

**WRITTEN DECISION OF THE HAYDEN PLANNING AND ZONING COMMISSION
REGARDING A CONDITIONAL USE PERMIT (PZE-23-0107)**

HAYDEN BIBLE CHURCH CUP AMENDMENT

Application of Sean Hoisington on behalf of Hayden Bible Church Inc., addressed 290 East Miles Avenue, Hayden Idaho, 83835, requesting an amendment to their existing Conditional Use Permit (SUP-0050) to expand the use of a religious institution in the Single Family Residential (R1) zone to a recently acquired lot, through means of a boundary line adjustment, to expand parking and site improvements. This amendment on a parcel of land totaling approximately 3.66 acres in size, is more particularly described below:

Legal Description:

The East ½ of the West ½ of Tract 38, Plat of Avondale, according to the plat thereof recorded April 20, 1907 in Book B of Plats at Page 132, records of Kootenai County.

TOGETHER WITH: That portion of Quitclaim Deed recorded September 8, 2009, as Instrument No. 2230861000, records of Kootenai County, Idaho, being situated in the Northwest quarter of the Southwest quarter of Section 13, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho. Also known as a portion of Tract 38 of Avondale, according to the plat thereof, recorded in Book B of Plats at Page 132 and described as follows:

The South 346.50 feet of the West ½ of the West ½ of Tract 38, Plat of Avondale, according to the plat thereof recorded April 20, 1907 in Book B of Plats at Page 132, records of Kootenai County.

EXCEPT: That portion conveyed to the City of Hayden per Right-of-Way dedication Deed, recorded February 12, 2016 as Instrument No. 2533627000, and re-recorded December 14, 2016 as Instrument No. 2575601000.

EXCEPT: That portion conveyed to the City of Hayden per Right-of-Way dedication Deed, recorded January 25, 2019 as Instrument No. 2678618000.

Factual Background:

1. The applicant and Owner is Hayden Bible Church located at 290 East Miles Avenue, Hayden, Idaho 83835.
2. The property is located south of East Miles Avenue approximately 775' east of North Government Way, more commonly known as 290 E Miles Avenue.
3. Should the request to include additional property within the Conditional Use Permit, the applicant is proposing to apply for a site improvement permit to expand the existing parking lot into this new area.
4. On August 29, 2023, agency notices were e-mailed to 10 agencies.

5. On September 29, 2023, public notices were posted on the City's website and a legal notice was published in the Coeur d'Alene Press, adjacent property notices were sent, and the property was posted.
6. On October 16, 2023, a properly noticed public hearing was held before the Planning and Zoning Commission. At that hearing, the Commission heard presentations from Aidan Fritz, Planner for the City and the project representative, Brad Marshall from J-U-B Engineers Inc.

Applicant's Presentation:

Brad Marshall, J-U-B Engineers, Inc. presented on behalf of the applicant, Sean Hoisington. Mr. Marshall identified the applicant agreed with the staff recommended conditions of approval as well as those conditions requested by outside agencies. Mr. Marshall discussed the intention for the amendment to the conditional use permit (CUP) to involve parking expansion and site and/or building improvements associated with the religious use before he addressed the standards of approval. Mr. Marshall provided a preliminary site plan of what was proposed in this additional land area where the requested amendment to the CUP would include.

1. The proposal is in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the zoning ordinance;

The site and surrounding area is designated as Single Family Residential in the City's Comprehensive Plan Future Land Use Map. Churches are a common land use in single family neighborhoods. Churches and associated parking lots are permitted in the R-1 zone with Conditional Use Permits.

2. The location, design, and size of the proposal are such that the development will be adequately served by streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

The new parking lot and supporting stormwater, lighting, fencing and landscape improvements will be designed in accordance with the City's design standards. The new parking lot will meet circulation and emergency (fire) access, drainage, landscaping and screening requirements. The site is served by Avondale Water District, the City of Hayden Sewer and local sanitation services. The currently established Church, parking lot, and proposed parking lot expansion meets and will meet all applicable design standards for approval.

