

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: Conditional Use Permit No 22-37
Tamarack Falls Estates**

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on October 20, 2022. The Commission reached a quorum. Commission members in attendance were Scott Freeman, Ken Roberts, and Chairman Neal Thompson. The staff report, applicant's presentation, and public testimony were heard.

This matter came before the Valley County Planning and Zoning Commission on November 10, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Scott Freeman, Ken Roberts, and Chairman Neal Thompson. The applicant's representatives presented rebuttal comments.

On October 20, 2022, Tyler Hess, representing Hess Properties LLC, was present and requesting approval of a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Stephanie Hopkins and Joe Pachner were also present to represent the applicant. The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T.16N, R.3E, Boise Meridian, Valley County, Idaho. The application was tabled for rebuttal to November 10, 2022.

On November 10, 2022, Stephanie Hopkins and Joe Pachner, KM Engineering were present and representing the applicant.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated October 20, 2022, and November 10, 2022, with exhibits, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is single-family residential rural parcels and will now be a single-family residential subdivision.
2. The application and submittal information presented at the public hearing meets all the requirements of the Valley County Ordinances as codified in Title 9, Title 10, and Title 11 of the Valley County Code, most specifically VCC 10-3-2 Preliminary Plat.
3. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
 - 2. Residential Uses (c) Subdivision for single-family subdivision
4. The land use categorization of Subdivision for single-family subdivision classifies this as a land use that will be reviewed under Title 9-5 Conditional Uses, Title 10, and Title 11 of the Valley County Code.

5. That the surrounding land uses are Agriculture, Single-Family Residential Subdivisions, and U.S. Bureau of Reclamation.
6. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
 - The application was received on August 18, 2022, from the applicant Hess Properties LLC.
 - Legal notice was posted in the *Star News* on September 29, 2022, October 6, 2022, and October 27, 2022.
 - Potentially affected agencies were notified on September 20, 2022.
 - Property owners within 300 feet of the property line were notified by fact sheet sent September 20, 2022.
 - The site was posted at three locations (Tamarack Falls RD, Norwood RD, and Margot DR on Sept. 28, 2022.
 - The notice and application were posted online at www.co.valley.id.us on September 20, 2022.
7. In the last 10 years the number of building permits have exceeded the number of lots platted. Only 260 lots have been recorded in the last ten years. Between 2003 and 2008, the County approved several developments in this area including Hawks Bay, Crane Shores, The Meadows at West Mountain and Sage Meadows; over 400 lots were developed on the 118 acres and all the lots have been sold. This subdivision is 124 lots on 115 acres.
8. There are existing services such as sewer, water, and power already located in this area. The developer will connect to the central sewer and water systems. The water system will be a deep well and will be connected to the Hawks Bay subdivision water system which will improve water pressure in Hawks Bay subdivision. This community well will be much deeper and access a different aquifer than the typical individual well in the area. Applicant will place conduit for fiber optics and plans on upgrading broadband at this site.
9. The larger, one acre lots, are to the south of the pond and will provide additional retention. Will collaborate with other property owners and developers to implement a regional stormwater management plan.
10. The main slough needs Best Management Practices (BMPs) but they will occur in cooperation with the Bureau of Reclamation. This area has a lot of erosion; high water velocity scours the site.
11. There has been significant amount of development in the area. Eventually this area should be part of the City of Donnelly.
12. On August 3, 2022, Regan Berkley responded by email for a different application on property to the north of the current site. She stated they are unaware of any specific migration routes through this property, and it is unlikely to serve as a migratory route due to existing development surrounding the property...".
13. Other persons in attendance expressed approval and disapproval of the proposed use.
14. On October 20, 2022, the Planning and Zoning Commission recommended the applicant work with Valley Soil & Water Conservation District (VSWCD) on storm water management and

identification of proper BMP's. There are emails in the record indicating the applicant contacted VSWCD for recommendations. On November 10, 2022, the applicant submitted as part of their rebuttal a letter received on November 8, 2022, from VSWCD recommending implementation of certain tactics such as open space for snow melt/water infiltration, detention basins, and biofiltration techniques. The applicant confirmed at the November 10, 2022, public hearing that they would implement these tactics and diverse BMPs in coordination with the Valley County Engineer.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
2. Valley County must follow the laws of the State of Idaho and those identified in the Valley County Code.
3. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
4. The proposed use is compatible with surrounding land uses. Surrounding land uses are single family residential lots, some of which are smaller than the lots proposed, and agricultural land uses. It is compatible with surrounding land uses and has more density than adjacent subdivisions. The compatibility rating was positive.
5. That the proposed use is consistent with the Valley County Comprehensive Plan, as follows:

Chapter 3: Private Property Rights

- Goal I:** Protect individual private property rights while considering community rights.
- Objectives:**
1. Design all provisions of the Comprehensive Plan in order to protect both private property rights and the community's rights to have a safe and healthy community.
 5. Design land use regulations to protect the health, safety, and welfare of the community, avoiding any unnecessary conditions, delays, and costs.

Chapter 8: Housing and Community Design

- (6) Valley County recognizes that housing is crucial to the success of our region
- (7) Short term vacation rentals have consumed much of the housing that was previously used for rental units.

Goal I: To encourage an adequate supply and variety of affordable and quality housing types for the local residents including current and future, working and retired.

Objectives: 2. Encourage affordable housing to be located in a wide range of locations.

Goal V: Provide a variety of quality housing types for current and future working and retired residents.

Objectives: 1. Encourage or provide for affordable housing.

Actions: Amend land use ordinance to increase densities in areas supported by sewer and where it is compatible with surrounding land uses.

6. Valley County should be providing varying lot sizes and a mix of housing types.
7. Lack of housing inventory leads to high prices which prohibits service workers from having affordable housing.
8. Affordable housing is much needed throughout Valley County; this development will add to the available housing inventory and will not be allowing short-term rentals.
9. The Valley County Engineer will approve the stormwater management/drainage and snow storage plans in accordance with the requirements of the Valley County Code and through implementation of BMPs as adopted by Dept. of Environmental Quality, State of Idaho. The site will need retention basins in addition to the pond. The large drainage pattern east of property will not be affected. The historical drainage patterns on the property will remain and sediment to Lake Cascade would be reduced. The larger, one acre lots, are to the south of the pond and will provide additional retention. Will collaborate with other property owners and developers to implement a regional stormwater management plan. The lake problems are not a one-person solution. Developers must work with the other parties for solutions. The applicant is willing to help enhance the area. Drainage issues have been addressed.
10. In response to Valley Soil and Water Conservation District, it is agreed that water runoff will be managed. **Valley County Code 9-4-3-4: Site Improvements is specifically for PERMITTED USES, NOT CONDITIONAL USES;** however, once the construction of the subdivision is completed the following will apply to individual lots:
 - "F. Best Management Practices: Best management practices should be used for surface water management for permanent management and during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. Water should be retained on site or directed to drainage easements, natural drainages, or rights of way. Water should not be directed onto adjoining properties."*
11. Fertilizers will be limited for lawns and landscaping, so it will decrease the amount of fertilizer from agricultural uses from entering into Lake Cascade.
12. This applicant is volunteering to participate in off-site road improvements and infrastructure. The S-bridge is a safety consideration; however, the applicant will participate in a voluntary Road Development Agreement. The S-bridge is not the only access to this area. Valley County is currently working on a Master Transportation Plan. Without developers agreeing to voluntary road agreements, the County may never have the money to fix the S-Bridge and other infrastructure.
13. Even though there will be 124 lots platted in 3 phases, it does not mean all the houses will be built at the same time. There will be a lag in which to make off-site road improvements.
14. The pond will provide pressurized irrigation, storm water retention, and will capture sediment. The pond will be aerated for mosquito treatment. The pond will also connect to the pathways and be an amenity.
15. All interior roads will be private roads. The applicant will limit the access onto Margot

DR, a public road, to "emergency access only". The internal road system aligns with other off-site roads.

16. There were no negative comments requesting the development not be approved from any taxing district including, but not limited to: school district, road department, fire department, Sheriff's office, utility companies, post office, etc. The Mayor Donnelly spoke as a proponent. School impacts are paid by levies; new students will bring more money into the district.
17. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1.
18. This application complies with all of the Standards in Valley County Code Title 9 Land Use, specifically 9-5 Conditional Uses, and Title 10 Subdivision Regulations.
19. Macro economics acknowledges that more inventory will bring down prices and a lack of inventory increases prices.
20. This is a well laid out development that is not trying to cram in a lot of tiny lots. This is one of the best projects that has been proposed in Valley County.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Hess Properties LLC for Conditional Use Permit 22-37 Tamarack Falls Estates, as described in the application, staff report, correspondence, and minutes of the meeting be approved.

Special conditions applied to the proposed use are:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. The final plat shall be recorded prior to issuance of building permits, or this permit will be null and void. Phase 3 shall be completed by December 31, 2028, or a permit extension will be required. The construction of phases cannot be solely market driven.
5. The applicant will update Planning and Zoning Staff on an annual basis until all final plats are recorded.

6. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
7. The Valley County Engineer shall confirm there is adequate snow storage.
8. Prior to recordation of the plat or issuance of building permits, the Developer's engineer shall certify that the roads are constructed in accordance with the plans approved by the Valley County Engineer. Recommend proper BMPs are implemented.
9. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
10. Must bury conduit for fiber optics in the roadway.
11. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
12. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
13. All easements shall be shown on the final plat.
14. Wetlands must be delineated and shall be marked as "no-build areas" on final plats.
15. CCR's should address irrigation of landscaping, lighting, wildfire prevention, noxious weeds, hydrant maintenance, wetlands, and limit each lot to one wood burning device.
16. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
17. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
19. The following notes shall be placed in the notes on the face of the final plat:
 - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."
 - "All lots shall be accessed from internal roads and not Tamarack Falls Road or Norwood Road."

20. Margot Drive will be gated for emergency access only.
21. CCRs shall require low water landscaping.
22. Should limit use of fertilizer in CCRs.
23. If ever contiguous to City of Donnelly, will not oppose annexation into city limits.
24. Will work with U.S. Bureau of Reclamation to place pedestrian access as far west as possible.
25. Will have a maintenance plan in CCRs for stormwater management into perpetuity.
26. Shall attempt to collaborate with neighboring properties and Valley County engineer on a regional stormwater management plan
27. Will prohibit short-term rentals in the CCRs.


**NOTICE OF FINAL ACTION AND
RIGHT TO REGULATORY TAKING ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such request must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

Please take notice that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

END FACTS AND CONCLUSIONS



Valley County
Planning and Zoning Commission Chairman

Date: _____

12/8/22

Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner
Sasha Childs, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
October 20, 2022

Valley County Court House - Cascade, Idaho
PUBLIC HEARING – 6:00 p.m.

You may view the hearing by going to www.co.valley.id.us and click on "Watch Meetings Live".

A. **OPEN:** Meeting called to order at 6:00 p.m. by Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Excused
PZ Commissioner – Sasha Childs:	Excused
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. **MINUTES:** Commissioner Roberts moved to approve the minutes of September 1, 2022, and September 8, 2022. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

1. **C.U.P. 22-32 Esplin Glamping and Short-Term Rentals:** Harmon Esplin is requesting approval of a conditional use permit for a camping facility for short-term rentals. Phase 1 an existing rental cabin, three RV camping sites, and five yurt campsites. Phase 2 would replace the campsites and existing cabin with a total of seven residences available for short-term rentals. Individual wells and storage tank would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District. Access will be multiple driveways from West Mountain RD (public) and Palladin RD (public). The 2.9-acre site, addressed at 2440 Palladin RD, parcels RP16N03E191508 and Smiling Julie Lot 33A, is located in the NE ¼ Sec. 19, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item. **POSTPONED from September 8, 2022**

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Slide presentation by Applicant showing proposed boundaries and drawings of proposed house styles.
- **Exhibit 2** – Brad Oakey and Abby Fry, owners of property addressed at 2439 Palladin Road, ask questions regarding the short-term rental permit and driveway access. (Oct. 20, 2022)
- **Exhibit 3** – Ben and Rachel Esplin support the proposal. (Oct. 20, 2022)
- **Exhibit 4** – Justin Roth, 2278 Franks RD, supports the proposal. (Oct. 20, 2022)

served them well. The septic system was installed in November 2016; the septic tank was three-quarters full when pumped in September 2021. All trailers are hooked up to the septic system.

Chairman Thompson asked for proponents.

Rick Smith, Boise, is a partner with the applicant. The person who wrote a complaint is not a neighbor. No actual neighbors wrote in opposition.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing.

The Commission deliberated.

Commissioner Roberts moved to approve C.U.P. 22-36 Heavenly 24.5 RV Site with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

5. No new public hearings can start after 10:00 p.m. Therefore, the Commission discussed tabling scheduled public hearings to a future date. Chairman Thompson asked if there was anyone in the audience other than the applicant(s) who wished to comment on C.U.P. 22-38 Hansen Glamping Site. No one responded. Chairman Thompson asked if there was anyone in the audience other than the applicant(s) who wished to for C.U.P. 22-39 Pound Glamping Site. No one responded.

Commissioner Roberts moved to table both C.U.P. 22-38 Hansen Glamping Site and C.U.P. 22-39 Pound Glamping Site to the regularly scheduled meeting on November 10, 2022, at 6:00 p.m. Commissioner Freeman seconded the motion. Motion carried unanimously.

8:55 p.m.

6. **C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat:** Hess Properties LLC is requesting a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre. Three phases are proposed. North Lake Recreational Water and Sewer District would provide central sewer and water services. Road right-of-way will be dedicated to Valley County. Three accesses would be from private streets onto Norwood Road (public) and Tamarack Falls Road (public). The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Brett Shepherd, Valley County Pathways, noted that both Norwood Road and Tamarack Falls Road are part of the Valley County Pathways Master Plan. It is recommended that pathways along Norwood and Tamarack Falls Road be incorporated into the approval. A map was included (Oct. 14, 2022)
- **Exhibit 2** – Valley Soil and Water Conservation District has several concerns regarding stormwater and surface drainage; Comprehensive Plan Chapter 6 Goal II; and toxic cyanobacteria blooms over several years. (Oct. 20, 2022)
- **Exhibit 3** – Cheri Wingert is opposed. Not a suburban neighborhood. (Oct. 20, 2022)

- **Exhibit 4** – Guy and Kathryn Hendricksen, 12870 Norwood RD, listed comments, concerns, and recommendations. (Oct. 17, 2022)

Staff stated that it appears the application meets the minimum standards required by Valley County Code.

Chairman Thompson asked for the applicant's presentation.

Stephanie Hopkins, KM Engineering, Boise, is representing the applicant. Joe Pachner, project engineer, and Tyler Hess, the applicant, are also present.

- **Exhibit 5** – Slide show presentation by applicant. (Oct. 20, 2022)
- **Exhibit 6** – Conceptual Map

This proposal is for a single-family residential subdivision with 124 buildable lots, five landscaping lots, and one roadway lot on 115 acres. Ms. Hopkins has worked with the applicant on many applications. The applicant produces high quality projects with amenities. Norwood Road and Tamarack Falls Roads are both public roads. All internal roads would be private. All lots would be accessed internally, not from Norwood Road or Tamarack Falls Road.

The proposal includes:

- 38 1-acre lots (approximately 35% of the site),
- 58 0.5-acre lots (28%), and
- 28 9,000-sqft lots (7 %).

Average lot size would be 0.64 acres. Overall density proposed is 0.74 units per acre. The northeast corner of the site would include smaller lots. The proposal contains a mix of lot sizes for variety. Initially the applicant had planned for 4-plexes but amended proposal based on community comments. The homeowner association would maintain the internal roadways and common areas. The center area about 10 acres and contains a pond. This would be a nice amenity for the homeowners. There are open space and snow storage areas. Homes would be connected to community sewer and water. They are in communication with the North Lake Recreational Sewer and Water District (NRSWD) for services.

Three market-driven phases are requested.

- Phase 1 - 48 lots
- Phase 2 – four 1-acre lots and 30 half-acre lots
- Phase 3 – 14 half-acre lots, 28-9,000 sq. ft. and common lots for parking and snow storage

Open space lots would be used for a pocket park and snow storage. The applicant is amendable to changes for access to existing Margot Drive. The pond would be about 25-ft deep and include aeration and mosquito treatment. Amenities include pathways. Ms. Hopkins responded to comments and questions in the staff report. The applicant and representatives will work with NRSWD and Idaho Power. Utilities will include fiber optics, cable, and phone. The applicant does not plan to limit homeowners' short-term rental ability. CCRs will include language for lighting. Roadside swales and common lots will provide snow storage areas. There is a proposed pathway connecting to land managed by the U.S. Bureau of Reclamation. Water right conveyances would occur through drainage, swales, and culverts. The applicant is amendable to roadway mitigation and will work with the Valley County Road Department.

In response to the Valley Soil and Water Conservation District's comments, water will be retained on site. The stormwater management will be addressed with the Valley County Engineer. The pond is also designed to capture sediment.

The access to the existing Margot Drive would be designated "emergency access only" using a gate

approved by Donnelly Fire District. This would reduce day-to-day traffic on the existing portion of Margot Drive.

Joe Pachner, Boise, is the applicant's engineer. Roads will be built to Valley County private road standards with right-of-widths of 70-ft. The front-entry ways of the road are designed to be wider for vision. They met with NRSWD yesterday and discussed a regional water system. This subdivision's water system would be connected with Hawks Bay Subdivisions. Currently the Hawks Bay area is experiencing reduced water availability. A regional water system would also provide additional fire hydrants to the Wagon Wheel area. The new well would not be shallow, probably around 500-ft deep. The regional lift station that NRSWD wants would provide better service with less maintenance. Mr. Pachner discussed stormwater management. The site will need retention basins in addition to the pond to accommodate stormwater. The large drainage pattern east of property will not be affected. The historical drainage patterns on the property will remain but sediment into Lake Cascade would be reduced.

Ms. Hopkins showed drone video (Exhibit 7) of the applicant's recently completed project in Middleton, Idaho called Purple Sage. It is similar to this proposed project in size and also has an aerated pond and 1-acre lots.

Ms. Hopkins stated that Tamarack Falls Estates complements the Valley County Comprehensive Plan as the proposal includes a variety of home and lots sizes and will help alleviate the current lack of available housing supply

Chairman Thompson asked for proponents.

Tyler Hess, Caldwell, ID, is the applicant. He is an Idaho resident and local developer who resides part time in Donnelly area. This proposal will maximize what is lacking and improve the larger area's ability to tie into sewer and water services. He did not want to pack the area with housing. Larger lots will have room for shop/garage to store recreational vehicles. The pond would conserve water for pressurized irrigation, drainage containment, and be an amenity for the property homes. He is proud to put his name on this project.

Michele Basye, 234 Alta Vista Drive, is the broker and owner for Brundage Realty. She has worked in Valley County in the real estate industry for 42 years, since 1980. Real estate in Valley County has extreme ups and downs. During the last upswing between 2003 and 2008, the County approved several developments in this same area including Hawks Bay, Crane Shores, The Meadows at West Mountain, and Sage Meadows. Over 400 lots were developed in 118 acres at this time; all have been sold by developers. The number of building permits is greater than the number of lots being created. In 2022, over 300 building permits have been issued and only 64 lots created. Since 2009, 206 residential lots have been created and 1641 building permits issued. Since the area is low on inventory of bare lots for sale, prices are extremely high. When this property was sold by the Edward's family in 2005, that developer designed a project with 350 lots, three times the current proposal. The developer of Tamarack Falls Estates is providing desirable amenities. This area in Valley County is the only area currently available for this type of development due to the available sewer.

Susan Dorris, Donnelly, understands that people don't want change to the open spaces. Density and height are important. This project has a compatible density. There are infrastructure problems in the area; the roads are narrow, especially with snow. The S-bridge is a mess. Additional housing for workers and children is needed. The County should make sure the developer agreements are upheld. This is one of the best projects that has been proposed in this area.

Jason Porter, 14091 Highway 55, has raised his family here for 20 years. He is a business owner with employees who need to be able to buy a home. The lack of inventory means they cannot afford to

buy. This proposal has a lot of space for the homes. The proposal complies with the ordinances. The applicant will take care of issues. It is important to have a variety of housing styles and this proposal contains that.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Margaux Edwards Crocket's family previously owned this property. When her grandparents died, she received a portion as did other family members. The area has been managed by her and her husband for agriculture purposes, including cattle grazing, for the past 20 years. Her extended family has donated much property to community use including the Donnelly Boat Dock area and many camping areas around Lake Cascade south to Poison Creek. What is the destination for Valley County; do we want here to be another Aspen, CO or Jackson Hole, WY with predatory developers? Local residents are being displaced in living situations and values and ideals. She is not opposed to growth and has met with the applicant to encourage him to look beyond the biggest profit. She submitted a letter with her specific concerns and reasons for opposition. The proposal would have environmental and wildlife impacts. She would like less density, a better plan for traffic, and improvement of the S-bridge and arterial roads. The CCRs should prohibit short-term rentals and access to the lake. Growth will affect the local school systems. Teacher and students are no longer safe to ride or walk to Donnelly, especially on the S-Bridge.

Rod Puzey also submitted a written letter and owns both 13010 Norwood RD and 13001 Navajo RD. Water drainage is his biggest concern. What is the exact plan for drainage? The northeast corner of the property is wetlands but is proposed to be the area with smaller lots. A culvert goes under Norwood Road from the proposed site to his property. His property is much lower than the proposed site and water flows onto his property. Density is not compatible with the half-acre lots that exist in the adjacent Ora May Subdivision. The ponds and common areas should not be included in density calculations. The proposal does not have enough room for snow storage.

Dudley Ward, Eagle, ID, owns two cabins along Margot Drive and Norwood Road. Access to Margot in Phase 1 would greatly increase traffic on these roads which would be difficult in winter as only one lane is plowed open. Some old maps designate this area as "Blizzard Point". The proposal does not have enough snow storage areas. The developer should widen Norwood Road and add sidewalks. However, there would still be issues with the S-Bridge, West Roseberry RD, and water drainage. He has two wells on his property but limits the amount of water he uses to reduce impact on neighboring wells. He is concerned about the aquifer and runoff of pollutants into the lake.

Tracy Puzey, owner of Ora May Subdivision Lots 44 and 45, would have a direct view of homes on the tiny lots. The area is no longer a hidden secret. She has concerns with traffic including the increase of vehicles attempting to avoid the intersection at Highway 55 and Roseberry Road. This impacts the back roads and the people living on them. The County needs to improve infrastructure in place prior to development including streets, safety, fire departments, etc.

Guy Hendrickson, Norwood Road, supports the developers right to put in a subdivision. He would prefer less density but is primarily concerned about the connectivity. The development should include connectivity to the undeveloped properties to the south for future growth. Valley County needs to address traffic and the S-bridge. A stoplight is needed in Donnelly at Highway 55. Phasing plan should change to reduce the early traffic to Norwood Road. There are runoff concerns particularly along west side of Margot Drive. Short-term rentals should not be allowed. Drainage south of the pond is a concern

Lenard Long, Cascade, represents the Friends of Lake Cascade and supports responsible growth. Safety concerns, particularly S-Bridge improvements, should occur before further development. The

drainage plan needs more review and design. The water rights of neighbors must be maintained. The proposed pond would increase the temperature of water flowing into the reservoir. A retention basin is needed to treat water before discharge to constructed wetlands or smaller ponds. Taxpayers will pay for all the new development.

George Cox, 12918 Norwood Road, has been coming to Donnelly area since 1949. Lake Cascade has deteriorated. Infrastructure needs improved. There are two places that water naturally flows out of the area; the soil is so sandy. This development will create more problems in the lake. Winter driving is difficult in this spot as the roads are narrow. Snow storage is a concern.

Therese Gibbonay, 33 Moore Road, this is the third large proposed development in recent months. All building should be paused until all studies have been completed by the developers. The developers are trying to obtain maximum return on investments. None of these proposals have been for local workers. These proposals affect more than those people located 300-ft from property. Everyone here lives busy lives and has taken the time to be involved. She respectfully asks Commissioners to stop these dense projects. Once the area is destroyed there will be nothing left for the future.

Deb Powell, Cascade, said infrastructure is an issue. How will the County police these new developments. How will the Sheriff's Office and Fire Departments be able to respond to the additional housing. What about daycare for the new residents?

Steve Topple, 12983 Norwood Road, will be directly impacted by vehicle lights shining into his home from a new road. Norwood Road is too narrow already for the current use. He owns two restaurants in Valley County. Employees need housing, not expensive homes.

David Gallipoli, McCall, is baffled that applications get this far. The zoning board needs expanded; a citizen advisory board should be used to vet applications. His main issue is Cascade Reservoir. Without further studies, developments like this will have further negative cumulative effects on the lake. Runoff and additional septic systems will have impacts. The McCall sewage treatment affluent has been leaking into the Payette River. Where will future people get clean water?

Geri Gallupe, Cascade, has questions. There is no housing available for employees due to the large number of second homes in Valley County. What are proposed prices of these homes? Does the proposal include single-family homes, 4-plexes, or condos? This project should not compare this development to the one in Middleton that contain only one-acre lots. Who are the stakeholders in this project? Ms. Gallupe quoted from the Valley County Comprehensive Plan: "The purpose of the Valley County Comprehensive Plan is not to control land but to prevent uses of land harmful to the community in general. The natural beauty and open characteristics of the county can, without reservation, be described as a major reason why land development is rapidly increasing in the county. The purpose of this plan and analysis is to guide development so as not to harm the characteristics which attracted it here in the beginning." All the ordinances go back to the Comprehensive Plan; follow the Comprehensive Plan.

Linda Eddy, 13401 and 13403 Hillhouse Loop, has owned these properties for 43 years. She and Bill Eddy have been involved for many years with the infrastructure around Lake Cascade. At the public hearing for annexation of this property into the North Lake Recreational Sewer and Water District (NRSWD), Mr. Pachner and Mr. Hess testified that the development would include townhomes and 4-plexes. Density is the main concern. Other concerns include water drainage, snowmelt, and mosquito control. The areas north of this site all drain to the intersection at Tamarack Falls Road and Norwood Road and then into Ora May Subdivision. If this is not properly engineered, many areas will flood. NRSWD did not supply comments for this proposal. If Accessory Dwelling Units (ADUs) are allowed in this development, density will increase. She would like future development of the lots to be prohibited.

Allison Hatzenbuehler, Hawks Bay Road, believes this is another application for an overbuilt subdivision that will contribute to the decay of our existing failing infrastructure. Her concerns include snow storage, roads, lack of painted centerlines, the S-Bridge, and additional infrastructure including garbage pickup, U.S. Post Office mail delivery, and the Sheriff's Office. This proposal is superior to other proposals, but none should be allowed until the Cyanobacteria issue is controlled. The Hawks Bay well has a lack of water pressure and the applicant wants to use this well. Each new well and sewer hook-up adds to the existing problems. Please remember why we live in Valley County. If this development is viable, the applicant will be back after a building moratorium is lifted. The applicant is a proponent of short-term rentals as he owns a home in Hawks Bay that is used as a short-term rental.

Art Troutner, Valley Soil and Water Conservation District, Lake Fork Road, stated the application is incomplete. There is no information regarding drainage plan and solutions. The application should be sent back for more information. The District's letter speaks to stormwater and surface water. Valley County 9-4-3-4 states that water shall not be directed onto adjoining properties. Water flow and drainage must be sorted out before approval. The Comprehensive Plan says it is of utmost importance that contaminants be prevented from reaching Cascade Reservoir. Is it wise to keep improving lakeside development? This waterbody is on the edge of disaster mostly due to runoff laden with contaminants and nitrogen-phosphorus nutrients. Protecting Cascade Reservoir is one of the main goals of the Comprehensive Plan. Cascade Lake is in danger of no longer being a recreational and economic asset to Valley County. It is the opinion of the District that because of the size of the development, proximity to lake, poor condition of the lake, and lack of comprehensive development plan, this proposal should be denied.

Commissioner Roberts asked Mr. Troutner about best management practices (BMPs) and capacity resources to help advise the engineer on BMPs for this type of urban development (opposed to agriculture BMPs). Mr. Troutner suggested the engineer contact the Valley Soil and Water Conservation District office for more information.

Melissa Maini, 169 Margot Drive, is a Donnelly Fire Department Commissioner and Chairman of the Edward's Mosquito abatement. She has spoken to the developer. Mosquitos will be controlled in the proposed pond. As a fourth-grade teacher in Donnelly, she is concerned that additional children in the new homes will require an additional bond for more school rooms or buildings. More housing is needed but all agreements with developers should be in writing.

Rick Mather, 189 Margot Drive, is concerned about the drainage that flows into Lake Cascade near his cabin. This subdivision would cause a parade of people going down to the beach which is already crowded.

Commissioner Roberts moved to continue C.U.P. 22-37 Tamarack Falls Estates to the regularly scheduled meeting on November 10, 2022, at 6:00 p.m. for rebuttal by the applicant. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 22-30 Shaw Family Ranch Subdivision
- C.U.P. 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

Commissioner Freeman moved to approve the Facts and Conclusions as listed and authorized the Chairman to sign. Commissioner Roberts seconded the motion. Motion carried unanimously.

ADJOURNED: 11:00 p.m.

Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner
Sasha Childs, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
November 10, 2022
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. **OPEN:** Meeting called to order at 6:00 p.m. by Acting Chairman Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Excused
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. **MINUTES:** Commissioner Freeman moved to approve the minutes of October 20, 2022. Commissioner Roberts seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. **C.U.P. 21-44 Hidden Valley Subdivision – Final Plat:** Clay Szeliga is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 4-lot single-family residential lots on 20 acres. Access would be from a new private road onto Norwood Road (public); a shared access easement is proposed. The site is addressed at 14108 Norwood Road and is parcel RP18N03E284055 in Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item

Chairman Thompson introduced the item and asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson introduced the item. Director Herrick presented the staff report, displayed the plat on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Revised plat with corrections and addition of the water tank for fire

Rob Pair of Crestline Engineers represented the applicant. He answers questions from the Commissioners regarding water rights from Lake Irrigation District and Idaho Dept of Water Resources. The easement is noted on the plat.

Commissioner Roberts moved to approve final plat for C.U.P. 21-44 and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

2. **C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat:** Hess Properties LLC is requesting a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre. Three phases are proposed. North Lake Recreational Water and Sewer District would provide central sewer and water services. Road right-of-way will be dedicated to Valley County. Three accesses would be from private streets onto Norwood Road (public) and Tamarack Falls Road (public). The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T. 16N, R. 3E, Boise Meridian, Valley County, Idaho. Tabled from October 20, 2022. Action Item.

Neither the applicant nor a representative were present. The item was not removed from the table at this time.

6:12 p.m.

3. **C.U.P. 22-38 Hansen Glamping Site:** Whitney Hansen and Tony Huynh are requesting approval of a conditional use permit for short-term rental of a geodome on a wooden deck that does not qualify as a residential dwelling. Solar panels on-site also require permit approval. Porta-potty facilities would be used until the restroom facility is constructed. Water would be hauled to and from the site. The 0.97-acre site, addressed at 23 Stanley DR, is Crown Point Subdivision No. 9 Lot 19 Block 3, located in the NENE Sec. 14, T. 14N R. 3E, Boise Meridian, Valley County, Idaho. Tabled from October 20, 2022. Action Item

Commissioner Roberts moved to remove C.U.P. 22-38 from the table. Commissioner Caldwell seconded the motion. Motion passed unanimously. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Chairman Thompson asked for the applicant's presentation.

Whitney Hansen, Boise, explained the project. The trailer was removed prior their purchase of the property. The geodome was originally constructed for their personal use and is similar to using a yurt for camping. Eventually they wish to bring electricity and septic to the site. The area is very rocky and most of the uses on the surrounding lots is with RV camping. They do have a local Cascade person available to manage the rental site. The geodome has a woodstove for heat. There is a smokeless contained firepit. The applicant provides firewood. There is no running water or sink. Cascade Fire Department's suggestions have been implemented. Quiet hours will be posted: 10 p.m. to 7:00 a.m. There is a small solar generator at the site. The neighbors have the applicants' cell phone number. Property lines will be marked. The site does not have any room for an RV. Guests will be encouraged to store coolers in their car. Maximum guests per night is two. The site will also continue to be used for their personal use.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing. The Commission deliberated.

Commissioner Caldwell moved to approve C.U.P. 22-38 Hansen Glamping Site with the stated conditions. This is a well thought application. No pets are allowed. Only two guests per night.

COA: Applicant will mark all property lines.

Chairman Thompson asked for rebuttal from the applicant.

Ms. Mortenson-Pound stated that the building was not converted into a tiny home. At the time of construction, they knew the building was going to be 16-ft x 12-ft and include a loft and bathroom. The stairs are coded for 324 pounds; there is a notice on the stairs stating no more than 275 pounds. They do have a commercial insurance policy as well as an umbrella policy.

Staff clarified that Valley County requires a building permit for human habitation, including sleeping quarters. The applicant is working with an engineer and the Valley County Building Department.

In response to the Commissioners, Ms. Mortenson-Pound stated they are not opposed to an additional condition that the conditional use permit would expire if ownership transferred outside of family members. This would allow the property and rental use to be transferred to heir(s).

Chairman Thompson closed the public hearing. The Commission deliberated. Property sale outside of extended family would void the conditional use permit.

Commissioner Roberts moved to approve C.U.P. 22-39 Pound Glamping Site with the stated conditions and:

COA: Unrelated groups are not allowed to rent the property at the same time.

COA: The conditional use permit will expire if the property is sold outside of the family.

Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

6:57 p.m. Short Recess

5. C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat: Hess Properties LLC is requesting a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre. Three phases are proposed. North Lake Recreational Water and Sewer District would provide central sewer and water services. Road right-of-way will be dedicated to Valley County. Three accesses would be from private streets onto Norwood Road (public) and Tamarack Falls Road (public). The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Tabled from October 20, 2022. Action Item.

Chairman Thompson introduced the item which was tabled on October 20, 2022. Commissioner Roberts moved to remove C.U.P. 22-37 from the table. Commissioner Caldwell seconded the motion. Motion passed unanimously. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Caldwell stated she was not at the last meeting in person, but she did listen to the meeting and reviewed the materials.

Chairman Thompson asked for rebuttal from the applicant.

Stephanie Hopkins, KM Engineering, Boise, apologized for their late arrival and proceeded with the rebuttal. She presented a slide show, and answered questions from Commissioners. Joe Pachner, KM Engineering, Boise, also presented information and answered questions from Commissioners.

- **Exhibit 1** – Slide Show. The Commissions each have a printed copy.
 - Similar density to surrounding subdivisions.
 - Described the size and location of various lots
 - Summarized the rebuttal response previously submitted for the Commissioners review.
 - Will work with the Road Department for improvements in the larger area and will improve existing roads and drainages in the immediate area.
 - Margot Drive connection will be limited to emergency access only.
 - Willing to move pedestrian access west to the U.S. Bureau of Reclamation beach area.
 - Snow Storage locations, including road-side swales, were shown.
 - Drainage basins and swales were discussed.
 - The proposed pond construction was discussed.
 - Check-dams in the swales would slow water velocity and deposit sediment prior to discharge in Cascade Lake.
- **Exhibit 2** – Valley Soil and Water Conservation District letter (Nov. 8, 2022) to show they did as the P&Z directed them to do at first hearing.

Commissioner Roberts discussed sediment and best management practices. He asked the applicant if there were any plans to use BMPs. Mr. Pachner responded they have contacted the Soil and Conservation District. This is an opportunity to receive grant money to improve Lake Cascade. Water will not be backed up. Swales and check dams will be used to catch sediment. They are also working with U.S. Bureau of Reclamation (BOR) as erosion is also occurring in the drainage areas on the federal land. Commission Roberts agrees that the lake problems are not a one-person solution. Developers must work with the other parties for solutions. Mr. Pachner said the main slough needs Best Management Practices (BMPs) but they will occur in cooperation with the BOR. This area has a lot of erosion; high water velocity scours the site. The applicant is willing to help enhance the area.

Time estimate for Phase 1 final plat is likely April 2023. They will be working with the County Engineer who also requires BMPs.

Staff clarified that a site grading and stormwater plan must be confirmed by the Valley County Engineer prior to any work on site. The Valley County Engineer uses BMPs approved by the Idaho Department of Environmental Quality as well as addendums specific to Valley County.

A conditional of approval requiring the applicant to attempt to collaborate with neighboring properties was discussed.

Ms. Hopkins returned to the slide show (**Exhibit 1**). The community well was discussed; they are coordinating with North Lake Recreational Sewer and Water District (NLRSD). An email dated November 10, 2022, from Travis Pryor, NLRSD, regarding water systems and annexation was read into the record (**Exhibit 3**) as evidence of testimony presented as rebuttal. Coordination with NLRSD will improve water pressure for the region and add additional fire protection water.

Ms. Hopkins also stated in response to previous comments, CCRs will limit short-term rentals; reduce fertilizer use on lawns; and require water-wise landscaping.

The design of the proposed Alpine Road x Norwood Road intersection has been realigned to match with Navajo Road in response to public comments.

Ms. Hopkins confirmed that the smallest lot will be over 9,000-sqft, larger than the minimum of 8,000-sqft allowed by Valley County Code. There will be architectural control. The Mosquito Abatement Board Chair previously stated that the Board has no concerns; the pond will be big enough and have filtration and aeration. This proposal supports several of the Comprehensive Plan and Goals; specifically, Chapter 7 Goal II and Chapter 8 Goals IV and V. This subdivision would provide needed housing and provide quality housing types with a variety of sizes. Short-term rentals were discussed; the applicant is willing to limit short-term rentals with CCRs.

Chairman Thompson closed the public hearing.

The Commission deliberated. Additional conditions of approval were discussed. Water drainage and snow storage were discussed. The Valley County Engineer will confirm that adequate snow storage exists per condition of approval #7. Commissioner Roberts calculated a compatibility rating of +17; this is a good laid out development that is not trying to cram in a lot of tiny lots. Commissioner Roberts said there are compatibility issues with neighboring properties and this area was previously farmed. However, we have to follow Valley County ordinances. There has been significant amount of development in the area. Eventually this area should be part of the City of Donnelly. Donnelly is expanding to the west. Transportation issues exist; the County Commissioners need to improve the S-Bridge and other road infrastructure. Director Herrick stated that Valley County has received a grant to update the master transportation plan and will include public comment. Drainage issues have been addressed. The private road width meets requirements. School impacts are paid by levies; new students will bring more money into the district. This community well will be much deeper and access a different aquifer than the typical individual well in the area.

Commissioner Roberts moved to approve C.U.P. 22-37 Tamarack Falls Estates with the stated conditions and:

COA: Margot Drive will be gated for emergency access only.

COA: CCRs shall require low water landscaping.

COA: Should limit use of fertilizer on lawns and landscaping in CCRs.

COA: If ever contiguous to City of Donnelly, owners will not oppose annexation into city limits.

COA: Will work with U.S. Bureau of Reclamation to place pedestrian access as far west as possible.

COA: Will have a maintenance plan in CCRs for stormwater management into perpetuity.

COA: Shall attempt to collaborate with neighboring properties and Valley County engineer on a regional stormwater management plan

COA: Will prohibit short-term rentals in the CCRs.

