April 16, 2013

TO: ACHD Board of Commissioners

FROM: Mindy Wallace
Planning Review Supervisor

SUBJECT: Peppermill Subdivision – SUB13-00008/CUP13-00002

Executive Summary:
The applicant is requesting approval of a preliminary plat and conditional use permit application to subdivide approximately 24 acres into 50 single family building lots. This site is located at 11951 West Hollandale Drive, in Boise, Idaho. This item is on the regular agenda to allow testimony from area property owners regarding the project, a proposed modification to replace a previously required vehicular crossing of Eight Mile Creek with a pedestrian crossing, and due to a staff recommended waiver of the level of service standards.

Site History:
ACHD previously reviewed this site as Peppermill Subdivision in July of 2012. As part of that action the applicant was required to construct and extend Hiawatha Drive, an existing stub street into the site. This required the construction of a bridge crossing of the Eight Mile Creek. As part of this application the applicant is requesting a modification of the prior site plan to replace a vehicular bridge with a pedestrian bridge. The applicant notes challenges with the construction of a vehicular bridge due to the 100 year flood plain, environmental impacts, and costs to construct the bridge, as primary reasons for the revised preliminary plat (See Attachment 1). Staff is supportive of this proposal as the vehicular bridge crossing is not needed for emergency services, or traffic purposes. In addition to the expensive upfront cost associated with the construction of the crossing; it would also be a very expensive asset for ACHD to maintain with little benefit to the public.

Requested Waiver:
Although this site does not front on Cloverdale and Victory Roads, both roadways are used to access the site and exceed the acceptable level of service (LOS) for 2 lane minor arterial roadways. Because of this staff has recommended a waiver of District Policy 7601.4.1 Level of Service Standards. Staff’s recommendation is due to the applicant’s proposal being consistent with the approved zoning, the current economic conditions, the intersection north and south of the site operate at an acceptable level of service, and the projects scheduled in the CIP.

Staff Recommendation:
Staff recommends approval of the staff report, as written
Attachments:

1. Applicant's Letter of Explanation
2. Staff Report
March 26, 2013

City of Boise
PO Box 500
Boise ID 83701-0500

RE: Requesting a Modification to PUD 12-00001 (Peppermill Subdivision)

Dear City of Boise Planning Staff:

This application is submitted to the Boise City to request a modification of the PUD Site Plan to replace a vehicle bridge with a pedestrian bridge.

We are requesting approval to further enhance the 2,300 foot long, Eight Mile Creek pedestrian pathway in the Peppermill subdivision with additional walking paths and a pedestrian bridge. We also request the removal of an unnecessary vehicle bridge that during the design process has been identified to have a huge impact on Eight Mile Creek, and will impede the neighborhood residents’ enjoyment of the pedestrian pathway features. The pedestrian bridge and walkways will provide enhanced community connectivity that will benefit the entire area. We understand the City of Boise’s desire to mandate connectivity to create cohesive neighborhoods and un congested traffic flow and patterns and feel that this is a good way to contribute to that goal.

Background: Prior to 1983, a 36 foot wide waterline easement was shown on a preliminary plat to supply water from our parcel to a planned development on the East side of Eight Mile Creek. City Water reached the area prior to the well being installed - eliminating the need for the easement and the well. Then, in 1983, a road connection was shown along the alignment of the old waterline easement. At that time, the crossing would have been a culvert as is shown 600 feet away at the Pecosic St crossing of Eight Mile Creek. Since that time, the requirements and regulations have changed for wetlands impacts, bridge designs and community amenities.

Connectivity: In the City of Boise’s Blueprint Boise it states “as a region, Boise and its partners have indicated a desire to strive for a connected Treasure Valley that provides safe and efficient facilities for pedestrians, bicycles, vehicles and transit.” The street network in the vicinity of the Peppermill subdivision is fully developed with numerous access points and cross streets. The Peppermill subdivision is proposed with two access roadways, no cul-de-sacs and numerous walking path access points. What we are proposing speaks specifically to the safe and efficient transportation opportunities for vehicles, pedestrians and bicycles.

