

## Valley County Planning and Zoning

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<b>STAFF REPORT:</b>	C.U.P. 22-37 Tamarack Falls Estates - Preliminary Plat
<b>HEARING DATE:</b>	October 20, 2022
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT/ PROPERTY OWNER:</b>	Hess Properties LLC 15031 Spyglass LN Caldwell ID 83607
<b>REPRESENTATIVE:</b>	Cam Scott KM Engineering LLP 5725 N Discovery Way Boise, ID 83713
<b>ENGINEER:</b>	Joe Pachner KM Engineering LLP 5725 N Discovery Way Boise, ID 83713
<b>SURVEYOR:</b>	Kelly Kehrer KM Engineering LLP 5725 N Discovery Way Boise, ID 83713
<b>LOCATION:</b>	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
<b>SIZE:</b>	115.04 acres
<b>REQUEST:</b>	Single-Family Residential Subdivision
<b>EXISTING LAND USE:</b>	Single-Family Residential Rural Parcels

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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](http://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 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 Gibboney, 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.

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### **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 infringe 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 9:

1. In determining the response values for questions 4 through 9, the evaluators 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	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
3. SUBDIVISION, S.F.	-1	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
4. M.H. or R.V. PARK	-2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
5. RESIDENCE, M.F.	-2	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
7. P.U.D., RES.																							
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
10. PUBLIC UTIL. (1A-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	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
17. RESIDENCE BUS.	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-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) <sup>-1</sup> +2 X 4 +8 <sup>-4</sup>

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

*Single Family Residential Subdivision*

(+2/-2) <sup>+2</sup> -1 X 2 -2 <sup>+2</sup>

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 development 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?

*Taxes and will create construction jobs.*

Sub-Total (+) +30

Sub-Total (--) -2

Total Score

+28 (S.F. Dominant)

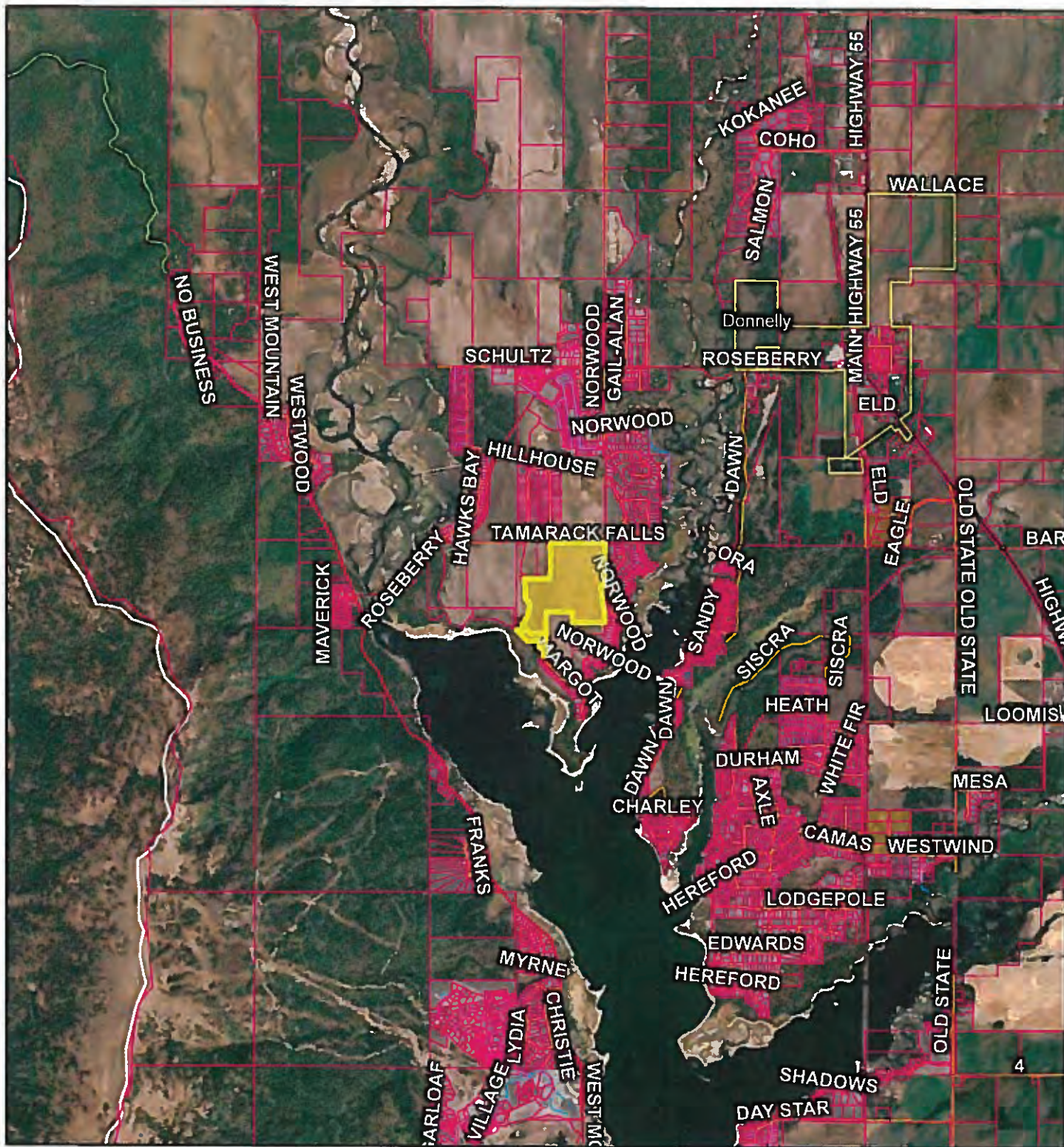
*-will participate in road development agreement.*

