

**McCALL AREA**  
**PLANNING AND ZONING COMMISSION**

**Minutes**

**August 1, 2017 – 4:30 p.m.**

**McCall City Hall – Lower Level**

**216 East Park Street, McCall, ID 83638**

**COMMISSION MEETING – Began at 4:30 p.m.**

**CALL TO ORDER AND ROLL CALL**

*Chair Fereday, Commissioner Clements, Commissioner Callan, Commissioner Tunnell, and Commissioner Williamson were present. City Planner Delta James, Permit Technician Morgan Bessaw, and City Engineer Philip Bowman were also present.*

**1. REVIEW & APPROVAL OF MINUTES**

*Commissioner Clements made a motion to approve the July 11, 2017 minutes. Commissioner Tunnell seconded the motion. All commissioners voted aye and the motion carried.*

**2. PRELIMINARY DEVELOPMENT PLAN REVIEW MEETINGS**

**Pre-App – Mile High Marina**

**1300 E. Lake St.**

Ryan Miller Builders representing Mile High Marina: A Pre-Application for a Conditional Use Permit to expand a commercial dock. The property is zoned CV – Civic and is more particularly described as: State Lease #4-216-97, McCall Acreage, NW portion of Government Lot 2, Section 9, T18N, R3E, BM, City of McCall, Valley County, Idaho.

Ryan Miller presented the pre-application. The applicant is proposing to build a new dock on permanent piers at the Marina. There is already an Idaho Department of Lands encroachment permit in place. The new dock will be used for docking non-motorized watercraft. The applicant would also like to add a second bar area in the restaurant. The capacity of the restaurant will also increase seating on the new fixed pier. There is no change being proposed at this time to the existing dock structure.

Ms. James explained that the Marina predated the code requiring Conditional Use Permits (CUP) and that an expansion of the use requires a new CUP. The full application should demonstrate what is already in place as well as the proposed expansion for the restaurant and the dock use. Ms. James also expressed a need to identify both the pedestrian and vehicle accesses for the project.

**Pre-App**

**205 Ernesto Dr.**

Rodney Weathers representing Tamara Green: A Pre-Application for a Conditional Use Permit to construct a residence on a property that already has an accessory structure greater than 1500 sq. ft. The property is zoned R4 – Low Density Residential and is more particularly described as: Lot 26, Rio Vista Subdivision No. 5, Section 17, T18N, R3E, BM, City of McCall, Valley County, Idaho.

Tamara Green presented the pre-application. She would like to build a primary structure on a parcel that currently has a four car garage with an apartment above. The apartment does not have a full kitchen and is not considered a dwelling unit.

Only three trees are proposed to be removed, two of which are not healthy. The applicant would like to maintain as many trees as possible. The site is located adjacent to Rio Vista Pond.

Ms. James presented the pre-application for a Conditional Use Permit for an existing accessory structure greater than 1,500 sq. ft. and will entitle both the garage and proposed residence. A site plan will need to be provided in the full application identifying the trees and the applicant is encouraged to work with the City Arborist is assessing the tree health on the property.

### **3. CONSENT AGENDA**

#### **SR-17-12**

##### **1039 Kaitlynn Loop**

Azure Idaho representing Craig and Candi Held: A Scenic Route application to construct a new single family dwelling totaling 2,151 sq. ft. adjacent to Spring Mountain Boulevard, a designated Scenic Route. The property is zoned R4 – Low Density Residential and is more particularly described as:

Lot 45, Block 2, Lick Creek Meadows Subdivision Phase I, SE1/4, Section 3, T18N, R3E, BM, City of McCall, Valley County, Idaho.

*Commissioner Williamson made a motion to approve SR-17-12. Commissioner Clements seconded the motion. All Commissioner voted aye and the motion carried.*

### **4. OLD BUSINESS**

### **5. NEW BUSINESS**

#### **DR-17-37, SH-17-12**

##### **1500 E. Lake St. – Brown Park**

City of McCall: A Design Review and Shoreline and River Environs Zone applications to replace an existing play structure with a new one and to construct a new volleyball court, community garden, and improve pathways. The property is zoned CV – Civic, and is more particularly described as:

McCall Acreage Amended Tax Parcel 15-A, Situate in Government Lots 1 & 2, Section 9, T18N, R3E, BM, City of McCall, Valley County, Idaho.

