February 26, 2013

TO: ACHD Board of Commissioners

FROM: Mindy Wallace
Planning Review Supervisor

SUBJECT: Metro Express Polish Building/MCZC-12-052

Executive Summary:
The applicant is requesting approval Design Review and Certificate of Zoning Compliance application for the construction of a new 1,400 square foot “polish tunnel” building and road revision, on approximately 1.086-acres. The site is located at 3298 E. Pine Avenue, Meridian, ID. This item is on the consent agenda due to an applicant requested and staff supported modification of policy.

Modifications of Policy:
The applicant has requested and staff recommends a modification of ACHD’s Access Management, Successive Driveway, and Driveway Location polices to allow three existing driveways onto Pine Avenue to remain, as they are currently exist. This is due to the fact that the driveways were originally approved with Presidential Commercial Subdivision and are noted on the final plat. The three driveways are located 175, 380, and 660-feet east of Eagle Road.

As part of this application the applicant is proposing to to redirect the main flow of traffic to the eastern driveway moving it further way from the Eagle/Pine intersection; helping to alleviate current and future traffic congestion issues at the middle driveway onto Pine Avenue. Staff is supportive of this proposal.

Due to ACHD’s and the City of Meridian’s safety concerns regarding the middle driveway located 380-feet east of Eagle Road, staff and the applicant met to discuss restricting the middle driveway to right-in/right-out. In those discussions the applicant formally requested that the middle driveway remain as full access while the main drive aisle through the site is relocated, allowing the traveling public an opportunity to adjust to the relocation of the main drive aisle and the medians installed along Eagle Road, which restrict several area driveways to right-in/right-out.

Staff is supportive of the applicant’s request to allow the middle driveway to remain as a temporary full access driveway. This will allow ACHD to evaluate the impacts of the relocated main drive aisle on the middle driveway currently used to access the site. Consistent with ACHD’s Temporary Access Policy, the applicant has agreed to enter into an agreement with ACHD acknowledging that the middle driveway may be restricted to right-in/right-out in the future.
Typically, the applicant would be required to provide the District with a financial surety for the installation of a raised median to restrict the middle driveway to right-in/right-out only. However, staff recommends a waiver of a portion of the Temporary Access Policy, which requires financial guarantee for the future restriction of the driveway. This driveway serves a larger area and more businesses than just this applicant and ACHD has been monitoring this driveway and anticipated constructing improvements in this area to improve the safety and function of Pine Avenue at this location. A median restricting the middle driveway to right-in/right-out only while maintaining full access to the Jackson’s C-Store on the south side of Pine Avenue is estimated at $10,000. If, after evaluation of the driveway by ACHD it is determined that a median restricting the middle driveway to right-in/right-out or other traffic control changes are necessary for traffic safety reasons, ACHD will design and construct the necessary improvements.

**Staff Recommendation**
Staff recommends approval of the staff report as written.

**Attachments:**
1. Staff Report
**Project/File:** Metro Express Polish Building/MCZC-12-052  
This is a Design Review and Certificate of Zoning Compliance application for the construction of a new 1,400 square foot “polish tunnel” building and road revision, on approximately 1.086-acres. The site is located at 3298 E. Pine Avenue, Meridian, ID.

**Lead Agency:** City of Meridian  
**Site address:** 3298 E Pine Avenue  
**Commission Hearing:** March 6, 2013  
**Applicant:** Rocky Mountain Development Group  
Bill Martin  
2700 W Airport Way  
Boise, ID 83715  
**Representative:** Larson Architects  
Ryan Drew  
210 Murray Street  
Boise, ID 83714  
**Staff Contact:** Mindy Wallace  
Phone: 387-6178  
E-mail: mwallace@achdidaho.org

### A. Findings of Fact

1. **Description of Application:** The applicant is proposing to construct a new 1,400 sq. ft. “polish tunnel” adjacent to an existing car wash. The applicant is proposing to relocate the main flow of traffic through the site to the most eastern driveway onto Pine Avenue while retaining the existing driveway.

2. **Description of Adjacent Surrounding Area:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>General Retail and Service Commercial</td>
<td>C-G</td>
</tr>
<tr>
<td>South</td>
<td>General Retail and Service Commercial</td>
<td>C-G</td>
</tr>
<tr>
<td>East</td>
<td>Medium-low Density Single Family</td>
<td>R-4</td>
</tr>
<tr>
<td>West</td>
<td>General Retail and Service Commercial</td>
<td>C-G</td>
</tr>
</tbody>
</table>

3. **Site History:** ACHD previously reviewed this site as part of Presidential Subdivision in August of 2000 and as part of Reagan Subdivision in May of 2004. The conditions of this staff report are differ from the prior actions due to the 2011 update to Section 7200 of the ACHD policy manual.

