



The Woodlands Homeowners Association Newsletter

www.woodlandsmccall.org



WHOA April Board Meeting Minutes

WHOA Board Meeting April 22, 2021

Attending: Shauna, Patti, Marcia, Jared, Trish, Brian

Homeowners: Sheree Sonfield, Bob Bechaud

Absent: Walt, George

Minutes by Margie

Shauna called the meeting to order at 7:06 PM

Topic: Homeowners Concerns as to the roadways in and out of the new subdivisions to be developed immediately East and South of the Woodlands and a motion from concerned residents to consult with an attorney to advocate these concerns to the city and developer.

The first concern was whether decisions can be made by the Board covered by Bylaw 4.3 Special Powers of the WHOA elected Board or if a formal majority vote of the entire association would be required in order to approve funds for an attorney. Marcia will be making a call to our HOA attorney to clarify this issue.

Shauna presented information she and Patti learned:

Notes of Investigation – Shauna:

I have been in contact with the City. There is not a submitted plan for the development yet. I have read all the ordinances and the McCall in motion document. These are great documents but they won't hold up in front of the city. We need to focus on the city codes. McCall in motion does have a lot of informational maps and they do show areas that are most likely going to change and the property east of us is listed as mostly to change. Page 60 in the McCall in motion document but this is listed as only a guideline not a code.

This is a very long process to get approved. The process for approval is listed on the city website: www.mccall.id.us

Then go to the first tab named Go to inside the City Departments

Under "Community & Economic Development" click on Planning Department| P&Z

Start with the bullet that is named Land Use Application

These are the steps and processes for the developer to go through to get approved.

This process is an exceptionally long process. In most cases it can take 8-12 months for approval. They also must show the city they

have the money to complete the project from start to finish. So, in other words they have to show them the money. Roads do have to be put in first.

The PZ meeting that they introduce their plans is open to the public, but the public is unable to make comments.

From that point a neighborhood meeting would be scheduled with those residents affected, which is 300 ft from the project so not everyone will be notified.

1. Preliminary Development Plan Review : Prior to the submission of a Conditional Use Permit (CUP) application, an applicant shall appear before the Planning and Zoning Commission at a regularly scheduled meeting to present preliminary plans. Submission of a Pre-application Meeting Form is necessary to be scheduled for the Commission's agenda.

2. Neighborhood Meeting: Prior to the submission of any Conditional Use Permit application, it is required that the applicant hold a neighborhood meeting for adjacent property owners. All property owners within 300 ft. of the property shall be notified of the nature of

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owners within 300 ft. of the property shall be notified of the nature of the project as well as the time and location of the meeting. The meeting shall be reasonably accessible in regards to time and location. Notice to adjacent property owners shall be provided an ample time in advance of the meeting.

3. Application: Once Preliminary Development Plan Review and Neighborhood meetings have been held the applicant can submit an application. A separate document details what must be contained in a CUP application. Applications are reviewed by the Planning and Zoning Commission and the McCall City Council (if within the City Limits) or the Valley County Commission (if within the McCall Impact Area) for final approval. Applications must be submitted approximately six weeks in advance of the Commission meeting. McCall Area Planning and Zoning Commission meeting dates and application deadlines are listed on the City of McCall web site.

4. Public Hearing: All CUP applications are required to be public hearings before the McCall Area Planning and Zoning Commission. Notice of the public hearing must be provided in three ways: 1. A notice must be mailed to adjacent property owners within 300 ft; 2. A notice must be posted in a highly-visible location on the subject property; and 3. A notice must be published in the official local newspaper (Star News). The applicant is responsible for all of these notifications, but the City typically sends the notification to the local newspaper (the fee for this publication is covered in the application fee). The details of the posting and mailing requirements are further explained in a separate public notice document. The deadlines for public notification are provided of the City of McCall web site. Depending on the result of the public hearing before the Commission a second public hearing before the City Council (if within the City Limits) or before the Valley County Board of Commissioners (if within the McCall Impact Area) may or may not be necessary.

5. Planning and Zoning Commission: CUP applications are reviewed by the McCall Area Planning and Zoning Commission. The Commission typically meets on the first Tuesday of each month unless there is a conflict with a holiday. The Commission reviews CUP applications against the criteria of approval in the McCall City Code for Conditional Use Permits (MCC 3.13.03.B). After their review, and testimony during the public hearing, the Commission makes a recommendation to the City Council or Valley County Board of Commissioners for either approval or denial; the Commission may also continue the application to allow for further consideration of the project.

