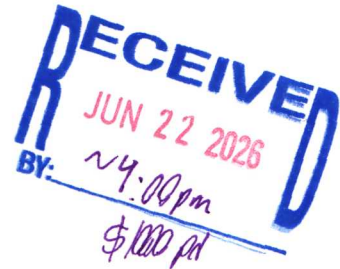




Abigail R. Germaine

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June 22, 2026



VIA EMAIL:

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Hard copy to follow:

Valley County Board of County Commissioners
c/o Brian Oakey, Chief Deputy Prosecutor
Valley County Clerk – Gabrielle Knapp
219 North Main Street
PO Box 1350
Cascade, ID 83611

Re: Appeal to Board of County Commissioners
SUB 26-005 Pine Creek Ranch South Subdivision – Preliminary Plat

Dear Valley County Board of County Commissioners:

Thank you for your time and consideration of this matter. We represent Mathew Falvey, acting on behalf of and at the request of the Stockton Neighborhood property owners, and Randy Wall, P.E. ("Appellants"). The Appellants are appealing the Valley County Planning and Zoning Commission's ("Commission") decision approving Pine Creek Ranch South Subdivision – Preliminary Plat SUB 26-005 ("Application"), on June 11, 2026. The Commission approved the Application ("Decision") despite substantial concerns raised by neighboring property owners, the City of McCall, and Randy Wall, P.E., regarding the nature of the proposed roadway, traffic impacts, roadway standards, and the relationship between the Application and future development. The Commission has not yet issued its Findings of Fact, Conclusions of Law, and Decision, and therefore Appellants reserve the right to supplement this appeal with additional information and argument when said Decision is issued in writing.

The Appellants respectfully request that the Valley County Board of County Commissioners ("Board") reverse the Commission's approval and deny the Application based

upon the information contained in the record and discussed below.

I. BACKGROUND

The Application seeks approval of a four-lot subdivision located within unincorporated Valley County, but within the City of McCall Impact Area ("Project"). Although the Application proposes four residential lots, its purpose is to create a four-parcel subdivision capable of accommodating numerous residential structures in the future. Therefore, one of the central components of the Project is the establishment of an eighty-foot public right-of-way designed to provide secondary access to adjoining property and to create a roadway corridor capable of serving future development north of the subdivision. The Project contemplates a privately maintained gravel roadway within that public right-of-way. Throughout the application process, the roadway has consistently been characterized as an access corridor intended to accommodate future development and eventual roadway connections beyond the four lots presently proposed.

During the Application process, numerous concerns were raised throughout the review process regarding the nature of the proposed roadway, the uncertainty associated with future development, and the inability to meaningfully evaluate impacts associated with the Project. Specifically, being that this project is within the City of McCall Impact Area, the City of McCall submitted comments dated May 4, 2026, identifying concerns regarding the lack of specificity and predictability associated with the proposal. The City recognized the purpose behind the roadway and expressly stated that it was not supportive of the proposal as presented. The City raised concerns regarding timing, surfacing, maintenance, and the long-term implications associated with the proposed access. See **Exhibit A**.

Likewise, Randy Wall, P.E., submitted comments on June 3, 2026, identifying additional deficiencies and unresolved issues associated with the Project. Mr. Wall raised concerns regarding traffic impacts, roadway standards, maintenance obligations, and the relationship between the proposed subdivision and future development. See **Exhibit B**. Neighboring property owners raised similar concerns regarding the ultimate purpose and use of the roadway, the uncertainty associated with future development, and the inability to evaluate the long-term impacts associated with the Project. Despite the unresolved issues identified by the City of McCall, neighboring property owners, and Mr. Wall, the Commission approved the Application.

The Appellants request the Board grant this appeal and reverse the Commission's approval because the information contained in the record demonstrates that the Application fails to satisfy the applicable standards of Valley County Code and because the Commission failed to provide the reasoned statement required by Idaho Code § 67-6535.

II. APPLICABLE STANDARDS AND REQUIREMENTS

a. *Appeal Standards*

The Appellants seek to appeal the Commission's approval to the Board pursuant to Valley County Code Sections 10-2-5 and 9-5H-12, and Idaho Code Title 67, Chapter 65. Valley County

Code Section 9-5H-12 provides that any decision of the Commission may be appealed to the Board by an applicant, any aggrieved person, or the administrator. Likewise, Valley County Code Section 10-2-5 provides that any person, firm, or corporation may appeal in writing the decision of the Commission relative to subdivision matters.

Idaho Code § 67-6535 of the Local Land Use Planning Act expressly provides that approval or denial of any application must be based upon standards and criteria established by ordinance. Specifically, Idaho Code § 67-6535(1) provides that approval or denial of any application required or authorized pursuant to Chapter 65 must be based upon standards and criteria contained within the comprehensive plan, zoning ordinance, or other applicable regulations. The statute further requires that whenever the nature of a decision standard or criterion allows, the written decision shall identify aspects of compliance or noncompliance with the applicable standards and criteria.

Failure to identify the nature of compliance or noncompliance with applicable approval standards, or failure to explain compliance or noncompliance with relevant decision criteria, constitutes grounds for invalidation of an approved permit or site-specific authorization on appeal.

Idaho Code § 67-6535(2)(a).

The Idaho Supreme Court has repeatedly held that failure to address compliance or noncompliance with applicable approval standards constitutes grounds for invalidating a local land use decision. *Northwest Neighborhood Association v. City of Boise*, 171 Idaho 761, 535 P.3d 583 (2023). Likewise, in *Jasso v. Camas County*, the Court explained that the reasoned statement required by Idaho Code § 67-6535 must plainly state the resolution of factual disputes, identify the evidence supporting those factual determinations, and explain the basis for the legal conclusions reached. 151 Idaho 790, 794, 264 P.3d 897, 901 (2011).¹

Pursuant to Valley County Code Section 9-5H-12, the Board shall hold a public hearing on the appeal and review the Commission's proceedings and decision and may obtain additional information from the administrator, applicant, appellant, or the public. The Board may sustain,

¹ In *Jasso*, the Court provided numerous examples of when statements issued by governing authorities were deemed deficient:

In *Crown Point Development, Inc. v. City of Sun Valley*, the purported findings of the city council were merely recitations of portions of the record, rather than determinations of the facts disputed by the parties. 144 Idaho 72, 77-78, 156 P.3d 573, 578-79 (2007). This Court found the "findings" to be inadequate. *Id.* In *Workman Family Partnership v. City of Twin Falls*, the city council's factual findings explained that a rezoning application was denied because the rezoning imposed "[t]oo great a change," would devalue nearby residential properties, and "would violate the integrity of existing residential zoning districts." 104 Idaho 32, 37, 655 P.2d 926, 931 (1982). The court held that "[t]he reasons listed for the denial of the application ... are basically conclusions. Nothing ... reveals the underlying facts or policies that were considered by the Council. The reasons listed ... provide very little insight into the Council's decision." 104 Idaho at 38, 655 P.2d at 932. In *Cooper v. Board of County Commissioners of Ada County*, the Court held that a board of county commissioners' findings and conclusions, supplemented by a staff report that stated some of the shortcomings for which the application was denied, were inadequate where the board denied the application "because of items 1, 2, 3 and 4 and Agricultural Policies No. 4 and No. 5 and also because of the school district." 101 Idaho 407, 408-09, 614 P.2d 947, 948-49 (1980).

deny, amend, or modify the Commission's decision.

The Appellants submit that the Commission's approval contains deficiencies that require reversal and denial of the Application. Specifically, the Commission failed to identify how the Application complies with applicable provisions of Valley County Code, failed to resolve disputed factual issues contained within the record, and failed to explain how the impacts associated with the proposed use had been satisfactorily mitigated at the time approval was granted.

b. *Applicable Code and Criteria*

The subject property is located within unincorporated Valley County and is therefore governed by the Valley County Code. Valley County Code Section 9-5-2 establishes the criteria applicable to conditional uses. Under that section, conditional uses are appropriate when they do not result in undue adverse impacts upon adjoining properties, the environment, or governmental services, and are consistent with the Comprehensive Plan and increase the value of privately owned property. Valley County Code Section 9-5-2(C) further provides that conditional uses should be encouraged where any noncompatible aspects of the proposed use can be satisfactorily mitigated through development agreements and conditions of approval. Thus, a conditional use permit may be approved only when the impacts associated with the proposed use can be adequately mitigated.

Conditional uses are limited to those uses identified in Valley County Code Section 9-3-1, Table 3-A, and Valley County Code Section 9-5-4, Table 5-A. Pursuant to section 9-5-1(B), if a proposed land use is not expressly provided for in Table 3-A, the Planning and Zoning Commission must determine whether the use is permitted or conditional based upon its similarity and dissimilarity to listed uses, particularly with respect to visual attributes, demand for public services and facilities, and impacts upon adjacent properties. Accordingly, before a conditional use permit may be approved, the proposed use must either fall within an enumerated conditional use category or be properly classified under the criteria set forth in Valley County Code Section 9-5-1(B).

Once the proposed use has been determined to be a conditional use, Valley County Code Sections 9-5-1, 9-5-2, and 9-5-4 require the application to be reviewed in accordance with the standards established by ordinance. Table 5-A sets forth the categories of conditional uses and the development standards applicable to those uses. Title 10 of the Valley County Code separately establishes standards governing public roads and private roads. Accordingly, approval of a conditional use permit must be based upon a properly classified use under Valley County Code Section 9-5-1(B) and evaluated pursuant to the standards prescribed in section 9-5-4, Table 5-A, and other applicable provisions of the Valley County Code.

Specifically, conditional uses should only be allowed:

- 1) In areas and to standards that will increase the value of privately owned property;
- 2) Without undue adverse impact on the environment, adjoining properties, or governmental services; and
- 3) Where consistent with the Comprehensive Plan.

