong probability of moderate to strong seismic activity with earthquakes up to 6.5 on the Richter Scale. As a result, building plans are typically reviewed by a structural engineer to assess earthquake hazards.

Environmental Concerns: Based on my physical inspection on the site, I did not see any obvious signs of contamination. I am not a professional in the field of environmental concerns, and have only looked for obvious signs. Therefore, the subject property has been valued as being free and clear of soils contaminations or hazardous substances.

Access: As previously indicated, the subject property is located on the south side of Holcomb Ranch Lane, which is a two lane roadway, meandering throughout the subject's neighborhood. Holcomb Ranch Lane is accessed by South Virginia Street to the east and Lakeside Drive to the west.

Current Condition: The subject property is currently being operated as a small horse boarding ranch however at the date of inspection I was told they have been cutting back and only had four horses at the facility. The garage area had three bunk quarters which could house workers or guests however were judged to be in only fair condition and would need some updating. There is also more typical uses in the barn/garage building such as a shop, other stalls, storage areas and the office were the owner once occupied and the son-in-law currently occupies.

Utilities: All utilities are immediately available to the subject property. It is my understanding that water rights are owned by the land owners and are for irrigation purposes, Domestic water is produced by a underground well with sanitary sewer handled by a septic system. The other utilities are provided by the following purveyors:

Utility Service	Provider
Electricity	NV Energy
Water	Private Well
Natural Gas	None
Propane	Various Providers
Sewer	Private Septic
Telephone	Various
Waste Disposal	Waste Management
Cable Television	Charter Communications and others

WATER RIGHTS

OVERVIEW

All of the area within the present State of Nevada except that south of the 37th parallel was included in the Territory of Utah, which was established September 9, 1850. The separate Territory of Nevada was created March 2, 1861.

Nevada was admitted to the Union as a State by proclamation of the President October 31, 1864.

The necessity of practicing irrigation in the production of crops, in view of the semiarid condition prevailing in Nevada, and the vital importance of water for other purposes as well, have been recognized repeatedly by the courts. As a Federal court said:

> The court knows judicially that water in many sections of this great Western country is its very lifeblood. The evidence show that it is so with respect to the properties here in question.

Irrigation in Nevada began about 1849, as an incident to the early development of mining. It remained supplementary to the mining industry until about 1860.
SOURCE: The Nevada Law of Water Rights: 1955

Vested Rights
Water Rights established prior to the water code (surface water 1905, artesian 1913, underground 1939) are called vested rights. These rights were established by the beneficial use of water. SOURCE: Unknown

Vested Rights to Water Not Impaired

1. Nothing contained in this chapter shall impair the vested right of any person to the use of water, nor shall the right of any person to take and use water be impaired or affected by any of the provisions of this chapter where appropriations have been initiated in accordance with law prior to March 22, 1913.
2. Any and all appropriations based upon application and permits on file in the State Engineer's office on March 22, 1913, shall be perfected in accordance with the laws in force at the time of their filing. (84:140:1913; 1919RL p. 3247; NCL 7970) SOURCE: Nevada Water Laws, 2003

propriated Rights
Surface, artesian, and groundwater rights acquired subsequent to 1905, 1913, and 1939, respectively, in accordance with provisions of the water code. Appropriators end up with a certificate after proof has been filed of development and beneficial use of water and such use is approved by the Division of Water Resources. SOURCE: Unknown

It was the opinion of the Supreme Court of Nevada, as expressed in a decision rendered in 1875, that there was then no statute of the State that recognized the right of prior appropriation of water for purposes of irrigation, and that the legislation of 1866 was not applicable to the case (Barnes v. Sabron, 10 Nev. 217, 232 (1875)). In 1914 the court said that the greater portion of the water rights upon the streams of the State had been acquired before any statute had been passed prescribing a method of appropriation, and that such rights had been recognized uniformly by the courts as vested under the common law of the State (Ormsby County v. Kearney, 37 Nev. 314, 352, 142 Pac. 803 (1914)).

The supreme court recognized and applied the doctrine of appropriation in its first reported decision in a controversy over water rights, where the parties relied solely on prior actual appropriation of the water Lobdell v Simpson, 2 Nev. 274, 278-279 (1866)). During the two following decades the rule of priority of appropriation was consistently recognized and applied where the parties based their rights upon appropriation and not upon "an ownership in the soil." (Ophir Silver Min. Co. V. Carpenter, 4 Nev. 534, 543-544 (1869); Covington v. Becker, 5 Nev. 281, 282-283 (1869); Proctor v. Jennings, 6 Nev. 83, 87 (1870); (Barnes v. Sabron, 10 Nev. 217, 232 (1875)). SOURCE: The Nevada Law of Water Rights: 1955

Decree Rights
These rights are fixed by court decrees; namely, Federal district courts, and State district courts. Decrees allocate surface and groundwater n a stream or watershed to named users who may be a person or entities. The decree

designates acreage to be irrigated, duty of water, quantity of water, priority of the right, and often the method of diversion and transportation.

Appropriation of Water - Waters Subject to Appropriation
The water-rights statute of Nevada provides that: (Nev. Comp. Laws 1929, secs, 7890 and 7891)

> **The water of all sources of water supply within the boundaries of the state, whether above or beneath the surface of the ground belongs to the public. (NRS 533.025)**
>
> Subject to existing rights, all such water may be appropriated for beneficial use as provided in this act and not otherwise.

Meaning of "Appropriation"
Provides that subject to existing rights water may be appropriated for beneficial use as provided in the act, the word "Appropriation" is used in its previously established sense of acquisition of the right to use water from the government.
SOURCE: Various Nevada Court Cases

Applicant to State Engineer for Permit
Any person who wishes to appropriate any of the public water, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so. (NRS 533.325)

Permit
A permit to appropriate water grants the right to appropriate a certain amount of water from a particular source for a certain purpose and to be used at a definite location. In other words, the consent of the state is given a manner provided by law to acquire waters and gives the holder of the permit only a partial or incomplete right. This can become a legal and complete appropriation only upon: (1) completion of the works of diversion; (2) the placing of the water to beneficial use; and (3) filing the proofs required. Such a right may be lost to the holder of the permit if he fails to meet the statutory requirements.
SOURCE: Water For Nevada, Prepared by the State Engineer's Office, September 1974, Pages 12 - 13

Beneficial Use
The water appropriation statue provides that: Nev. Comp. Laws 19129, sec. 7892

> Beneficial use shall be the basis, the measure and the limit of the right to use water.

The Nevada Supreme Court has state that: Steptoe Live Stock Co. v. Gulley, 53 Nev. 163, 172, 295 Pac. 772 (1931).

> All of the authorities hold that no one can appropriate for irrigation purposes more water than he can put to beneficial use * * *,

It has been said otherwise that one does not appropriate, in a legal sense, any water except such as he uses beneficially. Dick v. Caldwell, 14 Nev. 167, 170 (1879); Vineyard Land & Stock Co. V. Twin Falls Salmon River Land & Water Co., 245 Fed. 9, 22 (C.C.A. 9th, 1917)

Beneficial Use: Basis, Measure and Limit of Right to Use
Beneficial use shall be the basis, the measure and limit of the right to the use of water **SOURCE: NRS 533.035**

Certificate
Once the proof of beneficial use (proofs) have all been filed and the other terms of the permit complied with, the State Engineer prepares a certificate describing the use to be made of the water as shown on the Proof of Beneficial use. Upon payment of the recording fee, the State Engineer records the certificate in the proper county and in the office of the Division of Water Resources, with a copy going to the permit holder.

The date of priority of the certificate is the date of the original filing of the application in the Division of Water Resources office. SOURCE: Water For Nevada, Prepared by the State Engineer's Office, September 1974, Page 15

Assignability of Water Right
Once a permit is granted, the water must be used on the land and for the purpose described in the permit.

A water right is a property right and is protected as such. It can be severed only with the consent of the owner of record as shown in the files in the Division of Water Resources office.

Generally, when land is sold all water rights appurtenant to the property described in the deed transfer to the buyer. By statute, this transfer of water rights is binding only between the parties until a copy of the instrument of transfer, certified by the county recorder, is filed with the State Engineer. Upon the proper filing of the deed in the State Engineer's Office, the assignment of the water right is made a matter of record.

The water right may be severed from the land only with the permission of the owner of record. This can be done by transferring the right without the land, or specifically reserving the water right when conveying the land, or by filing application to change the place of use. SOURCE: Water For Nevada, Prepared by the State Engineer's Office, September 1974, Page 16

Notice of Pledge

Within the State of Nevada, it is common for the lender to file a notice of pledge with the Division of Water Resources.

Standards of Measurement

1. A cubic foot of water per second of time shall be the legal standards for the measurement of water in this state.
2. The unit of volume shall be an acre-foot defined as 43,560 cubic feet.
3. Where necessary ti transpose miner's inches to cubic feet per second, 1 cubic foot per second shall be considered equal to 40 miner's inches; but the term "miner's inch" shall not be used henceforth in any permit or adjudicated right issuing from the Office of the State Engineer without first naming the amount in cubic feet per second or in acre-feet. SOURCE: NRS 533.065

Forfeiture and Abandonment of Rights

1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an adjudicated right, or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. For water rights in basins for which the State Engineer keeps pumping records, if the records of the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of such a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water beneficially and to provide proof of such use to the State engineer or apply for relief.. . . If, after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless he has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of ground water, the water reverts to the public and is available for further appropriation, subject to existing rights. SOURCE: NRS 534.090

State Engineer Authorized to Make Rules, Regulations and Orders when Ground Water is be Depleted in Designated Area; Preferred uses of Water, Temporary Permits to Appropriate Water; Revocation of Temporary Permits; Restriction Placed on Certain Wells.

1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in his judgment, the ground water basin is being depleted, the State Engineer in his administrative capacity is herewith empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the ground water is being depleted, and in acting on application to appropriated ground water, he may designated such preferred uses in different categories with respect to the particular area involved within the following limits:

    (a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

    (b) Any uses for which a county, city, town, public water district or public water company furnishes the water. SOURCE: NRS 534.120

Subject Property Water Rights

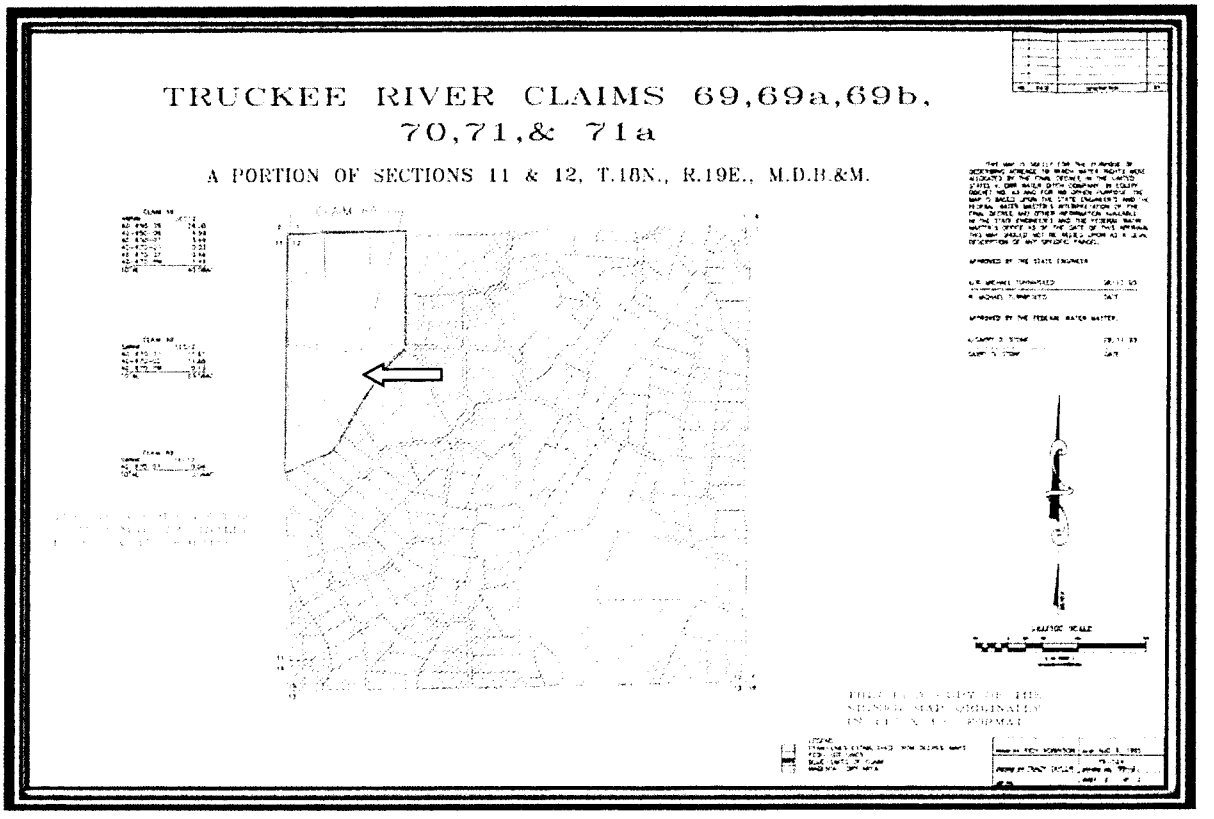
Based on my search of the records of the State of Nevada, Division of Water Resources, as well as the Orr Ditch Decree, It appears as though the subject property has irrigated acreage identified under an older parcel number 040-670-02 with a total of 12.33± irrigated acres under Truckee River Claim 69.

The Degree identifies the irrigation water being delivered through the Steamboat Canal with a water allocation of 4 acre feet per irrigated acre per season. This would indicate a total of 49.34 acre feet of water rights per season based on the data available to this appraiser.

It is again noted that I am not a water engineer and only reviewed the maps available through the Nevada States website and discussions with the Nevada State Water Resource Division. If additional information becomes available or a water engineer determines a different amount of water, then I reserve the right to amend this portion of my report.

The following map illustrates the subject's location and irrigated acreage.

TRUCKEE RIVER CLAIMS MAP



Easements: This appraiser was not provided with a Preliminary Title Report, however, assumes that there are typical utility easements which allow the public utilities to provide service to the subject property. Judging from the maps and data available, there does not appear to be any adverse easements or conditions which would affect the development of the subject property.

Zoning: The subject property is currently dual zoned with 93% zoned HDR and 7% GR. This denotes single family residential uses. The subject property is adjacent to existing single family homes on large acreage lots ranging from 2.5 acres to 20 acres in size.

Assessor's Parcel Number and Assessed & Taxable Values 2019 - 2020:

040-640-12		
	Assessed	Taxable
Land	$125,448	$358,424
Structure/Improvements	$54,804	$156,582
Total	$180,252	$515,006

The subject property is currently located within a tax district 4000, with a tax per $100 of assessed value at $3.2402 per $100 of assessed value. The total taxes 2018 was $4,755.77 and has been paid in full.

HIGHEST AND BEST USE

Highest and best use may be defined as: *"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value."* In estimating the highest and best use, there are essentially four stages of analysis:

1) *Permissible Use: What uses are permitted by zoning and deed restrictions on the site in question?*
2) *Possible Use: What uses of the site in question are physically possible?*
3) *Feasible Use: Which possible and permissible uses will produce a net return to the owner of the site?*
4) *Highest and Best Use: Among the feasible uses, which will produce the highest net return or the highest present worth?*

The highest and best use of the land (or site) if vacant and available for use, may be different from the highest and best use of the improved property. This is true when the improvement is not an appropriate use, but it makes a contribution to the total property value in excess of the value of the site.

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The following tests must be met in estimating the highest and best use. The use must be legal and the use must be probable, not speculative or conjectural. There must be a profitable demand for such use and it must return to the land the highest net return for the longest period of time.

The zoning for the subject property allows for residential uses. When considering the highest and best use as though vacant, obviously the zoning would still be a consideration. The size of the parcel should also be considered. When considering these factors it is my opinion that the highest and best use as vacant would be for single family development and possibly a large custom home with a gentle ranch component to take advantage of the existing improvements if their location would not impact the overall development plans for the site.

I did consider the possible splitting or parceling of the overall acreage however due to the shape and the flood zoning down on the lower level, I have determined that the entire site would be a better buildable site and be more valuable as a whole as opposed to two smaller sites.

Typically, the most probable buyer of the subject property in its "as is" condition would be an owner user.

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SUMMARY OF ANALYSIS AND VALUATION

In the valuation of the subject property, this appraiser considered the three traditional approaches to value. These approaches are the cost approach, the income approach and the sales comparison approach. Because the property is primarily vacant land, only the Sales Comparison approach will be considered.

The sales comparison approach considers recent sales of similar properties, and compares them to the subject property utilizing appropriate measures of comparison. This approach best reflects the motivations of buyers and sellers in the market since it is entirely market driven.

The income and cost approaches have not been completed in this analysis as they would not provide creditable result as the subject is vacant land. Additionally any potential income from the horse stalls would be a going concern value or business value and I am valuing the Fee Simple Value of the Real Property.

Sales Comparison Approach: To establish an indication of market value for the subject property, the sales comparison approach has been completed. In the sales comparison approach, the official records of Washoe County were searched for recent sales of property similar to the subject property in order to extract a unit of comparison indicated as the price per lot analysis. These sales have been charted and can be found on the following page of this report.

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SALES CHART

Sale #	Location APN	Date of Sale Doc. #	Size Zoning Water Rights	Sales Price Price Price/Acre	Grantor Grantee
S-1	9160 Bellhaven Road Reno, Nevada 041-140-26	02/01/2017 #4676128	9.841±AC MDR 76% GR 24% None	$600,000 $60,975/AC	ARJ Properties LLC Richard C. Dethmers
S-2	2715 Last Chance Ct. Reno, Nevada 040-930-04	06/30/2017 #4719518	2.23±AC HDR None	$475,000 $213,004/AC	James D. Boyer Donald & Rebecca Gruner Trust
S-3	1755 Del Monte Ln. Reno, Nevada 040-151-03	07/31/2017 #4730092	3.63±AC HDR None	$580,000 $159,780/AC	Rosenauer Family Trust Mark & Amanda Berner
S-4	10847 Dixon Lane Reno, Nevada 044-291-13	08/29/2017 #4738579	2.63±AC HDR None	$420,000 $159,696/AC	Rutherford Maria McCool
S-5	1475 W. Huffacker Ln. Reno, Nevada 040-601-17	06/04/2018 #4819972	2.55±AC L2.5 None Muni water/sewer	$399,000 $156,471/AC	Lionel Urban Allison Brunelli
L-6	0 Lombardi Lane Reno, Nevada 041-190-11	Current Listing	24.00±AC MDR 93% GR 7%	Asking $1,200,000 $50,000	N/A
SUBJECT	3400 Holcomb Ranch Lane Reno, Nevada 040-670-12	N/A	12.563±AC HDR 93% GR 7% 49.34±AC'	N/A	N/A

As can be seen, I have utilized 5 sales and 1 listing of lots that were sold within a two year time period.

Of these sales, sales #1 and Listing #6 were closest in size. The rest of the sales were smaller at from 2.23 to 3.63 acres.

When comparing these sales and listing to the subject, the subject property still requires adjustments for the 49.34 acre feet of water rights and the equestrian improvements that are located on the site.

There is the possibility that a buyer would not be a horse person and may not put value on the improvements and even consider a discount for the cost to remove them. If a buyer gives them value, it would be very speculative as to how much value since the design; style and location may or may not be desirable. In addition these improvements are located within a flood zone.

The water rights on the other hand are valuable if not in use but could be sold to a third party. In discussions with the Truckee Meadows Water Authority as well as several brokers specializing in water right sales, it appears that the subject water rights in there as is condition, non-permitted, are worth about $6,000 per acre foot if sold in a block. Therefore when comparing the subject property to sales that do not include water rights then an adjustment of $6,000 x 4 acre feet per irrigated acre or $24,000/ac can be supported. As stated earlier in this report, the subject has 12.33± irrigated acres which would add roughly $296,000 rounded.

Regarding size, the sales produced a range in price per acre of $50,000 for the listing of 24 acres and the sales ranged from $60,975 to $213,000 depending on the size with the largest sale at 9.84 acres representing the lowest end of the

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range and the smallest parcel at 2.23 acres representing the highest per acre price.

The listing of coarse is only an asking price and would represent the sellers opinion of value however might tend to represent the upper end of value. This listing is roughly double the size of the subject and does not have the improvements or the water rights.

When comparing these sales to the subject property, sale #1 is judged to be the most comparable due to its size. Listing #6 was the closest in location; however was almost double the size of the subject.

When considering this data, while limited at best, and discussing the market for similar properties with several of the broker's active in this segment of the market, it is this appraiser's opinion that a range of from $55,000 to $65,000 per acre can be supported prior to considering the water rights adjustment.

When considering the subject's size, location, being somewhat closer in than Sale #1 and Listing #6 and the existing improvements, I believe that the subject property would fall near the middle end of this range at $60,000 per acre before water rights are considered.

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Therefore, when considering the sales as well as the previous analysis, I have estimated the retrospective value of the 12.563±ac as of January 30, 2019 at $753,780. As previously indicated the adjustment for the subjects water rights has been estimated at $296,000 for a combined value (Land and Water) of $1,049,780 which I have rounded to $1,050,000

Therefore, it is this appraiser's opinion that the subject property had a "Retrospective" market value as of January 30, 2019 of $1,050,000*.

***See extraordinary assumption found on page 15.**

Without the use of this Extraordinary Assumption the value may be different.

EXPOSURE/MARKETING TIME

The Uniform Standards of Professional Appraisal Practice require that an appraiser address exposure and marketing times. Exposure time is the time that would be necessary to have exposed the property on the open market in order to consummate a sale as of the effective date of valuation. Marketing time is the anticipated time that it would take to sell the property if it were first exposed to the open market as of the effective date of valuation.

After discussions with real estate brokers within this segment of the real estate market, and considering a number of other properties that are available for sale, as well as those that have sold, it is this appraiser's opinion that the appropriate exposure and marketing time for the subject property would be 6 - 12 months.

ADDENDA

QUALIFICATIONS OF DAVID A. STEFAN

CERTIFIED GENERAL APPRAISER

STATE OF NEVADA, CERTIFICATION #A.0000072-CG

Born: *July 30, 1956*

Background: *From 1956 to present, resided in Nevada Attended local school*

Offices Held: *Commissioner 2004-2010 State of Nevada,*
Appointed by Governor Guinn, and Governor Gibbons
Nevada Commission of Appraisers, President 2008-2010
Appraisal Review Committee (ARC) 2010 to Present

Commissioner 2015-2018 State of Nevada
Nevada Commission of Appraisers
Appointed by Governor Sandoval

Commissioner 2018-2019 State of Nevada
Nevada Commission of Appraisers
Appointed by Governor Sandoval

Education:

National USPAP update 2018-2019
National USPAP update 2016-2017
Appraisal of Owner-Occupied Commercial Property 2017
Managing Appraiser Liability2017
Land and Site Valuation 2017
Dirty Dozen (USPAP) 2017
Appraisal of Owner Occupied Commercial properties 2015
Laws for Nevada Appraisers 2015
Expert Witness Testimony 2015
National USPAP update 2014-2015
National USPAP update 2012-2013
Appraising Complex Property 2012
Financial Reform & Appraising 2011
Appraisal Review 2011
Dirty Dozen (USPAP) 2011
National USPAP update 2010-2011
Appraising in a Changing Market 2009
Current Issues in Appraising 2009
1031 Exchange- 2008
Litigation - 2008

USPAP Update - 2008
Construction Details & Trends - 2007
Appraising Historic Properties - 2007
USPAP update - 2007
USPAP update - 2006
Commercial Lease Analysis - 2006
Market Analysis - 2006
USPAP update - 2005
Advanced Water Rights - 2004
Real Estate Investment Analysis - 2004
Scope of Work - 2003
Uniform Standards of Professional Appraisal Practice - 2003
Case Studies in Commercial Highest & Best Use - 2002
Uniform Standards of Professional Appraisal Practice - 2002
Water Rights in Nevada - 2001
Property Flipping & Predatory Lending - 2001
Professional & Technical Appliance with USPAP IV - 2001
Appraiser Law in Nevada - 2001
Lease Abstracting and Analysis - 1999
Attacking and Defending Appraisals in Litigation - 1999
Advanced Water Rights - 1998
De-Mystifying the Tax Deferred Exchange - 1998
Valuation of Detrimental Conditions - 1998
Litigation Skills for the Appraiser - 1998
The Technical Inspection of Real Estate - 1996
Rates, Ratios, and Reasonableness - 1994
Real Estate Cycles: Trends & Analysis - 1993
Subdivision Analysis - 1993
Real Estate Appraisal Principles - 1987
Residential Valuation - 1987
Standards of Professional Practice - 1988
Capitalization Theory &Techniques, Part A - 1990

University of Nevada, Reno 1975-1976

Course work includes:
Business Law
Micro Computers
Basic Appraisal Principles
Small Business Administration

Northern Nevada Real Estate School -
10 Week Course for Licensing Requirements

License: *Licensed in the State of Nevada as a Real Estate Salesman from 1988 to 2016.*

Certified General Appraiser State of Nevada #A.0000072-CG since 1990.

Experience: *From March of 1987 to 2007, an associate with William G. Kimmel, MAI & Associates, specializing in market studies and independent fee work. From 2007 to present, I have worked independently as an appraiser and consultant. Prior to 1987, was a partner in a construction company specializing in custom homes.*

Expert Witness: *Qualified as an expert witness in District Court in Washoe County, Nevada*

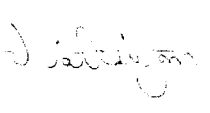
Type of Properties Appraised:

Hotels
Motels
Restaurants
Apartments
Mobile Home Parks
Shopping Centers
Warehouses
Subdivisions
Vacant Land
Farms
Ranches
Office Buildings
Commercial Buildings
Industrial Buildings
Recreation Vehicle Parks
Single Family Residences
Planned Unit Developments
Leasehold & Partial Interest
Mini Storage Facilities
Auto Agencies

CERIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standard of Professional Appraisal Practice of the Appraisal Institute, which include the *Uniform Standards of Professional Appraisal Practice.*
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this report.
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- The appraiser's state registration has not been revoked, suspended, canceled or restricted.
- I have not provided appraisal services for this property, three years prior to accepting this assignment.



David A. Stefan
Certified General Appraiser
State of Nevada
Certification No. A.0000072-CG

EXHIBIT “19”

EXHIBIT “19”

SILVER CIRCLE RANCH
FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT is made and entered into this ___ day of _____, 2011, by and between Norma K. Nelson, doing business as Silver Circle Ranch ("Silver Circle") and Barbara O'Brien ("Owner"), as the owner of the horse described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, and for other good and valuable consideration, Silver Circle and Owner hereby covenant and agree as follows:

1. **Silver Circle Ranch Facility.** Silver Circle agrees to permit Owner to utilize the Silver Circle Ranch facility located at 3400 Holcomb Lane, Reno, Nevada (the "Facility") for the purpose of boarding Owner's horse in a specified portion of the Facility, engaging in horseback riding activities, and/or participating in horseback riding lessons provided by an independent trainer. Owner acknowledges that Silver Circle does not provide a trainer and that Owner must independently contract with a qualified trainer selected by Owner for lessons and/or training. Owner further acknowledges that other persons, horse owners, and trainers are entitled to use the Facility and that Owner's use of the Facility will not be exclusive.

2. **Term.** The term of this Agreement shall commence on the ___ day of _____, 2011, and shall continue on a month-to-month basis thereafter unless terminated in the matter required by this Agreement. Either Silver Circle or Owner may terminate this Agreement, without cause, by delivering written notice to the other party seven (7) days in advance of the specified date of termination. Owner shall remain obligated to pay use fees through the date of termination.

3. **Use Fee.** Owner shall pay to Silver Circle a use fee in the amount of $_____ per month. The use fee shall be payable to Silver Circle in advance without demand, and without deduction or offset, commencing on the ____ day of _____, 2011, and continuing on the ____ day of each month thereafter during the term of this Agreement.

4. **Deposit.** Owner shall pay a deposit of $_____ to be utilized by Silver Circle for remedying any default of Owner in the payment of the use fee, late charges, or other expenses which Owner is obligated to pay; for repairing damage to the Facility caused by Owner, for cleaning of the Facility, or for addressing any failure on the part of Owner to fulfill Owner's obligations under this Agreement. Owner shall not be entitled to apply or allocate any portion of the deposit to the payment of use fees, late charges or other expenses. Upon termination of this Agreement, any portion of the deposit remaining after Silver Circle has identified amounts which Silver Circle is entitled to claim or retain shall be refunded to Owner.

5. **Late Charges.** In the event the full amount of the use fee is not received by Silver Circle when due, Owner shall pay a late charge in the amount of $5.00 for each day which the payment is overdue. The daily late charge shall continue until the use fee has been paid in full.

6. Returned Check Charge. In the event a check remitted by Owner for the payment of use fees, late charges or any other expense is returned to Silver Circle either unpaid or dishonored for any reason whatsoever, Owner shall pay to Silver Circle a returned check charge in the amount of $35.00 for each such check returned or dishonored.

7. Owner's Horse. Owner's horse is described as follows:

NAME: _____

SEX & COLOR: _____

HEIGHT: _____ **AGE:** _____

MARKINGS: _____

BREED&REG NO. _____

Owner warrants and represents to Silver Circle that Owner is the lawful owner of the horse described in this Agreement, that Owner's horse is in good, safe and healthy condition and that all required vaccinations are current. Owner shall provide to Silver Circle documentary evidence of the current status of all required vaccinations as well as a current photograph of Owner's horse. Owner further represents and warrants to Silver Circle that Owner's horse does not have a history of causing injury or damage and that Owner's horse does not suffer from any adverse conditions or aggressive attributes.

8. Care and Feeding. Except as specifically provided in this Agreement, Owner shall be solely responsible for the care, supervision, monitoring, watering, feeding, veterinary care, farrier care, grooming, exercise, shoeing, worming, and other care for Owner's horse.

If initialed by Silver Circle in the space indicated below, Silver Circle will provide limited feeding and/or stall cleaning as specified:

_____ (Silver Circle Initials) Silver Circle shall provide periodic feeding of the horse in the following manner only:

_____

_____

_____

_____ (Silver Circle Initials) Silver Circle shall provide stall cleaning in the following manner only:

_____

_____

_____

9. **Emergency Care.** Silver Circle shall have no obligation to monitor the health or condition of Owner's horse. However, in the event Silver Circle becomes aware of a condition which Silver Circle determines, in its sole discretion, is of a nature requiring veterinary treatment, Silver Circle shall attempt to contact Owner to request that Owner provide necessary veterinary care. In the event Silver Circle is unable to contact Owner, Silver Circle shall have the right, but not the obligation, to secure emergency veterinary care in an effort to ensure the health and well-being of Owner's horse. Owner shall be solely responsible for the payment of all costs and expenses associated with such veterinary care. Owner shall reimburse Silver Circle for any such costs or expenses advanced by Silver Circle, and Owner shall hold Silver Circle harmless from any claims or demands made by the provider of veterinary care for payment of such services. Owner designates the following veterinarian as Owner's veterinarian for purposes of providing veterinary care for Owner's horse:

VETERINARIAN: _____

_____

_____

_____

In the event Silver Circle is unable to secure emergency veterinary care from Owner's veterinarian, Owner authorizes Silver Circle to obtain such services from a licensed veterinarian selected by Silver Circle. Notwithstanding the provisions of this Agreement, Owner acknowledges that Owner shall have no duty or obligation to secure emergency or other veterinary care for Owner's horse.

10. **Assumption of Risk.** Owner expressly assumes all risks associated with use of the Facility. Owner acknowledges that horseback riding activities, including horseback riding lessons, are of a hazardous nature. Nevertheless, Owner has voluntarily elected to participate in these activities with full knowledge and acceptance of the hazards and dangers involved, and Owner accepts full responsibility for any and all risks of injury, death, or damage to property arising out of or resulting from such activities.

11. **Inspection of Facility.** Owner acknowledges that Owner has fully inspected the Facility and accepts the Facility in "AS IS" condition and state of repair. Owner acknowledges that the Facility is in good and serviceable condition and further acknowledges that Silver Circle shall not be required to make any repairs or improvements to the Facility.

12. **Conduct.** Owner shall not engage in or permit any conduct or activities at the Facility which violate any of the provisions of this Agreement, or which constitute a disturbance, nuisance, or annoyance, or which interfere the peaceful use or enjoyment of the Facility by Silver Circle or other authorized users. Silver Circe shall, in its sole discretion, have the right to restrict, control and/or prevent access to the Facility by Owner or any other person engaging in any such conduct or activities.

13. **Rules and Regulations.** Silver Circle shall be entitled to adopt, enforce and amend from time to time rules and regulations pertaining to use of the Facility. Owner shall, at all times, comply with such rules and regulations.

14. Risk of Loss. Silver Circle shall not be responsible or liable for any illness, disease, medical condition, estray, theft, death or injury which may be suffered by any horse while the horse is at or using the Facility.

15. Liability of Silver Circle. SILVER CIRCLE SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND OWNER HEREBY WAIVES AND RELEASES, ANY ANDALL CLAIMS AND CAUSES OF ACTION AGAINST SILVER CIRCLE FOR: (1) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY OWNER, OWNER'S TRAINER, OWNER'S HORSE, OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER; (2) ANY LOSS, DAMAGE, DEATH OR INJURY TO OWNER'S EQUIPMENT, VEHICLE(S) OR ANY OTHER PROPERTY BELONGING TO OWNER, TO ANY AGENT, SERVANT, FAMILY MEMBER, OR INVITEE OF OWNER, OR TO ANY THIRD PARTY: OR (3) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY ANY THIRD PARTY ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER. Without limiting the generality of the foregoing, it is expressly agreed Silver Circle shall not be liable for any loss, damage, or injury of any nature whatsoever to persons or property arising out of or resulting from the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member, or invitee of Owner. The provisions of this Paragraph shall also apply for the benefit of any and all agents, servants, representatives and employees of Silver Circle.

16. Indemnification. Owner shall indemnify and hold Silver Circle harmless from and against any and all losses, damages, claims, causes of action or liabilities described in Paragraph 15 of this Agreement. Owner agrees to defend Silver Circle from any such losses, damages, claims, causes of action or liabilities and Owner shall pay all costs and expenses, including attorney fees, associated with such defense.

17. Owner's Insurance. Owner shall, at Owner's sole cost and expense, maintain liability insurance covering the Owner against claims of bodily injury, personal injury and property damage (covering the performance by Owner of Owner's indemnity agreements) for limits of liability not less than the following: (1) bodily injury and property damage liability limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate; and (2) personal injury liability with limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate. In addition, Owner shall maintain physical damage insurance covering all of Owner's property, vehicles and equipment as well as equine insurance covering the loss, theft, injury or death of Owner's horse. The minimum limits of policies of insurance required of Owner shall in no event limit the liability of Owner under this Agreement. Each insurance policy obtained by Owner shall provide that the insurer waives any right of recovery by way of subrogation against Silver Circle. Such insurance shall name Silver Circle as an additional insured and shall include provisions that said insurance shall not be cancelled unless fifteen (15) days prior written notice shall have been given to Silver Circle. Owner shall deliver said policy or policies or certificates of insurance to Silver Circle upon the execution of this Agreement and at least fifteen (15) days before the expiration dates thereof. In the event Owner shall fail to procure such insurance, or to deliver such policies or certificate, Silver Circle may, at its option, procure such policies for the account of Owner, and the cost thereof shall be paid to Silver Circle within five (5) days after delivery to Owner of an invoice for the cost of insurance. Owner acknowledges that any insurance coverage

maintained by Silver Circle does not provide coverage for the benefit of Owner: Owner must secure Owner's insurance as provided in this Paragraph.

18. **Covenant not to Sue.** Owner agrees and covenants that Owner shall not sue or commence litigation against Silver Circle or any of its agents, servants, representatives or employees for with regard to any of the claims , causes of action or other matters waived or released pursuant to Paragraph 15 or any other provision of this Agreement or for any claim of any nature whatsoever arising out of the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member or invitee of Owner.

19. **Right of Lien.** Owner acknowledges that Silver Circle has a lien upon the Owner's horse and may retain possession of said horse until any sum due to Silver Circle pursuant to this Agreement, including, but not limited to, the use fee or amounts payable for feed or boarding. Owner represents and warrants to Silver Circle that no other liens have been placed against Owner's horse and that the lien in favor of Silver Circle shall be a first priority lien.

20. **Assignment.** Owner shall not assign this Agreement or any right arising under this Agreement without the express written consent of Silver Circle.

21. **Costs and Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement or the use of the Facility, or the rights or duties of either party relating thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief as maybe granted, to a reasonable sum as in for his attorney's fees and such litigation and costs of court therein.

22. **Waiver.** Neither Silver Circle's failure to enforce any term of this Agreement, nor Silver Circle's acceptance of any partial payment, shall be deemed a waiver of Silver Circle's right to enforcement of the terms and conditions of this Agreement and to recovery of the full amount due hereunder.

23. **Severability.** In the event any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, the same shall be deemed severed from the remainder of this Agreement and shall not cause the invalidity or unenforceability of the remainder of this Agreement. If such provision is deemed invalid due to its scope or breadth, such provisions shall be deemed valid to the extent of the scope or breadth permitted by law.

THIS IS A LEGALLY BINDING CONTRACT. THE OWNER HEREBY ACKNOWLEDGES HAVING CAREFULLY READ THE ENTIRE AGREEMENT AND AGREES TO ALL OF THE TERMS, CONDITIONS, COVENANTS AND PROVISIONS OF THIS AGREEMENT. IF MORE THAN ONE OWNER EXECUTES THIS AGREEMENT, OWNER'S LIABILITY SHALL BE JOINT AND SEVERAL.

Silver Circle:

Norma K. Nelson, doing business as Silver Circle Ranch

Owner:

X Barbara Nelson

8-20-13

Date.

SILVER CIRCLE RANCH
FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT is made and entered into this 30th day of June, 2014, by and between Norma K. Nelson, doing business as Silver Circle Ranch ("Silver Circle") and Linda Brown ("Owner"), as the owner of the horse described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, and for other good and valuable consideration, Silver Circle and Owner hereby covenant and agree as follows:

1. **Silver Circle Ranch Facility.** Silver Circle agrees to permit Owner to utilize the Silver Circle Ranch facility located at 3400 Holcomb Lane, Reno, Nevada (the "Facility") for the purpose of boarding Owner's horse in a specified portion of the Facility, engaging in horseback riding activities, and/or participating in horseback riding lessons provided by an independent trainer. Owner acknowledges that Silver Circle does not provide a trainer and that Owner must independently contract with a qualified trainer selected by Owner for lessons and/or training. Owner further acknowledges that other persons, horse owners, and trainers are entitled to use the Facility and that Owner's use of the Facility will not be exclusive.

2. **Term.** The term of this Agreement shall commence on the 30th day of June, 2014, and shall continue on a month-to-month basis thereafter unless terminated in the matter required by this Agreement. Either Silver Circle or Owner may terminate this Agreement, without cause, by delivering written notice to the other party seven (7) days in advance of the specified date of termination. Owner shall remain obligated to pay use fees through the date of termination.

3. **Use Fee.** Owner shall pay to Silver Circle a use fee in the amount of $1000.00 per month. The use fee shall be payable to Silver Circle in advance without demand, and without deduction or offset, commencing on the 30 day of June, 2014, and continuing on the 30th day of each month thereafter during the term of this Agreement.

4. **Deposit.** Owner shall pay a deposit of $0 to be utilized by Silver Circle for remedying any default of Owner in the payment of the use fee, late charges, or other expenses which Owner is obligated to pay, for repairing damage to the Facility caused by Owner, for cleaning of the Facility, or for addressing any failure on the part of Owner to fulfill Owner's obligations under this Agreement. Owner shall not be entitled to apply or allocate any portion of the deposit to the payment of use fees, late charges or other expenses. Upon termination of this Agreement, any portion of the deposit remaining after Silver Circle has identified amounts which Silver Circle is entitled to claim or retain shall be refunded to Owner.

5. **Late Charges.** In the event the full amount of the use fee is not received by Silver Circle when due, Owner shall pay a late charge in the amount of $5.00 for each day which the payment is overdue. The daily late charge shall continue until the use fee has been paid in full.

6. **Returned Check Charge.** In the event a check remitted by Owner for the payment of use fees, late charges or any other expense is returned to Silver Circle either unpaid or dishonored for any reason whatsoever, Owner shall pay to Silver Circle a returned check charge in the amount of $35.00 for each such check returned or dishonored.

7. **Owner's Horse.** Owner's horse is described as follows:

Horse #1

NAME: Oberon

SEX & COLOR: Mare | Grey

HEIGHT: 16.1 **AGE:** 18

MARKINGS: _____

BREED&REG NO. _____

Owner warrants and represents to Silver Circle that Owner is the lawful owner of the horse described in this Agreement, that Owner's horse is in good, safe and healthy condition and that all required vaccinations are current. Owner shall provide to Silver Circle documentary evidence of the current status of all required vaccinations as well as a current photograph of Owner's horse. Owner further represents and warrants to Silver Circle that Owner's horse does not have a history of causing injury or damage and that Owner's horse does not suffer from any adverse conditions or aggressive attributes.

8. **Care and Feeding.** Except as specifically provided in this Agreement, Owner shall be solely responsible for the care, supervision, monitoring, watering, feeding, veterinary care, farrier care, grooming, exercise, shoeing, worming, and other care for Owner's horse.

If initialed by Silver Circle in the space indicated below, Silver Circle will provide limited feeding and/or stall cleaning as specified:

_____ (Silver Circle Initials) Silver Circle shall provide periodic feeding of the horse in the following manner only:

Daily Stall Cleaning and watering

AM|PM Feeding, Lunch

Turnout

_____ (Silver Circle Initials) Silver Circle shall provide stall cleaning in the following manner only:

See Above

6. **Returned Check Charge.** In the event a check remitted by Owner for the payment of use fees, late charges or any other expense is returned to Silver Circle either unpaid or dishonored for any reason whatsoever, Owner shall pay to Silver Circle a returned check charge in the amount of $35.00 for each such check returned or dishonored.

7. **Owner's Horse.** Owner's horse is described as follows:

Horse #2,

NAME: Maize

SEX & COLOR: Mare | grey

HEIGHT: 15 **AGE:** 24

MARKINGS: _____

BREED&REG NO. _____

Owner warrants and represents to Silver Circle that Owner is the lawful owner of the horse described in this Agreement, that Owner's horse is in good, safe and healthy condition and that all required vaccinations are current. Owner shall provide to Silver Circle documentary evidence of the current status of all required vaccinations as well as a current photograph of Owner's horse. Owner further represents and warrants to Silver Circle that Owner's horse does not have a history of causing injury or damage and that Owner's horse does not suffer from any adverse conditions or aggressive attributes.

8. **Care and Feeding.** Except as specifically provided in this Agreement, Owner shall be solely responsible for the care, supervision, monitoring, watering, feeding, veterinary care, farrier care, grooming, exercise, shoeing, worming, and other care for Owner's horse.

If initialed by Silver Circle in the space indicated below, Silver Circle will provide limited feeding and/or stall cleaning as specified:

_____ (Silver Circle Initials) Silver Circle shall provide periodic feeding of the horse in the following manner only:

Daily Stall Cleaning + Watering

AM | PM Feeding, Lunch

Turnout

_____ (Silver Circle Initials) Silver Circle shall provide stall cleaning in the following manner only:

9. **Emergency Care.** Silver Circle shall have no obligation to monitor the health or condition of Owner's horse. However, in the event Silver Circle becomes aware of a condition which Silver Circle determines, in its sole discretion, is of a nature requiring veterinary treatment, Silver Circle shall attempt to contact Owner to request that Owner provide necessary veterinary care. In the event Silver Circle is unable to contact Owner, Silver Circle shall have the right, but not the obligation, to secure emergency veterinary care in an effort to ensure the health and well-being of Owner's horse. Owner shall be solely responsible for the payment of all costs and expenses associated with such veterinary care. Owner shall reimburse Silver Circle for any such costs or expenses advanced by Silver Circle, and Owner shall hold Silver Circle harmless from any claims or demands made by the provider of veterinary care for payment of such services. Owner designates the following veterinarian as Owner's veterinarian for purposes of providing veterinary care for Owner's horse:

VETERINARIAN: Comstock Large Animal Hospital

In the event Silver Circle is unable to secure emergency veterinary care from Owner's veterinarian, Owner authorizes Silver Circle to obtain such services from a licensed veterinarian selected by Silver Circle. Notwithstanding the provisions of this Agreement, Owner acknowledges that Owner shall have no duty or obligation to secure emergency or other veterinary care for Owner's horse.

10. **Assumption of Risk.** Owner expressly assumes all risks associated with use of the Facility. Owner acknowledges that horseback riding activities, including horseback riding lessons, are of a hazardous nature. Nevertheless, Owner has voluntarily elected to participate in these activities with full knowledge and acceptance of the hazards and dangers involved, and Owner accepts full responsibility for any and all risks of injury, death, or damage to property arising out of or resulting from such activities.

11. **Inspection of Facility.** Owner acknowledges that Owner has fully inspected the Facility and accepts the Facility in "AS IS" condition and state of repair. Owner acknowledges that the Facility is in good and serviceable condition and further acknowledges that Silver Circle shall not be required to make any repairs or improvements to the Facility.

12. **Conduct.** Owner shall not engage in or permit any conduct or activities at the Facility which violate any of the provisions of this Agreement, or which constitute a disturbance, nuisance, or annoyance, or which interfere the peaceful use or enjoyment of the Facility by Silver Circle or other authorized users. Silver Circe shall, in its sole discretion, have the right to restrict, control and/or prevent access to the Facility by Owner or any other person engaging in any such conduct or activities.

13. **Rules and Regulations.** Silver Circle shall be entitled to adopt, enforce and amend from time to time rules and regulations pertaining to use of the Facility. Owner shall, at all times, comply with such rules and regulations.

14. Risk of Loss. Silver Circle shall not be responsible or liable for any illness, disease, medical condition, estray, theft, death or injury which may be suffered by any horse while the horse is at or using the Facility.

15. Liability of Silver Circle. **SILVER CIRCLE SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND OWNER HEREBY WAIVES AND RELEASES, ANY ANDALL CLAIMS AND CAUSES OF ACTION AGAINST SILVER CIRCLE FOR: (1) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY OWNER, OWNER'S TRAINER, OWNER'S HORSE, OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER; (2) ANY LOSS, DAMAGE, DEATH OR INJURY TO OWNER'S EQUIPMENT, VEHICLE(S) OR ANY OTHER PROPERTY BELONGING TO OWNER, TO ANY AGENT, SERVANT, FAMILY MEMBER, OR INVITEE OF OWNER, OR TO ANY THIRD PARTY: OR (3) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY ANY THIRD PARTY ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER.** Without limiting the generality of the foregoing, it is expressly agreed Silver Circle shall not be liable for any loss, damage, or injury of any nature whatsoever to persons or property arising out of or resulting from the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member, or invitee of Owner. The provisions of this Paragraph shall also apply for the benefit of any and all agents, servants, representatives and employees of Silver Circle.

16. Indemnification. Owner shall indemnify and hold Silver Circle harmless from and against any and all losses, damages, claims, causes of action or liabilities described in Paragraph 15 of this Agreement. Owner agrees to defend Silver Circle from any such losses, damages, claims, causes of action or liabilities and Owner shall pay all costs and expenses, including attorney fees, associated with such defense.

17. Owner's Insurance. Owner shall, at Owner's sole cost and expense, maintain liability insurance covering the Owner against claims of bodily injury, personal injury and property damage (covering the performance by Owner of Owner's indemnity agreements) for limits of liability not less than the following: (1) bodily injury and property damage liability limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate; and (2) personal injury liability with limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate. In addition, Owner shall maintain physical damage insurance covering all of Owner's property, vehicles and equipment as well as equine insurance covering the loss, theft, injury or death of Owner's horse. The minimum limits of policies of insurance required of Owner shall in no event limit the liability of Owner under this Agreement. Each insurance policy obtained by Owner shall provide that the insurer waives any right of recovery by way of subrogation against Silver Circle. Such insurance shall name Silver Circle as an additional insured and shall include provisions that said insurance shall not be cancelled unless fifteen (15) days prior written notice shall have been given to Silver Circle. Owner shall deliver said policy or policies or certificates of insurance to Silver Circle upon the execution of this Agreement and at least fifteen (15) days before the expiration dates thereof. In the event Owner shall fail to procure such insurance, or to deliver such policies or certificate, Silver Circle may, at its option, procure such policies for the account of Owner, and the cost thereof shall be paid to Silver Circle within five (5) days after delivery to Owner of an invoice for the cost of insurance. Owner acknowledges that any insurance coverage

maintained by Silver Circle does not provide coverage for the benefit of Owner: Owner must secure Owner's insurance as provided in this Paragraph.

18. **Covenant not to Sue.** Owner agrees and covenants that Owner shall not sue or commence litigation against Silver Circle or any of its agents, servants, representatives or employees for with regard to any of the claims , causes of action or other matters waived or released pursuant to Paragraph 15 or any other provision of this Agreement or for any claim of any nature whatsoever arising out of the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member or invitee of Owner.

19. **Right of Lien.** Owner acknowledges that Silver Circle has a lien upon the Owner's horse and may retain possession of said horse until any sum due to Silver Circle pursuant to this Agreement, including, but not limited to, the use fee or amounts payable for feed or boarding. Owner represents and warrants to Silver Circle that no other liens have been placed against Owner's horse and that the lien in favor of Silver Circle shall be a first priority lien.

20. **Assignment.** Owner shall not assign this Agreement or any right arising under this Agreement without the express written consent of Silver Circle.

21. **Costs and Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement or the use of the Facility, or the rights or duties of either party relating thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief as maybe granted, to a reasonable sum as in for his attorney's fees and such litigation and costs of court therein.

22. **Waiver.** Neither Silver Circle's failure to enforce any term of this Agreement, nor Silver Circle's acceptance of any partial payment, shall be deemed a waiver of Silver Circle's right to enforcement of the terms and conditions of this Agreement and to recovery of the full amount due hereunder.

23. **Severability.** In the event any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, the same shall be deemed severed from the remainder of this Agreement and shall not cause the invalidity or unenforceability of the remainder of this Agreement. If such provision is deemed invalid due to its scope or breadth, such provisions shall be deemed valid to the extent of the scope or breadth permitted by law.

THIS IS A LEGALLY BINDING CONTRACT. THE OWNER HEREBY ACKNOWLEDGES HAVING CAREFULLY READ THE ENTIRE AGREEMENT AND AGREES TO ALL OF THE TERMS, CONDITIONS, COVENANTS AND PROVISIONS OF THIS AGREEMENT. IF MORE THAN ONE OWNER EXECUTES THIS AGREEMENT, OWNER'S LIABILITY SHALL BE JOINT AND SEVERAL.

Silver Circle:

Norma K. Nelson, doing business as Silver Circle Ranch

Owner:

Linda Brown
826-9664 Home
742 1963 Randy
742 6371 Linda

SILVER CIRCLE RANCH
FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT is made and entered into this 6th **day of** May, **2016, by and between Norma K. Nelson, doing business as Silver Circle Ranch ("Silver Circle") and** Katherine Templeton **("Owner"), as the owner of the horse described in this Agreement.**

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, and for other good and valuable consideration, Silver Circle and Owner hereby covenant and agree as follows:

1. **Silver Circle Ranch Facility.** Silver Circle agrees to permit Owner to utilize the Silver Circle Ranch facility located at 3400 Holcomb Lane, Reno, Nevada (the "Facility") for the purpose of boarding Owner's horse in a specified portion of the Facility, engaging in horseback riding activities, and/or participating in horseback riding lessons provided by an independent trainer. Owner acknowledges that Silver Circle does not provide a trainer and that Owner must independently contract with a qualified trainer selected by Owner for lessons and/or training. Owner further acknowledges that other persons, horse owners, and trainers are entitled to use the Facility and that Owner's use of the Facility will not be exclusive.

2. **Term.** The term of this Agreement shall commence on the 6th day of May, 2016, and shall continue on a month-to-month basis thereafter unless terminated in the matter required by this Agreement. Either Silver Circle or Owner may terminate this Agreement, without cause, by delivering written notice to the other party seven (7) days in advance of the specified date of termination. Owner shall remain obligated to pay use fees through the date of termination.

3. **Use Fee.** Owner shall pay to Silver Circle a use fee in the amount of $ 250 per month. The use fee shall be payable to Silver Circle in advance without demand, and without deduction or offset, commencing on the 6th day of May, 2016, and continuing on the 6th day of each month thereafter during the term of this Agreement.

4. **Deposit.** Owner shall pay a deposit of $ 0 to be utilized by Silver Circle for remedying any default of Owner in the payment of the use fee, late charges, or other expenses which Owner is obligated to pay, for repairing damage to the Facility caused by Owner, for cleaning of the Facility, or for addressing any failure on the part of Owner to fulfill Owner's obligations under this Agreement. Owner shall not be entitled to apply or allocate any portion of the deposit to the payment of use fees, late charges or other expenses. Upon termination of this Agreement, any portion of the deposit remaining after Silver Circle has identified amounts which Silver Circle is entitled to claim or retain shall be refunded to Owner.

5. **Late Charges.** In the event the full amount of the use fee is not received by Silver Circle when due, Owner shall pay a late charge in the amount of $5.00 for each day which the payment is overdue. The daily late charge shall continue until the use fee has been paid in full.

6. **Returned Check Charge.** In the event a check remitted by Owner for the payment of use fees, late charges or any other expense is returned to Silver Circle either unpaid or dishonored for any reason whatsoever, Owner shall pay to Silver Circle a returned check charge in the amount of $35.00 for each such check returned or dishonored.

7. **Owner's Horse.** Owner's horse is described as follows:

NAME: Archie

SEX & COLOR: Gelding / Chestnut

HEIGHT: 16 hands **AGE:** 24 (?)

