

Valley County Planning and Zoning

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STAFF REPORT:

McCall Impact Area

Ordinance No. 2025-06 City of McCall Impact Area Boundary

- Changes to Valley County Code (VCC) 7-1 and 6-1-2
- A Modification to City of McCall Request

HEARING DATE:

July 7, 2025, at 2:00 p.m.

TO:

Board of County Commissioners

STAFF:

Cynda Herrick, AICP, CFM
Planning and Zoning Director

BACKGROUND

In 2024, the Idaho State Code 67-6526 for impact areas adjacent to cities was changed. Valley County is currently working with each city to adjust their impact area boundaries to meet the criteria specified in Idaho Code 67-6526. The deadline for compliance with the state statute is December 31, 2025.

SUMMARY OF IDAHO CODE 67-6526 (Complete statute attached.)

The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. **County commissioners make the final determination regarding area of impact boundaries** within their county.

An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should **not be used to stop growth** and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the **ability and likelihood of a city or cities to annex lands within that area of impact in the near future**.

Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing. Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of the statute. Subsection 5 refers to non-compliance in the establishment of a boundary; process for boundary challenges; lack of proper notice; or arbitrary, capricious, or an abuse of discretion.

Establishing an area of Impact requires proper noticing. The Board shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county. A recommendation is not required from the Planning and Zoning Commission. An area of impact must be established before a city may annex adjacent territory pursuant to 50-222, Idaho Code.

{IC 50-222 (5) Exceptions. (a) Annexation with consent. In the case of a prospective annexation where all landowners of the subject property have requested annexation or where consent has been given by the landowner or landowners of a contiguous parcel or parcels or where implied consent has been given, the provisions of subsections (3) and (4) of this section shall not apply. In such a case, the subject land may extend beyond the city area of impact if the land is contiguous to the city and the comprehensive plan includes the area of annexation.}

The following is the criteria that shall be considered when determining an impact area:

- (a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the **criteria set forth** in this subsection shall be considered:
 - (i) Anticipated commercial and residential growth;
 - (ii) Geographic factors;
 - (iii) Transportation infrastructure and systems, including connectivity;
 - (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
 - (v) Other public service district boundaries.
- (b) In addition to the criteria set forth in paragraph (a) of this subsection, **an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years.**

Except as otherwise provided in this paragraph, an area of impact **shall not extend more than two (2) miles from existing city limits.** An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

- (e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

The statute then states that areas of impact and cross county boundaries, shall not overlap, proper noticing, review of impact areas every five years, process for making modification requests, and filling a P&Z Commission.

FULL TEXT IS ATTACHED

FINDINGS:

1. Joint Work Sessions between the Board of County Commissioners and the McCall City Council after IC 67-6526 became effective on July 1, 2024, were on the following dates:

- September 27, 2024, at the City of McCall
- March 3, 2025, at the City of McCall
- May 5, 2025, at the City of McCall (McCall presented Worksession Packet)

2. [May 16, 2025] On May 16, 2025, the City of McCall, sent notice to the Board of County Commissioners requesting a modification to the existing McCall Area of Impact boundary with recommendations on the boundary, codes, and administration. The letter also put the county on notice that Idaho Code 67-6526 requires the County to make a decision on this request within ninety (90) days. The ninety (90) days gave the Board of County Commissioners until August 14, 2025, to set the new boundaries by ordinance, which expedited the process. A map of the proposed impact area was included. (attached)

The county may **accept, reject, or modify a city's requested modification** or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

3. [May 19, 2025] A Board of County Commissioners (BOCC) Work Session was held on May 19, 2025, to receive input from the affected public. The Board modified the City of McCall requested boundary and set a hearing for July 7, in order to comply with the ninety (90) day timeline in IC 67-6526(3)(c).

4. A July 7, 2025, public hearing was set by the Board of County Commissioners on July 19, 2025, to hear a modification to what was proposed by the City of McCall. Notice is in compliance with IC 67-6509.

- Legal notice for July 7, 2025, public hearing was posted in the *Star News* on June 12, 2025, and June 19, 2025.
- Potentially affected agencies, including the City of McCall, were notified by either an email or postal service on June 9, 2025.
- Property owners within the current boundaries of McCall Impact Areas were notified by fact sheet through the postal service that was sent on June 13, 2025.
- The notice fact sheet was also sent for posting at the Post Offices and City Libraries in Cascade, Donnelly, and McCall.
- The notice was posted online at www.co.valley.id.us on June 9, 2025. Revised maps were added to the website on June 11, 2025.