3. The design and planning (to include construction, operation and maintenance) of the site is compatible with the location, setting and existing uses and the intended character of the general vicinity.

The existing Church and parking lot is currently permitted. The parking lot expansion will be designed to all applicable City standards and comply with the location, setting, existing land use, and intended character of the area. The Additional parking spaces will provide much needed off-street parking for the growing church.

There were no questions from the Commission to the applicant at this time.

Staff Presentation:

Aidan Fritz, Planner, provided a summary of the Staff Review and reviewed the current zoning designation of the project site and surrounding areas, goals, policies and future land use identified within the comprehensive plan, requirements of the Conditional Use Permit for this use in the Single Family Residential (R1) zone designation, staff recommended conditions of approval and agency and public comments received.

Chair Davis asked if in the Conditional Use Permit process, if the developer has to stick with the preliminary site plan presented. Community Development Director Donna Phillips responded that the request is for the “Use” and the plans presented are more conceptual. Mr. Fritz clarified that the use runs with the land and that with the acquisition of new land the Conditional Use Permit would be required to be amended to include the new land area.

Commissioner Howard asked if there were any additional statutes that apply regarding a religious institution in the state statutes. City attorney Fonda Jovick stated that it is the same as any other protected class by the state.

Commissioner Johnson asked the applicant if the neighborhood was aware that the church was open in case of an emergency. Ms. Jovick informed the Commissioner that any questions toward the applicant would be during their rebuttal to any comments.

Chair Davis opened the hearing for public comments.

Public Testimony:

No members of the public present for the hearing provided oral testimony. Chair Davis ended the public comment period and allowed the applicant a chance to rebut any comments.

Rebuttal:

Mr. Marshall responded to the Commissioner’s earlier question by stating the church is a good neighbor. The recent expansion was acquired from one of their neighbors. The church is a local polling place and open to those in need. Mr. Marshall also noted that there was no public opposition.

Deliberation:

The Commission considered the presentations and the staff report. The Commission deliberated, discussing how the standards of approval were being met, moving congestion off of Miles Avenue for the City's safety, and how the church exemplified being a good neighbor.

Commissioner Howard stated that she believed the applicant met the standards of approval. She added that getting cars off of Miles Avenue was an important safety issue and the church was acting responsibly.

Commissioner Prickett agreed with Commissioner Howard and he would approve the request.

Commissioner Bemis agreed with what was stated and the applicant is following the standards of approval.

Commissioner Johnson liked that they are a good neighbor and the idea of getting cars off of Miles Avenue.

Commissioner Gibson felt the standards were met and the proposal was good common sense and good for the overall community.

Chair Davis stated he believed the standards of approval were met and noted that the church is expanding in the Single Family Residential (R1) zone which is allowed by the Conditional Use Permit.

It was recognized that the request is intended to mitigate potential off-site parking from the church and create better traffic flow along Miles Avenue during the religious institution's hours of operation. The Commission concluded the applicant complies with all three of the standards of approval and agreed with the conditions identified in the staff report.

Following deliberations, Commissioner Johnson made a motion to approve the request with staff recommended conditions of approval after finding that the facts supported approval based on the standards of approval for conditional use permits, as identified in Hayden City Code 11-7-3. Commissioner Howard seconded the motion and, following a roll call vote, the motion was approved unanimously six (6) to zero (0).

Zoning:

The project site is currently zoned Single Family Residential (R1) which is defined as: The Single Family Residential zone provides for the classic Hayden neighborhood where single family homes on smaller lots are permitted. Accessory dwelling units are permitted, but two-family dwellings are not.

Surrounding Zoning and Land Use Designations:

Zoning: The existing zone map designates the property and all surrounding properties as Single Family Residential (R1). The parcels to the west, adjacent to Government Way, are zoned Commercial (C).

Land Use Designations: The City's 2040 Comprehensive Plan Future Land Use Map designates the subject property and properties to the north, east, and south as Mixed Residential (MR). Properties to the west are designated as Mixed Use (MU), and properties further east are zoned Single Family Residential (R1).

