



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, FAICP, Community Development Director  
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**Washoe County Board of Adjustment**  
Richard "R.J." Cieri, Chair  
Philip J. Horan, Vice Chair

Mary S. Harcinske  
Robert F. Wideman

## WASHOE COUNTY BOARD OF ADJUSTMENT

### MINUTES

July 7, 2009

The special meeting of the Washoe County Board of Adjustment was scheduled for Thursday, July 7, 2009 at 10:00 a.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

#### DETERMINATION OF QUORUM

Chair Cieri called the meeting to order at 10:00 a.m. The following members and staff were present:

Members present: Richard "R.J." Cieri, Chair  
Robert Wideman  
Mary S. Harcinske  
Philip Horan (via telephone)

Members absent: None

Staff present: Adrian Freund, FAICP, Director, Community Development  
Kimberly H. Robinson, Planning Manager, Community Development  
David Creekman, Chief Deputy District Attorney  
Roger Pelham, Senior Planner, Community Development  
Dawn Spinola, Recording Secretary, Community Development

#### PLEDGE OF ALLEGIANCE

Member Harcinske led the pledge to the flag.

#### APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Member Wideman moved to approve the agenda of July 7, 2009. The motion, seconded by Member Harcinske, passed unanimously.

#### APPROVAL OF MINUTES

Member Harcinske moved to approve the minutes of June 4, 2009. The motion was seconded by Member Wideman and passed unanimously.

**PUBLIC COMMENT**

None

**CHAIR AND BOARD ITEMS**

- a. Report on Previous Board of Adjustment Actions

None.

Member Harcinske asked when the fifth member would be appointed and Ms. Robinson replied there was not a specific timeline.

**DIRECTOR'S ITEMS**

None.

**CONSENT ITEMS**

None

**PROJECT REVIEW ITEMS**

**AGENDA ITEM 1**

**PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB09-009 (SIERRA FIRE PROTECTION DISTRICT)** – To develop a new fire station (Safety Services Use Type) as authorized in Table 110.302.05.2 of the Washoe County Development Code. The project is located on the northeast corner of the intersection of ArrowCreek Parkway and Thomas Creek Road. The ±3.213-acre parcel is designated Low Density Suburban (LDS) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 24, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-312-22)

Chair Cieri opened the public hearing.

Mr. Pelham reviewed the staff report dated June 25, 2009. He pointed out ArrowCreek Parkway divides the property, limiting its useful buildable area, and verified legal noticing requirements had been met. Although the building plans currently show one story, addition of living and administrative quarters may bring it to two stories at some point in the future.

Mr. Pelham went on to explain the meeting schedule had been truncated so that the fire department would meet an application deadline for a federal stimulus grant to pay for the construction of the station. The grant application would be better received if the necessary approvals were already in place.

Mr. Pelham noted a 2008 bond question in that area regarding the funding of that station had been defeated by public vote. Post-vote analysis showed most citizens in the close vicinity of the proposed station location had voted in favor of the bond.

Mr. Pelham noted some of the requirements of the special use permit which mitigate visual and audible impacts to the community. The property is owned by Washoe County and considered surplus, so it is available for the use of the Fire Protection District. Typically the Citizen Advisory Board (CAB) for the vicinity would have had this item at a regularly scheduled meeting and had the opportunity to gather citizen input and provide comment and a recommendation. Due to the truncated schedule, that did not occur. All CAB members were provided copies of the application and were invited to provide comments. Only one member replied, and their comments were favorable.

Mr. Pelham provided copies to the members and read into the record comments provided to him via e-mail on July 6, 2009, which read as follows: "Dear Mr. Pelham, my name is Anita Collier and I live at 13555 Fieldcreek Lane, Reno, Nevada, 89511. I was notified that a special use permit was requested for a fire station to be built on the corner across from my home. I believe this was voted down by the voters in November 2008. I have great respect for fire fighters and admire them greatly, but I do NOT desire a fire station across the street from my house. My property values have already decreased greatly over the last 2 years and if you allow this fire station to be built at this location, my hoe will decrease in value significantly, I don't know anyone who would purchase a home across the street from a fire station. The building they plan to build will be quite large and no matter how hight the walls are, the noise will be incredible. In addition to the noise of the engines and sirens on a regular basis, the fire station will block any view of the mountains that I have. I paid for that view and now it will be taken away if the station is allowed to be built. This is a residential area and should only have homes built on this property.

