

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
May 27, 2010**

Agenda

Call to Order and Roll Call
Amend the Agenda
Executive Session
Work Session
Pledge of Allegiance
Public Hearing
Public Comment
Proclamation
Business Agenda
Consent Agenda
Council Discussion
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 4:30 p.m. Mayor Bailey, Council Member Delaney, and Council Member Kulesza answered roll call. A quorum was present. Council Member Scott and Council Member Witte were absent.

City staff present was Lindley Kirkpatrick, City Manager; Terry White, City Attorney; Jeff Strother, Attorney; and Allen Ellis, Attorney.

Mayor Bailey moved to amend the agenda to add an executive session for litigation. In a voice vote, all members voted aye and the motion carried.

EXCUTIVE SESSION

At 4:35 p.m. Mayor Bailey moved to go into Executive Session for Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council Member Kulesza seconded the motion. In a roll call vote Mayor Bailey, Council Member Kulesza, and Council Member Delaney all voted aye and the motion carried.

Council Member Scott arrived at 4:40 p.m.

Council discussed a malpractice issue with their attorneys.

OPEN SESSION

At 5:02 p.m. Mayor Bailey moved to return to open session. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion passed.

Additional City staff present were Michelle Groenevelt, Community Development Director; Bradley Kraushaar, City Planner; Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager; and BessieJo Wagner, City Clerk.

Mayor Bailey moved to remove AB 10-128 CUP-10-02; 324 W. Lake Street – Hess Market from the Consent Agenda and place it on the Business Agenda. Council Member Scott seconded the motion. In a voice vote, all members voted aye and the motion carried.

Mayor Bailey excused BessieJo Wagner from the meeting.

WORK SESSION

AB 10-136 VARHA Discussion

Michelle Groenevelt, Community Development Director, indicated the discussion on VARHA was to determine how to proceed and to approve the mission, role and budget for VARHA. All agreed VARHA should be accessible to the community.

Council Member Delaney felt VARHA goals were too broad for the scope of the budget, and that makes it difficult for citizens to become invested personally. Specifically, the four focus areas are broad, and it would be helpful if an objective was given for each, so you could measure if the objective was met. This is necessary, particularly due to budgetary constraints and making the objectives reasonable. The VARHA board and director should establish objectives. Council Member Delaney gave specific examples. Mike David with the Housing Authority agreed and recommended breaking down costs versus what the effort accomplishes, providing what to expect and what to measure it by. He indicated the Housing Authority also wants to be more specific in what they hope to accomplish. Gordon Cruickshank, Valley County Commissioner, agreed and wants efforts to go toward the ‘best bang for the buck.’ He requested guidance for Housing Authority to go back to VARHA with City Council’s wishes.

Council Member Witte arrived at 5:25 p.m.

Council Member Kulesza felt it is important to educate the community and be sure people know there is a VARHA. Mayor Bailey questioned if Adams County is participating. Mike David confirmed they are, but not financially at this time. Mayor Bailey asked for a work session with

the VARHA board to be scheduled for June 4, 2010, or as soon as possible. Council Member Witte asked questions about the budget. They were addressed, and details will be discussed at the City Council's next budget meeting.

Mayor Bailey reminded everyone that Council amended the Agenda. He also confirmed that they moved AB 10-128, Hess Market, at the request of the applicant, from the Consent Agenda to the last item on the Business Agenda; and the Renewable Energy Enterprise Zone Contract remains on the agenda for discussion, but with the intent to table it.

Mayor Bailey led the audience in the pledge of allegiance.

PUBLIC HEARING

AB 10-123 CUP-09-09: 100 N. Mission Street – Lutheran Church

Mayor Bailey opened the Public Hearing for CUP-09-09: 100 N. Mission Street – Lutheran Church at 6:03 p.m.

Bradley Kraushaar, McCall City Planner, gave a brief description of the project and its location. The Planning and Zoning Commission recommended approval with conditions, which are included in the project application. Applicant has agreed to or settled all conditions. Mayor Bailey questioned the storm retention basin and screening of parking lot as well as utilizing the driveway as part of the pathway, as opposed to gravel. Mr. Kraushaar explained the design and thought process of both. Council Member Witte questioned the amount of parking. Mr. Kraushaar explained the reasoning that went into parking lot size. Council Member Witte asked about the Parks & Recreation Department request for an easement along Mission for a bike path in the future. Mr. Kraushaar indicated that issue had been addressed. Council Member Kulesza was concerned that the Church understands there isn't room for much further development on that lot. The applicant indicated they are aware of that fact.