Surrounding Current Land Uses: Residential properties to the north of the project site have an average lot size of approximately 0.33 acres. Adjacent to the east property line of the subject site is a residential lot of 4.5 acres. To the south and southwest, residential properties average a larger lot size between 2 and 3 acres. To the southeast lies Miles Addition Subdivision, where lots average 0.3 acres. All lots surrounding the project site have a minimum lot size of 8,250 square feet.

Applicable Law:

Idaho Code Sections 67-6512, 67-6519, and 67-6535.

Hayden City Code, Title 11.

Standards for Conditional Use Permit Approval and Findings:

- A. Findings: The Planning and Zoning Commission heard the Staff and Applicant's presentation, as well as reviewed the staff review and the comments received from the public.

At the conclusion of the hearing, the Planning and Zoning Commission deliberated the proposal and Commissioner Johnson motioned to approve the PZE-23-0107 with staff recommended conditions of approval as it does meet the standards of approval. Commissioner Howard seconded. All were in favor. Motion passed.

- B. Standards: After applying the standards and procedures of Hayden City Code 11-7-3, the Hayden Planning and Zoning Commission approved the requested amendment. In so doing, the Hayden Planning and Zoning Commission finds that the request does meet all of the following required standards of approval based upon the facts in the record and the testimony received at the public hearing:

1. The proposal is in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the zoning ordinance; {Met.}
2. The location, design, and size of the proposal are such that the development will be adequately served by streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; {Met with staff recommended conditions.}

3. The design and planning (to include construction, operation and maintenance) of the site is compatible with the location, setting and existing uses and the intended character of the general vicinity. {Met with staff recommended conditions.}

Conclusion:

Based upon the record placed before it, and after considering all of the evidence in the record and the testimony and evidence presented at the public hearing before the Planning and Zoning Commission on October 16, 2023, after deliberations and having applied the applicable law to the facts for a conditional use permit, it is the decision of the Hayden Planning and Zoning Commission that the requested conditional use permit DOES meet the standards of approval for a conditional use permit per Hayden City Code 11-7-3 and SHALL BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. The approval of this Conditional Use Permit is based upon the request of expanding the use of the church to include parking and site improvements, but may include other uses associated with a church use for the applicant, Hayden Bible Church within the Single Family Residential zone.
2. This approval shall run with the land for as long as the use remains a church herein regardless of whether the property ownership; applicant and/or design professionals noted herein remain the same, whether collectively or individually.
3. Any development of the project site and building(s) shall comply with Hayden City Codes, policies, and standards with required landscaping, lighting, parking, stormwater requirements addressed as part of any future site development. A phased master site plan may be required.
4. Applicant shall comply with the requirements of the Northern Lakes Fire Protection District as outlined in their letter of September 6, 2023, identified in the record.
5. Applicant shall provide the last three years of water usage records to the City for review with respect to a possible change in sewer capitalization and O&M prior to issuance of an approved site permit.

Parking Conditions of Approval:

6. No parking is allowed on areas not designated and approved or on unpaved locations within the project site. Should parking occur in areas where it is not allowed, the owner shall provide for the required parking through a joint parking agreement, an additional parking area, or through an improvement to the existing site for additional parking space, or by some other means acceptable to the City.

Access Conditions of Approval:

7. Access to the site shall be limited to the following locations: the one-way west entrance into the site along East Miles Avenue and the one-way exit onto Miles located on the eastern portion of the street frontage.

Therefore, the Planning and Zoning Commission approves with conditions the request in Case No. PZE-23-0107 Hayden Bible Church CUP Amendment to expand a religious institution in a Single Family Residential zone.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section §67-6535 and Hayden City Code §1-1-6 must first seek reconsideration of the final decision from the Hayden City Council within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought as identified in Hayden City Code §1-1-6(A)(1)(a-f).

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section §67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code section §67-6521(1) (a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

FINDINGS AND DECISION OF APPROVAL on the ____ day of October, 2023.

CITY OF HAYDEN, IDAHO

By: _____
Alan Davis, Chair

ATTEST:

Aidan Fritz, City Clerk