November 27, 2013

To: ACHD Commission
From: Development Review Section
       Kaci Bader
Subject: Final Plat: The Preserve Subdivision No. 2
Meeting Date: December 4, 2013

FACTS & FINDINGS:
1. The Preserve Subdivision No. 2 is a 45 buildable and 3 common lot residential subdivision on 15.67 acres. This site is located northwes: of the intersection of N. Linder Road and SH 44.

2. The applicant is The Preserve, LLC and the principal for the applicant is Thomas M. Coleman, Jr., Manager.

3. The preliminary plat was approved on May 18, 2011.

4. All conditions of the preliminary plat have been satisfied, except for the completion of the roadway improvements. The applicant has provided a financial surety of $684,700 in the form of a letter of credit from Washington Trust 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 The Preserve Subdivision No. 2 and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat
2. Vicinity Map
3. The Preserve Subdivision preliminary plat, staff report dated May 18, 2011.
THE PRESERVE SUBDIVISION NO. 2
VICINITY MAP — 1"=600'
LOCATED IN SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M.
EAGLE, ADA COUNTY, IDAHO
The Preserve / EPPUD-01-11/ECU01-11/ EPP01-11
This application is for a request to rezone 22.25 acres, a planned-unit development, and development agreement for 254 lot preliminary plat on 99.52 acres. The site is located northwest of the intersection of State Street and Linder Road.

Lead Agency: City of Eagle
Site address: N. of Hwy 44 and W. of Linder Rd.
Commission Hearing: May 18, 2011
Consent Agenda
Commission Approval: May 18, 2011
Applicant: Coleman Homes, LLC
1859 S. Topaz Way, #200
Meridian, ID 83642
Representative: Engineering Solutions, LLP
Becky McKay
1029 N. Rosario Street, Ste. 100
Meridian, ID 83642
Staff Contact: Mindy Wallace
Phone: 387-6178
E-mail: mwallace@achdidaho.org

A. Findings of Fact
1. Description of Application: The applicant is requesting approval to rezone 15.64 acres from R-2-DA-P to R-3-DA-P and 6.61 acres from R-3-DA-P to R-4-DA-P. Also being requested is approval of a preliminary plat for 254 buildable lots on 99.52 acres, a planned-unit development and a new development agreement.

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>Rural-Urban Transition Zone</td>
<td>RUT</td>
</tr>
<tr>
<td>South</td>
<td>Rural-Urban Transition Zone</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Mixed-Use District</td>
<td>MU-DA-P</td>
</tr>
<tr>
<td>West</td>
<td>Rural-Urban Transition Zone</td>
<td>RUT</td>
</tr>
</tbody>
</table>

3. Site History: ACHD Commission previously reviewed this whole site as Eaglefield Estates Subdivision (EPP-9-04/EPPUD-3-04/ECU-10-04/ERZ-17-04/EA-11-04) in March of 2005.
4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
   - Eaglefield Estates Subdivision is in various phases of development, surrounding the site.

5. **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.

6. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**
   - The intersection of State Street and Linder Road is scheduled in the Five Year Work Plan to be widened to 6-lanes on the north leg, 6-lanes on the south leg, 7-lanes on the east leg, and 7-lanes on the west leg, and the signal modified in 2015.
   - Linder Road is listed in the Capital Improvements Plan for Right-of-Way corridor preservation only to accommodate the future widening of Linder Road to five lanes from State Street to Floating Feather Road between 2019 and 2027.

**B. Traffic Findings for Consideration**

1. **Trip Generation (if TIS required):** This development is estimated to generate 3,509 additional vehicle trips per day; 363 additional vehicle trips per hour in the PM peak hour, based on the submitted traffic impact study.

2. **Traffic Impact Study**
   
   *David Szpott* prepared a traffic impact study for the proposed *Preserve Subdivision*. Below is an executive summary of the findings as presented by *David Szpott*. The following executive summary is not the opinion of ACHD staff. ACHD has reviewed the submitted traffic impact study for consistency with ACHD policies and practices, and may have additional requirements beyond what is noted in the summary. ACHD Staff comments on the submitted traffic impact study can be found below under staff comments.