"I understand the need for a fire station for the area (especially the Arrowcreek area) the fire trucks are up there often, why not locate it across the street from Hunsberger Elementary School in the BLM land. Trade the property with the one on the corner of Arrowcreek and Thomas Creek. There are no homes in that section and it would be a great location for the fire station.

"I am currently out of town with my children and have no way to attend the meeting tomorrow, but I would hope that you would take my email into consideration before granting this special use permit. If it was going to be built across the street from your home, how would you feel? Or would you even consider buying a home with a fire station across the street? Everyone I have asked feels the same as I do, please do NOT grant the permit. Thank you for your time."

In response to a series of questions by Mr. Wideman, Mr. Pelham replied he did not know how long the county had owned the piece of property but reiterated it had been declared surplus by the Public Works division, stated he did not know how long ago it had been declared as surplus and clarified there had not been a use planned for that location until the fire department came forward with the proposal approximately 30 days ago.

Chair Cieri asked Mr. Pelham if the bond had been county wide. Mr. Pelham replied he thought it was specific to the Sierra Fire Protection District but noted he would to defer detailed questions to Chief Greene. Mr. Cieri then asked Mr. Pelham about his receipt of positive citizen input and Mr. Pelham replied he had received both positive and negative. Citizens wishing to see the project denied had indicated they would come to the meeting to provide testimony rather than providing a written comment to Mr. Pelham. He was unable to say if the same were true for citizens in support. Mr. Cieri then inquired as to the height of the tallest planned

structure. Mr. Pelham deferred that question to the architect, Dale Smith, but confirmed it would be 35 feet or less, which was the height limit for structures in that zoning designation.

Member Horan asked if the addition of living and administrative quarters to the building would require a variance to address the height. Mr. Pelham replied it would not as those additions would bring the building up to the height of a two-story house and any structure less than 35 feet was allowed. He noted although the equipment bays were quite high they were still only the equivalent of a two-story house.

Member Horan clarified with Mr. Pelham that the fire district spokesperson would provide information regarding an analysis showing citizens in the immediate area of the proposed station supported the bond issue. Mr. Pelham confirmed that was correct. Member Horan went on to note he was aware of land outside the ArrowCreek gates dedicated by the developer and inquired as to why that parcel would not be used as opposed to the proposed location. Mr. Pelham deferred that question to Chief Greene as well.

Applicant's Representative Dale Smith, Smith Design Group, 120 Country Club Drive, #17, Incline Village, NV, complimented Mr. Pelham's work, stated they had no exceptions regarding the conditions and offered to answer any questions. Member Harcinske asked why there were so many parking spaces and Mr. Smith noted the larger number of people on the property during crew changes necessitated them. Member Harcinske asked about why some of them were public and Mr. Smith explained that it was not unusual to have the public visit the station.

Chair Cieri asked if the buildings as depicted were going to be the final construction, or if they would be added on to in the future. Mr. Smith explained the building was modular in design so it could be added on to and expanded as necessary with an increasing and shifting population, to provide it with a 40- or 50-year useful life.

Chief Michael Greene, Sierra Fire Protection District (SFPD), opened with a Power Point presentation focusing primarily on coverage areas and the challenges the fire district has in meeting the standard response time of eight minutes established by the American Heart Association and the National Fire Protection Agency. He pointed out SFPD had originally been established as a ribbon along the eastern edge of the Sierras as a fuel barrier. As people moved into the area, the service demands changed to 85 percent medical emergencies. ArrowCreek has evolved into the area of the district with the longest response times with an average arrival time of 16 minutes.

He went on to explain all the homes west of the intersection of Mount Rose and Highway 395 were built since the construction of the last staffed fire station. The station at Damonte Parkway will be closed and a new station will be built farther east. He noted additional benefits to the community in the form of reduced fire insurance rates and benefit to neighboring agencies by having another staffed fire station in the area.

