

## Valley County Planning and Zoning

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



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

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<b>STAFF REPORT:</b>	C.U.P. 22-08 Bear's Den Subdivision - Preliminary and Final Plat
<b>HEARING DATE:</b>	April 14, 2022
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT/OWNER:</b>	Kenneth R Purdom II Trust 6217 Hill Ave Whittier, CA 90601
<b>REPRESENTATIVE and SURVEYOR</b>	John Russell Russell Surveying INC P.O. Box 945 McCall, ID 83638
<b>LOCATION:</b>	13381 Nisula Road and 13337 Nisula Road Parcel RP17N03E317205 SE ¼ Section 31, T.17N, R.3E, Boise Meridian, Valley County, Idaho
<b>SIZE:</b>	80.65 acres
<b>REQUEST:</b>	Single-Family Residential Subdivision
<b>EXISTING LAND USE:</b>	Agricultural & C.U.P. 21-29 Multiple Residence and Short-Term Rental

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Kenneth R Purdom II Trust is requesting a conditional use permit for a 4-lot single-family subdivision on 80.65 acres.

Proposed lot sizes range from 18-acres to 23- acres.

Individual wells and individual septic systems are proposed.

A portion of the site is within Flood Zone A as shown on attached floodplain map and application sheet labeled "plot plan". Multiple wetland areas exist on the parcel.

The property does have water rights. The land is currently used as irrigated grazing land and dry grazing land. Pivots are used to distribute irrigation water from the Lake Irrigation District's J-Ditch.

Access would be from two shared-access driveways onto Nisula Road, a public road. Lots 1 and 2 would share a driveway as would lots 3 and 4. All lots do have frontage along Nisula Road.

Road right-of-way for Nisula Road would be dedicated to Valley County.

C.U.P. 21-29 Multiple Residence and Short-Term Rental was effective on October 26, 2021. A conditional use permit for three residences on one parcel, a shared driveway, and a short-term rental of a residence was approved by the Planning and Zoning Commission. Each of three homes would be located on a separate lot in the proposed subdivision.

Utility and drainage easements are proposed along all lot lines. Underground power and phone lines would be extended to all lots.

CCRs are proposed but have not been submitted for review.

The site is addressed at 13381 and 13337 Nisula Road.

## **FINDINGS:**

1. The application was submitted on February 10, 2022.
2. Legal notice was posted in the Star News on March 24, 2022, and March 31, 2022. Potentially affected agencies were notified on March 15, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent March 15, 2022. The site was posted on March 18, 2022. The notice was posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on March 15, 2022.

3. Agency comment received:

Jeff McFadden, Road Department Superintendent, states Nissula Road is a rural county road with low-traffic volume that gets maintenance when needed. It is a year-round maintained road. It is not a bus route or major road. The road is plowed once a day in the winter when needed. During big snow events, this section of road might not get plowed until all other main roads are plowed, sometimes it might be the next day. The road tends to get "washboards and potholes" in the surface quite frequently. Residents need to know that the county does not do dust suppression. (March 17, 2022)

Central District Health requires application, test holes, engineering report, and groundwater monitoring. (March 16, 2022.)

Jess Ellis, Donnelly Rural Fire Marshall, responded with requirements for driveways, address number posting, and short-term rentals. (March 19, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (March 25, 2022)

4. Neighbor comment received:

Ron Nahas, owner of property immediately north of the proposed subdivision, has placed a conservation easement on his ranch that precludes future subdivision. He believes that preserving the agricultural heritage of Valley County is vital to saving the quality of the landscape that attracts visitors. The County should plan for and maintain agricultural zoning. Doctor Purdom explained that he wants to build additional homes for himself and family. Mr Nahas is hopeful the county can find a way to accommodate the applicant's needs without resorting to a subdivision of the property. (March 23, 2022)

5. Physical characteristics of the site: Relatively Flat
6. The surrounding land use and zoning includes:
  - North: Agricultural (Grazing)
  - South: Single-family Residential and U.S. Bureau of Reclamation
  - East: Agricultural (Grazing)
  - West: U.S. Bureau of Reclamation
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 2. Residential Uses (c) Subdivision for single-family subdivision.

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 should be done.

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**9-5A-1: GRADING:**

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.
- E. Site Grading Plan:
  1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. (Ord. 10-06, 8-23-2010)
  2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

**9-5A-2: ROADS AND DRIVEWAYS:**

- A. Roads For Public Dedication And Maintenance: Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".

- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

**9-5A-5: FENCING:**

- C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.
- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

**9-5A-6: UTILITIES:**

- A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.
- D. Individual Septic Systems: If individual septic systems are proposed to show compliance with sewage disposal requirements in subsection A of this section, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.
- E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.
- F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)

**9-5C-2: MINIMUM LOT AREA:**

- B. New Subdivisions:
  - 1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
    - a. One acre where individual sewage disposal systems and individual wells are proposed.
- C. Frontage On Public Or Private Road: Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

**9-5C-6: DENSITY:**

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12, 7-6-2020)

**10-5-1: STREET AND UTILITY IMPROVEMENTS:**

- A. **Installation Required:** Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).
- B. **Acceptance By County:** The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
- Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.
- D. **Declaration Of Installation Of Utilities:** A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".
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**SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +22.

**The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).**

**STAFF COMMENTS / QUESTIONS:**

1. This site is within the Donnelly Fire District and a herd district.
2. The site is not shown in the Lake Irrigation District; however, the application refers to water from the Lake Irrigation District's J-Ditch.
3. The irrigation pivots cross lot lines. A document describing the water allocation and pivot maintenance should be recorded and noted on the plat.
4. Does irrigation water cross this property to other water users? If so, must add a Note on plat stating: "Must transport irrigation water through site into perpetuity, per Idaho Code".

**ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map



- Map of Floodplain Area
- Map of Wetland Areas
- Assessor Plat – T.17N R.3E Section 31
- Preliminary Plat Labeled "Plot Plan"
- Pictures Taken March 18, 2022
- Responses

### **Conditions of Approval**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
5. The final plat shall be recorded within two years, or this permit will be null and void.
6. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
7. Shall place the required floodplain note on the face of the plat.
8. A Declaration of Installation of Utilities shall be placed on the face of the plat if all utilities are not in place at the time of recordation.
9. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
10. Must have approval letter from Lake Fork Irrigation District.
11. Must show ditch and/or irrigation easement(s) on the plat.
12. Should use surface water for irrigation at each building site.
13. Wetlands must be shown on final plat.
14. A note limiting each lot to one wood-burning device should be added to the face of the plat.
15. All lighting must comply with the Valley County Lighting Ordinance.
16. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, water rights, and limit each lot to one wood burning device.
17. Shall place addressing numbers both on the residences and at the driveway entrances.
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning

public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.

19. The following note shall be placed in the notes on the face of the final plat:

“The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed.”

**END OF STAFF REPORT**

## 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

### B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

### C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

**DOMINANT ADJACENT LAND USE:** Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ( $\frac{1}{2}$ ) of the adjacent uses and one-fourth ( $\frac{1}{4}$ ) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

**LOCAL VICINITY:** Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

### F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.



# Compatibility Questions and Evaluation

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response  
Value

Use Matrix Values:

(+2/-2)      X      4      \_\_\_\_\_

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

(+2/-2)      X      2      \_\_\_\_\_

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

(+2/-2)      X      1      \_\_\_\_\_

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

## Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)      X      3      \_\_\_\_\_

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2)      X      1      \_\_\_\_\_

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

(+2/-2)      X      2      \_\_\_\_\_

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2)      X      2      \_\_\_\_\_

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2)      X      2      \_\_\_\_\_

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2)      X      2      \_\_\_\_\_

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (--)      \_\_\_\_\_

Total Score      \_\_\_\_\_

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

# APPENDIX A

## MATRIX FOR RATING

### QUESTIONS 1, 2, and 3

#### 1. AGRICULTURAL

#### 2. RESIDENCE, S.F.

#### 3. SUBDIVISION, S.F.

#### 4. M.H. or R.V. PARK

#### 5. RESIDENCE, M.F.

#### 6. SUBDIVISION, M.F.

#### 7. P.U.D., RES.

#### 8. REL, EDUC & REHAB

#### 9. FRAT or GOVT

#### 10. PUBLIC UTIL. (1A-3.1)

#### 11. PUBLIC REC

#### 12. CEMETERY

#### 13. LANDFILL or SWR. PLANT

#### 14. PRIV. REC. (PER)

#### 15. PRIV. REC. (CON)

#### 16. NEIGHBORHOOD BUS.

#### 17. RESIDENCE BUS.

#### 18. SERV. BUS.

#### 19. AREA BUS.

#### 20. REC. BUS.

#### 21. LIGHT IND.

#### 22. HEAVY IND.

#### 23. EXTR. IND.

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#### 235. EXTR. IND.

#### 236. EXTR. IND.

#### 237. EXTR. IND.

#### 238. EXTR. IND.

#### 239. EXTR. IND.

#### 240. EXTR. IND.

#### 241. EXTR. IND.

#### 242. EXTR. IND.

#### 243. EXTR. IND.

#### 244. EXTR. IND.

#### 245. EXTR. IND.

#### 246. EXTR. IND.

#### 247. EXTR. IND.

#### 248. EXTR. IND.

#### 249. EXTR. IND.

#### 250. EXTR. IND.

#### 251. EXTR. IND.

#### 252. EXTR. IND

# Compatibility Questions and Evaluation

Matrix Line # / Use: #3

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

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

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

Agricultural

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

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

S.F. Residential

(+2/-2) 0 X 1 0

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

Mostly Agricultural w/few houses

## Site Specific Evaluation (Impacts and Proposed Mitigation)

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

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

Yes, it is large

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

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

Yes - single family residential

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

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

Similar to other residential type uses but not to Ag uses

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

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

Yes, may be some smoke.

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

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

It is ~~far~~ not close to services; but should not be large impact.

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

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Will increase taxes.

