THE BOARD OF BLAINE COUNTY COMMISSIONERS

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Angenie McCleary, Chair * Lindsay Mollineaux, Vice-Chair * Muffy Davis, Commissioner

April 14, 2026

Chair and Members of the Planning and Zoning Commission,

On behalf of the Blaine County Board of Commissioners, we are writing regarding the proposed annexation of Blaine County Tax Lot 7900 into the City of Hailey.

Tax Lot 7900 contains significant natural features, including wetlands, riparian areas, a mapped regulatory floodplain, and an expanded draft floodplain. These environmental characteristics provide important ecological functions, including flood attenuation, water quality protection, and the preservation of riparian corridors providing critical wildlife habitat that contribute to the overall health of the Wood River Valley.

The County recognizes that annexation into the City of Hailey may provide opportunities for coordinated planning, infrastructure management, and long-term stewardship that could benefit both the community and the surrounding ecosystem. While the Board of County Commissioners also supports the City's mission to advance community housing, an important shared priority in the Wood River Valley, given the sensitive environmental nature of this parcel, we respectfully request that any annexation and subsequent zoning or development entitlements incorporate thoughtful protections that balance these priorities, including:

- Ensuring the protection and preservation of identified wetlands in accordance with applicable federal, state, and local regulations, and incorporating design measures that minimize potential degradation resulting from construction activities and residential uses, including disturbances from domestic pets;
- Establishing permanent physical barriers or other appropriate design measures to clearly delineate and protect wetland areas from construction and ongoing public use disturbance;
- Maintaining a riparian buffer of at least 75 feet, or greater, to protect riparian habitat and water quality to support critical wildlife movement and migration corridors;
- Regulating development within the floodplain consistent with Best Management Practices for flood hazard mitigation;
- Incorporating site design that supports a wildland–urban interface buffer to reduce community wildfire risk and protect surrounding natural resources; and
- Maintaining—and where feasible, enhancing—public river access in a manner that remains compatible with resource protection and long-term stewardship.

Public access to the river is a vitally important community value, and its preservation should be thoughtfully integrated with environmental safeguards to prevent degradation of riparian and wetland habitat and water quality during and following any site improvements.

Blaine County deeply values its strong working relationship with the City of Hailey. We appreciate the City's continued partnership and collaborative approach to land use planning, and we look forward to continuing to work together in advancing our shared community priorities.

Sincerely,

Angenie McCleary
Chair

Lindsay Mollineaux
Vice-Chair

Muffy Davis
Commissioner

From: Lisa Horowitz
To: Robyn Davis
Subject: FW: WRLT Annexation & Development Application
Date: Wednesday, April 15, 2026 10:26:23 AM

Lisa Horowitz
Hailey City Administrator
208-788-4221
Cell: 208-727-7097

From: "Brian R. McCue" <brian.r.mccue@gmail.com>
Date: Wednesday, April 15, 2026 at 10:19 AM
To: Martha Burke <martha.burke@haileycityhall.org>, Kaz Thea <kaz.thea@haileycityhall.org>, Dustin Stone <dustin.stone@haileycityhall.org>, Juan Martinez <juan.martinez@haileycityhall.org>, Sage Sauerbrey <sage.sauerbrey@haileycityhall.org>
Cc: "lisa.horowitz@haileycityhall.org" <lisa.horowitz@haileycityhall.org>
Subject: RE: WRLT Annexation & Development Application

Mayor & City Council Members,

Thank you for a sober discussion on Monday evening. While the process dictated that the meeting was not focused on whether or not the land should/could be developed, I appreciate that there was acknowledgement and discussion of the elephant in the room.

As the process moves forward, I would implore the council to stay curious, open to alternatives, and to keep the big picture in mind. While the application is requesting annexation and ultimately development, *exclusively* narrowing in on that ask, while staying closed off to more creative solutions, would be a disservice to the community.

This is clearly a complex issue and nobody wants to say no to housing and/or conservation, but the comprehensive plan does not require the council to meet each of those goals on every single project. That document outlines a holistic approach and long-term blueprint. The issue at hand is already being framed as a must do, a do or die decision hinging on a single donor's ability to acquire discounted land to protect the "missing middle", and a lesser of two density evils. In my opinion, and my own professional experience, taking a beat and stepping back reveals that such statements are rarely as black and white as they appear.

Strong city leadership requires not only tough decision making but also a framing of those decisions in a way that the community understands, believes in and trusts.

I look forward to following along and engaging with the city and WRLT as those

opportunities arise.

And as always, thank you for doing what you do for our city.

Thanks,
Brian McCue

Disclaimer: I am a HURA board member; all comments herein are my own and do not represent the views of the agency.

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- 630-484-8655
- brian.r.mccue@gmail.com
- Hailey, ID

From: Mary Cone
To: Robyn Davis
Subject: FW: follow-up comment to Ap.13 Council meeting (continuity/boundary)
Date: Thursday, April 16, 2026 8:41:25 AM

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comments

From: Kris Wirth <kriswirth@gmail.com>
Sent: Wednesday, April 15, 2026 7:16 PM
To: Mary Cone <mary.cone@haileycityhall.org>; Kaz Thea <kaz.thea@haileycityhall.org>; Dustin Stone <dustin.stone@haileycityhall.org>; sage.saursbrey@haileycityhall.com; Juan Martinez <juan.martinez@haileycityhall.org>; Martha Burke <martha.burke@haileycityhall.org>
Subject: follow-up comment to Ap.13 Council meeting (continuity/boundary)

Mayor and City Council,
Please record this statement.
My Name is Kris Wirth.I spoke on Ap. 13 regarding the Old Board Ranch annexation. I am following up on the boundary issue I raised. Based on the record, the property boundary is not clearly established. The applicant may have done survey work, but the information is not before the council.
This matters because continuity depends on a defined boundary.
If the boundary is not established in the record continuity has not been established.
On this basis, I do not see a supported basis in the record for a finding of continuity.
Thank you,
Kris Wirth /521 Aspen Drive, Hailey

From:	Mary Cone
To:	Robyn Davis
Subject:	FW: Follow-Up Comment to Council Meeting (4/13): Contiguity and Authority to Annex (Old Board Ranch LOI)
Date:	Friday, April 17, 2026 8:05:26 AM

comments

From: Jon Paris Nicholson <jonparis3@hotmail.com>
Sent: Friday, April 17, 2026 8:01 AM
To: az.thea@haileycityhall.org; Dustin Stone <dustin.stone@haileycityhall.org>; Sage Sauerbrey <sage.sauerbrey@haileycityhall.org>; Juan Martinez <juan.martinez@haileycityhall.org>; Martha Burke <martha.burke@haileycityhall.org>
Cc: Mary Cone <mary.cone@haileycityhall.org>
Subject: Follow-Up Comment to Council Meeting (4/13): Contiguity and Authority to Annex (Old Board Ranch LOI)

Dear Mayor and Council Members,

My name is Jon Paris Nicholson, and I am a Hailey resident.

I attended the April 23, 2026 public hearing regarding the proposed Letter of Intent to Annex the Old Board Ranch parcel and followed the presentation, public comment, and Council deliberation closely.

At the time of the hearing, I was not familiar with the legal concept of contiguity or its role in annexation under Idaho law. Based on the discussion, it appeared to be an important factor, but it was not clear how it was being established in the record.

Since the hearing, I have taken time to better understand the requirement for contiguity under Idaho Code §50-222 and how it relates to annexation authority. Based on that review, I am unable to identify where contiguity has been demonstrated through evidence in the administrative record.

Purpose of Comment
This comment does not address whether annexation should occur.
It addresses whether the City has established the basis required to evaluate annexation.

Core Observation
Nothing presented during the hearing appeared to establish, through evidence in the administrative record, that a continuous, legally valid common boundary exists between the subject parcel and the City.

Given that contiguity is a prerequisite to annexation authority, this raises a basic question:

How can the City rely on or assume contiguity without identifying the evidence in the record that establishes it?

Questions Raised by the Hearing

1. Annexation Authority (Contiguity)

1. Where in the administrative record is contiguity demonstrated through substantial evidence?
2. What specific boundary segment establishes a continuous, legally valid common boundary?
3. What survey or legal documentation in the record supports that determination?

2. Basis for Council's Action

1. What specific evidence in the record supports the treatment of contiguity as established at the time of Council's action?
2. Where is that evidence identified in the record?

3. Council Discussion and Staff Response

During Council deliberation, Council member Kaz Thea asked whether contiguity had been demonstrated in the record.

From the discussion, it was not clear that a specific evidentiary basis was identified in response. Staff commentary indicated, in substance, that the parcels "appear to adjoin," without reference to supporting documentation in the record.

That statement does not establish contiguity as a matter of law and does not constitute substantial evidence in the administrative record sufficient to support a finding of a continuous, legally valid common boundary—particularly where boundary conditions appear to be uncertain or disputed.

1. What specific evidence in the administrative record was relied upon to support the conclusion that the parcels are contiguous at the time of Council's action, and where is that evidence identified?

4. Conflicting Information in the Record

Public comment and follow-up submissions introduced information suggesting uncertainty regarding boundary conditions.

1. How has the City evaluated the lot line discrepancies and boundary concerns raised by adjacent property owners?
2. Where are those evaluations reflected in the administrative record?
3. How can contiguity be determined where boundary conditions appear to be uncertain or disputed?

Requested Clarification

I respectfully request that the City:

- Identify, with specificity, where in the administrative record contiguity is demonstrated through substantial evidence sufficient to support a finding of annexation authority at the time of Council's action
- Identify the evidence in the record relied upon by Council in treating contiguity as established
- Enter into the administrative record documentation sufficient to support any determination regarding contiguity, including:
    - A stamped boundary survey
    - Legal documentation establishing a continuous, legally valid common boundary with the existing city limits

Address, in the administrative record, the boundary discrepancies and concerns raised by adjacent property owners and explain how those issues affect the determination of contiguity

Conclusion

This comment reflects the perspective of a member of the public who attended the hearing and sought to understand the basis for Council's decision.

Based on what was presented and discussed, it remains unclear how contiguity—and therefore annexation authority—has been established in the record.

Where a threshold requirement of authority is not clearly demonstrated, and where the record reflects unresolved or conflicting information, the basis for proceeding is not evident.

Thank you for your consideration. I respectfully request that this comment be included in the public record.

Jon P. Nicholson
331 W. Cottonwood St
PO Box 3044
Hailey, ID 83333
208-720-4354

From: Tod Gunter
To: Mary Cone; Robyn Davis
Subject: Public Comment on the Old Board Ranch Proposal
Date: Sunday, April 19, 2026 7:09:22 PM

Hello Robyn and Mary,

I am asking that you add my comments in support of this proposal to the record or project file.

I am writing in support of the proposal to annex the Old Board Ranch property with the majority of the land going into conservation and the already impacted areas being developed for workforce housing. This project really seems like a double win for the community by securing the remaining land on the river near the Draper Preserve and giving Hailey workers an opportunity to live in town, near services, by providing deed restricted homeownership. It is creative thinking like this that is going to allow Hailey to grow responsibly and maintain its character through conservation.

As a school social worker I've taken students to the Draper preserve many times to experience some of what makes Hailey special. I also am currently looking for deed restricted housing and these proposed units seem ideal and could allow me to stay in the community permanently. So, while this project is of significant interest to me, beyond that, I also think it is an excellent opportunity for our community. I've heard some conversations amongst friends asking about why the WRLT is getting in the business of housing but it's clear, when you read the proposal, that they are not. They are preserving what they can of the generous gift they've received and making the most of what they can't by partnering with LEAP to lead the housing development.

I ask the city to consider the many benefits of this proposal and approve it's annexation.

Sincerely,

Tod Gunter
Hailey Elementary
School Social Worker

From: Mary Cone
To: Robyn Davis
Subject: FW: Old Board Ranch annexation
Date: Monday, April 20, 2026 7:29:35 AM

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comments

From: steve O <stevecrosser@gmail.com>
Sent: Sunday, April 19, 2026 10:22 AM
To: Mary Cone <mary.cone@haileycityhall.org>
Subject: Old Board Ranch annexation

City Council and Mayor,

My name is Steve Crosser. I'm a longtime Hailey resident and property owner on Aspen Dr. backed up to the WRLT property.

I want to speak to a boundary issue on the Old Board Ranch annexation. From what I can tell, one of the pins is off by 10 feet or more. That raises real questions about where the lot line actually sits.

If the line isn't clearly established, I don't see how it can be assumed that it's contiguous. The record in front of you doesn't show it clearly.

That's my concern.

Thank you,

Steve Crosser 431 Aspen Dr.

Let this be entered into the public record.

From: Mary Cone
To: Robyn Davis
Subject: FW: Follow-up Comment to April 13th 2026 Council meeting.
Date: Wednesday, April 22, 2026 7:49:43 AM

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comments

From: caldara77 <caldara77@gmail.com>
Sent: Tuesday, April 21, 2026 8:17 PM
To: Kaz Thea <kaz.thea@haileycityhall.org>; Dustin Stone <dustin.stone@haileycityhall.org>; Sage Sauerbrey <sage.sauerbrey@haileycityhall.org>; Juan Martinez <juan.martinez@haileycityhall.org>; Martha Burke <martha.burke@haileycityhall.org>; Mary Cone <mary.cone@haileycityhall.org>
Subject: Follow-up Comment to April 13th 2026 Council meeting.

TO: kaz.thea@haileycityhall.org, dustin.stone@haileycityhall.org, sage.sauerbrey@haileycityhall.org, juan.martinez@haileycityhall.org, martha.burke@haileycityhall.org, mary.cone@haileycityhall.org

SUBJECT: Follow-up Comment to April 13 Council Meeting .

LETTER:

Dear Mayor and Council members,

I have lived in this community for many years. I am writing to follow up on the recent annexation discussion and to ask that you take a careful and measured approach before moving this application forward.

After listening to the recent annexation discussion and reviewing the materials, I'm left with a basic concern that I have not heard clearly addressed. This property is designated as Sensitive Lands in the City's Comprehensive Plan. My understanding is that this designation is meant for areas that *cannot or should not be developed* because of environmental constraints.

So I find myself asking a simple question: how does it make sense to consider residential zoning on land that is identified as Sensitive Lands?

Nothing I read in the agenda packet, or heard from the City or the Land Trust, clearly explains how this proposal fits with that designation. On its face, it doesn't appear consistent.

I also understand that much of this property is in a floodplain. That raises a very

practical concern: why are we even considering building homes in an area known to have flood risk and environmental limitations? It is not clear how these conditions are being evaluated or addressed in a way that supports this proposal.

I wonder how this proposal fits with the City's participation in the National Flood Insurance Program, and whether development in this location could affect flood risk or insurance costs for existing homeowners. Has the City or the Land Trust evaluated those risks, and if so, where is that analysis shown?

I'm not opposed to thoughtful growth, and I understand that not every piece of land is the same. But in this case, I have not seen a clear explanation of how this proposal fits with the intent of the Comprehensive Plan. I have also not seen how these environmental constraints are being taken into account, or what standards are being used to make that determination.

Before moving forward, I would ask that the City take the time to clearly explain how this proposal can be considered consistent with the Sensitive Lands designation, and why this is an appropriate place for this type of development.

These seem like fundamental questions, and I believe they deserve clear answers before any further action is taken.

Thank you for your time and consideration.

Peter Caldara

Sent from my Galaxy

From: Mary Cone
To: Robyn Davis
Subject: FW: Annexation Application – Submittal Requirements
Date: Friday, April 24, 2026 9:24:05 AM

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comments

From: Natalie Osborne <natalie@spinupcreative.com>
Sent: Thursday, April 23, 2026 3:48 PM
To: Mary Cone <mary.cone@haileycityhall.org>; Kaz Thea <kaz.thea@haileycityhall.org>; Dustin Stone <dustin.stone@haileycityhall.org>; Sage Sauerbrey <sage.sauerbrey@haileycityhall.org>; Robyn Davis <robyn.davis@haileycityhall.org>; Juan Martinez <juan.martinez@haileycityhall.org>; Martha Burke <martha.burke@haileycityhall.org>
Subject: Annexation Application – Submittal Requirements

Dear Mayor and Council
I am writing to follow up on the recent annexation meeting regarding the Wood River Land Trust application.

Remote Meeting Access

First, thank you for providing a remote participation option. I was out of town at the time, and I greatly appreciated the opportunity to listen in on a matter that is very important to me and to my neighbors.
That said, the remote experience was challenging. Audio quality made it difficult to follow the discussion, as many speakers were cutting in and out. I understand that technical issues can arise—especially in hybrid meetings—but for future meetings where public participation is expected, I would respectfully suggest consideration of a larger venue and sufficient microphone access for all speakers. Ensuring clear audio would significantly improve accessibility and public engagement.

Annexation Application – Submittal Requirements

My understanding is that once the annexation application is submitted, it will be reviewed for completeness in accordance with Chapter 14 of the City's Annexation Procedures. As outlined in the ordinance, certain studies may be required unless the Administrator determines otherwise at their discretion.
Given that these studies will likely play a central role in evaluating the impacts of the proposed annexation, I would like to ask for clarification now as to which of these requirements will be enforced. During the meeting, I did not hear a clear discussion of these submittal requirements—though I acknowledge I may have missed portions due to the audio issues.
Specifically, the ordinance states that the following studies may be required:

- Traffic study
- Floodplain study (if applicable)
- Avalanche study (if applicable)
- Wetland study (if applicable)
- Wildlife study
- Phase I environmental study
- Contour mapping of slopes

Additionally, the ordinance does not appear to define what constitutes a “study” or the standards by which these materials will be evaluated. Could you please clarify whether the City has established criteria or guidelines for these studies? If so, I would appreciate the opportunity to review them.

Importance of Development Specificity

While I respect the Wood River Land Trust and their intentions, several of these required studies depend heavily on the specifics of the proposed development—particularly those related to traffic, environmental impact, and infrastructure.

For example, a traffic study will vary significantly depending on the scale of development. A 15-unit plan versus a 30+ unit plan would have materially different impacts on traffic flow, parking demand, and snow storage. The potential connection to Walnut Street, in particular, could fundamentally alter the character of the China Gardens neighborhood forever. Without a clearly defined development plan, it is difficult to meaningfully assess these impacts.

Similarly, environmental and wildlife considerations will be directly influenced by the number of residents and the intensity of use. The area currently offers a quiet, natural environment that supports local wildlife. Increased residential density will inevitably introduce more human activity, noise, and disruption, which could significantly alter this landscape.

For these reasons, I believe it is important that any required studies be based on a clearly defined and reasonably detailed development scenario to ensure an informed and thoughtful review process.

Closing

Thank you for your time, your service, and your thoughtful consideration of this matter. It is clear that many in the community care deeply about this issue, and I appreciate the opportunity to participate in the process.

Please include this letter in the official record.

Sincerely,

Natalie Osborne

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Natalie Osborne
SpinUp Creative
Owner + Lead Developer
Direct: (907) 223-0858

Old Board Ranch Annexation – Administrative Record Review Series
Memo #1 – Sensitive Lands Consistency
4/27/2026

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Decision Frame
In 2025, the City adopted a Comprehensive Plan that clearly separates where housing should go and where it should not:

- **Growth Reserve** → intended for housing and expansion
  - Over 90% of the City's buildable and serviceable land is located within Growth Reserve areas
- **Sensitive Lands** → lands that "cannot or should not be developed" and "do not receive a zoning designation"

The Old Board Ranch parcel is designated and mapped as **Sensitive Lands**. The proposal seeks:

- General Residential zoning
- Subdivision and residential development

Housing is directed to Growth Reserve areas – not Sensitive Lands

Comprehensive Plan (Sensitive Lands)	Applicant Proposal
Not designated for growth	Residential development
Constrained land	Subdivision + housing
No zoning designation	General Residential zoning

Core Issue
The record does not demonstrate how this outcome is consistent with the Comprehensive Plan.

What Must be Demonstrated

- How residential zoning is consistent with Sensitive Lands designation
- Whether this is an explicit exception, and on what basis
- What standard is being applied to determine consistency

What the Record Shows

- No defined standard for evaluating plan consistency
- No site-specific analysis applying such a standard
- No findings explaining how development aligns with Sensitive Lands

Implication
Without that explanation, the City cannot make a supported finding of Plan consistency.

Decision Constraint
If this is being treated as an exception to the Plan, that exception must be explicit, supported, and documented in the record.

Plan Framework + Site Context

What the Plan Requires (Controlling Framework)

The 2025 Comprehensive Plan defines Sensitive Lands as: "Lands that cannot or should not be developed due to naturally occurring constraints that significantly inhibit or preclude development." And states: "Sensitive lands… do not receive a zoning designation."

Implication

- The standard is constraint-driven, not engineering-driven
- Land may be inappropriate for development even if technically buildable
- Growth is explicitly directed to Growth Reserve areas, not here

What the Plan Does (Framework Allocation)

The 2025 Plan establishes a clear allocation:

- Growth Reserve → development land
- Sensitive Lands → constrained land

The Plan establishes that:

- Only approximately 778 acres within the Area of Impact are considered buildable and serviceable
- Over 90% of that land is designated Growth Reserve – identified for future housing and development

Implication

- The Plan allocates nearly all feasible housing growth to specific areas – designated as Growth Reserve areas
- This parcel is outside that allocation of growth

Site Conditions Align with the Sensitive Lands Designation

The parcel exhibits the exact conditions the Plan uses to define Sensitive Lands:

- Big Wood River 100-year floodplain (Zone AE)
- Riparian corridor land
- Wetland-influenced features
- Wildlife habitat and corridor system

These are not peripheral constraints. They are the basis for the designation itself.

Core Tension

The proposal assumes development viability on land designated as constrained, without demonstrating how those constraints are resolved.

Record Gaps + Required Clarifications

Plan Consistency is not Established

The record shows a designation—but not the analysis required to support acting contrary to it.

The record does not demonstrate:

- How residential zoning is consistent with a designation tied to limited or inappropriate development
- Why this parcel is appropriate for housing versus remaining constrained land
- How the site is allocated between:
    - Buildable land
    - Constrained / conservation land

Environmental Protections Claim is Unverified

The proposal asserts that annexation improves environmental protection. The record does not demonstrate this.
The record contains no side-by-side comparison of these standards (setbacks, buffers, no-rise / no-adverse impacts, or overlays):

Standard	County	City / Applicant
Riparian setback	200'	100'
Wetland setback	100'	Not defined (Applicant "protected to the extent possible")
Min. parcel size	5 acres	Not defined
Overlays	Floodplain	Not defined (Flood Hazard?)
	Riparian	Not defined
	Mountain	Not defined

Implication

- Annexation may reduce—not increase—environmental protections
- City standards appear less protective or less defined in key areas
- Applicant approach relies on discretionary protection, not fixed standards
- No analysis demonstrates a net environmental benefit

Growth Allocation Conflict

The Plan identifies specific areas – including Growth Reserve designation – for housing growth:

- Old Board Ranch is not among these areas identified to accommodate future housing growth

Implication

- Approval would direct development outside designated growth areas
- It shifts development from designated growth areas to designated constrained lands

Required Record Clarifications

To support approval, the City must answer — on the record:

- How General Residential zoning is consistent with Sensitive Lands
- What standard governs that determination
- What portion of the site is buildable vs. constrained
- What analysis supports the site allocation between buildable and constrained land
- What comparative analysis addresses applicable City and County development standards (setbacks, buffers, overlays, etc)
- What analysis addresses whether annexation results in development intensity or reduced environmental protections

Related Record Considerations

- The record does not define when Plan consistency must be established within the annexation review sequence
- The record does not identify whether this proposal requires a Plan amendment or how an apparent conflict is to be interpreted
- No written interpretation is identified explaining how the “cannot or should not be developed” standard is applied

On-Record Clarification Requests

The following requests correspond to gaps identified above and in the Administrative Record Index. To support any finding of plan consistency, please identify in the administrative record:

- Where the consistency standard is defined and applied to this parcel
- Whether this is treated as a Plan interpretation or amendment, and where that determination is documented
- How the Sensitive Lands standard is applied in this case
- When, within the review process, plan consistency must be demonstrated, if not at the annexation stage

If not yet established, please confirm:

- Whether these elements are required to support findings at this stage
- When they will be required and evaluated

Closing

This is not a question of whether housing is needed. It is a question of whether the City is applying its Comprehensive Plan as written.

Conclusion

Approving residential zoning here is not a continuation of the Plan — it is an exception that is not explained or supported in the record.

Issue: Sensitive Lands Consistency (Memo #1)

Purpose

This index organizes information relevant to findings on plan consistency as reflected in the administrative record. It identifies where such information is and is not established based on materials currently available.

ID	Finding / Issue	Cited record location(s)	Information reflected in record	Information not reflected in record	Related memo
1	Sensitive Lands Designation	2025 Comprehensive Plan (Sensitive Lands definition; FLUM)	Parcel is designated and mapped as Sensitive Lands	—	Memo #1
2	Plan Consistency — Residential Zoning	April 13 Resolution (consistency implied); application materials	Proposal includes General Residential zoning and subdivision	No explanation identified reconciling Sensitive Lands designation with residential zoning	Memo #1
3	Plan Consistency — Evaluation Standard	Administrative record (general)	—	No standard identified for determining consistency between Sensitive Lands designation and residential development	Memo #1
4	Plan Consistency — Site-Specific Application	Administrative record (general)	—	No site-specific analysis identified applying any consistency standard to this parcel	Memo #1
5	Plan Interpretation vs. Amendment	Resolution findings; administrative record	—	No indication whether approval is based on Plan interpretation or requires Plan amendment	Memo #1
6	Sequence of Determination	Administrative record (general)	—	No definition identified for when plan consistency must be established within annexation or subsequent review stages	Memo #1
7	Application of Sensitive Lands Standard	2025 Comprehensive Plan text (“cannot or should not be developed”)	Plan language defining Sensitive Lands standard	No written interpretation identified explaining how this standard is applied to this proposal	Memo #1
8	Growth Allocation — Designated Areas	2025 Comprehensive Plan (Growth Reserve designation; FLUM)	Growth Reserve areas identified for future housing and development	No explanation identified for directing residential development outside designated Growth Reserve areas	Memo #1
9	Land Capacity Context (Area of Impact)	2025 Plan materials (AOI analysis)	778 acres identified as buildable and serviceable; majority designated Growth Reserve	No explanation identified for why this site is required or appropriate relative to identified growth areas	Memo #1

From:	j loveday
To:	Mary Cone; Martha Burke; Kaz Thea; Dustin Stone; Juan Martinez; Sage Sauerbrey
Cc:	Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation — Memo #1: Sensitive Lands Consistency
Date:	Monday, April 27, 2026 1:30:17 PM
Attachments:	Old Board Ranch Annexation_Record Review Series_M1_Sensitive Lands Consistency_04272026.pdf

Mayor and Council members,

I am submitting the attached memorandum, *Memo #1 — Sensitive Lands Consistency*, along with an *Administrative Record Index (v1)*, as part of a structured review of the Old Board Ranch annexation.

This memorandum addresses a focused question: whether the current administrative record supports a finding that the proposed annexation and residential zoning are consistent with the City's 2025 Comprehensive Plan.

The submission is intended to be constructive and narrowly scoped. It:

- identifies the applicable Comprehensive Plan framework (Sensitive Lands and Growth Reserve)
- outlines what must be demonstrated to support a finding of plan consistency
- summarizes information currently reflected in the administrative record

The accompanying Administrative Record Index provides a structured reference to where information relevant to findings is and is not reflected in the record.

These materials are intended to support a clear, transparent, and defensible decision-making process by ensuring that findings are grounded in defined standards and supported by evidence in the administrative record. Accordingly, please enter this submission into the administrative record.

Thank you for your time and consideration.

Joel Loveday
Hailey

Old Board Ranch Annexation – Council Brief
Key Issue #2: No Defined Standard for Evaluating Development on Sensitive Lands
4/30/2026

Bottom Line
The administrative record does not identify the standard used to determine whether residential zoning on land designated as Sensitive Lands is consistent with the City's Comprehensive Plan. Without a defined standard in the record, the record may not establish the support required for findings of Comprehensive Plan consistency adopted on April 13, 2026.

Why This Matters
Land-use decisions should be supported by a clear, reasoned basis in the administrative record that identifies:

- the standards applied
- the facts relied upon
- the rationale connecting those facts to the decision

This ensures decisions are legally defensible, transparent, consistent, and reviewable. At present, the record does not show what rule, standard, or criteria the City is using to evaluate whether development on Sensitive Lands is allowed.

What Is Missing from the Record
The administrative record does not identify:

- the criteria used to evaluate whether residential zoning is consistent with a Sensitive Lands designation
- the standard for when, if ever, development on Sensitive Lands may occur
- when, in the review process, Comprehensive Plan consistency must be established
- how conflicts between the Comprehensive Plan designation and proposed zoning are evaluated
- what evidentiary showing is required from the applicant

As a result, the record does not show how a finding of Comprehensive Plan consistency is determined, supported, or reviewed.

Implications for the April 13 Findings
Council adopted findings on April 13, 2026 that appear to rely on a determination of Comprehensive Plan consistency. However, the administrative record does not identify the standard used to make that determination or show that such a standard existed in the record at the time of decision. Without an identified standard:

- the basis for the findings is not clearly established
- a complete reasoned statement may be difficult to support
- the decision may be difficult to meaningfully review for compliance with governing law
- later proceedings may rely on findings whose record basis has not been established

Practical Risk to the City
If the City continues to rely on findings that are not supported by an identified standard in the record:

- the decision may be vulnerable to legal challenge or require further record development
- the City may have difficulty demonstrating compliance with Idaho Code requirements
- the decision may require reconsideration or further record development
- future decisions may lack a consistent framework for evaluating similar proposals

Requested Clarification Before Further Action
Before relying on or reaffirming a finding of Comprehensive Plan consistency, the record should clearly identify:

1. The standard used to evaluate development on Sensitive Lands
2. The legal basis for applying residential zoning to this designation
3. Whether the April 13 findings relied on an identified standard, and where it appears in the record
4. Whether the proposal is being treated as:
    - consistent with the Comprehensive Plan
    - an interpretation of the Plan
    - or a Comprehensive Plan amendment
5. When consistency with the Comprehensive Plan must be established in the review process
6. The criteria, facts, and rationale required to support a reasoned statement
7. Whether the applicable standard existed in the administrative record at the time of the April 13, 2026 decision

If no such standard exists in the administrative record, confirmation of that absence would clarify the basis for next steps.

Reference
See *Administrative Record Review Series — Memo #2: Undefined Standard* for full analysis and record citations.

Old Board Ranch Annexation – Administrative Record Review Series
Memo #2 – Undefined Standard: How is Development on Sensitive Lands Evaluated?
4/30/2026

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Governing Standard (Exhibit A)
*This memo should be read in conjunction with **Exhibit A — Record Sufficiency and Verification Standard**, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.*

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

Issue Presented
The administrative record does not identify the standard used to determine whether residential zoning and subdivision of land designated as Sensitive Lands is "in accordance with" the City's Comprehensive Plan.

This memorandum also addresses whether findings adopted by the City on April 13, 2026 rely on a standard that is not identified in the administrative record. This memorandum does not address whether the proposal should or should not be approved. It addresses whether the administrative record identifies the standard required to evaluate that determination.

Core Record Concern
The 2025 Comprehensive Plan distinguishes between areas intended for growth (Growth Reserves) and areas designated as Sensitive Lands.

The administrative record does not identify:

- The criteria used to evaluate consistency between these designations and proposed zoning
- The standard used to determine when development on Sensitive Lands is allowed
- The stage at which consistency must be demonstrated
- The framework used to reconcile apparent conflicts between Plan designation and proposed land use

At the same time, the City has adopted findings that presume the ability to evaluate Comprehensive Plan consistency. The administrative record does not identify the standard required to support those findings. Without a defined evaluation standard, the record does not establish:

- How consistency is measured or applied
- How findings are supported
- The evidentiary threshold or burden of proof required to support such findings

The record does not establish whether the standard relied upon to support findings existed at the time of decision. The absence of an identified standard therefore prevents meaningful review of the decision. The record does not establish that findings were based solely on materials contained within the administrative record.

This raises a threshold question: What standard is being applied to determine whether development on Sensitive Lands is consistent with the Comprehensive Plan?

Why This Matters

Idaho Code §67-6511 requires zoning to be "in accordance with" the adopted Comprehensive Plan.
Idaho Code §67-6535 requires land-use decisions to include a reasoned statement identifying:

- The standards and criteria applied
- The relevant facts
- The rationale connecting those facts to the decision

Where the governing standard is not identified in the administrative record:

- A reasoned statement cannot be constructed
- The basis for the decision is not established

Threshold Record Gaps

Issue	Required Record Showing	Reflected in Record?	Result
Standard of Review	Defined criteria for evaluating Sensitive Lands consistency	NO	Evaluation standard not established
Sequence of Determination	Identification of when consistency must be demonstrated	NO	Decision sequence not established
Legal Basis	Analysis reconciling zoning with Plan designation	NO	Legal basis not established
Interpretation vs. Amendment	Framework distinguishing procedural path	NO	Procedural path not established
Reasoned Statement	Criteria, facts, and rationale under Idaho Code §67-6535	NO	Basis for reasoned statement not established
Reliance on Findings (April 13)	Identification of standard supporting adopted findings	NO	Findings not supported by identifiable standard

Requested Action

Before any finding of Comprehensive Plan consistency is made or relied upon, the City should identify in the administrative record:

1. The standard used to evaluate Sensitive Lands consistency
2. The legal basis for applying residential zoning to this designation
3. Whether findings adopted on April 13, 2026 relied on an identified evaluation standard, and where that standard is reflected in the record
4. Whether the action is being treated as interpretation, amendment, or another procedural path
5. When consistency must be demonstrated within the review sequence
6. The criteria and facts that would support a reasoned statement under Idaho Code §67-6535
7. Whether the standard relied upon to support findings existed in the administrative record at the time of the April 13, 2026 decision

If no such standard exists in the administrative record, please confirm that.

If the City cannot identify a defined evaluation standard in the administrative record, that failure is not a procedural gap to be filled at a later stage. It means that findings adopted on April 13, 2026 were not based on an identified standard – and therefore do not establish a valid basis for Comprehensive Plan consistency, annexation authority, or any subsequent action that relies on those findings.

Legal Framework and Absence of an Evaluation Standard

A Defined Standard Must Exist Before it can be Applied

The issue is not whether the City has discretion, but whether the standard governing that discretion is identified in the administrative record. A standard must exist before it can be applied. A standard that is not identified in the administrative record cannot form the basis of findings, cannot support a reasoned statement, and cannot be reviewed.

A finding of Comprehensive Plan consistency requires more than a general conclusion. The record must show how the proposed zoning is evaluated against the plan designation for the subject parcel.

Here, the apparent tension is direct:

Comprehensive Plan Direction	Applicant Proposal
Sensitive Lands designation	Residential zoning / development
Lands that "cannot or should not be developed"[1]	Creation of residential development rights
Lands that "do not receive a zoning designation"[1]	Assignment of General Residential zoning

1. 2025 Hailey Comprehensive Plan – Sensitive Lands designation, direct language

The administrative record does not identify the standard used to evaluate or reconcile this condition.

The administrative record does not identify the standard under which development is evaluated for consistency with the Sensitive Lands designation. The applicant's statement that such lands are "typically interpreted"[1] does not establish an evaluable standard. The administrative record does not identify any alternative evaluation method or defined criteria, and does not show that required analyses were established prior to the adoption of findings.

Idaho Code §67-6511 — Zoning Must be in Accordance with the Plan

Idaho Code §67-6511 requires zoning districts to be in accordance with the adopted Comprehensive Plan. This requirement presumes the existence of a defined method for determining whether such consistency exists. This requires the City to do more than assert consistency. The record must identify the basis for that determination.

For this parcel, the relevant question is:

What standard allows the City to determine that residential zoning is in accordance with a Sensitive Lands designation?

The administrative record does not identify any alternative evaluation method, nor does it identify the criteria, methodology, or evidentiary threshold used to determine consistency.

Sprenger Grubb v. City of Hailey (1999)

Sprenger Grubb confirms that zoning must be evaluated in relation to the adopted Comprehensive Plan. The relevant principle is: A valid comprehensive plan is foundational to zoning decisions, and zoning must be evaluated against that plan framework.

For this proposal, the administrative record does not identify how residential zoning is evaluated against the Sensitive Lands designation, nor does it identify the framework used to support that evaluation. Where a proposed zoning action appears to conflict with a Plan designation, the administrative record must identify the basis for finding consistency. A general assertion of consistency does not establish that zoning is "in accordance with" the Comprehensive Plan under Idaho Code §67-6511.

Idaho Code §67-6535 — Reasoned Statement Requirement

Idaho Code §67-6535 requires that a land-use decision include a written reasoned statement identifying:

- The relevant criteria and standards

[1] *Applicant Memo (4/13/2026)*

- The contested facts
- The rationale for the decision

A finding of consistency is not sufficient without identifying:

1. The standards applied
2. The facts considered
3. The reasoning connecting those facts to the outcome

Where the governing standard is not identified, these elements cannot be established. The absence of defined criteria, evidentiary thresholds, and required analyses prevents the formation of a reasoned statement supported by the administrative record. In the absence of an identified standard, the administrative record does not support a reasoned statement as required under Idaho Code §67-6535.

Burden of Proof

The administrative record does not identify what showing, if any, the applicant was required to make, the evidentiary threshold applicable to that showing, or whether any such showing was evaluated prior to the adoption of findings on April 13, 2026. In the absence of a defined showing or evidentiary threshold, there is no basis to determine whether the applicant satisfied the applicable standard -- and no record basis on which findings of consistency could have been adopted.

Reviewability Requires an Identifiable Standard

A land-use decision must be reviewable based on the administrative record. Reviewability requires that the record identify:

- The standard applied
- The facts considered
- The rationale connecting the two

Where the standard is not identified, it is not possible to evaluate:

- Whether the decision is supported by substantial evidence
- Whether the decision complies with applicable law
- Whether the same standard would be applied consistently in similar cases

The absence of an identified standard therefore prevents meaningful review of the decision.

Record Gaps and Requested Clarifications

All requests below should be addressed by citation to the administrative record.

Standard of Review
Identify, by citation to the administrative record, the criteria used to evaluate whether residential zoning is consistent with a Sensitive Lands designation. If no formal criteria exist, identify how consistency is determined and what standards are applied. Identify whether such criteria were defined prior to the April 13, 2026 decision or developed subsequently.

Sequence of Determination
Identify, by citation to the administrative record, when Comprehensive Plan consistency must be established, including whether it is required at:

- LOI stage
- Annexation
- Zoning designation
- Subdivision review
- Or another defined stage

Identify whether required analyses supporting each stage were completed prior to findings or deferred to a later stage.

Legal Basis for Proposed Zoning
Identify, by citation to the administrative record, the legal basis for assigning residential zoning to land designated Sensitive Lands.

Interpretation vs. Amendment
Identify, by citation to the administrative record, whether the City is treating this proposal as:

- Consistent with the existing Comprehensive Plan
- An interpretation of the Sensitive Lands designation
- Requiring a Comprehensive Plan amendment

This distinction is not a procedural formality. If the City is treating the proposal as consistent with the existing Comprehensive Plan, the record must show how a Sensitive Lands designation supports General Residential zoning. If it is treating this as an interpretation of the Sensitive Lands designation, the basis for that interpretation must be identified. If a Comprehensive Plan amendment is required, that is a separate public process with its own notice, hearing, and findings requirements under Idaho Code §67-6509. The administrative record does not identify which path is being taken – and without that determination, the appropriate procedural requirements cannot be identified or applied.

Applicant Showing / Evaluation Standard
Identify, by citation to the administrative record, what showing is required of the applicant to demonstrate consistency with the Comprehensive Plan. Identify the evidentiary threshold and burden of proof required of the applicant to support a finding of consistency.

Findings Framework
Identify, by citation to the administrative record, whether the City utilizes a defined framework for evaluating Comprehensive Plan consistency, and if so, where that framework is applied to this proposal.

Evaluation Framework and Required Analyses
Identify, by citation to the administrative record, whether the City defined:

- The analyses required to evaluate consistency
- The standards governing those analyses
- The methodologies to be applied
- Whether such requirements were established prior to the April 13, 2026 decision

Basis for April 13 Findings

Identify, by citation to the administrative record as it existed on April 13, 2026, the standard relied upon to support any finding of Comprehensive Plan consistency. If no such standard exists in the record as of that date, please confirm that.

Conclusion

The issue is not whether the City may exercise discretion. The issue is whether the standard governing that discretion is identified in the administrative record. Without an identifiable standard, the record does not establish:

- How consistency is determined
- How findings are supported
- Or how the decision can be meaningfully reviewed

The record does not establish that findings were based on defined standards applied to evidence contained within the administrative record. In the absence of a defined and applied standard, the administrative record does not establish a valid basis for a finding of Comprehensive Plan consistency.

Issue: Undefined Standard (Memo #2)

Purpose

This index identified whether the administrative record contains the information required to support findings of Comprehensive Plan consistency, and identifies where such information is or is not established.

ID	Finding / Issue	Cited record location(s)	Information reflected in record	Information not reflected in record	Result
10	Standard of Review — Sensitive Lands Consistency	Administrative record; 2025 Comprehensive Plan; April 13 Resolution / findings	Parcel designated Sensitive Lands; proposal seeks residential zoning/subdivision	No defined evaluation standard for determining consistency with Sensitive Lands designation	No evaluation standard established in the administrative record
11	Criteria Applied to Consistency Finding	Administrative record; April 13 Resolution / findings	Consistency appears assumed or implied	No criteria identified or applied to this parcel, and no explanation connecting facts to a consistency determination	No criteria identified or applied; no basis for consistency determination
12	Sequence of Determination	Administrative record; LOI / ARA process materials	City has proceeded through LOI / ARA stage	No defined stage for when Plan consistency must be demonstrated, and no indication that such determination was supported at the time findings were adopted	No defined decision sequence; timing of required determination not established
13	Legal Basis for Residential Zoning	Administrative record; application materials; proposed zoning references	Proposal contemplates General Residential zoning	No legal or planning analysis reconciling residential zoning with the Sensitive Lands designation	No legal or planning basis established for applying residential zoning
14	Interpretation vs. Amendment	Administrative record; Comprehensive Plan; April 13 Resolution / findings	No procedural classification identified	No determination of procedural path (consistency, interpretation, or amendment)	No procedural classification established
15	Reasoned Statement — Idaho Code §67-6535	Administrative record; April 13 Resolution / findings	Council adopted findings asserting Comprehensive Plan consistency	No basis for a reasoned statement (standards, criteria, facts, or rationale) supporting a finding of consistency with the Sensitive Lands designation	No standards, criteria, facts, or rationale sufficient to support a reasoned statement
16	Reviewability of Consistency Determination	Administrative record generally	No review framework identified	No identifiable standard allowing evaluation of whether the finding is supported by substantial evidence or applied consistently	No identifiable standard allowing evaluation of substantial evidence or consistent application
17	April 13 Record Basis	Administrative record as of April 13, 2026	Council adopted findings in connection with April 13 action	No record citation (as of April 13, 2026) identifying the standard relied upon to support findings of Comprehensive Plan consistency	No identifiable standard in the record as of April 13 supporting adopted findings
18	Burden of Proof / Evidentiary Threshold	Administrative record generally	No evidentiary standard identified	No defined burden of proof or evidentiary threshold required to support findings	No defined burden of proof or evidentiary threshold

Old Board Ranch Annexation – Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serves as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	Martha Burke; Kaz Thea; Juan Martinez; Dustin Stone; Sage Sauerbrey; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation -- Memo #2: Undefined Standard
Date:	Thursday, April 30, 2026 9:04:14 AM
Attachments:	Old Board Ranch Annexation_Record Review Series_M2_Undefined Standard_Council_04302026.pdf

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Mayor and Council members,

I am submitting the attached Memo #2 — Undefined Standard: How is Development on Sensitive Lands Evaluated?, with Administrative Record Index (v2), as part of the Old Board Ranch annexation record review series.

This memo addresses whether the administrative record identifies the standard used to evaluate whether residential zoning and subdivision of land designated Sensitive Lands is consistent with the City's 2025 Comprehensive Plan.

Please enter this submission into the administrative record. Thank you for your time and consideration.

Joel Loveday
Hailey

M3 Exhibit 1 — Supplemental Administrative Record Index: City Historical File Materials

This exhibit includes digitized historical City-file materials relevant to Memo #3 — Site Feasibility. The materials include prior floodplain, wetlands, environmental site-condition, FEMA/LOMR, engineering, and application-completeness records. The file was maintained by the City in hard-copy form, digitized through a prior public-records request, and is submitted here as supplemental record material because it contains parcel-specific materials relevant to whether prior constraints information was reviewed, reconciled, updated, superseded, or determined inapplicable.

Page	Document	Relevance to Memo #3
4–38	EHM Engineers Phase I Environmental Site Assessment — Board Ranch — Dec. 2003	Identifies prior environmental site-condition review, former sawmill use, floodplain status, wetlands observations, site photographs, regulatory-record review, assessment limitations, and supporting environmental documentation; supports review of site-condition baseline and whether prior environmental materials were reviewed, updated, superseded, or determined inapplicable.
39–57	Fisher & Associates Wetlands Determination / Board Mill Wetland Delineation — Oct. 2003	Identifies prior wetlands / jurisdictional-water materials, including maps, wetland delineation report, wetland inventory design, hydrology / vegetation findings, and quantified wetland conclusions; supports review of wetlands baseline, jurisdictional questions, and constrained versus potentially developable land.
58–135	Brockway Engineering Flood Plain Analysis — Big Wood River and Hailey Slough below Bullion Street — Feb. 2007	Identifies prior engineering / hydraulic analysis addressing Hailey Slough, Big Wood River, floodplain delineation, FEMA / LOMR context, topographic data, cross-sections, modeling, floodway / BFE information, historical aerials, and technical conclusions; supports review of floodplain baseline, hydraulic conditions, and current feasibility assumptions.
136–143	FEMA / LOMR Application Materials and Supporting Forms	Reflects federal map-revision / floodplain-review materials relevant to prior FEMA process, application status, floodplain designation, and map-revision history; supports review of whether prior federal floodplain materials were reviewed, updated, superseded, or determined inapplicable.
144–181	Additional / Duplicate Brockway Floodplain Analysis Materials and Appendices	Provides additional floodplain analysis materials, including maps, hydrologic data, cross-sections, photographs, tables, and supporting engineering appendices; supports review of floodplain baseline, H&H assumptions, and prior technical analysis.
182–195	Additional Fisher Wetland Delineation Materials / Wetland Maps	Provides additional or duplicate wetland delineation materials, including site map, wetland boundary information, plant / hydrology observations, and supporting wetland documentation; supports review of wetlands baseline and whether prior wetland materials remain relevant, superseded, or unresolved.
196–209	EHM / City Correspondence and Historical-File Maps	Identifies correspondence and map materials relevant to prior site review, application materials, wetlands / floodplain issues, and City historical-file treatment; supports review of what materials were previously considered, requested, or maintained in the City's file.
210–228	Agency / Applicant / City Correspondence re Floodplain, Wetlands, and Application Review	Identifies prior correspondence relevant to agency pathways, application completeness, wetlands / jurisdictional review, floodplain review, and materials requested or considered during earlier annexation / development review; supports review of current feasibility-related submission requirements.

Page	Document	Relevance to Memo #3
229–244	Handwritten Notes, Site Materials, Aerial / Parcel Maps, and Correspondence	Identifies historical notes and maps relevant to parcel conditions, site constraints, floodplain / wetlands context, and prior review of the Old Board Ranch / Board Mill parcel; supports review of historical-file materials relevant to current site-feasibility assumptions.
245–255	National Flood Insurance Program / FEMA Correspondence	Reflects federal floodplain / NFIP correspondence relevant to FEMA / LOMR status, floodplain designation, map-revision process, and community floodplain obligations; supports review of whether prior federal materials were reconciled with current effective and preliminary floodplain mapping.
256–270	Additional Fisher Wetland Delineation / Wetland Determination Materials	Provides additional wetland report materials and supporting pages relevant to quantified wetlands, hydrology, vegetation, jurisdictional-water questions, and constrained-area analysis; supports review of wetlands baseline and whether current delineation or jurisdictional confirmation is required.
271–283	Historical Notes, Wetland / Floodplain Maps, Concept / Site Exhibits, and Aerial Materials	Provides supporting maps and notes relevant to wetlands, floodplain conditions, parcel layout, proposed development concepts, and physical constraints; supports review of whether a composite constraints map or equivalent integrated analysis is needed.
284–292	City / Consultant Memoranda, Correspondence, Photos, and Floodplain Maps	Identifies materials relevant to prior City and consultant review, floodplain mapping, site conditions, and administrative-record context; supports review of whether prior City-held materials were incorporated, updated, superseded, or excluded from the current administrative record.
293–309	Application Checklist, MT-2 / FEMA Forms, City Correspondence, and Applicant Materials	Identifies prior application-completeness and FEMA-related materials relevant to what information was required or submitted for earlier review, including floodplain, wetlands, and site-plan issues; supports review of current application-completeness expectations and feasibility-related submission requirements.
310–322	EHM / Applicant Submittal Materials, Narrative, Agency / Legal Correspondence	Identifies prior submittals and correspondence relevant to annexation / development review, site-condition issues, floodplain / wetlands concerns, and administrative-record completeness; supports review of whether prior review materials inform current required analyses.
323–339	Mailing Labels, Maps, Assessor / Tabular Materials, Application Forms, and Narrative Materials	Identifies supporting administrative materials relevant to notice, parcel identification, application support, maps, tables, and prior review record; supports parcel identity, record organization, and administrative-record cross-reference.

Record Questions Supported by this Index

These City historical file materials support the following Memo #3 record questions. To the extent the City relies on any feasibility-related finding, the City should identify, by citation to the administrative record, where each issue is addressed or confirm that it remains unresolved:

1. whether prior City-held environmental, wetlands, engineering, floodplain, FEMA/LOMR, and application-completeness materials were reviewed, incorporated, updated, superseded, or determined inapplicable;
2. whether prior Phase I ESA / environmental site-condition materials were reviewed in establishing the current site-condition baseline for proposed residential development;
3. whether prior wetland delineation, wetland inventory, hydrology / vegetation findings, or jurisdictional-water materials were reviewed in determining constrained versus potentially developable areas;
4. whether prior engineering / hydraulic materials addressing Hailey Slough, the Big Wood River, floodplain delineation, FEMA/LOMR context, floodway / BFE information, modeling, and topographic data were reconciled with current feasibility assumptions;

5. whether prior application-completeness correspondence and City / consultant review materials identify threshold information required before feasibility-related findings are relied upon;
6. whether a composite constraints map or equivalent integrated analysis has been prepared or required before determining which portions of the site are constrained and which are potentially developable.

EHM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

PHASE 1 ENVIRONMENTAL

SITE ASSESSMENT

For
Board Ranch

Prepared for:
Hailey II, L.L.C.

Job # 490-03

Prepared by:
EHM Engineers, Inc.
621 N. College Rd. Suite 100
Twin Falls, ID 83301
(208) 734-4888

December, 2003

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

For property known as

Board Ranch

For

Hailey II, L.L.C.

EHM JOB NUMBER
#490-03

December, 2003

Gary R. Burke, P.E.

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2.1 Summary

EHM Engineers, Inc. conducted a Level 1 Environmental Assessment for Board Ranch, Hailey, Idaho in December of 2003. The property is an old sawmill site with barns, sheds, junk cars and miscellaneous machinery located on the lot. The site is in the flood plain of the Big Wood River. Wetland sites have been identified on the property (Appendix 2.16.8). An old City landfill was located West of the property across the Big Wood River. Radon gas issues have been identified in Blaine County. No other conditions were identified which would put the property at environmental risk.

2.2 Introduction

Hailey II, LLC engaged EHM Engineers, Inc. to conduct a site assessment for property known as Board Ranch in Hailey, Idaho. The site has been used for a lumber sawmill operation. Before and after the sawmill, the site has been vacant except for farming, pasture and ranch activities.

2.2.1 Purpose

The assessment was conducted as appropriate inquiry to identify the potential for recognized environmental conditions in connection with previous or existing uses of the subject property. This assessment was conducted according to customary practices for Phase 1 Environmental Site Assessments as defined by ASTM practice E 1527-2000.

2.2.2 Scope of Phase 1 Environmental Site Assessment

The scope of the work undertaken in the assessment consisted of the following:

1. Records review to identify documented recognized environmental conditions in connection with the subject property and neighboring properties.

2. A site reconnaissance to visually and physically observe the subject property, neighboring properties and structures on the subject property to obtain information regarding the likelihood of identifying recognized environmental conditions in connection with the property.

3. Interviews with current and former owners and other persons with knowledge of the subject property to obtain information about current and past usage's of the property.

4. Interviews with representatives of appropriate regulatory environmental, and/or health agencies to obtain information indication recognized environmental conditions in connection with the subject property.

2.2.3 Significant Assumptions

Factual information regarding operations, conditions, and test data were obtained, in part, from the client, and have been assumed by EHM to be correct and complete. Since the factors stated in this report are subject to professional interpretation, they could result in differing conclusions. In addition, the findings and conclusions contained in this report are based on various quantitative and qualitative factors as they existed on or near the date of the investigation. Therefore, if the recommendations made in this report are not implemented within a reasonable period of time, there can be no assurance that intervening factors will not arise that will affect that conclusions reached herein.

2.2.4 Limitations and Exceptions of Assessment

The purpose of this investigation and report is only to inform the client of probable environmental conditions as they currently exist at the subject site. EHM does not assume responsibility for the discovery and elimination of hazards that could possibly cause accidents, injuries, or damage. Compliance with submitted recommendations and/or suggestions in no way assures elimination of the hazards of the fulfillment of a client's obligation under any, local, state, or federal laws or any modifications or changes thereto. In many cases, federal, state, or local codes require the prompt reporting to relevant authorities if a release occurs. It is the responsibility of the client to comply with requirements any conditions that are in violation of current legal standards.

2.2.5 Special Terms and Conditions

This report reflects conditions, operations, and practices as observed during the investigation. Except as noted otherwise, changes or modifications to procedures and/or facilities made after the site visit are not included.

No changes to its form or content may be made without EHM's expressed written approval.

2.2.6 User Reliance

This report was prepared by EHM Engineers, Inc., for the entities listed on the cover page of the report. The use of information contained in the report is expressly reserved for use by these listed entities and EHM Engineers, Inc. EHM Engineers, Inc. accepts no responsibility for information used by non listed parties.

2.3 Site Description

2.3.1 Location and Legal Description

The site is located on the East bank of the Big Wood River South of Croy Creek Road (Bullion St.) Figure 1. The property legal description is Tax lot 6430, Blaine County, Idaho.

2.3.2 Site and Vicinity Characteristics

The site is located along the Big Wood River in a residential area of Hailey, Idaho. The area was originally farmground. Two sawmills, the Ivie and Board facilities have operated in the area. The property West of the River, known as Lions Park, was an old Hailey City landfill.

2.3.3 Current Uses of Property

The property is currently occupied by 3 structures (barns, shops and sheds), which house storage for farming and sawmill machinery. Portions of the site have abandoned cars, machinery and equipment. The site is currently inactive. A City of Hailey sewer line runs across the property.

2.3.4 Descriptions of Structures, Roads, and Other Improvements on the Site

Access to the site is obtained from Bullion Street by a 150 foot common roadway which also serves existing residential housing. The site has a barn, a storage shed and a shop. These 3 structures are wood both interior and exterior. Old Big Wood River channels sawmill structures are located on the site.

2.3.5 Current Uses of Adjoining Properties

The Big Wood River adjoins the property on the West. Lions park is located across this river. Residential homes and shops are located to the North and East. Undeveloped flood plain property is located to the South.

2.4 User Provided Information

2.4.1 Title Records

A title history of the property is presented in Appendix 2.16.4. The Board family, in various forms, has owned the property since 1880.

2.4.2 Environmental Liens or Activity and Use Limitations

Information Reported By User Regarding Environmental Liens, Special Knowledge,
The current owners of the property, Don and Linda Board, were not aware of any of the following:

- Underground Storage Tanks
- Buried or stored hazardous wastes
- Environmental Audit Reports
- Environmental Law Violations Notices or Correspondence
- Hazardous waste generator notices or reports

2.5 Records Review

2.5.1 Standard Environmental Record Sources

The following standard Sources and search distances were reviewed within the scope of this assessment.

	Approximate Minimum Search Distance, Miles (kilometres)
Federal NPL site list	1.0(1.6)
Federal CERCLIS list	0.5(0.8)
Federal CERCLIS NFRAP site list	property and adjoining properties
Federal RCRA CORRACTS facilities list	1.0(1.6)
Federal RCRA non-CORRACTS TSD facilities list	0.5(0.8)
Federal RCRA generators list	property and adjoining properties
Federal ERNS list	property only
State lists of hazardous waste sites identified for investigation or remediation:	
State-equivalent NPL	1.0(1.6)
State-equivalent CERCLIS	0.5(0.8)
State landfill and/or solid waste disposal Site lists	0.5(0.8)
State leaking UST lists	0.5(0.8)
State registered UST lists	property and adjoining properties

There is one UST site listed on Croy Creek Road (Alberdi). There is an old city landfill site 200 feet West of the property across the Big Wood River. No CERCLIS, RCRA or ERNS sites were identified.

2.5.2 Additional Environmental Record Sources

In addition to the Standard Environmental record sources listed under Section 2.5.1 the following sources were reviewed:

1) County Building Department Records
2) State Environmental Quality Department Records
3) USGS Quadrangle Maps
4) ASCS Aerial Photographs

2.5.3 Physical Setting Source(s)

The site is located on the Western boundary of Hailey, Idaho. The flood plain of the Big Wood River covers much of the property. The primary area use is residential. A city park is located

West of the Big Wood River. Two old sawmills operated in the immediate vicinity of the project.

2.5.4 Historical Use Information on the Property

The property has been a ranch and sawmill since the 1950's.

2.5.5 Historical Use Information on Adjoining Properties

Adjoining property uses are mainly residential. Some of the homes have shops which are used for home businesses. The Ivie sawmill operated along the East property boundary. This area is now residential.

2.6 Site Reconnaissance

2.6.1 Methodology and Limiting Conditions

The site was inspected on November 23, 2003. No site samples were taken. No test pits were excavated. The site was inspected for visual and odor indicators. A ground cover of native vegetation hampered detailed observance of the surface.

2.6.2 General Site Setting

The area is in a designated 100 year flood plain (Appendix 2.16.4). No manufacturing, or industrial uses, other than sawmills, were identified. The area occupied by Lions Park West of the property was an old city dump.

2.6.3 Exterior Observations

The site is covered by native grasses, trees and shrubs. Abandoned trucks and machinery are located on the lot. Three wooden structures, a barn, a storage shed and a shop are located along the East property boundary.

2.6.4 Interior Observations

The three structures are all wooden both interior and exterior. The storage shed houses an old horse drawn carriage. The barn houses horse tack and hay. The shop has abandoned machinery and tools.

2.7 Interviews

2.7.1 Interview with Owner

Don and Linda Board indicated that the site was used as an old sawmill and horse / cattle pasture area since 1880. The sawmill had wood heat and later electric service. No chemicals or fuels were used or stored on site.

2.7.2 Interview with Site Manager

Don Board was a site manager.

2.7.3 Interview with Occupants

None.

2.7.4 Interview with Local Government Officials

Pat O'rorke State UST / LUST coordinator was not aware of any problems at the site.

Mike Chapman, City Fire Marshall was aware of an old city dump across the river and the Ivie sawmill along the East property boundary.

Dave Furguson with the Hailey Building Department had no City records on the property. He was aware that the site was in a flood plain.

Dan Kriz with the South Central District Health Department was aware of radon gas measurements in Blaine county exceeding 4 pico curries per liter.

2.7.5 Interviews with Others

Mike Baledge, City Fire Inspector, was not aware of any problems in the area.

2.8 Findings

1. Lions Park (old landfill)
2. Flood plain
3. Radon gas
4. Old sawmill site
5. Wetlands

2.9 Opinion

1. The old landfill lies across the Big Wood River and is not expected to have an impact on the subject property.

2. The site is in a flood plain.

3. Radon gas may be a problem.

4. Old sawmill activities are not expected to put the site at environmental risk.

5. Isolated wetland areas have been identified on site.

2.10 Conclusions

1. Precautions should be taken to protect future activities from floods.

2.Wetland areas should be preserved.

3. Appropriate activities should be used to protect future users from exposure to Radon gas.

2.11 Deviations

There were no deviations from the requirements listed for site assessments, method ASTM 1527-E-00 except that apartment tenant interviews were not conducted.

2.12 Additional Services

2.12.1 Farm Chemical Applications

Pesticides, fertilizers and herbicides are chemicals normally used in farming operations. It is not uncommon for pesticide residue to be present in agricultural soils. There is no indication that the levels of these residuals would be higher at this site than other agricultural areas.

2.12.2 Asbestos

Asbestos that is part of the structure of buildings is excluded from CERCLA liability, and its investigation is therefore outside the scope of a party's innocent purchaser appropriate inquiry. However, a building sold with the knowledge that it will be demolished may constitute a disposal falling under CERCLA's liability provisions. The following information is supplied solely to assist the user in determining whether an asbestos investigation should be considered, and does not constitute an asbestos investigation in itself. The presence of asbestos-containing materials is possible in any structure built before 1979. Many common building materials, such as plaster, ceiling tiles, floor tiles, roofing felt, etc., as well as sprayed or trowled-on insulations, contained asbestos. Asbestos-containing materials are considered potentially hazardous only if they become friable or are damaged or disturbed during demolition or remodeling.

2.12.3 Radon Gas

According to Dan Kriz with the South Central District Health Department, areas in Blaine County have been found which have radon gas emissions which exceed 4 pico curries per liter.

2.12.4 Wetlands

Areas within the boundary of the property are "isolated wetlands" created by floods and near surface waters of the Big Wood River. (Appendix 2.16.8)

2.12.5 Flood Plains

According to Blaine County Flood Plain Panel 165167 0664, March 16, 1981, the property is within the boundary of the 100 year flood plain of the Big Wood River.

2.12.6 Lead Based Paint

No lead based paint issues were identified.

2.13 References

Appendix 2.16.6 contains references which were used in conducting the assessment.

2.14 Signature(s) of Environmental Professional(s)

2.15 Qualifications (s) of Environmental Professional(s)

Gary R. Burkett, P.E. has a Bachelor of Science Degree from the University of Idaho in Civil Engineering (1971). Mr. Burkett was employed as an Environmental Engineers with the State of Idaho (1980 – 89). He has been the Environmental Department Head for EHM Engineers, Inc. since 1989 responsible for over 60 environmental assessments and 40 remediation projects.

2.16.1 SITE (VICINITY) MAP

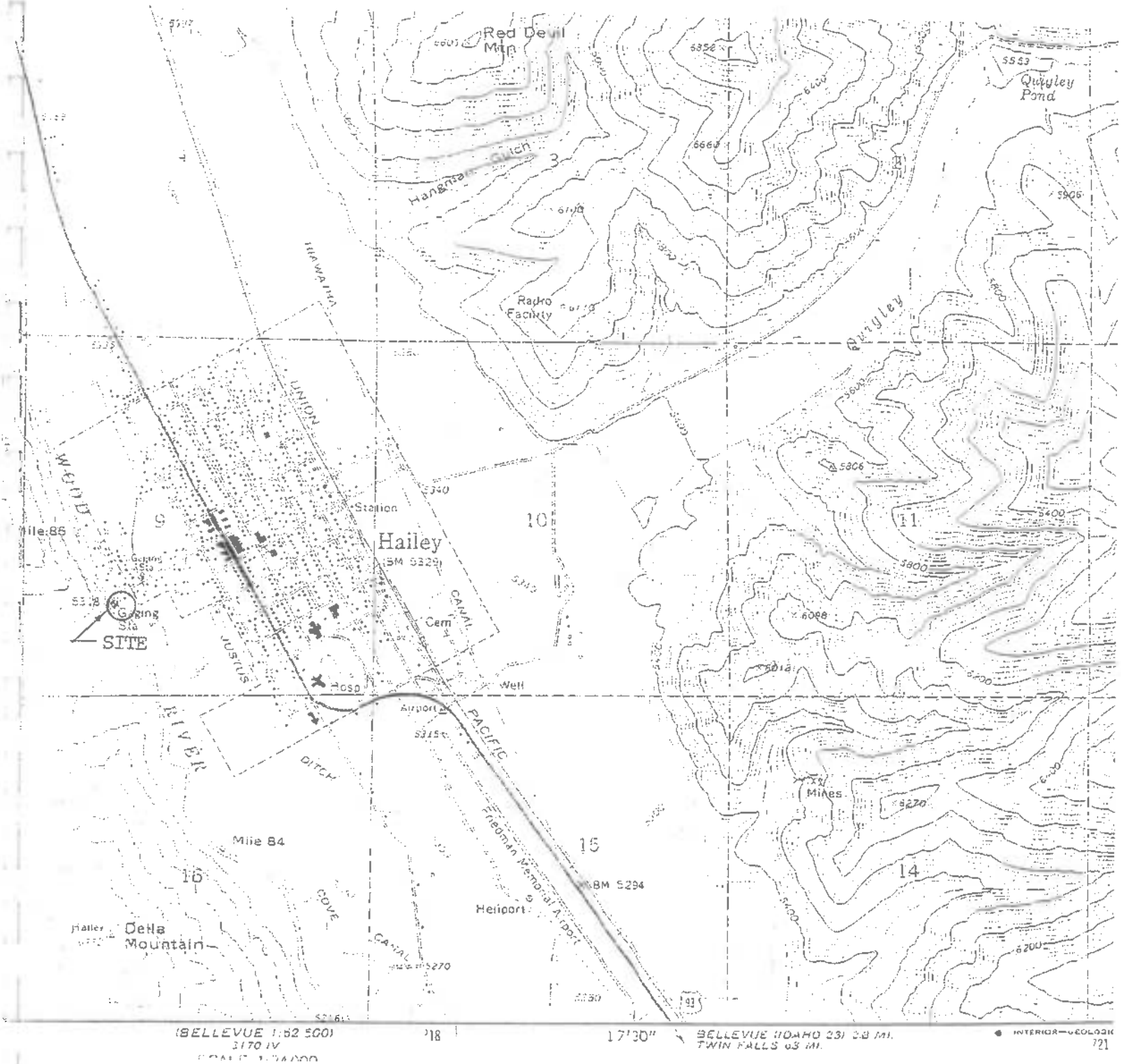
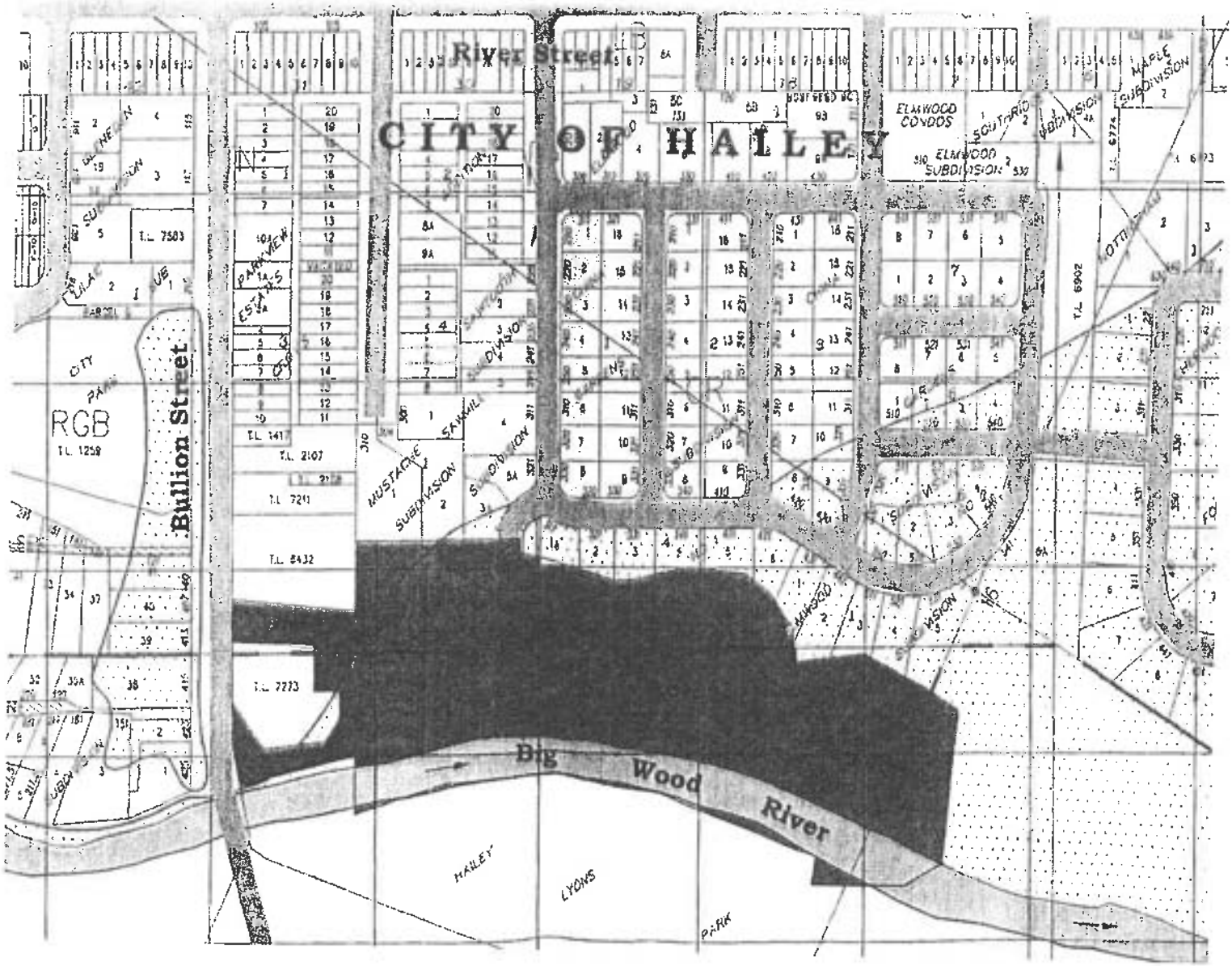


FIGURE 1
SITE LOCATION MAP

2.16.2 SITE PLAN



Board Hailey Property

2.16.3 SITE PHOTOGRAPHS

Boards Ranch view from Croy Cr. Road

BOARD'S RANCH VIEW FROM LIONS PARK

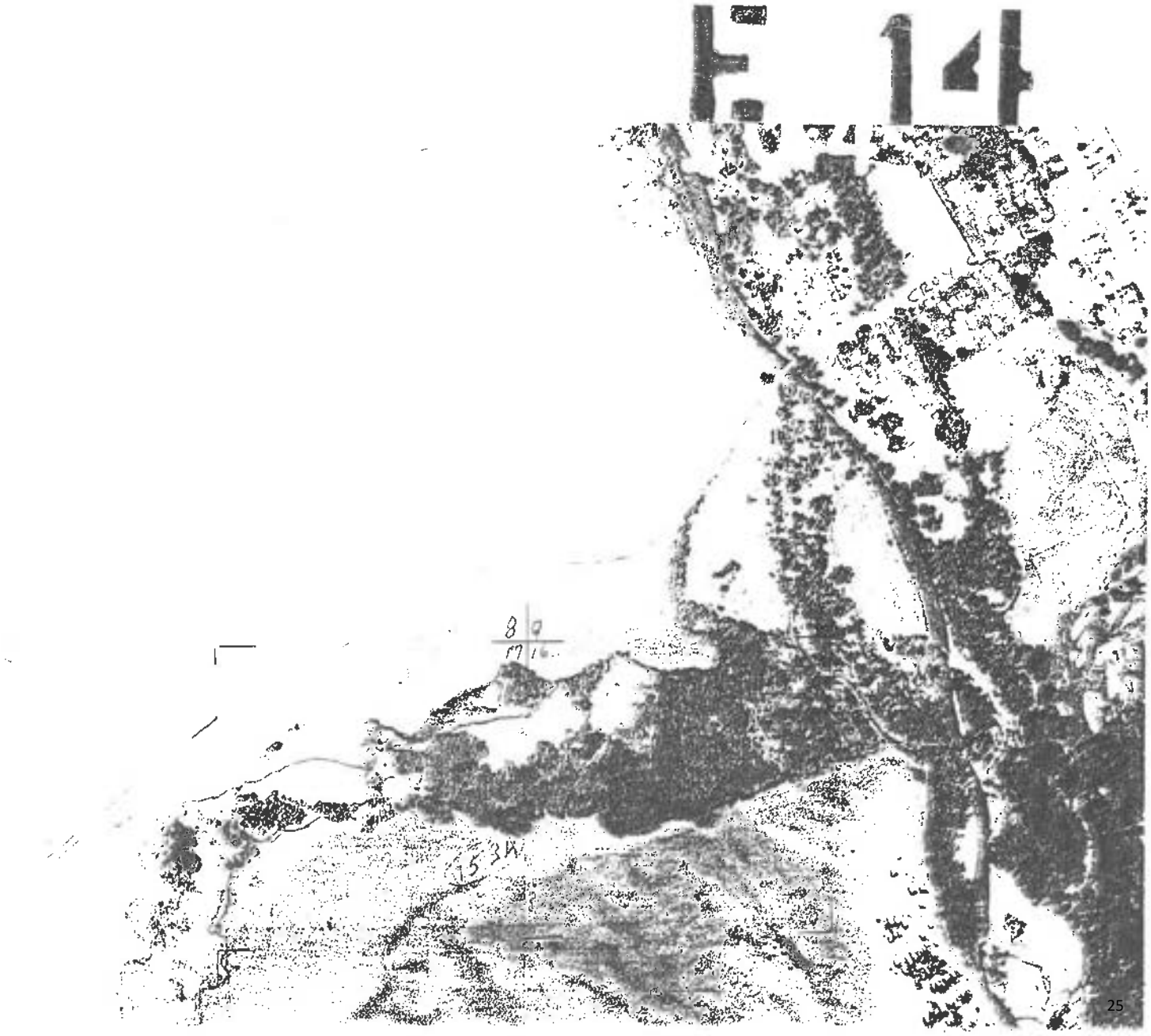
2.16.4 HISTORICAL RESEARCH DOCUMENTATION

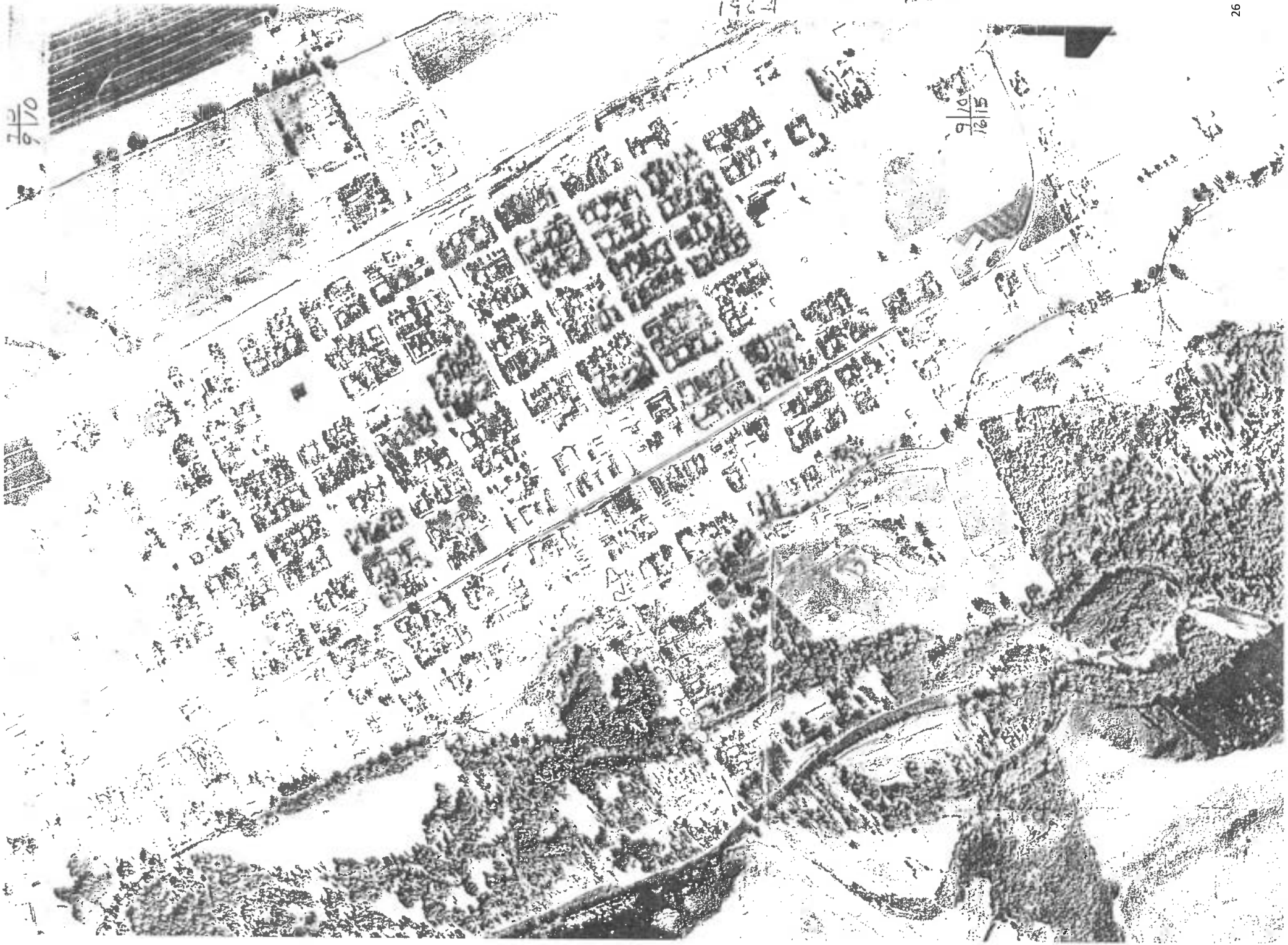
(aerial photographs, fire insurance maps, historical topographic maps, etc.)

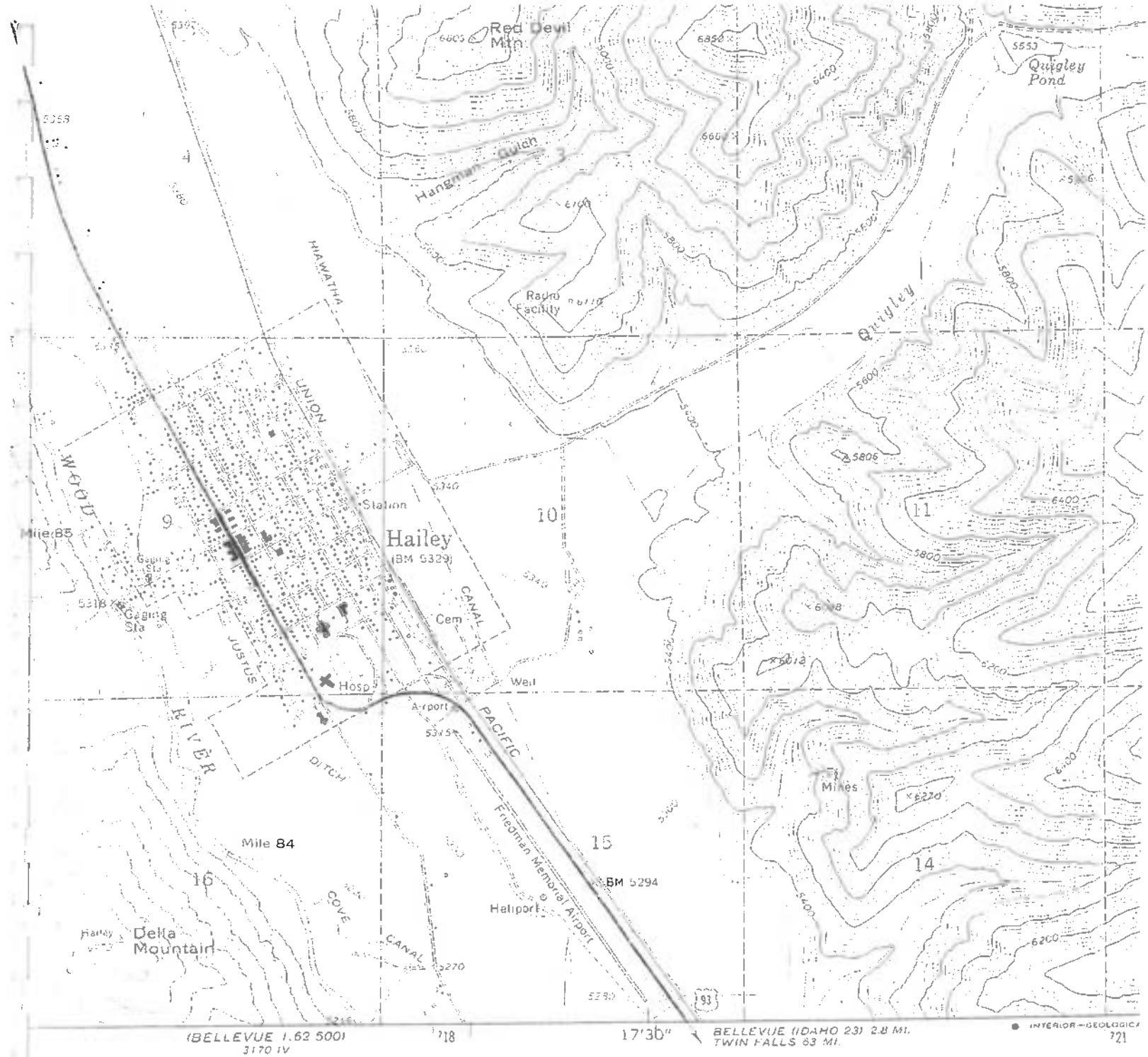
Bow Ranch

CVO IRR 104
E 14
1969

E 14







70

USGS Hailey QUAD.

1967

2.16.5 REGULATORY RECORDS DOCUMENTATION

U.S. Environmental Protection Agency

Biennial Reporting System (BRS)

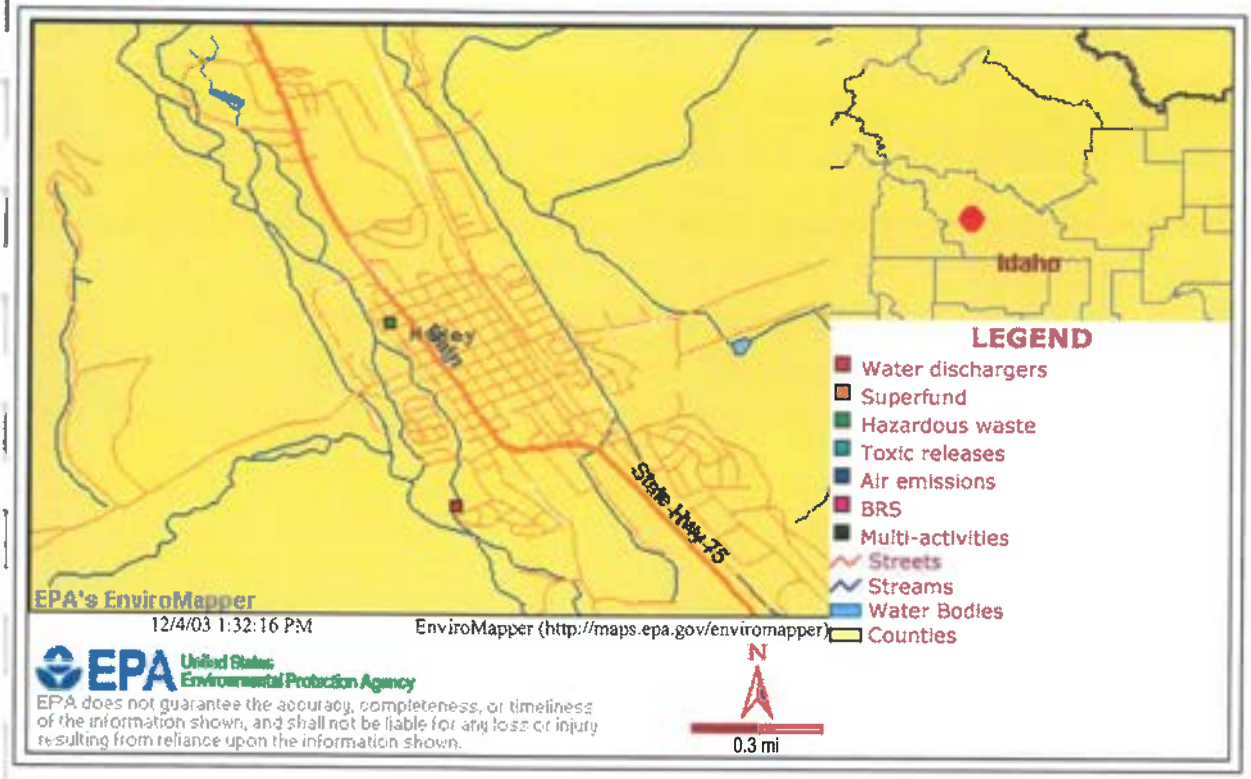
Overview
Query
Model
Law
Data Source
Office of Solid Waste
Contact Us
EF Home

Overview

BRS

The Biennial Reporting System is a national system that collects data on the generation, management, and minimization of hazardous waste. This system captures detailed data on the generation of hazardous waste from large quantity generators and data on waste management practices from treatment, storage, and disposal facilities. The biennial data provide a basis for trend analyses. Data about the previous year's hazardous waste activities is reported on even years by the facilities to EPA. EPA then provides reports on hazardous waste generation and management activity that accompany the data files. You may use a variety of data retrieval options in the Biennial Reporting System Query to search for other facilities that interest you. Information on related laws and regulations is also available. EXIT EPA

There is a graphic BRS model and information on related table and column information.


Idaho
Hailey
State Hwy 75
LEGEND
Water dischargers
Superfund
Hazardous waste
Toxic releases
Air emissions
BRS
Multi-activities
Streets
Streams
Water Bodies
Counties
EPA's EnviroMapper
12/4/03 1:32:16 PM
EnviroMapper (http://maps.epa.gov/enviromapper)
EPA United States Environmental Protection Agency
EPA does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown.
N
0.3 mi

Idaho UST List - Region 4

Fac. ID	Street Address	City	Facility Name	Owner Name	Closed
4-240014	RT 1, BOX 358	HAGERMAN	MALAD GORGE STATE PARK	ID DEPT OF PARKS & RECREATI	☑
4-240052	STATE & SALMON ST	HAGERMAN	CITY OF HAGERMAN	CITY OF HAGERMAN	☑
4-070633	1011 MAIN STREET N	HAILEY	A-EXPRESS #130	ALBERTSON'S INC	☐
4-070050	1022 FOX ACRE RD	HAILEY	BLAINE CO SCHOOL DIST #61	BLAINE CO SCHOOL DIST #61	☑
4-070068	1040 1/2 AIRPORT WY	HAILEY	POWER ENGINEERS INC	POWER ENGINEERS INC	☑
4-070014	11 MAPLE	HAILEY	ASSOCIATED DAIRIES	ASSOCIATED DAIRIES	☑
4-070067	110 N RIVER ST	HAILEY	SOUTHERN IDAHO DIST	WATKINS INC	☑
4-070607	1131 AIRPORT WY	HAILEY	SUN VALLEY STAGES INC 1	SUN VALLEY STAGES INC	☐
4-070018	118 N MAIN	HAILEY	U S WEST (11)	QWEST COMMUNICATIONS	☑
4-070011	12 W CARBONATE ST	HAILEY	CITY OF HAILEY	CITY OF HAILEY	☑
4-070026	1221 AIRPORT WY	HAILEY	U-SAVE AUTO RENTAL	ALLEN MARSH	☑
4-070043	1616 AIRPORT WAY	HAILEY	FRIEDMAN MEMORIAL AIRPORT	FRIEDMAN MEMORIAL AIRPORT	☑
4-070010	200 S MAIN	HAILEY	UNITED OIL HAILEY 3	FRANKLIN UNITED INC	☑
4-070013	202 N MAIN ST	HAILEY	RAM MOTORS	CURRY CORP	☑
4-070609	209 S MAIN ST	HAILEY	HAILEY CHEVRON	RENE BINE	☐
4-070059	220 S 1ST	HAILEY	BLAINE COUNTY SHERIFF	BLAINE COUNTY SHERIFF	☑
4-070007	303 S MAIN ST	HAILEY	S & H AUTO PARTS	ADAMSON'S INC	☑
4-070055	4150 GLENBROOK DR	HAILEY	MCSTAY CONSTRUCTION 1	G M MCSTAY	☑
4-070632	4170 GLENBROOK	HAILEY	UNITED OIL HAILEY 1	FRANKLIN UNITED INC	☐
4-070012	4297 GLENBROOK DR	HAILEY	WOODSIDE TREATMENT PLANT	CITY OF HAILEY	☑
4-070062	601 N MAIN ST	HAILEY	MINI MART	DAVID WENDLAND	☐
4-070061	619 S MAIN ST	HAILEY	THE HITCHRACK	HITCHRACK PARTNERS NTS LLC	☐
4-070025	703 N MAIN	HAILEY	SAWTOOTH FOOD & DELI 350/ VALL	RENE BINE	☐
4-070606	817 S 3RD	HAILEY	VALLEY CAR WASH	RENE BINE	☐
4-070021	910 4TH ST S	HAILEY	WOOD RIVER BEVERAGE CO	ROBERT L WIESEN	☑
4-070620	910 AIRPORT WAY	HAILEY	SAWTOOTH AUTO SALES	TERRY BASOLO	☑
4-070060	BOX 400	HAILEY	BLAINE COUNTY ROAD & BRIDGE	BLAINE COUNTY	☑
4-070634	CROY ST	HAILEY	ERIC ALBERDI	ERIC ALBERDI	☑
4-070034	FRIEDMAN MEMORIAL AIRPORT	HAILEY	BLAINE COUNTY PILOTS ASSOCIAT	BLAINE COUNTY PILOTS ASSOCI	☐
4-070042	FRIEDMAN MEMORIAL AIRPORT/ N END	HAILEY	SUN VALLEY AVIATION	SUN VALLEY AVIATION	☑
4-070044	FRIEDMAN MEMORIAL AIRPORT/TORREY HANGAR	HAILEY	SUN VALLEY AVAITION INC	TORREY JET AVIATION	☑
4-070058	HAILEY AIRPORT	HAILEY	PHILLIPS 66 CO #010181	PHILLIPS 66 CO	☐
4-070813	HWY 75 MP 116.62	HAILEY	IDAHO TRANSPORTATION DEPT	IDAHO TRANSPORTATION DEPT	☑
4-070040	HWY 75 MP 118.2	HAILEY	HAILEY MTCE YARD #41200	IDAHO TRANSPORTATION DEPT	☑
4-070036	HWY 75 S	HAILEY	STL INVESTMENTS	S T L INVESTMENTS	☑
4-070056	S WOODSIDE INDUSTRIAL PAR	HAILEY	MCSTAY CONSTRUCTION 2	G M MCSTAY	☑
4-070003	S WOODSIDE IND PARK	HAILEY	TRISTATE EXCAVATION	TRISTATE EXCAVATION	☑
4-420638	101 MAIN	HANSEN	BAILY'S GARAGE	ART BAILY	☑
4-420201	22657 HWY 30	HANSEN	INTERMOUNTAIN FARMERS (3)	INTERMOUNTAIN FARMERS ASS	☑
4-420691	3048 ROCK CREEK RD	HANSEN	ROCK CREEK STORE	WOJCIK FAMILY ENTERPRISES L	☐
4-420037	3872 ADDISON AVE E	HANSEN	GEORGE L COINER	GEORGE L COINER	☐
4-420205	3800 N HWY 30 E	HANSEN	AUTO REPAIR SHOP	BASIL BRASHIER	☑
4-420036	3949 E 2800 N	HANSEN	CECIL STANGER	CECIL STANGER	☑
4-420218	410 HWY 30	HANSEN	DAVE LAWRENCE INC	DAVE LAWRENCE INC	☑
4-420199	440 HWY 30 W	HANSEN	HANSEN MARKET	HANSEN MARKET LLC	☐
4-420038	550 S MAIN PO BOX 250	HANSEN	HANSEN SCHOOL DISTRICT 415	HANSEN SCHOOL DIST #415	☑
4-420040	BOX 99	HANSEN	LW MOORE	LW MOORE	☑

Idaho LUST List - Region 4

LUST ID	Facility Location Address	Facility Location City	Facility Location Name	Notification Date	Cleanup Complete	Impact
9270008*2	1017 S 1150 E	EDEN	TRAVELERS OASIS	12/8/99	☑	
9270001	RT 1	EDEN	ANDERSON CAMP	6/3/97	☑	
9130003	220 SOLDIER RD	FAIRFIELD	STEWART SERVICE	4/18/00	☑	
9130017	607 SOLDIER RD	FAIRFIELD	ROGER ANDERSON	4/1/90	☑	
9130011	BLOCK 28 SHOP	FAIRFIELD	CAMAS COUNTY ROAD & BRIDGE	6/24/99	☑	GROUND WATER
9130006	HWY 20 MP 152.7	FAIRFIELD	IDT - FAIRFIELD	6/14/93	☑	
9130007	W HWY 20	FAIRFIELD	PRAIRIE POWER CO-OP INC	11/1/89	☑	
9420021	500 MAIN ST	FILER	ACME MANUFACTURING CO	1/1/90	☑	GROUND WATER
9420197	220 MIDWAY	FILER	FILER HWY DIST	5/31/96	☑	
9420615	506 HIGHWAY 30	FILER	VANCE'S ONE STOP	8/13/98	☑	
9240618*1	1450 MAIN ST	GOODING	SCHOOL FOR THE DEAF & BLIND	3/1/95	☑	
9240618*2	1450 MAIN ST	GOODING	IDAHO SCHOOL FOR THE DEAF AN	7/28/98	☑	
9240010	1945 AIRPORT	GOODING	GOODING AIRPORT	9/24/97	☑	
9240015	200 2ND AVE W	GOODING	VALLEY COOP GOODING	9/24/97	☑	
9240012	206 4TH AVE	GOODING	DEAN'S REPAIR SERVICE	1/26/00	☑	
9240613	2108 S MAIN	GOODING	TURNERS SERVICE	3/3/94	☑	
9240045	245 2ND AVE W	GOODING	GOODING HWY DIST 1	2/1/90	☑	
9240016*A	25 N GOODING	GOODING	GOODING NATIONAL GUARD ARMO	8/24/94	☑	
9240800	342 MAIN ST	GOODING	JOSE M ELEXPURU	8/1/91	☑	
9240016*B	417 MAIN ST	GOODING	IDAHO NATIONAL GUARD - GOODIN	2/28/95	☑	
9240028	3059-D FISH HATCHERY RD	HAGERMAN	USFW - HAGERMAN HATCHERY	12/1/91	☑	GROUND WATER
9240023	531 STATE ST	HAGERMAN	HAGERMAN MINI MART	12/1/97	☐	GROUND WATER
9070050*2	1022 FOX ACRE RD	HAILEY	BLAINE COUNTY SCHOOL BUS	6/9/98	☑	
9070010	200 S MAIN ST	HAILEY	UNITED OIL SINCLAIR STATION	10/20/93	☑	
9070609	209 S MAIN ST	HAILEY	HAILEY CHEVRON	5/1/88	☑	
9070062	601 N MAIN ST	HAILEY	MINI MART HAILEY	6/13/94	☑	
9070061	619 S MAIN ST	HAILEY	THE HITCHRACK	8/16/96	☑	
9070610	702 4TH AVE S	HAILEY	WALKER SAND & GRAVEL	3/1/91	☑	
9070620	910 AIRPORT WAY	HAILEY	SAWTOOTH AUTO	4/15/98	☑	
9070050*1	FOX ACRE RD	HAILEY	BLAINE CO SCHOOL DIST #61	7/16/97	☑	
9070042	FRIEDMAN MEMORIAL AIRPORT	HAILEY	SUN VALLEY AVIATION	4/1/91	☑	
9070034	FRIEDMAN MEMORIAL AIRPORT	HAILEY	BLAINE COUNTY PILOTS ASSOCIAT	3/1/99	☑	
9420038	550 S MAIN	HANSEN	HANSEN HIGH SCHOOL	6/5/96	☑	
9420198	HWY 30	HANSEN	TREAT'S CONCRETE	9/8/00	☑	
9270613	1015 RIDGEWAY RD	HAZELTON	GREENWOOD STORE (R&E)	3/12/97	☑	
9270011	158 MAIN ST	HAZELTON	DOUGLAS INC	4/1/90	☑	
9270622	RAILROAD AVE	HAZELTON	HAZELTON HIWAY DEPT	7/1/89	☑	
9340011	1341 O ST	HEYBURN	SIMPLOT TRANSPORT TERMINAL	10/1/98	☑	
9340010	1613 J ST	HEYBURN	HEYBURN FOOD CENTER	11/1/99	☑	
9340009	1670 HWY 30 N	HEYBURN	INTERSTATE BRANDS	5/14/01	☐	GROUND WATER
9340603	18TH & N ST	HEYBURN	MINIDOKA COUNTY S DIST #331	3/1/92	☑	
9340609	HWY 30 1531	HEYBURN	WESTERN SEEDS	2/1/92	☑	
9340006*2	I-84 & HWY 27	HEYBURN	HUB PLAZA	6/24/99	☐	GROUND WATER
9340006*1	JCT I-84 & HWY 27	HEYBURN	HUB 66 SERVICE	2/1/95	☑	
9130014	601 MAIN ST	HILL CITY	HILL CITY STORE	5/27/94	☑	
9420620	2695 HWY 93	HOLLISTER	JC'S TRUCK STOP	2/28/94	☑	
9270617	100 W 40 N	JEROME	JEROME SEWER PLANT	5/8/95	☑	
9270071	1034 N LINCOLN	JEROME	TIGER STOP/WILD WEST VIDEO	11/1/92	☑	
9270032	198 WEST RD	JEROME	ITD JEROME MTCE YARD #41500	3/4/96	☑	

NATIONAL FLOOD INSURANCE PROGRAM

REGISTERED 1028 STATE OF IDAHO

FLOODWAY
FLOOD BOUNDARY AND FLOODWAY MAP

BLAINE COUNTY, IDAHO
(UNINCORPORATED AREAS)

PANEL 664 OF 1950
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
165167 0664 A

EFFECTIVE DATE:
MARCH 16, 1981

federal emergency management agency
federal insurance administration

KEY TO MAP

500-Year Flood Boundary
100-Year Flood Boundary
FLOODWAY FRINGE
FLOODWAY
100-Year Flood Boundary
500-Year Flood Boundary

Approximate 100-Year Flood Boundary

Cross Section Line — A — A

Elevation Reference Mark — RM7 ×

River Mile — • M1.5

NOTES TO USER

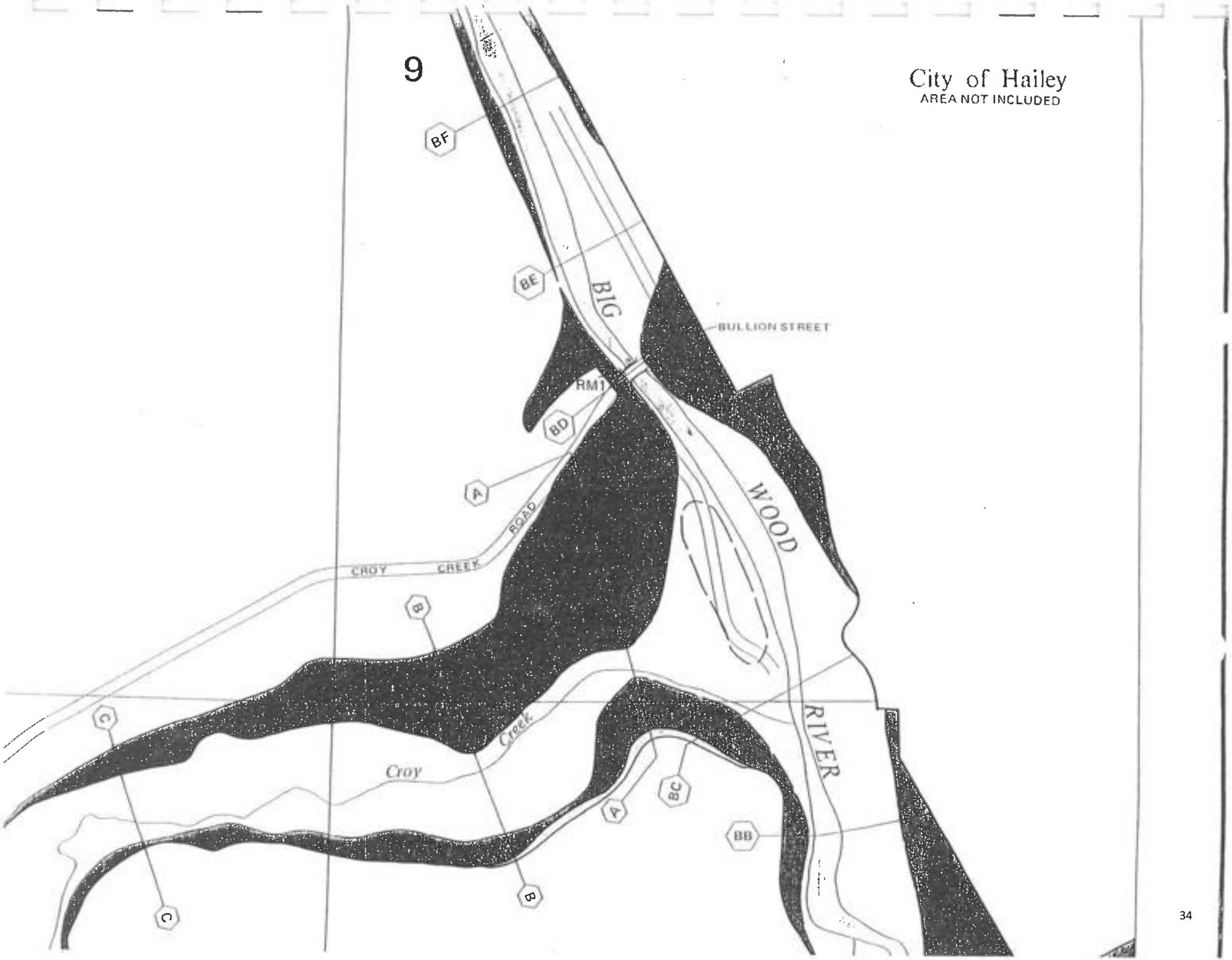
Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Insurance Administration.

This map was prepared to support minimum flood plain management regulations; it may not show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

This map does not show all flood boundaries. Refer to the Flood Insurance Rate Map for additional flood boundaries.

For adjoining map panels, see separately printed Index To Map Panels.

APPROXIMATE SCALE
500 0 500 FEET


9
City of Hailey
AREA NOT INCLUDED
BF
BE
BIG
BULLION STREET
RM1
BD
A
CROY CREEK ROAD
WOOD
B
C
Croy Creek
RIVER
BC
A
BB
B
C

2.16.6 INTERVIEW DOCUMENTATION

2.16.6

List of Sources

1. Blaine County Ownership Records, Recorded Document Guarantee Sun Valley Title, December, 2003.

2. Bob and Linda Board, current owners, interview, December 3, 2003.

3. EHM Engineers, Inc., site reconnaissance, November 23, 2003.

4. "Registered and Closed UST's in Idaho." Idaho Department of Health and Welfare, Division of Environmental Quality.

5. "Reported Leaking UST Sites in Idaho." Idaho Department of Health and Welfare, Division of Environmental Quality.

6. "Idaho State Notifiers {RCRA}." United States Environmental Protection Agency.

7. "CERCLIS" Site/Event Listing." United States Environmental Protection Agency.

8. Pat O'Rorke, IDHWDEQ, phone interview

9. ASCS Aerial Photographs, CVO-2EE-25, 1964 and CVO-IRR-104, 1989.

10. Cassia County Building inspector, Dan Barker, phone interview,

11. USGS Quadrangle Map Hailey quad, 1967.

12. Previous land owner, phone interview,

13. Hailey Building Department, Dave Furguson, personal interview, November 23, 2003.

14. Hailey Fire Department, Mike Baledge, personal interview, November 23, 2003.

15. Wetland Determination, Steve Fisher, Aquatic Biologist, July 14, 2003.

2.16.7 SPECIAL CONTRACTURAL CONDITIONS between USER and ENVIRONMENTAL PROFESSIONAL

EHM ENGINEERS, INC.
TERMS AND CONDITIONS TO AGREEMENT FOR ENGINEERING AND SURVEYING SERVICES

1. AUTHORIZATION TO PROCEED
Signing this form shall be construed as authorization by CLIENT for EHM ENGINEERS, INC., to proceed with the work, unless otherwise provided for in the authorization.

2. OUTSIDE SERVICES
When technical or professional services are furnished by an outside source, when approved by CLIENT, an additional 15% shall be added to the cost of these services for EHM ENGINEERS, INC. administrative costs.

3. COST ESTIMATES
Any cost estimates provided by EHM ENGINEERS, INC., will be on a basis of experience and judgment, but since it has no control over market conditions or bidding procedures, EHM ENGINEERS, INC. cannot warrant that bids or ultimate construction costs will not vary from these cost estimates.

4. PROFESSIONAL STANDARDS
EHM ENGINEERS, INC., shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in CLIENT'S community, for the professional and technical soundness, accuracy and adequacy of all designs, drawings, specifications, and other work and materials furnished under this authorization. EHM ENGINEERS, INC., makes no other warranty, express or implied.

5. LIMITATION OF PROFESSIONAL LIABILITY
EHM ENGINEERS, INC., liability for damages due to professional negligence will be limited to a sum not to exceed $ 50,000.00 or the fee, whichever is greater.

CLIENT further agrees to notify any Contractor and Subcontractor who may perform work in connection with any design, report or study prepared by EHM ENGINEERS, INC., of such limitation of Professional Liability for design, defects, errors, omissions or professional negligence, and to require, as a condition precedent of their performing their work a like indemnity and limitation of liability on their part as against EHM ENGINEERS, INC.

6. TERMINATION
Either CLIENT or EHM ENGINEERS, INC., may terminate this Authorization by giving thirty (30) days written notice to the other party. In such event CLIENT shall forthwith pay EHM ENGINEERS, INC., in full for all work performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of this Authorization.

7. LEGAL EXPENSES
In the event of any controversy, resulting in litigation, the party adjudged to be in default by a Court of competent jurisdiction shall pay to the aggrieved party all court costs, including a reasonable attorney's fee.

By signing this agreement, the parties hereto agree that the State of Idaho shall have jurisdiction over all parties and the subject matter of this agreement. In connection therewith, it is further agreed that all controversies shall be determined under the laws of the State of Idaho.

8. PAYMENT TO EHM ENGINEERS, INC.
Monthly invoices will be issued by EHM ENGINEERS, INC., for all work performed or materials furnished under the terms of this agreement. All amounts for which invoices are mailed shall be due and payable by the NET 30 DAYS after the billing date of said invoice. If the amount of said invoice, or any part thereof, is not paid within said period, then and in that event, the amount not paid shall bear interest from the date of billing at the rate of 1.5% per month for an annual rate of 18%.

2.16.8
WETLANDS DETERMINATION DOCUMENTS

Fisher & Associates
Aquatic Resource Enhancements
6640 Highway 10 East
Missoula, MT 59802
(406) 258-6800
FAX (406) 258-6814
Cellular 406-360-9893

FAX Cover Sheet

To: Mr. Gerald Martins
EHM Engineers, Inc
621 North College Road
Twin Falls. ID 83301

FAX # 208-734-6049

From: Steve Fisher

Message: Attached find my latest map revision for the Board Mill Wetland Delineation. The "low area that may contain wetlands" is shown as an area surrounded with a heavy dashed line. Additionally, it is hatched with a "cross" pattern.

I tried to provide some "over-lap" with these faxed sheets so you can re-marry them and not loose too much detail.

Pages: 3 total

Fisher & Associates
Aquatic Resource Management & Enhancement
6640 Highway 10 East
Missoula, MT 59802
(406) 258-6800
FAX (406) 258-6814

FAX Cover Sheet

To: Dave Cropper – Gerald
400 North main
Hailey, ID 83333

FAX #208-788-5023

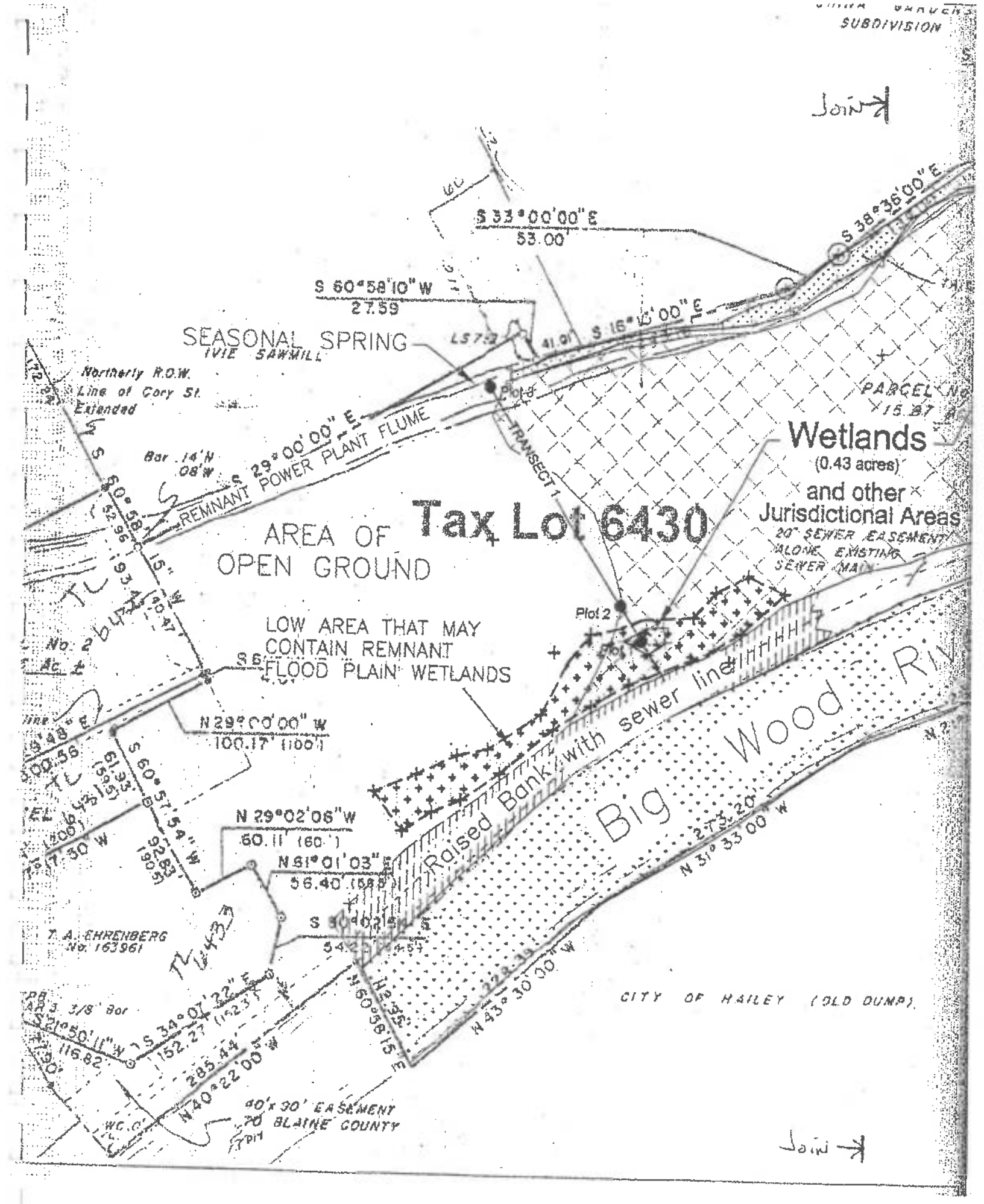
FROM: Steve Fisher

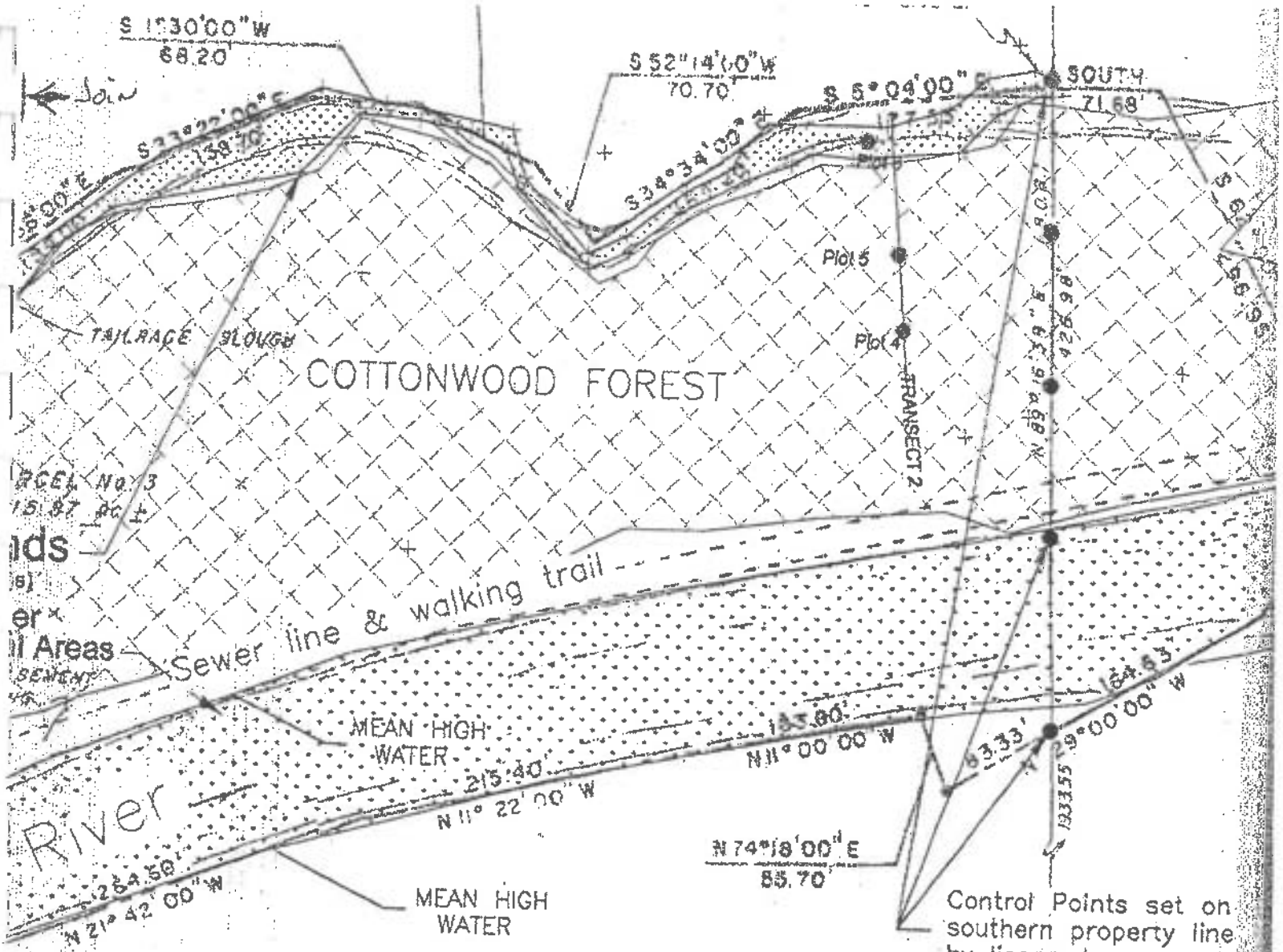
Message: For your file.

Pages: 3 total

~~EB~~

Idaho Land - 298-03


SUBDIVISION
Join
S 33°00'00" E
53.00
S 38°36'00" E
S 60°58'10" W
27.59
SEASONAL SPRING
IVIE SAWMILL
LS 7.2
41.01
S 16°00'00" E
Northerly R.O.W.
Line of Cory St.
Extended
Plot 3
PARCEL NO
15.87
S 29°00'00" E
REMNANT POWER PLANT FLUME
TRANSECT 1
Wetlands
(0.43 acres)
and other
Jurisdictional Areas
Tax Lot 6430
AREA OF
OPEN GROUND
20' SEWER EASEMENT
ALONE EXISTING
SEWER MAIN
Plot 2
LOW AREA THAT MAY
CONTAIN REMNANT
FLOOD PLAIN WETLANDS
N 29°00'00" W
100.17' (100')
N 29°02'06" W
60.11' (60')
N 61°01'03" E
56.40' (58')
Raised Bank with sewer line
Big Wood Riv
N 31°33'00" W
T. A. EHRENBERG
No. 163961
CITY OF HAILEY (OLD DUMP)
N 43°30'00" W
S 34°07'32" E
152.27
N 40°22'00" W
285.44'
40' x 30' EASEMENT
TO BLAINE COUNTY
WC.C.
Join



BOUNDARY SURVEY

BOARDS MILL & SUNSET RANCHES INC.

SEC. 9 & 16, T 2N, R 18E BM
BLAINE COUNTY, IDAHO

JUNE 1984

PREPARED BY
RICHARD F WENGLIKOWSKI L.S.

N

Scale: 1"=100'=0"

Board Mill	
Site Map & Wetlands	
OWNER: BOARD MILL & SUNSET RANCHES, INC. IN: WETLAND ADJACENT TO BIG WOOD RIVER NEAR: HAILEY, IDAHO – BLAINE CO.	DATE: Rev. 11/17/03 Page 3
Fisher & Associates AQUATIC RESOURCE ENHANCEMENTS	SCALE: 1"=100ft

Board Mill
Wetland Delineation

Prepared for:
Board Mill & Sunset Ranches, Inc.

October 28, 2003

Fisher & Associates
Aquatic Resource Management & Enhancement
6640 Highway 10 East
Missoula, MT 59802
(406) 258-6800

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- 2.2 Investigation methods 4

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1.0 Introduction

1.1 Purpose

Board Mill & Sunset Ranches, Inc, has entered into a sales agreement to sell the property known as the Board Mill site. The buyers commissioned Fisher & Associates, 6640 Highway 10 East, Missoula, MT 59802, to inventory the in the town of Hailey, Idaho, and within Blaine County, for the presence of jurisdictional wetlands. The verified delineation will be used to plan and design improvements to the property. The location of wetlands and other waters of the United States, as identified in this process will form the basis for any applications for required under the Clean Water Act (CWA), city, or state ordinances. We found **0.36 acres (15,859 sq.ft.)** of wetlands, not including those jurisdictional areas represented by river channel waterward the mean high water marks, on this parcel.

The CWA and Blaine County ordinances mandate that an inventory of potential wetlands on-site be conducted to determine if wetland habitats exist prior to the implementation of improvements or alterations to the property. If wetlands are found, appropriate avoidance measures will be developed and implemented. If wetland impacts are unavoidable, suitable mitigation measures will be implemented, after review by the U.S. Army Corps of Engineers (COE).

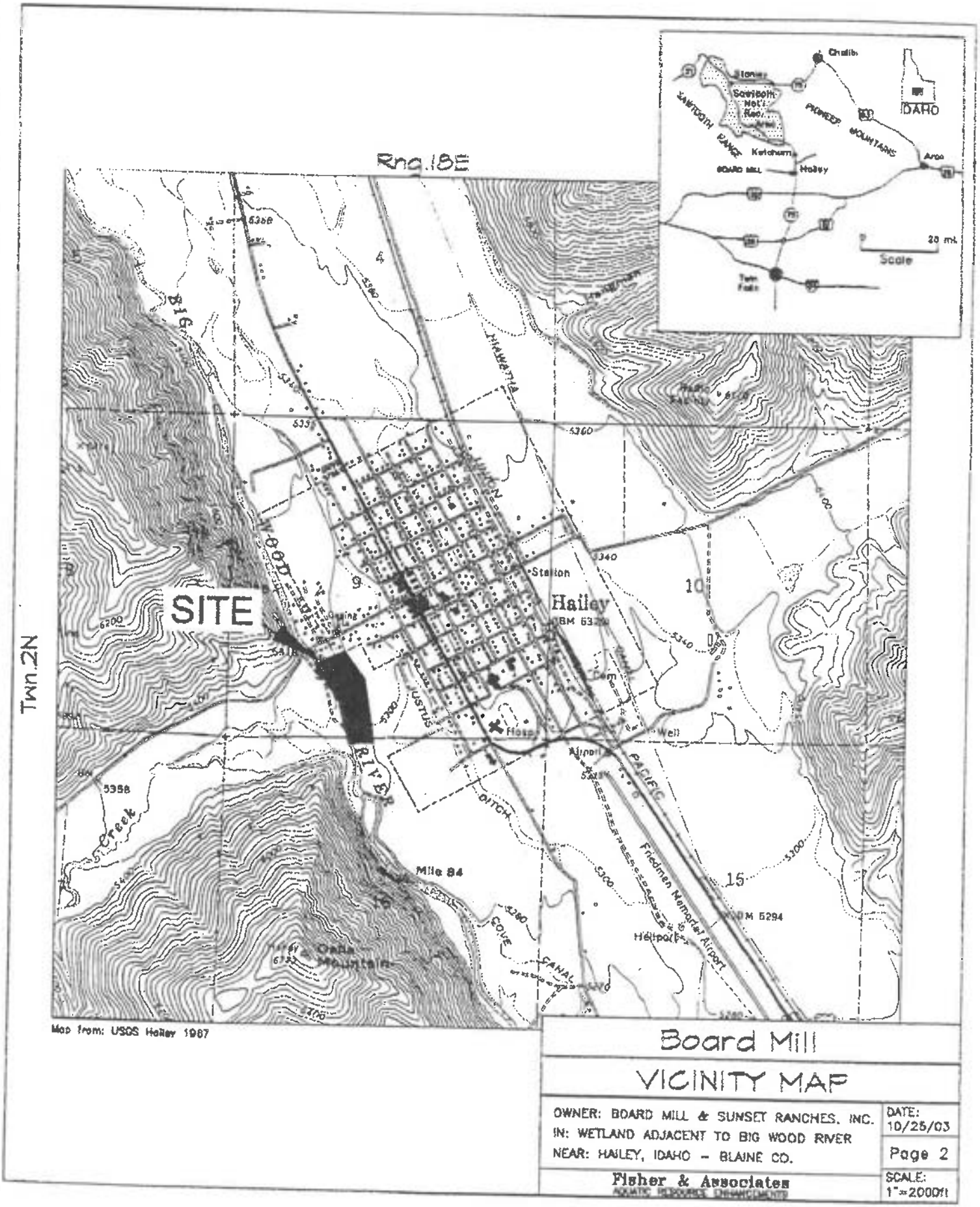
1.2 Site location and description

Board Mill & Sunset Ranches, Inc., represented by Mr. Bill Hatch _____ _____, CA, owns this 15.87+/- acre property known as the Board Mill (SEC. 9 & 16, T2N, R18E, Blaine County, Idaho). Site elevation averages 5295 feet above sea level.. The property lies on the western edge of the City of Hailey, and includes the channel of the river. The western boundary of the property is on the west river bank. See the maps on the next two pages.

The property once was the site of the Board Lumber Mill and while most of the old mill equipment and buildings have been removed, many pieces of old machinery, car parts, wooden timbers, and other industrial debris litter the property.

A very old dike runs along the river's east bank containing the river to a rather straight narrow channel. Review of FEMA (Federal Emergency Management Administration) flood plain maps show that no flood plain extends onto the property. Before the construction of the dike (100 years ago?) the river flood plain probably did extend eastward into the property. Very old flood plain swales and other riparian topography can be found, particularly in the southern portion of the site, where less historic land leveling and building took place.

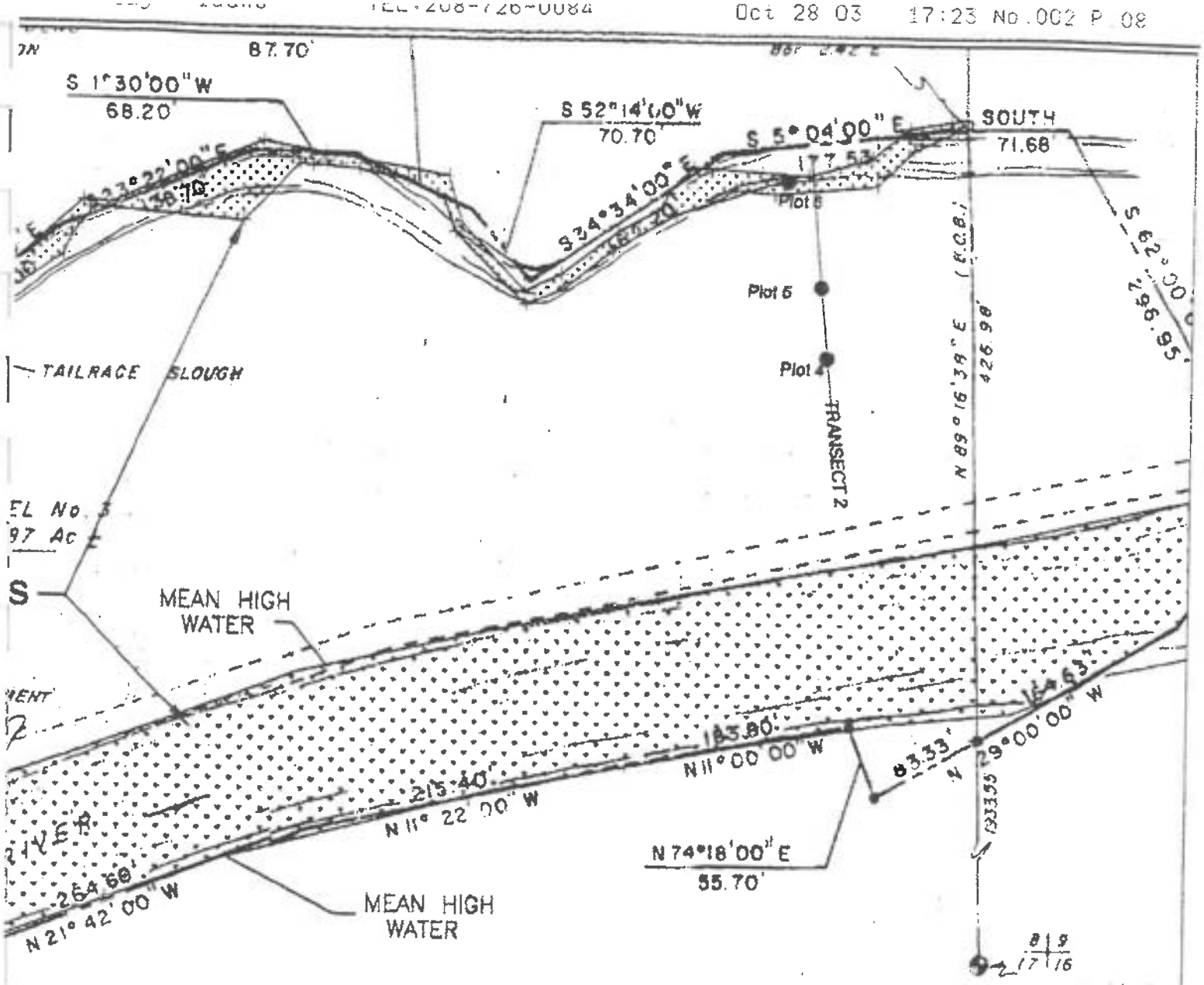
An unused ditch runs along the property's eastern boundary. This flume carried water to an electrical power plant removed many years ago. No headgate remains to direct water from the



Board Mill

VICINITY MAP

OWNER: BOARD MILL & SUNSET RANCHES, INC. IN: WETLAND ADJACENT TO BIG WOOD RIVER NEAR: HAILEY, IDAHO – BLAINE CO.	DATE: 10/25/03 Page 2
Fisher & Associates AQUATIC RESOURCE ENHANCEMENT	SCALE: 1"=2000ft



BOUNDARY SURVEY

BOARDS MILL & SUNSET RANCHES INC.

SEC. 9 & 16, T 2 N, R 18 E BM
BLAINE COUNTY, IDAHO

JUNE 1984

PREPARED BY
RICHARD F. WENGLIKOWSKI L.S.

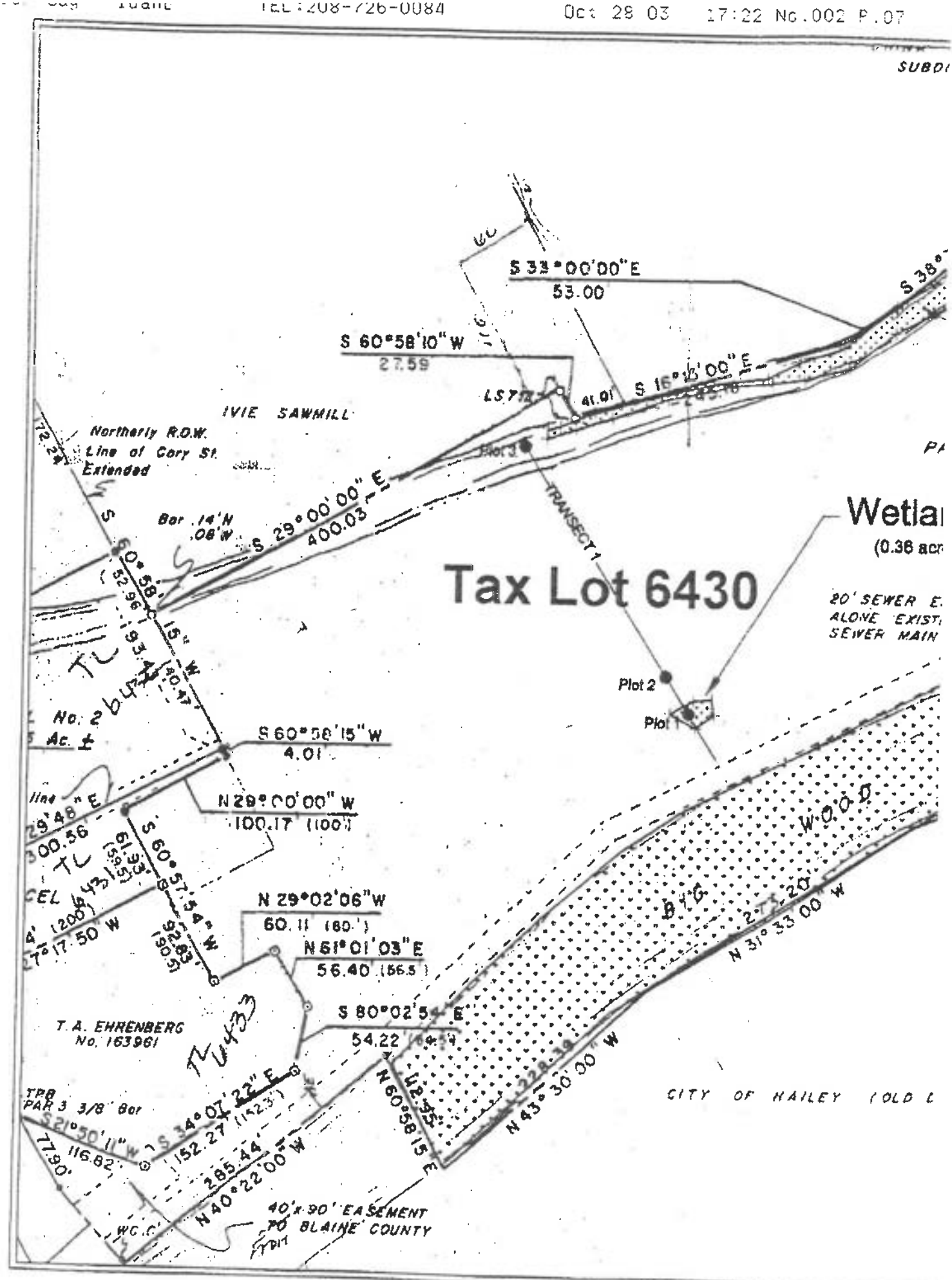
N

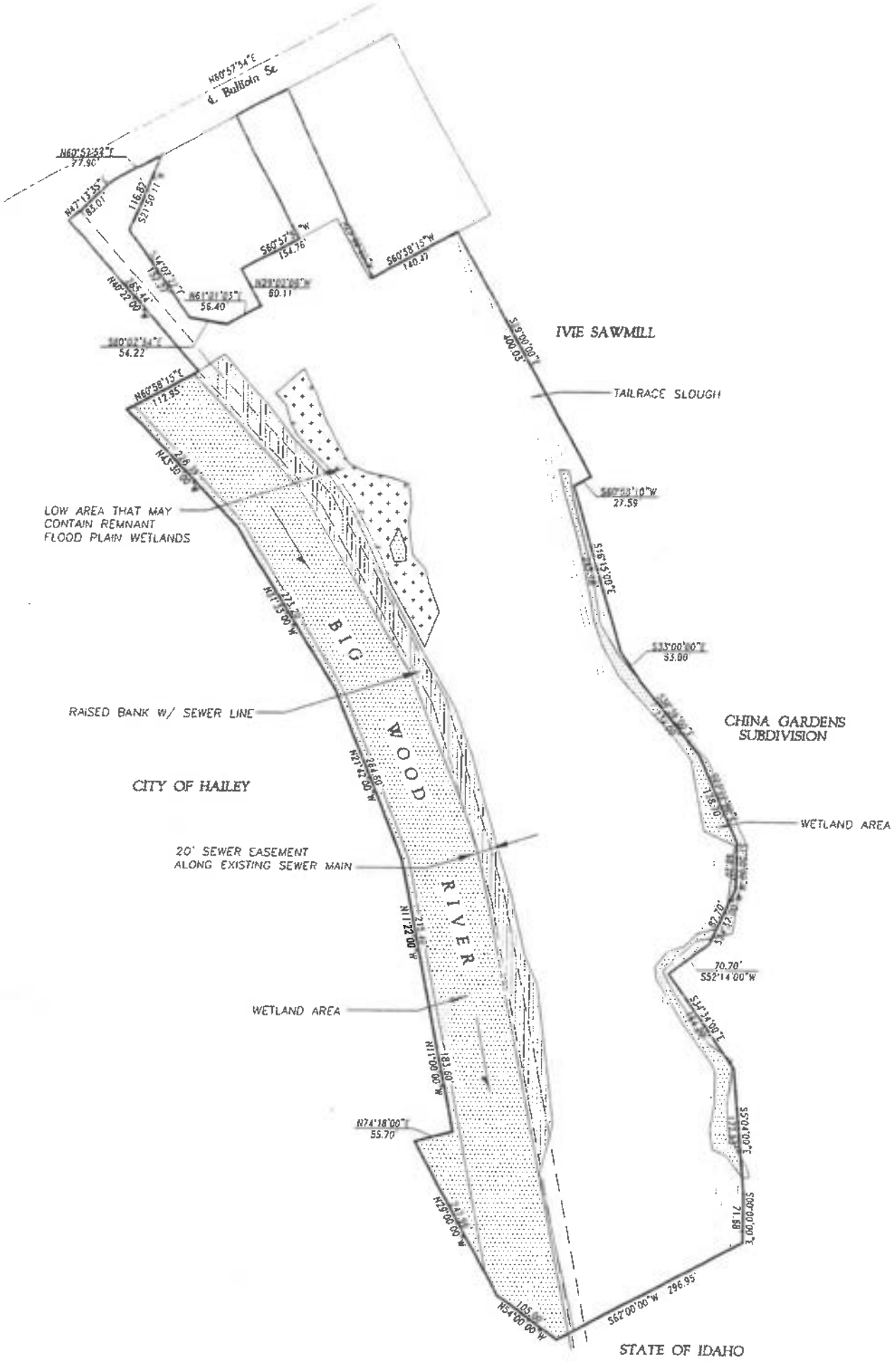
Scale: 1"=100'=0"

Board Mill

SITE MAP

OWNER: BOARD MILL & SUNSET RANCHES, INC. IN: WETLAND ADJACENT TO BIG WOOD RIVER NEAR: HAILEY, IDAHO – BLAINE CO.	DATE: Rev. 10/25/03 Page 3
Fisher & Associates AQUATIC RESOURCE ENHANCEMENTS	SCALE: 1"=100ft


Tax Lot 6430
IVIE SAWMILL
Northerly R.O.W. Line of Cory St. Extended
S 33°00'00" E
53.00
S 60°58'10" W
27.59
S 16°16'00" E
S 29°00'00" E
400.03
TRANSECT 1
Plot 3
Plot 2
Plot 1
Wetla
(0.36 acr
20' SEWER E.
ALONE EXIST
SEWER MAIN
S 60°58'15" W
4.01
N 29°00'00" W
100.17 (100')
N 29°02'06" W
60.11 (60')
N 61°01'03" E
56.40 (56.5')
S 80°02'54" E
54.22
T.A. EHRENBERG
No. 163961
TPB
PAR 3 3/8" Bar
S 21°30'11" W
116.82'
77.90'
S 34°07'22" E
(152.3')
152.27'
285.44'
N 40°22'00" W
40'x90' EASEMENT
TO BLAINE COUNTY
N 60°58'15" E
42.55'
N 43°30'00" W
228.38'
N 31°33'00" W
W.O.D.
B.Y.G.
CITY OF HAILEY (OLD L
No. 2
Ac. ±
S 60°58'15" W
93.4'
40.47'
TL
TL
TL 43
(200')
92.83'
(90.5')
61.33'
(59.5')
S 60°57'54" W
17.50' W
41.91
LS 7/12
SUBDI


IVIE SAWMILL
TAILRACE SLOUGH
CHINA GARDENS SUBDIVISION
LOW AREA THAT MAY CONTAIN REMNANT FLOOD PLAIN WETLANDS
RAISED BANK W/ SEWER LINE
CITY OF HAILEY
20' SEWER EASEMENT ALONG EXISTING SEWER MAIN
WETLAND AREA
WETLAND AREA
BIG WOOD RIVER
STATE OF IDAHO

river into this flume and no streams or other water sources flow into it. In the spring of most years water does up well into the bottom of this ditch and a small stream forms. This stream continues to aggregate water as it flows to the south until it eventually joins with the river.

1.3 Wetland definition

The CWA regulatory definition of wetlands emphasizes three conditions: 1) permanent or periodic inundation or saturation by surface or groundwater resulting in anaerobic soil conditions, and; 2) a prevalence of vegetation which, under normal circumstances, is adapted for existence in saturated soil conditions; 3) and, hydrology of sufficient duration and frequency to support hydrophytic vegetation. Hydrophytic vegetation is defined as macrophytic plant life adapted for growth in water or on a substrate that is periodically deficient in oxygen as a result of excessive water content. The COE interpretation of the CWA resulted in the development of a multi-parameter approach by which positive indicators of vegetation, soils, and hydrology must typically be found to make a positive wetland determination.

2.0 Methods

2.1 Wetland inventory design

The COE manual describes two basic methods to delineate wetlands; routine and comprehensive. Routine determination methods are intended to be used in all except controversial or complex situations. Routine determinations can be further divided into three levels of effort: 1) on-site inspection not required; 2) on-site inspection required, and; 3) the combination of the first two levels. Comprehensive determinations are used when the site characteristics are complex, atypical, or anticipated to be controversial. The routine determination with on-site inspection and data collection was used in this instance because the site is rather large. The on-site inspection of the property was also justified due to the obvious site alteration that has occurred over the years, the heavy vegetative cover on the property's southern end, and the proximity of the river.

2.2 Investigation methods

Coincidentally, the investigator had prior experience with this property and had walked through it many times in various seasons of the year. This gave him experience with where water lay in the various low spots around the site. Prior to conducting this inventory he again walked over the entire property and established two transect lines, extending eastward into the property perpendicular to the river. Inventory plot sites would then be located along those transects. The transect locations were chosen so that the most varying types of habitat were encountered along their length. In this manner, the information collected would typify the site's most prevalent upland and wetland habitat habitats.

Once the plot sites were inventoried the investigator walked along the wetland/upland interface and placed four inch square pink flags reading "wetland delineation" at intervals sufficient to mark

the wetland interface. The positions of those flags were then surveyed into the site plan using established property corners and survey control points.

The site plan on page 3 in this report is for rough location only. The wetland points shown are tied to site survey controls and can be relocated by traditional survey methods, however, the property map was added as a scanned image and may not be a true and correct representation of the property's boundaries.

As the investigator walked the property he noticed that much of the property appeared to have the potential to contain jurisdictional wetlands. Most of the parcel appears to have lain in the Big Wood River's flood plain prior to the construction of the dike. Also, the flume on the property's eastern boundary is low enough that during seasonal high water, "springs" (high groundwater) begin to emanate from its bottom.

Six inventory plot sites were established along the two transects. At each plot site the vegetation was identified and classified as either obligate wetland (OBL), facultative wet (FACW), facultative (FAC), and facultative upland (FACU). Also, a soil pit was dug at in each plot site. Soils are determined to be hydric by the presence of gley, mottles, decayed organic matter, dark streaking of that organic matter as it moves downward with the fluctuations of the water table, and the presence of iron or manganese concretions.

3.0 Results

3.1 Soils and hydrology

Most jurisdictional wetlands are confined to the channel of the river, as expressed by the mean high water mark along its bank, and the bottom of the flume or ditch running along the eastern property boundary. One low area on the east side of the dike at plot site #1 did contain all the conditions necessary to qualify as wetlands, however, it was the only isolated patch we found.

Of the six soil pits we sampled two contained all three positive wetland indicators (plots #1 and #6), two showed upland characteristics (plots #2 and #3), and two plots showed mixed conditions but did not show either strong indications of hydrology (plot #4) or did not contain any wetland plants (plot #5).

At the wetland sites soils were dark (10yr 2/1 and 3/1) and contained obvious mottles and other anaerobic conditions. At the sites that were marginal for wetland conditions (#4 and #5) soils were sandy or sandy and gravelly in the lower zones which can indicate saturated conditions, however, under-story plants were predominately non-wetland species.

3.2 Vegetation

The vegetation observed and their indicator status are detailed in Table 1

Table 1. Plant species inventoried and their indicator status.

Common Name	Scientific Name	Indicator Status (Reg. 9)
Reed canary grass	*Phalaris arundinacea*	FACW
Common scouring rush	*Equisetum hyemale*	FACW
Common horsetail	*E. arvense*	FAC+
Redtop	*Agrostis stolonifera*	FACW
Red-osier dogwood	*Cornus stolonifera*	FACW
Black cottonwood	*Populus trichocarpa*	FAC+
Red alder	*Alnus rubra*	FAC+
Woods rose	*Rosa woodsii*	FACU
Golden currant	*Ribes aureum*	FAC+
Willows	*Salix spp.*	FACW
Sage	*Artemisia* spp.	NI
Starry false soloman's seal	*Smilacena stellata*	FAC -
Spotted knapweed	*Centaurea maculosa*	NI
Fireweed	*Epilobium angustifolium*	FACU
Western yarrow	*Achillea millefolium*	FACU
Smooth brome	*Bromus inermis*	NI
Quackgrass	*Agropyron repens*	FAC U
Slender wheat grass	*Agropyron trachycaulum*	FAC-
Kentucky bluegrass	*Poa pratensis*	FAC U-
Canada thistle	*Cirsium arvense*	FACU
Yellow Sweet Clover	*Melilotus officinalis*	FACU
Western white clematis	*Clematis ligusticifolia*	FACU

Typically, FAC plants are assigned + or - based upon their proximity to other wetland species and hydric soils.

The dominant ground covers were smooth brome (*Bromus inermis*) or blue grass *(Poa pratensis)* in upland sites and sedges *(Carex spp.)* in the wetland sites. Wood's rose *(Rosa woodsii)* composed the under-story in upland sites and willows (Salix spp.) and dogwood *(Cornus stolonifera)* filled in wetland areas.

4.0 Conclusions and Discussion

4.1 Wetland delineation

Based upon the soil pit analyses, the hydrology of the ditch and the preponderance of FACW and FAC+ vegetation along it, the investigators determined that **0.36 acres (15,859 sq.ft.)** of wetlands, and the jurisdictional channel of the Big Wood River, exist on the property. We identified two distinct wetland areas (see map on page 3). The main wetland area (15,332 sq.ft.) lies within the old power plant flume on the site's east side. And, one small wetland (527 sq.ft.) sits at plot site #1.

The areas determined to be wetlands lie in the lowest parts of the property and are influenced only by high ground water. No streams or other water sources convey water onto this site with sufficient duration to support wetland conditions. Except along the flume most of the site is dry and where old swales and or drainage patterns are apparent conditions have dried to the point that under-story areas are populated by either wood's rose or non-indicative grasses.

APPENDIX

PLOT FORMS

Project No. 072-04-2004

Flood Plain Analysis of Portions of the Big Wood River and Hailey Slough below Bullion Street, Hailey, Idaho

Prepared for:

Bullion Partners, LLC
Hailey, Idaho

February 16, 2007

For information concerning this report, contact
Charles G. Brockway, Ph.D., P.E.

CHARLES E. BROCKWAY, PH.D., P.E.
CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301

Project No. 072-04-2004

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February 16, 2007

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BROCKWAY ENGINEERING PLLC

CHARLES E. BROCKWAY, PH.D., P.E.
CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301

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Flood Plain Analysis of Portions of the Big Wood River and Hailey Slough below Bullion Street, Hailey, Idaho

Charles G. Brockway, P.E.
Brockway Engineering, PLLC

February 16, 2007

A. Introduction and Objective

This report presents the results of a hydraulic modeling study pertaining to the Big Wood River and the Hailey Slough. The Hailey Slough is a small channel located within the Blaine County and the City of Hailey, Idaho, running parallel to the Big Wood River. The slough is a relatively small waterway, ranging from approximately 10 to 20 feet in width, and typically carries no water except during significant runoff events. The slough is denoted as Tailrace Creek on the Flood Insurance Rate Map (FIRM), but the correct local name for the channel is the Hailey Slough or the Justus Ditch. In this report, the channel will be referred to as the Hailey Slough.

The scope of this study includes an area just downstream (south) of Bullion Street in the NE1/4 SW1/4 and SE1/4 SW1/4, Section 9, T. 2 N., R. 18 E. The study area extends from Bullion Street southward approximately 2500 feet. Figure 1 is a vicinity map showing the location of the study area. There is currently a flood plain and floodway delineation for the Big Wood River in this reach, but no delineation for the Hailey Slough. However, upstream of Bullion Street, the FIRM indicates a ponded area for the slough against the roadway embankment. This ponded area is denoted as Zone AH with a base flood elevation of 5308 feet. According to FEMA, the flooding source for the slough is Indian Creek, a basin located northeast of the City of Hailey.

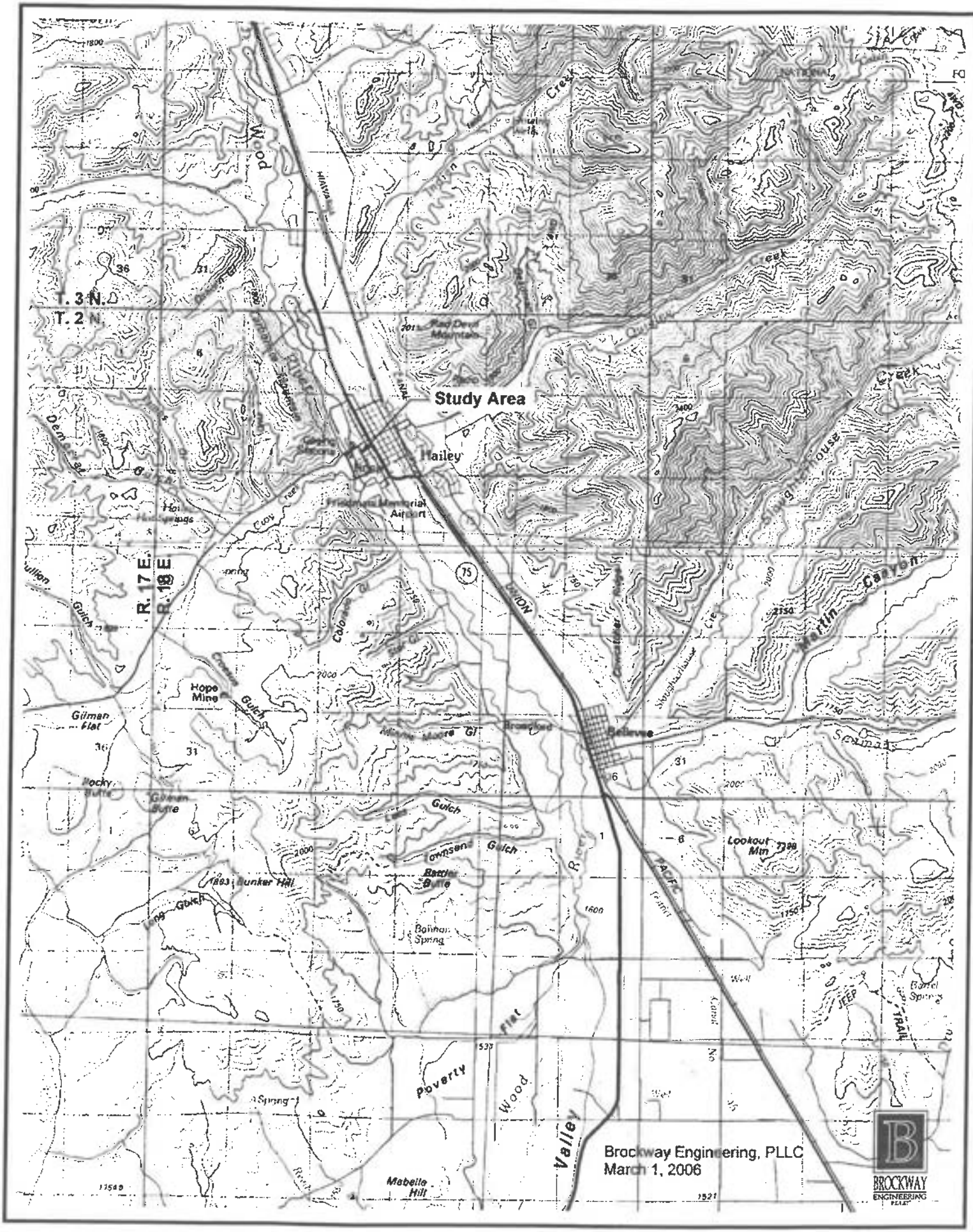


Figure 1. Vicinity map showing the location of study area.

B. Previous Investigations

Flood characteristics of the Big Wood River and tributary streams in this vicinity were originally studied by the U. S. Army Corps of Engineers[1]. This study did not examine the Hailey Slough independently, but delineated a flood plain from the Big Wood River which encompassed the entire slough. The most recent Flood Insurance Study (FIS) from FEMA for the City of Hailey was revised March 17, 1997[2]. This report provides minimal information regarding the Indian Creek flood plain analysis, but does indicate that Indian Creek was re-studied to replace the previous "approximate" study.

The FIRM dated March 17, 1997 indicates that flooding from Indian Creek within the City of Hailey takes the form of shallow sheet flooding through the northwest area of the city, with depths less than 1.0 foot, and is denoted as Zone X on the map. Figure 2 is an annotated FIRM showing the Indian Creek flooding and the present study area. The map indicates that this shallow flooding eventually collects in the Hailey Slough. It appears that FEMA assumed the roadway culvert at Bullion Street was completely obstructed during the flood, causing water to back up against the embankment, creating a ponded area denoted Zone AH with an elevation of 5308 feet. No floodplain downstream of the road has been defined, even though floodwater will either pass under the road via the culvert or overtop the roadway embankment and continue south in the slough. No floodway has been determined for this stream in this area.

For the Big Wood River, the 1997 FIRM shows a narrow flood plain confined to the river banks upstream of Bullion Street, not connected with the Hailey Slough flood plain or ponded area. Downstream of the bridge, the flood plain expands and encompasses a significant portion of the study area east of the river.

The objectives of the present study are as follows:

- to more accurately delineate the eastern limit of the Big Wood River floodplain based on the effective HEC-RAS model but incorporating detailed topographic data collected from on-ground surveys.

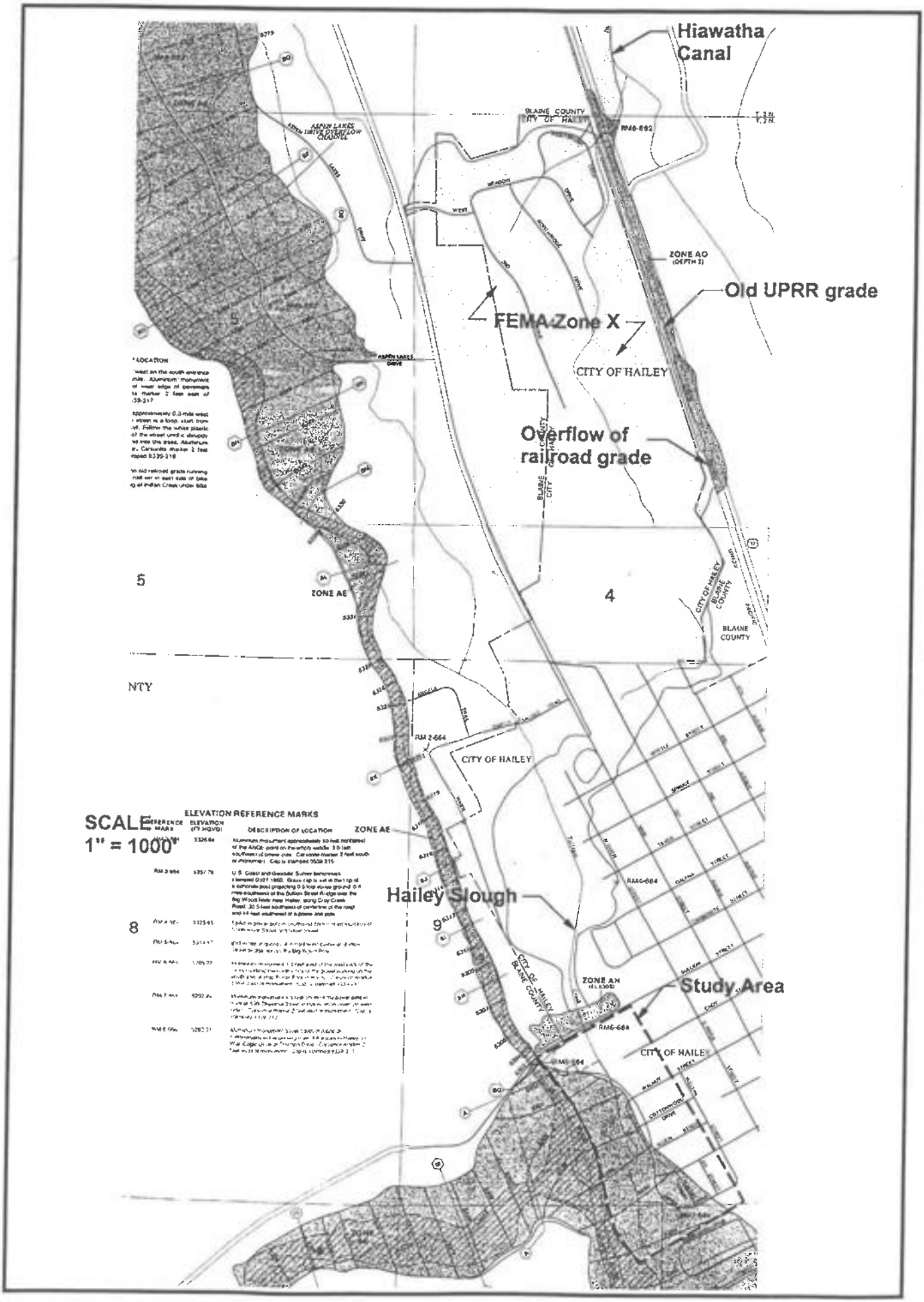


Figure 2. Annotated FIRM map (revised 1997) showing Indian Creek flooding and study area.

