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December 27, 2023

Re: Supplement to Appeal of WSUP 2023-0029 of Pro Pony, LLC (“Applicant”)

The Applicant respectfully requests that the Board of County Commissioners add this supplement to the appeal statement of the Applicant submitted on November 16, 2023, based upon the Memorandum by Hugh Ezzell, P.E, of Solis Engineering, LLC, attached hereto as Exhibit 1.

110.810.30(c) requires a finding that “The site is physically suitable for the type of development and for the intensity of development.”

The Applicant’s commercial stable is a legally established nonconforming use with a decades long history of operation, demonstrating the property’s long-term suitability for such use.

The Staff Report indicates that the necessary utilities, roadways, and drainage have been provided and are adequate for the proposed development. This is evidenced by NDOT’s assessment that the change from an outdoor to an indoor arena would have negligible traffic impact, and the Staff Report’s assertion of adequate drainage.

The Applicant’s operation is an existing, licensed activity that will not change in terms of traffic or horse capacity, indicating that the intensity of development will remain consistent with past and present use.

Constructing an indoor arena offers enhanced protection against storm water runoff and sediment, as it will replace the open outdoor arena, thus reducing any potential environmental impact.

The design and placement of the indoor arena have been carefully considered to minimize visual impact and contain noise within the structure, thereby not being detrimental to the character of the surrounding area.

The facility contributes to the established equine culture of Washoe County and supports local character by providing recreational and educational opportunities related to hobby livestock, as expressly acknowledged in the Southwest Truckee Meadows Area Plan.

The concerns raised by some Board of Adjustment members were not substantiated with evidence directly related to the findings required for the SUP, thus indicating that the denial was not grounded in substantial evidence related to the site's suitability.

The attached Memorandum by Hugh Ezzell, P.E. addresses concerns about the visual impact of a proposed indoor arena, refuting claims that it would be an eyesore. It details efforts to demonstrate the actual size and placement, including a neighborhood meeting and visual aids like balloons to represent the building's height. Photographs and graphic representations show the arena will be largely screened by vegetation and not imposing on neighboring properties. Measures like choosing building colors that blend with the environment and minimizing exterior lighting are intended to ensure the building is harmonious with its surroundings and the equine character of the area. The Applicant aims to balance reasonable neighborly considerations with their goals for equestrian training at a national level.

The Memorandum provides substantial evidence supporting the physical suitability of the site for the proposed indoor arena, in accordance with WCC Section 110.810.30(c). The demonstration of the arena's scale through neighborhood meetings and visual aids, proves that the arena will not be visually intrusive and that its development is in harmony with the existing landscape. These efforts show a conscientious approach to maintaining the area's aesthetic and functional suitability for the planned development.

In conclusion, the physical suitability of the site for the proposed indoor arena is substantiated by historical use, existing infrastructure, and compliance with county policies and regulations. The development aligns with the type and intensity of use already established and accepted in the area, with measures in place to ensure that it remains unobtrusive and harmonious with the surrounding community.

Sincerely,

/s/ Luke Busby, Esq.

Luke Busby

Exhibit 1

Exhibit 1

MEMORANDUM

To: Landess Whitmer and Luke Busby
From: Hugh Ezzell, CE

Re: Special Use Permit # WSUP23-0029

PROPOSED INDOOR ARENA - OFF SITE APPEARANCE

Mrs. Olander,

It has come to the attention of our firm that questions have arisen regarding exactly how the proposed steel-building indoor arena will appear from neighboring properties and Holcomb Ranch Lane after completion.

After reviewing previous comments and statements by neighbors who have concerns over the final appearance of the indoor arena, it has become obvious that there is a pervasive widespread misunderstanding regarding the project and its overall plan and scope.

Wild assertions ranging from an **offending monolith** to a **massive metal building with bright stadium lights** to an **"indoor warehouse arena"** to **"huge metal building"** to a **"massive industrial building"** to a building capable of **"fitting two commercial airplanes inside"** have been previously presented to the Board of Adjustment and elsewhere. Describing the indoor arena as a warehouse or huge metal building or massive industrial building or one capable of containing two Southwest 737's is quite a bit of a stretched (probably purposefully) description.

The purpose of this memorandum is to set the record straight, through what has been a considerable effort on the part of multiple professionals regarding how the indoor arena WILL actually appear, once completed. As well, this memorandum is intended to clearly illustrate that steps have been taken by the applicant to ensure that the indoor arena enclosure not only closely adheres to the requirements of the Special Use Permit application of "Site Suitability", but that the applicant, as well, has taken additional steps above and beyond the requirements of the Development Code to position the arena building to purposefully hide it from public view as much as possible.

In August of 2023, the applicant hosted a neighborhood meeting to present to the public our project and proposal. The neighborhood meeting was well attended by many neighbors most of whom shared a favorable impression of the project and noted so during the meeting.

At the time of the neighborhood meeting, the engineer staked out the proposed footprint of the indoor arena and marked the same with 10' tall white poles at the basic corners. As well, two green balloons were filled with helium and placed at the centers of the ends of

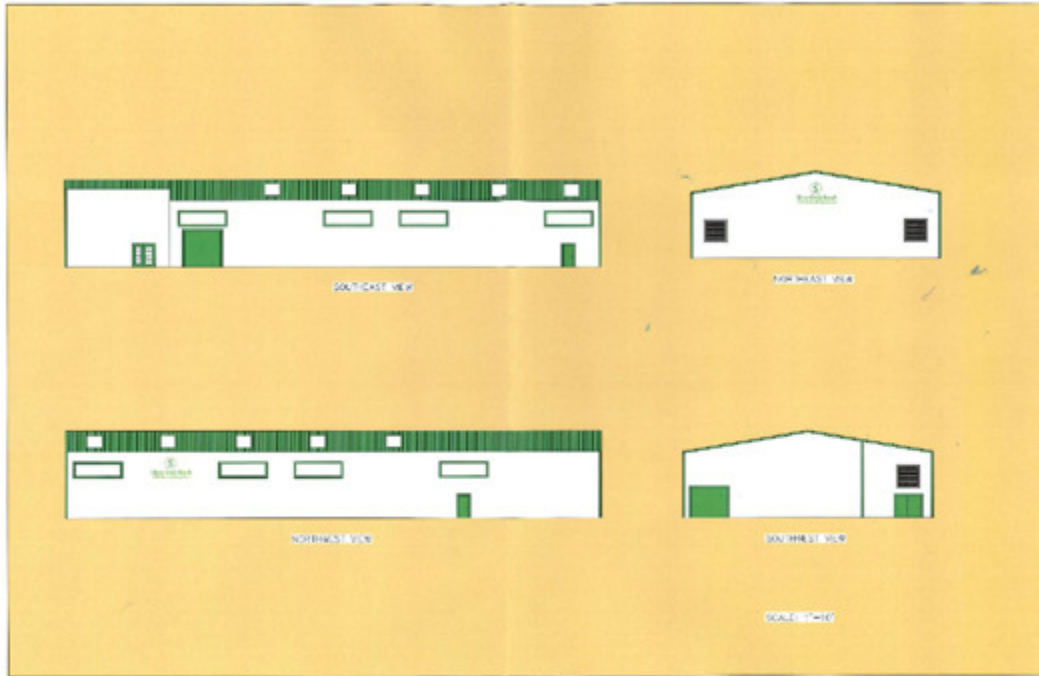
the building. The balloons were raised on strings until they reached the height of the peak of the gabled roof of the building. The purpose of the balloons was to demonstrate to the public the actual maximum height at which the building would ultimately be.

Below is shown a photograph of the balloons from the top of the driveway, at Holcomb Ranch Lane.



In this picture you will note two white lines placed just above the two green balloons. These balloons represent the exact height of the ridge line for the proposed building.

The previous photograph gives a physical representation of the exact roofline for the proposed building. Following, is a drawing provided by the steel building company which represents the building elevations.



During late October 2023, the project civil engineer collaborated with a graphic engineering artist to insert the above elevations, at the correct scale and orientation, into photographs from the site. The original photographs were taken in 35mm format which correlates with normal human visual perception (no scaling is present in the photos) and from a height corresponding to an approximate human eye height, around 5 ½ feet above the ground.

Two original photographs were merged by the graphic engineering artist into one panoramic photo representing the current lower arena as seen from across Holcomb Ranch Lane at the driveway. That photo follows:



The engineering graphic artist, along with a scaled plan model of the site, inserted the building elevations into the above photograph and, with the assistance of the balloons and software, scaled the building to its exact proposed size and proportions. The resulting photograph, with the building as it will appear upon completion to an observer on Holcomb Ranch Lane follows:



It must be noted that the building is shown in this photograph slightly longer than it actually will be (the left end of the building will be behind the large foreground bush shown in the center of the photo). However, this representation, which is scaled correctly, accurately shows the building will be 1. Relatively well screened from the roadway and 2. Definitely not imposing on the normal perception, particularly with the green roof, which will combine with natural vegetation well.

In this picture, 4 or 5 larger pine trees can be seen screening the building. These pine trees are depicted at 10 years of age and already have been planted. In addition, larger cottonwood trees shown adjacent to the building have been planned to remain, rather than removed as was initially proposed. Only older trees that are diseased or leaning in the direction of the building will be removed.

On the next page is a larger depiction of the above photo:



As one views the indoor arena from Holcomb Ranch Road, near Lakeside Drive, the view is over a pasture and over the top of the indoor arena. Because the indoor arena is proposed to be located in an obscured valley, only the top of the indoor arena building will be visible to the traveler on Holcomb Ranch Road. By the same means and process, the civil engineer and engineering graphic artist have generated a visual of the appearance of the building as seen from the west. That photo follows:



As is clearly apparent, the building will blend with the surrounds nicely, which was the aim of the design.