The City of Boise promotes the bicycle and pedestrian walkways in the community since urban outdoor activities are a source of pride for the City of Boise. We believe this planned pathway is the longest single uninterrupted pedestrian pathway in the City of Boise not associated with a City Park or The Greenbelt. We also address specifically the safety of neighborhood children and pedestrians as we are separating vehicles from pedestrians. We are proposing a Pedestrian Bridge a short distance to the North of the vehicle bridge location to fully connect the residents of the local neighborhoods.
**Bridge Information:** The angle of approach and that fact that the bridge is required to turn two corners and cross the creek all within a 400 foot long area means that the bridge will have a huge impact on the creek and the riparian areas around the creek. We have tried to relocate the bridge location, but the roadway is bounded by a house on the South, and private roadways to the North. The East bank of the bridge will be more than 100 feet long and span more than 75 feet over the creek at this location. The length of the roadway and bridge impact on the creek is over 250 feet long. This is due to the angle of the existing right-of-way and the location of the Eight Mile Creek. This bridge location is also situated in the 100 year flood plain and requires the design to be such that there will be no impact on the water levels in the Eight Mile Creek in a 100 year flood event. The Eight Mile Creek is shallow and wide at this proposed location and the wetlands area is over 50 feet wide. We feel there is a need for connectivity and therefore request a pedestrian bridge a short distance to the North as it is also not feasible to construct a pedestrian bridge at this same location.

**Emergency Access:** Emergency access is fully provided by other streets in the subdivision therefore the addition of a vehicle bridge is not necessary. The Ada County Highway District feels that a new Pedestrian Bridge is a good alternative to constructing the vehicle bridge.

**Safety:** The vehicle bridge would allow higher speed traffic to take a shortcut through the subdivision from Victory Road to Cloverdale. There is already a parallel street on the East side of Eight Mile Creek, but it is more winding, and the shorter route across the vehicle bridge would cause abuse of Peppermill’s residential streets. It is anticipated that most of the children that live in the neighborhoods to the South of Pepperhills Elementary School will use the walking path to access the school and the adjacent City Park across the street to the North. Also, we envision that hundreds of family members in the area will use it for a strolling path, as there is no other public access along Eight Mile Creek. This is an area with lots of wildlife, and a very active walking community with children walking to school and the park, dogs taking their owners for walks, and children exploring the creek. We believe the local residents will support this requested modification.

We feel that the addition of the pedestrian bridge will connect the community on both sides of the creek, facilitating the connectivity that is critical in keeping this neighborhood thriving.

**Environmental Impact:** If the Peppermill subdivision is constructed, it will provide public access to Eight Mile Creek. The area is now fenced off for private farm usage, and if the subdivision is not approved with a Pedestrian Bridge, it will remain rural farmland area with no public access to the creek. The subdivision, if approved, will advance to completion, a unique opportunity to preserve the natural bounty that is Eight Mile Creek and open it to public access. The Peppermill Subdivision has over 2,300 LF of creek bed that lies within the parcel boundaries. We have designed the subdivision to preserve and incorporate the wildlife habitat alongside a pedestrian pathway and bridge. This nearly ¾ mile long pathway will benefit the entire community from the children that attend Pepperhills Elementary to the retired neighbors that live in the townhomes on the East side of the Eight Mile Creek.
The location of the vehicle bridge relative to the access points on either side of the Eight Mile Creek and the proximity to Gateway Court, a private street, all contribute to significant wetlands destruction and major impact on the wildlife in the area. The vehicle bridge will impact over 250 LF of wetlands since the location of the bridge, which was originally envisioned as much smaller when it was platted in 1983, requires that the bridge make a sweeping curve along and over the existing creek alignment.

**Infill:** The subdivision meets the city goals for infill, and one of the Planning and Zoning Commissioners commented that this is a perfect location for an infill subdivision. In the past, this property has not been a benefit to the neighborhood as it has been a fire hazard, an attractive nuisance, garbage dump and hangout for children skipping school. This modification will support the advancement of the subdivision in a way that will enhance the community and the City of Boise for many generations.

