

# **MCCALL AREA PLANNING AND ZONING COMMISSION**

## **Minutes**

**May 6, 2008–6:00 p.m.**

**McCall City Hall – Lower Level  
216 East Park Street, McCall, ID 83638**

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

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

Commissioner Jessup, Commissioner Apperson, Commissioner Russell, Chairman Youde, and Commissioner Jeffries were present.

#### **2. REVIEW & APPROVAL OF MINUTES**

Commissioner Apperson motioned to approve the April 1, 2008 minutes as presented. Commissioner Jessup seconded the motion. The motion carried.

#### **3. PRE-APPLICATION MEETINGS**

##### **PRE-APPLICATION MEETING (DR, SR)**

Brock Heasley and Shorty Clarke representing the City of McCall presented a pre-application meeting to request adding public restrooms at Art Roberts Park.

The potential applicants presented updated information regarding the cost of the proposed bathroom, the results of drilling through the concrete slab, the layout of the proposed facility (eastward opening doors), etc.

The Commission raised questions regarding the structural quality of the existing concrete slab and noted its unattractiveness. The applicant noted that it would not be included in the plan and that the McCall Improvement Committee has agreed to be responsible for landscaping of the project and the bathroom would be skinned with natural materials, such as logs and river rock. Given the nature of the bathroom's installation procedure, the Commission inquired about the cost to move the facility to a new location at a future date. The potential applicant noted that it would be a few thousand dollars.

##### **PRE-APPLICATION MEETING (CUP, DR)**

Mile High Marina, LLC presented a pre-application meeting regarding the removal of the existing breakwater and construction of additional slips at Mile High Marina. The applicant outline the proposed floating boardwalk, the barbeque areas, and other details.

The Commission noted the massive size of the proposed expansion (adding more than twice the number of existing slips) and the looming issue of parking that would need to be well addressed.

##### **PRE-APPLICATION MEETING (VAR)**

Dan Patton representing Hugh Atchley presented a pre-application meeting to request a variance for a deviation from the side yard setback requirements. The applicant noted the timeline of the project, the perceived hardship of not being able to build in a manner similar to, but on a smaller scale than, neighboring residences.

The applicant also noted the cooperation between the city and the applicant as well as the unfortunate timing of the project's workflow leading to the request for a variance.

The Commission indicated, in various ways, the extreme difficulty of securing a variance as well as criteria that would need to be satisfied for a variance to be approved at either the Commission or Council level.

#### **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:

Hearing no discussion, Commissioner Jefferies motioned to approve the following applications subject to the relevant findings and conclusions: ROS-08-03, ROS-08-04, ROS-08-06, DR-07-73, DR-08-12, DR-08-13, DR-08-14, DR-08-17, DR-08-18, and DR-08-21. All Commissioners seconded the motion. The motion carried.

#### **5. OLD BUSINESS**

##### **CUP-07-12, DR-07-30**

*460 Krahn Lane (Buena Vista)*

Commissioner Apperson recused herself from the proceedings.

Steve Millemann representing Jim & Robin Lester presented applications for a conditional use permit and design review for the development of a facility containing 12 units to be used as contractor's yard or shop and/or storage rental units. The applicant presented a background of the project's history regarding the issue of annexation and the efforts (meetings, studies, etc.) of the owner to explore annexation. The applicant then presented the details of the existing application, specifically a description of the building, site, and so forth and an explanation of the issue of wastewater. The applicant indicated that the specific plan for an on-site toilet is yet to be finalized (composting toilet, small leech field, or some other option). The applicant indicated the strong desire for the current application to be decoupled from the larger issue of annexation, and therefore indicated a strong preference for approval subject to conditions.

Staff noted the three proposed actions in the staff report (denial, continuation, and approval subject to conditions) and recommended approval subject to conditions. Staff noted the intentional blanks left in the CUP condition of approval #14 regarding hours of operation and also offered a change to the DR condition of approval #2 so that it would read as: Per MCC Table 3.8.062, the applicant is required to provide 49 spaces. Per MCC 3.8.06.M, the Commission grants a reduction in parking spaces to the 38 proposed spaces.

The Commission raised concerns regarding issues relating to the impact of the proposed building to adjacent residences, such as lighting, hours of operation

Chairman Youde opened a joint public hearing for both the CUP and DR applications.

Alice Wright  
444 Virginia Blvd.

Ms. Wright appreciated efforts of application to create a positive use for the parcel. However, she did not see the storage units as a positive development for herself or any Jacobs Manor residence. Ms. Wright noted that she had not received any notice of a neighborhood meeting, only a notice of the public hearing. Ms. Wright believed that the storage units would likely decrease her property value and thus stated her opposition to the project.

