To: ACHD Commission  
From: Development Review Section  
Kaci Bader  
Subject: Final Plat: Triplett Subdivision No.2  
Meeting Date: June 12, 2013

FACTS & FINDINGS:
1. Triplett Subdivision No.2 is a 21- buildable Residential subdivision on 5.58-acres. This site is located at on the northeast corner of Council Springs Rd & Millet Drive, in Boise, Idaho.

2. The applicant is ERD, LLC and the principal for the applicant is Jake Centers, Member.

3. The preliminary plat was approved on November 1, 2012.

4. All conditions of the preliminary plat have been satisfied; except for the completion of one curb return driveway (with pedestrian ramps), one curb cut driveway, and miscellaneous demolition for the interior access drive aisle. The applicant has provided a financial surety of $11,100 (eleven thousand, one hundred) dollars in the form of a letter of credit (Idaho Independent Bank) in accordance with ACHD Policy Section 7103.2. The applicant is responsible to complete all street improvements and conditions of approval required with the preliminary plat to ACHD standards prior to final acceptance of the street by ACHD and release of the financial surety.

RECOMMENDATION:
1. Approve the final plat of Triplett Subdivision No.2 and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat
2. Vicinity Map
FINAL PLAT FOR
TRIPLETT SUBDIVISION NO. 2
A PARCEL OF LAND BEING ALL OF LOT 1, BLOCK 2, OF TRIPLETT SUBDIVISION,
AND LOCATED IN THE NW 1/4 OF SECTION 28,
T.S.N., R.3E., B.M., CITY OF BOISE, ADA COUNTY, IDAHO
2013

SCALE IN FEET
1' = 50'
FINAL PLAT FOR
TRIPLETT SUBDIVISION NO. 2
A PARCEL OF LAND BEING ALL OF LOT 1, BLOCK 2, OF TRIPLETT SUBDIVISION,
AND LOCATED IN THE NW 1/4 OF SECTION 28,
T.3N., R.3E., B.M., CITY OF BOISE, ADA COUNTY, IDAHO
2013

CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS:

THAT WE THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL
PROPERTY AS DESCRIBED BELOW AND IT IS OUR INTENTION TO INCLUDE SAID PROPERTY IN THIS
SUBDIVISION PLAT.

THE OWNERS FURTHER CERTIFY THAT ALL LOTS IN THIS SUBDIVISION WILL RECEIVE DOMESTIC
WATER FROM UNITED WATER IOWA, INCORPORATED AND THAT UNITED WATER IOWA, HAS AGREED
IN WRITING TO SERVE ALL OF THE LOTS IN THIS SUBDIVISION. (S.C. 85-124)

THE EASEMENTS AND PRIVATE ROAD AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC.
HOWEVER, THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC
UTILITIES AND FOR ANY OTHER USES AS DESIGNATED HEREIN, AND NO PERMANENT STRUCTURES
ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS.

LEGAL DESCRIPTION
A parcel of land being all of Lot 1, Block 2, Triplett Subdivision, as shown on the plat in Book 9 of Party, on Page
1151, Ada County Records, and located in the W1/4 of Section 28, T.3N., R.3E., B.M., City of Boise, Ada County, Idaho,
more particularly described as follows:

COMMENCEMENT is a found brass cap marking the northeast corner of said section 28:

Thence South 41°39'59" East, 90.72 feet in a found steel cap on PLS 0491 marking the southeast corner of said lot 1, Block 2, of Triplett Subdivision and the POINT OF
BEGINNING.

Thence South 81°19'16" East, coincident with the northerly line of said Lot 1, Block 2, of Triplett Subdivision, 870.13 feet to the northeast corner of said lot 1, Block 2, of Triplett
Subdivision;

Thence South 40°29'50" West, coincident with the westerly boundary of said Lot 1, Block 2, of Triplett Subdivision, 48.60 feet;

Thence South 08°16'55" West, coincident with the northerly boundary of said Lot 1, Block 2, of Triplett Subdivision, 67.47 feet to the northerly right of way line of E. Miller Drive;

Thence North 81°45'50" West, coincident with said northerly right of way line of E. Miller Drive, 40.90 feet;

