February 11, 2015

To: ACHD Commission
From: Kaci Bader, Development Review Coordinator
Subject: Final Plat: Derry Subdivision

Project Number: FPLT15-0006
Meeting Date: February 18, 2015

FACTS & FINDINGS:
1. Derry Subdivision is a 3 buildable lot residential subdivision on 19.38 acres. This site is located on S. Eagle Road, south of E. Lake Hazel Road.

2. The applicant is Mikal A. Black; and Roeland Eagle Road, LLC whose principal is Risa Roe, Member.

3. The preliminary plat was approved on March 5, 2014. All conditions of the preliminary plat have been satisfied.

RECOMMENDATION:
1. Approve the final plat of Derry Subdivision and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat
2. Vicinity Map
3. Derry Subdivision preliminary plat, staff report dated March 5, 2014.
PLAT SHOWING

DERRY SUBDIVISION

A PORTION OF THE EAST 1/2 OF SECTION 5,
T.2N., R.1E., B.M., ADA COUNTY, IDAHO

2015

SCALE: 1" = 100'

LEGAL DESCRIPTORS

- FOUND 5/8" IRON PIN, AS NOTED
- FOUND 1/8" IRON PIN, AS NOTED
- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- SET 1/2" x 24" IRON PIN, PLS 4431
- SET 5/8" x 24" IRON PIN, PLS 4431
- CALCIUM POINT
- W.C.
- WITNESS CORNER
- PROPERTY BOUNDARY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- LOT LINE
- LOT NO.

GENERAL NOTES:

1) THIS DEVELOPMENT RECOGNIZES THE STATE OF IDAHO CODE 23-4100 RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION IS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR INEFICIENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.

2) ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.

3) ALL LOTS SHALL HAVE INDIVIDUAL DOMESTIC WELLS AND SEWER DRAINFIELDS. EACH INDIVIDUAL LOT OWNER SHALL CONNECT TO A MUNICIPAL SEWAGE COLLECTION AND TREATMENT FACILITY WHEN REASONABLY AVAILABLE.

4) LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL OF THE HEALTH AUTHORITY.

5) A TEN (10) FOOT WIDE PUBLIC UTILITIES, IRRIGATION AND PROPERTY DRAINAGE EASEMENT IS HEREBY DESIGNATED ALONG SUBDIVISION BOUNDARY, RIGHTS-OF-WAY, AND LOT LINES AS SHOWN.

6) THIS PLAT IS SUBJECT TO COMPLIANCE WITH IDAHO CODE 39-2803 CONCERNING IRRIGATION WATER RIGHTS AND TRANSFER. IRRIGATION WATER WILL BE PROVIDED BY THE NEW YORK IRIGATION DISTRICT. ALL LOTS WITHIN THIS SUBDEVELOPMENT WILL BE ENTITLED TO IRRIGATION RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE NEW YORK IRIGATION DISTRICT.

7) DIRECT LOT ACCESS TO S. EAGLE ROAD IS PROHIBITED EXCEPT FOR ONE DRIVEWAY ACCESS FOR LOT 1, AND ONE SHARED DRIVEWAY ACCESS FOR LOTS 2 AND 3 AS SHOWN.

OWNER/DEVELOPER:

ALPEL BEACH
705 S. EAGLE ROAD
MERIDIAN, IDAHO

DTP SURVEYING, LLC
Professional Land Surveyor
208.860.3442
dtpsurveying.com
405 W. Probst St.
Eagle, ID 83616
CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: THAT MIKAL A. BLACK AND RODLAND EAGLE ROAD, LLC, ARE THE OWNERS OF THE PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 5, T32N, R1E, B5N, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5, FROM WHICH THE EAST & CORNER OF SAID SECTION BEARS SOUTH 00°47'36" WEST, 1057.80 FEET; THENCE SOUTH 00°47'36" WEST, 2002.39 FEET; THENCE NORTH 64°46'35" WEST, 23.58 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF S. EAGLE ROAD AND THE REAL POINT OF BEGINNING.

THENCE NORTH 61°27'47" WEST, 1058.77 FEET; THENCE DEPARTING SOUTH 74°08'43" WEST, 736.47 FEET; THENCE NORTH 00°12'23" EAST, 1557.80 FEET TO A POINT ON THE CENTER OF THE FARM LATERAL, THENCE ALONG THE CENTER OF THE FARM LATERAL, THE FOLLOWING COURSES AND DISTANCES: NORTH 67°10'34" EAST, 168.20 FEET; SOUTH 89°17'53" EAST, 44.85 FEET; SOUTH 62°25'36" EAST, 39.89 FEET; SOUTH 56°51'40" EAST, 59.66 FEET; SOUTH 70°30'35" EAST, 58.81 FEET; SOUTH 70°30'05" EAST, 57.80 FEET; SOUTH 58°14'30" EAST, 23.64 FEET; SOUTH 33°11'50" EAST, 33.69 FEET; SOUTH 33°11'50" EAST, 23.64 FEET; IN THE CENTER OF SAID FARM LATERAL, SOUTH 64°46'35" EAST, 23.58 FEET TO THE POINT OF BEGINNING. CONTAINING 19.36 ACRES, MORE OR LESS.