Sub-Total (+) 26

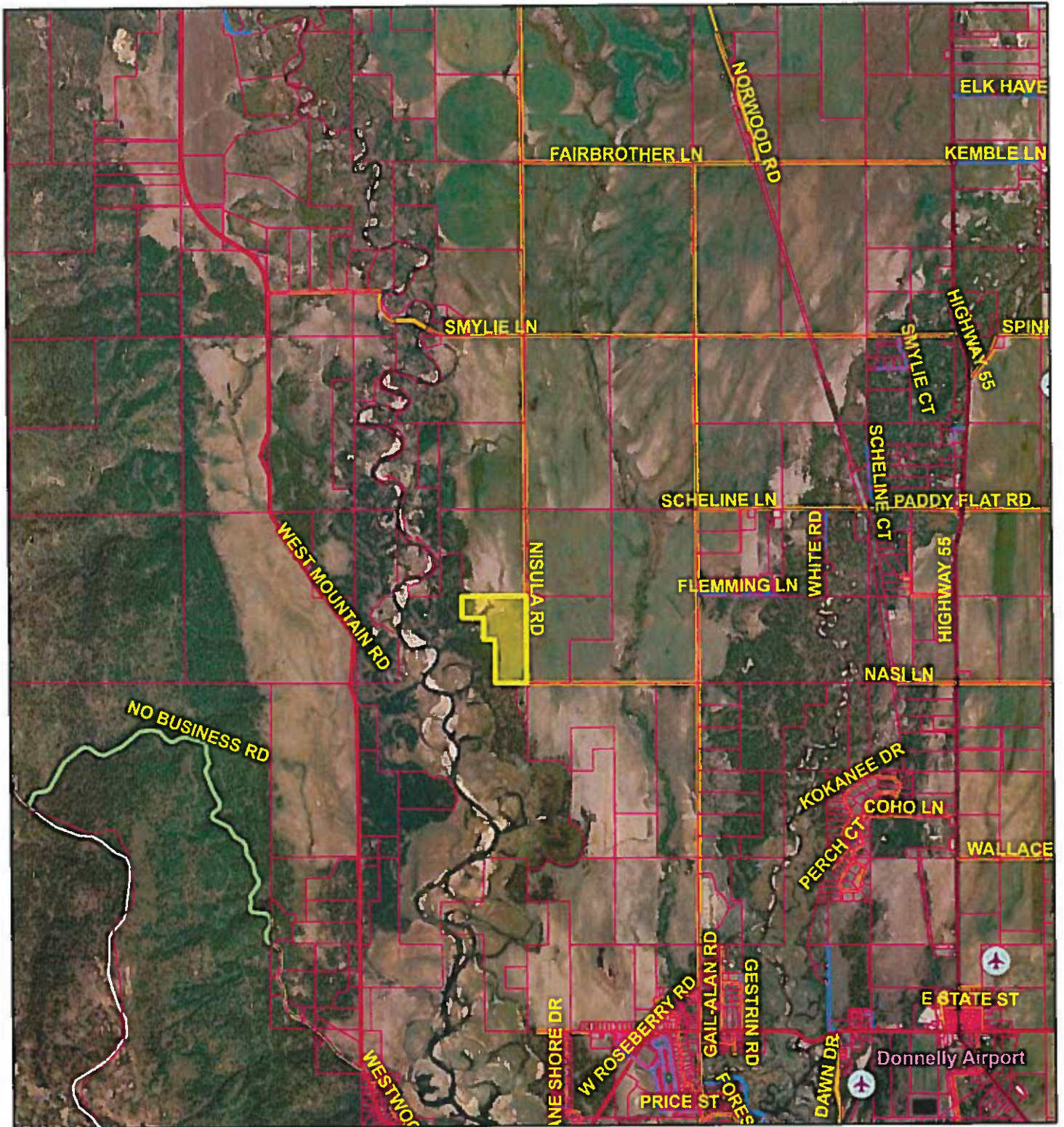
Sub-Total (--) 4

Total Score +22

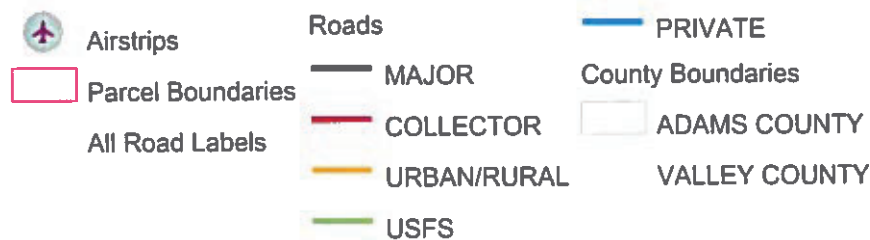
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.