Thence North 40°09'51" West, coincident with said northerly right of way line of E. Miller Drive, 41.77 feet and the beginning of a tangent curve;

Thence 98.48 feet along the arc of said curve to the right, and coincident with said westerly right of way line of E. Miller Drive, with a central angle of 11°58'27", a radius of 776.00
feet, subtended by a chord bearing South 84°11'16" West, 34.18 feet;

Thence North 81°12'21" West, coincident with said northerly right of way line of E. Miller Drive, 39.15 feet to the beginning of a tangent curve;

Thence 98.67 feet along the arc of said curve to the right, and coincident with said northerly right of way line of E. Miller Drive, with a central angle of 16°12'27", a radius of 570.50
feet, subtended by a chord bearing North 42°54'42" West, 36.53 feet;

Thence North 32°59'58" West, coincident with said northerly right of way line of E. Miller Drive, 234.11 feet to the beginning of a tangent curve;

Thence 133.50 feet along the arc of said curve to the left, and coincident with said northerly right of way line of E. Miller Drive, with a central angle of 18°10'44", a radius of 343.00
feet, subtended by a chord bearing North 42°54'42" West, 102.58 feet;

Thence North 01°19'41" West, coincident with said northerly right of way line of E. Miller Drive, 213.59 feet;

Thence North 36°19'17" East, 203.52 feet to the POINT OF BEGINNING;

The above described parcel contains 5.08 acres more or less.

[Signature]
JAMES CENTER, MEMBER
TCL, LLC.

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF ADA

ON THIS 28TH DAY OF OCTOBER, 2013, BEFORE ME, the undersigned, a Notary Public in and for
the State of Idaho, personally appeared Jake Centers, known or identified to me to be a member of
the firm of Triplett Subdivision, Limited Liability Company, who executed the instrument on behalf of said Limited
Liability Company, and acknowledged to me that such Limited Liability Company executed the
same.

IN WITNESS WHEREOF I HAVE HEREBY SET MY HAND AND SEAL THE DAY AND YEAR IN THIS
CERTIFICATE FIRST ABOVE WRITTEN.

[Signature]
NOTARY PUBLIC FOR IDAHO
RESIDENT AT ADKINS
MY COMMISSION EXPIRES 12-1-19

CERTIFICATE OF SURVEYOR

I, CARL PORTER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED
BY THE STATE OF IOWA, AND THAT THE PLAT AS DESCRIBED IN THE "CERTIFICATE OF
OWNERS" AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE
GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED
THEREON IN COMPLIANCE WITH THE STATE OF IOWA CODES RELATING TO PLATS, SURVEYS
AND THE CONNECTING AND FILING ACT, IOWA CODE 55-1011 THROUGH 55-1012.

[Signature]
CARL PORTER
P.L.S. 1421

[Seal]

ROCK SOLID CIVIL
Civil Engineering and Land Development Consultants
355 East 5th Street, Garden City, ID 83714
Phone: 208-343-3277
www.rocksolidcivil.com

SANTOOTH Land Surveying, LLC
Civil Engineering and Land Development Consultants
355 East 5th Street, Garden City, ID 83714
Phone: 208-343-3277
www.santooths.com
VICINITY MAP SHOWING
TRIPLETT SUBDIVISION NO. 2
A PARCEL OF LAND LOCATED IN THE W 1/2 OF THE NW 1/4 OF SECTION 28,
T.3N., R.3E., B.M., CITY OF BOISE, ADA COUNTY, IDAHO
2012

PROJECT SITE

600'
0 300' 600' 1200'
SCALE: 1' = 600'

ROCK SOLID CIVIL
Civil Engineering and Land Development Consulting
181 East 50th Street, Garden City, ID 83714
Office Phone: 208.342.3277
Date: November 1, 2012

To: Jake Centers (sent via email)
ERD, LLC
P.O. Box 1610
Eagle, ID 83616

Subject: Triplet Ranch #2
5752 E. Millet Drive

On November 1, 2012 the Ada County Highway District Staff acted on your application for the above referenced project. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6174.