5. Agency comment received:

Kendra Conder stated Idaho Transportation Department does not have any comments. (June 9, 2025)

Carlene Oberg stated the Boise Regional – Idaho Department of Environmental Quality has no comments at this time. (June 17, 2025)

City of McCall sent a letter to the Board of Commissioners invoking the 90-day timeline and their requested area of impact in accordance with IC 67-6526(3)(b)(c). (May 16, 2025)

On June 24, 2025, William L. Punkoney, legal representative for the City of McCall, submitted a public records request pursuant to Idaho Code 74-102, requesting the following:

1. All written notices of any public meeting or hearing required by Idaho Code 67-6526 as a prerequisite for modifying the existing McCall Area of City Impact. Please include any proof of mailing or delivery for the requested notices.
2. All documents and records of communications of any kind or nature between and among the Valley County Commissioners, and Valley County employees discussing, analyzing or otherwise related to the McCall Area of City Impact during the time period starting January 1, 2023, to present.
3. All requests herein exclude any public records that are not subject to disclosure under Idaho Code Title 74, Chapter 1.

City of McCall sent an email asking people to attend the public hearing. (June 27, 2025)

City of McCall submitted written comments for the public hearing, which included their analysis of impact area, adopted 2018 Comprehensive Plan, responses received by the City of McCall. This document was provided in a notebook and was emailed to the Board, printed by staff for the Board, and posted on the Valley County website.

Valley Soil & Water Conservation District submitted a letter with a packet of information attached, including: comparison of McCall vs County requirements, fact sheet for code comparison, waterway shore zones, recommended water quality impoundment requirements, and comprehensive plan amendment recommendations. (June 30, 2025) Will be posted on the Valley County website.

6. Public comment received since the Board modified the City of McCall's requested impact area boundaries and notice was prepared. *Previous letters and comments are in the Planning and Zoning records, but not listed and summarized for this public hearing; Commissioners received them as part of the work sessions, and they have been provided in a separate document.*

Proponents of the Changes to VCC 7-1 and 6-1-2 – Reasons Given Include:

- Taxation without representation.
- Being in the city brings additional taxes without additional services. No benefit.
- Impact Areas should not be used to stop growth and development.
- Much of the impact area has no community water, no sewer, and no road maintenance.
- Delivering water and other city services in unnecessary and impractical.
- The McCall Water Master Plan is no longer credible; thus, McCall's AOI analysis for annexation is flawed. Payette Lake Recreational Water and Sewer District manager does not expect the extension of city services within the next 5 to 10 years.
- Annexation is not desired for their lot/parcel/subdivision.
- Many people are confused if they are regulated by Valley County or McCall.
- Valley County provides both police protection and road maintenance in the existing impact area.
- The owners of 1916 Nordic Circle DR do not wish to be in the impact area; this site currently is in the proposed impact area.
- Some responders do not want the area surrounding Payette Lake to be included in the impact area but are concerned about increased development pressure on sensitive environmental zones and water quality.

- The County is not required to turn over administrative control to the city by Idaho 67-6526. Doing so is over-complicated, leads to confusion, and can result in abuse.

Address within Current Impact Area:

- 1) Jayson Hicks, Knights RD, 2025
- 2) Craig Wasson, Valley View #1 HOA Treasurer, 2025
- 3) Timothy & Becky Thomas, 570 Shelia Ln, May 7, 2025
- 4) Rachael & Gerry Ikola, 14197 HWY 55, May 8, 2025
- 5) Max Williamson, Kings Pines II, May 10, 2025
- 6) Arlin Olson President, Nordic Village COA, May 11 & June 21, 2025
- 7) Stephen Porter, 1075 Meadows Rd, May 5 & May 14, 2025
- 8) Marco Meyer President & Board Members, Lucks Point HOA, May 3, 2025
- 9) Tom & Kim Binder, Valley View #1 lot 23, 2025
- 10) Jason & Mari Jane Colton, 280 Wisdom Rd, 2025
- 11) Rebecca Darling, 250 Blue Jay Dr May 19, 2025
- 12) Ken DeAngelo, 2460 Sharlie Lane, May 13 & 30 & June 26, 2025
- 13) Don Green, 285 Bluejay St, 2025
- 14) Mike Hays, 992 Valley Rim Rd, 2025
- 15) Gerry & Capella Ikola, 14179 HWY 55, May 18, 2025
- 16) Vernon Kime, 295 Bluejay Dr, 2025
- 17) Barbara Kwader, Lick Creek Rd, May 21, 2025
- 18) John Malvich, Blue Jay Sub lot 12, 2025
- 19) Scott Tunnell President, Payette Lake, May 8, 2025
- 20) David & Claire Robbins, 986 Valley Rim Rd, 2025
- 21) Ashley Seitz, 978 Valley Rim Rd, 2025
- 22) Randi Shaydak, Knights Rd, May 19, 2025
- 23) Paul & Merlyn Skeen, 1916 Nordic Circle Dr, 2025
- 24) Marjorie Oakes Thomas, 2329 Tooting Ln, May 19, 2025
- 25) Rebekah Oakes Wisniewski, 2329 Tooting Ln, May 19, 2025
- 26) George Seeds Board Member, Valley View #1 HOA, May 15, 2025
- 27) Mike Barton Board Member & Craig Wasson Treasurer, Valley View #1 HOA, 2025
- 28) Darla Williamson, 1880 North Club Hill Blvd, May 12, 2025
- 29) Randy Basabe, 531 Ellis RD, June 28, 2025
- 30) Kelly F Clark, 441 Krahm Lane, June 29, 2025
- 31) Stephen Bradbury, owns building lot in impact area, June 30, 2025

