

Valley County Planning and Zoning

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



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STAFF REPORT: C.U.P. 23-17 The Cottages at Trillium Creek – Preliminary Plat
Tamarack Resort – Phase 3.5

HEARING DATE: May 18, 2023

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

**APPLICANT /
PROPERTY OWNER:** Martin Pico, Manager
Tamarack Resort Holdings & Tamarack Real Estate Holdings LLC
311 Village DR PMB 3026, Tamarack, ID 83615

REPRESENTATIVES: Tamarack Resort, c/o Scott Turlington
311 Village Drive, PMB 3026, Tamarack, ID 83615

Christopher Kirk
311 Village Drive, PMB 3161, Tamarack, ID 83615

SURVEYOR: Dan Dunn
25 Coyote Trail, Cascade, ID 83611

LOCATION: 2119 West Mountain Road
Parcel RP16N03E328900 in the SE ¼ Section 32, T.16N, R.3E,
Boise Meridian, Valley County, Idaho

SIZE: 5 acres

REQUEST: Amend PUD 98-01 to include 5 Acres and add 22 Single-Family
Residential Lots and Open Space Lots.

EXISTING LAND USE: Bare Land

Tamarack Resort Holdings is requesting an amendment to the approved planned unit development to extend their external boundary in the northeast corner of the resort in order to include an adjacent five-acre parcel. The applicant is requesting an amendment to the PUD to shift existing allowed residential use to these lots. It is not a request for an expansion of the PUD allowed uses.

The parcel would be seamlessly integrated into the existing Tamarack Resort P.U.D. A subdivision plat is proposed for this site with 22 cottage-type homes and open space lots.

Access would be from a new private road onto Village Drive, a private road. There would be no vehicle access directly onto West Mountain Road. Right-of-Way for West Mountain Road will be dedicated to Valley County.

The site would be served by Northlake Recreational Sewer and Water District for sewer and

water. Tamarack currently has two potable water wells that are managed by Northlake Recreational Sewer and Water District; an additional well is proposed.

FINDINGS:

1. The application was submitted on March 28, 2023.
2. Legal notice was posted in the *Star News* on April 27, 2023, and May 4, 2023. Potentially affected agencies were notified on April 11, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on April 11, 2023; these owners were also sent the revised public hearing date information on April 21, 2023. The notice and application were posted online at www.co.valley.id.us on April 11, 2023, and updated on April 21, 2023. The site was posted on April 26, 2023.
3. Agency comment received:

Mike Reno, Central District Health, stated that an application, engineering report, and purveyor letters are required. (April 19, 2023)

Jess Ellis, Donnelly Fire Marshal, replied with requirements. (May 11, 2023)
4. Public comment received: none
5. Physical characteristics of the site: Relatively flat; the wetlands on the northern portion of the property will not be impacted.
6. The surrounding land use and zoning includes:
North: Single-Family Residential Subdivision Lots (Royal Scot No. 2 and No. 5)
South: Tamarack Resort – North Aspen Parking Lot
East: U.S. Bureau of Reclamation and Campgrounds.
West: Single-Family Residential Subdivision Lots (Royal Scot No. 2)
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 2. Residential Uses (h) Planned Unit Development
 - 2. Residential Uses (c) Subdivision for single-family subdivision.
8. Valley County Code (Title 10): Subdivision Regulations. This title should be reviewed for determination of technical issues of the plat.

Standards are allowed to be relaxed as part of the planned unit development:

- Valley County requires a 70-ft right-of-way width; however, this is a planned unit development, which previously had a reduction in width of right-of-way approved for the internal private roads; original PUD allowed 50-ft rights-of-way.

10-4-4: STREETS

F. Street Layout

6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

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, drainage way, 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:

- A. **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.

SUMMARY:

A compatibility rating form was not completed, since this is a portion of the approved Tamarack Resort, PUD (fka WestRock, PUD).

A form has been included if the P&Z Commission desires to complete a form.

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District. It is not within an irrigation district or a herd district.
2. The Commission should be aware that the original Planned Unit Development approved documents included a provision for flexibility in Section I – Application Overview. It reserved the right to modify the Facilities Plan in a number of ways; provided for preliminary and final platting in future phases; and stated the modifications do not materially change any component of the prior approvals, as listed. (attached) In the future if there is a material change the Planned Unit Development would need to be formally amended and process through the Planning and Zoning Commission along with the Board of County Commission as per 9-5H-8.5.
3. A public hearing will be held by the Board of County Commissioners regarding the expansion of the originally approved boundary of P.U.D. 98-01 Tamarack Resort.
4. The original approved application is available for review in the Planning and Zoning office.
5. Will the cottages be constructed by Tamarack and sold as a finished product, or will the cottage sites be sold individually?