Sincerely,

[Signature]

Jarom Wagoner
Planner II
Development Services
Ada County Highway District

CC: Project file
City of Boise (sent via email)
Jon Wardle (sent via email)
Jim Conger (sent via email)
Project/File: Triplett Ranch #2
This is an annexation/planned-unit development to divide approximately 5.6 acres into 21 residential lots. The site is located at 5752 E. Millet Drive in Boise, Idaho.

Lead Agency: City of Boise
Site address: 5752 E. Millet Drive
Staff Approval: November 1, 2012
Applicant: Jake Centers
ERD, LLC
P.O. Box 1610
Eagle, ID 83616

Representative: Jon Wardle
1627 S. Orchard Street Ste. 24
Boise, ID 83705

Staff Contact: Jarom Wagoner
Phone: 387-6174
E-mail: iwagoner@achd.idaho.org

Tech Review: October 30, 2012

A. Findings of Fact

1. Description of Application: The applicant is proposing to subdivide approximately 5.6 acres into 21 residential lots and 8 common lots.

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>Open Land</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Medium High Density Residential</td>
<td>R8M</td>
</tr>
<tr>
<td>East</td>
<td>Open Land</td>
<td>A-1</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
<td>R-1C</td>
</tr>
</tbody>
</table>

3. Site History: ACHD Commission previously reviewed this site as Triplett Subdivision in October of 2004. The requirements of this staff report are consistent with those of the prior action.

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):
There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Program or the District’s Capital Improvement Plan (CIP).
B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 201 additional vehicle trips per day (none existing); 21 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>Warm Springs Avenue</td>
<td>None</td>
<td>Minor Arterial</td>
<td>302</td>
<td>Better than “D”</td>
<td>Better than “D”</td>
</tr>
<tr>
<td>Council Springs Road</td>
<td>None</td>
<td>Local</td>
<td>35</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Millet Drive</td>
<td>1,025 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 three-lane minor arterial is “D” (720 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 Warm Springs east of Millspur Way was 5,280 on April 7, 2011.
   - The average daily traffic count for Council Springs north of Warm Springs was 836 on July 22, 2010.

C. Findings for Consideration

1. **Millet Drive**
   a. **Existing Conditions:** Millet Drive is improved with 2-travel lanes, 33 feet of pavement, vertical curb, gutter, 6-foot planter strip, and 7-foot wide sidewalk abutting the site. There is 50 feet of right-of-way for Millet 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.

   c. **Applicant’s Proposal:** The applicant is not proposing any improvements to Millet Drive.

   d. **Staff Comments/Recommendations:** Millet Drive is improved with 33 feet of pavement, curb, gutter, and sidewalk; therefore, no additional right-of-way or street improvements should be required as part of this application.

2. **Internal Local Streets**
   a. **Existing Conditions:** The site has no internal streets.

   b. **Policy:**
      **Required Improvements Policy:** District Policy 7207.2.2 states that required improvements to an internal local street shall consist of a complete street section with curb, gutter and sidewalk (minimum 5-feet) on both sides of the roadway.
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 a five-foot wide concrete sidewalk is required on both sides of all local streets, 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.

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.

Cul-de-sac Streets Policy: District Policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45 feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

c. Applicant Proposal: The applicant is proposing to construct 2 public streets within the development as hammerhead-style cul-de-sacs with a 22-foot street section/turnaround radius within 32 feet of right-of-way (see Exhibit “A” below).

Exhibit “A”

[Diagram showing layout and measurements]
d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Street Section or Turnaround Policies and should not be approved, as proposed. The applicant should either construct the proposed turnarounds as private driveways or eliminate them and take direct lot access to Millet Drive.

The turnarounds as proposed do not meet District Policies and do not provide any public benefit as they will essentially function as a driveway for the proposed lots.

3. **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.

**D. Site Specific Conditions of Approval**
1. Construct the proposed turnarounds as private;  
   OR
   Eliminate the proposed turnarounds and take direct lot access to Millet Drive.
2. Payment of impacts fees are due prior to issuance of a building permit.
3. Comply with all Standard Conditions of Approval.

**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
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.

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.

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.

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.

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.

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.