October 14, 2016

To: ACHD Commission
From: Kaci Bader, Development Review Coordinator
Subject: Final Plat: Memory Ranch Subdivision No. 1
Project Number: SUBP16-0010
Meeting Date: October 19, 2016

FACTS & FINDINGS:
1. Memory Ranch Subdivision No. 1 is a 47 buildable and 10 common lot residential subdivision on 13.86 acres. This site is located south of W. Lake Hazel Road along S. Ten Mile Road.
2. Memory Ranch Subdivision No. 1 adds 0.55 centerline miles to the ACHD roadway system.
3. Memory Ranch Subdivision No. 1 does not have available transit.
4. The applicant is Challenger Development, Inc. and the principal for the applicant is Corey D. Barton, President.
5. The preliminary plat was approved on July 24, 2015.
6. 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 $649,000 in the form of a letter of credit from Washington Trust Bank, in accordance with ACHD Policy Section 7103.2.
7. The applicant is responsible to complete all street improvements and conditions of approval required with the preliminary plat to ACHD standards by July 11, 2017 and prior to final acceptance of the street by ACHD and release of the financial surety.

RECOMMENDATION:
1. Approve the final plat of Memory Ranch Subdivision No. 1 and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat
2. Vicinity Map
MEMORY RANCH SUBDIVISION NO. 1

CERTIFICATE OF OWNERS

Know all men by these presents: That Challenger Development, Inc., an Idaho Corporation is the owner of the property described as follows:

A parcel of land located NE 1/4 of Section 3, T. 2N., R. 1W., B.M., Ada, County, Idaho more particularly described as follows:

Commencing at an aluminum cap monument marking the NE corner of said Section 3 from which an aluminum cap monument marking the E 1/4 corner of said Section 3 bears South 00°07'56" East, 2624.90 feet; thence along the East boundary line of said Section 3 South 00°07'56" East, 1,024.47 feet to the REAL POINT OF BEGINNING;

thence continuing along said East boundary line South 00°07'56" East, 1,063.38 feet;

thence leaving said East boundary line South 89°41'52" West, 161.00 feet; thence South 00°07'56" East, 100.00 feet to a point on the approximate centerline of the Harris Lateral;

thence along the approximate centerline of the Harris Lateral the following 2 courses:

thence North 80°23'40" West, 437.67 feet;
thence North 73°47'12" West, 37.22 feet;
thence leaving said approximate centerline North 19°03'12" East, 144.13 feet;
thence 59.34 feet along the arc of a non-tangent curve to the right, said curve having a radius of 325.00 feet, a central angle of 69°55'56" and a long chord of 50.27 feet which bears North 03°38'30" West;

thence North 29°49'56" East, 106.39 feet;
thence North 00°07'56" West, 502.01 feet;
thence North 02°08'37" East, 50.02 feet;
thence North 00°30'07" East, 101.00 feet;
thence South 00°29'53" East, 210.00 feet;
thence North 00°36'07" East, 101.00 feet;
thence South 89°29'53" East, 87.78 feet;
thence North 00°07'59" West, 51.11 feet;
thence North 89°52'01" East, 101.00 feet;
thence North 00°07'59" West, 18.24 feet;

thence North 09°52'01" East, 228.00 feet to the REAL POINT OF BEGINNING. Containing 13.66 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat and to dedicate to the public the public streets as shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Kuna main line located adjacent to the subject subdivision, and the City of Kuna has agreed in writing to serve all the lots in this subdivision.

Challenger Development, Inc., an Idaho Corporation

Corey Barton, President

CERTIFICATE OF SURVEYOR

I, Gregory G. Carter, 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 plotted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.

Gregory G. Carter
P.L.S. No. 7729

ACKNOWLEDGMENT

State of Idaho )

County of Ada )

On this __________ day of _______ 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the president of Challenger Development, Inc., the corporation that executed the foregoing Instrument, and acknowledged to me that he executed such Instrument for and on behalf of said corporation and that said corporation executed the same.

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

My commission expires ________

Notary Public for Idaho
Residing in ________ Idaho
MEMORY RANCH SUBDIVISION NO. 1

HEALTH CERTIFICATE
Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1325, Idaho Code, by the issuance of a certificate of disapproval.