Hearing no comments Mayor Bailey closed the Public Hearing for CUP-09-09: 100 N. Mission Street – Lutheran Church at 6:12 p.m.

Council Member Witte pointed out several grammatical and typographical errors to be corrected.

- Findings and Conclusions #10 – Refers to a public hearing on March 2, 201 – should be 2010
- Findings and Conclusions #17 – 4 lines down says “The width of the property is, on a north-south axis, is approximately 305 feet and is, on an east-west axis, approximately 500 feet.” should be “The width of the property, on a north-south axis, is approximately 305 feet and is, on an east-west axis, approximately 500 feet.”
- Findings and Conclusions #36 – says “The applicant has indicated depicted that no parking spaces...” Should be “The applicant has indicated that no parking spaces...”
- Findings and Conclusions #47 – says “... the Commission...” Should be “...the Council...”

Council Member Delaney moved to approve, as previously amended, CUP-09-09 subject to the presented Findings and Conclusions and authorize the Mayor to sign all necessary

documents. Council Member Kulesza seconded the motion. In a roll call vote, Council Member Delaney, Council Member Kulesza, Council Member Witte, Council Member Scott and Mayor Bailey all voted aye and the motion carried.

AB 10-134 CA-10-01: Code Amendment – Micro-livestock

Mayor Bailey opened the Public Hearing for CA-10-01: Code Amendment – Micro-livestock at 6:16 p.m.

Michelle Groenevelt, Community Development Director, reviewed what process this Code Amendment has been through and re-capped what the Amendment involves. Council Members Delaney and Kulesza questioned ‘like animals’ and kennels. Mayor Bailey explained it was intended for business purposes, not pets. Council requested clarifications of definitions.

Council Member Kulesza commented on the limitation of twelve micro-livestock and the slaughtering requirements. Ms. Groenevelt explained the reasoning and requirements in the Amendment. Council Member Scott brought up concerns about set-backs that were addressed by Council.

Judy Anderson, 13775 Nissula Road, McCall, Idaho, spoke in support of allowing people the right to raise micro-livestock in City limits.

Molly Shaver, Boise, Idaho, also spoke in support.

Debbie Fereday, 315 Burns Road, McCall, Idaho, spoke in favor of the Code Amendment.

Hearing no further comments Mayor Bailey closed the Public Hearing for CA-10-01: Code Amendment – Micro-livestock at 6:35 p.m.

Mayor Bailey indicated he is not fully in support of amending the Code, as people purchased/moved here based on the Code at the time.

Council Members Kulesza and Witte felt the Amendment was reasonable, but would like to see the limit lowered from twelve to six. Council Member Witte would support more restrictive set-backs.

A lengthy discussion ensued, with Council Member Delaney supporting the new Amendment.

Council Member Kulesza moved to suspend the rules, read by title only, one time only Ordinance No. 875, amending Title 3. Council Member Delaney seconded the motion. In a voice vote, all members voted aye and the motion carried.

Lindley Kirkpatrick, City Manager, read by title only, one time only, Ordinance No. 875.

Council Member Delaney moved to Adopt Ordinance No. 875, amending Title 3, and authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion.

Discussion on the motion

Mayor Bailey asked for additional comments, and presented Council with several typographical corrections and changes. Additional discussion regarding zoning and lot sizes occurred. Mayor Bailey would prefer to limit the micro-livestock to larger lots and not in R-4, R-6 or R-8 zones and felt enclosures should be roofed. Extensive discussion occurred regarding administrative approval for large animals for R-1 zones and chickens on smaller lots (R-8 and R-16).

Proposed amendment #1

Mayor Bailey distributed a memorandum describing a proposed amendment.

Mayor Bailey moved to amend the motion as described in his memorandum (attached as exhibit A). Council Member Scott seconded the motion.

Discussion on the amendment

Council Member Kulesza did not agree with limiting the micro-livestock to the larger (R-4, R-1, R-E and R-R) lot sizes. He concurred with administrative and enclosure issues in Mayor Bailey's memorandum. Council Member Delaney preferred to amend only the number of livestock allowed, and not adopt the entire memorandum. Council Member Witte was amenable to the change in enclosure, but would like to pass it as written by the staff. Discussion occurred regarding larger animals and lot sizes.