# C.U.P. 22-08 Bear's Den Subdivision



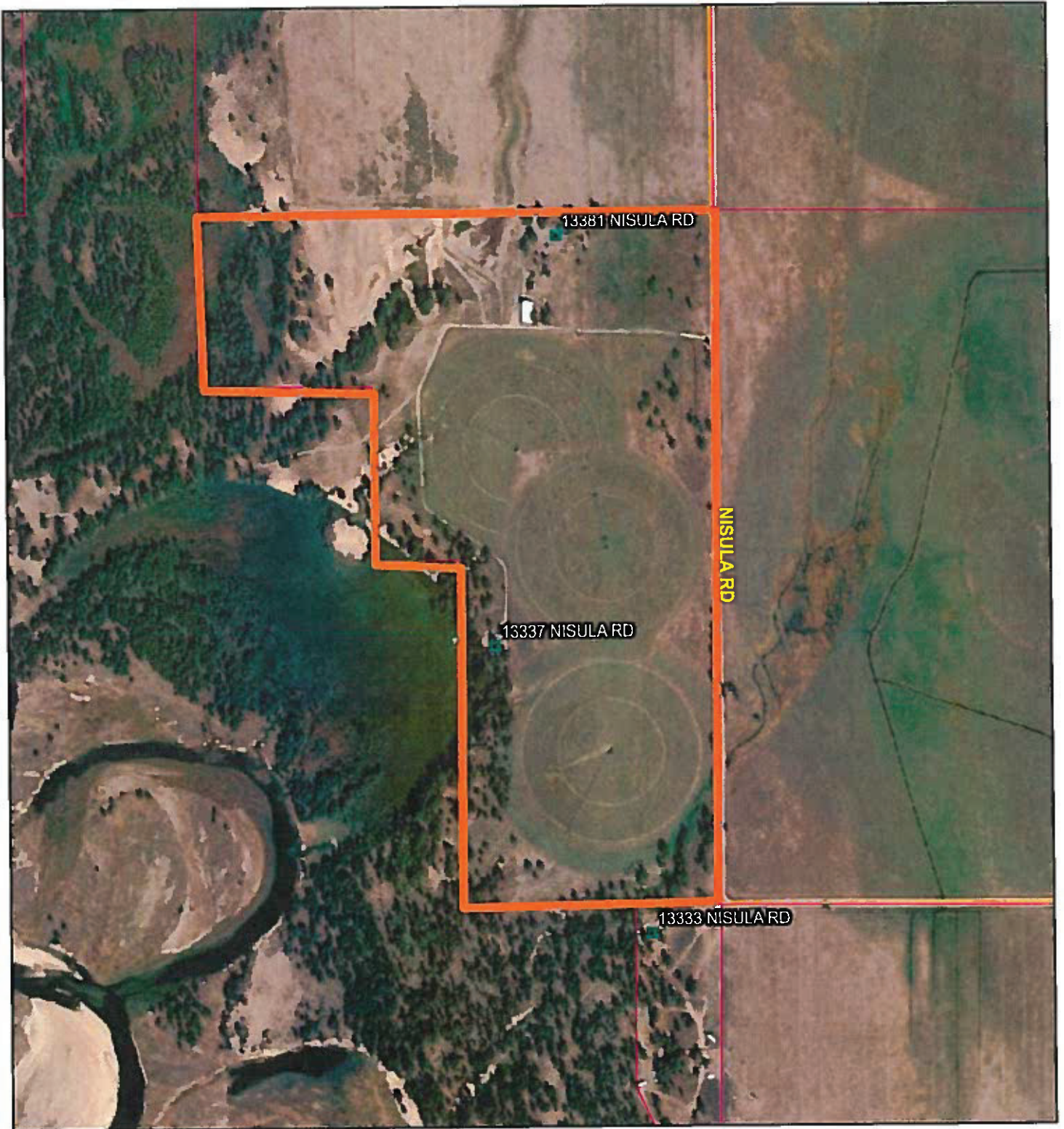
3/7/2022, 11:11:46 AM



Earthstar Geographics



# C.U.P. 22-08 Bear's Den Subdivision



3/7/2022, 11:18:48 AM

Parcel Boundaries Roads

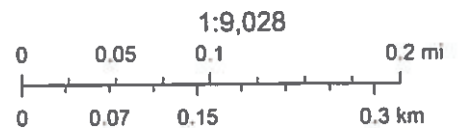
Addresses

All Road Labels

URBAN/RURAL

County Boundaries

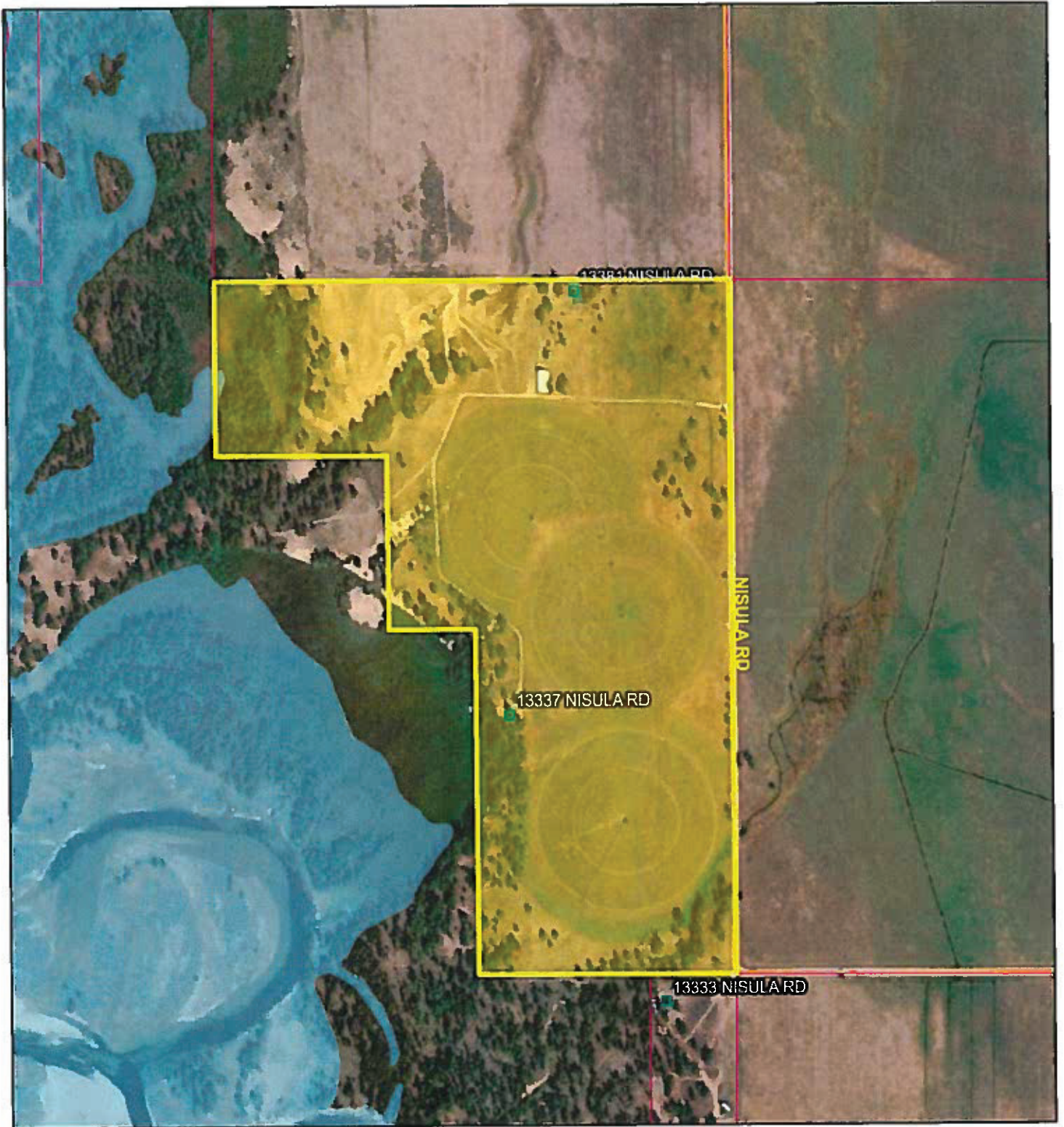
VALLEY COUNTY



Maxar



# C.U.P. 22-08 Floodplain Area



3/7/2022, 10:53:23 AM

## Floodplain

- A (1% Annual Chance, 100-Year)
- AE (1% Annual Chance, 100-Year)
- Floodway (1% Annual Chance, 100-Year)
- 500-Year Floodplain (0.2% Annual Chance)
- Parcel Boundaries