District Health Department, EHS        Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT
The foregoing plat was accepted and approved by the Board of Ada County -Highway District Commissioners on the _____ day of __________, 20____.

Chairman ACHD

APPROVAL OF CITY ENGINEER
I, Gordon Law, the City Engineer in and for the City of Kuna, Ada County, Idaho, on this day ______________ hereby approve this plat.

City Engineer        Date

APPROVAL OF CITY COUNCIL
I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho, hereby certify that at a regular meeting of the City Council held on the _____ day of __________, 20____, this plat was duly accepted and approved.

City Clerk, Kuna, Idaho

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.

County Surveyor

CERTIFICATE OF COUNTY TREASURER
I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C. 50-1308 do hereby certify that any and all current and/or delinquent county property taxes 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

COUNTY RECORDER'S CERTIFICATE
State of Idaho )
) ss.
County of Ada )

I hereby certify that this instrument was filed for record at the request of __________________________ at __________ Minutes past __________ o'clock ______ M. on the _____ day of __________, 20____ in Book __________ of plats at Pages ____________ .

Instrument No. __________________________

Deputy        Ex-Officio Recorder
Project/File: Memory Ranch / KPP15-0003 / 15-02-AN / 15-01-S
The applicant is requesting annexation of approximately 10 acres, rezoning of approximately 135 acres to R-6, and subdivision of approximately 67 acres as part of Memory Ranch Subdivision. The proposed subdivision will include 261 residential lots and 20 common lots, located near the southwest corner of Lake Hazel Road and Ten Mile Road.

Lead Agency: City of Kuna
Site address: SWC of Ten Mile Road and Lake Hazel Road
Applicant: Jane Suggs
Suggs Community Solutions
200 Louisa St.
Boise, ID 83712

Representative: Trilogy Development
2358 S. Titanium Pl.
Meridian, ID 83642

Staff Contact: Austin Miller
Planner I
Phone: 387-6335
E-mail: amiller@achdidaho.org

A. Findings of Fact

1. Description of Application: The applicant is requesting annexation of approximately 10 acres, rezoning of approximately 135 acres to R-6, and subdivision of approximately 67 acres as part of Memory Ranch subdivision. The proposed subdivision will include 261 residential lots and 20 common lots, located near the southwest corner of Lake Hazel Road and Ten Mile Road.

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 Residential</td>
<td>RR</td>
</tr>
<tr>
<td>East</td>
<td>Rural Residential</td>
<td>RR</td>
</tr>
<tr>
<td>West</td>
<td>Rural Residential</td>
<td>RR</td>
</tr>
</tbody>
</table>

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

4. New Center Lane Miles: The proposed development includes approximately 1.8 lane miles of new public road.
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/ Integrated Five Year Work Plan**:
   - The intersection of Ten Mile Road and Amity Road is scheduled in the IFYWP to be reconstructed as a roundabout in 2019.
   - Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Ten Mile Road to Black Cat Road between 2027 and 2031.
   - Ten Mile Road is listed in the CIP to be widened to 5-lanes from Columbia Road to Lake Hazel Road between 2027 and 2031.
   - The intersection of Lake Hazel Road and Ten Mile Road is listed in the CIP to be reconstructed as a dual-lane roundabout with a southbound right turn bypass lane between 2022 and 2026.
   - The intersection of Ten Mile Road and Amity Road is listed in the CIP to be widened to 7-lanes on the north leg, 7-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 2,494 vehicle trips per day; 196 vehicle trips per hour in the AM peak hour and 263 vehicle trips per hour in the PM peak hour, based on the traffic impact study.

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

**Proposed Development:**
The project is a residential development of approximately 262 single family dwelling units. The final site plan was not finalized at the time of this report.

The site is expected to access the transportation system via Lake Hazel Road and Ten Mile Road. Future connectivity will be provided to the southwest.