- to define a flood plain for the Hailey Slough downstream of Bullion Street, incorporating detailed topographic information, on-site survey data, improved hydrologic analysis, and by utilizing the HEC-RAS water surface profile model.

C. Related LOMR Request Pending with FEMA

The analysis of the Hailey Slough flood plain north (upstream) of Bullion Street has been addressed in a LOMR request and technical report prepared by Brockway Engineering and submitted to FEMA in 2006 with endorsement by the City of Hailey (FEMA Case No. 06-10-B320P). FEMA staff has reviewed this request and determined that 1) Blaine County endorsement is also required, and 2) the request must incorporate scope extending south of Bullion Street to tie in with the Big Wood River flood plain. This revision was made to the technical report and the LOMR application form, both of which were submitted to Blaine County on November 1, 2006. The application is currently pending review and endorsement by Blaine County.

The LOMR request described in the present report is related hydraulically to Case No. 06-10-B320P since both concern the Hailey Slough. However, the present request involves moving the Big Wood River flood plain limit, which then necessitates continuing the Hailey Slough flood plain southward to tie in with the revised river flood plain. Separate reports and LOMR applications are being submitted for the two studies since different land ownerships are involved. Brockway Engineering analyzed each LOMR request separately, as if the other did not exist. However, it is recommended that FEMA issue a revised FIRM panel to incorporate both of the flood plain analyses and all modifications to both the slough and the Big Wood River flood plains.

D. Justification for Re-Study

D.1. Hailey Slough

With regard to the Hailey Slough, a significant discontinuity exists in the flood plain delineation at Bullion Street. The FIRM shows no flood water either overtopping the road or passing through the culvert under the road, and does not show a flood plain

south of the road. In reality, water flowing in the slough must either overtop the road or pass through the culvert, and will not simply stop at the road embankment. A survey of ground topography and the roadway profile indicates that a pool with an elevation of 5308 feet is not sustainable. The roadway has a low point approximately 260 feet east of the culvert. The elevation of the low point is 5305.75 feet, based on the NGVD29 datum used for the FIRM maps. A top of roadway profile is shown in Figure 3. Water ponding behind the roadway embankment will eventually reach elevation 5305.75, overtop the road, and continue downstream. Therefore, the Zone AH elevation will be substantially less than 5308 feet. In the previous LOMR request discussed in Section C, the ponded water surface elevation was calculated to be 5306.3 feet.

It is probably reasonable to assume that the culvert is obstructed due to debris carried by floodwaters, but the resulting ponded water must then eventually overtop the road and continue downstream in the Hailey Slough channel until joining the Big Wood River at some point to the south.

D.2. Big Wood River

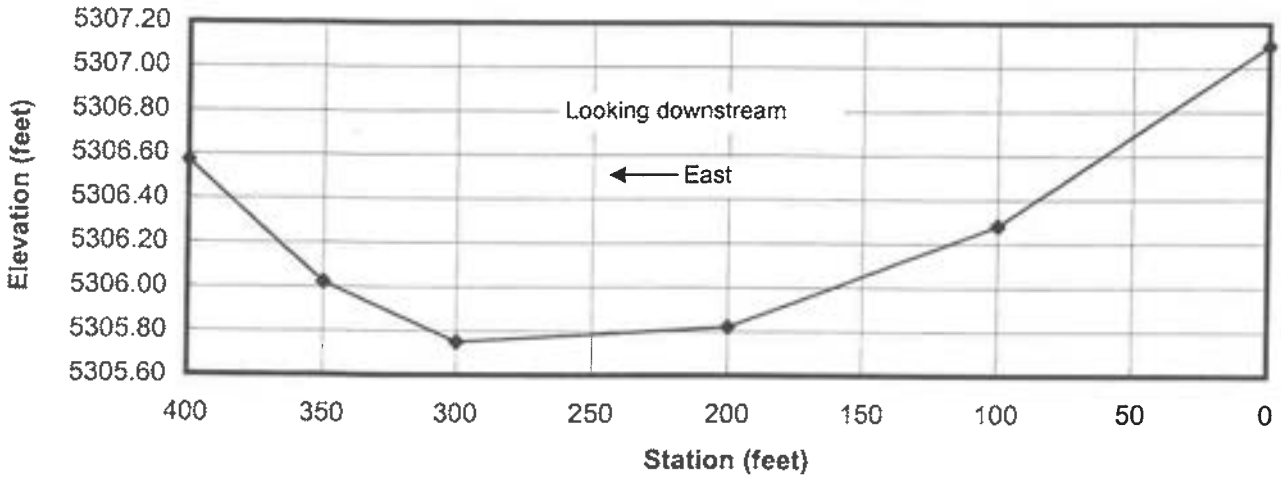
With regard to the Big Wood River, it was determined from detailed on-site surveys that the effective base flood elevations are significantly lower than the bank height along the eastern bank of the river. Furthermore, observed water surface elevations during the 2006 peak discharge, which was greater than a 100-year event, were considerably below the top of the bank and below the effective base flood elevations, and the east overbank was not inundated as indicated on the effective FIRM. More detail is provided about the 2006 flood in Section J. Therefore, the flood plain delineation on the effective FIRM may not be reasonable and a re-study was warranted to determine whether the river will be confined to the channel in this reach.

Another justification for the present study is that the area south of Bullion Street between the river and the slough is planned for relatively high density residential development. It is prudent both to define a flood plain along the slough in this area, and to better define the Big Wood flood plain, to allow the communities to better plan for flood protection and administer the flood insurance program accurately.

Figure 3. Surveyed profile of Bullion Road from Hailey Slough running eastward.

Datum: NGVD29

Station	Elev	
0	5307.10	USGS brass cap, top NE culvert abutment at Hailey Slough
100	5306.28	
200	5305.82	
300	5305.75	
350	5306.02	
400	5306.57	



E. Hailey Slough Flooding Source and Hydrologic Analysis

FEMA has determined that the flooding source for the Hailey Slough is the Indian Creek drainage, located approximately 2 miles to the northeast of the study area. Indian Creek is a perennial spring-fed stream which typically flows 2 to 3 cfs during non runoff periods, all of which is intercept by the Hiawatha Canal. Flooding on Indian Creek may be caused by snowmelt events or rain-on-snow events. During the 100-year event, FEMA has determined that shallow flooding will overtop the old railroad grade (now a bike path) and inundate the northwest portion of the City of Hailey, eventually collecting in the Hailey Slough and being confined to the channel until Bullion Street. The shallow flooding area within the City has been delineated Zone X by FEMA.

FEMA estimated the 100-year peak discharge from Indian Creek utilizing regionalized regression equations developed in 1981 by the U. S. Geological Survey for ungauged streams in Idaho[3] (authored by Kjelstrom and Moffatt). The resulting 100-year peak flow using this method is 310 cfs.

In 2005, the USGS has completed an exhaustive reevaluation of the regionalized regression approach in a study by Berenbrock[4]. This study employed more precise regionalization, significantly more data, and improved statistical methods. The estimates based on these new equations should be substantially more accurate than those from the previous USGS study. Therefore, the Berenbrock equations were used to estimate the 100-year discharge for the present study.

Basin characteristics for the regionalized equations were developed using the USGS StreamStats web-based interactive mapping tool. Mean annual precipitation for the basin was obtained from maps prepared by the Idaho State Climatologist.

The 100-year peak flow at the mouth of Indian Creek (near the old railroad grade) was estimated to be 129 cfs using the regionalized regression equations, which is substantially lower than the 310 cfs estimated using the original Kjlestrom equations.

Since the Berenbrock method incorporates more data and improved methodology as described above, the new value is presumed to be more accurate.

Two factors influencing the magnitude of the peak discharge at Bullion Street should be noted: First, the 100-year peak flow at the mouth of Indian Creek will be attenuated to some extent as shallow flooding develops through the northwest portion of Hailey. Water will pond behind the old railroad grade and behind the Highway 75 embankment before continuing down the Hailey Slough. According to the FIRM, approximately 300 acres of ponded area will exist. Assuming an inundation depth of 1.0 foot, approximately 300 acre-feet or 13,068,000 ft3 of storage will be provided behind the railroad and highway embankments. This equates to 28 hours of discharge at the 100-year peak flow of 129 cfs. The design flood from Indian Creek will likely be short-lived, on the order of 24 to 48 hours. Therefore, the available storage volume behind the Highway 75 embankment is a significant fraction of the total flood volume, and the attenuation effect on the peak flow will be considerable. In the effective flood insurance study, zero attenuation was assumed.

Second, a significant portion of the flood flow will be intercepted by the Hiawatha Canal in the NE1/4 SW1/4 Sec. 33, T. 3 N., R. 18 E. and conveyed southward in the canal. In fact, the stream labeled "Indian Creek" on the FIRM in Section 33 is actually the Hiawatha Canal. Interception of Indian Creek by the canal will reduce the discharge which is shown overtopping the old railroad grade on the FIRM and inundating the northwest area of the City of Hailey. The Hiawatha Canal is part of an active irrigation delivery network and will exist in its present state for the foreseeable future. To assess the magnitude of the potential intercepted flow, the capacity of the canal was estimated using Manning's equation. A cross-section of the channel was taken and the maximum depth of flow without bank overtopping was determined to be at least 2.5 feet. Based on the prevailing channel bed composition of gravel, silt, and clay with a lack of substantial vegetation in the bed, an n-value of 0.030 was selected. The channel slope was estimated to be 0.0055 from the USGS topographic map. Applying Manning's equation for an irregular channel using the above inputs yields an estimated rating curve in Figure 4. This curve was developed using the HEC-RAS normal depth calculation routine.

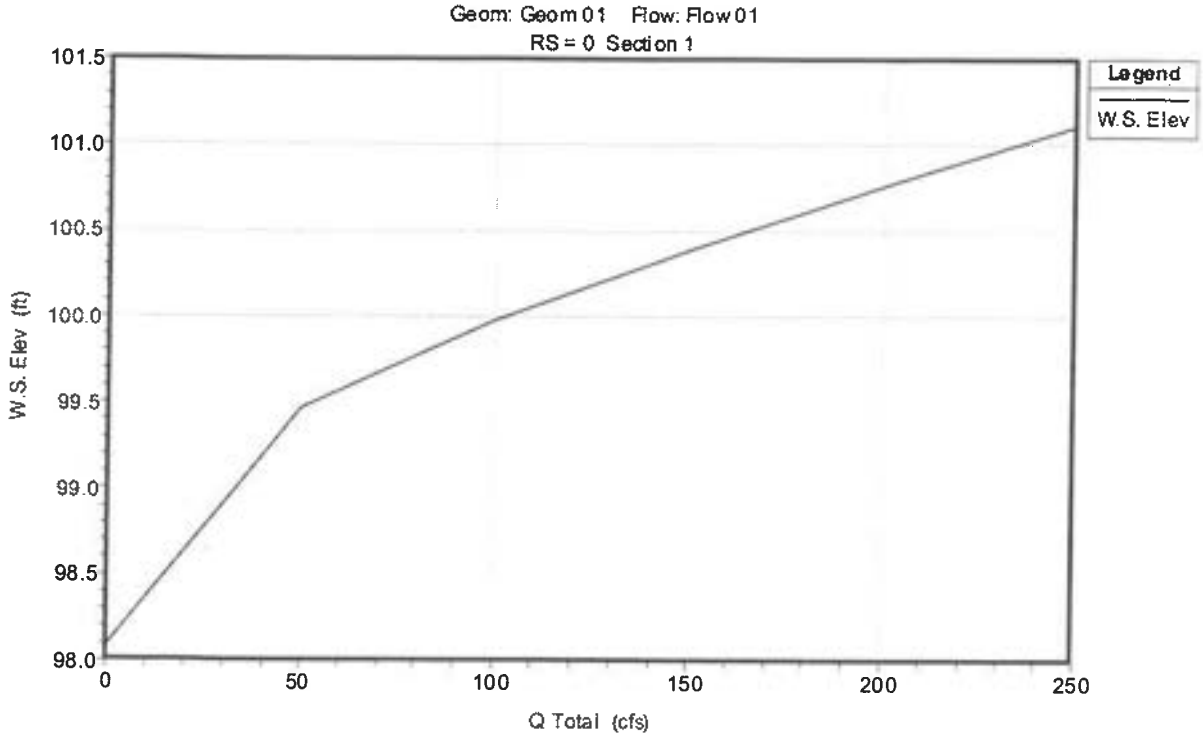


Figure 4. Stage-discharge rating curve of the Hiawatha Canal at the Indian Creek confluence, estimated with HEC-RAS. Channel bottom elevation = 98.1 feet.

At a depth of 2.5 feet, the capacity of the Hiawatha Canal is 179 cfs. Therefore, the canal could potentially carry the entire 100-year discharge from Indian Creek.

Accounting for the above factors, using a 100-year discharge of 129 cfs at Bullion Street appears very conservative and a higher value is not warranted. Drainage basin information from the StreamStats tool and the computed flood frequency information is provided in Appendix A.

F. Hydraulic Analysis

Water surface elevations through the Hailey Slough reach were computed using the U.S. Army Corps of Engineers HEC-RAS 3.1 water surface profile model utilizing new cross-sections developed as described in Section F.1 below.

For the Big Wood River, the effective model (ca. 1997) was obtained from FEMA and additional runs were made with the flood plain confined to the river bank on the east side utilizing the ineffective flow option in HEC-RAS 3.1. No new Big Wood River cross-sections were developed. The resulting base flood elevations were then compared with actual adjacent bank heights to assess whether the river will in fact be confined to the channel in this reach. Also, surveyed high water marks from the 2006 flood were evaluated relative to the effective BFEs.

F.1. Topographic data

Detailed topographic mapping of throughout the subject property south of Bullion Street was conducted by EHM Engineers, Inc. of Twin Falls, Idaho. A topographic contour map was prepared to provide vertical contour resolution of 2 feet. Detailed ground shots were taken within the Hailey Slough to allow accurate cross-sections to be created. Figure 5 shows the spot elevations taken for the topographic survey, and the resulting ground contours. Additional surveying was completed in September 2006 to determine the high water elevation and provide additional ground shots on the top of the east bank (these additional points are not shown on Figure 5). The point elevations, the contours on Figure 5, and the topographic data from the 1997 FEMA work map were used to define the shallow flooding area downstream of the roadway overtopping. Plate 1 shows both the new topography and the FEMA work map topography, but omits the spot elevations for clarity.

For the Big Wood River, the effective HEC-RAS model was used without including additional topographic information; the only change in the model was to confine the flow to the channel at the east bank using the effective flow option.

REV	DESCRIPTION	DATE

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0 75 150

SCALE: 1" = 150'

(11 X 17 DWG ONLY)

BROCKWAY ENGINEERING, PLLC

HYDRAULICS - HYDROLOGY - WATER RESOURCES

2016 NORTH WASHINGTON, SUITE 4

TWIN FALLS, ID 83301

(208) 736-8543

CAPLOW, MARK - FLOOD PLAIN REVISION

SITE PLAN SHOWING NEW SPOT ELEVATIONS

PROJECT # 072-04-2004

DWG # FIGURE 5

REV

F.2. Cross sections

A total of eight (8) cross-sections were used to define the Hailey Slough downstream of Bullion Street. **Note that for completeness, the model includes the inline structure (roadway) and sections upstream; however, the present LOMR request is limited to the reach downstream of Bullion Street. The ponded area upstream of Bullion Street is covered by a separate LOMR application (Case No. 06-10-B320P).** Sections 19, 20, and 21 were created from the FEMA work map topography; the remainder were created from the on-site surveys described in section F.1.

Cross section stationing is oriented looking downstream. Plots of each cross section are given in Appendix B and the section locations are shown on Plate 1.

F.3. Roughness coefficients

Estimates of channel and overbank roughness for the slough were made by field inspection of the site. Soil and vegetation characteristics are the same for both the channel and overbank, consisting of gravelly silt with moderately heavy vegetative growth. A Manning's roughness coefficient of 0.08 was used for both the channel and overbank over the entire reach[5]. No change was made in the Big Wood River model roughness coefficients.

F.4. Starting elevation

The downstream limit of the Hailey Slough model is Section 14, located at the point where the slough floodwater rejoins the Big Wood River flood plain. The starting elevation was assumed to be equal to the effective base flood elevation for the river at this point, or 5293 feet.

F.5. Floodway delineation

In accordance with to the FEMA guidelines for shallow-flooding and ponded areas, an encroachment analysis to determine the floodway limits was not performed for the Hailey Slough.

G. Model Results and Flood Plain Delineation – Hailey Slough

The HEC-RAS 3.1 model was run with the assumptions, parameters, and constraints detailed above. Computed water surface elevations and other pertinent hydraulic data at each cross-section are given in Table 1. Cross sections and other data pertaining to the model reaches is provided in Appendix B.

FEMA guidelines[6] were used to determine whether shallow flooding rate zones should apply along the Hailey Slough reach. According to Appendix E of this document, Zone X has been defined in part as those areas of "sheet flooding" over which the average depth of the 100-year flow is one foot or less. The average depth at each cross-section is to be determined by dividing the cross-sectional flow area by the top width. The extent of shallow-flooding zones is then defined by a weighted average of all average flow depths at all cross-sections within the selected reach.

The average depth at each cross section is shown in Table 1. The average depth is less than one foot at all sections except Section 17 and 18. The reach-weighted average depth for the study reach is 0.82 feet. The flood plain therefore appears to meet the criteria for Zone X. The proposed Zone X flood plain is delineated on Plate 1.

H. Model Results and Flood Plain Delineation – Big Wood River

The effective HEC-RAS model was modified using the ineffective flow option to confine the flow to the channel along the east side from station 26326.5 (the Bullion Street bridge) to station 24640. The model calculates that confining the flow in this manner causes small flood height increases ranging from 0.04 to 0.3 feet (see Table 2). Because these increases are not significant, **no change in the effective BFEs is proposed.**

Table 1. HEC-RAS 3.1 model results for the Hailey Slough below Bullion Street.

Brockway Engineering 2/28/06

NOTES:
Discharge from Berenbrock USGS procedure.
HEC-RAS Plan: Plan 02 River: Big Wood Slough Reach: Reach1 Profile: PF 1

Section	River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude #	Avg D = A / T	Reach Length	Avg D x Reach L
			(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	Chl	(ft)	(ft)	
25	899	PF 1	129	5303.3	5306.30		5306.31	0.00050	0.8	161.2	91.8	0.11			
24	821	PF 1	129	5303.0	5306.27		5306.28	0.00037	0.67	193.3	115.3	0.09			
23	716	PF 1	129	5302.0	5306.25		5306.25	0.00017	0.50	258.6	134.6	0.06			
22	630	PF 1	129	5301.7	5306.23	5303.30	5306.23	0.00004	0.21	710.6	532.2	0.03			
	580		Ini Struct												
21	500	PF 1	129	5303.5	5304.00	5303.90	5304.08	0.01059	1.01	77.5	228.1	0.36	0.34	145.0	49.3
20	210	PF 1	129	5301.8	5302.55	5302.20	5302.56	0.00300	0.73	176.0	442.5	0.20	0.40	250.5	99.6
19	-1	PF 1	129	5300.4	5300.67	5300.67	5300.75	0.09182	2.32	55.7	325.0	0.99	0.17	225.0	38.6
18	-240	PF 1	129	5296.0	5297.38		5297.44	0.00529	2.04	63.1	51.7	0.33	1.22	269.5	328.9
17	-540	PF 1	129	5294.0	5296.33		5296.37	0.00255	1.73	74.4	45.2	0.24	1.65	265.0	436.7
16	-770	PF 1	129	5294.0	5295.79		5295.80	0.00232	0.92	140.0	206.1	0.20	0.68	300.0	203.7
15	-1140	PF 1	129	5291.7	5293.41		5293.65	0.03186	3.92	32.9	39.2	0.75	0.84	330.0	277.2
14	-1430	PF 1	129	5290.7	5293.20	5291.52	5293.21	0.00039	0.67	203.7	195.2	0.09	1.04	145.0	151.3

Sum 1585.2
Weighted average depth 0.82

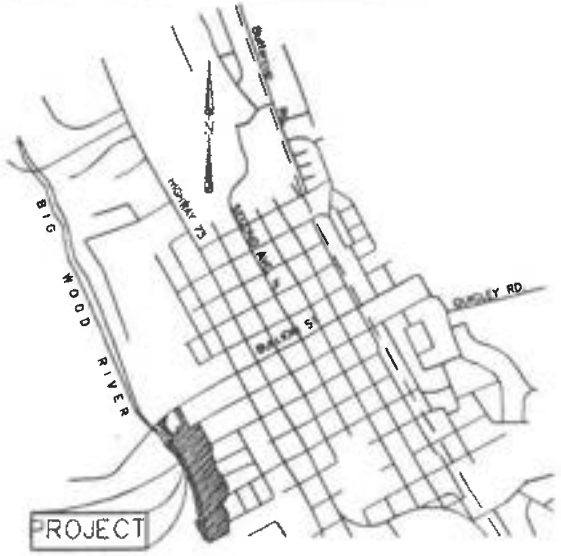
Table 2. Comparison of effective BFE and computed BFE with east bank confining.

Model Section / River Station (feet)	Effective BFE (feet)	Computed BFE, east bank confining (feet)	Difference (feet)
237+32	5289.44	5289.44	0.00
246+40	5294.69	5294.73	0.04
255+55	5300.26	5300.56	0.30
262+09	5302.55	5302.77	0.22
263+09	5302.94	5303.14	0.02

Figure 6 shows a comparison of the model-calculated water surface elevations with the adjacent top of bank elevation as determined from the on-site survey. The bank height is greater than the confined 100-year flood elevation upstream of river station 251+80. Below this point from approximately 250+57 to 251+80, the model predicts that the bank will overtop and there will be a hydraulic connection between the slough flood plain and the river flood plain, but the depth will be very shallow. This situation mimics very closely the observations during the 2006 flood (see Section J). The BFE at this point is 5298.0 feet. Therefore, to delineate the limit of shallow flooding east of the bank, an elevation of 5298.0 was carried northeastward using the contours in Figure 5 to tie in with the Hailey Slough floodplain.

From approximately 249+00 to 250+57, the bank height is again above the flood height and there will be no interconnection with the Hailey Slough floodplain. Downstream of about 249+00, the river will leave the east bank and spread laterally in a very shallow flow regime, rejoining the effective FEMA delineation as shown on Plate 1.

It should be noted that the actual model cross-sections utilized by FEMA to delineate the effective 100-year floodplain also indicate that the river will be confined to the channel from the bridge downstream to approximately Cross Section X at Station 24+640 (see cross-section plots in Appendix B). However, for an unknown reason, the effective delineation on the FIRM and the FEMA work map does not reflect this fact. It therefore appears that the delineation is in error.



HAILEY VICINITY SKETCH
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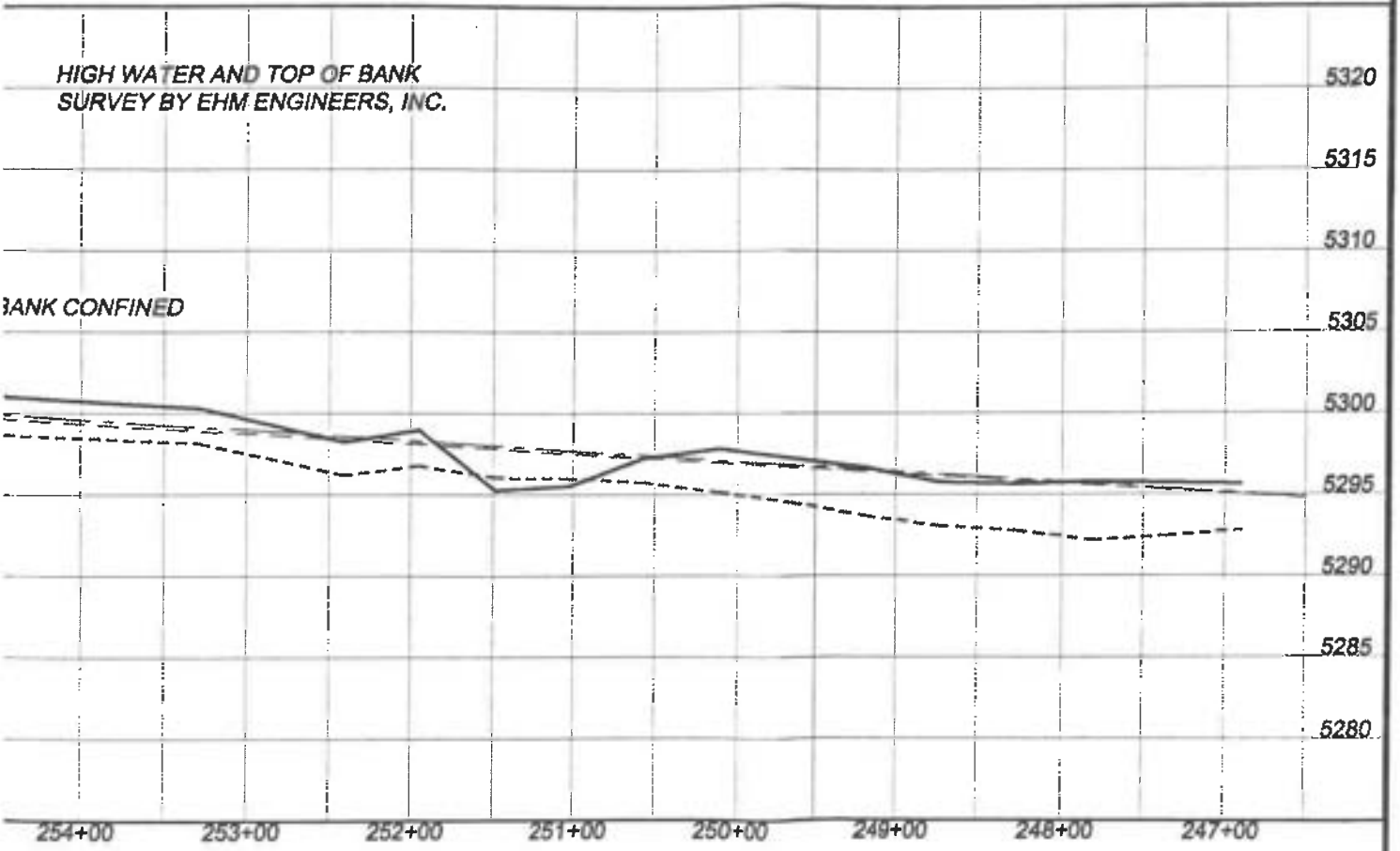


DRAFTED BY A.R	BROCKWAY ENGINEERING, PLLC. HYDRAULICS · HYDROLOGY · WATER RESOURCES 2016 NORTH WASHINGTON, SUITE 4 TWIN FALLS, ID. 83301 (208) 736-8543	CAPLOW - BOARD RANCH RIVER PROFILE - HAILEY IDAHO	PROJECT # 075-08-2004
		PROFILE	DWG # FIG. 6
			REV A

For the 500-year flood, the computed water surface is near the top of the bank just below the bridge, and it is conservative to assume that the river will leave the banks and inundate areas to the east. The 500-year flood plain as delineated by FEMA appears to be reasonable and is reproduced on Plate 1.

I. Investigation of River Bank Adequacy

In the vicinity of Bullion Road, both upstream and downstream of the bridge, the Big Wood River is significantly channelized and the flow remains within the banks even during major flood events. In the course of discussions with the City of Hailey and Blaine County, questions have arisen as to the history of potential man-made bank changes and the adequacy of the existing river bank to provide sufficient flood protection for the land east of the river and south of Bullion Road, some portions of which are lower than the bank height at the river (refer to the topography shown in Figure 5 and Plate 1). Some have surmised that perhaps portions of the bank are not natural river deposits but have been artificially created over the course of time, and that potentially the east overbank has been filled or otherwise modified.

To evaluate the east river bank in this regard, an investigation was conducted that involved both qualitative and quantitative analysis, including the current bank adequacy, historical bank adequacy, and land use history of the area.

I.1. Topographic survey

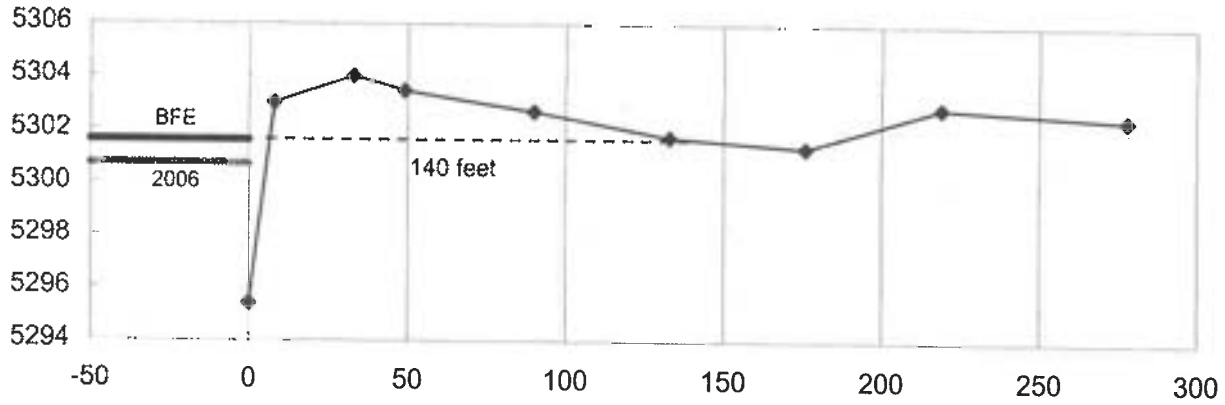
As noted in Section F.1., detailed surveys were conducted of the property. Based on this data, the geometry of the east river bank can be examined and evaluated to determine the width and side slopes of the high east bank. Figure 5 shows spot elevations of the river bank. Three partial cross-sections created from this data above the point where the effective BFE is above the top of bank are shown in Figure 7. Also shown on Figure 7 are the 2006 surveyed high water mark and the effective BFE (refer to Section J for more detail on the 2006 flood and a comparison with the top of bank elevation). This data indicates that the width of the high bank at the effective BFE elevation ranges from 65 to 140 feet.

Figure 7. East bank cross-sections (looking upstream)

350 feet downstream of bridge

Sta	Elev
0	5295.39
8	5303
33	5304
49	5303.47
90	5302.7
133	5301.73
176	5301.33
219	5302.85
278	5302.43

	2006 HW	FEMA BFE
-50	5300.7	5301.6
0	5300.7	5301.6



520 feet downstream of bridge

Sta	Elev
0	5294.25
9	5303
52	5303.12
71	5301.19
81	5300.01
110	5301.04
119	5302.8
139	5302.37

	2006 HW	FEMA BFE
-50	5299.3	5301
0	5299.3	5301

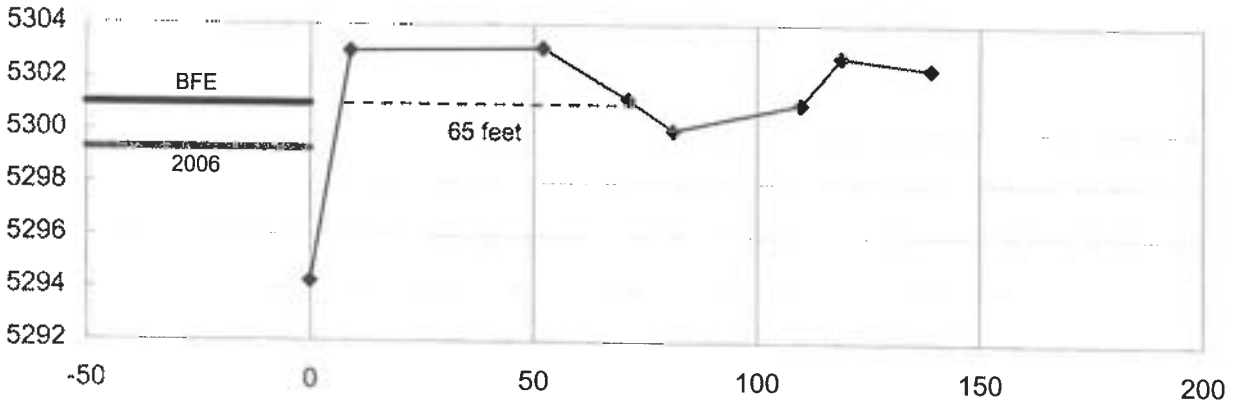
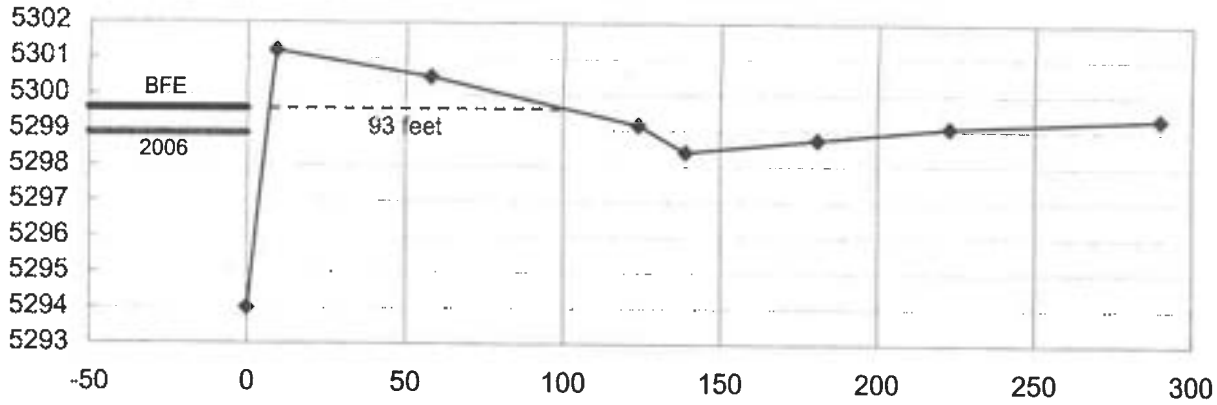


Figure 7, cont'd. East bank cross-sections (looking upstream).

830 feet downstream of bridge

Sta	Elev
0	5294
9	5301.2
58	5300.48
124	5299.14
139	5298.4
181	5298.75
223	5299.08
290	5299.33

	2006 HW	FEMA BFE
-50	5298.9	5299.6
0	5298.9	5299.6



The rip-rapped bank side slope on the river side is approximately 1:1, and ground slope on the landward side is gradual, ranging from 2% to a maximum of 11%, or 1:9. Based on the topographic data, the bank will provide adequate flood protection with river elevations in the vicinity of the BFE and/or the 2006 flood levels.

Referring to the topographic map (Figure 5), the land east of the bank is generally above the 100-year flood elevation except for local features including 1) the Hailey Slough channel, 2) small ponds that were dug as disposal areas for the sawmill that once occupied the property many years ago, and 3) other localized depressions. The ponds and depressions have mostly been designated as protected wetland areas.

I.2. Established tree presence

The bank supports significant vegetative growth along its length. Included in the growth are large cottonwood trees with diameters up to 18 inches. If the age of these trees could be determined, it would provide some indication of the length of time for which the bank had not been disturbed. Dating these trees is difficult, however. Certified Arborist Derek Rhuter of Webb Landscaping was consulted relative to the possibility of dating the Cottonwoods. He indicated that at this location, there would be little correlation between trunk diameter and age, and coring the trees would likely be unfruitful due to the fact that decomposition of the wood occurs from within the tree. Also, coring the trunk may cause harm to the trees, which would be contrary to the Blaine County riparian zone protection ordinances. Therefore, no attempt was made to date the trees. However, it can be safely stated that the 18-inch trees are at least 20 to 30 years old.

I.3. Test pits

In order to evaluate the subsurface composition of the bank, seven (7) test pits were excavated along the top of the bank from Bullion Road to the southern end of the property. The location of the test pits is shown on Figure 5. Pits were excavated with a backhoe to a depth of approximately 6.0 feet and the soil profile was logged. Soil logs and photographs of each pit are provided in Appendix C.

The subsurface investigation revealed nearly identical material in all test pits. Topsoil consisted of 4" to 12" of gravelley sand with significant organic material, and the sub-strata consisted of gravelley to cobbly silt loam or sandy silt loam. TP#1 was located near a manhole and therefore likely represents fill material around the manhole rather than natural deposition. Generally, no obvious interface between natural material and fill material was noted which may indicate that the bank had been artificially built-up. However, an interface may or may not be present depending on the type of fill material that may have been used.

I.4. Bank protection and observed stability during flooding

The east river bank is protected throughout the study reach by angular stone rip-rap. It is not known with certainty when the rip-rap was placed. Visual inspection indicates that the rip-rap is stable and is providing excellent protection for the bank. Established vegetative growth (willows and other water-loving species) has further stabilized the bank. Prior to 2006, the peak discharge of 6150 that occurred in 1983 was the highest on record, and corresponded to about a 60-year event (based on the flood-frequency curve excluding 2006). During this flood, the east bank of the river remained stable. Recent peak flow events in 1997, 2003, and 2005 were 10-year or greater events, and the bank remained stable during all of these years. The 2006 flood was the highest year of record and is discussed below.

I.5. Historical aerial photos

Historic aerial photos in file with the USDA Farm Service agency were obtained for this reach of the river. Available years prior to 1975 include 1957, 1964, and 1969. These photos show the river channel in a configuration nearly identical to the current configuration. No meandering or migration of the river channel has occurred in this reach since 1957, and the bank appears to have adequately weathered the significant peak-flow events exceeding 4500 cfs in 1958, 1967, 1974, 1983, and 1986, in addition to those discussed in Sections I.4 and I.6.

The only other known photograph pre-dating the FSA documents is found in the Mallory collection in the Hailey Public Library. One photograph in this collection shows a view of the Big Wood River valley from Carbonate mountain looking southeast, including Bullion Street bridge and about 1 mile of the Big Wood River south of the bridge. The exact date of the photograph is not known, but was likely in the 1920s or early 1930s, no later than the death of Mr. Mallory the late 1930s and no later than the paving of Highway 93 in the mid 1930s (the highway is unpaved in the photograph). This photograph shows the river relatively unchannelized except in the vicinity of the bridge, and makes two mild meanders in the reach where it is now channelized. Based on this evidence, it appears that the overbanks may have been filled and the banks stabilized sometime between 1930 and 1957. This may have been one of the many U.S. Army Corps of Engineers' river stabilization projects which were initiated on the Big Wood River during this time, but no records of these activities are available.

I.6. Conclusion

Although parts of the land east of the river are lower than the top of bank elevation, very little area is below the 2006 high water elevation (see Section J). The east bank appears to be partly a natural feature and partly a result of river stabilization activities performed sometime between 1930 and 1957. Since 1957, the bank has been exceedingly stable and has withstood extreme flood events including the 2006 flood. Furthermore, the 100-year flood elevation will be well below the top of bank and the land east of the bank is generally above the 100-year flood elevation north of river station 251+80 except for the slough channel and wetland areas that were originally disposal ponds for a sawmill. For these reasons, the east bank is believed to provide adequate protection during the 100-year flood event and should be recognized as such in the FEMA mapping.

J. 2006 Flood Event

Above-average snowpack in the Big Wood River basin and above-normal temperatures resulted in extremely high runoff during late May 2006. The peak discharge at the U.S. Geological Survey's streamflow gauge at Hailey occurred on May 21, 2006 at 7:15 AM.

Four days earlier, USGS staff from the Twin Falls field office had performed a discharge measurement to check the rating at the gauge, which is located immediately upstream of Bullion Bridge. The USGS staff calculated a difference between the measured and rated discharge of 0.16%, and therefore determined that no shift should be applied. The peak discharge on May 21 was 7,800 cfs. This data is provisional until officially published by the USGS, but the rating check provides a high level of confidence that the discharge reading is accurate.

Peak flow data for the period of record is shown in Appendix D. Including the 2006 peak flow data point in a Log-Pearson Type III evaluation according to the Water Resources Council procedure yields a flood frequency relationship as shown in Appendix D. 7,800 cfs was the largest discharge ever observed by a considerable margin, and corresponds to a 160-year event. With 2006 included, the 100-year discharge is estimated to be 7,254 cfs. This compares to the value of 6680 used by FEMA at this location for the effective flood insurance study.

On May 5 and May 19, 2006, Brockway Engineering staff made two inspections of the river downstream of Bullion Street to observe the river during the high runoff period. It was found that the rip-rapped east bank was stable. No movement of rip-rap, undercutting of the bank, or significant erosion of any other nature was observed. The east overbank was not inundated upstream of 251+80. A third site inspection was made during low water on November 6, 2006 to assess the bank condition. At this time the bank was observed to be in excellent condition with no indication of significant erosion. Photos of the river both during high water and low water are provided in Appendix E.

On May 5 and May 19, it was noted that the water level appeared to be considerably below the top of the bank until approximately 1200 feet downstream of the bridge, at which point the water from the river was overtopping the bank, causing sheet flooding east of the river with shallow depths typically 2 to 6 inches and of relatively limited extent. The water was sheet flooding down a small access road located in this area but was causing no flooding hazard. This observation is accurately reflected on Plate 1.

Because the observed 2006 high water level was well below the top of the bank, an elevation survey was conducted to verify the location of the peak flood elevation. High water marks on the east bank were clearly evident after floodwater receded. A survey of these high water marks and the adjacent top of bank was performed on approximately September 6, 2006 by EHM Engineers, Inc. The results of this survey are shown on Figure 6, which also shows the effective BFE for comparison. Two findings were made from this data:

1. The 2006 high water elevations were well below the top of the bank at all locations above approximately 1200 feet downstream of the bridge. The vertical distance between the top of bank and high water mark ranged from 1.0 to 5.5 feet, but was typically on the order of 2 feet.

2. The effectve BFEs are significantly higher than the 2006 high water elevations in the reach within 600 feet of the bridge, even though the 2006 peak discharge was considerably greater than a 100-year event. The actual 2006 discharge was 7,800 cfs, whereas the discharge used in the effective model was 6,680 cfs, but the modeled elevations range from 0.0 to 1.5 feet higher than the observed 2006 elevations.

The conclusion of this anlaysis is that the effective FEMA model in this reach is not accurately predicting the 100-year flood elevations in the vicinity of the bridge, and a re-calibration of the model using the 2006 data would be beneficial. **However, for the purposes of the present LOMR request, the base flood elevations are not proposed to be changed, since the data indicates the river will be confined to the bank even assuming the effective BFEs were correct.** Based on the evidence presented in this report, the LOMR request proposes only a modification of the 100-year flood plain limits to reflect actual conditions as observed.

K. Recommended Flood Insurance Rate Zones

As shown on Plate 1, during the 100-year flood areas of shallow flooding will develop due to flood flow in the Hailey Slough and hydraulic connection with the river in the lower areas of the study reach. These areas all meet the FEMA criteria for shallow flooding and it is recommended that a Zone X be adopted for these areas. If the area of 500-year flooding is to be denoted as Zone X, FEMA may wish to delineate a larger Zone X as appropriate to cover both the 500-year flood plain for the Big Wood River and the 100-year shallow flooding areas from the Hailey Slough. In any case, the flood plain within the subject property should not be a regulatory Zone AE as shown on the FIRM.

L. Annotated FIRM

As required for the LOMR request, an annotated FIRM map was prepared at 1"=500' scale showing the effective and proposed flood plain limits. This map is denoted as Figure 8 and is provided with this report. For the reasons outlined in this report, the revised flood plain should be considerably more accurate than the effective flood plain.

M. Summary and Conclusions

The 100-year flood plain was computed for the Hailey Slough downstream of Bullion Street. In addition, the extent of inundation from the Big Wood River on the east side of the river was evaluated. The results indicate that the computed flood plain differs considerably from the flood plain in the effective FIRM due to improved hydrologic analysis and more detailed, localized topographic data availability. In a previous LOMR request (see Section C), it was determined that the Hailey Slough floodwater will overtop Bullion Street and continue southward. In the present study, flooding south of Bullion Street in the slough was modeled and determined to meet the criteria for a Zone X. The Big Wood River was modeled using the effective HEC-RAS model with the water confined to the eastern bank. The high water elevation from the 2006 flood, a 160-year event, was surveyed. It was determined that the 100-year flood will not overtop the bank except in the lower area of the study reach, where areas of shallow sheet flooding will occur.

Figure 8

Principal findings of this study include the following:

- Sheet flooding in the Hailey Slough downstream of Bullion Street will occur during the 100-year flood event in the slough. The inundation meets the criteria for Zone X flooding and should be delineated as such as shown on Plate 1.
- The eastern limit of the Big Wood River 100-year flood plain should lie at the bank as predicted by the modeling, the topographic survey, and the observed conditions during the 2006 flood event.
- The eastern bank of the Big Wood River is stable and will provide adequate flood protection to property east of the river.

[1] U.S. Army Corps of Engineers (1972). Flood Plain Information, Bellevue-Hailey, Idaho and Vicinity.

[2] Federal Emergency Management Agency, Federal Insurance Administration (1997). Flood Insurance Study, City of Hailey, Idaho. Revised March 17, 1997.

[3] Kjelstrom, L. C. and R. L. Moffatt (1981). *A Method of Estimating Flood-Frequency Parameters for Streams in Idaho*, USGS Open-File Report 81-909.

[4] Berenbrock, Charles, 2002, Estimating the Magnitude of Peak Flows at Selected Recurrence Intervals for Streams in Idaho : U.S. Geological Survey Water Resources-Investigations Report 02-4170, 59 p.

[5] Chow, V. T. (1959). *Open-Channel Hydraulics*. McGraw-Hill, New York.

[6] Federal Emergency Management Agency, Federal Insurance Administration (April 2003). *Guidelines and Specifications for Flood Hazard Mapping Partners*.

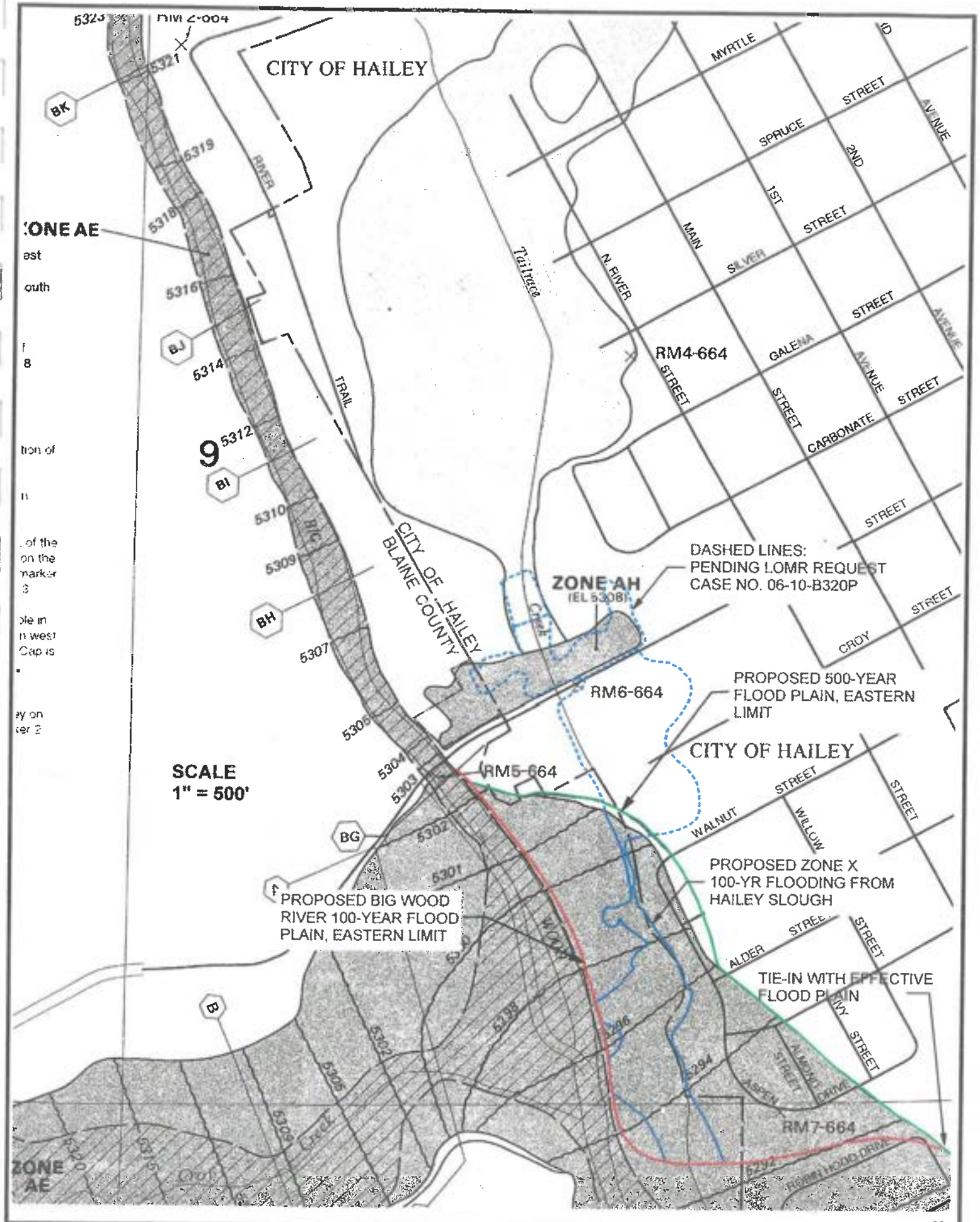
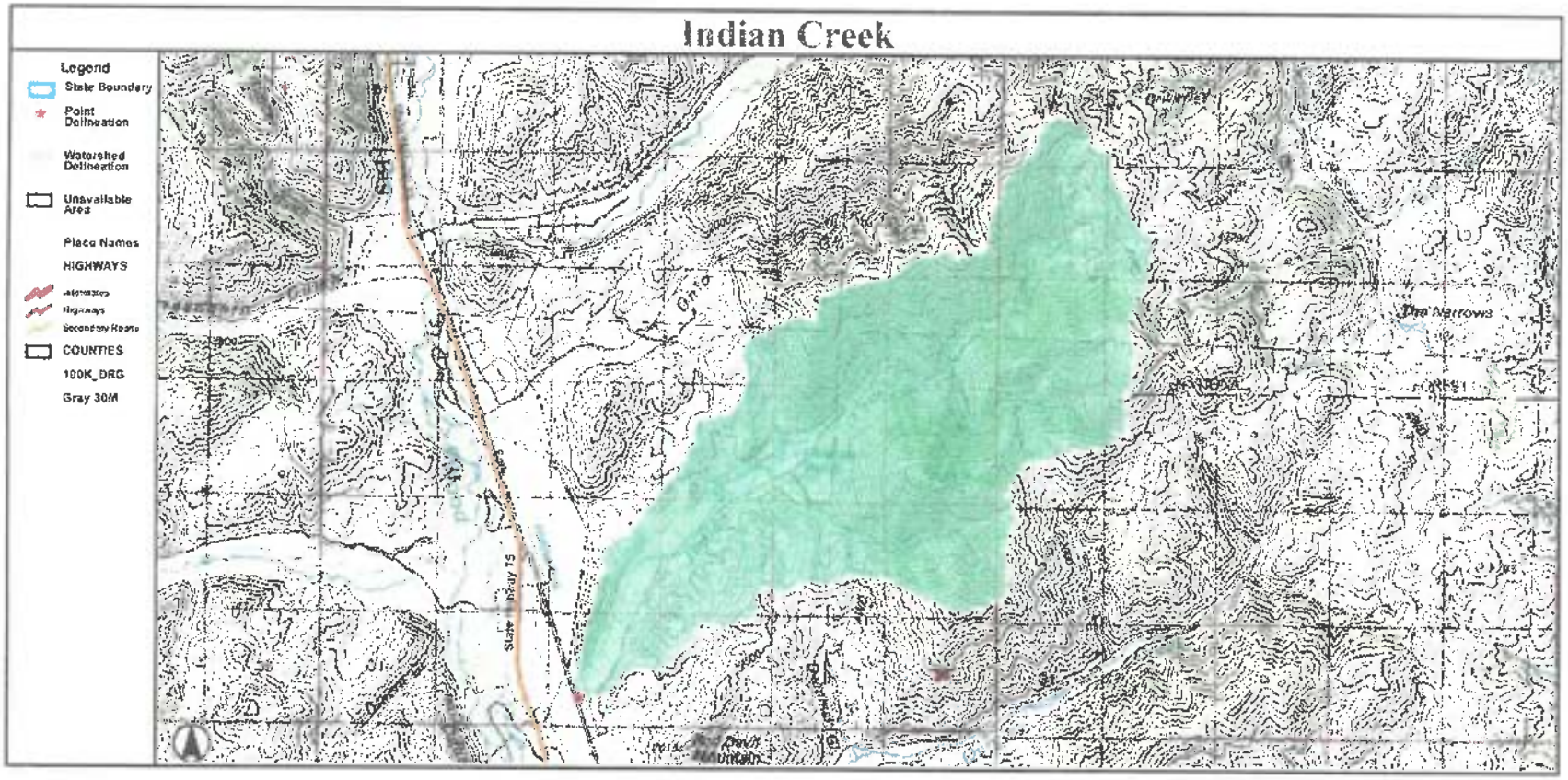


Figure 8. Annotated FIRM at 1" = 500' scale, showing effective flood plain and proposed revisions in red and blue.

Appendix A
Basin Hydrologic Information


Indian Creek
Legend
State Boundary
Point Delineation
Watershed Delineation
Unavailable Area
Place Names
HIGHWAYS
Alternates
Highways
Secondary Roads
COUNTIES
100K_DRG
Gray 30M
Dry Narrows
State Hwy 15

Basin Characteristics Report

Date: Mon Feb 27 2006 13:41:45
Latitude: 43.5452
Longitude: -114.3206

Parameter	Value
Area in square miles (AREA2MI)	11.3
Relief in feet (RELIEFFT)	2900
Average elevation in feet (ELEVFT)	6750
Maximum elevation in feet (ELEVMAXFT)	8320
Minimum elevation in feet (ELEVMINFT)	5420
Average area slope in percent (SLPPCT)	41.4
Percent of area with slope greater than 30% (SLPPCT30)	74.3
Percent of area with slope greater than 30% and facing North (SLPPCT30N)	24.5
Percent of area covered by forest (FORESTPCT)	13.3

Program idregeq.exe
Based on Berenbrock (2002) equations

Peak-flow estimates for:

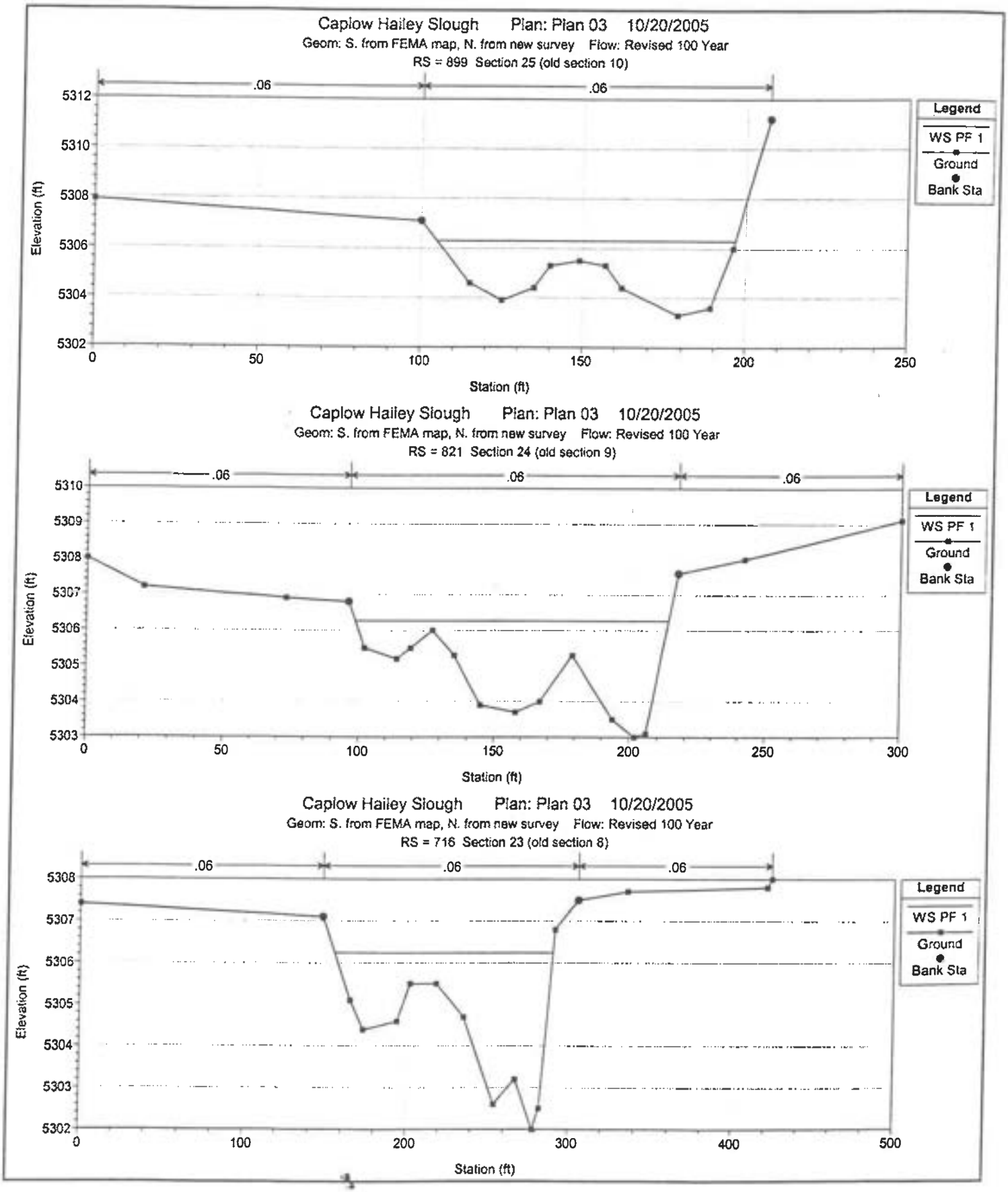
Indian Creek
Region 5: DA= 11.3, P= 19.00, NF30= 15.0

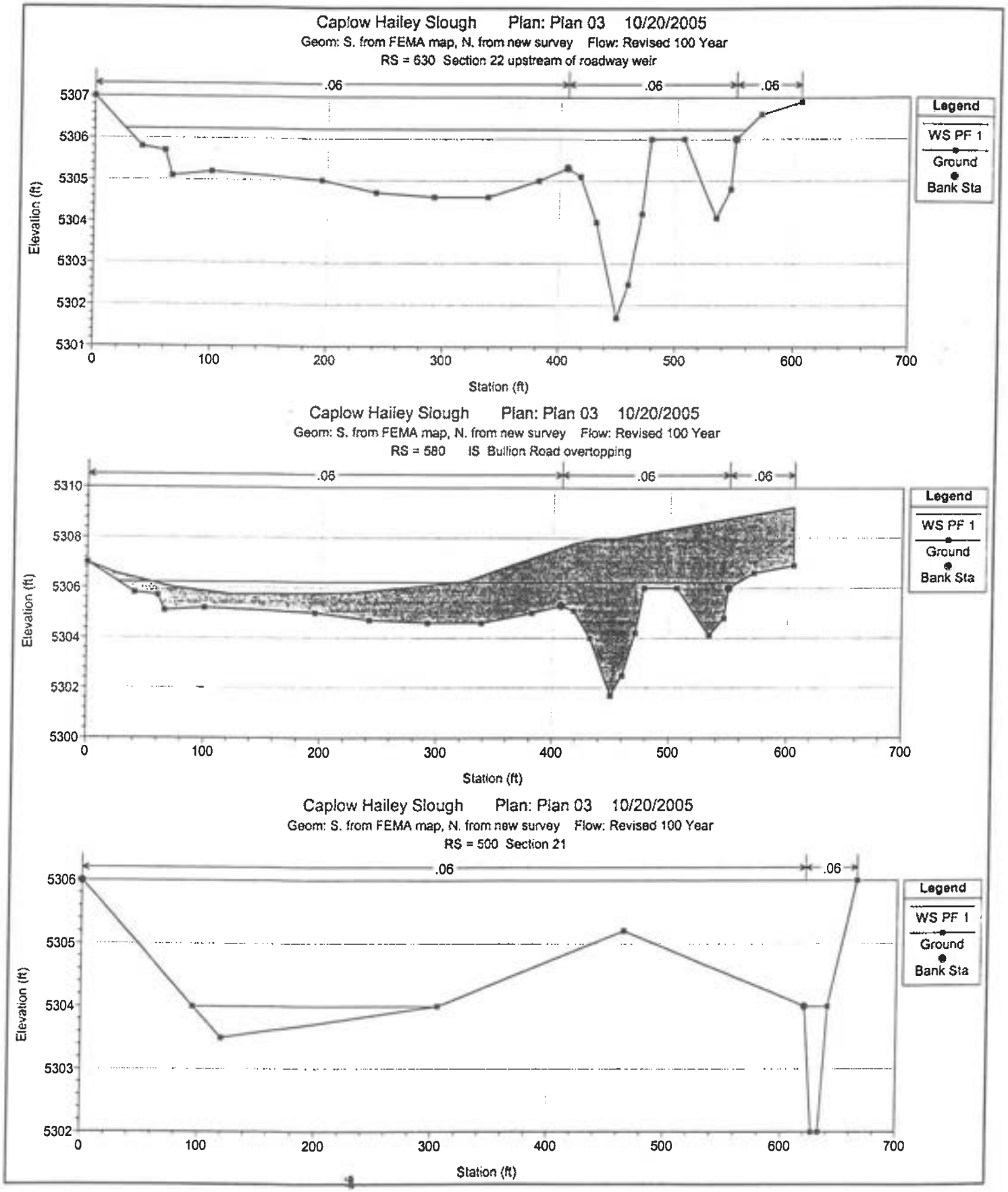
RI	PEAK FLOWS (CFS)	STANDARD ERROR OF PREDICTION (PERCENT)		90-PERCENT CONFIDENCE INTERVALS (CFS)	
1.50	26.	55.5	-35.7	12.	55.
2	34.	52.9	-34.6	17.	70.
2.33	37.	52.1	-34.3	18.	75.
5	56.	51.2	-33.9	28.	112.
10	72.	51.9	-34.2	36.	146.
25	94.	53.7	-34.9	45.	193.
50	110.	55.4	-35.6	52.	230.
100	129.	57.3	-36.4	60.	276.
200	146.	59.3	-37.2	67.	319.
500	169.	62.2	-38.3	75.	381.

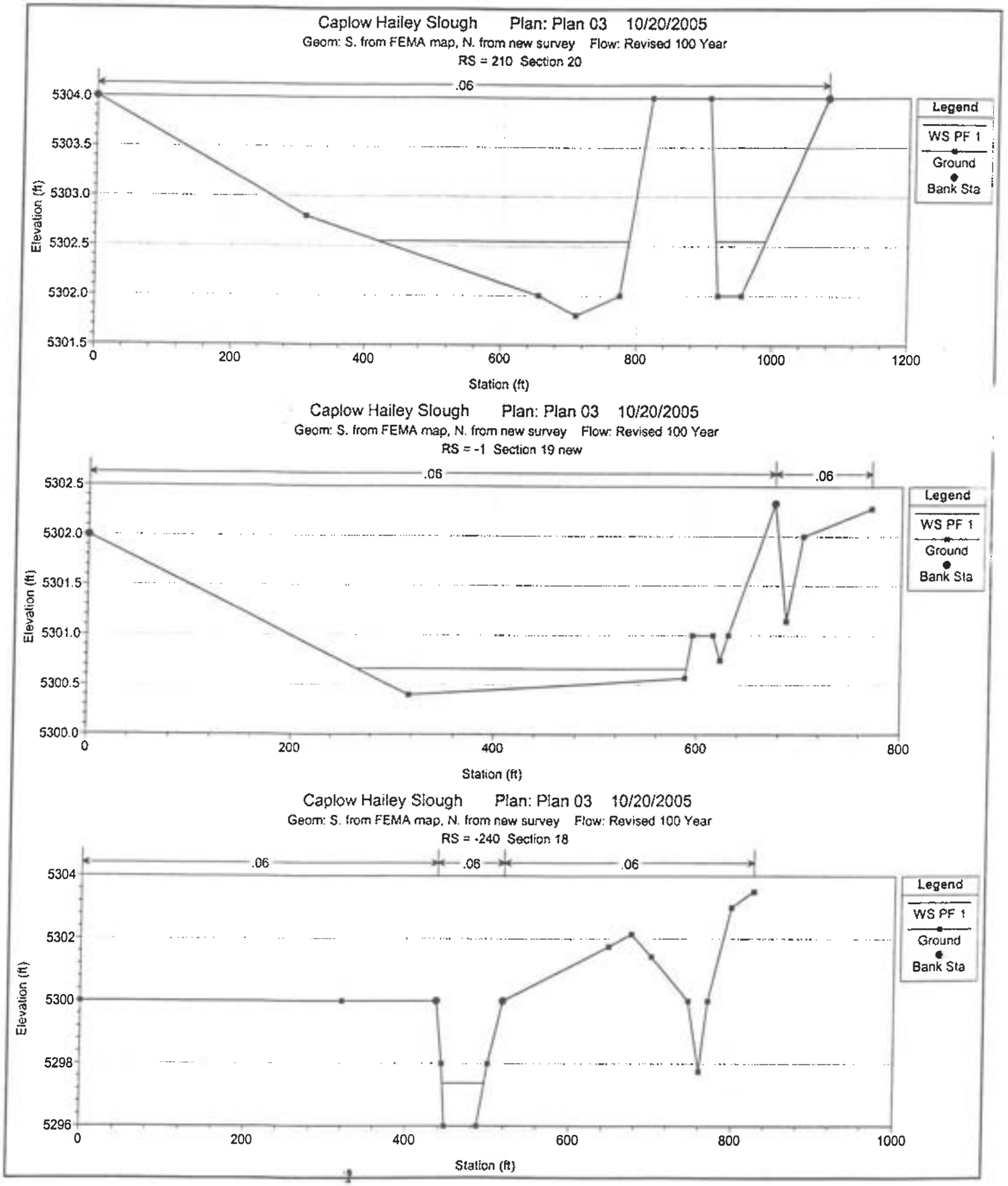
WARNING -- Prediction beyond observed data

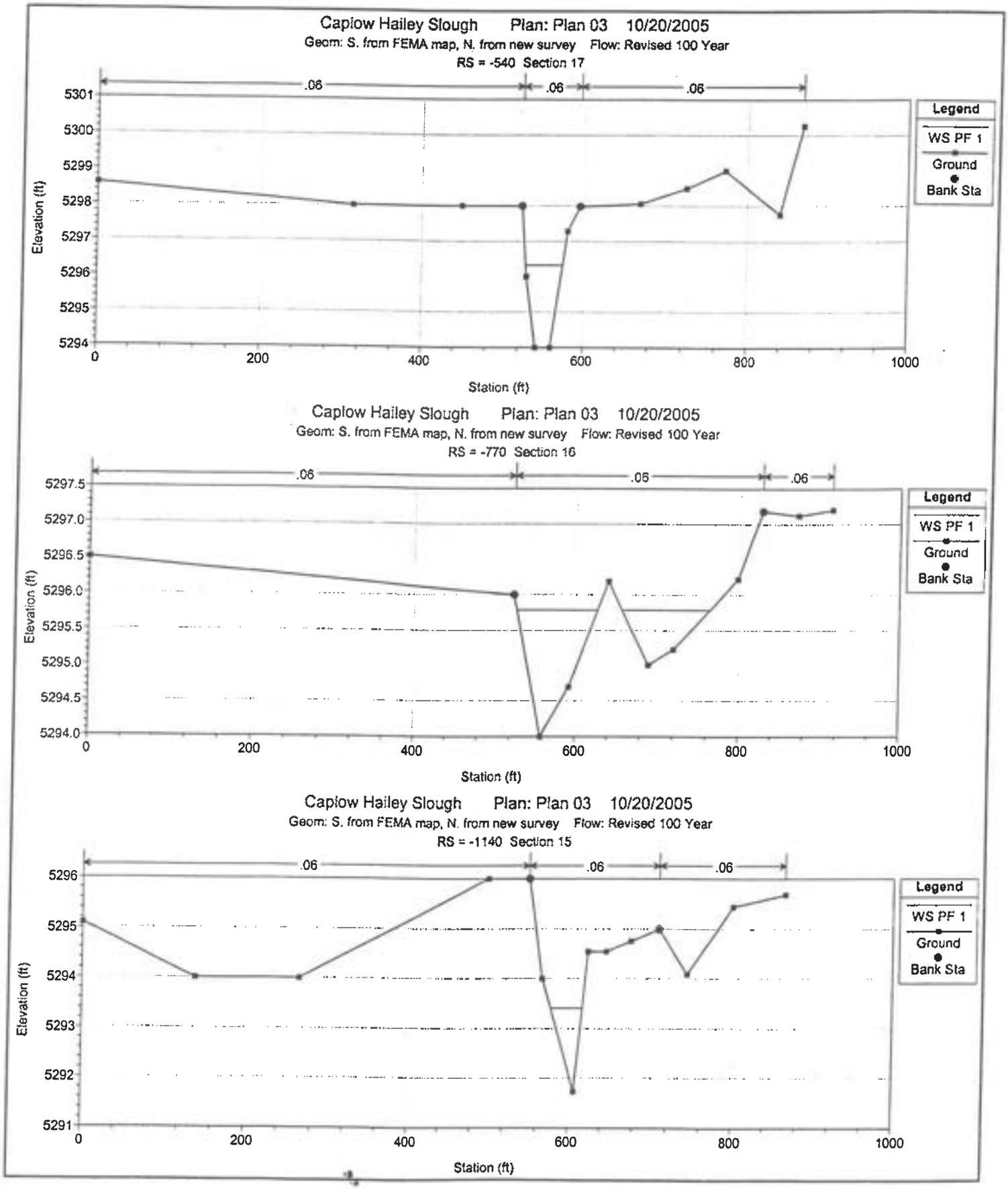
PREDICTION POINT BEYOND MCE
WARNING -- P beyond observed data

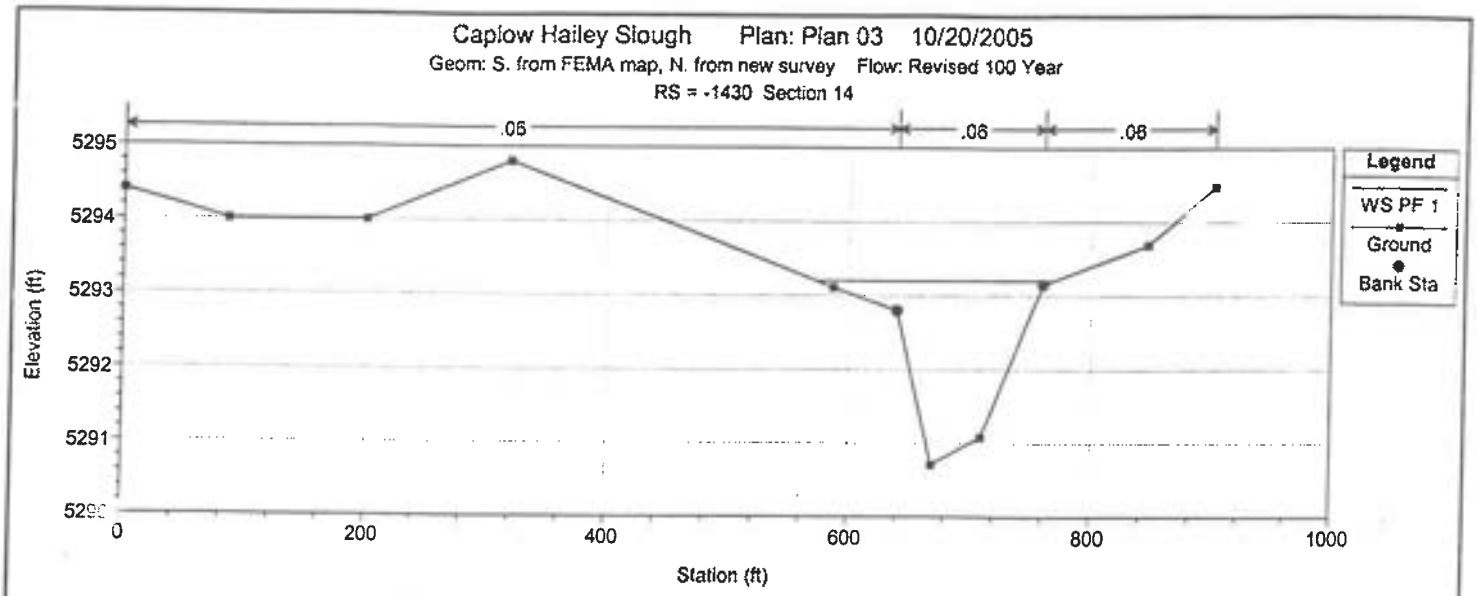
Appendix B
Cross-Section Plots


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 899 Section 25 (old section 10)
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 821 Section 24 (old section 9)
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 716 Section 23 (old section 8)
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 630 Section 22 upstream of roadway weir
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 580 IS Bullion Road overtopping
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 500 Section 21
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 210 Section 20
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1 Section 19 new
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -240 Section 18
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -540 Section 17
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -770 Section 16
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1140 Section 15
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)

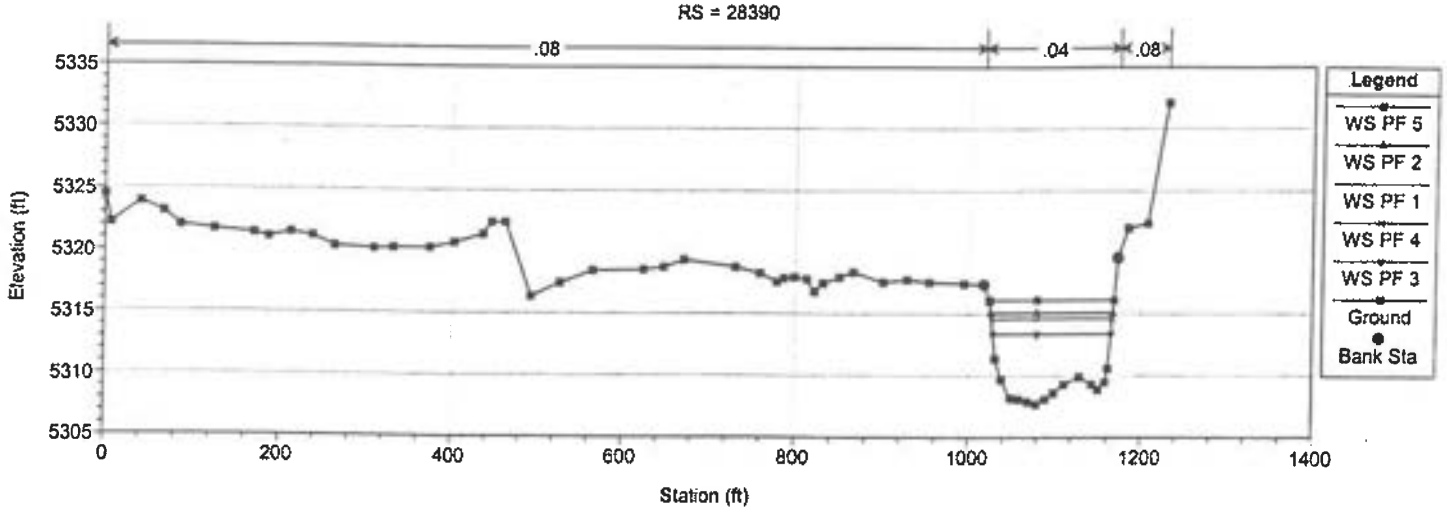

Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1430 Section 14
.05
.06
.08
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
5295
5294
5293
5292
5291
0
200
400
600
800
1000
Station (ft)

AD

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 28390

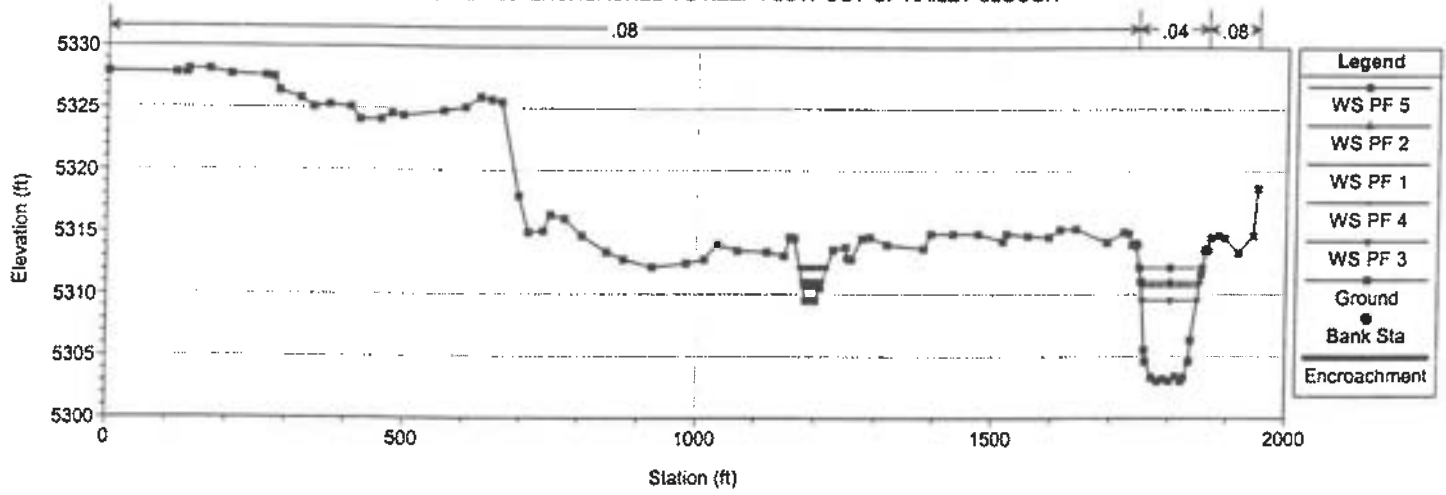


AC

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 27766 ENCROACHED TO KEEP FLOW OUT OF HAILEY SLOUGH

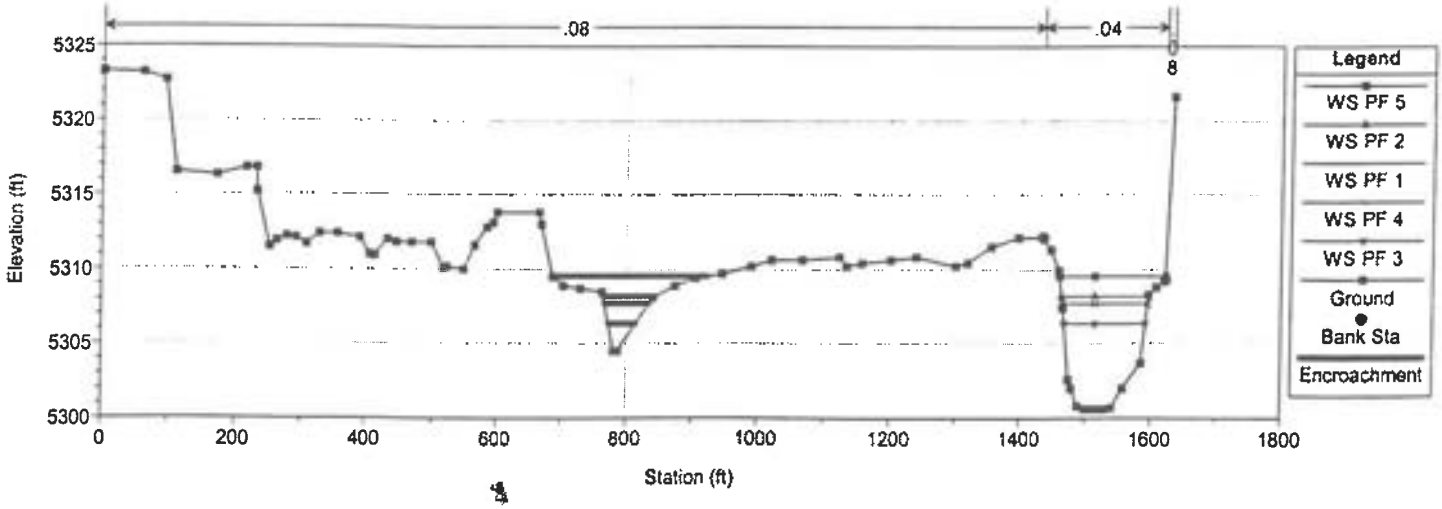


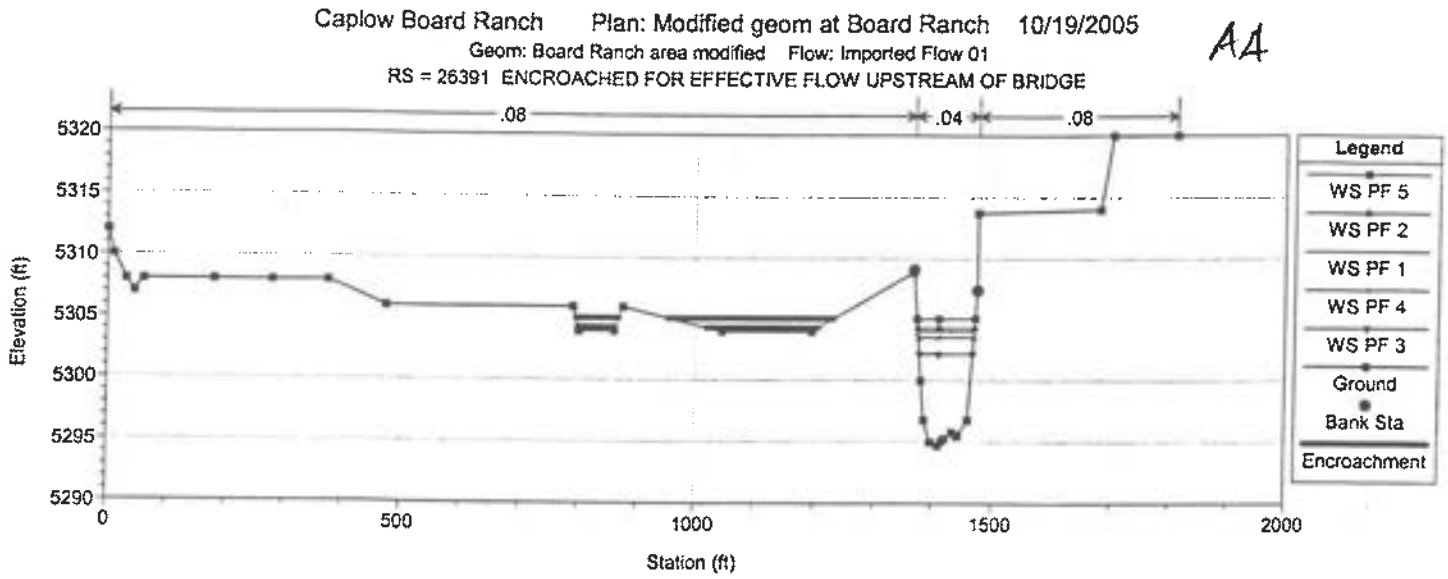
AB

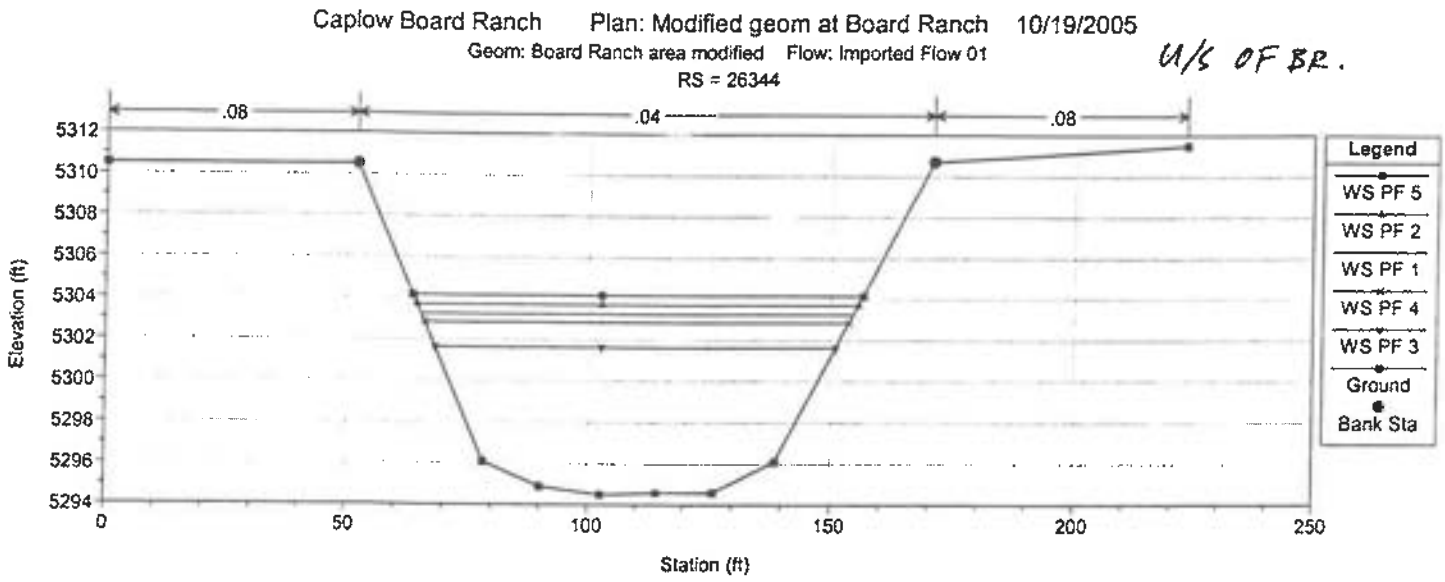
Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

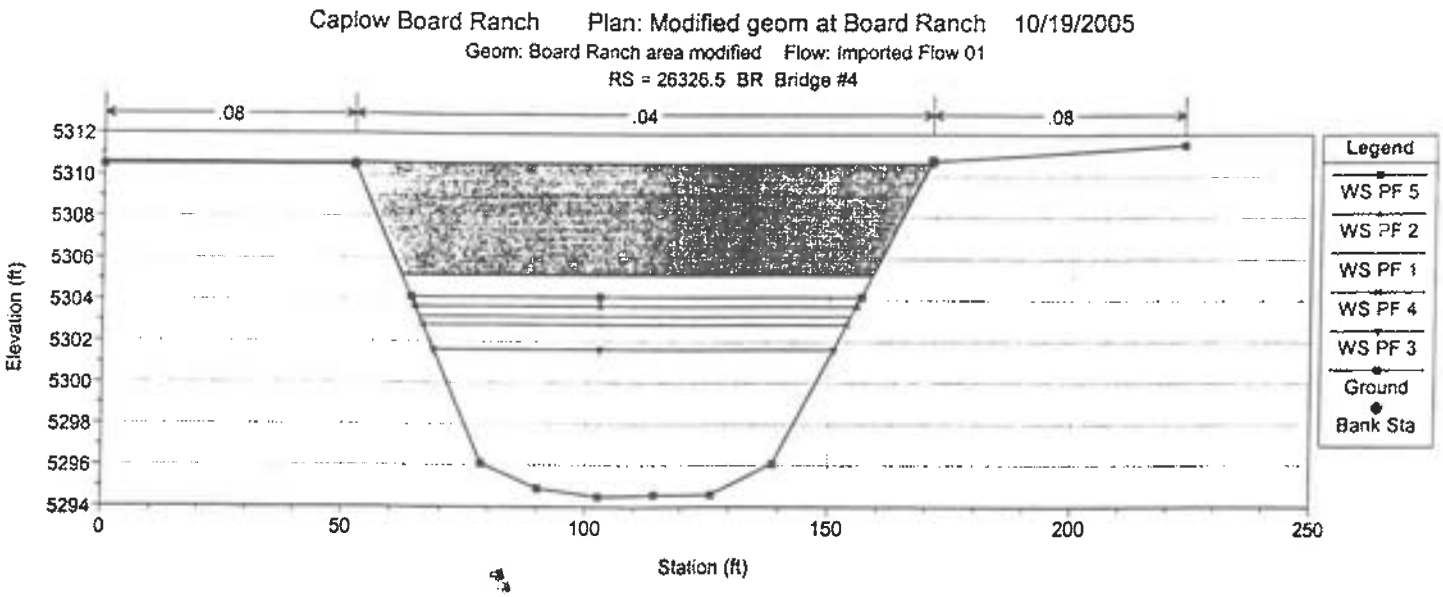
Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 27183 ENCROACHED FOR EFFECTIVE FLOW - NO FLOW OVER ROAD




Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26391 ENCROACHED FOR EFFECTIVE FLOW UPSTREAM OF BRIDGE
AA
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta
Encroachment

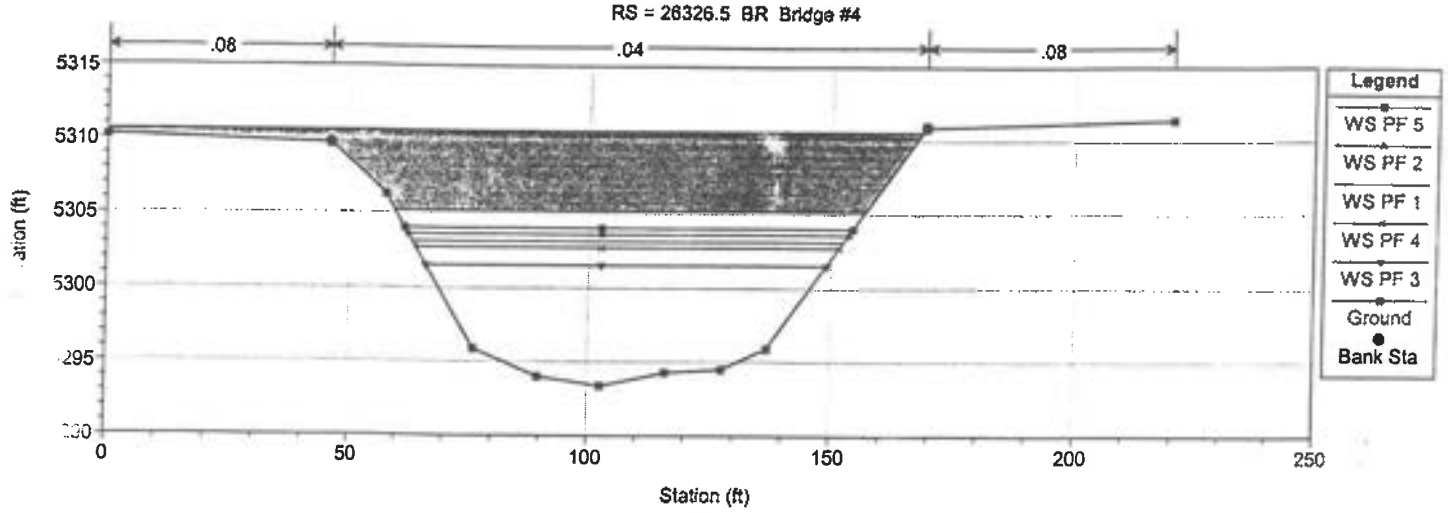

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26344
U/S OF BR.
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26326.5 BR Bridge #4
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 26326.5 BR Bridge #4

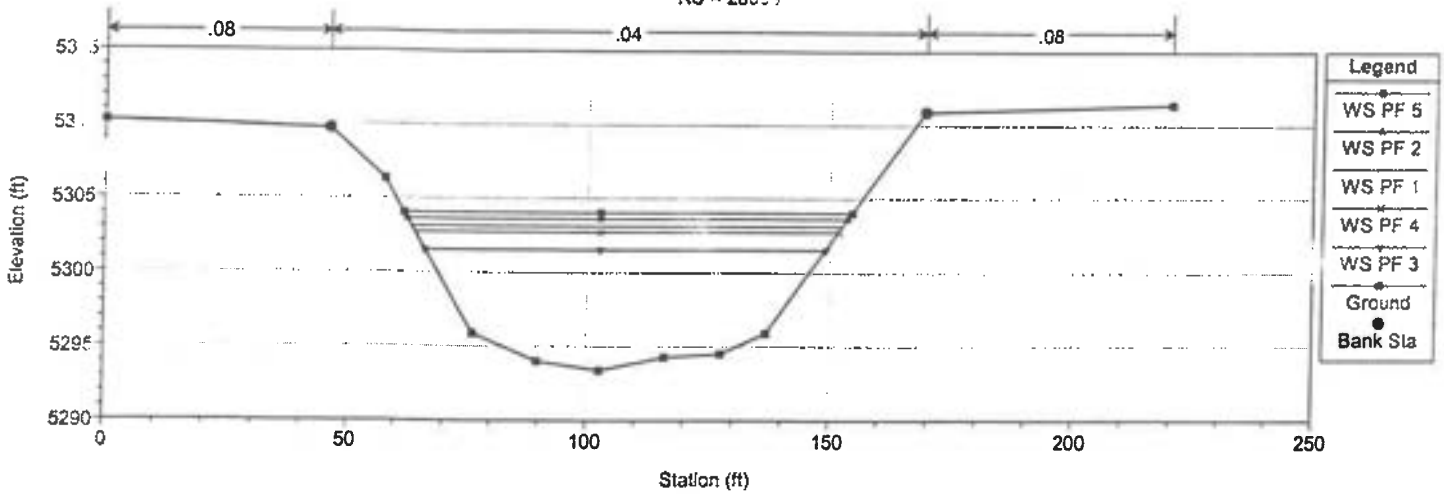


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modifie Flow: Imported Flow 01

D/S OF BR.

RS = 263

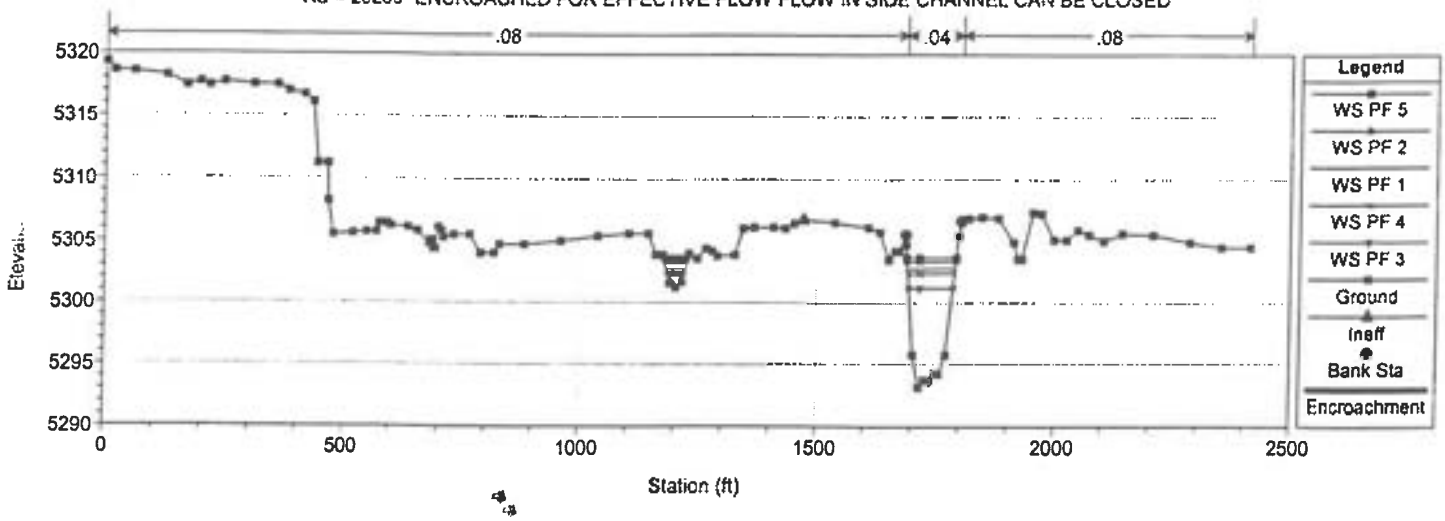


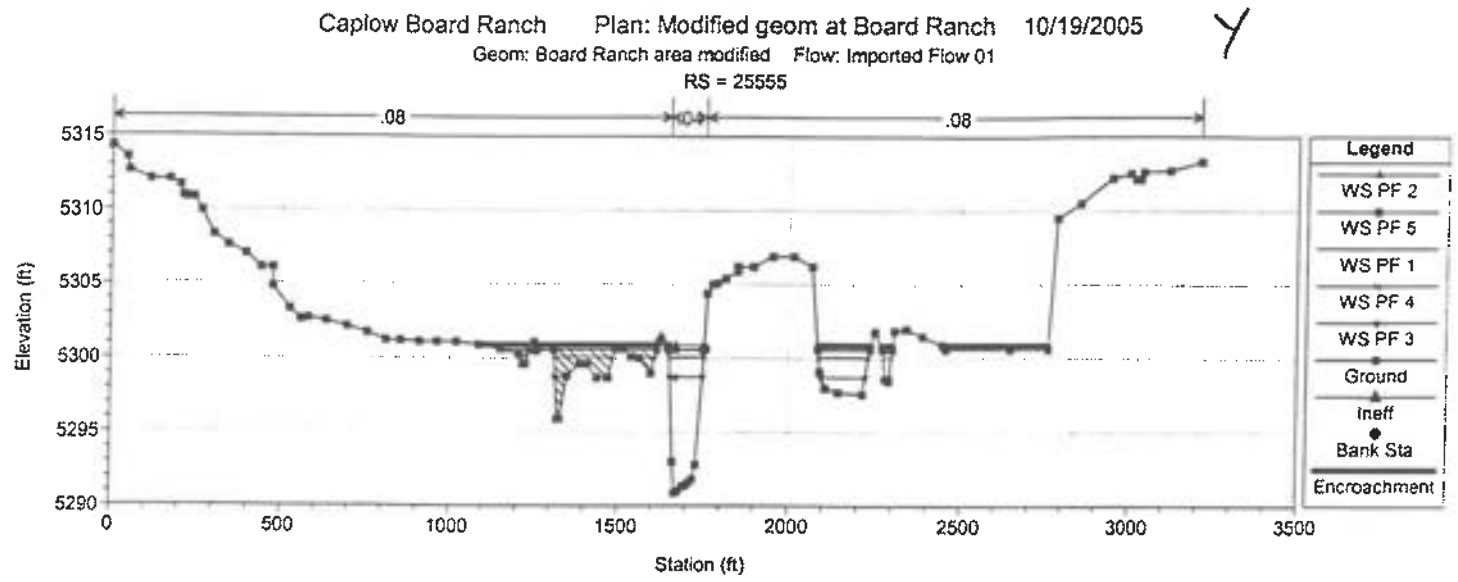
Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

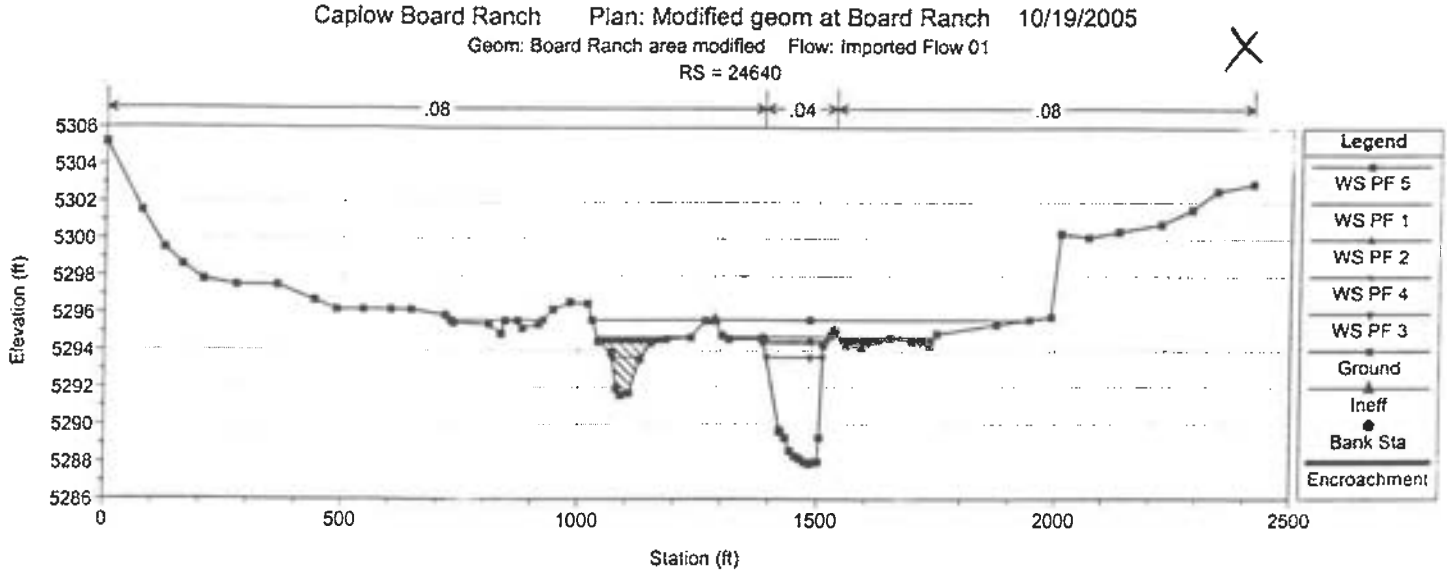
Geom: Board Ranch area modified Flow: Imported Flow 01

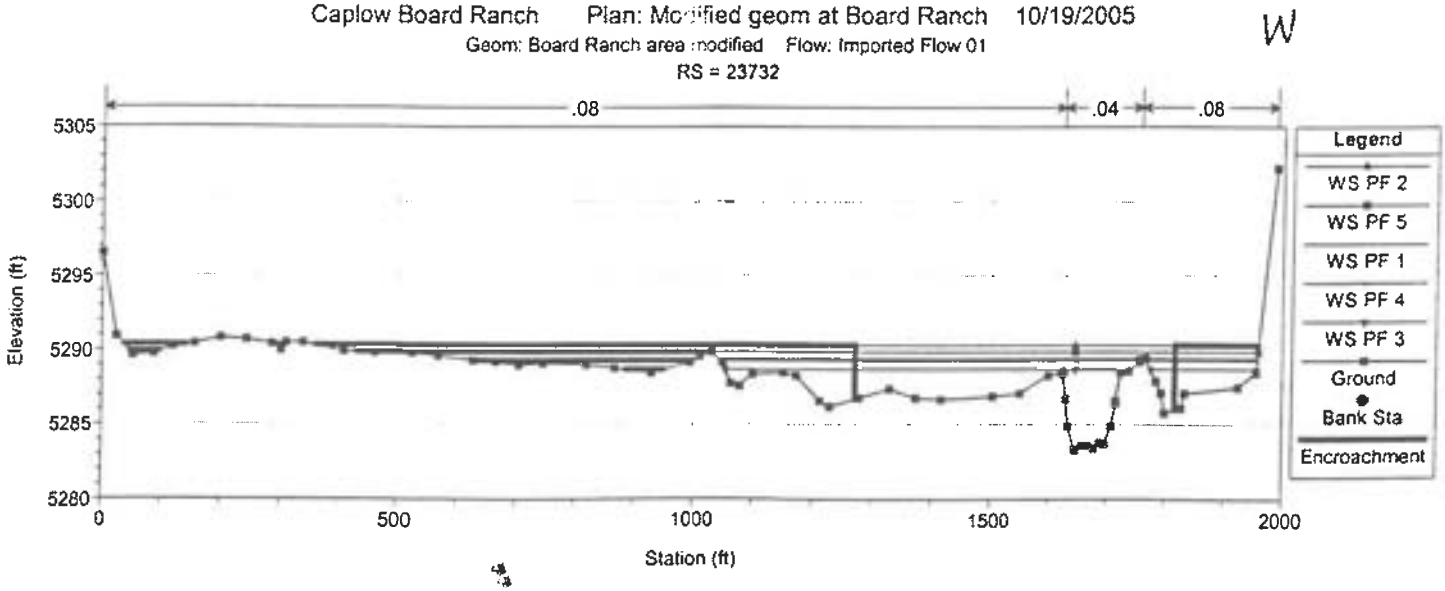
RS = 26209 ENCROACHED FOR EFFECTIVE FLOW FLOW IN SIDE CHANNEL CAN BE CLOSED

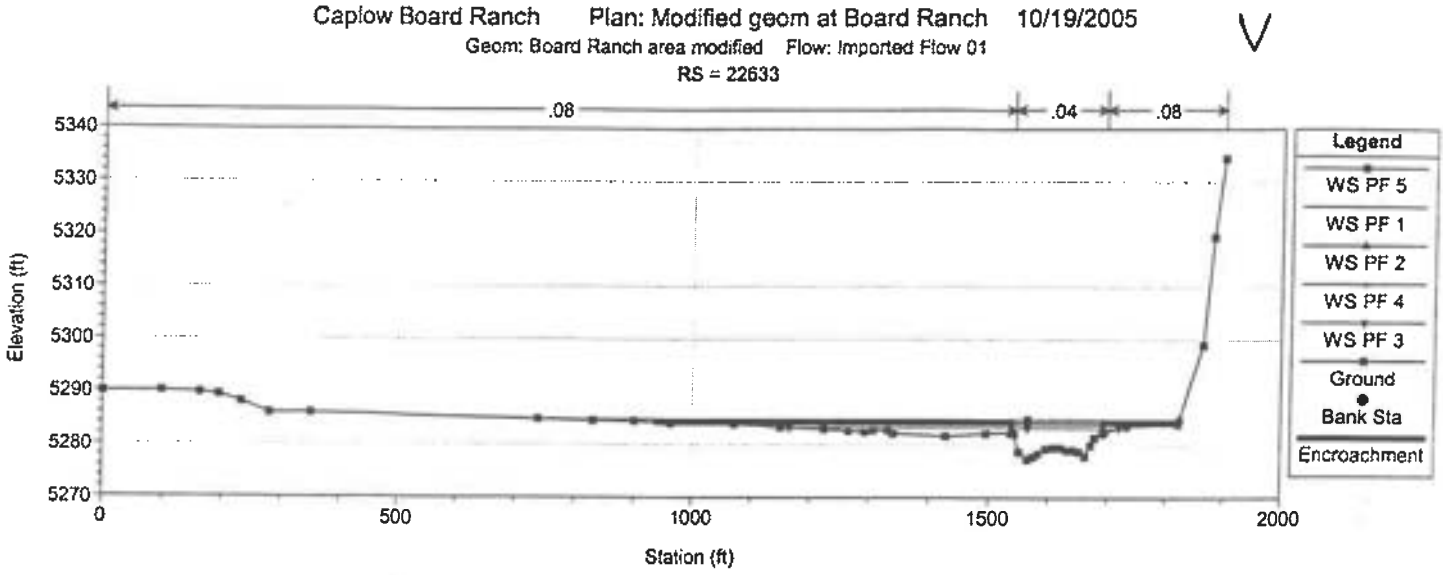
Z




Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 25555
.08
.08
Elevation (ft)
Station (ft)
Legend
WS PF 2
WS PF 5
WS PF 1
WS PF 4
WS PF 3
Ground
Ineff
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 24640
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 1
WS PF 2
WS PF 4
WS PF 3
Ground
Ineff
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 23732
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 2
WS PF 5
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 22633
.08
.04
.08
Elevation (ft)
5340
5330
5320
5310
5300
5290
5280
5270
0
500
1000
1500
2000
Station (ft)
Legend
WS PF 5
WS PF 1
WS PF 2
WS PF 4
WS PF 3
Ground
Bank Sta
Encroachment

Appendix C

Test Pit Photographs and Logs

November 6, 2006

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Clayton – Board Ranch
Date: 11/6/01
Crew: BE
Location: TP #1
Weather: _____

GPS Latitude _____
GPS Longitude _____

Depth BGS	Soil Characteristics
	0 – 6" Road base 6" – 72" Grayish, cobbly silt loam, uniform, fine roots. 1" – 10" rock. to ~ 5' No apparent mottling Backfilled and compacted. Test hole in backfill zone of manhole

Soil Test Pit Log

Brockway Engineering, PLLC

Project: [illegible]
Date: 11/6/24
Crew: BE
Location: TP # 2
Weather: _____

GPS Latitude _____
GPS Longitude _____

Depth BGS	Soil Characteristics
0-4"	Grassy topsoil
4"-48"	Grassy/rubbly sandy silt loam or loamy sand. 1"-10" rock.
48"-72"	Grassy/rubbly sand.
	Approximate 4 mm depression, no apparent redoximorphic.

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Clayton - Board Ranch
Date: 11/6/20
Crew: BE-B
Location: TP # 2
Weather:

GPS Latitude _____
GPS Longitude _____

Depth BGS	Soil Characteristics
0-12"	Topsoil, sandy mild loam, heavy organic, cobbly
12"-30"	Gravelly/cobbly loamy sand, significant roots.
30"-72"	Gravelly/cobbly sand, minor roots to 42". 1"-10" rock. Backfilled and compacted. Possible bedrock at ~30"

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Clayton - Boswell Family
Date: 10/16/24
Crew: GSB
Location: TP #1
Weather:

GPS Latitude
GPS Longitude

Depth BGS	Soil Characteristics
0-12"±	Topsoil, heavy root biomass, cobble
12"-42"	Gravelly/cobbly sandy loam/sand Roots to 42", typ small 1"-8" rock. Backfilled and compacted No apparent interface.

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Clayton - Board Road
Date: 11/6/24
Crew: CHB
Location: TP #5 (added)
Weather:

GPS Latitude
GPS Longitude

Depth BGS	Soil Characteristics
0 - 6"	Topsoil, rubbly.
6" - 72"	Gravelly/rubbly sand, roots to 36". Many organic to 36" 1" to 10" rock No interface.

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Payson – Bassett Ranch
Date: 11/4/16
Crew: CLB
Location: TP #6
Weather: _____

GPS Latitude _____
GPS Longitude _____

Depth BGS	Soil Characteristics
0 – 12"	Gravelly sand topsoil, Very org.
12" – 72"	Gravelly/cobbly sandy loam to loamy sand. Roots to 72". 1" – 10" rock No interface.

Soil Test Pit Log

Brockway Engineering, PLLC

Project: Boston – Bayard Road
Date: 11/6/20
Crew: CJB
Location: TP #1
Weather:

GPS Latitude
GPS Longitude

Depth BGS	Soil Characteristics
0 - 6"	Sandy "gravel" "topsoil"; organics
6" - 36"	Gravelly/cobbly, loamy sand, organics
36" - 72"	" sand
	1" - 6" rock.
	Roots to 5'
	TP is at location of shallow dug hole. Hard to see. Not possible to locate at ~36"

Appendix D
Flood-Frequency Analysis
Big Wood River at Hailey

Photo Date: November 6, 2006
Excavator: McStay Construction Engineer: Brockway Engineering / EHM Engineers

Example of Excavation Technique – TP #2

Example of Excavation Technique – TP#7

Photo Date: November 6, 2006
Excavator: McStay Construction Engineer: Brockway Engineering / EHM Engineers

Test Pit #1 / Sta 1+00 at Manhole

Test Pit #2 / Sta 3+00

Test Pit #3 / Sta 5+00

Test Pit #4 / Sta 7+00

Test Pit #5 / Sta 8+50

Test Pit #6 / Sta 9+00

Photo Date: November 6, 2006
Excavator: McStay Construction Engineer: Brockway Engineering / EHM Engineers

Test Pit #7 / Sta 10+80

Log Pearson Type III Flood Frequency Analysis

Water Resources Council procedure

CGB
Rev 12/27/06 CGB

GAUGE: BIG WOOD RIVER AT HAILEY PEAK + BIG WOOD SLOUGH DAILY
USGS #: 13139500 + 13139000
PERIOD: 1915 - 2006 (Slough 1915 - 1973, zero thereafter)

DATA:

YEAR	Qp (cfs)	log Qp (y)	(y-u)^3
1915	1057	3.024	-0.039
1916	3276	3.515	0.004
1917	3578	3.554	0.007
1918	2704	3.432	0.000
1919	1916	3.282	-0.001
1920	1170	3.068	-0.025
1921	3907	3.592	0.012
1922	3536	3.549	0.006
1923	2657	3.424	0.000
1924	809	2.908	-0.094
1925	2836	3.453	0.001
1926	1026	3.011	-0.043
1927	3215	3.507	0.003
1928	2487	3.396	0.000
1929	1156	3.063	-0.027
1930	1778	3.250	-0.001
1931	686	2.836	-0.146
1932	2616	3.418	0.000
1933	2096	3.321	0.000
1934	575	2.760	-0.219
1935	2296	3.361	0.000
1936	2095	3.321	0.000
1937	1038	3.016	-0.041
1938	4639	3.666	0.028
1939	971	2.987	-0.053
1940	1962	3.293	0.000
1941	2007	3.303	0.000
1942	2725	3.435	0.000
1943	3720	3.571	0.009
1944	1696	3.229	-0.002
1945	1882	3.275	-0.001
1946	2153	3.333	0.000
1947	2338	3.369	0.000
1948	2945	3.469	0.001
1949	1748	3.243	-0.002
1950	1917	3.283	-0.001
1951	3001	3.477	0.002
1952	3838	3.584	0.011
1953	2520	3.401	0.000
1954	3105	3.492	0.002
1955	1891	3.277	-0.001
1956	4698	3.672	0.030
1957	3982	3.600	0.013
1958	4788	3.680	0.032
1959	1571	3.196	-0.005

FREQUENCY TABLE:

T (years)	K*	Log Q	Q	90% confidence interval** a	b	Lower	Upper
500	2.555	3.961	9138	0.985	6.50	7682	11331
300	2.430	3.931	8540	0.985	5.87	7224	10501
200	2.324	3.907	8065	0.985	5.37	6859	9849
150	2.245	3.888	7729	0.985	5.01	6598	9390
100	2.127	3.861	7254	0.985	4.50	6228	8747
50	1.907	3.809	6441	0.985	3.61	5587	7659
25	1.654	3.750	5622	0.985	2.71	4931	6583
10	1.249	3.655	4517	0.985	1.53	4027	5171
5	0.852	3.562	3646	0.985	0.70	3292	4095
2	0.045	3.373	2360	0.985	-0.03	2151	2592

* Bras eqn 11.68 ** Bras eqns 11.70-11.73

STATISTICS:		NOTES:
Num	92	Number of values
Mean y	3.36	Sample mean of log Q
Sy	0.23	Sample std. deviation of log Q
Cs smpl	-0.26	Sample skew of logs
Cs map	-0.30	Generalized skew coef. (Bras, Fig. 11.11)
a	-0.31	Coefficients for sample skew variance:
b	0.87	(Bras pp 536)
MSE-s	0.07	MSE of gauge (sample) data
MSE-g	0.30	MSE of generalized skew
alpha	0.81	Weighted skew according to variances
Wtd Cs	-0.27	Weighted skew according to variances

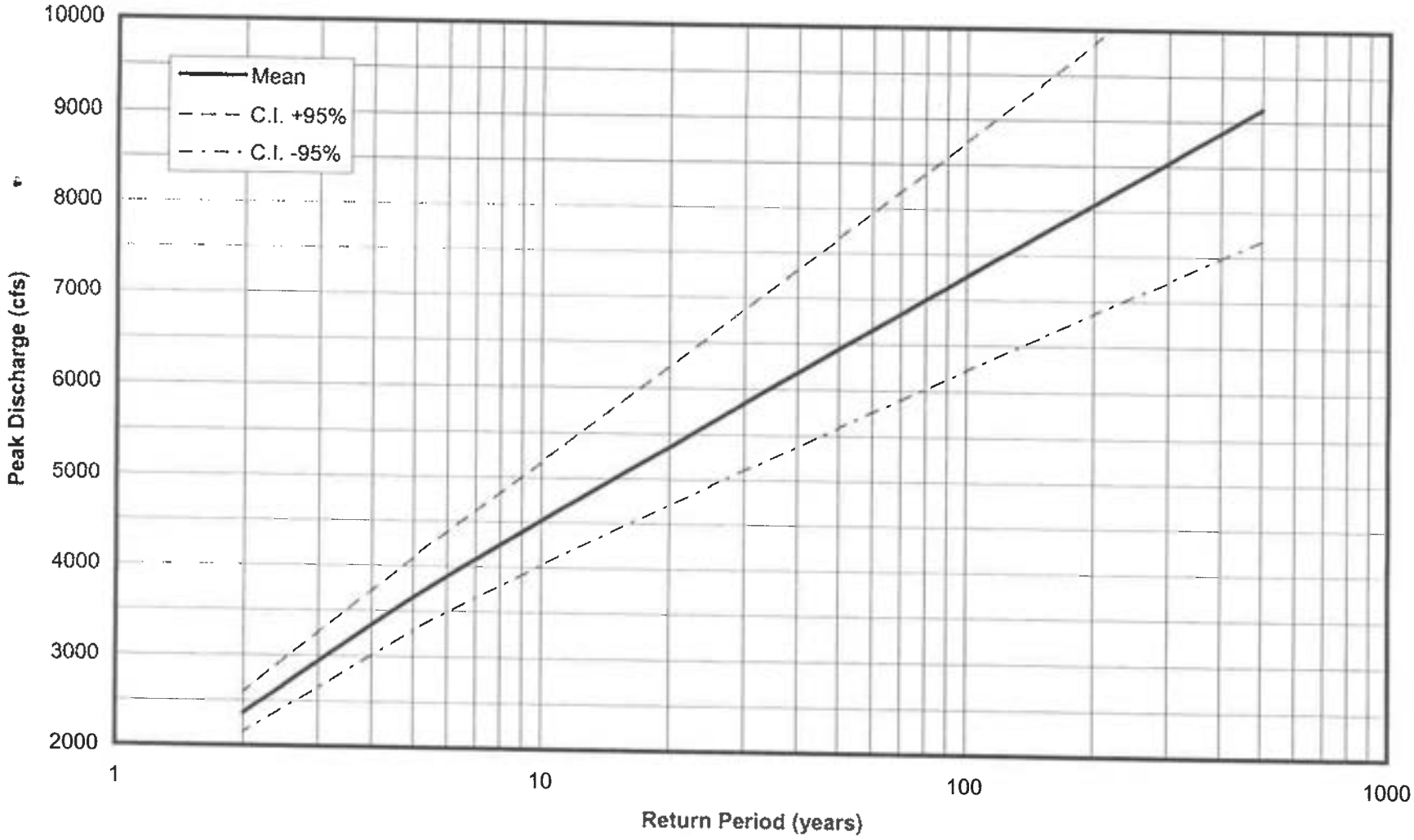
REFERENCES:

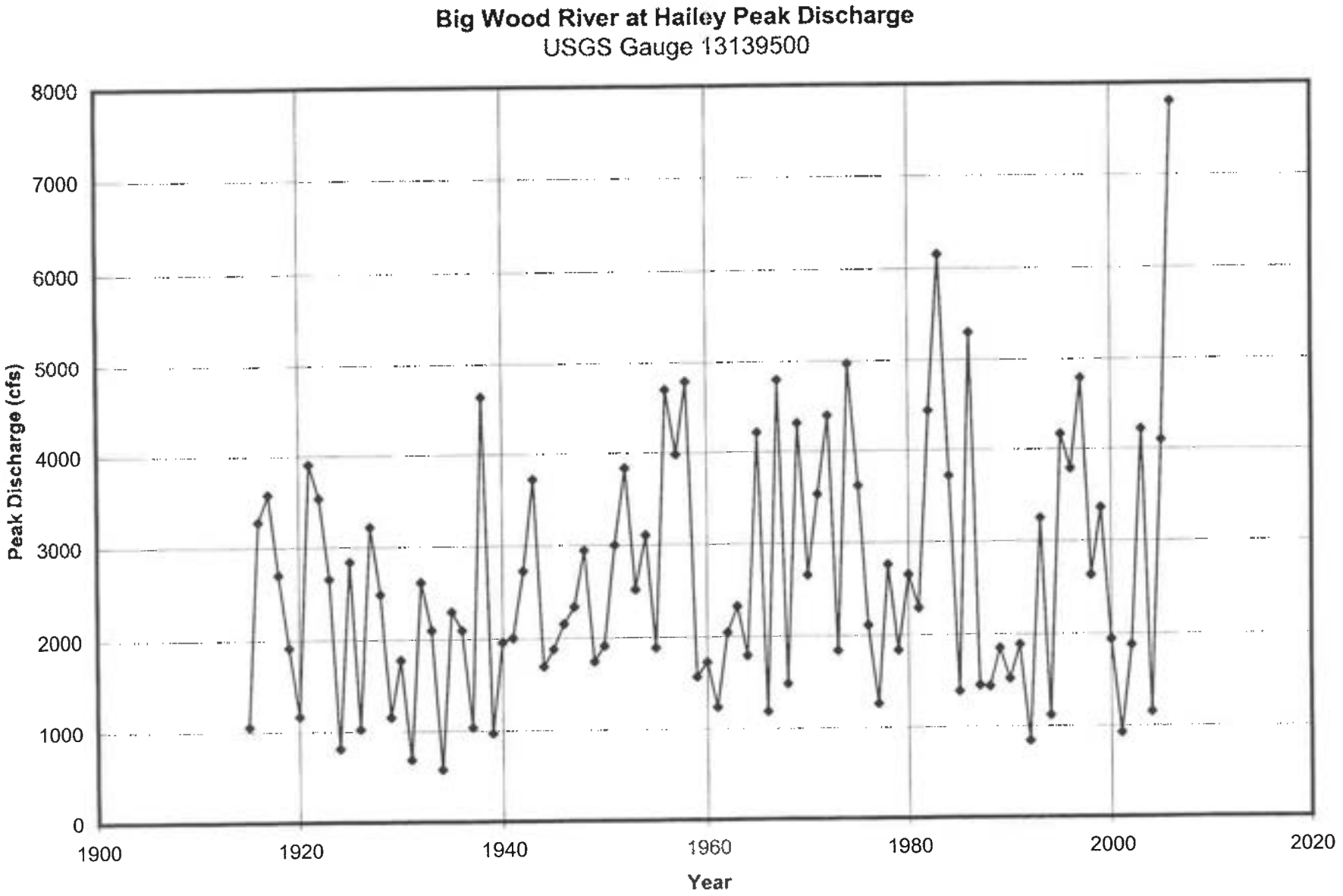
Bras, Rafael L., Hydrology (1990)

1960	1729.8	3.238	-0.002	
1961	1236	3.092	-0.020	
1962	2047	3.311	0.000	
1963	2327.5	3.367	0.000	
1964	1797	3.255	-0.001	
1965	4217	3.625	0.018	
1966	1184.4	3.073	-0.024	
1967	4794.4	3.681	0.032	
1968	1484.4	3.172	-0.007	
1969	4314.4	3.635	0.020	
1970	2654.4	3.424	0.000	
1971	3533	3.548	0.006	
1972	4395.6	3.643	0.022	
1973	1839.4	3.265	-0.001	
1974	4970	3.696	0.037	
1975	3620	3.559	0.008	
1976	2110	3.324	0.000	
1977	1260	3.100	-0.018	
1978	2760	3.441	0.000	
1979	1840	3.265	-0.001	
1980	2650	3.423	0.000	
1981	2290	3.360	0.000	
1982	4440	3.647	0.023	
1983	6150	3.789	0.078	
1984	3720	3.571	0.009	
1985	1390	3.143	-0.011	
1986	5300	3.724	0.047	
1987	1450	3.161	-0.008	
1988	1440	3.158	-0.008	
1989	1850	3.267	-0.001	
1990	1520	3.182	-0.006	
1991	1890	3.276	-0.001	
1992	839	2.924	-0.084	
1993	3250	3.512	0.003	
1994	1120	3.049	-0.031	
1995	4170	3.620	0.017	
1996	3790	3.579	0.010	
1997	4790	3.680	0.032	
1998	2630	3.420	0.000	
1999	3360	3.526	0.004	
2000	1940	3.288	0.000	
2001	925	2.966	-0.062	
2002	1880	3.274	-0.001	
2003	4220	3.625	0.018	
2004	1150	3.061	-0.0275	
2005	4100	3.613	0.016	
2006	7800	3.892	0.149	2006 is PROVISIONAL

Big Wood River at Hailey Flood Frequency Curve

Period of Record 1915 - 2000, WRC LP-III procedure




Big Wood River at Hailey Peak Discharge
USGS Gauge 13139500
Peak Discharge (cfs)
8000
7000
6000
5000
4000
3000
2000
1000
0
1900
1920
1940
1960
1980
2000
2020
Year

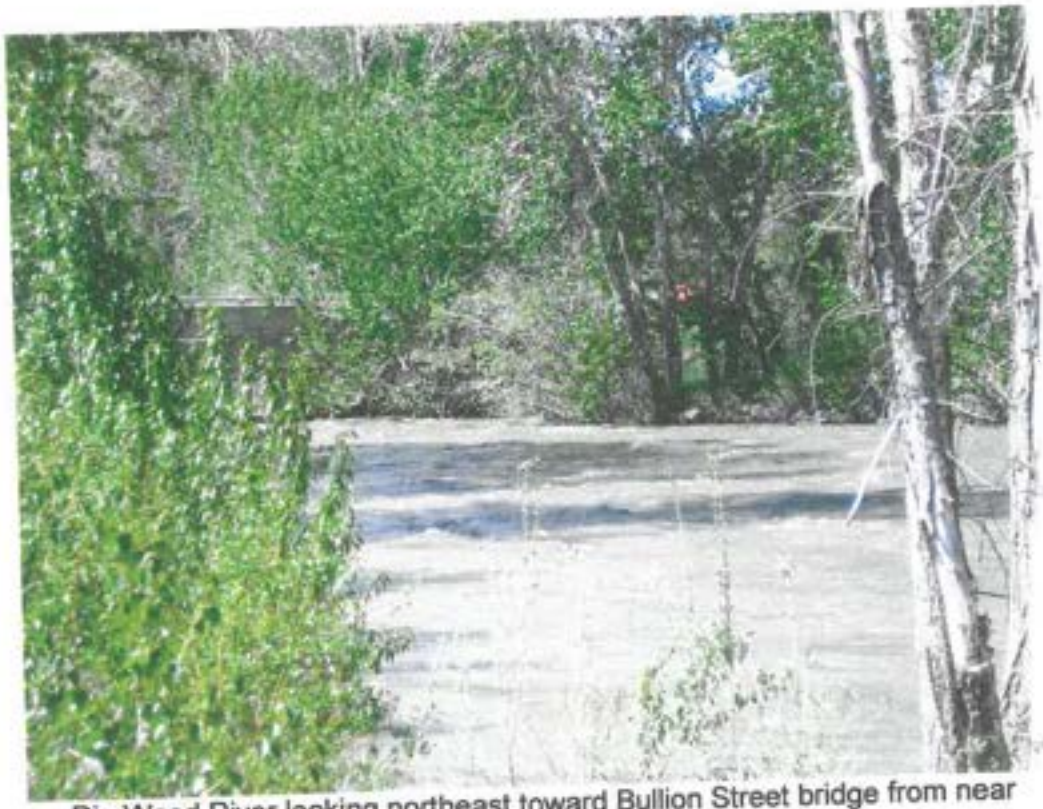
Appendix E

Big Wood River Photographs

May 19, 2006 and November 6, 2006

Big Wood River photographs taken May 19, 2006
Provisional discharge approximately 7500 cfs (greater than 100-year flow).

Big Wood River looking south from Bullion Street Bridge 5/19/06



Big Wood River looking northeast toward Bullion Street bridge from near RS 261+00. No east bank overtopping as suggested by effective flood plain.

Big Wood River photographs taken May 19, 2006
Provisional discharge approximately 7500 cfs (greater than 100-year flow). Brockway Engineering, PLLC

East bank taken from west bank near RS 256+00

East bank taken from west bank near RS 256+00, looking south

Big Wood River photographs taken May 19, 2006
Provisional discharge approximately 7500 cfs (greater than 100-year flow). Brockway Engineering, PLLC

East riparian zone looking north – no inundation

East riparian zone looking south – no inundation

Big Wood River photographs taken May 19, 2006
Provisional discharge approximately 7500 cfs (greater than 100-year flow). Brockway Engineering, PLLC

East riparian zone looking south – no inundation

East riparian zone looking north – no inundation

Big Wood River photographs taken May 19, 2006
Provisional discharge approximately 7500 cfs (greater than 100-year flow). Brockway Engineering, PLLC

Backwater in Hailey Slough – contained within banks

Shallow (<6") sheet flow from river bank overtopping at 251+20.
Flow traveling generally southeast.

Big Wood River looking south from Bullion Street Bridge 11/6/06

Looking north from west bank near RS 254+00

Looking north from east bank near RS 259+00

East bank looking southeast from Bullion Street bridge. 2006 high water mark is approximately at base of trees.

General overview of east riparian area, looking north

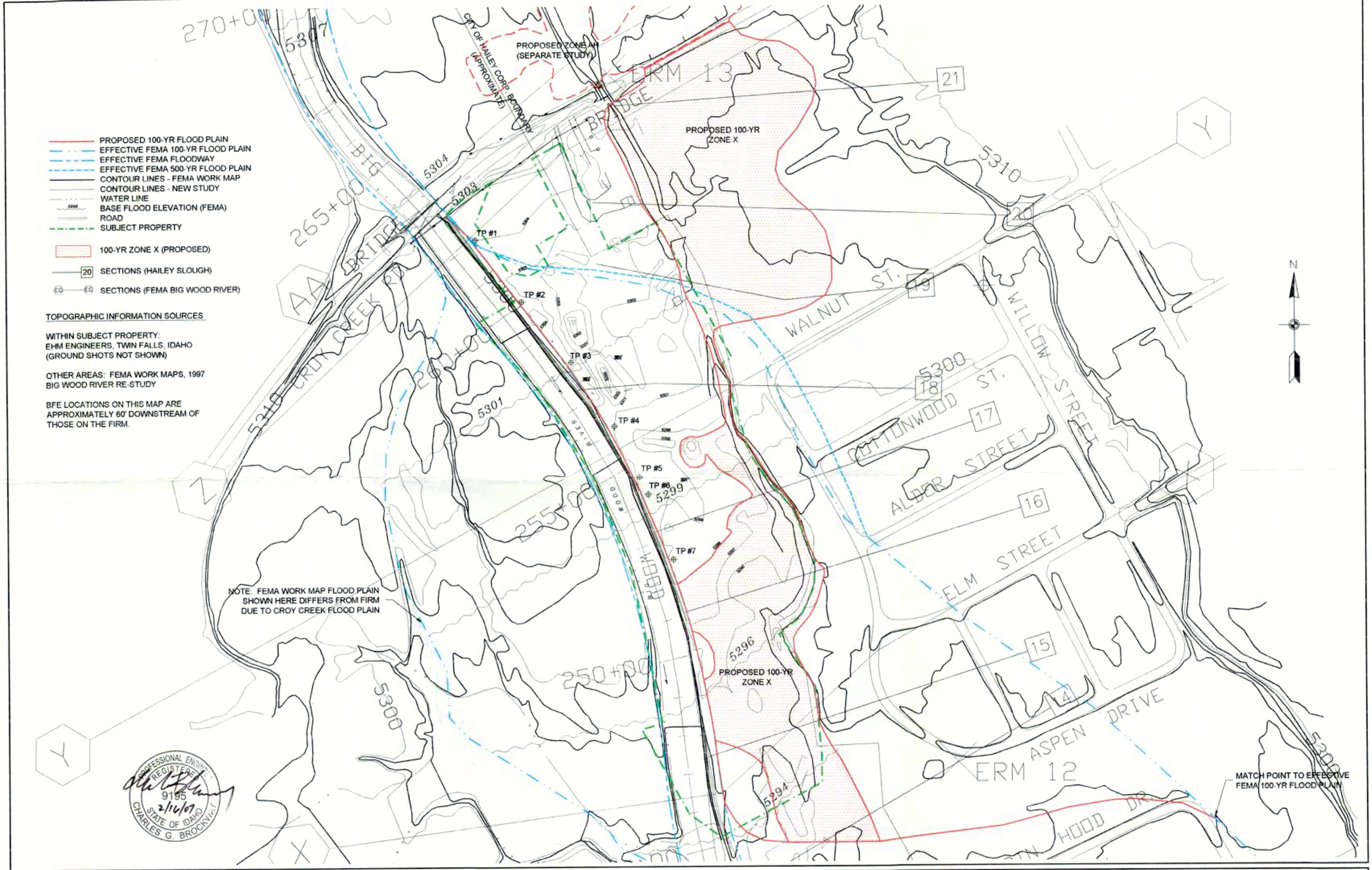
General overview of east riparian area, looking south

Panorama of Big Wood River looking south from Bullion Street Bridge 11/6/06

Panorama of east bank, upper portion of study reach

Panorama of east bank, middle portion of study reach

Panorama of east bank, lower portion of study reach



PROFESSIONAL ENGINEER REGISTERED 9195 2/16/07 STATE OF IDAHO CHARLES G. BROCKWAY

REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
B	FLOOD PLAIN REVISIONS	2/7/07		
A	ISSUED FOR REVIEW	3/1/06	CGB	

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

DESIGNED BY CGB | DRAWN BY AUR

0 75 150 FEET

SCALE 1"=150'
(18 X 24 DWG ONLY)

BROCKWAY ENGINEERING, PLLC.
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID. 83301
(208) 736-8543

CAPLOW, MARK
FLOOD PLAIN REVISION AND LOMR REQUEST

SITE PLAN

PROJECT # 072-04-2004

DWG # PLATE 1

REV B

map showing
Cray Street
500 – 1007

reference to overriding the ~~FEMA~~ model

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

MAR 0 3 2006

DS

March 2, 2006

Ms. Diane Shay
City of Hailey P&Z
115 Main Street South, Suite H
Hailey, ID 83333

Ms. Linda Kelsey
Blaine County P&Z
219 1st Avenue South, Suite 208
Hailey, ID 83333-8768

Re: LOMR Application – Caplow
Project No. 072-04-2004

Dear Diane and Linda:

Enclosed is a preliminary technical report and LOMR application for a proposed flood plain revision for the Caplow property south of Bullion Street. This revision request is related to the LOMR request prepared for the ponded area just upstream of Bullion Street. The two requests are hydraulically related, but because two parties are involved, separate applications were prepared.

The hydraulic modeling indicates that sheet flooding will occur in the Hailey Slough area due to overtopping of the roadway embankment. This flooding meets the FEMA criteria for the unregulated Zone X. In addition to flooding from the Hailey Slough, the analysis of the Big Wood River indicates that the 100-year flood can be contained within the east bank of the river channel rather than spreading eastward as depicted on the effective FIRM. Both FEMA's cross-sections from the 1997 re-study and the new on-site survey data confirm this.

Since this LOMR request will involve both city and county jurisdictions, I would like to devise a plan to most efficiently coordinate the review of this request and the community endorsement process including presentations to the City Council and the Board of County Commissioners. I would suggest a joint meeting with both of you to review the LOMR request and answer any questions you may have.

Cordially,

Charles G. Brockway, P.E.

Enc. Preliminary report and LOMR application
cc: Mark Caplow, Gerald Martens (with enclosures)

FEDERAL EMERGENCY MANAGEMENT AGENCY

OVERVIEW & CONCURRENCE FORM

O.M.B No. 3067-0148
Expires September 30, 2005

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1 hour per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0148). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

A. REQUESTED RESPONSE FROM FEMA

This request is for a (check one):

☐ CLOMR: A letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72).

☒ LOMR: A letter from FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See Parts 60 & 65 of the NFIP Regulations.)

B. OVERVIEW

1. The NFIP map panel(s) affected for all impacted communities is (are):

Community No.	Community Name	State	Map No.	Panel No.	Effective Date
Ex: 480301 480287	City of Katy Harris County	TX TX	480301 48201C	0005D 0220G	02/08/83 09/28/90
160022	City of Hailey	ID	16022	664D	3/17/97
165167	Blaine County	ID	165167	664B	3/17/97

2. Flooding Source: Big Wood River and Hailey Slough (Tailrace Creek on FIRM)

3. Project Name/Identifier: Caplow

4. FEMA zone designations affected: AE, X (choices: A, AH, AO, A1-A30, A99, AE, AR, V, V1-V30, VE, B, C, D, X)

5. Basis for Request and Type of Revision:

a. The basis for this revision request is (check all that apply)

☐ Physical Change ☒ Improved Methodology/Data

☐ Regulatory Floodway Revision ☐ Other (Attach Description)

Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

b. The area of revision encompasses the following types of flooding and structures (check all that apply)

Types of Flooding: ☒ Riverine ☐ Coastal ☒ Shallow Flooding (e.g., Zones AO and AH)

☐ Alluvial fan ☐ Lakes ☐ Other (Attach Description)

Structures: ☐ Channelization ☐ Levee/Floodwall ☐ Bridge/Culvert

☐ Dam ☐ Fill ☐ Other, Attach Description

C. REVIEW FEE

Has the review fee for the appropriate request category been included?	☐ Yes	Fee amount: $_____
	☒ No, Attach Explanation	

Please see the FEMA Web site at http://www.fema.gov/fhm/frm_fees.shtm **for Fee Amounts and Exemptions.**

D. SIGNATURE

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name: Mark Caplow	Company:	
Mailing Address: 9533 West Pico Blvd. Second Floor Los Angeles, CA 90035	Daytime Telephone No.: (310) 277-8688	Fax No.: (310) 277-4855
	E-Mail Address:	
Signature of Requester (required):		Date:

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.

Community Official's Name and Title:		Telephone No.:
Community Name: BLAINE COUNTY	Community Official's Signature (required):	Date:

CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Charles G. Brockway, P.E.	License No.: 9195	Expiration Date: 1/11/08
Company Name: Brockway Engineering, PLLC	Telephone No.: (208) 736-8543	Fax No.: (208) 736-8506
Signature:		Date:

Ensure the forms that are appropriate to your revision request are included in your submittal.

Form Name and (Number)	Required if ...
☒ Riverine Hydrology and Hydraulics Form (Form 2)	New or revised discharges or water-surface elevations
☐ Riverine Structures Form (Form 3)	Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam
☐ Coastal Analysis Form (Form 4)	New or revised coastal elevations
☐ Coastal Structures Form (Form 5)	Addition/revision of coastal structure
☐ Alluvial Fan Flooding Form (Form 6)	Flood control measures on alluvial fans

Seal (Optional)

C. REVIEW FEE

Has the review fee for the appropriate request category been included? ☐ Yes Fee amount: $_____

☒ No, Attach Explanation

Please see the FEMA Web site at http://www.fema.gov/fhm/frm_fees.shtm for Fee Amounts and Exemptions.

D. SIGNATURE

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name: Mark Caplow	Company:	
Mailing Address: 9533 West Pico Blvd. Second Floor Los Angeles, CA 90035	Daytime Telephone No.: (310) 277-8688	Fax No.: (310) 277-4855
	E-Mail Address:	
Signature of Requester (required):		Date:

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Community Official's Name and Title:		Telephone No.:
Community Name: CITY OF HAILEY	Community Official's Signature (required):	Date:

CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Charles G. Brockway, P.E.	License No.: 9195	Expiration Date: 1/11/08
Company Name: Brockway Engineering, PLLC	Telephone No.: (208) 736-8543	Fax No.: (208) 736-8506
Signature:		Date:

Ensure the forms that are appropriate to your revision request are included in your submittal.

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☐ Coastal Structures Form (Form 5)	Addition/revision of coastal structure
☐ Alluvial Fan Flooding Form (Form 6)	Flood control measures on alluvial fans

Seal (Optional)

FEDERAL EMERGENCY MANAGEMENT AGENCY

RIVERINE HYDROLOGY & HYDRAULICS FORM

O.M.B No. 3067-0148
Expires September 30, 2005

PAPERWORK REDUCTION ACT

Public reporting burden for this form is estimated to average 3 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0148). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

Flooding Source: Big Wood River
Note: Fill out one form for each flooding source studied

A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)

☒ Not revised (skip to section 2) ☐ No existing analysis ☒ Improved data
☐ Alternative methodology ☐ Proposed Conditions (CLOMR) ☐ Changed physical condition of watershed

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	FIS (cfs)	Revised (cfs)

3. Methodology for New Hydrologic Analysis (check all that apply)

☐ Statistical Analysis of Gage Records ☐ Precipitation/Runoff Model [TR-20, HEC-1, HEC-HMS etc.]
☐ Regional Regression Equations ☐ Other (please attach description)

Please enclose all relevant models in digital format, maps, computations (including computation of parameters) and documentation to support the new analysis. The document, "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

4. Review/Approval of Analysis

If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

5. Impacts of Sediment Transport on Hydrology

Was sediment transport considered? ☐ Yes ☐ No If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation for why sediment transport was not considered.

B. HYDRAULICS

1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevations (ft.) Effective	Proposed/Revised
Downstream Limit	2400' d/s of Bullion St., RS 240+00	Between W and X	5291	5291
Upstream Limit	Bullion St., RS 263+00	Z	5302.9	5303.1

2. Hydraulic Method Used

Hydraulic Analysis HEC-RAS [HEC-2 , HEC-RAS, Other (Attach description)]

B. HYDRAULICS (CONTINUED)

3. Pre-Submittal Review of Hydraulic Models

FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. These review programs verify that the hydraulic estimates and assumptions in the model data are in accordance with NFIP requirements, and that the data are comparable with the assumptions and limitations of HEC-2/HEC-RAS. CHECK-2 and CHECK-RAS identify areas of potential error or concern. These tools do not replace engineering judgment. CHECK-2 and CHECK-RAS can be downloaded from http://www.fema.gov/fhm/frm_soft.shtm. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS. If you disagree with a message, please attach an explanation of why the message is not valid in this case. Review of your submittal and resolution of valid modeling discrepancies will result in reduced review time.

HEC-2/HEC-RAS models reviewed with CHECK-2/CHECK-RAS? ☐ Yes ☒ No

4. Models Submitted

Duplicate Effective Model*	Natural File Name: caplowdup.*	Floodway File Name: same
Corrected Effective Model*	Natural File Name:	Floodway File Name:
Existing or Pre-Project Conditions Model	Natural File Name:	Floodway File Name:
Revised or Post-Project Conditions Model	Natural File Name: caplow.*	Floodway File Name: same
Other - (attach description)	Natural File Name:	Floodway File Name:

*Not required for revisions to approximate 1%-annual-chance floodplains (Zone A) – for details, refer to the corresponding section of the instructions.

The document "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

C. MAPPING REQUIREMENTS

A **certified topographic map** must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1%- and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

Note that the boundaries of the existing or proposed conditions floodplains and regulatory floodway to be shown on the revised FIRM and/or FBFM must tie-in with the effective floodplain and regulatory floodway boundaries. Please attach **a copy of the effective FIRM and/or FBFM,** annotated to show the boundaries of the revised 1%- and 0.2%-annual-chance floodplains and regulatory floodway that tie-in with the boundaries of the effective 1%- and 0.2%-annual-chance floodplain and regulatory floodway at the upstream and downstream limits of the area of revision.

D. COMMON REGULATORY REQUIREMENTS

1. For CLOMR requests, do Base Flood Elevations (BFEs) increase? ☐ Yes ☐ No

For CLOMR requests, if either of the following is true, please submit evidence of compliance with Section 65.12 of the NFIP regulations:
- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot.
- The proposed project encroaches upon a SFHA with BFEs established and would result in increases above 1.00 foot.

2. Does the request involve the placement or proposed placement of fill? ☐ Yes ☒ No

If Yes, the community must be able to certify that the area to be removed from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(a)(3), 65.5(a)(4), and 65.6(a)(14). Please see the MT-2 instructions for more information.

3. For LOMR requests, is the regulatory floodway being revised? ☐ Yes ☒ No

If Yes, attach evidence of regulatory floodway revision notification. As per Paragraph 65.7(b)(1) of the NFIP Regulations, notification is required for requests involving revisions to the regulatory floodway. (Not required for revisions to approximate 1%-annual-chance floodplains [studied Zone A designation] unless a regulatory floodway is being added. Elements and examples of regulatory floodway revision notification can be found in the MT-2 Form 2 Instructions.)

4. For LOMR requests, does this request require property owner notification and acceptance of BFE increases? ☐ Yes ☒ No

If Yes, please attach proof of property owner notification and acceptance (if available). Elements of and examples of property owner notification can be found in the MT-2 Form 2 Instructions.

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Flooding Source: Hailey Slough (Tailrace Creek on FIRM)
Note: Fill out one form for each flooding source studied

A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)

☐ Not revised (skip to section 2) ☐ No existing analysis ☒ Improved data
☒ Alternative methodology ☐ Proposed Conditions (CLOMR) ☐ Changed physical condition of watershed

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	FIS (cfs)	Revised (cfs)
Indian Creek	11.3	310	129

3. Methodology for New Hydrologic Analysis (check all that apply)

☐ Statistical Analysis of Gage Records ☐ Precipitation/Runoff Model [TR-20, HEC-1, HEC-HMS etc.]
☒ Regional Regression Equations ☐ Other (please attach description)

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B. HYDRAULICS

1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevations (ft.) Effective	Proposed/Revised
Downstream Limit	2000' d/s of Bullion Street	14	None	5293.2
Upstream Limit	Bullion Street	21	None	5304.0

2. Hydraulic Method Used

Hydraulic Analysis HEC-RAS [HEC-2 , HEC-RAS, Other (Attach description)]

B. HYDRAULICS (CONTINUED)

3. Pre-Submittal Review of Hydraulic Models

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HEC-2/HEC-RAS models reviewed with CHECK-2/CHECK-RAS? ☐ Yes ☒ No

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Corrected Effective Model*	Natural File Name:		Floodway File Name:
Existing or Pre-Project Conditions Model	Natural File Name:		Floodway File Name:
Revised or Post-Project Conditions Model	Natural File Name:	caplowslough.*	Floodway File Name: n/a
Other - (attach description)	Natural File Name:		Floodway File Name:

*Not required for revisions to approximate 1%-annual-chance floodplains (Zone A) – for details, refer to the corresponding section of the instructions.

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3. For LOMR requests, is the regulatory floodway being revised? ☐ Yes ☒ No

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4. For LOMR requests, does this request require property owner notification and acceptance of BFE increases? ☐ Yes ☒ No

If Yes, please attach proof of property owner notification and acceptance (if available). Elements of and examples of property owner notification can be found in the MT-2 Form 2 Instructions.

3-22-06

Hellen, Shay, Koontz, Kelsey, Brockway

1908
1910
] Mallory collection photos of river

Caplow LOMR

Regression

CLOMR

joint Pz's (Hailey and County)

C.D = what if AE vs. LOMA

Project No. 072-04-2004

Flood Plain Analysis of Portions of the Big Wood River and Hailey Slough below Bullion Street, Hailey, Idaho

PRELIMINARY FOR REVIEW

Prepared for:

Mark Caplow
Hailey, Idaho

March 1, 2006

For information concerning this report, contact
Charles G. Brockway, Ph.D., P.E.

BROCKWAY ENGINEERING PLLC

CHARLES E. BROCKWAY, PH.D., P.E.
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2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301

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Flood Plain Analysis of Portions of the Big Wood River and Hailey Slough below Bullion Street, Hailey, Idaho

Charles G. Brockway, P.E.
Brockway Engineering, PLLC

March 1, 2006

A. Introduction and objective

This report presents the results of a hydraulic modeling study pertaining to the Big Wood River and the Hailey Slough. The Hailey Slough is a small channel located within the Blaine County and the City of Hailey, Idaho, running parallel to the Big Wood River. The slough is a relatively small waterway, ranging from approximately 10 to 20 feet in width, and typically carries no water except during significant runoff events. The slough is denoted as Tailrace Creek on the Flood Insurance Rate Map (FIRM), but the correct local name for the channel is the Hailey Slough or the Justus Ditch. In this report, the channel will be referred to as the Hailey Slough.

The scope of this study includes an area just downstream (south) of Bullion Street in the NE1/4 SW1/4 and SE1/4 SW1/4, Section 9, T. 2 N., R. 18 E. The study area extends from Bullion Street southward approximately 2500 feet. Figure 1 is a vicinity map showing the location of the study area. There is currently a flood plain and floodway delineation for the Big Wood River in this reach, but no delineation for the Hailey Slough. However, upstream of Bullion Street, the FIRM indicates a ponded area for the slough against the roadway embankment. This ponded area is denoted as Zone AH with a base flood elevation of 5308 feet. According to FEMA, the flooding source for the slough is Indian Creek, a basin located northeast of the City of Hailey.

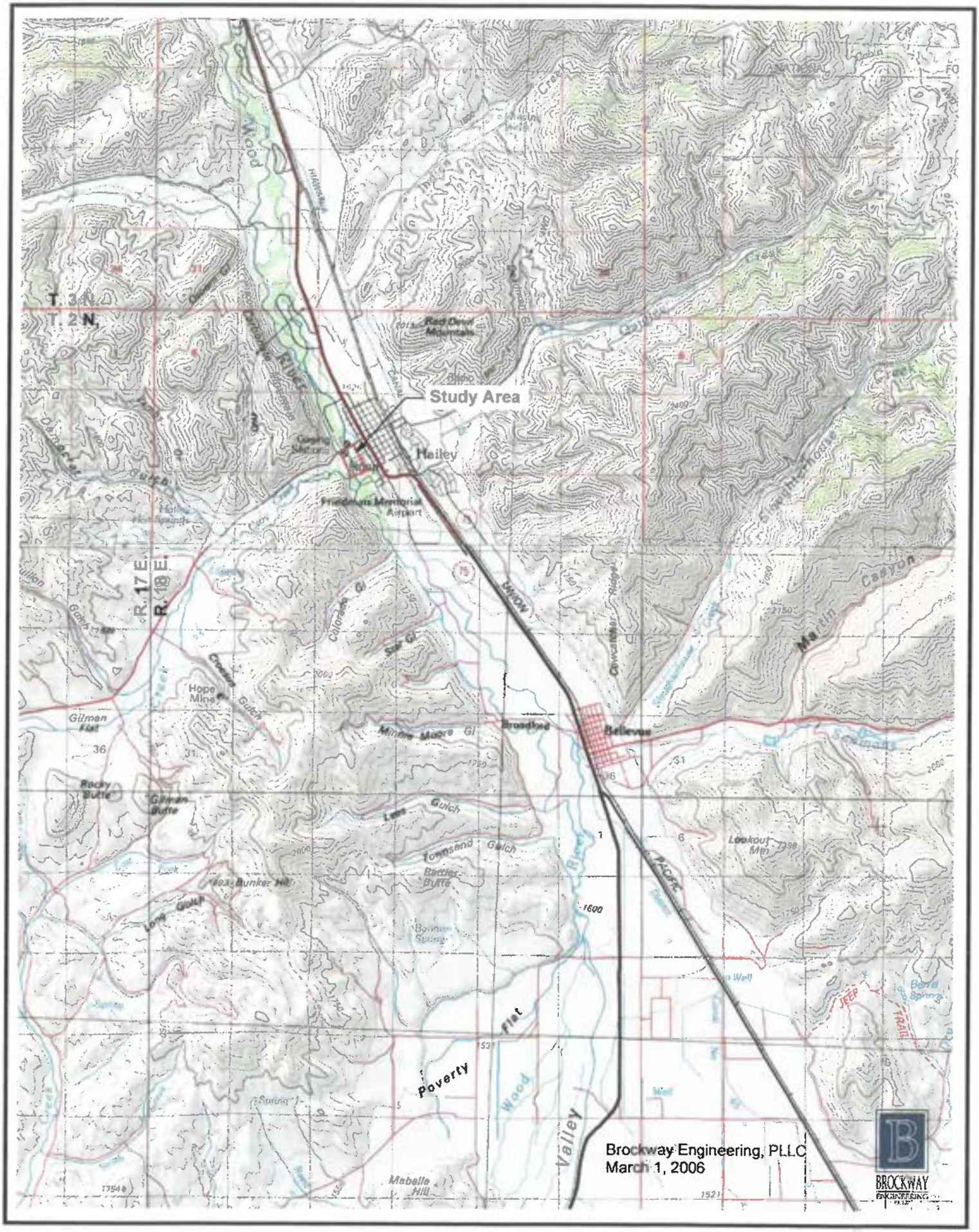


Figure 1. Vicinity map showing the location of study area.

B. Previous Investigations

Flood characteristics of the Big Wood River and tributary streams in this vicinity were originally studied by the U. S. Army Corps of Engineers[1]. This study did not examine the Hailey Slough independently, but delineated a flood plain from the Big Wood River which encompassed the entire slough. The most recent Flood Insurance Study (FIS) from FEMA for the City of Hailey was revised March 17, 1997[2]. This report provides minimal information regarding the Indian Creek flood plain analysis, but does indicate that Indian Creek was re-studied to replace the previous "approximate" study.

The FIRM dated March 17, 1997 indicates that flooding from Indian Creek within the City of Hailey takes the form of shallow sheet flooding through the northwest area of the city, with depths less than 1.0 foot, and is denoted as Zone X on the map. Figure 2 is an annotated FIRM showing the Indian Creek flooding and the present study area. The map indicates that this shallow flooding eventually collects in the Hailey Slough. It appears that FEMA assumed the roadway culvert at Bullion Street was completely obstructed during the flood, causing water to back up against the embankment, creating a ponded area denoted Zone AH with an elevation of 5308 feet. No floodplain downstream of the road has been defined, even though floodwaters in the slough will either pass under the road via the culvert or overtop the roadway embankment. No floodway has been determined for this stream in this area.

For the Big Wood River, the 1997 FIRM shows a narrow flood plain confined to the river banks and the Bullion Street bridge, not connected with the Hailey Slough flood plain or ponded area. Downstream of the bridge, the flood plain expands and encompasses a significant portion of the study area east of the river.

The objectives of the present study are as follows:

- to more accurately delineate the eastern limit of the Big Wood River floodplain based on the effective HEC-RAS model but incorporating detailed topographic data collected from on-ground surveys.