**Flood Plain Impact:** The skewed angle of the vehicle bridge to the stream in this location would cause the East bank and the West bank of the bridge to be more than 100 feet long. This is due to the angle of the existing right-of-way at the required Eight Mile Creek crossing location. The vehicle bridge would be located in the 100 year flood plain and therefore the design would be required to be completed with no impact that would raise the level of the water in the Eight Mile Creek. The Eight Mile Creek is shallow and wide at this proposed location which drives a requirement for a long bridge and large flood mitigation measures to remove impacts to the flood plain. This would also impact the riparian area.

**Financial:** This alignment which was originally established in 1983 as a culvert across an irrigation ditch, has expanded to be a 120 foot long sweeping curve, two-lane Public Street Bridge. The growth of the size and complexity of the vehicle bridge has made it prohibitively expensive for this small subdivision to support. It will cost over $400,000 to construct the bridge which is 2/3 of the value of the property. This large, unnecessary cost will prevent the development of this infill subdivision and keep this property unproductive for the City of Boise.

I would also like to direct attention to the City of Boise Connectivity White Paper. This is a research paper prepared by the Boise City Planning and Development Services for the Boise City Council to assist in the application of stub street connectivity.

4.0 Stub Streets and Stub Street Inventory

"When a stub street exists, planning staff makes an effort to require that new adjacent developments connect their local streets to the stubs. Sometimes, these connections are clearly appropriate. Other times there may be significant issues with completing the connections such as topography, canals or incompatible uses where a direct vehicle connection would be very expensive or undesirable."

5.0 Practical Issues with Administering Connectivity Standards

"Subdivision development occurs across a wide spectrum of physical conditions, some of which are more conducive to the application of connectivity standards than others... Application of connectivity standards to infill development is more difficult. This is because infill development usually occurs in small increments in settings that are constrained by existing development, existing road patterns, topographic or other physical features... In the case of infill development, connectivity is perhaps best
exceptions that accommodate the wide range of constraints that exist in the real world of development and alternative forms of compliance should be considered.”

Since the approval of the Peppermill Preliminary Plat in the Fall of 2012, additional design and feasibility work has been completed. Our conclusion is that from a safety, environmental, connectivity, and financial perspective the Peppermill subdivision is not feasible with the vehicle bridge as proposed. We are hereby submitting a modification request that will realize the development of an outstanding Peppermill Subdivision and a unique Eight Mile Creek pedestrian pathway feature without the requirement of the vehicle bridge.

We therefore request your approval of this application. Please feel free to call me if you have any questions.

Sincerely,

[Signature]

Greg Sloan, Owner
208-412-7940
A. Findings of Fact

1. Description of Application: The applicant is requesting preliminary plat and conditional use permit approval to subdivide approximately 24 acres into 50 single family building lots. The applicant is also requesting a modification of the prior site plan (see finding 3 below) to replace a vehicular bridge with a pedestrian bridge.

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>Elementary School and Single-Family Residential</td>
<td>A-1 and R-1B</td>
</tr>
<tr>
<td>South</td>
<td>Single-Family Residential</td>
<td>R-1A</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Residential</td>
<td>R-1A</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Residential</td>
<td>R-1A, R-1B and R-1C</td>
</tr>
</tbody>
</table>

3. Site History: ACHD previously reviewed this site as Pepperwood Estates #2 in June of 1985. See finding for consideration C 2 below.

This site was also reviewed as Peppermill Subdivision in July of 2012. As part of that action the applicant was required to construct and extend Hiawatha Drive into the site as a 36-foot street section. This required the construction of a bridge crossing of the Eight Mile Creek. As part of this application the applicant is requesting a modification of the prior site plan to replace a
vehicular bridge with a pedestrian bridge. The recommendations of this report are not consistent with the prior action on the site due to applicant’s request to modify the site plan.

