

**MCCALL AREA
PLANNING AND ZONING COMMISSION**

Minutes

August 4, 2015 – 5:30 p.m.

McCall City Hall – Lower Level

216 East Park Street, McCall, ID 83638

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

CALL TO ORDER AND ROLL CALL

Chair Fereday, Commissioner Farnsworth, Commissioner Callan, and Commissioner Williamson were present. Commissioner Thompson and Commissioner Tunnell were absent. City Planner, Delta James, and Deputy City Clerk, Lisa Kundrick, were also present.

1. WORK SESSION

Diane Evans Mack, Idaho Department of Fish and Wildlife, Regional Wildlife Biologist, gave an overview of the Migratory Bird Act and the role of trees in relation to the Act.

The Migratory Bird Act was approved by Congress in 1918, during an era of over-consumption of birds. It applies to migratory birds that spend part of their lifetime in North America and only includes native species. The Act prohibits the taking of migratory birds or their body parts or eggs; however, it does not address habitat. Consequently, the biggest threat to North American bird populations today is their loss of habitat (trees). Felling of trees with occupied nests can constitute a violation of the Act.

Ms. Evans Mack stressed the importance of considering bird habitat when evaluating tree removal and also the timing, during periods when birds are not nesting (approximately April through October).

2. REVIEW & APPROVAL OF MINUTES

Commissioner Williamson made a motion to approve the July 7, 2015 minutes. Commissioner Callan seconded the motion. All commissioners voted aye and the motion passed.

3. PRELIMINARY DEVELOPMENT PLAN REVIEW MEETINGS

4. CONSENT AGENDA

ROS-15-12

415 Floyde Street and 303 Camp Road

Adelmer Dodd and Todd Holbrook: Record of Survey application to split the easterly 3,804 sq. ft. of the Holbrook property at 303 Camp Road and combine it with the Dodd property at 415 Floyde Street. The properties are zoned R4 – Low Density Residential and are more particularly described as:

McCall Acreage amended Tax No. 2-C and McCall Acreage amended Tax No. 2-D situate in NW4 of Section 16, T. 18 N., R. 3 E., B.M., City of McCall, Valley County, Idaho.

ROS-15-13

Units 5, 6, and 7 Timberlost IV

Judy Hughes and Edward Krahl: Record of Survey application to split Unit 6, Timberlost IV, and combine the resulting split lots with the adjacent Unit 5 and Unit 7 lots. The properties are zoned R4 – Low Density Residential and are more particularly described as:

Part of Unit 4 and Unit 5, Unit 6 and Unit 7, Timberlost IV Subdivision, situate in SE4 of the SW4 of Section 3, T. 18 N., R. 3 E., B.M., City of McCall, Valley County, Idaho.

ROS-15-14

1403 Davis Avenue

Crystal Culp and Scott and Kim Goodman: Record of Survey application to adjust the shared lot line to align with an existing fence between the two properties. The properties are zoned R4 – Low Density Residential and are more particularly described as:

McCall Acreage Tax No. 415 and Tax No. 417, parcels of land situate in the SE4 of the NE4 of Section 9, T. 18 N., R. 3 E., B.M., City of McCall, Valley County, Idaho.

Commissioner Williamson made a motion to approve consent agenda items ROS-15-12, ROS-15-13, and ROS-15-14 with Conditions of Approval as presented. Commissioner Farnsworth seconded the motion. All commissioners voted aye and the motion passed.

5. OLD BUSINESS

DR-15-20

1425 Chris Lane

Robnett Properties McCall, Inc. representing Bill and Lynn Crouse: a Design Review application to build a new 2915 sq. ft. single-family dwelling with a 1470 sq. ft. attached garage. The property is zoned RR – Rural Residential (10 acres), and is more particularly described as:

Lot 9, Falcon Ridge Estates, Section 19, T.18N, R.3E, B.M., Valley County, Idaho.

PUBLIC HEARING – *Continued from July 7, 2015 meeting.*

Mike Robnett, 129 Brundage View Court, presented the project, which is in the Impact Area. Commissioners were given the opportunity to ask questions. Staff Report was presented by Ms. James. The Fire Department has approved the driveway. Ms. James reviewed the Conditions of Approval.

The public hearing was opened and closed.

Commissioner Callan motioned to approve DR-15-20 with Conditions of Approval as presented. Commissioner Williamson seconded the motion. All commissioners voted aye and the motion passed.

