

Dear Board Members:

I, Cynthia Hahn, residing at 880 Old Ophir Road, Washoe Valley, NV 89704, have the following objections to the "Old Ophir Ranch" Application submitted by Ms. Canavan through her representative Wood Rogers, Inc.

1. Just because horses are encouraged in Washoe Valley does not mean this boarding facility is not a nuisance. *See Nevada Supreme Court in Sowers v. Forest Hills Subdivision*, 129 Nev. 102, 105, 294 P.3d 427, 432 (2013), in which the Court stated "However, even when a structure or act is not a nuisance per se, '[a] nuisance may arise from a lawful activity conducted in an unreasonable and improper manner.' 66 C.J.S. Nuisances § 16 (2012) (footnote omitted)." Indeed, "When deciding whether one's use of his or her property is a nuisance to his neighbors, it is necessary to balance the competing interests of the landowners, using a commonsense approach." 66 C.J.S. Nuisances § 13 (2012)." *Id.* (Bold added).

2. "Recovery periods without animal grazing are critical to proper pasture growth and longevity. A grazing rotation cycle that allows foliage 28 to 35 days of undisturbed regrowth between grazing periods is recommended.... **Caution:** The smaller the pasture size, the greater the chance of plant damage and poor or no recovery from overgrazing, even when supplemental hay is provided." John Cobourn, et al. "*A Small Ranch Manual A Guide to Green Pastures and Clear Water*" (prepared by the University of Nevada Cooperative Extension (Bold in original)). The lack of adequate room for 26 horses will result in the overgrowth of noxious weeds such as goatheads, wild mustard, and foxtails which well-fed horses will not eat. Our little community will have to suffer with urine, mud, and dust flowing and blowing onto our properties. This will cause extreme hardship since several people in the immediately adjacent neighborhood suffer from respiratory ailments.

3. When I and other neighbors appeared at the first Citizens Advisory Board hearing on March 09, 2017 to address our concerns, we spoke of a maximum of 20 horses as being too many for the proposed area. *See Board of Adjustment Staff Report, Exhibit B (Minutes)*. This number of horses was based on the submitted Application which stated "Anticipate 14 horses with initial operation with up to 20 horses at build out" and "The operator owns 6 of the 20 horses anticipated at the facility". *See Special Use Permit Application for Stables Supplemental Information, Questions 1 and 2*. Not one person representing the Applicant - nor the Applicant herself - corrected that misapprehension. Imagine our shock to discover that there would not be 14 horses, not 20 horses, but **26 horses** crowded into approximately 4.6 acres. When my husband contacted Ms. Mullin, he was told there was a "mistake" in the Application.

4. Horses do fight, mares in season emit shrieks and squeals, horses will panic under conditions which sometimes can not be readily discerned by humans, and horses do escape. There is no method to guarantee such issues - especially escape - will not happen as it is quite common to find horses wandering the streets whether it be the more rural atmosphere of Thomas Creek or more built up area of Ophir Road as I have personally seen incidents in both areas. The surety of the presence of noise at all hours of the day and night, especially when no one will be on the property is extremely disturbing and will disrupt the peace of the surrounding home owners exposed to such offensive and intolerable noise. Packing 26 horses into a feedlot atmosphere is extremely irritating to near neighbors. We all know in reality there is no way to rotate those horses or grow any kind of pasture on such a small area with so many horses. Just the prospect of looking at such a nightmare every day is causing us to feel disaffected by our own local government. While that may not be the case, we certainly feel that our concerns have been tossed aside, that our way of life will be permanently disrupted, and that our property values will decline. Simply put, this facility meets the nuisance standard of the Nevada Supreme Court.

5. The style of communication with Washoe County Planner Kelly Mullin by Ms. Canavan's representative Eric Hasty of Wood Rogers, Inc. His most recent communications with Ms. Mullin were always addressed to "Kelly". In contrast, all Staff Reports were addressed to "Ms. Mullin". Such camaraderie between individuals results in an impression that there is a special relationship between parties at least one of whom should remain neutral. The result is the disturbing indication that the thumb of the neutral party is firmly placed on the side of the person or persons with whom he or she most closely associates.

Sincerely,

  
Cynthia Hahn, A.S.G.S., B.S.B.A., J.D.

