

# MINUTES

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## **Joint Session McCall City Council & Valley County Commissioners A Public Hearing February 1, 2006**

### **CALL TO ORDER AND ROLL CALL**

Mayor Robertson called the Joint Session of the McCall City Council and the Valley County Commissioners to order at 6:10 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott answered roll call. A quorum was present.

Valley County Commissioner Phil Davis asked for roll call for the Valley County Commissioners. Commissioner Frank Eld, Commissioner Tom Kerr, and Commissioner Phil Davis were present.

Bill Nichols, McCall City Attorney, and Lee Heinrich, Valley County Clerk, were present.

City staff members present were Lindley Kirkpatrick, City Manager; Carol Coyle, Grant Coordinator; Michelle Groenevelt, Community Planner; Roger Millar, Community Development Director; and Joanne York, City Clerk.

Mayor Robertson explained the process of the Public Hearing. He thanked everyone who had been involved in the process of developing the Revised Planning & Zoning and Subdivision code, stating it was truly a special document.

Roger Millar, Community Development Director gave a presentation of the Revised Planning & Zoning and Subdivision code. At the conclusion of his presentation, Mr. Millar asked if there were any questions from the Joint Councils. There was discussion concerning "formula businesses", inclusionary housing, and housing fees.

## PUBLIC HEARING

Mayor Robertson opened the Public Hearing at 7:30 p.m., clarifying that the time was to be used for comments and the only questions allowed were ones necessary for clarification.

Patricia Eames: Ms. Eames said she wanted to keep the historical preservation of McCall, to maintain a sense of continuity with McCall and its past.

Kathy Malone: Ms. Malone stated that the 35' restriction along the lake should not be changed.

Brigid Wiking: Ms. Wiking asked if the issue of using white plastic fencing was addressed in the plan, and Mayor Robertson said it was. Ms. Wiking asked that the Council keep the 35' height limit.

Rick Fereday: Mr. Fereday stated that Planning and Zoning had done a good job and that, all in all, this was a good ordinance. Mr. Fereday emphasized that this should be made a county-wide ordinance.

Andrew Cochrane: Mr. Cochrane stated he was very impressed with the objectivity of the Code, but was concerned about the phrase, "significant amenities". Mr. Cochrane stated this was a gray area and, by approving this, the Council would be opening itself up for trouble. Mr. Cochrane said he was very leery of raising the height limits anywhere.

Ann Eberle: Ms. Eberle thanked the County Planning and Zoning for not approving the 35' height limits and said that listening to an applicant's request for a change to the 35' height limit was tantamount to saying we would do it.

Don Eberle: Mr. Eberle asked if this change would give the Housing Authority eminent domain authority. County Commission Tom Kerr replied that no, the Housing Authority was a recommending body only. Mr. Eberle continued his statements, saying that any added use along the lakeshore would be detrimental to the quality of the lake. He also stated that the Council should not base a building boom on Tamarack hype because he did not believe it would happen. Mr. Eberle suggested that the old concept of rooming houses would be a way to handle affordable housing.

Dave Siegle: Mr. Siegle stated that the building height of 35' was addressed less than two years ago at a meeting at the golf course, at which time the public was told the issue would be buried. He also stated that the timing of the

meeting during Winter Carnival seemed strange. He said the shoreline was unique and picturesque and should remain that way. He said it was not necessary to build right on the lake. He said he did not want to see the Yacht Club torn down and that locals would not be able to enjoy it. He said there are several questions that need to be addressed concerning a new facility on the lake: 1) Will it be "local-friendly"? 2) Will the restaurant be too expensive for the local people? 3) Will it have a dress code? Mr. Siegle said that such a facility would set a precedent for other developers.

Leslie Siegle: Ms. Siegle asked who the chain restaurants were in town, and Mr. Millar answered they are Chapala's, Moxie Java and Subway. Ms. Siegle pointed out that for anything on the shoreline and along the right-of-way line, the distance requirements are 150'. She read an article from an April 2004 edition of *The Star-News*.

Craig Eberle: Mr. Eberle stated he had submitted a letter and asked the Joint Commission to refer to it for his comments.

Diane Bub: Ms. Bub stated she was opposed to changing the height limitation.

