



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: January 16, 2024

DATE: December 15, 2023

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Planning and Building Division, Community Services Department, (775) 328-3627, jolander@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, (775) 328-3619, kmullin@washoecounty.gov

SUBJECT: Public hearing: Pro Pony, LLC's appeal of the Washoe County Board of Adjustment's failure to approve Special Use Permit Case Number WSUP23-0029 and opposing neighbor Jill Brandin's appeal, filed to preserve her right to judicial review. Pro Pony, LLC requests approval of 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. Pro Pony, LLC 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)).

The applicant and property owner is Pro Pony, LLC. The address is 3400 Holcomb Ranch Lane (Silver Circle Ranch) in Reno. The Assessor's Parcel Number is 040-670-12.

The Board of County Commissioners shall consider the appeal based on the record and any testimony and materials submitted at the public hearing. The Board of County Commissioners may approve or deny the special use permit. (Commission District 2.)

SUMMARY

Washoe County received two appeals of the Washoe County Board of Adjustment's (BOA) failure to approve WSUP23-0029 on November 2, 2023.

1. Pro Pony, LLC (the Applicant) has appealed the BOA decision, arguing substantial evidence supports a finding that all factors required under Washoe County Code 110.810.30 for the approval of a special use permit have been satisfied. The Applicant is seeking approval of WSUP23-0029; and

AGENDA ITEM # _____

2. Jill Brandin, a neighboring property owner opposed to the project, filed her appeal to preserve her right to file a petition for judicial review if the Board of County Commissioners grants the special use permit. To have standing to file a petition for judicial review challenging a land-use decision under NRS 278.3195(4), a petitioner must be both aggrieved and have appealed the decision to the governing body. Ms. Brandin remains in opposition to the approval of WSUP23-0029 and acknowledges she has appealed “a favorable decision of the Board of Adjustment, filed to preserve a right to judicial review.”

Washoe County Strategic Objectives supported by this item: Meet the Needs of Our Growing Community and Support a Thriving Community

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. 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.

PREVIOUS ACTION

On November 2, 2023, the Board of Adjustment (BOA) was unable to take action on WSUP23-0029. A motion was made to deny the special use permit request (SUP), but the motion failed to receive a majority vote. The decision was 2-2.

In 2021, Pro Pony applied for a special use permit and administrative permit (WSUP21-0036 & WADMIN21-0016 Silver Circle Ranch). The special use permit was for a commercial horse boarding stable for 25 horses and for grading of 6,000 cubic yards for an indoor riding arena and the administrative permit was to construct an 11,580 SF indoor riding arena structure. On February 3, 2022, those applications were denied by the BOA. The applicant appealed the decision to the BCC and it was heard on April 12, 2022. The BCC continued the matter, directing the applicant and the neighbors to try to resolve their issues and to return to the BCC. The applicant ultimately withdrew their appeal, and the matter did not return to the BCC in 2022.

BACKGROUND

The Board has two appeals before it for consideration. The Applicant is appealing the BOA’s failure to approve WSUP23-0029. The Applicant requests this board approve their special use permit, allowing them to:

1. Bring an existing legal non-conforming commercial stable into compliance with current code;
2. Construct a 13,500 square foot indoor riding arena; and
3. Modify requirements for paved parking surfaces to allow non-paved surfaces and vary landscape standards.

Jill Brandin, a property owner neighboring the Silver Circle Ranch and opposed to the issuance of the special use permit, appealed following a favorable outcome at the BOA to preserve future rights to petition for judicial review pursuant to NRS 278.3195(4) if the Board of County Commissioner’s approves the special use permit. (Attachment B)

Pro Pony LLC Appeal:

The Applicant is requesting approval of Special Use Permit WSUP23-0029 on appeal, after the BOA was unable to take action following a 2-2 vote. The SUP seeks 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. It also requests to vary code requirements relating to paved parking and lighting.

Silver Circle Ranch is a horse boarding/training facility with a barn/stable and outdoor riding arenas that has been operating since the early 1970s, although not owned by the Applicant until 2019. The site has a current business license to board 35 horses, 2 of which shall be “retired” horses. A SUP was not required for the site when the commercial stable was established. However, a SUP is now required for a commercial stable in the High Density Rural (HDR) and General Rural (GR) regulatory zones. In applying for the special use permit to build the indoor riding facility, the Applicant is required to bring the legal non-conforming commercial stable into conformance with code.

The parcel has a regulatory zone of 93% HDR and 7% 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).

There are two existing outdoor arenas on the Silver Circle Ranch property. The one closest to Holcomb Ranch Lane is where the proposed new 13,500 SF metal indoor riding arena structure is to be constructed. 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 on-site structures.

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 daily 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 private clinics per year will be held for the trainer’s students. Horse clinics are typically a lesson taught by a well-known trainer and not the onsite trainer and the lessons are typically 1-3 hours a day.