MARKINGS: blaze broken

BREED&REG NO. Thoroughbred

Owner warrants and represents to Silver Circle that Owner is the lawful owner of the horse described in this Agreement, that Owner's horse is in good, safe and healthy condition and that all required vaccinations are current. Owner shall provide to Silver Circle documentary evidence of the current status of all required vaccinations as well as a current photograph of Owner's horse. Owner further represents and warrants to Silver Circle that Owner's horse does not have a history of causing injury or damage and that Owner's horse does not suffer from any adverse conditions or aggressive attributes.

8. **Care and Feeding.** Except as specifically provided in this Agreement, Owner shall be solely responsible for the care, supervision, monitoring, watering, feeding, veterinary care, farrier care, grooming, exercise, shoeing, worming, and other care for Owner's horse.

If initialed by Silver Circle in the space indicated below, Silver Circle will provide limited feeding and/or stall cleaning as specified:

_____ (Silver Circle Initials) Silver Circle shall provide periodic feeding of the horse in the following manner only:

when I am out of town, please prepare pan with my premixed supplements and feed with midday hay. (same process as we do with Alex).

_____ (Silver Circle Initials) Silver Circle shall provide stall cleaning in the following manner only:

9. **Emergency Care.** Silver Circle shall have no obligation to monitor the health or condition of Owner's horse. However, in the event Silver Circle becomes aware of a condition which Silver Circle determines, in its sole discretion, is of a nature requiring veterinary treatment, Silver Circle shall attempt to contact Owner to request that Owner provide necessary veterinary care. In the event Silver Circle is unable to contact Owner, Silver Circle shall have the right, but not the obligation, to secure emergency veterinary care in an effort to ensure the health and well-being of Owner's horse. Owner shall be solely responsible for the payment of all costs and expenses associated with such veterinary care. Owner shall reimburse Silver Circle for any such costs or expenses advanced by Silver Circle, and Owner shall hold Silver Circle harmless from any claims or demands made by the provider of veterinary care for payment of such services. Owner designates the following veterinarian as Owner's veterinarian for purposes of providing veterinary care for Owner's horse:

VETERINARIAN: Comstock Veterinary

In the event Silver Circle is unable to secure emergency veterinary care from Owner's veterinarian, Owner authorizes Silver Circle to obtain such services from a licensed veterinarian selected by Silver Circle. Notwithstanding the provisions of this Agreement, Owner acknowledges that Owner shall have no duty or obligation to secure emergency or other veterinary care for Owner's horse.

10. **Assumption of Risk.** Owner expressly assumes all risks associated with use of the Facility. Owner acknowledges that horseback riding activities, including horseback riding lessons, are of a hazardous nature. Nevertheless, Owner has voluntarily elected to participate in these activities with full knowledge and acceptance of the hazards and dangers involved, and Owner accepts full responsibility for any and all risks of injury, death, or damage to property arising out of or resulting from such activities.

11. **Inspection of Facility.** Owner acknowledges that Owner has fully inspected the Facility and accepts the Facility in "AS IS" condition and state of repair. Owner acknowledges that the Facility is in good and serviceable condition and further acknowledges that Silver Circle shall not be required to make any repairs or improvements to the Facility.

12. **Conduct.** Owner shall not engage in or permit any conduct or activities at the Facility which violate any of the provisions of this Agreement, or which constitute a disturbance, nuisance, or annoyance, or which interfere the peaceful use or enjoyment of the Facility by Silver Circle or other authorized users. Silver Circe shall, in its sole discretion, have the right to restrict, control and/or prevent access to the Facility by Owner or any other person engaging in any such conduct or activities.

13. **Rules and Regulations.** Silver Circle shall be entitled to adopt, enforce and amend from time to time rules and regulations pertaining to use of the Facility. Owner shall, at all times, comply with such rules and regulations.

14. Risk of Loss. Silver Circle shall not be responsible or liable for any illness, disease, medical condition, estray, theft, death or injury which may be suffered by any horse while the horse is at or using the Facility.

15. Liability of Silver Circle. SILVER CIRCLE SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND OWNER HEREBY WAIVES AND RELEASES, ANY ANDALL CLAIMS AND CAUSES OF ACTION AGAINST SILVER CIRCLE FOR: (1) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY OWNER, OWNER'S TRAINER, OWNER'S HORSE, OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER; (2) ANY LOSS, DAMAGE, DEATH OR INJURY TO OWNER'S EQUIPMENT, VEHICLE(S) OR ANY OTHER PROPERTY BELONGING TO OWNER, TO ANY AGENT, SERVANT, FAMILY MEMBER, OR INVITEE OF OWNER, OR TO ANY THIRD PARTY: OR (3) ANY LOSS, DAMAGE, DEATH OR INJURY SUFFERED BY ANY THIRD PARTY ARISING OUT OF OR RESULTING FROM THE CONDUCT OF OWNER OR OWNER'S HORSE OR USE OF THE FACILITY BY OWNER OR ANY AGENT, SERVANT, FAMILY MEMBER OR INVITEE OF OWNER. Without limiting the generality of the foregoing, it is expressly agreed Silver Circle shall not be liable for any loss, damage, or injury of any nature whatsoever to persons or property arising out of or resulting from the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member, or invitee of Owner. The provisions of this Paragraph shall also apply for the benefit of any and all agents, servants, representatives and employees of Silver Circle.

16. Indemnification. Owner shall indemnify and hold Silver Circle harmless from and against any and all losses, damages, claims, causes of action or liabilities described in Paragraph 15 of this Agreement. Owner agrees to defend Silver Circle from any such losses, damages, claims, causes of action or liabilities and Owner shall pay all costs and expenses, including attorney fees, associated with such defense.

17. Owner's Insurance. Owner shall, at Owner's sole cost and expense, maintain liability insurance covering the Owner against claims of bodily injury, personal injury and property damage (covering the performance by Owner of Owner's indemnity agreements) for limits of liability not less than the following: (1) bodily injury and property damage liability limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate; and (2) personal injury liability with limits of $1,000,000.00 each occurrence and $2,000,000.00 annual aggregate. In addition, Owner shall maintain physical damage insurance covering all of Owner's property, vehicles and equipment as well as equine insurance covering the loss, theft, injury or death of Owner's horse. The minimum limits of policies of insurance required of Owner shall in no event limit the liability of Owner under this Agreement. Each insurance policy obtained by Owner shall provide that the insurer waives any right of recovery by way of subrogation against Silver Circle. Such insurance shall name Silver Circle as an additional insured and shall include provisions that said insurance shall not be cancelled unless fifteen (15) days prior written notice shall have been given to Silver Circle. Owner shall deliver said policy or policies or certificates of insurance to Silver Circle upon the execution of this Agreement and at least fifteen (15) days before the expiration dates thereof. In the event Owner shall fail to procure such insurance, or to deliver such policies or certificate, Silver Circle may, at its option, procure such policies for the account of Owner, and the cost thereof shall be paid to Silver Circle within five (5) days after delivery to Owner of an invoice for the cost of insurance. Owner acknowledges that any insurance coverage

maintained by Silver Circle does not provide coverage for the benefit of Owner: Owner must secure Owner's insurance as provided in this Paragraph.

18. **Covenant not to Sue.** Owner agrees and covenants that Owner shall not sue or commence litigation against Silver Circle or any of its agents, servants, representatives or employees for with regard to any of the claims , causes of action or other matters waived or released pursuant to Paragraph 15 or any other provision of this Agreement or for any claim of any nature whatsoever arising out of the conduct of Owner or Owner's horse or the use of the Facility by Owner, Owner's trainer, or any agent, servant, family member or invitee of Owner.

19. **Right of Lien.** Owner acknowledges that Silver Circle has a lien upon the Owner's horse and may retain possession of said horse until any sum due to Silver Circle pursuant to this Agreement, including, but not limited to, the use fee or amounts payable for feed or boarding. Owner represents and warrants to Silver Circle that no other liens have been placed against Owner's horse and that the lien in favor of Silver Circle shall be a first priority lien.

20. **Assignment.** Owner shall not assign this Agreement or any right arising under this Agreement without the express written consent of Silver Circle.

21. **Costs and Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement or the use of the Facility, or the rights or duties of either party relating thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief as maybe granted, to a reasonable sum as in for his attorney's fees and such litigation and costs of court therein.

22. **Waiver.** Neither Silver Circle's failure to enforce any term of this Agreement, nor Silver Circle's acceptance of any partial payment, shall be deemed a waiver of Silver Circle's right to enforcement of the terms and conditions of this Agreement and to recovery of the full amount due hereunder.

23. **Severability.** In the event any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, the same shall be deemed severed from the remainder of this Agreement and shall not cause the invalidity or unenforceability of the remainder of this Agreement. If such provision is deemed invalid due to its scope or breadth, such provisions shall be deemed valid to the extent of the scope or breadth permitted by law.

THIS IS A LEGALLY BINDING CONTRACT. THE OWNER HEREBY ACKNOWLEDGES HAVING CAREFULLY READ THE ENTIRE AGREEMENT AND AGREES TO ALL OF THE TERMS, CONDITIONS, COVENANTS AND PROVISIONS OF THIS AGREEMENT. IF MORE THAN ONE OWNER EXECUTES THIS AGREEMENT, OWNER'S LIABILITY SHALL BE JOINT AND SEVERAL.

Silver Circle:

Norma K. Nelson, doing business as
Silver Circle Ranch

Owner:

Katherine Templeton
5/6/2016

EXHIBIT “20”

EXHIBIT “20”

Silver Circle Ranch and Pair Of Aces Stables

Equine Facility Full Lease Agreement

This Equine Facility Full Lease Agreement (the "Agreement") is being entered into as of Dec. 24 (Date), 2019

by Pro Pony LLC (Name) ("Landlord") of 1605 Del Monte Ln (Address), Reno (City), NV (State), 89511 (Zip)

and Pair Of Aces Stables Inc. (Name) ("Tenant") of 1750 Holcomb Ranch Ln (Address), Reno (City), NV (State), 89511 (Zip).

WHEREAS, Landlord desires to lease the equestrian facility located at 3400 Holcomb Ranch Ln (Address), Reno (City), NV (State), 89511 (Zip) as further described in Section 1 (the "Leased Premises"); and

WHEREAS, Tenant wishes to lease such property from Landlord.

NOW, THEREFORE, the parties agree as follows:

1. **The Leased Premises.** During the term of this Agreement, Tenant shall have general use of the Leased Premises for an equestrian facility, subject to the following limitations:
   - 1.1. **Entry.** Landlord shall have the right to enter any portion of the Leased Premises at any time, without notice to Tenant.
   - 1.2. **Residence.** Tenant understands and agrees that residence(s) on the property, if any, are not included in this lease agreement. Lease of a residence on the property will be handled with a separate residential lease agreement.
2. **Term.** Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the Leased Premises from Landlord, for a "Term" beginning December 24th, 2019 and ending December 31st, 2024. Landlord shall use best efforts to give Tenant possession as soon as possible at the beginning of the Term. If Landlord is unable to timely provide the Leased Premises, rent shall abate for the period of delay. Tenant shall make no other claim against Landlord in connection with any such delay.
3. **Rental and Payment Terms.**
   - 3.1. **Rent and Security Deposit.** Tenant shall pay to Landlord during the Term rental of $60,000 per year, payable in installments of $5,000 per month. Each installment payment shall be due in advance on the 15th day of each calendar month during the lease term to Landlord at the address specified in Section 24.3. The rental payment amount for any partial calendar months included in the lease term shall be prorated on a daily basis. Tenant shall also pay to Landlord a security deposit in the amount of $5,000 (the "Security Deposit").
   - 3.2. **Late Payments.** If Landlord does not receive any rent payment on the due date provided in this Section 3, Tenant will owe Landlord a late fee of $_____ (or, if lower, such amount permitted by law). If any of Tenant's rent payments is 30 days or more past due, Tenant will also owe Landlord interest on the past due amount in the amount of ____% per annum (or, if lower, such amount permitted by law), and such late payments shall be grounds for default as provided in Section 4.
   - 3.3. **Penalty for Dishonored Payment Instruments.** If any payment instrument issued to Landlord by Tenant is dishonored for any reason, Tenant must immediately pay Landlord cash in the amount of the dishonored payment instrument.

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4. **Default and Termination.** If default shall at any time be made by Tenant: (i) in the payment of rent when due to Landlord as provided in Section 3, and if said default shall continue for 15 days after receipt of written notice by Tenant, or (ii) in any of the other covenants or conditions to be kept, observed and performed by Tenant, and such default shall continue for 30 days after receipt of written notice by Tenant (without correction thereof then having been commenced and thereafter diligently prosecuted), Landlord may declare the term of this Agreement ended and terminated by giving Tenant written notice of such intention. If, upon notice of termination, Tenant does not vacate the Leased Premises, Landlord may reenter the Leased Premises. Landlord shall have, in addition to the remedies specifically provided herein, any other right or remedy available to Landlord on account of any default of Tenant, either in law or in equity.

   4.1. **Removal of Tenant's Personal Property Upon Termination.** Tenant must remove all of Tenant's personal property upon termination of this Agreement. Items remaining on the Leased Premises following termination of this Agreement will be subject to a storage fee as determined by Landlord in Landlord's sole discretion. On the 30th day after termination of this Agreement, all personal property of Tenant remaining on the Leased Premises will automatically become the property of Landlord and Tenant agrees to forfeit Tenant's interests in such property, regardless of the value of such property. Accordingly, Landlord may sell, transfer, give away or otherwise dispose of such property without further notice to or permission from Tenant, and that Landlord may retain any and all proceeds to apply against amounts owing to Landlord from Tenant and as compensation for administering the sale, transfer, donation or disposition of such property. Tenant agrees to take such steps as may be necessary to transfer title to such property to Landlord. Tenant agrees that Landlord has no duty to notify Tenant of the presence of Tenant's personal property upon the Leased Premises, or otherwise notify Tenant before such personal property becomes the property of Landlord. Any notifications from Tenant to Landlord will have no effect on the operation of this section unless Landlord agrees to any modifications in accordance with Section 27. To the extent that any law or regulation may provide for rights and duties other than those set forth in this section, the parties agree to waive such rights and duties and agree that this section will control.

   4.2. **Removal of Horses upon Termination.** Tenant understands and agrees that all amounts due to Landlord under this agreement must be paid in full before Tenant will be permitted to remove any horses from the Leased Premises. On the 30th day after the termination date of this Agreement, all horses remaining on the Leased Premises will automatically become the property of Landlord and Tenant agrees to forfeit Tenant's interests in such horses, regardless of the value of such horses. Accordingly, Landlord may sell, transfer, give away or otherwise dispose of such horses without further notice to or permission from Tenant, and Landlord may retain any and all proceeds to apply against amounts owing to Landlord from Tenant and as compensation for administering the sale, transfer, donation or disposition of such horses. Tenant agrees to take such steps as may be necessary to transfer title to such horses to Landlord, including execution of breed registry transfer forms and delivery of original registration papers to Landlord. Tenant agrees that Landlord has no obligation to notify Tenant of the presence of Tenant's horses on the Leased Premises, or otherwise notify Tenant before such horses become the property of Landlord. Any notifications from Tenant to Landlord will have no effect on the operation of this section unless Landlord agrees to any modifications in accordance with Section 27. To the extent that any law or regulation may provide for rights and duties other than those set forth in this section, the parties agree to waive such rights and duties and agree that this section will control.

5. **Security Deposit.** The Security Deposit shall be held by Landlord without liability for interest and as security for the performance by Tenant of Tenant's covenants and obligations pursuant to this Agreement. Tenant expressly understands that the Security Deposit shall not be considered an advance payment of rental or a measure of Landlord's damages in case of default by Tenant. Unless otherwise provided by mandatory, non-waivable law or regulation, Landlord may commingle the Security Deposit with Landlord's other funds. Landlord may from time to time and without prejudice to any other remedy, use the Security Deposit to the extent necessary to make good any arrearages of rent or to satisfy any other covenant or obligation of Tenant hereunder. Following any such application of the Security Deposit, Tenant shall pay to Landlord on demand the amount so applied in order to restore the Deposit to its original amount. If Tenant is not in default at the termination of this Agreement, the balance of the Security Deposit remaining after any such application shall be returned by Landlord to Tenant. If Landlord transfers Landlord's interest in the Leased Premises during the term of this Agreement, Landlord may assign the Security Deposit to the transferee and thereafter shall have no further liability for the return of such Security Deposit.

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6. Tenant's Representations, Warranties and Responsibilities.

6.1. Authorization. Tenant represents and warrants that Tenant has full power to enter into this Agreement, and that the persons signing on behalf of Tenant are duly authorized.

6.2. Conduct of Tenant's Business. Tenant may, but is not required to, conduct an equine business on the Leased Premises during the Term. Tenant understands that the manner in which Tenant conducts Tenant's business reflects upon Landlord. Accordingly, Tenant agrees to conduct Tenant's business in a professional, ethical, honest and businesslike manner. Tenant agrees to comply fully with all rules set forth by Landlord as well as all applicable laws and applicable rules for relevant breed and discipline associations and clubs, including but not limited to the rules regarding administration of medication and humane treatment of horses.

6.3. Tenant's Associates. Tenant agrees to effectively communicate all Landlord rules, including but not limited to barn rules, to Tenant's owners, officers, directors, clients, family members, employees, agents and contractors (collectively, "Tenant's Associates"), and enforce such rules as they may apply to Tenant's Associates. Tenant will provide appropriate supervision, training and oversight of each of Tenant's Associates. Under no circumstances may any of Tenant's Associates who are under the age of 18 teach any lessons, whether for remuneration or not, without the express prior written permission of Landlord.

6.4. Liability Releases. Each of Tenant's Associates, including any clients who may haul their horses to the Leased Premises, must enter into a liability release contract in the form attached hereto as Exhibit A (as may be amended from time to time by Landlord). Tenant will also be required to obtain an executed liability release contract in the form attached hereto as Exhibit A from any other person who enters the Leased Premises for reasons related to Tenant's business, such as evaluating horses for purchase or sale. Tenant will promptly deliver all completed and executed liability release contracts to Landlord. Tenant understands that Landlord may refuse entry to the Leased Premises to any person who has not entered into a liability release contract.

6.5. Horse Information Charts. For each horse under the care of Tenant, Tenant will maintain a chart on such horse's stall door, paddock gate or pasture gate. The chart must be legible and, at a minimum, include the following information: horse's name, owner's first and last name, owner's telephone number(s), feeding instructions and the horse's primary veterinarian's name and telephone numbers. Tenant will ensure that the information on each chart is current and accurate. If Landlord observes that any horse in Tenant's care, custody and control is ill or otherwise appears to require medical treatment, Landlord may contact the veterinarian(s) listed on the stall charts, or, if such veterinarians are unavailable, any equine veterinarian, and Tenant will be responsible for all charges incurred.

6.6. Vaccinations and Worming. All horses under Tenant's care, custody and control must be current at all times on vaccinations and worming.

6.7. Contagious Conditions. If any horse in Tenant's care, custody and control becomes ill or otherwise exhibits symptoms of any condition that may be contagious, Tenant shall immediately inform Landlord and shall follow the advice of Tenant's (and, if applicable, Landlord's) veterinarian regarding treatment, quarantine and other measures to prevent the spread of contagion.

7. Dog Policy.

Check one:

☐ Tenant may not allow any dog onto the Leased Premises.

☑ Tenant may allow dog(s) onto the Leased Premises; provided, however, that such dog(s) must be under Tenant's control at all times. Landlord may, in Landlord's sole discretion, disallow dogs on the Leased Premises if such dogs are disruptive, destructive, or otherwise not under control of Tenant.

8. Manure Management.

8.1 Manure Collection

8.1.1. Stalls. Tenant shall remove manure and soiled bedding from each stall at least daily (specify frequency).

8.1.2. Paddocks, Runs and Turnout Areas. Tenant shall remove manure from each paddock, run and turnout area at least daily (specify frequency).

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8.1.3. Pastures.

Check one:

- ☐ Tenant is not required to remove manure from pastures.
- ☐ Tenant is required to remove manure from pastures at least to be determined (specify frequency).
- ☑ Tenant is required to drag pasture at least to be determined (specify frequency) to break up manure.

8.2. Manure Removal.

Check one:

- ☑ Tenant shall maintain a manure pile on the Leased Premises and shall arrange, at Tenant's expense, for the removal of such manure pile at least to be determined (specify frequency).
- ☐ Tenant shall maintain a manure pile on the Leased Premises and shall spread the contents of such manure pile on the Leased Premises pastures at least _____ (specify frequency).
- ☐ At Tenant's expense, Tenant shall maintain a dumpster on the Leased Premises for the disposal of manure.
- ☐ Tenant shall arrange for such dumpster to be emptied at least _____ (specify frequency) at Tenant's expense. Such dumpster shall be located in the area designated by Landlord.

9. Horse Shows and Other Competitions.

Check one:

- ☐ Tenant may not host horse shows or other competitions on the Leased Premises.
- ☑ With prior approval from Landlord, Tenant may host horse shows or other competitions on the Leased Premises, subject to the following limitations (check as applicable):
  - ☑ Tenant must provide Landlord with proof of liability insurance for each such competition no less than 30 days prior to the start of the competition. Landlord must be named as an additional named insured on all applicable policies. Such liability insurance must have limits no less than $1 million per claim and $3 million in the aggregate.
  - ☐ Tenant must provide Landlord with _____ days advance written notice of the proposed competition, including the proposed schedule for the competition and the number of outside participants that Tenant anticipates will attend.
  - ☐ Tenant is responsible for obtaining a signed liability release in the form provided by Landlord for each participant.
  - ☐ Tenant may host no more than _____ competitions per year.
  - ☐ No more than _____ outside horses and _____ outside persons may attend each such competition.
  - ☐ Each such competition must begin no earlier than _____ a.m. and end no later than _____ p.m.
  - ☐ Each such competition must be no longer than _____ day(s) in duration.
  - ☐ Competitions may only be held on the following days of the week: _____
  - ☐ Other: _____

10. Clinics. A "Clinic" shall be defined as a trainer or instructor other than Tenant entering the Leased Premises to provide training or instruction to one or more persons on the Leased Premises.

Check one:

- ☐ Tenant may not host Clinics on the Leased Premises.
- ☑ With prior approval from Landlord, Tenant may Clinics on the Leased Premises, subject to the following limitations (check as applicable):
  - ☐ Tenant must obtain proof of liability insurance from the applicable clinician. Tenant must provide Landlord with proof of such liability insurance no less than 30 days prior to the start of the Clinic. Landlord must be named as an additional named insured on all applicable policies. Such liability insurance must have limits no less than $1 million per claim and $3 million in the aggregate.
  - ☐ Tenant must provide Landlord with _____ days advance written notice of the proposed Clinic, including the proposed schedule for the Clinic and the number of outside participants that Tenant anticipates will attend.
  - ☑ Tenant is responsible for obtaining a signed liability release in the form provided by Landlord for each participant in the Clinic, regardless of whether the clinician has his or her own liability release.
  - ☐ Tenant may host no more than _____ Clinics per year.
  - ☐ No more than _____ outside horses and _____ outside persons may attend each Clinic.

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☐ Each Clinic must begin no earlier than _____ a.m. and end no later than _____ p.m.
☐ Each Clinic must be no longer than _____ day(s) in duration.
☐ Clinics may only be held on the following days of the week: _____
_____
☐ Other: _____
_____

11. **Haul-in Policy.**
Check one:
☐ Other than as specified in Sections 9 and 10, Tenant may not permit horses other than those owned by Tenant's Associates, Landlord or Tenant onto the Leased Premises.
☑ Tenant may permit horses other than those owned by Tenant's Associates, Landlord or Tenant onto the Leased Premises, subject to the following limitations (check as applicable):
☑ Tenant is responsible for obtaining a signed liability release in the form provided by Landlord from each applicable rider and horse owner.
☐ No more than _____ outside horses and _____ outside persons may be on the Leased Premises at any one time.
☐ Haul-ins are only permitted during the following times and days of the week: _____
_____
☐ Other: $10 facility use fee may be charged by the Tenant for any Haul-In horses, to be paid to tenant
_____

12. **Prohibited Activities.** Tenant shall not store any explosives, flammables, or other inherently dangerous substance, chemical, thing or device on the Leased Premises.

13. **Sublease and Assignment.** Tenant shall not sublease all or any part of the Leased Premises, or assign this Agreement in whole or in part without Landlord's prior written consent.

14. **No Brokers.** Tenant represents that Tenant was not shown the Leased Premises by any real estate broker or agent and that Tenant has not otherwise engaged in any activity which could form the basis for a claim for real estate commission, brokerage fee, finder's fee or other similar charge in connection with this Agreement.

15. **Care and Maintenance of the Leased Premises.**

15.1. **Routine Maintenance.** The parties agree that "Routine Maintenance" shall include all maintenance and repairs that are not "Major Repairs" as defined in Section 15.2.
Check one:
☑ Landlord shall be responsible, at Landlord's expense, for all Routine Maintenance on the Leased Premises. However, if Tenant becomes aware of any item or condition that appears to be unsafe or otherwise requires repair or attention, Tenant shall immediately bring such item to the attention of Landlord.
☐ Tenant shall be responsible, at Tenant's expense, for all Routine Maintenance on the Leased Premises.
☐ Tenant shall be responsible for all Routine Maintenance with a cost of $ _____ or less per month, and Landlord shall be responsible for all Routine Maintenance in excess of such amount.

15.2. **Major Repairs.** The parties agree that "Major Repairs" shall include all repairs for which the cost of materials and any labor not performed by Tenant and/or Landlord exceeds $_____.
Check one:
☑ Landlord shall make, at Landlord's expense, all Major Repairs to the Leased Premises that the Landlord, in Landlord's sole discretion, deems necessary or advisable. However, Tenant shall be solely responsible for the cost of all Major Repairs that become necessary or advisable due to the negligence or willful misconduct of Tenant or Tenant's Associates.
☐ Tenant shall make, at Tenant's expense, all Major Repairs to the Leased Premises.
☐ Tenant shall be responsible for all Major Repairs with a cost of $_____ per repair, and Landlord shall be responsible for all Major Repairs in excess of such amount.

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15.3. Cleaning of Work and Common Areas. Tenant shall ensure that all work and common areas, such as bathrooms and barn aisles, are clean and kept free of debris.

16. Alterations and Improvements.

16.1. Permissibility of Alterations and Improvements.

Check one:

☐ Unless Tenant receives prior written consent from Landlord, Tenant may not remodel or make additions or improvements to the Leased Premises.

☐ Tenant is required to make, at Tenant's expense, the following additions or improvements to the Leased Premises: _____

☑ Landlord is required to make, at Landlord's expense, the following additions or improvements to the Leased Premises: see attached Exhibit B, Letter of Intent

16.2. Ownership and Removal of Alterations and Improvements.

Check one:

☐ All improvements or additions made pursuant to Section 16.1 shall be the property of Tenant, except the following, which shall be the property of Landlord: _____

☐ All improvements or additions made pursuant to Section 16.1 shall be the property of Landlord, except the following, which shall be the property of Tenant: _____

☐ On or before the end of the Term, Tenant is required to remove all alterations and improvements that are the property of Tenant. Following such removal, Tenant shall restore the Leased Premises to the condition the Leased Premises were in at the beginning of the Term.

17. Damage and Destruction. If the Leased Premises or any portion thereof is damaged by fire or other casualty resulting from the negligence or willful misconduct of Tenant or Tenant's Associates, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for the costs of repair not covered by insurance. Otherwise, if the Leased Premises or any material part thereof or appurtenance thereto is so damaged by fire, casualty or structural defects that the Leased Premises cannot be used by Tenant as an equine facility, then Tenant shall have the right within 90 days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant as an equine facility, Landlord shall promptly repair such damage at Landlord's expense (subject to the limitations set forth in this section and in Section 15). In making the repairs called for in this section, Landlord shall not be responsible for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters beyond Landlord's reasonable control. Except as otherwise provided in this section, Tenant shall be relieved from paying rent and other charges during any portion of the term of this Agreement that the Leased Premises are inoperable or unfit for occupancy or use, in whole or in material part, for use by Tenant as an equine facility. Rentals and other charges paid in advance for such periods shall be credited on the next ensuing payments.

18. Property Taxes. Landlord shall pay, prior to delinquency, all general real estate taxes and installments of special assessments coming due during the term of this Agreement, and all personal property taxes with respect to Landlord's personal property on the Leased Premises. Tenant shall be responsible for paying all personal property taxes with respect to Tenant's personal property and conduct of business at the Leased Premises.

19. Insurance.

19.1. Casualty.

Check as applicable:

☑ Tenant shall be responsible, at Tenant's expense, for fire and extended coverage insurance on all of Tenant's personal property, including removable trade fixtures, located on the Leased Premises.

☑ Landlord shall maintain fire and extended coverage insurance on the Leased Premises in such amounts as Landlord deems appropriate.

☐ Tenant shall maintain fire and extended coverage insurance on the Leased Premises in the following amounts: _____

_____

19.2 Equine Mortality, Major Medical and Loss of Use. Tenant shall be solely responsible for obtaining insurance, at Tenant's option and expense, on all horses present on the Leased Premises that do not belong to Landlord.

19.3. Commercial Liability. Throughout the term of this Agreement, if Tenant operates a business of any kind on the Leased Premises, Tenant is required to maintain commercial liability insurance with limits no lower than $1 million per occurrence and $3 million in the aggregate. All such policies must name Landlord as an additional named insured.

19.4. Care, Custody and Control. Throughout the term of this Agreement, with respect to all horses on the Leased Premises owned by parties other than Tenant (or Landlord), Tenant is required to maintain care, custody and control insurance. All such policies must name Landlord as an additional named insured.

19.5. Quality of Underwriter. The company or companies underwriting the policies required in this Section 19 must be rated A- or better for financial strength by A.M. Best Company (www.ambest.com).

19.6. Proof of Insurance. For each type of coverage required to be obtained by Tenant in this Section 19, Tenant must provide Landlord with proof of insurance.

19.7. Policy Terms. The terms of the policies required to be obtained by Tenant in this Section 19 must not exclude any activity in which Tenant currently participates or reasonably expects to participate during the term of this Agreement. The terms of the policies required to be obtained by Tenant in this Section 19 cannot exclude coverage for negligence.

20. Utilities.

20.1. Electricity.

Check one:

☐ Tenant is responsible for contracting directly with an electric service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for electrical service to the Leased Premises in Landlord's name, but Tenant is solelyresponsible for paying invoices for electrical services upon receipt of such invoices from Landlord.

☑ Landlord has arranged for electrical service to the Leased Premises in Landlord's name, and electric serviceis included in the Rent.

☐ Landlord has arranged for electrical service to the Leased Premises in Landlord's name, and Tenant isresponsible for paying Landlord a flat fee of $ _____ per month for such electrical service, subject to theterms and conditions of Section 3.

20.2. Gas.

Check one:

☐ Tenant is responsible for contracting directly with a gas service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for gas service to the Leased Premises in Landlord's name, but Tenant is solely responsible for paying invoices for gas services upon receipt of such invoices from Landlord.

☑ Landlord has arranged for gas service to the Leased Premises in Landlord's name, and gas is included in the Rent.

☐ Landlord has arranged for gas service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for gas, subject to the terms and conditions of Section 3.

20.3. Water.

Check one:

☐ Tenant is responsible for contracting directly with a water service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for water service to the Leased Premises in Landlord's name, but Tenant is solely

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responsible for paying invoices for water upon receipt of such invoices from Landlord.

☑ Landlord has arranged for water service to the Leased Premises in Landlord's name, and water is included in the Rent.

☐ Landlord has arranged for water service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for such water service, subject to the terms and conditions of Section 3.

20.4. Sewer.

Check one:

☐ Tenant is responsible for contracting directly with a sewer service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for sewer service to the Leased Premises in Landlord's name, but Tenant is solely responsible for paying invoices for sewer service upon receipt of such invoices from Landlord.

☑ Landlord has arranged for sewer service to the Leased Premises in Landlord's name, and sewer is included in the Rent.

☐ Landlord has arranged for sewer service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for such sewer service, subject to the terms and conditions of Section 3.

20.5. Telephone.

Check one:

☑ Tenant is responsible for contracting directly with a telephone service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for telephone service to the Leased Premises in Landlord's name, but Tenant is solely responsible for paying invoices for telephone service upon receipt of such invoices from Landlord.

☐ Landlord has arranged for telephone service to the Leased Premises in Landlord's name, and telephone service is included in the Rent, except for toll calls, for which Tenant must pay Landlord upon receipt of an invoice from Landlord.

☐ Landlord has arranged for telephone service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for such telephone service, subject to the terms and conditions of Section 3. The flat fee shall not include toll calls, for which Tenant must pay Landlord upon receipt of an invoice from Landlord.

20.6. Cable or Satellite Television.

Check one:

☐ Tenant is responsible for contracting directly with a cable or satellite television service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for cable or satellite television service to the Leased Premises in Landlord's name, but Tenant is solely responsible for paying invoices for cable or satellite television service upon receipt of such invoices from Landlord.

☑ Landlord has arranged for cable or satellite service to the Leased Premises in Landlord's name, and such service is included in the Rent, except for pay-per-view and other premium services, for which Tenant must pay Landlord upon receipt of an invoice from Landlord.

☐ Landlord has arranged for cable or satellite service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for such service, subject to the terms and conditions of Section 3. The flat fee shall not include pay-per-view and other premium services, for which Tenant must pay Landlord upon receipt of an invoice from Landlord.

20.7. Internet Service.

Check one:

☐ Tenant is responsible for contracting directly with an Internet service provider for the Leased Premises, and for paying for such service.

☐ Landlord has arranged for Internet service to the Leased Premises in Landlord's name, but Tenant is solely responsible for paying invoices for such service upon receipt of such invoices from Landlord.

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☑ Landlord has arranged for Internet service to the Leased Premises in Landlord's name, and such service is included in the Rent.

☐ Landlord has arranged for Internet service to the Leased Premises in Landlord's name, and Tenant is responsible for paying Landlord a flat fee of $ _____ per month for such service, subject to the terms and conditions of Section 3.

21. Signage.

Check one:

☐ Tenant shall not be permitted to place any signage at or near the entrance to the Leased Premises.

☑ Tenant shall be permitted to place signage at or near the entrance to the Leased Premises, subject to the following limitations. Landlord must pre-approve in writing all such signage. Tenant is solely responsible for ensuring that such signage meets the requirements of all applicable zoning regulations and private restrictions.

☐ Landlord may refuse consent to any proposed signage that is, in Landlord's sole discretion, too large, deceptive, unattractive, or otherwise inconsistent with or inappropriate to the Leased Premises.

☐ At Tenant's request, Landlord shall assist and cooperate with Tenant in obtaining any necessary permission from governmental authorities or adjoining owners or occupants for Tenant to place or construct the foregoing signage. Tenant shall repair, at Tenant's expense, all damage to the Leased Premises resulting from the installation or removal of signage on Tenant's behalf.

22. Subordination. Tenant accepts this Agreement subject to and subordinate to: (i) any mortgage, deed of trust or other lien presently existing or hereafter arising upon the Leased Premises, or upon any portion of the Leased Premises, and (ii) any renewals, refinancings and extensions thereof. Tenant agrees that any such mortgagee shall have the right at any time to subordinate such mortgage, deed of trust or other lien to this Agreement on such terms and subject to such conditions as such mortgagee may deem appropriate in its sole discretion. Landlord is hereby irrevocably vested with full power and authority to subordinate this Agreement to any mortgage, deed of trust, or other lien now existing or hereafter placed on the Leased Premises, and Tenant agrees upon demand to execute such further instruments subordinating this Agreement as Landlord may request.

23. Tenant's Assumption of Risks, Agreement to Hold Landlord Harmless and Indemnification Agreement.

23.1. Tenant's Inspection of the Leased Premises. Tenant has had the opportunity to thoroughly inspect the Leased Premises, and Tenant is satisfied that the Leased Premises are safe for horses and otherwise safe for Tenant's intended use.

23.2. Risk of Loss of or Injury to Horses. Tenant agrees that all horses brought onto the Leased Premises, other than any horses owned by Landlord, are in the sole care, custody and control of Tenant. Tenant understands that keeping horses at any stable, including the Leased Premises, is inherently risky. For example, in common areas, such as arenas, tie racks and wash racks, other horses could bite, kick, run into or otherwise injure such horses. Similarly, horses could suffer bites, kicks or other injuries from other horses in neighboring paddocks or runs. Horses may be allergic to feed or bedding materials and they may catch diseases or other contagious conditions from other horses. Farm machinery, traffic or other hazards may spook the horses. Horses may become cast, be bitten or kicked by neighboring horses or otherwise become injured. In wet or cold weather, paddocks and runs may become muddy or slippery, injuring horses. Footing on the Leased Premises, including pasture, paddock, run, round pen and arena footing can contain holes, rocks, uneven portions or otherwise be unpredictable. Horses in shared pasture or shared paddocks may be bitten or kicked by other horses, consume plants, trees or other items that may injure or kill them, be bitten by poisonous snakes or other animals, become tangled in fencing, or be injured by stepping in animal holes, on rocks or other natural hazards. Horses in pasture may founder or colic as a result of the grasses and other plants available for grazing, and it is Tenant's sole responsibility to monitor horses' intake while on pasture. As at any stable, there is always a risk of fire or theft. Tenant understands and expressly assumes all risks of keeping horses on the Leased Premises, including the risk that Landlord and Landlord's heirs, successors, assigns, owners, directors, officers, employees, contractors and agents (collectively, the "Landlord Parties") may be negligent. Accordingly, Tenant, on behalf of Tenant's heirs, successors and assigns, agrees to hold the Landlord Parties harmless for loss of or injury to horses.

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23.3. Risk of Loss or Damage to Personal Property. Tenant understands that keeping personal property, such as tack, equipment, feed, automobiles or horse trailers, at any stable, including the Leased Premises, is inherently risky and that keeping personal property in a shared tack room is particularly risky. For example, property may be damaged or stolen by other people, rodents and other wild animals, horses, weather conditions, earthquakes or fire. Tenant is solely responsible for insuring personal property against theft, damage and all other types of loss. Tenant understands and expressly assumes all risks of keeping personal property on the Leased Premises, including the risk that the Landlord Parties may be negligent. Accordingly, Tenant agrees, on behalf of itself, its heirs, successors and assigns, to hold the Landlord Parties harmless for loss of or damage to personal property. Tenant understands and agrees that Tenant is solely responsible for safeguarding and insuring personal property on the Leased Premises.

23.4. Risk of Injury or Death. Tenant understands that horse-related activities are inherently dangerous and expressly assumes the risks associated with handling, caring for and riding horses on the Leased Premises. Tenant understands that horses are inherently unpredictable animals and even the most docile horse may occasionally bolt, spook, buck, rear, bite, kick, pull back or otherwise act in such a way that may injure Tenant or others. The Leased Premises may contain defects. For example, footing on the Leased Premises, including pasture, paddock, run, round pen and arena footing, can contain holes, rocks, uneven portions or otherwise be unpredictable. On behalf of Tenant and Tenant's heirs, successors and assigns, Tenant expressly assumes all risks of engaging in horse-related activities on the Leased Premises, including the risk that the Landlord Parties may be negligent. Accordingly, Tenant agrees upon behalf of Tenant and Tenant's heirs, successors and assigns, not to sue the Landlord Parties or otherwise make a claim against the Landlord Parties in connection with any injury or death occurring on the Leased Premises.

23.5. Trail Riding Risks. Tenant understands that riding horses outside of designated and enclosed riding areas such as arenas and round pens ("Trail Riding") is inherently dangerous. In particular, horses may become spooked by traffic, wild animals, other horses or other hazards, causing Tenant or others to fall off or otherwise become injured or die. Horses may also stumble or trip over natural or manmade obstacles, injuring horses and/or Tenant or others. Tenant understands that Landlord does not inspect or maintain any trails or paths, on or off of the Leased Premises, and Landlord makes no warranty whatsoever regarding the safety of paths and trails. On behalf of Tenant and Tenant's heirs, successors and assigns, Tenant understands and expressly assumes all risks associated with Trail Riding, including the risk that the Landlord Parties may be negligent. Accordingly, Tenant agrees upon behalf of such parties not to sue the Landlord Parties or otherwise bring a claim against the Landlord Parties in connection with Trail Riding.

23.6. Tenant's Indemnification Agreement. Tenant agrees to defend, indemnify and hold the Landlord Parties harmless against all claims, demands and causes of action, including costs and attorneys' fees, directly or indirectly arising from any action or other proceedings brought by or prosecuted for Tenant's benefit or the benefit of any of Tenant's Associates, or brought by others against the Landlord Parties in connection with Tenant's or Tenant's Associates' horses, dogs or other animals, or any action or inaction taken by Tenant or any of Tenant's Associates.

24. Notice.

24.1. Form of Notice. All notices pursuant to this Agreement must be in writing. For the purposes of this Agreement, fax notice is acceptable. Email notice is only effective if the receiving party confirms receipt.

24.2. Delivery. All notices pursuant to this Agreement must be delivered via a method that provides for proof of delivery.

24.3. Notice to Landlord. All notices must be delivered to Landlord at the following address:

Name: Pro-Pony LLC
Street address: 1605 Del Monte Lane
City, state, zip: Reno, NV, 89511
Telephone number:(775) 560-4242 Mobile Phone:(775) 560-4242
Fax:(____) ____ Email address: witmers2@live.com

www.equinelegalsolutions.com (800) 380-2372
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24.4. Notice to Tenant. All notices must be delivered to Tenant at the following address:
Name: Pair Of Aces Stables, Inc
Street address: 1750 Holcomb Ranch Ln
City, state, zip: Reno, NV, 89511
Telephone number:( ) Mobile Phone:(775) 220-2270
Fax:( ) Email address: PairOfAcesStables@yahoo.com

24.5. Changes of Contact Information. Until all obligations under this Agreement are completed, each party shall have the duty to notify the other parties immediately upon a change in contact information. If a party does not provide the other parties with notice of such changes, a notice delivered to the last contact information given under this Agreement shall be considered proper notice provided that the other conditions of this section have been met.

25. Successors. The provisions of this Agreement shall extend to and be binding upon Landlord, Tenant and their respective legal representatives, heirs, successors and assigns.

26. No Waiver. No action by either party shall be construed as a waiver of any of the terms and conditions of this Agreement. Any modifications to the parties' obligations hereunder must be made pursuant to Section 27.

27. Entire Agreement. This Agreement contains the entire agreement among the parties. Any modifications or additions must be in writing and signed by all parties to the Agreement. No oral modifications will be considered part of the Agreement unless reduced to writing and signed by all parties.

28. Governing Law and Venue. This Agreement shall be governed by the laws of Nevada (state). The parties hereby agree that any legal action under the Agreement must be brought in Washoe County, Nevada (state).

29. Attorneys' Fees and Other Expenses. In any legal actions brought in connection with this Agreement, the prevailing party will be entitled to prompt payment of expenses from the other party(ies) following final adjudication in favor of the prevailing party. For the purposes of this section, "expenses" shall including the following costs actually incurred by the prevailing party: attorneys' fees, retainers, court costs, transcript costs, fees of experts, witness fees, travel expenses, duplicating costs, printing and binding costs, telephone charges, postage, delivery service fees and all other disbursements.

30. Severability. If any provision of this Agreement or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application. In lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid and unenforceable provision as may be possible and be legal, valid and enforceable.

Landlord	**Tenant**
Signature: Landess Witmer	Signature: E Reader
Name (printed): Landess Witmer	Name (printed): Elizabeth Reader
Title: President Pro Pony LLC	Title: President Pair Of Aces Stables Inc
Date: 12.24.19	Date: 12.24.19

See attached Exhibit C for Amendments to this agreement. – LW -LR 12.24.19

www.equinelegalsolutions.com 866.305.2972
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Exhibit A

Date_____

Horse Riding Agreement and Liability Release Form

Please read carefully before signing Serious in jury may result from your participation in equine activities

Registration of riders and agreement warning: Pair of Aces Stables, Silver Circle Ranch, Pro Pony LLC, Elizabeth and Charles Reader, Landess and Bruce Witmer, Felise Canterini, Chanlee Harvey, Ivan Rios-Flores and all are not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities.

Purpose: The following listed individual hereinafter known as RIDER, and the parents or legal guardians thereof if a minor, do hereby voluntarily request and agree to participate in equine activities on any Pair of Aces Stables site today and on all future dates unless otherwise informed by Pair of Aces Stables:

Rider's name _____Include age (if under 18) _____

Agreement Scope and *Definitions*:This agreement shall be legally binding upon me, the registered RIDER, and the parents or legal guardians thereof if a minor, my heirs, estate, assigns, including all minor children, and personal representatives; and it shall be interpreted according to the laws of the State of Nevada and the county of Washoe. Any disputes by the RIDER shall be litigated in and venue shall be the county in which Elizabeth Reader is physically located. If any cause, phrase or word is in conflict with state law, then that single part is null and void. The term HORSE herein shall refer to all equine. The term HORSEBACK RIDING or RIDING herein shall refer to riding or otherwise any handling of horses, ponies, mules or donkeys, whether from the ground or mounted. The term RIDER shall herein refer to a person who rides a horse mounted or otherwise handles or comes near a horse from the ground. The term, ME or MY shall herein refer to the above registered rider and parental or legal guardians thereof of a minor. The term Pair of Aces Stables shall refer to instructors, horse handlers, volunteers, associates or any individual that interacts with the RIDER and the horse on behalf of Pair of Aces Stables Incc. and Elizabeth Reader, Silver Circle Ranch, Pro Pony LLC, Landess and Bruce Witmer (property owner) or other affiliate site property owners. _____ *initials*

Activity Risk Classification:I understand that: Horseback riding is classified as a RUGGED ADVENTURE RECREATIONAL SPORT ACTIVITY, and that there are numerous obvious and non-obvious inherent risks always present in such activity, despite all safety precautions taken. According to NEISS (National Electronic Injury Surveillance Systems of United States Consumer Products) horse activities rank approximately 64th among the activities of people relative to injuries that result in a stay at U.S. hospitals. Related injuries can be severe requiring more hospital days and resulting in more lasting residual effects than injuries in other activities. _____ *initials*

Nature of Riding Horses: I understand that: No horse is a completely safe horse. Horses are

5 to 15 times larger, 20 to 40 times more powerful, and 3 to 4times faster than a human. If a rider falls from a horse to the ground it will generally be at a distance of 3 to 5 ½ feet and the impact may result in injury to the RIDER. If a horse is frightened or provoked it may divert from its training and act according to its natural survival instincts which may include, but are not limited to, stopping short; changing directions or speed at will; shifting its weight; bucking, rearing, kicking, biting, or running from danger. _____ *initials*

Rider Responsibility: I understand that: Upon mounting a horse and taking up the reins, or taking up the rope of a haltered horse, or securing the horse via a tied rope or cross ties the RIDER is in primary control of the horse. The RIDER'S safety largely depends upon his/her ability to carry out simple instructions, and his/her ability to remain balanced aboard the moving animal and/or remain in control. If the RIDER is pregnant, the RIDER or the parents or legal guardians thereof, MUST RIDE UNDER THE WRITTEN AUTHORIZATION FROM THEIR PHYSICIAN. The authorization must be on file with Pair of Aces Stables prior to handling horses under a horse handler's care. Pair of Aces Stables advises pregnant women not ride horses. The RIDER shall be responsible for his/her safety, and that of an unborn child. _____ *initials*

Condition of Nature: Pair of Aces Stables, its agents, instructors or horse handlers are NOT responsible for total or partial acts, occurrences, or elements of nature that can scare a horse, cause it to fall, or react in some other unsafe way. SOME EXAMPLES ARE BUT NOT LIMITED TO: thunder, lightning, rain, snow, ice, wind, wild and domestic animals, insects, reptiles, which may walk, run, fly near, bite and/or sting a horse or person; and irregular footing on an outdoor un-groomed or wild land which is subject to constant change in condition according to weather, temperature and natural or man-made changes in landscape. _____ *initials*

INSPECTION OF PREMISES: I understand that: the RIDER or legal guardian has inspected the premises and is satisfied that the area is reasonably safe for RIDER'S intended purpose, usage and presence upon the premises. I acknowledge the risks and potential for risks of horseback riding and activities in and around a facility/ranch where horses are kept and farm machinery operated. However,I feel that the possible benefits to me/my son/my daughter/my ward are greater then the risk assumed. _____ *initials*

Accident/Medical and Personal Liability Insurance: I agree that: Should medical treatment be required, I and/or my own accident/medical insurance company shall pay for all such incurred expenses. My accident/medical insurance company card will be displayed to the instructor/horse handler upon request. Should my actions or that of my horse cause injury or damage of any kind I and/or my personal liability shall pay for such damages. _____*initials*

PROTECTIVE GEAR WARNING: I agree that: I, for myself and on behalf of my child and/or legal ward have been fully warned and advised by Pair of Aces Stables strongly recommends protective headgear for all riders; and requires protective headgear to be worn by all riders under the age of 18, and for all riders working at speed or jumping. I do understand that the wearing of such headgear while on or around a horse may reduce the severity of some of the wearers head injuries and possibly prevent the wearer's death as the result of a fall or other accident. _____ *initials*

Liability Release: I agree that in consideration of Pair of Aces Stables allowing my participation in this activity, under the terms set forth herein, the RIDER, for myself and on behalf of my child and/or legal ward, heirs, administrators, personal representatives or assigns, do agree to hold harmless, release, discharge and waive forever all claims for loss or damages of any kind against Pair of Aces Stables Inc., Elizabeth and Charles Reader, Landess and Bruce Witmer, Pro Pony LLC, Silver Circle Ranch, their agents, instructors or horse handlers and trails, employees, volunteers and others acting on their behalf, of and from all claims, demands, causes of action and legal liability, whether the danger be known or unknown or unanticipated, due to the instructor's or horse handler's and/or associates ordinary negligence; and I do further agree that except in the event of the any gross negligence and willful and wanton misconduct, I shall not bring any claims, demands, legal actions and causes of action against Pair of Aces Stables Inc., Elizabeth and Charles Reader, Landess and Bruce Witmer, Pro Pony LLC, Silver Circle Ranch or other property owners or agents of properties, or those described herein, and all other persons and organization(s) in any way affiliated with the events, property, boarding, lessons, training or any other activity described herein, their representatives, heirs, executors, administrators, and assigns as stated above in this clause, to any economic and non-economic losses due to bodily injury, death, and/or property damage, sustained by me handling, or otherwise being near horses owned or in the care, custody or control of the instructor or horse handler, whether on or off the premises. _____ *initials*

I DO_____**I DO NOT**_____consent to and authorize the use and reproduction by Pair of Aces Stables of any and all photographs and any other audio/visual materials taken of me for promotional or educational materials, exhibitions or for any other purpose for the benefit of a Pair of Aces Stables activity.

SIGNER STATEMENT OF AWARENESS I/WE THEUNDERSIGNED, HAVE READ AND DO UNDERSTAND THE FOREGOING AGREEMENT, WARNINGS, RELEASE AND ASSUMPTION OF RISK I/WE FURTHER ATTEST THAT ALL FACTS RELATION TO THE APPLICANT ARE TRUE AND ACCURATE. All riders and parents or legal guardians of minors must sign below after reading this entire document.

****Are there any medical conditions that we need to be aware of? If so, please state below (this will be kept confidential)**

□**No** □**Yes** Please explain:

_____

_____

□**No** □**Yes** Allergic to bee stings?

Signature of Rider (or If under 18 signature of parent/guardian)

_____**Date**_____

Name (please print)_____Date _____

Address _____**City**_____**State & Zip** _____

Home phone _____ **Cell phone**_____

Emergency Contact_____

Exhibit B

Dear Bruce and Landess Witmer,

I am formally declaring my intent to accept your generous offer of the lease on the horse facilities at Silver Circle Ranch!

As the potential purchase of the property is finalized, my team and I are very excited to be a part of the opportunity to bring this beautiful horse property back to life with a boarding and training business. Having reviewed the property, there are some immediate needs that would be necessary for the business to move in, and I have detailed them below.

- Formal Signed Lease Agreement
  - Outlining all details and responsibilities for both parties, including but not limited to wear and tear of the facility and grounds, barn and storage area use and maintenance, operation and maintenance of the property and existing landscaping, ingress and egress maintenance, snow removal, creek and water flow maintenance, arena maintenance, etc.
  - Finalized monthly lease fee price, with an agreement which allows for an increase in lease fee as the number of long-term boarded horses increases. Structuring the lease fee this way allows for the lease fee to grow as the business grows, and provides both parties security. The lease fee would also rise as the indoor arena is completed.
- Immediate Property Updates
  - Business License with the State of Nevada under the new owners, this does not need to be finalized prior to move-in, and can be in process or pending
  - Fenced turnout areas in the grass pasture and in the lower area next to the dressage court. There must be a way to fill waters in these areas, which can be a long hose, and we can structure shared water systems to minimize equipment costs. Rocks in the lower turnout areas will likely need to be removed for the safety of the horses on the footing.
  - Rubber mats in all occupied stalls. These can be installed as horses move in in stages.
  - Water buckets or automatic system in all occupied stalls, can also be done in stages.
  - Rubber mats in crosstie areas.
  - Arena's groomed and rocks removed with professional grade equipment and footing added if needed.
  - Attached runs to stalls graded and DG added if needed for drainage.
  - Tack Room in main barn, this can temporarily be a stall that has been adapted for this purpose, or a pre-built shed. Ideally it would be fully enclosed and lock with a combination lock for security and tack cleanliness.
  - Lighting system in one arena, can be temporary so long as they are bright enough to use for jumping, in order to continue lessons in the evening hours until an indoor arena is built.
  - System to water both arenas adequately for footing maintenance and dust abatement, this does not have to be high-tech, simply functional. This would include a tractor with a PTO attachment for the drag to attach to.
- Long Term Guarantees
  - Construction of an indoor arena with lights prior to winter 2020
  - Construction of wash racks, including at least one indoor warm-water wash rack

- Designated tack room that is a fully sealed room (ceilings, floor, etc for security and cleanliness)
- Lounge area
- Adequate number of turnouts to accommodate the property at full capacity

I would also like to make it known that in the event my business is does not grow to meet the capacity of the barn that I am not opposed to sharing the space with another trainer who does not work within the same disciplines as myself. I have found that trainers can share space well, so long as their standards of care for the horses at the facility are similar or the same, and that there is enough space (ie. Arenas) as to not impede upon the scheduling of either trainer in a manner significant enough to impact their ability to work at their own full capacity. I would also like to request that the lease fee reflect the number of stalls available to be used for both parties (for example, if Pair of Aces Stables is only able to utilize 18 stalls the lease fee should be reflective of that number, and the other trainers would be reflective of the number available to them).

