NOTE: Pursuant to Idaho Code 40-1415(6), the ACHD Commission has the authority to accept and approve all subdivision plats as to continuity of highway pattern, widths, drainage, right-of-way construction standards, traffic flow, traffic demand volumes within or outside the boundaries of the proposed development, and other matters associated with the function of the highway district. The ACHD Commission does not have the final authority to impose any conditions related to traffic caused by any new development applications. Pursuant to the Idaho Supreme Court decision in KMST, LLC vs. Ada County, 138 Idaho 557, 581-582, 2003, only the land use agency (City or County) has the final authority to approve or reject the proposed development, including the final authority to implement conditions related to the transportation system. ACHD is not governed by the Idaho Local Land Use Planning Act, Idaho Code 67-6501, which only authorizes land use agencies (City and/or County) to make land use decisions. i.e. development density, zoning, area of impact and comprehensive plan amendments.

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PRE-COMMISSION AGENDA
11:45 a.m. | Will start at this time or shortly after | ACHD Pre-Commission Room

  General Housekeeping Items
  Discussion of Commission Meeting Agenda
  Director’s Administration & Operations Report - The Director’s A&O Report can be heard before or after a work session or the Pre-Commission Meeting or during the Post-Commission Meeting.

The Commission welcomes public input on agenda items. If you wish to testify, please use the sign-in sheet to ensure you have a chance to speak. Individuals are asked to limit their remarks to three minutes, and more time is afforded to representatives of groups. If you want to submit written comments, please do so at least 24 hours in advance to assure that Commissioners have time to read and consider your views. Information and inquiries may be submitted through Tell US.

COMMISSION MEETING AGENDA
12:00 p.m. | Michael L. Brokaw Auditorium

ADOPT AGENDA - Request for Adoption

CONSENT AGENDA - ACTION ITEMS
Items on the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless a Commissioner or citizen so requests, in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda. All Consent Agenda Items are Commission "action items" unless noted.

1. Minutes and Minute Entries
   Request to Approve Minutes and Minute Entries from the June 3, 2020 Commission Meeting.
   Commission Meeting - 03 Jun 2020 - Minutes - Pdf
   Stacey Spencer - Secretary of the Board/Executive Assistant - sspencer@achdidaho.org

2. Cedarbrook--Preliminary Plat
   Request for Approval
   This is a preliminary plat application consisting of 330 single family residential lots, 38 common lots and 4 shared driveway lots on 119 acres. The site is located at the northwest corner of Linder Road and Amity Road.
   Staff Report - Cedarbrook--Preliminary Plat - 03 Jun 2020 - Pdf
   Dawn Battles - Planner, Development Services - dbattles@achdidaho.org

3. Reexamination of Establishing the Procedures and Approving the Sale of Surplus Property located at 5020 W. State Street, Boise.
   Request for Approval
   Commission Discussion & Possible Decision
   Commission directed staff to meet with the City of Boise and after reviewing the City's request determining if City’s request is in the best interest of ACHD and the public, presenting to the Commission the staff's recommendation and requesting the approval from Commission that the subject property should be sold or exchanged and establishing the procedures for the public sale.
   1B - StaffReportAuthSale3
   Exhibit A
   Exhibit B
   Lorie Baird - Real Estate Specialist - lbaird@achdidaho.org

4. Reexamination of Establishing the Procedures and Approving the Sale of Surplus Property located at 4902 W. State Street, Boise.
   Request for Approval
   Commission Discussion & Possible Decision
   Commission directed staff to meet with the City of Boise and after reviewing the City's request determining if City’s request is in the best interest of ACHD and the public, presenting to the Commission the staff's recommendation and requesting the approval from Commission that the subject property should be sold or exchanged and establishing the procedures for the public sale.
   Staff Report - Reexamination of Establishing the Procedures and Approving the Sale of Surplus Property located at 4902 W. State Street, Boise. - 09 Ju - Pdf
   Lorie Baird - Real Estate Specialist - lbaird@achdidaho.org

5. Chukar Ridge - Preliminary Plat
   Request for Approval
   Modification from Policy
   The applicant is requesting approval of a preliminary plat application to develop 63 building lots, 8 common lots and 5 other lots on 15.42 acres. The site is located at the mid-mile on the west side of McDermott Road north of Ustick Road at 4005 N. McDermott Road.
   Staff Report - Chukar Ridge - Preliminary Plat - 07 Jun 2020 - Pdf
   Paige Bankhead - Planner, Development Services - pbankhead@achdidaho.org

6. Sadie Creek - Site Plan Review
   Request for Approval
   Waiver of Policy
   This is a site plan review of a 97-lot residential subdivision consisting of 85 single family
buildable lots and 12 common lots. The 26-acre site is located at 1101 S Meridian Road in Kuna, Idaho.

Sadie Creek Commission Packet
Austin Miller - Planner II - amiller@achdidaho.org

REGULAR AGENDA ITEMS - ACTION ITEMS

All Regular Agenda Items are Commission "action items" unless noted.

1. None.

DISCUSSION ITEMS

Public Communications

NOTE: The Web version of the ACHD Commission agenda is provided as a service and is not the formal agenda of the Commission. The most current and legally noticed Commission agenda is the one posted at the District's headquarters, which can be obtained by calling 387-6100.

To arrange for a translator or other accommodation, contact ACHD at (208) 387-6100.
Se les recomienda a las personas que necesiten un intérprete o arreglos especiales que llamen a la coordinadora de participación pública, al (208) 387-6100.
Minutes and Minute Entries of the Commission Meeting of the Ada County Highway District held Wednesday, June 3, 2020 in the offices of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho.

PRE-COMMISSION AGENDA - 11:45 A.M.
Commission present: None.
Commission via teleconference: Hansen, Baker, Goldthorpe and May
Staff present: Director Wong, Price, Stanton, Cooney, Du Bois, Spears, D. Wallace, M. Wallace and Spencer
Staff via teleconference: Daigle, Pestka, Berenger, G.Inselman, Bevins, Tannler and Carnegie
Public via teleconference: 29

The Commission reviewed the Agenda. No official action was taken.

COMMISSION MEETING AGENDA - 12:00 P.M.
Commission Present: Rebecca Arnold
Commission via teleconference: Sara Baker, Jim Hansen, Kent Goldthorpe and Mary May
Staff Present: Director Bruce Wong, Steve Price, Michael Stanton, Ken Cooney, Scott Spears, Nicole Du Bois, Mindy Wallace, Dave Wallace and Stacey Spencer.
Staff via teleconference: Paul Daigle, Dave Wallace, Gary Inselman, Jennifer Berenger, Sherwin Pestka, Dyan Bevins, Lloyd Carnegie and Christine Tannler.
Public via teleconference: Over 140+ Zoom participants

Commissioner May called the meeting to order at 12:00 p.m. and welcomed everyone.

The Commission and Audience recited the pledge of allegiance.

Commissioner May recognized Ryan Fisher, Dale Kuperus, John Phillips and Kevin Buchanan for their longevity with the District.

ADOPT AGENDA - REQUEST FOR ADOPTION
A change to the originally published meeting agenda occurred less than forty eight (48) hours prior to the start of the meeting. The Commission is required to make a motion to approve the posted Amended Agenda. The Amended Agenda is effective upon the passage of the motion.

ACTION TAKEN: Kent Goldthorpe made a motion to adopt the agenda. Jim Hansen seconded.

Motion went to vote and carried unanimously.
CONSENT AGENDA - ACTION ITEMS
1. Minutes & Minute Entries
   Request for Approval

2. FY22 Pavement Preservation and ADA Phase 1 project - Approval and signature of the Professional Services Agreement
   Request for Approval

3. Gowen Rd Bridge 2110 - Approval and signature of Interagency Agreement with City of Boise and CCDC for conduit installation during construction.
   Request for Approval

4. Pedestrian Advisory Group Appointments
   Request for Approval

ACTION TAKEN: Jim Hansen made a motion to Approve the Consent Agenda with the exception of Item #2, FY22 Pavement Preservation and place this Item as #2 on the Regular Agenda and move Ordinance No. 244 to Item #3. Rebecca Arnold seconded. Motion went to vote and carried unanimously.

REGULAR AGENDA ITEMS - ACTION ITEMS
1. Reconsideration Request of Certificate of Zoning Compliance (CZC) application for Crystal Springs Apartments:
   Request for Reconsideration

   Mindy Wallace, ACHD Planning Review Supervisor, presented staff report.

   No Motion was heard. Reconsideration request denied.

2. FY22 Pavement Preservation and ADA Phase 1 project - Approval and signature of the Professional Services Agreement:

   Brian McCarthy, ACHD Project Manager, presented staff report.

   Commissioner Hansen asked a question of Mr. McCarthy. Mr. McCarthy responded.

   ACTION TAKEN: Sara Baker made a motion to Approve the FY22 Pavement Preservation and ADA Phase 1 Project as recommended by staff. Kent Goldthorpe seconded.

   Commissioner Hansen provided comment.

   ACTION TAKEN: Jim Hansen made a Substitute Motion to Defer the FY22 Pavement Preservation and ADA Phase 1 Project until a later date. No second was heard, motion died on the floor.
Original Motion went to vote and carried 4-1.

Ayes: Kent Goldthorpe, Sara Baker, Mary May, and Rebecca Arnold.
Nays: Jim Hansen.

3. Continuance of Ordinance No. 244 – Amending Title II of the ACHD Code with the addition of a new Policy Section 7400:
   Request for Adoption  Public Hearing

Commissioner May noted for the record that the Public Hearing was still open from the May 20, 2020 Commission Meeting.

Scott Spears, ACHD Assistant General Counsel, presented staff report.

Commissioner Arnold asked a question of Mr. Spears. Mr. Spears responded.

Commissioner Baker asked a question of Mr. Spears. Mr. Spears responded.

Commissioner Baker asked a question of Mr. Spears. Mr. Spears responded.

Steven Baker, 5170 River Springs St., Eagle, Idaho, testified.
Juliana Benner, 1617 N. 5th Street, Boise, Idaho, testified.
Raine Saunders, 6922 E. Tao Street, Boise, Idaho, testified.
Eric Brandt, 2824 N Weaver Circle, Boise, Idaho, testified.
Leah Lynne Bee, 1800 Marigold, Garden City, Idaho, testified.
Megan Campau, 3374 Forsythia, Boise, Idaho, testified.
Vivian Lockary, 2211 N. 19th Street, Boise, Idaho, testified.
Brandon Thompson, 10113 W. Alliance Drive, Boise, Idaho, testified.
Sara Rodgers, 3021 W. Grover, Boise, Idaho, testified.
Barb Parshley, 22535 Bauman Drive, Wilder, Idaho, testified.
Paul McGavin, 62 Harrison Avenue, Sausalito, California, testified.
David DeHaas, 1116 Vista #261, Boise, Idaho, testified.
Sherry Gorrell, 716 W Franklin Street #1, Boise, Idaho, testified.
Tina Noble, 308 N. Atlantic Loop, Boise, Idaho, testified.
Carla Kyle, 3508 W Kootenai Street, Boise, Idaho, testified.

Nancy Lemas, 325 McGoven Lane, Boise, Idaho, testified.

Steve Price, ACHD General Counsel, provided comment.

Commissioner May asked a question of Mr. Price. Mr. Price responded.

Commissioner May asked a question of Mr. Price. Mr. Price responded.

Commissioner May asked for any further Public Comment, seeing none, Commissioner May closed the Public Hearing.

Commissioner Arnold provided comment.

Commissioner Baker provided comment.

JulianaBenner
RaineSaunders
MeganCampau
VivianLockary
SherryGorrell
CarlaKyle
DavidDeHaas

ACTION TAKEN: Kent Goldthorpe made a motion to Adopt Ordinance No. 244, Amending Title II of the ACHD Code with the addition of a new Policy Section 7400 with the amendments provided and recommended by staff. Sara Baker seconded.

Commissioner Goldthorpe provided comment.

Commissioner May provided comment.

Commissioner Hansen provided comment.

Mr. Price provided comment.

Commissioner Hansen provided comment.

Commissioner Baker provided comment.

Commissioner May provided comment.

Commissioner Arnold provided comment.

Commissioner May provided comment.

Commissioner Arnold provided comment.
Commission Meeting
June 3, 2020

Commissioner Goldthorpe provided comment.

Commissioner May provided comment.

Motion went to vote and Failed. Super Majority needed for Ordinance 3-2.

Ayes: Mary May, Kent Goldthorpe, and Sara Baker.
Nays: Rebecca Arnold and Jim Hansen.

DISCUSSION ITEMS
Commissioner May asked for any Public Comments, seeing none, Commissioner May adjourned the meeting at 2:09 p.m.

Stacey L. Spencer, Secretary

Mary May, President
June 3, 2020

Dear Commissioners:

I, Juliana Benner, a Boise resident and business owner for over 16 years, attest and affirm that the following statements are true, accurate, and within my personal knowledge.

The future of wired and wireless services depends on how much optical fiber is in place. The data-carrying capacity and speed of fiber-optics is enormous – a huge advantage over wireless systems.

In the early 1990s, the U.S. government required every person with a phone to pay an extra fee each month for the fiber-optic build-out. But the wireless companies took that money for their private build-out, instead. And the U.S. dropped the contractual imperative for optical fiber build-out. Idaho is owed billions of dollars, per the recently decided lawsuit, The Irregulators v. FCC.

By ceding the real optical fiber infrastructure to monopolistic wireless carriers, the U.S. gave up its role in providing the reliable communications networks it promised. The FCC under Presidents Obama and Trump allowed these companies to develop vertically integrated systems in which the companies own the distribution systems AND the content moving over the systems.

According to Harvard Law Professor Susan Crawford, “They’re looking for ways to make more money out of the same physical infrastructure, not for ways to expand that infrastructure. They feel they’ve reached the number of people they want to serve, and now they’re just looking for how to make more money from them.”

Ada County cannot let the wireless industry dictate what we should give them in our Ordinance. We need to have optical fiber to homes and businesses, and NO dangerous equipment above electrical lines on vulnerable poles. Idaho State Utilities can invest the $Billions recoverable from Telecoms into fiber to the premises (FTTP).

Ada County can guarantee bonds to provide low-cost financing for fiber networks. The County can bring fiber networks directly to the People – especially those residents shunned by the wireless carriers. I urge you to delay the vote or vote "No" on the industry-authored Ordinance 244 – a deregulatory giveaway. You must NOT APPROVE 244 but INSTEAD APPROVE Ordinance 245, written by the People, for the People. Thank you.

Signed this 3rd day of June 2020,

Juliana P Benner

Juliana Benner, CCH, CNHP
Certified Colon Hydrotherapist, Certified Natural Health Practitioner
"It is health that is real wealth and not pieces of gold and silver."  
Mahatma Gandhi

"He who has health has hope; and he who has hope has everything."  
Arabian proverb
June 3, 2020

Dear Commissioners:

My name is Raine Saunders, lifetime Boise resident. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

I'm here to address ADA, the Americans with Disabilities Act. Those with certain disabilities will be adversely affected by Ordinance 244, if it passes. Your decision today directly impacts persons injured by electromagnetic radiation and those using electronic medical devices. Your liability stands out in the Ordinance, since no insurance of applicants is required therein.

Electromagnetic Sensitivity (EMS) is a disability recognized by the U.S. Access Board, exercising its authority under ADA. A loss of use or access to common space in cities due to disability is, without limitation, in violation of the 1968 Fair Housing Act 42 USC 3804(f)(1)(2). Disabled persons must be given equal opportunity to access and use dwellings, yards, as well as public and common use areas (Burton v Wilmington Parking Authority, 385 U.S. 715 (1961)).

The Access Board "recognizes that ... electromagnetic sensitivities may be considered disabilities under the ADA if they so severely impair the neurological, respiratory or other functions of an individual or that it substantially limits one or more of the individual's major life activities."

ADA Title II prohibits discrimination against any "qualified individual with a disability"... Disabilities reached by Title II are limited to those meeting the ADA's legal definition: "those that place substantial limitations on an individual's major life activities."

Those adversely affected by RF/microwave radiation generally do not consent to exposure from 4G/5G facilities.

As one of those persons, I certainly do not consent. I hereby request your prohibition of any and all unnecessary small wireless transmission facilities (sWTFs) in the new Ordinance.

1. All WTFs purposed for wireless internet fall under FCC Title I Information Services, and, therefore, NOT under the Telecommunications Act's "effective prohibition" clause; and

2. WTFs purposed for FCC Title II Telecommunications Services (voice calls) anywhere in a residential area where an industry-standard drive-by test proves no "significant gap in telecommunications coverage".

