

Topic:	Overlay District
Resource Type:	Regulations
State:	Idaho
Jurisdiction Type:	Municipal
Municipality:	City of McCall
Year (adopted, written, etc.):	1995
Community Type - applicable to:	Urban; Suburban
Title:	City of McCall Shoreline & River Environs Overlay District Ordinance
Document Last Updated in Database:	April 18, 2017

Abstract

The shoreline and river environs overlay district is designed to protect the water quality of Payette Lake and the North Fork of the Payette River, as well as the aesthetic views. McCall is known for its natural scenic beauty, which generates tourism and recreation in the area. One reason for the ordinance was to protect this economic resource by protecting viewsheds and fish and wildlife habitat. The most significant part of the ordinance establishes a 50-ft development setback from the lake and river, which helps protect the water resources, and has a positive aesthetic effect on the environment. The ordinance also requires plans for stormwater and meltwater facilities.

Resource

CHAPTER 15

ZONE SL SHORELINE AND RIVER ENVIRONS (OVERLAY) SECTION:

3-15-010. Purpose

3-15-020. Land Included

3-15-030. Permitted Uses

3-15-040. Requirements for Development

3-15-010. PURPOSE. Payette Lake and the North Fork of the Payette River are critical economic resources of the Planning Jurisdiction, because they are the distinguishing feature of this area making it a destination resort for tourists and summer residents. It is therefore the purpose of this Chapter to regulate development along and alterations of the shoreline of Payette Lake and the banks and immediate flood plain of the Payette River in order to protect and maintain water quality, fish and wildlife habitat, edge and forest habitat, viewsheds, and public visual and physical access.

3-15-020. LANDS INCLUDED. The lands between the water pool shore contour of the named Lakes and the high water mark of the other named water bodies below, and a line parallel to and 150 feet away from the water pool shore contour or high water mark, except on lots fronting East Lake Street in McCall, where it shall be to Mill Road, but no more than 300 hundred feet:

(A) Payette Lake, and

(B) The North Fork of the Payette River.

together with so much of the land below such line or high water mark as is affected by a use addressed in this Chapter. If any portion of a structure lies within this district, then the total structure shall be deemed to be within this district. Docks, land fills, retaining walls, and other uses addressed in this Chapter shall be deemed within and regulated by this District without regard to whether all or any part thereof also falls within the Navigable Water Zone.

3-15-030. PERMITTED USES. All those uses permitted in the underlying zones upon which this zone is superimposed shall be permitted provided they satisfy the special conditions set forth in this Chapter, except that:

(A) Open storage of anything but firewood or recreational equipment (other than highway vehicles) on the lake front side of the residence shall not be permitted.

(B) No building and no land filling shall be permitted within a floodway as such term is defined in Chapter 18, and no building within an Area of Special Flood Hazard as such term is defined in Chapter 18, unless the applicant complies with the standard set forth in Section 3-18-060, Flood Hazard Areas.

3-15-040. REQUIREMENTS FOR DEVELOPMENT.

(A) No conditional use or building permit shall be issued, nor is any development, grading, or alteration of any land within this Zone permitted, unless the applicant establishes to the satisfaction of the Commission and Council in the case of a conditional use, or of the Administrator in the case of a building permit, that:

1. The proposed development meets all requirements of this Title.
2. The plans accurately identify the water pool shore contours and high water marks, which in the case of river environs, shall mean the limits of the area of special flood hazard.
3. A letter is on file from a specialist certified by the United States Army Corps of Engineers as a wetlands expert, which letter certifies that no wetlands or fill of navigable waters issues were presented by the proposed development; or a Section 10 or a Section 404 permit, whichever is appropriate, is on file.

4. The requirements of the underlying zone are met.

(B) Development:

1. No construction, alteration or activity shall cause harm to

(a) water quality, or

(b) fish and aquatic habitats, or

(c) wetlands, or

(d) significant wildlife habitat harboring any threatened or endangered species, or

(e) views of, from, or across the Lake or River.

To this end, all applications for building permits within this overlay district, no matter what the permit may be for, shall be accompanied by a plan for the installation of appropriate natural, storm, and meltwater drainage and treatment facilities, to include such plans for natural, storm and meltwater drainage of the property and on and through the property, consistent with best management practices under State and Federal storm and meltwater regulatory programs to which the City is subject, and consistent with other City programs in these regards, all as established to the satisfaction of the City Engineer.

