

## City of McCall

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# ZONING MAP (ZON) OR ZONING TEXT AMENDMENT (CA) INFORMATION



A notarized affidavit of mailing and photographic evidence of the posting on the property shall be provided to the administrator at least one week prior to the public hearing.

### The following information must be submitted with a completed Land Use Application:

- Present land use
- Proposed amending ordinance and map, approved as to form by the City Attorney
- Proposed use by reason of which map amendment is sought.
- A vicinity map at a scale to sufficiently illustrate the property in question and surrounding properties, road 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 information as the Commission may require.
- A statement how the proposed changes relate to the *Comprehensive Plan*, availability of public facilities and compatibility with the surrounding area.
- A list of all property owners and their mailing addresses, owning property any part of which is within, or within 300 feet of, the external boundaries of the land being considered, according to the Valley County Assessor.
- Fee of \$1,500 for a Zoning Map Amendment or \$750 per Title for Zoning Ordinance Amendments; check made payable to the City of McCall

### The following information may be required by the Planning and Zoning Commission:

- An Environmental Assessment, complying with Section 3-34-010 of Chapter 34 of the City Code of McCall
- Community Impact Review
- Further information as required by the Commission, upon examination of the application

**Purpose:** To amend the zoning ordinance or map in order to rezone a property or annex an unincorporated area into the City of McCall.

**Procedure:** Amendments to the zoning map may be initiated by the Council, by the Commission, or by persons or entities that have an existing majority interest by area in the property proposed to be rezoned by the amendment.

**Preliminary Development Plan Review.** The Applicant will present to the Administrator and Commission, in a scheduled meeting, but a non-public hearing, a preliminary development plan for review and discussion. All materials to be reviewed and discussed shall be provided, or be available, to Commission members at a regular scheduled meeting of the Commission.

**Neighborhood Meetings.** It is required that the Applicant organize one, or more, meetings of neighboring groups before submitting plans for a public hearing. The purpose of such meetings is to obtain input to improve plans and reduce negative comment from neighbors.

A completed application, supporting materials, and application fee should be turned into the Community Development Department located at McCall City Hall. The Commission will set the date for and hold a public hearing and subsequently make recommendations to the Council for approval or denial of the request. The applicant is responsible for the mailing and posting of the public hearing (obtain 'Public Notice Information' for more details or see MCC Title 3, Chapter 15).

*Amendment Application.* The City requires six (6) copies of the complete application including supporting materials. The applicant may be required to submit an Environmental Assessment prior to approval of a Zoning Map change, when in the judgment of the Commission the change would permit operations, materials, or activities which would constitute a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such an assessment, the precise nature of the items to be included in the environmental assessment shall be indicated. The Commission may require that the assessment be over the signature and stamp (where applicable) of one or more individuals or firms with demonstrated professional competence to make such an assessment.

Upon receipt of a request for amendment to the Zoning Ordinance, or for amendments of the Zoning Map, the Commission shall:

1. Determine if the proposed change would also 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 a public hearing and subsequently make recommendations to the Council for approval or denial of the request. The applicant is responsible for the mailing and posting of the public hearing (obtain 'Public Notice Information' for more details or see MCC Title 3, Chapter 15).

*Zoning Upon Annexation.* Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission respecting the potential zoning of the unincorporated area. Both the Commission and the Council shall follow the notice and hearing procedures provided in *Idaho Code* 67– 6509 for hearing the issue of zoning upon annexation. Concurrently, or immediately following the adoption of annexation, the Council shall amend as necessary the *Comprehensive Plan* and Zoning Map. The applicant may be required to submit an Environmental Assessment prior to approval of a Zoning Map change.

A zoning map amendment that has been denied by the Council shall not be resubmitted in either substantially the same form or with reference to substantially the same premises within a period of one year from the denial, unless there is an amendment to the *Comprehensive Plan* which results in a change in conditions applying to the specific property under consideration.

