

HEARING EXAMINER MINUTES
OCTOBER 20, 2022

MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING

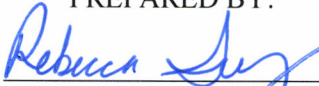
October 20, 2022
6:00 P.M.

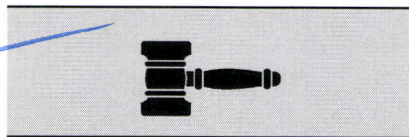
HEARING EXAMINER
JOAN WOODARD

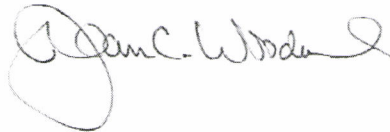
STAFF PRESENT
VLAD FINKEL
DAVID CALLAHAN
BEN TARBUTTON
REBA GRYTNESS



MINUTES
PREPARED BY:


REBECCA GRYTNESS
Recording Secretary

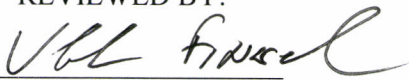




JOAN WOODARD
Hearing Examiner



MINUTES
REVIEWED BY:


VLAD FINKEL
Planner III

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.

Director Callahan started the meeting with a statement that participants of this meeting shall be mindful and respectful of the applicant and speakers so that we are in accordance with the due process of law.

CASE NO. CUP22-0009 Wood Family Cemetery

The request for this CUP has been withdrawn by the applicant and will not be discussed on tonight's agenda.

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CASE NO. CUP22-0008 Living Water Youth Ranch-

The property owner, Mr. Zaring, and the applicant, Jennifer Scott, are requesting a Conditional Use Permit to establish a Residential Care Facility for At-Risk Youth on a 73-acre parcel of land located in the Rural zone.

Staff Presentation: Vlad Finkel, Planner for Community Development, started his presentation with describing staff obligations that must be followed with every application that is received. There are two main objectives that staff have to consider prior to a recommendation. The first one is impacts associated with the request and the second is appropriate mitigation. These two items have to work together and must feasibly and adequately be mitigated with conditions of approval by staff and all agencies or staff will have to recommend denial. Mr. Finkel discussed how staff arrived at the classification of use for this facility as a residential care facility designation and legal council agreed the definition was met with this application.

The project area will be located on the 52 northern acres, adjacent to E. Alder Creek Road. The southern 20 acres may be utilized for a residential structure or split out through the “*Large Lot Divisions*” exemption process in the future. Primary access will come off Alder Creek Rd on the East side of the property. The subject property is zoned rural with a designation of resource recreational. The mission statement of the applicants was read and deferred to Mrs. Scott to describe the treatment they plan to provide. The facility will consist of a main building that will be ± 21,600 sq. ft., two (2) staff/guest cabins ± 864 sq. ft., maintenance garage ± 1,120 sq. ft., hay storage building ± 864 sq. ft., well house, horse barn & corral, outdoor recreational area for ropes course, archery, volleyball, snowshoeing camping and trails for hiking. Public Agencies have requirements for water, sewer, fire, and licensure.

On initial review from the Building Department it was portrayed from the narrative that this facility would be an institution on lockdown where occupants would be contained at the will of the employees and not have free reign to move about the property. When brought to the applicant’s attention, Mrs. Scott revised the application to state the facility would not be deemed a lockdown institution but would provide an alarm system, staff as well as drones to make sure the kids remained in the building or in the yard with permission from staff.

In the public comment period there were 97 in opposition to this application. On a site review, planner, Vlad Finkel had difficulties with cell service. The main concerns from the community that were brought to staffs attention are; the remote location, safety, increase in traffic and emergency response times, runaways, vandalism and crime, lack of cell service and ground water impact. Mr. Finkel read into the record a letter from the Sherriff’s Department stating concerns about the approval of this CUP. (See exhibit # HE1002). Mr. Finkel states that the Comprehensive Plan does not contemplate such use for this type of designation. The pre-application request dated March 22, 2022 stated that the applicant can go through the process of gathering the information with no guarantee that the project will be approved. (See Exhibit #HE1003).

