To: ACHD Commission
From: Kaci Bader, Development Review Coordinator
Subject: Final Plat: HCR/Level 3 Subdivision Phase 2
Project Number: SUBP15-0051
Meeting Date: December 9, 2015

FACTS & FINDINGS:
1. HCR/Level 3 Subdivision Phase 2 is a 15 buildable and 5 common lot residential subdivision on 5.89 acres. This site is located on W. State Street (HWY 44) west of N. Linder Road.

2. The applicants are Entity Services, Inc. and Level 3 Realty Advisors, LLC and the principals for the applicants are Lance D. Churchill, President and Mike Dixon, Manager.

3. The preliminary plat was approved on March 7, 2013.

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 $20,000 in the form of cash in accordance with ACHD Policy Section 7103.2.

5. The applicant is responsible to complete all street improvements and conditions of approval required with the preliminary plat to ACHD standards by August 7, 2016 and prior to final acceptance of the street by ACHD and release of the financial surety.

RECOMMENDATION:
1. Approve the final plat of HCR/Level 3 Subdivision Phase 2 and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat
2. Vicinity Map
3. HCR/Level 3 Subdivision Phase 2 preliminary plat, staff report dated March 7, 2013.
Certificate of Owner

ROBERT L. CRIBB, JR., DELIVERED AS OWNER, HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN LOTS 5-7 OF COMPTON ADDITION TRACT (A SUBDIVISION) RECORDED IN BOOK 15 OF PLATS AT PAGE 223 OF CASS COUNTY RECORDS, SITUATED IN THE SOUTH (WEST) QUARTER OF SECTION 11 AND GOVERNORS LOTS 1 AND 2 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 1 WEST, GOODWYN'S CITY OF FAYETTE, CASS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMPARING AT THE SOUTHEAST CORNER OF SECTION 11 OF said Township 5 North, Range 1 West (from which point the East first corner section corner of Section 11 of said Township 6 North, Range 1 West, is hereby described) the SOUTHEAST CORNER OF SECTION 11, and from said point, W 66°35'00" V 660.00' (in a direct distance of 660.00') the SOUTHEAST CORNER OF SAID Section 11, 3 Subdivision Phase 1, 50 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence from said point, N 89°15'30" E 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence FROM said point, N 66°30'00" E 660.00' a distance of 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence FROM said point, N 89°15'30" E 660.00' a distance of 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence FROM said point, N 66°30'00" E 660.00' a distance of 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence FROM said point, N 89°15'30" E 660.00' a distance of 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

Thence FROM said point, N 66°30'00" E 660.00' a distance of 660.00' to a point on the SOUTHEAST boundary line of said polygon, 3 Subdivision Phase 1, 60 feet from the SOUTHEAST CORNER of SAID Section, 3 Subdivision Phase 1, 60 feet being the point of beginning.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

DAVID D. STALEY
DISTRICT ATTY.

Certificate of Surveyor

L. JAMES WARGOON, an officer duly certified as a Professional Land Surveyor, resides at the City of Des Moines, County of Polk, State of Iowa, and that this plat as described in the certificate of owners was drawn from an accurate survey made on the ground under my direct supervision and accurately represents the contours and lines described therein, and is in conformity with the survey of said plat as required by plat surveys.

L. JAMES WARGOON

Exhibit from Plat of Subdivision

The above parcel contains 2.45 acres more or less.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

M. DOUG, MANAGER
THE LAND GROUP INCORPORATED

The above parcel contains 2.45 acres more or less.

Acknowledgment

STATE OF IOWA
COUNTY OF ADA

On the 3rd day of October, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared L. JAMES WARGOON, officer or corporation to be the person described in plat surveys, who is the manager of said corporation, and acknowledged to me that said corporation executed the same.

I, hereby certify that I, a Notary Public in and for said State, personally appeared and acknowledged to me the person described in plat surveys as the manager of said corporation, and that I have been directed to execute said plat surveys in accordance with the requirements of said corporation, and acknowledged to me that said corporation executed the same.

M. DOUG, MANAGER
THE LAND GROUP INCORPORATED

Acknowledgment

STATE OF IOWA
COUNTY OF ADA

On the 3rd day of October, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared and acknowledged to me the person described in plat surveys as the manager of said corporation, and acknowledged to me that said corporation executed the same.

I, hereby certify that I, a Notary Public in and for said State, personally appeared and acknowledged to me the person described in plat surveys as the manager of said corporation, and that I have been directed to execute said plat surveys in accordance with the requirements of said corporation, and acknowledged to me that said corporation executed the same.