*Development Agreements, Zoning Action:* A rezoning may be made upon the condition that the applicant and the property owner, if a different person, make one or more written commitments concerning the use or development of the subject parcel, as follows:

- A. Subject to the remainder of this section, a zoning map amendment may include and be subject to a written Development Agreement setting out commitments by the applicant and the owner of the property that restrict structures, or the use of land or structures, to a greater degree than otherwise provided for within a Zone affected by the amendment.
- B. A written Development Agreement may include commitments for one or more of the following purposes:
  1. to prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the *Comprehensive Plan*;

2. to conform the zoning map amendment to the *Comprehensive Plan*;
3. to conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood;
4. to mitigate the adverse effects of development under the zoning map amendment on the surrounding neighborhood and on public facilities and services; or
5. to narrow the permitted uses in the zone to the end that what is permitted to occur is that which is represented by the applicant to be the purpose of the amendment.

C. A Development Agreement shall set out commitments to do one or more of the following:

1. limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zone;
2. require compliance with a site plan and/or design standards for structures and other site features;
3. require compliance with a site plan approved by the Council either in conjunction with the rezoning or under the procedures for a conditional use;
4. require the construction and installation of improvements, including public improvements; or
5. impose time limits for taking subsequent development actions.

D. The Development Agreement may be suggested by the applicant as part of the application for the zoning map amendment, or may be suggested by the Commission or Council. A development agreement may not be imposed without the consent of both the owner of the property and the Council. The negotiation of a Development Agreement, and its signature by the applicant and the owner, does not commit the Council to the adoption of the zoning map amendment; a zoning map amendment subject to a Development Agreement, in turn, shall not be effective until such time as all parties have signed the Development Agreement, and a Notice of Development Agreement has been recorded.

E. The Development Agreement shall take the form of a written contract between the owner, the applicant (if not the owner), and the City of McCall, setting out the commitments in a form satisfactory to the Administrator and the City Attorney.

F. The Applicant shall provide the necessary funds to the City to pay all costs of preparing the Development Agreement, and a reasonable processing fee set by resolution of the Council.

G. A Development Agreement may be modified, or terminated, only in accord with notice and hearing according to the procedures for a conditional use.

H. A breach of a Development Agreement by the owner or occupant of the affected land is a violation of MCC.

I. A Development Agreement shall terminate, and the zoning map amendment of which it is a part shall be reversed, upon the expiration of a therein stated time during which the rezoning was to have been exercised in accord with the Development Agreement, without such an exercise having been made. Such a non-exercise, or a failure by the owner to meet conditions in the Development Agreement, is by the *Idaho Code* consent of the owner to a rezone of the subject parcel to the zone in which it was classified prior to the zoning map amendment which gave rise to the Development Agreement. In the event of such a rezone, nothing located or done on the subject parcel shall thereby be deemed a nonconforming use or structure (as opposed to an illegal use or structure), unless it was a nonconforming use or structure prior to the zoning map amendment which gave rise to the Development Agreement.

J. When executed, a Notice of Decision, Findings of Fact and Conclusions of Law of the Council shall be recorded at the Applicant's expense in the office of the Recorder for Valley County.

*Community Impact Review*

A community impact review, when required by the Commission or the Council, will be prepared by an independent expert chosen by the City, with the costs of the assessment being paid by the applicant. The review will include those of the following potential impacts to the City as applicable to the specific project and as selected by the Commission or the Council. To be included in the review are projected costs or benefits to the City as well as other impacts.

A. The projected costs arising from the demand for (including staff resources) and required improvements to public services and infrastructure, including streets;

B. The value of improvements to public services and facilities to be provided by the project;

C. The projected tax increase or loss in revenues to be generated by the project;

D. The projected impact on property values in the community (especially those located in the NC, CC, CBD, and CV zones);

E. The projected net job loss or creation caused by the project;

F. An estimate of how much revenue generated by the project will be retained and redirected back into the economy of the City;

G. An estimate of the impact on other local public agencies (Fire Department, Public Schools, Hospital, etc.); and

H. An estimate of the impact to any Community Housing program then in place. The review will be accompanied by a statement of proposed mitigation for each reported impact as applicable.

*For more information regarding zoning map or zoning text amendment, please refer to the McCall City Code, Title 3, Chapter 13.*