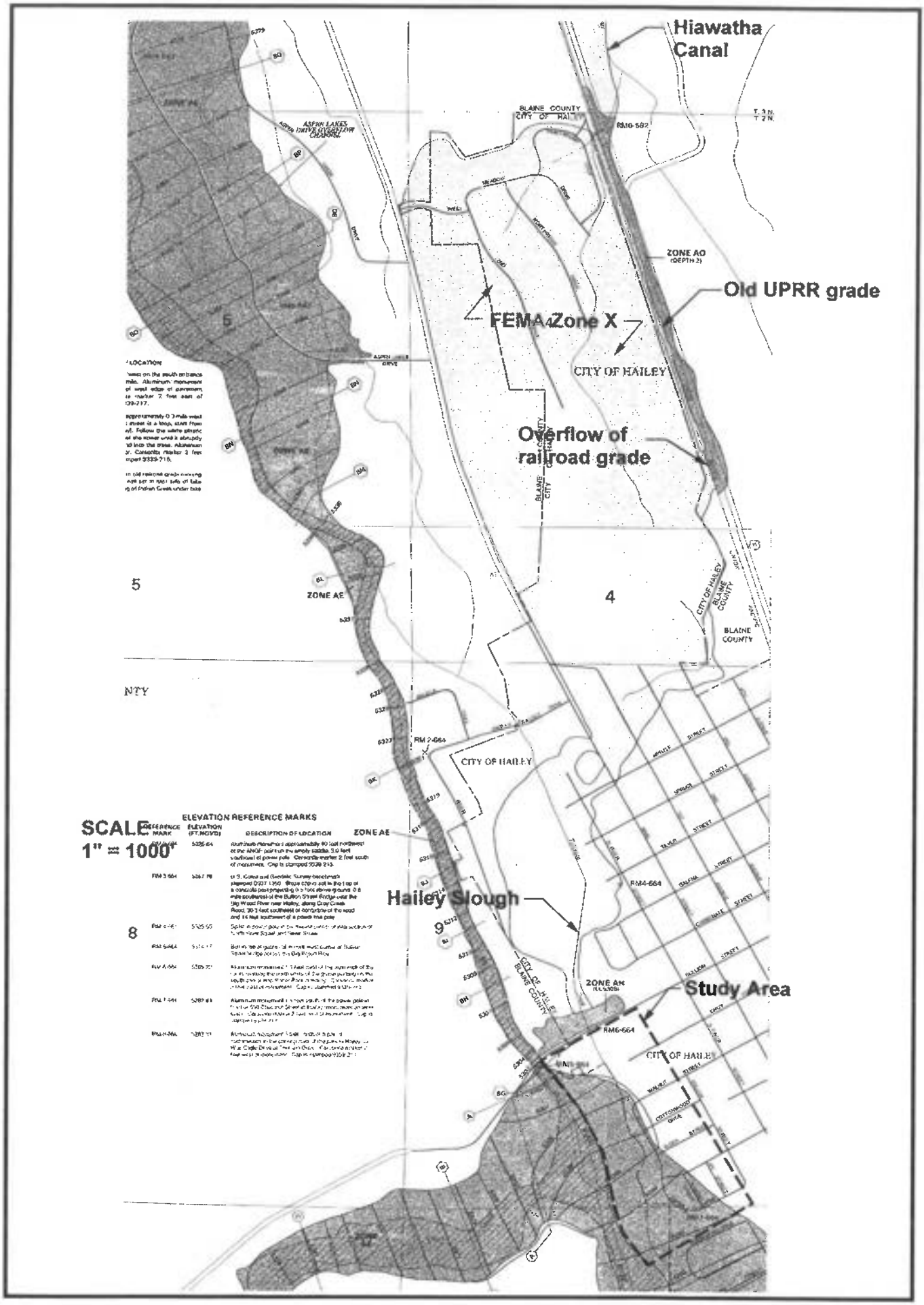


Figure 2. Annotated FIRM map (revised 1997) showing Indian Creek flooding and study area.

- to define a flood plain for the Hailey Slough downstream of Bullion Street, incorporating detailed topographic information, on-site survey data, improved hydrologic analysis, and by utilizing the HEC-RAS water surface profile model.

C. Related LOMR Request Pending with FEMA

The analysis of the Hailey Slough flood plain north (upstream) of Bullion Street has been addressed in a LOMR request and technical report prepared by Brockway Engineering and submitted to FEMA in March 2006. This request is related hydraulically to the present request since floodwater will overtop the roadway embankment and continue southward. However, separate reports and LOMR applications are being submitted for the two areas since different land ownerships are involved. It is recommended that FEMA issue a revised FIRM panel to incorporate both of the flood plain analyses.

D. Justification for Re-Study

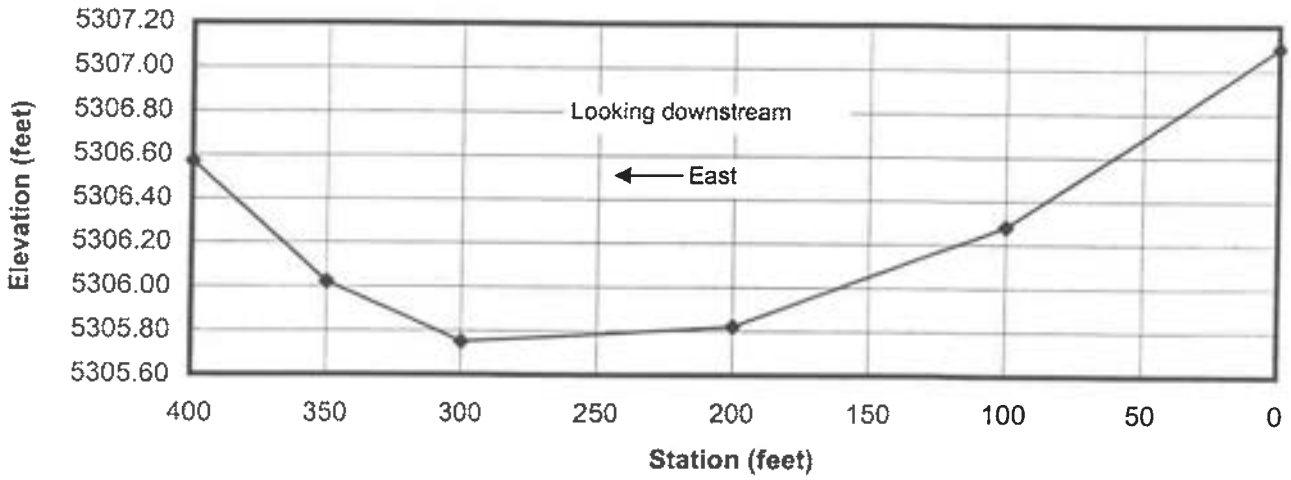
With regard to the Hailey Slough, a significant discontinuity exists in the flood plain delineation at Bullion Street. The FIRM shows no flood water either overtopping the road or passing through the culvert under the road, and does not show a flood plain south of the road. In reality, water flowing in the slough must either overtop the road or pass through the culvert, and will not simply stop at the road embankment. It is reasonable to assume that the culvert is obstructed due to debris carried by floodwaters, but the resulting ponded water must then eventually overtop the road and continue downstream in the Hailey Slough channel until joining the Big Wood River at some point to the south.

A survey of ground topography and the roadway profile indicates that a pool with an elevation of 5308 feet is not sustainable. The roadway has a low point approximately 260 feet east of the culvert. The elevation of the low point is 5305.75 feet, based on the NGVD29 datum used for the FIRM maps. A top of roadway profile is shown in Figure 3. Water ponding behind the roadway embankment will eventually reach elevation 5305.75, overtop the road, and continue downstream. Therefore, the Zone AH elevation

Figure 3. Surveyed profile of Bullion Road from Hailey Slough running eastward.

Datum: NGVD29

Station	Elev	
0	5307.10	USGS brass cap, top NE culvert abutment at Hailey Slough
100	5306.28	
200	5305.82	
300	5305.75	
350	5306.02	
400	5306.57	



will be substantially less than 5308 feet. In the previous LOMR request discussed in Section C, the ponded water surface elevation was calculated to be 5306.3 feet.

Another justification for the present study is that the area south of Bullion Street just west of the Hailey Slough is planned for relatively high density residential development. It is prudent to define a flood plain along the slough in this area to allow better planning for flood protection.

With regard to the Big Wood River, it was determined from detailed on-site surveys that base flood elevations are significantly lower than the bank height along the eastern bank of the river. Therefore, the flood plain delineation on the effective FIRM may not be reasonable and a re-study is warranted to determine whether the river will be confined to the channel in this reach.

E. Hailey Slough Flooding Source and Hydrologic Analysis

FEMA has determined that the flooding source for the Hailey Slough is the Indian Creek drainage, located approximately 2 miles to the northeast of the study area. Indian Creek is a perennial spring-fed stream which typically flows 2 to 3 cfs during non runoff periods, all of which is intercept by the Hiawatha Canal. Flooding on Indian Creek may be caused by snowmelt events or rain-on-snow events. During the 100-year event, FEMA has determined that shallow flooding will overtop the old railroad grade (now a bike path) and inundate the northwest portion of the City of Hailey, eventually collecting in the Hailey Slough and being confined to the channel until Bullion Street. The shallow flooding area within the City has been delineated Zone X by FEMA.

FEMA estimated the 100-year peak discharge from Indian Creek utilizing regionalized regression equations developed in 1981 by the U. S. Geological Survey for ungauged streams in Idaho[3] (authored by Kjelstrom and Moffatt). The resulting 100-year peak flow using this method is 310 cfs.

In 2005, the USGS has completed an exhaustive reevaluation of the regionalized regression approach in a study by Berenbrock[4]. This study employed more precise

regionalization, significantly more data, and improved statistical methods. The estimates based on these new equations should be substantially more accurate than those from the previous USGS study. Therefore, the Berenbrock equations were used to estimate the 100-year discharge for the present study.

Basin characteristics for the regionalized equations were developed using the USGS StreamStats web-based interactive mapping tool. Mean annual precipitation for the basin was obtained from maps prepared by the Idaho State Climatologist.

The 100-year peak flow at the mouth of Indian Creek (near the old railroad grade) was estimated to be 129 cfs using the regionalized regression equations, which is substantially lower than the 310 cfs estimated using the original Kjlestrom equations. Since the Berenbrock method incorporates more data and improved methodology as described above, the new value is presumed to be more accurate.

Two factors influencing the magnitude of the peak discharge at Bullion Street should be noted: First, the 100-year peak flow at the mouth of Indian Creek will be attenuated to some extent as shallow flooding develops through the northwest portion of Hailey. Water will pond behind the old railroad grade and behind the Highway 75 embankment before continuing down the Hailey Slough. According to the FIRM, approximately 300 acres of ponded area will exist. Assuming an inundation depth of 1.0 foot, approximately 300 acre-feet or 13,068,000 ft3 of storage will be provided behind the railroad and highway embankments. This equates to 28 hours of discharge at the 100-year peak flow of 129 cfs. The design flood from Indian Creek will likely be short-lived, on the order of 24 to 48 hours. Therefore, the available storage volume behind the Highway 75 embankment is a significant fraction of the total flood volume, and the attenuation effect on the peak flow will be considerable. In the effective flood insurance study, zero attenuation was assumed.

Second, a significant portion of the flood flow will be intercepted by the Hiawatha Canal in the NE1/4 SW1/4 Sec. 33, T. 3 N., R. 18 E. and conveyed southward in the canal. In fact, the stream labeled "Indian Creek" on the FIRM in Section 33 is actually the Hiawatha Canal. Interception of Indian Creek by the canal will reduce the discharge

which is shown overtopping the old railroad grade on the FIRM and inundating the northwest area of the City of Hailey. The Hiawatha Canal is part of an active irrigation delivery network and will exist in its present state for the foreseeable future. To assess the magnitude of the potential intercepted flow, the capacity of the canal was estimated using Manning's equation. A cross-section of the channel was taken and the maximum depth of flow without bank overtopping was determined to be at least 2.5 feet. Based on the prevailing channel bed composition of gravel, silt, and clay with a lack of substantial vegetation in the bed, an n-value of 0.030 was selected. The channel slope was estimated to be 0.0055 from the USGS topographic map. Applying Manning's equation for an irregular channel using the above inputs yields an estimated rating curve in Figure 4. This curve was developed using the HEC-RAS normal depth calculation routine.

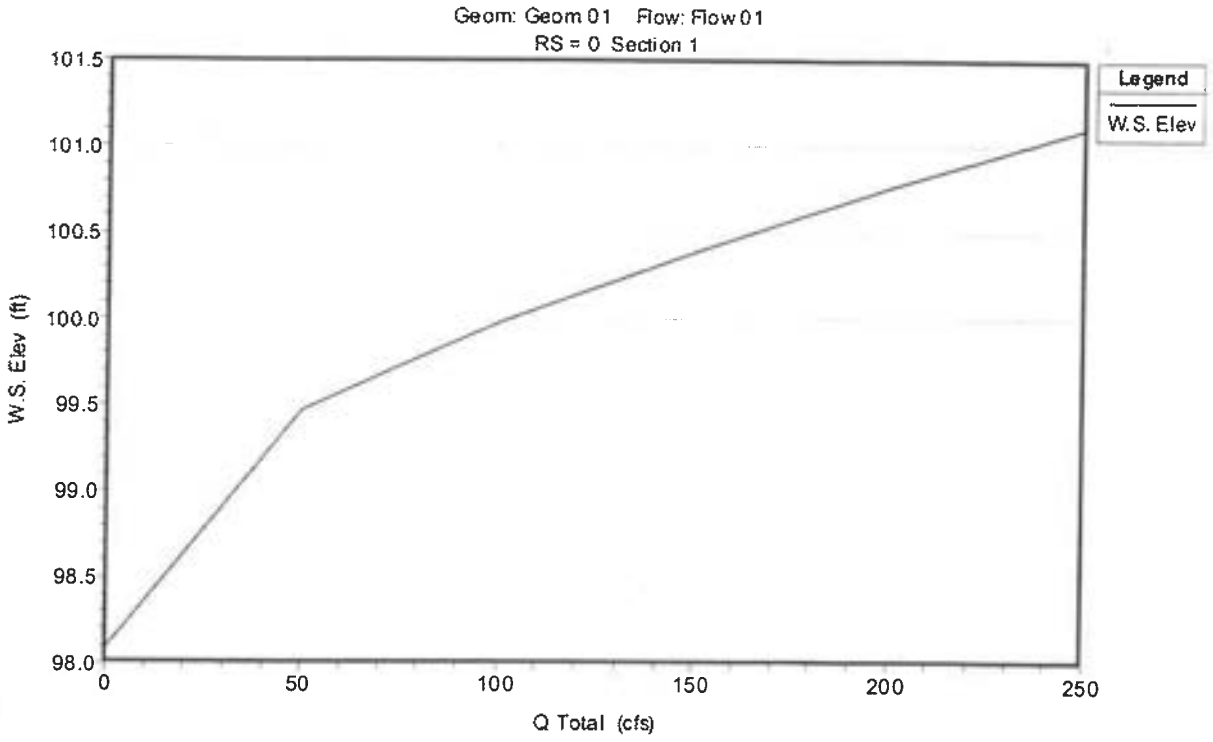


Figure 4. Stage-discharge rating curve of the Hiawatha Canal at the Indian Creek confluence, estimated with HEC-RAS. Channel bottom elevation = 98.1 feet.

At a depth of 2.5 feet, the capacity of the Hiawatha Canal is 179 cfs. Therefore, the canal could potentially carry the entire 100-year discharge from Indian Creek.

Accounting for the above factors, using a 100-year discharge of 129 cfs at Bullion Street appears very conservative and a higher value is not warranted. Drainage basin information from the StreamStats tool and the computed flood frequency information is provided in Appendix A.

F. Hydraulic Analysis

Water surface elevations through the Hailey Slough reach were computed using the U.S. Army Corps of Engineers HEC-RAS 3.1 water surface profile model utilizing new cross-sections developed as described below. For the Big Wood River, the effective model was obtained from FEMA and re-run with the flood plain confined to the river bank on the east side utilizing the ineffective flow option in HEC-RAS 3.1. The resulting base flood elevations were then compared with actual adjacent bank heights to assess whether the river will in fact be confined to the channel in this reach.

F.1. Topographic data

Detailed topographic mapping of throughout the subject property south of Bullion Street was conducted by EHM Engineers of Twin Falls, Idaho. A topographic contour map was prepared to provide vertical contour resolution of 2 feet. Detailed ground shots were taken within the Hailey Slough to allow accurate cross-sections to be created. Figure 5 shows the spot elevations taken for the topographic survey, and the resulting ground contours. These contours along with topographic data from the 1997 FEMA work map were used to define the shallow flooding area downstream of the roadway overtopping. Plate 1 shows both the new topography and the FEMA work map topography, but omits the spot elevations for clarity.

For the Big Wood River, the effective HEC-RAS model was used without including additional topographic information; the only change in the model was to confine the flow to the channel at the east bank.

5304
5303
5301
5299
WALNUT ST.

F.2. Cross sections

A total of 12 cross-sections were used for the model of the Hailey Slough – 8 downstream and 4 upstream of Bullion Street. The sections in this model overlap with the sections used for the pending LOMR request discussed in Section C of this report: Section 20 (Sta 210) through Section 25 (Sta 899) define the overlapping reach. The inline structure (roadway) and sections upstream were included in the model for completeness even though the present LOMR request is limited to the reach downstream of Bullion Street. Sections 20 and 21 were created from the FEMA work map topography; the remainder were created from on-site surveys.

Cross section stationing is oriented looking downstream. Plots of each cross section are given in Appendix B.

F.3. Roughness coefficients

Estimates of channel and overbank roughness for the slough were made by field inspection of the site. Soil and vegetation characteristics are the same for both the channel and overbank, consisting of gravelly silt with moderately heavy vegetative growth. A Manning's roughness coefficient of 0.08 was used for both the channel and overbank over the entire reach[5]. No change was made in the Big Wood River model roughness coefficients.

F.4. Starting elevation

The downstream limit of the Hailey Slough model is Section 14, located at the point where the slough floodwater rejoins the Big Wood River flood plain. The starting elevation was assumed to be equal to the base flood elevation for the river at this point, or 5293 feet.

F.5. Floodway delineation

In accordance with to the FEMA guidelines for shallow-flooding and ponded areas, an encroachment analysis to determine the floodway limits was not performed for the Hailey Slough.

G. Model Results and Flood Plain Delineation – Hailey Slough

The HEC-RAS 3.1 model was run with the assumptions, parameters, and constraints detailed above. Computed water surface elevations and other pertinent hydraulic data at each cross-section are given in Table 1. Cross sections and other data pertaining to the model reaches is provided in Appendix B.

FEMA guidelines[6] were used to determine whether shallow flooding rate zones should apply along this reach. According to Appendix E of this document, Zone X has been defined in part as those areas of "sheet flooding" over which the average depth of the 100-year flow is one foot or less. The average depth at each cross-section is to be determined by dividing the cross-sectional flow area by the top width. The extent of shallow-flooding zones is then defined by a weighted average of all average flow depths at all cross-sections within the selected reach.

The average depth at each cross section is shown in Table 1. The average depth is less than one foot at all sections except Section 17 and 18. The reach-weighted average depth for the study reach is 0.82 feet. The flood plain therefore appears to meet the criteria for Zone X. The proposed Zone X flood plain is delineated on Plate 1.

H. Model Results and Flood Plain Delineation – Big Wood River

The effective HEC-RAS model was modified using the ineffective flow option to confine the flow to the channel along the east side from station 26326.5 (the Bullion Street bridge) to station 24640. The model calculates that the flood height increases are small, ranging from 0.04 to 0.3 feet.

Table 1. HEC-RAS 3.1 model results for the Hailey Slough below Bullion Street.

Brockway Engineering 2/28/06

NOTES:
Discharge from Berenbrock USGS procedure.
HEC-RAS Plan: Plan 02 River: Big Wood Slough Reach: Reach1 Profile: PF 1

Section	River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude #	Avg D = A / T	Reach Length	Avg D x Reach L
			(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	Chl	(ft)	(ft)	
25	899	PF 1	129	5303.3	5306.30		5306.31	0.00050	0.8	161.2	91.8	0.11			
24	821	PF 1	129	5303.0	5306.27		5306.28	0.00037	0.67	193.3	115.3	0.09			
23	716	PF 1	129	5302.0	5306.25		5306.25	0.00017	0.50	258.6	134.6	0.06			
22	630	PF 1	129	5301.7	5306.23	5303.30	5306.23	0.00004	0.21	710.6	532.2	0.03			
	580		Inl Struct												
21	500	PF 1	129	5303.5	5304.00	5303.90	5304.08	0.01059	1.01	77.5	228.1	0.36	0.34	145.0	49.3
20	210	PF 1	129	5301.8	5302.55	5302.20	5302.56	0.00300	0.73	176.0	442.5	0.20	0.40	250.5	99.6
19	-1	PF 1	129	5300.4	5300.67	5300.67	5300.75	0.09182	2.32	55.7	325.0	0.99	0.17	225.0	38.6
18	-240	PF 1	129	5296.0	5297.38		5297.44	0.00529	2.04	63.1	51.7	0.33	1.22	269.5	328.9
17	-540	PF 1	129	5294.0	5296.33		5296.37	0.00255	1.73	74.4	45.2	0.24	1.65	265.0	436.7
16	-770	PF 1	129	5294.0	5295.79		5295.80	0.00232	0.92	140.0	206.1	0.20	0.68	300.0	203.7
15	-1140	PF 1	129	5291.7	5293.41		5293.65	0.03186	3.92	32.9	39.2	0.75	0.84	330.0	277.2
14	-1430	PF 1	129	5290.7	5293.20	5291.52	5293.21	0.00039	0.67	203.7	195.2	0.09	1.04	145.0	151.3

Sum	1585.2
Weighted average depth	0.82

Figure 6 shows a comparison of the model-calculated water surface elevations with the highest adjacent bank elevation as determined from the on-site survey. The bank height is considerably greater than the confined 100-year flood elevation above river station 25+200. Below this point, there will be a hydraulic connection between the slough flood plain and the river flood plain, but the depth will still be less than 1.0 foot. This area is shown on Plate 1. From station 24+800 to 24+500, the bank height is again above the flood height. Below about 24+500, the river will leave the bank spread laterally, rejoining the effective FEMA delineation as shown on Plate 1.

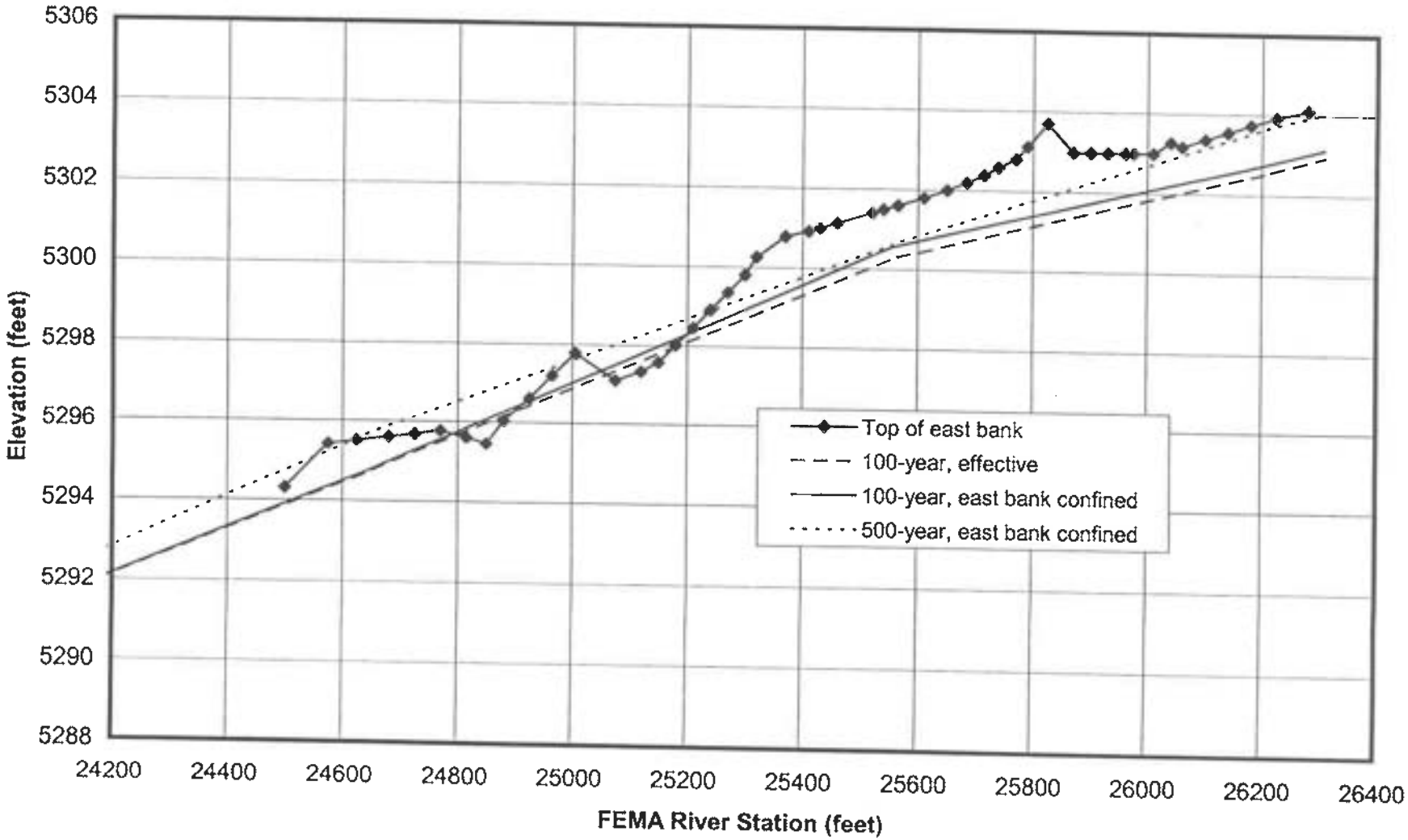
It should be noted that the effective model cross-sections also indicate that the river will be confined to the channel from the bridge downstream to approximately Section X at Station 24+640 (see cross-section plots in Appendix B). However, the effective delineation on the FIRM and the FEMA work map does not reflect this fact. It therefore appears that the delineation is in error.

For the 500-year flood, the computed water surface is essentially at the top of the bank just below the bridge (see Figure 6), and it is conservative to assume that the river will leave the banks and inundate areas to the east. The 500-year flood plain as delineated by FEMA appears to be reasonable and is reproduced on Plate 1.

I. Recommended Flood Insurance Rate Zones

As shown on Plate 1, during the 100-year flood areas of shallow flooding will develop due to flood flow in the Hailey Slough and hydraulic connection with the river in the lower areas of the study reach. These areas all meet the FEMA criteria for shallow flooding and it is recommended that a Zone X be adopted for these areas. If the area of 500-year flooding is to be denoted as Zone X, FEMA may wish to delineate a larger Zone X as appropriate to cover both the 500-year flood plain for the Big Wood River and the 100-year shallow flooding areas from the Hailey Slough. In any case, the flood plain within the subject property should not be a regulatory Zone AE as shown on the FIRM.

Figure 6. Profiles showing Big Wood River east bank elevations and computed water surface elevations



J. Annotated FIRM

As required for the LOMR request, an annotated FIRM map was prepared at 1"=500' scale showing the effective and proposed flood plain limits. This map is denoted as Figure 7 and is provided with this report. For the reasons outlined in this report, the revised flood plain should be considerably more accurate than the effective flood plain.

K. Summary and Conclusions

The 100-year flood plain was computed for the Hailey Slough downstream of Bullion Street. In addition, the extent of inundation from the Big Wood River on the east side of the river was evaluated. The results indicate that the computed flood plain differs considerably from the flood plain in the effective FIRM due to improved hydrologic analysis and more detailed, localized topographic data availability. In a previous LOMR request (see Section C), it was determined that the Hailey Slough floodwater will overtop Bullion Street and continue southward. In the present study, flooding south of Bullion Street in the slough was modeled and determined to meet the criteria for a Zone X. The Big Wood River was modeled using the effective HEC-RAS model with the water confined to the eastern bank. It was determined that the 100-year flood height will not overtop the bank except in the lower area of the study reach, where areas of shallow sheet flooding will occur.

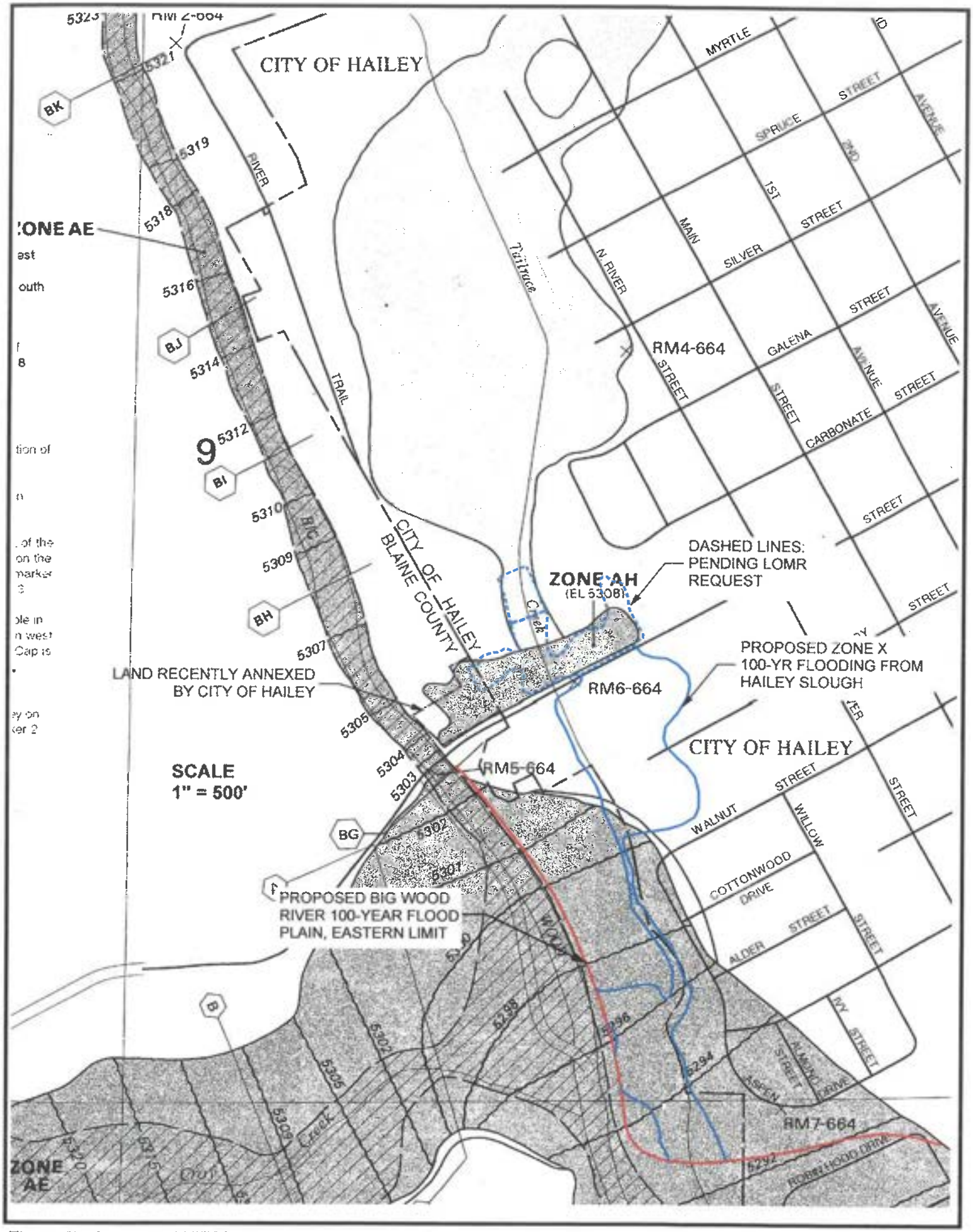


Figure 7. Annotated FIRM at 1" = 500' scale, showing effective flood plain and proposed revisions in red and blue.

[1] U.S. Army Corps of Engineers (1972). Flood Plain Information, Bellevue-Hailey, Idaho and Vicinity.

[2] Federal Emergency Management Agency, Federal Insurance Administration (1997). Flood Insurance Study, City of Hailey, Idaho. Revised March 17, 1997.

[3] Kjelstrom, L. C. and R. L. Moffatt (1981). *A Method of Estimating Flood-Frequency Parameters for Streams in Idaho*, USGS Open-File Report 81-909.

[4] Berenbrock, Charles, 2002, Estimating the Magnitude of Peak Flows at Selected Recurrence Intervals for Streams in Idaho : U.S. Geological Survey Water Resources-Investigations Report 02-4170, 59 p.

[5] Chow, V. T. (1959). *Open-Channel Hydraulics*. McGraw-Hill, New York.

[6] Federal Emergency Management Agency, Federal Insurance Administration (April 2003). *Guidelines and Specifications for Flood Hazard Mapping Partners*.

Appendix A
Basin Hydrologic Information

USGS science for a changing world

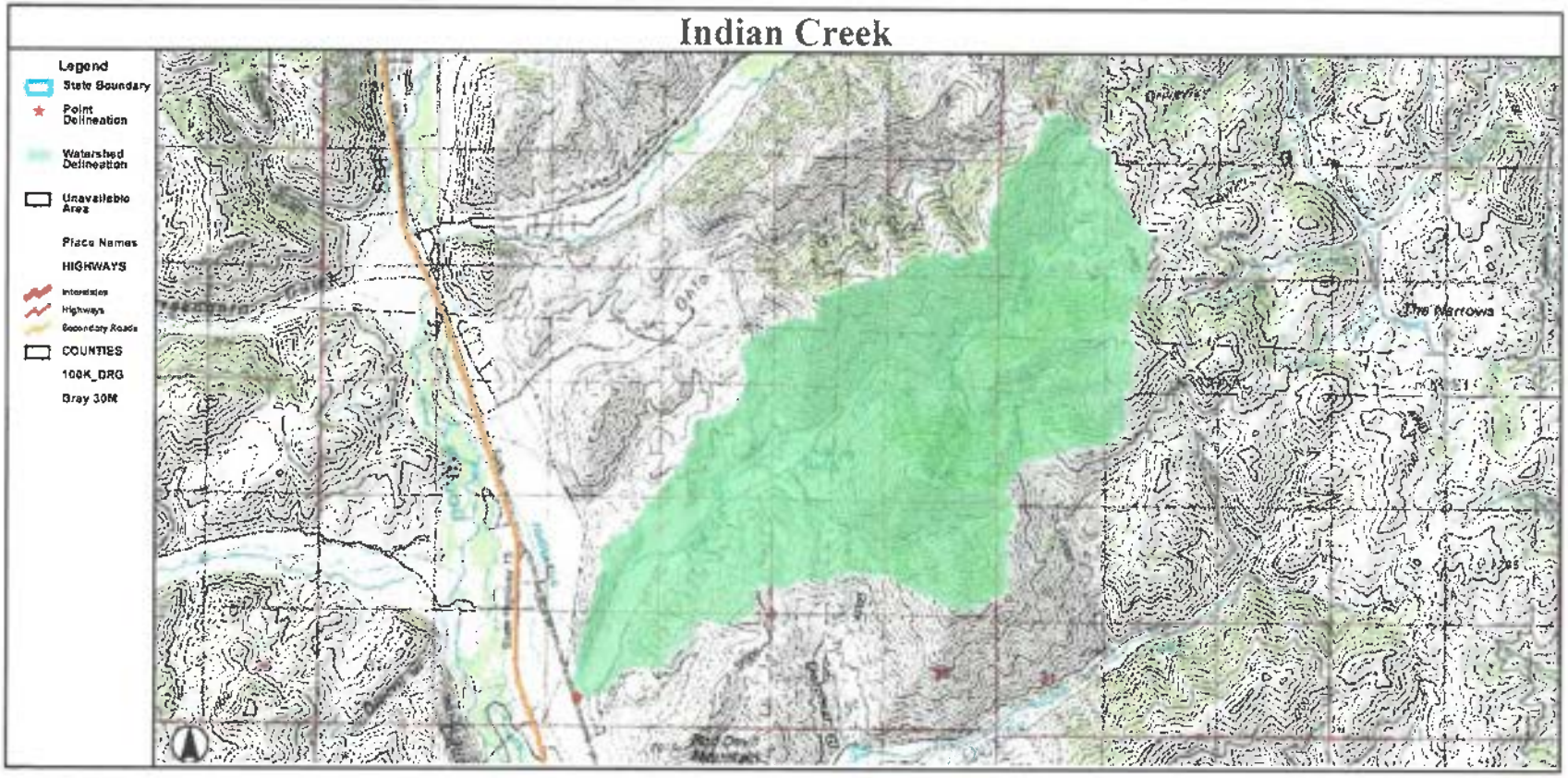
StreamStats

Basin Characteristics Report

Date: Mon Feb 27 2006 13:41:45
Latitude: 43.5452
Longitude: -114.3206

Parameter	Value
Area in square miles (AREA2MI)	11.3
Relief in feet (RELIEFFT)	2900
Average elevation in feet (ELEVFT)	6750
Maximum elevation in feet (ELEVMAXFT)	8320
Minimum elevation in feet (ELEVMINFT)	5420
Average area slope in percent (SLPPCT)	41.4
Percent of area with slope greater than 30% (SLPPCT30)	74.3
Percent of area with slope greater than 30% and facing North (SLPPCT30N)	24.5
Percent of area covered by forest (FORESTPCT)	13.3

Indian Creek



Program idregeq.exe
Based on Berenbrock (2002) equations

Peak-flow estimates for:

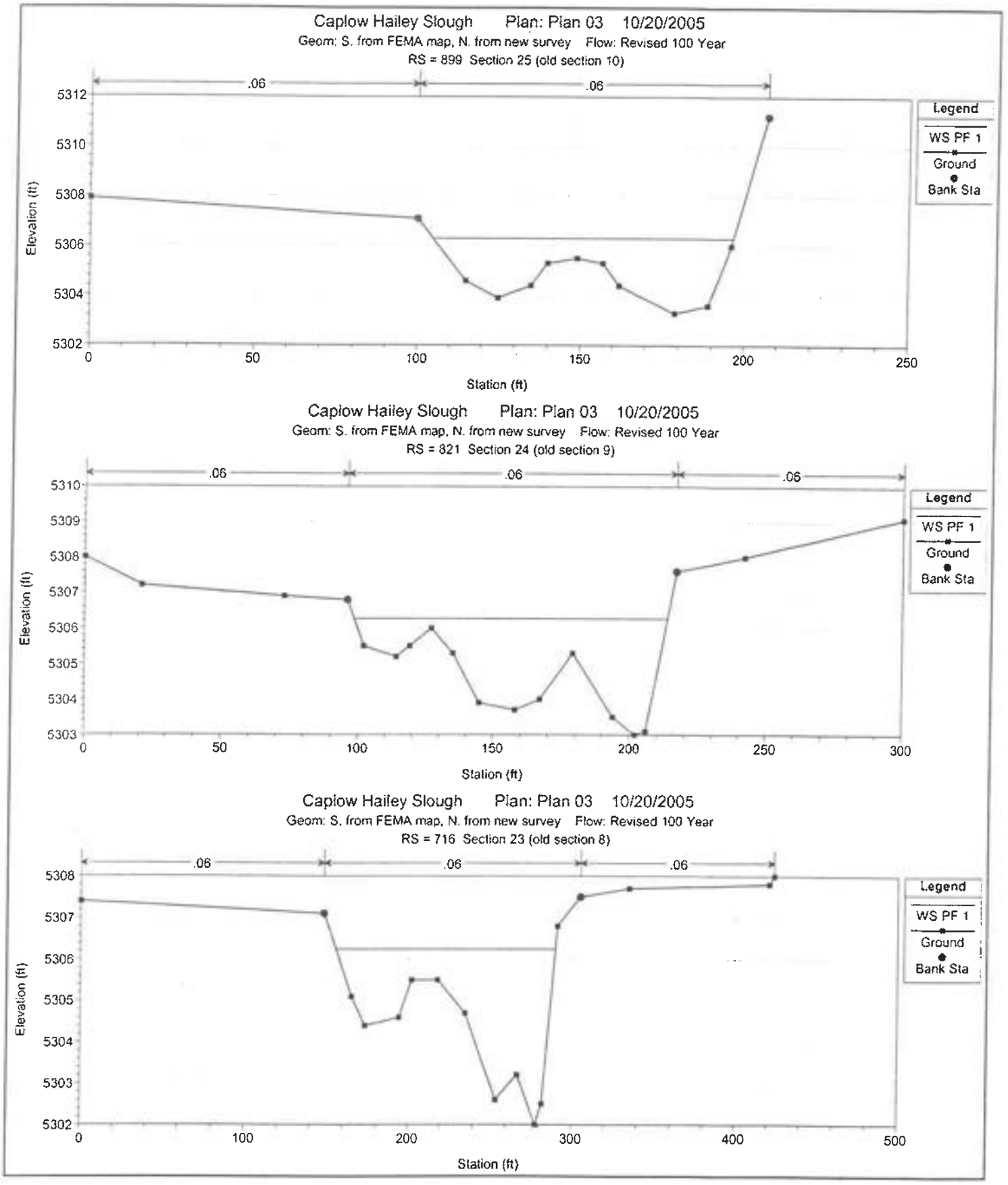
Indian Creek
Region 5: DA= 11.3, P= 19.00, NF30= 15.0

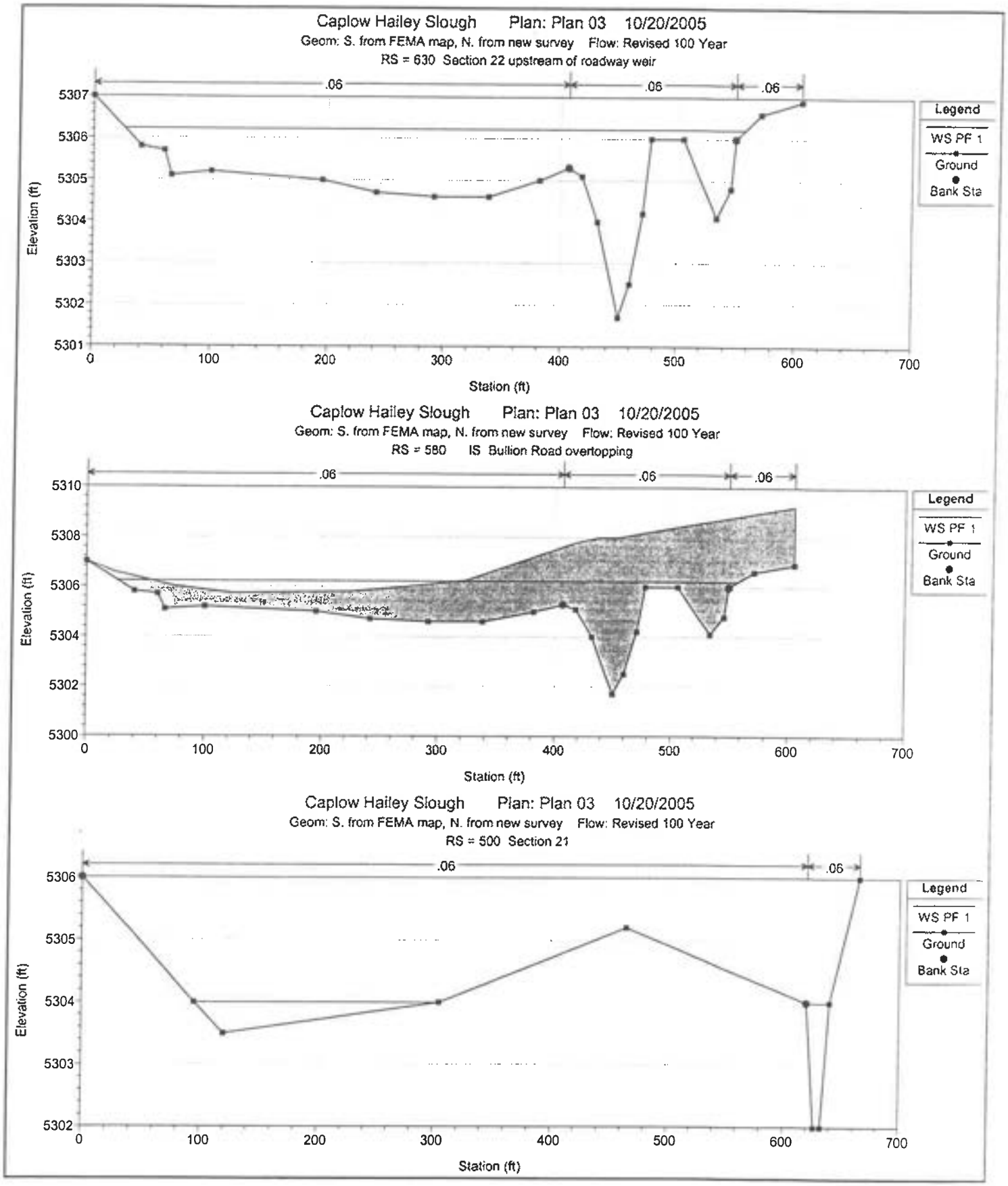
RI	PEAK FLOWS (CFS)	STANDARD ERROR OF PREDICTION (PERCENT)		90-PERCENT CONFIDENCE INTERVALS (CFS)	
1.50	26.	55.5	-35.7	12.	55.
2	34.	52.9	-34.6	17.	70.
2.33	37.	52.1	-34.3	18.	75.
5	56.	51.2	-33.9	28.	112.
10	72.	51.9	-34.2	36.	146.
25	94.	53.7	-34.9	45.	193.
50	110.	55.4	-35.6	52.	230.
100	129.	57.3	-36.4	60.	276.
200	146.	59.3	-37.2	67.	319.
500	169.	62.2	-38.3	75.	381.

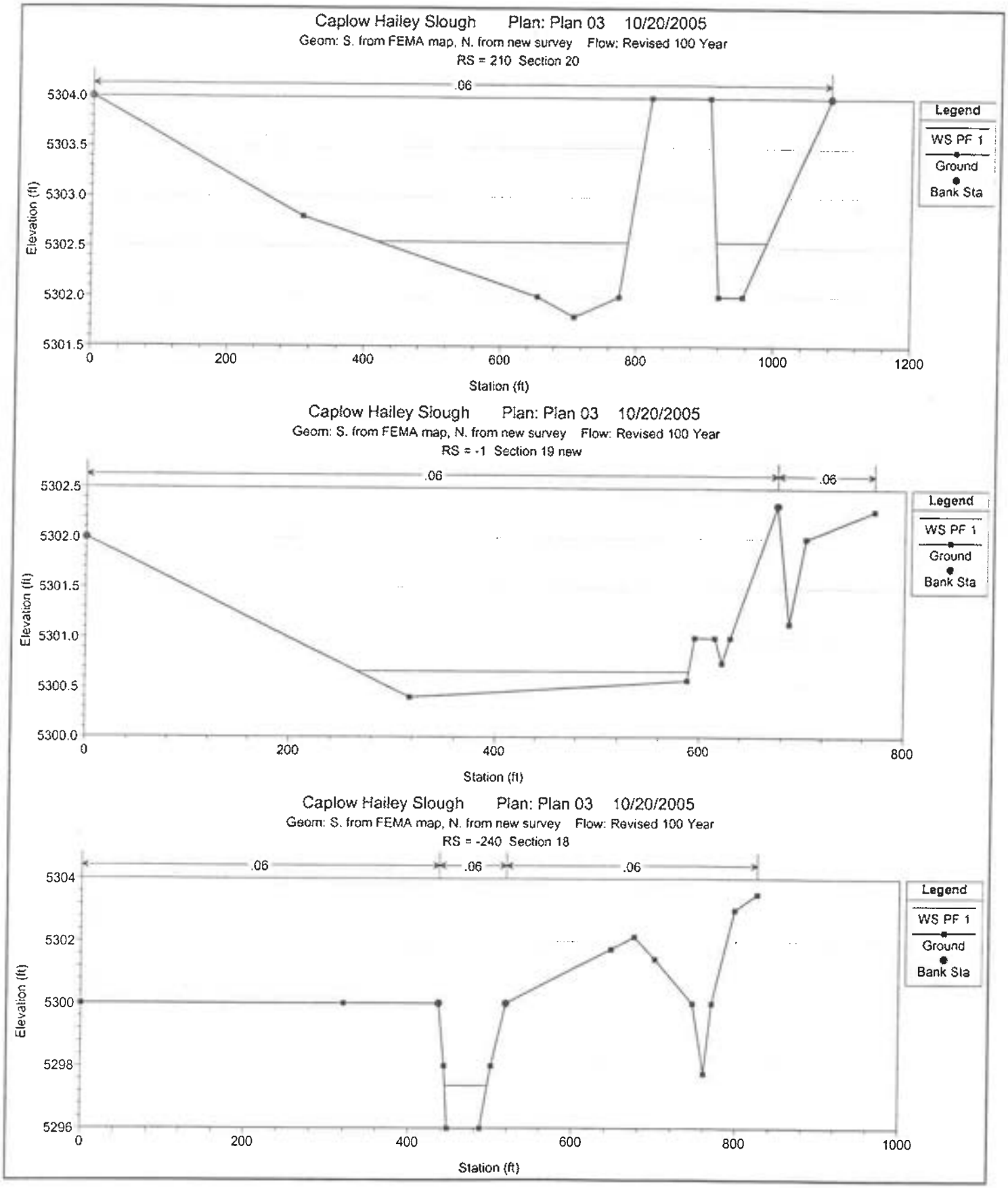
WARNING -- Prediction beyond observed data

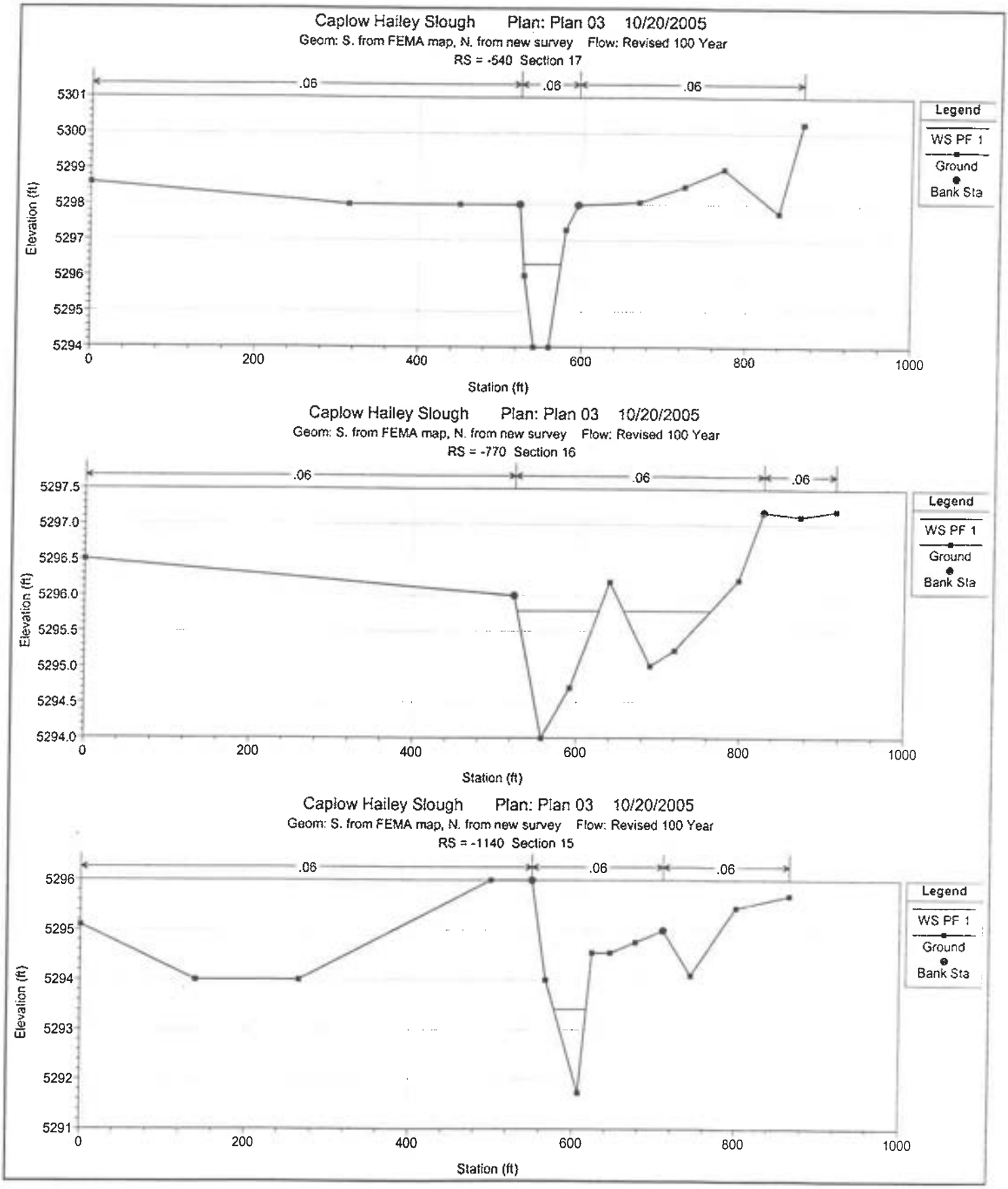
PREDICTION POINT BEYOND MCE
WARNING -- P beyond observed data

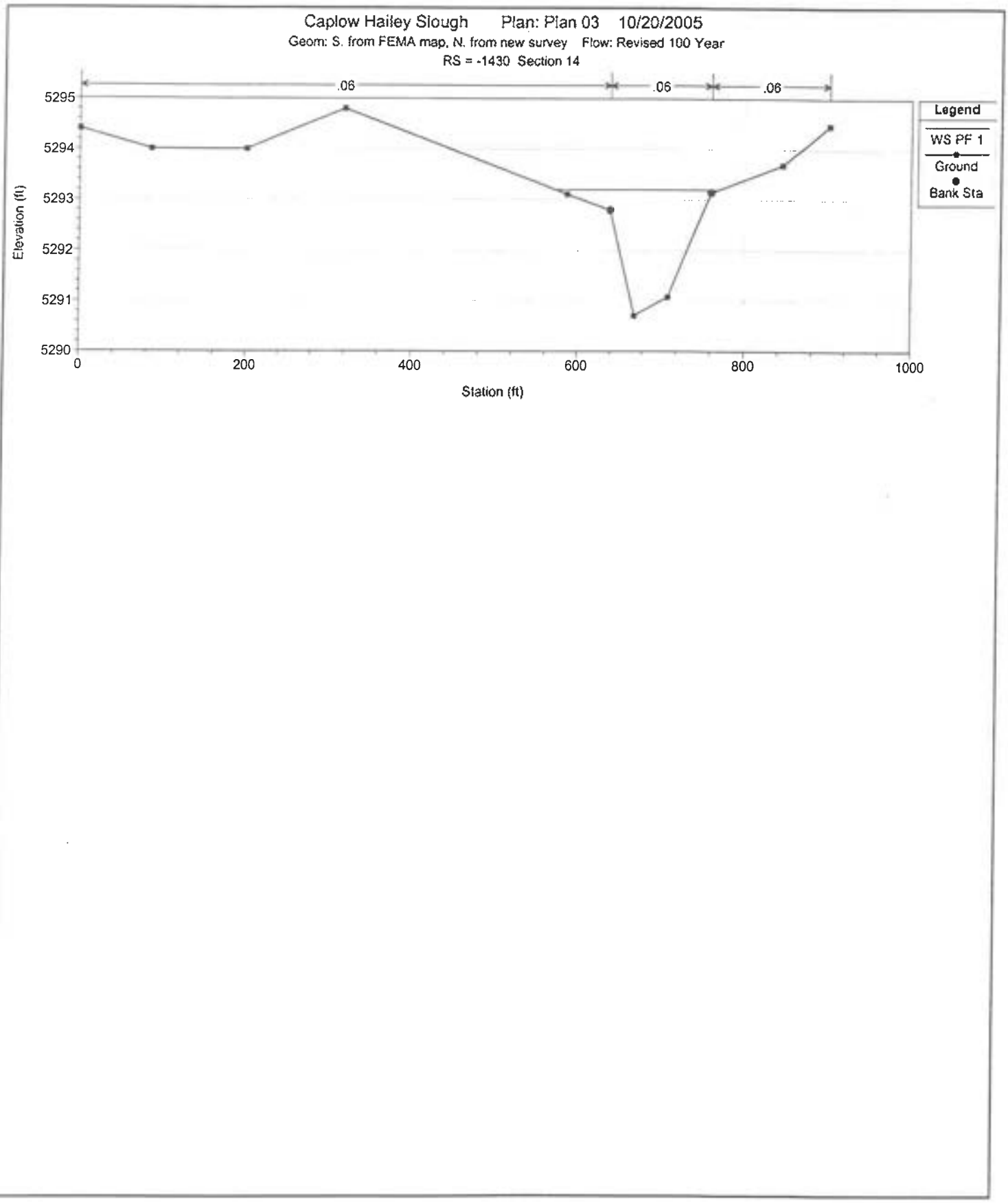
Appendix B
Cross-Section Plots


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 899 Section 25 (old section 10)
.06
.06
5312
5310
5308
5306
5304
5302
Elevation (ft)
0
50
100
150
200
250
Station (ft)
Legend
WS PF 1
Ground
Bank Sta
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 821 Section 24 (old section 9)
.06
.06
.06
5310
5309
5308
5307
5306
5305
5304
5303
Elevation (ft)
0
50
100
150
200
250
300
Station (ft)
Legend
WS PF 1
Ground
Bank Sta
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 716 Section 23 (old section 8)
.06
.06
.06
5308
5307
5306
5305
5304
5303
5302
Elevation (ft)
0
100
200
300
400
500
Station (ft)
Legend
WS PF 1
Ground
Bank Sta


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 630 Section 22 upstream of roadway weir
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 580 IS Bullion Road overtopping
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 500 Section 21


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = 210 Section 20
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1 Section 19 new
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -240 Section 18
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)


Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -540 Section 17
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -770 Section 16
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)
Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1140 Section 15
.06
.06
.06
Legend
WS PF 1
Ground
Bank Sta
Elevation (ft)
Station (ft)

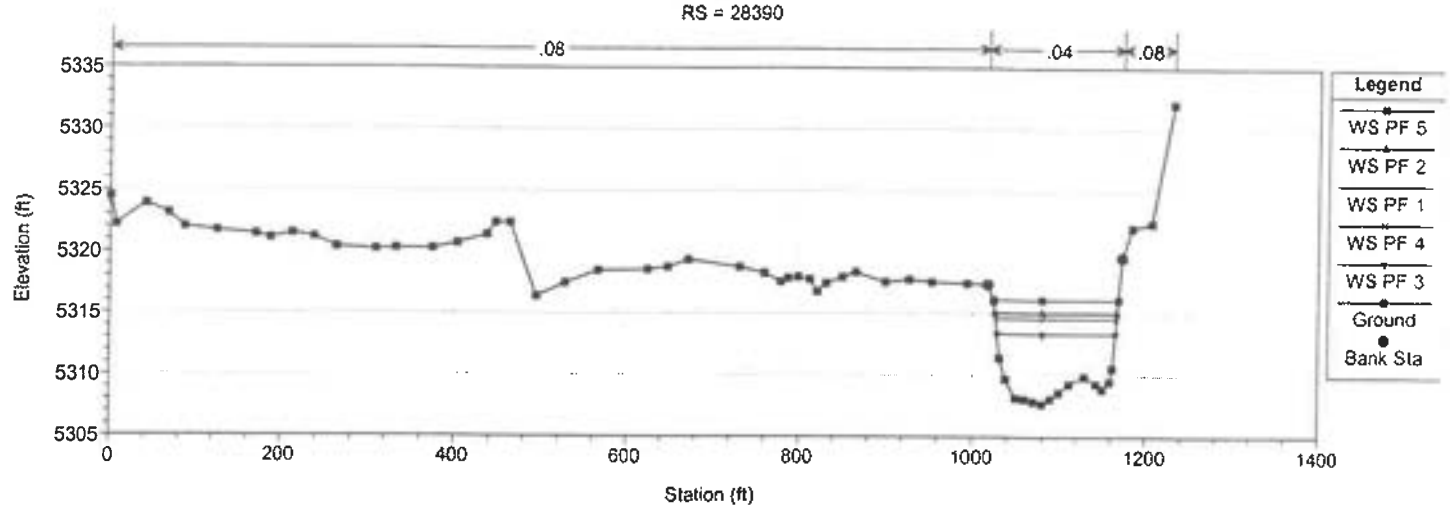

Caplow Hailey Slough Plan: Plan 03 10/20/2005
Geom: S. from FEMA map, N. from new survey Flow: Revised 100 Year
RS = -1430 Section 14
.06
.06
.06
5295
5294
5293
5292
5291
5290
Elevation (ft)
0
200
400
600
800
1000
Station (ft)
Legend
WS PF 1
Ground
Bank Sta

AD

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 28390

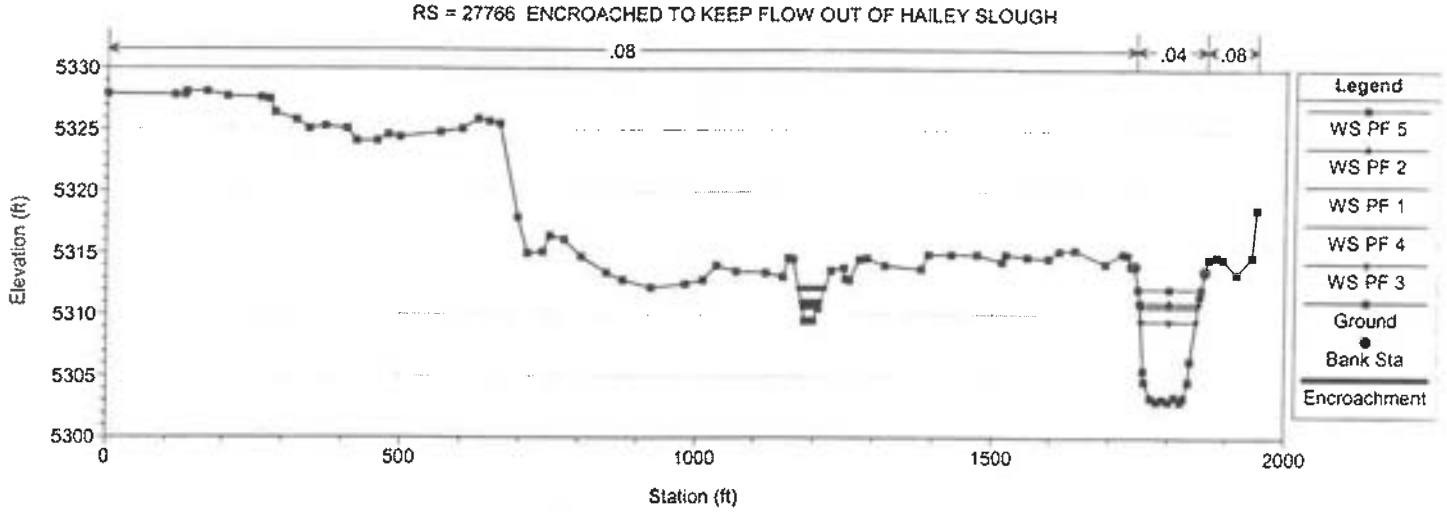


AC

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 27766 ENCROACHED TO KEEP FLOW OUT OF HAILEY SLOUGH

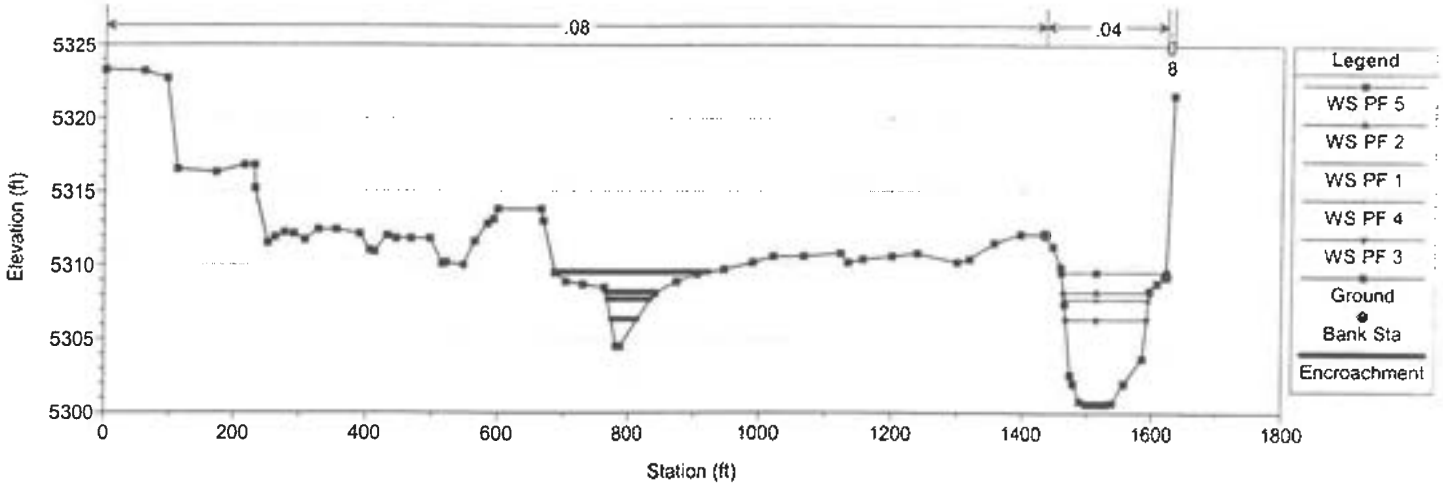


AB

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 27183 ENCROACHED FOR EFFECTIVE FLOW - NO FLOW OVER ROAD

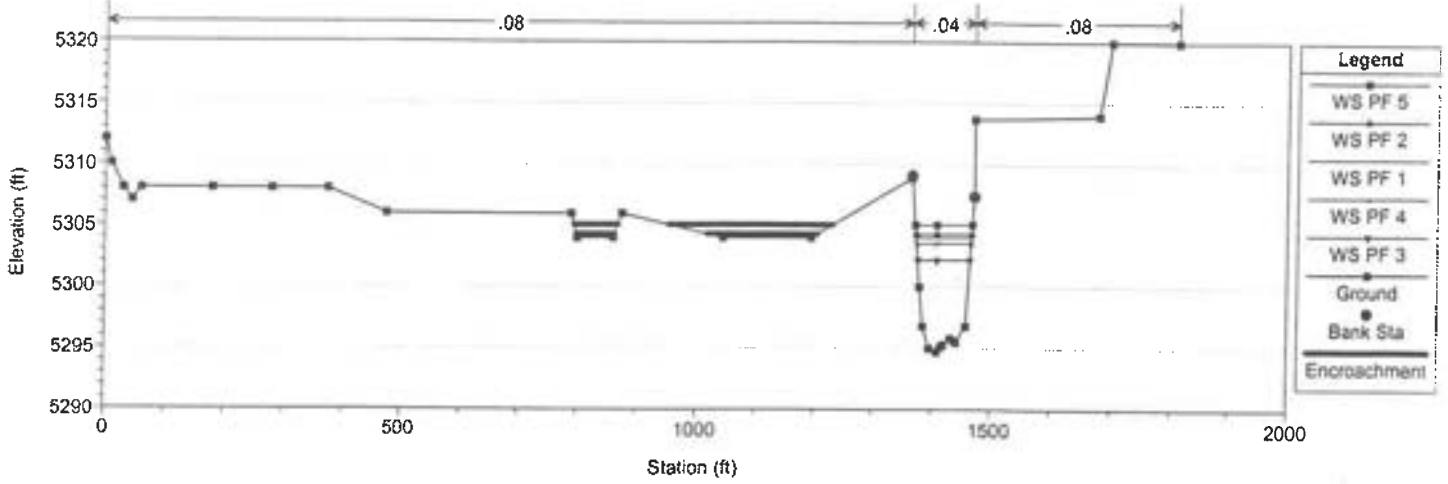


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

AA

Geom: Board Ranch area modified Flow: Imported Flow 01

RS = 26391 ENCROACHED FOR EFFECTIVE FLOW UPSTREAM OF BRIDGE

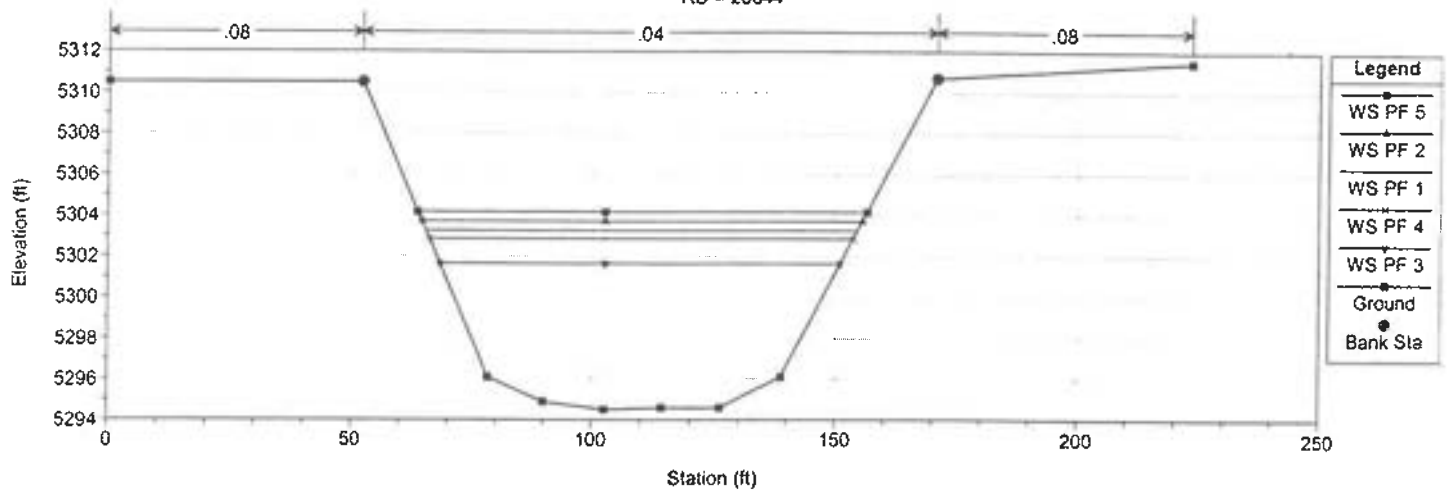


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

U/S OF BR.

Geom: Board Ranch area modified Flow: Imported Flow 01

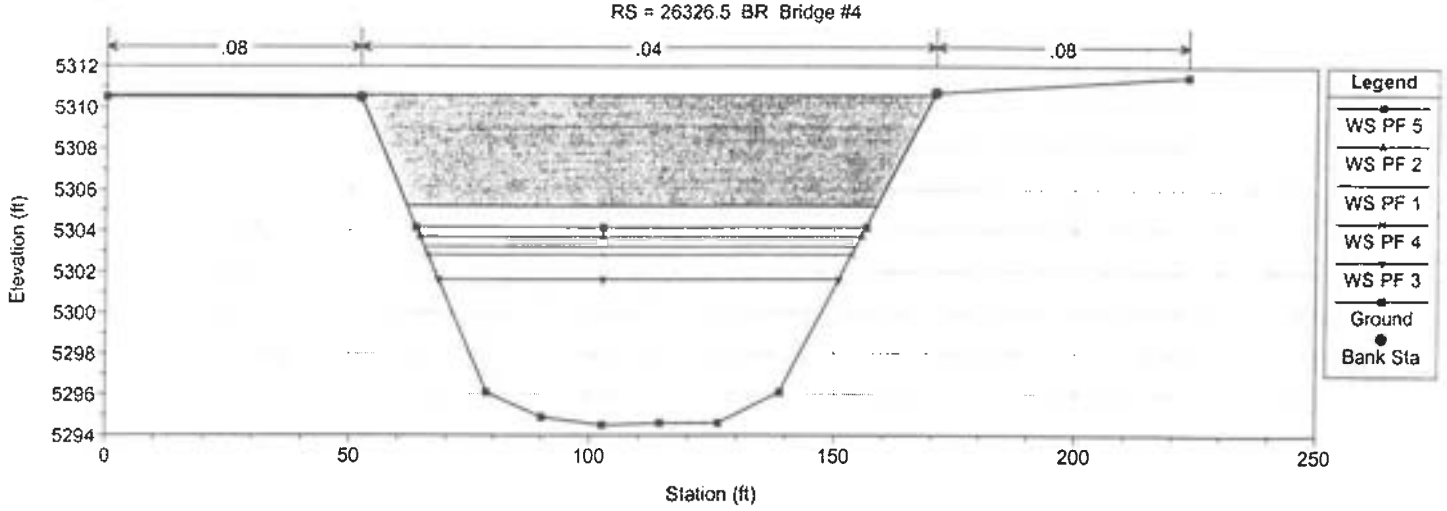
RS = 26344

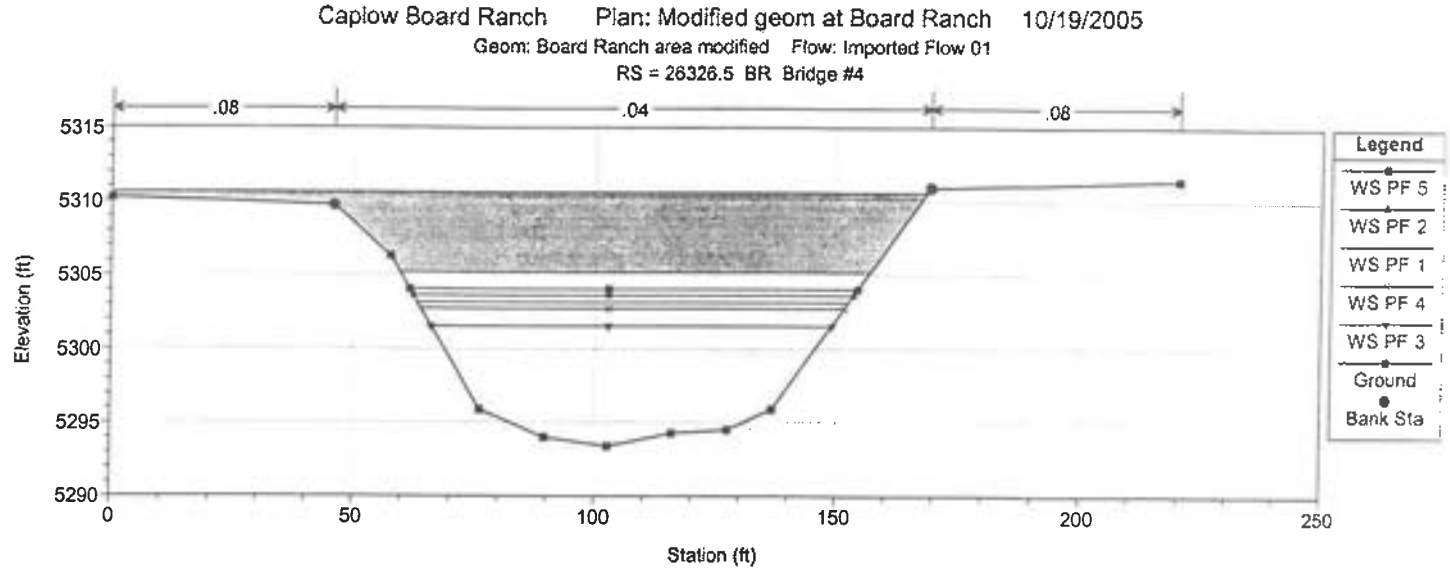


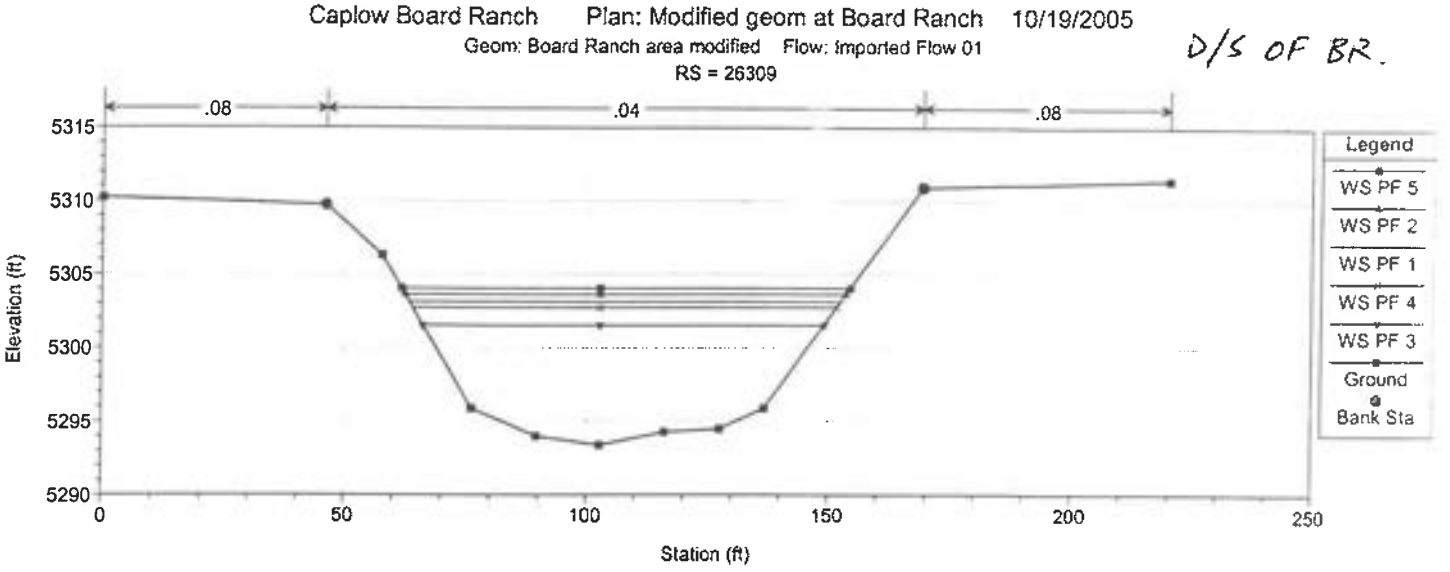
Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005

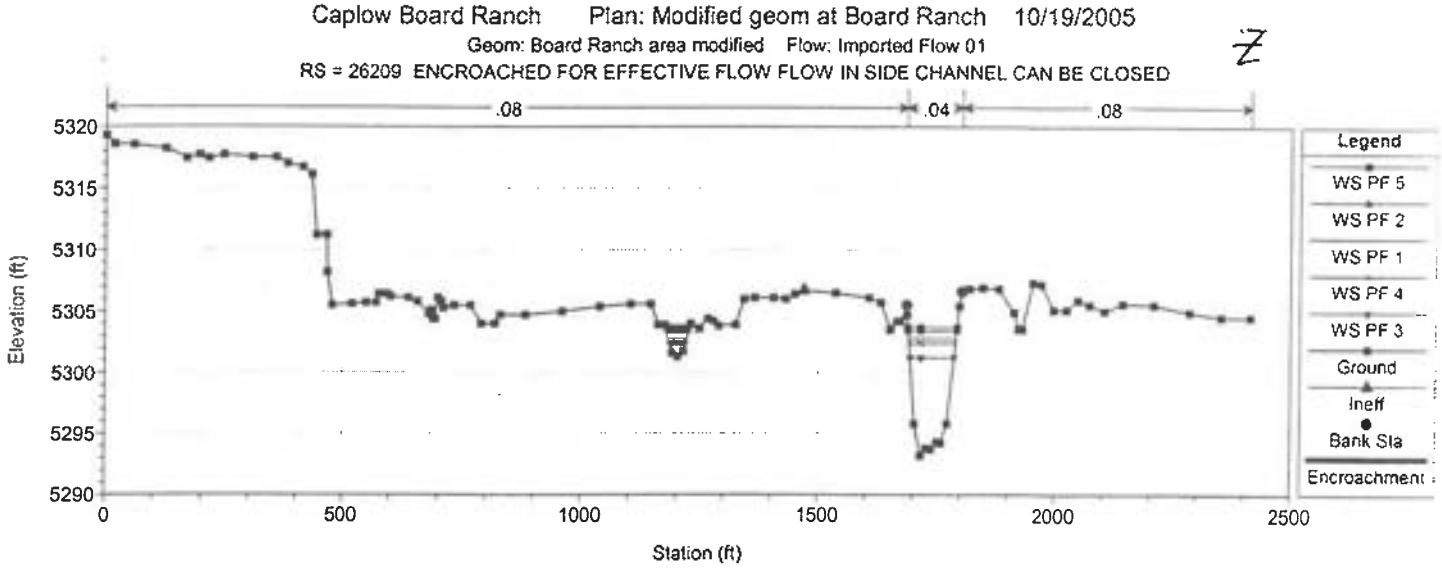
Geom: Board Ranch area modified Flow: Imported Flow 01

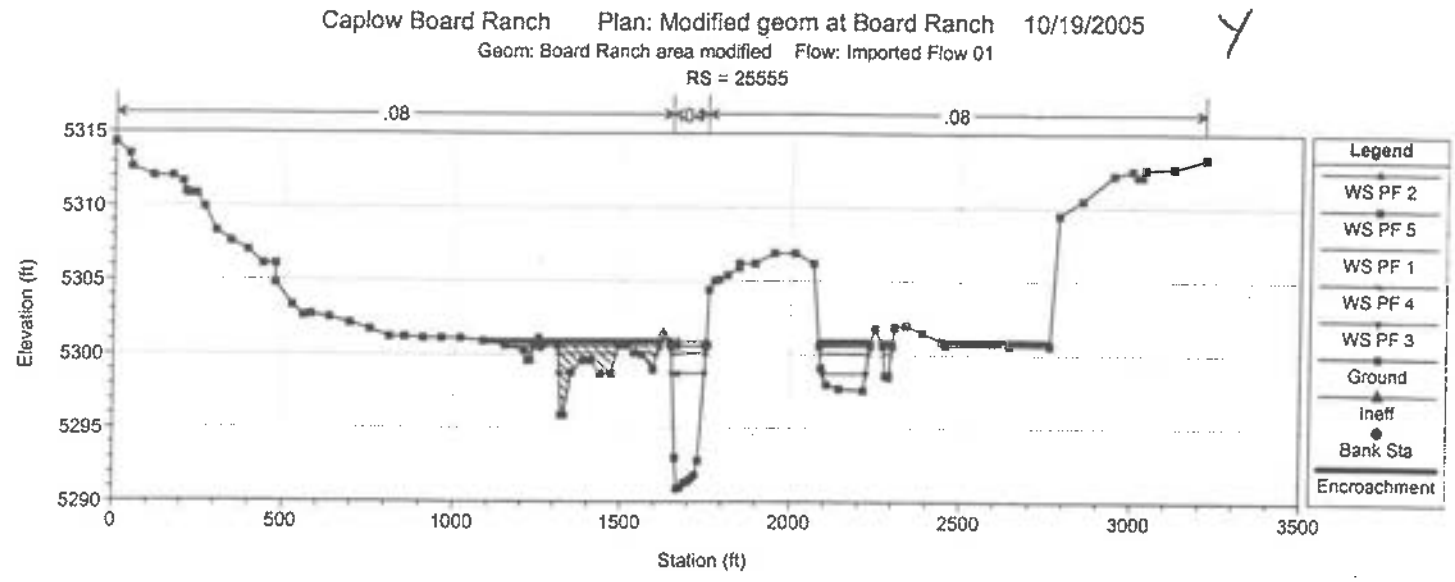
RS = 26326.5 BR Bridge #4

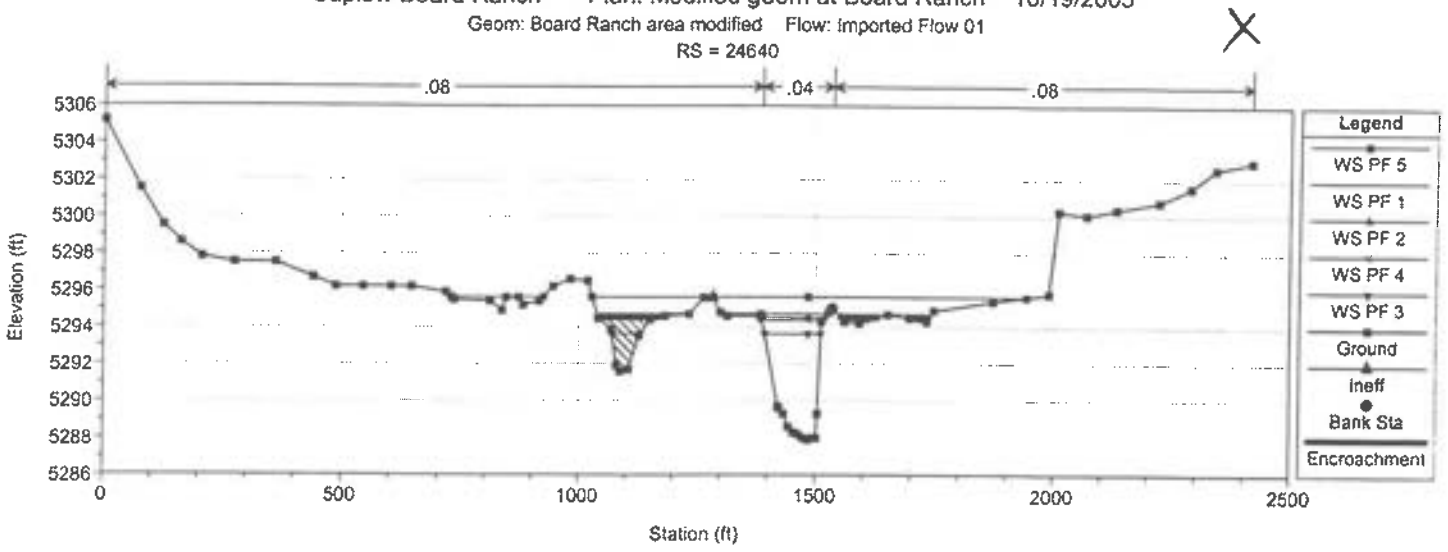


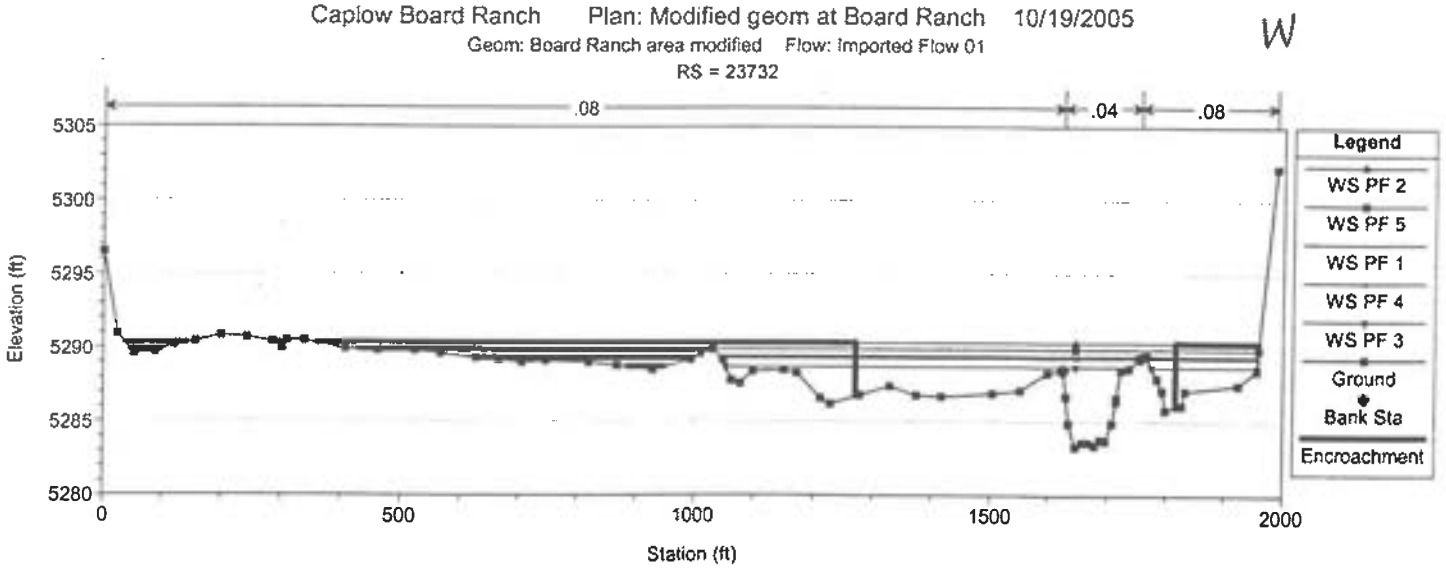

Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26326.5 BR Bridge #4
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26309
D/S OF BR.
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Bank Sta


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 26209 ENCROACHED FOR EFFECTIVE FLOW FLOW IN SIDE CHANNEL CAN BE CLOSED
Z
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 2
WS PF 1
WS PF 4
WS PF 3
Ground
Ineff
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 25555
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 2
WS PF 5
WS PF 1
WS PF 4
WS PF 3
Ground
Ineff
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
RS = 24640
.08
.04
.08
Elevation (ft)
Station (ft)
Legend
WS PF 5
WS PF 1
WS PF 2
WS PF 4
WS PF 3
Ground
Ineff
Bank Sta
Encroachment


Caplow Board Ranch Plan: Modified geom at Board Ranch 10/19/2005
Geom: Board Ranch area modified Flow: Imported Flow 01
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Elevation (ft)
Station (ft)
Legend
WS PF 2
WS PF 5
WS PF 1
WS PF 4
WS PF 3
Ground
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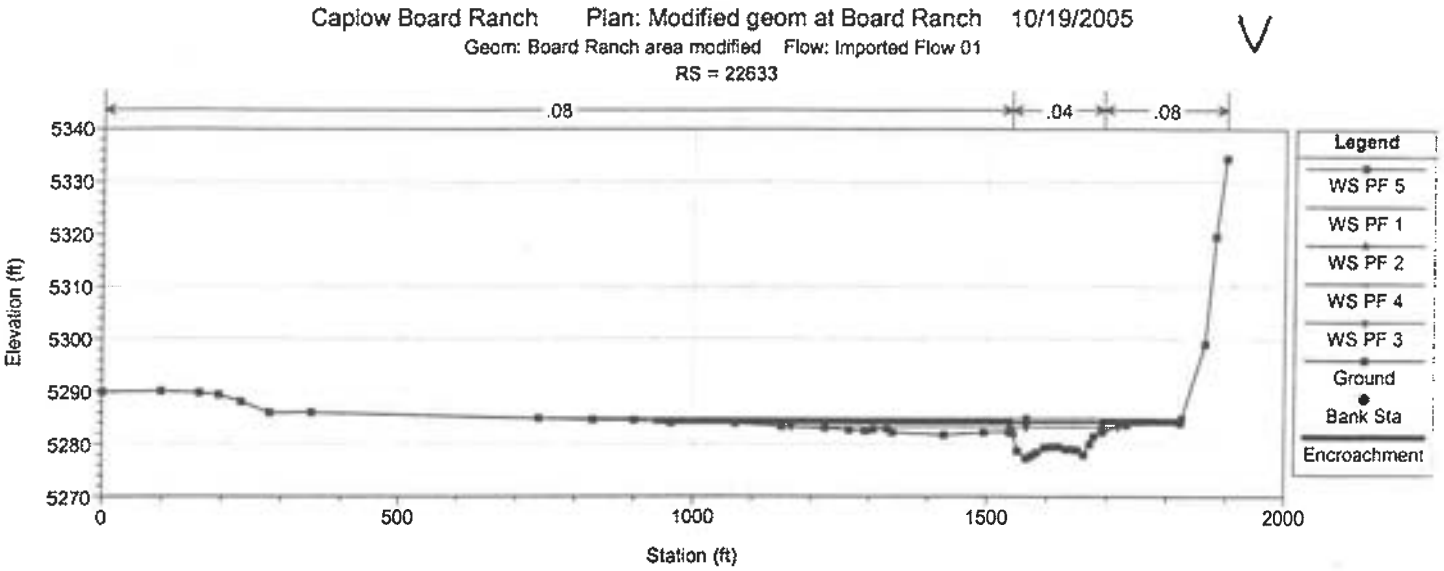
Encroachment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Station (ft)
Legend
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WS PF 1
WS PF 2
WS PF 4
WS PF 3
Ground
Bank Sta
Encroachment

EHM ENGINEERS, INC.

621 North College Rd., Suite 100
Twin Falls, Idaho 83301
Phone: 208-734-4888 Fax: 208-734-6049

TO: Diane Shay

FAX: 788-2924

FROM: Gerry Martens

DATE: 5/5/04

RE: Board Mill + Sunset Ranches

14 Pages Were Sent (Including Cover Page)
If all pages were not received please call 208-734-4888

Board Mill
Wetland Delineation

Prepared for:
Board Mill & Sunset Ranches, Inc.

October 28, 2003

Fisher & Associates
Aquatic Resource Management & Enhancement
6640 Highway 10 East
Missoula, MT 59802
(406) 258-6800

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1.0 Introduction

1.1 Purpose

Board Mill & Sunset Ranches, Inc, has entered into a sales agreement to sell the property known as the Board Mill site. The buyers commissioned Fisher & Associates, 6640 Highway 10 East, Missoula, MT 59802, to inventory the in the town of Hailey, Idaho, and within Blaine County, for the presence of jurisdictional wetlands. The verified delineation will be used to plan and design improvements to the property. The location of wetlands and other waters of the United States, as identified in this process will form the basis for any applications for required under the Clean Water Act (CWA), city, or state ordinances. We found **0.36 acres (15,859 sq.ft.)** of wetlands, not including those jurisdictional areas represented by river channel waterward the mean high water marks, on this parcel.

The CWA and Blaine County ordinances mandate that an inventory of potential wetlands on-site be conducted to determine if wetland habitats exist prior to the implementation of improvements or alterations to the property. If wetlands are found, appropriate avoidance measures will be developed and implemented. If wetland impacts are unavoidable, suitable mitigation measures will be implemented, after review by the U.S. Army Corps of Engineers (COE).

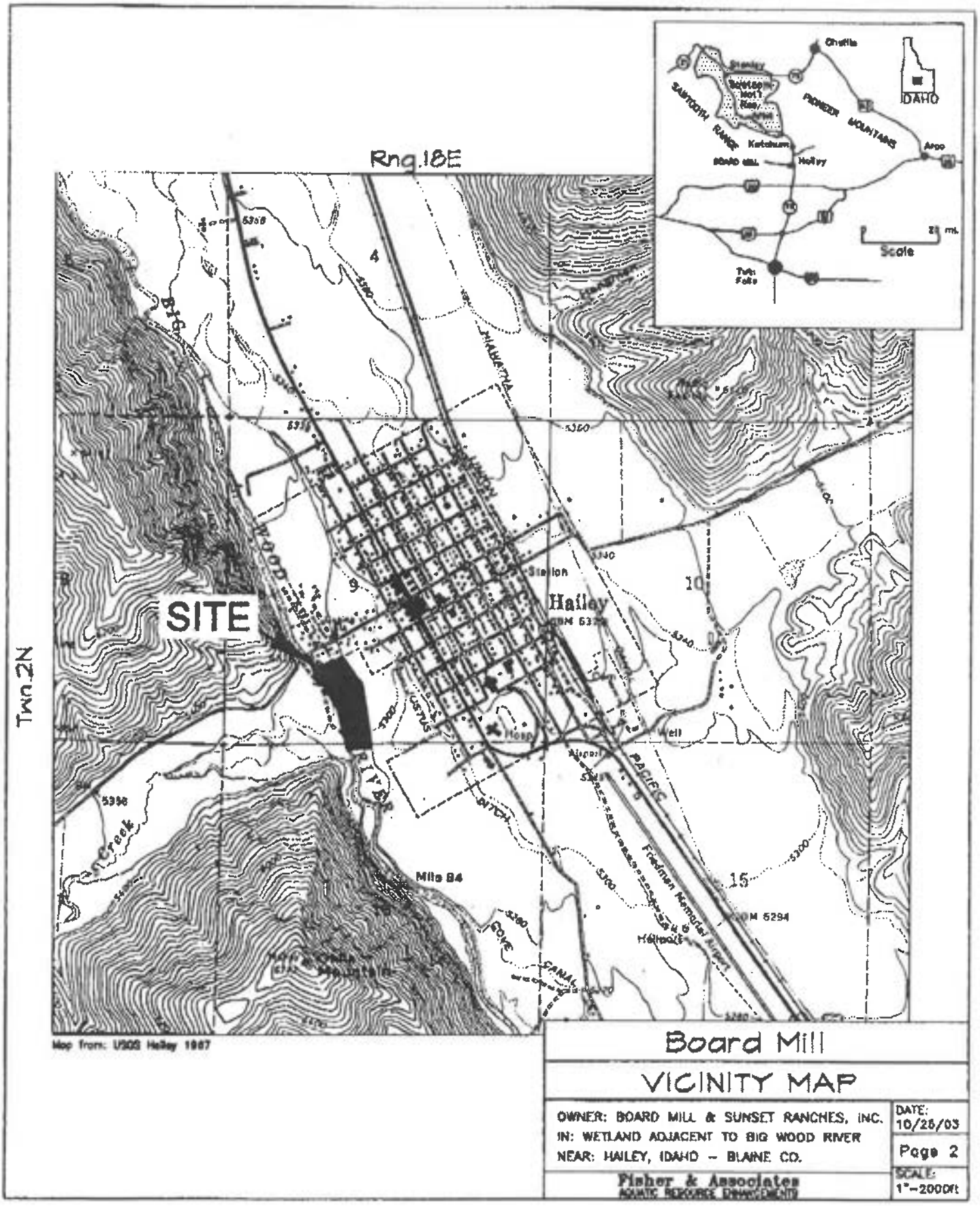
1.2 Site location and description

Board Mill & Sunset Ranches, Inc., represented by Mr. Bill Hatch _____ _____, CA, owns this 15.87+/- acre property known as the Board Mill (SEC. 9 & 16, T2N, R18E, Blaine County, Idaho). Site elevation averages 5295 feet above sea level.. The property lies on the western edge of the City of Hailey, and includes the channel of the river. The western boundary of the property is on the west river bank. See the maps on the next two pages.

The property once was the site of the Board Lumber Mill and while most of the old mill equipment and buildings have been removed, many pieces of old machinery, car parts, wooden timbers, and other industrial debris litter the property.

A very old dike runs along the river's east bank containing the river to a rather straight narrow channel. Review of FEMA (Federal Emergency Management Administration) flood plain maps show that no flood plain extends onto the property. Before the construction of the dike (100 years ago?) the river flood plain probably did extend eastward into the property. Very old flood plain swales and other riparian topography can be found, particularly in the southern portion of the site, where less historic land leveling and building took place.

An unused ditch runs along the property's eastern boundary. This flume carried water to an electrical power plant removed many years ago. No headgate remains to direct water from the



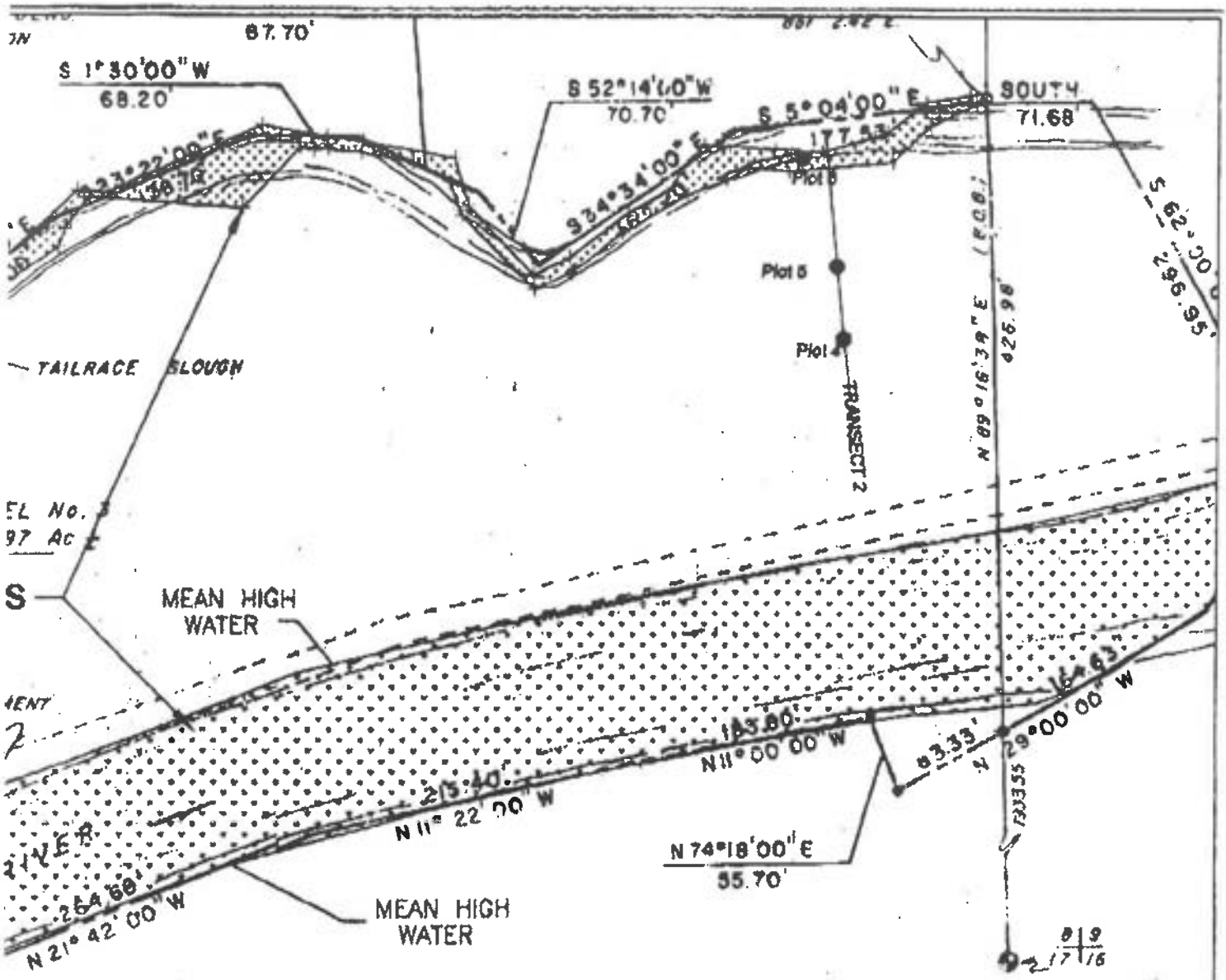
Board Mill

VICINITY MAP

OWNER: BOARD MILL & SUNSET RANCHES, INC.
IN: WETLAND ADJACENT TO BIG WOOD RIVER
NEAR: HAILEY, IDAHO – BLAINE CO.

DATE: 10/28/03
Page 2
SCALE: 1"=2000ft

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS



BOUNDARY SURVEY

BOARDS MILL & SUNSET RANCHES INC.

SEC. 9 & 16, T 2 N, R 18 E BM
BLAINE COUNTY, IDAHO

JUNE 1984

PREPARED BY
RICHARD F. WENGLIKOWSKI L.S.

N

Scale: 1"=100'=0°

Board Mill

SITE MAP

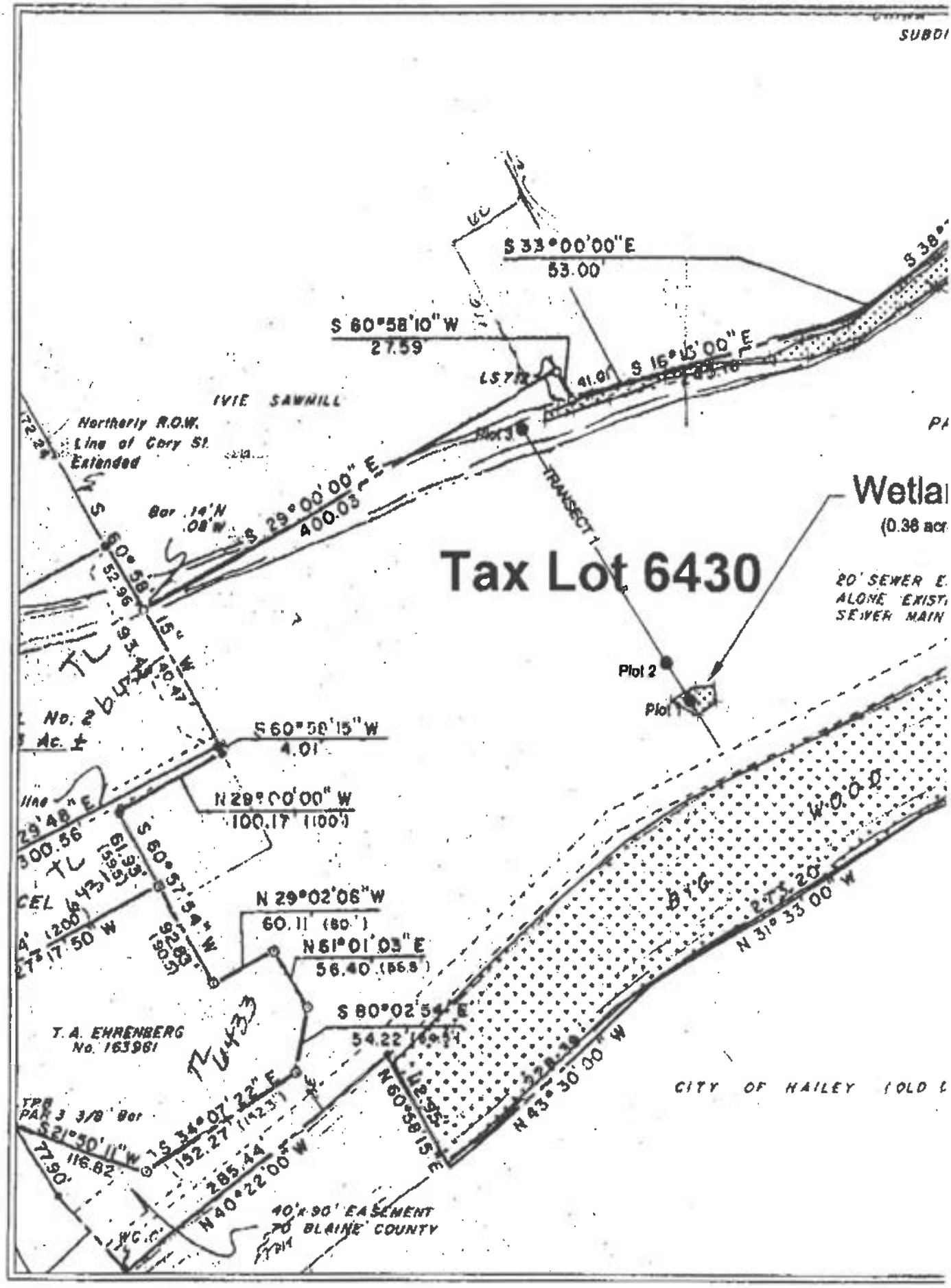
OWNER: BOARD MILL & SUNSET RANCHES, INC.
IN: WETLAND ADJACENT TO BIG WOOD RIVER
NEAR: HAILEY, IDAHO - BLAINE CO.

DATE: Rev. 10/25/03

Page 3

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENT

SCALE: 1"=100ft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53.00'
S 60°58'10"W
27.59
S 16°45'00"E
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Northerly R.O.W.
Line of Cory St.
Extended
S 29°00'00"E
400.03'
TRANSECT 1
Wetla
(0.38 ac
Plot 2
Plot 1
S 60°58'15"W
4.01'
N 29°00'00"W
100.17' (100')
N 29°02'06"W
60.11' (60')
N 61°01'03"E
56.40' (56.8')
S 60°02'54"E
54.22' (54.1')
T. A. EHRENBERG
No. 163961
S 21°30'11"W
116.82'
N 34°07'22"E
(142.3')
152.27'
285.44'
N 40°22'00"W
77.90'
40'x 90' EASEMENT
TO BLAINE COUNTY
N 60°58'15"E
N 43°30'00"W
N 31°33'00"W
CITY OF HAILEY
W.O.O.
B.Y.G.

river into this flume and no streams or other water sources flow into it. In the spring of most years water does up well into the bottom of this ditch and a small stream forms. This stream continues to aggregate water as it flows to the south until it eventually joins with the river.

1.3 Wetland definition

The CWA regulatory definition of wetlands emphasizes three conditions: 1) permanent or periodic inundation or saturation by surface or groundwater resulting in anaerobic soil conditions, and; 2) a prevalence of vegetation which, under normal circumstances, is adapted for existence in saturated soil conditions; 3) and, hydrology of sufficient duration and frequency to support hydrophytic vegetation. Hydrophytic vegetation is defined as macrophytic plant life adapted for growth in water or on a substrate that is periodically deficient in oxygen as a result of excessive water content. The COE interpretation of the CWA resulted in the development of a multi-parameter approach by which positive indicators of vegetation, soils, and hydrology must typically be found to make a positive wetland determination.

2.0 Methods

2.1 Wetland inventory design

The COE manual describes two basic methods to delineate wetlands; routine and comprehensive. Routine determination methods are intended to be used in all except controversial or complex situations. Routine determinations can be further divided into three levels of effort: 1) on-site inspection not required; 2) on-site inspection required, and; 3) the combination of the first two levels. Comprehensive determinations are used when the site characteristics are complex, atypical, or anticipated to be controversial. The routine determination with on-site inspection and data collection was used in this instance because the site is rather large. The on-site inspection of the property was also justified due to the obvious site alteration that has occurred over the years, the heavy vegetative cover on the property's southern end, and the proximity of the river.

2.2 Investigation methods

Coincidentally, the investigator had prior experience with this property and had walked through it many times in various seasons of the year. This gave him experience with where water lay in the various low spots around the site. Prior to conducting this inventory he again walked over the entire property and established two transect lines, extending eastward into the property perpendicular to the river. Inventory plot sites would then be located along those transects. The transect locations were chosen so that the most varying types of habitat were encountered along their length. In this manner, the information collected would typify the site's most prevalent upland and wetland habitat habitats.

Once the plot sites were inventoried the investigator walked along the wetland/upland interface and placed four inch square pink flags reading "wetland delineation" at intervals sufficient to mark

the wetland interface. The positions of those flags were then surveyed into the site plan using established property corners and survey control points.

The site plan on page 3 in this report is for rough location only. The wetland points shown are tied to site survey controls and can be relocated by traditional survey methods, however, the property map was added as a scanned image and may not be a true and correct representation of the property's boundaries.

As the investigator walked the property he noticed that much of the property appeared to have the potential to contain jurisdictional wetlands. Most of the parcel appears to have lain in the Big Wood River's flood plain prior to the construction of the dike. Also, the flume on the property's eastern boundary is low enough that during seasonal high water, "springs" (high groundwater) begin to emanate from its bottom.

Six inventory plot sites were established along the two transects. At each plot site the vegetation was identified and classified as either obligate wetland (OBL), facultative wet (FACW), facultative (FAC), and facultative upland (FACU). Also, a soil pit was dug at in each plot site. Soils are determined to be hydric by the presence of gley, mottles, decayed organic matter, dark streaking of that organic matter as it moves downward with the fluctuations of the water table, and the presence of iron or manganese concretions.

3.0 Results

3.1 Soils and hydrology

Most jurisdictional wetlands are confined to the channel of the river, as expressed by the mean high water mark along its bank, and the bottom of the flume or ditch running along the eastern property boundary. One low area on the east side of the dike at plot site #1 did contain all the conditions necessary to qualify as wetlands, however, it was the only isolated patch we found.

Of the six soil pits we sampled two contained all three positive wetland indicators (plots #1 and #6), two showed upland characteristics (plots #2 and #3), and two plots showed mixed conditions but did not show either strong indications of hydrology (plot #4) or did not contain any wetland plants (plot #5).

At the wetland sites soils were dark (10yr 2/1 and 3/1) and contained obvious mottles and other anaerobic conditions. At the sites that were marginal for wetland conditions (#4 and #5) soils were sandy or sandy and gravelly in the lower zones which can indicate saturated conditions, however, under-story plants were predominately non-wetland species.

3.2 Vegetation

The vegetation observed and their indicator status are detailed in Table 1.

Table 1. Plant species inventoried and their indicator status.

Common Name	Scientific Name	Indicator Status (Reg. 9)
Reed canary grass	*Phalaris arundinacea*	FACW
Common scouring rush	*Equisetum hyemale*	FACW
Common horsetail	*E. arvense*	FAC+
Redtop	*Agrostis stolonifera*	FACW
Red-osier dogwood	*Cornus stolonifera*	FACW
Black cottonwood	*Populus trichocarpa*	FAC+
Red alder	*Alnus rubra*	FAC+
Woods rose	*Rosa woodsii*	FACU
Golden currant	*Ribes aureum*	FAC+
Willows	*Salix spp.*	FACW
Sage	*Artemisia* spp.	NI
Starry false soloman's seal	*Smilacena stellata*	FAC -
Spotted knapweed	*Centaurea maculosa*	NI
Fireweed	*Epilobium angustifolium*	FACU
Western yarrow	*Achillea millefolium*	FACU
Smooth brome	*Bromus inermis*	NI
Quackgrass	*Agropyron repens*	FAC U
Slender wheat grass	*Agropyron trachycaulum*	FAC-
Kentucky bluegrass	*Poa pratensis*	FAC U-
Canada thistle	*Cirsium arvense*	FACU
Yellow Sweet Clover	*Melilotus officinalis*	FACU
Western white clematis	*Clematis ligusticifolia*	FACU

Typically, FAC plants are assigned + or - based upon their proximity to other wetland species and hydric soils.

The dominant ground covers were smooth brome (*Bromus inermis*) or blue grass *(Poa pratensis)* in upland sites and sedges *(Carex spp.)* in the wetland sites. Wood's rose *(Rosa woodsii)* composed the under-story in upland sites and willows (Salix spp.) and dogwood *(Cornus stolonifera)* filled in wetland areas.

4.0 Conclusions and Discussion

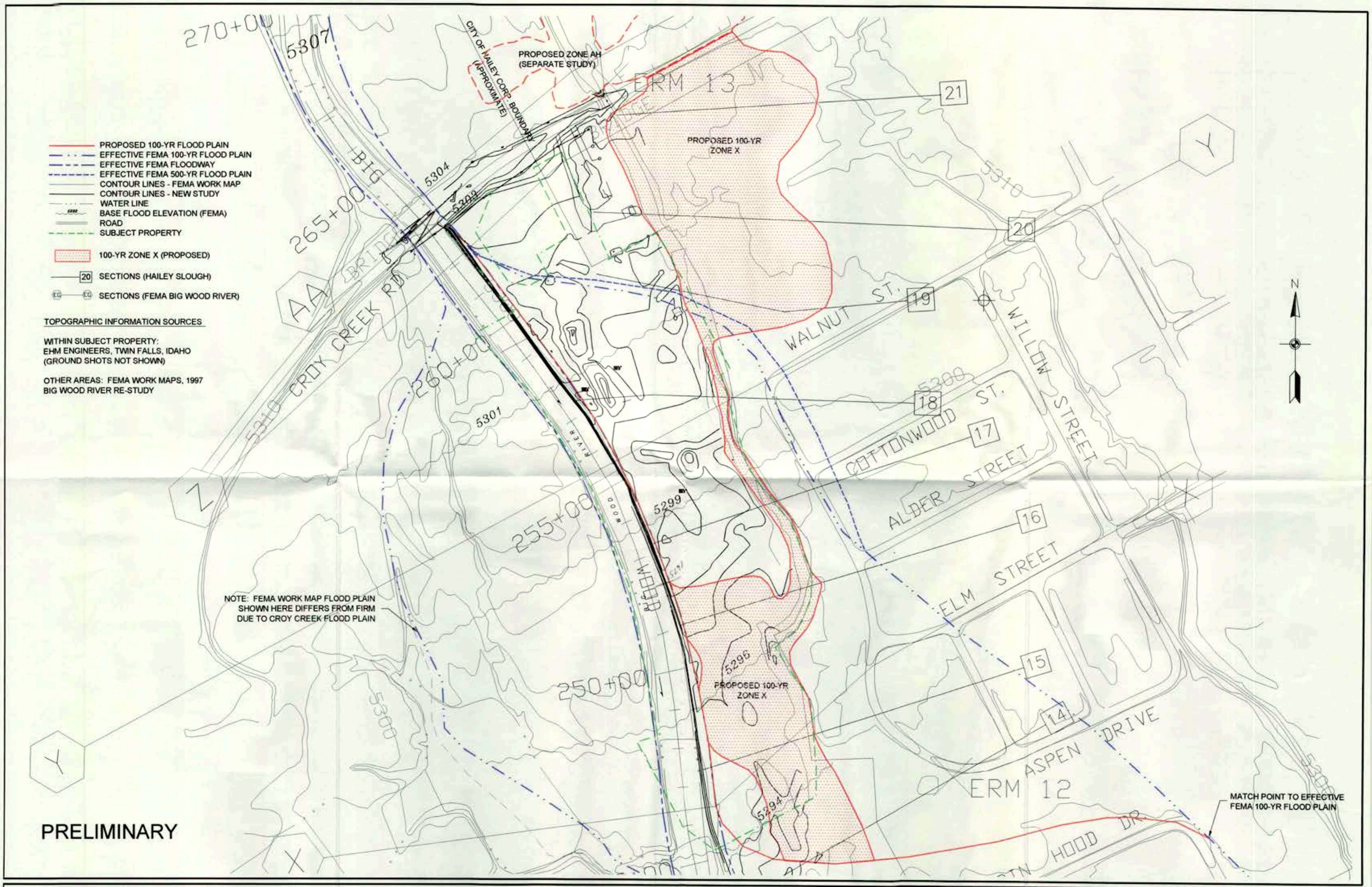
4.1 Wetland delineation

Based upon the soil pit analyses, the hydrology of the ditch and the preponderance of FACW and FAC+ vegetation along it, the investigators determined that **0.36 acres (15,859 sq.ft.)** of wetlands, and the jurisdictional channel of the Big Wood River, exist on the property. We identified two distinct wetland areas (see map on page 3). The main wetland area (15,332 sq.ft.) lies within the old power plant flume on the site's east side. And, one small wetland (527 sq.ft.) sits at plot site #1.

The areas determined to be wetlands lie in the lowest parts of the property and are influenced only by high ground water. No streams or other water sources convey water onto this site with sufficient duration to support wetland conditions. Except along the flume most of the site is dry and where old swales and or drainage patterns are apparent conditions have dried to the point that under-story areas are populated by either wood's rose or non-indicative grasses.

APPENDIX

PLOT FORMS



REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
A	ISSUED FOR REVIEW	3/1/06		

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

DESIGNED BY: COB | DRAWN BY: ALR

0 75 150 FEET

SCALE 1"=150'
(18 X 24 DWG ONLY)

BROCKWAY ENGINEERING, PLLC.
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID. 83301
(208) 736-8543

CAPLOW, MARK
FLOOD PLAIN REVISION AND LOMR REQUEST

SITE PLAN

PROJECT # 072-04-2004

DWG # PLATE 1

REV A

EHM Engineers, Inc.
ENGINEERS / SURVEYORS / PLANNERS

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT.

Date: July 28, 2005

To: City of Hailey
ATTN: Diane Shey

From: Gerald L. Martens

Via: Go-Fer It Express

Regarding: Boards Mill

Please find attached a revised master plan (12 copies) that reflects minor changes made since our most recent visit.

In addition to these drawings I have directed, in writing, Steve Fisher to provide you with the final confirmation of the wetland determination.

It is my understanding that you have the necessary information from Idaho Department of Fish and Game and the long-awaited avalanche report.

With this information I believe we have provided the necessary information to get in line for annexation.

If you need additional information between now and August 20th please call Kristi Fehringer at 208-734-4888. After that date I will be back in the office.

Enclosure

298-03

JUL 29 2005

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • (208) 734-4888 • Fax (208) 734-6049
2404 Bank Drive, Suite 100 • Boise, Idaho 83705 • (208) 386-9170 • Fax (208) 386-9076

Boardsmill 7-14-05

need

updated letter from Army Corp after spring study

Steve Fisher will send

Rec'd 7-18-05

- Gerald to revise plan to show 20,000 ft lots, not incl floodway area

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-4221
Fax: (208) 788-2924

March 28, 2005

Bullion Partners
% Mark Caplow
9533 Pico Blvd, Suite A
Los Angeles, CA 90035

Dear Mark:

We have received some additional submittal items for your application for annexation of Tax Lot 6430. Some items are still needed, however, before we can certify the application as complete.

An avalanche study that is of a scale sufficient to determine whether or not any portion of the property is subject to avalanche danger is needed. It is possible that no avalanche hazard areas exist, but we have not been provided with sufficient evidence of this. A local engineer has avalanche expertise, and the City would likely recognize his determination. He is in fact working on an avalanche map for our proposed avalanche ordinance. His name is Bruce Smith, Alpine Enterprises, 727-1988.

A copy of a memo from Gerald Martens to Idaho Fish and Game was submitted. We need correspondence from IFG, specific to the subject property, to satisfy the wildlife study requirement.

A photocopy of the (d) Wetland study was received; however, we will require the original study, or at least a color copy of the map that shows the "area highlighted in pink" as referenced in the Army Corps of Engineers letter of December 2, 2003.

need updated Army ltr

The Site Development Map submitted does not show the recognized FEMA floodplain or floodway boundaries. A "Preliminary" map from Brockway Engineering, dated January 2005, was submitted which shows some areas within the subject property above the base flood elevation and some areas below. The City's Flood Hazard Overlay District is applied to all lands that lie within the floodplain boundaries as determined by the FEMA Flood Insurance Study and the FEMA Map (Flood Insurance Rate Map/Flood Hazard Boundary and Floodway Map, March 17, 1997). The FEMA Map shows nearly all of the subject property within the floodplain. As such, you would need to apply to FEMA for a Map Amendment if you are proposing uses not allowed in the Flood Hazard Overlay District.

The Site Development Map submitted is not satisfactory. While we do not require a complete preliminary plat showing all utilities, street sections, and so on, the ordinance does require a "schematic" design. I consider the map presented a rough "conceptual" design, without adequate information for meaningful review by department heads or the Planning

and Zoning Commission. The map contains many markings that are not defined on the legend. No easements are shown. Individual lots are not delineated, where lot size is critical. The number of living units, which appears to be 31 on the map, actually ranges from 20 to 45 according to a memo from Gerald Martens dated March 18, 2005. Without a specified number of dwellings, at least as a starting point, we have little to base our review upon.

Quite frankly, of greater concern than the missing information is the quality and content of the items received. Specifically:

- The Site Development Map shows a 75 foot riparian setback from the "top of the bank". Our ordinance requires a 100 foot setback from the mean high water mark (Zoning Ordinance, Section 4.10.6.2.d.6).
- While the narrative states, "Existing wetlands will be preserved", a "wetland area" is shown on the Site Development Map, with what appears to be a building site directly adjacent to it.
- A memo from Gerald Martens dated March 18, 2005, states that "the number of living units will be 20 – 45 depending upon the final selected combination of townhouses, attached housing and detached single-family housing. Only single family homes on 20,000 square foot lots are allowed in the Flood Hazard Overlay District (Section 4.10.6.2).
- Mr. Marten's letter also states, "All roadways and utilities will be developed to public standards and offered to the City of Hailey for maintenance." The minimum public residential street right-of-way width is 60 feet (Standard Drawing #802A). The street shown on the schematic plan scales at only 20 feet in width.

I am confident that our Planning and Zoning Commission will not react favorably to such a poorly considered and presented plan. I recommend that you and your team familiarize yourselves with the City of Hailey's ordinances, standards and policies, and redesign your proposal to adequately reflect them, as well as the sensitive nature of this riverside parcel.

The City would like to consider your application in a timely manner, as soon as the application is sufficiently complete for meaningful review and input. The annexation application by Tony Ehrenberg, owner of Tax Lot 7273, has recently been certified as complete. As noted in my previous letter, the City wishes to hear the two applications concurrently.

Please call me at 788-9815, ext 13, if you have any questions.

Respectfully,

Kathy Grotto
Planning Director

cc: Gerald Martens
Evan Robertson

ALPINE ENTERPRISES INC.

Surveying, Mapping, GPS, GIS and Natural Hazards Consulting

DATE: July 1, 2005

TO: Gerald L. Martens, PE
EHM Engineers, Inc.
621 North College Rd., Ste. 100
Twin Falls, ID 83301

RE: Avalanche Hazard at the Board Parcels in Hailey proposed for Annexation

Dear Mr. Martens;

At your request, I have used available maps and made site visits to determine the potential Avalanche Hazard at the Subject Property. Please refer to attached Vicinity Map showing the Study Site and Study Limits.

I have determined that the Study Site will not be affected by snow avalanches. Please be aware however, that avalanches occurring further downstream may occasionally dam the River resulting in temporary rises in River Water Elevations.

Please feel free to contact me if you have any questions, comments, or I can be of further assistance.

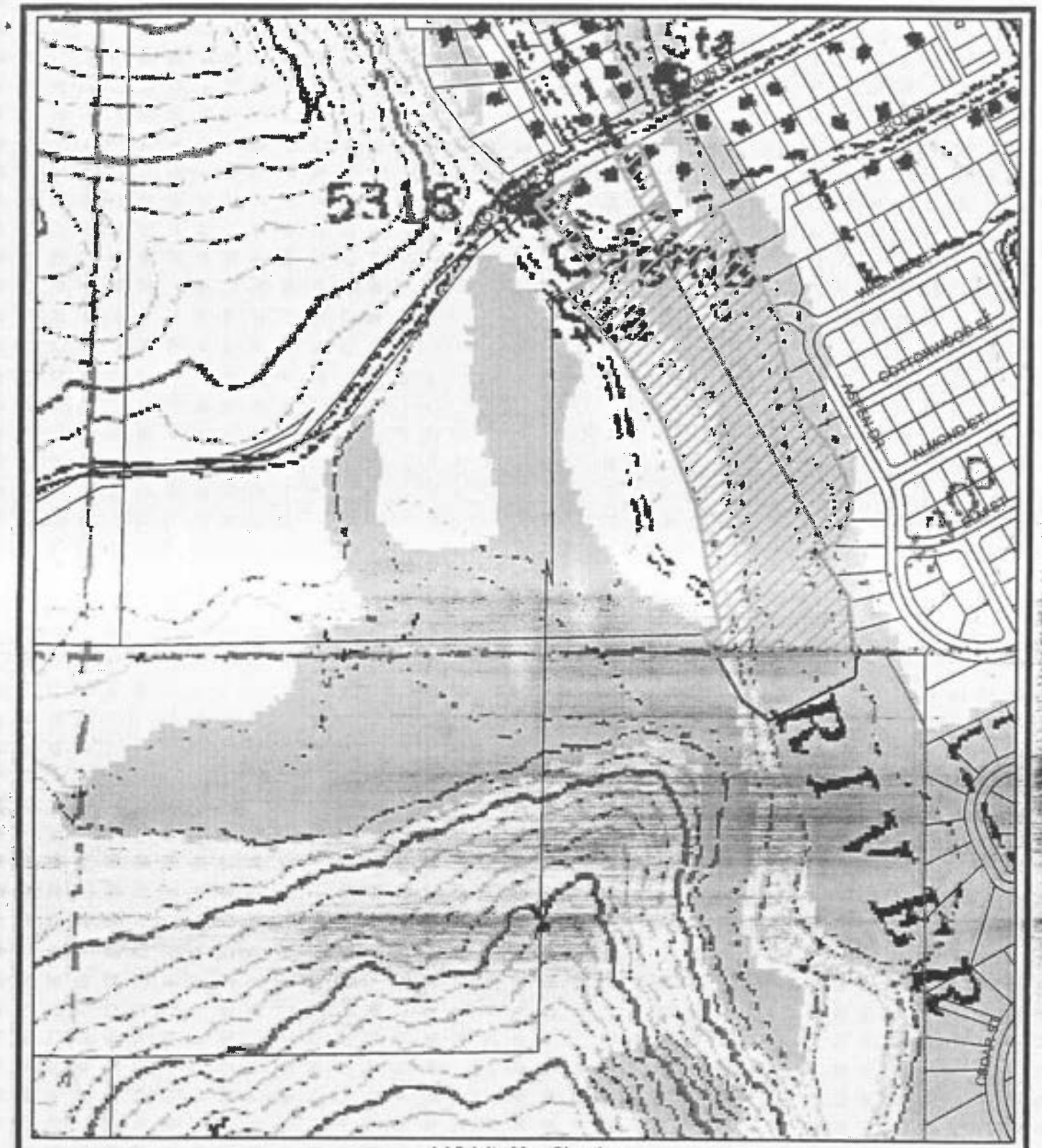
Respectfully submitted,

Bruce Smith, President
Alpine Enterprises Inc.

Cc: Kathy Grotto, Hailey P&Z

736_BoardHaileyAvy.doc

P.O. Box 2037, 280 Rivers St. E., Lower Level, Ketchum, ID 83340 208-727-1988 fax: 208-727-1987 e-mail: alpine7@mindspring.com



A Vicinity Map Showing

Board Parcels Proposed for Annexation into the City of Hailey

Within a Portion of S.9, T.2N., R.18E., B.M., Blaine County, Idaho

Prepared for EHM Engineers Inc.

Hailey City Limit

Subject

Alpine Enterprises Inc.

280 Rivers St. East. PO Box 2037

Ketchum. ID 83340 (208)727-1988

0 400 Feet

1 inch = 400 feet

EHM Engineers, Inc.
ENGINEERS / SURVEYORS / PLANNERS

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT.

Date: March 18, 2005

To: Idaho Fish & Game Department
P.O. Box 428
868 E. Main
Jerome, ID 83338

From: Gerald L. Martens, P.E.

Via: Mail

Regarding: Annexation – Blaine County Tax Lot 6430

Bullion Partners has submitted an application to the City of Hailey for annexation of 16± acres adjacent to Bullion Street and the Big Wood River. In fact, the property description incorporates the Big Wood River with the boundary of the parcel.

The project will be developed for residential purposes utilizing Bullion Street for primary access. The project will protect the riparian area adjacent to the river, protect identified wetlands, and retain much of the site vegetation. The project will also afford the opportunity to remove large accumulation of debris including abandoned vehicles, abandoned equipment, decaying structures, and large accumulations of deadfall and dead trees.

The annexation process provides the opportunity for your input on the annexation and development requirements. Please provide your input to the Hailey Planning and Zoning Commission at the Hailey City Hall.

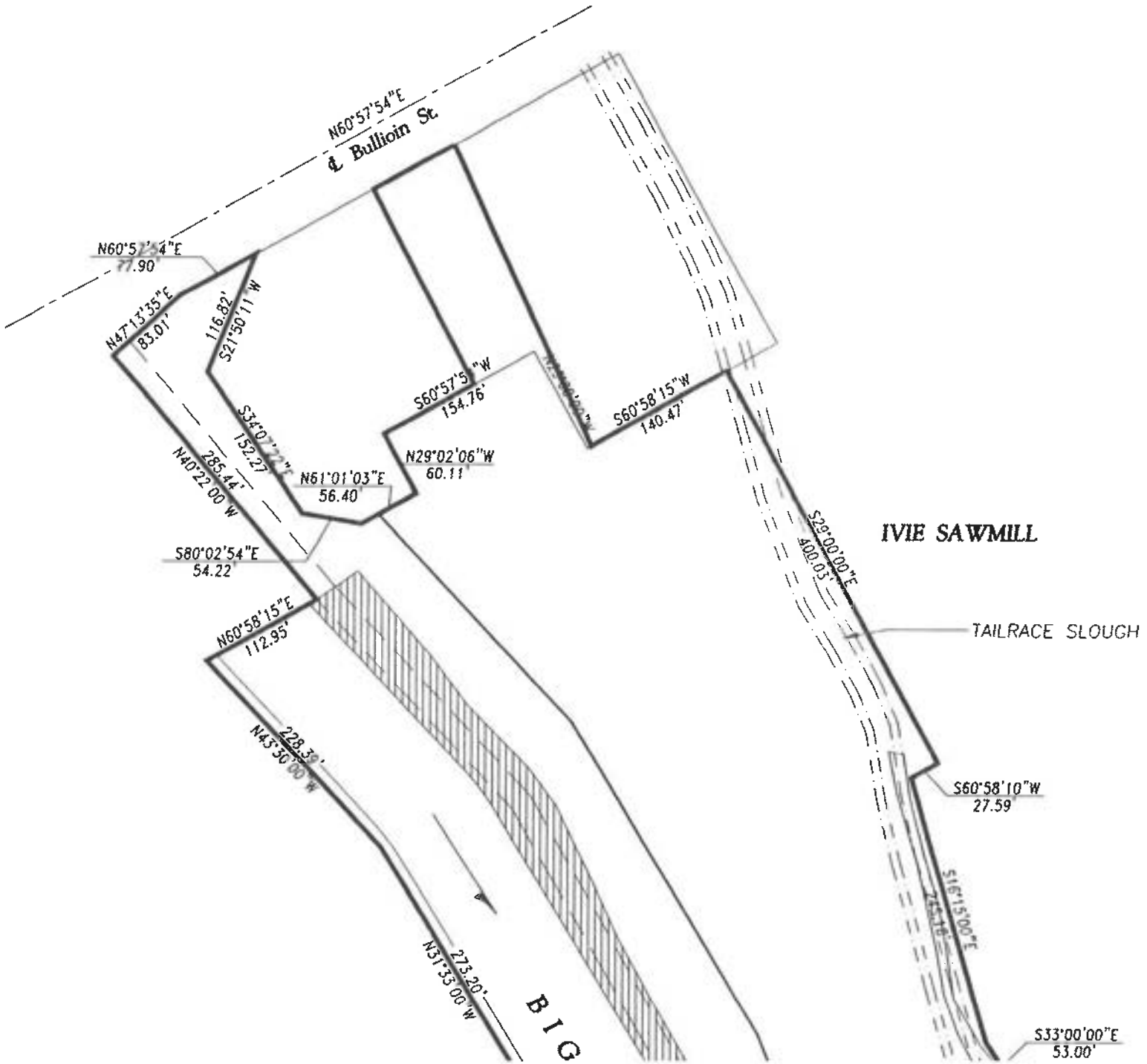
I have enclosed a boundary survey to assist you in identifying the property. If you need additional information please call me at 208-734-4888.

RECEIVED
MAR 2 5 2005

Enclosure

298-03

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • (208) 734-4888 • FAX 734-6049
Westside Office Building, 5th St. and 1st Ave. • Ketchum, Idaho 83340 • (208) 726-3578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154.76'
S60°58'15"W
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S34°07'20"W
152.27'
285.44'
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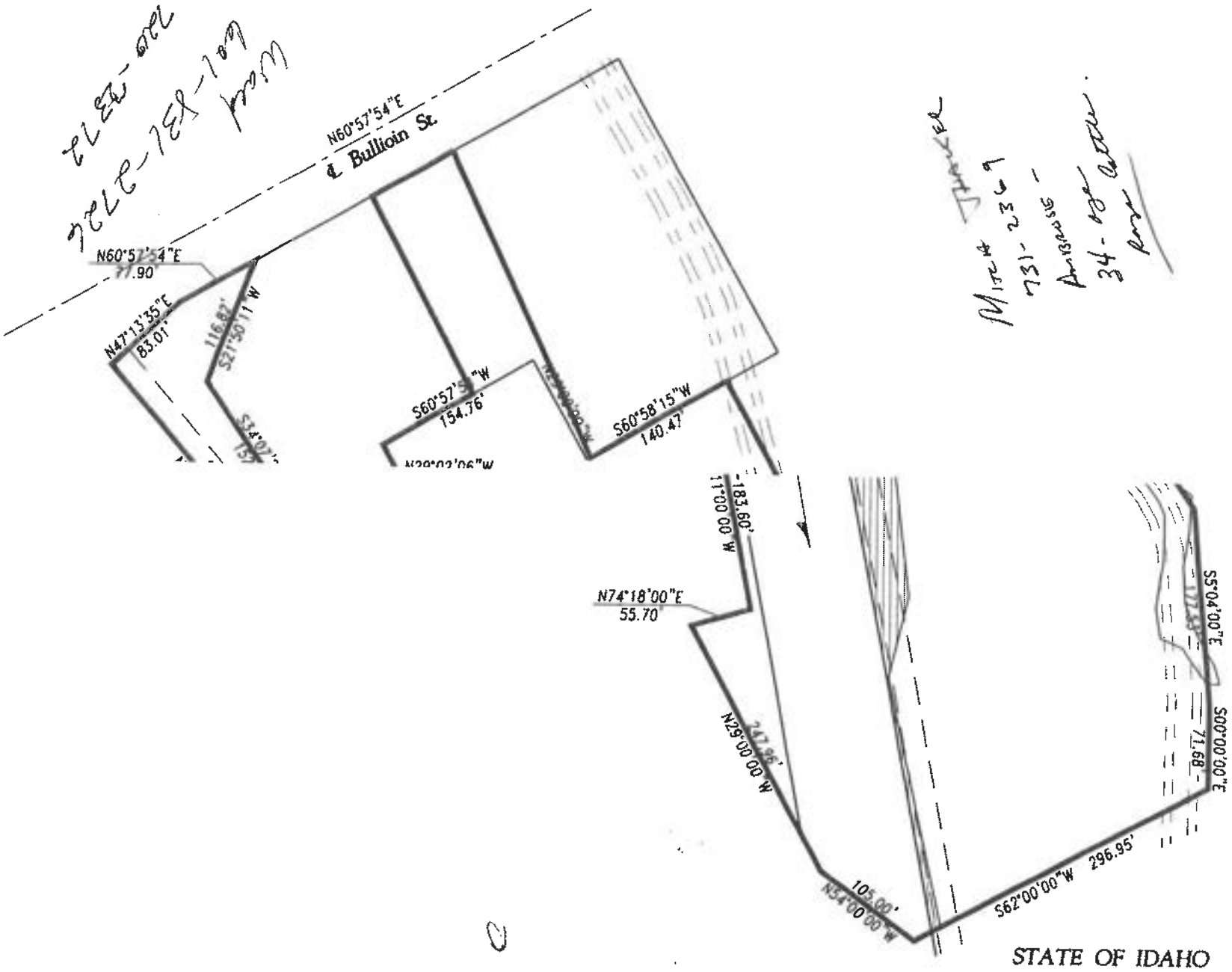
S80°02'54"E
54.22'
N60°58'15"E
112.95'
228.39'
N43°30'00"W
273.20'
N31°33'00"W
S29°00'00"E
400.03'
IVIE SAWMILL
TAILRACE SLOUGH
S60°58'10"W
27.59'
S16°15'00"E
S33°00'00"E
53.00'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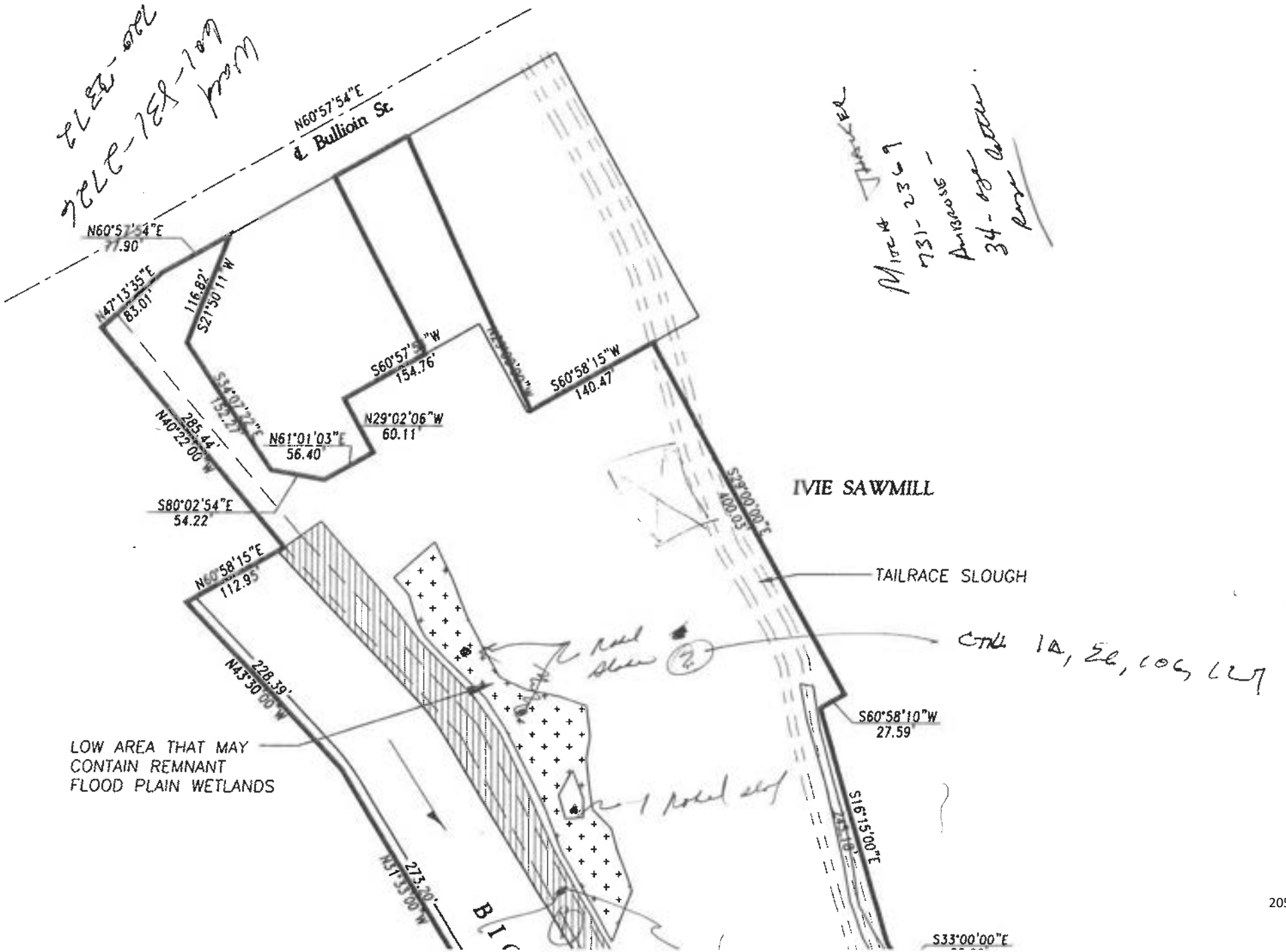
STATE OF IDAHO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S33°00'00"E
LOW AREA THAT MAY
CONTAIN REMNANT
FLOOD PLAIN WETLANDS

205

NED C. WILLIAMSON
ATTORNEY AT LAW
115 SECOND AVENUE SOUTH
HAILEY, IDAHO 83333
(208) 788-6688
FAX (208) 788-7901

COPY

February 18, 2005

Terry Hogue, Esq.
Hogue & Dunlap, L.L.P.
P.O. Box 460
Hailey, Idaho 83333

J. Evan Robertson, Esq.
Robertson, Hepworth, Slette, Worst &
Stover, PLLC
P.O. Box 1906
Twin Falls, ID 83303

Mr. Steve Brown
Mr. John Campbell
c/o Old Cutters, LLC
P.O. Box 3290
Hailey, Idaho 83333

Pastor Mike Hendricks
P.O. Box 3490
Hailey, Idaho 83333

Re: Annexation applications

Gentlemen:

You or your clients have submitted applications for annexation into the City of Hailey. As part of the application process, you will need to obtain a fiscal impact study. Under Hailey's newly adopted annexation ordinance (Hailey Ordinance No. 889), the City may require a "fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council to determine the proposed annexation's impact and to recommend the base amount of annexation fees." If you have not done so already, I would recommend that you initiate the search for a qualified person or firm, and advise us of the person's qualifications and methodology to be used. If the City ultimately agrees with the request for annexation, I want to emphasize that any recommendation from the fiscal impact study will be considered a minimum amount for annexation fees. Other consideration may be required.

If you have any further questions, please contact me. Thank you.

Sincerely,

Ned C. Williamson

NCW/jrs
cc: Mayor and City Council
Planning and Zoning Department
City Clerk

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-4221
Fax: (208) 788-2924

February 16, 2005

Bullion Partners
% Mark Caplow
9533 Pico Blvd, Suite A
Los Angeles, CA 90035

Dear Mark:

The City received your application for annexation of Tax Lot 6430 on February 11, 2005. However, the application is currently incomplete. The following information is required before we can certify the application as complete and schedule the first hearing before the Planning and Zoning Commission:

1. Application fee. The exact amount can be determined once the number of surrounding property owners is known.

2. Proof of ownership interest in the property.

3. A list of names and addresses of all property owners and residents within 300 feet of the exterior boundaries of the subject property.

4. Names and addresses of all easement holders within subject property.

5. "A statement describing how the proposed project complies with *specific goals and policies* of the Hailey Comprehensive Plan." Please reference by section number the specific goals, policies and/or implementation items of the relevant elements of the plan.

6. "A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks." The plan submitted shows only outlines of parcels and a roadway. The parcels are not called out as residential lots or green space parcels. It appears that there are nine dwelling lots, which will require park dedication pursuant to our subdivision ordinance. The site plan does not include a complete legend.

7. "A description of the proposed project, including the approximate a) number and size of proposed lots, b) length and location of the proposed water and sewer mains, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks." Nothing was submitted for this requirement.

8. "A statement describing how the proposed project is compatible with adjacent neighborhood(s)". Your response should explain how the project is compatible, not just a statement that you believe it is compatible. For example, what are the lot sizes in comparison to adjacent lots? How does the circulation pattern promote compatibility?

9. "A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated." In addition to your narrative regarding preservation of existing wetlands, please address at least the following issues: access to public lands, mitigation of floodplain and floodway areas, and any special provisions for preserving the 100 foot riparian setback area.

10. "A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded." I do not understand the statement, "All utilities will be extensions of existing wetlands…"

11. "A description of how the proposed annexation will protect Hailey's established or proposed wellhead protection zones." I believe you have this statement under the heading 'Wetland Protection'. That statement probably is meant to read, "The project will utilize City of Hailey sewer system…"

12. "Unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted:
    a) ~~Traffic study showing impact on adjacent streets and streets that would serve the proposed project.~~
    b) Floodplain study (if applicable).
    c) Avalanche study (if applicable).
    d) Wetland study (if applicable).
    e) Wildlife study.
    f) A Level I environmental study showing the presence of any hazardous waste.
    g) ~~Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.~~"

The following studies were not submitted but are required: (b) Floodplain study, (c) Avalanche study (a map provided by Blaine County may be adequate, depending on the proximity of the nearest avalanche area shown thereon), (e) Wildlife study.

A photocopy of the (d) Wetland study was received; however, we will require the original study, or at least a color copy of the map that shows the "area highlighted in pink" as referenced in the Army Corps of Engineers letter of December 2, 2003. In addition, that letter states, "To confirm whether 0.31 acre area is jurisdictional wetlands or not, additional studies need to be done in the spring when the river flows are at or near normal high flows… Until this information is obtained, this area is considered to be jurisdictional." Please provide

any information as to whether the additional studies have been or will be conducted, or whether you accept the jurisdictional determination.

The following studies are not required: (a) Traffic study, (g) Contour map depicting 15% and 25% slope lines.
The Level I environmental study was received and is acceptable.

Please be advised that your application documents should contain the name Board's Mill, or other unique name, not "Board Ranch". Blaine County will not accept plat names that are the same or similar to other subdivision names – there are already subdivisions containing the name "Board Ranch" near Ketchum.

As you may or may not know, an annexation application has been received from Tony Ehrenberg, owner of Tax Lot 7273. As your property surrounds Ehrenberg's on three sides, I will recommend that the City hear the two applications concurrently.

Please call me at 788-9815, ext 13, if you have any questions.

Respectfully,

Kathy Grotto
Planning Director

cc: Gerald Martens (fax 208-734-6049)

ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER, P.L.L.C.
ATTORNEYS AT LAW

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

161 Fifth Avenue South, Suite 100
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

J. EVAN ROBERTSON

RECEIVED
OCT 06 2004

HD NW RH
JA SM
KG

October 5, 2004

VIA FACSIMILE 208-788-2924

Honorable Susan McBryant
Mayor, City of Hailey
115 S. Main
Hailey, ID 83333

RE: **Lions Park**

Dear Mayor McBryant:

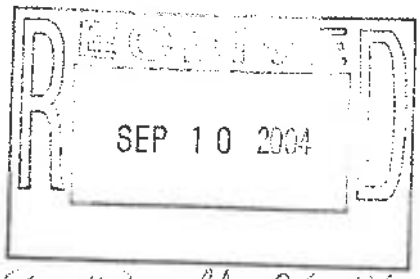
I noted with interest an article by Matt Furber in the September 29 edition of the *Idaho Mountain Express* concerning the Lions Park restoration plan, which stated, in part, that "Further riverbank restoration to be done is part of the Whitewater Park project would eliminate erosion potential into the river". As you know, I represent Bullion Partners, the owner of the former Board property immediately across the river from Lions Park. My clients have been provided with preliminary drawings and information concerning the proposed Whitewater Park, but continue to have substantial concerns over the impact that proposal will have on the residential development of their property. The plans presented to us showed more revetment and river modifications than simple "restoration", and included a number of structural modifications in the river and on its east bank, to which Bullion Partners has not consented and may actively oppose unless their concerns are adequately addressed. The *Express* article seemed to suggest that the ice skating facilities and improvements to Lions Park include the Whitewater Park proposal, which we understood to be a very separate and distinct proposition. Has the Whitewater Park now been incorporated by the City as an integral part of the Lions Park project and, if so, are final plans and specifications for that part of the project available for our review? It also appeared from the article that the Wood River Land Trust was somehow involved in this city project. I would appreciate any information you could provide on the role of the Wood River Land Trust, particularly as it relates to the proposed Whitewater Park, and any "improvements" to be constructed on, or attached to, the east bank of the river.

Sincerely,

J. EVAN ROBERTSON

JER:rlm
rlw\jerletter\city hailey Mayor

September 13, 2004



CC MB SA BK KB RH WRU

Hailey City Council
115 Main St. South
116 Suite H.
Hailey Idaho, 83333

Re: Lions Park Master Plan

Dear Honorable Council Members,

We are the owners of the old Board Ranch property across the river from Lion's Park. The Lions Park Plan has some wonderful features that will be very well attended by Hailey residents and visitors from the surrounding areas. It must not be overlooked, however, that the type of park contemplated is vastly different from a typical neighborhood park. The catch is that this is a quite neighborhood area. The challenge is to harmonize the attendance of the park with neighbors who are looking for some quiet time when they get home. After looking at the proposed plan for Lions Park, we feel that several questions remain;

1. If this is a Master Plan for Lions Park, shouldn't this include a Master plan for the entire area? Our property is approximately 15 acres that is directly in front of Lions Park. It is undeveloped but will be developed some time in the future. Any Master Plan should include all other neighboring properties in an effort to have a plan that is sympathetic to neighboring uses. This is an opportunity to have a long range plan for an entire area rather than quickly trying to push a certain use through.

2. Since Lions Park is located in the County, how would the development take place? Currently the park is not zoned for a Hockey rink. Would the city have to go through the zoning, the building permit and construction process through the county? Since this property is owned by the City, shouldn't this process be controlled by the city and not the county?

3. Will there be lights that will be seen from the neighboring residences and will they be on for all hours? Will the parking be enough? What are the hours of operation? Will people be on all sides of the banks watching their friends in the white water park and therefore trespassing on others property? Who cleans up after these visitors for the entire area that is affected?

From: "EAL - Ed Lawson x-4109" <EAL@HTEH.COM>
To: <Kathy.Grotto@haileycityhall.org>
Date: 1/18/02 5:52PM
Subject: Re: Board Property

Thank you so much for the heads up on that. After Cedar Bend I don't think I'll ever overlook wetlands.

>>> "Kathy Grotto" <Kathy.Grotto@haileycityhall.org> 01/18/02 02:21PM >>>
Ed,

I just left a voice mail with Bill Hatch and thought I would advise you as well. Another issue that will require analysis for the Board property is determination of the existence of wetlands. I do not know for sure if wetlands exist, but I would expect that some may.

Agencies involved would include:
IDWR (Terry Blau) - Twin Falls
Army Corps of Engineers (Greg Martinez 208-343-0671)
Idaho Fish and Game

Thanks,
Kathy

Diane Shay

From: Diane Shay [diane.shay@haileycityhall.org]
Sent: Friday, April 27, 2007 10:25 AM
To: 'Linda Kelsey'
Subject: RE: Caplow/Bullion Partners

Linda,

I discussed this issue with Kathy and Susan yesterday. Both suggested that even though Caplow's have applied for annexation (application has been in house and incomplete for almost 2 years now) the Commission and Council may elect not to annex it as it is a problematic piece of property due to the whole flood/LOMR issue. Inevitable jurisdiction for Hailey and Caplow's land may not occur at all.

The application has been incomplete because our annexation application requires a schematic plan for the property and the LOMR is critical to them being able to develop the property with the density they desire due to our 20,000 sf minimum lot size in the floodplain. Our annexation process does give us a great deal of discretion but as noted, we need a schematic first.

That said, I think it would be best if the County continues their work on the LOMR and not defer a decision. I know this is a big project on your plate and one that you'd like to complete before your departure, but the Mayor has spoken and would like the County to finish it.

Regards and happy Friday!
Di

From: Linda Kelsey [mailto:lkelsey@co.blaine.id.us]
Sent: Wednesday, April 25, 2007 1:12 PM
To: Tom Bergin; Diane Shay
Subject: FW: Caplow/Bullion Partners
Importance: High

Tom and Diane, see Kathryn's comments below, her assumptions don't factor in critical path issues in timing, so we may need to address this differently.

Right now I'm inclined to ask that the consideration of the LOMR be deferred, and instead considered in the application to the City for annexation; they are bucking for the determination to "make it so" prior to their request for annexation, and the City has loads of leverage to facilitate mitigation during the annexation process. I'm thinking that is the best solution based upon what seems an intent to control the outcome of the project prior to the City having jurisdiction. I hate the idea of the County painting the City into a corner...; the applicant is clear that the intent is for the parcel to be annexed for maximum density.

Tom, let's discuss, as this may be brought up to the County Administrator/Commissioners soon, and we want to let it be known that we are trying to be conscientious. ***Maybe we need the Mayor to write to the Commissioners requesting that they defer signing, due to ACI and inevitable jurisdiction...?*** (Diane, do you think that is an option?) I'm risking some written brainstorming here, so that we may facilitate doing the right thing before it becomes political pressure from the applicant, and we lose the opportunity to facilitate improving the impacts to the past decisions channelizing the river.

I look forward to everyone's thoughts....

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208

Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

From: Linda Kelsey
Sent: Wednesday, April 25, 2007 1:01 PM
To: 'Kathryn Goldman'
Subject: RE: Caplow/Bullion Partners

Thank you Kathryn, we will keep you posted.

In the meantime, is the purchase of the 80 acres confidential, or may we disclose it in our discussions?

Thank you again, Kathryn, for your time regarding the subject. Regards,

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
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PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

From: Kathryn Goldman [mailto:kgoldman@woodriverlandtrust.org]
Sent: Wednesday, April 25, 2007 9:15 AM
To: Linda Kelsey
Subject: RE: Caplow/Bullion Partners

Linda,
Thanks for including me in the email "loop." I spoke with Scott re the Caplow development across the river from Lions Park. We agreed that WRLT would need to see a development plan and be invited to look it over and provide comment. With a development plan to review, we would strategize about what, if any, mitigation might be conducted off-site, downstream, as well as on-site mitigation. We would then put together some comments and come back to the county/city for discussion.
Keep me posted on the timing.
Kathryn

From: Linda Kelsey [mailto:lkelsey@co.blaine.id.us]
Sent: Tuesday, April 24, 2007 1:48 PM
To: Diane Shay
Cc: Tom Bergin; Kathryn Goldman
Subject: Caplow/Bullion Partners

Hi Di!

