

Valley County Planning and Zoning

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STAFF REPORT: C.U.P. 24-04 Warden Short-Term Rental
MEETING DATE: April 11, 2024
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
**APPLICANT /
PROPERTY OWNER:** Karin Warden / Eric and Karin Warden Trusts
13952 Tree Loft RD, Milton GA 30004
REPRESENTATIVE: Kelly Crockett, Bespoke Properties
13 White Swan CT, Donnelly, ID 83615
LOCATION: 51 Pinnacle Court
Tamarack Resort P.U.D. Phase 1 Lot 59, Block 13, in the SW ¼
Section 5, T.15N, R.3E, Boise Meridian, Valley County, Idaho
SIZE: 0.5-acre Lot
REQUEST: Short-Term Rental for a Maximum of 18 Guests
EXISTING LAND USE: Single-Family Residential Home with STR 2023-132

Karin Warden is requesting a conditional use permit for a short-term rental with a maximum of 18 guests.

The property currently has an active Short-Term Rental permit (STR 2023-132) for 12 guests. A copy of this permit is attached. Bespoke Properties manages the rental.

There is an existing 4,568-sqft residence with central sewer and water. The home has six bedrooms in the house and a one-bedroom apartment above the garage.

Events and guest weddings would not be allowed. The site has parking for five vehicles; guests would not be allowed to park on the street.

Access is from private roads within Tamarack Resort.

The 0.5-acre site is addressed at 51 Pinnacle Court

FINDINGS:

1. The application was submitted on February 12, 2024.
2. Legal notice was posted in the *Star News* on March 21, 2024, and March 28, 2024. Potentially affected agencies were notified on March 12, 2024. Property owners within 300 feet of the property owned by the applicant and the Tamarack Municipal Association were notified by fact

sheet sent March 14, 2024. The site was posted on March 27, 2024. The notice and application were posted online at www.co.valley.id.us on March 12, 2024.

3. Agency comment received:

Mike Reno, Central District Health, stated CDH has no objections since this property is not served by a septic system. (March 12, 2024)

Jess Ellis, Donnelly Fire Marshal, referenced Section 503.f IFC 2018 which requires that fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. (March 22, 2024)

Maureen O'Shea, Idaho Department of Water Resources Floodplain Specialist, stated that the site is not in the floodplain; therefore, she has no comments. (March 26, 2024)

4. Public comment received:

Jeffrey and Annette Box, 39 Tripod CT, are opposed. Overflow parking on the street already occurs with 12 guests. Larger numbers of rental tenants will increase the total amount of garbage and trash on neighboring properties. Noise from guests has been a problem. This would set a precedence for more requests of greater than 12 guests at homes within Tamarack Resort. The security at Tamarack is often short-staffed and has high turnover; this would add to their workload. There are plenty of opportunities to earn income without increasing the occupancy. (March 26, 2024)

Robert Maes, owner of 86 Pinnacle CT, is opposed. Concerns include additional noise, foot traffic, trash, etc. from 18 guests. His property value would be diminished. He purchased the lot to build his retirement home and enjoying peace and quiet in the estate area of Tamarack Resort. (April 2, 2024)

5. Physical characteristics of the site: The residence is existing. There is parking available in the two-car detached garage and u-shaped driveway.

6. The surrounding land use and zoning includes:

North: Tamarack Resort P.U.D.
South: Tamarack Resort P.U.D.
East: Tamarack Resort P.U.D.
West: Tamarack Resort P.U.D.

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

- 2. Residential Uses (a) Single Family Residence
- 2. Residential Uses (i) Accessory Dwelling Unit

Note that the additional apartment is allowed under P.U.D. 98-1 Tamarack Resort; an ADU permit was not required.

Review of Title 9-4-10 Short-Term Rentals and Title 9 - Chapter 5 Conditional Uses should be done.

TITLE 9 LAND USE AND DEVELOPMENT

Valley County Code:

9-4-1: DEFINITIONS:

Short-term Rental or “vacation rental”: means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rentals do not include a unit that is used for any retail, restaurant, banquet space, event center, hotel/motel type lodging, or another similar use. This does not include multiple family groups that are camping on holiday type of weekends. (VCC Title 9-1-10)

9-4-10: SHORT-TERM RENTALS:

One STR unit is allowed on a parcel with an administrative permit. More than one STR or more than one residential use on a parcel requires a conditional use permit in accordance with Valley County Code 9-5.

SUMMARY:

Staff's compatibility rating is a +5.

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 Fire District. Sewer is provided by North Lake Recreational Sewer and Water District. Water is provided by Tamarack Municipal Association. The site is not within an irrigation district nor a herd district.
2. Is the apartment rented out and is it rented out separately?
3. Is there approval from Tamarack Municipal Association?
4. Do cars park in the roadway?
5. Lights are questionable as to whether they are dark sky compliant.

ATTACHMENTS:

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Plat Sheet 2 – Tamarack Resort Planned Unit Development Amended Phase 1
- Assessor Plat – T.15N R.3E Section 5
- Short-Term Rental Permit 2023-132
- Properties Rules Submitted with STR 2023-132
- Emergency Exit Plan Submitted with STR 2023-132
- Photos taken March 27, 2024
- Responses

Proposed 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 use shall be established within one year or a permit extension will be required.
5. Must comply with requirements of the Donnelly Fire District.
6. Smoke detectors and carbon monoxide detectors should be installed throughout the home and inspected by Donnelly Rural Fire.
7. There should be fire extinguishers on each level of the home and one near any outside LPG grills. LP gas detectors shall be installed where appropriate.
8. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
9. Must have approval from North Lake Recreational Sewer and Water District.
10. All exterior lighting on this site must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
11. No parking allowed in the setback areas or within the road right-of-way.
12. Quiet hours are 10:00 p.m. to 7:00 a.m.
13. All noxious weeds on the property must be controlled.
14. Property lines should be marked and visible to guests.
15. No events are allowed; this includes small weddings, etc. that would create noise impacts and increase traffic.
16. Must comply with payment of sales tax in accordance with Idaho State Code Title 63 Chapter 36.
17. Shall post rules, emergency contact information, and emergency exit plan in the home. Must clearly post the maximum number of guests allowed.
18. There is a maximum occupancy of 18 rental guests; the maximum occupancy must be reflected in all advertisements. The maximum number of guests includes day guests and/or visitors.
19. The site must be kept in a neat and orderly manner. Two garbage cans are required.
20. Shall maintain addressing numbers on the home and at the driveway entrance.
21. The applicant shall work with Valley County Road Department on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
22. A short-term rental (STR) Annual Update Form is required.