**Study Area:**
The area of influence is anticipated to be west Ada County, Idaho, including the City of Kuna. The primary impact will be along Lake Hazel toad and Ten Mile Road. The study area will include the following intersections.
   - Ten Mile Road and Lake Hazel Road
   - Linder Road and Lake Hazel Road
   - Amity Road and Ten Mile Road

**Conclusions:**
Below are the findings of the report:
   - The site will access the transportation system via Lake hazel road, and Ten mile Road.
   - The intersection of Lake Hazel Road and Linder Road will operate at acceptable levels of service under background and total traffic conditions in the build out year. The critical peak hour is in the PM peak hour.
The intersection of Ten Mile Road and Amity Road will operate at unacceptable levels of service under background and total traffic conditions in the build out year as an all way stop controlled intersection. The critical peak hour is in the PM peak hour. The ACHD Five Year Improvement plan includes reconstruction of this intersection to a roundabout. As a roundabout, the intersection will operate at an acceptable level of service in both the background and total traffic conditions.

If we add traffic from approved off site developments to the existing traffic at the intersection of Ten Mile and Amity, we estimate that the intersection will operate at a poor LOS F. However, the subdivisions have not yet been approved and may not be at full build out prior to 2019. In the PM peak hour, the intersection will operate at LOS F with an additional 25 vehicles in the southbound through movement and 12 additional vehicles in the northbound through movement. The AM Peak hour has much more capacity available. Since the roundabout is a scheduled project, this intersection will only operate at a poor level of service for a year or two.

The intersection of Lake Hazel Road and Ten mile Road will operate at acceptable levels of service under background and total traffic condition in the build out year as an all way stop controlled intersection. The critical peak hour is in the PM peak hour. Ten Mile Road is expected to operate at an acceptable better than LOS D in the build out year based on the ACHD policy of arterial roads. Lake Hazel Road is expected to operate at an acceptable better than LOS D in the build out year based on the ACHD policy for arterial roads. Lake Hazel Road is identified as a future primary east-west arterial roadway.

The proposed site plan provides good circulation. Only one road is anticipated to exceed 1,000 vpd and there are no front-on houses on this segment. This road should be constructed to collector standards.

The site access point on Lake Hazel road is approximately ¼ mile form Ten Mile Road, and is in conformance with ACHD access standards.

The north site access point on Ten Mile road is approximately 1,000 feet south of Lake Hazel Road, and is in conformance with ACHD access standards.

The south access point on Ten Mile Road is approximately 900 feet south of the north entrance, and is in conformance with ACHD access standards. This access is intended to be temporary, and will be closed upon the extension of the east-west mid mile collector road at Ten Mile Road.

3. Condition of Area Roadways
Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Hazel Rd.</td>
<td>2,2010-feet</td>
<td>Principal Arterial</td>
<td>54</td>
<td>Better than “E”</td>
<td>Better than “E”</td>
</tr>
<tr>
<td>Ten Mile Rd.</td>
<td>1,660-feet</td>
<td>Minor Arterial</td>
<td>308</td>
<td>Better than “D”</td>
<td>Better than “D”</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).

4. Average Daily Traffic Count (VDT)
Average daily traffic counts are based on ACHD’s most current traffic counts.

- The average daily traffic count for Lake Hazel Road west of Ten Mile Road was 640 on January 26, 2012.
- The average daily traffic count for Ten Mile Road north of Columbia Road was 3,680 on February 28, 2012.
C. Findings for Consideration

1. Ten Mile Road and Amity Road Intersection
   a. TIS Findings:

   Under background and total traffic conditions in the build out year, the intersection of Ten Mile Road and Amity Road will operate at unacceptable levels of service as an all way stop controlled intersection. The critical peak hour is in the PM peak hour.

   The ACHD Five Year Improvement plan includes reconstruction of this intersection to a roundabout. As a roundabout, the intersection will operate at an acceptable level of service in both the background and total traffic conditions.

   With traffic added from approved and proposed developments in the area, it is estimated that the intersection will operate at LOS F. However, not all of the subdivisions included in this TIS have been approved and may not be fully built out prior to 2019. In the PM peak hour, the intersection will operate at LOS F with an additional 25 vehicles in the southbound through movement and 12 additional vehicles in the northbound through movement. The AM Peak hour has much more capacity available. Since the roundabout is a scheduled project, this intersection will only operate at a poor level of service for a year or two, IF all of the approved and proposed developments are built out.