Dottie Moore: Ms. Moore stated she was against changing the 35' height limitation, especially along the lake. She said the height changes should be two to three blocks away from the lake.

Alana Shoemaker: Ms. Shoemaker said she does not want to see anything over 35' along the lake and that any height changed should stay totally away from the lake. She stated that higher heights would obstruct sunlight on the snow. Snow storage would be a problem, and that snow and ice could cause more damage on buildings improperly built. Ms. Shoemaker asked who would be judging the amenities, stating that what one person believed would not be what another person believed. Ms. Shoemaker emphasized that she is totally against raising the 35' height limit and asked the Council to not ruin the town of McCall.

Steve Millemann: Mr. Millemann stated there was agreement within the community and consensus to address the issue now rather than waiting years, and that we were proactive in addressing this issue. Mr. Millemann said the difference between McCall and other resort areas discussed in the Needs Assessment Plan was that McCall had land. He also said that we are an extended community from two counties, not just McCall, and that whatever was accomplished here had to address both Valley and Adams Counties. Mr. Millemann said that the plan's assessment was addressed from the point of view of Valley and Adams Counties, but was superimposed on one town within that area, resulting in some significant inequities. He stated that the needs

assessment recommended a menu of tools besides inclusionary zoning, and attempted to solve the entire problem through only one tool - new development - rather than a multitude of tools. Mr. Millemann stated the entirety of the projected 24% comes from this ordinance and there was not a balance and a fairness. He emphasized that if there was not a balance, community housing would not be accomplished. He stated that he had submitted his request for specific changes in writing to the Council, which included: 1) Change the 24% to 10% on the inclusionary housing; 2) Allow for alternative compliance; 3) Delete the requirement that housing must be dispersed throughout the project; 4) Clarify how fees-in-lieu can be used; and 5) Provide an exit strategy from the deed restriction if there was not a buyer for the unit. Mr. Millemann stated that the ordinance did not increase the height limit but allowed the council and the public the opportunity to look at a project where the public benefits might outweigh the impact. Mr. Millemann stated that the ordinance must be fair and balanced to work.

Bert Kulesza: Mr. Kulesza stated the plan is not integrated and it would be a shame for the effort to end at the south end of the planning area, and asked that the County Commissioners please continue the plan. Mr. Kulesza said he was in favor of keeping the 35' height limitation, and that once the height was changed, it would be irreversible.

Lois Fry: Ms. Fry stated that the public should be allowed the power to say no. She reminded the Joint Commission that we the people had the power and the Joint Commission worked for the people. Ms. Fry also stated that she may have to move out of the area if she cannot find affordable housing.

Stan Strzelecki: Mr. Strzelecki stated there was a certain air of innocence in McCall, and as a newcomer, he recommended the Council be very careful to preserve it, that once it is gone, it cannot be gotten back. He asked the Council if there was any discussion going on concerning the kind of employers that McCall wanted to draw. Mayor Robertson replied that there was an allowance for discussion.

David Carey: Mr. Carey referred to Chapter 16 of the Design Review, stating he would like to proceed with the changes at the Hotel McCall, internal changes, which will not affect the moratorium because he will not be adding residential units or adding to the sewer capacity.

Curt Spalding: Mr. Spalding asked that the 35' height limit be maintained because it had helped shape the present design and character of McCall. He asked how would decisions concerning amenities be made, for example the question of how many amenities would be enough. Mr. Spalding also stated he supports signage and design review.

Gary Thompson: Mr. Thompson stated he was a new resident and was part of the group of educators, volunteer firemen, etc., who are in need of affordable housing. He said they are looking forward to provisions for affordable housing.

Judy Anderson: Ms. Anderson said she supported the ordinance except for changing the 35' height limit. She said she supported the inclusionary zoning of 24% and that mixed neighborhoods are better for everyone. She stated she is also in support of green housing developments.

Mike Hormaechea: Mr. Hormaechea discussed the impact of the ordinance on his downtown project and said there should be an exit strategy in case a unit is not sold.

Bob Hunt: Mr. Hunt stated that the ordinance provides for consideration of something that will be good for the entire town of McCall and that there is a need for an upscale, luxury hotel in the Central Business District. He stated that he maintains ownership and operation of his hotel projects. He said that in retail restaurant operation, the builder has to be able to service the debt. He emphasized that a beautiful hotel on the lake would anchor the downtown area. He said the Central Business District is only one-half mile in length, and his hotel project would financially benefit the town. Mr. Hunt distributed copies of a study to the Joint Commission and asked the Joint Commission to not close the door on the opportunity to review this project.

