April 7, 2015

To: ACHD Commission  
From: Kaci Bader, Development Review Coordinator  
Subject: Final Plat: Bienville Square Subdivision No. 3  
Project Number: FPLT15-0038  
Meeting Date: April 15, 2015

FACTS & FINDINGS:
1. Bienville Square Subdivision No. 3 is a 39 buildable and 5 common lot residential subdivision on 5.28 acres. This site is located near the southwest corner of E. Ustick Road and N. Eagle Road.

2. The applicant is M3 Investments, LLC and the principal for the applicant is Cory Swain, Alliance Management Consultants, LLC, Manager of M3 Investments, LLC.

3. The preliminary plat was approved on February 1, 2006. All conditions of the preliminary plat have been satisfied.

RECOMMENDATION:
1. Approve the final plat of Bienville Square Subdivision No. 3 and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat  
2. Vicinity Map  
This application is approved at the staff level on February 1, 2006. Tech Review for this item was held with the applicant on December 2, 2005. Please refer to the attachment for request for reconsideration guidelines. Staff contact: Christy Richardson, 208-387-6178-phone, 208-387-6393-fax, crichardson@achd.ada.id.us


Site address: 2935 N. Eagle Road (SH-55)

Applicant: Red Cliff Development
2060 S. Eagle Road
Boise, ID 83702

Representative: Ashley Ford
WRG Design, Inc.
453 S. Fitness Place
Eagle, ID 83616

Application Information:
The applicant has submitted a preliminary plat, rezone and conditional use application to the City of Meridian for a mixed use subdivision with 54 single family lots, 22 multi-family lots and 7 commercial lots. The 17.25-acre site is located on the west side of SH-55, south of Ustick Road.

Vicinity Map
A. Findings of Fact

1. **Trip Generation:** This development is estimated to generate over 2,402 vehicle trips per day based on the submitted traffic impact study.

2. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of a building permit. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

3. **Traffic Impact Study:** A traffic impact study was submitted with this application and a summary is noted below.

4. **Site Information:** The site is currently undeveloped and vacant.

5. **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>Commercial/Sadie Creek Promenade</td>
<td>C-G</td>
</tr>
<tr>
<td>South</td>
<td>Single family residential</td>
<td>R-2</td>
</tr>
<tr>
<td>West</td>
<td>Single family residential</td>
<td>R-2</td>
</tr>
<tr>
<td>East</td>
<td>Undeveloped</td>
<td>C-G</td>
</tr>
</tbody>
</table>

6. **Impacted Roadways**

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>Traffic Count</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ustick Road</td>
<td>None</td>
<td>Minor Arterial</td>
<td>10,833 on 8-5-3 w/o Eagle Road</td>
<td>40 MPH</td>
</tr>
<tr>
<td>Eagle Road (SH-55)</td>
<td>995’</td>
<td>Principal Arterial/State Highway</td>
<td>41,939 on 1-6-05 n/o Fairview Avenue</td>
<td>50 MPH</td>
</tr>
</tbody>
</table>

B. Findings for Consideration

1. **Traffic Impact Study Summary**

   A traffic impact study was prepared by Gary Funkhouser of Stanley Consultants.

   - 15% of the site traffic is projected to have origins/destinations west of the site and travel on Ustick Road west of SH-55
   - 20% of the site traffic is projected to have origins/destinations east of the site and travel on Ustick Road east of SH-55
   - 35% of the site traffic is projected to have origins/destinations south of the site and travel on SH-55 south of Ustick Road
   - 30% of the site traffic is projected to have origins/destinations north of the site and travel on SH-55 north of Ustick Road.
   - At build-out, Bienville Square is projected to add less than 2% of the total traffic on SH-55 during PM peak hour.
• At build-out, Bienville Square is projected to add less than 3% of the total traffic on Ustick Road during the PM peak hour.
• The proposed right-in/right-out access on SH-55 does not meet ITD spacing requirements.
• The Eagle Road/Ustick Road intersection is projected to operate at LOS D in 2008.
• The Eagle Road/Fairview Avenue intersection is projected to operate at LOS E in 2008.
• The Eagle Road/Pine Avenue intersection is projected to operate at LOS F in 2008.
• The Ustick Road/Cloverdale Road intersection is projected to operate at LOS E in 2008.
• The Ustick Road/Locust Grove Road intersection is projected to operate at LOS B in 2008.
• If access is allowed on Eagle Road, auxiliary lanes are warranted. (These should be coordinated with ITD.)

2. Ustick Road
Ustick Road, from Leslie Drive to Ally Street, including the Eagle Road intersection, has just been widened and improved to 5-lanes. Sidewalks were not constructed with the roadway improvement project, but are required to be constructed as development occurs on the undeveloped properties. The intersection was widened to include dual left turning lanes. This project was a public/private partnership that involved other land owners and developers in the area.