## Addresses

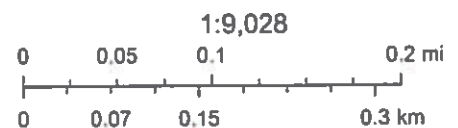
All Road Labels

## Roads

URBAN/RURAL

## County Boundaries

VALLEY COUNTY

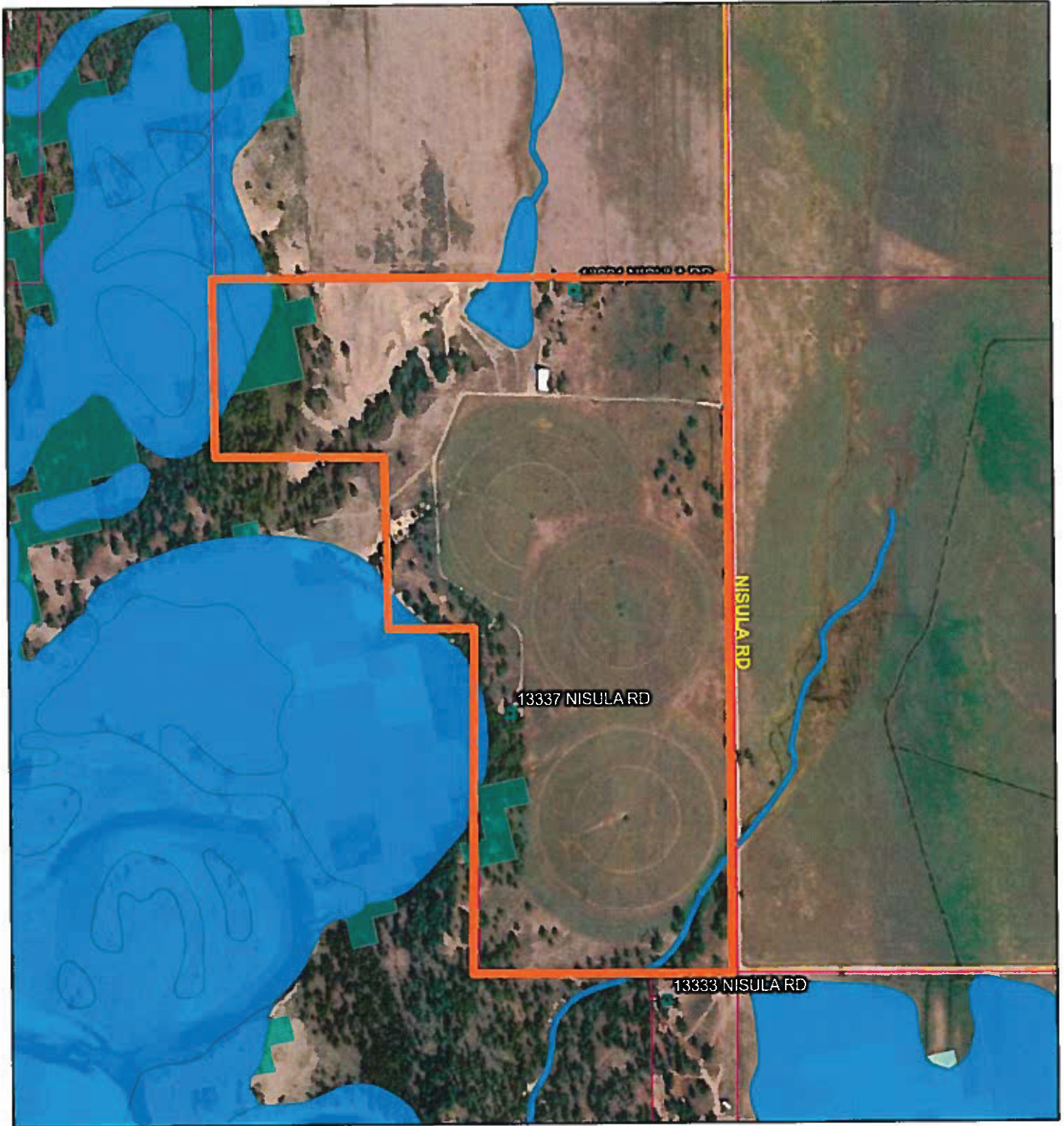


Valley County IT, Maxar

Web AppBuilder for ArcGIS



# C.U.P. 22-08 Wetland Areas



3/7/2022, 11:03:44 AM

Parcel Boundaries

Addresses

Wetlands (USFWS)

Wetlands (NLCD)

Emergent Herbac. Wetlands

Woody Wetlands

<all other values>

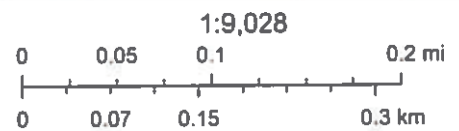
All Road Labels

Roads

URBAN/RURAL

County Boundaries

VALLEY COUNTY



Maxar

Web AppBuilder for ArcGIS

Maxar | Valley County IT | Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530. | United States Forest Service Natural Resource Manager (NRM) Infra

T W P . 1 7 N R O S E S E C . 3 1

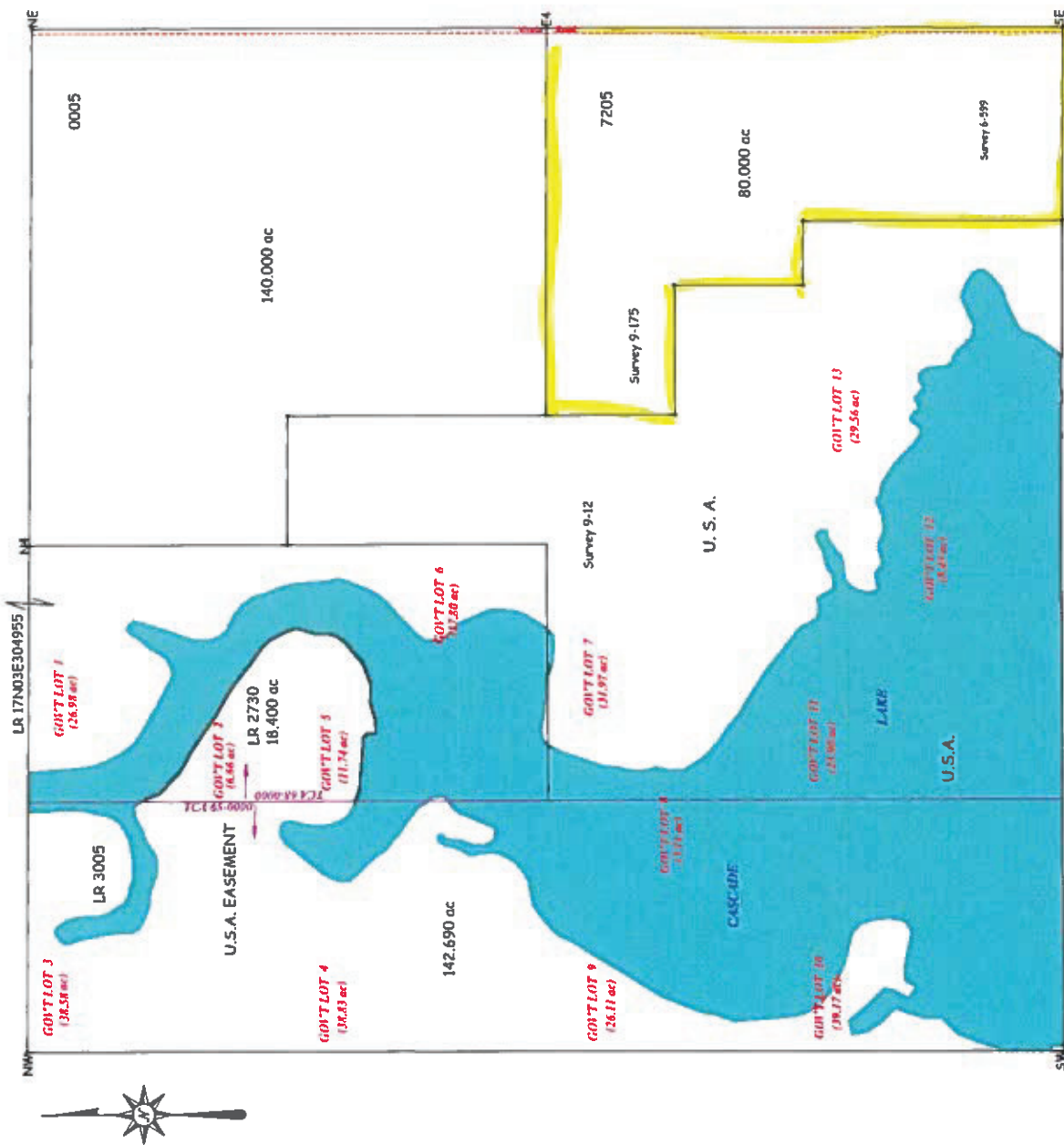
VALLEY COUNTY  
Assessor's Office  
Cartography Dept.  
Cascade, ID 83611