There are other views of the proposed indoor arena for which there have been complaints.

One such complaint comes from our nearest neighbor to the North East and across Holcomb Ranch Road (downhill and towards Reno). That neighbor has stated in past meetings that the building will be an eye-sore from his residence. This was a real concern for the applicants.

The project engineer investigated this complaint during the August neighborhood meeting. During that investigation, several points were noted:

1. This particular neighbor's garage faces the project and the rest of the residence faces away from the project,
2. The engineer stood on Holcomb Ranch Road and faced this particular residence and took the following picture:



The house is behind the vegetation.

The engineer then turned 180 degrees and took a photograph of the proposed indoor arena site. That photograph follows:



The proposed indoor arena building will be located behind all the vegetation seen in this picture. As can clearly be noted, the proposed building will be nearly impossible to be viewed from the complaining residence. However, this was not enough for the engineer who collaborated with the engineering graphic artist to generate a view of what the building would actually appear as from this perspective. That photograph follows:



The building is the tiny white speck showing through the gap in the trees in the approximate center of the photograph. From what the engineer can observe, the NE neighbor will have to put some work into the effort to even see the building after it is completed.

Another neighbor has voiced concern at the appearance of the building from his residence. This neighbor is located at the top of the hillside to the South of the project. Again, as with the first neighbor, the engineer and the applicant felt concern about the appearance of the building from this perspective to the South. Thus, again, the engineer climbed the hillside slope and took photographs of the arena as seen from this neighbor's house. The following picture depicts that view from on the property line:



If one looks very closely in this photograph, a white plank fence is barely visible through the trees in the approximate center of the photograph. If the viewer refers to the photograph on page 2, you will see a photograph of the arena from the opposite direction as that seen above and taken from across the site, on top of the opposing ridge at Holcomb Ranch Road. In that photograph, one will note the furthest white vinyl plank fence, against the creek. That fence, in fact, is the fence you are seeing in the photograph above.

What this demonstration indicates is that the arena is NOT visible from the southern neighbor's property line (even less so from the neighbors residence, through their own yard/vegetation).

Again, this was not enough for the engineer nor the applicant, so representations of the building placed in the above photograph are shown following, the top photograph shows the building in its planned white/green colors and the bottom photograph shows the entire building as yellow for a better contrast against the intervening vegetation. The building is, essentially, invisible.



The applicants take neighbor complaints seriously. However, there are moments wherein the complaints become unreasonable, even from the irrational perspective.

The worst view from Holcomb Ranch Road

Given thus far are perspectives of the proposed building from the top of the driveway, from Holcomb Ranch Lane looking Southeast and from the two nearest neighbors to the building itself who have voiced aesthetic concerns. Finally, the engineer wishes to show the last perspective of the building which is, again, from Holcomb Ranch Lane. This view, shown in the last two photographs, is the only other clear view of the arena area as seen from Holcomb Ranch Road, adjacent to the site. In the first photograph is shown the arena, and the second photograph shows the building as it will appear.





The view from Holcomb Ranch Road showing the proposed indoor arena.

In conclusion it is noted that no building can be constructed so as to be invisible from off site. In the case of the Historic Silver Circle Ranch, we have chosen a location for the indoor arena building which will:

- * Be over an existing arena
- * Be in a natural hollow area perfect for concealing the building,
- * A location and building orientation which will minimize removal of natural trees and vegetation, preserving natural screening for the benefit of our neighbors,
- * Chosen building colors intended to blend with the area vegetation as closely as practical,
- * Basically, ensured that there is no exterior lighting other than what the building code requires at doorways and entrances (all lighting will be interior),
- * An orange shipping container found at the site currently contains insulation for the proposed indoor arena building and will be removed from the site once the building construction is completed.

We believe our choices will benefit our neighbors to the highest degree while maintaining our goals to protect our nationally acclaimed equestrians as they train to represent Reno and Nevada in national competitions.

Please feel free to contact our firm with any questions you may have regarding this memorandum and the photographs herein - or even better, interested parties might wish to go have a look at the site for themselves.

Sincerely Yours,
Soils Engineering, LLC



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January 5, 2023

Re: Second Supplement to Appeal of WSUP 2023-0029 of Pro Pony, LLC
("Applicant")

The Applicant respectfully requests that the Board of County Commissioners add this second supplement to the appeal statement of the Applicant submitted on November 16, 2023, based upon the Memorandum by Hugh Ezzell, P.E, of Solis Engineering, LLC, attached hereto as Exhibit 1.

110.810.30(d) requires a finding that "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."

At the Board of Adjustment meeting, concerns were raised by public commentators about flies and odors from the Historic Silver Circle Ranch (SCR).

The attached Memorandum by Hugh Ezzell, P.E. addresses concerns about flies and odors at the SCR. It outlines the effective pest control measures in place, such as frequent manure management and various types of fly traps. The the majority of flies in the area likely originate from neighboring properties with inadequate or no manure control on those properties, rather than the SCR. It emphasizes SCR's comprehensive approach to fly control and manure management, crucial for maintaining the health of their high value show horses. While SCR has some fly presence, the significant issues are more likely related to broader neighborhood practices rather than SCR's operations.

The construction of an indoor riding arena at SCR would serve as an effective mitigation measure for any concerns regarding odors or flies. Enclosing the arena limits the exposure of manure to open air, reducing odors and the attraction of flies. This aligns with the community's equine-centric character, ensuring that activities related to the keeping of horses and livestock continue in a manner that is conscious of the local environment. Therefore, this addition would bolster the area's traditional equine activities while addressing any potential health and safety concerns.

The Memorandum underscores that the SCR's effective pest control measures and manure management are in line with the best practices for areas where keeping horses and livestock is common. This proactive approach to

mitigating flies and odors suggests a commitment to public health and environmental stewardship. Additionally, SCR's practices could serve as a benchmark for neighboring properties, potentially improving the overall quality and character of the area. Therefore, the issuance of the permit would not be detrimental to public health, safety, welfare, property, or the surrounding area's character, but rather reinforce the region's established equine and agricultural heritage.

Issuance of the SUP aligns with the character of the local area, which is defined by equine activities and the presence of livestock. The SCR, through its diligent management practices, exemplifies the responsible stewardship that is characteristic of the community. This reflects a lifestyle that values and integrates the keeping of horses and livestock, which is a significant contributor to the local culture and economy. Granting the permit will affirm the community's heritage and ensure that these traditional activities can continue without detriment to public health or the local environment.

Sincerely,

/s/ Luke Busby, Esq.

Luke Busby

Exhibit 1

Exhibit 1

MEMORANDUM

To: Luke Busby and Landess Witmer
From: Hugh Ezzell, CE

Re: Special Use Permit # WSUP23-0029

PROPOSED COMMERCIAL USE - FLIES AND ODORS

Mr. Busby and Mrs. Witmer,

To date, there have been numerous discussions and meetings regarding the Historic Silver Circle Ranch, many of which have involved members of the neighboring public who have expressed concern about potential problems with flies and other odors which may emanate from the site.

Some concerns revolve around the presence of flies in association with large animals while other concerns address the potential for animal odors to be a bother.

In this memorandum we discuss measures taken by the Historic Silver Circle Ranch (SCR) and the Pair of Aces business to address typical nuisances which can arise when boarding larger animals. In addition, we will explore the surrounding neighborhood in an effort to discover the true cause and extent of the nuisance problems that are reportedly being experienced by neighbors surrounding the SCR property.

While it is true that both large and small animals are natural attractants for flies and vermin, it is also true that natural pests can be and, at the Historic Silver Circle Ranch, are easily controlled.

Typically, common house flies and stable flies are the predominant flying pests found around horses. These pests are attracted by the sweat (moisture) and waste odor of all animals. This is a natural attraction associated with the natural function of the pests themselves which breed and raise offspring in the manure of all animals.

Control of flying pests is very simple and, in the case of the control measures used by Pair of Aces Stables, extremely effective. An example of the control measures used is illustrated in the following photographs:



Hanging Fly Trap in a Horse Stall



Hanging Fly Trap in a Horse Stall



Hanging Fly Trap in a Horse Stall



Hanging Fly Trap outside at the lower arena

These photographs are examples a bag-type fly trap. This trap utilizes an odorous attractant to lure the flies into the trap and retain them and is very effective.

At the Historic Silver Circle Ranch, fly traps of this type and style are numerous. Within every other horse stall a hanging trap is employed to control flies. Once caught, it is virtually impossible for a fly to exit and escape. These traps are effective against all types and species of flies found in and around boarding stables. Their range of attraction is greater than the boundary of the stable and associated stalls. Hanging of one trap in every stall and down the center aisle of the stable building during the warmer months is a serious over-kill; however this method prevents the need to change the traps too frequently.

Pair of Aces Stables also employs what is known as a Dyna trap. This electrical device attracts and disposes of gnats and mosquitoes. This trap is employed on the fence which adjoins the SCR property with 3600 Holcomb Ranch Lane and, over the past season, was particularly effective. The following photograph is of the Dyna trap used at SCR.



Dyna Trap - Particularly effective on mosquitoes and gnats, as well as flies.