Chief Greene acknowledged a noise impact to the neighborhood and stated they would do everything they could to reduce that. The entrance is at a four-way intersection and if there are no cars present they will not need to use their sirens. Night calls typically do not require sirens.

Chair Cieri asked Chief Greene if the bond that had been defeated had been county wide. The Chief explained it was only within the SFPD and that out of 18,000 registered voters in the district, the bond had only been defeated by 156 votes. Post-election analysis by precinct showed people who were the farthest away from the station voted against it and people in the core supported it.

Member Harcinske asked what happens if the district does not receive the stimulus grant to fund the facility? Chief Greene stated three things were still happening:

- 1) If they are not awarded the money, there is a master plan study concerned with station location and funding alternatives that the Board has engaged in;
- 2) Citizens in the area are bringing forward proposals to have it jointly funded either with existing revenue from the Truckee Meadows Fire Protection District (TMFPD) and the SFPD; or
- 3) The creation of a general improvement district in the impacted area.

He emphasized the construction of the station would proceed, with the approval of the Board, due largely to the strong commitment of the citizens in the area and the fire district.

Chair Cieri asked if the bond was just for construction or for staffing and maintenance of the facility also. Chief Greene explained there were two parts, one to build the facility and the second was a tax override to staff it. They were offered for vote together so were both defeated. Chair Cieri asked if the facility were built with federal funds, how would staffing be paid for. The Chief stated there would be a realignment of current employees.

Chair Cieri then asked what the intended plan was for the station to be closed. Chief Greene replied it is a county building so it is to be sold, the funds used to construct new facilities and the staff and equipment moved to the developer-donated site two miles east.

Member Wideman asked when the bond question was on the ballot and the Chief informed him it was November of 2008. Member Wideman asked if Chief Greene had information regarding the analysis of the voting patterns and Mr. Greene replied that he did not. He went on to state he had a graph of the various precincts and the support in those areas. The analysis showed many people in the Verdi area voted against it and that was the reason for its defeat.

Member Wideman then asked if he had a copy of the language of the bond question and Chief Greene stated he did not. Mr. Wideman pointed out one of the reasons the Board was being asked to turn the project down was that the people had voted against it and he stated it was critical to understand what they voted for or against. He pointed out the issue at hand is whether or not funding was voted against or the existence of a fire station was voted against. In this particular case, the Board is looking at the approval of land use, not the approval of funding.

Member Wideman asked if he was correct in understanding that the chief was not asking the taxpayers locally for funding of the project, only for grant money. Chief Greene confirmed that was correct. He went on to state that at a future date, if they do not receive the grant, they may be going to the taxpayers either for the creation of a general improvement district in the

affected area or asking the political decision makers of both boards to contribute funding for that station using existing revenue. But if they do not receive the stimulus funding, the voters will ultimately decide if that station is going to be put in place. Member Wideman reiterated the discussion at hand was about land use, not funding.

Member Horan asked for and received a brief overview of how the three fire districts function and interact and confirmed with Chief Greene response times for a second unit would not be affected by this project. He went on to ask about why the parcel of land set aside outside the ArrowCreek gates for this project was not being utilized. Chief Greene stated the parcel is undersized for the station necessary to serve the area and its location directly across from the school could be detrimental. At Member Horan's request, he explained the parcel set aside is approximately 1.6 acres and the proposed parcel is closer to three.

Member Harcinske asked if there was a policy or if one could be developed regarding use of sirens. Chief Greene explained that decision was made by the person operating the fire engine and the officer with him. Their concern is safety, in order to warn people and have a rapid response time. They are sensitive to the impact on the community of the sirens and air horns and use them only when necessary. Setting a policy may restrict the person making the decision about the safety and the need to warn. He stated he would convey to staff the importance of limiting the impact to the community.

Chair Cieri expressed concern about the taxpayer impact due to the defeated bond issue. Chief Greene replied if the stimulus money was not obtained, the district would attempt to fund the station through existing revenue. Failing that option, the voters would be offered the opportunity to vote on a general improvement district and the associated taxes.