Filename:  
H:\quadrant\Valley County Name Map\

Scale: 1" = 400 ft

Date: 6/19/18

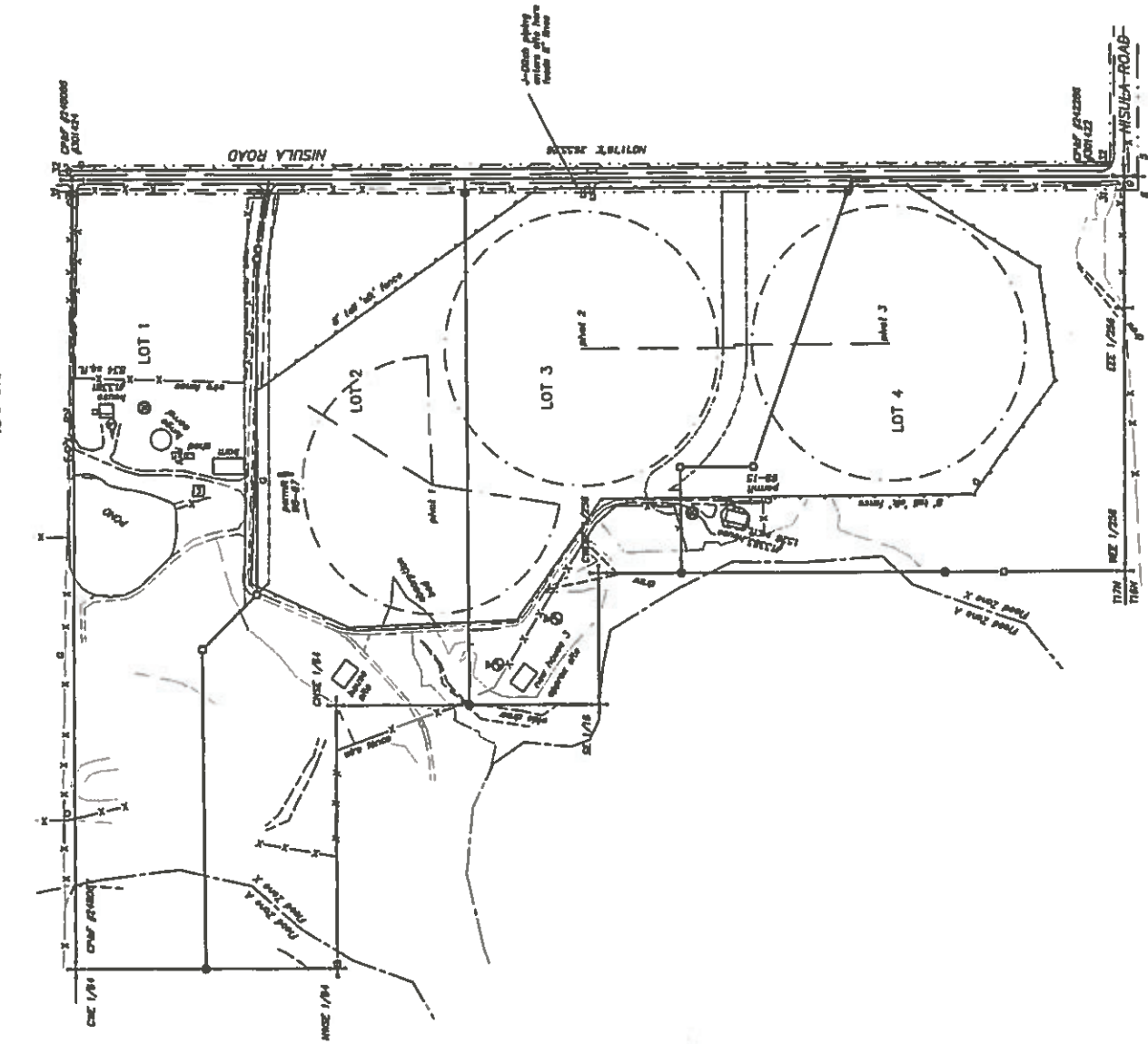
Drawn by: I. Frederick



### PLOT PLAN

situated in the southeast 1/4, Section 31,  
T.17N., R.03E., B.M., Valley County, Idaho

2022



Bearings based on GPS derived  
State Plane Grid, Idaho West Zone 1103,  
NAD83 (2011) Epoch 2010  
Coordinates projected to Ground by a  
Combined Factor of 1.000285501  
Distances are Ground in U.S. Survey Feet.  
Elevations based on Goid 18, NAVD88  
FIRM Point 160220-0475A, dated 9/5/90