I received a message from Chuck Brockway, and he says he has an update on proposed mitigation for the site. I have spoken with Kathryn Goldman, and she is up to speed on the status of the application, and intended to speak with Scott Boetcher about how to proceed.

- I told her I was not going to try to "broker" a deal; I was just suggesting to the parties concerned that there may be a way that we can make this palatable for me to recommend the Commissioner's signature on the LOMR, or for the City to do so upon annexation;
- She was pleased to discuss the topic, as the 80 acre parcel directly south of the Caplow/Lions Park parcels is slated for purchase sometime early summer, possibly in June (she may confirm whether this is confidential or not...!);
- WRLT is thankfully very interested in the idea of funding contributions to facilitate improving the stretch of river south of the Caplow parcel, especially if it might improve the challenges in Della View Sub.;
- Kathryn and I agreed that they should/would not be jumping into the negotiations, but instead would wait for the appropriate invitation to step into the discussion;

- If there is a proposal for a win/win improvement to the floodplain via the development, I will politely step out of the way. My goal is that there evolve an agreement for a means of accommodating our concerns for the LOMR.

So Chuck is suggesting that you and I call to get an update from him. Did Tom Hellen ever get a request for the electronic file on the location of the sewer line? If you would like to conference down to Chuck, I could do so on Wednesday or Thursday morning. Let me know what works! Thank you,

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Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
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219 1st Avenue South, Suite 208
Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

Hello Kathy and Diane!

Surprisingly, I just recently received contact from representatives for the riparian violation on this site. (I've attached the letter sent in May to refresh your memory.) Though I've been requesting coordination with them since May, via the PA's office, they called to attempt a site visit the first real snow day a couple of weeks ago! Since we require the site visit for confirmation of the Ordinary High Water (which is the back of the levy, per our definitions,) and therefore the beginning of the 75' riparian setback, we are at a standstill potentially until spring!

Though I am under the impression the Area of Impact doesn't make mention of rectification of violations, I thought I'd share the status of our negotiations. If you have any further questions, please do not hesitate to call.

Linda L. Kelsey

Planner, Blaine County Planning & Zoning

219 1st Avenue South, Suite 208

Hailey, ID 83333

(208) 788-5570

Blaine County Planning/Zoning/Building Department
206 1st Avenue South, Suite 310 Hailey, ID 83333
Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576
www.blainecounty.org

May 6, 2004

Bullion Partners, LLC By certified mail, return receipt and fax to (310) 277-4855
Mark A. Caplow
Elliott M. Caplow and Elaine R. Caplow
9530 West Pico Boulevard
Los Angeles, CA 90035

Re: Tax Lot 7900 located in SW1/4 Sec. 9, T.2N., R.18E., B.M., Blaine County, Idaho
Historical sawmill site, located along the SE bank of the Big Wood River at Bullion Street
Notice of Violations: Blaine County Code
Stop Work Order

Bullion Partners, LLC,

A field visit and photographs taken on site yesterday morning and evening document violations of Blaine County Code, Title 9 (Zoning Regulations) and Title 7 (Building Regulations). Witnessed was clearscraping, removal of vegetation by motorized equipment, and pieces of heavy equipment parked within the riparian setback district. Section 9-17-6 (D) of the Blaine County Zoning Regulations describes Prohibited Uses within the specified stream setbacks that have been violated. The Big Wood River is a Class 1 Stream, as defined within the ordinance, and therefore requires the protection of a 75' riparian setback. Prohibitions within the specified stream setbacks include "clearcutting, scraping with motorized equipment, ..." Buildings have been removed without first obtaining required permits.

Until the project scope is defined and all necessary permits obtained, a **Stop Work Order** is hereby in effect and was posted on the site May 5, 2004, and May 6, 2004. This means **all construction, demolition, and site alteration activity shall IMMEDIATELY CEASE** and shall not re-commence until all related issues have been resolved.

Riparian Setback District:

Staff in the field provided the following criteria to your representatives present in the field, including, but not limited to:

- No activity shall occur within the Riparian Setback District, until the Stop Work Order has been lifted by the County.
- A licensed surveyor shall provide a stamped and signed site plan of the parcel, including the location and dimension of the dike located along the east side of the river, riparian setback as measured from the landward side of the dike, mean high water, and floodplain and floodway information as described by the FIRM (both plan and sectional information). Identification and location of buildings that have been removed and are planned to be removed shall be noted. The County Engineer may be asked by this office to review this information and that cost shall be borne by the property owner.
- A licensed surveyor shall provide field staking of the riparian setback and jurisdictional wetlands areas.
- A detailed restoration plan, narrative and timetable to cure the violations shall be provided this office for review and approval.

While our staff was *in the field*, EHM Engineers, Inc., faxed a copy of a wetlands delineation prepared by Fisher and Associates, dated October 28, 2003 for Board Mill and Sunset Ranches, Inc. to the Planning Office. No appendix or plot forms, as noted in the study, were attached to the copy received by this office. *As part of the information necessary before the **Stop Work Order** may be lifted*, this office requires evidence of submittal of this wetland delineation to the U. S. Army Corps of Engineers and acceptance thereof by the Corps. Blaine County Zoning Regulations, Chapter 19, provide for a conditional use permit process for projects that propose to disturb wetlands. Without the specific information required above, this office cannot determine whether such a permit is necessary for the work that has been done, or is planned to be done.

Remarks made in the field by persons apparently representing you indicate that the intention is to do work along the river bank similar to that which has been done along the west bank by the City of Hailey. That work required an approved Blaine County Stream Alteration Permit, as well as approval by the Corps of Engineers and Idaho Department of Water Resources. If this is your intention, there is a process to follow. The Riparian Setback District is put into place so as to enhance the flood protection and reduce flood velocities via the retention of natural vegetation. Blaine County strives to maintain a healthy and properly functioning riparian area through its regulations.

Building Code Violations:

Our on-site visit evidenced complete demolition of certain buildings on the site. Your contractors indicated the intent to demolish more. This office was delivered the $25.00 demolition permit fee yesterday afternoon by Gary McStay. He also submitted an *incomplete application form*. As a result, no permit has been issued for the demolition work being done on the site. As noted above, the site plan that is required shall show all buildings on the site that have been destroyed, that are intended to be destroyed under the incomplete permit application, and that are to remain intact. Section 7-1-4 of Blaine County Code (B) Permits Required states that a demolition permit is required prior to such activity. Permit applications must be complete before the County can process and act on them.

It is unfortunate with the depth and breadth of local contractors you apparently have working for you in our community that they did not take into account and clearly did not act in accordance with the rules and regulations contained in the local ordinances.

We look forward to assisting you in achieving compliance. We have provided copies of this Stop Work Order to your local representatives, as identified by Dave Cropper on site yesterday, in hopes that they will expedite the correction of these violations and the application for necessary permits.

Please feel free to contact me or Linda Kelsey, Planner, at our offices with any questions or concerns.

Sincerely,

Linda S. Haavik
Planning and Zoning Administrator

Bullion Partners, LLC

Cc: Posted on site with Stop Work Order
Blaine County Board of Commissioners, read file
Tim Graves, Chief Deputy Prosecuting Attorney
Bill Dyer, Blaine County Building Official
Diane Shay, City of Hailey Planning and Zoning Department by fax to 788-2924
Greg Martinez, Army Corps of Engineers by email to
Greg.J.Martinez@nww01.usace.army.mil
Eric Gerke, Army Corps of Engineers by email to eric.m.gerke@usace.army.mil
John Gaeddert, Corporation for Land Planning by fax to 788-7722
Gerry Martens, EHM Engineers, Inc. by fax to (208) 734-6049
Dave Cropper, Real Estate Center by fax to 788 - 5023
Gary McStay, McStay Construction by fax to 788-1702

BLAINE COUNTY PLANNING/ZONING/BUILDING DEPARTMENT
206 1st Avenue South, Suite 310 Hailey, ID 83333
Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576
www.blainecounty.org

May 6, 2004

Bullion Partners, LLC By certified mail, return receipt and fax to (310) 277-4855
Mark A. Caplow
Elliott M. Caplow and Elaine R. Caplow
9530 West Pico Boulevard
Los Angeles, CA 90035

Re: Tax Lot 7900 located in SW1/4 Sec. 9, T.2N., R.18E., B.M., Blaine County, Idaho
Historical sawmill site, located along the SE bank of the Big Wood River at Bullion Street
Notice of Violations: Blaine County Code
Stop Work Order

Bullion Partners, LLC,

A field visit and photographs taken on site yesterday morning and evening document violations of Blaine County Code, Title 9 (Zoning Regulations) and Title 7 (Building Regulations). Witnessed was clearscraping, removal of vegetation by motorized equipment, and pieces of heavy equipment parked within the riparian setback district. Section 9-17-6 (D) of the Blaine County Zoning Regulations describes Prohibited Uses within the specified stream setbacks that have been violated. The Big Wood River is a Class 1 Stream, as defined within the ordinance, and therefore requires the protection of a 75' riparian setback. Prohibitions within the specified stream setbacks include "clearcutting, scraping with motorized equipment, ..." Buildings have been removed without first obtaining required permits.

Until the project scope is defined and all necessary permits obtained, a **Stop Work Order** is hereby in effect and was posted on the site May 5, 2004, and May 6, 2004. This means **all construction, demolition, and site alteration activity shall IMMEDIATELY CEASE** and shall not re-commence until all related issues have been resolved.

Riparian Setback District:

Staff in the field provided the following criteria to your representatives present in the field, including, but not limited to:

- No activity shall occur within the Riparian Setback District, until the Stop Work Order has been lifted by the County.
- A licensed surveyor shall provide a stamped and signed site plan of the parcel, including the location and dimension of the dike located along the east side of the river, riparian setback as measured from the landward side of the dike, mean high water, and floodplain and floodway information as described by the FIRM (both plan and sectional information). Identification and location of buildings that have been removed and are planned to be removed shall be noted. The County Engineer may be asked by this office to review this information and that cost shall be borne by the property owner.
- A licensed surveyor shall provide field staking of the riparian setback and jurisdictional wetlands areas.
- A detailed restoration plan, narrative and timetable to cure the violations shall be provided this office for review and approval.

While our staff was *in the field*, EHM Engineers, Inc., faxed a copy of a wetlands delineation prepared by Fisher and Associates, dated October 28, 2003 for Board Mill and Sunset Ranches, Inc. to the Planning Office. No appendix or plot forms, as noted in the study, were attached to the copy received by this office. *As part of the information necessary before the* ***Stop Work Order*** *may be lifted*, this office requires evidence of submittal of this wetland delineation to the U. S. Army Corps of Engineers and acceptance thereof by the Corps. Blaine County Zoning Regulations, Chapter 19, provide for a conditional use permit process for projects that propose to disturb wetlands. Without the specific information required above, this office cannot determine whether such a permit is necessary for the work that has been done, or is planned to be done.

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Please feel free to contact me or Linda Kelsey, Planner, at our offices with any questions or concerns.

Sincerely,

Linda S. Haavik
Planning and Zoning Administrator

Cc: Posted on site with Stop Work Order
Blaine County Board of Commissioners, read file
Tim Graves, Chief Deputy Prosecuting Attorney
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Gerry Martens, EHM Engineers, Inc. by fax to (208) 734-6049
Dave Cropper, Real Estate Center by fax to 788 - 5023
Gary McStay, McStay Construction by fax to 788-1702

Kathy Grotto

From: Diane Shay [diane.shay@haileycityhall.org]
Sent: Monday, April 30, 2007 9:27 AM
To: 'Kathy Grotto'
Subject: FW: Caplow/Bullion Partners

Board Mtl Rmch

This just came in from Linda. I thought it would be a good idea for you to be in the loop on this one.
Di

From: Linda Kelsey [mailto:lkelsey@co.blaine.id.us]
Sent: Monday, April 30, 2007 9:21 AM
To: Diane Shay
Subject: RE: Caplow/Bullion Partners

Okay! Thanks Di.

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

From: Diane Shay [mailto:diane.shay@haileycityhall.org]
Sent: Friday, April 27, 2007 10:25 AM
To: Linda Kelsey
Subject: RE: Caplow/Bullion Partners

Linda,

I discussed this issue with Kathy and Susan yesterday. Both suggested that even though Caplow's have applied for annexation (application has been in house and incomplete for almost 2 years now) the Commission and Council may elect not to annex it as it is a problematic piece of property due to the whole flood/LOMR issue. Inevitable jurisdiction for Hailey and Caplow's land may not occur at all.

The application has been incomplete because our annexation application requires a schematic plan for the property and the LOMR is critical to them being able to develop the property with the density they desire due to our 20,000 sf minimum lot size in the floodplain. Our annexation process does give us a great deal of discretion but as noted, we need a schematic first.

That said, I think it would be best if the County continues their work on the LOMR and not defer a decision. I know this is a big project on your plate and one that you'd like to complete before your departure, but the Mayor has spoken and would like the County to finish it.

Regards and happy Friday!
Di

From: Linda Kelsey [mailto:lkelsey@co.blaine.id.us]
Sent: Wednesday, April 25, 2007 1:12 PM
To: Tom Bergin; Diane Shay
Subject: FW: Caplow/Bullion Partners
Importance: High

Tom and Diane, see Kathryn's comments below, her assumptions don't factor in critical path issues in timing, so we may need to address this differently.

Right now I'm inclined to ask that the consideration of the LOMR be deferred, and instead considered in the application to the City for annexation; they are bucking for the determination to "make it so" prior to their request for annexation, and the City has loads of leverage to facilitate mitigation during the annexation process. I'm thinking that is the best solution based upon what seems an intent to control the outcome of the project prior to the City having jurisdiction. I hate the idea of the County painting the City into a corner...; the applicant is clear that the intent is for the parcel to be annexed for maximum density.

Tom, let's discuss, as this may be brought up to the County Administrator/Commissioners soon, and we want to let it be known that we are trying to be conscientious. ***Maybe we need the Mayor to write to the Commissioners requesting that they defer signing, due to ACI and inevitable jurisdiction...?*** (Diane, do you think that is an option?) I'm risking some written brainstorming here, so that we may facilitate doing the right thing before it becomes political pressure from the applicant, and we lose the opportunity to facilitate improving the impacts to the past decisions channelizing the river.

I look forward to everyone's thoughts....

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

From: Linda Kelsey
Sent: Wednesday, April 25, 2007 1:01 PM
To: 'Kathryn Goldman'
Subject: RE: Caplow/Bullion Partners

Thank you Kathryn, we will keep you posted.

In the meantime, is the purchase of the 80 acres confidential, or may we disclose it in our discussions?

Thank you again, Kathryn, for your time regarding the subject. Regards,

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

From: Kathryn Goldman [mailto:kgoldman@woodriverlandtrust.org]
Sent: Wednesday, April 25, 2007 9:15 AM
To: Linda Kelsey
Subject: RE: Caplow/Bullion Partners

Linda,
Thanks for including me in the email "loop." I spoke with Scott re the Caplow development across the river from Lions Park. We agreed that WRLT would need to see a development plan and be invited to look it over and provide comment. With a development plan to review, we would strategize about what, if any, mitigation might be conducted off-site, downstream, as well as on-site mitigation. We would then put together some comments and come back to the county/city for discussion.
Keep me posted on the timing.
Kathryn

From: Linda Kelsey [mailto:lkelsey@co.blaine.id.us]
Sent: Tuesday, April 24, 2007 1:48 PM
To: Diane Shay
Cc: Tom Bergin; Kathryn Goldman
Subject: Caplow/Bullion Partners

Hi Di!

I received a message from Chuck Brockway, and he says he has an update on proposed mitigation for the site. I have spoken with Kathryn Goldman, and she is up to speed on the status of the application, and intended to speak with Scott Boetcher about how to proceed.

- I told her I was not going to try to "broker" a deal; I was just suggesting to the parties concerned that there may be a way that we can make this palatable for me to recommend the Commissioner's signature on the LOMR, or for the City to do so upon annexation;
- She was pleased to discuss the topic, as the 80 acre parcel directly south of the Caplow/Lions Park parcels is slated for purchase sometime early summer, possibly in June (she may confirm whether this is confidential or not...!);
- WRLT is thankfully very interested in the idea of funding contributions to facilitate improving the stretch of river south of the Caplow parcel, especially if it might improve the challenges in Della View Sub.;
- Kathryn and I agreed that they should/would not be jumping into the negotiations, but instead would wait for the appropriate invitation to step into the discussion;
- If there is a proposal for a win/win improvement to the floodplain via the development, I will politely step out of the way. My goal is that there evolve an agreement for a means of accommodating our concerns for the LOMR.

So Chuck is suggesting that you and I call to get an update from him. Did Tom Hellen ever get a request for the electronic file on the location of the sewer line? If you would like to conference down to Chuck, I could do so on Wednesday or Thursday morning. Let me know what works! Thank you,

Linda L. Kelsey
Planner, Blaine County Planning/Zoning/Building
219 1st Avenue South, Suite 208
Hailey, Idaho 83333
PH: (208) 788-5570 (x 1157)
FAX: (208) 788-5576

IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

July 8, 2005

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

Kathy Grotto, Administrator
City of Hailey Planning and Zoning
115 Main Street South, Suite H
Hailey, ID 83333

RECEIVED
JUL 11 2005
KG

Re: Blaine County Tax Lot 6430 Annexation Application

Dear Kathy,

Idaho Department of Fish and Game (IDFG) has toured the site and reviewed the above referenced application from Bullion Partners (Applicants) to the City of Hailey for annexation of 16± acres (project area) south of Bullion Street along the east bank of the Big Wood River. It is our understanding the Applicants plan to subdivide (24 lots) the property. The project area lies within the Big Wood River floodplain. Vegetation on the project area is dominated by mature cottonwoods with a diverse riparian shrub understory. Riparian habitats, which encompass a small, and dwindling, portion of the landscape in western North American, are biologically diverse and productive systems. For example, of the 243 bird species that breed in Idaho, 46% (113) use riparian habitats for nesting. In addition, these habitats provide important seasonal and year-round habitat for raptors, small and large mammals, reptiles, and amphibians. Riparian zones serve as movement and migration corridors for wildlife, link diverse habitats, dissipate floodwaters, filter and trap sediments, and are vital for properly functioning riverine systems. Annexation approval and subsequent residential development will result in further loss and fragmentation of this critically important habitat.

IDFG has identified the following issues and recommendations for consideration during the application review process.

1. The loss (removal and/or fragmentation) of forested riparian habitat should be minimized. We recommend, at a minimum, a 100 ft. setback from the Big Wood River. No vegetation removal (alive or dead) should be permitted within the setback. Removal of standing dead cottonwoods outside of the setback should be scrutinized carefully. Standing dead cottonwoods provide critical nesting and foraging habitat for a variety of birds and mammals.

2. A tour of the project area revealed a small delineated wetland within a historic channel of the Big Wood River. We recommend a 25 ft. buffer from development surrounding the wetland.

3. Noxious weeds (thistle and knapweed) were identified during our tour of the project area. We recommend the Applicant submit a noxious weed control plan that details monitoring and long-term control protocol for weeds on the project area.

4. We recommend undeveloped public access to the river be included as a condition of annexation if the application is approved.

Thank you for the opportunity to provide comment. Please contact Mike McDonald, Environmental Staff Biologist, in this office if you have any questions.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

Cc: EHM Engineers/G. Martens
IDFG/NRPB
ECc: IDFG/R4 staff

3/22/06

Preliminary

To: Linda Kelsay
From: Jim Koonce
Subject: Caplow LOMR

At your request, I have reviewed the above referenced Caplow LOMR application and I would like to offer the following comments:

1. I do not have any problems with the Brockway analysis on the Hailey Slough LOMR and pretty much concur with what they say. They even show the south 470 feet of the Caplow property within Blaine County as being impacted by shallow flooding from possible Indian Creek flows (Zone X). In the following discussion, I will describe how this segment (and slightly more) of Caplow's property could possibly be flooded to water surface 5,298.

2. Dr. Brockway asserts that the Big Wood 100-year floodwaters can be contained within the existing channel and provides some evidence to support that assertion. It is clear, however, that the 100-year

floodwaters will exceed the east river bank elevation at station 25+200 (elevation 5,298 feet). Once the river overtops the east bank at that point and at that water elevation, I believe it might inundate everything below that elevation on the lower end of the Caplow property. I show this area on my copy of Brockway's Figure 5. Also, you can verify my statements by observing possible bank over-topping as depicted on Brockway's Figure 6 from 25050 to 25200 and 24,800 to 24900.

3. One other troubling aspect to this proposed LOMR is that FEMA has always told me that a river dike must be "certified" and perpetual maintenance agreements signed. I don't believe either one of these things have been done, and in the former case, maybe can't be done.

DIANE,

I HAVE ATTACHED A MAP OF THE OLD BOARDS PROPERTY. I WANTED TO ADVISE YOU THAT THE STATE OF
IDAHO DOES NOT SHOW ANY OF THE TAXLOT 7900, WHICH BELONDS TO BULLION PARTNER LLC, ON THE
EAST OF THE RIVER BEHIND CHINA GARDENS IN THE CITY OF HAILEY. THE ONLY PARCEL BULLION
PARTNERS OWN IN THE CITY IS A SMALL TAXLOT ON BULLION ST, KNOW AS TAXLOT 6431, WITH A SMALL
HOUSE ON IT, AT 404 WEST BULLION. I TALKED TO KATHY ABOUT THIS ONCE, AND SHE WAS GOING TO
LOOK UP THE ANNEXATION TO GET TO THE STATE, BUT DONT BELIEVE THAT HAS HAPPENED. I SHOW THE
CITY LIMITS IN THAT AREA FOLLOWING THE DITCH BEHIND CHINA GARDENS, MUSTASHE AND ELMWOOD SUB.
PLEASE CALL IF YOU HAVE QUESTIONS.
VIVIAN IVIE

...\Boards\neighborhood_renovate.dgn 12/17/2003 10:05:19 PM

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

REPLY TO
ATTENTION OF

December 2, 2003

Regulatory Division

SUBJECT: NWW No. 042600024

Mr. Bill Hatch
Board Mill & Sunset Ranches, Inc.
4422 Redstone Court
Granite Bay, CA 95746

Dear Mr. Hatch:

Our approved jurisdictional determination indicates the parcel of land located in Hailey, Idaho contains waters of the United States, which are regulated under Section 404 of the Clean Water Act. A copy of our determination is enclosed. We reviewed Mr. Steve Fisher's wetland delineation map entitled: *Board Mill Site Map & Wetlands*, dated November 19, 2003, and determined the map accurately delineated the extent of waters of the United States along the old power plant flume. The map indicated a total of 0.43 acres of wetlands within the parcel of property. However, the area highlighted in pink on the enclosed map is an old river channel and appears to support a wetland community. This site also has hydric soils although this could be reminent. To confirm whether 0.31-acre area is jurisdictional wetlands or not, additional studies need to be done in the spring when the river flows are at or near normal high flows. This information would confirm if there is an hydraulic connection between the suspect wetland and river. Mr. Steve Fisher recommended studies to occur when the river is flowing at about 2,400 cubic feet per second, which is acceptable to us. Until this information is obtained, this area is considered to be jurisdictional. Our jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

We are enclosing an appeals form that explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the form to the Division Engineer, Northwestern Division, so that he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Branch, Walla Walla District, at the letterhead address before you file the appeal.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States,

including wetlands. This includes excavation activities that result in the discharge of dredged

material and destroy or degrade waters of the United States. If your proposed project will involve discharging dredged or fill material into Big Wood River or adjacent wetlands, you will need to obtain a Department of the Army permit before you start work. We are enclosing an application form and pamphlet containing instructions for completing your application.

If you have questions, contact Eric M. Gerke, Environmental Resource Specialist, at (208) 345-2286. A copy of this letter is being sent to: Steve Fisher, Fisher & Associates, 6640 East U S Highway 10, Missoula, Montana 59802; and, John Olson, Environmental Protection Agency, Idaho Operations Office, 1435 North Orchard Street, Boise, Idaho 83706.

Sincerely,

Gregory J. Martinez
Regulatory Project Manager

Enclosures

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

REPLY TO
ATTENTION OF

June 8, 2004

Regulatory Division

SUBJECT: NWW No. 042600024

Mr. Mark A. Caplow
Ballion Partners, LLC
9530 West Pico Boulevard
Los Angeles, California 900035

Dear Mr. Caplow:

Our approved jurisdictional determination indicates that Lot 7900 located in SW ¼, Sec. 9, T.2N., R.18E., B.M., Blaine County, Idaho contains waters of the United States that are regulated under Section 404 of the Clean Water Act. A copy of our determination is enclosed. We reviewed your wetland delineation map entitled *Board Mill Site Map & Wetlands*, dated June 4, 2004, prepared by Mr. Steve Fisher and have determined that the map accurately delineates the extent of waters of the United States. A copy of the approved map is enclosed. This is a revised map, which was originally submitted to our office on November 20, 2003. At that time, our office had a concern that an old river channel on the property appeared to support jurisdictional wetlands. To confirm whether the area was jurisdictional or not, your agent agreed to conduct additional studies in the spring. The results of those studies concluded that the wetland boundary should be expanded from 527 square feet (Plot 1R) to 2,145 square feet (Plot 1R and Plot 2R).

The enclosed map indicates wetlands highlighted in yellow, which could be impacted by the proposed residential development. The map shows that 0.47 acres of wetland and the Big Wood River are waters of the United States. This jurisdictional determination supercedes our letter of December 2, 2003, and is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

We are enclosing an appeals form that explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the form to the Division Engineer, Northwestern Division, so that he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

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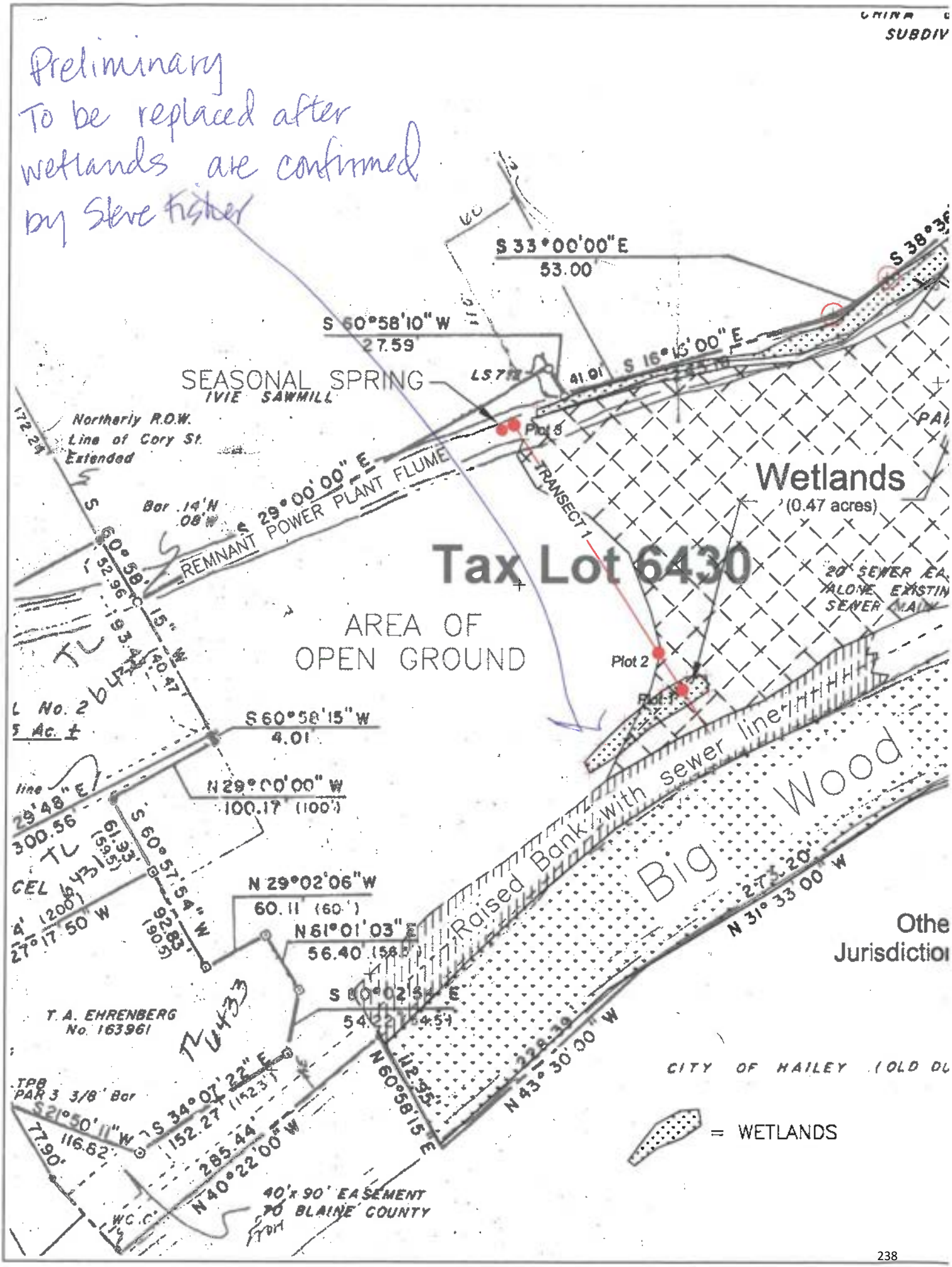
If you have any questions, please contact Mr. Eric M. Gerke at (208) 345-2286. A copy of this letter is being sent to: Mr. John Olson, Environmental Protection Agency, 1435 North Orchard Street, Boise, ID 83706; Ms. Linda Haavik, Blaine County Planning & Zoning, 206 First Avenue South, Suite 310, Hailey, ID 83333; and Mr. Steve Fisher, Fisher & Associates, 6640 East U. S. Highway 10, Missoula, MT 59802.

Sincerely,

Gregory J. Martinez

Gregory J. Martinez
Regulatory Project Manager

Enclosures


Preliminary
To be replaced after
wetlands are confirmed
by Steve Fisher
SUBDIV
S 33°00'00"E
53.00
S 60°58'10"W
27.59
SEASONAL SPRING
IVIE SAWMILL
Northerly R.O.W.
Line of Cory St.
Extended
Plot 8
TRANSECT 1
S 16°15'00"E
41.01
Wetlands
(0.47 acres)
Tax Lot 6430
REMNANT POWER PLANT FLUME
S 29°00'00"E
AREA OF
OPEN GROUND
20' SEWER EA
ALONE EXISTIN
SEWER MAIN
Plot 2
Plot 1
Raised Bank with sewer line
Big Wood
S 60°58'15"W
4.01
N 29°00'00"W
100.17 (100')
N 29°02'06"W
60.11 (60')
N 61°01'03"E
56.40 (58')
S 60°57'54"W
92.83 (90')
N 31°33'00"W
273.20'
T. A. EHRENBERG
No. 163961
TPB
PAR 3 3/8" Bar
S 21°50'11"W
116.62'
S 34°07'22"E
152.27 (152.3')
285.44'
N 40°22'00"W
77.90'
N 60°58'15"E
112.95'
N 43°30'00"W
40'x 90' EASEMENT
TO BLAINE COUNTY
CITY OF HAILEY (OLD DU
= WETLANDS

MEMORANDUM

TO: City Council

FROM: [redacted]ıy, City Planner/Floodplain Administrator DS

RE [redacted]quest/Board's Mill

HE. possibly continued to next meeting call Brockway Monday [redacted]gust 13, 2007

Broc[redacted]ng Bullion Partners, has contacted me regarding the Board's Mill [redacted]ank of the Bigwood River. Bullion Partners is seeking annex[redacted]and the City has had their application in house since February of 20[redacted]en certified as complete due to outstanding submittal requir[redacted]cted the applicant was the floodplain determination and our requir[redacted]in shall be a minimum size of 20,000 square feet.

Accor[redacted]of the property is currently in the floodplain; Bullion Partner[redacted] would like to apply for a Letter of Map Revision (LOMR) that would eliminate much of the regulated floodplain (Zone AE) from the Board's Mill property, but would create a Zone X floodplain, which is unregulated in both the City and the County. With a LOMR, an applicant could ask the City for a site specific revision to the floodplain map. Under FEMA procedures, the City of Hailey would have to endorse the application in order for the LOMR to be considered. The County has previously endorsed the application.

Tom Hellen and I have reviewed the materials Mr. Brockway sent to the City. Additionally, we had two lengthy meetings with Jim Koonce, County Engineer, Linda Kelsey, former Planner for Blaine County, and Chuck Brockway, Jr. It appears that Brockway's survey of the floodplain would remove a portion of Bullion Partners property from the floodplain. Because of this proposed modification to the floodplain I've asked Mr. Brockway to make a presentation to the Council, outlining his data and determination of the new boundaries.

In considering the City's endorsement of the LOMR, the Council should consider the information presented by Mr. Brockway and evaluate the risks/benefits to the applicant (Bullion Partners) and adjacent properties.

Post-it® Fax Note 7671	Date 8/7/07	# of pages ▶ 1
To Chuck Brockway	From Dr. Shaffer	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 208-736-8506	Fax #	

RECEIVED
AUG 09 2007

Jim W. Koonce, PE, PLS
Blaine County Engineer
Post Office Box 2015
Hailey, ID 83333-2015
(208)788-1705

Memo

To: Dianne Shay

From: Jim Koonce, Blaine County Engineer

Date: August 8, 2007

Re: Caplow LOMR

I've got a trip planned next week so I can't attend the 8/13/07 council meeting about the Caplow LOMR.

Let me just say that I support this LOMR for the following reasons. Firstly, Brockway Engineering does a commendable and convincing job proving to me that not only is their report believable, but also that FEMA's 100-year flood elevations are too high. Only the small southwest segment was slightly inundated during the 160 year event of spring 2006. Secondly, Hailey has the Main B Sewer Outfall Line running along the east bank of the Big Wood River, so as much as we would like to allow a natural meander here, it cannot be allowed without a very expensive sewer line re-location. Thirdly, we have asked FEMA to further evaluate the southwest portion of this parcel, where their computer model predicts inundation. Fourth, they are only asking for an x-zone which still falls within the 100-year flood zone and therefore all development (which will most certainly be requested) will still fall under the scrutiny of Hailey or Blaine County.

I hope this helps.

JWK:mpe

969-503

RECEIVED

MEMORANDUM

BLAINE CO. PLANNING OFFICE
219 1st Avenue South, Suite 208
Hailey, ID 83333
208/788-5570
Fax: 208/788-5576

To: Whom It May Concern **Date:** 8/9/2007
From: Tom Bergin, Director & Local Floodplain Coordinator

Subject: Bullion Partners' Bid Wood & Hailey Slough LOMR Application

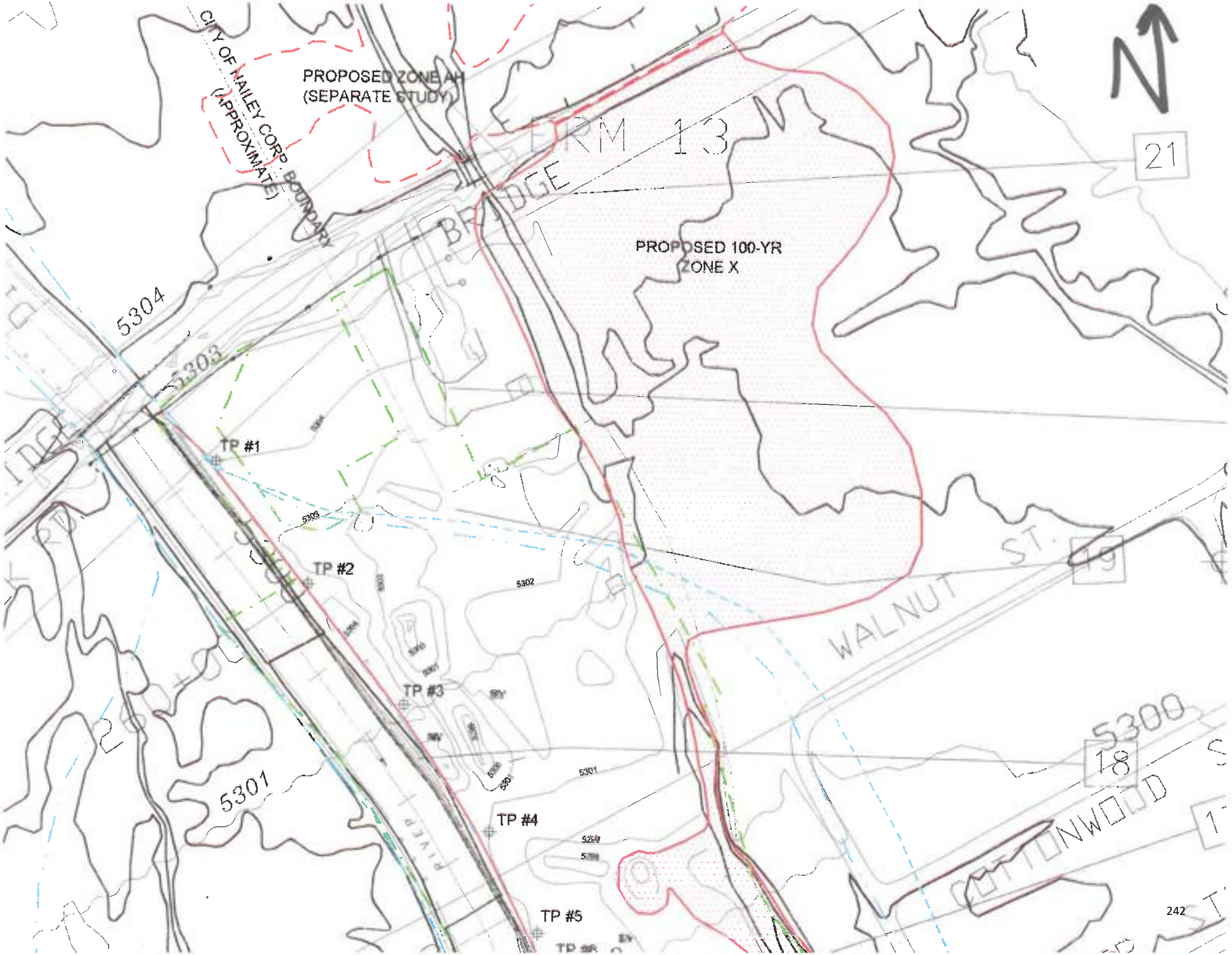
The county has two comments on this LOMA application:

1. The proposed "X" designation is acceptable as indicated by Board Chairman Tom Bowman's signature on the LOMR application.
2. However, the southern portion of this property was inundated by flood waters during the spring, 2006 event on the Big Wood River. For this among other reasons, the area indicated on the attached map should be designated an "AE" or other appropriate floodplain designation.

If you have any questions or would like further information, please contact this office.

Attachment

Tom Bergin


CITY OF HAILEY CORP. BOUNDARY (APPROXIMATE)
PROPOSED ZONE AH (SEPARATE STUDY)
PROPOSED 100-YR ZONE X
TP #1
TP #2
TP #3
TP #4
TP #5
5304
5303
5302
5301
5300
WALNUT ST.
21
19
18
242

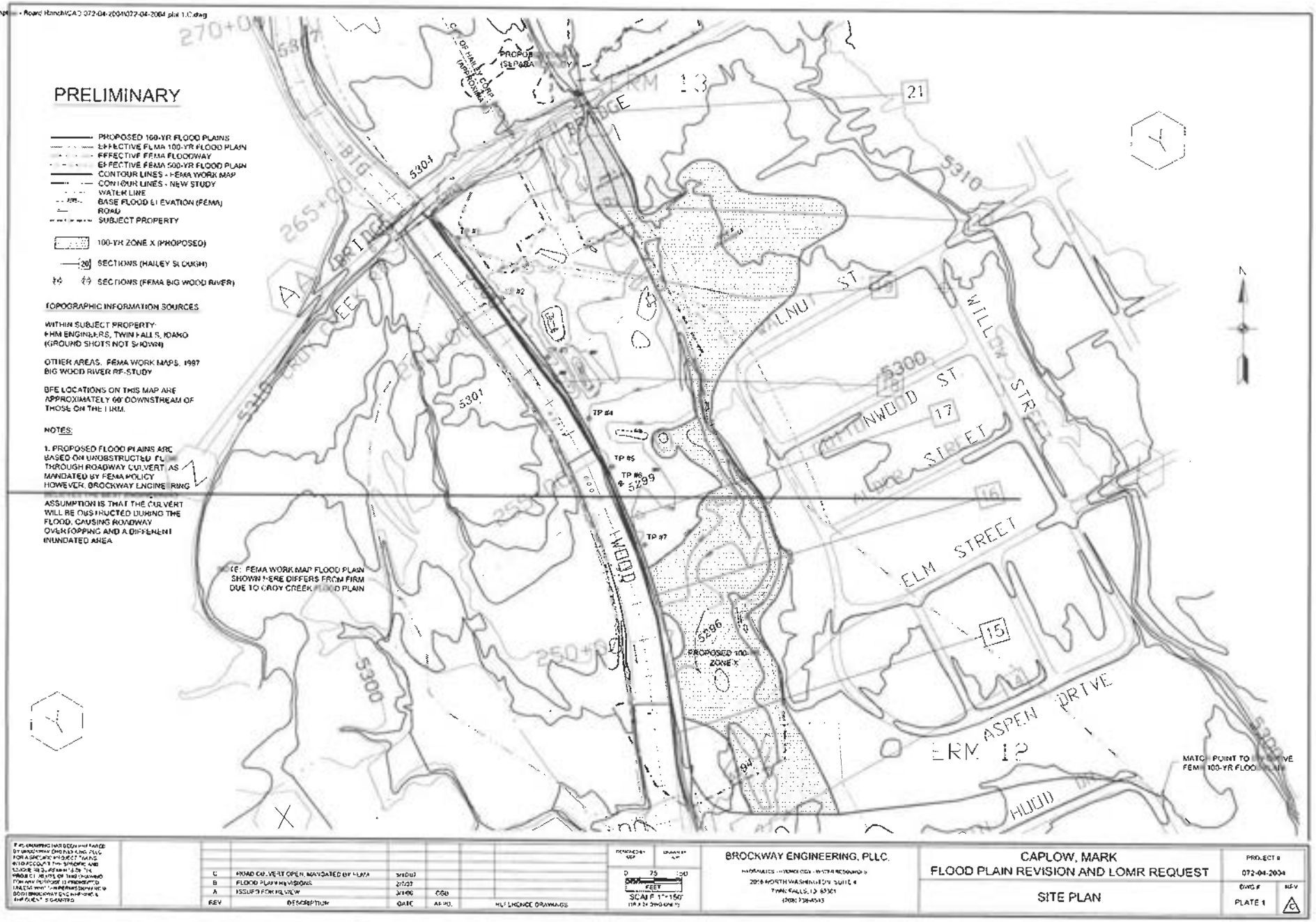
have to model all culverts open all the time.

Rather than assume the culvert is plugged w/ debris

continue flow to slough

not sheet flood over

Continued to the 27th


PRELIMINARY
PROPOSED 100-YR FLOOD PLAINS
EFFECTIVE FLMA 100-YR FLOOD PLAIN
EFFECTIVE FEMA FLOODWAY
EFFECTIVE FEMA 500-YR FLOOD PLAIN
CONTOUR LINES - FEMA WORK MAP
CONTOUR LINES - NEW STUDY
WATER LINE
BASE FLOOD ELEVATION (FEMA)
ROAD
SUBJECT PROPERTY
100-YR ZONE X (PROPOSED)
SECTIONS (HAILEY SLOUGH)
SECTIONS (FEMA BIG WOOD RIVER)
TOPOGRAPHIC INFORMATION SOURCES
WITHIN SUBJECT PROPERTY:
HMH ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)
OTHER AREAS: FEMA WORK MAPS, 1987
BIG WOOD RIVER RE-STUDY
BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.
NOTES:
1. PROPOSED FLOOD PLAINS ARE BASED ON UNOBSTRUCTED FLOW THROUGH ROADWAY CULVERTS AS MANDATED BY FEMA POLICY HOWEVER, BROCKWAY ENGINEERING ASSUMPTION IS THAT THE CULVERT WILL BE OBSTRUCTED DURING THE FLOOD, CAUSING ROADWAY OVERTOPPING AND A DIFFERENT INUNDATED AREA
NOTE: FEMA WORK MAP FLOOD PLAIN SHOWN HERE DIFFERS FROM FIRM DUE TO CROY CREEK FLOOD PLAIN
PROPOSED 100-YR ZONE X
TP #4
TP #5
TP #6
TP #7
5299
5296
5300
5301
5304
5310
BRIDGE
CROY CREEK
HAILEY SLOUGH
BIG WOOD
WILLOW STREET
ELM STREET
ASPEN DRIVE
CHOKECHERRY ST
CHOKECHERRY STREET
ELM STREET
ASPEN DRIVE
FIRM 13
FIRM 12
21
17
15
N
SCALE 1"=150'
FEET
BROCKWAY ENGINEERING, PLLC.
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-0543
CAPLOW, MARK
FLOOD PLAIN REVISION AND LOMR REQUEST
SITE PLAN
PROJECT #
072-04-2004
DWG #
PLATE 1
REV
C
ROAD CULVERT OPEN; MANDATED BY FEMA
3/10/03
B
FLOOD PLAIN REVISIONS
2/7/03
A
ISSUED FOR REVIEW
3/1/02
CGD
REV
DESCRIPTION
DATE
APPD.
MLF LICENCE DRAWINGS

NATIONAL FLOOD INSURANCE PROGRAM

FEMA NATIONAL SERVICE PROVIDER

RECEIVED

October 9, 2007

DS) SM

Mr. Charles G. Brockway, Ph. D., P.E.
Brockway Engineering, P.L.L.C.
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

IN REPLY REFER TO:
Case No.: 07-10-0815P
Communities: City of Hailey and
Blaine County, ID
Community Nos.: 160022 and 165167

316-AD

Dear Mr. Brockway:

This responds to your request dated September 11, 2007, that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issue a revision to the Flood Insurance Rate Map (FIRM) for the above-referenced community. Pertinent information about the request is listed below.

Identifier:	CAPLOW
Flooding Source:	Big Wood River and Tailrace Creek
FIRM Panel(s) Affected:	160022 0664 D and 165167 0664 B

The data required to complete our review, which must be submitted within 90 days of the date of this letter, are listed on the enclosed summary.

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If you have general questions about your request, FEMA policy, or the National Flood Insurance Program, please call the FEMA Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). If you have specific questions concerning your request, please contact your case reviewer, Justin Shintaku, CFM, by e-mail at Justin.Shintaku@mapmodteam.com or by telephone at (720) 479-3156, or the Revisions Coordinator for your State, Mr. Andrew Friend, CFM, at Andrew.Friend@mapmodteam.com or at (720) 479-3150.

Sincerely,

Syed Qayum

Syed Qayum, CFM
National LOMR Technical Manager
Michael Baker Jr., Inc.

Enclosure

cc: The Honorable Susan McBryant
Mayor, City of Hailey

Mr. Tom Bowman
Chairman, County Commissioners
Blaine County

Mr. Mark Caplow
Managing Member
Bullion Partners, LLC

NATIONAL FLOOD INSURANCE PROGRAM

FEMA NATIONAL SERVICE PROVIDER

Summary of Additional Data Required to Support a
Letter of Map Revision (LOMR)

Case No.: 07-10-0815P

Requester: Mr. Charles G. Brockway

Communities: City of Hailey and Blaine County, ID

Community Nos.: 160022 and 165167

The issues listed below must be addressed before we can continue the review of your request.

1. As required on page 9 of the instructions for the MT-2 application/certification forms (copy enclosed), please provide a copy of the duplicate effective model for Big Wood River. This is required to ensure that the effective model's input data has been transferred correctly to the requester's equipment and to ensure that the revised data will be integrated into the effective data to provide a continuous Flood Insurance Study model upstream and downstream of the revised reach.

2. In addition to submitting the above-mentioned duplicate effective model a corrected effective model must be submitted to correct any errors that occur in the Duplicate Effective Model, add any additional cross sections to the Duplicate Effective Model, or incorporate more detailed topographic information than that used in the current effective model.

3. The submitted map entitled "Caplow, Mark Floodplain Revision and LOMR Request – Site Plan, Plate 1," prepared by Brockway Engineering, PLLC., dated September 11, 2007, does not provide essential information required to complete our detailed review of this request. Please provide the following information, which was omitted from the submitted topographic work map.

    (a) Flow line used in the hydraulic model
    (b) More complete, continuous, labeled topography

Please send the required data directly to Michael Baker Jr., Inc., Attention: Justin Shintaku, CFM, at Union Financial Plaza, Suite 200, 355 Union Boulevard, Lakewood, CO 80228. For identification purposes, please include the case number referenced above on all correspondence.

3. Indicate if the CHECK-2 or CHECK-RAS programs were used to verify that the hydraulic estimates and assumptions in the model are comparable to the assumptions and limitations of HEC-2 or HEC-RAS. CHECK-2 and CHECK-RAS are review tools that identify areas of potential error or concern. These tools do not replace engineering judgment. CHECK-2 and CHECK-RAS can be downloaded from FEMA's Internet site at http://www.fema.gov/fhm/frm_soft.shtm. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS. If you disagree with the comment messages, please attach an explanation of why the messages are not valid in each case. To reduce processing time, review your hydraulic model and resolve valid modeling discrepancies, before submitting it for review.

4. Indicate the hydraulic models submitted.

Submittal requirements for areas that have detailed flooding: Printouts of input and output listings along with files on diskette or CD for each of the models and supporting data (e.g., description of vegetation and land use map) for the source of input parameters used in the models listed below must be provided. The summary must include a description of any changes made from model to model (e.g., Duplicate Effective Model to Corrected Effective Model). At a minimum, the Duplicate Effective Model and the Revised or Post-Project Conditions Model must be submitted. The hydraulic analyses shall be performed for all flood frequencies and the floodway published in the effective FIS.

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NATIONAL FLOOD INSURANCE PROGRAM

FEMA NATIONAL SERVICE PROVIDER

RECEIVED

OCT 12 2007

DS SM

October 9, 2007

Mr. Charles G. Brockway, Ph. D., P.E.
Brockway Engineering, P.L.L.C.
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

IN REPLY REFER TO:
Case No.: 07-10-0815P
Communities: City of Hailey and
Blaine County, ID
Community Nos.: 160022 and 165167

316-AD

Dear Mr. Brockway:

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Sincerely,

Syed Qayum

Syed Qayum, CFM
National LOMR Technical Manager
Michael Baker Jr., Inc.

Enclosure

cc: The Honorable Susan McBryant
Mayor, City of Hailey

Mr. Tom Bowman
Chairman, County Commissioners
Blaine County

Mr. Mark Caplow
Managing Member
Bullion Partners, LLC

NATIONAL FLOOD INSURANCE PROGRAM

FEMA NATIONAL SERVICE PROVIDER

Summary of Additional Data Required to Support a
Letter of Map Revision (LOMR)

Case No.: 07-10-0815P

Requester: Mr. Charles G. Brockway

Communities: City of Hailey and Blaine County, ID

Community Nos.: 160022 and 165167

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NATIONAL FLOOD INSURANCE PROGRAM
FEMA NATIONAL SERVICE PROVIDER

January 10, 2008

Mr. Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, P.L.L.C.
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

IN REPLY REFER TO: (HD) DS
Case No.: 07-10-0815P
Communities: City of Hailey and
Blaine County, ID
Community Nos.: 160022 and 165167

316-AD

Dear Mr. Brockway:

This responds to your submittal dated December 14, 2007, concerning a September 11, 2007, request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issue a revision to the Flood Insurance Rate Map (FIRM) for the above-referenced communities. Pertinent information about the request is listed below.

Identifier:	CAPLOW
Flooding Source:	Big Wood River and Tailrace Creek
FIRM Panel(s) Affected:	160022 0664 D and 165167 0664 B

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Sincerely,

Syed Qayum

Syed Qayum, CFM
National LOMR Technical Manager
Michael Baker Jr., Inc.

Enclosure

cc: The Honorable Susan McBryant
Mayor, City of Hailey

Mr. Tom Bowman
Chairman, County Commissioners
Blaine County

Mr. Mark Caplow
Managing Member
Bullion Partners, LLC

NATIONAL FLOOD INSURANCE PROGRAM
FEMA NATIONAL SERVICE PROVIDER

Summary of Additional Data Required to Support a
Letter of Map Revision (LOMR)

Case No.: 07-10-0815P

Requester: Mr. Charles G. Brockway

Communities: City of Hailey and Blaine County, ID

Community No.: 160022 and 165167

The issue listed below must be addressed before we can continue the review of your request.

This LOMR is related to and dependent on the analysis from suspended LOMR 07-10-0475P. Please submit updated models and work maps once the analysis for LOMR 07-10-0475P has been revised and resubmitted.

Please send the required data directly to Michael Baker Jr., Inc., Attention: Mr. Justin Shintaku, CFM, at Union Financial Plaza, Suite 200, 355 Union Boulevard, Lakewood, CO 80228. For identification purposes, please include the case number referenced above on all correspondence.

298-03

Board Mill
Wetland Delineation

Prepared for:
Board Mill & Sunset Ranches, Inc.

October 28, 2003

Fisher & Associates
Aquatic Resource Management & Enhancement
6640 Highway 10 East
Missoula, MT 59802
(406) 258-6800

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- 1.1 Purpose 1
- 1.2 Site location and description 1
- 1.3 Wetland definition 4

2.0 Methods 4
- 2.1 Wetland inventory design 4
- 2.2 Investigation methods 4

3.0 Results 5
- 3.1 Soils and hydrology 5
- 3.2 Vegetation 6

4.0 Conclusions and Discussion 7
- 4.1 Wetland delineation 7

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List of Figures and Tables

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1.0 Introduction

1.1 Purpose

Board Mill & Sunset Ranches, Inc, has entered into a sales agreement to sell the property known as the Board Mill site. The buyers commissioned Fisher & Associates, 6640 Highway 10 East, Missoula, MT 59802, to inventory the in the town of Hailey, Idaho, and within Blaine County, for the presence of jurisdictional wetlands. The verified delineation will be used to plan and design improvements to the property. The location of wetlands and other waters of the United States, as identified in this process will form the basis for any applications for required under the Clean Water Act (CWA), city, or state ordinances. We found **0.36 acres (15,859 sq.ft.)** of wetlands, not including those jurisdictional areas represented by river channel waterward the mean high water marks, on this parcel.

The CWA and Blaine County ordinances mandate that an inventory of potential wetlands on-site be conducted to determine if wetland habitats exist prior to the implementation of improvements or alterations to the property. If wetlands are found, appropriate avoidance measures will be developed and implemented. If wetland impacts are unavoidable, suitable mitigation measures will be implemented, after review by the U.S. Army Corps of Engineers (COE).

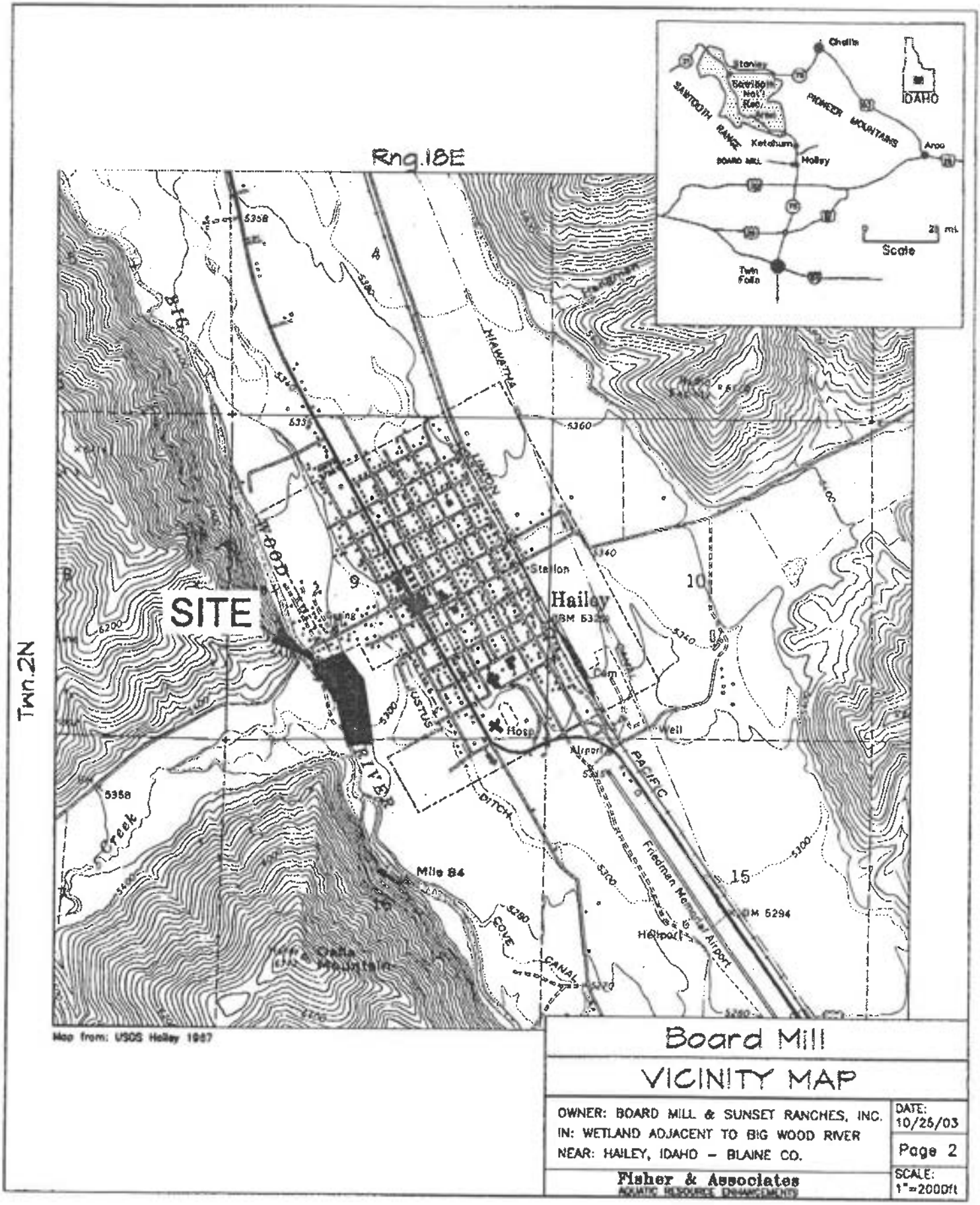
1.2 Site location and description

Board Mill & Sunset Ranches, Inc., represented by Mr. Bill Hatch _____ _____, CA, owns this 15.87+/- acre property known as the Board Mill (SEC. 9 & 16, T2N, R18E, Blaine County, Idaho). Site elevation averages 5295 feet above sea level.. The property lies on the western edge of the City of Hailey, and includes the channel of the river. The western boundary of the property is on the west river bank. See the maps on the next two pages.

The property once was the site of the Board Lumber Mill and while most of the old mill equipment and buildings have been removed, many pieces of old machinery, car parts, wooden timbers, and other industrial debris litter the property.

A very old dike runs along the river's east bank containing the river to a rather straight narrow channel. Review of FEMA (Federal Emergency Management Administration) flood plain maps show that no flood plain extends onto the property. Before the construction of the dike (100 years ago?) the river flood plain probably did extend eastward into the property. Very old flood plain swales and other riparian topography can be found, particularly in the southern portion of the site, where less historic land leveling and building took place.

An unused ditch runs along the property's eastern boundary. This flume carried water to an electrical power plant removed many years ago. No headgate remains to direct water from the



Board Mill

VICINITY MAP

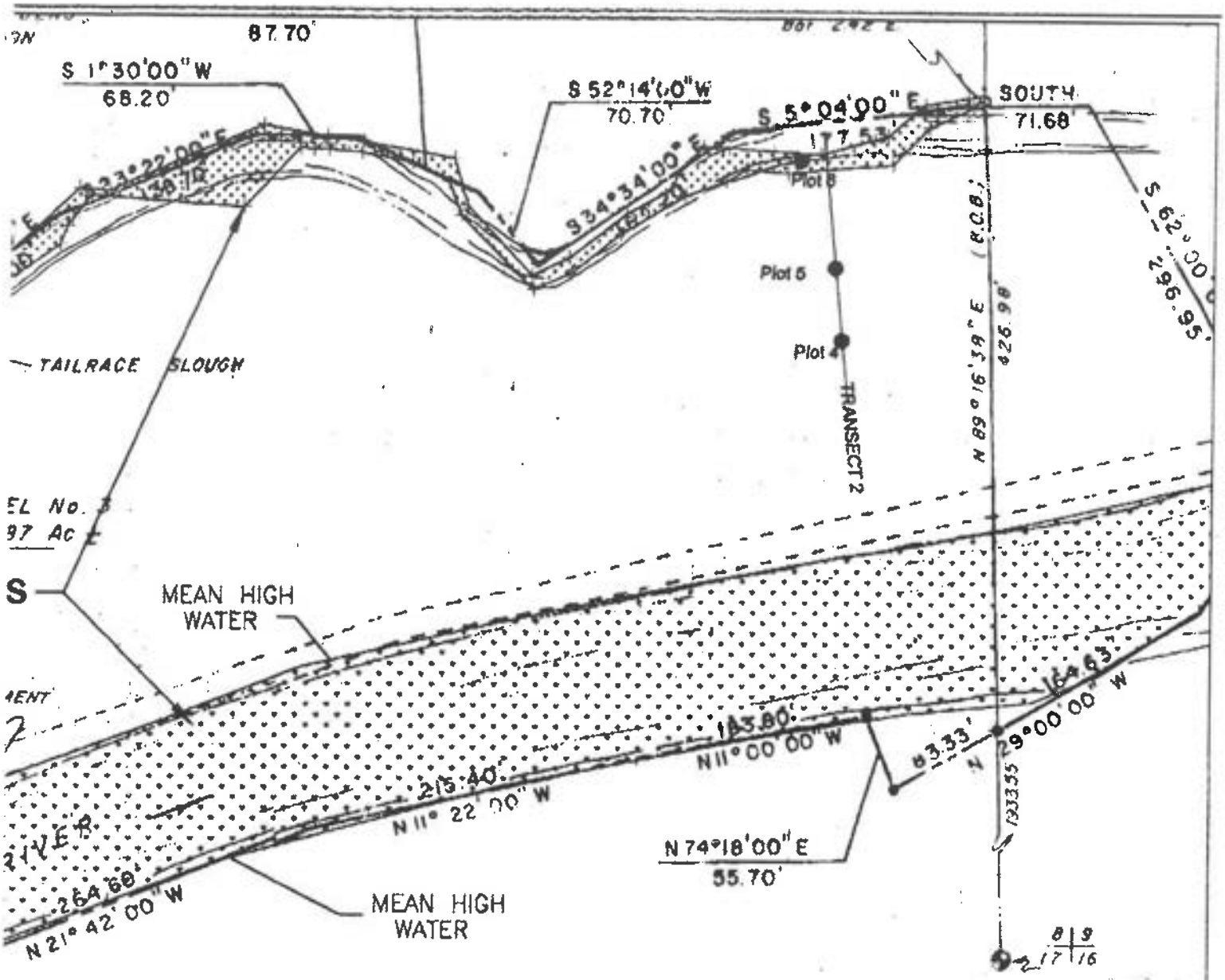
OWNER: BOARD MILL & SUNSET RANCHES, INC.
IN: WETLAND ADJACENT TO BIG WOOD RIVER
NEAR: HAILEY, IDAHO – BLAINE CO.

DATE: 10/25/03

Page 2

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

SCALE: 1"=2000ft



BOUNDARY SURVEY

BOARDS MILL & SUNSET RANCHES INC.

SEC. 9 & 16, T 2 N, R 18 E BM
BLAINE COUNTY, IDAHO

JUNE 1984

PREPARED BY
RICHARD F. WENGLIKOWSKI L.S.

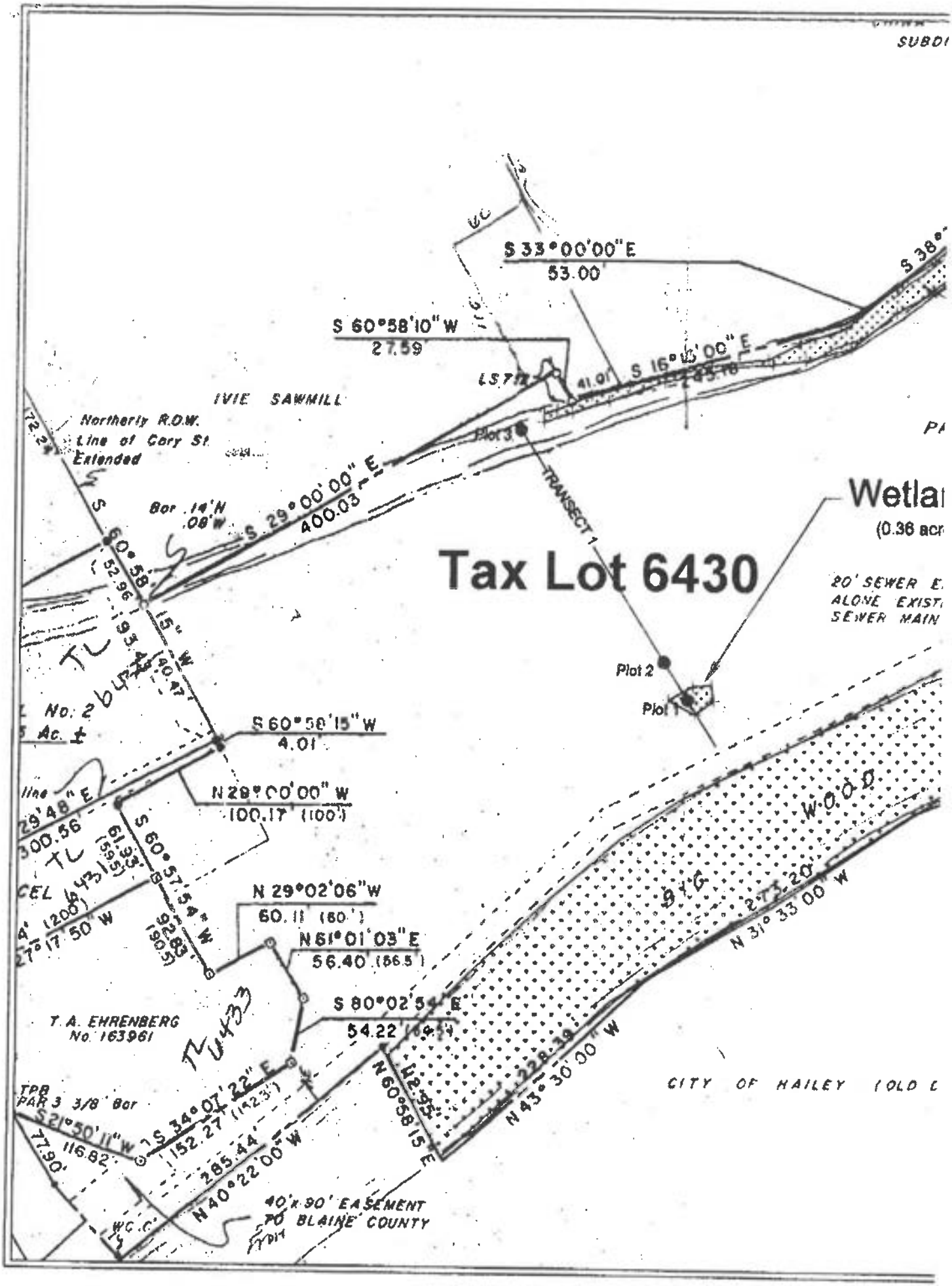
N

Scale: 1"=100'=0"

Board Mill

SITE MAP

OWNER: BOARD MILL & SUNSET RANCHES, INC. IN: WETLAND ADJACENT TO BIG WOOD RIVER NEAR: HAILEY, IDAHO – BLAINE CO.	DATE: Rev. 10/25/03 Page 3
Fisher & Associates AQUATIC RESOURCE ENHANCEMENTS	SCALE: 1"=100ft


Tax Lot 6430
IVIE SAWMILL
Northerly R.O.W. Line of Cory St. Extended
S 33°00'00" E
53.00'
S 60°58'10" W
27.59'
S 16°15'00" E
S 29°00'00" E
400.03'
TRANSECT 1
Plot 3
Plot 2
Plot 1
Wetla
(0.36 acr
20' SEWER E
ALONE EXIST
SEWER MAIN
S 60°58'15" W
4.01'
N 28°00'00" W
100.17' (100')
N 29°02'06" W
60.11' (60')
N 61°01'03" E
56.40' (56.5')
S 80°02'54" E
54.22' (54')
T.A. EHRENBERG
No. 163961
TPB
PAR 3 3/8" Bor
S 21°50'11" W
116.82'
S 34°07'22" E
152.27' (152.3')
N 40°22'00" W
285.44'
N 60°58'15" E
42.95'
N 43°30'00" W
228.39'
N 31°33'00" W
273.20'
40'x 90' EASEMENT TO BLAINE COUNTY
CITY OF HAILEY (OLD C
WOOD
DITCH

river into this flume and no streams or other water sources flow into it. In the spring of most years water does up well into the bottom of this ditch and a small stream forms. This stream continues to aggregate water as it flows to the south until it eventually joins with the river.

1.3 Wetland definition

The CWA regulatory definition of wetlands emphasizes three conditions: 1) permanent or periodic inundation or saturation by surface or groundwater resulting in anaerobic soil conditions, and; 2) a prevalence of vegetation which, under normal circumstances, is adapted for existence in saturated soil conditions; 3) and, hydrology of sufficient duration and frequency to support hydrophytic vegetation. Hydrophytic vegetation is defined as macrophytic plant life adapted for growth in water or on a substrate that is periodically deficient in oxygen as a result of excessive water content. The COE interpretation of the CWA resulted in the development of a multi-parameter approach by which positive indicators of vegetation, soils, and hydrology must typically be found to make a positive wetland determination.

2.0 Methods

2.1 Wetland inventory design

The COE manual describes two basic methods to delineate wetlands; routine and comprehensive. Routine determination methods are intended to be used in all except controversial or complex situations. Routine determinations can be further divided into three levels of effort: 1) on-site inspection not required; 2) on-site inspection required, and; 3) the combination of the first two levels. Comprehensive determinations are used when the site characteristics are complex, atypical, or anticipated to be controversial. The routine determination with on-site inspection and data collection was used in this instance because the site is rather large. The on-site inspection of the property was also justified due to the obvious site alteration that has occurred over the years, the heavy vegetative cover on the property's southern end, and the proximity of the river.

2.2 Investigation methods

Coincidentally, the investigator had prior experience with this property and had walked through it many times in various seasons of the year. This gave him experience with where water lay in the various low spots around the site. Prior to conducting this inventory he again walked over the entire property and established two transect lines, extending eastward into the property perpendicular to the river. Inventory plot sites would then be located along those transects. The transect locations were chosen so that the most varying types of habitat were encountered along their length. In this manner, the information collected would typify the site's most prevalent upland and wetland habitat habitats.

Once the plot sites were inventoried the investigator walked along the wetland/upland interface and placed four inch square pink flags reading "wetland delineation" at intervals sufficient to mark

the wetland interface. The positions of those flags were then surveyed into the site plan using established property corners and survey control points.

The site plan on page 3 in this report is for rough location only. The wetland points shown are tied to site survey controls and can be relocated by traditional survey methods, however, the property map was added as a scanned image and may not be a true and correct representation of the property's boundaries.

As the investigator walked the property he noticed that much of the property appeared to have the potential to contain jurisdictional wetlands. Most of the parcel appears to have lain in the Big Wood River's flood plain prior to the construction of the dike. Also, the flume on the property's eastern boundary is low enough that during seasonal high water, "springs" (high groundwater) begin to emanate from its bottom.

Six inventory plot sites were established along the two transects. At each plot site the vegetation was identified and classified as either obligate wetland (OBL), facultative wet (FACW), facultative (FAC), and facultative upland (FACU). Also, a soil pit was dug at in each plot site. Soils are determined to be hydric by the presence of gley, mottles, decayed organic matter, dark streaking of that organic matter as it moves downward with the fluctuations of the water table, and the presence of iron or manganese concretions.

3.0 Results

3.1 Soils and hydrology

Most jurisdictional wetlands are confined to the channel of the river, as expressed by the mean high water mark along its bank, and the bottom of the flume or ditch running along the eastern property boundary. One low area on the east side of the dike at plot site #1 did contain all the conditions necessary to qualify as wetlands, however, it was the only isolated patch we found.

Of the six soil pits we sampled two contained all three positive wetland indicators (plots #1 and #6), two showed upland characteristics (plots #2 and #3), and two plots showed mixed conditions but did not show either strong indications of hydrology (plot #4) or did not contain any wetland plants (plot #5).

At the wetland sites soils were dark (10yr 2/1 and 3/1) and contained obvious mottles and other anaerobic conditions. At the sites that were marginal for wetland conditions (#4 and #5) soils were sandy or sandy and gravelly in the lower zones which can indicate saturated conditions, however, under-story plants were predominately non-wetland species.

3.2 Vegetation

The vegetation observed and their indicator status are detailed in Table 1

Table 1. Plant species inventoried and their indicator status.

Common Name	Scientific Name	Indicator Status (Reg. 9)
Reed canary grass	*Phalaris arundinacea*	FACW
Common scouring rush	*Equisetum hyemale*	FACW
Common horsetail	*E. arvense*	FAC+
Redtop	*Agrostis stolonifera*	FACW
Red-osier dogwood	*Cornus stolonifera*	FACW
Black cottonwood	*Populus trichocarpa*	FAC+
Red alder	*Alnus rubra*	FAC+
Woods rose	*Rosa woodsii*	FACU
Golden currant	*Ribes aureum*	FAC+
Willows	*Salix spp.*	FACW
Sage	*Artemisia* spp.	NI
Starry false soloman's seal	*Smilacena stellata*	FAC -
Spotted knapweed	*Centaurea maculosa*	NI
Fireweed	*Epilobium angustifolium*	FACU
Western yarrow	*Achillea millefolium*	FACU
Smooth brome	*Bromus inermis*	NI
Quackgrass	*Agropyron repens*	FAC U
Slender wheat grass	*Agropyron trachycaulum*	FAC-
Kentucky bluegrass	*Poa pratensis*	FAC U-
Canada thistle	*Cirsium arvense*	FACU
Yellow Sweet Clover	*Melilotus officinalis*	FACU
Western white clematis	*Clematis ligusticifolia*	FACU

Typically, FAC plants are assigned + or - based upon their proximity to other wetland species and hydric soils.

The dominant ground covers were smooth brome (*Bromus inermis*) or blue grass *(Poa pratensis)* in upland sites and sedges *(Carex spp.)* in the wetland sites. Wood's rose *(Rosa woodsii)* composed the under-story in upland sites and willows (Salix spp.) and dogwood *(Cornus stolonifera)* filled in wetland areas.

4.0 Conclusions and Discussion

4.1 Wetland delineation

Based upon the soil pit analyses, the hydrology of the ditch and the preponderance of FACW and FAC+ vegetation along it, the investigators determined that **0.36 acres (15,859 sq.ft.)** of wetlands, and the jurisdictional channel of the Big Wood River, exist on the property. We identified two distinct wetland areas (see map on page 3). The main wetland area (15,332 sq.ft.) lies within the old power plant flume on the site's east side. And, one small wetland (527 sq.ft.) sits at plot site #1.

The areas determined to be wetlands lie in the lowest parts of the property and are influenced only by high ground water. No streams or other water sources convey water onto this site with sufficient duration to support wetland conditions. Except along the flume most of the site is dry and where old swales and or drainage patterns are apparent conditions have dried to the point that under-story areas are populated by either wood's rose or non-indicative grasses.

APPENDIX

PLOT FORMS

file

EHM ENGINEERS, INC.

621 North College Rd., Suite 100
Twin Falls, Idaho 83301
Phone: 208-734-4888 Fax: 208-734-6049

TO: Diane Shay

FAX: 788-2924

FROM: Gerry Martens

DATE: 5/5/04

RE: Board Mill + Sunset Ranches

FAXED 5/5/04

14 Pages Were Sent (Including Cover Page)
If all pages were not received please call 208-734-4888

EHM ENGINEERS, INC.

621 North College Rd., Suite 100
Twin Falls, Idaho 83301
Phone: 208-734-4888 Fax: 208-734-6049

TO: Linda Haavick

FAX: 788-5576

FROM: Gerry Martens

DATE: 5/5/04

RE: Board Mill + Sunset Branches

FAXED 5/5/04

14 Pages Were Sent (Including Cover Page)
If all pages were not received please call 208-734-4888

8-21-07

Boards Mill LOMR

FEMA Base elevations approx 1 foot high
" look @ area south of zone X

DK OK to endorse
MB 2nd, add focus on south edge of study

12-28-04

Outstanding issues w/ county?

Quigley ✓

Di
Evan
Elliott
Mark
Gerald
Clapper

Caplow pay for their own fiscal impact study

- pool
- one firm } undecided

↓

Mayor & CC determine

Master Plan entire parcel
What plans does city have? - ice rink
water park
↓
I said none, were not planning those

Contract zoning

Bruce Allan
- storage
-

Road → Caplan 2-24-04

15.8 acres

1-1.5 acre ~~=~~ State land?

access – right by Dudge – maintain

→ ask Tom "Chapman" ← future bridge expansion

private street – $ H.O. Assoc resp for flood damage

disclaimer – ~~#~~ suspend city services eg water if waterline damaged

~~Brittain's property~~

Next → ~~neg. prelim. plat~~ – bldg, flow, planning

Ketch ~~map~~ county?

Mark & Elliott - Caplans
- Gerald
- Tom, Krishna, Di, Becki

9-2-04

MC - They've had mtgs w/ neighbors
their plan a "joint plan"

fax agenda 9/13 9/20 Mark Caplan

- wholesale pmt - liability questions? erosion downstream
neighbor concerns re parking, noise, trash

- ice rink - not as many concerns - mainly landscaping

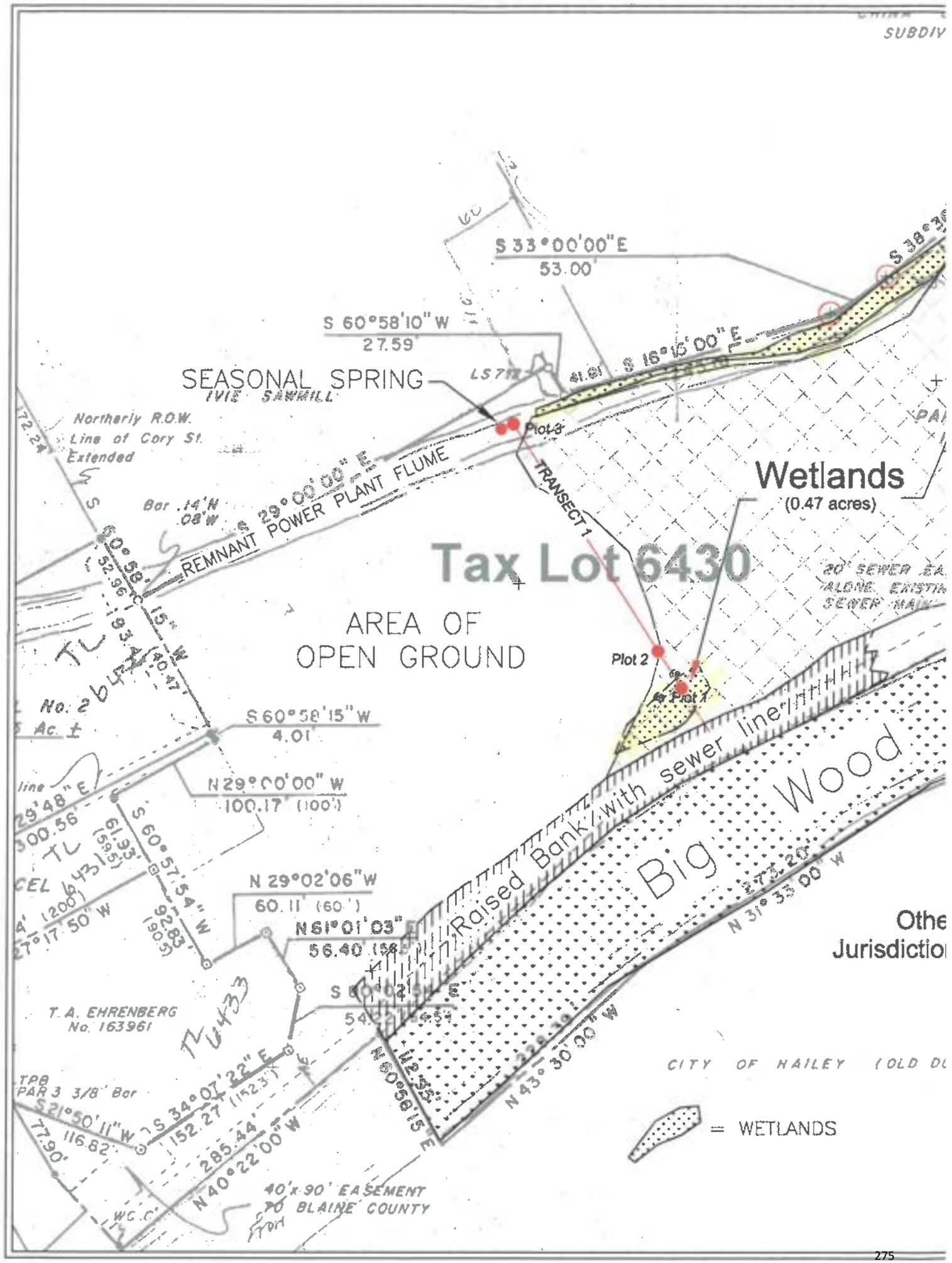
bridge - Mark thinks the existing bridge sh/b widened/
improved instead of proposed emerg. bridge
says neighbors don't like it either

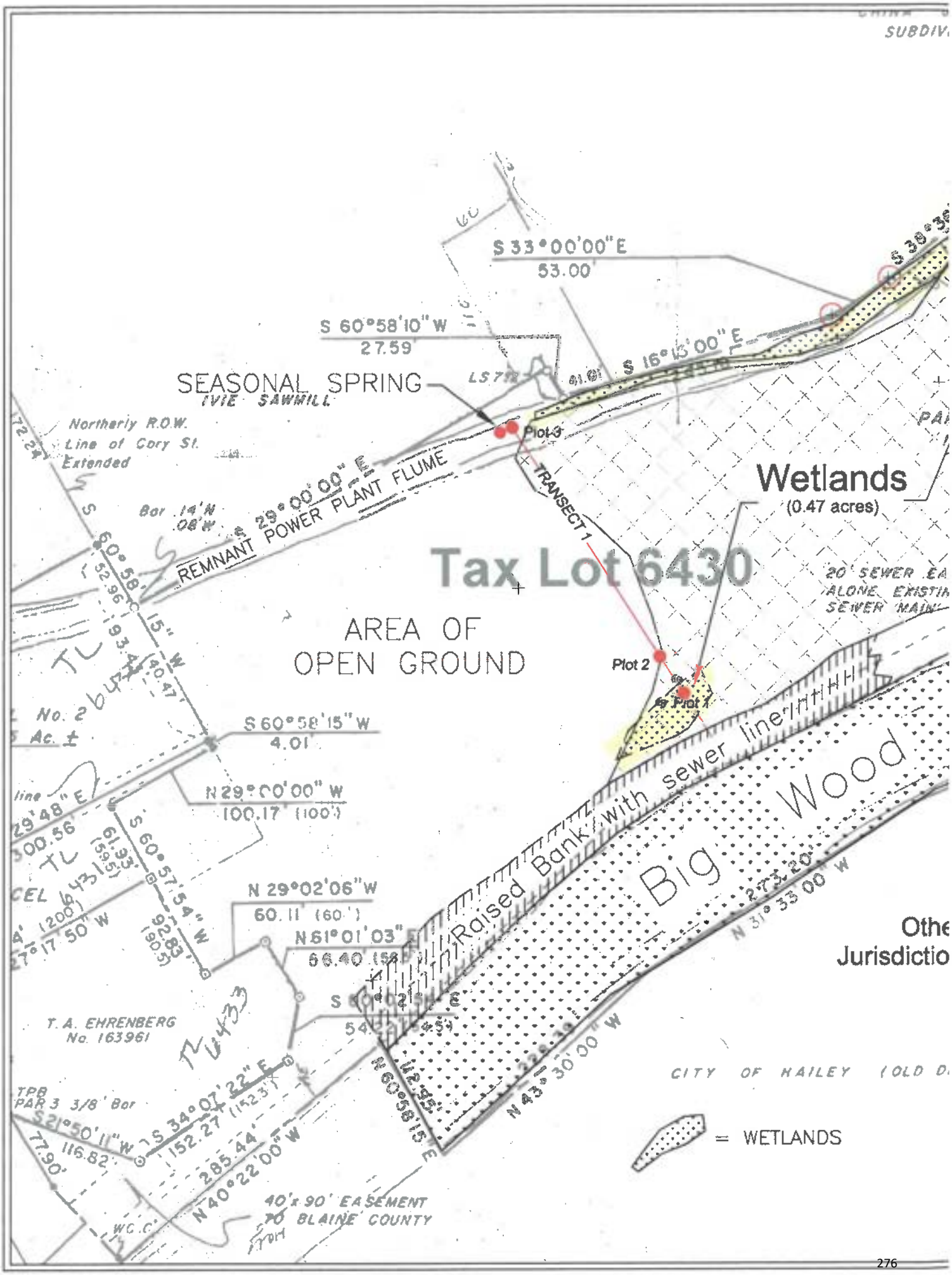
Plan 1 - 12-13 duplexes
Plan 2 - 12 single family

maintain wetlands, increase landscaping betw neighbors

floodplain - not shown!
Tom suggests study - possibly some out now?

fax: 310-247-4855 ph: 310-247-8688


SUBDIV
S 33°00'00" E
53.00'
S 60°58'10" W
27.59'
SEASONAL SPRING
IVIE SAWMILL
Northerly R.O.W.
Line of Cory St.
Extended
S 16°15'00" E
41.61'
Plot 3
TRANSECT 1
Wetlands
(0.47 acres)
S 29°00'00" E
REMNANT POWER PLANT FLUME
Tax Lot 6430
AREA OF
OPEN GROUND
Plot 2
Plot 1
20' SEWER EA
ALONG EXISTIN
SEWER MA
S 60°58'15" W
4.01'
N 29°00'00" W
100.17' (100')
N 29°02'06" W
60.11' (60')
N 61°01'03" E
56.40'
Raised Bank w/ sewer line
Big Wood
N 31°33'00" W
N 43°30'00" W
T.A. EHRENBERG
No. 163961
TPOB
PAR 3 3/8" Bar
S 21°50'11" W
116.82'
S 34°07'22" E
152.27'
N 40°22'00" W
285.44'
N 60°58'15" E
142.55'
40'x 90' EASEMENT
TO BLAINE COUNTY
CITY OF HAILEY (OLD D
= WETLANDS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S 33°00'00" E
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LS 7½
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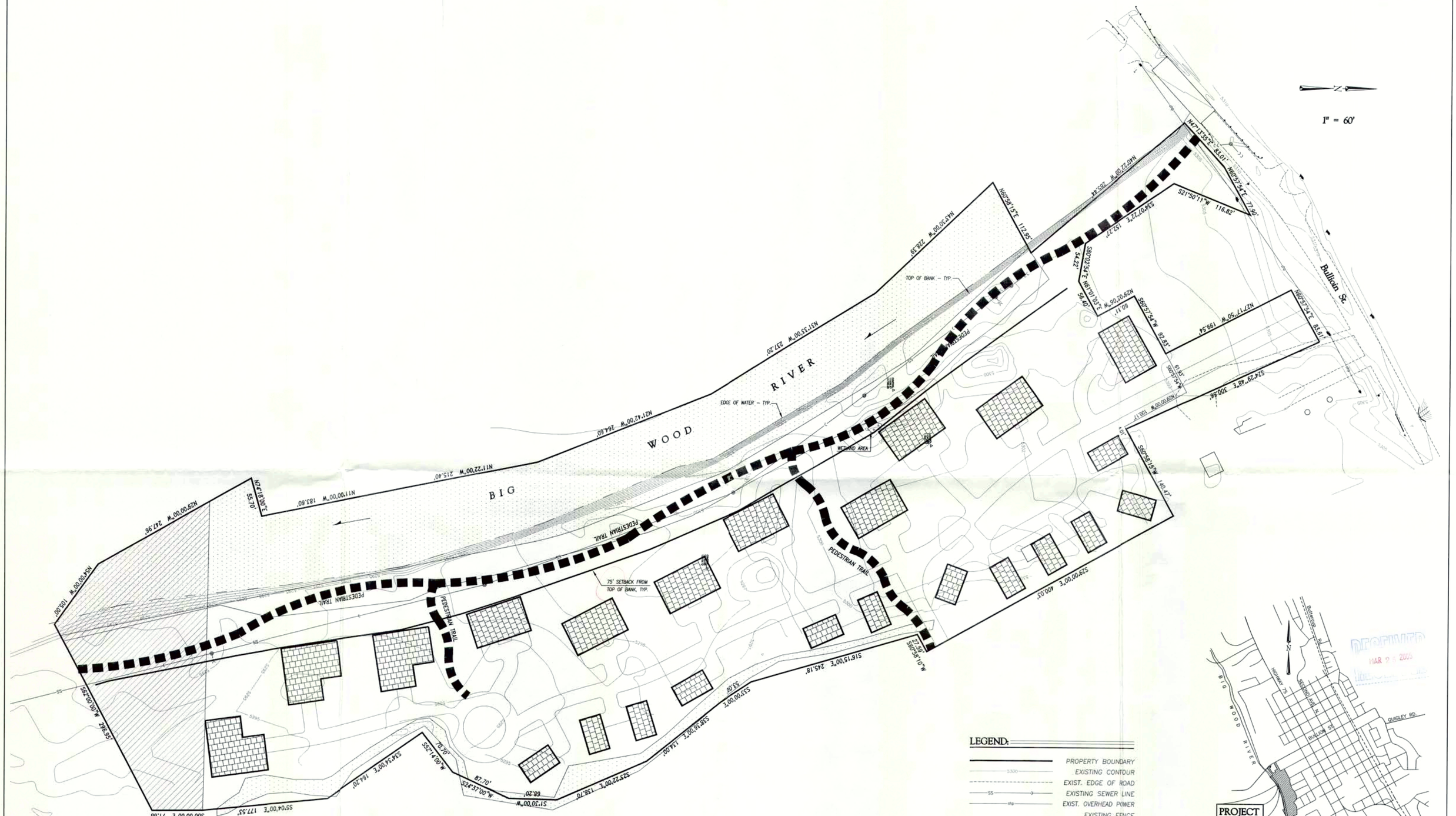
40'x 90' EASEMENT
TO BLAINE COUNTY
FROM
W.C.C.
N 60°58'15" E
142.45'
N 43°30'00" W
CITY OF HAILEY (OLD D
= WETLANDS



LEGEND:

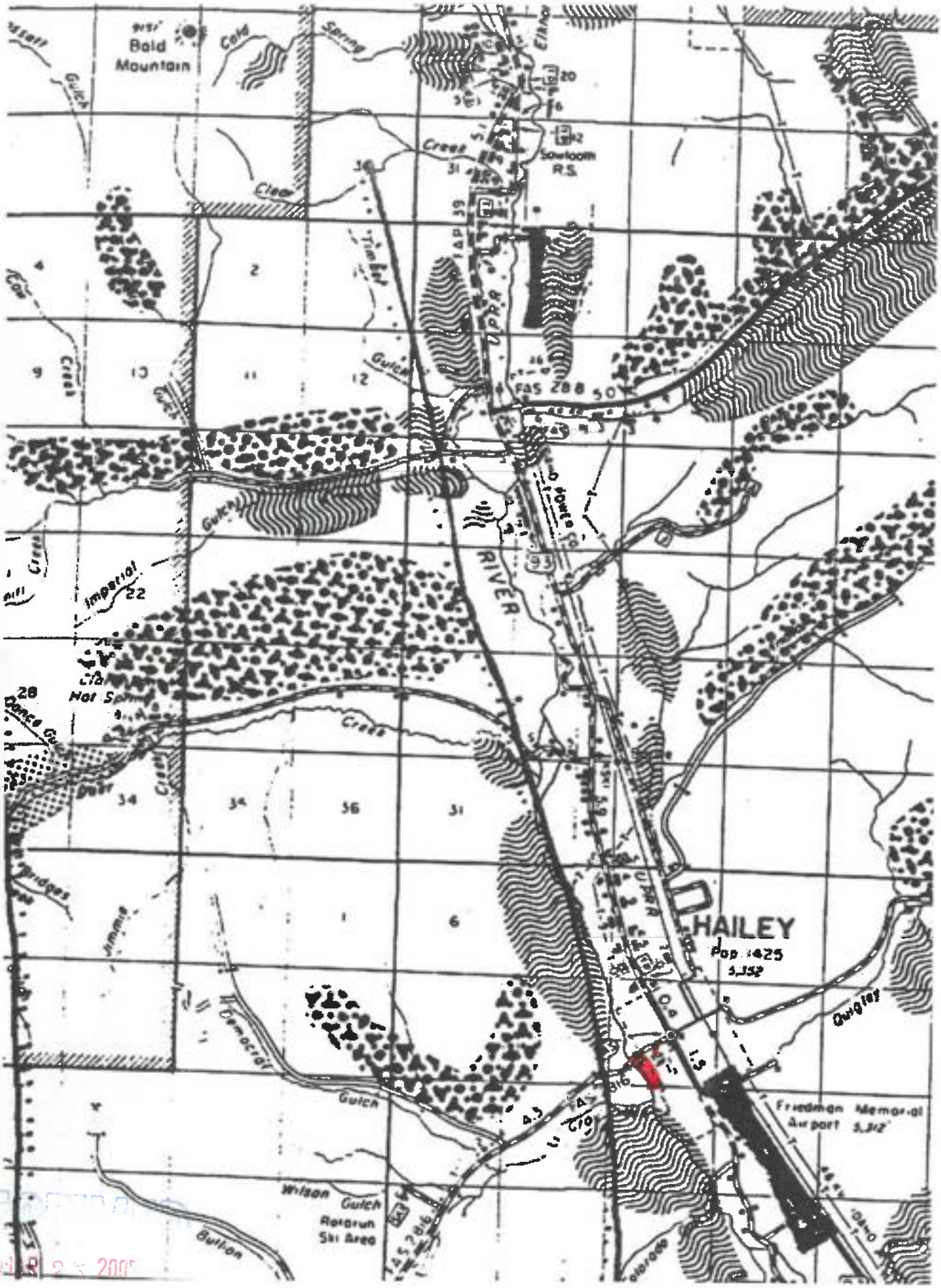
- PROPERTY BOUNDARY
- EXISTING CONTOUR
- EXIST. EDGE OF ROAD
- EXISTING SEWER LINE
- EXIST. OVERHEAD POWER
- EXISTING FENCE
- EXISTING MANHOLE
- EXISTING POWER POLE
- EXISTING TELEPHONE RISER

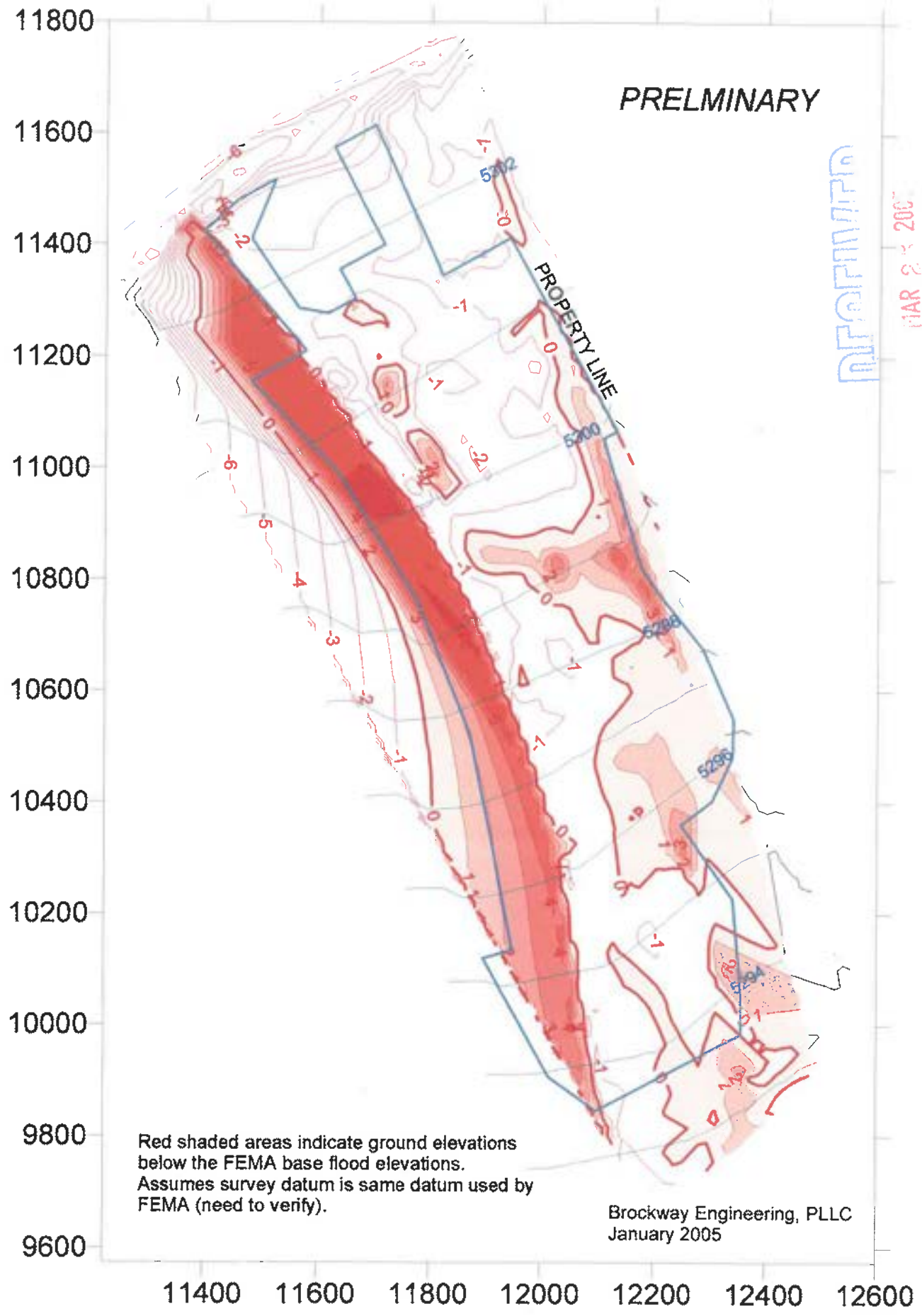
HAILEY VICINITY SKETCH
N.T.S.

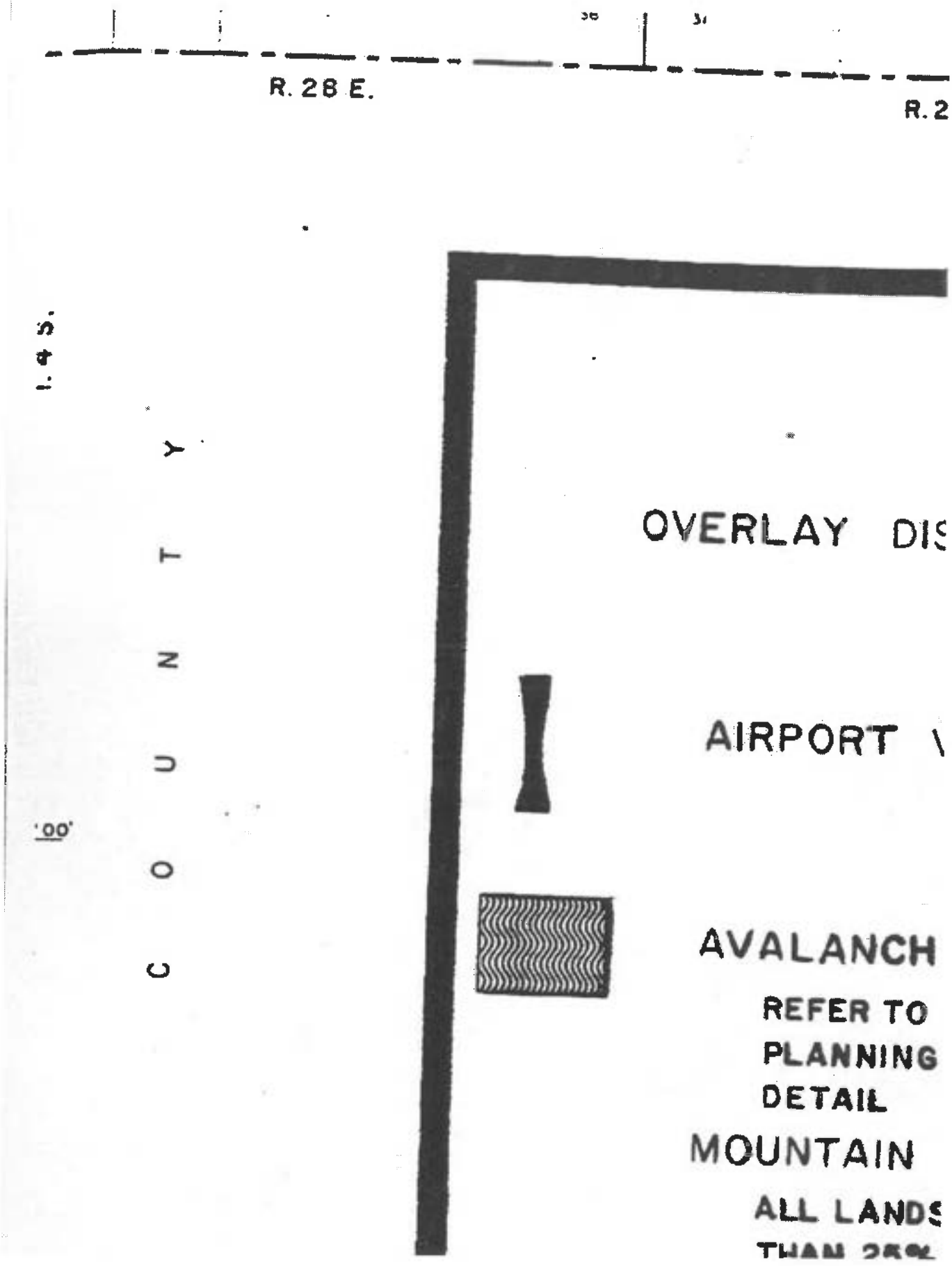
NOTE: BOUNDARY TAKEN FROM DATA SUPPLIED BY OTHERS.

RECEIVED
MAR 2 5 2005

Site Development Map For BOARDS MILL Blaine Co, Idaho	Located in SW4, Section 9 In NW4, Section 16 T. 2 N., R. 18 E., B.M. Blaine County, Idaho	EHM Engineers, Inc. ENGINEERS/SURVEYORS/PLANNERS 621 NORTH COLLEGE ROAD, SUITE 100, TWIN FALLS, IDAHO 83301 PHONE: (208) 734-4888 FAX: (208) 734-6049 E-MAIL: ehm@ehminc.com	APPROVED: — DESIGN: G. Martens — DRAWN: K. Fehringer — DATE: March, 2005 — SCALE: As Shown — DWG. NO.: 298-03 — Sheet 1 of 1


Bald Mountain
Cold Spring Gulch
Sawtooth N.F.
Sawtooth N.R.A.
Timber Gulch
FAS 2888 50
Imperial Gulch
Hot Springs
Dance Gulch
Jumpoff Ridges
Wagonroller Gulch
Wilson Gulch
Bullion
Rotarun Ski Area
Big Wood RIVER
HAILEY
Pop 1425
5,312
Friedman Memorial Airport 5,312
Quigley


PRELMINARY
PROPERTY LINE
11800
11600
11400
11200
11000
10800
10600
10400
10200
10000
9800
9600
11400
11600
11800
12000
12200
12400
12600
Red shaded areas indicate ground elevations below the FEMA base flood elevations.
Assumes survey datum is same datum used by FEMA (need to verify).
Brockway Engineering, PLLC
January 2005


R. 28 E.
R. 2
OVERLAY DIS
AIRPORT \
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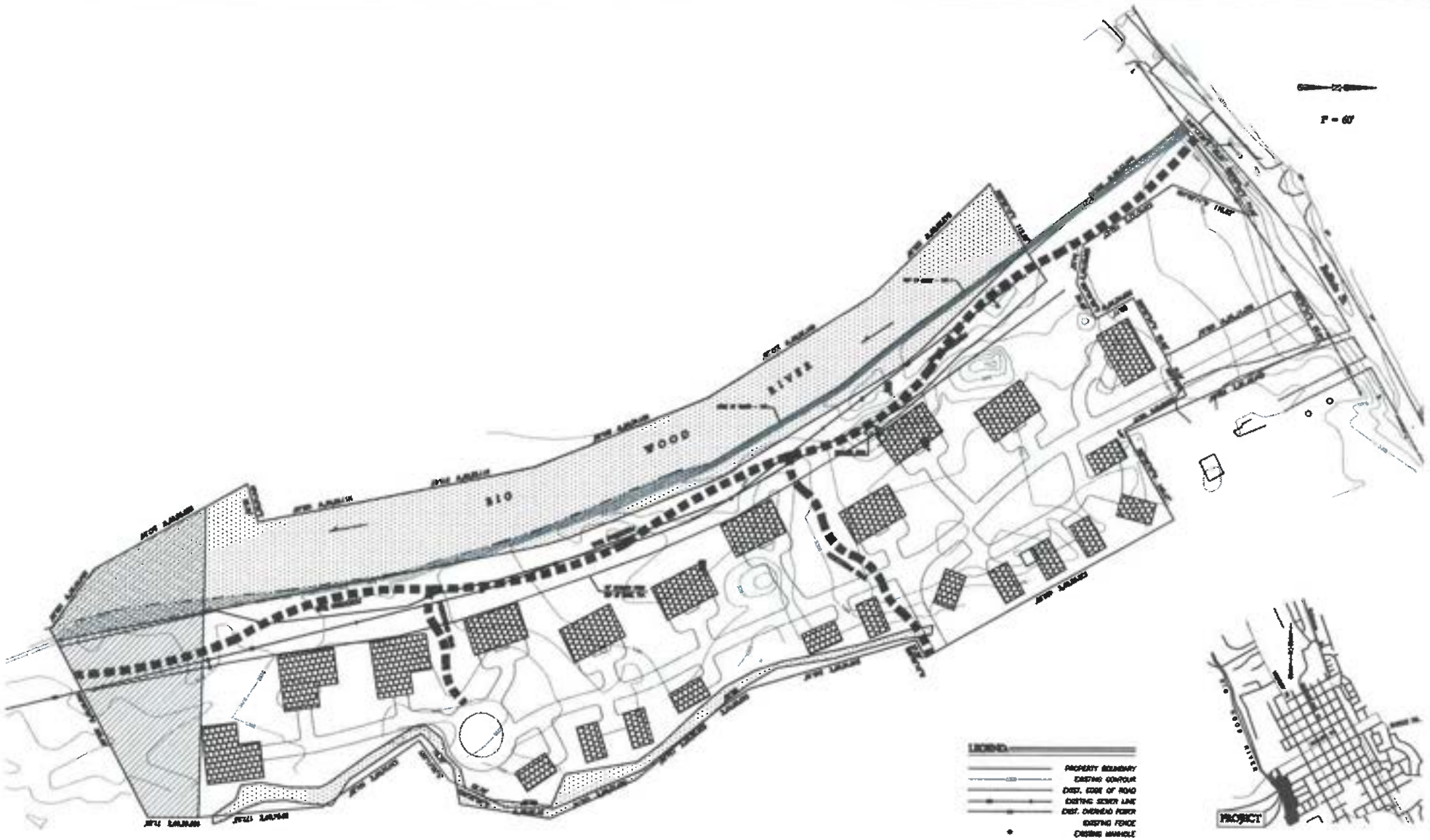
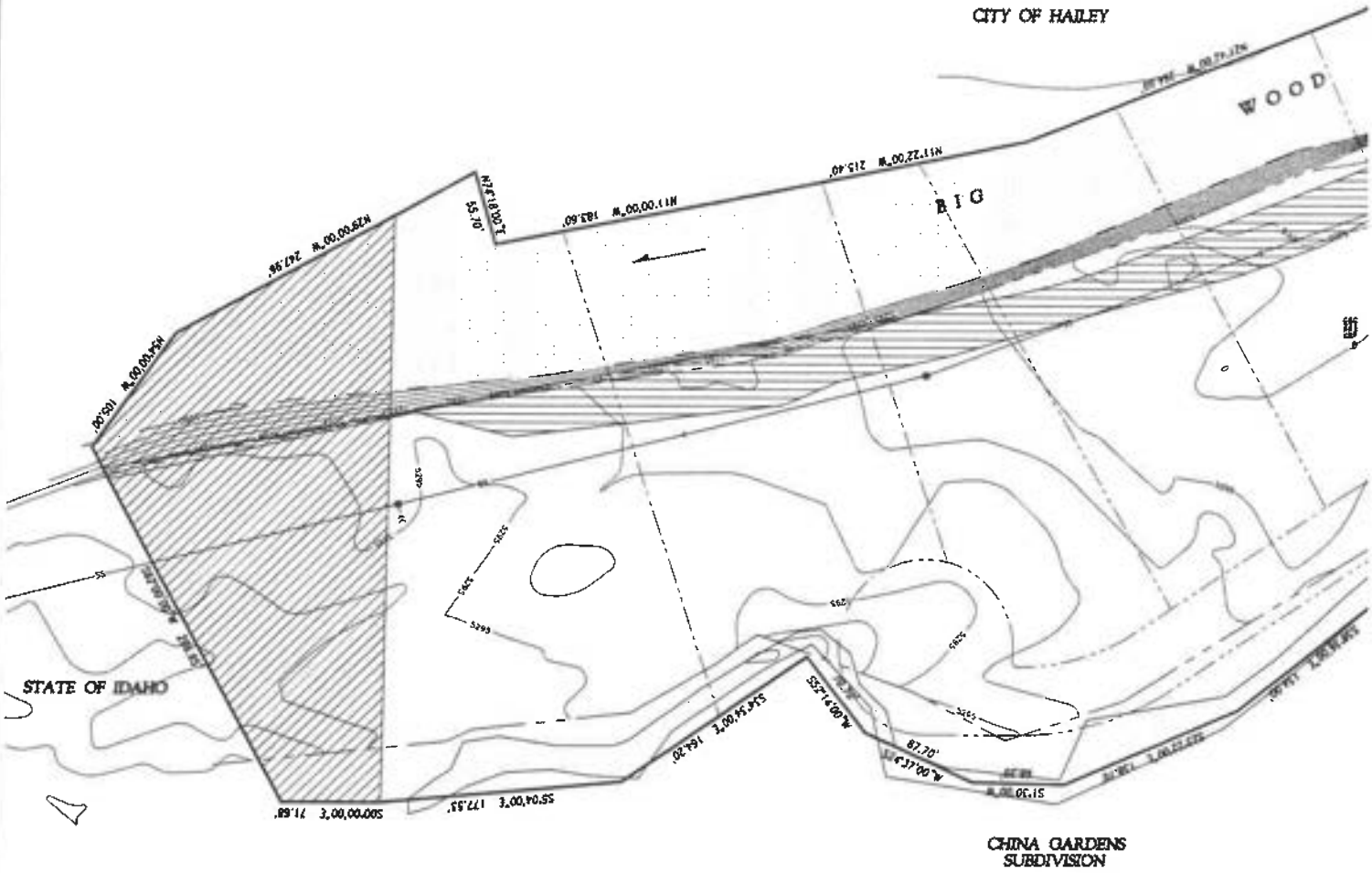
REFER TO
PLANNING
DETAIL
MOUNTAIN
ALL LANDS
COUNTY


1" = 60'
LEGEND
PROPERTY BOUNDARY
EXISTING CONTOUR
EXIST. EDGE OF ROAD
EXISTING SEWER LINE
EXIST. OVERHEAD POWER
EXISTING FENCE
EXISTING MANHOLE
EXISTING POWER POLE
EXISTING TELEPHONE RISER
PROJECT
HAILEY VICINITY SKETCH
NTS
Site Development Map
For
BOARDS MILL
Blaine Co, Idaho
Engineers, Inc.
G. Harlens
E. Fahringer
Ay Stynes


CITY OF HAILEY
WOOD
BIG
STATE OF IDAHO
CHINA GARDENS
SUBDIVISION

REQUIRES RESOLUTION
WITH THE STATE OF IDAHO
WETLANDS
20' WIDE EMERGENCY ACCESS
TO ASPEN DRIVE ACROSS TRADE / STATE
PROPERTY RECOMMENDED

MEMORANDUM

TO: City Council

FROM: Diane Shay, City Planner/Floodplain Administrator

RE: LOMR request/Board's Mill

HEARING DATE: August 13, 2007

Brockway Engineering, representing Bullion Partners, has contacted me regarding the Board's Mill property located on the east bank of the Bigwood River. Bullion Partners is seeking annexation of the subject property and the City has had their application in house since February of 2005. The application has not been certified as complete due to outstanding submittal requirements. One issue which affected the applicant was the floodplain determination and our requirement that lots in the floodplain shall be a minimum size of 20,000 square feet.

According to FEMA data, a portion of the property is currently in the floodplain; Bullion Partners would like to apply for a Letter of Map Revision (LOMR) that would eliminate much of the regulated floodplain (Zone AE) from the Board's Mill property, but would create a Zone X floodplain, which is unregulated in both the City and the County. With a LOMR, an applicant could ask the City for a site specific revision to the floodplain map. Under FEMA procedures, the City of Hailey would have to endorse the application in order for the LOMR to be considered. The County has previously endorsed the application.

Tom Hellen and I have reviewed the materials Mr. Brockway sent to the City. Additionally, we had two lengthy meetings with Jim Koonce, County Engineer, Linda Kelsey, former Planner for Blaine County, and Chuck Brockway, Jr. It appears that Brockway's survey of the floodplain would remove a portion of Bullion Partners property from the floodplain. Because of this proposed modification to the floodplain I've asked Mr. Brockway to make a presentation to the Council, outlining his data and determination of the new boundaries.

In considering the City's endorsement of the LOMR, the Council should consider the information presented by Mr. Brockway and evaluate the risks/benefits to the applicant (Bullion Partners) and adjacent properties.

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
AUG 2 2007

August 21, 2007

Ms. Diane Shay
City of Hailey P&Z
115 Main Street South, Suite H
Hailey, ID 83333

Re: LOMR Application – Caplow
Project No. 072-04-2004

Dear Diane:

Enclosed please find eleven (11) maps, 11x17 size, showing the revision of the Zone X delineation just south of Bullion Street. As we have discussed, this modification resulted from a mandate by FEMA that the Bullion Street culvert be modeled as fully unobstructed during the 100-year flood. The delineation south of the road still meets the definition of a Zone X (unregulated). Within the subject property, the delineation is unchanged. I am planning on a City Council meeting on Monday, August 27.

Cordially,

Charles G. Brockway, P.E.

Enc. 11x17 maps (11 copies)
Cc: Mark Caplow (w/ 1 copy of map)
Gerald Martens (w/ 1 copy of map)

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

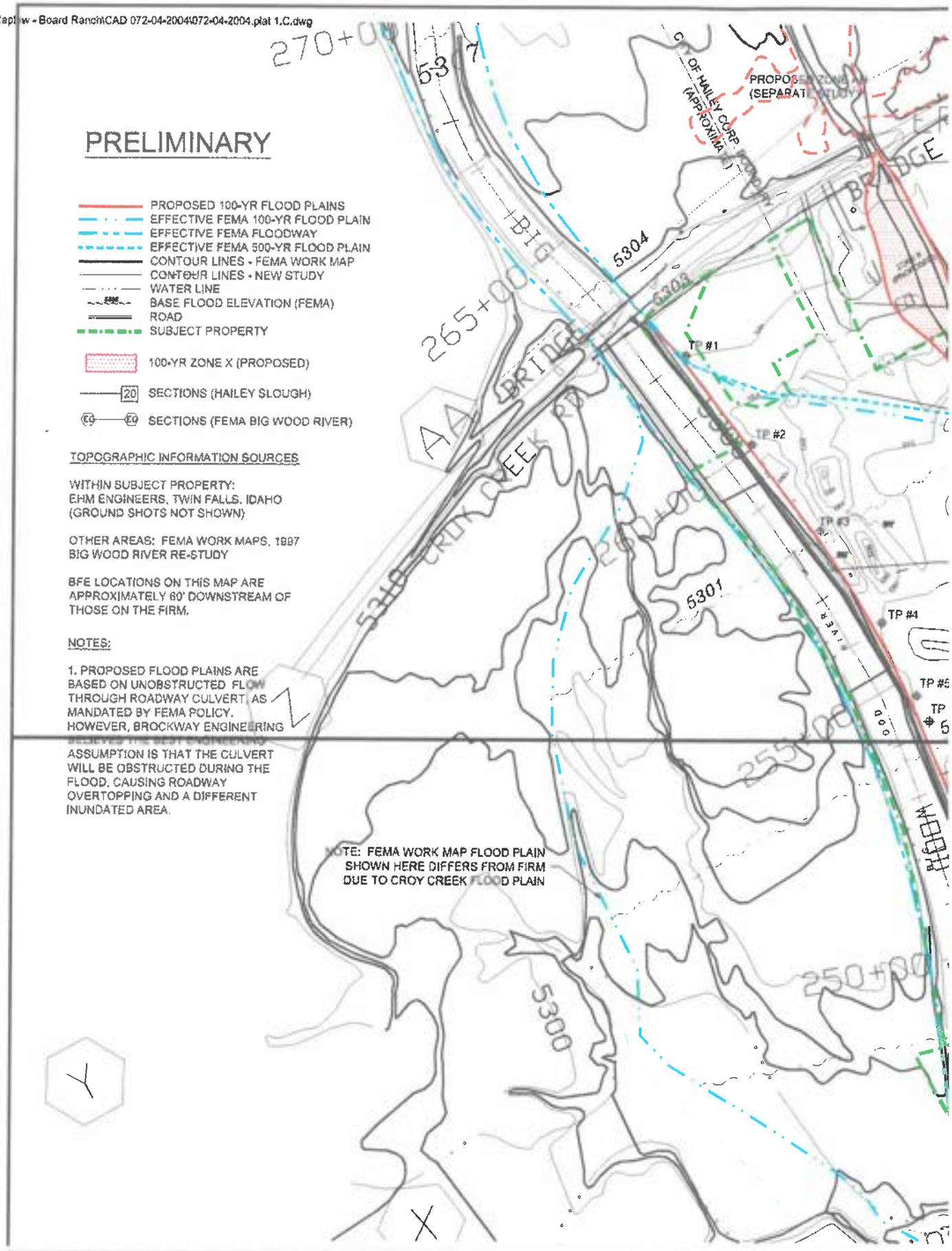
2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

F:\Projects\Capt w - Board Ranch\CAD 072-04-2004\072-04-2004.plat 1.C.dwg

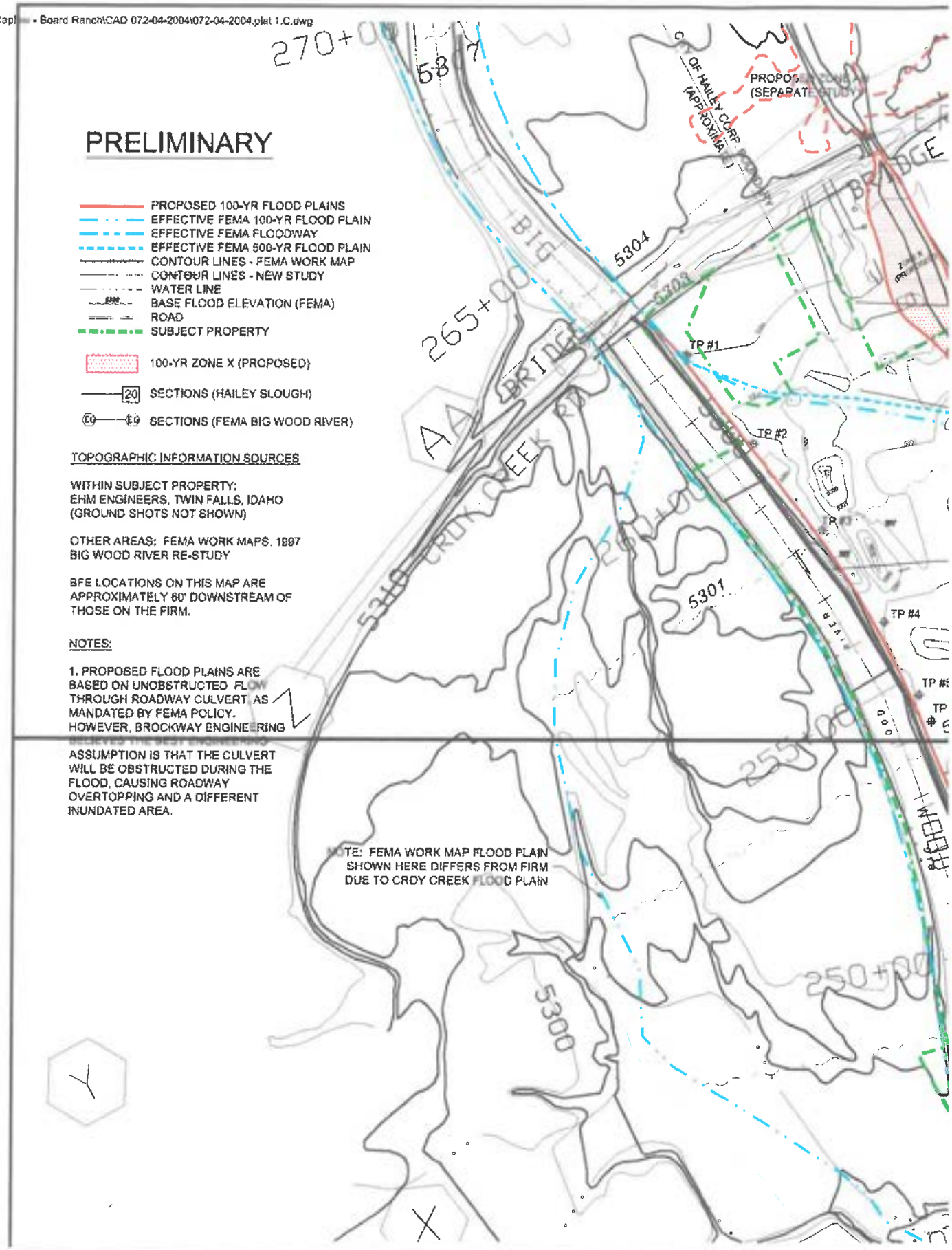


THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
C	ROAD CULVERT OPEN, MANDATED BY FEMA	8/10/07		
B	FLOOD PLAIN REVISIONS	2/7/07		
A	ISSUED FOR REVIEW	3/1/06	CGB	

WOOD RIVER VALLEY
PHOTO MALLORY

F:\Projects\Cap[illegible] - Board Ranch\CAD 072-04-2004\072-04-2004.plat 1.C.dwg



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C	ROAD CULVERT OPEN, MANDATED BY FEMA	8/10/07	
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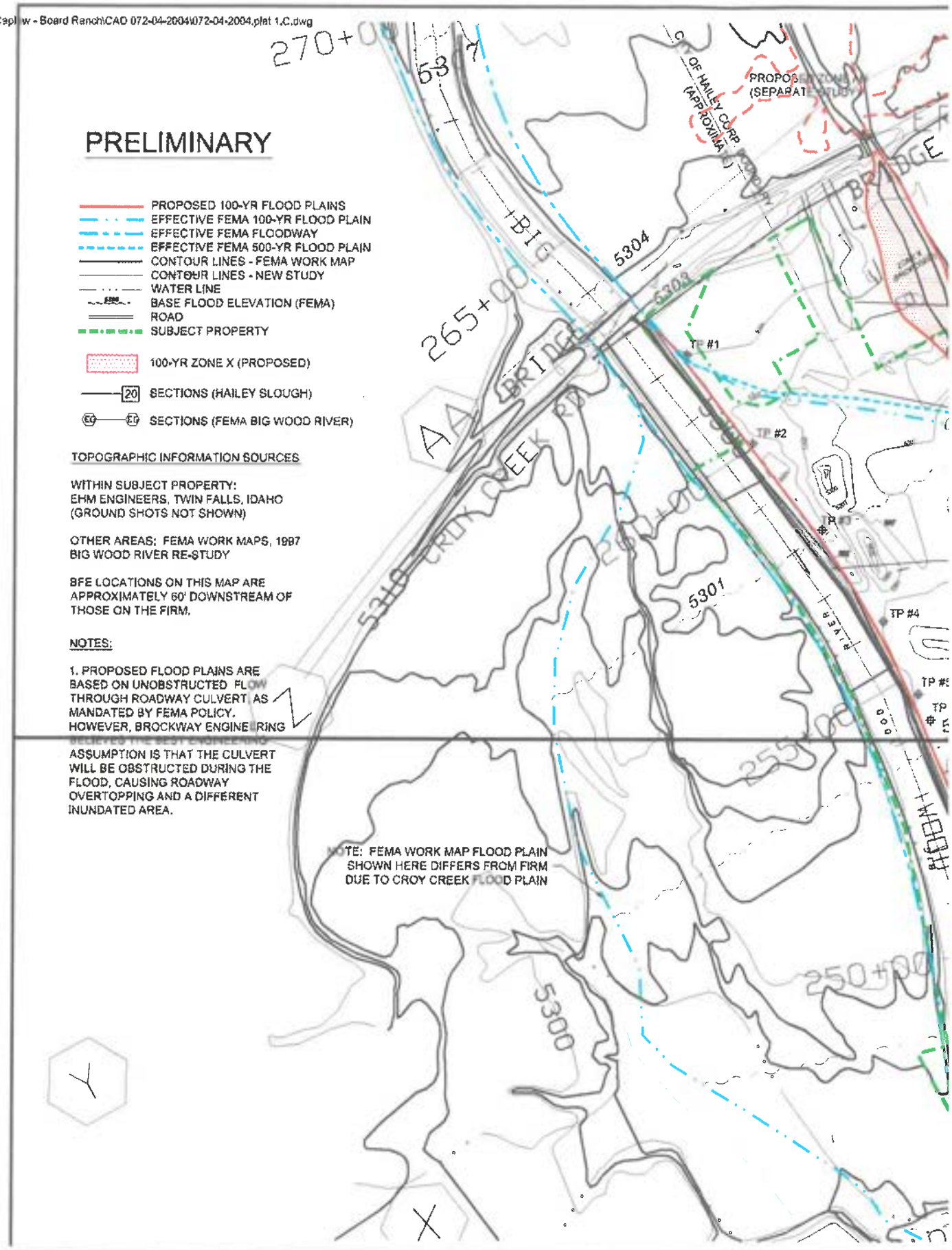
REFERENCE DRAWINGS

F:\Projects\Caplow - Board Ranch\CAD 072-04-2004\072-04-2004.plat 1.C.dwg



PRELIMINARY

TOPOGRAPHIC INFORMATION SOURCES

WITHIN SUBJECT PROPERTY:
EHM ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)

OTHER AREAS: FEMA WORK MAPS, 1997
BIG WOOD RIVER RE-STUDY

BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.

NOTES:

1. PROPOSED FLOOD PLAINS ARE BASED ON UNOBSTRUCTED FLOW THROUGH ROADWAY CULVERT, AS MANDATED BY FEMA POLICY. HOWEVER, BROCKWAY ENGINEERING BELIEVES THE BEST ENGINEERING ASSUMPTION IS THAT THE CULVERT WILL BE OBSTRUCTED DURING THE FLOOD, CAUSING ROADWAY OVERTOPPING AND A DIFFERENT INUNDATED AREA.

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC. FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

REV	DESCRIPTION	DATE	APPD.
C	ROAD CULVERT OPEN, MANDATED BY FEMA	8/10/07	
B	FLOOD PLAIN REVISIONS	2/7/07	
A	ISSUED FOR REVIEW	3/1/06	CGB

REFERENCE DRAWINGS

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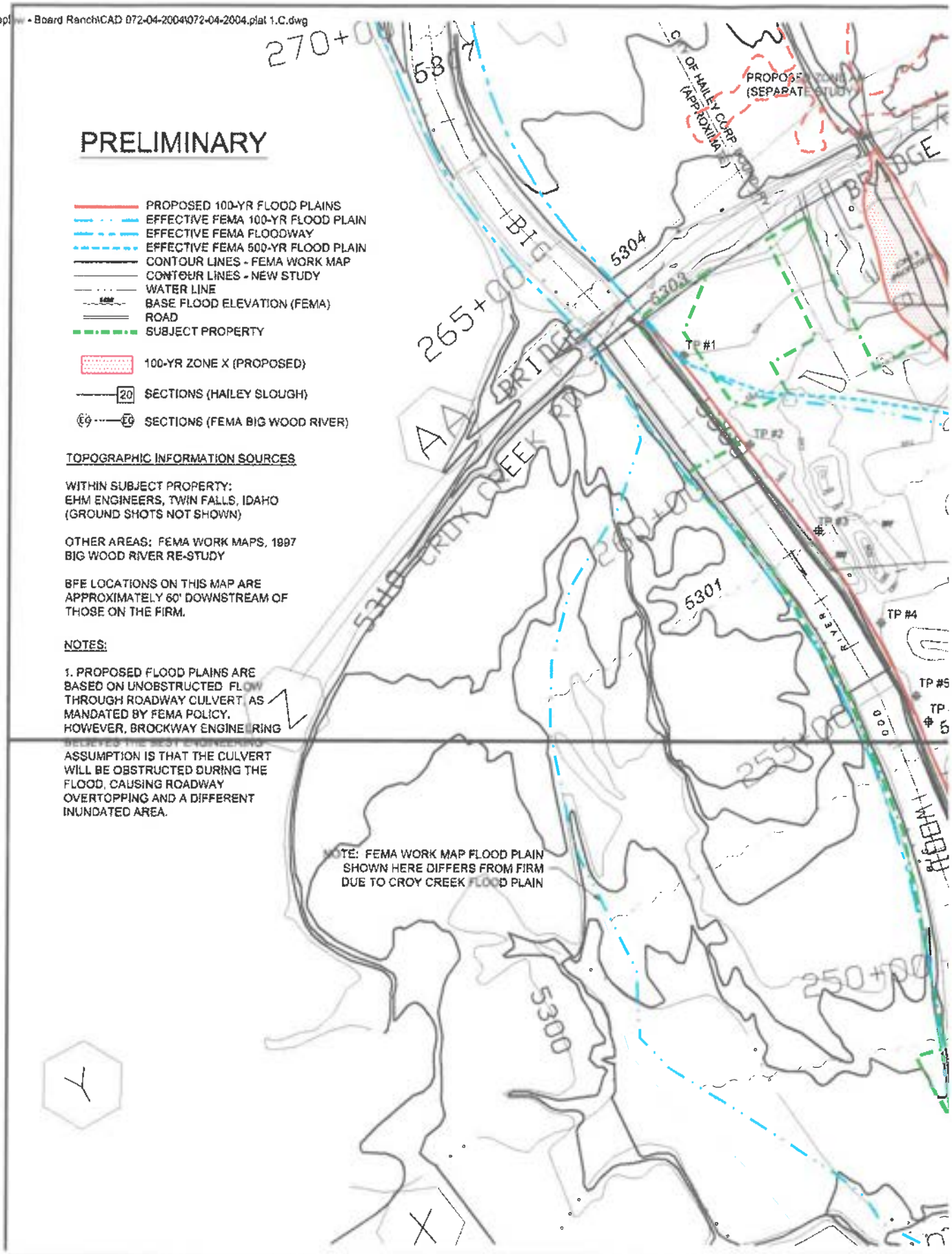

PRELIMINARY

- PROPOSED 100-YR FLOOD PLAINS
- EFFECTIVE FEMA 100-YR FLOOD PLAIN
- EFFECTIVE FEMA FLOODWAY
- EFFECTIVE FEMA 500-YR FLOOD PLAIN
- CONTOUR LINES - FEMA WORK MAP
- CONTOUR LINES - NEW STUDY
- WATER LINE
- BASE FLOOD ELEVATION (FEMA)
- ROAD
- SUBJECT PROPERTY
- 100-YR ZONE X (PROPOSED)
- SECTIONS (HAILEY SLOUGH)
- SECTIONS (FEMA BIG WOOD RIVER)

TOPOGRAPHIC INFORMATION SOURCES

WITHIN SUBJECT PROPERTY:
EHM ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)

OTHER AREAS: FEMA WORK MAPS, 1997
BIG WOOD RIVER RE-STUDY

BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.

NOTES:

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REV	DESCRIPTION	DATE	APPD.
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REFERENCE DRAWINGS

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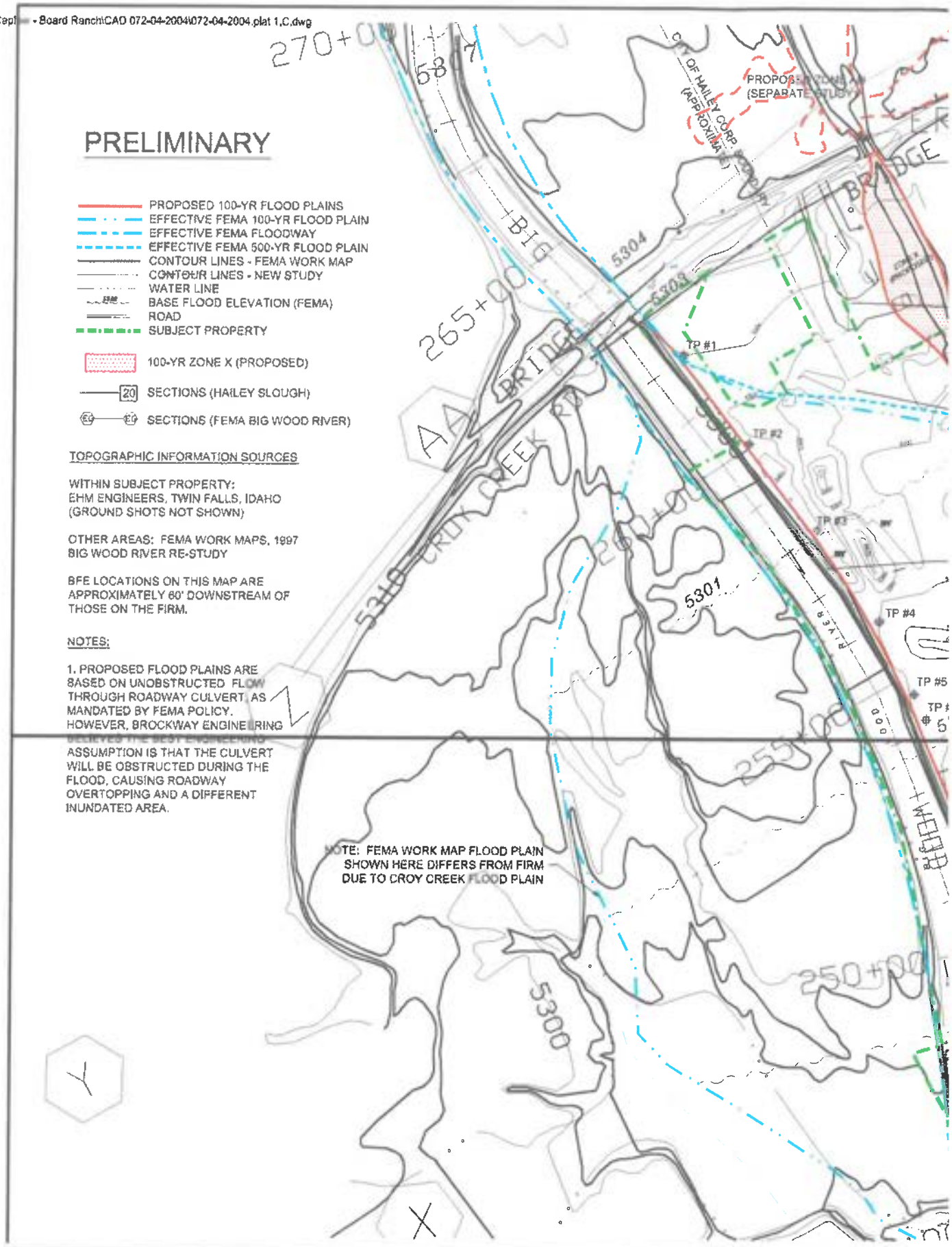

PRELIMINARY

- PROPOSED 100-YR FLOOD PLAINS
- EFFECTIVE FEMA 100-YR FLOOD PLAIN
- EFFECTIVE FEMA FLOODWAY
- EFFECTIVE FEMA 500-YR FLOOD PLAIN
- CONTOUR LINES - FEMA WORK MAP
- CONTOUR LINES - NEW STUDY
- WATER LINE
- BASE FLOOD ELEVATION (FEMA)
- ROAD
- SUBJECT PROPERTY
- 100-YR ZONE X (PROPOSED)
- 20 SECTIONS (HAILEY SLOUGH)
- EG EG SECTIONS (FEMA BIG WOOD RIVER)

TOPOGRAPHIC INFORMATION SOURCES

WITHIN SUBJECT PROPERTY:
EHM ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)

OTHER AREAS: FEMA WORK MAPS, 1997
BIG WOOD RIVER RE-STUDY

BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.

NOTES:

1. PROPOSED FLOOD PLAINS ARE BASED ON UNOBSTRUCTED FLOW THROUGH ROADWAY CULVERT, AS MANDATED BY FEMA POLICY. HOWEVER, BROCKWAY ENGINEERING BELIEVES THE BEST ENGINEERING ASSUMPTION IS THAT THE CULVERT WILL BE OBSTRUCTED DURING THE FLOOD, CAUSING ROADWAY OVERTOPPING AND A DIFFERENT INUNDATED AREA.

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REV	DESCRIPTION	DATE	APPD.
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REFERENCE DRAWINGS

DESIGNED CGB

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

COPY

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FEB 21 2007
DS

February 16, 2007

Linda Kelsey
Blaine County P&Z
219 1st Avenue South, Suite 208
Hailey, ID 83333

Diane Shay
City of Hailey
115 Main St. South, Suite H
Hailey, ID 83333

Re: LOMR request – Bullion Partners
Project No. 072-04-2004

Dear Linda and Diane:

Enclosed please find a LOMR application and two (2) copies of a technical report pertaining to a flood plain evaluation of the Big Wood River and Hailey Slough south of Bullion Road. Based on site surveying, bank stability evaluation, hydraulic modeling, and an analysis of the 2006 flood event, it has been determined that the Big Wood River eastern flood plain limit should be coincident with the floodway limit at the east bank. Also, the Hailey Slough flood plain should extend southward from Bullion Street, forming a zone of shallow sheet flooding (Zone X).

Ref. to Dr. Shay

Please note that this request is hydraulically related to a pending LOMR request (FEMA Case No. 06-10-B320P) in the name of Kurt Eichstaedt. This pending request concerns primarily the ponded area north of Bullion Street, but the FEMA staff required that the analysis be extended south of the road to tie in with the effective flood plain of the river. The pending request has been endorsed by the City of Hailey, but FEMA has also required endorsement from Blaine County, which is being considered now.

The present request in the name of Bullion Partners would affect land within both Blaine County and City of Hailey jurisdictions, and therefore will require endorsement by both communities. I will be happy to meet with you and/or the city and county engineers to answer any questions that may arise. In the interest of efficiency, I would suggest a joint meeting with staff from both the city and county within the next 30 days after the engineers have had a chance to review the information.

Cordially,

Charles G. Brockway, P.E.

Enc. LOMR application
Technical report

Cc: Mark Caplow (w/ 1 copy of report)
Gerald Martens (w/ 1 copy of report)

Charles E. Brockway, Ph.D., P.E.

Charles G. Brockway, Ph.D., P.E.

2016 North Washington Street • Suite 4

Twin Falls, Idaho 83301

208•736•8543

FAX: 736•8506

FEDERAL EMERGENCY MANAGEMENT AGENCY

OVERVIEW & CONCURRENCE FORM

O.M.B No. 3067-0148
Expires September 30, 2005

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1 hour per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0148). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

A. REQUESTED RESPONSE FROM FEMA

This request is for a (check one):

☐ CLOMR: A letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72).

☒ LOMR: A letter from FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See Parts 60 & 65 of the NFIP Regulations.)

B. OVERVIEW

1. The NFIP map panel(s) affected for all impacted communities is (are):

Community No.	Community Name	State	Map No.	Panel No.	Effective Date
Ex: 480301	City of Katy	TX	480301	0005D	02/08/83
480287	Harris County	TX	48201C	0220G	09/28/90
160022	City of Hailey	ID	16022	664D	3/17/97
165167	Blaine County	ID	165167	664B	3/17/97

2. Flooding Source: Big Wood River and Hailey Slough (Tailrace Creek on FIRM)

3. Project Name/Identifier: Caplow

4. FEMA zone designations affected: AE, X (choices: A, AH, AO, A1-A30, A99, AE, AR, V, V1-V30, VE, B, C, D, X)

5. Basis for Request and Type of Revision:

a. The basis for this revision request is (check all that apply)

☐ Physical Change ☒ Improved Methodology/Data

☐ Regulatory Floodway Revision ☐ Other (Attach Description)

Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

b. The area of revision encompasses the following types of flooding and structures (check all that apply)

Types of Flooding:	☒ Riverine	☐ Coastal	☒ Shallow Flooding (e.g., Zones AO and AH)
	☐ Alluvial fan	☐ Lakes	☐ Other (Attach Description)
Structures:	☐ Channelization	☐ Levee/Floodwall	☐ Bridge/Culvert
	☐ Dam	☐ Fill	☐ Other, Attach Description

C. REVIEW FEE

Has the review fee for the appropriate request category been included? ☐ Yes Fee amount: $____

☒ No, Attach Explanation

Please see the FEMA Web site at http://www.fema.gov/fhm/frm_fees.shtm **for Fee Amounts and Exemptions.**

D. SIGNATURE

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name: Bullion Partners, LLC	Company:	
Mailing Address: 9533 West Pico Blvd. Second Floor Los Angeles, CA 90035	Daytime Telephone No.: (310) 277-8688	Fax No.: (310) 277-4855
	E-Mail Address:	
Signature of Requester (required): Mark Caplow, Managing Member		Date: 02/16/07

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.

Community Official's Name and Title: Susan McBryant, Mayor		Telephone No.: 208-788-4221 x30
Community Name: CITY OF HAILEY	Community Official's Signature (required): Susan McBryant	Date: 8/28/07

CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Charles G. Brockway, P.E.	License No.: 9195	Expiration Date: 1/11/08
Company Name: Brockway Engineering, PLLC	Telephone No.: (208) 736-8543	Fax No.: (208) 736-8506
Signature:		Date: 2/19/07

Ensure the forms that are appropriate to your revision request are included in your submittal.

Form Name and Number	Required if
☒ Riverine Hydrology and Hydraulics Form (Form 2)	New or revised discharges or water-surface elevations
☐ Riverine Structures Form (Form 3)	Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam
☐ Coastal Analysis Form (Form 4)	New or revised coastal elevations
☐ Coastal Structures Form (Form 5)	Addition/revision of coastal structure
☐ Alluvial Fan Flooding Form (Form 6)	Flood control measures on alluvial fans

PROFESSIONAL ENGINEER REGISTERED 9195 2/19/07 STATE OF IDAHO CHARLES G. BROCKWAY

FEDERAL EMERGENCY MANAGEMENT AGENCY

RIVERINE HYDROLOGY & HYDRAULICS FORM

O.M.B No. 3067-0148
Expires September 30, 2005

PAPERWORK REDUCTION ACT

Public reporting burden for this form is estimated to average 3 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0148). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

Flooding Source: Big Wood River
Note: Fill out one form for each flooding source studied

A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)

☒ Not revised (skip to section 2) ☐ No existing analysis ☒ Improved data
☐ Alternative methodology ☐ Proposed Conditions (CLOMR) ☐ Changed physical condition of watershed

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	FIS (cfs)	Revised (cfs)

3. Methodology for New Hydrologic Analysis (check all that apply)

☐ Statistical Analysis of Gage Records ☐ Precipitation/Runoff Model [TR-20, HEC-1, HEC-HMS etc.]
☐ Regional Regression Equations ☐ Other (please attach description)

Please enclose all relevant models in digital format, maps, computations (including computation of parameters) and documentation to support the new analysis. The document, "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

4. Review/Approval of Analysis

If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

5. Impacts of Sediment Transport on Hydrology

Was sediment transport considered? ☐ Yes ☐ No If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation for why sediment transport was not considered.

B. HYDRAULICS

1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevations (ft.) Effective	Proposed/Revised
Downstream Limit	2400' d/s of Bullion St., RS 240+00	Between W and X	5291	no change
Upstream Limit	Bullion St., RS 263+09	Z	5302.9	no change

2. Hydraulic Method Used

Hydraulic Analysis See Attached Report [HEC-2 , HEC-RAS, Other (Attach description)]

B. HYDRAULICS (CONTINUED)

3. Pre-Submittal Review of Hydraulic Models

FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. These review programs verify that the hydraulic estimates and assumptions in the model data are in accordance with NFIP requirements, and that the data are comparable with the assumptions and limitations of HEC-2/HEC-RAS. CHECK-2 and CHECK-RAS identify areas of potential error or concern. These tools do not replace engineering judgment. CHECK-2 and CHECK-RAS can be downloaded from http://www.fema.gov/fhm/frm_soft.shtm. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS. If you disagree with a message, please attach an explanation of why the message is not valid in this case. Review of your submittal and resolution of valid modeling discrepancies will result in reduced review time.

HEC-2/HEC-RAS models reviewed with CHECK-2/CHECK-RAS? ☐ Yes ☒ No

4. Models Submitted

Duplicate Effective Model*	Natural File Name:	Floodway File Name:
Corrected Effective Model*	Natural File Name:	Floodway File Name:
Existing or Pre-Project Conditions Model	Natural File Name:	Floodway File Name:
Revised or Post-Project Conditions Model	Natural File Name:	Floodway File Name:
Other - (attach description)	Natural File Name:	Floodway File Name:

*Not required for revisions to approximate 1%-annual-chance floodplains (Zone A) – for details, refer to the corresponding section of the instructions.

The document "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

C. MAPPING REQUIREMENTS

A **certified topographic map** must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1%- and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

Note that the boundaries of the existing or proposed conditions floodplains and regulatory floodway to be shown on the revised FIRM and/or FBFM must tie-in with the effective floodplain and regulatory floodway boundaries. Please attach **a copy of the effective FIRM and/or FBFM,** annotated to show the boundaries of the revised 1%- and 0.2%-annual-chance floodplains and regulatory floodway that tie-in with the boundaries of the effective 1%- and 0.2%-annual-chance floodplain and regulatory floodway at the upstream and downstream limits of the area of revision.

D. COMMON REGULATORY REQUIREMENTS

1. For CLOMR requests, do Base Flood Elevations (BFEs) increase? ☐ Yes ☐ No

For CLOMR requests, if either of the following is true, please submit evidence of compliance with Section 65.12 of the NFIP regulations:
- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot.
- The proposed project encroaches upon a SFHA with BFEs established and would result in increases above 1.00 foot.

2. Does the request involve the placement or proposed placement of fill? ☐ Yes ☒ No

If Yes, the community must be able to certify that the area to be removed from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(a)(3), 65.5(a)(4), and 65.6(a)(14). Please see the MT-2 Instructions for more information.

3. For LOMR requests, is the regulatory floodway being revised? ☐ Yes ☒ No

If Yes, attach evidence of regulatory floodway revision notification. As per Paragraph 65.7(b)(1) of the NFIP Regulations, notification is required for requests involving revisions to the regulatory floodway. (Not required for revisions to approximate 1%-annual-chance floodplains [studied Zone A designation] unless a regulatory floodway is being added. Elements and examples of regulatory floodway revision notification can be found in the MT-2 Form 2 Instructions.)

4. For LOMR requests, does this request require property owner notification and acceptance of BFE increases? ☐ Yes ☒ No

If Yes, please attach proof of property owner notification and acceptance (if available). Elements of and examples of property owner notification can be found in the MT-2 Form 2 Instructions.

FEDERAL EMERGENCY MANAGEMENT AGENCY

RIVERINE HYDROLOGY & HYDRAULICS FORM

O.M.B No. 3067-0148
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Flooding Source: Hailey Slough (aka Tailrace Creek on FIRM)
Note: Fill out one form for each flooding source studied

A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)

☐ Not revised (skip to section 2) ☐ No existing analysis ☒ Improved data
☒ Alternative methodology ☐ Proposed Conditions (CLOMR) ☐ Changed physical condition of watershed

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	FIS (cfs)	Revised (cfs)
Indian Creek	11.3	310	129

3. Methodology for New Hydrologic Analysis (check all that apply)

☐ Statistical Analysis of Gage Records ☐ Precipitation/Runoff Model [TR-20, HEC-1, HEC-HMS etc.]
☒ Regional Regression Equations ☐ Other (please attach description)

Please enclose all relevant models in digital format, maps, computations (including computation of parameters) and documentation to support the new analysis. The document, "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

4. Review/Approval of Analysis

If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

5. Impacts of Sediment Transport on Hydrology

Was sediment transport considered? ☐ Yes ☒ No If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation for why sediment transport was not considered.

B. HYDRAULICS

1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevations (ft.) Effective	Proposed/Revised
Downstream Limit	2000' d/s of Bullion Street	14 (in new model)	None	5293.2
Upstream Limit	Bullion Street	21 (in new model)	None	5304.0

2. Hydraulic Method Used

Hydraulic Analysis HEC-RAS [HEC-2 , HEC-RAS, Other (Attach description)]

B. HYDRAULICS (CONTINUED)

3. Pre-Submittal Review of Hydraulic Models

FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. These review programs verify that the hydraulic estimates and assumptions in the model data are in accordance with NFIP requirements, and that the data are comparable with the assumptions and limitations of HEC-2/HEC-RAS. CHECK-2 and CHECK-RAS identify areas of potential error or concern. These tools do not replace engineering judgment. CHECK-2 and CHECK-RAS can be downloaded from http://www.fema.gov/fhm/frm_soft.shtm. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS. If you disagree with a message, please attach an explanation of why the message is not valid in this case. Review of your submittal and resolution of valid modeling discrepancies will result in reduced review time.

HEC-2/HEC-RAS models reviewed with CHECK-2/CHECK-RAS? ☐ Yes ☒ No

4. Models Submitted

Duplicate Effective Model*	Natural File Name: None existing	Floodway File Name: n/a
Corrected Effective Model*	Natural File Name:	Floodway File Name:
Existing or Pre-Project Conditions Model	Natural File Name:	Floodway File Name:
Revised or Post-Project Conditions Model	Natural File Name: caplowslough.*	Floodway File Name: n/a
Other - (attach description)	Natural File Name:	Floodway File Name:

*Not required for revisions to approximate 1%-annual-chance floodplains (Zone A) – for details, refer to the corresponding section of the instructions.

The document "Numerical Models Accepted by FEMA for NFIP Usage" lists the models accepted by FEMA. This document can be found at: http://www.fema.gov/fhm/en_modl.shtm.

C. MAPPING REQUIREMENTS

A **certified topographic map** must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1%- and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

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D. COMMON REGULATORY REQUIREMENTS

1. For CLOMR requests, do Base Flood Elevations (BFEs) increase? ☐ Yes ☐ No

For CLOMR requests, if either of the following is true, please submit evidence of compliance with Section 65.12 of the NFIP regulations:
- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot.
- The proposed project encroaches upon a SFHA with BFEs established and would result in increases above 1.00 foot.

2. Does the request involve the placement or proposed placement of fill? ☐ Yes ☒ No

If Yes, the community must be able to certify that the area to be removed from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(a)(3), 65.5(a)(4), and 65.6(a)(14). Please see the MT-2 instructions for more information.

3. For LOMR requests, is the regulatory floodway being revised? ☐ Yes ☒ No

If Yes, attach evidence of regulatory floodway revision notification. As per Paragraph 65.7(b)(1) of the NFIP Regulations, notification is required for requests involving revisions to the regulatory floodway. (Not required for revisions to approximate 1%-annual-chance floodplains [studied Zone A designation] unless a regulatory floodway is being added. Elements and examples of regulatory floodway revision notification can be found in the MT-2 Form 2 Instructions.)

4. For LOMR requests, does this request require property owner notification and acceptance of BFE increases? ☐ Yes ☒ No

If Yes, please attach proof of property owner notification and acceptance (if available). Elements of and examples of property owner notification can be found in the MT-2 Form 2 Instructions.

City of Hailey
115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333
(208) 788-4221
Fax: (208) 788-2924

COPY

August 29, 2007

Charles G. Brockway, P.E.
Brockway Engineering, P.L.L.C.
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

Dear Chuck:

Enclosed please find the original document of the LOMR request for Bullion Partners, your Project No. 072-04-2004, containing the Mayor's signature.

Please do not hesitate to contact me if I can be of further assistance. I can be reached at 788-9815, ext. 21.

Respectfully,

Tara Hyde for
Diane Shay

Diane Shay
City Planner

DS/tlh

Enclosure

ANNEXATION - CHECKLIST

Planner: K

Project Name: Board's Mill Annex

Date: 2/11/05

Applicant: Bullion Partners c/o Marc Caplan

	Complete	Incomplete	
1.	weak OK 3-25		A statement describing how the proposed project complies with specific goals and policies of the Hailey Comprehensive Plan.
2.	✓		A vicinity map showing the general area of the annexation.
3.	✓		A parcel map showing accurate boundaries of the parcel proposed for annexation.
4.	✓ 3-25	✓	A schematic design of the entire project showing proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks. '75 ripar
5.	✓ will need to be revised after # 4 submitted		One 11" x 17" copy of any larger plans/maps.
6.	n/c 3-25	✓	A description of the proposed project, including the approximate: • number and size of proposed lots – 20-45 units • length and location of the proposed water and sewer mains • length and location of proposed streets and alleys • length and location of proposed sidewalks.
7.	ok-3-25 weak		A statement describing how the proposed project is compatible with adjacent neighborhoods.
8.	✓		A statement describing how the applicable natural resources and natural hazards are incorporated into proposed project and/or mitigated.
9.	weak		A statement describing contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
10.	still undecided ✓ 3-25		A statement of who will maintain the streets, alleys, parks and utilities (publicly & privately owned util.) and how maintenance will be funded. Sewer reach +/b public to City std, but Septics to 2
11.	✓	✓	A description of how proposed annexation will protect Hailey's established or proposed wellhead protection zones.
12.	?	✓	A detailed description of how annexation will impact existing municipal infrastructure and services.