Susan Bechdel: Ms. Bechdel said she believed the percentages for retail and chain stores is very high, and she urged the Council to reduce those percentages. She stated she was aware of the difficulty of hiring employees because of the lack of affordable housing and that she supported the 24%. Concerning the height issues, Ms. Bechdel stated that the visual access to the lake must be maintained.

Gale Chamber: Mr. Chamber stated he was pleased with the presentation and supported the 24%. He stated he was in support of the ordinance because it is an attempt to focus on the health of the community and the whole picture.

Greg Lovell: Mr. Lovell noted that the Dark Sky Ordinance is a major issue. He stated that the limit on drive-by windows was a hardship for some downtown businesses. He stated he does not want to limit the flexibility of the Council. He suggested that one way to maintain the view of the lake would be for the citizenry to buy the property and build a park, stating that the public needed to have the flexibility to see that the ordinance works.

Liz Warner: Ms. Warner stated that we have the ability to stop the victimization of our local citizens. She urged the Councils to approve the 24% inclusionary housing and to require builders to provide energy efficient houses. She asked the Councils to please maintain the 35' height limit.

Esther Mulnick: Ms. Mulnick stated we need to adopt both of the ordinances and to do it immediately. She stated she favored the height limit but believed the 50% for retail chain stores was too high.

Bill McMurray: Mr. McMurray stated he agreed with Mr. Millemann's comments about development within the city. He said the 24% is very high. He stated this was an area issue and involved both McCall and Valley County. He said there have been some unintended consequences of the moratorium.

Dan Krahn: Mr. Krahn stated there were other restrictions besides the 35' that will impact that front lake property. He said the percentage for chain stores should include restaurants also, and that the 50% was too high. Mr. Krahn said there should be options for drive-thru windows, that they provide service to the entire community, and that limiting them will increase parking requirements. Concerning the Dark Sky requirements, Mr. Krahn said the lighting provided safety and did not increase liability. Mr. Krahn stated there was opportunity to be fair to the property owners, to give flexibility to the height issue, and to look at all of the options. He said that the property owners are paying taxes and that the public needed to maintain a positive attitude towards them.

Mayor Robertson announced that everyone who had signed the speaker list had spoken, and asked if anyone else wished to speak.

Christy Albercrombie: Ms. Albercrombie stated that when considering affordable housing, businesses should also consider raising pay scales. She stated she was in favor of lobbying for higher minimum wages.

Dennis Coyle: Mr. Coyle stated it was not financially viable for a young couple to move to McCall and that money that went towards affordable housing meant less money for wages. He stated there should be a process in place to review height restrictions for projects and that an arbitrary height restriction of 35' should not stop that. He said that seasonal housing was substandard and he would like to be able to spend money on bike paths and ski trails instead of affordable housing, but that housing was a major need.

Wayne Ruemmele: Mr. Ruemmele asked the Councils to keep their options open and that the height restriction of 35' was arbitrary.

Phil Feinberg: Mr. Feinberg stated that when a future project comes before Planning and Zoning, the Commission does not have to approve it if they do not like it.

Larry Shake: Mr. Shake asked that percentages be rechecked. He also stated that it would be better for the airport to be moved farther south.

Mayor Robertson closed the Public Hearing at 10:01 p.m. and stated they would continue to receive written comments until February 8 and deliberations would begin at the February 9 McCall City Council meeting; the joint councils agreed.

## ADJOURNMENT

Valley County Commissioner Kerr moved to adjourn, keeping the record open for written comment until 5 p.m. February 8th. Commissioner Eld seconded the motion. Commissioners Kerr, Eld and Davis voted aye. The motion was passed unanimously.

Mayor Robertson moved to adjourn, keeping the record open for written comment until 5 p.m. February 8. Council Member Bailey seconded the motion. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson and Council Member Scott voted aye. The motion was passed unanimously.

The Joint Councils adjourned at 10:06 p.m.

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William A. Robertson, Mayor

**ATTEST:**

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Joanne E. York, City Clerk