05331

+ = Found Section, 1/4, 1/16, 1/4 or 1/24 corners  
 142 ② = Found 8 7/8" roset, mid. R. side LS 0377  
 □ = Found BGR Two fragments  
 143 ② = Set 8 7/8" x 30" roset, mid. LS 0201  
 144 ② = Set 1 7/8" x 24" roset, mid. LS 0021  
 Measurements above Mide of set 35 feet to Right of Hwy

五

**SECRET**

② = Utility Pole    3 = Guy Anchor     = Transformer  
 = Sewer Line     = Normal     = Access (driveway)

✓ = correct  
⊗ = not

[illegible]

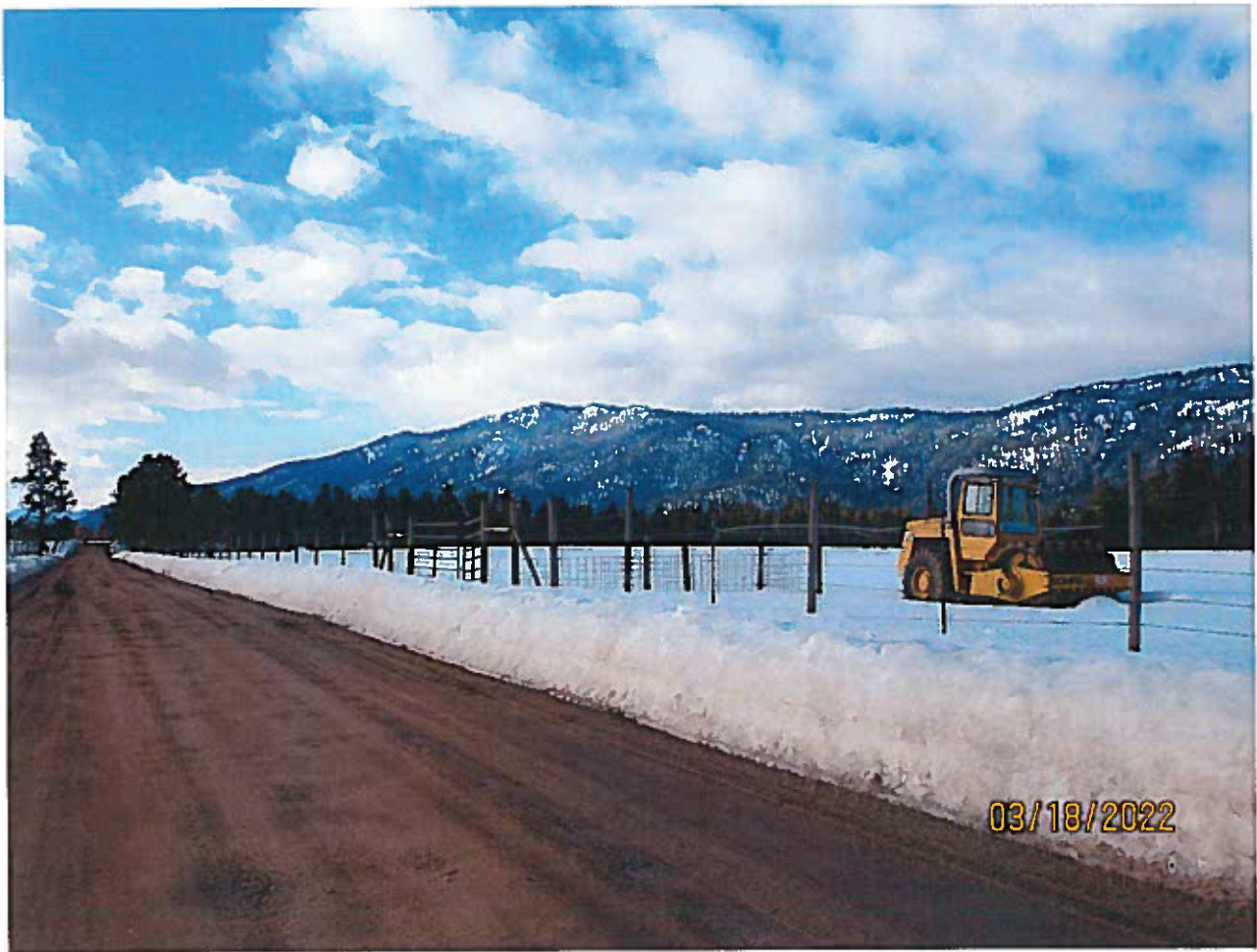
• Only flood right of way 70'

\_\_\_\_\_ = traveled very County Road, 25'  
 \_\_\_\_\_ = traveled very side  
 \_\_\_\_\_ = traveled very side  
 \_\_\_\_\_ = traveled very side