In a roll call vote on the amending motion made by Mayor Bailey, Mayor Bailey and Council Member Scott voted aye. Council Member Delaney, Council Member Witte and Council Member Kulesza all voted nay and the motion failed.

Additional discussion ensued. All Council Members concur with the enclosure requirements in Mayor Bailey's memorandum.

Proposed amendment #2

Council Member Kulesza moved to amend the motion as follows:

- **Section 4, C2, reducing the allowed number of micro livestock from twelve to six**
- **Section 4, C3 to add the language proposed in Council Member Bailey's memorandum: enclosures must be roofed or otherwise enclosed on all sides.**

Council Member Delaney seconded the motion. In a roll call vote on the amending motion made by Council Member Kulesza; Council Member Kulesza, Council Member Delaney, Council Member Witte and Council Member Scott all voted aye. Mayor Bailey voted nay, and the motion carried.

In a roll call vote on the motion by Council Member Delaney, as amended, to adopt Ordinance No. 875, amending Title 3, and authorize the Mayor to sign all necessary

documents, Council Member Kulesza, Council Member Delaney, Council Member Witte and Council Member Scott all voted aye; Mayor Bailey voted nay, and the motion carries.

AB 10-133 CA-10-02: Code Amendment – Street Banners

Bradley Kraushaar, City Planner, gave an overview of the Code Amendment to change the way in which street banners are currently administered, to streamline the process for street banner requests.

Council Member Delaney asked for and received clarification on the wording and requirements for “public events,” and how events are prioritized. Additional discussion ensued regarding location of street banners.

Mayor Bailey opened the Public Hearing for CA-10-02: Code Amendment – Street Banners at 7:28 p.m.

Dan Wilson, 13629 Farm to Market Road, McCall, Idaho, asked for and received clarification on the need to apply each year for annual events.

Hearing no further comments Mayor Bailey closed the Public Hearing for CA-10-02: Code Amendment – Street Banners at 7:30 p.m.

Council Member Scott questioned having a ‘maximum’ time for applying.

Mayor Bailey moved to Suspend the rules, read by title only, one time only Ordinance No. 876, amending Title 3. Council Member Scott seconded. In a roll call vote, Mayor Bailey, Council Member Scott, Council Member Delaney, Council Member Witte and Council Member Kulesza all voted aye, and the motion carried.

Lindley Kirkpatrick, City Manager, read by title only, one time only, Ordinance No. 876, amending Title 3.

Mayor Bailey moved to Adopt Ordinance No. 876, amending Title 3 and authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. Mayor Bailey, Council Member Kulesza, Council Member Witte, Council Member Delaney, and Council Member Scott all voted aye and the motion carried.

Mayor Bailey moved to Adopt Resolution No. 10-15. Council Member Witte seconded the motion.

Discussion on the motion occurred, specifically regarding when applicants must apply.

Council Member Witte amended the motion to Adopt Resolution No. 10-15 with amendments to Exhibit A to state “applications should be submitted a minimum of four weeks before hanging and no sooner than twelve months prior to,” and authorize the Mayor to sign all necessary documents. Council Member Delaney seconded the motion. In

a roll call vote, Council Member Witte, Council Member Delaney, Mayor Bailey, Council Member Kulesza, and Council Member Scott all voted aye and the motion carried.

PUBLIC COMMENT

Mayor Bailey called for public comment at 7:34 p.m.

Mike Medberry, Lake Fork, Idaho, distributed letters to Council and questioned what happened with the McCall Solar project. Mr. Medberry thanked Council for making the process fair and allowing them to be considered. He indicated he was not asked by the Committee to provide a proposal, and appreciated that Council did give them the opportunity. Mr. Medberry provided statements from local citizens regarding his company. He felt there was appropriate expertise in McCall, and the City should support locals.

Tabitha Martineau requested the Council award to a local company, if a local company has a competitive bid.

Dan Wilson agreed and wanted qualified locals to be given first consideration.

Dustin Baker, Idaho Solar Design, Boise, indicated they would partnership with Mike Medberry from Lake Fork if awarded any work in the McCall area.