13. ✓ _____ A phasing plan showing proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development.

14. _____ _____ The following studies:

- ~~Traffic study~~ NA
- 3-25 Floodplain study (if applicable)
- 7-1 Avalanche study (if applicable)
- ✓ Wetland study (if applicable) – need corps sign off orig
- 7-8 Wildlife study.
- ✓ Level I environmental study
- ✓ ~~Contour map~~ depicting 15% and 25% slope lines. NA

15. _____ ✓ A fiscal impact analysis (may be submitted when reviewed by CC.)

16. ✓ 3-25 ✓ Proof of ownership interest.

17. ✓ 3-23 ✓ A list of the names and addresses of all property owners and residents within three hundred (300) feet of the exterior boundaries of the land being considered.

18. city search ✓ Names and addresses of easement holders within subject property.

fee rec'd 3/31/05

490-03

CITY of HAILEY EST. 1881

MAR 22 2005

Annexation Application

Name of Applicant or Owner's Representative: GERALD MARTENS (REPRESENTATIVE)

Mailing Address: 621 NORTH COLLEGE, TWIN FALLS IDAHO 7

Phone: (208) 734 - 4888 Fax: (208) 734 - 6049 Cell: (208) 420 - 2461

Signature: Gerald Martens

Name of Current Owner of the Property:

BULLION PARTNERS % MARK CAPLOW

Mailing Address: 9538 PICO BLVD. SUITE A, LOS ANGELES CALIFORNIA

Phone: (310) 277 - 8688 Fax: (310) 277 - 4855 Cell: ( ) NA -

Property Owner Consent:
By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: Mark Caplow Date:

Name of Registered Surveyor/Engineer: EHM ENGINEERS INC.

Mailing Address: 621 NORTH COLLEGE

Phone: (208) 734 - 4888 Fax: ( ) - Cell: ( ) -

Address or Location of Subject Property: SEE ATTACHED VICINITY MAP

Legal Description of Subject Property: TAX LOTS 6430 AND ~~6431~~

Existing Zoning and Existing Use: COUNTY

Proposed Zoning and Proposed Use: RESIDENTIAL - GR.

Total Land Area of Property (in square feet and/or acres): 16.25 ACRES

Please attach the following information:

- A vicinity map showing the general area of the annexation.
- A parcel map, to scale, showing accurate boundaries of the parcel proposed for annexation.
- A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.
- One 11" x 17" copy of any larger plans and/or maps.
- Proof of ownership interest in the subject property.
- A description of the proposed project, including the approximate a) number and size of proposed lots, b) length and location of the proposed water and sewer mains, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks.
- A statement describing how the proposed project complies with specific goals and policies of the Hailey Comprehensive Plan.
- A statement describing how the proposed project is compatible with adjacent neighborhood(s).
- A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.
- A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
- A description of how the proposed annexation will protect Hailey's established or proposed wellhead protection zones.
- A detailed description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).
- A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.
- A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D of Section 14.01.050 of the attached Annexation Ordinance No. 889 may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal of plans and payment of fees for future phases.
- Unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted:
    a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.
    b) Floodplain study (if applicable).
    c) Avalanche study (if applicable).
    d) Wetland study (if applicable).
    e) Wildlife study.
    f) A Level I environmental study showing the presence of any hazardous waste.
    g) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- A fiscal impact analysis or an updated fiscal impact analysis in accordance with Section 14.01.090(B). The analysis may be submitted at the time of the application for annexation, or when the application is reviewed by the Hailey City Council ("Council") as set forth in Section 14.01.090.

- A list of **the names and mailing addresses of all property owners within three hundred (300) feet** of the exterior boundaries of the land being considered for annexation (*this can be obtained at the Blaine County Courthouse Assessor's Office*) **and the names and mailing addresses of all easement holders within the property proposed for annexation** (*this information can be obtained from the title report*). Please submit the information on the formatted spreadsheet available on the Planning page at www.haileycityhall.org. Contact the Planning Assistant at ext. 24 if you are unable to open the formatted spreadsheet or for any other questions related to this section.
- Such other information as may be required by the Commission, Council, or Administrator.

Process:
See attached Ordinance #889.

Fees:

For pre-application meetings -- $50/hr per department head for meetings and/or phone calls exceeding one hour cumulative.

Application ($1,250.00 + $15/developable acre) 16.25 acres Additional fees for services rendered (including, but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete.	$ 1493.75
Publication cost ($30.00 x 3)	$ 90.00
Mailing (# of addresses 64 +21 [agencies] x 3 x .42) *(.37 for postage & .05 for paper)*	$ 107.10
Total Due	$1690.85

Cost of additional noticing, recording fees, and other direct costs will also be assessed.

Paid
3/30/05
✓ ++ 31204

R++ 10.001807

CITY OF HAILEY
115 MAIN ST SOUTH STE A
HAILEY, ID 83333
208-788-9815

Receipt #0: 10.30.030/ Mar
on 30, 2005

CHK ENGINEERING

General-Board Mill Generation Applicatio
.00

1
200-00-3005 Zoning Applications

Total:
.05

Check Chk No: 31684
1,530.30
CHK ENGINEERING

Total Applied:
.05

Change Tendered:
1,530.35

03/30/05 12:47pm

EHM ENGINEERS, INC.

31204

Vendor ID: CITYOFHAIL Check No: 31204 Date: 3/23/05

Payee: CITY OF HAILEY Memo: 298-03

Invoice Number	Invoice Date	Invoice Amount	Discount Taken	Amount of Payment
Board Mill Annexation Application				1,690.85

Check Total: $1,690.85

FEB
Incomplete –
need address + $

Annexation Application

Name of Applicant or Owner's Representative: GERALD MARTENS (REPRESENTATIVE)

Mailing Address: 621 NORTH COLLEGE, TWIN FALLS, IDAHO 7

Phone: (208) 734 - 4888 Fax: (208) 734 - 6049 Cell: (208) 420 - 2461

Signature: Gerald Martens

Name of Current Owner of the Property:

BULLION PARTNERS % MARK CAPLOW

Mailing Address: 9533 PICO BLVD SUITE A, LOS ANGELES CALIFORNIA 90035

Phone: (310) 277 - 8688 Fax: (310) 277 - 4855 Cell: ( ) NA -

Property Owner Consent:
By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

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Name of Registered Surveyor/Engineer: EHM ENGINEERS INC.

Mailing Address: 621 NORTH COLLEGE

Phone: (208) 734 - 4888 Fax: ( ) - Cell: ( ) -

Address or Location of Subject Property: SEE ATTACHED VICINITY MAP

Legal Description of Subject Property: TAX LOTS 6430 AND ~~6431~~

Existing Zoning and Existing Use: COUNTY

Proposed Zoning and Proposed Use: RESIDENTIAL - GR.

Total Land Area of Property (in square feet and/or acres): 16.25 ACRES

Please attach the following information:

- A vicinity map showing the general area of the annexation.
- A parcel map, to scale, showing accurate boundaries of the parcel proposed for annexation.
- A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.
- One 11" x 17" copy of any larger plans and/or maps.
- Proof of ownership interest in the subject property.
- A description of the proposed project, including the approximate a) number and size of proposed lots, b) length and location of the proposed water and sewer mains, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks.
- A statement describing how the proposed project complies with specific goals and policies of the Hailey Comprehensive Plan.
- A statement describing how the proposed project is compatible with adjacent neighborhood(s).
- A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.
- A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
- A description of how the proposed annexation will protect Hailey's established or proposed wellhead protection zones.
- A detailed description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).
- A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.
- A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D of Section 14.01.050 of the attached Annexation Ordinance No. 889 may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal of plans and payment of fees for future phases.
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    d) Wetland study (if applicable).
    e) Wildlife study.
    f) A Level I environmental study showing the presence of any hazardous waste.
    g) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- A fiscal impact analysis or an updated fiscal impact analysis in accordance with Section 14.01.090(B). The analysis may be submitted at the time of the application for annexation, or when the application is reviewed by the Hailey City Council ("Council") as set forth in Section 14.01.090.

- A list of **the names and mailing addresses of all property owners within three hundred (300) feet** of the exterior boundaries of the land being considered for annexation (*this can be obtained at the Blaine County Courthouse Assessor's Office*) **and the names and mailing addresses of all easement holders within the property proposed for annexation** (*this information can be obtained from the title report*). Please submit the information on the formatted spreadsheet available on the Planning page at www.hailecityhall.org. Contact the Planning Assistant at ext. 24 if you are unable to open the formatted spreadsheet or for any other questions related to this section.
- Such other information as may be required by the Commission, Council, or Administrator.

Process:
See attached Ordinance #889.

Fees:

For pre-application meetings -- $50/hr per department head for meetings and/or phone calls exceeding one hour cumulative.

Application ($1,250.00 + $15/developable acre) (8 acres)		$1370.00
Additional fees for services rendered (including, but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete.		
Publication cost ($30.00 x 3)	$	90.00
Mailing (# of addresses _____ +21 [agencies] x 3 x .42) *(.37 for postage & .05 for paper)*	$	
Total Due	$	

Cost of additional noticing, recording fees, and other direct costs will also be assessed.

EHM Engineers, Inc.
ENGINEERS / SURVEYORS / PLANNERS

MAR 22 2005

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT.

Date: March 18, 2005

To: City of Hailey
ATTN: Kathy Grotto

Gerald's
420-2461 Cell #

From: Gerald L. Martens, P.E.

Via: Hand Deliver

Regarding: Annexation of Tax Lot 6430

The following is in response to your memo dated February 16, 2005.

1. The appropriate application fee will be paid upon calculation of the amount by the Planning and Zoning staff.

2. Attached is a copy of the deed as proof of ownership.

3. Attached is a list of property owners within 300 feet.

4. The only known easement with the property is the city sewer easement.

5. See attached narrative.

6. Attached is a very preliminary site plan that depicts a potential roadway and utility plan. The project development plan is expected to change as the project proceeds through the design and approval process. Total roadway and utility extension will be 1,600 – 2,000 feet depending upon final selected site plan. The number of living units will be 20 – 45 depending upon the final selected combination of townhouses, attached housing and detached single-family housing. This results in a density range of 1.25 to 2.81 units per acre.

   The proposed plan will include dedication of space for existing and proposed common areas including riparian areas, and the existing fence.

7. See response #6.

8. The proposed density of 1.25 to 2.81 units per acre is very similar to the adjacent home sites. The living units will be owner occupied which is compatible with neighboring residential development.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • (208) 734-4888 • FAX 734-6049
Westside Office Building, 5th St. and 1st Ave. • Ketchum, Idaho 83340 • (208) 726-3578
516 S. Capital Boulevard, Suite 201 • Boise, Idaho 83702 • (208) 386-9170

9. Natural features and protection of those features will include, but not be limited to, the following:
    a. All wetlands will be protected from development. Roadways, utilities, and public pathways will be designed and constructed to protect the existing wetlands.
    b. The existing "active" pathway following the City utility easement will be developed as a permanent linear pathway with appropriate connection to the existing residential neighborhoods, Bullion Street, the Big Wood River, and adjacent public lands. The current "active" access will be legally established with platted easements and right-of-ways.
    c. The riparian area will not be developed with exception of enhancement of the existing linear pathway and carefully planned public river access points. The project will include removal of extreme debris from the riparian area by appropriate means that will minimize distribution to existing vegetation and topography.
    d. Development within the finally determined floodplain will follow all appropriate regulations. The preliminary Brockway report indicates a maximum required fill within the floodplain of 2 feet.

10. All roadways and utilities will be developed to public standards and offered to the City of Hailey for maintenance. Other amenities including trails, project landscaping, wetlands and riparian areas will be protected and/or maintained by a homeowner's association. They will be further protected by appropriate platted easements.

11. The project will utilize city sewer systems, therefore not impacting the city wells.

12. Attached is a flood plan map prepared by Brockway Engineering utilizing available data and field measurements. Brockway Engineers are continuing to refine the model, which is anticipated to reduce but not eliminate the areas subject to flooding. This work requires additional field surveys and will be completed when weather conditions allow the required field access.

13. Attached is a copy of Blaine County, which shows that none of the property is within areas subject o avalanche.

14. A phase 1 environmental report has been submitted.

15. I have requested a color copy of the original floodplain study. This will be provided immediately upon receipt. The 0.31 acres with exception of a 527 square foot area is the old mill channel along the easterly border of the property and is proposed to be provided in any development plan.

The Idaho Fish and Game Department has been notified of the proposed annexation. Their comments, when received will be forwarded to your office.

Enclosure

298-03

Narrative
For
Board's Ranch Subdivision

PROJECT DESCRIPTION

The proposed Board's Ranch Subdivision is a 16 ± acre parcel proposed for residential development. The total developable area after deducting for the river, riparian areas, and wetlands is approximately 8 acres. The development will require approximately 1500 lineal feet of new roadway, approximately and 1800 lineal feet of water main. The project will utilize an existing sewer main that extends the length of the project. A public pathway with appropriate connection to existing and proposed residential neighborhoods will be constructed the length of the project.

COMPREHENSIVE PLAN

The proposed project clearly meets numerous comprehensive goals related to protection of the Bigwood River through harmonious development including building setbacks, riparian protection , public trail easements, public access and stream bank stabilization. The developed trail and setbacks will result in enhanced greenspace, public access, and continuity of the trail system paralleling the river.

The plan provided several opportunities for enhancement to the City of Hailey Park System including land organization, access opportunities and trail development.

The residential development meets several goals specific to infill development where City services are available and development is compliable with adjacent land uses.

COMPATABILITY

The proposed residential project will be compatible with adjacent residential properties.

NATURAL RESOURCES

Existing wetlands will be preserved. Existing vegetation will be selectively enhanced by removal of dead trees, removal of downfall, removal of large quantities of debris and selective removal of trees to create building sites, roadway corridors. The vegetation within the river setback zone will be enhanced by selective removal of hazardous downfall, dead trees, and extensive debris accumulation.

DEDICATION

Dedication wall include lands West of the Bigwood River that could be incorporated into the public park, public Right of Ways including a permanent easement for development and use of a public trail adjacent to the Bigwood River.

WETLAND PROTECTION

The project will utilize City of Hailey water system and will have no impact in the City of Hailey's well.

IMPACT TO THE CITY OF HAILEY INFRASTRUCTURE/SERVICE

The project will have no unusual impacts to the City of Hailey services or infrastructure other than there normally associated with residential development. The project is adjacent to the existing City development and all services are available at the property borders or located with the property.

All utilities will be extensions of existing wetlands and will be maintained by the City of Hailey or appropriate utility companies regularly providing services to City of Hailey residences. All residences will pay appropriate fees for services. Roadways may be public or private depending upon final development plan. Any private roadways would be maintained by a homeowner's association that would be created to maintain the roadway and any other amenities to be appropriate during the design and development.

PHASING

Phasing of the project residential construction is dependant upon the final development plan. The infrastructure, however, would be completed in a single phase due to the relatively small size of the project.

WETLAND STUDY

A wetland study was completed by Fisher and Associates and approved by the Army Corps of Engineers and a copy of the report is attached.

FLOODPLAIN STUDY

A floodplain study is being prepared by Brockway and Associates. The report will be submitted upon completion.

LEVEL I ENVIRONMENTAL REPORT

A Level I Environmental Report has been completed. A copy is attach.

FISCAL IMPACT

A fiscal impact study will be submitted prior to City Council approval of the project.

The following is a non-exclusive summary of comprehensive goals that the proposed Boards Mill Subdivision will accommodate:

Goal/Policy 1.1.1, 1.1.2, 1.1.3, 1.1.4 – The proposed development including riparian areas, public access, and tract development clearly follows numerous implementation requirements.

Goal/Policy 1.4 – The dedicated riparian area and wetland preservation meet the goals of protecting wildlife habitat.

Goal/Policy 2.7 – The development and associated infill accommodates the goal of precluding wild fires by implementing appropriate development standards, infill development and removal of wild fire fuels.

Goal/Policy 3.3.1 - The proposed project with the riparian area setback, public access, and associated recreational opportunities will preserve the natural state of the river and provide enhanced recreational opportunities.

Goal/Policy 3.4 – The proposed development will protect the river shorelines, create green space corridors, and expand trail opportunities through various non-vehicles easements and facilities.

Goal/Policy 4.1.1, 4.1.2, 4.1.3 – The project with the proposed trail system will meet the goals of interconnected recreational facilities, green space, and diverse recreational facilities. The proposed facilities are within walking distance of most Hailey residents. It also meets the goal of reduced urban sprawl.

Goal/Policy 4.3, 4.3.1, 4.3.2, 4.3.3 – The project enhances the opportunity for improved park and recreational facilities through dedication of easements, land, and protection of the river corridor.

Goal/Policy 4.2 – The proposed development will provide land for improvement of recreational facilities.

Goal/Policy 7.2.1 – The proposed subdivision will provide a varied mix of lot size, and housing types and sizes.

Goal/Policy 8.1.1, 8.1.2, 8.1.3, 8.1.4 – The proposed infill project with diversity of housing and extensive pedestrian facilities meet many of the housing goals of quality diverse housing, compatibility with neighboring areas, and reduced dependency on the automobile.

Goal/Policy 10.1.1, 10.2.1, 10.3, 10.4, 10.5 – The project emphases on trails, pedestrians, and interconnectivity meet many of the transportation goals while avoiding the problems related to urban sprawl, and dependency upon the automobile.

Goal/Policy 12.1.1, 12.1.2, 12.1.3, 12.1.5, 12.1.6, 12.1.8 – The proposed project with diversity of housing meets many of the growth management goals and policies that are directly related to infill projects and reduced impacts on service extensions and dependency upon the automobile.

Goal/Policy 13.1, 13.4 – the diversity of residential types and signs and benefits of an infill project meet many of the community design goals and policies.

298-03

MAR 2 3 2005

SVTC ORDER NO. 03-19286

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED

BOARD'S MILL & SUNSET RANCHES, INC., an Idaho corporation

a corporation duly organized and existing under the laws of the State of IDAHO, grantor, does hereby Grant, Bargain, Sell and Convey unto

BULLION PARTNERS, LLC, an Idaho limited liability company

grantee whose current address is 9530 Pico Boulevard
Los Angeles, CA 90035

the following described real estate, to-wit:

See Exhibit 'A'

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

Grantor Warrants to the Grantee and its successors in title, that Grantor has not created nor permitted to be created any lien, charge or encumbrance against said real estate which is not shown herein, and Grantor covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President.

Dated: January 5, 2004

Board's Mill & Sunset Ranches, Inc.

By: Linda Board

State of: Idaho

County of: Blaine

On this 5th day of January, 2003, before me, a Notary Public in and for the said State, personally appeared LINDA BOARD known to me to be the Vice-President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public

Residing at: Hailey

Comm. Expires: 12/2/2009

CAROLYN BAIRD
NOTARY
PUBLIC
STATE OF IDAHO

Feb 14 05 02:17p David L. Cropper 208-788-5023 p.2

Exhibit 'A'

Parcel I:

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTIONS 9: A parcel of land located within the SW¼ more particularly described as follows:

Commencing at a brass cap by JUB Engineers, Inc. marking the southeast corner of said SW ¼, Section 9, from which the southwest corner of said Section 9 bears South 89°16'38" West 2,585.11 feet; thence
South 89°16'38" West 224.58 feet along the south boundary said Section 9 to a 5/8 inch rebar marking the southwest corner of Elmwood Subdivision, and also the REAL POINT OF BEGINNING; thence
Continuing South 89°16'38" West 426.98 feet along said South boundary Section 9 to a ½ inch rebar by PLS 4489; thence
North 29°00'00" West 83.33 feet to a ½ inch rebar by PLS 4489; thence
North 74°18'00" East 55.70 feet to a ½ inch rebar by PLS 4489; thence
The following five courses and distances along the east boundary of Lion's Park and approximate west bank of the Big Wood River:

North 11°00'00" West 183.60 feet;
North 11°22'00" West 215.40 feet;
North 21°42'00" West 264.60 feet;
North 31°33'00" West 273.20 feet;
North 43°30'00" West 228.39 feet; thence

North 60°58'15" East 112.95 feet to a ½ inch rebar by PLS 4489 on the approximate east bank of said Big Wood River; thence
North 40°22'00" West 285.44 feet to the South boundary of the Bullion Street Bridge Project right-of-way; thence
North 47°13'35" East 83.01 feet along said Bullion Street Bridge Project right-of-way to a ½ inch rebar by PLS 4489; thence
North 60°57'54" East 77.90 feet along the original southerly boundary of Bullion Street to a found 3/8 inch rebar; thence
South 21°50'11" West 116.82 feet to a found bolt in concrete; thence
South 34°07'22" East 152.27 feet to a fence corner post in concrete; thence
South 80°02'54" East 54.22 feet to a fence corner post in concrete, thence
North 61°01'03" East 56.40 feet to a fence corner post in concrete; thence
North 29°02'06" West 60.11 feet to a fence corner post in concrete; thence
North 60°57'54" East 154.76 feet to a ½ inch rebar by PLS 4489; thence
South 29°00'00" East 100.17 feet to a ½ inch rebar by PLS 4489; thence
North 60°58'15" East 144.48 feet to a 5/8 inch rebar at the northwest corner of Mustache Subdivision; thence
South 29°00'00" East 400.03 feet along the westerly boundary of said Mustache Subdivision and Sawmill Subdivision to a ½ inch rebar by PLS 792; thence
South 60°58'10" West 27.59 feet to a ½ inch rebar by PLS 792; thence
South 16°15'00" East 245.18 feet along the approximate east boundary of the Tailrace and westerly boundary of Sawmill Subdivision and China Gardens No. 1 Subdivision; thence

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The following eight courses and distances along said Tailrace and China Gardens No. 1 and Elmwood Subdivisions:

South 33°00'00" East 53.00 feet;
South 38°36'00" East 134.00 feet;
South 23°22'00" East 138.70 feet;
South 1°30'00" West 68.20 feet;
South 24°37'00" West 87.70 feet;
South 52°14'00" West 70.70 feet;
South 34°34'00" East 164.20 feet
South 5°04'00" East 177.53 feet to the point of beginning.

Also known as Tax Lot 6430

Note: This description is based upon a record of survey by Rick Wenglikowski, PLS 4489 dated June 1984 and cannot be guaranteed accurate without a total boundary survey by Galena Engineering, Inc.

AND

Parcel 11

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 9: A parcel of land in the NW of said section, more particularly described as follows:

Commencing at a bolt set in concrete on the Southerly R.O.W. line of Bullion Street and on the westerly line of Hailey City Limits, said point being 50 feet from the centerline of Bullion Street and 1, 252.96 feet South 60°57'54" West from the centerline of River Street; thence

North 60°57'54" East along said southerly R.O.W. line of Bullion Street 19.00 feet to the P.O.B.; thence
North 60°57'54" East along southerly R.O.W. line 83.61 feet to a ½ inch bar; thence
South 24°29'48" East 300.56 feet to a point on the northerly R.O.W. line of Croy Street Extended; thence
South 60°58'15" West along said northerly R.O.W. line of Croy Street extended a distance of 4.01 feet; thence
North 29°00'00" West 100.17 feet to a ½ inch bar; thence
South 60°57'54" West 61.93 feet to a post set in concrete; thence
North 27°17'50" West 199.54 feet to the True P.O.B.

Also known as Tax Lot 6431

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QUITCLAIM DEED

For Value Received BOARD'S MILL & SUNSET RANCHES, INC. an Idaho Corporation

Do hereby convey, release, remise and forever quitclaim unto

BULLION PARTNERS, LLC, an Idaho Limited Liability Company

Whose current address is 9530 Pico Boulevard
Los Angeles, CA 90035

the following described premises, to-wit:

Any transferable rights held by the grantor herein pursuant to that certain grant of easement dated December 28, 1971 and recorded June 8, 1972 as Instrument # 143874 records of Blaine County, Idaho more specifically described in the attached Exhibit "A".

THIS INSTRUMENT FILED FOR RECORD
BY SUN VALLEY TITLE COMPANY AS AN
ACCOMMODATION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION
OR AS TO ITS EFFECT UPON THE TITLE

Together with their appurtenances.

Dated: January 5, 2004

BOARD'S MILL & SUNSET RANCHES, INC.

by: Linda Board

State of: _____

County of: _____

On this _____ day of _____, 2006, before me, a Notary Public in and for the said State, personally appeared LINDA BOARD known to me to be the Vice-President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

_____
Notary Public

Residing at: _____

Comm. Expires: _____

CAROLYN BAIRD NOTARY PUBLIC STATE OF IDAHO

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EXHIBIT "A"

GRANT OF EASEMENT

THIS INDENTURE, Made and entered into this 20th day of December, 1971, by and between the CITY OF HAILEY, IDAHO, a municipal corporation, Grantor, and BOARD'S MILL AND SUNSET RANCHES, INC., an Idaho corporation, Grantee.

WITNESSETH:

That for and in consideration of the sum of One Dollar and other good and valuable consideration in hand paid, Grantor hereby grants, bargains, sells, conveys and warrants to Grantee, its successors and assigns, forever, a right of way and easement 30 feet in width with the right, privilege and authority to said Grantee, its successors and assigns, for use as a road for an access to premises owned by Grantee, southerly of the following described tract of land, which easement is more particularly described as follows:

A 30 foot easement across a parcel of land located in the SE¼SW¼, Section 9, T. 2 N., R. 18 E., B.M., more particularly described as follows:

Commencing at the Northeast corner SW¼SW¼, said Section 9, which point is also the REAL POINT OF BEGINNING;

Thence Southerly 50 feet, more or less, along the East boundary of SW¼SW¼, said Section 9;

Thence South 11°30' East 1,296 feet, more or less, to a point on the South boundary of said Section 9;

Thence Easterly 550 feet, more or less, along the South boundary of said Section 9, to a point on the West bank of Big Wood River;

Thence Northwesterly 1,550 feet, more or less, along the West bank of Big Wood River, to the point of beginning.

Together with all right, easement, privileges and appurtenances in or to said land which may be required for the full enjoyment herein granted.

-1-

MICROFILM 3M

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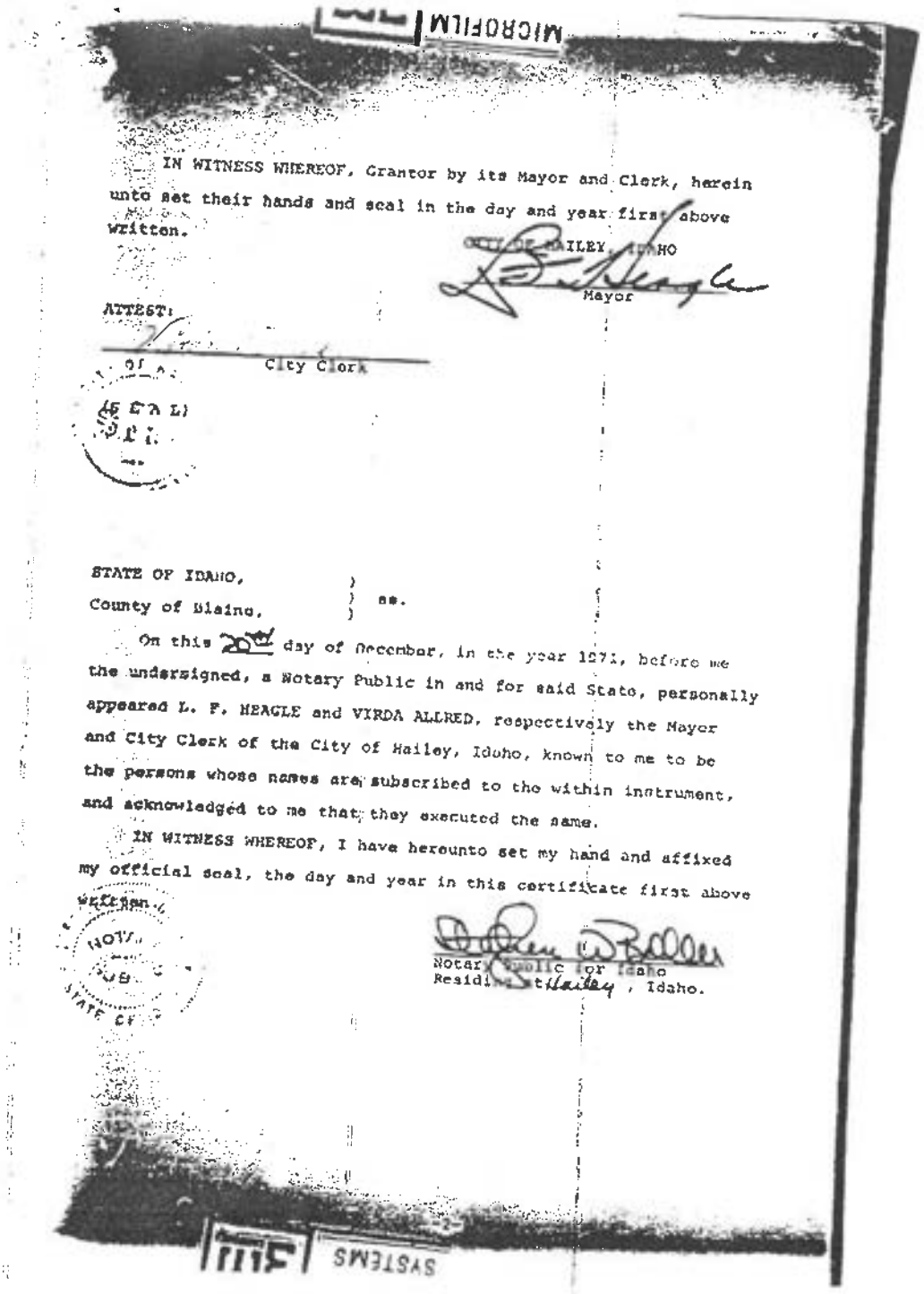

IN WITNESS WHEREOF, Grantor by its Mayor and Clerk, herein unto set their hands and seal in the day and year first above written.

CITY OF HAILEY, IDAHO

Mayor

ATTEST:

City Clerk

STATE OF IDAHO,)
) ss.
County of Blaine,)

On this 20th day of December, in the year 1971, before me the undersigned, a Notary Public in and for said State, personally appeared L. F. HEAGLE and VIRDA ALLRED, respectively the Mayor and City Clerk of the City of Hailey, Idaho, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public for Idaho
Residing at Hailey, Idaho.

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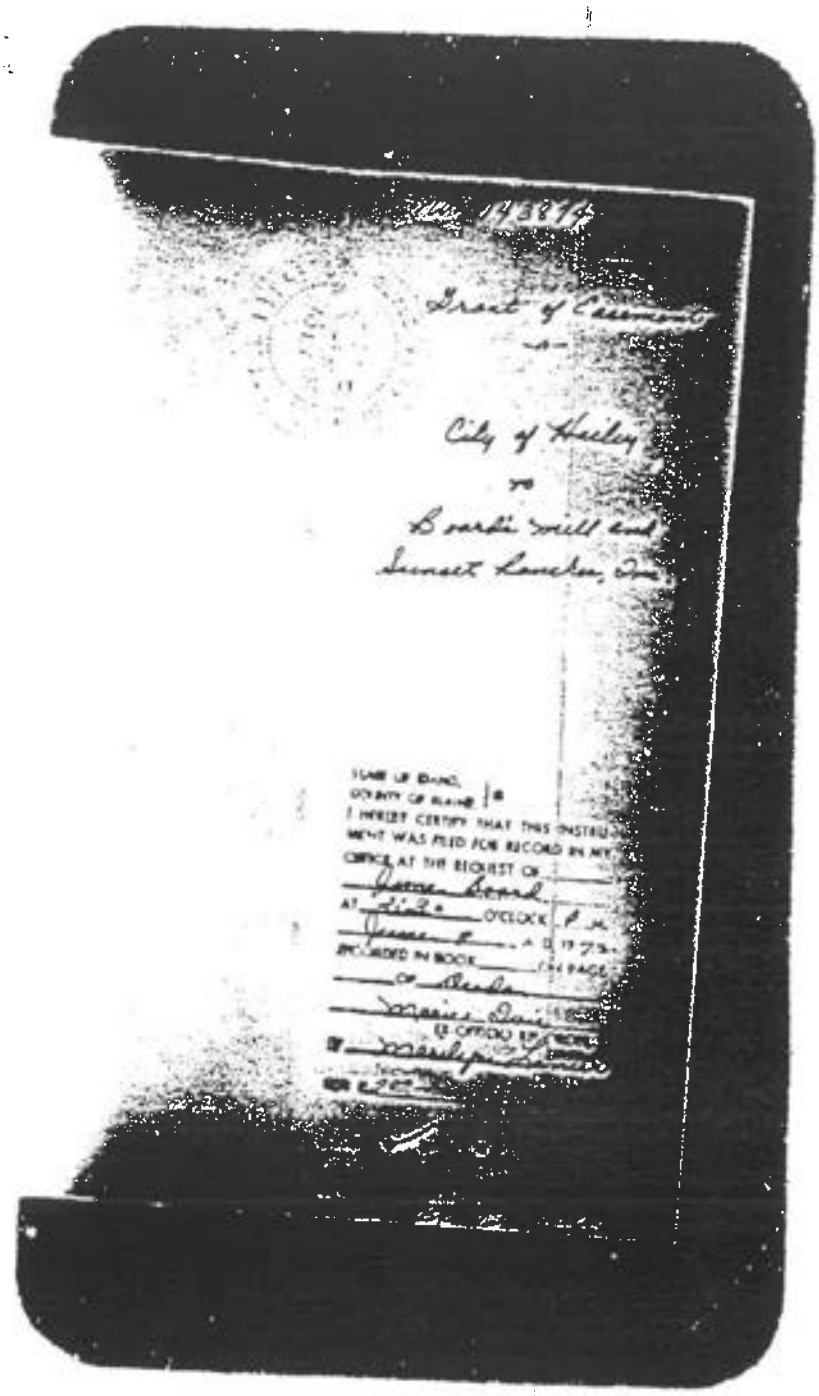


Feb 14 05 02:19p David L. Cropper 208-788-5023 p.8

Sears, Sebastian & Brigid M
Box 4384
Ketchum, Idaho 83340

McLean, Beverly
Box 4757
Ketchum, Idaho 83340

Hailey, City of
115 So. Main
Hailey, Idaho 83333

Halverson, Frank D
Box 944
Hailey, Idaho 83333

Bullion Partners, LLC
9530 Pico Blvd
Los Angeles, CA 90035

Board, Jobe D
316 W Bullion
Hailey, Idaho 83333

Ehrenberg, Thomas & Linda Tsee
2021 E 17th Ave
Spokane, WA 99203

Patrick, Michael D & Carol A
Box 1980
Hailey, Idaho 83333

Hansen, Guy Charles
Box 894
Ketchum, Idaho 83340

Simons, William F
103 Crestline Dr
Boise, Idaho 83702

Hogan, Gregory A & Heidi
Box 1795
Ketchum, Idaho 83340

Moore, Roland W
Box 2325
Hailey, Idaho 83333

Walnut Street Properties, LLC
Box 4443
Ketchum, Idaho 83340

Eichstaedt, Durt E Trustee
Box 1421
Sebastopol, CA 95473

Skonie, Valerie J Trustee
Box 2893
Hailey, Idaho 83333

Toothman, Justin Ray
Box 4762
Hailey, Idaho 83333

New Deer Creek Ranch, Inc.
Box 3090
Newport Beach, CA 92658

Smith, Daniel R & Stephany M
520 S 7th Ave
Pocatello, Idaho 83201

Kuntz, Larraine
Box 1419
Hailey, Idaho 83333

Ivie, Edward Stacy
3215 Albert St
Orlando, FL 32806

Crosser, Steven K
Box 35
Ketchum, Idaho 83340

Fisher, Richard L
Box 731
Hailey, Idaho 83333

French, Jon D & Paweena C
Box 1319
Ketchum, Idaho 83340

Wirth, William K
Box 1511
Hailey, Idaho 83333

Erman, Lairde E
Box 2885
Ketchum, Idaho 83340

Peters, John & Renee
Box 1872
Hailey, Idaho 83333

Johnson, Craig W & Laura
Box 579
Hailey, Idaho 83333

Kerney, Sandral
Box 31
Hailey, Idaho 83333

Goff, Kenneth Lee & Carolyne F
Box 2435
Hailey, Idaho 83333

Nicholson, Jon Paris
Box 3044
Hailey, Idaho 83333

Johnson, Stanley P
Box 2409
Ketchum, Idaho 83340

Hartdegen, Chet R
Box 555
Hailey, Idaho 83333

Shock, Scott B & Janet L
Box 3722
Ketchum, Idaho 83340

Daliere Revocable Trust
8201 North 53rd Street
Paradise Valley, AZ 85253

Porter, Blaine C
Box 1334
Hailey, Idaho 83333

Kreczkowski, John P
331 Alder St
Hailey, Idaho 83333

Halverson, Frank D
Box 944
Hailey, Idaho 83333

Patrick, Michael D & Carol A
Box 1980
Hailey, Idaho 83333

Hansen, Guy Charles
Box 894
Ketchum, Idaho 83340

Moore, Ronald W
Box 2325
Hailey, Idaho 83333

Walnut Street Properties, LLC
Box 4443
Ketchum, Idaho 83340

White, Mark F F & Sandram
Box 1553
Ketchum, Idaho 83340

Eichstaedt, Kurt E Trustee
Box 1421
Seabastopol, CA 95473

Skonie, Valerie J Trustee
Box 2893
Hailey, Idaho 83333

Mehra Pinto Associates, LLC
Box 6134
Sun Valley, Idaho 83354

Neraas, JC Kit
Box 811
Hailey, Idaho 83340

Ruiz, Luis E & Florina M
Box 3586
Hailey, Idaho 83333

James, Daryle R
Box 223
Hailey, Idaho 83333

Olson, Gene M JR & Nancy A
Box 1295
Hailey, Idaho 83333

Dyer, Ted N & Darlene J
Box 1981
Hailey, Idaho 83333

Hoskins, Robert M
Box 1443
Hailey, Idaho 83333

Amrit, Mimi
Box 3716
Ketchum, Idaho 83340

Boyle, Mathew G
Box 3871
Ketchum, Idaho 83340

Gershater, Mathew
Box 183
Ketchum, Idaho 83340

Reinberg, Ronn
Box 1957
Ketchum, Idaho 83340

Murar, Kevin M
Box 2703
Hailey, Idaho 83333

Larson, Karolyn M
656 W Young
Pocatello, Idaho 83204

Sanilson, Forrest Glen
511 Almond St
Hailey, Idaho 83333

McLean, Beverly
Box 4757
Ketchum, Idaho 83340

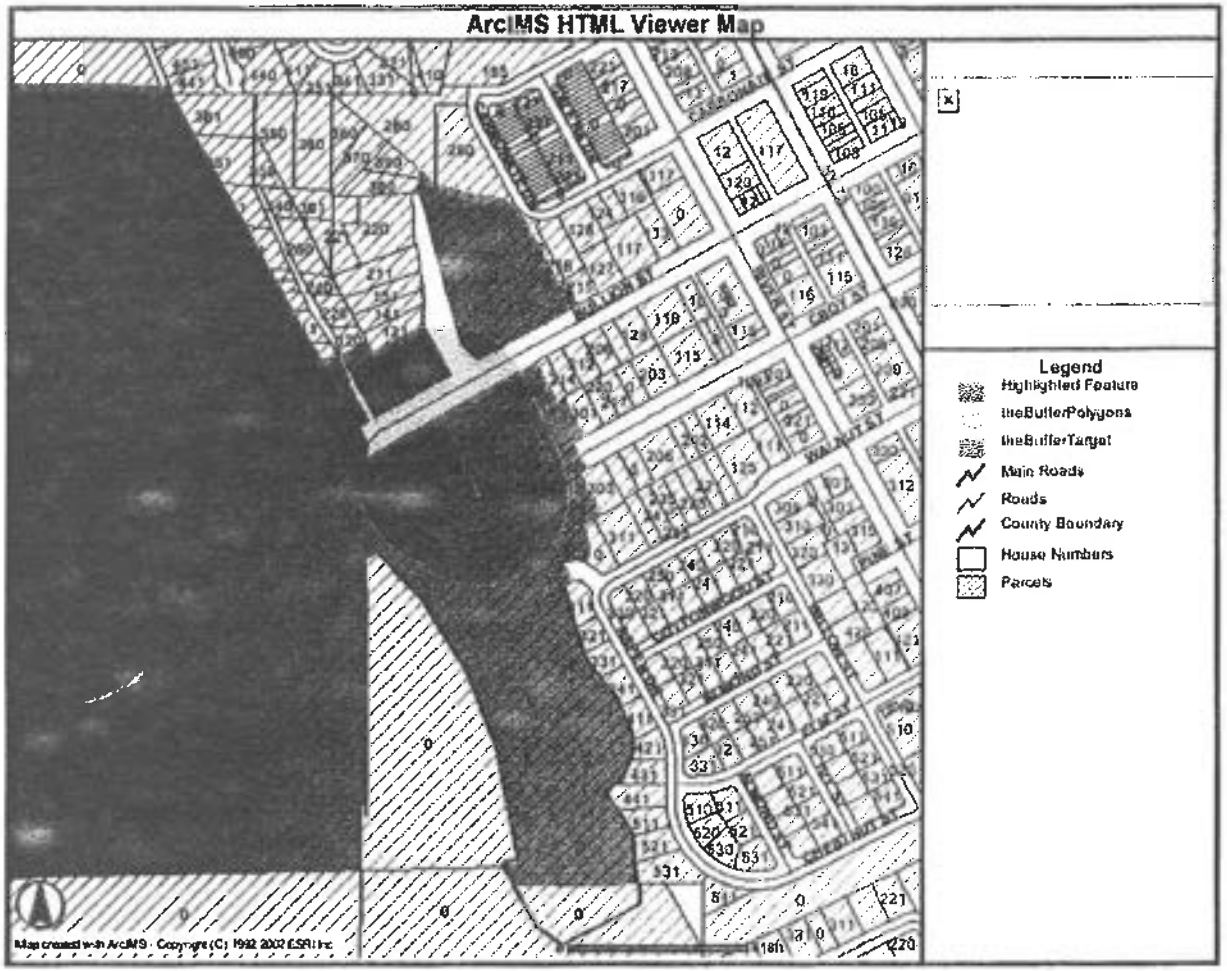
East, Timothy C
Box 1280
Ketchum, Idaho 83340

Lazzarini, Arthur & Bonnie M
Box 1691
Hailey, Idaho 83333

Macklin, Charles T Trustee
Box 1087 D
Hailey, Idaho 83333

Gammomn, Chris D & Pamela A R
Box 2036
Hailey, Idaho 83333

Halverson, Frank D
Box 944
Hailey, Idaho 83333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House Numbers
Parcels
Map created with ArcIMS - Copyright (C) 1992-2002 ESRI Inc.

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Parcels

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7	RPH2N180090550A	HAILEY TAXLOTS	308 W BULLION ST	83333	HALVERSON, FRANK D &	BOX 944		HAILEY	ID	83333	20347.3109	H2N18	009	055	0	308	[polygon]	6292
8	RP02N18009321AA	TOWNSHIP 2N 18E	410 W BULLION ST	80000	EHRENBERG, THOMAS & LINDA-TSEE	2021 E 17TH AVE		SPOKANE	WA	99203	42455.4871	02N18	009	321	A	410	[polygon]	6293
9	RPH04580000390A	LITTLE INDIO-CITY	413 W BULLION ST	83333	PATRICK, MICHAEL D & CAROL A	BOX 1980		HAILEY	ID	83333	13265.4509	H0458	000	039	0	413	[polygon]	6313
10	RPH04580000400A	LITTLE INDIO-CITY	407 W BULLION ST	83333	PATRICK, MICHAEL D & CAROL A	BOX 1980		HAILEY	ID	83333	12887.837	H0458	000	040	0	407	[polygon]	6314
11	RPH04580000410A	LITTLE INDIO-CITY	401 W BULLION ST	83333	HANSEN, GUY CHARLES	BOX 694		KETCHUM	ID	83340	13212.7106	H0458	000	041	0	401	[polygon]	6315
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13	RP02N18009321AA	TOWNSHIP 2N 18E	410 W BULLION ST	80000	EHRENBERG, THOMAS & LINDA-TSEE	2021 E 17TH AVE		SPOKANE	WA	99203	42708.6152	02N18	009	321	A	410	[polygon]	8981
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18	RP003880000030A	LITTLE INDIO-COUNTY	151 LITTLE INDIO LN	80000	SKONIE, VALERIE J TRUSTEE	BOX 2893		HAILEY	ID	83333	32469.3795	00388	000	003	0	151	[polygon]	14871
19	RP003880000380A	LITTLE INDIO-COUNTY	415 W BULLION ST	80000	TOOTHMAN, JUSTIN RAY	BOX 4762		HAILEY	ID	83333	24097.1422	00388	000	038	0	415	[polygon]	14885
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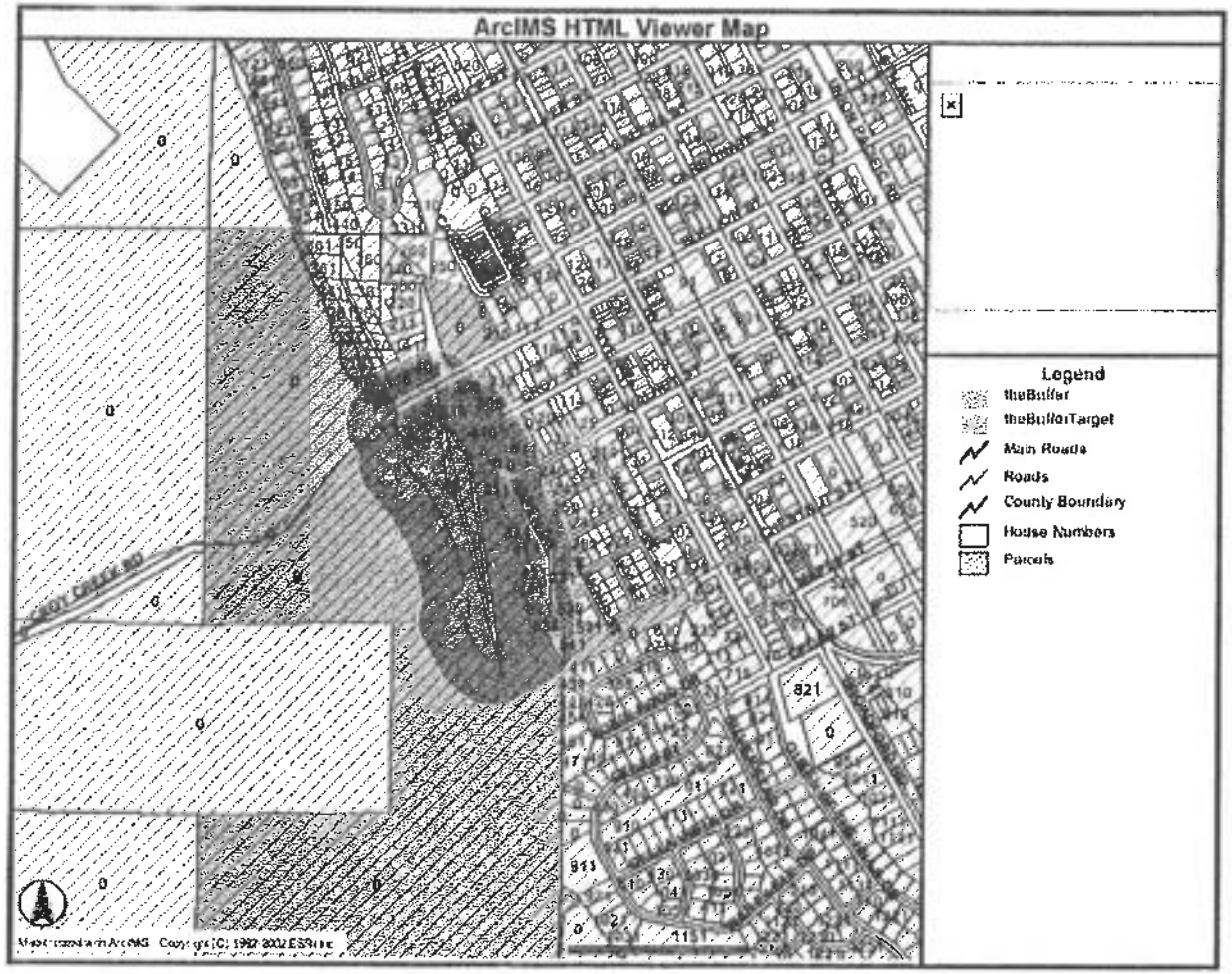
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Parcels

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3	RPH04470040070A	HAILEY CROY ADDITION	214 W CROY ST	83333	IVIE, EDWARD STACY	3215 ALBERT ST		ORLANDO	FL	32806	8989.5192	H0447	004	007	0	214	{polygon}	5666
4	RPH04350010010A	ELMWOOD	431 ASPEN DR	83333	CROSSER, STEVEN K	BOX 35		KETCHUM	ID	83340	11494.8739	H0435	001	001	0	431	{polygon}	5671
5	RPH04350010020A	ELMWOOD	441 ASPEN DR	83333	FISHER, RICHARD L	BOX 731		HAILEY	ID	83333	15972.1123	H0435	001	002	0	441	{polygon}	5672
6	RPH04350010030A	ELMWOOD	511 ASPEN DR	83333	FRENCH, JON D & PAWEENA C	BOX 1319		KETCHUM	ID	83340	11469.6409	H0435	001	003	0	511	{polygon}	5673
7	RPH04350010040A	ELMWOOD	521 ASPEN DR	83333	WIRTH, WILLIAM K	BOX 1511		HAILEY	ID	83333	12686.9716	H0435	001	004	0	521	{polygon}	5674
8	RPH04350010050A	ELMWOOD	531 ASPEN DR	83333	ERMAN, LAIRD E	BOX 2885		KETCHUM	ID	83340	19869.7987	H0435	001	005	0	531	{polygon}	5675
9	RPH04050010050A	CHINA GARDENS	250 W WALNUT ST	83333	PETERS, JOHN T & RENEE	BOX 1872		HAILEY	ID	83333	6995.6784	H0405	001	005	0	250	{polygon}	5710
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14	RPH04050010100A	CHINA GARDENS	321 COTTONWOOD ST	83333	JOHNSON, STANLEY P	BOX 2409		KETCHUM	ID	83340	6995.6722	H0405	001	010	0	321	{polygon}	5715
15	RPH04050010110A	CHINA GARDENS	311 COTTONWOOD ST	83333	HARTDEGEN, CHET R	BOX 555		HAILEY	ID	83333	6495.981	H0405	001	011	0	311	{polygon}	5716
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17	RPH04050020070A	CHINA GARDENS	320 COTTONWOOD ST	83333	DALIERE REVOCABLE TRUST	8201 NORTH 53RD STREET		PARADISE VALLEY	AZ	85253	6995.6748	H0405	002	007	0	320	{polygon}	5728
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19	RPH04050020090A	CHINA GARDENS	331 ALDER ST	83333	KRECZKOWSKI, JOHN P	331 ALDER ST		HAILEY	ID	83333	6908.99	H0405	002	009	0	331	{polygon}	5730
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46	RPH2N180090550A	HAILEY TAXLOTS	308 W BULLION ST	83333	HALVERSON, FRANK D &	BOX 944		HAILEY	ID	83333	20347.3109	H2N18	009	055	0	308	[polygon]	6292
47	RP02N18009321AA	TOWNSHIP 2N 18E	410 W BULLION ST	80000	EHRENBERG, THOMAS & LINDA-TSEE	2021 E 17TH AVE		SPOKANE	WA	99203	42455.4871	02N18	009	321	A	410	[polygon]	6293
48	RPH04350010060A	ELMWOOD	541 ASPEN DR	83333	ASPEN STREET LLC	2328 42ND AVE EAST		SEATTLE	WA	98112	11483.2028	H0435	001	006	0	541	[polygon]	6294
49	RPH04580000390A	LITTLE INDIO-CITY	413 W BULLION ST	83333	PATRICK, MICHAEL D & CAROL A	BOX 1980		HAILEY	ID	83333	13265.4509	H0458	000	039	0	413	[polygon]	6313
50	RPH04580000400A	LITTLE INDIO-CITY	407 W BULLION ST	83333	PATRICK, MICHAEL D & CAROL A	BOX 1980		HAILEY	ID	83333	12987.837	H0458	000	040	0	407	[polygon]	6314
51	RPH04580000410A	LITTLE INDIO-CITY	401 W BULLION ST	83333	HANSEN, GUY CHARLES	BOX 894		KETCHUM	ID	83340	13212.7106	H0458	000	041	0	401	[polygon]	6315
52	RP02N18009257AA	TOWNSHIP 2N 18E		0	SIMONS, WILLIAM F	103 CRESTLINE DR		BOISE	ID	83702	1080158.9049	02N18	009	257	A	0	[polygon]	6971
53	RP02N180042388A	TOWNSHIP 2N 18E		0							13072305.859	02N18	004	238	B	0	[polygon]	6975
54	RP02N180092900A	TOWNSHIP 2N 18E		0	HAILEY, CITY OF	115 SO MAIN	SUITE H	HAILEY	ID	83333	382650.3304	02N18	009	290	0	0	[polygon]	6976
55	RP02N18009321AA	TOWNSHIP 2N 18E	410 W BULLION ST	80000	EHRENBERG, THOMAS & LINDA-TSEE	2021 E 17TH AVE		SPOKANE	WA	99203	42708.6152	02N18	009	321	A	410	[polygon]	6981
56	RPH04470030100A	HAILEY CROY ADDITION	300 W BULLION ST	83333	HOGAN, GREGORY A & HEIDI	BOX 1795		KETCHUM	ID	83340	16785.9393	H0447	003	010	0	300	[polygon]	13092
57	RPH04470031I1AA	HAILEY CROY ADDITION	305 W CROY ST	83333	MOORE, RONALD W &	BOX 2325		HAILEY	ID	83333	20544.5948	H0447	003	011	A	305	[polygon]	13093
58	RPH0469000003AA	SAWMILL		0	WALNUT STREET PROPERTIES LLC	BOX 4443		KETCHUM	ID	83340	11019.9487	H0469	000	003	A	0	[polygon]	13872
59	RPH0469000005AA	SAWMILL		0	WALNUT STREET PROPERTIES LLC	BOX 4443		KETCHUM	ID	83340	11537.9508	H0469	000	005	A	0	[polygon]	13873
60	RPH0405004001AA	CHINA GARDENS	311 ASPEN DR	83333	WHITE, MARK F & SANDRA M	BOX 1553		KETCHUM	ID	83340	10652.2963	H0405	004	001	A	311	[polygon]	14083
61	RPH2N180090120A	HAILEY TAXLOTS		0	ASPEN STREET L L C	2328 42ND AVE EAST		SEATTLE	WA	98112	130322.3201	H2N18	009	012	0	0	[polygon]	14444
62	RP003880000010A	LITTLE INDIO-COUNTY	425 W BULLION ST	80000	EICHSTAEDT, KURT E TRUSTEE	BOX 1421		SEBASTOPOL	CA	95473	27247.4651	00388	000	001	0	425	[polygon]	14870
63	RP003880000030A	LITTLE INDIO-COUNTY	151 LITTLE INDIO LN	80000	SKONIE, VALERIE J TRUSTEE	BOX 2893		HAILEY	ID	83333	32469.3795	00388	000	003	0	151	[polygon]	14871
64	RP003880000380A	LITTLE INDIO-COUNTY	415 W BULLION ST	80000	TOOTHMAN, JUSTIN RAY	BOX 4762		HAILEY	ID	83333	24087.1422	00388	000	038	0	415	[polygon]	14886
65	RP02N180092680A	TOWNSHIP 2N 18E		0	BULLION PARTNERS, LLC	9530 PICO BLVD		LOS ANGELES	CA	90035	634508.5787	02N18	009	268	0	0	[polygon]	16104

66	RP02N18004239BA	TOWNSHIP 2N 18E		D							57408.855	02N18	004	239	B	0	[polygon]	16105
67	RP02N18009323AA	TOWNSHIP 2N 18E		0	NEW DEER CREEK RANCH, INC	BOX 3080		NEWPORT BEACH	CA	92658	1883220.8771	02N18	009	323	A	0	[polygon]	20234

21	RPH04050020110A	CHINA GARDENS	311 ALDER ST	83333	MEHRA PINTO ASSOC LLC	BOX 6134		SUN VALLEY	ID	83354	6495.981	H0405	002	011	0	311	[polygon]	5732
22	RPH04050030060A	CHINA GARDENS	310 ALDER ST	83333	NERAAS, J.C. KIT	BOX 811		HAILEY	ID	83333	6485.9841	H0405	003	006	0	310	[polygon]	5743
23	RPH04050030070A	CHINA GARDENS	320 ALDER ST	83333	RUIZ, LUIS E & FLORINA M	BOX 3586		HAILEY	ID	83333	6985.675	H0405	003	007	0	320	[polygon]	5744
24	RPH04050030080A	CHINA GARDENS	330 ALDER ST	83333	JAMES, DARYLE R &	BOX 223		HAILEY	ID	83333	8568.8518	H0405	003	008	0	330	[polygon]	5745
25	RPH04050040020A	CHINA GARDENS	321 ASPEN DR	83333	OLSON, GENE M JR & NANCY A	BOX 1285		HAILEY	ID	83333	8220.0407	H0405	004	002	0	321	[polygon]	5746
26	RPH04050040030A	CHINA GARDENS	331 ASPEN DR	83333	DYER, TED N & DARLENE J	BOX 1881		HAILEY	ID	83333	9698.6664	H0405	004	003	0	331	[polygon]	5747
27	RPH04050040040A	CHINA GARDENS	341 ASPEN DR	83333	HOSKINS, ROBERT M	BOX 1443		HAILEY	ID	83333	9742.1178	H0405	004	004	0	341	[polygon]	5748
28	RPH04050040050A	CHINA GARDENS	411 ASPEN DR	83333	SHOCK, SCOTT B & JANET L	BOX 3722		KETCHUM	ID	83340	10273.1081	H0405	004	005	0	411	[polygon]	5749
29	RPH04050040060A	CHINA GARDENS	421 ASPEN DR	83333	AMRIT, MIMI	BOX 3718		KETCHUM	ID	83340	10168.6598	H0405	004	006	0	421	[polygon]	5750
30	RPH04100030090A	CHINA GARDENS 2	331 W ELM ST	83333	BOYLE, MATTHEW G &	BOX 3871		KETCHUM	ID	83340	9880.4714	H0410	003	009	0	331	[polygon]	5751
31	RPH04100030100A	CHINA GARDENS 2	321 W ELM ST	83333	GERSHATER, MATHEW	BOX 183		KETCHUM	ID	83340	9993.3746	H0410	003	010	0	321	[polygon]	5752
32	RPH04100050010A	CHINA GARDENS 2	510 ASPEN DR	83333	REINBERG, RONN	BOX 1957		KETCHUM	ID	83340	8689.5111	H0410	005	001	0	510	[polygon]	5759
33	RPH04100050020A	CHINA GARDENS 2	520 ASPEN DR	83333	MURAR, KEVIN M	BOX 2703		HAILEY	ID	83333	8581.7414	H0410	005	002	0	520	[polygon]	5760
34	RPH04100050030A	CHINA GARDENS 2	530 ASPEN DR	83333	LARSON, KAROLYN M	656 W YOUNG		POCATELLO	ID	83204	8591.4415	H0410	005	003	0	530	[polygon]	5761
35	RPH04100050060A	CHINA GARDENS 2	511 ALMOND ST	83333	DANILSON, FORREST GLEN	511 ALMOND ST		HAILEY	ID	83333	8872.7827	H0410	005	006	0	511	[polygon]	5764
36	RPH04790000010A	MUSTACHE	310 W CROY ST	83333	SEARS, SEBASTIAN & BRIGID M	BOX 4364		KETCHUM	ID	83340	29724.5946	H0479	000	001	0	310	[polygon]	5781
37	RPH04790000020A	MUSTACHE	304 W CROY ST	83333	MC LEAN, BEVERLY	BOX 4757		KETCHUM	ID	83340	23859.5392	H0479	000	002	0	304	[polygon]	5782
38	RPH04690000010A	SAWMILL	300 W CROY ST	83333	EAST, TIMOTHY C	BOX 1289		KETCHUM	ID	83340	14391.0807	H0469	000	001	0	300	[polygon]	5783
39	RPH04690000040A	SAWMILL	311 W WALNUT ST	83333	LAZZARINI, ARTHUR & BONNIE M	BOX 1691		HAILEY	ID	83333	21586.6847	H0469	000	004	0	311	[polygon]	5784
40	RPH04720000050A	SAWTOOTH	245 W WALNUT ST	83333	MACKLIN, CHARLES T TRUSTEE	BOX 1087 D		HAILEY	ID	83333	9489.3689	H0472	000	005	0	245	[polygon]	5788
41	RPH04700010070A	SHERWOOD FOREST	431 ROBIN HOOD DR	83333	GAMMON, CHRIS D & PAMELA A R	BOX 2036		HAILEY	ID	83333	17856.5364	H0470	001	007	0	431	[polygon]	5680
42	RPH2N1800900340A	HAILEY TAXLOTS		0	HAILEY, CITY OF	115 SO MAIN	SUITE H	HAILEY	ID	83333	182688.9704	H2N18	009	034	0	0	[polygon]	6280
43	RPH2N1800905 4AA	HAILEY TAXLOTS		0	HALVERSON, FRANK D &	BOX 944		HAILEY	ID	83333	3662.1103	H2N18	009	054	A	0	[polygon]	6285
44	RPH2N1800905 0A	HAILEY TAXLOTS	404 W BULLION ST	83333	BULLION PARTNERS, LLC	9530 PICO BLVD		LOS ANGELES	CA	90035	16497.6457	H2N18	009	057	0	404	[polygon]	6290

Notes written on attached pages!

Annexation Application

Name of Applicant or Owner's Representative: _____

Mailing Address: _____

Phone: ( ) _____ - _____ Fax: ( ) _____ - _____ Cell: ( ) _____ - _____

Signature: _____

Name of Current Owner of the Property: _____

Mailing Address: _____

Phone: ( ) _____ - _____ Fax: ( ) _____ - _____ Cell: ( ) _____ - _____

Property Owner Consent:
By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: _____ Date: _____

Name of Registered Surveyor/Engineer: _____

Mailing Address: _____

Phone: ( ) _____ - _____ Fax: ( ) _____ - _____ Cell: ( ) _____ - _____

Address or Location of Subject Property: _____

Legal Description of Subject Property: _____

Existing Zoning and Existing Use: _____

Proposed Zoning and Proposed Use: _____

Total Land Area of Property (in square feet and/or acres): _____

- A list of **the names and mailing addresses of all property owners within three hundred (300) feet** of the exterior boundaries of the land being considered for annexation (*this can be obtained at the Blaine County Courthouse Assessor's Office*) **and the names and mailing addresses of all easement holders within the property proposed for annexation** (*this information can be obtained from the title report*). Please submit the information on the formatted spreadsheet available on the Planning page at www.hailecityhall.org. Contact the Planning Assistant at ext. 24 if you are unable to open the formatted spreadsheet or for any other questions related to this section).
- Such other information as may be required by the Commission, Council, or Administrator.

Process:
See attached Ordinance #889.

Fees:

For pre-application meetings -- $50/hr per department head for meetings and/or phone calls exceeding one hour total.

Application ($1,250.00 + $15/developable acre) Additional fees for services rendered (including, but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete.	$	
Publication cost ($30.00 x 3)	$	90.00
Mailing (# of addresses _____ +21 [agencies] x 3 x .42) *(.37 for postage & .05 for paper)*	$	
Total Due	$	

Cost of additional noticing, recording fees, and other direct costs will also be assessed.

Please attach the following information:

- A vicinity map showing the general area of the annexation.
- A parcel map, to scale, showing accurate boundaries of the parcel proposed for annexation.
- A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.
- One 11" x 17" copy of any larger plans and/or maps.
- Proof of ownership interest in the subject property.
- A description of the proposed project, including the approximate a) number and size of proposed lots, b) length and location of the proposed water and sewer mains, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks.
- A statement describing how the proposed project complies with specific goals and policies of the Hailey Comprehensive Plan.
- A statement describing how the proposed project is compatible with adjacent neighborhood(s).
- A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.
- A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
- A description of how the proposed annexation will protect Hailey's established or proposed wellhead protection zones.
- A detailed description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).
- A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.
- A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D above may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal of plans and payment of fees for future phases.
- Unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted:
    a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.
    b) Floodplain study (if applicable).
    c) Avalanche study (if applicable). site specific
    d) Wetland study (if applicable).
    e) Wildlife study.
    f) A Level I environmental study showing the presence of any hazardous waste.
    g) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- A fiscal impact analysis or an updated fiscal impact analysis in accordance with Section 14.01.090(B). The analysis may be submitted at the time of the application for annexation, or when the application is reviewed by the Hailey City Council ("Council") as set forth in Section 14.01.090.

yes all per KG

Annexations in house:
BCSD – WS Elementary School (in process @ City Council)
Old Cutters (on hold – has received recommendation from P&Z)
Life Church (on hold – application received; no hearings)
Ehrenberg/410 West Bullion (on hold – application received; no hearings)

LIONS PARK MASTER PLAN
August 2004

PROPOSED PROJECTS

- **Wetlands Repair/Restoration (Wood River Land Trust)**
  Stef Frenzl of the WRLT is writing grant(s) for repair and restoration of the Croy Creek wetlands, which includes the southern portion of Lions Park. If the grant(s) were awarded, the work would begin in 2006. The project includes nature trails that would connect to a future greater Croy Creek trail system. This project requires City staff coordination, assistance, and some equipment time, all which can be used as in-kind match for the grant(s).

- **Hailey Ice Park (Hailey Ice Park, Inc.)**
  The Mayor and Council initially endorsed this project in 2003. The project has funding to construct a roof over refrigerated ice with boards surrounding the ice; the current portable warming hut will be used. Current funding is available for construction to start this fall (2004), if all permits and approvals can be obtained. Future funding will construct locker rooms, restrooms and showers, likely summer 2005.

- **Wood River Whitewater Park (partnership with Hailey Parks Foundation, Inc.)**
  The Mayor and Council have not yet endorsed this project, but have not voiced any concerns or reservations yet. The Whitewater Park has hired an engineer to draw up the plans for the whitewater structures, which will include an application for permit from the Army Corps of Engineers. That permit application is expected to be completed sometime in September 2004. Project improvements will occur within the river and will tie into 20' of riverbank on both sides of the river. All public access to the whitewater is directed to the west side of the river. If agreements, permits and approvals can be obtained, the project could be built as soon as funding allows; the group hopes to complete the project fall 2004 or summer 2005.

The Hailey Parks & Lands Board is a recommending body only, and has been charged with the coordination of planning for all proposed projects at Lions Park. The current draft Plan was recommended for approval by the Board at their regular August meeting. However, the Board has recommended no allocation of any City Parks Improvement Funds to this property at this time.

IDENTIFIED ISSUES

- **Jurisdiction and Process:**
  All lands within the planning area are currently within the County. Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed. All improvements to Lions Park need to be reviewed and approved by the County. It is the opinion of both City and County Planners that projects should be coordinated together in a Master Plan for Lions Park, which would include the Ice Park, the Whitewater Park, restoration of the wetlands, and any other park improvements. The Master Plan should be reviewed and recommended by the Parks & Lands Board, adopted by the City Council, then forwarded to the County for their approval process. This would give both governing entities opportunity to be comfortable with the

overall concept and proposed projects. After the Master Plan, with the City as Applicant, is approved by the County, each individual project would need to go through County review for approval.

- **Floodplain and floodway location:**
  Hailey Ice Park hired Brockway Engineers to review Galena Engineer's survey of Lions Park. Most of the park is located above the Mean Flood Elevation, although, according to FEMA, it is located within the floodway. Brockway suggests options to resolve this conflict, one of which can be accomplished by the County; please see copy of his letter for details.

- **County Floodplain and floodway regulations:**
  County regulations do not allow any recreational structures within the floodway or floodplain. Planners recommend an application for a text amendment to County regulations to allow a recreational structure concurrent with any application for approval of the Master Plan.

- **Department of Environmental Quality:** The DEQ has already issued an exclusion for the Lions Park property, which would apply to any improvements made in the park. (A copy of this statement from DEQ has been requested.)

- **Snow storage relocation:**
  City snow storage will have to be moved to accommodate the ice park, and more importantly, to cease a harmful practice on lands immediately adjacent to the river. City staff and leaders are actively looking at any number of alternative sites. Some snow storage may need to occur this next winter (2004-2005), but should be relocated completely by winter 2005-2006.

- **Water:**
  A water line currently runs with the Bullion Street Bridge to Lions Park, although it is a summer-use-only water line. Winter use of Lions Park for the Ice Park will require either a new under-river water line, or insulation of the current line running across the bridge. Insulation of the existing water line is relatively inexpensive, while running a new line under the river is expensive (approaching $1 million or more).

- **Sewer:**
  Future restrooms will require a sewer line, which is not anticipated to be available until which time as future development out Croy Canyon occurs. Temporary restrooms will be used for the ice park and the whitewater park, as well as continue to be used for normal summer usage at Lions Park.

  Options include "blue" portable toilets (they also come in other colors), or a vault toilet such as the Forest Service uses. The ice park may be able to use a temporary self-contained portable locker room/shower facility (such as are used by fire crews) for winter use.

  Grant funding is being pursued to construct a sewer line to future development further west, but funding and/or timing are uncertain. The City has made no commitment to funding any water or sewer improvements to Lions Park.

- **Traffic, Access, Pedestrians and Bicycles, and Parking Issues:**
  The current draft plan shows parking and traffic flows contained to the northern portion of the property, with only pedestrian, bicycle and emergency access beyond the northern edge of the softball fields. Pedestrian access is improved along the river and to the wetlands to the south.

  Parking and drop off lanes for the ice rink and whitewater users are shown. Some parking may continue across Croy Road on private property at the base of Carbonate. An improved pedestrian crossing at the entrance of Lions is needed, such as a raised crosswalk and signage. A reduced speed limit in this area would improve safety.

  The entrance to the park is too narrow. An easement or right of way at the north corner of the property is needed to widen the entrance, which will require redesign and reconstruction, improving general and emergency access to the park.

  Special events requiring more parking than is available at the site will be required to use the City's parking lot on River Street, or to provide a shuttle to parking spaces located elsewhere in the city. It is the intent of the Master Plan to minimize park use impact on the existing or future neighbors of the park.

- **Emergency access bridge:**
  Future development out Croy Canyon may require an emergency bridge across the river as an alternative to the aging Bullion Street bridge. This bridge could be engineered and built to carry emergency vehicles, but would be used only by pedestrians and bicycles except for those times when needed for emergency access.

  The City has not committed any funding to the bridge, nor is the exact location of the bridge determined. None of the improvements to Lions Park will require the bridge. The bridge is simply good long-term planning, and should be considered with any development planning for either side of the river.

- **Timing and coordination of projects:**
  The City has minimal staff hours into this plan at this time, but anticipates additional staff support necessary when the projects begin construction. Each project will require coordination through the Public Works Department.

  The City has made no commitment of staff, equipment or funding to any project at this time.

  Timing of all projects is contingent on the approval process necessary for permits and on funding, with construction most likely to begin in 2005.

Old Board Ranch Annexation – Council Brief
Key Issue #3: Absence of Established Factual Baseline for Evaluating Site Feasibility
5/6/2026

Bottom Line
Memo #3 does not ask the City to require final engineering, final permits, or final agency approvals at this stage. It asks a narrower record question: what minimum factual baseline must exist before the City relies on feasibility-related findings adopted on April 13, 2026, or before those findings are used in later annexation, zoning, subdivision, or development review?

The administrative record does not establish the factual baseline needed to evaluate whether the Old Board Ranch site can physically, environmentally, and regulatorily support the proposed development. Without that factual baseline, the record may not establish the support required for findings that assume site feasibility, development capacity, or Comprehensive Plan consistency.

The practical question for Council is straightforward: what facts existed in the administrative record on April 13, 2026; what remains unknown; what has been deferred; and which findings can be relied upon before the missing baseline is established?

If April 13 was procedural only, the record should say so and identify which findings remain open. If April 13 findings will be relied upon later, the City should identify the factual basis supporting those findings as of April 13.

This concern is heightened because City and County file materials appear to contain parcel-specific floodplain, wetlands, environmental, engineering, FEMA/LOMR, natural-resource, and application-review materials that the current administrative record does not show were reviewed, reconciled, updated, superseded, or determined inapplicable.

Seven Council Takeaways

1. **This is not a request for final engineering now.**
   Memo #3 asks for the minimum factual baseline needed before feasibility-related findings are made, reaffirmed, or relied upon.
2. **April 13 findings cannot be backfilled later without record clarity.**
   Later studies may support later decisions, but they should not silently supply the factual basis for findings adopted on April 13, 2026.
3. **The factual baseline is missing.**
   The record does not appear to identify the governing floodplain baseline, applicable Base Flood Elevations, wetlands / jurisdictional boundaries, environmental baseline, fill / flood-storage effects, regulatory pathways, or an integrated constraints analysis.
4. **This is not a generic parcel with generic unknowns.**
   City and County materials appear to identify parcel-specific floodplain, wetlands, environmental, FEMA / LOMR, engineering, observed-flooding, natural-resource, and prior application-review issues that the current record does not show were reconciled.
5. **The City's prior completeness record matters.**
   The City previously required project-specific materials for this same parcel before meaningful annexation review, including materials addressing Comprehensive Plan consistency, design, natural hazards, floodplain / floodway, wetlands, wildlife, infrastructure, environmental conditions, fiscal impacts, and FEMA-related requirements. Memo #3 asks whether that prior framework was applied, distinguished, superseded, or rejected.
6. **No composite constraints map means no clear buildability answer.**
   The record does not show what portion of the site is constrained versus potentially developable after floodplain, wetlands, riparian, environmental, wildlife / habitat or natural-resource, access, utility, and regulatory constraints are applied.
7. **Housing need does not substitute for site suitability.**
   The question is not whether housing is needed. The question is whether this site has a factual record sufficient to support feasibility-related findings.

Why This Matters
Site feasibility is not established by a conceptual plan, general assurances, or a statement that technical studies will be provided later. Before the City relies on feasibility-related findings, the administrative record should identify the facts being used to answer three basic questions:

1. **What physical, environmental, and regulatory constraints apply to the site?**

2. **What portion of the site is constrained versus potentially developable?**
3. **Which findings can be relied upon before deferred studies or later agency reviews are completed?**

At a minimum, the record should identify:

- the floodplain conditions applicable to the site
- the wetlands, jurisdictional waters, riparian, environmental, wildlife / habitat or natural-resource constraints affecting the site
- the regulatory pathways that may apply
- the factual inputs needed to distinguish constrained land from potentially developable land
- whether prior FEMA, County, wetlands, environmental, floodplain, wildlife / habitat, and application-completeness materials were reviewed or reconciled
- whether proposed roads, utilities, access, grading, fill, and building areas remain feasible after known and reasonably foreseeable constraints are applied
- whether housing need, if found, is being treated separately from the factual question of site suitability

A later condition of approval cannot supply the factual basis for an earlier finding. Conditions may help address known issues; they do not establish that feasibility existed when findings were adopted or relied upon.

Housing need, if found, does not substitute for the factual baseline required to evaluate site suitability, floodplain feasibility, agency pathways, Comprehensive Plan consistency, or substantial evidence in the record.

What Is Missing from the Record

The missing issue is not one final study. The missing issue is an integrated factual baseline. The administrative record does not identify:

- the governing floodplain dataset or applicable Base Flood Elevations
- whether effective and preliminary FEMA mapping have been compared
- whether fill, flood storage displacement, conveyance, or downstream effects have been evaluated
- whether wetlands have been delineated or jurisdictional status determined
- whether prior FEMA / LOMR materials were reviewed or reconciled
- whether prior County floodplain concerns, including observed 2006 flooding, were reviewed or reconciled
- whether prior Phase I ESA, wetlands, floodplain, natural-resource, or application-completeness materials were reviewed, updated, superseded, distinguished, or determined inapplicable
- whether prior City historical-file engineering materials identifying hydraulic issues near Bullion Street / Hailey Slough were reviewed, updated, superseded, or determined inapplicable
- whether prior quantified wetlands / jurisdictional-water information and prior Phase I ESA limitations were reviewed in defining the current feasibility baseline for residential development
- whether a composite constraints map or equivalent integrated analysis exists
- whether the applicant has identified evidence supporting developability, floodplain compliance, environmental suitability, agency feasibility, infrastructure serviceability, Comprehensive Plan consistency, and public benefit
- whether annexation would alter the regulatory baseline compared with County jurisdiction, including protections for floodplain, wetlands, riparian areas, flood storage, wildlife corridor, and constrained lands

As a result, the record does not show what physical, environmental, and regulatory facts support any assumption that the site can support the proposed development.

The Missing Threshold Tool: Composite Constraints Map

The central missing factual tool is a composite constraints map or equivalent integrated analysis.

That map should show the proposed development footprint, roads, utilities, access, grading, and fill assumptions in relation to effective and preliminary floodplain boundaries, Base Flood Elevations, wetlands and jurisdictional waters, riparian buffers, topography, prior FEMA / County floodplain materials, observed flooding history, environmental site conditions, wildlife / habitat or natural-resource constraints, and applicable regulatory pathways.

The map or equivalent analysis should also account for prior City historical-file engineering materials, prior wetlands / jurisdictional-water information, prior environmental site-condition materials, and prior application-review materials where those materials remain relevant or have not been superseded.

Without that integrated analysis, Council cannot determine whether the proposed development footprint corresponds to land that is potentially developable rather than constrained.

Stated simply: the record does not yet show what portion of the site can actually be developed after floodplain, wetlands, riparian, environmental, wildlife / habitat or natural-resource, access, utility, and regulatory constraints are applied.

The Prior Record Makes the Gap More Significant
This is not a generic parcel with generic unknowns. Available City and County materials appear to identify parcel-specific issues, including prior FEMA / LOMR history, observed flooding, County flood-storage concerns, wetlands and jurisdictional-water materials, prior environmental review, natural-resource materials, prior engineering analysis, and prior application-completeness requirements.

The City's prior treatment of this same parcel is especially important. In the earlier annexation attempt, the City appears to have required project-specific information before the application could be certified complete or scheduled for hearing, including materials addressing Comprehensive Plan consistency, project design, natural-resource and hazard mitigation, floodplain and floodway conditions, wetlands, wildlife, infrastructure, environmental conditions, fiscal impacts, and FEMA floodplain / floodway mapping.

Memo #3 does not argue that those historical materials control the current proposal. It asks whether they were reviewed, reconciled, updated, superseded, distinguished, or determined inapplicable before feasibility-related findings are relied upon.

Implications for the April 13 Findings
Council adopted findings on April 13, 2026 that appear to rely on assumptions related to site feasibility and Comprehensive Plan consistency. However, the administrative record does not identify the factual baseline used to support those assumptions or show that the necessary feasibility-related facts existed in the record at the time of decision.

If those findings are intended to support later annexation, zoning, subdivision, or development review, the record should identify the factual basis that existed when they were adopted. Without an established factual baseline:

- the basis for feasibility-related findings is not clearly established
- later technical studies cannot retroactively supply the factual basis for prior findings
- the decision may be difficult to meaningfully review
- later proceedings may rely on findings whose record basis has not been established
- Council may be asked to proceed from assumptions that have not yet been verified in the administrative record.

The City therefore has a clear fork in the road:

Option 1 – April 13 was procedural only
If so, the record should say that clearly and identify which findings remain open.

Option 2 – April 13 findings may be relied upon later
If so, the record should identify the facts supporting those findings as they existed on April 13, 2026.

Practical Risk to the City
If the City continues to rely on feasibility-related findings without an established factual baseline:

- the decision may be vulnerable to challenge or require further record development
- the City may have difficulty demonstrating that findings were supported by substantial evidence
- key floodplain, wetlands, environmental, wildlife / habitat or natural-resource, and regulatory constraints may remain unresolved
- future review may proceed from assumptions that have not been verified in the record
- the City may lose the ability to clearly distinguish between facts known on April 13 and materials developed later to support or revise those findings

The avoidable risk is not delay. The avoidable risk is relying on findings before the record identifies the facts that support them.

Requested Clarification Before Further Action
Before relying on or reaffirming any finding related to site feasibility, development capacity, or Comprehensive Plan consistency, the record should clearly identify:

1. The factual baseline used to evaluate site feasibility
2. The governing floodplain dataset and applicable Base Flood Elevations
3. Whether effective and preliminary FEMA mapping have been compared
4. Whether fill, flood storage, conveyance, BFE impacts, and downstream effects have been evaluated
5. Whether wetlands delineation or USACE jurisdictional determination is needed
6. Whether prior FEMA / LOMR and County floodplain materials were reviewed, reconciled, updated, superseded, or determined inapplicable
7. Whether prior ESA, wetlands, floodplain, and application-completeness materials were reviewed

8. Whether prior City historical-file engineering materials, quantified wetlands / jurisdictional-water information, and Phase I ESA limitations were reviewed, updated, superseded, or determined inapplicable
9. Whether a composite constraints map or equivalent integrated analysis has been prepared
10. Whether the factual basis relied upon existed in the administrative record on April 13, 2026
11. Whether the applicant has identified evidence supporting developability, floodplain compliance, environmental suitability, agency feasibility, infrastructure serviceability, Comprehensive Plan consistency, and public benefit
12. Whether the City intends to treat April 13 findings as procedural only, or whether those findings may be relied upon in later annexation, zoning, subdivision, or development review

If no such factual baseline exists in the administrative record, confirmation of that absence would clarify the basis for next steps.

Requested Council Direction
Before further reliance on feasibility-related findings, Council should direct staff and the applicant to identify, by citation to the administrative record, what factual baseline exists, what remains unknown, what has been deferred, and which April 13 findings remain open.

Council should request a composite constraints map or equivalent integrated analysis before any further finding assumes that the site can support the proposed development footprint.

Council should also direct staff to clarify the April 13 findings: if April 13 was procedural only, the record should say so; if April 13 findings may be relied upon later, the record should identify the facts supporting those findings as they existed on April 13, 2026.

Supporting Record Materials Submitted with Memo #3
Memo #3 is accompanied by two supplemental record packets intended to identify and organize factual materials relevant to site feasibility, floodplain conditions, wetlands, environmental site conditions, FEMA/LOMR history, natural-resource materials, prior application review, and prior review of the Old Board Ranch parcel.

These materials are not submitted to prove that historical conclusions control the current proposal; they are submitted so the City can identify whether prior parcel-specific materials were reviewed, reconciled, updated, superseded, or determined inapplicable.

These materials include documents obtained through public-records requests and materials maintained in City or County files before the April 13, 2026 decision. They are submitted to improve accessibility, reviewability, and administrative-record clarity, and to assist staff, Council, P&Z, the applicant, and counsel in determining whether the materials have been reviewed, incorporated, updated, superseded, reconciled, or determined inapplicable before feasibility-related findings are relied upon.

M3 Exhibit 1 — City Historical File Materials
Supplemental Administrative Record Index + digitized historical City-file materials relevant to floodplain conditions, wetlands, environmental site conditions, FEMA/LOMR materials, prior engineering analysis, prior natural-resource review materials, prior annexation application materials, and application-completeness issues.

The City historical file has been maintained as a hard-copy file. A prior public-records requester was offered the option to review the file in person or pay to have it scanned; that requester paid to digitize the file and later provided a copy to me. I am submitting that digitized copy as supplemental record material because it contains federal, floodplain, wetlands, environmental, engineering, and prior annexation-review materials relevant to Memo #3.

M3 Exhibit 2 — County PRR Materials
Supplemental Administrative Record Index + County PRR production containing materials relevant to current natural-resource constraints, parcel status, FEMA/LOMR history, County floodplain correspondence, observed flooding, and prior floodplain / topographic exhibits.

Reference
See *Administrative Record Review Series — Memo #3: Site Feasibility* for full analysis, record index, and appendices.

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Governing Standard (Exhibit A)
*This memo should be read in conjunction with **Exhibit A — Record Sufficiency and Verification Standard**, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.*

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

Bottom Line
The issue is not whether every final technical study, final engineering plan, final permit, or final agency approval must be completed at the LOI stage. The issue is whether the City has identified the minimum factual baseline necessary to support findings already adopted on April 13, 2026, or any future reliance on those findings.

Put simply: before the City relies on any feasibility-related finding, the administrative record must identify the factual baseline on which that finding rests.

The current administrative record reviewed to date does not appear to identify the governing floodplain baseline, applicable Base Flood Elevations, wetlands or jurisdictional boundaries, environmental site conditions, required fill/grading assumptions, flood-storage impacts, applicable agency pathways, or whether prior parcel-specific FEMA, County, wetlands, environmental, engineering, and application-completeness materials have been accounted for in the current record.

Absent that minimum factual baseline, the record does not establish a clear evidentiary basis for feasibility-related findings.

This is not a hypothetical concern. The City's historical file appears to contain parcel-specific floodplain, wetlands, environmental, engineering, FEMA / LOMR, natural-resource, and application-completeness materials identifying known constraints on this site.[1] The current administrative record does not show whether those materials were addressed before feasibility-related findings were adopted or later relied upon.

The City's prior treatment of this same parcel makes the record gap more significant. In the prior annexation attempt, City application-completeness materials appear to have required project-specific information addressing Comprehensive Plan consistency, project design, natural-resource and hazard mitigation, floodplain/floodway conditions, wetlands, wildlife, infrastructure, environmental conditions, fiscal impacts, and FEMA-related requirements before the application could proceed to meaningful review.[2] The current record does not appear to contain an equivalent threshold evidentiary package, yet the City has already advanced LOI-stage findings without first identifying the same categories of required proof.

Nor is this a generic parcel with generic unknowns. Available City and County file materials appear to identify parcel-specific constraints, including prior FEMA/LOMR history, observed flooding, County flood-storage concerns, wetlands and jurisdictional-water materials,

[1] M3 Exhibit 1, pp. 4–143, 196–228, 293–309.
[2] M3 Exhibit 1, pp. 207-209, 293–303.

prior environmental review, and prior engineering analysis addressing hydraulic behavior in the same reach. To the extent current County materials also identify mapped regulatory floodplain, expanded draft floodplain, wetlands, or riparian constraints, those current materials make reconciliation of the historical record more important, not less.

The practical question is therefore narrow: what facts existed in the administrative record on April 13, what remains unknown, what has been deferred, and which findings can be relied upon before the missing baseline is established?

Housing need, if found, does not substitute for the factual baseline required to evaluate site suitability, floodplain feasibility, agency pathways, Comprehensive Plan consistency, or substantial evidence in the record.

What This Memo Does / Does Not Argue
This memo asks the City to identify the factual baseline being used now: what is known, what remains unknown, what has been deferred, which findings can or cannot be supported before deferred analysis is completed, and how prior parcel-specific materials have been addressed in the current administrative record.

Stated differently: this is a request for record clarity, not premature final engineering.

Issue Presented
The administrative record does not identify the minimum factual baseline needed to evaluate whether the proposed development is physically feasible, environmentally constrained, subject to unresolved regulatory requirements, or capable of supporting findings related to Comprehensive Plan consistency.

If the April 13 findings are treated as findings of feasibility, suitability, adequacy, development capacity, or consistency, the record should identify the factual basis supporting them as of April 13. If no such factual basis existed, those findings should not be relied upon until the required baseline is developed. If the City treats the April 13 action as procedural only, the record should say so and identify which findings remain open.

If the City intends to rely on any April 13 finding in later annexation, zoning, subdivision, or development review, the record should identify the facts supporting that reliance as they existed on April 13.

This memorandum does not address whether the proposal should or should not be approved. It addresses whether the administrative record establishes the factual basis required to evaluate that determination.

Controlling Framework: Three Separate Record Questions
This memo raises three related but distinct questions:

1. **Site feasibility** — whether the site can physically and regulatorily support the proposed development concept.
2. **Record sufficiency** — whether the administrative record contains facts sufficient to support findings or reliance on findings.
3. **Timing and sequencing** — what must be known now, what may be deferred, and what findings can be supported before deferred analysis is complete.

Keeping these questions separate prevents the issue from being reduced to “final engineering now versus final engineering later.” That is not the question presented. The question is what factual baseline supports feasibility-related findings or reliance.

Core Record Concern
Site feasibility is not established by a conceptual site plan, general statements of intent, or assurances that required studies will be completed later. It requires a record-based evaluation of the physical, environmental, floodplain, wetlands, engineering, and regulatory constraints that determine whether the proposed use can be supported on this parcel.

Acceptance of an LOI and adoption of findings that rely on feasibility-related assumptions require at least a minimum factual baseline showing what constraints apply. Without that baseline, the record does not establish whether the proposal is capable of supporting the intensity of development being evaluated.

The concern is not merely that floodplain information is incomplete. The concern is that available historical and current materials appear to identify a floodplain condition that may be more constrained than the current conceptual review reflects. Before any feasibility-related finding is relied upon, the record should reconcile effective and preliminary FEMA mapping, applicable Base Flood Elevations, prior LOMR materials, observed flooding, fill assumptions, flood-storage displacement, conveyance, no-rise/no-adverse-impact considerations, and downstream effects.

The same point applies beyond floodplain conditions. The record should also identify wetlands and jurisdictional-water constraints, environmental site-condition issues, applicable agency pathways, prior City historical-file materials, and prior County floodplain materials before feasibility-related findings are relied upon.

Prior City application-review materials make this concern more concrete. In the earlier annexation attempt, the City required the applicant to address several of these same feasibility inputs before the application could be certified complete and scheduled for hearing. Those inputs included plan consistency, project design, natural-resource and hazard mitigation, floodplain and floodway conditions, wetlands, wildlife, infrastructure, environmental conditions, fiscal impacts, and FEMA-related mapping or review.[3] The current record should identify whether those prior requirements were applied, distinguished, superseded, or otherwise addressed in the current review.

The prior County record is especially relevant because it identifies parcel- and reach-specific floodplain concerns, not merely general floodplain status. In 2007, County floodplain staff stated that the County was "concerned for any possible augmentation to cumulative increases to the flood flows along this stretch of the channel, no matter how small,"[4] noted that historic channelization had "dramatically increased the velocities of the water and transportation of material,"[5] and identified potential downstream impacts within both Blaine County and the City of Hailey. The County also stated that it "hesitate[d] to impede any flood storage capacity for the area."[6] The current record should identify whether these prior County concerns were addressed in the current feasibility analysis.

Those materials may or may not control the present proposal. That is not the point. The point is that the current administrative record does not show whether those materials were accounted for before feasibility-related findings were adopted or later relied upon.

Administrative findings of feasibility cannot be conditioned into existence. A condition of approval may be used to mitigate, verify, or refine a known impact; it does not substitute for the factual baseline needed to determine whether the site is physically and regulatorily capable of supporting the proposed use in the first place.

The administrative record does not establish the core inputs needed to evaluate site feasibility: floodplain / BFE conditions; wetlands and jurisdictional-water boundaries; environmental site conditions; regulatory pathways; fill, grading, flood-storage, conveyance, and downstream impacts; and the factual basis for distinguishing constrained land from potentially developable land. It also does not identify whether prior City, County, FEMA, wetlands, environmental, engineering, and application-completeness materials were accounted for in the current record.

Taken together, these omissions mean the record does not establish that the factual basis necessary to evaluate site feasibility existed in the administrative record when findings were adopted on April 13, 2026.

Site feasibility depends on an integrated system of constraints. The record does not reflect evaluation of these conditions as an interrelated system.

The record also does not identify a composite constraints map or equivalent integrated analysis showing the proposed development footprint in relation to floodplain boundaries, BFEs, wetlands, jurisdictional waters, riparian buffers, wildlife / habitat or natural-resource constraints, topography, proposed fill/grading, access, utilities, applicable regulatory constraints, prior federal floodplain-review history, observed flooding history, flood-storage concerns, prior site-condition materials, or prior wetlands determinations.

This raises a threshold question:

[3] M3 Exhibit 1, pp. 207-209, 293–303.
[4] M3 Exhibit 2, pp. 22–23.
[5] M3 Exhibit 2, pp. 22–23.
[6] M3 Exhibit 2, pp. 22–23.

What information in the administrative record demonstrates that the site can support the proposed development?

Requested Action
Because the issue is record sufficiency, the requested action is limited: before any finding of site feasibility or Comprehensive Plan consistency is made, reaffirmed, or relied upon, the City should identify, by citation to the administrative record, the following six categories of information.

A. Floodplain Baseline / BFEs / Mapping Reconciliation
Identify the governing floodplain dataset, applicable BFEs, effective-versus-preliminary mapping differences, prior FEMA / LOMR materials, and County floodplain materials, and explain which information the City is relying upon for feasibility-related assumptions.

This should include reconciliation of prior engineering analysis identifying floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and the need to better define slough / Big Wood floodplain conditions.

B. Fill, Grading, Flood Storage, Conveyance, and Downstream Effects
Identify whether the proposed development requires fill, grading, elevation modification, road or utility placement, flood storage displacement, conveyance changes, BFE impacts, or downstream / adjacent property impacts, and whether those issues have been evaluated.

This should also identify whether prior County concerns regarding limited mitigation opportunity, bank/dike conditions, sewer-line protection, channelization, and loss of sheet-flooding capacity have been reviewed and reconciled.

C. Wetlands / Jurisdictional Waters / USACE Threshold Inputs
Identify whether wetlands delineation, jurisdictional determination, or USACE review is required to determine which portions of the site are constrained and which are potentially developable and to evaluate whether development, fill, roads, utilities, or access may affect jurisdictional waters.

This should include review or updating of prior quantified wetlands information, including the prior 0.36-acre / 15,859-square-foot wetlands finding[7] and any prior jurisdictional-water or channel information, and should identify whether a current delineation or jurisdictional determination is required.

D. Environmental Site Condition / Prior Industrial Use / Phase I or Phase II Review
Identify whether prior industrial use, the prior Phase I ESA, potential need for updated Phase I / Phase II review, and other site-condition materials have been reviewed or determined inapplicable before feasibility-related findings are relied upon.

This should include review of the prior Phase I ESA scope limitations, including the absence of soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up, and the relevance of former sawmill use as reflected in the 2003 Phase I ESA / historical-file materials and observed machinery / debris to residential development feasibility.[8]

E. Prior FEMA, County, and City Historical-File Materials
Identify whether prior FEMA / LOMR materials, County floodplain correspondence, County observed-flooding documentation, prior wetland materials, prior ESA materials, and prior City application-completeness correspondence have been incorporated, reconciled, updated, superseded, or excluded from the current administrative record. This should include whether the City reviewed its prior completeness determination for this parcel, including prior City requirements for Comprehensive Plan consistency, schematic project design, lot count and infrastructure layout, neighborhood compatibility, natural-resource and hazard mitigation, floodplain/floodway analysis, wetlands, wildlife, environmental review, fiscal impact, and FEMA floodplain/floodway mapping.[9]

This should include City historical-file engineering materials, prior wetlands and ESA materials, and County floodplain materials.

F. Sequencing: What Was Known April 13 vs. What Is Deferred

[7] M3 Exhibit 1, pp. 39–57, 182–195, 256–270.
[8] M3 Exhibit 1, pp. 4–38.
[9] M3 Exhibit 1, pp. 207–209, 293–303.

Identify which feasibility-related facts existed in the administrative record on April 13, 2026; which analyses were deferred; and which findings can be supported before deferred analysis is completed.

To the extent the City intends to proceed, the City should identify how these feasibility-related baseline questions will be sequenced within any broader annexation, zoning, subdivision, Comprehensive Plan, infrastructure, and agency-review framework.

Because the application seeks annexation and development review, the applicant should identify the evidence supporting developability, floodplain compliance, environmental suitability, agency feasibility, infrastructure serviceability, Comprehensive Plan consistency, and public benefit.

If the City contends that any of these issues are premature, deferred, inapplicable, or already resolved, the City should identify that position by citation to the administrative record and state what findings, if any, may be relied upon before the deferred analysis is completed.

The detailed record clarification checklist supporting these six categories is preserved in Appendix F.

Why This Matters

Findings related to Comprehensive Plan consistency, zoning, annexation, or site feasibility require a factual basis sufficient to show what conditions exist on the parcel, what constraints apply, and whether those constraints affect the proposed use.

Where that factual basis is missing, environmental impacts cannot be assessed, regulatory compliance cannot be evaluated, floodplain and fill implications cannot be understood, constrained and potentially developable areas cannot be determined, and Plan consistency cannot be meaningfully evaluated.

Where such facts are not established in the administrative record, findings relying on feasibility-related assumptions lack a clear evidentiary basis. A later condition of approval cannot supply the factual basis for an earlier finding. Conditions may govern how a known issue is addressed; they do not establish, after the fact, that the site was feasible when findings were adopted or relied upon.

In short: the problem is not that every answer is missing. The problem is that the record does not identify the baseline facts needed to know which answers matter, which issues are deferred, and which findings can lawfully be relied upon.

Prior Floodplain Review

Prior parcel-specific floodplain-review materials appear to exist across multiple sources and dates, including FEMA correspondence, County floodplain correspondence, observed-flooding documentation, a FEMA LOMR determination effective February 27, 2009, and prior engineering / floodplain analysis concerning Bullion Street and Hailey Slough.[10][11]

The issue is not whether those historical materials control the present proposal. The issue is whether the City has identified how those materials were addressed in relation to current effective and preliminary mapping before feasibility-related findings are relied upon. See Appendix G — Prior Floodplain Review Timeline.

Threshold Record Gaps

The table below summarizes the principal record gaps; the detailed record-clarification requests appear later in this memo and in the Administrative Record Index (v3).

Issue	Required Record Showing	Reflected in Record?	Result
Floodplain Conditions	Defined floodplain boundaries, BFEs, governing dataset	NO	Floodplain conditions not established
Floodplain Data Reconciliation	Reconciliation of effective FEMA mapping, preliminary FEMA mapping, prior FEMA/LOMR materials, and other available data	NO	Floodplain baseline not reconciled
BFE Comparison	Comparison of effective and preliminary Base Flood Elevations and identification of which elevation data the City is relying upon	NO	BFE basis not established

[10] M3 Exhibit 1, pp. 58–143, 245–255, 284–292.
[11] M3 Exhibit 2, pp. 13–28.

Issue	Required Record Showing	Reflected in Record?	Result
Fill / Flood Storage Displacement	Identification of fill required, flood storage displacement, conveyance impacts, BFE impacts, and downstream effects	NO	Fill and flood-storage effects not established
Prior County Floodplain Concerns	Reconciliation of prior County concerns regarding flood storage, cumulative flood-flow effects, channelization, downstream impacts, bank/dike conditions, sewer-line protection, and observed flooding	NO	Prior County floodplain record not reconciled
Observed 2006 Flooding	Identification whether documented 2006 flooding on the southern portion of the property was reviewed or reconciled with current feasibility assumptions	NO	Observed flooding history not reconciled
Wetlands / Jurisdiction	Wetlands delineation and jurisdictional determination	NO	Wetlands and jurisdiction not established
USACE Jurisdictional Determination Input	Identification of whether a jurisdictional determination is required to determine which portions of the site are constrained and which are potentially developable	NO	Jurisdictional threshold input not established
Wildlife / Habitat Constraints	Identification whether wildlife corridor, habitat, or other natural-resource constraints apply to the parcel or affect the proposed development footprint, access, infrastructure, or feasibility-related findings	NO	Wildlife / habitat constraint baseline not established
Environmental Conditions	Phase I ESA or comparable site-condition analysis addressing prior industrial use	NO	Site environmental condition not established
Regulatory Pathways	Identification of potentially applicable federal, state, and local permitting/review pathways	NO	Regulatory pathway not established
Integrated Constraints	Evaluation of floodplain, wetlands, site condition, regulatory pathways, access, fill, and constrained-versus-potentially-developable-area inputs as a system	NO	Integrated site feasibility not established
Composite Constraints Map / Equivalent Analysis	Map or integrated analysis overlaying development footprint with floodplain, BFE, wetlands, riparian, topographic, fill, access, utility, and regulatory constraints	NO	Composite constraints analysis not established
Constrained vs. Potentially Developable Area	Identification of factual inputs necessary to determine which portions of the site are constrained and which are potentially developable	NO	Constrained-area basis not established
Prior FEMA / LOMR Materials	Identification whether prior FEMA / LOMR materials were reviewed, incorporated, reconciled, updated, or superseded	NO	Prior federal floodplain record not reconciled
FEMA LOMR Determination / 2009 Map Revision	Identification whether the FEMA LOMR determination effective February 27, 2009 was reviewed, incorporated, updated, superseded, or determined inapplicable	NO	Prior FEMA map-revision record not reconciled
Prior Phase I ESA / Site Condition Materials	Identification whether prior environmental site-condition materials were reviewed, updated, incorporated, or superseded	NO	Prior site-condition record not reconciled
Prior Wetland / Jurisdictional Materials	Identification whether prior wetlands materials and jurisdictional questions were reviewed, updated, incorporated, or superseded	NO	Prior wetlands record not reconciled
Prior Application-Completeness Requirements	Identification whether prior City-required floodplain, wetland, wildlife, environmental, and site-plan materials were considered in defining current submission requirements	NO	Prior completeness record not reconciled
Timing of Analyses	Evidence that feasibility-related analyses existed in the record at time of findings	NO	Findings not supported by established feasibility facts
Prior Engineering / Hydraulic Conditions	Reconciliation of prior engineering analysis identifying Bullion Street floodplain discontinuity, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions	NO	Prior engineering hydraulic concerns not reconciled
Quantified Prior Wetlands / Jurisdictional-Water or Channel	Identification whether prior 0.36-acre / 15,859-square-foot wetlands finding and any prior jurisdictional-water or channel information were reviewed, updated, superseded, or determined inapplicable	NO	Prior quantified wetlands / jurisdictional baseline not reconciled
Phase I ESA Scope Limitations	Identification whether prior ESA limitations, lack of sampling / Phase II work, and former sawmill debris were reviewed in defining current residential site-condition baseline	NO	Environmental baseline and need for updated ESA / Phase II determination not established

Supporting Analysis – Absence of an Established Factual Basis

The sections below explain why these gaps matter to site feasibility and why they must be addressed before feasibility-related findings are relied upon.

A Factual Basis Must Exist Before Feasibility can be Evaluated

If the City's position is that no feasibility-related findings were made on April 13, the record should clarify which findings were procedural, which findings remain open, and which factual determinations must be made before any future reliance.

If, however, the City intends to rely on April 13 findings in later annexation, zoning, subdivision, or development review, the record should identify the factual basis supporting that reliance as it existed on April 13. Later-submitted studies or later-imposed conditions may answer future questions, but they do not retroactively establish the factual basis for earlier findings.

Prior parcel-specific City, County, FEMA, wetlands, engineering, and environmental materials should not be excluded merely because they are historical. If those materials exist and relate to site constraints, the current record should identify how they were addressed. If they were not considered, the City should say so.

Minimum Factual Baseline Needed for Review

Before the City relies on any finding related to site feasibility, the administrative record should identify the minimum factual baseline being used for review. At a minimum, that baseline should address five linked categories: floodplain/BFE conditions, wetlands and jurisdictional waters, environmental site conditions, regulatory pathways, and the integrated constraints analysis needed to determine constrained versus potentially developable land. Those categories include:

- the governing floodplain dataset and applicable Base Flood Elevations;
- whether effective and preliminary FEMA mapping have been reviewed and reconciled;
- whether prior FEMA or LOMR-related materials are relevant to the parcel;
- whether the FEMA LOMR determination effective February 27, 2009 is relevant to the parcel or has been superseded by current mapping;[12]
- whether County floodplain correspondence from the prior LOMR / CLOMR process for the same reach is relevant to current flood-storage, cumulative-flow, channelization, or downstream-impact analysis;[13]
- whether observed flooding on the southern portion of the property during the 2006 Big Wood River event has been reviewed or reconciled with current floodplain assumptions;[14]
- whether effective and preliminary BFEs have been compared and whether the proposal remains feasible under any materially higher BFE scenario reflected in preliminary or best-available data;
- the location and extent of wetlands, riparian areas, and jurisdictional waters;
- whether a wetlands delineation or USACE jurisdictional determination is needed to determine which portions of the site are constrained and which are potentially developable;
- whether prior industrial use creates environmental site-condition issues requiring evaluation;
- whether wildlife corridor, habitat, or other natural-resource constraints require evaluation as part of the site-feasibility baseline;
- potentially applicable federal, state, and local regulatory pathways;
- the amount and location of any fill, grading, or elevation modification required to support development;
- whether flood storage displacement, conveyance, BFE impacts, or downstream effects have been evaluated;
- whether a composite constraints map or equivalent integrated analysis has been prepared or required;
- whether prior parcel-specific FEMA/LOMR, County floodplain, City engineering, wetlands, environmental, and application-completeness materials have been reviewed, reconciled, updated, superseded, or determined inapplicable.

A staff-level statement that traffic, floodplain, wetlands, avalanche, and wildlife studies will be required with a future annexation application does not establish the factual baseline needed to support feasibility-related findings. That list identifies broad study categories, but it does not identify the governing floodplain dataset, applicable BFEs, H&H requirements, fill and flood-storage analysis, no-rise/no-adverse-impact considerations, downstream effects, wetlands jurisdictional status, environmental site-condition review, prior FEMA/LOMR reconciliation, prior County floodplain concerns, agency pathways, sequencing of determinations, or a composite

[12] M3 Exhibit 2, pp. 13–21.
[13] M3 Exhibit 2, pp. 22–25.
[14] M3 Exhibit 2, pp. 22–25, 28.

constraints analysis showing which portions of the site are constrained and which are potentially developable. If those matters are deferred, the record should identify what findings remain open and what findings may not be relied upon until the deferred analyses are completed.

The baseline should also identify what is known, what remains unknown, what has been deferred, and which findings can or cannot be supported before deferred analysis is completed. Without this baseline, the record does not establish what conditions are being evaluated or what facts support any feasibility-related finding.

Site Feasibility Requires Evaluation of Interrelated Constraints
Site feasibility depends on an integrated system of conditions, including:

- floodplain behavior;
- fill, grading, storage, conveyance, and potential downstream effects;
- wetlands and jurisdictional waters;
- riparian conditions;
- wildlife corridor, habitat, and other natural-resource constraints;
- environmental site conditions;
- regulatory permitting or review pathways;
- access, infrastructure, and the factual basis for determining which portions of the site are constrained and which are potentially developable;
- prior FEMA / LOMR-related floodplain-review history;
- prior County floodplain-review history;
- observed flooding history;
- prior wetlands, environmental, and site-condition materials in the City's historical file;
- prior City historical-file engineering analysis identifying hydraulic conditions in the immediate area;
- prior quantified wetlands / jurisdictional-water or channel information;
- prior Phase I ESA limitations and former sawmill-related site conditions.

The administrative record does not reflect evaluation of these conditions as an interrelated system. Because these constraints interact, fragmented or deferred analysis does not establish whether the site can support the proposed development.

A constraints issue cannot be evaluated in isolation if the development footprint, fill assumptions, floodplain baseline, wetlands boundaries, regulatory pathway, historical floodplain-review record, County floodplain-review record, observed flooding record, and constrained-versus-potentially-developable-area inputs have not been established together.

The composite constraints map is one of the central missing threshold inputs. The record should include a composite constraints map or equivalent integrated analysis showing the proposed development footprint overlaid with effective and preliminary floodplain boundaries, applicable BFEs, wetlands and jurisdictional waters, riparian buffers, topography, proposed fill/grading, roads, utilities, access, applicable regulatory constraints, observed flooding history, prior County flood-storage concerns, and prior parcel-specific technical records where relevant.

That integrated analysis should also account for prior City historical-file engineering materials identifying floodplain discontinuity, slough overtopping / culvert constraints, roadway-embankment ponding, and the need to define slough / Big Wood floodplain conditions; prior quantified wetlands / jurisdictional-water or channel information; and prior environmental site-condition materials, including the limited scope of the prior Phase I ESA.

Without that integrated analysis, the record cannot show whether the proposed development footprint corresponds to land that is potentially developable rather than constrained.

For purposes of this memo, the point is not to calculate final buildable acreage. The point is that the City cannot evaluate feasibility, serviceability, or consistency without first identifying the factual inputs needed to distinguish constrained land from potentially developable land.

The City and applicant should not rely on generalized descriptions of preserved acreage or developable acreage without an integrated constraints analysis showing how that conclusion was reached.

Floodplain and Technical Baseline Not Established

The administrative record does not identify:

- the governing FEMA dataset;
- whether the effective FIRM, preliminary FEMA mapping, prior LOMR-related materials, or other available technical sources were reviewed;
- the applicable Base Flood Elevations;
- whether conflicting datasets have been reconciled;
- whether fill, grading, flood storage, conveyance, or downstream effects have been evaluated;
- whether prior FEMA LOMR Case No. 07-10-0815P was reviewed, incorporated, reconciled, updated, superseded, or determined to be inapplicable;[15]
- whether the related upstream suspended LOMR referenced in FEMA correspondence was reviewed or resolved for purposes of current feasibility assumptions;[16]
- whether the FEMA LOMR determination effective February 27, 2009 was reviewed, incorporated, reconciled with current mapping, superseded, or determined to be inapplicable;[17]
- whether County correspondence regarding the prior LOMR / CLOMR process for the same reach was reviewed, including concerns about flood storage capacity, cumulative flood-flow effects, channelization of the Big Wood River, downstream impacts, the eastern bank/dike condition, sewer-line protection, and observed 2006 sheet flooding;[18]
- whether prior City historical-file engineering analysis identifying floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions was reviewed, incorporated, reconciled, updated, superseded, or determined inapplicable.[19]

Without a defined floodplain baseline, the record does not establish the conditions under which development would occur.

The issue is not which dataset ultimately controls for all purposes. The issue is that the record does not identify which floodplain information the City is relying on, whether conflicting information was considered, or how differences among available sources were reconciled.

The record should compare effective and preliminary Base Flood Elevations and identify which elevation data the City is relying on for feasibility-related assumptions. If preliminary FEMA data or other best-available information indicates materially higher BFEs than the effective mapping, the record should explain whether the proposed development footprint, access, roads, utilities, and fill assumptions remain feasible under that higher-elevation scenario.

The record also does not identify whether development would require fill or grading to reach safe or compliant elevations. It does not identify how much fill would be required, whether flood storage would be displaced, whether conveyance would be affected, whether Base Flood Elevations would change, or where displaced floodwater would go. Without that analysis, the record does not establish whether floodplain-related feasibility has been evaluated.

The City's historical annexation file contains prior FEMA / LOMR-related materials for this parcel and reach. Those materials include FEMA correspondence referencing LOMR Case No. 07-10-0815P and indicating that the LOMR was related to, and dependent on, a suspended upstream LOMR. The FEMA correspondence states:

> "This LOMR is related to and dependent on the analysis from suspended LOMR 07-10-0475P. Please submit updated models and work maps once the analysis for LOMR 07-10-0475P has been revised and resubmitted."[20]

The current administrative record does not identify whether the related FEMA suspension was resolved, whether updated models or work maps were submitted, whether the prior LOMR process was completed or approved, or whether current floodplain assumptions supersede the prior FEMA-related record.

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[15] M3 Exhibit 2, pp. 13–21.
[16] M3 Exhibit 1, pp. 136–143, 245–255.
[17] M3 Exhibit 2, pp. 13–21.
[18] M3 Exhibit 2, pp. 22–25, 28.
[19] M3 Exhibit 1, pp. 58–135.
[20] M3 Exhibit 1, p. 255.

County public records materials also include a FEMA LOMR determination effective February 27, 2009, based on hydrologic and hydraulic analysis and new topographic data.[21][22] The current administrative record does not identify how that LOMR determination, the underlying H&H analysis, or the new topographic data were addressed in relation to current effective or preliminary FEMA mapping.

County correspondence from 2007 regarding the prior LOMR / CLOMR process for the same reach raised site-specific floodplain concerns, including possible cumulative increases to flood flows, historic channelization of the Big Wood River, increased velocities and material transport, downstream impacts, flood storage capacity, bank/dike conditions, sewer-line protection, and observed 2006 sheet flooding.[23] County floodplain staff also noted that the eastern bank dike was "not USACE placed or engineered," that it had become essential because of the sewer line behind the bank, that staff knew of "no mitigation of the channelization of the bank in this area," and that "[t]he area of this proposal is not ripe with opportunities to improve the situation."[24] If the City or applicant intends to assume these constraints can be managed through later design, the administrative record should identify the factual and technical basis for that assumption.

A County memorandum dated August 15, 2007 states that the southern portion of the property was inundated by floodwaters during the spring 2006 Big Wood River event and should be designated Zone AE or another appropriate floodplain designation. The observed-flooding record is relevant because it indicates functional floodplain behavior, not merely mapped floodplain status.[25] The current administrative record does not identify whether this observed flooding and floodplain-designation recommendation was reviewed or reconciled with current feasibility assumptions.

The City's historical file also appears to include prior engineering analysis identifying complex hydraulic conditions in the immediate area. That analysis states that "a significant discontinuity exists in the flood plain delineation at Bullion Street," that water in the slough "must either overtop the road or pass through the culvert," and that "water ponding behind the roadway embankment will eventually" overtop the road and continue downstream. The same analysis states that "it is prudent to define a flood plain along the slough in this area, and to better define the Big Wood flood plain."[26] These statements do not determine the current application, but they identify parcel- and reach-specific hydraulic issues that should be addressed before the City relies on feasibility-related findings.

Because the FEMA / LOMR history includes multiple related items — FEMA correspondence referencing LOMR Case No. 07-10-0815P, a suspended upstream LOMR[27], and a later FEMA LOMR determination effective February 27, 2009[28] — the administrative record should clearly distinguish each item by date, source, status, and current relevance. Without that clarification, the record does not show whether the City has reconciled prior federal floodplain-review history with current feasibility assumptions.

Because the City historical-file floodplain materials also appear to include prior engineering analysis identifying Bullion Street / Hailey Slough hydraulic issues, the record should separately identify that analysis by date, author, source, status, and current relevance, and should state whether it has been reviewed, updated, superseded, or determined inapplicable.

Environmental and Site Conditions Not Established

The administrative record does not include:

- a wetlands delineation;
- a jurisdictional determination;
- a Phase I Environmental Site Assessment or comparable environmental site-condition analysis addressing prior industrial use;
- a record-based evaluation of how environmental conditions affect feasibility;
- identification of whether the prior 2003 Phase I ESA[29] was reviewed, incorporated, updated, superseded, or determined to be inapplicable;
- identification of whether any current Phase I or Phase II environmental review is required before residential development feasibility can be evaluated;

[21] M3 Exhibit 2, pp. 13–21.
[22] M3 Exhibit 1, pp. 58–143.
[23] M3 Exhibit 2, pp. 22–25, 28.
[24] M3 Exhibit 2, pp. 22–25.
[25] M3 Exhibit 2, p. 28.
[26] M3 Exhibit 1, pp. 58–135.
[27] M3 Exhibit 1, pp. 245–255.
[28] M3 Exhibit 2, pp. 13–21.
[29] M3 Exhibit 1, pp. 4–38.

- identification of whether the limitations of the prior Phase I ESA, including absence of soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up, were reviewed;
- identification of whether former sawmill use as reflected in the 2003 Phase I ESA / historical-file materials and observed machinery / debris[30] were evaluated in determining the environmental baseline for residential development.

Without these analyses, the record does not establish whether development is feasible under known or reasonably foreseeable site conditions.

This does not require the City to prejudge the outcome of future technical review. It requires the record to identify what environmental facts are known, what remains unknown, and what information is necessary before feasibility-related findings can be relied upon.

The historical file contains a prior Phase I Environmental Site Assessment for the property. The current administrative record does not identify how the prior ESA, potential need for Phase II review, or site conditions associated with prior industrial use have been addressed for proposed residential development.

The 2003 Phase I ESA was a visual and records-based assessment; it did not include soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up.[31] That limitation matters because the same historical record describes the property as a former sawmill site with old machinery, car parts, wooden timbers, and other industrial debris observed on the property.[32] The issue is not whether contamination exists; the issue is whether the current record identifies what environmental site-condition baseline is being relied upon for proposed residential development.

At minimum, the record should identify whether the prior Phase I ESA remains usable, whether an updated Phase I ESA is required, whether a Phase II ESA has been considered or determined unnecessary, and what factual basis supports any residential environmental-feasibility assumption.

The same record question applies to wildlife corridor and habitat materials. Prior City application-review correspondence appears to have required wildlife-related information as part of the earlier completeness review for this parcel. The current administrative record should identify whether any prior wildlife corridor, habitat, or related natural-resource materials were reviewed, updated, superseded, distinguished, or determined inapplicable, and whether any current wildlife or habitat constraints affect the proposed development footprint, access, infrastructure, or feasibility-related findings.

Federal, State, and Local Regulatory Pathways Not Established

The administrative record does not identify whether the proposal implicates, or has been evaluated against, potentially applicable federal, state, and local regulatory pathways, including:

- USACE Section 404 permitting if wetlands or jurisdictional waters are affected;
- USACE jurisdictional determination if wetlands or jurisdictional waters may be present or affected;
- IDWR stream alteration requirements if work affects the bed or banks of the Big Wood River or related waterways;
- state or local floodplain development requirements;
- consultation or review requirements if triggered by a federal permit, approval, or other federal nexus;
- pre-application coordination with applicable agencies.

These pathways are relevant because the record already identifies potential wetlands, jurisdictional waters, prior floodplain-review history, and prior environmental site-condition materials associated with the parcel.

The record also does not identify the sequence in which these requirements would be addressed or whether the proposal is feasible under them.

The issue is not whether all outside agency approvals must be obtained before City review proceeds. The issue is whether the administrative record identifies the applicable regulatory pathways, the sequence of review, and the factual basis for assuming that the proposed development can satisfy those requirements.

[30] M3 Exhibit 1, pp. 4–38.
[31] M3 Exhibit 1, pp. 4–38.
[32] M3 Exhibit 1, pp. 4–38.

That distinction matters because some agency-related issues are not merely later-stage permits; they are threshold factual inputs. For example, a Section 404 permit may be a later permitting step, but a wetlands delineation or jurisdictional determination may be needed now to determine which portions of the site are constrained and which are potentially developable. Similarly, a local floodplain development permit may be later-stage, but the governing floodplain data, BFEs, fill assumptions, flood-storage impacts, conveyance effects, and downstream impacts may be threshold facts needed before feasibility-related findings can be relied upon.

If the City's position is that agency approvals, permits, or determinations are later-stage requirements, the record should still identify which regulatory pathways are potentially implicated, what threshold facts are needed to evaluate them, and what findings can be supported before those pathways are resolved.

If the City's position is that any pathway is not implicated, deferred, or presently unknown, the record should identify that classification and the factual basis for it by citation to the administrative record.

Wetlands and Jurisdictional Waters

If wetlands or jurisdictional waters are present or potentially affected, a wetlands delineation and, where appropriate, a USACE jurisdictional determination are threshold inputs for evaluating which portions of the site are constrained and which are potentially developable.

A Section 404 permit may be a later permitting step, but a jurisdictional determination is a threshold factual input for understanding whether and where development, fill, roads, utilities, or access may affect jurisdictional waters.

The administrative record does not identify whether such a delineation or determination exists, whether one is required, or how the absence of that information affects feasibility-related findings. Without these inputs, the record does not establish whether proposed development, fill, roads, utilities, access, or site work would affect jurisdictional waters or require federal review.

The City's historical file contains prior wetlands materials, including a 2003 Fisher & Associates wetland delineation identifying jurisdictional wetlands and correspondence indicating that additional studies were needed to confirm jurisdictional status for certain areas.[33] The current administrative record does not identify how those prior wetland materials were addressed in relation to the current proposal.

The issue is not whether the 2003 wetland delineation controls the current proposal. The issue is whether prior parcel-specific wetlands information exists and whether the current record shows how it was addressed before feasibility-related findings were adopted.

The prior wetland delineation is not merely a historical reference. It identified 0.36 acres, or 15,859 square feet, of jurisdictional wetlands on the property, along with site conditions relevant to jurisdictional-water or channel review.[34] The Fisher materials also identify site-specific wetland and floodplain conditions, including old floodplain swales and riparian topography in the southern portion of the site, a ditch/slough where water wells up in the spring and flows south until joining the river,[35] and sawmill disposal ponds that were designated as protected wetland areas.[36] It also stated that much of the property appeared to have the potential to contain jurisdictional wetlands and that the wetlands lie in the lowest parts of the property and are influenced by high groundwater.

Those findings are directly relevant to determining which portions of the site are constrained and which are potentially developable and whether a current delineation or jurisdictional determination is a threshold input.

Historical FEMA, County, City, Environmental, Wetland, and Application-Completeness Materials Not Reconciled

Prior parcel-specific FEMA, County, City historical-file, environmental, wetlands, engineering, and application-completeness materials appear relevant to site feasibility. These materials do not necessarily control the current proposal. But the administrative record should identify how they were treated in the current review, including whether they were reviewed, incorporated, reconciled with current conditions, updated, superseded, excluded, or determined inapplicable before feasibility-related findings were adopted or relied upon.

At minimum, the record should distinguish and address:

[33] M3 Exhibit 1, pp. 39–57, 196–228, 256–270.
[34] M3 Exhibit 1, pp. 39–57, 256–270.
[35] M3 Exhibit 1, pp. 39–57, 256–270.
[36] M3 Exhibit 1, pp. 58–135, 144–181.

- FEMA correspondence concerning LOMR Case No. 07-10-0815P;[37]
- the referenced suspended upstream LOMR 07-10-0475P;[38]
- the FEMA LOMR determination effective February 27, 2009;[39]
- County correspondence regarding the prior LOMR / CLOMR process for the same reach;[40]
- County concerns regarding flood storage, cumulative flow, channelization, downstream impacts, bank/dike conditions, sewer-line protection, and observed 2006 flooding;[41]
- prior City engineering / hydraulic analysis;[42]
- the prior Phase I ESA and its scope limitations;[43]
- prior wetlands determination or delineation materials;[44]
- prior application-completeness correspondence.[45]

Prior City correspondence also appears to reflect that, in the prior annexation attempt, the City advised the applicant that the application was incomplete and required additional project-specific information before the application could be certified complete and scheduled for hearing. That required information addressed the same issues that determine whether this site can actually be developed: Comprehensive Plan consistency, schematic project design, lot count and infrastructure layout, neighborhood compatibility, natural-resource and hazard mitigation, floodplain and floodway conditions, wetlands, wildlife, environmental conditions, fiscal impacts, and FEMA floodplain/floodway mapping. The current record should identify whether comparable submission requirements apply to the current application — and, if not, why not.

Without this reconciliation, the record does not establish whether the City evaluated known parcel-specific technical history before relying on feasibility-related assumptions.

Available Information Not Incorporated or Reconciled

Publicly available technical information appears relevant to the evaluation of flood risk, site constraints, and regulatory feasibility. This may include FEMA floodplain products, preliminary flood hazard information, river-inundation mapping, LiDAR/topographic data, City floodplain requirements, and prior FEMA or LOMR-related materials.

The administrative record does not establish:

- which public technical sources were reviewed;
- which sources were relied upon;
- which sources were excluded;
- whether conflicting sources were reconciled;
- whether prior FEMA-related materials were considered;
- whether prior County floodplain materials were considered;
- whether the City or applicant evaluated best available information before findings were adopted;
- whether prior Phase I ESA, wetlands, floodplain, LOMR, application-completeness, or site-condition materials in the historical file were considered;
- whether the hard-copy historical annexation file has been incorporated into, indexed within, or distinguished from the current administrative record.

Where relevant information exists but is not incorporated into the administrative record, the record cannot show whether the City considered, rejected, or simply failed to evaluate that information.

Absence of Factual Basis Prevents Evaluation of Feasibility

[37] M3 Exhibit 1, pp. 245–255.
[38] M3 Exhibit 1, p. 255.
[39] M3 Exhibit 2, pp. 13–21.
[40] M3 Exhibit 2, pp. 22–25.
[41] M3 Exhibit 2, pp. 22–25, 28.
[42] M3 Exhibit 1, pp. 58–135, 144–181.
[43] M3 Exhibit 1, pp. 4–38.
[44] M3 Exhibit 1, pp. 39–57, 182–195, 256–270.
[45] M3 Exhibit 1, pp. 210–228, 293–309.

The record gaps identified above prevent a supportable feasibility determination because the record does not identify the governing conditions, required analyses, applicable regulatory pathways, unresolved factual questions, or treatment of prior parcel-specific technical materials.

Without those elements, the administrative record does not establish a factual basis for feasibility-related findings or reliance.

Record Gaps and Requested Clarifications

The detailed checklist below is the operative record-clarification request. It expands on the summary gaps identified in the Threshold Record Gaps table and is organized to match the six Requested Action categories above. These requests are intended to identify the minimum factual baseline supporting any present or future reliance on feasibility-related findings, including what was known on April 13, 2026, what remains unknown, and what has been deferred

Because some issues overlap, the categories below group related factual inputs where necessary while preserving the same sequence as the Requested Action section. For each category, the City should identify where the issue is addressed in the administrative record or confirm that it remains unresolved.

A. Global Record Status / April 13 Record Baseline

Identify, by citation to the administrative record:

- whether relevant technical information was available at the time of decision but not incorporated into the administrative record;
- whether required analyses were identified, completed, or deferred;
- whether all materials considered or reasonably available at the time of decision have been included in the administrative record;
- whether prior FEMA, LOMR, floodplain, wetlands, or environmental materials were reviewed;
- whether prior County floodplain materials and observed-flooding records were reviewed;
- whether any feasibility-related assumptions were relied upon in adopting April 13 findings;
- whether the City's historical annexation file has been incorporated into the current administrative record or distinguished from it;
- whether prior application-completeness materials for this parcel were considered in defining current submission requirements;
- whether the City's position is that the April 13 findings were non-merits findings, procedural findings only, or findings that may be relied upon in later review;
- whether, after April 13, 2026, the City formally compiled, preserved, indexed, Bates-stamped, certified, or otherwise defined the administrative record supporting the April 13 action, including clear segregation of pre-decision materials from post-decision materials;
- if any April 13 findings remain open, which factual determinations must be made before those findings are reaffirmed, relied upon, or used to support later action.

B. Floodplain Baseline / BFEs / Mapping Reconciliation

Identify, by citation to the administrative record:

- the governing FEMA dataset;
- applicable Base Flood Elevations;
- whether effective and preliminary FEMA mapping have been compared;
- whether effective and preliminary BFEs have been compared;
- whether preliminary or best-available data indicates materially higher BFEs than the effective mapping in the relevant area;
- which BFE data the City is relying upon for feasibility-related assumptions;
- whether prior LOMR-related materials were reviewed;
- whether floodplain mapping changes over time were evaluated;
- whether hydrologic or hydraulic analysis has been completed;
- whether fill, flood storage, conveyance, or downstream effects have been evaluated;
- whether the record identified how much fill is required to reach safe or compliant elevations;
- where displaced floodwater or lost flood volume would be accommodated;
- whether FEMA LOMR Case No. 07-10-0815P was reviewed, incorporated, reconciled, updated, superseded, or determined to be inapplicable;
- whether the January 10, 2008 FEMA correspondence referencing suspended LOMR 07-10-0475P was reviewed or resolved for purposes of current floodplain assumptions;
- whether any current LOMR, CLOMR, LOMA, or comparable FEMA process has been initiated or determined unnecessary;
- whether the FEMA LOMR determination effective February 27, 2009 was reviewed, incorporated, reconciled with current mapping, updated, superseded, or determined to be inapplicable;

- whether County correspondence regarding the prior LOMR / CLOMR process for the same reach was reviewed, including concerns regarding flood storage capacity, cumulative flood-flow effects, channelization, downstream impacts, dike/bank conditions, sewer-line protection, and 2006 sheet flooding;
- whether the County's August 15, 2007 memorandum identifying inundation of the southern portion of the property during the spring 2006 Big Wood River event was reviewed or reconciled with current feasibility assumptions;
- whether the City has separately identified the status and current relevance of: (1) FEMA correspondence concerning LOMR Case No. 07-10-0815P; (2) the referenced suspended upstream LOMR 07-10-0475P; and (3) the FEMA LOMR determination effective February 27, 2009;
- whether the City has explained how current floodplain assumptions account for, supersede, or distinguish prior FEMA and County floodplain-review history;
- whether prior City historical-file engineering analysis identifying Bullion Street floodplain discontinuity, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions was reviewed, incorporated, reconciled, updated, superseded, or determined inapplicable.

C. Wetlands / Jurisdictional Waters / Environmental Site Conditions

Identify, by citation to the administrative record:

- wetlands delineation;
- jurisdictional determinations;
- environmental site-condition analyses;
- whether prior industrial use has been evaluated;
- whether site constraints have been mapped or analyzed;
- whether the 2003 Phase I ESA was reviewed, updated, incorporated, superseded, or determined to be inapplicable;
- whether a current Phase I or Phase II ESA has been required or determined unnecessary;
- whether historical sawmill-related site conditions have been evaluated for residential development;
- whether prior wildlife corridor, habitat, or natural-resource materials were reviewed, updated, superseded, distinguished, or determined inapplicable;
- whether current wildlife corridor, habitat, or natural-resource constraints affect the proposed development footprint, access, infrastructure, or feasibility-related findings;
- whether prior site-condition materials were considered in determining what information is required before feasibility-related findings can be relied upon;
- whether any environmental review has identified what remains unknown before residential development feasibility can be evaluated;
- whether prior Phase I ESA limitations, including the absence of soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up, were reviewed in defining the current environmental site-condition baseline;
- whether former sawmill use as reflected in the 2003 Phase I ESA / historical-file materials and observed machinery / debris were evaluated in determining whether updated Phase I or Phase II review is required before feasibility-related findings are relied upon.

D. Regulatory Pathways / Agency Threshold Inputs

Identify, by citation to the administrative record:

- potentially applicable federal, state, and local permits or review requirements;
- the sequence of regulatory approvals or determinations;
- whether feasibility has been evaluated under those requirements;
- whether any pre-application coordination has occurred with applicable agencies;
- whether a wetlands delineation or USACE jurisdictional determination is needed as a threshold factual input before determining which portions of the site are constrained and which are potentially developable;
- whether required agency review is a threshold condition or later-stage condition;
- whether prior USACE-related wetlands correspondence or jurisdictional questions in the historical file were reviewed, updated, incorporated, superseded, or determined to be inapplicable;
- if the City's position is that agency approvals, permits, or determinations are later-stage requirements, which threshold facts must still be identified now to support any present or future reliance on feasibility-related findings;
- whether the record distinguishes between later permitting steps and threshold factual inputs needed to understand whether development, fill, roads, utilities, or access may affect jurisdictional waters or other regulated resources.

E. Integrated Constraints / Composite Constraints Analysis

Identify, by citation to the administrative record:

- whether the City has prepared or required a composite constraints map;
- whether the City has prepared or required an equivalent integrated analysis if no map exists;
- whether floodplain, wetlands, riparian, environmental, regulatory, and constrained-versus-potentially-developable-area inputs have been evaluated together;
- whether the proposed development footprint has been tested against those constraints;
- whether the development footprint has been overlaid against effective and preliminary floodplain boundaries, applicable BFEs, wetlands or jurisdictional waters, riparian buffers, topography, proposed fill/grading, roads, utilities, access, and applicable regulatory constraints;
- whether prior FEMA / LOMR materials, prior wetlands materials, prior ESA materials, and prior application-completeness materials have been incorporated into or reconciled with any constraints analysis;
- whether prior County floodplain concerns and observed flooding history have been incorporated into or reconciled with any constraints analysis;
- whether any claimed preserved acreage or developable acreage is supported by a composite constraints map or equivalent integrated analysis;
- whether the record explains how which portions of the site are constrained and which are potentially developable have been determined after applying floodplain, BFE, wetlands, riparian, topographic, fill, access, utility, environmental, and regulatory constraints;
- whether the composite constraints analysis incorporates prior City historical-file engineering materials, prior quantified wetlands / jurisdictional-water or channel information, prior ESA limitations, County floodplain concerns, observed flooding history, and the current County constraint letter.

F. Sequencing: What Was Known April 13 vs. What Is Deferred

Identify, by citation to the administrative record as it existed on April 13, 2026, the factual basis relied upon to support any finding related to site feasibility, development capacity, or Comprehensive Plan consistency.

Identify whether that factual basis included review of prior FEMA / LOMR materials, prior Phase I ESA materials, prior wetlands materials, prior floodplain analysis, or prior application-completeness correspondence from the City's historical annexation file, County floodplain correspondence, or County observed-flooding documentation.

Identify whether that factual basis included review of the City's prior determination that an earlier annexation application for this parcel was incomplete without project-specific information addressing Comprehensive Plan consistency, project design, natural hazards, floodplain/floodway conditions, wetlands, wildlife, infrastructure, environmental conditions, fiscal impacts, and FEMA-related requirements.[46] If the City did not require an equivalent threshold showing for the current application, identify the factual, legal, or procedural basis for treating the current application differently.

Identify whether that factual basis included review of prior engineering analysis identifying Bullion Street / Hailey Slough hydraulic issues, the 2003 Fisher & Associates wetland delineation, and the 2003 Phase I ESA limitations.[47]

If the City's position is that the April 13 action did not make or rely upon any finding of feasibility, suitability, development capacity, adequacy, or Comprehensive Plan consistency, please identify that position in the administrative record and specify which findings remain open for later determination.

If the City intends to rely on any April 13 finding in later annexation, zoning, subdivision, or development review, please identify the factual basis supporting that reliance as it existed in the administrative record on April 13, 2026.

If no such information exists, please confirm that.

[46] M3 Exhibit 1, pp. 207-209, 293-303.

[47] M3 Exhibit 1, pp. 4–38, 39–57, 58–135.

Conclusion
The issue is not whether additional analysis may occur at a later stage.

The issue is whether the administrative record established the factual basis necessary to support findings adopted on April 13, 2026, or any later reliance on those findings.

If April 13 was merely procedural and did not decide feasibility, suitability, adequacy, development capacity, or consistency, the City should say so clearly and identify what findings remain open. If those findings are being relied upon, the record should identify the facts supporting them.

Administrative findings of feasibility cannot be conditioned into existence. A later requirement to submit studies may help evaluate a future application, but it does not establish that the factual basis for feasibility existed when findings were adopted or relied upon.

A future-study list does not resolve the record question unless it also identifies what facts are deferred, which findings remain open, and which findings cannot be relied upon before those studies are completed.

The prior annexation file makes the record gap more significant, not less. It appears that the City previously required a more complete, project-specific evidentiary package before the same parcel could proceed through annexation review. The current record does not identify whether that prior completeness framework was reviewed, applied, distinguished, superseded, or rejected. Without that explanation, the record does not show why feasibility, suitability, serviceability, buildability, or Comprehensive Plan consistency can be assumed or advanced now on a materially thinner threshold record.[48]

Without an established factual baseline, the record does not demonstrate:

- floodplain conditions, BFEs, fill, flood storage, conveyance, and downstream effects have been identified and reconciled;
- wetlands, jurisdictional waters, environmental conditions, wildlife / habitat or natural-resource constraints, and regulatory pathways have been evaluated as threshold inputs;
- the proposed development footprint has been tested against a composite constraints map or equivalent integrated analysis;
- prior FEMA/LOMR, County floodplain, City engineering, wetlands, Phase I ESA, and application-completeness materials have been reviewed, reconciled, updated, superseded, or determined inapplicable; or
- findings related to feasibility, suitability, serviceability, buildability, or Comprehensive Plan consistency are supported by substantial evidence in the administrative record.

Taken together, these omissions mean the administrative record does not establish a clear evidentiary basis for findings related to site feasibility.

That does not mean every final technical issue must be resolved now. It means the record should identify what facts support feasibility-related findings, what remains unknown, what has been deferred, and what findings can be supported before deferred analysis is completed.

Until that distinction is made on the record, feasibility-related findings should remain open and should not be used to support annexation, zoning, subdivision, or Comprehensive Plan consistency determinations.

[48] M3 Exhibit 1, pp. 207–209, 293–303.

Administrative Record Index (v3)

Issue: Site Feasibility (Memo #3)

This index identifies whether the administrative record contains the factual information required to support findings related to site feasibility, environmental conditions, and regulatory compliance, and identifies where such information is or is not established.

This index applies to the administrative record as it existed on April 13, 2026.

This index is not intended to require final engineering, final permits, or final agency approvals at this stage. It identifies the minimum factual baseline needed to determine what facts existed in the record, what remains unknown, what has been deferred, and whether feasibility-related findings adopted on April 13, 2026 — or later reliance on those findings — are supported by substantial evidence in the administrative record.

Where the City's position is that April 13 was procedural only and did not decide feasibility, suitability, adequacy, development capacity, or Comprehensive Plan consistency, the record should identify that position and clarify which findings remain open.

This index is intended to make the record questions citation-ready; it does not substitute for the technical studies, agency determinations, or factual analyses identified as missing from the record.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
Gp 1	**Floodplain / FEMA / BFE / Flood-Storage Baseline**				
19	Floodplain Baseline	Administrative record; FEMA mapping references; M3 Exhibit 1, pp. 136–143 and 245–255; M3 Exhibit 2, pp. 13–28	General awareness of floodplain conditions implied; prior FEMA / LOMR materials; County floodplain materials	No governing FEMA dataset identified; no defined Base Flood Elevations; no reconciliation of effective, preliminary, prior FEMA/LOMR-related materials, or County floodplain materials	Floodplain baseline not established
20	Conflicting Flood Data	Administrative record; publicly available FEMA / flood-related data; M3 Exhibit 1, pp. 58–181 and 136–143; M3 Exhibit 2, pp. 13–28	Multiple flood-related datasets appear to exist	No reconciliation of differences among effective mapping, preliminary mapping, prior federal materials, County floodplain materials, observed flooding records, or other available technical sources	Floodplain conditions not reconciled
21	BFE Comparison	Administrative record; effective and preliminary FEMA data; M3 Exhibit 2, pp. 13–21; M3 Exhibit 1, pp. 58–181	FEMA-related floodplain mapping appears relevant to the parcel	No comparison of effective and preliminary BFEs; no identification of which BFE data supports feasibility-related assumptions; no evaluation of higher-elevation scenarios	BFE basis not established
22	Floodplain Modeling / Analysis	M3 Exhibit 1, pp. 58–135 and 144–181; M3 Exhibit 2, pp. 13–21 and 22–28	Historical floodplain modeling appears to exist; prior FEMA LOMR determination was based on H&H analysis and new topographic data	No current or proposal-specific hydrologic / hydraulic analysis identified; no reconciliation of historical H&H / floodplain materials with current effective or preliminary FEMA mapping; no evaluation of flood behavior, fill, flood storage, conveyance, downstream effects, or prior County-identified flood concerns.	Flood behavior not evaluated
23	Fill / Flood Storage Displacement	M3 Exhibit 2, pp. 22–25; M3 Exhibit 1, pp. 58–135 and 144–181	Development concept implies grading, access, utilities, or elevation assumptions may be necessary; County previously expressed concern about impeding flood storage capacity	No identification of required fill, displaced flood storage, conveyance impacts, BFE impacts, downstream effects, or reconciliation of prior flood-storage concerns	Fill and flood-storage impacts not established
24	Observed 2006 Flooding	M3 Exhibit 2, p. 28; see also M3 Exhibit 2, pp. 22–25	County documented that the southern portion of the property was inundated by floodwaters during the spring 2006 Big Wood River event	No identification whether this observed flooding was reviewed or reconciled with current feasibility assumptions	Observed flooding history not reconciled

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
Gp 1	**Floodplain / FEMA / BFE / Flood-Storage Baseline**				
25	County Floodplain Concerns	M3 Exhibit 2, pp. 22–25	County raised concerns regarding cumulative flood-flow effects, channelization, increased velocities/material transport, downstream impacts, flood storage, bank/dike conditions, sewer-line protection, and sheet flooding	No identification whether these prior concerns were reviewed, resolved, updated, superseded, or determined inapplicable	Prior County floodplain concerns not reconciled
26	Prior Floodplain Review Timeline	M3 Exhibit 1, pp. 58–181 and 136–143; M3 Exhibit 2, pp. 13–28	Parcel-specific floodplain-review materials appear to exist across multiple dates and sources, including FEMA correspondence re: LOMR Case No. 07-10-0815P, suspended upstream LOMR 07-10-0475P, County 2007 LOMR correspondence, County August 15, 2007 floodplain memorandum, and FEMA LOMR determination effective February 27, 2009	No single record location or timeline identifying each item by date, source, status, current relevance, whether reviewed, and whether resolved, updated, superseded, or determined inapplicable	Prior floodplain-review history not clearly distinguished or reconciled
27	Prior Federal Analysis / LOMR Materials	M3 Exhibit 1, pp. 136–143 and 245–255; M3 Exhibit 2, pp. 13–21	Prior FEMA/LOMR-related process appears to exist; Case No. 07-10-0815P identified	No incorporation of prior FEMA analysis, suspension, or related materials into the record; no determination of relevance or irrelevance; no evidence the suspension was resolved	Prior federal analysis not incorporated
28	FEMA LOMR Suspension	M3 Exhibit 1, pp. 136–143 and 245–255	FEMA correspondence indicates the LOMR was related to and dependent on suspended LOMR 07-10-0475P	No explanation whether updated models or work maps were submitted, whether the suspension was resolved, or whether current assumptions supersede the prior FEMA issue	Prior FEMA suspension not reconciled
29	FEMA LOMR Determination – 2009	M3 Exhibit 2, pp. 13–21	FEMA revised floodplain materials based on hydrologic and hydraulic analysis and new topographic data	No explanation whether the 2009 LOMR, underlying H&H analysis, or topographic data were reviewed, updated, superseded, or reconciled with current effective/preliminary mapping	Prior FEMA LOMR determination not reconciled
30	Prior Engineering / Hydraulic Conditions	M3 Exhibit 1, pp. 58–135 and 144–181	Prior engineering analysis appears to identify floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and need to better define slough / Big Wood floodplain conditions	No identification whether prior engineering analysis was reviewed, incorporated, reconciled with current mapping, updated, superseded, or determined inapplicable	Prior engineering hydraulic concerns not reconciled
Gp 2	**Wetlands / Jurisdictional Waters / Environmental Site Conditions / Wildlife**				
31	Wetlands Delineation	Administrative record; M3 Exhibit 1, pp. 39–57, 182–195, and 256–270	Wetlands referenced conceptually; prior wetlands materials appear to exist	No delineation; no mapped boundaries; no jurisdictional determination; no reconciliation of prior wetlands materials	Wetlands and jurisdiction not established
32	Jurisdictional Determination as Threshold Input	Administrative record; M3 Exhibit 1, pp. 39–57, 182–195, and 256–270	Wetlands or jurisdictional waters may be relevant given site location and constraints	No identification of whether a USACE jurisdictional determination is required to determine which portions of the site are constrained and which are potentially developable	Jurisdictional threshold input not established
33	Prior Quantified Wetlands / Jurisdictional-Water or Channel	M3 Exhibit 1, pp. 39–57 and 256–270; see also M3 Exhibit 1, pp. 182–195	Prior delineation identified 0.36 acres / 15,859 square feet of wetlands and appears to include prior jurisdictional-water or channel information; prior materials indicate potential jurisdictional wetlands influenced by high groundwater	No identification whether quantified prior wetlands findings and any prior jurisdictional-water or channel information were reviewed, updated, superseded, or determined inapplicable; no current delineation or JD identified	Prior quantified wetlands / jurisdictional baseline not reconciled
34	Environmental Site Conditions	Administrative record; M3 Exhibit 1, pp. 4–38	Prior industrial use acknowledged; prior Phase I ESA appears to exist	No Phase I ESA or comparable site-condition analysis; no assessment of contamination or environmental condition risk; no reconciliation of prior ESA	Site environmental condition not established

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
Gp 2	**Wetlands / Jurisdictional Waters / Environmental Site Conditions / Wildlife**				
35	Prior Phase I ESA / Site Condition Materials	M3 Exhibit 1, pp. 4–38	Prior Phase I ESA appears to exist	No identification whether prior ESA was reviewed, updated, incorporated, superseded, or determined inapplicable; no Phase II determination identified	Prior site-condition record not reconciled
36	Phase I ESA Scope Limitations / Former Sawmill Conditions	M3 Exhibit 1, pp. 4–38	Prior Phase I ESA appears to have been visual and records-based, without soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up; historical materials describe former sawmill use and observed machinery / debris	No identification whether ESA limitations, former sawmill use, observed debris, or need for updated Phase I / Phase II review were evaluated before feasibility-related findings are relied upon	Environmental baseline and need for updated ESA / Phase II determination not established
37	Wildlife Corridor / Habitat Review	Administrative record generally; prior City application-completeness materials; Appendices B and E	Prior City completeness requirements appear to have included wildlife-related materials; wildlife, habitat, or natural-resource constraints may be relevant given the parcel's river-corridor location and Sensitive Lands context	No IDFG review, wildlife-corridor analysis, habitat assessment, or reconciliation of prior wildlife / habitat materials identified in the record; no determination whether wildlife, habitat, or natural-resource constraints affect the proposed development footprint, access, infrastructure, or feasibility-related findings	Wildlife / habitat constraint baseline not established
Gp 3	**Regulatory Pathways / Agency Review / Review Sequencing**				
38	Regulatory Pathway — Federal	Administrative record; M3 Exhibit 1, pp. 39–57, 182–195, 256–270; M3 Exhibit 1, pp. 136–143 and 245–255	No federal permitting pathway identified	No identification of whether USACE Section 404, federal consultation, or other federal review pathways are implicated	Federal regulatory pathway not established
39	Regulatory Pathway — State / Local	Administrative record; M3 Exhibit 1, pp. 58–181; M3 Exhibit 2, pp. 22–28	No state or local permitting pathway identified	No identification of IDWR stream alteration requirements, local floodplain development permitting, or related review sequence	State/local regulatory pathway not established
40	Pre-Application Coordination	Administrative record; applicant / staff materials, if any	No coordination identified	No evidence of agency consultation or feasibility discussions with regulatory authorities	Regulatory coordination not established
41	Later-Stage Permitting vs. Threshold Factual Inputs	Administrative record; M3 Exhibit 1, pp. 39–57, 58–181, 136–143, 182–195, 245–270; M3 Exhibit 2, pp. 13–28	Future permitting or agency review may be anticipated or referenced	No distinction between later-stage permits or approvals and threshold factual inputs needed now to evaluate whether development, fill, roads, utilities, access, or site work may affect regulated resources	Review sequence and threshold inputs not established
42	Regulatory Feasibility	Administrative record; regulatory pathway materials; application materials	Proposal assumes development can occur	No demonstration that potentially applicable regulatory requirements can be satisfied or sequenced	Regulatory feasibility not established
43	Broader Review Sequencing	Administrative record; annexation, zoning, subdivision, Comprehensive Plan, infrastructure, and agency-	Feasibility-related review may be anticipated at later stages	No identified sequence explaining how feasibility-related baseline questions will be coordinated with broader annexation, zoning, subdivision, Comprehensive Plan, infrastructure, and agency-review determinations	Broader review sequencing not established
Gp 4	**Integrated Constraints / Composite Constraints / Developable-Area Analysis**				
44	Integrated Constraints Analysis	Administrative record; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Constraints referenced individually	No evaluation of floodplain, wetlands, environmental, regulatory, historical technical materials, and development constraints as an interrelated system	Integrated site feasibility not established
45	Composite Constraints Map / Equivalent Analysis	Administrative record; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Constraints are referenced individually	No map or equivalent integrated analysis overlaying development footprint with floodplain, BFE, wetlands, riparian, topographic, fill, access, utility, regulatory, and historical technical constraints	Composite constraints analysis not established

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
Gp 4	**Integrated Constraints / Composite Constraints / Developable-Area Analysis**				
46	Historical Materials in Composite Constraints Analysis	M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Prior parcel-specific materials appear to identify hydraulic, wetlands, environmental, floodplain, and County constraint issues	No composite constraints map or equivalent integrated analysis incorporating prior engineering / hydraulic materials, prior quantified wetlands / jurisdictional-water or channel information, ESA limitations, County floodplain concerns,	Historical constraint inputs not integrated
47	Constrained vs. Potentially Developable Area Inputs	Administrative record; proposal materials; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Development concept implied	No factual inputs sufficient to determine which portions of the site are constrained and which are potentially developable; no composite constraints map; no reconciliation of prior floodplain / wetlands / ESA materials	Constrained-area basis not established
48	Preserved Acreage / Developable Acreage Basis	Administrative record; proposal materials; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Development concept and preservation concept may be described generally	No composite constraints map or equivalent integrated analysis showing how preserved acreage, constrained acreage, and potentially developable acreage were calculated after applying floodplain, BFE, wetlands, riparian,	Developable-area basis not established
49	Applicant Evidence Supporting Developability	Administrative record; application materials; applicant submissions	Application seeks annexation and development review	No applicant-identified evidence establishing developability, floodplain compliance, environmental suitability, agency feasibility, infrastructure serviceability, Comprehensive Plan consistency, and public benefit	Applicant evidentiary showing not established
50	Housing Need vs. Site Suitability	Administrative record; proposal purpose materials; feasibility and Comprehensive Plan materials	Housing need or community-housing purpose may be asserted or implied	No factual baseline showing that housing need substitutes for, or resolves, site suitability, floodplain feasibility, agency pathways, Comprehensive Plan consistency, or substantial-evidence requirements	Purpose does not establish site feasibility
Gp 5	**Required Analyses / Applicant Evidentiary Showing / Prior Completeness Framework**				
51	Required Analyses	Administrative record; prior application-completeness materials; M3 Exhibit 1, pp. 196–228 and 293–322	No defined analytical framework identified	No identification of required studies or analyses, including floodplain, H&H, wetlands, ESA, environmental site condition, regulatory pathway review, or prior technical record reconciliation	Analytical framework not established
52	Required Analysis — Prior Hydraulic / Wetlands / ESA / Wildlife Inputs	M3 Exhibit 1, pp. 4–57, 58–181, 182–195, and 256–270; M3 Exhibit 2, pp. 22–28	Prior parcel-specific engineering, wetlands, and environmental materials appear to exist	No identification whether current required analyses include H&H / hydraulic review, updated wetlands delineation or JD, updated Phase I / Phase II determination, wildlife corridor / habitat review, or reconciliation of prior City and County	Required analysis scope not established
53	Required Studies Identified by Staff	Staff statement identifying traffic, floodplain, wetlands, avalanche, and wildlife studies as required with forthcoming	Staff has identified broad future study categories	No identification of governing standards, required H&H / BFE / fill / flood-storage / downstream-effects analysis, environmental site-condition review, USACE jurisdictional determination, FEMA/LOMR reconciliation, prior County	Study categories identified, but analytical framework not established
54	Prior Application-Completeness Requirements	M3 Exhibit 1, pp. 196–228 and 293–322	Prior City review appears to have required or implicated floodplain, wetland, wildlife, environmental, and site-plan materials	No identification whether comparable submission requirements have been defined for current application or why prior requirements are inapplicable	Prior completeness record not reconciled
Gp 6	**April 13 Findings / Record Timing / Reliance Risk / Record Preservation**				
55	Completion of Analyses	Administrative record; application materials; staff materials	Analyses referenced as future work	No evidence analyses were completed prior to findings	Findings not supported by completed analyses
56	Timing of Factual Basis	Administrative record as of April 13, 2026	Findings adopted by Council	No evidence that feasibility-related facts existed in the record at the time of decision	Reliance risk; Findings not supported by established facts at time of decision

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
Gp 6	**April 13 Findings / Record Timing / Reliance Risk / Record Preservation**				
57	Status of April 13 Findings	Administrative record as of April 13, 2026; April 13 findings; staff and Council materials	Council adopted findings and authorized further review	No clarification whether April 13 findings were non-merits findings, procedural findings only, or findings that may be relied upon in later annexation, zoning, subdivision, or development review	Status and future reliance on April 13 findings not established
58	Open Findings / Deferred Determinations	Administrative record as of April 13, 2026; future review framework, if any	Technical review may be anticipated at later stages	No identification of which findings remain open, which factual determinations were deferred, and what findings can be supported before deferred analysis is complete	Timing and sequencing of factual determinations not established
59	Conditioning vs. Threshold Factual Basis	Administrative record; staff materials; conditions / future-study references, if any	Future studies may be referenced or anticipated	No explanation of how later conditions or future studies can support feasibility-related findings already adopted or relied upon	Threshold factual basis not established
60	Post-April 13 Administrative Record Preservation / Compilation	Administrative record after April 13, 2026; City record-management materials; staff record index, if any	April 13 findings were adopted and may be relied upon in later annexation, zoning, subdivision, or development review	No identification whether the City has formally compiled, preserved, indexed, Bates-stamped, certified, or otherwise defined the administrative record supporting the April 13 action; no staff certification of completeness; no clear	Administrative record preservation and completeness not established
61	April 13 Basis — Historical Constraint Materials	Administrative record as of April 13, 2026; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Historical City and County materials appear to identify floodplain, engineering, wetland, environmental, observed-flooding, and constraint issues	No identification whether April 13 findings relied upon, reviewed, excluded, or distinguished the historical City file materials, County floodplain concerns, observed flooding, current County constraint letter, prior wetlands materials, or	April 13 basis for historical-constraint treatment not established
62	Use of Available Data	Administrative record; publicly available technical sources; M3 Exhibit 1, pp. 4–270; M3 Exhibit 2, pp. 13–28	Relevant technical data appears to exist publicly and in City files	No incorporation, reconciliation, or exclusion analysis for available technical information or historical parcel-specific materials	Available data not incorporated or reconciled

Closing Record Question

This Index asks whether the administrative record contains the factual baseline necessary to support the April 13, 2026 findings or any later reliance on those findings. If prior parcel-specific materials, feasibility-related facts, technical constraints, required analyses, or record-preservation steps were not reviewed, incorporated, reconciled, completed, or defined before those findings were adopted, the City should identify that gap in the record and clarify which findings remain open for later determination.

M3 Appendix A – Publicly Available Technical Source Index

This appendix identifies categories of publicly available technical information that appear relevant to evaluating site feasibility, flood risk, environmental constraints, regulatory pathways, and which portions of the site are constrained and which are potentially developable.

This appendix does not substitute for professional engineering, hydrologic, environmental, or legal analysis. Its purpose is to identify information sources that appear relevant to the administrative record and should be incorporated, reconciled, or expressly determined to be inapplicable.

This appendix is intended as an index of relevant public sources, not a technical report or data dump.

This appendix also helps distinguish between final technical conclusions and threshold factual inputs. The purpose is not to require final agency approvals or final engineering at this stage, but to identify information that may be necessary to determine what is known, what remains unknown, what has been deferred, and whether feasibility-related findings can be supported or relied upon.