6. City Council or Valley County Board of Commissioners: The final action for CUP applications is taken by the McCall City Council (if within the City Limits) or the Valley County Board of Commissioners (if within the Impact Area). As with the Commission, these bodies base their action upon the criteria of approval for a Conditional Use Permit in the McCall City Code (MCC 3.13.03.B). The City Council meets on the second and fourth Thursday of each month and the Valley County Commission meets most Mondays. The Council or County Board of Commissioners may either approve or deny an application, or continue it to a later meeting for additional consideration. Scheduling for a Council or County Board of Commissioners meeting depends on whether a public hearing is required. There are also a few pages of Criteria of Approval Responses. For additional information, please go out and look at them.

Notes of Investigation -Patti:

I was asked to see if I could find anything tying the entire Woodlands concept together. In review of the original Master Agreement, I found that the CCRs and any other information did not apply to anything other than the original Phase 1 of the Woodlands development. It said that the other 2 phases would be considered at the time of the development. I could not find documentation of what the original developers had planned for the other 2 phases. I could not find documentation of how Phase 2 adopted and accepted the our CCRs. I did not research the City records of how that transpired and it may be worth looking into. When Phase 2 went to P&Z, access was part of the discussion. At that time discussion was more about why a stub was not in the plan on the corner of Brady for potential future ingress-egress. But Phase 2 did not require additional ingress-egress so the matter was dropped.

Summary of Sheree and Bob's presentation:

The developer told the City that he plans to present the pre-application at the June 1 P&Z meeting, so we should know if he's on the agenda by the deadline of May 11. Soon thereafter we should be able to see what he has submitted for the P&Z review.

Bob and I are here to ask the Board to authorize use of HOA funds in order to engage a land use attorney to advocate for the homeowners' interests with respect to the development planned on the 2 large parcels.

We are not opposed to the development, it is inevitable.

However, we are very concerned about safety on our streets and a diminution of Woodlands home values from construction traffic and then resident traffic on Woodlands Dr.

We are hopeful there are some alternatives to mitigate this.

There was consensus at the informal neighborhood meeting to hire an attorney, nearly 30 lots were represented. Since then, many more lots have expressed interest in the topic and concur.

Between Marcia and myself, we have collected information from the City Planning and Clerk's office, County Recorder's office and elsewhere; however, the interpretation of what we find and how that translates into a reasonable request is by and large a land use legal matter.

For example: 1) We've learned of the School's agreement to grant a Right of Way to the City for the extension of Deinhard when there is development to the east. If Deinhard were extended, this would greatly reduce traffic on Woodlands Drive. 2) the offline Woodlands Development Corporation folder is available at the City Clerk's office,

and I am searching for the terms of the annexation of the entire 120 acre with about 243 units, much fewer units than allowed on the R4 zoning on the 68 acre parcel now. If the original annexation terms are honored by the parties, there would be fewer units on the 68 acre parcel (and less construction and resident traffic).

The Board has powers in the By-Laws to take action "for the welfare of the homeowners" and I can't think of a more important type of homeowner welfare: safety.

WHOA finances are in good shape and we urge you to authorize a small portion of the HOA's funds for legal assistance in this matter.

The "ad hoc committee" (Marcia Witte, Sheree Sonfield, Bob Bechaud, Wade Schwark and Margie Elliott) agrees to proceed as described and keep the Board in the loop.

Other:

Two emails were sent to follow up the April 17 meeting. If you have not signed up for the updates you can find them on the Woodlands website News page [HERE](#).

If you want to receive these updates by email send Margie a quick note at margie@woodlandsmccall.org.

Marcia, Sheree, and Bob representing the Ad-Hoc Committee and the majority of nearly 30 homeowners that came to the informal meeting advocated that we engage an attorney because the Developers plans have not been submitted yet and we may have a chance to influence the outcome. The advice of counsel would be invaluable when choosing reasonable and obtainable requests. The Committee made it clear that their intention is not to derail the development that is inevitable. It is their hope for a favorable outcome for the Woodlands community.

There was a motion to poll the board members and the results were seven yes for consulting an attorney with a \$3,000 limit. This included one member that couldn't attend but voiced their opinion in advance and one member who was not available. Consulting an attorney is pending the answer to the Board's Special Powers.

The next meeting was set for May 13th, weather permitting it will be in the common area.

Meeting adjourned at 8:13PM

FYI: For those homeowners interested we will advertise the WOODLANDS COMMUNITY YARD SALE for Saturday May 29, 8am-3pm. We will encourage masks and social distancing.

See prior newsletters and other key homeowner information on the homeowners' website:
www.woodlandsmccall.org

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