

## Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [cherrick@valleycountyid.gov](mailto:cherrick@valleycountyid.gov)

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**STAFF REPORT:** VAR 26-002 Koskella Shared Driveway Variance  
**MEETING DATE:** June 1, 2026  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT /  
PROPERTY OWNER:** Kenneth and Julie Koskella  
12714 Koskella RD  
Donnelly ID 83615  
**LOCATION:** 12714 Koskella Road  
Parcel RP16N03E366005 in the SWSW Section 36, T.16N, R.3E,  
Boise Meridian, Valley County, Idaho  
**SIZE:** 0.66-Acre Lot  
**REQUEST:** Shared Driveway for Four (4) Residences  
**EXISTING LAND USE:** Single-Family Residential Parcels

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Kenneth Koskella is requesting a variance for a shared driveway to provide access to four residences. The driveway currently accesses three homes addressed at 12704, 12710, and 12714 Koskella Road.

An allowed parcel line adjustment would occur between parcels RP16N03E366005 and RP15N03E013030. A new home would then be constructed within the current boundaries of parcel RP16N03E366005.

The shared driveway accesses Koskella Road, a public road.

### FINDINGS:

1. At a properly noticed public hearing on May 14, 2026, the Valley County Planning and Zoning Commission unanimously recommended approval of the variance. (Facts and Conclusions are attached.)
2. Per Valley County Code, if the Commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting
3. Agency comment received:

Brent Copes, Central District Health, has no objection. A septic permit must be obtained for the new home. CDH requests a copy of the lot split or record of survey after completion of

split. (April 14, 2026)

Jerry Holenbeck, Donnelly Fire Marshal, stated the driveway satisfies all requirements set by Donnelly Fire Department, the 2018 International Fire Code and IRSB, and is approved. (May 6, 2026)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (May 4, 2026)

Brandon Flack, Idaho Dept of Fish and Game, had no comments. (May 6, 2026)

Paul Ashton, Parametrix and Valley County Engineer, did not review the application. (May 7, 2026)

4. Public comment received: *none*

5. Valley County Code:

**6-1-9: PERMIT REQUIREMENTS:**

E. Approach Permit:

1. An approach permit shall be required from the road department prior to the issuance of building permits for any structures on lots that have not previously had buildings constructed and require access onto a public right of way.
2. Driveways should not exceed ten percent (10%) grade and have a minimum of a fifty foot (50') plus/minus four percent ( $\pm 4\%$ ) runout. If this is not achievable on lots platted prior to August 28, 2013, then the road superintendent will work with the applicant on a safe approach. If a safe approach cannot be constructed, the applicant may need to obtain an easement to a public or private road across other property. On lots platted after August 28, 2013, the developer shall assure that all lots can achieve this standard or apply for a variance as part of the conditional use permit/preliminary platting process.
3. Driveway plans or constructed driveways that are over one hundred fifty (150) feet from an access road will need to be approved by the appropriate fire code official or assigns prior to issuance of a building permit to assure that firefighting apparatus can access the site.
  - a. The driveway shall be an all-weather surface and have a minimum of twelve (12) feet of width.
  - b. Clearance shall be an unobstructed height of thirteen (13) feet six (6) inches.
  - c. Driveways over one hundred fifty (150) feet long shall be provided with turnarounds.
    - (1) Turnarounds shall meet the requirements in IFC appendix D 103.4.
    - (2) Turnarounds shall have an inside turning radius of not less than thirty (30) feet and an outside turning radius of not less than forty-five (45) feet, as required by IDAPA 18.
  - d. Driveway gradient shall not exceed ten (10) percent unless approved by the fire code official.
  - e. Driveways shall be designed and maintained to support the imposed loads of responding fire apparatus.

**10-4-4: STREETS:**

Any parcel of land that is intended to be used, or is actually used, to provide vehicular access to more than one building site, whether said street is public or private and whether the parcel is set aside by deed, easement, or other means, unless an administrative variance is allowed for a shared driveway to adjacent properties, all having the required frontage on an existing street if in a platted subdivision or a legal parcel, is in the best interest of all parties involved due to

unusual circumstances or topographic reasons, as determined by the administrator. Administrative variances cannot be given for more than three (3) building sites and shall at a minimum require the shared driveway to be built to the satisfaction of the fire department and have a shared driveway agreement.

**9-5H-10: VARIANCES:**

- A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.
- B. Application:
1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
  2. A written application for a variance shall be submitted to the administrator or staff containing:
    - a. Description of the nature of the variance requested.
    - b. A narrative statement and graphic material demonstrating:
      - (1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
      - (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
    - c. A site plan showing the location of the variance and the special characteristics of the site.
    - d. A list of adjoining property owners within three hundred feet (300') of the site.
    - e. The fee set by resolution of the board shall accompany the application for a variance.
- C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.
- D. Granting Of Variance:
1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
  2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
  3. The commission's decision shall be a recommendation to the board.
  4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
  5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
  6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
  7. The variance approval is valid for five (5) years, unless a more specific date is specified.

**STAFF COMMENTS / QUESTIONS:**

1. This site is within the Donnelly Fire District, Water District 65, and a herd district. It is not within an irrigation district. However, the existing driveway does cross the Gold Fork Canal.
2. If approved, a shared driveway maintenance agreement shall be recorded.
3. Approval from Donnelly Fire Department is required.
4. The Planning and Zoning Commission unanimously recommended VAR 26-002 be approved by the Board of County Commissioners.

**Recommended Motion if Approved:**

I move to approve VAR 26-002 Koskella Shared Driveway as per the Planning and Zoning Commission recommendation with the following condition of approval:

- 1) Must record a shared driveway maintenance agreement,
- and adopt the Planning and Zoning Commission Facts and Conclusions as our own.

**Recommended Motion if Denied:**

I move to deny VAR 26-002 Koskella Shared Driveway because...\_\_\_\_\_.

**ATTACHMENTS:**

- DRAFT Planning and Zoning Facts and Conclusions
- DRAFT Planning and Zoning Meeting Minutes – May 14, 2026
- Location Map
- Aerial Map
- Google Maps – Aerial View
- Google Maps – Street View – August 2024
- Photos Taken April 21, 2026, and April 22, 2026
- Assessor Plat – T.16N R.3E Section 36
- Assessor Plat – T.15N R.3E Section 1
- Site Plan
- Declaration and Grant of Limited Easements - Instruments 408582 and 408583
- Responses
- Application

**END OF STAFF REPORT**

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

**SUBJECT:** VAR 26-002 Koskella Shared Driveway Variance

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on May 14, 2026. The Commission reached a quorum. Commission members in attendance were Ben Oyarzo, Carrie Potter, Heidi Schneider, and Chairman Ken Roberts.

Kenneth Koskella was present and requested a variance for a shared driveway for four residences. The driveway currently accesses three homes addressed at 12704, 12710, and 12714 Koskella Road. The new home would be within parcel RP16N03E366005 in the SWSW Section 36, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated May 14, 2026, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
  - The complete application was received from the applicant on March 26, 2026.
  - Legal notice was posted in the *Star News* on April 23, 2026; and April 30, 2026.
  - Potentially affected agencies were notified on April 14, 2026.
  - Property owners within 300 feet of the property line were notified by fact sheet sent on April 16, 2026.
  - The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on April 14, 2026.
  - The agenda that was sent to the applicant, agencies, and neighbors and posted online stated the meeting started at 4:00 p.m., the fact sheet stated 6:00 p.m. Therefore, on April 22, 2026, the applicant, potentially affected agencies, and neighbors within 300 feet of the property line were noticed that the correct meeting start time was 4:00 p.m.
  - The site was posted on April 21, 2026. The meeting time was corrected to 4:00 p.m. on April 22, 2026.
  - A public hearing was held on May 14, 2026.
2. No one commented during public testimony on the proposal. Written comments were received from agencies; none from the public. See the staff report and minutes of the meeting.
3. Shared Driveways for more than three residences require a variance approved by the Board of County Commissioners per Valley County Code 9-5H-10 and 10-4-4.

## **CONCLUSIONS**

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

1. Pursuant to Idaho Code section 67-6516 and Valley County Code 9-5H-10, the Planning and Zoning Commission recommends to the Board of County Commissioners approval of the variance. The Board is empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of Valley County Code.
2. The Commission is tasked to consider the interests of the adjacent property owners, of the neighborhood, of utilities, and of various public agencies for all variance requests.
3. That the proposed use is in harmony with the general purpose of the adopted ordinances and policies and will not be otherwise detrimental to public health, safety and welfare.
4. The requested variance is appropriate due to special circumstances. Steep topography, an irrigation ditch, and wet areas limit access to the building sites.
5. The Commission unanimously recommended approval of the variance request.
6. Approval with recommended conditions of approval will not have an undue adverse impact on the environment.
7. Approval with recommended conditions of approval will not have an undue adverse impact on adjoining private property.
8. Approval with recommended conditions of approval will not have an undue adverse impact on government services.
9. Approval is consistent with the Valley County Comprehensive Plan.

## **ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends that the application of Kenneth Koskella for VAR 26-002 Koskella Shared Driveway Variance, as described in the application, staff report, correspondence, and minutes of the meeting be approved.

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

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

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

**Please take notice** that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code, after seeking reconsideration within 14 days in accordance with Valley County Code 9-5H-13 and Idaho Code §67-6535 .

**END FACTS AND CONCLUSIONS**

\_\_\_\_\_  
Valley County Planning and Zoning Commission Chairman

\_\_\_\_\_  
Date

# Valley County Planning and Zoning Commission

PO Box 1350 • 700 South Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: cherrick@valleycountyid.gov

Ken Roberts, Chairman  
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner  
Ben Oyarzo, Commissioner  
Heidi Schneider, Commissioner

## MINUTES

Valley County Planning and Zoning Commission  
May 14, 2026  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 4:00 p.m.

**A. OPEN:** Meeting called to order at 4:06 p.m. by Chairman Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Excused
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

**B. MINUTES:** Commissioner Schneider moved to approve the minutes of March 31, 2026; April 9, 2026; and April 21, 2026. Commissioner Potter seconded the motion. Motion passed unanimously.

### C. OLD BUSINESS:

**1. SUB 25-003 Tamarack Resort Phase 3.7 Buttercup Villas – Final Plat:** Tamarack Resort Two LLC is requesting is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. Original approval was for 10-lot single-family residential lots, an open space lot, and recreational easements. Clearwater Court (private) would be extended to access these lots. The site is a 4.3-acre portion of parcel RP00515006000B in the NESW Section 32, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item. *Postponed from March 12, 2026, on request of applicant.*

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff reports, displayed plat and the GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, recommended approval of the grading and drainage plans and drainage calculations. (April 1, 2026)
- **Exhibit 2** – Paul Ashton, Parametrix and Valley County Engineer, did not review the final plat. (May 7, 2026)

Chris Kirk, planning consultant for Tamarack Resort, concurred with staff report and conditions. He responded to questions from Commissioners. The recreational easement is for residents and is an existing bike trail that will be relocated. The easement accesses Tamarack property and eventually State Land. Sanitary restrictions will be lifted prior to final plat recordation.

variance are included in the staff report. Variances are approved for hardships due to topographic reasons and things beyond the applicant's control.

Chairman Roberts would like more information including a more accurate site plan that includes dimension, water easements, all structures, septic location and alternate drainfield location. Commissioner Schneider concurred.

The addition that appears to be on the line will be removed. Pictures in the staff report were further discussed.

Commissioner Schneider moved to table VAR 26-001 Walcom Setback Variance to July 9, 2026, at 6:00 p.m.; Commissioner Potter seconded the motion. Motion passed unanimously.

*4:56 p.m.*

**2. VAR 26-002 Koskella Shared Driveway Variance:** Kenneth Koskella is requesting a variance for a shared driveway for four residences. The driveway currently accesses three homes addressed at 12704, 12710, and 12714 Koskella Road. The new home would be within parcel RP16N03E366005 in the SWSW Section 36, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, did not review this application. (May 7, 2026)

Shared Driveways for more than three residences require a variance approved by the Board of County Commissioners.

A correction was made to the staff report; the site is within Water District 65, not 65K.

Chairman Roberts asked for the applicant's presentation.

Kenneth Koskella concurred with staff report and presentation. The existing driveway cannot go further north or east due to topography and wet areas. Steep topography and a ditch limit the access. Therefore, a variance is appropriate.

Chairman Roberts opened the public hearing and asked for proponents. There were none. Chairman Roberts asked for undecided. There were none. Chairman Roberts asked for opponents. There were none.