Address Within City of McCall

- 1) Jame Graham, 109 River Ranch RD, June 29, 2025

Address outside of City of McCall and the Current Impact Area

- 2) Karl Focke, 171 Cindy Ln, June 2, 2025
- 3) Kim Zeydel President, Payette River Sub 1 HOA, May 19, 2025

Unknown Address (not given):

- 1) Max and Darla Williamson, June 28, 2025

Opponents of the Changes to VCC 7-1 and 6-1-2 – Reasons Given Include:

- People bought in, and constructed homes, in the current impact area with the expectation of zoning limits, residential zoning, and likelihood of future annexation.
- The City should be the determining body in managing its growth, not the County.

- The existing McCall Comprehensive Plan steers growth in a coordinated fashion that reduces overall costs, consolidates infrastructure, and protects shared resources.
- Unfettered and poorly planned growth is exemplified by the “multiple use” zoning utilized by Valley County. This results in unsightly suburban sprawl and discourages community development and pedestrian-friendly zones.
- Water quality would be at increased risk by removing existing safeguards.
- The County is ill-equipped to handle planning and enforcement of land currently in the Impact Area.
- Are opposed to allowing commercial uses in the currently zoned residential area.
- Some state they are in favor of being annexed into McCall.
- Scheduling the public hearing 25 miles away on one of the busiest traffic days of the year during the middle of a work day has the appearance of trying to limit input from McCall residents.
- Prefer to have their property remain within the Impact Area.
- Prefer to keep the existing zoning (R-4) for the neighborhood.
- Valley County does not have adequate staff to manage additional lands, development and homes in the exiting AOI.
- There is a need for protective zoning tools like overlay districts in the County’s jurisdiction; such as Shoreline Protection, Scenic View Protection, Areas of Critical Concern, wildland-urban interface, hillside protection areas, increased setbacks from high-water line, a vegetation buffer at water edges.
- There are many homes outside of the McCall city limits that area served by Payette Lakes Water and Sewer District that should eventually be annexed.
- The scenic Highway 55 corridor is a concern.
- The expectation of a 5-year timeline to annex properties appears to be in direct conflict with Idaho state law as there is no feasible mechanism for cities to compel annexation.
- The Joint PZ Commission should be maintained.

Address within Current Impact Area:

- 1) Laura Shealy, 3710 Warren Wagon Rd, June 27, 2025
- 2) Tyler Harris, AOI, June 27, 2025
- 3) Eric Geisler, 17 Haymaker Pl, May 5 & June 23, 2025
- 4) Heather Potts, 1017 Cee Way Loop, May 8, 2025
- 5) Michelle & Craig Johnson, 609 Fox Ridge Rd, May 5, 2025
- 6) Richard “Ric” Rine, 1200 S Samson Trail, May 16, 2025, June 27, 2025
- 7) Cheryl Meinzer, McCall AOI, May 16, 2025
- 8) Linda Youde, 1210 S Samson Trail, May 15, 2025, June 29, 2025
- 9) Eric Young, 793 Chad Loop, May 15, 2025
- 10) Robert Youde, 1210 S Samson Trail, May 15, 2025, June 29, 2025
- 11) Becky Rine, 1200 S Samson Trail, May 15, 2025, June 27, 2025
- 12) Kimberly A Apperson and Joseph C Baugh, 415 S Samson Trail, 2025
- 13) Melissa Coriell, 2025
- 14) Laura & David Crawford, 302 Samson Ct, May 19, 2025
- 15) Ronald & Diane Graves, 2120 Payette Dr, 2025
- 16) Ann E Heater, 2113 Payette Dr, May 29, 2025
- 17) Scott & Rebecca Hurd, 1505 Chris Ln, June 23, 2025
- 18) Gregory Irvine, 1770 Crescent Dr, May 20, 2025
- 19) Liz Ruhkala, 550 Elo Rd, 2025, June 29, 2025
- 20) D Petty, Pilgrim Cove, May 17, 2025
- 21) David & Kathy Richmond, McCall, 2025
- 22) Ryan Speirs, 1110 S Samson, May 21, 2025

