



CITY OF WALLACE
 PLANNING AND ZONING HISTORIC PRESERVATION COMMISSION
 Regular Meeting Minutes
 City Hall Council Chambers
 703 Cedar Street, Wallace ID 83873
 February 4, 2026
 6:00 pm

CALL TO ORDER:

Chairman Marlow called the meeting to order at 6:00 p.m. at Wallace City Hall in the Council Chambers.

COMMISSIONERS PRESENT:

Emma Marlow, Chair
 Sarah Murphy, Vice Chair
 Mike Lavigne
 Adam Guthrie
 Heather Barnhart

STAFF MEMBERS PRESENT:

Ben Allen, Legal
 Amanda Trogden, Deputy City Clerk
 Chase Sanborn, Mayor

COMMISSIONERS ABSENT:

FLAG SALUTE:

Led by Commissioner Barnhart

AMENDMENT OF AGENDA: (ACTION ITEM)

No amendments were requested.

STAFF/COMMISSIONER COMMENTS:

Chairman Marlow yielded the floor to Mayor Sanborn for comments. Mayor Chase Sanborn addressed the Commission, thanking members for their service and acknowledging the significant work completed on the Comprehensive Plan. The Mayor expressed appreciation on behalf of the City and offered continued support from City staff and administration.

APPROVAL OF MINUTES: (ACTION ITEM)

Motion by Commissioner Murphy, second by Commissioner Barnhart, to approve the January 7, 2026, meeting minutes as presented.

ROLL CALL:

Commissioner Lavigne	Voted	Yes
Commissioner Murphy	Voted	Yes
Chairman Marlow	Voted	Yes
Commissioner Barnhart	Voted	Yes
Commissioner Guthrie	Voted	Yes

Motion carried.

PUBLIC HEARING: ** (ITEMS BELOW CONSIDERED TO BE ACTION ITEMS)**

1. Applicant: Garrett Prettyman
Location: 101 Pine Street
Request: Consideration of emergency site disturbance work, slope stabilization, and tree removal
Representative: Owner, Garret Prettyman

Applicant presentation:

Mr. Prettyman presented a detailed overview of ongoing slope instability conditions at the property located at 101 Pine Street. He explained that sections of a historic retaining wall behind the residence have gradually failed over time, allowing colluvial soils and rock to migrate downslope and accumulate directly against the exterior walls and foundation. The applicant stated that he has repeatedly removed soil and debris to relieve pressure on the structure, but that off-site disposal has been delayed due to bridge instability that could not support dump truck or heavy equipment loads.

He noted that slope movement remains active, particularly during periods of warmer temperatures or increased precipitation, and emphasized that soil and rock displacement continue to occur. The applicant stressed that the request before the Commission was prompted by immediate safety concerns rather than expansion or aesthetic improvements. He asked the Commission to recognize the condition as an emergency under City Code and allow limited site disturbance necessary to protect the residence.

The applicant also described a large fir tree on the River Street slope that he believes poses a risk to his neighbor's structures and would like to remove that tree to address the immediate safety concerns. Mr. Prettyman outlined conceptual stabilization measures included in the submitted materials, focusing on stormwater management, regrading to more stable slopes where feasible, minimal terracing, and reforestation using native vegetation and fibrous-rooted ground cover. The applicant explained that the long-term objective is to stabilize the hillside through natural systems such as root binding and canopy coverage, thereby reducing reliance on engineered retaining walls where practicable. He expressed willingness to coordinate with City staff and the Commission to ensure that any future work aligns with historic preservation standards and public safety requirements.

Commission Comments to the Applicant:

Commissioner Mike Lavigne wanted clarification on what the applicant wanted approval from the Commission.

Applicant Response:

Mr. Prettyman referenced WCC 154.07 (b) in that he does not want to replace the retaining wall. With his proposed plans submitted, wanted to change the back slope to support itself, so a retaining wall could be omitted. The second request or area of concern is the slope that faces River Street. Referenced page 21, showing a log retaining wall on that slope, which failed and rotted away over time. Debris is sliding down towards other property below. To summarize, replant and improve drainage for waterfall and snowmelt, and stabilize the slope facing River Street and the slope behind the house.

Chair Emma Marlow stated there are very specific requirements for slope cut, distance, and height when a retaining wall is required. Stated it is not really up for a preferential decision. The other thing of note is that the Pine Street Bridge does not allow for the dump truck to go over it. The Commission has been informed by the Public Works Overseer, Cory Harshman, that if we were to allow for a dump truck to potentially go over that bridge, the state will have to be called in to assess the viability of that bridge, and read from an email given to the City Clerk attesting to the conversation from the Public Works Overseer.

City Legal Counsel Ben Allen referenced Wallace City Code Chapter 154.08 regarding retaining wall requirements, in summary stated that cut slopes greater than five feet in height must meet prescribed slope ratios unless supported by an engineered retaining wall. He advised that the intent of the code is to address the stability of soils closest to structures and cautioned that claims regarding bedrock location or slope performance require professional engineering verification.

