

**MCCALL AREA  
PLANNING AND ZONING COMMISSION  
MINUTES  
August 7, 2007 –6:00 p.m.  
McCall City Hall – Lower Level  
216 East Park Street**

**COMMISSION MEETING – Begins at 6:00 p.m.**

**1. CALL TO ORDER AND ROLL CALL**

Chairman Youde called the meeting to order at 6:00 p.m. Commissioners Doug Russell, Kim Apperson, Claudia Delaney and Sarah Jessup were present. Shane Jeffries was absent and Phil Feinberg joined the meeting at 6:10 p.m. There was a quorum present.

City staff Steve Hasson, Michelle Groenevelt and Debra Smith were also present.

**2. REVIEW & APPROVAL OF MINUTES**

The minutes from July 10, 2007 were reviewed. Sarah Jessup moved to approve the July 10, 2007 minutes; seconded by Claudia Delaney; carried.

**3. PRE-APPLICATION MEETINGS**

Per MCC 3.15.02, the applicant will present to the Administrator and Commission, in a scheduled meeting, but a nonpublic hearing, a preliminary development plan for review and discussion. All materials to be reviewed and discussed shall be provided, or be available, to Commission members at a regular scheduled meeting of the Commission.

**PRE-APPLICATION MEETING (CUP)**

*1610 Moore Street*

Legrand Bennett: A pre-application meeting to discuss a conditional use permit to reduced side yard setbacks according to MCC3.3.03 Note 5. The property is zoned R-4.

Legrand Bennett explained the need to relax the side-yard setback on this property to 6 feet 9 inches. He will proceed to the September 4, 2007 meeting with a conditional use application.

**PRE-APPLICATION MEETING (CUP, SR)**

*702 Lick Creek Rd*

Nick Hurren: A pre-application to construct a home with a guesthouse which is located on the Lick Creek Road scenic route. The property is zoned R-8.

Nick Hurren explained the plans to build his home on the scenic route on Lick Creek Road. The application is for a conditional use permit to allow an additional kitchen in the 600 square foot guest/bonus room. The suggestion was made for Mr. Hurren to meet with Michelle and the Building department to determine the

need for a conditional use permit. The CUP may not be necessary but a scenic review would be.

**PRE-APPLICATION MEETING (CUP, SR)**

*114 N. 3<sup>rd</sup> Street*

Brian K. Koch: A pre-application meeting to discuss a conditional use permit to open a child care facility focused on children ages 6 weeks to 5 years of age. The desired location is an existing building located in the Third Street Plaza. The property is zoned Community Commercial.

Brian Koch presented his plans to run a state licensed day care facility at this location. They would care for 12 to 15 children with no outside play area. He will proceed with a conditional use application.

**4. CONSENT AGENDA**

All matters which are listed within the consent section of the agenda have been distributed to each member of the McCall Area Planning & Zoning Commission for reading and study. Items listed are considered routine by the Commission and will be enacted with one motion unless a Commission Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

**ROS-07-15**

*850 Grand Avenue*

Keith Langley: A record of survey to combine two lots into one parcel. The property is zoned R4.

**ROS-07-16**

*207 Colorado Street*

Christopher Niccoli: A record of survey to move the existing property line 23 feet east because the current property line is in the center of the residence. The property is zoned R-8.

**ROS-07-17**

*1206 Boydstun Lane*

John Russell representing Jennifer Nelson: A record of survey to split one parcel into two lots. The property is undeveloped. The property is zoned R-8.

**DR-07-47**

*117 W. Lake Street*

Matt Anthony representing Bob & Sharon Miller: A design review for the addition of two bedrooms and a bathroom to an existing home. The property is zoned R-4.

**DR-07-51**

*2584 Warren Wagon Rd.*

Donald Hardy representing Trey Knipe: A design review application to remove old roof rafters and add a second story with two bedrooms. The property is zoned R-4.

**DR-07-53**

*102 N. 3<sup>rd</sup> Street*

Brown Mountain Building representing McCall Angler: A design review application to propose two exterior signs identifying the business. The property is zoned Central Business District.

Kim Apperson moved to approve ROS-07-15, ROS-07-16, ROS-07-17, DR-07-47, DR-07-51, and DR-07-53; seconded by Doug Russell and Phil Feinberg; carried.

**ROS-07-14 (Phil Feinberg requested separate consideration)**

*2121 & 2125 Eastside Dr.*

Jon Vanderhoff and Jason Hawkins: A record of survey to split a parcel into two lots with one residence each. The property is zoned R-4.

Michelle explained that the one parcel has two homes on it. The request is to create a legal lot for each residence. The lot originally had two old cabins, which were removed. A previous planner allowed two cabins to be constructed saying that it was grandfathered because of the previous cabins.