3. In order to prove there is gap in coverage, a Need Test must be included in the new Ordinance.
Per Retired Washington State University Professor Dr. Martin Pall, PhD, pulse-modulated microwave radiation from WTFs “are in most cases, more biologically active and therefore more dangerous than are non-pulsed (continuous wave) EMFs. All cordless communication devices communicate via pulsations, because it is the pulsations that carry the information communicated.” Dr. Pall states that higher frequencies permit higher pulsation rates to allow larger data transmission. Higher pulsation rates are considered “vastly more dangerous”.

Because Ordinance 244 would be injurious to persons with ADA-qualifying disabilities including those with EMS and those using electronic medical devices, and this bears on ACHD liability, I urge you to VOTE NO on Ordinance 244. Please create a protective ordinance allowing all persons safety and participation in society.

I have expressed no "concern" or any other non-substantive matter, only matters of fact and law. I accept your oath of office.

Signed this 3rd day of June, 2020.

[Signature]

https://nihr.nih.gov/member/martin-pall
June 3, 2020

Dear Commissioners:

I am Megan Campau, a mother of 2 small children and resident of Boise. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

FCC Order 18-133 to streamline the deployment of wired and wireless infrastructure by requiring reasonable cost-based permit fees and a 60-day “shot-clock”, wherein a permit request is deemed accepted if it has not been approved or denied within the 60-day time frame, is likely to be overturned by the U.S. Court of Appeals for the Ninth Circuit next month.

Further, the September, 2018 FCC Order 18-133 is a presumptive order only, as admitted by FCC’s attorney on Feb 10, 2020 in Federal Court. The FCC admitted that FCC 18-133 represents merely the FCC’s preferences and that the Order is not self-enforcing.

Were ACHD to pass Ordinance 244, Ada County would be bound by its deregulatory policies, which are in abject variance to federal laws, precedents and policies, and, which do not protect but rather harm Residents of Ada County.

I urge the commission to vote no on Ordinance 244 and wait to pass Ordinance 245 until we know the outcome of FCC Order 18-133. If the Commission currently feels compelled to grant an application because of the current FCC “shot-clock”, please make the permit conditional, which will allow the permit to be terminated when FCC Order 18-133 is overturned. I have expressed no “concern” or any other non-substantive matter, only matters of fact and law. I accept your oath of office.

Signed this 3rd day of June, 2020.

Megan Campau
Dear Commissioners:

My name is Vivian Lockary. I attest and affirm that all the following statements are true, accurate, and within my personal knowledge. I speak as both Public Health scientist and Medical Professional. My MPH and Clinical Lab Scientist experience includes over ten years at the Idaho Public Health Lab prior to my career with St. Luke’s Health System as Lab Manager.

First, FCC’s radiation exposure guideline is based on averaging over time of digital signals that contain spikes. This is highly unnatural pulse-modulation, which is very bioactive. FCC has not allowed any study since 1990 to influence the current guideline, yet in the ~30 years since, numerous peer-reviewed published studies have concluded harm at much lower intensities, particularly where exposure occurs over a long period of time. We have seen new wavelengths added for telermedicine. Wireless telecommunications have become commonplace in hospitals, clinics, and nursing homes. Vulnerable subgroups are being exposed to continuous, ever-increasing radiation intensities.

Moreover, simultaneous, overlaid signals present in metropolitan areas can combine - by a process known as “heterodyning” - to attain or approach the resonance of the oxygen (O2) molecule. O2 has a strong resonant frequency at 60 GHz. When O2 molecules absorb the energy from 60 GHz radiation, the state of the oxygen is changed, altering its normal chemical reactivity and resulting in O2 depletion in humans or animals.

60 GHz is unregulated. 60 GHz can be produced by an infinite number of combinations of fundamental wavelengths and harmonics. Chronic exposure to its presence is, or will soon be, all too common to incur. In addition to these mechanisms, altered reflux kinetics are a very big piece of this. Many other bioeffects are supported in tens of thousands of scientific studies.

Relative to this myriad of adverse health effects, this is a very serious problem for my community. In Boise’s North End, the neighborhood in which I reside, telephone poles line the alleyway of each block. They are adjacent to backyards, in close proximity to bedrooms typically located at the back of each dwelling. We need to regulate strictly any additional wireless facilities.

I urge the Commissioners to vote “No” on Ordinance No. 244. We must safeguard the health, safety, and general welfare of all our residents.

I have expressed no matter of mere concern, but solely matters of substance, of fact and law. I appreciate and accept your oath of office.

Signed this 3rd day of June 2020,

Vivian Lockary, MPH
Dear Commissioners:  

My name is Sherry Gorrell. I am a lifetime resident of Ada and Canyon Counties and a retired mediator. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

I DO NOT CONSENT to a small Wireless Transmitter Facility (WTF) within 2,000 feet of my home & business, which is the Pink Guest House, just north of the Capitol Building. Because placement near homes bears on health, safety, security, and property values, nearby residents have the right to be informed in advance of a WTF application and be free of harmful radiation.

Just yesterday, we received as part of our investigation, 11 pages with 280 locations of approved WTF permits for Boise between January 2018 to NOW. This is outrageous. And not one of these permits, as best we can tell, had a complete application.

According to numerous studies, the pulse-modulated microwave radiation from WTFs interrupts people’s sleep, train of thought, memory and learning, and other cognitive functions. We need to protect our elders, and young people in particular, from these effects.

People sleeping in homes only 20 feet away from a WTF will have horrific nighttime exposure that cannot help but produce sleep impairments by means of melatonin suppressions. A device can be turned off, but infrastructure cannot, for which reason the public has a greater right to protection from the latter. Many governments around the globe have already halted placement of WTFs near schools, healthcare facilities and residences because of the intensity of radiation exposure to people and the environment.

Federal law, which supersedes state law, ensures that local officials retain regulatory authority over the OPERATIONS of WTFs. This means, officials can require in the Ordinance a fuse on each WTF, to ensure that it won’t have a surge in power that would be detrimental to nearby residents. Without this, the wireless company could just increase the power bit by bit over the years. A limit of 0.1 Watt power (i.e., wattage) coming from WTFs can be easily enforced with a fuse. This power allows 5 bars on a cellphone even a half-mile away, while protecting the neighborhood. I implore you to use your regulatory authority to limit WTF power.

**VOTE NO today on Ordinance 244, and write a new ordinance.** I have expressed no matter of 'concern' or any other nonsubstantive matter, but solely matters of fact and law. I accept your oath of office.

Signed, this 3rd day of June, 2020,

___Sherry Gorrell_____, Sherry Gorrell; sherry@pinkguesthouse.com
To: ACHD Commissioners and their Counsels  
From Carla Kyle  

3 June 2020  

Good afternoon, Commissioners and Counsels:  

I've been informed that the Attorney General’s Office has been made aware of ACHD’s Legal Counsels’ attempts to mislead Commissioners and the Public alike with regard to the federal laws, precedents and policies pertaining to today’s discussion of draft Ordinance 244 and its draft revision Ordinance 245.  

I will provide you later the fax sent to Attorney General Wasden.  

Because the very foundation of the vote on Ordinance 244 is Misrepresentation, any vote for said Ordinance would constitute participation in egregious deregulatory fraud on the part of Legal Counsels in conflicted partnership with industry agents.  

While we await our Attorney General’s intervention in this matter, and possibly, if necessary, prepare Bar complaints, kindly vote against Ordinance 244 and enact a moratorium for the purpose of working together with the Public in the preparation and finalizing of the much-improved, protective, comprehensive and LAWFUL Ordinance 245.  

Thank you.  

Signed, this 3rd day of June 2020,  

______________________________  
Carla Kyle
I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

What do you see as your legacy as stewards of Ada County Highway?
1 year 3 years, 5 years from now how will your actions be viewed.
Studies show these towers
Create Cancer,
brain tumors,
decreases Melatonin
Harms those with Disabilities to EMF
Causes cognitive problems like Decreasing memory

Decreases Property Values thereby decreasing taxable value
Creates Fire Hazard on ACHD property
Kills pollinators for our food supply,
The Applications are not Complete
The Liability alone will bankrupt this county
There is Real Harm by passing 244
You need the NEPA Study,
There needs to be a demonstrable NEEDWill it be you who allowed Damages to Health,
Damages to cognitive memory,
Lack of sleep,
Increased Cancer rates
Decreased property values
and leave the County with Untold Liabilities.
Or will it be you who says NO to Ordinance 244
and begin work with the people
and draft a new ordinance 245
that will define how OUR COUNTY
Controls EMF Pollution,
Holds Wireless Carriers fully liable for any and all human and property damages with
Real Assets,
Safety of transmission of Big Data Without liability to the Taxpayers and Ada County
Highway

I have expressed no matter of mere concern but solely matters of substance, fact
and law. I accept your oath of office.

• VOTE NO ON 244

• If Simi Valley Can put a moratorium so Can ADA COUNTY
03 Jun 2020

STAFF REPORT

TO: ACHD Commission
FROM: Dawn Battles - Planner, Development Services - dbattles@achdidaho.org
SUBJECT: Cedarbrook--Preliminary Plat
MEETING: Commission Meeting - 17 Jun 2020

EXECUTIVE SUMMARY:
The applicant is requesting approval for a preliminary plat consisting of 330 single family residential lots, 38 common lots and 4 shared driveway lots on 119 acres. The site is located at the northwest corner of Linder Road and Amity Road.

This application was originally before the Commission on May 20, 2020. During that hearing the Commission raised concerns regarding staff’s recommendation to remove a north/south collector roadway abutting the site’s west property line from the MSM, the most equitable options to allow for the future extension of an east west collector roadway to be constructed given the location of the homes constructed west of the site, the need for traffic calming measures on Cedarbrook Drive, a continuous collector roadway proposed to be constructed from Linder Road through the site to the north property line, and sight distance on Linder Road at a hill located north of the site.

To address the concerns raised by the Commission staff collaborated with the City of Meridian staff and the applicant. As a result the applicant is now proposing to construct a north/south collector roadway that will stub to the south property line for future connectivity to Amity Road, has proposed to extend the east/west collector roadway along the north property to angle toward the City of Meridian’s sewer easement as shown on attachment 1. This location will avoid the large home and shop that were constructed on the parcel to the west of the site.

The applicant has proposed to provide traffic calming on Cedarbrook Drive/Brook Land Avenue by constructing a raised crosswalk from the pathway to the clubhouse near the entrance and by constructing bulb outs at the Cedarbrook Drive/June Avenue intersection and Brook Land Avenue/Twin View Street intersection. Additionally, the applicant is proposing to construct bulb
outs or a raised crosswalk at the Ivory Sage Way/Blue Opal Avenue intersection as shown on attachment 2.

There were concerns from neighbors about sight distance at the intersection of Cedarbook Drive and Linder Road due to the hill located north of the site. However, the applicant’s engineer provided a sight distance analysis demonstrating there is 900-feet of sight distance from the north and 1,000-feet of sight distance from the south, exceeding the 555-feet sight distance requirement. Staff concurs with these findings; furthermore, northbound, the hill is signed to notify drivers that the hill blocks views, do not pass, and for a reduced speed limit of 35 MPH.

RECOMMENDATIONS:
Staff recommends approval of the staff report, as written.

ATTACHMENT(S):
Attachment 1
Attachment 2
MPP19-0022 Cedarbrook Commission Packet
ATTACHMENT 1

City of Meridian Sewer Easement

Cedarbrook Drive
Brook Land Avenue
Dedicated Right-of-Way Area for Future East/West Collector
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a preliminary plat consisting of 330 single family residential lots, 38 common lots and 4 shared driveway lots on 119 acres. The applicant’s proposal is consistent with the City of Meridian’s Comprehensive plan which calls for medium-density residential uses for this site.

2. Description of Adjacent Surrounding Area:

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<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>North</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
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<tr>
<td>South</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Rural-Urban Transition/Estate Residential</td>
<td>RUT/R1</td>
</tr>
<tr>
<td>West</td>
<td>Rural-Urban Transition</td>
<td>RUT</td>
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3. Site History: ACHD Commission previously reviewed this site in May 2020 for an annexation and rezone to allow for future development of the site as a residential subdivision.

4. Adjacent Development: The following developments are pending or underway in the vicinity of the site:
• Brundage Estates, a 366 single family lot subdivision located northeast of the site was approved by ACHD in May 2016.

• Stapleton a 212 single family lot subdivision located east of the site was approved by ACHD in February 2019.

• Graycliff Estates, a 200 single family lots and 2 multi-family lots for the development of 224 units located east of the site was approved by ACHD in March 2020.

5. Transit: Transit services are not available to serve this site.

6. New Center Lane Miles: The proposed development includes 3.78 centerline miles of new public road.

7. 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. The impact fee assessment will not be released until the civil plans are approved by ACHD.

8. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):
   • The intersection of Amity Road and Ten Mile Road is scheduled in the IFYWP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg and will include Ten Mile Bridge #1182 in 2021.
   • Linder Road is listed in the CIP to be widened to 3-lanes from Amity Road to Victory Road between 2031 and 2035.
   • Linder Road is listed in the CIP to be widened to 5-lanes from Victory Road to Overland Road between 2021 and 2025.
   • The intersection of Amity Road and Linder Road is listed in the CIP to be reconstructed as a single-lane roundabout with a westbound right-turn bypass lane with 3-lanes on the north leg, 2-lanes on the south, 3-lanes on the east, and 2-lanes on the west leg between 2031 and 2035.
   • The intersection of Victory Road and Linder Road is listed in the CIP to be reconstructed as a single-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes on the east and 2-lanes on the west leg between 2021 and 2025.

9. Roadways to Bikeways Master Plan:
ACHD’s Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was updated in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Linder and Amity Roads as Level 3 facilities. The plan also identifies level 1 facilities on the new collector roadways shown on the Master Street Map (MSM) within the site. The applicant will construct the new collectors consistent with the MSM and BMP as part of this application.

B. Traffic Findings for Consideration

1. Trip Generation: This development is estimated to generate 3,334 vehicle trips per day; 344 additional vehicle trips per hour in the PM peak hour, based on the traffic impact study.

2. Traffic Impact Study
Kittleson & Associates prepared a traffic impact study for the proposed Cedarbrook Subdivision (formerly known as B & L Tree Top Subdivision). Below is an executive summary of the findings as presented by Kittleson & Associates and can be found as Attachment 6. 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.

A turn-lane analysis was conducted for the access point to intersect Linder Road. A southbound right-turn lane on Linder Road was warranted.

**Alternative Mitigation Measures Policy**

**a. Policy**

**Mitigation Proposals:** Mitigation recommendations shall be provided within the report. At a minimum, for each roadway segment and intersection that does not meet the minimum acceptable level of service planning threshold or v/c ratio, the report must discuss feasible measures to avoid or reduce the impact to the system. To be considered adequate, measures should be specific and feasible. Mitigation may also include:

- Revision to the Phasing Plan to coincide with the District's planning Capital Projects.
- Reducing the scope and/or scale of the project.

**Alternative Mitigation Measures:** 7106.7.3 states that if traditional mitigation measures such as roadway widening and intersection improvements are infeasible as determined by ACHD, the TIS may recommend alternative mitigation measures. Alternative mitigation measures shall demonstrate that impacts from the project will be offset.

- If the impacted roadway segments and/or intersections are programmed as funded in the Integrated Five Year Work Plan (IFYWP) or the Capital Improvements Plan (CIP); no alternative mitigation is required.
- If the impacted roadway segments and/or intersections are not programmed in either the IFYWP or the CIP; the applicant may (i) analyze the shoulder hour and (ii) provide a safety analysis to determine alternative mitigation requirements.
  - If the impacted roadway segments and intersections meet the minimum acceptable level of service planning thresholds in the shoulder hour the applicant may suggest feasible alternative mitigation such as: sidewalks, bike facilities, connectivity, safety improvements, etc. within 1.5 miles of the proposed development.
  - If the shoulder hour planning thresholds are exceeded the applicant may request to enter into a Development Agreement and pay into the Priority Corridor Fund an amount determined by the ACHD to offset impacts from the project.
- Alternative Mitigation may also include:
  - Revision to the Phasing Plan to coincide with the District’s future Capital Projects.
  - Reducing the scope and/or scale of the project.