III. BASIS FOR APPEAL – ANALYSIS OF APPLICABLE STANDARDS REQUIRES THE APPLICATION BE DENIED

As a preliminary matter, the Application before the Commission was presented as a four-lot subdivision. However, the record demonstrates that the principal purpose of the Project is not merely the creation of four residential lots. Rather, the Project is intended to establish a permanent access corridor and future connectivity to property located north of the subdivision. Interested parties consistently identified concerns regarding the uncertainty associated with future development, roadway standards, maintenance obligations, and the inability to evaluate the ultimate impacts associated with the proposed access.

The Commission nevertheless approved the Application despite the existence of numerous unresolved issues and despite the lack of any explanation identifying how the Project complies with the applicable standards of Valley County Code. The Appellants respectfully submit that the Commission's approval cannot be sustained because the record demonstrates that the Application fails to satisfy the applicable standards and because the Commission failed to provide the reasoned statement required by Idaho Code § 67-6535.

a. *The Commission Failed to Provide the Required Reasoned Statement and Failed to Resolve Relevant Contested Facts.*

Idaho Code § 67-6535 requires a local land use decision to identify the applicable standards and explain why the evidence demonstrates compliance with those standards. Likewise, *Jasso v. Camas County* requires that a reasoned statement resolve disputed factual issues, identify the evidence supporting those factual determinations, and explain the basis for the legal conclusions reached.

The record in this matter contained numerous contested issues. The City of McCall expressly concluded that the proposal lacked sufficient specificity and predictability and stated that it did not support the Project as proposed. Randy Wall, P.E., identified concerns regarding traffic impacts, roadway standards, eventual connection to the road on the north side, maintenance obligations, and the relationship between the Application and future development. Neighboring property owners raised similar concerns regarding the purpose and ultimate use of the roadway and the inability to evaluate the impacts associated with future development.

Despite these disputed issues, the Commission approved the Application without identifying which factual disputes it resolved, what evidence it relied upon in resolving those disputes, or how the Project satisfied the applicable standards. Instead of resolving these issues, numerous matters were deferred to future engineering reviews, future development agreements, and future applications.

The issue is not whether these concerns may someday be addressed. Rather, the issue is whether the Commission determined that the applicable standards had been satisfied based upon the facts before it and articulated the basis for that determination. Idaho Code § 67-6535 requires present compliance with applicable standards and a reasoned explanation demonstrating how those standards have been met.

The Idaho Supreme Court has repeatedly held that findings consisting of conclusory statements or recitations of the record are insufficient. In *Crown Point Development, Inc. v. City of Sun Valley*, the Court held that findings that merely recited portions of the record without resolving disputed facts were inadequate. 144 Idaho 72, 77-78, 156 P.3d 573, 578-79 (2007). Likewise, in *Workman Family Partnership v. City of Twin Falls*, the Court held that generalized statements concerning the impact of a rezone application constituted conclusions rather than findings because they failed to disclose the underlying facts and policies supporting the decision. 104 Idaho 32, 38, 655 P.2d 926, 932 (1982). Similarly, in *Cooper v. Board of County Commissioners of Ada County*, the Court held that a denial based upon references to generalized concerns and staff reports failed to satisfy the requirement that the basis for the decision be disclosed. 101 Idaho 407, 408-09, 614 P.2d 947, 948-49 (1980).

Here, the Commission failed to resolve the disputed factual issues presented by the record and failed to explain how the evidence demonstrated compliance with the applicable standards. Because Idaho Code § 67-6535 requires more than conclusory statements and assumptions that unresolved matters may be addressed later, the approval should be reversed.

b. *The Record Does Not Establish that the Impacts Associated with the Proposed Use Have Been Satisfactorily Mitigated.*

Valley County Code Section 9-5-2 provides that conditional uses should be encouraged where impacts associated with the proposed use can be satisfactorily mitigated. Staff specifically advised the Commission that Section 9-5-2 should serve as the primary focus of deliberations and that absent adequate mitigation the Application would not satisfy the requirements of the ordinance.

Throughout the review process, neighboring property owners identified numerous concerns regarding the Project. Specifically, concerns were raised regarding:

- Traffic generated by present and future development;
- Roadway design and construction standards;
- Long-term maintenance obligations;
- Timing and extent of future roadway extensions and connections to adjoining properties;
- Impacts upon surrounding properties;
- The relationship between the Application and future development; and
- Future off-site improvements.

The issue is not whether impacts associated with the Project may someday be mitigated. It is whether the record demonstrates that those impacts had been satisfactorily mitigated at the time approval was granted. The record demonstrates that it does not. Indeed, many of the essential aspects of the Project remain unknown. The scope and intensity of the future development intended to utilize the roadway remain uncertain. Traffic impacts associated with that development remain unresolved. The timing and extent of future connection to Mountain Ranch Boulevard are unknown. Likewise, future maintenance obligations, roadway standards, and off-site improvements remain uncertain.

As discussed above, Valley County's ordinance contemplates mitigation of impacts. However, mitigation necessarily requires an understanding of the impacts being mitigated. Here, the record demonstrates that numerous essential impacts remain undefined and unresolved. Accordingly, the Application fails to satisfy Valley County Code Section 9-5-2 and should be denied at this time.

c. *The Commission Failed to Identify the Applicable Standards Governing the Project.*

A central purpose of the Application is the creation of an eighty-foot public right-of-way intended to provide future connectivity and secondary access to property located north of the subdivision and to establish a roadway corridor that will ultimately connect additional lands to Mountain Ranch Boulevard. Throughout the proceedings, the proposed access has consistently been described as a public right-of-way containing a privately maintained gravel roadway intended to serve future development.

Likewise, Valley County Code Title 10 establishes separate standards governing public roads and private roads. Public roads are subject to one set of requirements regarding ownership, acceptance, design, and maintenance, while private roads are subject to separate standards. Nevertheless, the Commission approved a roadway consisting of a public right-of-way containing a privately maintained gravel road intended to provide transportation connectivity. Because no explanation was provided identifying which standards governed the proposed roadway, the Commission failed to explain how the Project complied with the applicable provisions of Title 10. The County must ensure that Stockton Drive is brought up to code standards before it is accepted as a public right-of-way, either by the County or the City. Furthermore, the Commission did not explore alternative options for connectivity that would not have such detrimental impacts on the surrounding neighborhoods.

The issue is whether the Commission identified the standards applicable to the use being approved and explained how those standards had been satisfied. Idaho Code § 67-6535 requires that approval decisions identify aspects of compliance with the applicable standards and criteria. Here, the Commission failed to identify what standards governed the roadway and failed to explain how those standards had been satisfied.

d. *The Commission Failed to Meaningfully Evaluate the Actual Use Being Approved and Improperly Deferred Essential Issues to Future Proceedings.*

Throughout the proceedings, concerns were raised that the Application should not be viewed in isolation. Although the Application proposes four residential lots, the principal purpose of the Project is to establish a permanent access corridor intended to facilitate future connectivity and secondary access to property located north of the subdivision.

The City of McCall specifically recognized this relationship and noted that the roadway was intended to provide future connectivity and secondary access for potential subsequent development. Likewise, neighboring property owners repeatedly expressed concerns that the proposal lacked specificity and predictability because the ultimate scope and intensity of the future

development remained unknown. Nevertheless, the Commission evaluated only the immediate four-lot subdivision while deferring consideration of future traffic impacts, roadway improvements, maintenance obligations, infrastructure demands, and development patterns that the proposed access corridor is intended to facilitate.

The issue is not whether future development may someday undergo separate review. Rather, the issue is whether the Commission possessed sufficient information to evaluate the impacts associated with the access corridor being created by the Application. The record demonstrates that it did not. Without understanding the intensity, timing, and scope of the development the roadway is intended to serve, the Commission could not meaningfully evaluate traffic impacts, roadway maintenance obligations, emergency access requirements, or compatibility with surrounding properties. Instead, these matters were deferred to future engineering reviews, future development agreements, and future applications.

Such deferral is inconsistent with Idaho Code § 67-6535 and *Jasso*, both of which require that a local government explain why approval criteria have been satisfied at the time of the decision. A local government cannot approve an Application based upon assumptions that unresolved issues will be addressed later.

The standards established by Valley County Code require present compliance, not future speculation.

Accordingly, approval of the Application was premature and should be reversed.

IV. SUPPLEMENTAL INFORMATION

In support of this appeal, Appellants respectfully incorporate the materials contained within the record and specifically highlight the following:

- Exhibit A - April 30, 2026, comments submitted by the City of McCall;
- Exhibit B - June 3, 2026, comments submitted by Randy Wall, P.E.

V. CONCLUSION

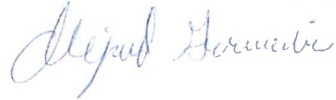
The Appellants respectfully request that based upon the information contained within the record, and because the Commission failed to provide the reasoned statement required by Idaho Code § 67-6535, the Board grant this appeal, reverse the Commission's approval, and deny the Application for Pine Creek Ranch South Subdivision – Preliminary Plat, SUB 26-005.

As mentioned previously, because the Commission has not yet issued its Findings of Fact, Conclusions of Law, and Decision, Appellants reserve the right to supplement this appeal with additional information and argument to address any matters contained therein that are not presently addressed in this appeal.

Valley County Board of County Commissioners
June 22, 2026
Page 9

Sincerely,

ELAM & BURKE
A Professional Association



Abigail R. Germaine

ARG/VB/mse
Attachments

Exhibit A



City of McCall

www.mccall.id.us

216 East Park Street
McCall, Idaho 83638

Phone 208-634-7142

Fax 208-634-3038

April 30, 2026

Cynda Herrick
Planning & Zoning Director
PO Box 1350
Cascade, ID 83611

RE: SUB 26-005

Dear Valley County Planning and Zoning Commission Members,

On behalf of the City of McCall, we appreciate the opportunity to provide comment on the proposed subdivision application for Pine Creek Ranch South (PCRS) located within the McCall Impact Area. The City recognizes the importance of coordinated review for development within the McCall Impact Area to ensure consistency with long-range planning objectives, infrastructure capacity, and the orderly extension of municipal services. Based on our review of the application materials currently available, we offer the following comments and considerations:

1. Transportation Connectivity and Phasing

The PCRS application indicates the proposed Stockton Blvd. and Pine Creek Drive will connect with the City's roadway network, through forthcoming, detailed subdivision and/or PUD applications for the four development parcels or by development proposals for adjacent vacant parcels to the north.

