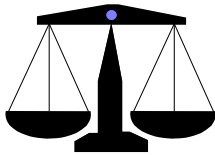


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**AUGUST 19, 2021
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

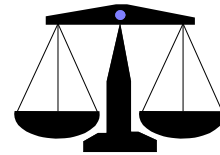
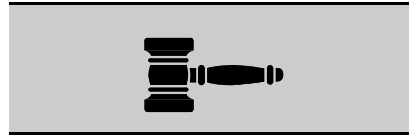
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
ZACH TREVINO
DAVID CALLAHAN
BETSY ANDERSON**



**MINUTES
PREPARED BY:**

**BETSY ANDERSON
Recording Secretary**



**MINUTES
REVIEWED BY:**

**ZACH TREVINO
Planner**

A handwritten signature in blue ink that reads "Joan C. Woodard".

**JOAN WOODARD
Hearing Examiner**

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Joan Woodard called the meeting to order at 6:00 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make a written recommendation to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 7:33 p.m.

HEARING EXAMINER MINUTES

August 19, 2021

CASE NO. CUP20-0009

Type: Conditional Use Permit, a request by New Life Community Church and Classical Christian Academy for a Conditional Use Permit to expand a Place of Worship and School on an approximately 10.056-acre parcel of land in the Agricultural zone. The subject parcel is developed with a nonconforming church, used as a place of worship and school, which was established prior to the requirement that such uses receive a conditional use permit to operate in the Agricultural zone. The Applicant is proposing to establish three modular classroom buildings on the parcel initially, to be followed by an additional building if needed, in order to provide additional classroom space for the K-12 private Christian school. The school will operate from September through early June annually, and will have a maximum daily capacity of 250 people. The four proposed modular classroom buildings would add over 7,000 total square feet of space to the facility. Access to the subject parcel will be gained directly from Hayden Avenue, a public road maintained by Post Falls Highway District. The parcel number is 51N04W-20-3000, described as: TAX #13145 EX W 3 FT, N 10 FT OF TX #13146 [IN NW-NW] in Section 20, Township 51 North, Range 04 West, Boise Meridian, Kootenai County, State of Idaho. The Assessor's Identification Number (AIN) is 182821. The church is located at address 6068 W. Hayden Avenue in the Shared Tier of the Coordinated Area of City Impact. The first public hearing regarding this request was scheduled to be held in front of the Hearing Examiner on April 15, 2021. The public hearing was continued to a future date to allow the Applicant time to address identified violations of code requirements. (*Zach Trevino-Planner*)

Staff Presentation: Zach Trevino, Planner II, provided an in-depth presentation regarding the expansion of a private school on 10 acres in the Agriculture zone. Mr. Trevino stated the project site is equidistant between Hayden, Post Falls and Rathdrum and is in the Shared Tier of the Area of City Impact. The New Life Community Church and Classical Christian Academy share the approximately 36-thousand square foot facility which was initially established on the property in 1993 and subsequently expanded through a series of building permits. Mr. Trevino said when the building was originally established the use of a church was a permitted right in the Agriculture Zone. Currently, the Land Use Code states a conditional use permit is required so the use is considered non-conforming. He added that plans call for the addition of up to 4 portable classroom facilities south of the current building to accommodate additional stays for the private school. The parcel is part of the Morrison Estates Homeowners Association and Water Association but is served by an individual well on-site for the church and school use. Staff has contacted agencies with jurisdiction to address concerns. He pointed out the parcel has an approved septic permit from Panhandle Health District. Post Falls Highway District has determined the western most approach on Hayden Avenue will have to be eliminated. Mr. Trevino noted a Traffic Impact analysis was completed as part of the application and the Highway District has required that it be reviewed in five years if this permit is approved. Staff has determined that the proposed use is not in conflict with the Comprehensive Plan.

Applicant Presentation: Scott Poorman, Attorney, representing New Life Community Church and Classical Christian Academy wanted to emphasize the school is not planning to increase enrollment, only provide a better learning environment for existing students and staff by increasing the square footage of the school. The church and school have been well-established and compatible with the surrounding neighborhood for 25 years. Mr. Poorman wanted to make a correction to the Staff Report, stating the facility has two approved septic permits and drain fields from Panhandle Health District. The church and school have a connection to the Water Association for emergency use only, but do not use the water from the Association. The prior code violations have been resolved. Growth in the County is causing many of the problems the neighbors have expressed concerns over.

Daniel Reinhardt is on staff for the Church. He spoke to the concerns raised by neighbors and how the church has addressed those concerns. He acknowledges children can be noisy.

Geoffrey Winkler is the Senior Pastor for New Life Community Church for nearly five years. He states they inherited a mess. The facilities are used for people who may be hungry, hurting, and down and out. Mr. Winkler said the church provides hope. The parking lot has been used for activities other than school or church activities such as a respite for truck drivers, safe place for Craig's list purchases, as well as handing off children from split homes. They plan to invest in the next generation of the community.

William Stutzman is the Headmaster for Classical Christian Academy. Mr. Stutzman says the school is beginning its 27th year. He states they fully plan to work with the County and Panhandle Health District for any proposed growth.

HEARING EXAMINER MINUTES

August 19, 2021

The modular classrooms are rectangular buildings that can house two separate classrooms. Eventually, he says they would like to ease the burden on the church facilities and have administrative offices in one of the portables.

Exhibits: HE-1000 – Staff Presentation submitted by Zach Trevino
HE-1001 - Second Amendment to the CC&Rs –Zach Trevino
HE-1002 – CC&Rs of Morrison Estates – Zach Trevino
HE-1003 – CUP Standards – Scott Poorman
HE-1004 – Photo of Church – Downward lighting – Scott Poorman
HE-1005 – PHD Records – Scott Poorman

Public Testimony: Comment Sheets submitted: 19. Applicant – 4; In Favor -10; Neutral – 0; Opposed – 5. Three participants via Zoom were also opposed. The names and addresses of the individuals speaking or submitting comments are part of the record.

Those speaking raised concerns about:

- increase in traffic
- noise
- water usage
- wastewater discharge
- groundwater quality
- obtrusive outdoor lighting
- incompatibility with surrounding agricultural uses.

Applicant Rebuttal: Scott Poorman, representing the Applicant, stated there are misperceptions from the opposition. The school is already existing, there are no plans to increase enrollment, only increase the square footage of the current facility to alleviate overcrowding. The recorded 2009 CC&Rs supersede the other versions of CC&Rs and the church's existence predates the 2009 recorded document. Traffic has increased in the area due to the increase in population, not because of the school and church.

Planner Zach Trevino provided a brief explanation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), noting the act does not require a government to approve a use just because it meets the definition of religious exercise, but does prevent the government from denying the application or imposing conditions in a manner that would constitute a substantial burden on religious exercise, unless doing so would further a compelling governmental interest in the least restrictive manner.

There being no further comments from the public, testimony was closed on this item at 7:33pm. The Hearing Examiner, Joan Woodard will review this case and submit her written recommendation within two weeks.

Submitted by,

Betsy Anderson, Recording Secretary