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



## C.U.P. 22-37 Vicinity Map



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

1:72,224

Municipalities

### Parcel Boundaries

COLLECTOR

URBAN/RURAL

## Roads

USFS

— MAJOR

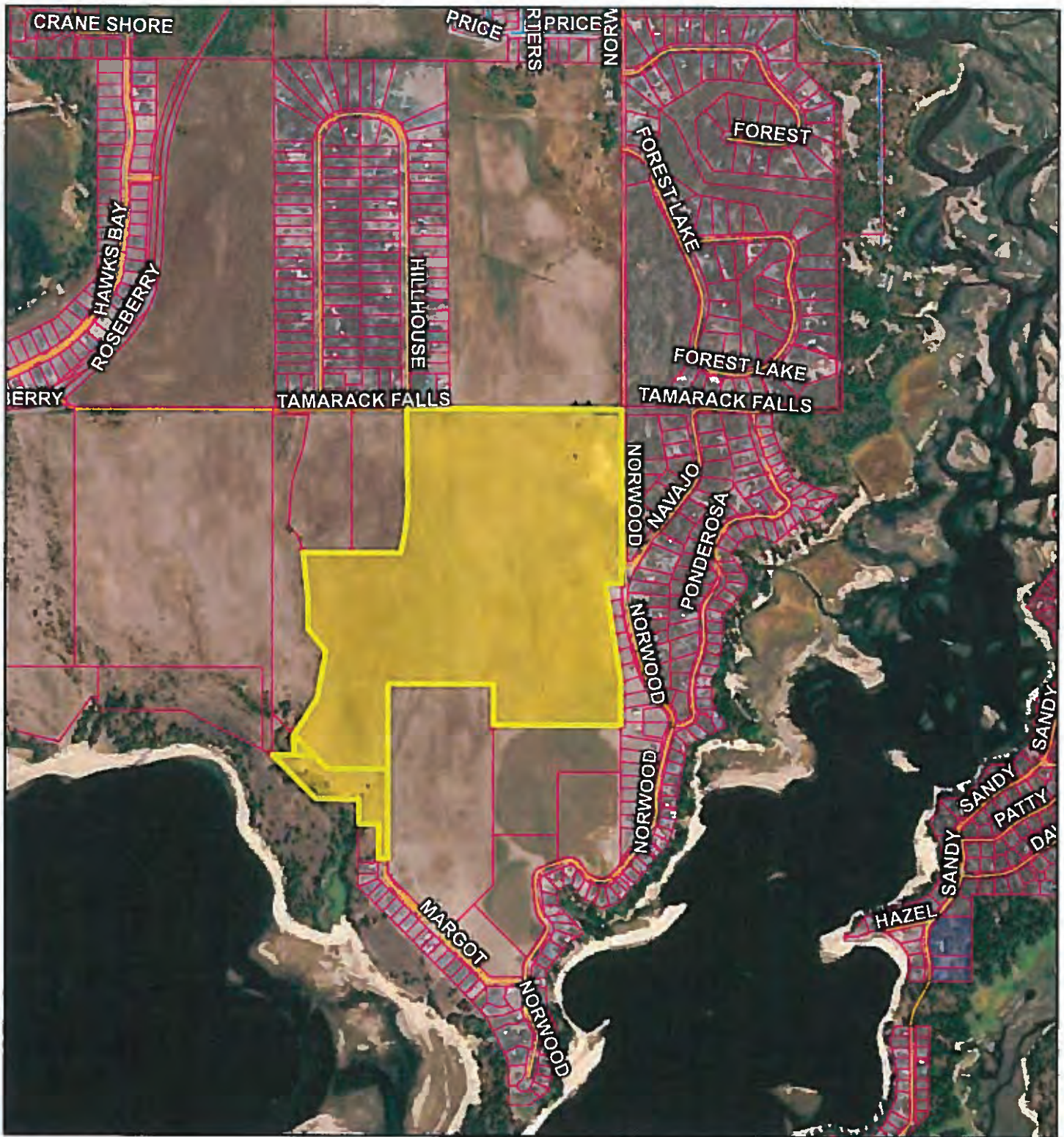
**PRIVATE**

**MINOR COLLECTOR**

**Earthstar