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):**
   - Cloverdale Road is listed in the Capital Improvements Plan to be widened to 5-lanes from Victory Road to Overland Road between 2017 and 2021.
   - Victory Road is listed in the Capital Improvements Plan for widening to 5 lanes, from Eagle Road to Cloverdale Road between 2022 and 2026.
   - Victory Road is listed in the Capital Improvements Plan for widening to 5-lanes, from Cloverdale Road to Five Mile Road between 2017 and 2021.

B. **Traffic Findings for Consideration**

1. **Trip Generation (if TIS not required):** This development is estimated to generate 500 additional vehicle trips per day (none existing); 50 additional vehicle trips per hour in the PM peak hour (none-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>Frontage</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>Cloverdale Road</td>
<td>N/A</td>
<td>Minor Arterial</td>
<td>804</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>Victory Road</td>
<td>N/A</td>
<td>Minor Arterial</td>
<td>740</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>Hollandale Drive</td>
<td>623-feet</td>
<td>Residential Collector</td>
<td>73</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Peconic Drive</td>
<td>165-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Hiawatha Drive</td>
<td>122-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane minor arterial is “D” (550 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 Cloverdale Road north of Victory was 13,172 on 5/12/10.
   - The average daily traffic count for Victory Road east of Cloverdale was 10,598 on 5/12/11.
   - The average daily traffic count for Hollandale Drive west of Cloverdale Road was 1,349 on 11/16/2011.
C. Findings for Consideration

1. Area Roadway Level of Service
   As noted above, both Cloverdale Road and Victory Road exceed the acceptable level of service (LOS) for 2 lane minor arterial roadways. Cloverdale Road between Victory and Overland Roads is at 146% of ACHD's adopted LOS standard of "D". Victory Road is over ACHD adopted LOS standard of "D" for 3 miles between Cloverdale and Cole. However, both the Cloverdale/Overland and the Cloverdale/Victory intersections are signalized and function within an acceptable level of service standards.

   Both Cloverdale and Victory Roads are listed as having existing 3 lane deficiency in the CIP, and are planned for widening in the future, as noted above. Typically, when a roadway or intersection is at or above an acceptable level of service staff recommends that improvements be made to mitigate the additional traffic to be generated by the development, or that the developer wait until ACHD makes improvements, as scheduled in the CIP or FYWP. In this case improvements would include widening Cloverdale Road to 5 lanes from Hollandale Drive to Overland Road, and/or widening Victory Road to 5 lanes from Cloverdale to Cole Road. However, given the size of the development (50 lots), the costs associated with widening Cloverdale ($3,000,000) and Victory Roads ($6,500,000), and current economic conditions it would be infeasible for the applicant to construct the improvements. Additionally, the applicant is not proposing to subdivide the property beyond the entitled zoning.

   Because the applicant's proposal is consistent with the approved zoning, the current economic conditions, the intersections north and south of the site are signalized and function at an acceptable level of service, and the projects scheduled in the CIP staff recommends a waiver of District Policy 7601.4.1 Level of Service Standards. This allows the project to move forward with the understanding that both Cloverdale and Victory Roads will be widened in the future, as noted in the CIP.

2. Non-Development Agreement
   This site was final platted as a zero density/non developable lot within Pepperwood Estates #2, recorded on August 21, 1985. As part of that action, Albert Blaser, entered into a non-development agreement with the District. The non-development agreement is specific to the 24 acre parcel which is the subject of this preliminary plat application (see attachment 3 and 4). As part of that process, a portion of the right-of-way for Hiawatha Drive was dedicated, however, the roadway was never constructed, per the submitted plan.

   The agreement notes that the developer agrees that no improvements will be installed for utilities and streets without prior written approval of the District, and that the developer agrees not to sell any lots within this area. Additionally, the agreement notes that when the subdivision is reactivated the street design and installation should be to the District standards and specifications in effect at that time.