Judy Anderson, Nissula Road, McCall, spoke in support of Idaho Solar Design.

Hearing no further comments, Mayor Bailey closed the public comment.

PROCLAMATION

AB 10-135 Humanitarian Wood Work Day Proclamation

Council Member Scott moved to Proclaim July 10, 2010, to be Humanitarian Wood Work Day in the City of McCall, and authorize the Mayor to sign the proclamation. Council Member Witte seconded the motion. In a roll call vote Council Member Scott, Council Member Witte, Council Member Kulesza, Council Member Delaney and Mayor Bailey all voted aye and the motion carried.

BUSINESS AGENDA

AB 10-138 LOT Commission Annual Report

Steve Gleason, Chairman of the Local Option Tax Committee, reported on actual vs. projected revenue and expenses. Income was significantly behind projections. Disbursements have been

reduced by 15%. Income is trending at 13.91% below projected. Mr. Gleason explained the charts that were provided, and reviewed the 2011 project priorities. The committee will take staff recommendations to heart. Mayor Bailey requested the Committee consider McPaws' new income source when making recommendations. Council Member Scott indicated they opened the thrift store to offset the reduced donations. Council Member Kulesza stated that the LOT Committee does a great job and thanked them for their efforts. Council Member Delaney asked the Committee to date reports in the future.

AB 10-124 PUD-09-04: 401 Jacob Street – The Springs Apartments

Brad Kraushaar, City Planner, reviewed the application for the final plan of The Springs Apartments Planned Unit Development. The applicant has satisfied all outstanding conditions. A discussion regarding amounts, engineering approval, legal description and road building occurred. Staff recommendation is for approval.

Council Member Kulesza moved to approve PUD-09-04 subject to the presented Findings and Conclusions. Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Scott, Council Member Witte, Mayor Bailey, and Council Member Delaney all voted aye and the motion passed.

Council Member Delaney moved to approve the Development Agreement for PUD-09-04 and authorize the mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Delaney, Council Member Witte, Mayor Bailey, and Council Member Scott all voted aye and the motion passed.

AB 10-130 SUB-06-07 and PUD-06-03: Alpine Village Planned Unit Development Third Amendment to the Development Agreement

Council Member Scott recused herself at 8:12 p.m. stating conflict of interest as she has a family member who is part of the development at Alpine Village.

Michelle Groenevelt, Community Development Director, explained the Third Amendment to the development agreement for the Alpine Village Planned Unit Development.

Council Member Delaney moved to approve the Third Amendment to the Development Agreement for Alpine Village PUD and authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. In a roll call vote, Council Member Delaney, Council Member Kulesza, Mayor Bailey and Council Member Witte all voted aye and the motion passed.

Council Member Scott rejoined the meeting at 8:14 p.m.

AB 10-127 Renewable Energy Enterprise Zone (REEZ) Contract with Aurora Power and Design for the Solar City Project

Michelle Groenevelt, Community Development Director, reviewed the history behind this project and how proposals were requested, received and reviewed.

Terry White, City Attorney, reviewed requirements for Statements of Qualifications and bidding. We must comply with the state bidding statutes.

Substantial discussion took place.

Mayor Bailey recapped: We have gone out with a Request for Qualifications, six companies responded, and then the best proposal was selected after reference checking, with the assistance of The Office of Energy Resources, utilizing a scoring process as indicated in the RFQ. Council Member Kulesza indicated the next step is for the committee to get together and figure out how to comply with the state statutes and keep it moving forward. Mayor Bailey read Idaho Code of Ethics regarding influencing who is selected. Being 'local' cannot be considered in the criteria used to select. Private partners were invited to participate in the selection committee. Council Members Delaney and Scott want to be sure the City addresses perceptions with good communication.

AB 10-137 Tree Advisory Appointment

Council Member Scott moved to re-appoint Drew Andrew to the Tree Advisory Committee to a term which expires May, 2013. Council Member Delaney seconded the motion. In a voice vote, all voted aye and the motion passed.

AB 10-132 Public Works Director Appointment Confirmation

Council Member Kulesza moved to confirm the City Manager's appointment of Peter Borner as the Public Works Director, per McCall City Code 1-9-4(B). Council Member Delaney seconded the motion. In a voice vote, all voted aye and the motion passed.