Geographics**

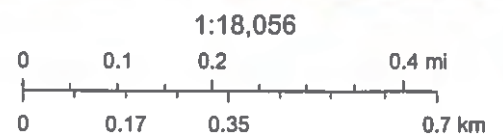


# C.U.P. 22-37 Aerial Map



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

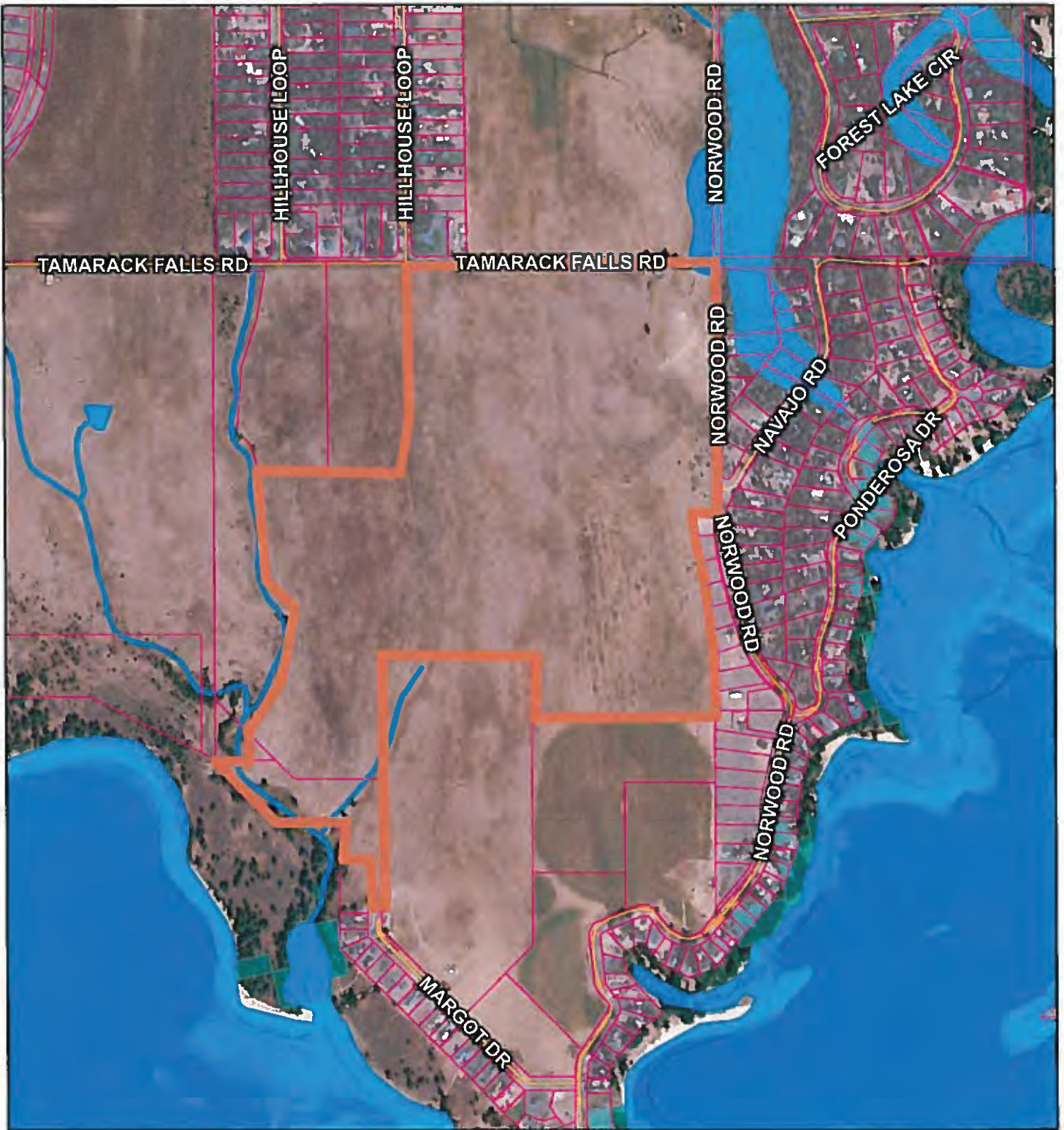
- Parcel Boundaries
- URBAN/RURAL
- Roads
- PRIVATE
- COLLECTOR



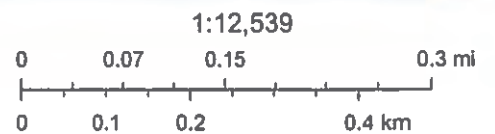
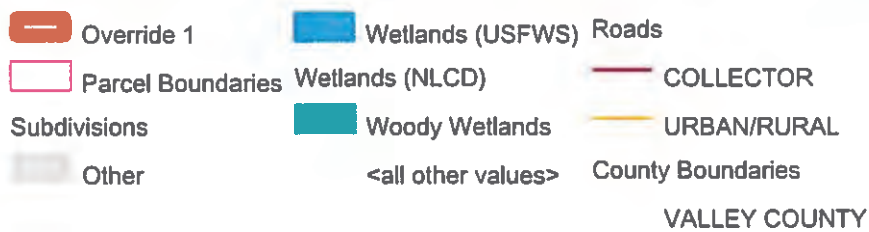
Maxar



