



**City of McCall  
City Council**

**AGENDA  
Special Joint Meeting with Valley  
County Commissioners  
January 19, 2023, at 6:00 PM  
Best Western  
211 S 3<sup>rd</sup> St  
McCall, ID  
AND MS TEAMS Virtual**

American with Disabilities Act Notices: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, please contact City Hall at 634-7142 at least 48 hours prior to the meeting. Council Meetings are available for in-person and virtual attendance. Any member of the public can join and listen only to the meeting at 6:00 p.m. by calling in as follows: **Dial 208-634-8900 when asked for the Conference ID enter: 725 105 624#**

Or you may watch live by clicking this link: <https://youtu.be/TdTa3-clAIE>

1. **Call Meeting to Order and Conduct Roll Call-** Mayor and Chair
2. **Approval of Meeting Agenda and Notice Postings (Date/Time/Location) for both the City and the County** (Action Item for both Boards)
3. **Background on Impact Areas and McCall Impact Area** - Facilitator
  - a. General Purpose and Requirements for Impact Areas
  - b. How the McCall Area Impact Area is structured
4. **Legal Requirements and Considerations** - County/City Attorney
5. **What has been working well?** - Facilitator
6. **What is not working? Is there a problem?** – Facilitator
7. **McCall Area Perspective and Direction-** McCall Area PZ Commission, City Council, Staff
  - a. Joint Commission
  - b. Keep McCall Area Ordinances and McCall Comprehensive Plan the same
    - i. Discuss 2 ordinances that are not the same
    - ii. Update the 2018 McCall Area Comprehensive Plan- 5-year review
  - c. Boundary – McCall Area Comprehensive Plan Future Land Use Plan/Annexation Map
8. **Board of County Commissioners Perspective and Direction-**Valley County Commissioners and Staff
9. **Moving forward together** -Facilitator

- a. Next steps- timeline
- b. 10-year review process- provide a model to other cities/counties around the state

**10. Adjournment** (Action Item for both Boards)



# City of McCall

COMMUNITY DEVELOPMENT

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**Subject:** McCall Area of Impact  
**From:** Michelle Groenevelt. Community & Economic Development Director  
**Date:** December 19, 2023

The intention of this Memorandum is to summarize and clarify how the McCall Impact Area works with frequently asked questions and Land Use Flow Chart

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## **When was McCall Impact Area Established?**

The McCall Area of Impact is the area was established in the late 1970's through a series of ordinances:

- Ordinance 361 (1977) defined the Boundary of the McCall Impact Area.
- Ordinance 390 (1979) defined the purpose of the Impact Area and adopted the mutually agreed upon Comprehensive Plan
- Ordinance 392 established the Area of Impact, by applying the Comprehensive Plan and Zoning Ordinance (391).

Since that time, numerous updated ordinances have been adopted by the City and County when new codes and Comprehensive Plans were developed.

## **What are the boundaries of the McCall Impact Area?**

The McCall Area of Impact extends around Payette Lake, west to Club Hill Boulevard, and south of Elo Road (see map). The Impact Area boundaries did not change in 2018 when the City and County adopted the McCall Area Comprehensive Plan. Within the Comprehensive Plan, there is a Future Land Use Plan (FLUP) map that identifies areas for the boundary to expand and contract. This is the basis for any changing any Impact Area boundaries or zoning.

## **What is the background on the McCall Area Planning and Zoning Commission?**

- The original commission (formed in 1980) was the "McCall Area of City Impact Joint Planning and Zoning Commission" with 3 members from McCall and 2 members from the AOI. Members were appointed by the City Council with one AOI appointment recommended by the County Commissioners.
- In 2002, this commission was replaced with a city planning and zoning commission with five members in the ratio of AOI to city population and the appointments were made by the City Council.

- In 2006, the membership was changed to 7 members with 4 members appointed by the City Council and 3 members appointed by the County Commissioners. All PZ members shall be residents of the city or the area of city impact for a period of at least two (2) years prior to appointment.

### **What are the duties of the McCall Area Planning and Zoning Commission?**

The duties of the commission include:

- Recommend the granting or denial of variances, conditional use permits, subdivisions, planned unit developments, amendments to the zoning map, vacation of streets, and other decisions authorized by McCall Area ordinances (City and County), which recommendations shall only be made in the form of findings of fact and conclusions of law, pursuant to Idaho Code section 67-6535, and only through the procedures (including hearings) outlined in the McCall Area codes. Recommendations are made to the City Council or the Board of County Commissioners (city council for the city limits and county commissioners for the Impact Area) who make the final decision.
- Recommend amendments to the McCall Area Comprehensive Plan and the codes and develop regulations consistent with the Comprehensive Plan. Recommendations are made to the City Council or the Board of County Commissioners (city council for the city limits and county commissioners for the Impact Area) who make the final decision.
- Provide feedback and recommendations on other long range planning efforts.
- Provide decisions for Design Review and Scenic Route applications. Appeals are heard by the respective governing boards (city council for the city limits and county commissioners for the Impact Area.)

### **What is the role of the McCall Area Comprehensive Plan?**

The McCall Area Comprehensive Plan (adopted by the City and County in 2018) is the primary planning policy document for the City and Area of Impact. It is a coordinated plan with a 20-year planning horizon that guides future development across the City and Area of Impact. The City staff administers the Area of Impact in partnership with Valley County.

The Comprehensive Plan is the community's vision. The Comprehensive Plan's policies guide decisions related to new development, redevelopment, programs, projects, budgets, and services. The policies, and initiatives shall require approval the City Council and County Commissioners as the governing bodies for their respective jurisdictions.

### **Why is the McCall Impact Area planning area important?**

The planning area encompasses the City of McCall limits and the Area of Impact. Idaho State Statute requires that cities and counties establish areas of city impact to provide a way for cities to grow in a manner that is cost-effective for its residents, to anticipate future infrastructure needs, and to encourage urban development within cities. The plan allows for consistency in development that protects property rights and provides for certainty and fairness for property owners. The boundary protects the watershed of Payette Lake, one of the region's precious



resources and source of domestic water supply. Finally, the boundary provides a delineation between city and rural development patterns, important for the city identity.

The City adopts development codes for the city limits and the County Commissioners adopt codes for the McCall Impact Area, and are subject to land use and development review by the McCall Area Planning and Zoning Commission and then final decision to the respective governing boards (see attached flow chart). The coordinated City and County Comprehensive Plan, planning & zoning and development codes, and a joint Commission ensure consistency across the jurisdictions and address trade areas, geographical factors, and annexation considerations.

### **How does the City administer the McCall Impacts Area?**

City staff manages the current planning (development review), long range planning, and building permit process for Valley County. This includes the following tasks (illustrative only):

- Meets with property owners, builders and developers
- Reviews applications and develops staff report and decision documents for the McCall Area P&Z Commission, City Council and County Commissioners
- Staffs the McCall Area Planning and Zoning Commission
- Coordinates joint meetings with the County before any major policies are developed
- Prepares code amendments and ordinances as necessary
- Invites and engages the County Commissioners to participate in long range planning meetings, workshops, outreach, etc.
- Implemented software for permitting process

### **How is the Impact Area administration funded?**

- Application fees cover staff time to administer land use and building permits
- The City does not collect taxes from the McCall Impact Area
- The City does not get compensated for voluntary code enforcement efforts, citizen compliant or other non-permit related issues.
- Long range planning has been funded by the City of McCall

### **Why is there confusion about the McCall Impact Area from the public?**

There are numerous reasons why the public, staff and elected officials get confused about how the Impact Area works. The following reasons have been identified as possible reasons:

1. The City and County have adopted the same Comprehensive Plans and ordinances. It is not uncommon to hear people refer to them as 'city plans and codes' even though they are also County plans and codes.
2. The City codifies the Planning and Zoning and Subdivision and Development codes on a third-party website. Since the City and County codes have been the same, it has not

been hosted separately by the County. Staff reports and decision documents reference City code numbers as references.

3. Residents from the McCall Impact Area go the McCall City Hall or the City of McCall website for building permits and land use related applications. However, since the Impact area has existed for 45 years most people know this procedure. Some people in the Impact Area think they either live in the city or come to City Council with their complaints.
4. City staff help them through the development process.
5. The McCall Area Planning and Zoning Commission is a joint commission and serves the City and Impact Area

### **Where are Planning related appeals heard for the McCall Impact Area?**

Appeals of Administrative decisions go the McCall Area Planning and Zoning Commission. If the person does not like that decision, then it goes to the County Commissioners. All appeals for the McCall Area Planning and Zoning Commission in the Impact Area go to the County Commissioners.

### **How is code enforcement handled in the McCall Area?**

In the City limits, a code enforcement officer from the McCall Police Department responds and, in some cases, actively addresses code violations from the McCall City Code. In the Impact Area, the City and County have established a process for handling citizen complaints and code enforcement with the Valley County for the McCall Impact Area. If complaints are planning and zoning or subdivision and development related then the McCall City staff receive complaints, and investigates if there is a code violation. If a violation has occurred, City staff sends a code enforcement letter and copies the Prosecuting Attorney. The letter identifies the violation, provides a timeline for addressing the violation and mentions that failure to comply may result in further enforcement action. Staff generally gets voluntary compliance from these letters so it does not move on VC. The City of McCall is not compensated by the County for the code enforcement efforts. If the violation is not addressed, then it moves to VC Attorney for further action. There are typically 4-6 of these cases per year. This process has been reviewed numerous times in the past 10 years. City staff is always open to ideas and meetings to improve the process.

# PLANNING PROCEDURE

CUP, SUB, PUD, ZON, VAR



- PRELIMINARY DEVELOPMENT PLAN REVIEW

JOINT PLANNING & ZONING



- NEIGHBORHOOD MEETING

APPLICANT



- APPLICATION SUBMITTAL BY APPLICANT

MCCALL STAFF REVIEW



- APPLICATION REVIEW
- PUBLIC HEARING
- RECOMMENDATION TO GOVERNING BOARD

JOINT PLANNING & ZONING



FINAL DECISION

IMPACT AREA TO VALLEY COUNTY COMMISSIONERS

CITY LIMITS TO MCCALL CITY COUNCIL

\*APPEALS GO TO APPROPRIATE BOARD.

# Area of City Impact

**A Tool Kit of Guidelines and Resources  
for Use by Idaho Cities and Counties**

**December 2012**



**[www.idahosmartgrowth.org](http://www.idahosmartgrowth.org)**

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**University of Idaho**

College of Law

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## Introduction:

This publication was prepared as a resource to Idaho cities and counties engaged in the process of creating or amending Area of City Impact maps and agreements. It is intended to provide guidelines and best practices for the provisions of Idaho state law §67-6526 AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE, and how those provisions interact with other requirements of the §67-65 LOCAL LAND USE PLANNING and §50-222 ANNEXATION OF CITIES.

Idaho local governments have the primary responsibility for the planning and regulation of land uses. State law requires that each city and county, “conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan... The plan shall include all land within the jurisdiction of the governing board.” (§67-6508) The purpose of the Land Use Planning Act is in part “to encourage urban and urban-type development to occur within incorporated cities.” (§67-6502) In order to allow cities to anticipate areas of land that may become urban and served by urban services, the Land Use Planning Act provides for Area of City Impact (§67-6526). Planning for an Area of City Impact provides the framework and is a necessary requirement for most types of city annexations (§50-222).

Many local governments struggle with the provisions of the Area of City Impact requirements. The lack of definitions, clear guidelines for implementation of the law, and technical resources has created confusion, conflicts and inconsistencies. How various state statutes and case law interface is unclear. Unnecessary tensions and issues between jurisdictions exist because of the lack of guidance. This handbook is intended to resolve some of those issues. However, these are only guidelines and are not a substitute for the legal requirements.

This Area of City Impact Tool Kit is organized into four sections: Chapter 1 describes the necessity for Area of City Impact, the purpose for

undertaking Area of City Impact procedures, a snapshot of statutory requirements, and roles and responsibilities. Chapter 2 outlines the criteria for establishing an Area of City Impact and the process. Chapter 3 reviews how disputes are resolved. Chapter 4 is about what happens once an Area of City Impact has been adopted. An appendix includes resources provided primarily by the University of Idaho College of Law, Economic Development Clinic in the Fall semester 2012. Included in the Appendix are: answers to frequently asked questions, an inventory of 125 AOI agreements collected by the clinic, a checklist for drafting an AOI, the case law and legislative history of legislation.

## Acknowledgements:

The Tool Kit is the outcome from meetings with organizational representatives convened by Idaho Smart Growth 2012. The following organizations contributed to the content of this publication:

- Association of Idaho Cities
- Boise City
- Boise State University
- COMPASS
- Gem County
- Idaho Association of Counties
- Idaho Chapter of the American Planning Association
- Idaho District Council of the Urban Land Institute
- Idaho Smart Growth
- University of Idaho College of Law - Boise
- Valley Regional Transit

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# Chapter 1: Preparing to Develop an Area of City Impact

## Why it is Important to Plan for Area of City Impact

### Statutory Reasons

- ① **The Area of City Impact provides a way for cities and counties to carry out the purposes for planning, most significantly:**
1. **To protect property rights.**
  2. **To ensure that adequate public facilities and services are provided at reasonable costs.**
  3. **To encourage urban development within cities.**

§67-6502 LAND USE PLANNING ACT sets forth the purpose for planning. The statutory provisions for Area of City Impact (§67-6526) are a part of the Planning Act and a requirement of planning for all cities and counties.

- ② **The Area of City Impact process provides a way for cities to grow in a way that is cost-effective for their residents.**

§50-222-1 ANNEXATION OF CITIES Idaho law says that cities should be able to expand “in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.” For cities that have a dwindling source of funds for municipal services, having the ability to plan ahead for future development outside the city boundaries, as provided by the AOI process, only makes sense.

### **§67-6502 LAND USE PLANNING ACT**

1. *To protect property rights while making accommodations for others.*
2. *To ensure that adequate public facilities and services are provided at reasonable costs.*
3. *To ensure that the economy is protected.*
4. *To ensure that important environmental features are protected.*
5. *To encourage the protection of prime agricultural, forestry and mining lands and land uses.*
6. *To encourage urban development within cities.*
7. *To avoid undue concentration of population and overcrowding.*
8. *To ensure that land is developed commensurate with its physical characteristics.*
9. *To protect against natural hazards.*
10. *To protect natural resources.*
11. *To avoid pollution.*
12. *To allow school district to participate in the planning process.*

## Other Reasons

### ③ **The Area of City Impact process provides a way for cities to clearly communicate with predictability its future vision for the land adjacent to a city.**

A comprehensive plan is an important statement of a city's future vision for land use and public services within its jurisdiction. The plan is a communication tool for a city; it allows cities to share with its citizens, property owners, service providers and surrounding jurisdictions the city's vision for the future of the community. For growing and expanding cities, it is logical that cities and citizens also be concerned about the land adjacent to a city boundary that the city ultimately expects to annex and serve with urban services.

### ④ **The Area of City Impact process provides a way for cities and counties to grow in a way that maintains the quality of life for its current and future residents.**

As Idaho continues to grow, it is critical that it grows in a way that makes sense and keeps our communities great places to live. Rapid development and population growth frequently occur just outside city boundaries where property is cheaper and zoning laws may be less restrictive. Without the ability to plan for this fringe development, communities face the problems of increased traffic congestion on inadequate roads, the need for improved public facilities and services, lack of police protection, and overburdened schools. Many of these problems impact not just the residents and property owners on the fringe but cross over boundaries and impact the residents of the city as well.

### ⑤ **The Area of City Impact process provides a way for cities and counties to prevent urban sprawl and protect critical lands.**

Urban growth without planning and development regulations becomes urban sprawl: low density, inefficient and wasteful land utilization. Development that follows a natural growth and orderly pattern minimizes the premature conversion of land, destruction of prime agricultural land, and loss of critical natural resources. Most importantly, **urban sprawl costs communities money.** Studies of community services in Idaho show that property taxes from commercial and agricultural land use essentially subsidize services on residential land uses.

### ⑥ **The Area of City Impact process provides a way for cities, counties and special districts to anticipate the future public service and facility needs and coordinate those services effectively.**

Delivery of public services and facilities in Idaho is often provided by multiple jurisdictions: cities, counties and special districts. Frequently, this patchwork of service providers can lead to administrative confusion, inefficiency, duplication, and excessive costs. If there is rapidly growing development with the pressure to serve, these problems can be magnified. Coordination on land use and regulations for fringe area is particularly critical between the cities and the counties. Clear understanding of the future plans for an area and the public service and facilities needed avoid inefficiencies.

### ⑦ **The Area of City Impact process provides an opportunity for residents who live within the Area of City Impact to have a greater voice.**

County residents living on the fringe of a city can be substantially affected by actions of an adjacent city, but they have limited ability to participate in its affairs. Decisions made by the City regarding streets, utility extensions, level of public services can impact their quality of life and the future of their neighborhood. When an Area of City Impact is



adopted it provides an opportunity for those persons on the fringe to be involved in the future plans for their area.

## A Snapshot the Area of City Impact Statutory Requirements

§67-6526 AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE requires that every city and county adopt a **map** identifying an Area of City Impact and an **ordinance** specifying which comprehensive plan and land use regulations will apply within the area of impact. The boundaries of the **map**, and the plan and regulations to apply to the Area of City Impact are the outcome of a negotiation process between a city and a county. The **ordinance** can identify a plan and regulations that are either: (1) the city's; (2) the county's; or (3) some combination or variation, **but the application and enforcement of such plans and regulations are the responsibility of the county** until such time as the area is annexed to the city.

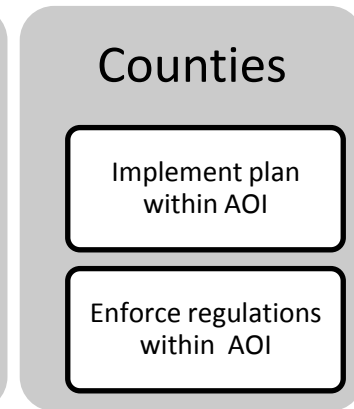
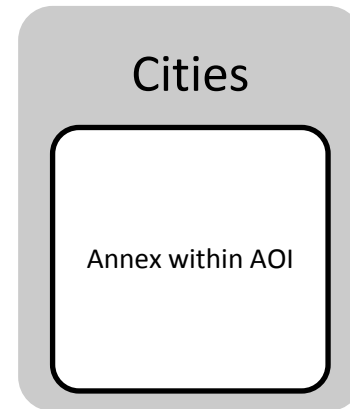
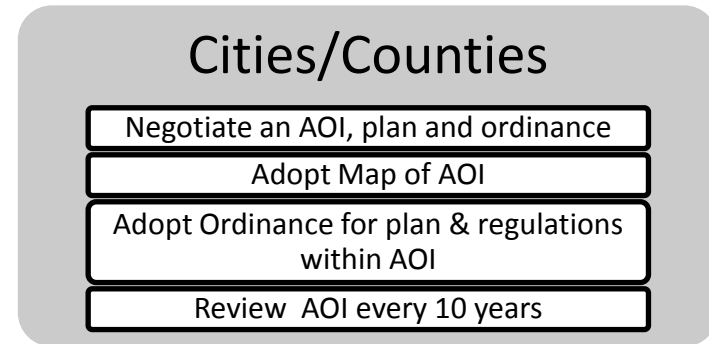
An Area of City Impact with plans and ordinances may also be adopted that cross county boundaries for cities that are within three miles of the county line.

For most annexations under the provisions of §50-222 ANNEXATION OF CITIES, an area of city impact must be established before a city may annex adjacent territory.

If there are disputes about the Area of City Impact requirements, a negotiation process is set forth in the law. Disputes may arise when: (1) there is a failure to establish or jurisdictions cannot agree an Area of City Impact, plans or regulations; and (2) two or more cities have interest in overlapping Areas of City Impact.

The law also requires an update of the Area of City Impact every ten years.

## Primary Responsibilities



## Chapter 2. The Area of City Impact Process

### How an Area of City Impact is Determined- the Map

The law states, “that in defining an area of city impact, the following factors shall be considered: ① *trade area*; ② *geographic factors*; and ③ *areas that can reasonably be expected to be annexed to the city in the future.* (§67-6526(b))

#### ① *Trade area*

A *trade area* can be defined as a geographic area from which businesses or a city draws its customers. A *trade area* can be determined by the city size and location of the city with respect to other trade centers. A *trade area* can vary depending on the nature, number and size of the businesses.

The logic for the trade area criterion is that if a city is providing services and goods to people outside their jurisdiction, then those people should be residents of the community in which these services are provided. People living outside a jurisdiction are using the city facilities, like roads and utilities, which support businesses. They use those facilities, just like the residents of the city, but without paying for those facilities like residents do through property taxes. Similarly, the city may be providing direct services such as library and parks that are used by people who live outside the city and may not be paying their fair share for the costs of those services.

A city may have many *trade areas* depending on the nature of the goods and services and the size of the businesses that are located there. Some businesses require a wide geographical reach to support them. A big-box retail store, for example, has a much broader trade area than a neighborhood convenience store.

Location can play a major factor in a *trade area*. For example, the City of Twin Falls has annual average retail sales per capita that is twice as much as the Idaho state average (\$27,814 vs. \$13,691). This is due to the fact that Twin Falls is an isolated regional hub and has a trade area that draws people from long distances. By comparison, Caldwell, a similar size city to Twin Falls, has retail sales per capita closer to the state wide average (\$15,400). Determining *trade area* in a region with multiple jurisdictions and easy access to all locations within the region is obviously a much greater challenge than areas with single and/or isolated cities.

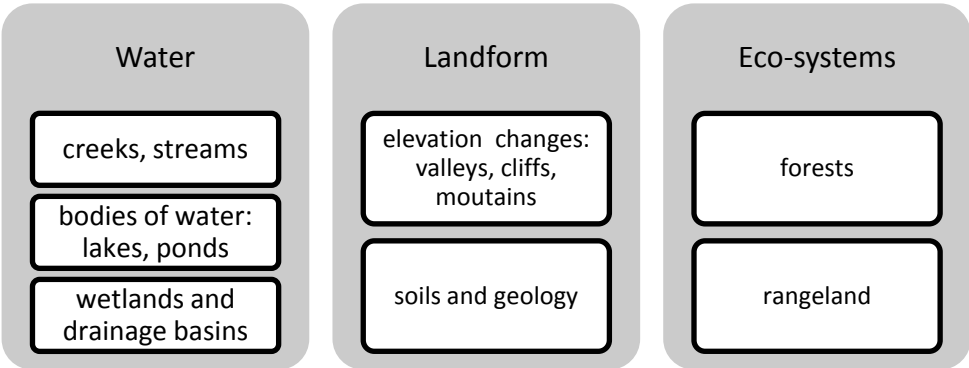
We live in a highly mobile and dynamic society with easy access to a wide range of goods and services. The old physical barriers and isolated locations that created distinctive *trade areas* are less important than in the past. The advent of electronic merchandising has also blurred the meaning of trade areas. The *trade area* criteria for determining an Area of City Impact probably has less meaning and relevance than in the past, particularly in multi-jurisdictional regions. For most cities, the best way to use trade area is to focus on the provision of city services; to analyze who is using city services and facilities, and where they live.