Applicant Presentation: Jennifer Scott, Founder of Living Water Youth Ranch, stated that the Board members understand and want to preserve the way of life for the people in the Wolfe Lodge community. Mrs. Scott defined the definition of an at-risk youth. The residents that will be at this facility do not meet the definition of “High Risk” youths. These “Low Risk” individuals would not have a history of violent crimes, sex offenses, or severe mental health disorders. The hope is to help these kids, ages 13-17 years old, prior to them making permanent life –altering decisions. Jennifer stated that it was never the intention to have this be a lockdown facility or be depicted as an institutional designation. They will have to meet State Licensing requirements through the Department of Health and Welfare and will require comprehensive policies and procedures. Residents will never be un-supervised. There will be 24 hour staffing. They will place a perimeter fence around the main facility building if it is required. They will have medical apparatus and stations, CPR trained staff and a life flight membership because of the response times. Google maps states fire and rescue is 22 minutes away and the County Sherriff 28 minutes away. Access and road grades were approved by Kootenai County Fire and Rescue. Community security cameras, radios, cell phone, game cameras and drones will be used when necessary on this property only to monitor activity. Phone line services are available as well as cell service with Verizon. Staff to resident ratios in the daytime will be between 6-8 staff members for 24

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students. At night there will be 3-4 staff per 24 residents. It was stated that other treatment facilities with equal or greater response times were approved. There will be back up systems for power outages. Administrative offices will be in town not at the facility site. There is not a concern about runaways from this facility with education and training of the residents. Mrs. Scott submitted a letter into the record from the Director of Oak Grove, Ron Galletti, regarding runaways from high risk facilities. (See Exhibit # HE1005). There will be professional grade equipment to maintain roads for access under all weather conditions. The roads need to be widened and a new access road constructed. Gerald Archer from Kootenai County Fire and Rescue had no problem with the road access or grade. Living Water Youth Ranch will comply with all requirements set forth by the appropriate agencies. East Side Highway District said traffic will be well below the threshold of a traffic impact study. They will schedule staff to avoid shift changes during peak hours. Mrs. Scott discussed the differences between this facility and other residential treatment facilities.

This Conditional Use Permit is compatible with the land use description and Comprehensive Plan in the areas of recreation, forestry, farming, rural location, raising food and ranch-style living. There are a lot of Conditional Use Permits that could be approved that would be far more disruptive than what is proposed, i.e. Asphalt plant, Airport Strip, Gun Clubs, Sawmills etc. The Sherriff was NOT solicited for comment and Mrs. Scott feels this was an oversight of Community Development and the cause of the recommendation for denial.

Vlad Finkel clarified for the record that staff had made a recommendation for denial in advance of the Sherriff's comment that came in after the deadline for public comment. He stated that because of concerns with respect to the compatibility of the remote location, response time, and the issue with the Comprehensive Plan it is unlikely that the position would have changed with the Sherriff's latest comment.

Joan Woodard asked Jennifer Scott how high the demand for this type of facility is here? Mrs. Scott said there is an extremely high need with an opioid epidemic and a mental health crisis with a lot of facilities that cannot get children into treatment. Mrs. Scott says they have plenty of staff for this facility. Joan asked where the funding was going to come from and was told they would be self-funded without taking any State or Federal dollars.

Exhibit: HE 1001 Staff PowerPoint- Vlad Finkel CUP22-0008
HE 1002 Sheriff's Letter- Captain Andrew Deak
HE 1003 Email to Jeff Doty- Vlad Finkel
HE 1004 Applicant PowerPoint- Jennifer Scott
HE 1005 Document Opposing- Ron Galletti
HE 1006 Document Opposing- Brandon Stone
HE 1007 Presentation & Surveys- Marc Mathis
HE 1008 Document Opposing- Dennis & Patricia Dunn
HE 1009 Well & Fire Reports- Brian Terrell
HE 1010 Document, Links to articles- Jessica Ost
HE 1011 Statement Letter- William Jasper
HE 1012 Document, Links to articles- Patricia Terrell
HE 1013 Document Opposing- John & Loretta Sutherland
HE 1014 Document Opposing- Joseph Whipple
HE 1015 Document Opposing- Cassy Rider

Public Testimony: Comment Sheets submitted: 102, Applicant – 3; In Favor – 28, Neutral –2, Opposed – 69. One person commented via zoom who was opposed. The names and address of the individuals speaking or submitting comments are part of the record.

Jackson Lanterman, 8395 N. Scotsworth St, Post Falls Idaho. In Favor-Works with kids in the community through outreach. Lead Chaplin in the Juvenile Detention Center in Coeur d'Alene.

Julie Doty 702 N. 4th St. Coeur d'Alene, Idaho. In Favor- Attorney of Family Law. There is a tremendous need for a program like this.

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Wayne Burnham 6258 W. Irish Circle, Rathdrum, Idaho. In Favor- Pastor in the community that works with families and their children and sees a great need for a facility to help children with mental health and depression issues.