# C.U.P. 22-37 Wetlands Map



September 22, 2022

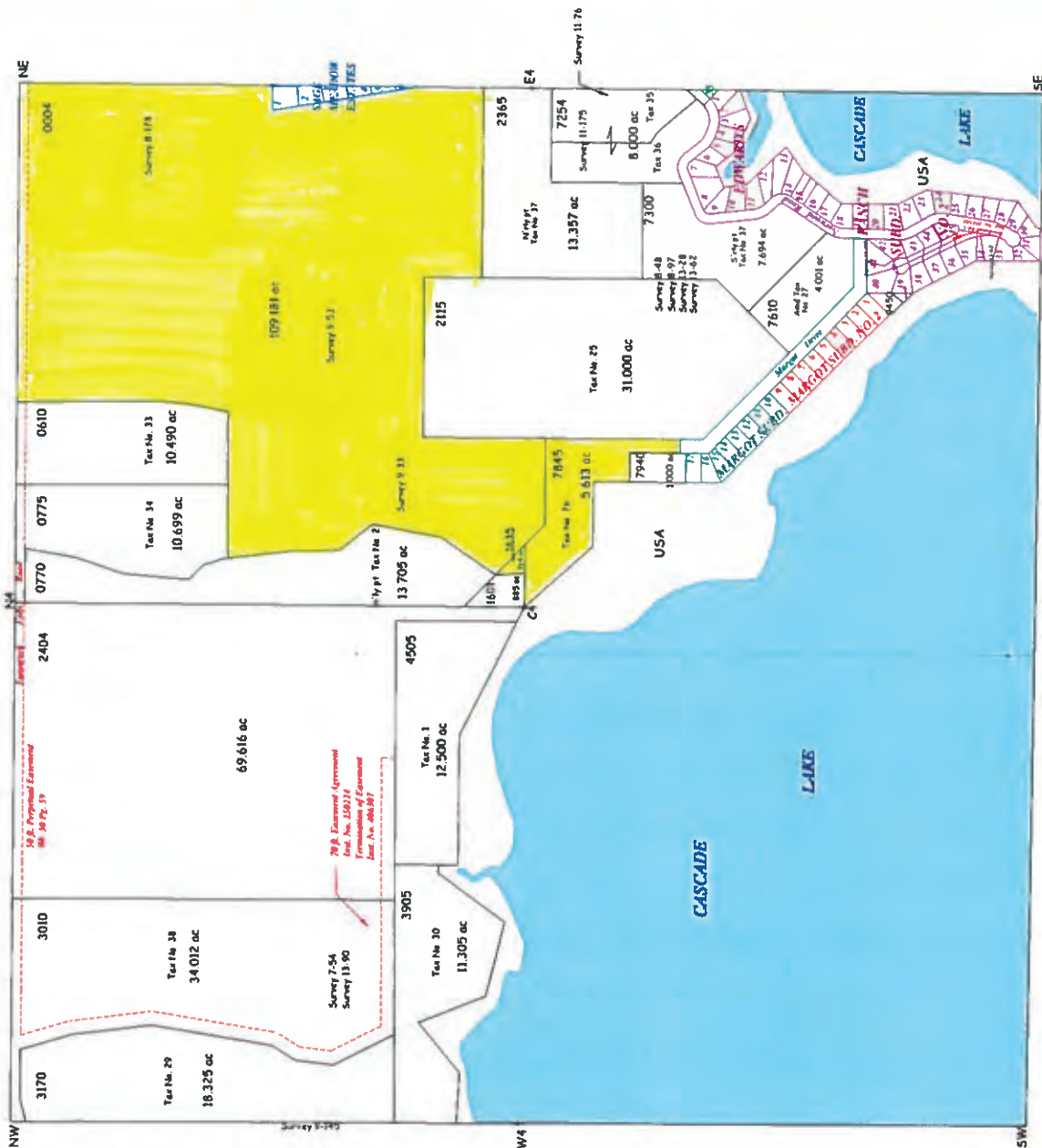


Maxar

## T W P . 1 6 N R O 3 E S E C . 2 0

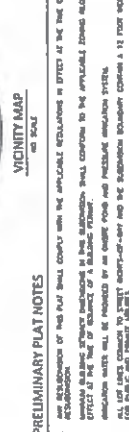
**VALLEY COUNTY**  
**Cartography Dept.**  
**Assessor's Office**  
**Cascade, ID 83611**

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



**Get the Answer Key to the 2017 SAT Test for Educators Personnel (SAT 17) The Contents to SAT 17 Personnel for Act International Certified Member**



[illegible][illegible]

- 221

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10 (PUBLIC)