I will also be brining to the facility any and all training and boarding facility equipment that I currently own. Individual items are too many to list, but included is all manner of small equipment needed to manage a barn on a day-to-day basis. I do not own a tractor, however I have a fully loaded Abi TR-3 drag which can both maintain arenas and work as a landscaping tool when attached to a tractor, multiple wheelbarrows, pitchforks, some rubber mats, feeders, jumps, some tack room accessories, rakes, and more.

I cannot express how excited I am at this opportunity, and am looking forward to finalizing our agreement!

Thank you,

Liz Reader

Owner Pair of Aces Stables, Inc.

Exhibit C

Lease Agreement Amendments

Section 3.1 Rent and Security Deposits

Landlord reserves the rights to one stall at all times within the facility, and agrees to pay Tenant actual cost of feed and bedding for the horse kept in that stall, but no additional board fees (estimated cost at the time this agreement is signed is $250/month). In the event Landlord would like to keep a second horse at the facility the same costs will apply for the second horse. Training and lesson fees are separate from these costs, and will be invoiced directly to Landlord by Tenant.

Tenant and Landlord will meet at 6 month intervals to discuss any issues, concerns and future property plans, as well as to adjust the rental rate as Tenants business grows and the indoor arena is constructed. Rental rate will increase as the number of boarded horses increases, and when the indoor arena is finished. Boarded horses are defined as horses not owned by or fully leased by Tenant. Upon move-in Tenant owns 5 horses; Sam, Chanel, Akeem, Presly and Biscuit. Changes in the number of owned horses will be discussed with landlord.

Section 6.5 Horse Information Charts

If Landlord observes that any horse in Tenants care, custody and control is ill or otherwise appears to require veterinary treatment they will first attempt to contact the owner and the Tenant, prior to contacting the veterinarian listed on the stall information chart. If owner and Tenant are unable to be reached, landlord may contact the veterinarian(s) listed on the stall charts, or, if such veterinarians are unavailable, any equine veterinarian, and Tenant will be responsible for all charges incurred.

Section 15.1 Routine maintenance

Landlord is responsible, at Landlord's expense, for all Routine Maintenance on the Leased Premises. This includes all landscaping needs, ingress/egress maintenance and any other items not related to Tenants business. However, if Tenant becomes aware of any item or condition that appears to be unsafe or otherwise requires repair or attention, Tenant shall immediately bring such item to the attention of the Landlord. Tenant will maintain areaa surface as needed. In event of flood or natural disaster, surface will be discussed. 12.24.19

Section 16. Alterations and Improvements

16.3 Property Remodel

Silver Circle Ranch, owned by Landlord is undergoing a facility remodel. Any alterations and improvements made to the facility by Landlord will be the property of the Landlord.

Section 20

20.8 Trash and Recycling

Landlord has arranged for Trash removal and recycling services to the Leased Premises in Landlord's name, and such service is included in the Rent.

Section 23.1 Tenants Inspection of the Leased Premises

See attached Move-In Checklist

Section 24.1 Form of Notice

Email and Text notice are only effective if the receiving party confirms receipt.

Landlord Signature/Date Landess Witmer Tenant Signature/Date E Reader

Print Name LANDESS WITMER Print Name Liz Reader

12.24.19

EXHIBIT “21”

EXHIBIT “21”

FULL SERVICE TRAINING BOARD

BOARD $875/MONTH

Our full service boarding service includes bedded box stalls with attached oversize runs, quality hay, turnout and blanketing services.

All horses boarded at pair Of Aces Stables must be enrolled in our full training program.

TRAINING $725/MONTH

Our full training program includes a combination of lessons and professional sessions tailored to you and your horses needs. Our group lessons are small, and private lessons are available as schedules allow.

We also assist in managing all your horses vet, farrier and body work appointments.

NUTRITION $MP

What you feed your equine athlete plays a large role in their ability to feel and perform at their best. Our nutritional program ensures the correct balance of calories, major and trace minerals, and vitamins.

We also consult with you to determine if your horse has any individual special needs.

EXHIBIT “22”

EXHIBIT “22”

CERTIFICATE OF BUSINESS: FICTITIOUS FIRM NAME

*** THIS CERTIFICATE EXPIRES 5 YEARS FROM FILE DATE ***

FILED
04/09/2013 11:24:37 AM
AMY HARVEY
Washoe County Clerk
By: [signature]
$21 cash

THE UNDERSIGNED do(es) hereby certify that I AM

conducting a RANCH business at

3400 HOLCOMB RANCH LANE RENO NV 89511,

under the fictitious firm name of SILVER CIRCLE RANCH

and that said firm is composed of the following person(s) whose name(s) and address(es) are as follows, to wit:

CHUAN H LIU 3400 HOLCOMB RANCH LANE RENO NV 89511

Prior Related DBA Filing:

Alternate Mailing Address:

WITNESS my hand this 9th day of April, 2013.

In the case of a legal entity, the undersigned hereby swears under penalty of perjury that he/she has authority to sign on behalf of and to bind the above-named legal entity to a contract.

[signature]

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On this 9th day of April, 2013 personally appeared before me, AMY HARVEY, WASHOE COUNTY CLERK, CHUAN H LIU,

who acknowledged that he executed the above instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp at my office in the County of Washoe the day and year in this certificate first above written.

SEAL OF WASHOE COUNTY STATE OF NEVADA

AMY HARVEY, WASHOE COUNTY CLERK

By: [signature]
Deputy Clerk

RNO:FFN

138152

138152

EXHIBIT “23”

EXHIBIT “23”

Washoe County Clerk
Self-Service Web

Home cart

DBA/FFN Search

Individual Names should be entered **Last First** (i.e. Smith James). For a broader search, use only a last name and first initial.

Organizational Names should be entered **as they are spelled** (i.e. Nevada Bank)

All Names

× SILVER CIRCLE RANCH

Type here to filter

Owner Name

Type here to filter

Business Name

Type here to filter

Filing Date Start

mm/dd/yyyy

Filing Date End

mm/dd/yyyy

Filing Number

Use Advanced Name Searching (What is this?)

Recent searches

Clear Selections

Search

Description (2)

Type here to filter

- Fictitious Firm Name - Counter 2
- Fictitious Firm Name Renewal 1

Grantor (1)

Type here to filter

- SILVER CIRCLE RANCH 2

Name (2)

Type here to filter

- NORMA K NELSON 1
- WARREN NELSON 1

Apply Filter(s)

Showing page 1 of 1 for 3 Total Results

DBA/FFN Search All Names contains SILVER CIRCLE RANCH

F 138152 • Fictitious Firm Name Renewal

Filing Date	Name 1	Name 2	Business Name
04/09/2013 11:24 AM	SILVER CIRCLE RANCH	CHUAN H LIU	SILVER CIRCLE RANCH

F 118347 • Fictitious Firm Name - Counter

Filing Date	Name 1	Name 2	Business Name
06/06/2008 12:00 AM	SILVER CIRCLE RANCH	NORMA K NELSON	SILVER CIRCLE RANCH

F 23249 • Fictitious Firm Name - Counter

Filing Date	Name 1	Name 2	Business Name
11/30/1977 12:00 AM	SILVER CIRCLE RANCH	WARREN NELSON	SILVER CIRCLE RANCH

EXHIBIT “24”

EXHIBIT “24”

DECLARATION OF ELIZABETH READER

I, Elizabeth Reader, declare that the assertions in this Declaration are true and correct to the best of my knowledge and belief, based upon my personal knowledge, and that I am competent to testify to the facts stated below:

1. I own and operate a horse boarding and training business, Pair of Aces Stables, Inc., at 3400 Holcomb Ranch Lane in Reno, Nevada;

2. I rent the property at 3400 Holcomb Ranch Lane from its owner Pro Pony, LLC, which is managed by Landess Witmer;

3. I have been in business at 3400 Holcomb Ranch Lane since late 2019;

4. In early October 2022, I was asked by Landess Witmer to prepare an estimate of the number of people who come to my business on a daily and weekly basis;

5. I am on the property at 3400 Holcomb Ranch Lane from day to day so I have personal knowledge of how many people are on the property from day to day;

6. Based on Landess' request for population data, I compiled the following figures, inserted into the table below with the assistance of counsel:

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Population Data at Silver Circle Ranch Transient Water System		
Category	**Number of People**	**Total People Per Week**
Customers that Come Once Per Week	25	25
Customers that Come Twice Per Week	12	24
Customers Owning Horses that Come Four Times Per Week on Average	10	40
Tenants (Same Each Day)*	3	21
Staff (Same Each Day)*	4	28
Total Number of People Per Week (Sum of People on the Property)		138
Total Population Count Per Day (Sum Divided by 7 Days)		19.7
*Please note that one Tenant is a Staff Member of Pair of Aces Stables. If that person was counted twice, the population data would increase to 20.7 persons per day. In sum, 7 of the same people are on the property each day.		

7. I use an online scheduling system, and I obtained the numbers above from that system for the week of October 17, 2022;

8. The numbers in the table above are representative of the numbers for my business during the peak season when I have the most customers coming for lessons, etc., so the table above accurately reflects the number of people on the property at 3400 Holcomb Ranch Lane on a day-to-day basis;

9. My business is conducted almost entirely outdoors or in the barn on the property. There are 25 horses on the property currently under my care, and I do not have any plans to increase this number. The number of horses on the property naturally limits the number of customers on the premises, as each horse can only work one or two hours a day for five days a week;

10. We also hold horse shows, i.e. special events at 3400 Holcomb Ranch Lane, but we obtain a Special Event Permit from Washoe County for animal shows, and we may hold events a maximum of 10 days per year;

11. We are required and do provide special accommodations during these animal shows, such as planned parking and portable restrooms, which we do provide. All visitors to the horse shows are only permitted to use the portable restrooms. Attached hereto as Attachment A are receipts from the portable restroom company we used during our animal show in October of 2021.

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

Executed on: 12/23/2022 in Washoe County, Nevada.

By: Elizabeth Reader

Elizabeth Reader

Attachment A

Attachment A

SANI-HUT CO., INC.
P.O. Box 7455
Reno, Nevada 89510
(775) 358-6720
Fax (775) 359-7922
www.sanihut.com

INVOICE

0223092-IN
10/12/2021

SE08069
7/20/2021

PAR160

PAIR OF ACES STABLES
3400 HOLCOMB RANCH RD
RENO, NV 89511

PAIR OF ACES STABLES
3400 HOLCOMB RANCH LANE
RENO, NV

NET 10

?ORTABLE RESTROOM	2.00	2.00	0.00	105.00	210.00
)ELIVERY CHARGE	1.00	1.00	0.00	25.00	25.00
?ICK UP CHARGE	1.00	1.00	0.00	25.00	25.00

DELIVER FRIDAY 10-8-21

PICK UP MONDAY 10-11-21

Net Invoice:	260.00
Sales Tax:	0.00
Invoice Total:	260.00
	260.00

WSUP23-0029
PROPUBLIC COMMENT

SANI-HUT CO., INC.
P.O. Box 7455
Reno, Nevada 89510
(775) 358-6720
Fax (775) 359-7922
www.sanihut.com

INVOICE

0224304-IN
10/26/2021

SE10223
7/20/2021

PAR160

PAIR OF ACES STABLES
3400 HOLCOMB RANCH RD
RENO, NV 89511

PAIR OF ACES STABLES
3400 HOLCOMB RANCH LANE
RENO, NV

NET 10

PORTABLE RESTROOM	1.00	1.00	0.00	105.00	105.00
DELIVERY CHARGE	1.00	1.00	0.00	25.00	25.00
PICK UP CHARGE	1.00	1.00	0.00	25.00	25.00

DELIVER MONDAY 10-22-21

PICK UP MONDAY 10-25-21

Net Invoice:	155.00
Sales Tax:	0.00
Invoice Total:	155.00
	155.00

WSUP23-0029
PROPOSED PUBLIC COMMENT

EXHIBIT “25”

EXHIBIT “25”

WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Business License

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-3733
FAX (775) 328.6133

May 22, 2023

Landess Witmer
DBA Pro Pony LLC
3400 Holcomb Ranch Ln
Reno, NV 89511

Subject: Conditions Established on Business License Issued to Pro Pony LLC located at 3400 Holcomb Ranch Ln, Reno, Nevada (Assessor's Parcel Number 040-670-12).

Pursuant to Washoe County Code (WCC) section 25.0263(2), Washoe County Business License may place conditions on a business license to ensure compliance with WCC Chapter 25 and other applicable laws and regulations. The following conditions are imposed on this business license:

1. Within 6 months of the issuance of this business license, the owner shall have completed all requirements of building permit# WBLD23-100882 regarding installation of an ADA compliant bathroom in the existing barn structure.
2. The following revised business description and operating parameters are hereby established: *"Commercial boarding pursuant to WCC 110.304.25(c)(2) commercial stables, of up to a maximum of 35 horses, 2 of which shall be reserved for "retired" horses; and, conducting riding lessons, instruction, and horse training. Commercial leasing of owners' property to other licensed entities for operation of a commercial stable."*

Failure to comply with the above conditions will result in automatic suspension of the license and subsequent public hearing proceedings with the Washoe County Board of County Commissioners for revocation, suspension, or further conditioning of the license (WCC section 25.018 and sections 25.0380 through 25.0385).

Additionally, Washoe County may pursue other appropriate remedies in addition to the suspension, revocation or further conditioning actions described above for failure to comply with the license conditions or exceeding the business activities allowed with the license. These remedies may include, but are not limited to, administrative penalties and fees, a misdemeanor criminal citation, a stop activity order, and/or a court complaint for injunctive relief or damages.

If you have any questions concerning your license or these license conditions, please contact Chad Giesinger, Planning Manager, at 775.328.3626 or cgiesinger@washoecounty.gov .

Chad Giesinger
Planning Manager

xc: Business license files

WSUP23-0029
PUBLIC COMMENT
PROVIDED TO BOARD

EXHIBIT “26”

EXHIBIT “26”

From: Luke Busby <luke@lukeandrewbusbyltd.com>
Sent: 19 May 2023 22:00
To: Gustafson, Jennifer
Subject: Re: Pro Pony

Thank you, you too!

On Fri, May 19, 2023 at 2:59 PM Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>> wrote:

Thanks Luke,

I don't think we need anything else. The appeal just won't get scheduled and we'll inform the County Clerk that this has been resolved.

Hope you have a great weekend—

Jen

From: Luke Busby <luke@lukeandrewbusbyltd.com</A>>
Sent: Friday, May 19, 2023 12:59 PM
To: Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: Re: Pro Pony

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Jen,

Thank you for your reply. I have conferred with my clients and they accept these terms and have agreed to withdraw the appeal based on the same.

Do you need anything other than this email to withdraw the appeal?

Thank you for your willingness to work through these issues with my clients.

Cheers!

On Fri, May 19, 2023 at 10:14 AM Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>> wrote:

Hello Luke,

I'm sending you Business Licensing's decision (from Chad Giesinger) related to your clients' offers that we discussed on Tuesday. I'm assuming all of this will be acceptable. Please confirm in writing. Thanks! Jen

Hello Mr. Busby,

I am in receipt of your clients proposal. After discussing this with Director Kelly Mullin, we are in general agreement with the offer. Please find below the items we understand are being proposed along with some responses/comments (in italics) from the Business License program.

- **Up to a maximum of 35 boarded horses, 2 of which will be dedicated to "retired" horses.**
- **County to remove the condition/business license description regarding lessons being 1-2 hour sessions with 5 riders per session.**

  We will remove this language from the business license description and replace it with "riding lessons, instruction, and horse training" with no specifics regarding the number or length of sessions. I am only including that on the Pro Pony license as it is my understanding the parties desire to have the identical licenses issued to Pro Pony and Pair of Aces Stables.

- **No hours of operation specified.**

  We reluctantly agree to this because we think having hours of operation would actually decrease the potential for specious complaints by neighbors and would also provide a level of certainty. However, we are willing to accept this request in the interest of moving forward. Please be aware that nuisance complaints can still be filed by neighbors and will be investigated by code enforcement regardless of whether or not hours of operation are listed on the license.

- **Pair of Aces will immediately apply for a business license.**

  Thank you. This is necessary. Once the licenses are issued, please remember to renew both licenses going forward. Pair of Aces Stables will need to the be the licensee reporting gross revenue for computation of renewal fees as long as they are the stable operator.

- **Both business licenses (Pro Pony and Pair of Aces Stables) will have the same license description and similar conditions, as applicable. This is desired in the event Pair of Aces Stables ceases operating the stables and Pro Pony needs to take over operations.**

  This will work with the only exception being that the Pro Pony license will also include "commercial leasing of owners property" to capture that actual business activity, and will also allow Pro Pony to potentially lease to others if Pair of Stables ceases being the operator. See final license description below.

- **Pro Pony (or possibly Pro Pony & Pair of Aces jointly, depending on SUP requirements) will apply for an SUP for commercial stable use within 6 months.**

  Thank you. A Special Use Permit runs with the land (and can be transferred to a new land owner if necessary) so only the owner of the property needs to be the applicant – but please include Pair of Aces Stables in the application as the current operator of the stables. Please also be aware that you may include a request for the approval of recurring special events (equestrian) as part of the SUP in lieu of getting separate license approvals for temporary events for every occurrence of an event.

- **Drop current appeal.**

  Please respond in writing by close of business Friday May 19, 2023 that you will be withdrawing your appeal.

Here is what the amended business license description and condition language will be for Pro Pony:

1. Within 6 months of the issuance of this business license, the owner shall have completed all requirements of building permit# WBLD23-100882 regarding installation of an ADA compliant bathroom in the existing barn structure.

2. The following revised business license description is hereby established:

"Commercial boarding, pursuant to WCC 110.304.25(c)(2) commercial stables, of up to a maximum of 35 horses, 2 of which shall be reserved for "retired" horses; and, conducting riding lessons, instruction, and horse training. Commercial leasing of owners property to other licensed entities for operation of a commercial stable."

Upon written receipt of your agreement to withdraw the appeal, I will direct business license staff to update the Pro Pony business license and issue an amended condition letter.

Regards

From: Luke Busby <luke@lukeandrewbusbyltd.com</A>>
Sent: Friday, May 19, 2023 8:18 AM
To: Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: Pro Pony

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Jen,

I'm checking in on the Pro Pony appeal. Have you been able to confer with your clients?

Please let me know if you'd like to have a call to discuss.

Cheers!

--

Cheers!

Luke Busby, Esq.

316 California Ave. #82</A>
Reno, Nevada 89509</A>
(775) 453-0112 (Dial Area Code)

(775) 403-2192 (Fax)

www.lukeandrewbusbyltd.com</A>

luke@lukeandrewbusbyltd.com</A>

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Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

--

Cheers!

Luke Busby, Esq.

316 California Ave. #82</A>
Reno, Nevada 89509</A>
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www.lukeandrewbusbyltd.com</A>

luke@lukeandrewbusbyltd.com</A>

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Luke Busby, Esq.
316 California Ave. #82
Reno, Nevada 89509
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www.lukeandrewbusbyltd.com</A>
luke@lukeandrewbusbyltd.com</A>

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Disclaimer Required by IRS Rules of Practice: Any discussion of tax matters contained herein is not intended or written to be used, and cannot be used, for the purpose of avoiding any penalties that may be imposed under Federal tax laws.

EXHIBIT “27”

EXHIBIT “27”

Business License Data Sheet

April 14, 2023

Business License Number: W033816A-LIC

Business/DBA Name: Silver Circle Ranch

Owner(s) Name: Pat Nelson

Mailing Address: 2600 Holcomb Ranch Ln
Reno NV 89511

Business Phone: 775-741-1700

Business Location: 3400 Holcomb Ranch Ln

Business Description: horse boarding

Date business license issued: March 27, 2006

Expiration date/close of business date: March 31, 2021

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “28”

EXHIBIT “28”

WASHOE COUNTY

PREDEVELOPMENT WORKSHEET

PROJECT NAME: Silver Circle Facility Improvements
PROJECT CONTACT: Felise Canterini
MEETING DATE: June 24, 2020

ADDRESS OR LOCATION OF PROJECT: 3400 Holcomb Ranch Lane
PROJECT APN: 040-670-12
REGULATORY ZONE: High Density Rural (HDR)
MASTER PLAN: Rural Residential
AREA PLAN: Southwest Truckee Meadows

REQUIREMENTS (landscaping, traffic, sprinklers, will serve letter, etc.):

Planning:

- Submittal requirements as provided in the special use permit application, available online at www.washoecounty.us/comdev/applications --> Click on Applications and Fees, then select Special Use Permit. This PDF includes the application, submittal requirements, fees, submittal dates, and information about the review process.
- Building permit should also include all grading and drainage improvements. If proposed grading is of such a scale that it triggers the need for a special use permit (as identified in Article 438, see link below), that request can be included with the rest of the special use permit.

Fire:

- Meet all requirements of 2018 International Fire Code (IFC) as amended by TMFPD.
- Meet all requirements of 2018 International Wildland-Urban Interface Code (IWUI) for High/Moderate Hazard areas as amended by TMFPD.
- Provide site access and turning radius as required by 2018 IFC Chapter 5 and Appendix D.
- Provide water supply as required by 2018 IFC.
- Automatic Sprinkler Systems may be required based on the size of buildings and/or facilities.

Water:

- The application indicates conflicting information: the applicant indicates that facility is NOT open to PUBLIC. However, the applicant also mentions a "grandfathered BL".
- If project is COMMERCIAL in nature, water rights has to be reviewed and addressed. If the project is NOT commercial in nature, and there is no Business License necessary, then they may operate under the Domestic Water allowance of 2.00 acre-feet per year.

Air Quality:

- If grading to be greater than 1 acre then a dust control permit will be required.
- If any demolition of existing structures will be part of the plan then AQMD must be notified.

NDOT:

- Parcel has an existing access to Holcomb Ranch Lane (SR-671). The existing access point needs to have an NDOT occupancy permit to make the driveway "legalized". If there is no existing permit for this driveway, the applicant will need to apply for a NDOT occupancy permit.

NEEDS (additional meetings, hearings, SUP, permits, etc.):

Planning:

- Any expansion of the pre-1993 business license (approved for horse boarding only; so expansion would either be offering services beyond boarding, or expanding the approved developed commercial area more than 10%) would require a special use permit. This will allow the existing business to come into conformance and provides greater flexibility for achieving the owner's long-term vision.
- For public meetings, a special use permit generally requires both a Citizen Advisory Board meeting and public hearing via the Board of Adjustment.
- Applicant's comments on form say that the property is leased to a tenant and closed to the public; however, businesses appear to be advertising at this location. Clarification should be provided at the meeting about existing/proposed uses at this property.

Health:

- Must determine if this is a commercial use, will most likely have to be analyzed for whether or not this project creates a water system. Must have a commercial septic system for the operation and arena.

NDOT:

- Project access to SR-671 needs to be compliant with NDOT standards for approach road construction.

RELEVANT CODES:

Planning:

- Washoe County Development Code – Articles you may find of use include:
    - Article 302, Allowed Uses
    - Article 304, Use Classification System
    - Article 410, Parking and Loading
    - Article 412, Landscaping
    - Article 438, Grading
    - Article 810, Special Use Permits

Fire:

- 2018 International Fire Code as adopted and amended https://codes.iccsafe.org/content/IFC2018P4
- 2018 International Wildland-Urban Interface Code as adopted and amended.
- https://codes.iccsafe.org/content/IWUIC2018
- TMFPD Amendments to 2018 IFC and IWUL. Can be provided via email.

Water:

- NRS 533 & 534. Article 422 of Washoe County Dev. Code.

Health:

- NAC 445A, Washoe County District Board of Regulations Governing Sewage, Wastewater and Sanitation and the Well Construction Regulations

KEY CONTACTS/CONTACT INFORMATION:

Planning:

- For general standards related to parking, landscaping, lighting, or the administrative review process, contact planning@washoecounty.us.

Fire:

- Brett Lee / Dale Way
  775.326.6000
  blee@tmfpd.us / dway@tmfpd.us

Water:

- vbehmaram@washoecounty.us – Vahid Behmaram, Water Management Planner Coordinator

Health:

- James English, WCHD Program Supervisor
- Chris Peterson, WCHD Licensed Engineer
- Dave Kelly, Senior Environmental Health Specialist, Land Development Program

NDOT:

- NDOT Permits Office: (775) 834-8330 or dist2permits@dot.nv.gov
- NDOT Traffic Engineering: (775) 834-8300 or d2traffic@dot.nv.gov

RESOURCES (websites, links, etc.):

Planning:

- Special use permit application
- Development Code

Air Quality:

- www.OurCleanAir.com – Building Permits

NDOT:

- NDOT 2020 Standard Plans - https://www.nevadadot.com/home/showdocument?id=17276
- NDOT 2017 Access Management System and Standards - https://www.nevadadot.com/home/showdocument?id=11581
- NDOT Terms and Conditions Relating to Right of Way Occupancy Permits - https://www.nevadadot.com/Home/ShowDocument?id=8440
- NDOT Public Records Requests - https://www.nevadadot.com/doing-business/contact-us/public-records-request

EXHIBIT “29”

EXHIBIT “29”

Business License Data Sheet

Oct. 24, 2023

Business License Number: W004531A-LIC

Business/DBA Name: Pair of Aces Stables Inc

Owner(s) Name: Elizabeth Reader - President

Mailing Address: 10427 Chadwell Dr., Reno NV 89521

Business Phone: 775-220-2270

Business Location: 3400 Holcomb Ranch Ln

Business Description: Commercial boarding, pursuant to WCC 110.304.24(c)(2) commercial stables, of up to a maximum of 35 horses, 2 of which will be reserved for “retired” horses; and, conducting riding lessons, instruction and horse training.

Date business license issued: May 25, 2023

Expiration date/close of business date: April 30, 2024

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “30”

EXHIBIT “30”

From: Giesinger, Chad <CGiesinger@washoecounty.gov>
Sent: 16 May 2023 14:49
To: Gustafson, Jennifer; Mullin, Kelly D.
Subject: RE: Pro Pony - 3400 Holcomb Ranch
Attachments:

Hi all,

Thanks for the review. Jen – planning has always classified riding lessons and training under the Commercial Stables use type relying on the highlighted portion below. Usually the owner of the stable is also the lesson/training person, but sometimes they employ someone to do that portion of the business. In this case, it appears that Reader is doing at least half of the business – both boarding her horses and training. She also readily admits she is running her own business, but yet does not have a business license (see below excerpt from the appeal). This is similar to the hair salon example, or it would be like a horse shoe business going to stables to shoe boarded horses and saying they are covered under the property owners stable license, not their own.

I am not sure what our strategy is for this meeting, but if they stick to their appeal for an unlimited use then I will let them know I intend to argue for a lower number on the license (i.e. 23 horses), intend to notice the neighbors, and will be pursuing enforcement action on Pair of Aces for doing business without a business license. I also intend to ask, again, for proof of what the level of use was upon the uses becoming non-conforming (SUP requirement). Let me know your thoughts on strategy Kelly, if you have time.

-Chad.

From: Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Sent: Monday, May 15, 2023 9:44 PM
To: Mullin, Kelly D. <KMullin@washoecounty.gov>; Giesinger, Chad <CGiesinger@washoecounty.gov>
Subject: RE: Pro Pony - 3400 Holcomb Ranch

Hi Chad and Kelly—

Yeah, I’m not sure what this is.

It seems like perhaps Pro Pony needs the business license to operate the commercial stable as they are boarding the horses.

Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.

But if Ms. Reader is just paying rent to Pro Pony and then teaching lessons (but not an employee of Pro Pony), then I assume she’d need her own business license because she’s operating a

business. It seems like how hairdressers pay for a spot in a salon but they aren’t actually employed by the salon (independent contractors).

I don’t know that Ms. Reader’s business license would affect Pro Pony’s though, if Pro Pony is operating the commercial stable and Ms. Reader is just teaching lessons. I’m honestly not even sure what she’s need a business license for as I don’t see anything under the Animal Sales & Services use type that would really fit just training horses or offering lessons (but not actually operating the facility).

-Jen

From: Mullin, Kelly D. <KMullin@washoecounty.gov</A>>
Sent: Monday, May 15, 2023 5:40 PM
To: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: RE: Pro Pony - 3400 Holcomb Ranch

I’m trying to think through the different scenarios here. It’s troubling the way that they describe the licensing in the SUP application without even mentioning Pair of Aces, but at the end of the day, Planning cares about the use itself and the impacts of that use. Not necessarily who is conducting that use. But obviously there needs to be clarity on the licensing side. Is ProPony just leasing out the overall space to Pair of Aces, or are they actually conducting part of the business? If they’re just leasing out space, then ProPony’s license should really just be for commercial leasing, correct? And it’s Pair of Aces who should have the stable license. If my thought process is accurate here, then the stable license needs a change of ownership to Pair of Aces and a new leasing license for ProPony. However, if they’re both operating some portion of the business, then we may need to somehow identify that between the two, the limits described in the ProPony license apply to the overall property.

From: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>
Sent: Monday, May 15, 2023 2:39 PM
To: Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>; Mullin, Kelly D. <KMullin@washoecounty.gov</A>>
Subject: RE: Pro Pony - 3400 Holcomb Ranch

Oh, and I forgot to mention that neither Pair of Aces Stables LLC nor Elizabeth Reader is mentioned in the previous SUP submittal – the application just refers to the “trainer”.
-Chad.

From: Giesinger, Chad
Sent: Monday, May 15, 2023 2:21 PM
To: Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>; Mullin, Kelly D. <KMullin@washoecounty.gov</A>>
Subject: FW: Pro Pony - 3400 Holcomb Ranch

Importance: High

Hi Jen and Kelly,

In preparation for our meeting tomorrow morning, I have a few questions based on new information that has come up. I didn’t realize this previously, but it appears that Pair of Aces Stables LLC (see attached State Business License/SOS filing) is running their own business out of 3400 Holcomb. I guess I hadn’t read the neighbors lawsuit closely enough. I had been under the impression that Elizabeth Reader was being employed by Pro-Pony (Landess Witmer) to run the stables and provide lessons/training, but it appears this is her own business and she is just using the stables at 3400 Holcomb to service her clients. Reader is not a licensee under the Pro-Pony license and does not have a Washoe County business license. So we need to clarify that tomorrow morning.

If Reader is essentially running her own separate business at 3400 Holcomb then that raises the question of whether she needs her own business license (either as a mobile business that provides such services at a variety of stables, or as a permanent location at 3400 Holcomb). Based on the documentation I have and the below exchange with Jayleen, I believe she would need her own BL (BTW-it turned out to be a different Reader that was making complaints). If that is the case, then she has never had a BL at this location to do what she is doing and therefore the use is not “grandfathered” in any way (thus an SUP should be triggered?). If lessons had been provided previously by the previous owners, then that would have been grandfathered; or if lessons were provided by the new owner upon obtaining the property (assuming the lessons were provided by Pro-Pony/Witmer or one of her employees) then that would be legal non-conforming. But Reader and Pair of Aces is essentially an entirely new/different entity providing lessons and therefore a new use (I think).

Please let me know your thoughts on this.

Kelly – I think you mentioned you wanted to do this meeting via TEAMS. Did you mean just you or everyone? If everyone, I don’t know if the outside attendees can access our Teams meeting (or are aware it is not in person)? Does it need to be Zoom meeting in that case?

-Chad.

From: Popp, Jayleen <JPopp@washoecounty.gov</A>>
Sent: Thursday, May 11, 2023 2:29 PM
To: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov</A>>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: Re: Pro Pony - 3400 Holcomb Ranch

Oh really? That's interesting.

I've attached her state license and there's an email address and mailing/location address that you may be able to use.

Thanks!
Jayleen

Jayleen Popp

Community Services Department

jpopp@washoecounty.gov</A> | Direct Line: 775.328.3734

My working hours: Monday - Friday, 8 a.m. - 4 p.m.

Business License Division: 775.328.3733 | Website</Span></A> | Email</Span></A>

1001 E. Ninth St., Bldg A, Reno, NV 89512

</A> </A> </A> </A>

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Submit a nomination for a Washoe Star by clicking this link: WASHOE STAR</Span></A>

From: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>
Sent: Thursday, May 11, 2023 1:57 PM
To: Popp, Jayleen <JPopp@washoecounty.gov</A>>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov</A>>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: RE: Pro Pony - 3400 Holcomb Ranch

Hmmm…OK, that is ironic and disturbing. I just realized that Elizabeth Reader is the individual that has been making numerous complaints to code enforcement reporting what she alleges are unlicensed horse boarding/training facilities. I couldn’t find any contact information for her – do you happen to have anything (other than the 3400 Holcomb Ranch mailing address)?

Thanks Jayleen,

-Chad.

From: Popp, Jayleen <JPopp@washoecounty.gov</A>>
Sent: Thursday, May 11, 2023 1:52 PM
To: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov</A>>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: Re: Pro Pony - 3400 Holcomb Ranch

Hi Chad,

Elizabeth Reader, whom I believe is the owner of Pair of Aces Stables Inc., does not have a Washoe County business license, but she has applied for two special event licenses (this year and last year). If

she is running her own business, then yes, she would need her own separate business license. I don't think that she can operate under Pro Pony's business license unless Pair of Aces Stables Inc. has some percentage of ownership of Pro Pony LLC, which isn't indicated on their WC business license or on their State of Nevada business license.

I deleted the condition on the business license.

Thanks!
Jayleen

Jayleen Popp

Community Services Department

jpopp@washoecounty.gov</A> | Direct Line: 775.328.3734

My working hours: Monday - Friday, 8 a.m. - 4 p.m.

Business License Division: 775.328.3733 | Website</Span></A> | Email</Span></A>

1001 E. Ninth St., Bldg A, Reno, NV 89512

</A> </A> </A> </A>

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Submit a nomination for a Washoe Star by clicking this link: WASHOE STAR</Span></A>

From: Giesinger, Chad <CGiesinger@washoecounty.gov</A>>
Sent: Thursday, May 11, 2023 1:23 PM
To: Popp, Jayleen <JPopp@washoecounty.gov</A>>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov</A>>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov</A>>
Subject: Pro Pony - 3400 Holcomb Ranch

Hi Jayleen,

Landess Witmer is the licensee for the Pro Pony business license. So who is Elizabeth Reader and what is Pair of Aces Stables Inc.? I don’t see a business license issued for that DBA or Elizabeth Reader. Wouldn’t she need her own business license to run her riding lesson business at 3400 Holcomb, or can she operate under Pro Pony’s BL (if so, I don’t see her listed as a licensee or anywhere on the license record)? Also, can you remove the condition on the license record to no renew – I think you entered it and it won’t let me delete now that is has been renewed (sort of). Thanks,

Chad Giesinger, AICP
Planning Manager, Code Enforcement and Business License |
Planning & Building Division | Community Services Department
The best way to reach me is at: cgiesinger@washoecounty.gov</A> |
Direct Phone Line: 775.328.3626

My typical working hours are: Monday-Friday 8 a.m. to 5 p.m. I am currently working from both home and the office. Please contact me to make an appointment for office visits.

Visit us first online: www.washoecounty.gov/csd</Span></A>
Code Enforcement: 775.328.6106 | Code-Enforcement@washoecounty.gov</Span></A>
Planning Division: 775.328.6100 | Planning@washoecounty.gov</Span></A>
CSD Office Hours: Monday-Friday 8:00am to 4:00pm
1001 East Ninth Street, Reno, NV 89512

</A> </A> </A> </A>

EXHIBIT “31”

EXHIBIT “31”

F I L E D
Electronically
CV22-01722
2023-04-11 12:51:40 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9606341 : msalazarperez

1090
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Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

JILL BRANDIN, individually, as Trustee of the BRANDIN/PINGREE REVOCABLE TRUST dated September 26, 1991, as amended and restated, and as Manager of FLYING DIAMOND RANCH, LLC, a Nevada limited liability company; PETER LAZETICH, individually and as Trustee of the PETER G. LAZETICH FAMILY TRUST dated 12-9-99; and NANCY FLANIGAN, individually and as Trustee of the FLANIGAN FAMILY TRUST dated October 27, 1992, as amended, Plaintiffs, vs. PRO PONY LLC, a Nevada limited liability company; PAIR OF ACES STABLES INC., a Nevada corporation; and DOES 1-10; inclusive, Defendants.	CASE NO.: CV22-01722 DEPT. NO.: 15

FIRST AMENDED COMPLAINT
(Exempt from Arbitration – Equitable Relief Sought)

Plaintiffs Jill Brandin, individually, as Trustee of the Brandin/Pingree Revocable Trust dated September 26, 1991, as amended and restated, and as Manager of Flying

Diamond Ranch, LLC, a Nevada limited liability company, Peter Lazetich, individually and as Trustee of the Peter G. Lazetich Family Trust dated 12-9-99, and Nancy Flanigan, individually and as Trustee of the Flanigan Family Trust dated October 27, 1992, as amended (collectively, "Plaintiffs") complain and allege against Defendants Pro Pony LLC, a Nevada limited liability company, Pair of Aces Stables Inc., a Nevada corporation, and DOES 1-10 (collectively, "Defendants") as follows:

PARTIES

1. Plaintiff Jill Brandin ("Brandin") is a resident of Washoe County, Nevada.

2. Brandin is a Trustee of the Brandin/Pingree Revocable Trust dated September 26, 1991, as amended and restated ("Brandin Trust"), which owns the real property and residence located at 2400 Diamond J Place, Washoe County, Nevada (APN 230-032-02) ("Brandin Residence").

3. Additionally, Brandin is the Manager of Flying Diamond Ranch, LLC, a Nevada limited liability company, that owns five distinct parcels (APNs 040-650-44, 040-650-46, 040-650-47, 040-650-48, 040-650-49) located at 8790 Lakeside Drive, Washoe County, Nevada ("Flying Diamond").

4. Plaintiff Peter Lazetich ("Lazetich") is a resident of Washoe County, Nevada.

5. Lazetich is a Trustee of the Peter G. Lazetich Family Trust dated 12-9-99 ("Lazetich Trust"), which owns the real property and residence located at 9100 Timothy Drive, Washoe County, Nevada (APN 040-640-09) ("Lazetich Residence"), as well as the real property located at 0 Brady Ranch Road, Washoe County, Nevada (041-190-08) ("Lazetich Ranch").

6. Plaintiff Nancy Flanigan ("Flanigan") is a resident of Washoe County, Nevada.

7. Flanigan is a Trustee of the Flanigan Family Trust dated October 27, 1992, as amended ("Flanigan Trust"), which owns the real property and residence located at 2750 Holcomb Ranch Lane, Washoe County, Nevada (APN 230-070-17) ("Flanigan

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Residence").

8. Defendant Pro Pony LLC ("Pro Pony") is a Nevada limited liability company doing business in the State of Nevada, and is the owner of the property located at 3400 Holcomb Ranch Lane, Washoe County, Nevada (APN 040-670-12) ("Property"). The Bruce and Landess Witmer Family Trust is the managing member of Pro Pony, and Bruce Witmer and Landess Witmer are trustees of the Bruce and Landess Witmer Family Trust.

9. Defendant Pair of Aces Stables Inc. ("Pair of Aces") is a Nevada corporation doing business in the State of Nevada, and is the operator of a commercial stable and lesson program at the Property. Elizabeth Reader is the President, Secretary, Treasurer, and Director of Pair of Aces.

10. There may be other persons or entities, whether individuals, corporations, associations, or otherwise, who are or may be legally responsible for the acts, omissions, circumstances, happenings, and/or damages or other relief requested by this Complaint. The true names and capacities of DOES 1-10 are unknown to Plaintiffs, who sue those defendants by such fictitious names. Plaintiffs will seek leave of this Court to amend this Complaint to insert the proper names of the defendants when such names and capacities become known to Plaintiffs.

11. In addition, there may exist similarly situated neighbors that are likewise aggrieved by the egregious conduct of Defendants as set forth herein. Plaintiffs will seek leave of this Court to amend this Complaint to add such neighbors as plaintiffs when such persons become known to Plaintiffs.

12. A visual depiction of the location of Plaintiffs' respective properties in relation to the Property is provided below.

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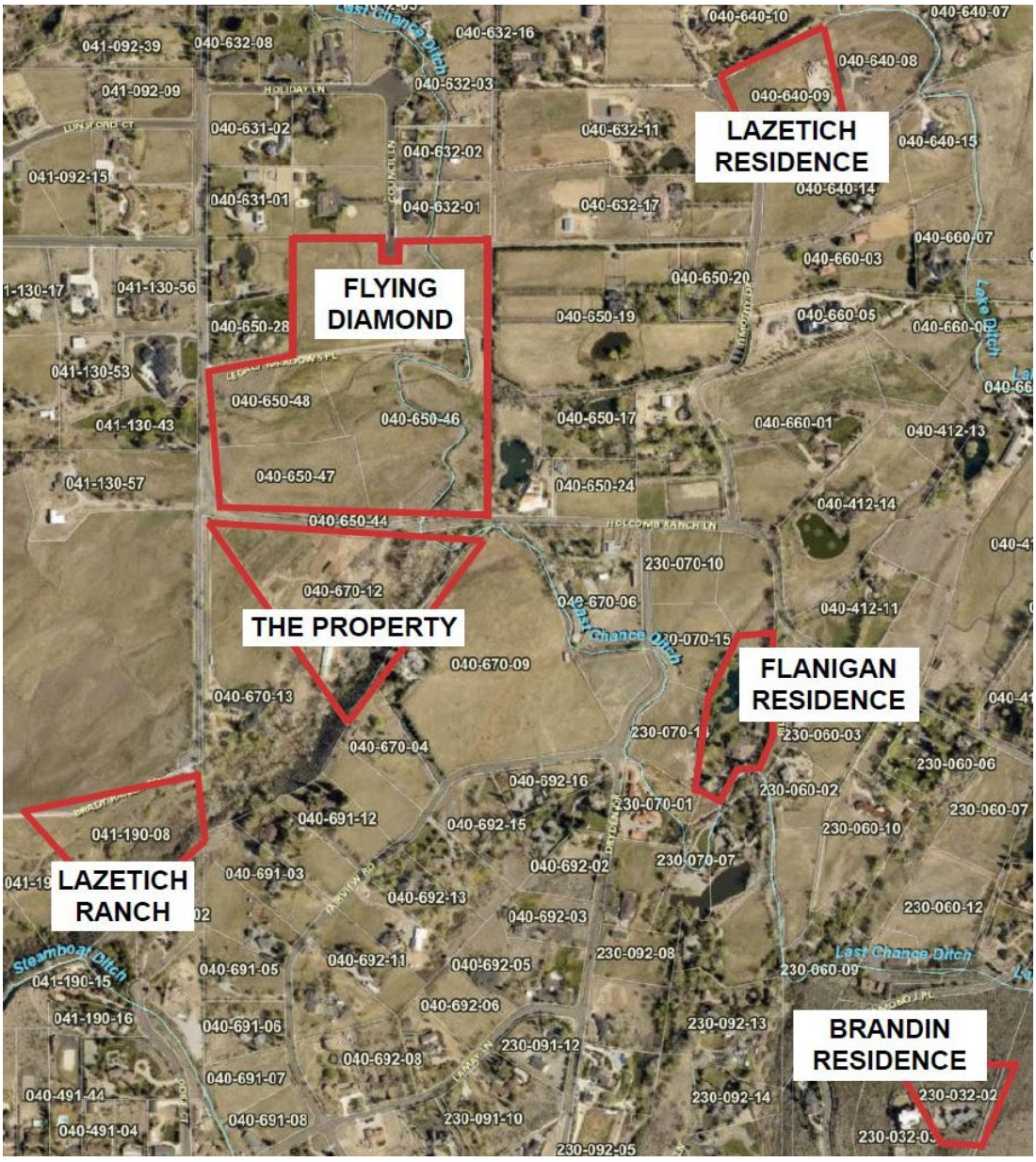

JURISDICTION AND VENUE

13. This Court has jurisdiction over this action because it arises under Nevada law and seeks the recovery of money in excess of $15,000.

14. This Court has jurisdiction over the parties because each of them is incorporated, organized, or otherwise resides in Nevada.

15. Venue is proper in this Court pursuant to NRS Chapter 13 because, among other things, Defendants' activities that form the basis of the allegations set forth herein occurred in Washoe County, Nevada.

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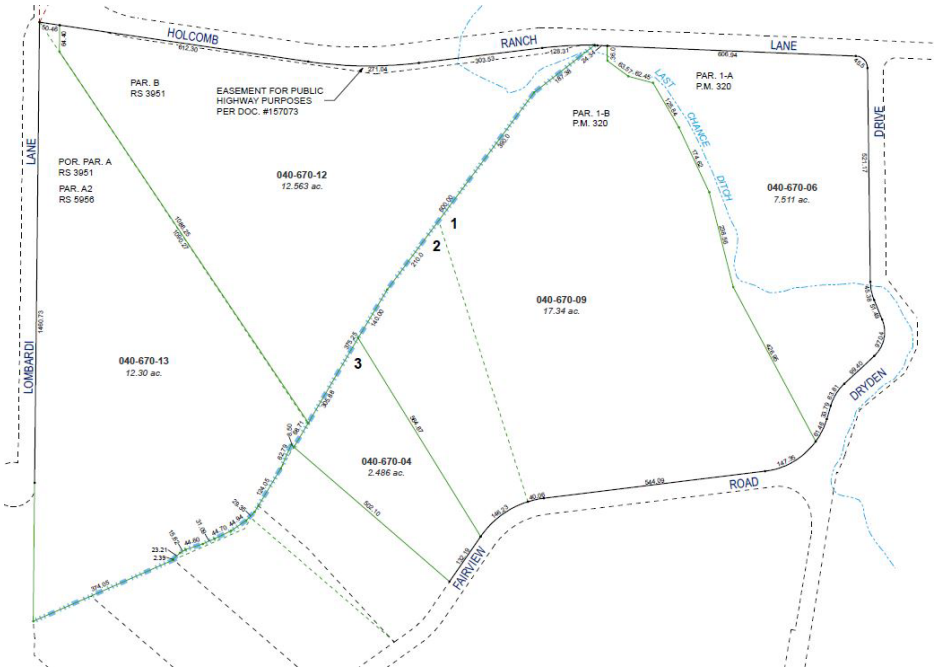
FACTUAL ALLEGATIONS

History of Silver Circle Ranch

16. The family of Warren Nelson ("Nelson Family") owned Silver Circle Ranch from the 1970s until late 2019. Silver Circle Ranch was originally comprised of nearly 30 acres (APNs 040-670-12, 040-670-09), as depicted in the map below.



17. For nearly 40 years, the Nelson Family operated a modest horse boarding facility at Silver Circle Ranch that was not detrimental to the character of the neighborhood, injurious to the adjacent properties, nor disruptive to the quiet enjoyment of the neighbors.

18. Preceding Pro Pony's purchase of the Property (comprising only 12.5 acres of the original Silver Circle Ranch) from the Nelson Family in October 2019, only four horses were boarded at Silver Circle Ranch, according to the daughter of Warren Nelson.

19. Following Pro Pony's purchase of the Property, Pair of Aces began operating a commercial stable and lesson program at the Property.

20. The intensity of Defendants' commercial stable operation at the Property is unprecedented. Upon information and belief, 23 horses are presently stabled at the Property—where only four horses were kept in 2019.

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Unlawful Operation of a Commercial Stable

21. Defendants' current operation of a commercial stable at the Property is unlawful given its HDR zoning designation.

22. According to a Washoe County representative, the Nelson Family originally obtained a business license for horse boarding in 2006.

23. Upon information and belief, Washoe County has not conducted an inspection for a business license relating to the Property since 2006.

24. Upon information and belief, the business license originally issued to the Nelson Family was limited to "horse boarding," not "commercial stable" uses.

25. Since 2010, it has been the law in Washoe County that a special use permit ("SUP") is required to operate a commercial stable within HDR regulatory zones. *See* WCC 110.302.05 (Tables of Uses); *see also* Washoe County Ordinance 1433. Pursuant to WCC 110.304.25(c)(2), "[c]ommercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production"; "[t]ypical uses include commercial stables, riding clubs and riding instruction facilities."

26. Under the ownership of the Nelson Family, the business licenses associated with the Property permitted the Nelson Family to do business as Silver Circle Ranch. The Certificate of Business issued by Washoe County permitting the use of Silver Circle Ranch as a fictitious firm name expired in 2018. It has not been renewed. Nevertheless, Defendants continue to refer to the Property as the "historic Silver Circle Ranch" in an apparent effort to suggest Defendants' right to operate a commercial stable at the Property without a SUP.

27. In 2020, Washoe County issued a business license for a commercial stable to Pro Pony.

28. Pro Pony does not have a SUP to operate a commercial stable at the Property; therefore, Washoe County erred in issuing a business license to Pro Pony for a commercial stable.

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29. In fact, on February 3, 2022, the Washoe County Board of Adjustment denied Pro Pony's application for a SUP to operate a commercial stable, as well as for an administrative permit to construct an indoor riding arena on the Property—proposed to be a 13,580 square foot metal structure, with a height of 29 feet and length of 178 feet. Specifically, the Board of Adjustment rejected the application because Pro Pony failed to demonstrate that the "[i]ssuance of the permit[s] w[ould] not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area." WCC 110.808.25(d), 110.810.30(d).

30. To the extent Defendants claim that a SUP is not required because the commercial use of the Property is legal nonconforming, or "grandfathered," neither the law nor facts support such a position.

31. Pursuant to Section 10.904.20(a)(2) of the WCC, if a nonconforming use of land "ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located."

32. Upon information and belief, there have been periods of years where no commercial stable activity occurred at the Property since 2010, such that any grandfathered status is deemed abandoned under the law. *See* WCC 10.904.20(a)(2).

33. Even assuming that commercial activity occurred at the Property after 2010, only four horses were boarded at the Property before Pro Pony purchased the same in 2019, according to a member of the Nelson Family. No legal basis exists to support Washoe County's issuance of a business license to Defendants that effectively expanded the nonconforming use by roughly 575% without entitlement—from a boarding stable with four horses to a commercial stable with 23 horses. *See* WCC 110.904.05 (detailing that nonconforming uses "shall not be enlarged upon, expanded, extended or replaced").

34. Washoe County has evidenced a lack of due diligence by routinely rubber-stamping requests to issue a business license without requiring Pro Pony—or its

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predecessors—to substantiate both the intensity and consistency of the "grandfathered" commercial stable use at the Property.

35. Furthermore, Washoe County has ignored Plaintiffs' requests to revoke or otherwise scrutinize the business license issued to Pro Pony. In doing so, Washoe County has impermissibly attempted to shift the onerous of verifying the validity of the business license from Washoe County to Plaintiffs.

Unlawful Facilitation of Horse Shows

36. Competitions, clinics, shows, and other such large gathering events were not held at the Property before Defendants began their operation. There is no record of such large events held at the Property within the last decade.

37. Nevertheless, Defendants applied for and received a special event license to host and facilitate multiple horse shows and like events throughout 2022.

38. These events occur exclusively on weekends, with over 100 persons in attendance. In addition, dozens of horses are brought to the Property to participate in these events.

39. Not only is it common practice for entitlements for other commercial stables located in Washoe County to strictly prohibit all events, a SUP for a commercial stable—which is what the law requires Defendants to possess to legitimize their operation—does not include a provision for events. *See* WCC 110.304.25(c)(2). And, outdoor entertainment, as well as indoor entertainment, indoor sports and recreation, and outdoor sports club uses are all prohibited in the HDR regulatory zone. *See* WCC 110.302.05 (Tables of Uses).

40. Accordingly, not only are Defendants presently in violation of WCC 25.031 for operating a commercial stable without a SUP, a business license to operate a commercial stable does not contemplate the facilitation of horse shows. Indeed, such events are prohibited within HDR regulatory zones.

41. Moreover, WCC 25.031 explicitly prohibits the issuance of any license if the premises "does not fully comply with the requirements of the county." Defendants'

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operation of a commercial stable without the required SUP, in conjunction with code violations related to manure storage, spillover lighting, and dust, require the revocation of the special event license.

42. Furthermore, the 2,000-gallon residential septic system on the Property is insufficient to support Defendants' commercial operation, including the facilitation of large-scale events with over 100 persons in attendance, resulting in considerable sanitation concerns.

43. For reasons unknown, Washoe County has demonstrated its unwillingness to hold Defendants accountable to the requirements of the WCC. Washoe County has refused to act upon Plaintiffs' requests to revoke the special event license.

Defendants' Intensive Commercial Operation

Substantially and Unreasonably Interferes with

Plaintiffs' Use and Enjoyment of their Respective Properties

44. The ramifications of the intensive commercial operation at the Property substantially and unreasonably interfere with Plaintiffs' use and enjoyment of their respective properties.

Animal Waste and Water Contamination

45. The harm to Plaintiffs' use and enjoyment of their respective properties is exacerbated by the environmental issues associated with Defendants' commercial stable operation.

46. Surface water in the surrounding area consists of the Last Chance Irrigation Ditch which crosses the Property before entering Flying Diamond. The horse stable on the Property is located adjacent to Dry Creek, which is a FEMA designated Flood Way and a Washoe County Significant Hydrologic Resource. Dry Creek flows from the Property through Flying Diamond. Additionally, the Property is located in FEMA zone AE, which are areas subject to inundation by the 1%-annual-chance flood event. The flood zone is illustrated below.

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47. Plaintiffs rely on groundwater wells to supply domestic water to their respective properties.

48. The mismanagement and unlawful handling of animal waste at the Property by Defendants is injurious to the health of Plaintiffs, indecent and offensive to the senses, and otherwise obstructs and interferes with Plaintiffs' enjoyment and use of their respective properties. Plaintiffs are directly impacted by the consequences of hundreds of gallons of urine generated daily and piles of manure seeping into subsurface water.