As it has been noted, flies breed in fresh manure and large animals make fresh manure. This is recognized by the Washoe County District Health Department which has collaborated with the Historic Silver Circle Ranch and Pair of Aces Stables to generate and institute a very good manure management plan. By managing the manure that the stable generates through its daily activity, the medium through which flies propagate can be removed, breaking the life cycle of the flies which significantly reduces and manages the overall fly population at the stable. Manure is collected every day, throughout the course of the day, and placed in the dumpster illustrated in the following photograph. Each Monday, the dumpster is removed by Waste Management and replaced with an empty container. Manure is not allowed to collect around the Silver Circle Ranch.



Manure Dumpster found at the Historic Silver Circle Ranch - emptied every Monday

A person walking through the Pair of Aces stables today would be hard-pressed to find a fly - and that is not an exaggeration. As well, in August 2023, as part of the SUP application process, the applicant was required to hold a neighborhood meeting at the site. This meeting was held at the location of the proposed indoor arena - *directly downwind of the stable - and on a moderately windy day*. The applicant, at one point in the meeting, asked the crowd of about 100 people there if anyone had noted a fly. No one raised their hand, indicating that no flies were present - downwind - 150 feet away from the potential source of flies. That says something about the extent of fly control at the Silver Circle Ranch and Pair of Aces Stables. They have flies under control.

But fly control isn't a matter of convenience for the Pair of Aces Stables. It's a matter of equestrian health as well. Pair of Aces Stables does not just harbor your everyday run-of-the-mill horses. Horses found at Pair of Aces Stables can be more valuable than a small house and considerably more valuable than the average new car. Some of the horses can value at over \$150,000. This is because those horses are show horses, intended for competition. Flies can transmit some very nasty and dangerous diseases to horses. As a result and because of this, the Pair of Aces Stables take fly control very seriously. Flies have to be eliminated to protect the stable horse residents. This is why frequent manure and bedding removal is a must for this operation. Keeping fly populations under control (zero flies is a virtual pipe dream because there are flies constantly arriving from off-site) is a primary concern.

And there-in raises an interesting fact. Looking at the supplied photos of the fly traps (Pages 2 & 3), one will note that the traps are very effective. But where do most of these flies originate from if Pair of Aces Stables has an effective manure control plan? These traps have flies within them because most of the observed flies appear to be arriving from ... offsite. These are flies that are coming to the site from elsewhere, where manure is not effectively controlled and flies have found extensive and ample manure to breed and raise their offspring.

Our neighbor to the West at 3600 Holcomb Ranch Lane has recently voiced serious opposition to the commercial use of the Historic Silver Circle Ranch site due to flies that they have to tolerate at their home. The following photograph is of the property at 3600 Holcomb Ranch Lane and shows that residence adjoining an agricultural field on the North East and North West sides.





Cows at 3600 Holcomb Ranch Lane



Goats at 3600 Holcomb Ranch Lane

These three photographs clearly illustrate the livestock at 3600 Holcomb Ranch Lane - Photos are of numerous cows and goats.

The following photograph is taken where an irrigation ditch crosses from 3600 Holcomb Ranch Lane onto the property of 3400 Holcomb Ranch Lane and illustrates the manure problem not addressed by the owners of 3600. This manure is the real source of flies experienced by these owners while enjoying their yard/deck/swimming pool. This photograph shows only a small area wherein numerous fresh manure piles from cows are apparent. Flies love these piles because each pile represents a nursery.



Cow pies (fresh manure piles) lying on the ground at 3600 Holcomb Ranch Lane

While cattle have been the primary fielded animal at 3600 Holcomb Ranch Lane (west of the Silver Circle Ranch), until recently, this property has harbored goats on their property as well. Cows and goats not only attract flies to their bodies, but defecate indiscriminantly and, in the case of this property, have spread their manure across the *entire* property. These animals existed on their property until about September 2023, after which time they disappeared. Thus, the resident complaining in the Board of Adjustment meeting about problems with flies from SCR conveniently forgot to mention that their own property had animals which were even more conducive to fly production than horses - and these animals were placed *between* their residence and the SCR! So we have to wonder where their fly problem is actually coming from our stables, with many many fly traps, or their own property where there is an uncontrolled manure problem.

It isn't just the property at 3600 Holcomb Ranch Lane that is producing flies associated with neighbor complaints. The property across Holcomb Ranch Lane to the North regularly grazes cattle as well as the property across the creek to the South. Both properties graze numerous animals with absolutely no manure control. Please note the following photograph showing the neighborhood around the Silver Circle Ranch.



Silver Circle Ranch is the triangular parcel at the center bottom of the picture - it is noted that the color brown represents fields and pastures of which many surround the SCR property - in the lower right hand corner, the tiny black dots are, actually, cows.

Cattle are grazed upon all of the visible pastures and fields seen in this picture - except at the Silver Circle Ranch, which has horses. This picture, from Washoe County GIS, shows that the entire neighborhood around SCR is agricultural in nature.

In conclusion it is noted that at the Historic Silver Circle Ranch flies and other pests are strictly controlled by numerous active measures and traps including:

- * An approved and active manure control plan overseen by the Northern Nevada District Health Department,
- * Numerous successful and viable fly trapping measures which are regularly monitored and changed.

The success of these measures is seen by visitors at the SCR as a noted absence of any flies or other similar pests.

On the other hand, there exist many off site properties where cattle and goats are grazed with absolutely no manure control in place where flies breed and spread uncontrolled along with uncontrolled agricultural odors.

While there are certainly some flies breeding at the Pair of Aces Stables, it is apparent that the true source of flies in our neighborhood that are being complained about actually are NOT from the Historic Silver Circle Ranch or Pair of Aces Stables, but are a part of the grazing activities of everyone in the neighborhood – the complainers included.

Please feel free to contact our firm with any questions you may have regarding this memorandum and the photographs herein.

Sincerely Yours,
Soils Engineering, LLC



Hugh Ezzell, CE
January 3, 2023
Expires 12/31/24

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January 8, 2023

Re: Third Supplement to Appeal of WSUP 2023-0029 of Pro Pony, LLC
("Applicant")

The Applicant respectfully requests that the Board of County Commissioners add this third supplement to the appeal statement of the Applicant submitted on November 16, 2023, based upon the Memorandum by Hugh Ezzell, P.E, of Solis Engineering, LLC, attached hereto as Exhibit 1.

110.810.30(b) requires a finding 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."

The memorandum outlines the safety and adequacy of the driveway approaches to SR 671 from the Silver Circle Ranch, countering claims of danger and illegality made by public commentators at the Board of Adjustment meeting. The Memorandum further details the history, current status, and NDOT's acknowledgment of the main and secondary driveway accesses, noting ongoing and future improvements that the Applicant will make. It emphasizes the sufficiency of sight distances for safe entry to SR 671, absence of related accidents, and minimal impact on overall traffic patterns. The Memorandum demonstrates compliance with necessary facilities and road-related improvements, supporting an adequate public facilities determination as required under WCC 110.810.30(b).

Please let me know if you have any questions or concerns.

Sincerely,

/s/ Luke Busby, Esq.

Exhibit 1

Exhibit 1

MEMORANDUM

To: Landess Witmer and Luke Busby
From: Hugh Ezzell, CE

Re: Traffic Concerns – Holcomb Ranch Lane and the Silver Circle Ranch

TRAFFIC CONCERNS - SR 671

Mr. Busby and Mrs. Witmer,

Recent discussions and meetings have found persons claiming that driveway approaches to SR 671, Holcomb Ranch Lane, in Reno, Nevada from the Historic Silver Circle Ranch are both illegal approaches and inherently dangerous. This short memorandum is issued to serve reproach to both claims and illustrate the safety of both the main approach and secondary approach to SR 671.

The Historic Silver Circle Ranch is accessed by a main driveway approach from and off of Holcomb Ranch Lane. This driveway access is located between mile markers 104+30.32 and 116+00.32. The access intersects the driveway obliquely and approaches from a lower elevation to a mild super-elevated highway curve. The driveway is currently surfaced with a partially angular ½" x ¾" gravel of unknown depth and grades flat from side to side. Crossing of the regular highway bar-ditch is achieved through the use of a shallow 18" corrugated metal culvert.

The main driveway access has existed since well before 1985, when the pre-cursor to the Silver Circle Ranch was created through subdivision. The actual date of subdivision which created the present day property was in June, 2001, when the 12+ acre parcel came into existence through the subdivision of a larger parcel into two separate parcels by Warren and Norma Nelson (RS 3951). An aerial photo search found a 1985 image with the driveway clearly in existence. It is visually apparent that this driveway has served the property for a long time prior to 1985.

Through the desires of the current property owners, in November 2020 an encroachment permit for the existing, grandfathered driveway access was permitted. Plans and application were completed by Summit Engineers. Completion of that permit is immanent, once paving of the encroachment access is completed. With that paving, the encroachment of the main driveway will be accepted by NDOT as fully permitted.

The secondary access serves a portion of the property representing about slightly more than 60% of the total property area. The secondary access (and encroachment to SR 671) provides large and/or long vehicular access to area physically located at a somewhat higher elevation than the portion served by the main access. This is because about 40% of the property is located within the drainage of Dry Creek and areas which have been eroded over the eons. There is an about 30' elevation difference between the two halves of the property, with no specifically useable vehicular connection between the two. A

service road used by tractors and off road vehicles, as well as riders on horseback does connect the western ends of the two halves, but is not accessible by cars, pickups with trailers or larger vehicles (such as garbage trucks or hay trucks). Thus, the secondary access to SR 671 is necessary to provide complete access to the entire property. Construction of a new access connecting the lower portion of the property to the upper portion is not feasible given the site topography, or practicable given the existence of the secondary access.