Coincidentally, in April of 2026, the City of McCall received an application for a new Planned Unit Development for the parcel to the north of PCRS which proposes 176 new dwelling units, open space, and a possible public park. This PUD application is currently named "Woodlands 3." A Traffic Impact Study (TIS) has not been submitted to date but is required for the application to be certified as complete.

While the City supports interconnected street networks and coordinated access planning across jurisdictions, this access raises important questions regarding timing, surfacing, and maintenance given the adjacent proposed subdivision for the County to consider.

2. Compliance with City Road Standards

The preliminary plat and associated road grading, drainage and stormwater management plan indicate the following:

- Stockton Blvd is shown as an 80 ft. ROW, but the roadway is not centered within this ROW.
- Pine Creek Drive is shown as an 80 ft. ROW, but its roadway is also not centered within the ROW.
- 12 ft snow storage and utility easements are identified on all road frontage areas of the proposed lots.
- The typical roadway sections shown on EX-6 for Stockton Boulevard and Pine Creek Drive identify a 28 ft wide gravel road section.

With the exception of the roads being off-center within the proposed ROWs, the proposed road sections appear to meet the City's gravel road standards, except for a missing geotextile fabric layer between the native subgrade and the sub-base course. However, this is not a concern at this time, since future annexation into the City would require the road to be reconstructed to a paved standard and the fabric can be installed at that time.

The road proposed in the PCRS application would act as one of two (2) required points of access for the proposed new subdivision, Woodlands 3. McCall City Code MCC 9.3.04(K) requires the following:

Subdivisions or planned unit developments in excess of five (5) acres or twenty-five (25) residential units must have at least two (2) points of access to public roads outside the subdivision, if possible, for purposes of public safety and access by emergency vehicles. Where through roads are not possible, the developer shall provide stubbed out roads to the boundary of the subdivision or development at points established by the city. Preferably, the two (2) points of access will be located on opposite, or different, sides of the subdivision.

3. Annexation Considerations

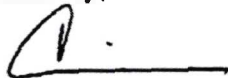
It should be noted that subject property PCRS was combined with the parcel to the north "Woodlands 3" as one master planned project and an 'Environmental Impact Study' was required and completed for both parcels. The PCRS parcel (McCall Impact Area) applied for annexation into the Payette Lakes Recreation Water and Sewer District prior to applying for annexation to the City limits, but the PLRWSD Board denied the annexation request. Further annexation request into the City will require this subdivision and associated infrastructure meet McCall City standards.

In general, the application as submitted to Valley County lacks the specificity or predictability for future developable parcels of this scale that could be on city services and infrastructure in the future that would allow the City to feel comfortable making a recommendation for approval. Based on lack of information, the City is not currently supportive of the application and would encourage the County to request additional information such as a Traffic Impact Study based on the anticipated nature of the development in the long-term. The County should also consider reviewing materials received by the City on the directly adjacent property in City Limits.

We have also received significant input on this application from McCall Residents and property owners living near the subject property, and have included these comments as an attachment to this letter. We hope the county will consider the concerns of McCall residents and community members who have concerns regarding this application.

We appreciate your consideration of these comments and look forward to continued coordination. Please feel free to contact City staff with any questions or to discuss these items further.

Sincerely,



Colby Nielsen
City of McCall Mayor

Cc: Valley County Planning & Zoning Commission
Valley County EMS District
McCall Fire Protection District

Exhibit B

June 3, 2026

Planning & Zoning Commission
Valley County
219 N. Main St.
Cascade, ID 83611

Re: *Objection To SUB 26-005 (Pine Creek Ranch South) - Preliminary Plat, CUP, and Requested Variances*

Honorable Members of the Planning & Zoning Commission:

The purpose of this letter is to request the Valley County Planning & Zoning Commission (P&Z) deny the Preliminary Plat, Conditional Use Permit (CUP), and variances for the referenced project, because the application fails to satisfy the required findings under Valley County Code ("VCC") Title 9 and Title 10.

My observations of the Preliminary Plat and associated CUP and variances are as follows.

- This application is not a typical "4-lot subdivision." The record demonstrates it is designed primarily to establish a right-of-way and road intended to serve (and unlock) a substantially larger development pattern in the McCall Impact Area, including a concurrent City Planned Unit Development (PUD) application to the north, The Woodlands No.3¹.
- According to the administrative record, the development of the property over 20 years would be about 270 dwelling units (DU's) on 68 acres within the McCall city limits, and about 360 DU's on 90 acres located in Valley County (the subject of this application), which clearly demonstrates the owner's desire to change the principal land use on the subject property. The current application, The Woodlands No. 3 PUD, proposes 176 DU's on the 68 acres within the City of McCall.
- According to the Preliminary Plat² and renderings³ contained in The Woodlands No. 3 PUD application, the viability of the project is dependent on the creation of a secondary access, "Stockton Boulevard", a "Collector Road"⁴ that connects to the south proposed by this

¹ The Woodlands No. 3 PUD application dated April 2026

² Exhibit 2 – The Woodlands No. 3 Preliminary Plat

³ Exhibit 3 – Woodlands Three Phase One Rendering

⁴ Exhibit 4 – Pine Creek Ranch Potential Land Uses dated October 2024

application. Stockton Boulevard proposed by this application⁵ is proposed to have an 80-foot right-of-way and a 28-foot-wide travelled way, similar to the Typical Road Section for a Collector Street required by the City of McCall.⁶

- The Traffic Impact Analysis dated January 9, 2023, for the Pine Creek Ranch Development contains the following statement in the Executive Summary.

Because one of the primary points of access will be via Stockton Drive, which is a gravel road, the development should bring that road up to city standards and pave it. The road is about ½ miles long between Samson Trail and the entrance to the new subdivision and will carry approximately 2000 vehicle per day at build-out of the subject development.

Given Stockton Drive/Court is currently a rural dead-end road that serves large lots, this is an extraordinarily significant increase in traffic, and significant road improvements would be required, including right-of-way widening and acquisition⁷, drainage increases and associated improvements, paving. Adverse impacts to adjacent properties would include, but not be limited to loss of land due to right-of-way requirements, decreased safety for pedestrians, reduced quality of life due to traffic volumes, air quality, and reduced property values

The reasons for the P&Z to deny the application for the Preliminary Plat and associated CUP and variances are as follows.

- The P&Z should not approve a Preliminary Plat, a CUP, or a variance on the theory that impacts can be addressed “later,” where the code requires demonstration and mitigation now⁸, and where the applicant seeks to defer road and traffic impacts, adverse impacts to adjacent properties, essential utilities, and fire protection.
- The 90 acres that is the subject of this application is undisputably contained within the “McCall Impact Area Map - Area 3”, and, according to Section 7-1-5 of Valley County Ordinance Number 2025-08⁹, when “the owner or their agent desires to change the principal land use, the owner must first apply for annexation into the City.” However, the subject property is not included in The Woodlands No. 3 PUD application, and as of the

⁵ Exhibit 5 – Pine Creek Ranch South Preliminary Site Plan

⁶ Exhibit 6 - McCall Area Transportation Master Plan, Figure 12

⁷ Exhibit 8 – Stockton Drive/Court Right-of-Way Impacts

⁸ Exhibit 1 - Valley County Ordinance No. 2025-08

⁹ Id.

writing of this letter, to the best my knowledge, the City of McCall has not received an application to annex the property.

- The P&Z should not “paper over” omitted analyses of impacts and missing mitigation measures by reaching clear, ordinance-tracked findings and either deny or impose enforceable conditions. This application has so many omitted analyses of impacts and associated mitigation measures, the P&Z has no choice but to deny the application.
- Staff states “Variances from VCC 9-5A-6: UTILITIES and 10-5-1 STREET AND UTILITY IMPROVEMENTS are part of the permit.” The applicant’s cover letter, by contrast, claims “Currently we are not requesting any variances.” That internal inconsistency matters. P&Z needs to make the applicant identify each standard it seeks to waive, the code vehicle authorizing that waiver, and the evidence supporting it. Bundling waivers into a CUP and requesting variances to self-imposed hardships should be denied by the P&Z.
- The P&Z should not approve the application based on informal assumptions that the City will “fix” the impacts later through annexation, especially where the City’s written comments state the subdivision “lacks specificity and predictability” and is “not currently supportive.” The County must make its own ordinance-based findings now and deny the application.
- VCC 9-5A-6(A) requires lots/parcels in conditional uses shall be provided, or have direct access to utility services including water supply and sewage disposal. Furthermore, VCC 9-5A-6(F) requires a utility plan showing the schedule of construction/installation. The application does not include a meaningful utility plan or enforceable schedule, only “none proposed at this time.” Since the application does not meet the requirement of this Code section, the application should be denied by the P&Z.
- VCC 10-7-4 requires submission of a WUI plan with the preliminary plat, based on a site-specific assessment addressing water supply, access, defensible space, vegetation management, etc. The applicant sought to avoid a WUI mitigation plan “at this time.” Staff indicates a short form was submitted and that a variance from the full-plan requirement “may be needed.” The Wildfire Mitigation Director expressly stated the proposal does not qualify for an exemption and a full WUI plan is required. A variance should only be granted when the size, shape, and topography of the land deprive the landowner of property rights enjoyed by others with the same land use designation. Simply not wanting to originate a full WUI plan “at this time” is a self-imposed hardship. The purpose of a variance is specifically not to relieve an applicant of a self-imposed hardship.