**Level of Service Planning Thresholds:** District Policy 7205.3.1 states that, Level of Service Planning Thresholds have been established for principal arterials and minor arterials within ACHD’s Capital Improvement Plan and are also listed in section 7106. Unless otherwise required to provide a Traffic Impact Study under section 7106, a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide
mitigation for a roadway or intersection that currently exceeds the minimum acceptable level of service planning threshold or V/C ratio.

**Staff Comments/Recommendations:** Staff has reviewed the submitted traffic impact study (TIS) and generally agrees with the findings and recommendations. The TIS recommends the construction of a southbound right-turn lane at the two access points on Linder Road in approximately year 2022 with the buildout of 156 housing units. However, the site plan has been modified since the review of the traffic impact study and only one access point, Cedarbrook Drive, is proposed to intersect Linder Road. Consistent with the recommendation of the TIS the applicant should be required to construct a southbound right-turn lane on Linder Road at the Linder Road/Cedarbrook Drive intersection.

All study area intersections and roadways are anticipated to operate at an acceptable level of service thresholds under existing, background, and total traffic conditions with the exception of the Linder Road/Victory Road intersection.

The study notes that the northbound approach of the Linder Road/Victory Road intersection as anticipated to exceed the acceptable level of service planning threshold during the weekday PM peak hour under 2026 total traffic. The TIS noted that the site traffic percentage generated at this intersection will be 24% when the 280th home is occupied.

The TIS recommends to mitigate the specific impacts of this development by widening the northbound approach to the Linder Road/Victory Road intersection to include a northbound left-turn/through lane and through/right-turn lane with two receiving lanes on the north approach will result in acceptable operation through the project build out year. However, the mitigation at this intersection is infeasible due to the right-of-way constraints. Furthermore, this intersection is listed in the CIP to be reconstructed as a single-lane roundabout and consistent with District policy for Alternative Mitigation Measures, which states, if an impacted roadway segment or intersection are programmed or funded in the IFYWP; or the CIP; no mitigation is required. Therefore, no improvements are required for this intersection as part of the development.

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>
</tr>
</thead>
<tbody>
<tr>
<td>Linder Road</td>
<td>2,082-feet</td>
<td>Minor Arterial</td>
<td>235</td>
<td>Better than “E”</td>
</tr>
<tr>
<td>Amity Road</td>
<td>176-feet</td>
<td>Minor Arterial</td>
<td>332</td>
<td>Better than “E”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane minor arterial is “E” (575 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 Linder Road south of Victory Road was 4,281 on August 27, 2019 as reported by the traffic study.
   - The average daily traffic count for Amity Road east of Ten Mile Road was 6,870 on August 29, 2018.

C. **Findings for Consideration**

1. **South Meridian Transportation Plan**
The South Meridian Transportation Plan (SMTP) is a long-range planning tool used to identify future roadway, intersection, and corridor needs in the South Meridian Area. Providing a framework for future roadway improvements based on the land use designations. The plan was created in collaboration with the City of Meridian and was adopted by the ACHD Commission in September of 2009. The SMTP recommends that Linder Road and Amity Road be constructed as 5-lane minor arterial roadways. The SMTP also recommends the construction of a dual-lane roundabout at the Amity Road and Linder Road intersection.

2. Linder Road

a. Existing Conditions: Linder Road is improved with 2-travel lanes, 22-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Linder 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 Linder Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 48-feet from centerline of Linder Road. The applicant is proposing to improve Linder Road with a borrow ditch, an 8-foot wide planter strip and 5-foot wide detached concrete sidewalk.

The applicant is proposing to construct 2 emergency access only driveways onto Linder Road located 650-feet and 1,933-feet north of Amity Road.

d. **Staff Comments/Recommendations:** The applicant’s proposal to dedicate additional right-of-way to total 48-feet from centerline of Linder Road meets District policy and should be approved. The additional dedicated right-of-way is impact fee eligible for compensation.

The applicant should be required to improve Linder Road with 17-feet of pavement from centerline, a 3-foot gravel shoulder and 5-foot wide detached concrete sidewalk abutting the site.

The applicant should be required to locate the sidewalk a minimum of 41-feet from centerline of Linder Road.

The applicant should provide a permanent right-of-way easement for any sidewalk placed outside of the dedicated right-of-way to 2-feet behind back of sidewalk.

The applicant’s proposal to construct 2 emergency access only driveways onto Linder Road, located 650-feet and 1,933-feet north of Amity Road meets District policy and should be approved as proposed. The emergency access only driveways should be restricted with a gate or bollards, located outside of the right-of-way, as determined by the appropriate fire department.

The traffic impact study recommends the construction of a dedicated southbound right-turn lane on Linder Road at Cedarbrook Drive, the entrance to the site. Consistent with the finding and recommendation of the traffic impact study, staff recommends the construction of the turn lane when Cedarbrook Drive is constructed to intersect Linder Road.
Sight Distance-Linder Road:
There were concerns from neighbors about the sight distance at the intersection of Cedarbrook Drive and Linder Road due to the hill located north of the site. However, the applicant’s engineer provided a sight distance analysis demonstrating there is 900-feet of sight distance from the north and 1,000-feet of sight distance from the south, exceeding the 555-feet sight distance requirement. Staff concurs with these findings; furthermore, northbound, the hill is signed to notify drivers that the hill blocks views, do not pass, and for a reduced speed limit of 35 MPH.

3. Amity Road
   a. Existing Conditions: Amity Road is improved with 2-travel lanes, 26-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 74-feet of right-of-way for Amity 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 Amity Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to Amity Road abutting the site.

d. **Staff Comments/Recommendations:** See Finding #4 below regarding right-of-way dedication on Amity Road abutting the site.

The applicant should be required to improve Amity Road with 17-feet of pavement from centerline, a 3-foot gravel shoulder and 5-foot wide concrete sidewalk abutting the site.

The applicant should be required to construct the 5-foot wide concrete sidewalk located a minimum of 41-feet from centerline of Amity Road.

The applicant should provide a permanent right-of-way easement for any sidewalk placed outside of the dedicated right-of-way to 2-feet behind back of sidewalk.

4. **Amity Road/Linder Road Intersection**

a. **Policy:**

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, roundabout requirement, and specific roadway features required through development. A new roundabout was identified on the MSM. A dual-lane roundabout is planned at the Amity Road/Linder Road intersection.

b. **Staff Comments/Recommendations:** As noted above, the intersection of Amity Road and Linder Road is shown as a dual-lane roundabout on the MSM. To accommodate the future construction of the dual-lane roundabout, the applicant should dedicate additional right-of-way
to match the image depicted below. The applicant will be compensated for this additional dedicated right-of-way, as the intersection is listed in ACHD’s CIP.

5. North-South (Mid-Mile Collector)
   a. Existing Conditions: There are no collector roadways within the site.
   b. Policy:
      Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
      Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.
      Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.
      The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.
      Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking
into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

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

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

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.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway identified on the MSM abuts the sites west property line and extends north as depicted in the image below. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, a 36-foot street section within 54-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to construct the north-south collector, Ivory Sage Way, to stub to the south property line (depicted below) as a 36-foot street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide detached sidewalk within 64-feet of right-of-way.
d. **Staff Comments/Recommendations:** The applicant’s proposal to construct the north-south collector, Ivory Sage Way, as a 36-foot wide collector street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide detached sidewalk within 64-feet of right-of-way meets District policy and should be approved as proposed.

The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the sidewalks proposed to be located outside of the right-of-way.

6. **Cedarbrook Drive/Brook Land Avenue/Harris Street**
   a. **Existing Conditions:** There are no collector roadways within the site.

   b. **Policy:**
      - **Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

      - **Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

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

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

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

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

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

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.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should align with Harris Street on the east side of Amity Road and continue through the property stubbing to the west. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, a 36-foot street section within 54-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to construct a continuous collector roadway from Linder Road through the site to the north property line. The collector street starts out as Cedarbrook Drive then curves north to become Brook Land Avenue, depicted below.

The applicant is proposing to dedicate right-of-way at the northwest property line to allow for an east/west collector street to be constructed as property develops to the northwest. The collector roadway is proposed to run along an existing City of Meridian Sewer Easement.

The applicant is proposing to construct the entry portion of Cedarbrook Drive, a new east-west collector roadway, with two 21-foot wide travel lanes, a 12-foot wide center landscape island, vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide concrete sidewalk on the north side of the roadway and 10-foot wide concrete sidewalk on the south side of the roadway within 89-feet of right-of-way.

The applicant is proposing to construct the remaining portion of Cedarbrook Drive and Brook Land Avenue as a 36-foot wide collector street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide concrete sidewalk within 64-feet of right-of-way.

The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the sidewalks proposed to be located outside of the right-of-way.
d. **Staff Comments/Recommendations:** The applicant’s proposal to construct the entry portion of Cedarbrook Drive with 21-foot wide travel lanes, a 12-foot wide center landscape island, vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide concrete sidewalk on the north side of the roadway and 10-foot wide concrete sidewalk on the south side of the roadway within 89-feet of right-of-way meets District policy and should be approved. The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the detached sidewalks.

The 12-foot wide center landscape island should be platted as right-of-way owned by ACHD. The applicant or homeowner’s association should enter into a license agreement for any landscaping proposed within the island.

The applicant’s proposal to construct the remaining portion of Cedarbrook Drive which curves north and becomes Brook Land Avenue as a 36-foot wide collector street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide concrete sidewalk within 64-feet of right-of-way meets District policy. The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the sidewalks proposed to be located outside of the right-of-way.

The applicant’s proposal to dedicate right-of-way at the northwest property line to allow for an east/west collector street to be constructed as property develops to the northwest is consistent with the MSM and should be approved as proposed. The future collector roadway will angle towards the City of Meridian’s sewer easement, depicted above, and this location will avoid the...
new home and large shop that has been constructed on the parcel to the west. This will allow for the roadway to be constructed in the future and provide the connectivity desired by ACHD and the City of Meridian, who are supportive of this proposal.

7. Internal Local Streets
   a. Existing Conditions: There are no local streets within 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 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).
      
      Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-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 wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.
      
      For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, 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 wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.
      
      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 construct the local internal streets as 33-foot street sections with rolled curb, gutter and a 7-foot wide planter strip within 47-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way.

The applicant is proposing a cul-de-sac at the terminus of Lyra Street, Unmol Avenue, Desert Moon Court, Green Gables Court, and Ridgebrook Place.

The applicant is proposing to construct knuckles at the following intersections:

- Kinney Avenue and Gold Sand Street
- Silverberry Street and June Avenue
- Blue Opal Avenue and June Avenue
- Sun Creek Avenue and Desert Moon Street

d. **Staff Comments/Recommendations:** The applicant’s proposal to construct all local internal streets as 33-foot street sections with rolled curb, gutter and a 7-foot wide planter strip located within 47-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way meets District policy and should be approved, as proposed. The applicant should be required to provide a permanent right-of-way easement for detached sidewalks located outside of the dedicated right-of-way. If street trees are desired, then an 8-foot wide planter strip should be provided.

The applicant should construct the cul-de-sac at the terminus of Lyra Street, Unmol Avenue, Desert Moon Court, Green Gables Court and Ridgebrook Place with a minimum 45-foot radius.

The applicant’s proposal to construct knuckles at the following intersections meets District policy and should be approved, as proposed:

- Kinney Avenue and Gold Sand Street
- Silverberry Street and June Avenue
• Blue Opal Avenue and June Avenue
• Sun Creek Avenue and Desert Moon Street

8. Roadway Offsets

a. Existing Conditions: There are no roadways within the site.

b. Policy:

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

District policy 7206.4.5, states that the preferred spacing for a new local street intersecting a collector roadway to align or offset a minimum of 330-feet from any other street (measured centerline to centerline).

Local Offset Policy: 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 construct one new collector roadway, Cedarbrook Drive, to intersect Linder Road located 1,330-feet north of Amity Road.

The applicant is proposing to construct 4 new local streets to intersect the proposed collector street, Cedarbrook Drive and Brook Land Avenue at the following locations:

• Kinsey Avenue, located 547-feet west of Linder Road
• Ivory Sage Way, located 758-feet west of Kinsey Avenue
• June Avenue, located 925-feet west of Ivory Sage Way
• Twin View Street, located 507-feet northwest of June Avenue

The applicant is proposing to construct 2 new local streets to intersect the proposed collector street, Ivory Sage Way, at the following locations:

• Blue Opal Avenue, located 263-feet south of Cedarbrook Drive
• Silverberry Street, located 626-feet south of Cedarbrook Drive

The applicant is proposing to construct all other local internal streets to align or offset by a minimum of 125-feet.

d. Staff Comments/Recommendations: The Master Street Map (MSM) identifies the new east/west collector to be located at the site’s north property line. However, the applicant has proposed to construct the east/west collector roadway further south due to the small parcels located north of the site, making it infeasible to construct the roadway as depicted on the MSM. Staff recommends approval of the proposed location because it is meeting the intent of the Master Street Map policy.

The applicant’s proposal to construct 4 new local streets to intersect the proposed collector street, Cedarbrook Drive and Brook Land Avenue at the following locations meets District policy and should be approved, as proposed:

• Kinsey Avenue, located 547-feet west of Linder Road
• Ivory Sage Way, located 758-feet west of Kinsey Avenue
• June Avenue, located 925-feet west of Ivory Sage Way
• Twin View Street, located 507-feet northwest of June Avenue
The applicant’s proposal to construct all other local internal streets to align or offset by a minimum of 125-feet meets District policy and should be approved, as proposed.

9. Stub Streets
   a. Existing Conditions: There are no existing stub streets to or from the site.

   b. Policy:
      Stub Street Policy: District policy 7206.2.4.3 (collector) and 7207.2.4.3 (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 7206.2.4 (collector) and 7207.2.4 (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.” or “THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED 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 7206.2.4.4 (collector) and 7207.2.4.4 (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 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, two stub streets to the north, one stub street to the south.

      • Brook Land Avenue, to the north, located 373-feet east of the west property line.

      • Green Gables Court, to the north, located 300-feet west of the northeast property line.

      • Ivory Sage Way, to the south, located 1,680-feet west of the east property line.

   d. Staff Comments/Recommendations: The applicant’s proposal to construct 3 stub streets, two stub streets to the north and one stub street to the south meets District policy and should be approved, as proposed.

      The applicant should be required to construct a temporary cul-de-sac turnaround at the terminus of Brook Land Avenue, as it extends greater than 150-feet. The temporary turnaround should be paved and constructed to the same dimensional standards as a standard cul-de-sac turnaround. If the turnaround 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.

      The applicant should install a sign at the terminus of Brook Land Avenue and Ivory Sage Way that states, “THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED.”

      The applicant should install a sign as the terminus of Green Gables Court that states, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”
10. Traffic Calming

a. Speed Control and Traffic Calming Policy: District policy 7206.3.8 states that collector streets should be designed to discourage speeds above 35 MPH and in a residential area, collector streets should be designed to discourage speeds above 30 MPH. The design of collector street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require a maintenance and/or license agreement.

Speed Control and Traffic Calming Policy: District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require maintenance and/or license agreement.

b. Applicant’s Proposal: The applicant is proposing to provide traffic calming on Cedarbrook Drive/Brook Land Avenue, depicted below, by constructing a raised crosswalk from the pathway to the clubhouse near the entrance and by constructing bulb outs at the Cedarbrook Drive/June Avenue intersection and Brook Land Avenue/Twin View Street intersection.

The applicant is proposing traffic calming on the north/south collector roadway, Ivory Sage Way, by constructing bulb outs or a raised crosswalk at the Ivory Sage Way/Blue Opal Avenue intersection as depicted below.

The applicant is proposing to construct Unmol Avenue, Kinsky Avenue, Blue Opal Avenue, Silverberry Street, Ruby Valley Drive and Little Pond Avenue to be greater than 750-feet in length.
c. **Staff Comments/Recommendations:** The applicant’s proposal to provide traffic calming on Cedarbrook Drive/Brook Land Avenue, by constructing a raised crosswalk from the pathway to the clubhouse near the entrance and by constructing bulb outs at the Cedarbrook Drive/June Avenue intersection and Brook Land Avenue/Twin View Street intersection meets District policy and should be approved as proposed.

The applicant’s proposal to provide traffic calming on the north/south collector roadway, Ivory Sage Way, by constructing bulb outs or a raised crosswalk at the Ivory Sage Way/Blue Opal Avenue intersection meets District policy and should be approved as proposed.

The applicant should redesign, Unmol Avenue, Kinsky Avenue, Blue Opal Avenue, Silverberry Street, Ruby Drive and Little Pond Avenue to be less than 750-feet in length or provide traffic calming including the use of passive design elements approved by ACHD Traffic Services.

Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

The applicant should be required to submit a revised preliminary plat showing the redesigned roadways for review and approval prior to plan submittal for the first final plat.

11. **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.

12. 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.

13. Other Access

Amity Road is classified as a minor arterial roadway and direct lot access is prohibited to this roadway and should be noted on the final plat. Linder Road is classified as a minor arterial roadway. Cedarbrook Drive, Brook Land Avenue and Ivory Sage Way are classified as collector 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. Redesign Unmol Avenue, Kinsky Avenue, Blue Opal Avenue, Silverberry Street, Ruby Drive and Little Pond Avenue to reduce the length of the roadways or to include the use of passive design elements and submit a revised preliminary plat showing the redesigned roadways for review and approval prior to plan submittal for the first final plat.

   Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

2. Dedicate additional right-of-way to total 48-feet from centerline of Linder Road abutting the site. The additional dedicated right-of-way is impact fee eligible for compensation.

3. Improve Linder Road with 17-feet of pavement from centerline, a 3-foot gravel shoulder and 5-foot wide detached concrete sidewalk abutting the site. Locate the sidewalk a minimum of 41-feet from centerline of Linder Road abutting the site.

4. Construct two 20-foot wide emergency access only driveways onto Linder Road, located 650-feet and 1,933-feet north of Amity Road. The emergency access only driveways should be restricted with a gate or bollards, located outside of the right-of-way, as determined by the appropriate fire department.

5. Construct a dedicated southbound right-turn lane on Linder Road at Cedarbrook Drive when Cedarbrook Drive is constructed to intersect Linder Road.

6. Improve Amity Road with 17-feet of pavement from centerline, a 3-foot gravel shoulder and 5-foot wide detached concrete sidewalk abutting the site. Locate the sidewalk a minimum of 41-feet from centerline of Amity Road abutting the site.

7. Dedicate additional right-of-way at the Amity Road and Linder Road intersection for the dual lane roundabout to match the image above in Findings 4b. The applicant will be compensated for this additional dedicated right-of-way, as the intersection is listed in ACHD’s CIP.

8. Construct Cedarbrook Drive to intersect Linder Road located approximately 1,330-feet north of Amity Road.

9. Construct the entry portion of Cedarbrook Drive with two 21-foot wide travel lanes, a 12-foot wide center landscape island, vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide detached
concrete sidewalk on the north side of the roadway and 10-foot wide detached concrete sidewalk on the south side of the roadway within 89-feet of right-of-way.

10. Plat the 12-foot center landscape island as right-of-way owned by ACHD. The applicant or homeowner’s association should enter into a license agreement for any landscaping proposed within the median.

11. Construct the remaining portion of Cedarbrook Drive that curves north and becomes Brook Land Avenue as a 36-foot wide collector street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide concrete sidewalk within 64-feet of right-of-way. The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the sidewalks proposed to be located outside of the right-of-way.

12. Dedicate right-of-way at the northwest property line to allow for an east/west collector street to be constructed as property develops to the northwest as depicted in Finding #6c above.

13. Construct the north-south collector, Ivory Sage Way, as a 36-foot wide collector street section with vertical curb, gutter an 8-foot wide planter strip and 5-foot wide detached sidewalk within 64-feet of right-of-way. The applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement for the sidewalks proposed to be located outside of the right-of-way.

14. Construct a raised crosswalk on Cedarbrook Drive, near the entrance, at the pathway to the clubhouse and construct bulb outs at the Cedarbrook Drive/June Avenue intersection and Brook Land Avenue/Twin View Street intersection.

15. Construct bulb outs or a raised crosswalk at the Ivory Sage Way/Blue Opal Avenue intersection.

16. Construct all bulb-outs with a minimum pavement width of 24-feet of between the bulb-outs at the intersection; measured from face-of-curb to face-of-curb.

17. Construct the local internal streets as 33-foot street sections with rolled curb, gutter and a 7-foot wide planter strip within 47-feet of right-of-way and 5-foot wide detached concrete sidewalk located outside of the right-of-way. If street trees are desired, then 8-foot wide planter strips shall be provided.

18. Provide a permanent right-of-way easement for any sidewalk placed outside of the dedicated right-of-way to 2-feet behind back of sidewalk.

19. Construct a cul-de-sac at the terminus of Lyra Street, Unmol Avenue, Desert Moon Court, Green Gables Court, and Ridgebrook Place with a minimum turning radius of 45-feet.

20. Construct knuckles at the following intersections:
   - Kinney Avenue and Gold Sand Street
   - Silverberry Street and June Avenue
   - Blue Opal Avenue and June Avenue
   - Sun Creek Avenue and Desert Moon Street

21. Construct 4 new local streets to intersect Cedarbrook Drive and Brook Land Avenue at the following locations:
   - Kinsey Avenue, located 547-feet west of Linder Road
   - Ivory Sage Way, located 758-feet west of Kinsey Avenue
   - June Avenue, located 925-feet west of Ivory Sage Way
• Twin View Street, located 507-feet northwest of June Avenue

22. Construct 2 new local streets to intersect Ivory Sage Way at the following locations:
   • Blue Opal Avenue, located 263-feet south of Cedarbrook Drive
   • Silverberry Street, located 626-feet south of Cedarbrook Drive

23. Construct all other local internal streets to align or offset by a minimum of 125-feet.

24. Construct 3 stub streets, at the following locations:
   • Brook Land Avenue, to the north, located 373-feet east of the west property line.
   • Green Gables court, to the north, located 300-feet west of the northeast property line.
   • Ivory Sage Way, to the south, located 1,680-feet west of the east property line.

25. Extend Brook Land Avenue to the north property line as a stub street and construct a temporary cul-de-sac turnaround at the terminus of Brook Land Avenue, as it extends greater than 150-feet. The temporary turnaround should be paved and constructed to the same dimensional standards as a standard cul-de-sac turnaround. If the turnaround 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.

26. Install a sign at the terminus of Brook Land Avenue and Ivory Sage Way that states, “THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED.”

27. Install a sign as the terminus of Green Gables Court that states, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”

28. Direct lot access is prohibited to Linder Road, Amity Road, Cedarbrook Drive/Brook Land Avenue and Ivory Sage Way other than the access specifically approved with this application, and shall be noted on the final plat.

29. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

30. Payment of impact fees is due prior to issuance of a building permit.

31. Comply with all Standard Conditions of Approval.

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
6. Traffic Study Executive Summary
7. Compass Checklist
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

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

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

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

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

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

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

Items Completed to Date:

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

Items to be completed by Applicant:

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

☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

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

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

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

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

☐ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Reconsideration of Commission Action

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

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

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

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days 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.
EXECUTIVE SUMMARY

Toll Bros., Inc. is proposing to develop the B&L Tree Top Subdivision, a 365-unit single-family residential development situated on approximately 118.8 acres of land in Ada County, Idaho. The development is located north-west of the Linder Road/Amity Road intersection.

The parcels of land proposed for the new subdivision are currently zoned rural-urban transition within the City of Meridian impact area by the City of Meridian Zoning Map (Reference 1). The parcels will be annexed into the City of Meridian and rezoned for the development of single-family residential units.

Access to the B&L Tree Top Subdivision is proposed via two full accesses on Linder Road approximately 840 feet and 1,700 feet north of Amity Road. The preliminary site plan provides two stub street connections to future collector roadways to the north and west of the site. These collector roadways are currently showed on the Ada County Highway District Master Street Map. The right-of-way for these collectors can be dedicated along the site frontage however they will not be built at this time since they cannot currently be connected all the way to Amity Road and Linder Road. The development can provide ACHD funding for their future construction along the site frontage. However, as stated in the letter included in Appendix I, the City of Meridian would like to discuss the need and location for these mid-mile collectors with ACHD to determine their appropriateness. The developer is willing to dedicate right-of-way and provide funding, if necessary, depending on the outcome of ACHD and City of Meridian discussions.

The development is projected to be fully build-out in year 2026. The TIS addresses the existing (2019), background (2026), and the development’s impacts in the build-out year 2026.

FINDINGS

Existing Conditions

- All study intersections were found to operate at acceptable operating standards during the existing weekday a.m. and p.m. peak hours.
- All ACHD study roadway segments operate at acceptable levels of service.
- Crash data at the study intersections for the most recent five years (2014-2018) was analyzed for any existing crash trends. In general, crash rates were low and no specific crash trends were observed.

Year 2026 Background Traffic Conditions

- Year 2026 background traffic volumes were forecasted using an annual growth rate of 6% applied to existing traffic volumes for the roadways and intersections north of Victory Road and 3% applied to the existing traffic volumes for the roadways and intersections on Victory Road and south of Victory Road.
Year 2026 background traffic analysis (without inclusion of site-generated traffic) found that all study intersections are expected to operate at acceptable operating standards during the weekday a.m. and p.m. peak hours with the exception of:

- **Linder Road & Overland Road (AM and PM Peak Hours)** – During the weekday a.m. and p.m. peak hours, the northbound approach is under capacity but operates at LOS D. This is within ACHD operating standards but ACHD policy requires an evaluation of whether a traffic signal is warranted for any unsignalized intersection with a critical movement operating at LOS D or worse.
  
  o A traffic signal warrant analysis was conducted, and the intersection meets the eight-hour warrant (Warrant #1), four-hour warrant (Warrant #2) and the peak-hour warrant (Warrant #3) based on 2026 background vehicular volumes (without any traffic from B&L Tree Top Subdivision).

- All ACHD study roadway segments are projected to continue operating at acceptable levels of service.

**Trip Generation and Distribution**

- The proposed B&L Tree Top Subdivision development, with 356 single-family homes in the buildout year of 2026, is estimated to generate a total of 3,334 daily net new trips, 258 weekday a.m. peak hour net new trips (65 inbound / 193 outbound) and 344 weekday p.m. peak hour net new trips (217 inbound / 127 outbound).

- The distribution pattern for site-generated trips was developed by evaluating existing traffic patterns and major trip origins and destinations within the study area, as well as a select zone analysis from COMPASS’ regional travel demand model.

**Year 2026 Total Traffic Conditions**

- Year 2026 total traffic conditions found that all study intersections will continue to operate at acceptable levels of service during the weekday a.m. and p.m. peak hours with the exception of:

  - **Linder Road & Overland Road (AM and PM Peak Hour)** – During the weekday a.m. and p.m. peak hour, the northbound approach is under capacity but is projected to operate at LOS E and LOS F, respectively. ACHD policy requires an evaluation of whether a traffic signal is warranted based on the critical movement operating at LOS D or worse.
    
    o A traffic signal warrant analysis was conducted, and the intersection meets the eight-hour warrant (Warrant #1), four-hour warrant...
(Warrant #2) and the peak-hour warrant (Warrant #3) based on 2026 background vehicular volumes (without any traffic from B&L Tree Top Subdivision).

* Linder Road & Victory Road (PM Peak Hour) – During the weekday p.m. peak hour the northbound approach is projected to operate at or over capacity.

  o A signal warrant analysis found that year 2026 total traffic volumes do not meet Warrant #1 (eight-hour) conditions. Volumes do meet Warrant #2 (four-hour) thresholds and the Warrant #3 (peak-hour) thresholds.

  o This intersection has been identified in ACHD’s 2016 CIP (IN2016-90) as a planned reconstruction of the stop-controlled intersection to a single-lane roundabout. This project is currently scheduled for the year 2021–2025 timeframe. Implementation of a single-lane roundabout in 2026 would improve intersection operations to an acceptable level. However, in discussions with ACHD, the timeframe of this project may be adjusted in the on-going update of the CIP.

  * To mitigate the specific impacts of this development, widening the northbound approach to the intersection to include a northbound left-turn/through lane and through/right-turn lane with two receiving lanes on the north approach will result in acceptable operations through the project build-out year.

    ▪ All ACHD study roadway segments are projected to continue operating at acceptable levels of service.

Site Access Evaluation

  ▪ The turn lane analysis using ACHD procedures resulted in turn lane warrants at the following site access streets:

    * Linder Road & Site Access A:

      o Southbound right-turn lane.

        ▪ A sensitivity analysis found that a southbound right-turn lane will be warranted in approximately year 2022 with the build-out of approximately 156 housing units.

    * Linder Road & Site Access B:

      o Southbound right-turn lane.
A sensitivity analysis found that a southbound right-turn lane will be warranted in approximately year 2022 with the build-out of approximately 156 housing units.

The results from the queuing analysis found that the 95th percentile queue lengths can be accommodated.

- Each site accesses provides at least 100 feet of roadway length without driveway and/or internal street interference.

The intersection sight distance evaluation identified that intersection sight distance can be achieved at all the site intersections with the following actions:

- Remove miscellaneous vegetation and shrubbery, and potential obstructions along Linder Road as necessary to obtain and maintain adequate intersection sight distance.
- Site accesses along Linder Road should match the existing grade of Linder Road at least for one car length to intersection sight distance.
- Shrubbery and landscaping near the internal intersections and site access points should be maintained to ensure adequate sight distance.

There are two proposed local street access points to the B&L Tree Top Subdivision. Additionally, there are two proposed stub streets for connections to future developments. Following is a summary of each access with respect to ACHD Policy:

- **Linder Road & Site Access A**: This access, a proposed local road, is located on Linder Road approximately 1,700 feet north of Amity Road. The nearest driveway to the south is approximately 840 feet. The access should be considered by ACHD for the following reasons:
  - The proposed access meets ACHD spacing requirements for a local street on a minor arterial and will function acceptably as an unsignalized full access.
  - Without this access, approximately 1,940 vehicles per day would be redistributed on the site’s internal streets, forcing all of the site’s trips to enter and exit the subdivision via one access on Linder Road.
  - This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.

- **Linder Road & Site Access B**: This access, a proposed local road, is located on Linder Road approximately 840 feet north of Amity Road and 840 feet south...
of Site Access A. The access should be considered by ACHD for the following reasons:

- The proposed access meets ACHD spacing requirements for a local street on a minor arterial and will function acceptably as an unsignalized full access.

- Without this access, approximately 1,940 vehicles per day would be redistributed on the site’s internal streets, forcing all of the site’s trips to enter and exit the subdivision via one access on Linder Road.

- This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.

*Stub Streets:* The stub street to the north and west are proposed to address ACHD requirements. Based on the *ACHD Policy Manual, Section 7207.2.4.3*, “a stub street will be required to provide circulation or to provide access to adjoining properties.” Presently, the timing of a future development tying into this stub street is unknown and is not anticipated to occur until sometime after full build-out of the B&L Tree Top Subdivision.
RECOMMENDATIONS

Based on the report’s analyses and evaluation findings, recommendations were developed accordingly for time scenario’s conditions.

Mitigations Needed for B&L Tree Top Subdivision

The following mitigations are recommended due to the inclusion of B&L Tree Top Subdivision’s site generated trips.

Linder Road & Victory Road

- Construct a northbound left-through and through-right lane with two receiving lanes on the north leg.

Site Accesses

- Provide a southbound right-turn lane at the Linder Road & Site Access A intersection upon the completion of 156 housing units
- Provide a southbound right-turn lane at the Linder Road & Site Access B intersection upon the completion of 156 housing units
- With approval from ACHD, construct all accesses to the development to allow full access on the public street approaches with the following designations:
  - All local streets within the development should be constructed with one travel lane in each direction.
  - Site driveways with access to public streets should provide sufficient stacking distance for four vehicles (100 feet) to ensure acceptable operation and accommodate larger vehicles, including utility service and delivery vehicles.
  - Site accesses along Linder Road should match the existing grade of Linder Road at the intersection to ensure the best possible sight distance.
  - All accesses and internal streets should be designed to provide adequate intersection site distance. Shrubbery and landscaping near the intersection and site access point should be maintained to ensure adequate sight distance is maintained.
Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 2.0 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

**Recommendations**

The proposal is on the fringe of urban development in an area removed from employment centers and existing public transportation. Services, such as schools, parks, and grocery stores, are likely accessed only by vehicle. The closest transit services are located more than two miles away. ValleyConnect 2.0 proposes bus service from downtown Kuna to northwest Boise, via Linder Road with 20-minute frequencies in the peak hours when operational. The proposal includes a pathway along the Calkins Lateral to comply with the 2015 Meridian Pathways Network Map. Amity Road is the second highest local system priority in the Communities in Motion 2040 2.0 plan. This project will widen Amity Road from Southside Boulevard to Highway 69 (Meridian Road) from two to three lanes east of McDermott Road, and including curb, gutter, sidewalks, and bike lanes. More information is available at: [https://compassidaho.org/CIM2040-2.0/](https://compassidaho.org/CIM2040-2.0/)

More information about COMPASS and Communities in Motion 2040 2.0:
- **Web:** [www.compassidaho.org](http://www.compassidaho.org)
- **Email:** info@compassidaho.org
June 9, 2020

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Lorie Baird, Right-of-Way Agent/
Real Estate Management Specialist
Real Estate Section

SUBJECT: Reconsideration of Establishing the Procedures and Approving the Sale of Surplus Property located at 5020 W. State Street, Boise.