Marcus Anderson 17442 S Painted River Rd. Worley Idaho. In Favor-Benefactor for this project. Feels this is the right spot and the right people to make this happen.

Chris McCreary 8179 W. Splitrail Ave. Rathdrum, Idaho. In Favor-Employees over 1800 workers with the majority being between the ages of 15-19 at Triple Play. Has seen many of them come to him with mental health crisis in the last year. It's a real problem and he has full faith in this project.

Jeff Doty 12048 S. Diamond Rd. Harrison, Idaho. In Favor-Detailed how this is the correct property for this facility.

Heidi Hershly 8382 N. Wayne Dr. Hayden, Idaho. In Favor- Daughter was a victim of a violent crime. Turned to drugs and she wishes there would have been a facility to help her.

Patrick McArther 204 W. 14th St. Post Falls. In Favor- Associate Chaplain with Juvenile Justice Outreach. Sees the hopelessness of youth and parents. Ongoing counseling will help these youths that will stay at this facility.

James Doty 3400 E Hayden Lake Rd. Hayden, Idaho. In Favor- The need for this type of facility is huge across the entire country.

Jen Burnham 6258 W. Irish Circle Rathdrum, Idaho. In Favor- She has two teenage kids that are struggling with this difficult culture. Her daughter's best friend committed suicide. She has had to go out of state to get her help. We need a facility like this here.

Peyton Kusler- 1046 N. 17th St. Coeur d'Alene, Idaho. In Favor- Her high school boyfriend was murdered. The trauma had her turning to illegal substance and unhealthy behaviors. She wishes there had been a facility to help her.

Nathan Scott 1046 N. 17th St. Coeur d'Alene, Idaho. In Favor- went to Garden Valley Project. It saved his life. Gave him life skills. There were no runaways that made it off the property.

Santha Yinger 3345 Brownstone Ct. Post Falls, Idaho. In Favor- on staff at a local church and oversees the mental health and wellness initiative. The need is overwhelming. Parents and kids don't know what to do and need this facility.

Trevor Stone 17023 E. Alder Creek Road. Coeur d'Alene, Idaho. Neutral- Neighbor to the north. Used to work at Intercept. Knows there is a need but does not think the location is the best from his experience.

Bill Jasper 11401 E. Kempton Coeur d'Alene, Idaho. Opposed- Group presentation- worried about public safety in response time for law enforcement, fire and emergency medical services. Worried about the community and criminal activity and response times.

Marc Mathes 17028 W Alder Creek Rd, Coeur d'Alene, Idaho. Opposed- Group presentation- he is the only resident that would share the driveway with the facility. Worried about hunting and gunfire near the facility. Winter weather is a worry for the road travel. He feels the facility would hurt property values. He did a survey of realtors to get their input on property values. Submitted into the record as Exhibit #HE1007.

Lance Jordan 12451 Reeva Rd. Coeur d'Alene, Idaho. Opposed- Worried about response time and that infrastructure does not support the facility.

Captain Andy Deak Kootenai County Sherriff's Office. Opposed- Spoke of calls to similar facilities within the last year. Concerns regarding response times and safety for the residents.

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Greg Schrempp 5549 S. Wolf Lodge Rd. Coeur d'Alene, Idaho. Opposed-Concerns regarding public water systems. It may be a large draw from the aquifer and affect wells. Worried that their market value of properties would drop.

Celina McAllister 17891 Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Doesn't want her family near kids that could run away. Concerns about the traffic created by this facility being built and road conditions.

Seth Lukesic 17891 Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Understands the need for this facility but has concerns for the safety of his family and neighbors. Most of the road is private property and if residents were to escape they would cross private property.

Tim Vanlohuizen 12798 E. Reeva Rd. Coeur d'Alene, Idaho. Opposed-rural services can't afford to fix roads. Worries that this will fall on tax payers to fund. Does not think this is the best location.

Patricia Dunn 15450 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Entered a letter into the record as Exhibit #HE1008.

Josh Elsbernd 14389 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Worried about soil makeup and the water table and surface water with the creek. Worried about runaways.

Brian Terrell 12723 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed-to the location. This location does not conform to the Land Use Comprehensive Plan.

Joseph Whipple 16781 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Worried about safety and the intrusion of their peaceful lifestyles, traffic increased and decrease in property values.

Jessica Ost- 17241 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Applicant did not speak with all the neighbors. Her property adjoins this proposed facility property. She is concerned regarding emergency response times. Submitted notes into the record as Exhibit #HE1010.