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10



























# Idaho Statutes

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

## TITLE 42

### IRRIGATION AND DRAINAGE — WATER RIGHTS AND RECLAMATION

#### CHAPTER 12

##### MAINTENANCE AND REPAIR OF DITCHES

42-1209. ENCROACHMENTS ON EASEMENTS AND RIGHTS-OF-WAY. Easements or rights-of-way operated, maintained, controlled or owned by irrigation districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations, and drainage districts are essential for the operations of such irrigation and drainage entities. Accordingly, no person or entity shall cause or permit any encroachments onto the easements or rights-of-way, including any public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the irrigation district, Carey act operating company, nonprofit irrigation entity, lateral ditch association, or drainage district owning, operating, maintaining, or controlling the easement or right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the easement or right-of-way. Encroachments of any kind placed in such easement or right-of-way, without such express written permission, shall be removed at the expense of the person or entity causing or permitting such encroachments, upon the request of the persons operating, maintaining, or controlling the easement or right-of-way or the owner of the easement or right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the easement or right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

#### History:

[42-1209, added 2004, ch. 179, sec. 3, p. 563; am. 2019, ch. 158, sec. 5, p. 514; am. 2019, ch. 183, sec. 3, p. 592.]

How current is this law?

**Search the Idaho Statutes and Constitution**



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 An Engineering report Required by CDH

Reviewed By: [Signature]

Date: 9/10/22

Review Sheet



## Valley County Road & Bridge

PO Box 672\* Cascade, Idaho 83611

Jeff McFadden  
Superintendent

[jmcfadden@co.valley.id.us](mailto:jmcfadden@co.valley.id.us)  
Office \* (208)382-7195  
Fax \* (208)382-7198

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", is written over the title.





## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

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 208-325-8619 with any questions.

Jess Ellis



Fire Marshal  
Donnelly Fire Department

## **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 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

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[REDACTED]  
McCall, Idaho 83611  
[REDACTED]

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.

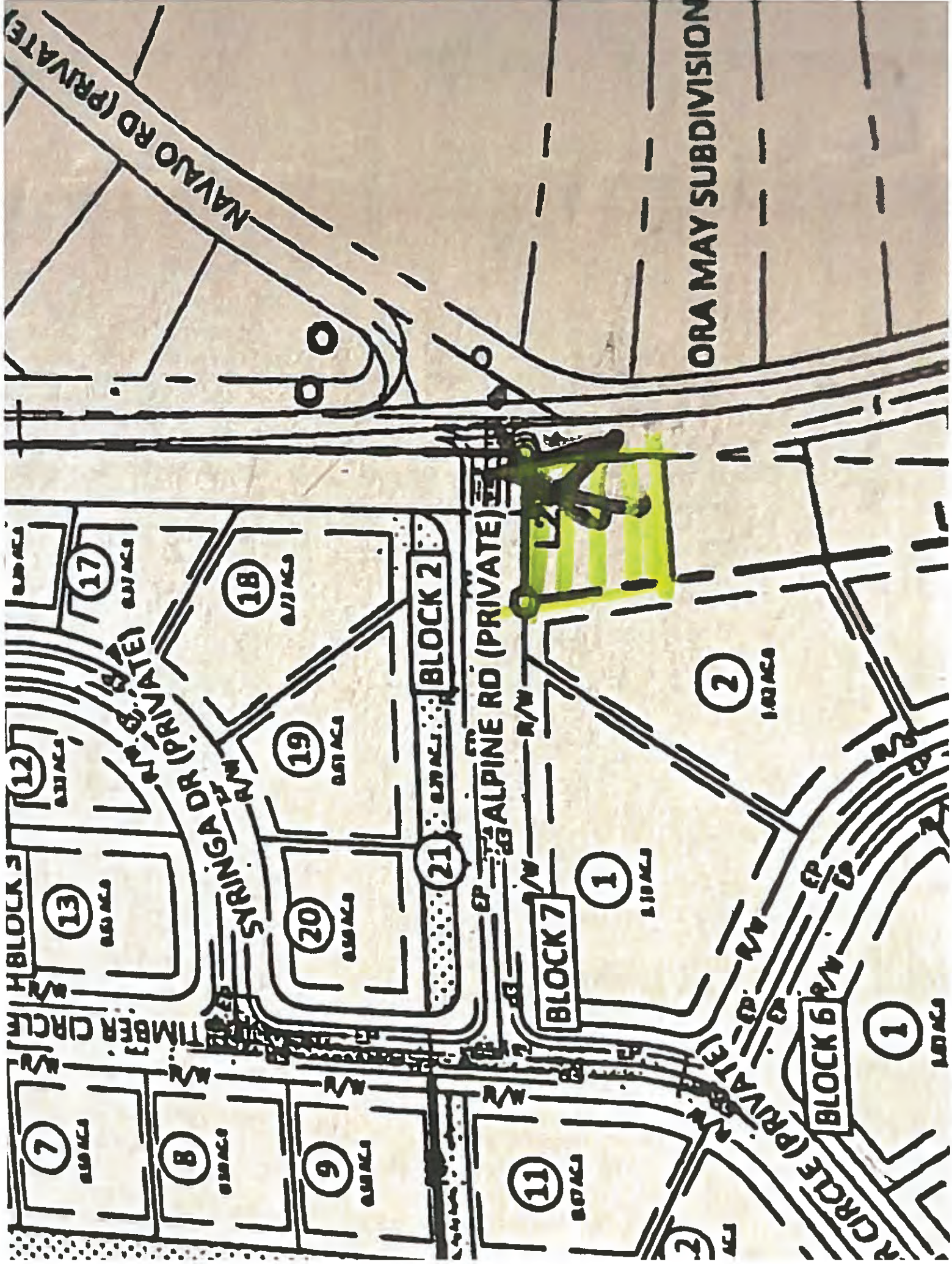
**\*\*See attachment, my home is marked\*\***