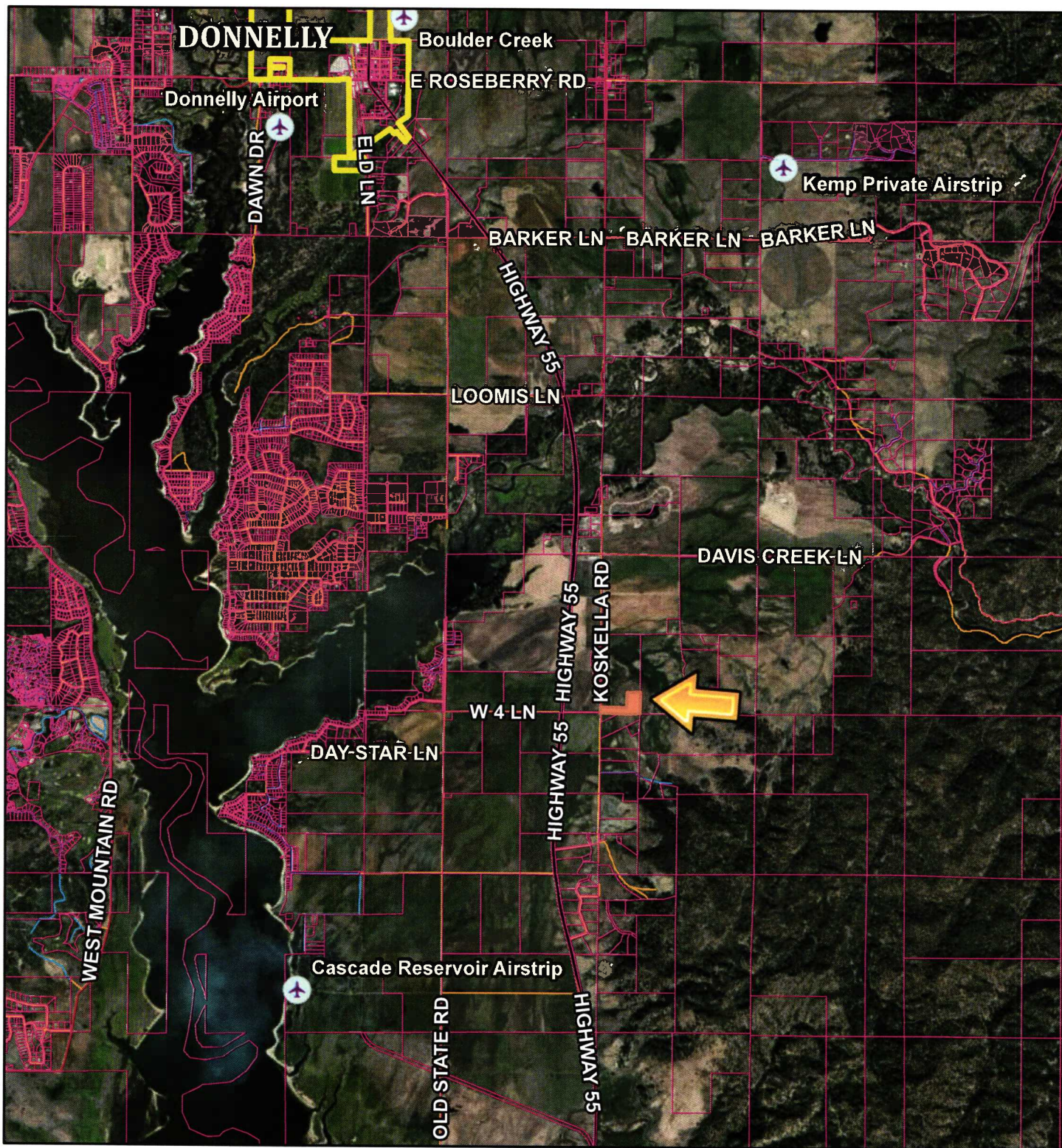
Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Schneider stated the request is straightforward and she sees no issues nor impact. Commissioner Potter concurred.

Commissioner Schneider moved to recommend approval of VAR 26-002 Koskella Shared Driveway Variance to the Board of County Commissioners. Commissioner Oyarzo seconded. Motion passed unanimously.












This was a unanimous decision; therefore, the Valley County Board of County Commissioners are not required to have a public hearing prior to making a decision.

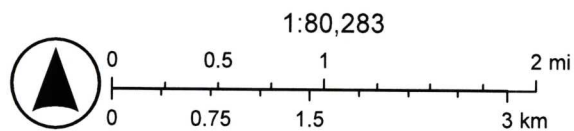
*5:04 p.m.*

# VAR 26-002 Location Map



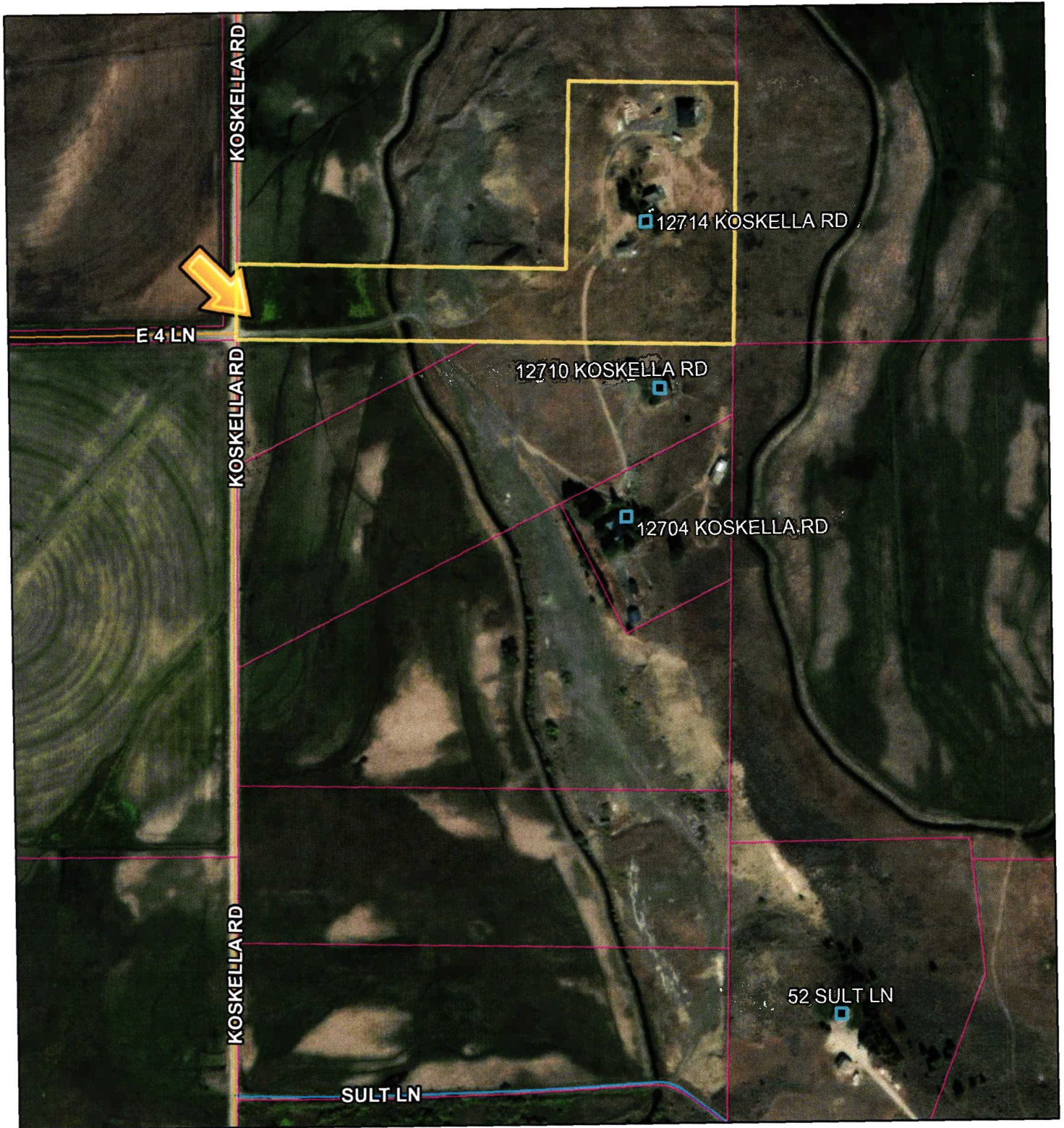
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|  | Airstrips            |  | COLLECTOR   |
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Earthstar Geographics





# VAR 26-002 - Aerial Map







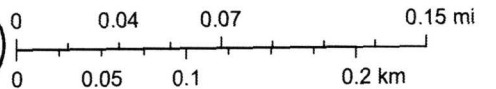
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-  Airstrips
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-  Parcel Boundaries

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Vantor

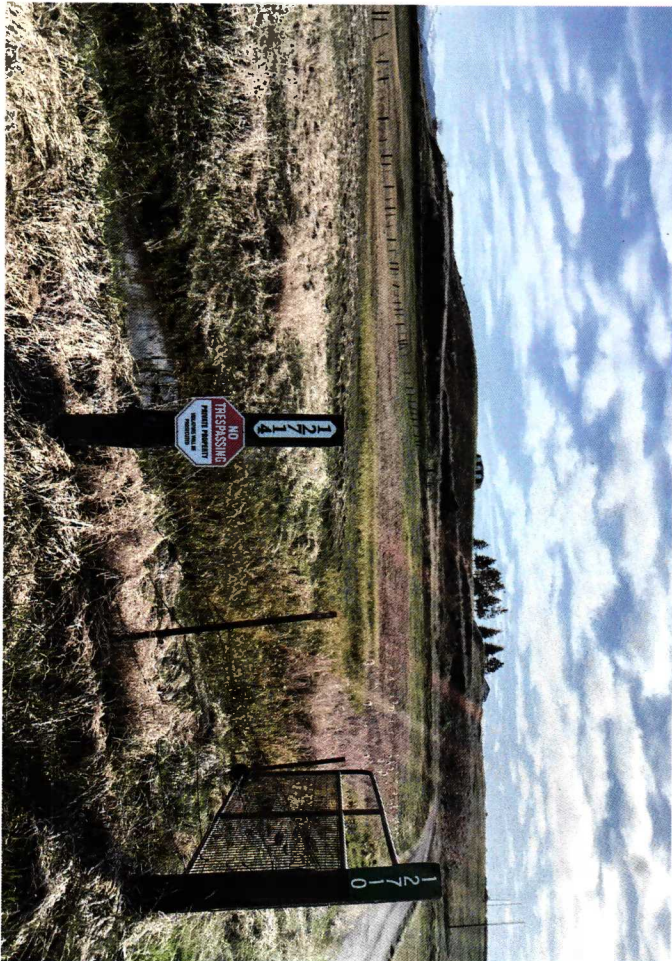
Google Maps – Aerial View

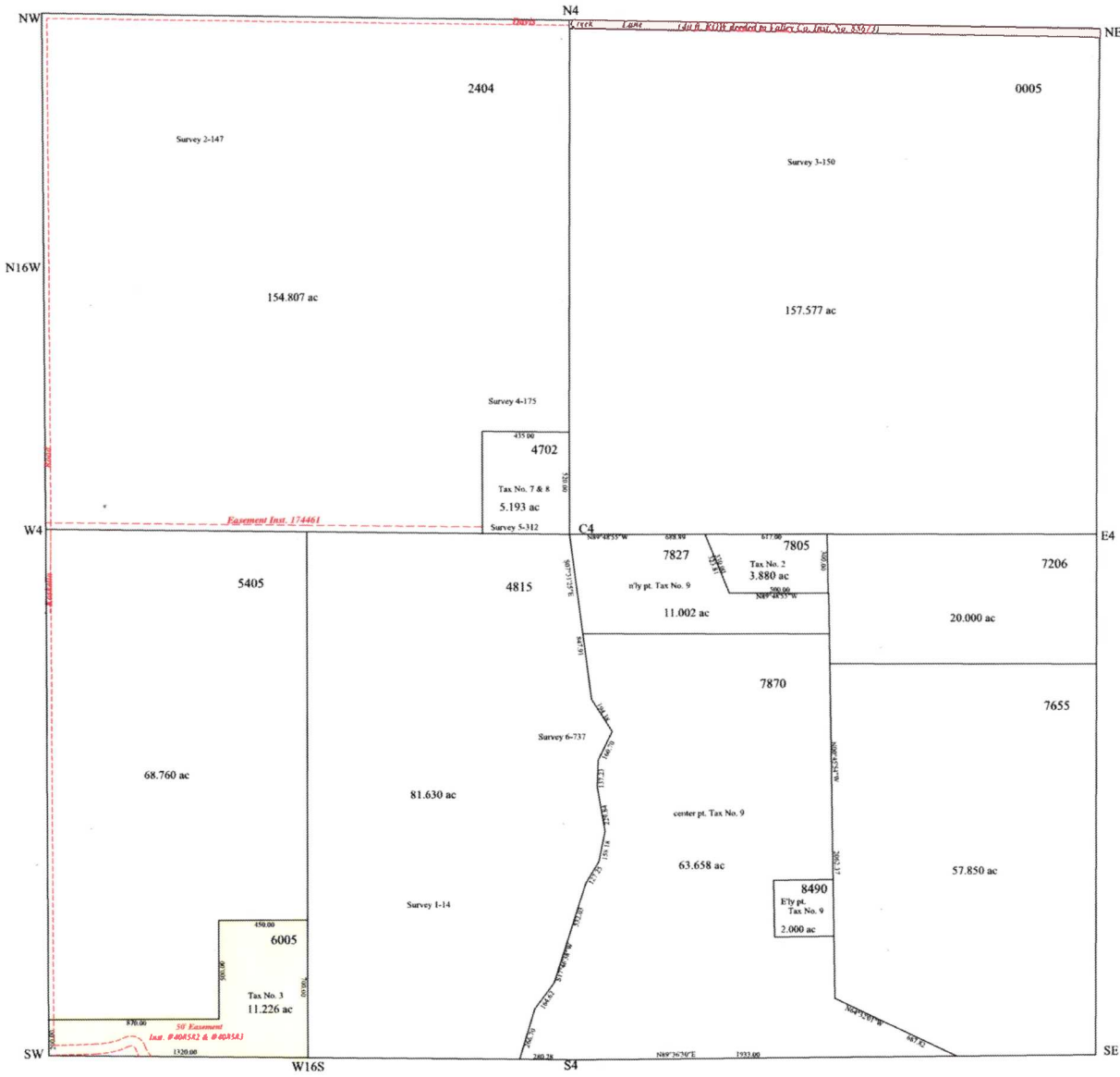


Looking Easterly from Koskella Road  
(Source Google Maps – Street View, August 2024)