On December 5, 2012 the ACHD Commission heard and approved this application per staff’s recommendation, requiring the construction of a median to restrict the driveway located
approximately 380-feet east of Eagle Road to right-in/right-out only while maintaining full access to the Jackson’s driveway located south of the site. On December 12, 2012 the applicant requested and the Commission granted reconsideration of this item. Since the request for reconsideration was granted applicant and staff have met to discuss the project and options that could work for both the applicant and ACHD. This is further discussed in Finding for Consideration 2 below.

4. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

5. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**
   - Pine Avenue is listed in the Capital Improvements Plan to be re-constructed/widened to 5-lanes from Eagle Road to Cloverdale Road between 2022 and 2026. The site will not be impacted by the proposed project.

### B. Traffic Findings for Consideration

1. **Trip Generation (if TIS not required):** This development is estimated to generate N/A additional vehicle trips per day (0 existing); 16 additional vehicle trips per hour in the PM peak hour (0 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 8th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine Avenue</td>
<td>Arterial</td>
<td>658</td>
<td>Better than “D”</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a five-lane minor arterial is “D” (1,540 VPH).

3. **Average Daily Traffic Count (VDT)**
   *Average daily traffic counts are based on ACHD’s most current traffic counts.*
   - The average daily traffic count for Pine Avenue east of Eagle Road was 9,701 on 6/15/11.

### C. Findings for Consideration

1. **Pine Avenue**
   a. **Existing Conditions:** Pine Avenue is improved with 5-travel lanes, vertical curb, gutter, and 7-foot wide sidewalk abutting the site. There is 96-feet of right-of-way for Pine Avenue (49-feet from centerline).
   b. **Policy:**
      - **Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.
      - **Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.
      - **Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within
96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a
continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a
principal arterial.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalks at least 5-feet wide to
be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide
between the back-of-curb and street edge of the sidewalk is required to provide increased
safety and protection of pedestrians. Consult the District’s planter width policy if trees are to
be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a
minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of
the dedicated right-of-way. The easement shall encompass the entire area between the right-
of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located
wholly within the public right-of-way or wholly within an easement.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to
existing streets adjacent to a proposed development may be required. These improvements
are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction
or replacement; curb and gutter construction or replacement; replacement of unused
driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps;
pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map
(MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway
features required through development. This segment of Pine Avenue is designated in the
MSM as a Planned Commercial Arterial with 5-lanes and on-street bike lanes, a 82-foot street
section within 108-feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to Pine Avenue
abutting this site.

**Staff Comments/Recommendations:** Pine Avenue is already built out with 5-travel lanes,
vertical curb, gutter, and 7-foot wide sidewalk abutting the site. Therefore no additional street
improvements or right-of-way dedication should be required as part of this application.

The applicant should be required to replace any broken curb, gutter, or sidewalk on Pine
Avenue abutting the site consistent with ACHD’s Minor Improvement policy.

### 2. Driveways

#### 2.1 Pine Avenue

a. **Existing Conditions:** There are three existing driveways onto Pine Avenue:

1) A 30-foot wide, right-out only driveway at approximately 175-feet east of Eagle Road

2) A 36-foot wide, full access driveway approximately 380-feet east of Eagle Road;

3) A 30-foot wide, full access driveway approximately 600-feet east of Eagle Road.

The Driveway where originally approved with ACHD’s action on Presidential Commercial
Subdivision in August of 2000.

b. **Policy**

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with
development applications shall be determined in accordance with the policies in this section
and Section 7202. Access points shall be reviewed only for a development application that is
being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 35 MPH to align or offset a minimum of 330-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Temporary Access Policy:** District Policy 7202.4.2 identifies a temporary access as that which “is permitted for use until appropriate alternative access becomes available”. Temporary access may be granted through a development agreement or similar method, and the developer shall be responsible for providing a financial guarantee for the future closure of the driveway.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

c. **Applicant’s Proposal:** The applicant is proposing to relocate the main flow of traffic through the site from the middle driveway to the eastern most driveway on Pine Avenue (furthest from Eagle Road & Pine Avenue intersection). The applicant is proposing to widen the existing eastern driveway to 36-feet in width to allow for simultaneous left and right turns out of the site.