49. In addition, Defendants' failure to properly store and dispose of manure and wastewater violates the Solid Waste Management Regulations ("SWMR"). Pursuant to Section 030.156 of the SWMR, all manure must be picked up and removed at least once every seven days. *See* SWMR § 010.440 (defining "manure" as "the excrement and urine of domestic animals or fowl. This definition shall include, but is not limited to, feces and urine that may be mixed with bedding material, spilled food, or soil.").

50. Moreover, Section 040 of the SWMR sets forth the requirements for storage of putrescible waste, including that such waste must be kept in covered containers so that it does not generate vectors and odors.

51. It is understood that the 23 horses presently housed at the Property generate roughly 10,000 pounds of manure and contaminated barn waste each week that

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is neither properly stored nor timely removed from the Property. In addition, the 23 horses housed in the stable most hours of the day generate 55 gallons of raw urine every day—amounting to 385 gallons of raw urine every week—that pollutes the ground next to Dry Creek.

52. Defendants have repeatedly demonstrated either their inability or refusal to comply with the law in this regard, to Plaintiffs' detriment.

53. Since at least January 2022, Defendants have stored manure in large piles next to the Dry Creek and Last Chance Ditch, as shown below.

54. Defendants continued to store manure in this manner in April 2022 and July 2022 as demonstrated in the images below.

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55. Washoe County Environmental Health Services determined that Defendants' storage and disposal of manure violated the SWMR in July 2022.

56. Using an uncovered dumpster while continuing to store manure on the ground does nothing to mitigate the stench nor propagation of vectors as shown in the photograph below. In addition, the manure is not timely removed from the Property. Thus, Defendants remain in violation of the SWMR.

57. Relatedly, the horses at the Property generate around 400 gallons of raw urine alone per week.

58. Not only is the horse wash rack not connected to the septic system, the 2,000-gallon, residential septic tank is insufficient given the intensive commercial use of the Property.

59. The urine, in addition to wastewater from the horse wash area containing urine and manure, runs directly into the ground and contaminates the water used by Plaintiffs.

Vectors and Odors

60. In addition to contaminating the water, Defendants' poor management of animal waste has resulted in unbearable odors and vectors.

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61. The pervasiveness of flies in the area surrounding the Property is a nuisance and health risk to Plaintiffs. A photograph of a fly trap on a neighbor's property located near the Property is shown below.

Dust

62. Section 040.030 of the Air Quality Management Regulations governs dust control in Washoe County.

63. Upon information and belief, Defendants have failed to obtain a Dust Control Permit as required by law before engaging in the operation and use of horse arenas—a dust generating activity. Examples of the dust generated from the riding areas

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of the Property are depicted below.

64. In addition to violating the Air Quality Management Regulations, the failure of Defendants to implement or otherwise manage dust controls at the Property substantially and unreasonably interferes with Plaintiffs' use and enjoyment of their respective properties. Specifically, the dust generated from the riding areas blows onto both the residential property line of the Property, as well as onto Flying Diamond depending on the wind direction.

65. Moreover, in order to comply with the Air Quality Management Regulations and to avoid air quality issues, the dust must be mitigated by chemical treatment or by regularly spraying with water. In the particularly hot summer months, watering will not be feasible due to constant evaporation. Therefore, Defendants will necessarily contaminate the soil with dust suppression chemicals that will seep into groundwater used by Plaintiffs' wells used for drinking, bathing, and cleaning. The hazards to Plaintiffs and other

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neighbors associated with the dust generated at the Property are unacceptable.

66. Relatedly, Defendants have failed to implement screening to control the dust pollution, as well as preserve the character of the neighborhood. *See* WCC 110.406.12 (requiring screening within industrial regulatory zones that are adjacent to residential regulatory zone parcels); *see also* WCC 110.412.40 (setting forth landscaping and screening requirements).

Storage Container

67. Defendants have unlawfully maintained a temporary storage container on the Property in violation of WCC 110.310.15(p) since January 2022, as depicted in the following image. *See* WCC 110.310.15(p) (detailing that a temporary on-site rental storage container unit cannot "be used for outside storage longer than sixty (60) days on any parcel of land without having a special use permit for a storage facility" or for longer than "the duration of a properly issued building permit").

Stadium Lighting

68. Defendants are also in violation of Section 110.414.21 of the WCC, which sets forth the criteria and standards to mitigate impacts caused by lighting and glare, and explicitly provides that light sources shall be located and installed to prevent spillover lighting onto adjoining properties, and shall not exceed twelve (12) feet in height in a residential zone.

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69. Defendants have mounted stadium bright lights on 20 or 25-foot poles, the light and glare from which pour directly into the adjacent residential properties located on Holcomb Ranch Lane and on Flying Diamond, as evidenced in the following photograph.

70. In July 2022, Defendants received an Administration Warning Letter regarding the lighting violation.

71. While it appears that Defendants have lowered the bright stadium lights, no shielding is installed to prevent the glare that continues to interfere with Plaintiffs' use and enjoyment of their respective properties—as shown below.

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Safety: Traffic and Access

72. Since Pro Pony acquired the Property and Pair of Aces began operating a commercial stable, traffic has increased exponentially on the Property.

73. Holcomb Ranch Lane is particularly beloved by cyclists and runners. The increase in traffic caused by Defendants' intense, commercial use of the Property is hazardous. For example, a truck and trailer coming from the west on Holcomb Ranch Lane cannot make a right turn into the driveway of the Property without veering into oncoming traffic.

74. The Property has only one permitted access point onto Holcomb Ranch Lane, a State/NDOT road. The image below depicts the paved, permitted NDOT access road on the left, with the unlawful encroachment to the right.

75. Defendants improperly and dangerously use the dirt road to access Holcomb Ranch Lane/SR 671—which is **not** an NDOT permitted encroachment.

76. The Property only has one permitted access point onto Holcomb Ranch Lane/SR 671. Nevertheless, Defendants continue to use the dirt road as a secondary access point, which has not been approved by NDOT—nor could it be.

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77. Pursuant to NRS 408.100, NRS 408.210, and NRS 408.423, the NDOT Access Management System and Standards ("AMSS") apply to points of ingress and egress on state highways. Holcomb Ranch Lane is classified as a "minor collector" in the State Highway System. The NDOT regulations require a minimum spacing of 660 feet between two unsignalized access points with full turn access. AMSS 4.2 (Table 4-1). Even if Defendants sought limited access by prohibiting left in and left out turns, a minimum of 200 feet between access points would be required. *Id*.

78. The primary and secondary access points are not adequately spaced between driveways per NDOT safety standards. A measurement using the Washoe County Regional Mapping System indicates that there are less than 150 feet between the primary access and the secondary access point. Accordingly, the dirt road, as a secondary access point, cannot be used for any other purpose other than emergency access.

79. Even more concerning, the dirt road is being used by semi-trailer trucks, as well as trucks pulling horse trailers for access and parking. Given Defendants' operation of a commercial stable at the Property, the frequency of use is substantial. Defendants not only utilize the dirt road to access SR 671 and for parking during events and clinics with approximately 100 persons in attendance, but the road is also impermissibly used for daily access to the Property in conjunction with Defendants' operation of the commercial stable.

80. Moreover, and in violation of NDOT regulations, Defendants have begun work to pave the secondary access point—confirming their intention to use the road unlawfully.

81. Additionally, a gate has been installed across the driveway of the only permitted access point onto Holcomb Ranch Lane. That gate remains closed throughout the day, as shown below. To accommodate frequent deliveries, a green box is installed outside that gate. The delivery box creates a safety hazard, as vehicles are forced to blindly back up onto Holcomb Ranch Lane in order to exit the driveway. The gate

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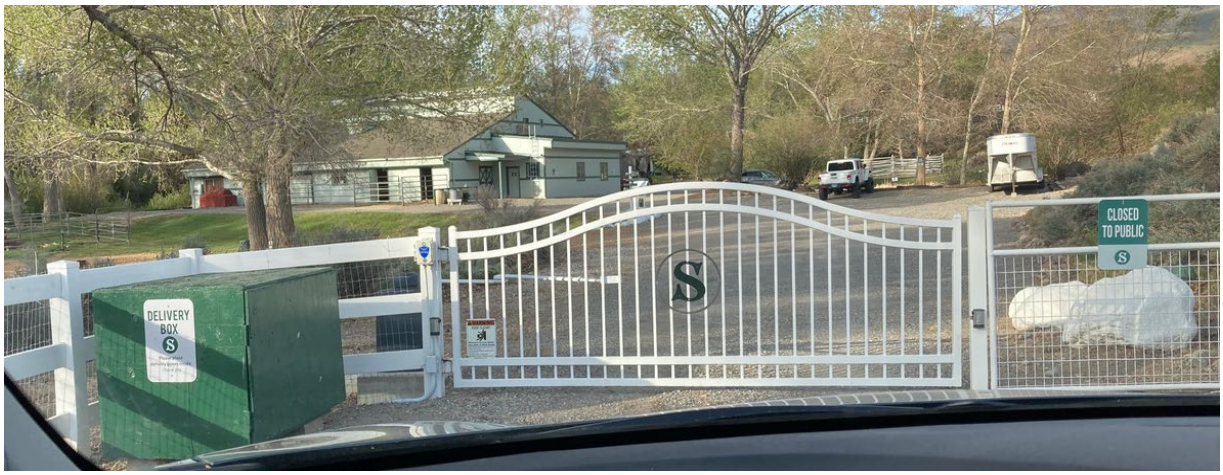
constitutes a safety hazard at the present location; the gate should be removed or otherwise relocated to permit delivery vehicles to safely turn around and exit the Property.



Hours of Operation and Events

82. The effects of Defendants' commercial operation are further exacerbated by the extreme hours of operation and hosting of weekend events and clinics—which are simply incompatible with rural, residential life.

83. Defendants conduct 100 lessons per week between the hours of 7am and 9pm.

84. In addition, Defendants facilitate horse shows and like events on various weekends throughout the year. Such events occur on both Saturdays and Sundays.

85. The noise generated from the events is particularly invasive, made even more so with the use of an amplified public address system and whistles.

86. The significant increase in traffic trips due to these weekend events exacerbates the precarious road conditions.

87. This neighborhood cannot support the congestion—let alone tolerate the dangerous road conditions—associated with the countless trucks and trailers speeding through Holcomb Ranch Lane, as well as entering and exiting Holcomb Ranch Lane from the Property via the unlawful NDOT encroachment identified above. The photographs below depict both Defendants' unlawful use of the NDOT encroachment, as well as the numerous trucks and trailers that travel to Defendants' events.

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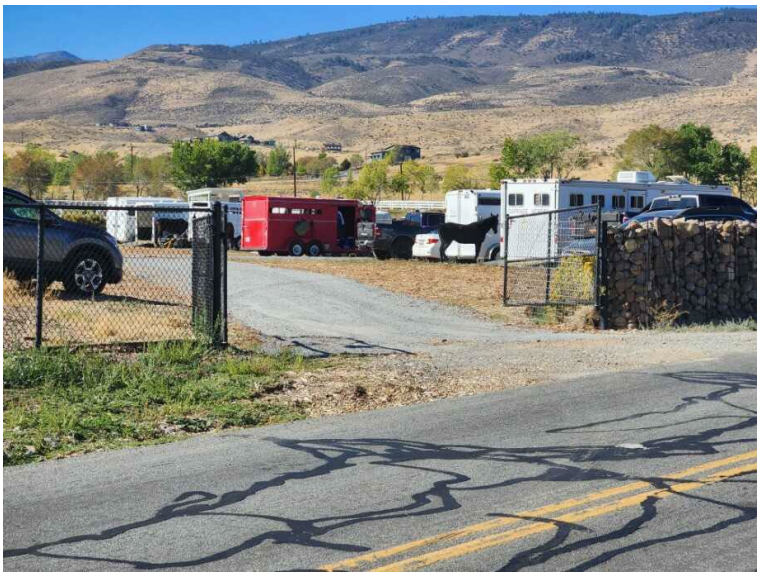

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FIRST CLAIM FOR RELIEF

(Brandin, Lazetich, and Flanigan for Nuisance against Defendants)

88. Brandin, Lazetich, and Flanigan incorporate by reference the allegations of the above paragraphs.

89. Defendants' intensive commercial stable operation at the Property, as well as its facilitation of horse shows and like events at the Property, constitutes an unreasonable, unwarranted, offensive, indecent, and/or unlawful use of the Property.

90. Defendants' actions have caused substantial and unreasonable interference with Brandin's, Lazetich's, and Flanigan's use and enjoyment of their respective properties, as well as deprived Brandin, Lazetich, and Flanigan of the use and quiet enjoyment of their respective properties.

91. As a result of the foregoing, Brandin, Lazetich, and Flanigan, in their individual capacities, have suffered emotional distress, including but not limited to personal inconvenience, discomfort, annoyance, anguish, or sickness.

92. Therefore, Brandin, Lazetich, and Flanigan have each incurred damages in an amount in excess of $15,000.00 against Defendants, jointly and severally, and are entitled to reasonable attorney fees and costs.

93. Moreover, under NRS 40.140, Brandin, Lazetich, and Flanigan are entitled to an injunction to abate the unlawful, injurious, indecent, and offensive actions of Defendants described herein. *See Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 108, 294 P.3d 427, 433 (2013).

SECOND CLAIM FOR RELIEF

(Brandin Trust for Nuisance against Defendants)

94. The Brandin Trust incorporates by reference the allegations of the above paragraphs.

95. Defendants' intensive commercial stable operation at the Property, as well as its facilitation of horse shows and like events at the Property, constitutes an unreasonable, unwarranted, offensive, indecent, and/or unlawful use of the Property.

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96. As a result of Defendants' substantial and unreasonable interference with the use and enjoyment of the Brandin Residence, the value of the Brandin Residence has been diminished.

97. Therefore, the Brandin Trust has incurred damages in an amount in excess of $15,000.00 against Defendants, jointly and severally, and is entitled to reasonable attorney fees and costs.

98. Moreover, under NRS 40.140, the Brandin Trust is entitled to an injunction to abate the unlawful, injurious, indecent, and offensive actions of Defendants described herein. *See Sowers*, 129 Nev. at 108, 294 P.3d at 433.

THIRD CLAIM FOR RELIEF

(Flying Diamond Ranch, LLC for Nuisance against Defendants)

99. Flying Diamond Ranch, LLC incorporates by reference the allegations of the above paragraphs.

100. Defendants' intensive commercial stable operation at the Property, as well as its facilitation of horse shows and like events at the Property, constitutes an unreasonable, unwarranted, offensive, indecent, and/or unlawful use of the Property.

101. As a result of Defendants' substantial and unreasonable interference with the use and enjoyment of Flying Diamond, the value of Flying Diamond has been diminished.

102. Therefore, Flying Diamond Ranch, LLC has incurred damages in an amount in excess of $15,000.00 against Defendants, jointly and severally, and is entitled to reasonable attorney fees and costs.

103. Moreover, under NRS 40.140, Flying Diamond Ranch, LLC is entitled to an injunction to abate the unlawful, injurious, indecent, and offensive actions of Defendants described herein. *See Sowers*, 129 Nev. at 108, 294 P.3d at 433.

FOURTH CLAIM FOR RELIEF

(Lazetich Trust for Nuisance against Defendants)

104. The Lazetich Trust incorporates by reference the allegations of the above

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paragraphs.

105. Defendants' intensive commercial stable operation at the Property, as well as its facilitation of horse shows and like events at the Property, constitutes an unreasonable, unwarranted, offensive, indecent, and/or unlawful use of the Property.

106. As a result of Defendants' substantial and unreasonable interference with the use and enjoyment of the Lazetich Residence, the value of the Lazetich Residence has been diminished.

107. Also, as a result of Defendants' substantial and unreasonable interference with the use and enjoyment of the Lazetich Ranch, the value of the Lazetich Ranch has been diminished.

108. Therefore, the Lazetich Trust has incurred damages in an amount in excess of $15,000.00 against Defendants, jointly and severally, and is entitled to reasonable attorney fees and costs.

109. Moreover, under NRS 40.140, the Lazetich Trust is entitled to an injunction to abate the unlawful, injurious, indecent, and offensive actions of Defendants described herein. *See Sowers*, 129 Nev. at 108, 294 P.3d at 433.

FIFTH CLAIM FOR RELIEF

(Flanigan Trust for Nuisance against Defendants)

110. Flanigan Trust incorporates by reference the allegations of the above paragraphs.

111. Defendants' intensive commercial stable operation at the Property, as well as its facilitation of horse shows and like events at the Property, constitutes an unreasonable, unwarranted, offensive, indecent, and/or unlawful use of the Property.

112. As a result of Defendants' substantial and unreasonable interference with the use and enjoyment of the Flanigan Residence, the value of the Flanigan Residence has been diminished.

113. Therefore, the Flanigan Trust has incurred damages in an amount in excess of $15,000.00 against Defendants, jointly and severally, and is entitled to reasonable

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Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

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attorney fees and costs.

114. Moreover, under NRS 40.140, the Flanigan Residence is entitled to an injunction to abate the unlawful, injurious, indecent, and offensive actions of Defendants described herein. *See Sowers*, 129 Nev. at 108, 294 P.3d at 433.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants and each of them, jointly and severally, as follows:

1. For damages in excess of $15,000;
2. For injunctive relief;
3. For attorney fees and costs of suit incurred herein; and
4. For such other relief as the Court may deem just and proper.

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

Dated this 11th day of April, 2023.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503

/s/ Kent R. Robison
KENT R. ROBISON
MICHAELA G. JONES
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this 11th day of April, 2023, I caused the foregoing **FIRST AMENDED COMPLAINT** to be served by electronically filing the foregoing with the eFlex electronic filing system used by this Court, which will send notice to the following:

LUKE BUSBY, ESQ. for PRO PONY LLC, and PAIR OF ACES STABLES INC.

/s/ Christine O'Brien
Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

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EXHIBIT “32”

EXHIBIT “32”

Pair Of Aces Stables

Aug. 19th, 2022

Manure Management Plan for the Historic Silver Circle Ranch

This manure management plan was prepared by Pair Of Aces Stables, the trainer/operator at Silver Circle Ranch, owned by Pro-Pony LLC. Pair of Aces Stables is responsible for execution and management of the plan as stated, or until a new plan is prepared and approved by the Washoe County Health District, Environmental Health Services.

Waste management, collection and disposal:

All barn areas, crosstie areas, stalls and runs are cleaned daily. This includes all manure and any soiled bedding. Waste is also picked up from arena and paddock areas.

All of the collected waste is transferred to the designated manure pile area near the Waste Management provided dumpster. From there the pile is transferred into the WM dumpster by tractor. WM picks up and empties the dumpster once weekly.

A chain drag pulled by a vehicle is also used in pasture turn-out areas to spread any remaining manure.

Maximum Number of Horses at Facility:

Currently the facility has 33 stalls, all of which could house 1 horse each, or a mare with foal by her side. The facility is located on nearly 13 acres, with no neighboring homes within approx. 500 or more feet from the manure pile and dumpster location.

How Much Waste is generated:

As of Aug. 2022 approximately 16 yards of waste, which includes manure and soiled straw bedding, is generated weekly.

How often is Manure Removed from the property:

As of Aug. 22nd, 2022, all waste including manure and soiled bedding is removed once weekly by Waste Management.

What records are maintained to ensure waste is removed as required:

Contract and Invoices from Waste Management will serve as records of waste removal.

Prepared by:

Liz Reader
Owner/Operator Pair Of Aces Stables

EXHIBIT “33”

EXHIBIT “33”

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EXHIBIT “34”

EXHIBIT “34”

Robison Engineering Company, Inc.
846 Victorian Avenue, Suite 20
Sparks, Nevada, 89431
775-852-2251 Office
775-852-9736 Fax
www.robisoneng.com

Jill Brandin **April 11, 2022**
c/o Lewis Roca
1 E Liberty St. #300
Reno, NV 89501

Attn: Garrett Gordon, Partner
Via: ggordon@lewisroca.com

Subject: Review of SUP for 3400 Holcomb Ranch Lane, Reno, Nevada 89511

Dear Ms. Brandin,

Robison Engineering Co., Inc. (RENG) was asked to review documents pertaining to a Washoe County Special Use Permit (SUP) for a commercial stable at the referenced property. The County denied the permit because the applicant has not demonstrated "That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area".

Given the description of proposed activities at the site, environmental issues are likely to impact surrounding properties due to issues including, but not limited to, surface and/or groundwater contamination, and dust and odors.

Surface water in the area consists of the Last Chance irrigation ditch, which crosses the subject property, and nearby Dry Creek. The subject site utilizes a well for potable water, as do most downslope (east to northeasterly), neighboring sites. Wastes generated by the number of horses proposed to be housed at the stable are cause for environmental concern. Potential water contaminants from wastes consist of nutrients such as nitrogen and phosphorous, and bacteria and other pathogens. Contamination of water can result from infiltration or overland flow as a direct consequence of this commercial activity. The site is located in FEMA zone AE, which are areas subject to inundation by the 1%-annual-chance flood event. Several flood events have been observed along Holcomb Ranch Lane.

According to The Penn State Extension, a 1,000-pound horse produces about 31 pounds of feces and 2.4 gallons of urine daily, which totals around 51 pounds of total raw waste per day. Soiled bedding removed with the manure during stall cleaning may account for another 8 to 15 pounds per day of waste. The amount of bedding can vary widely depending on management practices, such as the type of litter used and how often it is changed. This totals around 60 to 70 pounds of waste material to be removed daily. This results in about 12 tons of waste per year per stall, with 8.5 tons being manure from a 1,000-pound horse[1]. The annual waste generate by this proposal would thus equate to roughly 300 tons – or 600,000 pounds of waste introduced to this site which has significant potential to contaminate groundwater and pollute the neighborhood.

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Sparks, Nevada, 89431
775-852-2251 Office
775-852-9736 Fax
www.robisoneng.com

Prior to permit approvals, consultation with a hydrologist is recommended to process data regarding precipitation, soils, grading plans, drainage patterns, runoff and infiltration rates, and fate and transport of contaminants, among other particulars of the site. This will yield a quantitative assessment of the potential for contamination due to wastes. Without such study having been conducted and measures taken to prevent contamination, the proposal poses a serious risk to the health and safety of neighboring property owners who rely on groundwater.

Waste management practices should be heavily scrutinized and regulated in order to minimize other potentially adverse effects, such as production of dust, noise and noxious odors. These problems may be minimized by considering where wastes are placed in relation to adjacent properties and wind direction, and may be mitigated using vegetation or other attractive barriers. If dust cannot be suppressed with water application, chemical methods such as surfactants, binders or emulsions could be used. Any proposed chemical method should be evaluated for its effect on the environment, and include documentation of its toxicity, flammability and biodegradability.

It appears that Washoe County was prudent in denying the SUP for the proposed facility at this time. Additional investigation of site activities and mitigating factors is recommended prior to approval of any SUP. Additionally, appropriate and meaningful conditions that would benefit the site and surrounding environment should be imposed.

Please contact us if you have any questions or need further information.

Sincerely,

Robison Engineering Company, Inc.

Marcie Wood, CEM-1512 (expires 3/8/2024)
Senior Project Professional marcie@robisoneng.com
775/852-2251 x724

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state, and local statutes, regulations, and ordinances.

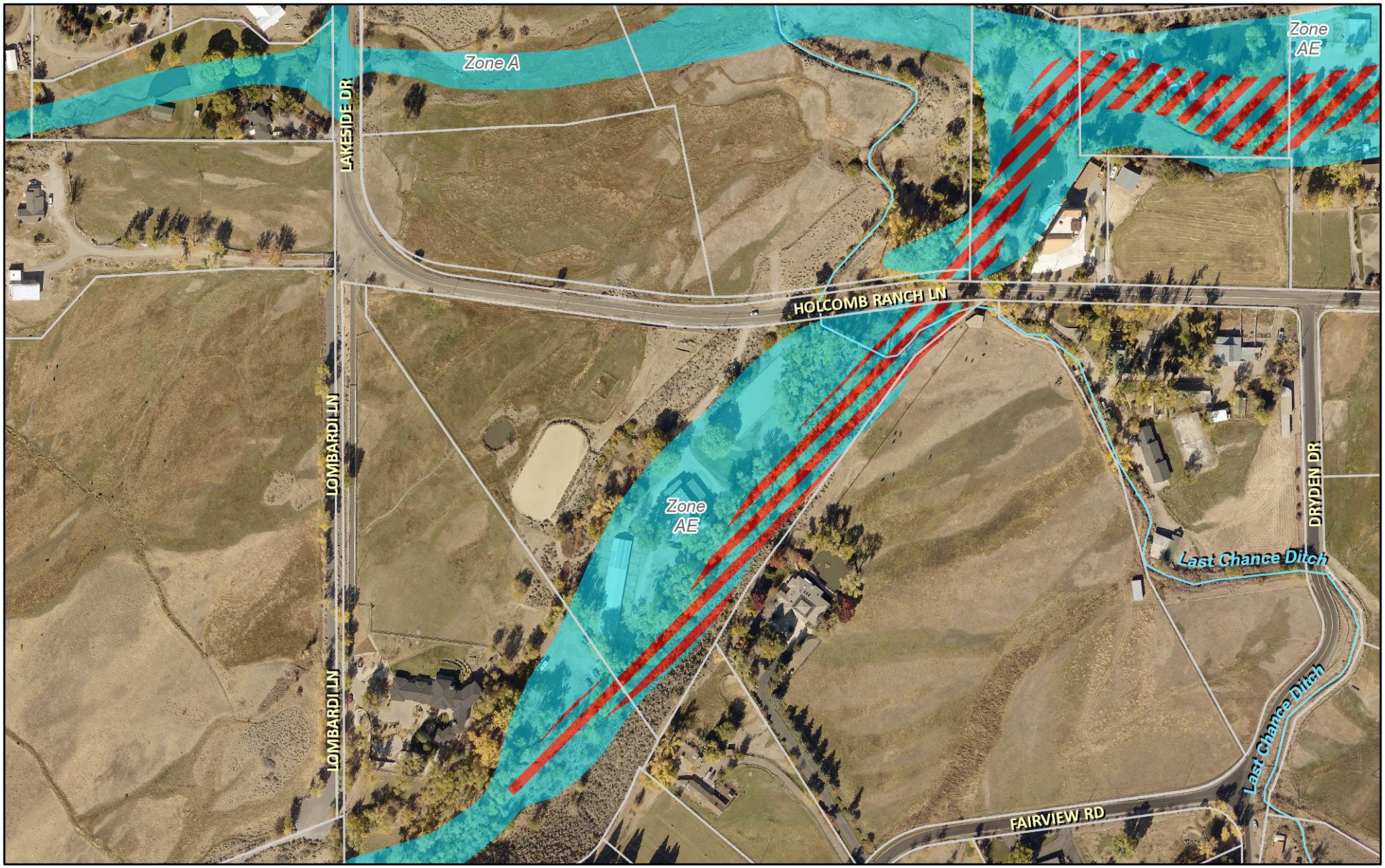
References:

[1]https://extension.psu.edu/horse-stable-manure-management

EXHIBIT “35”

EXHIBIT “35”

Dry Creek Critical Flood Zone



April 9, 2022

Critical Flood Zone 1

1:4,514

0 210 420 840 ft

0 62.5 125 250 m

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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This information for illustrative puroposes only. Data is provided "as is" without warranty of any kind or location and not intended to be used for measurement, calculation, or delineation.

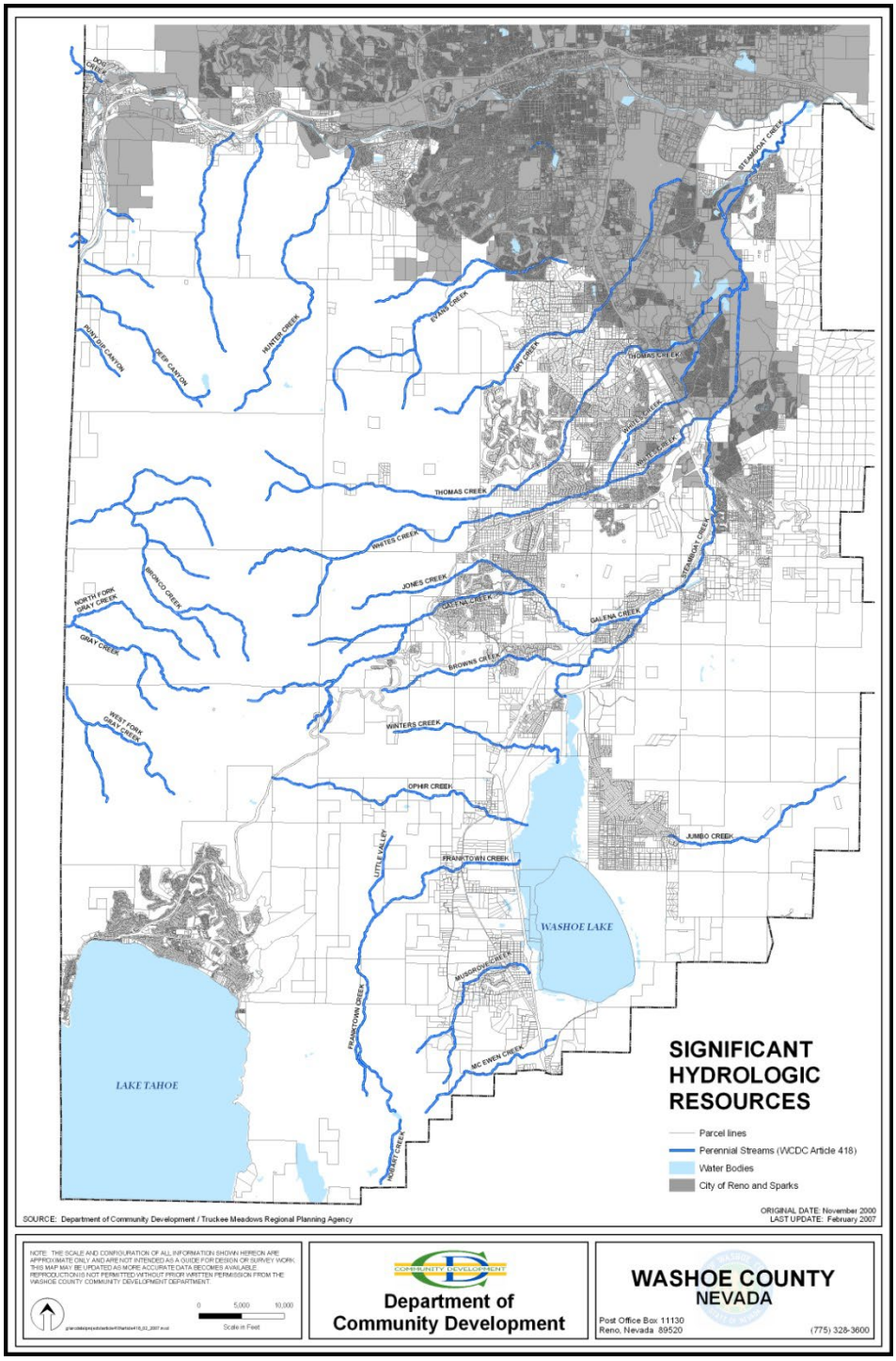
Washoe County Technology Services - Regional Services Division, 1001 E. 9th St, Building C-200, Reno, NV 89512 www.washoecounty.us/gis (775) 328-2345

EXHIBIT “36”

EXHIBIT “36”

Map 110.418.05.1

SIGNIFICANT HYDROLOGIC RESOURCES



Source: Department of Community Development and Truckee Meadows Regional Planning Agency.

[Added by Ord. 1112, provisions eff. 2/15/01; graphic updated with Ord. 1378, provisions eff. 8/1/08.]

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EXHIBIT “37”

EXHIBIT “37”

Video recording of Fly Trap Adjacent to Property available here:

https://www.dropbox.com/scl/fi/z3l6mjv7z1vr3f9xehjic/Video-of-Fly-Trap-Adjacent-to-Property.mov?rlkey=f78a2zeurtcmm4e17asjogisj&dl=0

EXHIBIT “38”

EXHIBIT “38”

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EXHIBIT “39”

EXHIBIT “39”

Attachment G

Video recording of Board of Adjustment hearing is available here:
https://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=3729

The hearing on WSUP21-0036 begins at approximately 4:23:36 minutes into the recording.

EXHIBIT “40”

EXHIBIT “40”

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

AND FOR THE COUNTY OF WASHOE

JILL BRANDIN, an individual; PETER LAZETICH, an individual; and NANCY FLANIGAN, Plaintiffs,	Case No.: CV22-01722 Dept. No. 15
PRO PONY LLC, a Nevada Limited Liability Company; PAIR OF ACES STABLES INC., a Nevada Corporation; and DOES 1-10, inclusive. Defendants.	

RECORDED DEPOSITION OF PETER GARY LAZETICH

Taken on March 21, 2023

At 10:03 a.m.

750 Sandhill Road, Suite 120.

Reno, Nevada 89512

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irrigated pasture, flood irrigated pasture, do not receive the concentrations of hundreds of yards of material piled up.

Q. Okay. So do your cows on your property defecate on the ground, right? That creates smells?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Okay. But you're saying that my clients' property, you know, you say a quarter mile away, you can smell that more than you can smell the cow excrement on your own property?

A. The cows do not poop in the same spot. They plop down on different areas of the pasture, that are under flood irrigation. If I took 25, 30 cows and piled them up in a confined area, and piled up all of their urine, and their waste, and their bedding, yes, I would smell that. Just as I smell the stench coming off that horse pile.

Q. Okay. Did you ever complain about the stench from the horse pile before you knew my clients were going to build an indoor riding facility in 2022?

A. Gosh, over the years, 35 years living next to their property, we never had that problem with Warren

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EXHIBIT “41”

EXHIBIT “41”

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EXHIBIT “42”

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EXHIBIT “43”

EXHIBIT “43”

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EXHIBIT “44”

EXHIBIT “44”

Video Recording of Truck Lights and Noise on the Property available here:

https://www.dropbox.com/scl/fi/uyvhpiqqbrf8l4lkua219/Video-Recording-of-Truck-Lights-and-Noise-on-the-Property.mov?rlkey=vqc51us1fwag3g8bn8za8lg5p&dl=0

EXHIBIT “45”

EXHIBIT “45”

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EXHIBIT “46”

EXHIBIT “46”

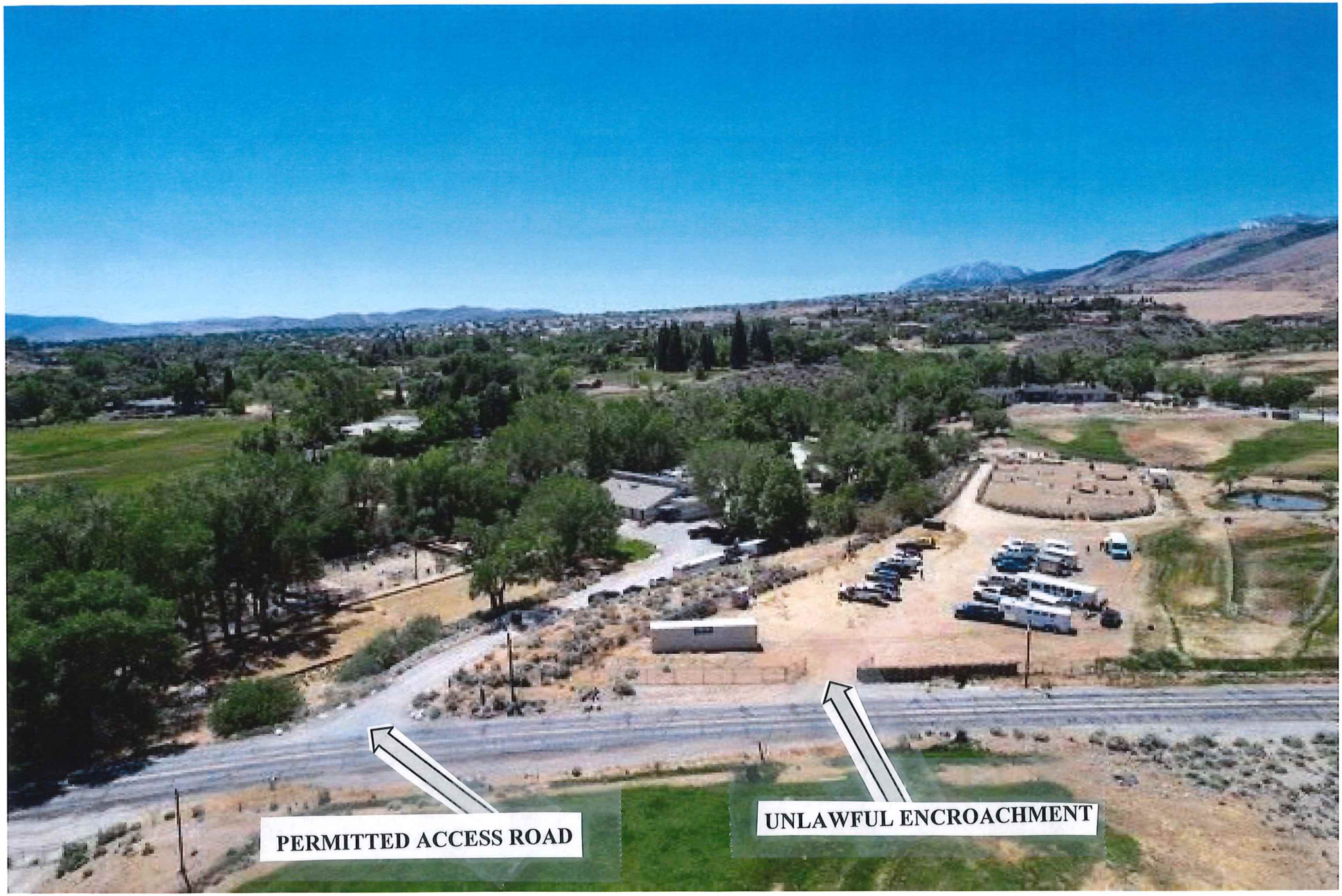

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EXHIBIT “47”

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EXHIBIT “48”

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EXHIBIT “49”

EXHIBIT “49”

Silver Circle Ranch
3400 Holcomb Ranch Lane, Reno, NV

Application to Washoe County for a:

Special Use Permit

For an Existing Stable and Grading
Associated with an Accessory Indoor Riding Arena

Prepared by:

SUMMIT ENGINEERING CORPORATION

Clinton Thiesse, P.E.
Executive Vice President
Summit Engineering Corp.
5405 Mae Anne Avenue
Reno, NV 89523
(775) 787-4364
clint@summitnv.com

Prepared for Owner:

Pro Pony LLC
Landess and Bruce Witmer
1605 Del Monte Lane
Reno, NV 89511
(775)-560-4242

December 8th, 2021

WSUP23-0028
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EXHIBIT F

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Introduction

This application includes the following requests:

- A Special Use Permit to allow for grading of building area for an indoor horse arena, minor grading associated with a relocated outdoor arena, and grading associated borrow area.
- A Special Use Permit for a Commercial Stable in an HDR zone.

Project Location

The project site (APN # 040-670-12) consists 12.56 acres located at 3400 Holcomb Ranch Lane. More specifically the subject parcel is located on the south side of Holcomb Ranch Ln, and at the end of Lakeside Dr. See Figure 1 below.

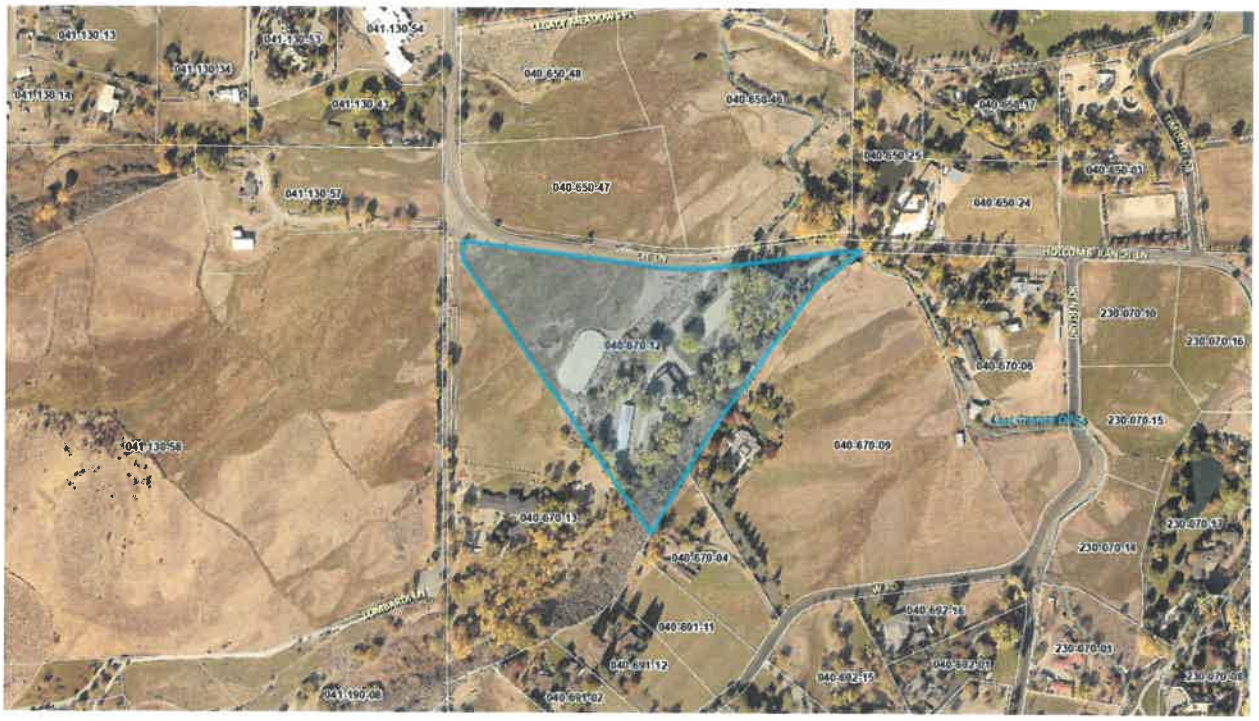

Figure 1 – Vicinity Map. Project Parcel outlined in blue.

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Existing Conditions

The subject property is within the Southwest Planning Area and zoned High Density Rural (HDR) with a small piece of General Rural (GR) on the Southeast corner within the Dry Creek drainage. The project site contains a Barn and Stable that have been present on the site since the 1970's.

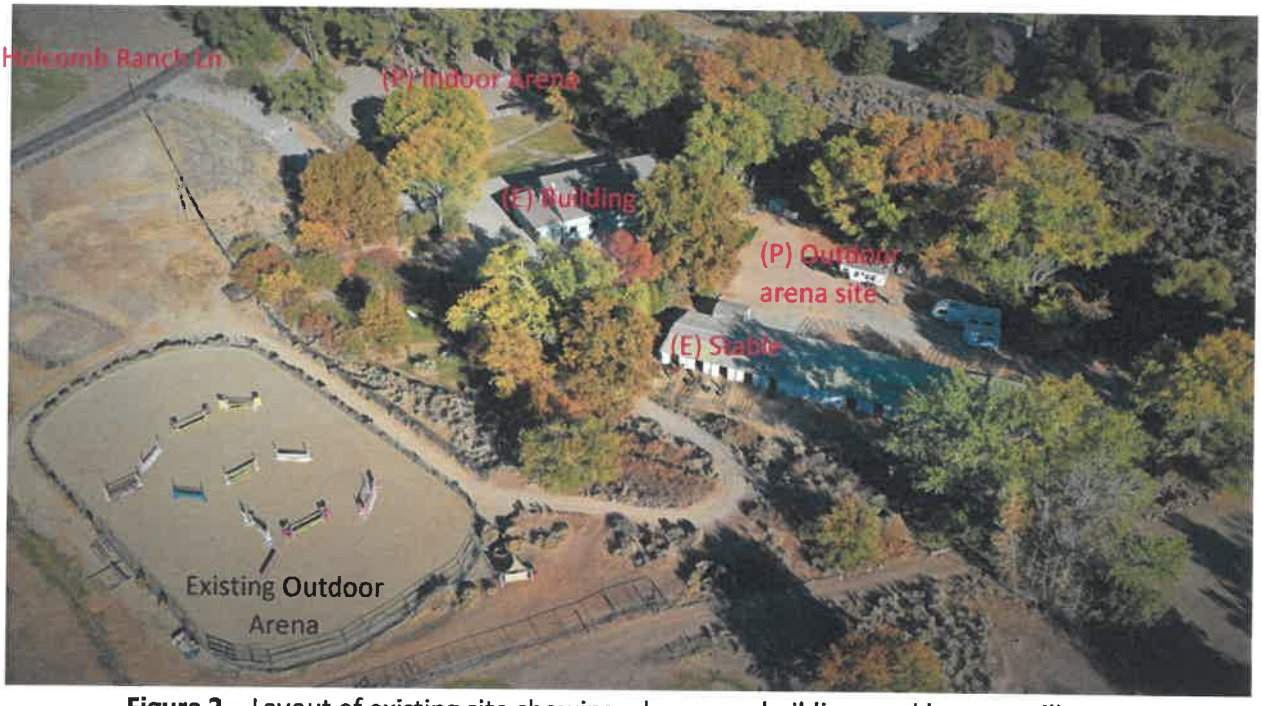

Figure 2 – Layout of existing site showing where new buildings and layouts will go.

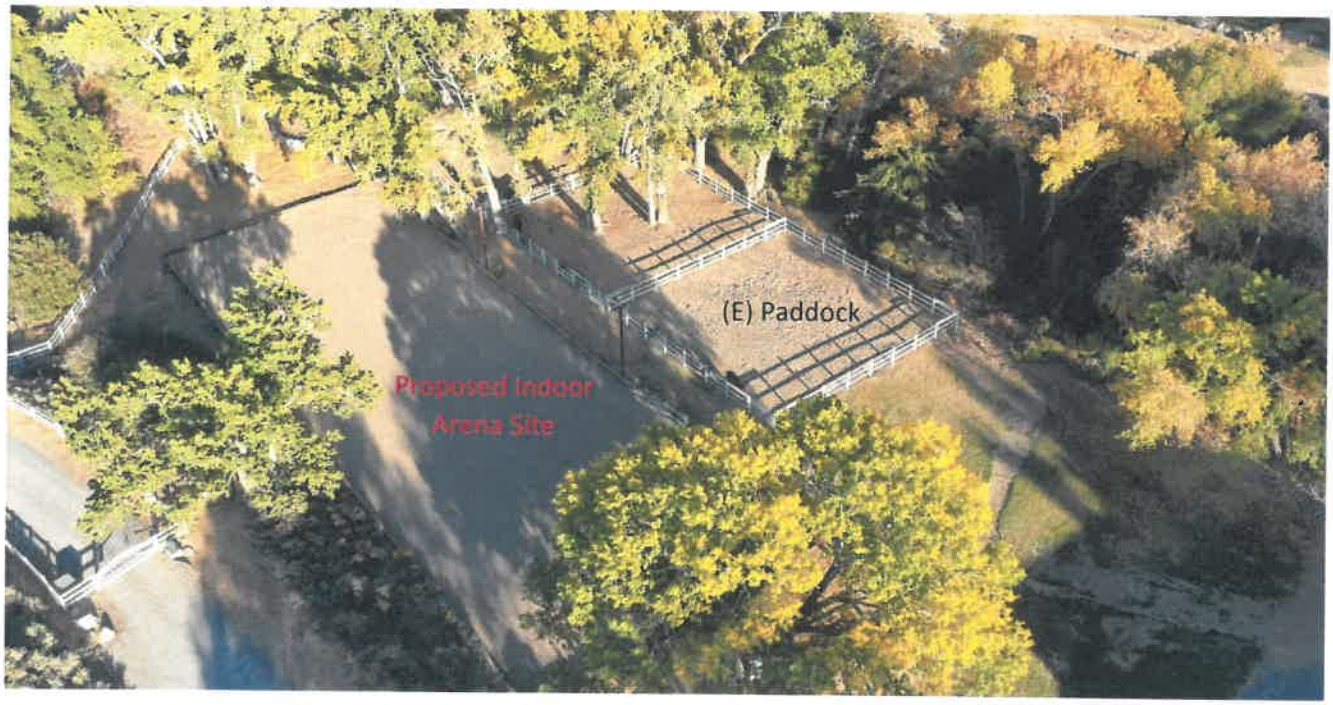

Figure 3 – Area proposed for new Indoor Arena.

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Project Request

The proposed new indoor riding arena is being proposed in a location within the AE flood zone, outside the Dry Creek floodway. The location was chosen due to its proximity to the existing stable and barn, plus the location is well screened, with the site elevations, and trees, from adjacent areas of the property. However, fill will be required to raise the building pad above the flood elevation. In addition, the owner is looking to grade a surface for a relocated Outdoor Training Arena.

A SUP is needed for the grandfathered horse stable operation, grading associated with the Indoor Arena building pad, grading the Outdoor Arena, grading the proposed on-site borrow area.

Grading Special Use Permit Description

The grading to provide a building pad for the proposed indoor arena on the north side of the project requires a Special Use Permit, under Washoe County regulations. Specifically, per section 110.438.35 of the Washoe County Development Code, an SUP is triggered based on the overall pad height at the northeast corner.

With the current existing conditions and to alleviate the amount of material needed for import, some material on site will be used for fill material. The area labeled as "Borrow Area" (Sheet C-2) has around 2700 cubic yards of material that will be used for the proposed Indoor Riding Arena Building pad. Total amount needed for the pad of this building will be around 6000 cubic yards of material total. Slopes for the Borrow area will be cut to a 3:1 slope and will be vegetated as needed.

Material from the proposed Outdoor Arena will total roughly 800 cubic yards of cut material to ensure adequate drainage on site. The Outdoor Arena will be slanted at a 2% slope towards the North-East to ensure drainage to the natural drainage system. Cottonwood trees impacting the proposed areas will be removed as needed (See C-3). The Outdoor Arena will be bordered using wood curbing that will be relocated from another existing outdoor arena as to ensure that surface material used for the outdoor arena stays within the arena and does not mix with native soils.

Material for the proposed Indoor Arena will be a mix of material from the Borrow area, cut material from the proposed Outdoor Arena, and imported from a permitted material source. The proposed Indoor Arena is around 13,580 square feet and will be located on the South-East side of the driveway on the property. Slopes around the South-East side of the building will be graded to a 3:1 slope. The maximum building pad height above existing ground is about 10 feet at the northeast corner. Existing Cottonwood trees within the graded boundary will be removed, as well as existing fence, and brush (See C-2).

Disturbed and created slopes associated with this project will be revegetated in compliance with County Code. All revegetation will be in accordance with Best Management Practices established by Washoe County and will include native plant species. With the implementation of revegetation and Washoe County grading standards, no negative impacts are anticipated to result from this request.

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The following table provides an overall summary of the grading proposed at the Silver Circle Property:

Fill Quantity	6000 CY
Cut Quantity	3500 CY
Import Quantity	2500 CY
Total Disturbed Area	1.72 Acres (+/- 0.2 Ac.)

Commercial Stable Special Use Permit Description

The owners of the property want to establish a permitted commercial stable use on property which requires the approval of an SUP. This permit is to bring a non-complying grandfathered use into compliance with current code. The barn and stable facilities were constructed in the 1970's by the previous owner, the Warren Nelson family. It has been operated as a commercial stable since that time and has a current business license to operate a commercial stable in the name of Pro Pony, LLC.

Currently 23 horses are stabled on the property of which the property owner owns 1; the trainer owns 2 personal horses and 5 lesson horses; and the assistant trainer owns 2 personal horses. The remaining 13 horses boarded are owned by riding instruction students. The owner and trainer desire to increase the total number of permitted horses to 25, as well as to increase the lesson horse total to 10 sometime in the future which would reduce the student boarded horses to 10.

The proposed new arena structure is being addressed as an accessory use, and an Administrative Permit request is included. The new structure contains an 11,580 sqft indoor riding arena with a 2000 sqft access and equipment storage area and will include a restroom. A mezzanine level is proposed over the storage to provide a viewing deck for parents to observe the training lessons. The restroom would be plumbed to the existing 2000-gal septic tank via a pump system.

Existing access and parking areas are improved with compacted, maintained gravel surfacing. It is the owners and trainers desire to continue the use of gravel in lieu of asphalt. Space will be provided to accommodate up to 31 vehicles on the lower level of the site. During a competition, the unused portion of the upper pasture area can be used for trailer parking. The lower level can accommodate trailer turning around the barn and the fire access turn around in front of the new proposed indoor arena.

All new lighting is proposed to be building mounted directed at the ground in the local area. An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the north end, and the westside near the north end of the new arena in hunter green lettering to match the trim on the white wall.

HDR Zoning Requirements

The current site resides in a majority High Density Rural (HDR) regulatory zone, with a small area in the Dry Creek channel designated General Rural (GR) within the Southwest Planning Area. With proposed and current buildings for the site, under 20% of the parcel square footage is used for buildings (Proposed and Existing), totaling 0.61 ac. of building on the 12.56 ac. site. This follows a requirement in section 110.306.10 that requires building use on the site to be below 20% of the site. With the proposed outdoor arena as well as current buildings, setback dimensions for an HDR zone are sufficient. Current distances laid out are more than 30 ft or grandfathered in per section 110.406.05.1. An administrative

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Permit will be filed along with the Special Use Permit due to the proposed accessory structure of the new indoor arena.

Traffic Impacts

Moderate traffic is anticipated and will increase by 50-70 trips per week or 10 to 12 trips per day on lesson days to accommodate the proposed new lessons. This would equate to less than 2 peak hour trips per day. The lower level can accommodate trailer turning around the barn and fire access turning in front of the new proposed indoor arena.

Parking

Space will be provided to accommodate up to 31 vehicles on the lower level of the site. 15 of these parking spots being existing, while adding 16 new parking spots. A total of 17 are required by code for the site, 7 for the number of boarded horses, 5 for employees, and 5 for the apartments. During a competition, the unused portion of the upper pasture area can be used for trailer parking. Parking spaces will be designated by use of small placards on wood posts (currently in use) with 2 designated as ADA.