NDOT is aware of the secondary access. In a December 19, 2023 letter, NDOT has expressed a desire for the property owner to actively design and submit plans and application for the secondary access location. On January 3, 2024, this engineer met with the NDOT traffic engineer to initiate that process. Included was the review and discussion of a Soils Engineering, LLC Traffic Letter documenting traffic loads to SR 671 from both the main and secondary access points.

Once application is made and project plans are accepted by NDOT, and once both accesses have been completed according to project plans, encroachments by both accesses to SR 671 will be formalized and accepted by NDOT.

SAFETY

Safety of traffic travel, both on SR 671 and access onto and from the state route is our primary concern when considering access encroachment design. NDOT has established a rigorous design specification and review process to ensure that access design is both safe and convenient. Included within the design review is consideration for site distance provided to drivers entering the highway. Site distance, coupled with moderate speed limits on the state route correlate to create safe movements onto and off of the highway to the driveways.

The two entrances to the highway from the Historic Silver Circle Ranch provide ample site distance for drivers entering the highway to safely assess the rate of speed and distance between themselves and oncoming traffic.

The following images were taken from the cab of a pickup stopped at the entrance to the highway from the main access. The site distance to the West is 700' and the site distance to the East is 420'. Approaching cars at the speed limit can easily be seen from the entering vehicle to the highway.



Main Driveway Approach to SR 671



View of Entering Vehicle to the West - 700'



View of Entering Vehicle to the East - 420'

The secondary approach to the highway provides site distance views of over 700' to the West (a good portion of Lakeside Drive and its traffic are visible from the secondary access and 500' to the East.

PAST ACCIDENTS

It is apparent that the driveways, when installed in the past, were placed at optimum locations for both access to the highway and to provide safe site distances. This mere fact has been borne out throughout the decades as, per the knowledge and belief of the owner, there has not been an accident on Holcomb Ranch Lane caused as a result of vehicle movements to or from the driveways serving the Historic Silver Circle Ranch. As well, there have not been any accidents at the specific locations of the driveways and their approaches to the highway.

The only accidents known to the applicant that have occurred on this section of the highway are those associated with the curve connecting Holcomb Ranch Lane and Lakeside Drive, located at the Northwest corner of the SCR property. Drunk drivers have a very hard time, late at night, negotiating that curve which has resulted in numerous insurance claims by the SCR due to destroyed fences. One accident, located to the immediate west of the secondary approach, happened at about 3 am and involved a drunk driver interacting with a large animal (cow) on the highway (NDOT records). All accidents, however, have not been associated in any way with the SCR driveways under consideration or traffic to/from the SCR site and Pair of Aces Stable business.

CONCLUSION

Driveways at the Historic Silver Circle Ranch have been around for decades. They were originally placed for convenience of access to both the upper and lower portions of the property and have, through the years, served the property well.

The Pair of Aces Stables strictly disallows parking of any sort on Holcomb Ranch Lane. When this occurs (which seems to be associated with deliveries and is of a very short duration of several minutes), it is rectified immediately with the driver. Riders of the equestrian school never park on the highway and always enter the property through the main access to park near the stables and their horses. The secondary access is currently under design to be re-configured such as to allow larger vehicles to pull off of the highway *before* parking to open the gate located there (Waste Management).

The Nevada Department of Transportation recognizes both accesses to SR 671, Holcomb Ranch Lane, and is allowing their upgrade and permitted encroachment to the highway. It should be noted that NDOT currently has out to bid improvement plans for Holcomb Ranch Lane in the vicinity of the SCR. The highway will be re-paved along with associated shoulder improvements, making the SCR driveways even safer.

Both driveways and their encroachments to the highway have been accident free down through the years and, in particular, since 2019 when the Pair of Aces Stable operation began. Since that beginning, traffic patterns to the Historic Silver Circle Ranch have changed very little with only a miniscule increase over the entire daily traffic volumes Holcomb Ranch Lane experiences (32 vs. >2000). It is apparent from this data that the driveways at the Historic Silver Circle Ranch are properly located and constructed and is NOT dangerous.

Please feel free to contact our firm with any questions you may have regarding this memorandum and the photographs herein - or even better, interested parties might wish to go have a look at the site for themselves.

Sincerely Yours,
Soils Engineering, LLC



Hugh Ezzell, CE
(775) 240-2692

Attachments:

NDOT Permit 212426-20
Driveway Improvement Plan Sheet by Summit Engineering
NDOT Enforcement Letter



STEVE SISOLAK
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

KRISTINA L. SWALLOW, P.E., Director

District II
310 Galletti Way
Sparks, NV 89431
November 17, 2020

Pro Pony, LLC
Attn: Felise Canterini
3400 Holcomb Ranch Lane
Reno, NV 89511

Re: Permit No. 212426-20 (SR 671 WA 2.04 – 2.03) – Permit Release

Dear Permittee:


The Nevada Department of Transportation has issued your permit to install a new modified Type 2A approach on SR 671 in Washoe County. The additional terms and conditions are listed on pages one through twelve of the attached permit. It is the Permittee's responsibility to obtain any additional permits and/or approval from the other governmental agencies as may be required by Federal law, State law, or local ordinances.

- Permittee is required to comply with the terms and conditions listed in the *Terms and Conditions Relating to Right-of-Way Occupancy Permits* booklet, as well as the additional terms and conditions stated in the permit. A copy of the booklet can be found on www.nevadadot.com. A hard copy can be provided upon request.
- A copy of the permit is required to be posted at the job site. Work will be suspended if the permit is not at the job site as required.
- Please ensure temporary pollution control and erosion control work conforms to the requirements of NDOT's *Construction Site Best Management Practices* manual. The Permittee shall fully comply with the manual, and Federal, State, and local regulations governing storm and non-storm water discharges from both the project site and areas of disturbance outside the project limits during construction. For information regarding this manual can be found on www.nevadadot.com.
- Please ensure your contractor contacts the District Permit Office to notify the District Inspector of any work in the NDOT right-of-way.
- For emergencies during non-business hours, notify the NDOT District Utilities 24/7 Hotline at (775) 834-8488.

- All work authorized by this permit shall be completed within one year from the date of issuance.
- All formal requests shall be processed through the District Permit Office. This includes, but not limited to, modifying work hours, working on holidays, construction time extensions and amendments. A formal request letter shall be submitted to the District Permit Office and addressed to the District Engineer for consideration. NDOT will not be responsible for any administration delay as a result of the PERMITTEE or a representative of the PERMITTEE not submitting the formal request to the District Permit Office for processing.

If you have any questions or need additional information, contact the District Permit Office at (775) 834-8330 or Dist2Permits@dot.nv.gov.

Sincerely,

DocuSigned by:

F78A2E5985A8438...
Paula J. Diem
NDOT District II Permit Coordinator

PJD/kdk

Attachment – Permit

cc: Anthony Newton – Summit Engineering Corporation
NDOT HQ Permit Coordinator
District Inspector
District File

Fee:	<u>\$50.00</u>	Permit No.:	<u>212426</u>
Milepost:	<u>SR 671 (WA 2.04 - 2.03)</u>	District:	<u>II</u>
District No.:	<u>212426-20</u>		
Applicant:	<u>Pro Pony, LLC</u>		
Type of Work:	<u>Install NDOT modified Type 2A Approach</u>		
Work Order No.:	<u>20151231</u>		
Reviewed By:	<u>Paula J. Diem</u>	<u>ds</u>	<u>PD</u>

**REVOCABLE PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423, 408.210 and NAC 408)**

1. Location where excavation, construction, installation and/or occupancy is proposed
SR 671 3400 Holcomb Ranch Lane
 Location name of highway Street address or nearest cross street

2. Type, scope of work, and any additional information:
 On SR 671 (3400 Holcomb Ranch Lane) from HES "X" 107+00, 12' Lt. (WA 2.04/2.04) to HES "X" 106+30, 12' Lt. (WA 2.03/2.03), install new modified NDOT Type 2A Approach.

3. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.**

4. Permit Contact Information:

Pro Pony, LLC
Felise Canterini
 Name of PERMITTEE

3400 Holcomb Ranch Lane
 Address

Reno, NV 89511
 City, State, Zip

(512) 415-3352 Felise.frc@icloud.com
 Phone No. Email

040-670-12
 Permittee's I.D. No. or Parcel No.



November 12, 2021

NDOT District II
Attn. Mike Fuess, P.E., District Engineer
310 Galletti Way
Sparks, Nevada 89431

RE: Permit No. 212426-20 (SR 671 WA 2.04 - 2.03)

Dear Mr. Fuess:

On behalf of the owner, Pro Pony LLC., Landess Witmer, Trustee, Summit Engineering Corporation is requesting a twelve month extension of the referenced permit, Permit No. 212426-20 for SR 671, Holcomb Ranch Lane) between milepost WA 2.04 - 2.03.

This permit was to bring a non-permitted driveway into conformance and improve the driveway to NDOT standards in association with on-site development that does not impact the State right-of-way. The project has been delayed when it was realized that Washoe County is requesting a Special Use Permit for the on-site development. The on-site development is a new indoor equestrian riding arena for an existing stable facility. The stable facility was grandfathered; however, with the new structure, the County is likewise requesting compliance and conformance for the facility. The SUP is in final preparation and will be heard by the County in February. Construction should commence shortly thereafter. We anticipate the driveway work to occur in the time frame of May - July, subject to the civil contractor's schedule at that time.

Thank you in advance for your consideration. If you have any questions, please do not hesitate to call at (775) 787-4364.

