

**AMENDED AGENDA  
Special Meeting  
McCall City Council**

**January 28, 2008 at 3 p.m.**

**McCall City Hall (Lower Level)  
216 East Park Street**

**3:00 p.m.**

**CALL TO ORDER AND ROLL CALL**

Council Member Don Bailey, Council Member Kevin Briem, Council Member Mike Kraemer, Mayor Bert Kulesza, and Council Member Laura Scott

**BUSINESS AGENDA**

AB 08-26 Ordinance 848: Building Heights in the Scenic Overlay Portion of the Airport Zone

**EXECUTIVE SESSION**

Litigation – Pursuant to Idaho Code §67-2345(1)f to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

**ADJOURNMENT**

Americans with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at 634-7142

**McCALL CITY COUNCIL  
AGENDA BILL**

216 East Park Street  
McCall, ID 83638

**Number**

**AB 08-26**

**Meeting Date**

**January 28, 2008**

| <b>AGENDA ITEM INFORMATION</b>   |  |                 |  |
|--|--|-----------------|--|
| <b>SUBJECT:</b><br><br><i>Ordinance 848: Building Heights in the Scenic Overlay Portion of the Airport Zone.</i>   | <i>Approvals: Department/<br/>Committee/Individual</i>   | <i>Initials</i> | <i>Remarks<br/>(Originator/<br/>Support)</i> |
|  | Mayor / Council  |                 |  |
|  | City Manager   |                 | originator                                   |
|  | Community Development  |                 |  |
|  | Treasurer  |                 |  |
|  | Clerk, Deputy City Clerk   |                 |  |
|  | Police Department  |                 |  |
|  | Public Works   |                 |  |
|  | Golf Operations  |                 |  |
| <b>COST IMPACT:</b> n/a  | Parks & Recreation   |                 |  |
| <b>FUNDING SOURCE:</b> n/a   | Airport  |                 |  |
|  | Library  |                 |  |
| <b>TIMELINE:</b> ASAP  | City Attorney  |                 |  |
|  | Grant Coordinator  |                 |  |
| <b>SUMMARY STATEMENT:</b>  |  |                 |  |
| <p>At the January 24, 2008 meeting, Council reconsidered their previous denial of CA-07-07. The proposed zoning amendment was further amended. Ordinance 848 was read by title only for the first reading.</p> <p>Attached are Ordinance 848 and a summary of the Ordinance for publication.</p> |  |                 |  |
| <b>RECOMMENDED ACTION:</b>   |  |                 |  |
| <p><i>Suspend the rules and read Ordinance 848, by title only, for the second and third readings.</i></p> <p><i>Adopt Ordinance 848.</i></p>   |  |                 |  |
| <b>RECORD OF COUNCIL ACTION</b>  |  |                 |  |
| <i>Meeting Date</i>  | <i>ACTION</i>  |                 |  |
| <i>January 10, 2008</i>  | <i>AB08-07: Council denied CA-07-07 and directed staff to work with interested parties to develop a zoning code amendment which addresses building heights in the Scenic Overlay portion of the Airport Zone</i> |                 |  |
| <i>January 24, 2008</i>  | <i>AB08-24: Upon reconsideration, Council adopted CA-07-07 and held the first reading of Ordinance 848</i>   |                 |  |
|  |  |                 |  |

**ORDINANCE NO. 848**

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO AMENDING SECTION 3.7.031, LANDS INCLUDED, OF CHAPTER 7, SPECIAL DISTRICTS, OF TITLE III, ZONING, OF THE McCALL CITY CODE; AMENDING SECTION 3.7.032, REQUIREMENTS FOR DEVELOPMENT, OF CHAPTER 7, SPECIAL DISTRICTS, OF TITLE III, ZONING, OF THE McCALL CITY CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, McCall City Code 3.7.03 establishes a Scenic Route Zone to preserve, maintain and improve visual access from public collector and arterial streets and to improve the visual quality of existing streets and adjacent uses, and control the visual quality of future development; and

WHEREAS, the McCall Municipal Airport is located within the Airport Zone; and

WHEREAS, a portion of the Airport Zone is also located within the Scenic Route Zone; and

WHEREAS, McCall City Council desires to amend the Zoning Code to require that the Scenic Route Zone requirements of 3.7.03 apply within that portion of the Airport Zone also located within the Scenic Route Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, IDAHO:

Section 1: That Section 3.7.031, defining the lands included in the Scenic Route Zone, of Chapter 7, Zone SR, Scenic Route, of Title III, Zoning, of the McCall City Code, is hereby AMENDED as follows:

**3.7.031: LANDS INCLUDED:**

The scenic route zone includes:

- (A) One hundred fifty foot (150') wide strips of land bounded by the right of way lines of the following named streets, and by lines parallel to and one hundred fifty feet (150') away from such right of way lines, together with any right of way not part of the roadway:
1. State Highway 55, from the southern boundary to the northern boundary of the impact area (Third Street and Lake Street).
  2. East Side Road and East Side Drive from Lick Creek Road to Warren Wagon Road.
  3. Warren Wagon Road to the northern boundary of the area of city impact.
  4. Lick Creek Road from the intersection of Spring Mountain Boulevard east to the eastern boundary of the impact area.
  5. Spring Mountain Boulevard from Deinhard Lane to Lick Creek Road.