June 01, 2017

W/17-BOA  
AC

### PETITION

We, the undersigned, state that we are residents of the northwest side of Washoe Valley, also referred to as Old Washoe City, Nevada 89704. We are opposed to the commercial development proposed as "Old Ophir Ranch" at 0 Old Ophir Road. We believe the commercial equine boarding facility consisting of 26 horses seeking to be established on said property is not in keeping with the residential atmosphere of the surrounding community and would constitute a nuisance as defined in Nevada Revised Statute § 40.140.1(a) as the facility would be "injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property" of the residents currently living in the community.

<u>[Signature]</u> Name	<u>840 Old Ophir Rd 89704</u> Address
<u>[Signature]</u> Name	<u>840 Old Ophir Rd 89704</u> Address
<u>[Signature]</u> Name	<u>335 Viola Way 89704</u> Address
<u>Darla Gallagher</u> Name	<u>335 Viola Way 89704</u> Address
<u>[Signature]</u> Name	<u>665 Old Ophir Rd 89704</u> Address
<u>[Signature]</u> Name	<u>665 Old Ophir Rd 89704</u> Address

6/11/17 - Bca  
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PETITION (continued)

<u>[Signature]</u> Name	<u>555 Oro Loma Rd Washoe Valley NV</u> Address 89704
<u>[Signature]</u> Name	<u>575 Oro Loma Rd Washoe Valley NV</u> Address 89704
<u>Susan R. Bieju</u> Name	<u>472 Old Optic Rd Washoe Valley</u> Address 89704
<u>Edna G. Lucas</u> Name	<u>820 Oro Loma Rd. Washoe Valley</u> Address 89704
<u>Susan French</u> Name	<u>785 Oro Loma Rd 89704</u> Address
<u>[Signature]</u> Name	<u>700 Oro Loma Rd 89704</u> Address
<u>[Signature]</u> Name	<u>670 Oro Loma Rd 89704</u> Address
<u>[Signature]</u> Name	<u>670 Oro Loma Rd 89704</u> Address
<u>Alan Martin</u> Name	<u>505 Oro Loma Rd</u> Address
<u>Myles Martin</u> Name	<u>505 Oro Loma Rd</u> Address
<u>Sonny Narek</u> Name	<u>485 Washoe Dr</u> Address
<u>Collette Teese Det</u> Name	<u>605 Washoe Dr.</u> Address

PETITION (continued)

Jean Golla 670 Washoe Dr.  
Name Address

Bodie Golla 670 Washoe Dr.  
Name Address

Jack Golla 670 Washoe Dr.  
Name Address

Terry Foote 655 Washoe Dr.  
Name Address

Joyce Ketchum 665 Washoe Dr.  
Name Address

Armand Otis 659 WASHOE DR.  
Name Address

[Signature] 905 Washoe Dr.  
Name Address

Deborah Pierotti 905 Washoe Dr.  
Name Address

[Signature] 960 Washoe Dr.  
Name Address

Jerrilee Tredeen 955 Washoe Dr.  
Name Address

[Signature] 975 Washoe Dr.  
Name Address

[Signature] 975 Washoe Dr.  
Name Address

PETITION (continued)

Jeanine Thanghaeblen, DMV 780 Oro Loma Rd. 89704  
Name Address

Dave Haebler, DMV 780 Oro Loma Rd 89704  
Name Address

Ferry E. Hilley J 885 Old Ophir Rd.  
Name Address

Marilyn Brodie 805 Oro Loma Rd  
Name Address

Scott Carpenter 805 Oro Loma Rd.  
Name Address

Van Jensen 845 ORO Loma RD Washoe City  
Name Address

Carl A. Ricco 865 Old Ophir Rd  
Name Address

[Signature] 845 Old Ophir Rd.  
Name Address

Petra Kuni Co 775 Washoe Dr  
Name Address

Kalvin Kuni Co 775 Washoe Dr  
Name Address

D. Cowan 880 OLD OPHIR RD.  
Name Address

[Signature] 880 Old Ophir Rd, 89704  
Name Address

Washoe County Board of Adjustment  
County Commission Chambers  
1001 East Ninth Street  
Reno, NV 89512

June 1, 2017

Reference:

Special Use Permit Case Number **WSUP17-0005**

Dear Board Members,


I am in receipt of your Official Notice of Public Hearing on this request which was dated May 19, 2017. My wife and I reside just down the street from this proposed project at 850 Old Ophir Road and have read the staff recommendations for the project. As background on my expertise in this matter I served for 52 years as Professor and Directors of both the Institute of Ecology at University of California and the Lake Tahoe Research Group. I received the Albert Einstein World Prize in Science in 1998 for my science based efforts to preserve water quality at Lake Tahoe. Part of our achievements was to remove cattle grazing from the Tahoe basin in order to protect water quality. I have served as an expert witness for the Attorney General of California on Lake Tahoe water litigation which was also supported by the State of Nevada.

The consultants on this project, I feel, have done a good job of overall design on the small area available to them and your staff have reviewed it competently as well. My objection to the plan is simply based on its size, location, and the number of environmental and health problems it will create for the neighborhood. The project is just not suitable to be injected into a residential district. Nor is the area adequate to house the proposed 26 horses. With a number of homes in very close proximity to this project, and others such as ours, which are often downwind from the site, we are particularly concerned about odor, horse flies, and dust problems associated with the dense horse population almost next door. These horses would be crowded and would produce approximately 1300 lbs of manure each day, plus urine, certain to pollute the high water table and artesian wells we pump from creating health problems. The area is currently and properly zoned residential and the proposed change for commercial development would greatly alter the non urban atmosphere, in effect, losing forever the attractive residential atmosphere. Over the years our Washoe homeowners have happily maintained a horse or two and a few pets but not the feedlot atmosphere that would be created by the addition of a major horse corral. Because of frequent extreme winds and the surrounding dry high desert vegetation, fire danger is particularly great in the area. The narrow access road could threaten survival of both horses and humans should sudden evacuation become necessary, as occurred last summer.

As a recently retired Professor from the Department of Environmental Science and Policy at UC Davis I have coauthored a number of scientific papers in recent years with Robert Derlet, M.D., on the impact of cattle grazing in the high Sierra where fecal contamination pollutes both California and Nevada water supplies. Since the neighborhood is entirely serviced by wells and there is a constant ground water flow from west to east, we face the prospect of well water contamination from the concentrated manure and urine accumulation that would occur in the small area provided for the horses. In the dry Washoe summers the horses would require about 20 gallons of water each per day and in a dry period this could strain the aquifers we all depend upon to pump from. Further this years rain and snow has caused significant overland flow which would carry raw manure directly to the neighbors yards. One final question and suggestions: I can not help noting that the acreage with the proposed buildings is not adequate for maintaining healthy conditions for 26 horses. The extremely high horse to land area ratio suggests that this commercial venture should seriously seek a larger tract of farmland rather than attempting to crowd it into a residential area. In its current plan it would appear to be more like a feedlot for horses than a comfortable retirement stable for older horses.

In summary, for the issues related above we strongly oppose granting a special use permit for allowing 26 horses to alter the quality of life for the residents by invading this residential neighborhood for commercial gain.

Sincerely,

  
Charles Goldman, PhD

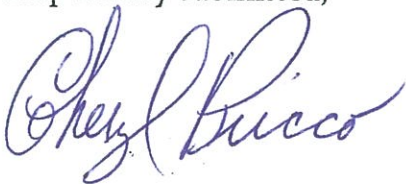
4/1/17 - BOA  
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Dear Board Members,

I, Cheryl Pricco, residing at 865 Old Ophir Road, Washoe Valley, NV 89704 have the following objections to the "Old Ophir Ranch" LeaAnn Canavan, case# WSUP17-0005.