Sincerely

SUMMIT ENGINEERING CORPORATION

Clinton G. Thiesse, P.E.
Executive Vice President

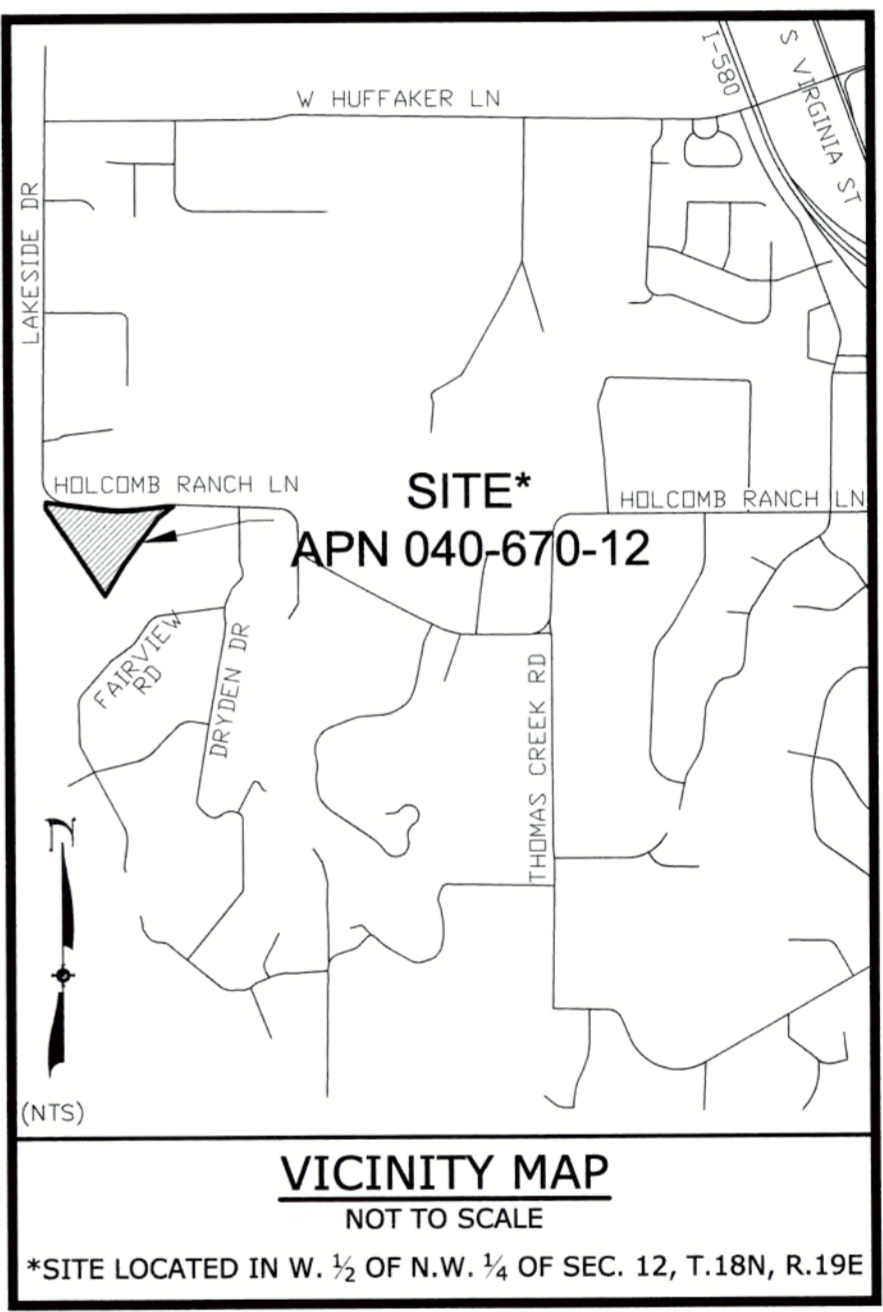
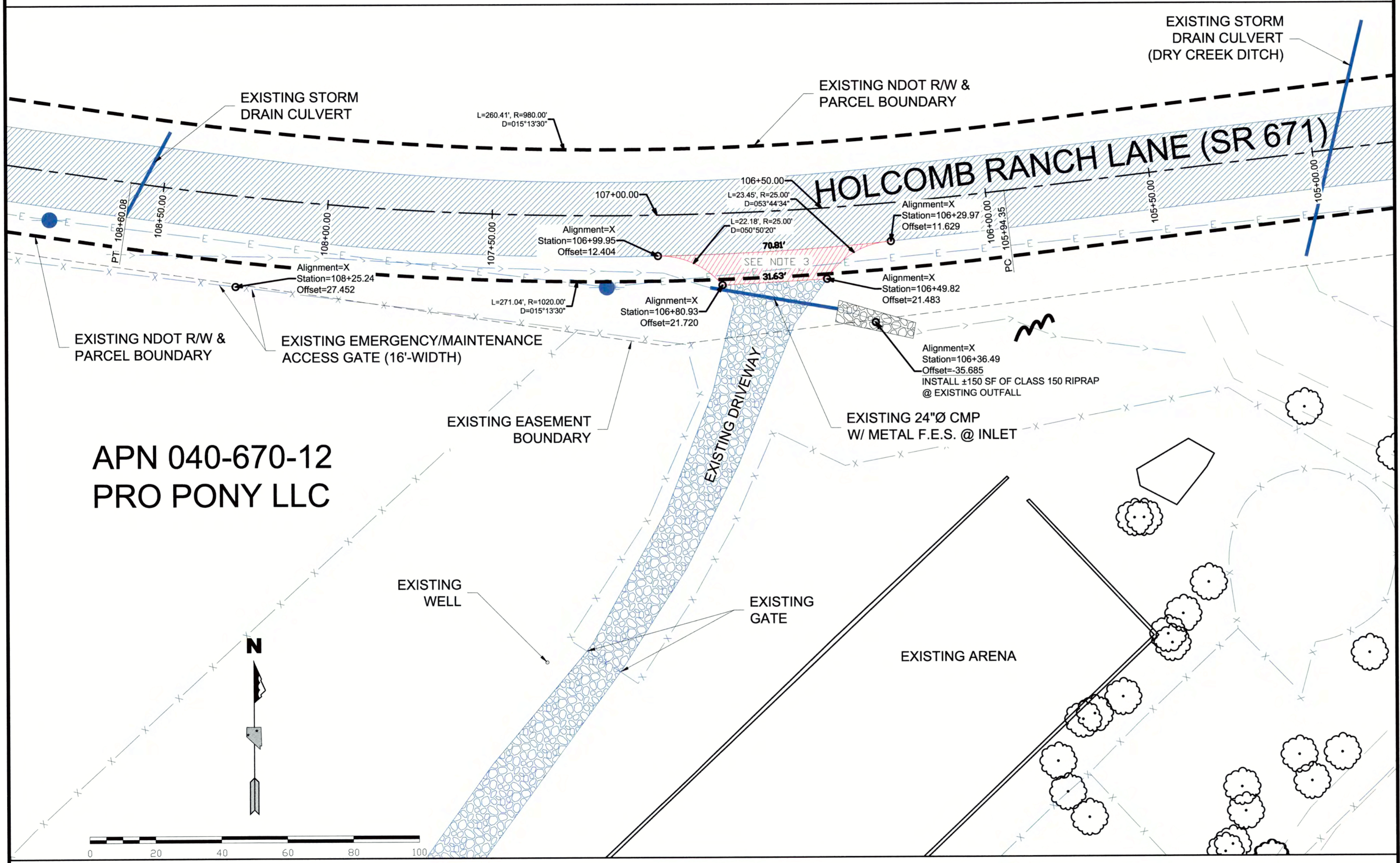
CGT:jar

LEGEND

	NDOT RIGHT-OF-WAY / PARCEL BOUNDARY		NDOT CENTERLINE ALIGNMENT W/ STATION LABELS & TICKS
	EXISTING EASEMENT BOUNDARY		EXISTING ROADSIDE DITCH (ARROW SHOWS FLOW DIRECTION)
	EXISTING AC		EXISTING FENCING
	EXISTING GRAVEL DRIVEWAY		EXISTING OVERHEAD ELECTRIC
	EXISTING STORM DRAIN		PROPOSED AC (3"-DEPTH) W/ AB (6"-DEPTH)
	EXISTING POWERPOLE		PROPOSED CLASS 150 RIPRAP
			TEMPORARY FIBER ROLL (SEE NOTE 4)

NOTES

1. NDOT CENTERLINE ALIGNMENT CREATED FROM NDOT RIGHT OF WAY MAP (REF. BK. 205, PG. 384, 10-09-1947). STATIONING CREATED FROM MILEPOST INDEX REPORT FOR SR671 (PROVIDED BY NDOT DISTRICT 2 PERMIT OFFICE).
2. EP CREATED FROM OFFSET OF NDOT CENTERLINE ALIGNMENT (SEE NOTE 1).
3. MODIFIED NDOT TYPE 2A APPROACH (REF. NDOT STANDARD PLANS FOR ROAD AND BRIDGE CONSTRUCTION).
4. INSTALL STORM WATER PREVENTION FIBER ROLLS FOR SEDIMENT PROTECTION DURING PLACEMENT OF RIPRAP. FIBER ROLLS SHALL BE MAINTAINED AND CLEANED AS REQUIRED. REMOVE UPON COMPLETION.

