November 14, 2013

TO: ACHD Board of Commissioners  
FROM: Stacey Yarrington, Planner III  
SUBJECT: Spurwing Orchard/ MAZ-13-009/MPP-13-021  
North of Chinden Boulevard/west of Ten Mile Road

Executive Summary:  
The applicant is requesting approval of an annexation, rezone, and preliminary plat application to develop 63 single-family lots and 3 common lots on 25.85 acres. The property is to be rezoned from RUT to R-4. This item is on the agenda as residents in the Westwing Estates subdivision have all been contacted regarding the stub street connection to E Double Eagle Lane, a private street. The applicant and staff are in agreement on all findings for consideration and site specific conditions of approval.

Site History:  
This site was approved as the open space lot in the Westwing Estates Subdivision, which was final platted in 1995. The development is served by a private road onto Chinden Boulevard/SH20-26. In August 2012, a permanent right-of-way easement was dedicated by the previous property owner to provide an alternate access to the homeowners in the Westwing Estates subdivision with the understanding that at some point that access could be closed when traffic warranted. The easement extends from Calcutta Avenue (a public street) in the Spurwing Greens Subdivision, to Double Eagle Lane (a private street).

The homeowners in the Westwing Estates Subdivision have all been contacted and the homeowners are in agreement with moving forward to work with ACHD, ITD, the Fire District and appropriate entities to connect the stub street to Double Eagle Lane and close the access onto Chinden Boulevard.

The applicant and staff are in agreement on all findings for consideration and site specific conditions of approval.

Transit Services  
Transit services are not available at this site.

New Centerline Miles: The proposed development includes 0.71 centerline miles of new public road.

Staff Recommendation:  
Staff recommends approval of the staff report, as written.
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of an annexation, rezone, and preliminary plat application to develop 63 single-family lots and 3 common lots on 25.85 acres. The property is to be rezoned from RUT to R-4 (Medium-Density Residential). The development is proposed as an extension of the Spurwing Greens development. The proposed use is not consistent with the City of Meridian’s Comprehensive Plan as the plan calls for Low-Density Residential in this area. Transit services are not available to serve this site. The site is located north of Chinden Boulevard and west of Ten Mile Road in Meridian, Idaho.

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>Spurwing Greens (Single Family Residence)</td>
<td>R-2</td>
</tr>
<tr>
<td>South</td>
<td>Agriculture (Rural Urban Transition)</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Westwing Estates (Single Family Residence)</td>
<td>RUT</td>
</tr>
<tr>
<td>West</td>
<td>Spurwing Greens (Single Family Residence)</td>
<td>R-15</td>
</tr>
</tbody>
</table>
3. **Site History:** ACHD reviewed and approved this site as a non-farm subdivision in 1995; this site is the open space lot of that subdivision (Westwing Estates). A permanent easement was entered into between the previous property owner and ACHD to provide an alternate access to the homeowners in the Westwing Estates subdivision as that development is served only by a private road onto Chinden Boulevard/SH 20/26; and with the understanding that at some point that access could be closed when traffic warranted.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
   - Irvine Subdivision, consisting of 145 SF lots, on the SE corner of Chinden Boulevard and Ten Mile Road, approved March 2013.
   - Bainbridge Subdivision, consisting of 429 SF lots and 1 church lot, located on the SWC of Ten Mile Road and Chinden Boulevard, approved March 2005.

5. **Transit:** Transit services are not available to serve this site.

6. **New Centerline Miles:** The proposed development includes 0.71 centerline miles of new public road.

7. **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.