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

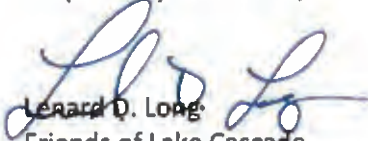
The purpose of this letter is to oppose the subject subdivision until changes are made. We wish to inform the P&Z Commissioners that the application is flawed and non-compliant with legal statutes and the Comprehensive Plan Attached is a detailed list of deficiencies which are briefly bulleted below:

- 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,

  
Leonard D. Long

Friends of Lake Cascade  
250 3<sup>rd</sup> 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 I: 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

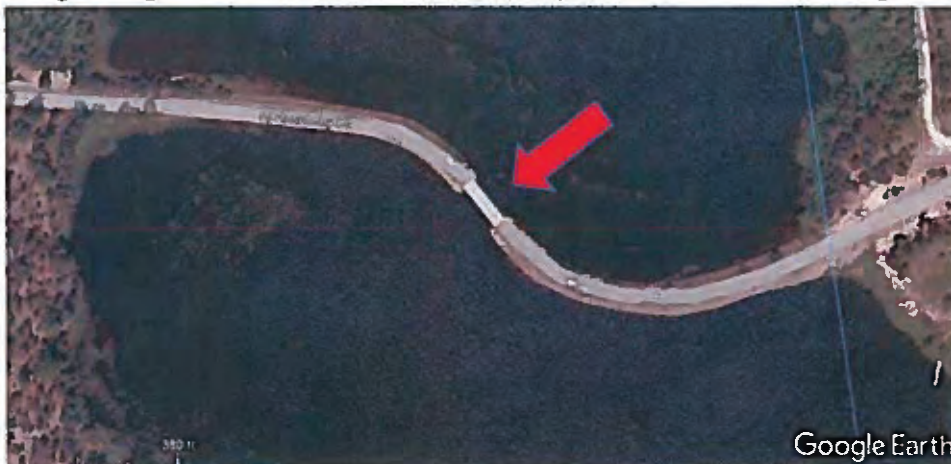


Figure 4; “S-Bridge, an aging infrastructure and scene of numerous accidents.

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 I, 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 I: 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]; [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

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**From:** Melissa Maini [REDACTED]

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

**To:** [REDACTED]

**Cc:** Cynda Herrick [REDACTED]

**Subject:** Re: Tamarack Falls Estates

I agree with you.

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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 12, 2022 7:49 AM  
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 overload infrastructure and existing services.

Our sincere thanks,

Larry and Becky Froemming  
Caldwell and Donnelly

Tamarack Falls hearing

From: [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:** [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 <cherrick@co.valley.id.us>

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 makes 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 11<sup>th</sup> 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 5<sup>th</sup>, 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  