- 23) Jim and Barbara Wilson, 1190 S Samson Trail, May 21, 2025, June 28, 2025
- 24) Jane & Steve Wurster, 861 Timber Ridge Ct, May 15, 2025. June 30, 2025
- 25) Marilyn Olson, 890 Timber Ridge CT, June 27, 2025
- 26) Daniel "Cal" McCluskey, 711 Chad DR, June 30, 2025
- 27) Michael and Pam Wissenbach, 280 May RD, June 29, 2025
- 28) Clay and Jan Carley, 2202 Payette DR, June 28, 2025
- 29) Ron Nahas, 978 Wagon Wheel RD, June 28, 2025
- 30) Ron and Diane Graves, 2120 Payette DR, June 28, 2025
- 31) Al Shealy, 3710 Wagon Wheel RD, June 28, 2025
- 32) John King, 2194 Payette DR, June 28, 2025
- 33) Ray and Julie Ketchum, 2206 Payette DR, June 28, 2025
- 34) David and Laura Crawford, 302 Samson CT, June 30, 2025
- 35) Eric and Patricia Young, Pine Terrace II, June 30, 2025
- 36) Daniel C and Janet D. McCluskey, Pine Terrace II, June 30, 2025
- 37) Stacy and Dylan Beeson, Pine Terrace II, June 30, 2025
- 38) Susan and Dan Habel, Pine Terrace II, June 30, 2025
- 39) Mathew and Amy Manning, Pine Terrace II, June 30, 2025
- 40) Karen Morrow, Pine Terrace II, June 30, 2025
- 41) Abi and Ryan Aronson, Pine Terrace II, June 30, 2025
- 42) Paul and Jeri Rehberg, Pine Terrace II, June 30, 2025
- 43) Patty Young, 793 Chad Loop, June 27, 2025

Address within City of McCall

- 1) Michelle & Craig Johnson, 609 Fox Ridge Rd, May 5, 2025
- 2) Ryan Laity, 711 Saddlehorn Ln, June 20, 2025
- 3) Phillip Hayenga, 1301 Boydstun ST, June 27, 2025
- 4) Tom Foerstel, June 27, 2025
- 5) Tim and Chris Haener, June 30, 2025
- 6) Scott Larson, 918 Conifer LN, June 27, 2025
- 7) Sheree Sonfield, 664 Woodlands Dr, June 28, 2025
- 8) Scott and Carol Schoenherr, 321 Whitetail DR, June 28, 2025
- 9) Donna Woolston, 221 W Lake ST, June 28, 2025
- 10) Patricia Boomer, 1500 Louisa Ave, June 29, 2025
- 11) Jamie Melbo, 506 Sunset ST, June 30, 2025

Address outside of City of McCall and the Current Impact Area

- 1) Anne Carr and Joe Weiss, 14023 Hideaway Ct, May 16 & 20 & June 26, 2025
- 2) Judy Anderson, West Lake Fork, May 14 & June 1, 2025
- 3) James & Gail DiBenedetto, 135 Carefree Ln, May 20, 2025
- 4) Scott & Connie Harris, 86 Ilka Ln, May 16 and June 20, 2025, other
- 5) Don & Cecelia Lojek, 14132 Pioneer Rd, May 20, 2025
- 6) Katharina Roth, 14006 Comfort RD, June 29, 2025, June 30, 2025
- 7) Edwina Allen, Boise, June 29, 2025
- 8) Kathy Deinhardt Hill, 14068 Pioneer RD, June 30, 2025
- 9) Roger Bradshaw, 3771 West Mountain RD, June 30, 2025
- 10) Larry Shake, 1612 S Samson Trail, June 30, 2025

Unknown Address (not given):

- 1) Eric Brundige, June 27, 2025
- 2) Kent Doss, McCall, June 21, 2025
- 3) Barclay Hauber, McCall, June 25, 2025