M. DOUG, MANAGER
THE LAND GROUP INCORPORATED

THE LAND GROUP INCORPORATED

422 East Storm Lake Ave, Suite 200
Email: info@landgroup.com
Ph: 515-327-8441 Fax: 515-327-8445
www.landgroup.com

PH. 114995 SHEET 2 OF 3
HCR/Level 3 Subdivision Phase 2

Approval of Central District Health Department

Sanitary restrictions as required by Idaho Code, Title 19, Chapter 12 have been satisfied according to the letter to be read on file with the county recorder of Ada County. Unless the conditions of approval, sanitary restrictions may be re-imposed in accordance with Section 35-1706, Idaho Code, by the issuance of a certificate of disapproval.

[Signature]

COUNTY OFFICER

U-2-15

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 rules of Idaho Code relating to plats and surveys.

COUNTY SURVEYOR

Certificate of the County Treasurer

I, the undersigned, county treasurer, in and for the county of Ada, state of Idaho, do hereby certify that all taxes and all current annual recurrent county property taxes due for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

DATE

COUNTY TREASURER

Certificate of City Engineer

I, the undersigned, city engineer in and for the city of Eagle, Ada County, Idaho, do hereby certify that I have checked this plat and that the city requirements governing plat forms have been met.

[Signature]

CITY ENGINEER

County Recorder's Certificate

I hereby certify that the instrument was filed for record at the request of the Land Group, Inc. at ______ minutes past ______ o'clock ______ A.M., on the ______ day of ______, ______ in book ______ of plats at pages ______ through ______ Instrument No. ______.

RECIPT

EXHIBIT FILED

Approval of City Council

I, the undersigned, city clerk in and for the city of Eagle, Ada County, Idaho, do hereby certify that at a regular meeting of the city council held on the ______ day of ______, ______, this plat was approved and accepted.

[signature]

CITY CLERK, EAGLE, IDAHO
Project/File: HRC/Level 3/EPP-07-12/EA-04-12/ECU-15-12/EPPUD-03-12/ERZ-06-12
This is an Annexation, Rezone, Preliminary Plat, and Planned Unit Development
application to annex and rezone the property from RUT to R-4-DA, and comprising of
46 single-family lots and 12 common lots on 16.17 acres. The site is located at 5001
& 5025 W. State Street in Eagle, Idaho.

Lead Agency: City of Eagle
Site address: 5001 & 5025 W. State Street
Staff Approval: March 7, 2013
Applicant: Home Capital Resources, LLC
Mike Dixon
787 E State Street, Ste. 105
Eagle, ID 83616

Representative: The Land Group, Inc.
Jason Densmer
462 E Shore Drive, Ste. 100
Eagle, ID 83616

Staff Contact: Stacey Yarrington
Phone: 387-6171
E-mail: syarrington@achdidaho.org

A. Findings of Fact

1. Description of Application: The applicant is requesting approval for Annexation, Rezone,
Preliminary Plat, and Planned Unit Development. This application is to annex and rezone the
property from RUT to R-4-DA. The preliminary plat will comprise of 46 single-family lots, including
2 existing homes that will remain, and 12 common lots on 16.17 acres.

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>Eaglefield Estates</td>
<td>MU-DA-P</td>
</tr>
<tr>
<td>South</td>
<td>Boise River and lakes (Ada County)</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Orchards at Eagle</td>
<td>MU-DA</td>
</tr>
<tr>
<td>West</td>
<td>Single-family Residential (Ada County)</td>
<td>RUT</td>
</tr>
</tbody>
</table>

3. Site History: ACHD has not previously reviewed this site for a development application.
4. **Adjacent Development**: The following developments are pending or underway in the vicinity of the site:
   - The Orchards at Eagle is a 74-unit condominium development located directly east abutting the site, and was approved by ACHD staff in April 2007.

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)**:
   - Linder Road is scheduled in the Five Year Work Plan to be widened an additional 5 feet, adding a turn lane at Hatchery Road and repave from Chinden Boulevard to State Street/SH-44 in 2013.
   - The intersection of Linder Road and State Street/SH-44 is scheduled in the Five Year Work Plan to be widened to 7-lanes on the north leg, 7-lanes on the south for ACHD legs, and modify signal in 2013. This is in partnership with ITD and is currently under construction.
   - Linder Road is listed in the Capital Improvements Plan to be widened to 7-lanes from Chinden Boulevard/SH 20/26 to State Street/SH-44 between 2017 and 2021.