1. My husband, John has COPD. With the addition of 26 horses across the street he will very likely now experience Acute Exacerbations of COPD, which is a sudden worsening of COPD symptoms that will last for several days and require medications he doesn't currently need to take. Typically, Airway inflammation is increased during the exacerbation resulting in increased hyperinflation, reduced expiratory air flow and decreased gas exchange. John also has a weekend immune system from cancer which makes him very susceptible to infection.
2. Since purchasing our home in October of 2009 I have lived through 2 fires. The first of which you could not get into our neighborhood from the Reno area and the second of which you could not get to us from the Carson City direction. We have limited ingress and egress, and in each of those fires, access in was limited to and blocked by, fire and rescue vehicles. Most of our fire concerns come from the South & South West so evacuating the horses through the back of her property would be sending them into the flames and enough trailers to haul 26 horses, if they could get through would block our ability to evacuate and reach safety.
3. I will again state that our winds are frequent and fierce and I am concerned about the structures proposed, some being too tall and others not holding to the ground and possibly injuring a horse or one of my neighbors. The applicant's property is positioned right in path of the wind with nothing there to help block its strength. This is also not an ideal setup for the elderly horses in those back pastures as they have nowhere to go until it subsides. It can blow hard for days at a time.
4. The enjoyment of our property is a huge issue. Flies, dust, smells and noise are not something we have a problem with at present and a big part of the reason we chose to buy in this neighborhood and when I say neighborhood I mean close knit. We have pot lucks, barbeques, birthday parties and all pull together if someone needs help or when there is a crisis.
5. I would also like to state that I have read all the letters submitted by the boarders of Mrs. Canavan and have no doubt that she takes good care of their horses, however this information is truly irrelevant as no one is questioning her ability to care for the animals. We are questioning why she wants to disrupt our lives, make enemies, pollute our water table, devalue our homes and property, by opening a "for profit business" with too many horses for the size of her property and which does not fit our lifestyles nor belong in our neighborhood. Please tell us we matter and her to leave our peaceful existence alone by not approving this application.
6. In closing I would like to make the board aware that when I spoke at the CAB meeting I understood that my words were being recorded and that I would be accurately recorded in the minutes. After reading those minutes it appears that although my name is correct, not much else is and anything that was slightly controversial was either omitted, misstated or rewritten to suit.

Respectfully submitted,



6/1/17 - BOA  
AC

Dear Board

I am stating here the required conditions are not present for approval of this SUP, and why the staff report is seriously flawed in the required findings as follows.

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.

Staff Comment: The South Valleys Area Plan explicitly places a high value on equestrian uses in the area and the maintenance of a rural lifestyle that supports this type of use. As proposed, the use is consistent with the policies, standards and maps of the Master Plan and South Valleys Area Plan.

My comment: Because this area is equestrian does not mean 26 horses in such a small area is consistent with what was meant in these plans.

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.

Staff Comment: With the proposed conditions of approval, adequate facilities will be provided or are planned for with this permit.

My Comment: The only improvement I see here is a Porta Potty on site for maybe 3-4 years. and the fact that the lot will be turned to dirt from pasture and brush - I suppose that will help with the fires we have, and my views would certainly not be improved with 2-130' long shedrows and a hay barn next door.

3. Site Suitability. That the site is physically suitable for proposed development, and for the intensity of such a development.

Staff Comment: The site is relatively flat, with a gentle slope to the southeast. It is located within the South Valleys Area Plan, which contains numerous policies focused on preserving a rural lifestyle and placing a high value on equestrian uses in the area.

My Comment: The staff comment is correct the ground does slope 16' I believe, to south and east and I am in line along with the high level ground water we have to take some on the urine run off from the property. Also preserving the rural lifestyle, we already have that, and having basically a working business next door with all the noise and activity 365 days a year, does not make the site suitable to me. The intensity is for houses not horses. In any case 26 horses is too much intensity on this property, maybe not legally but certainly to fit into the neighborhood.

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.

Staff Comment: With the recommended conditions of approval provided by various reviewing agencies, the impacts of the proposed use will be sufficiently mitigated to meet this finding.

My Comment: I do not know where to start, this SUP would be very detrimental to my health no matter what they say I would be affected by dust, flies, smells as I am disabled retired due to asthma, copd and emphysema. Just the constant noise and activity from this commercial facility should be enough to deem it detrimental to its adjacent neighbors, people get upset if their neighbor mows more than once a week. It will obviously be injurious to me and my neighbors property prices or ability to sell. I still say that even with a manure program there will still be a constant smell on my property from both manure & urine due to the persistent wind/breeze this is Washoe Valley after all, how is this not detrimental to an adjacent neighbor.

In conclusion the applicant does not address the issues raised satisfactorily as evidenced by the comments from both of the CAB panels and not just the 42 neighbors who have signed the petition against this.

DAVID COWAN

D. Cowan

6/1/2017

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