END OF STAFF REPORT

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		
RESIDENTIAL USBS	1. AGRICULTURAL		+2	-1	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	-1	-2	-1	-1	+1	+2	+1		
	2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2	2	
	3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+2	+1	-1	+2	+1	-2	-2	3
	4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	+1	-1	+1	+1	-2	-2	4
	5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2	5
	6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2	6
	7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2	7
CIVIC or COMMUNITY SERVICE USBS	8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1	8	
	9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1	+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2	9	
	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	+2	+2	10	
	11. PUBLIC REC.	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1	+2	-1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-1	-1	11
	12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1	12
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2	13	
COMMERCIAL USBS	14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1		-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1	14	
	15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1		-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1	15	
	16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	-2		+1	-2	+1	+2	+2	+1	+2	-1	-1	16	
	17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	-1	+1	+1	-2	-2	17
	18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+1	+2	+2	+2	+1	+1	+1	21
INDUST. USBS	19. AREA BUS.	-2	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2	19	
	20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	-1	+2	-2	+1	+1	+2	+1	+2	+2	-2	+1	20	
	21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+1	+2	+2	+2	+1	+1	21	
	22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	+1	+2	+2	-1	-1	-1	-2	-1	-2	-2	+1		22	
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+2	+2	+1	+1	-1	-2	-1	-2	-1	+1	+2	23		

RATE THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: # 5 2 Residences Prepared by: CH
→ has apartment

YES/NO X Response Value

Use Matrix Values:

(+2/-2) +1 X 4 +4

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

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

2. Is the proposed use compatible with the other adjacent land uses (total and average)?
See 1

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

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) -2 X 3 -6

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 a small lot.

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

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

(+2/-2) -1 X 2 -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?
Must park all cars on property; neighbors report they park in the road.

(+2/-2) +1 X 2 +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?
Create noise from large groups

(+2/-2) +1 X 2 +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?
Impact for parking