Commissioner Caldwell seconded the motion.

Commissioners believe this proposal concurs with the Valley County Land Use and Development Ordinance, Subdivision Regulations, and Comprehensive Plan. This does not violate Valley County Ordinances. Affordable homes are needed in Valley County. This is a well laid out development. Lack of inventory increases home costs. The Commissioners like the larger lots and the variety of lot sizes. Central sewer and water will be used. Without developers agreeing to voluntary road agreements, the County may never have the money to fix the S-Bridge and other infrastructure.

Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:00 p.m.

D. NEW BUSINESS:

1. **C.U.P. 22-41 Griffiths Multiple Residences:** Michael Griffiths is requesting a conditional use permit for three residential homes on one parcel. Two existing homes were permitted by C.U.P. 08-13. Individual wells and septic systems are proposed. A shared driveway accesses the existing residences. The 80-acre site, addressed at 12960 Farm to Market RD, is RP16N03E244806 located in the in the SW ¼ Sec. 24, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Roberts did state that he has known this family for a very long time.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Chairman Thompson asked for the applicant's presentation.

Mike Griffiths, 12960 Farm to Market Road, stated the ranch has been in family since 1800's. The new home would be used by family members working as ranch managers.

Chairman Thompson asked for proponents. There were none.
Chairman Thompson asked for undecided. There were none.
Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing. The Commission deliberated.

Commissioner Caldwell moved to approve C.U.P. 22-41 Griffiths Multiple Residences with the stated conditions. This is a good application for a large acreage property. Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:07 p.m.

2. **C.U.P. 22-42 Brutsman Lodge:** Ron and Tamara Brutsman are requesting a conditional use permit for a short-term rental with a maximum of 26 guests. There is an approximately 6,000-sqft residence with a 2,000-sqft deck. Central sewer and water will be used. Access is from a looped driveway off W Roseberry Road, a public road. The 1.7-acre site is addressed at 1888 W Roseberry RD. It is Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us

STAFF REPORT: C.U.P. 22-37 Tamarack Falls Estates - Preliminary Plat
HEARING DATE: October 20, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

**APPLICANT/
PROPERTY OWNER:** Hess Properties LLC
15031 Spyglass LN
Caldwell ID 83607

REPRESENTATIVE: Cam Scott
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

ENGINEER: Joe Pachner
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

SURVEYOR: Kelly Kehrer
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

LOCATION: South of Tamarack Falls Road and west of Norwood Road.
Parcels RP16N03E200004, RP16N03E201635, and
RP16N03E207845 in the East ½ of Section 20, T.16N, R.3E, Boise
Meridian, Valley County, Idaho

SIZE: 115.04 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Single-Family Residential Rural Parcels

Hess Properties LLC is requesting a conditional use permit for a single-family residential subdivision comprised of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). The 124 developable lots include 38 1-acre lots, 58 0.5-acre lots, and 28 8,000-sqft lots. Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre.

A 3.5-acre irrigation and drainage pond is included in Phase 1 and will serve as a central amenity for the community. Pressure irrigation water would be provided by the pond. Pathways would be provided for residents. A school bus stop would be located along Tamarack Falls Road.

North Lake Recreational Sewer and Water District would provide central sewer and water services. A sewer lift station would be constructed in Phase 1. A well house and an additional open space lot will be constructed during Phase 3. Fire hydrants are proposed.

Road right-of-way will be dedicated to Valley County along Norwood RD and Tamarack Falls RD. Three accesses would be from private streets onto Norwood RD (public), Margot DR (public) and Tamarack Falls RD (public).

Three phases are proposed:

Phase 1	Phase 2	Phase 3
34 1.0-acre lots	4 1.0-acre lots	14 0.5-acre lots
14 0.5-acre lots	30 0.5-acre lots	28 8,000-sqft lots
irrigation and drainage pond		Well House
Sewer lift station		Additional Open Space Lot
Finished by Summer 2023	Completion Market Driven	Completion Market Driven

Phase 1 will be accessed from Norwood RD and Margot DR.
Phases 2 and 3 will have additional access from Tamarack Falls RD.

FINDINGS:

1. The application was submitted on August 18, 2022.
2. Legal notice was posted in the *Star News* on September 29, 2022, and October 6, 2022. Potentially affected agencies were notified on September 20, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent September 20, 2022. The site was posted at three locations (Tamarack Falls RD, Norwood RD, and Margot DR (on Sept. 28, 2022. The notice and application were posted online at www.co.valley.id.us on September 20, 2022.
3. Agency comment received:

Central District Health requires more information including an application and engineering report. (Sept. 20, 2022))

Jeff McFadden, Road Department Superintendent, recommends dedication of 35-ft of right-of-way for property owned by the developer immediately adjacent to Norwood Road and Tamarack Falls RD. He also recommends mitigation of impacts to local roads by negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (Sept. 26, 2022)

Jess Ellis, Donnelly Fire Marshal, replied with requirements. (Oct. 5, 2022)

4. Public comment received:

In Favor But Has Questions and Concerns:

Lisa Mohler, 47 Johnson LN, has researched the developer. Valley County needs homes to purchase at affordable prices for people who work in the area. No short-term rentals should be allowed in this subdivision. Questions include home builders, homeowner association information, lighting, bus stop location, fish stocking, and road maintenance. (Oct. 9, 2022)

Has Questions and Concerns:

Tim Tyree, 12890 Norwood RD, states unless the applicant can show it will not have an unreasonable burden on the adjacent neighborhoods by addressing access to broadband and traffic access onto Tamarack Falls RD, this project should be denied. (Oct. 10, 2022)

Stu Young, 12880 Norwood RD, asks if the southern outlet onto Margo RD could be eliminated or at least restricted to emergency access only. (Oct. 12, 2022)

Rod and Traci Puzey, Ora May Subdivision Lots 44 and 45, have questions regarding drainage, S-Bridge, traffic light at Roseberry Road and Highway 55, speed limits, lack of road shoulders, impact on existing wells, landscaping, sewer, requiring underground utility lines, cell coverage, and emergency services. (Oct. 12, 2022)

In Opposition – Reasons Given Include:

- New development will further overload infrastructure and existing services. Roads, broadband, schools, medical facilities, wells, and sewer are particular concerns.
- Increased traffic will cause issues; the "S-Bridge" is a specific concern and is inadequate. Additional access into this area is needed.
- Infrastructure updates on both Norwood and Roseberry roads are needed.
- A master plan for infrastructure upgrades is needed prior to more development.
- Wells in the Hillhouse Loop area are shallow (less than 45-ft deep) and some have briefly gone dry a few times this summer with normal use.
- The current sewer system was not built for the expansion that is proposed in this area.
- Need to protect the reasons why people and visit Valley County, including Lake Cascade and the rural environment.
- How will mosquitos be controlled at the pond.
- High density should not be required in this "peninsula" area, aka Government Point
- Existing drainage patterns and flows would be significantly altered although application states otherwise.
- The application references the old Handbook of Valley County Stormwater Best Management Practices; this was replaced with state minimum BMPS and Valley County Addendum to State Manual.
- The cumulative impact of all developments add pollutants and destroys filtering wetlands, unless permanent and well-engineered BMPs are installed like detention basins and constructed wetlands for filtration.
- Would ruin quiet neighborhood.
- Cascade Lake, water quality, and wildlife should be considered.
- A new road should not be built adjacent to an existing residence.
- All building should be paused in Donnelly area.

- Working people of Valley County have rights and should be listened to; not just the landowners wanting to develop. Planning and Zoning Office should be "neutral".
- Studies need to be completed at developers' expense, so we know the ramifications of these developments before they are approved.
- Project is for second homeowners, not affordable housing.
- Any new subdivisions that are not directly contributing to local housing with deed restrictions for owning and local employment proof for rentals is compounding the lack of affordable housing and lack of employees in Valley County.
- The exit onto Margot Road should be for emergency vehicles only. Margot Road and Norwood Road are narrow with blind corners and no sidewalks. The road is difficult to plow in the winter.
- The development is surround by acres of agricultural uses including horses, cattle, pigs, goats, and sheep.
- There is an existing water right conveyance that is maintained from a pump taken out of the lake on the north side of Tamarack Falls Road. The water flows down a ditch into this development and there are no provisions to transport this water through this development.

- 1) Steven Topple, 12983 Norwood RD, Oct. 5, 2022
- 2) Tim Tyree, 12890 Norwood RD, Oct. 10, 2022
- 3) Mark and Sandra Nasse, 171 Margot DR, Oct. 11, 2022
- 4) Mickee Ellis, Donnelly, Oct. 11, 2022
- 5) Therese Gibbonay, Oct. 11, 2022
- 6) Chelsea Tuttle, 13090 Hillhouse Loop, Oct. 11, 2022
- 7) Lenard Long, representing Friends of Lake Cascade, Oct. 12, 2022
- 8) Mike and Melissa Maini, 169 Margot DR, Oct. 12, 2022
- 9) Larry and Becky Froemming, Caldwell and Donnelly, Oct. 12, 2022
- 10) Laura Jakious, Oct. 12, 2022
- 11) Marsha Moers, Hillhouse Loop, Oct. 12, 2022
- 12) Angela and Scott Garrard, 130 Forrest Lake Circle, Oct. 12, 2022
- 13) Liz Jones, 12880 Norwood RD, Oct. 12, 2022
- 14) Bill and Linda Eddy, 13041 Hillhouse Loop, Oct. 12, 2022
- 15) Margaux Edwards Crockett, Oct. 12, 2022

5. Physical characteristics of the site: Relatively flat topography.

6. The surrounding land use and zoning includes:

- North: Agriculture (Grazing) and Single-Family Residential (Hillhouse 2)
- South: Agriculture (Grazing, Irrigated Cropland) and U.S. Bureau of Reclamation
- East: Single-Family Residential Subdivisions
- West: Agricultural (Grazing)

7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:

- 2. Residential Uses (c) Subdivision for single-family subdivision.

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 should be done.

9-5-3: STANDARDS:

B. Setbacks:

1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.

6. **Measurement:** All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

9-5A-1: GRADING:

- A. **Permit Required:** Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- D. **Wetlands:** Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.
- E. **Site Grading Plan:**
 1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.
 2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer.
- F. **Land Surfaces Not Used For Roads, Buildings And Parking:** All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. **Stormwater Management Plan:** Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans.

9-5A-2: ROADS AND DRIVEWAYS:

- A. **Roads For Public Dedication And Maintenance:** Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".
- B. **Access Roads Or Driveways:** Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. **Private Roads:** Private roads shall meet the provisions of the Valley County subdivision ordinance

9-5A-5: FENCING:

- F. **Conditional Use Adjoins Agricultural Uses:** Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

- G. **Obstruction Of Vision:** Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

9-5A-6: UTILITIES:

- A. **Direct Access Required:** All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- B. **Central Water Supply And Sewage Systems:** Central water supply and sewage systems serving three (3) or more separate users shall meet the requirements of design, operation, and maintenance for central water and sewage systems in the subdivision ordinance.
- C. **Probability Of Water Supply:** Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.
- E. **Easements Or Rights Of Way:** Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.
- F. **Utility Plan:** A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)

9-5B-4: EMISSIONS:

- C. **Wood Burning Devices:** Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.

9-5C-2: MINIMUM LOT AREA:

B. New Subdivisions:

1. **Single-Family Residences:** New subdivisions for single-family residences shall provide the following minimum lot sizes:
 - a. One acre where individual sewage disposal systems and individual wells are proposed.
 - b. Twenty thousand (20,000) square feet where a central water supply system and individual sewage disposal systems are proposed.
 - c. Twelve thousand (12,000) square feet where a central sewage collection and disposal system and individual wells are proposed.
 - d. Eight thousand (8,000) square feet where both central systems are proposed.
- C. **Frontage On Public Or Private Road:** Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

9-5C-6: DENSITY:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation.

9-5B-7: FIRE PROTECTION:

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

10-4-6: EASEMENTS:

- A. **Utility Easements:** There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission.
- B. **Stormwater Easement Or Drainage Right Of Way:** Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- C. **Drainage:** Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.
- D. **Existing Easements:** All existing easements must be shown on the subdivision plat.

10-5-1: STREET AND UTILITY IMPROVEMENTS:

- E. **Installation Required:** Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).
- B. **Acceptance By County:** The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.
- C. **Private Road Declaration:** In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.
- D. **Declaration Of Installation Of Utilities:** A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".
- E. **Connection To Public Road Required:** The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be

required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

CHAPTER 7 WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

10-7-4: SUBMISSION REQUIREMENTS:

- A. **General:** All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.
- B. **Content:** The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.
1. **Preparation:** The plan shall be developed by a "professional" (see definition in section 10-7-2 of this chapter). Professionals can be prequalified by the commission and a list will be maintained at the Valley County planning and zoning office.
 2. **Format:** The plan shall consist of two (2) sections:
 - a. **Wildfire Risk Assessment:** This portion of the plan includes a map and narrative describing the current status of the land to be developed. As a minimum, the following must be included:
 - (1) Topographic map.
 - (2) Site description including discussion of slope(s), aspect(s), and significant topographic features.
 - (3) Narrative describing existing vegetation and fuel hazards, distribution and continuity.
 - (4) Fire history, including historical occurrence, causes, typical wind and climatic conditions which influence fire behavior.
 - (5) Existing roads and bridges, including a description of widths, grade percentages and weight limits.
 - (6) Location of existing structures and an estimate of the proposed density, types and sizes of planned structures.
 - (7) Infrastructure that may affect wildland fire risk (i.e., existing power lines, railroad lines, propane tanks, etc.).
 - (8) Description of existing features that may assist in controlling a wildfire (i.e., fuel breaks, water sources, etc.).
 - (9) Current structural and wildland fire jurisdictional agencies.
 - (10) Effect of proposed development on current wildland fire risk within the development area and to adjacent landowners.
 - b. **Wildfire Risk Mitigation:** This portion of the plan includes a map(s) and narrative detailing planned wildfire hazard mitigation actions to be taken by the developer prior to individual lot development to mitigate risks to life and property from wildland fire. Specific items to be addressed include:
 - (1) Access - planned ingress and egress routes.
 - (2) Water supply for structural and wildland fire response.
 - (3) Estimated response time and distances for jurisdictional fire agencies.
 - (4) Planned internal fire protection systems and/or equipment, including buried tanks, wells, hydrants, drylines, etc., along with protective measures for systems and/or equipment.
 - (5) Proposed infrastructure, including bridge standards, road widths, grades, signage, aboveground/belowground power lines, etc.
 - (6) Safety zone locations.
 - (7) Planned live and dead fuel treatment actions, including modification through thinning, pruning, piling, chipping, and fuel break construction; and removal through commercial harvest, chipping and hauling or prescribed burning.
 - (8) Long term maintenance schedule to sustain fuel treatment effectiveness.
 - (9) Analysis of the overall change in wildland fire risk within the development and to adjacent landowners once the planned mitigation actions are implemented.
 3. **Submittal, Implementation And Verification:**
 - a. The plan shall be submitted with the preliminary plat application to the Valley County planning and zoning office.

- b. Planned mitigation work must be completed or financially guaranteed prior to the recordation of the final plat. A schedule for the phased completion of mitigation work may be approved in conjunction with recordation of final plats.
- c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative.
4. Exceptions: Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer may complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the fire district.
5. Cost: The cost and implementation of the plan preparation shall be the responsibility of the applicant.
6. Plan Retention: The approved plan shall be retained at the Valley County planning and zoning office and the jurisdictional fire district or designated agency where no fire district exists.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +28 if single family residential is considered the dominant use and +16 if agriculture is considered the dominant use.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Rural Fire District, is within a herd district, but not within an irrigation district
2. How will the pond be maintained to prevent mosquitos?
3. Please submit any affirmation of service from utilities, such as Idaho Power and Northlake Sewer and Water.
4. Will you provide cable/telephone? Conduit for fiber optics will need to be placed.
5. The road names on the plat need to be changed due to conflicts with existing names. These names had been tentatively approved in emails with Nick Bruyn, KM Engineering:
 - Juniper
 - Larch
 - Narrow Leaf
 - Pinyon
 - Red Cedar
 - Windbreak
6. Will short-term rentals be allowed?
7. Will there be streetlights?
8. Where will snow be stored?
9. Phasing Plan should not be solely market driven; there should be a requirement that phases are recorded every 2 years with an end date that requires an extension to be approved by the Planning and Zoning Commission before December 31, 2028, for ease of administration.
10. Lot sizes in the area range from .28 acres to 1.08 acres.
11. The dedicated right-of-way will need to be shown on the final plat.

12. Has the applicant considered providing for a pedestrian access to the Bureau of Reclamation Land around the lake across lots in Block 1 (Lots 21, 22, 23 or 25) so owners can walk on the beaches, fish, etc.?
13. How will water right conveyances across the property occur? Idaho Code 42-1209 is attached.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Wetlands Map
- Assessor Plat – T.16N R.3E Section 20
- Preliminary Plat – Page 1.0
- Pictures Taken Sept. 28, 2022
- Idaho Code 42-1209 Irrigation and Drainage – Water Rights and Reclamation – Maintenance and Repair of Ditches
- Responses

Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. The final plat shall be recorded prior to issuance of building permits, or this permit will be null and void. Phase 3 shall be completed by December 31, 2028, or a permit extension will be required. The construction of phases cannot be solely market driven.
5. The applicant will update Planning and Zoning Staff on an annual basis until all final plats are recorded.
6. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
7. The Valley County Engineer shall confirm there is adequate snow storage.

8. Prior to recordation of the plat or issuance of building permits, the Developer's engineer shall certify that the roads are constructed in accordance with the plans approved by the Valley County Engineer.
9. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
10. Must bury conduit for fiber optics in the roadway.
11. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
12. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
13. All easements shall be shown on the final plat.
14. Wetlands must be delineated and shall be marked as "no-build areas" on final plats.
15. CCR's should address irrigation of landscaping, lighting, wildfire prevention, noxious weeds, hydrant maintenance, wetlands, and limit each lot to one wood burning device.
16. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
17. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
19. The following notes shall be placed in the notes on the face of the final plat:
 - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."
 - "All lots shall be accessed from internal roads and not Tamarack Falls Road or Norwood Road."

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response Value

Use Matrix Values:

(+2/-2) _____ X 4 _____

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2) _____ X 2 _____

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2) _____ X 1 _____

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) _____ X 3 _____

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2) _____ X 1 _____

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2) _____ X 2 _____

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2) _____ X 2 _____

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2) _____ X 2 _____

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2) _____ X 2 _____

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total (+) _____

Sub-Total (-) _____

Total Score _____

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or intrusions on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
 - Plus 2 - assigned for full compatibility (adjacency encouraged).
 - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
 - 0 - assigned if not applicable or neutral.
 - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
 - Minus 2 - assigned for no compatibility (adjacency not acceptable).
2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
 - x4 - indicates major relative importance.
 - x3 - indicates above average relative importance.
 - x2 - indicates below average relative importance.
 - x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

E. Terms:

DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed, and

1. Comprises at least one-half ($1/2$) of the adjacent uses and one-fourth ($1/4$) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

F. Questions 4 Through 8:

1. In determining the response values for questions 4 through 8, the evaluator shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING

QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL																							
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	+1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	+1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	+1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.																							
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	-2	-1	-1	+2	+2	+1	+1	+1	+1	-2	-1
9. FRAT or GOV'T	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	-2	-1	-1	+1	+1	+1	+1	+1	+1	-2	-2
10. PUBLIC UTIL. (A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+1	+1	+1	-1	-2	-2	-2	-2	-1	+2	+2	+2
13. LANDFILL or SWR PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1											
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+1		+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2	+1	+2	+2	+1	+2	+1	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1	+1	+1	-1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+1	+2	+2	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2	+1	+2	+1	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1	+2	+1	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+1	+2	+2	+2	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	+1	+1	+2	-1	-1	-1	-1	-2	-1	-2	-2	+1	+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-2	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: #3

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) ⁻¹ +2 X 4 +8 ⁻⁴

1. Is the proposed use compatible with the dominant adjacent land use?

Single Family Residential Subdivision

(+2/-2) ⁺² -1 X 2 -2 ⁺²

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Agricultural

(+2/-2) +1 X 1 +1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See 1 and 2

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +3

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

It is large, but does not have a lot of trees. The impacts will be from residential on residential.

(+2/-2) +2 X 1 +2

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

The density is larger lots; houses will be same.

(+2/-2) +2 X 2 +4

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

Residential Traffic

(+2/-2) +2 X 2 +4

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

There should be no emissions, except from a residential use.

(+2/-2) +2 X 2 +4

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

Will have to comply w/requirements Central Sewer, hydrants, road department agreement

(+2/-2) +2 X 2 +4

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Taxer and will create construction jobs

Sub-Total (+) +30

Sub-Total (-) -2

Total Score +28 (SE Dominant)

-will participate in road development agreement.

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

+16 Ag Dominant

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115

Fax: 208-382-7119

Email: cherrick@co.valley.id.us

STAFF REPORT: C.U.P. 22-37 Tamarack Falls Estates - Preliminary Plat
HEARING DATE: November 20, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

**APPLICANT/
PROPERTY OWNER:** Hess Properties LLC
15031 Spyglass LN
Caldwell ID 83607

REPRESENTATIVE: Cam Scott
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

ENGINEER: Joe Pachner
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

SURVEYOR: Kelly Kehrer
KM Engineering LLP
5725 N Discovery Way
Boise, ID 83713

LOCATION: South of Tamarack Falls Road and west of Norwood Road.
Parcels RP16N03E200004, RP16N03E201635, and
RP16N03E207845 in the East ½ of Section 20, T.16N, R.3E, Boise
Meridian, Valley County, Idaho

SIZE: 115.04 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Single-Family Residential Rural Parcels

A public hearing was held on October 20, 2022. This matter was tabled to Nov. 10, 2022, for rebuttal from the applicant's representatives and deliberations.

The applicant has submitted the following items for rebuttal so the Commissioners can review them prior to November 10, 2022.

1. Summary of testimony and Applicant's response.
2. Density Exhibit
3. Conceptual Plan with snow storage, drainage, retention basin, and roadway improvements.



614 Thompson Avenue, McCall, ID 83638



Cynda Herrick, AICP, CFM
Planning and Zoning Director
P.O. Box 1350
Cascade, ID 83611
cherrick@co.valley.id.us

Date: September 18, 2022

Re: Appeal of Planning and Zoning Commission Approval of C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat

Dear Ms. Herrick and Board of County Commissioners:

The undersigned property owners, adjoining landowners, and concerned citizens (“Appellants”) have serious concerns regarding the Planning and Zoning Commission’s approval of the Conditional Use Permit (“CUP”) 22-37 for the Tamarack Falls Estates. The approval violates the Local Land Use Planning Act (“LLUPA”), the Idaho Administrative Procedures Act, and several provisions of Valley County Code. For these reasons, as discussed below, Appellants request that the Board of Commissioners deny the Planning and Zoning Commission’s approval of CUP 22-37.

This coalition of neighbors and residents of Valley County has engaged a robust discussion among the community, which has been evident by the comments and public participation at the Planning and Zoning Commission’s public hearings on this project. Strong and organized community opposition not only shows that the project is challenged by surrounding neighbors and the greater Valley County community, but also establishes that the proposed development at the edge of a lake that is an important recreational asset and

economic driver of the community, but whose health is “at the edge of disaster,”¹ should not be permitted because it does not meet Valley County’s conditional use permit standards.

The failure of the project, as proposed, to meet several of these standards justifies denial of the CUP by this Board.

I. DRAINAGE

The proposed plan does not demonstrate that it can comply with Valley County Code 9-4-3-4, which states that “water should not be directed onto neighboring properties.”

The proposed development sits on a peninsula to Lake Cascade, with natural drainage flowing down to the south and southwest of the property. Development of the 124 homes with associated roads over this 115 acres parcel creates a significant amount of impervious surface and will significantly increase stormwater and surface runoff.² There is a significant threat that disruption to the existing grade along with an increased amount of impervious surfaces will change drainage patterns, causing drainage from the proposed development to drain onto adjacent properties, particularly to the south and west.

The development plans, Impact Report, and thus conditions of approval are devoid of any plans to address these runoff issues. The Valley Soil and Water Conservation District expressed these concerns in its October 20, 2022 letter to the Planning and Zoning Commission:

The Developer has a plan to retain stormwater and other surface drainage in a centrally located pond. The plan does not show how drainage will be directed to the pond. This is especially a concern regarding the downhill, southern portion of the development. The south side is closest to the Reservoir. Gravity will of course send this water away from the pond and towards the Lake. Some sort of pipe arrangement would be in order to get the runoff from the downhill side,

¹ Art Troutner, on behalf of the Valley County Soil and Water Conservation District, October 20, 2022 testimony before the Planning and Zoning Commission on the Tamarack Falls Estates, CUP-22-37.

² The total parcel acreage is 115.04, with 79.9 acres of developable lots, 11.8 acres of landscaped lots, and a 3.5 acre pond, leaving presumably approximately 20 acres of surface for roads. However, concrete around homes and roofing will significantly increase the amount of impervious surfaces that will contribute to further runoff.

back into the pond for retention and settling of surface drainage. There is also a hazard that this development's runoff flowing onto neighboring properties. . . .

In response to these issues, the Applicant made hollow statements that “[e]xisting off-site drainage will be protected and historic drainage onto the property will be maintained.” KM Engineering Memorandum (Nov. 3, 2022).

Not only do the lack of information about the impacts on drainage and how those impacts will be mitigated question the ability of this project to comply with Valley County Code, but as discussed further below, the lack of information is inconsistent with requirements to disclose such potential impacts and mitigation measures so that the public—and particularly potential affected property owners—have an understanding of the project, have an opportunity to comment on the impacts and mitigation measures, and opportunity to fully understand how their properties might be affected. Furthermore, the lack of information renders the Planning and Zoning Commission's decision to approve the project unreasonable and makes it impossible to put meaningful and enforceable conditions of approval for the C.U.P. to ensure that impacts are mitigated to an acceptable level.

II. CONDITIONAL USE PERMIT STANDARDS – IMPACT REPORT

Pursuant to VCC 9-5-3-D1, an Impact Report is required for all subdivisions, as subdivisions are a conditional use. This is a product of the County's decision to have performance-based or one district multiple-use, zoning. Rather than determining in advance where certain uses are appropriate with a specific zoning ordinance, the decision of whether a use is appropriate becomes a case-by-case decision, making evaluation of the items in the Impact Report and review of the Compatibility Rating all the more important.

For that reason, the Impact Report requires the applicant to “address potential environmental, economic, and social impacts and how these impacts are to be minimized.” VCC 9-5-3-D2. The Impact Report submitted with the CUP application is a simple narrative with lack of any detail or analysis of the potential impacts. It is deficient in several respects, as discussed below.

A. Traffic

The Impact Report fails to address how traffic vehicular, pedestrian, bicycle, auto, and truck traffic volume, character, and patterns will change if the project is built. VCC

9-5-3-D2(a). Rather, the Impact Report is a three-sentence, self-serving document that only addresses traffic impacts in the “development’s road system.”

For example, there is no discussion of current traffic volumes over the S Bridge, which is used to access Highway 55, and no disclosure of how many vehicle trips will be generated by this development, of estimated future traffic volume, how that additional volume compares with the existing traffic volume, or the impacts on bicycles and pedestrians outside of the development. *See* VCC 9-5-3-D(a).

The S Bridge is of particular concern to existing residents. A 2021 Valley County traffic survey determined that peak traffic exceeds 16,000 vehicles per week. A simple Google search of vehicular trips per day returned a U.S. Department of Transportation county-by-county study which indicated that for Valley County, the average trips per household per day was 4 to 5.³ Based on this study, 124 homes could generate 496-620 extra vehicle trips per day (3,472-4,340 per week)—a potential increase of over 25% of vehicular traffic.

Without this information, the Planning and Zoning Commission could not compare the current situation with respect to vehicular traffic and how the project will impact vehicular traffic. Without this information, there is no basis to consider the potential impacts on pedestrian and bicycle use and access of current residents.

The conditions of approval dictate that the Board of County Commissioners will try to reach an agreement for off-site road improvements “concerning current road conditions and potential mitigation for impacts caused by the development.” But this process is completely shielded from public scrutiny.⁴

As discussed above, the Impact Report requires the applicant to “address potential environmental, economic, and social impacts and how these impacts are to be minimized.” VCC 9-5-3-D2. The Impact Report here completely fails to address a potential 25% plus increase in traffic over an already aging and deficient bridge that is not designed for the extent of vehicular traffic that is already occurring—not to mention accommodating future vehicular traffic from this development, and existing and added pedestrian and bicycle traffic trying to access Donnelly and other destinations along Highway 55. Punting this problem to a potential

³ Available at:

<https://www7.bts.dot.gov/sites/bts.dot.gov/files/docs/browse-statistical-products-and-data/surveys/24071/vtrpmap.pdf>.

⁴ It is only if an agreement cannot be reached, that the application will be set for another public hearing in front of the Planning and Zoning Commission.

future agreement that the public will not have the ability to scrutinize fails to meet the requirement in Valley County Code to address the potential impacts and how they will be minimized.

B. Water and Wetlands

The Impact Report's analysis of the existing surface water drainage, wetlands, groundwater quantity and quality, and potential changes due to the proposal is utterly lacking, and fails to meet the basic requirements in Valley County Code to "identify existing surface water drainage, wetlands . . . and potential changes" and potential changes to surface water quality. VCC 9-5-3-D(f).

Again, the Impact Report is solely focused on water use as related to the proposed development. This is despite the fact that a majority of the western and southwestern side of the parcel is immediately adjacent to or contains U.S. Fish and Wildlife Service delineated wetlands that drain into Lake Cascade.

Such a discussion is particularly pertinent to this development because not only is Lake Cascade a recreational and economic asset to this community, it is a 303(d)-listed impaired waterbody that does not meet water quality standards under the Clean Water Act. In 1996, and 1998, the Idaho Department of Environmental Quality (IDEQ) developed Total Maximum Daily Loads (TMDL) for total phosphorus, and wasteload allocations for point sources and load allocations for nonpoint sources. Point source pollution in Lake Cascade has largely been eliminated. However, non-point sources, such as runoff from adjacent land use—like this proposed development, are the main sources of pollution in Lake Cascade today.⁵

Local governments can address TMDLs by ensuring that current programs are implemented and existing regulations are enforced. For nonpoint source pollution, the focus is on reducing sources through implementation of best management practices (BMP) and enforcement of local ordinances. The State and Valley County have BMPs developed for developments proposed close to Lake Cascade or its tributaries.

Although the plan discusses having a stormwater and surface drainage retention plan in the middle of the development, there is no indication of how that drainage will be directed to the pond. "This is especially a concern regarding the downhill, southern portion, of the

⁵ The Valley Soil & Water Conservation District commented that "[s]uburban drainage is documented as contributing pollutants to the lake . . ." and "to our lake's cyanobacteria

development," which is closest to the Lake and (as discussed above) creates a hansom of runoff flowing onto neighboring properties.⁶

The purpose of the Impact Report is for not only the Planning and Zoning Commission to understand the impacts of a development and to address how these impacts will be minimized, if possible, but also for the public to review. It is from that understanding that either conditions of approval are written to approve a C.U.P., or a decision is made to deny it. Instead, the Planning and Zoning Commission again wrote a condition of approval that not only punts the issue to later. The condition of approval states that the developer "shall attempt to collaborate with neighboring properties and Valley County engineer on a regional stormwater management plan." This condition, however, puts no binding mitigation on the developer to ensure that stormwater and urban surface water runoff is not inappropriately drained onto neighbor's properties or that the development is consistent with BMPs designed to meet the County's obligations to work toward meeting (not exceeding) the TMDLs established for Lake Cascade.

Additionally, comparison of the preliminary plat and the Wetlands Map show that the extension of the road down to Margot Drive is proposed to cross over a wetland area. See Figure 1.



⁶ Valley Soil and Water Conservation District Comment Letter (Oct. 20, 2022).

Figure 1. Comparison of Wetlands Map and Tamarack Falls Estates conceptual map.

Nowhere does the applicant discuss this potential impact, whether a Clean Water Act 404 permit is required, whether development on wetlands within individual parcels will be restricted, or how this road and development will impact wetland function and drainage into Lake Cascade.

III. COMPREHENSIVE PLAN

“A special use permit may be granted to an applicant if the proposed use is . . . not in conflict with the [comprehensive] plan.” Idaho Code 67-6512(a); *see also* VCC 10-1-5 (“[A]ll subdivisions of land . . . shall be reviewed for compliance with applicable policies and plans . . .”).

The Comprehensive Plan provides a vision for the future of the community along with the steps that are needed to make that vision a reality. The County uses performance-based, or one multiple use district, zoning, as opposed to traditional zoning, which separates and defines uses into specific geographic zones. Performance-based zoning provides a landowner “maximum flexibility in using and developing their properties.” Comprehensive Plan at 70. At the same time, because zoning ordinances don’t list land uses as absolute under performance-based zoning, it requires a closer look at the goals and objectives of the Comprehensive Plan to ensure that the proposed project aligns with the community’s vision, implemented by consistency with the Plan’s stated goals and objectives. *See* Valley County Code 10-1-5.

The Comprehensive Plan includes a section entitled Natural Resources. Goal 1 is to “conserve and manage . . . surface water in all its forms in order to prevent depletion or pollution” with the objective of “protect[ing] the recreational value of the county’s water bodies and water courses.” Section entitled Special Areas and Sites, which recognizes that “[w]ildlife habitat, waterways, water bodies, and scenic byways are features that merit protection and improvement.” Goal 2 is “to recognize the waterways and water bodies in Valley County as special areas,” and Goal 3 contains objectives to consider “the preservation of water quality” and “effects on wildlife ecosystems in development.”

The proposed project is a 124-home project with a network of roads on a peninsula in Lake Cascade that will border and encroach upon wetlands that drain directly into Lake Cascade. This development will significantly increase impervious surfaces—pavement, concrete, roofing, etc.—that will send stormwater contaminated with pollutants directly into the

wetlands and Lake Cascade. Moreover, the preliminary plat also shows that a road at the southern end of the parcel extending down to Margot Drive will cross a U.S. Fish and Wildlife Service delineated wetland.

The proposed project does not serve these goals and objectives, and thus is in conflict with the comprehensive plan.

The proposed project also will meet the Comprehensive Plan's goal to minimize effects on wildlife ecosystems in the development. The Impact Report claims that it will use "open space as a buffer between areas of development and areas of greater intensities of wildlife," but fails to even identify where those open spaces are, where areas of greater intensities of wildlife are, and what wildlife are even present.

IV. CONCLUSION

The community coalition asks no more than that our existing Codes be applied to this C.U.P. application so that neighboring properties and natural resources that are vital to this community's economic livelihood are protected to the maximum extent possible. Valley County is designated as a multi-use, single district zone. As a community, we decided that each proposed use and each development would be reviewed under a C.U.P. for its impacts on neighboring properties, natural resources, and our community. The Applicant has no entitlement to this use, as proposed, on this property. The burden is on the Applicant to establish that this project can be placed here in a way that complies with all Codes, Guidelines, and the Comprehensive Plan. The Applicant has not met that burden.

Thank you for your consideration of this matter.

With regards,



Julia Thrower

Mountain Top Law PLLC



Submitted on behalf of the following affected persons:

Margaux Edwards Crockett
Donnelly, ID

Allison and Rick Hatzenbuhler
Donnelly, ID

Bill and Cameron Pollock
Donnelly, ID

Lish and Thom Tash
McCall, ID

Marsha Moers
Boise and Donnelly, ID

Patty and Denis Scoggins

Bill and Linda Eddy
Donnelly, ID

Catherine Johnson

Beck Matthews Froemmingand

Rick and Jeanette Mather
Eagle and Donnelly, ID

David Gallipoli
McCall, ID

Katie and Mike Mather
Eagle and Donnelly, ID

Sarah and Shaun Sparkman
Boise and Donnelly, ID

Dick and Nancy Creechley
Boise and Donnelly, ID

Jim and Pat Tennyson
Boise and Donnelly, ID

Tony and Kelli Day
McCall and Donnelly, ID

Tyler Crockett
Donnelly, ID

Thomas and Kathleen Sorge
Eagle and Donnelly, ID

Rod and Traci Puzey
Boise and Donnelly, ID

Alisha Scott

Justin Scott

Greg and Reese Gibboney
Donnelly, ID

Jamie Coffey

Barbara Buhl
Donnelly, ID

Mike and Melissa Maini

Ben and Marissa Langa

Brenda Little

Franklin B. Edwards Estate

**Geri Gallupe
Cascade, ID**

**Debora Powell
Cascade, ID**

**Joey Pietri
McCall, ID**

**Steven Toppie
McCall and Donnelly, ID**

T. Hethe Clark

Via electronic mail (cherrick@co.valley.id.us)

December 22, 2022

Cynda Herrick, AICP, CFM
Valley County Planning & Zoning Director
P.O. Box 1350
Cascade, ID 83611



Re: Tamarack Falls Estates (CUP 22-37) (the "Application")
Response to Appeal Letter Dated September 18, 2022 (the "Appeal Letter")¹

Dear Cynda:

This firm represents Hess Properties, LLC, the applicant in connection with the Tamarack Falls Estates project ("Tamarack Falls"). As you know, Tamarack Falls was considered by the Valley County Planning and Zoning Commission (the "Commission") at great length during hearings on October 20, 2022 and November 10, 2022. During those meetings, the Commission reviewed the project in detail, including by requesting a separate, written rebuttal response in connection with the follow-up hearing in November. Everything from drainage, to traffic, to CCRs, to water was considered and discussed, resulting in glowing praise and a comprehensive set of written findings approving the project dated December 8, 2022 (the "Findings").

The Appeal Letter attacks the Commission's work and asks the Board of County Commissioners (the "Board") to substitute its judgment for that of the Commission. As further illustrated below, the Commission properly investigated the Application and arrived at a decision that addresses each of the required conditional use permit factors. The judgment of the Commission was sound, the Findings are substantive and meet each of the due process requirements under Idaho law, and the approval should be upheld.

¹ The Appeal Letter filed by Mountain Top Law identifies a preliminary plat approval in its reference line and the Appeal Letter is dated September 18, 2022. It is our understanding that the Appeal Letter was actually dated November 18, 2022. The body and substance of the Appeal Letter appears directed only to the Application (a conditional use permit—not a preliminary plat), which was not approved until written findings were signed on December 8, 2022. The Appeal Letter therefore was filed before a decision had been reached, which is improper under Section 9-SH-12.B.1 (stating appeals are to be filed "before five o'clock (5:00) P.M. of the tenth calendar day after the determination of the commission has been made") (emphasis added).

Legal Standard

Appeals of decisions of the Commission are considered pursuant to Valley County Code ("VCC") Section 9-5H-12, which permits "any aggrieved person" to file an appeal within 10 calendar days after a decision has been made. The Board has the authority to "sustain, deny, amend or modify the decision of the commission" and need not refer the matter back to the commission. VCC § 9-5H-12.B.8.

Conditional Use Permits are authorized under Idaho Code Section 67-6512, which allows a governing board to adopt an ordinance providing "for the processing of such permits" and to grant such permits "to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance..." *Id.* Valley County Code Title 9, Chapter 5 identifies the standards and process for conditional use permits. This code section is highly detailed, including requirement of an Impact Report that must be provided with the application and that identifies the specific impacts of a particular project. There are also performance standards required of each conditional use permit, as well as specific residential use standards.