   PM Peak Hour Intersection Analysis Summary (assuming roundabout in 2019)

<table>
<thead>
<tr>
<th>LOS Summary PM Peak Hour Conditions</th>
<th>2015</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition</td>
<td>Existing</td>
<td>Background</td>
</tr>
<tr>
<td></td>
<td>Delay s/v v/c LOS</td>
<td>Delay s/v v/c LOS</td>
</tr>
<tr>
<td>Amity/Ten Mile</td>
<td>43.2 E</td>
<td>16.2 C</td>
</tr>
<tr>
<td>NB Approach</td>
<td>17.6 C</td>
<td>11.6 0.53 B</td>
</tr>
<tr>
<td>SB Approach</td>
<td>70.8 F</td>
<td>30.0 0.81 C</td>
</tr>
<tr>
<td>EB Approach</td>
<td>18.2 C</td>
<td>10.8 0.40 B</td>
</tr>
<tr>
<td>WB Approach</td>
<td>32.6 D</td>
<td>11.5 0.38 B</td>
</tr>
</tbody>
</table>

   b. Policy:

   Level of Service Standards

   The TIS shall evaluate the potential impact of a specific development on the existing system. Acceptable level of service standards for each roadway segment and/or intersection evaluated shall be in accordance with Table 2 and Table 3. For all roadway segments the minimum acceptable projected level of service shall be LOS E for Principal Arterials and LOS D for Minor Arterials and Collectors. The acceptable level of service for all intersections should be based on a maximum Volume to Capacity (V/C) ratio of .90. The projected traffic shall include the background traffic and the projected site traffic.

   Table 2: Level of Service Standards for Roadway Segments (Maximum Peak Hour Volumes)

<table>
<thead>
<tr>
<th>Functional Classification</th>
<th>Lanes</th>
<th>LOS D</th>
<th>LOS E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterials</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Left-Turn Lanes</td>
<td>1</td>
<td>550</td>
<td>690</td>
</tr>
<tr>
<td>Minor Arterials</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Left-Turn Lane</td>
<td>1</td>
<td>550</td>
<td>690</td>
</tr>
</tbody>
</table>
c. **Applicant Proposal:** The applicant is not proposing any improvements to the intersection of Ten Mile Road and Amity Road, which is located one mile north of the site.

d. **Staff Comments/Recommendations:** The Ten Mile Road and Amity Road intersection is listed in the adopted IFYWP and the draft for the updated IFYWP to be reconstructed as a roundabout in 2019. The intersection is currently operating at capacity. The intersection will operate at LOS F under current conditions and with the proposed development traffic added.

Typically, when a roadway or intersection adjacent to a development is at or above an acceptable level of service staff recommends that improvements be made to mitigate the additional traffic to be generated by the development, or that the developer wait until ACHD makes improvements, as scheduled in the CIP or IFYWP. The southbound thru movement is the only leg of the intersection that operates at LOS F. In this case, improvements include the reconstruction of the Ten Mile Road and Amity Road intersection. However, given timing of the development build out (estimated 2017-2018) in relation to the intersection project (2019), and the costs associated with reconstructing the intersection (in excess of $1,200,000), accompanied with the aforementioned fact that the intersection is currently at capacity, it should not be necessary for the applicant to construct the improvements. Additionally, right-of-way acquisition is necessary for construction of the project, and because the intersection is located one mile north of the site, the applicant does not control or own parcels adjacent to the intersection project.

Staff recommends a waiver of District Policy 7601.4.1 Level of Service Standards due to the reasons previously discussed. This allows the project to move forward with the understanding that the intersection of Ten Mile Road and Amity Road will be reconstructed in 2019, consistent with the IFYWP.

2. **Lake Hazel Road**

a. **Existing Conditions:** Lake Hazel Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 26-feet of pavement (13-feet from centerline), within 50-feet of right-of-way for Lake Hazel 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.

**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.

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

**Right-of-Way Dedication:** District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalk 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-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

**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 Arterial Road is designated in the MSM as a Residential Mobility Arterial with 5-lanes within 100-feet of right-of-way.

c. Applicant Proposal: The applicant is proposing to dedicate 50-feet of right-of-way from centerline on Ten Mile Road abutting the site, and proposing to improve Lake Hazel Road with detached sidewalk.

d. Staff Comments/Recommendations: The applicant should be required to dedicate 50-feet of right-of-way from centerline on Lake Hazel Road abutting the site. The applicant should be required to widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide
gravel shoulder, and should construct a 5-foot wide (minimum) detached concrete sidewalk along Lake Hazel Road abutting the site.