   Excerpted Executive Summary

   The original traffic analysis for the Eaglefield Subdivision northwest of the Linder Road/SH-44 intersection in Eagle, Idaho was never completed and has been modified and resubmitted as the Preserve Subdivision. This summary letter is an update to the previous analysis.

   The original traffic analysis was completed in 2005. The trip generation data have been updated to reflect the revised lot count. The arterial roadway network is unchanged, but the traffic numbers have been updated to current conditions. ACHD has a revised set of traffic volume planning thresholds and they were used in this analysis. The capacity analysis procedure used to conduct and intersection capacity analysis has also been updated.

   The original Eaglefield Subdivision included 395 units; 302 single family homes and 93 townhome units. The Preserve Subdivision has 372 single family homes. There are no townhomes in the Preserve Subdivision plan. The reduction in housing units and the conversion of some townhomes to single family homes has affected the site trip volume. The new project has 23 fewer housing units, but an additional 51 daily vehicle trips. The peak hour trip generation data show an increase of only 5 am peak hour trips and 15 pm peak hour trips.

   The roadway system for The Preserve has not changed from the original plan under the Eaglefield design. The access to the Preserve has been slightly changed. The original Eaglefield plan has one major access (Escalante Drive) connection to Linder Road. A temporary access to SH-55 was originally shown in the Eaglefield plan as a temporary access until a secondary connection can be developed. The temporary access is not part of The...
Preserve Plan. A local street connection (Rosslare Drive) has been constructed through the adjacent Cabra Creek Subdivision. There is also a future connection to the north to Signature in the Mosca Seca (Legacy) Subdivision.

Mitigation

The mitigation plan is unchanged from the original traffic analysis. SH-44 will require widening to four travel lanes. This project is already included in ITD’s corridor plan. The site-generated traffic analysis indicated the need for northbound left turn lane on Linder Road at the Escalante Intersection.

Staff Comments/Recommendations: The TIS states that the widening of SH-44 is included in ITD’s corridor plan. While that may be correct, there is no funding available for the project, and it is not included in the COMPASS long range plan.

ACHD is holding a financial surety for the future construction of a northbound left turn lane on Linder Road at Escalante. The northbound left turn lane should be constructed when Escalante Drive is dedicated to ACHD and accepted and open for public use.

3. **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>
<th>Future Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SH 44</strong> (State Street)</td>
<td>None</td>
<td>Principal Arterial</td>
<td>1,214</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Linder Road</td>
<td>None</td>
<td>Principal Arterial</td>
<td>134</td>
<td>Better than “E”</td>
<td>404</td>
<td>Better than “E”</td>
</tr>
</tbody>
</table>

*Acceptable level of service for a two-lane principal arterial is “E” (690 VPH).

** ACHD does not set level of service thresholds for State Highways.

4. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD’s most current traffic counts.

- The average daily traffic count for SH 44 (State Street) east of Linder Road was 21,811 on August 19, 2009.
- The average daily traffic count for Linder Road north of SH 44 (State Street) was 3,076 on July 22, 2009.

C. **Findings for Consideration**

1. **Access to the Site**

Escalante Drive:

Access to this site was previously provided by Escalante Drive which extends from the site east out to Linder Road through an adjacent parcel (parcel no. R4307730480) east of the site. The adjacent parcel to the east was reviewed as part of Eaglefield Estates in March of 2005 and as Eaglefield Estates II in May of 2006. As part of those approvals and to provide access from the site out to Linder Road Escalante Drive was constructed on and through parcel no. R4307730480. This parcel was never final platted and the right-of-way/public use of Escalante Drive was provided by a right-of-way easement.
Parcel no. R4307730480 has since been foreclosed and has gone back to the bank. Through the foreclosure process, the right-of-way easement for Escalante Drive was relinquished, eliminating public access to the roadway and the site.