8. **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.
   - Black Cat Road is listed in the Capital Improvements Plan to be widened to 3-lanes from McMillan Road to Chinden Boulevard (SH 20/26) between 2027 and 2031.
   - Ten Mile Road is listed in the Capital Improvements Plan to be widened to 5-lanes from McMillan Road to Chinden Boulevard (SH 20/26) between 2027 and 2031.
   - The intersection of Black Cat Road and Chinden Boulevard (SH 20/26) is listed in the Capital Improvements Plan to be widened to 5-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2027 and 2031.
   - The intersection of Chinden Boulevard (SH 20/26) and Ten Mile Road is listed in the Capital Improvements Plan to be widened to 5-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and signalized between 2017 and 2021.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 600 additional vehicle trips per day (0 existing); 60 additional vehicle trips per hour in the PM peak hour (0 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (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 Chinden Boulevard (SH 20/26) west of Ten Mile Road was 14,107 on 6/1/2011.
   - The average daily traffic count for Black Cat Road north of Chinden Boulevard (SH 20/26) was 316 on 4/21/2011.
   - The average daily traffic count for Ten Mile Road south of Chinden Boulevard (SH 20/26) was 4,043 on 3/12/2013.

### C. Findings for Consideration

1. **Chinden Boulevard (SH 20/26)**

   Chinden Boulevard (SH 20/26) is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, City of Meridian, and ITD should work together to determine if additional right-of-way or improvements are necessary on Chinden Boulevard (SH 20/26).

2. **Internal Streets**

   a. **Existing Conditions:** Calcutta Avenue is stubbed at the site’s north property line and Bay Oak Street is stubbed at the site’s west property line.

   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 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.

c. Applicant’s Proposal: The applicant is proposing to extend Calcutta Avenue and Bay Oak Street into the site as 33-foot street sections, with curb, gutter, and 5-foot wide detached sidewalk within 60-feet of right-of-way.

The applicant is proposing to construct the internal streets as 33-foot street sections, with curb, gutter, and 5-foot wide detached sidewalk within 60-feet of right-of-way.

The applicant is proposing to stub Star Hollow at the east property line.

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

3. Stub Streets
   a. Existing Conditions: There are 2 stub streets to the site, Calcutta Avenue and Bay Oak Street.

   b. Policy: Stub Street Policy: District policy 7207.2.4 (local) states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.5.4 (local), except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be
installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.

- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

**Temporary Dead End Streets Policy:** District policy 7207.2.4 (local) requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

c. **Applicant Proposal:** The applicant is proposing to construct one stub street, Star Hollow, located approximately 1,150-feet north of Chinden Boulevard (SH 20/26), for future connection to Double Eagle Lane to the east.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District policy and should be approved, as proposed. However, there is a "permanent right-of-way easement" connecting Calcutta Avenue, a public street, to Double Eagle Lane, a private street. The proposed stub street, Star Hollow, is shown to be located outside of the permanent easement. Therefore, the applicant should be required to vacate the permanent right-of-way easement in exchange for the right-of-way to be dedicated for Star Hollow. The applicant will need to coordinate with District staff the recording of the release of easement through the vacation with the recording of the final plat.

Staff has also been in contact with the property owners within the Westwing Estates subdivision regarding the connection of the stub street to Double Eagle Lane. The homeowners are in agreement with moving forward to work with ACHD, ITD, the Fire District and appropriate entities to connect Star Hollow and Double Eagle Lane and close the access onto Chinden Boulevard.

**4. 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.

**5. 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. Extend Calcutta Avenue and Bay Oak Street into the site as 33-foot street sections, with curb, gutter, and 5-foot wide detached sidewalk within 60-feet of right-of-way.

2. Construct the internal streets as 33-foot street sections, with curb, gutter, and 5-foot wide detached sidewalk within 60-feet of right-of-way.

3. Construct one stub street, Star Hollow, located approximately 1,150-feet north of Chinden Boulevard (SH 20/26), to the east property line of Lot 78, Block 1 of the preliminary plat.

4. Coordinate with District staff on providing an easement to the Westwing Estates Homeowners' Association for the connection from Star Hollow to Double Eagle Lane.

5. Vacate the “permanent right-of-way easement” with ACHD in order to dedicate the right-of-way for the proposed Star Hollow Street, prior to final plat. Coordinate with District staff the recording of the release of easement through the vacation with the recording of the final plat.

6. Payment of impacts fees are due prior to issuance of a building permit.

7. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All irrigation facilities shall be relocated outside of the ACHD right-of-way.

2. Private Utilities including 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.
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.