On November 9, 2005, the ACHD Commission reviewed and approved MCUP05-048, a conditional use application for the Kohl’s Department Store located at the northwest corner of Ustick and Eagle Roads. With that application, the Commission approved the installation of a signal at the west property line. The signal was approved under the following conditions that also apply to this application:

b. That no signals be allowed on Eagle Road to this site. The applicant’s original proposal included a signal at the ¼ mile on Eagle Road. ITD’s Eagle Road Study allows for signals at the ½ mile. On this segment of Eagle Road, Wainwright Drive will eventually be signalized at the ½ mile. The City of Meridian’s newly adopted Unified Development Code also prohibits access to the state highways except at the ½ mile. ACHD staff is recommending approval of this signal to “spare” Eagle Road of the addition of another signal not located at the ½ mile. The addition of signal on Eagle Road, not located at the ½ mile, will further complicate signal timing and congestion on the state highway.

c. That a north-south public roadway be constructed at the signal access to eventually tie into Wainwright Drive north of Ustick, and to provide access to the parcels south of Ustick. The additional traffic on the new roadway will help support the need for the Ustick Road signal.

d. That all costs associated with the signal be borne by the applicant, except for materials that will be donated by ACHD. Staff recommends donation of the hardware because the signal will provide benefit to surrounding property owners. (This applicant should work with the Kohl’s developer regarding timing and installation of the signal.)

3. Internal Roadways
With the preliminary plat for Sadie Creek Promenade Subdivision, ACHD required that applicant to construct a north-south public roadway as a 40-foot street section with vertical curb, gutter and 5-foot wide concrete sidewalk on both sides of the roadway from Ustick Road to the north property line of this site.
The applicant is proposing to extend Sadie Creek Avenue into the site at the north property line, with a network of local streets throughout the subdivision, including a public street intersecting SH-55. ACHD will not allow a new public street intersection at SH-55, because of the signal that was allowed on Ustick Road that will serve all of the uses in this area. A public street in this area could create cut-through traffic through the subdivision from Ustick Road to SH-55, which is not a desired scenario because of the front-on housing and residential uses.

The applicant may, if allowed by the City of Meridian and ITD, construct a private street or driveway off of SH-55 to serve the commercial uses, and provide parking on the west side of the commercial uses where a public street would terminate. This would allow the residents in the area to access the commercial uses without accessing SH-55, and would eliminate an unnecessary public street access to SH-55.

**Roadway Sections**
- Extend Sadie Creek Avenue into the site as a 40-foot street section, transitioning to a 36-foot street section, within 50-feet of right-of-way with curb, gutter and 5-foot wide concrete sidewalk.
- All streets within the subdivision may be constructed as 36-foot street sections.
- The applicant is proposing to construct a private street/alley. The alley could be constructed as a public alley, if it is paved 16-feet wide, within 20-feet of right-of-way. If the alley is private, it should be signed accordingly, so that ACHD does not maintain a private alley/street.

**Roadway Access**
Because ACHD is not approving a public street off of SH-55, access to the residential portion of this site will only come from Ustick Road. Sadie Creek Avenue north of this site to Ustick Road will need to be constructed and dedicated prior to final plat approval for this site.

4. **Access to Surrounding Subdivisions**
The site is surrounded by single family residences in Carol’s Subdivision served by Leslie Drive, both west and south of the site. While it would be useful for the existing dwellings to have access to the signal at Sadie Creek Avenue, and to the commercial uses, all of the lots in Carol’s Subdivision have dwellings on them, and there is no public right-of-way through that area to access this site.

5. **Eagle Road Right-of-Way, Improvements and Access**
The City of Meridian, applicant and ITD should work together to determine if additional right-of-way or improvements are necessary on Eagle Road (SH-55). Access points should be approved in accordance with the Eagle Road Corridor Study.

C. **Note to the City of Meridian**
ACHD requests that the City require parking on the west side of the commercial uses for the residents of this subdivision and nearby subdivisions, to have access to the commercial uses off of Ustick Road and local roadways, rather than SH-55. ACHD is not allowing access to SH-55 via a public street.

D. **Site Specific Conditions of Approval**
1. Extend Sadie Creek Avenue into the site from the north property line. Transition the roadway from a 40-foot commercial street section to a 36-foot wide street within 50-feet of right-of-way, with curb, gutter and 5-foot wide concrete sidewalk.

2. Sadie Creek Avenue north of this site to Ustick Road will need to be constructed and dedicated prior to, or in conjunction with final plat approval for this site.
3. All local streets in the subdivision should be constructed as 36-foot street sections within 50-feet of right-of-way with curb, gutter and 5-foot wide concrete sidewalk.

4. The proposed alley may be constructed as a public alley if it is paved 16-feet wide within 20-feet of right-of-way. OR The proposed alley may be constructed as a private drive/street, if it is signed accordingly.

5. Bourbon Street shall terminate in a culdesac and shall not extend to SH-55.

6. Public road access to SH-55 is prohibited.

7. Provide a letter from ITD stating required improvements and access decisions.


D. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.

2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.

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

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. 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.

6. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

7. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

8. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

9. Payment of applicable road impact fees will be required prior to building construction in accordance with Ordinance #200, also known as Ada County Highway District Impact Fee Ordinance.

10. 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 (1-800-342-1585) 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.
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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

12. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

E. 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.
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 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.
Development Process Checklist

☒ Submit a development application to a City or to the County

☒ The City or the County will transmit the development application to ACHD

☒ The ACHD Planning Review Division will receive the development application to review

☒ The Planning Review Division will do one of the following:

☐ Send a “No Review” letter to the applicant stating that there are no site specific requirements at this time.

☐ Send a “Comply With” letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.

☒ 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.

☒ The Planning Review Division will hold a Technical Review meeting for all Staff and Commission Level reports.

☒ For ALL development applications, including those receiving a “No Review” or “Comply With” letter:

- The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the Development Review Division 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 calculation.)

- 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 (Zone)

☐ Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to Ada County Highway District (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-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

☐ 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

- ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.