Code Enforcement

106 E. Park Street

City of McCall: Code enforcement hearing regarding violation of terms of Development Agreement and Conditional Use Permit (CUP-12-04) including failure to complete required stormwater

management and drainage improvements and parking reconfiguration at the Park Street Professional Center. The property is zoned R8 - Medium Density Residential and is more particularly described as:

McCall Acreage Tax No's. 186-C, 187 & 188 in Gov't Lot 4, Section 9, T18N, R3E, B.M., City of McCall, Valley County, Idaho.

Continued from June 2, 2015 meeting.

Sam Larrondo, EIT, Crestline Engineers, 135 Cindy Lane, represented the project. Mr. Larrondo responded to the list of unsatisfied conditions and presented the current standing on the conditions and estimated that construction is 90% complete.

Ms. James presented the Staff Report. The City Engineer has confirmed that the work is 90% complete with much being done in the past month. The list of outstanding work that needs to be completed is accurate. Staff's recommendation is that the Commission direct Staff to proceed with code enforcement to City Council if the work is not complete by August 31, 2015. Mr. Larrondo stated that the property owner is comfortable with that recommendation.

Commissioner Williamson made a motion to direct Staff to proceed with code enforcement to City Council should the work not be completed by August 31, 2015, and to provide the Commission with an update when the work is complete. Commissioner Callan seconded the motion. All commissioners voted aye and the motion passed.

6. NEW BUSINESS

DR-15-24

807 N. Third Street

McCall Design and Planning representing Louis Klinge: Design Review application to remodel and construct an addition to the existing McCall Brewery building. The southeast portion of the building would expand to two stories and a 140 sq. ft. would be added to the existing cooler building. The property is zoned CBD – Central Business District and is more particularly described as:

McCall Acreage Tax No. 130-A situate in Gov't Lot 3, Section 9, T. 18 N., R3E, B.M., City of McCall, Valley County, Idaho.

PUBLIC HEARING

Heather Susemihl, architect for McCall Design & Planning, 912 Valley View Lane, presented the project. There are several Conditions of Approval that will be addressed on a forthcoming Record of Survey to be initiated in the coming months.

Of note, this project is on a very small commercial parcel with no setbacks in a high-density area. Commissioner Williamson was concerned about the small area to perform the construction. Ms. Susemihl acknowledged that the working area will be tight and that the construction timeline will be as compressed as possible. Water and snow runoff was discussed as well.

Ms. James presented the Staff Report. A lot line adjustment will be necessary so a Record of Survey will be forthcoming. The easement will be relocated to include stormwater. Ms. James reviewed the Conditions of Approval.

Ms. James addressed the parking issue in the findings. There is no on-site parking on the parcel due to its small size. Of note, in the central business district there are no required setbacks. There is a common parking area shared by the neighboring businesses within the same block, which is allowed by Code when there are suitable exceptions (downtown area with pedestrian access, alternating hours with neighboring businesses, etc.).

The public hearing was opened and closed.

Commissioner Williamson made a motion to approve DR-15-24 with Conditions of Approval as stated. Commissioner Farnsworth seconded the motion. All commissioners voted aye and the motion passed.

7. OTHER

Code Enforcement

1411 Stone Lane

City of McCall: Code enforcement hearing regarding violation of McCall City / Impact Area Code section 3.8.02 regarding the outdoor storage of junk and inoperable or unlicensed motor vehicles. The property is zoned R4 – Low Density Residential, is within the McCall Impact Area, and is more particularly described as:

Lot 7, Ski Ranch No. 2 Subdivision, situate in the NE1/4, NW1/4 of Section 7, T. 18 N., R. 3 E., B.M., Valley County, Idaho.

PUBLIC HEARING

Ms. James gave an overview of the Commission's role in administering code enforcement issues within the impact area. The Commission is tasked with reviewing the issue and providing a recommendation to the Board of Valley County Commissioners. Ms. James then gave a history of the complaint and actions taken by Staff up to this point.

Mr. J.R. Bevington, the property owner, appeared before the Commission to respond to the complaint. Mr. Bevington stated that the case had already come before the County several years ago and was dismissed due to a determination that there was not jurisdictional authority. He stated that he would possibly hire an attorney to sue the City for harassment.