Water and sewer was approved for the separate residences and they meet all of the requirements in the new code.

Phil Feinberg questioned Michelle as to why a record of survey to split the property was not done prior to construction. She explained that under the old code, they would not have qualified for a lot split.

Doug Russell questioned whether one of the houses was located on the lot line. Michelle explained that with this record of survey, the lot lines would be moved to create three separate lots.

Robert Youde moved to approve ROS-07-14; seconded by Kim Apperson; four ayes; two nays; motion carried.

**DR-07-49 (Robert Youde requested separate consideration)**

*403 N. Third Street*

Rocky Mountain Signs representing Brundage Realty: A design review application to replace the aging sign with new sign. The property is zoned Community Commercial.

The application is to replace existing sign with a 3.5 by 7 foot sign and keep the 18 square foot sign attached to the roof. This would yield 67 sq. feet of signage which is within the code requirement of 67.5 sq. feet.

Phil Feinberg moved to approve DR-07-49; seconded by Sara Jessup; carried.

**DR-07-58 (Sarah Jessup requested separate consideration)**

*1750 Crescent Drive*

Tom Webb representing Alice Tullis: A design review to repair/replace existing deck and foundations and to add basement to provide two bedrooms with baths. The property is located in the Scenic Route and is zoned R4.

Sarah Jessup requested clarification of the application. It is a non-conforming structure setting about 20 feet into the 50 foot setback. Sarah stated that fixing an existing foundation is quite different than excavating a new basement 30 feet from the lake. Michelle explained that there are two issues.

1. The first is repairing the old foundation. The building department explained to Michelle that there is nothing in the code to prevent these repairs and that the building is unsafe.
2. The second is removing the lattice surrounding the storage area and enclosing it to make two bedrooms and a bathroom.

Phil Feinberg said that if this is approved, every non-conforming lot on the lake will want to do additions in this manner. Phil also pointed out that this application should not have been on the consent agenda due to the decisions that need to be made.

Phil Feinberg moved to deny DR-07-58 as it does not decrease the non-conformity of the lot; seconded by Doug Russell; carried.

**DR-07-36 (Application continued to September 4, 2007 meeting)**

317 E. Lake Street

Steve Tansill representing McCall Mall: A design review application to renovate the existing McCall Mall building and new signs. The property is located in the Central Business District.

**5. OLD BUSINESS**

**SUB-04-10**

*River Ranch Subdivision Phase 1B Final Plat*

Amy Pemberton representing McCall River Ranch Company: A request for final plat approval for River Ranch Subdivision Phase 1B which consists of 17 single family residential lots. The property is located in the R-5 zone.

Amy Pemberton presented the River Ranch Subdivision Phase 1B Final Plat to the Commission. The roads have all been paved. Utilities are completed. Easement for the bike path has been granted throughout the subdivision to Moonridge with the ability to change the legal description if the lots change. Phil Feinberg questioned Amy regarding rentals. The CC & R's state that they could be rented on a monthly basis. Phil said that they would need a permit from the City and if neighbors were to complain, the permit could be rescinded. Robert Youde moved to approve SUB-04-10 subject to Findings 1 through 14 and Conclusions 1 and 2, including 2 conditions; seconded by Phil Feinberg; carried. Forwarded to City Council with recommendation to approve.

**SUB-05-13**

*White Cloud Subdivision Phase 2 Final Plat*

Scott Findlay representing White Cloud Subdivision Phase 2: A request for final plat approval for Phase 2 of White Cloud Subdivision which consists of 34 single family residential lots. The property is located in the R-1 zone.

Scott Findlay presented the Final Plat for White Cloud Subdivision Phase 2 to the Commission. One half of the plat is located in the Impact Area and the other half is located in Valley County. The roads have been paved and the McCall Fire Department has approved the plat.

Michelle noted that because the plat is in the Impact Area that it would be forwarded to the Valley County Commissioners not the McCall City Council as stated in the staff report. The development agreement is complete.

The staff would need a final plat approval letter from the City Engineer before forwarding to the Commissioners and would not require a letter from the County Engineer.

Robert Youde motioned to approve SUB-05-13 with staff findings one through nine and conclusions one and two and with recommendation to forward to the Valley County Commissioners; seconded by Phil Feinberg; carried.

## **6. NEW BUSINESS**

### **CUP-07-13**

*506 Pine St*

*McCall Church of the Nazarene*

Darci Hyde representing the McCall Church of the Nazarene: A conditional use permit to operate a non-profit ministry through the Church providing daycare and a preschool to the public. The property is zoned Commercial Business District.