CONSENT ITEM – June 17, 2020, Commission Meeting

FACTS & FINDINGS:

(1) On January 15, 2020, The Ada County Highway District (“ACHD”) held a public hearing allowing any person to appear and show cause that the subject property, more particularly described on Exhibit “A” attached hereto (the “Subject Property”), is still useful to the District and that the proposed sale or exchange of the subject property should not be made.

(2) The municipal address of the Subject Property is 5020 W. State Street, Boise, is depicted on Exhibit “B” attached hereto.

(3) A Representative with the City of Boise requested ACHD reserve a cross-access easement on the subject property for future public access to a future greenbelt along the irrigation canal located behind the subject property, before ACHD sells it.

(4) Commission adopted and approved resolution #2302, declaring the subject property to be surplus property with the condition that staff come back to the Commission after meeting with the City of Boise and after reviewing the City’s request determining if City’s request is in the best interest of ACHD and the public, presenting to the Commission the staff’s recommendation and requesting the approval from Commission that the subject property should be sold or exchanged and establishing the procedures for the public sale.

(5) ACHD Staff has been working with Boise City Representatives regarding their request to deed restrict access on to State Street if the property is sold to the owner of the parcel to the
West at 5032 W. State. If the property is sold to another party, we will work to consolidate the driveways through other processes.

(6) Staff recommends that we move forward with selling the surplus property with a determined fair market value of $22,000.00 and that it be found to be in the best interests of the ACHD and its patrons that the Subject Property be offered for sale as surplus property. Staff also recommends to deed restrict access on to State Street if the property is sold to the owner of the parcel to the West at 5032 W. State. If the property is sold to another party, we will work to consolidate the driveways through other processes.

(7) Before the District disposes of Surplus Property at public sale it must first notify any person who owns real property which is contiguous with the Surplus Property that they have first option to purchase the Surplus Property for an amount not less than the current determined fair market value. Staff recommends that if an owner of real property which is contiguous with the Subject Property agrees to purchase the Subject Property for an amount not less than the current determined value, the Director be authorized and directed to execute the contract of sale and any other documents required to complete the transaction, and the President of the Commission be authorized and directed to execute the Quitclaim Deed without further notice and without further action by the Commission.

(8) If the Subject Property is not purchased by any person who owns real property which is contiguous with the Subject Property and a public sale becomes necessary, staff recommends that the terms and requirements of the public sale should be:

a. the public sale shall be by solicited sealed bids or a live public auction.

b. the minimum bid shall be not less than one hundred percent (100%) of the current determined fair market value of the Subject Property.

c. the high bidder shall pay to ACHD 10 percent (10%) of the purchase price by cash or cashier’s check drawn on a national or state of Idaho chartered bank, by 4:30pm on the day of the auction with the remainder due at closing, not more than 90 days after the day of the auction;

d. upon receipt of full payment, ACHD will convey title to the Subject Property “as-is” without warranty of any kind, by Quitclaim Deed;

e. ACHD reserves the right to reject any and all bids presented at the auction.

(9) If ACHD is unable to sell the Subject Property to the owner(s) of contiguous property or at the public sale, Staff recommends that the Chief of Staff be authorized and directed to negotiate the sale of the Subject Property by public or private sale, at a price not less than the determined fair market value, or at a price less than the determined fair market value with Commission approval.

FISCAL IMPACT

ACHD will convert an asset it has no use for into cash that it can use for highway purposes.
ALTERNATIVES:

1. Find that the Surplus Property is no longer useful to the Ada County Highway District or necessary for its use and should be sold or exchanged and establishing the procedures for the public sale.

2. Do not find that the Surplus Property is no longer useful to ACHD and/or necessary for its use and take no further action.

RECOMMENDATIONS

Recommend the Board adopt Alternative 1.

ENCLOSURES:

1. Exhibit “A”, Legal description of Subject Property

2. Exhibit “B”, Map showing site location
Remnant Parcel

A parcel of land situated in the Southwest Quarter of Section 29, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho and being a portion of Lot 27 of BERRIDGE SUBDIVISION filed in Book 4 of Plats at Page 173 in office of the Recorder of Ada County, and also being a portion of that Record of Survey Number 7854 (ROS#7854) filed as Instrument Number 107042498 in the office of the Recorder of Ada County, more particularly described as follows:

COMMENCING at a brass cap marking the northwest corner of the Southwest Quarter of said Section 29 from which an aluminum cap marking the southwest corner of said Southwest Quarter bears S 0°37'26" W a distance of 2658.30 feet (formerly S 0°02'30" E, 2657.96' per ROS#7854);

Thence S 0°37'26" W a distance of 1002.14 feet (formerly S 0°02'30" E, 1002.52') along the west line of said Southwest Quarter to a two inch iron pipe on the northerly right-of-way of State Street;

Thence leaving said west line, S 48°26'45" E a distance of 693.05 feet (formerly S 49°05'22" E, 692.95') along said northerly right-of-way to a ½ inch rebar marking the southwesterly corner of Lot 26 of BERRIDGE SUBDIVISION as shown on Record of Survey Number 3448 filed as Instrument Number 96012903 in the office of the Recorder of Ada County;

Thence N 48°26'45" W a distance of 180.90 feet (formerly N 49°05'22" W, 180.88') along said northerly right-of-way to the southerly corner for that Parcel shown on said Record of Survey Number 7776 (ROS#7776) filed as Instrument Number 107016590 in the office of the Recorder of Ada County;

Thence leaving said northerly right-of-way, N 41°22'06" E a distance of 2.00 feet (formerly N 40°43'30" E) along the southeasterly line of said Parcel as shown on ROS#7776 to the POINT OF BEGINNING.

Thence leaving said southeasterly line, S 48°26'45" E a distance of 87.85 feet along a line parallel with and measuring 2.00 feet northerly of said northerly right-of-way of State Street to a point;

(Description continues on Page 2)
Thence N 41°34'16" E a distance of 15.96 feet to westerly boundary of the Boise Valley Canal;

Thence N 17°48'53" W a distance of 102.35 feet (formerly S 18°27'30" E) along said westerly boundary of the Boise Valley Canal to the most easterly corner of the Parcel shown on ROS#7776;

Thence leaving said westerly boundary S41°22'06" W a distance of 68.12 feet along said southeasterly line to the POINT OF BEGINNING.

Said described parcel contains 3,694 square feet (0.085 acre), Said described parcel is subject to covenants, easements and restrictions of record or in use.

Prepared By: Brandon Johnson, PLS 12087
Ada County Highway District
August 7, 2014
This map is a representation of features on the ground and is not survey-grade accurate. ACHD shall not be liable for any inaccuracies thereon.
STAFF REPORT

09 Jun 2020

TO: ACHD Commission
FROM: Lorie Baird - Real Estate Specialist - lbaird@achdidaho.org
SUBJECT: Reexamination of Establishing the Procedures and Approving the Sale of Surplus Property located at 4902 W. State Street, Boise.
MEETING: Commission Meeting - 17 Jun 2020

ATTACHMENT(S):
1B - StaffReportAuthSale3
Exhibit A
Exhibit B
Exhibit C Ped bike Easement ACHD and BC version 1.6
Exhibit D Dedication of Cross Easement (ACHD) draft 3.0
June 9, 2020

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Lorie Baird, Right-of-Way Agent/ Real Estate Management Specialist Real Estate Section

SUBJECT: Reexamination of Establishing the Procedures and Approving the Sale of Surplus Property located at 4902 W. State Street, Boise.

CONSENT ITEM – June 17, 2020, Commission Meeting

FACTS & FINDINGS:

(1) On January 15, 2020, The Ada County Highway District (“ACHD”) held a public hearing allowing any person to appear and show cause that the subject property, more particularly described on Exhibit “A” attached hereto (the “Subject Property”), is still useful to the District and that the proposed sale or exchange of the subject property should not be made.

(2) The municipal address of the Subject Property is 4902 W. State Street, Boise, is depicted on Exhibit “B” attached hereto.

(3) A Representative with the City of Boise requested ACHD grant the City of Boise a 10-foot wide perpetual pedestrian and bicycle easement (exhibit “C”) along the northeasterly property line that abuts the Farmer’s Union Canal, and a cross access easement (exhibit “D”) to the abutting parcel to the west at 4904 W. State Street before ACHD sells it.

(4) Commission adopted and approved resolution #2303, declaring the subject property to be surplus property with the condition that staff come back to the Commission after meeting with the City of Boise and after reviewing the City’s request determining if City’s request is in the best interest of ACHD and the public, presenting to the Commission the staff’s recommendation and requesting the approval from Commission that the subject property should be sold or exchanged and establishing the procedures for the public sale.

(5) ACHD Staff has since been working with the City of Boise regarding the 2 easements that they are requesting. Staff agrees to the access easement and Staff agrees to the bicycle
and pedestrian easement with the acceptation added to the easement that if the proposed public path is not implemented within two years of the date the easement is signed that ACHD will revoke the said easement.

(6) Before the District disposes of Surplus Property at public sale it must first notify any person who owns real property which is contiguous with the Surplus Property that they have first option to purchase the Surplus Property for an amount not less than the current determined fair market value. Staff recommends that if an owner of real property which is contiguous with the Subject Property agrees to purchase the Subject Property for an amount not less than the current determined fair market value, the Director be authorized and directed to execute the contract of sale and any other documents required to complete the transaction, and the President of the Commission be authorized and directed to execute the Quitclaim Deed without further notice and without further action by the Commission.

(7) If the Subject Property is not purchased by any person who owns real property which is contiguous with the Subject Property and a public sale becomes necessary, staff recommends that the terms and requirements of the public sale should be:

   a. the public sale shall be by solicited sealed bids or a live public auction.

   b. the minimum bid shall be not less than one hundred percent (100%) of the current determined fair market value of the Subject Property.

   c. the high bidder shall pay to ACHD 10 percent (10%) of the purchase price by cash or cashier’s check drawn on a national or state of Idaho chartered bank, by 4:30pm on the day of the auction with the remainder due at closing, not more than 90 days after the day of the auction;

   d. upon receipt of full payment, ACHD will convey title to the Subject Property “as-is” without warranty of any kind, by Quitclaim Deed;

   e. ACHD reserves the right to reject any and all bids presented at the auction.

(8) If ACHD is unable to sell the Subject Property to the owner(s) of contiguous property or at the public sale, Staff recommends that the Chief of Staff be authorized and directed to negotiate the sale of the Subject Property by public or private sale, at a price not less than the determined fair market value, or at a price less than the determined fair market value with Commission approval.

FISCAL IMPACT

ACHD will convert an asset it has no use for into cash that it can use for highway purposes.

ALTERNATIVES:

1. Find that the Surplus Property is no longer useful to the Ada County Highway District or necessary for its use and should be sold or exchanged and establishing the procedures for the
public sale. And record the 2 easements (exhibit “C” & “D”) onto the said property before selling the property.

2. Do not find that the Surplus Property is no longer useful to ACHD and/or necessary for its use and take no further action.

RECOMMENDATIONS

Recommend the Board adopt Alternative 1.

ENCLOSURES:

1. Exhibit “A”, Legal description of Subject Property
2. Exhibit “B”, Map showing site location
3. Exhibit “C”, Bicycle and Pedestrian Easement (before revision)
Ada County Highway District
Project No. 713014
ITD Project No. A013(481); KN 13481
Intersection of State Street and Collister Drive

**Parcel 10**

**Remnant Parcel Description**

A parcel located in the SW ¼ of the SW ¼ of Section 29, Township 4 North, Range 2 East, Boise Meridian, and being a part of Lot 11 of BERRIDGE SUBDIVISION as shown in Book 4 of Plats at Page 173 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the southeasterly corner of said SW ¼ of the SW ¼, from which a brass cap monument marking the southwesterly corner of said SW ¼ of the SW ¼ bears N 89°19'38" W a distance of 1327.43 feet;

Thence N 0°36'03" E along the easterly boundary of said SW ¼ of the SW ¼ a distance of 605.55 feet to a point;

Thence leaving said easterly boundary N 89°23'57" W a distance of 114.73 feet to the southeasterly corner of said Lot 11;

Thence N 20°03'42" W along the northeasterly boundary of said Lot 11 a distance of 147.03 to the POINT OF BEGINNING;

Thence continuing N 20°03'42" W a distance of 224.53 feet to a point;

Thence leaving said northeasterly boundary S 41°36'30" W a distance of 173.04 feet to a point;

Thence S 48°28'52" E a distance of 175.40 feet to a point;

Thence N 85°22'04" E a distance of 29.50 feet to a point;

Thence N 43°57'10" E a distance of 44.94 feet to the POINT OF BEGINNING.

This parcel contains 23,342 square feet (0.536 acres) and is subject to any easements existing or in use.

Prepared by: Glenn K. Bennett, PLS
Civil Survey Consultants, Incorporated
April 27, 2017
This map is a representation of features on the ground and is not survey-grade accurate. ACHD shall not be liable for any inaccuracies thereon.
EASEMENT AGREEMENT

THIS BICYCLE AND PEDESTRIAN EASEMENT AGREEMENT ("Agreement") is made this _____ day of __________, 2020, by and between the grantor, the Ada County Highway District (the “Grantor”), and the grantee, the city of BOISE CITY, an Idaho municipal corporation (“Boise City”). Individually, the Grantor and the City each is referred to as a “Party” and together as the “Parties”.

RECITALS

WHEREAS, the Grantor is the owner of that certain parcel of real property addressed as 4902 W. State Street, Ada County, Idaho, and known on the tax rolls of the Ada County Assessor as Parcel No. R0919000121, which consists of 0.66 acres of real property more particularly described in Exhibit A (the “Grantor’s Property”).

WHEREAS, Boise City approached the Grantor in order to request an easement across a portion of the Grantor’s Property for the purposes of constructing a future bicycle and pedestrian pathway in order to improve community access and enhance non-motorized connectivity.

WHEREAS, At Boise City’s request, the Grantor desires to grant such an easement to Boise City, subject to the duties, responsibilities, terms, conditions, limitations, and restrictions hereinafter contained.

NOW THEREFORE, for and in consideration of the recitals above, which are incorporated into and made a part of this Agreement and are not mere recitals, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both Parties, the Parties hereby agree as follows:

EASEMENT

A. Grant of Easement. The Grantor hereby grants to Boise City and Boise City’s successors, assigns, agents, guests, invitees, and to members of the public, a non-exclusive permanent and perpetual public bicycle and pedestrian and access easement (the “Easement”) on, over, across, and through that specific portion of the Grantor’s Property that is specifically
described as the area 10 feet in width and 371.68 feet long adjacent to the northeasterly property line, which abuts the Farmers Union Ditch Company right-of-way and depicted in Exhibit B (the “Easement Area”), for the purposes described herein, subject to the duties, responsibilities, terms, conditions, limitations, and restrictions contained herein.

B. **Termination.**

1. The term of the Easement shall begin on the date this Agreement is signed by the last of the Parties to do so (the “**Effective Date**”).

2. This Agreement, and the Easement granted hereby, shall be permanent, perpetual, and shall run with the land. This Easement may only be terminated as follows:
   - a. By mutual agreement of the Parties or their successors or assigns; or
   - b. By operation of law upon fee title ownership of both the Grantor’s Property and the Boise City Property residing in one (1) person or party (aka, “unity of title”).

C. **Binding Easement; Runs with the Land.** The Easement granted by this Agreement is a servitude running with the land in perpetuity, and this Agreement is binding on the Grantor and, upon recordation, all subsequent owners of the Grantor’s Property, regardless of actual notice of this Agreement and whether or not the deed of transfer specifically references that the transfer of ownership of the Grantor’s Property is subject to this Agreement. This Agreement, all provisions hereof, including all benefits and burdens, shall run with the land and be binding upon and inure to the benefit, obligation, and use of the successors, assigns, agents, guests, and invitees of the Parties, unless and until terminated as provided herein.