04/22/2026





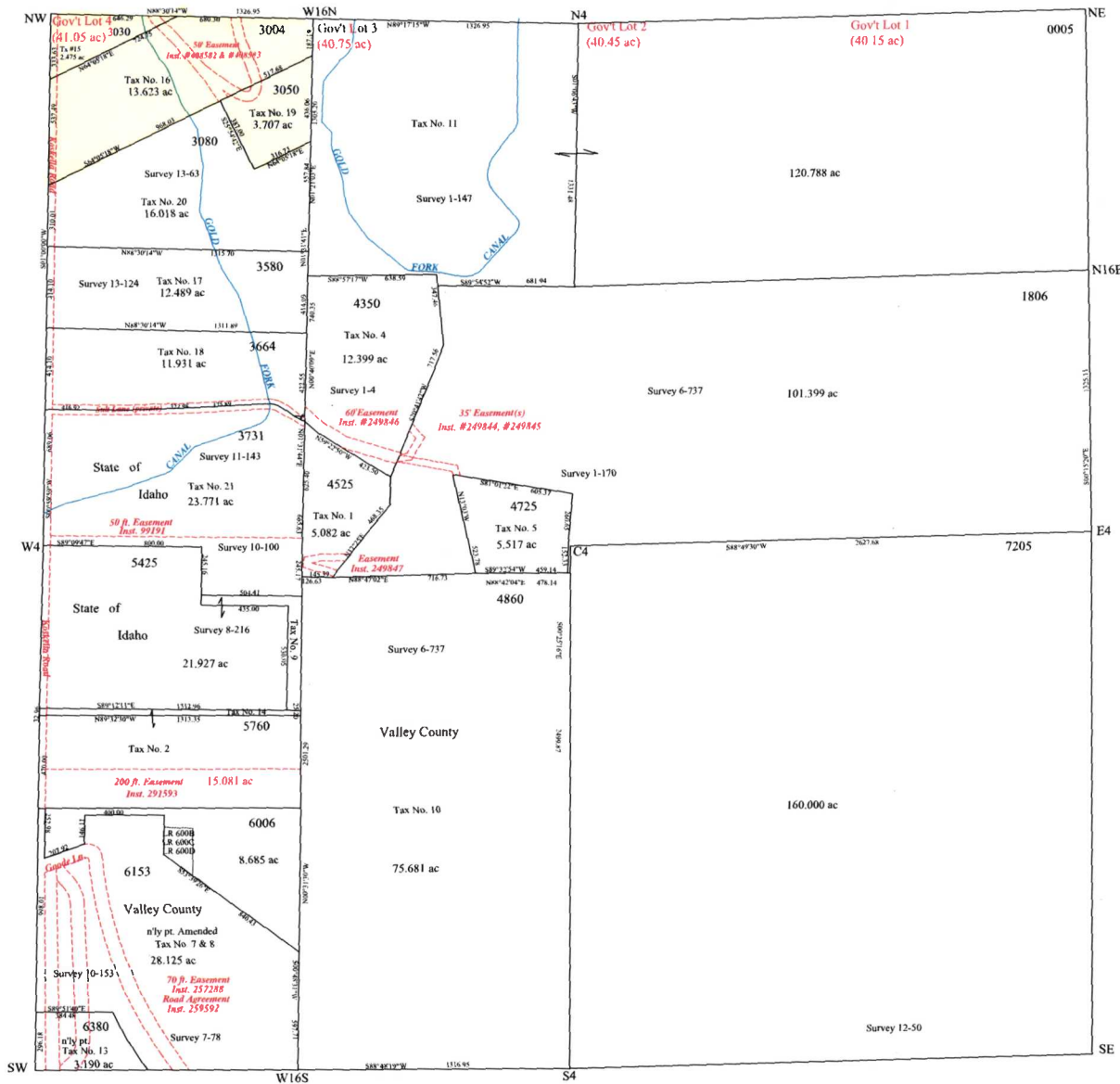
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**VALLEY COUNTY**  
Cartography Dept.  
Assessor's Office  
Cascade, ID 83611

Filename:  
Valley County Base Map  
Scale: 1" = 400 feet  
Date: 1/31/2024  
Drawn by: L. Frederick

*This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.*



*This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.*

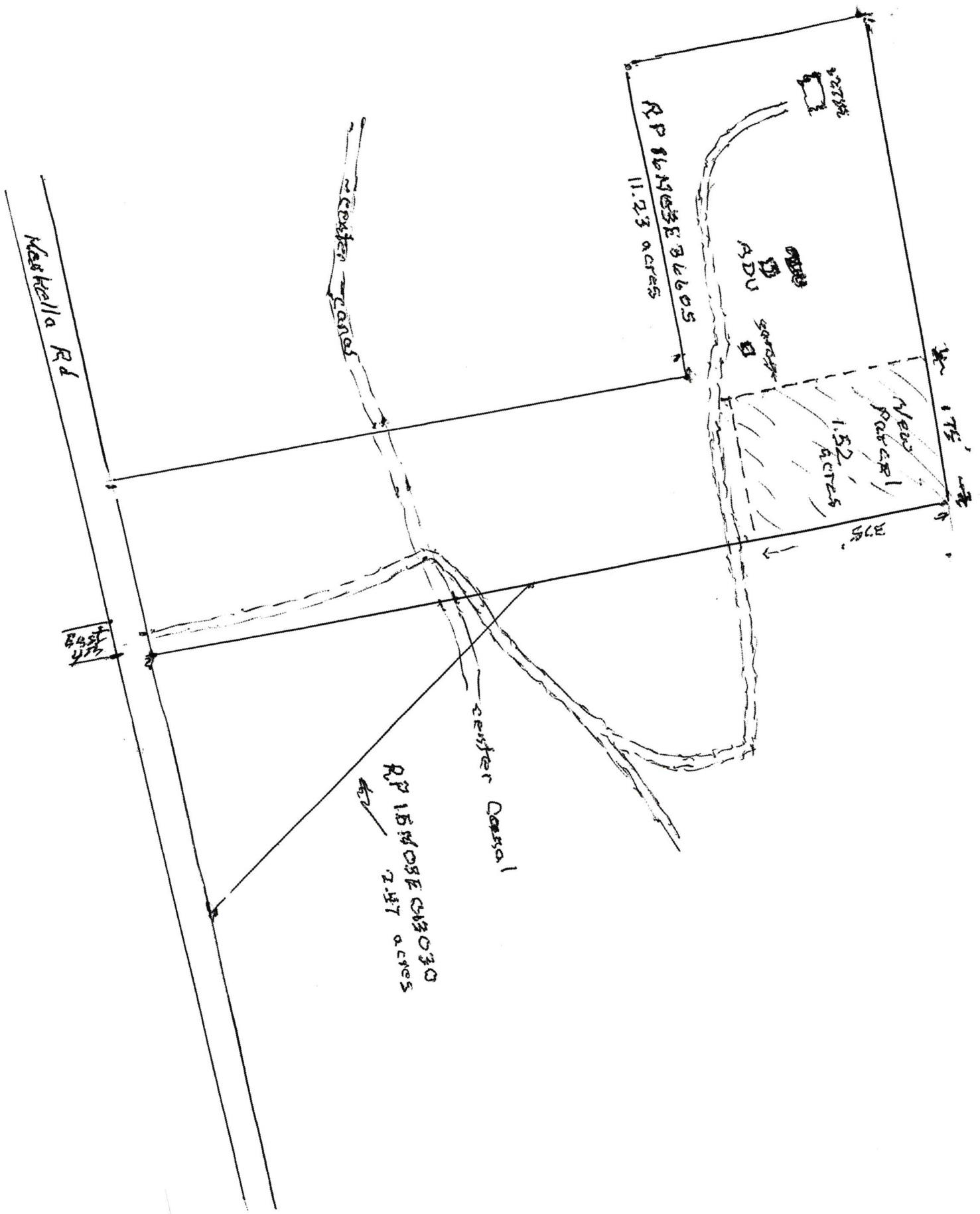
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**VALLEY COUNTY**  
Cartography Dept.  
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**Instrument # 408582**  
VALLEY COUNTY, CASCADE, IDAHO  
09-07-2017 16:44:48 No. of Pages: 11  
Recorded for: FIRST AMERICAN TITLE - MCCALL  
DOUGLAS A. MILLER Fee: \$40.00  
Ex-Officio Recorder Deputy: JLM  
Electronically Recorded by Simplifile

RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp  
Sandra L. Clapp & Associates, P.A.  
PO Box 2660  
Eagle, Idaho 83616

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**DECLARATION AND GRANT OF LIMITED EASEMENT**  
(Perpetual Ingress and Egress Only)

This Declaration and Grant of Limited Easement ("Declaration") is made by KIMBERLY J. WOODHOUSE and RODERICK G. WOODHOUSE (collectively referred to as the "Grantor") in favor of KRISTIN M. KOSKELLA and FLOYD A. LOOMIS (collectively referred to as the "Grantee").

WHEREAS, KIMBERLY J. WOODHOUSE and RODERICK G. WOODHOUSE are the owners of real property known as Parcel B consisting of 13.62 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel B");

WHEREAS, KRISTIN M. KOSKELLA and FLOYD A. LOOMIS are the owners of real property known as Revised Tax #6 and Parcel C consisting of 3.71 acres and 16.02 acres, respectively, located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit B** attached hereto and made a part hereof (collectively referred to herein as "Parcel C");

WHEREAS, attached hereto and marked as **Exhibit C** is a legal description for a 50 foot wide easement (referred to herein as the "Easement Area");

WHEREAS, Grantor desires to grant to Grantee a limited easement for ingress and egress across Parcel B using the Easement Area; and

WHEREAS, Grantor and Grantee desire to formalize the grant, terms, conditions and restrictions arising from or relating to the easement to be granted pursuant to this Declaration.

NOW THEREFORE, in consideration of the mutual promises of the parties hereto and other valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Easement. Grantor hereby grants an easement for ingress and egress across and along Parcel B for reasonable access to Parcel C using the designated Easement Area identified on Exhibit C. After this grant, Parcel B shall be subject to and together with the Easement Area described on Exhibit C. It is intended by Grantor that all ingress, egress, or use of the Easement Area for any purpose or of any nature shall be limited to reasonable non-commercial travel using standard motorized vehicles or agricultural implements. The Easement Area is expressly restricted and limited from being used by Grantee for any commercial travel or use. The Grantor executes this Declaration with the intent and understanding that Grantee shall utilize the rights granted in this Declaration over, through and across Parcel B in a manner that will not disturb the quiet enjoyment of the occupants of Parcel B. The Grantor further executes this Declaration with the intent and understanding that Grantee shall not allow access over, through or across the Easement Area with any vehicle, machinery, equipment or other motorized transportation that will cause harm or damage to Parcel B or the Easement Area that is more than ordinary wear and tear. The Grantor and Grantee shall share the cost to repair and maintain the Easement Area based upon relative usage as determined by the parties from time to time. Grantor shall have the

right to utilize the Easement Area in any manner that will not interfere with the easement granted herein.