Darci Hyde and Sarah Lynch were present with their proposal for a conditional use permit. The local church board has approved the use of the facility and they are waiting for district approval. Central District Health has approved the location. Additional smoke detectors and a portable hand washing station have been installed. They noted that they had not received any public comment on the application.

Robert Youde opened the public hearing. No public comment. Hearing was closed.

Phil Feinberg moved to approve CUP-07-13; seconded by Sarah Jessup; carried.

### **PUD-07-5, CUP-07-14, DR-07-50, SR-07-22**

*TBD McBride Street*

John Powell from CTA representing Phil and Janice McNabb: Applications for a planned unit development, conditional use permit, scenic route and design review to construct a mixed use project with retail/office on the ground floor and an apartment above. The lot is 66 ft. by 73 ft. and is adjacent to Peak Glass. The property is zoned Community Commercial.

Robert Youde recused himself from this application. Phil Feinberg was chairman.

John Powell explained the project. The lower level will be retail office space with a residence upstairs. Parking will be off of McBride Street. The city arborist has approved the removal of one tree. He said that there will be two small hanging signs and Phil Feinberg suggested additional signage. Requesting rear setback reduction. Phil Feinberg opened the public hearing. No public comment. Hearing was closed.

Kim Apperson moved to approve PUD-07-5 and CUP-07-14 with staff findings and conclusions; seconded by Claudia Delaney; carried.

Kim Apperson moved to approve DR-07-50 and SR-07-22 with staff findings and conclusions; seconded by Claudia Delaney; carried.

Robert Youde recessed the meeting for a two minute break at 7:30 P.M.

**SUB-07-9, CUP-07-16** (Continued to the September 4<sup>th</sup> meeting.)

908 Fairway Drive

Fairway Condominiums

Briggs Engineering representing Chad Moffat: A preliminary and final plat application for a subdivision and conditional use application for 4 residential condominiums units in one building. The property is zoned R-8.

**6. CODE AMENDMENTS**

**CA-07-5**

Calculating Side Yard Setbacks

**3.3.04 Residential Zone Lot Width vs. Side Yard Setback**

The code amendment proposes to delete Figure 3.3.04 below to determine side yard setback.

For example:

Home sites less than fifty (50) feet wide	Five (5) feet minimum either side
Home sites one hundred (100) feet wide	Ten (10) feet minimum either side
Home sites equal to or greater than one hundred twenty five (125) feet wide	Fifteen (15) feet minimum either side

**Figure 3.3.04**

~~Page 3-6 Chapter 3, Residential Zones and Standards March 16, 2006  
City of McCall Title 3, Planning and Zoning, City of McCall~~

~~However, for lots up to one hundred (100) feet wide the sum of both side yard setbacks shall equal a minimum of twenty percent (20%) of the lot width when measured at the location of the setback. For lots over one hundred (100) feet in width, the requirement is for the sum of both side yard setbacks to equal at least thirty percent (30%) of the lot width when so measured. The Administrator may approve, for lots up the 125 feet wide, a relaxation of total side yard setback to up to twenty five percent (25%) of the lot width if conditions of topography, adjacent buildings, vegetation, or wetlands impact the location of the proposed building site.~~

**Side yard Setback Requirements and Determination:**

No building element shall be closer to a side property line than five feet or one-half the building element height, whichever is greater. See Figure 3.3.04 for determination of building element height. Height of the building element or structure element, as it relates to setbacks,

shall be determined as follows: in all instances the height shall be measured from the existing grade prior to construction; and, if that existing grade and the top of the element are not parallel, height is determined as an average of three distances, one computed at each of the two ends of the furthestmost projecting element and one computed at the middle of the element. In the case where multiple elements such as gable dormers, shed dormers, decks or other building element protrusions will affect setback determination to a greater extent, those building element setbacks shall be determined for the particular building element. See Figure 3.3.04 for determination of building element height.

Insert new graphic for building height.

#### **CA-07-6**

##### *Definition of Building Height*

In McCall City Code Title 3, Chapter 2 Definitions, delete the following:

~~**Height, Building** – The vertical distance measured from the elevation of the existing grade prior to construction at the lowest point of the building, to the highest point of the roof. Building height of the building element or structure element shall be determined as follows: in all instances the height shall be measured from the existing grade prior to construction; and, if that existing grade and the top of the element are not parallel, height is determined as an average of three distances, one computed at each of the two ends of the element (if the greatest vertical distance is at an end of the element, the midpoint of the element shall be substituted for that end of the element), and the third being the greatest vertical distance of the element.~~

Add **Height, Building** – Within any building footprint, height shall be measured vertically from any point on a proposed or existing roof to the existing grade directly below said point on a proposed or existing roof. (The highest to lowest measurement at any given vertical structure line.)