D. **Purposes of Easement.** Authorized uses of the Easement and the Easement Area include:

1. Authorized officers, employees, volunteers, contractors, and agents of Boise City may enter into the Easement Area at any time to construct, install, maintain, repair, remove, or replace any of the following:
   - a. public pathways; and
   - b. signs to mark the pathways, to provide information related to the pathways, and for interpretive purposes.

2. Construction, installation, maintenance, repair, or replacement of the pathway within the Easement Area may include, without limitation:
   - a. mowing or cutting plants and vegetation;
b. digging, removal, or relocation of soil or rock or gravel;
c. application of gravel, crushed stone, wood chips, or paving; and
d. any other tasks or methods reasonably necessary, including limited temporary motorized vehicle and equipment access.

3. Members of the general public may enter into the Easement Area at no cost for the limited purpose of using the pathway constructed, installed, maintained, and repaired by Boise City, subject to such rules and regulations as Boise City may establish. Authorized pathway use may include, at Boise City’s discretion and expressly subject to the rules and regulations established by Boise City:

   a. walking, hiking, or jogging;
   b. bicycling or mountain biking;
   c. horseback riding;
   d. bird watching or nature study;
   e. the use of power-driven mobility devices, if used by a person with a mobility impairment;
   f. emergency vehicles, including motorized vehicles, in the case of an emergency.

4. Emergency responders (including, without limitation, police, fire, ambulance, and rescue personnel, and their equipment) may enter into the Easement Area to prevent or respond to any emergency situation.

E. Additional Rights of Boise City. Grantor expressly grants Boise City the following additional rights with regard to the Easement Area. Boise City shall have the right to:

   1. Include the pathways constructed within the Easement Area within Boise City’s inventory of trails, and on maps, depictions, and descriptions that are made available to the public;

   2. To move or adjust the pathway in order to accommodate topography, geographic features, construction, development, or other features.

   3. Enact and enforce ordinances and adopt, promulgate, and enforce rules and guidelines regulating use of the Easement Area by members of the public, including, without limitation, to prohibit and prevent any activity or use of the Easement Area that Boise City, in its sole discretion, deems inconsistent with the purposes of the Easement;
4. Control or limit access (including restricting unauthorized motorized vehicle access), as necessary; provided, however, that no gates or barriers that prevent the Grantor from accessing or using the Easement Area shall be placed or installed without the Grantor’s prior written permission; and

5. Enter into contracts with any third party to perform, supervise, or fund construction, installation, maintenance, repair, or reconstruction work pursuant to this Agreement.

F. Rights Retained by Grantor. The Grantor retains all of the following rights and authority with regard to the Easement Area:

1. Risk Mitigation - Grantor may take such steps and perform such actions as it deems necessary, in its sole discretion, to remove or mitigate against an unreasonable risk of harm to property or injury to persons within the Easement Area.

2. Resource Management - Grantor may take such steps and perform such actions as it deems necessary, in its sole discretion, for the purposes of resource management. Such steps and actions may include, without limitation, planting, mowing, cutting, or removing plants or vegetation.

3. Grants to Others - Grantor may grant leases, licenses, easements, rights-of-way, and specific permissions affecting the Easement Area to persons other than Boise City, provided that the leases, licenses, easements, rights-of-way, and specific permissions do not impede, restrict, inhibit, preclude, block, or otherwise limit access to, or use of, the Easement Area by Boise City and its officers, employees, contractors, agents, volunteers, successors, and assigns, and members of the public on a limited basis, as provided herein.

4. Enforcement Rights - Grantor may remove or exclude from the Grantor Property, including within the Easement Area, any person who:

   a. enters upon or remains in any area other than the pathway constructed within the Easement Area, or

   b. engages in any activity or use of the Easement Area that is not expressly permitted by this Agreement; or

   c. violates any code, law, statute, ordinance, rule, or regulation governing use of the Easement Area or the pathway constructed within the Easement Area.

5. Right to Relocate. Grantor may request relocation of the pathway located upon the Easement. Relocation of the pathway thereon must be made by mutual written agreement. Upon mutual agreement to relocate, Boise City, at its own cost and expense, shall design and reconstruct a sustainable pathway thereon in substantially the same manner and workmanship as the pathway that existed in the original location immediately prior to relocation.
6. **All Other Rights Reserved** - Grantor expressly reserves unto itself, and to its successors and assigns, all rights accruing from ownership of Grantor’s Property, except those that are expressly prohibited by this Agreement and those that may impede, restrict, inhibit, preclude, block, or otherwise limit access to, or use of, the Easement Area for the purposes expressly authorized herein.

G. **No Charge for Use of Easement Area.** No person shall be charged any fee for access to the Easement Area or for use of the pathways constructed within the Easement Area.

H. **Warranty of Title.** Grantor covenants and warrants to Boise City that:

1. Grantor owns the Easement Area in fee title;

2. Grantor is rightfully seized and possessed of the Easement Area, and has the right and authority to enter into this Agreement and to grant this Easement to Boise City;

3. Granter and its officers, employees, volunteers, agents, guests, invitees, successors, and assigns will not construct, install, maintain, or allow any building, facility, structure, or any other type of improvement within the Easement Area that impedes, restricts, inhibits, precludes, blocks, or otherwise limits access to, or use of, the Easement Area;

4. Boise City and its successors, assigns, agents, guests, and invitees, and members of the public, on a limited basis, shall enjoy the peaceful and quiet enjoyment of the Easement Area in perpetuity.

I. **Maintenance and Repair.** Except for damages caused by the Grantor or by any of its officers, employees, agents, contractors, or invitees, Boise City shall be responsible, at its own expense, for maintaining the Easement Area in accordance with the purposes set forth in this Agreement. Grantor shall be responsible, at its own expense, for repairing all damages within the Easement Area caused by Grantor or any of its officers, employees, agents, contractors, or invitees.

J. **Non-Exclusive.** Boise City’s right to use the Easement Area is not exclusive. Grantor and its successors, assigns, agents, guests, and invitees shall have the right to use the Easement Area for all purposes that do not unreasonably interfere with the use of the Easement Area by Boise City and its successors, assigns, agents, guests, and invitees, and by members of the public, on a limited basis, pursuant to the terms of this Agreement.

K. **Property Taxes.** Grantor shall be responsible for all property taxes, if any, applicable to Grantor’s Property, including those associated with the Easement Area.

L. **Indemnification.** To the extent permitted by law and subject to all limitations and protections afforded by the Idaho Tort Claims Act, Boise City agrees to defend, indemnify, save,
and hold harmless the Grantor and its officers, agents, employees, successors, and assigns, from any and all claims, demands, liabilities, causes of action, costs, or expenses (including reasonable attorney’s fees) of whatever nature lodged or prosecuted against Grantor or its agents, guests, or invitees with respect to any injuries, damages, or losses resulting from Boise City’s negligent exercise of the rights herein granted, except to the extent the injuries, damages, losses, or expenses are caused by any action or inaction of the Grantor or any of its agents, employees, contractors, or licensees, or by the Grantor’s officers, agents, guests, invitees, successors, or assigns, or the agents, employees, contractors, or licensees of the Grantor’s successors or assigns.

To the extent permitted by law and subject to all limitations and protections afforded by the Idaho Tort Claims Act, Grantor agrees to defend, indemnify, save, and hold harmless Boise City and its officers, agents, employees, successors, and assigns, from any and all claims, demands, liabilities, causes of action, costs, or expenses (including reasonable attorney’s fees) of whatever nature lodged or prosecuted against Boise City or its agents, guests, or invitees with respect to any injuries, damages, or losses resulting from Grantor’s negligent exercise, except to the extent the injuries, damages, losses, or expenses are caused by any action or inaction of Boise City or any of its agents, employees, contractors, or licensees, or by the Boise City’s officers, agents, guests, invitees, successors, or assigns, or the agents, employees, contractors, or licensees of the Boise City’s successors or assigns.

M. Immunities Preserved. Nothing in this Agreement is intended, nor shall it be interpreted, to restrict or limit, in any way, the Grantor or Boise City from availing itself of the protections offered by any applicable law affording any immunity or defense, including (but not limited to) the limitation of landowner liability afforded by so-called Recreational Immunity statutes or by the limitations contained in the Idaho Tort Claims Act.

N. Costs and Expenses. All costs and expenses of constructing pathways within the Easement Area shall be borne by Boise City, unless otherwise expressly provided herein.

O. Miscellaneous Provisions.

1. Remedies. In the event of a breach hereunder by either Party, the non-breaching Party shall have all remedies available at law or in equity, including the availability of injunctive relief and the enforcement of specific performance of this Agreement.

2. Attorney’s Fees. If either Party seeks to enforce any of the provisions of this Agreement, then the prevailing Party shall be entitled to recover the prevailing Party’s costs incurred thereon, including reasonable attorneys’ fees and costs, both as to trial and on appeal, and regardless of whether such enforcement proceeds to trial.

3. Recordation and Binding Effect. This Agreement shall be recorded in the records of Ada County, Idaho. This Agreement shall be binding on each Owner and their respective heirs, successors and assigns. This Agreement is perpetual and shall run with the
land forever; provided, however, this Agreement may be modified or terminated by a written instrument signed by the Owner of such Parcel and recorded in the real property records of Ada County.

4. **Notices.** Any notice or demand from Grantor to Grantee or from Grantee to Grantor, including notice of change in address, shall be personally delivered by special courier or mailed by First Class U.S. Mail, postage pre-paid, to the appropriate Party’s address (below), or to such other address as a Party shall have last designated by notice in writing to the other Party, as provided herein.

**Grantor:**

ACHD  
3775 N. Adams St  
Garden City, Idaho 83714

**Grantee:**

Boise City  
Department of Planning and Development Services  
P.O. Box 500  
Boise, Idaho 83701-0500

Notice shall be deemed delivered on the date actually received or two (2) days after mailing, whichever is first.

5. **Choice of Laws; Venue.** This Agreement, and the Easement granted hereby, shall be governed by, and construed and enforced in accordance with, the laws of the state of Idaho. Venue shall be proper in the Fourth District Court of the state of Idaho, in and for Ada County.

6. **Entire Agreement; Modification and Amendment.**

   a. This Agreement constitutes the entire agreement between the Parties, and no warranties, agreements, or representations have been made or shall be binding upon either Party unless set forth herein.

   b. To be valid and effective, all subsequent modifications to, or amendments of, this Agreement must be evidenced in writing and signed by a duly authorized representative of each Party, or the respective Parties’ successor or assign.

   c. Any and all verbal, oral, or unsigned attempted modifications to this Agreement shall not bind either of the Parties.
d. Every modification and amendment shall be recorded as set forth herein.

7. Waiver. No waiver of any provision of this Agreement, and no consent to any departure from the terms, conditions, rights, and responsibilities of this Agreement, shall be effective unless the waiver or consent is in writing and signed by a duly authorized representative of the Party granting the waiver or consent, or by the Party’s successor or assign. Any waiver or consent so given is effective only as to the specific instance and for the specific purpose given.

8. Interpretation. Both Parties have consulted with, and been advised by, their respective legal counsel as to all circumstances, provisions, terms, conditions, rights, responsibilities, duties, limitations, requirements, and restrictions applicable to that Party, or have had the opportunity to do so and have freely opted to forego legal advice. Accordingly, notwithstanding any general rule of construction or interpretation, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against either Party, regardless of which Party caused its preparation.

9. Section Headings. The headings included in the several sections of this Agreement are for reference purposes and for the ease of the reader, and shall not affect the meaning or interpretation of this Agreement.

10. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, all remaining provisions of this Agreement shall remain valid, binding, and enforceable.

11. Exhibits - Incorporation by Reference. All exhibits attached to this Agreement are incorporated herein by reference, and made a part hereof as if set forth in full.

12. No Third-Party Beneficiaries. Except as otherwise expressly provided herein, no third-party beneficiaries are intended by this Agreement, and none are created hereby.

13. Counterparts. This Agreement may be signed in multiple counterparts, each of which constitutes an original, and all of which, together, constitute only one (1) instrument.

14. Authority. By their signatures, below, each person executing this Agreement on behalf of a Party do hereby certify that they are duly authorized to sign this Agreement.

[END OF TEXT - SIGNATURES FOLLOW ON NEXT PAGE]
IN WITNESS WHEREOF, each Party executed this Agreement, the day, month, and year first written.

FOR GRANTOR:

________________________________________
By: ________________________________

STATE OF IDAHO )
County of Ada ) ss.

On this ____ day of ____________, 2020, before me, a Notary Public in and for the state of Idaho, personally appeared ____, known or identified to me to be the ____________, for ____________, who executed the within instrument on behalf of ____________, and acknowledged to me that the ____________ executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal, the date first above written.

Notary Public for Idaho
Residing at ________________
My Commission Expires: ________________

FOR GRANTEE:

Boise City Attest:

______________________________ ________________________________
By: ________________________________ ________________________________

Lauren McClean, Mayor Lynda Lowry, Ex-Officio City Clerk

STATE OF IDAHO )
County of Ada ) ss.

On this ____ day of ____________, 2020, before me, a Notary Public in and for said state, personally appeared Lauren McClean and Lynda Lowry, known to me to be the Mayor and Ex-Officio City Clerk, respectively, of Boise City, each of whom executed the within instrument on behalf of Boise City, and acknowledged to me that Boise City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for Idaho
Residing at ________________
My Commission Expires: ________________
Exhibit A

Grantor’s Property

That part of Lot Number 11 of Berridge Subdivision, in Ada County, State of Idaho, described as follows, to-wit:

Beginning at the Southwest corner of said Lot Number 11;
Thence Southeasterly along the Northeast boundary line of the Boise and Interurban Railway Company's right of way, 133 feet to a point, the ACTUAL POINT OF BEGINNING;
Thence Northeasterly on a line at right angles with the said boundary line, 176.5 feet to the point of intersection with the Southwesterly boundary line of the right of way of the Farmers Union Ditch Company;
Thence Southeasterly along the boundary line of said ditch company's right of way, 371.68 feet to its intersection with the said Northeasterly boundary line of the Boise and Interurban Railway Company's right of way;
Thence Northwesterly along said last mentioned line 327.1 feet to the POINT OF BEGINNING.
DEDICATION OF CROSS-ACCESS EASEMENT

THIS DEDICATION CROSS-ACCESS EASEMENT (hereinafter “Easement or Dedication”) is made this ___ day of _________, 2020 by the Ada County Highway District, (hereinafter referred to as “ACHD”) with respect to the real property hereinafter described.

RECITALS

WHEREAS, ACHD owns the following described parcel of real property (hereinafter referred to as a “Parcel A”):

Ada County Parcel Number R0919000130, containing 0.66 acres, southerly parcel of Lot 11, Berridge Subdivision, also referred to as 4902 W. State Street.

WHEREAS, Parcel B is separately owned and adjoins Parcel A and is described as follows:

Ada County Parcel Number R0919000121, containing 0.66 acres, northerly parcel of Lot 11, Berridge Subdivision, also referred to as 4906 W. State Street.

WHEREAS, ACHD and the city of Boise City (“City”) desire to restrict future access to Parcel B from State Street and to provide for a common ingress and egress driveway from Parcel B to Parcel A (“Easement Area”).

NOW, THEREFORE, In consideration of the above recitals, which are incorporated herein by this reference, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ACHD as the present owner in fee of the real property known as Parcel A, described above and for their heirs, successors, grantees, assigns, and beneficiaries do hereby declare and provide as follows:

1. Description of Easement. Attached hereto as Exhibit “A” is the Easement Area for vehicular and pedestrian ingress and egress between the Parcels hereby granted pursuant to this instrument. The Easement Area is depicted on Exhibit “A” shall be for the benefit of the individual current owners and their transferees, assigns, heirs, grantees, and beneficiaries. ACHD hereby establishes and creates for the benefit of the public and of the two described parcels and do hereby give, grant, and convey, and dedicate therefore an ingress and egress easement in, under, over, across, upon, and through the driveway denoted in the attached Exhibit "A". The ingress and egress easement created by this instrument is limited solely for the purpose of allowing vehicular and pedestrian traffic to enter and exit between Parcels A and B. This Easement shall not be a public easement, but shall be a private easement only for the benefits of the current and future owners of Parcels A and B, and their tenants, agents, guests, employees, and business invitees (“Users”).
2. **Construction in the Easement Area.** The initial construction of the Easement Area as depicted in Exhibit “A” for egress and ingress shall be constructed at the expense of the party requesting the improvements to be made.