The parties hereto agree that they shall each use the rights granted by this Declaration with due regard for the rights of any successor in interest and their use of such easement, and shall not use the Easement Area in any way that will impair the rights of any other person entitled to use it, and shall not obstruct passage thereon.

2. Indemnification. Grantee hereby agrees to indemnify and hold the Grantor harmless from and against any and all losses, claims, damages, liabilities and obligations of any kind and description, including any reasonable attorney's fees incurred by Grantee, arising out of any matter relating to the Easement Area including, without limitation, any access, use or passage on Parcel B by Grantee or Grantee's agents or invitees.

3. Perpetual. All provisions of this Declaration, including the benefits and burdens, will run with the land.

4. No Gift to General Public. Nothing in this Declaration shall, or shall be deemed to, constitute a gift or dedication of any portion of Parcel B for the general public or for any public purpose whatsoever, it being the intention that this Declaration will be strictly limited to and for the purposes expressed herein.

5. Construction. The rule of strict construction does not apply to this Declaration of Easement. This Declaration shall be given a reasonable construction so that the intentions of the Grantor and the Grantee hereunder to confer a useable right of enjoyment for access across Parcel B as provided herein, are carried out.

6. Entire Agreement. This Declaration shall constitute the entire agreement with respect to the subject matter hereof and any prior understanding or representation of any kind preceding the date of this Declaration shall not be binding except to the extent incorporated in this Declaration.

7. Modification of Agreement. Any modification of this Declaration shall be binding only if evidenced in writing signed by Grantor and Grantee, or their respective heirs, successors and assigns.

8. Governing Law. It is agreed that this Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.

9. Counterparts. This Declaration may be executed in two or more counterparts, each of which shall be deemed an original document but all of which together shall be one and the same instrument.

IN WITNESS WHEREOF, the undersigned have caused this Declaration and Grant of Limited Easement to be executed the day and year set forth below.

Dated this 28<sup>th</sup> day of August, 2017.

GRANTOR:

  
KIMBERLY J. WOODHOUSE

  
RODERICK G. WOODHOUSE

Dated this 7 day of ~~August~~<sup>Sept</sup>, 2017.

GRANTEE:

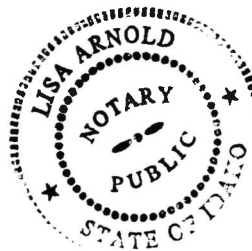
Kristin M. Koskella  
KRISTIN M. KOSKELLA

Floyd A. Loomis  
FLOYD A. LOOMIS

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KIMBERLY J. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Lisa Arnold*

Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared RODERICK G. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Lisa Arnold*


Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared KRISTIN M. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



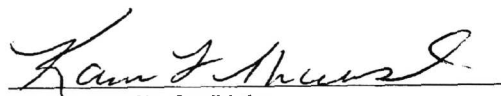
  
Notary Public for Idaho  
Commission Expires: 5-13-21  
Residing: Cascade, ID  
Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared FLOYD A. LOOMIS, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
Notary Public for Idaho  
Commission Expires: 5-13-21  
Residing: Cascade, ID  
Exp: 05/13/2021

**EXHIBIT A**

 **Fodrea Land Group** Surveyors. Engineers. Planners.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Parcel B,  
13.62 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:


Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of S 88°30'14" E, a distance of 680.30 feet, on said north boundary line of Section 1, to a set 5/8 inch rebar being the W 1/16 corner of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 187.19 feet on the east boundary line of the W1/2NW1/4 of said Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet, on the north boundary line of Tax No. 6, to a set 5/8 inch rebar being the northwest corner of said Tax No. 6; Thence a bearing of S 64°05'18" W, a distance of 968.03 feet to a point on the west boundary line of said Section 1 (said point being witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 01°00'00" E, a distance of 537.49 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 13.62 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT B**

 **Fodrea Land Group** Surveyors. Engineers. Planners.

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www.fodrealandgroup.com

**Parcel C,**

**16.02 Acres**

**A Portion of the**

**W1/2 of the NW1/4 of Section 1,**

**T. 15 N., R. 3 E., B.M.,**

**Valley County, Idaho**


A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6; Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 557.84 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of N 88°30'14" W, a distance of 1315.70 feet to a point on the west boundary line of said Section 1 (witnessed by a set 5/8 inch rebar which bears S 88°30'14" E, a distance of 25.00 feet); Thence a bearing of N 01°00'00" E, a distance of 310.01 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 16.02 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



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P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Revised Tax Number 6,  
3.71 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:


Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to the a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6 and the **TRUE POINT OF BEGINNING.**

Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of N 01°31'41" E, a distance of 436.06 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet to the **POINT OF BEGINNING.**

Said described parcel of land contains 3.71 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT C**

 **Fodrea Land Group** Surveyors. Engineers.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Easement 2,  
50 foot-wide Easement  
Located in a Portion of the  
W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A 50 foot-wide shared driveway easement located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of N 69°42'33" E, a distance of 28.75 feet to a point on the easterly prescribed right-of-way boundary of Koskella Road and on the centerline of a shared driveway easement;

Thence the following courses along the centerline of said shared driveway easement:

A bearing of N 88°26'16" E, a distance of 254.65 feet to a point;

A curve to the left, having a length of 160.09 feet, a radius of 400.00 feet and a chord which bears N 76°58'20" E, a distance of 159.02 feet to a point;

A curve to the right, having a length of 83.29 feet, a radius of 50.00 feet and a chord which bears S 66°46'15" E, a distance of 73.99 feet to a point;

A curve to the left, having a length of 95.13 feet, a radius of 200.00 feet and a chord which bears S 32°40'28" E, a distance of 94.24 feet to a point;

A bearing of S 46°18'02" E, a distance of 93.29 feet to a point;

A curve to the right, having a length of 20.40 feet, a radius of 200.00 feet and a chord which bears S 43°22'44" E, a distance of 20.39 feet to a point;

A bearing of S 40°27'26" E, a distance of 184.92 feet to the **POINT OF BEGINNING** of said Easement 2.

Thence the following courses along the centerline of said Easement 2:

A curve to the right, having a length of 80.15 feet, a radius of 675.00 feet and a chord which bears S 37°03'20" E, a distance of 80.10 feet to a point;

A bearing of S 33°39'13" E, a distance of 120.59 feet to a point on the northerly boundary line of Tax No. 6 and the **POINT OF ENDING** of said Easement 2.



**Instrument # 408583**  
VALLEY COUNTY, CASCADE, IDAHO  
09-07-2017 16:44:48 No. of Pages: 16  
Recorded for: FIRST AMERICAN TITLE - MCCALL  
DOUGLAS A. MILLER Fee: \$62.00  
Ex-Officio Recorder Deputy: JLM  
Electronically Recorded by Simplifile

RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp  
Sandra L. Clapp & Associates, P.A.  
PO Box 2660  
Eagle, Idaho 83616

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**DECLARATION AND GRANT OF LIMITED EASEMENT**  
(Perpetual Ingress and Egress Only)

This Declaration and Grant of Limited Easement ("Declaration") is made by KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, RODERICK G. WOODHOUSE, and KENNETH R. KOSKELLA (collectively referred to as the "Grantor") in favor of KENNETH R. KOSKELLA, KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, and RODERICK G. WOODHOUSE (collectively referred to as the "Grantee").

WHEREAS, KENNETH R. KOSKELLA is the owner of real property known as Parcel A consisting of 2.47 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel A");

WHEREAS, KENNETH R. KOSKELLA is the owner of real property commonly known as 12714 Koskella Road, Donnelly, Valley County, Idaho, which property is more fully described on **Exhibit A-1** attached hereto and made a part hereof (referred to herein as "Parcel A-1");

WHEREAS, KIMBERLY J. WOODHOUSE and RODERICK G. WOODHOUSE are the owners of real property known as Parcel B consisting of 13.62 acres located in the County of

Valley, State of Idaho, which property is more fully described on **Exhibit B** attached hereto and made a part hereof (referred to herein as "Parcel B");

WHEREAS, KRISTIN M. KOSKELLA and FLOYD A. LOOMIS are the owners of real property known as Revised Tax Number 6 consisting of 3.71 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit C** attached hereto and made a part hereof (referred to herein as "Tax No. 6");

WHEREAS, attached hereto and marked as **Exhibit D** is a legal description for a 50 foot wide shared driveway easement (referred to herein as the "Easement Area");

WHEREAS, Grantor desires to grant to Grantee a limited easement for ingress and egress across Parcel A, Parcel A-1, Parcel B and Tax No. 6 using the Easement Area; and

WHEREAS, Grantor and Grantee desire to formalize the grant, terms, conditions and restrictions arising from or relating to the easement to be granted pursuant to this Declaration.

NOW THEREFORE, in consideration of the mutual promises of the parties hereto and other valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Easement. Grantor hereby grants an easement for ingress and egress across and along Parcel A, Parcel A-1, Parcel B and Tax No. 6 for reasonable access to Parcel A, Parcel A-1, Parcel B and Tax No. 6 using the designated Easement Area identified on Exhibit D. After this grant, Parcel A, Parcel A-1, Parcel B and Tax No. 6 shall be subject to the Easement Area described on Exhibit D. It is intended by Grantor that all ingress, egress, or use of the Easement Area for any purpose or of any nature shall be limited to reasonable non-commercial travel using standard motorized vehicles or agricultural implements. The Easement Area is expressly

restricted and limited from being used by Grantee for any commercial travel or use. The Grantor executes this Declaration with the intent and understanding that Grantee shall utilize the rights granted in this Declaration over, through and across Parcel A, Parcel A-1, Parcel B and Tax No. 6 in a manner that will not disturb the quiet enjoyment of the occupants of Parcel A, Parcel A-1, Parcel B and Tax No. 6. The Grantor further executes this Declaration with the intent and understanding that Grantee shall not allow access over, through or across the Easement Area with any vehicle, machinery, equipment or other motorized transportation that will cause harm or damage to Parcel A, Parcel A-1, Parcel B, Tax No. 6 or the Easement Area that is more than ordinary wear and tear. The Grantor and Grantee shall share the cost to repair and maintain the Easement Area based upon relative usage as determined by the parties from time to time. Grantor shall have the right to utilize the Easement Area in any manner that will not interfere with the easement granted herein.

The parties hereto agree that they shall each use the rights granted by this Declaration with due regard for the rights of any successor in interest and their use of such easement, and shall not use the Easement Area in any way that will impair the rights of any other person entitled to use it, and shall not obstruct passage thereon.

2. Indemnification. Grantee hereby agrees to indemnify and hold the Grantor harmless from and against any and all losses, claims, damages, liabilities and obligations of any kind and description, including any reasonable attorney's fees incurred by Grantee, arising out of any matter relating to the Easement Area including, without limitation, any access, use or passage on Parcel A, Parcel A-1, Parcel B and Tax No. 6 by Grantee or Grantee's agents or invitees.

3. Perpetual. All provisions of this Declaration, including the benefits and burdens, will run with the land.

4. No Gift to General Public. Nothing in this Declaration shall, or shall be deemed to, constitute a gift or dedication of any portion of Parcel A, Parcel A-1, Parcel B or Tax No. 6 for the general public or for any public purpose whatsoever, it being the intention that this Declaration will be strictly limited to and for the purposes expressed herein.

5. Construction. The rule of strict construction does not apply to this Declaration of Easement. This Declaration shall be given a reasonable construction so that the intentions of the Grantor and the Grantee hereunder to confer a useable right of enjoyment for access across Parcel A, Parcel A-1, Parcel B and Tax No. 6 as provided herein, are carried out.

6. Entire Agreement. This Declaration shall constitute the entire agreement with respect to the subject matter hereof and any prior understanding or representation of any kind preceding the date of this Declaration shall not be binding except to the extent incorporated in this Declaration.

7. Modification of Agreement. Any modification of this Declaration shall be binding only if evidenced in writing signed by Grantor and Grantee, or their respective heirs, successors and assigns.

8. Governing Law. It is agreed that this Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.


9. Counterparts. This Declaration may be executed in two or more counterparts, each of which shall be deemed an original document but all of which together shall be one and the same instrument.

IN WITNESS WHEREOF, the undersigned have caused this Declaration and Grant of Limited Easement to be executed the day and year set forth below.


Dated this 28<sup>th</sup> day of August, 2017.

GRANTOR:

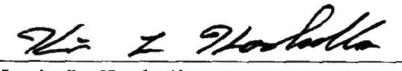
  
KRISTIN M. KOSKELLA

  
FLOYD A. LOOMIS

  
KIMBERLY G. WOODHOUSE

  
RODERICK G. WOODHOUSE

  
KENNETH R. KOSKELLA

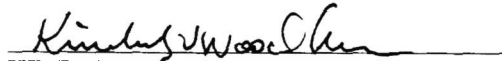
By:   
Kevin L. Koskella, as agent under  
Power of Attorney dated July 17, 2017

Dated this 28<sup>th</sup> day of August, 2017.