- The P&Z should not create an unclear approval that functionally commits the County or the City of McCall to later phases without enforceable triggers. Since the off-site impacts and cross-jurisdictional connectivity, specifically the connector road between the PUD to the north and Stockton Drive/Court, are central to the approval of The Woodlands No. 3 PUD, they need to be addressed now through clear findings and explicit conditions which are not included or mentioned in this application. Therefore, this application should be denied.
- The application's impact analysis is framed as though only "typical" single-family access will occur and utilities/fire water can be addressed later. This application should be denied by the P&Z, because VCC 9-5-2 requires that impacts, including, but not limited to extensive public comments about traffic volume, safety, maintenance, dust, and neighborhood impacts, shall be mitigated through conformance with conditions of approval, and the P&Z cannot lawfully make affirmative findings and craft associated conditions of approval if critical impacts are undefined or deferred.
- Simply connecting "Stockton Boulevard" to the existing Stockton Drive/Court creates the following impacts that have not been identified, and associated mitigation measures have not been proposed by the applicant in either this or The Woodland No. 3 PUD application.
 - The horizontal alignment of Stockton Drive/Court has three horizontal curves that have radii of 120.71', 120.71', and 0.0' (90-degree angle)¹⁰; the minimum safe radius for a 25-mph design speed is 300'; referring to Exhibit 8, it can be seen that a significant take of property will be required from Lots 3, 4, and 15 to accommodate a 300' radius curve.
 - The minimum right-of-way width for a collector road is 70-feet¹¹ and the existing right-of-way for Stockton Drive/Court is 60-feet. Therefore, 5-feet of additional right-of-way shall be required on both sides of Stockton Drive/Court to comply with the City of McCall collector road standards.
 - A minimum of nine parcels will be physically impacted in the West Place Subdivision along Stockton Drive/Court¹² in varying degrees to safely accommodate the additional traffic from The Woodland No. 3 PUD and the future development of the Pine Creek South parcel.

¹⁰ Exhibit 7 – West Place Subdivision

¹¹ Exhibit 6 - McCall Area Transportation Master Plan, Figure 12

¹² Exhibit 8 – Stockton Drive/Court Right-of-Way Impacts

There is no mention of the impacts created by the connection of "Stockton Boulevard" to Stockton Drive/Court and the required mitigation measures in the Pine Creek South application. If this project was approved by the P&Z without requiring substantial improvements to Stockton Drive/Court through findings and conditions of approval, this would significantly increase risk, reduce safety, and the P&Z would be negligent in their ignorance of protecting the health, safety, and welfare of the citizens of Valley County. For these reasons, the P&Z should deny the application.

In conclusion, based upon the information and the justifications contained in this letter, I am respectfully requesting that the Valley County P&Z deny application SUB 26-005 (Pine Creek Ranch South) - Preliminary Plat, CUP, and Requested Variances.

Thank you for your attention to and consideration of my request. Please do not hesitate to contact me on my cell phone at (208) 972-4670 if you should have any questions or require additional information

Sincerely,

A handwritten signature in black ink, appearing to be "Randy P. Wall", with a stylized, sweeping flourish.

Exp. 8/31/27

Randy P. Wall, PE

Principal

Attachments: Exhibits 1 - 8 as noted above

**ORDINANCE NO: 2025-08
CITY OF MCCALL IMPACT AREA BOUNDARY**

AN ORDINANCE AMENDING VALLEY COUNTY CODE, IN ORDER TO CONFIRM THE CITY OF MCCALL IMPACT AREA BOUNDARY SO AS TO ESTABLISH THE AREA OF IMPACT WHERE GROWTH AND DEVELOPMENT ARE EXPECTED TO OCCUR, IN ACCORDANCE WITH IDAHO CODE 67-6526; TO RESCIND PORTIONS OF ORDINANCE 2025-06; TO ESTABLISH THE VALLEY COUNTY COMPREHENSIVE PLAN AND VALLEY COUNTY CODES IN THE FORMER MCCALL IMPACT AREA (INCLUDING A REZONE FROM EUCLIDIAN ZONING TO A MULTIPLE USE ZONE); AND, TO ADOPT THIS CODE AS VALLEY COUNTY CODE 7-1.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, THAT VALLEY COUNTY CODE, BE AMENDED, AS FOLLOWS:

Rescind portions of Ordinance 2025-06 City of McCall Impact Area Boundary recorded as Instrument # 2025-004809 on September 15, 2025, in regards to Valley County Code 7-1

Retain the portions of Ordinance 2025-06 that amends Title 6 Building Regulations 6-1-2.

SECTION:

7-1-1: Purpose And Intent

7-1-2: Geographic Area Of Impact

7-1-3: Changes In Area Of Impact Outermost Boundaries

7-1-4: Jurisdiction And Development Review

7-1-5: Application For Annexation Requirement

7-1-6: Comprehensive Plan

7-1-7: Zoning

7-1-8: Subdivision

7-1-9: Joint Review And Time Lines For Action

7-1-10: Public Improvement Standards

7-1-11: Building Codes, Permit Requirements

7-1-12: Approach Permits

7-1-13: Floodplain Ordinance

7-1-14: Public Street Maintenance

7-1-15: Amendments

7-1-16: Severability

7-1-1: PURPOSE AND INTENT:

The purpose for establishing this area of impact is to identify a logical urban fringe area adjoining the city of McCall, Idaho. The governing bodies of the city of McCall and Valley County recognize the importance of planning for future growth in the area of impact and understand that the delivery of most public services is, or will be, associated with the city of McCall. The area of impact is comprised of land that may reasonably be expected to be annexed into the city of McCall in the next five years and meets the criteria in IC 67-6526. The urban fringe area is experiencing growth and development pressures that must be managed in order to provide for planned, orderly, and efficient growth. Furthermore, it is the intent of this agreement to:

- A. Set forth a formal mechanism for planning and growth management regardless of jurisdictional boundaries.
- B. Consider the interests of both the city of McCall and Valley County in planning and land use decision making.
- C. Engage, involve, and consider the interests of those most impacted by land use decisions, regardless of the jurisdiction in which they may reside.

7-1-2: GEOGRAPHIC AREA OF IMPACT:

The officially adopted and agreed upon area of impact boundary is established by Valley County and is set forth on the map titled "City Of McCall Impact Area". The McCall impact area is defined as that unincorporated landmass which lies contiguous to the city of McCall, Idaho, having as its closest boundary to the city, the limits of said city, as they now exist or as they may be altered by future annexation of land to the city of McCall, and having as its outermost boundary a defined line positioned and described in exhibit A.

7-1-3: CHANGES IN AREA OF IMPACT OUTERMOST BOUNDARIES:

In the event the city of McCall or Valley County desires to alter the outermost boundaries of the city impact area, or to change the jurisdiction over said area, it shall do so in accordance with Idaho Code 67-6526.

7-1-4: JURISDICTION AND DEVELOPMENT REVIEW:

All matters beyond the city limits of McCall within the area of impact concerning zoning and subdivisions shall be under the guidance of the Valley County planning and zoning commission with

Exhibit 1
Page 3 of 6

the Valley County board of commissioners having final permitting authority. Notice of all developments shall be submitted to the city of McCall for review and comment. Valley County shall take into consideration all comments in relationship to the future land use map so long as responses are received in a timely manner.

7-1-5: APPLICATION FOR ANNEXATION REQUIREMENT:

When property located within the McCall impact area is contiguous to the city of McCall and the owner or their agent desires to change the principal land use, the owner must first apply for annexation into the city. A property owner may not purposefully circumvent this requirement by creating a strip of undeveloped land, as determined by the administrator of Valley County. If the annexation is denied, then the owner may proceed with an application to Valley County in accordance with this agreement.

7-1-6: COMPREHENSIVE PLAN:

The Valley County comprehensive plan and subsequent amendments thereto as officially adopted by Valley County shall apply within the McCall impact area as set forth in Idaho Code title 67, chapter 65. A specific section describing the uses envisioned in the impact area will be included in the plan and depicted on an attached future land use map.

7-1-7: ZONING:

The Valley County land use and development ordinance and subsequent amendments thereto as officially adopted by Valley County shall apply within the McCall impact area as set forth in Idaho Code title 67, chapter 65. All permits within the impact area including, but not necessarily limited to, zone changes, variances, records of survey, conditional use permits, special use permits, and planned unit developments, shall be reviewed by the Valley County Planning and Zoning Commission with final approval authority resting with the Valley County Board of Commissioners.

7-1-8: SUBDIVISION:

The Valley County subdivision ordinance and subsequent amendments thereto as officially adopted by Valley County shall apply within the McCall impact area as set forth in Idaho Code title 67, chapter 65. Valley County shall modify their subdivision regulations to accommodate different standards in accordance with the city of McCall upon request and review.

7-1-9: JOINT REVIEW AND TIME LINES FOR ACTION:

A. Upon receipt of any development request, permit application or discretionary action submitted to Valley County for developments within the city of McCall area of impact, the county shall deliver a copy of the completed application and supporting documents to the city of McCall at least forty five (45) days prior to any county public hearing or public meeting.

Exhibit 1
Page 4 of 6

B. The city of McCall will then have the opportunity to review the application and submit recommendations or opinions. These must be submitted in writing to the Valley County planning and zoning commission on official city letterhead at least seven (7) days prior to the county hearing or meeting date.

C. All official communications between the city and county pertaining to a development proposal within the city of McCall impact area shall be in writing. If the city does not provide written comment on any particular proposal, then the note, "No comment from the City of McCall", will be entered into the official public record for the affected project. (Ord. 10-05, 8-23-2010)

7-1-10: PUBLIC IMPROVEMENT STANDARDS:

All public improvements within the city of McCall impact area should be designed and constructed according to the city standards for future annexation consideration when appropriate. Valley County should consider adopting city of McCall public improvement standards for use within the impact area if changes or annexation are requested. City of McCall water and sewer service may be available subject to city of McCall service extension policies and city code requirements being met. All costs associated with upgrading or extending main lines and/or connecting to city services will be paid by the landowner or developers according to the city code and fee schedule.

7-1-11: BUILDING CODES, PERMIT REQUIREMENTS:

All building code administration within the McCall impact area will be conducted by Valley County outside of the present city limits.

7-1-12: APPROACH PERMITS:

Approach permits, when required, shall be obtained from the Valley County road department or the Idaho transportation department prior to construction of project improvements. Permit requirements must be completed prior to recordation of a final plat or final occupancy of a structure.

