

Valley County Planning and Zoning

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Cascade, ID 83611-1350



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STAFF REPORT: C.U.P. 23-37 Tamarack Resort P.U.D. 98-1 – Amended Village Plaza Condominium – Preliminary Plat

HEARING DATE: October 19, 2023

TO: Planning and Zoning Commission

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

**APPLICANT /
PROPERTY OWNER:** TRH-Village LLC, c/o Scott Turlington
311 Village DR PMB 3026, Tamarack ID 83615

REPRESENTATIVE: Amy Pemberton, Millemann Pemberton & Holm LLP
PO Box 1066, McCall, ID 83638

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

LOCATION: Part of Lot 16, Tamarack Resort Phase 2 Village in the NW ¼
Section 5, T.15N, R.3, Boise Meridian, Valley County, Idaho

SIZE: 4.37 Acres

REQUEST: Amendment of Tamarack Resort Village Plaza Condominium Plat

TRH-Village LLC is requesting a conditional use permit to amend a portion of Tamarack Resort Planned Unit Development to correct the locations and dimensions of certain common areas, exclusive use common areas, residential units, and commercial units.

Tamarack Resort Village Plaza Condominium Plat was recorded on October 18, 2005, as Instrument # 301738.

As the Village Plaza developed, common areas were combined or constructed into commercial or residential units, and commercial units were constructed into common areas. Additionally, the amended plat includes one additional residential unit with an exclusive use common area (Unit 60G07). Additional commercial units are also included in the amended plat; however, these include elevators, mechanical rooms etc.

As built, the Village Plaza contains six buildings with a total of 394,158 sqft of residential, commercial, and common areas, which is an overall increase from the original plat by 18,742 sqft. Total residential area and common area increased; commercial area decreased.

The Amended Plat will bring the units into compliance with the project “as-built”.

FINDINGS:

1. The application was submitted on August 23, 2023.

2. Legal notice was posted in the *Star News* on September 28, 2023, and October 5, 2023. Potentially affected agencies were notified on September 18, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on September 26, 2023. The notice and request were posted online at www.co.valley.id.us on September 18, 2023. The site was posted on October 4, 2023.
3. Agency comment received:

Central District Health stated if the County requires a new plat and re-lifting of the sanitary restrictions, a new application, engineering report, and purveyor letter is required. (September 19, 2023)

Jess Ellis, Donnelly Fire Marshal, has no comments or concerns. (September 25, 2023)
4. Public comment received: None
5. Physical characteristics of the site: Buildings have been constructed.
6. The surrounding land use and zoning includes: Tamarack Resort P.U.D. 98-1
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 2. Residential Uses (h) Planned Unit Development
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:

STAFF COMMENTS / QUESTIONS:

1. **A compatibility rating form was not completed, since this is a portion of the approved PUD 98-1 Tamarack Resort (*fka* WestRock).**
2. This site is within the Donnelly Fire District. It is not within an irrigation district or a herd district.
3. 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.
4. The original approved application is available for review in the Planning and Zoning office.

ATTACHMENTS:

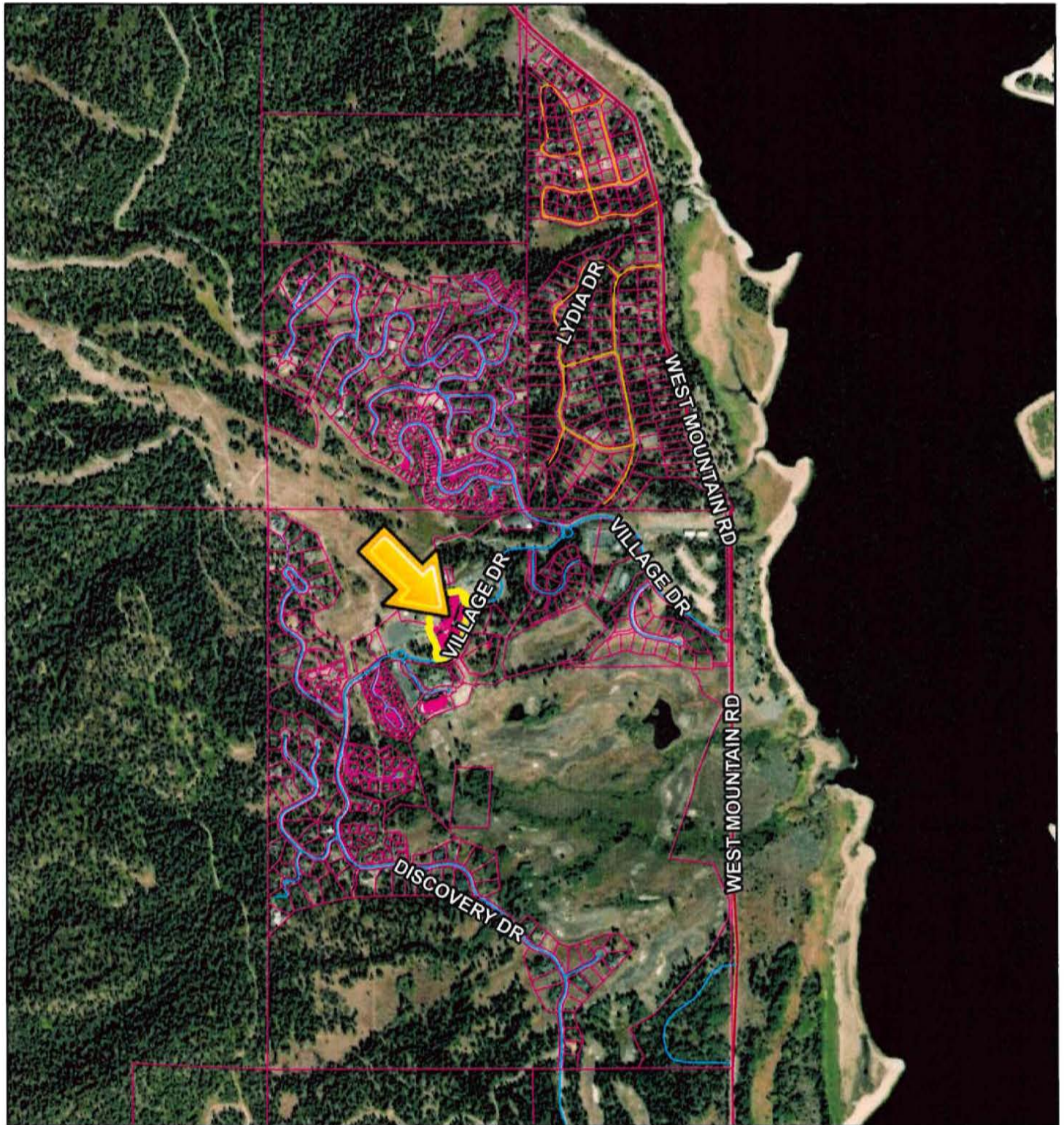
- Proposed Conditions of Approval
- Vicinity Map
- Aerial Map
- Preliminary Plat – Page 1
- Photos taken October 4, 2023
- Responses

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 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.
7. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
8. Shall place addressing numbers at each unit.
9. All easements shall be shown on the final plat.
10. Notes on plat should duplicate original plat.