Background on the Project

Tamarack Falls includes a mixture of one-acre, one-half-acre, and 9,000 square foot lots arranged on 115.04 acres in a manner that transitions to neighboring users and is consistent with the area setting. The site is flat with little vegetation or trees and residential use is consistent with existing area uses, leading to a compatibility rating of +17.

The project has been studied at length and the applicant has consulted with the appropriate agencies. North Lakes Recreational Water and Sewer District (NLRWSD) has approved an annexation of Tamarack Falls. Sanitary sewer service will be provided for each lot via a new regional lift station that will be dedicated to NLRWSD, along with a new well that will solve area water pressure issues (at Hawks Bay, in particular) and add firefighting capacity. Finding of Fact #10 acknowledges these elements.

The civil engineering of the project was discussed in detail at hearing. In addition to comments in the Impact Report, the applicant provided a November 3, 2022 written response (the "Rebuttal Memorandum"). With regard to drainage, the applicant confirmed that existing off-site drainage and historic drainage will be maintained. Storm water will be conveyed via roadside swales to the central open space area and a 3.5-acre retention basin, with other drainage to be collected, treated, and retained in smaller basins. The plans must be reviewed and approved by the County Engineer, a requirement confirmed in Conclusion 10 and Condition of Approval 6. Conclusion 9 appropriately found that "drainage issues have been addressed."

Traffic is being addressed in an approach consistent with traditional County practice. Condition 18 requires the applicant to meet with the Valley County Road Director to identify off-site road improvements or other mitigation that can be offered that is consistent with the impacts of the project. The applicant must arrive at an agreement acceptable to the Road Director and approved by the Board of County Commissioners; otherwise, the matter must be remanded back to the Commission for additional discussion. This must be completed "[p]rior to construction of any on-site improvements."

Response to Appeal Letter

As noted above, the Appeal Letter was improperly filed prior to the adoption of the Findings. In any event, the Appeal Letter does not give the applicant, the Commission, or the Findings credit for the work that each actually accomplished, as described in greater detail below:

1. Drainage Issues Were Adequately Addressed by the Commission and the Technical, Engineering Drawings Will be Confirmed and Approved by the County Engineer

The Commissioners' succinct conclusion that "Drainage issues have been addressed" (Findings, Conclusion 9) was reached after commitments made by the applicant and in light of the project's design. Tamarack Falls has provided 70' of right-of-way for its internal roadways which allows for robust swales and snow storage not seen in neighboring projects. These widths exceed the County's requirements and those found in adjacent neighborhoods (e.g., Ponderosa Drive has 50' right-of-way without swales; Navajo Road is just 24' wide and lacks right-of-way necessary to provide adequate drainage).

Tamarack Falls will improve drainage in the area through its frontage improvements along Tamarack Falls Road and Norwood Road (1,600' and 1,304', respectively). Currently, there is little to prevent sediment and contaminants from making their way into Lake Cascade—these roadway improvements will actually assist in addressing this issue. The Rebuttal Memorandum goes into detail regarding the many ways Tamarack Falls will address drainage.

Conclusion 9 of the Findings properly noted that "The lake problems are not a one-person solution. Developers must work with the other parties for solutions." Tamarack Falls has committed to do just that. Its solutions will be reviewed by the County Engineer, who will approve the technical plans for the project's drainage improvements. In short, there is more than adequate evidence in the record for the Board to conclude—as did the Commission—that "[d]rainage issues have been addressed."

2. The Appellants' Arguments Require More of the Impact Report Than Is Justified by the Express Language of Valley County Code

Valley County Code requires an Impact Report be provided with each CUP application. Tamarack Falls provided an Impact Report that addresses each of the required elements. The County reviewed the application overall, including the Impact Report, and deemed the application complete via letter dated September 13, 2022, a copy of which is attached for the Board's convenience. A county's interpretation of its own code—including whether an application is complete—will be given deference by any reviewing court. See *Chisholm v. Twin Falls County*, 139 Idaho 131, 134 (2003).

The Appeal Letter also appears to suggest that the term "minimized," as used in Code, means that an application must minimize the current baseline of various environmental, economic, social impacts. That is, under their reading of the code, the development could not increase any of those impacts and must minimize them to a state less than they are now. However, the correct and proper reading of that Code requirement is that the impacts which would result from the development must be mitigated. That is, any increase of those impacts must be minimized, not eliminated. No development can

eliminate its impact, but, Tamarack Falls has shown it can minimize its impact through conditions of approval.

In short, the required Impact Report has been provided with discussion of each of the required elements. The application was deemed complete. But this is not the end of the analysis. The evidence considered by the Commission went beyond the Impact Report and included both testimony at hearing and the Rebuttal Memorandum. All of this discussion led to conditions of approval that address the impacts of the project. There is certainly substantial evidence in the record to back up each of the Commission's findings.

a. The Impact Report and the Subsequent Commitments Made by the Applicant Are Adequate to Justify the Commission's Conclusion that Traffic Impacts are Addressed

The Impact Report establishes that Tamarack Falls will minimize impacts to the traveling public during the construction phases. This includes detouring, plan, traffic controls plans, dust abatement, and construction runoff control (which also minimizes environmental impacts). Tamarack Falls' road system, consisting of public and private roads, will meet or exceed safety, capacity, and infrastructure requirements.

As previously noted, traffic, including the widely known safety concerns of the S-Bridge, is to be ultimately addressed through a written development agreement to be signed with Valley County (Condition 18 of the Findings). This commitment to meet with the Road Department and arrive at a road mitigation agreement represents deference to the agency that controls area roadways and a recognition that the agreement will represent the required mitigation. If no agreement is reached, the project cannot go forward without the Commission revisiting the issue. This all underscores the Commissioners' Conclusion 12 which reminds that "[w]ithout developers agreeing to voluntary road agreements, the County may never have the money to fix the S-Bridge and other infrastructure." The Commission was justified in concluding that Tamarack Falls has met its requirements related to traffic.

b. The Impact Report and the Subsequent Conditions Are Adequate to Justify the Commission's Conclusion that Water and Wetlands are Addressed

As provided for in the Impact Report and further explained during the course of the public hearings, Tamarack Falls will actually enhance the potable water situation in the area. As part of its connection requirements with NLRSW, Tamarack Falls will construct a new well that will facilitate the development of a more robust regional water system, addressing existing deficiencies in water and firefighting pressure at Hillhouse Loop Subdivision and Hawks Bay. Meanwhile, area wells will not be affected as the 500' deep well servicing Tamarack Falls will be much deeper and access a different aquifer than nearby residents' existing wells.

The applicant has made commitments to retain drainage on-site. The technical details will be designed by licensed engineers and the County Engineer will confirm that the plans satisfy these demands. If these commitments are not satisfied, then the project cannot go forward. This review protects the County and it does not violate the CUP ordinance, which does not require technical drawings be engineered (at great expense) before the applicant even knows they have an approved project.

Currently no identifiable wetlands exist on-site; however, as stated in the Impact Report, if there are existing wetlands located on the development site, through careful site planning Tamarack Falls will avoid wetlands wherever possible and incorporate them into open space or recreational features. All such plans shall be submitted to and approved by the U.S. Army Corps of Engineers for compliance with Section 404 of the Clean Water Act.

3. The Commission's Conclusions Regarding the Valley County Comprehensive Plan Are Supported by Substantial Evidence in the Record

Appellants' arguments regarding the Valley County Comprehensive Plan (the "Comprehensive Plan") are all based on the natural resource goals. Each question is answered by evidence in the record sufficient to support the Commission's findings.

The Appellants first claim is that development will increase impervious surfaces, sending "stormwater contaminated directly into the wetlands and Lake Cascade." This argument fails to consider the evidence in the record that clearly shows Tamarack Falls is conditioned to have a stormwater system that will ensure stormwater will be retained onsite, as verified by the County Engineer.

The Appellants next claim that Margo Drive will impair wetlands, constituting a violation of the comprehensive plan. Of course, the comprehensive plan does not require that any wetland anywhere in the county cannot be affected by development. The applicant has made a commitment to avoid wetlands and to retain them in open space where possible. With regard to Margo Drive, in the event any wetlands are affected by development, the proper permitting will be undertaken, including 404 permits in accordance with the Clean Water Act.

With regard to wildlife, the Impact Report does not require a discussion of impacts to wildlife. This matter was, however, discussed during the proceedings. Finding of Fact 12 shows that investigation was made. The matter was submitted to the appropriate agencies, including Fish and Game, with no response made. The evidence in the record includes a response to a different application on August 3, 2022 by Idaho Department of Fish and Game Regional Wildlife Manager, Regan Berkley, indicating that she was "unaware of any specific migration routes through this property, and it is unlikely to serve as a migratory route due to existing development surrounding the property..." (emphasis added).

There is, in short, adequate evidence in the record to justify rejection of the Appellant's Comprehensive Plan arguments.

While the Comprehensive Plan complaints of the Appellants are addressed, one additional point should be made: the natural resource elements of the Comprehensive Plan are not the only ones to be addressed. The Commission made specific Conclusions regarding several other elements of the Comprehensive Plan that are affirmatively supported by this application, including protection of private property rights, the need for affordable housing in a wide variety of locations—both of which are supported by this application, which will provide a variety of housing types and "will add to the available housing inventory and will not be allowing short-term rentals." Findings, Conclusion 8. The Commission's conclusions regarding the Comprehensive Plan are supported by substantial evidence in the record and should be upheld.

Conclusion

In a land use proceeding, there is deference to the decision maker. The Idaho Supreme Court has held that, "[s]o long as the Board's 'findings, conclusions and decision are sufficiently detailed to demonstrate that it considered applicable standards and reached a reasoned decision, we [will] find that the decision was not arbitrary and capricious and was based on substantial evidence in the record.'" *Terrazas v. Blaine County ex rel. Bd. of Com'rs*, 147 Idaho 193, 204 (2009). This is just such a case.

Over the course of two hearings, the Commission considered each of the requirement elements for a conditional use permit. It identified the appropriate standards in the Findings. And it reached a reasoned decision approving Tamarack Falls. There is no basis here to overturn their good work. We ask that the Commission's decision be upheld and the appeal be denied.

Very truly yours,



T. Hethe Clark

HC/bdb

SCHEDULE 1

Completeness Letter Showing Acceptance of Application

**Valley County Planning & Zoning
Cynda Herrick, Director**

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us

September 13, 2022

Hess Properties, LLC
15031 Spyglass LN
Caldwell ID 83607

RE: CUP 22-37 Tamarack Falls Estates

Dear Applicant:

I have reviewed the application for the above referenced conditional use permit. The application is set to be heard at a public hearing with the Planning and Zoning Commission on October 20, 2022, at 6:00 p.m. at the Valley County Courthouse in Cascade, Idaho. I have determined that the application is substantially complete; however, the following items need to be addressed:

- How will the pond be maintained to prevent mosquitoes?
- Please submit any affirmation of service from utilities, such as Idaho Power and Northlake Sewer and Water.
- Will you provide cable/telephone? Conduit for fiber optics will need to be placed.

A Staff Report will be completed and mailed to you by this office prior to the public hearing. The report may have additional questions or information submittal requirements. The Valley County Planning and Zoning Commission, the Valley County Engineer or other agencies may also have additional information requirements.

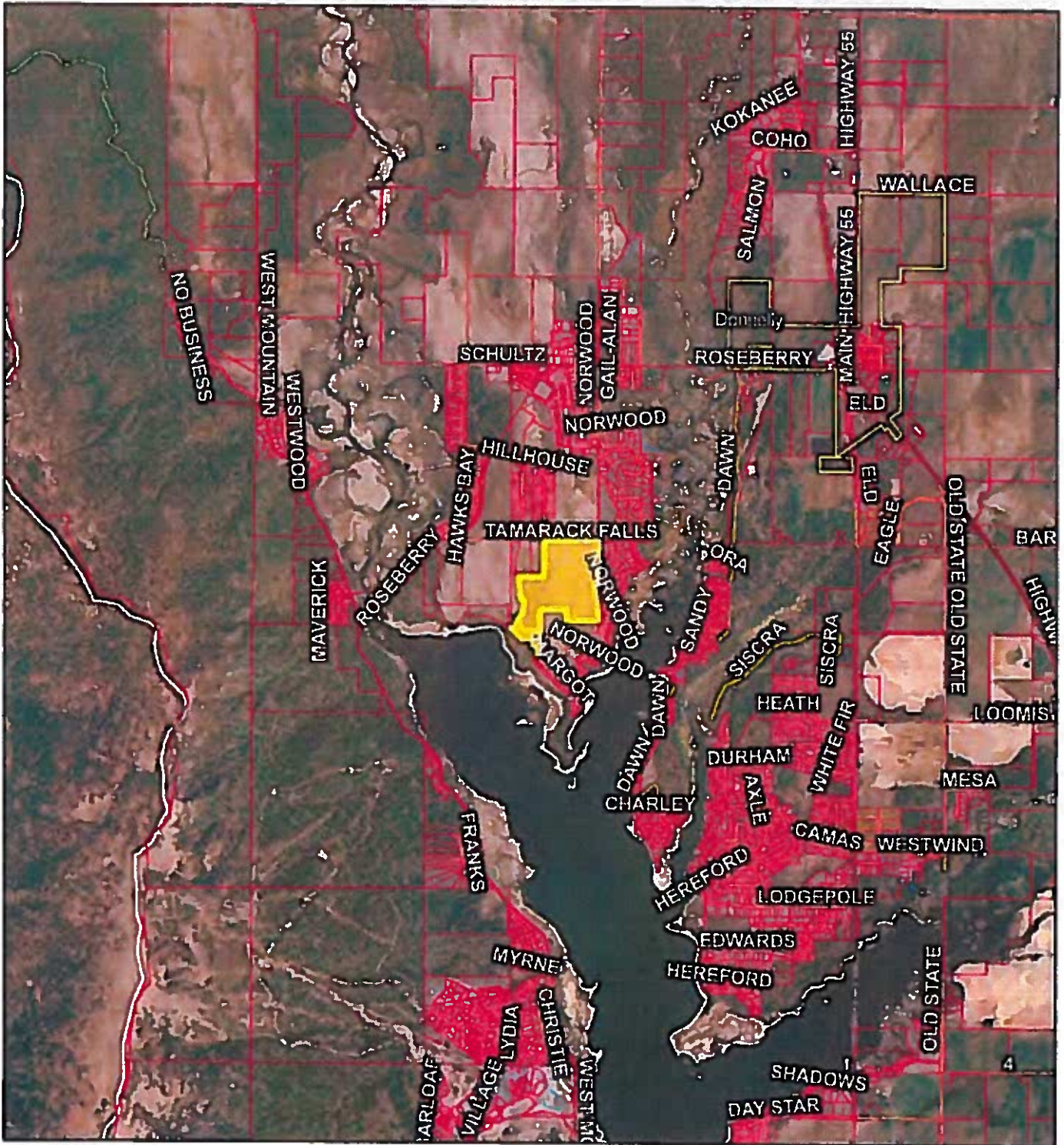
If you have any questions, please do not hesitate to ask.

Sincerely,


Cynda Herrick, AICP, CFM
Planning and Zoning Director

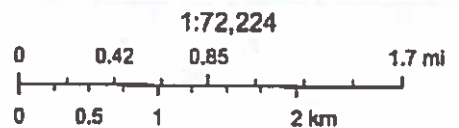
Cc: Cam Scott, KM Engineering, LLP

C.U.P. 22-37 Vicinity Map



9/12/2022, 10:17:58 AM

- Municipalities
- Parcel Boundaries
- Roads**
- MAJOR
- MINOR COLLECTOR
- COLLECTOR
- URBAN/RURAL
- USFS
- PRIVATE



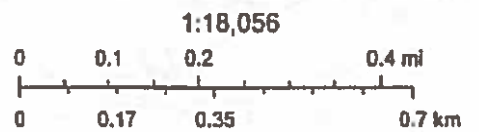
Earthstar Geographics

C.U.P. 22-37 Aerial Map



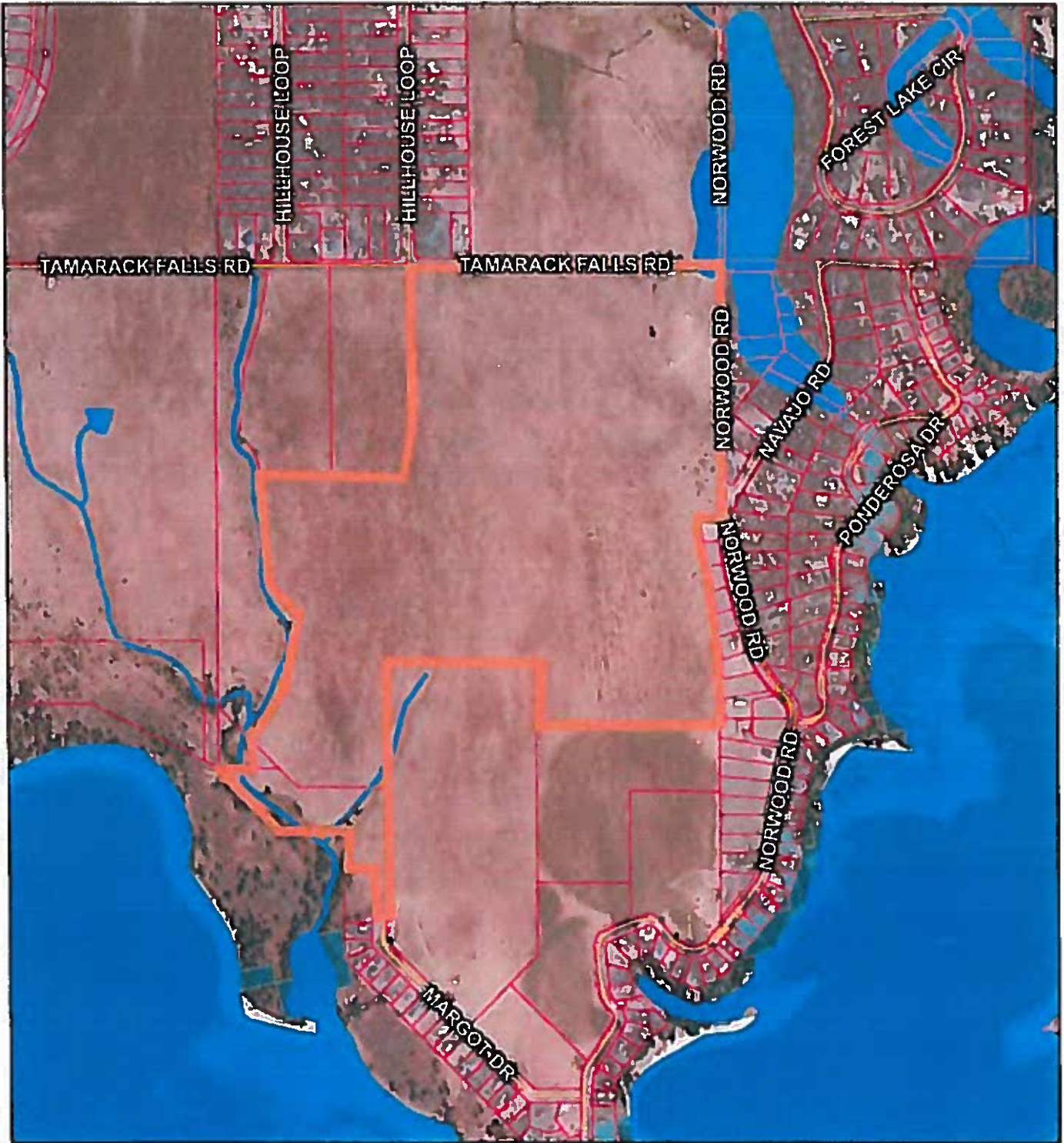
9/12/2022, 10:19:55 AM

- Parcel Boundaries
- URBAN/RURAL
- PRIVATE
- COLLECTOR



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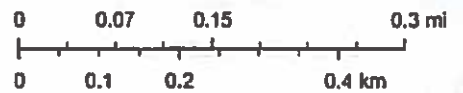
C.U.P. 22-37 Wetlands Map



September 22, 2022

1:12,539

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|-------------------|--------------------|-------------------|
| Override 1 | Wetlands (USFWS) | Roads |
| Parcel Boundaries | Wetlands (NLCD) | COLLECTOR |
| Subdivisions | Woody Wetlands | URBAN/RURAL |
| Other | <all other values> | County Boundaries |
- VALLEY COUNTY



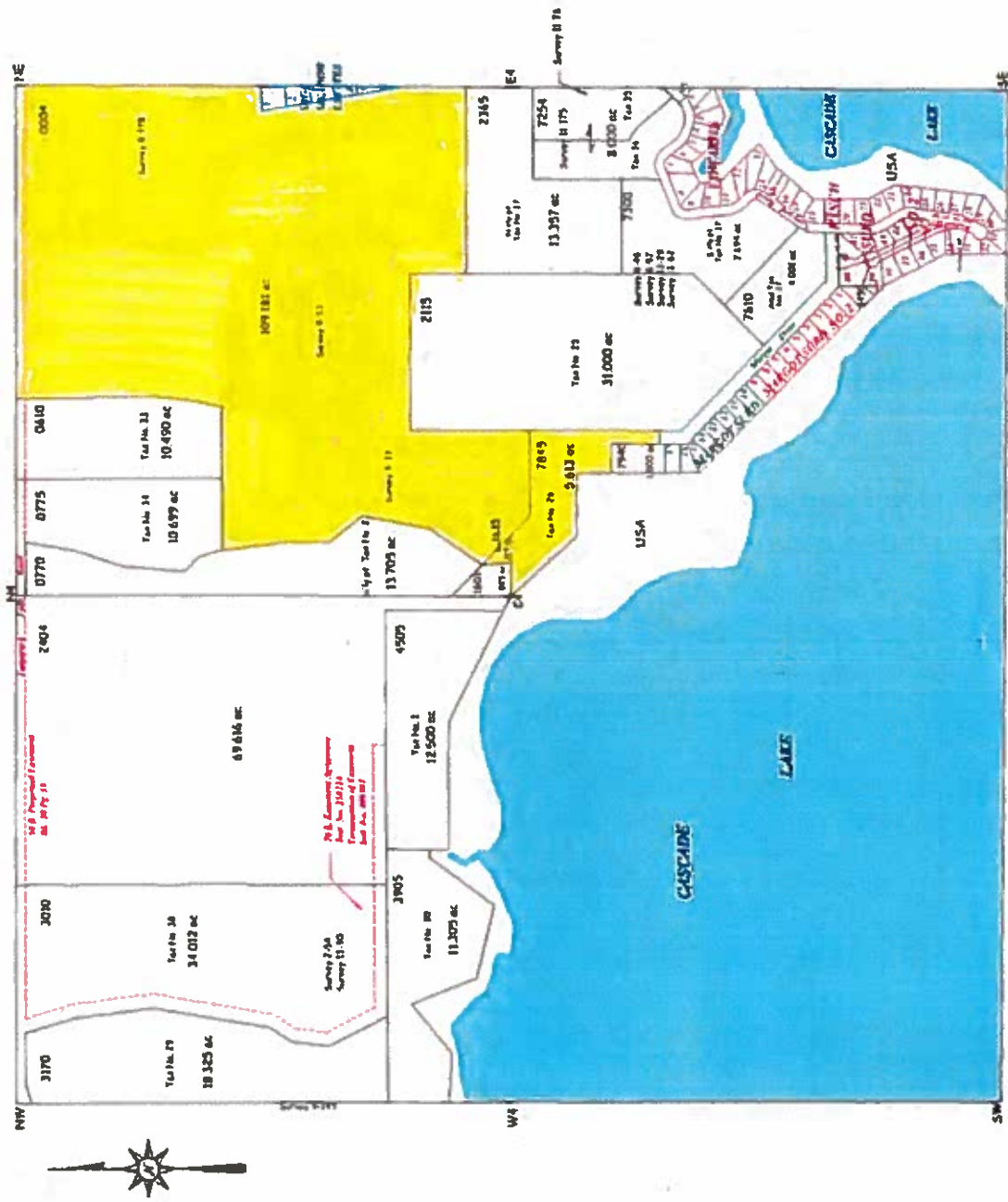
Map

PLAT TITLE

T W P . 1 6 N R O S E S E C . 2 0

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascadia, ID 83611

Filename:
Valley County Base Map
Scale: 1" = 400 ft.
Date: 8/2/2021
Drawn by: L. Frederick



This drawing is the final approved version. The County is not responsible for any inaccuracies or omissions shown.

TAMARACK FALLS ESTATES

VALLEY COUNTY, IDAHO

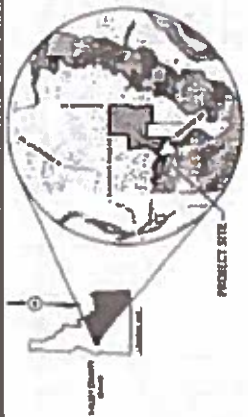
PRELIMINARY PLAT

A PORTION OF THE E1/2 OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 3 EAST, BOISE MERIDIAN, VALLEY COUNTY, IDAHO



Drawn by
Checked by
Date
Project No.

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAT	11/15/11
2	REVISION	
3	REVISION	
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10	REVISION	



PRELIMINARY PLAT NOTES

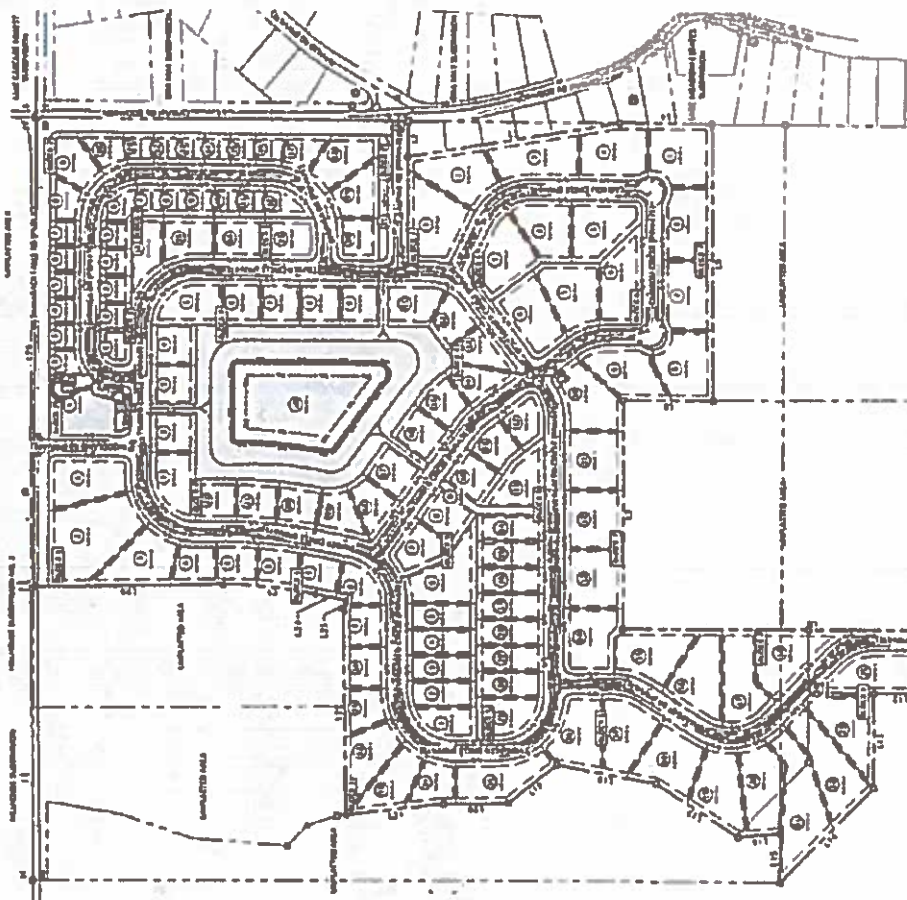
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9	REVISION	
10	REVISION	

PRELIMINARY LOT DATA

LOT NO.	ACRES	AREA (SQ. FT.)	PERCENTAGE OF TOTAL
1	0.12	10,000	1.2
2	0.15	13,000	1.5
3	0.18	15,000	1.8
4	0.20	17,000	2.0
5	0.22	19,000	2.2
6	0.25	21,000	2.5
7	0.28	24,000	2.8
8	0.30	26,000	3.0
9	0.32	28,000	3.2
10	0.35	30,000	3.5

PLAT NOTES

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CONTACT INFORMATION

PREPARED BY: [Firm Name]
 PROJECT NO.: [Project Number]
 DATE: [Date]

INDEX OF DOCUMENTS

SHEET NO.	TITLE
PP1.0	PRELIMINARY PLAT
PP1.1	PRELIMINARY PLAT
PP1.2	PRELIMINARY PLAT
PP1.3	PRELIMINARY PLAT
PP1.4	PRELIMINARY PLAT
PP1.5	PRELIMINARY PLAT



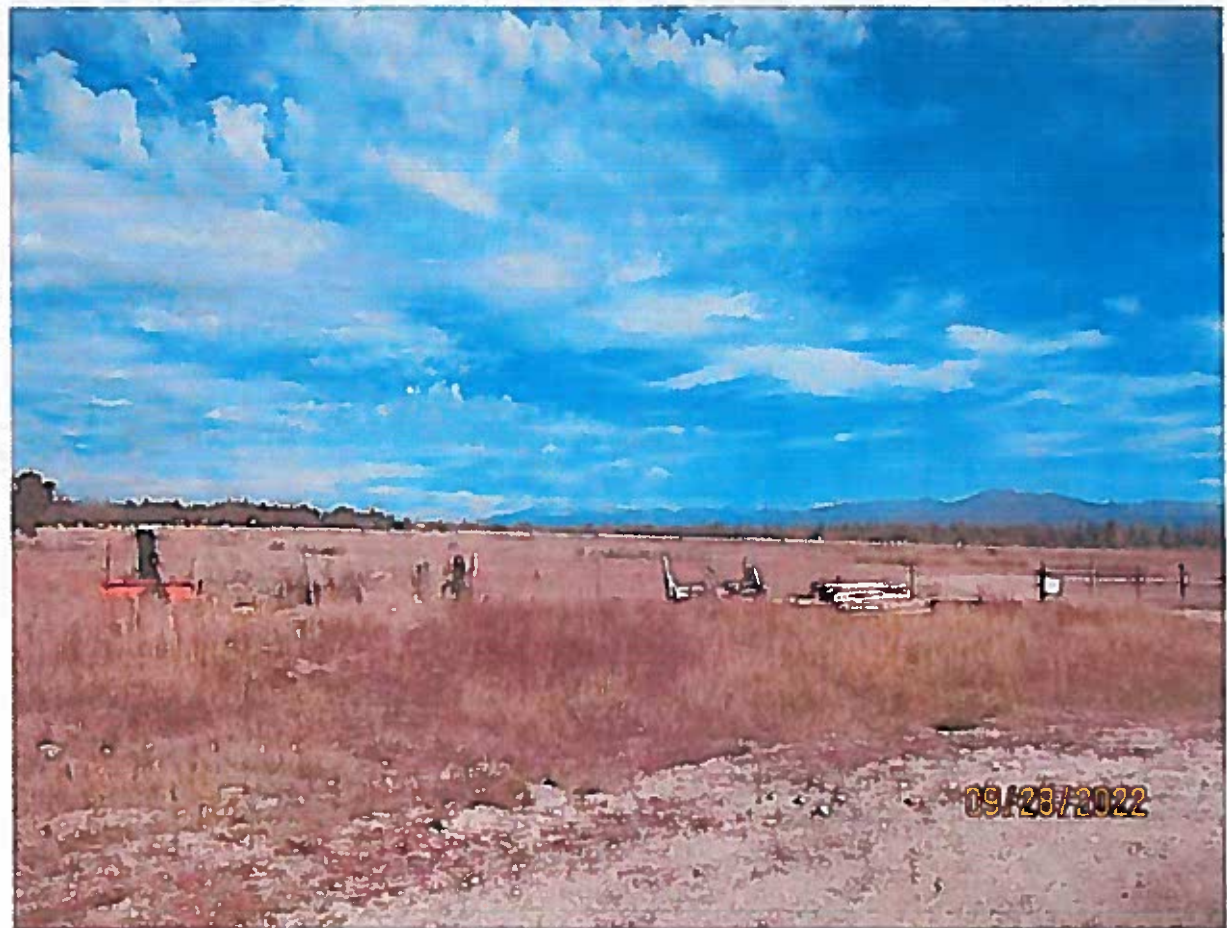
COVER SHEET
PROJECT NO. [Project Number]

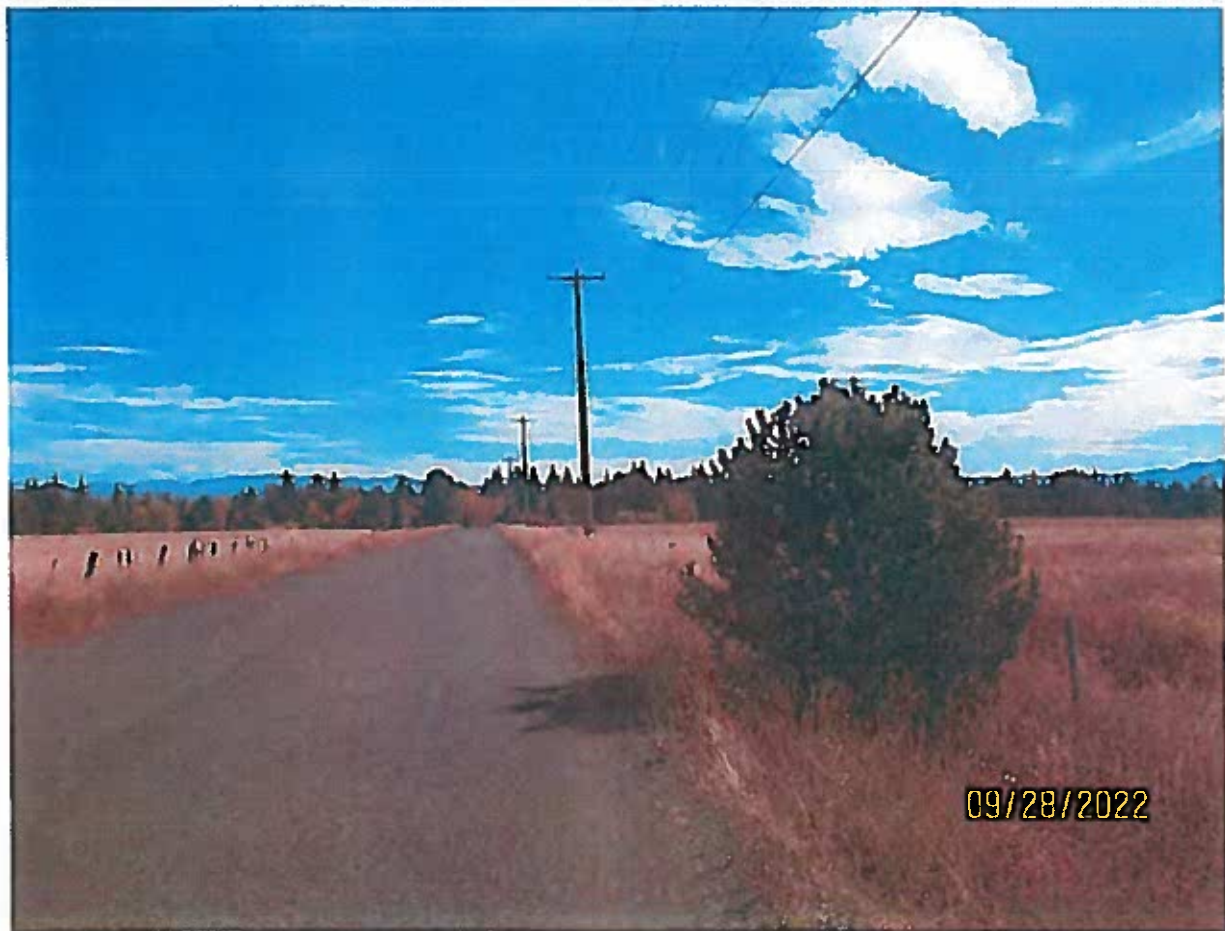
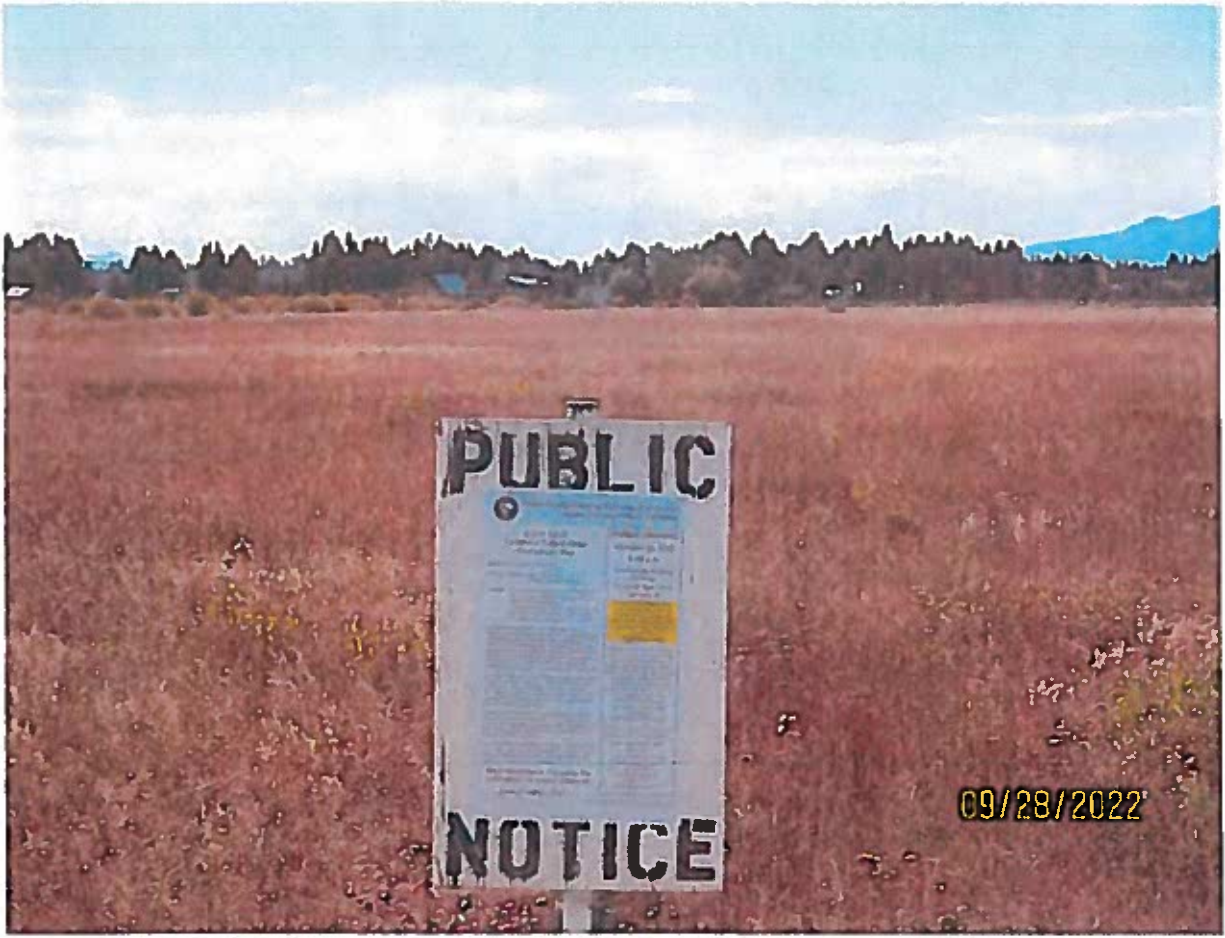
TAMARACK FALLS ESTATES
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT
COVER SHEET