AB 10-128 CUP 10-02: 324 W. Lake Street – Hess Market

Brad Kraushaar, City Planner, gave a brief re-cap, and read an e-mail from Bill Nichols, City Attorney, regarding the CUP belonging specifically to Ms. Hess.

Gabriella Hess requested several changes in wording. Significant discussion ensued, particularly about changes in ownership and what type of approval/requirements Council should have in a sale situation.

Council Member Delaney moved to approve CUP 10-02: 324 W. Lake Street – Hess Market, subject to the presented Findings and Conclusions, with the following change: the first sentence of Item #2 in the During Construction section be amended to read "This conditional Use Permit is transferable with written consent from the City of McCall"; and

authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion.

Proposed amendment

Mayor Bailey moved to amend the motion, making two additional changes to the Findings and Conclusions: 1) Item #1 in the During Construction section be amended to read “The applicant shall improve a pedestrian pathway, of approximately 6 feet in width, along Lake Street and Mather Road, connecting to the existing bike path in the right of way.” 2) Item #1 in the Prior to City Council section be amended to read “The applicant has agreed to provide a development agreement, but the Council has decided that a development agreement is not required.” Council Member Kulesza seconded the motion.

Discussion on the proposed amendment

There was much discussion regarding the original motion and the proposed amendment.

Mayor Bailey amended his amending motion to add another change to the Findings and Conclusions, to strike the second sentence of Item #2 in the During Construction section. Council Member Kulesza accepted the amendment to the amending motion.

In a roll call vote on the amending motion, Mayor Bailey, Council Member Witte, Council Member Scott and Council Member Kulesza all voted aye, Council Member Delaney voted Nay. Motion carried.

Mayor Bailey called for the question on the amended motion, restated as follows:

Approve CUP 10-02: 324 W. Lake Street – Hess Market, subject to the presented Findings and Conclusions, with the following changes: 1) the first sentence of Item #2 in the During Construction section be amended to read “This conditional Use Permit is transferable with written consent from the City of McCall.” 2) Item #1 in the During Construction section be amended to read “The applicant shall improve a pedestrian pathway, of approximately 6 feet in width, along Lake Street and Mather Road, connecting to the existing bike path in the right of way.” 3) Item #1 in the Prior to City Council section be amended to read “The applicant has agreed to provide a development agreement, but the Council has decided that a development agreement is not required.” 4) Strike the second sentence of Item #2 in the During Construction section; and authorize the Mayor to sign all necessary documents

In a roll call vote, Mayor Bailey, Council Member Witte, Council Member Scott and Council Member Kulesza all voted aye, Council Member Delaney voted Nay. Motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

- Warrant Registers printed on 5/20/2010
- Payroll Report for Period ending 5/21/10
- AB 10-122 Application to hang a Highway Banner- McCall Area Chamber of Commerce 4th of July Celebration
- AB 10-129 Contract with Idaho Office of Energy Resources for Energy Efficiency and Conservation Block Grant
- AB 10-94 Memorandum of Understanding between City of McCall and City of Donnelly regarding Energy Efficiency and Conservation Block Grant through Idaho Department of Energy Resources
- AB 10-128 CUP-10-02: 324 W. Lake Street – Hess Market
- AB 10-131 Contract Award for Public Transit Bus Shelters
- MINUTES May 13, 2010 (ADDED 5.25.2010)

Some discussion took place regarding Police Department overtime, the need to schedule an Economic Development work session, the Contract Award for Public Transit and changes in the Memorandum of Understanding between Cities of McCall and Donnelly.

Mayor Bailey moved to approve the Consent Agenda, with the corrections in the Donnelly MOU. Council Member Delaney seconded the motion. In a roll call vote, Mayor Bailey, Council Member Delaney, Council Member Witte, Council Member Kulesza and Council Member Scott all voted aye and the motion passed.

Mayor Bailey requested discussion of a letter regarding City Council members using space in City Hall, and would like the Council to keep that in mind in planning for future building space. Council Member Kulesza supported the letter. Carol Coyle, Grant Coordinator, felt having Council working in City Hall has been beneficial and wants Council to feel welcome. Michelle Groenevelt, Community Development Director, agreed.