6. Deinhard Lane from 3rd Street (Highway 55) to Spring Mountain Boulevard and from 3rd Street (Highway 55) to Boydston Street.
  7. Boydston Street from Deinhard Lane to West Lake Street (Highway 55).
  8. Mission Street and Norwood Road to boundary of the area of city impact.
  9. West Mountain Road, including the proposed eastward extension to Boydston Street or Deinhard Lane, extended to the western or southern boundary of the area of city impact.
- (B) Any structure or a portion thereof which may be visible when traveling along the roadways designated above and any part of which is located on a lot any portion of which is within one hundred fifty feet (150') of the nearest right of way line of a road named in this section or designated pursuant to this section; such a structure is subject to design review and approval under Chapter 16, "Design Review", of this title, notwithstanding that portions of the structure are not on land that is within this zone.
- ~~(C) Upon the approval by the city council of the airport master plan, lands within the AP zone district will not be subject to the requirements of this section 3.7.03.~~

Section 2: That Section 3.7.032, defining the requirements for development in the Scenic Route Zone, of Chapter 7, Zone SR, Scenic Route, of Title III, Zoning, of the McCall City Code, is hereby AMENDED as follows:

**3.7.032: REQUIREMENTS FOR DEVELOPMENT:**

Prior to the issuance of a building permit, and prior to any clearing, grubbing, excavation, or other construction (including removal of any existing structures or improvements), the owner shall apply to the commission for approval of a site plan. Procedures for the processing of the application shall be governed by the procedural rules set out in subsection (H) of this section. A building permit shall neither be issued, nor any such work or construction undertaken, until approval of the site plan and design approval of proposed structures in accordance with chapter 16 of this title.

- (A) **Materials Provided By Applicant:** The applicant shall furnish graphic or pictorial material sufficient to indicate the nature of any proposed development or improvement to include signing and landscaping, and an indication of obscured views, if any.
- (B) **Commission Determination:** The commission shall ascertain whether the proposed development, improvement or use will:
  1. Block or disrupt the visibility of significant views or features.
  2. Be compatible (in terms of setback, bulk, height, design, finish materials, signing and landscaping) with its immediate surroundings and the desired visual quality of the scenic route.
- (C) **Structure Height:** The maximum height for any structure is thirty five feet (35').
- (D) **Setbacks:** All structures in subdivisions platted after March 16, 2006, are to be set back from the property line not less than seventy five feet (75'), except that where the lot is within any residential zone, commercial zone, airport (AP) zone, or industrial zone, the setbacks provided for such zone shall govern instead. The

setback requirements for parcels along South Third Street (Highway 55) from Deinhard Lane to the south boundary of the impact area are as follows:

1. Adjacent to, or within, three hundred feet (300') of a street intersection, the setback will be ten feet (10').
  2. Otherwise, the setback will be thirty five feet (35').
- (E) Timber Harvesting: The existing forest in the McCall area is considered a public resource, important to the character of the planning jurisdiction and its tourist economy. Prior to the issuance of a relevant building permit, the harvesting of timber shall be limited to dead, dying or damaged timber. Slash shall not be accumulated or piled within view of the roadway. Following issuance of a relevant building permit, tree removal is additionally permitted within the area of the building footprint, other structures, driveways, and other improvements, and in accord with section 3.8.04, "Fire Hazard Mitigation Standards", of this title. Development of the lot should endeavor to preserve standing, healthy trees outside the area occupied by improvements; lawn not being considered an improvement for these purposes. Landscaping shall replace trees harvested or removed.
- (F) Access Roads:
1. Access roads in subdivisions and resubdivisions platted after March 16, 2006, will be kept to a minimum. Every subdivision platted after March 16, 2006, shall provide an interior roadway providing access to each lot, which interior roadway shall connect to the scenic route at a single point of access, as is the case with Lucks Point subdivision, for example, except as the fire chief may require an additional access. The intersections of any two (2) access roads with the scenic route in the impact area and any portion of the planning jurisdiction that was in the impact area on March 16, 2006, shall be no closer than one thousand feet (1,000') to each other. Where the entire frontage of a parcel on the scenic route on March 16, 2006, is less than one thousand feet (1,000') from the intersection of its side boundaries with the right of way, and if an agreement with adjacent property owners for a common property line point of access is not reached after bona fide effort, that shorter distance between intersections is permitted which is consistent with a minimization of points of access. Direct driveway access shall be discouraged to the scenic route in the impact area.
  2. Inside the city limits within existing subdivisions where individual lots with scenic route right of way as a lot boundary cannot obtain access to the public road from a road interior to the subdivision, direct access onto the scenic route may be allowed; provided, that the driveway distances in the applicable zone shall apply. In such cases, common driveways on common lot lines, thus two (2) driveway accesses per four (4) lots, may be required.
- (G) Bike Paths: Some or all of the routes listed in section 3.7.031 of this chapter are designated by the parks and recreation master plan (see the "McCall Bike Path Master Plan, 2005") to have a bike path, walkway or other recreational routing