Source / Category	What It Contains	Why It Matters	Record Issue
FEMA Flood Map Service Center	Effective flood hazard mapping and NFIP floodplain products	Establishes effective FEMA flood hazard information and official mapping sources	Record does not identify governing floodplain dataset
FEMA Preliminary Flood Hazard Data / Preliminary FIRM	Preliminary flood hazard information and updated flood-risk mapping	May reflect newer or best-available flood risk information requiring review or reconciliation	Record does not reconcile effective and preliminary mapping
Effective vs. Preliminary BFE Data	Base Flood Elevations reflected in effective and preliminary FEMA materials	Relevant to whether the development footprint, roads, utilities, access, and fill assumptions remain feasible under the elevation data being used	Record does not compare BFEs or identify which elevation data supports feasibility assumptions
Blaine County / Big Wood River Preliminary Floodplain Materials	Publicly available preliminary floodplain information for the Big Wood River area	May identify floodplain changes relevant to the parcel	Record does not identify whether this information was reviewed
Blaine County GIS / Parcel Data	Public parcel, boundary, ownership, aerial, topographic, floodplain-overlay, and mapped-constraint information maintained or displayed through County GIS systems	Relevant to boundary confirmation, parcel context, floodplain overlay review, preliminary constrained-area analysis, and comparison of proposed development areas with mapped local constraints	Record does not identify whether County GIS / parcel data were reviewed, incorporated, reconciled with applicant materials, or determined inapplicable
Big Wood River Atlas / River Corridor Materials	River behavior, flooding, erosion, and reach-specific river information	Relevant to floodplain behavior, river migration, and site constraints	Record does not show integrated river-corridor review
City of Hailey Floodplain Regulations / Flood Hazard Overlay Materials	Local floodplain development requirements and permit triggers	Relevant to grading, fill, development, stream alteration, and local permitting	Record does not identify local floodplain permitting pathway
USACE / NWS Big Wood River Flood Inundation Mapping	Flood inundation mapping and modeled river-stage/flow information	Relevant to understanding river behavior and flood impacts	Record does not identify whether inundation data was evaluated
Idaho LiDAR / Topographic Data	Elevation and contour data	Relevant to BFE comparison, fill, drainage, and constrained-area analysis	Record does not identify current topographic control
USGS Big Wood River Gauge Data	Historic and current river-flow data	Relevant to hydrologic context and flood behavior	Record does not identify use of gauge or hydrologic data
Prior FEMA / LOMR-Related Materials	Prior federal floodplain review history, if applicable	May bear on floodplain assumptions, prior development feasibility claims, and known technical issues	Record does not identify whether prior federal materials were reviewed
FEMA LOMR Case No. 07-10-0815P	Prior LOMR process associated with the parcel / reach	Indicates prior formal FEMA map-revision process relevant to floodplain assumptions	Record does not identify whether this case was reviewed, resolved, updated, or superseded
FEMA Correspondence Referencing Suspended LOMR 07-10-0475P	FEMA correspondence stating dependency on suspended upstream LOMR	Indicates prior map-revision process was not complete without additional modeling / work maps	Record does not reconcile prior FEMA suspension

Source / Category	What It Contains	Why It Matters	Record Issue
FEMA LOMR Determination Effective February 27, 2009	Prior FEMA map-revision determination based on H&H analysis and new topographic data	Shows prior federal floodplain review and technical basis for map revision in the area	Record does not identify whether the 2009 LOMR was reviewed, updated, superseded, or reconciled with current mapping
Prior Floodplain Review Timeline	A date-ordered record of FEMA correspondence, suspended LOMR references, County 2007 LOMR correspondence, County floodplain memorandum, and FEMA LOMR determination effective February 27, 2009	Helps distinguish separate FEMA and County materials by date, source, status, and relevance so the prior floodplain-review history cannot be confused or mischaracterized	Record does not provide a consolidated timeline showing whether each item was reviewed, resolved, updated, superseded, or determined inapplicable
Blaine County 2007 LOMR Correspondence	County correspondence raising flood storage, cumulative flood-flow, channelization, downstream-impact, bank/dike, sewer-line, and sheet-flow concerns	Identifies prior site-specific floodplain concerns relevant to current feasibility assumptions	Record does not identify whether prior County floodplain concerns were reviewed or reconciled
Blaine County August 15, 2007 Floodplain Memorandum	County statement that southern portion of property was inundated during spring 2006 Big Wood River event and should be designated Zone AE or other appropriate floodplain designation	Identifies observed flooding and prior floodplain-designation concern	Record does not identify whether observed flooding was reviewed or reconciled with current assumptions
Prior Engineering / Floodplain Analysis re Bullion Street / Hailey Slough	City historical-file engineering analysis identifying floodplain discontinuity, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions	Relevant to hydraulic behavior, floodplain baseline, H&H review, and mapping reconciliation	Record does not identify whether prior engineering hydraulic analysis was reviewed, updated, superseded, or determined inapplicable
Wetlands / Jurisdictional Waters Sources	NWI, field delineation, jurisdictional review, or agency determinations	Relevant to USACE jurisdiction and site constraints	Record does not include delineation or jurisdictional determination
2003 Fisher & Associates Wetland Delineation	Prior delineation identifying 0.36 acres / 15,859 square feet of wetlands and potential jurisdictional-water or channel information	Quantified prior wetland information relevant to developable-area calculation and USACE threshold inputs	Record does not identify whether prior quantified wetland findings and potential jurisdictional-water or channel information were reviewed, updated, superseded, or determined inapplicable
Idaho Department of Fish and Game (IDFG) Wildlife Corridor / Habitat Materials	Public wildlife, habitat, species, migration, riparian-corridor, or conservation data relevant to site constraints and natural-resource review	Relevant to whether wildlife corridor, habitat, riparian, or other natural-resource constraints affect the proposed development footprint, access, infrastructure, constrained-land analysis, or feasibility-related findings; prior City completeness requirements appear to have included wildlife-related materials	No identification whether IDFG wildlife corridor / habitat materials or prior wildlife-related completeness requirements were reviewed, reconciled, updated, superseded, or determined inapplicable
Environmental Site Condition Sources	Phase I ESA, historic use records, contamination screening	Relevant due to prior industrial use	Record does not include site-condition analysis
Idaho Department of Environmental Quality (IDEQ) Environmental Database Records	Environmental database records for prior industrial sites, including potential voluntary cleanup program entries, leaking underground storage tank records, or other environmental records	Relevant to former sawmill or industrial use, site-condition review, and whether additional environmental due diligence is required before residential feasibility is evaluated	No identification whether IDEQ environmental database records were reviewed in connection with site-condition analysis, prior industrial use, Phase I / Phase II determination, or residential feasibility
2003 EHM Phase I ESA / Former Sawmill Materials	Visual and records-based Phase I ESA with no soil sampling, groundwater sampling, test pits, lab analysis, or Phase II follow-up; historical materials describing former sawmill use and machinery / debris	Relevant to environmental baseline and whether updated Phase I / Phase II review is needed for proposed residential development	Record does not identify whether ESA limitations or sawmill-related site conditions were evaluated before feasibility-related findings are relied upon

Source / Category	What It Contains	Why It Matters	Record Issue
Historical Annexation File / Prior Application Correspondence	Prior City review of the same parcel / reach, including prior application-completeness correspondence, Ordinance 889-related sequencing or submission requirements, and prior City requests for floodplain, wetlands, wildlife, environmental, site-plan, infrastructure, fiscal-impact, and FEMA-related materials	Relevant to whether comparable threshold submission requirements apply to the current application, whether prior completeness requirements were incorporated, distinguished, superseded, or determined inapplicable, and whether the current record explains any different treatment of the same parcel	Record does not identify whether prior City application-completeness correspondence, Ordinance 889-related requirements, or prior file materials were reviewed, incorporated, distinguished, superseded, or determined inapplicable for the current application
Composite Constraints Map / Equivalent Integrated Analysis	Integrated mapping or analysis overlaying proposed development footprint with floodplain boundaries, BFEs, wetlands, jurisdictional waters, riparian buffers, topography, fill/grading, roads, utilities, access, environmental conditions, prior technical records, and regulatory constraints	Central threshold input for determining whether the proposed development footprint corresponds to potentially developable land rather than constrained land	Record does not identify a composite constraints map or equivalent integrated analysis supporting developable-area assumptions
Preserved Acreage / Developable Acreage Calculation Support	Underlying factual basis for any claim regarding preserved acreage, constrained acreage, or potentially developable acreage	Prevents reliance on generalized acreage claims without showing how floodplain, wetlands, riparian, topographic, fill, access, utility, environmental, and regulatory constraints were applied	Record does not identify how which portions of the site are constrained and which are potentially developable were determined
April 13 Findings / Reliance Status	Record clarification identifying whether April 13 findings were procedural only, non-merits findings, or findings intended for later reliance	Relevant to whether factual support was required as of April 13 and whether later reliance on those findings is supportable	Record does not clarify which findings were made, which remain open, and which factual determinations were deferred
Housing Need / Site Suitability Distinction	Record materials concerning project purpose, housing need, site suitability, Comprehensive Plan consistency, floodplain feasibility, and agency pathways	Clarifies that housing need, even if found, does not substitute for site-specific factual baseline evidence	Record does not establish site feasibility merely by identifying housing need or public purpose
Applicant Evidentiary Showing	Application materials and applicant submissions supporting annexation and development review	Identifies whether the applicant has carried the evidentiary showing for developability, floodplain compliance, environmental suitability, agency feasibility, infrastructure serviceability, Comprehensive Plan consistency, and public benefit	Record does not identify applicant evidence sufficient to support those feasibility-related determinations

M3 Appendix B – Potential Regulatory Pathway Matrix

Agency / Framework	Trigger Question	Information Missing from Record
FEMA / NFIP	Is development proposed within or affected by a Special Flood Hazard Area?	Governing dataset, BFE, floodplain/floodway boundaries, effective/preliminary reconciliation
FEMA / LOMR / CLOMR / LOMA	If development is proposed within or affected by a Special Flood Hazard Area, is a map revision, conditional map revision, or map amendment required or relevant to the proposal?	Whether prior LOMR Case No. 07-10-0815P was resolved; whether a current FEMA process has been initiated or determined unnecessary; whether the 2009 FEMA LOMR determination was reviewed or superseded
City of Hailey Flood Hazard Overlay	Is grading, fill, construction, fencing, stream alteration, or other development proposed in regulated flood hazard areas?	Local floodplain development permit pathway and review criteria
USACE Section 404	Are wetlands or jurisdictional waters affected by fill, grading, crossings, infrastructure, or other work?	Wetlands delineation, jurisdictional determination, permit pathway, including whether related Section 401 water quality certification would be required
Clean Water Act Section 401 / IDEQ Water Quality Certification	If a USACE Section 404 permit is required, is state water quality certification from IDEQ also required before the federal permit may issue?	No identification whether Section 401 water quality certification would be required if jurisdictional waters are affected; no identification whether IDEQ water-quality review, conditions, or certification requirements have been evaluated or determined unnecessary
USACE Jurisdictional Determination	Are wetlands or jurisdictional waters present or potentially affected such that which portions of the site are constrained and which are potentially developable cannot be determined without jurisdictional review?	Threshold factual input needed to determine whether and where development, fill, roads, utilities, or access may affect jurisdictional waters
IDWR Stream Alteration	Does proposed work affect the bed or banks of the Big Wood River or related waterways?	Stream alteration applicability and review sequence
Idaho Department of Fish and Game / Wildlife-Habitat Review	Does the site implicate wildlife corridor, riparian habitat, stream-adjacent habitat, or sensitive-species concerns requiring IDFG input or review?	No identification whether IDFG wildlife, habitat, riparian, or sensitive-species materials were reviewed; no identification whether IDFG input or review was requested or determined unnecessary; no reconciliation of prior City wildlife-related completeness requirements with the current application
Environmental Site Condition	Does prior industrial use require environmental site-condition review?	Phase I ESA or comparable environmental assessment
Historical ESA / Phase II Determination	Do prior site-condition materials identify conditions requiring updated environmental review?	Whether prior ESA was updated, whether Phase II was considered, and whether prior industrial site conditions were evaluated for residential development
Idaho Department of Environmental Quality / Environmental Review Pathways	Does prior industrial use require environmental site-condition review, brownfields screening, Voluntary Cleanup Program review, or other IDEQ-related review before residential development feasibility can be evaluated?	No identification whether IDEQ environmental database records, brownfields resources, Voluntary Cleanup Program applicability, leaking underground storage tank records, or other IDEQ-related environmental review pathways were reviewed, ruled out, or determined unnecessary; no current environmental baseline, updated ESA, or Phase II determination identified

Agency / Framework	Trigger Question	Information Missing from Record
Federal Consultation / Review	Is there a federal permit, approval, or funding nexus triggering additional consultation or review?	Identification of federal nexus, if any; applicable consultation requirements
City / County Overlay Comparison	Do City or County standards materially affect riparian, wetland, floodplain, or constrained-area outcomes?	Comparative regulatory analysis and enforceability of protections
Utility / Title Constraints — Idaho Power or Other Utility Easements	Do any existing utility easements, transmission corridors, access easements, or title restrictions affect the proposed development footprint, access, infrastructure layout, or potentially developable acreage?	No identification whether Idaho Power transmission-corridor easements, other utility easements, access easements, or title restrictions exist on or affect the parcel; no title/easement review showing whether such constraints have been mapped, incorporated into the site plan, or reconciled with constrained-area assumptions
Framework Observations	**The following rows are not separate agency permits or approvals; they identify analytical questions about timing, sequencing, threshold factual inputs, and regulatory-baseline changes.**	**The record should identify how these questions are resolved before feasibility-related findings are relied upon.**
Later-Stage Permitting vs. Threshold Factual Inputs	If agency approvals, permits, or determinations are later-stage requirements, what threshold facts must still be identified now to support any present or future reliance on feasibility-related findings?	No distinction between later permits or approvals and threshold factual inputs needed now to evaluate whether development, fill, roads, utilities, access, or site work may affect regulated resources
Sequencing of Regulatory Review	What must be known before the City relies on feasibility-related findings, and what may properly be deferred to later permitting or development review?	No sequence identifying which facts are needed now, which reviews may occur later, and which findings can be supported before deferred analysis is complete
City / County Regulatory Baseline Change	Would annexation alter the regulatory baseline compared with County jurisdiction?	No identification whether protections for floodplain, wetlands, riparian areas, flood storage, wildlife corridor, and constrained lands would be increased, maintained, or reduced compared with County jurisdiction
Hydraulic / H&H Review	Do prior engineering materials identifying slough overtopping, roadway ponding, and floodplain discontinuity require current H&H review or mapping reconciliation before feasibility-related findings are relied upon?	No current H&H analysis or record reconciliation of prior engineering hydraulic concerns
Phase I / Phase II Environmental Due Diligence	Does former sawmill use and the limited scope of the prior Phase I ESA require updated Phase I or Phase II review before residential development feasibility is evaluated?	No current environmental baseline, updated ESA, or Phase II determination identified

M3 Appendix C – Composite Constraints Inputs

A composite constraints map or equivalent integrated analysis should identify and reconcile, at minimum:

Floodplain / BFE Inputs

- effective FEMA floodplain / floodway boundaries, including applicable effective FIRM panel number(s), panel date(s), map suffix/revision information, and source dataset used for the parcel;
- preliminary FEMA floodplain / floodway boundaries, including applicable preliminary FIRM panel number(s), preliminary map date(s), map suffix/revision information, and source dataset used for the parcel;
- applicable Base Flood Elevations, including the source panel, profile, study, or dataset from which each BFE is derived;
- effective-versus-preliminary BFE comparison, including identification of the specific effective and preliminary FEMA panels or datasets being compared;
- identification of any FEMA map panel number, panel date, map suffix, BFE source, or floodplain dataset that is unknown, disputed, superseded, preliminary, or otherwise not clearly identified in or incorporated into the administrative record;
- flood storage displacement, conveyance, BFE impacts, and downstream-effect considerations;

Prior Federal, FEMA, County, and City Floodplain / Mapping Materials

- prior FEMA / LOMR-related materials, if relevant;
- FEMA LOMR Case No. 07-10-0815P and any related FEMA correspondence, including the January 10, 2008 reference to suspended LOMR 07-10-0475P;
- current status and mapping relevance of FEMA LOMR Case No. 07-10-0815P, including whether it was approved, denied, withdrawn, suspended, superseded by the FEMA LOMR determination effective February 27, 2009, or otherwise resolved; if unknown, the constraints analysis should state that the administrative record does not identify the case's status or current relevance to floodplain assumptions;
- suspended upstream FEMA LOMR Case No. 07-10-0475P as a distinct prior FEMA action, including whether the suspension was resolved, whether updated models or work maps were submitted, and whether current floodplain assumptions supersede or distinguish the prior upstream issue;
- FEMA LOMR determination effective February 27, 2009, if relevant, including the FEMA map panel number(s), panel date(s), map suffix/revision information, and floodplain boundaries affected by that determination; if the affected panel number(s) are not identified in the record, the constraints analysis should state that the administrative record does not identify which FEMA panel(s) were revised;
- geographic boundaries of the area affected by the FEMA LOMR determination effective February 27, 2009, mapped relative to current parcel boundaries, proposed development footprint, proposed access, proposed utilities, and any claimed developable acreage, if relevant;
- County 2007 LOMR correspondence regarding flood storage capacity, cumulative flood-flow effects, channelization, downstream impacts, bank/dike conditions, sewer-line protection, and 2006 sheet flooding;
- County August 15, 2007 memorandum documenting inundation of the southern portion of the property during the spring 2006 Big Wood River event;
- prior City historical-file engineering analysis identifying floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions;

Wetlands / Jurisdictional Waters / Riparian Inputs

- wetlands and jurisdictional waters;
- wetlands delineation or jurisdictional determination status, if applicable;
- prior 2003 wetlands determination materials, if relevant;
- prior 2003 Fisher & Associates wetland delineation identifying 0.36 acres / 15,859 square feet of wetlands and potential jurisdictional-water or channel information, if relevant;
- riparian areas and buffers, including the applicable City, County, IDFG, or other source-based setback distances, if known; if setback distances are unknown, disputed, or vary by jurisdiction, the constraints analysis should identify that uncertainty rather than leave the buffer input undefined;

Wildlife / Habitat / Natural-Resource Inputs

- wildlife corridor, habitat, sensitive-species, and other natural-resource constraints, if relevant, including any applicable IDFG corridor, habitat, riparian-area, or setback recommendations identified in the record; if no applicable distance, recommendation, or agency guidance has been identified, the constraints analysis should say so;

Environmental Site Conditions Inputs
- environmental site-condition concerns;
- prior Phase I ESA or other environmental site-condition materials;
- prior Phase I ESA scope limitations, including absence of soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up;
- former sawmill-related site conditions, including observed machinery / debris if reflected in the historical record;

Development Footprint / Infrastructure / Title Inputs
- topography / LiDAR / survey data;
- proposed development footprint;
- proposed fill, grading, roads, utilities, and access;
- title, easement, utility-corridor, or access constraints, including any Idaho Power or other utility easements, if present;
- whether proposed roads, utilities, access, grading, or fill assumptions remain feasible after floodplain, BFE, wetlands, jurisdictional, riparian-buffer / setback, wildlife / habitat, topographic, environmental, title/easement/utility-corridor, and regulatory constraints are applied;

Developable-Area / Acreage Inputs
- land remaining potentially developable after constraints are applied;
- any claimed preserved acreage, constrained acreage, or potentially developable acreage;
- the factual basis for determining which portions of the site are constrained and which are potentially developable;

Regulatory Pathway Inputs
- local, state, and federal regulatory pathways;

Regulatory Baseline Considerations
In addition to physical mapping inputs, the constraints analysis should identify whether annexation would alter the regulatory baseline applicable to mapped or constrained areas.
- whether annexation would alter the regulatory baseline compared with County jurisdiction;
- whether protections for floodplain, wetlands, riparian areas, flood storage, wildlife corridor, and constrained lands would be increased, maintained, or reduced compared with County jurisdiction.

The administrative record should include a composite constraints map or equivalent integrated analysis showing whether the proposed development footprint corresponds to potentially developable land after known and reasonably foreseeable constraints are applied.

The composite constraints map is a central threshold input. It is not final engineering. It is the factual tool needed to determine whether the development footprint, access, roads, utilities, fill, and claimed developable acreage correspond to land that is potentially developable rather than constrained.

The City and applicant should not rely on generalized descriptions of preserved acreage, developable acreage, or conceptual site layout without an integrated constraints analysis showing how those conclusions were reached.

The administrative record does not identify a composite constraints map or equivalent integrated analysis using these inputs.

M3 Appendix D – Prior FEMA / LOMR and County Floodplain Review Materials

Prior FEMA / LOMR-related materials appear to exist in the City's historical annexation file or related public records.

Available materials appear to include FEMA LOMR Case No. 07-10-0815P, January 10, 2008 FEMA correspondence, and a referenced suspended upstream LOMR Case No. 07-10-0475P. Together, those materials appear to show a prior FEMA map-revision process for this parcel or reach that depended on a separate suspended upstream analysis and is not shown in the current record as resolved, approved, superseded, or determined inapplicable.

Additional County PRR materials include a FEMA LOMR determination effective February 27, 2009, based on hydrologic and hydraulic analysis and new topographic data. The administrative record does not identify whether the 2009 FEMA determination, supporting H&H analysis, new topographic data, affected FEMA map panel number(s), panel date(s), map suffix/revision information, or revised floodplain boundaries were reviewed, incorporated, reconciled with current effective or preliminary FEMA mapping, superseded, or determined inapplicable.

County correspondence from 2007 regarding the LOMR / CLOMR process for the same reach appears to have requested that the applicant revise the LOMR application to a CLOMR so FEMA feedback could be obtained before final County signature. The same correspondence raised concerns regarding cumulative increases to flood flows, historic channelization of the Big Wood River, increased velocities and material transport, downstream impacts, flood storage capacity, bank/dike conditions, sewer-line protection, and observed 2006 sheet flooding.

The County's August 15, 2007 memorandum states that the southern portion of the property was inundated by floodwaters during the spring 2006 Big Wood River event and should be designated Zone AE or another appropriate floodplain designation.

Because the prior floodplain materials involve multiple related but distinct items, they should be distinguished by date, source, status, and current relevance.

Material / Source	What It Appears to Show	Record Issue
County 2007 LOMR / CLOMR Correspondence — Bullion Partners Process	County correspondence appears to request that the applicant revise the LOMR application to a CLOMR so FEMA feedback could be obtained before final County signature, and raises concerns regarding cumulative flood-flow effects, channelization, downstream impacts, flood storage, bank/dike conditions, sewer-line protection, and observed 2006 sheet flooding.	The administrative record does not identify whether these County concerns were reviewed, resolved, updated, superseded, or determined inapplicable to the current proposal.
County August 15, 2007 Floodplain Memorandum	County memorandum states that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated Zone AE or another appropriate floodplain designation.	The administrative record does not identify whether this observed-flooding documentation or floodplain-designation recommendation was reviewed, reconciled with current mapping, superseded, or determined inapplicable.
Suspended Upstream FEMA LOMR Case No. 07-10-0475P	The January 10, 2008 FEMA correspondence appears to state that LOMR Case No. 07-10-0815P was "related to and dependent on" analysis from suspended upstream LOMR Case No. 07-10-0475P, and requested updated models and work maps after the upstream analysis was revised and resubmitted.	The administrative record does not identify whether the suspension of LOMR Case No. 07-10-0475P was resolved, whether updated models or work maps were submitted, whether LOMR Case No. 07-10-0815P was completed based on that upstream analysis, or whether current floodplain assumptions supersede or distinguish the prior upstream issue.

Material / Source	What It Appears to Show	Record Issue
FEMA LOMR Case No. 07-10-0815P / January 10, 2008 FEMA Correspondence	FEMA correspondence identifies LOMR Case No. 07-10-0815P and appears to state that the case was related to and dependent on completion of a separate suspended upstream LOMR analysis.	The administrative record does not identify whether LOMR Case No. 07-10-0815P was approved, denied, withdrawn, suspended, superseded by the 2009 FEMA LOMR determination or other later FEMA action, or otherwise resolved; nor does it identify whether the case remains relevant to current floodplain assumptions.
FEMA LOMR Determination Effective February 27, 2009	County PRR materials appear to include a FEMA LOMR determination effective February 27, 2009, based on hydrologic and hydraulic analysis and new topographic data.	The administrative record does not identify whether the 2009 FEMA determination, supporting H&H analysis, new topographic data, affected map panels, or revised floodplain boundaries were reviewed, incorporated, reconciled with current effective or preliminary FEMA mapping, superseded, or determined inapplicable.

The table above distinguishes the principal prior FEMA / LOMR and County floodplain-review materials by source, apparent significance, and record issue. Appendix D does not assert that historical materials control the current proposal. It identifies parcel-specific federal and County floodplain-review history that should be reviewed, reconciled, updated, superseded, or determined inapplicable before feasibility-related findings are relied upon.

If the administrative record does not address prior FEMA / LOMR-related materials, County floodplain correspondence, observed-flooding documentation, H&H materials, or topographic data, it cannot show whether the City considered, distinguished, or excluded prior parcel-specific floodplain-review issues before adopting or relying on feasibility-related findings.

If the City intends to rely on April 13 findings in later review, the record should identify whether those findings were supported by review of these prior materials as of April 13, 2026. If the City's position is that April 13 was procedural only and did not make feasibility-related findings, the record should clarify that position and identify which floodplain determinations remain open.

M3 Appendix E – Historical Site Condition / Wetlands / Application-Completeness Materials

This appendix identifies historical file materials that appear relevant to site feasibility and should be incorporated, updated, reconciled, or expressly determined to be inapplicable.

This appendix does not assert that historical materials control the current proposal. It identifies prior parcel-specific information that appears relevant to the factual baseline required to evaluate site feasibility.

The issue is not whether historical materials control. The issue is whether parcel-specific technical history exists and whether the City reviewed, updated, superseded, reconciled, or distinguished it before relying on feasibility-related findings.

Historical Material	What It Appears to Contain	Why It Matters	Record Issue
2003 Phase I Environmental Site Assessment	Prior environmental site-condition review for Board Ranch	Relevant to prior industrial use and residential feasibility	Current record does not identify whether prior ESA was reviewed, updated, or superseded
Prior Wetlands Determination Materials	Prior wetlands delineation and jurisdictional information	Relevant to determining which portions of the site are constrained and which are potentially developable	Current record does not identify updated delineation or jurisdictional determination
Prior Floodplain Analysis	Prior engineering analysis for Big Wood River / Hailey Slough reach	Relevant to hydrology, hydraulics, floodplain limits, BFEs, and mapping assumptions	Current record does not reconcile prior floodplain analysis
Prior City Application-Completeness Correspondence	Prior City requests for floodplain, wetland, wildlife, environmental, and site-plan materials	Relevant to what the City previously considered necessary for application review	Current record does not identify whether comparable requirements have been defined now
Prior USACE-Related Wetlands Correspondence / Jurisdictional Questions	Prior correspondence or materials indicating that additional studies or agency review may have been needed to confirm jurisdictional status for certain areas	Relevant to whether wetlands or jurisdictional waters are threshold factual inputs for determining which portions of the site are constrained and which are potentially developable	Current record does not identify whether prior jurisdictional questions were reviewed, updated, superseded, or determined inapplicable
Prior Site-Condition / Sawmill-Related Materials	Historical information regarding prior sawmill or industrial use and related site conditions	Relevant to whether a current Phase I or Phase II ESA is needed before residential development feasibility can be evaluated	Current record does not identify whether prior industrial site conditions have been evaluated for residential development
Prior Completeness Requirements vs. Current Submission Requirements	Prior City correspondence requiring or implicating floodplain, wetland, wildlife, environmental, and site-plan materials before completeness	Relevant to whether comparable submission requirements have been defined for the current application, or why prior requirements are not applicable now	Current record does not explain whether comparable requirements have been applied, deferred, or determined unnecessary
2003 Fisher & Associates Wetland Delineation — Quantified Wetlands / Jurisdictional-Water or Channel	Identified 0.36 acres / 15,859 square feet of wetlands and potential jurisdictional-water or channel information; indicated potential jurisdictional wetlands influenced by high groundwater	Relevant to determining which portions of the site are constrained and which are potentially developable, USACE threshold inputs, and composite constraints mapping	Current record does not identify current delineation / JD or whether prior quantified wetland findings and any prior jurisdictional-water or channel information were reviewed, updated, superseded, or determined inapplicable
2003 EHM Phase I ESA — Scope Limitations and Former Sawmill Conditions	Visual and records-based assessment without soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up; historical materials describe former sawmill use and observed machinery / debris.	Relevant to residential environmental baseline and whether updated Phase I / Phase II review is needed.	Current record does not identify whether prior ESA limitations, sawmill conditions, or the need for updated environmental review were evaluated before feasibility-related findings are relied upon.

Record Clarification Requested

Identify, by citation to the administrative record, whether these historical materials have been:

- incorporated into the current administrative record;
- reviewed by staff, applicant, or consultants;

- updated by current technical studies;
- superseded by newer data;
- determined to be inapplicable;
- relied upon in any finding adopted on April 13, 2026;
- considered in defining what minimum factual baseline is required before feasibility-related findings can be relied upon;
- considered in determining which facts remain unknown and which analyses have been deferred;
- considered in determining whether prior completeness requirements should apply to the current application or why they should not.

If these materials were not reviewed or incorporated, please confirm that. If the City's position is that these materials are stale, superseded, or inapplicable, please identify the record basis for that determination.

If the City intends to rely on April 13 findings in later review, please identify whether those findings were supported by any review of the historical site-condition, wetlands, floodplain, FEMA / LOMR, or application-completeness materials identified above.

M3 Appendix F – Detailed Record Clarification Checklist

This list preserves the detailed record questions supporting the six requested-action categories. It is included here to keep the main body readable while maintaining the full administrative-record checklist.

1. The factual basis supporting site feasibility;
2. The minimum factual baseline being used to evaluate the site;
3. The analyses required to evaluate floodplain, environmental, and regulatory conditions;
4. Whether such analyses were completed prior to the April 13, 2026 decision;
5. Whether such analyses were deferred to a later stage, and if so, what findings can be supported before they are completed;
6. The regulatory requirements or review pathways potentially applicable to development of the site;
7. Whether the proposal has been evaluated for feasibility under those requirements;
8. The factual inputs needed to determine which portions of the site are constrained and which are potentially developable;
9. The amount of fill, grading, or elevation modification required to support the proposed development, roads, utilities, or access;
10. Where displaced floodwater or lost flood storage would be accommodated, and whether downstream or adjacent impacts have been evaluated;
11. Whether effective and preliminary Base Flood Elevations have been compared, and which elevation data the City is relying on for feasibility-related assumptions;
12. Whether any higher-elevation floodplain scenario reflected in preliminary or best-available data affects the proposed development footprint, roads, utilities, access, or fill assumptions;
13. Whether a wetlands delineation or USACE jurisdictional determination is required as a threshold input for determining which portions of the site are constrained and which are potentially developable;
14. Whether a composite constraints map or equivalent integrated analysis has been prepared or required;
15. Whether publicly available technical information was incorporated, reconciled, or excluded from the administrative record;
16. Whether the factual basis relied upon existed in the administrative record at the time of the April 13 decision.
17. Whether prior FEMA / LOMR-related materials in the City's historical file were reviewed, incorporated, reconciled, updated, superseded, or determined to be inapplicable;
18. Whether the FEMA LOMR determination effective February 27, 2009 was reviewed, incorporated, reconciled with current mapping, updated, superseded, or determined to be inapplicable;
19. Whether County correspondence regarding the prior LOMR / CLOMR process for the same reach, including concerns about flood storage capacity, cumulative flood-flow effects, channelization, downstream impacts, bank/dike conditions, sewer-line protection, and 2006 sheet flooding, was reviewed, incorporated, reconciled, updated, or determined to be inapplicable;
20. Whether the County's August 15, 2007 memorandum documenting inundation of the southern portion of the property during the spring 2006 Big Wood River event was reviewed or reconciled with current feasibility assumptions;
21. Whether prior environmental site-condition materials, including any prior Phase I ESA, were reviewed, updated, incorporated, or superseded;
22. Whether prior wetlands determination materials, including any unresolved jurisdictional questions, were reviewed, updated, incorporated, or superseded;
23. Whether prior City application-completeness correspondence requiring floodplain, wetland, wildlife, environmental, or site-plan materials was considered in defining current submission requirements;
24. Whether prior engineering analysis identifying floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and need to define slough / Big Wood floodplain conditions was reviewed, incorporated, reconciled, updated, superseded, or determined inapplicable;
25. Whether the prior 0.36-acre / 15,859-square-foot wetlands finding and potential jurisdictional-water or channel information were reviewed, updated, superseded, or determined inapplicable;
26. Whether prior Phase I ESA limitations, including absence of soil sampling, groundwater sampling, test pits, laboratory analysis, or Phase II follow-up, were reviewed in defining the current environmental baseline for proposed residential development;
27. Whether former sawmill use as reflected in the 2003 Phase I ESA / historical-file materials and observed machinery / debris were evaluated in determining whether an updated Phase I or Phase II ESA is required before feasibility-related findings are relied upon.

If no such information exists in the administrative record, please confirm that.

M3 Appendix G – Prior Floodplain Review Timeline

This appendix identifies prior parcel-specific floodplain-review materials by date, source, apparent relevance, and current record issue. It does not assert that historical materials control the present proposal. Rather, it shows that parcel-specific floodplain-review history appears to exist — including FEMA correspondence, County floodplain concerns, observed flooding, and prior engineering analysis identifying hydraulic behavior and floodplain-definition issues — and that the administrative record should identify whether those materials were reviewed, reconciled, updated, superseded, or determined inapplicable before feasibility-related findings are relied upon.

Item	Date	Source	What It Appears to Show	Why It Matters Now
Prior engineering / floodplain analysis re Bullion Street / Hailey Slough	February 2007	M3 Exhibit 1, pp. 58–135, 144–181.	Prior engineering / floodplain analysis appears to identify floodplain discontinuity at Bullion Street, slough overtopping / culvert constraints, roadway-embankment ponding, and the need to define slough / Big Wood floodplain conditions.	Identifies prior engineering / hydraulic concerns that should be reviewed, reconciled, updated, superseded, or determined inapplicable before feasibility-related findings are relied upon.
County correspondence regarding prior LOMR / CLOMR process for the same reach	May 10, 2007; June 2007 draft	M3 Exhibit 2, pp. 22–25.	County correspondence appears to request conversion of the LOMR process to a CLOMR before final County signature and raises concerns regarding flood storage, cumulative-flow effects, channelization, downstream impacts, bank/dike conditions, sewer-line protection, and 2006 sheet flooding.	Identifies parcel- and reach-specific County floodplain concerns that should be reconciled before feasibility-related findings are relied upon.
County floodplain memorandum	August 15, 2007	M3 Exhibit 2, p. 28.	County memorandum states that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated Zone AE or another appropriate floodplain designation.	Directly relevant to floodplain baseline, observed flooding, functional floodplain behavior, and whether current feasibility assumptions account for known site conditions.
FEMA correspondence re: LOMR Case No. 07-10-0815P	January 10, 2008	M3 Exhibit 1, pp. 245–255	FEMA correspondence identifies LOMR Case No. 07-10-0815P and appears to state that the LOMR was related to and dependent on analysis from suspended upstream LOMR Case No. 07-10-0475P; FEMA requested updated models and work maps after the upstream analysis was revised and resubmitted.	Shows prior parcel / reach-specific federal floodplain-review history and a modeling dependency that the current record does not show as resolved, superseded, or inapplicable.
Suspended upstream FEMA LOMR Case No. 07-10-0475P	Referenced in January 10, 2008 FEMA correspondence	M3 Exhibit 1, p. 255.	FEMA correspondence appears to state that LOMR Case No. 07-10-0815P was "related to and dependent on" analysis from suspended upstream LOMR Case No. 07-10-0475P, and requested updated models and work maps after the upstream analysis was revised and resubmitted.	The administrative record does not identify whether the suspended upstream LOMR was resolved, whether updated models or work maps were submitted, whether LOMR Case No. 07-10-0815P was completed based on that upstream analysis, or whether current floodplain assumptions supersede or distinguish the prior upstream issue.

Item	Date	Source	What It Appears to Show	Why It Matters Now
FEMA LOMR determination	Effective February 27, 2009	M3 Exhibit 2, pp. 13–21.	FEMA LOMR determination appears to revise floodplain mapping based on hydrologic analysis, hydraulic analysis, and new topographic data.	Should be reconciled with current effective mapping, preliminary mapping, and any present feasibility assumptions before the City relies on floodplain-related findings.

The record issue is not whether these historical materials control the current application. The record issue is whether the City has identified, by citation to the administrative record, whether these materials were reviewed, reconciled, updated, superseded, or determined inapplicable before feasibility-related findings are relied upon.

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

M3 Exhibit 2 — Supplemental Administrative Record Index: County PRR Materials

This index identifies selected materials from the County PRR production relevant to Memo #3 — Site Feasibility. It is not intended to summarize every page of the production. The selected materials are relevant to parcel identity, floodplain conditions, FEMA/LOMR history, observed flooding, natural-resource constraints, and whether the record establishes a basis for determining which portions of the site are constrained and which are potentially developable.

Page	Document	Relevance to Memo #3
2–4	Blaine County Assessor / Property Records — Tax Lot 7900	Identifies parcel ownership, parcel number, acreage, assessed status, valuation history, and property classification; supports parcel identity and administrative-record cross-reference.
5–7	Legal Description / Boundary Materials — Tax Lot 7900	Provides legal description and boundary information, including references to the Big Wood River, Bullion Street, adjoining lands, and Tax Lot 7900 boundaries; supports parcel identity, physical setting, and boundary / contiguity review.
8–12	Site Photographs and Aerial Parcel Exhibit	Shows site conditions, riparian vegetation, river-corridor setting, winter / seasonal context, and parcel location; supports constrained-land, environmental-baseline, and site-context review.
13–21	FEMA Letter of Map Revision Materials — Effective February 27, 2009	Reflects prior FEMA map-revision determination, H&H basis, floodway / BFE data, revised floodplain mapping, and community NFIP obligations; supports review of whether prior FEMA / LOMR materials were reviewed, reconciled with current mapping, updated, superseded, or determined inapplicable.
22–25	Blaine County Planning/Zoning/Building Department Correspondence re Bullion Partners LOMR — May 10, 2007 and June 2007 Draft	Shows County request for a CLOMR path before final signature and parcel / reach-specific concerns regarding cumulative flood-flow effects, channelization, increased velocity / material transport, downstream impacts, flood-storage capacity, bank/dike condition, sewer-line protection, and 2006 sheet flooding; supports floodplain-baseline and feasibility review.
26–27	Brockway Engineering Floodplain / Topographic Exhibits	Shows proposed and effective floodplain lines, 100-year floodplain, contour lines, waterline / sewer line, proposed Zone X area, and topographic context; supports review of floodplain baseline, fill / grading assumptions, and composite constraints mapping.
28	Blaine County Planning Office Memorandum — Tom Bergin, Local Floodplain Coordinator — August 15, 2007	States that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated “AE” or another appropriate floodplain designation; supports review of observed flooding, floodplain baseline, and current feasibility assumptions.

Record Questions Supported by this Index

These County PRR materials support the following Memo #3 record questions. To the extent the City relies on any feasibility-related finding, the City should identify, by citation to the administrative record, where each issue is addressed or confirm that it remains unresolved:

1. whether prior County floodplain concerns were reviewed, reconciled, updated, superseded, or determined inapplicable;
2. whether observed 2006 flooding was reconciled with current floodplain and feasibility assumptions;
3. whether prior FEMA/LOMR materials were reviewed and reconciled with current effective mapping, preliminary mapping, or other best-available floodplain information;
4. whether flood storage, conveyance, BFE, fill, and downstream effects require evaluation before feasibility-related findings are relied upon;
5. whether a composite constraints map or equivalent integrated analysis has been prepared or required before determining which portions of the site are constrained and which are potentially developable.

Parcel Number

RP02N180092880

Property Address

Property Year

2026

Legal Description
FR SW TL 7900 SEC 9
2N 18E

Tax Code Area 139-000

Parcel Status Active
Property Type Real Property
Sub Type

Owner/Contact Name	Type	Relationship	Owner %	HOE
WOOD RIVER LAND TRUST COMPANY	OWNER	BUSINESS	100.00%	

Mailing Address
119 E BULLION ST
HAILEY ID 83333

Land Group
T2N R18E SEC 09

Township	Range	Section
2N	18E	09

Location Code HHRS
Parcel Type
Zoning

Associated Parcels
None

Building Permits
2004-079

Reappraisal Year 2023
Inspection Date 04/05/2023
Appraiser Initials EES

Parcel Exemption: None

CB: No **NC:** No

Tax Certification

District	Roll	Type	Units	Amount

Instrument	Eff Date	Action	Source	Target	Comments
690275	12/28/2021	Ownership	2021		

	CHARACTERISTIC			ROLLS			ACRES	VALUATION SUMMARY			URBAN RENEWAL	
SCC	Type	Suffix	Description	Assessed	Occupancy	Status	Quantity	Assessed Value	Exemption Amount	Net Taxable Value	Net Taxable Base	Net Taxable Incr
12	LAND			PRIMARY	NO	O	14.566	$ 950,000	$ --	$ 950,000	--	--
					TOTALS:		**14.566**	**$ 950,000**	**--**	**$ 950,000**	**--**	**--**

ROLL STATUS: O Open, Subject to Change

LAND CHARACTERISTICS

Year	Parcel Number / Suffix	Parcel Status	Status Date	Master Reappr Year
2026	RP02N180092880 1	Active	4/28/2007	2023

Property Address	Section/Township/Range	Last Changed	User
	09 / 2N / 18E	05/27/2025	MFRY

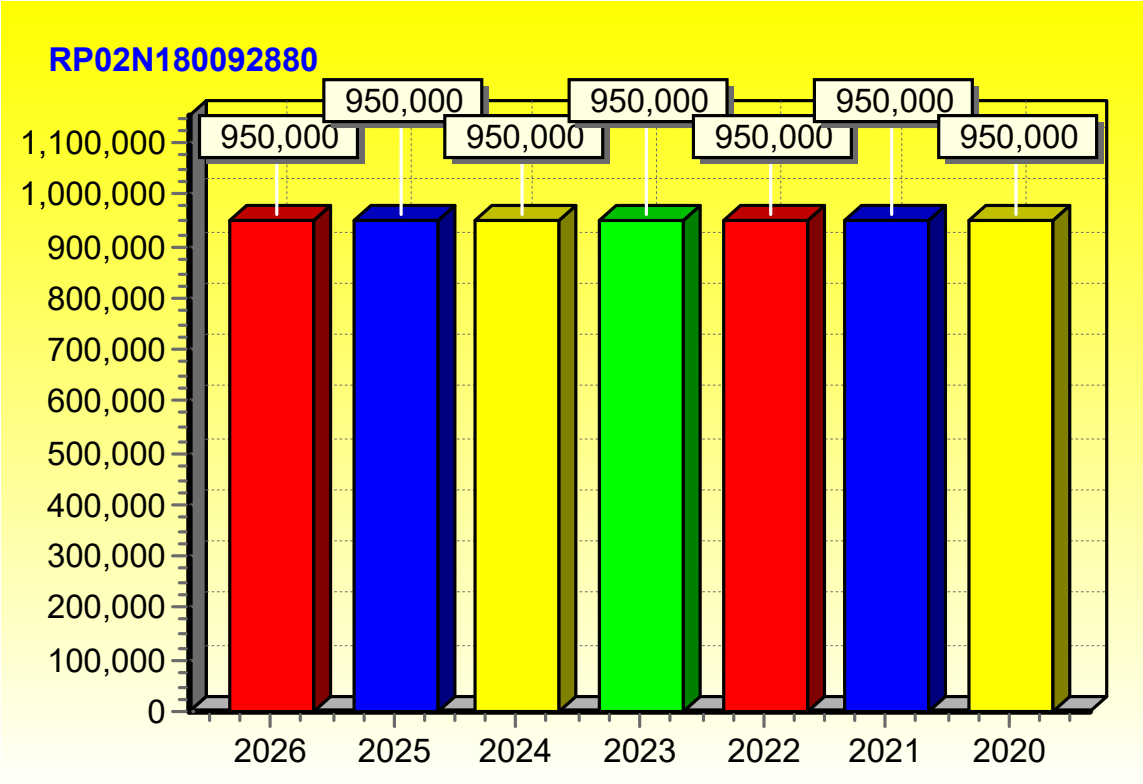
Land Base Cost

SCC Class Code	Quantity	Unit	Rate	Value	ADJUSTMENTS %	Reason	Comment
			Total	$ 0	* May vary slightly from final value due to rounding		

Appraisal Information	
Appraiser	EES
Inspection	04/05/2023
Zone	
MLS Area	0

Primary Information	Residential	Commercial	Other
Assessed Acres	14.566		
State Category	12		
Value Per:			
Total Value	950,000		

Street Description		Utility		Curb/Gutter	No
Neighborhood Cond.		Water/Src		Sidewalks	No
Neighborhood Type		Sewer		Corner Lot	No
Topography		View		Front Feet	0
Land Group	T2N R18E SEC 09				


RP02N180092880
950,000
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1,100,000
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700,000
600,000
500,000
400,000
300,000
200,000
100,000
0
2026
2025
2024
2023
2022
2021
2020

South 52°14'00" West 70.70 feet;
South 34°34'00" East 164.20 feet;
South 5°04'00" East 177.53 feet to the point of beginning.

Also shown on the Blaine County Assessor roll as Tax Lot 7900

Parcel II

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 9: A parcel of land in the SW¼ of said section, more particularly described as follows:

Commencing at an Aluminum Cap on 5/8 inch rebar, being Blaine County GIS Control Point "Bullion-River", from which a Brass Cap in Asphalt, being Blaine County GIS Control Point "2N18E9E¼, lies S02° 38'08"W, 2185.46 feet distant; thence proceeding S49°16'16"W, 1206.17 feet, to a ½ inch rebar, marking a property corner common to Tax Lot 7900 and Tax Lot 6431 and being the TRUE POINT OF BEGINNING;
Thence South 61°41'09" West, 62.02 feet, to a 3 inch iron fence post in concrete;
Thence North 26°57'21" West, 199.30 feet, along the boundary common with Tax Lot 8101 to a concrete nail;
Thence North 61°13'04" East, 83.54 feet, along the Southerly right of way of Bullion Street, to a 5/8 inch rebar by LS16670;
Thence South 24°10'52" East, 300.23 feet, along the boundary common with Tax Lot 6432, to a 5/8 inch rebar with no cap;
Thence South 60°36'56" West, 3.96 feet, along the boundary common with Tax Lot 7900, to a ½ inch rebar with no cap;
Thence North 28°40'53" West, 99.59 feet, along the boundary common with Tax Lot 7900, to the TRUE POINT OF BEGINNING.

Also shown on the Blaine County Assessor roll as Tax Lot 8578

7900

A PARCEL OF LAND LOCATED WITH THE SW ¼ OF SECTION 9, T2N, R18E., B.M., BLAINE COUNTY, IDAHO more particularly described as follows:

Commencing at a brass cap by JUB Engineers, Inc. marking the Southeat corner of said SW ¼, Section 9, from which the Southwest corner of said Section 9 bears S. 89°16'38" W. 2,585.11 feet; thence S. 89°16'38" W. 224.58 feet along the South boundary said Section 9 to a 5/8 inch rebar marking the Southwest corner of Elmwood Subdivision, and also the REAL POINT OF BEGINNING;

Thence continuing S. 89°16'38" W. 426.98 feet along said South boundary Section 9 to a ½ inch rebar by PLS 4489;
Thence N. 29°00'00" W. 83.33 feet to a ½ inch rebar by PLS 4489;
Thence N. 74°18'00" E. 55.70 feet to a ½ inch rebar by PLS 4489;
Thence the following five courses and distances along the East boundary of Lion's Park and and approximate West bank of the Big Wood River:

N. 11°00'00" W. 183.60 feet;
N. 11°22'00" W. 215.40 feet;
N. 21°42'00" W. 264.60 feet;
N. 31°33'00" W. 273.20 feet;
N. 43°30'00" W. 228.39 feet;

ASSESSORS'S LIST OF TAX NUMBERS

BLAINE COUNTY, ID

YEAR 2004

TAX NO.	DESCRIPTION OF EACH TRACT OF LAND DESIGNATED BY TAX NUMBER
7900 (Cont.)	Thence N. 60°58'15" E. 112.95 feet to a ½ inch rebar by PLS 4489 on the approximate East East bank of said Big Wood River; Thence N. 40°22'00" W. 285.44 feet to the South boundary of the Bullion Street Bridge Project Right-of-Way; Thence N. 47°13'35" E. 83.01 feet along said Bullion Street Bridge Project Right-of-Way to a ½ inch rebar by PLS 4489; Thence N. 60°57'54" E. 77.90 feet along the original Southerly boundary of Bullion Street to a found 3/8 inch rebar; Thence S. 21°50'11" W. 116.82 feet to a found bolt in concrete; Thence S. 34°07'22" E. 152.27 feet to a fence corner post in concrete; Thence S. 80°02'54" E. 54.22 feet to a fence corner post in concrete; Thence N. 61°01'03" E. 56.40 feet to a fence corner post in concrete; Thence N. 29°02'06" W. 60.11 feet to a fence corner post in concrete; Thence N. 60°57'54" E. 154.76 feet to a ½ inch rebar by PLS 4489; Thence S. 29°00'00" E. 100.17 feet to a ½ inch rebar by PLS 4489; Thence N. 60°58'15" E. 144.48 feet to a 5/8 inch rebar at the Northwest corner of Mustache Subdivision; Thence S. 29°00'00" E. 400.03 feet along the Westerly boundary of said Mustache Subdivision and Sawmill Subdivision to a ½ inch rebar by PLS 792; Thence S. 60°58'10" W. 27.59 feet to a ½ inch rebar by PLS 792; Thence S. 16°15'00" E. 245.18 feet along the approximate East boundary of the Tailrace and Westerly boundary of Sawmill Subdivision and China Gardens No. 1 Subdivision; Thence the following eight courses and distances along said Tailrace and China Gardens No. 1 and Elmwood Subdivision: S. 33°00'00" E. 53.00 feet; S. 38°36'00" E. 134.00 feet; S. 23°22'00" E. 138.70 feet; S. 1°30'00" W. 68.20 feet; S. 24°37'00" W. 87.70 feet; S. 52°14'00" W. 70.70 feet; S. 34°34'00" E. 164.20 feet; S. 5°04'00" E. 177.53 feet to the POINT OF BEGINNING. Contains 14.566 acres. Cancels Tax Lot 6430.

STATE OF IDAHO,

} ss.

County of Blaine,

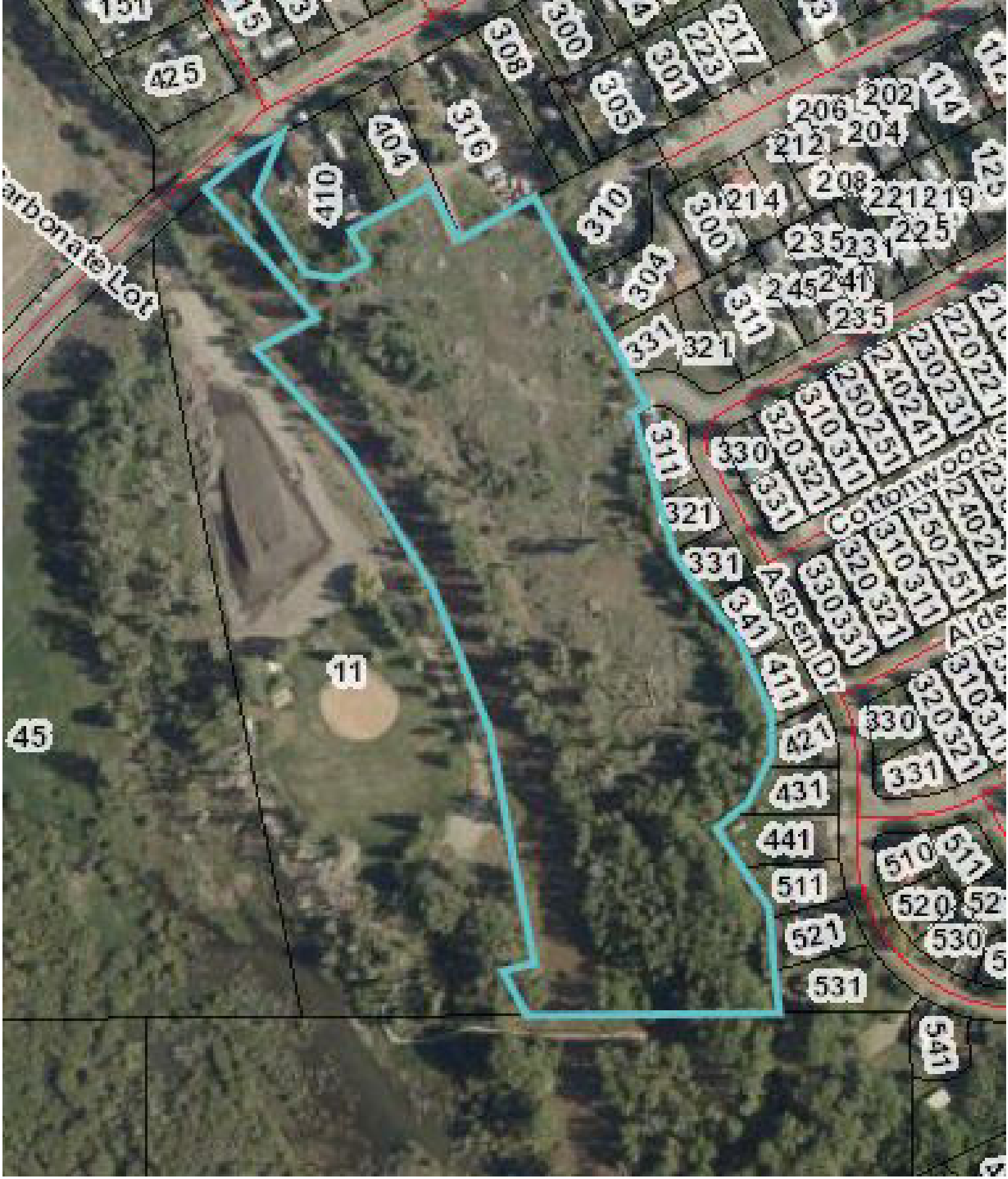
I, Valdi Pace, Assessor in and for said County and State, do hereby certify that the above and foregoing is a true and correct list of tax numbers placed upon the assessment rolls and assessor's plat book of said county to indicate the certain pieces of land described and shown opposite each number in the said list, in accordance with the provisions of Sec. 35, Chapter 58, Acts of the Twelfth Session of the Legislature of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of April A.D. 2004.

Valdi Pace

Assessor in and for Blaine County, Idaho

04/05/2023


425
308
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208
221
219
225
235
231
245
241
311
331
321
330
340
Cottonwood
Aspen Dr
11
45
421
431
441
511
521
531
510
520
530
541

Federal Emergency Management Agency

Washington, D.C. 20472

February 27, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Tom Bowman
Chairman, Blaine County
Board of Commissioners
206 First Avenue South, Suite 300
Hailey, ID 83333

IN REPLY REFER TO:

Case No.:	09-10-0141P
Community Name:	Blaine County, ID
Community No.:	165167
Effective Date of This Revision:	**February 27, 2009**

Dear Mr. Bowman:

The Flood Insurance Study report and the Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Bothell, Washington, at (425) 487-4682, or the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at http://www.fema.gov/nfip.

Sincerely,

Beth A Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

For: William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

List of Enclosures:
- Letter of Map Revision Determination Document
- Annotated Flood Insurance Rate Map
- Annotated Flood Insurance Study Report

cc: The Honorable Rick Davis
Mayor, City of Hailey

Charles Brockway, Ph.D., P.E.
Brockway Engineering

Mr. Mark Caplow
Managing Member
Bullion Partners, LLC

RECEIVED
MAR 6 2009
BLAINE COUNTY
PLANNING & ZONING/BUILDING

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Blaine County Idaho (Unincorporated Areas)	NO PROJECT	HYDRAULIC ANALYSIS HYDROLOGIC ANALYSIS NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 165167		
IDENTIFIER	Caplow	APPROXIMATE LATITUDE & LONGITUDE: 43.520, -114.315 SOURCE: Precision Mapping Streets DATUM: NAD 83	

ANNOTATED MAPPING ENCLOSURES	ANNOTATED STUDY ENCLOSURES
TYPE: FIRM* NO.: 165167 0664 B DATE: March 17, 1997	DATE OF EFFECTIVE FLOOD INSURANCE STUDY: April 20, 2000 FLOODWAY DATA TABLE: 2

Enclosures reflect changes to flooding sources affected by this revision.
* FIRM - Flood Insurance Rate Map; ** FBFM - Flood Boundary and Floodway Map; *** FHBM - Flood Hazard Boundary Map

FLOODING SOURCE(S) & REVISED REACH(ES)

Big Wood River – from approximately 1,900 feet downstream to approximately 70 feet downstream of Bullion Street

Tailrace Creek – from approximately 2,170 feet downstream to approximately 350 feet upstream of Bullion Street

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Big Wood River	Zone AE	Zone AE	NONE	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES
Tailrace Creek	Zone AH	Zone AH	NONE	YES
	Zone X (shaded)	Zone X (shaded)	YES	NONE

* BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at http://www.fema.gov/nfip.

Beth A. Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

112553 10.3.1.09100141

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

OTHER COMMUNITIES AFFECTED BY THIS REVISION

CID Number: 160022 **Name:** City of Hailey, Idaho

AFFECTED MAP PANELS	AFFECTED PORTIONS OF THE FLOOD INSURANCE STUDY REPORT
TYPE: FIRM NO.: 160022 0664 D DATE: March 17, 1997	NO REVISION TO THE FLOOD INSURANCE STUDY REPORT

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional Information about the NFIP is available on our website at http://www.fema.gov/nfip.

Beth A. Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance discharges computed in the submitted hydrologic model. Future development of projects upstream could cause increased discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on discharges and could, therefore, indicate that greater flood hazards exist in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at http://www.fema.gov/nfip.

Beth A. Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Mark Carey
Director, Mitigation Division
Federal Emergency Management Agency, Region X
Federal Regional Center
130 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4682

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at http://www.fema.gov/nfip.

Beth A. Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

PUBLIC NOTIFICATION

FLOODING SOURCE	LOCATION OF REFERENCED ELEVATION	BFE (NGVD 29)		MAP PANEL NUMBER(S)
		EFFECTIVE	REVISED	
Tailrace Creek	Approximately 180 feet upstream of Bullion Street	5,308	5,306	165167 0664B

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. This revision is effective as of the date of this letter. However, until the 90-day period has elapsed, the revised BFEs presented in this LOMR may be changed.

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below.

LOCAL NEWSPAPER Name: *Idaho Mountain Express*
Dates: March 11, 2009 and March 18, 2009

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMR Depot, 3601 Eisenhower Avenue, Alexandria, VA 22304. Additional information about the NFIP is available on our website at http://www.fema.gov/nfip.

Beth A. Norton

Beth A. Norton, CFM, Program Specialist
Engineering Management Branch
Mitigation Directorate

FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER-SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
					(FEET NGVD)			
Big Wood River (Continued)								
BA	18,119	581	1,444	4.6	5,257.7	5,257.7	5,258.2	0.5
BB	19,704	337	899	7.3	5,266.6	5,266.6	5,267.3	0.7
BC	20,819	453	1,506	4.4	5,273.4	5,273.4	5,274.4	1.0
BD	21,345	226	928	7.2	5,275.6	5,275.6	5,276.5	0.9
BE	22,622	154/54[2]	760	8.8	5,284.3	5,284.3	5,284.3	0.0
BF	23,721	514/500[2]	1,864	3.6	5,289.4	5,289.4	5,290.3	0.9
BG	26,198	102	756	8.8	5,302.8	5,302.8	5,303.4	0.9/0.1[3]
BH	27,172	186	796	8.4	5,308.2	5,308.2	5,308.2	0.0
BI	27,755	120	652	10.2	5,311.0	5,311.0	5,311.1	0.1
BJ	28,379	155	832	8.0	5,315.1	5,315.1	5,315.1	0.0
BK	29,461	143	630	10.6	5,321.3	5,321.3	5,321.3	0.0
BL	31,492	160	877	7.6	5,334.4	5,334.4	5,335.1	0.7
BM	32,478	123	762	8.8	5,339.0	5,339.0	5,340.0	1.0
BN	33,447	102	600	11.1	5,346.0	5,346.0	5,346.0	0.0
BO	35,190	386	1,289	5.2	5,357.1	5,357.1	5,357.9	0.8
BP	35,786	257	926	7.2	5,360.5	5,360.5	5,360.6	0.1
BQ	37,731	358	1,116	5.6	5,370.9	5,370.9	5,371.8	0.9
BR	39,231	491	1,605	3.9	5,379.4	5,379.4	5,380.0	0.6
BS	40,236	228	683	9.1	5,385.2	5,385.2	5,385.3	0.1
BT	41,008	133	717	8.6	5,391.4	5,391.4	5,392.1	0.7
BU	43,105	716	1,609	3.9	5,404.2	5,404.2	5,404.6	0.4
BV	43,936	312	877	7.1	5,410.4	5,410.4	5,410.4	0.0
BW	44,139	160	828	7.5	5,411.6	5,411.6	5,411.6	0.0
BX	45,738	166	685	9.0	5,420.1	5,420.1	5,420.7	0.6
BY	47,993	722	1,609	3.9	5,433.8	5,433.8	5,434.0	0.2
BZ	49,602	891	782	7.9	5,445.1	5,445.1	5,445.1	0.0

Revised Data

[1]Distance in Feet Above Broadford Road
[2]Width/Width in County Limits
[3]Original Surcharge/Remaining Surcharge

TABLE 2

FEDERAL EMERGENCY MANAGEMENT AGENCY

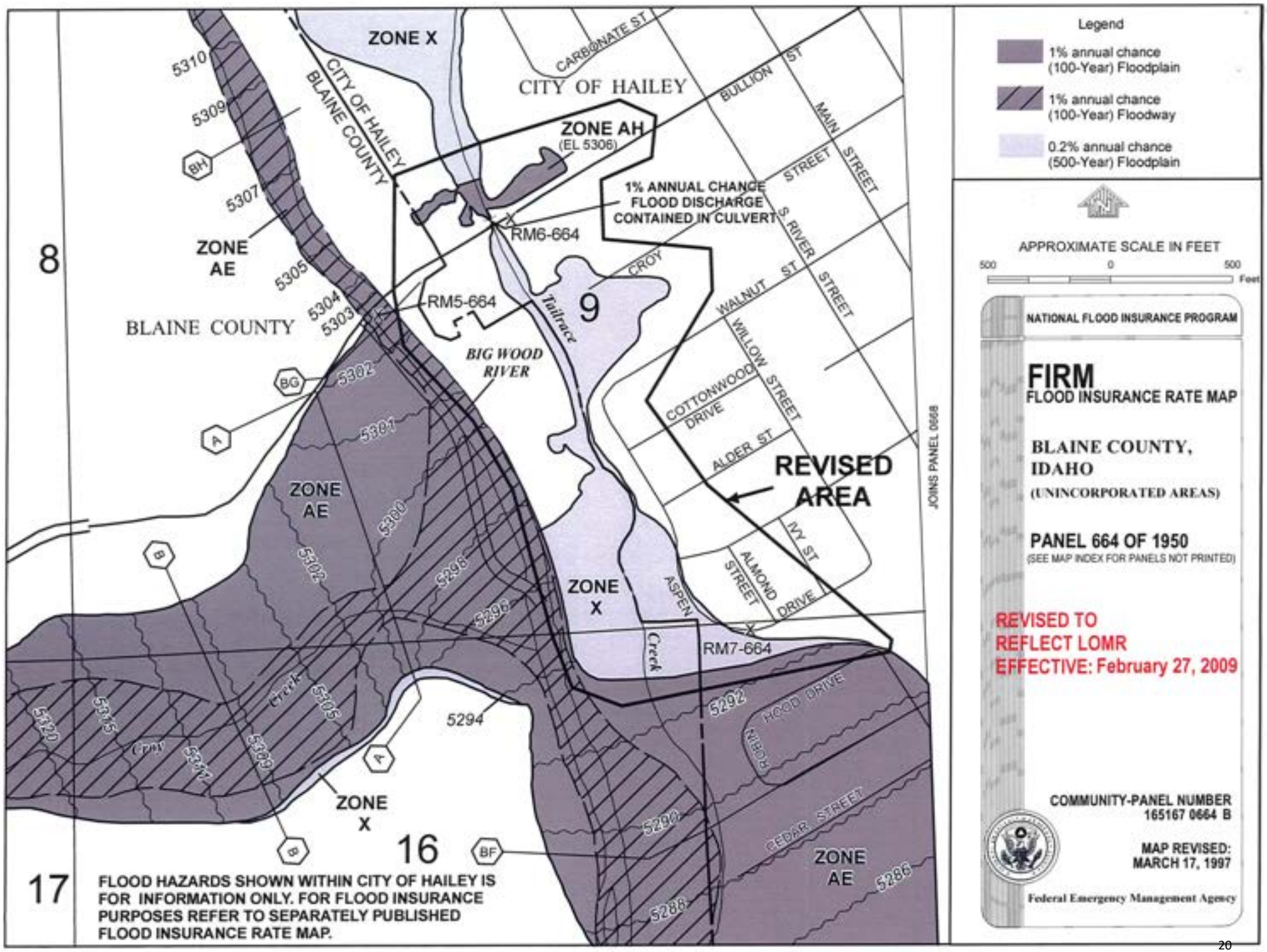
BLAINE COUNTY, ID (UNINCORPORATED AREAS)

REVISED TO REFLECT LOMR EFFECTIVE: February 27, 2009

FLOODWAY DATA

BIG WOOD RIVER

RECEIVED
MAR 6 2009
BLAINE COUNTY
PLANNING & ZONING/BUILDING


ZONE X
CITY OF HAILEY
BLAINE COUNTY
CITY OF HAILEY
ZONE AH
(EL 5306)
1% ANNUAL CHANCE
FLOOD DISCHARGE
CONTAINED IN CULVERT
RM6-664
RM5-664
RM7-664
ZONE
AE
BLAINE COUNTY
BIG WOOD
RIVER
Tailrace
CROY
CARBONATE ST
BULLION ST
MAIN STREET
S. RIVER STREET
WALNUT ST
WILLOW STREET
COTTONWOOD DRIVE
ALDER ST
IVY ST
ALMOND STREET
DRIVE
ASPEN
Creek
HOOD DRIVE
ROBIN
CEDAR STREET
JOINS PANEL 0668
REVISED
AREA
ZONE
X
ZONE
AE
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9
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5310
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5298
5296
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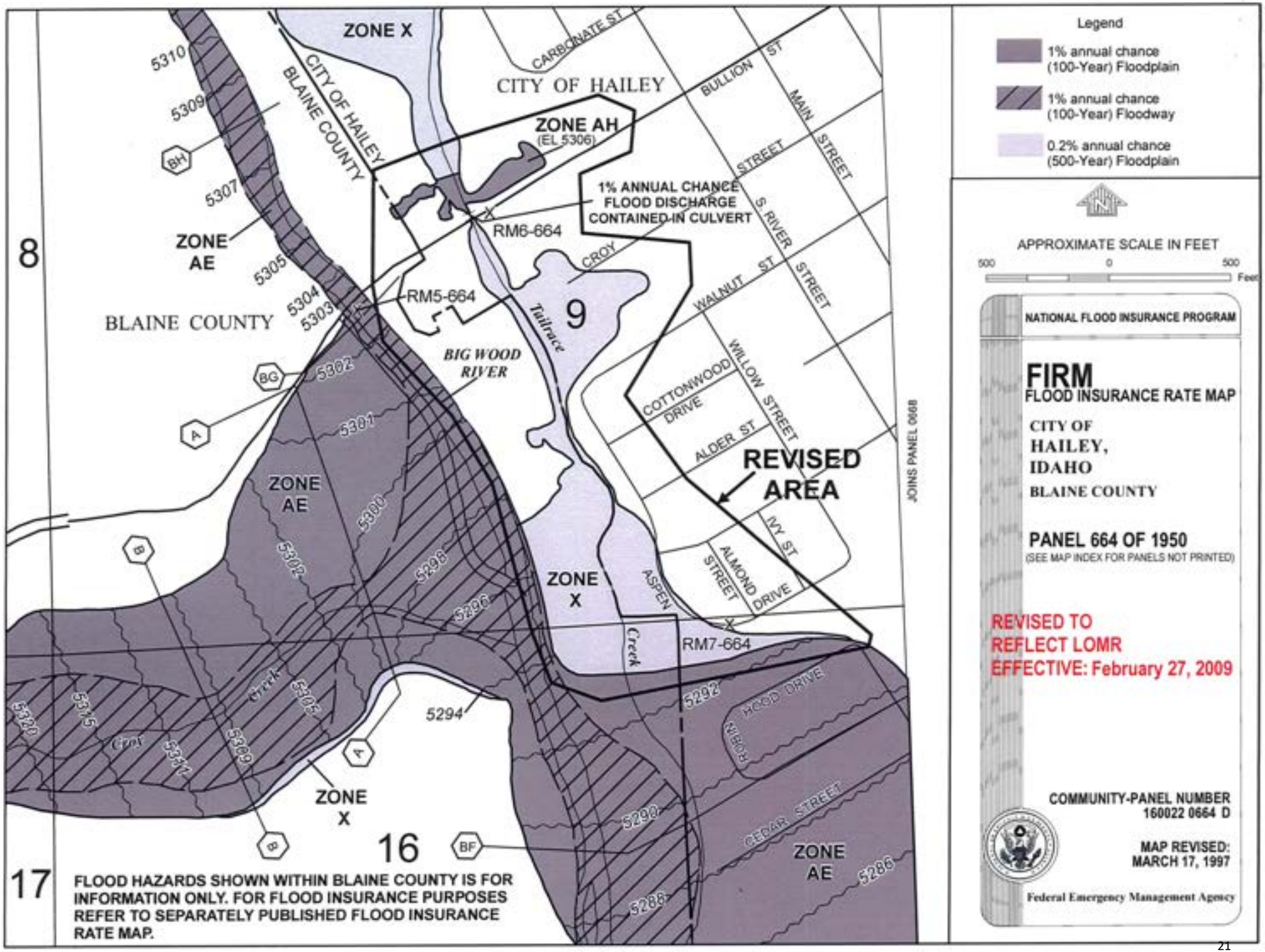
5290
5288
5286
BH
BG
A
B
BF
Legend
1% annual chance
(100-Year) Floodplain
1% annual chance
(100-Year) Floodway
0.2% annual chance
(500-Year) Floodplain
APPROXIMATE SCALE IN FEET
500
0
500
Feet
NATIONAL FLOOD INSURANCE PROGRAM
FIRM
FLOOD INSURANCE RATE MAP
BLAINE COUNTY,
IDAHO
(UNINCORPORATED AREAS)
PANEL 664 OF 1950
(SEE MAP INDEX FOR PANELS NOT PRINTED)
REVISED TO
REFLECT LOMR
EFFECTIVE: February 27, 2009
COMMUNITY-PANEL NUMBER
165167 0664 B
MAP REVISED:
MARCH 17, 1997
Federal Emergency Management Agency
FLOOD HAZARDS SHOWN WITHIN CITY OF HAILEY IS
FOR INFORMATION ONLY. FOR FLOOD INSURANCE
PURPOSES REFER TO SEPARATELY PUBLISHED
FLOOD INSURANCE RATE MAP.


ZONE X
CITY OF HAILEY
CARBONATE ST
BULLION ST
MAIN STREET
S RIVER STREET
ZONE AH
(EL 5306)
1% ANNUAL CHANCE FLOOD DISCHARGE CONTAINED IN CULVERT
RM6-664
RM5-664
CROY
WALNUT ST
WILLOW STREET
COTTONWOOD DRIVE
ALDER ST
IVY ST
ALMOND STREET
DRIVE
ASPEN
Creek
RM7-664
HOOD DRIVE
ROBIN
CEDAR STREET
BLAINE COUNTY
CITY OF HAILEY
BLAINE COUNTY
ZONE AE
ZONE X
ZONE AE
ZONE X
ZONE AE
BIG WOOD RIVER
Tailrace
REVISED AREA
JOINS PANEL 0668
5310
5309
5307
5305
5304
5303
5302
5301
5300
5298
5296
5294
5292
5290
5288
5286
5320
5315
5311
5309
5305
BH
BG
A
B
BF
8
9
16
17
FLOOD HAZARDS SHOWN WITHIN BLAINE COUNTY IS FOR INFORMATION ONLY. FOR FLOOD INSURANCE PURPOSES REFER TO SEPARATELY PUBLISHED FLOOD INSURANCE RATE MAP.
Legend
1% annual chance (100-Year) Floodplain
1% annual chance (100-Year) Floodway
0.2% annual chance (500-Year) Floodplain
APPROXIMATE SCALE IN FEET
500
0
500
Feet
NATIONAL FLOOD INSURANCE PROGRAM
FIRM
FLOOD INSURANCE RATE MAP
CITY OF HAILEY, IDAHO
BLAINE COUNTY
PANEL 664 OF 1950
(SEE MAP INDEX FOR PANELS NOT PRINTED)
REVISED TO REFLECT LOMR EFFECTIVE: February 27, 2009
COMMUNITY-PANEL NUMBER 160022 0664 D
MAP REVISED: MARCH 17, 1997
Federal Emergency Management Agency

BLAINE COUNTY PLANNING/ZONING/BUILDING DEPARTMENT
219 1st Avenue South, Suite 208 Hailey, ID 83333
Planning & Zoning: 208-788-5570 ♦ Building Department: 208-788-5573 ♦ Fax 208-788-5576
www.blainecounty.org

May 10, 2007

Mr. John Graves, CFM
FEMA Region X
Mitigation Division
130 228th Street SW
Bothell, WA 98021

Copied with signed application to:
Charles G. Brockway, P.E.
Brockway Engineering, PLLC
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

Re: **LOMR request- Bullion Partners**
Comments regarding the application, as referenced within Community Official's Signature
On behalf of the Board of County Commissioners, Blaine County, Idaho

Dear John Graves,

Thank you for the opportunity to discuss the Bullion Partners LOMR by phone today, and your offer to review the application prior to forwarding on to Michael Baker Associates. Based upon our discussion, we have the following comments to add to the application for consideration of compliance with FEMA minimum standards, our floodplain standards, and the betterment of the floodplain for the community. We appreciate your consideration and recommendations with regard to the following comments on the application.

Blaine County is signing this with the request that the applicant **revise the application to be a CLOMR (Conditional LOMR request)**, so that we may all attain feedback from FEMA before final signature is requested from the County.

We are concerned for any **possible augmentation to cumulative increases** to the flood flows along this stretch of the channel, no matter how small. The historic channelization of the Big Wood River that has occurred along this stretch (including upstream and downstream of this parcel) has dramatically increased the velocities of the water and transportation of material, thereby increasing the deposition of the material to the south of the site where the floodplain widens, and the waters are allowed to slow. It is possible that the cumulative effects of these changes over the years have challenged the areas downstream, augmenting impacts to areas within both the unincorporated County and City of Hailey. Sensitivity to these effects warrant concern for the proposal, and we are sensitive to the following:

- We hesitate to impede any flood storage capacity for the area, and are concerned for the potential ramifications of the reference "100-year Zone X". Does the proposed reference in the application remove the site from jurisdictional review by the county?
- The bank dike along the eastern edge is not USACE placed or engineered, yet it has become essential due to the placement of the sewer line behind the bank, with an easement allowing access to the City. I know of no mitigation of the channelization of the bank in this area, due to the requirement of protection of the sewer line placed prior to the County having been committed to management of the floodplain with FEMA. (The eastern bank has been improved

and fortified recently, canting the previously fortified bank to allow additional capacity while some drop structures were also added to facilitate the slowing of the flows.) The area of this proposal is not ripe with opportunities to improve the situation.

- There is a historic, and calculated as confirmed by this application, breach of the dike which was witnessed in spring runoff of 2006 (see the river profile and photo illustrating the 6" sheet flow from 2006). Again, removing the area of sheet flooding from additional capacity for the area is a concern, no matter how small in the value determined by the calculations.

Upon review of the application could you please advise us, **is it reasonable to request the reference be Zone AH or AO?** This would confirm Blaine County (or the City of Hailey, if annexation is approved) control of fill and development for the site; the reference to 100 year-Zone X is confusing as to whether we have jurisdiction.

Thank you again for your assistance in determining an optimum solution to the sensitive areas within this application. We appreciate your consideration of the challenges!

Sincerely,

Linda L. Kelsey
County Planner

Cc: Diane Shay, City of Hailey
Tom Hellen, Hailey City Engineer
Board of County Commissioners
Tom Bergin, Interim Planning and Zoning Director
Jim Koonce, Blaine County Engineer

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June ___, 2007

Mr. John Graves, CFM
FEMA Region X
Mitigation Division
130 228th Street SW
Bothell, WA 98021

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Linda L. Kelsey
County Planner

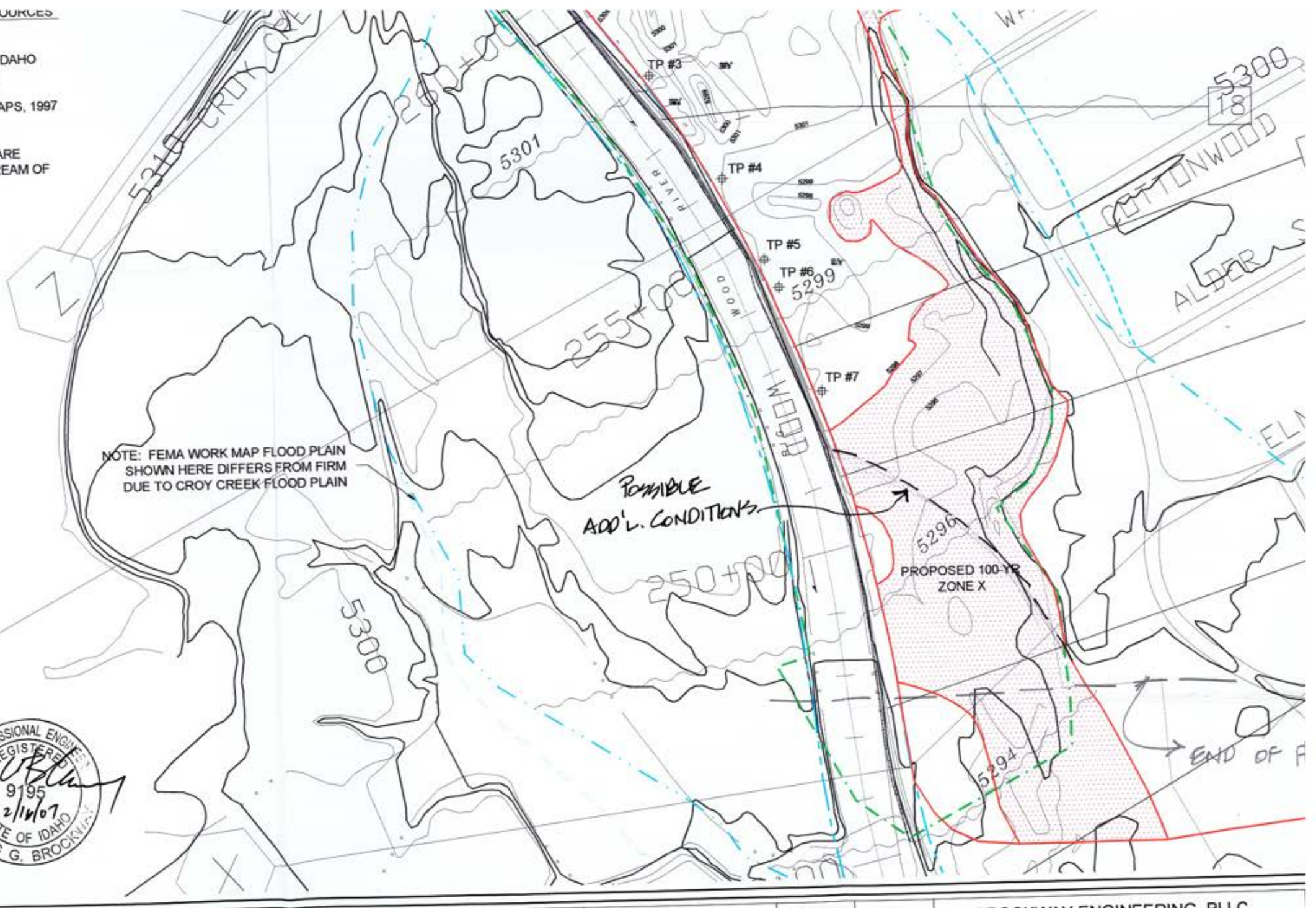
Cc: Diane Shay, City of Hailey
Tom Hellen, Hailey City Engineer
Board of County Commissioners
Tom Bergin, Interim Planning and Zoning Director
Jim Koonce, Blaine County Engineer

TOPOGRAPHIC INFORMATION SOURCES

WITHIN SUBJECT PROPERTY:
EHM ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)

OTHER AREAS: FEMA WORK MAPS, 1997
BIG WOOD RIVER RE-STUDY

BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.



THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM

	DESCRIPTION	DATE	APPD.
B	FLOOD PLAIN REVISIONS	2/7/07	
A	ISSUED FOR REVIEW	3/1/06	CGB

REFERENCE DRAWINGS

DESIGNED BY CGB | DRAWN BY AUR

0 75 150
FEET
SCALE 1"=150'
(18 X 24 DWG ONLY)

BROCKWAY ENGINEERING, PLLC.
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID. 83301
(208) 736-8543

PROPOSED 100-YR FLOOD PLAIN
EFFECTIVE FEMA 100-YR FLOOD PLAIN
EFFECTIVE FEMA FLOODWAY
EFFECTIVE FEMA 500-YR FLOOD PLAIN
CONTOUR LINES - FEMA WORK MAP
CONTOUR LINES - NEW STUDY
WATER LINE
BASE FLOOD ELEVATION (FEMA)
ROAD
SUBJECT PROPERTY

100-YR ZONE X (PROPOSED)

20 SECTIONS (HAILEY SLOUGH)

EG EG SECTIONS (FEMA BIG WOOD RIVER)

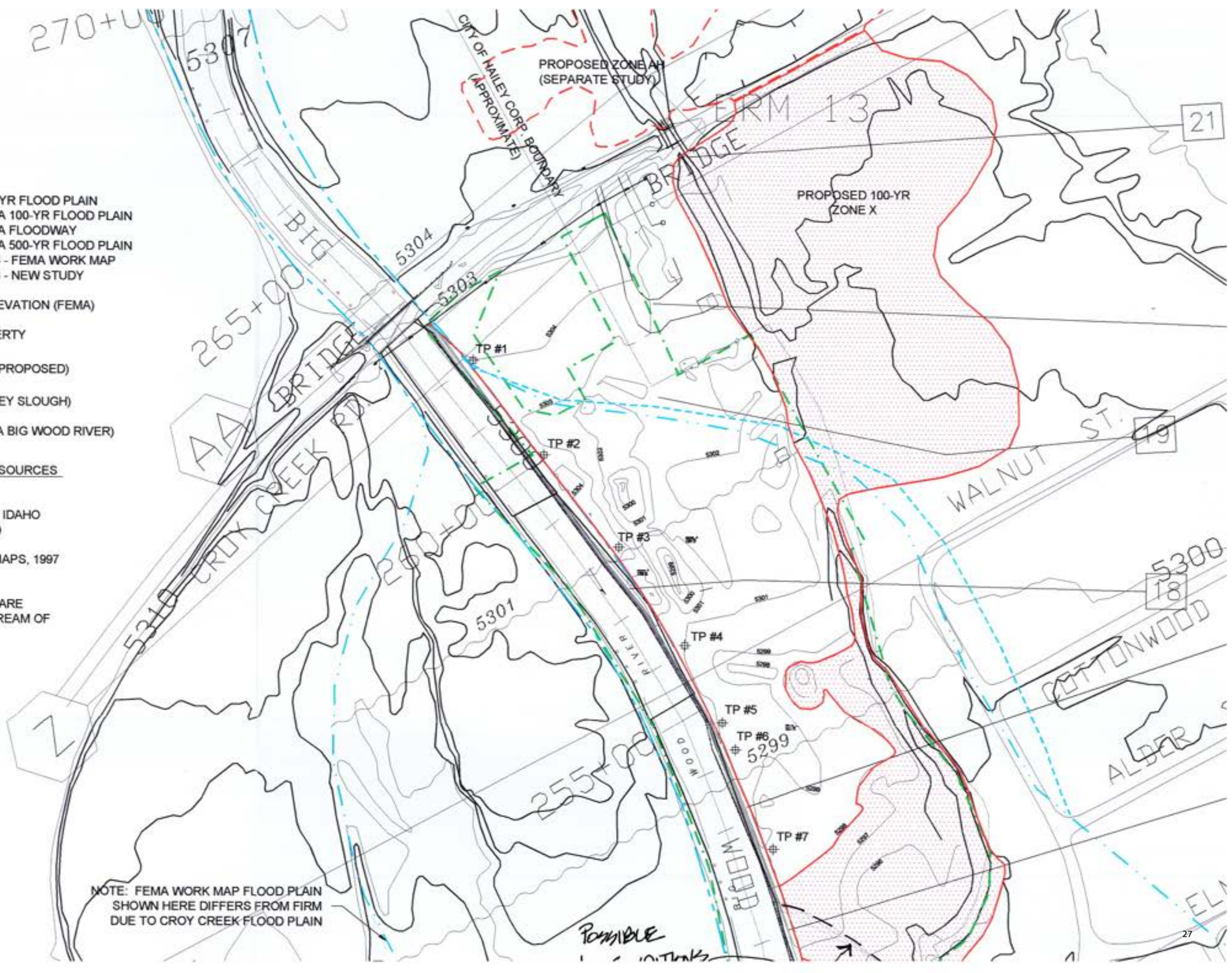
TOPOGRAPHIC INFORMATION SOURCES

WITHIN SUBJECT PROPERTY:
EHM ENGINEERS, TWIN FALLS, IDAHO
(GROUND SHOTS NOT SHOWN)

OTHER AREAS: FEMA WORK MAPS, 1997
BIG WOOD RIVER RE-STUDY

BFE LOCATIONS ON THIS MAP ARE APPROXIMATELY 60' DOWNSTREAM OF THOSE ON THE FIRM.

NOTE: FEMA WORK MAP FLOOD PLAIN SHOWN HERE DIFFERS FROM FIRM DUE TO CROY CREEK FLOOD PLAIN



MEMORANDUM

BLAINE CO. PLANNING OFFICE
219 1st Avenue South, Suite 208
Hailey, ID 83333
208/788-5570
Fax: 208/788-5576

To: Whom It May Concern **Date:** 8/15/2007
From: Tom Bergin, Director & Local Floodplain Coordinator

Subject: Bullion Partners' Bid Wood & Hailey Slough LOMR Application

The county has two comments on this LOMA application:

1. The proposed "X" designation is acceptable as indicated by Board Chairman Tom Bowman's signature on the LOMR application.
2. However, the southern portion of this property was inundated by flood waters during the spring, 2006 event on the Big Wood River. For this among other reasons, the area indicated on the attached map should be designated an "AE" or other appropriate floodplain designation.

If you have any questions or would like further information, please contact this office.

Attachment

From:	j loveday
To:	Mary Cone
Cc:	Martha Burke; Kaz Thea; Juan Martinez; Dustin Stone; Sage Sauerbrey; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation -- Memo #3: Site Feasibility
Date:	Wednesday, May 6, 2026 9:08:05 AM
Attachments:	Old Board Ranch Annexation_Record Review Series_M3_Site Feasibility_Council_05062026.pdf M3 Exhibit 1_Supplemental Administrative Record Index_City Historical File Materials_M3_05062026_compressed.pdf M3 Exhibit 2_Supplemental Administrative Record Index_County PRR Materials_M3_05062026_compressed.pdf

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Mayor and Council members,

I am submitting the attached Memo #3 — Site Feasibility: Absence of Established Factual Baseline, with Administrative Record Index (v3), as part of the Old Board Ranch annexation record review series.

This memo addresses whether the administrative record identifies the minimum factual baseline needed before the City relies on feasibility-related findings adopted on April 13, 2026, or before those findings are used in later annexation, zoning, subdivision, or development review.

The memo does not ask the City to require final engineering, final permits, or final agency approvals at this stage. It asks whether the record identifies what facts existed on April 13, what remains unknown, what has been deferred, and which findings can be relied upon before the missing baseline is established.

Please enter this submission, including the attached supplemental record materials, into the administrative record. Thank you.

Joel Loveday
Hailey

Old Board Ranch Annexation – Planning & Zoning Brief
Supplemental Record Submission No. 1: April 13 Record Verification
Related Submission: Memo #3 – Site Feasibility, M3 Exhibit 1, M3 Exhibit 2
5/7/2026

Bottom Line
This submission raises one narrow record issue relevant to future Planning & Zoning review:

> The City's historical Old Board Ranch parcel file was identified, available, and digitized before the April 13 Council hearing, but the April 13 packet and hearing record do not appear to show that the file was included, disclosed, indexed, provided to Council, made available to the public in digitized form, or reconciled before Council adopted the April 13 resolution / findings concerning the proposed annexation.

The timeline matters:

- **March 17, 2026:** A Hailey resident requested access to the City's hard-copy historical Old Board Ranch parcel file.
- **April 1, 2026:** The City confirmed the file was available for copying / digitization, and the file was digitized at private expense.
- **April 13, 2026:** Council adopted the resolution / findings concerning the proposed annexation.
- **May 6, 2026:** The digitized historical file was submitted into the administrative record as M3 Exhibit 1, alongside Memo #3 and M3 Exhibit 2.

The question for P&Z is straightforward:

> When this matter returns for P&Z review, will P&Z be reviewing from a verified record — or from April 13 findings whose evidentiary basis has not yet been established?

Five Council Takeaways

1. **This is record verification, not another feasibility memo.**
   Memo #3 explains why the historical file matters. This submission asks what was actually before Council and the public on April 13 before any April 13 findings are carried forward into P&Z review.

2. **The historical file was not a post-hearing discovery.**
   It was requested before the hearing, made available before the hearing, and digitized before the hearing.

3. **The file appears material to P&Z's future review.**
   As described in Memo #3, the file appears to contain parcel-specific floodplain, FEMA / LOMR, wetlands, environmental, prior application-review, and prior annexation materials for this same parcel. Those materials may bear directly on future P&Z review of zoning, subdivision layout, development conditions, buildability, Comprehensive Plan consistency, site constraints, and development capacity.

4. **P&Z should not inherit unresolved April 13 assumptions.**
   If April 13 was procedural only, the record should say so. If April 13 findings will be relied upon later, the City should identify the evidence supporting those findings as of April 13 before P&Z is asked to treat those findings as established.

5. **Findings should not become assumed facts by repetition.**
   Before P&Z is asked to rely on April 13 findings concerning feasibility, consistency, contiguity, development capacity, floodplain constraints, wetlands constraints, environmental conditions, or annexation readiness, the City should verify whether the historical file was included, disclosed, reviewed, and reconciled.

Implications for P&Z Review
P&Z may later be asked to review or recommend action on annexation-related zoning, subdivision, development conditions, Comprehensive Plan consistency, site constraints, or development capacity. That review should begin from a clear record.

Council adopted findings on April 13 that may later be cited as support for continued annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, contiguity, or site-feasibility review. If those findings were intended to be procedural only, the record should say so clearly, and P&Z should treat relevant factual issues as open. If those findings are intended to carry substantive evidentiary weight, the City should identify what evidence supported them as of April 13, including whether the historical Old Board Ranch parcel file was part of the reviewed and disclosed record.

Without that clarification, P&Z may be asked to evaluate later applications from an unclear starting point — one where prior findings are treated as settled even though their April 13 record basis has not been verified.

Practical Risk to the City and P&Z

The avoidable risk is not that the City pauses to verify the record. The avoidable risk is that the City later relies on April 13 findings without being able to show what evidence supported those findings when they were adopted.

If the historical file was in City custody, available before the hearing, and digitized before the hearing — but not included, disclosed, indexed, reviewed, or reconciled — then continued reliance on April 13 findings may create unnecessary procedural and evidentiary risk for the City and may place P&Z in the position of reviewing later applications from an unverified factual baseline.

The City can reduce that risk now by clarifying the record before any further reliance on April 13 findings. P&Z can reduce that risk by requesting a verified record before being asked to evaluate feasibility, zoning, subdivision layout, constraints, conditions, or Comprehensive Plan consistency.

Why This Matters

A reliable administrative record requires clarity about what was before the decision-maker, what was available to the public, and what evidence supports the findings adopted or carried forward into later review.

The issue is not whether the historical file controls the current proposal. The issue is whether the City can later rely on April 13 findings — or staff reports that incorporate those findings — without first verifying whether its own parcel-specific file was part of the reviewed and disclosed record.

P&Z should not be asked to review later applications from an assumed factual baseline that has not been verified.

Requested Clarification Before Further P&Z Review

Before further reliance on April 13 findings in any P&Z review, the record should clearly identify:

1. whether the historical file was included in the April 13 packet, public project file, staff report, resolution materials, or hearing record;
2. whether Council or the public had access to the historical file, or digitized version, before April 13;
3. whether the historical file was reviewed or reconciled before April 13 by staff, counsel, consultants, Council, P&Z, or the applicant;
4. whether April 13 was procedural only or whether the City intends to treat April 13 findings as substantive factual findings later;
5. whether the May 6 submission has been received, retained, added to the public project file, indexed, and made available.

If the answer to any of these questions is unknown, the City should verify the record before asking P&Z to rely on April 13 findings in later proceedings.

Requested P&Z Direction

Before any P&Z review relies on April 13 findings, P&Z should request that staff provide a written record response to the clarification items above and should request that staff:

1. add the May 6 digitized historical file submission to the public Old Board Ranch project file;
2. add Supplemental Record Submission No. 1 and all attachments to the administrative record;
3. add the March 17 PRR, April 1 City Clerk email, April 1 copy-shop receipt, and May 6 transmittal to the administrative record;
4. prepare or maintain a basic index of the May 6 historical file submission;
5. clarify whether the April 13 action was procedural only or whether the City intends to treat April 13 findings as substantive factual findings;
6. refrain from asking P&Z to rely on April 13 findings unless the City first verifies the evidentiary basis for those findings.

P&Z Decision Point

P&Z does not need to resolve the full technical record today. P&Z does need a clear starting point for future review:

> If the City intends to carry April 13 findings forward into P&Z review, the City should first verify what evidence supported those findings as of April 13 and whether the historical City file was part of the reviewed and disclosed record.

Until that verification occurs, April 13 findings should not be treated as established factual predicates for future P&Z review of annexation-related zoning, subdivision, development conditions, Comprehensive Plan consistency, contiguity, site-feasibility, buildability, or development-capacity issues.

Old Board Ranch Annexation – Supplemental Record Submission No. 1
Pre-Hearing Digitization of Historical City File (M3 Exhibit 1) and Request for April 13 Record Verification
Related Submission: Memo #3 – Site Feasibility, M3 Exhibit 1, M3 Exhibit 2
5/7/2026

Governing Standard (Exhibit A)

*This submission should be read in conjunction with **Exhibit A — Record Sufficiency and Verification Standard**, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.*

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

Purpose

Supplemental Record Submission No. 1 is submitted to preserve and clarify the administrative record for the proposed Old Board Ranch annexation. This submission follows Memo #3 — Site Feasibility, but it is not another site-feasibility memo. It addresses a narrower record-verification issue:

The City's historical Old Board Ranch parcel file was not newly discovered after the April 13 hearing. A Hailey resident requested access to the hard-copy file on March 17, 2026, and paid to have it digitized by April 1, 2026 — nearly two weeks before Council voted. Yet the April 13 packet and hearing record do not appear to show that the file was included, indexed, disclosed, or reconciled before Council adopted findings concerning the proposed annexation. As of May 5, 2026, the City still did not appear to have made its own digitized version available for public access. The digitized file was submitted into the administrative record on May 6, 2026, as M3 Exhibit 1, alongside Memo #3 and M3 Exhibit 2.

This submission asks the City to clarify what was before Council on April 13, what was available to the public before April 13, and whether the April 13 findings were procedural only, or whether the City intends to rely on them later as substantive findings for annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, contiguity, or site feasibility.

May 6 Submission Incorporated by Reference

On May 6, 2026, I submitted the digitized historical Old Board Ranch parcel file and related supplemental materials into the administrative record.

I am not resubmitting the full digitized historical file here in order to avoid duplicative record materials, version-control confusion, or uncertainty about which submission contains the operative file.
Instead, I incorporate the May 6, 2026 submission by reference and request written confirmation that the City has:

1. received the May 6, 2026 submission;
2. retained it in the Old Board Ranch annexation file;
3. added it to the public project record;
4. made it available to Council, P&Z, staff, counsel, the applicant, and the public;
5. indexed it or scheduled it for indexing as part of the Old Board Ranch administrative record.

Date	Event
March 17, 2026	A resident filed a public records request seekingaccess to the City's historical Old Board Ranch / Caplow parcel file.
April 1, 2026	The City Clerk confirmed by email that the historical file maintained in hard-copy form and available for copying /
April 1, 2026	A copy-shop receipt shows that the resident paid to have the historical file digitized.
April 13, 2026	City Council held the Old Board Ranch hearing and adopted the resolution / findings related to the proposed annexation.
May 6, 2026	Memo #3, digitized historical file (M3 Exhibit 1), and related supplemental materials (M3 Exhibit 2) were submitted for inclusion in the Old Board Ranch administrative record.
May 7, 2026	Supplemental Record Submission No. 1 was submitted, requesting verification of the April 13 administrative record.

The key point is straightforward:
The historical file was not newly discovered after the April 13 hearing. It was in City custody, identified before the hearing (April 13, 2026), and digitized at private expense ($74.20 on April 1, 2026), twelve days before the hearing occurred.

Core Record Concern
The City's historical Old Board Ranch parcel file is not a minor archival item.

As described in Memo #3, the City's historical Old Board Ranch parcel file appears to contain parcel-specific materials directly relevant to the factual baseline for annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, contiguity, and site-feasibility review, including:

- prior floodplain and hydraulic analysis for the Big Wood River / Hailey Slough reach;
- hydrologic data, cross-sections, modeling, floodway, BFE, topographic, and related H&H materials;
- FEMA / NFIP (National Flood Insurance Program) correspondence and FEMA / LOMR application materials, including map-revision history and community floodplain-obligation issues;
- prior wetlands delineation, wetland maps, hydrology / vegetation findings, and jurisdictional-water materials;
- Phase I Environmental Site Assessment materials addressing former sawmill use, floodplain status, wetlands observations, site photographs, regulatory-record review, and assessment limitations;
- prior City, agency, applicant, and consultant correspondence;
- application-completeness materials;
- the City's review of a prior annexation application for this same parcel.

Memo #3 explains that these materials matter because the current record does not identify whether they were reviewed, reconciled, updated, superseded, or determined inapplicable before the April 13 findings were adopted, or whether those findings will be relied upon in later review.

This supplemental submission adds a narrower procedural fact: the file had been identified and digitized before the April 13 hearing.

That matters because Council adopted April 13 findings that may later be cited as support for continued processing of the annexation. If the historical file was not included in the April 13 packet, not available in the public project file, not provided to Council, or not reconciled before the findings were adopted, the City should not treat those findings as established factual predicates unless and until the record basis is verified.

The concern is not that every technical issue needed to be resolved at the Letter of Intent stage. The concern is that the City should clarify whether its own parcel-specific historical file was part of the record before April 13 findings are relied upon.

Requested Verification
We respectfully request that the City provide a written record response addressing the following five questions:

1. Was the historical file included in the April 13 record?
Please identify whether the City's historical Old Board Ranch parcel file was included in the April 13 Council packet, public project file, staff report, resolution materials, or hearing record.

If yes, please identify where it was included or made available.
If no, please confirm that the file was in City custody but was not included in the April 13 packet or public project file.

2. Was the digitized file available to the City before April 13?
Please identify whether the City received, possessed, controlled, or had access to the digitized historical file before the April 13 hearing.

If yes, please identify when the City received or obtained access to it and whether it was added to the public project record before April 13.
If no, please identify when the City first received or obtained access to the digitized file.

3. Did Council or the public have access before April 13?
Please identify whether Council and the public had access to the historical file, or the digitized version of the historical file, before Council adopted the April 13 resolution / findings.

If Council or the public had access, please identify how and when access was provided.
If Council or the public did not have access, please confirm that fact in the record.

4. Was the historical file reviewed or reconciled before April 13?

Please identify whether the historical file, or any portion of it, was reviewed or reconciled before April 13 by staff, counsel, consultants, Council, P&Z, or the applicant.

If yes, please identify where that review is reflected in the April 13 staff report, packet, resolution, findings, or hearing record.

If no, please confirm that the April 13 findings were adopted without review or reconciliation of the historical file.

5. Will the April 13 findings be relied upon later?

Please identify whether the City intends to rely on the April 13 resolution / findings as factual support for any future annexation, zoning, subdivision, development-agreement, infrastructure, Comprehensive Plan consistency, contiguity, floodplain, wetlands, environmental, site-feasibility, development-capacity, or buildability determination.

If yes, please identify the specific April 13 findings the City intends to rely on and the evidence supporting those findings as of April 13.

If the historical file was not included, reviewed, or reconciled before April 13, please clarify whether the City will limit, supplement, reconsider, or reopen those findings before relying on them.

Requested Action

Before any further annexation, zoning, subdivision, development-agreement, infrastructure, feasibility, contiguity, or Comprehensive Plan consistency action, we respectfully request that the City:

1. add the May 6 digitized historical file submission to the public Old Board Ranch project file;
2. add this Supplemental Record Submission No. 1 and all attachments to the administrative record;
3. add the April 1 City Clerk email and April 1 copy-shop receipt to the administrative record;
4. prepare or maintain a basic index of the May 6 historical file submission;
5. clarify whether the April 13 action was procedural only or whether the City intends to treat the April 13 findings as substantive factual findings;
6. refrain from relying on April 13 findings concerning feasibility, consistency, contiguity, development capacity, floodplain constraints, wetlands constraints, environmental conditions, or annexation readiness unless the City first verifies the evidentiary basis for those findings.

Requested Clarification Regarding Legal Effect of April 13 Findings

To avoid future ambiguity, I respectfully request that the City state clearly whether the April 13 action should be understood as Option A or Option B below.

Option A — Preliminary / Procedural Only

The April 13 action was a preliminary procedural step authorizing continued discussion and review, without establishing factual predicates concerning annexation authority, contiguity, Comprehensive Plan consistency, site feasibility, development capacity, floodplain constraints, wetlands constraints, environmental conditions, infrastructure feasibility, or subdivision readiness.

If this is the City's position, the City should avoid citing the April 13 findings as established factual predicates in later proceedings unless and until those findings are independently supported by a verified record.

Option B — Substantive Findings

The April 13 action adopted substantive factual findings that the City intends to rely on in later annexation, zoning, subdivision, development-agreement, infrastructure, feasibility, contiguity, or Comprehensive Plan consistency review.

If this is the City's position, the City should identify the specific record evidence supporting each such finding as of April 13, including whether and how the historical Old Board Ranch parcel file was considered.

Attachments Included in Supplemental Record Submission No. 1

- **Attachment A — March 17, 2026 Public Records Request**
  Public records request seeking access to the City's historical Old Board Ranch parcel file. This establishes that the file was requested before the April 13, 2026 City Council hearing.
- **Attachment B — April 1, 2026 City Clerk Email Confirming Hard-Copy File Availability**
  Email from the City Clerk confirming that the historical file was maintained in hard-copy form and available for review, copying, or digitization before the April 13, 2026 hearing.
- **Attachment C — April 1, 2026 Copy-Shop Receipt for Digitization**
  Receipt confirming private payment for digitization of the historical file before the April 13, 2026 hearing. The receipt reflects that the purchase was authorized and digital files were provided on April 1, 2026; payment appears to have been processed on April 2, 2026. The relevant record point is that digitization occurred before the April 13 hearing.
- **Attachment D — May 6, 2026 Record Submission Transmittal**
  Transmittal showing that Memo #3, the digitized historical file (M3 Exhibit 1), and related supplemental materials (M3 Exhibit 2) were submitted for inclusion in the Old Board Ranch administrative record on May 6, 2026.
- **Attachment E — May 6 Memo #3 Submission Incorporated by Reference; Not Reattached**
  Memo #3 — *Site Feasibility: Absence of Established Factual Baseline*, M3 Exhibit 1, and M3 Exhibit 2 were submitted to the City for inclusion in the Old Board Ranch administrative record on May 6, 2026, and are incorporated here by reference. They are not reattached to avoid duplicative record materials, version-control confusion, and unnecessary file size.

Closing

This Supplemental Record Submission is intended to preserve the integrity of the Old Board Ranch administrative record and give the City an opportunity to clarify the status of its own historical file before further action is taken.

The City can address this issue now by verifying the record, indexing the historical materials, clarifying the legal effect of the April 13 findings, and ensuring that future proceedings do not rely on an incomplete or unclear evidentiary baseline.

Attachment A — March 17, 2026 Public Records Request

Public records request seeking access to the City's historical Old Board Ranch parcel file before the April 13, 2026 City Council hearing.

From: Jon Paris Nicholson <jonparis3@hotmail.com>
Sent: Tuesday, March 17, 2026 9:19 PM
To: prr@haileycityhall.org <prr@haileycityhall.org>
Subject: Public Records Request – Old Board Ranch parcel

•••

To the City of Hailey,

Pursuant to the Idaho Public Records Act, I request access to records related to development activity associated with the property commonly referred to as **Old Board Ranch**, identified as **Parcel # RP02N180092880**, including records associated with prior owner **Mark Caplow**, for the period **January 1, 2004 through December 22, 2021**.

Specifically, I request the following categories of records, including but not limited to:

Planning / Community Development project files
Any subdivision, development, zoning, conditional use permit, or other land use project files associated with the parcel or submitted by Mark Caplow during that period, including staff reports, application materials, correspondence, and Planning & Zoning Commission hearing materials.

Annexation-related records
Any records related to annexation inquiries, discussions, or proposals involving the parcel, including pre-application meetings, correspondence, or internal staff memoranda discussing annexation feasibility.

Pre-application or feasibility review materials
Any staff memoranda, concept review materials, feasibility analyses, or other staff evaluations of development proposals associated with the parcel.

Floodplain or environmental constraint records
Any floodplain development permits, flood hazard analyses, floodplain determinations, wetlands analyses, or other development constraint evaluations associated with the parcel.

Correspondence
Any correspondence between City staff and the property owner or their representatives relating to potential development or annexation of the parcel.
If responsive records are organized within project files, providing the **complete project file(s)** would be acceptable.

Please provide records in electronic format if available. Thank you for your assistance.

Best,

Jon Paris Nicholson

Attachment B — April 1, 2026 City Clerk Email Confirming Hard-Copy File Availability

City Clerk email confirming that the historical Old Board Ranch parcel file was maintained in hard-copy form and available for review, copying, or digitization before the April 13, 2026 City Council hearing.

From: PRR <prr@haileycityhall.org>
Sent: Wednesday, April 1, 2026 4:43 PM
To: Jon Paris Nicholson <jonparis3@hotmail.com>; PRR <prr@haileycityhall.org>
Cc: Christopher Simms <christopher.simms@haileycityhall.org>; Christopher P. Simms <cpslaw@gmail.com>
Subject: RE: Public Records Request – Old Board Ranch parcel

I believe they are waiting on your call! Call Jane's 208-788-0848, once you pay them, they will send you the information!

Mary

From: Jon Paris Nicholson <jonparis3@hotmail.com>
Sent: Wednesday, April 1, 2026 10:07 AM
To: PRR <prr@haileycityhall.org>
Cc: Christopher Simms <christopher.simms@haileycityhall.org>; Christopher P. Simms <cpslaw@gmail.com>
Subject: Re: Public Records Request – Old Board Ranch parcel

Hello Mary,

Thank you for all your help with this. Do you know when I might be able to receive the scan from Jane's?

Thanks,

Jon P Nicholson

Attachment C — April 1, 2026 Copy-Shop Receipt for Digitization

Receipt confirming private payment for digitization of the historical Old Board Ranch parcel file before the April 13, 2026 City Council hearing.

Note: The receipt reflects that the purchase was authorized and digital files were provided on April 1, 2026. Payment appears to have been processed on April 2, 2026. The relevant record point is that digitization occurred before the April 13 hearing.

[redacted]

Transaction details

JANE S ARTIFACTS

$74.20

Transaction: 04/02/2026

Posted: 04/02/2026

Merchant info

JANE S ARTIFACTS

HAILEY, ID

Additional info

[redacted]

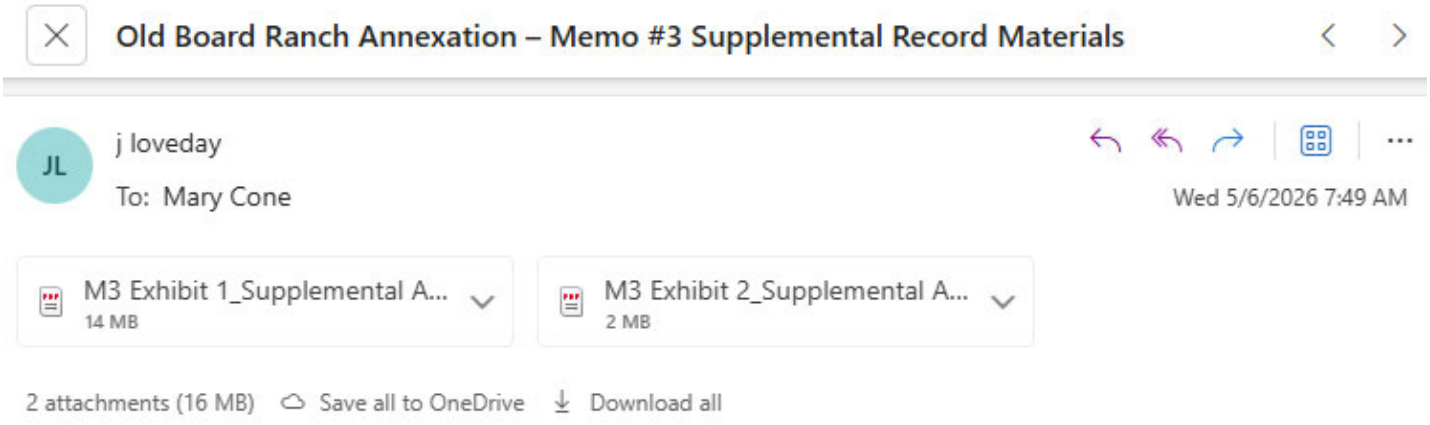
Transaction description

PURCHASE AUTHORIZED ON 04/01 JANE S ARTIFACTS HAILEY ID [redacted]

[redacted]

Attachment D — May 6, 2026 Record Submission Transmittal

Transmittal showing that Memo #3, M3 Exhibit 1, and M3 Exhibit 2 were submitted for inclusion in the Old Board Ranch administrative record on May 6, 2026.



Old Board Ranch Annexation – Memo #3 Supplemental Record Materials

JL

j loveday

To: Mary Cone

Wed 5/6/2026 7:49 AM

M3 Exhibit 1_Supplemental A... 14 MB

M3 Exhibit 2_Supplemental A... 2 MB

2 attachments (16 MB) Save all to OneDrive Download all

Ms. Cone,

I am submitting the attached supplemental record materials for inclusion in the administrative record for the Old Board Ranch annexation matter. These materials accompany Memo #3 — Site Feasibility: Absence of Established Factual Baseline, which I am separately submitting to the Mayor, City Council, and Planning & Zoning Commission as part of the Old Board Ranch Annexation Administrative Record Review Series. The attached supplemental materials are:

1. **M3 Exhibit 1 — City Historical File Materials**
   Supplemental Administrative Record Index + digitized historical City-file materials relevant to floodplain conditions, wetlands, environmental site conditions, FEMA/LOMR materials, prior engineering analysis, prior natural-resource review materials, prior annexation application materials, and application-completeness issues.

   The City historical file has been maintained as a hard-copy file. A prior public-records requester was offered the option to review the file in person or pay to have it scanned; that requester paid to digitize the file and later provided a copy to me. I am submitting that digitized copy as supplemental record material because it contains federal, floodplain, wetlands, environmental, engineering, and prior annexation-review materials relevant to Memo #3.

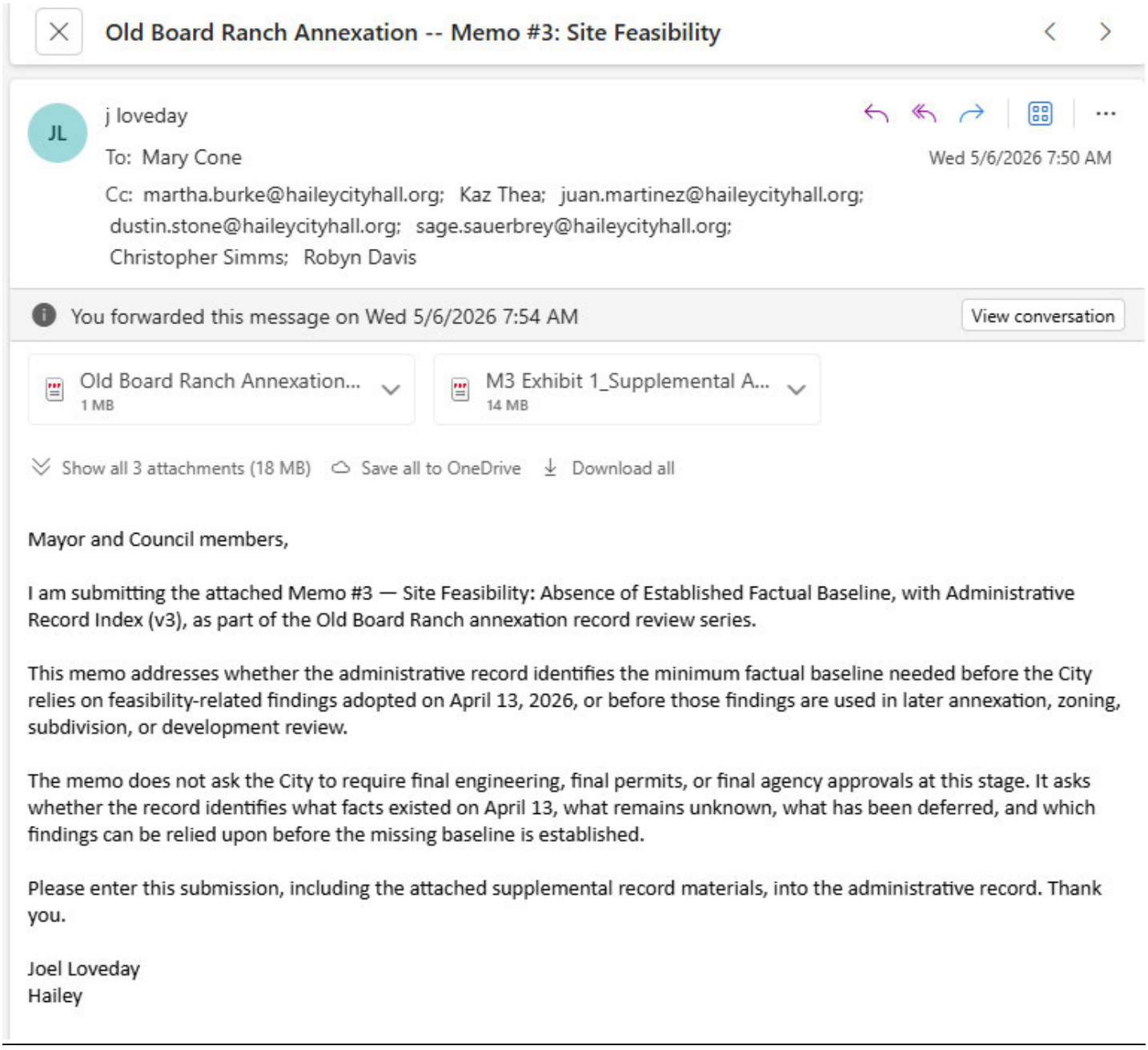
2. **M3 Exhibit 2 — County PRR Materials**
   Supplemental Administrative Record Index + County PRR production containing materials relevant to current natural-resource constraints, parcel status, FEMA/LOMR history, County floodplain correspondence, observed flooding, and prior floodplain / topographic exhibits.

Please enter these supplemental materials into the administrative record for the Old Board Ranch annexation matter and associate them with Memo #3. Thank you.

Joel Loveday
Hailey

Attachment E — May 6 Memo #3 Submission Incorporated by Reference; Not Reattached

Memo #3 — Site Feasibility, M3 Exhibit 1, and M3 Exhibit 2 were submitted on May 6, 2026 and are incorporated here by reference. They are not reattached to avoid duplicative record materials, version-control confusion, and unnecessary file size.



Old Board Ranch Annexation -- Memo #3: Site Feasibility

JL

j loveday

To: Mary Cone

Wed 5/6/2026 7:50 AM

Cc: martha.burke@haileycityhall.org; Kaz Thea; juan.martinez@haileycityhall.org; dustin.stone@haileycityhall.org; sage.sauerbrey@haileycityhall.org; Christopher Simms; Robyn Davis

You forwarded this message on Wed 5/6/2026 7:54 AM

View conversation

Old Board Ranch Annexation...
1 MB

M3 Exhibit 1_Supplemental A...
14 MB

Show all 3 attachments (18 MB) Save all to OneDrive Download all

Mayor and Council members,

I am submitting the attached Memo #3 — Site Feasibility: Absence of Established Factual Baseline, with Administrative Record Index (v3), as part of the Old Board Ranch annexation record review series.

This memo addresses whether the administrative record identifies the minimum factual baseline needed before the City relies on feasibility-related findings adopted on April 13, 2026, or before those findings are used in later annexation, zoning, subdivision, or development review.

The memo does not ask the City to require final engineering, final permits, or final agency approvals at this stage. It asks whether the record identifies what facts existed on April 13, what remains unknown, what has been deferred, and which findings can be relied upon before the missing baseline is established.

Please enter this submission, including the attached supplemental record materials, into the administrative record. Thank you.

Joel Loveday
Hailey

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	jrfugate@cox.net; smsdrs@hotmail.com; bozenahaileypz@gmail.com; jordanelizabeth.fitzgerald@gmail.com; smitharchsv@gmail.com; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation — Supplemental Record Submission No. 1
Date:	Thursday, May 7, 2026 3:56:53 PM
Attachments:	Old Board Ranch Annexation_Supplemental Record Submission No. 1_PZ_05072026.pdf

Planning & Zoning Commissioners,

I am submitting the attached Supplemental Record Submission No. 1 — April 13 Record Verification for inclusion in the Old Board Ranch annexation administrative record.

This submission follows Memo #3 and addresses a narrow record issue relevant to future P&Z review: the City's historical Old Board Ranch parcel file was identified, available, and digitized before the April 13 Council hearing, but the April 13 packet and hearing record do not appear to show whether that file was included, disclosed, indexed, provided to Council, made available to the public in digitized form, reviewed, or reconciled before Council adopted the April 13 resolution / findings.

The submission asks the City to clarify what was before Council on April 13, whether the historical file was part of the reviewed and disclosed record, and whether April 13 findings will be treated as procedural only or carried forward later as substantive factual findings in future P&Z review of zoning, development conditions, Comprehensive Plan consistency, or site-feasibility issues.

Please enter this submission and all attachments into the administrative record. Thank you.

Joel Loveday
Hailey

Old Board Ranch Annexation – Council Brief
Memo #4 – Contiguity: Administrative Record Does Not Establish Annexation Authority
Related Submission: Memo #4 – Contiguity, Administrative Record Index (v4); M4 Attachments A-D
5/12/2026

Bottom Line
Memo #4 raises one narrow threshold issue:

> **The April 13 administrative record does not appear to identify the legal boundary evidence necessary to support the finding that the Old Board Ranch parcel is contiguous to the City under Idaho Code §50-222.**

If the City intends to rely on the April 13 contiguity finding, the record should first identify the specific common border and the legal boundary evidence that established annexation authority when Council voted.

Contiguity is not a planning preference, design issue, or later subdivision detail. It is the statutory gateway to annexation authority. Idaho Code §50-222 defines "contiguous" as sharing a common border.

The April 13 hearing sequence matters:

- City staff and the City Attorney identified contiguity as one of the findings Council was being asked to make.
- The applicant asserted adjacency by presentation map.
- Public testimony challenged the lack of demonstrated contiguity.
- Kris Wirth raised concrete lot-line / City-limit uncertainty before the vote.
- Councilmember Dustin Stone questioned whether the threshold items were in the packet.
- Councilmember Kaz Thea asked whether Council knew "100%" that the property was contiguous.
- No stamped survey, legal description, recorded instrument, title evidence, or specific shared-boundary segment was identified in response before Council voted.
- Council then adopted the Resolution and findings.

The question for Council is straightforward:

> **Where, specifically, does the April 13 administrative record identify the common border between the Old Board Ranch parcel and existing City limits, and what legal boundary evidence supports that finding?**

Five Council Takeaways

1. **This is about annexation authority, not final subdivision design.**
   Memo #4 does not ask the City to require final engineering, final plat approval, or final subdivision design at this stage. It asks for the legal boundary evidence supporting the City's authority to annex the parcel.

2. **A map-based assertion is not the same as boundary evidence.**
   The applicant stated that the City boundary "runs along the edge" of the parcel and that the parcel is "continuous or adjacent" to the City. But the record reviewed to date does not appear to identify the legal source of that assertion: a stamped survey, legal description, deed, title material, recorded plat, bearing / distance, or specific shared-boundary segment.

3. **Council asked the right question before voting.**
   Councilmember Thea asked whether the property was contiguous and whether Council knew that "100%." That question should have produced a record-based answer identifying the legal boundary evidence supporting the finding. Memo #4 asks the City to now provide that record citation or clarify that the issue remains open.

4. **Boundary uncertainty was concrete, not theoretical.**
   The record now reflects boundary uncertainty before, during, and after the April 13 vote. January 2026 WRLT correspondence indicates that boundary-pin discrepancies near the Wirth property had been identified before the hearing. Mr. Wirth then testified on April 13 that he had been told his property pin was wrong and that the relevant property / City-limit line was not definitive. Mr. Wirth and Mr. Crosser later submitted written comments raising boundary / lot-line uncertainty.

5. **Later boundary evidence may support later review, but should not silently backfill the April 13 finding.**
   If a survey, legal description, title report, recorded instrument, or other boundary evidence is submitted later, it may support a later determination. But the City should distinguish later evidence from evidence that existed in the April 13 administrative record when Council adopted the contiguity finding.

Implications for the April 13 Findings
Council adopted findings on April 13 that may later be cited as support for continued annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, or site-feasibility review.

If the April 13 action was procedural only, the record should say so clearly. If the April 13 finding that the parcel is contiguous will be treated as a substantive factual finding, the City should identify the evidence that supported that finding when Council voted. Without that clarification, later proceedings may rely on a threshold annexation-authority finding whose record basis has not been verified.

Practical Risk to the City
The avoidable risk is not requiring a survey too early. The avoidable risk is relying on annexation-authority findings before the administrative record identifies the legal boundary evidence that supports them.

If the City later relies on the April 13 contiguity finding without identifying the specific shared boundary and the legal evidence supporting it, the City may create unnecessary procedural and evidentiary risk. The City can reduce that risk now by verifying the record before further reliance on the April 13 findings.

Requested Clarification Before Further Action
Before further reliance on the April 13 contiguity finding, the record should clearly identify:

1. the specific City boundary, City parcel, right-of-way, or other feature allegedly creating contiguity with the Old Board Ranch parcel;
2. the exact shared boundary segment relied upon, including bearing, distance, survey reference, plat reference, legal description, recorded instrument, or equivalent legal boundary evidence;
3. the stamped survey, recorded deed, plat, title material, GIS layer, or other source relied upon to support the claimed common border;
4. whether that evidence existed in the administrative record as of April 13, 2026;
5. whether the claimed connection is a legally valid land-to-land common border and not dependent on a point touch, right-of-way, shoestring connection, intervening parcel, Lions Park, parcel aggregation, or sequencing theory;
6. whether the boundary / lot-line concerns reflected in the January 2026 WRLT correspondence, Kris Wirth's April 13 testimony, Kris Wirth's written comment, and Steve Crosser's written comment have been reviewed and addressed; and
7. whether the April 13 contiguity finding should be treated as supported, unsupported, procedural only, or still open for later determination.

Requested Council Direction
Before any further reliance on the April 13 contiguity finding, Council should direct staff and counsel to provide a written contiguity verification that:

1. identifies the Idaho Code §50-222 standard being applied;
2. identifies the specific common border relied upon;
3. identifies the legal descriptions, survey evidence, recorded instruments, title evidence, or other boundary evidence supporting that common border;
4. states whether that evidence was part of the April 13 administrative record;
5. addresses the boundary / lot-line concerns raised by Kris Wirth and Steve Crosser; and
6. clarifies whether the April 13 contiguity finding may be relied upon in later annexation, zoning, subdivision, or development review.

Council Decision Point
Council does not need to resolve final subdivision design today. Council does need to clarify this:

> **If the City intends to rely on the April 13 contiguity finding later, the City should first identify the specific common border and the legal boundary evidence supporting that finding as of April 13.**

Until that verification occurs, the April 13 contiguity finding should not be treated as an established factual predicate for future annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, site-feasibility, or development-capacity review.

Old Board Ranch Annexation – Administrative Record Review Series
Memo #4 – Contiguity: Administrative Record Does Not Establish Annexation Authority
5/12/2026

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Governing Standard (Exhibit A)
This memo should be read in conjunction with Series Exhibit A — Record Sufficiency and Verification Standard, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

This standard is especially important here because the April 13 hearing record shows that contiguity was not an overlooked issue. It was expressly identified by City staff and the City Attorney as one of the limited findings before Council; it was challenged during public comment; boundary uncertainty was raised before the vote; Council asked whether contiguity was known; and no record-based boundary evidence was identified before Council adopted Resolution No. 2026-30.

Bottom Line
Contiguity is not a planning preference, design issue, policy balancing question, or later subdivision detail. It is a threshold condition to annexation authority.

Idaho Code §50-222 defines "contiguous" as "sharing a common border" and provides that land is not contiguous if the only common border is along a shoestring connection. The statute further provides that, except as otherwise provided, no city may annex land unless and until the subject land is contiguous to or surrounded by the city.

The question is not whether contiguity might ultimately be proven. The question is whether the administrative record identifies the legal boundary evidence supporting a finding that contiguity was established when Council adopted findings on April 13, 2026. If the record lacks a stamped survey, legal descriptions, title or boundary evidence, and an identified shared-boundary segment, the record does not establish the statutory predicate for annexation authority.

The administrative record does not appear to identify the basic evidence necessary to support a finding that the Old Board Ranch parcel shares a legally valid common border with the City: a stamped boundary survey, legal description, title or recorded boundary evidence, and the specific shared-boundary segment relied upon.

The April 13 hearing record makes this concern more significant. Contiguity was not raised for the first time after Council acted. It was identified by City staff and the City Attorney as one of the threshold findings Council was being asked to make that night. The applicant asserted adjacency by reference to a presentation map, but the record excerpt does not identify a stamped survey, legal description, deed, title material, or specific shared-boundary bearing and distance. Public comment then directly challenged the lack of demonstrated contiguity. Hailey resident Kris Wirth raised concrete lot-line uncertainty. Council itself then asked whether the property was contiguous and whether Council knew that "100%."[1] No record-based legal confirmation has been identified in the materials reviewed to date. Instead, the City Administrator appears to have responded based on apparent adjacency / lack of intervening land, while acknowledging that a survey was "probably a good idea."[2] Council then proceeded to vote and adopt the Resolution and findings.

[1] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Councilmember Kaz Thea, City audio recording at 1:46:51.
[2] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Administrator Lisa Horowitz, City audio recording at 1:47:08.

That sequence matters. Council was asked to make a contiguity finding, was alerted before the vote that the record did not contain boundary evidence supporting that finding, asked for confirmation, did not receive record-based verification, and adopted the Resolution anyway.

A statement that parcels appear adjacent,[3] that there are no apparent intervening lands,[4] or that they abut against each other[5] is not a substitute for survey evidence, legal descriptions, title or boundary evidence, or identification of the specific shared-boundary segment.

The issue is not whether the City can later develop a boundary record. The issue is whether Council had a record basis to treat contiguity as established when it adopted findings on April 13.

The post-April 13 record also heightens the issue. Hailey residents Kris Wirth[6] and Steve Crosser[7] have separately submitted written comment letters raising lot-line / boundary uncertainty. Those written comments do not need to prove non-contiguity to be material. Their significance is that they corroborate that boundary uncertainty is concrete, not hypothetical, and should be addressed before contiguity is treated as established.

The requested clarification is narrow: before the City relies on any finding of contiguity, the record should identify the specific common border that supplies annexation authority and the evidence supporting that determination.

Notes on M4 Attachments and City Audio Record

- References to the April 13, 2026 hearing are based on the City's public hearing audio record (*'City Council_20260413-1722_01dccb6a153614f0.mp3'*) which is the source material for M4 Attachment A.
- M4 Attachment A – April 13, 2026 Hearing Chronology: Contiguity Finding and Record-Sufficiency Arc
- M4 Attachment B – Steve Crosser Written Comment on Boundary Uncertainty, April 19, 2026
- M4 Attachment C – Kris Wirth Written Comment on Boundary Uncertainty, May 11, 2026
- M4 Attachment D – WRLT Correspondence Regarding Boundary Pin Discrepancies Near Wirth Property, January 26, 2026

Combined, Kris Wirth's live testimony, his written comment in M4 Attachment C, Steve Crosser's written comment in M4 Attachment B, and the pre-hearing correspondence in M4 Attachment D show that the boundary issue is concrete, not theoretical. M4 Attachment D is especially relevant because it indicates that boundary-pin discrepancies near the Wirth property had been identified before Council adopted the April 13 contiguity finding.

Issue Presented

Whether the administrative record establishes, with substantial evidence, that the Old Board Ranch parcel is contiguous to the City under Idaho Code §50-222.

Because Idaho Code §50-222 defines contiguity as "sharing a common border," the record should identify the specific common border relied upon and the legal boundary evidence supporting it. More specifically, this memo asks:

1. What specific City boundary allegedly shares a common border with the Old Board Ranch parcel?
2. What survey, legal description, recorded instrument, title evidence, or other boundary evidence establishes that common border?
3. What record evidence supported the applicant's April 13 assertion that the parcel is "continuous or adjacent" to the City?
4. What record evidence was identified when Council asked whether contiguity was known "100%"?
5. Have the lot-line / boundary concerns raised at and after the April 13 hearing been reviewed, verified, addressed, or determined immaterial by legal boundary evidence?
6. Did the evidence supporting contiguity exist in the administrative record as of April 13, 2026?
7. If not, can the April 13 finding treating contiguity as established be relied upon in later annexation, zoning, subdivision, or development review?

[3] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, WRLT ED Amy Trujillo, City audio recording at 30:49.
[4] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Administrator Lisa Horowitz, City audio recording at 1:47:08.
[5] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Mayor Martha Burke, City audio recording at 1:47:24.
[6] M4 Attachment C – Kris Wirth Written Comment on Boundary Uncertainty, May 11, 2026.
[7] M4 Attachment B – Steve Crosser Written Comment on Boundary Uncertainty, April 19, 2026.

This memorandum does not address whether the proposal should or should not be approved. It addresses whether the administrative record establishes the threshold annexation authority required before the City relies on a finding of contiguity.

Core Record Concern

The City appears to have adopted findings on April 13, 2026 that presume contiguity, but the record does not appear to identify the specific legal boundary that satisfies Idaho Code §50-222.

This is not a minor evidentiary gap. Contiguity is the basis, and legal prerequisite, for annexation authority in Idaho. Before the City relies on any finding of contiguity, the record should identify the common border and the legal boundary evidence supporting it.

The April 13 hearing record adds a further concern: contiguity was not merely assumed in a staff report. It was expressly framed during the hearing as one of the limited findings Council was being asked to make. City staff described contiguity as one of the threshold considerations. The City Attorney stated that Council would be making three basic findings, including contiguity to the City. The applicant then asserted adjacency by presentation map. Public comment challenged the lack of demonstrated contiguity. A resident raised specific boundary uncertainty. A Councilmember stated that the packet did not appear to contain the threshold items identified by the City Attorney. Councilmember Thea then asked whether Council knew "100%" that the property was contiguous.

No record-based legal confirmation has been identified in the materials reviewed to date. The City Attorney did not appear to answer that question by identifying a stamped survey, legal description, deed, title material, recorded plat, or specific shared-boundary segment. The City Administrator's response appears to have rested on absence of apparent intervening land and visual / mapping-based adjacency, while acknowledging that a survey was probably a good idea.

The record concern is therefore straightforward:

> Because contiguity is a statutory predicate to annexation authority, the City has not yet shown the record basis for its authority to annex the Old Board Ranch parcel. The City has not identified the legal boundary or record evidence establishing contiguity, even though the issue was raised before Council voted and Council itself asked whether contiguity had been established.

Because the issue was raised before the vote, this is not a post-hoc objection to a completed decision. It is a record-sufficiency issue that was presented to Council before Council adopted the Resolution and findings.

Why the Boundary Evidence Matters

Contiguity is a legal boundary question. It is not established by proximity, conceptual layout, generalized parcel appearance, or a planning assumption.

Where the record does not identify the specific shared boundary and the evidence supporting it, the City has not shown its work. A conclusion that the parcel is contiguous is not the same as evidence establishing the legally valid common border.

This distinction becomes especially important if adjacent owners have raised lot-line uncertainty or boundary concerns. In that circumstance, visual adjacency, GIS approximation, or an applicant depiction is not enough. The administrative record should identify the legal boundary evidence supporting contiguity before annexation authority is treated as established.

Apparent adjacency may describe a visual impression. It does not establish annexation authority. The statutory standard is not whether the parcel appears adjacent on a map. The statutory standard is whether the land shares a legally valid common border with the City.

April 13 Hearing Record and Post-Hearing Boundary Submissions

The April 13 hearing record should be treated as central to the contiguity analysis because the issue was presented before Council acted. Based on the hearing record and subsequent written submission:

> **1. City staff and the City Attorney identified contiguity as a threshold finding.**
> At the outset of the hearing, City staff explained that Council's decision would be based on the Annexation Review Agreement and three threshold considerations, including that the land is contiguous to City limits. The City Attorney then stated that the action item was limited to the matters in the resolution he prepared, and that Council would be making three basic findings: consent, contiguity to the City limits, and Comprehensive Plan / land-use-map inclusion.

This confirms that contiguity was one of the findings Council was being asked to make that night.

2. The applicant asserted adjacency, but no legal boundary evidence was identified.
The applicant presentation stated that the City boundary was shown in red and "runs along the edge" of the parcel, and described the parcel as "continuous or adjacent to the City."[8] That assertion appears to have been map-based. The record excerpt does not identify a stamped survey, legal description, deed, title material, recorded plat, or specific shared-boundary bearing and distance.

A presentation map may illustrate an assertion, but it does not identify the controlling legal boundary.

3. Contiguity was challenged before the vote.
The testimony challenged the evidentiary basis for the contiguity finding[9] and specifically identified missing evidentiary categories: no survey boundary, no legal description, and no clearly identified shared boundary.[10]

4. Boundary uncertainty was raised before the vote.
Hailey resident Kris Wirth raised boundary uncertainty during oral testimony. That testimony was not abstract. Wirth stated that his property borders the ditch / boundary area, that in the City of Hailey to simply build a fence a survey is required, that he had been told by the applicant and an engineer visiting his home that his property pin was wrong, that the line of the property proposed for annexation was not definitive, and that he did not know where his back line was, even though that line was also described as the line of the City limit.[11]

Mr. Wirth submitted a written comment to Council regarding boundary and lot-line uncertainty.[12] That written submission is significant because it preserved the concern in writing after the vote and confirms that his April 13 testimony was not a passing or abstract objection.

That testimony and written follow-up made visual adjacency or GIS-level assumption insufficient as a basis for treating contiguity as established.

5. A Councilmember acknowledged the packet problem.
During deliberation, Councilmember Dustin Stone stated that he was not impressed with the level of information the applicant had provided to Council and did not feel that the three items identified by the City Attorney — including contiguity / continuity and Comprehensive Plan consistency — were in the packet.[13]

That statement reflects an on-record concern from a decisionmaker that the packet did not contain support for the threshold findings Council was being asked to adopt.

6. Council specifically asked whether contiguity was established.
Councilmember Thea then asked the central question: "Can we answer that question? Is it contiguous? Do we know for sure, 100%, if that's one of the things we're assessing today, that this property is contiguous with the City property?"[14]

That question should have produced a record-based answer identifying the legal boundary evidence supporting the finding. No such answer has been identified in the materials reviewed to date.

7. The response did not identify legal boundary evidence.
The City Administrator responded in substance that there were no other intervening land areas, that a survey was probably a good idea, and that she did not see how it could be interpreted otherwise.[15] The Mayor further responded that the parcels

[8] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, WRLT ED Amy Trujillo, City audio recording at 30:49.
[9] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Hailey resident Tim East, City audio recording at 1:00:28.
[10] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Hailey resident Joel Loveday, City audio recording at 1:02:32.
[11] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Hailey resident Kris Wirth, City audio recording at 1:19:32.
[12] M4 Attachment C – Kris Wirth Written Comment on Boundary Uncertainty, May 11, 2026.
[13] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Councilmember Dustin Stone, City audio recording at 1:46:32.
[14] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Councilmember Kaz Thea, City audio recording at 1:46:51.
[15] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Administrator Lisa Horowitz, City audio recording at 1:47:08.

"abut against each other. That's contiguous."[16] Those responses may reflect an administrative or mapping-based impression, but they do not identify a stamped survey, deed, title material, legal description, recorded plat, bearing and distance, or specific shared-boundary segment.

The acknowledgment that a survey was probably a good idea reinforces the need to identify other legally controlling boundary evidence if contiguity was being treated as already established.

8. The City Attorney did not identify the missing evidence.
After Council asked whether contiguity was established, the City Attorney explained procedural options — approval, denial, or tabling[17] — and asked whether there was something infirm about the Resolution itself.[18] But the materials reviewed to date do not show that the City Attorney identified record evidence establishing contiguity, despite having drafted the resolution and previously identifying contiguity as one of the three findings before Council.

This is a record-sufficiency concern. When Council asked whether the threshold finding was established, the record should show either the evidence supporting the finding or an express statement that the issue remained unresolved.

9. Council proceeded to vote despite the unresolved record question.
Council then adopted the Resolution and findings. The record sequence therefore appears to be: contiguity was framed as a required finding; the applicant asserted adjacency; public comment challenged the lack of boundary evidence; a resident raised specific boundary uncertainty; Council asked whether the property was known to be contiguous; no record-based boundary evidence was identified; and Council proceeded to adopt the Resolution and findings.

10. Additional boundary uncertainty has since been entered into the record.
After the April 13 hearing, Hailey resident Kris Wirth submitted a written comment to Council regarding boundary / lot-line uncertainty, and Hailey resident Steve Crosser submitted a separate written comment letter raising additional boundary uncertainty.[19] Those submissions should be identified in the administrative record and evaluated before the City relies on any finding that contiguity has been established.

These written comments are material even if they do not independently prove non-contiguity. Together with Kris Wirth's live testimony and the January 2026 correspondence discussed below, they corroborate that boundary uncertainty is concrete, not hypothetical. At minimum, those concerns require the City to identify legal boundary evidence before treating contiguity as established.

This sequence requires clarification. If the City contends that contiguity was established on April 13, it should identify the specific exhibit, map, survey, legal description, title evidence, or other record material relied upon at that time. If no such record evidence existed, the City should clarify that contiguity remained open and was not established by the April 13 action.

Legal Framework
Idaho Code §50-222 governs annexation by cities. It defines "contiguous" as "sharing a common border," excludes shoestring connections, and makes contiguity a prerequisite to annexation. Accordingly, the relevant record question is not whether annexation is desirable, whether the applicant consents, whether housing is needed, whether conservation benefits are claimed, or whether further studies may be submitted later. The threshold question is whether the subject land shares a legally valid common border with the City.

The City's burden, before relying on a finding of contiguity, is to identify the evidence supporting that finding in the administrative record. Where Council asks during the hearing whether contiguity is established, the answer should be record-based. It should identify the specific evidence supporting the finding. A response based on apparent adjacency, absence of intervening lands, or a view that the boundary could not be interpreted otherwise does not identify the applicable legal standard, the controlling boundary evidence, or the basis for a substantial-evidence finding.

[16] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, Mayor Martha Burke, City audio recording at 1:47:24.
[17] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Attorney Chris Simms, City audio recording at 1:49:05.
[18] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Attorney Chris Simms, City audio recording at 1:50:00.
[19] M4 Attachment B – Steve Crosser Written Comment on Boundary Uncertainty, April 19, 2026.

What Must be Demonstrated

To support a finding of contiguity, the administrative record should identify the legal boundary evidence establishing a common border, show where that evidence appears in the record, and address any boundary uncertainty raised before, during, or after the April 13 hearing.

Required Showing	Why It Matters
The specific City boundary allegedly sharing a common border with the Old Board Ranch parcel	The statutory test is common-border contiguity, not general proximity
The exact shared-boundary segment, including legal description, bearing / distance, survey reference, plat reference, or equivalent boundary evidence	A conclusion that parcels appear to adjoin is not boundary proof
The stamped boundary survey, recorded plat, deed, title evidence, or equivalent legal boundary record supporting the claimed common border	Contiguity must be established by legally controlling boundary evidence, not assumption
Confirmation that the claimed boundary is continuous, legally valid, land-to-land, and not dependent on a point touch, right-of-way, shoestring connection, intervening parcel, Lions Park, parcel aggregation, or sequencing theory	Idaho Code §50-222 requires common-border contiguity and rejects shoestring-style theories
Identification of the record evidence supporting the applicant's April 13 statement that the City boundary "runs along the edge" of the parcel and that the parcel is "continuous or adjacent" to the City	Applicant assertion is not evidence unless tied to controlling boundary documents
Identification of the record evidence relied upon when Council asked whether contiguity was known "100%"	Council asked the threshold question before voting; the record should show the evidentiary basis for any answer
Identification of whether the City Administrator's April 13 response was based on survey, title evidence, legal description, GIS, visual inspection, or another source	The record must distinguish legal proof from apparent adjacency
Identification of whether the City Attorney identified any record evidence establishing contiguity after Council asked whether the property was known to be contiguous	The City Attorney had identified contiguity as a finding; the record should show whether legal evidence supported that finding
Identification and evaluation of lot-line / boundary concerns raised through April 13 testimony and the post-hearing property-owner letter	The City should not rely on apparent adjacency where concrete boundary uncertainty has been raised
Identification and evaluation of Mr. Wirth's May 11 written comment and the pre-hearing boundary-pin discrepancies identified near the Wirth property	Boundary uncertainty raised before, during, and after the hearing should be addressed before contiguity is treated as established
Confirmation whether the supporting evidence existed in the April 13 administrative record	Findings adopted on April 13 must be supported by the record as it existed at the time

Threshold Record Gaps

The table below summarizes the principal gaps between the evidence needed to support the April 13 contiguity finding and the evidence identified in the administrative record reviewed to date, including unresolved boundary evidence, pre-hearing boundary uncertainty, and post-hearing written submissions. The detailed record-clarification requests appear later in this memo and in the Administrative Record Index (v4).

Issue	Required Record Showing	Reflected in Record?	Result
Specific shared boundary	Identification of the exact boundary segment shared with City limits	NO	Claimed common border not identified
Survey / legal-description evidence	Stamped survey, legal description, recorded plat, deed, title material, or equivalent boundary evidence	NO	Boundary proof missing
Applicant April 13 map assertion	Record evidence supporting the statement that the City boundary "runs along the edge" and that the parcel is "continuous, or adjacent"	NO	Applicant assertion not tied to legal boundary evidence
Council question regarding contiguity	Legal or evidentiary response to Council's question whether contiguity was known "100%"	NO	Council inquiry not answered with record evidence
City Administrator response	Identification whether the response was based on survey, legal description, title evidence, recorded instrument, GIS, visual inspection, or another source	NO	Apparent adjacency not tied to competent boundary evidence
City Attorney response	Identification whether the City Attorney identified record evidence establishing contiguity after Council asked whether the property was known to be	NO	Legal basis for threshold finding not stated on the record
Lot-line / boundary uncertainty	Evaluation and resolution of Kris Wirth's April 13 testimony and the post-hearing property-owner letter raising boundary uncertainty	NO	Boundary reliability unresolved
Pre-hearing boundary-pin discrepancies	Evaluation and addressing of boundary-pin discrepancies identified by WRLT's engineer near the Wirth property before the April 13 hearing	NO	Pre-hearing boundary uncertainty not shown to have been resolved before the contiguity finding
Shoestring / right-of-way / sequencing issue	Confirmation that claimed contiguity is not dependent on a point touch, right-of-way, shoestring connection, Lions Park, parcel aggregation, or sequencing theory	NO	Statutory contiguity theory not established
April 13 basis	Evidence supporting contiguity as of April 13, 2026	NO	April 13 finding not supported
Reliance risk	Clarification whether the April 13 contiguity finding is procedural only, unsupported, still open, or capable of later reliance	NO	Future reliance risk remains

Analysis

1. Contiguity is the first threshold question because it determines annexation authority.

If contiguity is not established, the City lacks the statutory basis to annex the parcel. The City may still study the proposal, discuss process, or receive materials, but it should not rely on a finding of annexation authority unless the common-border requirement is established in the record.

The April 13 hearing confirms that contiguity was not merely a later technical detail. City staff and the City Attorney both identified contiguity as one of the limited threshold findings before Council. The City Attorney specifically stated that Council would be making three basic findings, including contiguity. That makes the evidentiary basis for contiguity part of the decision before Council that night, not a matter that can be silently deferred without clarifying that the finding remains open.

This is especially important because contiguity was affirmatively questioned before Council voted. The record should show how that threshold question was resolved before Council adopted findings treating contiguity as established.

2. The current record appears to contain a conclusion, not proof.

The central distinction is between a conclusion and record proof. A finding that contiguity exists is not the same as record evidence establishing contiguity. The record should show the actual boundary. It should identify the parcel-to-parcel or parcel-to-City-limit contact. It should show the legal source of that conclusion.

The April 13 hearing illustrates the problem. The applicant asserted that the parcel was "continuous or adjacent to the City"[20] by reference to a presentation map. But a map assertion does not identify the controlling legal boundary. It does not identify a survey, deed, legal description, title record, or bearing and distance. Without those materials, the record contains an assertion of contiguity, not proof of contiguity.

The Councilmember Thea's question at the April 13 hearing underscores this point. If Council asked whether contiguity was established, the response should have identified the record evidence. If the response did not identify a stamped survey, legal description, recorded plat, title evidence, or specific shared-boundary segment, then the hearing did not cure the record gap. It confirmed it.

3. Contiguity cannot be assumed from mapping appearance.
Parcel maps, GIS depictions, aerial imagery, conceptual graphics, and generalized staff statements may help identify a question for review. They do not, by themselves, establish a legally valid common border. If the City is relying on a specific common boundary, that boundary should be identified by legal description, survey, plat, recorded instrument, or equivalent boundary evidence.

The City Administrator's apparent response — that there were no other intervening land areas and that she did not see how it could be interpreted otherwise — may describe a visual or planning-level impression. But the statutory standard is not whether the parcel appears to adjoin the City or whether no intervening land is visible. The statutory standard is whether the parcel shares a legally valid common border with the City.

The April 13 testimony shows why this matters: one resident stated that the relevant property line / City boundary area was not definitive and that a survey would be needed. In that circumstance, the City should not rely on GIS-level appearance or applicant mapping to support an annexation-authority finding.

4. Lot-line uncertainty makes GIS-level assumptions insufficient.
If adjacent property owners have raised boundary uncertainty or questions about the location of shared parcel lines, the City should not treat contiguity as established without legal boundary evidence. Here, boundary uncertainty was raised before Council voted, and additional boundary uncertainty has been raised after the hearing through written property-owner comment letters. That means the record now contains both a lack of affirmative contiguity evidence and affirmative boundary concerns. Those concerns should be addressed or determined immaterial by legal boundary evidence before the City treats contiguity as established.

Mr. Wirth's April 13 testimony is particularly important because it connected the City-limit question to actual boundary uncertainty. The testimony was not merely that a neighbor preferred more information. The testimony was that the resident did not know where his back line was, that he had been informed by the applicant and its engineering representative that his pin was wrong, and that the line at issue was also the line of the City. That testimony directly undermines any assumption that apparent adjacency alone is enough.

Mr. Wirth's written comment reinforces the same point. It is material not because it independently establishes non-contiguity, but because it preserves in writing the boundary / lot-line uncertainty he raised before Council voted.[21]

Pre-hearing correspondence further confirms that this boundary uncertainty was not hypothetical. In a January 26, 2026 email forwarded to the City on January 29, 2026, Amy Trujillo informed Kris Wirth that its engineer had identified "discrepancies with a couple of boundary pins" near his property and that surveyor Mark Phillips was expected to review them.[22] That correspondence gives additional context to Mr. Wirth's April 13 testimony and written comment, and confirms that boundary uncertainty near the relevant property line existed before Council adopted the April 13 contiguity finding.

Mr. Crosser's post-hearing letter submission to the City strengthens the same point. It does not require the City to accept that contiguity is absent, but it does require the City to verify the claimed common border before relying on contiguity as established. The record should therefore answer the following narrow question:

> What legally controlling boundary evidence establishes the specific common border between the Old Board Ranch parcel and existing City limits?

[20] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, WRLT ED Amy Trujillo, City audio recording at 30:49.
[21] M4 Attachment C – Kris Wirth Written Comment on Boundary Uncertainty, May 11, 2026.
[22] M4 Attachment D – WRLT Correspondence Regarding Boundary Pin Discrepancies Near Wirth Property, January 26, 2026.

If the answer is a parcel map, conceptual graphic, GIS layer, applicant presentation, or staff statement that parcels appear to adjoin, the record does not establish contiguity with the level of certainty required for an annexation-authority finding.

5. The April 13 hearing sequence requires record clarification.
M4 Attachment A sets out the April 13 hearing sequence in chronological form. If the chronology is incomplete or inaccurate, the City should correct it by citation to the hearing record. If it is accurate, the City should identify the record evidence supporting the April 13 contiguity finding, given that contiguity was raised before the vote, Council asked whether it had been established, and no controlling legal boundary evidence was identified before findings were adopted.

This is not a request for final subdivision design. It is a request for the record evidence establishing the City's statutory authority to annex the parcel.

6. A later survey may support a later finding; it should not silently backfill the April 13 finding.
The issue is not whether the applicant may later submit a stamped survey, legal description, title report, boundary-line agreement, or other boundary evidence. The issue is whether such evidence existed in the administrative record when Council adopted findings on April 13, 2026.

If later boundary evidence is submitted, it may support a later determination after public review. But it should not be used silently to supply the evidentiary basis for a finding already adopted.

The City should distinguish between:

- evidence existing in the April 13 administrative record;
- evidence submitted after April 13;
- any April 13 findings that cannot be supported by the record as it existed at the time Council voted.

If the April 13 finding of contiguity was procedural only, the City should say so. If the City intends to rely on that finding later, it should identify the boundary evidence supporting that finding as of April 13.

This is especially important because the City Administrator's April 13 response appears to have acknowledged that a survey was probably a good idea.[23] If a survey was probably needed to confirm the boundary, then a later survey may support a later determination. But it should not silently backfill a finding adopted before the survey was submitted, reviewed, or entered into the record.

Post-hearing resident letters may be relevant to later evaluation of boundary uncertainty, but they cannot retroactively supply the evidentiary basis for an April 13 finding that contiguity had already been established. Likewise, a later survey may inform future review, but it cannot cure the record basis for an earlier finding unless the City clearly identifies the legal and factual basis for relying on post-decision materials to support that prior finding.

7. The City should identify the specific parcel-boundary theory supporting contiguity.
The April 13 record should make clear whether the Old Board Ranch parcel is independently contiguous to existing City limits, or whether the City is relying on Lions Park, another City-owned parcel, an additional annexed parcel, a right-of-way, a river corridor, parcel aggregation, or sequencing theory to establish or strengthen contiguity.

This memo does not assume the answer. It asks the City to identify the theory and the evidence.

If the Old Board Ranch parcel is independently contiguous to existing City limits, the City should identify the specific shared legal boundary and the record evidence supporting it. If the City is relying on any other parcel, right-of-way, corridor, aggregation, or sequencing theory, the City should identify that theory and the legal basis for treating it as satisfying Idaho Code §50-222.

The record should not leave the public to infer how contiguity is being established.

8. The shoestring / right-of-way question should be expressly answered.

[23] M4 Attachment A, Old Board Ranch Annexation, April 13, 2026, City Administrator Lisa Horowitz, City audio recording at 1:47:08.

Idaho Code §50-222 does not merely require adjacency in a general sense. It defines "contiguous" as sharing a common border and provides that land is not contiguous if the only common border is along a shoestring connection. It also expressly prohibits annexation where property would be connected to the City only by a shoestring connection or strip of land comprising a highway right-of-way.

Accordingly, the City should identify whether the claimed common border is:

- a true land-to-land common boundary;
- a boundary dependent on a road, highway, or right-of-way;
- a point touch or corner contact;
- a narrow strip or other attenuated connection;
- dependent on Lions Park or another City-owned parcel; or
- dependent on parcel aggregation, sequencing, or inclusion of additional land.

This is not a merits question. It is part of applying the statutory definition of contiguity. If the claimed connection is not a legally valid common border, the record should identify the City's legal basis for treating it as sufficient under Idaho Code §50-222.

9. Boundary evidence should not be deferred if it is necessary to establish annexation authority.
If legal-description, survey, plat, or shared-boundary evidence is necessary to establish contiguity, the City should identify that evidence before treating annexation authority as established. To the extent the City believes those materials may be deferred, the record should identify the legal basis for doing so.

Requested Action
Before relying on, reaffirming, or incorporating any finding that the Old Board Ranch parcel is contiguous to the City, the City should identify in the administrative record:

1. The specific City boundary, City parcel, right-of-way, or other feature allegedly creating contiguity with the Old Board Ranch parcel.
2. The exact shared boundary segment alleged to create contiguity, supported by bearing, distance, survey reference, plat reference, legal description, recorded instrument, or equivalent legal boundary evidence.
3. The stamped survey, recorded deed, plat, title material, GIS layer, or other source relied upon to support the claimed common border, and whether that source was part of the administrative record as of April 13, 2026.
4. Whether the claimed connection is a legally valid, land-to-land common border, and not dependent on a point touch, right-of-way, shoestring connection, intervening parcel, Lions Park, parcel aggregation, or sequencing theory.
5. The specific record evidence supporting the applicant's April 13 statement that the City boundary "runs along the edge" of the parcel and that the parcel is "continuous or adjacent" to the City.
6. The specific record evidence, if any, identified in response to Council's April 13 question whether contiguity had been established.
7. Whether the City Administrator's April 13 response was based on survey evidence, legal descriptions, title evidence, recorded instruments, GIS mapping, visual inspection, or another identified source.
8. Whether the City Attorney identified any record evidence establishing contiguity after Council asked whether the property was known to be contiguous; and if so, where that evidence appears in the record.
9. Whether the City has reviewed and addressed Kris Wirth's April 13 testimony, Kris Wirth's May 11 written comment, and the post-hearing written comment submitted as M4 Attachment B regarding lot-line boundary uncertainty.
10. Whether the pre-hearing boundary-pin discrepancies identified by WRLT's engineer near Kris Wirth's property were reviewed, resolved, determined immaterial, or otherwise addressed before the April 13 contiguity finding was adopted.
11. Whether the evidence supporting contiguity existed in the administrative record as of April 13, 2026; and if not, whether the April 13 contiguity finding should be treated as unsupported, procedural only, or still open for later determination.