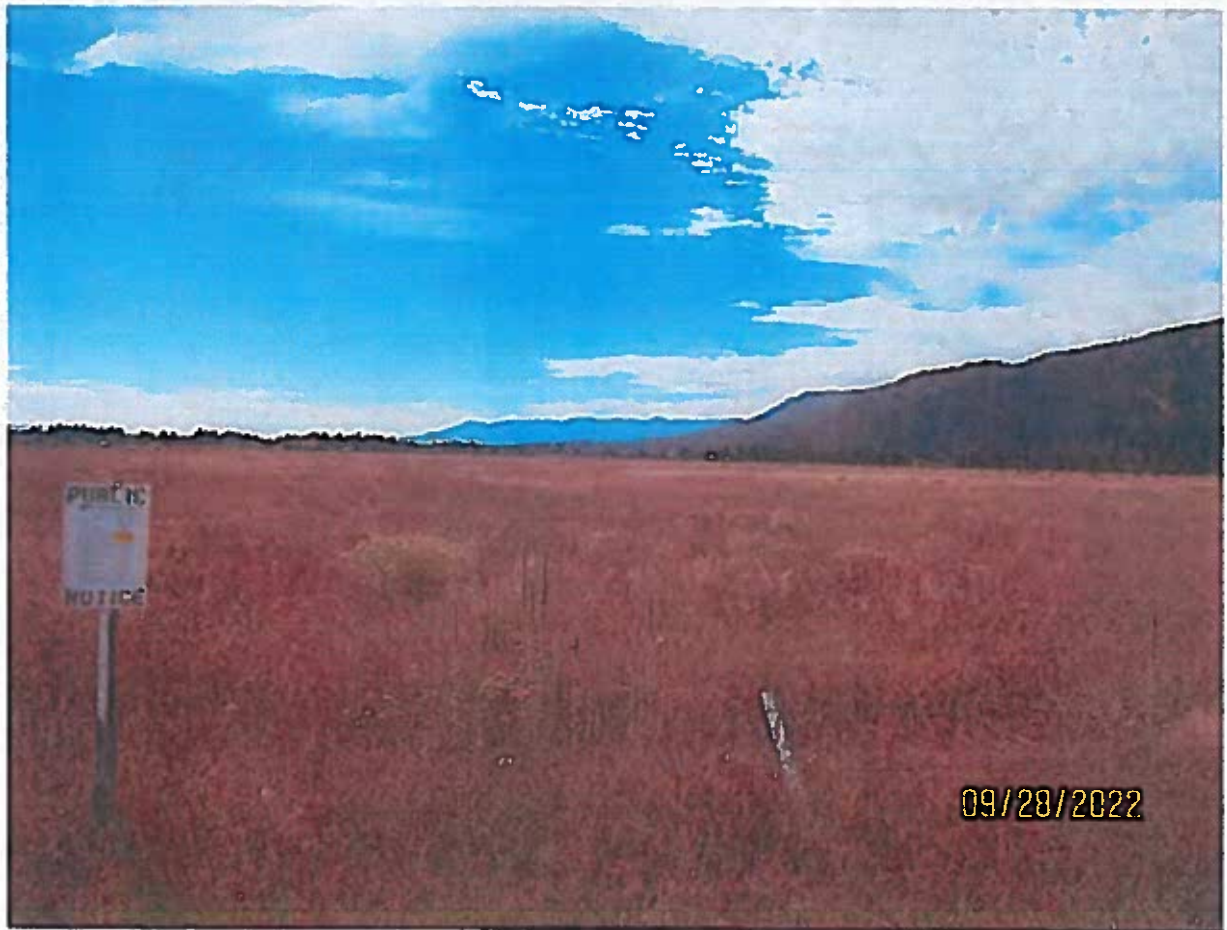
K&M ENGINEERING
 1000 W. [Address]
 [City, State, Zip]
 [Phone Number]
 [Email Address]

PP1.0





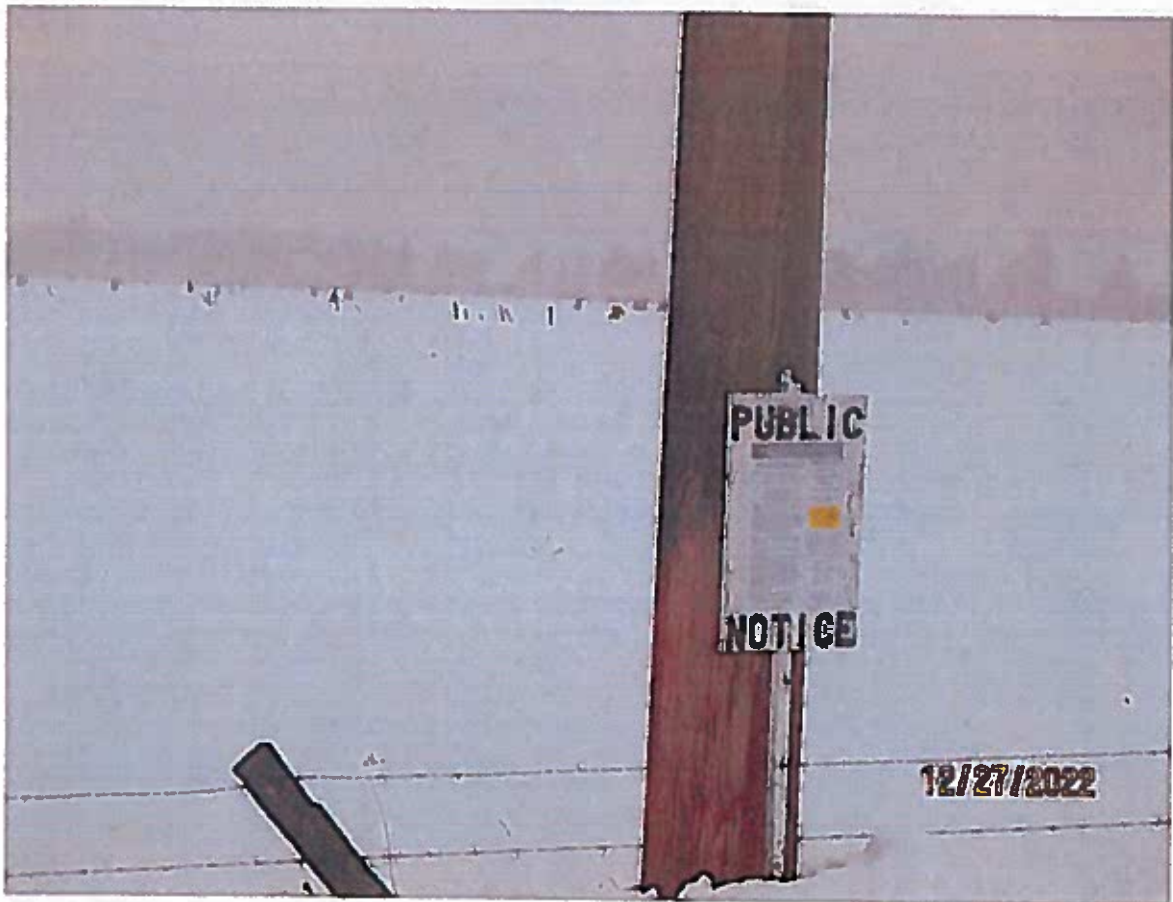














Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.

(2) Where the commission hears an application, the commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the application or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Provided however, any application which relates to a public school facility shall receive priority consideration and shall be reviewed for approval, denial or recommendation by the commission or the governing board at the earliest reasonable time, regardless of the timing of its submission relative to other applications which are not related to public school facilities.

(3) When considering an application which relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicular, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this

chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

(a) The ordinance and standards used in evaluating the application;

(b) The reasons for approval or denial; and

(c) The actions, if any, that the applicant could take to obtain approval.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

History:

[67-6519, added 1975, ch. 188, sec. 2, p. 515; am. 1993, ch. 216, sec. 111, p. 678; am. 2000, ch. 431, sec. 1, p. 1388; am. 2003, ch. 123, sec. 1, p. 373; am. 2010, ch. 175, sec. 1, p. 359; am. 2011, ch. 279, sec. 1, p. 759; am. 2018, ch. 246, sec. 1, p. 572.]

How current is this law?

Search the Idaho Statutes and Constitution



City of Donnelly

169 Halferty Street
P.O. Box 725
Donnelly, ID 83615
Telephone [REDACTED]

December 12, 2022

To: Valley County Commissioners
Subject: CUP 22-37 Tamarack Falls Estates Appeal

The City of Donnelly is a proponent of CUP 22-37 Tamarack Falls Estates. The city believes this project is good for the community and meets the density requirements set by Valley County.

However, the city does have concerns with the added traffic generated from this project at the intersection of Hwy 55 and West Roseberry. We understand that Valley County is working on a Master Transportation Plan. The city would like to know how this intersection is going to be managed in the future.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lori Clemens".

Lori Clemens
City Clerk

TECHNICAL MEMORANDUM

DATE: December 19, 2022
TO: Cynda Herrick, AICP, CFM
Valley County Planning and Zoning Administrator
FROM: Paul Ashton, PE
SUBJECT: Tamarack Falls Estates - CUP Application and Preliminary Plat Review
CC: Cody Janson, PE
PROJECT NUMBER: 314-4875-001 Task 02.106
PROJECT NAME: Valley County Engineering Services

Dear Cynda:

I performed a cursory review of the documents submitted with the CUP application and have no preliminary comments. Detailed preliminary site grading, drainage, and stormwater management plans and drainage design calculations and documentation have not been submitted to Valley County but are required for review and approval.

As we do with all proposed subdivisions, we will work with the applicant's engineer to ensure that roadway and site grading and drainage features meet the Valley County design standards, including provisions for stormwater and snow storage. We will also recommend and approve appropriate Best Management Practices (BMPs) for stormwater pollution prevention during construction and post-construction.

Please contact me with any questions or comments.

Sincerely,

PARAMETRIX
Valley County Engineer



Paul Ashton, PE

cc: Project File

Jeff McFadden / Valley County Road Department



December 22, 2022

Cynda Herrick
Valley County P&Z
Via email: cherrick@co.valley.id.us

Re: CUP 22-37, Tamarack Falls Estates

Dear Valley County Commissioners:

The purpose of this letter is to encourage incorporation of pathways conducive to walking, hiking, bicycling, and general recreation through and adjacent to Tamarack Falls Estates, if the development is approved. The development runs along Norwood Road and Tamarack Falls Road which are part of the Pathways Master plan adopted by Valley County in July of 2017.

As a provider of primary health care and emergency care in our County, Cascade Medical Center endorses expansion of healthy recreational opportunities. As our County grows and fills in with housing, responsible development will incorporate single track sidewalks and dedicated pathways/trails for public enjoyment. Pathways like this will also separate vehicular traffic from bicycles and walkers, creating a safer environment for everyone by reducing the risk for accidents and trauma. The cardiovascular benefits of exercise are commonly known, and making such opportunities available within, through, and near developments encourages these healthy options. Integration as a condition of development during planning is much easier than adding it later.

Residential pathways with connectivity to larger trail networks are vital for the health and well-being of our local citizens and visitors. Please reach out to me if you have any questions.

Sincerely,

Tom Reinhardt

Tom Reinhardt, CEO

Cascade Medical Center
PO Box 1330
Cascade, ID 83611



Dear Commissioners,

In regards to CUP 22-37, Tamarack Falls Estates, it should be noted that this development runs along Norwood Rd and Tamarack Falls Rd. These roads are part of the Pathways Master plan adopted by Valley County in July of 2017. See attached proposed Pathways Master plan map.

The corridor from Donnelly to West Mountain road is a primary corridor in the Pathways Master Plan to provide pathways to connect communities, improve recreational opportunities, increase safety of pedestrians and bicyclists, and improve the quality of life for our residents. Further, there is active planning going on with the City of Donnelly, Valley County and Valley County Pathways, to develop sections of this corridor.

With a development of this size and scope, it is recommended that pathways along Norwood and Tamarack Falls be incorporated into the C.U.P. The inclusion of pathways within this development should also help alleviate traffic congestion in the area, and will benefit all residents and help to achieve the pathways objectives outlined in the Valley County Comprehensive Plan.

Sincerely,
Brett Shepherd

Valley County Pathways; Board Member

MASTER PLAN MAP

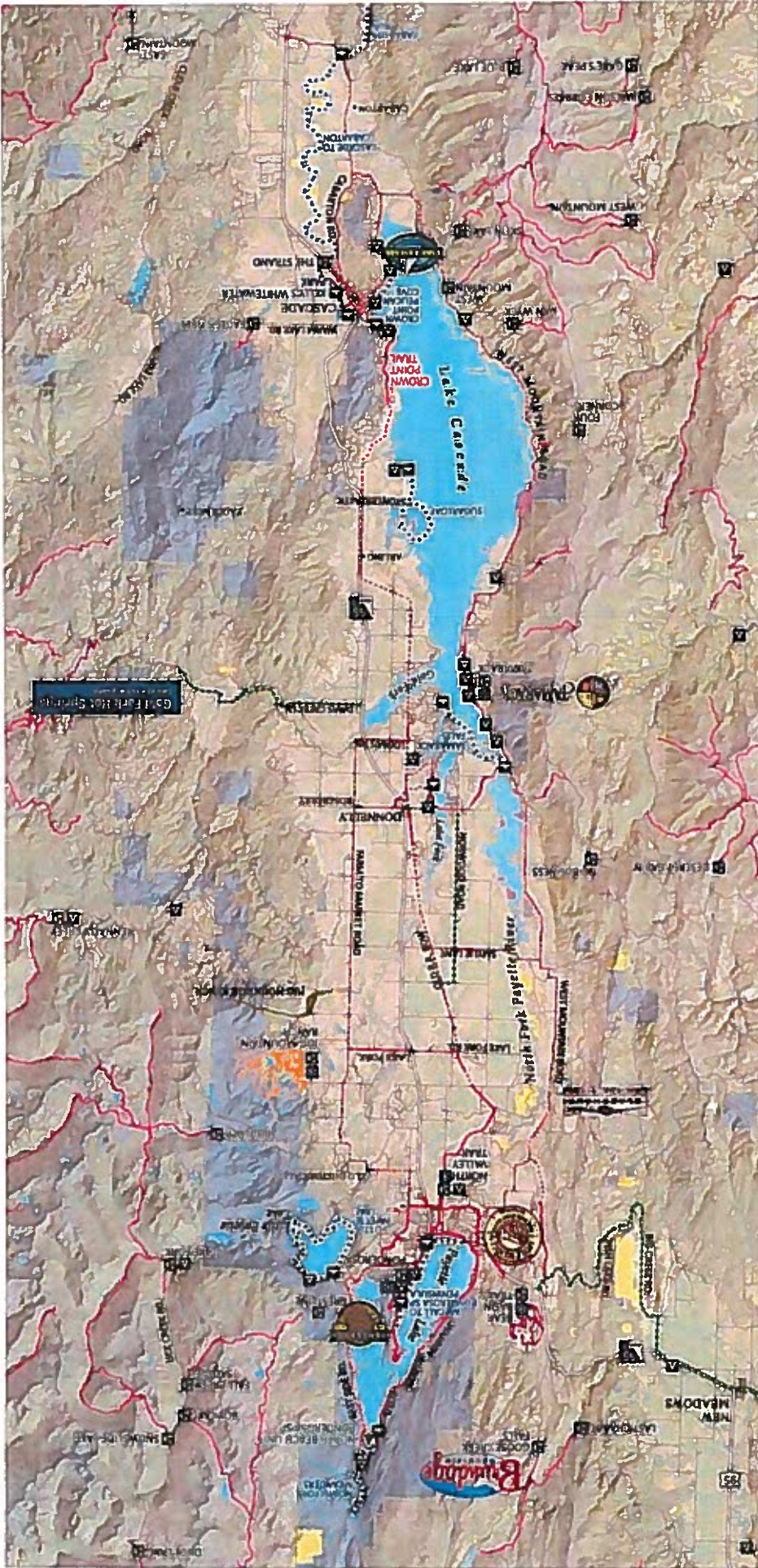


- US Forest Service
- State Land
- Bureau of Reclamation
- Bureau of Land Management
- PUBLICLAND OWNERSHIP**
- Recommended Travel Corridor
- Proposed
- Complete
- WCP MTHWAY/ROUTE
- Jug Mountain Ranch Trail
- Payette River Water Trail
- U.S. Forest Service Trail
- Campground
- Water Trail Facility/Launch/Fut-in
- Winter Trail (Nordic/Snowshoe)
- Trailhead

WEST CENTRAL MOUNTAINS
 1998
 WEST CENTRAL MOUNTAINS
 1998
 WEST CENTRAL MOUNTAINS
 1998

Scale: 0 2.5 5 Miles

Map prepared by Valley County Planning Department, 2018



Public Hearing Notice - CUP 22-37 Tamarack Falls Estates Appeal - Jan. 9, 2023

Wendy Howell [REDACTED]

Fri 12/16/2022 9:58 AM

To: Lori Hunter [REDACTED]

Good morning Lori,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Tamarack Falls Estates appeal. This project does not abut the State Highway system thus ITD has no further comments at this time.

Best Regards,

Wendy J. Howell PCED
Development Services Coordinator
Idaho Transportation Department, District 3
8150 W Chinden Blvd
Boise, ID 83714
Phone No: [REDACTED]
Email: [REDACTED]



CONFIDENTIALITY NOTICE: This email is intended only for the personal and confidential use of the individual(s) named as recipients and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone, 208 334-8964. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance of the information it contains.

From: Lori Hunter [REDACTED]

Sent: Wednesday, December 7, 2022 10:41 AM

To:

Subject: Public Hearing Notice - CUP 22-37 Tamarack Falls Estates Appeal - Jan. 9, 2023

Please read, distribute, and comment on the attached public hearing notices. Relevant maps, site plans, etc., will also be attached. More information, including applications and staff reports, will be available at www.co.valley.id.us

Send comments to: cherrick@co.valley.id.us

Lori Hunter
Valley County Planning & Zoning Assistant Planner
208-382-7115
219 N. Main Street • P.O. Box 1350
Cascade, ID 83611

Service **T**ransparent **A**ccountable **R**esponsive



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____
 Conditional Use # CUP 22-37
 Preliminary / Final / Short Plat Lamarack Falls ESTATES

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water waste flow characteristics
 - bedrock from original grade other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and/or surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
 - central sewage community sewage system community water well
 - interim sewage central water
 - individual sewage individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage community sewage system community water
 - sewage dry lines central water
- 10. Run-off is not to create a mosquito breeding problem.
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment swimming pools or spas child care center
 - beverage establishment grocery store

14. Application and Engineering report required by CDH.
 _____ Reviewed By: [Signature]
 _____ Date: 9/10/22



Valley County Road & Bridge

PO Box 672* Cascade, Idaho 83611

Jeff McFadden
Superintendent

Office *
Fax *

C.U.P. 22-37

September 26, 2022

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact to the local roads that will be utilized for accessing the proposed subdivision. CUP 22-37 is a preliminary plat submitted by Hess Properties LLC seeking approval of a 124-lot single-family subdivision on 91.7 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include West Roseberry Road, Norwood Road, and Tamarack Falls Road and West. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

- Recommendation (1): Dedication of 35' right-of-way to the public for property owned by the developer immediately adjacent to Norwood Road and Tamarack Falls Road. Prior to final plat, the developer agrees to provide an appraisal for the value of the ROW along with a legal description and warranty deed to be recorded with the Valley County clerk.
- Recommendation (2): Mitigate impacts to transportation services on those roads identified above by negotiating with developer payment of road improvement costs attributable to traffic generated by proposed development. The value of the developers proportionate share may be determined by several methods: (1) reference 2007 Capital Improvement Program cost comparisons for the West Roseberry CIP with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.

Any or all of the above recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Dept. and developer identifying the value of road improvement costs contributed.

Valley County Road Superintendent

A handwritten signature in black ink, appearing to read "Jeff McFadden".



Donnelly Rural Fire Protection District
P.O. Box 1178 Donnelly, Idaho 83615

October 5, 2022

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 22-37 Tamarack Falls Estates Preliminary Plat

After review, The Donnelly Rural Fire Protection District (DRFPD) will require the following.

- All fire apparatus access roads shall be built to Valley County Road Department standards or Section 503.2 IFC 2018
- Section D107.1 IFC 2018 developments of one- or two- family dwellings where the number of dwellings exceeds 30 shall be provided with two separate and approved fire apparatus access roads
- Section D107.2 IFC 2018 Where two fire apparatus roads are required, they shall be placed a distance apart equal to, and not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served. This is measured in a straight line between accesses
- All roads shall be inspected and approved by the DRFPD prior to final plat
- Section 507.1 IFC 2018 An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- An engineered drawing of the water system complete with hydrant locations shall be submitted to the Donnelly Rural Fire Protection District for review prior to construction
- The required water supply for this development shall be a fire hydrant system. All fire hydrants shall have 5 inch Storz connector installed on the hydrant. Fire hydrants shall be placed every 400 to 600 feet, depending on occupancy classification and capable of providing adequate fire flow. Redundant power supply and redundant pump capability for fire flow shall be required
- The required fire flow for single family dwellings shall be 1125 gallons per minute with duration of not less than two hours. This fire flow requirement is for single family dwellings only, multifamily dwellings and commercial application shall be in accordance with Table B105.1(2) IFC 2018
- All hydrants shall be flow tested prior to final plat

- All multifamily and commercial building plans shall be submitted to the Donnelly Rural Fire Protection District for review prior to construction to assess the need for fire alarms/sprinkler systems
- Section 503.7.5 IFC 2018 all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter
- Any residence utilized as a short term rental shall comply with Valley County Ordinance 19-09 Liquefied Petroleum Gas.

Please call [REDACTED] with any questions.

Jess Ellis



Fire Marshal
Donnelly Fire Department



Valley Soil & Water Conservation District

209 N Idaho Street

PO Box 580

Cascade, Idaho 83611

Telephone: [REDACTED]

Stephanie Hopkins
Land Planning Manager
KM ENGINEERING
5725 North Discovery Way
Boise, ID 83713



Valley County P&Z Commissioners
c/o Cynda Herrick
219 N. Main St.
Cascade, Idaho 83611

RE: CUP 22-37 Tamarack Falls Estates
Tamarack Falls @ Norwood Road, Valley County, ID

Stephanie,

Thank you for reaching out to the Valley Soil and Water Conservation District for guidance. As you are probably aware, Lake Cascade is impaired with nutrients and does not meet IDEQ's nutrient load goals as part of the Clean Water Act. This condition and resulting harmful algal blooms are a significant concern to us and our community. Suburban drainage is documented as contributing pollutants to the lake typically of nutrients, suspended solids, decomposing grass/leaf/pine needle litter, oil and grease, metals and others, in addition to thermal warming. These contribute to our lake's cyanobacteria (aka toxic algae) growth. The State and Valley County have minimum stormwater Best Management Practices (BMPs) for construction and the closer projects are located to the lake and tributaries, the more we encourage installing permanent engineered BMPs and filtration.

Regarding your project, we are concerned about the associated wetlands, the retention pond, upgradient onflows, the right-of-way drainage ditch flow lines shown on the subdivision plans (especially those abruptly terminating near Margot Drive). In addition to the construction BMPs, we like to see maximum open space for snow melt/water infiltration, detention basins (see attached Detention Basin Concept and code references) and biofiltration techniques.

There are numerous ways to properly engineer and treat surface water to safeguard the lake and we encourage developers and our county engineer to implement forward-thinking methods to prevent flooding and pollutants from entering both the wetlands and the lake.

Respectfully Submitted

Art Troutner, Jr., VSWCD Chairman

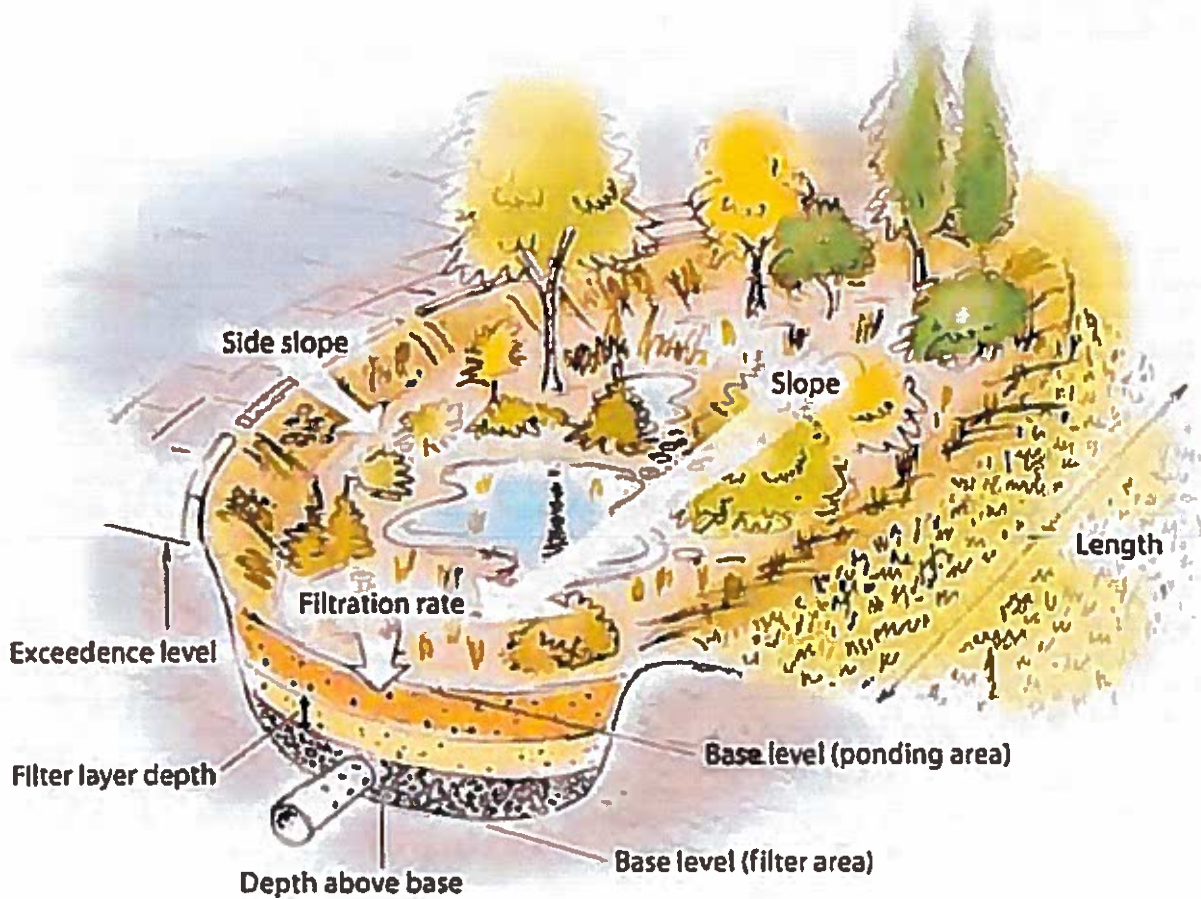
Art Troutner, Chairman
Valley Soil and Water Conservation District



DETENTION BASIN CONCEPTS

Detention systems are designed to temporarily hold runoff water (i.e. infiltrate or treat the water before releasing it) and they then becoming dry. The primary goal is to have no measurable impacts to receiving waters by filtering, maintaining or approximating pre-development surface flow volumes and durations. Detention basins are consistent with Valley County Stormwater Best Practices, Addendum to State Manual, BMP 9 Infiltration Basin and County Code 9-4-3-4**.

We suggest a Detention type system be considered in drainage design as opposed to Retention ponds. Detention basins can be used for snow storage in the winter and can be suited for recreational uses such as playgrounds and play fields since they flood less frequently (DeGroot and Lloyd, 1992). On the other hand, Retention wet ponds maintain permanent pools of water that are problematic with water rights*, child safety, stagnation odors, algae and mosquitoes. A Conceptual detention basin is presented herein; actual engineering design would depend on site specific conditions:



*Idaho Code 42-201(2) "No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists."

**Valley County Code 9-4-3-4 which states: "water should not be directed onto neighboring properties".

Fwd: Tamarack Falls Estates Sub - North Lakes

Stephanie Hopkins [REDACTED]

Thu 11/10/2022 4:18 PM

To: Cynda Herrick [REDACTED]; Lori Hunter [REDACTED]

Cc: Tyler Hess [REDACTED]; Joe Pachner [REDACTED]

Cynda and Lori,

Please see attached from North Lake Rec Sewer and Water. Could you please add this as a late exhibit? We will read this into the record tonight as well.

Thanks,

Stephanie

Begin forwarded message:

From: travis [REDACTED]

Date: November 10, 2022 at 3:23:45 PM MST

To: Joe Pachner [REDACTED], Tyler Hess [REDACTED]

Subject: Tamarack Falls Estates Sub

Joe,

Following your prior public hearing there were a few items discussed that I'd like to provide clarity on. First, North Lake is supportive of the water system improvements and water system extension, though the final design details haven't been determined, the overall concept will improve the water system currently serving Hawks Bay and Crane Shores. There was concerns voiced by existing customers about the impact on their water pressure etc... You could explain the way this improves pressure and reliability.

Another fact, North Lakes Board has approved the annexation pending the Conditions of Annexation being adopted. You have received North Lakes support in principle, the COA's will dictate the terms.

Let me know if you have any questions. Because the development hasn't been formally annexed no "Agency" letter was provided.

Thanks,

Travis Pryor



435 S. Eld Ln.
PO Box 729
Donnelly, ID 83615

C:
O:





Dear Commissioners,

In regards to CUP 22-37, Tamarack Falls Estates, it should be noted that this development runs along Norwood Rd and Tamarack Falls Rd. These roads are part of the Pathways Master plan adopted by Valley County in July of 2017. See attached proposed Pathways Master plan map.

The corridor from Donnelly to West Mountain road is a primary corridor in the Pathways Master Plan to provide pathways to connect communities, improve recreational opportunities, increase safety of pedestrians and bicyclists, and improve the quality of life for our residents. Further, there is active planning going on with the City of Donnelly, Valley County and Valley County Pathways, to develop sections of this corridor.

With a development of this size and scope, it is recommended that pathways along Norwood and Tamarack Falls be incorporated into the C.U.P. The inclusion of pathways within this development should also help alleviate traffic congestion in the area, and will benefit all residents and help to achieve the pathways objectives outlined in the Valley County Comprehensive Plan.

Sincerely,
Brett Shepherd

Valley County Pathways; Board Member



VALLEY COUNTY PATHWAYS

- Trailhead
- Winter Trail (Nordic/Snowshoe)
- Water Trail Facility/Launch/Put-in
- Campground
- U.S. Forest Service Trail
- Payette River Water Trail
- Jug Mountain Ranch Trail
- VCP PATHWAY ROUTE
- Complete
- Proposed
- Recommended Travel Corridor
- PUBLIC LAND OWNERSHIP
- Bureau of Land Management
- Bureau of Reclamation
- State Land
- US Forest Service

Scale: 0 to 3 Miles / 0 to 3 Kilometers

Produced by the Valley County Pathways by the local community and the US Forest Service, Bureau of Land Management, and the Bureau of Reclamation.



Gold Fork Hot Springs

SNOWDOME PARK



Valley Soil & Water Conservation District

209 N Idaho Street

PO Box 580

Cascade, Idaho 83611

Telephone: [REDACTED]

Honorable Valley County Planning and Zoning Commissioners,

Valley Soil and Water Conservation District has several concerns regarding the proposed development, CUP 22-37 Tamarack Falls Estates:

1. **Stormwater and Surface Drainage:** The Developer has a plan to retain stormwater and other surface drainage in a centrally located pond. The plan does not show how drainage will be directed to the pond. This is especially a concern regarding the downhill, southern portion, of the development. The south side is closest to the Reservoir. Gravity will of course send this water away from the pond and towards the Lake. Some sort of pump arrangement would be in order to get the runoff from the downhill side, back into the pond for retention and settling of surface drainage. There is also the hazard of this development's runoff flowing onto neighboring properties contrary to Valley County code 9-4-3-4 which states: "water should not be directed onto neighboring properties". Roads, roofs, driveways, and other hard surfaces that cover permeable soils, enhance runoff flows. We are concerned that the runoff/stormwater issue has not been addressed in a satisfactory manner.

2. **Valley County Comprehensive Plan, Chapter 6, special areas and sites Goal II: "recognize the waterways and water bodies in Valley County as special areas".**

In regards to Cascade Reservoir/Lake: as this development is a peninsula in Cascade Reservoir, it is of utmost concern that impacts from contaminated runoff be prevented from reaching the Reservoir. As we all know, the health of this waterbody is on the edge of disaster, mostly due to runoff laden with contaminants. Protecting Cascade Reservoir is one of the main goals of the comprehensive plan. This development plan needs to go further to protect the Reservoir.

3. **For several years running the Reservoir has been shut down to human activities due to toxic Cyanobacteria blooms. Keeping the Reservoir healthy is a major key to the local economy. Until cyanobacteria blooms are under control, is it wise to keep approving lakeside development, especially as large as the one proposed? Approving more lakeside development, especially those without plans that address runoff issues, only serves to further to degrade the already poor water quality Cascade Reservoir.**

To be clear, Cascade Lake is in grave danger of no longer being a recreational/economic asset to our county and area. Only by strict adherence to measures that protect water quality can further deterioration of the Lake, and that part of the economy dependent on a healthy Lake, be achieved. Those measures are not in evidence in these development plans. It is the opinion of the V.S.W.C.D. that because of the size of the development, proximity to the Lake, the poor condition of the Lake, and lack of a comprehensive drainage plan, this development be rejected as planned.

Respectfully,

Valley Soil & Water Conservation District Board of Supervisors

Art Troutner, John Lillehaug, Bill Leaf and Colt Brown



RE: Meadows at West Mountain area - west of Donnelly

Berkley, Regan [REDACTED]

Wed 8/3/2022 10:16 AM

To: Lori Hunter [REDACTED]; Flack, Brandon [REDACTED]

Cc: Royle, Josh [REDACTED]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lori,

This area is used by a variety of wildlife during spring, summer and fall. We are unaware of any specific migration routes through this property, and it is unlikely to serve as a migratory route due to existing development surrounding the property in question.

Thanks,
Regan

Regan Berkley
Regional Wildlife Manager
Idaho Department of Fish and Game
McCall Regional Office
555 Deinhard Ln.
McCall, ID 83638
[REDACTED]

<https://idfg.idaho.gov>

*submitted
on
Roseberry Park
Application*



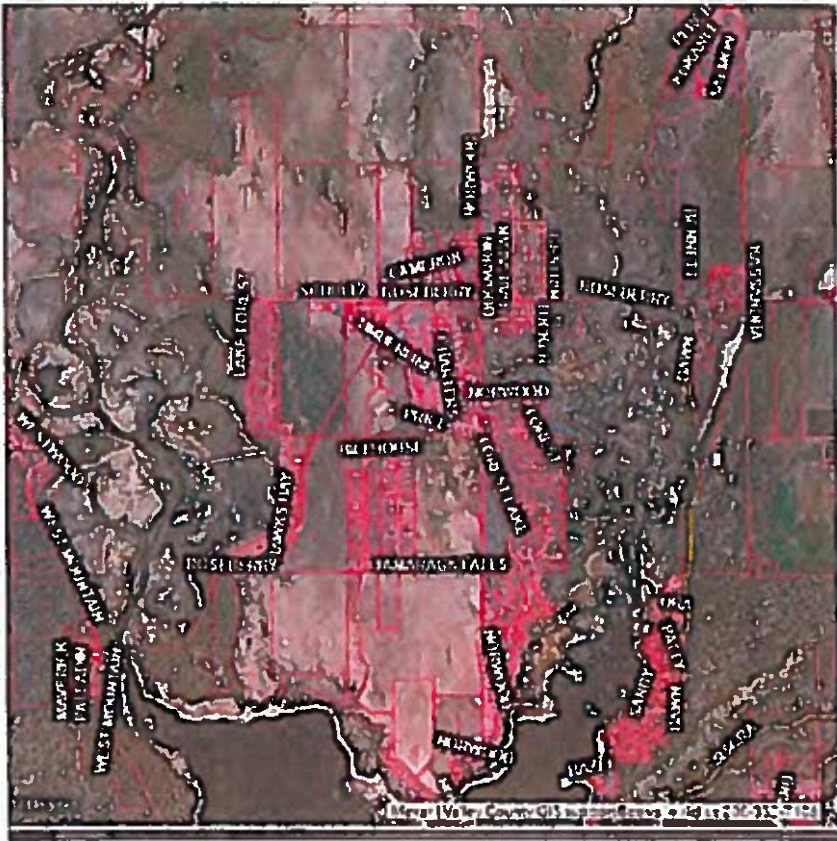
From: Lori Hunter [REDACTED]

Sent: Tuesday, August 2, 2022 10:34 AM

To: Berkley, Regan [REDACTED]; Flack, Brandon [REDACTED]

Subject: Meadows at West Mountain area - west of Donnelly

See below screenshot. Does the Idaho Fish and Game consider the area around Meadows at West Mountain (W. Roseberry RD x Timberline Drive area) to be a wildlife migratory area?



Lori Hunter
Valley County Planning & Zoning Assistant Planner
208-382-7115
219 N. Main Street • P.O. Box 1350
Cascade, ID 83611

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Tamarack Estates - path to beach

From: Rick Mather [REDACTED]

Sent: Sunday, October 30, 2022 8:39 PM

To: Cynda Herrick [REDACTED]

Cc: jeanette mather [REDACTED]

Subject: Tamarack Estates - path to beach

Cynda

We talked the other day in your office and discussed Hess providing access to the beach, as shown below. You asked me to send a reminder.