(+2/-2) 0 X 2 0

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?
No Change

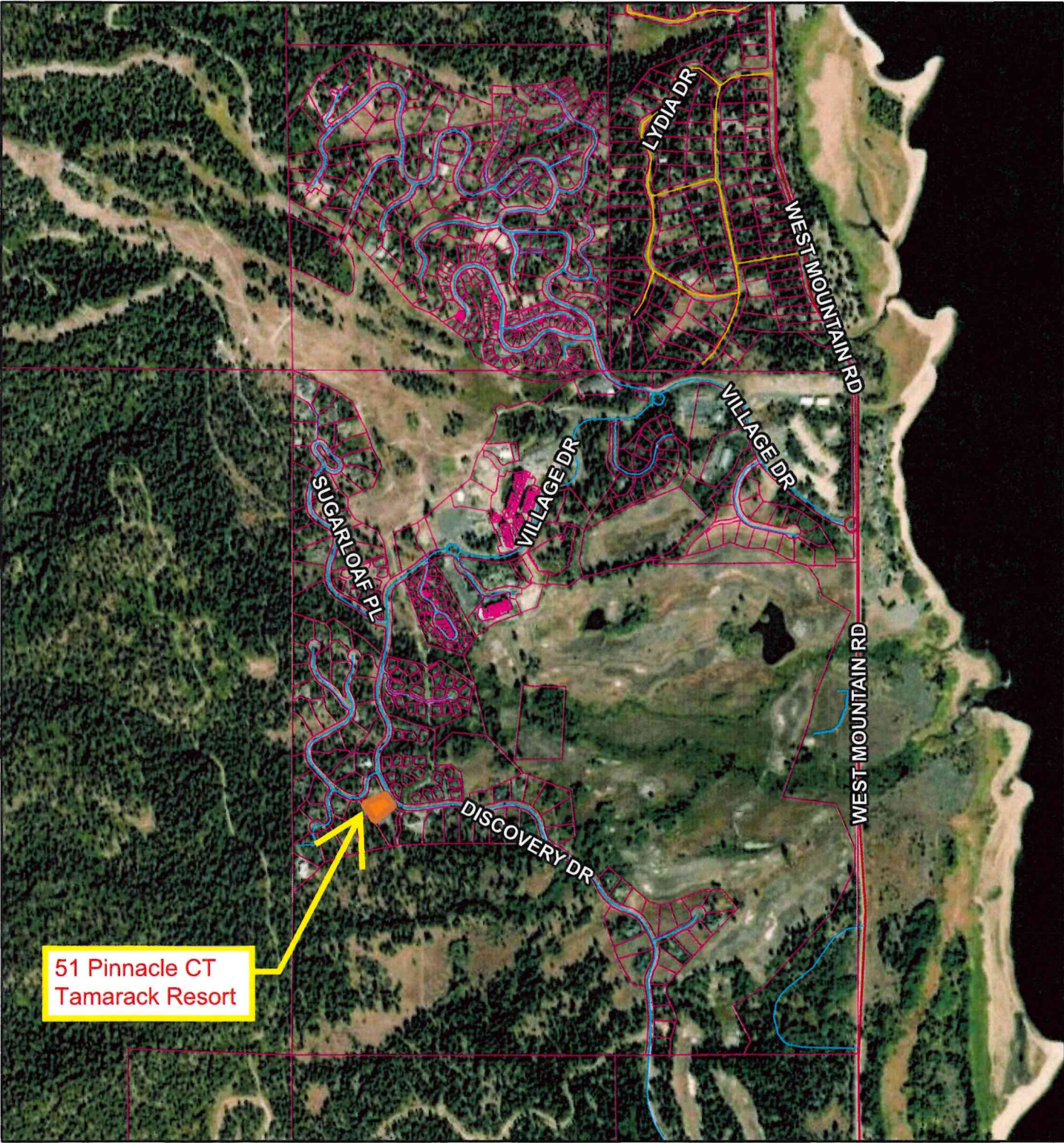
Sub-Total (+) 13

Sub-Total (-) 8

Total Score +5

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

C.U.P. 24-04 Vicinity Map



51 Pinnacle CT
Tamarack Resort

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Parcel Boundaries

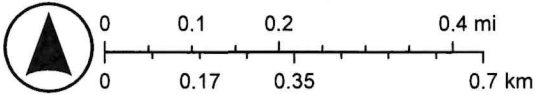