Dave Solaro, Assistant Public Works Director, answered Member Wideman's earlier questions regarding how long the county had owned the parcel of land and if there had been any plans for its use. He stated the county had owned the parcel since 1986. It was acquired as part of the development and made it simple for the county to be able to put the roadway through. There had been no plans for its use prior to the Fire Department proposal.

Chair Cieri opened the meeting for public comment and stated that, due to the large number of people wishing to speak, comments would be limited to two minutes.

Steven Garrett, 2927 Granite Pointe Drive, Donna Peterson, 4640 West Pinewild Road and Robert Parker 120 Cliffrose spoke in favor of the project, primarily citing the reduced response time and the fact the area is rated a high fire risk.

Kenneth Kinney, 50 Calla Lily Court, spoke against the project, citing the defeated bond and that the residents of the Fieldcreek subdivision that he had spoken to were satisfied with their response time.

Joe Colvin, 14050 Quiet Meadow Court, stated his analysis of the votes by precinct did not yield the same results as stated earlier in the meeting. He then pointed out that although the proposed lot is larger than the one dedicated, ArrowCreek Boulevard runs through it and renders a portion unusable, so the lots were essentially the same size. He presented copies to the committee members of a Property Tax/Voter Alert document that he had referenced.

David Creekman, Chief Deputy District Attorney (Chief DDA), requested a break to review the process for submittals to the board on the day of a meeting.

[The recess was called at 10:57 a.m. The meeting reconvened at 11:03 a.m.]

Member Harcinske requested Counsel provide input regarding impact of the bond issue on the Board's decision regarding a special use permit. Chief DDA Creekman explained that in reviewing a case the Board is primarily concerned with land use considerations. Those considerations are set forth in the Washoe County code and Nevada law and include consideration of the project's consistency with applicable plans and applicable land use designations; the adequacy or inadequacy of infrastructure to support the facility; physical characteristics including site suitability; consideration as to whether the project is or is not detrimental to the public interest; its effect on any nearby military bases and the board needs to establish the fact that it gave the project reasonable consideration irrespective of the outcome.

Chief DDA Creekman clarified of those considerations, the question of the bond issue most closely, although not particularly closely, falls into the public interest criteria. From a legal perspective the discussion of the bond issue and the precinct by precinct analysis to be of interest but of no legal relevance to the Board's deliberations with respect to the issue at hand. As Mr. Creekman understood the bond issue, it dealt with the question of whether or not the voters in the fire protection district were willing to assume additional indebtedness for the construction of a fire station. The voters in that district overall decided that they were not in favor of doing so. The fact that some precincts voted heavily in one direction and other precincts heavily in the other is a consideration, assuming the bond issue is even an appropriate consideration.

From a legal perspective, the bond issue has nothing to do with the land use consideration and even if it did, the precinct by precinct analysis is of even less relevance to the Board's consideration than even the bond issue if it had anything to do with today's decision.

Chief DDA Creekman then announced he had just received the precise language of the ballot issue as presented to the voters in November of 2008. He then read it into the record:

"Shall the Sierra Fire Protection District be authorized to issue up to \$5,200,000 of general obligation bonds for the purpose of defraying the cost of acquiring, construction, improving, and equipping fire stations and acquiring fire engines and fire-fighting equipment and to levy an additional property tax rate for the purpose of staffing, operating, maintaining and equipping the fire stations and acquiring and improving fire engines and fire-fighting equipment of up to 4.5 cents per \$100 of assessed valuation for a period of 30 years? The bonds are expected to require a property tax levy for 30 years. The bonds are estimated to result in an increase in the property taxes that the owner of a new \$100,000 home will pay, which will average \$4.74 per year. In addition the cost of the property tax levy for the owner of a new \$100,000 home is estimated to be \$15.75 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property (ad valorem) taxes establishes by the legislature in the 2005 session."

Chief DDA Creekman reiterated that the ballot issue dealt with the question of whether or not the voters in that district were willing to assume responsibility for additional indebtedness and they said no. The land use application has nothing to do with the assumption of additional

indebtedness. It is entirely a land use decision reviewable under the county code and Nevada law with respect to land use issues.

Chair Cieri stated the Property Tax/Voter Alert memo that had been submitted and also the ballot language for SFPD #4 were to be added into record for the meeting.