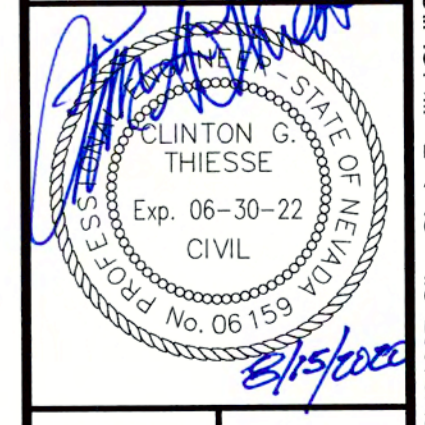


REV.	DATE	DESCRIPTION	BY	APP'D

**NDOT ENCROACHMENT PLANS FOR
SILVER CIRCLE RANCH
EXISTING DRIVEWAY**

NEVADA
WASHOE COUNTY
RENO

DESIGNED BY: ABN
CHECKED BY: CGT
SCALE
HORIZ: 1"=20'
VERT: N/A
JOB NO: 31027



SHEET 1 OF 1



JOE LOMBARDO, Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

District II
310 Galletti Way
Sparks, Nevada 89431
775-888-3040

TRACY LARKIN-THOMASON P.E., Director

310 Galletti Way
Sparks, Nevada 89431
December 19, 2023

Pro Pony LLC
Attn: Landess Witmer
3400 Holcomb Ranch Lane
Reno, NV 89511
witmers2@live.com

**RE: Enforcement Letter
Permit #212426-20
Pro Pony LLC**

Dear Permittee,

This letter is in reference to Nevada Department of Transportation (NDOT) standard occupancy permit 212426-20 for Pro Pony LLC to construct an NDOT Type 2A approach on SR 671. NDOT is aware that construction of the approach was not completed under this permit. Work remaining is asphalt paving of the approach per the approved permit and plans.

Additionally, an illegal access has been discovered to SR 671 from your property, located approximately 125 feet west of the permitted approach. NDOT is requesting the removal of the illegal access or to contact the District II Permit Office at (775) 834-8330 to begin the permit application process.

Please contact me by phone at (775) 834-8330 or written response within 30 calendar days to discuss Pro Pony LLC's schedule to complete the approach work and the removal/permitting of the illegal access. Your timely and diligent attention to this issue is sincerely appreciated.

Sincerely,

DocuSigned by:

B1BF4BF10FDF434...

Erin Wilson
Permit Inspection Supervisor
Nevada Department of Transportation, District 2

EJW/jms

Cc: Bhupinder Sandhu, Acting District 2 District Engineer
Jeffrey Freeman, District 2 Engineering Services Manager
Jason Peard, District 2 Maintenance Manager-West
Jeremy Roberts, District 2 Permit Supervisor
Jay Smith, District 2 Permit Inspector
Read-file

Luke Andrew Busby, Ltd.

316 California Ave
Reno, NV 89509
775-453-0112

luke@lukeandrewbusbyltd.com
www.lukeandrewbusby.com

January 8, 2023

Re: Fourth Supplement to Appeal of WSUP 2023-0029 of Pro Pony, LLC
("Applicant")

The Applicant respectfully requests that the Board of County Commissioners add this third supplement to the appeal statement of the Applicant submitted on November 16, 2023, based upon the Memorandum by Hugh Ezzell, P.E, of Solis Engineering, LLC, attached hereto as Exhibit 1.

110.810.30(b) requires a finding 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."

The Memorandum provides substantial evidence to support the finding that the Applicant meets the standard outlined in 110.810.30(b) for the issuance of a Special Use Permit. It emphasizes that the construction of an indoor arena will have negligible to no impact on flooding or drainage. This is supported by detailed analyses of the Dry Creek Drainage Basin, adherence to the Truckee Meadows Regional Drainage Manual, and FEMA's assessments. Furthermore, the project's design will ensure that it will **not alter flood behavior or increase runoff**, demonstrating compliance with necessary facilities and public facilities determinations as required by Division Seven.

Please let me know if you have any questions or concerns.

Sincerely,

/s/ Luke Busby, Esq.

Exhibit 1

Exhibit 1

MEMORANDUM

To: Landess Witmer and Luke Busby
From: Hugh Ezzell, CE

Re: Flooding Risk at the Historic Silver Circle Ranch

FLOODING AT THE HISTORIC SILVER CIRCLE RANCH

Mr. Busby and Mrs. Witmer,

Complaints have been made by the Last Chance Ditch Company regarding flooding on Dry Creek and how that flooding is affecting the Last Chance Ditch and its operation. These complaints are supported by engineering reports and claims by its board members during meetings. The following memorandum, if read in its entirety, will clear up the misinformation of those claims and misdirection their engineering report attempt to create for the public in misguided attempts to focus blame on the Historic Silver Circle Ranch for past flooding and it's effects on the ditch which are either caused by other factors or are perfectly natural in origin.

The Dry Creek Drainage Basin drains by way of Dry Creek, which happens to flow through a portion of the Historic Silver Circle Ranch. This drainage is similar to numerous other drainages encircling the Truckee Meadows.

As with all drainages throughout Northern Nevada, the Dry Creek Drainage receives excess precipitation from time to time and experiences flood runoff. It is an inevitable fact that Dry Creek, as it flows through the Historic Silver Circle Ranch, will flow at flood rates from time to time. The rate and magnitude of flooding is generally proportional to the type of storm event leading to flood conditions. As well, flood magnitudes are directly dependent on the type of storm/runoff events that may occur with slow, drenching storms producing different runoff events than, say, rain-on-snow events. As well, storm temperatures directly affect how snow melts and the runoff event unfolds.

The Truckee Meadows Regional Drainage Manual (TMRDM or the design manual, hereafter) is the guide and specification local to the Reno area which is followed by municipalities and the engineering community in the design and development of projects. Contained within this design manual are all guidelines and specifications necessary for an engineer to design most projects in Northern Nevada.

The design manual works with data associated with specific "design storms" to quantify and evaluate what can be expected of precipitation during any runoff event (data regarding precipitation is provided by the National Oceanic and Atmospheric Administration NOAA). That quantified precipitation and runoff data, specified over a defined time period, is related to the capacity of the soil surface of the drainage basin to absorb water in order to evaluate how much runoff (water that cannot be absorbed quickly enough) can be expected. Some events result in no runoff as soil is capable of

absorbing and containing all of the falling precipitation, while other events result in varying degrees of runoff which often appears as flooding.

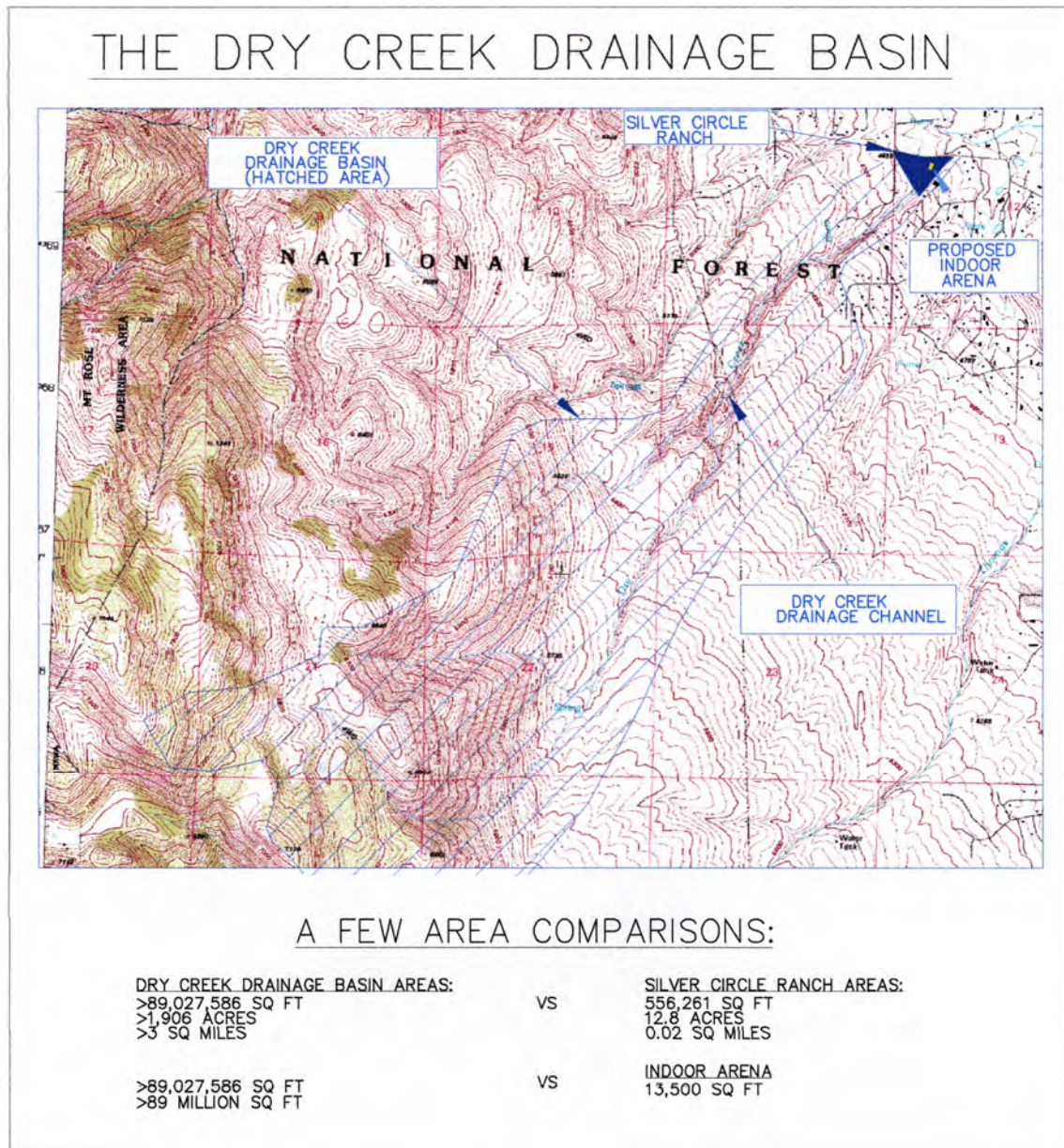
Flooding should not be confused with runoff. Runoff occurs whenever precipitation overcomes the ability of soil to absorb water that collects upon the surface and begins to flow over the ground surface. (NOTE: For this proposed project, runoff created by the proposed project itself will have negligible effect on the overall magnitude of any flood event. This is because the TMRDM only requires the applicant to address the change in runoff from the site due to the construction of the project. In the case of the indoor arena to be constructed at the Historic Silver Circle Ranch, the increase in runoff will be essentially zero when compared to the overall volume of flow associated with any given design flood event).