#### **PUBLIC HEARING**

Kurt Wolf presented the application. The primary purpose is to replace the playground equipment onsite and to create a community garden. The original application included a beach volleyball court, however, based on neighborhood feedback the updated proposal has replaced the permanent volleyball court with sleeves for an impermanent court to be used only for City sponsored special events.

The motivation for replacing the playground is to improve ADA accessibility, safety, and to bring the park up to industry standards. The new equipment will likely be replaced in the spring so that the City has time to apply for matching grant funds. The play equipment will remain in its current location and be designed to look like natural rock and log features based on public response gathered through the survey process and representative of the site's history. There is a secondary site identified for an additional sand and play structure if needed. Some landscaping would be provided to help soften the appearance and buffer against the adjacent property.

The proposed community garden would be a partnership between the Parks and Recreation Department and the McCall Community Garden Club. The club has a garden elsewhere they are currently using, however, they will soon be losing access to that space and need to relocate their gardens. The site at Brown Park was selected after park staff assessed other possible locations. This location was determined to be the best location because of multiple factors: the site already has access to water, is minimally used and the gardens, which would be maintained by the club, would reduce the amount of lawn space the department has to mow in the summer, and the garden could help buffer between the public and private spaces.

A small storage shed for gardening equipment is also proposed to be attached to the existing bathroom and constructed of matching materials. Maintenance of the gardens would be the responsibility of the club. If the group dissolves in the future and the City becomes responsible for the gardens, the Parks and Recreation Department proposes to utilize the space as a wildflower garden.

Ms. James presented the staff report. The proposal meets city code; because the site is in an urban renewal district no parking plan is required. All uses are consistent with the zoning as a public park.

The public hearing was opened; Ms. James presented late comments received (attached).

Michael McMartin, resident of 1502 Mill Park Unit 7 spoke to the application. He is happy the City removed the proposal for a permanent sand volleyball court and felt neutral as to the new playground equipment and the garden proposal. However, he is opposed to the satellite playground area because that area is currently highly used as a field.

Harold Brindy, President of the Mill Park Homeowners Association, spoke against the application. He is happy the City removed the proposal for the sand volleyball court, but is still concerned about the temporary volleyball court use as well as the community garden use and the potential for people trespassing on the HOA property.

Jean Grimes, resident of 503 Hemlock St., spoke in favor of the new play equipment. However, she is concerned about the shortage of parking at the park and whether the proposed changes will exacerbate the problem. She is happy the volleyball court was removed from the plan but is still concerned about the gardens.

Darwin Chaffin, resident of Mill Park Subdivision, spoke against the application. He is concerned about the temporary volleyball court and the potential for trespassing. He is also concerned about the sound from the gardens and potential lighting.

Debra Huber, owner of Lot 3, Mill Park Village, spoke. She is pleased the City removed the permanent volleyball court from the proposal, however, she is still concerned about the temporary volleyball use. She is also concerned about the community garden proposal.

Greg Norquist, resident of the Mill Park Condominiums, spoke. He is pleased the City removed the proposal for a permanent volleyball court and is in full support making the playground ADA compatible but is unsure whether new playground equipment is necessary, he does not want to lose the swings.

Judd De Boer, owner of 115 W. Lake St., spoke. He is glad the City removed the proposal for the permanent volleyball court. However, he remains concerned about the lack of parking and the community garden. He would prefer the City clean up the area between the Marina and the park and focus on interpretive signage rather than expand the use of an already busy park.

Kurt Wolf readdressed the Commission. He clarified that the temporary volleyball court would only be used for City sponsored events, such as the 4<sup>th</sup> of July festival. Another proposal will be presented to the Commission at a future date to address the area between the Marina and Brown Park as well as the entrance to the park.

The public hearing was closed.

The Commission discussed the application, focusing on the neighbors' comments and concerns related to the community garden. The Commission requested additional information from the applicant, including details regarding possible deer fencing around the proposed garden, how the garden would be managed and maintained, and anticipated frequency of use of the temporary volleyball court.

The public hearing was reopened.