As part of the SUP application, the applicant also requests to vary the code requirements per Article 410, Parking and Article 412, Landscaping, to waive the following code provisions:

1. 110.410.25 (e) – Vary paved parking, driveway and maneuvering area requirements and allow for non-paved surfaces in these areas for the safety of horses and riders. The applicant will improve the drive and parking areas with compacted, maintained gravel surfacing.

2. 110.412.40 (a)- Vary the 20% landscape requirement for commercial use. The area has existing vegetation along with pastures on the site.
3. 110.406.12(b) Vary the landscaping requirement for adjoining streets with at least one (1) tree for every fifty (50) linear feet. The applicant has added approximately 20 fast-growing evergreen trees and shrubs between the proposed indoor arena and Holcomb Ranch Lane.
4. 110.412.40(c) - Vary the landscaping requirement to buffer adjoining residential uses. The buildings and riding arenas are not adjacent to residential uses and the site is buffered by newly planted trees and existing trees and vegetation.
5. 110.406.12(d) -Vary the landscaping requirement to screen from residential uses. The buildings and riding arenas are not adjacent to residential uses and the site is screened by newly planted trees and existing trees and vegetation.

The Applicant is also requesting to amend Washoe County Engineering and Capital Projects condition 2.d. (see Attachment D, page 15). Washoe County Engineering and Capital Projects has agreed to the following amendment of the condition:

2.d. Prior to approval of a building permit or grading permit, the developer will furnish, with any building permit application, documentation of submittal of the civil improvement plans proposed on the project site to the Ditch Company for review and comment, including any comments received from the Ditch Company. The applicant may require a timeframe of not less than fifteen (15) working days to receive comments from the Ditch Company.

In accordance with WCC 110.810.30, to approve the special use permit the Board must make factual findings that all of the following factors are true:

- (a) Consistency. The proposed use is consistent with the Master Plan and the applicable area plan;
- (b) Adequate Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided;
- (c) Site Suitability. The site is physically suitable for the type of development and for the intensity of 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.

If the Board cannot find that the special use permit meets all four factors, the special use permit must be denied.

Neighbor Jill Brandin’s Appeal:

Jill Brandin, a neighboring property owner who opposes the approval of the special use permit, appealed the BOA decision to preserve her right to petition for judicial review pursuant to NRS 278.3195(4) if she is aggrieved by the decision of this Board.

Pro Pony, LLC has filed a motion to dismiss Brandin’s appeal, arguing that she lacks standing to appeal the decision.

Washoe County Code permits “a party of record who is aggrieved by a decision of the Board of Adjustment” to appeal the decision to the Board of County Commissioners. WCC 110.912.10.9; WCC 110.912.20. Washoe County Code 110.910.02 defines an “aggrieved person” as:

A person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or
- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.

The BCC must decide whether, pursuant to Washoe County Code, Brandin has standing to appeal the favorable ruling she received at the Board of Adjustment. Although Brandin requests no relief by way of her appeal, the practical significance of dismissing the appeal is that, rather than receiving a 15-minute block as an appellant to present her case, Brandin would be limited to making public comment at the hearing.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

The Board of County Commissioners should review the record and consider the record and any testimony and materials submitted at the public hearing. The Board may take one of the following actions:

1. Approve Special Use Permit Case Number WSUP23-0029 ; or
2. Deny Special Use Permit Case Number WSUP23-0029.

Whether approving or denying, the Board must articulate the factual evidence that enables or prevents it from making the findings required by WCC Section 110.810.30.

POSSIBLE MOTIONS

Should the Board find that approval of Special Use Permit Number WSUP23-0029 is appropriate after consideration of the factors in WCC 110.810.030, a potential motion is:

“Move to approve Pro Pony, LLC’s application for Special Use Permit Number WSUP23-0029, with conditions as provided in Attachment J, having made the findings based on the record and evidence presented today that the proposal is consistent with the master plan,

adequate improvements have been provided, the site is suitable for the proposed use and the issuance is not detrimental to the character of the surrounding area.”

or

Should the Board find that denial of Special Use Permit Number WSUP23-0029 is necessary after consideration of the factors in WCC 110.810.030, a potential motion is:

“Move to deny Pro Pony LLC’s application for Special Use Permit Number WSUP23-0029 based on the Board’s inability to make all the findings required by WCC Section 110.810.30”

Attachments A-I constitute the record on appeal:

Attachment A: Appeal Application from Pro Pony - dated 11/16/23

Attachment B: Appeal Application from Jill Brandin, a neighboring property owner - dated 11/15/23

Attachment C: Board of Adjustment Signed Action Order dated 11/6/23

Attachment D: Board of Adjustment Staff Report dated 11/2/23

Attachment E: Board of Adjustment Staff PowerPoint dated 11/2/23

Attachment F: Board of Adjustment Applicant PowerPoint dated 11/2/23

Attachment G: Board of Adjustment Minutes of 11/2/23

Attachment H: Board of Adjustment Meeting Video Recording- 11/2/23

Attachment I: Additional Public Comments received not in the BOA staff report on 11/2/23

Attachment J: Amended Conditions of Approval

cc: Appellant A: Pro Pony, LLC, witmers2@gmail.com; Luke Busby,
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