Mr. Bevington introduced his nephew, Larry Stevens, of 11 South Benewah Drive, Nampa, Idaho. He recited Idaho State Constitution Article 12, Section 2 and referred that the City has no right to act outside of its City Limits. He did acknowledge that the City may refer the complaint to the County.

Ms. James reminded the Commission that they are not taking direct action in this meeting. The Commission will only make a recommendation to the County Board of Commissioners, who may then take action. The legality of the jurisdiction will be determined by the County Prosecuting Attorney so it is not at the discretion of the Planning and Zoning Commission to determine the legality of these actions. Ms. James reviewed the Code as it pertains to the condition of the property.

The public hearing was opened.

Ms. James read the following emails received:

- Mike Barton, 1409 Paul Bunyan Road, stated he stated he is in favor of enforcement of code (7/14/15).
- Neighbor, Doug Wisdom, requested code enforcement. The majority of the property is littered with vehicles and rusty equipment. This degrades the value of the neighborhood and creates a fire hazard (7/25/15).
- Neighbors, James and Nancy Bacon, were in support of enforcement. (7/27/15). Concern over possible health hazards.
- Chris and Don Lott, 1413 Paul Bunyan Rd, were in support of enforcement; unsightly as well as animals appear to be not cared for (7/31/15).
- Dean and Patty Hovdey, 1401 Stone Lane, were in support of enforcement. They have lived on the property since 1985. The yard is filled with old automobiles and trash. A rooster crows at all hours of the day and night. They cited health hazards and safety issues as well as decreased property values (8/4/15).

The following testimony was received in person:

- Amy Dolberry, 1416 Stone Lane, spoke in support of enforcement. She stated that neighborhood dogs get into the trash and roll in dead animal carcasses. She was concerned about pollution of the aquifer, also rodents.
- Nicole Maddux, 1407 Stone Lane, lives next door and spoke in support of enforcement. She complained about debris pushing against her fence, diseased animals, chickens, odors, and decreased property value. She bought her house when there was snow on the ground so she did not see the junk. Now she is considering selling but she is afraid it will not sell.
- John VanDenburgh, 14029 Highway 55, spoke in favor of the property owner, that he should have a right to keep his belongings.
- Linda Witanowski, 1403 Stone Lane, spoke in support of enforcement. She stated that it is an eyesore and needs to be dealt with. It appears to her that parked vehicles are encroaching on the roadway, also complained about the odors.

Mr. Bevington and Mr. Stevens addressed the comments. Mr. Stevens stated again that the City has no jurisdiction in this matter. Ms. James reminded them that the Commission will not take action but will only recommend the case be acted upon by the Board of Valley County Commissioners. Mr. Stevens stated that he had personally helped Mr. Bevington remove at least four items from the property and items continue to be removed. Mr. VanDenburgh also stated that he helped remove items as well. Mr. Bevington downplayed the chickens and the odors. Commissioner Callan asked Mr. Bevington if indeed there was something leaning on the neighbor's fence. He stated that it was placed there temporarily by a family member and subsequently removed. Mr. Bevington stated that he intended to keep up the condition of the property but he has encountered health problems and difficulties in removing larger items due to low scrap metal prices. Commissioner Callan asked if Mr. Bevington subscribed to garbage service, to which he answered no. He stated he was out of town for a long time and his roommate did not dispose of the garbage.

The public hearing was closed.

Commissioner Callan motioned that the case be referred to the County Commissioner for code enforcement action. Commissioner Williamson seconded the motion. In a roll call vote Commissioner Callan, Commissioner Farnsworth, Commissioner Williamson, and Commissioner Fereday voted aye and the motion carried.

Ms. James discussed future plans for a driving tour to review the Scenic Route or perhaps review sites on the river shoreline. Commissioner Farnsworth suggested touring some of the recently sold lots on the lake to review Fire Department access. The date will be determined.

Next month's attendance was discussed.

Ms. James announced that Commissioner Fereday was reappointed to the Commission for another term.

8. ADJOURNMENT

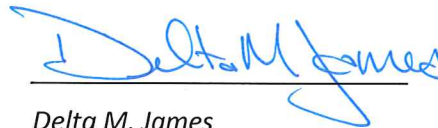
Commissioner Fereday made a motion to adjourn the meeting at 7:15 pm. Commissioner Williamson seconded the motion. All commissioners voted aye and the motion carried.

Signed: September 1, 2015



Fallon Fereday, Chair
McCall Area Planning and Zoning Commission

Attest:



Delta M. James
City Planner