Chris Brown  
Jacobs Manor

Mr. Brown stated his concern about the decrease in his property values that would likely result from the proposed development. Mr. Brown voiced his opposition to the project on these grounds.

Rex Cottle  
Samson Court

Mr. Cottle lives to north of project and the project would be directly in his back yard. Mr. Cottle noted that the notice for the public meeting was the first notification received for the project; no neighborhood meeting notice had been received. Mr. Cottle also relayed that in conversations with numerous neighbors, similar lack of notification was present. Mr. Cottle also expressed concern with the issue of ground water, a natural spring, and wetland areas. Is seeing oil, gasses, and other contaminants in his 60' well that have appeared since development in the area has started.

Staff read a letter from Kim Apperson and Joseph Baugh into the public record (see attached letter).

Hearing no further public comments, Chairman Youde closed the joint public hearing.

The applicant noted that the proposed use, while adjacent to residences as noted in the public hearing testimony, was a conditionally permitted use and that the issue of compatible uses perhaps rested more with the City's current zoning than with the present application.

The applicant and the Commission discussed some of the history and options related to the issue of annexation.

Commissioners noted that the issues related to the application had to do more with the merits of the application, and not with the proposed use, since the proposed use is consistent with the zoning.

Staff noted that the conditions of approval required the resubmission of various plans.

The Commission further discussed the issue of compatibility with adjacent uses (lighting, hours of operation, landscaping), staff informed the Commission that they

were, as set forth in the McCall City Code, to impose a variety of restrictions if they saw such restrictions pertinent.

The Commission changed the dark sky compliance condition of approval to include a requirement that lighting be on timers tied to hours of operation. The Commission changed the conditions of approval regarding hours of operation to: 6:00 to 10:00pm in the summer and 7:00 am to 7:00 pm in the winter.

Commissioner Jessup offered a motion to approve CUP-07-12 subject to the modified findings and conclusions. The motion was seconded by Commissioner Russell. During discussion Commissioner Jefferies noted concern over the lack of neighborhood meeting notification. Further, Commissioner Youde noted his concern over the approval of a commercial development without proper city services.

The motioned passed 3-0 with Chairman Youde abstaining.

Staff provided an update on the status of annexation and the issues before the City Council.

Commissioner Jessup offered a motion to approve DR-07-30 including the findings and conclusions with the minor modifications regarding parking. Commissioner Jeffries seconded the motion. The motion passed 3-0 with Chairman Youde abstaining.

## **6. NEW BUSINESS**

### **DR-08-07**

*317 E. Lake Street*

Steve Millemann representing Vicki Wade presented a design review application for the plan to enclose the trash storage, collection and disposal containers located on the property.

The applicant noted general acceptance of the strict conditions of approval with a strong exception to the required removal of the "summer" trash enclosure and that the lower enclosure is necessary for the volume of summer trash. The applicant believed the requirement to remove the lower trash enclosure was a matter of misunderstanding.

Staff noted the recommendation for the removal of the lower trash enclosure was based upon the reference in an October 5, 2007 letter, from the City to the applicant, clarifying the conditions of approval for the initial Design Review application. Staff further provided background on the timeline of events, including the original Design Review approval, the McCall Mall certificate of occupancy.

The Commission noted the dilapidated current state of the "summer" enclosure and the desire to have it out of such a prominent viewshed. The Commission also noted that the issue of the trash enclosure's design was the issue at hand not the concern of the necessary frequency of service required by various trash enclosure options.

Chairman Youde opened the public hearing.

Rick Fereday

May Hardware and Urban Renewal Agency

Mr. Fereday noted that, as a potential resolution to this issue, the Urban Renewal Agency would entertain the idea of spending money to assist Vicki Wade to find a more visually appealing solution, pending discussion with the applicant at a future date.

Hearing no further comments, Chairman Youde closed the public hearing.

After further discussion between the applicant and the Commission, regarding the reasoning for retaining/removing the lower trash enclosure, as well as an acceptance of Mr. Fereday's offer to work with the Urban Renewal Agency, Commissioner Jessup offered a motion to continue the motion to the June 3, 2008 meeting. Commissioners Jeffries and Russell seconded the motion. The motion carried.

**CUP-08-01, DR-08-09**

*2385 Eastside Drive*

Claire Remsberg representing Joe Scott presented a conditional use permit application to construct a new guest house to replace existing cabin, an accessory dwelling including an attached garage.