With public access to the site via Escalante Drive in question with the bank, staff recommends that the applicant work with the bank to obtain access to Escalante Drive.

Proposed Access:
The applicant has proposed to access the site via Harker to Rosslare Drive and Stockhelm to Signature Drive. Based on the information submitted in the traffic impact study, it appears that the applicant is proposing to construct Harker Street (Rosslare) to provide sole public street access to the site for the first phases of the development with a connection out to Signature with the final phases of development.

Maximum Traffic on One Access:
Given the unusual circumstances regarding public use of Escalante Drive and the applicant's desire to construct a connection out to Signature Drive with a later phase of development the applicant has requested a waiver (see attached letter) of District Policy 7207.3.3. Which states that if a proposed development only has one access to a public street that is a local street, or if it proposes to extend public streets from existing development with only one local street access to the public street system, the maximum forecast ADT to be allowed at any point on the local street access is 1,000 and is subject to fire department requirements for the provision of a secondary access.

The applicant has requested the waiver to be allowed to final plat a total of 177 lots which typically would typically generate 1,770 vehicle trips per day on one access before constructing a second access out to Signature Drive, or the opening of Escalante Drive for public use (see attachment 3).

The request would limit the number of lots with homes possibly accessing Rosslare Drive via Harker to 177. This would include the existing 118 lots final platted within Eaglefield No. 1 and the 23 existing lots final platted in Cabre Creek Subdivision. This would allow for the final platting of 36 additional lots in The Preserve Subdivision prior to the construction of a second access to Signature Drive, or the opening of Escalante Drive for public use. See vicinity map below.
Staff Comments/Recommendations: Staff recommends approval of the applicant’s proposed waiver of District Policy 7207.3.3. to allow the final platting of a maximum of 177 lots including a maximum of 36 lots in the proposed Preserve Subdivision prior to the construction of a second access to Signature Drive, or the opening of Escalante Drive for public use.

Staff is supportive of the applicant’s request due to the unusual circumstances regarding public access to Escalante Drive, and the limited number of homes built on lots that are already final platted. Given the current housing market it is likely that Escalante Drive will be dedicated as public right-of-way and public use of the road will occur prior to the final platting of the 177 lot.

2. Internal Residential Collector- Golden Crown Way
   a. Existing Conditions: Golden Crown Way stubs to the site’s east property line. Golden Crown Way east of the site is improved with 2-travel lanes, vertical curb, gutter, and 5-foot wide detached sidewalks. There is 70-feet of right-of-way for Golden Crown Way (35-feet from centerline) east of the site.

   b. Policy
      Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
All utility relocation costs associated with improving street frontages adjacent the site shall be borne by the developer.

The District requires dedication of additional right-of-way without compensation to provide the minimum width requirements according to District standards.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

Appropriate easements shall be provided if public sidewalks are placed out of the 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.

**Landscape Medians Policy:** District Policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided.

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12' maximum for a minimum distance of 150'. Beyond the 150' the island may increase to a maximum width of 30'.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.
c. **Applicant Proposal:** The applicant is proposing to extend Golden Crown Way into the site as a 2 lane collector roadway with two 21-foot travel lanes, a 9-foot center landscaped island, vertical curb, gutter and a 5-foot wide detached concrete sidewalk within 70-feet of right-of-way.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District Policy and should be approved, as proposed. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way.

The applicant should be required to comply with the District’s Landscape Median Policy, as noted above.

3. **Internal Local Streets**

   a. **Existing Conditions:** The site has no internal local streets

   b. **Policy**

   **Standard Urban Local Street—36-foot to 33-foot Street Section & 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.

   **Cul-de-sac Policy:** 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. Landscaping 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.