ATTACHMENTS:

- Conditions of Approval
- Vicinity Map
- Aerial Map
- Assessor Plat – T.16N R.3E Section 32
- Proposed Plat
- Tamarack Resort – Master Overall & Platting Phasing Plan
- Approved PUD 98-01 Preliminary Plat Sheet 1
- Pictures Taken April 26, 2023
- Responses

Conditions of Approval

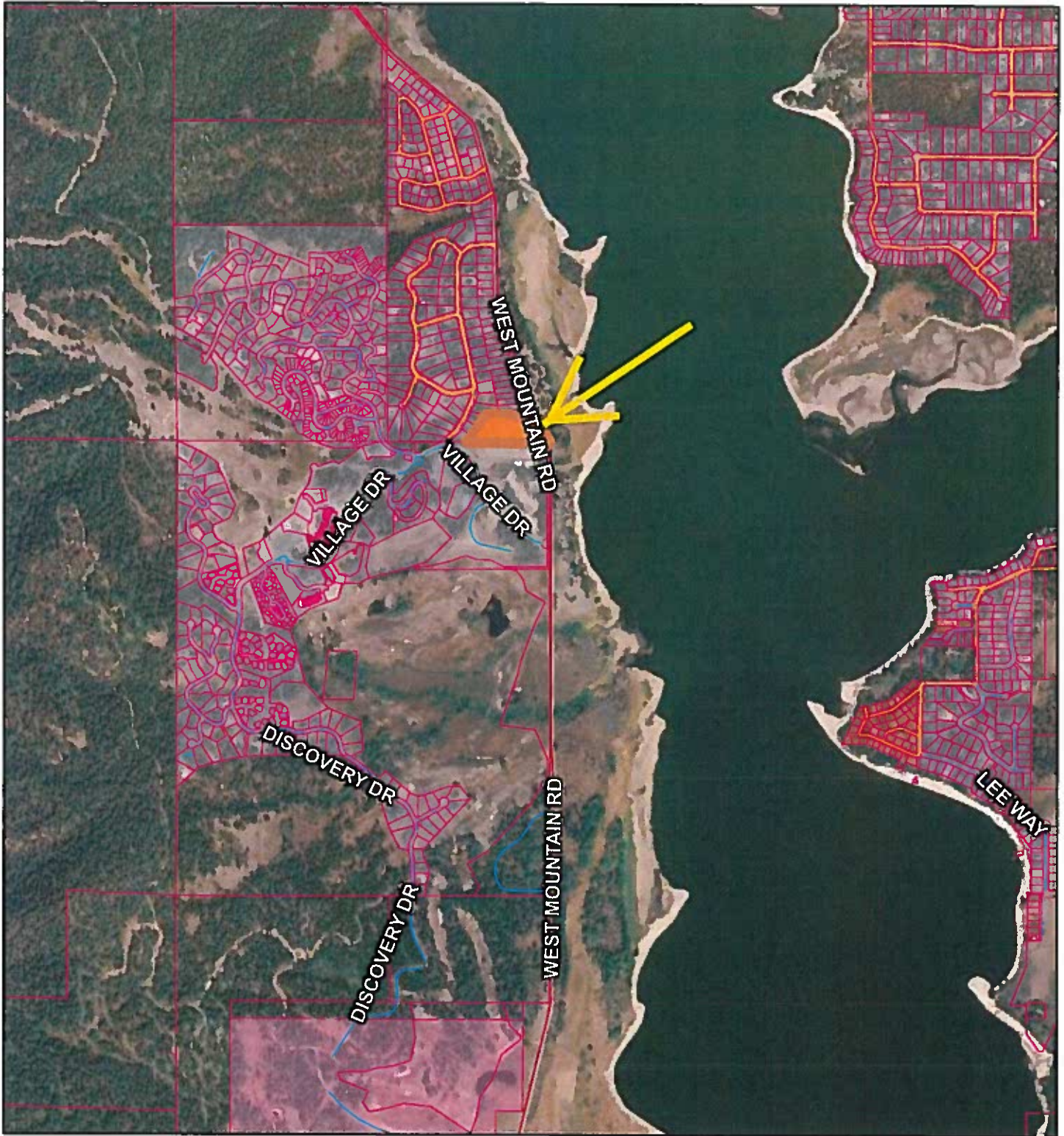
1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include 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 within two years, or this permit will be null and void.
5. Must comply with all requirements previously approved as P.U.D 98-01 Tamarack Resort and any subsequent amendments.
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. Prior to final plat, the applicant's engineer shall certify that the roads have been built to approved standards or be financially guaranteed.
8. All wetlands shall be delineated on the final plat or shown as a "no build area".
9. Must bury conduit for fiber optics with utilities.
10. Applicant's engineer shall confirm all utilities were placed according to the approved plans.
11. A private road declaration is required to confirm that the road will be maintained by the Tamarack Municipal Association.
12. Must have a will-serve letter from the North Lake Recreational Sewer and Water District guaranteeing that sewer capacity is available for immediate service prior to recordation of the final plat.
13. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
14. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
15. Shall place addressing numbers at each residence and at the driveway entrance if the house numbers are not visible from the road. Said numbers shall contrast with their background and be at least three and one-half inches (3 ½-in) height.
16. There should be a note that states all lots shall be accessed from internal Tamarack roads and not West Mountain RD.
17. All easements shall be shown on the final plat.
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 wood burning device is allowed on each lot."
 - "Surrounding land uses are subject to change."