   This subdivision application should act as the request to reactive the subdivision. As such, the applicant should comply with site specific conditions noted in Section D of the staff report and all of the terms and conditions of the non-development agreement required to release the non-development agreement. The non-development agreement must be released prior to signature of any final plat.
3. **Hollandale Drive**
   a. **Existing Conditions:** Hollandale Drive is improved with 2-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 60-feet of right-of-way for Hollandale Drive (30-feet from centerline).

   b. **Policy:**
      **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.

   c. **Applicant’s Proposal:** The applicant isn’t proposing any improvements to Hollandale Drive abutting the site.

   d. **Staff Comments/Recommendations:** Hollandale Drive is improved with vertical curb, gutter, and sidewalk abutting the site. Therefore, no additional street improvements or right-of-way dedication should be required as part of this application.

4. **Hiawatha Drive**
   a. **Existing Conditions:** Hiawatha Drive is an unimproved stub street at the site’s east property line. There is 50-feet of right-of-way for Hiawatha Drive.

   b. **Policy:**
      **Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

      **Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

      **Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

      The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

      **Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

      - Reduces vehicle miles traveled.
      - Increases pedestrian and bicycle connectivity.
      - Increases access for emergency services.
      - Reduces need for additional access points to the arterial street system
      - Promotes the efficient delivery of services including trash, mail and deliveries.
• Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
• Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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 easements 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 wholly within the public right-of-way or wholly within an easement.

c. Applicant's Proposal: The applicant is not proposing to extend Hiawatha Drive, an existing stub street into the site. The applicant is proposing to construct a pedestrian crossing of the Eight Mile Creek in lieu of the extending the stub street.

d. Staff Comments/Recommendations: With ACHD's 2012 action on this site the applicant was required to construct and extend Hiawatha Drive into the site as a 36-foot street section. This requirement required the construction of a bridge crossing of the Eight Mile Creek. Since that time the applicant has begun the initial design of the bridge. During the design phase of the bridge crossing the applicant found challenges due to the 100 year flood plain, environmental impacts, and costs to construct the bridge. As a result, the applicant submitted a revised preliminary plat application which eliminates the vehicular crossing of the Eight Mile Creek and replaces it with a pedestrian crossing.

Staff is supportive of this proposal as the vehicular bridge crossing is not needed for emergency services, or traffic purposes. A vehicular crossing of the Eight Mile Creek would also be expensive. The applicant notes an estimated cost of $400,000 to construct the crossing. In addition to the expensive upfront cost associated with the construction of the crossing; it would also be a very expensive asset for ACHD to maintain with little benefit to the public.

Staff believes that the proposed pedestrian crossing over the Eight Mile Creek will satisfy the non-development agreement, allowing it to be released. Therefore staff recommends approval of the applicant's proposal to construct a pedestrian crossing over the Eight Mile Creek.

The applicant should pave a pedestrian path within the right-of-way to connect to the sidewalk on South Gatwewood Lane and be required to close the existing approach for Hiawatha Drive off of South Gatwewood Lane with rolled curb, gutter, and 5-foot wide attached concrete sidewalks to match the existing improvements on either side. The pedestrian path should be subject to a License Agreement requiring the Peppermill HOA to maintain the path in the future.
5. Heritage Place

a. Existing Conditions: Heritage Place is an existing public street, which stubs to the sites northwest property line. There is 50-feet of right-of-way for the Heritage Place stub street.

Heritage Place was originally proposed, and approved as a stub street as part of ACHD’s preliminary plat action on Whitefield Subdivision on July 25, 2001 (see attachment 5). At that time the applicant was required to install a sign at the terminus of the stub street stating that “THIS ROAD WILL BE EXTENDED IN THE FUTURE” The sign exists at the terminus of the stub street today.

b. Policy:

Continuation of Streets Policy: District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.
Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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 easements 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 wholly within the public right-of-way or wholly within an easement.

c. Applicant Proposal: The applicant is proposing to extend Heritage Place into the site as a 36-foot wide street section with vertical curb, gutter, and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way.

d. Staff Comments/Recommendations: The applicant's proposal meet's District policy and should be approved, as proposed.