   **Landscape Medians Policy:** District Policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided.

   - The median is platted as right-of-way owned by ACHD.
   - The width of an island near an intersection is 12’ maximum for a minimum distance of 150’. Beyond the 150’ the island may increase to a maximum width of 30’.
   - At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
   - The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
   - The license agreement shall contain the District’s requirements of the developer including, but not limited to, a “hold harmless” clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
   - Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

   c. **Applicant’s Proposal:** The applicant is proposing to construct all the internal local streets as 36-foot street sections with rolled curb and gutter, a 7-foot landscape strip and 5-foot detached concrete sidewalks within 50-feet of right-of-way.

   The applicant has proposed to construct 6 cul-de-sac turnarounds with center landscape islands within the site.
d. **Staff Comments/Recommendations:** The applicant's proposed street section meets District Policy and should be approved, as proposed. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way.

The applicant’s proposal for the 6 cul-de-sac turnarounds with center landscape islands within the site meets District Policy and should be approved, as proposed. The applicant should be required to a minimum radius of 45-feet for the cul-de-sac turnarounds.

The applicant should be required to comply with the District’s Landscape Median Policy, as noted above.

4. **Roadway Offsets**
   a. **Existing Conditions:** There are no existing roadway offsets internal to the development.
   b. **Policy**
      - **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).
      - District policy 7207.4.2, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).
   c. **Applicant’s Proposal:** The applicant has proposed to construct one local roadway, Bostwick Street, Golden Crown Way located approximately 500-feet (measured centerline to centerline) northwest of the Burning Drive/Golden Crown Way intersection.

   The applicant is proposing numerous local-to-local street intersections within the development. All of the proposed local-to-local street intersections align or offset by 125-feet.

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

5. **Stub Streets**
   a. **Existing Conditions:** There are no stub streets within the site.
   b. **Policy**
      - **Stub Street Policy:** District Policy 7207.2.4 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7207.2.4, “Continuation of Streets.” District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform to the requirements described in Section 7207.2.4.4, 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."

   District Policy 7207.2.4.2 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.

   **Temporary Turnaround Policy:** District policy 7207.2.4.4 requires construction of a temporary cul-de-sac with the same dimensional requirements as a standard cul-de-sac and shall be paved. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. If a temporary turnaround is proposed
to be located within a future building lot, the temporary turnaround easement shall be for the entire building lot to prevent the easement from being constructed over.

c. Applicant Proposal: The applicant is proposing to construct three stub streets. They are located as follows:
   • stub street to the south, Barkhill Way, located between Lot 1 Block 18 and Lot 28 Block 12 approximately 2,800-feet west of Linder Road. This stub street is 182-feet in length.
   • stub street to the west, Bowery Street, located between Lot 1 Block 21 and Lot 29 Block 1. This stub street is approximately 135-feet in length.
   • stub street to the east, Stowell Drive, located between Lot 1 Block 31 and Lot 35 Block 29. This stub street is approximately 480-feet in length. An off-set turnaround is proposed at the terminus of the stub street.

d. Staff Comments/Recommendations: The applicant's proposal meets District Policy and should be approved, as proposed. The stub street to the south, Barkhill Way is greater than 150-feet in length. The applicant should be required to construct a temporary turnaround at the terminus of this stub street and provide the District with a temporary turnaround easement for any portion of the turnaround which extend beyond the dedicated street right-of-way.

6. Bridge for Middleton Canal Crossing
   The District will require that the applicant submit the bridge plans for the crossing of the Middleton Canal (Parkfield Way) for review and approval prior to the pre-construction meeting and plat approval.

7. 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.

8. 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.

9. Other Access
   Golden Crown Way is classified as a collector roadway. Other than access specifically approved with this application direct lot access to Golden Crown Way is prohibited and should be noted on the final plat.

D. Site Specific Conditions of Approval
   1. Construct secondary public street access to Signature Drive, or work to open Escalante Drive for public use, prior to ACHD's signature on the final plat which includes the 178 lot.

   2. Construct Golden Crown Way as a collector roadway with two 21-foot travel lanes, a 9-foot center landscaped island, vertical curb, gutter and a 5-foot wide detached concrete sidewalk.
within 70-feet of right-of-way, as proposed. Provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way. Parking and front-on housing are prohibited on residential collector roadways.