#### ② *Geographical Factors*

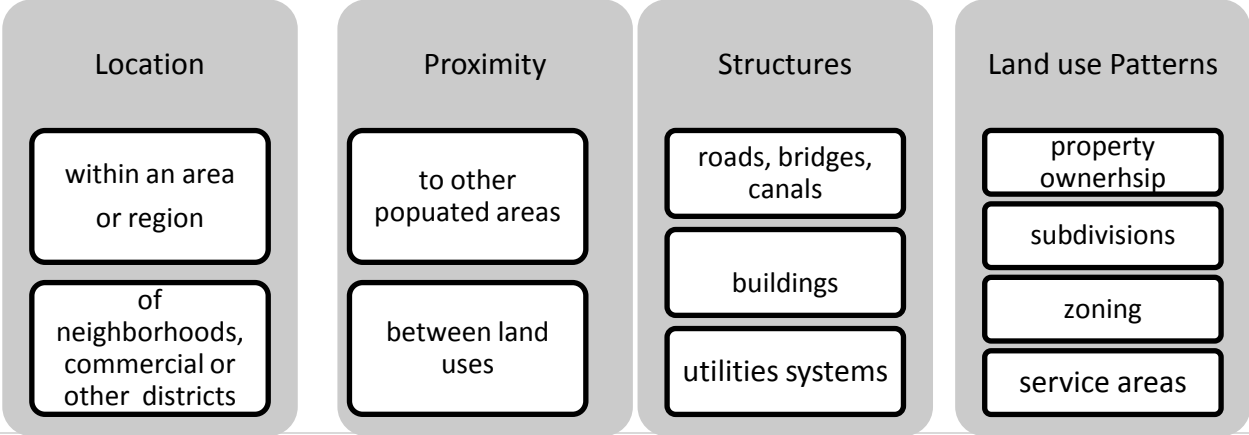
*Geographical Factors* can be both natural and manmade. Natural features can provide logical boundaries for an Area of City Impact. Maintaining the integrity of a natural system, by not splitting it into two jurisdictions is also a factor to consider in drawing lines. The most relevant natural geographic features are: water, landform, and eco-systems.

Geography can also be described as the infrastructure that people place on the land. Most obvious are structures including roads, bridges, canals and buildings. As described with trade area, a community's geographical location and proximity to other cities is a consideration, as well as clusters of development, neighborhoods or districts. Less obvious, but equally important, is the land ownership patterns and regulatory provisions that influence the human geography.

**Natural Geographic Factors**



**Man-made Geographical Factors**



③ **Areas that can reasonably be expected to be annexed to the city in the future.**

The consideration of areas that can reasonably be expected to be annexed to the city in the future raises two important questions for communities to answer in establishment of an Area of City Impact. What is the future? What is a reasonable expectation for annexation?

Since the law requires a review of the negotiated Area of City Impact every ten years, ten years should be a minimum future time frame. More desirable would be something longer so that there is time to plan for the future before all the land within an Area of City Impact has been annexed. Most ideal would be for the future time frame to match the horizon year of the city's Comprehensive Plan. Time periods beyond twenty years are questionable and usually motivated by a desire to control land use, with unrealistic expectations about the ability to serve and annex.

**§67-6526 AREA OF CITY IMPACT –  
NEGOTIATION PROCEDURE**

*The governing boards shall undertake a review at least every ten (10) years to determine whether renegotiations are in the best interests of the citizenry)*

**The identification of where urban services will be provided should be the best indicator of future areas to be annexed.** Some communities have adopted master plans for infrastructure such as roads, sewers, and water. Many communities depend on special purpose districts, such as water and sewer districts, for city services. Some of these districts have plans that identify the future capacity and plans for their systems. Fewer communities and special districts have adopted Five Year Capital

Improvement Programs. These plans describe where services will be extended, an analysis of the costs of these services, the ability of the city to fund the services and the identification of funding sources. Matching infrastructure planning and funding with future growth of the city meets the purpose of the LOCAL LAND USE PLANNING ACT (§67-6526) that urban development happen within cities and is served by urban services; and the LOCAL LAND USE PLANNING ACT and ANNEXATION Law (§50-222-1) that adequate public facilities and services are provided at reasonable costs.

Other factors to consider in what areas may be reasonably annexed are:

1. the past trends in the development pattern and land owner requests for annexation;
2. the present and planned uses in the area, including agricultural and natural resource lands;
3. the relationship of proposed boundaries with ownership; and
4. creating regularity in boundaries, not creating islands or corridors of unincorporated territory.

In preparing an Area of City Impact, a first step is to collect data about these three factors and analyze what effect these factors have on influencing the Area of City Impact. Sources for data related to these factors are included in the Appendix.

**How a Comprehensive Plan and Ordinance for the Area of City Impact is Determined – the Ordinance**

Which comprehensive plan and development regulations are adopted for the Area of City Impact is subject to a negotiation process between the city and the county. The statute provides guidance for this negotiation, but that guidance has been found to be defective through case law. The statute states that the plan and ordinance be based on one of three sources: (1) the city's comprehensive plan and ordinance; (2) the county's comprehensive plan and ordinance; or (3) anything

mutually agreed upon by the city and the county. However, as set forth by Idaho constitution and reinforced through case law, cities and counties can only exercise their planning and zoning powers within their own jurisdiction. So, the three options listed in the statutes should be considered a starting point for the negotiation process. Whatever plan and ordinance are adopted for the area of city impact are **the county's plan and ordinances** until such time as the area is annexed into the city.

The approach to negotiation depends on the relationship between the county and the city, the desires of the citizens who live in the area, and land uses and development in the proposed Area of City Impact. Keys to successful negotiation are: (1) A good working relationship and trust between the city and county; (2) Data and information that allow for agreement on an area that will become incorporated; (3) Understanding of the need for and willingness to adopt standards that meet the city's plans; (4) Political support for the process and the decisions that are made.

Adopting a comprehensive plan with zoning and development standards that support that plan is ideal. A combination of a city plan and county or other regulations that do not fit with objectives of the comprehensive plan is a recipe for disaster. Since a city will eventually annex the area, the best scenario is for the city's plan and ordinances to be the basis for guiding growth and development within an Area of City Impact. Since most counties are primarily rural, county regulations are frequently less restrictive than a city. Less restrictive regulations in an area create unnecessary conflicts when an area is annexed. Rural road standards with no curb, gutter and sidewalks that do not match with urban street standards are just one example. However, in some regions with small cities, the county may have more resources and its plan and regulations may be better suited for the Area of City Impact.

The residents and property owners within the Area of City Impact also have a stake in the plan and regulations that affect them. Any

negotiation between the City and County should involve the people who have an interest in the area. Sometimes there is significant resistance to changes that are perceived as impacting property values, changing a rural lifestyle or from the fear of annexation and additional taxes. Some perceptions are difficult to overcome if there has been a history of misunderstanding and lack of communication. Opportunities to involve the public, ensure their understanding of the process and to air their concerns should happen long before a public hearing to consider the plan and ordinance for the Area of City Impact.

## Process Steps

The steps in the process of adoption of an Area of City are simple unless there are disputes. A best practice is to create an agreed upon work program on how to proceed between the city and county before beginning the process. Next, collect data, do the necessarily analysis of the criteria and involve the public. Following that, begin the formal adoption process established in state law.

Cities and counties must adhere to the public notice requirements of state law for review and adoption of a Comprehensive Plan. (§67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN) The Planning and Zoning Commission for each jurisdiction must conduct a public hearing and provide a recommendation to their respective governing board ,who then makes the final decision. The governing board may conduct a public hearing. If there are material changes at either the Planning and Zoning Commission or governing board level, a new public notice, fifteen day notice period and public hearing are required.

Two ordinances are adopted by each jurisdiction: (1) a map of the Area of City Impact; and (2) an ordinance identifying the comprehensive plan and development regulations for the area identified on the map. The two should be cross-referenced, or the map should be adopted

contingent on adoption of the plans and regulations ordinance. A legal description of the boundary area, while not statutorily required is a best practice.

In adoption of the ordinances, it is also a best practice to include purpose and findings statements. This allows for the reasoning behind the agreed upon map, plans and ordinances to be clear.

An agreement between the city and county on how the process for review of development application within the AOI will be undertaken is also a best practice to be considered. The agreement should describe (1) roles and relationships between the city-county staff and decision-making bodies; (2) the steps in referral of an application from the county to the city; (3) time requirements and fees; and (4) how subsequent changes in the codes affecting the AOI will be reviewed.

See the Appendix for a more in depth discussion of the process steps and best practices.

# Flow Chart

## PREPARATION

**Early consultation between jurisdictions:**

- Agree to negotiate or re-negotiate AOI.
- Review the criteria and the law
- Develop a work plan:
  - ✓ Identify issues, data and analysis to undertake
  - ✓ Schedule
  - ✓ Public Involvement
- Expectations among the parties in the outcomes of the process

The city and the county governing boards submit the questions to the planning, zoning, or planning and zoning commission for recommendation.

Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. (§67-6526(e))

Adopt scope of work, schedule and responsibilities by the governing body of each jurisdiction.

## ANALYSIS AND CONSULTATION

- Review and analysis of the criteria for determining an area of city impact.
- Early consultation with the community within the Area of City Impact
- Early consultation with service providers about plans, capacity and ability to serve

- Development of a map, plan and ordinances for Area of City Impact. (§67-6526)
- Two ordinances are drafted, one for the map and one for the plan and codes.
  - Two ordinances should be linked by cross-references
  - Ordinances should be adopted with findings of fact.

Statutory Requirements

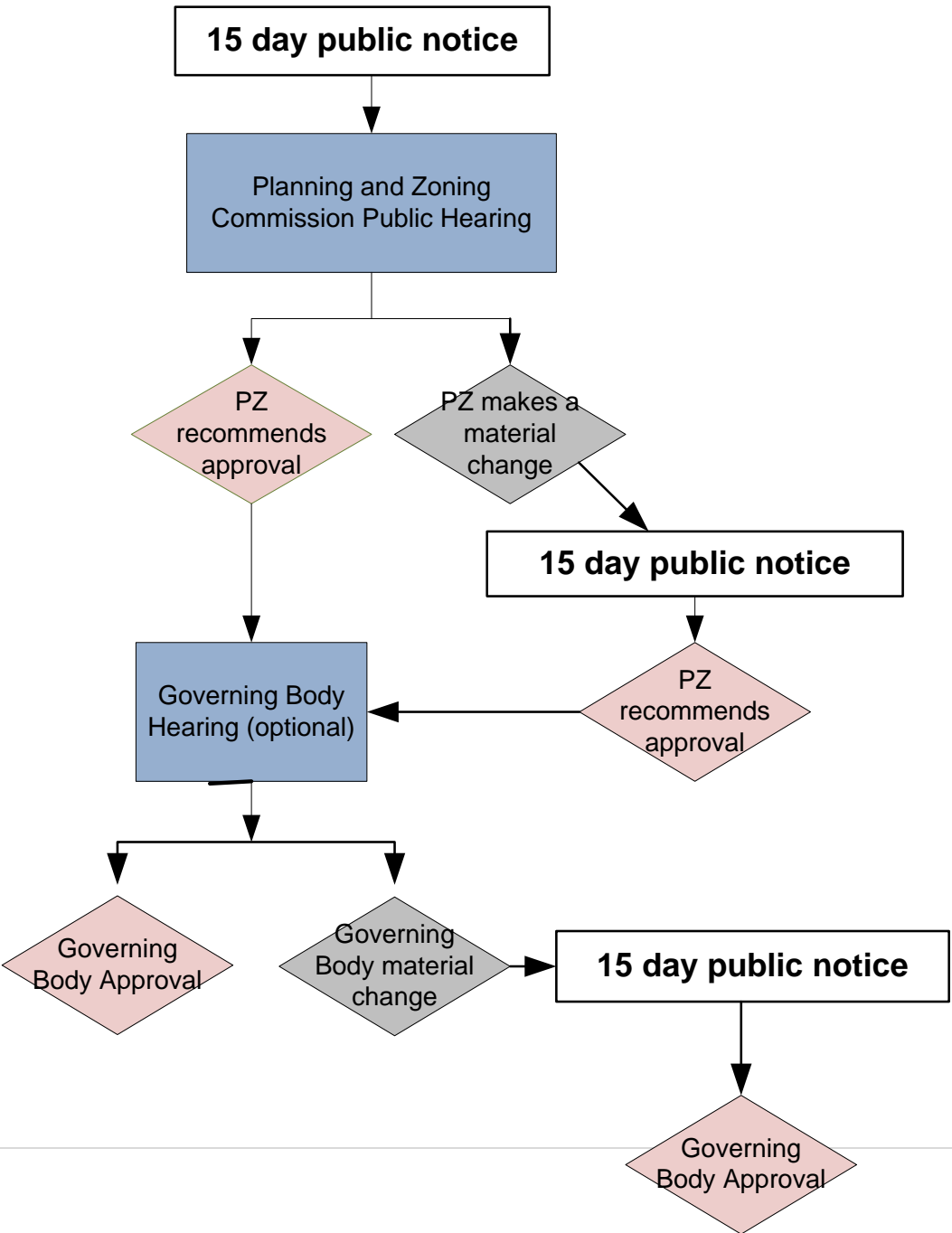
Best Practices

## Decision process

- 15 day notice of public hearing before the Planning, Zoning or Planning and Zoning Commission
- Public Hearing and recommendation of the Planning, Zoning or Planning and Zoning Commission
  - Optional public hearing before the governing body of the city and county.
  - Decision by the governing body of the city and county. (§67-6509)

- An agreement is adopted between the governing bodies or made part of the ordinances that outlines the process of referrals of development applications.
- Ordinances adopted which specify when public services will be extended to unincorporated areas.

**Public Hearing Requirements  
(§67-6509)**





## Chapter 3. The Area of City Impact Dispute Process

By statute, the Area of City Impact is a negotiation process, and with negotiations often come disputes. Resolution of disputes are outlined in the law and occur in two situations: (1) when there is a failure to adopt an Area of City Impact, plans or regulations; or when a city and county cannot agree on the Area of City Impact area, plan or regulations; and (2) when more than one city has an interest in overlapping Areas of City Impact.

### Failure to Adopt or Disagreement between a City and County

When a city or county fail to adopt an Area of City Impact, usually because there is some disagreement on the proposal, a process is started which involves what is known as the "Committee of Nine". After notice, the county commissioners, three elected city officials, and three residents of the city or county recommend an Area of City Impact, with the plan and ordinances. After consideration of their recommendation, if either jurisdiction fails to act, the recommendation on the Area of City Impact is decided through district court.

Written notice of demand for compliance with the law

Within 30 days, the mayor selects and the city council confirms 3 elected city officials as representatives

Within 30 days, the county commissioners and 3 city officials select 3 city or county representatives

Committee of Nine is formed including the 3 County Commissioners, three city officials and three at large representatives .

Within 180 days, the Committee of Nine, by majority vote recommend a plan, ordinance and Area of City Impact

Within 60 days, the city and county governing bodies act upon the recommendation.

Failure to act is basis for filling for a declaratory judgement in district court .

*(b) If the requirements of section 67-6526(a), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt.*

## Disputes between Cities that have interest in overlapping Areas of City Impact.

Particularly in fast growing urbanizing regions, cities may desire the same areas/land for their Area of City Impact. When these potential overlaps develop, the statute outlines a process for resolution that includes the county recommending a solution. If this is unacceptable, the county holds an election within the disputed area for the citizens to decide.

A city makes a request to the county to resolve a disagreement between cities on a Area of City Impact boundary

Within 30 days, the county commissioners recommend adjustments to the cities.

The cities conduct a public hearing process to consider the county's recommendation.

If a city objects to the county's recommendation, the county schedules an election.

The county holds an election within the disputed area in which residents within that area are asked which Area of City Impact they desire.

The county submits the results of the election to the cities.

*(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section 34-106, Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside.*

# Chapter 4. After Adoption of an Area of City Impact

The Area of City Impact process is not static. Once adopted, the Area of City Impact sets the framework for annexations. The statute also establishes a time frame for Area of City Impact updates.

## Annexations

The interface with the statutes governing the §67-6526 AREAS OF CITY IMPACT and §67-6526 AREAS OF CITY IMPACT are probably the most challenging. Most annexations are required to occur within the Area of City Impact, but in one type of annexation, they are not. A Category "A" annexation is allowed when all landowners agree to the annexation or there exists an enclave of less than 100 residential parcels. This allows for large property annexations outside the Area of City impact and even more egregious, annexation within another city's area of city impact. This situation has set up a scenario where some developers will "shop" for the most advantageous plan and regulations. This results in ad hoc application of plans and regulations to an area that was not anticipated to become urban, and may not have urban services to support the development.

The *Idaho Land Use Handbook* authored by the attorneys at Givens Pursley provides a comprehensive review of Idaho Annexation Laws and should be a reference to any community involved in the annexation process. One chart from that book provides a summary of the categories and requirements for annexations:

Summary of Annexation Statute (Idaho Code § 50-222) This summary omits some details and special exceptions. <sup>65</sup> The reader should consult the statute in its entirety.			
	Category A	Category B	Category C
Definition of category:	All landowners consent. OR Enclaved residential and < 100 parcels.	< 100 parcels regardless of whether landowners consented. OR > 100 parcels and owners of > 50% (based on land) have consented.	> 100 parcels and owners of > 50% (based on land) have not consented at outset.
		AND Annexed land is subdivided into lots of 5 acres or less, or Owner has begun to sell land in parcels of 5 acres or less. OR Annexed land is completely surrounded by the city.	
Requirements and procedures applicable to each category:	All annexed land must be contiguous or adjacent to city (regardless of category).		
	Need not be within area of city impact. Where all landowners consent, must be included in comprehensive plan.	Must be within area of city impact.	
	May be annexed unilaterally	City must prepare detailed annexation plan	
	by ordinance.	Requires compliance with procedures for zoning district boundary change; publication and mailing to landowners; hearing; express findings.	
		So long as appropriate findings are made, annexation may proceed over objection of landowners.	After following procedures above, owners are polled again and over 50% must consent.
Judicial Review:	By declaratory action (very deferential).	By IAPA (somewhat deferential).	

## Updates and Renegotiation of Area of City Impact

By statute, Area of City Impact is reviewed every ten years. The process for re-negotiation is the same as with the original negotiation.

# Appendices

- A. Frequently Asked Questions
- B. Inventory of AOI Agreements
- C. Checklist for Drafting an AOI Agreements
- D. Case Law List
- E. Definitions
- F. Areas of City Impact Statute

## **Contribution of the Economic Development Clinic at the University of Idaho College of Law**

In the Fall of 2012, the Economic Development Clinic at the University of Idaho College of Law's Boise campus (the "Clinic") cooperated with Idaho Smart Growth and the coalition preparing this tool kit. The Clinic's director and five third-year law students investigated area of city impact agreements and contributed information in four areas: (1) a checklist for counties and cities to review in drafting AOI Agreements followed by a detailed analysis of the checklist provisions. (2) A review of the legislative history of Idaho Code section 67-6526, which governs AOI Agreements. (3) An analysis of the effective dates of AOI Agreements in Idaho. (4) A brief case law history relevant to Idaho Code section 67-6526.

This appendix includes some of the investigations undertaken by the Clinic. The inventory and analysis of effective dates of AOI agreements is described in Appendix B. The checklist for drafting AOI agreements is in Appendix C, and a list of the case law summary is in Appendix D. An electronically retrievable copy (PDF file) of the full report undertaken by the Clinic is available, at no cost, from the website of the University of Idaho College of Law's Economic Development Clinic by contacting Professor Stephen R. Miller at [millers@uidaho.edu](mailto:millers@uidaho.edu), or on the Idaho Smart Growth Website, [www.idahosmartgrowth.org](http://www.idahosmartgrowth.org)

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## A. Frequently Asked Questions

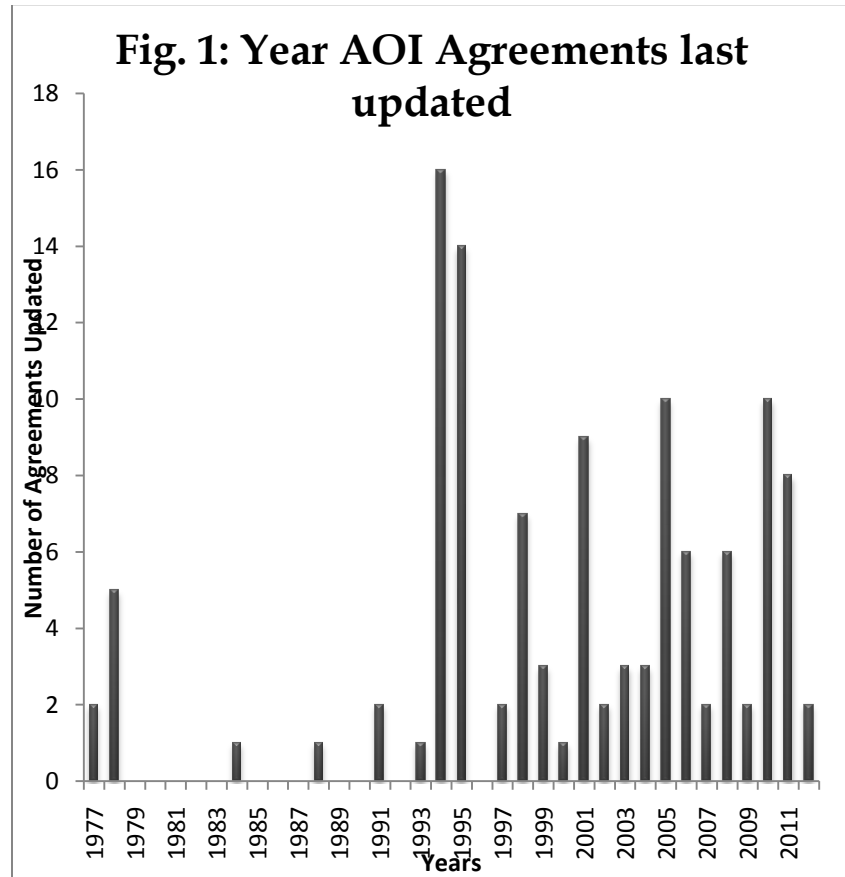
- 1. What is an Area of City Impact?** No explicit definition exists in statute, but from the requirements specified in law for an AOI, it can be implied that it is a geographical area where a city is expected to grow into and annex at some future time.
  - 2. What are the criteria for determining an Area of City Impact?** The law states, “that in defining an Area of City Impact, the following factors shall be considered: ① *trade area*; ② *geographic factors*; and ③ *areas that can reasonably be expected to be annexed to the city in the future.*” (§67-6526(b)) These factors are listed in the section of the Statute describing the process when an agreement on an AOI cannot be achieved between the City and County, but this is the only criteria listed in the statute. The assumption is that if these factors are to be used in the resolution of dispute phase that they are relevant in the negotiation phase as well.
  - 3. Can you annex outside the area of city impact?** Yes, Category A annexation when there is a consent of all the property owners or the area is an enclave of less than one-hundred (100) residential property owners, annexation outside an AOI can be allowed.
  - 4. Is the one mile square the around the city, the area of city impact?** No, this is an artifact from the Idaho subdivision law before the Local Land Use Planning Act.
  - 5. What is the penalty for not following the AOI statute requirements?** There are no penalties in state law for enforcing the provisions of the AOI statute. However, a jurisdiction or an individual could bring a judicial action before the courts for non-compliance.
  - 6. If the city is not growing, what is the purpose of adopting an AOI?** The AOI probably has most relevance for communities that are growing. To comply with the law requires resources and time which creates a burden for small communities that are not growing.
  - 7. Who has jurisdiction for administering an adopted AOI?** The County; a county cannot delegate to a city the power to make land use decisions beyond the city's limits. However, the city should be an active participant in the administration of the plans and codes within the AOI, and the process of how the city is involved in the review of application within the AOI should be spelled out on the agreement between the city and the county.
-

## B. Inventory of Area of Impact Agreements

The following information was extracted from the report, *Areas of City Impact Agreements in Idaho, Report 12-01* prepared by Economic Development Clinic at the University of Idaho College of Law's Boise campus (the "Clinic").