3. **Maintenance and Repairs.** The owner of Parcel A shall be responsible for maintenance of the driveways, access, roads, or other improvements located on Parcel A.

4. **Binding Effect; Termination.** This Dedication shall be binding on ACHD, and any other future owner and their respective heirs, successors and assigns. This Dedication is perpetual and shall run with the land forever. This Dedication may not be modified or terminated without the express written consent of ACHD and Boise City.

5. **Not a Public Dedication.** This Dedication is not intended to confer any benefit or right upon the general public and shall not be construed as a public dedication of the Easement Area.

6. **Additional Documents.** Any future owners of Parcels A and B agree from time to time to execute any additional documents, contracts, agreements, and writings reasonably necessary in order to carry into effect ACHD’s intentions as set forth in this Dedication.

7. **Partially Invalidity.** In the event any portion of this Dedication of part thereof shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions hereof, or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby, it being understood and agreed that such remaining provisions shall be constructed in a manner most closely approximating the intentions of ACHD with respect to the invalid, void, or unenforceable provision or part thereof.

8. **Entire Understanding.** This Dedication shall constitute the entire understanding with respect to the subject matter hereof and any prior understanding or representation of any kind preceding the date of this Dedication shall not be binding except to the extent incorporated in this Dedication.

9. **Effect; Recordation.** This Dedication shall be effective upon recordation in the real property records of Ada County, Idaho.

10. **Beneficiary.** Boise City is a beneficiary of this Dedication and this Dedication, upon recordation, this Dedication may not be modified, amended, or terminated except by the express written consent of Boise City. Boise City shall not be liable or required to maintain the Easement
Area and shall not liable for any damages, claims, or suits arising from the use of the Easement Area.

11. Applicable Law. This Agreement is executed, delivered, and intended to be performed in the state of Idaho and shall be construed and enforced in accordance with, and shall be governed by, the laws of the State of Idaho.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

This Cross Access Easement is issued by the Ada County Highway District on the date set forth above:

**Ada County Highway District:**

The person signing below represents that he or she has the authority on behalf of ACHD to issue this Easement and bind ACHD to the terms set forth herein.

_____________________________________________
By: Bruce S. Wong
Its: Director

**City of Boise:**

Acceptance/certification by Partnering Agency: The person signing below represents that he or she has the authority on behalf of Partnering Agency to accept and agree to the terms of this Permit and bind Partnering Agency to the terms set forth herein.

_____________________________________________
By: Lauren S. McLean
Its: Mayor
STATE OF ____________ )
   ) ss.
COUNTY OF ____________)

On this ___ day of __________, 2020, before me, the undersigned Notary Public in and for said state, personally appeared ____________________________, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Notary Public for __________
Residing at: __________________________
My commission expires: __________________________

Exhibits

Exhibit A  Site Plan Depicting Cross Access Easement
STAFF REPORT

07 Jun 2020

TO: ACHD Commission
FROM: Paige Bankhead - Planner, Development Services - pbankhead@achdidaho.org
SUBJECT: Chukar Ridge - Preliminary Plat
MEETING: Commission Meeting - 17 Jun 2020

EXECUTIVE SUMMARY:
The applicant is requesting approval of a preliminary plat application to develop 63 building lots, 8 common lots and 5 other lots on 15.42 acres. The site is zoned R-8 (Medium Density Residential) and is located at the mid-mile on the west side of McDermott Road north of Ustick Road. The applicant is in agreement on all findings for consideration and site specific conditions of approval and this application is on the consent agenda due to a staff recommended modification to the Master Street Map (MSM).

The MSM identified a new mid-mile collector extending through this site intersecting McDermott Road. Typically, the applicant would be required to construct the east-west collector roadway through the site to intersect McDermott Road as depicted on the MSM. However, staff has recommended a modification to the MSM to remove the east/west collector roadway from within the site. Staff’s recommendation is due to the fact that ITD has proposed the future alignment of SH-16 to extend north-south through the eastern portion of the site which will prohibit the east-west collector roadway from intersecting McDermott Road, as it would be cut-off when the SH-16 extension is constructed. SH-16 will be an access-controlled expressway which would prohibit the collector street from intersecting both McDermott Road and SH-16 in the future. The City of Meridian requested this modification and is supportive of the staff recommendation.

FACTS & FINDINGS:

RECOMMENDATIONS:
Staff recommends approval of the staff report as written.

ATTACHMENT(S):
Vicinity Map
A. Findings of Fact

1. Description of Application: The applicant is requesting approval of a preliminary plat application to develop 63 building lots, 8 common lots and 5 other lots on 15.42 acres. The site is zoned R-8 (Medium Density Residential).

The City of Meridian’s Future Land Use Map designates this area as medium density residential.

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>Medium Density Residential</td>
<td>R-8</td>
</tr>
<tr>
<td>South</td>
<td>Rural Urban Transition (Ada County)</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Medium Low Density Residential</td>
<td>R-4</td>
</tr>
<tr>
<td>West</td>
<td>Medium Density Residential</td>
<td>R-8</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:

- Gander Creek Subdivision, 401 residential building lots, 60 common lots (4 lots for ITD facilities and 1 lot for a future fire station & police sub-station) on 117 acres, north of the site, approved by ACHD on April 23, 2019.
• West Ada High School, a new high school campus to serve 1,800 students is located south of the site and was approved by the ACHD Commission on September 5, 2018.

5. **Transit**: Transit services are not available to serve this site.

6. **New Center Lane Miles**: The proposed development includes 0.51 centerline miles of new public road.

7. **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. The impact fee assessment will not be released until the civil plans are approved by ACHD.

8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP)**:
   - The intersection of Ustick Road and McDermott Road is listed in the CIP to be widened to 3-lanes on the north leg, 3-lanes on the south, 4-lanes east, and 4-lanes on the west leg, and signalized between 2031 and 2035.

**B. Traffic Findings for Consideration**

1. **Trip Generation**: This development is estimated to generate 585 additional vehicle trips per day (10 existing); 63 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th 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>
</tr>
</thead>
<tbody>
<tr>
<td>McDermott Road</td>
<td>340-feet</td>
<td>Collector</td>
<td>120</td>
<td>Better than “D”</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a two-lane collector is “D” (425 VPH).

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 McDermott Road north of Ustick Road was 913 on March 20, 2018.

**C. Findings for Consideration**

1. **SH-16 Extension**
   The Idaho Transportation Department is in the process of designing the Idaho 16, I-84 to South Emmett Corridor. The project is planned to extend SH-16 south from Idaho 44 (State Street) to connect to I-84 between Nampa and Meridian. As western Ada County and eastern Canyon County develop, the ability to move traffic north-south is a primary concern. A connection between the highways requires a new crossing over the Boise River. Access options for I-84 are limited by the existing Garrity Interchange west of McDermott Road and the Ten Mile Road Interchange to the east. This project is anticipated to greatly improve north-south mobility in western Ada County and eastern Canyon County.
Staff Comments/Recommendations: The applicant has coordinated with ITD and proposed to dedicate right-of-way to ITD to accommodate the future SH-16 alignment. Staff is supportive of the applicant's proposal.

2. Access to the Site
   a. Policy
      Off-Site Streets Policy: District Policy 7206.2.3 states that if the proposed development is not served by a public street that is fully improved to urban standards (curb, gutter, sidewalk) or a minimum 30-feet of pavement, then the developer shall provide 30-feet of pavement with 3-foot wide gravel shoulders from the site to the public street specified by the District; OR the developer shall provide 24-feet of pavement with 3-foot wide gravel shoulders and a minimum 6-foot wide detached asphalt/concrete pedestrian facility, from the site to a public street specified by the District.

      Alternatives to pavement widening including sidewalks and pathways or other proposals, may be considered by the District. The extent of roadway improvements (improvement type and length) will be determined by evaluating certain criteria. Criteria to establish improvement type and length include but are limited to: traffic volumes (existing and projected); number of pedestrians (existing and projected); location of pedestrian “attractors” and “generators” (i.e. parks and schools); number of access points/streets serving the proposed development; usable right-of-way; need for traffic calming; utilities and irrigation facilities. All utility relocation costs associated with the off-site street widening shall be borne by the developer.

      b. Staff Comments/Recommendations: Access to the site is currently from McDermott Road. However, access to McDermott Road will be eliminated with the right-of-way dedication for the future construction of SH-16. As part of ACHD’s action on Owyhee High School located west of the site the West Ada School District will be constructing Owyhee Storm Avenue and Achievement Street, a collector roadway shown on the Master Street Map. Achievement Street will be constructed to the site’s west property line providing access to the site.

      If this project moves forward before Achievement Street is constructed, then the applicants should work with the West Ada School District to provide access to the site from Ustick Road. Consistent with the District's Offsite Access policy, the developer shall provide 30-feet of pavement with 3-foot wide gravel shoulders from the site Ustick Road, or provide 24-feet of pavement with 3-foot wide gravel shoulders and a minimum 6-foot wide detached asphalt/concrete pedestrian facility from the site to Ustick Road.
3. McDermott Road
   a. Existing Conditions: McDermott Road is improved with 2-travel lanes, 24-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for McDermott 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, collector street requirements, and specific roadway features required through development. This segment of McDermott Road is designated in the MSM as a 3-lane roadway, a 46-foot street section within 74-feet of right-of-way. Due to the SH-16 extension sidewalk is required on only the east side of the roadway.

c. **Applicant Proposal:** The applicant has not proposed any improvements to McDermott Road.

**Staff Comments/Recommendations:** Consistent with the MSM, the applicant should dedicate additional right-of-way to total 37-feet from the centerline of McDermott Road abutting the site. The applicant should improve McDermott Road abutting the site as ½ of a 46-foot wide street section with curb, gutter and no sidewalk.

The applicant should be required to provide a permanent right-of-way easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way.

This segment of McDermott Road is not listed in the CIP or the IFYWP, as such no compensation will be provided for the additional right-of-way dedication.

4. **East/West Collector Road – Achievement Street**

a. **Existing Conditions:** There are no collector roadways within the site. There is one collector street, Achievement Street, that is proposed to stub the site’s west property line.

b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

**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.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should align with Achievement Street to the west side and continue through the property stubbing to the to connect to McDermott Road. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, and on street parking, a 36-foot street section within a minimum of 50-feet of right-of-way.

c. **Applicant Proposal:** The applicant has proposed to extend the Achieve Street into the site as a 36-foot wide local street section with curb, gutter and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way. The applicant has proposed to construct the street to stub to the site’s south property line.

d. **Staff Comments/Recommendations:** The applicant would typically be required to extend the east-west collector roadway, Achievement Street, through the site to intersect McDermott Road consistent with the Master Street Map. ITD has proposed the future alignment of SH-16 to extend north-south through the eastern portion of the site which will prohibit the east-west collector roadway from intersecting McDermott Road, as it would be cut-off when the SH-16 extension is constructed. Therefore, staff recommends a modification of the MSM policy to remove the east-west collector roadway within the site from the MSM. This is due to the fact that the SH-16 extension will go through the site’s east property line and SH-16 will be an access controlled expressway which would prohibit the collector street from intersecting McDermott Road and SH-16. The City of Meridian supports the applicant’s request to modify the MSM to remove the east-west collector roadway.

In the absence of the collector roadway, the applicant should be required to construct local roads internal to the site and stub 2 local street to the site’s south property line, as proposed, to provide connectivity to the south.
5. **Internal Local Roads**
   a. **Existing Conditions:** There are no local roads within 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 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).
      
      **Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 33-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 wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.
      
      For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, 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 wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.
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.

c. Applicant’s Proposal: The applicant has proposed to construct the internal streets as a 36-foot wide street section with curb, gutter, 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.

d. Staff Comments/Recommendations: The applicant’s proposal for the local street section width does not meet District policy requiring local streets to be 33-feet wide and should not be approved, as proposed. The applicant should be required to construct the internal local streets...
as 33-foot wide street sections with curb, gutter and 5-foot wide attached concrete sidewalk within 47-feet of right-of-way consistent with District policy.

6. Stub Streets
   a. Existing Conditions: There are no existing stub streets within the site. There is one stub street, Achievement Street, stubbed to the site's west property line.
   b. Policy:
      Stub Street Policy: District policy 7207.2.4.3 (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 7207.2.4 (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: 7207.2.4.4 (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 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 has proposed to extend Achievement Street into the site and to construct 2 stub streets to the south, one located 125-feet east of the west property line and one located 750-feet east of the west property line. The stub streets are less than 150-feet in length.
   d. Staff Comments/Recommendations: The applicant’s proposal meets District policy and should be approved, as proposed. The applicant should be required to install a sign at the terminus of the stub streets stating that, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”

7. Driveways
7.1 McDermott Road
   a. Existing Conditions: There is an existing 18-foot wide unpaved driveway onto McDermott Road located at the south property line.
   b. Policy:
      Access Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

      District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.
Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 25 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

c. Applicant’s Proposal: The applicant has not proposed any driveways onto McDermott Road.

d. Staff Comments/Recommendations: The applicant should be required to close the existing driveway onto McDermott Road at the south property line with curb and gutter.

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

9. 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.

10. Other Access
McDermott Road is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval
1. If this project moves forward before Achievement Street is constructed to the site's west property line providing access to the site, then the applicants should work with the West Ada School District to provide access to the site from Ustick Road. Consistent with the District's Offsite Access policy, the developer shall provide 30-feet of pavement with 3-foot wide gravel shoulders from the site to Ustick Road, or the developer shall provide 24-feet of pavement with 3-foot wide gravel shoulders and a minimum 6-foot wide detached asphalt/concrete pedestrian facility from the site to Ustick Road.

2. Dedicate additional right-of-way to total 37-feet from the centerline of McDermott Road abutting the site. Compensation will not be provided for this right-of-way dedication.

3. Improve McDermott Road abutting the site as ½ of a 46-foot wide street section with vertical curb and gutter. No sidewalk is required on this segment of McDermott Road abutting the site.

4. Extend Achievement Street into the site.

5. Construct all internal roads as a 33-foot wide local street section with curb, gutter and 5-foot wide attached concrete sidewalk within 47-feet of right-of-way.

6. Construct 2 local streets to stub to the south property line located 125-feet east of the west property line and one located 750-feet east of the west property line. Install a sign at the terminus of the stub streets stating that, "THIS ROAD WIL BE EXTENDED IN THE FUTURE."

7. Close the existing 18-foot wide unpaved driveway located at the south property line with sidewalk to match improvements on either side.

8. Direct lot access is prohibited onto McDermott Road and should be noted on the final plat.

9. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

10. Payment of impact fees is 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. COMPASS Development Checklist
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines OR Appeal Guidelines
Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 2.0 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: Chukar Ridge
Agency: Meridian

CIM Vision Category: Future Neighborhoods

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<th>New households: 63</th>
<th>New jobs: 0</th>
<th>Exceeds CIM forecast: No</th>
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- **CIM Corridor:** McDermott Road
- **Pedestrian level of stress:** R
- **Bicycle level of stress:** R

- **Housing within 1 mile:** 440
- **Jobs within 1 mile:** 40
- **Jobs/Housing Ratio:** 0.1

- **Nearest police station:** >4 miles
- **Nearest fire station:** 3.2 miles

- **Farmland consumed:** Yes
- **Farmland within 1 mile:** 1,540 acres

- **Nearest bus stop:** 3.6 miles
- **Nearest public school:** 4 miles
- **Nearest public park:** 2.1 miles
- **Nearest grocery store:** 2.5 miles

- **Level of Stress:** Considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.

- **A good jobs/housing balance:** A ratio between 1 and 1.5 reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.

- **Developments within 1.5 miles of police and fire stations:** Ensure that emergency services are more efficient and reduce the cost of these important public services.

- **Farmland contributes to the local economy:** Creates additional jobs, and provides food security to the region. Development in farmland decreases the productivity and sustainability of farmland.

- **Residents who live or work less than ½ mile from critical services:** Have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

Preliminary engineering and right-of-way acquisition has begun on Highway 16 between I-84 and US 20/26 (Chinden Boulevard). Currently construction is considered "unfunded." Work with the Idaho Transportation Department on sufficient setbacks to accommodate future construction of the highway. See attached.

The proposal is on the fringe of urban development in an area removed from employment centers and existing public transportation. The closest transit services are located more than three miles away and there are not any plans for bus service in this area in the ValleyConnect 2.0 plan.