GRANTEE:


  
KRISTIN M. KOSKELLA

  
FLOYD A. LOOMIS

  
KIMBERLY J. WOODHOUSE

  
RODERICK G. WOODHOUSE

  
KENNETH R. KOSKELLA


By:   
Kevin L. Koskella, as agent under  
Power of Attorney dated July 17, 2017

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared KRISTIN M. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



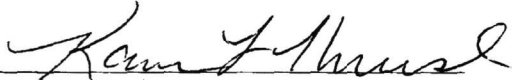
  
Notary Public for Idaho  
Commission Expires: Residing: Cascade, ID  
Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared FLOYD A. LOOMIS, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

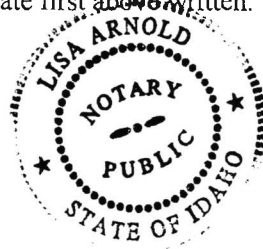


  
Notary Public for Idaho  
Commission Expires: Residing: Cascade, ID  
Exp: 05/13/2021

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KIMBERLY J. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

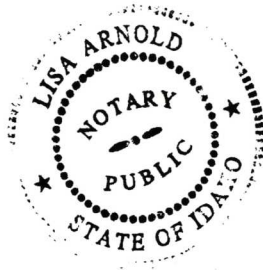


    *Lisa Arnold*      
Notary Public for Idaho  
Commission Expires:     5/20/2020    

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared RODERICK G. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



    *Lisa Arnold*      
Notary Public for Idaho  
Commission Expires:     5/20/2020



**EXHIBIT A**

 **Fodrea Land Group** Surveyors. Engineers. Planners.

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**Parcel A,  
2.47 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County said corner being the **TRUE POINT OF BEGINNING**.

Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of N 88°30'14" W, a distance of 646.29 feet, on said north boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 2.47 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT A-1**  
**Legal Description of Parcel A-1**

Beginning at the Southwest corner of Section 36 common to the Southeast corner of Section 35, in Township 16 North, Range 3 East of Boise Meridian, thence due East along the Southerly boundary line of Section 36 a distance of 1320 feet; thence due North 700 feet; thence due West 450 feet; thence South 500 feet; thence due West 870 feet more or less to the Westerly boundary line of said Section 36; thence South along the Westerly boundary line of Section 36 a distance of 200 feet to the Southwest Section corner of Section 36 and the place of beginning.

**EXHIBIT B**



**Fodrea Land Group**

Surveyors. Engineers. Planners.

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**Parcel B,**

**13.62 Acres**

**A Portion of the**

**W1/2 of the NW1/4 of Section 1,**

**T. 15 N., R. 3 E., B.M.,**

**Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of S 88°30'14" E, a distance of 680.30 feet, on said north boundary line of Section 1, to a set 5/8 inch rebar being the W 1/16 corner of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 187.19 feet on the east boundary line of the W1/2NW1/4 of said Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet, on the north boundary line of Tax No. 6, to a set 5/8 inch rebar being the northwest corner of said Tax No. 6; Thence a bearing of S 64°05'18" W, a distance of 968.03 feet to a point on the west boundary line of said Section 1 (said point being witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 01°00'00" E, a distance of 537.49 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 13.62 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



EXHIBIT C

 **Fodrea Land Group** Surveyors. Engineers. Planners.  
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Revised Tax Number 6,  
3.71 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to the a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6 and the **TRUE POINT OF BEGINNING.**

Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of N 01°31'41" E, a distance of 436.06 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet to the **POINT OF BEGINNING.**

Said described parcel of land contains 3.71 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



## EXHIBIT D

 **Fodrea Land Group** Surveyors, Engineers.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Easement 1,  
50 foot-wide Shared Driveway Easement  
Located in Portions of the  
W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M.,  
And W1/2 of the SW1/4 of Section 36, T. 16 N. R. 3 E., B.M.,  
Valley County, Idaho**

A 50 foot-wide shared driveway easement located in portions of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M., and the W1/2 of the SW1/4 of Section 36, T. 16 N., R. 3 E., B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of N 69°42'33" E, a distance of 28.75 feet to a point on the easterly prescribed right-of-way boundary of Koskella Road and on the centerline of said easement, said point being the **POINT OF BEGINNING** of said easement;

Thence the following courses along the centerline of said easement:

A bearing of N 88°26'16" E, a distance of 254.65 feet to a point;

A curve to the left, having a length of 160.09 feet, a radius of 400.00 feet and a chord which bears N 76°58'20" E, a distance of 159.02 feet to a point;

A curve to the right, having a length of 83.29 feet, a radius of 50.00 feet and a chord which bears S 66°46'15" E, a distance of 73.99 feet to a point;

A curve to the left, having a length of 95.13 feet, a radius of 200.00 feet and a chord which bears S 32°40'28" E, a distance of 94.24 feet to a point;

A bearing of S 46°18'02" E, a distance of 93.29 feet to a point;

A curve to the right, having a length of 20.40 feet, a radius of 200.00 feet and a chord which bears S 43°22'44" E, a distance of 20.39 feet to a point;

A bearing of S 40°27'26" E, a distance of 184.92 feet to a point;

A curve to the left, having a length of 23.05 feet, a radius of 100.00 feet and a chord which bears S 47°03'42" E, a distance of 23.00 feet to a point;

A bearing of S 53°39'59" E, a distance of 109.29 feet to a point;

A curve to the left, having a length 105.76 feet, a radius of 1000.00 feet and a chord which bears S 56°41'47" E, a distance of 105.71 feet to a point;

A curve to the left, having length of 40.00 feet, a radius of 80.00 feet and a chord which bears S 74°03'00" E, a distance of 39.58 feet to a point;

A curve to the left, having a length of 22.22 feet, a radius of 50.00 feet and a chord which bears N 78°53'36" E, a distance of 22.04 feet to a point;

 Fodrea Land Group Surveyors. Engineers.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

[www.fodrealandgroup.com](http://www.fodrealandgroup.com)

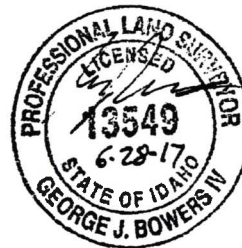
A curve to the left, having a length of 36.89 feet, radius of 40.00 feet and a chord which bears N 39°44'37" E, distance of 35.59 feet to a point;

A curve to the left, having a length of 57.81 feet, a radius of 120.00 feet and a chord which bears N 00°28'26" W, a distance of 57.25 feet to a point;

A curve to the left, having a length of 77.67 feet, a radius of 600.00 feet and a chord which bears N 17°58'58" W, a distance of 77.62 feet to a point;

A bearing of N 21°41'29" W, a distance of 99.21 feet to a point;

A curve to the right, having a length of 150.34 feet, a radius of 520.00 feet and a chord which bears N 13°24'31" W, a distance of 149.82 feet to a point on the north boundary line of Section 1 and the POINT OF ENDING of said easement.





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat \_\_\_\_\_

VAR 26-002 Koskella Shared Driveway Variance.

- 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. CDH has no objection to the variance. Aseptic permit must be obtained for the new home. CDH requests a copy of the lot split or record of survey after completion of split. Reviewed By: Bruce Cooper  
Date: 4/14/26



**Donnelly Fire Department  
Fire Marshals Office**

P.O. Box 1178 Donnelly, Idaho 83615  
Office: (208) 325-8619 Cell: (208) 849-2438

May 6<sup>th</sup>, 2026

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

RE: VAR 26-002 Koskella Shared Driveway

The Donnelly Fire Department has completed its review of VAR 26-002 Koskella Shared Driveway. We completed its inspection of the driveway, and it satisfies all requirements set by the Donnelly Fire Department, the 2018 International Fire Code (IFC) and the ISRB and is hereby approved.

We have no additional requirements or comments for this variance. Let me know if you have any questions

Thank you,

Jerry Holenbeck  
Fire Marshal  
Donnelly Fire Department  
firemarshal@donnellyfire.net  
Cell: (208) 849-2438



May 4, 2026

Lori Hunter, Planner II  
Valley County Planning & Zoning  
700 S. Main Street, Cascade, ID 83611  
lhunter@valleycountyid.gov

Subject: Valley County May 14 2026 Letter Response

Dear Lori Hunter:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY (C1, C2, D4)**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractors are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WASTEWATER AND RECYLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the local public health district.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

## **4. SURFACE WATER**

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:  
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0564.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION


- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
- For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance. If applicable to this project, DEQ recommends that BMPs be implemented for any of the following land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Troy Smith  
Regional Administrator

**From:** Flack,Brandon <brandon.flack@idfg.idaho.gov>  
**Sent:** Wednesday, May 6, 2026 12:29 PM  
**To:** Lori Hunter <lhunter@valleycountyid.gov>  
**Subject:** Re: Public Hearing Notice - VC PZ Commission - May 14, 2026

Hi Lori,

No comments from IDFG on these items.

Thanks,

**Brandon Flack**  
Regional Technical Assistance Manager  
Idaho Dept. of Fish and Game  
Southwest Region  
15950 N. Gate Blvd.  
Nampa, ID 83687  
Ph: (208) 854-8947



Parametrix No. 314-4875-001

Kerstin Dettrich  
Valley County Road and Bridge Director  
520 South Front Street  
P.O. Box 672  
Cascade, ID 83611

Re: May 14, 2026, Planning and Zoning Commission Agenda Items

Dear Kerstin:

We have reviewed the items listed on the May 14, 2026, Valley County (VC) Planning and Zoning Commission agenda and have the following comments for your consideration:

**Old Business:**

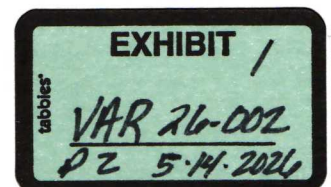
- 1. SUB 25-003 Tamarack Resort Phase 3.7 Buttercup Villas – Final Plat**  
Not reviewed (No information attached).
- 2. C.U.P. 24-24 Gold Fork River Ranch Phase 1 – Final Plat**  
Not reviewed (No information attached).

**New Business:**

- 1. VAR 26-001 Walcom Setback Variance**  
Not reviewed.
- 2. VAR 26-002 Koskella Shared Driveway Variance**  
Not reviewed.
- 3. C.U.P. 26-004 Maxton Short-Term Rental**  
Not reviewed.
- 4. SUB 26-004 Orange Sky Subdivision – Preliminary Plat**

Detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements may be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

All proposed driveway connections to public roads within the development shall meet the criteria outlined in the Valley County Minimum Standards for Private/Public Road Design and Construction



A traffic impact study is not required for this 2-lot subdivision; however, a development agreement identifying public road impacts may be required.

**5. SUB 26-005 Pine Creek Ranck South Subdivision – Preliminary Plat**

Preliminary plans were included with the CUP application, but detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

All proposed roads within the development shall meet the criteria outlined in the Valley County Minimum Standards for Private/Public Road Design and Construction. Stockton Boulevard and Pine Creek Ranch Drive are currently shown as public roads within 80-foot rights-of-way. However, standard local roads and minor collectors require only 70 feet of right-of-way. If 80 feet is provided, a minimum of 35 feet should be dedicated on at least one side of the roadway.

A development agreement may not be required at this time but should be when the property is subdivided into lots.

**6. C.U.P. 22-34 Shoemaker Donnelly Storage – Extension Request**

Extension request. Original CUP conditions and review apply.

**7. C.U.P. 26-006 Tree Equipment Storage and Employee Housing**

Detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

Valley County requires a 100-foot setback from ITD ROW for any permanent structures. Coordinate with ITD for access off SH-55.

**8. C.U.P. 18-10 Garcia/Fredriks Multiple Residence – Extension Request**

Extension request. Original CUP conditions and review apply.

**9. C.U.P. 26-007 Fish and Game Office and Employee Housing**

Preliminary plans were included with the CUP application, but detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.



There appear to be designated wetlands on the property. The applicant will need to delineate existing wetlands to confirm that there are no wetland impacts. If wetlands are impacted, the project may require approval of the U.S. Army Corps of Engineers under the federal Clean Water Act.

Valley County requires a 100-foot setback from ITD ROW for any permanent structures. Coordinate with ITD for access off SH-55.

**10. SUB 25-019 Rocky Mountain Storage - Preliminary Plat**

Preliminary plans were included with the CUP application, but detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

All proposed roads within the development shall meet the criteria outlined in the Valley County Minimum Standards for Private/Public Road Design and Construction.

A Traffic Impact Study and mitigation of visual impacts are required for this project.