Landscaping

The existing site has numerous mature trees and turf pasture, and as such no new landscaping is proposed. Cut and fill slopes will be revegetated.

Irrigation

The upper area of the site is irrigated via flood irrigation from the local ditch system. The lower area requiring irrigation is hand watered to maintain the beautiful ranch setting.

Fencing

The existing perimeter fencing is a black powder coated chain link fence. The upper area corrals, lower area paddocks, and main entry are fenced with a semi-permanent white plastic split rail. The owner desires to maintain the current fencing scheme in lieu of block walls or other screen fencing.

Signage

An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the north end and westside near the north end of the new arena in hunter green lettering to match the trim on the white wall.

Lighting

All new lighting is proposed to be building above doorways and at eave line mounted directed at the ground in the local area.

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Code Enforcement

In order to accommodate buildings on the premises, the current Barn and Stable on site were built prior to the need for a Special Use Permit. No special use permit will be needed for these structures since there will be no modifications, other than interior and exterior moveable panel relocations of the horse stalls, to either of the buildings during the duration of the project. The addition of an Indoor Arena as previously noted requires an Administrative Permit. An Administrative Permit will be filed along with this Special Use Permit. A Geotechnical Investigation has also been submitted with the Administrative Permit which will require an update prior to building permit request.

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Special Use Permit Findings

In order to approve a Special Use Permit, the following findings must be made. Responses are provided in **Bold**.

1. Consistency. The granting of the special use permit is consistent with the policies and maps of the Comprehensive Plan Elements and the Area Plan in which the property is located.

The proposed use and grading are permitted within the High-Density Rural zone (with an SUP). This SUP request provides for consistency with Article 214 Southwest Truckee Meadows Area. The application of development Code standards further ensures consistency with all applicable policies and practices.

2. Adequate Public Facilities, adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities must exist or will be provided.

The property is well suited for the type of use proposed. The site is already constructed and includes the necessary infrastructure to provide the site with water and sanitation service. The proposed grading is consistent with Washoe County standards for slopes, drainage, etc. ensuring compliance with this finding. The commercial stable use will generate very moderate traffic impacts.

3. Site suitability. The site must be physically suitable for the proposed use and for the intensity of development.

The site is large and easily accommodates the proposed use and the grading needed for the project. These proposed uses are compatible with the area and with the site. The use and development of this property is consistent with other properties in the area. All grading impacts will be mitigated through proper slope transitions, revegetation, and implementation of standards included within the Washoe County Development Code.

4. Issuance not detrimental. Issuance of the permit may not be significantly detrimental to the public health, safety, or welfare; have a detrimental impact on adjacent properties; or be detrimental to the character of the surrounding area.

No negative impacts are anticipated with the granting of this SUP request. All potential impacts will be properly mitigated, and the development proposed is directly consistent with surrounding parcels and uses. It is also consistent with the types of uses and development intended for the General Rural and High Density Rural zoning district.

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EXHIBIT F

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	**Staff Assigned Case No.:**
Project Name: Silver Circle Ranch Special Use Permit	
Project Description: A Special Use Permit request for Grading, New Outdoor Arena, and Existng Stable	
Project Address: 3400 Holcomb Ranch Lane, Reno, NV, 89511	
Project Area (acres or square feet): 12.56	
Project Location (with point of reference to major cross streets AND area locator): 3400 Holcomb Ranch Ln, East to Lakeside Dr and Lombardi Rd	

Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
040-670-12	12.56		

Indicate any previous Washoe County approvals associated with this application:
Case No.(s).

Applicant Information (attach additional sheets if necessary)

Property Owner:		**Professional Consultant:**	
Name: Pro Pony, LLC		Name: Summit Engineering Corporation	
Address: 1605 Del Monte Lane		Address: 5405 Mae Anne Avenue	
Reno, NV	Zip: 89511	Reno, NV	Zip: 89523
Phone: (775) 560-4242	Fax:	Phone: (775) 787-4364	Fax: 747-8559
Email: witmers2@gmail.com		Email: clint@summitnv.com	
Cell: (775) 560-4242	Other:	Cell: (775) 745-3849	Other:
Contact Person: Landess Witmer		Contact Person: Clinton Thiesse, PE	
Applicant/Developer:		**Other Persons to be Contacted:**	
Name:		Name: Pair of Aces Stables	
Address:		Address: 10427 Chadwell Dr.	
	Zip:	Reno, NV	Zip: 89521
Phone:	Fax:	Phone: 775-220-2270	Fax:
Email:		Email: pairofacesstables@yahoo.com	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person: Liz Reader	

For Office Use Only

Date Received:	Initial:	Planning Area:
County Commission District:		Master Plan Designation(s):
CAB(s):		Regulatory Zoning(s):

Special Use Permit Application
Supplemental Information

1. **What is the project being requested?**

To acquire a permit for the already present horse stable, grading associated with the Indoor Arena, Outdoor Arena, and the proposed borrow area. A complimentary Administrative Permit is being requested for construction of the new Indoor Arena Facility.

2. **Provide a site plan with all existing and proposed structures (e.g., new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)**

See attached plans.

3. **What is the intended phasing schedule for the construction and completion of the project?**

1 phase within 1 year of final plan acceptance and contract execution with a general contractor.

4. **What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?**

The site is large and well separated from other buildings on the premises. This gives ample room to keep accommodation for the current Barn and Stable on site, as well as the proposed Indoor and relocated Outdoor arena areas.

5. **What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?**

First and foremost, the project provides a climatically pleasing environment for riding during periods of extreme summer heat, winter cold, precipitation, and wind. It maintains the property as a rural, pasture equestrian use in a rural area of Reno suburbia.

6. **What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?**

There are no anticipated impacts on adjacent properties.

7. **Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.**

The existing site has numerous mature trees and turf pasture, and as such no new landscaping is proposed. Cut and fill slopes will be revegetated. Existing access and parking areas are improved with compacted, maintained gravel surfacing. It is the owner's and trainer's desire to continue the use of gravel in lieu of asphalt. Space will be provided to accommodate up to 31 vehicles on the lower level of the site. 16 of these parking spots being existing, while adding 15 new parking spots. A total of 17 are

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required by code for the site, 7 for the number of boarded horses, 5 for employees, and 5 for the apartments. During a competition, the unused portion of the upper pasture area can be used for trailer parking. The lower level can accommodate trailer turning around the barn and fire access turning in front of the new proposed indoor arena. All new lighting is proposed to be building mounted directed at the ground in the local area. An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the north end and on the westside near the north end of the new arena in hunter green lettering to match the trim on the white wall.

8. **Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)**

No.

9. **Utilities:**

a. Sewer Service	Septic - 2000 gal tank
b. Electrical Service	NV Energy
c. Telephone Service	Cell Phone
d. LPG or Natural Gas Service	NONE
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	NONE
g. Water Service	Well - 20 gpm

10. **Community Services (provided and nearest facility):**

a. Fire Station	Truckee Meadows Fire & Rescue Station 33
b. Health Care Facility	Renown South Meadows Emergency
c. Elementary School	Marvin Picollo Elementary School
d. Middle School	Depoali Middle School
e. High School	Bishop Manogue Catholic High School
f. Parks	Crystal Lake Park
g. Library	Sierra View Library
h. Citifare Bus Stop	South Virginia Street and Holcomb Ranch Lane

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Special Use Permit Application
for Grading
Supplemental Information

1. **What is the purpose of the grading?**

Grading throughout the project is for the purpose of creating a building pad above the 100-year flood elevation for a proposed indoor arena, as well as minor grading for a proposed relocated outdoor arena. The proposed borrow area is for generation of material for construction of the arena pad.

2. **How many cubic yards of material are you proposing to excavate on site?**

3500 cubic yards of material to be excavated and used for fill material for the Proposed Indoor Arena.

3. **How many square feet of surface of the property are you disturbing?**

75,000 sqft of surface to be disturbed.

4. **How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?**

The new indoor arena requires 6000 CY of fill material. 2700 CY from proposed borrow area will be used as well as 800 CY of cut material from proposed outdoor arena area. 2500 CY of material will need to be imported.

5. **Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit? (Explain fully your answer.)**

No. The existing FEMA AE flood zone requires the quantity and height of the building pad while maintaining a location with minimal impact on the neighborhood.

6. **Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances, the year the work was done, and who completed the work.)**

None.

7. **Have you shown all areas on your site plan that are proposed to be disturbed by grading? (If no, explain your answer.)**

Yes.

8. **Can the disturbed area be seen from off-site? If yes, from which directions and which properties or roadways?**

Yes. From both directions of Holcomb Ranch Lane.

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9. **Could neighboring properties also be served by the proposed access/grading requested (i.e., if you are creating a driveway, would it be used for access to additional neighboring properties)?**

No.

10. **What is the slope (horizontal/vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?**

3:1. Straw Wattles, Silt fencing, revegetation, or other BMPs.

11. **Are you planning any berms?**

No.

12. **If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e., rockery, concrete, timber, manufactured block)?**

No.

13. **What are you proposing for visual mitigation of the work?**

Cut/fill areas are to be revegetated. Fill areas will be graded to have a natural appearance.

14. **Will the grading proposed require removal of any trees? If so, what species, how many and of what size?**

Grading will require the removal of 14 cottonwood trees varying in size around 30ft to 50ft tall.

15. **What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?**

Revegetation will conform to county standards.

16. **How are you providing temporary irrigation to the disturbed area?**

Existing irrigation on-site is accomplished via hose and surface sprinklers as needed to maintain the well-groomed site. The new disturbed areas will be maintained in a similar manner.

17. **Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?**

Have not met with the Washoe Storey Conservation District. Only vegetation to be done will be for erosion control on future slopes.

18. **Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit the requested grading?**

No.

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Special Use Permit Application for Stables
Supplemental Information

1. **What is the maximum number of horses to be boarded, both within stables and pastured?**

A total of 23 horses are currently housed in the existing stable. The owner and trainer desire to have the future total increased to 25 horses (2 additional). Only the onsite housed horses utilize the pasture areas.

2. **What is the maximum number of horses owned/maintained by the owner/operator of the project, both within stables and pastured?**

Of the current 23 horses, the property owner owns 1; the trainer owns 2 personal horses and 5 lesson horses; and the assistant trainer owns 2 personal horses. The remaining 13 horses boarded are owned by riding instruction students. The trainer desires to increase the lesson horse total to 10 sometime in the future which would reduce the student boarded horses to a maximum of 10 horses.

3. **List any ancillary or additional uses proposed (e.g., tack and saddle sales, feed sales, veterinary services, etc.). Only those items that are requested may be permitted.**

This Property will not be engaging in any ancillary uses. Uses will be limited to the housing and boarding of horses, equestrian training, and the existing minor residential use. If any future sales or veterinary services are desired, a separate permit will be requested.

4. **If additional activities are proposed, including training, events, competition, trail rides, fox hunts, breaking, roping, etc., only those items that are requested may be permitted. Clearly describe the number of each of the above activities which may occur, how many times per year and the number of expected participants for each activity.**

As alluded to above, one of the main uses and functions of the facility is equestrian training for jumping and dressage basics. Pair of Aces Stables (Liz Reader) runs and operates the instructional program. The trainer currently provides up to 70 training lessons per week to 35 students, each averaging 2-1-hour sessions per week, with up to 5 riders per session. The desire is to increase to 100 lessons on the proposed lesson horses plus training to the boarded horses/owners. In addition to her training, the trainer desires to hold up to 4 clinics per year. Clinics are generally limited to her students and are given by a "guest" horsemanship trainer. Likewise, the trainer desires to hold up to 4 competitions per year for the local horse community. Competition events are 1 or 2 days during the weekend and are limited to 50 or fewer riders. Attendance at events is non-ticketed and attended by family.

5. **What currently developed portions of the property or existing structures are going to be used with this permit?**

This permit is to bring a non-complying grandfathered use into compliance with current code. The barn and stable facilities were constructed in the 1970's by the previous owner, the Warren Nelson family. It has been operated as a commercial stable since that time and has a current business license to operate a commercial stable in the name of Pro Pony, LLC.

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6. **To what uses (e.g., restrooms, offices, managers living quarters, stable area, feed storage, etc.) will the barn be put, and will the entire structure be allocated to those uses? (Provide floor plans with dimensions).**

The existing stable only houses horses, feed, and tack. The existing barn has 3 upstairs apartments each with a full bathroom. The lower level of the barn has an equipment storage area with a restroom and the trainers office which includes a restroom and shower for the trainers use.

7. **Where are the living quarters for the operators of the stables and where will employees reside?**

All owners, operators and employees live off-site.

8. **How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.) Have you provided for horse trailer turnarounds?**

Existing access and parking areas are improved with compacted, maintained gravel surfacing. It is the owners and trainers desire to continue the use of gravel in lieu of asphalt. Space will be provided to accommodate up to 31 vehicles on the lower level of the site. 15 of these parking spots being existing, while adding 16 new parking spots. A total of 17 are required by code for the site, 7 for the number of boarded horses, 5 for employees, and 5 for the apartments. During a competition, the unused portion of the upper pasture area can be used for trailer parking. The lower level can accommodate trailer turning around the barn and fire access turning in front of the new proposed indoor arena.

9. **What are the planned hours of operation?**

Boarders are requested to maintain their site visits to between 7AM and 7PM daily; however, they do have access to their horses at any time. Lessons are given Tuesday through Saturday between 7AM to 9PM at scheduled times between the trainer and students to avoid conflicts, such as school.

10. **What improvements (e.g. new structures including the square footage, roadway/driveway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?**

The proposed new structure is being addressed as an accessory use, and an Administrative Permit request is included. The new structure contains an 11,580 sqft indoor riding arena with a 2000 sqft access and equipment storage area and will include a restroom. A mezzanine level is proposed over the storage to provide a viewing deck for parents to observe the training lessons. The restroom would be plumbed to the existing 2000-gal septic tank via a pump system.

11. **What is the intended phasing schedule for the construction and completion of the project?**

Phasing is not anticipated and completion within 2022.

12. **What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?**

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This property has been utilized as a commercial stable for over 40 years. The new structure is being located in the lowest area of the property to minimize visual impacts of the new roof line. We are constrained in lowering the structure due to the existing flood plain of Dry Creek. Dry Creek flood way is not impacted by our construction.

13. **What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?**

First and foremost, the project provides a climatically pleasing environment for riding during periods of extreme summer heat, winter cold, precipitation, and wind. It maintains the property as a rural, pasture equestrian use in a rural area of Reno suburbia.

14. **What are the adverse impacts upon the surrounding community (including traffic, noise, odors, dust, groundwater contamination, flies, rats, mice, etc.) and what will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?**

Horse population will barely change so no new impacts should be created regarding noise, odors, dust, groundwater contamination or varmints. Traffic is anticipated to increase by 50-70 trips per week or 10 to 12 trips per day on lesson days to accommodate the proposed new lessons.

15. **Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.**

We do not anticipate any to be necessary but will certainly entertain any during the review and hearing process. The owner held a neighborhood open house on Dec. 5th to inform the neighborhood, with positive feedback.

16. **What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)**

The existing site has numerous mature trees and turf pasture, and as such no new landscaping is proposed. Cut and fill slopes will be revegetated. The site perimeter is fenced with a black powder coated chain link fence and white split rail corrals, paddocks, and entry which are proposed to remain. Minor on site fence relocation will be required to accommodate the new improvements.

17. **What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)**

All new lighting is proposed to be building mounted directed at the ground in the local area. An existing "Silver Circle Ranch" entry sign exists and is proposed to remain. The owner desires to have "Silver Circle Ranch" painted on the north end and the west side near the north end of the new arena in hunter green lettering to match the trim on the white wall.

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18. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

None.

19. Community Sewer

Septic permitted through Washoe County Health. The existing tank has a 2000 gal capacity. Upgrades to this system, including application to NDEP for the septic, will be made if necessary.

20. Community Water

Currently on a domestic well system with a 20 gpm pumping capacity and pressure tank. Upgrades to this system will be made if necessary.

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EXHIBIT F

SPECIAL USE PERMIT PLANS FOR SILVER CIRCLE RANCH APN 040-670-12

WASHOE CO. NEVADA

OWNER/DEVELOPER

PRO PONY LLC
1605 DEL MONTE LANE
RENO, NV 89511
(775) 560-4242

ENGINEER

SUMMIT ENGINEERING CORPORATION

BASIS OF BEARINGS

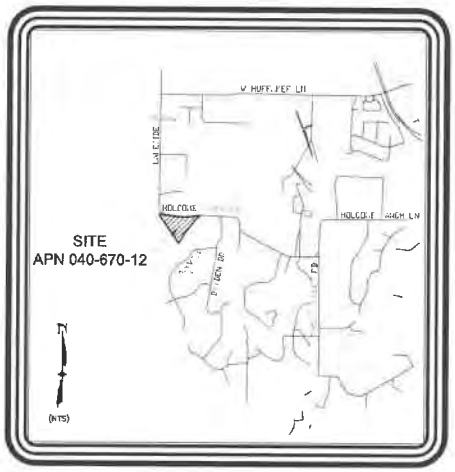
NORTH AMERICAN DATUM OF 1983 AS BASED ON FEDERAL BASE NETWORK/COOPERATIVE BASE NETWORK OBSERVATIONS IN 1994 (AKA NAD83/94), NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE AND HOLDING THE WASHOE COUNTY PUBLISHED LATITUDE AND LONGITUDE OF 39°26' 57.80785" NORTH AND 119° 46' 49.11345" WEST FOR REGIONAL GPS CORS "NVMM". A COMBINED GRID-TO-GROUND SCALE FACTOR OF 1.000197939 IS USED TO SCALE THE STATE PLANE GRID COORDINATES TO GROUND.

BASIS OF ELEVATION

ELEVATIONS FOR THE PROJECT DESIGN ARE APPROXIMATELY 0.69 FEET LOWER THAN NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) PER CITY OF RENO BENCHMARKS 1368 AND 2307 LOCATED ON THE WEST SIDE OF SOUTH VIRGINIA STREET. DESIGN ELEVATIONS WILL BE 0.57 LOWER THAN ELEVATIONS OBSERVED HOLDING THE WASHOE COUNTY PUBLISHED ELLIPSOID HEIGHT OF 4445.126 FEET FOR REGIONAL GPS CORS "NVMM" AND USING GEOID 99 TO DERIVE THE ORTHOMETRIC ELEVATION ABOVE MEAN SEA LEVEL.

ABBREVIATIONS

AC	ASPHALTIC CONCRETE
AGG.	AGGREGATE
BC	BEGIN CURVE
BF	BOTTOM OF FOOTING
BVC	BEGIN VERTICAL CURVE
BW	BOTTOM OF WALL
CB	CATCH BASIN
℄	CENTERLINE
CONC.	CONCRETE
CONST.	CONSTRUCT
ELEV.	ELEVATION
EC	END OF CURVE
EVC	END OF VERTICAL CURVE
(e)	EXISTING
(E)	EXISTING
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
FFC	FRONT FACE OF CURB
FG	FINISHED GRADE
FHA	FIRE HYDRANT
FL	FLOW LINE
FLG	FLANGE
G	GAS
	GRADE BREAK
	HIGH POINT
HI	INVERT ELEVATION
LF	LINEAR FEET
LP	LOW POINT
LT.	LEFT
MH	MANHOLE
P	PAD ELEVATION
PI	POINT OF INTERSECTION
PRC	POINT OF REVERSE CURVATURE
PVC	POLYVINYL CHLORIDE PIPE
PO	PUSH ON
P.U.E.	PUBLIC UTILITY EASEMENT
P	PROPERTY LINE
Q10	10-YEAR STORM FLOW
Q100	100-YEAR STORM FLOW
(R)	RADIAL
R	RADIUS
REF.	REFERENCE
RCP	REINFORCED CONCRETE PIPE
RP	RADIUS POINT
RT.	RIGHT
R/W	RIGHT OF WAY
S	SLOPE
SS	SANITARY SEWER
SW	SIDEWALK
STA.	STATION
SD	STORM DRAIN
TBC	TOP OF BACK OF CURB
TC	TOP OF CURB
TYP	TYPICAL
VC	VERTICAL CURVE
VPI	VERTICAL POINT OF INTERSECTION
W	WATER
Δ	CURVE DELTA



VICINITY MAP

SITE DATA

APN:	040-670-12
ADDRESS:	3400 HOLCOMB RANCH LANE RENO, NV 89511
AREA:	12.56 ACRES
ZONING:	93% HIGH DENSITY RURAL (HDR) 7% GENERAL RURAL (GR)
MASTER PLAN:	RURAL RESIDENTIAL/RURAL
AREA PLAN:	SOUTHWEST TRUCKEE MEADOWS

SHEET INDEX

T-1.....TITLE SHEET
C-1.....EXISTING CONDITIONS
C-2.....SITE AND GRADING PLAN
C-3.....SITE AND GRADING PLAN
C-4.....GRADING PROFILES

SPECIFICATIONS

ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, SPONSORED AND DISTRIBUTED BY RENO, SPARKS, AND WASHOE COUNTY, AS WELL AS TO THE RECOMMENDATIONS ESTABLISHED BY THE SOILS INVESTIGATION OF THIS SITE DATED JUNE 19, 2020.

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PROCEDURES AND GUIDELINES, AND ARE IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTES, LOCAL ORDINANCES, AND STATE AND LOCAL CODES. IN THE EVENT OF CONFLICT BETWEEN ANY PORTIONS OF THESE PLANS AND APPLICABLE CODES, THE CODES SHALL PREVAIL.

CLINTON G. THIESSE P.E. #06159

SUMMIT ENGINEERING CORPORATION
5405 MAE ANNE AVENUE, RENO, NV. 89523
PHONE:(775) 747-8550 FAX:(775) 747-8559

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REV.	DATE	DESCRIPTION	BY	APP'D

SPECIAL USE PERMIT PLANS FOR
SILVER CIRCLE RANCH
TITLE SHEET
WASHOE COUNTY NEVADA

DESIGNED BY: NRP
CHECKED BY: CGT
SCALE
HORIZ: N/A
VERT: N/A
JOB NO: 31027

SHEET T-1 OF 5

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EXHIBIT F

WSUP23-0028
PUBLIC COMMENT
EXHIBIT F

SPECIAL USE PERMIT PLANS FOR
SILVER CIRCLE RANCH
INDOOR ARENA GRADING/SITE
WASHOE COUNTY
NEVADA
SUMMIT ENGINEERING CORPORATION
5405 MAE ANNE AVENUE, RENO, NV, 89523
PHONE:(775) 747-8550 FAX:(775) 747-8559
DESIGNED BY: NRP
CHECKED BY: CGT
SCALE
HORIZ: 1"=20'
VERT: N/A
JOB NO. 31027
SHEET C-2 OF 5
REV. DATE DESCRIPTION BY APP'D
LEGEND
EXIST MINOR CONTOUR (1' INTERVAL)
EXIST MAJOR CONTOUR (5' INTERVAL)
PROP MINOR CONTOUR (1' INTERVAL)
PROP MAJOR CONTOUR (5' INTERVAL)
EXIST FENCE/CORRAL
EXIST FLOWLINE
EXIST FLOODWAY BOUNDARY
PROPERTY LINE
EXISTING OVER HEAD ELCTRIC
EXISTING STORM DRAIN
PROPOSED SEWER
PROP INDOOR RIDING ARENA
PROP PATHWAY (15' WIDTH FOR FIRE ACCESS)
EXIST TREE
REMOVE EXISTING TREE
EXISTING UTILITY POLE
EXISTING LIGHTING POLE
EXISTING WATER HYDRANT
HOLCOMB RANCH LANE (SR 671)
(P) ARENA AREA FILL 6000 CY. 2700 CY TO BE IMPORTED. (USING MATERIAL FROM BORROW AREA & (P) OUTDOOR ARENA)
(R) EXISTING BRUSH
RELOCATE (E) FENCE
(P) BORROW AREA REMOVE 2,700 CY
PROP INDOOR RIDING ARENA BUILDING FF=4625.60 13,580 SF
ARENA=11,583SF
FF=4625.60 EX=4619.43
FF=4625.60 EX=4616.29
FF=4625.60 EX=4619.92
FF=4625.60 EX=4620.00
(P) MEZZANINE VIEWING DECK
1ST FLOOR - STORAGE & RESTROOM 1997 SF
FF=4625.60 EX=4622.31
FF=4625.60 EX=4620.68
(P) STAIRWAY
(P) RESTROOM
FF=4625.26 EX=4620.95
(P) SEWER LINE
(P) SEWER PUMP
(P) GRAVEL AREA
(E) SEPTIC LINE
RELOCATE SEPTIC LINE FROM
TO
RELOCATE (E) FENCE IN BORROW AREA
5 NEW PARKING SPACES
ADA
EXIST BARN
EXIST FLOODWAY (DRY CREEK DITCH)
100-YEAR FLOOD 4627.00
100-YEAR FLOOD 4623.00
100-YEAR FLOOD 4619.00
100-YEAR FLOOD 4618.00
100-YEAR FLOOD 4615
(P) PADDOCK RELOCATION
(E) PADDOCK AREA TO REMAIN
3:1
0.0%
1.0%
4.0%
2.0%
1.2%
1.1%
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4805
4810

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SUMMIT ENGINEERING CORPORATION
5405 MAE ANNE AVENUE, RENO, NV. 89523
PHONE:(775) 747-8550 FAX:(775) 747-8556

REV.	DATE	DESCRIPTION	BY	APP'D

SPECIAL USE PERMIT PLANS FOR SILVER CIRCLE RANCH ARENA PROFILES

WASHOE COUNTY NEVADA

DESIGNED BY:	NRP
CHECKED BY:	CGT
SCALE	
HORIZ:	AS LABELED
VERT:	AS LABELED
JOB NO:	31027

SHEET C-4 OF 5

1 C4 PROFILE ALIGNMENT
VERT. SCALE: 1"=10' VERT. EXAGGERATION: 2x
HOR. SCALE: 1"=20'

2 C4 PROFILE ALIGNMENT
VERT. SCALE: 1"=10' VERT. EXAGGERATION: 2x
HOR. SCALE: 1"=20'

3 C4 PROFILE ALIGNMENT
VERT. SCALE: 1"=10' VERT. EXAGGERATION: 2x
HOR. SCALE: 1"=20'

4 C4 PROFILE ALIGNMENT
VERT. SCALE: 1"=10' VERT. EXAGGERATION: 2x
HOR. SCALE: 1"=20'

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PUBLIC COMMENT
EXHIBIT F

WSUP23-0028
PUBLIC COMMENT
EXHIBIT F

WSUP23-0038
PUBLIC COMMENT
EXHIBIT F

DO NOT USE FOR FINAL CONSTRUCTION

PROJECT NAME: HOLCOMB RIDING ARENA NEW
RENO, NV

CUSTOMER NAME: AMERICAN INNOVATIVE STRUCTURES, LLC
RENO, NV

QUOTE NUMBER: N21J079A

SHEET NUMBER: SK1

SHEET TITLE: PRELIMINARY FLOOR PLAN
REVISED 9/7/21

AMERICAN BUILDINGS COMPANY
A FRUEHAUF COMPANY

eQuote

MBMA

IAS

REVISED TO INCLUDE CO#1&2

SOFFIT PANELS @ RAKE/EAVE EXTENSIONS:
- RUN PERPENDICULAR TO SIDEWALLS
- RUN PARALLEL W/ ENDWALLS

WSUP23-0028
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EXHIBIT F

DO NOT USE FOR FINAL CONSTRUCTION
SHEET TITLE:
PRELIMINARY SHEETING ELEVATIONS
(REVISED 8/7/23)
SHEET NUMBER:
SK2
QUOTE NUMBER:
N21J0794A
PROJECT NAME:
HOLCOMB RIDING ARENA NEW
RENO, NV
CUSTOMER NAME:
AMERICAN INNOVATIVE STRUCTURES, LLC
RENO, NV
AMERICAN BUILDINGS COMPANY
A PELICAN COMPANY
eQuote
MBMA
REVISED TO
INCLUDE CO#1&2
WALL SHEETING ELEVATION AT LINE K (BLDG 1 FSW)
PANELS: 26 GA. Longspan III – POLAR WHITE
FRAMED OPENING SCHEDULE
MK QTY WIDTH HEIGHT SILL HEIGHT LOCATED
1 4 15'-0" 4'-0" 14'-0" FACTORY
2 1 3'-4" 7'-2" 0'-0" FACTORY
3 1 12'-0" 12'-0 0'-0 FACTORY
22'-0"
3'-1"
4'-9"
12'-0"
34'-9"
15'-0"
10'-0"
15'-0"
143'-0"
39'-1"
9'-1"
KEY PLAN
BUILDING 1
BUILDING 2
WALL SHEETING ELEVATION AT LINE A (B1 BSW / B2 FSW)
PANELS: 26 GA. Longspan III – POLAR WHITE
FRAMED OPENING SCHEDULE
MK QTY WIDTH HEIGHT SILL HEIGHT LOCATED
1 4 15'-0" 4'-0" 14'-0" FACTORY
2 1 3'-4" 7'-2" 0'-0" FACTORY
22'-0"
3'-1"
35'-0" (BUILDING 2 FSW)
178'-0"
143'-0" (BUILDING 1 BSW)
39'-1"
33'-3"
15'-0"
10'-0"
15'-0"
15'-0"
KEY PLAN
BUILDING 1
BUILDING 2

DO NOT USE FOR FINAL CONSTRUCTION

SHEET TITLE: PRELIMINARY SHEETING ELEVATIONS (REVISED 9/7/23)

PROJECT NAME: HOLCOMB RIDING ARENA NEW RENO, NV

CUSTOMER NAME: AMERICAN INNOVATIVE STRUCTURES, LLC RENO, NV

QUOTE NUMBER: N21J079-4A

SHEET NUMBER: SK3

AMERICAN BUILDINGS COMPANY
A PLANSOURCE COMPANY

REVISED TO INCLUDE CO#1&2

WALL SHEETING ELEVATION AT LINE H (BLDG 2 BSW)

PANELS: 26 GA. Longspan III – POLAR WHITE

FRAMED OPENING SCHEDULE				
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	2	8'-4"	7'-3"	0'-0"	FACTORY
2	1	8'-0"	4'-0"	18'-0"	FACTORY

WALL SHEETING ELEVATION AT LINE 1 (BLDG 2 REW)

PANELS: 26 GA. Longspan III – POLAR WHITE

FRAMED OPENING SCHEDULE				
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	1	19'-0"	10'-0"	0'-0"	FACTORY
2	2	8'-0"	4'-0"	18'-0"	FACTORY

WALL SHEETING ELEVATION AT LINE 9 (BLDG 1 REW)

PANELS: 26 GA. Longspan III – POLAR WHITE

FRAMED OPENING SCHEDULE				
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	2	8'-4"	6'-4"	0'-0"	FACTORY

WALL SHEETING ELEVATION AT LINE 3 (BLDG 1 LEW)

PANELS: 26 GA. Longspan III – POLAR WHITE

FRAMED OPENING SCHEDULE				
ID	QTY	WIDTH	SILL HEIGHT	LOCATED
1	2	8'-0"	14'-0"	FACTORY
2	1	18'-0"	0'-0"	FACTORY
3	1	12'-0"	10'-4"	FACTORY
4	1	6'-4"	0'-0"	FACTORY
5	1	8'-0"	3'-0"	FACTORY

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EXHIBIT F

EXHIBIT “50”

EXHIBIT “50”

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EXHIBIT “51”

EXHIBIT “51”

FEMA

FEMA POLICY: Floodplain Management Requirements for Agricultural Structures and Accessory Structures

FEMA Policy #104-008-03
Date Issued: February 2020

BACKGROUND

This policy is intended to provide clarification and technical assistance to National Flood Insurance Program (NFIP) State/Tribe/Territory Coordinators and local floodplain administrators regarding implementation of the NFIP design and performance standards for agricultural structures and accessory structures. This policy establishes standards for these structures, as defined in this policy, which are located within the Special Flood Hazard Areas (SFHAs) designated in FEMA's Flood Insurance Studies and effective Flood Insurance Rate Maps. This policy clarifies the requirements for granting variances and exceptions to the NFIP design and performance standards for agricultural and accessory structures in accordance with current FEMA regulations.

This policy supersedes portions of existing FEMA guidance related to agricultural structures and accessory structures found in NFIP Technical Bulletin 1 "Openings in Foundation Walls and Walls of Enclosures," NFIP Technical Bulletin 5 "Free-of Obstruction Requirements," and NFIP Technical Bulletin 7 "Wet Floodproofing Requirements." This policy also supersedes all specific communications and guidance on this subject from FEMA Regional Offices. In the event of a conflict between this policy and prior FEMA policies, bulletins, or guidance, this policy shall take precedence.

PURPOSE

The purpose of this policy is to acknowledge the unique characteristics and uses of agricultural structures and accessory structures within the SFHA to ensure sound development and promote public health, safety, and welfare. This policy clarifies the definition of agricultural structures and accessory structures and establishes a clear, consistent process for ensuring compliance with NFIP design and performance standards for those structures located within the SFHA.

Agricultural structures and accessory structures are non-residential structures, and the NFIP requires new construction and substantial improvements of non-residential structures in SFHAs to be elevated or dry floodproofed to or above the Base Flood Elevation (BFE). Dry floodproofing is not permissible in V Zones (V, VE, V1-V-30), which are defined on the effective Flood Insurance Rate Map. However, in accordance with the NFIP design and performance standards for floodplain management, wet floodproofing,

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as applied to buildings constructed at-grade, below the required elevation, or elevated on fill, may be an allowable alternative mitigation technique for certain agricultural structures and accessory structures.

This policy does not provide clarification on eligibility or application of federal flood insurance for agricultural structures or accessory structures. Agricultural and accessory structures are generally eligible for federal flood insurance coverage under the NFIP. See FEMA's Flood Insurance Manual for information on the rules governing NFIP building coverage and/or contents coverage, including agricultural and accessory structures (as amended).

PRINCIPLES

This policy explains the minimum requirements for agricultural structures and accessory structures in general and the criteria for when and how wet floodproofing instead of elevating or dry floodproofing may be used in specific situations in accordance with current FEMA regulation and consistent with the principles outlined below.

A. Promote smart development and mitigation strategies for agricultural and accessory structures.
B. Provide clarity on how to meet the floodplain management and design and performance standards for construction of agricultural and accessory structures, especially in wide and deep floodplains.
C. Reduce the financial burden of meeting design and performance standards for certain low damage potential agricultural and accessory structures.

REQUIREMENTS

This section provides the NFIP floodplain management development requirements and design and performance standards for agricultural structures and accessory structures located within the SFHA and the requirements for granting exceptions to the minimum standards.

A. DEFINITIONS OF AGRICULTURAL STRUCTURE AND ACCESSORY STRUCTURE

Outcome: FEMA provides a clear NFIP definition of agricultural structures and accessory structures for floodplain management purposes, consistent with the National Flood Insurance Act of 1968 (NFIA) and the NFIP regulations.

1. An *agricultural structure* means a structure, as defined in 44 C.F.R. § 59.1, that is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock; an agricultural structure specifically excludes any structure used for human habitation.
    a. Agricultural structures are considered "walled and roofed" when the structure includes at least two outside rigid walls and a fully secured roof.
    b. The NFIP recognizes aquaculture to be farming that is conducted in water. As such, the NFIP considers an aquaculture structure to be included within the

NFIP definition of agricultural structure for floodplain management purposes, provided that:

i. The aquaculture structure meets the NFIP definition of a structure as defined in 44 C.F.R. § 59.1, for floodplain management purposes (walled and roofed), where walled and roofed shall be interpreted as having at least two outside rigid walls and a fully secured roof; and

ii. The aquaculture structure is used exclusively for the production, harvesting, storage, raising, or drying of aquatic animals or plants.

c. The following may be related to agricultural purposes or uses but are generally not considered to be agricultural structures by the NFIP:

i. Structures that do not meet the exclusive use requirement of the NFIP definition of agricultural structure, such as:

1. Structures used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters;
2. Structures used by the public, such as a place of employment or entertainment; and
3. Structures with multiple, or mixed, uses where one or more use does not meet the definition of agricultural structure.

ii. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a pole barn (roofed but not walled) or a holding pen or aquaculture tank/pool (walled but not roofed).

2. An *accessory structure* means a structure, as defined in 44 C.F.R. § 59.1, that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

a. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.

b. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

c. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:

i. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;

ii. Structures used by the public, such as a place of employment or entertainment; and

iii. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

B. NFIP MINIMUM FLOODPLAIN MANAGEMENT REQUIREMENTS FOR AGRICULTURAL STRUCTURES AND ACCESSORY STRUCTURES

Outcome: FEMA specifies clear construction requirements for agricultural structures and accessory structures located in the SFHA. Agricultural and accessory structures are not exempt from NFIP floodplain management requirements.

In addition to enforcing all other design and performance standards identified in 44 C.F.R. § 60.3 applicable to non-residential structures, communities must:

1. Require that new construction and substantial improvements of non-residential structures in the SFHA be constructed with the lowest floor elevated to or above the BFE or, together with attendant utility and sanitary facilities, be dry floodproofed to or above the BFE.
2. Require that enclosed areas below the lowest floor of non-residential structures used solely for building access, parking, or limited storage must include, at a minimum, adequate flood opening designed to automatically equalize hydrostatic flood forces.
3. Require that areas below the lowest floor within V Zones (V, VE, V1-V-30) be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse or structural damage to the elevated portion of the building or foundation system.
4. Obtain and maintain a record of the certified elevation of the lowest floor for all new construction and substantial improvements and, where applicable, the certified elevation to which the structure has been dry floodproofed.

C. EXCEPTIONS TO THE NFIP MINIMUM FLOODPLAIN MANAGEMENT REQUIREMENTS FOR AGRICULTURAL STRUCTURES AND ACCESSORY STRUCTURES

Outcome: FEMA articulates clear requirements for granting exceptions to the NFIP minimum design and performance standards for agricultural structures and accessory structures.

1. **Agricultural Structures Only**. Per Section 1315(a)(2)(A) of the NFIA, agricultural structures located in the SFHA that are designated as repetitive loss, as defined in the NFIA, or substantially damaged by flood may be repaired and restored to pre-damaged conditions under the following criteria:
    a. Damage must be from flooding alone and must meet the community's substantial damage threshold. If damage is caused by other hazards, or a mix of hazards, the agricultural structure must meet elevation or dry floodproofing requirements when repaired or restored or wet floodproofing if it qualifies per this policy.
    b. The language of the local jurisdiction's land use provision must be reviewed and approved by FEMA to confirm consistency with the NFIP design and performance standards, and it must be incorporated into the local floodplain management regulations.

c. The repair or restoration must be to pre-damaged condition only. Substantial improvements require the agricultural structure to meet elevation or dry floodproofing requirements or wet floodproofing if it qualifies per this policy.
d. Repair and restoration to pre-damaged condition requires issuance of a floodplain development permit for each occurrence.
e. In accordance with Section 1315(a)(2)(C) of the NFIA, disaster assistance under any program administered by the Administrator or any other federal agency is not available for agricultural structures repaired or restored to pre-damaged condition.
f. In accordance with Section 1315(a)(2)(B) of the NFIA, FEMA may deny federal flood insurance coverage unless the agricultural structure is wet floodproofed, consistent with the design and performance standards of 44 C.F.R. § 60.3(c)(5).

2. **Agricultural Structures and Accessory Structures.** The community may allow certain agricultural and/or accessory structures located in the SFHA to be wet floodproofed in lieu of the elevation or dry floodproofing requirement, via variance, under the following conditions:
   a. In accordance with the provisions of 44 C.F.R. § 60.6(a), the owner of an agricultural or accessory structure may request a variance from the appropriate local authority to allow certain agricultural or accessory structures located in the SFHA to be wet floodproofed in lieu of the elevation or dry floodproofing requirement of the NFIP. Communities must have a mechanism to ensure compliance with this policy and should include within their floodplain management regulations the criteria for an agricultural or accessory structure to receive a variance to wet floodproof in lieu of elevation or dry floodproofing.
      i. The variance must be for an individual agricultural or accessory structure as defined in this policy.
      ii. Justification for the variance must be on a case-by-case basis in accordance with the criteria established in 44 C.F.R. § 60.6(a), and the variance application and community documentation must address the following:
         1. The agricultural or accessory structure must meet the definition of *structure, for floodplain management purposes,* provided in 44 C.F.R. § 59.1, where walled and roofed shall be interpreted as having at least two outside rigid walls and a fully secured roof.
         2. An accessory structure is small and represents a minimal investment.
         3. An agricultural structure has a low damage potential and is located in an A Zone (A, AE, A1-A30, AR, A99).
         4. A description of the exceptional hardship that the applicant would incur if a variance were not granted must be included.
         5. The agricultural or accessory structure must meet the definition of agricultural or accessory structure, including the exclusive use requirements provided in this policy.

6. The agricultural or accessory structure must be anchored to resist flotation, collapse, and lateral movement.
7. The portions of the agricultural or accessory structure located below the BFE must be constructed with flood-resistant materials.
8. Mechanical and utility equipment for the agricultural or accessory structure must be elevated or dry floodproofed to or above the BFE.
9. The agricultural or accessory structure must comply with the floodway encroachment provisions of the NFIP.
10. The agricultural or accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 C.F.R. § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

iii. The variance must provide the minimum relief necessary.

iv. The variance must restrict use of the agricultural or accessory structure in accordance with the exclusive use requirement of the NFIP definition provided in this policy.

v. In accordance with FEMA regulation and guidance, owing to the increased risk to public safety, a variance for wet floodproofing in lieu of elevation or dry floodproofing is not recommended for:

1. An agricultural structure located in a V Zone (V, VE, V1-V-30). Wet floodproofing and breakaway walls below a compliant elevated structure is permissible without a variance.
2. An agricultural or accessory structure which, if flooded, would create a threat to public safety, health, and welfare. Such structures include but may not be limited to confinement operations; structures with liquefied natural gas terminals; and facilities producing and storing highly volatile, toxic, or water-reactive materials. Ideally, these structures should be located outside of the SFHA; however, when located within the SFHA, these structures must be elevated or dry floodproofed in accordance with NFIP design and performance standards.

b. In accordance with the provisions of 44 C.F.R. § 60.6(b), a community may request a community-wide exception from FEMA to allow certain agricultural or accessory structures located in the SFHA to be wet floodproofed in lieu of the elevation or dry floodproofing requirement of the NFIP.

i. The community must submit a request, in writing, to its respective FEMA Regional Office, including:

1. The nature, extent of, and reasons for the exception
2. A description of the extraordinary circumstances and local conditions that cause a hardship or inequity for elevating or dry floodproofing agricultural or accessory structures

3. Sufficient supporting justification, which may include community-wide economic impacts; environmental, topographic, hydrologic, and hydraulic conditions and data; other scientific and technical data; and data demonstrating the impact on public safety and welfare and the environment
4. Sufficient supporting information regarding other planning considerations and factors that justify wet floodproofing as an appropriate alternative mitigation design, which may include flooding characteristics (frequency, duration, depth); flood warning time; safety and access; emergency operations plans; protection of contents and equipment; and any other conditions, requirements, or restrictions the community proposes to enforce for an agricultural and/or accessory structure to be eligible for the exception to wet floodproof
5. The proposed regulations language for allowing certain agricultural or accessory structures to be wet floodproofed, consistent with the minimum criteria outlined in Section C, Part 2(a) of this policy

ii. The FEMA Regional Office will complete an initial review and evaluation of the request and work with the community to ensure sufficient documentation and justification for the request has been received prior to submitting the request to FEMA Headquarters for final review and approval.

iii. FEMA will prepare a Special Environmental Clearance to determine whether the proposed community-wide exception will have a significant impact on the human environment. The decision to prepare an Environmental Impact Statement, or other environmental documentation, will be made in accordance with FEMA Directive 108-1 and FEMA Instruction 108-1-1. This will be part of FEMA's assessment of how applicable environmental and historic preservation laws, regulations, Executive Orders, and agency policy apply to proposed federal actions.

iv. After review and evaluation of the request, the FEMA Regional Office will notify the community whether the requested community-wide exception is approved.
    1. If the request is denied, the FEMA Regional Office will provide an explanation for the denial.
    2. If the request is approved, the FEMA Regional Office will provide technical assistance, as necessary, to ensure the regulations language is sufficient and consistent with the requirements of the approved community-wide exception.

3. **Accessory Structures Only.** The community may allow certain accessory structures located in the SFHA to be wet floodproofed in lieu of the elevation or dry floodproofing requirement, without a variance, under the following conditions:

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a. Communities must have a mechanism to ensure compliance with this policy and should include within their FEMA-approved floodplain management regulations the criteria for an accessory structure to be wet floodproofed in lieu of elevation or dry floodproofing without a variance.
    i. The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 C.F.R. § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
    ii. The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
        1. Located in an A Zone (A, AE, A1-A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.
        2. Located in a V Zone (V, VE, V1-V-30) and less than or equal to 100 square feet.
    iii. The accessory structure must be anchored to resist flotation, collapse, and lateral movement.
    iv. The portions of the accessory structure located below the BFE must be constructed with flood-resistant materials.
    v. Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above the BFE.
    vi. The accessory structure must comply with the floodway encroachment provisions of the NFIP.
    vii. The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 C.F.R. § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

David Maurstad
FEMA Deputy Associate Administrator for the Federal Insurance and Mitigation Administration (FIMA)

02/12/20

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FEMA

ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Policy #104-008-03: Floodplain Management Requirements for Agricultural Structures and Accessory Structures will be reviewed, reissued, revised, or rescinded within 4 years of the issue date.

AUTHORITIES

A. Homeland Security Act of 2002, Pub. L. No. 107-296
B. Executive Order 11988: Floodplain Management, 42 FR 26951, May 24, 1977
C. National Flood Insurance Act of 1968, as amended, 42 U.S.C. § 4001 *et seq*.

REFERENCES

A. 42 U.S.C. § 4022 and § 4102 State and Local Land Use Controls; Criteria for Land Management Use
B. 44 C.F.R. § 59.1 National Flood Insurance Program Regulations
C. 44 C.F.R. § 60.1 Purpose of Subpart A – Requirements for Flood Plain Management Regulations
D. 44 C.F.R. § 60.3 Flood Plain Management Criteria for Flood-Prone Areas
E. 44 C.F.R. § 60.6 Variances and Exceptions
F. American Society of Civil Engineers (ASCE) 24-14, Flood Resistant Design and Construction, January 2014
G. International Code Council, International Building Code, August 2017
H. FEMA 480, National Flood Insurance Program Floodplain Management Requirements, February 2005
I. FEMA Flood Insurance Manual, National Flood Insurance Program, Effective April 2019
J. FEMA P-936, Floodproofing Non-Residential Buildings, July 2013
K. [1]NFIP Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures, August 2008
L. [1]NFIP Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, August 2008
M. [1]NFIP Technical Bulletin 3, Non-Residential Floodproofing – Requirements and Certification, April 1993
N. [1]NFIP Technical Bulletin 5, Free-of-Obstruction Requirements, August 2008
O. [1]NFIP Technical Bulletin 7, Wet Floodproofing Requirements, December 1993
P. FEMA P-993, Floodplain Management Bulletin – Variances and the National Flood Insurance Program, July 2014
Q. FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements, August 2016
R. FEMA Instruction 108-1-1, Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements, August 2016

[1] Reference items K - O are available at https://www.fema.gov/media-library/resources-documents/collections/4

DEFINITIONS

A Zone – designated in FEMA's Flood Insurance Studies and Flood Insurance Rate Maps as zones labeled A, AE, A1-30, AH, AO, and AR/A99

Accessory Structure – a structure, as defined in 44 C.F.R. § 59.1, which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; specifically excludes structures used for human habitation

Agricultural Structure – a structure, as defined in 44 C.F.R. § 59.1, which is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock; specifically excludes any structures used for human habitation

Base Flood Elevation (BFE) – the height of the flood having a 1 percent chance of being equaled or exceeded in any given year

Community – any State or area or political subdivision thereof (such as county, city, township, village), or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction

Development – any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials

Dry Floodproofing – a combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads

Exception – a waiver from the NFIP regulations for floodplain management requirements found in 44 C.F.R. § 60, granted by FEMA and directed to a community, which relieves the community from the requirements, regulation, order, or other determination made or issued pursuant to the NFIA, as amended

Floodplain/Floodprone Area – any land area susceptible to being inundated by water from any source

Floodplain Management – the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans; flood control works; and such State, Tribal, territorial, or local regulations, ordinances, and building codes that provide standards for the purpose of flood damage prevention and reduction

Hardship – the inability to comply with an NFIP floodplain management regulation and make reasonable use of a property because of unusual physical and topographical conditions that are unique to the property, are not caused by the applicant, and pertain to the land and not any structures, its inhabitants, or the personal circumstances of the property owner

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Local Floodplain Administrator – the local official or other person designated by a community as responsible for administering NFIP floodplain management regulations

Lowest Floor – the lowest floor of the lowest enclosed area of a structure, including a basement. Any NFIP-compliant unfinished or flood-resistant enclosure used solely for parking of vehicles, building access, or storage (in an area other than a basement) is not considered a structure's lowest floor.

National Flood Insurance Act of 1968 (NFIA) – created the Federal Insurance Administration and made federal flood insurance available for the first time

National Flood Insurance Program (NFIP) – a program enacted by Congress intended to reduce the impact of flooding on private and public structures by making federal flood insurance available within communities that adopt and enforce NFIP floodplain management regulations

New Construction – (for floodplain management purposes) structures for which the start of construction commences on or after the effective date of an NFIP floodplain management regulation adopted by a community and includes all subsequent improvements to the structures

Opening – open area or space within a wall that meets certain performance characteristics related to allowing the automatic entry and exit of floodwaters

Special Flood Hazard Area (SFHA) – the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The SFHA is inclusive of A Zones and V Zones.

State/Tribe/Territory Coordinator – the person, office, or agency of the State government designated by the Governor of the State/**Tribe/territory**, or by State/**Tribe/territory** statute, that assists in the implementation of the NFIP in that State/Tribe/territory

Structure – (for floodplain management purposes) a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Walled and roofed shall be interpreted as two outside rigid walls and a fully secured roof

Substantial Damage – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

Substantial Improvement – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure (or a smaller percentage if established by the community) before the start of construction of the improvement

Variance – a grant of relief by a community from the terms of an NFIP requirement for floodplain management regulations

V Zone – area of the SFHA that is inundated by tidal floods (coastal high hazard area) as designated in FEMA's Flood Insurance Studies and Flood Insurance Rate Maps; zones labeled V, VE, V1-30, and VO

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Wet Floodproofing – use of flood damage-resistant materials and construction techniques to minimize flood damage to a structure by intentionally allowing floodwaters to enter and exit automatically (without human intervention)

MONITORING AND EVALUATION

The efficacy of this policy shall be monitored as a joint effort of local floodplain administrators, NFIP State/Tribe/territory Coordinators, and FEMA through data and documentation available from regular inspections of structures, monitoring and recording of building performance, Community Assistance Visits and Contacts conducted by FEMA or State/Tribe/territory NFIP personnel, permit and variance records, federal flood insurance policy data, and the Community Information System (CIS).

FEMA Headquarters will utilize the data and documentation to evaluate of the effectiveness of this policy and inform policy review, reissuance, revision, or rescission.

QUESTIONS

Questions regarding implementation or clarification of this policy should be directed to a community's FEMA Regional Office.

Regional offices seeking guidance, outreach, training, or clarification on this policy may direct questions to the FEMA Floodplain Management Division: *FEMA-Floodplain-Management-Division@fema.dhs.gov*.

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EXHIBIT “53”

MEMORANDUM

DATE: 09-26-2023

TO: Tom Ghidossi, Last Chance Irrigation and Canal Company

CC:

FROM: Ben Volk, P.E.; Jeff Weagel, P.E., Elana Ketchian, EIT

SUBJECT: **Pro Pony LLC Potential Impacts on the Last Chance Canal and Irrigation Company (LCIC), APN 040-670-12, 3400 Holcomb Ranch Lane, Reno, NV 89511; Addressing September 1, 2023 Special Use Permit Application WSUP23-0029**

The purpose of this memorandum is to document the potential impacts of development at 3400 Holcomb Ranch Lane, Reno, NV owned by Pro Pony, LLC (Property) to the Last Chance Canal and Irrigation Company (LCIC). The development evaluated in this memorandum was initially represented in an application to Washoe County for a Special Use Permit (SUP) WSUP21-0036, prepared by Summit Engineering dated December 8, 2021. This SUP involved not only the grading of one arena but both indoor and outdoor arenas and included a proposed onsite borrow area. A subsequent SUP Application, WSUP23-0029, dated September 1, 2023, and prepared by Soils Engineering, LLC was also evaluated. WSUP23-0029 shows construction of a new indoor arena and does not mention relocating one outdoor arena elsewhere. Whether the indoor arena is built at existing grade, or at an elevated grade, LCIC is concerned about the potential impacts to the canal and associated infrastructure. In particular, LCIC is concerned about the following statements in WSUP23-0029:

1. Page 16, Item #12, "The Dry Creek Floodway will not be impacted by this construction.
2. Page 23, Sheet SUP 4, "Note: Site drainage patterns will not change as a result of this project.
3. Page 23, Sheet SUP 4, "The thresholds of a grading permit are not met by this project."

Fill in a Special Flood Hazard Area

The proposed indoor arena is shown within a FEMA Special Flood Hazard Area (SFHA) Zone AE. Approximately 17,430 SF of fill, 92% of the total fill, appears to be proposed within the Zone AE associated with the indoor arena and the surrounding gravel area. A total of 1, 814 cubic yards (cy) is reported to be excavated onsite in the September 1, 2023, SUP application. Based on our

calculations, approximately 1,777 cy total will be placed for the indoor arena with 1634 cy within the SFHA. The Base Flood Elevation (BFE) in this area is estimated to be at 4623' while the indoor arena appears to be at an elevation of 4622-4623'.

The proposed structure appears to be at the BFE reported on the Flood Insurance Rate Map (FIRM) in this location. With the fill in SFHA Zone AE, local hydraulics are likely to change. Development and fill within the floodplain will have impacts upstream and downstream of the floodplain encroachment. The impacts were not reported in the Special Use Permit application. Flood impacts could include additional inundation at or upstream of the site of encroachment and increases in velocity and shear stress at and downstream of the encroachment site. Even if the indoor arena is not elevated within the SFHA, the impacts may be significant.