- 4) Eric & Joy Myers, McCall, 2025
- 5) Sarah Porter, 2025
- 6) Carl Ruhkala,, 2025, June 30, 2025
- 7) David Simmonds, McCall, 2025
- 8) Ava Porter, McCall, June 27, 2025
- 9) Michael A. Beckwith, McCall and Sandpoint, June 26, 2025
- 10) Jeff Sheldon, McCall, June 28, 2025
- 11) Connie Clapier, McCall, June 28, 2025
- 12) David Simmonds, McCall, June 30, 2025
- 13) Dawn Matus, June 30, 2025
- 14) Randy Fox, Idaho Conservation League, June 30, 2025
- 15) Linda Sundstrom, June 30, 2025
- 16) Annie Phillips, June 28, 2025
- 17) Linda and Jim Everett, June 30, 2025

Undecided or Response is Not Clear or Other:

- The public hearing was scheduled for an inconvenient date and time. It should have been held in McCall.
- Would people be forced to switch from individual septic systems to the sewer system?
- Property is outside existing impact area; prefer to remain outside impact area.
- Property is outside existing impact area; would prefer to be within.
- The current AOI zoning codes, regarding density, setbacks, vegetation buffers, and other shoreline protection, would be effective at protecting Payette Lake. What assurances would the County offer to protect Payette Lake?
- The Commission has been unclear on the future governance of the McCall Impact Area.
- Background on the legislation was given.
- Property owners can request annexation.
- Hate to see McCall lose its character; however, the city administration has proven incompetent with decision making over past 15 years.

Address within City of McCall

- 1) Jess Zeis, River Ranch, 2025

Address outside of City of McCall and the Current Impact Area

- 1) Troy Britton, 14082 Pioneer Rd, June 26, 2025
- 2) Jeannie Carpentier and John Whalen, 14060 Pioneer Rd, June 26, 2025
- 3) John Burke, 130 Carefree Ln, May 20, 2025
- 4) Todd & Bonnie Thompson, 117 Carefree Ln, May 20, 2025

Unknown Address (not given):

- 1) Deb Fereday President & Board Members, Big Payette Lake Water Quality Council Inc, May 16, 2025, June 30, 2025
- 2) Tomi Grote, May 25, 2025
- 3) Wade Schwark, McCall, June 25, 2025
- 4) Nick Krasensky, June 27, 2025
- 5) Tom O'Reilly, June 27, 2025
- 6) Scott Walker, June 28, 2025

7. Staff Analysis:

- Attached is an **analysis** of considerations and issues prepared by staff. A more thorough analysis of individual codes can be found in the Valley Soil & Water Conservation District submittal.
- Attached is the **annexation map for the city of McCall** from the State Tax Commission showing annexations that have occurred since 2002. IC 50-222 Annexation by Cities was amended and became effective on July 1, 2024; it limits cities abilities to annex.
- Attached is a **Worksheet** listing the criteria to consider.

PROPOSED IMPACT AREA BOUNDARIES AND GOVERNANCE

(Current Hearing)

- **Step 1 – Ordinance 2025-06 DRAFT will adopt the McCall Impact Area Boundary and amend Building Code:**

The Board of County Commissioners have modified the City of McCall's requested McCall Impact Area Boundary based on state statutes that they would like to be effective within designated timelines. (Subject to public testimony.)

(Future Hearing)

- **Step 2 – Amend the applicable Comprehensive Plan and Ordinance:**

The current impact area Comprehensive Plan and Ordinances that were previously adopted in the impact area will govern until such time that amendments are made. Amendments will be a separate public hearing process with a recommendation from the Valley County Planning and Zoning Commission in accordance with state statutes.

- **Final Outcome:**

The potential outcome will be adoption and application of the Valley County Comprehensive Plan and Valley County Code as the governing documents within all unincorporated areas of Valley County. All land use applications will be processed by Valley County staff as the administrators. Amendments will include enhanced standards to better protect water quality, etc.

ATTACHMENTS:

- 1) Analysis of Considerations and Issues
- 2) Ordinance 2025-06 City of McCall Impact Area Boundary
- 3) Draft City of McCall Impact Area Boundary Map
- 4) City of McCall 5.16.2025 Letter and Map
- 5) Idaho State Statute 67-6526 Areas of Impact
- 6) Idaho State Statute 50-222 Annexation by Cities
- 7) Annexation Map
- 8) Notice Sent to Property Owners in Impact Area and Agencies

- 9) Agency Responses
- 10) Public Responses
- 11) Previous Comments received for Work Sessions
- 12) Board of County Commissioner Meeting Minutes
- 13) Worksheet

City of McCall comments are on the Valley County website.

Valley Soil & Water Conservation District comments are on the Valley County website.

END OF STAFF REPORT