alongside, or as a part of the scenic route. Where such designation exists, the commission shall assist in the effectuation of the master plan by the exaction of recreational easements or dedication of additional right of way or other techniques to ensure a continuous route for such uses. In all cases, the city must show that such exaction is roughly proportional to the impacts of the development and that the conditions for implementing portions of the bike paths are to be based upon an individualized determination for each development that the conditions are related to both the nature and extent of such impacts.

(H) Procedural Rules:

1. If the construction or exterior remodeling (including painting, roofing, siding, etc.) relates to a commercial, industrial, or mixed used building, **buildings within the airport (AP) zone**, or the enlargement of an existing such building; or to a new residential building of three thousand five hundred (3,500) square feet, or more, of living space; or covering more than the maximum lot coverage permitted in the applicable zone on which it is located (see chapter 3, "Residential Zones And Standards", of this title); or to an enlargement of an existing residential building which is (or as a result of the enlargement will be) larger than three thousand five hundred (3,500) square feet; the procedure followed shall be identical to that for a conditional use.
2. If the construction relates to a sign, and in other cases not specifically addressed in subsection (H)1 of this section, the procedure shall be to submit the matter to the commission for review without public hearing or notice other than agenda notice.
3. If the construction relates to the modification of an existing, previously approved sign, the procedure shall be to submit it to the administrator for review. Approval is required in any event in accordance with the provisions of chapter 16, "Design Review", of this title.
4. Exceptions in the opinion of the administrator. Scenic route approval will not be required for the following building or site modifications (although a building permit may be required):
  - (a) Interior remodeling of a structure which does not impact the exterior appearance of the structure or significantly impact the parking, landscaping or other exterior uses of the property.
  - (b) Repairs to an existing building if the outward appearance is not significantly changed.
  - (c) Improvements to or maintenance of an existing building or site where these do not significantly impact the outward appearance of the building or site.
5. No approval by council is required unless there is an appeal to the council from the decision of the commission.

Section 3: **EFFECTIVE DATE:** This ordinance or a summary thereof, shall be published once in the official newspaper of the City, and shall take effect upon its passage, approval, and publication.

PASSED BY THE COUNCIL OF THE CITY OF McCALL, IDAHO, THIS \_\_\_\_ DAY  
OF \_\_\_\_\_, 2008.

APPROVED BY THE MAYOR OF THE CITY OF McCall, IDAHO, THIS \_\_\_\_ DAY  
OF \_\_\_\_\_, 2008.

Approved:

By

\_\_\_\_\_  
Bert Kulesza, Mayor

Attest:

By \_\_\_\_\_  
Fred Quiel, Acting City Clerk

**A SUMMARY OF ORDINANCE NO. 848  
PASSED BY THE CITY OF McCALL, IDAHO**

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO AMENDING SECTION 3.7.031, LANDS INCLUDED, OF CHAPTER 7, SPECIAL DISTRICTS OF TITLE III, ZONING, OF THE McCALL CITY CODE; AMENDING SECTION 3.7.032, REQUIREMENTS FOR DEVELOPMENT, OF CHAPTER 7, SPECIAL DISTRICTS, OF TITLE III, ZONING, OF THE McCALL CITY CODE; AND ESTABLISHING AN EFFECTIVE DATE.

This ordinance amends Section 3.7.031, of the Scenic Route Overlay Regulations to require that lands within the AP zone district will be subject to the requirements of this section, and to amend Section 3.7.032 to provide that the Scenic Route Zone requirements apply within the portion of the Airport Zone which is also located within the Scenic Route Zone.

The Ordinance shall be effective upon publication of this Summary.

The full text of the Ordinance is available for review at City Hall and will be provided by the City Clerk to any citizen upon personal request, or can be viewed on the City website at [www.mccall.id.us](http://www.mccall.id.us).

APPROVED BY THE COUNCIL OF THE CITY OF McCALL, IDAHO, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

Approved:

By \_\_\_\_\_  
Bert Kulesza, Mayor

ATTEST:

By \_\_\_\_\_  
Fred Quiel, Acting City Clerk



**ORDINANCE SUMMARY CERTIFICATION**

Ordinance No. 848

Certification of City Legal Advisor  
of the Summary prepared  
for the above-numbered Ordinance

The undersigned City of McCall Legal Advisor, having reviewed the above-numbered Ordinance and the Summary for the above-numbered Ordinance, believes the Summary of the above-numbered Ordinance is true and complete and that it provides adequate notice to the public of the identity and principal provisions of the Ordinance.

Dated this 25<sup>th</sup> day of January, 2008.



William F. Nichols