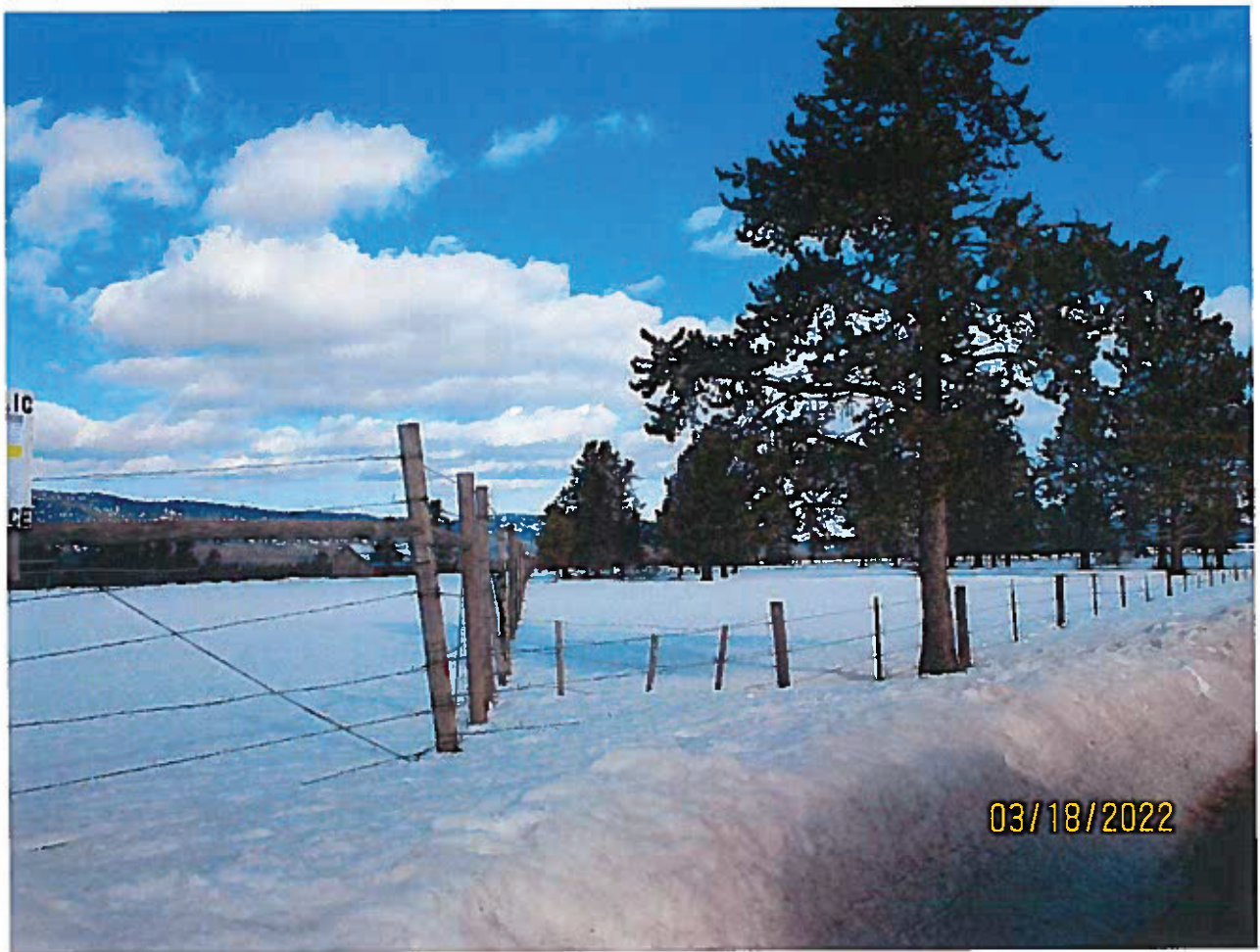
[illegible]

**Russell Surveying, Inc.**  
McClell, Idaho 2022









Jeff Mcfadden  
Thu 3/17/2022 12:41 PM  
To: Cynda Herrick; Lori Hunter  
Cc: **Valley County Commissioners**

- CUP 22-05 I have already commented
- CUP 22-06 No comment
- VAC 22-01 No comment
- CUP 22-07 No comment
- CUP 22-08 Nissula Road is a rural county road that gets maintenance when needed. It has low traffic volume. It is a year-round maintained road. It is not a bus route or major road. It get's plowed once a day in the winter when needed. Since it is not a main road, it does not get extra plowing on it during drifting events. During big snow events, this section of road might not get plowed until all other main roads are plowed, sometimes it might be the next day. The road tends to get "washboards and potholes" in the surface quite frequently. Residents need to know that the county does not do dust suppression.
- CUP 22-09 Road is wide with good visibility in both directions. Need to apply for a approach permit through the road dept.

Thank you

Jeff McFadden, Superintendent  
Valley County Road Department





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 22-08

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

Bear's Den Subdivision  
13381 & 13337 N. Sullivan Rd

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☒ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☒ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☒ high seasonal ground water ☐ waste flow characteristics  
☐ bedrock from original grade ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☒ 14. Subdivision Application, test holes, ground water monitoring, and  
Engineering report Required.

Reviewed By: [Signature]

Date: 3.16.22



## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 19<sup>th</sup>, 2022

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 22-08 Bear's Den Subdivision Preliminary and Final Plat

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

- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- **Section 503.7.8 IFC 2018** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter.
- Any residence utilized as a short term rental shall comply with **Valley County Ordinance 19-09 Liquified Petroleum Gas (LPG)**

Please call 208-325-8619 with any questions.

Jess Ellis

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

Fire Marshal  
Donnelly Fire Department



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706  
(208) 373-0550

Brad Little, Governor  
Jess Byrne, Director

March 25, 2022

By e-mail: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Valley County Planning and Zoning  
P.O. Box 1350  
Cascade, ID 83611

Subject: Bear's Den Subdivision, CUP 22-08

Dear Ms. Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects 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://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) 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 contractor(s) 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 RECYCLED 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 district health department.
- 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 ground water.
- 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) 373-0550.

## **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.
- 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.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (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.
- 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 ground water 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) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- 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) 373-0550.

## 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER 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 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 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.
- **Ground Water 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 Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. 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.



Response to Request for Comment

March 25, 2022

Page 5

- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. 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,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2022AEK54

**From:** Ron Nahas <[REDACTED]>  
**Sent:** Wednesday, March 23, 2022 4:36 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Cc:** [REDACTED]; Jonn Hickok <jhickok76@gmail.com>;  
Ron Nahas <[REDACTED]>  
**Subject:** C.U.P. 22-08 Ken Purdom

Hi Cynda,

I received your notice on the above Conditional Use Permit. I own the ranch immediately north of the Purdom property. As you may know, I have placed a conservation easement on my ranch that precludes future subdivision. I did that with the hope that others would do so as well to protect viable agricultural land on the west side of Highway 55. I continue to believe that preserving the agricultural heritage of Valley County is not only the right thing to do, it is vital to saving the quality of the landscape that attracts visitors. Growth pressures make it difficult, and it is important that the county plan for and maintain agricultural zoning where the parcels are large enough to sustain agricultural use. As such, I was disappointed to find out that Doctor Purdom intended to subdivide his 80 acre parcel.

I have discussed my concerns with Doctor Purdom and he has explained to me that we wants to build a retirement home for himself and one for his sister. He is a good neighbor and I am fully supportive of his desire to retire on the property and have his sister close by. I am hopeful the county can find a way to accommodate his needs without resorting to a subdivision of the property which in my opinion will ultimately lead to the loss of the agricultural value and encourage others to subdivide. Doctor Purdom has assured me that is not the case, but this will rapidly become precedent for others to do the same.

Cordially,

Ron Nahas