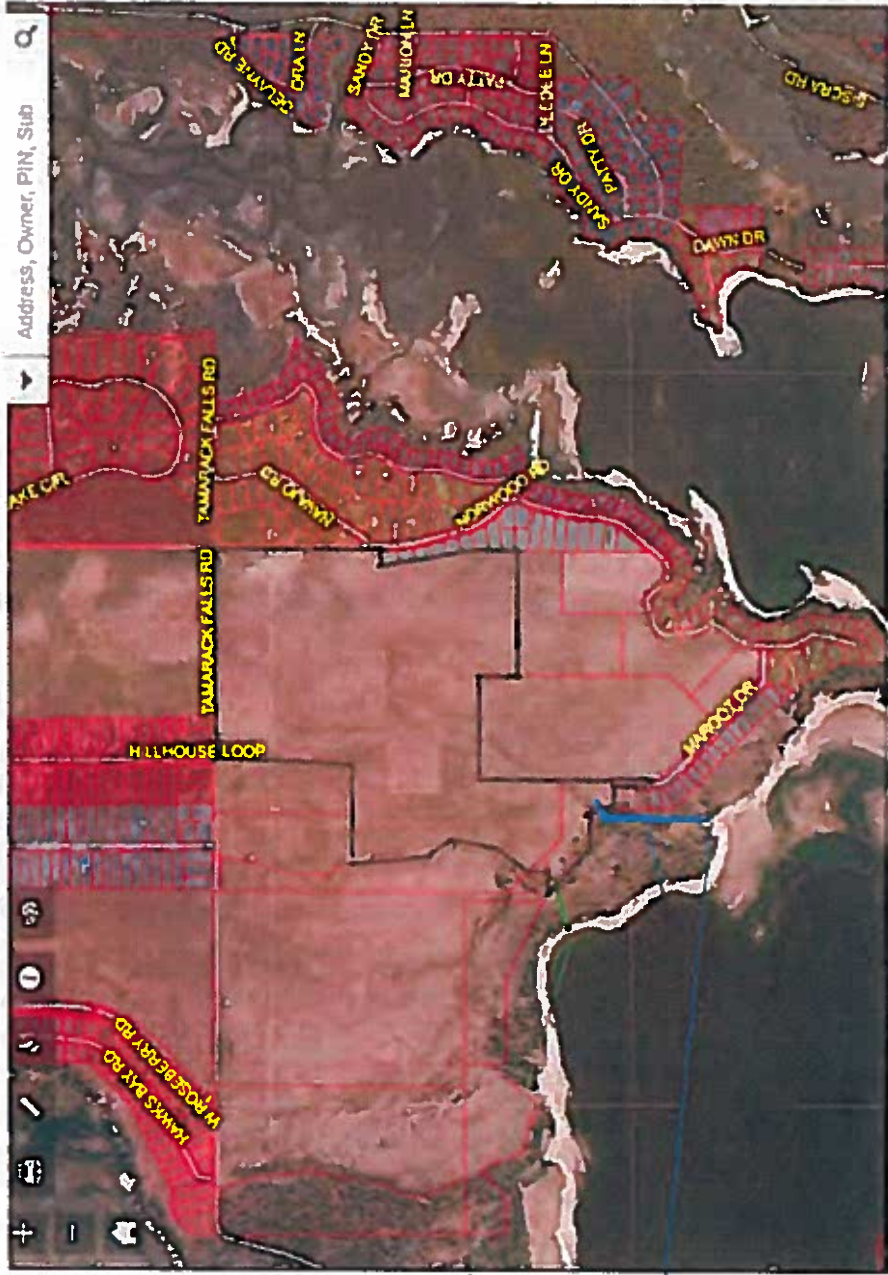
As all have expressed, we do not feel the infrastructure is ready for this. Most important to me is the concerns about water quality of the lake with the additional pressure; potential contamination of our drinking water; and our wells running dry. I will defer to the experts, on this.

The over-crowding will affect us the most as we are the closest existing cabin, to this development. Routing the people to the beach as shown below would go a long way to alleviate this. Nobody on Margot wants these crowds. And the Tamarack Estates people will not find what they are looking for, if they have to deal with crowds on the beach not to mention angry neighbors. Routing them to the much closer beach, alleviates this issue. Everybody can then enjoy the beach.

Thanks

Rick & Jeanette Mather

189 Margot
[REDACTED]



Cynda,
When we talked the other day you asked me to send you a reminder to look into this.

The blue line will be the path people take to the beach, unless another access is provided. The green line is what we talked about. It is shorter path to the beach, that beach would provide more open space and it is deeper (longer season to swim and boat). The beach at the end of the blue line is often crowded and not as deep (shorter season).

Our neighbors on Margot would find this much more favorable.

You said that Margot will have a gate and only be used by emergency equipment. Correct?

Thanks, Rick

letter to the EPA

From: David Gallipoli [REDACTED]
Sent: Monday, November 7, 2022 11:06 AM
To: Cynda Herrick [REDACTED]; Elt Hasbrouck [REDACTED]; edgartallen [REDACTED]; Sherry Maupin [REDACTED]
Subject: letter to the EPA

Mr. Casey Sixkiller, Regional Administrator
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101 (via email: [REDACTED])

November 7, 2022

Ref: Valley County Idaho Planning and Zoning applications

1. CUP 22-10 Roseberry Park Development PUD 22-01- Preliminary Plat, Valley County, ID
2. CUP 22-21 Stag's Run Estates Subdivision, Lake Fork, Valley County, ID
3. Valley Meadows PUD 22-02 and CUP 22-29 Roseberry Rd @ Timberline Dr., Valley County, ID
4. CUP 22-37 Tamarack Falls Estates, Tamarack Falls @ Norwood Road, Valley County, ID

I am writing to you to request help from the U.S. Environmental Protection Agency for the above-referenced sites in Valley County, Idaho. These proposed developments include hundreds of clustered residences and earthwork in a rural location that contain and/or drains into wetlands and impaired lakes and streams; managed by the Bureau of Reclamation and already failing to meet Clean Water Act standards. In addition, local infrastructure is limited with incalculable impacts (i.e. emergency services, hospital {Valley County is also listed as Medically Underserved per section 330 Public Health Services Act}, police & fire protection, main access to town is over an aging, inadequate, accident prone hazardous Roseberry Rd "S-Bridge") and impacts to wildlife migration have not been thoroughly evaluated; they are for the most part being ignored.

The critical concern is these developments will get approved to move forward as they trivialize direct and cumulative impacts to; 1) the Clean Water Act with inadequate and incomplete sewage, water and drainage plans, 2) Executive Order 12898 by creating disproportionately burden/inequities in environmental justice and government performance in this rural location, and 3) the National Environmental Policy Act for pollutant drainage into impaired federally controlled waterways. Local officials appear willing to allow variance of standard county ordinances and ignore goals of the County Comprehensive Plan with perfunctory reviews, accepting applications with misinformation, ignoring open space requirements, and not heeding citizens' concerns. They need to pause, rethink the impacts and damage they are doing to this rural community and environment, then strategically plan future developments so they do not come at the cost of the environment and taxpayers.

Currently, our watershed is experiencing unsustainable environmental pressures and it is vulnerable to further water quality degradation. Let me quote our county conservationist "To

be clear, Cascade Lake is in grave danger of no longer being a recreational/economic asset to our county and area." Art Troutner, Chairman Valley Soil and Water Conservation District Oct 20, 2022. It's hard to believe, but in 1996 the EPA issued a National Pollutant Discharge Elimination System (NPDES) permit to the upstream City of McCall regarding the discharge from the City's Sewer Facility (now operated by Payette Lakes Recreational Water and Sewer District) into the North Fork Payette River (NFPR). The NPDES permit required the elimination of the discharge from the Facility into the NFPR, except for certain emergency discharges. However, the facility has a wastewater pond that leaks into the NFPR ... for 9 years. The lack of actions and added development pressure around Big Lake Payette and the NFPR increase citizen's concerns for this watershed management.

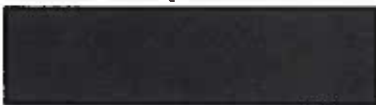
We are the headwaters of the Snake and Columbia Rivers with 5-years of toxic algae alerts and numerous animal illness and deaths over this time from drinking the water. Is it no wonder the lower rivers can no longer support salmon with polluted headwaters?

Water quality is key to our health, drinking water, recreational economy, fish habitat, agricultural industry, and our communities' way of life. The lakes and rivers provide immense aesthetic and mental health benefits and recreational opportunities including dozens of lake-shore youth camps, swimming, fishing and boating, all which help support the local economy. The North Fork Payette River Watershed is a valuable natural resource, but only if it is healthy.

Due to financial limitations and lack of familiarity with the bureaucratic system, local concerned citizens do not possess the resources to safeguard against this travesty and potential imminent hazards; we need your help. Please get involved and take action to stop this injustice.

Respectfully Submitted,
David J Gallipoli and Reese Gibboney, Lenard Long
Concerned Valley County Citizens

David J Gallipoli



Re: C.U.P. 22-37 Tamarack Falls Estates

Cynda Herrick [REDACTED]

Thu 11/10/2022 2:20 PM

To: Therese Gibboney [REDACTED]

Cc: Lori Hunter [REDACTED]

Hello Therese,

I will hold this comment, in case they want to accept additional testimony.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

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From: Therese Gibboney [REDACTED]
Sent: Thursday, November 10, 2022 2:10 PM
To: Cynda Herrick [REDACTED]
Subject: C.U.P. 22-37 Tamarack Falls Estates

We have already all written in and we hope each and every letter was read, however, just a reminder to DENY this tonight.

Gregg & Therese Gibboney

November 10, 2022 [REDACTED] Tamarack Falls Estates

From: Patty Scroggins [REDACTED]

Sent: Thursday, Nov [REDACTED]

To: Cynda Herrick [REDACTED]

Subject: November 10, 2022 CUP 22-37 Tamarack Falls Estates

Hello Cynda,

We are unable to attend the meeting tonight, but will participate online.

We would like to have our names listed as being opposed to the Tamarack Falls Estates C.U.P. 22-37. We are not opposed to development in the area, but do request that studies be conducted to ensure new growth is conducive to the rural area and manageable.

Thank you,

Dennis & Patricia Scroggins

Re: P and Z Letter

Cynda Herrick [REDACTED]

Mon 11/14/2022 8:43 AM

To: margaux edwards [REDACTED]

Cc: Lori Hunter [REDACTED]

Hello Margaux,

This letter was not accepted into the record. The public hearing had been tabled for rebuttal.

Also, if you submit letters in the future, please do not submit letters after 5:00 pm on the night of the meeting. I do not check my emails during the meeting.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

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From: margaux edwards [REDACTED]

Sent: Thursday, November 10, 2022 5:02 PM

To: Cynda Herrick [REDACTED]

Subject: P and Z Letter

11/10/2022

Cynda Herrick Planning and Zoning Director
Valley County Planning and Zoning Commission
PO Box 1350
Cascade, ID 83611

Re: Tamarack Falls Estates Preliminary Plat

Dear Director Herrick, Commissioners Caldwell, Childs, Freeman, Roberts, and Thompson,

Thank you for your acceptance of this letter in opposition to the proposed subdivision development entitled "Tamarack Falls Estates." At the October 20th Planning and Zoning meeting there were numerous opponents who submitted letters and stayed long into the evening for the opportunity to share their concerns. I hope those letters and statements were remembered and will be on the forefront of your mind when making a decision that will affect our community. Please note that the only proponents of this development are the developers and realtors who have an interest in financial gain. They have zero connection to this area and are not interested in the local effect. They only have dollar signs in their view.

The concerns that were presented at the last meeting were significant and must not be ignored. Primarily this development would overwhelm our roadways on Norwood and Roseberry roads and further danger pedestrians. In the last weeks, I made a call into the county road department about plans to improve the S bridge. The highway department employee shared that they are aware of the problems on the S bridge but don't have the funds to make improvements. There should be no more subdivisions until this problem is addressed and funds are generated.

Secondly, this subdivision will not address the affordable housing crisis in this county. At the last meeting, the engineering representative hired by Hess Properties quoted she would NOT limit weekend rentals nor prevent those in their covenants and restrictions. Therefore, this subdivision will only bring more VRBO rentals that will overcrowd our area.

The numerous environmental concerns to the lake and wildlife have also not been addressed and this will be detrimental on our pristine area. Please review the numerous reports especially from Valley Soil and Water Conservation.

Please listen to the local citizens who will be affected by this development and reject Tamarack Falls Estates.

Sincerely,

Margaux Edwards Crockett

Margaux Edwards Crockett

Opposed to Tamarack Falls Estates project by Hess Properties et.al.

From: Bruce Gestrin [REDACTED]

Sent: Wednesday, December 21, 2022 9:51 AM

To: Cynda Herrick [REDACTED]; Bruce Gestrin [REDACTED]

Subject: Opposed to Tamarack Falls Estates project by Hess Properties et.al.

Good morning,

I would agree with the appellants that the Commission's approval fails to meet several of the conditional use permit standards. I agree that the impact report requires the applicant to address potential environmental, economic, and social impacts and how these impacts are to be minimized.

I am most concerned about traffic. I would like to see the entrance at Margot eliminated completely. I believe, even if it is an emergency exit, that it has the potential to directly our ability to peacefully enjoy our house at 12884 Norwood. The way the subdivision is platted it does not appear to me to be an emergency access only. That design should be changed, and if bollards have not been included, I would request that they be included as a stipulation of approval. The fire department can then temporarily remove them if needed.

Further, I am concerned with the environmental impact and the potential run-off issues. Also, if there is a pond it will increase the ability for mosquitoes to breed and the risk of disease from mosquitoes will increase.

Thank you for your time.

Bruce Gestrin PhD

[REDACTED]

Silvercreek Realty Group
Manager of Investment Properties and Real Estate.

Letter regarding C.U.P. 22-37 Tamarack Falls Estates

From: Liz Jones [REDACTED]

Sent: Thursday, December 29, 2022 2:09 PM

To: Cynda Herrick [REDACTED]

Subject: Letter regarding C.U.P. 22-37 Tamarack Falls Estates

Dear Ms. Herrick and Planning and Zoning Commissioners,

I would like to offer my support for the appeal filed by a group of individuals who are in opposition of this project.

While I felt many of the builder's representative's rebuttal statements were satisfactory, I was left wondering where the supporting documents were that showed the potential changes. Before approval I would have hoped to see some documentation showing communication and support for the project's plans from the Valley Soil and Water Conservation District and the Bureau of Reclamation. I did not hear the commissioners stating that they would like additional documentation of the changes and would have hoped this would be a requirement of the approval process. As of this writing, December 29, 2022, I do not see that anything has been added on the public website. I urge you to consider a closer look at solid documentation that pertains to this project, and any others that come through this process.

Thank You,
Liz Jones
12880 Norwood, Donnelly

-
Liz

Mark & Sandra Nasse

171 Margot Dr.
Donnelly, Idaho 83615



Valley County
Commissioners
PO Box 1350
Cascade, Idaho
83611

Dear Commissioners,

We have been living at 171 Margot Dr. for well over 20 years. The last time I wrote to you I was and still very concerned about the sustainability of our infrastructure. I am a retired developer that understands Mr. Hass is here to make money. Belief of anything else is a smoke screen. Please rescind your previous decision on C.U.P. 22 37.

We truly cannot handle the approximata 800 to 1000 people that this project will bring to Government Point. The drainage pond is not a good idea. Where does the water come from to provide irrigation, our aquafer? Water does not flow on that property to sustain the pond. When it did, it came from the lake via a pump by the Edwards family. When there is a snow melt or heavy rain where does the dirty overflow from the pond go. Oh, I guess to the lake, just what we don't want.

My last concern is Margot Drive becoming a racetrack for off road vehicles that do not belong on our paved streets. They seldom obey the 25 mph speed limit. There are children, pets, and occasionally livestock on the road. Please be sure to keep Tamarack Falls Estates contained to Norwood Rd. and Tamarack Falls Rd. if approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Nasse".

Mark Nasse

Request to change time of Tamarack Falls Estates appeal

JULIA THROWER [REDACTED]

Fri 12/16/2022 9:05 AM

To: Cynda Herrick [REDACTED]

Cc: Lori Hunter [REDACTED]

Hi Cynda,

I was just checking to see if the Commissioners had a chance to discuss and/or make a decision on moving the Tamarack Falls Estates appeal hearing to a later time of day (and thus date because of noticing requirements).

Thank you,
Julie

614 Thompson Avenue
McCall, ID 83638

[REDACTED]

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On Thu, Dec 8, 2022 at 12:54 PM JULIA THROWER [REDACTED] > wrote:
Understood. I believe that the time of day is much more of a concern than the actual date.
Thank you,
Julie

614 Thompson Avenue
McCall, ID 83638

[REDACTED]

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On Thu, Dec 8, 2022 at 12:34 PM Cynda Herrick [REDACTED] wrote:
Hello all,

This will be a decision of the Board of County Commissioners. The hearing has been noticed.

We would have to reschedule to a different date in order to meet our minimum notice requirements.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
[REDACTED]

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

Service **T**ransparent **A**ccountable **R**esponsive

From: JULIA THROWER [REDACTED]
Sent: Thursday, December 8, 2022 12:13 PM
To: Cynda Herrick [REDACTED]; Sherry Maupin [REDACTED]; Edgar Allen [REDACTED]; Elt Hasbrouck [REDACTED]
Subject: Request to change time of Tamarack Falls Estates appeal

Ms. Herrick and Board of Commissioners:

I am representing the signatories to the Tamarack Falls Estates appeal (CUP 22-37). A public hearing on the appeal was recently set for January 9, 2023, at 3pm. My clients respectfully request the hearing time to be moved to 6pm.

Many of the signatories to the appeal would like to attend in person to provide their own testimony at the appeal, but are unable to do so during regular business hours. Therefore, I'm asking if the hearing could be moved to a later time to allow those affected persons to stand before the Board of Commissioners to present how they will be personally impacted if the conditional use permit is issued.

Thank you,
Julie Thrower

614 Thompson Avenue
McCall, ID 83638
[REDACTED]

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Public Hearing January 9, 2023

Geraldine Gallupe-Donnelly [REDACTED]

Thu 12/8/2022 6:03 PM

To: Cynda Herrick [REDACTED]

Cc: Sherry Maupin; Eli Hasbrouck; Edgar Allen; Douglas Miller; Lori Hunter; Geraldine Gallupe-Donnelly

Dear Cynda,

Then please reschedule the meeting. This is not an impossible task, whether the meeting has been noticed or not.

I disagree with you re: Neal. He approved the project. His presence in this matter as a County Commissioner having just left his seat as the Chair on the P&Z board will be a conflict of interest. His vote did not determine that our arguments against this project had merit. WeThePeople have enough intelligence to understand this. He should not be allowed to vote twice. Familiarity with the arguments do not provide exclusion from bias.

BTW, please pay attention to the sign that is on the wall behind the Commissioner desk. WeThePeople.

Respectfully,
Geri Gallupe

On Thu, Dec 8, 2022 at 3:18 PM Cynda Herrick [REDACTED] wrote:
Hello all,

This will be a decision of the Board of County Commissioners. The hearing has been noticed.

We would have to reschedule to a different date in order to meet our minimum notice requirements.

In my opinion, the Board of County Commissioners will be making a decision based upon the entire record and the new public hearing. Commissioner Thompson's familiarity with the application will be beneficial to the process. I anticipate the Commissioners will consult with their legal counsel.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
[REDACTED]

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

Service **T**ransparent **A**ccountable **R**esponsive

From: Geraldine Gallupe-Donnelly [REDACTED]
Sent: Thursday, December 8, 2022 3:06 PM
To: Sherry Maupin; Elt Hasbrouck; Edgar Allen; Cynda Herrick
Cc: Douglas Miller; Geraldine Gallupe-Donnelly
Subject: Public Hearing January 9, 2023

Dear Commissioners, P&Z staff director, County Clerk,

I am respectfully asking that you reschedule this meeting to be held in the evening of January 9th (6 pm) to accommodate the whole public, for which this meeting is intended.

Public comment should be held at such a time of day to accommodate the citizens of this county, many who rely on their income and cannot leave work to attend this meeting during the working hours without incurring a loss of income.

This is the second time in recent weeks that I have seen public comment for an appeal scheduled at inopportune times. It is also noted that public comment at the end of the Commissioner meetings held typically on Mondays is scheduled at 3 pm or whenever your afternoon business is completed. This time is also inconvenient for many who work.

You work on a salary paid by WeThePeople. Why does this matter? Your income will not be affected by the time of day you represent us. These meetings appear to be held at your convenience, not for the people who elect you or pay the taxes that support your income. This appeal has been paid for by the appellants, again another form of taxation. We ask for "due process" as it applies to our appeal and ask to be represented fairly and respectfully by our elected representatives accordingly.

We also will ask that Neal Thompson be excused from this meeting, as he approved this project in his position as P&Z Commissioner Chair. He will be biased.

Sincerely,
Geri Gallupe
Cascade, ID
530.410.5699

01/09/23 Meeting time

From: Joey Pietri [REDACTED]

Sent: Friday, December 9, 2022 9:43 AM

To: Valley County Commissioners [REDACTED]

Cc: Cynda Herrick [REDACTED]

Subject: 01/09/23 Meeting time

Dear Commissioners,

I request on behalf of many and myself the January 9, 2023 meeting be held at 6:00 PM rather than 3PM so individuals will not need to take off time from work as many can ill afford it.

Thank You!

Sincerely,

Joey Pietri

CUP 22-37 appeal time

From: Pamela McChrystal [REDACTED]

Sent: Friday, December 9, 2022 3:40 PM

To: Cynda Herrick [REDACTED]

Cc: Valley County Commissioners [REDACTED]

Subject: CUP 22-37 appeal time

I would like to request that you move the public hearing time from 3pm to 6pm so that the public can attend

Thank you

Tamarack Falls Estates Appeal / Date and Time

From: Therese Gibboney [REDACTED]
Sent: Monday, December 12, 2022 7:00 AM
To: Cynda Herrick [REDACTED]; Lori Hunter [REDACTED]
Subject: Fwd: Tamarack Falls Estates Appeal / Date and Time

Forgot to CC you Cynda.

----- Forwarded message -----

From: Therese Gibboney [REDACTED]
Date: Fri, Dec 9, 2022 at 4:24 PM
Subject: Tamarack Falls Estates Appeal / Date and Time
To: Sherry Maupin [REDACTED], Elt Hasbrouck
[REDACTED]

Commissioners ~ Elting, Sherry and Ed,

We received the notice with the date and time for our Tamarack Falls Estates appeal, which is scheduled on 1/9/23 at 3:00 pm. This time is unacceptable for our group since most of us work. We asked our Lawyer, Julie Thrower, to address this which she has, however, we feel that it is essential for you to hear from us as well so know just how important this matter is to each and every one of us.

We respectfully request that you move the date and time. This "Public Appeals Hearing" needs to be scheduled for 6:00 pm. In her reply to Julie, Cynda stated that they already sent out notifications and if the time is changed then the date will have to moved as well. *The time change is essential for a fair public hearing.* Therefore, please listen to the people who signed this appeal, and make these changes so their voices can be heard with their testimonies during our "public appeals hearing."

We are also requesting that Neil Thompson recuse himself since he has already heard this application, and approved of it, while he was a volunteer Planning & Zoning Commissioner. We feel that this yes vote makes him biased in this application.

We appreciate your time and consideration in the very important matter.

Respectfully,
Therese & Gregg Gibboney

Tamarack Falls Estate Appeal

From: Patty Scroggins [REDACTED]

Sent: Saturday, December 10, 2022 12:56 PM

To: Edgar Allen [REDACTED]; Elt Hasbrouck [REDACTED]; Sherry Maupin [REDACTED]

Cc: Cynda Herrick <cherrick@co.valley.id.us>

Subject: Tamarack Falls Estate Appeal

Dear Commissioners Maupin, Allen, and Hasbrouck,

We received the notice with the date and time for our Tamarack Falls Estates appeal, which is scheduled on 1/9/23 at 3:00 pm. This time is unacceptable for our group since most of us work. We asked our Lawyer, Julie Thrower, to address this, which she has, however, we feel that it is essential for you to hear from us as well so know just how important this matter is to each and every one of us.

We respectfully request that you move the date and time. This "Public Appeals Hearing" needs to be scheduled for 6:00 pm. In her reply to Julie, Cynda stated that they already sent out notifications and if the time is changed then the date will have to moved as well. The time change is essential for a fair public hearing. Therefore, please listen to the people who signed this appeal, and make these changes so their voices can be heard with their testimonies during our "public appeals hearing."

We are also requesting that Neil Thompson recuse himself since he has already heard this application, and approved of it, while he was a volunteer Planning & Zoning Commissioner. We feel that this yes vote makes him biased regarding this application.

We appreciate your time and consideration in the very important matter.

Respectfully,
Dennis & Patty Scroggins
Donnelly

Request for the Tamarack Falls Estates Appeal Hearing CUP22-37 for the Date and Time be changed

From: Linda Eddy [REDACTED]

Sent: Sunday, December 11, 2022 10:19 PM

To: Cynda Herrick [REDACTED]; Sherry Maupin [REDACTED]; Edgar Allen [REDACTED]; Elt Hasbrouck [REDACTED]

Cc: Lori Hunter [REDACTED]

Subject: Request for the Tamarack Falls Estates Appeal Hearing CUP22-37 for the Date and Time be changed

Dear Honorable Valley County Commissioners:

We received the notice with the date and time for our Tamarack Falls Estates appeal for CUP22-37, which is scheduled on 1/9/23 at 3:00 pm. This time is unacceptable for our group since a lot of the people work. We asked our Lawyer, Julie Thrower, to address this which she has with Cynda Herrick, however, we feel that it is essential for you to hear from us as well so you know just how important this matter is to each and every one of us.

We respectfully request that you move the date and time of this "Public Appeals Hearing" for CUP 22-37 needs to be scheduled for 6:00 pm. In her reply to Julie, Cynda stated that they already sent out notifications and if the time is changed then the date will have to moved as well. *The time change is essential for a fair public hearing.* Therefore, please listen to the people who signed this appeal, and make these changes so their voices can be heard with their testimonies during our "public appeals hearing."

We are also requesting that Neil Thompson recuse or abstain himself since he has already heard this application, and approved of it, while he was a volunteer on the Valley County Planning & Zoning Commission. We feel that this yes vote makes him biased in this application.

We appreciate your time and consideration in the very important matter.

Respectfully,
Bill and Linda Eddy

Tamarack Falls Estates Preliminary Plat

Cynda Herrick [REDACTED]

From: Cheri Wingert [REDACTED]

Sent: Monday, October 17, 2022 12:12 PM

To: Cynda Herrick [REDACTED]

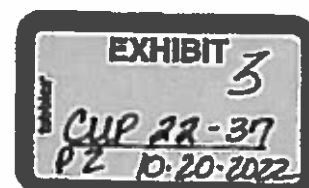
Subject: Tamarack Falls Estates Preliminary Plat

Greetings,

Please forgive me if I missed the deadline to submit a letter regarding the Tamarack Fall Estates preliminary plat,

May it be noted that this area is near to horses that need open space and not a suburban neighborhood within their walking path to local trails. Local families that have been here since forever would be crushed for a new suburb to take away their favorite open space. Forefathers and mothers would roll in their grave if this happened. We all need to help find a rich someone to build this land into a ranch instead.

Thank you!



10/12/2022

Cynda Herrick
Planning & Zoning Director
PO Box 1350
Cascade, ID 83611



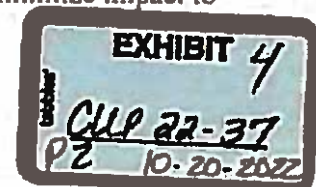
post marked Oct. 12, 2022

Cynda & Valley County Planning & Zoning Commission,

My wife and I own a property on Norwood just south of the proposed C.U.P. 22-37 Tamarack Falls Estates and are against this proposed development as it will negatively impact our property & neighborhood. This development is too large for the existing roads in the area, which need to be addressed in conjunction with development. If the area is developed without major road improvements, we want to see fewer lots & additional road access to the North to reduce the impact to traffic congestion for the existing neighbors. Attached are some notes we added to the development docs & below are more comments/concerns/recommendations.

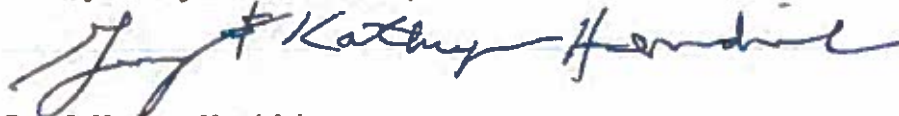
Traffic is a major issue.

- The "S" bridge is problematic because of the shape and narrow width with many crashes and does not accommodate bikes or pedestrians.
 - Traveling on/off of HWY 55 at Roseberry is problematic due to growth on the North end of the lake and needs to be addressed prior to, or at least in conjunction with, such large developments like this and/or expansion at Tamarack. Currently we attempt to modify our travel times because of the mess at the HWY 55 stop sign. Traffic will be from new residents, renters & short-term renters as well as the huge amount of construction traffic to build the subdivision, and then construct all the homes.
 - Norwood (our street) cannot handle this amount of traffic. We bought our house before Tamarack and the Meadows Subdivision were constructed and remember how bad the traffic was before Roseberry was extended. It was problematic back then and will revert to that weekend/holiday traffic jam at Norwood & Roseberry.
 - We have one two lane paved road (Roseberry) in and out of the area, and it does not support an increase in traffic that a large development like this will create. We need the road issue resolved before or in conjunction with development.
 - Traffic issues will negatively impact property values.
2. Connectivity:
- We do not want to see a connection to Margot Drive. If this goes forward, they need multiple egress points to Tamarack Falls Road. We would like to see a turn lane added at Tamarack & Roseberry to encourage traffic to utilize the larger Roseberry Road.
 - The proposal needs to be revised to accommodate future development (Sewer & water capacity & connectivity) for adjacent properties on the West & South boundaries. Assuming those adjacent properties are developed in the future, we need a good master plan to accommodate them to prevent or minimize impact to existing homeowners in the area.



- Traffic from these areas need to be pushed North & West to Roseberry.
3. Phases are in the wrong order & must be switched. They are proposing Phase I as a starting point & that pushes all traffic onto Norwood & Margot, which is completely unacceptable to the neighboring homeowners. The connection to Tamarack Falls road must be the starting point as it facilitates some of the traffic to travel to Roseberry vs all onto Norwood. We want the connection to Margot eliminated & add another road to Roseberry, as they have other more reasonable design options available.
 4. Lake Cascade water quality – Something needs to be done to eliminate run-off to Lake Cascade from the land proposed for development. Something like HOA common areas with ponds, swales and seepage beds need to be created along the proposed Margot Drive and Evergreen areas to manage runoff that will go directly into the lake. We now have poisonous algae blooms every year and the developer must be required to protect the lake & not allow any surface drainage into the lake. Utilizing historical drainage to the lake is not acceptable to all users of Lake Cascade.
 5. Storm drains and roads need to be maintained by the County & the Preliminary Engineering Notes #6 show that ownership is mixed with HOA and actual homeowners as responsible for routing and heavy maintenance. These facilities and lots need to be maintained appropriately to protect the lake & an HOA/developer/homeowner are not the appropriate owners to protect this public interest. What about lots that drain into Historical drainage areas that go to the lake?
 6. Too much density (small size lots) along Norwood & Tamarack falls & needs to be revised for fewer lots that are larger to reduce impact to roads and traffic. We would also like to see 50' landscape berms & common area along those public roads.
 7. Road access to Tamarack Falls Road needs to be created at the start of the development. It is not fair or reasonable to the existing property owners to dump all the traffic onto Norwood and Margot as a first step.

Thank you for your consideration,



Guy & Kathryn Hendricksen
12870 Norwood Road, Donnelly, ID 83615

*LEFT WATER
FROM WESTERN
WATER*

TAMARACK FALLS ESTATES
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT
A PORTION OF THE E/2 OF SECTION 20,
TOWNSHIP 15 NORTH, RANGE 3 EAST, BOISE MERIDIAN,
VALLEY COUNTY, IDAHO

FOR USE WITH BSA & W-2 FROM THE



GENERAL NOTES

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PROPERTY INFORMATION

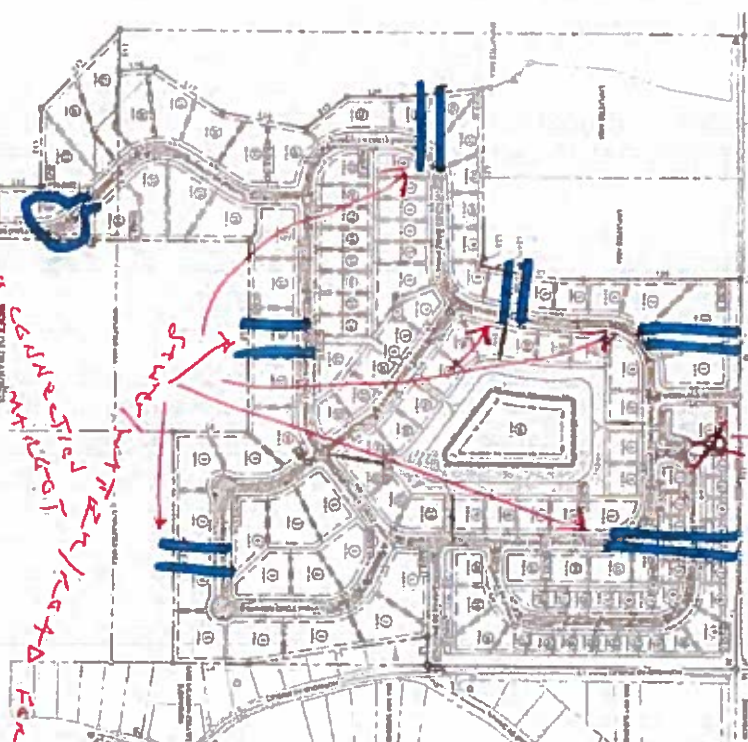
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ADDITIONAL DATA

- REMARKS**
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COVER SHEET



PRELIMINARY PLAT NOTES

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TAMARACK FALLS ESTATES
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT
COVER SHEET

KM ENGINEERING
0144

SHEET LIST CONDITIONS

1. All dimensions are in feet and inches.

2. All dimensions are to the center of the line unless otherwise noted.

3. All dimensions are to the center of the line unless otherwise noted.

4. All dimensions are to the center of the line unless otherwise noted.

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PRELIMINARY PLAT - EXISTING CONDITIONS

km
K&M ENGINEERS
INCORPORATED
1000 S. 1000 E.
TAMARACK FALLS, IDAHO 83421
PHONE: 208-338-1111
FAX: 208-338-1112
WWW.KMENGINEERS.COM

TAMARACK FALLS ESTATES
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT
EXISTING CONDITIONS

NO.	DESCRIPTION	DATE



PP11

LEGEND

PHASE 1: 100' WIDE ROADWAY AND 10' SIDEWALK

PHASE 2: 60' WIDE ROADWAY AND 5' SIDEWALK

PHASE 3: 40' WIDE ROADWAY AND 3' SIDEWALK

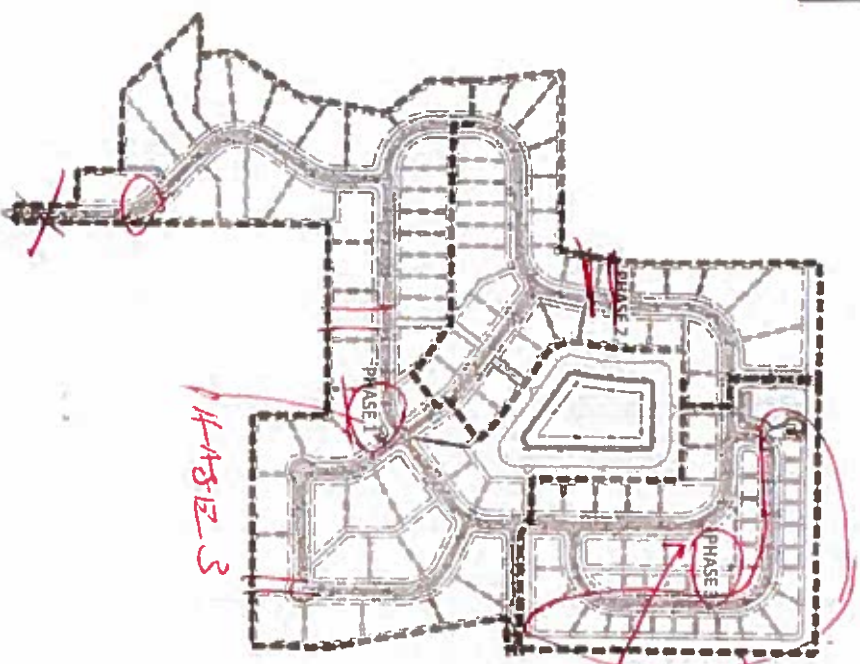
PHASE 4: 20' WIDE ROADWAY AND 1.5' SIDEWALK

PHASE 5: 10' WIDE ROADWAY AND 0.75' SIDEWALK

PHASE 6: 5' WIDE ROADWAY AND 0.375' SIDEWALK

PHASE 7: 2.5' WIDE ROADWAY AND 0.1875' SIDEWALK

PHASE 8: 1.25' WIDE ROADWAY AND 0.09375' SIDEWALK



Phase	Width	Area
Phase 1	100'	100' x 10' = 1000 sq. ft.
Phase 2	60'	60' x 5' = 300 sq. ft.
Phase 3	40'	40' x 3' = 120 sq. ft.
Phase 4	20'	20' x 1.5' = 30 sq. ft.
Phase 5	10'	10' x 0.75' = 7.5 sq. ft.
Phase 6	5'	5' x 0.375' = 1.875 sq. ft.
Phase 7	2.5'	2.5' x 0.1875' = 0.46875 sq. ft.
Phase 8	1.25'	1.25' x 0.09375' = 0.1171875 sq. ft.