Wetland areas are delineated on the plan as "no build" areas. If wetlands are impacted, the project may require approval of the U.S. Army Corps of Engineers under the federal Clean Water Act.

Please contact me if you have any questions.

Sincerely,

ParametriX



Paul Ashton, PE



# Valley County Planning and Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
cherrick@co.valley.id.us  
208-382-7115



## Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT

Credit Card  Cash  Check # [REDACTED]

FILE # VAR 26-002

FEE \$ 250.00

ACCEPTED BY [Signature]

DATE 3-26-26

CROSS REFERENCE FILE(S): \_\_\_\_\_

PROPOSED USE: Homesite

Shared Driveway  Setback Variance  Other

Applicant Name Kenneth R. Koskella

Applicant Signature Kenneth R. Koskella Date 3-26-26

Mailing Address 12714 Koskella Rd.  
Doreilly, Idaho 83615

Phone [REDACTED] Email [REDACTED]

Property Parcel Number RP 161903E 316205

Subdivision (if applicable) NA

Parcel Physical Address 12714 Koskella Rd., Doreilly, Idaho  
83615

### Required Attachments

1. Proposed Site Plan
2. Narrative statement demonstrating:
  - That special conditions and circumstances exist which are not a result from any action of the Applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
  - That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
3. Shared Driveway Variances require a shared driveway maintenance agreement. The shared driveway must be built to the satisfaction of the relevant fire department.

Pursuant to "Idaho Code", Section 67-6516 and Section 9-5H-10 of the Valley County Code, the Planning and Zoning Commission shall be empowered to grant variances relaxing or modifying the requirements of the Valley County Land Use and Development Ordinance with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots, and other land use requirements of this ordinance.

**A variance may be granted if:**

- the applicant can prove undue hardship is a result of characteristics of the site,
- that special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures, and
- that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

In the case of the Planned Unit Development (PUD) involving variations from the requirements of this Ordinance, it shall not be necessary for the applicant to file a separate application for such variances.

---

**Procedure:**

- When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.
- The fee set by resolution of the Board of County Commissioners shall accompany the variance application.
- An application for a variance shall be reviewed by the Administrator and the Planning & Zoning Commission in accordance with Valley County Code Section 9-5H-11. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, and the public in accordance with Section 9-5H-6B.
- A variance may be granted if the Planning & Zoning Commission makes specific findings of fact based directly on the particular evidence in the application which support conclusions that the above conditions have been met by the applicant.
- Within ten (10) days after a decision has been rendered, the Administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
- The Planning & Zoning Commission's decision shall be a recommendation to the Board of County Commissioners.
- The County Clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular Board meeting.
- The Board shall consider and act upon the Commission's recommendations by following the procedures outlined in Valley County Code Section 9-5H-11.
- A permit for the variance may be issued by the Administrator or staff after approval of the Board of County Commissioners.
- Subject to Idaho Statute 55:22 Underground Facilities Damage Prevention.

We wish to carve out a 1.52 acre parcel from our 11.23 acre parcel RP16N03E36605 for a new homesite. We request a variance to use the existing access road to this new parcel. The request is due to the unusual shape of the existing parcel that leaves no place for another road.

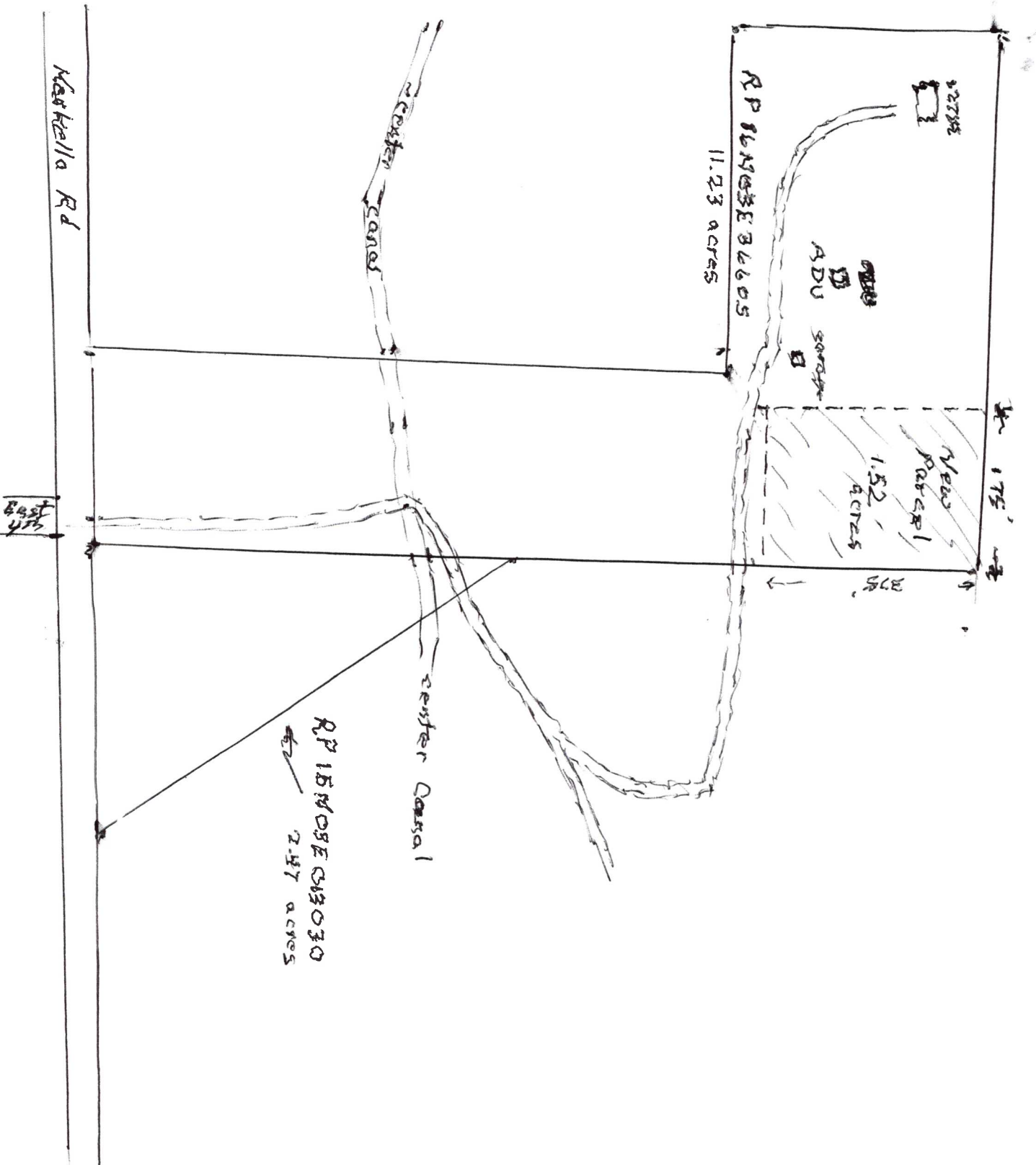
We also wish to attach our parcel RP15N03E018030 (2.47 acres) to parcel RP16N03E36605.

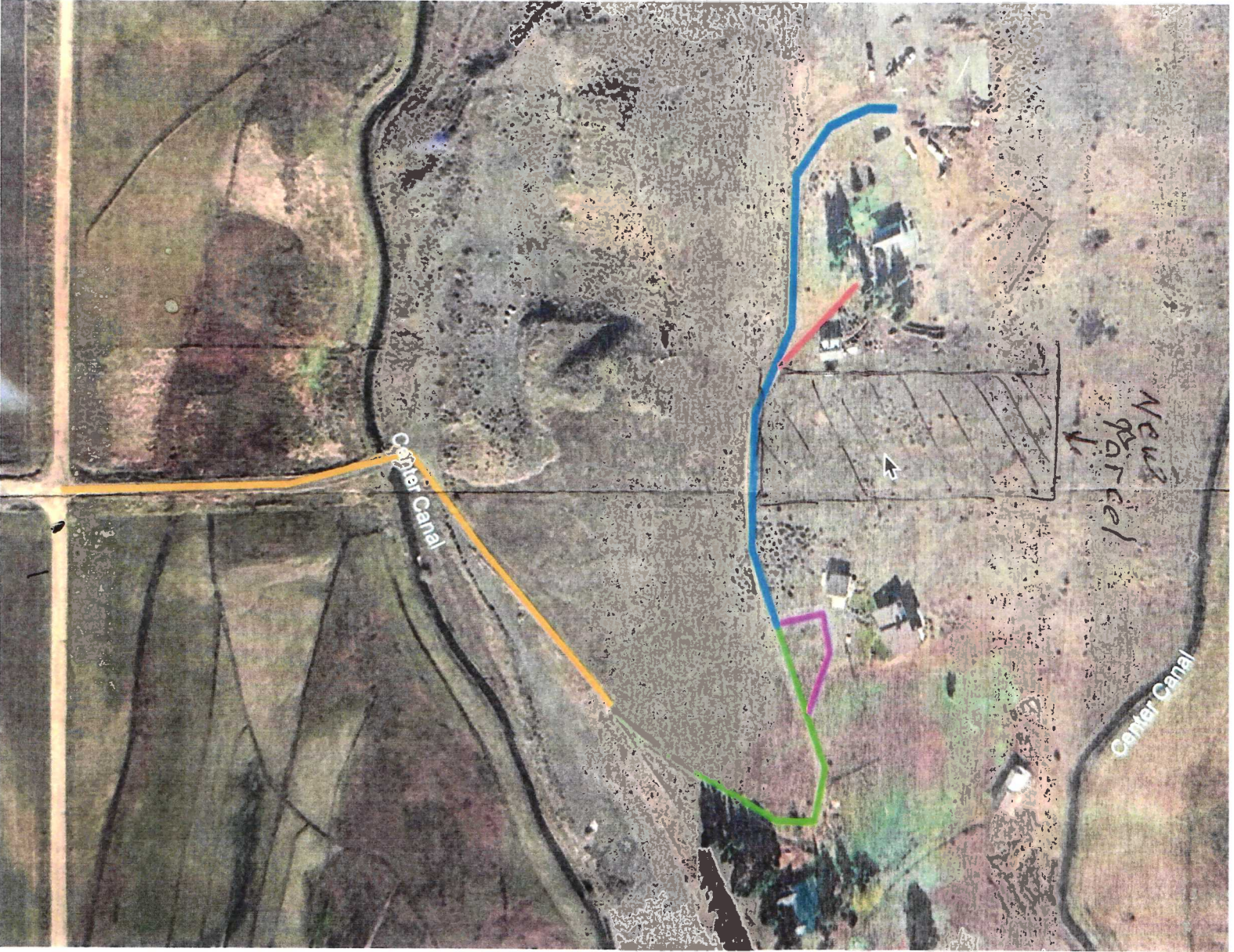
The carved out (new) parcel is as follows:

Beginning at the SE corner of  
the 11.23 acre parcel RP16N03E36605  
proceed N 175'  
thence W 375'  
thence S 175'  
thence E 375' to the starting point

This defines a new rectangular parcel of 1.52 acres.

N ↑





RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp & Associates, P.A  
P.O. Box 2660  
Eagle, Idaho 83616

**Instrument # 408647**  
VALLEY COUNTY, CASCADE, IDAHO  
09-12-2017 08:43:17 No. of Pages: 12  
Recorded for: FIRST AMERICAN TITLE - MCCALL  
DOUGLAS A. MILLER Fee: \$43.00  
Ex-Officio Recorder Deputy: JLM  
Electronically Recorded by Simplifile

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

### SHARED ROADWAY AGREEMENT

This Shared Roadway Agreement ("Agreement") is made and entered into effective the 28<sup>th</sup> day of August, 2017, by and among KRISTIN M. KOSKELLA ("Kristin"), FLOYD A. LOOMIS ("Floyd"), KIMBERLY J. WOODHOUSE ("Kim"), RODERICK G. WOODHOUSE ("Rod"), and KENNETH R. KOSKELLA ("Ken"). Kristin, Floyd, Kim, Rod, and Ken may be referred to herein individually as a "Party" or collectively as the "Parties."