More information about COMPASS and Communities in Motion 2040 2.0:
- Web: [www.compassidaho.org](http://www.compassidaho.org)
- Email: [info@compassidaho.org](mailto:info@compassidaho.org)

More information about the development review process:
[http://www.compassidaho.org/dashboard/devreview.htm](http://www.compassidaho.org/dashboard/devreview.htm)
### SH-16, I-84 to US 20/26 and SH-44, Ada and Canyon Counties

**Regionally Significant:** No  
**Key #:** 20788  
**Requesting Agency:** ITD  
**Project Year:** 2019-2021  
**Total Previous Expenditures:** $62,025  
**Total Programmed Cost:** $36,615  
**Total Cost (Prev. + Prog.):** $95,640

**Project Description:** Preliminary engineering and right-of-way acquisition only on SH-16 between I-84 and US 20/26 (Chinden Boulevard) and SH-44 (State Street) in Ada and Canyon Counties. Funds will be used to update traffic projections, validate right-of-way needs, account for recent development activity, develop a phasing plan for future construction, update right-of-way and construction costs, and acquire right-of-way. (Construction is considered "unfunded").

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### SH-21, Technology Way to Surprise Way, Boise

**Regionally Significant:** No  
**Key #:** 20428  
**Requesting Agency:** ITD  
**Project Year:** 2022  
**Total Previous Expenditures:** $150  
**Total Programmed Cost:** $5,000  
**Total Cost (Prev. + Prog.):** $5,150

**Project Description:** Widen SH-21 from Technology Way (near Micron) to Surprise Way (just west of the Boise River Bridge) in the City of Boise. The project will widen the roadway to 40 feet to include two 12-foot travel lanes, a 4-foot center median, and 6-foot shoulders on both sides.

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*PD = Preliminary Development (projects with development activity but no programmed year of construction)  
*Modified 4/13/2020  
*Sorted by Project Name  
*All Values in Thousands of Dollars
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 and Clerk of the District, 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 11:00 a.m. 2 days 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.
TO: ACHD Commission  
FROM: Austin Miller – Planner II – amiller@achd.idaho.org 
SUBJECT: Sadie Creek – Site Plan Review 
MEETING: Commission Meeting - 17 June 2020 

Site History  
ACHD and the City of Kuna previously reviewed site as part of Sadie Creek Subdivision in 2005 and as Sadie Creek 2 in 2009. Because of the prior actions on the site, the City of Kuna considers this site to be entitled and a new preliminary plat application is not required by the City of Kuna. However, the public street layout has been modified, necessitating the need for a site plan review by ACHD. 

Executive Summary  
This is a site plan review of a 97-lot residential subdivision consisting of 85 single family buildable lots and 12 common lots on 26 acres. The applicant and staff are in agreement on all findings for consideration and site specific conditions of approval. This item is on the consent agenda to request the following: 

• A Master Street Map (MSM) modification to remove a portion of a collector roadway shown to extend through this site. 
• A waiver of District Frontage Improvements policy along Meridian Road abutting the site. 

Findings of Fact  
ACHD’s MSM shows the extension of a new east/west residential collector roadway extending from Luker Road east through the site to Meridian Road. Typically, the applicant would be required to construct this collector roadway through the site as shown on the MSM, however staff recommends a modification to the MSM to eliminate the collector roadway through the site due to the following: 

• The site was entitled prior to the creation of the MSM and the existing entitlements did not include the construction of a collector roadway through the site intersecting Meridian Road. 
• Meridian Road abutting the site is listed in the MSM as a mobility arterial and is intended to provide for regional travel between Avalon Street and Kuna-Mora Road. Access is restricted to mobility arterials and the site does not have adequate frontage to meet the ½-mile spacing from King Road as required by District policy. 
• Existing and proposed densities in the area do not necessitate a 2nd collector road to serve this site. 
• A collector roadway intersection onto Meridian Road as shown in the MSM would preclude crossing opportunities at the UPRR. 
• The City of Kuna supports the proposed MSM modification. 

ACHD policy requires improvements to Meridian Road that include additional pavement widening and sidewalk, however, staff has recommended a waiver the Frontage Improvement Policy for Meridian Road. Staff is recommending this waiver because Meridian Road is a dead-end at the site’s northern property line, this development does not access Meridian Road, there are no existing public street intersections onto Meridian Road between this site and King Road and any improvements to Meridian Road made as part of this application would be removed and reconstructed by ACHD when Meridian Road is extended, as shown on the MSM.
**Recommendation**
Staff recommends approval of the staff report, as written.

**Attachments**
Vicinity Map
Site Plan
Staff Report
VICINTY MAP

Sadie Creek Drive
Existing Collector

Site

Railroad

MSM Collector to be Removed
Project/File:  Sadie Creek / KPP20-0004
This is a site plan review to allow for the development of a residential subdivision consisting of 85 single family buildable lots and 12 common lots on 26-acres.

Lead Agency:  City of Kuna
Site address:  1101 S Meridian Road
Commission Hearing:  June 17, 2020
Applicant:  Larry Kine
Kine, LLC
250 NW Franklin Ave. Suite 401
Bend, OR 97703
Representative:  Brady Lasher
Lasher Enterprises
3327 N Eagle Rd. Suite 110-135
Meridian, ID 83646
Staff Contact:  Austin Miller
Phone: (208) 387-6335
E-mail: amiller@achd.idaho.org

A. Findings of Fact
1. Description of Application:  This is a site plan review to allow for the development of a previously entitled subdivision (see Finding for Consideration 1) consisting of 85 single family buildable lots and 12 common lots on 26 acres. This site is zoned R-6, and the proposed use is consistent with the City of Kuna’s comprehensive plan which designates this site as mixed-use.

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 District</td>
<td>RUT</td>
</tr>
<tr>
<td>South</td>
<td>Rural-Urban Transition District</td>
<td>RUT</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural District</td>
<td>A</td>
</tr>
<tr>
<td>West</td>
<td>Medium-Low Density Residential District</td>
<td>R-6</td>
</tr>
</tbody>
</table>

3. Transit:  Transit services are not available to serve this site.
4. New Center Lane Miles:  The proposed development includes 1 centerline mile 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. The impact fee assessment will not be released until the civil plans are approved by ACHD.
6. **Capital Improvements Plan (CIP) / Integrated Five Year Work Plan (IFYWP):**
   There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District’s Capital Improvement Plan (CIP).

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 791 additional vehicle trips per day; 84 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10th 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>
</tr>
</thead>
<tbody>
<tr>
<td>Meridian Road</td>
<td>370-feet</td>
<td>Principal Arterial</td>
<td>N/A</td>
</tr>
<tr>
<td>Luker Road</td>
<td>None</td>
<td>Collector</td>
<td>N/A</td>
</tr>
<tr>
<td>Sadie Creek Drive</td>
<td>None</td>
<td>Collector</td>
<td>N/A</td>
</tr>
<tr>
<td>Stagecoach Way</td>
<td>None</td>
<td>Local</td>
<td>146</td>
</tr>
</tbody>
</table>

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 Stagecoach Way east of Swan Falls Road was 2,649 on October 4, 2017.

**C. Findings for Consideration**

1. **Site History**
   ACHD previously reviewed this site as part of Sadie Creek Subdivision (05-12-S) in December 2005. Phase 1 was final platted in 2008 and is located west of the site. This site was originally phase 2 of the Sadie Creek Subdivision, however due to the economic downturn was never constructed.

   ACHD previously reviewed and approved a 2nd preliminary plat application for this site, Sadie Creek 2 (09-01-S) in September 2009. However, Sadie Creek 2 never moved forward.

   Because this site has been previously entitled and the proposed site plan is generally in compliance with the existing entitlements, the City of Kuna did not require a new preliminary plat application. However, as the public street layout has been modified, ACHD required the applicant to submit a site plan for review. The requirements of this staff report have been updated to reflect the revised site plan and current ACHD policies.

2. **East/West Collector - Master Street Map Modification**
   The Master Street Map (MSM) guides right-of-way acquisition, collector street requirements and specific roadway features that are required through development.

   **a. Existing Conditions:** The MSM identifies a new east/west collector roadway, Sadie Creek Drive, which is planned to extend from Luker Road through the site Meridian Road at the southeast corner of the site.
b. **Staff Comments/Recommendations:** Typically, the applicant would be required to construct a collector roadway through the site as shown on the MSM, however staff recommends a modification to the MSM to eliminate the collector roadway through the site (shown in red) due to the following:

- The site was entitled prior to the creation of the MSM and the existing entitlements did not include the construction of a collector roadway though the site intersecting Meridian Road.
- Meridian Road abutting the site is listed as a mobility arterial on the MSM and is intended to provide for regional travel between Avalon Street and Kuna-Mora Road. Access is restricted to mobility arterials and the site does not have adequate frontage to meet the ½-mile spacing from King Road as required by District policy.
- Existing and proposed densities in the area do not necessitate a 2nd collector road to serve this site.
- A collector roadway intersection onto Meridian Road as shown in the MSM would preclude crossing opportunities at the UPRR.
- The City of Kuna supports the proposed MSM modification.

3. **Meridian Road**

   a. **Existing Conditions:** Meridian Road is improved with 2-travel lanes (23-feet of pavement) and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Meridian Road (28-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 Meridian Road is designated in the MSM as a Mobility Arterial with 5-lanes and on-street bike lanes.

c. **Applicant Proposal:** The applicant has not proposed any improvements to Meridian Road abutting the site.

d. **Staff Comments/Recommendations:** Consistent with the Master Street Map and to preserve crossing opportunities at the UPRR tracks abutting the site’s north property line, the applicant should be required to dedicate additional right-of-way to total 135-feet from centerline of Meridian Road at the north property line tapering to 102-feet from centerline at the south property line.

Depending on the timing of this development, this segment of Meridian Road may be included in the next CIP update estimated to be completed in late 2020. If this segment of roadway is included in the 2020 CIP prior to the dedication of right-of-way, then the applicant may be reimbursed for impact fee eligible costs associated with the dedication of right-of-way.

Staff recommends a waiver of District Frontage Improvements policy which requires the applicant to improve Meridian Road abutting the site with a minimum of 17-feet of pavement from centerline, a 3-foot wide gravel shoulder, a borrow ditch and 5-foot wide concrete sidewalk located 43-feet from centerline. Meridian Road is a dead-end street at the northern property line and there are no existing public street intersections onto Meridian Road between this site and...
King Road. Additionally, any improvements to Meridian Road at this time would have to be removed and reconstructed by ACHD when Meridian Road is extended.

4. **Sadie Creek Drive Off-Site Improvements**
   a. **Existing Conditions:** Sadie Creek Drive is improved with 2-travel lanes, center landscape islands, vertical curb, gutter and 5-foot wide attached concrete sidewalk within 65-feet of right-of-way west of the site. The improvements to Sadie Creek Drive end 100-feet west of this site. The right-of-way for Sadie Creek Drive stubs to the western property line located 735-feet north of the south property line (measured from centerline).
   
   b. **Policy:**
      **Off-Site Streets Policy:** District Policy 7206.2.3 states that if the proposed development is not served by a public street that is fully improved to urban standards (curb, gutter, sidewalk) or a minimum 30-feet of pavement, then the developer shall provide 30-feet of pavement with 3-foot wide gravel shoulders from the site to the public street specified by the District; OR the developer shall provide 24-feet of pavement with 3-foot wide gravel shoulders and a minimum 6-foot wide detached asphalt/concrete pedestrian facility, from the site to a public street specified by the District.
   
   c. **Staff Comments/Recommendations:** This site was originally phase 2 of the Sadie Creek Subdivision located west of the site, which was final platted in 2008. The intent was for the original developer to extend Sadie Creek Drive east into phase 2. However due to the economic downturn, phase 2 was never constructed and Sadie Creek Drive was not fully improved to this site, which has since been sold to the current applicant.

   The improvements to Sadie Creek Drive end 100-feet west of this site. However, the right-of-way extends to the site’s western property line. There is a 10-foot wide center landscape island in a common lot in the Sadie Creek Drive right-of-way. The center landscape was not platted as right-of-way and is not owned by the applicant.
Staff recommends the applicant coordinate with the parcel owner (Corey Barton Homes Inc) to either deed the landscaped lot to ACHD as right-of-way or to improve the parcel as a center landscape island and complete the construction of Sadie Creek Drive to the site’s west property line, as shown on the approved plans and final plat.

If the applicant is unable to work with the adjacent developer to complete the construction of Sadie Creek Drive, then the applicant should be required to enter into a cooperative development agreement with ACHD to improve Sadie Creek Drive 100-feet west of the site with two 21-foot wide travel lanes, vertical curb, gutter and 5-foot wide attached concrete sidewalk. As this is located off site, the cooperative development agreement will allow for the reimbursement of design, construction and materials associated with the street improvements for Sadie Creek Drive west of the site. The applicant shall be responsible for the costs equivalent to the construction of a 30-foot wide pavement section as required by District Off-Site Streets policy.

5. Internal Local Streets
   a. Existing Conditions: There are no public streets within the site. There are 2 stub streets to the site, Sadie Creek Drive and Stagecoach Way.
   
   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 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

      Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-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 wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

      For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, 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 wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

      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.

c. Applicant’s Proposal: The applicant is proposing to extend the existing stub streets Sadie Creek Drive and Stagecoach Way into the site.

The applicant is proposing to construct internal local streets as 36-foot street sections with rolled curb, gutter and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way.

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

6. Stub Streets

a. Existing Conditions: There are 2 stubs streets to the site, Sadie Creek Drive and Stagecoach Way.

b. Policy:

Stub Street Policy: District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.4, 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 7207.2.4.4 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's Proposal:** The applicant is proposing to construct a stub street, Sadie Creek Drive to the south property line located 370-feet west of Meridian Road (measured centerline-to-centerline).

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District policy and should be approved as proposed. A sign shall be installed at the terminus of the stub street stating that, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”

If the stub street exceeds 150-feet in length the applicant should be required to install a temporary cul-de-sac turnaround. The temporary turnaround should be paved and constructed to the same dimensional standards as a standard cul-de-sac turnaround. A temporary turnaround easement should be provided 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.

7. **Traffic Calming**

a. **Speed Control and Traffic Calming Policy:** District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require maintenance and/or license agreement.

b. **Applicant’s Proposal:** The applicant is proposing to construct Stagecoach Way in excess of 750-feet in length.

c. **Staff Comments/Recommendations:** The applicant should redesign Stagecoach Way to be less than 750-feet in length or provide a traffic calming proposal as part of plan review for phase 1. The traffic calming plan should include the use of passive design elements approved by ACHD Traffic Services. Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

8. **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.

9. **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.

10. **Other Access**

Meridian Road is classified as a 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

1. Dedicate additional right-of-way to total 135-feet from the centerline of Meridian Road at the north property line tapering to 102-feet from centerline at the south property line.

   Depending on the timing of this development, this segment of Meridian Road may be included in the next CIP update estimated to be completed in late 2020. If this segment of roadway is included in the 2020 CIP prior to the dedication of right-of-way, then the applicant may be reimbursed for impact fee eligible costs associated with the dedication of right-of-way.

2. Improve a 100-foot segment of Sadie Creek Drive west of the site as follows:
   - Coordinate with the parcel owner of the center landscape island common lot to the west (Corey Barton Homes Inc) to either deed the parcel to ACHD as right-of-way or to improve the parcel as a center landscape island and complete the construction of the Sadie Creek Drive to the site’s west property line, as shown on the approved plans and final plat.
   - Or enter into a cooperative development agreement with ACHD to improve Sadie Creek Drive 100-feet west of the site with two 21-foot wide travel lanes, vertical curb, gutter and 5-foot wide attached concrete sidewalk.

3. Extend the existing stub streets Sadie Creek Drive and Stagecoach Way into the site and construct internal local streets as 36-foot street sections with rolled curb, gutter and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way.

4. Construct a stub street, Sadie Creek Drive to the south property line located 370-feet west of Meridian Road (measured centerline-to-centerline). A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." If the stub street exceeds 150-feet in length the applicant should be required to install a temporary cul-de-sac turnaround.

5. Redesign Stagecoach Way to be less than 750-feet in length or provide a traffic calming proposal during plan review of phase 1 which includes the use of passive design elements approved by ACHD Traffic Services. Stop signs, speed humps/bumps and valley gutters will not be accepted as traffic calming.

6. Direct lot access is prohibited to Meridian Road and shall be noted on the final plat

7. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. 

8. Payment of impact fees is 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. Appeal 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 >400 sf of concrete or asphalt.

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

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

☐ Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Reconsideration of Commission Action

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

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

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

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days 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.