Flooding, however, is the condition wherein runoff exceeds some pre-conceived or designated flow volume or level (or elevation as it is commonly measured) within a flow channel. Thus runoff without flooding is commonly observed, while flooding, being an unusually voluminous or elevational high form of runoff, occurs much less frequently. Thus, the runoff from an insignificantly small roof area will not affect the overall flood volume which originates from an overwhelmingly and significantly larger drainage basin.

Dry Creek represents a runoff channel for the Dry Creek Drainage Basin. Precipitation falls upon the basin and, at times, runoff occurs. Additionally, there exist numerous natural springs and some meadows along the course of Dry Creek above the Historic Silver Circle Ranch which contribute to flow in the creek bed. Dry Creek sometimes dries up entirely during the summer but, as in this year, can also flow continuously through the summer.

If one closely observes the course of Dry Creek, it also is noted that it does not flow entirely from the Sierra Nevada Mountains, but is formed from a minor basin situated, to a large degree, upon the foothills of the Sierras. That noted, it can be seen that there is considerable perennial vegetation along the Dry Creek channel, beginning approximately at the top of the foothill areas traditionally irrigated (about at the elevation of the Steamboat Ditch). This is no coincidence. It is readily apparent that flow in Dry Creek is boosted considerably from field irrigation run out, coming from both sides of the creek and towards the creek underground and appearing as spring fed flow into the creek (thus helping to allow the creek to flow during the summer). There is little doubt, as well, that some surface flow comes to Dry Creek as irrigation water overland runoff from the Steamboat Ditch, located uphill and to the West of Historic Silver Circle Ranch.

The following plate approximately shows the Dry Creek Drainage Basin overlaid on the USGS topo quad for this area. The Basin is outlined in dark blue and is hatched to show its area. Additionally, the Historic Silver Circle Ranch is shown with the indoor arena. Scales on this sketch are close to exact. A comparison of the actual areas of individual items is shown below the sketch indicating how small the indoor arena actually is in comparison to the total area of the Basin available for collecting runoff water.

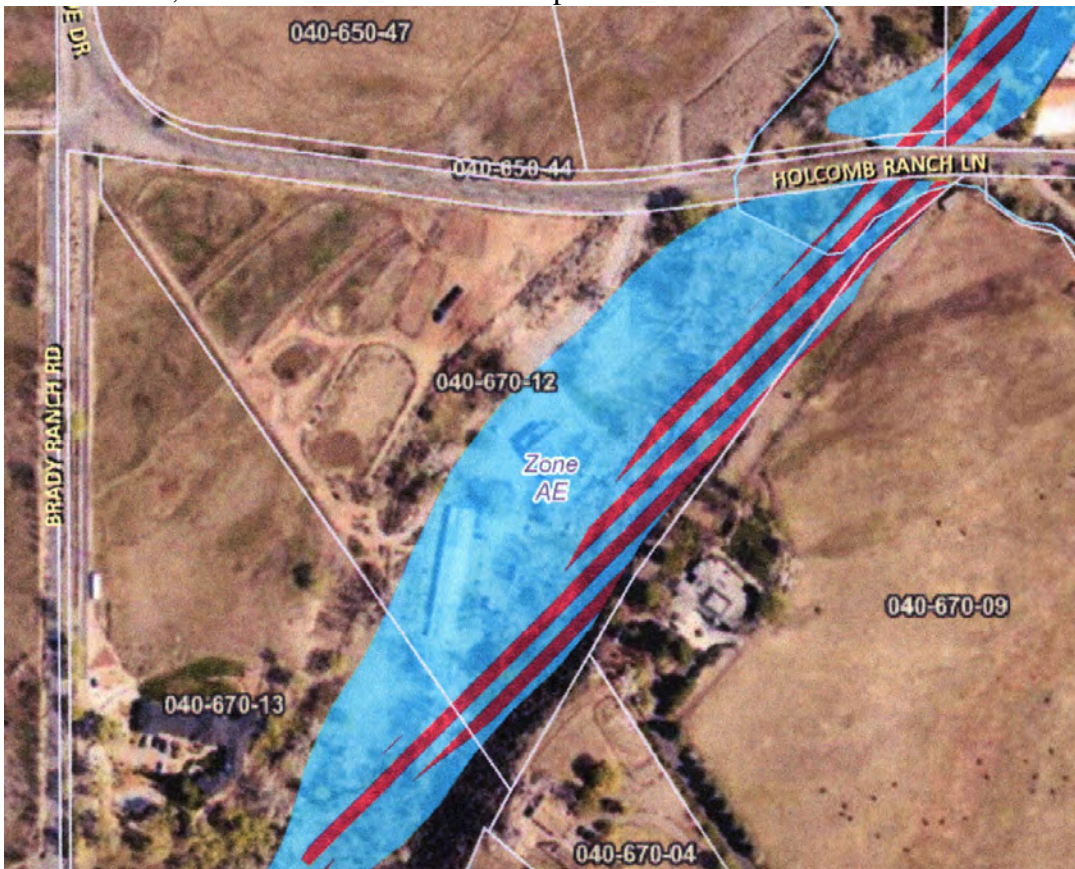


We will next review the actual creek bed and flood channel that exists at the Historic Silver Circle Ranch. This project is a somewhat unusual circumstance in that ALL the water from the drainage basin MUST flow through the Historic Silver Circle Ranch -

floods or otherwise. Due to the geography of the Sierra Nevada foothills and the means of past erosion for the drainage basin, the creek bed and flood plain have been carved into the foothills in a clearly defined channel with high-sloping sidewalls. This channel is a very old geomorphic feature that has existed since long before man came to the Truckee Meadows. When we consider flooding along Dry Creek, we speak of events that are eons old, not man-made creations of just under two century's duration.

Thus, when we travel to the Historic Silver Circle Ranch and observe Dry Creek, as its creek bed flows across the ranch, we are observing it as it has more-or-less been for the past many centuries. It would not be a stretch to claim that the creek bed has remained, basically, unchanged since the last ice age, 10000 years ago (10000 years, by the way, is a very short time interval when considering Earth's surface features).

The Federal Emergency Management Agency (FEMA) has already taken a close look at the Dry Creek drainage basin in its flood control program and, through extensive analysis, developed a map at the Historic Silver Circle Ranch of expected flood elevations. That map, overlaid over the Washoe County GIS aerial of the Historic Silver Circle Ranch, shows the aerial extent of expected floods.



FEMA flood zone map overlain over Washoe County GIS for the Historic Silver Circle Ranch

In the above picture, please notice several things. First the blue represents what FEMA considers the total width of the flood zone. The red represents what is considered the flood way or the critical flood way. Normal construction in the flood zone is generally permitted without the participation of the Army Corps of Engineers, however construction or manipulation of the flood way or critical flood zone area (red) is not allowed without a specific permit from the Army Corps of Engineers. The indoor arena has been carefully situated to remain only in the flood zone.

Also note that, at Holcomb Ranch Lane, something unusual is happening with the width of the flood zone. At that point, the flood zone seems, and does, neck down to a narrower width. On both sides of Holcomb Ranch Lane, the flood zone appears to be wide, while over Holcomb Ranch Lane the flood zone is definitely much narrower. This is because Holcomb Ranch Lane rises in elevation as it crosses Dry Creek and the flood zone. This creates a partial artificial dam over Dry Creek which forces the flood zone to narrow.

The natural result of narrowing of the flood zone is that the overall depth of the flood must increase to accommodate the unchanging volume of water that must pass that point. Additionally, an increase in flood water depth will also result in an increase in flow velocity.

So construction of Holcomb Ranch Lane, in association with the presence of the Last Chance Ditch (remember that the ditch existed before the highway and the highway existed before the Historic Silver Circle Ranch), have created a natural impediment to the flow of flood waters in Dry Creek. This, naturally, is going to create conditions of deeper, faster flow at that location. When the Dry Creek floods are forced to flow deeper and faster, erosion and debris problems are going to be created at that location - problems that were made and existed before the Historic Silver Circle Ranch was conceived.

The existing lower arena can be discerned in the blue area where the flood zone is widest. This location is somewhat upstream from the necking-down point happening at Holcomb Ranch Lane and the Last Chance Ditch. A wide flood zone results in a shallower flood and a shallower flood results in slower flow rates and low erosion. This indicates that the location of the proposed indoor arena is at the best point in the flood zone from which to disturb the flood the least.

We have coupled locating the indoor arena with a civil design which allows the flood to flow directly through the indoor arena building itself. The end result is that the flood, when happening, will not be altered significantly from its original course or width. The end result is that the behavior of the flood will not be altered significantly by the indoor arena building. Washoe County Engineering, it can be assured, will be certain of this prior to issuance of a building permit.