PRELIMINARY PLAT - PHASING PLAN

K&M
K&M ENGINEERING & ARCHITECTURE
1000 S. 1000 E. SUITE 200
TAMARACK FALLS, IDAHO 83421
PHONE: (208) 338-1111
FAX: (208) 338-1112
WWW.K&MENGINEERING.COM

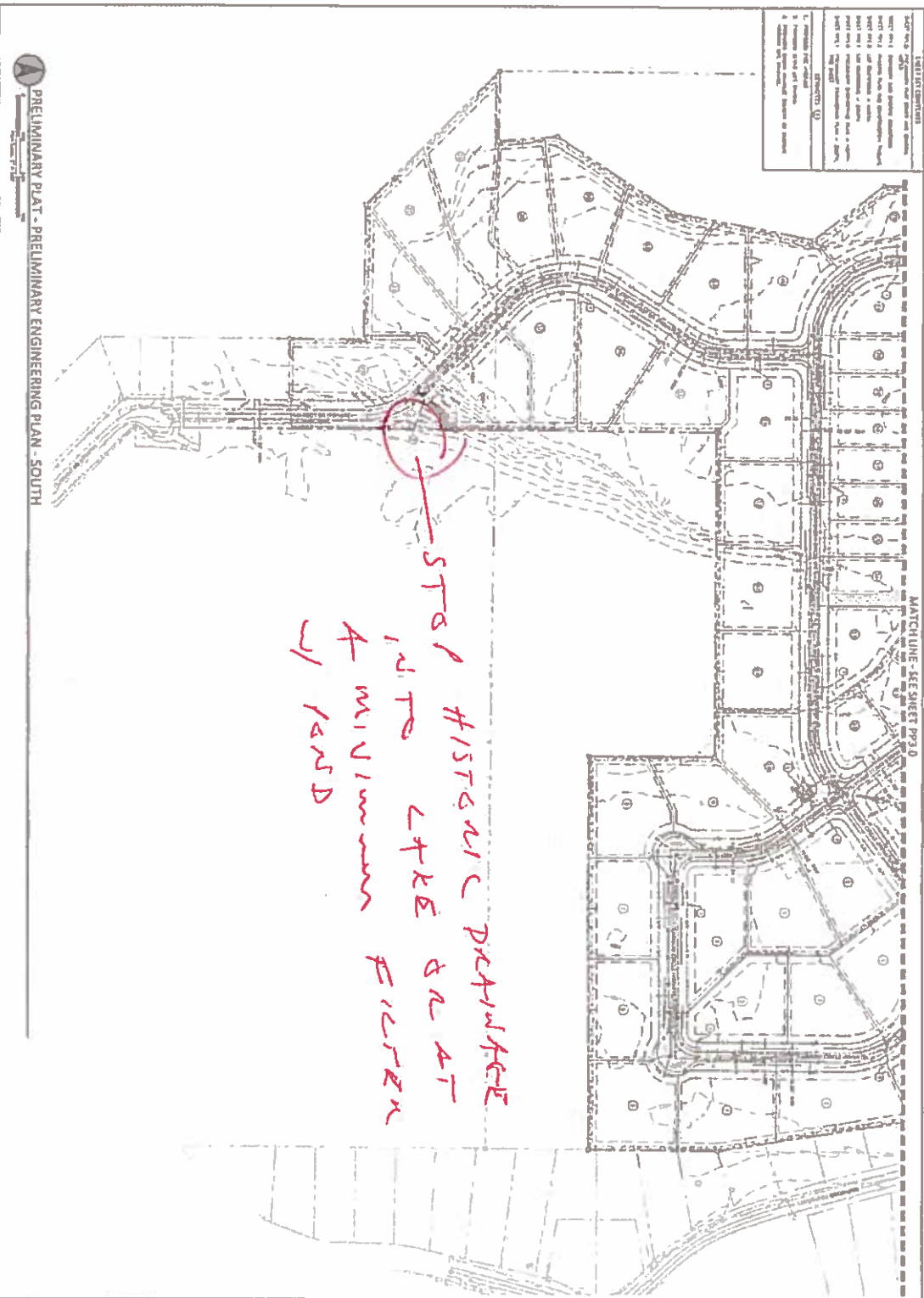
TAMARACK FALLS ESTATES
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT
PHASING PLAN

NO.	DATE	DESCRIPTION



LEGEND

1. Proposed lot lines
 2. Proposed lot areas
 3. Proposed lot dimensions
 4. Proposed lot setbacks
 5. Proposed lot easements
 6. Proposed lot encroachments
 7. Proposed lot encroachments to be removed
 8. Proposed lot encroachments to be retained
 9. Proposed lot encroachments to be corrected
 10. Proposed lot encroachments to be corrected by other means
 11. Proposed lot encroachments to be corrected by other means



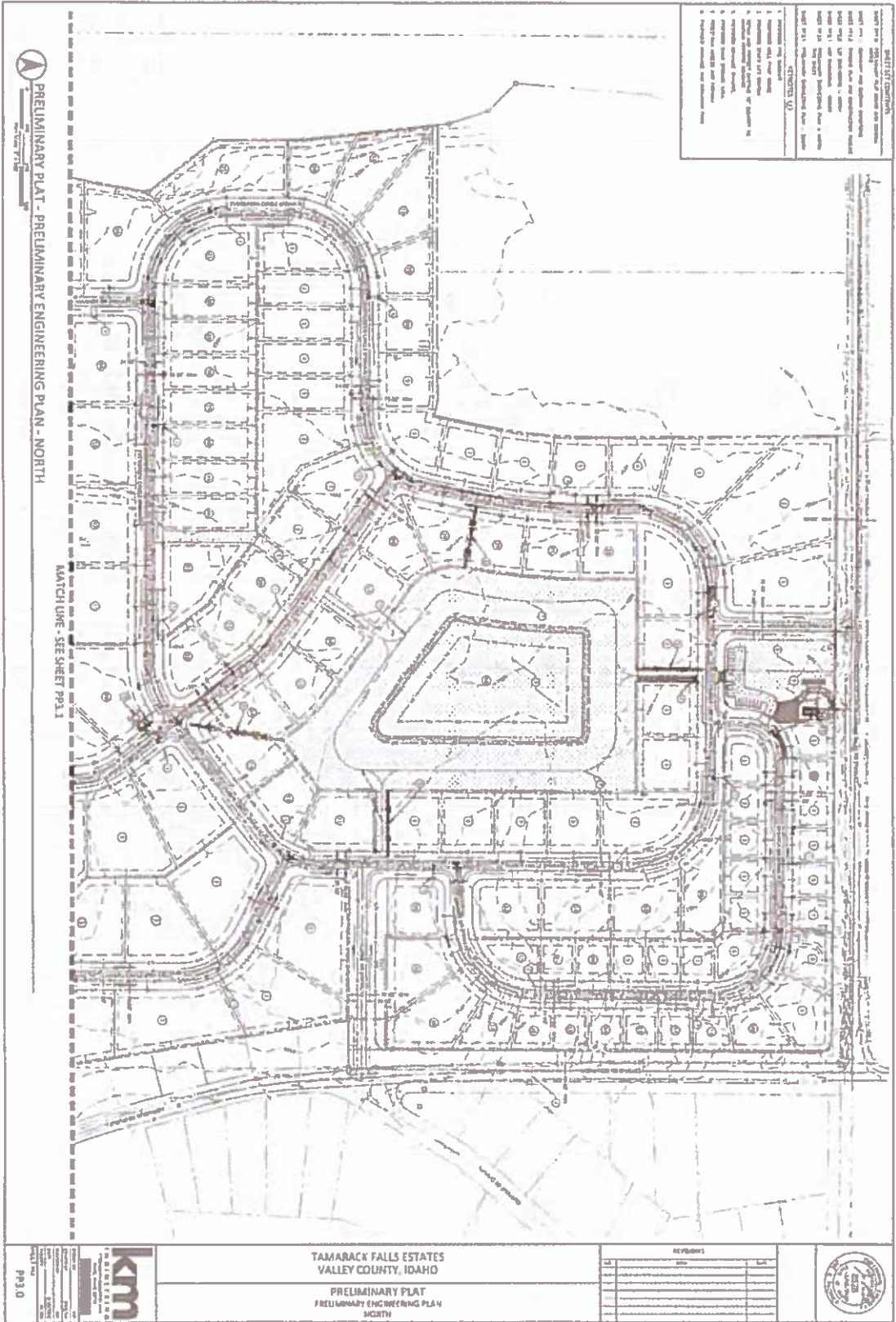
PRELIMINARY PLAT - PRELIMINARY ENGINEERING PLAN - SOUTH

km
 KIMMEL ENGINEERING & ARCHITECTURE
 1000 S. 10th Street, Suite 100
 Boise, Idaho 83725
 (208) 333-1111
 Fax: (208) 333-1112
 www.kimmel-engineering.com

TAMARACK FALLS ESTATES
 VALLEY COUNTY, IDAHO
 PRELIMINARY PLAT
 PRELIMINARY ENGINEERING PLAN
 SOUTH

NO.	DESCRIPTION	DATE





- NOTES:**
1. SEE SHEET P3.0 FOR GENERAL NOTES.
 2. SEE SHEET P3.1 FOR GENERAL NOTES.
 3. SEE SHEET P3.2 FOR GENERAL NOTES.
 4. SEE SHEET P3.3 FOR GENERAL NOTES.
 5. SEE SHEET P3.4 FOR GENERAL NOTES.
 6. SEE SHEET P3.5 FOR GENERAL NOTES.
 7. SEE SHEET P3.6 FOR GENERAL NOTES.
 8. SEE SHEET P3.7 FOR GENERAL NOTES.
 9. SEE SHEET P3.8 FOR GENERAL NOTES.
 10. SEE SHEET P3.9 FOR GENERAL NOTES.

PRELIMINARY PLAT - PRELIMINARY ENGINEERING PLAN - NORTH

MATCH LINE - SEE SHEET P3.1

km
 CONSULTING ENGINEERS
 1000 S. 1000 E. SUITE 100
 TWIN FALLS, IDAHO 83402
 PHONE: 208.333.1000
 FAX: 208.333.1001
 WWW.KMENGINEERS.COM

TAMARACK FALLS ESTATES
 VALLEY COUNTY, IDAHO
 PRELIMINARY PLAT
 PRELIMINARY ENGINEERING PLAN
 NORTH

NO.	DESCRIPTION	DATE

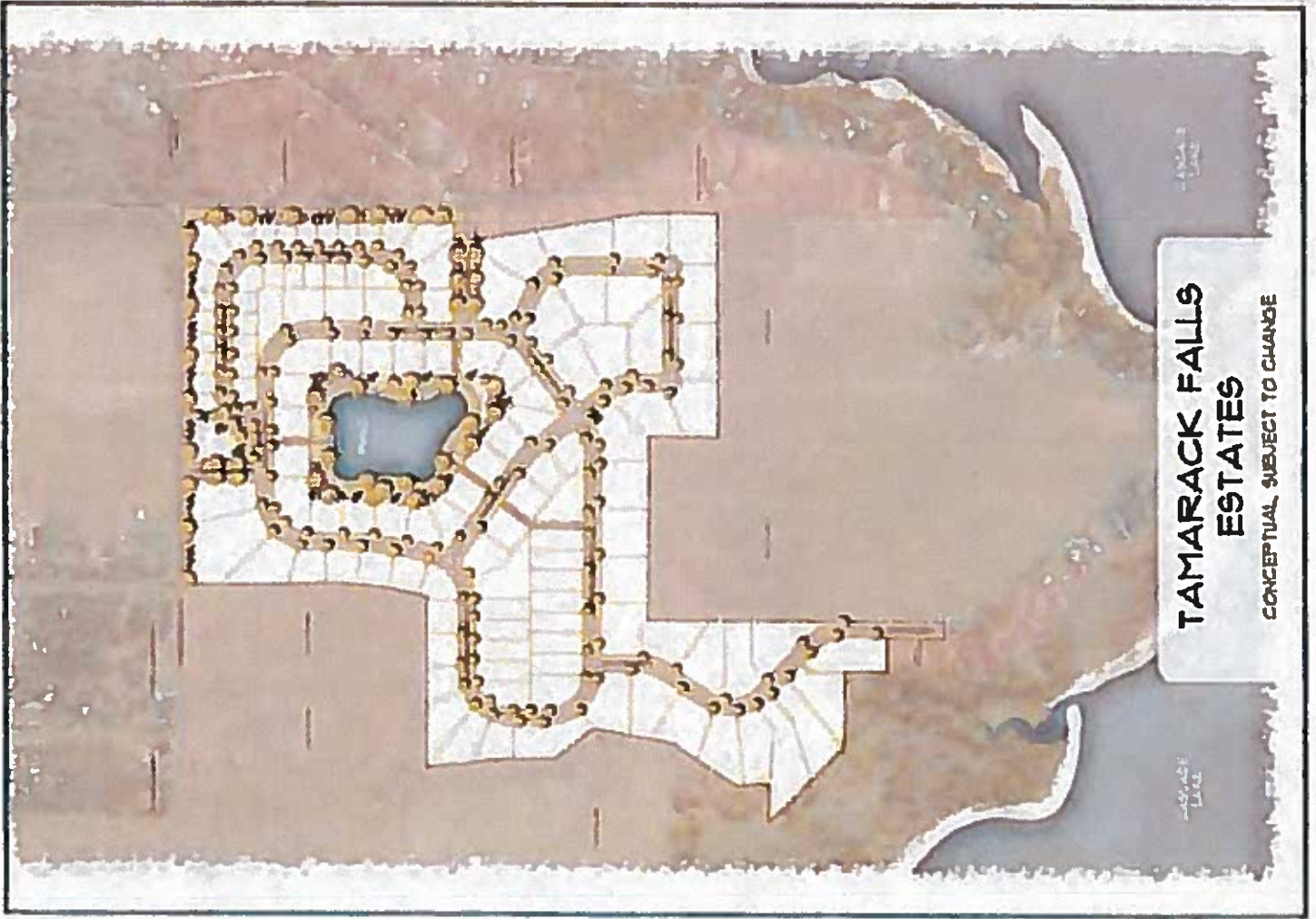


Tamarack Falls Estates

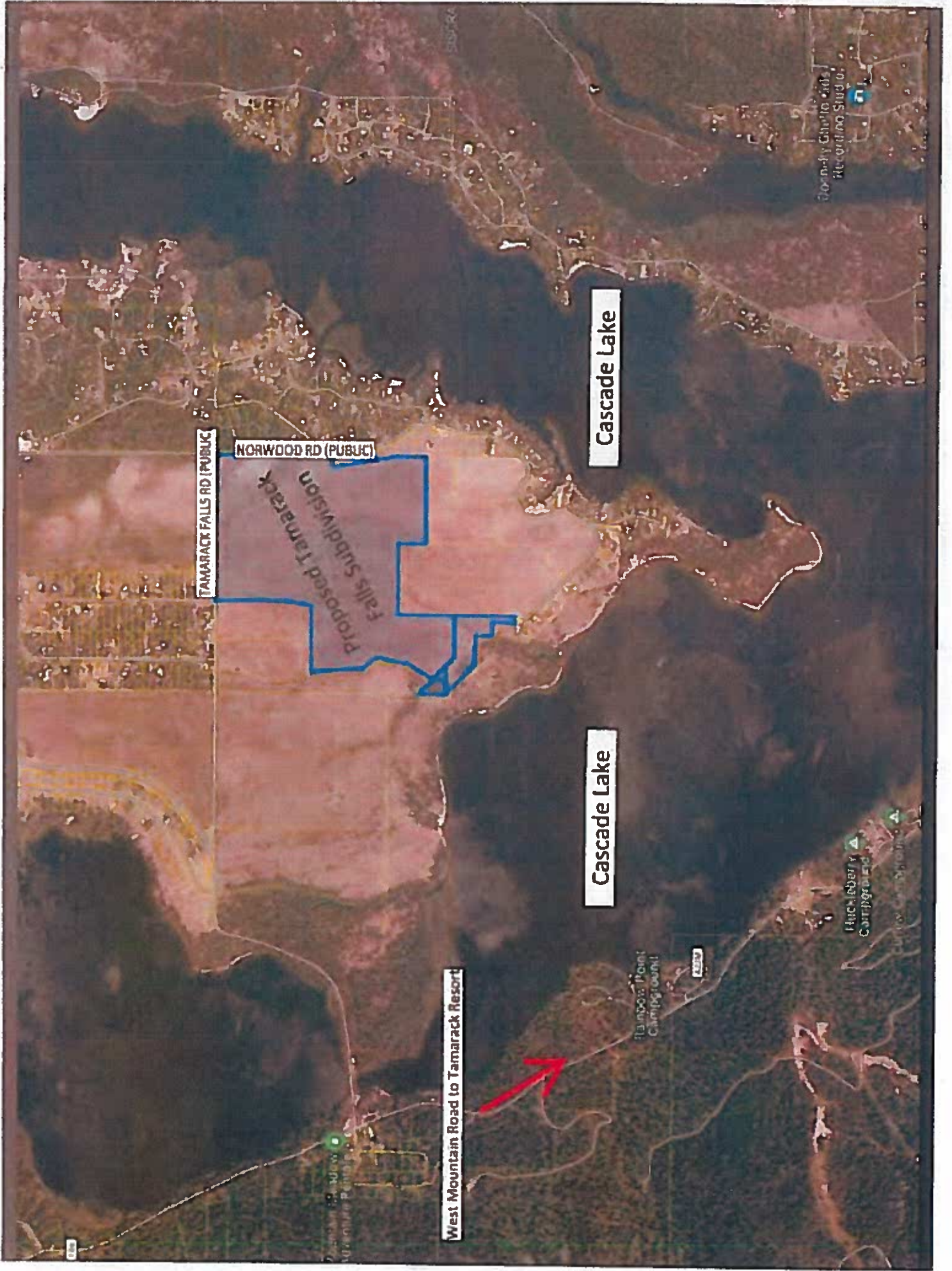
Conditional Use Permit &
Preliminary Plat

Valley County

EXHIBIT 5
GUP 22-37
PZ 10-20-2022



TAMARACK FALLS
ESTATES
CONCEPTUAL SUBJECT TO CHANGE



Preliminary Plat

+/- 115.04

Buildable lots: 124

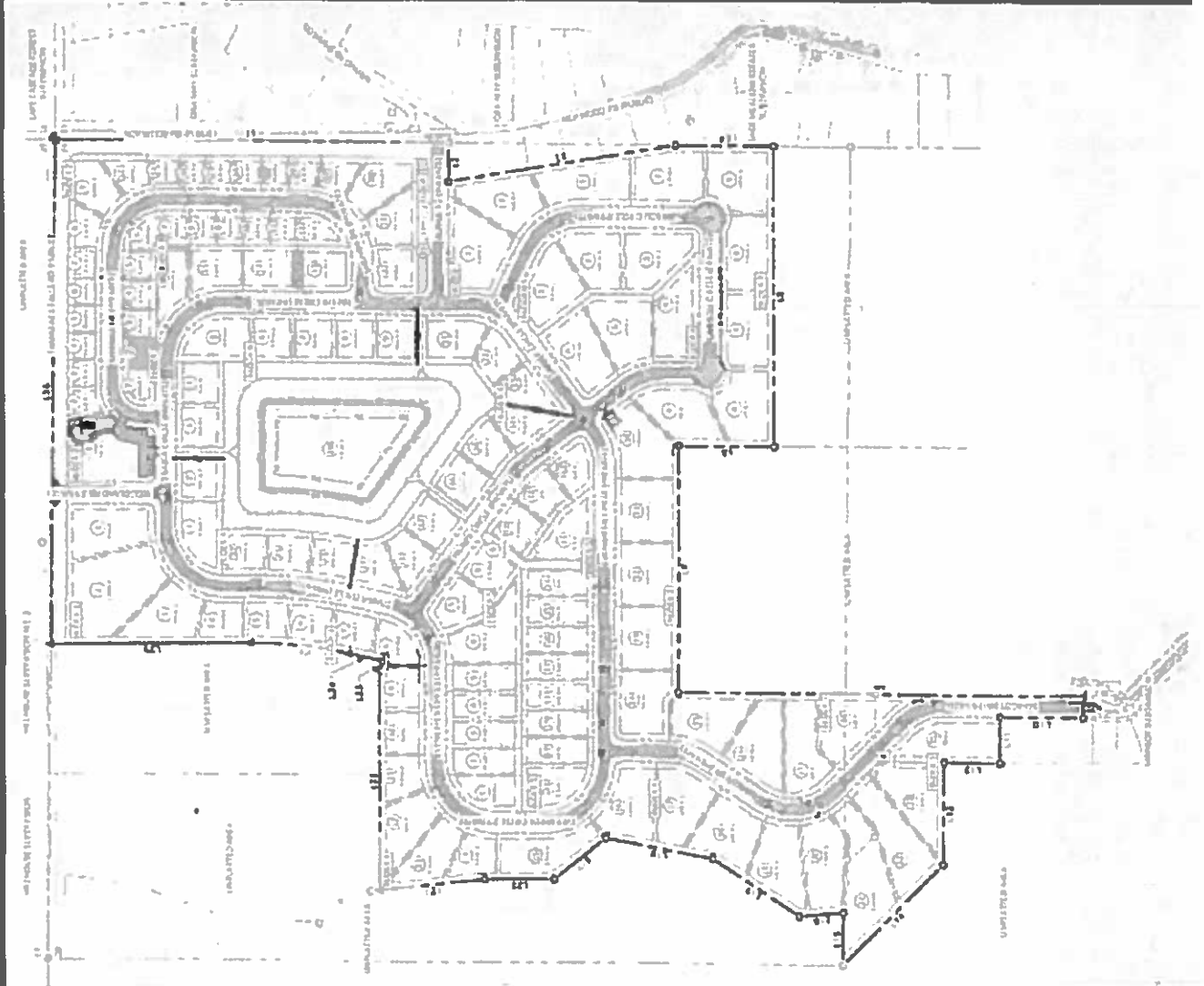
Common lots: 5

Private Roads: 1

Total lots: 130

Avg. Lot Size: 0.64 acres

Gross Density: 0.74 units/acre



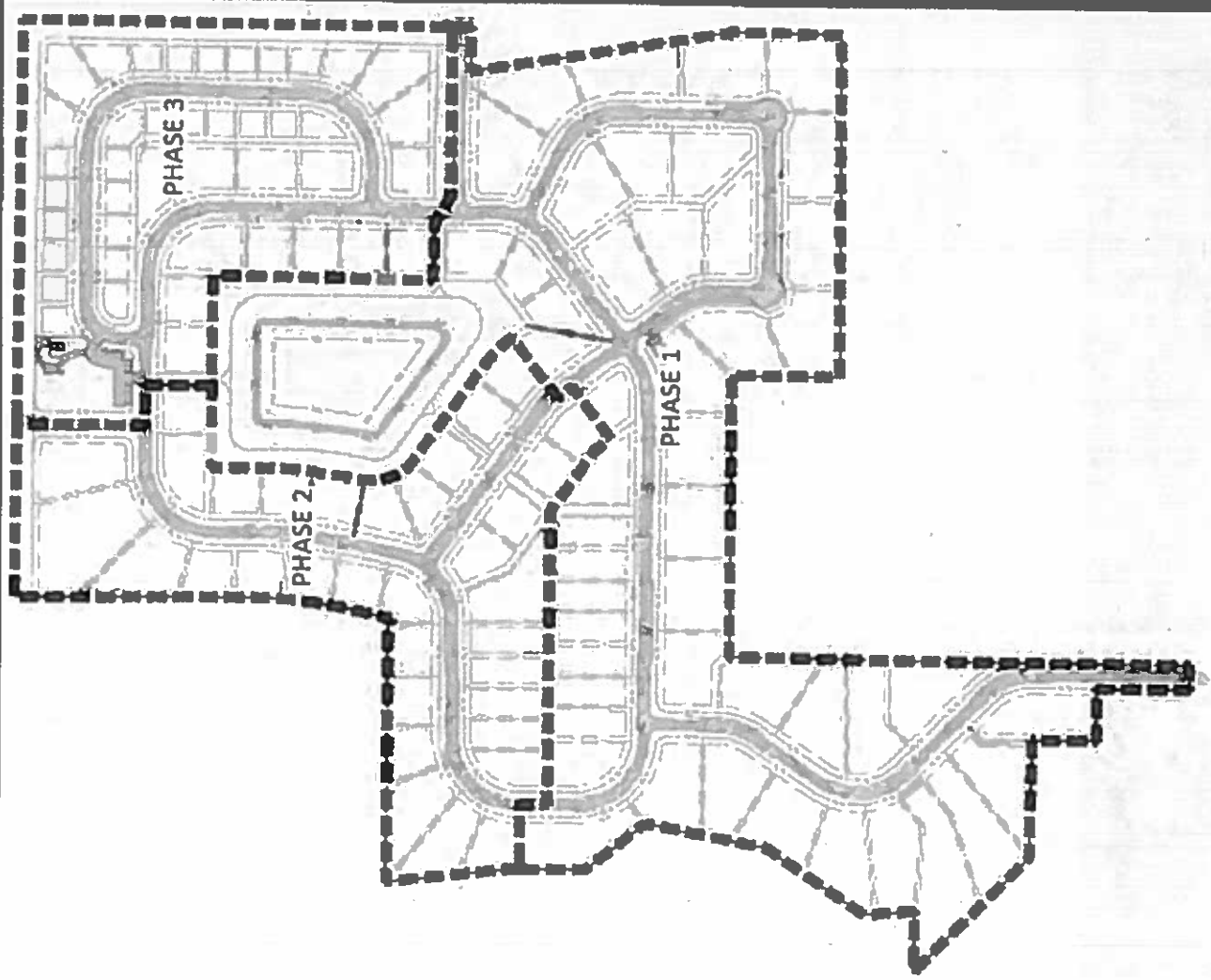
Conceptual Phasing Plan*

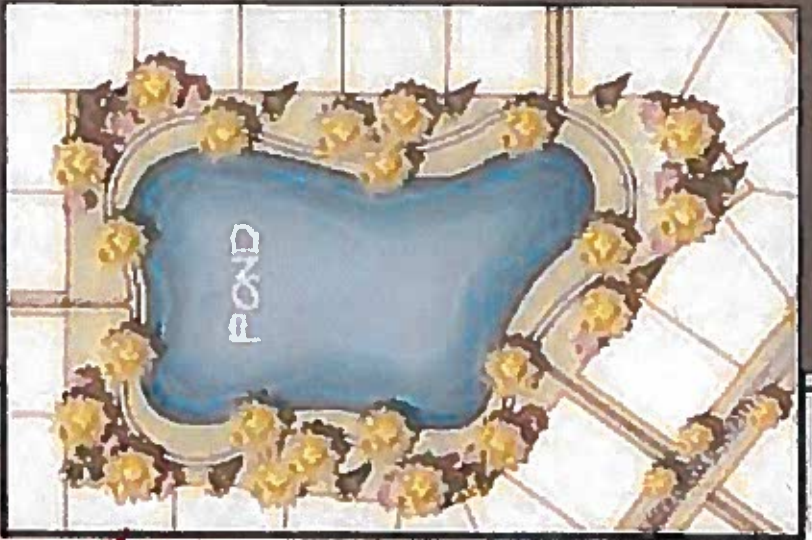
1st phase – 48 lots

2nd phase – 34 lots

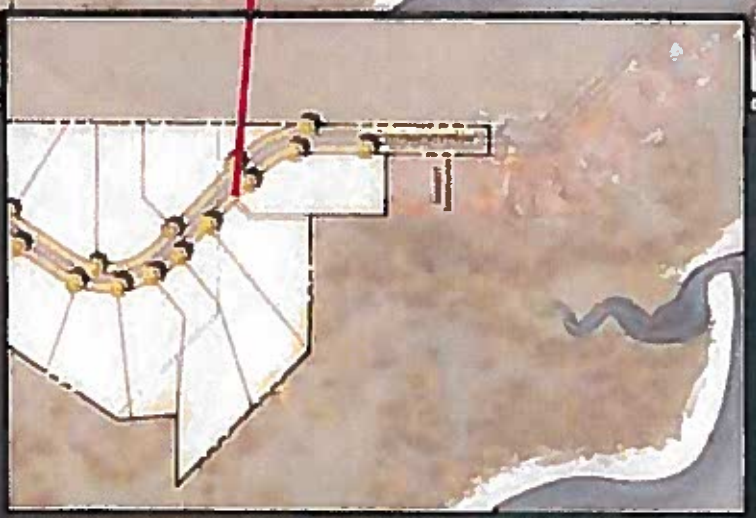
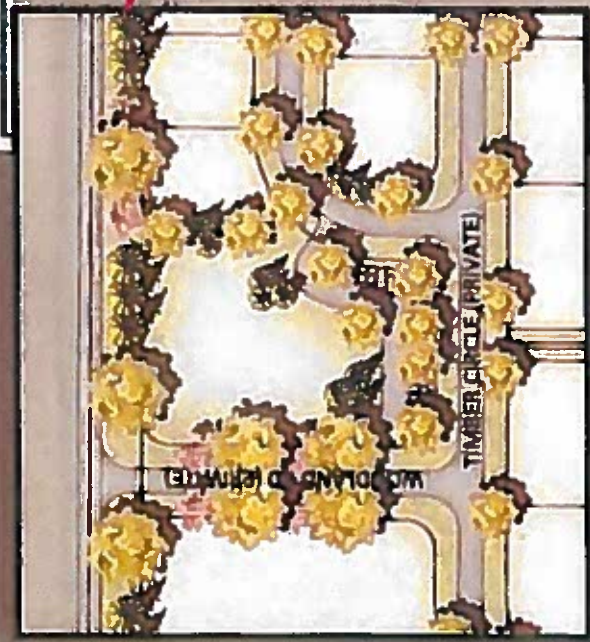
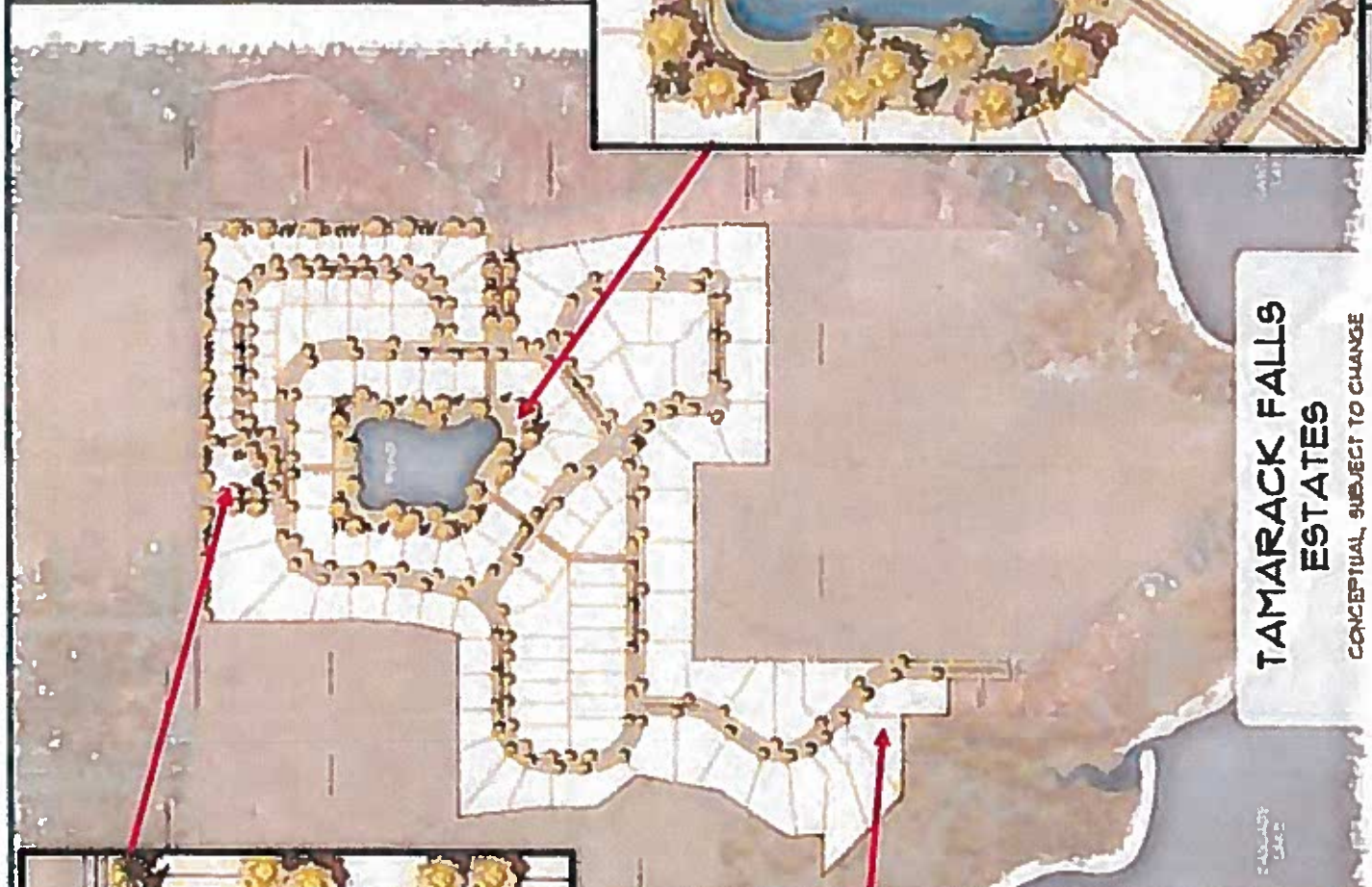
3rd phase – 42 lots

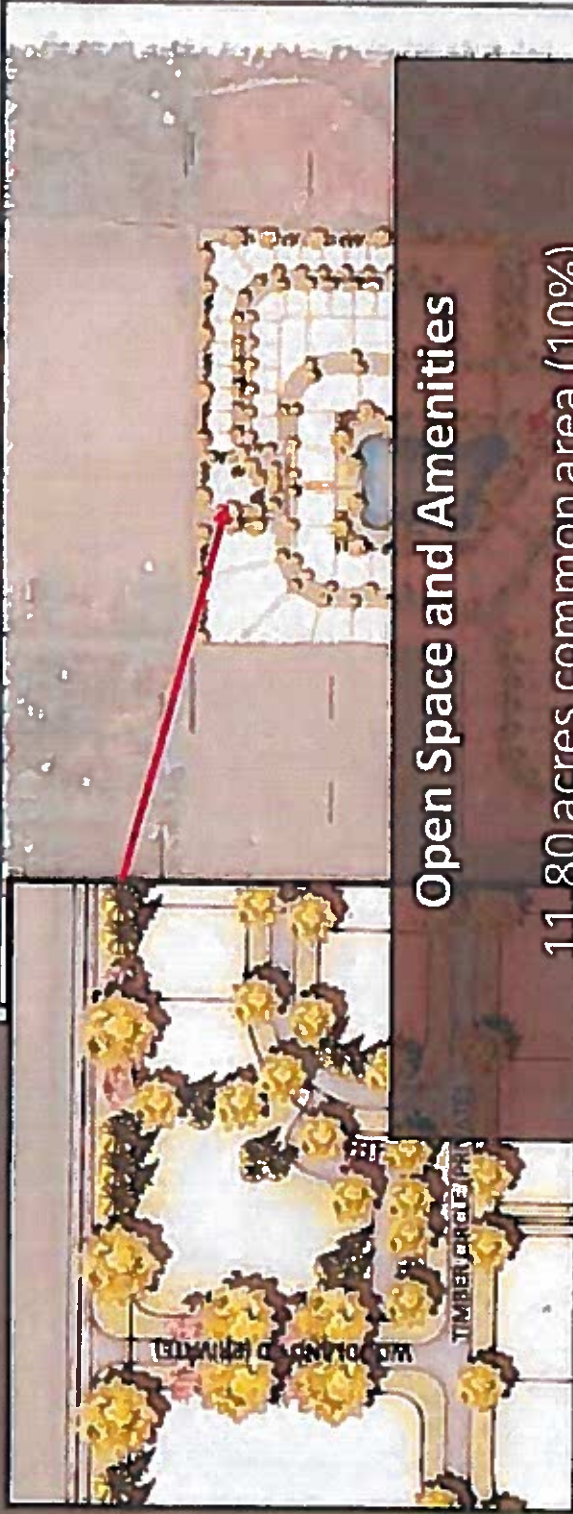
* Market driven





**TAMARACK FALLS
ESTATES**
CONCEPTUAL, SUBJECT TO CHANGE



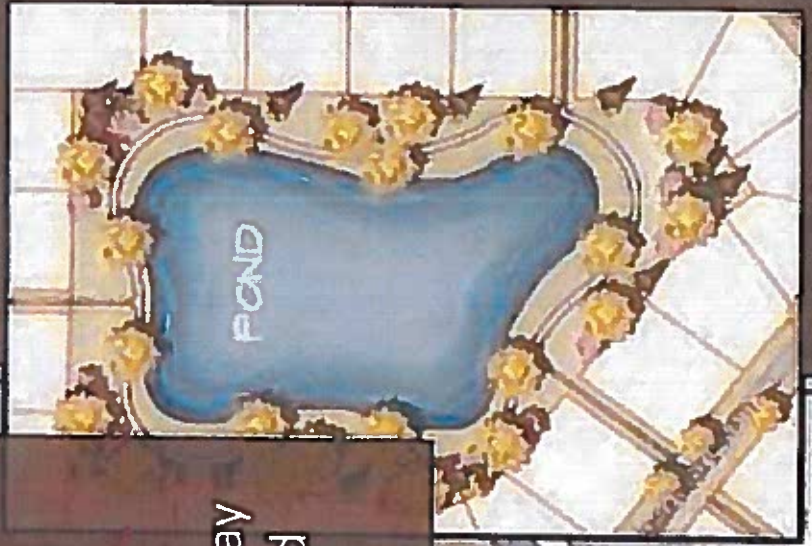


Open Space and Amenities

11.80 acres common area (10%)

3.5-acre irrigation and drainage pond

Internal pedestrian walkways and pathway adjacent to irrigation and drainage pond



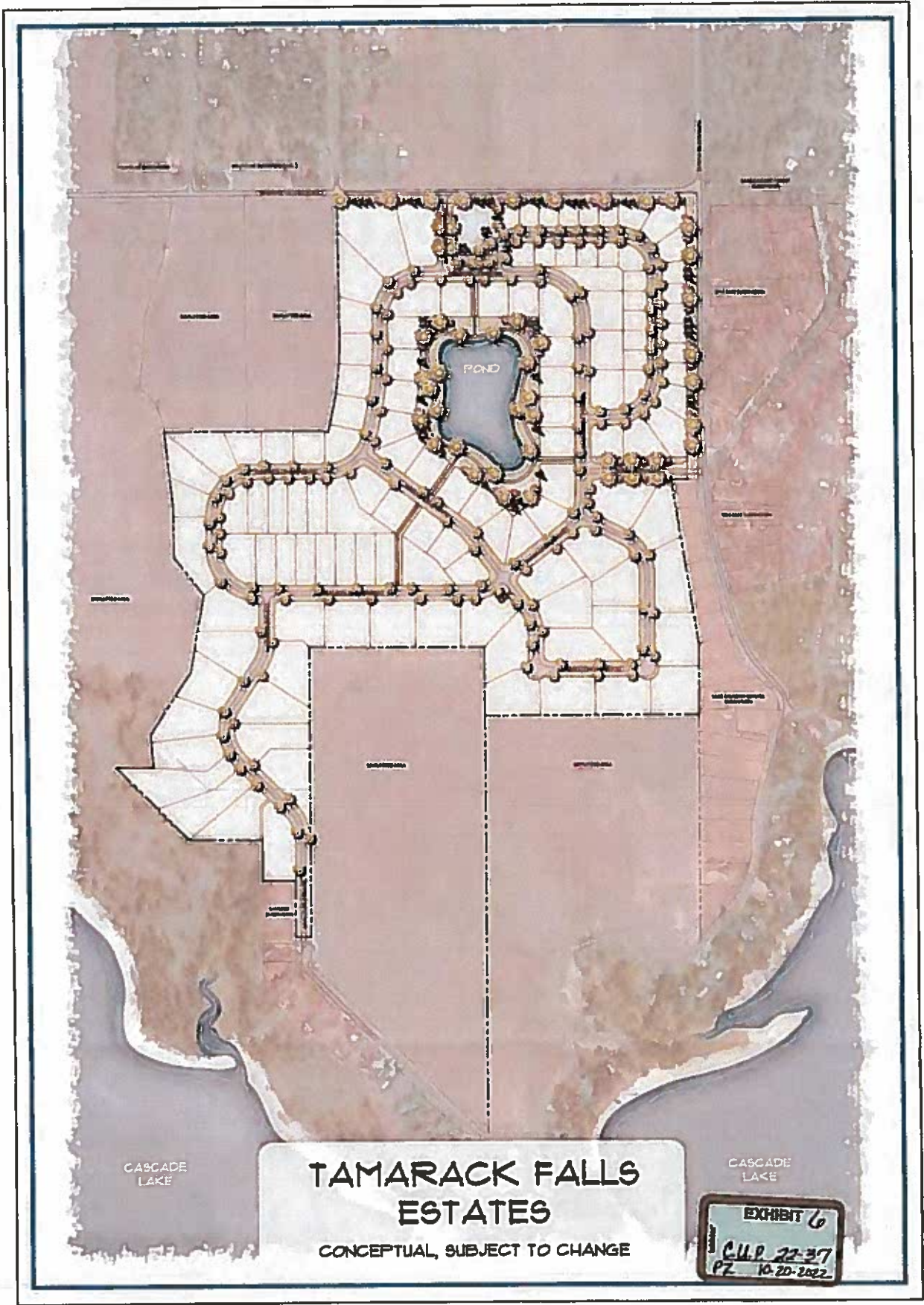
**TAMARACK FALLS
ESTATES**
CONCEPTUAL, SUBJECT TO CHANGE

Staff Questions

2. How will the pond be maintained to prevent mosquitos?
4. Will you provide cable/telephone? Conduit for fiber optics will need to be placed.
6. Will short-term rentals be allowed?
7. Will there be streetlights?
8. Where will snow be stored?
12. Has the applicant considered providing for a pedestrian access to the Bureau of Reclamation Land around the lake across lots in Block 1 (Lots 21, 22, 23 or 25) so owners can walk on the beaches, fish, etc.?
13. How will water right conveyances across the property occur? Idaho Code 42-1209 is attached.