The Clinic collected AOI Agreements through the months of September, 2012 to November, 2012. The Clinic did so primarily through direct telephone and e-mail contact with county officials. All counties were contacted. For its efforts, the Clinic obtained 125 AOI Agreements in 37 counties, which is believed to be a significant proportion of all the AOI Agreements entered into by Idaho's 200 cities and 44 counties. The AOI Agreements obtained are grouped by county in the inventory that can be obtained through the link cited on page 1 of the appendices.

The oldest AOI Agreements of those obtained were from Clearwater County, both of which are from 1977. Several AOI Agreements were updated just this year, 2012, such as those of Twin Falls/Buhl and Blaine/Sun Valley. As shown in Figure 1, of the 125 AOI Agreements obtained for this report, the largest number of AOI Agreements, 30, were updated in the two-year period of 1994 and 1995. The next highest frequency was in 2001 (11 AOI Agreements) and the years of 2005 and 2010 (10 AOI Agreements each year). The Idaho Legislature amended the area of impact statute in 1993, a move that required cities and counties to update their agreements by November, 1995, which is likely responsible for the large number of AOI Agreements that were passed in 1994 and 1995. (Idaho Statute 1993, Chapter 55 § 1.)

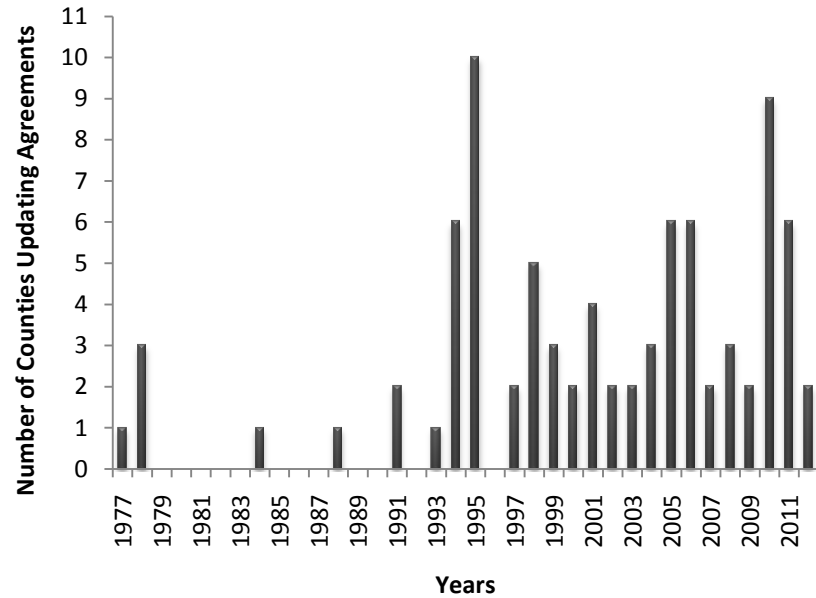


Some counties may have updated all their AOI Agreements in a single year. For instance, Figure 2 shows how many counties updated AOI Agreements for each year based upon the latest date of amendment. This data only reflects the most recent date of an amendment on any AOI Agreement; thus, a county could have updated an AOI Agreement in 1995 and again in 2005, but that AOI Agreement and that county would only be counted in 2005 for purposes of Figure 2.

Again, 1994 and 1995 had the highest number of counties updating their AOI Agreements. This means that it appears at least 17 counties have not renegotiated or adopted at least some new portion of an AOI Agreements since the mid-90s, almost twenty years ago, and several other counties have made no amendments for longer than that, as Figure 2 illustrates. The second highest frequency of amendments was in 2010, however, in which 9 counties updated AOI Agreements.

By reviewing the inventory of AOI Agreements, counties and cities may find a useful beginning in drafting their own AOI Agreements. The Clinic made no attempt to assess “best practices” in the agreements. However, some examples that may be a starting point for communities are the most recently adopted AOI agreements cited above. Others are the agreements between Blaine County with the city of Ketchum, Ada County with the city of Boise, and Nez Perce County and the city of Lewiston. For smaller cities, an example is the agreements of Adams County with the cities of Council and New Meadows.

**Fig. 2: Number of counties updating at least one AOI Agreement, by last year of any update**



## C. Checklist for Drafting AOI Agreements

The following information was extracted from the report, *Areas of City Impact Agreements in Idaho, Report 12-01* prepared by Economic Development Clinic at the University of Idaho College of Law's Boise campus (the "Clinic").

This checklist for drafting AOI Agreements was developed after review of 125 existing AOI Agreements throughout the State of Idaho. The checklist is designed to help local governments select and develop a variety of provisions that they may want to consider or include in an AOI Agreement.

The elements and provisions identified in the substantive sections of the checklist are not all required; many are identified solely as potentially useful provisions for an effective and efficient AOI agreement, but most are not necessary to meet statutory obligations, and not all will be relevant to all jurisdictions. The checklist is presented in outline form. Each term in the checklist is discussed in greater depth in full report available at the website listed on the first page of these Appendices.

### Statutory requirements for an AOI Agreement (Idaho Code § 67-6526)

#### 1. Does the AOI Agreement comply with statutory requirements?

- Map:** "[A] map identifying an area of city impact within the unincorporated area of the county" adopted by ordinance by both city and county?
  - Agreement:** "[A] separate ordinance providing for application of plans and ordinances for the area of city impact" adopted by both city and county?
  - Statutory considerations** "In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future."
  - Negotiation and renegotiation** "Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation."
  - Review** "The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry."
-



## **“Ordinance providing for application of plans and ordinances” component of an AOI Agreement**

### **2. Prefatory statements of purpose and findings**

### **3. Helpful reference provisions**

- Are key terms defined in one central reference provision?
- Codification
  - Where is the AOI Agreement codified and referenced (e.g., zoning code, comprehensive plan, etc.)?
  - What other plans, codes, ordinances, or documents are operative in the area covered by the AOI Agreement, and where are they codified?

### **4. Incorporation of the Map (*see also* Map Ordinance section of outline below)**

- Is there a legal description of the area of city impact (“AOI”) map boundaries in the AOI Agreement?
- Is the ordinance adopting the map referenced in the AOI Agreement?
- Is the ordinance adopting the map incorporated into the AOI Agreement?
- Are the dates of the adoption and amendment date(s) of the map stated?

### **5. Does the AOI Agreement address the following substantive issues?**

- AOI Agreement boundaries
  - Statutory requirements
    - ✓ Trade area
    - ✓ Geographic factors
    - ✓ Areas that can reasonably be expected to be annexed to the city in the future
  - Other considerations
    - ✓ Airports, water supply, etc.
    - ✓ Use of multiple tiers, urban growth boundaries, and growth management tools

- Applicable law or code for the area of impact
    - Comprehensive plan (county, city, or AOI-specific)
    - Codes ( zoning and subdivision)
    - Planned unit developments
    - Development agreements
    - Other development ordinances
  - Annexation
    - Statute appears to require county land to be annexed by city to be within AOI. But see *Coeur D'Alene Indus. Park Prop. Owners Ass'n, Inc. v. City of Coeur D'Alene*, 108 Idaho 843, 702 P.2d 881 (Ct. App. 1985).
    - Permissive annexation by city within AOI?
    - Forced application for annexation of certain development proposals?
  - Application process
    - What is the application process for projects covered by the AOI Agreement? Is the application process transparent to applicants?
    - Does the AOI Agreement delegate powers to either city or county staff to create rules or policies not addressed by the AOI Agreement?
  - Pre-application meeting
    - Does the AOI Agreement provide for a pre-application meeting?
    - Role of city and county staff in pre-application meeting?
  - Decision-making on applications and permit issuance
    - Roles of the city council and county commissioners?
    - Roles of city and county staff?
    - Is there an AOI-specific commission?
    - Time limits or estimates for review and comment? Remedy for failure to meet time limit?
    - Is there opportunity for public notice and comment in addition to any such notice-and-comment requirement?
    - Which local government finally approves the project?
-

- To which local government are appeals filed? Which local government decides appeals?
- Which local government issues the permits (e.g., building permits, construction permits, etc.)?

Fees

- What types of fees are covered by the AOI Agreement?
- To which entity is the fee paid by the applicant?
- What is the amount of the fee?
- How is the fee allocated or distributed between city and county?

Procedure for mandatory 10-year review

- Date?
- Who initiates?

Renegotiation of AOI Agreement

- What is the trigger for renegotiation?
- Timeline
- Procedure

Enforcement and remedies

- Against private party
  - ✓ Who is responsible for enforcement?
  - ✓ Penalty or remedy?
- Against party to AOI Agreement
  - ✓ What is means of enforcement?
  - ✓ Penalty or remedy?

**6. Miscellaneous provisions**

- Effective date
- Severability

**7. Appendices**

- Place plans, codes, ordinances, or documents operative in the area covered by the AOI Agreement in appendices?

**Map component of an AOI Agreement**

**8. Map basics**

- Was a map created and passed by ordinance?
- Is the map incorporated into the AOI Agreement ordinance, and is the AOI Agreement incorporated into the map ordinance?
- Is the map attached to the AOI Agreement in an appendix?
- Where is the map codified?

**9. Map accessibility**

- Is the map stored in hard copy and/or digital format?
  - Is the map easily accessible to city/county staff?
  - Is the map accessible to the public?

**10. Map clarity**

- Does the map have a scale?
- Does the map have a key or legend?
- Do the boundaries on the map reflect the boundaries in the legal description in the AOI Agreement?
- Is the map of high enough quality to provide legal notice to private parties of the inclusion of a parcel within the AOI?

**11. Map currentness**

- Was the current map adopted within the last 10 years?
- Is there a date on the map?
- Do the adoption and amendment dates on the map match the dates in the AOI Agreement?

## D. Case Law List

The following case law list was extracted from the report, *Areas of City Impact Agreements in Idaho, Report 12-01* prepared by Economic Development Clinic at the University of Idaho College of Law's Boise campus (the "Clinic"). See the website listed on the first page of these Appendices for access to the full report. Following is just a listing of the cited cases.

1. *City of Garden City v. City of Boise*, 104 Idaho 512, 660 P.2d 1355 (1983)
2. *Coeur D'Alene Indus. Park Prop. Owners Ass'n, Inc. v. City of Coeur D'Alene*, 108 Idaho 843, 702 P.2d 881 (Ct. App. 1985)
3. *Student Loan Fund of Idaho, Inc. v. Payette County*, 125 Idaho 824, 875 P.2d 236 (Ct. App. 1994)
4. *Blaha v. Eagle City Council*, 134 Idaho 768, 769, 9 P.3d 1234, 1235 (2000)
5. *Blaha v. Bd. of Ada County Com'rs*, 134 Idaho 770, 772, 9 P.3d 1236, 1238 (2000)
6. *Evans v. Teton County*, 139 Idaho 71, 79-80, 73 P.3d 84, 92-93 (2003)
7. *Reardon v. City of Burley*, 140 Idaho 115, 116, 90 P.3d 340, 341 (2004)
8. *Burns Holdings, LLC v. Teton County Bd. of Com'rs*, 152 Idaho 440, 272 P.3d 412 (2012)

## E. Definitions

1. **Annexation** is the inclusion of an unincorporated area into a city.
2. **Enclave** is an area of land completely surrounded by an incorporated city.
3. **Committee of Nine** is the group formed to resolve AOI disputes between a city and county and includes three county commissioners, three elected city officials, and three residents at large.
4. **Geographical Factors** are both natural and manmade features that may influence jurisdictional boundaries.
5. **Sprawl** is the inefficient, poorly planned pattern of scattered residential and/or strip commercial development.
6. **Trade area** is a geographic area from which businesses or a jurisdiction draws its customers.
7. **Urban Services and Facilities** are those that are provided by a city or special district to development at a scale or density that can be efficiently served with a system, such as sewer collection and treatment; water lines, pumping and treatment; stormwater management and flood control; fire and police protection; and multi-modal transportation systems.

## F. Areas of City Impact Statute

**TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 65  
LOCAL LAND USE PLANNING**

67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE. (a) The governing board of each county and each city therein shall adopt by ordinance following the notice and hearing procedures provided in section [67-6509](#), Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted. Subject to the provisions of section [50-222](#), Idaho Code, an area of city impact must be established before a city may annex adjacent territory. This separate ordinance shall provide for one (1) of the following:

- (1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or
- (2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or
- (3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section [67-6526\(a\)](#), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall

select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30)

days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section [67-6509](#), Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section [34-106](#), Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further proceedings shall be entertained by the board of county commissioners, and the decision shall not be appealable by either city involved. The clerk of the board of county commissioners shall by abstract of the results of the election, certify that fact, record the same and transmit copies of the original abstract of the result of the election to the clerk of the involved cities.

(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) of this section shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry.

(f) This section shall not preclude growth and development in areas of any county within the state of Idaho which are not within the areas of city impact provided for herein.

(g) If the area of impact has been delimited pursuant to the provisions of subsection (a)(1) of this section, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission, may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section [67-6504](#), Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section [67-6504](#), Idaho Code.

**History:**

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.]

# Planned Unit Development (PUD) Review Procedure

## Pre-Application Review

- Conceptual Plan (Preliminary Development Plan)
- General comments from City staff & Fire Chief
- Commission review (§ 3.15.02)

If a subdivision is required as part of a PUD, the subdivision and PUD approval can run concurrently, however the applicant must submit the appropriate support material in conformance with Title 3 and Title 9. For concurrent subdivision approval see also "Subdivision Review Procedure" Flow Chart. Public Hearings, City and Agency reviews will be held concurrently on both.

## Neighborhood Meeting(s) (§ 3.15.02)

- Obtain input to improve plans

**If Required, Perform Community Impact Review (§ 3.13.08)**

## Planned Unit Development Application

- Preliminary Development Plan
- Application, fee, & supporting materials identified in § 3.10.09.C
- City review for application completeness
- Commission Chair sets Commission public hearing date
- Staff review and report

## Public Notice (§ 3.15.03)

- Legal notice (City) 15 days prior
- Mailed notice (applicant) 14 days prior
- Posted notice (applicant) 15 days prior

## Planning & Zoning Commission Public Hearing

- Recommend action to City Council (or County Board)

## Public Notice\* (§ 3.15.03)

- Legal notice (City) 15 days prior
- Mailed notice (applicant) 14 days prior
- Posted notice (applicant) 15 days prior

## Appeal Period (§ 3.15.08)

## City Council (or County Board) Public Hearing\*

- Council (or Board) action on Preliminary Development Plan

*If Approved or Approved with Conditions*

## File Final Development Plan (Within 1 Year of Approval)

- Detailed improvement plans submitted to City (§ 3.10.09.F.1)
- Final Development Plan (§ 3.10.09.F)

## Final Development Plan Reviewed by Commission

- Recommend action to City Council (or Board)

## City Council (or County Board) Action

Approve, approve with modifications, or disapprove

*If Approved or Approved with Conditions*

## Improvement Guarantees (§ 3.10.10)

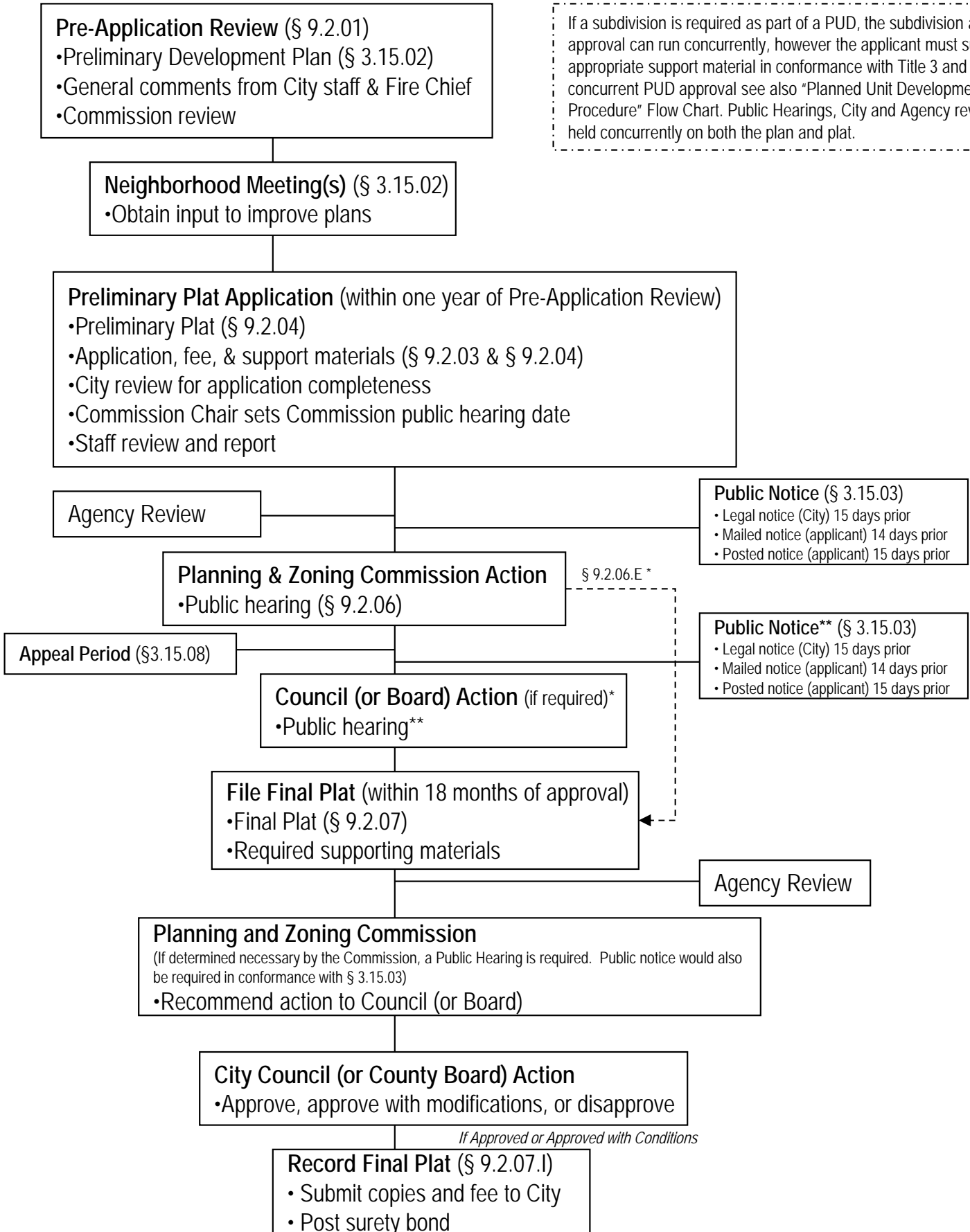
- Required prior to issuance of building permit

•A PUD may be proposed in conjunction with an application to amend the zoning map and the Comprehensive plan. See "Zoning Map or Zoning Text Amendment Review" Flow Chart.

\* When conditions of § 3.15.07.A are met the Council may act on recommendation without a second hearing, therefore no public notice would be required.

# Subdivision Review Procedure

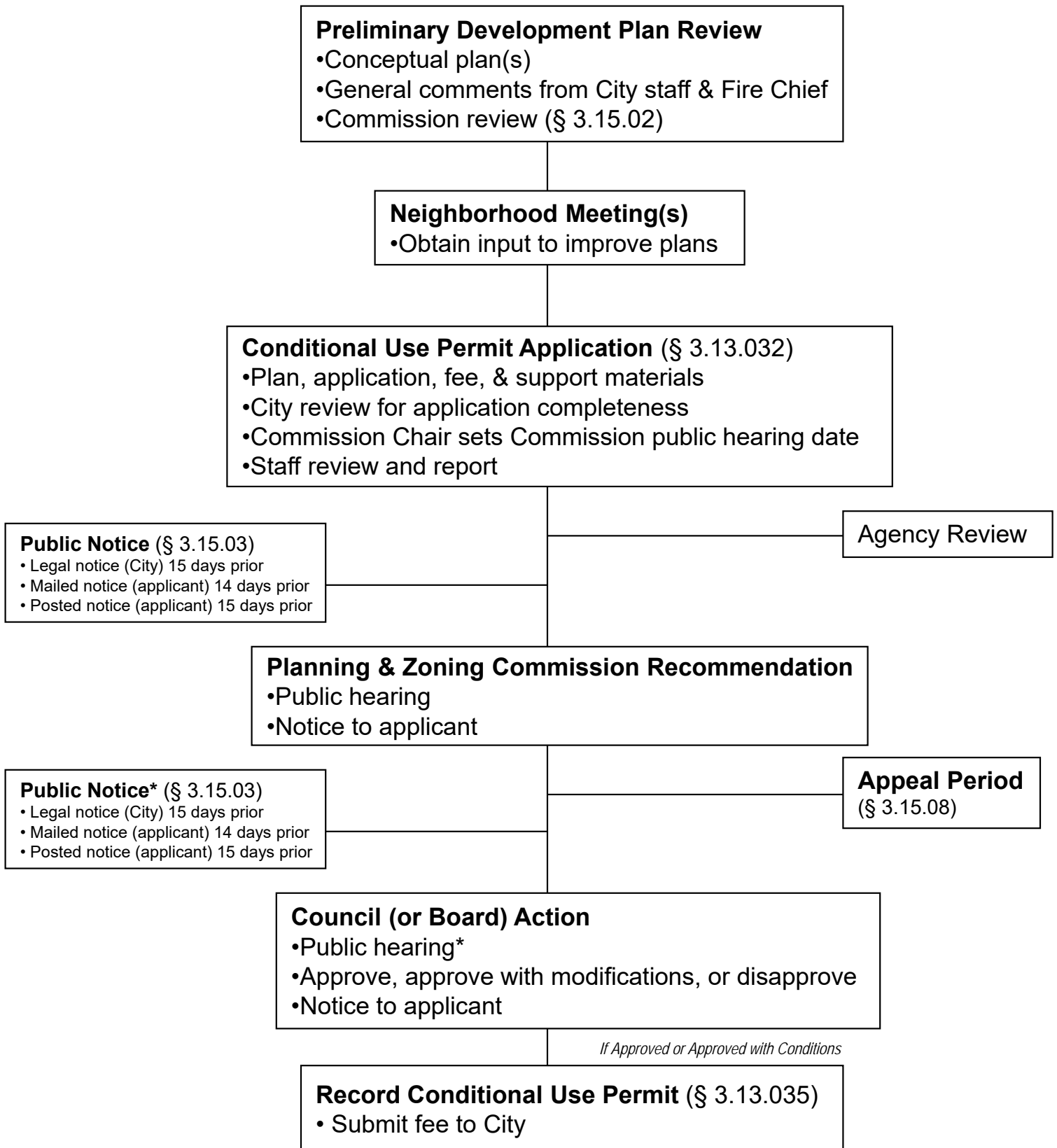
If a subdivision is required as part of a PUD, the subdivision and PUD approval can run concurrently, however the applicant must submit the appropriate support material in conformance with Title 3 and Title 9. For concurrent PUD approval see also "Planned Unit Development Review Procedure" Flow Chart. Public Hearings, City and Agency reviews will be held concurrently on both the plan and plat.