**B. Traffic Findings for Consideration**

1. **Trip Generation (if TIS not required)**: This development is estimated to generate 409 additional vehicle trips per day (19 existing); 43 additional vehicle trips per hour in the PM peak hour (2 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><strong>State Street/SH-44</strong></td>
<td>497-feet</td>
<td>Principal Arterial</td>
<td>1,064</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Old Valley Road</td>
<td>50-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

3. **Average Daily Traffic Count (VDT)**
   *Average daily traffic counts are based on ACHD's most current traffic counts.*
   - The average daily traffic count for State Street/SH-44 west of Linder Road was 19,691 on 6/27/2012.
   - The average daily traffic count for Old Valley Road west of State Street/SH-44 was 310 in 24 hours on 10/25/2005.

**C. Findings for Consideration**

1. **State Highway State Street/SH-44**
   State Street/SH-44 is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, City of Eagle, and ITD should work together to determine if additional right-of-way or improvements are necessary on State Street/SH-44. ITD is currently in the process of constructing improvements on State Street/SH-44. ITD and ACHD are currently in the process of constructing improvements to the intersection of Linder Road and State Street/SH-44.
Applicant's Proposal: The applicant is proposing to construct a public street access (Avenue A) onto State Street/SH-44 located approximately 1,486-feet west of Linder Road (measured centerline to centerline).

Staff Comments/Recommendations: Comply with requirements of ITD and City of Eagle for the State Street/SH-44 frontage. Submit to the District a letter from ITD regarding said requirements prior to District approval of the final plat or issuance of a building permit (or other required permits), whichever occurs first.

Staff has safety concerns regarding the applicant’s proposal to construct a new public street to intersect State Street/SH-44 as State Street/SH-44 is a heavily used east/west commuter route between Canyon County and Ada County. While ITD has stated in an e-mail dated January 22, 2013 that the new public street (Avenue A) meets ITD’s street separation requirements, ITD also states that traffic numbers on State Street/SH-44 are so high, that the applicant is being required to construct a westbound left turn lane into the site. To improve the safety and function of State Street, staff recommends that ITD restrict this access to a limited temporary access that may be restricted to right-in/right-out only or possibly closed in the future as connections out to Linder Road and Moon Valley Road become available.

2. Internal Streets
   a. Existing Conditions: There are no existing public roadways within this site. There is an existing stub street to the site, Old Valley Road.
   
   b. Policy:
      
      Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

      Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

      Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

      The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

      Continuation of Streets Policy: District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

      • Reduces vehicle miles traveled.
      • Increases pedestrian and bicycle connectivity.
      • Increases access for emergency services.
      • Reduces need for additional access points to the arterial street system
      • Promotes the efficient delivery of services including trash, mail and deliveries.
• Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.

• Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District’s Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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

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

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

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

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-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.

• 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 continue Olc Valley Road into the site.

The applicant is proposing to construct the internal local streets as 36-foot street sections (back of curb to back of curb) with rolled curb, gutter, and 8-foot planter strip, within 50-feet of right-of-way. The applicant is proposing to construct 5-foot detached sidewalks outside of right-of-way within a 7-foot easement.

The applicant is proposing a cul-de-sac, with a 50-foot turning radius and 18-foot circular landscape island in the center, at the terminus of Avenue D.

The applicant is proposing to construct Avenue A, from State Street/SH-44 south for approximately 555-feet (property boundary line) with a 36-foot street section (back of curb to back of curb) with rolled curb, gutter, and 8-foot planter strip, within 50-feet of right-of-way and a detached 5-foot sidewalk, within a 7-foot easement, only on the east side of the street, where Avenue A transitions into Avenue B. The applicant is proposing that the remaining sidewalk be built when the adjacent property is developed.

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

The applicant should construct Avenue A, from State Street/SH-44 south for approximately 555-feet (property boundary line) with a 36-foot street section (back of curb to back of curb) with rolled curb, gutter, and 8-foot planter strip, within 50-feet of right-of-way and a detached 5-foot sidewalk, within a 7-foot easement, only on the east side of the street where Avenue A transitions into Avenue B, as proposed, as the right-of-way for Avenue A should touch the parcel directly west of the site (parcel No. S0411438200), providing future access to a public street.

The applicant should provide the District with a permanent right-of-way easement for any portion of sidewalk located outside of the right-of-way.