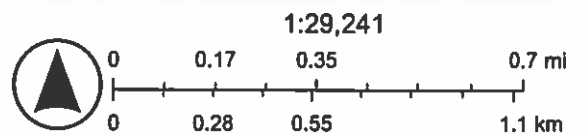
END OF STAFF REPORT

CUP 23-17 Vicinity Map



March 30, 2023

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



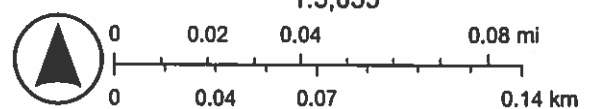
Maxar

CUP 23-17 Aerial Map



March 30, 2023

- Address Points
- Parcel Boundaries
- URBAN/RURAL
- PRIVATE
- Roads**
- COLLECTOR



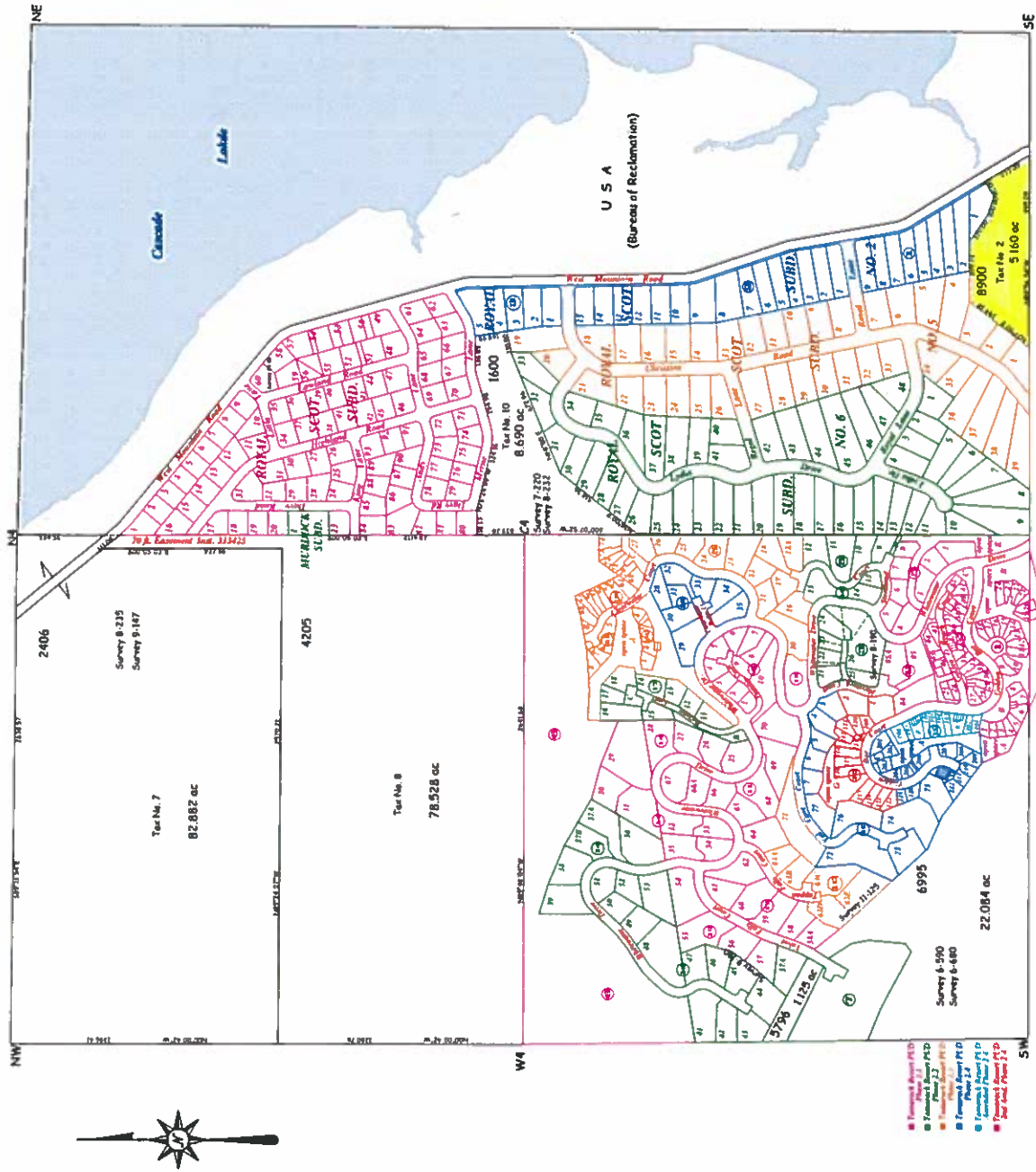
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PLAT TITLE