Recommended Council Direction
Before further reliance on the April 13 findings, Council should direct staff and counsel to provide a written contiguity verification identifying:

- the Idaho Code §50-222 standard being applied;
- the specific common border relied upon;
- the legal descriptions and survey evidence supporting that common border;
- the record evidence relied upon when Council asked at the April 13 hearing whether contiguity was established;

- whether the City Administrator's April 13 response was based on legal boundary evidence or only on visual / mapping approximation;
- whether the City Attorney identified any legal or evidentiary basis for contiguity after Council asked whether the property was known to be contiguous;
- whether resident lot-line / boundary concerns have been reviewed and addressed;
- whether Kris Wirth's May 11 written comment has been reviewed and addressed;
- whether the pre-hearing boundary-pin discrepancies identified near Kris Wirth's property were reviewed, resolved, determined immaterial, or otherwise addressed before contiguity was treated as established;
- whether the required boundary evidence existed in the April 13 administrative record; and
- whether the April 13 contiguity finding can be treated as supported by the record as it existed when Council voted.

Council should also direct staff and counsel to clarify whether subdivision, plat, survey, or legal-description materials are being deferred and, if so, how the City can treat contiguity as established before those materials are submitted.

The avoidable risk is not requiring a survey too early. The avoidable risk is relying on annexation-authority findings before the record identifies the boundary evidence that supports them.

Because this issue was raised before the April 13 vote, the City should not characterize the contiguity concern as a later objection or future technical detail. It was a threshold record issue before Council when the Resolution and findings were adopted.

The hearing record makes the requested direction especially appropriate. Council itself asked the correct question on April 13: whether the property was known to be contiguous. The administrative record should answer that question with identified legal boundary evidence, not inference, appearance, or post-decision reconstruction.

Closing

The City does not need final subdivision design to answer the contiguity question. It needs the legal boundary evidence that establishes annexation authority. Contiguity is the threshold gateway. Idaho Code §50-222 requires a common border. The record reviewed to date does not identify the specific shared boundary, the legal description, the survey evidence, or the title / recorded boundary evidence supporting the April 13 contiguity finding.

The April 13 hearing record heightens the issue. Contiguity was identified by City staff and the City Attorney as one of the findings Council was being asked to make. The applicant asserted adjacency by presentation map. Public comment challenged the lack of demonstrated contiguity. A resident raised concrete boundary uncertainty. A Councilmember questioned whether the packet contained the threshold information. Councilmember Thea asked whether the property was contiguous and whether Council knew that "100%." No record-based legal confirmation has been identified in the materials reviewed to date. The response identified no intervening lands and apparent adjacency, while also acknowledging that a survey was probably a good idea. The City Attorney did not appear to identify boundary evidence establishing contiguity before Council voted. Council then adopted the Resolution and findings.

The post-hearing property-owner letter reinforces the need for verification. It does not need to establish non-contiguity to be relevant. Together with Mr. Wirth's live testimony, Mr. Wirth's written comment, and pre-hearing correspondence identifying boundary-pin discrepancies near the Wirth property, it shows that concrete lot-line / boundary uncertainty exists in the record and should be addressed before contiguity is treated as established.

If adjacent-owner lot-line uncertainty or boundary concerns exist, the City should not treat contiguity as established based on parcel appearance, GIS mapping, applicant graphics, or staff impression. The record should identify the legally controlling boundary evidence. The requested clarification is limited and practical: identify the boundary, identify the evidence, identify whether that evidence existed on April 13, and clarify whether the April 13 finding may be relied upon.

If the City cannot identify that evidence in the April 13 administrative record, the record should state that plainly and treat contiguity as a threshold issue that has not yet been established for purposes of further reliance on annexation findings.

At minimum, the City should answer the question Council itself raised on April 13: where, specifically, is contiguity established in the administrative record?

Issue: Contiguity (Memo #4)

This index identifies whether the administrative record contains the boundary and legal information required to support a finding that the Old Board Ranch parcel is contiguous to the City under Idaho Code §50-222, and identifies where such information is or is not established.

This index applies to the administrative record as it existed on April 13, 2026.

This index is not intended to require final subdivision design, final plat approval, final engineering, or final agency approvals at this stage. It identifies the minimum boundary and record baseline needed to determine what facts existed in the record, what remains unknown, what has been deferred, and whether the April 13, 2026 contiguity finding — or later reliance on that finding — is supported by substantial evidence in the administrative record.

Where the City's position is that April 13 was procedural only and did not finally determine contiguity, annexation authority, boundary sufficiency, subdivision layout, zoning, or development capacity, the record should identify that position and clarify which findings remain open.

This index is intended to make the contiguity record questions citation-ready; it does not substitute for the survey, legal description, recorded instrument, title evidence, boundary analysis, or other legally controlling boundary evidence identified as missing from the record.

For Memo #4, the key record question is narrow: where, specifically, is the common border between the Old Board Ranch parcel and existing City limits established in the administrative record, and did that evidence exist when Council adopted Resolution No. 2026-30 on April 13, 2026?

If the City intends to rely on post-April 13 boundary evidence, this index also asks the City to distinguish whether that evidence supports a later determination only or is being used to support the April 13 finding retroactively.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
63	Contiguity identified as threshold consideration	April 13, 2026 City Council hearing audio record audio file; Robyn Davis, approx. 18:59; M4 Attachment A	City staff identified contiguity as one of the threshold considerations before Council.	No supporting boundary evidence was identified with that threshold statement.	Contiguity was framed as a required issue, but the evidentiary basis was not identified.
64	City Attorney identified contiguity as one of three findings	April 13, 2026 City Council hearing audio record; Chris Simms, approx. 27:26; M4 Attachment A	City Attorney stated Council would be making three basic findings, including that the land is contiguous to the City.	No stamped survey, legal description, deed, title material, recorded plat, or shared-boundary segment was identified.	Contiguity was a finding Council was asked to make, not a background assumption.
65	Applicant map-based assertion of adjacency	April 13, 2026 City Council hearing audio record; WRLT / Amy Trujillo, approx. 30:49; M4 Attachment A	Applicant stated the City boundary "runs along the edge" of the parcel and described the parcel as "continuous or adjacent" to the City.	The record does not identify the legal boundary evidence supporting that assertion.	Applicant assertion appears map-based and is not tied to controlling boundary documents.
66	Contiguity narrowed as one of limited issues before Council	April 13, 2026 City Council hearing audio record; Chris Simms, approx. 59:51; M4 Attachment A	City Attorney again identified whether the property is contiguous as one of the limited issues before Council.	No record exhibit or legal boundary source was identified when narrowing the issue.	Confirms contiguity was squarely before Council before public comment and deliberation.
67	Public testimony challenging lack of demonstrated contiguity	April 13, 2026 City Council hearing audio record; Tim East, approx. 1:00:28; M4 Attachment A	Public testimony stated there was no demonstration of contiguity and raised concern about lack of a map showing exact corners.	The City did not identify a record-based boundary response before the vote.	The evidentiary challenge to contiguity was preserved before Council acted.
68	Public testimony identifying missing boundary evidence	April 13, 2026 City Council hearing audio record; Joel Loveday, approx. 1:02:32; M4 Attachment A	Testimony identified missing evidence: no survey boundary, no legal description, and no clearly identified shared boundary.	The record does not identify those missing categories as having been supplied before Council voted.	Specific record-sufficiency deficiencies were placed before Council before adoption of the Resolution.
69	Kris Wirth testimony regarding live lot-line / City-limit uncertainty	April 13, 2026 City Council hearing audio record; Kris Wirth, approx. 1:19:32; M4 Attachment A	Wirth testified that his property borders the ditch / boundary area, that he had been told his pin was wrong, that the annexation line was not definitive, and that his back line was also the City-limit line.	No survey, boundary reconciliation, legal description, or record-based resolution of that uncertainty was identified before Council voted.	Boundary uncertainty was concrete, not theoretical, and existed in the record before the April 13 vote.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
70	Pre-hearing boundary-pin discrepancies near Wirth property	Jan. 26, 2026 email from Amy Trujillo to Kris Wirth and Laddie Ann Fuller re: "update on Bullion St project," forwarded by Kris Wirth to Robyn Davis on Jan. 29, 2026; M4 Attachment D	WRLT's Ms. Trujillo informed Mr. Wirth before the April 13 hearing that its engineer had identified "discrepancies with a couple of boundary pins" near his property and that surveyor Mark Phillips was expected to review them.	The record does not show whether those boundary-pin discrepancies were reviewed, resolved, determined immaterial, or otherwise addressed before Council adopted the April 13 contiguity finding.	The record does not show whether those boundary-pin discrepancies were reviewed, resolved, determined immaterial, or otherwise addressed before Council adopted the April 13 contiguity finding.
71	Mayor's continued reliance on contiguity premise	April 13, 2026 City Council hearing audio record; Mayor Martha Burke, approx. 1:35:47; M4 Attachment A	Mayor referred to "15 acres contiguous to the City of Hailey."	No legal boundary evidence was identified in connection with that statement.	The premise of contiguity continued to be used despite unresolved evidentiary objections.
72	Councilmember packet-sufficiency concern	April 13, 2026 City Council hearing audio record; Councilmember Dustin Stone, approx. 1:46:32; M4 Attachment A	Councilmember Stone stated he was not impressed with the level of information and did not feel the threshold items identified by the City Attorney were in the packet.	The record does not show that the packet concern was resolved with boundary evidence before the vote.	A decisionmaker identified the same record-sufficiency problem before Council acted.
73	Council question whether contiguity was known "100%"	April 13, 2026 City Council hearing audio record; Councilmember Kaz Thea, approx. 1:46:51; M4 Attachment A	Councilmember Thea asked whether Council knew "for sure, 100%" that the property was contiguous.	No stamped survey, legal description, deed, title material, recorded plat, or specific shared-boundary segment was identified in response.	Council asked the threshold question before voting; the record does not show a record-based answer.
74	City Administrator response based on no intervening lands / apparent adjacency	April 13, 2026 City Council hearing audio record; Lisa Horowitz, approx. 1:47:08; M4 Attachment A	City Administrator responded that there were no intervening land areas and acknowledged that a survey was probably a good idea.	The response did not identify legal boundary evidence establishing a common border.	Apparent adjacency was offered, but the record did not identify legal boundary proof.
75	Mayor statement that parcels abut	April 13, 2026 City Council hearing audio record; Mayor Martha Burke, approx. 1:47:24; M4 Attachment A	Mayor stated: "They abut against each other. That's contiguous."	The statement did not identify survey evidence, legal descriptions, title evidence, recorded instruments, or a specific shared-boundary segment.	Abutment was asserted, but not tied to controlling boundary evidence.
76	City Attorney procedural response after Council question	April 13, 2026 City Council hearing audio record; Chris Simms, approx. 1:49:05 and 1:50:00; M4 Attachment A	City Attorney explained procedural options and asked whether there was something infirm about the Resolution.	The City Attorney did not identify record evidence establishing contiguity after Council asked whether contiguity was known.	The procedural path was discussed, but the evidentiary basis for contiguity was not supplied on the record.
77	Councilmember Thea statement that contiguity was something she had "heard"	April 13, 2026 City Council hearing audio record; Councilmember Kaz Thea, approx. 2:02:06; M4 Attachment A	Thea stated: "I know nothing about this project. I've heard that it is contiguous."	The record does not identify the legal boundary evidence converting what Council had "heard" into record-supported proof.	Reinforces that contiguity was accepted without identified record evidence.
78	Motion and adoption of Resolution No. 2026-30	April 13, 2026 City Council hearing audio record; Councilmember Kaz Thea, approx. 2:04:10; Resolution No. 2026-30; M4 Attachment A	Council approved the Resolution initiating annexation procedures and adopting findings that treated contiguity as established.	The record does not identify the boundary evidence supporting the contiguity finding as of April 13.	Council adopted the Resolution after the contiguity issue was raised, questioned, and left unsupported by identified boundary evidence.
79	Kris Wirth post-hearing written comment regarding boundary / lot-line uncertainty	May 11, 2026 email from Kris Wirth to Hailey City Council regarding boundary and lot-line uncertainty; M4 Attachment C	Mr. Wirth submitted a written comment to Council after the April 13 vote preserving his boundary / lot-line uncertainty concerns in writing.	The record does not show that the City reviewed, resolved, determined immaterial, or otherwise addressed Mr. Wirth's written boundary concerns before any further reliance on the April 13 contiguity finding.	Confirms Mr. Wirth's April 13 testimony was not a passing or abstract concern; the boundary issue was preserved in writing after the vote.
80	Post-hearing property-owner boundary uncertainty	Steve Crosser written comment on boundary uncertainty, April 19, 2026; M4 Attachment B	A separate property owner submitted written comment raising lot-line / boundary uncertainty after the April 13 hearing, adding to the boundary concerns already raised by Mr. Wirth orally and in writing.	The record does not show that the City has resolved or determined immaterial the boundary uncertainty through legal boundary evidence.	The post-hearing letter does not retroactively support April 13 findings, but together with Mr. Wirth's oral and written comments, it reinforces the need for verification before future reliance.
81	Required boundary evidence not identified	M4 Memo; M4 Attachment A; M4 Attachment B; M4 Attachment C; M4 Attachment D; City record reviewed to date	The record contains assertions of contiguity, objections to missing proof, live boundary uncertainty, pre-hearing boundary-pin discrepancy correspondence, Council questions, and post-hearing written boundary concerns.	The record does not identify a stamped survey, legal description, deed, title material, recorded plat, bearing / distance, or specific shared-boundary segment establishing contiguity as of April 13.	The administrative record reviewed to date does not establish the statutory contiguity predicate for reliance on the April 13 finding, particularly where boundary uncertainty was raised before, during, and after the hearing.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
82	Pre- vs. post-April 13 reliance issue	Series Exhibit A; M4 Memo; M4 Attachment A; M4 Attachment B; M4 Attachment C; M4 Attachment D	The record distinguishes April 13 hearing materials, pre-hearing January 2026 boundary-pin correspondence, the April 19 Crosser letter, and the May 11 Wirth written comment.	The City has not clarified whether the pre-hearing boundary-pin discrepancies were resolved before April 13, or whether any later-submitted boundary evidence is being used to support a future determination only or to backfill the April 13 finding.	Pre-decision boundary concerns should be addressed as part of the April 13 record-sufficiency question; post-decision materials may support later review but should not silently backfill the April 13 finding.
83	Contiguity status for future reliance	M4 Memo; Resolution No. 2026-30; M4 Attachment A	The April 13 Resolution appears to treat contiguity as established.	The City has not clarified whether the April 13 contiguity finding is supported, unsupported, procedural only, still open, or capable of later reliance.	The City should clarify the status of the April 13 contiguity finding before relying on it in annexation, zoning, subdivision, or development review.

Closing Record Question

This Index asks whether the administrative record contains the legal boundary evidence necessary to support the April 13, 2026 contiguity finding or any later reliance on that finding. If the specific shared boundary, legal description, stamped survey, recorded instrument, title evidence, boundary analysis, or record-based response to Council's April 13 contiguity question was not identified before the finding was adopted, the City should identify that gap and clarify whether the April 13 contiguity finding is supported, unsupported, procedural only, or still open for later determination.

If boundary evidence was submitted or developed after April 13, 2026, the City should distinguish whether that evidence supports a later determination only or is being used to support the April 13 finding retroactively. At minimum, this Index asks the City to answer the question Council itself raised before voting: where, specifically, is contiguity established in the administrative record?

M4 Attachment A – April 13, 2026 Hearing Chronology: Contiguity Finding and Record-Sufficiency Arc

This attachment provides a focused chronology of the April 13, 2026 City Council hearing as it relates to contiguity and annexation authority. It identifies the points in the hearing when contiguity was framed as a required finding, when the lack of boundary evidence was raised, when Council asked whether contiguity was established, and whether any survey, legal description, title evidence, recorded instrument, or specific shared-boundary segment was identified before Council voted.

This attachment is not a full hearing transcript. It is intended to support Memo #4 by isolating the record-sufficiency sequence relevant to the April 13 contiguity finding. References to the April 13, 2026 hearing are based on the City's public hearing audio record (*'City Council_20260413-1722_01dccb6a153614f0.mp3'*) which is the source material for M4 Attachment A.

Time	Speaker	What Was Said / Record Excerpt	Significance to Contiguity Arc
18:59	Robyn Davis, City Community Planning Director	Explained that Council's decision would be based on the annexation review agreement and three threshold considerations, including that "the lands are contiguous to City limits"	Establishes that contiguity was not incidental. Staff identified it as one of the required threshold considerations at the LOI / Resolution stage.
27:26	Chris Simms, City Attorney	Stated that the action item was "limited to those matters in the resolution that I prepared," and that Council would be making "three basic findings": consent by landowner, "land is contiguous to the City," and land is within or is addressed by Comprehensive Plan Land Use Map	Critical anchor. City Attorney confirms he drafted the resolution and identifies contiguity as a finding Council was being asked to make that night.
30:49	Amy Trujillo, WRLT ED	Applicant presentation states the City boundary is shown in red and "runs along the edge" of the parcel; applicant says the parcel is "continuous or adjacent to the City"	Applicant asserts contiguity by reference to a presentation map. The record excerpt does not identify a stamped survey, legal description, deed, or specific shared boundary bearing/distance.
59:51	Chris Simms, City Attorney	Before public comment, Simms again narrows the issues before Council: "whether the property is contiguous, whether it's within the land use plan, land use map, and whether the application is by consent."	Confirms again that contiguity was one of the limited issues properly before Council that evening. This supports treating later public-comment objections as directly responsive to the decision before Council.
1:00:28	Tim East, Hailey resident	States that the City must have authority and must do this "in a specific way"; says the public has not seen a map showing "exactly what the corners are"; states the Resolution is "not simply an initiated process" because it "makes formal findings," including that the property is contiguous; states "there is no demonstration of contiguity."	First direct public comment challenge to the evidentiary basis for the contiguity finding. Frames the issue as authority to annex, formal finding, and missing boundary proof.
1:02:32	Joel Loveday, Hailey resident	States the resolution treats contiguity as established, but the determinations are not supported by evidence in the record; identifies missing evidence: "no survey boundary," "no legal description," and "no clearly identified shared boundary"; states that without that, there is no basis in the record to support a contiguity finding.	Record-sufficiency objection. Identifies the missing categories of evidence needed to substantiate contiguity rather than merely assert it.
1:19:32	Kris Wirth, Hailey resident	States that his property borders the ditch / boundary area; says that in City of Hailey if you want to do something as simple as "build a fence, you need to have a survey"; states the Land Trust and an engineer came to his house and informed me that "my pin was wrong", that "the pin for my property wasn't properly placed" and "that there were different mechanisms they were trying to investigate to resolve the issue;" says "the line of the property that's to be annexed isn't definitive"; says he does not know where his back line is and "it is the line of the City [limit]"; questions whether the process should go ahead until there is a definitive line showing where City property is.	Converts the issue from abstract record insufficiency into concrete boundary uncertainty. Supports the need for a stamped survey / definitive city-limit and parcel-boundary showing before reliance on contiguity.

Time	Speaker	What Was Said / Record Excerpt	Significance to Contiguity Arc
1:35:47	Martha Burke, Mayor	States that the reason for taking “Step one” is to study what should or should not be done on “15 acres contiguous to the City of Hailey.”	Shows continued reliance on the premise that the property is contiguous, without resolving the evidentiary objections already raised.
1:46:32	Dustin Stone, Council	States he is “not impressed with the level of information” he has and does not feel that the three things Chris Simms told him needed to happen — including “continuity” and Comprehensive Plan — were in the packet.	Councilmember acknowledges that the packet did not appear to contain support for the threshold findings Council was asked to make.
1:46:51	Kaz Thea, Council	Asks: "So can we answer that question? Is it contiguous? Do we know for sure, 100%, if that's one of the things we're assessing today, that this property is contiguous with the City property?"	Central moment of the arc. A councilmember asks for confirmation that contiguity is established before voting on the Resolution.
1:47:08	Lisa Horowitz, City Administrator	Responds: "Yeah. I mean, there's no other intervening land areas. And a survey is probably a good idea, as Mr. Wirth said … I don't see how it could be interpreted otherwise, honestly, but"	Response is based on apparent adjacency / no intervening land, while acknowledging that a survey is probably a good idea. It does not identify a stamped survey, deed, legal description, or specific record citation establishing a continuous shared boundary.
1:47:24	Martha Burke, Mayor	Follows on: "They abut against each other. That's contiguous."	Response is based on apparent adjacency. It does not identify a stamped survey, deed, legal description, or specific record citation establishing a continuous shared boundary.
1:49:05	Chris Simms, City Attorney	When asked by Burke to "run this by one more time," Simms explains the procedural options: motion to approve the Resolution, deny the Resolution, or table the matter	Material record gap. City Attorney explains procedural options but does not identify record evidence establishing contiguity, despite having drafted the Resolution and previously identified contiguity as a finding Council was being asked to make.
1:49:28	Kaz Thea, Council	States that the three things being decided are clear and that "part of this letter of intent is contiguous."	Shows the contiguity issue remained front-of-mind and unresolved for Council during deliberation.
1:50:00	Chris Simms, City Attorney	Responds that a motion and second could allow details to be worked out, and asks whether there is “something infirm about the Resolution itself.”	Reinforces that the issue was about the resolution’s validity / sufficiency, but again no record evidence establishing contiguity is identified.
2:02:06	Kaz Thea, Council	States: "I know nothing about this project. I've heard that it is contiguous."	Reinforces that contiguity was accepted based on what Council had “heard,” not on identified record evidence. This matters because Thea had earlier asked whether contiguity was known “for sure, 100%,” and Kris Wirth had described live lot-line uncertainty involving the ditch / City-limit area. No definitive boundary evidence was identified before the vote.
2:03:06	Martha Burke, Mayor	Calls for a motion because time has run out	Shows the matter moved to a vote under time pressure without resolving the contiguity record-sufficiency issue. Council proceeded after public testimony identified missing boundary proof and live lot-line uncertainty, but before any record citation or definitive boundary evidence was identified.

Time	Speaker	What Was Said / Record Excerpt	Significance to Contiguity Arc
2:04:10	Kaz Thea, Council	Moves to approve Resolution No. 2026-30, approving the annexation review agreement and initiating procedures for annexation of approximately 15 acres “into city limit boundaries of the City of Hailey.”	Council adopts the Resolution after contiguity had been identified as a threshold finding, challenged by public testimony, questioned by Council, and left unsupported by any identified survey, deed, legal description, or specific shared-boundary record citation.

M4 Attachment B – Steve Crosser Written Comment on Boundary Uncertainty, April 19, 2026

This attachment preserves Steve Crosser's April 19, 2026 written comment regarding boundary / lot-line uncertainty. It is included to show that, after the April 13 hearing, an additional property owner raised boundary concerns relevant to the City's reliance on the contiguity finding.

This attachment does not itself establish whether contiguity exists. It reinforces the need for the City to identify the legal boundary evidence supporting any finding that the Old Board Ranch parcel shares a common border with the City.

From: **steve O** <stevecrosser@gmail.com>
Date: Sun, Apr 19, 2026 at 10:22 AM
Subject: Old Board Ranch annexation
To: Mary Cone <mary.cone@haileycityhall.org>

City Council and Mayor,

My name is Steve Crosser. I'm a longtime Hailey resident and property owner on Aspen Dr. backed up to the WRLT property.

I want to speak to a boundary issue on the Old Board Ranch annexation. From what I can tell, one of the pins is off by 10 feet or more. That raises real questions about where the lot line actually sits.

If the line isn't clearly established, I don't see how it can be assumed that it's contiguous. The record in front of you doesn't show it clearly.

That's my concern.

Thank you,

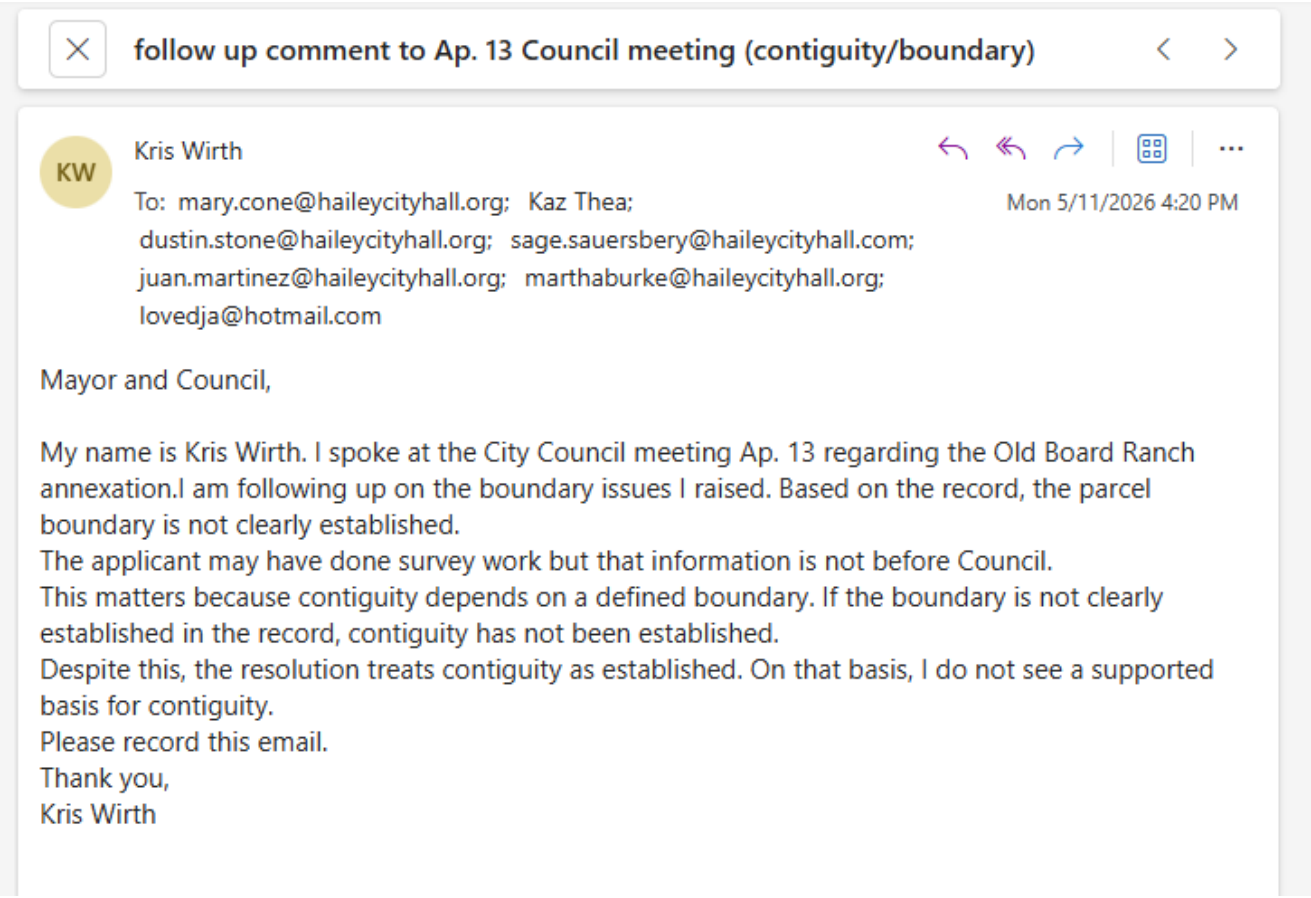
Steve Crosser 431 Aspen Dr.

Let this be entered into the public record.

M4 Attachment C – Kris Wirth Written Comment on Boundary Uncertainty, May 11, 2026

This attachment preserves Kris Wirth's May 11, 2026 written comment regarding boundary / lot-line uncertainty near the Old Board Ranch parcel. It is included to document, in writing, the boundary concerns Mr. Wirth raised during the April 13 hearing.

This attachment does not itself establish whether contiguity exists. It reinforces the need for the City to identify the legal boundary evidence supporting any finding that the Old Board Ranch parcel shares a legally valid common border with the City.



follow up comment to Ap. 13 Council meeting (contiguity/boundary)

KW

Kris Wirth

To: mary.cone@haileycityhall.org; Kaz Thea; dustin.stone@haileycityhall.org; sage.sauersbery@haileycityhall.com; juan.martinez@haileycityhall.org; marthaburke@haileycityhall.org; lovedja@hotmail.com

Mon 5/11/2026 4:20 PM

Mayor and Council,

My name is Kris Wirth. I spoke at the City Council meeting Ap. 13 regarding the Old Board Ranch annexation.I am following up on the boundary issues I raised. Based on the record, the parcel boundary is not clearly established.
The applicant may have done survey work but that information is not before Council.
This matters because contiguity depends on a defined boundary. If the boundary is not clearly established in the record, contiguity has not been established.
Despite this, the resolution treats contiguity as established. On that basis, I do not see a supported basis for contiguity.
Please record this email.
Thank you,
Kris Wirth

M4 Attachment D – WRLT Correspondence Regarding Boundary Pin Discrepancies Near Wirth Property, January 26, 2026

This attachment preserves WRLT's January 26, 2026 correspondence to Kris Wirth regarding boundary-pin discrepancies near the Wirth property. It is included to show that boundary uncertainty was not merely post-hearing or theoretical: before the April 13 hearing, WRLT had informed Mr. Wirth that its engineer had identified "discrepancies with a couple of boundary pins" near his property and that a surveyor was expected to review them.

This attachment does not itself establish whether contiguity exists. It supports Memo #4's request that the City identify the legal boundary evidence supporting the April 13 contiguity finding and clarify whether the referenced boundary-pin discrepancies were addressed before contiguity was treated as established.

From: Kris Wirth
To: Robyn Davis
Subject: Fwd: update on Bullion St project
Date: Thursday, January 29, 2026 8:58:55 AM
Attachments: Bullion St letter to neighbors 01262026.pdf

---------- Forwarded message ---------
From: **Amy Trujillo** <atrujillo@woodriverlandtrust.org>
Date: Mon, Jan 26, 2026 at 12:14 PM
Subject: update on Bullion St project
To: Kris Wirth <kriswirth@gmail.com>, Laddie Ann Fuller <annfuller2@yahoo.com>
Cc: Erin Dorr <erin@woodriverlandtrust.org>, Samantha Stahlnecker <sam@opal-engineering.com>

Hi Kris and Ann,
I hope this finds you well. I wanted to give you a heads up that after a series of delays for various studies, etc., you're going to start seeing movement again on the Bullion St project from a few years ago (the old Caplow property). If you'll remember, we'd received a restricted gift to be able to buy the property which conditioned it on making the disturbed portion of the property near the northern end available for community workforce housing. We've found a nonprofit housing partner who is willing to take on the project with the constraints we've put on it (no housing in the floodplain, protect the wetlands and access to the preserve, 100% deed restricted homes for local workforce), and now it's time for us to split the parcel so that we can separate off the part we're going to retain.

To do that, we're applying for the parcel to be annexed into the City of Hailey and then split. We're sending out letters to the neighbors within the 300 foot adjoiners list that the City uses to provide notice to, but I wanted to reach out to you before you just received it in the mail. The letter is attached. It includes some dates and times of "open office hours" to come get questions answered, but I'm also happy to meet outside of those times if that's helpful.

I also got word from Sam Stahlnecker, our engineer on this (cc'd here as well), that there are some discrepancies with a couple of boundary pins down near your property. They're not terribly concerning, and I'm sure we can come up with a solution, but she'd mentioned the surveyor (Mark Phillips) is looking to go out there on Wednesday. If you're around and available to talk with him, that's great but we can also follow up afterward if you're not available. I'm currently out of town, but if you have questions for Sam before Mark gets out there, please reply here and she can try to answer them.

I'll be back in town on Friday, so if you reply to this message you'll get an "out of office" message from me, but I'll try to check emails before then. Erin from our office (cc'd here) also has access to my schedule and can schedule some time together if we want to get that on the calendar before I get back.

One other thing I just noticed as I was reading the attached letter again (although my team tells me they just dropped the letters in the mail) - I realized there is an error when you compare the text of the letter and the exhibit...the letter says "over 10 acres" will be included in the preserve, but the exhibit says 9.82 acres. This was a mistake, as when I was drafting the letter

I took 15 acres minus the 4.74 acres to be zoned GR, instead of just looking at the RGB acreage on the exhibit, and part of the original 15 acres ("Tax Lot 6341" on the map) is already within the City...sigh, that's what I get for trying to work on this while on vacation. Anyway, the letter should say "Initially, it was estimated that approximately 8 acres of the 15-acre parcel would be retained by WRLT. In light of these additional studies, now 9.82 acres will be retained for inclusion in Draper Preserve." If you hear people concerned about this discrepancy and thinking it's an intentional deception, please share this and remind them that we're human over here.

Thanks much, and I hope to talk with you soon,
Amy

--
Amy Trujillo
Executive Director

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	Martha Burke; Kaz Thea; Juan Martinez; Dustin Stone; Sage Sauerbrey; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation -- Memo #4: Contiguity
Date:	Tuesday, May 12, 2026 10:28:42 AM
Attachments:	Old Board Ranch Annexation_Record Review Series_M4_Contiguity_Council_05122026.pdf

Mayor and Council members,

I am submitting the attached Administrative Record Review Series Memo #4 — Contiguity: Administrative Record Does Not Establish Annexation Authority, together with the related Administrative Record Index (v4) and M4 Attachments A–D, for inclusion in the Old Board Ranch annexation administrative record.

This submission follows Memo #3 and Supplemental Record Submission No. 1 and addresses one narrow threshold issue: whether the April 13 administrative record identifies the legal boundary evidence necessary to support the finding that the Old Board Ranch parcel is contiguous to the City under Idaho Code §50-222.

Memo #4 does not ask the City to resolve final subdivision design, final engineering, or final plat issues at this stage. It asks the City to identify the specific common border relied upon, the legal boundary evidence supporting that common border, and whether that evidence existed in the administrative record when Council adopted the April 13 resolution and findings.

The April 13 hearing record makes this clarification important. Contiguity was identified as one of the findings Council was being asked to make; public testimony challenged the lack of demonstrated boundary evidence; boundary / lot-line uncertainty was raised before the vote; Council asked whether contiguity was known “100%”; and no stamped survey, legal description, recorded instrument, title evidence, or specific shared-boundary segment appears to have been identified in response before Council voted.

The submission asks the City to clarify whether the April 13 contiguity finding is supported by evidence in the April 13 administrative record, procedural only, unsupported, or still open for later determination. It also asks the City to distinguish any post-April 13 boundary evidence from evidence that was actually before Council when the finding was adopted.

Please enter this submission and all attachments into the administrative record. Thank you.

Joel Loveday
Hailey

From: Mary Cone
To: Robyn Davis
Subject: FW: follow up comment to Ap. 13 Council meeting (contiguity/boundary)
Date: Tuesday, May 12, 2026 9:46:53 AM

Comments

From: Kris Wirth <kriswirth@gmail.com>
Sent: Monday, May 11, 2026 5:20 PM
To: Mary Cone <mary.cone@haileycityhall.org>; Kaz Thea <kaz.thea@haileycityhall.org>; Dustin Stone <dustin.stone@haileycityhall.org>; sage.sauersbery@haileycityhall.com; Juan Martinez <juan.martinez@haileycityhall.org>; marthaburke@haileycityhall.org; lovedja@hotmail.com
Subject: follow up comment to Ap. 13 Council meeting (contiguity/boundary)

Mayor and Council,

My name is Kris Wirth. I spoke at the City Council meeting Ap. 13 regarding the Old Board Ranch annexation.I am following up on the boundary issues I raised. Based on the record, the parcel boundary is not clearly established.
The applicant may have done survey work but that information is not before Council. This matters because contiguity depends on a defined boundary. If the boundary is not clearly established in the record, contiguity has not been established.
Despite this, the resolution treats contiguity as established. On that basis, I do not see a supported basis for contiguity.
Please record this email.
Thank you,
Kris Wirth

Old Board Ranch Annexation – Council Brief
Memo #5 – Ordinance 889: Annexation, Subdivision Sequencing, and Application Completeness
Related Submission: Memo #5 – Ordinance 889; Administrative Record Index (v5); M5 Attachments A-C
5/14/2026

Bottom Line
Memo #5 raises one narrow procedural and record-sufficiency issue:

> The administrative record does not yet identify the Ordinance 889 / Title 14 completeness standard that will govern the forthcoming WRLT annexation application, or the legal basis for allowing annexation-related zoning, density, parcel-configuration, and Annexation Review Agreement assumptions to proceed while subdivision-level materials are deferred to a later LEAP Housing process.

The issue is not whether final subdivision approval must occur before annexation review. The issue is whether the City may carry forward zoning, density, parcel-configuration, annexation-agreement, or other annexation-related assumptions before the administrative record identifies the Ordinance 889 completeness standard and related project-level requirements, including:

- the applicable completeness standard;
- the required project-level materials;
- the subdivision-level information required for meaningful review; and
- the legal basis for treating Ordinance 889's "shall" language as permitting — rather than requiring — concurrent subdivision review.

The record matters because WRLT's own materials already describe:
- a Large-Block Preliminary Plat;
- proposed residential parcels;
- GR/RGB zoning allocations;
- density calculations;
- road dedication;
- proposed unit counts; and
- a proposed residential / preserve parcel split.

The prior same-parcel Caplow / Bullion Partners record also matters. That record shows the City previously required substantial project-specific and subdivision-level information before certifying the application complete and before scheduling Planning & Zoning review for this same constrained parcel.

The current record does not yet explain:
1. whether the forthcoming WRLT annexation application will be held to the same completeness standard; or
2. the legal and evidentiary basis for applying a different or lesser standard.

Five Council Takeaways

1. **This is about application completeness and sequencing, not final subdivision approval.**
   Memo #5 does not ask the City to require final engineering, final plat approval, or final subdivision approval at the current stage. The narrower question is whether annexation-related findings, zoning assumptions, density assumptions, parcel configuration, or annexation-agreement terms may proceed before the subdivision-level information required under Ordinance 889 is identified in the record.

2. **The City internally identified the exact sequencing issue before any application was submitted.**
   City PRR materials show that staff and counsel discussed whether WRLT could proceed with annexation while allowing LEAP Housing to bring subdivision applications later. The record reflects:
   - Community Development Director Robyn Davis asking whether WRLT needed both annexation and subdivision applications;
   - City Administrator Lisa Horowitz responding that zoning and minimum/maximum densities could be established first and subdivision could wait;
   - City Attorney Christopher Simms stating that the ordinance language was "limiting, but not mandatory"; and
   - staff later communicating that interpretation to the applicant's engineer.

   Memo #5 asks where that interpretation:
   - was publicly disclosed;
   - reduced to legal or administrative analysis;

- reconciled with Ordinance 889; and
- incorporated into the public administrative record.

3. **The prior same-parcel record shows the City previously enforced the completeness gate before P&Z review.**
   The February 16, 2005 City letter to Bullion Partners / Mark Caplow stated that the application was "currently incomplete" and required additional information before the City could certify the application complete and schedule the first Planning & Zoning hearing.

   The prior same-parcel record shows the City previously required the following before the application advanced:
   - schematic project design;
   - proposed lots;
   - streets and utilities;
   - density information;
   - neighborhood compatibility analysis;
   - floodplain and wetland information;
   - infrastructure impacts;
   - fiscal impacts; and
   - related studies.

   Memo #5 does not argue that the 2005 record controls the outcome of the current proposal. It does establish an important same-parcel administrative baseline: this parcel previously required substantial project-specific and subdivision-level review before annexation findings could be relied upon.

   If the City intends to apply a different or lesser standard now, the record should identify that standard and explain the basis for the difference.

4. **WRLT's own materials make subdivision central to the proposal.**
   The current proposal is not presented as bare annexation. WRLT's materials identify:
   - Annexation plus a Large-Block Preliminary Plat;
   - residential parcels;
   - GR/RGB zoning allocations;
   - density calculations;
   - road dedication;
   - proposed unit counts; and
   - a proposed split between workforce housing acreage and preserve acreage.

   The Annexation Review Agreement likewise describes the LOI as annexation "for a subdivision consisting of residential lots." The subdivision issue is therefore not hypothetical or premature. The question is whether enough project-level and subdivision-level information exists in the record to evaluate those concepts before annexation-related findings, zoning assumptions, density assumptions, or parcel-configuration assumptions are carried forward.

5. **The parcel's floodplain and constraint history makes the completeness issue more important, not less.**
   The prior City and County record reflects:
   - FEMA / LOMR history;
   - floodplain concerns;
   - observed flooding;
   - flood-storage concerns;
   - channelization concerns;
   - wetlands issues;
   - sewer-line concerns; and
   - engineering review.

   Memo #5 does not argue that those materials determine the current proposal. It does argue that they help explain why the City previously required substantial project-specific review for this parcel before annexation findings advanced.

Implications for the April 13 Findings

Council's April 13 action did more than acknowledge future interest in annexation. Before any formal annexation application or subdivision application had been submitted, Council:

- adopted findings;

- approved a Resolution;
- authorized an Annexation Review Agreement;
- initiated zoning-classification procedures; and
- adopted recitals relating to owner consent, contiguity, and Comprehensive Plan Land Use Map inclusion

If the April 13 action was procedural only, the record should clearly identify:

- which findings remain open;
- which assumptions remain preliminary; and
- which issues require later evidentiary support.

If April 13 findings, assumptions, or Resolution recitals will later be relied upon during annexation, zoning, subdivision, feasibility, or development review, the City should identify the factual and legal basis that existed in the administrative record as of April 13, 2026.

Practical Risk to the City

The avoidable risk is not requiring too much information too early. The avoidable risk is allowing annexation-related findings, zoning assumptions, density assumptions, or development-platform momentum to advance before the administrative record identifies:

- the applicable completeness standard;
- the required project-level information;
- the basis for deferral; and
- the legal interpretation supporting the sequencing approach.

If the City later relies on April 13 findings, zoning assumptions, density assumptions, parcel-configuration assumptions, or ARA terms without clarifying those issues, later proceedings may depend upon an application-completeness framework whose legal and evidentiary basis has not yet been identified in the public record.

The City can reduce that risk now by clearly identifying:

- the governing completeness standard;
- what materials are required;
- what has been deferred; and
- what findings remain open.

Requested Clarifications Before Further Action

Before further reliance on annexation-related findings, zoning assumptions, density assumptions, or parcel-configuration assumptions, the record should clearly identify:

1. the Ordinance 889 / Title 14 interpretation being applied regarding annexation and subdivision sequencing;
2. the legal basis for treating Ordinance 889's "shall" language as permitting, rather than requiring, concurrent subdivision review;
3. whether that interpretation was reduced to written legal or administrative analysis and disclosed to Council, P&Z, and the public;
4. the completeness standard that will apply before any future WRLT annexation application is accepted, reviewed, or certified complete;
5. whether subdivision-level materials, preliminary plat materials, or Large-Block Preliminary Plat materials must be submitted concurrently with the future annexation application;
6. whether the proposed Parcel A / Parcel B / Parcel C layout, zoning allocations, density calculations, road dedication, and unit counts are conceptual only or intended as future entitlement terms;
7. whether the current WRLT / LEAP sequencing approach materially differs from the prior same-parcel Caplow / Bullion Partners completeness review;
8. whether prior FEMA/LOMR, floodplain, wetlands, environmental, and engineering materials have been reviewed, reconciled, updated, or determined inapplicable;
9. which April 13 findings are procedural only, which remain open, and which may later be relied upon; and
10. what conditions, mitigation obligations, infrastructure obligations, development restrictions, or annexation-agreement terms will bind WRLT, LEAP, future parcel owners, and successors.

Requested Council Direction

Before any further reliance on annexation-related findings or assumptions, Council should direct staff and counsel to provide a written completeness and sequencing clarification that:

1. identifies the Ordinance 889 / Title 14 interpretation being applied;
2. identifies the completeness standard governing the forthcoming WRLT annexation application;
3. identifies what project-level and subdivision-level materials are required before the application may be certified complete;

4. identifies which materials, if any, are being deferred;
5. identifies the legal and procedural basis for any deferral;
6. explains any material departure from the prior same-parcel Caplow / Bullion Partners completeness review;
7. clarifies whether April 13 findings are procedural only, remain open, or may be relied upon later; and
8. distinguishes clearly between:
    - facts established in the April 13 administrative record;
    - future application materials;
    - deferred subdivision materials; and
    - later technical studies or agency determinations.

Council Decision Point

Council does not need to decide final subdivision design today. Council does need to clarify this:

If the City intends to allow annexation-related findings, zoning assumptions, density assumptions, parcel-configuration assumptions, or annexation-agreement terms to proceed while subdivision-level materials are deferred, the administrative record should first identify:

- the governing Ordinance 889 completeness standard;
- the legal basis for the sequencing interpretation;
- the materials required before completeness;
- the materials being deferred; and
- the findings that remain open pending later review.

Until that clarification occurs, April 13 findings and assumptions should not be treated as an established factual or procedural predicate for later annexation, zoning, subdivision, feasibility, or development-capacity review.

Old Board Ranch Annexation – Administrative Record Review Series
Memo #5 – Ordinance 889: Annexation, Subdivision Sequencing, and Application Completeness
5/14/2026

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Governing Standard (Exhibit A)
This memo should be read in conjunction with Series Exhibit A — Record Sufficiency and Verification Standard, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

This standard is especially important here because the April 13 action occurred at the pre-application LOI / ARA stage, before any formal annexation application or subdivision application had been submitted. If the City intends to treat April 13 findings, Resolution recitals, concept materials, zoning assumptions, density assumptions, parcel-configuration assumptions, or ARA terms as support for later annexation, zoning, subdivision, feasibility, or development review, the administrative record must identify what factual and legal basis existed as of April 13, 2026.

Bottom Line

The record does not yet explain how the City may advance or carry forward annexation, zoning, density, and parcel-configuration assumptions or findings for the WRLT / LEAP proposal while deferring subdivision-level application materials to a later LEAP process.

> That sequencing question matters because WRLT's own materials describe the proposal as annexation tied to a Large-Block Preliminary Plat, proposed residential blocks, GR/RGB zoning, density calculations, road dedication, and unit counts.[1] The Annexation Review Agreement likewise describes the LOI as annexation "for a subdivision consisting of residential lots under the name of Sawmill Cottages."[2]
>
> The City's annexation checklist and current Ordinance 889 materials require project-level information as part of annexation completeness, including proposed lots, density, streets, utilities, sidewalks, schematic design, Comprehensive Plan consistency, natural-resource and natural-hazard mitigation, infrastructure impacts, phasing, fiscal impact, and applicable studies.[3]
>
> The prior same-parcel record shows the City previously required this type of information before certifying the application complete and before scheduling P&Z review. In a February 16, 2005 letter to Bullion Partners / Mark Caplow, the City stated that the application was incomplete and required additional information "before we can certify the application as complete and schedule the first hearing before the Planning and Zoning Commission."[4]

The record should therefore answer two questions before further reliance on annexation, zoning, density, parcel configuration, or subdivision sequencing:

[1] 041326 City Council Packet, link, pp. 224-225.
[2] 041326 City Council Packet, link, pp. 219.
[3] Hailey Annexation Application – Ordinance 889 materials, checklist, and Title 14 excerpts, link.
[4] M3 Exhibit 1, p. 207.

Why may annexation-related zoning, density, parcel-configuration, or ARA terms be carried forward at the pre-application LOI / ARA stage before the record identifies the Ordinance 889 completeness standard that will apply to the forthcoming WRLT application?

And if the City intends to apply a different or lesser project-specific information standard than it applied during the prior Caplow / Bullion Partners review of this same constrained parcel, where is that standard identified and what is the legal and evidentiary basis for the difference?

Issue Presented

Whether the City may adopt or carry forward annexation-related findings, zoning classification, density parameters, parcel-configuration assumptions, or annexation-agreement terms at the pre-application LOI / ARA stage — before any formal annexation application or subdivision application has been submitted — while deferring subdivision-level materials to a later LEAP process, when:

1. WRLT's own materials describe annexation tied to a Large-Block Preliminary Plat, proposed residential parcels, zoning, density, road dedication, and unit counts;
2. Ordinance 889 and the City's annexation checklist require project-level information as part of annexation completeness;
3. the City previously required materially similar information from Caplow / Bullion Partners for this same parcel before certifying the application complete and scheduling P&Z review; and
4. the parcel has a documented history of floodplain, wetlands, FEMA/LOMR, flood-storage, channelization, sewer-line, and environmental constraints.

This memorandum does not contend that final subdivision approval must occur before annexation review. The issue is narrower: whether annexation-related findings, zoning classification, density parameters, parcel configuration, or annexation-agreement terms may proceed **o**r later be relied upon without the subdivision-level information required for meaningful review under Ordinance 889, the current checklist, and the site-specific evidentiary baseline reflected in the prior same-parcel record.

What Must Be Demonstrated

To support further reliance on annexation-related findings, zoning classification, density parameters, parcel configuration, subdivision sequencing, or annexation-agreement terms, the administrative record should demonstrate:

1. the legal basis for proceeding at the pre-application LOI / ARA stage before any formal annexation application or subdivision application had been submitted;
2. the City's current 2026 interpretation of Ordinance 889 / Title 14, including whether Ordinance 889's "shall" language requires concurrent subdivision-plat review or permits subdivision-level review to be deferred;
3. whether that interpretation was reduced to written legal or administrative analysis, disclosed to Council, P&Z, and the public, and included in the administrative record;
4. what completeness standard, checklist, required materials, studies, plans, plats, and Administrator determinations will apply before any future WRLT annexation application is accepted, reviewed, or certified complete;
5. whether subdivision, preliminary plat, or Large-Block Preliminary Plat materials must be submitted concurrently with any future annexation application;
6. whether the proposed Parcel A / Parcel B / Parcel C layout, GR/RGB zoning allocation, density calculations, road dedication, and unit counts are conceptual only, future application materials, proposed entitlement terms, future subdivision configuration, or intended annexation-agreement terms;
7. how the current WRLT / LEAP pre-application LOI / ARA-stage process satisfies the current 2026 Ordinance 889 / Title 14 framework, and why any material departure from the City's prior same-parcel Caplow / Bullion Partners completeness record is legally justified and supported by the administrative record;
8. whether prior FEMA/LOMR, County floodplain, wetlands, environmental, flood-storage, channelization, sewer-line, observed-flooding, engineering, and agency materials have been reviewed, updated, superseded, reconciled, or determined inapplicable; and
9. which April 13 findings, if any, are procedural only, which are substantive, which remain open, and which may be relied upon later.

Important Record Context: The City Identified the Sequencing Issue Before Any Application Was Submitted

City PRR materials show that staff identified the precise Ordinance 889 sequencing question before any formal annexation application or subdivision application had been submitted:

> Community Development Director Robyn Davis wrote that WRLT wanted to annex the Caplow property, but preferred not to develop the parcel and instead let "the development team (LEAP)" do so. She asked whether WRLT needed to submit both an annexation application and a subdivision application, or whether WRLT could proceed with only annexation and let LEAP bring the subdivision application later.[5]
>
> City Administrator Lisa Horowitz responded in red: "I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision."[6]
>
> City Attorney Christopher Simms responded: "I agree with Lisa on point one. I believe the code language is limiting, but not mandatory."[7]
>
> Staff then communicated that interpretation to the applicant's engineer, writing: "Christopher is in the same camp as me – the language is limiting, but not mandatory. I think if you include zoning and minimum/maximum densities within the annexation application/agreement, we can wait on the subdivision application." Staff also asked whether WRLT would be willing to bring Lions Park through with its application.[8]

The question is not whether staff and counsel may analyze sequencing. The question is whether that interpretation was ever reduced to a public-facing legal or administrative analysis and reconciled with Ordinance 889, the current checklist, the prior same-parcel review, and WRLT's own Large-Block Preliminary Plat materials.

Ordinance 889 and the Current Checklist Require a Project-Level Annexation Record

The City's current annexation application states that checklist items must be submitted with the application for the application to be considered complete. The checklist requires plans to scale, including a parcel map showing accurate boundaries and a schematic design of the entire project showing proposed uses, density, streets, alleys, easements, and the size and location of open spaces and parks.[9]

The checklist also requires a project description identifying the approximate number and size of proposed lots, the length and location of proposed water and sewer mains, the length and location of proposed streets and alleys, and the length and location of proposed sidewalks.

The ordinance materials require the application to include or attach a project description, schematic design, Comprehensive Plan consistency statement, neighborhood compatibility statement, natural-resource and natural-hazard mitigation statement, infrastructure and services analysis, maintenance/funding statement, phasing plan, applicable studies, and fiscal impact analysis.

These requirements are not merely administrative. They define the information environment in which staff, P&Z, Council, agencies, and the public evaluate annexation.

Even if the City interprets the ordinance as not requiring a formal subdivision application to be approved at the same time as annexation, that does not eliminate the independent requirement for subdivision-level information in the annexation record: proposed lots, density, streets, utilities, sidewalks, schematic project design, infrastructure impacts, fiscal impact, and constraint reconciliation.

Prior Same-Parcel Annexation Review Shows How the City Applied Completeness Requirements

The prior City file is central to Memo #5 because it shows how the City previously applied annexation-completeness requirements to this same parcel before allowing the process to advance. M3 Exhibit 1 identifies the City historical file as containing prior environmental, wetlands, engineering, floodplain, FEMA/LOMR, and application-completeness records. In particular, M3 Exhibit 1, pp. 293–309 identify application-checklist materials, MT-2/FEMA forms, City correspondence, and applicant-submitted materials relevant to what information the City previously required or received in connection with annexation review, including information related to floodplain, wetlands, site planning, and development feasibility.[10]

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[5] M5 Attachment A – October 15-16, 2025 City Staff / City Attorney Email Regarding Annexation / Subdivision Sequencing
[6] M5 Attachment A – October 15-16, 2025 City Staff / City Attorney Email Regarding Annexation / Subdivision Sequencing
[7] M5 Attachment A – October 15-16, 2025 City Staff / City Attorney Email Regarding Annexation / Subdivision Sequencing
[8] M5 Attachment B – October 16, 2025 City Email to Applicant Regarding Annexation / Subdivision Sequencing
[9] Hailey Annexation Application – Ordinance 889 materials, checklist, and Title 14 excerpts, link.
[10] M3 Exhibit 1, pp. 293-309.

The key prior City correspondence is the February 16, 2005 letter to Bullion Partners / Mark Caplow. That letter states:

> "The City received your application for annexation … on February 11, 2005. However, the application is currently incomplete. The following information is required before we can certify the application as complete and schedule the first hearing before the Planning and Zoning Commission."[11]

Under the Ordinance 889 annexation framework, the City then required a Comprehensive Plan consistency statement, a schematic design of the entire project, proposed uses and density, streets, alleys, easements, open spaces, parks, number and size of lots, water and sewer mains, streets and sidewalks, neighborhood compatibility analysis, natural-resource and natural-hazard mitigation, infrastructure impacts, maintenance/funding information, floodplain and wetland information, wildlife review, environmental review, related FEMA/floodplain materials, and fiscal impact study.[12]

That prior letter matters for two reasons.

- First, it shows that the completeness gate was enforced before P&Z review.
- Second, it shows that the City previously treated project-specific subdivision and feasibility information as necessary to annexation review for this same parcel.

The prior application record does not control the outcome of the current WRLT / LEAP proposal. But it establishes a relevant administrative baseline: this parcel has long required site-specific, constraint-specific review before annexation findings can be relied upon.

County and FEMA Materials Explain Why the Prior Completeness Standard Matters

The County PRR materials confirm why this is not a generic annexation site. M3 Exhibit 2 identifies materials relevant to parcel identity, floodplain conditions, FEMA/LOMR history, observed flooding, natural-resource constraints, and whether the record establishes which portions of the site are constrained versus potentially developable.

> In May 2007 correspondence regarding the Bullion Partners LOMR, Blaine County requested that the applicant revise the LOMR request to a CLOMR so FEMA feedback could be obtained before final signature. The County expressed concern about cumulative increases to flood flows, historic channelization of the Big Wood River, increased velocities and material transport, downstream impacts within both the County and City of Hailey, flood-storage capacity, the "100-year Zone X" reference, bank/dike conditions, the City sewer line, and observed 2006 sheet flooding.[13]

> An August 15, 2007 memorandum from Blaine County's Planning Office stated that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated "AE" or another appropriate floodplain designation.[14]

These materials do not determine the current proposal. They do show that the parcel has a long, agency-documented technical history. The current WRLT / LEAP proposal should therefore be supported by a record that meets or exceeds the prior same-parcel evidentiary baseline, not one that defers core project facts to a later applicant.

The Current WRLT / LEAP Proposal Is Not Bare Annexation

WRLT's materials confirm that the proposal is not simply a municipal-boundary adjustment.

> The LOI states that WRLT "now intends to submit applications for Annexation and a Large-Block Preliminary Plat." It also states that the attached exhibit shows the boundaries of the parcel for annexation, including proposed open space, number of housing units, and zoning of three large blocks.[15]

> The zoning analysis exhibit identifies proposed General Residential zoning, Recreational Green Belt zoning, road dedication, GR area, residential parcels, greenbelt parcel, allowable density, density bonus, and proposed unit counts. The exhibit shows

[11] M3 Exhibit 1, pp. 207.
[12] M3 Exhibit 1, pp. 206, 207-209.
[13] M3 Exhibit 2, pp. 22-23.
[14] M3 Exhibit 2, p. 28.
[15] 04132026 City Council Packet, p. 224.

proposed Parcel A as residential, approximately 0.91 acres with 7 proposed units; proposed Parcel B as residential, approximately 3.07 acres with 25 proposed units; and proposed Parcel C as Recreational Green Belt, approximately 9.82 acres.[16]

WRLT's memo explains that a donor funded the acquisition under conditions that the disturbed portion of the old sawmill site would be made available for community workforce housing and the remainder incorporated into Draper Preserve. It further states that Figure 2 shows a proposed split, with approximately 10 acres proposed for Greenway expansion and approximately 5 acres proposed for community workforce housing.[17]

The ARA likewise describes the LOI as annexation "for a subdivision consisting of residential lots under the name of Sawmill Cottages."[18]

Those materials make the subdivision issue central, not hypothetical.

The applicant has already supplied enough information to show that subdivision, parcel configuration, zoning, density, and future development are central to the proposal. The current question is whether the record contains enough information to evaluate those elements before annexation-related findings, zoning classification, density parameters, parcel configuration, or annexation-agreement terms are carried forward.

The City's Public Study List Does Not Resolve the Completeness Problem

Community Development Director Robyn Davis has publicly described several studies expected with the forthcoming annexation application, including traffic, floodplain, wetlands, avalanche, and wildlife studies. She also reportedly stated that, once submitted, staff would review those materials and schedule a public hearing before P&Z; that P&Z would focus on Comprehensive Plan consistency, land-use characteristics, and zoning recommendations; and that the process could take from a month to a year and a half.[19]

That statement is directionally consistent with the annexation checklist, but it does not resolve the completeness issue.

The checklist and Ordinance 889 require more than studies. They also require schematic project design, proposed uses and density, number and size of lots, streets, alleys, sidewalks, water and sewer mains, infrastructure and service impacts, maintenance/funding, phasing, fiscal impact, neighborhood compatibility, natural-resource and hazard mitigation, and Comprehensive Plan consistency.[20]

A traffic study does not establish legal parcel configuration. A floodplain study does not establish subdivision feasibility. A wetlands study does not establish jurisdictional status, buildable acreage, or parcel-specific development capacity. A wildlife study does not establish lot layout, access, utilities, or density allocation. An avalanche study does not answer the central subdivision, floodplain, wetlands, infrastructure, or zoning questions on this parcel.

The issue is not whether studies will be prepared. The issue is whether any future annexation application may be accepted, reviewed, or certified complete – and whether annexation-related findings, zoning classification, density parameters, parcel configuration, or annexation-agreement terms may be carried forward – before the subdivision-level and project-specific facts required by Ordinance 889 are in the record.

Comparison of Ordinance 889 Standards, Prior Same-Parcel Review, and Current WRLT / LEAP Record

A detailed comparison matrix is provided as M5 Attachment C — Ordinance 889 Application Completeness Matrix.

The matrix compares:

1. the applicable annexation-application standard under Ordinance 889
2. the City's prior treatment of the Caplow / Bullion Partners application for the same parcel
3. what the current WRLT / LEAP record reflects
4. the resulting record gap or exposure

[16] 04132026 City Council Packet, p. 225.
[17] 04132026 City Council Packet, pp. 226-233.
[18] 04132026 City Council Packet, p. 219.
[19] Fishman, N. "Hailey annexation proposal takes step forward", Idaho Mountain Express, April 15, 2026, link.
[20] Hailey Annexation Application – Ordinance 889 materials, checklist, and Title 14 excerpts, link.

The comparison shows that the current record has not yet explained whether the forthcoming WRLT annexation application will be held to the same project-specific and subdivision-level information standard the City applied during the prior Caplow / Bullion Partners review of this same constrained parcel.

April 13 Record-Effect Clarification

Staff advised Council that the April 13 action was limited to approval or denial of the Annexation Review Agreement and that detailed land-use characteristics, zoning and density, vehicular impacts, water/wastewater impacts, wildlife, and other issues would not be thoroughly analyzed until an annexation application and supporting studies were submitted.[21]

At the same time, the Resolution initiated procedures to establish zoning classification upon submittal of the contemplated annexation application, recited that the property was owner-consented, contiguous, and included in the Comprehensive Plan Land Use Map, and the ARA described the LOI as seeking annexation for "a subdivision consisting of residential lots."[22]

This creates a record-effect question:

- If April 13 was procedural only, the City should identify which findings remain open, preliminary, or non-substantive and should not be relied upon later as record support for annexation, zoning, density, subdivision, feasibility, or development review.
- If April 13 findings or materials will be relied upon later, the City should identify the factual basis that existed in the administrative record as of April 13, 2026 for each finding or assumption being carried forward.

Threshold Record Gaps

Because the April 13, 2026 action occurred at the pre-application LOI / ARA stage — before any formal annexation application or subdivision application had been submitted — the record does not yet appear to identify:

1. the legal basis for asking Council to adopt annexation-related findings before a formal annexation application had been submitted;
2. the legal basis for asking Council to adopt annexation-related findings before any formal subdivision application, preliminary plat application, large-block plat application, or subdivision plat had been submitted;
3. whether the April 13 action was based only on a letter of interest, concept materials, and an ARA request, rather than a complete annexation application and concurrent subdivision application;
4. what completeness standard, if any, the City applied before asking Council to adopt annexation-related findings at the pre-application LOI / ARA stage;
5. the date, certifying official, checklist, materials reviewed, omitted items, and any Administrator determination supporting a conclusion that the LOI / ARA materials were sufficient for Council findings;
6. whether the Large-Block Preliminary Plat was part of a submitted application, a concurrent subdivision application, a later application, or only a conceptual exhibit;
7. whether the proposed Parcel A / Parcel B / Parcel C layout was conceptual, a proposed subdivision configuration, a proposed zoning exhibit, or a future plat concept;
8. whether subdivision deferral was treated as legal interpretation, administrative discretion, applicant accommodation, formal waiver, or simply deferred because no subdivision application had yet been submitted;
9. where the City Attorney's "limiting, but not mandatory" interpretation was presented to Council, P&Z, and the public, including the legal basis for treating Ordinance 889's "shall" language as permitting, rather than requiring, concurrent subdivision-plat review;
10. whether any documented basis supports proceeding to findings, resolution adoption, or ARA approval before any annexation application or subdivision application had been submitted;
11. whether any documented basis supports deferring any project component, study, plat, checklist item, or ordinance requirement otherwise required for annexation or subdivision review;
12. whether the City has reconciled the current pre-application LOI / ARA-stage approach with the current 2026 Ordinance 889 / Title 14 framework and explained any material departure from the prior same-parcel completeness letter to Bullion Partners / Caplow;
13. whether prior FEMA/LOMR, County floodplain, wetlands, environmental, flood-storage, and engineering materials have been reviewed, updated, superseded, or determined inapplicable before relying on feasibility-related assumptions;

[21] 04132026 City Council Packet, p. 215.
[22] 04132026 City Council Packet, p. 217-221.

14. how zoning classifications and minimum/maximum densities can be identified, structured, or carried forward before an application-level and subdivision-level feasibility record is complete;
15. how conditions of approval or annexation-agreement terms will bind LEAP or future successors if WRLT is the current landowner/applicant but LEAP is the future development entity;
16. whether any annexation agreement, development agreement, or condition will run with the land and bind the future residential parcel, preserve parcel, LEAP, WRLT, and successors;
17. how fiscal impact, utility demand, access, roads, sidewalks, emergency access, maintenance, and mitigation can be evaluated without preliminary subdivision-level facts; and
18. which April 13 findings are procedural only, which are substantive, which are preliminary, and which may be relied upon later.

This matters because the City's April 13 action did more than acknowledge interest in a future application. Council adopted findings, approved a resolution, and authorized an ARA at a stage when no formal annexation application and no formal subdivision application had been submitted. If the City intends to treat any April 13 finding as supporting later annexation, zoning, density, subdivision, feasibility, or development-review steps, the administrative record should identify the legal and evidentiary basis for doing so at the pre-application LOI / ARA stage before those findings are relied upon in any later proceeding.

Requested Clarifications Before Further Action

Before any further P&Z or Council action, the City should identify by citation to the administrative record:

1. the specific Ordinance 889 / Title 14 interpretation allowing annexation-related findings, zoning classification, density parameters, or annexation-agreement terms to proceed before any formal annexation application or subdivision application has been submitted;
2. whether that interpretation was reduced to written legal analysis, disclosed to Council, P&Z, and the public, and included in the administrative record;
3. the legal basis for treating Ordinance 889's "shall" language as permitting, rather than requiring, concurrent subdivision-plat review;
4. whether WRLT must submit a Large-Block Preliminary Plat, preliminary plat application, subdivision application, or other subdivision-level materials concurrently with any future annexation application;
5. whether any future annexation application may be accepted, reviewed, or certified complete before required subdivision-level project information is submitted;
6. the completeness standard that will apply to any future WRLT annexation application, including the required checklist, required materials, required studies, omitted items, and any Administrator determination necessary to defer required components or studies;
7. the status and legal effect of the proposed Parcel A, Parcel B, Parcel C, road dedication, GR/RGB zoning allocation, density calculations, and proposed unit counts;
8. whether those parcel, zoning, density, and unit-count materials are conceptual only, application materials, proposed entitlement terms, future subdivision configuration, or intended annexation-agreement terms;
9. whether the current pre-application LOI / ARA-stage approach satisfies the current 2026 Ordinance 889 / Title 14 requirements, and why any material departure from the prior same-parcel Caplow / Bullion Partners completeness record is justified;
10. whether prior County/FEMA/LOMR, wetlands, environmental, floodplain, flood-storage, engineering, and agency materials have been reviewed, updated, superseded, reconciled, or determined inapplicable;
11. which studies, plans, plats, agency determinations, infrastructure analyses, fiscal analyses, and feasibility materials are required before annexation-related findings may be relied upon, and which, if any, may lawfully be deferred;
12. what findings, if any, may be relied upon before deferred studies or subdivision-level materials are complete;
13. how conditions, mitigation, infrastructure obligations, fiscal impacts, development restrictions, and annexation-agreement terms will bind WRLT, LEAP, the future residential parcel, the preserve parcel, and any successors;
14. whether any annexation agreement, development agreement, condition, or restriction will run with the land and bind future owners or development entities; and
15. whether the April 13 action was procedural only or whether any April 13 findings, assumptions, concept materials, or Resolution recitals will be used in later annexation, zoning, subdivision, feasibility, or development review.

Requested Action

Before relying on or reaffirming any finding related to annexation, zoning, density, subdivision sequencing, parcel split, Comprehensive Plan consistency, site feasibility, or public benefit, Council and P&Z should require the City and applicant to:

1. place the City's Ordinance 889 sequencing interpretation into the administrative record;
2. identify the legal and procedural basis for adopting or carrying forward annexation-related findings at the pre-application LOI / ARA stage, before any formal annexation application or subdivision application had been submitted;
3. identify the completeness standard, checklist, required materials, required studies, and any Administrator determination that will apply before any future WRLT annexation application is accepted, reviewed, or certified complete;
4. identify whether subdivision, preliminary plat, or Large-Block Preliminary Plat materials are required concurrently with any future annexation application;
5. identify how the current WRLT / LEAP pre-application LOI / ARA-stage process satisfies the current 2026 Ordinance 889 / Title 14 requirements, and explain any material departure from the City's prior same-parcel Caplow / Bullion Partners completeness record;
6. identify what project-level information exists, what remains missing, and what has been deferred;
7. explain whether any deferred item is supported by a documented basis in the ordinance, checklist, or administrative record;
8. require an integrated constraints analysis or composite constraints map before relying on buildable-area, density, parcel-split, or infrastructure assumptions;
9. explain how annexation conditions, development restrictions, infrastructure obligations, and mitigation requirements will bind WRLT, LEAP, future parcel owners, and successors; and
10. distinguish clearly between findings supported by the April 13 record and findings that remain open pending later applications, studies, subdivision materials, or agency review.

Conclusion

The Ordinance 889 issue is not a technicality. It determines what information must be available when the City, P&Z, Council, affected agencies, and the public evaluate annexation.

The City's current checklist and Ordinance 889 materials require project-level information as part of annexation review. The City's prior same-parcel file shows that, when this parcel was previously advanced for annexation review, the City required substantial site-specific information before certifying the application complete and before scheduling P&Z review. The County/FEMA record confirms why that matters: this parcel has a long-documented history of floodplain, wetlands, LOMR, flood-storage, channelization, sewer-line, observed-flooding, and environmental constraints.

The current WRLT / LEAP proposal should not be advanced or carried forward on less site-specific information than the prior applicant was required to provide for the same constrained parcel unless the City identifies the legal and evidentiary basis for doing so under the current 2026 Ordinance 889 / Title 14 framework. If the City intends to allow annexation-related findings, zoning classification, density parameters, parcel configuration, or annexation-agreement terms to proceed while subdivision-level materials wait for LEAP, the record should clearly identify the legal basis, completeness standard, deferred materials, public disclosure, binding conditions, and findings that remain open.

The record should not be used to create annexation, zoning, density, parcel-split, or development-platform momentum while postponing the very facts needed under Ordinance 889 to determine whether that platform is lawful, feasible, and consistent with the Comprehensive Plan.

Administrative Record Index (v5)

Issue: Ordinance 889 / annexation application completeness / subdivision sequencing (Memo #5)

This index identifies whether the administrative record contains the information required to support the City's apparent post-LOI, pre-application sequencing approach: allowing the forthcoming WRLT / LEAP annexation application to proceed toward annexation-related zoning and density review while subdivision-level materials are deferred to a later LEAP Housing process.

This index applies to the administrative record as it existed on April 13, 2026, and to the record materials identified to date concerning Ordinance 889, the City's annexation-application requirements, the prior Caplow / Bullion Partners application review for this parcel, the WRLT / LEAP proposal materials, City internal sequencing communications, and the April 13 Resolution / Annexation Review Agreement materials.

This index is not intended to require final subdivision approval, final plat approval, final engineering, or final agency approvals at this stage. It identifies the minimum application-completeness and record baseline needed to determine what facts existed in the record, what remains unknown, what has been deferred, and whether annexation, zoning, density, parcel-configuration, or sequencing-related reliance is supported by substantial evidence in the administrative record.

Where the City's position is that April 13 was procedural only and did not finally determine annexation completeness, zoning, density, subdivision sequencing, parcel configuration, site feasibility, or development capacity, the record should identify that position and clarify which findings remain open.

This index is intended to make the Ordinance 889 / application-completeness record questions citation-ready. It does not substitute for the completeness certification, Large-Block Preliminary Plat, subdivision application materials, schematic project design, infrastructure information, fiscal-impact analysis, studies, legal interpretation, or administrative determinations identified as missing from the record.

For Memo #5, the key record question is narrow:

> where, specifically, does the administrative record establish that, once submitted, the WRLT annexation application may be treated as complete under Ordinance 889 if subdivision-level materials are deferred, and that annexation-related zoning and density review may proceed before those materials are submitted?

If the City applies a different completeness standard than it applied during the prior Caplow / Bullion Partners review of this parcel, the record should identify that standard and explain the basis for the difference.

If the City intends to rely on post-April 13 or later-submitted subdivision materials, studies, technical analyses, or completeness determinations, this index also asks the City to distinguish whether those materials support a later determination only or are being used to support April 13 findings retroactively.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
84	Ordinance 889 / checklist completeness gate	Hailey Annexation Application / Ordinance 889 materials, checklist.	The annexation application materials state that checklist items must be submitted with the application for the application to be considered complete.	The record does not yet identify the completeness certification that would apply to the forthcoming WRLT annexation application, date of certification, certifying official, checklist used, materials reviewed, omitted	Future application completeness standard not established.
85	Schematic design of entire project required	Hailey Annexation Application / Ordinance 889 materials, checklist.	Checklist requires schematic design of the entire project showing proposed uses, density, streets, alleys, easements, and proposed size/location of open spaces and parks.	The record does not yet identify whether WRLT's zoning exhibit is a required schematic design, a Large-Block Preliminary Plat, a subdivision application, or a conceptual exhibit only.	Schematic-design / plat status not established.
86	Proposed lots, utilities, streets, alleys, sidewalks required	Hailey Annexation Application / Ordinance 889 materials, checklist.	Checklist requires approximate number and size of proposed lots, water/sewer mains, streets/alleys, and sidewalks.	The record does not yet identify subdivision-level lot layout, utility layout, street/alley layout, sidewalk layout, access configuration, or whether those items are intended to be submitted with the forthcoming annexation application or deferred to LEAP.	Subdivision-level completeness inputs not established.
87	Project-level annexation analyses required	Hailey Annexation Application / Ordinance 889 materials, checklist, and application requirements.	Checklist requires Comprehensive Plan compliance, neighborhood compatibility, natural resources/hazards, infrastructure/services, maintenance/funding, fiscal impact, phasing, and applicable studies.	The record does not yet identify a complete project-level analysis connecting proposed zoning, density, parcel configuration, infrastructure, fiscal impacts, phasing, and constraints to these required annexation-review categories.	Required project-level analytical framework not established.
88	Study and fiscal-impact completeness status	Hailey Annexation Application / Ordinance 889 materials, checklist and Title 14 / application requirements.	Checklist requires fiscal impact, phasing plan, and studies including traffic, wildlife, Level I environmental, contour, floodplain if applicable, avalanche if applicable, and wetlands if applicable.	The record does not yet identify item-by-item which studies/materials are required, submitted, missing, deferred, waived, or determined unnecessary for WRLT before the forthcoming annexation application is certified complete.	Study and fiscal-impact completeness status not established.
89	Prior same-parcel completeness materials identified	M3 Exhibit 1, pp. 293–309.	Historical City file contains application checklist, MT-2 / FEMA forms, City correspondence, and applicant materials relevant to prior annexation review, including floodplain, wetlands, and site-plan issues.	The record does not yet identify whether these prior same-parcel materials have been reviewed, incorporated, updated, superseded, distinguished, or determined inapplicable to WRLT.	Prior same-parcel completeness record not reconciled.
90	Prior Caplow / Bullion application found incomplete	M3 Exhibit 1, p. 207.	City stated the application was "currently incomplete" and required additional information before certification and scheduling the first P&Z hearing.	The record does not yet explain whether the same completeness gate will apply to WRLT or why a different threshold would apply to the same constrained parcel.	Same-parcel completeness standard not reconciled.
91	Prior review required Comprehensive Plan consistency	M3 Exhibit 1, p. 207.	City required a statement describing how the proposed project complied with specific goals and policies of the Hailey Comprehensive Plan.	The record does not yet identify the standard for applying residential zoning/subdivision to land designated Sensitive Lands or how that standard is satisfied.	Plan-consistency showing not established for current sequencing.
92	Prior review required schematic design of entire project	M3 Exhibit 1, p. 207.	City required schematic design of the entire project showing uses, density, streets, alleys, easements, open spaces, and parks; City found prior plan insufficient.	The record does not yet identify whether WRLT's exhibit satisfies the same schematic-design requirement or whether a Large-Block Preliminary Plat remains missing/deferred.	Current project-design sufficiency not established.
93	Prior review required lots, utilities, streets, sidewalks; "nothing submitted"	M3 Exhibit 1, p. 207.	City required number and size of proposed lots, water/sewer mains, streets/alleys, and sidewalks; City noted "nothing was submitted" for that requirement.	The record does not yet identify whether WRLT will be required to submit equivalent lot, utility, street, sidewalk, access, and infrastructure information before zoning/density review advances.	Infrastructure/subdivision completeness inputs not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
94	Prior review required neighborhood compatibility details	M3 Exhibit 1, p. 208.	City required more than a conclusory compatibility statement, including lot-size comparison and circulation-pattern information.	The record does not yet identify subdivision-level facts needed to evaluate compatibility, including lot layout, circulation, access, frontage, density, and adjacency impacts.	Neighborhood-compatibility record not established.
95	Prior review required natural-resource and hazard mitigation	M3 Exhibit 1, p. 208.	City required analysis of access to public lands, floodplain/floodway mitigation, wetlands, and riparian setback preservation.	The record does not yet show how current proposed residential areas, road dedication, utilities, grading, access, and density account for known floodplain/wetland/riparian constraints.	Natural-hazard/resource mitigation basis not established.
96	Prior review treated wetlands/jurisdictional uncertainty as a completeness issue	M3 Exhibit 1, pp. 208–209.	City required additional wetlands/jurisdictional information and treated the area as jurisdictional until further information was obtained.	The record does not yet identify current wetland delineation, USACE jurisdictional determination status, or whether prior wetlands/jurisdictional findings have been updated or superseded.	Wetlands/jurisdictional baseline not established.
97	Prior review itemized required, accepted, and not-required studies	M3 Exhibit 1, pp. 208–209.	City itemized which studies were required, accepted, or not required, and still found the application incomplete.	The record does not yet include a comparable itemized determination for WRLT identifying required, submitted, missing, deferred, waived, or unnecessary studies/materials.	Current study-completeness framework not established.
98	County/FEMA materials identify parcel-specific floodplain history	M3 Exhibit 2, pp. 13–21.	County PRR materials identify FEMA/LOMR history, floodplain conditions, observed flooding, natural-resource constraints, and whether portions of the site are constrained or developable.	The record does not yet identify whether prior County/FEMA/LOMR materials have been reviewed, reconciled with current effective/preliminary mapping, updated, superseded, or determined inapplicable.	Prior floodplain/FEMA record not reconciled.
99	County requested CLOMR path and flagged flood-flow/storage issues	M3 Exhibit 2, pp. 22–23.	County requested CLOMR-style FEMA feedback before final signature and identified cumulative flood-flow, channelization, downstream impacts, flood-storage, dike, sewer-line, and sheet-flooding concerns.	The record does not yet identify whether these concerns have been reconciled with WRLT's proposed residential footprint, road dedication, fill/grading assumptions, density, and infrastructure layout.	County floodplain concerns not reconciled with current proposal.
100	Observed 2006 flooding / AE designation concern	M3 Exhibit 2, p. 28.	County stated the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated AE or another appropriate floodplain designation.	The record does not yet identify whether observed 2006 flooding has been reviewed or reconciled with proposed parcels, density, buildable-area assumptions, or floodplain mapping.	Observed flooding history not reconciled.
101	WRLT LOI identifies Annexation + Large-Block Preliminary Plat	041326 City Council Packet, p. 224.	WRLT states it intends to submit applications for Annexation and a Large-Block Preliminary Plat.	The record does not yet identify whether the Large-Block Preliminary Plat is part of the annexation application, a concurrent subdivision application, a later LEAP application, or a conceptual exhibit only.	Large-Block Preliminary Plat status not established.
102	WRLT exhibit includes parcels, zoning, density, road dedication, unit counts	041326 City Council Packet, p. 225.	Exhibit shows proposed GR/RGB zoning, road dedication, GR area, residential parcels, greenbelt parcel, allowable units, density bonus, and proposed unit counts.	The record does not yet identify whether these figures are proposed subdivision configuration, zoning assumptions, density assumptions, or non-binding conceptual information.	Legal status of parcel/density exhibit not established.
103	WRLT memo describes donor condition and proposed split	041326 City Council Packet, pp. 226–233.	WRLT describes donor condition that disturbed old sawmill site be made available for community workforce housing and remainder incorporated into Draper Preserve; Figure 2 shows approximately 10-acre Greenway and 5-acre housing split.	The record does not yet identify whether the proposed split is being reviewed as subdivision, Large-Block Preliminary Plat, annexation condition, zoning exhibit, or later application.	Parcel-split review status not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
104	ARA describes LOI as annexation for residential-lot subdivision	041326 City Council Packet, p. 219.	ARA states Owner submitted LOI for annexation "for a subdivision consisting of residential lots under the name of Sawmill Cottages."	The record does not yet explain how the City may treat the proposal as annexation/zoning only while deferring subdivision-level application materials.	ARA project description conflicts with bare-annexation framing.
105	ARA contemplates project-level consultant review	041326 City Council Packet, pp. 219–221.	ARA contemplates review of land uses, infrastructure, services, finances, impacts, costs, mitigation, engineering, legal services, fiscal/needs analysis, and community-housing proposal.	The record does not yet identify which project-level materials must be submitted before completeness certification or which may be deferred to later LEAP review.	Project-review scope acknowledged, but completeness timing not established.
106	Community Development Director identified WRLT → LEAP sequencing internally	City PRR, Oct. 16, 2025 email thread.	Davis wrote WRLT preferred not to develop the parcel and wanted LEAP to do so; she asked whether WRLT needed annexation and subdivision applications or could proceed with annexation while LEAP brings subdivision later.	The record does not yet identify a public-facing legal or administrative analysis resolving that question.	Sequencing issue identified internally but not shown as publicly resolved.
107	City Administrator proposed zoning/min-max densities now, subdivision later	City PRR, Oct. 16, 2025 email thread.	Horowitz wrote: "I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision."	The record does not yet identify the legal basis allowing zoning/density to be established before subdivision-level facts are in the record.	Sequential zoning/density theory not established in public record.
108	City Attorney characterized code as "limiting, but not mandatory"	City PRR, Oct. 16, 2025 email thread.	Simms wrote: "I agree with Lisa on point one. I believe the code language is limiting, but not mandatory."	The record does not yet identify whether this interpretation was reduced to written legal analysis, disclosed to Council/P&Z/public, or reconciled with Ordinance 889/checklist requirements.	City Attorney interpretation not shown as publicly adopted or reconciled.
109	Staff relayed interpretation to applicant's engineer	City PRR, Oct. 16, 2025, Robyn Davis email to Samantha Stahlnecker.	Davis wrote that Simms was "in the same camp," that the language was "limiting, but not mandatory," and that if zoning/min-max densities were included in the annexation application/agreement, the City could wait on subdivision.	The record does not yet identify whether Council, P&Z, or the public were told this interpretation had been communicated to the applicant's engineer.	Sequential pathway communicated to applicant but not shown as publicly disclosed.
110	Community Development Director public study list	Idaho Mountain Express, "Hailey annexation proposal takes step forward," Apr. 15, 2026.	Davis publicly identified future studies expected with annexation application, including traffic, floodplain, wetlands, avalanche, and wildlife studies, and described staff/P&Z review process.	The public statement does not itself identify subdivision-level checklist materials, completeness certification, Large-Block Preliminary Plat status, or basis for deferring subdivision materials.	Future study list does not establish application completeness.
111	April 13 staff summary described detailed analysis as later	041326 City Council Packet, p. 215.	Staff stated detailed land-use, zoning/density, vehicular impacts, water/wastewater, wildlife, and other issues would not be thoroughly analyzed until annexation application and studies were submitted.	The record does not yet clarify which April 13 findings were procedural only and which, if any, may be relied upon later.	April 13 reliance status not established.
112	Resolution initiated zoning-classification procedures and recited threshold findings	041326 City Council Packet, packet pp. 217–218.	Resolution approved ARA, initiated procedures to establish zoning classification, and recited owner consent, contiguity, and Comprehensive Plan Land Use Map inclusion.	The record does not yet identify whether those statements were procedural, substantive, open for later determination, or available for later reliance.	Status of April 13 findings not established.
113	ARA preserves later zoning/subdivision/PUD requirements	041326 City Council Packet, p. 223.	ARA states it does not limit City discretion or waive applicable building, fire, zoning, subdivision, or PUD requirements.	The record does not yet explain how preservation of later requirements resolves the annexation-completeness issue if zoning/density are advanced now.	Later-review reservation does not establish current completeness.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
114	Completeness certification not identified	Administrative record reviewed to date; Ordinance 889 / checklist; M5 record materials.	Ordinance/checklist contemplate application completeness before review.	No forthcoming WRLT annexation application completeness certification has been identified showing date, certifying official, checklist, materials reviewed, omissions, or deferrals.	Future application completeness basis not established.
115	Basis for deferring subdivision-level materials not identified	City PRR; Ordinance 889 materials; WRLT LOI/ARA materials.	Internal City communications reflect a sequential interpretation; WRLT materials reflect annexation tied to plat/subdivision elements.	The record does not yet identify the formal legal/administrative basis for deferring subdivision-level materials while advancing zoning/density in the forthcoming application process.	Deferral basis not established.
116	Comparison with prior same-parcel standard not reconciled	M3 Exhibit 1, pp. 207–209; current WRLT materials.	Prior City review required project-specific information before completeness/P&Z; current WRLT materials show subdivision/density/parcel configuration are central to proposal.	The record does not yet explain why the forthcoming WRLT / LEAP application may be reviewed under a different or lesser project-specific information standard than Caplow / Bullion Partners were required to satisfy for the same parcel context.	Same-parcel consistency not established.

Closing Record Question

This Index asks whether the administrative record contains the Ordinance 889 / application-completeness basis necessary to support allowing the forthcoming WRLT annexation application to proceed toward annexation-related zoning and density review while subdivision-level materials are deferred to a later LEAP Housing process.

If the completeness certification, Large-Block Preliminary Plat status, subdivision-level application materials, schematic project design, infrastructure information, fiscal-impact analysis, required studies, sequencing interpretation, or basis for deferral is not identified in the record, the City should identify that gap and clarify which findings remain open for later determination.

If subdivision materials, technical studies, agency determinations, completeness findings, or project-specific analyses are submitted or developed after April 13, 2026, the City should distinguish whether those materials support later determinations only or are being used to support April 13 findings retroactively.

At minimum, this Index asks the City to answer the record question central to Memo #5:

> Where, specifically, does the administrative record establish that, once submitted, the WRLT / LEAP annexation application may be treated as complete under Ordinance 889 if subdivision-level materials are deferred, and that annexation-related zoning and density review may proceed before those materials are submitted?

If the City applies a different completeness standard than it applied during the prior Caplow / Bullion Partners review of this parcel, the record should identify that standard and explain the basis for the difference.

M5 Attachment A – October 15-16, 2025 City Staff / City Attorney Email Regarding Annexation / Subdivision Sequencing

M5 Attachment A is included to document pre-decision City discussion of the Ordinance 889 sequencing issue central to Memo #5: whether WRLT could proceed with annexation while subdivision review was deferred to a later LEAP Housing process.

Community Development Director Robyn Davis raised the question directly and quoted the ordinance language requiring the City, "concurrently with the application for annexation," to consider zoning classifications and a subdivision plat. City Administrator Lisa Horowitz then stated: "I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision." City Attorney Christopher Simms responded: "I agree with Lisa on point one. I believe the code language is limiting, but not mandatory." The same exchange also reflects a related annexation-scope discussion regarding City-owned Lions Park and whether the park, but not the road/bridge, should be included in or positioned through the WRLT annexation process.

This attachment is offered only to show that the sequential-versus-concurrent review issue was identified internally before the April 13 Council action, and to support Memo #5's request that the City identify where that interpretation was publicly disclosed, reduced to analysis, reconciled with Ordinance 889, and applied to the WRLT / LEAP proposal.

From: Christopher P. Simms
To: Robyn Davis
Cc: Lisa Horowitz; Brian Yeager
Subject: Re: WRLT Annexation
Date: Thursday, October 16, 2025 8:55:32 AM

Hello,

I agree with Lisa on point one. I believe the code language is limiting, but not mandatory. I also agree with the comments on the second issue. We don't want the bridge.

Chris

From: Lisa Horowitz <lisa.horowitz@haileycityhall.org>
Sent: Thursday, October 16, 2025 7:47 AM
To: Robyn Davis <robyn.davis@haileycityhall.org>; Christopher P. Simms <cpslaw@gmail.com>; Brian Yeager <brian.yeager@haileycityhall.org>
Subject: Re: WRLT Annexation

See below.

From: "robyn.davis@haileycityhall.org" <robyn.davis@haileycityhall.org>
Date: Wednesday, October 15, 2025 at 10:55 AM
To: "cpslaw@gmail.com" <cpslaw@gmail.com>, "lisa.horowitz@haileycityhall.org" <lisa.horowitz@haileycityhall.org>, Brian Yeager <brian.yeager@haileycityhall.org>
Subject: WRLT Annexation

Hi, Christopher, Brian, and Lisa –

As you know, the WRLT would like to annex the old Caplow project into the City. With that, they'd prefer not to develop the parcel, but rather, let the development team (LEAP) do so.

I have a few questions around this process and maybe it would be best to meet on this:

- Christopher/Lisa – the language below comes from our code. Do you feel the WRLT needs to supply an Annexation Application and a Subdivision Application, or can they proceed with only an Annexation Application and let LEAP bring forward the Subdivision Application? I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision.
    - The city shall concurrently with the application for annexation consider applications for one or more zoning classifications and a subdivision plat consistent with the requirements (including notice provisions) and standards of title 17, chapter 17.14 of this code, Hailey ordinance 532, as amended, and the Hailey subdivision ordinance, Hailey ordinance 821, as amended. The city shall not consider any other application by the applicant on the subject property under the city zoning or subdivision ordinance unless and until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law. (Ord. 1104, 2012; Ord. 889 § 1, 2004)
- Brian/Lisa – Do we want to use this Annexation Application to bring Lions Park in (this would require Samantha to include Lions Park in their submittal), or do we want to submit our own separate Annexation Application to be heard concurrently with this item? I think we need to annex the park but not the road/bridge. The property lines are fully contiguous without the road so I see no issue excluding the road/bridge.
    - If not one of the above, how do we want to address the annexation of Lions Park?

If you'd prefer to meet and discuss, let me know and I will find a time that works best for all. Thank you!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

M5 Attachment B – October 16, 2025 City Email to Applicant Regarding Annexation / Subdivision Sequencing

M5 Attachment B is included to document the City's October 16, 2025 communication to the applicant's development representative regarding whether subdivision review could be deferred while annexation proceeded.

In the email, Community Development Director Robyn Davis stated that she had confirmed with City Attorney Christopher Simms regarding the code language, and that Simms was "in the same camp" that the language was "limiting, but not mandatory." Davis further stated that if zoning and minimum/maximum densities were included within the annexation application or annexation agreement, "we can wait on the subdivision application." Davis also separately asked whether WRLT would be willing to bring Lions Park through with its application.

This attachment is offered for the narrow purpose of showing that, before the April 13, 2026 City Council action, the City communicated to the applicant's development representative a sequencing interpretation under which annexation, zoning, and density parameters could proceed before a subdivision application. It is not offered to speculate about intent or to characterize internal legal advice.

From: robyn.davis@haileycityhall.org
To: sam@opal-engineering.com
Subject: RE: WRLT Annexation Application
Date: Thursday, October 16, 2025 10:22:25 AM

Hi, Sam – Would the WRLT be willing to bring Lions Park through with their application?
Thanks!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

From: Robyn Davis
Sent: Thursday, October 16, 2025 9:18 AM
To: Samantha Stahlnecker <sam@opal-engineering.com>
Subject: WRLT Annexation Application

Hi, Sam –
Thanks for your patience as I confirm with Christopher as to the code language. Christopher is in the same camp as me – the language is limiting, but not mandatory.
I think if you include zoning and minimum/maximum densities within the annexation application/agreement, we can wait on the subdivision application.

Thanks, Sam!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

M5 Attachment C – Ordinance 889 Application Completeness Matrix

M5 Attachment C is included to compare Hailey's applicable Ordinance 889 annexation-application standards, as reflected in the City's annexation-application framework, against the City's prior treatment of the Caplow / Bullion Partners application (2005) for the same parcel and the current WRLT / LEAP record (2026).

The matrix is significant because the prior same-parcel record shows that the City previously required project-specific and subdivision-level information before certifying the application complete and scheduling P&Z review. That information included schematic project design, proposed uses and density, number and size of lots, water and sewer mains, streets, alleys, sidewalks, Comprehensive Plan consistency, neighborhood compatibility, natural-resource and hazard mitigation, infrastructure impacts, fiscal impact, phasing, and applicable studies.

This attachment is offered for the narrow purpose of comparing the current WRLT / LEAP record against the categories of information the City previously required for annexation review of this parcel, and to identify where the record does not yet explain why annexation, zoning, and density review may proceed with less project-specific and subdivision-level information than the prior applicant was required to provide.

Ordinance 889 / Annexation-Application Standard	Prior Same-Parcel Review (2005)	Current WRLT / LEAP Record (2026)	Resulting Gap / Exposure
Application completeness before P&Z review	City told Bullion Partners / Caplow the application was incomplete and required additional information before certification and scheduling of the first P&Z hearing. *(M3 Exhibit 1, p. 207.)*	Current record should identify what completeness standard, checklist, required materials, required studies, and Administrator determinations will apply before any future WRLT annexation application is accepted, reviewed, or certified complete.	**Without a completeness standard and certification record**, P&Z, Council, and the public cannot evaluate whether the Ordinance 889 / Title 14 completeness gate is being applied or whether WRLT / LEAP is proceeding under a lighter pre-application standard.
Schematic design of entire project	City required schematic design and found the prior plan insufficient because it did not adequately identify residential lots, green-space parcels, park-dedication implications, or complete legend information. *(M3 Exhibit 1, p. 207.)*	WRLT's exhibit shows parcels, zoning, units, density, and road dedication, but the legal status of the Large-Block Preliminary Plat / subdivision application remains unclear. No formal annexation application or subdivision application had been submitted as of the April 13 LOI / ARA action.	The City may be carrying forward zoning, density, and parcel-configuration assumptions **without identifying whether the exhibit is a submitted plat, an annexation-agreement term, or a conceptual zoning exhibit only.**
Lots, utilities, streets, alleys, and sidewalks	City required those items and noted that "nothing was submitted" for that requirement. *(M3 Exhibit 1, p. 207.)*	WRLT identifies proposed residential parcels and unit counts, but subdivision-level layout, utility, street, sidewalk, access, and infrastructure details appear deferred.	City may be advancing or carrying forward zoning/density assumptions before **the same infrastructure and subdivision facts previously required for this parcel** are in the record. Public and P&Z cannot evaluate service demand, access, circulation, fiscal impact, or mitigation without those facts.
Comprehensive Plan consistency	City required a statement explaining how the project complied with specific Comprehensive Plan goals and policies. *(M3 Exhibit 1, p. 207.)*	WRLT asserts consistency, but Memos 1 and 2 identify an unresolved standard for applying residential zoning/subdivision to Sensitive Lands.	Zoning and density may be advanced or carried forward before **the City identifies the standard for reconciling Sensitive Lands designation** with General Residential zoning, subdivision, and residential development assumptions.

Ordinance 889 / Annexation-Application Standard	Prior Same-Parcel Review (2005)	Current WRLT / LEAP Record (2026)	Resulting Gap / Exposure
Neighborhood compatibility	City required more than a conclusory compatibility statement, including lot-size and circulation information. *(M3 Exhibit 1, p. 208.)*	Current materials describe general housing and preservation concepts, but subdivision-level access, circulation, frontage, density, adjacency, and parcel-configuration details remain unresolved.	**Public participation is weakened** if affected residents are asked to evaluate annexation, zoning, or density before the facts that determine neighborhood compatibility are available.
Natural resources and hazards	City required analysis of access to public lands, floodplain/floodway mitigation, wetlands, and riparian setback protection. *(M3 Exhibit 1, p. 208.)*	County/FEMA materials identify flood-flow, flood-storage, dike, sewer-line, channelization, downstream-impact, and observed-flooding issues that should be reconciled with the current proposed residential footprint.	Zoning, density, parcel split, road dedication, and infrastructure assumptions may be carried forward before the record shows whether the proposed residential area can **avoid or mitigate known constraints**.
Required studies and Administrator determinations	City itemized required, accepted, and not-required studies and still found the application incomplete. *(M3 Exhibit 1, pp. 208–209.)*	Community Development Director has publicly identified future studies, but the current record does not identify item-by-item what is required, deferred, waived, or determined unnecessary.	General assurances that studies will be submitted later **do not substitute for a documented completeness standard, Administrator determination, or clear statement of what findings remain open until studies are complete.**
Wetlands / jurisdictional status	City required additional wetlands / jurisdictional information and treated the area as jurisdictional until confirmed otherwise. *(M3 Exhibit 1, pp. 208–209.)*	Current record should identify current delineation / USACE JD status before relying on parcel split, density, road dedication, or buildable-area assumptions.	**Without current jurisdictional status**, the City cannot know whether the proposed residential parcels, road dedication, utilities, access, or buildable-area assumptions depend on constrained land.
Fiscal impact, infrastructure, services, and mitigation	Prior same-parcel review required infrastructure and fiscal-impact information before meaningful review. *(M3 Exhibit 1, pp. 207–209.)*	The ARA contemplates engineering, fiscal/needs analysis, infrastructure impacts, mitigation, and community-housing review, but those details were deferred at April 13. *(ARA, pp. 219–221.)*	City may create **annexation, zoning, density, parcel-split, or development-platform momentum** before it can calibrate infrastructure obligations, fiscal impacts, mitigation, or conditions to an actual subdivision/development plan.
Known floodplain and agency history	County requested a CLOMR path before final signature and identified flood-flow, channelization, flood-storage, dike, sewer-line, and 2006 sheet-flooding concerns. *(M3 Exhibit 2, pp. 22–23, p. 28.)*	Current record should identify whether those materials have been reviewed, updated, superseded, reconciled, or determined inapplicable.	The City risks relying on a **lighter current record** despite a long-documented agency history showing why this parcel requires careful floodplain, buildability, and constraints analysis.
Applicant / future developer roles	Prior review involved the applicant whose project materials were being evaluated for annexation completeness.	WRLT seeks annexation and parcel configuration; LEAP appears to be the future housing developer.	The record should identify **which entity must make which required showing**, and how conditions, agreements, mitigation duties, infrastructure obligations, and development restrictions will bind the future residential parcel, preserve parcel, LEAP, WRLT, and successors.

Ordinance 889 / Annexation-Application Standard	Prior Same-Parcel Review (2005)	Current WRLT / LEAP Record (2026)	Resulting Gap / Exposure
April 13 record-effect classification	Not applicable to the prior Caplow / Bullion completeness review in the same way; the issue here arises because Council adopted findings, a resolution, and an ARA at the pre-application LOI / ARA stage.	Council adopted findings, approved a resolution, and authorized an ARA before any formal annexation application or subdivision application had been submitted. The Resolution recited owner consent, contiguity, Comprehensive Plan Land Use Map inclusion, and procedures to establish zoning classification upon submittal of a contemplated annexation application.	The City should clarify whether April 13 was **procedural only** or whether any April 13 findings, assumptions, concept materials, or Resolution recitals will be used later. If procedural only, the City should identify what remains open. If relied upon later, the City should identify **the factual and legal basis that existed in the administrative record as of April 13, 2026.**

Takeaway

This matrix does not show that final subdivision approval is required now. It shows a narrower record problem: the City previously required project-specific and subdivision-level information before certifying the same parcel's annexation application complete and scheduling P&Z review. The current record has not yet explained why WRLT / LEAP may proceed with less information while annexation, zoning, density, parcel configuration, and future development sequencing move forward.

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	Martha Burke; Kaz Thea; Juan Martinez; Dustin Stone; Sage Sauerbrey; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation -- Memo #5: Ordinance 889
Date:	Thursday, May 14, 2026 11:30:30 AM
Attachments:	Old Board Ranch Annexation_Record Review Series_M5_Ordinance 889_Council_05142026.pdf

Mayor and Council members,

I am submitting the attached Administrative Record Review Series Memo #5 — Ordinance 889: Annexation, Subdivision Sequencing, and Application Completeness, together with the related Council Brief, Administrative Record Index (v5), and M5 Attachments A–C, for inclusion in the Old Board Ranch annexation administrative record.

This submission follows Memo #4 and addresses one narrow procedural and record-sufficiency issue: whether the record identifies the Ordinance 889 / Title 14 completeness standard that will govern the forthcoming WRLT annexation application, and the legal basis for allowing annexation-related zoning, density, parcel-configuration, and Annexation Review Agreement assumptions to proceed while subdivision-level materials are deferred to a later LEAP Housing process.

Memo #5 does not ask the City to require final subdivision approval, final engineering, or final plat approval at this stage. It asks the City to identify the applicable completeness standard, the project-level and subdivision-level materials required before application completeness, the legal basis for any deferral, and whether Ordinance 889's "shall" language is being interpreted as permitting rather than requiring concurrent subdivision review.

This clarification is important because WRLT's own materials describe annexation tied to a Large-Block Preliminary Plat, proposed residential parcels, GR/RGB zoning allocations, density calculations, road dedication, unit counts, and a proposed residential / preserve parcel split. The prior same-parcel Caplow / Bullion Partners record also shows that the City previously required substantial project-specific and subdivision-level information before certifying the application complete and scheduling Planning & Zoning review for this same constrained parcel.

This submission asks the City to clarify whether the forthcoming WRLT annexation application will be held to that same project-specific and subdivision-level completeness standard, or to identify the legal and evidentiary basis for applying a different or lesser standard. It also asks the City to clarify whether April 13 findings, assumptions, concept materials, or Resolution recitals are procedural only, remain open, or may be relied upon later.

Please enter this submission and all attachments into the administrative record. Thank you.

Joel Loveday
Hailey

Old Board Ranch Annexation – Council Brief
Supplemental Record Submission No. 2 – Lions Park Annexation Dependency, Contiguity Verification, and Boundary-Evidence Asymmetry
Related Submission: Memo #4 – Contiguity; Memo #5 – Ordinance 889; Supplemental Record Submission No. 2; Administrative Record Index (vSRS2); Attachments A-I
5/19/2026

Bottom Line
Supplemental Record Submission No. 2 raises one narrow record-sufficiency issue for Council:

> City PRR materials show that City staff and counsel evaluated Lions Park annexation in connection with the WRLT / Old Board Ranch annexation pathway, including Lions Park inclusion, road / bridge exclusion, statutory contiguity, current plats, survey confirmation, legal-description materials, and applicant-facing communication regarding whether WRLT would bring Lions Park through with its application.

By contrast, the April 13 WRLT administrative record reviewed to date does not appear to identify comparable boundary evidence supporting the April 13 finding / recital that the WRLT / Old Board Ranch parcel is contiguous to the City.

Because Council adopted the April 13 contiguity finding / recital, Council should not allow that finding to become the foundation for later proceedings unless the April 13 record basis is identified.

The issue is not whether Lions Park should be annexed. The issue is whether Council should allow later reliance on the April 13 WRLT contiguity finding before the administrative record identifies:

- the specific common border between WRLT / Old Board Ranch and the existing City boundary;
- the legal boundary evidence supporting that common border;
- whether that evidence existed in the April 13 administrative record;
- whether WRLT contiguity is independent of Lions Park, road / bridge areas, right-of-way, parcel aggregation, or annexation sequencing; and
- whether the April 13 contiguity finding remains open, procedural only, unsupported, or available for later reliance.

Council's immediate task is not to decide final annexation, subdivision design, or Lions Park annexation. Council's task is to determine whether the April 13 contiguity finding has a record basis that can be carried forward, or whether staff and counsel must first clarify that the finding remains open, procedural only, unsupported, or dependent on later-developed boundary evidence.

Five Council Takeaways

1. **The City treated Lions Park contiguity and boundary scope as issues requiring verification.**
   City PRR materials show that staff and counsel did not treat Lions Park annexation as an unrelated future issue. Staff asked whether Lions Park should be included with WRLT's application or processed through a separate concurrent City application. City leadership discussed annexing the park while excluding the road / bridge. Staff then asked the applicant's engineer whether WRLT would be willing to bring Lions Park through with its application.

   That matters to Council because Lions Park was not merely a background public-benefit reference. It was part of an internal and applicant-facing workstream connected to the WRLT annexation pathway.

2. **City Attorney Chris Simms identified statutory contiguity and current plats as threshold issues.**
   Simms wrote that he wanted to be sure the lands were "contiguous" under the statute and directed staff to review current plats of the park and WRLT parcels to confirm that the boundaries adjoined. Davis then stated that the City did not have plats for either parcel, and Yeager stated that surveys would need to be pulled for "absolute confirmation."

   That exchange matters because it shows that City staff and counsel understood contiguity as a boundary-verification issue requiring legal or technical support, not simply a visual or conceptual assumption.

   Council should not be asked to carry forward an April 13 contiguity finding unless the record identifies the boundary evidence supporting that finding.

3. **The City later pursued Lions Park boundary materials.**
   The City later pursued Lions Park survey, legal-description, annexation-exhibit, and road / road-capture materials, including a Record of Survey, bearing-distance legal description, survey geometry, and road-capture map treatment.

   That diligence may have been appropriate for Lions Park. But it raises the Council-facing record question: whether comparable WRLT boundary evidence existed in the April 13 administrative record before Council adopted the WRLT contiguity finding.

If comparable WRLT evidence existed, Council should require staff and counsel to identify it by citation. If it did not exist, Council should not allow the April 13 finding to be treated as an established factual predicate.

4. **WRLT legal-description status remains a key timing issue.**
   After WRLT's LOI was circulated for scheduling, Yeager asked whether WRLT had submitted a legal description. Davis responded: "No, nothing yet."

   If WRLT later submitted a legal description, survey, title material, current plat, recorded instrument, or equivalent boundary evidence before April 13, the City should identify it by record citation. If not, Council should clarify whether the April 13 contiguity finding was procedural only, remains open, or is unsupported as a factual predicate for later reliance.

   This timing issue goes directly to Council's April 13 action. The relevant question is not whether boundary evidence may exist now. The relevant question is whether it existed in the April 13 administrative record when Council adopted the contiguity finding / recital.

5. **The issue is boundary-evidence asymmetry.**
   The concern is not that the City evaluated Lions Park carefully. The concern is whether the City may rely on a WRLT contiguity finding when the record reviewed to date does not identify the same type of boundary-verification support that City staff and counsel treated as necessary in the Lions Park workstream.

   Applying a boundary-verification standard to Lions Park while relying on an unidentified or deferred boundary basis for WRLT creates avoidable administrative-record risk, including the risk that later reliance on the April 13 finding may be challenged as inconsistent or arbitrary.

   Council can reduce that risk now by directing staff and counsel to identify the April 13 record evidence, or to state clearly that the April 13 contiguity finding remains open, procedural only, unsupported, or unavailable for later reliance until boundary evidence is identified.

Implications for the April 13 Findings

Council's April 13 action included a finding / recital that the WRLT / Old Board Ranch parcel was contiguous to the City. Supplemental Record Submission No. 2 asks whether the April 13 administrative record identified the specific common border and legal boundary evidence supporting that finding.

If the April 13 action was procedural only, the record should clearly identify which findings remain open, whether WRLT contiguity remains subject to later boundary verification, and whether post-April 13 boundary materials support only later determinations rather than retroactively supporting April 13 findings.

If April 13 findings or resolution recitals will later be relied upon during annexation, zoning, subdivision, feasibility, development-capacity, or Lions Park-related review, the City should identify the factual and legal basis that existed in the administrative record as of April 13, 2026.

Council should not allow April 13 findings or resolution recitals to migrate into later proceedings as established facts unless the record identifies the evidence supporting those findings as of April 13.

Practical Risk to the City

The practical risk is that later proceedings may depend on a threshold jurisdictional fact whose evidentiary basis has not been identified in the public administrative record.

The avoidable risk is not requiring too much information too early. The avoidable risk is allowing a threshold contiguity finding adopted by Council to become the foundation for later annexation, zoning, subdivision, feasibility, development-capacity, or Lions Park-related decisions before the administrative record identifies the boundary evidence supporting that finding.

That risk is heightened because City PRR materials show that, in the Lions Park workstream, staff and counsel focused on statutory contiguity, current plats, surveys, legal descriptions, annexation scope, road / bridge exclusion, and road-capture treatment.

Relying on a record that applies boundary-verification rigor to Lions Park while leaving the WRLT boundary basis unidentified creates avoidable administrative-record risk, including the risk that later reliance on the April 13 finding may be challenged as inconsistent, arbitrary, or unsupported by substantial evidence.

That risk also creates avoidable cost exposure for the City. If the City proceeds without clarifying the April 13 record basis, the City may later be required to defend a threshold jurisdictional finding whose supporting evidence was not identified in the public administrative record.

Because this matter remains at the pre-application / LOI / ARA stage, Council can reduce that risk now with comparatively limited procedural burden: require staff and counsel to identify the April 13 boundary evidence, distinguish pre-April 13 materials from post-April 13 materials, or clarify that the April 13 contiguity finding remains open, procedural only, unsupported, or unavailable for later reliance until boundary evidence is identified.

Requested Clarifications Before Further Action

Before further Council action, referral, reaffirmation, or reliance on the April 13 contiguity finding, the record should clearly identify:

1. the specific common border relied upon to support WRLT / Old Board Ranch contiguity;
2. the legal boundary evidence supporting that common border;
3. whether that evidence existed in the April 13 administrative record;
4. whether WRLT contiguity is independent of Lions Park, road / bridge areas, right-of-way, parcel aggregation, or annexation sequencing;
5. whether any Lions Park survey, title, engineering, legal description, or map materials were reviewed, relied upon, or included in the April 13 public administrative record;
6. whether any post-April 13 boundary materials are being used only for later determinations or are being used to support April 13 findings retroactively; and
7. whether the April 13 contiguity finding remains open, procedural only, unsupported, or available for later reliance.

Requested Council Direction

Before any further reliance on the April 13 contiguity finding or related annexation, zoning, subdivision, Comprehensive Plan, feasibility, development-capacity, or Lions Park-related assumptions, Council should direct staff and counsel to provide a written record clarification that:

1. identifies the specific common border relied upon to support WRLT / Old Board Ranch contiguity;
2. identifies the legal boundary evidence supporting that common border;
3. states whether that evidence existed in the April 13 administrative record;
4. distinguishes boundary materials available before April 13 from materials created, obtained, or submitted after April 13;
5. identifies whether any Lions Park survey, title, engineering, legal description, or map materials were reviewed, relied upon, or included in the April 13 public administrative record;
6. explains whether WRLT contiguity is independent of Lions Park, road / bridge areas, right-of-way, parcel aggregation, or annexation sequencing;
7. clarifies whether the April 13 contiguity finding remains open, preliminary, procedural only, unsupported, or available for later reliance; and
8. directs that, until that clarification is provided, the April 13 contiguity finding should not be treated as an established factual predicate for later annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, site-feasibility, development-capacity, or Lions Park-related action.

Council Decision Point

Council does not need to decide whether Lions Park should be annexed now. Council does need to clarify whether the April 13 WRLT contiguity finding has an evidentiary basis in the April 13 administrative record.

Until that clarification occurs, the April 13 contiguity finding should not be treated as an established factual predicate for later annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, site-feasibility, development-capacity, or Lions Park-related action.

That is the Council-level decision point: either identify the April 13 record evidence supporting the WRLT contiguity finding, or do not allow that finding to be carried forward as an established basis for future action.

Old Board Ranch Annexation – Supplemental Record Submission No. 2
Lions Park Annexation Dependency, Contiguity Verification, and Boundary-Evidence Asymmetry
5/19/2026

Series Context
This supplemental submission is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under Idaho annexation law, the City of Hailey's Comprehensive Plan, Hailey's annexation procedures, and applicable record-sufficiency standards.

Each submission:

- *addresses a discrete issue;*
- *identifies what must be demonstrated to support findings; and*
- *evaluates what is currently established in the administrative record.*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Memo #4 addressed whether the April 13 administrative record established contiguity for the WRLT / Old Board Ranch parcel. Memo #5 addressed Ordinance 889, application completeness, and annexation / subdivision sequencing. Supplemental Record Submission No. 2 addresses a related but separate record issue: City PRR materials showing that City staff and counsel evaluated Lions Park annexation in connection with the WRLT / Old Board Ranch annexation pathway, including Lions Park inclusion, road / bridge exclusion, statutory contiguity, current plats, survey confirmation, survey / legal-description materials, and applicant-facing communication regarding whether WRLT would bring Lions Park through with its application. See Attachments C through I.

This supplemental submission does not reargue Memo #4 or Memo #5. Memo #4 preserved the April 13 WRLT contiguity record question. Memo #5 preserved the Ordinance 889 sequencing question. Supplemental Record Submission No. 2 adds the related PRR record showing that, in the Lions Park workstream, City staff and counsel treated contiguity, annexation scope, survey confirmation, and legal description support as issues requiring legal and technical attention.

The question presented here is narrow: whether comparable boundary evidence existed in the April 13 administrative record to support the WRLT / Old Board Ranch contiguity finding, and whether Lions Park dependency, road / bridge exclusion, survey / legal-description work, and applicant-facing Lions Park communications were disclosed, evaluated, and treated consistently before further reliance on the April 13 finding.

Governing Standard (Exhibit A)
This supplemental submission should be read with Series Exhibit A — Record Sufficiency and Verification Standard, which governs whether findings adopted by Council on April 13, 2026 are supported by the administrative record.

Under that standard, for each element discussed below, the City should identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted or developed thereafter. Post-April 13 materials should not be used to retroactively support findings adopted on April 13 unless the City explicitly identifies the material, the date it was added, and the legal and factual basis for relying on it. To the extent responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.
This standard is especially important here because the April 13 action included a finding / recital that the WRLT / Old Board Ranch parcel was contiguous to the City. At the same time, City PRR materials show a related internal workstream addressing whether Lions Park should be included with WRLT's application or processed separately; whether the road / bridge area should be excluded; whether the lands were "contiguous" per statute; whether current plats existed; whether surveys were needed for "absolute confirmation"; and whether survey / legal-description materials were needed for the Lions Park annexation exhibit. See Attachments D-1 through F-5.

If the City intends to rely on the April 13 WRLT / Old Board Ranch contiguity finding later, the administrative record should identify what legal boundary evidence existed as of April 13, 2026 to support that finding. If the City instead intends to treat April 13 as procedural only and leave WRLT contiguity open for later determination, the record should say so clearly before the April 13 finding is carried forward into Council, P&Z, zoning, subdivision, development-agreement, feasibility, or development-capacity review.

Bottom Line

City PRR materials show that City staff and City Attorney evaluated Lions Park annexation in connection with the WRLT / Old Board Ranch annexation pathway. The City considered whether Lions Park should be included with WRLT's application or processed separately.[1] City leadership discussed annexing the park while excluding the road / bridge.[2] Community Development Director Robyn Davis then asked the applicant's engineer whether WRLT would be willing to bring Lions Park through with its application.[3]

City Attorney Chris Simms identified statutory contiguity and current plats as issues requiring review, writing: "I do want to be sure the lands are 'contiguous' per the statute. Let's take a good look current plats of the park and WRLT parcels to assure ourselves the

[1] SRS2 Attachment D-1.
[2] SRS2 Attachments D-2; D-3; D-4.
[3] SRS2 Attachment E.

boundaries adjoin."[4] Davis then stated that the City did not have plats for either parcel, and City Public Works Director Brian Yeager stated that surveys would need to be pulled for "absolute confirmation."[5] The City later pursued survey, legal-description, annexation-exhibit, and road / road-capture materials for Lions Park. Separately, after WRLT's LOI was circulated for scheduling, Yeager asked whether WRLT had submitted a legal description; Davis responded: "No, nothing yet."[6]

By contrast, the April 13 WRLT administrative record reviewed to date does not appear to identify comparable boundary evidence for the WRLT / Old Board Ranch parcel before Council adopted the finding / recital that the parcel was contiguous to the City. Memo #4 previously asked the City to identify the specific shared boundary and the legal boundary evidence supporting that finding.[7]

This issue is sharpened by the Lions Park record. The 2004 Lions Park Master Plan stated that all lands within the Lions Park planning area were then within the County and that "Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed."[8] WRLT's April 13 public materials later stated that annexation of Old Board Ranch would create a pathway for the City to eventually initiate annexation of Lions Park and gain control over the property.[9]

This submission does not contend that the Lions Park survey materials establish or defeat WRLT contiguity. Nor does it contend that the City acted improperly by evaluating future annexation of City-owned park land. The point is narrower:

> when Lions Park annexation was evaluated in connection with the WRLT pathway, City staff and counsel treated contiguity, annexation scope, current plats, surveys, legal descriptions, and road / bridge exclusion as matters requiring legal and technical attention.[10]

The April 13 WRLT administrative record reviewed to date does not appear to identify comparable boundary evidence supporting the WRLT contiguity finding.[11]

Record Question Presented

Whether the City may rely on, carry forward, or treat as established the April 13 finding / recital that the WRLT / Old Board Ranch parcel is contiguous to the City when City PRR materials show boundary-verification diligence for Lions Park, but the April 13 WRLT administrative record reviewed to date does not appear to identify comparable legal boundary evidence supporting WRLT / Old Board Ranch contiguity.[12]

This supplemental submission does not ask the City to decide whether Lions Park should be annexed. It asks the City to clarify whether comparable boundary evidence existed in the April 13 administrative record for the WRLT / Old Board Ranch parcel before Council adopted the contiguity finding / recital.[13]

What Must Be Demonstrated

To support further reliance on the April 13 contiguity finding / recital for WRLT / Old Board Ranch, the administrative record should demonstrate:

1. the specific common border allegedly creating contiguity between WRLT / Old Board Ranch and the existing City of Hailey boundary;
2. the legal boundary evidence supporting that common border, including any legal description, stamped survey, recorded plat, deed, title material, current plat, GIS source, bearing / distance, or equivalent evidence;
3. whether that evidence existed in the April 13 administrative record when Council adopted the contiguity finding / recital;
4. whether the April 13 contiguity theory depends on the WRLT parcel's independent land-to-land common border with existing City limits, or instead depends on Lions Park, road / bridge areas, right-of-way, parcel aggregation, annexation sequencing, or future City annexation of Lions Park;
5. whether any Lions Park survey, title, engineering, legal-description, map, or road / bridge boundary materials were reviewed by staff, counsel, consultants, or Council before April 13;
6. whether any Lions Park materials were included in the April 13 Council packet, staff report, public project file, resolution materials, hearing record, or administrative record;

[4] SRS2 Attachment D-5.
[5] SRS2 Attachment D-6.
[6] SRS2 Attachments F-1; F-2; F-3; F-4; F-5; G-3.
[7] SRS2 Attachment H.
[8] SRS2 Attachment B.
[9] SRS2 Attachment C.
[10] SRS2 Attachments D-1; D-2; D-3; D-4; D-5; D-6; F-1; F-2; F-3; F-4; G-3.
[11] SRS2 Attachment H.
[12] SRS2 Attachments D-1; D-2; D-3; D-4; D-5; D-6; F-1; F-2; F-3; F-4; G-3; H.
[13] SRS2 Attachment H.

7. whether staff or counsel verified, before scheduling the April 13 item for Council action, that the administrative record contained legal boundary evidence necessary to establish contiguity under Idaho Code §50-222; and
8. whether the April 13 contiguity finding / recital is procedural only, remains open for later verification, or is intended to be relied upon in later annexation, zoning, subdivision, development-agreement, Comprehensive Plan, site-feasibility, development-capacity, or Lions Park-related proceedings.

Important Record Context: Lions Park Annexation Pathway and Boundary Verification

WRLT legal-description status was unresolved before the April 13 action.
After WRLT's LOI was circulated for scheduling, Yeager asked whether WRLT had submitted a legal description. Davis responded: "No, nothing yet."[14] That exchange is the direct link between the City's Lions Park boundary-verification workstream and the April 13 WRLT record question. At least as of that point in the pre-April 13 process, City staff understood that WRLT had not yet submitted a legal description.[15]

The administrative record reviewed to date does not appear to identify when WRLT later submitted a legal description, stamped survey, recorded instrument, title material, current plat, bearing / distance, or equivalent boundary evidence sufficient to establish the specific shared boundary with the City before Council adopted the April 13 contiguity finding. Memo #4 states that the administrative record reviewed to date did not appear to identify the specific shared boundary, stamped survey, legal description, recorded plat, deed, title material, or equivalent evidence supporting the WRLT contiguity finding.[16]

Historical and April 13 materials linked Old Board Ranch annexation to a future Lions Park annexation pathway.
The 2004 Lions Park Master Plan excerpt states: "All lands within the planning area are currently within the County. Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed."[17] WRLT's April 13 materials later stated that annexation of Old Board Ranch would create a pathway for the City to eventually initiate annexation of Lions Park and gain control over the property.[18]

These materials matter because they show that the Lions Park pathway was not an isolated public-benefit reference. The pathway appeared in historical City materials and was later reflected in WRLT's April 13 public materials. WRLT's April 13 materials did not, however, disclose the fuller internal City workstream concerning Lions Park inclusion, road / bridge exclusion, statutory contiguity, plats, surveys, or legal-description materials.[19]

City PRR materials show an internal and applicant-facing Lions Park process / scope workstream.
In the October 15–16, 2025 City PRR email chain, Davis asked whether the City wanted to use the WRLT annexation application to bring Lions Park in or whether the City should submit its own separate annexation application to be heard concurrently.[20] Horowitz stated that the City needed to annex the park but not the road / bridge.[21] Simms agreed that the City did not want the bridge.[22] Horowitz later stated that including Lions Park in WRLT's annexation seemed good if WRLT was willing, and Yeager agreed regarding "yes on the park and never on the bridge."[23]

The Lions Park issue also moved from internal discussion to applicant-facing communication. Davis asked the applicant's engineer whether WRLT would be willing to bring Lions Park through with its application.[24] In the same applicant-facing sequence, Davis communicated the City's sequencing interpretation: that Simms was "in the same camp," that the code language was "limiting, but not mandatory," and that subdivision could wait if zoning and minimum / maximum densities were included in the annexation application / agreement.[25]

City Attorney Simms identified statutory contiguity and current plats as boundary-verification issues.
After the park / road / bridge discussion, Simms wrote: "I do want to be sure the lands are 'contiguous' per the statute. Let's take a good look current plats of the park and WRLT parcels to assure ourselves the boundaries adjoin."[26]

[14] SRS2 Attachment F-5.
[15] SRS2 Attachment F-5.
[16] SRS2 Attachment H.
[17] SRS2 Attachment B.
[18] SRS2 Attachment C.
[19] SRS2 Attachments D-1; D-2; D-3; D-4; D-5; D-6; F-1; F-2; F-3; F-4; G-3.
[20] SRS2 Attachment D-1.
[21] SRS2 Attachment D-2.
[22] SRS2 Attachment D-3.
[23] SRS2 Attachment D-4.
[24] SRS2 Attachment E.
[25] SRS2 Attachment E.
[26] SRS2 Attachment D-5.

This is the central record fact. Simms framed contiguity as a statutory boundary-verification issue and directed review of current plats of both the park and WRLT parcels to confirm adjoining boundaries.[27] After Simms requested current-plat review, Davis stated that the City did not have plats for either parcel. Yeager then stated that Lions Park had a surveyed boundary, that he thought the Old Board Ranch parcel had a surveyed boundary also, and that surveys would need to be pulled for "absolute confirmation."[28]

City staff later pursued Lions Park survey, legal-description, annexation-exhibit, and road / road-capture materials.
On December 22, 2025, Yeager asked Doug Green to prepare a Lions Park annexation application exhibit, stated that it would be added to the WRLT annexation exhibit adjoining it on the east side of the river, requested the Record of Survey, asked for a bearing-distance legal description, and noted that road capture adjacent to WRLT might need to be shown on the map.[29]

The Lions Park boundary workstream did not begin with complete survey materials already in hand. Green searched Blaine County records and did not find a Lions Park survey, noted the parcel legal description appeared tied to an Idaho Power easement, and suggested a fallback approach using a County control point and nearest parcel corner if no survey could be located.[30] Terry Washburn later stated the property was surveyed in 1979 and provided that survey plus an adjoining-land survey.[31] Yeager then instructed that turned angles and distances should match the survey, rotated as appropriate for GIS.[32]

This sequence shows how the City handled boundary uncertainty for Lions Park: staff and consultants sought survey support, legal-description support, annexation-scope clarification, and road / road-capture treatment.[33]

WRLT's April 13 concept diagram does not resolve the boundary evidence question.
WRLT's April 13 zoning analysis exhibit identified Lions Park, the Big Wood River, Tax Lot 7900, proposed annexation boundary, proposed zoning, proposed road dedication, residential parcels, density, and unit counts. The exhibit is marked "Preliminary — Not for Construction."[34]

The issue is not whether that exhibit is useful as a concept diagram. The issue is whether the April 13 administrative record contained legal boundary evidence establishing the specific shared boundary between Old Board Ranch / Tax Lot 7900 and existing City limits.[35]

Why This Matters
The record issue is boundary-evidence asymmetry. The City's PRR materials show boundary-sensitive diligence for Lions Park: process path, park-not-road / bridge scope, statutory contiguity, current plats, survey confirmation, legal-description support, annexation-exhibit preparation, and road / road-capture treatment.[36] The April 13 WRLT administrative record reviewed to date does not appear to identify comparable boundary-verification evidence for WRLT before Council adopted the April 13 contiguity finding.[37]

The concern is not that the City evaluated Lions Park carefully. The concern is whether the City may rely on a WRLT contiguity finding when the record reviewed to date does not identify the same type of boundary-verification support that City staff and counsel treated as necessary in the Lions Park workstream. If the City applied different boundary-verification expectations to Lions Park and WRLT, the record should identify the legal and factual basis for that distinction.[38]

Applying a boundary-verification standard to Lions Park while relying on an unidentified or deferred boundary basis for WRLT would create avoidable administrative-record risk, including the risk that later reliance on the April 13 finding could be characterized as inconsistent or arbitrary. If comparable WRLT evidence existed, it should be identified by record citation. If it did not exist, the City should clarify that the April 13 contiguity finding remains open, procedural only, or unsupported as of the April 13 record.[39]

Threshold Record Gaps
Based on the administrative record reviewed to date, the record does not yet appear to identify:

[27] SRS2 Attachment D-5.
[28] SRS2 Attachment D-6.
[29] SRS2 Attachment F-1.
[30] SRS2 Attachment F-2.
[31] SRS2 Attachments F-3; G-1; G-2.
[32] SRS2 Attachment F-4.
[33] SRS2 Attachments F-1; F-2; F-3; F-4; G-1; G-2; G-3.
[34] SRS2 Attachment C.
[35] SRS2 Attachment H.
[36] SRS2 Attachments D-1; D-2; D-3; D-4; D-5; D-6; F-1; F-2; F-3; F-4; G-3.
[37] SRS2 Attachment H.
[38] SRS2 Attachments D-5; D-6; F-1; F-2; F-3; F-4; F-5; H.
[39] SRS2 Attachments D-5; D-6; F-1; F-2; F-3; F-4; F-5; H.

1. the specific common border relied upon to establish WRLT / Old Board Ranch contiguity.[40]
2. the survey, legal description, recorded plat, deed, title material, current plat, GIS source, or equivalent legal boundary evidence supporting that common border.[41]
3. whether any such evidence existed in the April 13 administrative record.[42]
4. whether the April 13 contiguity finding depends on the WRLT parcel's independent contiguity to existing City limits or on Lions Park, road / bridge areas, right-of-way, parcel aggregation, sequencing, or a future annexation pathway.[43]
5. whether City staff or City Attorney reviewed Lions Park surveys, legal descriptions, title materials, engineering exhibits, road / bridge boundary maps, or related materials before April 13.[44]
6. whether any Lions Park materials were included in the April 13 Council packet, staff report, public project file, hearing record, or administrative record.[45]
7. whether any Lions Park materials were used, directly or indirectly, to evaluate WRLT contiguity, City-boundary adjacency, or annexation scope.[46]
8. whether WRLT submitted a legal description, survey, recorded instrument, title report, or boundary exhibit before April 13 sufficient to identify the specific shared boundary with the City.[47]
9. whether the City's position is that WRLT contiguity can be established without the type of survey / legal-description review the City pursued for Lions Park.[48]
10. whether the April 13 contiguity finding is procedural only, remains open, unsupported, or available for reliance in later annexation, zoning, subdivision, development-agreement, Comprehensive Plan, site-feasibility, development-capacity, or Lions Park-related proceedings.[49]
11. whether, before the April 13 item was scheduled for Council action, staff or counsel verified that the administrative record contained the legal boundary evidence necessary to establish contiguity under Idaho Code §50-222.[50]

Requested Clarifications Before Further Action

Before any further P&Z or Council action, and before any further reliance on the April 13 contiguity finding, the City should identify by citation to the administrative record:

1. **Specific shared boundary.**
   The exact City boundary, City parcel, right-of-way, or other feature allegedly creating contiguity between Old Board Ranch / Tax Lot 7900 and the existing City of Hailey boundary.
2. **Boundary evidence.**
   The stamped survey, legal description, recorded plat, deed, title material, current plat, GIS source, or equivalent legal boundary evidence supporting the claimed common border.
3. **Record timing.**
   Whether that boundary evidence existed in the administrative record as of April 13, 2026.
4. **Lions Park relationship.**
   Whether the City is relying on, or has evaluated, Lions Park, road / bridge areas, right-of-way, parcel aggregation, sequencing, or future annexation of Lions Park as part of the WRLT contiguity theory.
5. **Lions Park materials.**
   Whether any Lions Park surveys, title materials, engineering exhibits, legal descriptions, map markups, or road / bridge boundary analyses were reviewed by staff, counsel, consultants, or Council before April 13.
6. **Public-record status.**
   Whether any Lions Park materials were included in the April 13 Council packet, staff report, public project file, resolution materials, hearing record, or administrative record.
7. **Use or reliance.**
   Whether any Lions Park materials were used, directly or indirectly, to evaluate WRLT contiguity, City-boundary adjacency, annexation scope, or the ability to annex Lions Park after WRLT annexation.

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[40] SRS2 Attachment H.
[41] SRS2 Attachment H.
[42] SRS2 Attachment H.
[43] SRS2 Attachments D-1; D-5; D-6; H.
[44] SRS2 Attachments D-5; D-6; F-1; F-2; F-3; F-4; G-1; G-2; G-3.
[45] SRS2 Attachments C; D-1; D-2; D-3; D-4; D-5; D-6; F-1; F-2; F-3; F-4; G-1; G-2; G-3.
[46] SRS2 Attachments D-1; D-5; D-6; F-1; G-3.
[47] SRS2 Attachments F-5; H.
[48] SRS2 Attachments D-5; D-6; F-1; F-2; F-3; F-4; H.
[49] SRS2 Attachment H.
[50] SRS2 Attachments D-5; D-6; F-5; H.

8. **Comparable WRLT evidence.**
   Whether WRLT submitted a legal description, stamped survey, title report, recorded instrument, plat, or boundary exhibit before April 13 sufficient to identify the specific shared boundary between WRLT / Old Board Ranch and the City.
9. **Different evidentiary treatment.**
   Whether the City's position is that Lions Park required survey / legal-description review for boundary confirmation, but WRLT did not; and if so, the legal and factual basis for that distinction.
10. **April 13 finding status.**
    Whether the April 13 contiguity finding is procedural only, remains open for later verification, unsupported, or intended to be relied upon in later annexation, zoning, subdivision, development-agreement, Comprehensive Plan, site-feasibility, development-capacity, or Lions Park-related proceedings.
11. **Procedural-only effect.**
    If the April 13 contiguity finding is characterized as procedural only, whether the City acknowledges that the finding does not establish the factual predicate for annexation authority under Idaho Code §50-222 unless and until the City identifies record evidence establishing the specific common border.
12. **Agenda-readiness / threshold verification.**
    Whether, before the April 13 item was scheduled for Council action, staff or counsel verified that the administrative record contained the legal boundary evidence necessary to establish contiguity under Idaho Code §50-222; and if so, where that evidence is located in the administrative record.

Requested Action

Before relying on or reaffirming any finding related to WRLT / Old Board Ranch contiguity, annexation authority, zoning, subdivision, Comprehensive Plan consistency, site feasibility, development capacity, or Lions Park-related annexation sequencing, Council and P&Z should require staff and counsel to:

1. identify the specific common border and legal boundary evidence supporting WRLT / Old Board Ranch contiguity;
2. state whether that evidence existed in the April 13 administrative record;
3. distinguish boundary materials available before April 13 from materials created, obtained, or submitted after April 13;
4. identify whether any Lions Park survey, title, engineering, legal description, or map materials were reviewed, relied upon, or included in the April 13 public administrative record;
5. explain whether WRLT contiguity is independent of Lions Park, road / bridge areas, right-of-way, parcel aggregation, or annexation sequencing; and
6. clarify whether the April 13 contiguity finding remains open, preliminary, procedural only, unsupported, or available for later reliance.

Attachment Schedule

Attachment A — Supplemental No. 2 Timeline / Source Index
Attachment A provides a chronological roadmap of the City PRR materials and related record excerpts included in Supplemental Record Submission No. 2.

Attachment B — 2004 Lions Park Master Plan Excerpt
Attachment B includes the 2004 Lions Park Master Plan excerpt stating that all lands within the Lions Park planning area were then within the County and that "Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed."

Attachment C — WRLT April 13 Packet Excerpt re Lions Park Pathway
Attachment C includes WRLT April 13 packet excerpts stating that annexation of Old Board Ranch would create a pathway for the City to eventually initiate annexation of Lions Park and gain control over the property. It also includes WRLT's LOI / Large-Block Preliminary Plat framing and zoning analysis exhibit.

Attachment D — October 15–16, 2025 Internal City Email Chain re WRLT Annexation, Lions Park Scope, Plats, Surveys, and Statutory Contiguity
Attachment D includes the October 15–16, 2025 internal City email chain showing Ordinance 889 sequencing discussion, Lions Park inclusion / scope discussion, road / bridge exclusion, statutory contiguity review, lack of plats, and need to pull surveys for "absolute confirmation."

Attachment E — October 16, 2025 Applicant-Facing Emails to Samantha Stahlnecker
Attachment E includes the October 16, 2025 applicant-facing emails communicating the City's subdivision-deferral interpretation and asking whether WRLT would be willing to "bring Lions Park through with their application."

Attachment F — December 22, 2025–January 26, 2026 Lions Park Survey / Legal-Description Workstream and WRLT Legal-Description Status
Attachment F includes City PRR materials showing the Lions Park annexation exhibit, Record of Survey, bearing-distance legal description, survey search, survey geometry, road-capture, and WRLT legal-description status workstream.

Attachment G — Lions Park Survey / Map Materials
Attachment G includes the Lions Park survey / map materials referenced in the PRR workstream, including 196582 SRV.pdf, 490303 SRV.pdf, and the road / bridge / road-capture image.

Attachment H — Memo #4 Excerpt re Missing WRLT Contiguity Evidence
Attachment H includes Memo #4 excerpts identifying the missing WRLT boundary evidence and requested contiguity verification.

Attachment I — Memo #5 Excerpt re Ordinance 889 Sequencing
Attachment I includes Memo #5 excerpts showing that the Ordinance 889 sequencing issue was previously preserved and that the same PRR exchange reflected a related Lions Park / road / bridge annexation-scope discussion.

Administrative Record Index Handoff
The attached Administrative Record Index (vSRS2) organizes the record questions raised by this supplemental submission and asks the City to identify, by citation, the April 13 administrative-record evidence supporting the WRLT / Old Board Ranch contiguity finding.

If that evidence existed in the April 13 administrative record, the City should identify it by citation. If it did not exist, the City should clarify whether the April 13 contiguity finding remains open, procedural only, unsupported, or dependent on later-developed boundary evidence.

Administrative Record Index (vSRS2)

Issue: Lions Park Annexation Pathway, Contiguity Verification, and April 13 WRLT Boundary-Evidence Support

This index identifies whether the administrative record contains the boundary-evidence basis necessary to support further reliance on the April 13 finding / recital that the WRLT / Old Board Ranch parcel is contiguous to the City.

This index applies to the administrative record as it existed on April 13, 2026, and to record materials identified to date concerning Lions Park annexation dependency, WRLT's April 13 Lions Park pathway statements, City PRR materials, survey / legal-description work, and Memo #4's contiguity record questions.

This index is not intended to require final subdivision approval, final plat approval, final engineering, or final agency approvals at this stage. It identifies the minimum boundary-evidence and record-verification baseline needed to determine what facts existed in the April 13 record, what remains unknown, what has been deferred, and whether further reliance on the April 13 contiguity finding is supported by substantial evidence in the administrative record.

Where the City's position is that April 13 was procedural only and did not finally determine WRLT / Old Board Ranch contiguity, the record should identify that position and clarify which findings remain open.

For Supplemental Record Submission No. 2, the key record question is narrow:

> Where, specifically, does the April 13 administrative record identify the common border between the WRLT / Old Board Ranch parcel and the existing City boundary, and what legal boundary evidence supports the April 13 contiguity finding?

If the City contends that Lions Park, a right-of-way, road / bridge area, road-capture area, parcel aggregation, sequencing theory, or other boundary theory is relevant to WRLT / Old Board Ranch contiguity, the record should identify that theory, the legal basis for relying on it, and the boundary evidence supporting it.

If the City intends to rely on post-April 13 survey materials, legal descriptions, GIS work, annexation exhibits, PRR materials, or other later-identified boundary evidence, the City should distinguish whether those materials support a later determination only or are being used to support the April 13 finding retroactively.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
117	Historical Lions Park annexation dependency	Attachment B, 2004 Lions Park Master Plan Excerpt; M3 Exhibit 1, p. 337	Historical City material states that all lands within the Lions Park planning area were then within the County, and that annexation of Lions Park could not occur until Board Ranch to the east was annexed.	The April 13 record does not appear to explain how this historical dependency relates to the current WRLT annexation pathway or April 13 contiguity finding.	Historical dependency identified; current record relationship not established.
118	WRLT public Lions Park pathway statement	Attachment C, 04132026 City Council Packet, p. 230	WRLT stated that annexation of Old Board Ranch would create a pathway for the City to eventually initiate annexation of Lions Park and gain control over the property.	The April 13 public materials do not appear to disclose the fuller internal City Lions Park workstream reflected in PRR materials.	Public pathway disclosed; internal scope / boundary workstream not fully disclosed in April 13 packet.
119	WRLT concept exhibit / Lions Park context	Attachment C, 04132026 City Council Packet, pp. 224–225	WRLT LOI states intent to submit applications for Annexation and a Large-Block Preliminary Plat; zoning exhibit identifies Lions Park, Tax Lot 7900, proposed zoning, road dedication, parcels, density, and proposed units.	The exhibit does not appear to identify legal boundary evidence establishing the specific shared boundary between WRLT / Old Board Ranch and existing City limits.	Concept diagram shown; legal boundary support not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
120	City internally considered whether Lions Park should be included with WRLT	Attachment D-1	Davis asked whether the City should use WRLT's annexation application to bring Lions Park in or submit a separate concurrent City application.	The April 13 record does not appear to clarify whether Lions Park was omitted, deferred, considered separately, or part of any WRLT-related annexation sequencing theory.	Lions Park scope issue identified internally; administrative record status not established.
121	City Administrator identified Lions Park process / scope	Attachment D-2; Attachment D-4	Horowitz stated that the City needed to annex the park but not the road / bridge, and later stated that including Lions Park in WRLT's annexation seemed good if WRLT was willing.	The April 13 record does not appear to disclose how this internal City direction affected applicant-facing communication or later WRLT / Lions Park sequencing.	Internal City process / scope direction identified; administrative record treatment not established.
122	City Attorney agreed with sequencing interpretation and bridge exclusion	Attachment D-3	Simms agreed with Horowitz's sequencing interpretation, described the code language as "limiting, but not mandatory," and agreed that the City did not want the bridge.	The April 13 record does not appear to disclose a public legal analysis reconciling this interpretation with Ordinance 889 or explaining the bridge-exclusion issue.	Internal legal interpretation and scope agreement identified; administrative record treatment not established.
123	City asked applicant's engineer about Lions Park inclusion	Attachment E-2	Davis asked Stahlnecker whether WRLT would be willing to bring Lions Park through with its application.	The April 13 record does not appear to disclose the extent to which Lions Park inclusion was discussed with or considered by the applicant team.	Applicant-facing Lions Park question identified; April 13 disclosure status not established.
124	City Attorney identified statutory contiguity / current plats	Attachment D-5	Simms stated that he wanted to be sure the lands were "contiguous" under the statute and directed staff to review current plats of the park and WRLT parcels to assure boundaries adjoined.	The April 13 record does not appear to identify comparable current-plat, survey, or legal-description verification for WRLT contiguity.	City recognized contiguity as a statutory boundary-verification issue.
125	Staff did not have plats; surveys needed for absolute confirmation	Attachment D-6	Davis stated there were no plats for either parcel; Yeager stated Lions Park had a surveyed boundary, thought the Old Board Ranch parcel had a surveyed boundary also, and stated surveys needed to be pulled for "absolute confirmation."	The April 13 record does not appear to identify when the City later obtained WRLT plats, survey, legal-description, or equivalent boundary materials sufficient to verify contiguity.	Requested boundary-verification materials were not in hand at that point; later WRLT record support remains unidentified.
126	City pursued Lions Park annexation exhibit / survey / legal description	Attachment F-1	Yeager asked Green to prepare a Lions Park annexation exhibit, stated it would be added to the WRLT annexation exhibit, asked for the Record of Survey, requested a bearing-distance legal description, and noted road capture adjacent to WRLT.	The April 13 WRLT record does not appear to identify comparable survey / legal-description evidence for WRLT contiguity.	Lions Park boundary-evidence diligence identified; comparable WRLT evidence not identified.
127	Outside engineering / title survey workstream	Attachment F-2; Attachment F-3; Attachment F-4; Attachment G-1; Attachment G-2	Green searched for survey materials and discussed a possible legal-description approach; Terry provided 1979 Lions Park survey materials; Yeager instructed that turned angles and distances should match the survey.	The April 13 record does not appear to clarify whether this Lions Park boundary work was included, reviewed, relied upon, or segregated from WRLT contiguity findings.	Boundary workstream continued; administrative record status not established.
128	WRLT legal-description status	Attachment F-5	Davis circulated WRLT's LOI for scheduling; Yeager asked whether WRLT had submitted a legal description; Davis responded: "No, nothing yet."	The April 13 record does not appear to identify when WRLT later submitted a legal description, whether it did so before April 13, or whether any such legal description or equivalent boundary evidence supported the contiguity finding.	Legal-description gap identified; later status requires clarification.
129	Memo #4 WRLT contiguity gap remains unresolved	Attachment H	Memo #4 states that the April 13 record does not appear to identify legal boundary evidence necessary to support WRLT contiguity under Idaho Code §50-222.	The City has not yet identified the specific common border and legal boundary evidence supporting the April 13 contiguity finding.	WRLT contiguity record support not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
130	April 13 contiguity finding status	04132026 City Council Packet, Resolution materials, pp. 217–221; Attachment H; Attachment I	April 13 materials included findings / recitals concerning owner consent, contiguity, and Comprehensive Plan Land Use Map inclusion, and initiated procedures related to the WRLT LOI / ARA.	The record does not yet clarify whether the April 13 contiguity finding is procedural only, remains open, or may be relied upon later.	Record-effect clarification required.
131	Agenda-readiness / threshold contiguity verification	Attachment F-5; Attachment H	City PRR materials reflect that WRLT had not yet submitted a legal description when the LOI was being circulated for scheduling; Memo #4 states the April 13 record does not appear to identify legal boundary evidence supporting WRLT contiguity.	The record does not yet identify whether legal boundary evidence establishing the specific common border existed before the April 13 item was scheduled for Council action.	Agenda-readiness / threshold verification not established.

Closing Record Question

At minimum, this Index asks the City to answer the record question central to Supplemental Record Submission No. 2:

> Where, specifically, does the April 13 administrative record identify the common border between the WRLT / Old Board Ranch parcel and the existing City boundary, and what legal boundary evidence supports the April 13 contiguity finding?

If that evidence existed in the April 13 administrative record, the City should identify it by citation. If the evidence did not exist in the April 13 administrative record, the City should clarify whether the April 13 contiguity finding was procedural only, remains open, is unsupported, or is being used as a factual predicate for later annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, site-feasibility, development-capacity, or Lions Park-related action.

If survey materials, legal descriptions, annexation exhibits, GIS work, PRR materials, or other boundary evidence were submitted, developed, located, or identified after April 13, 2026, the City should distinguish whether those materials support later determinations only or are being used to support April 13 findings retroactively.

SRS2 Attachment A – Supplemental No. 2 Timeline / Source Index

Attachment A provides a chronological timeline and source index for the City PRR materials and related record excerpts included in Supplemental Record Submission No. 2. This attachment is included as a roadmap only. The underlying source emails, excerpts, surveys, maps, and memo excerpts are included in Attachments C through I. Attachment A does not substitute for those source materials; it identifies where each item appears in the attachment set and how the materials fit together chronologically.

Use of Attachment A

Attachment A is provided to help Council, P&Z, staff, counsel, and the public follow the sequence of materials included in Supplemental Record Submission No. 2. The core source materials appear in the individual attachments. Attachment A is intended only to identify the timeline, source thread, key record point, and corresponding attachment location.

Timeline / Source Index

Date / Time	Source / Thread	Key record point	Attachment
Oct. 15, 2025, 10:55 AM	Davis to Simms / Horowitz / Yeager	Davis raised Ordinance 889 sequencing and Lions Park process questions.	D-1
Oct. 16, 2025, 7:46 AM	Horowitz response	Horowitz stated subdivision could wait if zoning / densities were established, and identified park-not-road / bridge scope for Lions Park.	D-2
Oct. 16, 2025, 8:56 AM	Simms response	Simms agreed the code language was “limiting, but not mandatory,” and stated, “We don’t want the bridge.”	D-3
Oct. 16, 2025, 9:17 AM	Davis to Stahlnecker	Davis communicated the subdivision-deferral interpretation to the applicant’s engineer.	E
Oct. 16, 2025, 9:18 / 9:43 / 10:02 AM	Davis / Horowitz / Yeager exchange	City staff discussed including Lions Park through WRLT if WRLT was willing, while excluding the bridge.	D-4
Oct. 16, 2025, 10:22 AM	Davis to Stahlnecker	Davis asked whether WRLT would “bring Lions Park through with their application.”	E
Oct. 16, 2025, 11:32 AM	Simms to Yeager, cc Horowitz / Davis	Simms identified statutory contiguity and directed review of current plats to confirm adjoining boundaries.	D-5
Oct. 16, 2025, 11:54 / 11:59 / 12:06 PM	Davis / Yeager exchange	Davis stated there were no plats; Yeager stated surveys would need to be pulled for “absolute confirmation.”	D-6
Dec. 22, 2025, 5:24 PM	Yeager to Green / Davis	Yeager requested Lions Park annexation exhibit, Record of Survey, bearing-distance legal description, and road-capture map treatment.	F-1
Dec. 30, 2025, 8:54 AM	Green email	Green searched for a Lions Park survey, could not locate one, and suggested a fallback legal-description approach.	F-2
Dec. 31, 2025, 11:56 AM / 12:13 PM	Yeager / Washburn exchange	Washburn provided the 1979 Lions Park survey and another survey appearing to show adjoining land.	F-3; G-1; G-2
Dec. 31, 2025, 12:47 PM	Yeager follow-up	Yeager directed that turned angles and distances should match the survey, rotated as appropriate for GIS.	F-4
Jan. 26, 2026, 2:35 / 2:39 / 2:41 PM	Davis / Yeager WRLT LOI exchange	WRLT was being scheduled for Council; Yeager asked whether WRLT submitted a legal description; Davis responded, “No, nothing yet.”	F-5
Apr. 13, 2026	WRLT Council packet excerpt	WRLT linked Old Board Ranch annexation to a future Lions Park annexation pathway.	C
May 12, 2026	Memo #4 excerpt	Memo #4 preserved the missing WRLT contiguity evidence issue.	H
May 14, 2026	Memo #5 excerpt	Memo #5 preserved the Ordinance 889 sequencing issue and related PRR chain.	I

SRS2 Attachment B – 2004 Lions Park Master Plan Excerpt

Attachment B is included to document the City's historical statement that Lions Park annexation depended on annexation of Board Ranch to the east.

The excerpt comes from M3 Exhibit 1, p. 337. The excerpt states: "All lands within the planning area are currently within the County. Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed." These statements are relevant because WRLT's April 13 materials later described Old Board Ranch annexation as creating a pathway for eventual City annexation of Lions Park.

This attachment is offered only to show the historical Lions Park / Board Ranch annexation relationship reflected in City materials, and to support Supplemental Record Submission No. 2's request that the City clarify how that relationship was evaluated before further reliance on the April 13 contiguity finding.

- **Jurisdiction and Process:**
  All lands within the planning area are currently within the County. Annexation of Lions Park cannot occur until the Board Ranch to the east is annexed. All improvements to Lions Park need to be reviewed and approved by the County. It is the opinion of both City and County Planners that projects should be coordinated together in a Master Plan for Lions Park, which would include the Ice Park, the Whitewater Park, restoration of the wetlands, and any other park improvements. The Master Plan should be reviewed and recommended by the Parks & Lands Board, adopted by the City Council, then forwarded to the County for their approval process. This would give both governing entities opportunity to be comfortable with the

Lions Park Master Plan Aug 2004
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SRS2 Attachment C – WRLT April 13 Packet Excerpt re Lions Park Pathway

Attachment C documents WRLT's April 13 statement that annexation of Old Board Ranch would create a pathway for eventual City annexation of Lions Park.

The excerpt comes from p. 230 of the April 13, 2026 City Council packet. It states that Lions Park is adjacent to the west of the property, is located in Blaine County rather than within Hailey city limits, and that annexation of Old Board Ranch would allow the City to eventually initiate annexation of Lions Park and gain control over the property.

Attachment C is included because WRLT's April 13 materials expressly linked Old Board Ranch annexation to a future Lions Park annexation pathway. That link supports Supplemental Record Submission No. 2's request that the City clarify how Lions Park dependency, WRLT contiguity, and April 13 record support were evaluated before any further reliance on the April 13 contiguity finding.

Annexation would also:

- Generate annexation fees, development impact feeds, and additional tax base;
- Allow connection to existing City water and sewer infrastructure, improving water quality outcomes compared to wells and septic systems near the river;
- Support long-term planning for adjacent City-owned lands such as Lions Park. The City of Hailey currently owns Lions Park adjacent to the west of this property; however, the park is located in Blaine County, not in the City of Hailey. The Annexation of "Old Board Ranch" would create a pathway for the City of Hailey to eventually initiate Annexation of Lions Park and gain control over the property.

SRS2 Attachment D-1 – Davis Raises Ordinance 889 and Lions Park Process Questions

Attachment D-1 is an October 15, 2025 email from Community Development Director Robyn Davis to City Attorney Christopher Simms, City Administrator Lisa Horowitz, and Public Works Director / City Engineer Brian Yeager concerning the WRLT annexation process.

The email is included because Davis raised two threshold process questions in the same communication: whether Ordinance 889 required WRLT to submit both an annexation application and a subdivision application, or allowed WRLT to proceed with annexation while LEAP later brought subdivision materials; and whether Lions Park should be included in WRLT's annexation application, addressed through a separate concurrent City application, or otherwise addressed.

Attachment D-1 therefore shows that, before the April 13 Council action, City staff had already identified both the annexation / subdivision concurrency issue and the Lions Park annexation-pathway issue for legal, administrative, and engineering direction.

From: "robyn.davis@haileycityhall.org" <robyn.davis@haileycityhall.org>
Date: Wednesday, October 15, 2025 at 10:55 AM
To: "cpslaw@gmail.com" <cpslaw@gmail.com>, "lisa.horowitz@haileycityhall.org" <lisa.horowitz@haileycityhall.org>, Brian Yeager <brian.yeager@haileycityhall.org>
Subject: WRLT Annexation

Hi, Christopher, Brian, and Lisa –
As you know, the WRLT would like to annex the old Caplow project into the City. With that, they'd prefer not to develop the parcel, but rather, let the development team (LEAP) do so.

I have a few questions around this process and maybe it would be best to meet on this:

- Christopher/Lisa – the language below comes from our code. Do you feel the WRLT needs to supply an Annexation Application and a Subdivision Application, or can they proceed with only an Annexation Application and let LEAP bring forward the Subdivision Application?
    - The city shall concurrently with the application for annexation consider applications for one or more zoning classifications and a subdivision plat consistent with the requirements (including notice provisions) and standards of title 17, chapter 17.14 of this code, Hailey ordinance 532, as amended, and the Hailey subdivision ordinance, Hailey ordinance 821, as amended. The city shall not consider any other application by the applicant on the subject property under the city zoning or subdivision ordinance unless and until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law. (Ord. 1104, 2012; Ord. 889 § 1, 2004)
- Brian/Lisa – Do we want to use this Annexation Application to bring Lions Park in (this would require Samantha to include Lions Park in their submittal), or do we want to submit our own separate Annexation Application to be heard concurrently with this item?
    - If not one of the above, how do we want to address the annexation of Lions Park?

If you'd prefer to meet and discuss, let me know and I will find a time that works best for all.
Thank you!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

SRS2 Attachment D-2 – Horowitz Responds on Subdivision Deferral and Park-Not-Road / Bridge Scope

Attachment D-2 is an October 16, 2025 response from City Administrator Lisa Horowitz within the October 15–16 WRLT annexation email chain.

The attachment is included because Horowitz responded to both threshold issues raised in Attachment D-1. On annexation / subdivision sequencing, she stated that if the annexation established zoning and minimum / maximum densities, "that we can wait on the subdivision." On Lions Park, she stated that the City needed to annex the park but not the road / bridge, and that the property lines were fully contiguous without the road.

Attachment D-2 therefore shows that, before the April 13 Council action, City administration had already taken an internal position on subdivision deferral and had separately identified Lions Park annexation scope — including park-not-road / bridge treatment and asserted contiguity — as part of the WRLT annexation discussion.

From: lisa.horowitz@haileycityhall.org
To: Robyn Davis; cpslaw@gmail.com; Brian Yeager
Subject: Re: WRLT Annexation
Date: Thursday, October 16, 2025 7:46:45 AM

See below.