The applicant should be required to construct the cul-de-sac with a minimum 45-foot turning radius and a minimum 29-foot street section is constructed around the island, consistent with District policy.

The applicant should provide the District with a permanent right-of-way easement for the landscape island. The applicant should enter into a license agreement with the District for the landscaping within the proposed landscape island.

3. **Old Valley Road Off Site**

a. **Existing Conditions:** Old Valley Road is currently improved with 2 travel lanes, 21-feet of pavement, and no curb gutter or sidewalk abutting the site. There is 52-feet of right-of-way existing for Old Valley Road (26-feet from centerline) for approximately 658-feet from the intersection with Linder Road. The roadway terminates at the site’s east property line.

Old Valley Road between Linder Road and the site is planned to be improved as half a 36-foot street section plus 12 feet of pavement, curb, gutter and 5-foot detached sidewalk as part of the Orchards at Eagle project.

b. **Policy:**

**Off-Site Streets Policy:** District Policy 7207.2.3 states that if the proposed development is not served by a public street with at least 24-feet of pavement then the developer shall pave the street or widen the existing pavement to provide 24-feet of pavement with 3-foot gravel shoulders from the site to a public street specified by the District.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development
shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

c. **Applicant’s Proposal:** The applicant is not proposing any improvements to Old Valley Road off-site.

d. **Staff Comments/Recommendations:** As noted above Old Valley Road was required to be improved from Linder Road to the site as half a 36-foot street section plus 12 feet of pavement, curb, gutter and 5-foot detached sidewalk as part of the Orchards at Eagle project. Given the recent economic downturn, the project did not move forward and roadway improvements have not been constructed.

In the event Old Valley Road between Linder Road and site has not been improved as required by the Orchards at Eagle prior to ACHD’s signature on the first final plat for this project, then the applicant should be required to construct Old Valley Road to a minimum width of 24-feet of pavement with 3-foot gravel shoulders on both sides of roadway, as required by ACHD’s Off-Site improvement policy. These improvements should be constructed from Linder Road west to the site.

4. **Stub Streets**

a. **Existing Conditions:** There is an existing stub street to the site, Old Valley Road.

b. **Policy:**

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

In addition, stub streets must meet the following conditions:

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

- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.
Temporary Dead End Streets Policy: District policy 7207.2.4 (local) requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buidable lot, the entire lot shall be encumbered by the easement and identified on the plat as a nor-buildable lot until the street is extended.

c. Applicant Proposal: The applicant is proposing to continue O'd Valley Road into the site where it transitions into Avenue D.

The applicant is proposing to construct Avenue E approximately 460-feet south of State Street/SH-44, a length of approximately 258-feet upon where it intersects into Avenue C. Avenue E will provide approximately 82-feet of street frontage for the abutting property to the north.

d. Staff Comments/Recommendations: The applicant's proposal meets District Policy. Staff recommends approval of the applicant's proposal, as proposed.

5. Tree Planters
Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

6. 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.

7. Other Access
State Street/SH-44 is classified as principal 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 revise based on above.

1. The applicant should construct Avenue A, from State Street/SH-44 south for approximately 555-feet (property boundary line) with a 36-foot street section (back of curb to back of curb) with rolled curb, gutter, and 8-foot planter strip, within 50-feet of right-of-way and a detached 5-foot sidewalk, within a 7-foot easement, only on the east side of the street where Avenue A transitions into Avenue B, as proposed, as Avenue A is providing future access to the adjoining property.

2. The applicant should provide the District with a permanent right-of-way easement for any portion of sidewalk located outside of the right-of-way.

3. The applicant should be required to construct the cul-de-sac with a minimum 45-foot turning radius and a minimum 29-foot street section is constructed around the island, consistent with District policy.
4. The applicant should provide the District with a permanent right-of-way easement for the landscape island.

5. In the event Old Valley Road between Linder Road and site has not been improved as required by the Orchards at Eagle prior to ACHD's signature on the first final plat for this project, then the applicant should be required to construct Old Valley Road to a minimum width of 24-feet of pavement with 3-foot gravel shoulders on both sides of roadway, as required by ACHD's Off-Site improvement policy. These improvements should be constructed from Linder Road west to the site.

6. Construct Avenue E approximately 460-feet south of State Street/SH-44, a length of approximately 258-feet upon where it intersects into Avenue C, to provide approximately 82-feet of street frontage for the abutting property to the north.

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


E. **Standard Conditions of Approval**

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

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

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

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

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPW 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.