A discussion occurred regarding the Water Reuse Conference. Lindley Kirkpatrick, City Manager, and Council Member Delaney felt the conference was very valuable. Council Member Delaney gave a re-cap of some of what was covered.

Mayor Bailey talked about the training session with the Attorney General regarding Open Meeting Law and Public Records Requests. Discussion ensued regarding posting of agendas and minutes, and the need to create, by resolution, a Centennial Celebration Committee verses an adhoc committee that doesn't have to meet State requirements.

Lindley Kirkpatrick advised that the Idaho Transportation Department will be placing a temporary electronic reader board sign on the highway for holiday traffic.

EXECUTIVE SESSION

At 10:21 p.m. Mayor Bailey moved to go into Executive Session for Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council Member Witte seconded the motion. In a roll call vote Mayor Bailey, Council Member Witte, Council Member Kulesza, Council Member Scott and Council Member Delaney all voted aye and the motion passed.


Council Member Witte moved to return to regular session. Mayor Bailey seconded the motion. In a voice vote, all members voted aye and the motion carried.

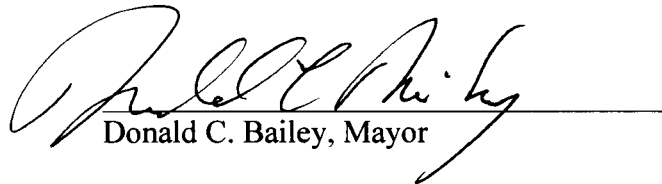
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 11:10 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor

Proposed amendments to AB 10-134 CA-10-01: Code Amendment – Micro-livestock (shown in ***bold italics*** and underlined).

Section 1: McCall City Code Table 3.3.02 is amended with the following changes:

TABLE 3.3.02
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN RESIDENTIAL ZONES

Allowed Use	RR	RE	R1	R4	R8	R16
Accessory structure >1,500 square feet	C	C	C	C	C	C
Accessory structure ≤1,500 square feet	A	A	A	A	A	A
Accessory use, residential	P	P	P	P	P	P
Agricultural structure	A	A	A	C	C	C
Agricultural use	P	P	C	-	-	-
Amusement or recreation facility, indoor (only)	-	-	-	-	-	-
Animal clinic, animal hospital, or veterinary office	C	C	C	-	-	-
Animals, large or common farm animals	<i><u>A</u></i>	<i><u>A</u></i>	-	-	-	-
<i><u>Animals, small farm animals</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>-</u></i>	<i><u>-</u></i>	<i><u>-</u></i>
Automotive, hobby	A	A	A	A	A	A
Camp	C	C	C	C	C	C
Care center	C	C	C	C	C	C
Cemetery	C	C	C	C	C	C
Children's treatment facility	C	C	C	C	C	C
Church	C	C	C	C	C	C

Clinic	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C
Convenience store	C	C	C	C	C	C
Drug and alcohol treatment facility	C	C	C	-	-	-
Dwelling, multi-family	-	-	-	C	P	P
Dwelling, rooming house	C	C	C	C	C	C
Dwelling, two-family	-	-	-	C	C	P
Dwelling unit, accessory (including guesthouses)	C	C	C	C	C	C
Dwelling unit, principal (single-family)	P	P	P	P	P	P
Foster home, group	C	C	C	C	C	C
Golf course and country club	C	C	C	C	C	C
Home occupation	P	P	P	P	P	P
Kennel	C	C	C	-	-	-
Large scale retail business ²	-	-	-	-	-	-
Mortuary	C	C	-	-	-	-
Nursery, wholesale (only)	P	-	-	-	-	-
Nursing facility, skilled	C	C	C	C	C	C
Professional office	C	C	C	C	C	C
Public parks, recreation areas, easements, trails	A	A	A	A	A	A
Recreational vehicle park	C	C	C	C	C	C
Rental store and storage yard	C	C	C	-	-	-
Restaurant	C	C	C	C	C	C

Restaurant, formula ³	-	-	-	-	-	-
Retail business	C	C	C	C	C	C
Retail, formula ¹	-	-	-	-	-	-
Retirement or assisted living home	C	C	C	C	C	C
Roadside produce stand	A	A	A	-	-	-
School, public or private	C	C	C	C	C	C
Service retail business	C	C	C	C	C	C
Stable or riding arena, commercial	C	C	-	-	-	-
Storage facility, self-service	C	C	C	-	-	-
Storage yard (outdoor)	C	C	C	-	-	-
Temporary living quarters	A	A	A	A	A	A
Tower or antenna structure	C	C	C	C	-	-

Notes:

1. See section 3.8.18 of this title for limitations on retail, formula.
2. See subsection 3.8.02(E) of this title.
3. See section 3.8.17 of this title for limitations on restaurants, formula.