From: "robyn.davis@haileycityhall.org" <robyn.davis@haileycityhall.org>
Date: Wednesday, October 15, 2025 at 10:55 AM
To: "cpslaw@gmail.com" <cpslaw@gmail.com>, "lisa.horowitz@haileycityhall.org" <lisa.horowitz@haileycityhall.org>, Brian Yeager <brian.yeager@haileycityhall.org>
Subject: WRLT Annexation

Hi, Christopher, Brian, and Lisa –
As you know, the WRLT would like to annex the old Caplow project into the City. With that, they'd prefer not to develop the parcel, but rather, let the development team (LEAP) do so.

I have a few questions around this process and maybe it would be best to meet on this:

- Christopher/Lisa – the language below comes from our code. Do you feel the WRLT needs to supply an Annexation Application and a Subdivision Application, or can they proceed with only an Annexation Application and let LEAP bring forward the Subdivision Application? I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision.
    - The city shall concurrently with the application for annexation consider applications for one or more zoning classifications and a subdivision plat consistent with the requirements (including notice provisions) and standards of title 17, chapter 17.14 of this code, Hailey ordinance 532, as amended, and the Hailey subdivision ordinance, Hailey ordinance 821, as amended. The city shall not consider any other application by the applicant on the subject property under the city zoning or subdivision ordinance unless and until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law. (Ord. 1104, 2012; Ord. 889 § 1, 2004)
- Brian/Lisa – Do we want to use this Annexation Application to bring Lions Park in (this would require Samantha to include Lions Park in their submittal), or do we want to submit our own separate Annexation Application to be heard concurrently with this item? I think we need to annex the park but not the road/bridge. The property lines are fully contiguous without the road so I see no issue excluding the road/bridge.
    - If not one of the above, how do we want to address the annexation of Lions Park?

If you'd prefer to meet and discuss, let me know and I will find a time that works best for all.
Thank you!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

SRS2 Attachment D-3 – Simms Agrees on Sequencing Interpretation and Bridge Exclusion

Attachment D-3 is an October 16, 2025 response from City Attorney Christopher Simms within the October 15–16 WRLT annexation email chain.

The attachment is included because Simms addressed both issues raised in the chain. On annexation / subdivision sequencing, he agreed with City Administrator Lisa Horowitz and stated that he believed the code language was "limiting, but not mandatory." On Lions Park, he agreed with the proposed park-not-bridge scope, stating, "We don't want the bridge."

Attachment D-3 therefore shows that, before the April 13 Council action, City legal counsel had internally addressed both the Ordinance 889 sequencing question and the need to distinguish the Lions Park annexation area from the road / bridge area. That matters because Supplemental Record Submission No. 2 asks whether comparable legal and boundary-evidence rigor was applied to the WRLT / Old Board Ranch contiguity finding adopted on April 13.

From: Christopher P. Simms
To: Robyn Davis
Cc: Lisa Horowitz; Brian Yeager
Subject: Re: WRLT Annexation
Date: Thursday, October 16, 2025 8:55:32 AM

Hello,

I agree with Lisa on point one. I believe the code language is limiting, but not mandatory. I also agree with the comments on the second issue. We don't want the bridge.

Chris

On Wed, Oct 15, 2025 at 10:55 AM Robyn Davis <robyn.davis@haileycityhall.org> wrote:

> Hi, Christopher, Brian, and Lisa –
>
> As you know, the WRLT would like to annex the old Caplow project into the City. With that, they'd prefer not to develop the parcel, but rather, let the development team (LEAP) do so.
>
> I have a few questions around this process and maybe it would be best to meet on this:
>
> - Christopher/Lisa – the language below comes from our code. Do you feel the WRLT needs to supply an Annexation Application and a Subdivision Application, or can they proceed with only an Annexation Application and let LEAP bring forward the Subdivision Application?
>   - The city shall concurrently with the application for annexation consider applications for one or more zoning classifications and a subdivision plat consistent with the requirements (including notice provisions) and standards of title 17, chapter 17.14 of this code, Hailey ordinance 532, as amended, and the Hailey subdivision ordinance, Hailey ordinance 821, as amended. The city shall not consider any other application by the applicant on the subject property under the city zoning or subdivision ordinance unless and until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law. (Ord. 1104, 2012; Ord. 889 § 1, 2004)
> - Brian/Lisa – Do we want to use this Annexation Application to bring Lions Park in (this would require Samantha to include Lions Park in their submittal), or do we want to submit our own separate Annexation Application to be heard concurrently with this item?
>   - If not one of the above, how do we want to address the annexation of Lions Park?
>
> If you'd prefer to meet and discuss, let me know and I will find a time that works best for all.
> Thank you!
>
> **Robyn Davis, M.A.**

SRS2 Attachment D-4 – Davis / Horowitz / Yeager Exchange re Including Lions Park if WRLT is Willing

Attachment D-4 includes the October 16, 2025 Davis / Horowitz / Yeager exchange concerning how to proceed with Lions Park in relation to the WRLT annexation.

The attachment is included because Davis asked how the City wanted to proceed with Lions Park; Horowitz responded that including Lions Park in WRLT's annexation made sense if WRLT was willing; and Yeager agreed with the scope distinction, stating, "yes on the park and never on the bridge."

Attachment D-4 therefore shows that, before the April 13 Council action, City staff and administration were not treating Lions Park as an unrelated future issue. They were internally considering whether Lions Park could be included through the WRLT annexation pathway, while distinguishing the park area from the road / bridge.

From: Robyn Davis <robyn.davis@haileycityhall.org>
Sent: Thursday, October 16, 2025 9:18 AM
To: Christopher P. Simms <cpslaw@gmail.com>
Cc: Lisa Horowitz <lisa.horowitz@haileycityhall.org>; Brian Yeager <brian.yeager@haileycityhall.org>
Subject: RE: WRLT Annexation

Thank you, all! Thoughts on how we want to proceed with Lions Park?

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

From: lisa.horowitz@haileycityhall.org
To: Robyn Davis; cpslaw@gmail.com
Cc: Brian Yeager
Subject: RE: WRLT Annexation
Date: Thursday, October 16, 2025 9:43:30 AM

Have it be included in their annexation seems good to me, if they are willing.

Lisa

Lisa Horowitz
CITY ADMINISTRATOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-471-4678
CELL: 208-727-7097

From: brian.yeager@haileycityhall.org
To: Lisa Horowitz; Robyn Davis; cpslaw@gmail.com
Subject: RE: WRLT Annexation
Date: Thursday, October 16, 2025 10:02:18 AM

Agree regarding yes on the park and never on the bridge.

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

SRS2 Attachment D-5 – Simms Identifies Statutory Contiguity / Current Plats

Attachment D-5 is an October 16, 2025 email from City Attorney Christopher Simms to Public Works Director / City Engineer Brian Yeager, copying City Administrator Lisa Horowitz and Community Development Director Robyn Davis, concerning statutory contiguity and current plats.

The attachment is included because Simms stated: "I do want to be sure the lands are 'contiguous' per the statute," and directed staff to review current plats of the Lions Park and WRLT parcels "to assure ourselves the boundaries adjoin."

Attachment D-5 therefore shows that, before the April 13 Council action, City legal counsel understood contiguity between the Lions Park and WRLT parcels as a statutory boundary-verification issue requiring review of current plats and confirmation that the relevant parcel boundaries adjoined. This is central to Supplemental Record Submission No. 2 because the April 13 WRLT / Old Board Ranch contiguity finding reviewed to date does not appear to identify comparable current-plat, survey, legal-description, or boundary evidence in the administrative record.

From: Christopher P. Simms
To: Brian Yeager
Cc: Lisa Horowitz; Robyn Davis
Subject: Re: WRLT Annexation
Date: Thursday, October 16, 2025 11:32:24 AM

I do want to be sure the lands are "contiguous" per the statute. Let's take a good look current plats of the park and WRLT parcels to assure ourselves the boundaries adjoin.

Christopher P. Simms
Attorney at Law
P.O. Box 1861
Hailey, Idaho 83333
ph 208 788 2800
cell 208 720 6529
cpslaw@gmail.com

SRS2 Attachment D-6 – No Plats for WRLT or Lions Park Parcels; Surveys Needed for Absolute Confirmation

Attachment D-6 includes the October 16, 2025 Davis / Yeager exchange following City Attorney Simms's request to confirm statutory contiguity through current plats.

The attachment is included because Davis stated there were no plats for either parcel, and Yeager responded that Lions Park had a surveyed boundary, that he believed the Old Board Ranch parcel also had a surveyed boundary, and that the surveys would need to be pulled for "absolute confirmation."

Attachment D-6 therefore shows that, before the April 13 Council action, City staff understood that current plats were unavailable and that survey materials would need to be pulled for "absolute confirmation" of adjoining boundaries. This reinforces the central issue in Supplemental Record Submission No. 2: whether comparable survey or boundary evidence existed in the April 13 WRLT administrative record before Council adopted the contiguity finding.

From: robyn.davis@haileycityhall.org
To: cpslaw@gmail.com; Brian Yeager
Cc: Lisa Horowitz
Subject: RE: WRLT Annexation
Date: Thursday, October 16, 2025 11:53:34 AM
Attachments: image001.png

There are no plats for either of these parcels. That said, the parcels are contiguous based on the code language I found. I also realized that the river is located on the WRLT property, and not Lions Park, which I believe strengthens that idea. Here's what state statute says:

(b) "Contiguous" means sharing a common border. For the purpose of this section, land is not contiguous if the only common border is along a shoestring connection.

In Idaho, a "shoestring connection" refers to a narrow strip of land, such as a highway or railroad right-of-way, that an annexing city uses solely to establish contiguity with an otherwise non-adjacent area. Idaho law specifically prohibits cities from annexing property if the only connection to the city is a shoestring connection.

From: brian.yeager@haileycityhall.org
To: Robyn Davis; cpslaw@gmail.com
Cc: Lisa Horowitz
Subject: RE: WRLT Annexation
Date: Thursday, October 16, 2025 11:59:29 AM
Attachments: image001.png

Properties are contiguous, agreed.

Lions park has a surveyed boundary recorded under a "Record of Survey" by Jim Koonce quite some time back. So the boundary is monumented and described by survey. I think the Caplow piece has a surveyed boundary also.

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

From: brian.yeager@haileycityhall.org
To: cpslaw@gmail.com
Cc: Lisa Horowitz; Robyn Davis
Subject: RE: WRLT Annexation
Date: Thursday, October 16, 2025 12:06:03 PM

We'll need to pull the surveys for absolute confirmation.

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

SRS2 Attachment E – Applicant-Facing Emails re Ordinance 889 Sequencing and Lions Park Inclusion

Attachment E includes the October 16, 2025 applicant-facing emails from Community Development Director Robyn Davis to Samantha Stahlnecker concerning the WRLT annexation application.

The attachment is included because Davis communicated the City's internal sequencing interpretation to the applicant's engineer, stating that Christopher Simms was "in the same camp," that the code language was "limiting, but not mandatory," and that subdivision could wait if zoning and minimum / maximum densities were included in the annexation application / agreement. Davis then separately asked whether WRLT would be willing to "bring Lions Park through with their application."

Attachment E therefore shows that, before the April 13 Council action, the City communicated both the subdivision-deferral interpretation and the potential inclusion of Lions Park in the WRLT annexation pathway to the applicant's engineer. This connects the internal City discussion in Attachment D to applicant-facing communications concerning Ordinance 889 sequencing and Lions Park annexation.

From: robyn.davis@haileycityhall.org
To: sam@opal-engineering.com
Subject: RE: WRLT Annexation Application
Date: Thursday, October 16, 2025 10:22:25 AM

Hi, Sam – Would the WRLT be willing to bring Lions Park through with their application?
Thanks!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

From: Robyn Davis
Sent: Thursday, October 16, 2025 9:18 AM
To: Samantha Stahlnecker <sam@opal-engineering.com>
Subject: WRLT Annexation Application

Hi, Sam –
Thanks for your patience as I confirm with Christopher as to the code language. Christopher is in the same camp as me – the language is limiting, but not mandatory.
I think if you include zoning and minimum/maximum densities within the annexation application/agreement, we can wait on the subdivision application.

Thanks, Sam!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

SRS2 Attachment F-1 – Yeager Requests Lions Park Exhibit, Survey, Legal Description, and Road-Capture Map Treatment

Attachment F-1 is a December 22, 2025 email from Public Works Director / City Engineer Brian Yeager concerning preparation of a Lions Park annexation map.

The attachment is included because Yeager asked Doug Green to prepare a Lions Park annexation application exhibit, stated that it would be added to the WRLT annexation exhibit adjoining it on the east side of the river, requested the Record of Survey, asked for a bearing-distance legal description, and noted that road capture adjacent to WRLT may need to be shown on the map.

Attachment F-1 therefore shows that City staff continued developing Lions Park annexation materials tied to the WRLT annexation exhibit, including survey, legal-description, annexation-exhibit, and road-capture components. This supports Supplemental Record Submission No. 2's question whether comparable boundary and legal-description evidence existed in the April 13 WRLT record before Council adopted the WRLT contiguity finding.

From: Brian Yeager <brian.yeager@haileycityhall.org>
Sent: Monday, December 22, 2025 5:24 PM
To: Doug Green <Doug@geobilityco.com>; Robyn Davis <robyn.davis@haileycityhall.org>
Subject: FW: Lions Park Annexation Map

Hi Doug – Can you prepare an annexation application exhibit for Lions Park?

This exhibit will be added to the WRLT annexation exhibit that is adjoining it on the east side of the river. The Lions Park property is shown in the image below. This property had a surveyed recorded in the past. Do you have access to pull the Record of Survey for this property from the County GIS server? If so, can you do so and send it to us? Can you also generate a legal description that is bearing distance around the perimeter for me to mark up?

Thanks!

Robyn – I think the road capture is going to be adjacent to the WRLT so it should maybe get shown on their map something like this:

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

SRS2 Attachment F-2 – Green Searches for Lions Park Survey and Cannot Find One

Attachment F-2 is a December 30, 2025 email from Doug Green concerning his search for Lions Park survey materials.

The attachment is included because Green stated that he searched Blaine County records and did not find a survey of the Lions Park parcel; noted that the parcel legal description appeared tied to an Idaho Power easement; stated that he searched those materials without locating a survey; asked whether Terry Washburn could locate anything; and suggested a fallback approach using a County control point and nearest parcel corner if no survey was found.

Attachment F-2 therefore shows that City staff / consultants were actively searching for survey support for Lions Park and considering how to generate a legal-description approach if no survey could be located. This supports Supplemental Record Submission No. 2's question whether comparable survey, boundary, or legal-description support existed in the April 13 WRLT record before Council adopted the WRLT contiguity finding.

From: Doug Green
To: Brian Yeager; Robyn Davis
Subject: Re: Lions Park Annexation Map
Date: Tuesday, December 30, 2025 8:54:42 AM
Attachments: image001.png
image002.png

Hi Brian and Robyn,

Hope you had a great Christmas!

I dug into Blaine County's search and didn't find any survey of the Lions Park parcel. The parcel legal description indicates that it was related to an easement from IDAHO POWER CO and I tried searching through those and still didn't find anything. Do you think Terry Washburn might be able to locate something for us there? If not, I can just use one of Blaine County's control points as a point of commencement and reference the nearest parcel corner as the point of beginning and describe it from there?

Let me know, thanks!

Doug Green
GISP, ESRI Bronze Partner
Geobility
208-506-0308
http://www.geobilityco.com

SRS2 Attachment F-3 – Yeager / Washburn Exchange Producing 1979 Survey and Adjoining Land Survey

Attachment F-3 includes the December 31, 2025 Yeager / Washburn exchange concerning Lions Park survey materials.

The attachment is included because Yeager stated that Jim Koonce had surveyed the property decades earlier and asked Terry Washburn to help locate the survey. Washburn responded that the property was surveyed in 1979 and provided that survey along with another survey appearing to show adjoining land.

Attachment F-3 therefore shows that, after earlier efforts to locate Lions Park survey support, City staff obtained survey materials for Lions Park and adjoining land. This supports Supplemental Record Submission No. 2's question whether comparable survey or boundary evidence existed in the April 13 WRLT record before Council adopted the WRLT contiguity finding.

From: Brian Yeager <brian.yeager@haileycityhall.org>
Sent: Wednesday, December 31, 2025 11:56 AM
To: Doug Green <Doug@geobilityco.com>; Terry Washburn <terry@blainecountytitle.com>
Cc: Robyn Davis <robyn.davis@haileycityhall.org>
Subject: RE: Lions Park Annexation Map

I do know Jim Koonce did a survey of that property several decades ago, should be at the County under records of survey. There might even be a more current one also.

Terry – can you help provide the survey? Thanks!

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

From: Terry Washburn
To: Brian Yeager; Doug Green
Cc: Robyn Davis
Subject: Re: Lions Park Annexation Map
Date: Wednesday, December 31, 2025 12:13:12 PM
Attachments: image001.png
image002.png
Outlook-d13ik2m1.png
Outlook-A close up.png
Outlook-julg1yky
196582 SRV.pdf
490303 SRV.pdf

Hi Brian
Yes this was surveyed in 1979 I've attached this one and one that apears to be adjoining land

Terry Washburn
Title Officer
Blaine County Title, Inc.
BCT Idaho State License 477261
Office (Main): 208.726.0700
Direct : 208.806.3146
eFax: 208.475-7521
e-mail: terry@5btitle.com
e-mail: terry@blainecountytitle.com
website: www.blainecountytitle.com

SRS2 Attachment F-4 – Yeager Instructs That Angles and Distances Should Match the Survey

Attachment F-4 is a December 31, 2025 follow-up email from Public Works Director / City Engineer Brian Yeager concerning the Lions Park annexation map.

The attachment is included because, after survey materials were located, Yeager instructed that the "turned angles and distances" used for the Lions Park annexation exhibit should match the survey, rotated as appropriate for GIS.

Attachment F-4 therefore shows that City staff were not relying on a general visual boundary assumption for Lions Park. They were directing that the annexation exhibit be tied to survey geometry. This supports Supplemental Record Submission No. 2's question whether comparable survey-based boundary support existed in the April 13 WRLT record before Council adopted the WRLT contiguity finding.

From: brian.yeager@haileycityhall.org
To: terry@blainecountytitle.com; Doug@geobilityco.com
Cc: Robyn Davis
Subject: RE: Lions Park Annexation Map
Date: Wednesday, December 31, 2025 12:47:40 PM
Attachments: image003.png
image004.png
image006.png
image007.png

Terry - Perfect, thanks!

Doug – turned angles and distances should match this survey, rotated as appropriate for GIS.

Brian Yeager, P.E. / P.L.S.
City of Hailey Public Works Director/City Engineer/Land Surveyor
115 S. Main Street, Hailey, ID 83333
(208) 788-9815 Ext. 4224
Cell: (208) 727-7614

SRS2 Attachment F-5 – WRLT LOI Scheduling / Legal Description Gap

Attachment F-5 includes the January 26, 2026 Davis / Yeager exchange concerning WRLT's Sawmill Cottages annexation Letter of Intent.

The attachment is included because Davis circulated WRLT's LOI and stated she was working to schedule WRLT for the next available Council agenda. Yeager then asked whether WRLT had submitted a legal description, and Davis responded: "No, nothing yet."

Attachment F-5 therefore shows that, as WRLT's LOI was being moved toward Council scheduling, City staff recognized that a legal-description question remained unresolved. This supports Supplemental Record Submission No. 2's question whether WRLT had submitted boundary or legal-description evidence sufficient to support the April 13 contiguity finding before Council adopted it.

From: Robyn Davis <robyn.davis@haileycityhall.org>
Sent: Monday, January 26, 2026 2:35 PM
To: Lisa Horowitz <lisa.horowitz@haileycityhall.org>; Christopher P. Simms <cpslaw@gmail.com>; Brian Yeager <brian.yeager@haileycityhall.org>
Subject: FW: WRLT Sawmill Cottages Annexation Letter of Intent

Here's the WRLT's LOI to Annex. Please let me know if you have any thoughts as I work to schedule them on the next available Council agenda.
Christopher – Attached is the draft Annexation Review Agreement with the WRLT. Please review and let me know if you have any comments. I will send it to the Applicant team after I hear back from you.

Lisa – let's chat scheduling when you have a moment.
Thanks!

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333

From: Brian Yeager <brian.yeager@haileycityhall.org>
Sent: Monday, January 26, 2026 2:39 PM
To: Robyn Davis <robyn.davis@haileycityhall.org>
Subject: RE: WRLT Sawmill Cottages Annexation Letter of Intent

Did they turn in a legal description yet?

From: robyn.davis@haileycityhall.org
To: Brian Yeager
Subject: RE: WRLT Sawmill Cottages Annexation Letter of Intent
Date: Monday, January 26, 2026 2:41:39 PM
Attachments: image001.png

No, nothing yet.

Robyn Davis, M.A.
Community Development Director
City of Hailey - 115 South Main Street, Hailey, ID 83333
(e) robyn.davis@haileycityhall.org (p) 208.788.9815 Ext. 2015

SRS2 Attachment G-1 – 196582 SRV.pdf: Lions Park 1979 Survey

Attachment G-1 is the survey file 196582 SRV.pdf, produced with the December 31, 2025 Washburn email referenced in Attachment F-3.

The attachment is included because it appears to be one of the survey materials located and provided in response to City staff's effort to support the Lions Park annexation exhibit and related boundary work.

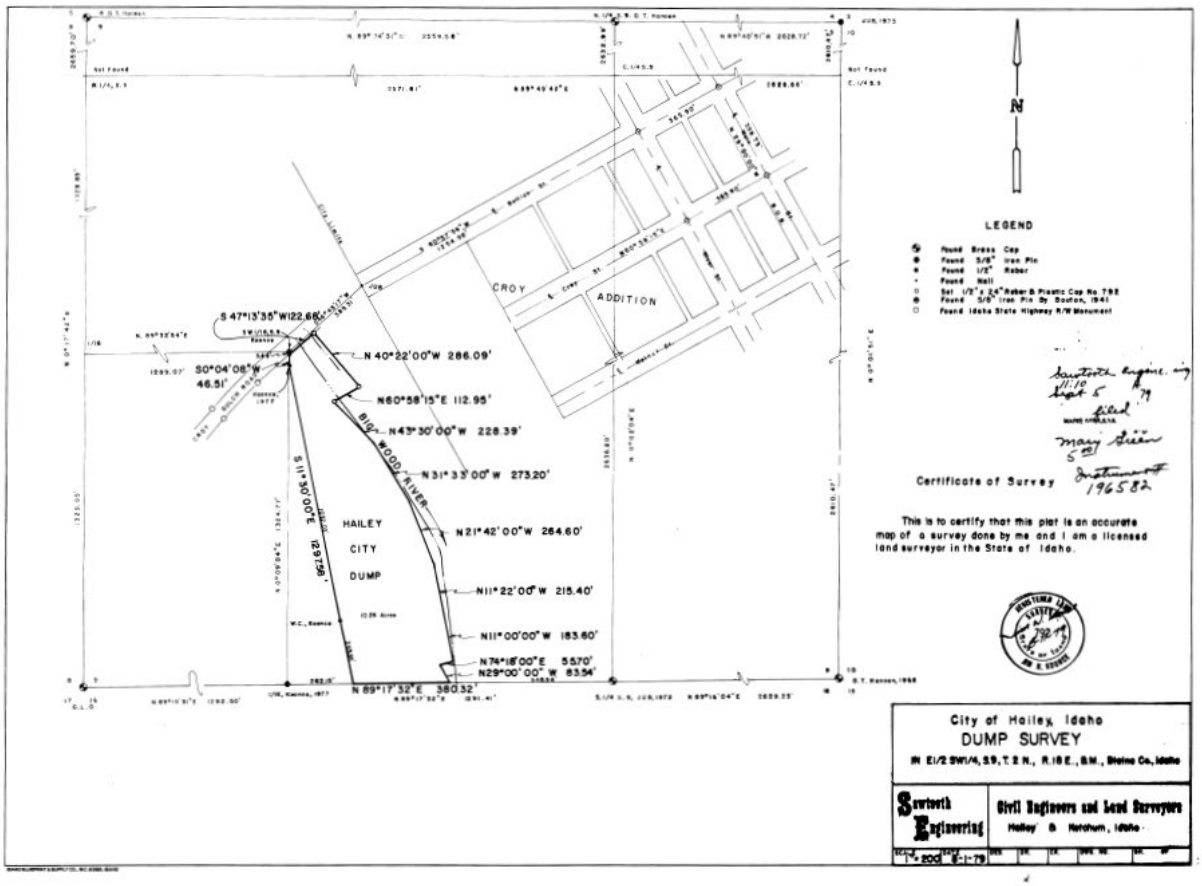
Attachment G-1 therefore provides the underlying survey material referenced in the Lions Park survey workstream, and appears to provide the survey geometry referenced in Attachment F-4. It supports Supplemental Record Submission No. 2's question whether comparable survey or boundary evidence existed in the April 13 WRLT administrative record before Council adopted the WRLT contiguity finding.

recorded 9/5/1979

196582

2N 18E Sec. 9

Dump Survey
Hailey City

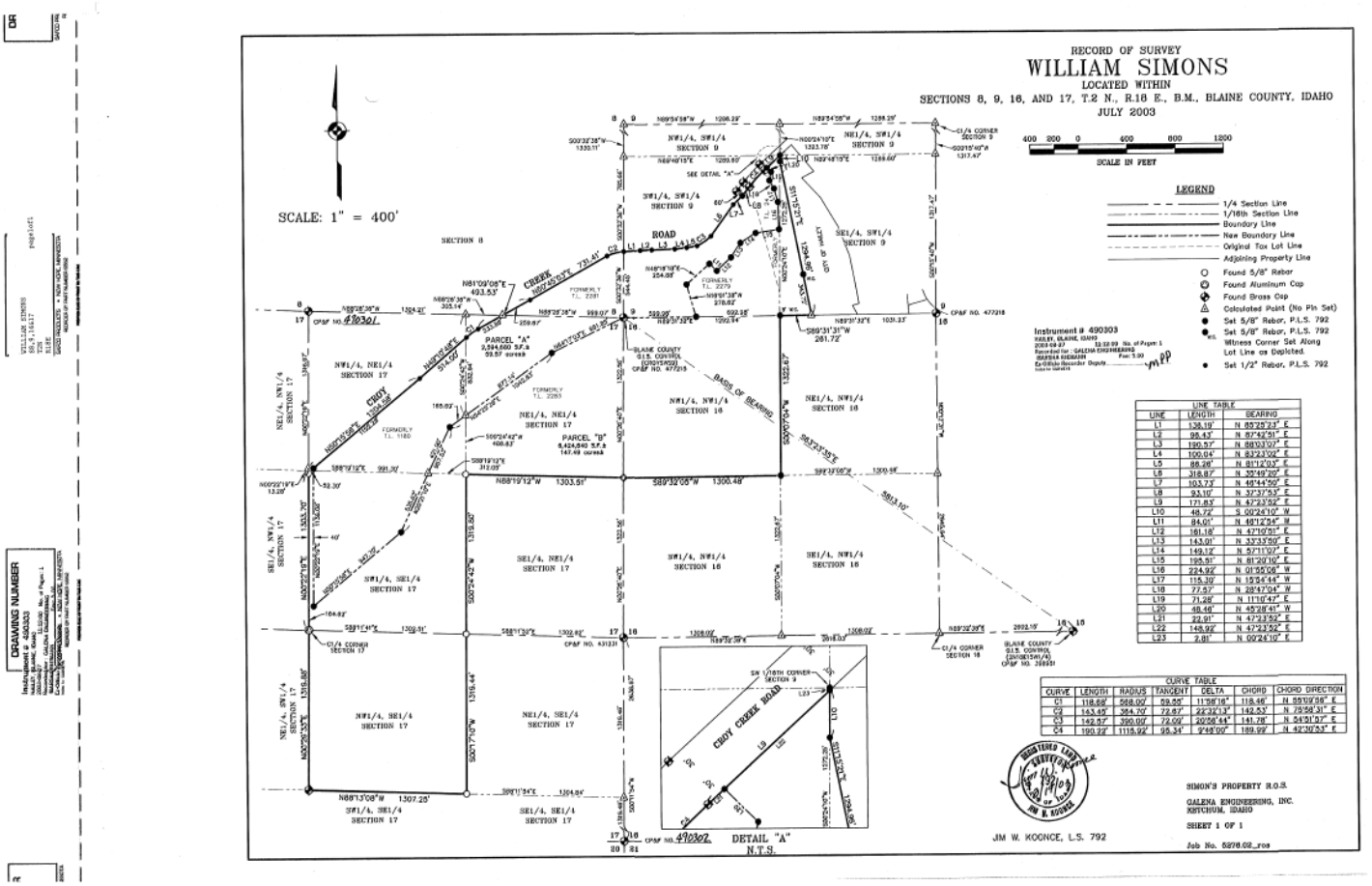


SRS2 Attachment G-2 – 490303 SRV.pdf: Lions Park and Surrounding Large-Block Boundary Context

Attachment G-2 is the survey file 490303 SRV.pdf, produced with the December 31, 2025 Washburn email referenced in Attachment F-3.

The attachment is included because it appears to show Lions Park and surrounding large-block boundary context, but does not appear to provide a detailed survey of the WRLT / Old Board Ranch property.

Attachment G-2 therefore supports Supplemental Record Submission No. 2's boundary-evidence question: City staff obtained survey materials for the Lions Park workstream, but the materials reviewed here do not appear to supply comparable detailed boundary evidence for the WRLT / Old Board Ranch contiguity finding adopted on April 13.



SRS2 Attachment G-3 – Road / Bridge / Road-Capture Map re Lions Park Annexation Scope

Attachment G-3 is the road / bridge / road-capture image referenced in Brian Yeager's December 22, 2025 email concerning the Lions Park annexation map.

The attachment is included because it visually documents the road / bridge / road-capture issue City staff were considering in connection with the Lions Park annexation exhibit and its relationship to the adjoining WRLT annexation exhibit.

Attachment G-3 therefore supports Supplemental Record Submission No. 2's point that City staff were evaluating annexation scope with boundary-level specificity, including whether park land, road areas, bridge areas, or road-capture areas should be included or excluded. This reinforces the question whether comparable annexation-scope and boundary evidence existed in the April 13 WRLT record before Council adopted the WRLT contiguity finding.

SRS2 Attachment H – Memo #4 Excerpt re Missing WRLT Contiguity Evidence

Attachment H excerpts Memo #4 — Contiguity. The attachment is included because Memo #4 previously identified the apparent absence of record evidence supporting the April 13 WRLT / Old Board Ranch contiguity finding, including the specific shared boundary, stamped survey, legal description, recorded plat, deed, title material, GIS source, or equivalent legal boundary evidence.

This issue matters to both Council and the Planning and Zoning Commission. Council adopted the April 13 contiguity finding. P&Z may later be asked to review annexation, zoning, subdivision, density, access, or development-capacity issues that assume the parcel is legally contiguous to the City. Before either body relies on that assumption, the record should identify the boundary evidence supporting it.

Attachment H provides the baseline contiguity issue that Supplemental Record Submission No. 2 builds upon. It does not replace Memo #4; it adds that the City's own Lions Park materials show City staff and counsel understood contiguity as a statutory boundary-verification issue requiring plats, surveys, legal descriptions, and boundary confirmation.

Excerpt 1 — Bottom Line / Core Issue
Memo #4 raises one narrow threshold issue:

> The April 13 administrative record does not appear to identify the legal boundary evidence necessary to support the finding that the Old Board Ranch parcel is contiguous to the City under Idaho Code §50-222.

If the City intends to rely on the April 13 contiguity finding, the record should first identify the specific common border and the legal boundary evidence that established annexation authority when Council voted.

Contiguity is not a planning preference, design issue, or later subdivision detail. It is the statutory gateway to annexation authority. Idaho Code §50-222 defines "contiguous" as sharing a common border.

The April 13 hearing sequence matters:

- City staff and the City Attorney identified contiguity as one of the findings Council was being asked to make.
- The applicant asserted adjacency by presentation map.
- Public testimony challenged the lack of demonstrated contiguity.
- Kris Wirth raised concrete lot-line / City-limit uncertainty before the vote.
- Councilmember Dustin Stone questioned whether the threshold items were in the packet.
- Councilmember Kaz Thea asked whether Council knew "100%" that the property was contiguous.
- No stamped survey, legal description, recorded instrument, title evidence, or specific shared-boundary segment was identified in response before Council voted.
- Council then adopted the Resolution and findings.

The question for Council, P&Z, and the administrative record is straightforward:

> Where, specifically, does the administrative record identify the common border between the Old Board Ranch parcel and existing City limits, and what legal boundary evidence supports that finding?

Excerpt 2 — Requested Clarification Before Further Action
Before Council, P&Z, staff, or the applicant relies on the April 13 contiguity finding in later review, the record should clearly identify:

1. the specific City boundary, City parcel, right-of-way, or other feature allegedly creating contiguity with the Old Board Ranch parcel;
2. the exact shared boundary segment relied upon, including bearing, distance, survey reference, plat reference, legal description, recorded instrument, or equivalent legal boundary evidence;
3. the stamped survey, recorded deed, plat, title material, GIS layer, or other source relied upon to support the claimed common border;
4. whether that evidence existed in the administrative record as of April 13, 2026;
5. whether the claimed connection is a legally valid land-to-land common border and not dependent on a point touch, right-of-way, shoestring connection, intervening parcel, Lions Park, parcel aggregation, or sequencing theory;
6. whether the boundary / lot-line concerns reflected in the January 2026 WRLT correspondence, Kris Wirth's April 13 testimony, Kris Wirth's written comment, and Steve Crosser's written comment have been reviewed and addressed; and
7. whether the April 13 contiguity finding should be treated as supported, unsupported, procedural only, or still open for later determination.

Excerpt 3 — Threshold Record Gaps

Memo #4 summarized the principal gaps between the evidence needed to support the April 13 contiguity finding and the evidence identified in the administrative record reviewed to date.

Issue	Required record showing	Reflected in record?	Result
Specific shared boundary	Identification of the exact boundary segment shared with City limits	NO	Claimed common border not identified.
Survey / legal-description evidence	Stamped survey, legal description, recorded plat, deed, title material, or equivalent boundary evidence	NO	Boundary proof missing.
Applicant April 13 map assertion	Record evidence supporting the statement that the City boundary "runs along the edge" and that the parcel is "continuous, or adjacent"	NO	Applicant assertion not tied to legal boundary evidence.
Council question regarding contiguity	Legal or evidentiary response to Council's question whether contiguity was known "100%"	NO	Council inquiry not answered with record evidence.
City Administrator response	Identification whether the response was based on survey, legal description, title evidence, recorded instrument, GIS, visual inspection, or another source	NO	Apparent adjacency not tied to competent boundary evidence.
City Attorney response	Identification whether the City Attorney identified record evidence establishing contiguity after Council asked whether the property was known to be contiguous	NO	Legal basis for threshold finding not stated on the record.
Shoestring / right-of-way / sequencing issue	Confirmation that claimed contiguity is not dependent on a point touch, right-of-way, shoestring connection, Lions Park, parcel aggregation, or sequencing theory	NO	Statutory contiguity theory not established.
April 13 basis	Evidence supporting contiguity as of April 13, 2026	NO	April 13 finding not supported by identified boundary evidence.
Reliance risk	Clarification whether the April 13 contiguity finding is procedural only, unsupported, still open, or capable of later reliance	NO	Future reliance risk remains for Council and P&Z.

Excerpt 4 — Later Boundary Evidence Should Not Silently Backfill April 13

The issue is not whether the applicant may later submit a stamped survey, legal description, title report, boundary-line agreement, or other boundary evidence. The issue is whether such evidence existed in the administrative record when Council adopted findings on April 13, 2026.

If later boundary evidence is submitted, it may support a later determination after public review. But it should not be used silently to supply the evidentiary basis for a finding already adopted.

The City should distinguish between:

- evidence existing in the April 13 administrative record;
- evidence submitted after April 13; and
- any April 13 findings that cannot be supported by the record as it existed at the time Council voted.

If the April 13 finding of contiguity was procedural only, the City should say so. If the City intends to rely on that finding later — including before P&Z — it should identify the boundary evidence supporting that finding as of April 13. A later survey may inform future review, but it cannot cure the record basis for an earlier finding unless the City clearly identifies the legal and factual basis for relying on post-decision materials to support that prior finding.

Excerpt 5 – Parcel-Boundary Theory / Lions Park / Right-of-Way / Sequencing

The record should make clear whether the Old Board Ranch parcel is independently contiguous to existing City limits, or whether the City is relying on Lions Park, another City-owned parcel, an additional annexed parcel, a right-of-way, a river corridor, parcel aggregation, or sequencing theory to establish or strengthen contiguity.

Memo #4 does not assume the answer. It asks the City to identify the theory and the evidence.

If the Old Board Ranch parcel is independently contiguous to existing City limits, the City should identify the specific shared legal boundary and the record evidence supporting it. If the City is relying on any other parcel, right-of-way, corridor, aggregation, or sequencing theory, the City should identify that theory and the legal basis for treating it as satisfying Idaho Code §50-222.

The record should not leave Council, P&Z, or the public to infer how contiguity is being established. Accordingly, the City should identify whether the claimed common border is:

- a true land-to-land common boundary;

- a boundary dependent on a road, highway, or right-of-way;
- a point touch or corner contact;
- a narrow strip or other attenuated connection;
- dependent on Lions Park or another City-owned parcel; or
- dependent on parcel aggregation, sequencing, or inclusion of additional land.

Excerpt 6 – Requested Action

Before relying on, reaffirming, or incorporating any finding that the Old Board Ranch parcel is contiguous to the City, the City should identify in the administrative record:

1. The specific City boundary, City parcel, right-of-way, or other feature allegedly creating contiguity with the Old Board Ranch parcel.
2. The exact shared boundary segment alleged to create contiguity, supported by bearing, distance, survey reference, plat reference, legal description, recorded instrument, or equivalent legal boundary evidence.
3. The stamped survey, recorded deed, plat, title material, GIS layer, or other source relied upon to support the claimed common border, and whether that source was part of the administrative record as of April 13, 2026.
4. Whether the claimed connection is a legally valid, land-to-land common border, and not dependent on a point touch, right-of-way, shoestring connection, intervening parcel, Lions Park, parcel aggregation, or sequencing theory.
5. Whether the evidence supporting contiguity existed in the administrative record as of April 13, 2026; and if not, whether the April 13 contiguity finding should be treated as unsupported, procedural only, or still open for later determination.

The avoidable risk is not requiring a survey too early. The avoidable risk is relying on annexation-authority findings before the record identifies the boundary evidence that supports them.

Because this issue was raised before the April 13 vote, the City should not characterize the contiguity concern as a later objection or future technical detail. It was a threshold record issue before Council when the Resolution and findings were adopted.

Before this matter is carried forward to Council, P&Z, or later development review, the administrative record should answer the question Council itself raised on April 13: whether the property was known to be contiguous. That answer should be supported by identified legal boundary evidence, not inference, appearance, or post-decision reconstruction.

SRS2 Attachment I – Memo #5 Excerpt re Ordinance 889 Sequencing

Attachment I excerpts Memo #5 — Ordinance 889. The attachment is included because Memo #5 previously identified the annexation / subdivision sequencing issue: whether WRLT could proceed with annexation, zoning, density parameters, and annexation-agreement terms while deferring subdivision-level materials to a later LEAP process.

This issue matters to Supplemental Record Submission No. 2 because the same City PRR chain that addressed Ordinance 889 sequencing also addressed Lions Park's relationship to the WRLT annexation pathway. Memo #5 preserved that City staff and counsel internally interpreted the code language as "limiting, but not mandatory," took the internal position that subdivision could wait if zoning and minimum / maximum densities were included, and communicated that interpretation to the applicant's engineer.

Attachment I provides the sequencing baseline that Supplemental Record Submission No. 2 builds upon. It does not replace Memo #5; it shows that, before the April 13 Council action, City staff and counsel were already evaluating how annexation, zoning, density, subdivision timing, applicant sequencing, and Lions Park inclusion could be structured through or alongside the WRLT annexation process.

Excerpt 1 – Sequencing Issue Preserved in Memo #5
Memo #5 preserved the following threshold sequencing issue:

> Whether the City may treat the WRLT / LEAP annexation path as ready to proceed, and advance annexation-related zoning, density, parcel-configuration, or annexation-agreement terms, while deferring subdivision-level materials to a later LEAP process.

Memo #5 did not contend that final subdivision approval must occur before annexation review. The issue was narrower: whether annexation-related findings, zoning classification, density parameters, parcel configuration, or annexation-agreement terms may proceed or later be relied upon without the subdivision-level information required for meaningful review under Ordinance 889, the current checklist, and the site-specific evidentiary baseline.

Excerpt 2 — City Identified the Sequencing Question Before April 13
Memo #5 identified the October 15–16, 2025 City PRR chain as important record context.

- Community Development Director Robyn Davis asked whether WRLT needed to supply both an annexation application and a subdivision application, or whether WRLT could proceed with only an annexation application while LEAP later brought forward the subdivision application.
- City Administrator Lisa Horowitz responded that if annexation established zoning and minimum / maximum densities, subdivision could wait.
- City Attorney Christopher Simms agreed with Horowitz's interpretation and stated that he believed the code language was "limiting, but not mandatory."
- Staff then communicated that interpretation to the applicant's engineer, stating that Christopher Simms was "in the same camp," that the language was "limiting, but not mandatory," and that subdivision could wait if zoning and minimum / maximum densities were included in the annexation application / agreement.

Excerpt 3 — Applicant-Facing Communication
Memo #5 further preserved that the City's sequencing interpretation was not confined to internal discussion. After the internal City exchange, staff communicated the subdivision-deferral interpretation to Samantha Stahlnecker, the applicant's engineer. In the same applicant-facing communication stream, staff also asked whether WRLT would be willing to bring Lions Park through with its application.

This matters because the PRR chain shows both issues — subdivision deferral and Lions Park inclusion — moving from internal City discussion into applicant-facing process communication before the April 13 Council action.

Excerpt 4 — Why the Sequencing Issue Matters to Later Review
Memo #5 preserved that the sequencing issue matters because WRLT's materials and the City's process were not limited to an abstract annexation concept. The materials and discussions implicated zoning, minimum / maximum densities, parcel configuration, road dedication, potential subdivision timing, annexation-agreement terms, and future review by P&Z and Council.

If the City's position is that subdivision-level materials may be deferred, Memo #5 asked the City to identify the legal and administrative basis for that interpretation, disclose it in the public record, and explain how P&Z, Council, and the public can evaluate zoning, density, parcel configuration, access, infrastructure, development capacity, and site feasibility without concurrent subdivision-level information.

Excerpt 5 — Requested Clarification Preserved by Memo #5
Memo #5 asked the City to clarify:

1. whether Ordinance 889 requires subdivision, preliminary plat, or Large-Block Preliminary Plat materials to be submitted concurrently with any WRLT annexation application;
2. whether the City's "limiting, but not mandatory" interpretation was reduced to written legal or administrative analysis, disclosed publicly, and included in the administrative record;
3. whether P&Z, Council, and the public will receive both annexation and subdivision-level materials before being asked to evaluate zoning, density, parcel configuration, access, infrastructure, or development capacity;
4. whether the proposed parcel layout, zoning allocation, density calculations, road dedication, and unit counts are conceptual only, future application materials, proposed entitlement terms, future subdivision configuration, or intended annexation-agreement terms;
5. how the current WRLT / LEAP pre-application LOI / ARA-stage process satisfies the Ordinance 889 / Title 14 framework; and
6. which April 13 findings, if any, are procedural only, which are substantive, which remain open, and which may be relied upon later.

Excerpt 6 — Relationship to Supplemental Record Submission No. 2

Memo #5 preserved the Ordinance 889 sequencing issue. Supplemental Record Submission No. 2 addresses a related but separate issue: City PRR materials showing that Lions Park annexation, road / bridge exclusion, statutory contiguity, survey / legal-description work, and WRLT annexation sequencing were being discussed within the same internal process stream.

Attachment I is included to show that the City had already identified and internally interpreted the annexation / subdivision sequencing issue before the April 13 Council action, and that the City communicated that sequencing interpretation to the applicant's engineer.

That context matters because Supplemental Record Submission No. 2 asks whether the related Lions Park and WRLT boundary / annexation-scope work was included in the public administrative record, disclosed before April 13, and supported by comparable evidence before Council adopted findings.

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	Martha Burke; Kaz Thea; Juan Martinez; Dustin Stone; Sage Sauerbrey; Christopher Simms; Robyn Davis
Subject:	Old Board Ranch Annexation -- Supplemental Record Submission No. 2
Date:	Tuesday, May 19, 2026 1:55:44 PM
Attachments:	Old Board Ranch Annexation_Supplemental Record Submission No. 2_Council_05192026.pdf

Mayor and Council members,

I am submitting the attached Supplemental Record Submission No. 2 — Lions Park Annexation Dependency, Contiguity Verification, and Boundary-Evidence Asymmetry, together with the related Council Brief, Administrative Record Index (vSRS2), and Attachments A–I for inclusion in the Old Board Ranch annexation administrative record.

This submission addresses one narrow record-sufficiency issue: City PRR materials show that staff and counsel evaluated Lions Park annexation in connection with the WRLT / Old Board Ranch pathway, including statutory contiguity, current plats, survey confirmation, legal description materials, road / bridge exclusion, and applicant-facing communication regarding whether WRLT would bring Lions Park through with its application.

By contrast, the April 13 WRLT administrative record reviewed to date does not appear to identify comparable boundary evidence supporting the April 13 finding / recital that the WRLT / Old Board Ranch parcel is contiguous to the City.

This submission does not ask the City to decide whether Lions Park should be annexed. It asks the City to identify the specific common border and legal boundary evidence supporting WRLT / Old Board Ranch contiguity, state whether that evidence existed in the April 13 administrative record, distinguish pre-April 13 materials from post-April 13 materials, and clarify whether the April 13 contiguity finding remains open, procedural only, unsupported, or available for later reliance.

Please enter this submission and all attachments into the administrative record. Thank you.

Joel Loveday
Hailey

Old Board Ranch Annexation – Planning & Zoning Brief
Memo #6 – Buildability: Net Developable Area and Site Feasibility Before Further Reliance
Related Submission: Memo #6 – Buildability; Administrative Record Index (v6); Attachments A-E
5/27/2026

Bottom Line

Memo #6 raises one narrow record-sufficiency issue for Planning & Zoning:

> The April 13 WRLT / Old Board Ranch materials did not present only abstract annexation or an Annexation Review Agreement. They included development-capacity assumptions, including a Large-Block Preliminary Plat pathway, proposed zoning, residential parcels, road dedication, density calculations, proposed unit counts, preserve / residential split, and ARA language describing annexation for "a subdivision consisting of residential lots" under the project name Sawmill Cottages.

That matters because the April 13 materials described a named residential subdivision pathway, not merely an abstract LOI or reimbursement framework.

That also matters to P&Z because P&Z may later be asked to evaluate zoning classification, subdivision layout, density, access, infrastructure, Comprehensive Plan consistency, site feasibility, development capacity, public benefit, and conditions of approval.

For a constrained river-corridor parcel, gross acreage does not establish development capacity. Before Planning & Zoning, staff, or any later reviewing body relies on zoning, density, unit count, parcel configuration, road dedication, infrastructure feasibility, public benefit, site feasibility, subdivision feasibility, or related conditions, the administrative record should identify a present buildability baseline.

That baseline should show what portions of the parcel are potentially developable, what portions are constrained, what constraints remain unknown, what studies or agency determinations are deferred, and whether proposed development assumptions are based on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area.

That baseline is especially important here because the April 13 zoning exhibit identified wetlands, floodway, draft FEMA floodplain, and a 100-foot riparian setback while also showing proposed residential parcels, unit counts, density calculations, and road dedication. The same exhibit showed proposed GR area of 4.74 acres and proposed GR area minus road area of 3.98 acres, before reconciliation of floodplain, wetlands, riparian, active river channel, access, infrastructure, or regulatory constraints.

The available public flood-risk record for the Old Board Ranch parcel has become progressively more specific and concerning. The 2010 effective FEMA FIRM provides the regulatory baseline, with portions of the parcel shown as moderate-risk Zone X (0.2%-annual-chance floodplain). The 2020 Big Wood River Atlas advanced the flood-hazard understanding for Reach 16 by identifying areas below BFE outside the FEMA 100-year flood boundary and documenting significant 2017 flooding along the eastern floodplain.[1] The 2025 preliminary FEMA FIRM appears to convert portions of the Old Board Ranch parcel from moderate-risk Zone X to high-risk Zone AE (1%-annual-chance floodplain), while also expanding the mapped flood-hazard footprint on the parcel.[2]

That sequence does not decide the application, but it means P&Z should not be asked to evaluate zoning, density, subdivision layout, access, infrastructure, public benefit, or conditions without first reconciling the floodplain/BFE baseline.

The issue is not whether the parcel is unbuildable. The issue is whether development-capacity assumptions should be allowed to become established predicates for later annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan consistency review before the record identifies the parcel's net developable area and site-feasibility basis.

P&Z's immediate task is not to decide final engineering, final subdivision approval, final plat approval, or final agency permits. P&Z's task is to ensure that later zoning, subdivision, Comprehensive Plan consistency, site-feasibility, development-capacity, public-benefit, and conditions review is not built on unsupported development-capacity assumptions: either identify the buildability baseline supporting those assumptions, or clarify that those assumptions remain conceptual, preliminary, unsupported, and unavailable for later reliance until that baseline is established.

Five P&Z Takeaways

1. **The April 13 materials included development-capacity assumptions.**
   WRLT's Letter of Intent stated an intent to submit applications for annexation and a Large-Block Preliminary Plat. The April 13 exhibit identified proposed zoning, residential parcels, road dedication, density calculations, and proposed unit counts. The ARA described the Letter of Intent as annexation "for a subdivision consisting of residential lots" under the project name

[1] *Big Wood River Atlas* (2020), pp. 26, 68; Attachment E-2.
[2] Attachments E-1; E-2; E-3.

Sawmill Cottages. The applicant's materials also described a proposed split between workforce-housing acreage and preserve acreage.

That matters because the April 13 record previewed a named residential subdivision project, not merely an abstract annexation request. It matters specifically to P&Z because later P&Z review may be asked to evaluate the practical consequences of those assumptions: zoning classification, subdivision layout, density, access, infrastructure, development capacity, public benefit, and conditions.

If those assumptions are conceptual only, the record should say so. If they are intended to support later zoning, subdivision, density, public-benefit, or Comprehensive Plan consistency review, the record should identify the buildability basis supporting them.

2. **Gross acreage does not establish development capacity.**
For a constrained river-corridor parcel, the relevant question is net developable area after floodplain, BFE, floodway, wetlands, jurisdictional waters, riparian, active river channel, access, infrastructure, drainage, fill, flood-storage, conveyance, and regulatory constraints are identified.

   If P&Z is asked to evaluate zoning, density, unit-count, or parcel-configuration assumptions before identifying net developable area, P&Z risks evaluating desired yield rather than feasible yield.

   The April 13 zoning exhibit makes that risk concrete. It identified wetlands, floodway, draft FEMA floodplain, and a 100-foot riparian setback in the same exhibit that presented residential parcels, proposed unit counts, density calculations, and road dedication. The record should show how those constraints were reconciled before those capacity assumptions are carried forward into P&Z review.

   The acreage issue is narrower than the applicant's approximate 5-acre housing-area framing. The April 13 exhibit showed proposed GR area of 4.74 acres and proposed GR area minus road area of 3.98 acres before any floodplain, wetlands, riparian, active river channel, access, infrastructure, or regulatory reconciliation.

3. **Parcel C / Greenway public-benefit accounting matters to P&Z.**
The proposed public-benefit narrative appears to depend, at least in part, on a preserve / residential split: Parcel C / Greenway acreage on one side, and residential zoning, density, or unit capacity on Parcels A and B on the other.

   That tradeoff cannot be evaluated by acreage alone. If proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, riparian setback, or otherwise constrained land, the record should distinguish between land that contributes actual developable value and land that may be largely constrained regardless of annexation. The private development component is quantified through proposed residential parcels, unit counts, density calculations, and density-bonus capacity; the public-benefit component should be quantified with comparable specificity.

   The public-benefit question is not simply how many acres are placed in Parcel C / Greenway. The record should show whether those acres represent actual forgone development capacity or land already functionally constrained by active river channel, floodway, floodplain, wetlands, riparian setback, or similar limitations. That distinction matters if Parcel C conservation is being weighed against residential zoning, density, or unit capacity on Parcels A and B.

   P&Z should not be asked to weigh public benefit, density, conditions, or subdivision configuration without knowing whether Parcel C / Greenway acreage represents actual surrendered development capacity or land already constrained by river, floodplain, wetlands, riparian, or similar limitations.

4. **Future studies do not substitute for a present review baseline.**
Public statements have referenced future studies such as traffic, floodplain, wetlands, avalanche, and wildlife studies. Those studies may be necessary. But a future study list does not establish application completeness, net developable area, subdivision feasibility, parcel configuration, infrastructure feasibility, or development capacity.

   That distinction matters to P&Z. P&Z can review later technical studies when they exist, but it should not treat future studies as present evidence supporting zoning, density, unit count, parcel configuration, or public-benefit assumptions now.

   Future studies may be necessary, but the fact that studies will occur later does not establish the buildability baseline now. Nor should future conditions of approval substitute for the threshold factual basis needed to determine whether the proposed development platform is feasible, lawful, and consistent with the Comprehensive Plan.

5. **The issue is reliance.**

Memo #6 does not ask P&Z to deny the proposal based on incomplete engineering. It asks P&Z to clarify what may be relied upon now and to avoid treating unsupported development-capacity assumptions as established facts.

If the City's position is that April 13 was procedural only and did not establish zoning, density, parcel configuration, unit count, road dedication, public benefit, site feasibility, subdivision feasibility, or development capacity, the record should say so.

If April 13 findings, resolution recitals, concept materials, zoning assumptions, density assumptions, parcel-configuration assumptions, or ARA terms will later support annexation, zoning, subdivision, feasibility, public-benefit, or Comprehensive Plan consistency review, the record should identify the factual basis that existed as of April 13.

The record should also clarify whether April 13 Resolution recitals constitute adopted findings and, if so, what legal effect those recitals have in later Planning & Zoning, annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan consistency review.

P&Z should not be asked to conduct zoning, subdivision, Comprehensive Plan consistency, public-benefit, feasibility, or conditions review on top of development-capacity assumptions whose record basis has not been identified.

Implications for P&Z Review

P&Z may later be asked to evaluate zoning classification, subdivision layout, density, access, infrastructure, Comprehensive Plan consistency, site feasibility, development capacity, public benefit, and conditions of approval.

Those reviews depend on a threshold factual question: what portion of the parcel is actually available to support residential development after floodplain, wetlands, riparian, active river channel, access, infrastructure, grading, stormwater, open-space, and other physical, regulatory, or functional constraints are accounted for?

If that baseline is unknown, P&Z cannot reliably evaluate whether the proposed zoning, density, parcel layout, unit count, road dedication, utility assumptions, preserve / residential split, or public-benefit claims are feasible together.

That does not mean final engineering is required now. It means P&Z should not be asked to evaluate or recommend a development platform until the record identifies the baseline facts needed to test that platform.

If later materials are created or submitted after April 13, the record should distinguish whether those materials support later determinations only or are being used to support April 13 findings or assumptions retroactively.

If April 13 findings, resolution recitals, concept materials, zoning assumptions, density assumptions, parcel-configuration assumptions, or ARA terms will later be relied upon during P&Z review, the City should identify the factual and legal basis that existed in the administrative record as of April 13, 2026.

Practical Risk to P&Z Review

The practical risk is that P&Z review could become derivative of unsupported development-capacity assumptions rather than an independent, evidence-based review of zoning, subdivision, Comprehensive Plan consistency, site feasibility, development capacity, public benefit, and conditions.

The avoidable risk is not requiring too much information too early. The avoidable risk is asking P&Z to evaluate zoning, density, subdivision layout, access, infrastructure, public benefit, or conditions before the record identifies the parcel's net developable area and the constraints affecting it.

That risk is heightened because the April 13 materials presented development-capacity assumptions while also showing constraint indicators, including wetlands, floodway, draft FEMA floodplain, and a 100-foot riparian setback. It is also heightened because the April 13 exhibit showed proposed GR area of 4.74 acres and proposed GR area minus road area of 3.98 acres before constraint reconciliation.

The risk is also heightened where public-benefit assumptions depend on the proposed preserve / residential split. If proposed Parcel C / Greenway acreage includes active river channel, floodway, floodplain, wetlands, riparian setback, or other regulatory limitations, the record should distinguish constrained land from land that represents actual forgone development capacity before P&Z is asked to weigh public benefit against residential zoning, density, or unit capacity.

Because the matter remains at the pre-application / LOI / ARA stage, P&Z can reduce that risk now with limited procedural burden: request that staff and the applicant identify the buildability baseline, distinguish pre-April 13 materials from post-April 13 materials, and clarify that development-capacity assumptions remain conceptual only unless and until supported by net-developable-area and site-feasibility evidence.

Requested Clarifications Before Further Action

Before further P&Z review, recommendation, or reliance on development-capacity assumptions, the record should clearly identify:

1. the present buildability baseline, including known constraints, unknown constraints, deferred studies, and the relationship between those constraints and net developable area;
2. whether development-capacity assumptions rely on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area;
3. whether the April 13 exhibit's constraint indicators — including wetlands, floodway, draft floodplain, active river channel, and 100-foot riparian setback — were reconciled with proposed residential parcels, unit counts, density calculations, road dedication, proposed GR acreage, and proposed GR-minus-road acreage before capacity assumptions were presented or relied upon;
4. whether the City has identified and reconciled the best available flood-risk information for Old Board Ranch, including current FEMA preliminary FIRM materials, Big Wood River Atlas Reach 16 information, BFEs, observed flood limits, below-BFE areas outside FEMA boundaries, floodway limits, and any public-comment or appeal-period information, and how differences among those sources affect proposed residential parcels, road dedication, utilities, access, fill, flood-storage displacement, compensatory-storage feasibility, public-benefit calculations, and net developable area;
5. how much of proposed Parcel C / Greenway acreage falls within active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained areas, and whether those acres are included in or excluded from public-benefit calculations;
6. whether public-benefit assumptions distinguish between land that contributes actual developable value and land that is active river channel, floodway, floodplain, wetlands, riparian corridor, or otherwise constrained regardless of annexation;
7. what information existed in the April 13 administrative record concerning net developable area and site feasibility;
8. whether post-April 13 studies, maps, agency materials, applications, or applicant submissions will support later determinations only or will be used to support April 13 findings or assumptions retroactively; and
9. whether April 13 development-capacity assumptions and Resolution recitals remain open, preliminary, procedural only, conceptual only, unsupported, or available for later reliance.

Requested P&Z Direction

Before treating April 13 development-capacity assumptions or related annexation, zoning, subdivision, Comprehensive Plan consistency, feasibility, public-benefit, or conditions assumptions as established predicates for P&Z review, P&Z should request staff and the applicant to provide a written record clarification that:

1. identifies the parcel's net developable area, or explains why net developable area cannot yet be determined;
2. identifies known constraints, unresolved constraints, deferred studies, and agency determinations not yet made;
3. identifies whether development-capacity assumptions are based on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area;
4. identifies whether the City has identified and reconciled the best available flood-risk information for Old Board Ranch, including current FEMA preliminary FIRM materials, Big Wood River Atlas Reach 16 information, BFEs, observed flood limits, below-BFE areas outside FEMA boundaries, floodway limits, and any public-comment or appeal-period information, and how differences among those sources affect proposed residential parcels, road dedication, utilities, access, fill, flood-storage displacement, compensatory-storage feasibility, public-benefit calculations, and net developable area;
5. identifies whether proposed residential parcels, unit count, road dedication, utilities, access, and preserve / residential split remain feasible after known and unresolved constraints are applied;
6. identifies whether proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained land, and whether those acres are included in or excluded from public-benefit calculations;
7. clarifies whether April 13 development-capacity assumptions and Resolution recitals remain open, preliminary, procedural only, conceptual only, unsupported, or available for later reliance; and
8. requests confirmation that, unless and until that clarification is provided, development-capacity assumptions should not be treated as established factual predicates for later annexation, zoning, subdivision, development-agreement, Comprehensive Plan consistency, site-feasibility, development-capacity, public-benefit, or conditions review.

P&Z Decision Point

P&Z does not need to decide final engineering, final subdivision approval, final plat approval, or final agency permits now. P&Z does need to avoid treating development-capacity assumptions embedded in the April 13 WRLT materials as established predicates for later review unless the record identifies the evidentiary basis for those assumptions.

Until that clarification occurs, zoning, density, parcel configuration, unit count, road dedication, public benefit, site feasibility, subdivision feasibility, and related conditions should remain conceptual only and should not be treated as established factual predicates for later P&Z review.

That is the P&Z-level decision point: do not evaluate zoning, subdivision, Comprehensive Plan consistency, site feasibility, development capacity, public benefit, or conditions on top of development-capacity assumptions unless the record identifies the evidence supporting those assumptions or clearly states that the assumptions remain open, procedural only, conceptual only, or unsupported.

Series Context
This memorandum is part of the Old Board Ranch Annexation — Administrative Record Review Series, a set of focused submissions addressing whether the administrative record can support annexation findings under the City of Hailey's Comprehensive Plan and applicable standards.

Each memorandum:

- *addresses a single issue*
- *identifies what must be demonstrated to support findings*
- *evaluates what is currently established in the administrative record*

These submissions are intended to support a clear, transparent, and defensible decision-making process. Findings must be supported by clearly defined standards and substantial evidence in the administrative record.

Memo #3 addressed the absence of a complete site-feasibility baseline for Old Board Ranch, including unresolved floodplain, wetlands, FEMA / NFIP, agency, environmental, and natural-resource constraints. [Memo #3; M3 Exhibit 1, pp. 207–209, 293–309; M3 Exhibit 2, pp. 22–23, 28.] Memo #5 addressed Ordinance 889, application completeness, and annexation / subdivision sequencing. [Memo #5; M5 Attachment A; M5 Attachment B; M5 Attachment C.]

Memo #6 addresses the related buildability issue: whether the administrative record identifies a present factual baseline of net developable area and site feasibility sufficient to support reliance on development-capacity assumptions.

For purposes of this memo, "development-capacity assumptions" means assumptions regarding zoning, density, unit count, parcel configuration, road dedication, infrastructure feasibility, public benefit, site feasibility, subdivision feasibility, and related conditions.

For purposes of this memo, "net developable area" means the portion of the property actually available to support residential development after deducting floodplain, wetlands, riparian, access, infrastructure, grading, stormwater, open-space, active river channel, and other physical, regulatory, or functional site constraints.

Stated simply: Memo #4 addressed annexation authority. Memo #5 addressed process and sequencing. Memo #6 addresses the factual premise of the proposed development platform.

Governing Standard (Exhibit A)
This memo should be read in conjunction with Series Exhibit A — Record Sufficiency and Verification Standard, which governs whether findings adopted on April 13, 2026 are supported by the administrative record.

Under that standard, for each element discussed below, the City must identify whether supporting evidence existed in the administrative record at the time of the April 13 decision, where that evidence is located, or affirmatively state that it does not exist. The City should distinguish between materials available at the time of decision and materials submitted thereafter, and should identify any post-decision materials being used to support prior findings, including the basis for doing so. Materials submitted after April 13, 2026 may not be used to support findings adopted on that date unless the City explicitly identifies the material, the date it was added, and the basis for relying on it. To the extent any responsive materials are withheld, their existence and general subject matter should be identified.

The analysis below is presented subject to this framework. Any finding not supported under this standard lacks a valid basis in the administrative record.

This standard is especially important here because the April 13 action occurred at the pre-application LOI / ARA stage, before any formal annexation application or subdivision application had been submitted. If the City intends to treat April 13 findings, Resolution recitals, concept materials, zoning assumptions, density assumptions, parcel-configuration assumptions, or ARA terms as support for later annexation, zoning, subdivision, feasibility, or development review, the administrative record must identify what factual and legal basis existed as of April 13, 2026.

Bottom Line

The City does not need final engineering, final subdivision approval, final plat approval, or final agency permits at this stage.

But before the City, Council, or Planning & Zoning relies on development-capacity assumptions, the administrative record should identify a present buildability baseline showing:

- what portions of the parcel are potentially developable;
- what portions are constrained;
- what constraints remain unknown;
- what studies or agency determinations are deferred; and
- whether the proposed development assumptions are based on gross acreage or net developable area.

If annexation and subdivision review must proceed concurrently under Ordinance 889, then buildability is not merely a future subdivision detail. It is a present record issue because the City cannot evaluate zoning, density, parcel configuration, infrastructure

feasibility, Comprehensive Plan consistency, public benefit, or conditions without first identifying the parcel's net developable area and the constraints affecting it.[1]

This memo does not contend that the parcel is unbuildable. It asks whether the administrative record establishes how much of the parcel is buildable, under what assumptions, through what regulatory path, and at what development intensity.

Issue Presented

Whether the administrative record identifies the parcel's net developable area and site-feasibility baseline before the City, Council, or Planning & Zoning relies on WRLT / LEAP development-capacity assumptions.

Stated differently: If zoning, density, parcel configuration, unit count, road dedication, infrastructure, public-benefit, or subdivision assumptions are being advanced now, where does the record identify the net developable area and site-feasibility basis supporting those assumptions?

Why This Matters Now

Memo #3 identified unresolved site-feasibility inputs.[2] Memo #5 identified why sequencing and completeness matter.[3] Memo #6 explains why those unresolved inputs must be organized into a present buildability baseline before development-capacity assumptions are relied upon in later Council or Planning & Zoning review.

The April 13 materials did not present bare annexation. WRLT's LOI stated an intent to submit applications for Annexation and a Large-Block Preliminary Plat.[4] The April 13 exhibit identified proposed zoning, residential parcels, road dedication, density calculations, and proposed unit counts.[5] The ARA described the LOI as annexation "for a subdivision consisting of residential lots."[6] The applicant's materials also described a proposed split between workforce-housing acreage and preserve acreage.[7]

Those materials make development capacity central, not incidental. They also show that Sawmill Cottages was presented as a named residential subdivision project, not merely an abstract LOI or reimbursement framework.

The question is not whether every technical study must be final before annexation review begins. The question is whether the City may carry forward development-capacity assumptions before the record identifies the site constraints that determine what can actually be built.

For a constrained river-corridor parcel, gross acreage does not establish development capacity. The relevant record question is net developable area after floodplain, BFE, floodway, wetlands, jurisdictional waters, riparian, active river channel, access, infrastructure, drainage, fill, flood-storage, conveyance, and regulatory constraints are identified.[8]

Zoning and density assumptions are only meaningful if they are tied to the land's physical capacity. If the City carries forward zoning, density, unit-count, or parcel-configuration assumptions before identifying net developable area, the record risks treating desired yield as evidence of feasible yield. For a constrained river-corridor parcel, that sequence is not a technical detail; it is the difference between a supportable development-capacity record and a speculative one.

The April 13 zoning exhibit illustrates the problem. The same exhibit that presented residential parcels, proposed unit counts, density calculations, and road dedication also identified wetlands, floodway, draft FEMA floodplain, and a 100-foot riparian setback. The record should show how those constraints were reconciled before the capacity numbers were presented or carried forward.

The available public flood-risk record reinforces that concern. The 2010 effective FEMA FIRM provides the current regulatory baseline, with portions of the Old Board Ranch parcel shown as moderate-risk Zone X (0.2%-annual-chance floodplain). The 2020 Big Wood River Atlas advanced the flood-hazard understanding for Reach 16 by identifying areas below BFE outside the FEMA 100-year flood boundary and documenting significant 2017 flooding along the eastern floodplain.[9] The 2025 preliminary FEMA FIRM now appears to convert portions of the Old Board Ranch parcel from moderate-risk Zone X to high-risk Zone AE (1%-annual-chance floodplain), while also expanding the mapped flood-hazard footprint on the parcel.[10]

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[1] M5 Attachments A; B; M5 Administrative Record Index Items 106-113.
[2] M3 Exhibit 1, pp. 207-209, 293-309; M3 Exhibit 2, pp. 22-23, 28.
[3] M5 Attachments A; B; C.
[4] 04132026 City Council Packet, p. 224.
[5] 04132026 City Council Packet, p. 225.
[6] 04132026 City Council Packet, p. 219.
[7] 04132026 City Council Packet, pp. 226–233.
[8] M3 Exhibit 1, pp. 207–209, 293–309; M3 Exhibit 2, pp. 22–23, 28.
[9] *Big Wood River Atlas* (2020), pp. 26, 68; Attachment E-2.
[10] Attachments E-1; E-2; E-3.

This does not mean final engineering is required now, and it does not determine whether the parcel is unbuildable. It means that floodplain/BFE reconciliation is a present buildability issue. Before development-capacity assumptions are relied upon, the record should identify and reconcile the best available flood-risk information concerning the effective FIRM, preliminary FEMA / Risk MAP materials, Big Wood River Atlas Reach 16 information, BFEs, observed flood limits, below-BFE areas, floodway limits, fill assumptions, flood-storage displacement, compensatory-storage feasibility, access, conveyance, and no-rise / no-adverse-impact requirements.

The acreage issue is also narrower than the applicant's approximate 5-acre housing-area framing. The April 13 zoning exhibit showed proposed GR area of 4.74 acres and proposed GR area minus road area of 3.98 acres, before reconciliation of floodplain, wetlands, riparian, active river channel, access, infrastructure, or regulatory constraints.

If subdivision-level review may be deferred, the City should identify the legal basis for deferral and clarify which development-capacity assumptions remain open.[11] If annexation and subdivision review must proceed concurrently, the buildability baseline cannot be treated as a later detail. Either way, the record should identify whether development-capacity assumptions are supported by net developable area or are merely conceptual and unavailable for later reliance.

The safer course is to clarify now which assumptions are preliminary, conceptual, unsupported, or unavailable for later reliance until net developable area and site feasibility are identified.

Buildability Baseline Needed Before Further Reliance

A present buildability baseline need not be final engineering. It should identify known constraints, unresolved constraints, deferred studies, and the relationship between those constraints and the proposed development envelope.

Buildability Baseline Inputs

Buildability Input	What the Record Should Identify	Decision Relevance
Floodplain / BFE / floodway	Best available flood-risk information, including effective and preliminary FEMA mapping, BFEs, SFHA / Zone AE / floodway status, Big Wood River Atlas Reach 16 information, observed flood limits, below-BFE areas outside FEMA boundaries, mapping discrepancies, appeal-period status, and floodplain assumptions	Determines whether lots, roads, utilities, fill, and structures are feasible
Hydrologic / hydraulic review; no-rise / no-adverse-impact	Whether hydrologic / hydraulic analysis, no-rise, or no-adverse-impact review is required	Determines whether development can occur without unacceptable upstream, downstream, or on-site flood impacts
Flood storage / fill / conveyance / drainage	Fill assumptions, flood-storage displacement, conveyance impacts, drainage paths, and mitigation needs	Determines whether development would alter flood behavior or require mitigation
Wetlands / jurisdictional waters	Current delineation status, jurisdictional-determination status, and whether prior wetlands / jurisdictional findings have been updated or superseded	Determines constrained area and whether USACE / IDEQ review may be required
Riparian / river-corridor constraints	Applicable buffers, setbacks, river-corridor protections, open-space limits, and preserve assumptions	Determines net usable area and feasible parcel configuration
Access / roads / emergency access	Road dedication, internal circulation, emergency access, bridge / road relationship, and public-safety access	Determines whether subdivision layout and access are feasible
Utilities / infrastructure	Water, sewer, stormwater, drainage, utility extensions, service impacts, and infrastructure obligations	Determines whether residential development can be served and conditioned
Permitting / regulatory pathway	FEMA / NFIP, CLOMR / LOMR / LOMA, USACE Section 404, IDEQ Section 401, IDWR stream alteration, and federal-agency triggers, if applicable	Determines whether development assumptions rely on unresolved future approvals
Net developable area	Gross acreage minus constrained, uncertain, or unresolved areas	Determines whether density, unit count, parcel split, and public-benefit assumptions have a factual basis
Lot yield / development capacity	Feasible lot count, unit count, density range, and relationship to net developable area	Determines whether proposed zoning and density are supportable
Public benefit / preserve-residential split	Relationship between constrained land, preserve acreage, residential acreage, and claimed public benefit	Determines whether public-benefit assumptions are based on developable land, constrained land, or unresolved assumptions

Important Record Context

1. **The current proposal includes development-capacity assumptions.**

[11] M5 Attachments A; B.

WRLT's April 13 materials identify annexation tied to a Large-Block Preliminary Plat, proposed zoning, residential parcels, road dedication, density calculations, and proposed unit counts.[12] The ARA describes the LOI as annexation for a subdivision consisting of residential lots under the name Sawmill Cottages.[13] Those materials introduce development-capacity assumptions that may later shape Council or Planning & Zoning review.

Public-benefit claims also depend on the buildability baseline. If net developable area is unknown, the record cannot reliably show whether the proposed density, unit count, preserve / residential split, infrastructure obligations, and public-benefit assumptions are physically feasible at the same time.

Public-benefit claims also require constraint accounting. If proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, riparian setback, or other constrained land, the record should identify how much acreage falls within those categories and whether those acres are included in the public-benefit calculation. The record should distinguish land that represents actual forgone development capacity from land that is physically or legally constrained regardless of annexation.

The public-benefit distinction is central because Parcel C / Greenway acreage may be part of the conceptual tradeoff for residential zoning, density, or unit capacity on Parcels A and B. Land that is already functionally unavailable for development should not be treated the same as land that represents actual surrendered development capacity unless the record explains that treatment.

If those assumptions are conceptual only, the record should say so. If they are intended to support later zoning, subdivision, density, development-capacity, or public-benefit review, the record should identify the buildability basis supporting them.

2. **The parcel has a documented constraint history.**
   Prior same-parcel materials identified floodplain, wetlands, FEMA / LOMR, environmental, engineering, and application-completeness issues.[14] The prior Caplow / Bullion Partners record shows that the City previously required substantial site-specific information before certifying the application complete and scheduling Planning & Zoning review for this same parcel.[15]

   County and FEMA-related materials also identified parcel-specific floodplain concerns, including observed 2006 flooding, flood-storage concerns, channelization concerns, downstream effects, sewer-line issues, and FEMA mapping / review pathways.[16]

   These materials do not determine the outcome of the current proposal. They do show why gross-acreage and concept-level development assumptions are insufficient for this parcel.

3. **Future studies and conditions do not substitute for a present baseline.**
   Public statements have referenced future studies such as traffic, floodplain, wetlands, avalanche, and wildlife studies.[17] Those studies may be necessary. But the existence of a future study list does not establish application completeness, net developable area, subdivision feasibility, parcel configuration, infrastructure feasibility, or development capacity.

   A floodplain study does not, by itself, establish buildable acreage. A wetlands study does not, by itself, establish jurisdictional status or developable area. A traffic study does not establish lot yield, access design, infrastructure feasibility, or zoning suitability. A wildlife study does not establish floodplain feasibility, utility feasibility, or parcel configuration.

   Nor should future conditions of approval substitute for the threshold factual basis needed to determine whether the proposed development platform is feasible, lawful, and consistent with the Comprehensive Plan.

   If net developable area, floodplain feasibility, wetlands / jurisdictional status, infrastructure feasibility, or agency pathway remain unknown, the record should not treat density, unit count, parcel split, or public-benefit assumptions as established facts merely because future studies or conditions may be required.

Threshold Record Gaps

Based on the administrative record reviewed to date, the record does not yet appear to identify:

1. the parcel's net developable area after known floodplain, wetlands, riparian, active river channel, access, infrastructure, and regulatory constraints are considered;[18]

[12] 04132026 City Council Packet, pp. 224–225.
[13] 04132026 City Council Packet, p. 219.
[14] M3 Exhibit 1, pp. 207–209, 293–309.
[15] M3 Exhibit 1, pp. 207–209.
[16] M3 Exhibit 2, pp. 22–23, 28.
[17] Idaho Mountain Express, Apr. 15, 2026; M5 ARI Item 110.
[18] M3 Exhibit 1, pp. 207–209, 293–309; M3 Exhibit 2, pp. 22–23, 28.

2. which constraints are known, which remain unknown, and which studies or agency determinations are deferred;[19]
3. whether WRLT's development-capacity assumptions rely on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area;[20]
4. whether floodplain mapping, BFEs, floodway, Zone AE, no-rise, no-adverse-impact, CLOMR / LOMR / LOMA, or related floodplain pathways have been reconciled with the proposed development envelope;[21]
5. whether wetlands, jurisdictional waters, riparian setbacks, active river channel, access, infrastructure, or agency determinations materially affect the proposed residential parcels, road dedication, utility layout, or preserve / residential split;[22]
6. whether public-benefit assumptions can be evaluated before the record identifies the relationship between net developable area, proposed density, unit count, infrastructure obligations, and the preserve / residential split;[23]
7. whether proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained land, and whether those acres are included in or excluded from public-benefit calculations;
8. whether public-benefit assumptions distinguish between land that contributes actual developable value and land that is active river channel, floodway, floodplain, wetlands, riparian corridor, or otherwise constrained regardless of annexation;
9. whether April 13 development-capacity assumptions are procedural only, conceptual only, preliminary, unsupported, or available for later reliance;[24]
10. whether post-April 13 studies, maps, agency materials, or applicant submissions will support later determinations only or be used to retroactively support April 13 findings or assumptions;[25] and
11. whether April 13 Resolution recitals constitute adopted findings and, if so, what legal effect those recitals have in later Planning & Zoning, annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan review.

Requested Clarifications Before Further Action

Before any further Council or Planning & Zoning reliance on development-capacity assumptions, the City should identify by citation to the administrative record:

1. known floodplain, wetlands, riparian, active river channel, access, infrastructure, and regulatory constraints;
2. unresolved constraints, deferred studies, and agency determinations not yet made;
3. whether the City has identified and reconciled the best available flood-risk information for Old Board Ranch, including current FEMA preliminary FIRM materials, Big Wood River Atlas Reach 16 information, BFEs, observed flood limits, below-BFE areas outside FEMA boundaries, floodway limits, and any associated public-comment or appeal-period information, and how any differences among those sources affect proposed residential parcels, road dedication, utilities, access, fill, flood-storage displacement, compensatory-storage feasibility, public-benefit calculations, and net developable area;
4. the parcel's estimated net developable area, or the reason net developable area cannot yet be determined;
5. whether WRLT's development-capacity assumptions rely on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area;
6. whether the proposed residential parcels, unit count, road dedication, utilities, access, and preserve / residential split remain feasible after known and unresolved constraints are applied;
7. whether public-benefit assumptions are tied to net developable area, feasible unit count, infrastructure obligations, and the preserve / residential split;
8. whether proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained land, and whether those acres are included in or excluded from public-benefit calculations;
9. whether public-benefit assumptions distinguish between land that contributes actual developable value and land that is active river channel, floodway, floodplain, wetlands, riparian corridor, or otherwise constrained regardless of annexation;
10. what information existed in the April 13 administrative record concerning net developable area and site feasibility;
11. whether April 13 development-capacity assumptions are procedural only, conceptual only, preliminary, unsupported, or available for later reliance;

[19] Memo #3; Memo #5; M5 ARI Item 110.
[20] 04132026 City Council Packet, pp. 224–225, 226–233.
[21] M3 Exhibit 1, pp. 293–309; M3 Exhibit 2, pp. 22–23, 28.
[22] M3 Exhibit 1, pp. 207–209, 293–309; 04132026 City Council Packet, pp. 224–225.
[23] 04132026 City Council Packet, pp. 224–225, 226–233.
[24] 04132026 City Council Packet, pp. 215, 217–221; Memo #5; M5 ARI Items 111–113.
[25] Series Exhibit A.

12. whether post-April 13 studies, maps, agency materials, or applicant submissions will support later determinations only or will be used to support April 13 findings retroactively; and
13. whether April 13 Resolution recitals constitute adopted findings and, if so, what legal effect those recitals have in later Planning & Zoning, annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan review.

Requested Action

Before relying on or reaffirming any development-capacity assumption, Council and Planning & Zoning should require staff and the applicant to:

1. identify a present buildability baseline showing known constraints, unknown constraints, deferred studies, and the relationship between those constraints and net developable area;
2. identify whether development-capacity assumptions are based on gross acreage, proposed GR acreage, proposed GR acreage minus road area, or net developable area;
3. distinguish materials available in the April 13 administrative record from materials created, obtained, or submitted after April 13;
4. identify whether proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained land, and whether those acres are included in or excluded from public-benefit calculations;
5. identify whether public-benefit assumptions distinguish between land that contributes actual developable value and land that is active river channel, floodway, floodplain, wetlands, riparian corridor, or otherwise constrained regardless of annexation;
6. clarify whether April 13 Resolution recitals constitute adopted findings and, if so, what legal effect those recitals have in later Planning & Zoning, annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan review; and
7. clarify that, unless and until that baseline is identified, development-capacity assumptions remain conceptual only and should not be carried forward as established predicates for later annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan review.

Conclusion

The buildability issue is not a demand for final engineering at the beginning of the process. It is a record-sufficiency issue.

The current WRLT / LEAP proposal includes development-capacity assumptions.[26] For a constrained river-corridor parcel, gross acreage does not establish development capacity.[27]

Until the record identifies net developable area, known constraints, unresolved constraints, deferred studies, and the relationship between those constraints and the proposed development platform, development-capacity assumptions should remain preliminary and unavailable for later reliance. That clarification should occur before those assumptions are carried forward as established predicates for later Council or Planning & Zoning review.

Attachment Schedule

These attachments are included as targeted source support only. They do not replace the full M3, M5, or April 13 record materials already submitted or cited. They are included to make the buildability record question citation-ready.

Attachment A — April 13 WRLT / ARA Excerpts re Development-Capacity Assumptions

Attachment A includes April 13 packet excerpts showing WRLT's stated intent to submit applications for annexation and a Large-Block Preliminary Plat; proposed zoning, residential parcels, road dedication, density calculations, proposed unit counts, preserve / residential split, and ARA language describing annexation for a subdivision consisting of residential lots.

Attachment B — Prior Same-Parcel Completeness and Buildability Excerpts

Attachment B includes prior City file excerpts showing the City's earlier same-parcel completeness review, including requirements for schematic project design, proposed lots, utilities, streets, density, floodplain, wetlands, natural-resource / hazard mitigation, and related site-feasibility information before P&Z review.

Attachment C — County / FEMA Floodplain and Observed-Flooding Excerpts

Attachment C includes County / FEMA-related excerpts identifying floodplain, flood-flow, flood-storage, channelization, downstream-impact, sewer-line, observed-flooding, and FEMA review-pathway issues relevant to net developable area and site feasibility.

Attachment D — Memo #5 / Ordinance 889 Sequencing Excerpts

[26] 04132026 City Council Packet, pp. 219, 224–225, 226–233.

[27] Memo #3; M3 Exhibit 1, pp. 207–209, 293–309; M3 Exhibit 2, pp. 22–23, 28.

Attachment D includes Memo #5 excerpts and related City PRR materials addressing Ordinance 889, annexation / subdivision sequencing, application completeness, and the internal interpretation that zoning and minimum / maximum densities could proceed while subdivision review is deferred.

Attachment E — Flood-Risk Mapping Context: Effective FEMA FIRM, Big Wood River Atlas, and Preliminary FEMA FIRM
Attachment E includes three targeted visual exhibits addressing the floodplain/BFE reconciliation issue discussed in Memo #6. They are not offered as final engineering, final floodplain delineation, or final buildability analysis. They are included to show why the record should reconcile the 2010 effective FEMA FIRM, the Big Wood River Atlas Reach 16 flood-risk information, and the 2025 preliminary FEMA FIRM before development-capacity assumptions are relied upon.

Attachment E-1 shows the 2010 effective FEMA FIRM regulatory floodplain baseline for the Old Board Ranch / north Reach 16 area, including mapped moderate-risk Zone X and high-risk Zone AE context.

Attachment E-2 provides *Big Wood River Atlas*-based flood-risk context for the Old Board Ranch / north Reach 16 area, including areas identified as below BFE and outside the FEMA 100-year flood boundary, together with observed 2006 / 2017 flood-limit context.

Attachment E-3 shows 2025 preliminary FEMA FIRM mapping for the Old Board Ranch / north Reach 16 area, including the apparent conversion of portions of the parcel from moderate-risk Zone X to high-risk Zone AE and the apparent expansion of the mapped flood-hazard footprint on the parcel.

Administrative Record Index (v6)

Issue: Buildability, Net Developable Area, Site Feasibility, and Development-Capacity Reliance

This index identifies whether the administrative record contains the buildability baseline necessary to support further reliance on zoning, density, parcel-configuration, unit-count, road-dedication, public-benefit, site-feasibility, or development-capacity assumptions for the WRLT / Old Board Ranch proposal.

This index applies to the April 13, 2026 administrative record and to record materials identified to date concerning WRLT's LOI / Large-Block Preliminary Plat materials, Ordinance 889 sequencing, prior same-parcel completeness review, floodplain / wetlands / FEMA / LOMR history, and related site-feasibility materials.

This index is not intended to require final engineering, final subdivision approval, final plat approval, or final agency permits at this stage. It identifies the minimum record baseline needed to determine what facts exist, what remains unknown, what has been deferred, and whether development-capacity assumptions are supported by substantial evidence in the administrative record.

Where the City's position is that April 13 was procedural only and did not establish zoning, density, parcel configuration, unit count, road dedication, public benefit, site feasibility, or development capacity, the record should identify that position and clarify which findings and assumptions remain open.

For Memo #6, the key record question is narrow:

> Where, specifically, does the administrative record identify the parcel's net developable area and the buildability baseline sufficient to constitute substantial evidence supporting reliance on WRLT / LEAP zoning, density, parcel-configuration, unit-count, road-dedication, public-benefit, site-feasibility, or development-capacity assumptions?

Related threshold questions include whether April 13 Resolution recitals constitute adopted findings, what legal effect those recitals have in later review, how proposed Parcel C / Greenway acreage is treated if it includes active river channel, floodway, floodplain, wetlands, riparian setback, or other constrained areas, and whether post-April 13 studies, maps, applications, or agency materials may support later determinations only or may be used to support April 13 findings retroactively.

If that baseline exists, the City should identify it by citation. If it does not exist, the City should clarify whether those assumptions remain conceptual, preliminary, procedural only, unsupported, or unavailable for later reliance until the buildability baseline is established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
132	WRLT proposal includes Large-Block Preliminary Plat	04132026 City Council Packet, p. 224	WRLT states intent to submit applications for annexation and a Large-Block Preliminary Plat.	Record does not yet clarify whether the Large-Block Preliminary Plat is an application material, future subdivision material, concept exhibit, or entitlement assumption.	Large-Block Preliminary Plat status not established.
133	WRLT exhibit includes zoning, density, parcels, road dedication, and units	04132026 City Council Packet, p. 225	Exhibit identifies proposed zoning, residential parcels, road dedication, density calculations, proposed unit counts, proposed GR area of 4.74 acres, and proposed GR area minus road area of 3.98 acres.	Record does not yet identify whether these assumptions are based on gross acreage, proposed GR acreage, proposed GR-minus-road acreage, or net developable area after floodplain, wetlands, riparian, active river channel, access, infrastructure, and regulatory constraints are reconciled.	Development-capacity basis not established.
134	ARA describes named residential-lot subdivision	04132026 City Council Packet, p. 219	ARA describes the LOI as annexation for "a subdivision consisting of residential lots" under the name Sawmill Cottages.	Record does not yet explain how subdivision-related assumptions for a named project may be relied upon before a buildability baseline exists.	Bare-annexation framing not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
135	Proposed preserve / residential split	04132026 City Council Packet, pp. 226–233	Applicant materials describe a proposed split between preserve / Greenway acreage and workforce-housing acreage.	Record does not yet identify whether the split is based on developable land, constrained land, or unresolved assumptions.	Public-benefit / parcel-split basis not established.
136	Prior same-parcel completeness gate	M3 Exhibit 1, pp. 207–209	Prior City review required substantial information before certifying application complete and scheduling P&Z review.	Record does not yet explain whether equivalent site-specific and buildability information will be required for WRLT before reliance on zoning / density assumptions.	Same-parcel baseline not reconciled.
137	Prior same-parcel technical materials	M3 Exhibit 1, pp. 293–309	Historical file included floodplain, wetlands, FEMA / LOMR, engineering, environmental, and application materials.	Record does not yet identify whether those materials have been updated, superseded, reconciled, or determined inapplicable to WRLT.	Prior technical baseline not reconciled.
138	County / FEMA floodplain concerns	M3 Exhibit 2, pp. 22–23	County materials identified flood-flow, channelization, downstream impacts, flood storage, dike, sewer-line, and FEMA review concerns.	Record does not yet identify whether those issues have been reconciled with proposed residential parcels, road dedication, fill, infrastructure, or density.	Floodplain feasibility baseline not established.
139	Observed 2006 flooding / floodplain designation concern	M3 Exhibit 2, p. 28	County material identified inundation during spring 2006 event and concern regarding floodplain designation.	Record does not yet identify whether observed flooding has been reconciled with proposed development area, unit count, or net developable acreage.	Observed flooding history not reconciled.
140	Wetlands / jurisdictional baseline	M3 Exhibit 1, pp. 207–209; Memo #3	Prior record treated wetlands / jurisdictional issues as relevant to completeness and feasibility.	Record does not yet identify current delineation, jurisdictional determination status, or whether prior wetlands information has been updated or superseded.	Wetlands / jurisdictional baseline not established.
141	Ordinance 889 sequencing affects buildability timing	Memo #5; M5 Attachment A; M5 Attachment B	City PRR materials show internal discussion of annexation first, subdivision later, and zoning / min-max density before subdivision.	Record does not yet identify whether buildability facts may be deferred if zoning, density, parcel configuration, or subdivision assumptions are advanced now.	Buildability timing unresolved.
142	Future study list does not establish baseline	Idaho Mountain Express, Apr. 15, 2026; M5 ARI Item 110	Public statements identified future studies expected with application, including traffic, floodplain, wetlands, avalanche, and wildlife.	Record does not yet identify net developable area, lot yield, infrastructure feasibility, or whether studies are required before reliance.	Future study list does not establish buildability.
143	Net developable area	Memo #3; M3 Exhibit 1; M3 Exhibit 2; 04132026 City Council Packet, pp. 224–225	Record contains proposed acreage / zoning / unit assumptions and prior constraint materials.	Record does not yet identify net developable acreage after floodplain, wetlands, riparian, active river channel, access, infrastructure, and regulatory constraints.	Net developable area not established.
144	Gross acreage / GR acreage vs. net developable area	04132026 City Council Packet, pp. 224–225, 226–233	Applicant materials identify parcel acreage, proposed residential areas, preserve acreage, density, proposed units, proposed GR area, and proposed GR area minus road area of 3.98 acres.	Record does not yet identify whether density, unit count, and public-benefit assumptions rely on gross acreage, proposed GR acreage, proposed GR-minus-road acreage, or net developable area.	Density / public-benefit basis not established.
145	Public benefit / feasibility relationship	04132026 City Council Packet, pp. 224–225, 226–233	Applicant materials identify proposed residential acreage, preserve acreage, density, proposed units, and public-benefit framing.	Record does not yet identify whether the proposed public benefit is feasible at the proposed density and unit count after net developable area and infrastructure obligations are identified; whether proposed Parcel C / Greenway acreage includes active river channel, floodway, floodplain, wetlands, riparian setback, or other constrained areas; or whether the preserve component distinguishes between actual forgone development value and physically or legally constrained land.	Public-benefit feasibility basis not established.

ID	Finding / Issue	Cited Record Location(s)	Information Reflected in Record	Information Not Reflected in Record	Result
146	April 13 reliance status	04132026 City Council Packet, pp. 215, 217–221; Memo #5 ARI Items 111–113	Staff stated detailed analysis would occur later; Resolution included findings / recitals and initiated zoning procedures.	Record does not yet clarify whether April 13 development-capacity assumptions are procedural only, conceptual, preliminary, unsupported, or available for later reliance.	Record-effect clarification required.
147	Post-April 13 materials / retroactive reliance	Series Exhibit A; Memo #6	Exhibit A requires distinction between materials available at decision and materials submitted later.	Record does not yet identify whether later studies, maps, applications, or agency materials will support later determinations only or retroactively support April 13 assumptions.	Pre/post-decision segregation required.
148	April 13 Resolution recitals / legal effect	April 13 Resolution; Series Exhibit A; Memo #6	April 13 action included findings / recitals and initiated zoning procedures.	Record does not yet clarify whether April 13 Resolution recitals constitute adopted findings, what legal effect they have in later Planning & Zoning, annexation, zoning, subdivision, conditions, public-benefit, or Comprehensive Plan review, or whether later materials may be used to support April 13 findings retroactively.	Record-effect clarification required.

Closing Record Question

At minimum, this Index asks the City to answer the record question central to Memo #6:

> Where, specifically, does the administrative record identify the parcel's net developable area and the buildability baseline sufficient to constitute substantial evidence supporting reliance on WRLT / LEAP zoning, density, parcel-configuration, unit-count, road-dedication, public-benefit, site-feasibility, or development-capacity assumptions?

If that baseline exists, the City should identify it by citation. If that baseline does not exist, the City should clarify whether zoning, density, parcel-configuration, unit-count, road-dedication, public-benefit, site-feasibility, and development-capacity assumptions remain conceptual, preliminary, procedural only, unsupported, or unavailable for later reliance until the buildability baseline is established.

If proposed Parcel C / Greenway acreage includes active Big Wood River channel, floodway, Zone AE floodplain, wetlands, 100-foot riparian setback, or other constrained areas, the City should identify how those acres are treated in public-benefit calculations.

If post-April 13 studies, maps, agency materials, applications, or applicant submissions are later used to support buildability, net-developable-area, or development-capacity determinations, the City should distinguish whether those materials support later determinations only or are being used to support April 13 findings or assumptions retroactively.

M6 Attachment A – WRLT / ARA Excerpts re Development-Capacity Assumptions

This attachment compiles targeted excerpts from the April 13, 2026 WRLT annexation packet and Annexation Review Agreement materials showing that development-capacity assumptions were already embedded in the Old Board Ranch annexation record when Council adopted the April 13 findings.

The excerpts below are included for a limited purpose: to show that the April 13 materials did not present only an abstract annexation or reimbursement issue. They also reflected a defined development pathway involving annexation, a Large-Block Preliminary Plat, proposed zoning, residential parcels, proposed unit counts, density calculations, road dedication, preserve/residential land allocation, and an Annexation Review Agreement describing annexation for a subdivision consisting of residential lots.

Memo #6 therefore asks the City to identify the factual basis for any assumptions about buildability, net developable area, density capacity, parcel configuration, road/access feasibility, and subdivision feasibility before further reliance is placed on those assumptions.

Summary of Development-Capacity Assumptions Reflected in April 13 Materials

Category	April 13 Materials Reflected	Why It Matters for Memo #6
Application pathway	WRLT stated that it intended to submit applications for annexation and a Large-Block Preliminary Plat.	Shows annexation and subdivision review were linked in the materials before Council.
Project framing	The ARA described the Letter of Intent as annexation "for a subdivision consisting of residential lots" under the name Sawmill Cottages.	Confirms the April 13 materials concerned a residential subdivision pathway, not merely abstract annexation.
Zoning	The exhibit identified proposed General Residential and Recreational Green Belt zoning.	Zoning depends on a factual understanding of what land can actually support residential development.
Residential parcels / units	The exhibit identified proposed residential Parcels A and B with 7 and 25 proposed units.	Unit yield assumes developable land capacity that should be supported by the record.
Density capacity	The exhibit calculated proposed GR acreage, GR acreage minus road area, and allowable unit counts of 39 and 55 units with density bonus.	Density calculations require a reliable net-developable-area baseline.
Preserve / residential split	WRLT materials described approximately 10 acres for greenway/preserve and approximately 5 acres for community workforce housing.	The record should show what evidence supports that split and whether the housing area is actually developable.
Constraint indicators	The exhibit identified wetlands, floodway, draft floodplain, and a 100-foot riparian setback, while also showing residential parcels and unit counts.	Constraint indicators must be reconciled with any assumed residential acreage, density, access, and parcel configuration.
Studies deferred	Staff stated zoning, density, vehicular impacts, water/wastewater impacts, wildlife, and other details would not be thoroughly analyzed until later.	Shows the April 13 record included capacity assumptions before the underlying technical baseline was fully developed.

Excerpt Matrix

Item	April 13 Source / Page	Specific Excerpt	Development-Capacity Assumption Shown	M6 Relevance
1	WRLT Letter of Intent, Jan. 26, 2026; April 13, 2026 Council packet, p. 224	"To realize the intent of the gift and support the needs of the community, the Land Trust now intends to submit applications for Annexation and a Large-Block Preliminary Plat."	WRLT linked annexation with Large-Block Preliminary Plat review.	Shows the April 13 materials embedded a subdivision pathway from the outset. Buildability, parcel configuration, access, and site-capacity assumptions were therefore not merely remote future issues.
2	WRLT Letter of Intent, Jan. 26, 2026; April 13, 2026 Council packet, p. 224	"The attached exhibit shows the boundaries of the parcel for annexation, including the proposed open space area, number of housing units and zoning of the three (3) large blocks."	WRLT submitted open-space, housing-unit, zoning, and large-block assumptions with the Letter of Intent.	Shows development capacity was part of the April 13 packet itself. The City should identify the factual basis for those assumptions before relying on them.
3	Annexation Review Agreement, Recital A; April 13, 2026 Council packet, p. 218	"The Owner is owner of certain real property consisting of fifteen (15) acres west of River Street located in Blaine County, State of Idaho ('Real Property'), for which the Owner has submitted a Letter of Intent for annexation to Hailey for a subdivision consisting of residential lots under the name of Sawmill Cottages ('Project')."	The ARA expressly described the LOI as annexation for a residential subdivision project.	This is the clearest record excerpt tying the April 13 ARA to a subdivision consisting of residential lots. It supports Memo #6's request for the buildability and capacity basis underlying that project framing.
4	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"PROPOSED CONDITIONS" / "PROPOSED ANNEXATION BOUNDARY" / "GENERAL RESIDENTIAL ZONING (GR)" / "RECREATIONAL GREEN BELT ZONE (RGB)"	The exhibit identified a proposed annexation boundary and proposed zoning categories.	Proposed zoning carries development-capacity implications. The record should show what land is actually capable of supporting residential zoning, density, and subdivision configuration.
5	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"PROPOSED ROAD DEDICATION" and "POTENTIAL 60' PUBLIC ROAD RIGHT-OF-WAY"	The exhibit assumed a road dedication / right-of-way component.	Road and access assumptions affect net developable area, floodplain impacts, wetlands impacts, drainage, emergency access, infrastructure layout, and subdivision feasibility.
6	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"PROPOSED PARCEL A - RESIDENTIAL ±39,830 SF (±0.91 AC) 7 PROPOSED UNITS"	The exhibit identified a specific residential parcel and proposed unit yield.	A 7-unit assumption requires support for developable area, access, infrastructure serviceability, floodplain status, wetlands constraints, and regulatory feasibility.
7	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"PROPOSED PARCEL B - RESIDENTIAL ±133,664 SF (±3.07 AC.) 25 PROPOSED UNITS"	The exhibit identified a second residential parcel and proposed unit yield.	A 25-unit assumption requires the record to show whether the proposed residential land is actually developable after physical and regulatory constraints are reconciled.
8	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"PROPOSED PARCEL C - RECREATIONAL GREEN BELT ±427,848 SF (±9.82 AC.)"	The exhibit allocated approximately 9.82 acres to Recreational Green Belt.	The proposed preserve/residential allocation depends on a factual distinction between constrained/protected land and land assumed to be developable.
9	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"ALLOWABLE DENSITY = 10 UNITS / AC" / "ALLOWABLE DENSITY (DENSITY BONUS) = 14 UNITS / AC" / "PROPOSED GR AREA = 4.74 AC" / "PROPOSED GR AREA (MINUS ROAD AREA) = 3.98 AC"	The exhibit calculated residential acreage and applied density standards to it.	This is a direct development-capacity calculation. Memo #6 asks whether the acreage used in the calculation is actually net developable area after floodplain, wetlands, setbacks, access, infrastructure, and other constraints are reconciled.
10	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	"ALLOWABLE UNITS (GR MINUS ROAD) = 39" and "ALLOWABLE UNITS (GR MINUS ROAD, DENSITY BONUS) = 55"	The exhibit calculated allowable unit capacity from the proposed GR area.	Unit-capacity calculations are not self-validating. They require a record basis showing that the assumed residential acreage is developable and serviceable.
11	Zoning Analysis Exhibit; April 13, 2026 Council packet, p. 224	Legend references include "WETLANDS," "FLOODWAY (2010 F.I.S.)," "FLOODWAY (DRAFT FEMA MAP)," "FLOODPLAIN (DRAFT FEMA MAP)," and "100' RIPARIAN SETBACK."	The exhibit identified floodplain, floodway, wetlands, and riparian-setback constraint indicators while also presenting residential parcels, zoning, road dedication, and unit counts.	Because constraint indicators were visible in the April 13 materials, the record should show how those conditions were reconciled with the proposed residential acreage, unit yield, access, and parcel configuration.

Item	April 13 Source / Page	Specific Excerpt	Development-Capacity Assumption Shown	M6 Relevance
12	WRLT April 8, 2026 Memo; April 13, 2026 Council packet, p. 225	WRLT described the proposal as intended to "create permanent access from Bullion Street to the Hailey Greenway and conserve the majority of the parcel, while redeveloping the old sawmill site… into deed restricted community workforce housing."	WRLT framed the proposal as conservation plus redevelopment of part of the site for workforce housing.	The record should identify the factual basis for treating the old sawmill site as suitable and developable for the proposed housing use.
13	WRLT April 8, 2026 Memo; April 13, 2026 Council packet, p. 226	WRLT described the approach as "concentrating development on previously disturbed areas while permanently protecting sensitive lands."	WRLT assumed a feasible distinction between developable disturbed areas and protected sensitive lands.	Memo #6 asks what evidence supports that distinction, including whether the proposed development area is outside or otherwise compatible with floodplain, wetlands, river-corridor, infrastructure, and regulatory constraints.
14	WRLT April 8, 2026 Memo; April 13, 2026 Council packet, p. 226	WRLT stated that the upcoming application is designed to ensure: "No homes will be built in the floodplain," "A 100 foot buffer along the river will be maintained," and "All wetlands will be protected to the extent possible."	WRLT acknowledged floodplain, riparian-buffer, and wetlands constraints while proposing residential development.	These statements make the factual baseline essential. The record should show what floodplain/BFE, wetlands, and buffer information supports the proposed residential layout and capacity assumptions.
15	WRLT April 8, 2026 Memo; April 13, 2026 Council packet, p. 226	WRLT stated that "Permanent deed-restricted community workforce housing will be concentrated on the disturbed old sawmill site, close to infrastructure and out of the floodplain, and developed by a non-profit housing partner."	WRLT assumed the disturbed old sawmill site is close to infrastructure, out of the floodplain, and suitable for workforce housing.	This is a direct buildability assumption. The record should identify the evidence supporting floodplain status, infrastructure feasibility, environmental suitability, and development capacity.
16	WRLT April 8, 2026 Memo; April 13, 2026 Council packet, p. 230	WRLT stated that the proposal "protects 10 of the 15 acres making up the property."	WRLT assumed an approximate 10-acre preserve / 5-acre development allocation.	The record should identify the basis for that allocation and whether the remaining development area is actually suitable for the proposed residential use.
17	WRLT April 8, 2026 Memo, Figure 2; April 13, 2026 Council packet, p. 232	"Figure 2. The Old Board Ranch parcel… showing the proposed split: Green shows the proposed area (~10 acres) to be added to the Hailey Greenway through annexation. Red shows the disturbed old sawmill site (~5 acres) proposed to be made available for community workforce housing."	WRLT visually identified approximately 10 acres for greenway/preserve and approximately 5 acres for housing.	This is a central development-capacity assumption. The record should show how the proposed housing area was determined to be developable after constraints are identified and reconciled.
18	Staff Agenda Item Summary; April 13, 2026 Council packet, p. 214	"The Wood River Land Trust (WRLT) is poised to submit an Annexation Application… that would include conservation lands open to the public, and deed restricted housing."	City staff characterized the forthcoming annexation as including conservation land and deed-restricted housing.	Shows City materials repeated the conservation/housing development framing, not merely the reimbursement-agreement framing.
19	Staff Agenda Item Summary; April 13, 2026 Council packet, p. 214	"Historically, the noticed public hearing regarding these Annexation Review Agreements has been used as a general preview of the Annexation Application prior to completion of the contemplated study preparation and Local Land Use Protection Act (LLUPA) process…"	Staff acknowledged the April 13 hearing functioned as a preview of the annexation application before studies were complete.	If development-capacity assumptions were previewed before studies were complete, the record should distinguish preview-level assumptions from evidence-supported findings.
20	Staff Agenda Item Summary; April 13, 2026 Council packet, p. 214	"Details as to land use characteristics, zoning and density, vehicular impacts, water and wastewater impacts, wildlife, or others, will not be thoroughly analyzed nor discussed until an Annexation Application has been received, along with the various studies submitted, as required by Code."	Staff acknowledged that zoning, density, infrastructure, impacts, and other land-use details had not yet been thoroughly analyzed.	This supports Memo #6's record-sufficiency point: further reliance on development-capacity assumptions should not proceed without identifying the factual baseline supporting those assumptions.
21	Annexation Review Agreement, Section 1.D; April 13, 2026 Council packet, p. 220	Consulting and staff services include "engineering regarding water and sewer systems and traffic, impacts and improvements," "long range planning, fiscal and needs analyses of city services, infrastructure and departments," and analysis of "demands, impacts, costs and mitigation."	The ARA anticipated engineering, infrastructure, traffic, fiscal, service-demand, impact, and mitigation review.	These are the types of analyses needed to support development-capacity assumptions, but the ARA shows they were contemplated as review items, not necessarily completed before April 13.

Attachment A Takeaway

Taken together, these excerpts show that development-capacity assumptions were already embedded in the April 13 materials.

The Letter of Intent stated that WRLT intended to submit applications for annexation and a Large-Block Preliminary Plat. The attached exhibit identified proposed zoning, open-space area, housing-unit counts, and large-block configuration. The zoning analysis exhibit showed proposed GR and RGB zoning, proposed residential Parcels A and B, 32 proposed units, GR acreage, GR-minus-road acreage, allowable density, density-bonus capacity, road dedication, floodplain/floodway/wetlands/riparian-setback indicators, and approximately 9.82 acres of RGB land. The WRLT memo described a proposed 10-acre preserve / 5-acre housing split and stated that housing would be concentrated on the disturbed old sawmill site, close to infrastructure, and out of the floodplain. The Annexation Review Agreement described the Letter of Intent as annexation "for a subdivision consisting of residential lots under the name of Sawmill Cottages."

The same April 13 materials also acknowledged that land-use characteristics, zoning, density, traffic, water, wastewater, wildlife, infrastructure, impacts, costs, mitigation, and other details required further analysis. Staff expressly stated that zoning, density, vehicular impacts, water and wastewater impacts, wildlife, and other details would not be thoroughly analyzed until a later annexation application and supporting studies were submitted.

Memo #6 therefore asks the City to identify the record basis for any development-capacity assumptions before further reliance is placed on them. That includes the factual basis for assumed net developable area, residential acreage, density capacity, unit yield, parcel configuration, road/access feasibility, infrastructure serviceability, and subdivision feasibility after floodplain, wetlands, river-corridor, environmental, access, infrastructure, and regulatory constraints are identified and reconciled.

M6 Attachment B – Prior Same-Parcel Completeness and Buildability Excerpts

This attachment compiles targeted excerpts from the City's prior same-parcel historical file showing that earlier review of the Old Board Ranch / Board Mill / Caplow parcel treated site design, proposed uses, density, lots, utilities, streets/access, wetlands, floodplain/floodway, riparian protection, natural hazards, environmental review, FEMA / LOMR issues, and related site-feasibility information as front-end review issues.

The excerpts below are included for a limited purpose: to show that, for this same parcel, development-capacity and buildability issues were previously tied to specific site information before the City would certify the application complete and schedule the first Planning and Zoning hearing.

Memo #6 therefore asks the City to identify the present factual basis for any reliance on zoning, density, unit-count, parcel-configuration, road/access, infrastructure, public-benefit, site-feasibility, or development-capacity assumptions.

Key Points Shown

The prior same-parcel City file shows that:

1. the City previously treated application completeness as a threshold before Planning and Zoning review;
2. the City required schematic project design, proposed uses, density, lots, utilities, streets, alleys, sidewalks, open space, and parks;
3. the City required project-specific treatment of wetlands, floodplain/floodway, riparian setbacks, natural resources, natural hazards, and environmental conditions; and
4. later City correspondence tied the parcel's development density to unresolved floodplain / LOMR issues and stated that a schematic plan was needed first.

Excerpt Matrix

Item	Prior City File Source / Page	Specific Excerpt	Prior Review / Completeness Point Shown	M6 Relevance
1	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 207	"The City received your application for annexation of Tax Lot 6430 on February 11, 2005. However, the application is **currently incomplete**. The following information is required **before we can certify the application as complete** and schedule the first hearing before the Planning and Zoning Commission."	The City treated completeness as a threshold before P&Z review for this same parcel.	Supports M6's position that buildability and development-capacity information are not merely later details if the City is advancing zoning, density, unit-count, parcel-configuration, road-dedication, or subdivision assumptions.
2	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 207	"A statement describing how the proposed project complies with specific goals and policies of the Hailey Comprehensive Plan."	The City required project-specific Comprehensive Plan consistency information at the completeness stage.	Supports M6's request that the City identify the factual basis for any claimed consistency between the proposed development platform and the parcel's actual buildable condition.
3	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 207	"A **schematic design of the entire project** showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks."	The City required a project-wide schematic design showing uses, density, circulation, easements, open space, and parks.	Directly relevant because the current WRLT materials include proposed zoning, density, residential parcels, road dedication, unit counts, and preserve / residential allocation.
4	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 207	"The plan submitted shows only outlines of parcels and a roadway. The parcels are not called out as residential lots or green space parcels… The site plan does not include a complete legend."	The City found a parcel-outline / roadway concept insufficient without clearer residential/open-space designation and plan detail.	Supports the distinction between concept-level graphics and a buildability baseline sufficient to support later reliance.
5	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 207	"A description of the proposed project, including the approximate a) **number and size of proposed lots**, b) length and location of the proposed **water and sewer mains**, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks."	The City required lot yield, lot size, utilities, streets, alleys, and sidewalks before completeness certification.	Directly supports M6's request for the factual basis for lot yield, infrastructure serviceability, road/access feasibility, circulation, and subdivision feasibility before further reliance.
6	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 208	"A statement describing how the proposed project is compatible with adjacent neighborhood(s)… For example, what are the lot sizes in comparison to adjacent lots? How does the circulation pattern promote compatibility?"	The City required compatibility analysis tied to lot size and circulation.	Shows that lot configuration and circulation were treated as reviewable facts, not deferred abstractions.

Item	Prior City File Source / Page	Specific Excerpt	Prior Review / Completeness Point Shown	M6 Relevance
7	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 208	"A statement describing how the applicable natural resources… and natural hazards… are incorporated into proposed project and/or mitigated."	The City required the project to address natural resources and hazards in relation to the proposed design.	Supports M6's request for known constraints, unresolved constraints, deferred studies, and how those constraints affect the proposed development envelope.
8	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 208	"In addition to your narrative regarding preservation of existing wetlands, please address at least the following issues: access to public lands, **mitigation of floodplain and floodway areas**, and any special provisions for preserving the 100 foot riparian setback area."	The City specifically identified wetlands, public-land access, floodplain/floodway mitigation, and riparian setback protection as required review issues.	Directly supports M6's position that net developable area must account for wetlands, floodplain/floodway, riparian, access, and related constraints.
9	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 208	"Unless the Administrator determines… one or more of the following studies are not warranted… the following studies shall be submitted," including traffic, floodplain, avalanche, wetland, wildlife, Level I environmental, and contour-map studies.	The prior same-parcel review framework identified technical studies to be submitted unless determined not warranted.	Supports M6's point that a future study list does not establish the baseline; the record should identify what is required, what is deferred, what is determined not warranted, and what assumptions remain unsupported until completed.
10	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 208	"The following studies were not submitted but are required: (b) **Floodplain study**… (e) **Wildlife study**."	The City identified missing floodplain and wildlife studies as required information.	Supports M6's request for a present record showing whether floodplain, wildlife, and related constraints have been addressed, deferred, determined not warranted, or left unresolved.
11	City of Hailey letter to Bullion Partners / Mark Caplow, Feb. 16, 2005; M3 Exhibit 1, p. 209	"The Level I environmental study was received and is acceptable."	The prior same-parcel review included an environmental baseline as part of application completeness.	Supports M6's position that prior environmental site-condition materials should be reviewed, updated, superseded, or determined inapplicable before residential feasibility assumptions are relied upon.
12	City email re Caplow / Bullion Partners, Apr. 27, 2007; M3 Exhibit 1, p. 213	"Caplow's have applied for annexation (application has been in house and incomplete for almost 2 years now)… the Commission and Council may elect not to annex it as it is a **problematic piece of property due to the whole flood/LOMR issue**."	City correspondence linked annexation viability and application completeness to unresolved floodplain / LOMR issues.	Supports M6's point that floodplain / FEMA / LOMR issues bear directly on whether development-capacity assumptions have a factual basis.
13	City email re Caplow / Bullion Partners, Apr. 27, 2007; M3 Exhibit 1, p. 213	"The application has been incomplete because our annexation application requires a schematic plan for the property and the **LOMR is critical** to them being able to develop the property with the density they desire due to our **20,000 sf minimum lot size in the floodplain**."	City correspondence expressly tied **schematic-plan requirements, LOMR status, floodplain lot-size constraints, and desired density** to completeness and development feasibility.	Central to M6: **density and yield cannot be treated as established** until the record shows how floodplain constraints affect net developable area, feasible lot configuration, and available development intensity.

Attachment B Takeaway

Taken together, these prior same-parcel materials show that the City previously treated site configuration, schematic project design, proposed uses, density, lot yield, utilities, streets/access, sidewalks, neighborhood compatibility, wetlands, floodplain/floodway mitigation, riparian setbacks, wildlife, environmental review, and FEMA / LOMR issues as front-end review matters for this parcel.

Attachment B does not determine the outcome of the current WRLT proposal. It shows why Memo #6 asks the City to identify the present buildability baseline before relying on zoning, density, unit-count, parcel-configuration, road-dedication, infrastructure, public-benefit, site-feasibility, or development-capacity assumptions.

The prior record is especially relevant because the City previously stated that this same parcel's annexation application was incomplete until additional site-specific information was provided; that a schematic plan was required before P&Z review; and that LOMR / floodplain issues were critical to the density the prior applicant sought. To the extent the current record carries forward proposed zoning, density, unit counts, road dedication, residential parcels, and preserve / residential allocation, the City should identify whether those assumptions are supported by net developable area and site-feasibility evidence, or clarify that they remain conceptual, preliminary, unsupported, and not treated as established factual predicates for later reliance until the buildability baseline is established.

M6 Attachment C – County / FEMA Floodplain and Observed-Flooding Excerpts

This attachment compiles targeted County / FEMA-related excerpts identifying parcel-specific floodplain, flood-flow, flood-storage, channelization, downstream-impact, sewer-line, observed-flooding, floodplain-designation, and FEMA review-pathway issues relevant to net developable area and site feasibility.

The excerpts below are included for a limited purpose: to show that floodplain feasibility cannot be assumed from gross acreage, concept-level parcel exhibits, or proposed density calculations without identifying how these issues have been reviewed, updated, superseded, reconciled, or determined inapplicable.

Memo #6 therefore asks the City to identify the present factual basis for any reliance on zoning, density, unit-count, parcel-configuration, road/access, infrastructure, public-benefit, site-feasibility, or development-capacity assumptions.

Key Points Shown

The County / FEMA materials show that:

1. FEMA LOMR materials were based on hydrologic / hydraulic analysis and topographic data;
2. Blaine County requested a CLOMR pathway before final County signature;
3. County correspondence raised parcel / reach-specific concerns regarding cumulative flood-flow effects, channelization, increased velocity, material transport, downstream impacts, flood-storage capacity, bank/dike condition, sewer-line protection, and control of fill and development;
4. County correspondence identified a 2006 dike breach / sheet-flow condition and concern about removing sheet-flooding area from flood capacity; and
5. the County Floodplain Coordinator stated that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated AE or another appropriate floodplain designation.

Excerpt Matrix

Item	County / FEMA Source / Page	Specific Excerpt	Floodplain / FEMA Issue Shown	M6 Relevance
1	FEMA Letter of Map Revision Determination Document, Feb. 27, 2009; M3 Exhibit 2, p. 14	Basis of request: "**Hydrologic Analysis, Hydraulic Analysis with Topographic Data**."	FEMA's LOMR materials reflected hydrologic / hydraulic analysis and topographic data.	Supports M6's request that current development-capacity assumptions be tied to a current floodplain, BFE, H&H baseline, not gross acreage alone.
2	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 22	"Blaine County is signing this with the request that the applicant revise the application to be a **CLOMR** (Conditional LOMR request), so that we may all attain feedback from FEMA before final signature is requested from the County."	County requested a CLOMR pathway before final County signature.	Supports M6's request that the record identify the applicable FEMA / NFIP pathway before floodplain-dependent development assumptions are relied upon.
3	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 22	"We are concerned for any possible augmentation to **cumulative increases to the flood flows** along this stretch of the channel, no matter how small."	County raised concern about cumulative flood-flow increases along this reach.	Supports M6's request that flood-flow, conveyance, no-rise / no-adverse-impact, and cumulative-impact issues be identified before relying on site-capacity assumptions.
4	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 22	"The historic channelization of the Big Wood River… has dramatically increased the velocities of the water and transportation of material," **with possible downstream impacts** "within both the unincorporated County and City of Hailey."	County identified channelization, increased velocity, material transport, and downstream-impact concerns.	Supports M6's position that floodplain feasibility depends on site-specific hydraulic conditions and downstream effects, not generalized assumptions about available acreage.
5	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10,	"We hesitate to impede any **flood storage capacity** for the area, and are concerned for the potential ramifications of the reference '100-year Zone X.'"	County raised flood-storage and floodplain-designation concerns.	Directly supports M6's request for net developable area after flood storage, fill, designation, and jurisdictional issues are identified.

Item	County / FEMA Source / Page	Specific Excerpt	Floodplain / FEMA Issue Shown	M6 Relevance
6	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 22	"The bank dike along the eastern edge is **not USACE placed or engineered**, yet it has become essential due to the placement of the sewer line behind the bank…"	County identified bank/dike condition and sewer-line protection issues.	Supports M6's request that infrastructure serviceability, flood protection, and utility constraints be addressed before relying on road/access, utility, or residential-development assumptions.
7	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 23	"There is a historic, and calculated as confirmed by this application, breach of the dike which was witnessed in spring runoff of 2006… illustrating the **6" sheet flow from 2006**." County further stated: "**Removing the area of sheet flooding** from additional capacity for the area is a concern, no matter how small in the value determined by the calculations."	County identified a witnessed 2006 dike breach / sheet-flow condition and raised concern about removing sheet-flooding area from flood capacity.	Supports M6's request that observed flooding, flood-storage displacement, fill, and capacity impacts be reconciled with current floodplain, lot-yield, road, utility, and development-envelope assumptions.
8	Blaine County Planning/Zoning/Building Department letter to FEMA re Bullion Partners LOMR, May 10, 2007; M3 Exhibit 2, p. 23	"Is it reasonable to request the reference be Zone AH or AO? This would confirm Blaine County (or the City of Hailey, if annexation is approved) **control of fill and development** for the site…"	County linked floodplain designation to control of fill and development.	Directly relevant to M6 because fill, floodplain designation, and development control affect whether proposed residential parcels, roads, utilities, and density assumptions are feasible.
9	Blaine County Planning Office Memorandum, Tom Bergin, Local Floodplain Coordinator, Aug. 15, 2007; M3 Exhibit 2, p. 28	"The southern portion of this property was **inundated by flood waters** during the spring, 2006 event on the Big Wood River."	County Floodplain Coordinator identified observed inundation of the southern portion of the property.	Supports M6's request that observed flooding be reconciled with proposed development areas, net developable acreage, and floodplain mapping before further reliance.
10	Blaine County Planning Office Memorandum, Tom Bergin, Local Floodplain Coordinator, Aug. 15, 2007; M3 Exhibit 2, p. 28	"For this among other reasons, the area indicated on the attached map should be **designated an 'AE' or other appropriate floodplain designation**."	County Floodplain Coordinator stated that the inundated area should receive AE or other appropriate floodplain designation.	Supports M6's request that current floodplain designation, BFE, effective/preliminary mapping, and development-envelope assumptions be reconciled before zoning, density, unit-count, or public-benefit assumptions are treated as established.

Attachment C Takeaway

Taken together, these County / FEMA-related materials show that floodplain feasibility for this parcel has historically involved more than a map label. The record includes FEMA LOMR materials based on hydrologic / hydraulic analysis and topographic data; County requests for a CLOMR pathway; concerns regarding cumulative flood-flow effects, channelization, downstream impacts, flood storage, bank/dike conditions, sewer-line protection, observed 2006 sheet flooding, and floodplain designation; and a County Floodplain Coordinator statement that the southern portion of the property was inundated during the spring 2006 Big Wood River event and should be designated AE or another appropriate floodplain designation.

Attachment C does not determine whether the current WRLT proposal can or cannot be developed. It shows why Memo #6 asks the City to identify the present floodplain and buildability baseline before relying on zoning, density, unit-count, parcel-configuration, road-dedication, infrastructure, public-benefit, site-feasibility, or development-capacity assumptions.

To the extent the current record carries those assumptions forward, the City should identify whether they are supported by current floodplain mapping, BFE, floodway, flood-storage, fill, conveyance, observed-flooding, FEMA / NFIP, and net-developable-area evidence, or clarify that they remain conceptual, preliminary, unsupported, and not treated as established factual predicates for later reliance until the buildability baseline is established.

M6 Attachment D – Memo #5 – Ordinance 889 Sequencing Excerpts

This attachment compiles targeted Memo #5, Ordinance 889, April 13 packet, Annexation Review Agreement, and City PRR excerpts addressing annexation / subdivision sequencing, application completeness, and the internal interpretation that zoning and minimum / maximum densities could proceed while subdivision review is deferred.

The excerpts below are included for a limited purpose: to show why buildability timing matters now. If zoning, density, parcel configuration, unit count, road dedication, infrastructure, public-benefit, or subdivision assumptions are advanced before subdivision-level review, the City should identify the legal and factual basis for deferring the buildability baseline.

Memo #6 therefore asks the City to identify the present factual basis for any reliance on zoning, density, unit-count, parcel-configuration, road/access, infrastructure, public-benefit, site-feasibility, or development-capacity assumptions.

Key Points Shown

The Memo #5 / Ordinance 889 materials show that:

1. Ordinance 889 and the current annexation checklist require project-level information as part of annexation completeness;
2. WRLT's April 13 materials described annexation tied to a Large-Block Preliminary Plat and residential-lot subdivision;
3. April 13 staff materials stated that zoning, density, impacts, and studies would be analyzed later; and
4. City PRR materials, as summarized in Memo #5, show an internal interpretation that zoning and minimum / maximum densities could be established first while subdivision review waited.

Excerpt Matrix

Item	Source / Page	Specific Excerpt	Sequencing / Completeness Issue Shown	M6 Relevance
1	Hailey Ordinance 889 / Title 14, §14.01.010; Ordinance 889 materials	"Unless there are compelling reasons, the applicant shall submit plans and applicable studies for all components of the proposed annexation."	Ordinance 889 establishes a project-level submission expectation for all components of the proposed annexation, unless compelling reasons justify otherwise.	Supports M6's request that the City identify what project-level and buildability materials are required, what is deferred, and the legal basis for any deferral.
2	Hailey Ordinance 889 / Title 14, §14.01.040; Ordinance 889 materials	"The City shall concurrently with the application for annexation consider an application for a zoning classification…"	Ordinance 889 links annexation and zoning-classification review concurrently with the annexation application.	Supports M6's position that if zoning and density are advanced with annexation, the record should identify the facts supporting those zoning and density assumptions.
3	Hailey Annexation Checklist, Revised Oct. 1, 2024; Ordinance 889 materials	"The following items must be submitted with the application for the application to be considered complete."	The current annexation checklist treats listed submittals as completeness requirements.	Supports M6's request that the City identify the completeness standard governing the forthcoming WRLT annexation application.
4	Hailey Annexation Checklist, Revised Oct. 1, 2024; Ordinance 889 materials	Required materials include "schematic design of the entire project," "number and size of proposed lots," water/sewer mains, streets/alleys, sidewalks, infrastructure impacts, natural-resource / hazard mitigation, phasing, and applicable studies.	The checklist requires subdivision-level and buildability-relevant information as part of annexation completeness.	Supports M6's request that density, lot yield, utilities, streets/access, infrastructure, and constraints be tied to a present buildability baseline before further reliance.
5	WRLT Letter of Intent, Jan. 26, 2026; April 13 packet, p. 224	WRLT stated that it "intends to submit applications for Annexation and a Large-Block Preliminary Plat."	WRLT connected annexation with a Large-Block Preliminary Plat from the outset.	Supports M6's position that subdivision-related buildability issues are not remote or hypothetical if the current proposal advances a plat-based development pathway.
6	Annexation Review Agreement, Recital A; April 13 packet, p. 219	WRLT submitted a Letter of Intent for annexation "for a subdivision consisting of residential lots under the name of Sawmill Cottages."	The ARA described the proposed annexation as a residential-lot subdivision project.	Supports M6's position that the record should not treat the current proposal as bare annexation if subdivision assumptions are embedded in the ARA.
7	Annexation Review Agreement, §3; April 13 packet, p. 221	ARA costs are "in addition to any sums required by the ordinances of Hailey to file, review and process any specific land use application, including without limitation, preliminary subdivision applications or permits for the Project or any portion thereof."	The ARA preserved later preliminary subdivision application requirements.	Supports M6's request that the City clarify which assumptions are established now, which remain future application materials, and what cannot be relied upon until the buildability baseline exists.

Item	Source / Page	Specific Excerpt	Sequencing / Completeness Issue Shown	M6 Relevance
8	April 13 Agenda Item Summary; April 13 packet, p. 215	"Details as to land use characteristics, zoning and density, vehicular impacts, water and wastewater impacts, wildlife, or others, will not be thoroughly analyzed nor discussed until an Annexation Application has been received, along with the various studies submitted, as required by Code."	Staff expressly stated that key development-capacity and impact issues would be analyzed later.	Supports M6's request that April 13 zoning, density, parcel-configuration, unit-count, and public-benefit assumptions be clarified as conceptual, preliminary, unsupported, or not treated as established factual predicates for later reliance until supported by the required record.
9	Memo #5 ARI Item 106 / M5 Attachment A, citing City PRR Oct. 16, 2025 email thread	Community Development Director Robyn Davis asked whether WRLT needed both annexation and subdivision applications, or whether WRLT could proceed with annexation while LEAP brought the subdivision application later.	The exact annexation-first / subdivision-later sequencing issue was identified internally before any formal WRLT application was submitted.	Supports M6's request that the City identify where this sequencing issue was publicly resolved and how it affects buildability timing.
10	Memo #5 ARI Items 107–108 / M5 Attachment A, citing City PRR Oct. 16, 2025 email thread	City Administrator Lisa Horowitz stated: "I think if the annexation establishes zoning and minimum/maximum densities that we can wait on the subdivision." City Attorney Chris Simms responded: "I agree with Lisa on point one. I believe the code language is limiting, but not mandatory."	City staff and counsel internally interpreted the process to allow zoning and minimum / maximum density first, with subdivision later.	Supports M6's position that if zoning and density may proceed before subdivision review, the record must identify the legal basis for deferring buildability facts.
11	Memo #5 ARI Item 109 / M5 Attachment B, citing City PRR Oct. 16, 2025 Davis email to Samantha Stahlnecker	Davis wrote that Simms was "in the same camp," that the language was "limiting, but not mandatory," and that if zoning and minimum / maximum densities were included in the annexation application / agreement, "we can wait on the subdivision application."	The sequencing interpretation was communicated to the applicant's engineer before the April 13 Council action.	Supports M6's request that the City identify whether this interpretation was disclosed, adopted, reconciled with Ordinance 889, and applied to the WRLT / LEAP proposal before reliance on development-capacity assumptions.

Attachment D Takeaway

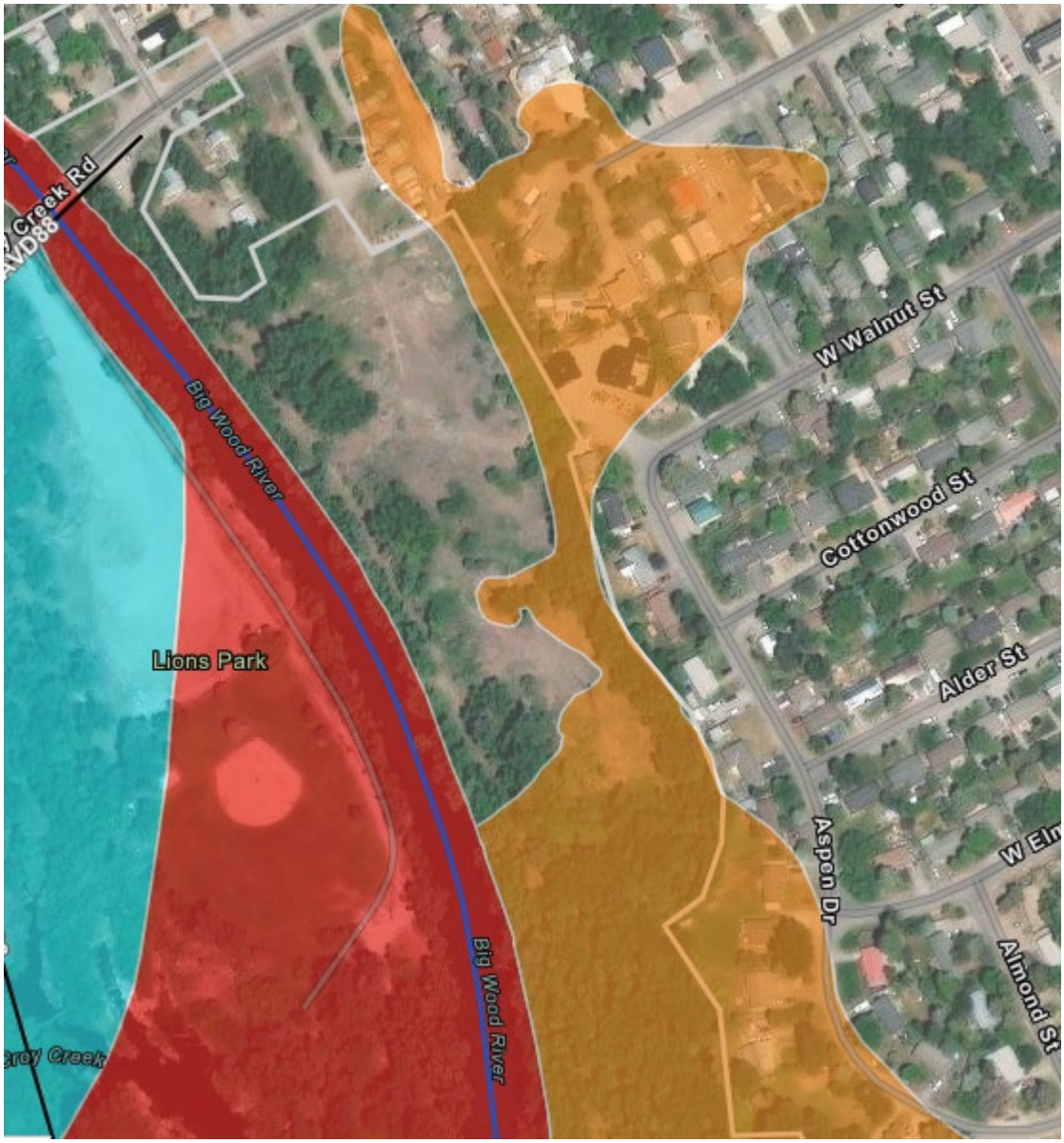
Taken together, these materials show that the sequencing issue is central to Memo #6. Ordinance 889 and the current annexation checklist require project-level information as part of annexation completeness. WRLT's April 13 materials described annexation tied to a Large-Block Preliminary Plat and a residential-lot subdivision. The ARA preserved later preliminary subdivision application requirements, while the April 13 staff summary stated that zoning, density, impacts, and required studies would be analyzed later. Memo #5 further identifies City PRR materials reflecting an internal interpretation that zoning and minimum / maximum densities could be established first while subdivision review waited.

Attachment D does not contend that final subdivision approval, final engineering, final plat approval, or final agency permits are required now. It shows why the City should clarify the legal and factual basis for advancing zoning, density, parcel-configuration, unit-count, road-dedication, public-benefit, or development-capacity assumptions while subdivision-level review and buildability information are deferred.

To the extent the current record carries those assumptions forward, the City should identify whether they are supported by a present buildability baseline, or clarify that they remain conceptual, preliminary, unsupported, and not treated as established factual predicates for later reliance until the buildability baseline is established.

M6 Attachment E-1 – 2010 Effective FEMA FIRM / Old Board Ranch Parcel and North Reach 16 Context

Attachment E provides visual context for the floodplain/BFE reconciliation issue discussed in Memo #6. These figures are not offered as final engineering, final floodplain delineation, or final buildability analysis. They show why the record should reconcile the 2010 effective FIRM, the Big Wood River Atlas Reach 16 flood-risk information, and current preliminary FEMA mapping before development-capacity assumptions are relied upon.

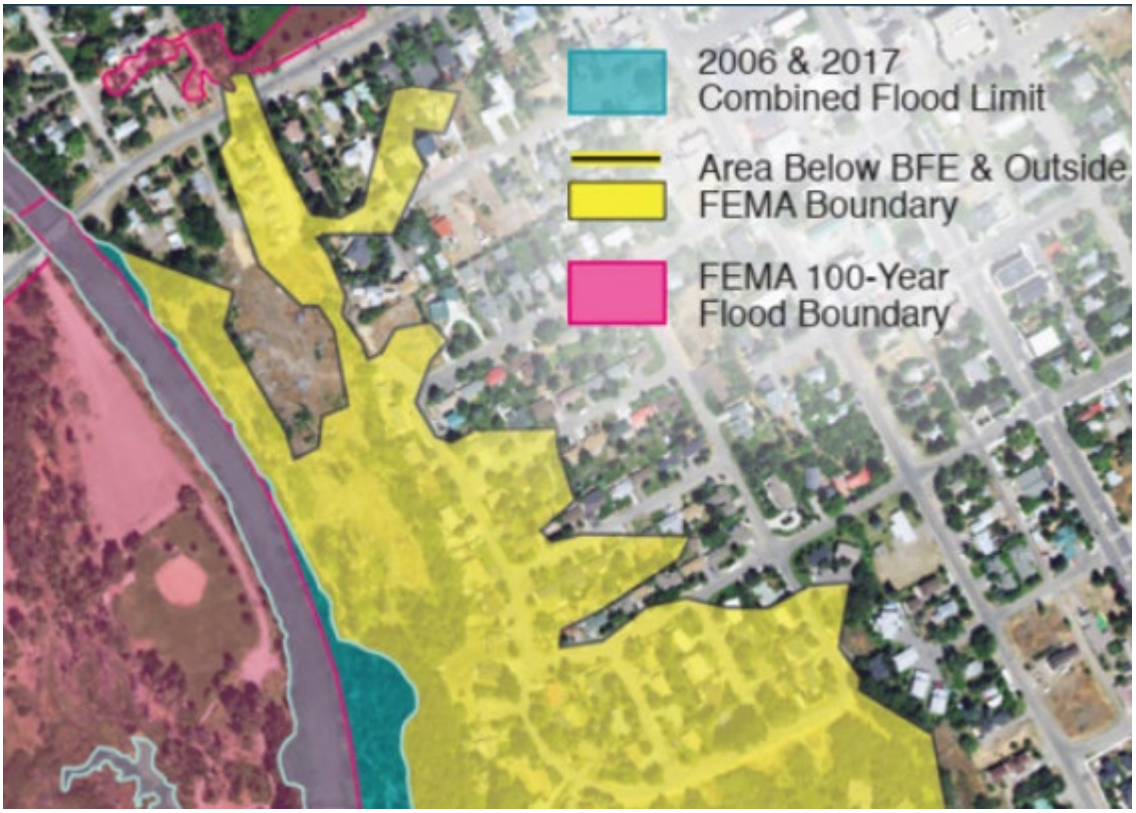


This figure shows the effective FEMA regulatory floodplain baseline for the Old Board Ranch / north Reach 16 area, including mapped moderate-risk Zone X (orange) and high-risk Zone AE (teal) context. It is included as the baseline against which later flood-risk information should be reconciled.

Legend

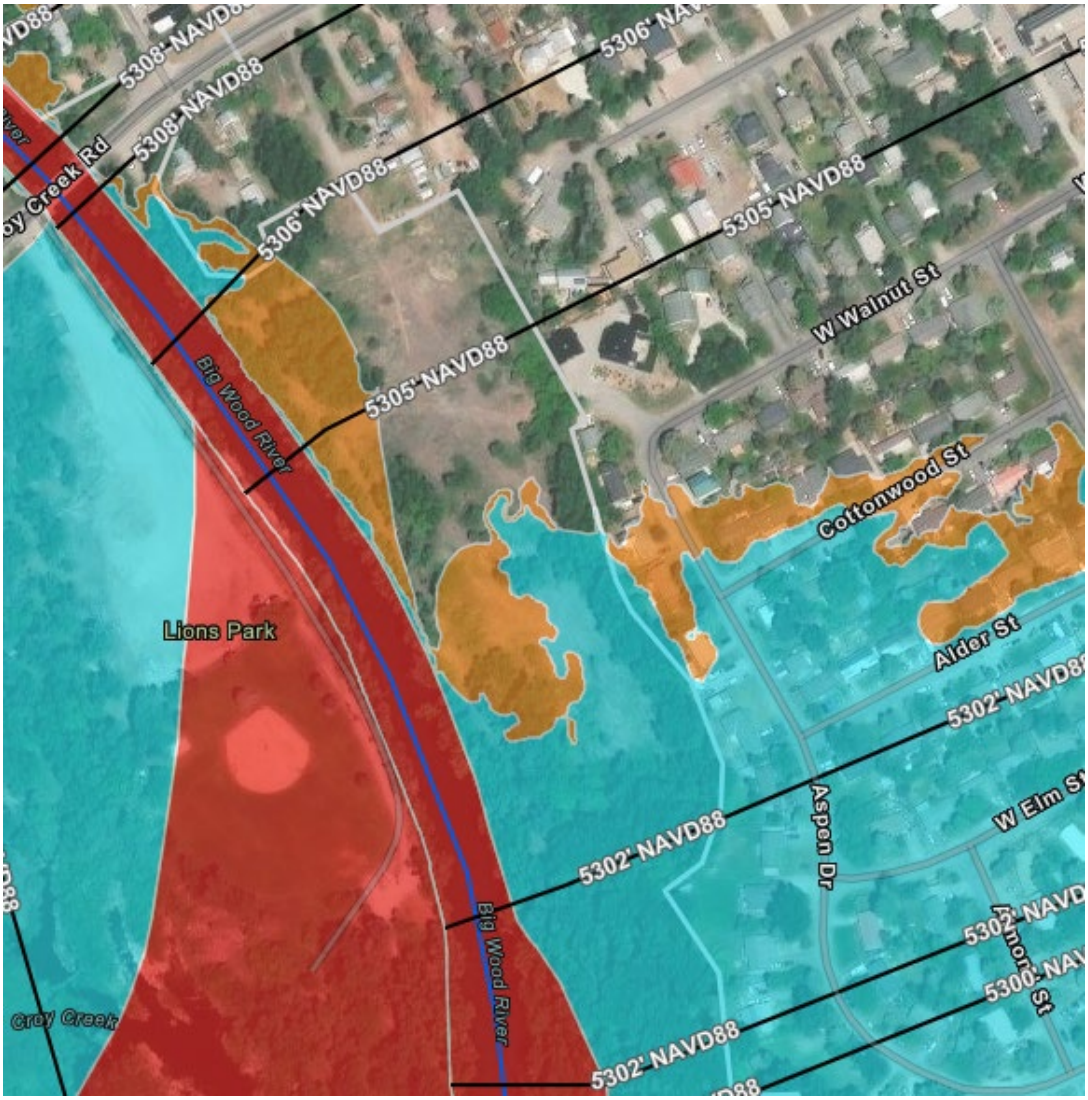
Teal: Zone AE – 1%-annual-chance floodplain
Orange: Zone X – 0.2%-annual-chance floodplain
Red: Floodway

Source context: FEMA effective FIRM / NFHL mapping for Blaine County / City of Hailey area, effective 2010; north Reach 16 excerpt.



This figure is based on *Big Wood River Atlas* flood-risk information for the north portion of Reach 16. It shows areas identified as below BFE and outside the FEMA 100-year flood boundary, together with observed 2006 / 2017 flood-limit context. This information does not replace FEMA regulation, but it is relevant best-available public flood-risk information for buildability, net developable area, and floodplain/BFE reconciliation review.

Source context: *Big Wood River Atlas* (2020), flood-hazard methodology and Reach 16 discussion, pp. 25–27, 68–69.



This figure shows 2025 preliminary FEMA mapping for the Old Board Ranch / north Reach 16 area. Compared with the 2010 effective FEMA FIRM (Attachment E-1), it appears to convert portions of the parcel from moderate-risk Zone X (orange) to high-risk Zone AE (teal) and to expand the mapped flood-hazard footprint on the parcel to the West and North.

This preliminary mapping does not decide the application, but it reinforces the need to reconcile effective mapping, preliminary mapping, BFEs, floodway limits, observed flood limits, below-BFE areas, and floodplain assumptions before relying on development-capacity assumptions.

Legend

Teal: Zone AE – 1%-annual-chance floodplain
Orange: Zone X – 0.2%-annual-chance floodplain
Red: Floodway

Source context: FEMA preliminary FIRM / NFHL preliminary mapping for Blaine County / City of Hailey area, 2025; north Reach 16 excerpt.

Series Exhibit A: Record Sufficiency and Verification Standard

Governing Principle

Findings adopted by Council on April 13, 2026 are valid only to the extent they are supported by substantial evidence in the administrative record as it existed at the time of decision. Any finding not supported by such evidence lacks a defensible basis and cannot be relied upon for subsequent action. This standard applies regardless of the procedural stage at which findings were adopted.

Record Verification Requirement

For each finding, the City must identify:

1. Whether supporting evidence existed in the administrative record as of April 13, 2026
2. Where that evidence is located (by citation)
3. If no such evidence existed, affirmatively state that it does not exist

Failure to identify supporting evidence or affirmatively confirm its absence indicates that the finding is not supported by the record.

Timing and Segregation Requirement

The City should distinguish between:

- materials available and relied upon prior to April 13, 2026
- materials submitted or developed after that date

Any material created or submitted after April 13, 2026:

- is not part of the evidentiary basis for findings made on that date
- may not be used to retroactively support those findings or serve as the evidentiary basis for findings adopted on that date unless the City explicitly identifies:
    - the material
    - the date it was added
    - the legal and factual basis for relying on it to support prior findings

Withheld Materials

To the extent any materials are withheld:

- their existence should be identified
- sufficient information should be provided (date, participants, general subject matter)
- the City should identify whether such materials relate to:
    - development of findings
    - legal interpretation
    - determination of required analyses

Failure to identify withheld materials prevents evaluation of whether the administrative record is complete.

Completeness of the Administrative Record

The City should identify whether the administrative record includes:

- all materials relied upon
- all materials considered
- all materials reviewed
- all materials reasonably available at the time of decision

If any responsive material is not included, its existence should be identified to assess completeness of the administrative record.

Application to April 13 Findings

For each finding adopted on April 13, 2026, the City must demonstrate:

- the evidentiary basis for the finding
- that such evidence existed at the time of decision
- where that evidence is located in the record

If this cannot be demonstrated, the finding is not supported by substantial evidence in the administrative record.

Consequence

Findings not supported by the administrative record at the time of decision:

- do not establish annexation authority
- do not establish site feasibility
- do not establish Comprehensive Plan consistency
- do not establish a valid basis for subsequent action

Any subsequent step relying on such findings relies on the same deficiency and does not cure the absence of evidentiary support.

From:	j loveday
To:	Mary Cone
Cc:	jrfugate@cox.net; smsdrs@hotmail.com; bozenahaileypz@gmail.com; jordanelizabeth.fitzgerald@gmail.com; smitharchsv@gmail.com; Christopher Simms; Robyn Davis; amm@lawsonlaski.com
Subject:	Old Board Ranch Annexation — Memo #6 Buildability
Date:	Wednesday, May 27, 2026 2:45:25 PM
Attachments:	Old Board Ranch Annexation_Record Review Series_M6_Buildability_PZ_05272026.pdf

Planning and Zoning Commissioners,

Attached is Memo #6 — Buildability: Net Developable Area and Site Feasibility Before Further Reliance, together with the related Planning & Zoning Brief, Administrative Record Index (v6), and Attachments A–E for inclusion in the Old Board Ranch annexation administrative record.

Memo #6 raises one narrow record-sufficiency issue for Planning & Zoning: before further reliance on development-capacity assumptions embedded in the April 13 WRLT / Old Board Ranch materials, the record should identify the present buildability baseline supporting those assumptions.

The April 13 materials included more than an abstract LOI or Annexation Review Agreement. They included a Large-Block Preliminary Plat pathway, proposed zoning, residential parcels, road dedication, density calculations, proposed unit counts, a preserve / residential split, and ARA language describing annexation for “a subdivision consisting of residential lots” under the project name Sawmill Cottages.

That matters to P&Z because P&Z may later be asked to evaluate zoning classification, subdivision layout, density, access, infrastructure, Comprehensive Plan consistency, site feasibility, development capacity, public benefit, and conditions of approval.

The submission also includes Attachment E, which provides targeted flood-risk mapping context for the floodplain/BFE reconciliation issue, including the 2010 effective FEMA FIRM, Big Wood River Atlas Reach 16 information, and 2025 preliminary FEMA FIRM materials.

This submission does not contend that the parcel is unbuildable or ask P&Z to decide final engineering, final subdivision approval, final plat approval, or final agency permits now. It asks that development-capacity assumptions not be treated as established predicates for later P&Z review unless the record identifies the buildability baseline supporting those assumptions or clearly states that they remain open, preliminary, conceptual only, or unsupported.

Please enter this submission and all attachments into the administrative record. Thank you.

Joel Loveday
Hailey

From: Mary Cone
To: Robyn Davis
Subject: FW: Board Ranch Proposed Annexation and Development
Date: Monday, June 1, 2026 3:56:19 PM

Public comments

From: JOHN CVETICH <john.trustfisheries@gmail.com>
Sent: Saturday, May 30, 2026 11:38 AM
To: Mary Cone <mary.cone@haileycityhall.org>; Martha Burke <martha.burke@haileycityhall.org>; Kaz Thea <kaz.thea@haileycityhall.org>; Juan Martinez <juan.martinez@haileycityhall.org>; Dustin Stone <dustin.stone@haileycityhall.org>; Sage Sauerbrey <sage.sauerbrey@haileycityhall.org>; jrfugate@cox.net; smsdrs@hotmail.com; bozenahaileypz@gmail.com; jordanelizabeth.fitzgerald@gmail.com; smitharchsv@gmail.com
Subject: Board Ranch Proposed Annexation and Development

Greetings:
As a long time resident of Hailey having lived in and around the Robin Hood neighborhood for 26 years. I have serious concerns and questions regarding the proposed annexation and development of the Board Ranch land use proposal.

There is no question that Hailey and our Valley needs more workforce housing. However, sometimes well meaning intentions are just not appropriate for certain locations. The proposed Board Ranch and the proposed City of Hailey's possible annexation is a perfect example of well intended actions, but in the wrong place. The Wood River Land Trust has done much good work in protecting and conserving lands in Blaine County, however WRLT's position in the proposed Board Ranch development creates serious questions.

I attended the April 13th City Council Meeting and I would like it to be clarified if the findings stated in the meeting regarding the proposed annexation are procedural only, or will the City rely on them later? I would appreciate a response to this question.

It is my understanding the City's Comprehensive Plan and Land Use has identified the Board Ranch parcel as Sensitive Lands- defined "as land that cannot or should not be developed." The words 'should not' in the previous sentence is of great concern regarding the proposal. The Wood River Land Trust has done much good work in protecting and conserving lands in Blaine County, however WRLT's position in the proposed Board Ranch development creates serious questions.

What facts show the Board Ranch site can physically and legally support the proposed development? We know the proposed land use is in identified sensitive lands, and part of the floodplain and provides critical riparian and wildlife habitat. I am requesting the City to provide to me identification of the standards, evidence, timing for any later reliance and developmental capacity regarding procedural decision conclusions.

In conclusion, I look forward to receiving responses regarding my questions regarding the proposed Board Ranch Annexation and Development. The City of Hailey can save many hours of time and taxpayer dollars by simply rejecting the proposed Board Ranch annexation.

Thank you for your time and consideration,
John Cvetich
420 Robin Hood Drive, Hailey
john.trustfisheries@gmail.com
(253) 261-9005

WRLT / Sawmill Cottages Annexation Review Agreement
Request for Written Review Procedures
7/14/2026

On April 13, 2026, Council adopted a resolution approving an Annexation Review Agreement ("ARA") with The Wood River Land Trust ("WRLT") concerning approximately fifteen acres west of River Street (parcel FR SW TL 7900 SEC 9 2N 18E) and the proposed Sawmill Cottages project. The ARA describes the project as a subdivision consisting of residential lots; the accompanying staff report states that the proposed annexation would include conservation lands open to the public and deed-restricted housing.

This memorandum requests that the City put in writing several basic procedures governing implementation of that agreement as the annexation and subdivision applications and associated review program are developed.

The ARA contemplates later studies and review but does not define the project-specific review program.

The City's April 13 staff report states that details concerning land-use characteristics, zoning and density, vehicular impacts, water and wastewater impacts, wildlife, and other matters will not be thoroughly analyzed or discussed until an annexation application and the various required studies are received. The same staff report notes that the noticed public hearing on the ARA has historically served as a general preview of the annexation application before completion of the contemplated studies and the LLUPA process, including referral to the Planning and Zoning Commission for zoning recommendations.

The ARA identifies broad categories of services that may be funded under the agreement: engineering regarding water, sewer, and traffic; legal services; long-range planning and fiscal and needs analysis; review of impacts on City services; and review of the community housing proposal. That list is broad and nonexclusive—the services "include, but are not necessarily limited to" those items.

Together, the staff report and ARA contemplate later applicant-submitted studies, City staff work, and possible consultant review. They do not, however, identify the minimum project-specific studies or deliverables anticipated for this site, define their geographic scope or standards of adequacy, establish how additional studies will be selected and scoped, or state when final analyses will be completed and made available to the public.

(April 13, 2026 City Council Packet, Agenda Item Summary, p. 215; ARA §1.D, Packet p. 221.)

The ARA funds evaluation and approval-related work through the same reimbursement structure.

Under Recitals B and C and §§1.A–1.D, services funded under the ARA support both:

- technical, fiscal, and impact evaluation of the proposal, including infrastructure, services, finances, impacts, costs, mitigation, and the fiscal-impact analysis identified in HMC §14.01.090(B); and
- preparation of documents, agreements, ordinances, ordinance amendments, surveys, reports, and findings that may be used in connection with a possible approval.

Applicant reimbursement of City costs is routine and is not the concern. The concern is that evaluating a proposal and negotiating or drafting possible approval terms are different functions. Although Recital C refers to "independent professional consultants," the ARA does not state how technical, fiscal, and impact review will be assigned, scoped, directed, and reported to preserve independent professional judgment; how that review will be distinguished and appropriately sequenced relative to approval-related drafting; or when the resulting analyses must be available before possible approval terms or proposed findings are advanced.

The ARA gives WRLT advance access to consultant scopes and costs but establishes no corresponding public-disclosure or completion procedure.

Recital C provides that the City may retain independent professional consultants if the City considers them advisable and WRLT agrees. §1.F further provides that a consultant's scope of work will be given to WRLT before submission to the consultant; that WRLT may comment on the scope; that WRLT will receive a cost estimate once a consultant is selected; and that WRLT may object to the costs and withdraw before they are incurred.

Those are reasonable protections for the party funding the work. The ARA, however, does not state:

- when consultant scopes will be made available to the public;
- when applicant-submitted studies, City analyses, or consultant reports will be completed and published; or
- how the City will proceed if it determines that particular technical, fiscal, or impact review is necessary but WRLT does not agree to the consultant or objects to the associated cost.

Requests

I request that the City establish, through an amendment to the ARA, formal Council direction, or another publicly available written protocol, the following:

1. Project-specific study program. Identify the minimum project-specific studies and deliverables anticipated for this site, including, as applicable, floodplain, wetlands, and hydrology; water and sewer capacity; access and traffic; wildlife and riparian impacts; fiscal and City-service impacts; the community and deed-restricted housing proposal; and buildability, net developable area, and the acreage basis for the conservation-land and residential components described in the April 13 staff report. Identify whether each item will be applicant-submitted, prepared by City staff, or prepared by a consultant; define its general geographic scope and standards of adequacy; and establish the process for determining additional application-specific studies, including relevant cumulative and off-site impacts.

2. Direction, selection, adequacy, and completion. State who will determine what review is necessary, who will develop and direct consultant scopes, how technical reviewers will be selected, who will receive the resulting work, and how the City will determine whether completed analyses are adequate. State how the City will proceed if WRLT does not agree to retention of a consultant or objects to costs for review the City considers necessary, including whether recommendation or decision will be deferred until the necessary review is completed.

3. Functional separation and independence. State how technical, fiscal, and impact review will be assigned, scoped, directed, reviewed, and reported to preserve independent professional judgment, and how that review will be kept distinct from negotiation and drafting of possible annexation terms, development agreements, ordinances, and proposed findings.

4. Publication and timing. Make consultant scopes publicly available when they are provided to WRLT under § 1.F. Require final applicant-submitted studies, consultant reports, and material City technical, fiscal, and impact analyses—together with their material methodologies and assumptions—to be published no later than the date the City issues published notice of the public hearing at which they will be presented, considered, or relied upon, and in all events at least fifteen calendar days before any recommendation or decision based on them. Require the fiscal-impact analysis identified in HMC §14.01.090(B) to be completed and published before the Planning and Zoning Commission issues its recommendation on the annexation and associated zoning.

The precise form is less important than putting these procedures in writing before consultant scopes are finalized and before possible approval instruments or proposed findings are advanced for formal consideration.

This request takes no position on the merits of any future application. It concerns the clarity, independence, and transparency of the review process and the record on which future decisions will be based.

Please include this memorandum in the administrative record for the Wood River Land Trust / Sawmill Cottages annexation and advise the public how the City intends to address these matters as the review proceeds.

Joel Loveday
Hailey