THANK YOU



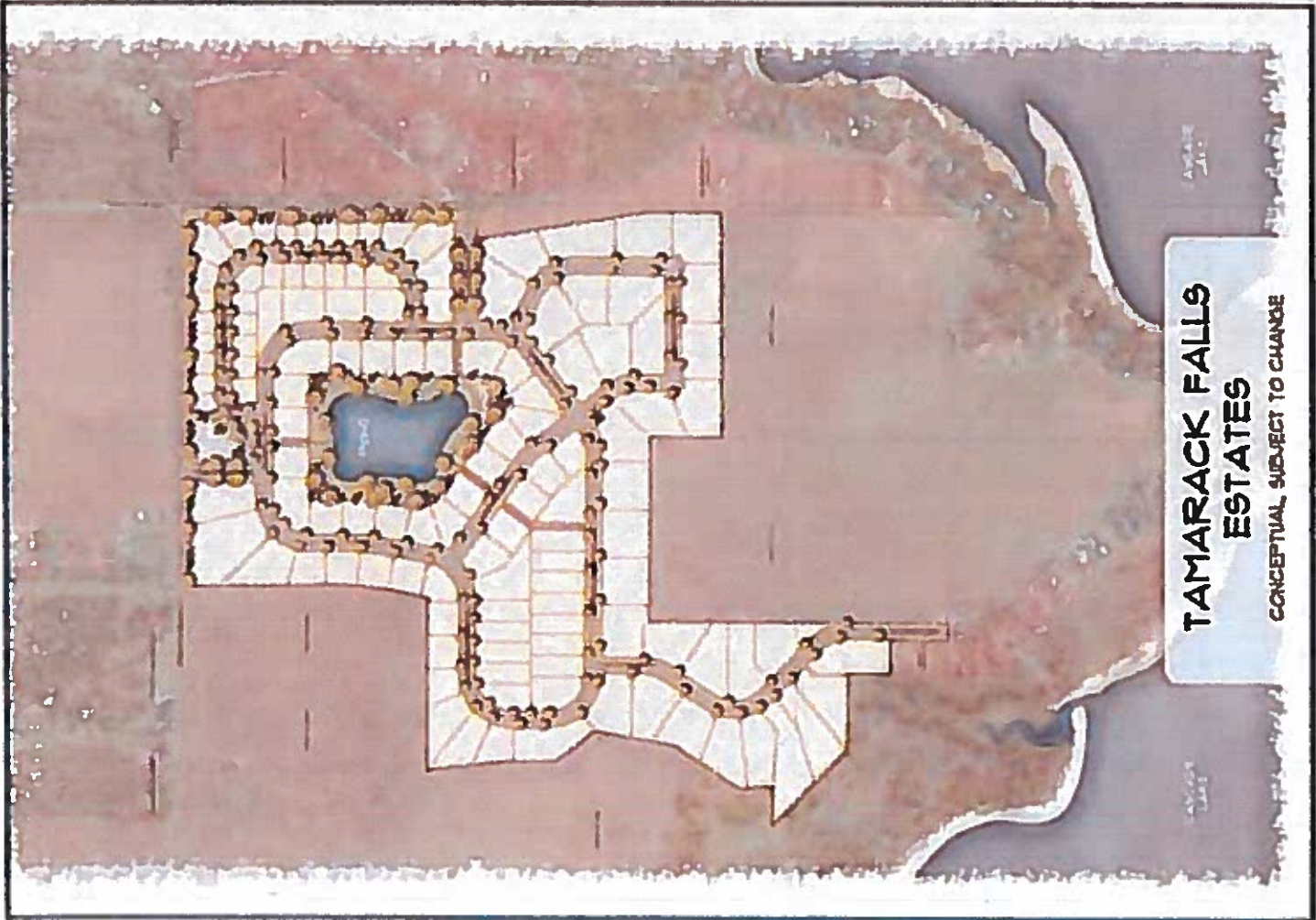
**TAMARACK FALLS
ESTATES**

CONCEPTUAL, SUBJECT TO CHANGE

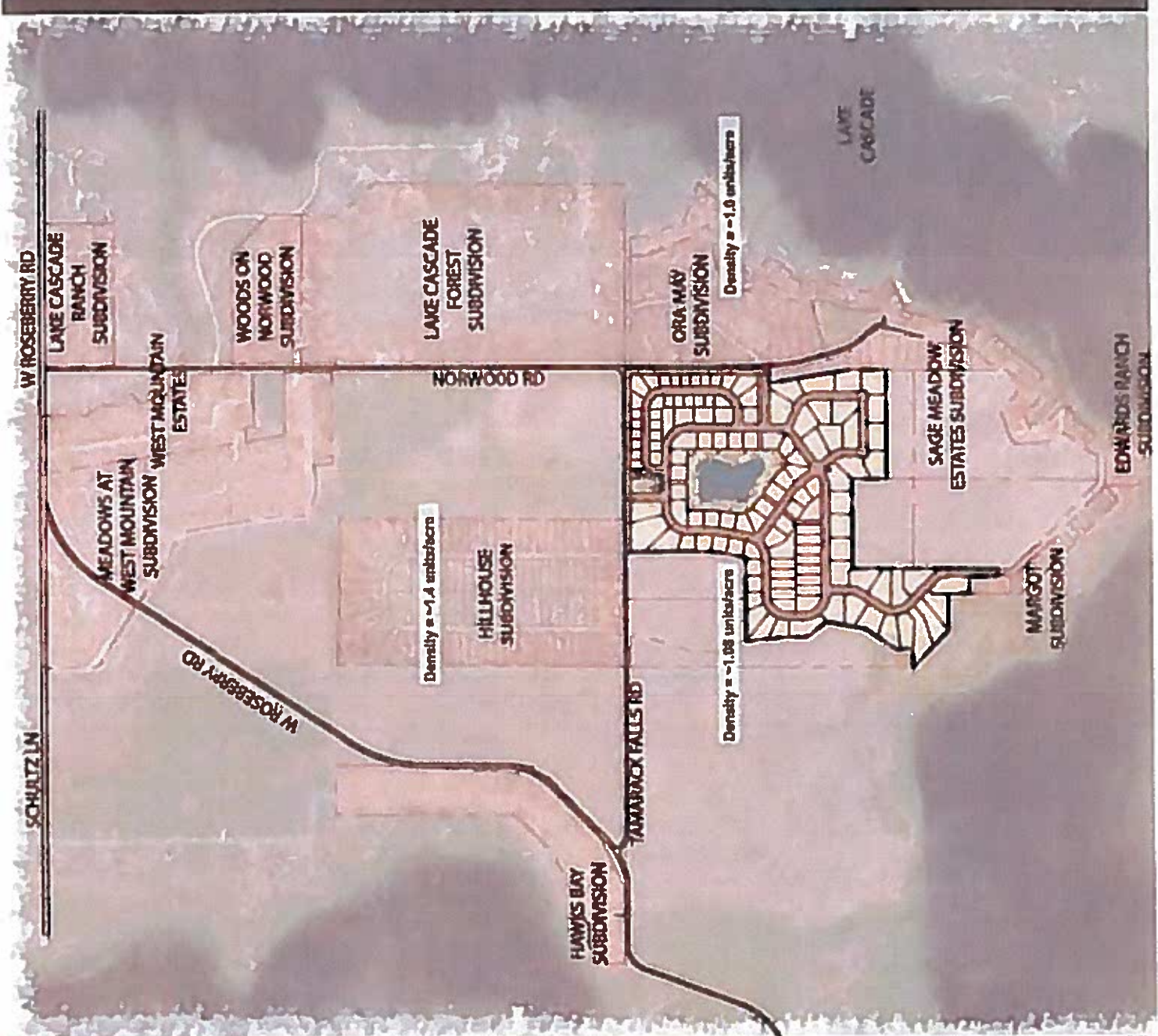
EXHIBIT 6
C.U.P. 22-37
PZ 10-20-2022

Tamarack Falls Estates
Conditional Use Permit &
Preliminary Plat
Valley County

EXHIBIT 1
C.U.P. 22-37
PZ 11-10-2022



**TAMARACK FALLS
ESTATES**
CONCEPTUAL SUBJECT TO CHANGE



W ROSEBERRY RD

LAKE CASCADE RANCH SUBDIVISION

MEADOWS AT WEST MOUNTAIN SUBDIVISION

WEST MOUNTAIN ESTATES

WOODS ON NORWOOD SUBDIVISION

LAKE CASCADE FOREST SUBDIVISION

ORA WAY SUBDIVISION

Density ≈ 1.0 units/acre

LAKE CASCADE

Density ≈ 1.4 units/acre

HILLHOUSE SUBDIVISION

NORWOOD RD

TAMARACK FALLS RD

Density ≈ 1.08 units/acre

SAGE MEADOW ESTATES SUBDIVISION

MARGOT SUBDIVISION

EDWARDS RANCH SUBDIVISION

SCHULTZ LN

HAWKS BAY SUBDIVISION

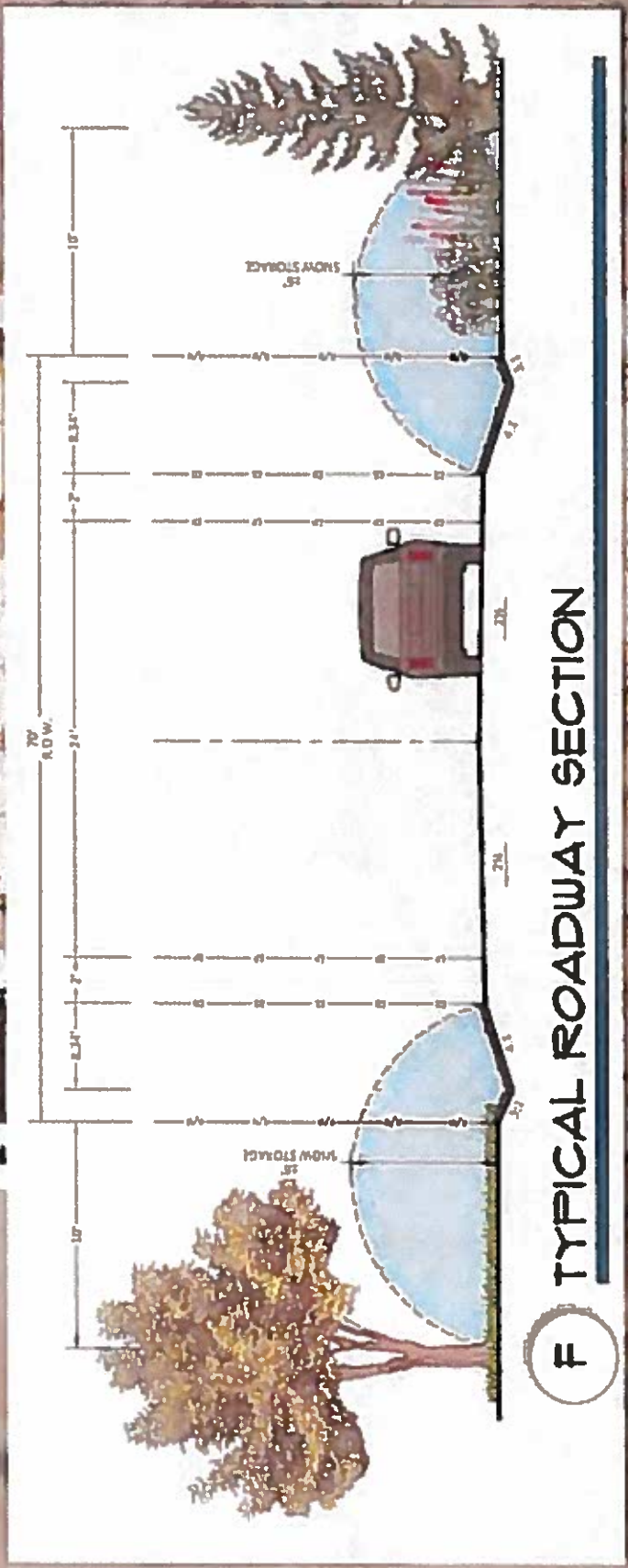


**TAMARACK FALLS
ESTATES**
CONCEPTUAL, SUBJECT TO CHANGE

CALLOUT LEGEND

- A** ADDITIONAL SNOW STORAGE
- B** NORWOOD ROADWAY IMPROVEMENTS
- C** PROTECT EXISTING CULVERT
- D** PROTECT EXISTING DRAINAGE
- E** STORM WATER RETENTION BASIN

CASCADE
CASE



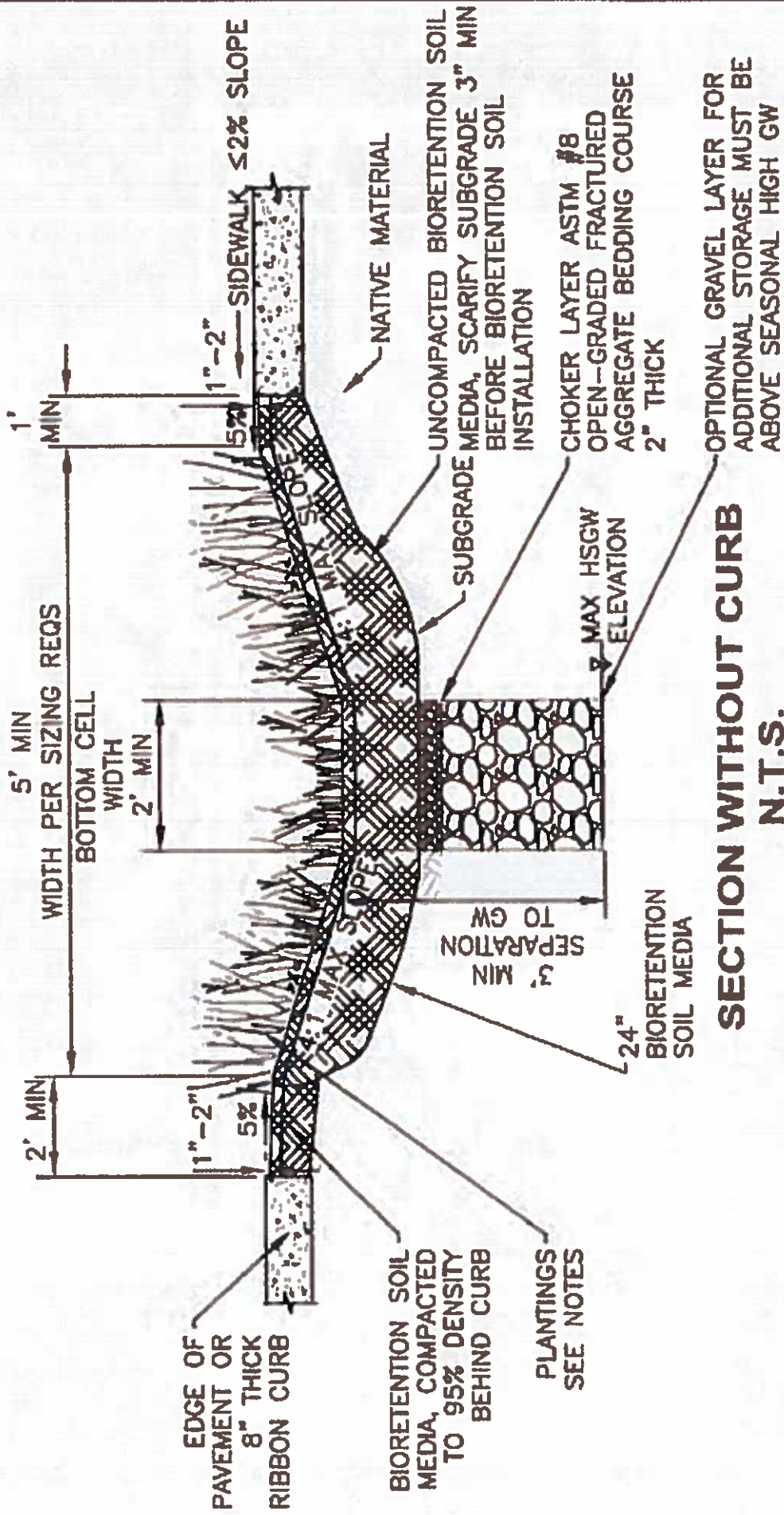
F TYPICAL ROADWAY SECTION

A

B

E

D



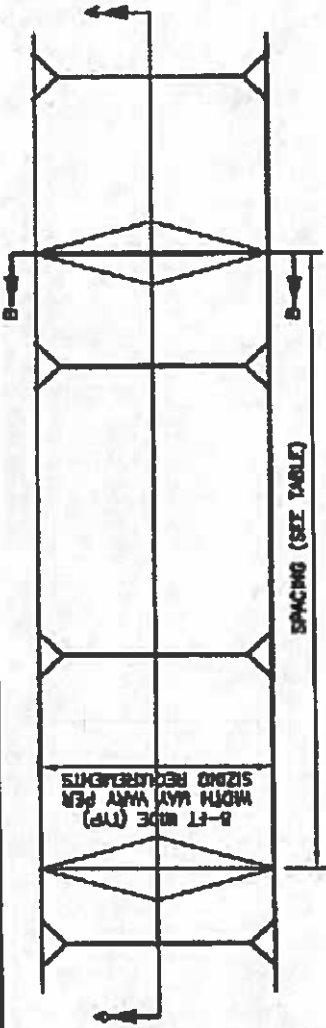
**SECTION WITHOUT CURB
N.T.S.**

NOTES:
1. SEE NOTES ON SHEET 2 OF 3

2017
ACHD STORMWATER DESIGN
GUIDELINES

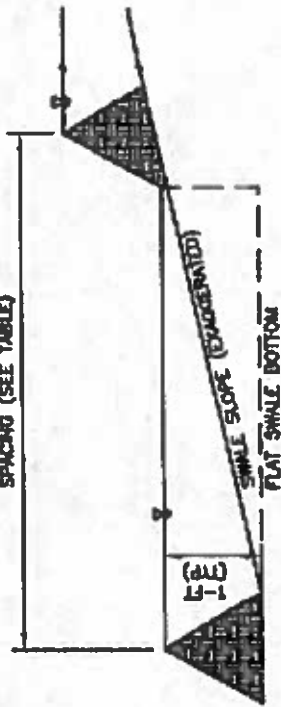
BIORETENTION SWALE

STANDARD DRAWING
BMP 30
SHEET 1 OF 3



PLAN

N.T.S.
SPACING (SEE TABLE)



SECTION A-A

N.T.S.

B-FT WIDE SWALE (TYP)
WIDTH MAY VARY PER SIZING REQUIREMENTS

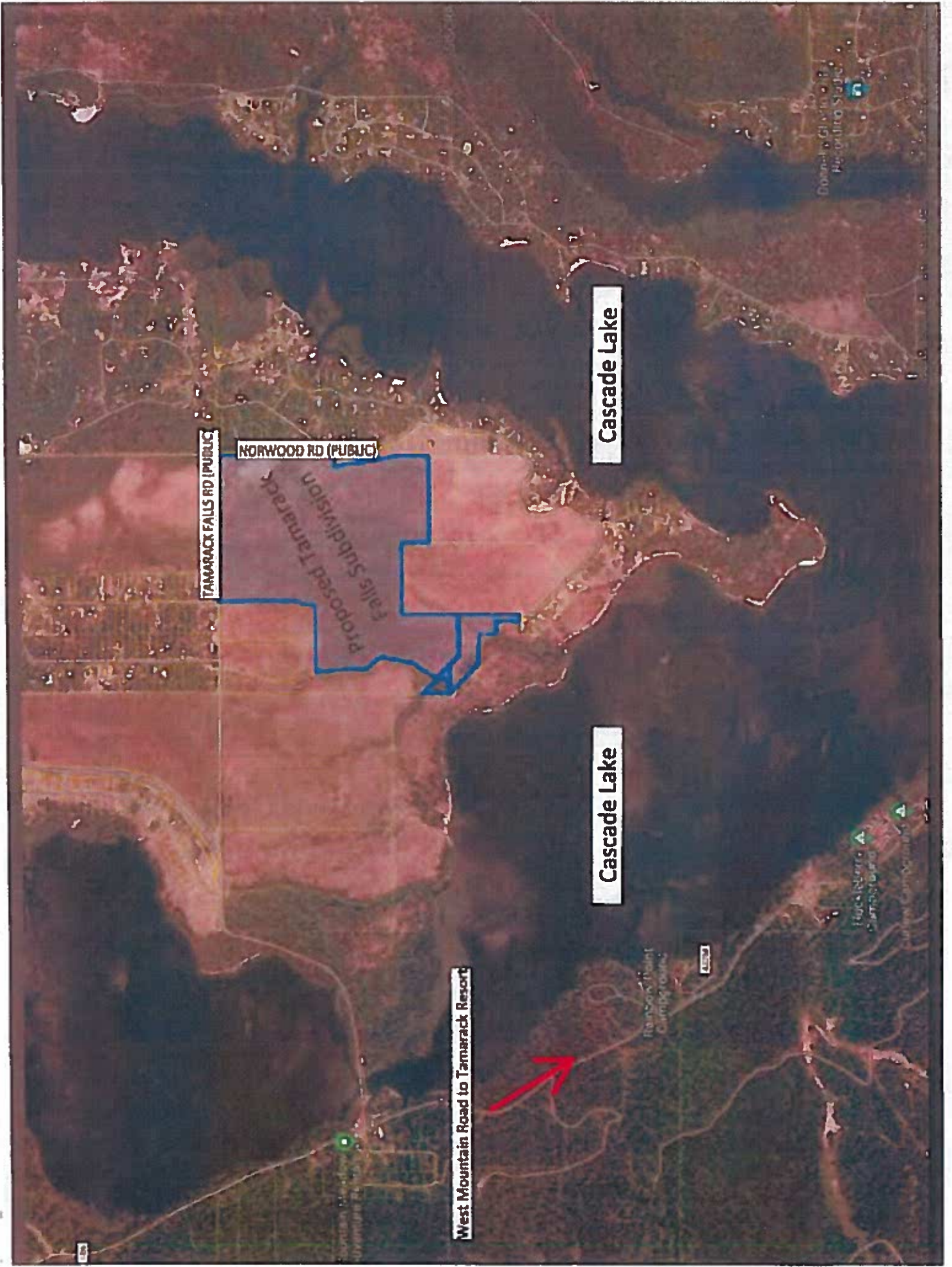


SECTION B-B SWALE CHECK DAM

N.T.S.

PERCENT SLOPE	DIST BETWEEN CHECK DAMS (FT)
1%	100
2%	50
3%	33
4%	25
> 4%	10% MAX

- NOTES:**
- CHECK DAMS TO BE CONSTRUCTED OF CLAY SOIL TO MINIMIZE SEEPAGE OR COBBLES FOR CONFORMANCE. SWALES, OTHER MATERIALS MAY BE USED FOR CHECK DAMS WITH ACHD WRITTEN APPROVAL.
 - SOIL SLOPES AND CHECK DAMS SHALL COMPLY WITH ACHD CLEAR ZONE GUIDELINES



TAMARACK FALLS RD (PUBLIC)

NORWOOD RD (PUBLIC)

Proposed Tamarack Falls Subdivision

Cascade Lake

Cascade Lake

West Mountain Road to Tamarack Resort

Crestview Golf Club
Recreating Space

Hogback Golf &
Country Club

125

Preliminary Plat

+/- 115.04

Buildable lots: 124

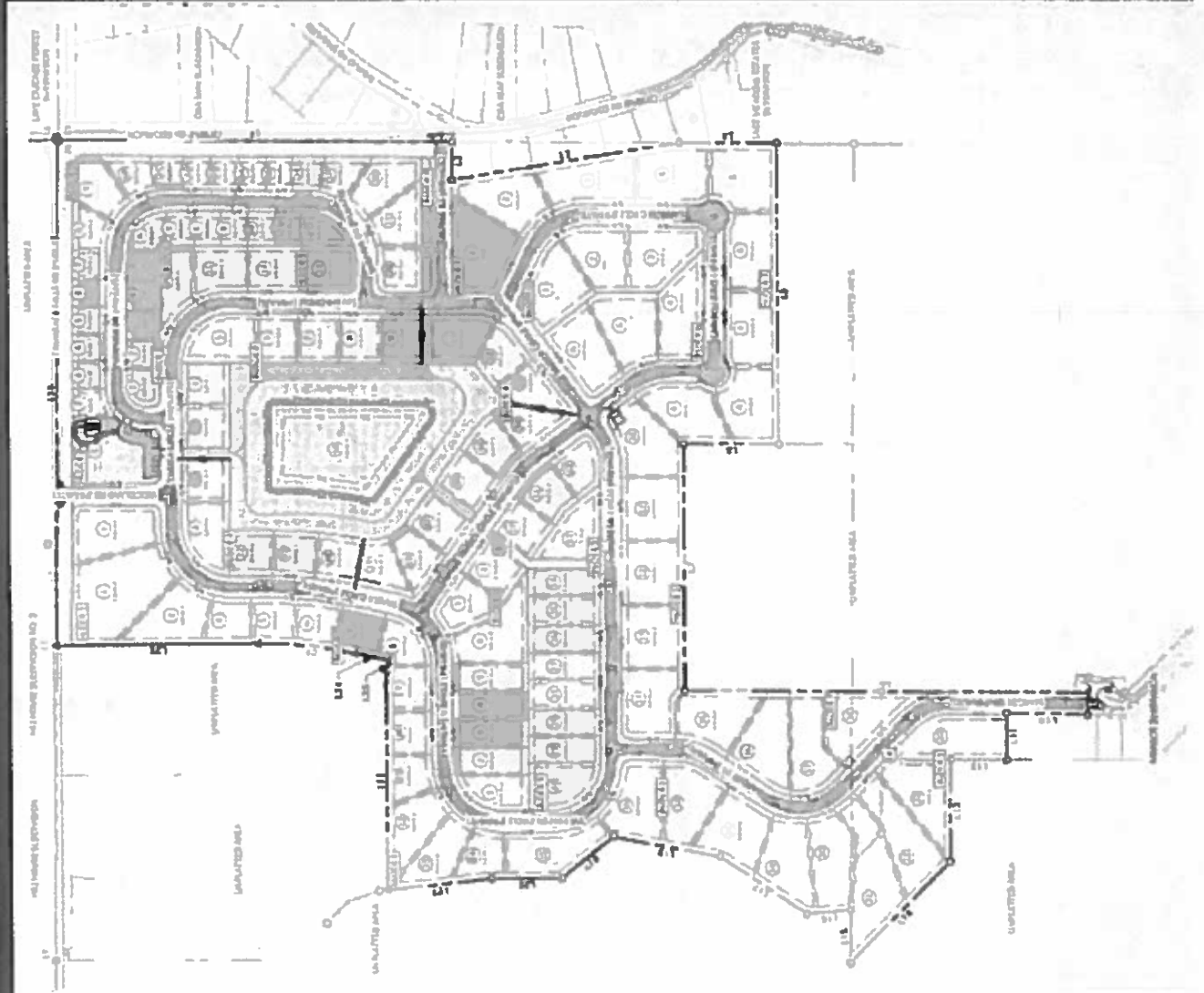
Common lots: 5

Private Roads: 1

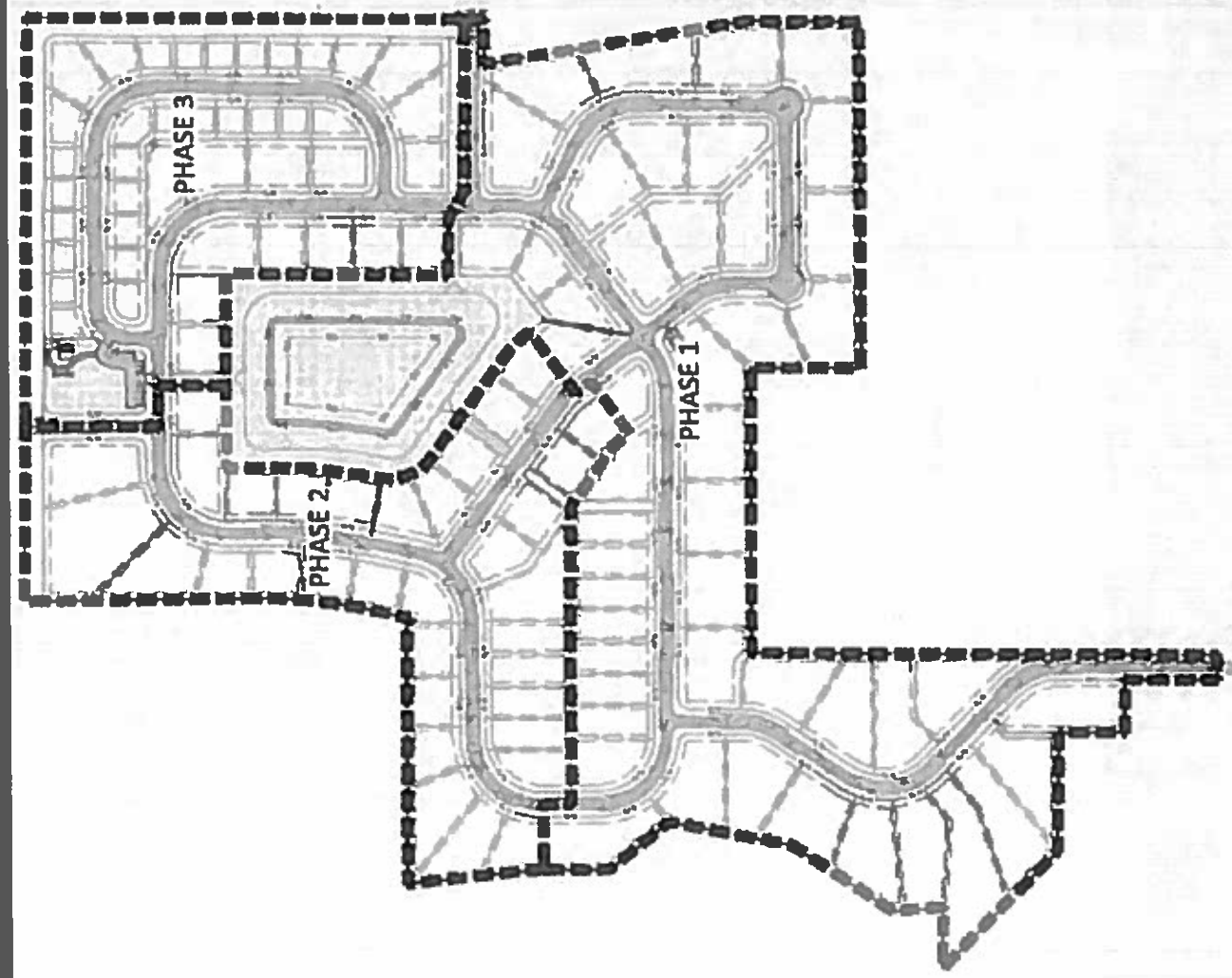
Total lots: 130

Avg. Lot Size: 0.64 acres

Gross Density: 0.74 units/acre



Conceptual Phasing Plan*



1st phase – 48 lots

2nd phase – 34 lots

3rd phase – 42 lots

* *Subject to change*

Tamarack Falls Estates

From: Lisa Mohler [REDACTED]
Sent: Saturday, October 8, 2022 10:30 AM
To: Cynda Herrick [REDACTED]
Subject: Tamarack Falls Estates

Lisa Mohler, 47 Johnson Lane, McCall ID 83638 Oct 9, 2022

C.U.P. 22-37
Hess Properties LLC
Tamarack Falls Estates
S. of Tamarack Falls Rd. - W. of Norwood Rd.

To C. Herrick P&Z Director
Planning & Zoning Commissioners:

Katlin Caldwell Scott Freeman
Ken Roberts Sasha Childs

Please APPROVE this C.U.P 22-37 with Conditions; and questions answered.

I did a lot of research on Hess LLC. They are an Idaho Company, and you can see their homes on Google. Check it out before you decide.

I am in support of this subdivision because Valley County needs homes to purchase at affordable prices. Hess LLC is building on 115.04 acres not cramming 124 lots on 30 plus acres. In the last 2 years in Lake Fork P&Z has approved 4 subdivisions and none of them are selling homes at affordable prices and none of them have any homes built. They are still playing in the dirt building roads, digging holes, and creating heavy dust floating in the air. I did not want any of these subdivisions, I also do not want my friends', employees, nurses, teachers etc. to leave the area because lack of rentals and Short-Term Rentals have pushed them out of the Valley.

CONDITIONS

Build No Short-Term Rentals, print this on the Property Deed so nobody can ever turn a home in this subdivision into a STR.

QUESTIONS

1. Why is there no Impact Report? Is this because you are not in the City Area of Impact, but Code 9-5-3 ID says this report should be included.
2. Who will be Building Homes on these lots?
3. Who is the HOA?
4. Lighting was not addressed in Preliminary Plat.
5. You mention a Bus Stop where is it located? I also noticed other subdivisions in that area have no community Bus Stops.
6. Will the pond be stocked with Fish?
7. We know Valley Roads do not have the funds to maintain their roads. How will you maintain this and Snow removal?

Thank you for your time, Lisa Mohler

Comments to CUP 22-37 Tamarack Falls Estates

From: Tim Tyree [REDACTED]

Sent: Monday, October 10, 2022 9:34 AM

To: Cynda Herrick [REDACTED]

Subject: Comments to CUP 22-37 Tamarack Falls Estates

Dear Ms. Herrick,

Please accept this email as comment to CUP 22-37 Tamarack Falls Estates.

My name is Tim Tyree. My address is 12890 Norwood Road, Donnelly, ID.

The criteria for granting a conditional use permit include the following standards:

- The proposed project ... is not shown to have an unreasonable negative impact on adjacent property; and
- The proposed project will not place any unreasonable burden on the public infrastructure.

Valley County Code 9-5H-7.

The proposed project has two element that concern me—broadband access and traffic access.

The Norwood neighborhood relies on the existing telephone lines for broadband access. Once the neighborhood fills up with the weekend and holiday visitors, broadband access is non-existent. My son and his neighborhoods friends attending the Donnelly Elementary School are unable to access the internet to complete their schoolwork. The additional homes proposed by this project will permanently clog the telephone lines, making broadband access even less reliable. For this project not to have "an unreasonable negative impact on adjacent property" and "unreasonable burden on the public infrastructure," please require the developer to stub broadband fiber to the adjacent neighborhoods, including mine along Norwood Road. With the applicant's help, maybe Cable One will extend its system down Norwood Road. Please ensure that as our community grows, so too do the critical public services needed to support a modern society.

The second concern I have is traffic on Norwood. Applicant's project looks to take access from Norwood through Margot Lane. The portion of Norwood, south of Tamarack Falls, is a narrow and winding street frequented by pedestrians. Norwood will need to be improved to be able to handle the additional traffic and keep pedestrians safe. Of additional concern are the private streets. With private streets, applicant will bring traffic through my neighborhood but be able to restrict me from using the roads to access Tamarack Falls. It is unfair to push traffic through my neighborhood while restricting my access out to Tamarack Falls.

Unless the Applicant can show it will not have an unreasonable burden on the adjacent neighborhoods by addressing access to broadband and traffic access onto Tamarack Falls, this project should be denied.

Thank you.

TIM TYREE

Tamarack Falls Estates

From: Stu Young [REDACTED]

Sent: Wednesday, October 12, 2022 3:16 PM

To: Cynda Herrick [REDACTED]

Subject: Tamarack Falls Estates

Dear P&Z Board Members-

I am not reflexively opposed to new development in our county. Afterall, the land on which my house sits was once open pasture.

Growth is coming and my sense is that we could do a lot worse than Mr. Hess's development.

My sole concern is the plan for making Margot Rd. a southern outlet for the plan.

From that point the only way off the peninsula will be north on Norwood Rd. which has several blind curves and never seems to get plowed full width. In my mind, added traffic on this stretch of road raises serious safety concerns.

Is it possible that this southern outlet could be eliminated, or at least restricted to emergency access only?

Thanks for your consideration.

Stu Young
12880 Norwood Rd.
Donnelly
[REDACTED]

Valley County Planning and Zoning
P O Box 1350
Cascade, ID 83611



Re: C.U.P. 22-37 Tamarack Falls Estates Preliminary Plat

To Whom it May Concern:

We are the owners of lots #44/45 in the Ora May Subdivision, directly across Norwood from Phase 3 of this project, and we are directly impacted by this Tamarack Falls Estate proposal.

We understand the need for residential options for homeowners in the Valley County area, however we have some serious concerns that need to be addressed before we could support this proposal.