Roads

COLLECTOR

URBAN/RURAL

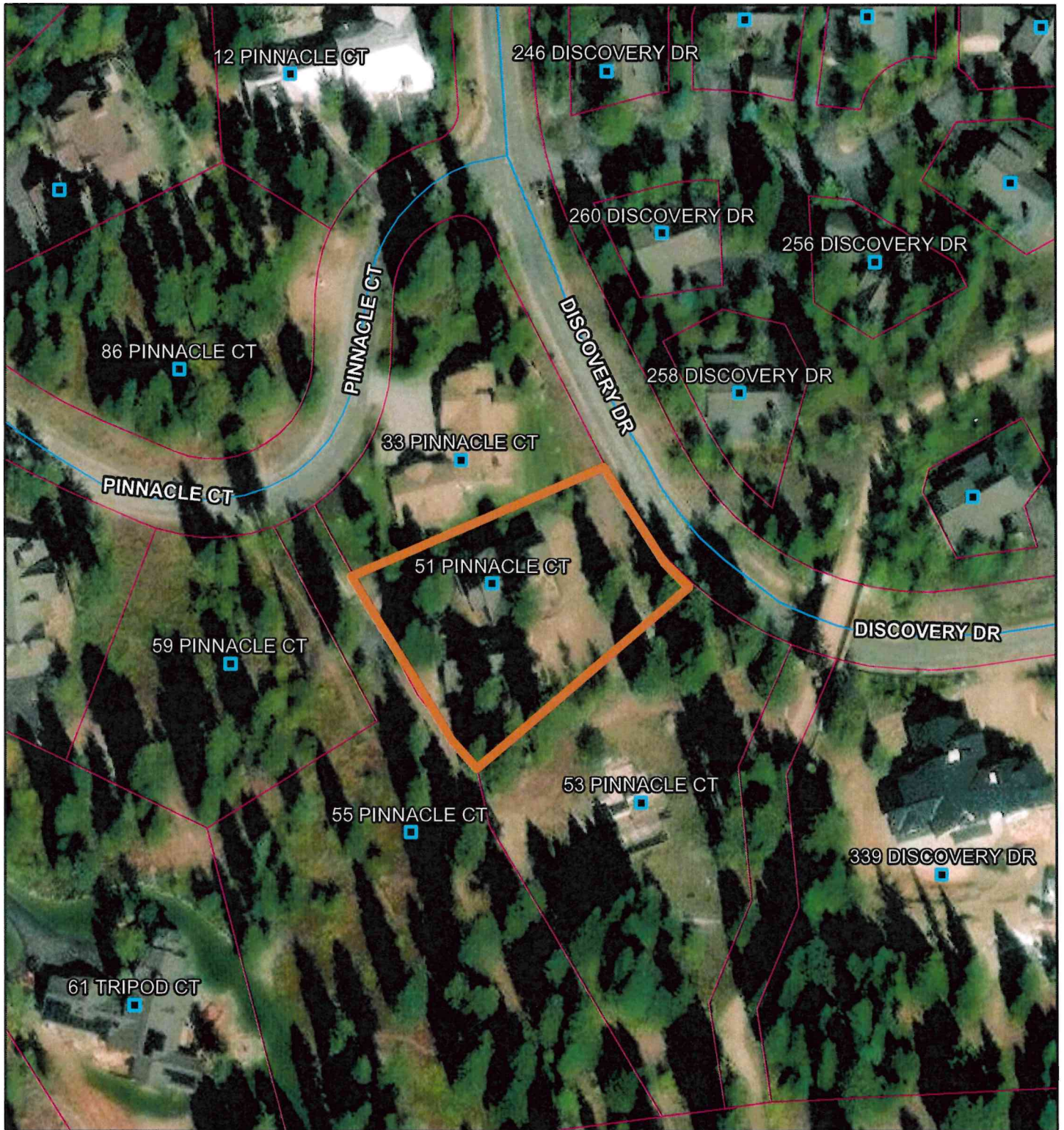
PRIVATE

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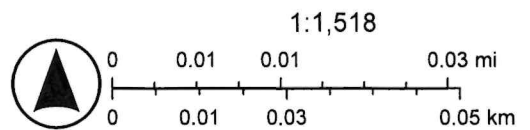
Maxar

C.U.P. 24-04 Aerial Map



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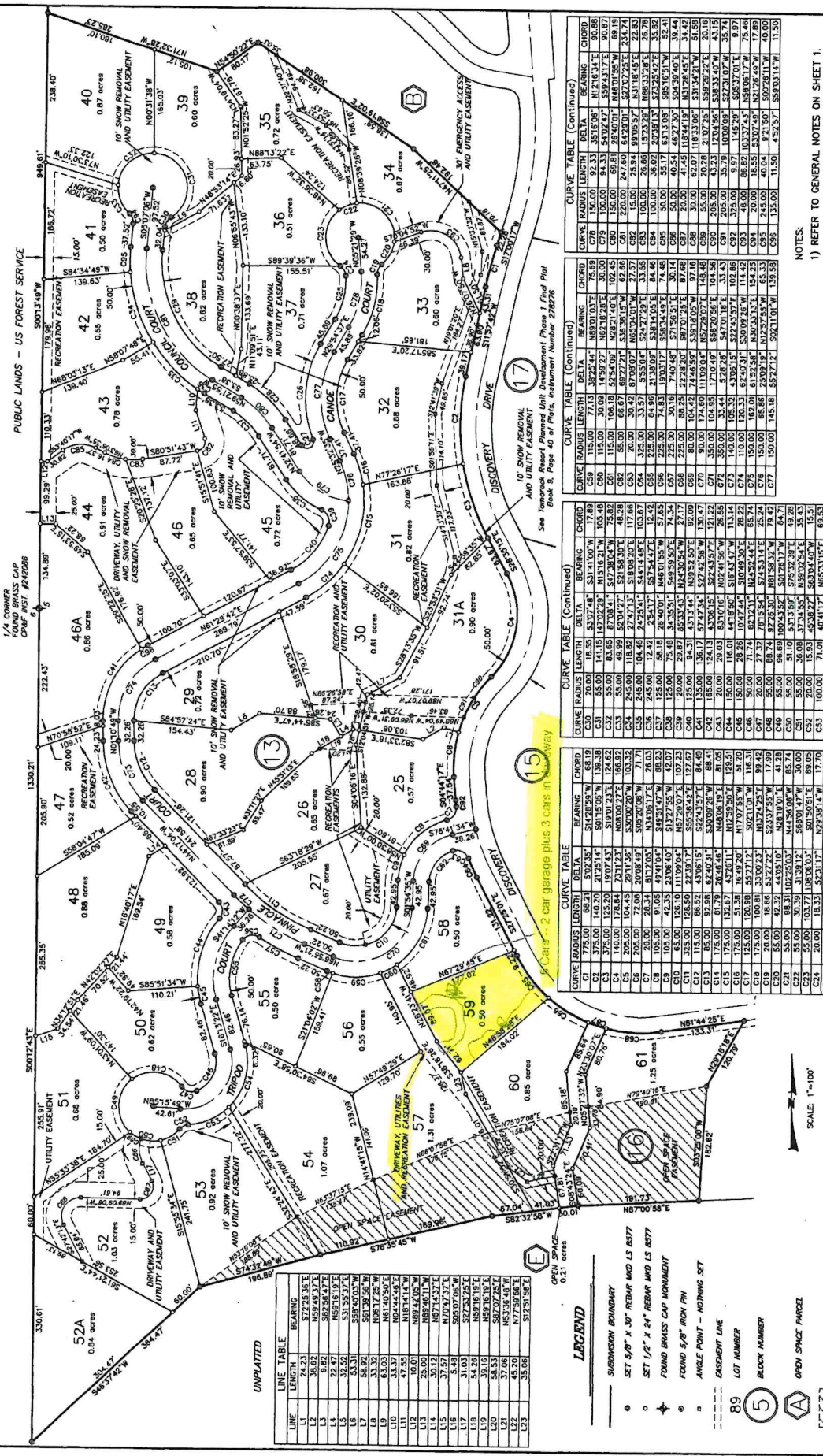
- Address Points
- ▭ Parcel Boundaries
- Roads
 - PRIVATE