\*Council approval is required on preliminary plats if the Commission does not "approve" or "approve with conditions" or If the plat is accompanied with an application for annexation, re-zoning, or PUD, otherwise only Commission Approval necessary for Preliminary Plats (§ 9.2.06.E).

\*\* When conditions of § 3.15.07.A are met the Council may act on recommendation without a second hearing, therefore no public notice would be required.

# Conditional Use Permit Review Procedure

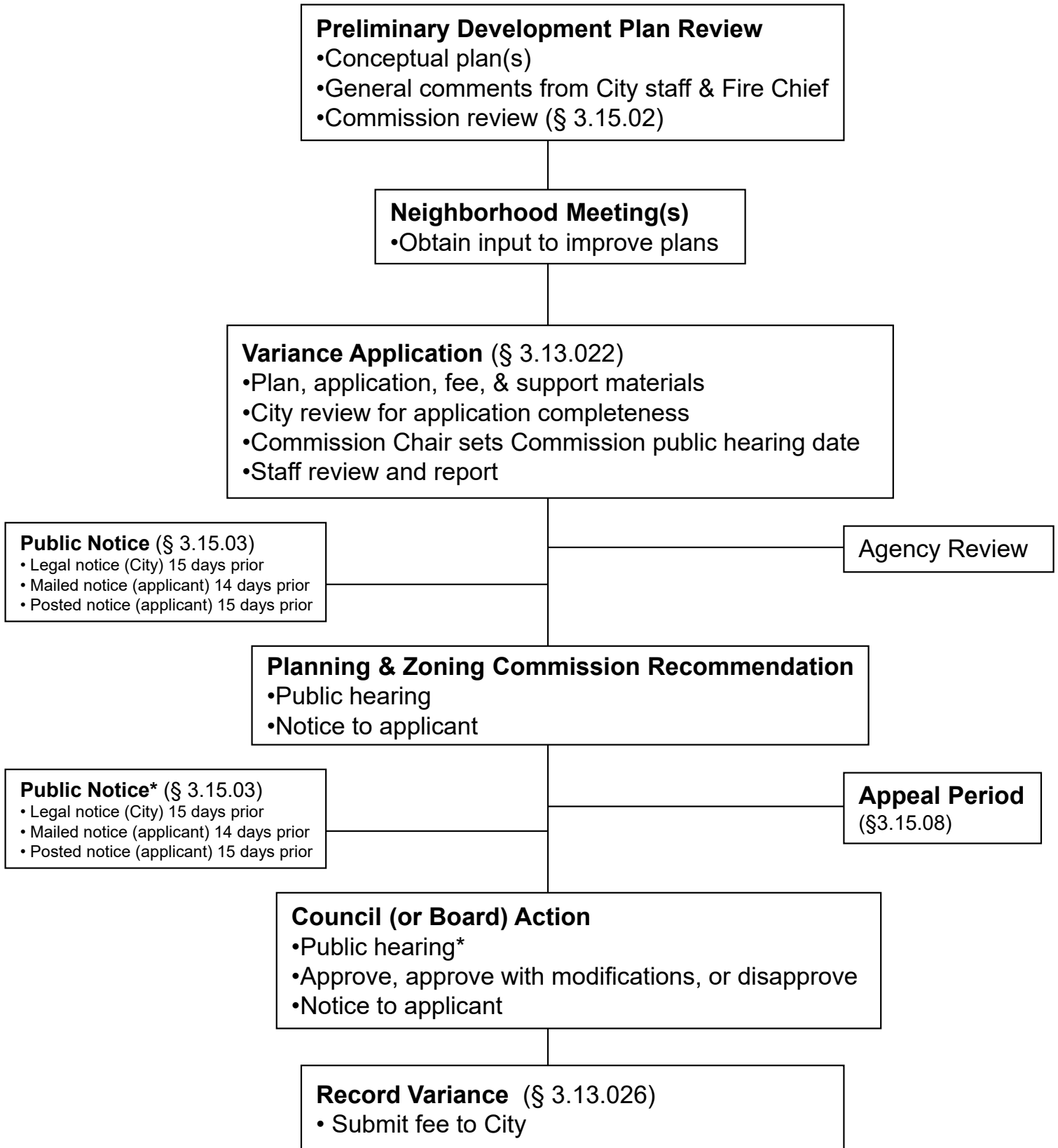


\* When conditions of § 3.15.07.A are met the Council may act on recommendation without a second hearing, therefore no public notice would be required.

•An environmental assessment in accordance with § 3.13.033 may be required prior to issuance of Conditional Use Permit.



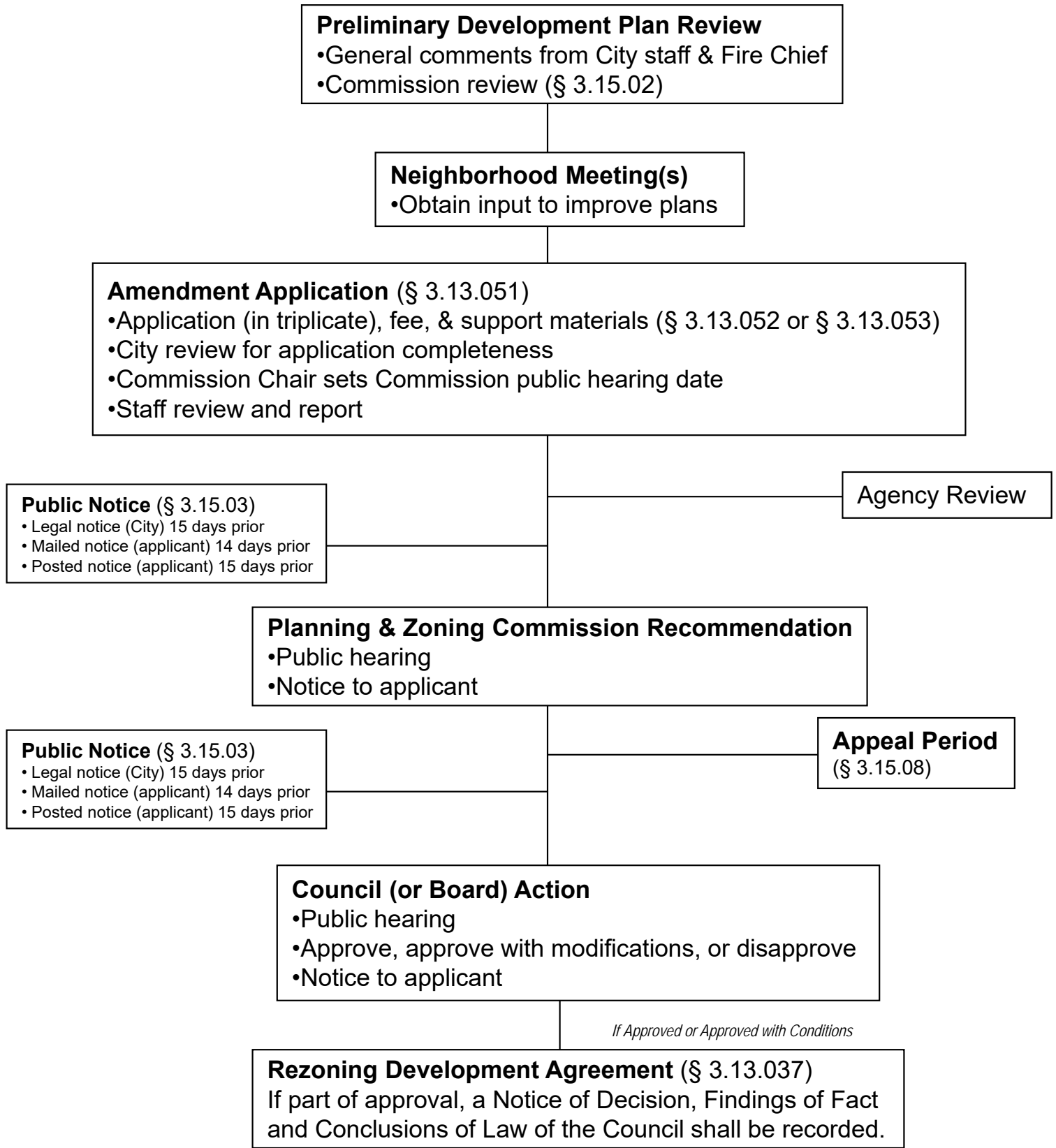
# Variance Review Procedure



\* When conditions of § 3.15.07.A are met the Council may act on recommendation without a second hearing, therefore no public notice would be required.

•An environmental assessment in accordance with § 3.13.024 may be required prior to issuance of Conditional Use Permit.

# Zoning Map or Zoning Text Amendment Review Procedure\*

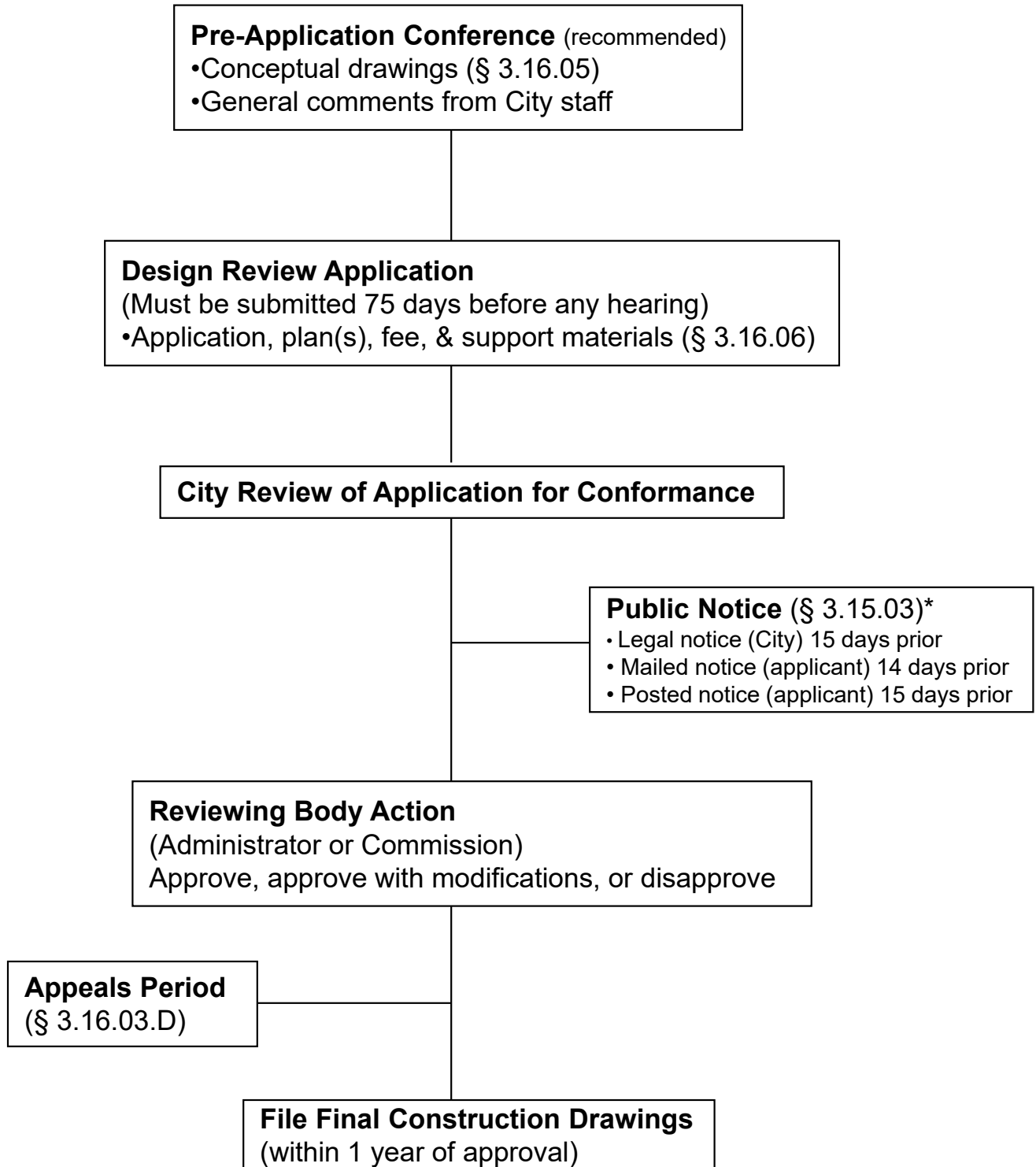


\* Comprehensive Plan Revisions follow the above process, initiated by the Administrator upon request.

•Final approval of amendments require concurrence of both the Commission and the Council.

•An Environmental Assessment may be required to be submitted prior to approval of a zoning map change (§ 3.13.051)

# Design Review Procedure

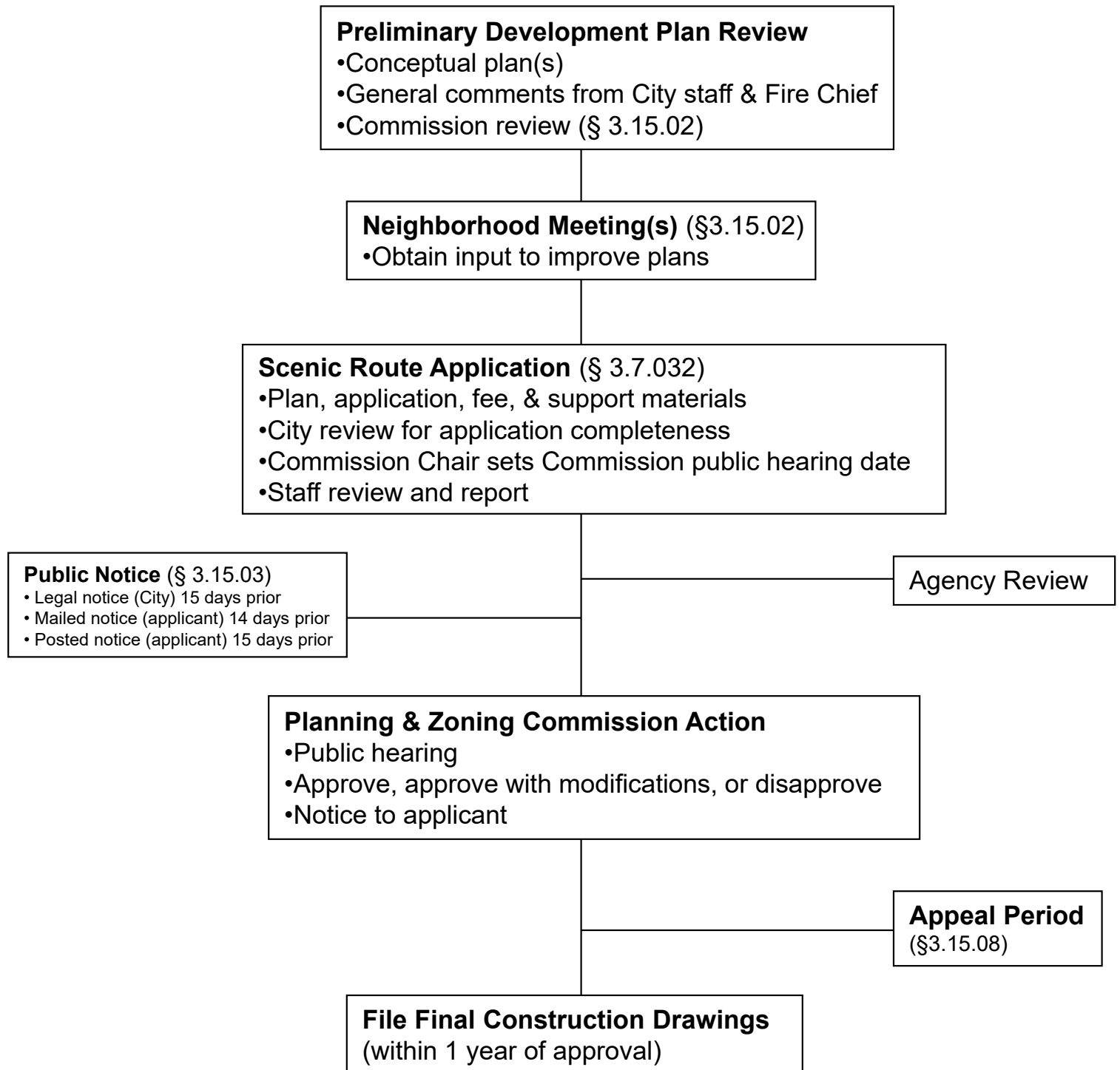


\*Only in cases where a public hearing by the Commission is necessary (§ 3.16.05).

•**Scenic Route Note** - Prior to the issuance of a building permit, and prior to any clearing, grubbing, excavation, or other construction (including removal of any existing structures or improvements), the owner shall apply to the Commission for approval of a site plan in accordance with § 3.7.032.H (see “Scenic Route Review Procedure” Flow Chart). Structures shall require design approval in accordance with Title 3, Chapter 16, *Design Review* (see above).

•A Community Impact Review (§ 3.13.08) may be required.

# Scenic Route Review Procedure



•Scenic Route Note - Prior to the issuance of a building permit, and prior to any clearing, grubbing, excavation, or other construction (including removal of any existing structures or improvements), the owner shall apply to the Commission for approval of a site plan in accordance with § 3.7.032.H (see above). Structures shall require design approval in accordance with Title 3, Chapter 16, *Design Review* (see “Design Review Procedure” Flow Chart).



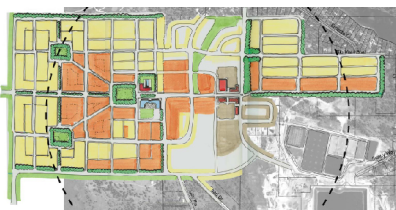
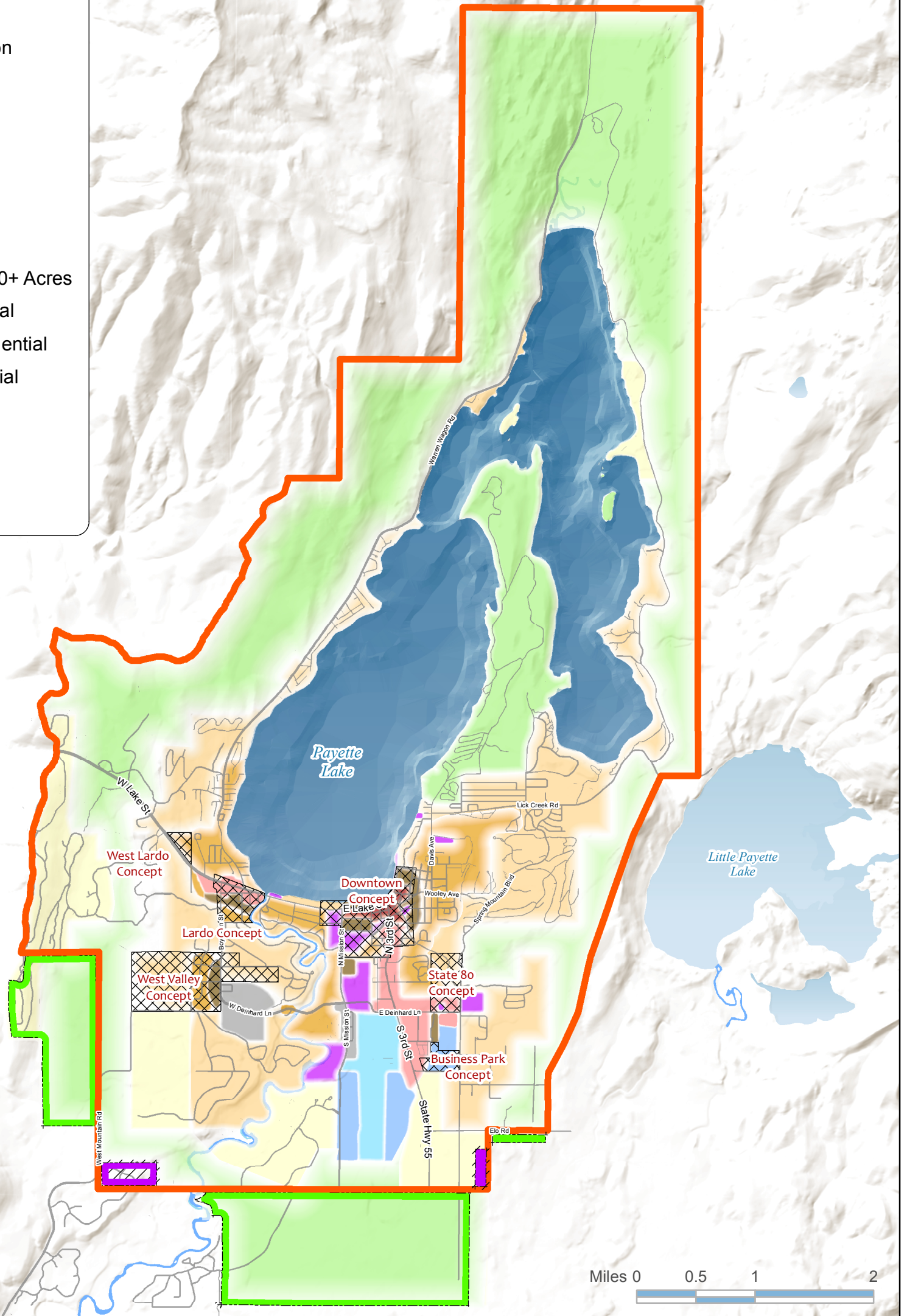


# Future Land Use



## Legend

- ◆ Ag-Forest Conservation
- ◆ Airport
- ◆ Business Park
- ◆ Mixed Use
- ◆ Central Business
- ◆ Civic
- ◆ Industrial
- ◆ Large Residential 5 -10+ Acres
- ◆ Low Density Residential
- ◆ Medium Density Residential
- ◆ High Density Residential
- Concept Plan Areas
- Existing
- Added Impact Area
- Removed Impact Area



West Valley Concept Plan



Business Park Concept



Lardo Concept



West Lardo Concept



State 80 Concept



Downtown Concept

## Base Legend

- ◆ Roads
- ◆ Lakes
- ◆ River
- ◆ Payette\_River



ORDINANCE NO. 261

AN ORDINANCE ADOPTING AND DESCRIBING GEOGRAPHICAL AREA OF CITY IMPACT FOR THE CITY OF McCALL, IDAHO; AND ADOPTING A MAP OF SUCH AREA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, IDAHO:

Section 1. Identifying, describing and adopting the geographical area of city impact. The geographical area in Valley County, Idaho, hereinafter identified and described is hereby adopted as the area of city impact for the City of McCall, Idaho, to-wit:

Beginning at the Southwest corner of Section 19, Twp. 18 N., R. 3 E., B.M.;  
Thence East 3.25 miles to the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 22, Twp. 18 N., R. 3 E., B.M.;  
Thence North 0.5 miles to the Farm to Market Road;  
Thence East 0.5 miles;  
Thence North 0.5 miles to the North line of Section 22, Twp. 18 N., R. 3 E., B.M.;  
Thence Northeasterly along Timber Ridge approximately 11,060' to a point which lies 2100' East of the Northwest corner of Section 11, Twp. 18 N., R. 3 E., B.M.;  
Thence Northeasterly along Timber Ridge to a point on Lick Creek Road 2,000' West of the Section line in Section 2, Twp. 18 N., R. 3 E., B.M.;  
Thence East along Lick Creek Road to the East side of Section 2, Twp. 18 N., R. 3 E., B.M.;  
Thence North approximately 6 $\frac{1}{2}$  miles to the Northeast corner of Section 2, Twp. 19 N., R. 3 E., B.M.;  
Thence West 2 miles to the Northwest corner of Section 3, Twp. 19 N., R. 3 E., B.M.;  
Thence South 3 miles to the Southeast corner of Section 16, Twp. 19 N., R. 3 E., B.M.;  
Thence West 1 mile to the Southwest corner of Section 16, Twp. 19 N., R. 3 E., B.M.;  
Thence South 1 mile to the Southwest corner of Section 21, Twp. 19 N., R. 3 E., B.M.;  
Thence West to the Adams-Valley County line;  
Thence Southwesterly approximately 5 miles along the Adams-Valley County line to the South line of Section 12, Twp. 18 N., R. 2 E., B.M.;  
Thence East to the Southeast corner of Section 12, Twp. 18 N., R. 2 E., B.M.;  
Thence South 2 miles to the point of beginning.