IT IS THE INTENT OF THE UNDEROWNERS TO HERBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT AND TO CONVEY THE PUBLIC, THE PUBLIC PURSUITS AND PUBLIC USES SHOWN ON THIS PLAT. THE EASEMENTS ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE THE EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC USES AND FOR ANY OTHER USES AS DESIGNED HEREIN AND NO PERMANENT STRUCTURES OTHER THAN FOR SUCH UTILITY PURPOSES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS. FOR IDAHO CODE SECTION 50-1334, THE INDIVIDUAL LOTS DESCRIBED IN THIS PLAT WILL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE OR MORE OF THE LOTS, BUT WILL BE SERVED BY INDIVIDUAL MELS.

IN WITNESS WHEREOF, THE GRANTORS HAVE CAUSED THIS INSTRUMENT TO BE SUBSCRIBED THIS 14TH DAY OF DECEMBER, 2015.

MIKAL A. BLACK

RISA ROE

ACKNOWLEDGEMENT

STATE OF IDAHO
COUNTY OF ADA

ON THIS 14TH DAY OF DECEMBER, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED MIKAL A. BLACK, KNOWN OR IDENTIFIED TO ME TO BE THE PERSON THAT EXECUTED THE INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

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

RISA ROE, NOTARY PUBLIC FOR IDAHO
RESIDES AT: 630 F, BURLINGTON, IDAHO

ACKNOWLEDGEMENT

STATE OF IDAHO
COUNTY OF ADA

ON THIS 20TH DAY OF DECEMBER, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED MIKAL A. BLACK, KNOWN OR IDENTIFIED TO ME TO BE A MEMBER OF RODLAND EAGLE ROAD, LLC, AN IDAHO LIMITED LIABILITY COMPANY, THE PERSON THAT 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 AFFIX MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE, FIRST ABOVE WRITTEN.

MIKAL A. BLACK

ACKNOWLEDGE

CERTIFICATE OF SURVEYOR

I, J. TERRY JEFFREY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS, PLATES THEREOF, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

J. TERRY JEFFREY, P.L.S.

DEPUTY

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: THAT MIKAL A. BLACK AND RODLAND EAGLE ROAD, LLC, ARE THE OWNERS OF THE PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 5, T32N, R1E, B5N, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5, FROM WHICH THE EAST & CORNER OF SAID SECTION BEARS SOUTH 00°47'36" WEST, 1057.80 FEET; THENCE SOUTH 00°47'36" WEST, 2002.39 FEET; THENCE NORTH 64°46'35" WEST, 23.58 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF S. EAGLE ROAD AND THE REAL POINT OF BEGINNING.

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IN WITNESS WHEREOF, THE GRANTORS HAVE CAUSED THIS INSTRUMENT TO BE SUBSCRIBED THIS 14TH DAY OF DECEMBER, 2015.

MIKAL A. BLACK

RISA ROE

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, COUNTY SURVEYOR, IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, FOR THE REQUIREMENTS OF I.C. 50-1308 DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR CONDEMONNT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATE IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

CERTIFICATE OF THE COUNTY RECORDER

I, THE UNDERSIGNED, COUNTY RECORDER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF MIKAL BLACK AT THE 9:00 MINUTES PAST 10:00 O'CLOCK A.M. ON THE 14TH DAY OF DECEMBER, 2015, IN BOOK 4443 OF PLATS AT PAGES 100-100.

JEFFREY J. KERWIN

DEPUTY

RECORDER

FEE
A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval of Derry Subdivision, a 3 lot residential subdivision on 19.38 acres. The property is currently zoned RUT with one existing single family dwelling that is to remain. This application is consistent with the comprehensive plan for Ada County and is within Meridian’s Area of Impact.