*Commissioner Williamson made a motion to continue the application until the October 3<sup>rd</sup> meeting to allow the applicant time to provide more information. Commissioner Tunnell seconded the motion. All commissioners voted aye and the motion carried.*

#### **DR-17-34, SH-17-10**

##### **1047 Plymouth Rd.**

Truex Architecture representing Troy Seward: Design Review and Shoreline and River Environ Zone applications to construct a new single family dwelling totaling 6,363 sq. ft. adjacent to Payette Lake. The property is zoned R4 – Low Density Residential and is more particularly described as:

Lot 1, Block 9, State Subdivision – Pilgrim Cove Replat, Section 3, T18N, R3E, BM, Valley County, Idaho.

#### **PUBLIC HEARING**

Jevon Truex, resident of Middleton, ID, presented the application for a single family residence adjacent to the lake. The design is mountain-modern style, with 5,736 sq. ft. and lot coverage at 81% of allowable. The setback from the ordinary high water mark is more than 60 ft. Existing trees will be preserved, which will help buffer the view from the lake. The structure height is 32 ft. from existing grade and a bit more from modified grade, but still less than 35 ft. A video of 3D renderings was played for the commission. Exterior materials include earth tones, stone, metal, and asphalt shingle. A gravel fire pit is located near the lake with a sod lawn area close to the house.

Ms. James presented the staff report and findings.

The public hearing was opened.

Karen Fraley, resident of 1046 Plymouth Rd., spoke in favor of the application.

The public hearing was closed.

*Commissioner Williamson made a motion to approve the application. Commissioner Clements seconded the motion. All commissioners voted aye and the motion passed.*

**DR-17-36, SR-17-13**

**1207 Warren Wagon Rd.**

McCall Design and Planning representing McCall Cottage LLC.: Design Review and Scenic Route applications to construct a new single family dwelling totaling 3,015 sq. ft. adjacent to Warren Wagon Rd., a designated Scenic Route. The property is zoned R4 – Low Density Residential and is more particularly described as:

McCall Acreage Tax Parcel 113, Situate in Government Lot 2, Section 8, T18N, R3E, BM, City of McCall, Valley County, Idaho.

**PUBLIC HEARING**

Luke Vannoy of McCall Design and Planning, 121 Commerce St., presented the application for a new single family residence totaling 3,000sq ft. The property is located adjacent to the new Whitetail Lake Club and all adjacent properties are owned by Shore Lodge Whitetail. There is an existing cabin on the site which will be removed. Access will be located off of Owen Dr., not Warren Wagon Rd. The site is partially screened from the scenic route with evergreens. Dark exterior siding and stone accents will blend into the trees. The design is craftsman farmhouse style. Retaining walls will bring up the ground elevation about 2 ft. on north corner of property.

Ms. James presented the staff report and conditions.

The public hearing was opened, no one was present to speak, and the public hearing was closed.

*Commissioner Williamson made a motion to approve the application. Commissioner Clements seconded the motion. All commissioners voted aye and the motion carried.*

**DR-17-31**

**2028 John Alden Rd.**

David Callister: A Design Review application to construct a 1,060 sq. ft. addition onto an existing residence resulting in a single family home greater than 3,500 sq. ft. The property is zoned R4 – Low Density Residential and is more particularly described as:

Lot 6, Block 4, Pilgrim Cove Subdivision, Section 3, T18N, R3E, BM, Valley County, ID.

**PUBLIC HEARING**

Becky Callister, resident of Eagle, Idaho, presented the application for a 1,000 sq. ft. addition. They have been working with the City Engineer and are not contesting any of the findings. Exterior materials will match the existing cedar siding.

Ms. James presented the staff report and findings. There was an old cabin on the property, which was partially demoed and is in the process of being rebuilt. This addition would constitute phase two of the rebuild and puts the total square footage over 3,500 sq. ft. Lot coverage is 78% of allowable.

The public hearing was opened, no one was present to speak, and the public hearing was closed.

*Commissioner Williamson made a motion to approve the application. Commissioner Clements seconded the motion. All commissioners voted aye and the public hearing was closed.*

**DR-17-35, SH-17-11**

**2012 Payette Dr.**

Trey Hoff representing Brad and April Dillon: Design Review and Shoreline and River Environ Zone applications to construct a new single family dwelling totaling 4,400 sq. ft. adjacent to Payette Lake. The property is zoned R4 – Low Density Residential and is more particularly described as:

Lot 6, Block 1, State Subdivision – Syringa Park, Section 32, T19N, R3E, BM, Valley County, Idaho.