3. Construct all internal local streets as 36-foot street sections with rolled curb, gutter and 5-foot wide detached concrete sidewalks within 50-feet of right-of-way, as proposed. Provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way.

4. Construct a stub street to the south, Barkhill Way, located between Lot 1 Block 18 and Lot 28 Block 12, as proposed. Construct a temporary turnaround at the terminus of the stub street. Provide the District with a temporary turnaround easement for those portions of the turnaround which extends beyond the dedicated street right-of-way. Install a sign at the terminus of the stub street stating, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

5. Construct a stub street to the west, Bowery Street, located between Lot 1 Block 21 and Lot 29 Block 1, as proposed. Install a sign at the terminus of the stub street stating, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

6. Construct a stub street to the east, Stowell Drive, located between Lot 1 Block 31 and Lot 35 Block 29, as proposed. Construct an off-set temporary turnaround at the terminus of the stub street, as proposed. Provide the District with a temporary turnaround easement for those portions of the turnaround which extends beyond the dedicated street right-of-way. Install a sign at the terminus of the stub street stating, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

7. Direct lot access is prohibited to Golden Crown Way. This access restriction shall be noted on the final plat.

8. Submit bridge plans for the crossing of the Middleton Canal (Parkfield Way) for review and approval prior to the pre-construction meeting and plat 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, 7203.6, 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, 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 consistent with applicable federal, state and local laws.

Attachments

1. Vicinity Map
2. Site Plan
3. Applicant’s Request for Waiver
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines
April 13, 2011

Ada County Highway District
Attn: Mindy Wallace
3775 N. Adams Street
Garden City, Idaho 83714

Re: The Preserve Subdivision – Waiver of ACHD Policy 7207.3.3

Dear Ms. Wallace:

Engineering Solutions, LLP, has been retained by the Preserve, LLC (Coleman Homes) to process the application for the Preserve Subdivision located west of Linder Road and north of State Highway 44 in Eagle, Idaho. We respectfully request a waiver to the ACHD requirement limiting the amount of traffic on one access (ACHD Policy 7207.3.3). A copy of the policy is attached.

We believe this request of waiver is justified considering the unique circumstances and unanticipated problems with the Preserve project. The development went into foreclosure and our client, Preserve, LLC, purchased the project including phase 1 from two different banks.

The original project was approved in 2005, as Eaglefield Subdivision. In 2007, Phase 1 of the original project was constructed along with a collector roadway, referred to as Escalante Drive. The site plan reflected a secondary local street access with a connection to Rossclear Street in Cabre Creek Subdivision. Another local street access (Stockhelm Way) was planned for future connection to a collector roadway (Signature Drive) within the Legacy Subdivision (Mosca Seca).

Escalante Drive was intended as the primary collector roadway providing access for the Eaglefield development to Linder Road. Escalante Drive was constructed to ACHD standards and a right-of-way easement was provided to ACHD on February 8, 2008. The easement was intended as an interim measure for the right-of-way, since the collector road would be platted within a future phase of the Eaglefield project. However, the property which includes Escalante Drive was foreclosed by Washington Federal Savings and Loan Bank in 2010. The bank contends the right-of-way easement for Escalante has been eliminated in the foreclosure process.
However, Escalante Drive continues to function as a collector roadway for the development and the existing residents within Eaglefield No. 1. Attached is a title report prepared by Pioneer Title Company, dated February 16, 2011, showing they consider the right-of-way easement intact. However, since the status of the Escalante right-of-way is in question, we feel it prudent to provide a second means of access to Rosscare Street. We are currently working on the construction plans to connect the Preserve to Cabre Creek and provide another connection to Linder Road via Rosscare Street.

The approval of this waiver will allow for the continuation of this development. By allowing the project to move forward, we believe this will put pressure on Washington Federal to resolve the Escalante Drive right-of-way issue.