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</td>
<td>RUT</td>
</tr>
<tr>
<td>South</td>
<td>Rural Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Rural Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>West</td>
<td>Rural Urban Transition</td>
<td>RUT</td>
</tr>
</tbody>
</table>

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Transit:** Transit services are not available to serve this 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)/ Integrated Five Year Work Plan (IFYWP):**

   - Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Locust Grove Road to Eagle Road between 2022 and 2026.
- Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 5 lanes from Eagle Road to Cloverdale Road between 2027 and 2031.
- The intersection of Eagle Road and Lake Hazel Road is listed in the Capital Improvements Plan to be widened to 6 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.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 19 additional vehicle trips per day (10 existing); 2 additional vehicle trips per hour in the PM peak hour (1 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)

<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>Eagle Road</td>
<td>1,095 feet</td>
<td>Minor Arterial</td>
<td>82</td>
<td>Better than “D”</td>
<td>Better than “D”</td>
</tr>
<tr>
<td>Lake Hazel Road</td>
<td>None</td>
<td>Principal Arterial</td>
<td>347</td>
<td>Better than “E”</td>
<td>Better than “E”</td>
</tr>
</tbody>
</table>

   * Acceptable level of service for a two-lane principal arterial is “E” (690 VPH).  
   * Acceptable level of service for a two-lane minor arterial is “D” (550 VPH).

3. **Average Daily Traffic Count (VDT)**  
   *Average daily traffic counts are based on ACHD’s most current traffic counts. Although these counts were taken in 2011 and 2012, they are reflective of the current volumes due to little development/growth in this area. Waiting for updated counts for this 3-lot subdivision would have resulted in a delay in the application review process.*

   - The average daily traffic count for Eagle Road north of Columbia Road was 1,403 on October 4, 2011.
   - The average daily traffic count for Lake Hazel Road west of Five Mile Road was 8,698 on October 11, 2012.

**C. Findings for Consideration**

1. **Eagle Road**
   a. **Existing Conditions:** Eagle Road is improved with 2 travel lanes (24-feet of pavement), and no curb, gutter or sidewalk abutting the site. There is 50 feet of right-of-way for Eagle Road (25 feet from centerline).

   b. **Policy:**
      - **Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.
      - **Street Section and Right-of-Way Width Policy:** District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.
      - **Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master
Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Eagle Road is designated in the MSM as a Residential Arterial with 3 lanes and on-street bike lanes, a 46 foot street section within 74 feet of right-of-way.

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

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

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

c. **Applicant Proposal:** The applicant is not proposing any improvements to Eagle Road abutting the site. The applicant has requested a waiver of the sidewalk policy due to the cost associated with constructing 1,100 feet of sidewalk for a 3-lot subdivision on 19-acres.

d. **Staff Comments/Recommendations:** There is no sidewalk on Eagle Road in the vicinity of the site. On nearby roads with similar applications, ACHD has worked with applicants to acquire the right-of-way at no cost to ACHD, in lieu of sidewalk. Staff recommends the same for this plat and is supportive of the waiver of Policy 7205.5.7. The applicant should be required to dedicate 37 feet of right-of-way from the centerline of Eagle Road abutting the site. The applicant has agreed to dedicate the additional right-of-way required with no compensation in lieu of constructing sidewalk on Eagle Road abutting the site.

2. **Driveways**

2.1 **Eagle Road**

a. **Existing Conditions:** There are two existing driveways on Eagle Road that serve the existing residence. The driveways are located approximately 220 feet and 330 feet south of Adler Hof Lane.

b. **Policy**

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

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.
Successive Driveways: District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 425 feet from any existing or proposed driveway.

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

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

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

c. Applicant’s Proposal: The applicant is not proposing any changes to existing driveways or additional driveways.

d. Staff Comments/Recommendations: The two existing driveways do not meet District Successive Driveways and Shared Access Policies. The applicant should be required to close the existing 24 foot wide driveway located approximately 220 feet south of Adler Hof Lane. The existing 20 foot wide driveway located 330 feet south of Adler Hof Lane is approved. Staff recommends the applicant construct one shared access to align with Vantage Point Lane to serve the southernmost two lots as no driveways currently exist.

The applicant should be required to pave the driveways their full width and a minimum of 30 feet into the site beyond the edge of pavement for Eagle Road.

3. 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.

4. Other Access

Eagle Road is classified as minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate 37 feet of right-of-way from the centerline of Eagle Road abutting the site. The applicant will not be compensated for this right-of-way in lieu of the waiver of sidewalk.

2. Close the existing 24 foot wide driveway located approximately 220 feet south of Adler Hof Lane.

3. The existing 20-foot wide driveway located 330 feet south of Adler Hof Lane is approved.

4. Construct one 24-foot wide (maximum) shared access to align with Vantage Point Lane to serve the southernmost 2 lots.
5. Pave the driveways their full width and at least 30-feet beyond the edge of pavement with pavement tapers.

6. Other than the access specifically approved with this application, direct lot access is prohibited to Eagle Road and shall be noted on the final plat.

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


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
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

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

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

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

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

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

**Items Completed to Date:**

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

**Items to be completed by Applicant:**

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

**DID YOU REMEMBER:**

**Construction (Non-Subdivisions)**

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

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

**Construction (Subdivisions)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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