Section 2. Area of City Impact Map. The map marked Exhibit "A" entitled "McCall Area of City Impact", attached hereto is by this reference made a part hereof, which map shows the area of city impact hereinabove described.

Passed and approved this <sup>6<sup>th</sup></sup>~~5<sup>th</sup>~~ day of <sup>Sept</sup>~~Aug~~, 1977.

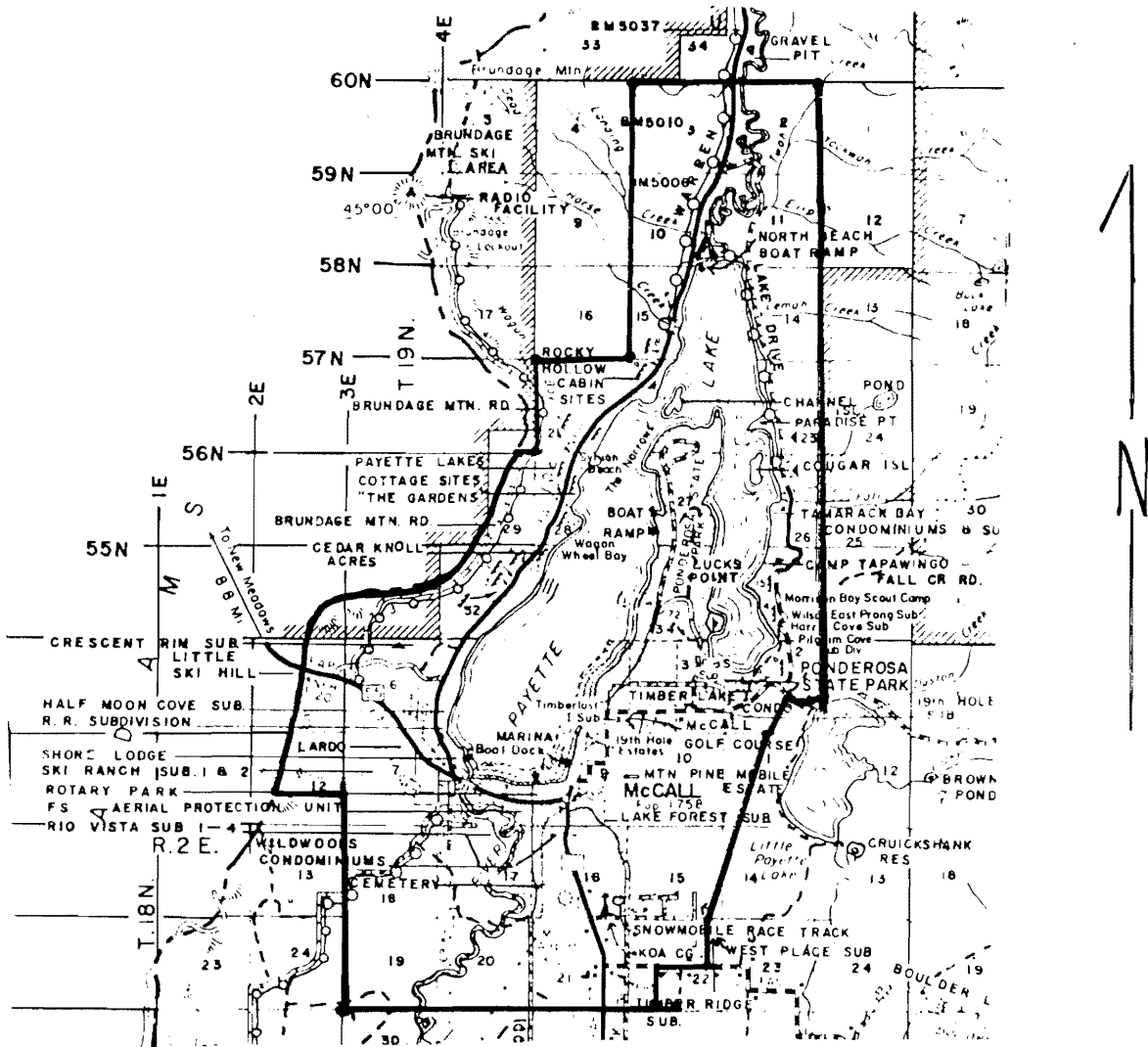
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



EXHIBIT "A"



( ————— impact area boundary )

McCALL AREA OF CITY IMPACT

ORDINANCE NO. 390

An ordinance relating to the McCall Area of City Impact; declaring its purpose; adopting a general comprehensive plan for the McCall Area of City Impact; and providing for certified copies thereof in the office of the Clerk.

WHEREAS, pursuant to an Alternative Writ of Mandate dated September 6, 1979, issued by the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Valley in Case No. 2368, which among other things, commanded the Board of County Commissioners of Valley County, Idaho, and the Mayor and Council of the City of McCall, Idaho, to forthwith adopt an ordinance providing for application of plans and ordinances to the Area of City Impact for the City of McCall, Idaho, and,

WHEREAS, pursuant to the provisions of Section 67-6526(b), Idaho Code, the County Commissioners of Valley County, Idaho, and three (3) elected city officials of the City of McCall, Idaho, designated by the Mayor and confirmed by the City Council selected three (3) city and county residents and such nine persons by majority vote recommended to the city and county governing boards, an Area of City Impact together with plan and ordinance requirements therefor.

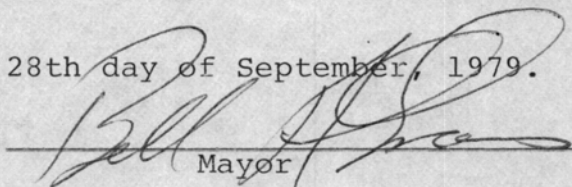
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of McCall, Idaho, as follows:

Section 1. Purpose: To adopt a general comprehensive plan for the McCall Area of City Impact pursuant to the provisions of Chapter 65, Title 67, Idaho Code.


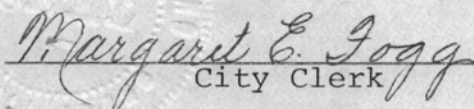
Section 2. Adoption of Plan: That certain mutually agreed upon Comprehensive Plan for the McCall Area of City Impact dated September, 1979, prepared, approved and recommended to the governing boards of the City of McCall and the County of Valley by the nine persons hereinabove described, be and the same is hereby adopted as the general comprehensive plan for the McCall Area of City Impact, as such area is described in Valley County Ordinance No. 3-77 adopted and approved November 28, 1977, and City of McCall Ordinance No. 361, adopted and approved August 1, 1977.

Section 3. Certified Copies: Not less than 3 copies of the plan described in Section 2 hereof duly certified by the Clerk are on file for use and examination by the public in the office of the Clerk of this Board.

Passed and approved this 28th day of September, 1979.

  
\_\_\_\_\_  
Mayor

Attest:

  
  
\_\_\_\_\_  
City Clerk



McCALL AREA CITY OF IMPACT ZONING ORDINANCE

ORDINANCE NO. 391

An ordinance concerning the McCall Area of City Impact; providing a zoning ordinance therefor; establishing zoning districts; adopting a zoning map; providing definitions; providing purposes, permitted uses, special uses, conditions of use and development standards for such zoning districts; providing for mobile home subdivisions and travel trailer courts and parks; adopting the Valley County Subdivision Regulations as amended; providing for planned unit developments; regulating signs; providing supplementary regulations; providing for non-conforming uses; providing for building permits, and application and procedures therefor; providing for variances; providing procedure, appeals and action by affected persons; providing for amendments; providing for enforcement of the zoning ordinance; defining unlawful acts; providing penalties; and providing for severability.

WHEREAS, pursuant to an Alternative Writ of Mandate dated September 6, 1979, issued by the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Valley in Case No. 2368, which among other things, commanded the Board of County Commissioners of Valley County, Idaho, and the Mayor and Council of the City of McCall, Idaho, to forthwith adopt an ordinance providing for application of plans and ordinances to the Area of City Impact for the City of McCall, Idaho, and,

WHEREAS, pursuant to the provisions of Section 67-6526(b), Idaho Code, the County Commissioners of Valley County, Idaho, and three (3) elected city officials of the City of McCall, Idaho, designated by the Mayor and confirmed by the City Council selected three (3) city and county residents and such nine persons by majority vote recommended to the city and county governing boards, an Area of City Impact together with a mutually agreed upon plan and ordinance requirements therefor.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of McCall, Idaho, as follows:

CHAPTER 1  
ZONING ORDINANCE

SECTION:

- 1-1: Purpose of Ordinance
- 1-2: Establishment of Zoning Districts
- 1-3: Severability
- 1-4: Application of Regulations
- 1-5: Conflicting provisions

1-1: PURPOSE OF ORDINANCE: This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance for the McCall Area of City Impact". This Ordinance is designed and enacted in accordance with Article 12, Section 2, of the Constitution of Idaho and Title 67, Chapter 65, of the Idaho Code which empowers the County to enact a zoning ordinance and to provide for its administration, enforcement and amendment. It is hereby adopted:

- (A) To maintain and promote the small town character and attraction of the City of McCall and the natural beauty of the surrounding lands and lake shore present and future for residents and visitors.
- (B) To insure that all physical growth is carried out in an orderly way and in sensitive relation to the landscape, ecology, and existing urban character of the McCall Area.
- (C) To regulate the use of buildings, structures and land for different purposes and to regulate the location, height, bulk and size of buildings and structures.
- (D) To implement the intent and purposes of the adopted General Plan.
- (E) To facilitate the adequate provision of public services and to promote and protect the health, safety and welfare of all residents and visitors.

1-2: ESTABLISHMENT OF ZONING DISTRICTS: In order to carry out the provisions of this Ordinance, the area of McCall City Impact is hereby divided into the following categories of Major Use Districts and Special Districts:

- Zone "A" - Low Density Residential
- Zone "B" - Medium Density Residential
- Zone "C" - Commercial District
- Zone "D" - Industrial District
- Zone "E" - Agricultural District
- Zone "F" - Shore Line and River Environs District (Overlay)
- Zone "G" - Scenic Route District (Overlay)

1-2: SEVERABILITY: If any section or part of a section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared invalid.

1-4: APPLICATION OF REGULATIONS:

- (a) In administering and applying the provisions of this Ordinance, unless otherwise stated, they shall be held to be the minimum requirements necessary to accomplish the purpose of this Ordinance.
- (B) Except as herein specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structures, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the requirements herein specified for the district in which it is located; nor shall any yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- (C) It shall be unlawful hereafter to commence construction of any building or structure, or to occupy said building or structure, until a Building Permit has been obtained as provided in Section 18-2, (Permits and Applications).

1-5: CONFLICTING PROVISIONS: In the case of a conflict between the provisions of various sections of the text of this Ordinance, the more stringent provisions shall prevail.

## CHAPTER 2

### ZONING MAP

#### SECTION:

- 2-1: Zoning Map
- 2-2: Interpretation of Boundaries

2-1: ZONING MAP: The boundaries of the zoning districts and special districts are hereby established as shown on the zoning map of the McCall Area of City Impact, which map or maps are hereby made a part of this Ordinance, up-to-date copies of which shall be placed and remain on file in the office of the County Clerk. Copies of which are open for public inspection.

2-2: INTERPRETATION OF BOUNDARIES: Where uncertainties exist as to the boundaries of any zoning district as shown upon the zoning maps the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (B) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following jurisdictional limits shall be construed as following such limits.
- (D) District boundary lines indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) District boundary lines indicated as following shoreline shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline boundaries indicated as approximately following the center lines of streams, rivers, canals, or other bodies of water, shall be construed to follow such center lines.
- (F) Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the Planning Commission may permit the extension of the regulations for either portion of the lot not to exceed 50 feet from said district boundary line. The use so extended shall be deemed to be conforming.

CHAPTER 3  
DEFINITIONS

SECTION:

3-1: Definitions

3-1: DEFINITIONS: Words not defined herein shall be given the meaning ordinarily applied to such words as used in Zoning terminology.

Accessory Building, Structure of Use

A building, structure or use on the same lot with, and of a nature customarily incidental, appropriate and subordinate to the principal use of an area, lot, building or structure.

Building Permit

Written approval from Valley County authorizing the construction, improvement, extension, alteration or demolition of any building, residence or structure. In addition, building permits shall apply to the change of use of structures and parcels or property except for public street or public utility distribution purposes. Such permits shall be issued only if the project conforms to all of the applicable Impact Area standards specified in the building regulations and zoning regulations. Building permits shall be issued by the County Assessor.

Density

A unit of measurement: the number of dwelling units per acre of land.

- (a) Gross Density - the number of dwelling units per acre of total land to be developed, including public right-of-way.
- (b) Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

Domestic Agriculture

The use of land for the growing of lawns, horticulture, floriculture, viticulture, nurseries, fruit trees, berry bushes and livestock for the use of the family residing on the premises.

Height, Building

The vertical distance measured from the elevation of the proposed finished grade, from the lowest point to the highest point on the roof for flat roofs, to the deckline of mansard roofs, the top of the highest point for gable, hip, gambrel and shed roofs.



### Height, Fence or Screen

The vertical distance measured from the ground level to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used provided the height at any point is not more than ten (10) percent greater than that normally permitted.

### Home Occupation

An occupation conducted within a dwelling unit which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended. An occupation which does not comply with the following criteria shall not be deemed a home occupation.

- (a) The use, including all storage space, shall not occupy more than fifty (50) percent of the residence's floor area which is finished for living purposes.
- (b) There shall be no commercial advertising, except one (1) nonluminous sign bearing the name and occupation of the resident not exceeding two (2) square feet in area and placed flat against the building may be permitted.
- (c) No materials or mechanical equipment shall be used which will be detrimental to the residential use of said residence or surrounding residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
- (d) Materials or commodities delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial motor vehicle or a trailer, or the parking of customer's automobiles in a manner or frequency causing disturbance or inconvenience to nearby residents or so as to necessitate a public parking lot shall be prima facie evidence that the occupation is a primary business, and not a home occupation.

### Lot coverage

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

### Overlay

Where characteristics of the land or the type of development proposed for the land require special considerations, additional regulations are applied in conjunction with the regulations of the underlying zoning district. In cases of conflicts, the regulations of the overlay district shall prevail. Overlays in this ordinance include:

Zone "F" - Shore Line and River Environs District, Chp 9  
Zone "G" - Scenic Route District, Chp 10  
Planned Unit Development, Chp 13

#### Parking Space

A space designed for the parking of automobiles. Minimum dimensions for such a space shall be obtained from the City Engineer.

#### Private Street

A roadway providing access to two or more property owners and not dedicated to the public. The right-of-way width of private streets shall conform to subdivision regulations.

#### School

An institution providing full-time day instruction which is accredited by and meets the requirements of the Idaho State Board of Education, including nursery schools or kindergartens whose annual session does not exceed the school sessions for full-time day schools.

#### Setback Line

A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as may be provided in said code. Setback lines shall be measured from the appropriate property line to the outermost protrusion of the building such as the roof drip line, eaves or deck.

#### Special Use Permit

A permit issued under the definite procedure provided in this Ordinance allowing a certain use which is conditionally permitted for the particular district.

#### Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the surface between such floor and the ceiling next above.

#### Structural Alteration

Any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundation, piles or retaining walls or similar components or changes in roof or exterior lines.

#### Structures

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Structures include buildings, mobile homes, walls, fences and billboards or other obstructions over four feet (4) in height.

Subdivider

A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

CHAPTER 4

ZONE "A"

LOW DENSITY RESIDENTIAL

SECTION:

- 4-1: Purposes
- 4-2: Permitted Uses
- 4-3: Special Uses
- 4-4: Conditions of Use
- 4-5: Development Standards for Residential Structures and Lots
- 4-6: Application of Density and Development Standards

4-1: PURPOSES: In furtherance of the provisions of section 1-1 (Zoning Ordinance):

- (A) To establish standards governing the development, construction and use of housing and the residential environment in urbanized or partially urbanized areas of the McCall Area of City Impact.
- (B) To provide and protect residential lands for conventional single-family housing and other uses beneficial to urban residential development.
- (C) To provide opportunity for all groups of persons to obtain adequate housing within each area of the Impact Area suitable for residential use in relation to other land uses and consistent with the preservation of natural, scenic and historical resources.
- (D) To encourage a variety of housing types, sizes and densities necessary to meet the needs of all economic groups.

4-2: PERMITTED USES: The following uses, shall be permitted provided as they are deemed appropriate in each particular application by the Planning Commission:

- (A) Single family and multifamily dwelling units at no more than four dwelling units per acre.
- (B) Compatible limited commercial uses, such as home occupations provided that such uses meet the approval of the Commission.
- (C) Outbuildings, shed for tools, fuel and accessories to and used in connection with a residence building.

4-3: SPECIAL USES: The following uses and their accessory uses are permitted in accordance with Section 18-4 (Special Use Permits)

- (a) Planned Unit Development
- (B) Public and private parks not for overnight use; and hiking, biking, riding and skiing trails and easements.
- (C) Public or private community uses, such as churches, clubs, community centers, museums, libraries, hospitals and care centers, public services and facilities, which satisfy the requirements set forth in Section 16-2 (General Requirements).
- (D) Guest and boarding houses, but not hotels and motels.
- (E) Neighborhood convenience stores
- (F) Mobile Home Subdivisions
- (G) Other uses deemed appropriate by the commission

4-4: CONDITIONS OF USE: All uses within this district shall conform to the provisions specified in Chapter 16 (Supplementary Regulations)

4-5: DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES AND LOTS:

(A) Single-family dwellings: The following criteria shall apply where an applicant seeks approval for single family dwellings:

1. Lot Area:

- a. The minimum average lot area shall be 10,000 square feet;
- b. No lot shall be less than 7,500 square feet.

2. Lot Width:

- a. Minimum lot frontage width shall be sixty (60) feet; except as provided in 2b.
- b. The pole section of a flag shall not be less than twenty (20) feet in width.

3. Lot Length:

- a. The average length of any lot shall not be greater than three times the average width;
- b. The maximum length of the pole portion of a flag lot shall be 150 feet.

4. Setback Requirements:

- a. No portion of a building shall be closer than twenty (20) feet to the right-of-way line of a public thoroughfare to allow for planting strips, sidewalks, trails or easements.
- b. No portion of a building shall be closer to a side or rear property line than five feet or one-half the total height of the highest building wall from the ground level nearest the property line, whichever is the greater.

5. Maximum Building Height:

The maximum height of all buildings shall be thirty-five (35) feet.

6. Minimum Distance Between Buildings:

- a. The minimum distance between detached dwelling units on separate lots shall be ten (10) feet where buildings are side to side, thirty (30) feet where buildings are rear to rear, and twenty (20) feet in all other cases.
- b. No more than one dwelling unit per lot shall be permitted.

7. Access, Driveways and Off-Street Parking:

- a. No residential building may be constructed on a parcel that is in excess of three-hundred (300) feet of traveling distance from vehicular access adequate for fire protection vehicles, refuse collection vehicles, moving vans, or other standard service vehicles.
- b. No cul-de-sac streets will be permitted.
- c. No driveway shall be wider than forty percent of the lot frontage on a public thoroughfare except on the pole section of flag lots.
- d. Driveway connections to public streets shall conform to standards of design and construction established by the County.
- e. It is encouraged that an adequate area for the storage of snow be provided for in situations where snow removal and storage may pose a problem to traffic circulation and street maintenance.

8. Streets:

- a. All proposed public streets shall conform to the standards specified in subdivision regulations.
- b. The right-of-way width for private streets shall be equivalent to County standards for public streets as specified in subdivision regulations.

- c. In the event that private streets are requested for dedication as public streets, such streets must meet the construction standards specified in subdivision regulations prior to dedication.

9. Fences, Walls or Obstructions:

- a. Fences, walls, or obstructions built on the front property line shall not exceed four (4) feet in height.
- b. Fences, walls or obstructions built on the side and/or rear property lines shall not exceed six (6) feet in height.

4-6: APPLICATION OF DENSITY AND DEVELOPMENT STANDARDS:

(A) Calculation of Permissible Densities:

1. The area to be calculated for permissible density shall consist of all land owned or controlled by the applicant designated in the permit application as the land development for which the permit is sought.
2. A separate calculation shall be made for the lands in such areas that are contained in differently zoned districts where the application is made for more than two dwelling units and the land area designated in the permit application comes within more than one zoned district.
3. The number of permissible dwelling units shall include dwelling units previously authorized, or constructed, within the area so designated in the application.
4. Permissible density in the Low Density Residential District shall not exceed four (4) dwelling units per acre.

(B) Plot Plans Where Subdivision Approval Not Sought:

Where a permit is sought for residential development containing fewer dwelling units than are permissible on the lot or parcel in the residential density district in which the lot or parcel is located, and no subdivision approval is sought, the applicant shall submit a plot plan which shall show that future location of other structures on the lot or parcel can be done in a manner that will conform to the standards established in this Ordinance. Such plot plan shall be filed by the Planning Commission in such a manner that it will be available in the future to the Commission and to any subsequent purchaser from the applicant to determine the future permissible development on such lot

or parcel. Deviation from the original plot plan may be permitted provided that the deviation is as acceptable as the original plan.



CHAPTER 5

ZONE "B"

MEDIUM DENSITY RESIDENTIAL

SECTION:

- 5-1: Purpose
- 5-2: Permitted Uses:
- 5-3: Special Uses:
- 5-4: Conditions of Use:
- 5-5: Development Standards for Residential Structures and Lots
- 5-6: Application of Density and Development Standards

5-1: PURPOSES: In furtherance of the provisions of section 1-1 (Zoning Ordinance):

- (A) To establish standards governing the development, construction, and use of housing and compatible uses in areas of the McCall area of city impact which already contain, or are suitable for, moderately intensive residential use.
- (B) To preserve the environmental quality of areas which attract more intensive residential use.
- (C) To provide opportunity for all groups of persons to obtain adequate housing within each area of the McCall area of city impact suitable for residential use in relation to other land uses and consistent with the preservation of natural, scenic and historical resources.
- (D) To encourage a variety of housing types, sizes and densities necessary to meet the needs of all economic groups.