The primary risks to the LCIC from this SFHA encroachment include:

- Increased likelihood of scour of the bypass structure just downstream of the encroachment. A reduction in flow area just upstream of the bypass structure may increase velocity and erosive force on the soil around the structure during high flow events. This could lead to scour and undermining of the structure.
- Fill placed in floodplain for the indoor arena, and existing embankment materials and fill, may become eroded, entrained in flood flow, and deposited in flatter areas downstream. This may include portions of the LCIC channel and Dry Creek.
- Increased risk of building debris blocking the bypass structure or entering the LCIC channel. For flood flows exceeding that of the 1% annual chance flood (100-year flood), damage to the proposed building may occur, and siding panels or other building debris may impact flood conveyance in the vicinity of LCIC improvements.

It is not uncommon for floodplain encroachments such as these to be accompanied by FEMA Letter of Map Change (LOMC) applications. In this context, a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) or Letter of Map Revision – Fill (LOMR-F) may be appropriate. These applications to FEMA are typically conditioned by the regulating agency (Washoe County in this case) and include hydraulic modeling that compares the existing and proposed conditions and specifies changes to the SFHA.

WSUP23-0029
PUBLIC COMMENT

Other Construction in a Special Flood Hazard Area

The proposed relocation of the outdoor arena which was to be located within the Zone AE SFHA in the 2021 SUP Application has been removed from the 2023 SUP Application. This original location of the outdoor area appeared to be in a cut condition, which in combination with the removal of trees and vegetation may have negative impacts on the LCIC canal. In addition, the construction of perimeter fencing of the arena could cause negative impacts. The primary risk is of the perimeter fencing in the SFHA is the potential for accumulation of debris during flood events. These accumulations may result in blocking of flow through the fence, temporary impoundment of flood flows, and subsequent cascading failure during flooding.

Increased Site Runoff

J-U-B estimated the existing and proposed peak runoff during the 25-year 24-hour and 100-year 24-hour storms for the indoor arena site using the Rational Method. Tables 1 and 2 below show the estimated existing conditions and post-development conditions respectively based on the previous understanding of the drainage area of 0.36 acres from the 2021 SUP. The location of the proposed indoor arena was slightly rotated to preserve tree coverage, and acreage was measured in the SUP submitted September 1, 2023 and found to be updated to 0.30 acres. The change in peak flow for this revised drainage area is shown in Tables 3 and 4.

Table 1: Existing Conditions Peak Flows

Rational Method Pre-Development				
Storm Event	*Run-Off Coefficient 'C'*	*Rainfall Intensity 'I', in/hr*	*Drainage Area 'A', acres*	*Peak Flow 'Q, cfs'*
25-yr	0.45	2.36	0.36	0.39
100-yr	0.45	3.52	0.36	0.57

Table 2: Post Development Peak Flows

Rational Method Post-Development				
Storm Event	*Run-Off Coefficient 'C'*	*Rainfall Intensity 'I', in/hr*	*Drainage Area 'A', acres*	*Peak Flow 'Q, cfs'*
25-yr	0.85	2.36	0.36	0.73
100-yr	0.85	3.52	0.36	1.09

WSUP23-0029
PUBLIC COMMENT

Table 3: Existing Conditions Peak Flows

Rational Method Pre-Development				
Storm Event	*Run-Off Coefficient 'C'*	*Rainfall Intensity 'I', in/hr*	*Drainage Area 'A', acres*	*Peak Flow 'Q, cfs'*
25-yr	0.45	2.36	0.30	0.32
100-yr	0.45	3.52	0.30	0.48

Table 4: Post Development Peak Flows

Rational Method Post-Development				
Storm Event	*Run-Off Coefficient 'C'*	*Rainfall Intensity 'I', in/hr*	*Drainage Area 'A', acres*	*Peak Flow 'Q, cfs'*
25-yr	0.85	2.36	0.30	0.61
100-yr	0.85	3.52	0.30	0.91

The Time of Concentration was assumed to be 10 minutes which is the minimum time of concentration in Washoe County for non-urbanized watersheds (Truckee Meadows Regional Drainage Manual, 2009). The rainfall intensities were derived from the NOAA Atlas 14 for the property location; latitude of 39.4432° and longitude of -119.8049°. The drainage area represents the proposed building area only and excludes the proposed gravel parking lots and areas surrounding the proposed building.

While the peak flow increases represented here may not be representative of peak flow increases across the site, they do demonstrate that peak flow increases should be expected. No detention basins, channels, or storm drains were apparent on the plans reviewed. Without provisions for stormwater management on the site to be developed, the LCIC channel is at risk of additional sedimentation from upstream erosion and subsequent deposition across a range of flow rates. In addition, increases in runoff from the site during high flow events may result in scour damage to the bypass structure and the LCIC channel itself. As noted earlier in this memo, the concern of increased sedimentation to the canal is valid whether the indoor arena is built at existing grade or at an elevated grade. If the indoor arena is placed at the existing grade, the special materials used for arena footing, such as rubber products, clay, or diatomaceous earth could potentially be washed into the canal in the event of a flood. The indoor arena also

WSUP23-0029
PUBLIC COMMENT

increases the potential runoff from the site which would further exacerbate the sedimentation problem.

Summary of Potential Impacts to LCIC, Washoe County, NDOT

The potential risks to the LCIC from this construction include:

- Increased likelihood of scour of the bypass structure just downstream of the encroachment.
    - A reduction in flow area just upstream of the bypass structure may increase velocity and erosive force on the soil around the structure during high flow events. This could lead to scour and undermining of the structure.
- Existing fill and new fill placed in floodplain may become eroded, entrained in flood flow, and deposited in flatter areas downstream.
    - This may include portions of the LCIC channel and Dry Creek. This may increase the likelihood of a breach or overtopping of the LCIC channel.
- Increased risk of building debris blocking the bypass structure or entering the LCIC channel.
    - For flood flows exceeding that of the 1% annual chance flood (100-year flood), damage to the proposed building may occur, and siding panels or other building debris may impact flood conveyance in the vicinity of LCIC improvements.
- Increased maintenance for LCIC
    - In the event of a flood, the debris entering the canal would reduce canal capacity. The debris will need to be removed from the canal after each flood event to restore the canal to full capacity.
- Risk to Dry Creek Culvert under Holcomb Lane in the event of a large flood causing a breach of LCIC.
    - In the event of a flood, the debris entering the canal could cause the canal to breach and cause flooding to homes in the vicinity.
- Risk to NDOT SR-671 (Holcomb Ranch Road) in the event of a large flood causing a breach of LCIC
    - In the event of a flood, the debris entering the canal could cause the canal to breach which could then also impact Holcomb Ranch Road (NDOT SR-671).
- Downstream/Upstream Potential Impacts

- In the event of a flood, the cumulative impacts to LCIC and Holcomb Ranch Road (SR-671) could be exacerbated. In addition, if Dry Creek or LCIC becomes blocked or impaired, the flooding impacts could extend both upstream and downstream of the proposed indoor arena.

Conclusions

LCIC is concerned about the long-term impacts of the site to the safety and operation of the irrigation canal. LCIC encourages Washoe County to address these potential safety concerns prior to issuing a Building Permit, Grading Permit, or SUP for the indoor arena.

In summary, regarding WSUP23-0029, LCIC is concerned that:

1. The Dry Creek Floodway and LCIC Canal will be impacted by this construction;
2. Site drainage patterns will change as a result of this project; and
3. The thresholds of a grading permit are met by this project.

Please advise if you need any further analysis regarding this property.

EXHIBIT “54”

EXHIBIT “54”

Staff Assigned Case No.: AP06-001

Washoe County Development Application

Project Information

Project Name (commercial/industrial projects only):

Project Description: SKAGEN STABLES INDOOR ARENA

Project Address: 3003 HOLCOMB RANCH LANE

Project Area (acres or square feet):

Location Information

Project Location (with point of reference to major cross streets or area locator):
SO VIRGINIA, HOLCOMB RANCH LANE, LAKESIDE

Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
04065003	4.95		

Sections/Township/Range:

Indicate any previous Washoe County approvals associated with this application:
Case Nos.

Applicant Information

Property Owner:		**Professional Consultant:**	
Name: HENRIK & CHARLOTTE JORST		Name:	
Address: 2311 DIAMOND J PLACE		Address:	
RENO NV	Zip: 89511		Zip:
Phone: 846 1187	Fax:	Phone:	Fax:
Email:	Cell:	Email:	Cell:
Contact Person:		Contact Person:	
Applicant/Developer:		**Other Persons to be Contacted:**	
Name:		Name: KAREN LUPOLD	
Address:		Address: 640 MAESTRO DR #100	
	Zip:	RENO NV	Zip: 89511
Phone:	Fax:	Phone: 336 5644	Fax: 850 5532
Email:	Cell:	Email:	Cell:
Contact Person:		Contact Person:	

For Office Use Only

Date Received: 5/15 Initial: PK	Planning Area: SW
County Commission District:	
CAB(s):	Land Use Designation(s): HDR

WSUP23-0029
PUBLIC COMMENT

Owner Affidavit

Project Name:	
Application Type	
☐ **Abandonment** (AB)	☐ **Final Map Certificate of Amendment** (CA)
☒ **Administrative Permit** (AP)	☐ **Final Map Major/Minor Amendment**
☐ **Amendment of Conditions of Approval**	☐ **Final Subdivision Map/Const Plan Review**
☐ **Boundary Line Adjustment** (BL)	☐ **Parcel Map Waiver** (PM)
☐ **Comprehensive Plan Amendment** (CP)	☐ **Reversion to Acreage** (RA)
☐ **Cooperative Plan Amendment**	☐ **Special Use Permit** (SB/SW)
☐ Land Use Designation Change	☐ **Specific Plan** (SP)
☐ Text Change	☐ **Tentative Map of Div into Large Parcels** (DL)
☐ **Design Review Committee Submittal** (DRC)	☐ **Tentative Parcel Map** (PM)
☐ **Development Agreement** (DA)	☐ **Tentative Subdivision Map** (TM)
☐ **Development Code Amendment** (DC)	☐ Hillside Development
☐ **Ext of Time Requests (Approved Applications)**	☐ Common Open Space Development
☐ **Ext of Time Requests (Tent Subdivision Maps)**	☐ **Variance** (VA)

The receipt of an application at the time of submittal does not imply the application complies with all requirements of the Washoe County Development Code, the Washoe County Comprehensive Plan or the applicable area plan, or that it is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, CHARLOTTE JORST,
being duly sworn, depose and say that I am an owner* of property involved in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Community Development staff.

(A separate Affidavit must be provided by each property owner named in the title report.)

*Owner refers to the following: (Please mark appropriate box.)

- ☒ Owner
- ☐ Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- ☐ Power of Attorney (Provide copy of Power of Attorney.)
- ☐ Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- ☐ Property Agent (Provide copy of record document indicating authority to sign.)
- ☐ Letter from Government Agency with Stewardship

Signed _____

Address 2311 DIAMOND J PL
RENO NV 89511

Subscribed and sworn to before me this 12th day of May, 2006.

Patricia M Thornton
Notary Public in and for said county and state

My commission expires: 02/12/2007

(Notary stamp)

PATRICIA M. THORNTON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 03-80614-2 - Expires February 12, 2007

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PUBLIC COMMENT
2

Administrative Permit Application
Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to administrative permits may be found in Article 808, Administrative Permits.

1. What is the type of project or use being requested?

INDOOR RIDING HORSE ARENA

2. What currently developed portions of the property or existing structures are going to be used with this permit?

BARN, 2 OUTDOOR ARENA, HORSE STALLS

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

PARKING ALREADY IS ADEQUATE IN REAR OF PROPERTY

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4. What is the intended phasing schedule for the construction and completion of the project?

START DATE SEPT'06 - COMPLETION DEC'06

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

SKAGEN STABLES IS CENTRALLY LOCATED IN RENO - WILL PROVIDE AN INDOOR ARENA FOR LOCAL RIDERS WITH A BEAUTIFUL COVERED ARENA (WOOD BUILDING), ... WITH GARDEN LANDSCAPING THAT WILL ENHANCE THE PROPERTY AND NEIGHBOR HOOD. THE INDOOR ARENA WILL PROVIDE COMFORT TO RIDERS, ESPECIALLY DURING THE WINTER MONTHS
SEE ATTACHED PHOTOS

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

SKAGEN STABLES INDOOR ARENA WILL OFFER RESIDENCES THE COMFORT OF AN ENCLOSED ARENA WHEN WEATHER DOESNT PERMIT OUTSIDE RIDING AND LESSONS
BEING CENTRALLY LOCATED WILL PROVIDE A CONVENIENT LOCATION FOR LOCAL RIDERS

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

ADEQUATE PARKING IN REAR OF PROPERTY
A BEAUTIFUL WOODEN STRUCTURE TO ADD TO THE ARCHITECTURAL DESIGN ON PROPERTY AND NEIGHBOR HOOD

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

PLENTY OF PARKING IN FRONT DRIVEWAYS & REAR OF PROPERTY

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

NATURAL HABITAT TO THE RENO AREA

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

REF. PHOTOS - LIGHTING ON/AROUND ARENA

WSUP23-0029
PUBLIC COMMENT

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

☐ Yes	☒ No

13. Utilities:

a. Sewer Service	N/A - SEPTIC TANK
b. Electrical Service	SIERRA PACIFIC POWER
c. Telephone Service	AT&T (SPRINT)
d. LPG or Natural Gas Service	ENGLE ENERGY CORP
e. Solid Waste Disposal Service	WASTE MANAGEMENT
f. Cable Television Service	CHARTER CABLE
g. Water Service	N/A - WELL

For most uses, the Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required:

h. Permit #	235	acre-feet per year	18 1/2 OG
i. Certificate #		acre-feet per year	
j. Surface Claim #		acre-feet per year	
k. Other, #		acre-feet per year	

l. Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):

14. Community Services (provided and nearest facility):

a. Fire Station	SO OLD VIRGINIA HWY
b. Health Care Facility	WASHOE MEDICAL CTR - SO. MEADOWS
c. Elementary School	HAUFFAKER
d. Middle School	ELIZABETH LENTZ
e. High School	BISHOP MANOGUE
f. Parks	CRYSTAL LAKES - COUNTRY ESTATES CR
g. Library	SO VALLEY PUBLIC - WEDGE PKWY
h. Citifare Bus Stop	

Administrative Permit Fee Worksheet [Article 808]

Case Number:	Project Name: APN:	
Department	**Fee**	**Indicate fee paid below**
Community Development 328-6100	$795	$795
Engineering Division 328-2041	$43	$43
Environmental Health Services 328-2434	$47	$47
Parks & Recreation 828-6642	$0	$0
Water Resources Utility Operations 954-4600	Tahoe area $0 Other areas $39	☐ Tahoe area $0 ☒ Or other areas $39 $39
Total Fees **(See note 2)**	☐ Tahoe area $885 ☒ Or other areas $924 **Grand Total**	$963

Notes	Date Stamp
1. In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee that the application is complete. 2. All fees are waived for Administrative Permits for "temporary occupancy for the care of the infirm" [see Washoe County Development Code Section 110.310.35(g)]; however, the Administrative Permit Application process is still required.	Staff:_____

Make check payable to Washoe County.
Bring check with your application to Community Development.

Submit this page with "Original Packet" only.
Do not include this page in other copies of the packet.

Fees collected per Washoe County Development Code, Article 906, Fees.

COMMUNITY DEVELOPMENT
RECEIPT

Skagen Stables Indoor Arena

RECEIPT NUMBER: CDR0001407

APD #: AP06-004 TYPE: Plan. Administrative Prm
SITE ADDRESS: 3003 HOLCOMB RANCH LN WCTY
PARCEL: 040-650-03

TRANSACTION DATE: 06/05/2006 TOTAL PAYMENT: **924.00**

TRANSACTION LIST:

Type	Method	Description	Amount
Payment	Check	507	924.00
		TOTAL:	**924.00**

ACCOUNT ITEM LIST:

Description	Account Code	Current Pmts
HOLDING ACCOUNT FOR CDEV	7980-240102	924.00
	TOTAL:	**924.00**

FEES CATEGORIZED BY DEPARTMENT:

Department	Fee
Community Development:	$795.00
Engineering Department:	$43.00
Health Department:	$47.00
Parks Department:	$0.00
Utility Department:	$39.00
Vector Department:	$0.00

RECEIPT ISSUED BY: KMULLIN INITIALS: KM
ENTERED DATE: 06/05/2006 TIME: 09:19 AM

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT
RECEIPT

Skagen Stables Indoor Arena

RECEIPT NUMBER: CDR0001399

APD #: AP06-004 TYPE: Plan. Administrative Prm
SITE ADDRESS: 3003 HOLCOMB RANCH LN WCTY
PARCEL: 040-650-03

TRANSACTION DATE: 05/17/2006 TOTAL PAYMENT: **924.00**

TRANSACTION LIST:

Type	Method	Description	Amount
Payment	Check	507	924.00
		TOTAL:	**924.00**

ACCOUNT ITEM LIST:

Description	Account Code	Current Pmts
HOLDING ACCOUNT FOR CDEV	7980-240102	924.00
	TOTAL:	**924.00**

FEES CATEGORIZED BY DEPARTMENT:

Department	Fee
Community Development:	$795.00
Engineering Department:	$43.00
Health Department:	$47.00
Parks Department:	$0.00
Utility Department:	$39.00
Vector Department:	$0.00

RECEIPT ISSUED BY: KMULLIN INITIALS: KM
ENTERED DATE: 05/17/2006 TIME: 04:49 PM

Voided & returned so applicant could re-submit by 6/1/06. -km

REQUEST FOR PAYMENT VOUCHER

DATE:	05/16/06
FOR THE SUM OF:	$1957.00
PAYABLE TO THE ORDER OF:	Henrik or Charlotte Jorst 2311 Diamond J Pl. Reno, NV 89511-6558
FROM:	Washoe County Department of Community Development
PLEASE DRAW FUNDS FROM:	#1001-240130
CASE NUMBER REFERENCE:	SB06-010
RECEIPT:	See attached paperwork for approval reference

I, whose name and official title appear at the bottom hereof, request the Washoe County Treasurer to issue a warrant to the order of the payee and for the amount first stated above, payable from the Holding Account of the Washoe County Department of Community Development. I certify that the above deposit amount was made for the account of the case named into the Holding Account of the Washoe County Department of Community Development, that from it the amount first named has not been withdrawn and is now due and payable to the payee named above, as the next-of-kin or agent of the case named.

Sharon Kvas, Current Planning Manager
Washoe County Department of Community Development

Pd 5/18/6 Ck# 791534

WSUP23-0029
PUBLIC COMMENT 10
To Trustee 5/16

Spinola, Dawn

From: Mullin, Kelly
Sent: Tuesday, May 16, 2006 11:07 AM
To: Spinola, Dawn
Subject: Refund check for SB06-010

Dawn,

Please refund all monies collected for special use permit case SB06-010, in the amount of $1957.00. This fee was collected in error, as the property owner required another type of application with a different fee. Please ask that the check be made out to the account holder on the original check. It should be delivered to me, as I will trade the refund check for the replacement. This should be completed as soon as possible, hopefully no later than Friday.

Thanks!

Kelly

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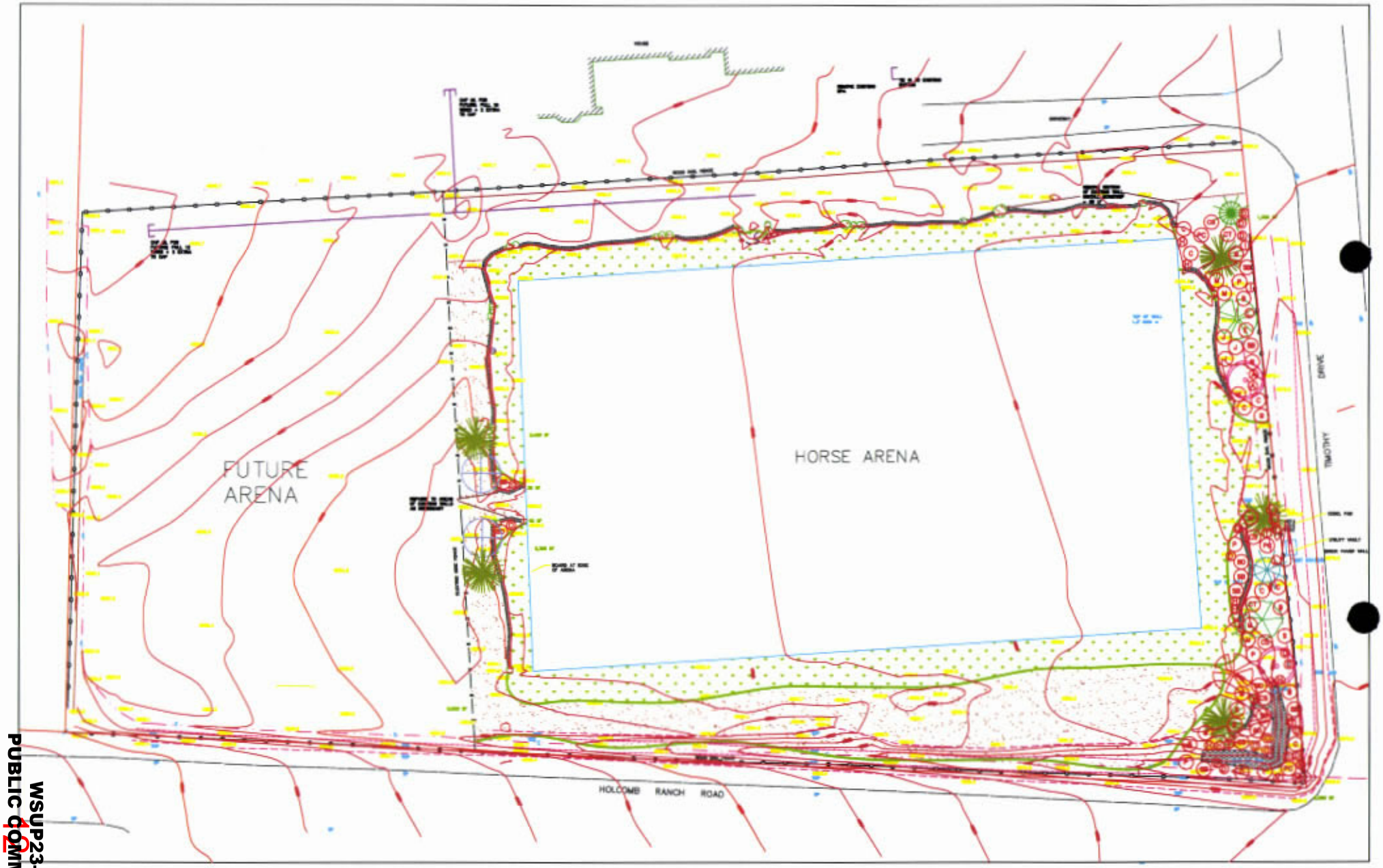
PUBLIC COMMENT 11



WSUP23-0029
PUBLIC COMMENT 42

TIMOTHY
DRIVE
HORSE ARENA
HOLCOMB RANCH ROAD

HORSE ARENA
156'
106'
30'
30'

P
F

WASHOE COUNTY
NEVADA

Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director
Blaine Cartlidge, Legal Counsel

COMMUNITY DEVELOPMENT

Washoe County Board of Adjustment
Sharon Stanley, Chair
Richard "R.J." Cieri, Vice Chair

Neal Cobb
Gary Feero
Philip Horan

ACTION ORDER

July 7, 2006

Charlotte and Henrik Jorst
2311 Diamond J Place
Reno, NV 89511

Dear Applicant:

The Washoe County Board of Adjustment, at its regular meeting of July 6, 2006, denied the following request:

ADMINISTRATIVE PERMIT CASE NO. AP06-004 (SKAGEN STABLES) – To allow the construction of a 16,536-sq.ft. indoor arena and expansion of operation of a commercial stables offering horse boarding for no more than twenty (20) horses, including those of the property owner. [Washoe County Code Section 110.304.25(c)(2)]. The operation will also offer riding and lessons for no more than six (6) people at a time. There will be no horse shows, competitions, or other events. The stables were established prior to administrative permits being required. Because the applicant is seeking to expand the operation by more than 10%, an administrative permit is now required. The project is located at 3003 Holcomb Ranch Lane, at the northwest corner of Holcomb Ranch Lane and Timothy Drive. The ±4.975-acre parcel is designated High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 12, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 040-650-03)

The denial was based on the following findings:

1. Improvements. Adequate roadways and improvements are not available, especially a sufficient turn-around area for horse trailers on the cul-de-sac at the end of Timothy Drive and limiting the turn-around to smaller horse trailers would be a policing problem;

2. Site Suitability. The site is not physically suitable for the type of development and for the intensity of the development due to it being located within a flood area and additional drainage flows potentially impacting Timothy Drive;

3. Issuance Not Detrimental. Issuance of the permit will be detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area, due to the applicant not demonstrating a good neighbor policy in the past, including street parking of a horse trailer for 6-months and a large manure pile directly adjoining a neighboring property; and

4. Reasoned Consideration. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting.

If no appeals have been filed in the time period stipulated in the Washoe County Development Code, the decision by the Board of Adjustment is final.

Yours truly,

Adrian P. Freund, AICP
Director, Washoe County Community Development
Secretary to the Board of Adjustment

APF/KM/cm(AP06-004F1)

xc: Blaine Cartlidge, DA's Office; District Health Department; David Lindsey, Department of Water Resources; Engineering Division; Reno Fire Department, Daniel Birkel, Fire Protection Plans Examiner, Fire Protection Bureau

Agenda Item No: **4 (7/6/2006)**

Staff Recommendation: **CONDITIONAL APPROVAL**

WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF REPORT

To: Washoe County Board of Adjustment

Re: Administrative Permit Case No. AP06-004 (Skagen Stables)

Date: June 29, 2006 **Prepared By:** Kelly Mullin, Assistant Planner

GENERAL INFORMATION SUMMARY

Applicant: Charlotte & Henrik Jorst

Requested Action: To allow the construction of a 16,536-sq.ft. indoor arena and expansion of operation of a commercial stables offering horse boarding for no more than twenty (20) horses, including those of the property owner. [Washoe County Code Section 110.304.25(c)(2)]. The operation will also offer riding and lessons for no more than six (6) people at a time. There will be no horse shows, competitions, or other events. The stables were established prior to administrative permits being required. Because the applicant is seeking to expand the operation by more than 10%, an administrative permit is now required. **The project is located at 3003 Holcomb Ranch Lane, at the northwest corner of Holcomb Ranch Lane and Timothy Drive.** The ±4.975-acre parcel is designated High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 12, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 040-650-03)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

> I move that the Washoe County Board of Adjustment conditionally approves Administrative Permit Case No. AP06-004 for Skagen Stables, having made the following findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows area plan;

2. Improvements. That pursuant to the conditions of approval contained herein, findings can be made that adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That pursuant to the conditions of approval contained herein, findings can be made that the site is physically suitable for an indoor riding arena and for the intensity of the development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

ANALYSIS

Background:

Skagen Stables has requested permission to expand their existing commercial stable operation. The stables were established prior to administrative permits being required for this use type. Because the proposed expansion exceeds 10%, an administrative permit is now required. The expansion seeks to allow construction of a 16,536 sq. ft. indoor arena, an additional 12 boarding stalls, room for riding, dressage, and hunter/jumper lessons. Pursuant to Condition 11(d), there will be no more than four (4) people in any given lesson, and no more than six (6) people in the arena at any given time.

Currently, there are eight (8) boarding stalls in the barn located at the northern end of the property. The indoor arena would add an additional twelve (12) stalls, allowing a total of twenty (20) horses to be boarded on the property at any one time. The property owners have indicated in their business plan that ten (10) of the boarded horses belong to them.

A 170' x 120' outdoor fenced arena is currently under construction on the southeastern portion of the property. An additional eight (8) parking spaces and trailer pull-through area are proposed along the eastern edge of the property, adjacent to Timothy Drive. A corral, barn, and two (2) small sheds are located at the northern end of the property, along with four (4) new proposed parking spaces. Bisecting the property from east to west is Dry Creek, a significant hydrologic resource. The main dwelling and a detached accessory dwelling are located within the sensitive stream zone buffer area. These structures were established prior to Article 418, Significant Hydrologic Resources going

into effect. Condition 11(i) prohibits the use of the critical or sensitive stream zone areas for any commercial use, including parking.

The parcel is slightly less than 5 acres in size and is located at the northwest corner of Holcomb Ranch Lane and Timothy Drive. The site is designated High Density Rural (HDR) which allows commercial stables upon the issuance of an Administrative Permit.

The applicant has indicated the indoor arena will be used when the weather does not permit the use of the outdoor arenas. Pursuant to Condition 11(a), the indoor arena can be used only between the hours of 9 a.m. and 6 p.m., with the exception that the facility may be used between the hours of 6 p.m. and 9 p.m. up to twenty-five (25) times per year. Arena lights may remain on for up to one hour after close of business. As indicated in Condition 11(b), the use of amplified megaphones shall not be permitted for any activities on the property. These limitations are established to ensure the neighborhood will not typically be impacted with light and noise from this development.

Pursuant to Condition 11(c), no events, competitions, demonstrations, clinics, playdays, trail rides, or other equestrian events are permitted by this Administrative Permit. Condition 11(f) prohibits tack and feed sales, farrier, equine therapy services, or veterinary services.

Due to the lack of a trailer turn-around area, no more than one person may trailer-in at a time. Guests will use the cul-de-sac at the end of Timothy Drive to turn-around trailers and will only use the trailer pull-through area to load/unload horses. This will avoid the need for backing movements by vehicles with trailers. Long term trailer-parking will not be allowed.

The applicant has indicated riding and lessons will only be provided to guests using a horse that is boarded on the property, or ridden to the property by a neighbor. As indicated in Condition 11(e), trailering-in of horses specifically for the purpose of riding or taking lessons will not be allowed.

The applicant will provide a total of twelve (12) marked parking spaces, although only six (6) are required. The applicant intends to request a Director's Modification of Standards to waive the paved parking requirement due to issues with riding horses on paved surfaces. As indicated in Condition 11(g), if the applicant is unable to obtain a parking waiver, all parking spaces must be paved. However, per federal law, and as indicated in Condition 11(g), at least one space must be a paved handicap spot.

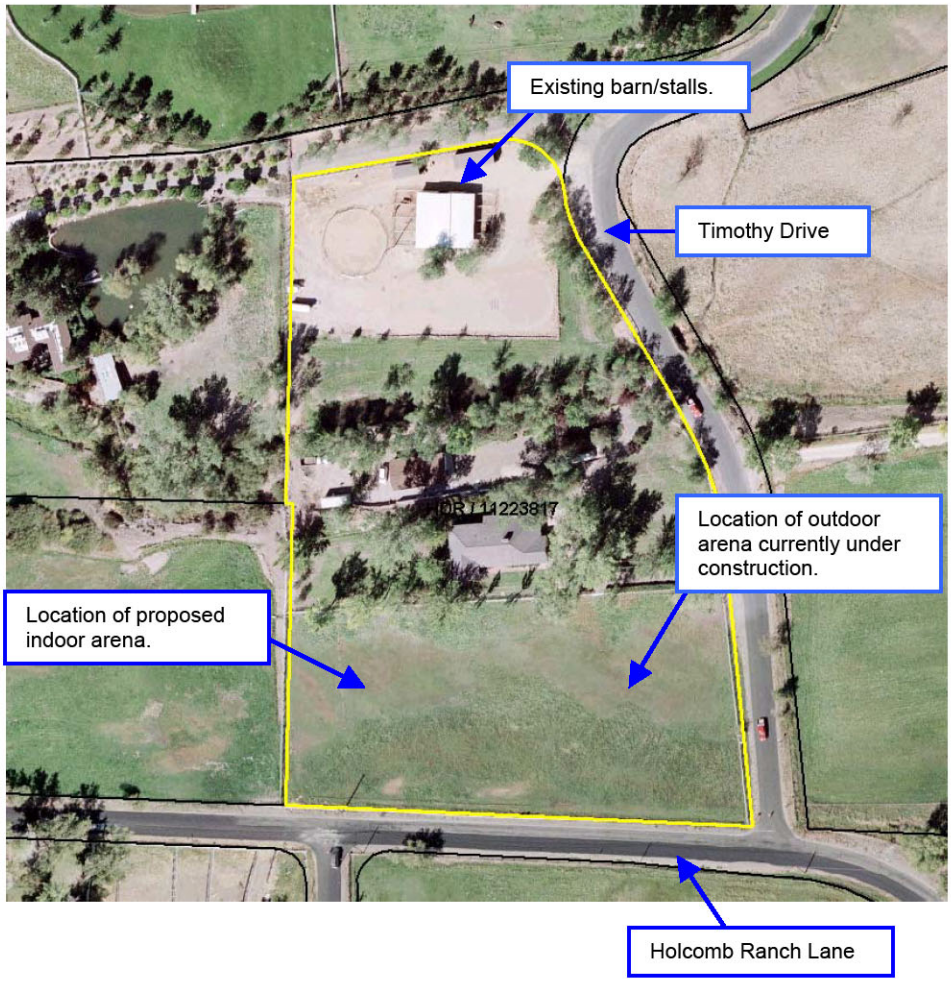
The applicant has proposed a significant amount of landscaping improvements to the southern portion of the property. As indicated on the attached landscaping plan, these improvements include placement of a mixture of deciduous trees, shrubs, and perennials along Timothy Drive and at the southeastern corner of the property. The outdoor arena will be surrounded by turf and a decomposed granite (DG) horse walk. There will also be a landscaped transition between the outdoor and indoor arenas. Pursuant to Condition 11(l), landscaping of a density similar to what is proposed along the eastern property line must be placed along the western and southern property lines as well.

Pursuant to Condition 11(k), the proposed open-air indoor arena must be architecturally compatible with the existing main dwelling and the roof shall not be constructed of reflective materials. The applicant has indicated the structure will be constructed of wood and that the existing home on the property will be re-roofed to match the proposed indoor arena.

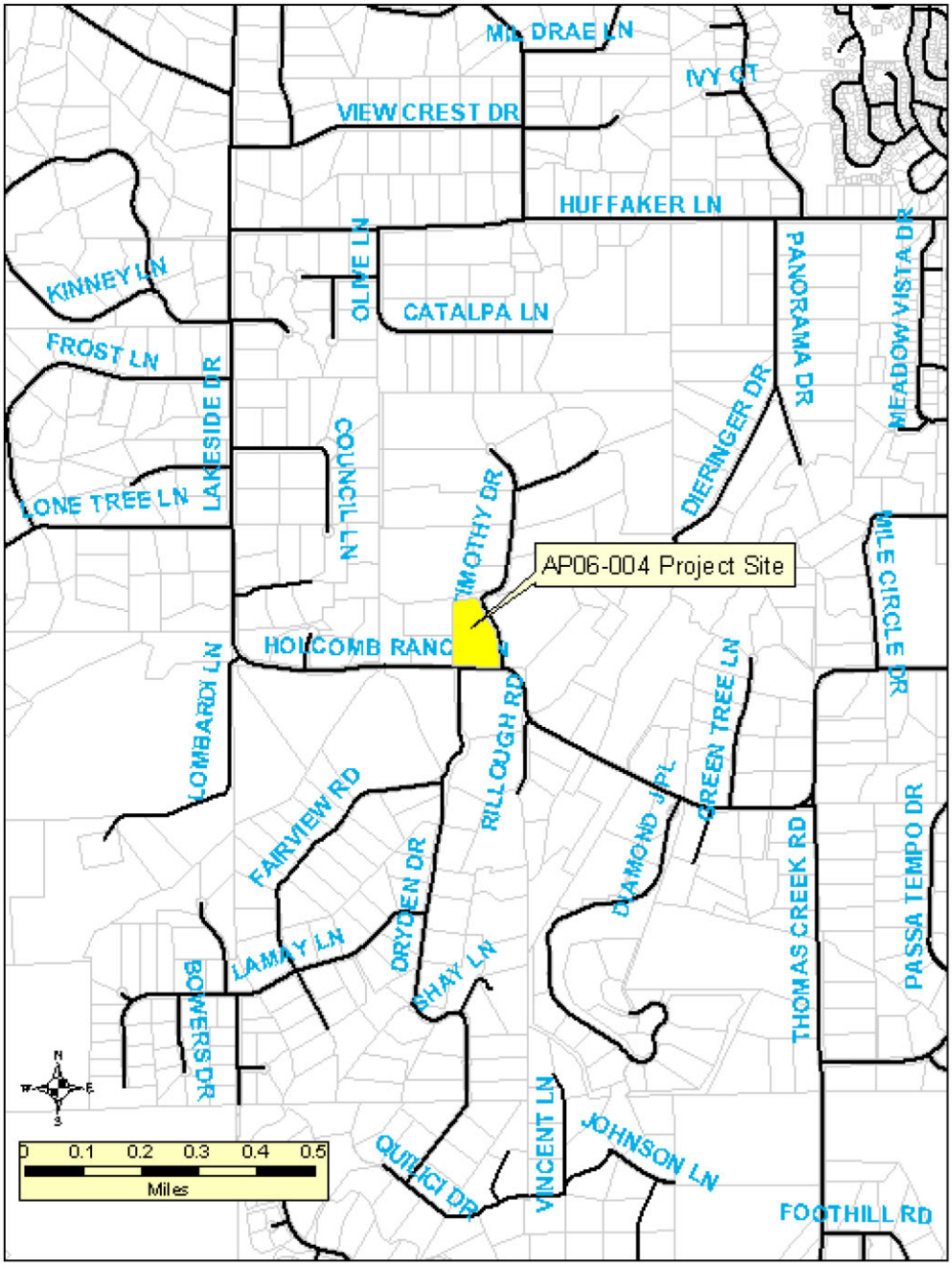
Looking southwest at proposed building area from center of property

Looking north at proposed building area from road

OVERHEAD VIEW OF SUBJECT PARCEL



VICINITY MAP



LAND USE SUMMARY

Land Use Designations:

The project site has a land use designation of High Density Rural (HDR), which allows for operation of a commercial stable with the approval of an administrative permit by the Washoe County Board of Adjustment.

Development Suitability Constraints:

The subject parcel has inventoried development suitability constraints, including a floodway area bisecting the property and being within a 100-year flood hazard area.

Area Plan Modifiers:

The administrative permit request is subject to the Southwest Truckee Meadows Area Plan Modifiers listed in Article 214 of the Development Code. There are no modifiers that are particularly applicable to the development request.

Parking Required:

Article 410.10 of the Washoe County Development Code requires that the proposed use have one (1) off street parking space per 4 horses, plus one per employee. A total of 20 horses may be boarded on the property at any one time, and one employee tends the property; therefore, a total of six (6) off-street parking spaces are required. The applicant is proposing a total of twelve (12) off-street parking spaces for this project. The parking area shall meet all applicable standards of Articles 410, 412 and 414 of the Washoe County Development Code, unless the Director of Community Development modifies the standards of Article 410.

Use Type:

Section 110.304.25 Commercial Use Types of the Washoe County Development Code sets forth the following guidelines:

(c) Animal Sales and Services. Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 306, Accessory Uses and Structures. The following are animal sales and services use types:

(2) Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.

The Table of Uses, 110.302.05.3 allows the establishment of commercial stables upon the issuance of an Administrative Permit. The requirement of an Administrative Permit allows the imposition of any conditions that may be necessary to ensure that any adverse impacts are properly mitigated.

Adjacent Land Uses:

The land use designations for the parcels surrounding the subject property, and their compatibility with the land use designation of High Density Rural (HDR), are listed in Table 1. The "High" land use compatibility rating with the surrounding land uses generally indicates that minimal conflicts could occur with adjacent land uses, and little or no screening or buffering measures are necessary.

Compatibility of Adjacent Parcels with High Density Rural (HDR)

Direction	Land Use Designation	Land Use Compatibility
North	High Density Rural (HDR)	High
South	High Density Rural (HDR)	High
East	High Density Rural (HDR)	High
West	High Density Rural (HDR)	High

Source: Table 3, Land Use Compatibility Matrix, of the adopted Washoe County Comprehensive Plan, Land Use and Transportation Element.

AGENCY COMMENTS

Agency comments and proposed conditions of approval were received from the County Engineer, District Health Department, Reno Fire Department, and the Department of Water Resources. No unique or extraordinary conditions of approval were requested.

In addition to grading and drainage conditions, the County Engineer has included the following comment:

> *The project is subject to the Regional Road Impact Fee (currently $72 per stall). Provide proof of payment to the engineering division.*

Because licensed stables are considered a commercial development, the Washoe County Department of Water Resources requires water rights be dedicated to Washoe County in accordance with the Southwest Truckee Meadows Area Plan.

The District Health Department has replied and their conditions are attached to this staff report. Any appeal of their conditions must be made to the District Board of Health.

The following comment was received from Vector Control. It originated as a condition, however, because it is not directly related to the proposed project, it cannot be included as a condition of approval. The property owner should be aware of Vector Control's concern:

The use of rock rip rap for slope stabilization shall be graded from 3/4 " to D size four (4) inches in depth and shall be placed as a mixed aggregate to discourage void formation for rodent habitat.

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments: Washoe County District Health Department Conditions
Site Plan
Building Elevations
Floor Plan
Landscape Plan

xc: Applicant: Charlotte and Henrik Jorst, 2311 Diamond J Place, Reno, NV 89511

Other: Karen Lupold, 640 Maestro Drive #211, Reno, NV 89511

CONDITIONS FOR
ADMINISTRATIVE PERMIT CASE NO. AP06-004
Skagen Stables
(As recommended by Department of Community Development and attached to Staff Report dated June 29, 2006)

*****IMPORTANT—PLEASE READ*****

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS ADMINISTRATIVE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE ADMINISTRATIVE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this Administrative Permit. Modification to the site plan may require amendment to and reprocessing of the Administrative Permit. The Department of Community Development shall determine compliance with this condition.

2. The project shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the request or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the Administrative Permit or a subsequent Washoe County permit.

3. The applicant shall attach a copy of the final order stating conditional approval of this Administrative Permit to all applications for administrative approvals, permits, or licenses issued by Washoe County.

4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Administrative Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the Administrative Permit. Any subsequent purchaser/operator of the site and/or the Administrative Permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

5. The applicant shall maintain a valid Washoe County business license for the life of the operation. The Department of Community Development shall be responsible for determining compliance with this condition.

6. The applicant shall pay the applicable Regional Road Impact Fee (RRIF) prior to the issuance of a building permit. The County Engineer shall be responsible for determining compliance with this condition.

7. The following condition is a requirement of the Washoe County District Health Department and which shall be responsible for determining compliance with this condition:

   a. All manure generated by domestic animals from the indoor arena as well as the operation of the commercial stables shall be picked up and removed weekly (WCC 050.150). In addition to this, all manure shall be stored in such a manner that there shall be no escape of odor, no attraction, harborage, or breeding of vectors or vermin and no creation of nuisance (WCC 050155).

8. The following conditions are requirements of the Engineering Division and which shall be responsible for determining compliance with these conditions:

   a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control

(including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

b. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.

c. All access and driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications.

d. Prior to ground-disturbing activity, if import or export of earthwork material is required, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.

e. If more than one acre of the site is disturbed:

   The owner shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading or building permit.

f. The developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.

9. The following conditions are requirements of the Reno Fire Department and which shall be responsible for determining compliance with these conditions:

a. Based on occupancy code as assigned per Appendix C of the 2003 International Building Code and the Washoe County Building Department, installation of fire protection systems may required.

b. Access shall be to the satisfaction of the Reno Fire Department.

10. Water rights in accordance with Article 422 shall be dedicated to Washoe County prior to release of building permit. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the DWR. The quantity of water rights necessary for dedication will be based on the number of horses boarded, fixture unit counts, and any other features of this facility. The subject water rights will then be made available to the applicant via a water sale agreement, which will then lease the water rights back to the applicant for 99 years, at no cost to the applicant. The Department of Water Resources shall determine compliance with this condition.

11. The following conditions are requirements of the Department of Community Development and which shall be responsible for determining compliance with these conditions:

    a. The conduct of the business portion of the operation shall be limited to the hours of 9 a.m. to 6 p.m., with arena lights turned off by 7 p.m. Up to twenty-five (25) times a year the business portion of the operation may extend until 9 p.m., with arena lights turned off by 10 p.m.

    b. The use of amplified megaphones shall not be permitted for any activities.

    c. Dressage, riding, hunter/jumper lessons and the boarding of horses for which there are stalls are the only activities associated with and allowed by this Administrative Permit. No events, competitions, demonstrations, clinics, playdays, trail rides, or other equestrian events are permitted.

    d. No more than twenty (20) horses shall be boarded on this property at any given time. No more than four (4) people shall ride in any given lesson, and no more than six (6) people shall be in the indoor arena at any given time.

    e. Riding and lessons shall only be provided to guests using a horse that is boarded on the property, or ridden to the property by a neighbor. Trailering-in of horses specifically for the purpose of riding or taking lessons shall not be allowed.

    f. No tack and feed sales, farrier, equine therapy services, or veterinary services are permitted.

    g. The applicant shall provide off-street parking for all clients and guests. Unless a Director's Modification of Standards is obtained, the applicant shall pave all required parking spaces. Whether or not a modification is granted, one space must be a paved handicap space, as required by the Americans with Disabilities Act.

    h. The applicant shall inform clients of the plan in place to prevent backing movements for vehicles with trailers when loading or unloading. The trailer pull-through area shall be used by trailers only when loading or unloading horses for boarding. Only one vehicle may trailer-in at a time.

i. No activities or structures associated with this permit may be located within the sensitive or critical stream zone areas on the property, including parking, riding of horses, and location of the arena. Plans submitted through the building permit process must provide documentation and a survey completed by a professional land surveyor showing that the proposed structure is located outside of the critical and sensitive stream zone areas.

j. Lights for the indoor arena must be pointed down and down-shielded. There shall be no light spillover onto adjacent parcels.

k. The indoor arena shall be architecturally compatible with the main dwelling and the roof shall not be constructed of reflective materials.

l. Landscape plans shall be included with the application for a building permit for the indoor arena. Landscaping must include trees along the western, southern, and eastern property lines to facilitate screening of the structure and shall be established prior to the final building inspection. Density of the landscaping must be similar in nature to what is currently proposed along the eastern property line.

RECEIVED
JUN 26 2006
WASHOE COUNTY
COMMUNITY DEVELOPMENT

DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: June 14, 2006

TO: Sandra Monsalve, Planner
Washoe County Community Development

FROM: Bryan Tyre, PE

SUBJECT: **Skagen Stables**
AP06-004, Administrative Permit
E2006-077

Dear Ms. Monsalve:

This Department has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this Department is subject to the following conditions:

1. The Health Department has no record indicating the size of a septic system at 3003 Holcomb Ranch Road. Therefore, prior to building permit approval, the applicant shall show that the septic system meets all requirements of the Sewage, Wastewater, and Sanitation Regulations.

2. The applicant shall show written approval by the State Water Resources Division prior to permit approval.

If you have any questions regarding the foregoing, please call me 328-2430.

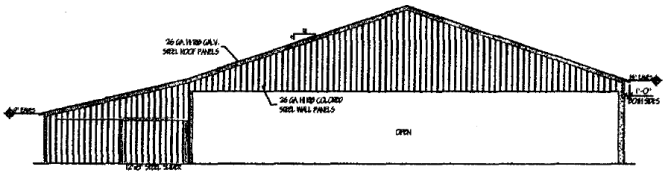
Sincerely,

Bryan W. Tyre, P.E.
Registered Engineer
Environmental Health Services

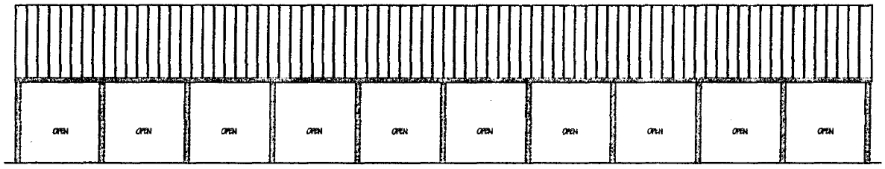
BWT:jc

Cc: Henrik & Charlotte Jorst
Karen Lupold

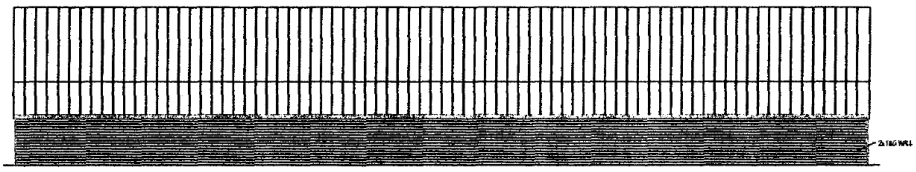
4 PARKING
PROPOSED
INDOOR
ARENA
30'
150'
EXISTING
OUTDOOR
ARENA
170'
120'
64'
8 PARKING



END ELEVATION 1/8" = 1'-0"



SIDE ELEVATION 1/8" = 1'-0"



SIDE ELEVATION 1/8" = 1'-0"

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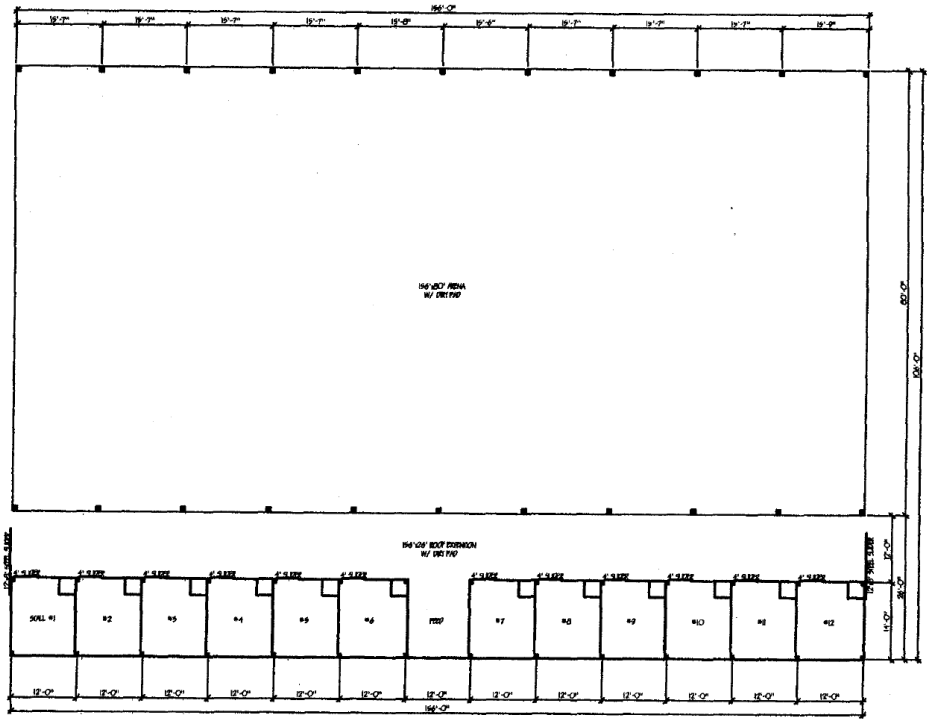
No.	Revision	Date	By

JDC ASSOCIATES PH.# (916) 348-2295
6096 BUTLAND DR.#10,CARMICHAEL,CA95608
BUTTE'S PH.# (209) 368-9182

PRELIMINARY DRAWINGS

CHARLOTTE JORSY
640 MESTRO RD.
RENO, NV. 89511
(775) 691-1567

Date: 4/25/06
Scale: NOTED
Drawn: MDO
Job: 386706
Sheet: 2
of 2 Sheets



FLOORPLAN 1/8" = 1'-0"

DESIGN AND FABRICATION DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF JDC, INC. FOR THE SOLE USE OF CONSTRUCTION BY SELECTED CONTRACTOR AND NO OTHER USE CONTRACTOR IS AUTHORIZED.