6. Peconic Drive

a. Existing Conditions: Peconic Drive is improved with 30-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Peconic Drive (25-feet from centerline).

b. Policy:

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.
**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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 easements 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 wholly within the public right-of-way or wholly within an easement.

c. **Applicant Proposal:** The applicant is proposing to widen Peconic Drive to one half of a 36-foot street section with rolled curb, gutter, and 5-foot wide attached concrete sidewalk to match the improvements to the west of the site.

d. **Staff Comments/Recommendations:** The applicant’s proposal meet’s District policy and should be approved, as proposed.

Directly east of the site is a lot that was platted as part of Pepperwood Estates # 2, (R6989630920) which does not have curb, gutter, or sidewalk on its Peconic Drive frontage. This lot has about 90-feet of frontage, and would be a gap in improvements on the north side Peconic Drive between the site and Canonero Way.

Staff recommends that the applicant enter into a cooperative development agreement with the District for the construction of curb, gutter, and sidewalk abutting the outparcel (Lot 8 Block 5 of Pepperwood Estates # 2 R6989630920). The agreement would outline that ACHD would reimburse the applicant for the engineering, and construction of curb, gutter, and sidewalk and pavement widening abutting the unimproved parcel (approximately 90-feet) out of available developers cooperative funds.

7. **Roadway Offsets**

a. **Policy:**

   **Collector Offset Policy:** District policy 7206.4.5, requires local roadways intersection collector roadways to align or offset by 330-feet.

   **Local Offset Policy:** District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

b. **Applicant’s Proposal:** The applicant has proposed to construct one roadway, Rushmore Way to intersect Hollandale Drive, located approximately 285-feet east of Heritage Place, aligned centerline to centerline with Rushmore Way on the north side of Hollandale Drive across from the site.

c. **Staff Comments/Recommendations:** The applicant’s proposal meet’s District policy and should be approved, as proposed.
8. **Internal Streets** (Rushmore Way, Sumpter Way, Netherland Drive, Hiawatha Drive)

   a. **Policy:**
      
      **Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

      **Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

      **Cul-de-sac Streets:** District Policy 7207.5.8 states that the minimum radius permitted for a turnaround is 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius.

      **Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

      The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

      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.

   b. **Applicant's Proposal:** The applicant is proposing to construct all of the internal streets as 36-foot street section with vertical curb, gutter, and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way. The applicant is proposing to construct one non-standard turnaround at the south terminus of Sumpter Way.

   c. **Staff Comments/Recommendations:** The applicant's proposal meet's District policy and should be approved, as proposed, with the exception of the non-standard turnaround at the south terminus of Sumpter Way. The terminus of Sumpter Way should be constructed as either a standard knuckle or cul-de-sac turnaround. Cul-de-sac turnarounds should be constructed to provide a minimum radius of 45-feet.

9. **Tree Planters**

   **Tree Planter Policy:** 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.

10. **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.

D. **Site Specific Conditions of Approval**

1. Comply with site specific conditions staff report and all of the terms and conditions of the non-development agreement to release the non-development agreement. The non-development agreement must be released prior to signature of any final plat.

2. Construct a pedestrian crossing of the Eight Mile Creek, as proposed.

3. Pave a pedestrian path within the existing right-of-way for Hiawatha to connect to the sidewalk on South Gatwewood Lane. Enter into a license agreement with ACHD for the pedestrian pathway located within the right-of-way.

4. Close the existing approach for Hiawatha Drive off of South Gatewood Lane with rolled curb, gutter, and 5-foot wide attached concrete sidewalks to match the existing improvements on either side.

5. Extend Heritage Place into the site as a 36-foot wide street section with vertical curb, gutter, and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way, as proposed.

6. Widen Peconic Drive to one half of a 36-foot street section with rolled curb, gutter, and 5-foot wide attached concrete sidewalk, as proposed.

7. Enter into a cooperative development agreement with the District for the construction of rolled curb, gutter, and 5-foot wide attached concrete sidewalk abutting the outparcel (Lot 8 Block 5 of Pepperwood Estates # 2 R6989630920).