Maxar, Microsoft

TAMARACK RESORT PLANNED UNIT DEVELOPMENT AMENDED PHASE 1

A Replat of Portions of Blocks 16 and 13, Tamarack Resort Planned Unit Development Phase 1 Final Plat Located in Section 5, T.15N., R.3E., B.M. Valley County, Idaho



UNPLATTED

LINE	LENGTH	BEARING
L1	74.23	S72°25'36"E
L2	38.82	S72°25'36"E
L3	38.82	S92°56'47"E
L4	38.82	S31°33'17"E
L5	32.52	S31°33'17"E
L6	54.31	S89°40'03"W
L7	58.92	S81°32'55"W
L8	33.35	N08°17'25"W
L9	33.35	N04°44'45"E
L10	33.35	N04°44'45"E
L11	47.55	N18°14'14"W
L12	10.00	N89°42'02"W
L13	31.00	N89°42'02"W
L14	31.00	N89°42'02"W
L15	37.57	N10°44'32"E
L16	54.48	S05°07'06"W
L17	31.00	S27°33'25"E
L18	38.16	N89°42'02"W
L19	38.16	N89°42'02"W
L20	58.53	S81°07'25"E
L21	37.06	N53°26'45"W
L22	45.20	N77°59'55"E
L23	35.00	S33°31'58"E

CURVE TABLE (Continued)

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C78	50.00	92.33	35.16°	N71°16'34"E	90.69
C79	50.00	94.33	34.92°	S59°43'17"E	90.69
C80	50.00	89.81	28.40°	N48°01'55"W	89.19
C81	50.00	89.81	28.40°	S48°01'55"W	89.19
C82	15.00	25.84	89.05°	N15°45'23"E	24.43
C83	100.00	65.56	15.23°	N88°33'28"E	26.78
C84	100.00	65.56	15.23°	S72°25'36"E	26.78
C85	50.00	35.17	33.19°	N89°42'02"W	34.21
C86	50.00	35.17	33.19°	S72°25'36"E	34.21
C87	20.00	41.45	118.44°	N31°28'45"E	34.42
C88	30.00	62.07	118.33°	N31°28'45"E	51.89
C89	55.00	20.78	210.27°	S59°29'22"E	20.10
C90	55.00	20.78	210.27°	S59°29'22"E	20.10
C91	20.00	33.73	120.94°	N70°51'40"W	43.15
C92	325.00	9.97	1.95°	N65°30'01"W	9.97
C93	46.00	86.82	102.74°	N59°06'17"W	75.46
C94	20.00	18.55	53°07'48"	N47°26'48"W	17.89
C95	15.00	14.44	82°15'50"	N69°28'11"W	40.00
C96	15.00	11.50	45°32'31"	S83°03'14"W	11.50

CURVE TABLE (Continued)

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C59	115.00	77.13	35°22'44"	N89°01'03"E	75.89
C60	115.00	77.13	35°22'44"	N89°01'03"E	75.89
C61	115.00	100.89	43°59'27"	N83°18'28"E	97.16
C62	115.00	100.89	43°59'27"	N83°18'28"E	97.16
C63	55.00	66.67	69°27'29"	S82°36'45"E	64.46
C64	20.00	30.42	87°28'07"	N65°34'01"W	27.57
C65	325.00	33.57	55°55'04"	S24°32'28"E	33.55
C66	225.00	74.86	21°30'59"	S38°14'05"E	84.46
C67	225.00	74.86	21°30'59"	S38°14'05"E	84.46
C68	225.00	30.16	74°00'45"	N78°38'31"E	30.16
C69	225.00	30.16	74°00'45"	N78°38'31"E	30.16
C70	80.00	104.42	149°48'59"	S38°18'05"W	87.68
C71	80.00	104.42	149°48'59"	S38°18'05"W	87.68
C72	80.00	104.42	149°48'59"	S38°18'05"W	87.68
C73	350.00	33.44	52°28'26"	S47°20'18"E	33.43
C74	140.00	126.33	43°08'15"	S20°09'57"E	102.86
C75	140.00	126.33	43°08'15"	S20°09'57"E	102.86
C76	150.00	145.18	45°22'12"	S22°12'12"E	139.59
C77	150.00	145.18	45°22'12"	S22°12'12"E	139.59

CURVE TABLE (Continued)