3. Ten Mile Road
   a. Existing Conditions: Ten Mile Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 26-feet of pavement (13-feet from centerline), within 50-feet of right-of-way for Ten Mile 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.

      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.

      Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

      Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area. No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

      The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

      Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk 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-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

      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.

      Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

      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 Ten Mile Road is designated in the MSM with 5-lanes.
c. **Applicant Proposal:** The applicant is proposing to dedicate 50-feet of right-of-way from centerline on Ten Mile Road abutting the site, and proposing to improve Ten Mile Road with detached sidewalk.

d. **Staff Comments/Recommendations:** The applicant should be required to dedicate 48-feet of right-of-way from centerline on Ten Mile Road abutting the site, and should widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder, and construct a 5-foot wide (minimum) detached concrete sidewalk along Ten Mile Road abutting the site.

4. **Internal Local Streets**
   a. **Existing Conditions:** There are no roads constructed internal to the site.

   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.

**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 construct the internal local roads as 36-foot street sections within 52-feet of right-of-way, complete with curb, gutter and 5-foot wide sidewalk.

Memory Way south of Lake Hazel Road is proposed to be constructed as a 54-foot street section within 80-feet of right-of-way, including a landscape median, vertical curb, gutter, and sidewalk. Memory Way tapers to the standard 36-foot street section north of Remembrance Drive.

Memorial Street between Ten Mile Road and Donaway Avenue is proposed as a 50-foot street section within 70-feet of right-of-way, including a landscape median, vertical curb, gutter, and sidewalk.

The applicant is proposing to construct knuckles throughout the site. The knuckles are all proposed to have 48-foot radii.

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

Landscape medians should be platted as right-of-way owned by ACHD. The medians are approved up to the 12-foot maximum width. Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding. The applicant should be required to provide 21-foot wide travel lanes on each side of the medians, as proposed.
A license agreement is required for all landscaping within ACHD right-of-way. 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.

5. **Roadway Offsets**
   
a. **Existing Conditions:** There are no public roads constructed internal to the site.

b. **Policy:**
   
   **Local Street Intersection Spacing on Principal Arterials:** District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 1,320-feet as measured from all other existing roadways as identified in Table 1b (7205.4.7).

   **Local Street Intersection Spacing on Minor Arterials:** District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

   **Collector Offset Policy:** District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting arterial roadways is one half-mile.

   **Local Offset Policy:** District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

   District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

c. **Applicant’s Proposal:** The applicant is proposing to locate Memory Way to intersect Lake Hazel Road approximately 1,300-feet west of Ten Mile Road (measured centerline to centerline).

   The applicant is proposing to locate Memorial Street to intersect Ten Mile Road approximately 1,000-feet south of Lake Hazel Road, and Haymaker Street to temporarily intersect Ten Mile Road approximately 1,900-feet south of Lake Hazel Road (measured centerline to centerline).

   All internal roads are proposed to align with or offset all other roads at distances greater than 125-feet.

d. **Staff Comments/Recommendations:** Memory Way is proposed to intersect Lake Hazel Road approximately ¼ mile west of Ten Mile Road. This location should be approved as proposed.

   Memorial Street intersecting Ten Mile Road meets District policy and should be approved as proposed.

   The applicant has proposed to construct Haymaker Road as a 36-foot wide temporary access road onto Ten Mile Road, located approximately 1,900-feet south of Lake Hazel Road (measured centerline to centerline). The temporary access is proposed to provide additional access to the development and is proposed to be closed once the planned future collector street is constructed.

   Staff is supportive of the applicant’s proposal and recommends that a temporary right-of-way easement be provided for the 36-foot wide temporary access road. The easement would be released after the planned future collector is constructed.
6. **Stub Streets**

   a. **Existing Conditions:** There are no public roads existing internal to the site or stubbed to the site.

   b. **Policy:**

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

   c. **Applicant Proposal:** The applicant is proposing to construct 3 stub streets. Donaway Avenue is proposing to stub to the northeast corner of the site, as well as the southeast corner of the site abutting the Harris lateral canal. Salutation Street is proposed to stub west of the site along the Harris Lateral canal.

   d. **Staff Comments/Recommendations:** The applicant's proposal should be approved as proposed.