7-1-13: FLOODPLAIN ORDINANCE:

The floodplain ordinance adopted by Valley County shall apply within the McCall impact area and shall be administered by Valley County.

7-1-14: PUBLIC STREET MAINTENANCE:

Maintenance of public streets within the McCall impact area shall be the responsibility of Valley County unless otherwise stipulated by written agreement between the county and city.

7-1-15: AMENDMENTS:

This agreement shall not be amended, supplanted or repealed except pursuant to the Idaho Code 67-6526.

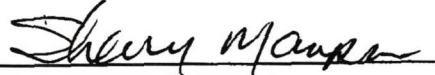
7-1-16: SEVERABILITY:

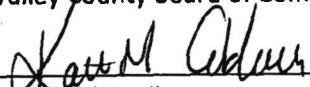
Exhibit 1
Page 5 of 6

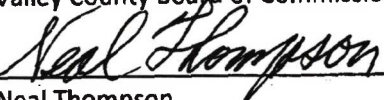
Should any section, clause, or provision of this agreement be declared by the courts to be invalid, the same shall not affect the validity of the agreement as a whole or any part thereof, other than the part so declared to be invalid. The provisions of the agreement may be enforced by either the city of McCall or Valley County by virtue of legal action initiated to require specific performance with the terms of this agreement.

Attachment A – City of McCall Impact Area Boundary

NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this 8th day of December, 2025, with an effective date being January 1, 2026.

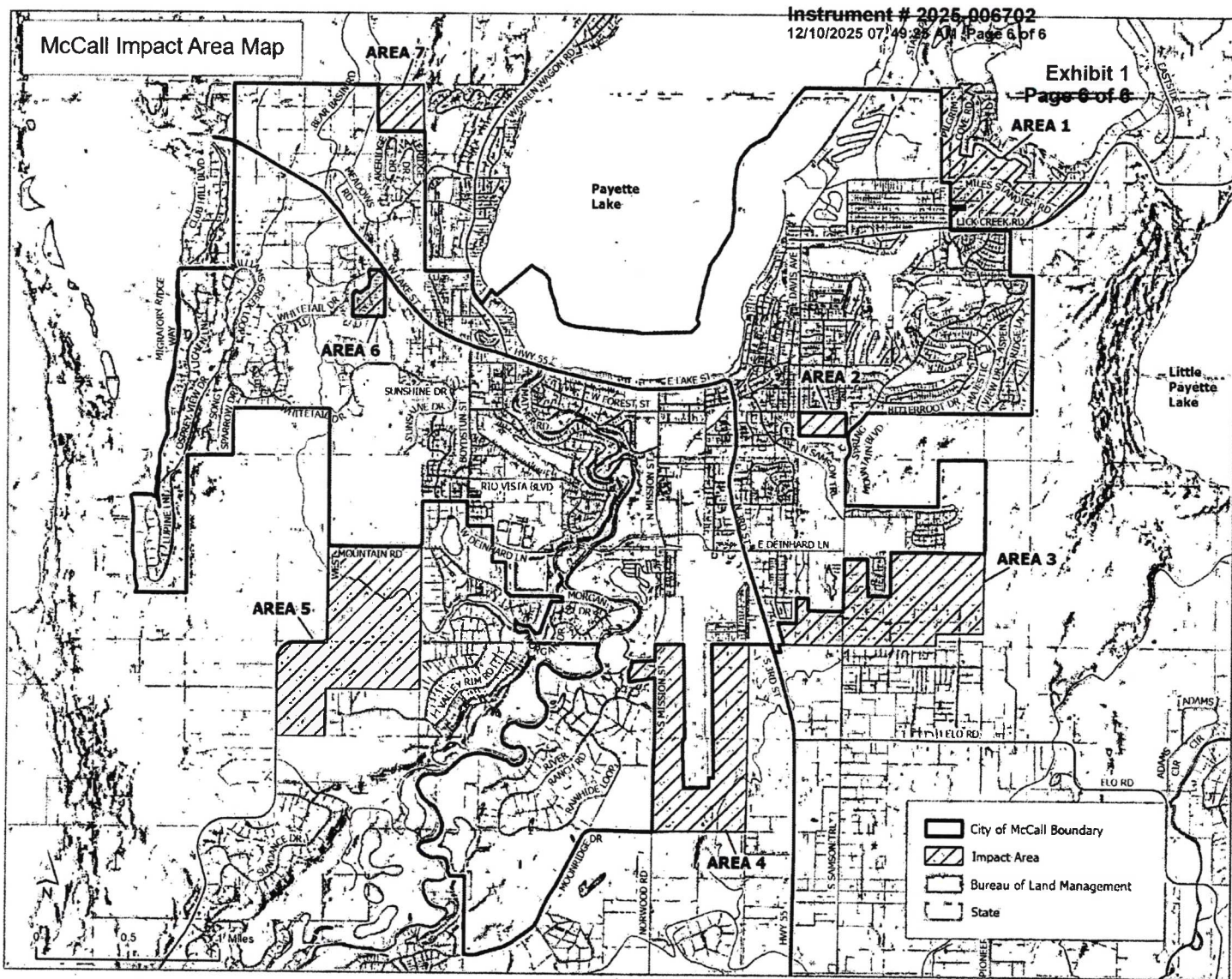

Sherry Maupin, Chairman
Valley County Board of Commissioners


Katlin Caldwell
Valley County Board of Commissioners


Neal Thompson
Valley County Board of Commissioners

Attest

Douglas A. Miller, Valley County Clerk



NOTES:

- SUBDIVIDER OF THIS PROPOSED DEVELOPMENT IS:
PINE CREEK RANCH, LLC
PO BOX 1001
DONNELLY, ID 83615
(208) 784-7694
- THE LAND SURVEYOR OF THIS PROPOSED DEVELOPMENT IS:
NVS
680 S. INDUSTRY WAY, SUITE 10
MERIDIAN, ID 83642
(208) 342-5400
- PUBLIC UTILITY AND SNOW STORAGE EASEMENT WILL BE 12' WIDE ADJACENT TO THE PUBLIC RIGHT-OF-WAY. ALL OTHER EASEMENTS ARE AS SHOWN.
- THE EXISTING ZONING IS RURAL RESIDENTIAL AND LOW DENSITY RESIDENTIAL (R4). THE PROPOSED ZONING FOR THE DEVELOPMENT IS LOW DENSITY RESIDENTIAL (R4).
- RIGHT-OF-WAY IS TO BE PUBLIC AND MAINTAINED BY THE CITY OF MCCALL.
- ALL LOTS ARE SUBJECT TO THE RULES, STANDARDS AND REGULATIONS AS ADOPTED BY THE HOA AND AS CONTAINED IN THE COCCRS.
- SNOW REMOVAL SHALL BE THE RESPONSIBILITY OF THE CITY OF MCCALL.

LEGEND:

- PROPERTY BOUNDARY
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT LINE
- ROAD CENTER LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED EASEMENT LINE
- PROPOSED LOT LINE
- PHASE 1 DEVELOPMENT BOUNDARY
- DELINEATED WETLANDS

FLOOD PLAIN NOTE:

FEMA FIRM PANEL(S): 16085C0000C
FIRM EFFECTIVE DATE(S): 2/1/2019
FLOOD ZONE(S): ZONE X
BASE FLOOD ELEVATION(S): N/A
FLOOD ZONES ARE SUBJECT TO CHANGE BY FEMA AND ALL LAND WITHIN A FLOODPLAIN OR FLOODPLAIN IS REGULATED BY TITLE 9, CHAPTER 8, OF THE MCCALL CITY CODE.

DEVELOPMENT DATA:

PROPERTY AREA (PHASE 1) 25.21 ACRES
PUBLIC RIGHT-OF-WAY AREA 6.56 ACRES
OPEN SPACE 5.18 ACRES
LOT DEVELOPMENT AREA 13.47 ACRES

PRELIMINARY PLAT THE WOODLANDS NO. 3 PUD - PHASE 1

A RESIDENTIAL SUBDIVISION LOCATED IN
A PORTION OF S 1/2 OF THE NW 1/4 OF SECTION 15
T18N R3E, B.M.
MCCALL, IDAHO
2026

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	45.08	200.00	12.91	N75° 06' 46"W	44.99
C2	20.26	260.00	4.47	S74° 40' 18"E	20.26
C3	40.25	30.00	76.87	S34° 21' 13"E	37.30
C4	40.55	30.00	77.46	S43° 40' 11"W	37.54
C5	44.79	30.00	85.55	S55° 03' 59"E	40.75
C6	36.97	30.00	70.61	S60° 48' 20"E	34.68
C7	26.85	100.00	15.38	S76° 18' 34"W	26.76
C8	51.41	30.00	98.18	S19° 31' 39"W	45.35
C9	42.86	154.00	15.95	N37° 50' 13"W	42.72