Applicant Response:

The applicant referenced page 7 of his drawing provided in the packet, showing how the slopes would match that 2-1 ratio that is specified, except for a portion of exposed bedrock, which he believes was original to the home, and asked if that changed any of the requirements for the retaining wall.

City Legal Counsel Ben Allen reiterated that he is the Commission's legal counsel and analyzes what he believes the intent of the Wallace City Code, stating that ultimately it is the Commission's decision. Where the code specifically involves an analysis of engineering, legal counsel defers to the professionals. Specifically, the WCC being referenced is a 2-1 ratio, and in the drawing provided, the primary area of concern that engineers would look at is the hillside immediately behind the house, which does not appear to be that, but again would defer an analysis from an engineer.

Commissioner Mike Lavigne stated that his primary concern involved slope geometry and proximity to the residence. He referenced the submitted drawings and noted that the proposed grading behind the home appeared to rise approximately fifteen feet within a short horizontal distance, which did not appear to meet the 2-1 slope ratio required by code. Commissioner Lavigne also expressed concern that excavation down to bedrock could channel water toward the foundation, increasing flood and erosion risk.

Applicant Response:

Mr. Prettyman explained that the steep face identified by Commissioner Lavigne represents existing exposed bedrock rather than newly proposed excavation. He stated that he intended to remove unstable overburden that had accumulated against the home over time, not to create a new cut. He further explained that drainage improvements, including benching and diversion of runoff into controlled drainage systems, were proposed to prevent water from flowing directly toward the foundation.

Commissioner Sarah Murphy asked for clarification in regards to the extent of excavation proposed behind the residence and whether soil removal would continue until bedrock was reached.

Applicant Response:

The applicant stated that soil removal would be limited to unstable material currently pressing against the structure and that excavation depth would vary depending on conditions encountered. He noted that portions of the site already consist of exposed rock and that the residence itself is founded on rock, referenced on page 6.

Commissioner Mike Lavigne stated his concern with exposing bedrock and water accumulation that could potentially pool at the base of his house.

Chairman Marlow explained that in recent years, soil studies have been done with the Comprehensive Plan and the Historic Preservation Plan, and does not believe those studies are consistent with a granitic bedrock the applicant is stating is present, does not believe that is the nature of the surrounding mountainsides in Wallace and without a geological engineer attesting to that claim, it would not be appropriate to assume.

Commissioner Mike Lavigne reiterated his agreement with Ben Allen, Legal Counsel, on deferring to an engineering analysis attesting to a proposed plan, above the plan provided by Mr. Prettyman, who is not an engineer, but does have 20+ years of experience in the field of landscaping, retaining walls, sprinkler

systems, and ground cover. Stated his concern with neighboring properties below, the hillside, and his house next to the hillside, and believes a professional engineer needs to be consulted for analysis and a plan to determine the next steps on what can and should be done.

Chairman Marlow asked for clarification on whether Mr. Prettyman removed the wood retaining wall below his house that was rotting.

Applicant Response:

Mr. Prettyman stated that the rains from last fall contributed to the ultimate failure and slippage of the wall. Referenced page 21 in the packet. He has, over the years, tried to mitigate or slow down rain-wash and erosion by placing debris and leaves, but ultimately, the rain has washed the remaining wall down to the River Street side.

Commissioner Heather Barnhart stated she lives at 124 River Street next to 118 River Street and expressed her concern with the continued digging and the piling of contaminated soil around the property. Questioned how further soil movement would be prevented from impacting downhill properties along River Street. She also asked whether alternative soil disposal routes or repositories had been explored and if he had a proposed timeline, and also questioned if some of the runoff is from his removal of trees behind his house.

Applicant Response:

Mr. Prettyman is aware of the alarm and concern of the current condition, but states it has looked like this for over 100 years, as referenced page 21. Stated crawl space repair confirms the house is on solid bedrock. Stated that loose soil does exist behind his house and in some surrounding areas, but reiterated that the house is on solid rock. Stated tree removal took place in 2020 due to immediate danger to his house. Proposing massive reforestation and planting of ground cover to help stabilize the hill. Referenced page 11 as a projection of his plans.

Public Testimony Open:

Shauna Hillman suggested reviewing historic photographs from the Barnard-Stockbridge collection to better understand original site conditions.

Ryder Gauteraux owner of the property located at 118 River Street, which is below 101 Pine Street, and a former owner of the subject property, provided detailed testimony in opposition to the request. Mr. Gauteraux expressed significant concern regarding the testimony of Mr. Prettyman and objects to most of what was said. Stated recent soil movement on the River Street-facing slope and asserted that excavation and soil placement activities undertaken on the subject property contributed to the instability. He stated that soil, debris, and rocks have fallen onto his property and toward the public right-of-way, creating safety concerns for nearby residents and vehicles. Agreed that one tree needs to be removed immediately, but others suggested not.