Section 2: McCall City Code Section 3.4.02 is amended with the following changes:

**TABLE 3.4.02
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN COMMERCIAL ZONES**

Allowed Use	NC	CC	CBD
Adult entertainment establishment	-	-	-
Amusement or recreation facility, indoor	C	P	P
Amusement or recreation facility, outdoor	C	C	C
Animal boarding with outside runs	C	C	-
Animal clinic, animal hospital, or veterinary office	C	C	C
<u>Animals, small farm animals</u>	=	=	=
Auction establishment, outdoor	C	C	-
Automobile, major repair	-	C	-
Automobile or recreational vehicle sales or service (used or new)	-	C	-
Bank	P	P	P
Bar, brewpub, or nightclub	C	P	P
Boarding house	C	C	C
Camp	-	C	-
Car wash	C	C	-
Care center	C	C	C
Cemetery	C	C	-
Church	C	C	C
Clinic, medical (excluding animal or veterinary)	P	P	P

Club or lodge or social hall	C	C	C ⁵
Contractor's yard or shop	-	C	-
Convention facility	-	C	C
Crematory	-	C	-
Drive-up window service	-	C	-
Dry cleaning facility	-	C	C
Dwelling, accessory	A	A	A
Dwelling, multi-family	C	C ^{1,2}	C ^{1,2}
Dwelling, single-family	C	C	-
Farm, garden, lumber, or building supply store	-	P	C
Hotel or motel	C	P	P
Kennel, commercial	C	C	-
Large scale retail business ⁴	-	-	-
Laundromat	P	P	C
Mixed use ¹	Use procedure of most restrictive use		
Mortuary	P	P	-
Nursery, retail (only)	P	P	P
Nursing facility, skilled	-	C	C
Off street parking facility when not accessory	C	P	C
Office, temporary construction	A	A	A
Package and letter delivery service	C	P	P

Personal, business, or professional service or small business	P	P	P
Portable classroom	-	A	-
Professional offices	P	P	P ⁵
Public or quasi-public use, except:	C	C	C
Public parks, recreation areas or easements, and trails	P	P	P
Public service facility	C	C	A
Radio and television broadcasting station	C	P	C
Recreational facility, indoor	C	P	C
Recreational vehicle park	C	C	-
Recycling center	-	P	-
Rental or retail store with outdoor storage or display yard	C	C	-
Rental or retail store without outdoor storage or display yard	P	P	P
Research and development facility	-	P	C ⁵
Residential care facility	C	C	C
Restaurant	P	P	P
Restaurant, formula ⁶	-	P	P
Retail, formula ³	-	P	P
Retail sales relating to an approved use	A	A	A
Retirement or assisted living home	C	C	C
School, public or private	C	C	C
School, vocational or trade	-	P	C

Service retail business	C	C	C
Service station	C	C	-
Storage facility, self-service	-	C	-
Storage yard (outdoor)	-	C	-
Studio (music, art, dance or similar studio)	P	P	P
Swimming pool, private	A	A	A
Theater	C	P	P
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	C
Transit facility (e.g., bus stop, bus shelter, transit center)	A	A	A
Truck stop	-	C	-

Notes:

1. Subject to subsection 3.4.04(D) of this chapter.
2. Single, two-family, or multi-family dwellings are allowed as part of a mixed use development.
3. See section 3.8.18 of this title for limitations on retail, formula.
4. See subsection 3.8.02(E) of this title.
5. Use is not permitted on the ground floor fronting the street. Use is permitted in ground floor courtyards or in other ground floor locations that do not front the street.
6. See section 3.8.17 of this title for limitations on restaurants, formula.