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C30	20.00	18.55	53°07'48"	S71°41'00"W	17.89
C31	20.00	18.55	53°07'48"	S71°41'00"W	17.89
C32	55.00	83.65	120°44'15"	S71°58'30"E	82.48
C33	55.00	83.65	120°44'15"	S71°58'30"E	82.48
C34	146.00	118.82	87°47'13"	S18°29'51"E	103.67
C35	245.00	104.46	24°25'44"	S44°44'48"E	103.67
C36	245.00	104.46	24°25'44"	S44°44'48"E	103.67
C37	125.00	58.18	34°50'51"	S49°53'50"E	74.34
C38	125.00	58.18	34°50'51"	S49°53'50"E	74.34
C39	20.00	75.48	85°33'53"	N24°30'54"W	27.17
C40	125.00	94.31	43°13'44"	N39°39'52"E	92.09
C41	125.00	94.31	43°13'44"	N39°39'52"E	92.09
C42	125.00	94.31	43°13'44"	N39°39'52"E	92.09
C43	185.00	124.13	43°04'15"	S27°45'59"E	121.27
C44	20.00	29.03	83°01'05"	N02°41'56"W	28.55
C45	150.00	116.26	47°15'50"	N02°41'56"W	113.14
C46	150.00	116.26	47°15'50"	N02°41'56"W	113.14
C47	150.00	28.26	104°47'44"	S10°49'32"E	28.22
C48	150.00	28.26	104°47'44"	S10°49'32"E	28.22
C49	20.00	27.32	70°15'54"	S14°53'14"E	25.24
C50	20.00	27.32	70°15'54"	S14°53'14"E	25.24
C51	55.00	95.69	109°43'58"	N61°58'33"W	79.42
C52	55.00	95.69	109°43'58"	N61°58'33"W	79.42
C53	55.00	31.00	53°32'59"	S70°28'17"W	64.71
C54	55.00	31.00	53°32'59"	S70°28'17"W	64.71
C55	20.00	15.93	42°38'27"	S83°34'06"W	15.51
C56	100.00	107.22	61°28'58"	N63°34'15"E	69.53
C57	100.00	107.22	61°28'58"	N63°34'15"E	69.53
C58	100.00	91.48	53°32'54"	S10°33'05"W	90.16
C59	375.00	70.15	100.42°	N04°14'48"E	70.05
C60	195.00	219.46	64°28'01"	S27°02'52"E	208.06

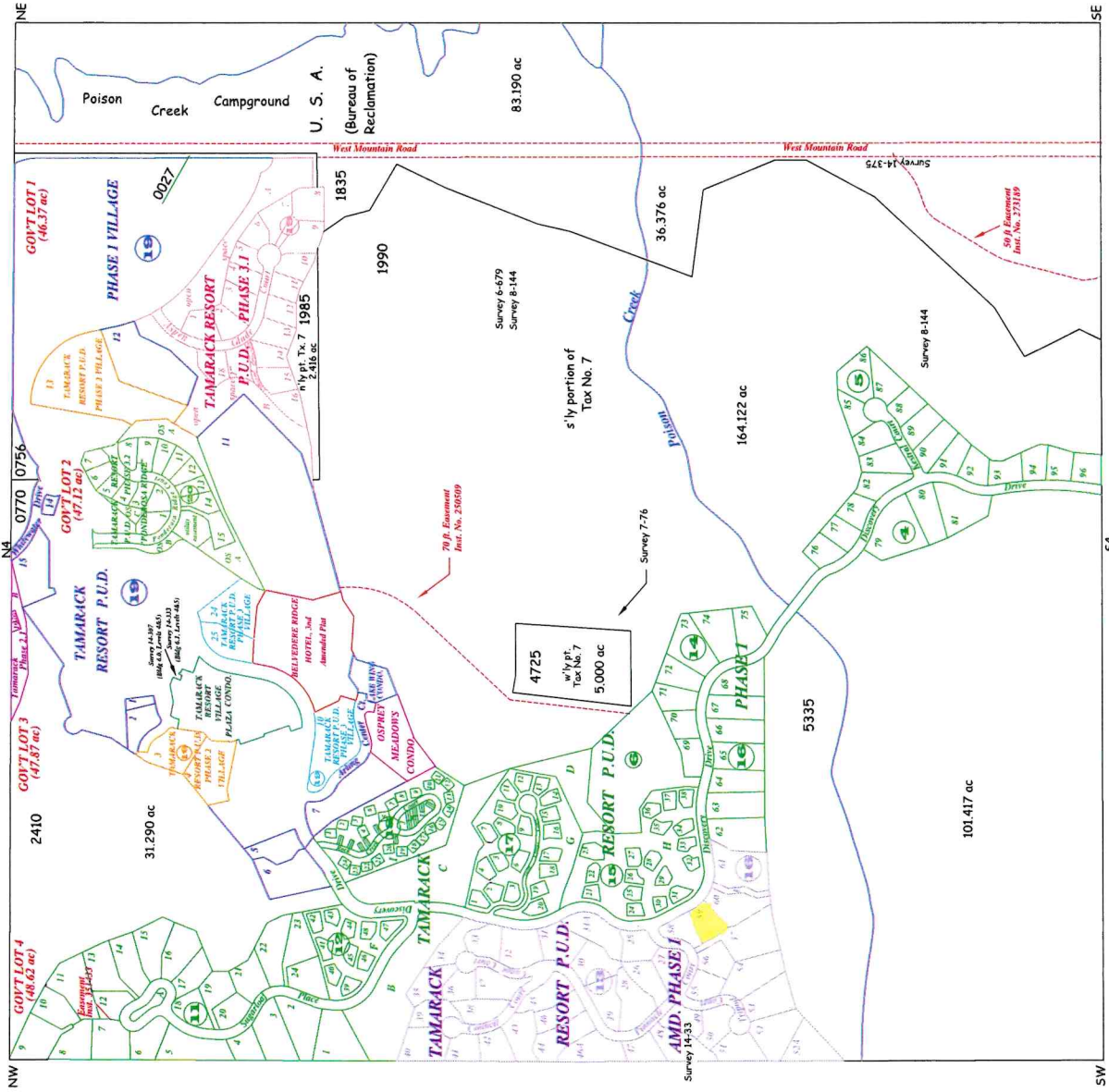
NOTES:
 1) REFER TO GENERAL NOTES ON SHEET 1.
SECORSH ENGINEERING, INC.
 McCall, Idaho
 SHEET NO. 2 OF 5

PLAT TITLE

T W P . 1 5 N R O S E S E C . 0 5

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

Filename: Valley County Base Map
Scale: ~~1" = 100'~~
Date: 12/6/2023
Drawn by: L. Frederick



This drawing is to be used for reference purposes ONLY. The County is NOT Responsible for any measurements contained therein.

Valley County Planning and Zoning Short-Term Rental Permit

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



Phone: 208-382-7115
Website: www.co.valley.id.us

STR Permit #: **2023-132**

Physical Address: **51 Pinnacle Ct**

Parcel #: **RP00492013059A**

Subdivision: **Tamarack Resort PUD**

Occupancy Maximum: **12** (This number must be posted on-site)

Effective Date of Approval: **10/24/2023**

Annual Renewal Date: **10/31/2024** (See Below*)

Property Owner: **Eric & Karin Warden**

Property Manager: **Bespoke Properties**

Contact Number: [REDACTED]

On-going Requirements:

- Address must be posted.
- Post rules, contact information and Occupancy Maximum number on-site.
- Quiet hours from 10:00 p.m. to 7:00 a.m. (Recommendation)
- No parking in any road right-of-way.
- Maintain dark-sky compliant lighting.
- Maintain fire pit.
- Garbage must be regularly hauled away
- Eradicate noxious weeds. (Valley County Weed Dept. 208-382-7199).
- The STR may be used for residential purposes only.
- The STR cannot be used as a wedding venue, corporate retreat, seminars, team-building events, or other use that require a conditional use permit.
- RV's and tents may not be used to increase the maximum occupancy.
- Smoke detectors, carbon monoxide detectors, and, if applicable, liquified petroleum detectors required.
- Outdoor amplified sound, other than household speakers, shall not be allowed at any time.
- Sales tax must be paid to the State of Idaho.
- Shall post address numbers so they are clearly visible from the road.
- Staff can inspect the interior and exterior of the STR if neighbor complaints are received or there is reason to believe the structure has been modified to accommodate a greater occupancy than allowed.
- Any change should be reported to the Planning and Zoning office; a new permit may be required.