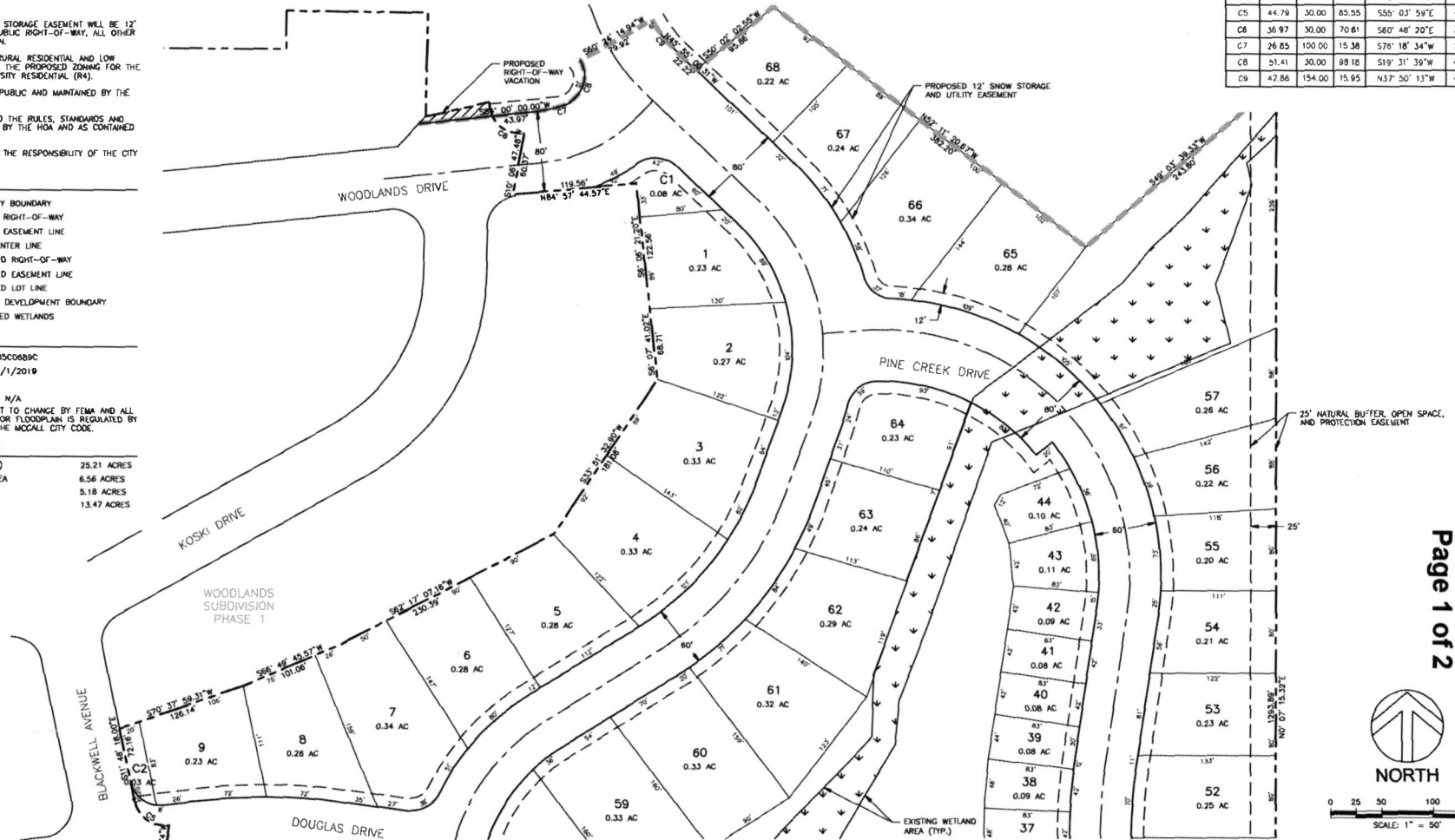


Exhibit 2
Page 1 of 2



SCALE: 1" = 50'

CRESTLINE
ENGINEERS
323 DEINHARD LANE, SUITE C - PO BOX 2330
MCCALL, IDAHO 83638
208.634.4140 • 208.634.4148 FAX

THE WOODLANDS NO. 3 PUD
MCCALL, IDAHO
PHASE 1
PRELIMINARY PLAT - 1

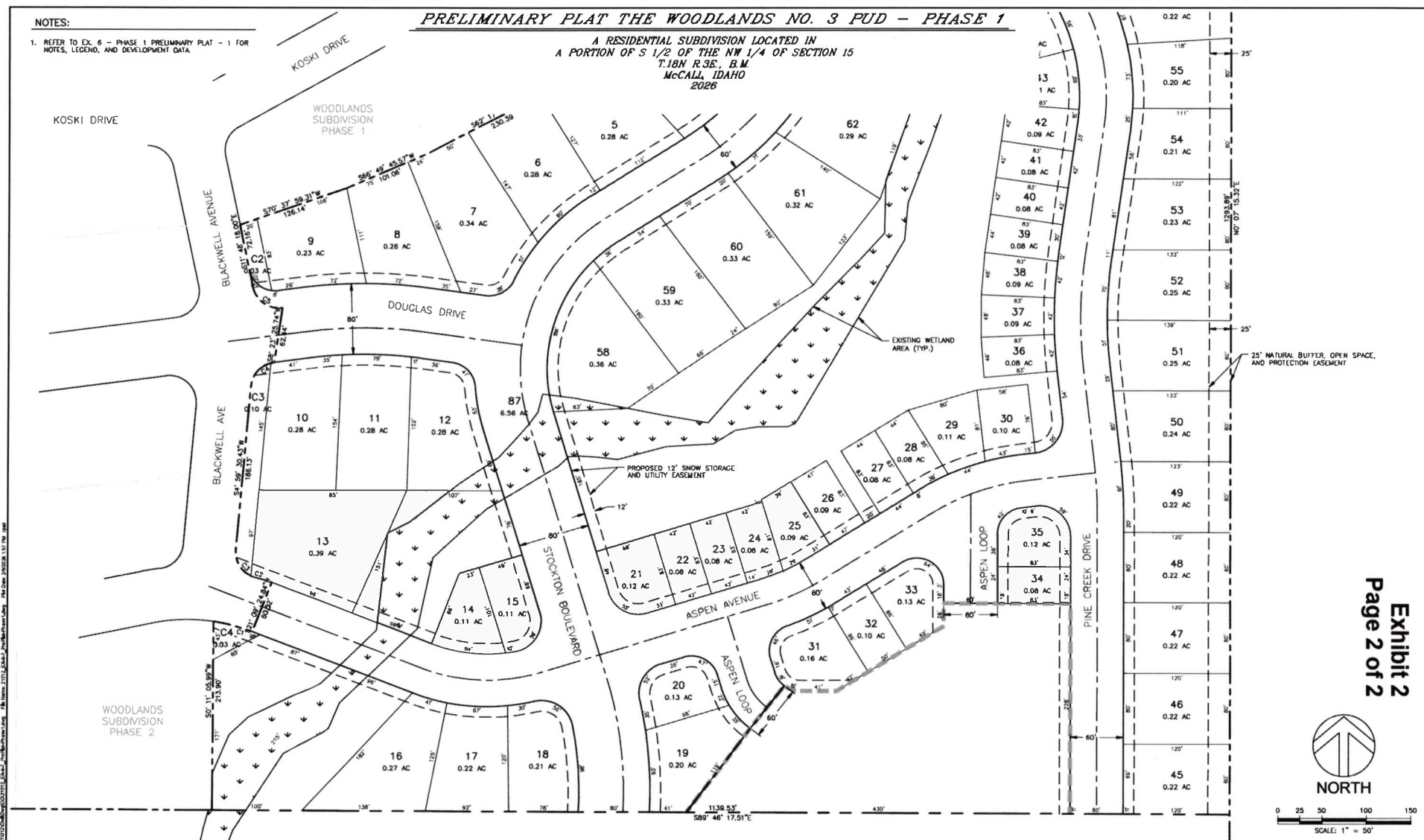
VERIFY SCALE	
BAR IS ONE INCH ON FULL SCALE DRAWING.	
PROJECT	21012
DATE	2/2/2026
EXHIBIT NO.	SHEET NO.
EX-6	6 OF 12

NOTES:

1. REFER TO EX. 8 - PHASE 1 PRELIMINARY PLAT - 1 FOR NOTES, LEGEND, AND DEVELOPMENT DATA.

PRELIMINARY PLAT THE WOODLANDS NO. 3 PUD - PHASE 1

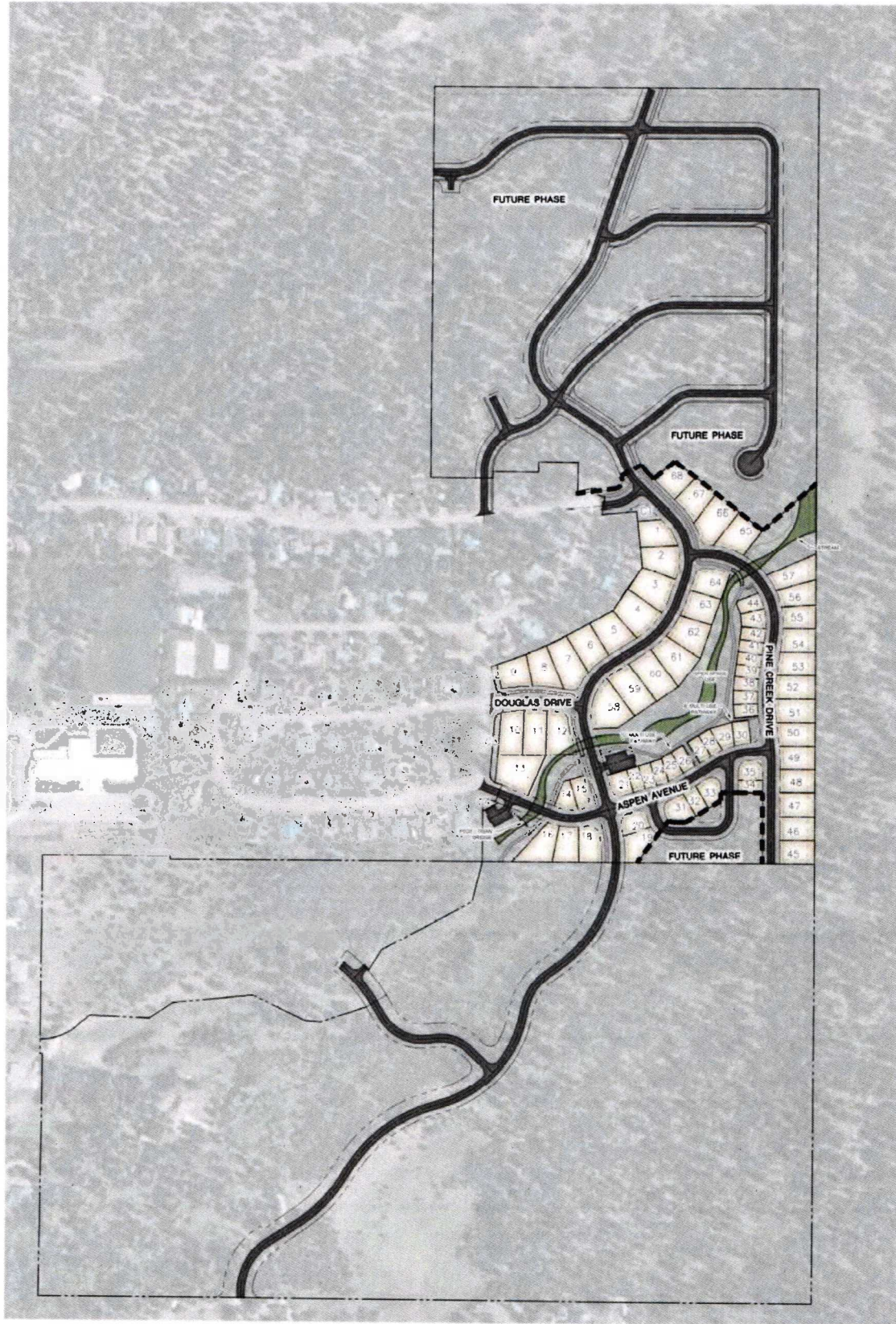
A RESIDENTIAL SUBDIVISION LOCATED IN
A PORTION OF S 1/2 OF THE NW 1/4 OF SECTION 15
T.18N R.3E, 8.M.
McCALL, IDAHO
2026