Section 3: McCall City Code Section 3.6.02 is amended with the following changes:

TABLE 3.6.02
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN PUBLIC ZONES

Allowed Use	AF	CV	AP
Accessory structure >1,500 square feet	A	A	A
Agricultural service establishment	C	-	-
Agricultural structure	A	-	-
Agricultural use	P	-	-
Airport (public ownership)	C	-	P
<u>Animals, small farm animals</u>	<u>P</u>	<u>-</u>	<u>-</u>
Assembly plant (light manufacturing)	-	-	C
Camp	P	-	-
Cemetery	C	P	-
Church	C	C	-
Club or lodge or social hall	C	C	-
College or university	-	C	C
Conference or convention center	C	C	-
Dwelling, caretaker for an approved use	A	A	C
Dwelling unit ¹	-	C	-
Dwelling, single-family detached	C	P	-
Golf course and country club	C	C	-
Hospital or clinic	C	A	-

Hotel, motel, lodge	C	C	-
Kennel	A	-	-
Large scale retail business ³	-	-	-
Livestock facility .300 AU	C	-	-
Manufacturing facility (light)	-	C	C
Mixed use ^{4,5}	-	C	-
Mortuary	C	A	-
Museum	C	C	C
Nursery, wholesale (only)	P	-	-
Nursing facility, skilled	-	A	-
Office building or use, relating to an approved development	C	A	C
Office, temporary construction	A	A	A
Park, public	C	P	-
Pit, mine, or quarry	C	-	C
Portable classroom	A	A	-
Post office or mail delivery service	-	A	-
Power plant	C	C	C
Professional offices or buildings	-	A	C
Public or quasi-public use	C	P	C
Public service facility	C	C	C
Research and development facility	-	C	C
Restaurant	-	C	C
Restaurant, formula ⁶	-	C	C

Retail, formula ²	-	C	-
Roadside produce stand	A	A	-
Sanitary landfill, restricted	C	A	-
School, public or private, including vocational	C	C	C
Soil or water remediation	C	-	-
Stable or riding school, commercial	C	C	-
Storage building and yard	C	C	C
Swimming pool, private or public	A	A	-
Temporary living quarters	A	A	C
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	C
Warehousing facility	-	-	C
Winery	C	-	-

Notes:

- 1.Housing must be a part of a mixed use project.
2. See section 3.8.18 of this title for limitations on retail, formula.
- 3 See subsection 3.8.02(E) of this title.
- 4.Residential uses are permitted in mixed use building when the primary use of the ground floor is a nonresidential use allowed in the CV zone.
- 5.Multi-family housing must be a part of a mixed use project.
6. See section 3.8.17 of this title for limitations on restaurants, formula.

Section 4: McCall City Code Section 3.8.07 is amended with the following changes:

3.8.07: ANIMALS:

(A) Household Pets: Animals considered domestic household pets such as dogs, cats, small rodents, and birds may be kept in any zone, provided such are kept in conformance with this code.

(B) Farm Animals, Large: Animals such as horses, cows, goats, ~~chickens~~, pigs, sheep or other typical farm animals or any large or domesticated wild animals shall not be boarded permanently or temporarily in any residential, industrial, or commercial zone except as specifically provided in the chapters respecting such zones.

(C) Farm Animals, Small: Animals such as chickens, ducks, or rabbits may be boarded permanently or temporarily in any residential, civic, agriculture/forest or commercial zone according to the regulations as specifically provided in the chapters respecting such zones.

1. Roosters are prohibited; only hens, and chicks of either sex up to 4 months old, may be kept.

2. The total number of small farm animals must be no more than 12 per parcel in all zones.

3. All small farm animals must be enclosed in a structure that provides for safety, protected from the weather, and providing a minimum of two square feet per animal. Enclosures must be kept clean to prevent offensive odors. All feed must be kept in animal proof containers or indoors. In the residential zones, the enclosures should be located on the side or behind the dwelling units. **Enclosures must be roofed or otherwise enclosed on top as well as all sides.**

4. Chicken enclosures must be setback a minimum of 10 feet meet from the property lines.

5. Outside slaughtering of small farm animals is prohibited.

~~(C)~~ (D) Kennels: Kennels for the keeping of ~~three~~ four (4) or more like animals shall be permitted by conditional use permit only in zones RR, RE, R1, NC, and CC.

~~(D)~~ (E) CAFOs: Concentrated or confined animal feeding operations (CAFO) as defined in Idaho statute, are not permitted within the city of McCall or the McCall impact area.

Submitted by: Don Bailey, City Council and Mayor