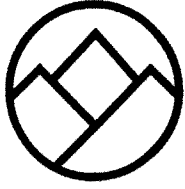
Conditions of Approval:

Renewal Information * - (Shall file an annual report as follows):

- Due date (renewal date) is the date of the issuance of the permit each year.
- Shall show compliance with all requirements of original permit.
- State intent for the current upcoming year.
- List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new permit will be required with the updated information.
- Shall be revoked if not submitted within 30 days of the renewal date.

Approved by: *Cynda Herrick* Date: 10/26/2023
Cynda Herrick, AICP, CFM, P&Z Director

Valley County Code 9-4-9 Short Term Rental ordinance is subject to change after a properly noticed public hearing.



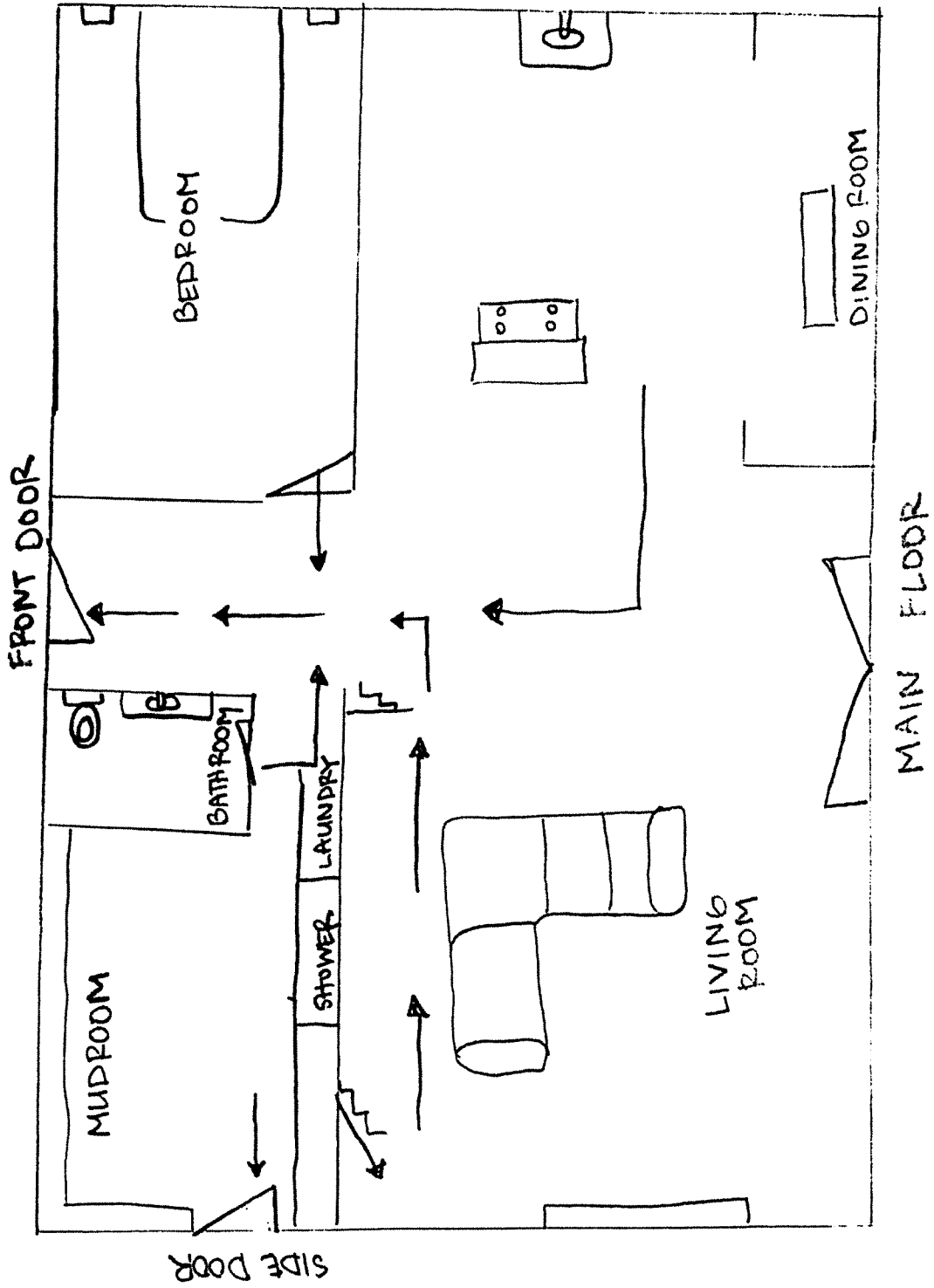
BESPOKE PROPERTIES

REAL ESTATE + PROPERTY MANAGEMENT

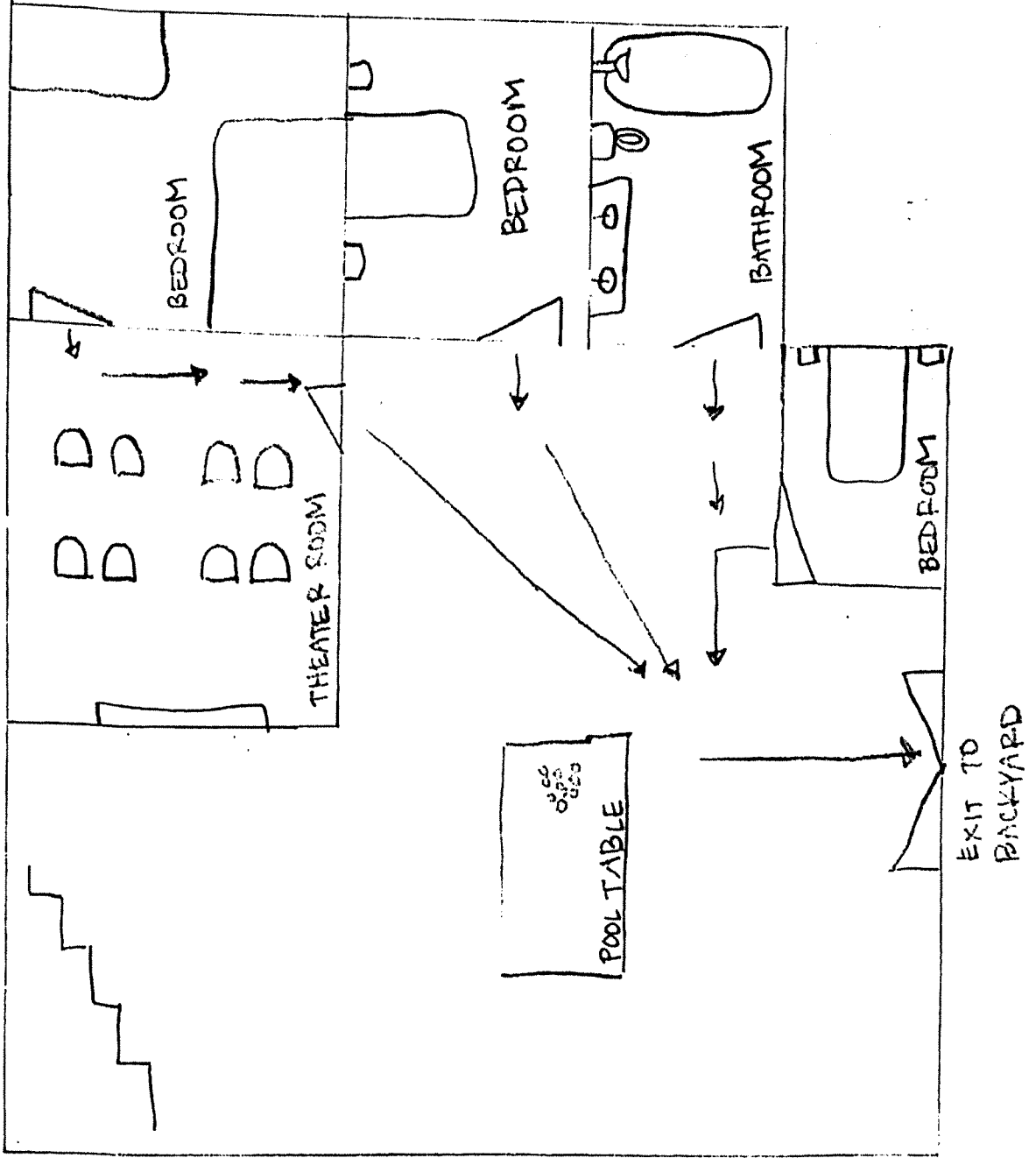
- Please acknowledge that on occasion, we may leave consumables such as condiments or snacks left behind by previous guests if they are not empty. We try our very best to ensure that it is not expired or stale. **HOWEVER**, ultimately, it is up to the guest's discretion and inspection to consume these items if they wish. The host does not take any responsibility for the consumables.
- Please do not rearrange the furniture.
- This property does not allow for parties or events.
- If guests are found to have had a party without host permission which results in extra cleaning, guests will be responsible for extra cleaning charges, and in the unfortunate event of disruptions alerting neighbors, **GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.**
- If guests are suspected of carrying and/or using illegal drugs of any kind, the authorities will be engaged, and **GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.**
- This property does not accept pets. If pets are discovered to have been brought into the property, Guests may be asked to vacate, and a \$50/night cleaning fee will be applied.
- Please do not drag suitcases up the stairs - it will damage the stairs. Guest will be responsible for damages exceeding damage insurance coverage.
- Please be respectful of the property and neighbors
- **THANK YOU** for being our GUEST!