Marie Elsbernd 14389 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed-Environmental concerns for wells and quantity of water available. Streams will be degraded by watershed development. Damage to aquatic habitat.

Joel Rose 17421 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- No one has contacted him regarding the building of this facility. Worried about the potential of expansion in the future. Does not feel safe with this type of "institution" in the area.

Christopher Jasper 3665 S. Varnum Rd. Coeur d'Alene, Idaho. Opposed- Was not contacted by Applicant. Concerns for the roads and runaways. This would not be an asset to the Wolf Lodge community.

Patricia Terrell 12723 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Submitted letter to the record. Exhibit #HE1012.

John Sutherland 17899 E. Alder Creek Rd. Coeur d'Alene, Idaho. Opposed- Read Letter he submitted in opposition due to the safety and security of area residents. Response time for emergency personnel and increased traffic. Letter submitted at Exhibit #HE1013.

Zoom- 4 attendees

Steve Cox on Zoom. Opposed- was not notified.

Applicant Rebuttal: Marcus Anderson issued an apology to the community that they did not speak to all the neighbors in the area. They could have done a better job of talking with everyone specifically to explain what the plan for the facility is. They are trying to help the kids and did not want to ruffle the feathers of the Wolf Lodge community. Jennifer Scott would like this location and is willing to abide by all agency regulations and do whatever it takes to enhance that safety and address every one of these neighbors' concerns. Regarding ADA disabilities there are

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many different types of disabilities not just physical. Mental classifications fall under these guidelines as well. She would like to do something about the opioid crisis before it becomes an issue for these individuals. There will be no delivery drivers or food trucks up at the facility. Supplies will be dropped off in town so there will not be commercial vehicles driving up and down the roads. The building site will be 350 or 500 yards away from the National Forest so hunting should not be an issue. They want to meet the needs of the community as well as the needs of the facility. Jeff Doty would like to see the survey that Marc Mathes handed out to the realtors to see the verbiage and how it was proposed. They stated that there were detailed conversations with the immediate property owners and do not think this will hurt property values. The roads are two lanes wide and two cars can pass each other. There is plenty of open space for a landing pad for life flight. Mr. Doty feels the response time was exaggerated. There will be professional equipment for snow plowing. There is not good access to the Forest Land for hunting and hunters should use common safety protocols. He further stated there is Verizon and AT&T service out there. There are valid concerns about runaways. The kids that would be trying to leave would want to get back to town, not to do harm in the community. The Board of Directors will be available at all times for questions and would like to meet with the community to discuss this and put their minds at ease.

Mrs. Scott said that from a meeting with Vlad Finkel and Ben Tarbutton they were told that the Sherriff's letter held heavy weight for recommending denial and asked that it be remanded back to Community Development so they have a chance to address all the concerns. She would like to have access to the letters and information that was turned in by the community.

Joan Woodard asked Director Callahan for direction in how this could be done. He said it is at the discretion of the Hearing Examiner and that she can remand it back to Community Development then there would be a new public hearing.

Mrs. Scott commented that part of the plan is that there will be resident counselors and staff living on site. Joan showed concerns regarding employee counts per resident. Potential for trouble driving on the roads with inferior vehicles and tires during inclement weather. What happens when staff can't get there in bad weather? She also had concerns about finding qualified staff to drive this far in a time where it's very hard for people to find employees. Mrs. Scott says she has a steady stream of people reaching out to her, professionals included, to be part of this project. Joan asked the question that "isn't this one of the reasons Kootenai Health had discontinued their facility"? Mrs. Scott said yes, that the people working there were overburdened and burned out, but there were political and money reasons for this turnover.

There being no further comments, Joan remanded this CUP back to staff and a public hearing will be scheduled some time in the future with only new public testimony.

Planner Vlad Finkel asked for direction for staff moving forward. Director Callahan stated that this is another public meeting with additional information given to staff and questions answered for the public to make a more informed decision.

Joan said it would be helpful for the Applicants to provide details on the industry standards and requirements for this type of facility. Meeting with the neighbors and answering their concerns would be helpful.

Jenner Scott offered to have a dinner for all the neighbors to work shoulder to shoulder to answer all the questions they have.

Joan had questions regarding how residents would go to doctor's appointment and school. It would be helpful for them to have specifics on these items. What about school? How are they getting educated? Mrs. Scott says they will have licensed professional teachers on site. All in person teaching. She will bring this all broken down to the next meeting.

The hearing was adjourned at 9:42 pm.

Submitted by,