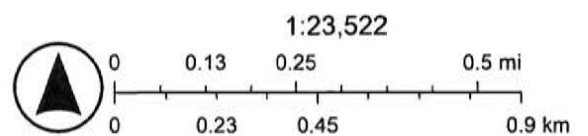
END OF STAFF REPORT

C.U.P. 23-37 Vicinity Map



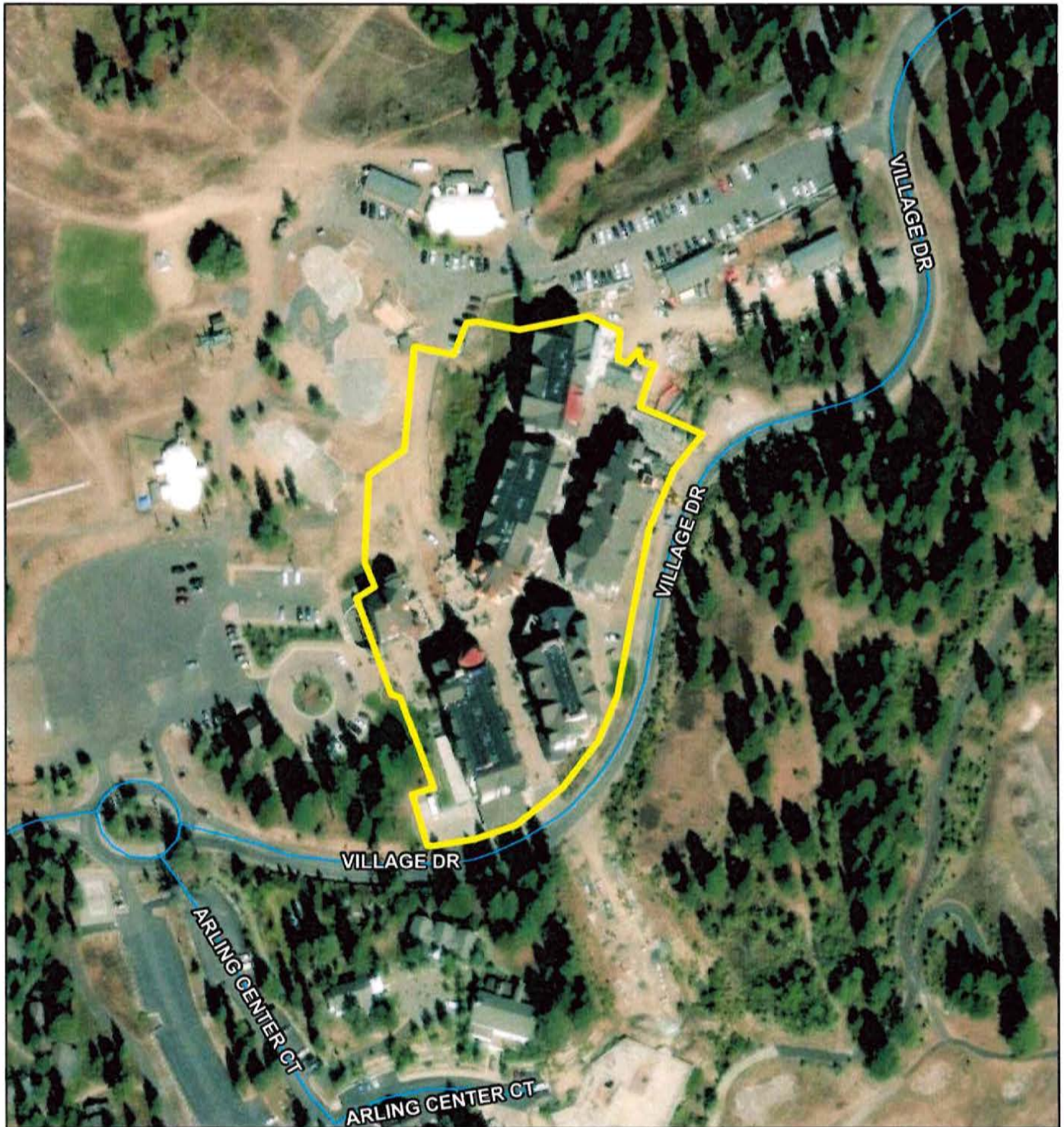
8/28/2023, 2:13:47 PM

Parcel Boundaries
Roads
COLLECTOR
URBAN/RURAL
PRIVATE



Maxar

C.U.P. 23-37 Approximate Boundary



8/28/2023, 2:11:36 PM

Roads

— PRIVATE



1:3,049
0 0.02 0.04 0.07 mi
0 0.03 0.06 0.11 km

Maxar, Microsoft

Created by Valley County


Located in Lot 16, Tamarack Resort Phase 2 Village
In the NW 1/4 of Section 5, T.15N., R.3E., B.M.
Valley County, Idaho

SHEET 1 OF 25

25 COYOTE TRAIL
CASCADE, ID 83611

PHONE [REDACTED] .COM

dunn
LAND SURVEYS, INC.

The logo for Dunn Land Surveys, Inc. features the company name in a serif font. To the right of the text is a stylized graphic consisting of a series of parallel diagonal lines forming a triangular shape, with a small square at the top right corner.

a. Common Areas and Exclusive Use Common Areas which are depicted on this Plat are dedicated for the use and enjoyment of members of the Tamarack Resort Association specified in the Supplemental Declaration for Village Plaza, together with their guests, invitees, and assigns, subject to the terms, conditions, and reserved Declarant rights which are contained in the General Declaration and the Supplemental Declaration for Village Plaza.







Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 23-37

Preliminary / Final / Short Plat Transmark Resort PUD 98-1 Amended

Village Plaza Condominium

- ☐ 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. if the county is requiring a new plat and re-lifting of Sanitary Restrictions, CDH will require a new application, engineering report & purveyor letters.

Reviewed By: TEHR

Date: 9 19 23



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

September 25, 2023

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

RE: C.U.P. 23-37 Tamarack Resort P.U.D. 98-1 Amended Village Plaza Condominium-
Preliminary plat.

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

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal
Donnelly Fire Department