SCALE: 1" = 50'

Exhibit 2
Page 2 of 2

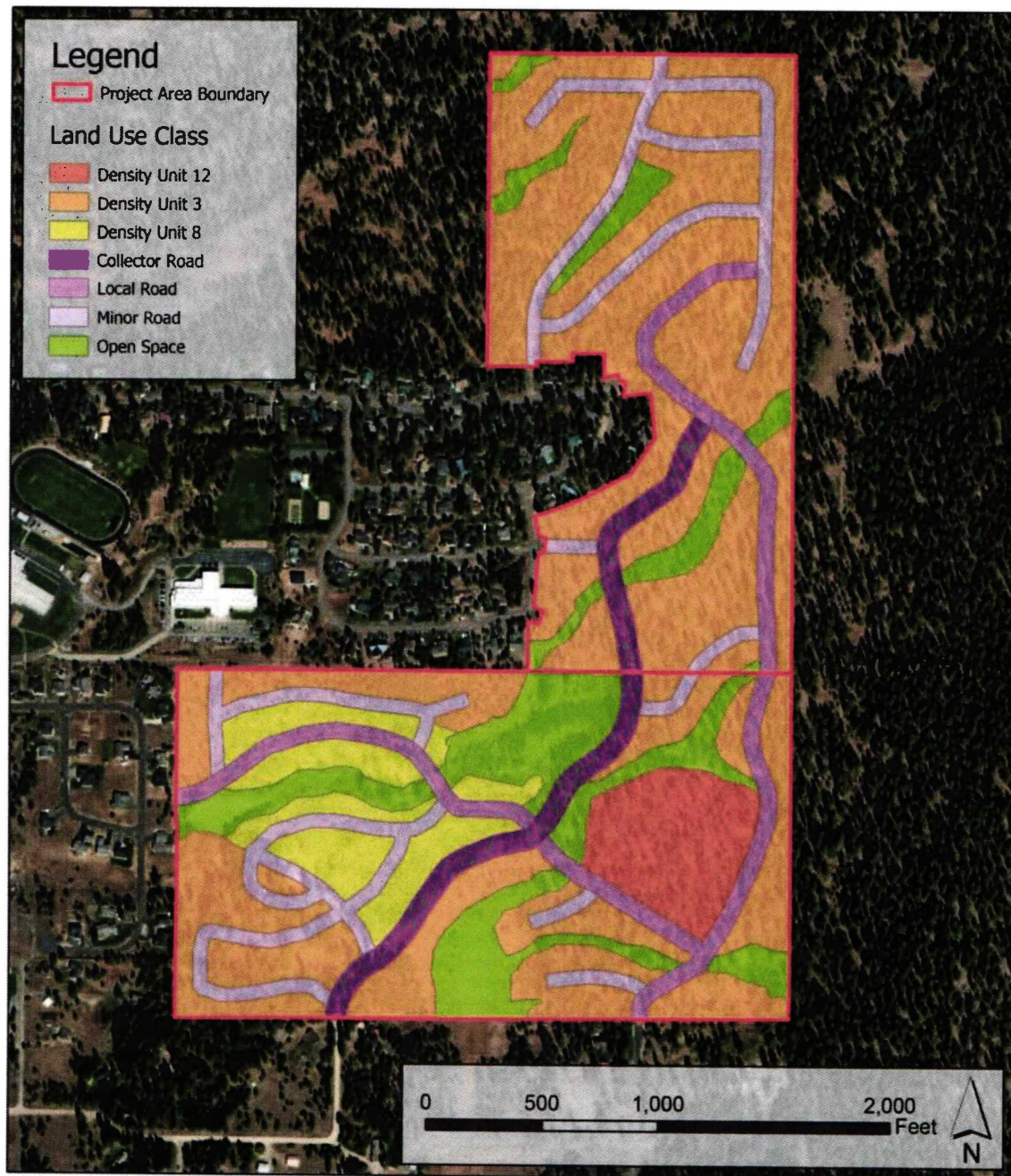
NO.	REVISION			BY	DATE	DESIGN	GTT				
						DRAWN					
						RFP					
						CHECKED					
						GTT					
						APPROVED					
						GTT					
 CRESTLINE ENGINEERS 323 DEINHARD LANE, SUITE C • PO BOX 2330 McCALL, IDAHO 83638 208.634.4140 • 208.634.4146 FAX							THE WOODLANDS NO. 3 PUD McCALL, IDAHO PHASE 1 PRELIMINARY PLAT - 2			VERIFY SCALE SCALE ONE INCH ON FULL SIZE DRAWING 0 INCHES = 11 FEET PROJECT 210 DATE 2/2/20 EXHIBIT NO. SHEET NO. EX-7 7 OF 1	



WOODLANDS THREE
MCCALL, IDAHO
PHASE ONE

SCALE: 1" = 150'-0"





Pine Creek Ranch

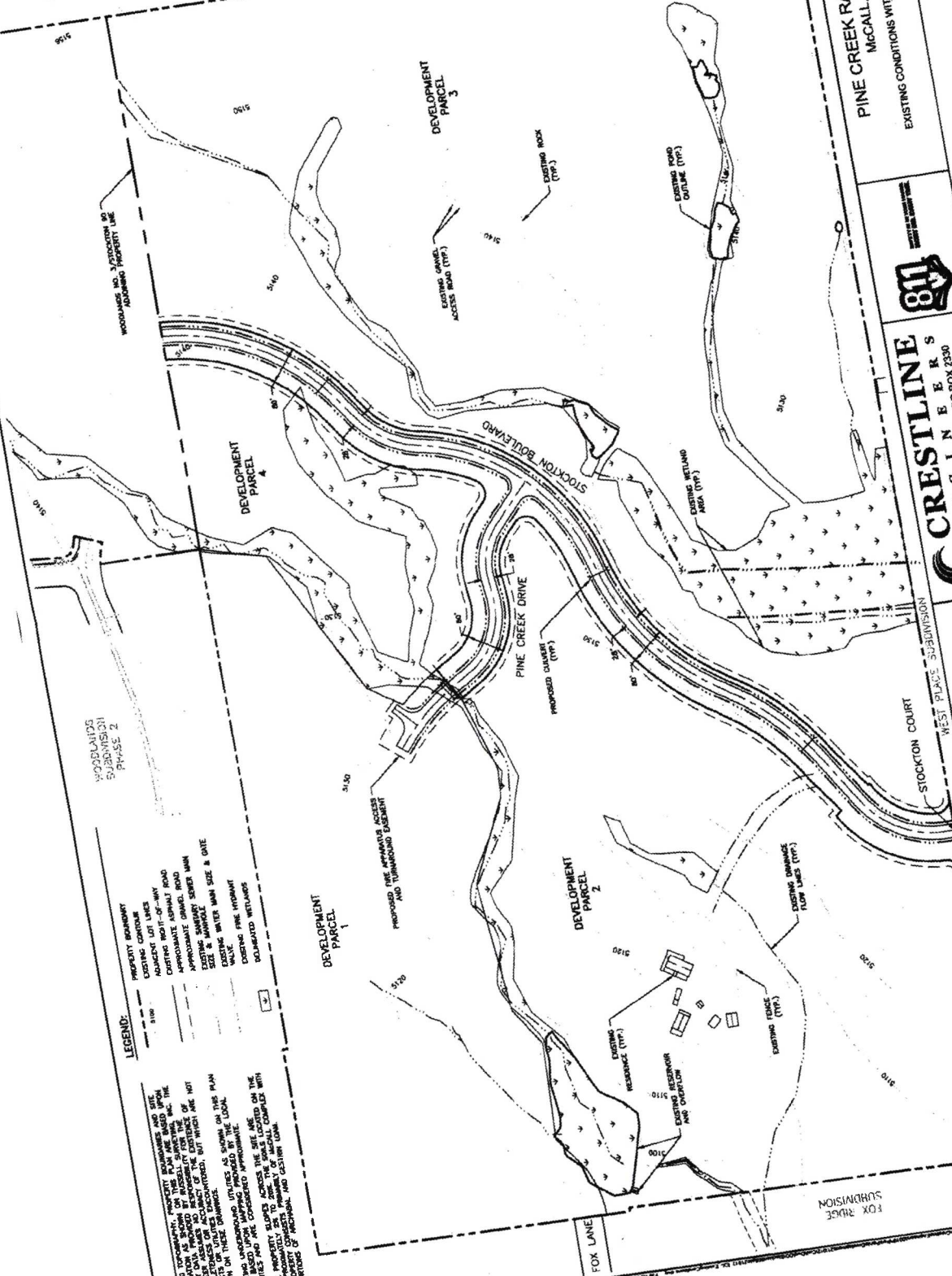
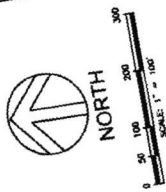
Potential land use classes within the project area

Ecosystem Sciences, LLC

Science Design Planning

Disclaimer - This map (or data product) is for illustration purposes only. It is not intended to be used for description, conveyance, authoritative definition of legal boundary, or property line. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data upon which this map is based for information related to its accuracy, currency, and limitations.

