

McCALL AREA
PLANNING AND ZONING COMMISSION

SPECIAL MEETING – Minutes
December 1, 2010 – 5:30 p.m.
McCall City Hall – Lower Level
216 East Park Street, McCall, ID 83638

COMMISSION MEETING – Begins at 5:30 p.m.

1. CALL TO ORDER AND ROLL CALL

Commissioners Corder, Apperson, Betts, Jessup, Chairman Feinberg, and staff Michelle Groenevelt and Bradley Kraushaar were present.

Commissioner Jessup moved to amend the agenda to include discussion of the McCall Centennial Committee's memorial proposal. Commissioner Betts seconded the motion. The motion carried.

2. NEW BUSINESS

CENTENIAL COMMITTEE MEMORIAL PROPOSAL

Chairman Feinberg described the memorial currently being considered by the Centennial Committee at southeast corner of Railroad Ave and 3rd Street (see attached diagram). Chairman Feinberg discussed the creation of the Centennial committee and the funding from the City Council.

Commissioner Jessup noted that Chicago's Centennial Park should be considered during this process.

Ms. Groenevelt noted that David Armstrong, who had created the memorial idea, had met with City staff regarding the location and relevant considerations.

ADDRESS ITEMS IDENTIFIED AT JOINT MEETING WITH CITY COUNCIL ON Oct 22nd

- Review of non-conforming structures and uses code

Commissioner Jessup asked about the relationship between the terms and structure and use. Staff clarified that in the case of a residential structure the expansion of a structure expanded the location of the use and therefore was an expansion of the use.

Commissioner Betts inquired about whether the intent of the code to have structures ultimately removed. Commissioner Apperson responded, stating that the purpose was to remove them, but to allow them presently. Betts noted the difference between the language and the reality of enforcing the nonconforming code. Staff clarified that Commissioner Betts' comment addressed the gulf between the strength of the code language and actual practice.

Attorney Chaudoir noted that the Variance application was an outlet for those scenarios where the code might otherwise require a removal of the structure.

Commissioner Jessup noted the difficulty in having a weak code and acting more strongly.

Chairman Feinberg noted that whatever resulting from the discussion should be added to the code, and note simply explained in the administrative determination.

Bill Weida noted that a nonconforming designation was an incentive to keep the existing structure, as a nonconforming structure is usually enjoying a location that other property owner are unable to.

Mr. Kraushaar reminded the Commission that this discussion was on what the nonconforming code should be, not necessarily what is written currently.

Commissioner Corder noted that there could be additional or special requirements on the nonconforming development within the fifty-foot setback.

Staff noted that the discussion of waterfront development standards was different and distinct from a discussion of the nonconforming code chapter.

Chairman Feinberg asked about whether the nonconforming discussion could be opened to the public. Ms. Groenevelt discussed the challenges associated with opening the nonconforming chapter up to the public for a complete re-write.

Commissioner Apperson inquired what staff would like to do in regards to code rewrites. Staff noted that the existing code and associated administrative determination created a workable code and that any re-write would be to clarify the existing policies and requirements, and move the information in the determination into the code.

Attorney Chaudoir noted that from a practitioner's perspective the Administrative Determination was a way to indicate a consistent approach to handling applications and development.

Commissioner Apperson moved to incorporate the administrative determination, into the city code through a re-write. Chairman Feinberg seconded the motion. Commissioner Betts requested that each individual Commissioner to state their idea of the purpose of the code, without reference the actual language. Commissioner voiced their different interpretation of the purpose of the nonconforming chapter. Staff noted the distinction between elective actions and repairs, and the fixing of an unsafe situation. The motion carried.

- Review of recommendation to Council regarding minimum lakefront lot size

Staff introduced the issue that was identified for additional discussion at the joint session between the Commission and the Council. Staff noted a recent discussion with the Department of Lands and the stated requirements for that agency to issue a dock permit.

The Commission briefly discussed the previous iteration of the code amendment relating to a minimum lake frontage requirement. The Commission noted that a 50 ft. minimum may be more palatable to the public than 60 ft.

Bill Weida noted the historic assumptions regarding the allowable division of properties.

Commissioner Feinberg moved to initiate a code amendment for a minimum lakefront requirement with a reduced frontage of 50ft. Commissioner Corder seconded the motion. The motion carried.

- Review of administrative determination regarding side property line setbacks for multiple structures

Staff provided an introduction to the issue, reviewing the presented memo and noting the current methods of calculating side property line setbacks.

The Commission noted that the existing application of the code was appropriate.

Commissioner Jessup noted that there may be scenarios where the preservation of significant vegetation warranted the relaxation of setbacks. Staff noted that existing code language allowed, for certain circumstances, the relaxation of side property line setbacks.

After a brief discussion, Commissioner Feinberg moved to amend the code to add "significant vegetation" to the list of circumstances that may warrant relaxation of side property line setbacks. Commissioner Betts seconded the motion. The motion carried.

- Incorporation of housing size and energy efficiency into City policy or regulation

Staff introduced the idea of adding sustainability to City policy or code.

Commissioner Jessup stated that, most simply, we should prohibit any HOA restrictions on size. Commissioner Apperson noted that carbon footprint should be a primary concern. Commissioner Jessup stated that the intent was to save the planet?"

Attorney Chaudoir noted that the easiest approach could be to add a carbon footprint requirement, which would be similar to adding an additional setback requirement.

Commissioner Apperson noted the possibility for an incentive for local purchasing.

The Commission discussed various ways to measure, encourage, or require sustainability.

Staff committed to bringing back additional information on this topic.

- Alteration of CBD zoning boundary

Staff introduced the issue, noting the presented memo. Staff noted the desire of the residents at the intersection of 4th and Lenora to be rezoned to R8 to allow for easier financing. Staff also noted the Ventress issue that had not allowed the expansion of a single-family residence because of the CBD Zone requirements.

Chairman Feinberg noted the difficulty of financing a residential use if the zoning is commercial.

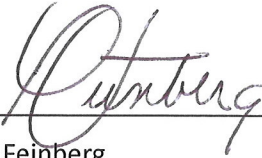
The Commission discussed the current extent of the CBD Zone as well as the current uses allowed or prohibited in the CBD Zone.

Commissioner Betts moved to initiate the rezoning of the CBD properties at the intersection of 4th and Lenora to R8. Commissioner Jessup seconded the motion. The motion carried.

3. ADJOURNMENT

Chairman Feinberg adjourned the meeting at approximately 8:23 pm.

Dated: February 8, 2011



Phil Feinberg

Chairman, P&Z Commission



Bradley Kraushaar

City Planner, City of McCall