Delete graphic and replace with new graphic.

#### **CODE AMENDMENT (CA-07-7)**

##### *Regarding Review, Design, and Setback Requirements for Buildings within the Scenic Route and AP Zone*

Deleting paragraph/section 3.7.031 (c) in its entirety.

- ~~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 § 3.7.03.~~

Amending paragraph/section 3.7.032 (c), by adding the following language, to read:

C. The maximum height for any structure is thirty five (35) feet, except that for structures within the Airport (AP) Zone, the following heights will be considered with a Conditional Use Permit:

1. Heights up to forty (40) feet if at least seventy five (75) feet from the right-of-way (ROW) line;
2. Heights up to fifty (50) feet if at least one hundred (100) feet from the right-of-way (ROW) line;
3. Heights up to sixty (60) feet if at least one hundred fifty (150) feet from the right-of-way (ROW) line.

Amending 3.0.032 (d), by adding language in line 3, to read:

"....commercial zone, airport (AP) zone, ....".

Amending 3.07.032(h) (1), by adding language in line 2, to read:

".... industrial, building within the Airport (AP) Zone, ....".



*(Paragraphs, sections and pages shall be renumbered accordingly.)*

Robert Youde opened the discussion in regards to the code amendments under consideration. He stated that he was not ready to make any decisions tonight but welcomed any input even though it was not a public hearing. Phil Feinberg agreed with him.

Robert Youde said that he just wants to be sure that the amendments would be making the code better. He explained that when they went through the code amendments two years ago, and put in the current language, that now we are facing problems that we could not foresee. He said that he does not feel he can argue against the code amendments at this time, but is not ready to approve them. Robert said that he would like to sit down with the planning staff and building department and walk through every variable they can think of and also to point out any possible mischief. He is concerned because the code doesn't address really unusual lots and grades. He would like some avenues so that a person could apply for a variance to do something creative.

Sarah Jessup said that she did not see how it was ever going to be simple when you have to take all of these things into account. She suggested that there be a maximum height limit and that staff determines whether each project is acceptable. Michelle said that personally she would not want that much discretion on every project.

Kim Apperson asked what prompted the possible amendments. Robert and Phil explained that there is a building on the lake that was done by a previous planner and that the building department was not on the same page, so if the city staff is confused how can they expect the layman to understand it. Also, some architects have come forward with their suggestions.

Phil Feinberg said that it should be kept simple and clean he feels the diagrams on are somewhat confusing. He wants to get other builders and architects comments before making any decisions.

Robert said that he would like to keep these possible code amendments on the next agendas to gather additional comment from the public and architects.

Wayne Ruemmele presented sketches showing different applications of the 35 foot height limit.

Legrand Bennett commented on his view on the side yard setback. He said as a designer it would give him a more manageable way for more creative design especially on narrow lots.

Anna Egnew commented that the airport should be subject to the scenic review and that it is premature to rezone.

Curt Mack agreed that the airport should be subject to the scenic review. He appreciates modifying ordinance and feels the setback should be increased to 150 feet.

Steve Padgett explained his feeling that it is not just a scenic concern, but also auditory and could be a health hazard with increased fumes. He feels the airport rezone should be held off.

John Humphries felt it was premature to make code amendments before the Comp. plan is complete and also feels the rezone should wait.

Diane Evans Mack agrees the timing is not right but that we do need an Airport Zone and feels that it should still be considered a part of the scenic route.

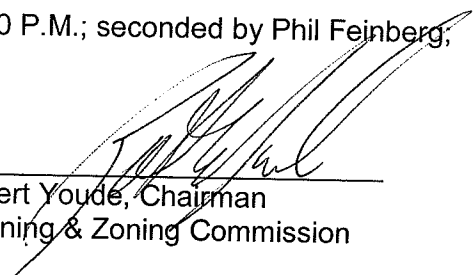
## **7. OTHER**

➤ Review of Comprehensive Plan Goals & Objectives and Future Land Use Map- comments due before August 13, 2007 at 10 am.  
Michelle asked the Commissioners to e-mail their comments to Debbie.

➤ Steve Hasson's last meeting  
Robert Youde congratulated Steve on his new position in Kuna and invited all of the Commission to a farewell lunch at Si Buenos on Thursday, August 9<sup>th</sup>.

**8. ADJOURNMENT**

Robert Youde motioned to adjourn at 9:10 P.M.; seconded by Phil Feinberg, carried.



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Robert Youde, Chairman  
Planning & Zoning Commission

**ATTEST:**



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Debbie Smith  
Administrative Assistant