8. Construct one roadway, Rushmore Way to intersect Hollandale Drive, aligned centerline to centerline with Rushmore Way on the north side of Hollandale Drive across from the site, as proposed.

9. Construct all of the internal streets as 36-foot street section with vertical curb, gutter, and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way, as proposed.

10. Construct a standard knuckle or cul-de-sac turnaround with a minimum turning radius of 45-feet at the terminus of Sumpter Way.

11. Provide a permanent right-of-way easement for any segment of the sidewalk location outside of the right-of-way.

12. Enter into a license agreement for any landscaping located with ACHD right-of-way abutting the site.

13. Payment of impact 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, 7203.6, 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, ISPW C 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. Pepperwood Estates #2 Final Plat
4. Non-Development Agreement
5. Excerpt from Whitefield Subdivision staff report
6. Utility Coordinating Council
7. Development Process Checklist
8. Request for Reconsideration Guidelines
2. Site Plan
3. Pepperwood Estates # 2 Final Plat
4. Non-Development Agreement

This AGREEMENT, made and entered into this 6th day of June 1985, by and between Albert Blaser, whose address is 3710 Tamarack, Boise, Idaho, hereinafter referred to as "DEVELOPER," and the Ada COUNTY HIGHWAY DISTRICT, a Body Politic and Corporate of the State of Idaho, acting by and through its Board of Commissioners, hereinafter referred to as "DISTRICT."

WITNESSETH:

WHEREAS, DEVELOPER is currently the owner of all real property and subdivision lots contained in Pepperwood Estates P2, Ada County, Idaho, recorded as Instrument No. 8544105, records of Ada County, Idaho; and,

WHEREAS, DEVELOPER (or DEVELOPER'S predecessor in ownership of the above described property, __________, an Idaho Corporation), furnished deposits and entered into agreements with the DISTRICT, Surety Agreement Number ________, dated ________, 198__________Street Sign Installation Fee, Receipt No. ________, dated ________, 198__________such agreements and deposits were required of DEVELOPER in order to file the plats of said Subdivision; and

WHEREAS, DEVELOPER desires now to withhold development of street, utility and lot improvements and sale of lots in said Subdivision;

NOW THEREFORE, in consideration of the mutual covenants agreements contained herein, the parties of this agreement agree as follows:

DEVELOPER hereby agrees that no improvements will be installed in said Subdivision for underground utilities or for streets as required by the DISTRICT without the prior written permission of the DISTRICT. If DEVELOPER desires to install any of the said improvements in said Subdivision, then DEVELOPER shall submit a written request to the DISTRICT which shall contain a detailed description of the limited improvements which is desired and the estimated time and cost to complete such improvements. The DISTRICT shall not unreasonably refuse any such written request. The DISTRICT reserves the right to require: A Surety Agreement and/or Inspection Agreement in amounts sufficient to secure the full and adequate performance of DEVELOPER upon such stated improvements; detailed street and drain plans and/or revisions for plans previously approved; plan no. ________ sheet ______ of ______ sheets prepared by Tudor Engineering, dated March 1985, to ensure the installation of such improvements shall not adversely affect prevailing road and drainage conditions; deposit of prevailing fee for installation of required street signs. Such Surety and/or Inspection deposits will be figured at the prevailing construction costs determined by the DISTRICT.

DEVELOPER herein agrees that when the Subdivision is reactivated the street design and installation shall be to District Standards and Specifications in effect at that time.

DEVELOPER further agrees to sell NO lots in said Subdivision during the term of this Agreement, or until a new Surety Agreement has been executed by the parties to this Agreement, or until the required improvements of said Subdivision are completed in accordance with the DISTRICT'S Standards and Specifications. DEVELOPER acknowledges that this Agreement will be recorded with the County Recorder of Ada County, Idaho, to provide public notice to prospective purchasers of the temporary restraint on conveying. At such time as this Agreement terminates, ACES agrees to release DEVELOPER from such restraint, and to duly file and record with the County Recorder of Ada County an appropriate release.