We understand the District will limit the number of homes possibly accessing Rosscare Street to 177. This would include the existing 118 lots within Eaglefield No. 1 and the 23 existing lots in Cabre Creek Subdivision. This would allow the platting of 36 additional lots within the Preserve until the Escalante Drive issue is resolved.

We appreciate your consideration in this matter and respectfully request approval of this waiver.

Sincerely,

Becky McKay, Partner
ENGINEERING SOLUTIONS, LLP
ACHD Policy 7207.3.3

ACHD Policy 7207.3.3 Maximum Traffic on One Access

If a proposed development only has one access to a public street that is a local street, or if it proposes to extend public streets from existing development with only one local street access to the public street system, the maximum forecast ADT to be allowed at any point on the local street access is 1,000 and is subject to fire department requirements for the provision of a secondary access. This volume may be reduced or increased based on information received from the lead land use agency, the applicable fire department, and/or emergency services. The District will also take into consideration the following items when determining whether or not to reduce or increase the maximum allowable ADT: railroad crossings, canal crossings, topography (foothills vs. flat land), pedestrian connectivity, location of schools, etc.
The Preserve Subdivision Plan

Stockholm Way – Local Street Access for Future Phases

Rossiare Street – Local Street Access for Phase 3

Escalante Drive – Existing Residential Collector Access
Order No. 324932

1. Effective Date: February 16, 2011 at 7:30:00 AM

2. Policy or Policies to be issued:          Policy Amount  Amount
   (a) ☑ Owner’s Policy - Standard Coverage  To Be Determined

     Proposed Insured: TBD

     Endorsements:
     (b) ☐ Loan Policy - Standard Coverage  0  0

     Proposed Insured: NONE

     Endorsements:

     Total Title Fees: $ 0.00
     Underwriting Fees: $ 0.00
     Agent Title Fees: $ 0.00

3. The estate or interest in the land described or referred to in this Commitment and Covered herein is:
   Fee Simple

4. Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:
   Washington Federal as successor by merger to First Mutual Bank

5. The land referred to in this Commitment is described as follows:

   Lots 3, 4, 5, and 6 in Block 1 of Irish Acres Subdivision, according to the official plat thereof, filed in Book 65 of Plats at Pages 6694 and 6695, records of Ada County, Idaho.

ORT Form 4308 A
ALTA Commitment Form 2006

Schedule A page 1 of 1 page(s)
9. Matters disclosed by record of survey
   Recorded: November 3, 1989
   Instrument No.: 8953015
   Survey No.: 1538

10. Covenants, conditions, restrictions and easements as set forth on said plat.

11. Terms and provisions set forth in Ordinance No. 579 by City of Eagle.
    Dated: October 2, 2007
    Recorded: October 9, 2007
    Instrument No.: 107139047

12. Terms and provisions set forth in Easement Agreement between the parties herein named.
    Between: Scott J. Reesor and Nancy L. Reesor, Husband and Wife, and David J. Elcox and Moira Elcox, Husband and Wife
    Dated: October 27, 2006
    Recorded: December 6, 2006
    Instrument No.: 106190051

13. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the
    purposes stated herein.
    For: Public access to properties to the West, including Eaglefield Subdivision
    In Favor of: Ada County Highway District and Eaglefield, LLC
    Recorded: February 8, 2007
    Instrument No.: 10708471

14. Terms and provisions set forth in agreement between the parties herein named.
    Between: City of Eagle, a municipal corporation in the State of Idaho and Scott J. Reesor and Nancy L. Reesor,
    David J. Elcox, and Moira Elcox
    Dated: August 21, 2007
    Recorded: September 13, 2007
    Instrument No.: 107128270
Order Number: 324932

15. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein
For: Access Basement
In Favor of: Baglefield, LLC
Recorded: April 8, 2008
Instrument No.: 106040268

NOTE: This document was recorded subsequent to the Deed of Trust, Instrument No. 106031462, which was foreclosed. We find the service in the foreclosure proper, but have made a business decision to neither insure the easement nor delete the easement from the exception to title.

End Of Exceptions
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.