5-2: PERMITTED USES: The following uses and their accessory uses shall be permitted provided they are deemed appropriate in each particular application by the Planning and Zoning Commission:

- (A) Single family and multi-family dwelling units at densities of no more than eight (8) dwelling units per acre,

- (B) All limited commercial uses permitted in Section 4-2-B (Low Density Residential District).
  - (C) Accessory uses located on the same premises as permitted uses, such as private garages and the use of land for domestic agricultural purposes defined in Section 3-1, (Definitions).
- 5-3: SPECIAL USES: The following uses and their accessory uses may be permitted in accordance with Section 17-4, (Permits and Applications):
- (A) All Special Uses permitted in Section 4-3 (Low Density Residential District)
  - (B) Planned Unit Development
  - (C) Public and private parks not for overnight use, and hiking, biking, riding, and skiing trails and easements.
  - (D) Mobile home subdivisions
  - (E) Public or private community uses, such as churches, clubs, community centers, museums, hospitals & care centers, libraries and public services and facilities, which satisfy the requirements set forth in Section 15-2 (General Requirements)
  - (F) Professional offices built in residential style
  - (G) Residential storage units, for the purpose of storing personal or family household items.
  - (H) Other uses deemed appropriate by the Commission.
- 5-4: CONDITIONS OF USE: All uses within this district shall conform to the provisions specified in Chapter 15, (Supplementary Regulations)
- 5-5: DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES AND LOTS:
- (A) Subject to the more flexible allowable densities of this District, single family and multifamily dwellings shall meet the development standards specified in Section 4-5 (Low Density Residential).
- 5-6: APPLICATION OF DENSITY AND DEVELOPMENT STANDARDS:

Calculation of Permissible Densities, and the submission of plot plans where subdivision approval is not sought shall be as set forth in Section 4-6 (Low Density Residential) except that the density requirements in the Medium Density Residential District shall not exceed eight (8) dwelling units per acre.

CHAPTER 6

ZONE "C"

COMMERICAL DISTRICT

SECTION:

- 6-1: Purpose
- 6-2: Permitted Uses
- 6-3: Special Uses
- 6-4: Conditions of Use
- 6-5: Standards for Commerical Development

6-1: PURPOSES: In furtherance of the provisions of section 1-1, Zoning Ordinance:

- (A) To encourage and regulate commerical and public and private business activities appropriate to the McCall area of city impact distributed so as to supply goods and services to residents and visitors in a convenient and efficient manner.
- (B) To assure that commerical and business development and uses will not detract from the environmental qualities of the surrounding areas.

6-2: PERMITTED USES: The following uses shall be permitted provided they are deemed appropriate and similar in nature in each particular application by the Planning Commission.

- (A) Banks and financial institutions
- (B) Business and personal services
- (C) Department stores
- (D) Dwelling units
- (E) Eating and drinking places
- (F) Hotels and motels
- (G) Indoor recreation
- (H) Professional offices and buildings
- (I) Public parks, hiking, riding, biking, and skiing trails and easements

(J) Retail stores

(K) Funeral Homes

(L) Public Parking Garages

6-3: SPECIAL USES: The following uses and their accessory uses shall be permitted in accordance with Section 17-4, (Special Uses Permits):

(A) Planned Unit Development

(B) Public use

(C) Drive-in restaurant

(D) Laundromat

(E) Medical facilities

(F) Outdoor amusement facilities

(G) Radio, T.V., and telephone relay stations and radio and T.V. studios

(H) Other uses which are found by the Planning and Zoning Commission to be appropriate and similar in nature may be permitted.

6-4: CONDITIONS OF USE: All uses within this district shall conform to the provisions specified in Chapter 15, (Supplementary Regulations)

6-5: STANDARDS FOR COMMERCIAL DEVELOPMENT:

(A) Setback Requirements:

1. The minimum front yard setback shall be five (5) feet for landscaping purposes.

2. The minimum rear yard setback shall be twenty (20) feet.

3. The minimum flanking street setback shall be five (5) feet.

4. The minimum flanking alley setback shall be three (3) feet and no part of any structure shall project over the setback area.

(B) Driveways and Parking:

1. The minimum driveway width shall be twenty (20)

feet for two-way traffic and fourteen (14) feet for one-way traffic.

2. Parking areas shall conform to standards of design and construction established by the County provided that:

(a) No parking lot pavement may be located closer than five (5) feet from the right-of-way line of a public street.

(b) No part of parked vehicles shall protrude into that setback; and a fence, wall or plant screen shall be installed.

(c) All parking lots shall be screened from public thoroughfares by a fence, wall or plant screen; provided however, that the screening height shall be lowered to the standards as required under the County Traffic Code and/or to the standards of the County, at street corners, driveway intersections, and other locations. The setback area between the parking area paving and the public right-of-way shall be planted and shall not be paved.

(d) Off-street parking areas shall conform to the space requirements and standards specified in Chapter 15, (Supplementary Regulations.)

(e) Where special conditions exist which make compliance with these standards impractical, the commission will consider alternative proposals.

(f) Where snow removal and storage may pose a problem to traffic circulation or reduce the amount of adequate parking for winter business, the developer of the property shall designate a snow storage area or make other provisions to remove the snow as necessary.

(C) Height Limitations:

No building within the Commercial District shall exceed thirty-five (35) feet in height measured from the ground level of the primary building entrance.

(D) Lot Coverage:

1. The amount of land covered by buildings and pavement, shall not exceed eighty (80) percent of a lot or parcel within a neighborhood commercial district.

2. All uncovered area shall be landscaped.

(E) Waste Collection:

Waste collection areas shall be enclosed.

(F) Public Access:

The Planning Commission should encourage the dedication of public access-ways not less than ten (10) feet in width to publicly owned land or waters and should encourage the preservation of all historic and archaeological sites, known or discovered on the parcel subject to development.

CHAPTER 7

ZONE "D"

INDUSTRIAL DISTRICT

SECTION:

- 7-1: Purpose
- 7-2: Permitted Uses
- 7-3: Special Uses
- 7-4: Conditions of Use
- 7-5: Standards for Industrial Development

7-1: PURPOSES: In furtherance of the provisions of section 1-1, Zoning Ordinance:

- (A) To provide and protect lands conveniently located to existing and potential transportation routes for the grouping of heavy commercial, warehousing, processing and manufacturing uses that are not compatible with the permissible activities in the Commercial or Residential Districts.
- (B) To regulate and control development, construction, and organization of land for those uses.
- (C) To insure that industrial uses are not detrimental to any bordering residential, commercial or agricultural district and do not interfere with the operation of the airport.

7-2: PERMITTED USES: The following uses shall be permitted provided they are deemed appropriate in each particular situation by the Planning Commission.

- (A) Accessory uses and structures
- (B) Banks and financial institutions
- (C) Bulk petroleum storage
- (D) Business and personal services
- (E) Chemical storage and manufacturing
- (F) Contractor's storage yard
- (G) Department stores



- (H) Eating and drinking places
- (I) Forest management, timber harvesting, and fish and wildlife management and protection.
- (J) Indoor recreation
- (K) Professional offices and buildings
- (L) Public parks, hiking, riding, biking and skiing trails and easements
- (M) Research and development
- (N) Retail stores
- (O) Service stations
- (P) Terminal yard, trucking
- (Q) Truck and tractor repair
- (R) Warehouse and wholesaling
- (S) Wood processing plant
- (T) Storage Building and yards

7-3: SPECIAL USES: The following uses and their accessory uses are permitted in accordance with Section 17-4 (Special Use Permits):

- (A) Electrical substations
- (B) Planned Unit Development
- (C) Public and semi-public use
- (D) Quarries
- (E) Radio, T.V. and telephone relay stations
- (F) Wrecking yards.

7-4: CONDITIONS OF USE:

- (A) No use shall be permitted or authorized to be established or maintained which is or may become:

1. Hazardous from fire, or cause excessive traffic generation.
  2. Noxious, or cause offensive conditions due to emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or watercarried waste.
  3. The cause of unhealthy conditions resulting from improper storage of materials, or impoundment of waste water, attracting and aiding the propagation of insects or rodents.
  4. Objectionable due to a failure to wholly enclosure any unsightly service, processing or storage operation within a building or to properly screen such an operation from the view of an adjoining residential district.
- (B) No use in the general vicinity of the airport shall be permitted which may impede, confuse, distract, or otherwise encumber the safe and efficient use of the airport landing field, approach zones, or other facilities.
- (C) No uses shall be located in the general vicinity of the airport which may, according to the City of McCall Airport Development Plan, prevent expansion of the airport or facilities associated with it.
- (D) The Planning Commission may require an Environmental Impact Statement to be submitted prior to the issuance of any Zoning, Special Use, or Variance Permit when there is any operation, material or activity which constitutes a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such a statement the precise nature of the items to be included in the Environmental Impact Statement shall be indicated.
- (E) All uses within this district shall conform to the provisions specified in Chapter 15, (Supplementary Regulations)

7-5: STANDARDS FOR INDUSTRIAL DEVELOPMENT:

(A) Lot Area:

1. The minimum lot area that may be created or developed shall be 10, 000 square feet.
2. Any existing legal lot or parcel of record as of the date of this Ordinance that is smaller than the required size may be developed for industrial use.

(B) Setback Requirements:

1. The minimum front yard setback shall be thirty-five (35) feet.
2. The minimum side yard and rear yard setback shall be 10 feet, except 20 feet when abutting on a residential district.
3. The minimum flanking street setback shall be thirty-five (35) feet.
4. The minimum distance between detached buildings on the same parcel shall be ten (10) feet.
5. A sight-obscuring fence or other suitable screening shall be required where a proposed commercial or industrial use abuts the side or rear yard of any property in a residential district. Such fence shall be six (6) feet in height except in the required front yard where it shall be not more than three (3) feet in height.

(C) Parcel Dimension Requirements:

No parcel shall be created unless it has a minimum street frontage of seventy-five (75) feet.

(D) Driveways and Parking:

1. The minimum driveway width in the Industrial District shall be twenty (20) feet for two-way traffic and fourteen (14) feet if there is one-way traffic.
2. Parking areas shall conform to standards of design and construction established by the County provided that:
  - (a) No parking lot pavement edge may be located closer than five (5) feet from the right-of-way line of a public street.
  - (b) All parking lots shall be screened from public thoroughfares by a fence, wall or plant screen not less than four (4) feet high; provided however, that the screening height shall be lowered to the standards as required under the County Traffic Code, at street corners, driveway intersections, and other locations. The setback area between the parking area paving and the public right-of-way shall be planted and shall not be paved.
3. All uncovered area shall be landscaped.

4. All industrial development accessible to a public sewer shall provide for sanitary sewer facilities in accordance with standards established by the State Board of Health.

5. The Planning and Zoning Commission should encourage the dedication of public accessways not less than ten (10) feet in width to publicly owned land or waters and should encourage the preservation of all historic and archaeological sites, known or discovered on the parcel subject to development.

(E) Location:

No industrial uses shall be located closer than 500' to a major highway.

CHAPTER 8

ZONE "E"

AGRICULTURAL DISTRICT

SECTION:

- 8-1: Purposes
- 8-2: Permitted Uses
- 8-3: Special Uses
- 8-4: Conditions of Use
- 8-5: Development Standards for Construction and Use

8-1: PURPOSES: In furtherance of the provision of Section 1-1 (Zoning Ordinance)

- (A) To protect the productive, scenic and open space value of agricultural and forest lands which lie in the McCall area of city impact from intrusion of urban uses, fragmentation of ownerships and inflation of land values.
- (B) To maintain parcels of adequate size to permit effective agricultural or forestry use.
- (C) To promote the orderly development of the McCall area of city impact by limiting and controlling the dispersal of residential and other urban uses in agricultural or forest lands.
- (D) To protect adjoining districts from incompatible or objectionable agricultural activities and to maintain environmental quality.

8-2: PERMITTED USES: The following uses shall be permitted provided they are deemed appropriate in each particular situation by the Planning Commission:

- (A) Agriculture
- (B) Accessory uses and structures
- (C) Forest management, timber harvesting and fish and wildlife
- (D) Single-family residential

8-3: SPECIAL USES: The following uses and their accessory uses may be permitted in accordance with Section 17-4 (Special Use Permits):

- (A) Airport, heliports and landing strips
- (B) Bulk storage
- (C) Developed campgrounds
- (D) Electrical substations
- (E) Kennels and Veterinary Clinics
- (F) Organized campgrounds
- (G) Planned Unit Development
- (H) Public and semi-public use
- (I) Quarries
- (J) Radio, T.V. and telephone relay stations
- (K) Recreational vehicl parks
- (L) Subdividing in accordance with county comprehensive plan.

8-4: CONDITIONS OF USE: All uses within this district shall conform to the provisions specified in Chapter 15, (Supplementary Regualtions)

8-5: DEVELOPMENT STANDARDS FOR CONSTRUCTION AND USE: The development standards applicable in the Argiculture District shall be the same as those established in Section 4-5 (Low Density Residential District).

CHAPTER 9

ZONE "I"

SHORELINE AND RIVER ENVIRONS DISTRICT

(OVERLAY)

SECTION:

- 9-1: Purpose
- 9-2: Lands Included
- 9-3: Permitted Uses
- 9-4: Requirements for Development

9-1: PURPOSE: In furtherance of the provisions of Section 2-1, Zoning Ordinance:

- (A) To regulate development and alternations to the shoreline of Payette Lake and the banks and immediate flood plain of the Payette River in order to protect and maintain physical, biological and scenic resources of particular value to the public.
- (B) To regulate the type, amount, height and bulk of building within one hundred (100) feet of the high water mark of Payette Lake in order to preserve physical and visual access to the lake and the characteristic lake-oriented downtown environment.

9-2: LANDS INCLUDED:

- (A) From the low water mark to one hundred (100) feet inland from the high water mark of Payette Lake.
- (B) From the Payette River to seventy-five (75) feet from the apparent high water line or one hundred fifty (150) feet from the top of the bank that describes the flood plain delineated on the zoning map whichever is greater, on each side.

9-3: PERMITTED USES: All those uses permitted in the Use Districts upon which the Shoreline District is superimposed shall be permitted provided they satisfy the special conditions set for this section, except that:

- (A) No public or commercial marinas, docks and piers shall be permitted in areas of the shoreline of unique scenic beauty which should be retained in their natural condition or unless there is demonstrable public need for a new marina, dock or pier.
- (B) Development of multi-family dwelling units or condominiums, including accessory buildings or other buildings or structures shall be set back seventy-five (75) feet or 1/3 of the property depth, whichever is less, from the high water line of Payette Lake, except in the existing commercial district where the setback shall be twenty (20) feet.
- (C) Development shall be prohibited within fifty (50) feet of the apparent high water level of the Payette River or closer to the river than the limit of existing structures.
- (D) No building shall be permitted within a flood plain unless it is constructed in such a manner as to be free of possible injury from flood waters.

9-4:           REQUIREMENTS FOR DEVELOPMENT: No zoning, special use or building permit shall be issued, nor shall any use requiring the development, grading or alteration of any portion of this district be permitted, unless the applicant establishes conformity with the requirements of this Section.

(A) Development on the Shoreline, Riverfront or Within Water Areas:

1. No construction, alteration or activity shall cause harm to:
  - a. Water quality
  - b. Fish and aquatic habitats
  - c. The natural beauty of the lake or river
  - d. Navigation, safety or health
2. Docks, piers and marinas shall conform to the following standards:
  - a. Floating piers or piers on pilings shall be used to provide access to boats, rather than dredging, whenever possible.
  - b. Where marinas, docks or piers are permitted, they shall be located in areas where dredging can be minimized.
  - c. Where a barrier wall is required in connection with a marina or dock, it shall be carried deep enough below the bottom to prevent movement of back-fill materials into the water.
  - d. Materials used to stabilize the bottom of the marina, dock harbor or pier structures shall be chemically inert sand, gravel, or similar substances.
  - e. Restrooms, pump-out facilities for boat sewage receptacles, and trash receptacles for other boat wastes shall be provided at a commercial marina or dock.



3. All breakwater retaining walls and similar type construction shall conform to the structural standards required by the U.S. Corps of Engineers, and must be approved in writing by the Idaho Department of Lands and the City of McCall Planning Commission.
4. Construction of breakwaters or similar types of development shall not extend beyond the presently established high water level unless approved by the Planning Commission and deemed as beneficial to the public and the visual and environmental qualities of the lakeshore.
5. Approval for construction of breakwaters or similar types of development shall be granted only if such development will be:
  - a. Visually compatible with the surrounding natural shoreline environment through the use of native rock and/or concrete.
  - b. Left unpainted and allowed to weather
  - c. Set deep enough and reinforced enough to prevent frost heaving and other natural structural deterioration
  - d. Not more than twenty-four (24) inches above the normal high water line
6. Any development application within the Shoreline District shall be accompanied by a topographic survey and all available flood data, pending establishment of the one hundred year flood plain.

(B) Development Landward of the Shoreline or Beyond the River Banks:

1. Any construction, alteration or use in this portion of the Shoreline District shall require a Special Use Permit which shall regulate in each case.
  - a. Distance between buildings to preserve open views
  - b. Park or trail dedication or easements
  - c. Building width and height to preserve open views
7. No development, alteration or use shall be permitted which would:
  - a. Block views of Lake or River from nearest frontage street for more than fifty percent (50%) of the lot width parallel to the shoreline, except in the existing commercial district, where twenty percent (20%) of the view must be preserved.
  - b. Create lot coverage in excess of eighty percent (80%).
  - c. Be finished in a manner clearly in conflict with the general desire for natural, earth-toned finishing materials.

(C) The Planning Commission shall approve, approve with conditions or deny the permit.

CHAPTER 10

ZONE "J"

SCENIC ROUTE DISTRICT

(OVERLAY)

SECTION:

10-1: Purpose

10-2: Lands Included

10-3: Requirements for Development

10-4: Procedure

10-1: PURPOSE: To preserve, maintain and improve visual access from major public thoroughfares and to improve the visual quality of existing thoroughfares and adjacent uses, and control the visual quality of future development.

10-2: LANDS INCLUDED: The Scenic Route District shall include the right-of-way of State Highway 55 and of its bypass, when constructed, and structures within one-hundred fifty (150) feet of the right-of-way on each side.

10-3: REQUIREMENTS FOR DEVELOPMENT:

(A) The Planning Commission may require the applicant to furnish graphic or pictorial material sufficient to indicate the nature of the proposed use, type of structure, finish materials and proposed signing, and an indication of views obscured by the structure.

(B) The Planning Commission shall ascertain whether the proposed development, structure or use will:

1. Block or disrupt the visibility of significant views or features.
2. Be compatible, (in terms of setback, bulk, height, design, finish materials, signing and landscaping), with its immediate surroundings and the desired visual quality of the scenic route.

10-4: PROCEDURE: The Planning Commission shall approve, approve with conditions or deny the permit.

CHAPTER 11

MOBILE HOMES SUBDIVISIONS; TRAVEL TRAILERS

SECTION:

11-1: Purpose

11-2: Additions; Inspections

11-1: PURPOSE: For the purpose of protecting and improving the health, safety, morals and general welfare, to protect against fire hazards, to provide for better light and air, to protect public water supplies, to control the density of population, to protect the market value of real property and to create and conserve desirable environmental conditions for and in the City of McCall and for the benefit of the inhabitants of said City, the "Minimum Standards and Criteria for Approval of Development and Operation of Mobile Home Subdivisions and Parks and Travel Trailer Courts and Parks" adopted by resolution of the Valley County Board of County Commissioners on May 12, 1971, at Cascade, Idaho, of which not less than three (3) copies now are on file in the office of the County Clerk.

11-2: ADDITIONS; INSPECTIONS: No structure may be built to cover a trailer or mobile home to protect it from the weather or snow unless the plans and specifications therefor are first approved by the Commission and it has authorized the issuance of a permit therefor.

## CHAPTER 13

### PLANNED UNIT DEVELOPMENT (OVERLAY)

#### SECTION:

- 13-1: Purpose
- 13-2: Procedure
- 13-3: Development Standards
- 13-4: Permitted Uses
- 13-5: Changes and Modifications
- 13-6: Expiration

13-1: PURPOSE: The purpose of the Planned Unit Development designation is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development designation is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance, street systems and utility networks while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well-being of the inhabitants.

#### 13-2: PROCEDURE:

##### (A) Preliminary Development Plan and Program.

1. The applicant shall submit a Preliminary Development Plan and Program to the Planning Commission for an approval in principle. Such presentation shall consist of the preliminary plan in schematic fashion and a written program containing the following elements:

##### a. Plan Elements:

- 1. Proposed land uses and densities
- 2. Building types and intensities
- 3. Circulation pattern
- 4. Parks, playgrounds, open spaces
- 5. Existing natural features

##### b. Program Elements:

- 1. Applicant's market analysis of proposed use
- 2. Proposed ownership pattern
- 3. Operation and maintenance proposal, i.e. Homes Association, Condominium, Co-op or other
- 4. Waste disposal facilities
- 5. Lighting
- 6. Water supply

7. Public transportation  
8. Community facilities, i.e. schools, libraries,  
fire protection and shopping

9. General timetable of development

10. Qualifications of the proposed design team for the preparation of the general plan and program. The design team shall be designated on the basis of the extent and complexity of the planned development and shall consist of one or more persons with qualifications such as an urban planner, an architect, an engineer, a landscape architect, a designer, an attorney or other similar professionals or technicians.

2. Planning Commission review of the preliminary plan and program need not be at a public hearing unless the applicant requests such hearing in the application.

3. The Planning Commission shall informally review the preliminary development plan and program at a regular meeting and may act to grant preliminary approval, approval with recommended modifications or denial. Such action shall be based upon a comprehensive plan, if one exists, the standards of the Ordinance and other regulations and the suitability of the proposed development in relation to the character of the area.

4. Approval in principle of the preliminary development plan and program shall be limited to the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require the development of other information than that specified in Section 13-2 B to be submitted with the general development plan and program.

5. The Planning Commission shall review and may recommend expansion, additions or modifications in the qualifications of the proposed design team for the preparation of the general development plan and program.

6. The Planning Commission shall determine the extent of any additional market analysis to be included in the general development plan and program.

(B) General Development Plan and Program

1. After receiving approval in principle of the preliminary plan and program, the applicant shall have a general development plan and program prepared by the professional design team having the qualifications recommended or approved by the Planning Commission.