DEVELOPER and DISTRICT specifically understand and agree that although for the purposes of this Agreement, the status of said Subdivision will be as though such agreement had not been filed. This Agreement is not intended and does not affect DISTRICT requirements heretofore complied with by the DEVELOPER and obtained by said DEVELOPER, except as expressly agreed to and contained in this Agreement.
DISTRICT hereby agrees to release the herein referred to Surety and Mortgage Agreements, Deeds, and shall consider said Agreements null and void.

This agreement shall be irrevocable to the benefit of, and be binding upon, the heirs, executors, administrators, assigns and successors of the respective parties.

IN WITNESS WHEREOF, the DEVELOPER has executed this Agreement at Boise, Idaho, the 31st day of May, 1952.

[Signature]

Albert E. Blaisdell

Developer

IN WITNESS WHEREOF, the DISTRICT, having convened in Regular Meeting, and pursuant to a resolution of its Board of Commissioners, has caused its Corporate Seal to be hereunto affixed by its President, and its Corporate Seal to be hereunto affixed by its Director this 31st day of May, 1952.

[Signature]

AFA COUNTY HIGHWAY DISTRICT

By:

[Signature]

Pres. Chairman, Board of Commissioners

ADA COUNTY HIGHWAY DISTRICT

By:

[Signature]

[Signature]

Ada County Highway District

STATE OF IDAHO, COUNTY OF ADA ss.

On this 31st day of May, 1952, before me, a Notary Public in and for said State personally appeared

[Signature]

Albert E. Blaisdell

known to me to be the Developer(s) of

[Signature]

which executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I, have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

[Signature]

Notary Public in and for the State of Idaho

My Commission Expires

STATE OF IDAHO, COUNTY OF ADA ss.

On this 1st day of June, 1952, before me, a Notary Public in and for said State, personally appeared

[Signature]

D. Thompson

and

[Signature]

Jane Martin

known to me to be the Vice President, Board of Commissioners, and Director, respectively, of the Ada County Highway District, that executed the said instrument, and acknowledged to me that Ada County Highway District acting by and through its Board of Commissioners executed the same.

IN WITNESS WHEREOF, I, have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

[Signature]

Ada County Highway District

Notary Public in and for the State of Idaho

My Commission Expires

STATE OF IDAHO

[Signature]

D. Thompson

Jane Martin

16 DRAFT Peppermill Subdivision
The applicant will be required to dedicate 54-feet of right-of-way plus the additional width of the median.

H. The applicant is proposing to construct a stub street to the south property line. District staff supports the location of the stub street. District policy requires temporary turnarounds at the end of stub streets that serve more than one lot, or are greater than 150-feet in length. The applicant should be required to provide a paved temporary turnaround at the south end of the stub street with a temporary casing provided to the District. The applicant should be required to install a sign at the terminus of the roadway stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE". Coordinate the sign plan for the stub street, and the design of the turnaround with District staff.

I. The turnaround should be constructed to provide a minimum turning radius of 45-feet. The applicant should also be required to provide a minimum of a 20-foot street section on either side of any proposed center islands within the turnarounds. The medians should be constructed a minimum of 4-feet wide to total a minimum of a 100-square foot area. Dedicate 54-feet of right-of-way plus the additional width of the median.

J. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat.

K. Any existing irrigation facilities should be relocated outside of the right-of-way.

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

M. Based on development patterns in this area and the resulting traffic generation, staff anticipates that the transportation system will be adequate to accommodate additional traffic generated by this proposed development with the requirements outlined within this report.

The following Site Specific Requirements and Standard Requirements must be met or provided for prior to ACHD approval of the final plat:

Site Specific Requirements:

1. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact Construction Services at 387-6230 (with file numbers) for details.

2. Construct a minimum of 24-feet of pavement from Cloverdale Road to the western property line of the parcel proposed for development as an off-site improvement to provide access to the public road system.
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 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.