David Cutter, 2687 Wind Feather Trail, Steven Perez, 6965 Rabbit Brush Court, on behalf of the ArrowCreek Fire Liaison, George Thomas, 537 Spirit Ridge Court, Stephen Turner, 3414 Forest View Lane, Donna Perez, 6965 Rabbit Brush Court, Laura Munro, 2950 Flint Ridge Court, L.J. Leovic, 455 Piney Creek Road, Terry R. Moore, 2700 Avenida De Landa, Bob Ackerman, 25 Golden Current Circle and Teri Iaconis, 405 Timbercreek Court all spoke in favor of the project. Some had seen medical emergencies and experienced loss of life firsthand and were well aware of the benefit of the reduced response times. There were suggestions that the positive aspects outweighed the negative, including sirens and insurance costs. The benefit of the station potentially being built with stimulus funds was noted. One speaker requested those in the audience in favor to please rise to show their support.

Brad Swenson, 13550 Fieldcreek Lane and Mal Horan, 4055 Desatoya Drive both expressed that they were not in favor of the project. Reasons cited included close proximity to residential areas; legal notification of the hearing and potential taxpayer impact. Mr. Horan questioned whether or not a master plan was in place.

Margaret Turner, 3414 Forest View Lane, Alexander George, 10147 Indian Ridge Drive and Krystin George, 10147 Indian Ridge Drive all submitted written comments also supporting the project. Chair Cieri read comments presented by two of them. Mr. George wrote: "We are here to support the building of a Mount Rose Corridor fire station." Ms. George wrote: "We are here to support the building of a new fire station for the Mount Rose Corridor."

Chair Cieri closed the public hearing.

In response to a question posed by Member Harcinske, Mr. Smith explained the usable portion of the lot was two acres. Member Harcinske then asked Chief Greene to address the statement brought up in public comment regarding the closing of the Mount Rose station. He explained there is an unstaffed station at Joy Lake and the plan is to take the crew from the Mount Rose station and move them to the new Thomas Creek station and then to reposition the Washoe Valley staff members to Joy Lake. The Washoe Valley station would then be used as a volunteer station and Sheriff's substation.

Member Harcinske asked Chief Greene if there is a master plan and he replied affirmatively. He explained TMFPD, Washoe County and SFPD funded a master plan study looking at fire protection in the entire unincorporated area. They will make recommendation as to staffing, distribution and standards of cover. There have been several studies confirming the need for a station there and he felt the map demonstrated that. SFPD requested the study in part to find long-range solutions to the challenge of having two separate fire districts.

Chair Cieri asked if there was any thought of consolidating the two agencies. Chief Greene replied that is exactly what the consultant study is reviewing. There are opportunities for efficiency, reducing taxpayer expense and avoiding duplication. He reiterated the need for the new station in that location was quite clear.

Member Horan confirmed with Mr. Pelham that the special use permit hearing would have been required regardless of the outcome of the bond issue. Mr. Pelham acknowledged that the approval of the land use was independent of the funding source.

Member Wideman stated he would be very concerned about the issue of the voter's will and felt fortunate the discussion had enabled them to move past those details and establish that the bond question was about raising property taxes based on debt to support the existence of a fire station, not about support for the existence of a fire station. Based on that, he felt they were not in a position to contravene the will of the voter. The issue was determining whether or not the existence of the fire station serves the greater good for the greater number of people in the general areas that it supports. He noted that regardless of where any fire station might be, those persons who live in direct proximity to the station might not get the best end of the deal. The greater good for the greater number of people is clear. With the issue being land use and not funding, he would support the special use permit.

Member Horan stated he felt comfortable with the recommendation and findings as put forth by staff and would support the application.

Member Wideman moved to approve conditionally Special Use Permit Case No. SB09-009. The motion was seconded by Member Horan and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows area plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and
6. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

#### **OTHER ITEMS**

None.

**ADJOURNMENT**

There being no further business to come before the Board of Adjustment, the meeting adjourned at 11:26 a.m.

Respectfully submitted,

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Dawn Spinola, Recording Secretary

Approved by Board in session on August 6, 2009

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Adrian P. Freund, FAICP, Director  
Secretary to the Board of Adjustment