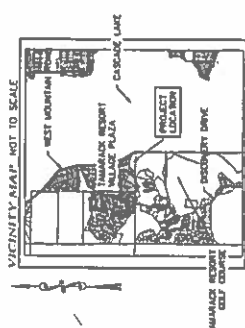
T W P. 16 N R O S E S E C. 32

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

Filename:
Valley County Base Map
Scale: 1"=1000'
Date: 9/15/2022
Drawn by: L. Frederick



This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies, Omissions, or Errors.



1. The undersigned, James Earl Ray, do hereby certify that the information furnished by me is true and correct to the best of my knowledge and belief.
2. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
3. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
4. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
5. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
6. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
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18. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
19. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.
20. I am a resident of St. Louis, Missouri and am a member of the St. Louis Chapter of the National Rifle Association.

PRELIMINARY PLAT
TAMARACK RESORT PLANNED UNIT DEVELOPMENT
PHASE 3.5
"THE COTTAGES AT TRILLIUM CREEK"

[illegible]

BASIS OF HEARING

200 Hertz = BASS
2000 Hertz = TREBLE
1000 Hz - 10,000 Hz - RANGE OF HEARING

100 50 0 50 100

HORIZONTAL SCALE ON TEST

{+1.36 POWER CON.)

ARFA _____
1140 ACCT-1-07N
1718 ACCT-1-07 N70200-06 (APR)
6139 ACCT-1-C20000-06 (APR)
9122 ACCT-1-07N-07-007-02000
6117 ACCT-0001-C-07-007-02000-000

CWENERSHIP
INVESTMENT ACCT. 0714-E-020000-11C
000700-0700

PROPOSED LIST
N70200-06

Utility Monitoring

The unprogrammed address above was obtained from field survey information and appears to be an unprogrammed address. The unprogrammed address above was not entered in the unprogrammed address file of the field station database. Although the field book contains the unprogrammed address above, it is not a valid address. The unprogrammed address above was not entered in the unprogrammed address file of the field station database.

[illegible]