**PUBLIC HEARING**

Ms. James presented the application. The lot is unusual in that it has a steep grade and backwater that comes into the property from the lake that is at the Water Pool Contour Elevation (Ordinary High Water Mark) and, therefore, subject to the 50 ft. shoreline setback. The applicant is planning to apply for a variance from the 50 ft. setback from the ordinary high water mark. Staff's recommendation is to continue the application to a later date so that it may be considered at the same time the variance application is presented.

*Commissioner Williamson made a motion to continue the application until the variance application is submitted. Commissioner Clements seconded the motion. All commissioners voted aye and the motion carried.*

**6. OTHER**

**Code Enforcement Hearing**

**Douglas Jayo – 1790 Crescent Drive**

City of McCall: Code Enforcement Hearing for occupancy or use of a dwelling without an occupancy permit, thereby in violation of McCall City / Impact Area Code section 2.1.070.B and 2012 International Residential Code section R110.1. Failure to complete Conditions of Approval for land use application DR-15-07. The property is zoned R4-Low Density Residential, is within the Shoreline and River Environs Zone and is more particularly described as:

Portions of Lots 1,2, 3 and Tax No. 78, Block H, Amended Crescent Beach Subdivision, located in Gov't Lot 2, Section 5, T.18 N., R. 3 E., B.M., Valley County, Idaho.

**PUBLIC HEARING**

Ms. James introduced the code enforcement case. There are two issues being presented, the first being that the property owners are not complying with the conditions of their design review and the second being that they are occupying a structure without a Certificate of Occupancy. There have been efforts made to secure voluntary compliance, which have not been met. The case has come before the Commission to seek either a recommendation to pursue or not to pursue code enforcement action.

The matter at hand is a small shed located within the 50 ft. shoreline setback. In 2015 the property came through design review; one condition of approval was to remove the nonconforming structure. The applicant did not contest the condition of approval at the time or during the appeal period. There is also an accessory dwelling located within the setback, which the commission at the time allowed to remain because it was a unique accessory dwelling use. The shed is not considered a unique use because the applicant is providing other storage space on the property.

Doug Jayo, owner of 1790 crescent Dr., spoke against the code enforcement action. He had been issued a Temporary Certificate of Occupancy (TCO); there are no issues with life or safety. He is asking the commission to be allowed to keep the shed. He did not appeal the process because they were afraid to slow down the building process at the time. He feels that because the shed has been located on the property since well before the shoreline setback went into place its use should be grandfathered.

Ms. James informed the commission that the TCO was issued in July of 2016 and expired in September of 2016.

The public hearing was opened, no one was present to speak, and the public hearing was closed.

*Commissioner Tunnell made a motion to recommend code enforcement action to the Valley County Board of Commissioners. Commissioner Callan seconded the motion. All commissioners voted aye and the motion carried.*

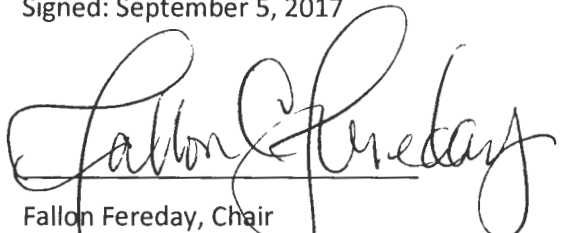
Discussion

- Signs approved administratively – Boardroom and The Guild
- *McCall in Motion* Comprehensive Plan Update – Staff has seen a draft, which will be presented to the Commission at the October meeting.

**7. ADJOURNMENT**

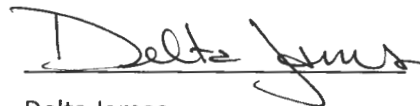
*Commissioner Williamson made a motion to adjourn the meeting at 7:05 PM. Commissioner Clements seconded the motion. All commissioners voted aye and the motion carried.*

Signed: September 5, 2017



Fallon Fereday, Chair  
McCall Area Planning and Zoning Commission

Attest:



Delta James  
City Planner