2. Upon receipt of the general development plan and program the Planning Commission may hold a public hearing.

3. The general development plan and program shall contain the following elements:

a. Plan Elements:

1. General development plan in conformance with the approved preliminary plan.
2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
3. Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights of way, parks, or other public open spaces and land uses within five hundred feet (500') of the boundaries of the development.
4. Existing sewer, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
5. Proposed sewer, or other disposal facilities, water mains and other underground utilities.
6. A preliminary subdivision plan if the property is proposed to be divided.
7. A land use plan indicating the uses planned for the development.
8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
9. Open space that is to be maintained and controlled by the owner of the property and the proposed use thereof.
10. A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
11. Location and dimensions of pedestrian walkways, malls, trails, or easements.
12. Location, arrangement, number and dimensions of automobile garages, and parking spaces, width of aisles, bays and angle of parking.
13. Location arrangement and dimensions of truck loading and unloading spaces and docks, if any.
14. Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
15. A preliminary tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over twelve inches (12") in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
16. The approximate location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
17. The stages, if any, of the development construction. Such stages shall be clearly marked on the general development plan.

b. If the general development plan indicates that the applicant has chosen to develop the site in successive stages as authorized in Section 13-3 (H), the above requirements 11-17 will be tentative as to the subsequent stages but must be met as to each subsequent stage prior to the development of that stage.

c. Program Elements:

1. Narrative statement of the goals and objects of the planned unit development.

2. A completed market analysis, if required by the Planning Commission.

3. Evidence of resources available to develop the project.

4. Tables showing the total number of acres, the distribution of areas by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.

5. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.

6. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces and of any dedications of development rights.

(C) Action and Findings

1. The Planning Commission, after public hearing may, by resolution, recommend approval of the planned unit development and the general development plan and program, with or without modifications or may deny the application. A decision to recommend approval of a planned unit development shall be based upon the following findings:

a. That exceptions from the standards of an underlying district are warranted by the design and amenities incorporated in the development plan and program.

b. That the proposal is in harmony with the surrounding area or its potential future use.

c. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.

d. That the approval will have a beneficial effect on the area which could not be achieved under other zoning regulations.

e. That the proposed development, or a unit thereof, can be substantially completed within four (4) years of the approval.

2. After action by the Planning Commission, the County Commissioners shall consider the matter, and, by resolution, accept or reject it or return it to the Planning Commission for further action.

(D) Final Plan and Program

1. Following approval of the planned unit development by the County Commissioners, the applicant shall prepare a final plan and program which shall be submitted to the Planning Commission to check for compliance with the approved general development plan and program.

2. If the final plan and program is found to be in compliance, it shall be so certified by the Planning Commission and recorded by the applicant in the offices of the County Clerk as the final development plan along with all documents relating to dedications, improvements, agreements, restrictions and associations which shall constitute the final program.

3. All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit, or upon a timetable adopted by the County Commissioners.

4. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Commission prior to the issuance of any building permit, or upon a timetable adopted by the Planning Commission.

#### 13-3: DEVELOPMENT STANDARDS:

##### (A) Application of Standards

1. In cases of conflict between standards of an underlying district and the planned unit development, the standards for the planned unit developments shall apply.

##### (B) Minimum Site Size

1. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this Chapter.

2. A planned unit development shall not be established on less than four (4) acres of contiguous land unless the Planning Commission finds that property of less than four (4) acres is suitable as a planned unit development by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.

##### (C) Compatability with Neighborhood

1. The plans and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatability with the comprehensive plan, and the character of the neighborhood.

2. Periphery yards of a planned unit development site shall be at lease as deep as those required by the yard regulations of the adjoining district unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.



(D) Lot Coverage

1. Lot coverage shall be the same as an underlying district unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

(E) Open Space

1. Open space in a planned unit development means the land area to be used for scenic, landscaping or open recreational purposes within the development.

a. It shall not include street rights of ways, drive-ways or open parking areas.

2. Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.

3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.

4. In order to assure that open space will be permanent, dedication of development rights to the County of Valley for other than open space use may be required.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the County Attorney.

6. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, then and in such event the County may at its option cause such maintenance to be done and assess the costs to the affected property owners.

(F) Density

1. In order to preserve the integrity of the comprehensive plan, the character and general welfare of the neighborhood or area and relate it to the planned unit development, the number of dwelling units permitted shall be determined as follows:

a. Divide the net development area by the minimum lot area per dwelling unit required by an underlying district or districts in which the planned unit development is located, or a reasonably comparable area within the County.

1. Net development area shall be determined by subtracting the area set aside for churches, schools or other non-residential uses from the gross development area and deducting twenty percent (20%) of the remainder.

b. A greater number of dwelling units may be permitted by the Planning Commission in the event the applicant proposes a development which effectively limits the overall

density of the project to the standard of an underlying district, or a reasonably comparable area within the County, through restrictions on age, family compositions or other effective means.

1. If the applicant proposes to utilize this provision, full written details shall be presented in the program selection of the preliminary development plan.

c. If the proposed site for the planned unit development lies within the Payette Lakes Water and Sewer District, the density of the proposed development shall be no more than permitted by the district for that particular area.

(G) Subdivision Lot Sizes

1. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums specified in an underlying district if in accordance with the approved general development plan and program and the density standards of this Section. The balance of the total tract area shall be devoted to open space as defined herein.

(H) Staging

1. The applicant may elect to develop the site in successive stages in a manner indicated in the general development plan and program. Each such stage shall be substantially complete within itself.

2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

13-4: PERMITTED USES:

(A) The following uses are permitted in a planned unit development:

1. Housing concepts may include but are not limited to single family residence, duplexes, row houses, townhouses, cluster units, multiple family dwellings, or condominiums.

2. Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the Planning Commission.

3. Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission.

a. Such community service uses may also be designed to serve the adjacent area if considered desirable by the Planning Commission upon examination of the plan

4. Accessory buildings and uses.

(B) For Commercial and Industrial Districts:

1. Uses permitted in an underlying district.

2. Community service uses approved by the Planning Commission.

3. Other uses as approved by the Planning Commission as

consistent with the plan and program.

4. Accessory buildings and uses.

13-5: CHANGES AND MODIFICATIONS:

(A) Major Changes

1. Major changes in the general development plan and program after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

(B) Minor Changes

1. Minor changes in the general development plan and program may be approved by the Planning Commission, provided that such changes:

- a. Do not increase the densities.
- b. Do not change boundaries.
- c. Do not change any use.
- d. Do not change the location or amount of land

devoted to specific land uses.

2. All limitations of (a) - (d) of 1. above may be waived if the changes are determined to be minor with respect to such limitations or do not appreciably alter the general concept, continuity and comprehensiveness of the general development plan and program.

13-6: EXPIRATION:

(A) If substantial construction or development has not taken place within four (4) years from the date of approval of the General Development Plan and Program, the Planning Commission shall review the Planned Unit Development designation at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the County Commissioners that the Planned Unit Development designation on the property be removed.

(B) After action by the Planning Commission, the County Commissioners shall consider the matter and, by resolution, accept or reject it or return it to the Planning Commission for further action.

## CHAPTER 14

### SIGNS

#### SECTION:

- 14-1: Purpose
- 14-2: Sign Standards by Zone
- 14-3: Temporary Signs
- 14-4: Exemptions
- 14-5: Non-conforming Signs
- 14-6: Prohibited Signs
- 14-7: Illumination
- 14-8: Permits and Fees
- 14-9: Structural Requirements
- 14-10: Inspection, Removal and Safety

#### 14-1: PURPOSE:

- (A) To establish standards to regulate all exterior signs so as to protect health, safety, and morals and to promote the general welfare of residents and visitors.
- (B) To regulate the sizes, location, character and other pertinent features of all exterior signs in the Area of City Impact.
- (C) To reduce undue and confusing competition between signs.
- (D) To prevent conflicts between advertising signs and traffic control signs or signals.
- (E) To prevent possible harm from outdoor signs suspended from or placed on top of structures and otherwise erected above the ground and especially where susceptible to high winds.

#### 14-2: SIGNS STANDARDS BY ZONE:

##### (A) General

1. The following sign standards by zone are intended to include every zone in the Area of City Impact. The zones are as defined by the Zoning Ordinance and Official Zoning Map. Only signs as described herein and as may be described under Sections 14-3 (Temporary Signs) and 14-4 (Exemptions) will be permitted in each particular zone.

2. If any zone is omitted from this ordinance, or if a new zone is created after the enactment of this ordinance, no signs shall be permitted therein until this ordinance shall be amended to include this zone.

(B) Residential

1. General: The regulations and specifications set forth herein shall apply to both Zone "A", Low Density Residential and Zone "B", Medium Density Residential Districts.
2. Size: One sign not exceeding two (2) square feet in area shall be permitted per dwelling unit. For multiple dwellings one or more additional signs totaling twelve (12) square feet in area shall be permitted.
3. Location: Permitted signs may be anywhere on the premises, except that they may not provide beyond any property line and except that, if ground mounted, the top shall be not over five (5) feet above the ground and, if building mounted shall be flush mounted, shall not be mounted on any roof of the building and shall not project above the roof line.
4. Content: The sign per dwelling unit shall indicate only the name of the occupant and may include the address. The additional sign area permitted for multiple dwellings shall be only for identification of the building.
5. Illumination: Illumination, if used, shall be what is known as white and not colored light and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.

(C) Commercial

1. General: The regulations and specifications set forth herein shall apply to Zone "C" Commercial District.
2. Size: A total sign area of one and one-half (1½) square feet for each lineal foot of building frontage or one-half (½) square foot for each lineal foot of lot frontage, whichever results in the larger sign area, but the maximum total area of all permitted signs for any establishment shall not exceed two hundred (200) square feet.

Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.

3. Location:

- aa. Signs may be flat wall signs, and located anywhere on the surface of the building.
- bb. Signs may be projecting signs only where, in compliance with the Zoning Ordinance, there is no building setback and then may project no more than six (6) feet beyond the street property line, but no closer than two (2) feet to a curb line and must have a minimum clearance of eight (8) feet above a public sidewalk and fifteen (15) feet above public driveways or alleys.
- cc. When a projecting sign is closer than twelve (12) feet to a corner of the property, its projection shall be no more than a distance equal to one-half the horizontal distance from the sign to that corner.
- dd. Where a building does not cover the full area of the property, a sign may be freestanding, or ground supported, and may be located any where back of the street setback lines. Such a sign may extend up to twenty (20) feet above the average ground level at the base of the sign.
- ee. Signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve (12) inches. The bottom of marquee signs shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face.
- ff. Signs shall not project above the roof lines.

4. Content: Signs allowed in this zone shall be identity signs only, except for highway oriented establishments.

5. Illumination: Illumination of signs is permitted but in accordance with the restrictions specified on Section 14-7, (Signs-Illumination).

6. Highway-Oriented Establishments:

- aa. Automobile service stations, new and used car lots, garden shops and other such businesses which may be defined as outdoor merchandising or highway-oriented-enterprises may be permitted to have, per establishment, one identity sign not over twenty (20) feet high above ground level, building mounted, roof mounted or ground mounted, with no part or projection closer to a street property line than twenty (20) feet.
- bb. The maximum area for this sign shall be forty (40) square feet for one face or eighty (80) square feet for the two (2) faces of a double-faced sign.

- cc. Incidental signs indicating services, products, prices, trade, information, or other information not including product advertising, may be attached to the structure or may be listed on one permanently installed sign structure at least twenty (20) feet from any property line.
- dd. No products or product containers or signs shall be closer to a street property line than twenty (20) feet.
- ee. The total sign area, excepting the identity sign, shall not exceed eighty (80) square feet.

(D) Industrial

- 1. General: This section of the code shall apply to all zones designated by the Zoning Ordinance as Industrial or any variety of it.
- 2. Size: There shall be permitted in this zone, for each industrial establishment, one (1) identity sign for each street frontage, each with a maximum area of one (1) square foot for each lineal foot of building street frontage, or one-half ( $\frac{1}{2}$ ) square foot for each lineal foot of property street frontage which ever is greater.
- 3. Location: Requirements shall be the same as specified for the Commercial districts.
- 4. Content: Signs permitted in this zone shall be identity signs only, except for highway oriented establishments, which shall be allowed in accordance with Section 14-2-cc, (Highway Oriented Establishments).
- 5. Illumination: Illumination of signs is permitted in accordance with the restrictions specified in Section 14-7, (Signs-Illumination).

(E) Urban Agriculture and Recreation

- 1. General: The regulations and specifications set forth herein shall apply to all zones designated by the Zoning Ordinance as Zone E, Agricultural District.
- 2. Size and Location:
  - aa. One sign not exceeding thirty-five (35) square feet adjacent (to the nearest access intersection) to public and commercial recreation facilities.
  - bb. One sign on the premises of such facilities for identification purposes not exceeding one (1) square foot for each lineal foot of the main building front.

- cc. One entrance sign placed within the property boundaries providing it does not exceed twenty-five (25) square feet in surface area.
- dd. Directional signs where needed not exceeding six (6) square feet in surface area per sign.
- ee. All signs shall meet the specifications of Section 12-2, C-3, (Commercial Signs-Location).

3. Content:

- aa. Signs allowed in this Zone shall be identity and directional signs only.

4. Illumination: Illumination of signs is permitted but in accordance with the restrictions specified in Section 14-7, (Signs-Illumination).

(F) Non-Conforming Uses

Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located shall, nevertheless, comply with all the provisions of this sign ordinance for the conforming zone.

14-3: TEMPORARY SIGNS: The following signs shall be permitted anywhere within the city and shall not require a permit:

(A) Construction Signs

- 1. Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise of the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm.
- 2. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.

(B) Real Estate Signs

- 1. Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of twelve (12) square feet.
- 2. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.



(C) Political Campaign Signs

1. Signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise.
2. Such signs shall be confined within private property and removed within fourteen (14) days after the election for which they were made.

(D) Street Banners

Street Banners advertising a public entertainment or event, if specially approved by the City Council and only for locations designated by the City Council, during and for fourteen (14) days before and seven (7) days after the event.

(E) Show Window Signs

Show window signs in a window display of merchandise when incorporated with such a display. They need not be related in content with the display.

14-4: EXEMPTIONS: The following types of signs are exempted from all the provisions of this ordinance; except for construction and safety regulations and the following requirements:

(A) Public Signs: Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.

(B) Institutional:

1. Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty-four (24) square feet.
2. Such signs may be illuminated in accordance with the regulations specified in Section 14-7 (Signs-Illumination).
3. If building mounted, these signs shall be flat wall signs and shall not project above the roof line, If ground mounted, the top shall be no more than six (6) feet above ground level.

(C) Integral

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(D) Private Traffic Direction

1. Signs directing traffic movement onto a premise or within a premise, not exceeding three(3) square feet in area for each sign.
2. Such signs may be illuminated in accordance with the regulations specified in Section 14-7 (Signs-Illumination).
3. Horizontal directional signs on and flush with paved areas are exempt from these standards.

(E) Small Signs:

Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.

(F) Rental Signs:

Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four (4) square feet in area.

(G) Vehicles:

Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the sides or ends of the vehicles.

14-5: NON-CONFORMING SIGNS:

- (A) Signs existing at the time of the enactment of this ordinance and not conforming to its provisions shall be regarded as non-conforming signs which may be continued for a period of five (5) years from the date of their construction or three (3) years from the date of the enactment of this ordinance, whichever is longer, if properly repaired and maintained as provided in this code and continue to be in conformance with other ordinances of Valley County. At the end of this period they shall be removed by the owner, agent, or person having beneficial use of the structure or land on which the signs are located.
- (B) Any sign existing in violation of Section 14-6 (Prohibited Signs), shall be removed, altered or repaired in accordance with the provisions of this ordinance within six (6) months after the date of passage of this ordinance.
- (C) Non-conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.

14-6: PROHIBITED SIGNS: Prohibited are signs which:

- (A) Contain statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (B) Contain or are an imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution:", "danger", "warning", or similar words.
- (C) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- (D) Advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located.
- (E) Move in any manner or have a major moving part. Only minor decorative parts may move.
- (F) Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation.
- (G) May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

14-7: ILLUMINATION:

- (A) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- (B) No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.
- (C) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (D) Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (E) No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

14-8: PERMITS AND FEES:

(A) Permit Requirements:

1. No sign shall be erected, altered or relocated without a permit issued by the building inspector.
2. Where electrical permits are required, they shall be obtained at the same time as the sign permit.

(B) Applications:

The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design and location of the sign and such other pertinent information as the building official may require to insure compliance with the ordinance of the city.

(C) Fees:

Fees for sign permits shall be as fixed from time to time by the Valley County Commissioners.

(D) Nullification:

A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of one hundred twenty (120) days from the date of the permit.

(E) Permit Exceptions: The following operations shall not be considered as creating a sign and therefore, shall not require a sign permit:

1. Replacing Copy

The changing of the advertising copy or message on an approved painted or printed sign or on a theatre marquee and similar approved signs which are specifically designed for the use of replacable copy.

2. Maintenance

Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

3. Temporary Signs

Signs indicated in Section 13-3 (Temporary Signs) and 13-4 (exemptions), are also exempt from permit requirements.

14-9: STRUCTURAL REQUIREMENTS: All signs shall comply with the pertinent requirements of the building code of Valley County.

14-10: INSPECTION, REMOVAL, SAFETY:

(A) Inspection:

Signs for which a permit are required may be inspected periodically by the building inspector for compliance with this and other codes of Valley County.

(B) Maintenance:

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

(C) Removal of Sign:

The building official may order the removal of any sign erected or maintained in violation of this code. He shall give thirty (30) days notice in writing to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. The building inspector may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

(D) Abandoned Signs:

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the building inspector shall give the owner or lessee fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the building official or his duly authorized representative may remove the sign at cost to the owner.
2. Where a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

## CHAPTER 15

### SUPPLEMENTARY REGULATIONS

#### SECTION:

- 15-1: Purpose
- 15-2: General Requirements
- 15-3: Exceptions
- 15-4: Off-Street Parking
- 15-5: Parking Space Requirements

15-1: PURPOSE: To establish standards applicable to all use districts which will:

- (A) Protect and promote the health, safety and welfare of all residents and visitors
- (B) Prevent excessive detrimental environmental impact from development
- (C) Preserve and improve the visual character of all lands within the jurisdiction of the City of McCall

#### 15-2: GENERAL REQUIREMENTS:

- (A) No use shall be permitted or authorized to be established or maintained which is or may become:
  - 1. Hazardous from fire, or cause excessive traffic generation.
  - 2. Noxious, or cause offensive conditions due to emission of odor, dust, smoke, cinders, gas, fumes, noise vibration, refuse matter or water-carried waste.
  - 3. The cause of unhealthy conditions resulting from improper storage of materials, or impoundment of waste water, which may attract and aid the propagation of insects or rodents.
  - 4. Objectionable due to failure to wholly enclose any unsightly service, processing or storage operation within a building or to properly screen such an operation from the view of an adjoining residential district.
- (B) All development shall:
  - 1. Be designed to take advantage of natural settings, preserving natural features such as streamside environments and vegetation.
  - 2. Cluster parking where feasible, and minimize the number and width of driveways and access roads to avoid tree removal.
  - 3. Locate parking along sides or in back of commercial buildings.
  - 4. Minimize signing on street frontage.

- (C) No parcel shall be created subsequent to the effective date of this Ordinance which is occupied by existing dwelling units unless the parcel created is large enough to meet the density and acreage requirements for such existing dwelling units in the zoning or use district in which it is located.
- (D) The Planning Commission may require an Environmental Impact Statement to be submitted prior to the issuance of any Zoning, Special Use, or Variance Permit when there is any operation, material or activity which constitutes a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such a statement the precise nature of the items to be included in the Environmental Impact Statement shall be indicated.
- (E) Public institutions and properties such as State, County, and local agencies, which have not been designated by a particular zone, shall be subject to the regulations and standards deemed by the Planning Commission to be appropriate for the particular uses involved. In addition, all construction on these properties shall meet the buildings procedures and standards outlined in Section 18-1 (Permits and Applications), and the Valley County building regulations.

15-3: EXCEPTIONS:

- (A) Any existing legal lot or parcel of record as of the date of this Ordinance that is smaller than the required size may be developed for a permitted use subject to the other requirements of the zone in which the property is located except that residential use shall be limited to a single-family dwelling.
- (B) The following types of structures or structural parts are not subject to the building height limitation of this Ordinance, unless they are located within the approach zones of an airport or are meant for human habitation: Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, elevator shafts and similar projections.
- (C) Cornices, eaves, canopies, gutters, chimneys, flues, and other similar architectural features shall not project more than twenty-four (24) inches into a required yard.

15-4: OFF-STREET PARKING:

- (A) At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space

shall be provided as set forth in this section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this Ordinance. Fractional space requirements shall be counted as a whole space.

- (B) At the time a new residential structure is designed, space shall be allowed for the addition of covered parking in the future.
- (C) In cases where the provisions of off-street parking to meet these requirements is not feasible with the parcel size or location, the applicant may be allowed to meet these requirements at any other location within two hundred (200) feet of the parcel where the use is proposed, provided that the requisite number of parking spaces at such location are under the control of the applicant and devoted exclusively to parking uses in connection with the development for which the application is made; and provided further, that recorded easement of other interest is created in the land at such other location that assures permanent use of such other location for such parking purposes.
- (D) Driveway connections to public streets shall conform to standards of design and construction established by Valley County.
- (E) Cul-de-sac streets will not be permitted and a driveway may not serve more than one single-family lot or dwelling unit or be in excess of one hundred twenty (120) feet long.
- (F) All proposed private streets shall conform to county standards for public streets specified in subdivision regulations.
- (G) No residential building may be constructed on a parcel that is in excess of six hundred (600) feet of traveling distance from a public thoroughfare, or is in excess of three hundred (300) feet of traveling distance from vehicular access adequate for fire protection vehicles, refuse collection vehicles, moving vans, or other standard service vehicles unless said parcel is located in the Agricultural District.
- (H) Parking spaces for other permitted or special uses not listed in this section shall be determined by the Planning and Zoning Commission.