2. "Harm" for these purposes means

(a) the creation of conditions which foster run-off of, or other entrance of fertilizers, toxic substances, or other pollutants or contaminants, into the water; or

(b) the excessive clearing of natural vegetation or change of natural landforms within the area between the water pool shore contour or high water mark and the 50-foot building set-back line; or

(c) the removal, burial, or destruction in whole or part of boulders, sandy beaches, rocky shores, or other features of the water pool shore contour or high water mark, the land below the same, or the immediate upland edge; or

(d) the filling or dredging of lake bottom or wetlands; or

(e) the erection of visual barriers between the Lake or river and the roads on the uplands, beyond the extent reasonably necessary for an owner's usage of the land for a permitted use; or

(f) the creation of any other condition which would be inconsistent with best management practices under, or threaten a violation of, State and Federal storm and meltwater regulatory programs to which the City is subject, or fail otherwise to be consistent with

other City programs in these regards, all as established to the satisfaction of the City Engineer

3. Improvements.

(a) The owner shall apply for approval under the provisions of 3-22-200 et seq., Planned Development, if the owner wishes to construct, in whole or part on the land within the Zone, any improvements other than:

1. A single family residence, and/or

2. Accessory structures commonly associated with dwellings, such as garages or tool sheds; however,

3. The application for a building permit for such a dwelling or accessory structure must be accompanied by a site plan demonstrating that no harm, as defined above, is threatened by the construction; and construction in accord with that site plan shall be a condition of the permit issuance.

(b) The application shall be evaluated against the standards set out paragraphs 1 and 2 of this Section, except that improvements discussed below in paragraphs 4 and following of this Section shall be evaluated against the standards in those paragraphs.

(c) All structures other than those addressed by paragraphs 4. and following of this section regardless of underlying zone, shall be set back fifty feet from the lake water pool shore contour and fifty feet from the stream high water mark. Fencing shall not extend below such lake water pool shore contour or stream high water mark, and access along the beach below such lake water pool shore contour or stream high water mark shall be unobstructed, except as otherwise provided in the approval of an applicable conditional use or variance. Public walkways to the waterfront, and private walkways not exceeding 8 feet in width of like purpose from the area of upland structures, are permitted. Setbacks shall be measured along a line perpendicular to a line tangent to the nearest point so determined on the lake water pool shore contour or stream high water mark, without regard to the spatial relationship between that nearest point and any boundary lines of the lot in question.

(d) Additionally, development in Commercial Zones, including buildings, parking areas, and sidewalks, shall not cover more than 80% of the total area of the lot or parcel; except in the Central Business District Zone where the total lot coverage may be up to 95%, with not less than the remaining 5% maintained in landscaping.

4. Private docks and piers shall:

(a) Require a building permit from the City in addition to the permits required by the State Department of Lands, or other authorities having jurisdiction.

(b) Be used to provide access to boats.

(c) Be floating or held on pilings.

(d) Be built with chemically inert materials; and foam materials shall be fully enclosed.

(e) Not be constructed in whole or part by or in association with excavation or dredging, unless a conditional use permit has first been issued.

5. Public or commercial marinas, docks and piers are a conditional use and shall meet all requirements in 3-15-040(a) and in addition shall:

(a) Provide an Environmental Assessment which addresses the issues identified by the Planning Commission upon initial inquiry by a person who proposes to become an applicant for such conditional use.

(c) Have restrooms, pump-out facilities for boat sewage receptacles, and trash receptacles for other boat wastes, on or near and accessible from such facilities.

(d) Meet all other building code and environmental requirements.

6. Retaining walls and similar construction to arrest erosion shall be permitted and shall:

(a) Be at or above the higher of:

1. the ordinary high water mark for purposes of title to land, as determined by the Idaho Department of Lands, or

2. the lake water pool shore contour; and not involve fill above original, natural grade and contour at the location, unless a different location, and/or different fill, is approved by the Planning Commission as a conditional use, and is also declared by it to be beneficial to the public and the environmental qualities of the shoreline; and unless that different location is also permitted by other governmental authorities having jurisdiction; provided, however, that fill may be added directly behind a retaining wall to an extent not greater than 18 inches above original, natural grade at the wall, and blended back into the natural slope. "Original", for purposes of this subsection, means existing historically within the prior two years.

(b) Be constructed of reinforced native rock and/or concrete.

(c) Not be painted.

(d) Be set at such a depth to prevent movement of backfill materials into the water, and at such a depth set and reinforced to the extent to prevent frost heaving and other natural structural deterioration.

7. Breakwater and similar construction shall:

(a) 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 by the Planning Commission as a conditional use.

(b) Be floating, and shall not extend more than 1 foot above the surface of the lake; and shall be lit or marked as required by the State of Idaho.

(Ord. 615, 3/24/94, am. Ord. 670, 6/30/95)