WHEREAS, Ken is the owner of that certain parcel of real property consisting of 2.47 acres located in the County of Valley, State of Idaho, which property is described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel A");

WHEREAS, Ken is the owner of real property commonly known as 12714 Koskella Road, Donnelly, Valley County, Idaho, which property is more fully described on **Exhibit A-1** attached hereto and made a part hereof (referred to herein as "Parcel A-1");

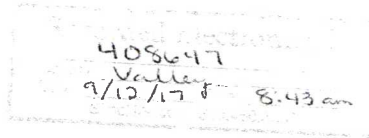
WHEREAS, Kim and Rod are the owners of that certain parcel of real property consisting of 13.62 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit B** attached hereto and made a part hereof (referred to herein as "Parcel B");

WHEREAS, Kristin and Floyd are the owners of real property known as Revised Tax #6 and Parcel C consisting of 3.71 acres and 16.02 acres, respectively, located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit C** attached hereto and made a part hereof (collectively referred to herein as "Parcel C");

SHARED ROADWAY AGREEMENT - 1

RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp & Associates, P.A  
P.O. Box 2660  
Eagle, Idaho 83616



SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

### SHARED ROADWAY AGREEMENT

This Shared Roadway Agreement ("Agreement") is made and entered into effective the 28<sup>th</sup> day of August, 2017, by and among KRISTIN M. KOSKELLA ("Kristin"), FLOYD A. LOOMIS ("Floyd"), KIMBERLY J. WOODHOUSE ("Kim"), RODERICK G. WOODHOUSE ("Rod"), and KENNETH R. KOSKELLA ("Ken"). Kristin, Floyd, Kim, Rod, and Ken may be referred to herein individually as a "Party" or collectively as the "Parties."

WHEREAS, Ken is the owner of that certain parcel of real property consisting of 2.47 acres located in the County of Valley, State of Idaho, which property is described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel A");

WHEREAS, Ken is the owner of real property commonly known as 12714 Koskella Road, Donnelly, Valley County, Idaho, which property is more fully described on **Exhibit A-1** attached hereto and made a part hereof (referred to herein as "Parcel A-1");

WHEREAS, Kim and Rod are the owners of that certain parcel of real property consisting of 13.62 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit B** attached hereto and made a part hereof (referred to herein as "Parcel B");

WHEREAS, Kristin and Floyd are the owners of real property known as Revised Tax #6 and Parcel C consisting of 3.71 acres and 16.02 acres, respectively, located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit C** attached hereto and made a part hereof (collectively referred to herein as "Parcel C");

WHEREAS, Parcel A, Parcel A-1, Parcel B, and Parcel C share a driveway for access onto and across Parcel A, Parcel A-1, Parcel B, and Parcel C (referred to herein as the "Driveway");

WHEREAS the purpose of this Agreement is to describe the responsibility of each Party hereto regarding the Driveway and to confirm the easement across such parcels; and

WHEREAS, the Parties desire to formalize the terms, conditions and restrictions arising from or relating to the Driveway pursuant to this Agreement.

NOW THEREFORE, in consideration of the mutual promises of the Parties hereto and other valuable consideration, receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Building and Maintenance of Driveway. At the time of construction of a structure on Parcel A, Parcel B, or Parcel C, the owner of the improved parcel(s) shall be responsible for building and maintenance of the Driveway. At such time structures are built on all of Parcel A, Parcel B, and Parcel C, then the Parties shall share the costs of general maintenance of the Driveway based on usage of the Driveway, as mutually agreed upon by the Parties. Any costs associated with upgrading the Driveway shall be mutually agreed upon between the Parties. If the Parties cannot agree, any Party shall have the option of upgrading the Driveway at their own expense.

2. Snow Removal. Snow removal costs associated with the Driveway shall be shared by the Parties based on usage of the Driveway, as mutually agreed upon by the Parties, in any snow removal season in which all Parties use the Driveway. If any Party does not use the

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Driveway during the snow removal season, that non-using Party shall not be responsible for sharing the snow removal costs.

3. Damage to Driveway. Each Party shall be responsible for any damage caused to the Driveway by excessive weight or other actions, i.e., large trucks, trailers, construction equipment, damage caused by visitors. Any damages to the Driveway shall be repaired immediately by the Party responsible for the damages.

4. Perpetual. This Agreement shall be binding on the heirs, successors and assigns of the Parties.

5. Entire Agreement. This Agreement shall constitute the entire agreement with respect to the subject matter hereof and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding except to the extent incorporated in this Agreement.

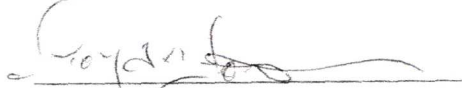
6. Modification of Agreement. Any modification of this Agreement shall be binding only if evidenced in writing signed by all Parties hereto, or their respective heirs, successors and assigns.

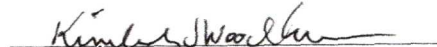
7. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed  
the day and year set forth below.

Dated this 28<sup>th</sup> day of August, 2017.

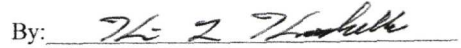
  
KRISTIN M. KOSKELLA

  
FLOYD A. LOOMIS

  
KIMBERLY J. WOODHOUSE

  
RODERICK G. WOODHOUSE

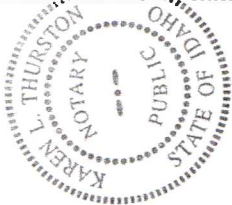
  
KENNETH R. KOSKELLA

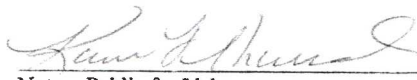
By:   
Kevin L. Koskella, as agent under  
Power of Attorney dated July 17, 2017

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of Sept, 2017, before me, a notary public, personally appeared KRISTIN M. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




  
Notary Public for Idaho Residing: Cascade, ID  
Commission Expires: Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of Sept, 2017, before me, a notary public, personally appeared FLOYD A. LOOMIS, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

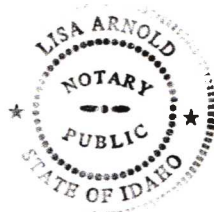


  
Notary Public for Idaho Residing: Cascade, ID  
Commission Expires: Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of ADA )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KIMBERLY J. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Lisa Arnold  
Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO )  
 ) ss.  
County of ADA )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared RODERICK G. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

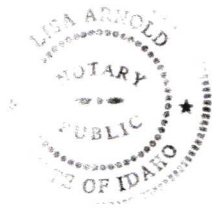



Lisa Arnold  
Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO    )  
                              ) ss.  
County of Ada        )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KEVIN L. KOSKELLA, as agent under a Power of Attorney for KENNETH R. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as agent for KENNETH R. KOSKELLA.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
\_\_\_\_\_  
Notary Public for Idaho  
Commission Expires: 5/22/2020

**EXHIBIT A**  
**Fodrea Land Group** Surveyors. Engineers. Planners  
P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410  
www.fodrealandgroup.com

**Parcel A,**  
**2.47 Acres**  
**A Portion of the**  
**W1/2 of the NW1/4 of Section 1,**  
**T. 15 N., R. 3 E., B.M.,**  
**Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst No. 99670, corner records of said Valley County said corner being the **TRUE POINT OF BEGINNING**.

Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of N 88°30'14" W, a distance of 646.29 feet, on said north boundary line of Section 1, to the **POINT OF BEGINNING**.


Said described parcel of land contains 2.47 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT A-1**  
**Legal Description of Parcel A-1**

Beginning at the Southwest corner of Section 36 common to the Southeast corner of Section 35, in Township 16 North, Range 3 East of Boise Meridian, thence due East along the Southerly boundary line of Section 36 a distance of 1320 feet; thence due North 700 feet; thence due West 450 feet; thence South 500 feet; thence due West 870 feet more or less to the Westerly boundary line of said Section 36; thence South along the Westerly boundary line of Section 36 a distance of 200 feet to the Southwest Section corner of Section 36 and the place of beginning.

**EXHIBIT B**

 **Fodrea Land Group** Surveyors. Engineers. Planners.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

[www.fodrealandgroup.com](http://www.fodrealandgroup.com)

**Parcel B,  
13.62 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of S 88°30'14" E, a distance of 680.30 feet, on said north boundary line of Section 1, to a set 5/8 inch rebar being the W 1/16 corner of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 187.19 feet on the east boundary line of the W1/2NW1/4 of said Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet, on the north boundary line of Tax No. 6, to a set 5/8 inch rebar being the northwest corner of said Tax No. 6; Thence a bearing of S 64°05'18" W, a distance of 968.03 feet to a point on the west boundary line of said Section 1 (said point being witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 01°00'00" E, a distance of 537.49 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 13.62 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT C**

**Fodrea Land Group** Surveyors. Engineers. Planners.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

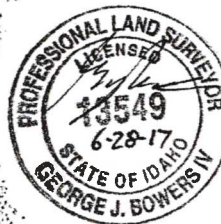
**Parcel C,  
16.02 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6; Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 557.84 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of N 88°30'14" W, a distance of 1315.70 feet to a point on the west boundary line of said Section 1 (witnessed by a set 5/8 inch rebar which bears S 88°30'14" E, a distance of 25.00 feet); Thence a bearing of N 01°00'00" E, a distance of 310.01 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 16.02 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**Fodrea Land Group** Surveyors. Engineers. Planners.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Revised Tax Number 6,  
3.71 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to the a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6 and the **TRUE POINT OF BEGINNING.**

Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of N 01°31'41" E, a distance of 436.06 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet to the **POINT OF BEGINNING.**

Said described parcel of land contains 3.71 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



RECORDED  
VALLEY COUNTY, CASCADE, IDAHO  
06-07-2017 15:44:48 No. of Pages: 16  
Recorded for: FIRST AMERICAN TITLE - MCCALL  
DOUGLAS A. MILLER Fee: \$62.00  
Ex-Officio Recorder Deputy: JLM  
Electronically Recorded by Simplifile

RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp  
Sandra L. Clapp & Associates, P.A.  
PO Box 2660  
Eagle, Idaho 83616

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**DECLARATION AND GRANT OF LIMITED EASEMENT**  
(Perpetual Ingress and Egress Only)

This Declaration and Grant of Limited Easement ("Declaration") is made by KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, RODERICK G. WOODHOUSE, and KENNETH R. KOSKELLA (collectively referred to as the "Grantor") in favor of KENNETH R. KOSKELLA, KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, and RODERICK G. WOODHOUSE (collectively referred to as the "Grantee").

WHEREAS, KENNETH R. KOSKELLA is the owner of real property known as Parcel A consisting of 2.47 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel A");

WHEREAS, KENNETH R. KOSKELLA is the owner of real property commonly known as 12714 Koskella Road, Donnelly, Valley County, Idaho, which property is more fully described on **Exhibit A-1** attached hereto and made a part hereof (referred to herein as "Parcel A-1");

WHEREAS, KIMBERLY J. WOODHOUSE and RODERICK G. WOODHOUSE are the owners of real property known as Parcel B consisting of 13.62 acres located in the County of

RECORDATION REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Sandra L. Clapp  
Sandra L. Clapp & Associates, P.A.  
PO Box 2660  
Eagle, Idaho 83616



SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**DECLARATION AND GRANT OF LIMITED EASEMENT**  
(Perpetual Ingress and Egress Only)

This Declaration and Grant of Limited Easement ("Declaration") is made by KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, RODERICK G. WOODHOUSE, and KENNETH R. KOSKELLA (collectively referred to as the "Grantor") in favor of KENNETH R. KOSKELLA, KRISTIN M. KOSKELLA, FLOYD A. LOOMIS, KIMBERLY J. WOODHOUSE, and RODERICK G. WOODHOUSE (collectively referred to as the "Grantee").

WHEREAS, KENNETH R. KOSKELLA is the owner of real property known as Parcel A consisting of 2.47 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit A** attached hereto and made a part hereof (referred to herein as "Parcel A");

WHEREAS, KENNETH R. KOSKELLA is the owner of real property commonly known as 12714 Koskella Road, Donnelly, Valley County, Idaho, which property is more fully described on **Exhibit A-1** attached hereto and made a part hereof (referred to herein as "Parcel A-1");

WHEREAS, KIMBERLY J. WOODHOUSE and RODERICK G. WOODHOUSE are the owners of real property known as Parcel B consisting of 13.62 acres located in the County of

Valley, State of Idaho, which property is more fully described on **Exhibit B** attached hereto and made a part hereof (referred to herein as "Parcel B");

WHEREAS, KRISTIN M. KOSKELLA and FLOYD A. LOOMIS are the owners of real property known as Revised Tax Number 6 consisting of 3.71 acres located in the County of Valley, State of Idaho, which property is more fully described on **Exhibit C** attached hereto and made a part hereof (referred to herein as "Tax No. 6");

WHEREAS, attached hereto and marked as **Exhibit D** is a legal description for a 50 foot wide shared driveway easement (referred to herein as the "Easement Area");

WHEREAS, Grantor desires to grant to Grantee a limited easement for ingress and egress across Parcel A, Parcel A-1, Parcel B and Tax No. 6 using the Easement Area; and

WHEREAS, Grantor and Grantee desire to formalize the grant, terms, conditions and restrictions arising from or relating to the easement to be granted pursuant to this Declaration.