15-5: PARKING SPACE REQUIREMENTS: For the purpose of this Ordinance, the following parking space requirements shall apply:



TYPE OF USE

PARKING SPACE REQUIRED

(A) Residential

1. Single-family or two (2) family dwelling Two (2) for each unit
2. Apartments, or multi-family dwelling Two (2) for each unit
3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms One (1) for each sleeping room or one (1) for each permanent occupant
4. Mobile home park One (1) for each unit plus one (1) space for each five (5) units

(B) Commercial

1. Automobile service garages which also provide repair One (1) for each two (2) gasoline pumps and two (2) for each service bay
2. Hotels, motels One (1) per each sleeping room plus one (1) space for each two (2) employees
3. Funeral parlors, mortuaries and similar type uses One (1) for each one hundred (100) sq. ft. of floor area in slumber rooms, parlors or service rooms
4. Dining rooms, restaurants, taverns, night clubs, etc. One (1) for each two hundred (200) sq. ft. of floor area
5. Retail stores One (1) for each two hundred and fifty (250) sq. ft. floor area
6. Banks, financial institutions and similar uses One (1) for each two hundred (200) sq. ft. of floor area
7. Offices, public or professional administration of service buildings One (1) for each four hundred (400) sq. ft. of floor area
8. All other types of business or commercial uses permitted in a business district One (1) for each three hundred (300) sq. ft. of floor area

TYPE OF USE

PARKING SPACE REQUIRED

(C) Recreation or Entertainment

- |   |   |
|---|---|
| 1. Bowling Alleys                                       | Four (4) for each alley or land plus one (1) additional space for each one hundred (100) sq. ft. of the area used for restaurant, cocktail lounge or similar use              |
| 2. Dance floors, skating rinks                          | One (1) for each one hundred (100) sq. ft. of floor area used for the activity  |
| 3. Outdoor swimming pools public or community or club   | One (1) for each five (5) persons capacity plus one (1) for each (4) seats or one (1) for each thirty (30) sq. ft. floor area used for seating purposes whichever is greater. |
| 4. Auditorium, sports arenas, theaters and similar uses | One (1) for each four (4) seats   |

(D) Institution

- |  |   |
|--|---|
| 1. Churches and other places of religious assembly                                     | One (1) for each five (5) seats   |
| 2. Hospitals   | One (1) for each bed  |
| 3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar | One (1) for each two (2) beds   |
| 4. Medical and dental clinics  | One (1) for every two hundred sq. ft. floor area of examination, treating room, office and waiting room |
| 5. Libraries, museums and art galleries  | One (1) for each four hundred sq. ft. floor area  |

(E) Schools (Public, Parochial, or Private)

- |                                    |   |
|------------------------------------|---|
| 1. Elementary and Jr. High schools | Two (2) for each teaching station for staff and incidental use. One for each three (3) seats of capacity for school events. |
| 2. High schools                    | One (1) for every ten (10)  |

TYPE OF USE

PARKING SPACE REQUIRED

	students and one (1) for each teacher and employee
3. Kindergartens, child care centers, nursery schools and similar uses	Two (2) for each classroom but not less than six (6) for the building
4. Business, technical and trade schools	One (1) for each two (2) students
5. Colleges, universities	One (1) for each four (4) students
(F) Manufacturing	
1. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district	One (1) for every two (2) employees (on the largest shift for which the building is designed) plus one (1) for each motor vehicle used in the business
2. Express, parcel delivery and freight terminal	One (1) for every two (2) employees (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises

## CHAPTER 16

### NON-CONFORMING USES

#### SECTION:

- 16-1: Non-Conforming Buildings and Structures
- 16-2: Non-Conforming Uses

#### 16-1: NON-CONFORMING BUILDINGS AND STRUCTURES:

- (A) Buildings and structures that do not conform to the regulations or the nature of the Use Districts established by this Ordinance which lawfully existed, or upon which construction had begun under valid permits, on the effective date of this Ordinance, or which are to be created in connection with a subdivision under construction, the final plat of which was recorded within five years prior to the effective date of this Ordinance, are now conforming. Such buildings and structures may be maintained, transferred and sold; provided however, that the Planning Commission may, after hearing, recommend to the Commissioners the termination of a non-conforming use that creates substantial danger to public health, safety and welfare.
- (B) Ordinary maintenance and repairs may be made to any non-conforming building or structure, provided however, that no structural alterations are made, the building or structure is not enlarged, and the cost of work does not exceed twenty percent (20%) of the replacement cost of the building or structure in the current year.
- (C) A non-conforming building or structure that is damaged or destroyed may not be reconstructed other than in accordance with the provisions of this Ordinance unless the cost of reconstruction does not exceed fifty percent (50%) of the replacement cost of such building or structure prior to the damage having occurred, exclusive of foundations. Where reconstruction is permissible, reconstruction shall be completed within one (1) year from the date of damage or destruction and the building, as reconstructed, shall have no greater floor area than it had prior to being damaged. Where reconstruction is prohibited, the remaining portion of the non-conforming building or structure shall be removed or brought into conformity with the requirements of this Ordinance.
- (D) Any commercial building located on a lot of less than 6,000 square feet in the General Commercial District may be rebuilt to its existing size subject to the condition that the front setback line shall be enforced and the building size decreased to provide for the setback.

16-2: NON-CONFORMING USES:

- (A) A non-conforming use of land, building, or other structures may continue to the extent such use existed on the effective date of Ordinance or any amendments hereto, as provided in this section; provided however, that the Planning Commission may, after hearing, recommend to the County Commissioners the termination of a non-conforming use that creates substantial danger to public health, safety or welfare.
- (B) If any non-conforming use ceases for any reason for a continuous period of twelve (12) calendar months, or for one season if the use be seasonal, then such use shall not be resumed and any use of the land and/or building thereafter shall be in full conformity with the provisions of this Ordinance.
- (C) If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding eighty percent (80%) of the replacement value, a future structure and use on the site shall conform to this Ordinance.
- (D) Any building lawfully in existence and vacant at the time of adoption of this Ordinance may, within six (6) months thereafter, be occupied by the use for which it was manifestly designed or arranged.
- (E) Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this Ordinance, except that if the building is non-conforming or is intended for a non-conforming use it shall be completed and in use within two years from the time the permit was issued or the right to a non-conforming use shall be lost.

## CHAPTER 17

### PERMITS AND APPLICATIONS

#### SECTION:

- 17-1: Building Permit
- 17-2: Application for Building Permit
- 17-3: Application to Reclassify a Zoning District
- 17-4: Special Use Permit
- 17-5: Application for a Special Use Permit
- 17-6: Standards Pertaining to Special Uses
- 17-7: Procedures

17-1: BUILDING PERMIT: No building, residence, or structure shall be constructed, improved, extended, altered, or demolished nor shall the use of any land or structure be substantially changed, except for public streets or public utility distribution purposes, without first obtaining a building permit.

17-2: APPLICATION FOR A BUILDING PERMIT:

- (A) The applicant shall file a written application on a form provided by the office of the County Assessor. Such application shall indicate the intended use or change of use.
- (B) Two (2) copies of the following shall also be submitted:
  - 1. A plot plan of the property drawn to scale, showing street and street number, or lot number, properties and major physical features such as rivers, lakes and gulleys; all existing and proposed structures, yards and parking areas; setback dimensions, and arrow indicating North.
  - 2. Floor plans and building sections showing layout, structural details, and exterior materials and colors when the proposed project involves new construction or alterations to an existing structure.
  - 3. Additional plans or documents if requested by the County Engineer.
- (C) The applicant will investigate the need for and pursue approval by any other concerned agencies or departments, such agencies may include but are not limited to:
  - 1. State Highway Department - opening on to State Highway.
  - 2. State Health Department - wells, septic tanks, eating establishments.
  - 3. Water-Sewer and/or Payette Lakes Water and Sewer District.
  - 4. Fire Department - McCall Fire Department.
  - 5. Electrical Inspector - Contact State Electrical Inspector.
  - 6. Plumbing Inspector - Idaho Labor & Industrial Services-Public Safety Department-317 Main St. Room 400-Boise, Idaho Phone 384-3442.
  - 7. Building Inspector - County Building Inspector.
  - 8. State Land Office - Mc Call Branch.

- (D) The County Engineer shall check the application and all data submitted therewith to see that all provisions, purposes and standards of this Ordinance will be complied with. If such a compliance is established, the permit shall be issued and a written record kept of the Engineer's action.
- (E) If the application does not comply with the provisions of the Ordinance, the County Engineer may accept with conditions or deny the application for a building permit, setting forth the reasons for such conditional acceptance or denial in writing, if the applicant so requests.
- (F) After one year from the date of issuance building permits shall become invalid if the proposed use or construction has not commenced or does not continue at a reasonable rate or is suspended or abandoned for a period of one hundred eighty (180) days.

17-3: APPLICATION TO RECLASSIFY A ZONING DISTRICT: Applications to reclassify a Zoning District shall be as specified in Chapter 20 (Amendment Procedures).

17-4: SPECIAL USE PERMITS: The purpose of the "Special Use Permit" procedure is to assure the proper integration of uses into the community which may be suitable only in a specific location, or only under certain conditions, or only if such uses are designed, arranged and/or conducted in a particular manner, and to prohibit such uses if proper integration cannot be assured.

17-5: APPLICATION FOR A SPECIAL USE PERMIT: An application for a Special Use Permit shall be filed and processed according to the following procedure:

- (A) The applicant shall file a written application on a form provided by the Planning Commission. Such application shall be accompanied by:
  1. Legal description of the property.
  2. A plot plan of the property, drawn to scale, showing the following information:
    - a. Relationship of the proposed development to the Comprehensive Plan.
    - b. The relationship of the property to the surrounding area.
    - c. The plan of subdivision or resubdivision, if any.
    - d. Land uses, building location, and number of dwelling units.
    - e. The arrangement of streets and pedestrian ways.
    - f. The location of off-street parking spaces and loading or service areas.
    - g. The location of public or communal open space.
    - h. Plans for site grading and landscaping.
    - i. Plans for water supply, sewage disposal, and storm water drainage.
    - j. Such additional information as the Commission may request.
  3. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.
  4. Statements by all property owners within 300' of subject property.
- (B) Upon receipt of a request for a Special Use Permit the Planning Commission shall set the date for and hold a public hearing and subsequently make recommendations to the County Commissioners for approval or denial of the request in accordance with the provisions set forth in Chapter 19. (Procedures, Appeals, and Action by Affected Persons).

## CHAPTER 18

### VARIANCE

#### SECTION:

- 18-1: Variance
- 18-2: Application and Standards for Variance
- 18-3: Supplementary Conditions and Safeguards
- 18-4: Procedures

18-1: VARIANCE: The Planning Commission may recommend to the County Commissioners, after public hearing, in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

- (A) A variance from the terms of this Ordinance shall be granted only upon a showing of undue hardship by the applicant and if it is found that because of special circumstances applicable to this property, including size, shape, topography, location, traffic conditions, or surroundings, strict application of the use regulations would:
  - 1. Deprive such property of privileges enjoyed by other property in the vicinity.
  - 2. Render the land economically useless.
  - 3. Clearly not be in conflict with the public interest.
- (B) A variance from the terms of this Ordinance shall not be granted by the Planning Commission unless and until a written application for a variance is submitted to the Commission containing:
  - 1. Description of the nature of the variance requested.
  - 2. A narrative statement demonstrating that the requested variance conforms to the following standards:
    - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
    - b. That special conditions and circumstances do not result from the actions of the applicant.
    - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  - 3. Post office addresses of all persons entitled to notice.
- (C) A variance shall not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.



18-3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS: Under no circumstances shall the Planning Commission grant a variance to allow a use not permissible in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

18-4: Procedures; upon receipt of an application for a variance the Planning Commission shall proceed in accordance with the provision set forth in Chapter 19. (Procedures, Appeals, and Action by Affected Persons).

## PROCEDURES, APPEALS, AND ACTION BY AFFECTED PERSONS

## SECTION:

- 19-1: General
- 19-2: Notice of Public Hearing
- 19-3: Public Hearing
- 19-4: Action by the Planning Commission
- 19-5: Notification to Applicant
- 19-6: Action by the County Commissioners
- 19-7: Administrative Appeals
- 19-8: Stay of Proceedings
- 19-9: Appeal to the County Commissioners
- 19-10: Request for Hearing by Affected Persons
- 19-11: Environmental Impact

19-1: GENERAL: Upon receipt of a request for Amendment of the Zoning Ordinance, Reclassification of a Zoning District, Variance, Special Use Permit, or an Appeal by Affected Persons the Planning Commission shall set the date for and hold a public hearing, and subsequently make recommendations to the County Commissioners and notify the applicant(s) as outlined in the following provisions, Section 19-2 through 19-5.

19-2: NOTICE OF PUBLIC HEARING: Upon receipt of the application for Amendment to the Zoning Ordinance, reclassification of a Zoning District Variance, Special Use Permit, or an Appeal, the Planning Commission shall hold at least one public hearing on each application. The date for such public hearing shall be fixed by the Planning Commission within a reasonable time and in no case shall the date set be later than forty (40) days after the receipt of the application and all necessary documents pertinent thereto.

- (A) The Planning Commission shall give at least fifteen (15) days prior to notice to the public in a newspaper of general circulation in Valley County. Notice shall also be made available to all radio stations within the county for use as a public service announcement.
- (B) Notice shall also be given by regular U.S. Mail or personal delivery to each property owner whose name and address appears on the list accompanying such application and all others as required by state law to be entitled to notice. The notice shall give the date, time and place of the hearing, the name(s) of the applicant(s) the relief sought, an identification of the subject property, and such other facts as may be prescribed by the Planning Commission.
- (C) A Filing fee of \$25.00 will accompany each application for Public Hearing and an additional amount will be paid by the applicant for actual cost of notice mailing and publication prior to mailing or publication.

NOTE: Most hearings on Variance, Notification of Action, Amendments to Comprehensive Plan, Zoning Reclassification and Annexation require hearings by both the Planning and Zoning Commission

and the Board of County Commissioners thus 2 filing fees and postage and publication fees are required.

19-3: PUBLIC HEARING: Prior to any action on a request for an Amendment to the Zoning Ordinance, Reclassification of Zoning District, Variance, Special Use Permit, or an Appeal by Affected Persons the Planning Commission shall hold at least one (1) public hearing in which interested persons shall have the opportunity to be heard.

19-4: ACTION BY THE PLANNING COMMISSION: Within thirty (30) days after the public hearing the Planning Commission shall recommend to the County Commissioners either approval, conditional approval or disapproval, the request for a Reclassification of a Zoning District, Variance, or Special Use Permit.

(A) Upon granting or denying an application the Commission shall specify in the minutes:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

(B) Within thirty (30) days after a public hearing for Appeal by Affected Persons the Planning Commission shall make a recommendation to the County Commissioners for final action.

19-5: NOTIFICATION TO APPLICANT: Within ten (10) days after a decision has been rendered the Chairman of the Planning Commission shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.

19-6: ACTION BY THE COUNTY COMMISSIONERS:

(A) The County Commissioners at its next regular meeting following the receipt of the Planning Commission's report shall consider and act upon the recommendation of the Commission.

(B) Upon granting or denying an application the County Commissioners shall specify in the minutes:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

(C) In the event the County Commissioners shall approve an amendment, such amendment shall thereafter be made a part of this Ordinance upon the preparation and passage of an ordinance. The third and final reading of the ordinance shall be the public hearing of the Council.

19-7: ADMINISTRATIVE APPEALS: The Planning Commission shall consider administrative appeals where it is alleged that an error has been made by the Commission.

(A) Appeals to the Commission concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority affected by

any decision of the Planning Commission. Such appeal shall be taken within thirty (30) days after the decision of the Commission by filing a notice of appeal with the County Clerk, specifying the ground upon which the appeal is being taken. The Commission shall review all the papers constituting the record upon which the action appealed from was taken.

(B) The County Clerk shall notify the chairman of the Planning Commission within five (5) days of receipt of the appeal.

19-8: STAY OF PROCEEDINGS: An appeal stays all proceedings in furtherance of the action appealed from unless the Commission finds after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in its judgement, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by order of the County Commissioners.

19-9: APPEAL TO THE COUNTY COMMISSIONERS: Upon receipt of an appeal from the action of the Planning Commission, the County Commissioners shall set a hearing date to consider all information, testimony and the Commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the Commission by a favorable vote of one-half ( $\frac{1}{2}$ ) plus one (1) of the full Board of County Commissioners.

19-10: REQUEST FOR HEARING BY AFFECTED PERSONS: An affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a requested permit.

(A) Any affected person may at any time prior to final action on Re-classification of a Use District, Special Use Permit, or Variance Permit, if no hearing has been held on the application, petition the Planning Commission or the County Commissioners in writing to hold a hearing as required in Section 19-1 provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

(B) An affected person aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local ordinances seek judicial review under the procedures provided by Section 67-5215 (b) through (g) and 67-5216, Idaho Code.

19-11: ENVIRONMENTAL IMPACT: The Planning Commission may require an Environmental Impact Statement to be submitted prior to the issuance of any Building, Special Use or Variance Permit when there is any operation, material or activity which constitutes a potential threat to public health, safety, and welfare or to the quality of the environment. When requiring such a statement, the precise nature of the items that the Environmental Impact Statement shall cover shall be indicated by the Planning Commission.

## CHAPTER 20

### AMENDMENT PROCEDURES

#### SECTION:

- 20-1: General
- 20-2: Initiation of Zoning Amendments
- 20-3: Reclassification of Zoning Districts
- 20-4: Contents of Application
- 20-5: Procedures
- 20-6: Resubmission of Application
- 20-7: Compliance With State Laws

- 20-1: GENERAL: Whenever the public necessity, convenience, general welfare, or good zoning practices require, this Ordinance may, by ordinance adopted by the governing board of the City of McCall and Valley County, pursuant to the provisions of Section 67-6526 (d) and (e), Idaho Code, following the notice and hearing procedures provided in Section 65-6509, Idaho Code.
- 20-2: INITIATION OF ZONING AMENDMENTS: Amendments to this Ordinance may be initiated in one of the following ways:
1. By adoption of a motion by the Planning Commission of the City of McCall or the County of Valley.
  2. By adoption of a motion by a governing board of the City or the County.
  3. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment.
- 20-3: RECLASSIFICATION OF ZONING DISTRICTS: When an amendment to the Zoning Ordinance involves the reclassification of a Zoning District the following shall apply:
- (A) Any person or persons desiring to effect a change in the zoning classification of a parcel or parcels of land shall file an application with the Valley County Planning Commission, in triplicate including the contents listed in Section 20-4 (Contents of Application) and such further information that the Planning Commission, upon examination of the application, may require.
  - (B) In the case of a proposed reclassification of land in the Agricultural District, the applicant(s) shall be required, unless the requirement is waived by the Planning Commission of both the City of McCall and Valley County, to submit an impact study, independently prepared, and covering the social, economic, fiscal, and environmental impacts of the loss of such open or agricultural land and of the generally proposed use or uses.

- (C) Upon receipt of a request for Amendment to the Zoning Ordinance or for reclassification of a Zoning District, the respective Planning Commissions shall:
1. Determine if the proposed change would also require an amendment to the Comprehensive Plan to maintain compliance between the two documents. If the request would require an amendment to the Comprehensive Plan, the legal notice for public hearing may include notice for the proposed changes to both the Comprehensive Plan and the Zoning Ordinance.
  2. Set the date for and hold required public hearings and subsequently make recommendations to the governing boards of the City and County for approval or denial of the request in accordance with the provisions set forth in Chapter 19, (Procedures, Appeals, and Action by Affected Persons).

20-4:                   CONTENTS OF APPLICATION: Applications for amendments to the Comprehensive Plan and/or Reclassification of Zoning Districts shall contain at least the following information:

- (A) Name, address, and phone number of applicant.
- (B) Proposed amending ordinance, approved as to form by the governing boards of the City and County.
- (C) Present land use.
- (D) Present Zoning District.
- (E) Proposed use.
- (F) Proposed Zoning District.
- (G) A vicinity map at a scale to sufficiently illustrate the property in question and surrounding properties, roads, and geographical features and including the following:
  1. North arrow
  2. Scale
  3. Names of adjacent property owners on the respective parcels.
  4. Existing and proposed zoning.
  5. Other items as the Commissions may require.
- (H) A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
- (I) A statement of how the proposed changes relate to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area.

(J) A fee will accompany each application as in Chapter 19, 19-2(C).

- 20-5: PROCEDURES: Upon receipt of an application to Amend the Zoning Ordinance or to Reclassify a Zoning District the Planning Commission shall proceed in accordance with the procedures outlined in Chapter 19, (Procedures, Appeals, and Action by Affected Persons) and the procedures outlined in Chapter 19 shall be followed by the Planning and Zoning Commission of both the City and the County and by the governing boards of both such City and County.
- 20-6: RESUBMISSION OF APPLICATION: No application for a reclassification of any property which has been denied by the governing boards shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one (1) year from the date of such final action, unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.
- 20-7: COMPLIANCE WITH STATE LAWS: If there is a conflict between Chapter 65 of Title 67 Idaho Code, and the provisions of this Ordinance, compliance with Chapter 65 of Title 67 Idaho Code shall prevail.

CHAPTER 21

ENFORCEMENT

SECTION:

21-1        GENERAL  
21-2        VIOLATIONS  
21-3        PENALTIES

21-1:        GENERAL: The Board of Valley County Commissions are charged with enforcement of this ordinance.

21-2:        VIOLATIONS: Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance, shall be guilty of a misdemeanor, and necessary legal proceedings, criminal or civil, shall be undertaken to correct the violation and punish the same.

21-3:        PENALTIES:

(A) Each violation of these regulations shall be a misdemeanor. Each day a violation continues after notification of violation shall constitute a separate offense, and each violation shall be punishable as provided in Section 18-113, Idaho Code.

(B) In the event any action is taken or any construction commenced in violation of the provisions of this Ordinance, the proper authorities in addition to other remedies, may constitute any appropriate action or proceeding to prevent such unlawful action or construction, to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in or about such premises.



CHAPTER 22

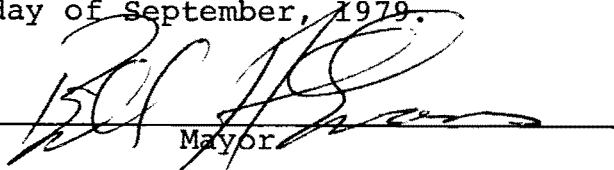
SEVERABILITY

SECTION:


22-1 SEVERABILITY

22-1: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provisions to any person or circumstance is declared invalid for any reason such declaration shall not effect the validity of the remaining portions of this ordinance.

Passed and approved this 28th day of September, 1979.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk



ORDINANCE NO. 392

AN ORDINANCE ESTABLISHING A MCCALL AREA OF CITY IMPACT, APPLYING A COMPREHENSIVE PLAN TO THE MCCALL AREA OF CITY IMPACT, AND APPLYING ZONING ORDINANCE REQUIREMENTS TO THE MCCALL AREA CITY IMPACT.

WHEREAS, In response to that certain Alternative Writ of Mandate issued out of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley, in case number 2368, which among other things, commanded the Board of Commissioners of Valley County, Idaho, and the Mayor and Council of the City of McCall, Idaho, to adopt an Ordinance providing for application of plans and ordinances to the area of city impact for McCall, Idaho, and;

WHEREAS, Pursuant to Idaho Code Section 67-6526 (b), a nine member group was duly appointed for the purpose of meeting the requirements contained in the above said Writ of Mandate, and;

WHEREAS, On September 26, 1979, the above said nine member group recommended to the governing boards of the City of McCall and the County of Valley a certain mutually agreed upon Comprehensive Plan and mutually agreed upon Zoning Ordinance requirements for the McCall area of city impact.

BE IT ORDAINED by the Mayor and Council of the City of McCall, Idaho, as follows:

Section 1. That Valley County Ordinance number 3-77, adopted November 28, 1977, and City of McCall Ordinance number 361, adopted August 1, 1977, identifying a McCall Area of City Impact, shall be and the same is hereby fully approved, ratified and confirmed, and made a part hereof as if fully set forth herein.

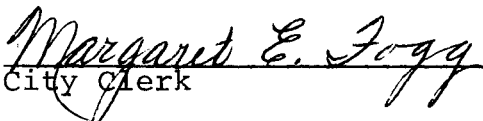
Section 2. That that certain mutually agreed upon Comprehensive Plan entitled COMPREHENSIVE PLAN FOR THE MCCALL AREA OF CITY IMPACT, adopted September 28, 1979, by Valley County Ordinance number 2-79 and adopted September 28, 1979, by City of McCall Ordinance number 390 shall apply and be of full force and effect within the unincorporated area of Valley County, Idaho known as the McCall Area of City Impact.

Section 3. That that certain mutually agreed upon Zoning Ordinance known as the McCall Area of City Impact Zoning Ordinance, adopted September 28, 1979, by Valley County Ordinance No. 3-79 and adopted September 28, 1979, by City of McCall Ordinance number 391, shall apply and be of full force and effect in the unincorporated area of Valley County, Idaho known as the McCall Area of City Impact.

PASSED AND APPROVED This 28th day of September, 1979

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

