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Star-News

Aug. 18, 2022

Valley will not seek protection for Cougar Island

Commissioners had previously asked state not to sell island

BY DREW DODSON

The Star-News

Valley County commissioners on Monday denied a request by the McCall City Council to require an environmental study of Cougar Island in Payette Lake before any new development occurs.

Commissioners denied the request amid legal fears of interfering with an auction of the island planned for Sept. 14 in Eagle by the Idaho Department of Lands.

"I think that would affect the auction values and could lead to liabilities from the state," commission Chair Elt Hasbrouck said.

Commissioners Sherry Maupin and Ed Allen said it was too late to require the study, citing a 2014 plat by the state that carved five lots out of the 14.2-acre island.

"The board does not believe that this designation does anything to protect Cougar Island," Maupin said. "This type of designation should be made before, not after, a plat is completed."

The commissioners urged McCall to annex Cougar Island into the city to give the city zoning control over the island. Cougar Island is outside city limits.

The county's decision rebuffs a request made last Thursday by the McCall council that the county designate the island as an "area of critical concern."

The designation would help protect Payette Lake, McCall's source of drinking water, from new development on the island that could harm water quality, council members were told.

If applied, the designation would require whoever buys the island next month to pay for a full environmental analysis of the island before any new structures could be built.

City Attorney Bill Nichols said the designation would be unlikely to trigger a lawsuit because it would not prevent future development of the island, but did note the risk.

"Anytime you take some action that may impact the property, there's a risk," Nichols said.

Lands department spokesperson Sharla Arledge declined to comment on the designation sought by the city.

Nichols told council members that annexing the island would be a long process.

Council members instead directed city staff to begin drafting an emergency law that would pause development on all islands in the county.

The pause would give the city and county time to create standards for building on any island in the county, including Cougar and Shellworth islands in Payette Lake.

“We see that as a much quicker process than say an annexation process,” McCall Community and Economic Development Director Michelle Groenevelt said.

However, the county would still have final say over whether to adopt the emergency pause or not.

An existing home on Cougar Island would be the only allowed by current zoning on the island, that caps development at one home per 10 acres.

However, five lots were platted on the island in 2014 by the state despite the zoning, which has raised questions about if the lots can legally be developed once subject to local laws.

“I’m not convinced that the department of lands has carte blanche authority to just ignore local land use laws when it comes to planning,” Nichols told council members.

The IDL has previously stated that endowment lands around McCall or elsewhere in the state are not bound to local zoning laws.

In 2018, the lands department ignored McCall design standards for cell phone towers erected on leased state land along Deinhard Lane and Lick Creek Road.

City laws would have required the cell towers to be disguised as pine trees, but the lands department said enforcing the rules could cost the state money from the leases.

The lands department is mandated by the Idaho Constitution to maximize earnings from state endowments lands, which are primarily used to fund state schools and hospitals.

Earlier this year, Valley County urged the State Land Board, which oversees the lands department, to postpone the Cougar Island auction amid worries about water quality and public access.

However, the auction was affirmed by the land board, which is made up of the state’s top elected officials and is chaired by Gov. Brad Little.

Publication Date: Thursday, August 18, 2022