- 1) Drainage from this proposed new subdivision is a major concern as any disruption to the existing grade will cause drainage from the proposed new subdivision to fill the Ora May subdivision and particularly our property. What improvements to the drainage are going to be implemented to ensure this will not occur?
- 2) Currently the S Bridge across Cascade Reservoir does not handle a large amount of traffic and is difficult to traverse in the winter, causing frequent and dangerous accidents. Will this bridge be reconstructed to accommodate the increase in traffic?
- 3) The intersection of Roseberry and Hwy 55 is continually congested and dangerous as residents and visitors are attempting to turn north towards McCall or progress East or West across Hwy 55 but there is currently only a stop sign for East and West traffic, with North and South bound unrestricted. This creates a dangerous and deadly intersection. With this intersection being the primary year-round highway-accessible access to all homes across the S bridge, this intersection will need to be improved and a traffic light put in to accommodate the increase in traffic.
- 4) The current traffic on Norwood south of Tamarack Falls Road is set at 25 mph, however the majority of traffic exceeds this speed limit. If there is a desire to create a new West facing turn into a neighborhood, this stretch of Norwood will need to have speed bumps added as there will be accidents caused by residents going too fast while others are turning into this proposed neighborhood. Additionally, this stretch of road will need to be assessed as it is not wide enough to handle the two-way traffic increase of this size. There are no shoulders to pull onto in case of an emergency.
- 5) The current proposal discusses using North Lake Water by way of a well in this area. With a subdivision of this size, there will be less water from this property feeding naturally into the aquifer due to the very large new irrigation "pond" being created to trap water, as well as the land being covered by asphalt and homes, and this plus the new well for this proposed neighborhood will create an impact on existing wells. An impact study will need to be completed

- to understand how creating this pond and new well for this neighborhood will impact the existing homeowner wells surrounding this land.
- 6) Subdivisions of this size require improvements to roads and a landscaping plan to increase the aesthetics of the surrounding neighborhoods. What are the improvements being made?
 - 7) What study is being conducted to identify the impact this proposal will have on the sewer system in this area?
 - 8) Existing electrical lines on Norwood are above ground and aged, and will need to be assessed/upgraded if they are to handle the incoming electrical needs. Underground power lines are expected to be part of the Tamarack Falls development and will need to include the lines on Norwood, South of Tamarack Falls Road, as well.
 - 9) Donnelly's local business community is not established to handle an increase of this many residents. There are no basic needs available in Donnelly for health and safety as well as basic living. Donnelly does not have a grocery store or a pharmacy, parking, or even fuel pumps to handle the increase of the size being proposed.
 - 10) Cell coverage in this area is sparse to nonexistent the majority of time. For emergency needs at a minimum, an impact study will need to be performed to identify the cell phone improvements that will need to be made in order to provide emergency contact access to residents.
 - 11) For Emergency services, there will need to be an impact study surrounding the Donnelly Fire and Ambulance emergency services to identify what improvements will need to be made to handle this many additional homes.

If Valley County Commissioners have a desire to make Tamarack into a world class year round resort and thus, Donnelly into a resort town for the tax benefits, this will come at a very high cost to the current residents. The proposals being made for this area need to be taken very seriously and diligently as there are many missteps in planning that could quickly and easily turn this into a public disgrace.

We look forward to hearing how the above items will be addressed.

Rod and Traci Puzey

Steven Topple

PO Box 2527
McCall, Idaho 83611

October 5, 2022

Dear Valley County Planning and Zoning,

This letter is in response to Tamaracks Falls Estate development C.U.P 22-37. While I am for housing, for the community I do not approve of this plan. I am in favor of affordable housing like the apartment complexes, Northwest Passage located in Donnelly, to staff employees. Without housing for employees there will be a continuation of a struggle as I am currently a business owner and struggling for staffing. This proposal seems to be more of a second homeowner subdivision rather than full time residents.

1) The current sewer system wasn't built for the expansion that is happening in Donnelly especially for the proposed of 124 developments, and the whole system would need to be revamped, including all pipes around the area. Can the current pipes and system work even with revamping?

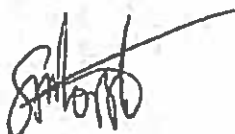
2) The S bridge in Donnelly wasn't built for the amount of traffic that it handles now and if it fails then the residents would have to take a different route to get back into town. The amount of accidents in the winter time is nothing compared to what could happen. A new access point should be taken into consideration.

3) While the pond is a great idea and pretty, the mosquito problem in Donnelly is just that, a problem. What is the proposed solution to keep this problem at bay?

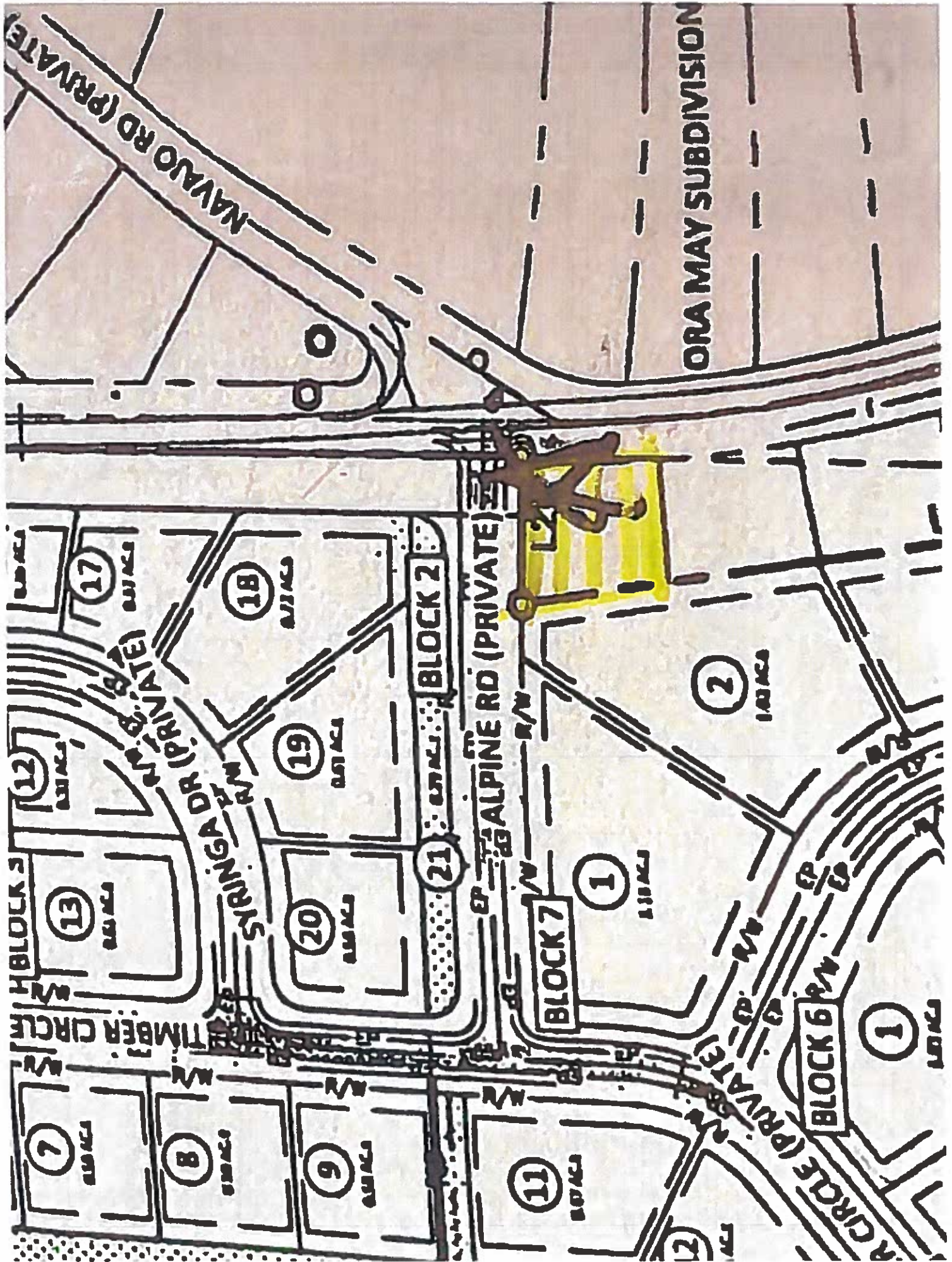
4) My house sits on the corner lot L2 at 12983 Norwood Rd, where the proposed Alpine road would be built. I do not approve of having a road built beside my home. My dogs and myself would be in a constant state of anxiety with the traffic.

****See attachment, my home is marked****

Regards,



Steven Topple



MARK & SANDRA NASSE

171 Margot Dr.
Donnelly, Idaho
83615



Valley County
Planning & Zoning
PO Box 1350
Cascade, Idaho 83611

Re: C.U.P 22-37
Preliminary Plat Tamarack Falls Estates

Dear Commisioners,

We are opposed to the development of Tamarack Falls Estates. Government Point is being bombarded with unbridled proposals for new housing.

This is not the type of housing needed in Valley County. Affordable, high density housing should be built in areas that have infrastructure able to carry the load.

The impact of Government Point being developed too rapidly will cause many negative effects. Existing shallow wells in the same area will run dry when the water table drops from large developments pulling water from the same aquifer. The sanitary sewer system will be in question as well, the line is going to have its limits. Traffic on the S bridge is already too much, Large trucks and heavy traffic VS pedestrians. A larger road way and bridge needs to be built first. These items should be studied.

Margot Drive is a culdesac nothing is mentioned about the connection to the subdivision is in writing, only shown on the plat map. Children play on this street, cows and horses also get out of the pasture as well. People do not observe the 25 mile per hour speed limit. Margot Dr is close to ½ mile straight away, it will become a race track. How much more unwanted traffic will this generate? Endangering our children and animals. We have been living here for more than 20 years, please leave our road out of this dangerous mix.

In closing it is the developers gamble to build here and ruin our quiet neighborhood. We believe that he would not want this project to be built in his back yard. Also, many of my fellow neighbors and voters are not wanting this to happen!!

Respectfully,

Mark & Sandra Nasse

[Your Name]
Enclosure

Tamarack Falls Estates

Micke Ellis [REDACTED]

Tue 10/11/2022 12:43 PM

To: Lori Hunter [REDACTED]

To whom it may concern:

As a property owner living in Donnelly, I have serious concerns with this CUP request.

Until the infrastructure for this massive subdivision is in place ie. Northlake WATER and SEWER, improved roads, bigger schools and medical facilities this and ALL proposed large subdivisions should be rejected. Will the County ensure the homeowners already here will not have their wells run dry with ANOTHER proposed common well????? There is not enough water for 124 homes with at least 2 or 3 bathrooms each.

What about our quality of life? Would the Board of County Commissioners and P & Z board approve this CUP if it were in their backyard??? Think about the runoff into the reservoir. Think about the wildlife. Oh wait, you don't care about anything but 'affordable housing'- I suspect it will NOT be affordable and tax revenue. Stop being greedy and think about our future generations.

Stop this and all large subdivisions proposed until infrastructures are improved.

Cordially,
Mickee Ellis
Donnelly, Idaho

Pause all building / Tamarack Falls Estates

From: Therese Gibboney [REDACTED]

Sent: Tuesday, October 11, 2022 9:11 AM

To: Cynda Herrick [REDACTED]

Subject: Pause all building / Tamarack Falls Estates

We respectfully ask that the commissioners pause all building in Donnelly now, including the newest of three in just seven months; Tamarack Falls Estates. If these developments are allowed to proceed you will be destroying this amazing Valley with no return. Our group has heard every excuse as to why all of these dense projects must move forward with zero thought on the crumbling infrastructure, lack of water, old sewage systems, robbing the migrating animals their habitats and impacting Lake Cascade, which is the main reason we live here and the many tourists come to enjoy. This is one of the main revenue sources for Donnelly, which will disappear once Lake Cascade is no longer usable when algae takes over permanently. What is this hurry on all these developments? Protect this rural environment for future generations. Look at the large picture, not just today, and think of what we are leaving for our children.

These decisions come down to the value of these rural lands being higher than proposed developments, all of which have proven to be mainly about maximum ROI. None pencil out for locals in any way shape or form. This newest project is obviously for second homeowners.

What are the ramifications for future generations in Donnelly and all of Valley County? We continually hear from Planning and Zoning the land owners have rights, well so do the hard working people of Valley County. You need to listen to each and every concern. Where are the desperately needed "Community Meetings?" Why are developers allowed to proceed without listening to every hard working person that scraped and saved to own a piece of land in this rural setting? Listen to us and plan accordingly. We simply are asking for responsible building that allows us our rights as well. It is as if the hard working local people have to fight tooth and nail to be heard. Why?

Allowing any of these developments to proceed is like having the cart before the horse. Studies need to be completed so we know the huge ramifications of these developments before they are passed. These should be a given and developers should be required have them done and pay for every necessary study and ensuing upgrades that are clearly needed.

Planning and Zoning is there as a government entity that should be protecting our rights as well. This office should remain "Neutral" at all costs.

Respectfully,
Therese Gibboney

Opposition to CUP 22-37

From: Chelsea Tuttle [REDACTED]
Sent: Tuesday, October 11, 2022 9:42 AM
To: Cynda Herrick [REDACTED]
Subject: Opposition to CUP 22-37

Good morning Cynda, Valley County Commissioners, I am writing to state that we (Christian Tuttle and Chelsea Tuttle, 13090 Hill House Loop) DO NOT support the proposal for Tamarack Falls Estate CUP 22-37.

While much of this application is not an issue, a few things remain glaring problems.

The local road/bridge infrastructure that supports all of the population to the west of the 'S-Bridge' needs to be addressed before more growth is allowed. The bridge is narrow and dangerous and has accidents on a regular basis in the winter and quite often in the summer. West Roseberry Rd is also narrow and deteriorating and needs to have lines painted in the spring, not fall and then refreshed when they start to wear off. Speed limits need to be enforced and sidewalks or paths need to be considered for much of this area for kids to be able to safely bicycle to the school, library and the community bus stop. I strongly urge P&Z commissioners to listen to the people that live here and believe us when we continue to tell you that the road/bridge infrastructure needs to be addressed before any new growth is allowed.

Water is of a great concern with this many houses being allowed in such close proximity. Our well has briefly gone dry a few times this summer for the first time ever with normal use. Most of the wells in the Hill House Loop area are shallow (<45 ft) and a large subdivision raises concerns of our water availability being taxed even more. The basic needs being met of the current residents should take priority over a new subdivision.

The "pond" at the center of the subdivision would aggravate an already existing mosquito issue and not fit the landscape of the surrounding areas. There is no reason to install a pond with the reservoir less than a mile away.

Unfortunately, the impact of these subdivisions will be exponential if the above problems are not addressed beforehand. Our county and the great Donnelly area would be well-served by some changes to add in significant impact fees for the new developers.

Additionally, any new subdivisions that are not directly contributing to local housing with deed restrictions for owning and local employment proof for rentals is compounding on the problem of adding to the vacation/second homeowner population while our community struggles to keep doors of businesses and services open due to lack of employees. Our local businesses are taxed as it is to provide for the people here that own/rent and do not live/work here. A great example is the shortage of bus drivers and resulting diminished school bus routes. Adding to the population without also dedicating a portion to local housing will only exacerbate the problem.

Thank you,

Chelsea Tuttle
[REDACTED]



October 12, 2022

Valley County P&Z Commissioners
c/o Cynda Herrick
219 N. Main St.
Cascade, Idaho 83611

Subject: CUP 22-37 Tamarack Falls Estates
Tamarack Falls @ Norwood Road, Valley County, ID

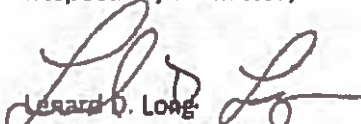
The purpose of this letter is to oppose the subject subdivision until changes are made. We wish to inform the P&Z Commissioners that the application is flawed and non-compliant with legal statutes and the Comprehensive Plan Attached is a detailed list of deficiencies which are briefly bulleted below:

- Safety of increased traffic over the S-bridge is a serious concern.
- The application statement "The proposed development will not significantly alter the existing drainage patterns and flows" is wrong and considered an irresponsible misdirection.
- The application's reference to the old Handbook of Valley County Stormwater Best Management Practices is wrong. This older handbook was replaced with state minimum BMPs and Valley County Addendum to State Manual.
- New development will further overload infrastructure and existing services.

Changes in land-use and associated man-made activities (e.g., landscape, construction sediments, road runoff, fertilizers, litter and pets) increase pollutants degrading our waterways. Lake Cascade with its complexity of nutrient problems is impaired for failing to meet Environmental Protection Agency's (EPA's) list of 303(d) water quality standards (primarily phosphorus). The lake has exceeded its natural ecological rebound capacity and currently has no remaining natural resiliency to annual nutrient loading and resulting eutrophication.

New development adds nothing to help Lake Cascade; on the contrary, the cumulative impact of all developments add pollutants and destroys filtering wetlands ... unless permanent and well engineered BMPs are installed like detention basins and constructed wetlands for filtration.

Respectfully Submitted,



Gerard D. Long

Friends of Lake Cascade
250 3rd Street
Cascade, Idaho 83611

(Representing 1,800+ concerned lake enthusiasts)



Figure 1; September 30, 2022 Harmful Algae Bloom viewed from Sentinel2 satellite. The brilliant green streaks and swirls that you see are caused for the most part by a bloom of toxic producing cyanobacteria called *Dolichospermum*. Other toxic producing cyanobacteria like *Aphanizomenon*, *Woronichinia*, and *Microcystis* are also present. Consider the cumulative water quality consequences and need for permanent BMPs before deciding

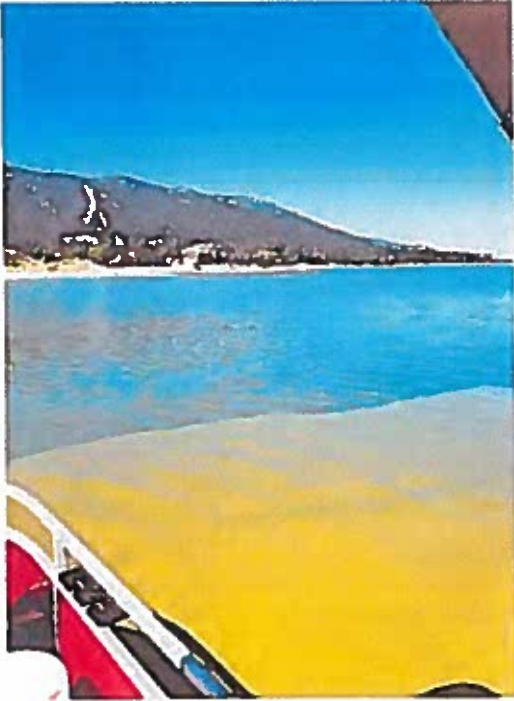


Figure 2; September 2019 Tamarack Bloom in the NFPR Arm near this site's drainage discharge. Consider the cumulative water quality consequences and need for permanent BMPs before deciding.



Figure 3; October 8, 2022 Van Wyck Beach looking toward Crown Point. Consider the cumulative water quality consequences and need for permanent BMPs before deciding.

CUP 22-37 TAMARACK FALLS ESTATES "DEFICIENCIES"

1. SAFETY: (Comprehensive Plan CHAPTER 2: POPULATION Goal 1: Accommodate growth and development while protecting quality of life within Valley County.)

The town's main access, aging and accident-prone Roseberry Road "S-bridge", is very narrow (2-lanes 10.5 ft wide each) and needs widening for a safe two-way passage in fog, snow and ice condition, foot/bicycle traffic or when meeting truck/trailers or drunk/impaired drivers. All of the children in this new subdivision and existing neighborhoods will cross this accident-prone bridge.

Traffic flow pattern safety to this area is a concern and new developments will put substantial additional daily traffic on this "S" curve bridge (see figure 4). The bridge has a terrible obscured driver "sight alignment" traffic approach. It is a marginally stable bridge damaged by aging and many vehicle accidents (2021 IDT

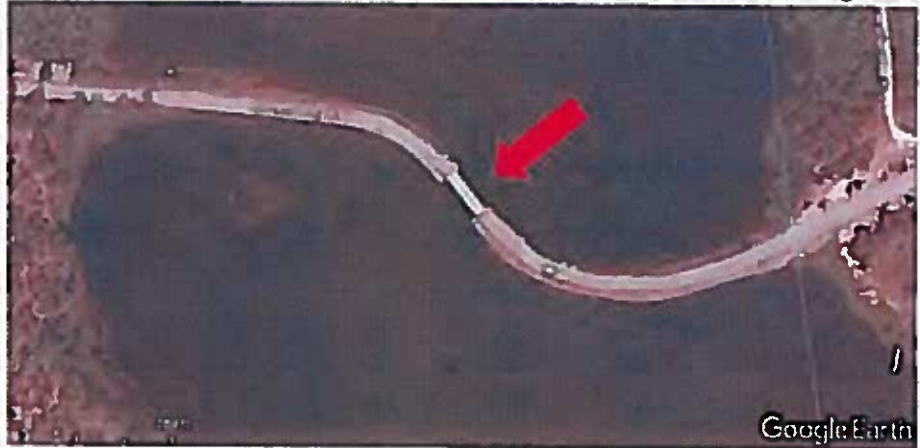


Figure 4; "S-Bridge, an aging infrastructure and scene of numerous accidents.

bridge inspection report). With peak traffic exceeding 16,000 vehicles a week (2021 VC traffic survey), this proposed new development would increase traffic ~50% to ~24,000 vehicles per week. We fail to understand how replacing this lurking safety issue has not been addressed for all of the new westside developments. The cumulative development impacts will lead to a disaster.

2. CUMULATIVE DRAINAGE IMPACTS: (VC Code 9-4-3-4: SITE IMPROVEMENTS: Water should not be directed onto adjoining properties. Comprehensive Plan CHAPTER 4: NATURAL RESOURCES Goal 1, 5. Protect the recreational value of the county's water bodies and water courses. CHAPTER 6: SPECIAL AREAS AND SITES Goal II: To recognize the waterways and water bodies in Valley County as special areas.)

The development plans show southern drainage going offsite. Grading and construction of impermeable surfaces like pavement, concrete, roofing, etc. changes the peak flow, pollution and time of concentration for overland stormwater, increasing flash flood potential, and it inhibits the snow melt and rain water's ability to infiltrate into the subsurface. Drainage as shown on the plans discharges within feet of the lake with no emphasis on permanent engineered Best Management Practices (BMPs). Suburban Drainage contributes thermal warming and substantial pollutants including nutrients, suspended solids, litter, oil, grease, metals, pesticides, fertilizers and other pollutants to the waterways. These contribute to wetland degradation and lake toxic algae growth. Suburban growth also encourages wetland degradation and other pollutant sources by requests for golf course construction, boating marinas and other features that adversely affect the lake. This application does not properly address permanent long-term stormwater pollution prevention issues and direct drainage into "special areas" (i.e. Lake Cascade). A detention (not retention) basin and or "constructed wetland" for stormwater filtration/treatment is needed for this development. The retention basin shown on the plans will become a problematic mess with algal growth and mosquito infestation.

3. INFRASTRUCTURE IMPACTS: (Idaho Statute 67-6508(h) and VC Comprehensive Plan CHAPTER 2: POPULATION Goal 1: Accommodate growth and development while protecting quality of life within Valley County.)

Local infrastructure capabilities are limited and this development has incalculable future economic impacts. The proposed development is not compatible with the current abilities of public agencies to provide services or of public facilities to accommodate the proposed use demands. We question if the development is cost effective for the county when comparing the long-term impact costs for providing these public services and facilities. The following are impacted by this development:

- Law enforcement
- Emergency medical services
- Fire department
- Hospital expansion
- School classrooms/transportation and daycare
- Internet service
- Post office
- Lake phosphorus loading.... impacts to the recreation industry and downstream drinking water
- Treacherous bridges and a Hwy 55 Intersection



Figure 5; Foul-smelling Cyanobacteria mat October 5th, 2022 mid Lake Cascade near Sugarloaf SP. Consider the cumulative water quality impacts

RE: Tamarack Falls Estates

Cynda Herrick [REDACTED]

Wed 10/12/2022 1:44 PM

To: Melissa Maini [REDACTED]; idoskimm@gmail.com [REDACTED]

Cc: Lori Hunter [REDACTED]

Hello Mike,

I will add this to the record.

I am unsure who is forcing someone to put in high density....?

Thanks, Cynda

From: Melissa Maini [REDACTED]

Sent: Wednesday, October 12, 2022 10:00 AM

To: idoskimm@gmail.com

Cc: Cynda Herrick <cherrick@co.valley.id.us>

Subject: Re: Tamarack Falls Estates

I agree with you.

On Wed, Oct 12, 2022 at 10:51 AM [REDACTED] wrote:

Dear Board Members,

I am writing to oppose the proposed Tamarack Falls Estates. On the merits of the project, other than the developer being forced to install high density portion in his plan, I have little to object to. The idea that we are turning all projects in this area into "worker housing" (or at least a portion of this project is) I find ill conceived. Without upgrades to the infrastructure on both Norwood and Roseberry it is a disaster waiting to happen.

My wife, Melissa, has stopped taking students from the Meadows and surrounding areas, to Donnelly Elementary by bike. This is something she has done for over 21 years. The reason is it is too dangerous going over the existing roads and especially over the "S Bridge". This problem is going to get worse by making the peninsula a catch all for high density housing. I am confused why we are forcing this development to add to this problem.

I have not voted Democrat since 1976, and it makes me sad that I am looking at this as a way to slow down and think about growth in the Donnelly area.

Living here on Margot Drive has been a pleasure. For over 25 years this has been my home. The changes you are making to this area are not servicing my wishes and I know of very few (if any) that agree with this portion of high density that you are forcing Mr. Hess to provide. Without a real plan to upgrade roads and infrastructure I must object to this plan.

I am sure we are all looking forward to the stop lights that will soon be coming to Norwood at Roseberry and Roseberry at 55.

Mike Maini
169 Margot Dr.
Donnelly Id 83615

Tamarack Falls Estates proposal, public hearing 10/20 (Larry & Becky Froemming)

From: Becky Froemming [REDACTED]

Sent: Wednesday, October 20, 2010

To: Cynda Herrick [REDACTED]

Subject: Tamarack Falls Estates proposal public hearing 10/20 (Larry & Becky Froemming)

We respectfully ask that the commissioners pause all building in Donnelly now, including the newest of three in just seven months; Tamarack Falls Estates. If these developments are allowed to proceed you will be destroying this amazing Valley with no return. Our group has heard every excuse as to why all of these dense projects must move forward with zero thought on the crumbling infrastructure, lack of water, old sewage systems, robbing the migrating animals their habitats and impacting Lake Cascade, which is the main reason we live here and the many tourists come to enjoy. This is one of the main revenue sources for Donnelly, which will disappear once Lake Cascade is no longer usable when algae takes over permanently. What is this hurry on all these developments? Protect this rural environment for future generations. Look at the large picture, not just today, and think of what we are leaving for our children.

These decisions come down to the value of these rural lands being higher than proposed developments, all of which have proven to be mainly about maximum ROI. None pencil out for locals in any way shape or form. This newest project is obviously for second homeowners.

What are the ramifications for future generations in Donnelly and all of Valley County? We continually hear from Planning and Zoning the land owners have rights, well so do the hard working people of Valley County. You need to listen to each and every concern. Where are the desperately needed "Community Meetings?" Why are developers allowed to proceed without listening to every hard working person that scraped and saved to own a piece of land in this rural setting? Listen to us and plan accordingly. We simply are asking for responsible building that allows us our rights as well. It is as if the hard working local people have to fight tooth and nail to be heard. Why?

Allowing any of these developments to proceed is like having the cart before the horse. Studies need to be completed so we know the huge ramifications of these developments before they are passed. These should be a given and developers should be required have them done and pay for every necessary study and ensuing upgrades that are clearly needed.

Planning and Zoning is there as a government entity that should be protecting our rights as well. This office should remain "Neutral" at all costs.

Three areas of significant concern:

1. Safety with increased traffic over the aging and accident-prone S-bridge is a serious concern.
2. Site unfiltered drainage into Lake Cascade and the need for permanent stormwater treatment best management practices.
3. New development will continue to overloaded infrastructure and existing services.

Our sincere thanks,

Larry and Becky Froemming
Caldwell and Donnelly

Tamarack Falls hearing

From: elelemjay@yahoo.com [REDACTED]

Sent: Wednesday, October 12, 2022 2:50 PM

To: Cynda Herrick [REDACTED]

Subject: Tamarack Falls hearing

To all concerned:

I would think it would be clear to all responsible and reasonable people that we need to stop and plan for sustainable growth in Valley County.

The infrastructure is not sufficient to support all the developments currently proposed in their current forms. As a homeowner who needs to cross the S bridge to access my property, it's clearly not safe to add this much pressure to a traffic area that is already impaired.

And have you seen Lake Cascade recently? If we don't pause to thoroughly evaluate the effects of development on the water quality, the economic basis of tourism in Cascade and Donnelly will be seriously diminished.

Please pause on Tamarack Falls and all large county projects until serious and responsible planning for the future can be completed.

Sincerely,

Laura Jakious

CUP 22-37, Tamarack Falls Estate

From: tandmmoers1@gmail.com [REDACTED]

Sent: Wednesday, October 12, 2022 3:24 PM

To: Cynda Herrick [REDACTED]

Subject: CUP 22-37, Tamarack Falls Estate

**P&Z Commissioners Katlin Caldwell, Sasha Childs, Scott Freeman, Ken Roberts, Neal Thompson
Director Cynda Herrick**

Dear P&Z Commissioners:

I respectfully ask that you pause all building in Donnelly now, including the newest of three in just seven months; Tamarack Falls Estates. If these developments are allowed to proceed you will be destroying this amazing valley with no way to return.

There are at least three areas of significant concern:

- 1) Safety with increased traffic over the aging and accident-prone S-bridge is a serious concern, along with other deteriorating roads in the area.**
- 2) Site unfiltered drainage into Lake Cascade and the need for permanent stormwater treatment best management practices.**
- 3) New development will continue to overloaded infrastructure, existing services, and our water supply.**

This includes the crumbling infrastructure, lack of water, old sewage systems, robbing the migrating animals of their habitats, and the impact on Lake Cascade, which is the main reason we live here and the many tourists come to enjoy. This is one of the main revenue sources for Donnelly. It will disappear once Lake Cascade is no longer usable if algae takes over permanently.

The local roads and bridge infrastructure that supports all of the population to the west of the 'S-Bridge' needs to be addressed before more growth is allowed. The bridge is narrow and dangerous and has accidents on a regular basis in the winter and quite often in the summer. West Roseberry Rd is also narrow and deteriorating.

Water is of a great concern with this many houses being allowed in such close proximity. Some local wells have briefly gone dry a few times this summer for the first time ever and with normal use. Most of the wells in the Hillhouse Loop area are shallow (<45 ft) and a large subdivision raises concerns of our water availability being taxed even more. The basic needs being met of the current residents should take priority over a new subdivision

Unfortunately, the impact of these subdivisions will be exponential if the above problems are not addressed beforehand. Our county and the greater Donnelly area would be well-served by some changes to add in significant impact fees for the new developers.

We need to protect this rural environment for future generations. What are the ramifications for future generations in Donnelly and all of Valley County? We continually hear from Planning and Zoning that land owners have rights. Well so do the hard-working people of Valley County. Please, please you need to listen carefully to each and every concern we have.

Allowing any of these developments to proceed is like having the cart before the horse. Studies need to be completed so we know the huge ramifications of these developments before they are passed. This should be a given and developers should be required have them done and pay for every necessary study and ensuing upgrades that are clearly needed.

For all of these reasons and more, I respectfully ask that you deny this CUP and pause all further development until all issues have been addressed and resolved.

Regards,
Marsha Moers
Hillhouse Loop

Oppose Tamarack Falls Estates

From: scott garrard [REDACTED]

Sent: Wednesday, October 12, 2022 3:32 PM

To: Cynda Herrick [REDACTED]

Subject: Oppose Tamarack Falls Estates

I respectfully ask that the commissioners pause all building in Donnelly now, including the newest of three in just seven months; Tamarack Falls Estates. Until a master plan addressing the need for infrastructure upgrades in the area this development should be put on hold. I also strongly oppose the density of the townhomes in the Tamarack Falls plan. Such a development is not harmonious with the rural area.

We simply are asking for responsible building. Studies need to be completed so we know the huge ramifications of these developments before they are passed.

These should be a given and developers should be required to have them done and pay for every necessary study and ensuing upgrades that are clearly needed.

Respectfully,

Angela and Scott Garrard
130 Forrest Lake Circle, Donnelly

Letter in opposition of the current proposed Tamarack Falls development

From: Liz Jones [REDACTED]

Sent: Wednesday, October 12, 2022 3:59 PM

To: Cynda Herrick [REDACTED]

Subject: Letter in opposition of the current proposed Tamarack Falls development

Dear Director Herrick, Commissioners Caldwell, Childs, Freeman, Roberts, and Thompson,

I am writing to request that you do not approve the Tamarack Falls Development Project as-is. While I am comfortable supporting most of what appears on the preliminary drawing, I live in the area that will be heavily impacted by what is proposed and have a few concerns. I have enjoyed this area as a full-time resident since 2006. Development, especially with the success of Tamarack and Boise growth, was bound to happen. It's already happening at a rapid pace, and we have been more and more challenged by safety issues. The increased traffic to and from our home to 55 has become dangerous. Here are a few examples:

- **The Southernmost portion of Norwood Road** (see below, not pictured in the developer's plan). The southwestern corner of the development has an entrance that extends onto the existing Margot Rd. Margot continues south then intersects with Norwood Rd. Once on Norwood Road, drivers would then go through a portion that is full of blind turns. Summer walks and biking are challenging as is driving this waterfront area full of VRBO's. The road goes from 2 lanes to just over 1 lane wide during the winter months. It is a high drift area and the county plow has not been able to successfully keep both lanes open. We all move carefully through this area and have seen many mailbox destroying slide offs. Fender bender debris litters the road by Spring. Increased traffic due to the current southern exit of the development will make this more of a hazard. It's unsafe as-is, and will certainly become more dangerous with the current proposal. I would recommend the developer consider making the exit onto Margot for emergency vehicles only.
- **Norwood Rd. traveling North to the West Roseberry Intersection.** There is limited visibility to the West for a safe entry onto Roseberry. High snow from the plows make it impossible to see oncoming traffic. Increased traffic from Tamarack and construction makes this dangerous. More traffic, more accidents!
- There are of course the same fears that have been expressed by so many who oppose the developments on the peninsula concerning the S bridge and the 55 West Roseberry intersection. How will the developer's long term plan of more homes and fourplexes impact this situation? Is there any planning going on at the county level to address these safety concerns?

Lastly, the development is surrounded by acres agricultural in nature. They are large private areas and include horses, herds of cattle, pigs, goats and sheep. One also contains the county 4H practice fields generously shared with the participants by the property owners.. Will this mesh with what will certainly be high end housing next door?

While it looks as though the developer has put together a thorough and professional plan for Tamarack Falls Estates, a few minutes of interactions with those of us who live in the area might have helped to prevent some of these issues.



Sincerely,
Liz Jones
12880 Norwood Rd. Donnelly

Tamarack View Estates

From: Linda Eddy [REDACTED]

Sent: Wednesday, October 12, 2022 4:00 PM

To: Cynda Herrick [REDACTED]

Subject: Tamarack View Estates

Bill Eddy and myself Linda Eddy ask that the Tamarack View Estates be denied.

There is way to much congestion on West Roseberry Road now and Norwood and Tamarack Falls Road to handle added traffic.

The "S" bridge on West Roseberry is in very bad condition and needs replaced before any more growth west of the bridge. Also the Norwood Bridge is and ways to only be a temporary bridge and also has issues in stability.

There should be stipulation on the size of homes and number of homes per parcel proposed. ABSOLUTELY NO APARTMENTS OR DUPLEXES AS PRPOSED.

Where are they getting their potable water. Drilling more wells on the point will affect our private wells.

Signed.

Bill & Linda Eddy

13041 Hillhouse Loop

10/12/2022

Cynda Herrick Planning and Zoning Director
Valley County Planning and Zoning Commission
PO Box 1350
Cascade, ID 83611

Re: Tamarack Falls Estates Preliminary Plat

Dear Director Herrick, Commissioners Caldwell, Childs, Freeman, Roberts, and Thompson,

It is with great concern that I submit this letter in opposition to the proposed subdivision development entitled "Tamarack Falls Estates" by Tyler Hess.

This land was in my family for several generations. When my sister sold her ownership in the land to Mr. Hess it was under the guise that if the property were to be developed, the parcels would be larger in size in a range of 5-10 acres units. The goal was to maintain the current open landscape. The land was previously planted with potatoes and then used for cattle grazing.

Timeline

When I first became aware of the proposed high-density development in the Star News, I attended the sewer district annexation meeting in Donnelly on March 11th 2022. At this time, Mr. Hess verbally claimed that he had spoken with the "locals" about this development and the locals were in favor. I spoke up and said this was not the case and no one in the room nor any local residents near this property had ever heard from him. I hand-delivered a letter to him requesting a meeting and to work with him. My husband, Tyler Crockett, also spoke with him and offered suggestions about ways this property could be used that would be an asset to the community. Mr. Hess agreed to listen to our ideas and work with the neighbors.

For the next month, Mr. Hess was too busy to make the drive to Valley County and meet with us according to his schedule. After repeatedly reaching out to him during the months of March and April, requesting a time that would work to no avail, he told my husband, Tyler that there was so much work to accomplish in researching and creating this plat. If and when the subdivision proposal was reaching the point of having a more formal plan, he would connect with us again.

Much to our surprise, there was a public hearing notice posted outside our land a couple weeks ago regarding this meeting. Immediately, I called Mr. Hess on October 5th, sharing our disappointment that he had not taken the time to meet with us, as he is not in the area very much nor is he available. He responded with a text message saying that again he was going out of town or he had other meetings, etc.

Reasons for Opposition

Water Rights: My family land has a water right conveyance that is maintained from a pump taken out of the lake on the north side of Tamarack Falls Rd. The water comes down a ditch into this development and there are no provisions to transport the water through this development. This violates our ability to use water for agricultural purposes and preserve this access.

Density: The proposed development of this subdivision at 115 acres and 124 units is far too dense for this little community and area. And it is not needed. While affordable housing is needed in the county, this area will not be able to sustain increase dwellings. It will diminish the land value of the neighborhood and open spaces.

Automobile Traffic: Where is the traffic impact study? The current traffic coming from Donnelly to Tamarack is already too high and the narrow roads without sidewalks are dangerous for children and other pedestrians. There are several car accidents on the S-Bridge yearly and this route is unable to handle the congestion. Going southbound on Norwood to Margot Rd, there are already 50+ driveways with direct access to Norwood. This portion of Norwood was never intended to support this kind of density and proposed traffic. The additional traffic will create safety issues for existing residents to pull out of their driveways directly onto Norwood and the ability to safely walk Norwood, since there are no sidewalks and two blind corners, combined with a narrow street. This poses a dangerous threat as this development shows the use of this byway as a major arterial path. The snow load in the winter creates a one-lane road that is so difficult to plow, the school bus removed the route. The county has challenges maintaining major thoroughfares in the winter, let alone smaller roads. I would expect the developer to know this, but it seems he has been too busy to talk with neighbors or see the site in the winter months.

Reservoir Impact: Every year there are beach users who leave tents, canopies, barbecue grills, chairs, anchors, and other items around the reservoir owned by the US Bureau of Reclamation. In addition, users defecate and leave soiled diapers. The increased boat traffic has led to soil erosion and noise pollution. This reservoir was created for agricultural purposes foremost and recreation, secondly. The increased number of residents will certainly impact this already strained habitat area.

Second Homeowners/Rentals: Are there any provisions that this development will provide more housing for locals and not become a situation with more weekend VRBO vacation rentals burdening the county?

School Impact: To my knowledge, there has been no contact with the local school district to ensure our local schools will be able to handle increased growth. In other Treasure Valley communities, there has been a moratorium on building subdivisions as the school systems have been overwhelmed.

Coming from a ranching family and life-time resident of Valley County, I have grave concerns about the increased numbers of visitors and second homeowners that are changing the landscape. It is important to preserve the character and local values that make this area unique. This development is not what we need.

Commissioners, I implore you to consider the concerns of local citizens and reject Tamarack Falls Estates.

Sincerely, I am,
Margaux Edwards Crockett

Margaux Edwards Crockett, BS, MS, LCPC
[REDACTED]