The applicant presented the project and raised the issue of the required pathway dedication along the waterfront. The applicant questioned the mechanism by which the Comprehensive Plan could be exercised through an application as well as the timing of the adoption of the Comprehensive Plan in regards to its applicability to the proposed plan. In response, staff noted the sections of the Comprehensive Plan mentioning the pathway as well as the criteria of approval for Design Review application that directly linked the Comprehensive Plan to the . The applicant further noted the extremely strong opposition to the requirement and the likelihood that such a requirement would preclude moving forward with the project, or result in formal legal opposition.

The Commission discussed some of the details of the process for implementation of a lakeside pathway, such as vertical and continuous access, as well as the Comprehensive Plan development process.

Chairman Youde opened the public hearing.

Steve Millemann

Mr. Millemann strongly urged the Commission to undertake a formal takings analysis before approving or recommending for approval the current application. Mr. Millemann noted that the approval of these applications, with the condition requiring the dedication of the pathway, would almost certainly be a taking and would almost certainly result in legal action against the city.

Hearing no further comments, Chairman Youde opened the public hearing.

After some further discussions regarding the legality of the proposed conditions and how best to proceed in regards to approval and recommendation for approval, Commissioner Jessup motioned to continue CUP-08-01 and DR-08-09 to the June 3, 2008 Planning and Zoning meeting. Commissioner Apperson seconded the motion. The motion passed 4-1 with Commissioner Jeffries dissenting.

**SUB-05-01**

*Whitetail – Amended Phase 1*

Steven Millemann representing Whitetail presented an application to amend Whitetail Planned Unit Development Phase 1 Final Plat. Mr. Millemann gave an overview of the proposed alterations. The Commission asked staff if they had any comments (they had none).

Chairman Youde offered a motion to approve SUB-05-01 subject to the findings and conclusions. Commissioner Jessup seconded the motion. The motion carried.

**SUB-08-02, CUP-08-03, DR-08-10**

*The Docks LLC  
1301 E. Lake Street*

This application was continued to the June 3, 2008 Planning and Zoning meeting prior to the current meeting.

**SUB-08-01, PUD-08-01, DR-08-05**

*Reserve on Payette River  
Deinhard Connector & McCall City Sewer Lagoon*

This application was continued to the June 3, 2008 Planning and Zoning meeting prior to the current meeting.

**CUP-08-04, DR-08-11, SR-08-02**

*2570 Warren Wagon Road*

Chuck Bloom representing Ward & Cathy Parkinson presented applications for a conditional use permit, design review, and scenic route to build a 2100 sq. ft. cabin with an attached two car garage.

After a brief overview of the project by the applicant, Staff provided an outline of the main issues (lot coverage, drainage, and right of way infringement) as well as the solutions contained within findings and conclusions. Staff explained that the entire existing cabin needed to be included in the lot coverage calculations and that the applicant would be required to meet the maximum lot coverage with this inclusion.

Chairman Youde opened the public hearing.

Hearing no comments, Chairman Youde closed the public hearing.

Chairman Youde offered a motion to recommend CUP-08-04 for approval by the Valley County Commissioner as well as to approve DR-08-11 and SR-08-02. Commissioner Jessup seconded the motion. The motion carried.

**7. OTHER**

**DR-07-10**

*2005 Warren Wagon Road*

Mark Hagerty: At the April 3, 2007 McCall Area Planning & Zoning Commission meeting, the Commission approved a design review application to construct 3874 sq. ft. single family house. The owner has requested a six month extension of the design review approval.

Commissioner Jeffries offered a motion to approve the request for approval extension. Commissioner Jessup seconded the motion. The motion carried.

**DR-07-32**

*Louisa Street Condominiums*

Steven Millemann representing Advanced Properties LLC: At the June 4, 2007 McCall Area Planning & Zoning Commission meeting, the Commission approved a design review application to construct a seven unit condominium on Louisa Street. The owner has requested a six month extension of the design review approval.

Commissioner Jeffries offered a motion to approve the request for approval extension. Commissioner Jessup seconded the motion. The motion carried.

**Other**

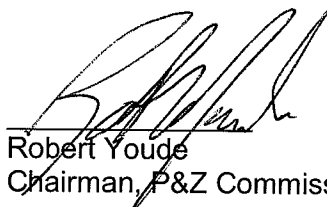
Staff presented a list of future tasks and noted comments from the Commission regarding priority would be greatly appreciated.

Staff also provided a summary of the annexation proceedings before the City Council.


**8. ADJOURNMENT**

The meeting was adjourned at 10:55 p.m.

Dated: May 6, 2008

  
Robert Youde  
Chairman, P&Z Commission

Attest:

  
Bradley Kraushaar  
City Planner, City of McCall