Mr. Gauteraux described observing soil stockpiled near the edge of the driveway above River Street and stated that portions of that material had sloughed downslope during heavy rainfall events. He referenced photographs he had taken following a recent slide event and submitted those images to the record via email to the deputy clerk for Commission review. Mr. Gauteraux stated that he had consulted with an engineer following the slide (later identified as Chris Pfahl, who looked at the property in November of 2025), who advised that engineered retaining walls and professional slope stabilization would likely be required. He emphasized that any further work should be designed and stamped by a licensed engineer and urged the Commission not to approve non-engineered emergency work.

Mr. Gauteraux further stated that Mr. Prettyman is trying to gain more area and has piled dirt around to that effect. Historic retaining structures previously referenced were removed before the applicant's ownership and disputed claims regarding historic wall failure. He recommended that Commissioners conduct a site visit before any future decision and requested that no approvals be granted until a comprehensive engineering analysis is completed.

Commissioner Mike Lavigne asked legal counsel if the request is beyond what the Planning and Zoning Commission is required to do. Stated it is obvious that some sort of erosion control is needed, but believes that an engineer should be consulted.

Ben Allen, Legal Counsel, stated he does not want to cut off any members of the public who still want to speak in support or opposition, as well as giving the applicant sufficient due process to rebut or respond to any public testimony, but after the Public Hearing, his recommendation to the Commission would be to not take any action today and believes there is not sufficient information for a decision.

Todd Howard, representing the Wallace School District, provided testimony regarding recent tree removal activities on the slope adjacent to school district property. Mr. Howard stated that the District retained professional arborists to evaluate the trees and followed their recommendations. He explained that trees were cut high to encourage regrowth, stumps were left in place to aid soil stability, and smaller vegetation was retained to help secure the hillside. Mr. Howard stated that the District's intent was to reduce hazard trees while minimizing erosion and maintaining slope stability.

Chairman Marlow spoke into the record and stated that the city of Wallace has sought the support and input of the Public Works Overseer, the Building Inspector, Panhandle Health, and Silver Valley Law, who issued a Formal Notice of Violation *Stop Work Order* in December 2025. Stated that the application is incomplete in that there is no formal application form filled out. Legal Counsel confirmed Mr. Prettyman sought an exemption for emergency work based on his interpretation of the W.C.C.

Public Testimony Closed:

Applicant Response/Rebuttal:

Mr. Prettyman responded to public comments, reiterating his concerns for safety and his willingness to work collaboratively with the City. He acknowledged that professional engineering analysis may be necessary and expressed a desire to pursue a path forward that avoids litigation and allows for appropriate technical review. Stated he has actively been clearing up debris that accumulates down his driveway, but only appears more visible because of the trees that were recently removed from the School District. As to Mr. Gauteraux's comments, Mr. Prettyman confirmed he did add soil to the back of his side of his property, hoping to stabilize portions of the edge, but doesn't believe it is at the volume suggested. Summarized that he hopes to go the route of reforestation instead of retaining walls.

Commission Discussion:

The Commission discussed the scope of its authority and the incomplete nature of the request, noting that no formal site disturbance permit or certificate of appropriateness application had been submitted, nor any engineering plans. Discussion was held on the procedure for Mr. Prettyman to move forward that would enable him come back and apply with an application at a later date.

Ben Allen, Legal Counsel again advised that the request before the Commission constituted a request for exemption under emergency provisions and that the Commission lacked sufficient technical information to grant such an exemption.

Commissioners agreed that the matter exceeded the Commission's expertise and that professional engineering evaluation would be required before consideration of any work.

Mr. Prettyman voluntarily withdrew his request for emergency exemption in order to pursue an engineered plan and submit a complete application at a future date.

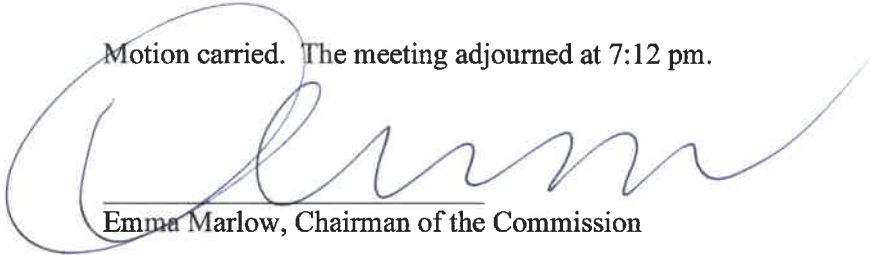
No action was taken.

There being no further business to come before the Commission, Commissioner Lavigne motioned, seconded by Commissioner Guthrie, to adjourn.

ROLL CALL:

Commissioner Lavigne	Voted	Yes
Commissioner Murphy	Voted	Yes
Chairman Marlow	Voted	Yes
Commissioner Barnhart	Voted	Yes
Commissioner Guthrie	Voted	Yes

Motion carried. The meeting adjourned at 7:12 pm.



Emma Marlow, Chairman of the Commission

Attest:



Amanda Trogden, Deputy City Clerk