LEGEND

PHASE I	PHASE II	PHASE III	PHASE IV

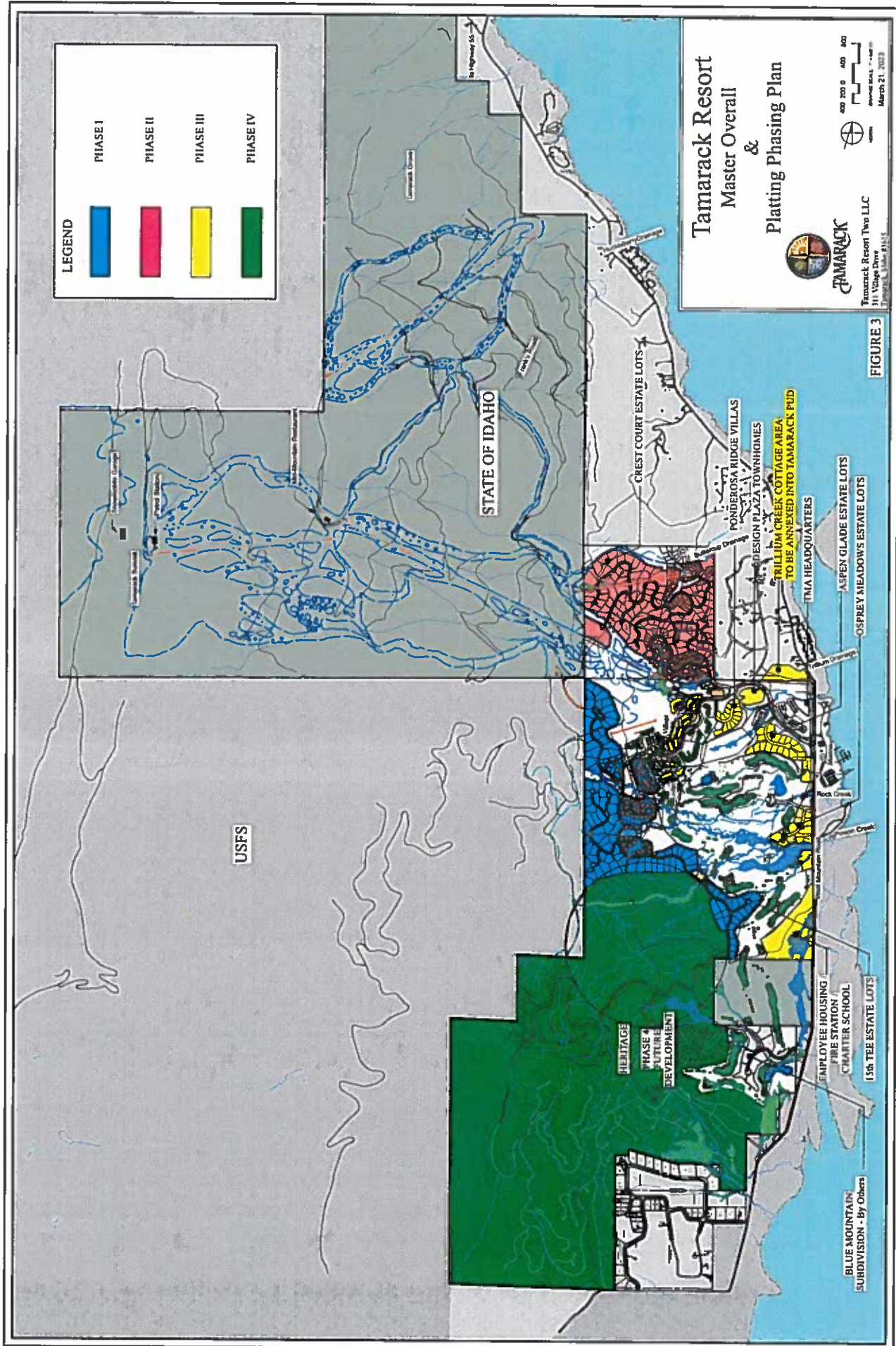
Tamarack Resort Master Overall & Platting Phasing Plan



TAMARACK
Tamarack Resort Two LLC
311 Village Drive
Tamarack, Idaho 83451

400 200 0 400 800
Feet
March 21, 2023

FIGURE 3







Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # PUD 98-1

Preliminary / Final / Short Plat The Cottages @ Trillium Creek

- ☐ 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 surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☒ 8. After written approvals 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, engineering Report & purveyor letters Required.

Reviewed By: [Signature]

Date: 4/19/23



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

May 11, 2023

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

RE: Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-17 Phase 3.5 The Cottages at Trillium Creek – Preliminary Plat

Tamarack Resort P.U.D. 98-1 Amendment

The Donnelly Rural Fire Protection District has no comments or concerns on this matter.

C.U.P. 23-17 Phase 3.5 The Cottages at Trillium Creek – Preliminary Plat

After review, the Donnelly Rural Fire Protection District will require the following.

- All roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**. Tamarack road standards are acceptable
- All fire apparatus access roads shall comply with **Section D103.4 IFC 2018**, All roads shall be inspected and approved by the DRFPD personnel prior to final plat
- In accordance with **Section D103.6 IFC 2018**, where required by the fire code official, NO PARKING – FIRE LANE signs shall be posted on both side sides of fire apparatus access roads.
- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- In accordance with **Section 503.7.6 IFC 2018** the gradient for driveways cannot exceed 10 percent unless approved by the fire code official
- **Section 503.7.8 IFC 2018** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- **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.

- In accordance with **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 with hydrant placement shall be submitted for review prior to construction. Water system shall be a looped system
- The DRFPD requires a minimum Fire flow of 1125 GPM with a duration of not less than two hours, all fire hydrants shall be tested and approved by DRFPD prior to final plat
- 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