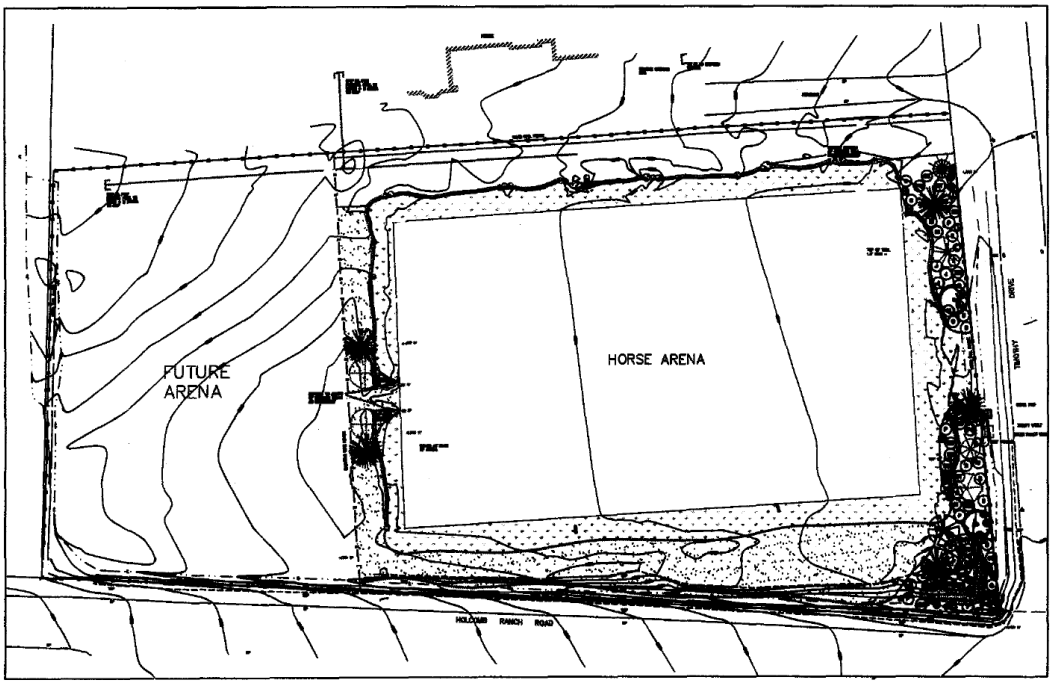
No.	Revision	Date	By

JDC ASSOCIATES PH.# (916) 348-2295
6056 BELLAIRE DR. # 10, CARMICHAEL, CA 95608
BUILDER'S PH.# (209) 368-9182

PRELIMINARY DRAWINGS

CHARLOTTE JONES
640 JAMES RD.
REDO, NV, 89511
(775) 851-1967

Date: 4/25/08
Scale: NOTED
Drawn: MDD
Job: 388706
Sheet: 1
of 2 Sheets



PLANT LEGEND

SYM.	QTY.	BOTANICAL NAME/COMMON NAME	MIN. SIZE
		DECIDUOUS TREES	
	2	Acer rubrum 'October Glory'/Red Maple	15-gal.
	0	Carpinus betulus 'Fastigiata'/European Hornbeam	15-gal.
	2	Cornus florida rubra/Pink Flowering Dogwood	15-gal.
	2	Pyrus calleryana/Pear	15-gal.
	0	Prunus s. 'Pendula'/Weeping Cherry	15-gal.
	1	Quercus palustris/Pin Oak	15-gal.
	1	Cedrus atlantica 'Glauca'/Blue Atlas Cedar	15-gal.
	1	Picea abies 'Pendula'/Weeping Norway Spruce	15-gal.
	6	Pinus Nigra/Austrian Pine	15-gal.
		SHRUBS	
	7	Berberis thunbergii 'Rose Glow'/Japanese Barberry	1 gal.
	6	Buddleia davidii/Butterfly Bush	1 gal.
	6	Cornus sericea 'Flaviramea'/Golden Twigged Dogwood	2 gal.
	7	Cotoneaster/Cotoneaster	1 gal.
	5	Cytisus spp./Scotch Broom	2 gal.
	3	Euonymus alata compacta/Burning Bush	1 gal.
	0	Forsythia intermedia 'Lynwood Gold'/Lynwood Gold Forsythia	2 gal.
	3	Juniperus chinensis 'Old Gold'/Old Gold Juniper	2 gal.
	0	Miscanthus sinensis 'Gracillimus'/Maiden Grass	1 gal.
	5	Pinus Mugo/Dwarf Mugo Pine	2 gal.
	3	Prunus x cistena/Purpleleaf Sand Cherry	2 gal.
	1	Salix purpurea 'Gracilis'/Dwf. Arctic Willow	5 gal.
	7	Spiraea bumalda spp./Spirea	2 gal.
		PERENNIALS	
	2	Achillea/Yarrow	1 gal.
	2	Aquilegia/Columbine	1 gal.
	5	Coreopsis grandiflora/Coreopsis	1 gal.
	11	Chrysanthemum x s./Shasta Daisy	1 gal.
	2	Gaillardia grandiflora/Blanket Flower	1 gal.
	3	Veronica spp./Blue Creeping	1 gal.
	7	Oenothera sp./Mexican Evening Primrose	1 gal.
	4	Penstemon	1 gal.
	2	Vinca minor/Periwinkle (@ 4' OC)	1 gal.
		MISC.	
	29	Existing Rocks	
		Turf (Sod) – 0.025 SF	
		Horse Mtn Area (SO) – 7,749 SF	

NOTE: ALL PLANTED AREAS TO RECEIVE 4" MIN. DECOMPOSED GRANITE (LAVA 50"). ONE APPLICATION OF PRE-EMERGENT HERBICIDE.

N

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

PLANTING PLAN
JORST HORSE ARENA
ISLAND COUNTY
REVIG. MV

LANDSCAPE CONTRACTOR:
Glascock Brothers Nursery
Landscaping Division, Inc.

GARDEN SHO
NURSERY
LANDSCAPING
DIVISION

Job No. JORST/BEAGEN
Designed MW
Drawn MLS
Checked MW
Revised
Date 05/19/23
Sheet
L-1
of
1

Washoe County
Department of
Water Resources
4930 Energy Way
Reno, NV 89502
Tel: 775-954-4600
Fax: 775-954-4610

June 27, 2006

To: Kelly Mullin, Planner, Community Development

From: David Lindsey, Office Assistant III

Subject: AP06-004 (Skagen Stables) APN: 040-650-03

The Department of Water Resources (DWR) has reviewed the referenced proposal and has the following comment:

1. The applicant is requesting to construct an equestrian center with a total of 20 stalls, a riding arena, and turnout area. The subject property is located at 3003 Holcomb Ranch Road. This property is located in the Southwest Truckee Meadows Area.

2. Domestic water is provided by individual well and sanitary sewer is provided by septic.

The Department of Water Resources (DWR) recommends approval provided the following conditions are met:

1. Water rights in accordance with Article 422 shall be dedicated to Washoe County prior to release of building permit. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the DWR. The quantity of water rights necessary for dedication will be based on the number of horses boarded, fixture unit counts, and any other features of this facility. The subject water rights will then be made available to the Applicant via a water sale agreement, which will then lease the water rights back to the Applicant for 99 years, at no cost to the Applicant.

/dl

Department of
Water Resources

DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

June 14, 2006

Washoe County
Community Development
C/O Kelly Mullin
1001 E. Ninth Street
Reno, NV 89512

Dear Kelly,

After having reviewed the Administrative permit from Skagen Stables (AP06-004), the applicant shall comply with the following conditions.

All manure generated by domestic animals from the indoor arena as well as the operation of the commercial stables shall be picked up and removed weekly (050.150). In addition to this all manure shall be stored in such a manner that there shall be no escape of odor no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (050.155). This will eliminate the emergence of flies thru the timely pick up and storage of manure from becoming an annoyance to the adjacent community. If a permit is issued annually for this facility, inspection of the premises should include effective management practices of manure pick up and storage.

The use of rock rip rap for slope stabilization shall be graded from 3/4 inch to the D size specified on the plans 4 inches in depth and shall be placed as a mixed aggregate to discourage void formation for rodent habitat. Please note this on the grading plans prior to sign off of this document.

If there are any questions concerning the aforementioned vector-planning conditions, please call me at 785-4599.

Sincerely,

J. L. Shaffer
Environmentalist II
Environmental Health Division

WASHOE COUNTY

Department of Public Works

"Dedicated to Excellence in Public Service"

TOM GADD, Public Works Director

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: June 13, 2006

TO: Kelly Mullin, Department of Community Development

FROM: Leo R. Vesely, P.E., Engineering Division LRV

SUBJECT: ***AP06-004***
APN 040-650-03
SKAGEN STABLES

I have reviewed the referenced administrative permit case and have the following conditions and one comment.

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

2. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.

3. All access and driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications.

4. Prior to ground-disturbing activity, if import or export of earthwork material is required, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.

If more than one acre of the site is disturbed:

5. The owner shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading or building permit.

6. The developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.

Comment:

1. The project is subject to the Regional Road Impact Fee (currently $72 per stall). Provide proof of payment to the engineering division.

LRV/lrv

Mullin, Kelly

From: Daniel Birkel [birkeld@ci.reno.nv.us]
Sent: Friday, June 16, 2006 11:38 AM
To: Mullin, Kelly
Subject: AP06-004

Kelly
The Reno Fire Department has the following comments.
1. Based on the Fire Departments Review of this project it appears to be a U occupancy per Appendix C of the 2003 International Building Code. But final determination will be determined by the Washoe County Building Department and the need for fire protection sytems shall be determined at that time.
2. Access shall be to the satisfaction of the Reno Fire Department.
If there are any questions please call me.
Thanks
Daniel J. Birkel
Fire Protection Plans Examiner
Reno Fire Department
326-6314

WSUP23-0029
PUBLIC COMMENT 42

Skagen Stables ~ Indoor Arena Project
3003 Holcomb Ranch Lane
Reno, NV 89511

June 1, 2006

Adrian Freund
1001 E. Ninth St. Bldg. A, Rm A275
Reno, NV 89520

Dear Adrian,

In Pursuant to article 412.05, we would like to request a waiver to have paved parking spaces. The current parking along with the additional parking is well maintained with grindings from asphalt.

There is going to be twelve additional parking spaces. Eight spaces [64' x 20'] will be located off Timothy at the east side of the property. This area can also be used for optional trailer unloading and loading horses. There shall not be more than one guest horse trailer on the premises. Four parking spaces will be located at the north east of the property.

With only a few neighbors having paved driveways, we want to maintain the characteristic of the neighborhood. By not having paved parking spaces, we feel the parking area will blend with the natural beauty of the property.

Also, due to the proximity of the Dry Creek and the overall natural beauty and landscaping of the property we are requesting not to have paved parking spaces.

Thank you in advance for considering this request.

All the best,

Charlotte K. Jorst
Henrik Jorst

Mullin, Kelly

From: Lupold, Karen [klupold@skagendesigns.com]
Sent: Tuesday, June 06, 2006 4:23 PM
To: Mullin, Kelly
Cc: Jorst, Charlotte
Subject: Skagen Stable Permit

Hi Kelly

I just spoke with Nate Roach, owner of Gradex. He said there will be 700 cubic yards of dirt used from a commercial aggregate pit.

Charlotte and I will see you Friday at 3:00 at Skagen Stables.

Thanks

Karen Lupold
Executive Administrative Assistant
Skagen Designs, USA
Ph: (775) 336.5644
(800) 937.3576 ext. 5644
Fx: (775) 850.5532
www.skagen.com
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This email contains confidential information. If you have received it in error, please contact me at klupold@skagendesigns.com

---

From: Mullin, Kelly [mailto:KMullin@washoecounty.us]
Sent: Monday, June 05, 2006 11:52 AM
To: Lupold, Karen
Subject: RE: Scanned Maps

Hi Karen,

Also - sorry I forgot to ask this on Friday - I'll need the calculations for how much dirt (in cubic yards) you're planning on importing for the arena.

I'm glad to hear the engineered drawings will be available by Friday. Please be sure to drop off seven (7) copies - we will distribute them to the agencies to assist in their evaluation.

I'll be giving Charlotte a call today to set-up a site inspection.

Talk to you soon,
Kelly

-----Original Message-----
From: Lupold, Karen [mailto:klupold@skagendesigns.com]
Sent: Friday, June 02, 2006 2:57 PM

To: Mullin, Kelly
Subject: RE: Scanned Maps

Hi Kelly

Thank you so much for taking the time to meet with Charlotte and for all your help and suggestions today. Per your request attached are the updated Business Plan proposal and Parking letter. Please let me know if any additional information should be included in the letters.

Also, Andregg said they should be able to have a complete property survey by next Friday morning.

Have a great weekend!

<<ParkingRequest.doc>> <<IndoorArenaBusPlan.doc>>

Karen Lupold
Executive Administrative Assistant
Skagen Designs, USA
Ph: (775) 336.5644
(800) 937.3576 ext. 5644
Fx: (775) 850.5532
www.skagen.com
Copyright © 2004 Skagen Designs, Ltd
This email contains confidential information. If you have received it in error, please contact me at klupold@skagendesigns.com

William C. Thornton
Attorney at Law

RECEIVED
JUL 14 2006
WASHOE COUNTY
COMMUNITY DEVELOPMENT

July 10, 2006

Ms. Kelly Mullin
Assistant Planner
Washoe County Community Development
P. O. Box 11130
Reno, Nevada 89513

Re: Administrative Permit – Case No. AP06-004 (Skagen Stables)

Dear Ms. Mullin:

Please advise me if the Applicants appeal the denial of the Washoe County Board of Adjustment in the above referenced case.

Also, please advise me of the name of the attorney who served as counsel to the Board of Adjustment at the July 6, 2006 hearing.

Sincerely,

WILLIAM C. THORNTON

WCT:sr

Left msg for Bill Thornton w/ response on 7/24/06, 11:53a.m. -Km

WSUP23-0029
PUBLIC COMMENT
46

Dawn Robbins
Frankie Robbins
9001 Timothy Drive
Reno, NV 89511

RECEIVED
JUL 05 2006
WASHOE COUNTY
COMMUNITY DEVELOPMENT

6/30/06

Washoe County Board Of Adjustment
P.O. Box 11130
Reno, Nevada 89520

Re: Administrative Permit Case No. AP06-004 (Skagen Stables)

Dear Chairman and Members of the Washoe County Board of Adjustment:

Although we did not receive a letter regarding this permit, we as well as our neighbors will be negatively impacted by the expansion of a commercial stable located at 3003 Holcomb Ranch Lane and Timothy Drive. Presently we are already encountering a higher density of traffic and horse trailers parked on the side of the narrow road. Our future concerns are such: vehicles and trailers without places to park, excessive amounts of horse manure and the flies it attracts, and the possibility of flooding at the entrance of Timothy Drive.

We do not believe the issue of drainage was addressed properly during the construction of their current horse arena. In January there was an almost unpassable level of water flowing across the top of Timothy Drive at their present arena. This resulted in the phone company having to replace the phone box and inconvenienced the residents who call Timothy Drive home. It still does not appear that drainage has been addressed or is even a concern.

We have lived on this street for fifteen years. These are new issues that will affect our present lifestyle, however they do not affect the applicant's lifestyle because they do not live on Timothy Drive, by their choice. In closing, we strongly oppose the expansion of this stable and arena, and urge you to deny the applicant's application.

Sincerely,
Dawn M Robbins
Frankie D. Robbins

Dawn Robbins
Frankie Robbins

AP06-004
(Skagen Stables)
Written Comments

LARRY R. & MARIANNE A. HICKS
9200 Timothy Drive
Reno, NV 89511

July 5, 2006

Washoe County Board of Adjustment
P. O. Box 11130
Reno, NV 89520

Re: Administrative Permit - Case No.: AP 06-004 (Skagen Stables)

Dear Chairman and Members of the Washoe County Board of Adjustment:

We are neighbors who are adversely affected and oppose the above application. We have resided at 9200 Timothy Drive for 29 years and our home is four doors to the northeast of the Skagen property. These properties are all residential properties and were created when the Ghiggeri Ranch was developed in the late 1940's. Identical CC&R's apply to all of them.

There has been a misrepresentation in the owners' application for this permit. In paragraph 12 of the application, the owners have stated that there are no covenants, conditions or restrictions that apply. However, the Title Report, which is attached to the application, makes note of the covenants, conditions and restrictions applicable to the property (page 4, CLTA Preliminary Title Report, Stewart Title). A copy of them is not attached to the application.

Attached is a copy of the CC&R's that are referenced in the Stewart Title Report. The CC&R's include the following restrictions:

"3. The owners of said premises may operate a guest ranch thereon and raise cattle, horses and other domestic animals for their own use and pleasure or for sale. But other than this, said premises shall be used for private residential purposes only and no trade or business other than as above specified shall be carried on or conducted thereon. Nor shall anything be done which shall become an annoyance or nuisance to the neighborhood.

"4. No more than one dwelling house, together with the usual and customary outbuildings shall be erected upon said premises."

The application proposes the operation of a commercial stable and the construction of an indoor arena which will be 156' long, 106' wide and 28' high. We request and recommend that an appropriate county staff member compare the size of the proposed building to any other building on Timothy Drive. There is nothing even remotely comparable to what is proposed by this applicant.

We have now learned that the previous owner of the property held some form of a limited stable permit on the small northern portion of this property (in the flood plain of Dry Creek). No notice was ever provided to the neighbors concerning this operation as a commercial one and there were never more than three to six horses at the location.

The pending application will more than triple the number of horses that were ever kept on the property, will convert a principal residential property to a commercial one and will result in buildings and operations which are wholly incompatible with the neighborhood.

The only access to this property is from Timothy Drive, which is a narrow dead end street. There is inadequate parking upon the premises. The owners have already expanded the use of the property and visitors are parking on Timothy Drive for lack of adequate parking space on the property. Significantly, one or two of the owners' horse trailers have been regularly parked on Timothy Drive for many months due to the lack of trailer space on the property.

The application seeks a massive and illegal change to the use of this property. It is also disappointing that the applicants who bought the property in 2005 have not taken the time to even speak with the twelve residents and property owners on Timothy Drive. The notice from the County is the first notice received.

We urge you to deny the application.

Sincerely,

Larry R. Hicks

Marianne Hicks

CC+R's - WASHOE RECORDS
BOOK 262, Pg. 393
DOC. #188070

1. No nuisance shall ever be maintained upon any part of said premises.

2. No part of said premises shall ever be sold, conveyed, leased or rented to or occupied by any person not a member of the Caucasian race, provided that this covenant shall not prevent occupancy by domestic servants of a different race who are employed by an owner or tenant thereof.

3. The owners of said premises may operate a guest ranch thereon and raise cattle, horses and other domestic animals for their own use and pleasure or for sale, but other than this said premises shall be used for private residential purposes only, and no trade or business, other than as above specified, shall be carried on or conducted thereon, nor shall anything be done which shall be or become an annoyance or nuisance to the neighborhood.

4. Not more than one dwelling house, together with the usual and customary outbuildings shall be erected upon said premises.

5. No dwelling house shall be commenced, erected or maintained by any person, firm or corporation who, as owner, lessee or otherwise, shall be entitled to possession of less than five acres in one contiguous tract.

6. No dwelling house shall be constructed or maintained upon any portion of said premises which shall have a ground floor, exclusive of garage, patios, terraces and porches, of less than Sixteen Hundred (1600) square feet.

7. No previously constructed dwelling house or other structure of any nature shall be moved from any other location onto any portion of said premises.

8. No trailer nor portion of any uncompleted dwelling, nor any tent, garage or other outbuilding erected or maintained on said property, or any portion thereof, shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

9. No barbed wire fences shall be erected upon said premises and no fences shall be erected thereon without the approval in writing of the architectural committee, as hereinafter set forth.

10. No barn shall be erected within Two Hundred (200) feet of the dwelling house of any adjoining neighbor without said neighbor's written consent, nor within thirty (30) feet of any boundary line of the premises conveyed to grantee herein.

11. Complete plans and specifications showing the nature, kind, shape, height, material and color of every structure, including fences, upon said premises and every proposed alteration of or addition to any structure thereon, together with a plat showing the location thereof upon said premises shall be approved in writing by an architectural committee composed of L. H. Pickens and John D. Furrh, Jr., prior to the commencement of such erection, alteration or improvement. Such committee may withhold approval (a) because of non-compliance with any of the specific conditions and restrictions hereinbefore set forth in this declaration of restrictions, or (b) because of the reasonable dissatisfaction of said committee with the location of the structure or the building site, or with the appearance of the proposed structure, having in mind the character of the neighborhood in which it is proposed to be erected, the materials of which it is to be built, the harmony thereof with the surroundings, and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring property or properties. Whenever the approval of said committee is required and application therefor has been filed in writing with any one member of said committee under the provisions hereof, failure of said committee to act thereon within thirty (30) days from receipt of such application shall be deemed a waiver of the right of approval of the application by said committee. In the event of the death, refusal to act, or inability to act of any member of said committee, or in the event any member of said committee disposes of his entire interest in the premises known as the Ghiggeri ranch, then, in any such event, the remaining member of the committee shall select a substitute member from the then existing property owners in said premises who shall act in the same capacity and with the same authority and under the same conditions as his predecessor. In the event the said committee, composed of L. H. Pickens and John D. Furrh, Jr., shall disagree or fail to concur, the said two members shall select a third person from the then existing property owners of the tract known as the Ghiggeri ranch, and the decision of the majority of said three individuals shall be conclusive as to the particular matter which is in controversy. Said third person shall be selected by placing the names of the then existing property owners, exclusive of members of the families of the said L. H. Pickens and John D. Furrh, Jr., on slips of paper in a container and drawing a name therefrom.

12. Said premises shall not be sold, conveyed, disposed of or transferred (by operation of law or otherwise) except as one parcel without the consent of the architectural committee, above provided for, in writing first had and obtained.

13. The above conditions shall operate as, are deemed to be and are accepted by the grantee as covenants running with the land for the benefit of all owners of land in the tract known as the Ghiggeri ranch, their heirs, executors, administrators and assigns and the breach of any of said covenants or the continuance of any such breach may be enjoined, abated or remedied by

appropriate proceedings by any of said owners, their heirs, executors, administrators and assigns.

14. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1973, at which time the same shall be automatically extended for successive periods of five (5) years, unless by a majority vote of the then individual owners of property described as the Ghiggeri ranch it is agreed to change the same restrictions in whole or in part.

15. Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Ms. Jane Maxfield, Chairwoman
Washoe County Board of Adjustment
Post Office Box 11130
Reno, NV 89520-0027

Re: Administrative Permit Case No. AP06-004, Skagen Stables

Dear Chairwoman Maxfield:

We are full-time residents and property owners of 9400 Timothy Drive in Reno. We drive by the corner of Timothy Drive and Holcomb Ranch Road to get to our home every day. The proposed Skagen Stables project is on that corner (3003 Holcomb Ranch Road) and is less than 1000 feet from our front door as the crow flies. **We are opposed to the application for the Skagen Stables and ask that you deny the permit.**

We understand that under Article 808 of the county development code an applicant for an administrative permit must meet four criteria:

(a) Consistency. The proposed use is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plan;

(b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

(c) Site Suitability. The site is physically suitable for the type of development and for the intensity of the development; and

(d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

The proposed use as commercial stables with a massive indoor arena is completely out of character for the neighborhood. The site is not physically suitable for the proposed development because of its corner location on the entrance to the area and because the proposed structure is too bulky and too intense a use of the parcel. The permit will be significantly detrimental to the safety of the area because of increased traffic and activity. Further, it will be injurious to adjacent properties because of its vastly different character, and detrimental to the exclusively residential character of the area. In short, the findings cannot be made for this permit under the county code.

We also believe the proposal is not consistent with the comprehensive plan because the plan stresses the residential character of the Southwest Truckee Meadows Area Plan. This use is clearly far beyond a residential use. Nobody would mind if a neighbor had family or friends come to the neighborhood to ride horses or have a barbeque. However, constructing and using a huge indoor arena brings many concerns to our minds. Where will all the customers of the stables park their vehicles and their horse trailers? Can we expect vehicles and trailers parked along the roads we use to get to our property? Will they obstruct the roads and view triangles needed for safe use of those roads? What hours of the day will they be operating? Will the arena be lit? Will it destroy the night skies we enjoy?

Also, according to section SWTM 3.6 of the Comprehensive Plan there should be buffers between residential and commercial uses. The proposed structure would not be buffered from the surrounding residential areas. It will be directly adjacent to purely residential uses.

We believe the proposed structure is an agricultural building as defined by Washoe County Code section 110.902.15 as follows:

> Agricultural Building. "Agricultural building" is a structure designed and constructed to store farm implements and equipment or hay, grain, poultry, livestock, fruit and other agricultural products. Cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; processing, treating, packaging agricultural products; or as a place used by the public. The term shall not include dwellings, but does include greenhouses.

Washoe County Code section 110.330.55 requires that agricultural buildings must be set back 100 feet from any property line or road. Clearly, a working commercial farmer would be required to set his hay barn or horse barn 100 feet from the boundaries of his property and roads. Why then would the owner of a residential parcel like the Skagen Stables parcel not be required to do at least as much in a residential neighborhood? Even if you find the definition doesn't apply, you have the discretion under Washoe County Code 110.808.40(e) to condition your approval of the permit on meeting the same setbacks that would be required in a farming or ranching setting. We believe the findings for a permit cannot be made. But in the event you disagree we ask that as a minimum you impose the 100-foot setback as a condition of approval.

We understand the desire of property owners to make full use of their land. However, the owners of the Skagen Stables parcel do not and will not live on-site. They are not going to walk out their back door and in to their stables and arena. They live miles away. They propose to use our neighborhood for their commercial venture and then retreat to the peace and quiet of their

neighborhood. Please deny the application so that we can continue to enjoy our peaceful residential neighborhood in the same manner as the applicants.

Sincerely,

Sonny L. Newman

Kelli R. Newman

Cc: Members of the Board of Adjustment,
Adrian Freund, Director

(1)

Dear Chairman and Board Members 7-5-06

My name is Bill Glass and have resided at 9300 Timothy since 1988. The following documents my objections to granting a license to build an industrial, warehouse sized commercial arena at the corner of Holcomb Ranch Rd and Timothy Dr.

Permit Case # AP06-004 (Glasgow Stables)

Thanks for your time and consideration.

Bill Glass

I would like to mention to the board that Holcomb Ranch Rd was long labeled as part of Reno's Scenic Drive Tour and its rural charm is still enjoyed by thousands of local taxpayers and tourist who walk, jog, bicycle and drive Holcomb each month.

Constructing an industrial, warehouse sized commercial building at Holcomb and Timothy would benefit one taxpayer, not residing on the property, while removing a bit of Reno's charm from everyone else in Washoe Co., at one time or another, that travels Holcomb.

PAD FOR PROPOSED BLDG

The current arena pad's water displacement and channeling of high water events into a small channel (2-3 ft wide) against the unprotected road bed of Holcomb, for the entire length of the property, has the potential to erode, saturate, and otherwise, over time, undermine the structural integrity of the Holcomb road base, resulting in taxpayer funded repairs. A large roofed structure would greatly increase the severity of high water problems that have already been created.

(5)

NARROW CHANNEL ALONG HOLCOMB

REBUILT PHONE EQUIP WHEN TIMOTHY FLOODED

As someone from the erosion control industry, I object to the total disregard of E.P.A. regulations and guidelines regarding the use of silt barriers to prevent disturbed soil from eroding into the watershed, by the non-resident owner and their employs. The unrestrained soil from the large amounts of unsecured disturbed earth is silting into an already inadequate culvert under Timothy resulting in Timothy flooding and damage to phone company equipment, which was elevated and fortified against what, I assume, they anticipate to be future flooding.

I object to the general disregard for the appearance of the property, by the absentee owner, at the entrance of Timothy Dr. Also, the months old piles of gravel and the permanent use of our residential street for equipment parking makes no positive contributions to the neighborhood.

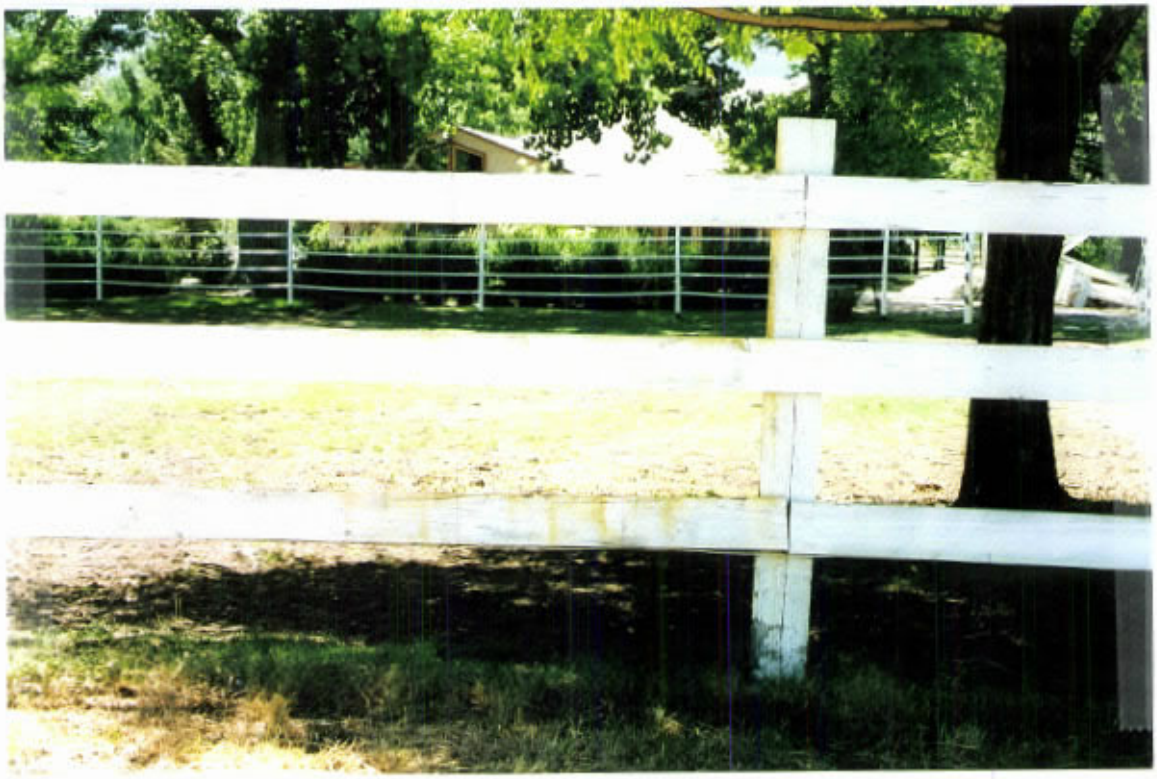
9

10

If you are grazing the front lawn down to the dirt, one might think there's already more horses than the property should have.

What about the swarms of flies and parasites that are unavoidable with that many horses on that small a property. The potential for disease from horses coming in and out is of some concern as a horse owner.

Also, their dust control efforts have been minimal, at best.



I have seen no actions by the non-residing property owners or their associates that demonstrates any respect, concern, or consideration for the environment, the neighborhood, area residents, or taxpayers. In my opinion, what happens outside their fence line doesn't matter to any of them.

If this eyesore is built, the thousands of taxpayers that go by this location each month will wonder who approved this monstrosity of poor taste.

I appreciate your efforts.

Bill Glass

Paula Anne Smith Dermody

June 29, 2006

RECEIVED

JUN 30 2006

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Washoe County Board Of Adjustment
1001 East Ninth Street
Reno, Nv 89512

RE: SKAGEN STABLES – ADMINISTRATIVE PERMIT CASE NO. AP06-004

To Whom It May Concern:

I would like to register my concerns for the proposed plan to erect a 16,536-sq.ft. indoor arena and commercial stable on an approximately 4.975 acre parcel at the corner of Holcomb Ranch Lane and Timothy Drive.

I respect the owner's right to have a stable in this rural setting, however, the safety impact of the proposed size of their operation is a concern and I believe the following issues need to be addressed:

1. **Traffic Impact:** Has a traffic study been done to accurately determine the impact of having over twenty horse owners, hauling vehicles, trailers, etc. regularly entering/exiting the property?
2. **Road Maintenance:** Road maintenance must be addressed due to the increased traffic of heavy duty vehicles, which would be required by a commercial enterprise of this nature.
3. **Parking:** Since the entrance for this proposed enterprise is situated on a curve, for safety reasons, all parking must be off of the Timothy Drive roadway. Trailers are currently being parked at the edge of the roadway.
4. **Fly/Insect Abatement:** For health reasons and because this is only a 4.975 acre parcel, animal waste should be required to be hauled off of the property.
5. **Site-Line at Area of Intersection:** Maintaining a clear and adequate site-line as you exit Timothy Drive onto Holcomb Ranch Road is imperative.
6. **Water Diversion:** Since it appears from the open arena, which now occupies the pasture area that water is now being diverted and that the pasture will no longer be flood irrigated, what measures have the property owners taken to safely divert the flow and where is the water going?

WASHOE COUNTY BOARD OF ADJUSTMENT
RE: SKAGEN STABLES – ADMINISTRATIVE PERMIT CASE NO. AP06-004
July 29, 2006

These concerns may have already been addressed in the plans submitted to the county; however, as of the date of this letter they were not yet available to the public via your website.

Because of a prior commitment I am unable to attend the hearing on July 6, but I look forward to the resolution of the aforementioned issues.

Thank you for taking the time to hear from a resident of Timothy Drive.

Sincerely,

Paula Smith Dermody

PASD/sar

WASHOE COUNTY
NEVADA

Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director

COMMUNITY DEVELOPMENT

June 30, 2006

TO: Washoe County Board of County Commissioners

FROM: Kelly Mullin, Assistant Planner

SUBJECT: Administrative Permit Case No. AP06-004

Administrative Permit Case No. AP06-004 (Skagen Stables) is scheduled to be heard before the Board of Adjustment on Thursday, July 6, 2006. There is potential that the outcome of this hearing may be appealed. The attached letter has been received from a member of the public and addressed to you. If you have any questions, please contact me at 328-6187.

Assistant Planner

Enclosure

cc: Katy Singlaub, Manager
Adrian Freund, Director
Sharon Kvas, Planning Manager

William C. Thornton
Attorney at Law

June 29, 2006

Washoe County Board Of Adjustment
P. O. Box 11130
Reno, Nevada 89520

Re: Administrative Permit Case No. AP06-004 (Skagen Stables)

Dear Chairman and Members of the Washoe County Board of Adjustment:

I received a notice of the hearing at 2:00 p.m. on July 6, 2006 on the above-referenced matter. My wife and I own property at 9011 Timothy Drive and 9000 Timothy Drive.

Our properties and the property the of the Applicants are portions of a tract of land known as the Ghiggeri Ranch and are subject to Restrictive Covenants which were filed on June 1, 1948 with the Washoe County Recorder, Filing No, 163912. Among others, The Restrictive Covenants, (copy enclosed) contain the following restrictions:

"#3. The owners of said premises may operate a guest ranch thereon and raise cattle, horses and other domestic animals for their own use and pleasure or for sale. But other than this, said premises shall be used for private residential purposes only and no trade or business other than as above specified shall be carried on or conducted thereon. Nor shall anything be done which shall become an annoyance or nuisance to the neighborhood."

"#4. No more than two dwelling houses, together wit h the usual and customary out-buildings shall be erected up said premises."

What the Applicants are proposing is in bad faith and will constitute a gross violation of the Restricted Covenants in several ways. They will be raising horses for other peoples use and pleasure. They will be using the premises for something other than private residential purposes. They will be conducting a trade or business on the property. They will be constructing a building that will be outside the scope of the usual and customary buildings to be erected on the premises and they will be causing a nuisance.

WSUP23-0029
PUBLIC COMMENT 72

Additionally, Applicants address is on Holcomb Ranch Lane. However, Applicants have no access on Holcomb Ranch Lane. All of Applicant's access is on Timothy Drive.

Timothy Drive is a narrow dead-end street. There is no parking space on Timothy Drive. What Applicant's propose will create an extreme safety hazard on Timothy Drive.

I urge you to deny the Applicants application.

Sincerely,

W C. Thornton

WILLIAM C. THORNTON

WCT:sr

Exhibit "A"

1. No nuisance shall ever be maintained upon any part of said premises.

2. No part of said premises shall ever be sold, conveyed, leased or rented to or occupied by any person not a member of the Caucasian race, provided that this covenant shall not prevent occupancy by domestic servants of a different race who are employed by an owner or tenant thereof.

3. The owners of said premises may operate a guest ranch thereon and raise cattle, horses and other domestic animals for their own use and pleasure or for sale, but other than this said premises shall be used for private residential purposes only, and no trade or business, other than as above specified, shall be carried on or conducted thereon, nor shall anything be done which shall be or become an annoyance or nuisance to the neighborhood.

4. Not more than two dwelling houses, together with the usual and customary outbuildings shall be erected upon said premises.

5. No dwelling house shall be commenced, erected or maintained by any person, firm or corporation who, as owner, lessee or otherwise, shall be entitled to possession of less than five acres in one contiguous tract.

6. No dwelling house shall be constructed or maintained upon any portion of said premises which shall have a ground floor, exclusive of garage, patios, terraces and porches, of less than Sixteen Hundred (1600) square feet.

7. No previously constructed dwelling house or other structure of any nature shall be moved from any other location onto any portion of said premises.

8. No trailer nor portion of any uncompleted dwelling, nor any tent, garage or other outbuilding erected or maintained on said property, or any portion thereof, shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

9. No barbed wire fences shall be erected upon said premises and no fences shall be erected thereon without the approval in writing of the architectural committee, as hereinafter set forth.

10. No barn shall be erected within Two Hundred (200) feet of the dwelling house of any adjoining neighbor without said neighbor's written consent, nor within thirty (30) feet of any boundary line of the premises conveyed to grantee herein.

11. Complete plans and specifications showing the nature, kind, shape, height, material and color of every structure, including fences, upon said premises and every proposed alteration of or addition to any structure thereon, together with a plat showing the location thereof upon said premises shall be approved in writing by an architectural committee composed of L. H. Pickens and John D. Furrh, Jr., prior to the commencement of such erection, alteration or improvement. Such committee may withhold approval (a) because of non-compliance with any of the specific conditions and restrictions hereinbefore set forth in this declaration of restrictions, or (b) because of the reasonable dissatisfaction of said committee with the location of the structure or the building site, or with the appearance of the proposed structure, having in mind the character of the neighborhood in which it is proposed to be erected, the materials of which it is to be built, the harmony thereof with the surroundings, and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring property or properties. Whenever the approval of said committee is required and application therefor has been filed in writing with any one member of said committee under the provisions hereof, failure of said committee to act thereon within thirty (30) days from receipt of such application shall be deemed a waiver of the right of approval of the application by said committee. In the event of the death, refusal to act, or inability to act of any member of said committee, or in the event any member of said committee disposes of his entire interest in the premises known as the Ghiggeri ranch, then, in any such event, the remaining member of the committee shall select a substitute member from the then existing property owners in said premises who shall act in the same capacity and with the same authority and under the same conditions as his predecessor. In the event the said committee, composed of L. H. Pickens and John D. Furrh, Jr., shall disagree or fail to concur, the said two members shall select a third person from the then existing property owners of the tract known as the Ghiggeri ranch, and the decision of the majority of said three individuals shall be conclusive as to the particular matter which is in controversy. Said third person shall be selected by placing the names of the then existing property owners, exclusive of members of the families of the said L. H. Pickens and John D. Furrh, Jr., on slips of paper in a container and drawing a name therefrom.

12. Said premises shall not be sold, conveyed, disposed of or transferred (by operation of law or otherwise) except as one parcel without the consent of the architectural committee, above provided for, in writing first had and obtained.

13. The above conditions shall operate as, are deemed to be and are accepted by the grantee as covenants running with the land for the benefit of all owners of land in the tract known as the Ghiggeri ranch, their heirs, executors, administrators and assigns and the breach of any of said covenants or the continuance of any such breach may be enjoined, abated or remedied by

appropriate proceedings by any of said owners, their heirs, executors, administrators and assigns.

14. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1973, at which time the same shall be automatically extended for successive periods of five (5) years, unless by a majority vote of the then individual owners of property described as the Ghiggeri ranch it is agreed to change the same restrictions in whole or in part.

15. Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

FILING NO. 163912

Filed for Record at the Request of WASHOE COUNTY TITLE GNTY. CO. JUN 1 – 1948 at 47 Minutes past 3 o'clock P.M.

Fee $5.65

HR:EB
HD:GG
EIB#:

Looking East – Curve on Holcomb Ranch Road is visible. Picture taken from our pasture, proposed Indoor Arena in the center of this picture.

Items entered into record as part of public comment.

Looking Southwest from Timothy Drive, parking is already inadequate. This horse trailer has been parked on the street for more than 6 months.

Taken at 3:00 p.m. July 5, 2006. The white SUV and white Trailer is where "4" new parking spaces are planned.

Again, driving West on Holcomb Ranch Road at the Intersection of Timothy Drive going North. Earlier this spring a Police Officer stopped to assist at a car accident and while directing traffic, he was hit by a third car.

Driving in a Westerly direction on Holcomb Ranch Road. The site of MANY accidents.

Looking North on Timothy Drive – trailer parked here more than 6 months.

Curve on Timothy Drive to the right of this photo, the applicant proposes 4 new parking spaces, which will be required to enter and exit Timothy Drive on this curve.

Driveway to our residence (Palmer's, 9675 Timothy Dr). Barn and Storage Room encroaching on setback requirement as per CC & R's.

Looking West - our drive on the right. Same barn encroachment – same manure pile – same proposed 4 parking spaces.

Looking West down our driveway – 4 proposed parking spaces in the center of this photo. Again, entering and exiting on a curve.

Looking West – our residence beyond the trees – our driveway to the right.

Horse waste and other trash – at times this pile has been as big as a 2 car garage – requiring 6 to 8 trips with a 10 wheel dump truck to remove waste from the site.

Looking East – another picture of the Horse Waste – Timothy Drive in the background and the only entrance to the existing Barn Area.

Looking Southwest from Palmer's driveway – 5 of the 6 buildings that are within 2' (2 feet) of the property lines – clearly a violation item #10 of the CC & R's.

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Looking South – Palmer's pasture on the right – the applicants new buildings are only 1' (one foot) from our property line – again item #10 of the CC & R's.

Looking South & Easterly from the Palmer's driveway.

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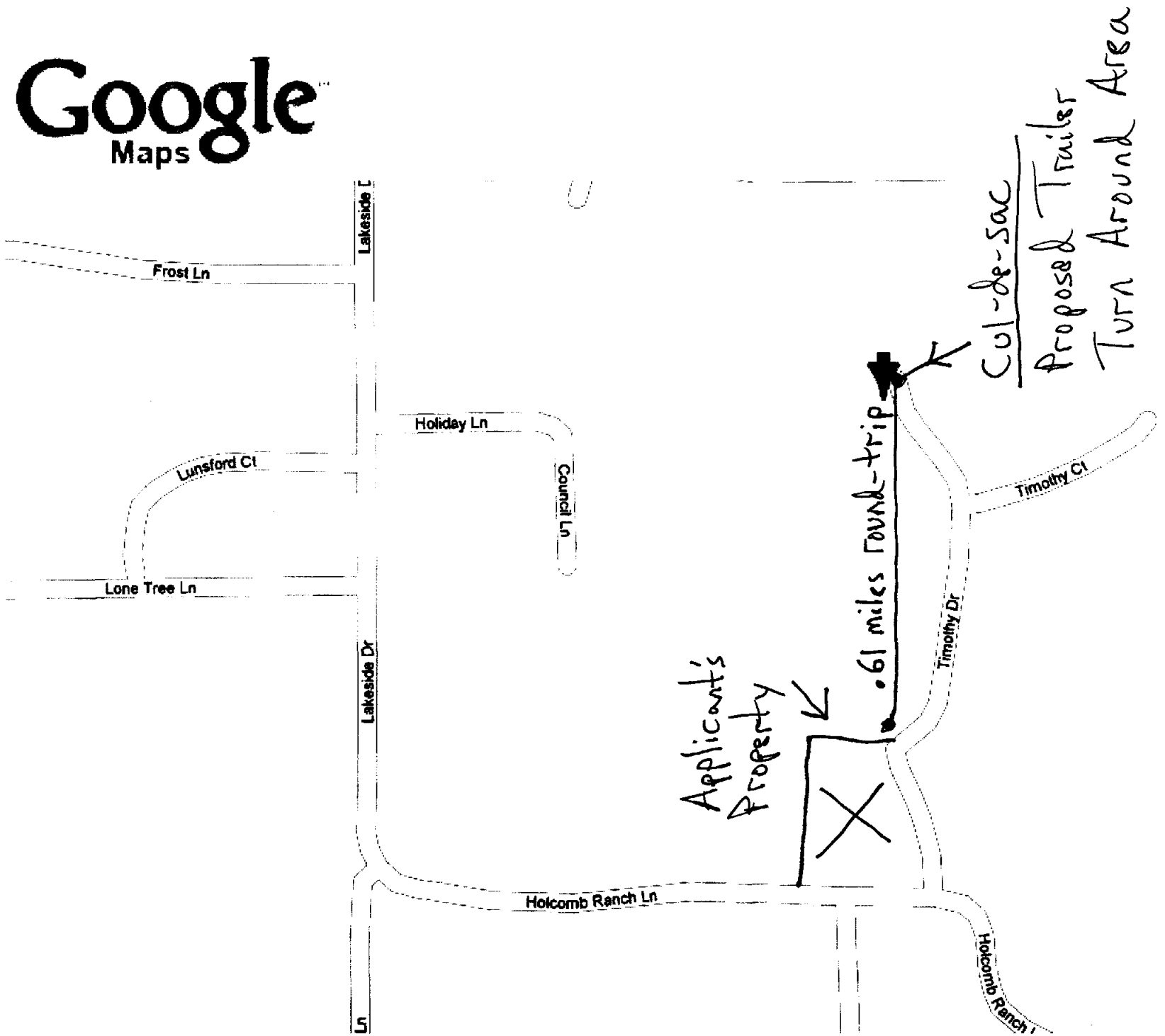
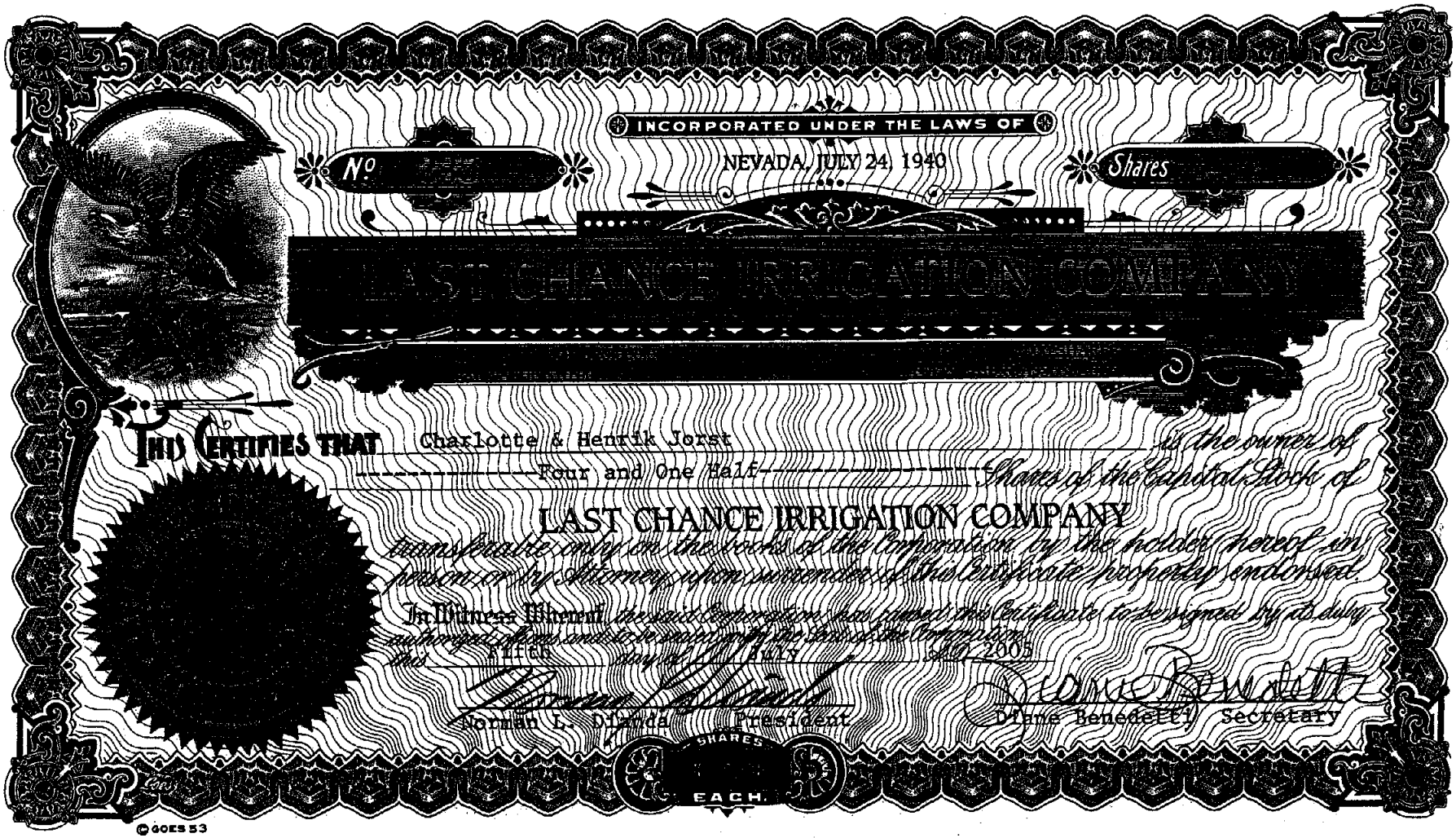
PUBLIC COMMENT
01

9011 Timothy Drive, Reno, NV 89511 - Google Maps

WSUP23-0029
PUBLIC COMMENT
30



WSUP23-0029
PUBLIC COMMENT
94



INCORPORATED UNDER THE LAWS OF

No.

NEVADA, JULY 24, 1940

Shares

LAST CHANCE IRRIGATION COMPANY

THIS CERTIFIES THAT Charlotte & Henrik Jorst

Four and One Half

is the owner of Shares of the Capital Stock of

LAST CHANCE IRRIGATION COMPANY

transferable only on the books of the Corporation by the holder hereof, in person or by Attorney, upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its corporate seal to be hereunto affixed.

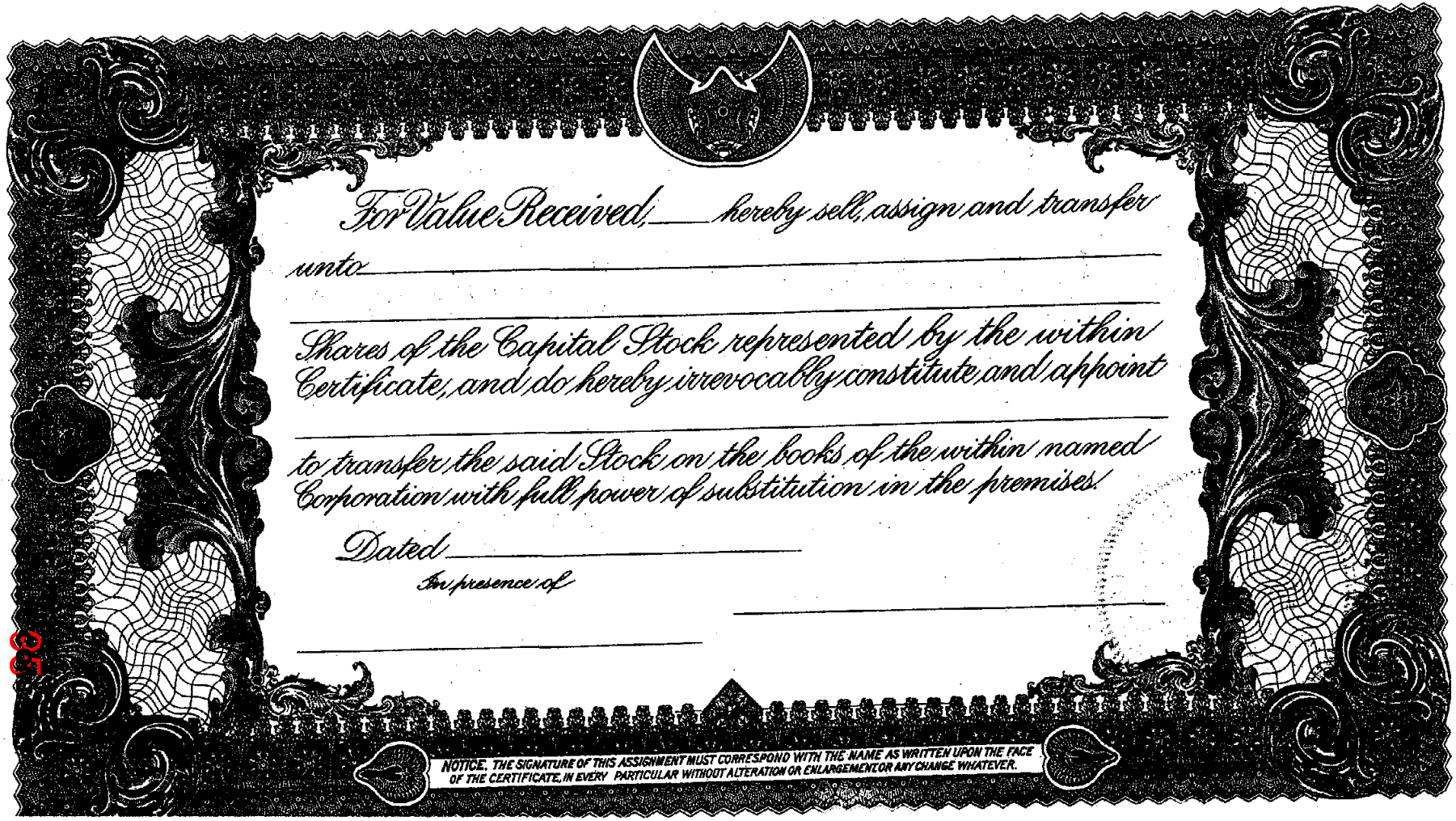
Dated this Fifth day of July A.D. 2005

Norman L. D'Ianda, President

D'Ane Benedetti, Secretary

SHARES EACH

© GOES 53



For Value Received, ____ hereby sell, assign and transfer

unto _____

_____

_____ Shares of the Capital Stock represented by the within Certificate, and do hereby irrevocably constitute and appoint

_____

_____ to transfer the said Stock on the books of the within named Corporation with full power of substitution in the premises.

Dated _____

In presence of

_____

_____

NOTICE. THE SIGNATURE OF THIS ASSIGNMENT MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE FACE OF THE CERTIFICATE, IN EVERY PARTICULAR WITHOUT ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATEVER.

NOTICE TO STOCKHOLDERS

The annual meeting of the stockholders of the Last Chance Irrigation Company will be held at the old restored Huffaker School located at Bartley Ranch Park-6000 Bartley Ranch Road on **THURSDAY, FEBRUARY 9, 2006** at 7:00 p.m. The purpose of this meeting is to elect a Board of Directors for the coming year and to discuss any other business that may come before the meeting. Should you be unable to attend please sign the proxy notice below and return to the President.

Norman Dianda, President
P.O. Box 10865
Reno, NV 89510

PROXY TO VOTE AT ANNUAL ELECTION

I hereby appoint Ron Palmer
(Please print)

as my proxy to represent me and to vote my share or shares of stock at the annual stockholders' meeting of the Last Chance Irrigation Company on **THURSDAY, FEBRUARY, 9, 2006** at the old restored Huffaker School at the bottom of Windy Hill. Come across the bridge when going into Bartley Park and turn right.