NOW THEREFORE, in consideration of the mutual promises of the parties hereto and other valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Easement. Grantor hereby grants an easement for ingress and egress across and along Parcel A, Parcel A-1, Parcel B and Tax No. 6 for reasonable access to Parcel A, Parcel A-1, Parcel B and Tax No. 6 using the designated Easement Area identified on Exhibit D. After this grant, Parcel A, Parcel A-1, Parcel B and Tax No. 6 shall be subject to the Easement Area described on Exhibit D. It is intended by Grantor that all ingress, egress, or use of the Easement Area for any purpose or of any nature shall be limited to reasonable non-commercial travel using standard motorized vehicles or agricultural implements. The Easement Area is expressly

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restricted and limited from being used by Grantee for any commercial travel or use. The Grantor executes this Declaration with the intent and understanding that Grantee shall utilize the rights granted in this Declaration over, through and across Parcel A, Parcel A-1, Parcel B and Tax No. 6 in a manner that will not disturb the quiet enjoyment of the occupants of Parcel A, Parcel A-1, Parcel B and Tax No. 6. The Grantor further executes this Declaration with the intent and understanding that Grantee shall not allow access over, through or across the Easement Area with any vehicle, machinery, equipment or other motorized transportation that will cause harm or damage to Parcel A, Parcel A-1, Parcel B, Tax No. 6 or the Easement Area that is more than ordinary wear and tear. The Grantor and Grantee shall share the cost to repair and maintain the Easement Area based upon relative usage as determined by the parties from time to time. Grantor shall have the right to utilize the Easement Area in any manner that will not interfere with the easement granted herein.

The parties hereto agree that they shall each use the rights granted by this Declaration with due regard for the rights of any successor in interest and their use of such easement, and shall not use the Easement Area in any way that will impair the rights of any other person entitled to use it, and shall not obstruct passage thereon.

2. Indemnification. Grantee hereby agrees to indemnify and hold the Grantor harmless from and against any and all losses, claims, damages, liabilities and obligations of any kind and description, including any reasonable attorney's fees incurred by Grantee, arising out of any matter relating to the Easement Area including, without limitation, any access, use or passage on Parcel A, Parcel A-1, Parcel B and Tax No. 6 by Grantee or Grantee's agents or invitees.

3. Perpetual. All provisions of this Declaration, including the benefits and burdens, will run with the land.

4. No Gift to General Public. Nothing in this Declaration shall, or shall be deemed to, constitute a gift or dedication of any portion of Parcel A, Parcel A-1, Parcel B or Tax No. 6 for the general public or for any public purpose whatsoever, it being the intention that this Declaration will be strictly limited to and for the purposes expressed herein.

5. Construction. The rule of strict construction does not apply to this Declaration of Easement. This Declaration shall be given a reasonable construction so that the intentions of the Grantor and the Grantee hereunder to confer a useable right of enjoyment for access across Parcel A, Parcel A-1, Parcel B and Tax No. 6 as provided herein, are carried out.

6. Entire Agreement. This Declaration shall constitute the entire agreement with respect to the subject matter hereof and any prior understanding or representation of any kind preceding the date of this Declaration shall not be binding except to the extent incorporated in this Declaration.

7. Modification of Agreement. Any modification of this Declaration shall be binding only if evidenced in writing signed by Grantor and Grantee, or their respective heirs, successors and assigns.

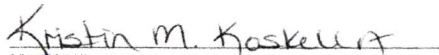
8. Governing Law. It is agreed that this Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.


9. Counterparts. This Declaration may be executed in two or more counterparts, each of which shall be deemed an original document but all of which together shall be one and the same instrument.

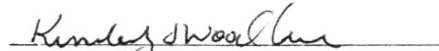
IN WITNESS WHEREOF, the undersigned have caused this Declaration and Grant of Limited Easement to be executed the day and year set forth below.

Dated this 28<sup>th</sup> day of August, 2017.

GRANTOR:

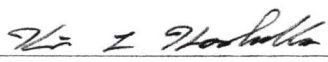
  
KRISTIN M. KOSKELLA

  
FLOYD A. LOOMIS

  
KIMBERLY G. WOODHOUSE

  
RODERICK G. WOODHOUSE


  
KENNETH R. KOSKELLA

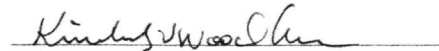
By:   
Kevin L. Koskella, as agent under  
Power of Attorney dated July 17, 2017

Dated this 28<sup>th</sup> day of August, 2017.

GRANTEE:

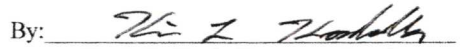
  
KRISTIN M. KOSKELLA

  
FLOYD A. LOOMIS

  
KIMBERLY J. WOODHOUSE

  
RODERICK G. WOODHOUSE

  
KENNETH R. KOSKELLA

By:   
Kevin L. Koskella, as agent under  
Power of Attorney dated July 17, 2017

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared KRISTIN M. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Karen L. Thurston*  
Notary Public for Idaho  
Commission Expires: \_\_\_\_\_ Residing: Cascade, ID  
Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 7 day of ~~August~~<sup>Sept</sup>, 2017, before me, a notary public, personally appeared FLOYD A. LOOMIS, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Karen L. Thurston*  
Notary Public for Idaho  
Commission Expires: \_\_\_\_\_ Residing: Cascade, ID  
Exp: 05/13/2021

STATE OF IDAHO )  
 ) ss.  
County of ADA )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KIMBERLY J. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Lisa Arnold*

Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO )  
 ) ss.  
County of ADA )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared RODERICK G. WOODHOUSE, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Lisa Arnold*

Notary Public for Idaho  
Commission Expires: 5/20/2020

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 28<sup>th</sup> day of August, 2017, before me, a notary public, personally appeared KEVIN L. KOSKELLA, as agent under a Power of Attorney for KENNETH R. KOSKELLA, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as agent for KENNETH R. KOSKELLA.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Lisa Arnold  
Notary Public for Idaho  
Commission Expires: 5/28/2020

**EXHIBIT A**

 **Fodrea Land Group** Surveyors. Engineers. Planners.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

[www.fodrealandgroup.com](http://www.fodrealandgroup.com)

**Parcel A,  
2.47 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County said corner being the **TRUE POINT OF BEGINNING**.

Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of N 88°30'14" W, a distance of 646.29 feet, on said north boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 2.47 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT A-1**  
**Legal Description of Parcel A-1**

Beginning at the Southwest corner of Section 36 common to the Southeast corner of Section 35, in Township 16 North, Range 3 East of Boise Meridian, thence due East along the Southerly boundary line of Section 36 a distance of 1320 feet; thence due North 700 feet; thence due West 450 feet; thence South 500 feet; thence due West 870 feet more or less to the Westerly boundary line of said Section 36; thence South along the Westerly boundary line of Section 36 a distance of 200 feet to the Southwest Section corner of Section 36 and the place of beginning.

**EXHIBIT B**

 **Fodrea Land Group** Surveyors. Engineers. Planners  
P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410  
www.fodrealandgroup.com

**Parcel B,  
13.62 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,  
Valley County, Idaho**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet) said point being the **TRUE POINT OF BEGINNING**.

Thence a bearing of N 64°05'18" E, a distance of 724.75 feet to a set 5/8 inch rebar on the north boundary line of said Section 1; Thence a bearing of S 88°30'14" E, a distance of 680.30 feet, on said north boundary line of Section 1, to a set 5/8 inch rebar being the W 1/16 corner of said Section 1; Thence a bearing of S 01°31'41" W, a distance of 187.19 feet on the east boundary line of the W1/2NW1/4 of said Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet, on the north boundary line of Tax No. 6, to a set 5/8 inch rebar being the northwest corner of said Tax No. 6; Thence a bearing of S 64°05'18" W, a distance of 968.03 feet to a point on the west boundary line of said Section 1 (said point being witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 01°00'00" E, a distance of 537.49 feet, on said west boundary line of Section 1, to the **POINT OF BEGINNING**.

Said described parcel of land contains 13.62 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT C**

 **Fodrea Land Group** Surveyors. Engineers. Planners.  
P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410  
www.fodrealandgroup.com

**Revised Tax Number 6,  
3.71 Acres  
A Portion of the  
W1/2 of the NW1/4 of Section 1,  
T. 15 N., R. 3 E., B.M.,**

A parcel of land located in a portion of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E, B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of S 01°00'00" W, a distance of 333.63 feet, on the west boundary line of said Section 1, to a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of S 01°00'00" W, a distance of 537.49 feet, on said west boundary line of Section 1, to the a point (witnessed by a set 5/8 inch rebar which bears N 64°05'18" E, a distance of 28.04 feet); Thence a bearing of N 64°05'18" E, a distance of 968.03 feet to a set 5/8 inch rebar being the northwest corner of Tax No. 6 and the **TRUE POINT OF BEGINNING.**

Thence a bearing of S 25°54'42" E, a distance of 387.00 feet, on the west boundary line of said Tax No. 6, to a set 5/8 inch rebar being the southwest corner of said Tax No. 6; Thence a bearing of N 64°05'18" E, a distance of 316.73 feet to a set 5/8 inch rebar on the east boundary line of the W1/2NW1/4 of said Section 1; Thence a bearing of N 01°31'41" E, a distance of 436.06 feet, on said east boundary line of the W1/2NW1/4 of Section 1, to a set 5/8 inch rebar; Thence a bearing of S 64°05'18" W, a distance of 517.68 feet to the **POINT OF BEGINNING.**

Said described parcel of land contains 3.71 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**EXHIBIT D**

 **Fodrea Land Group** Surveyors, Engineers.

P.O. Box 188, 105 N. Main, Cascade, Idaho 83611 Phone (208) 382-4902 Fax (208) 382-3410

www.fodrealandgroup.com

**Easement 1,  
50 foot-wide Shared Driveway Easement  
Located in Portions of the  
W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M.,  
And W1/2 of the SW1/4 of Section 36, T. 16 N. R. 3 E., B.M.,  
Valley County, Idaho**

A 50 foot-wide shared driveway easement located in portions of the W1/2 of the NW1/4 of Section 1, T. 15 N., R. 3 E., B.M., and the W1/2 of the SW1/4 of Section 36, T. 16 N., R. 3 E., B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the Northwest corner of said Section 1, a found brass cap monument, C.P.F. Inst. No. 99670, corner records of said Valley County; Thence a bearing of N 69°42'33" E, a distance of 28.75 feet to a point on the easterly prescribed right-of-way boundary of Kaskella Road and on the centerline of said easement, said point being the **POINT OF BEGINNING** of said easement;

Thence the following courses along the centerline of said easement:

A bearing of N 88°26'16" E, a distance of 254.65 feet to a point;

A curve to the left, having a length of 160.09 feet, a radius of 400.00 feet and a chord which bears N 76°58'20" E, a distance of 159.02 feet to a point;

A curve to the right, having a length of 83.29 feet, a radius of 50.00 feet and a chord which bears S 66°46'15" E, a distance of 73.99 feet to a point;

A curve to the left, having a length of 95.13 feet, a radius of 200.00 feet and a chord which bears S 32°40'28" E, a distance of 94.24 feet to a point;

A bearing of S 46°18'02" E, a distance of 93.29 feet to a point;

A curve to the right, having a length of 20.40 feet, a radius of 200.00 feet and a chord which bears S 43°22'44" E, a distance of 20.39 feet to a point;

A bearing of S 40°27'26" E, a distance of 184.92 feet to a point;

A curve to the left, having a length of 23.05 feet, a radius of 100.00 feet and a chord which bears S 47°03'42" E, a distance of 23.00 feet to a point;

A bearing of S 53°39'59" E, a distance of 109.29 feet to a point;

A curve to the left, having a length 105.76 feet, a radius of 1000.00 feet and a chord which bears S 56°41'47" E, a distance of 105.71 feet to a point;

A curve to the left, having length of 40.00 feet, a radius of 80.00 feet and a chord which bears S 74°03'00" E, a distance of 39.58 feet to a point;

A curve to the left, having a length of 22.22 feet, a radius of 50.00 feet and a chord which bears N 78°53'36" E, a distance of 22.04 feet to a point;

 Fodrea Land Group Surveyors, Engineers.

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A curve to the left, having a length of 36.89 feet, radius of 40.00 feet and a chord which bears N 39°44'37" E, distance of 35.59 feet to a point;

A curve to the left, having a length of 57.81 feet, a radius of 120.00 feet and a chord which bears N 00°28'26" W, a distance of 57.25 feet to a point;

A curve to the left, having a length of 77.67 feet, a radius of 600.00 feet and a chord which bears N 17°58'58" W, a distance of 77.62 feet to a point;

A bearing of N 21°41'29" W, a distance of 99.21 feet to a point;

A curve to the right, having a length of 150.34 feet, a radius of 520.00 feet and a chord which bears N 13°24'31" W, a distance of 149.82 feet to a point on the north boundary line of Section 1 and the POINT OF ENDING of said easement.