Considering the above, claims by the ditch company that the indoor arena building, as proposed, will alter the 100 year flood are inaccurate and exaggerated. The problems of the ditch company have been created by its own construction and that of Holcomb Ranch

Lane. If the indoor arena building will allow the 100 year flood to pass through, basically unobstructed, then it will NOT negatively alter the end effects of the flood on the ditch.

In the next few photographs, please observe the Dry Creek creek bed and flood plain as it has existed over recorded history at the proposed location of the indoor arena.



This view is across the existing lower arena to the Southwest, the brush in the background is the creek bed and flood way, the arena and fenced corrals are the flood plain. The entire width of the creek bed and plain shown here is the flood zone. During the 100 year flood event, FEMA has determined that the arena will be under about 12" of flowing water - not white water rapids type of flow, but slower, calmer flows. While the indoor arena building will cover this area, the flood will still be able to flow over the arena, left basically unchanged.



This view is to the West, towards upstream. The 100 year flood can be expected to flow along the right hand side of the shown arena. The flood would flow about 12" deep according to FEMA. Once the indoor building is constructed, the flood will continue to flow across the arena, which will remain, and to the East, behind the photographer.

Normal (non-flood) stream flow can be expected to remain within the critical flood way. The following picture illustrates that flood way



When flow increases to the point of flooding, water can be expected to flow where the vehicle is in this picture at about 12" depth.

The following photograph illustrates Dry Creek as it enters the Last Chance Ditch.



There isn't anything unusual at this location, simply the creek entering the ditch. Note, however, that during a flood event, the ditch will fill with water quickly and remain full, making conveyance of the flood past the ditch difficult.

This photo shows a make-shift head gate structure constructed of left-over concrete blocks and a secondary-quality concrete headwall structure. The opening that can be seen leads towards downstream to a culvert structure beneath Holcomb Ranch Lane, which is located beyond. It is the engineer's assumption that the ditch companies complaints surrounding flooding from Dry Creek is associated with keeping this structure clean and debris free as, when debris blocks this structure, the flood will have nowhere to go but down the ditch in both directions and, if voluminous enough, over the observed structure.

It is assured that, during a flood event on Dry Creek, all water and debris **WILL** arrive at this location. The debris will consist of just about everything imaginable - sticks, leaves, branches, dead animals, rocks and an appreciable amount of sediment along with trash. The Historic Silver Circle Ranch has done everything possible to keep its grounds clean and debris free, but one review of the first photograph in this memorandum clearly illustrates that the Dry Creek drainage runs for (literally) miles above the Historic Silver Circle Ranch. This length of run gives ample opportunity for debris and trash to enter the flood and present itself at the Last Chance Ditch.

It should be noted that the Historic Silver Circle Ranch has done considerable work in cleaning up dead vegetation in the flood way through its property. While no grading or other channel-altering work can be done without a permit from the Army Corps of

Engineers in the floodway, it is perfectly acceptable and allowed to clean and clear dead vegetation.

In the end, the Last Chance Ditch Company may want to consider a different tact to resolving its engineering problems at the ditch/creek interface.

Instead of investing resources into engineering reports from engineers which, to the best of our knowledge have never set foot on the Historic Silver Circle Ranch, and which focus on the obvious normal design steps to be taken with respect to engineering required to permit the indoor arena building or delve upon the unlikely possibility that the indoor arena building may, somehow completely disassemble in a 12" deep flood and be washed into the Last Chance Ditch (a less than likely probability, closer to impossible), the ditch company might consider as an alternative, perhaps, purchasing an old excavator with a thumb attachment to be parked at the head gate structure to clear debris when the flood occurs (a less-than \$10,000 investment). Or, perhaps, the ditch company might want to spend it's engineering dollars on civil engineering which focuses on obtaining an Army Corps permit to clean and straighten (somewhat) Dry Creek upstream of the ditch. Our firm would be more than happy to assist the ditch company in such an endeavor.

It is, as well, almost a certainty that the Historic Silver Circle Ranch would be amenable to such a permitting endeavor and cooperate with the ditch companies efforts to better control how the inevitable flooding will occur such that the ditch would be less impacted were the ditch company to obtain the necessary permits.

We would like to make two last illustrations address comments by ditch company representatives in past meetings.

The first notes a comment directed by a ditch board member in the last applicable Board of Adjustment meeting on this matter which indicated that the ditches performance was a problem last winter and that flooding in Dry Creek created big problems for the ditch company. Addressing this comment, there certainly was some minor flooding along Dry Creek last year, as with every year, but nothing out of the usual - a call to Washoe County Engineering by this engineer confirmed that last years weather conditions produced no documented flood events. This indicates, then, that the ditch company has problems at this location every year, flooding or not, which points to a deeper engineering problem associated with the ditch, not the drainage.

Secondly, a perusal using google earth reveals that the Steamboat Ditch solved its runoff problems (apparently rather recently) by constructing a by-pass for Dry Creek beneath its ditch. This is relevant on two accounts: 1. runoff that would have been captured by the Steamboat Ditch is now arriving at the Last Chance Ditch and 2. The Last Chance Ditch Company might learn something from the Steamboat Ditch Company about managing runoff water. That is, of course, if the Last Chance Ditch company has NOT entered into any sort of agreements with Washoe County to convey storm water runoff. Or, perhaps, the Last Chance Ditch Companies complaints actually are better focused with the Steamboat Ditch Company and not with the Historic Silver Circle Ranch?



A google earth view of the Steamboat Ditch Companies aqueduct which passes over Dry Creek and forces all runoff from Dry Creek to pass beneath and beyond the Steamboat Ditch. The steamboat ditch is located above the Last Chance Ditch, now passing over Dry Creek.

CONCLUSION

Several conclusions can be made when we consider flooding along Dry Creek at the Historic Silver Circle Ranch:

- * Flooding has its origins over a significantly wider area than simply the Historic Silver Circle Ranch itself,
- * That proposals for improvements at the Historic Silver Circle Ranch will have negligible to no effect on flooding upon the Last Chance Ditch or other downstream structures/properties,
- * That construction of the Last Chance Ditch and Holcomb Ranch Lane are, in fact, the real reason why the flood zone necks down at their location, creating associated problems,
- * That it would seem that misadministration of funds and negligence at the Last Chance Ditch Company may be the real factor in why the Last Chance Ditch has, to this day, been incapable of addressing flooding from Dry Creek upon the ditch,

- * That even if the indoor arena at the Historic Silver Circle Ranch is not constructed, there will be no measurable effect on the magnitude of flooding nor its effects on the Last Chance Ditch itself into the future.
- * That there will be a positive, accurate and approved engineered design associated with the design and construction of the indoor arena - that such design will be reviewed, commented upon and approved by ALL relevant municipal agencies,
- * That the Last Chance Ditch Company, will be afforded the opportunity to review the final design by the Historic Silver Circle Ranch and given the opportunity to make comment upon such design as part of the design review process.

Please feel free to contact our firm with any questions you may have regarding this memorandum and the photographs herein - or even better, interested parties might wish to go have a look at the site for themselves.

Sincerely Yours,
Soils Engineering, LLC



January 8, 2024
Expires 12/31/24

Hugh Ezzell, CE
(775) 240-2692

Attachment: Letter, 10/31/23 Bear Flag Engineers-Surveyors
Clark Stoner, PE
Rebuttal to JUB Engineers



October 31, 2023

Luke Busby, Esq.
316 California Street
Reno, NV 89509

Re: **3400 Holcomb Ranch Lane** -- **SUP App. No. WSUP23-0029**
Reno, NV **Rebuttal to JUB Engineers,**
APN: 040-670-12 **Inc. Memo dated 9-26-23**

Dear Mr. Busby:

Per your request I reviewed the JUB Engineers memorandum dated 9/26/23. The JUB memorandum highlights several concerns; however, please note that such issues are not uncommon for projects located in similar developmental environments.

Projects with drainage components in Washoe County are governed by the 2009 Truckee Meadows Regional Drainage Manual. Any project in Washoe County containing drainage components must adhere to the standards and guidelines laid out in the 2009 Manual. The primary objective of the Manual is to "ensure consistency in analysis, planning, and design of projects with flood control and drainage components." The Manual ensures that projects are held to the same rigorous standards, guaranteeing both safety and consistency for all development projects in Washoe County.

The concerns delineated in the JUB memorandum, while they do require attention, are not unique or unprecedented. These types of concerns or issues are routinely encountered and effectively managed all over the world in the civil engineering profession. In Washoe County, these issues are typically addressed and resolved during the building and grading permit application process. Addressing the issues, or concerns, raised in the JUB memorandum is a standardized part of the project development life cycle, ensuring all possible issues are foreseen and managed in a structured manner prior to issuance of permits.

Moreover, those potential impacts downstream of the Subject Project, as identified in the JUB memorandum, are entirely manageable. The owner, in collaboration with her team of experts, has at her disposal a variety of tools and methodologies provided by the Manual. This means that not only are there established protocols for addressing such concerns, but also that there's a wealth of knowledge and precedent guiding the mitigation process.

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In conclusion, while the issues raised are certainly noteworthy, they can be effectively navigated using the established guidelines of the 2009 Truckee Meadows Regional Drainage Manual. The project can be executed in compliance, ensuring both its success and adherence to regional standards.

Should you need any more details or wish to dive deeper into any aspect, please don't hesitate to reach out for further discussions or clarification.

Very Truly Yours,

Clark E. Stoner, PE, PLS