Signed: _____ 1.26.06

Printed: Charlotte Jones

Stock Certificate No. 235 Total Shares 4 1/2

Skagen Stables ~ Indoor Arena Project
3003 Holcomb Ranch Lane
Reno, NV 89511

Charlotte Jorst & Henrik Jorst

June 2, 2006

Project Schedule
Construction of the facility will start September 15, 2006 with the addition of dirt to make a square and solid pad. On October 15 the actual wood arena will start construction. It will take about 3 months to finish and will be completed by January 15. Trucks for the project will enter the property from the path next to the outdoor arena with access from Timothy. This is to ensure that nobody will be bothered from big trucks on Holcomb Ranch Rd. The indoor arena will be located at the west end of the property with a ***30 foot set back*** from Holcomb Ranch Lane.

Parking
As there will be a total of 20 stalls on the property, we will have 8 parking spaces immediately adjacent to the outdoor arena, east side of property, which will be 64' x 20. This area can also be used to pull through horse trailers for unloading and loading horses. Guests will drive to the end of the Timothy, which is a large cul-de-sac large enough for a turn-around for vehicles/trailers. In addition to those we will have 4 additional spaces for in the very rear [north east] of the property.

We are not going to allow more than one person trailering in at a time. We will be applying to community development for a parking waiver.

Boarding
The Owner's 8 horses will be boarded in the existing stalls, north location of property (there are 8 existing stalls). Owners remaining 2 horses are to be boarded in the new stalls next to arena. As there is 12 stalls in this new construction there will also be room for 10 boarders. There will be no more than 20 horses boarded at one time.

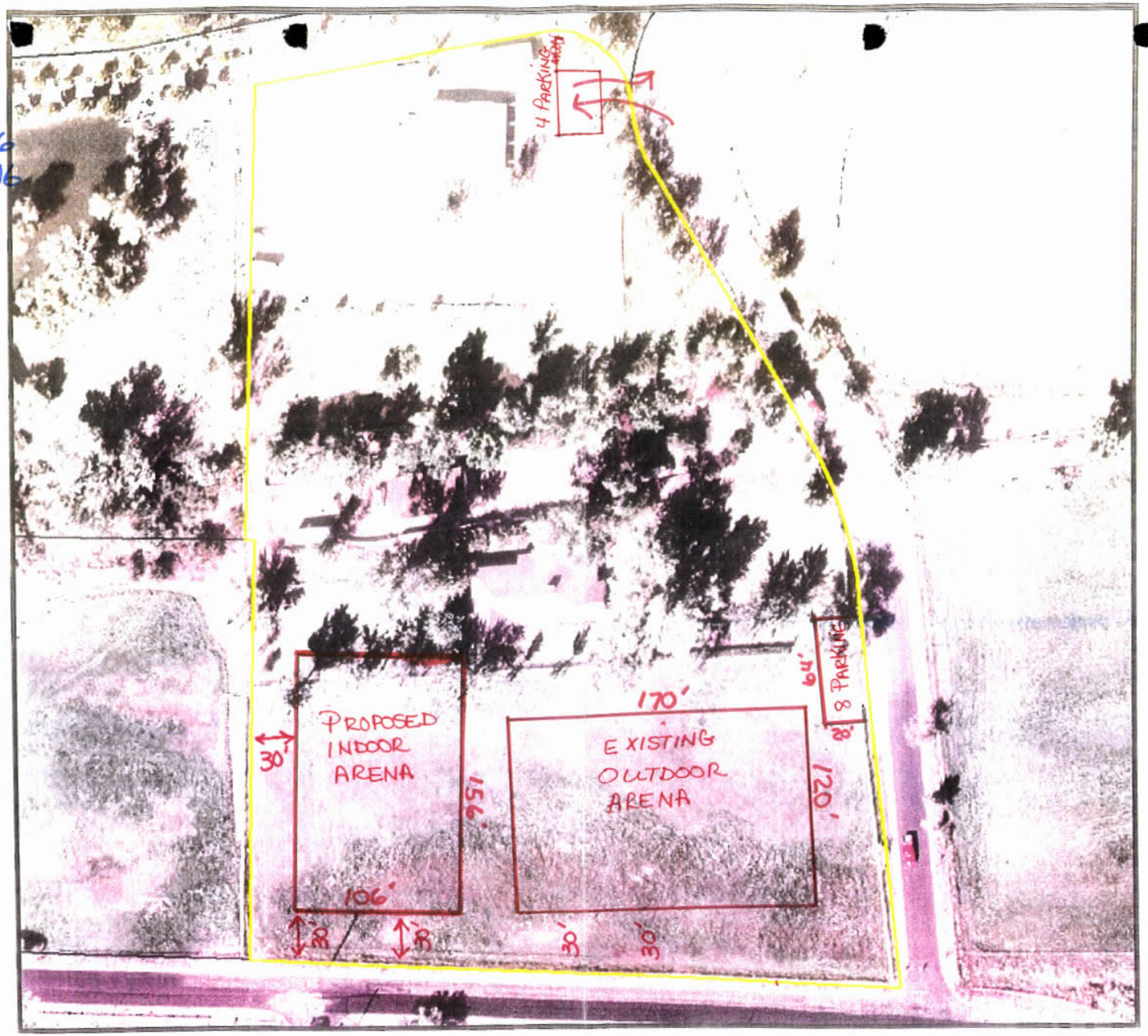
Use of Arena
The arena will be used when weather not permitting to use the outdoor arenas, such as when it is snowing, raining or temperature is too hot. It will be used during the hours of 9-6 and no more than 6 people will be in the arena at any given time. There will be dressage and hunter/jumper lessons in the arena for no longer than 6 hours a day when the weather does not permit riding out side. No more than 4 people will ride in any given lesson. The arena will open to neighbors that need a nice facility to ride their horses during bad weather.

There will be no horse shows and the arena will not be used after 6.30 o'clock unless under special circumstances. We may use the arena up to 25 times a year after 6.30. The lighting will be turned downwards.

Events
Skagen Stables provides group and private lessons. The indoor arena would be used when weather doesn't permit to use outdoor arenas. There will be no events schedule at Skagen Stables.

Restrooms/Office
Two restrooms are located north of the proposed indoor arena. Also in the same small building there is an office and small kitchen facility.

RENTAL
EMPLOYEE HOUSING
TRANSIENT HOUSING
STABLES



APPROXIMATE SCALE
1" = 60'

WSUP23-0029
PUBLIC COMMENT
30

Thursday, May 18, 2006 08:38 AM

stewart
title of northern nevada

ESCROW OFFICE LOCATION
1070 Caughlin Crossing
Reno, Nevada 89509
Phone (775) 746-1100 • Fax (775) 746-1242
Suzanne Abbott

TITLE OFFICE LOCATION
401 Ryland Street, Reno, Nevada 89502
Phone (775) 789-4100 • Fax (775) 789-4112

PRELIMINARY TITLE REPORT

When replying please contact:
Escrow Officer: Suzanne Abbott
Our Order No.: 603901-23

PROPOSED PURCHASER/BORROWER:
Henrick Jorst and Charlotte Jorst

Today's Date: May 15, 2006

In response to the above referenced application for a policy of title insurance, Stewart Title Guaranty Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached Copies of the Policy forms should be read They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of: April 18, 2006 at 7:30 a.m.

PROPERTY ADDRESS:
3003 Holcomb Ranch Lane
Reno, NV

Andy Tourin, Title Officer

WHEN REPLYING PLEASE CONTACT
Escrow Officer: Suzanne Abbott
Phone: (775) 746-1100

WSUP23-0029
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.: Close This Window :.

This search will display current year property tax information only. If you need information for prior year tax or delinquency amounts, please contact us at (775) 328-2510 or treasb2@mail.co.washoe.nv.us.

Please make checks payable to:

WASHOE COUNTY TREASURER
P.O. Box 30039
Reno, NV 89520

.: Print This Page :.

REAL PROPERTY RESULTS FOR ID#04065003

JORST,HENRIK & CHARLOTTE

TAX YEAR:		TAX RATE:			TOTAL TAX:	
2005		3.1720%			$6,016.55	
PARCEL ID	**AREA**	**LAND**	**IMPROVED**	**DECLARED**	**EXEMPTIONS**	**ASSESSED**
04065003	4015	144,375	45,018	$0.00	0	189,393

INSTALL	DUE DATE	AMOUNT	DATE PAID
1	08/15/2005	$1,513.55	08/09/2005
2	10/03/2005	$1,501.00	02/14/2006
3	01/02/2006	$1,501.00	02/14/2006
4	03/06/2006	$1,501.00	03/07/2006

CASE NO. AP06-004 CASE PLANNER Kelly Mullin

AGENCY REVIEW CHECKLIST

FEDERAL

- ☐ Army Corps of Engineers
- ☐ Bureau of Indian Affairs
- ☐ Bureau of Land Management
- ☐ US Fish & Wildlife
- ☐ US Forest Service
- ☐ US Postal Service

STATE

- ☐ Bureau of Mining
- ☐ Department of Transportation
- ☐ Department of Wildlife
- ☐ Environmental Protection
- ☐ Division of Parks
- ☐ Division of Water Resources
- ☐ NDF - Endangered Species

COUNTY

- ☐ County Manager
- ☐ Building & Safety Division
- ☐ District Attorney, Civil Division
- District Health
  - ☐ Air Quality
  - ☒ Environmental (me)
  - ☒ Mosquito/Vector Control Kathi mail
- ☐ Library
- ☐ Open Space Program
- ☐ Parks & Recreation
- Public Works
  - ☒ Engineering (me)
  - ☐ Roads
  - ☐ Traffic
  - ☐ Street Naming
- ☐ Sheriff
- Water Resources
  - ☐ Flood Control
  - ☐ Utility Services
  - ☒ Water Planning

FIRE PROTECTION

- ☐ NDF Fire
- ☒ Reno Fire (me)

Volunteer Fire Departments

- ☐ Brown Huffaker
- ☐ Cold Springs
- ☐ Gerlach
- ☐ Hidden Valley
- ☐ Lemmon Valley
- ☐ Palomino Valley
- ☐ Pleasant Valley, Carson
- ☐ Pleasant Valley, Reno
- ☐ Red Rock
- ☐ Silver Lake
- ☐ Sutcliffe
- ☐ Wadsworth
- ☐ Washoe Valley

CITIZEN ADVISORY BOARDS

- ☐ Cold Springs
- ☐ East Washoe Valley
- ☐ Galena/Steamboat
- ☐ Gerlach/Empire
- ☐ North Valleys
- ☐ Southeast Truckee Meadows
- ☐ Southwest Truckee Meadows
- ☐ Spanish Springs
- ☐ Sun Valley
- ☐ Truckee River Advisory Board
- ☐ Truckee River Canyon
- ☐ Verdi Township
- ☐ Warm Springs
- ☐ West Truckee Meadows
- ☐ West Washoe Valley

REGIONAL/CITIES

- ☒ Airport Authority – Kathi mail
- ☐ Regional Transportation Commission
- ☐ Reno Community Development
- ☐ Reno Public Works
- ☐ Sparks Planning Department
- ☐ Sparks Public Works
- ☐ Truckee Meadows Regional Planning
- ☐ Washoe County School District
- ☐ Washoe-Storey Conservation District

HISTORIC PRESERVATION

- ☐ Pyramid Lake Paiute Tribe
- ☐ Reno/Sparks Indian Colony
- ☐ State Historic Preservation Office
- ☐ Washoe Tribe of NV

GID'S/UTILITIES

- ☐ Gerlach GID
- ☐ Grandview Terrace GID
- ☐ Nevada Bell
- ☐ Palomino Valley GID
- ☐ Sierra Pacific Power Electric/Gas
- ☐ Silver Lake Water Dist. Co.
- ☐ Sky Ranch Utility
- ☐ South Truckee Meadows GID
- ☐ Southwest Gas
- ☐ Sun Valley GID
- ☐ Truckee Meadows Water Authority
- ☐ Utilities, Inc
- ☐ Verdi Meadows Utility Co

TAHOE

- ☒ Bldg & Safety (Incline Office)
- ☒ Incline Village/Crystal Bay CAB
- ☒ IVGID
- ☒ Nevada State Lands
- ☒ North Lake Tahoe FPD
- ☒ Roads
- ☐ Tahoe Regional Planning Agency
- ☒ Charter Communications
- ☒ US Forest Service (LTBMU)

OTHER/STAFF

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Date Sent _____

By Staff _____

OFFICIAL NOTICE OF PUBLIC HEARING

RECEIVED
JUN 26 2006
WASHOE COUNTY
COMMUNITY DEVELOPMEN

DATE: June 23, 2006

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

2:00 p.m., Thursday, July 6, 2006
County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512

IN THE EVENT THIS ITEM CANNOT COMMENCE BY 4:00 P.M., IT WILL BE CONTINUED TO TIME CERTAIN, 1:30 P.M., JULY 14, 2006, IN THE WASHOE COUNTY COMMISSION CHAMBERS.

RE: **PUBLIC HEARING: ADMINISTRATIVE PERMIT CASE NO. AP06-004 (SKAGEN STABLES)** – To allow the construction of a 16,536-sq.ft. indoor arena and expansion of operation of a commercial stables offering horse boarding for no more than twenty (20) horses, including those of the property owner. [Washoe County Code Section 110.304.25(c)(2)]. The operation will also offer riding and lessons for no more than six (6) people at a time. There will be no horse shows, competitions, or other events. The stables were established prior to administrative permits being required. Because the applicant is seeking to expand the operation by more than 10%, an administrative permit is now required. **The project is located at 3003 Holcomb Ranch Lane, at the northwest corner of Holcomb Ranch Lane and Timothy Drive.** The ±4.975-acre parcel is designated High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 12, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 040-650-03)

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

STAFF: Kelly Mullin, Assistant Planner, 775.328.6187

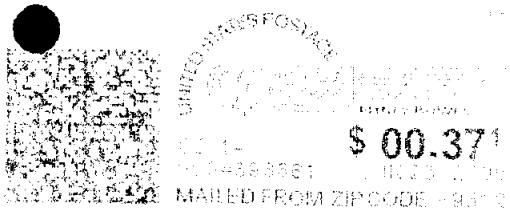
To access additional information about this item, please visit our website at www.washoecounty.us/comdev/, choose **Boards and Commissions**, then **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**.

WASHOE COUNTY
NEVADA

COMMUNITY DEVELOPMENT

Community Development
for the
Washoe County Board of Adjustment
1001 E. Ninth St., Bldg. A, Reno, NV 89512
Post Office Box 11130, Reno, NV 89520-0027

OFFICIAL NOTICE OF PUBLIC HEARING



AP06-004 KM
WASHOE COUNTY COMMUNITY
DEVELOPMENT
PO BOX 11130
RENO NV 89520-0027

DGOFTMP 89520

BOA July 6, 2006 AP06-004 KM

4065025
KURT E ALBERSHARDT
FLYNN JULIANNA C
316 CALIFORNIA AV #149
RENO NV 89509

4065020
PAULA A S DERMODY
P O BOX 7438
RENO NV 89510

4063215
DENISE DESIDERIO
9101 TIMOTHY LN
RENO NV 89511

23007005
JOHN FLANIGAN
2750 HOLCOMB RANCH LN
RENO NV 89511

4065040
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065030
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065037
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065031
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4067006
ROBERT A GARDNER
3150 HOLCOMB RANCH LN
RENO NV 89511

23006010
JAMES H & NANCY M GREENHALGH
1900 FOOTHILL RD
RENO NV 89511

4063201
JAMES L & KAREN L COLOMBINI
8550 COUNCIL LN
RENO NV 89511

4065019
PAULA A S DERMODY
P O BOX 7438
RENO NV 89510

23007003
GARY & SANDRA S ELROD
2740 HOLCOMB RANCH LN
RENO NV 89511

23007004
JOHN FLANIGAN
2750 HOLCOMB RANCH LN
RENO NV 89511

4065039
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065041
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065034
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065032
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4066003
BILLY M GLASS
9300 TIMOTHY DR
RENO NV 89511

4069201
E J GREENWALD
MCDOLE JANET S
10000 DRYDEN LN
RENO NV 89511

4041211
DONALD L DAMON
2130 JUNCTION AVE
EL CERRITO CA 94530

4063217
DENISE DESIDERIO
4600 KIETZKE LN # G-170
RENO NV 89502

23006006
FL PROPERTY INC
C/O KAJANS FRED & LILIANA
2520 HOLCOMB LN
RENO NV 89511

4065043
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065044
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065038
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4065033
FLYING DIAMOND RANCH LLC
8777 PANORAMA DR
RENO NV 89511

4066001
JOHN H & VICTORIA F GANSER
9700 TIMOTHY DR
RENO NV 89511

4063202
TED & JAYME D GRANEY
8520 COUNCIL LANE
RENO NV 89511

4064005
LARRY R & MARIANNE HICKS
9200 TIMOTHY LN
RENO NV 89511

BOA July 6, 2006 AP06-004 KM

4065003
HENRIK & CHARLOTTE JORST
2311 DIAMOND J PL
RENO NV 89511

4064009
PETER G & CYNTHIA S LAZETICH
9100 TIMOTHY DR
RENO NV 89511

4066008
ROBERT M LEE
970 ICEHOUSE AV
SPARKS NV 89431

4041213
ROBERT M LEE
970 ICEHOUSE AV
SPARKS NV 89431

4041210
ROBERT M LEE
970 ICEHOUSE AV
SPARKS NV 89431

23006005
DICK & RUTH MAY
2580 HOLCOMB LANE
RENO NV 89511

4066007
JAN D & KATHLEEN W MOEHL
8505 DIERINGER DRIVE
RENO NV 89511

23007001
GEORGE H & HENDRIKA NEARY
12976 SELLICK RANCH RD
CHICO CA 95973

23006002
GAIL K NELSON
2660 HOLCOMB RANCH LN
RENO NV 89511

4067009
WARREN L & NORMA K NELSON
3535 FAIRVIEW RD
RENO NV 89502

4067012
WARREN L & NORMA K NELSON
3535 FAIRVIEW RD
RENO NV 89511

23006004
WARREN L & NORMA K NELSON
3535 FAIRVIEW RD
RENO NV 89511

23006003
WARREN L & NORMA K NELSON
3535 FAIRVIEW RD
RENO NV 89511

4066005
SONNY & KELLI R NEWMAN
9400 TIMOTHY DR
RENO NV 89511

4066006
SONNY L & KELLI R NEWMAN
9400 TIMOTHY DR
RENO NV 89511

4065024
RONALD G PALMER
9675 TIMOTHY DR
RENO NV 89511

4065017
RONALD G PALMER
9675 TIMOTHY DR
RENO NV 89511

4041209
NICOLETTA A SCHRAUB
2155 KINGMAN CT
RENO NV 89511

4069216
DONALD E & KAREN THOMPSON
3460 FAIRVIEW RD
RENO NV 89511

4063211
WILLIAM C & BARBARA C THORNTON
1 E FIRST ST STE 1405
RENO NV 89501

4041214
CLIFF & JANE YOUNG
2855 HOLCOMB RANCH LN
RENO NV 89511

AP06-004 KM
WASHOE COUNTY COMMUNITY
DEVELOPMENT
PO BOX 11130
RENO NV 89520-0027

WASHOE COUNTY NEVADA

Community Development
for the
Washoe County Board of Adjustment
1001 E. Ninth St., Bldg. A, Reno, NV 89512
Post Office Box 11130, Reno, NV 89520-0027

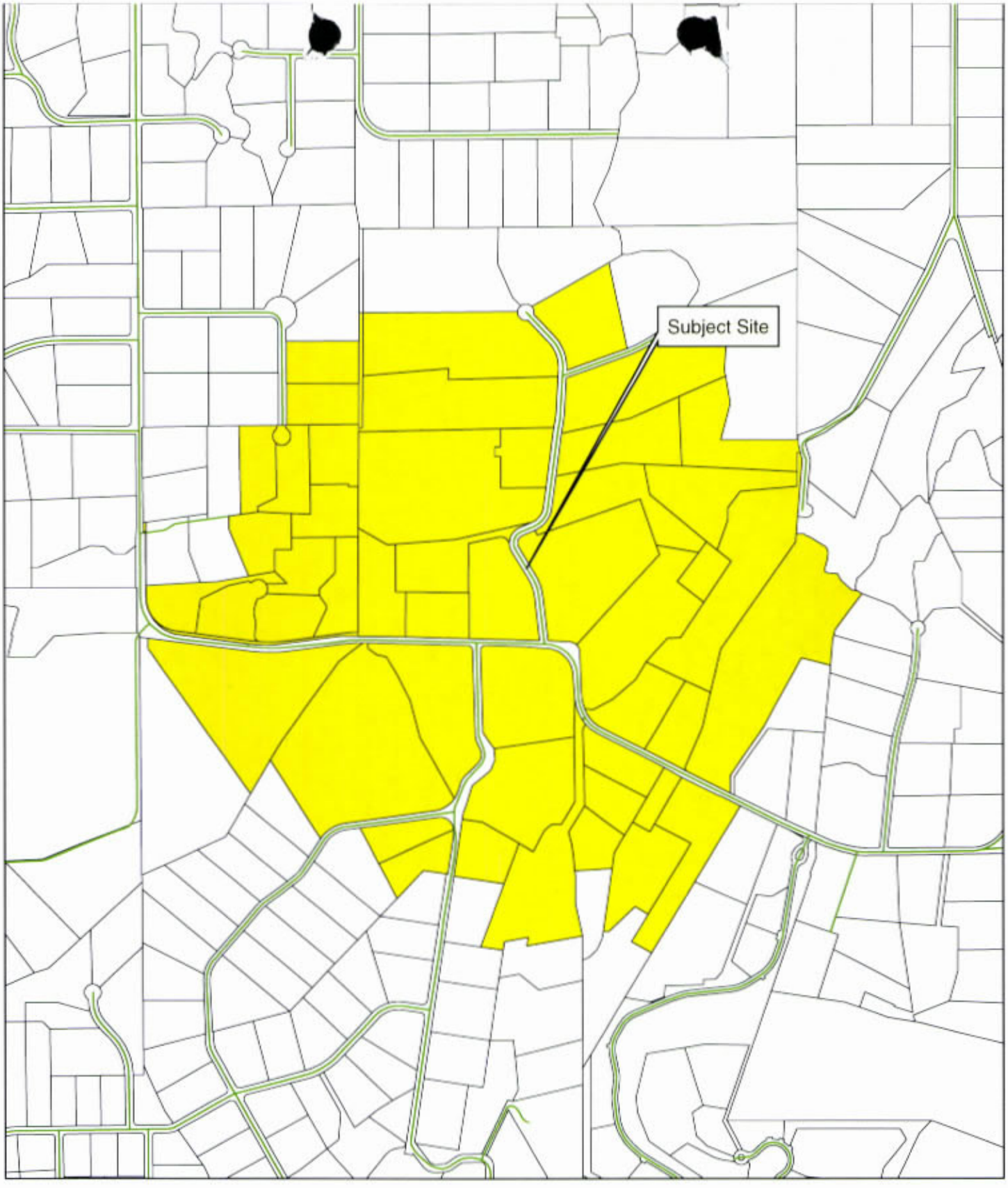
I hereby certify that notices for the case number referenced below were delivered to the Washoe County Reprographics for printing and distribution to mailroom for mailing pursuant to Nevada Revised Statutes, Chapter 278 and Washoe County Code Chapter 110.

Signature: Dan Crookston **Date:** 6-23-06

WSUP23-0029
PUBLIC COMMENT
100

Mailing List for Case No.: AP06-004 Kelly Mullin

No.	APN	Name and Address of Addressee
1	4065025	KURT E ALBERSHARDT FLYNN JULIANNA C 316 CALIFORNIA AV #149 RENO NV 89509
2	4063201	JAMES L & KAREN L COLOMBINI 8550 COUNCIL LN RENO NV 89511
3	4041211	DONALD L DAMON 2130 JUNCTION AVE EL CERRITO CA 94530
4	4065020	PAULA A S DERMODY P O BOX 7438 RENO NV 89510
5	4063217	DENISE DESIDERIO 4600 KIETZKE LN # G-170 RENO NV 89502
6	4063215	DENISE DESIDERIO 9101 TIMOTHY LN RENO NV 89511
7	23007003	GARY & SANDRA S ELROD 2740 HOLCOMB RANCH LN RENO NV 89511
8	23006006	FL PROPERTY INC C/O KAJANS FRED & LILIANA 2520 HOLCOMB LN RENO NV 89511
9	23007005	JOHN FLANIGAN 2750 HOLCOMB RANCH LN RENO NV 89511
10	4065043	FLYING DIAMOND RANCH LLC 8777 PANORAMA DR RENO NV 89511
11	4066001	JOHN H & VICTORIA F GANSER 9700 TIMOTHY DR RENO NV 89511
12	4067006	ROBERT A GARDNER 3150 HOLCOMB RANCH LN RENO NV 89511
13	4066003	BILLY M GLASS 9300 TIMOTHY DR RENO NV 89511
14	4063202	TED & JAYME D GRANEY 8520 COUNCIL LANE RENO NV 89511
15	23006010	JAMES H & NANCY M GREENHALGH 1900 FOOTHILL RD RENO NV 89511
16	4069201	E J GREENWALD MCDOLE JANET S 10000 DRYDEN LN RENO NV 89511
17	4064005	LARRY R & MARIANNE HICKS 9200 TIMOTHY LN RENO NV 89511
18	4065003	HENRIK & CHARLOTTE JORST 2311 DIAMOND J PL RENO NV 89511
19	4064009	PETER G & CYNTHIA S LAZETICH 9100 TIMOTHY DR RENO NV 89511
20	4066008	ROBERT M LEE 970 ICEHOUSE AV SPARKS NV 89431
21	23006005	DICK & RUTH MAY 2580 HOLCOMB LANE RENO NV 89511
22	4066007	JAN D & KATHLEEN W MOEHL 8505 DIERINGER DRIVE RENO NV 89511
23	23007001	GEORGE H & HENDRIKA NEARY 12976 SELLICK RANCH RD CHICO CA 95973
24	23006002	GAIL K NELSON 2660 HOLCOMB RANCH LN RENO NV 89511
25	4067009	WARREN L & NORMA K NELSON 3535 FAIRVIEW RD RENO NV 89502
26	4066005	SONNY & KELLI R NEWMAN 9400 TIMOTHY DR RENO NV 89511
27	4065024	RONALD G PALMER 9675 TIMOTHY DR RENO NV 89511
28	4041209	NICOLETTA A SCHRAUB 2155 KINGMAN CT RENO NV 89511
29	4069216	DONALD E & KAREN THOMPSON 3460 FAIRVIEW RD RENO NV 89511
30	4063211	WILLIAM C & BARBARA C THORNTON 1 E FIRST ST STE 1405 RENO NV 89501
31	4041214	CLIFF & JANE YOUNG 2855 HOLCOMB RANCH LN RENO NV 89511



Mailing Label Map

Administrative Permit Case No. AP06-004

SKAGEN STABLES INDOOR ARENA

51 parcels selected

0 500 1,000

Feet

Source: Current Planning

Date: May 2006

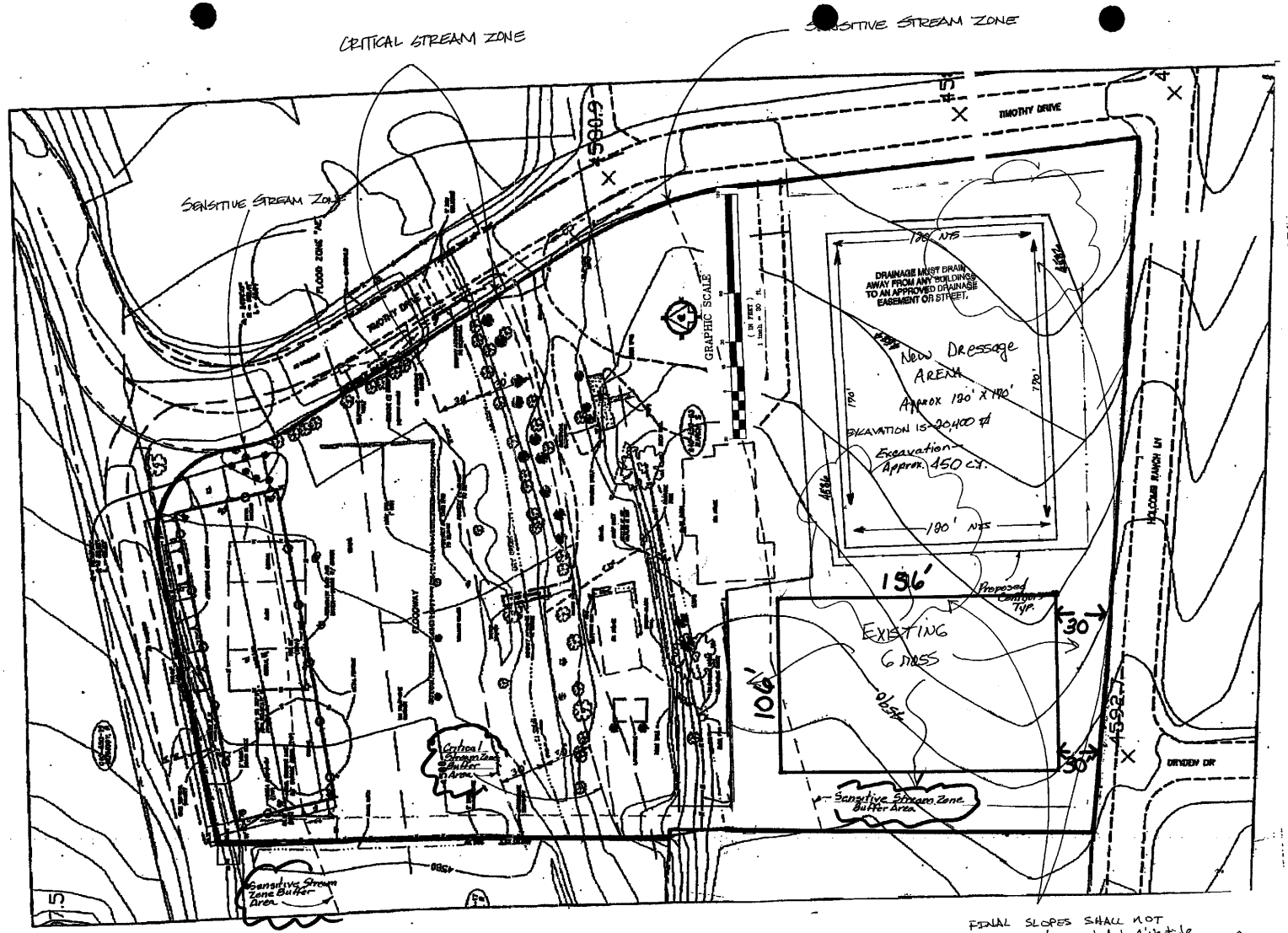
Department of Community Development

WASHOE COUNTY NEVADA

Post Office Box 11130
Reno, Nevada 89520-0027

WSUP23-0029
PUBLIC COMMENT

WSUP23-0029
PUBLIC COMMENT
100



APN # 040-650-03

Henrick and Charlotte Jorst
3003 Holcomb Ranch Rd.
Reno, NV

WASHOE COUNTY PLAN APPROVAL
Community Development: Date: 8/4/05
County Engineering: Date: 8-24-05
Fire Department: Date:
County Health Dept.: Date:
Water Resources Dept.: Date:
Building & Safety Dept.: Date: 8/24/05
Other: Date:

WASHOE COUNTY PLAN APPROVAL
County Engineering: Date:
Fire Department: Date:
County Health Dept.: Date:
Water Resources Dept.: Date:
Building & Safety Dept.: Date:
Other: Date:

WASHOE COUNTY APPROVED BLDG 1 DEPT

05-3414

EXHIBIT “55”

EXHIBIT “55”

Conditions of Approval

Special Use Permit Case Number WSUP17-0003

The project approved under Special Use Permit Case Number WSUP17-0003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 6, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Department of Community Development prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Department of Community Development recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

   Contact Name – Roger Pelham, 775.328-3622, rpelham@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.

   b. The applicant shall submit complete construction plans and building permits shall be issued for the proposed riding arena within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.

   c. The riding arena shall match the existing structures on the subject site in building and roofing materials, color and general architectural design.

   d. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits and business licenses) applied for as part of this administrative permit.

   e. A note shall be placed on all construction drawings and grading plans stating:

      NOTE

      Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

   f. The applicant shall obtain and maintain a valid Washoe County Business License.

   g. Prior to approval of a Washoe County Business License the applicant shall:

      i. Provide documentation to the Planning and Development Division that all applicable standards required by the Truckee Meadows Fire Protection District have been satisfied.

      ii. Provide handicapped parking on-site in accordance with all applicable provisions of WCC Chapter 110, Article 410 (*Parking and Loading*).

iii. Obtain valid building permit for on-site signage. Signage shall be in accordance with all applicable provisions of WCC Chapter 110, Article 505 (Sign Regulations).

iv. Provide documentation to the Planning and Development Division from Washoe County Animal Services that a Commercial Welfare Permit has been obtained.

v. Provide documentation to the Planning and Development Division from Washoe County Air Quality Management Division that all applicable regulations have been met.

vi. Provide documentation to the Planning and Development Division from Truckee Meadows Fire Protection District that all applicable regulations have been met.

vii. Provide documentation to the Planning and Development Division from Community Services Division, Water Rights Supervisor that all required conditions of approval concerning the dedication of water rights have been satisfied.

h. The maximum number of horses boarded and trained on the property, including horses personally owned by the owner and employees, shall not exceed twenty-five (25) at any time.

i. Equestrian events with competitors and spectators are prohibited.

j. Trail rides to and from the site are prohibited.

k. All landscaping shall be maintained in accordance with the provisions found in WCC Section 110.412.75, Maintenance.

l. Prior to approval of a business license the applicant shall provide a parking plan to the Planning and Development Division that demonstrates compliance with all applicable provisions of WCC 110.410, (Parking and Loading) with the exception of surfacing of the parking area. The surfacing of the parking area shall be gravel or Decomposed Granite and shall be installed in a manner acceptable to the County Engineer and the Truckee Meadows Fire Protection District.

m. The parking area shall be for the exclusive use of the commercial stables. Storage of equipment and vehicles not utilized by the commercial stables is not allowed.

n. Prior to approval of a business license the applicant shall provide a landscape plan to the Planning and Development Division that demonstrates compliance with all applicable provisions of WCC 110.412, (Landscaping), with the exception that buffering of the commercial use from the residential uses to the north may be reduced to three-rail fencing and one tree every 50 feet along the common property line, if and only if, the applicant provides documentation from the property owners to the north, to the Director of Planning and Development, indicating that the property owners to the north agree to the reduction in standards.

o. The following Operational Conditions shall be required for the life of the project:

i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.

ii. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.

iii. The applicant and any successors shall direct any potential purchaser and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall

notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

v. Business hours shall be limited to daylight hours only. No commercial activity shall take place during the night.

Washoe County Animal Services

2. The following conditions are requirements of Washoe County Animal Services, which shall be responsible for determining compliance with these conditions.

   Contact Name – Robert Smith, 775.353.8945, rasmith@washeocounty.us

   a. The applicant must contact Animal Services to obtain information on the Commercial Welfare Permit. The applicant shall obtain a Commercial Welfare Permit.

Washoe County Health District, Air Quality Management Division

3. The following conditions are requirements of the Health District, Air Quality Management Division and Environmental Health Services Division, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

   Contact Name – Mike Wolf, 775.784.7206, mwolf@washoecounty.us

   a. The applicant shall comply with District Board of Health Regulations Governing Air Quality Management 040.030 and District Board of Health Regulations Governing Air Quality Management 040.055.

   Contact Name – Wes Rubio, 775.328.2434, wrubio@washoecounty.us

   b. Provide an approval from the State of Nevada, Division of Environmental Protection, Bureau of Water Pollution Control for the commercial use of the existing On-site Sewage Disposal System;

   c. Provide the total number of employees and anticipated visitors to the location per week;

   d. Identify the source of potable water for the proposed use of the facility;

      i. Depending on the source of water and proposed use, an official Water Project may be required for review and approval by the WCHD;

      ii. The facility may be required to become a permitted Public Water System as part of this process;

   e. Provide a waste management plan for the management and disposal of all manure and animal waste for the facility and privately owned stock.

Truckee Meadows Fire Protection District

4. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

   Contact Name – Amy Ray, 775.326.6005, aray@tmfpd.us

   a. This business shall meet the requirements of the Washoe County Code 60 and the International Fire Code and International Wildland Urban Interface Code. This shall include the installation of an automatic fire sprinkler system and access to the facility.

Community Services Department - Water Planning

5. The following conditions are requirements of the Community Services Department, Water Planning Coordinator, which shall be responsible for determining compliance with these conditions.

   Contact Name – Vahid Behmaram, 775.328.3622 vbehemaram@washoecounty.us

   a. The applicant and County personnel shall estimate the projected ground water demand for the commercial activates to the satisfaction of Washoe County.

   b. Adequate ground water rights per the estimate in item # "a" shall be transferred to an appropriate ground water well or wells on the parcels associated with this application. Transfer of these water rights requires filing of applications with the Nevada State Engineer.

   c. The water rights shall be in conformance with article 422 of the Washoe County development code and subject to dedication requirement as described under said code, and in conformance with the South Valleys Area Plan.

*** End of Conditions ***

EXHIBIT “56”

EXHIBIT “56”

23 HORSES PRODUCE 20,148 GALLONS OF URINE ANNUALLY - AS DEPICTED HERE

35 HORSES WOULD PRODUCE 52% MORE - 30,660 GALLONS OF URINE ANNUALLY

WSUP23-0029
PUBLIC COMMENT

EXHIBIT “57”

EXHIBIT “57”

From: Carol Bond
To: Julian, Kathie M.; Peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee; Washoe311
Subject: Pro Pony Opposition
Date: Tuesday, October 31, 2023 7:33:35 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Dear members of the Board of Adjustment,

I am writing regarding the Pro Pony development on Holcomb Ranch Lane. I live in close proximity to the proposed commercial development. There have been no material changes in the facts presented to the board last year.

Clearly the proposal needs to be rejected. I am very concerned about contamination of the ground water by the accumulation of urine by the large number of horses proposed. In addition, having the indoor facility approved in a flood zone is a major concern for the neighborhood.

Traffic on Lakeside Drive/Holcomb Ranch cannot handle a commercial operation of this size for the safety of the community, and this is a major concern.

To reiterate, my wife Carol Bond and I are opposed to the development.

Sincerely, Sheldon Schenk, and Carol Bond

From: Jill Brandin
To: Julian, Kathie M.; peter@cpnv.com; Christensen, Don; Pierce, Rob; Olander, Julee
Subject: Opposed to WSUP23-0029
Date: Tuesday, October 31, 2023 7:33:56 AM
Attachments: Robison Engineering4.11.22.pdf

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Members of the Board of Adjustment:

We have owned the properties that make up Flying Diamond Ranch at 8790 Lakeside Dr. for 18 years. My husband and I have lived just down Holcomb Ranch at Diamond J for over 21 years. The Flying Diamond HDR zoned properties are adjacent to the north of ProPony's property at 3400 Holcomb Ranch Lane. On February 3, 2022, the Board of Adjustment voted 4 to1to deny Pro Pony's WSUP21-0036 and WADMIN21-0016. We ask you to deny this latest SUP because the required legal findings cannot be made. Pro Pony seeks the same approvals in this application but with an increase to 35 horses, no limit on operating hours or on the number of days of the week they would be disrupting our residential neighborhood. Last year the Board determined that 25 horses were too many for this site. 25 horses are too many this year. The massive indoor arena was detrimental last year. It is detrimental this year. The facts have not changed. However, the harm to our neighborhood has increased as Pro Pony ignored that SUP denial and expanded operations.

The owners of Pro Pony and Pair of Aces do not live here. This is our neighborhood.
Every property owner adjacent to 3400 Holcomb Ranch Lane is on record with you that Pro Pony's SUP is injurious to our properties—as explained in detail in our written opposition submitted on behalf of the neighboring property owners. We have spoken with each neighbor and have provided you the names and addresses of more than 45 neighbors in the immediate neighborhood who are opposed.

The full detrimental impact of ProPony's business on our neighborhood must be measured from the Nelson's ownership in 2019. 4 horses were on 30 acres at that time. There were no night operations and our weekends were not disrupted. There was no massive industrial building sitting 3 stories above Holcomb Ranch Lane and directly across from residential properties. The amount of pollution from urine, manure, dust, and light all must be measured from that low key horse boarding time.

The Board of Adjustment meeting on Pro Pony's original application took place on February 3, 2022. Yet, Pro Pony had the parts for its proposed indoor arena and a shipping container delivered to the property in January of 2022 - **BEFORE THIS BOARD EVEN MET**. This clear disrespect of the Washoe County Code permitting process and the Board of Adjustment is typical of the way Pro Pony operates their business in our residential neighborhood. Pro Pony is not an "existing legal non-conforming commercial stable". Non-conforming use cannot be expanded or changed. Pro Pony increased the number of horses here from 4 to now 35 and changed the nature of the business from horse boarding to commercial stable. Any licenses issued to Pro Pony or Pair of Aces are therefore void per WCC 110.908.15(b).

The proposed huge steel indoor arena is the same one that was denied last year. It would still be built in the FEMA Zone AE next to the FEMA Dry Creek Flood Way. The water table at this site varies seasonally from only 1 to 5 feet below the surface. Dry Creek is not only a "Perennial Stream," it is also a "Significant Hydrologic Resource" per WCC 110.418.05.1 (Map). As such, any construction is subject to FEMA policy and Perennial Stream buffer zone requirements.

Pro Pony's claim in its Application that "[t]he existing stream upon the property is not identified by Article 418 as a perennial stream" is **false**. Application, Pg. 20 ("SUP 1").

The evaluation by Washoe County Staff that "Dry Creek will not be impacted by the location of the arena" is **false**. (Staff Report Pg.5).

The flood damage and safety risks to surrounding properties and properties all along Dry Creek would be greatly increased due to (1). Removing mature trees (2). Adding fill required by FEMA policy (3). building 13,580 square feet of impervious coverage topped with a peaked metal roof and (4). adding approximately 14,000 square feet of impervious coverage due to the required 20-foot wide "all weather surface" fire road around the building.

Misleading and inaccurate statements are throughout Pro Pony's Application. Warren Nelson did not have night operations or a massive indoor arena on this site. Their statement that "the overall nature of the site is proposed to remain as it has been for decades" is inaccurate. (pg.5) This huge metal 13,580 square foot indoor sport arena rising 3 stories above Holcomb Ranch Lane directly across from residential properties is **not** "common to the neighborhood where it is to be constructed." (pg. 5). It is common to the commercial buildings along South Virginia and is completely out of character with our residential neighborhood.

FEMA policy requires the base of this building to be above the basic flood elevation of this site. This indoor arena is prohibited in our single-family residential HDR zone.

We neighbors are not opposed to a few horses grazing in a pasture. We oppose the intensity of Pro Pony's commercial business in an area zoned single-family residential. If 20 horses were here in the past "glory days" as Gail Nelson stated, then we should also note that Silver Circle in the "glory days" was a 55-acre ranch, not the 12.5 acres Pro Pony owns. That proportion would result in a maximum number of 5 horses on this property. It is not the size of the stable that determines how many horses are sustainable - it is the size and topography of the land that controls. Most of Pro Pony's land is in the Dry Creek gully. Less than 3 acres are pasture.

Last year this Board determined that 25 horses were too many for this site. ProPony has not added any more land. 25 horses are still too many for this site.
35 horses would dump 84 gallons of raw urine- into the ground every day - most of it in the confined area around Dry Creek. That is over 30,000 gallons of urine pollution every year - enough to fill 3 swimming pools. Dry Creek flows directly from this site onto Flying Diamond Ranch, then through southwest Reno and finally into the Truckee River.

As Robison Engineering stated in April of 2022, "[g]iven the description of proposed activities at the site, environmental issues are likely to impact surrounding properties due to issues including, but not limited to, surface and/or groundwater contamination, and dust and odors...It appears that Washoe County was prudent in denying the SUP for the proposed facility…"

This site is not physically suitable for the intensity of 25 or 35 horses or this type of commercial stable development.
This commercial stable business is also detrimental to the public health, safety and welfare, injurious to adjacent properties and detrimental to the character of the neighborhood.

The site is clearly not physically suitable for the type and intensity of development associated with this indoor arena.
The massive industrial indoor arena is detrimental to the public health, safety and welfare, injurious to adjacent properties and detrimental to the character of the neighborhood.

The required legal findings cannot be made for this SUP. Please deny it.
Jill Brandin

040-650-48
040-650-46
040-650-17
040-650-25
040-650-03
040-650-47
040-650-24
040-650-44
HOLCOMB RANCH LN
230-070-10
040-670-12
040-670-06
Zone AE
Last Chance Ditch
230-070-15
040-670-09
040-670-13
BRADY RANCH RD
230-070-14
040-670-04
040-692-16
040-691-11

From: Alison Farrin
To: Olander, Julee
Subject: Silver Circle Indoor Arena - Support letter
Date: Tuesday, October 31, 2023 8:00:43 AM
Attachments: image001.png

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

October 30, 2023

We own 25 acres in Washoe Valley and are in the process of building to relocate.

A primary reason for the move is the wonderful rural atmosphere and the huge amount of horse related activities in the Washoe County area. It saddens me to learn that the county is not wholeheartedly extending regulatory support to all horse activities, but especially those with historic equestrian use who want to expand and support the equestrian community.

Indoor arenas allow continued use throughout the winter – a necessary requirement for equines in regular competition. Nevada has competitions thought the state and in the warm southern areas, competitors have the advantage of being able to train all year round. For Washoe residents, that opportunity only exists with an indoor arena.

You can't see it and its less noisy and its safer. What's not to like. Please, say yes to keeping horses in our valley!

Alison Farrin
858-248-1849
alison@conciergepension.com
4110 Bowers Mansion Rd
Washoe Valley, NV
Certified Pension Consultant emeritus
CA Insurance License 0A63592

Concierge Pension
Custom Design for Optimal Results

WSUP23-0029
PUBLIC COMMENT

From: Durian Pingree
To: Jester@ecpnv.com; Julian, Kathie M.; Christensen, Dion; Rhoma, Rishi; Olander, Julee
Subject: Opposed to WSUP23-0029
Date: Monday, October 30, 2023 7:03:13 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Members of the Board of Adjustment:
I have lived at 2400 Diamond J Place, Reno, NV for more than 21 years.
I am opposed to WSUP23-0029 because this wonderful section of Reno has been disrupted by ProPony's business which has increased traffic, manure, dust, and flies.

The Nelsons mostly kept their own horses here. The neighborhood was peaceful. If there was horse boarding here it was very low key.
The owners' daughter wrote that 4 horses were here in 2019.
That is about the number I had seen since I moved in. In 2019 Nelsons owned a 30 acre ranch here with lots of pasture.

During covid ProPony bought 12.5 acres from the heirs and only 3 acres of that are pasture.
A second access from the parcel onto Holcomb Ranch is being used that does not meet NDOT safety requirements.
There were no night activities before - now unshielded extremely bright stadium type lights glare onto residential properties and Holcomb Ranch Lane.

Last year their SUP for a 25 horse commercial stable was denied by the Board of Adjustment.
Last year their ADMIN permit to build this same 13,500 square foot ugly industrial indoor arena was denied by the Board of Adjustment.
This SUP must be denied since the facts have not changed - 25 horses are too many for the fraction of the Silver Circle Ranch they bought.
The indoor arena is completely out of character with our residential neighborhood.

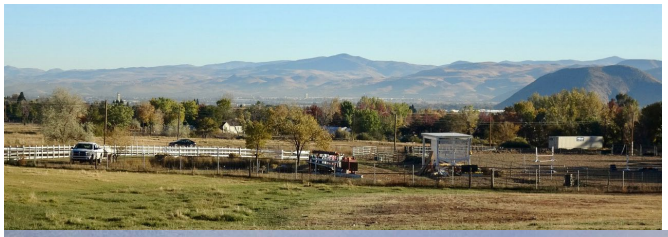
A commercial stable for 25 horses or more and an indoor arena would be detrimental to the character of this neighborhood and injurious to the adjacent properties.
In addition this site is not physically suitable for the intensity of 25 horses or for the increase in velocity and amount of runoff in a FEMA flood zone from the metal indoor arena and 20-foot fire road.

The picture below shows that there is no screening along the south COMMON PROPERTY line with 3600 Holcomb Ranch's residence.
It shows that there is no screening along the north property line that faces the residence on the Flying Diamond Ranch.
The proposed massive indoor arena would be directly across the street from the residential property of the Flying Diamond Ranch.
Multiple houses on Fairview Rd. are directly above the site of the proposed indoor arena.

The staff report page 8 is not correct that "The site is large and isolated from neighboring properties".

The purpose of WCC 110.412.40 is to protect the health and safety of the neighborhood.
A solid decorative fence and landscaped buffer to "achieve maximum screening" is required along the entire south COMMON PROPERTY line with 3600 Holcomb Ranch.
1 tree every 50 feet is required along the north property line.
Screening must be installed.

Thank you,
Durian Pingree



WSUP23-0029
PUBLIC COMMENT

From: Bill Vanderbeek
To: Olander, Julee
Subject: Opposed to WSUP23-0029
Date: Monday, October 30, 2023 9:10:57 PM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi my name is Bill Vanderbeek and I live on Lakeside Drive. I can see the horse facility, and will see the the proposed metal arena building from my property. It will be an eyesore to our neighborhood. A commercial enterprise should not be allowed in this neighborhood and the number of horses boarded there seems to be increasing.

The traffic on show days impacts Lakeside Drive and Holcomb Lane tremendously and the road was not designed for the level of use required for such a facility. The parking access gate being used to exit Holcomb Lane is being used illegally. There are so many things being done against code to make this horse facility into a business. It should not be allowed to move forward.

The water flow from the property and the land uphill is going to be restricted by the footprint of the totally enclosed metal arena building such that it will cause undue errosion due to the increased water flow in the reduced stream bed width. There is already a problem and this building will only make it worse.

This horse facility was never a commercial venture previously, and should not be allowed to exist in our residential neighborhood.

This SUP must be denied as it was previously in 2022. If any of the people willing to grant this waver lived in our neighborhood they certainly would not allow it !

Yours sincerely ,
Bill Vanderbeek (local home owner)

Sent from Yahoo Mail for iPhone

October 23, 2023

Washoe County Board of Adjustment
1001 E. 9th Street, Building A, 1st Floor,
Reno, NV 89512

Re: Case WSUP 23-0029

Dear Board Members:

I am very concerned regarding the proposed building in the above captioned case in the Dry Creek drainage which is within the FEMA Flood Plain. Flooding of Dry Creek allows significant amounts of water to overflow into the Last Chance Ditch. Debris from Dry Creek washes down the ditch and can plug the ditch culvert at Thomas Creek Road flooding that roadway and other properties in the area.

High water on Dry Creek is not an unusual occurrence. I wanted to share the above experiences with the Board because I am very concerned with adding any kind of structure will impede flood waters flowing down in the drainage damaging adjacent properties.

The following information is taken from my daily log for January 8th, also February 14, 2019:

Sunday, January 8, 2017 –

I left Sparks at 12:30 p.m. and got on I-80 at Sparks Blvd. Gregg was blocked off. I got onto I-580 then got off at Virginia Street where Thomas Creek goes under Virginia Street. Water was breaking over the roadway. I got to the car dealership and found 6 inches of water going over Virginia Street. There were road crews working just south of Holcomb Ranch Road. There was a foot of running water over Holcomb Ranch Road at Virginia Street and flowing into the vacant parcel to the north and then into Reno Auto-Mart. I drove through the water. Thomas Creek, where it crossed the road at the Casazza Ranch was only up about eight inches and not backing up over the road. The creek must have been clogged with debris just south of the Casazza Ranch-house and over-flowing the Lake Drainage Ditch, to making the flow go to the east and flood out Virginia Street. All the irrigation ditches are full and over-flowing. There is not flood problem on Thomas Creek but is in the irrigation ditches and laterals.

I went back over Windy Hill to see what Dry Creek looked like. I was sure the flash-boards on the Last Chance Ditch were still open. The rain was

WSUP23-0029
PUBLIC COMMENT

really coming down. The pond was 1/3 full. I was sure it would be full tomorrow and I need to cut a supplementary ditch to let the water out.

I left my Thomas Creek Road home about 2:00 p.m. I went toward Windy Hill. At the creek in the 3400 block of Holcomb Ranch Road, the water was not over the road but the stream on the south and north side was about 40 to 50 feet wide and moving fast. There was a large puddle at Young's curve blocking the east bound lane. When I got to Dryden Lane, there was a huge flow of water coming through the white house and corrals at the south west corner of Dryden and Holcomb Ranch. There was a line of more than a dozen cars on the east bound lane of Holcomb Ranch Lane waiting to pass the pond in the road with instructions from the sheriff. It was evident that the water was overflowing the Last Chance Ditch on Thomas Creek Road south of my house. Dry Creek was a torrent and probably four or five feet above the ditch level. I am sure the Steamboat Ditch was over-flowing in the hills above. There was a lot of water moving in the culvert under the road at Dry Creek and into the pond to the north side of the road. Further on down at the intersection of Holcomb Ranch Road and Lakeside were about 30 cars being held back by four or five sheriff's vehicles and a dozen deputies were on hand. I was able to go through and head on down Lakeside to Windy Hill to McCarran and then to the I-580 freeway to I-80. The North Truckee Drain Ditch was backing up against the bridge at O'Callahan and Sparks Boulevard.

At 7:30 p.m. Washoe County called for evacuations from Holcomb Ranch Road along Thomas Creek Road to Foothill; Dryden Lane, Fairview Lane, LeMay Lane. There again it was because irrigation ditches overflowed into the roadways. It was raining heavily then but I decided to try to get to Thomas Creek Road by the freeway and South Virginia Street and Dixon Lane in the morning.

Thursday, February 14, 2019 –

We went to dinner at the Italian restaurant just north of Windy Hill. The rain flooded Dry Creek, it was up three feet and other drainages were also up.

Thank you for considering my concerns.

Donald L Drake

Donald L. Drake
10000 Thomas Creek Road,
Reno, Nevada 89511