      The applicant should be required to provide a road trust deposit for half the cost of the extension of Donaway Avenue over Harris Lateral.

      Typically when a stub street is proposed to stub to a canal and the site’s property line extends to the middle of the canal the applicant is required to provide a road trust deposit for half the cost of the extension of the street over the canal, as is the case with Salutation Street and Donaway Avenue. In lieu of providing a road trust deposit for Salutation Street, the applicant has the option to enter into a Development Agreement (DA) which would require the construction of the bridge crossing of the Harris Lateral when the parcel on the west side of the canal develops.

      The option for the DA in lieu of the road trust deposit is because the applicant owns the property on both sides of the canal at the proposed Salutation Street crossing. The parcel west of the canal that the bridge would connect to is large enough (approximately 60 acres) to fund the bridge construction.

      Staff recommends that the applicant and ACHD enter into a DA which would be recorded against the approximately 60 acre parcel west of Harris Lateral. This will ensure that a bridge is constructed when the parcel west of the canal develops regardless of who owns the property at that time.
The DA should identify that when the parcel to the west of the canal develops that the bridge crossing of Harris Lateral will be constructed. The applicant should be required to provide a preliminary design for the bridge crossing to show that grades will work as part of plan approval for Salutation Street.

In order to ensure the bridge is constructed when the parcel west of the Harris Lateral develops, the DA must be in place and all conditions of the DA satisfied prior to signature of the first final plat within Memory Ranch Subdivision.

7. 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.

8. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

9. Other Access

Lake Hazel Road and Ten Mile Road are classified as arterial roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate 50-feet of right-of-way from centerline on Lake Hazel Road abutting the site.
2. Dedicate 48-feet of right-of-way from centerline on Ten Mile Road abutting the site.
3. Widen the pavement of Lake Hazel Road and Ten Mile Road abutting the site to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder.
4. Construct a minimum of 5-foot wide detached concrete sidewalk along Lake Hazel Road and Ten Mile Road abutting the site.
5. Construct the internal local roads as 36-foot street sections within 50-feet of right-of-way, complete with curb, gutter and 5-foot wide sidewalk.

Memory Way south of Lake Hazel Road is to be constructed as a 54-foot street section within 80-feet of right-of-way, including a landscape median, vertical curb, gutter, and sidewalk. Memory Way tapers to the standard 36-foot street section north of Remembrance Drive. Right-of-way at the northern portion of Memory Way should extend to the western property line, allowing access to the western parcel for future development.

Memorial Street between Ten Mile Road and Donaway Avenue is to be a 50-foot street section within 70-feet of right-of-way, including a landscape median, vertical curb, gutter, and sidewalk.

6. Construct Haymaker Road as a 36-foot wide temporary access road onto Ten Mile Road, located approximately 1,900-feet south of Lake Hazel Road (measured centerline to centerline). The temporary access is proposed to provide additional access to the development and is proposed to be closed once the planned future collector street is constructed. Staff recommends that a
temporary right-of-way easement be provided for Haymaker Street, the 36-foot wide temporary access road. The easement would be released after the planned future collector is constructed.

7. Landscape medians should be platted as right-of-way owned by ACHD. The medians are approved up to the 12-foot maximum width. Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding. Provide 21-foot wide travel lanes on each side of the medians.

8. Stub Donaway Avenue to the northeast corner of the site. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

9. Provide a road trust deposit for half the cost of the extension of Donaway Avenue over Harris Lateral. Road will be extended sign

10. The applicant and ACHD shall enter into a Development Agreement which would be recorded against the approximately 60 acre parcel west of Harris Lateral, for the bridge extension of Salutation Street spanning Harris Lateral. This will ensure that a bridge is constructed when the parcel west of the canal develops regardless of who owns the property at that time. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

11. A license agreement is required for all landscaping within ACHD right-of-way.

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


E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

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

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

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

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

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

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

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District’s Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines
VICINITY MAP
SITE PLAN

FUTURE
PRELIMINARY
PLAT PHASES
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 Development Services Manager when it is alleged that the Development Services 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 Development Services 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 Development Services 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.