d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Access Management, Successive Driveway, and Driveway Location polices; however, staff recommends a modification of policy to allow the driveways to remain as proposed and to allow the most eastern driveway to be 36-feet in width, due to the fact that the driveways were originally approved with Presidential Commercial Subdivision and are noted on the final plat.
Staff is supportive of the applicant’s proposal to redirect the main flow of traffic to the eastern driveway moving it further way from the Eagle/Pine intersection; helping to alleviate current and future traffic congestion issues at the middle driveway onto Pine Avenue. The driveway shall be paved its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

Since the request for reconsideration was granted applicant and staff have met to discuss restricting the middle driveway to right-in/right-out as well as, ACHD’s and the City of Meridian’s safety concerns regarding the driveway. In those discussions the applicant has formally requested that the middle driveway remain as full access while the main drive aisle through the site is relocated, allowing the traveling public an opportunity to adjust to the relocation of the main drive aisle and the medians installed along Eagle Road, which restrict several area driveways to right-in/right-out.

Staff is supportive of the applicant’s request to allow the middle driveway to remain as a temporary full access driveway. This will allow ACHD to evaluate the impacts of the relocated main drive aisle on the middle driveway currently used to access the site. Consistent with ACHD’s Temporary Access Policy, the applicant should enter into an agreement with ACHD acknowledging that the middle driveway may be restricted to right-in/right-out in the future. Typically, the applicant would be required to provide the District with a financial surety for the installation of a raised median to restrict the middle driveway to right-in/right-out only. However, staff recommends a waiver of a portion of the Temporary Access Policy, which requires financial guarantee for the future restriction of the driveway. This driveway serves a larger area and more businesses than just this applicant and ACHD has been monitoring this driveway and anticipated constructing improvements in this area to improve the safety and function of Pine Avenue at this location. A median restricting the middle driveway to right-in/right-out only while maintaining full access to the Jackson’s C-Store on the south side of Pine Avenue is estimated at $10,000. If, after evaluation of the driveway by ACHD it is determined that a median restricting the middle driveway to right-in/right-out or other traffic control changes are necessary for traffic safety reasons, ACHD will design and construct the necessary improvements.

3. Private Roads
   a. Private Road Policy: District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

   - Designed to discourage through traffic between two public streets,
   - Graded to drain away from the public street intersection, and
   - If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

   b. Applicant Proposal: The applicant is proposing to re-align the “ring-road”, which is currently the main access onto Pine Avenue from the site, and re-direct the main through-traffic to the eastern most driveway abutting Pine Avenue.

   c. Staff Comments/Recommendations: If the City of Meridian approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Meridian, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.
Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:
• Dedicate a minimum of 50-feet of right-of-way for the road.
• Construct the roadway to the minimum ACHD requirements.
• Construct a stub street to the surrounding parcels.

Tree Planters
Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. Landscaping
Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

5. Other Access
Pine Avenue is classified as a minor arterial roadway. Other than the accesses specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval
1. Widen the existing driveway located approximately 600-feet east of Eagle Road to 36-feet in width. Pave the driveway its full width and at least 30-feet into the site beyond the edge.
2. Enter into a development agreement with the ACHD acknowledging that the middle driveway, located approximately 380-feet east of Eagle Road, may be restricted in the future, as conditions warrant.
3. Payment of impacts fees are due prior to issuance of a building permit.

E. Standard Conditions of Approval
1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans
with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District’s Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments
1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines
VICINITY MAP
 Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) Notification: Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) Plan Review: The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) Revisions: The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) Final Notification: The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.
Development Process Checklist

Items Completed to Date:

☑ Submit a development application to a City or to Ada County
☑ The City or the County will transmit the development application to ACHD
☑ The ACHD Planning Review Section will receive the development application to review
☑ The Planning Review Section will do one of the following:
  ☑ Send a “No Review” letter to the applicant stating that there are no site specific conditions of approval at this time.
  ☑ Write a Staff Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  ☑ Write a Commission Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

☐ For ALL development applications, including those receiving a “No Review” letter:
  • The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  • The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

☐ Driveway or Property Approach(s)
  • Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ Working in the ACHD Right-of-Way
  • Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
    a) Traffic Control Plan
    b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

☐ Sediment & Erosion Submittal
  • At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

☐ Idaho Power Company
  • Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action**: A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

   a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

   If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission’s next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.

   c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.

   d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.

   e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.

   f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.