Figure 3. Potential land use classes within the project area.

[illegible]

PROPERTY BOUNDARY
EXISTING CONTROLS
EXISTING LOT LINES
ADJACENT LOT LINES
EXISTING 90'-OF-WAY
EXISTING ASPHALT ROAD
APPROXIMATE ASPHALT ROAD
APPROXIMATE GRASSY ROAD
APPROXIMATE SANDY ROAD
EXISTING SANITARY SEWER MAIN
EXISTING WATER MAIN SIZE 8" DATE
EXISTING FIRE HYDRANT
EXISTING FIRE VALVE

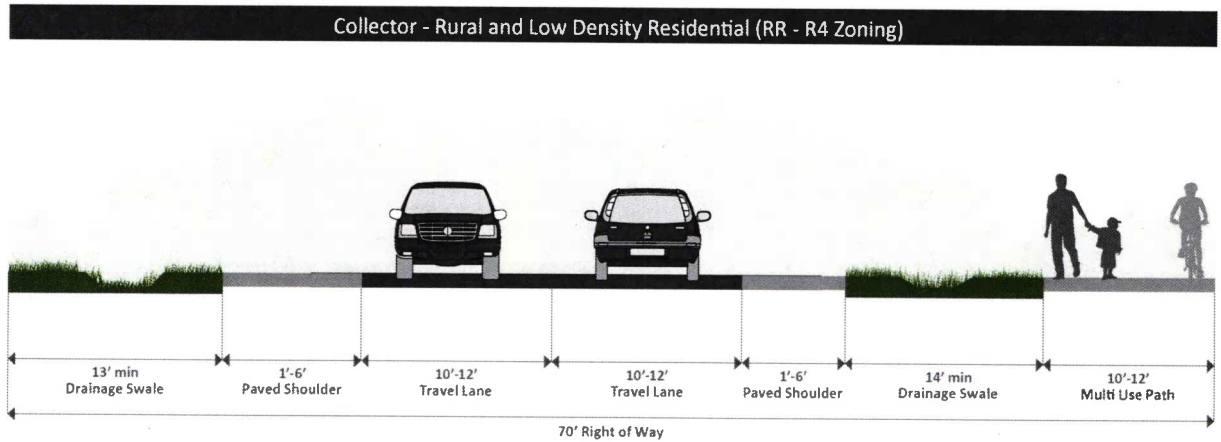
CRESTLINE
ENGINEERS
323 DENHARD LANE, SUITE C • PO BOX 2330
MCALL, IDAHO 83638
208.634.1140 • 208.634.1146 FAX

PINE CREEK RANCH SOUTH
McCALL, IDAHO
DRAWING CONDITIONS WITH PRELIMINARY SITE PLAN

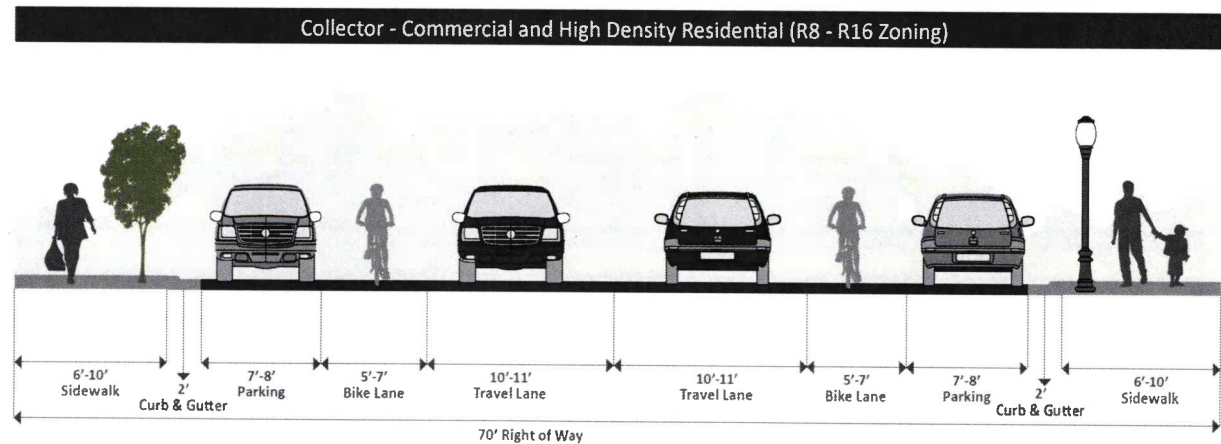
118
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[illegible]

Figure 12. Typical Roadway Cross-Section - Collector Streets



- Minimum width of drainage or landscaping buffer will depend on drainage needs. Minimum width shown is based on a standard swale treatment. Less width may be required for other stormwater treatments
- Provision of a path or bike lane is dependent on designation in McCall Area Pathways Master Plan or McCall Transportation Master Plan. Consult with City staff



- Assumes underground stormwater facilities are provided; otherwise drainage will need to be provided via surface based methods which may impact section that can be built
- Provision of a bike lane is dependent on McCall Area Pathways Master Plan or McCall Transportation Master Plan and consultation with City staff
- On street parking is dependent on right-of-way and need for center turn lane
- Street trees and lighting may be required

Located in SECTIONS 15 & 22 - T.18N. - R.3E. - B.M. - VALLEY COUNTY, IDAHO

The above listed corrections should be made in order to conform with the original intent of the land descriptions and the actual location of property corners in the field after streets were laid out and designated on the plat.

Sanitary restriction in force
under Title 50
Chapter 13, Idaho Code,

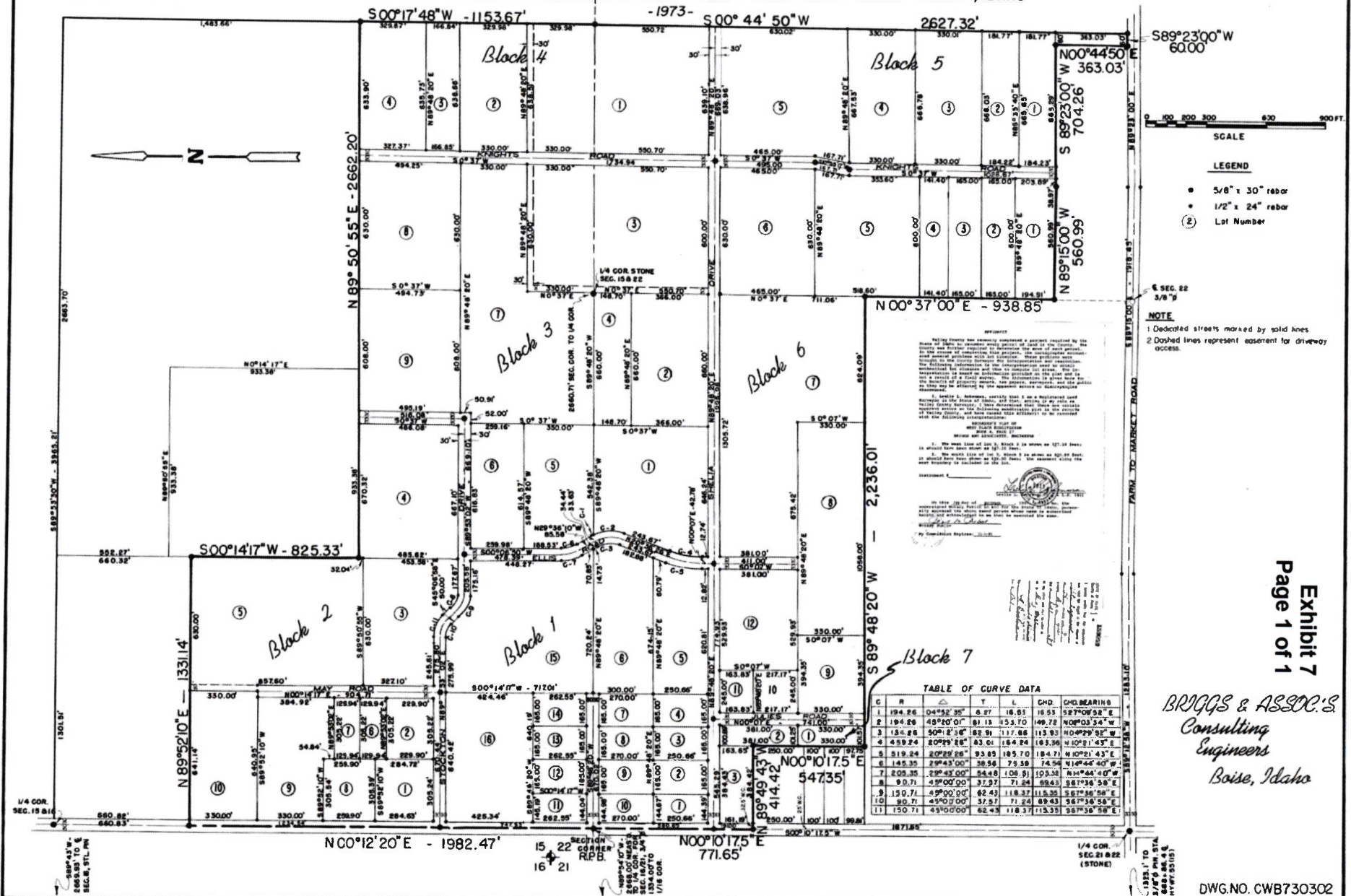


Exhibit 7
Page 1 of 1

BRIGGS & ASSOC.'S
Consulting
Engineers
Boise, Idaho

DWG.NO. CWB730302