For emergencies call 911

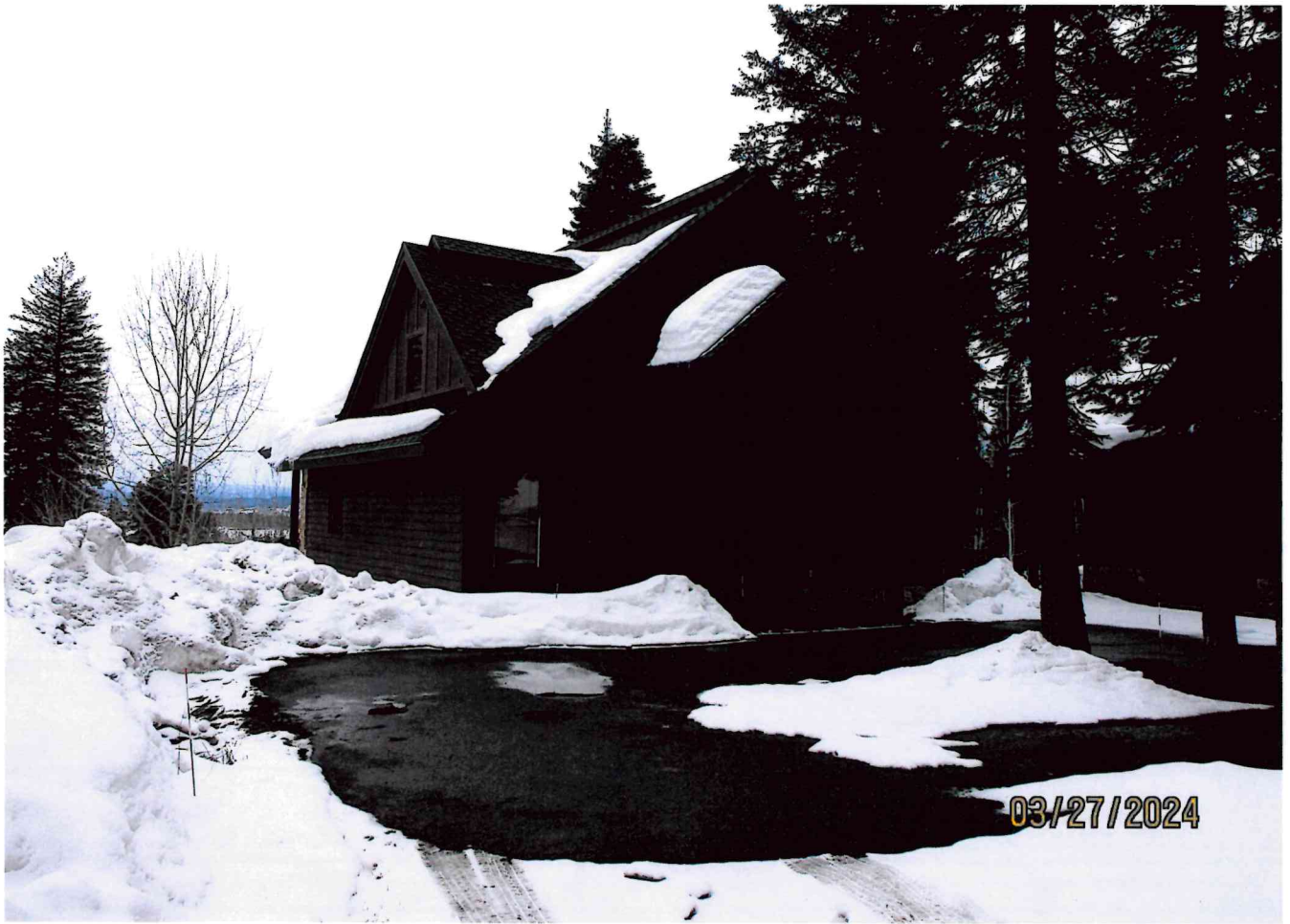
51 PINNACLE EMERGENCY EXIT PLAN



BASEMENT EMERGENCY
EXIT PLAN











Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 24-04

Preliminary / Final / Short Plat Warden Short-term Road

Tamarack Resort PUD Lot 59 Blk 13

- 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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center

14. C.D.H. has no objections since this property is not served by a septic system.

Reviewed By: [Signature]

Date: 3 12 24



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 22, 2024

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

RE: C.U.P. 24-04 Warden Short Term Rental

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

- **Section 503.4 IFC 2018** Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles, minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department

Agency Notices

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>

Sent: Tuesday, March 26, 2024 12:40 PM

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

Subject: re: Agency Notices

Cynda,

CUP 22-16 - 12815 Highway 55 is not in the floodplain therefore; I have no comments.

CUP 24-04 - 51 Pinnacle Court is not in the floodplain therefore; I have no comments.

CUP 24-05 - 13847 Norwood Road is not in the floodplain therefore; I have no comments.

I am working part-time & generally available from 9:00 a.m. to 1:00 p.m. Monday through Thursday.

Thank you,

Maureen O'Shea, AICP, CFM

Floodplain Specialist

Idaho Dept. of Water Resources

322 E. Front Street, PO Box 83720,

Boise, ID 83720-0098

Office # 208-287-4928

Cell # 208-830-4174

Maureen.OShea@idwr.idaho.gov

<https://www.idwr.idaho.gov/floods/>

Subject: Comments on Warden Short-Term Rental Proposal

Date 3/26/2024

1. "Guest will not be allowed to park on the Street"
With the current rental limit of 12 occupants, we have seen overflow parking on the street, including enclosed trailers, on the garage side of the home, 51 Pinnacle Ct. There is not adequate parking to accommodate the vehicles it would take to support 18 people. Additionally, that many cars would degrade our view and increase traffic on the adjoining roads.
2. In the past, prior to August 2021, when the home was a rental often to very large groups, we had to pick up cigarette butts and some trash on our lot (59 Pinnacle Court) across from the rental and on the trails near the rental house. We believe that larger numbers of rental tenants would lead to more issues of trash in the future as it had in the past. Trash generation is another issue. When there were larger rental groups, we saw the remanence of trash bags drug by bears from the home. Once again, larger numbers create additional garbage.
3. Noise: Prior to, August 2021, when the house would often be rented to large groups, we were forced to sleep with our windows and doors closed in the spring, summer and fall months due to the amount of noise coming from large rental groups. When people are on vacation, they often make a lot of noise celebrating. Even with the doors and windows closed, we had to engage security once as a fight was escalating and we could hear yelling and screaming.
4. "The home has six bedrooms in the house and there is a one-bedroom apartment above the garage"; "There is an existing 4,568-sqft residence with central sewer and water"; Note, there are many homes larger than this in the neighborhood who could also request a conditional use permit for a short-term rental for more than 12 guests. The approval of Ms. Warden's request would set the precedence for more requests to be approved which would defeat the original intent of the occupancy restriction.
5. The Security at Tamarack is often short of staffing and turns over frequently. Policing infractions would add to their workload.
6. The 12 persons limit still accommodates 6 couples or 3 families of 4 or 2 families of 6; 12 singles, etc.; There are plenty of opportunities to earn income from the property without increasing the occupancy restriction.

We strongly oppose the approval of a conditional use permit for a short-term rental with a maximum of 18 guests, the Warden Short-Term Rental Proposal.

Jeffrey and Annette Box 39 Tripod Ct

C.U.P. 24-04 Warden Short-Term Rental

From: Robert Maes [REDACTED]

Sent: Tuesday, April 2, 2024 1:16 PM

To: Cynda Herrick <cherrick@co.valley.id.us>; [REDACTED]

Subject: C.U.P. 24-04 Warden Short-Term Rental

Dear Cynda Herrick:

My name is Robert Maes and I own the vacant lot #27 with the legal address of 86 Pinnacle Ct. The lot is in my corporation name, Maesco, Inc. and is located a few hundred feet from the proposed conditional use permit sought by Karin Warden.

I cannot express my displeasure to the proposed request for a conditional use permit for a short term rental with a maximum of 18 guests. My response is a resounding NO to this proposal.

I recently retired and am working on my plans to build on my lot in the next 3 years. My floor plan is designed with the primary bedroom directly to the east and within a few hundred feet of the proposed permit request at 51 Pinnacle Ct. The floor plan is designed to take advantage of the lake views from that location on the lot for the primary bedroom and attached deck. Regardless of my proposed floor plan, a permit for 18 guests is Ridiculous, and is more like the owner trying to create a 7 bedroom, Bed and Breakfast Inn. I can imagine the high level of noise, foot traffic and trash, etc. that 18 guests would produce from afternoon and nightly parties in the summer and winter! Also the value of my property would be greatly diminished because of the number of people allowed to stay at the property so close to 86 Pinnacle Ct. I have owned the lot since the first release and am a former original owner of a Chalet on Twin Creek Ct and a 4th Floor condo in the Member's Lodge. I am looking forward to building my retirement home and taking advantage of living in Tamarack, listening to the wind blowing thru the trees, and being able to hear the adjacent creek running. I purchased this lot along with my now deceased best friend, Wayne Lewis, because of the Estate Location within the resort with the ski in ski out feature, adjacent to the bike trails and walk to the Village and golf course.

Owning a home on a .6 acre lot in an estate area, you would expect peace and quiet. It's bad enough Karin Warden is allowed 12 guests but there is a limit and THAT'S It! I respectfully request the proposed conditional use permit for 51 Pinnacle Ct. BE DENIED by the Planning and Zoning Commission!

Thank you for your time.

Best Personal Regards,

Robert Maes